

58, are repealed, it will be well to consider the effect of 23 Vict. ch. 24, sec. 1 of which was repealed by the legislature of Ontario by 39 Vict. ch. 7, sec. 1, schedule B, and secs. 2 and 4 of which now constitute secs. 117 and 118 of ch. 51, R. S. O. 1897, limited, however, in their application to Ontario. Sections 2, 4, and 3 formed secs. 145, 146, and 147 of ch. 50 of R. S. O. 1877 (the Common Law Procedure Act); in R. S. O. 1887, secs. 145 and 146 were re-enacted and constitute secs. 81 and 82 of ch. 44, sec. 147 being dropped, its provisions having been embodied in Con. Rule 270 (1888), which (as sec. 4 of 23 Vict. ch. 24 did) provided for the mode of service on a corporation in an action brought in Ontario on a judgment or decree obtained in Quebec. Sections 81 and 82 were re-enacted by 58 Vict. ch. 12, secs. 122 and 123, and in R. S. O. 1897 these sections appear as secs. 117 and 118. Rule 270 (1888) was abrogated by the Rules of 1897.

Sections 117 and 118 do not, in my opinion, assist plaintiff. They do not expressly, and it is plain, I think, that they do not impliedly, give to a Quebec judgment any greater effect than it is entitled to according to the rules of international law, their purpose being on the contrary to take away from such a judgment sued on in this province, where service of the summons was not personal and no defence was made, its conclusive character.

It may be that the *raison d'être* of 23 Vict. ch. 24 was the legislation contained in 22 Vict. ch. 5, sec. 58, and its effect as to Quebec judgments to modify what otherwise would have been under the earlier statute the conclusive character of judgments obtained under the authority conferred on the Quebec Courts by that enactment, but that for the purpose of the present inquiry is immaterial.

I proceed now to trace the legislation of the two provinces since sec. 58 of 22 Vict. ch. 5 became law.

No notice of the section has been taken in Ontario since Confederation, and in the Consolidated Statutes of Upper Canada it does not appear, nor is it mentioned in the schedule of repealed Acts.

In the Consolidated Statutes of Lower Canada, the section appears as 63 of ch. 83.

Under the authority of ch. 2 of the Consolidated Statutes commissioners were appointed to codify the laws in civil matters of Lower Canada, and 29 & 30 Vict. ch. 25 was