

Registrar with the affidavit of bona fides within the five days required by s. 7, sub-s. 2, of Bills of Sale Act, 1905.

*Held*, that, in the order granting an extension of time for filing the instrument, there should be a provision protecting intervening rights.

Full Court.]

[Jan. 17.

DE LAVAL SEPARATOR CO. v. WALWORTH.

NORTH-WEST CONSTRUCTION CO. v. YOUNG.

*Principal and agent—Right of principal to recover—Contract of agency—Illegality—Contract prohibited by statute, enforceableness of—Statute, construction—Companies Act, 1897, R.S.B.C., 1897, c. 44, s. 123—Registration—Penalty.*

The general rule that persons who enter into dealings forbidden by law must not expect any assistance from the law is not applicable so as to exonerate an agent from accounting to his principal by reason of past unlawful acts, or intentions of the principal collateral to the agency. If the money is paid to him in respect of an illegal transaction he is bound to pay it over, provided that the contract of agency is not itself illegal.

The making of the contract in this case was not a "carrying on business" within the meaning of the Companies Act. Decision of HUNTER, C.J., upheld on different grounds.

An unlicensed extra-provincial company, carrying on business within the province, sued for a balance due upon a contract to deliver building stone, entered into within the province. The defence advanced was that, by reason of s. 123 of the Companies Act, the contract was illegal and void.

*Held*, on appeal, reversing the decision of HUNTER, C.J., that as the act to be done in pursuance of the contract was prohibited by statute, the contract was therefore unenforceable.

*Martin*, K.C., and *Craig*, for appellants. *Davis*, K.C., and *Barker*, for respondents.

Full Court.]

WALSH v. HERMAN.

[Jan. 17.

*Foreign Court, jurisdiction of—Judgment obtained in an undefended action for statute barred claim.*

Judgment was given against defendant in Ontario in January, 1906, on a claim arising out of a promissory note signed