

The defence relied upon was that the Supreme Court of British Columbia had no jurisdiction in respect of the subject-matter of the action in which the judgment was obtained, as the defendants were not at any time in the course of the action subjects of or resident or domiciled in the Province of British Columbia, and they did not appear or consent to jurisdiction; that the cause of action, if any, did not arise in British Columbia; and that the cause of action, if any, upon which the judgment was recovered, was marred by the Statute of Limitations in force in Ontario, where the defendants resided.

The judgment was proved by an exemplification, and, with the formal judgment, all the papers, including writ, order for substitutional service, etc., were before the court.

It was admitted that the defendants had resided in Ontario for 10 years.

The trial judge found in favour of the plaintiff for the amount of the British Columbia judgment and costs.

The judgment of the court was delivered by BRITTON, J., who, after stating the facts as above, referred to *Manning v. Scott*, 17 C.P. 606; *North v. Fisher*, 6 O.R. 206, and proceeded:—

In addition to what is disclosed by the papers in the action in British Columbia, the plaintiff gave evidence that his judgment was for \$500, money lent. It was the same \$500 for which the first judgment was recovered in British Columbia.

The authorities, I think, clearly establish that this plaintiff, in bringing his action in Ontario now, is in no better position bringing it upon the judgment recovered on the 9th June, 1908, than he would be if he brought it upon his judgment recovered on the 2nd August, 1889, or if he brought it upon his original cause of action, viz., for money lent.

(Reference to *Sirdar Gurdyal Singh v. Rajah of Faridkote* (1894) A.C. 670; *Emanuel v. Symon* (1908) 1 Q.B. 302; *Vezina v. Will H. Newsome Co.*, 14 O.L.R. 658.)

In this case it may be said, as it was in the *Vezina* case, at p. 664, that "the binding effect of the judgment sued on must, therefore, depend upon the rules of international law"; and, the appellants here not having been domiciled or resident in British Columbia when served with the writ of summons, the judgment must be treated in the courts of this province as a nullity.

Appeal allowed with costs and action dismissed with costs.
A. O'Heir, for the defendants. H. Arrell, for the plaintiff.