

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 16TH, 1918.

\*EDWARDS v. BLACKMORE.

*Company—Promissory Note for Purchase-price of Machinery—Power of Company to Contract—Incorporation by Letters Patent under Ontario Companies Act—Specified Object of Incorporation—Amendment to Companies Act by 6 Geo. V. ch. 35, sec. 6—Powers of Common Law Corporation Created by Charter—Unlimited Power to Contract—Powers of President and Manager of Company—Ostensible Authority—Executed Contract under Seal—Companies Act, sec. 23 (1) (a), (i).*

Appeal by the defendants Burks Limited from the judgment of MASTEN, J., after the trial of the action by him without a jury, in favour of the plaintiff against the appellants for the recovery of \$1,182.61 and costs, in an action upon a promissory note.

The appeal was heard by MEREDITH, C.J.C.P., LENNOX, J., FERGUSON, J.A., and ROSE, J.

J. M. Ferguson, for the appellants.

R. S. Robertson, for the plaintiff, respondent.

FERGUSON, J.A., read a judgment, in which he said that the promissory note sued on was made by the defendants Blackwood, Burks Limited, and Monet, in favour of the plaintiff, payable one month after date, at the Dominion Bank, Toronto. The defendants other than Burks Limited did not appear, and judgment was entered against them by default.

The defence of the appellants was, that they had no authority

\* This case and all others so marked to be reported in the Ontario Law Reports.