

HON. SIR JOHN BOYD, C.:—The defendants are an American corporation and have an office in this city in the Board of Trade Building, for which rent is paid by the company. That office is occupied by one Malcolm McGregor, who is described as “General Canadian Agent” in connection with the words “Erie Railroad Company” on the outside of the office door and on the face of the letter paper used in the business carried on by the agent. That business consists in going round to secure freight traffic for the defendants by visiting shippers and soliciting them to ship or route their goods coming in or going out of the country via the Erie road. Rates are quoted by the agent based on fixed tariffs to the United States, and if the shipment is to foreign countries, the agent adds an ocean rate to the other figures. He does all that has to be done in order to have goods freighted from this province into the States without reference to the head office.

Substantially his business is to forward the interests of the company by securing all the trade possible from this locality to go by that line, and he calls himself traffic soliciting representative of the company for the province of Ontario. This line of operation works as an important feeder to the general traffic business of the company from Ontario and appears to me of sufficient consequence to be rightly regarded as the carrying on of its business by this agent who has been served with the writ.

The words of Rule 23 are large and comprehensive. “Any person who, within Ontario, transacts or carries on any of the business of, or any business for, any corporation whose chief place of business is without Ontario, shall, for the purpose of being served with a writ, be deemed the agent thereof.” It would minimize the fair meaning of ordinary words to say that the solicitation of freight traffic for some 12 or 13 years by this agent for his company is something less than transacting business for the company. The question is one of fact and the inference I draw from these facts is this man is an agent for service. *La Compagnie Generale Transatlantique v. Law & Co.*, [1899] A C. 431, 433.

In *Murphy v. Phoenix Bridge Co.* (1899), 18 P. R. 406 and 495, the company had practically ceased to do business within the province and the person served was merely employed to settle up some trifling matters consequent on the cessation of business (p. 503).