

have been of that quality and the property had not passed. Upon appeal to the Full Court,

Held, that the quality was a condition of the contract and the acceptance of part of the butter as "fine" did not bind the defendant to accept that which was not in that condition. See *Dyment v. Thompson*, 13 S.C.R. 303. Appeal dismissed with costs.

Howell, K.C., and *Mathers*, for plaintiff. *Ewart*, K.C., and *Robson*, for defendant.

Province of British Columbia.

SUPREME COURT.

Full Court.] BOYLE v. VICTORIA YUKON TRADING COMPANY. [July 29.

Foreign judgment, action on—Proof of—Exemplification—Judgment founded on void contract—Right to question—Final and unalterable—Company—Extra-territorial contracts of carriage—Ultra vires—B.N.A. Act, ss. 91 and 92.

Appeal from judgment of DRAKE, J., giving judgment for plaintiff on a judgment recovered in the Yukon Territory. The company was incorporated in British Columbia and was sued for damages on a contract to carry goods from Bennett in British Columbia to Dawson in the Yukon Territory.

Held, a default judgment obtained in a foreign jurisdiction though liable to be set aside so long as it stands, is "final and conclusive" within the meaning of that expression as applied to foreign judgments, and consequently it may be sued on in this province.

In an action on a foreign judgment the defendant is entitled to challenge the validity of the judgment on the ground that it is manifestly erroneous such as being founded on an *ex facie* void contract.

The province may create a company with power to undertake extra-territorial contracts of carriage and so it is not *ultra vires* of a company incorporated in British Columbia to contract to carry goods from British Columbia to a point in the Yukon Territory.

Per MARTIN, J.: An exemplification of judgment under the seal of the court in which the judgment was pronounced is equivalent to the original judgment exemplified and notice under the Evidence Act of intention to produce it in evidence is unnecessary.

L. P. Duff, K.C., for appellant. *F. Peters*, K.C. (*W. M. Griffin*, with him), for respondent.