

opinion that there was evidence to go to the jury of such action by the Archbishop as would bind the corporation sole. The plaintiff had unquestionably a right of action against any one who joined or assisted in the assault committed, and there was evidence that the Archbishop (the defendant Spratt) had taken part in it. He might, as the administrator of the affairs of the diocese, in dealing with the plaintiff, have been asserting rights of the corporation itself, and in so asserting rights have incurred liabilities. A mere holding corporation could not successfully put forward the proposition of non-liability for acts of wrongdoing, when such acts had been performed with the sanction of the corporation, although beyond the express powers of the corporate body. All this was covered by the answers of the jury.

There was some evidence to submit to the jury, and the case could not properly have been withdrawn from the jury.

Judgment for the plaintiff against the defendants M. J. Spratt, the Roman Catholic Episcopal Corporation of the Diocese of Kingston, Mary Frances Regis, the Sisters of Charity of the House of Providence, Mary Vincent, Mary Magdalene, and Mary Alice, for \$20,000 with costs.

Judgment for the plaintiff against the defendant Phelan for \$4,000, without costs.

Action as against the defendant Nylon dismissed without costs.

BRITTON, J.

DECEMBER 8TH, 1917.

### FAYE v. ROUMEGOUS.

*Husband and Wife—Claim of Executrices of Deceased Wife to Interest in Property of Husband—Evidence—Failure to Establish Partnership or Trust—Claim for Money Lent—Dismissal of Action—Costs.*

Action by the executrices of the will of Susan Roumegous, deceased, against the husband of the deceased, for a declaration that she was the owner of an undivided half interest in certain property near Cooksville, purchased by the defendant, and in other property, and to recover money lent by the deceased to the defendant, and for other relief.

The action was tried without a jury at Brampton.

D. L. McCarthy, K.C., and T. L. Monahan, for the plaintiffs.

H. J. Scott, K.C., and T. R. Ferguson, K.C., for the defendants.