

and 14, . . . that the plaintiffs had not taken out a license to do business in Canada.

The plaintiffs did, in fact, take out a license subsequent to the mortgage and after action brought. I do not, however, think that the point is well taken, as what was done here was not a carrying on of their business within the meaning of the statute. The note and mortgage had been prepared in Cleveland and the mortgage sent on for registration. It transpired that it could not be registered owing to lack of form, and a new mortgage was then prepared and signed by the defendants for the purpose of registration and by way of confirmation of the imperfect instrument executed at Cleveland.

The judgment for the defendants should be set aside, and judgment entered for the plaintiffs, with costs here and below.

MIDDLETON, J., IN CHAMBERS.

MARCH 2ND, 1911.

*RE BOLTON AND COUNTY OF WENTWORTH.

Contempt of Court—Disobedience of Mandatory Order—County Corporation—Erection of House of Refuge—Motion for Attachment or Committal of Corporation and Councillors—Con. Rule 853—Appropriate Remedy—Service on Councillors—Dispensing with—Knowledge of Order—Compliance with Order after Delay—Remission of Punishment—Undertaking—Costs.

Motion by William Bolton for an order for attachment against certain councillors of the county of Wentworth for contempt in not obeying a mandatory order made by MEREDITH, C.J.C.P., on the 18th March, 1910, by which it was directed that the "Corporation of the County of Wentworth and the municipal council of the same do proceed forthwith and complete without delay the erection of a House of Refuge for the said county, pursuant to the statute in such cases made and provided," or for an order committing the said councillors to the common gaol for their said contempt. Upon the argument this was amended by adding, "or for such further or other order against the said councillors or the said corporation as may be deemed proper in the premises."

*To be reported in the Ontario Law Reports.