

company incorporated by or under a statute of Canada to obtain registration and a license in order to do business in Ontario, were ultra vires of the Provincial Legislature. This question was now before the Ontario Courts, and had been argued in the Appellate Division, upon appeal from the judgment of Masten, J., in *Currie v Harris Lithographing Co. Limited* (1917), 12 O.W.N. 6, but judgment had not been given upon the appeal.

In the opinion of LATCHFORD, J., that question could not be raised in this case. When the insolvent company acquiesced in the requirements of the Provincial authorities, and procured the bond now sued upon, it either recognised the right of the Province as existing, or, regarding it as doubtful, decided not to dispute it. If the insolvent company relied on the powers conferred upon it by its Act of incorporation, it, in the most formal manner, decided to supplement them by obtaining the added powers conferred by registration under the Provincial Act. Even where principals are not bound, sureties may be liable.

Reference to *Yorkshire Railway Wagon Co. v. Maclure* (1881), 19 Ch. D. 478, 21 Ch. D. 309; *In re German Mining Co.*, *Ex p. Chippendale* (1854), 4 DeG.M. & G. 19.

Whether the Provincial Act is or is not ultra vires, there is no defect or illegality established in regard to the bond itself. It has no inherent vice; and no evidence has been submitted that the insolvent company had not power to give security.

The proof of default was ample; and it was immaterial whether that default was attributable to the insolvent company or its liquidator.

Judgment for the plaintiff as prayed, with costs; reference to the Master in Ordinary.

BRITTON, J.

DECEMBER 8TH, 1917.

BASIL v. SPRATT.

*Malicious Arrest—Assault—Evidence for Jury—Findings of Jury—Liability of Roman Catholic Episcopal Corporation—Corporation Sole—Incorporating Act, 7 & 8 Vict. (Can.) ch. 82, sec. 6—Damages—Costs.*

Action for damages for assault and malicious arrest.

The action was tried with a special jury at Kingston.

The questions left to the jury and their answers were as follows:—