

served with the writ of summons, the judgment must be treated in the Courts of this province as a nullity.

I need hardly add that for the purpose of the application of the rules of international law, it is well settled that the province of Quebec is to be treated by the Courts of this province as a foreign country.

In coming to this conclusion it is satisfactory to feel that I am not denying to the Courts of Quebec a jurisdiction which they assert, for, according to the exemplification of the judgment, it contains on the face of it a statement which, if true, would have given to the Circuit Court jurisdiction, viz., that the defendants had at the time the action was begun in that Court a place of business at Montreal, in the province of Quebec.

I do not regret the conclusion to which I have come, for, if the decision in Court v. Scott were to be applied, it would lead to the anomalous and unsatisfactory result that residents of Ontario are bound by judgments of the Quebec Courts, when, under like circumstances, the judgments of the Court of this province would in Quebec be treated as nullities.

In my opinion, plaintiff's motion for judgment should have been refused, and the appeal should therefore be allowed with costs, and, in lieu of the judgment directed to be entered in the Court below, an order should be made dismissing the motion for judgment with costs. Were it not that plaintiff may desire to amend by suing on his original cause of action, I would direct judgment to be entered dismissing the action with costs.

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CARTWRIGHT, MASTER.

MAY 16TH, 1907.

CHAMBERS.

JOHNSTON v. TAPP.

*Notice of Trial—Late Service of—Motion to Set aside—Failure of Applicant to Negative Service of Proper Notice.*

Motion by defendant to set aside notice of trial as served too late.

Featherston Aylesworth, for defendant.

J. M. McEvoy, London, for plaintiff.