

competent for the legislature of Québec to make such changes in the laws relating to the administration of justice, which is by the British North America Act subject to the legislative authority of the provinces, as to that legislature might seem proper, it was open to the legislature of Quebec to repeal the provisions of sec. 58, including so much of them as, according to the view of the Court in *Court v. Scott*, imposed upon persons domiciled in Ontario the obligation to submit to the jurisdiction created in the Courts of Quebec, and to obey judgments obtained against them there in the manner authorized by the section.

The result of the legislation in Quebec since Confederation, and especially of that giving effect to the present Code of Civil Procedure (60 Vict. ch. 48, by sec. 10 of which all provisions of law inconsistent with that Act were repealed), is, in my opinion, to repeal the provisions of sec. 58, to the extent, at all events, of putting an end to the obligation to which I have referred, where, apart from the provisions of that section, and according to the rules of international law, the Courts of Quebec would not have had jurisdiction to pronounce a judgment binding on the defendant, when sought to be enforced by action in this province.

The repeal is of laws inconsistent with the provisions of the Act, and by article 1 of the new Code the laws concerning procedure and the rules of practice in force at the time of its coming into force were abrogated in all cases in which the new Code contains any provision having expressly or impliedly that effect, and in all cases in which the former laws or rules are contrary to or inconsistent with any provision of the new Code, or in which express provision is made by the new Code upon the particular matter to which the former laws or rules related.

By the new Code, express provision is made upon the particular matter to which article 69 of the former Code related, viz., the granting of leave to serve the writ of summons, where the defendant has his domicile or ordinary residence in another province of Canada, and it appears to me that the effect of 60 Vict. ch. 48, sec. 10, and article 1 of the new Code, is, therefore, to abrogate article 69 of the former Code.

The binding effect of the judgment sued on must therefore depend upon the rules of international law, and the defendants not having been domiciled or resident in Quebec when