

passed adopting a Code of Civil Procedure, the work of the Commissioners, which was to be brought into force by proclamation, and which came into force on 28th June, 1867.

Section 63 without any substantial change forms article 69 of this Code.

In 1875, by 38 Vict. ch. 9, article 69 was amended by extending its provisions to the Dominion of Canada, and by making some change in the mode of proving service of the writ of summons.

In 1888 the statutes of Quebec were revised, and by article 5867, article 69 of the Civil Code of Procedure, as amended by 38 Vict. ch. 9, was with some unimportant verbal changes re-enacted.

By 53 Vict. ch. 55, sec. 3, article 69, as contained in article 5867 of the Revised Statutes of Quebec, was amended.

By 57 Vict. ch. 9, provision was made for a revision of the Civil Code of Procedure by commissioners to be appointed, who were to be charged with that work.

By 60 Vict. ch. 48, a draft Code submitted by the commissioners, with certain amendments adopted by the Legislative Assembly, was adopted, and provision was made for bringing this new Code into force by proclamation, and it came into force by proclamation on 1st September, 1897: Quebec Official Gazette, vol. 29, p. 1292.

Article 69 (article 5867, R. S. Q.), as amended by 53 Vict. ch. 55, sec. 3, forms article 137 of the new Code, but there is omitted from it all reference to the cause of action having arisen in the province of Quebec, and the authority to the Judge or prothonotary to grant leave to serve the writ at the domicile or ordinary residence of the defendant in another province of Canada, appears, from the incorporation in article 137 of certain provisions of article 136, to apply to all cases where a defendant who is absent from the province of Quebec has no domicile, ordinary residence, or place of business in that province.

What then is the effect of the legislation in the two provinces since Confederation? In considering this question, it must be borne in mind that sec. 58 of 22 Vict. ch. 5, forms part of an Act intituled "An Act to amend the Judicature Act of Lower Canada," and that the recital of the Act is "that it is desirable further to amend the laws in force in Lower Canada relative to the administration of justice;" from which it follows that, as after Confederation it was