

SUPREME COURT.

Murphy, J.]

[14 D.L.R. 42.

WANDERERS' HOCKEY CLUB v. JOHNSON.

1. *Foreign judgment—Of sister province—Jurisdictional matters—Want of service on defendant—Effect.*

A judgment rendered in the Province of Quebec without personal service of process on the defendant who was out of that province while the proceedings were going on, is not binding on the courts of British Columbia in an action based on the Quebec judgment.

2. *Contracts—Validity and effect—Contract of employment by one under existing contract—Knowledge of contractee—Action for breach.*

Under the axiom *ex turpi causâ non oritur actio* an action cannot be maintained for the breach of a contract of employment where the plaintiff, at the time the agreement was made, was aware that it could not be performed without the defendant breaking an existing contract of employment with a third person. *Harrington v. Victoria Graving Dock*, 47 L.J.Q.B. 594, followed; and see, as to injunctions generally in restraint of personal service, *Chapman v. Westerby*, W.N. (1913), 277.

Deacon, for plaintiff. *S. S. Taylor*, K.C., for defendant.

Bench and Bar

THE LATE MASTER IN CHAMBERS, OSGOODE HALL, ONT.

On November 12th, Mr. James Strachan Cartwright, K.C., who, since April, 1903, has held the office of Master in Chambers, died at his residence in Toronto, after some months' illness.

Mr. Cartwright was the son of John Soloman Cartwright, Q.C., a former member of the Canadian Parliament, and was born in 1840 in Kingston where his father resided for many years. He received his education at the celebrated Public School of Rugby. He was a well educated man and came to the study of the law with a mind well equipped. In 1868 he was called