

No. 221.

4th Session, 3d Parliament, 14 & 15 Victoria, 1851.

BILL.

**An Act to remove doubts regarding the
right and liability of Foreign Execu-
tors, Administrators and Corporations
to sue and be sued in Lower Canada.**

Received and read a first time, Tuesday, 8th
July, 1851.

Second reading, Friday, 11th July, 1851.;

Mr. Sol. Gen. DRUMMOND.

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B I L L .

An Act to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada.

WHEREAS doubts have arisen whether Foreign Ex- Preamble.
ecutors and Administrators, as well as Joint Stock
Companies and Corporations incorporated and erected,
as well by Acts of Foreign Legislatures or Governments
5 as by the Legislature of Upper Canada previous to the
Union of these Provinces, have the right to sue or are
liable to be sued in Lower Canada, and it is fitting and
proper such doubts should be removed, and that such
Executors and Administrators, and Corporations or Joint
10 Stock Companies should be entitled to sue and be liable
to be sued in the same way as private individuals: Be it
therefore enacted, &c.

That all Executors of Wills and all Administrators of the Foreign Exe-
estate of any person dying out of Lower Canada but cutors and
15 seized of real or personal effects or rights of action there, Administra-
and all other persons who either by the law of Upper tors may sue
Canada or by the law of any country or state whatever and be sued.
where the deceased may have died or have made his
will, may be legally seized of the estate of the deceased
20 or represent him in law, shall be recognised and the legal
capacity of such Executor, Administrator or Representa-
tive shall be of equal validity and effect, by and before
all Judges and Justices, and by and before all Courts in
Lower Canada, as in the country or place where he or
25 they may reside or have been named and appointed, or
where the will of the deceased may have been made,
notwithstanding that such Executor or Administrator may
reside out of Lower Canada; and that all public com- Foreign Com-
panies or bodies politic and corporate, who may have a panies and
30 legal capacity in the jurisdiction wherein they were or bodies corpo-
hereafter may be respectively erected, and all person or ate, &c.
persons on whom by any properly constituted authority
or law, whether of the heretofore Province of Upper
Canada, or of the Imperial Parliament of Great Britain
35 and Ireland, or of the United States of America, or of
any of them, or of any other foreign state, colony or do-
minion, may have been or shall be conferred, the right or
power of suing or being sued, shall have the like capa-
city in Lower Canada, to and may bring and defend all
40 actions, suits, complaints, bills and proceedings whatsoever,
and shall by and before all Courts, Judges and Judicial

authorities whatever in Lower Canada be held in law to
 be capable of suing and being sued, pleading and being
 impleaded, answering and being answered unto in all courts
 whatever, in the same name, manner and way as they
 could or might respectively within the jurisdiction wherein 5
 such executors or administrators or person, body politic
 and corporate, joint stock companies or associations of
 persons are or may be respectively created and erected;
 and in whatever part or place in Lower Canada such
 executor or administrator or person, company or body 10
 politic or corporate, joint stock company or other body
 or association of persons recognized by any foreign law,
 may have an office for the transaction of or may carry on
 business, such executor or administrator, company, body
 politic or corporate, joint stock company or other body 15
 or association shall be liable to and may be sued and im-
 pleaded by and before all Courts in Lower Canada, and
 a service at any office or on any agent at the place or
 within the District or part of the Province where such
 action may be brought, of any such company, body poli- 20
 tic or corporate, joint stock company or other body, shall
 be deemed and taken to be by and before all Courts and
 Judges whatever, a good and valid service to compel the
 appearance of and make any such executor or adminis-
 trator, body politic or corporate, joint stock company or 25
 association of persons amenable to the Laws of Lower
 Canada, and to give such Court or Judge jurisdiction
 over such defendants.

Where service
 may be made
 in any such
 case.