

promissory note, to recover the amount of the note, which was more than \$100.

W. E. Middleton, for appellants, contended that the Judge in Chambers was wrong in holding that, inasmuch as plaintiffs to establish their case had to give evidence of dishonour and notice to defendant, the Division Court had no jurisdiction under sec. 72 of the Division Courts Act, as amended by 4 Edw. VII. ch. 12, sec. 1 (O.); that the amending Act is merely a legislative declaration in favour of the narrower interpretation theretofore placed upon sec. 72; and that it was not the intention of the legislature to take away the jurisdiction of the Division Court, unless it was necessary for plaintiffs to give evidence of the kind pointed out in *Kreutziger v. Brox*, 32 O. R. 418, for the purpose of establishing their claim.

A. J. Russell Snow, for defendant, contra.

THE COURT (MEREDITH, C.J., BRITTON, J., CLUTE, J.), agreed with the contention of plaintiffs and allowed the appeal with costs and made the order asked for by plaintiffs with costs.

APRIL 3RD, 1905.

DIVISIONAL COURT

BANK OF MONTREAL v. MORRISON.

*Foreign Judgment — Action on — Defence — Defendant not Served with Process in Original Action — Finding of Fact — Leave to Amend — Original Cause of Action — Adding Assignors as Plaintiffs.*

Appeal by plaintiffs from judgment of FALCONBRIDGE, C.J., ante 90.

J. A. Worrell, K.C., and W. D. Gwynne, for plaintiffs.

Z. Gallagher, for defendant.

THE COURT (MEREDITH, C.J., BRITTON, J., CLUTE, J.), dismissed the appeal with costs.