

up that plaintiffs were an extra-provincial corporation, and, not having taken out a license under 63 Vict. ch. 24 (O.), were disentitled from recovering under sec. 14 of that Act.

The jury found in plaintiff's favour as to the price claimed by plaintiffs, and against defendant upon his claim for damages. The County Court Judge found all the other questions in plaintiffs' favour, and directed judgment to be entered for them for \$308.17 and costs.

Defendant appealed. His appeal was heard by FALCONBRIDGE, C.J., STREET, J., BRITTON, J.

W. J. Hanna, Sarnia, for defendant.

W. R. Riddell, K.C., for plaintiffs.

STREET, J.—It was not disputed either at the trial or before us that plaintiffs are an extra-provincial corporation, within the meaning of 63 Vict. ch. 24, and that W. H. Fogle is a resident of this Province, and that plaintiffs had not obtained a license.

The bargain between Fogle and defendant was made in the county of Lambton at Fogle's place, and he wrote to plaintiffs to send an engine to him to fill the bargain, and this was done and the engine was delivered by Fogle to defendant at his wells in the county of Lambton.

The 14th section of the Act provides that so long as any extra-provincial corporation remains unlicensed under the Act, it shall not be capable of maintaining any action in any Court in Ontario in respect of any contract made in whole or in part within Ontario, in the course of or in connection with business carried on contrary to the provisions of sec. 6 of the Act.

Section 6 provides that no extra-provincial corporation shall carry on within Ontario any of its business unless and until a license has been granted to it; and no agent or other person shall as the representative or agent of any such corporation carry on any of its business in Ontario unless and until such corporation has received such license: provided that taking orders for or buying or selling goods by travellers or by correspondence, if the corporation has no resident agent or representative, or no office or place of business in Ontario, shall not be deemed a carrying on of business within the meaning of the Act.

I think it is plain from an examination of these sections that the Legislature have forbidden extra-provincial corporations which have not taken out a license, selling their goods in this Province except under the circumstances mentioned