

FERGUSON, J.A., read a judgment in which he said, after briefly stating the facts, that the appellants confined their appeal to the contention that the contract made by a company in course of business carried on by it, contrary to sec. 7 of the Extra Provincial Corporations Act, was void, and that a license subsequently obtained had only the effect of removing the disability to prosecute an action, and not the effect of validating the contract.

The respondents' contention was, that the statute was a revenue statute, and, read in the light of the object to be attained, should be construed as not affecting the validity of the contract, but as affecting only the right to enforce the contract.

Many cases were cited; but, in the opinion of the learned Justice of Appeal, the recent decision of the Supreme Court of Canada in *Honsberger v. Weyburn Townsite Co.* (1919), 59 Can. S.C.R. 281, rendered it unnecessary to consider the argument of counsel or the authorities cited; for the question involved in this appeal was involved in and necessary to the decision of that case, and was decided adversely to the contention of the appellants in this case.

The appeal should be dismissed.

MACLAREN and MAGEE, JJ.A., agreed with FERGUSON, J.A.

MEREDITH, C.J.Q., read a short judgment in which he said that he agreed that this Court was bound by the decision of the Supreme Court of Canada in the *Weyburn* case to hold that the contract on which the respondents sued was not void, and that, having obtained a license after action brought, they were entitled to maintain their action. But for that decision, the learned Chief Justice would have doubted the validity of a contract entered into in direct violation of the statute.

Appeal dismissed with costs.

FIRST DIVISIONAL COURT.

JUNE 11TH, 1920.

*RUSSELL MOTOR CAR CO. LIMITED v.
CANADIAN PACIFIC R. W. CO.

Railway—Carriage of Goods—Shipment in Car—Deficiency in Quantity Found in Car at End of Transit—Evidence—Carriers Deprived by Consignee of Possession, Dominion, and Control—Termination of Relationship of Bailor and Bailee—Carriers or Warehousemen.