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MEREDITH, C.J.

FEBRUARY 4TH, 1909.

WEEKLY COURT.

RE GARVIN.

RE COBALT MONARCH MINES LIMITED.

Company—Prospectus—Penalty for Issuing Prospectus Varying from that Filed with Provincial Secretary—Ontario Companies Act, secs. 95, 98, 99, 100—Meaning of “Prospectus”—Advertisement—Director — Agent—Conviction—Appeal—Stated Case.

Appeals by J. W. Garvin and the Cobalt Monarch Mines Limited, upon cases stated by one of the police magistrates for the city of Toronto, from convictions under the Ontario Companies Act for issuing prospectuses alleged not to be in the terms of those filed with the Provincial Secretary.

A. P. Poussette, K.C., for Garvin.

W. N. Ferguson, K.C., for the company.

T. Mulvey, K.C., and J. W. Seymour Corley, K.C., for the Crown.

MEREDITH, C.J.:—I think the Garvin case is reasonably plain, and that the answer to the question submitted by the police magistrate in the stated case must be in favour of the Crown.

By sec. 95 of the Companies Act the word “prospectus,” as used in part 7 of the Act, is defined to be “any prospectus, notice, circular, advertisement or other invitation offering for subscription or purchase any shares, debentures, or other securities of a company, or published or issued for the pur-