

of the insured or his creditors or form part of his estate. By sub-s. 1 of s. 160 the insured is empowered to vary the apportionment in favour of one or more of the preferred beneficiaries; and by s. 2 no authority is deemed to be conferred to divert the moneys from the class to a person not of the class or to the insured himself or his estate.

*Hislop*, for appellants. *Carey*, for respondent.

Meredith, C.J.C.P., Magee, J., Mabey, J.]

[May 15.

VEZINA v. W. H. NEWSOME Co.

*Foreign judgment—Quebec Courts—Company not domiciled or resident in Quebec—Nullity—22 Vict. c. 5, s. 58 (C.)—International law.*

In an action brought in a County Court in the Province of Ontario upon a judgment recovered in a Circuit Court in the Province of Quebec, against an incorporated company, who, at the time the Quebec action was begun, had no office or agent in the Province of Quebec.

*Held*, that the Act of the Legislature of the Province of Canada, 22 Vict. c. 5, s. 58, is not now in force, and *Court v. Scott* (1881), 32 C.P. 148, is no longer applicable; the binding effect of the judgment sued on depended upon the rules of international law; and the defendant company not having been domiciled or resident in Quebec when served with the writ of summons, the judgment there obtained must be treated in the Courts of Ontario as a nullity.

Judgment of the County Court of York reversed.

*Cohen*, for defendants. *Raney*, for plaintiff.

Britton, J.]

[May 25.

RE HALLIDAY AND CITY OF OTTAWA.

*Municipal law—Early closing by-law—Motion to quash—Right to shew on that petitioner not of specified class—Month in which by-law was to be passed—Time directory—Right of withdrawal before final passing.*

On a motion to quash an early closing by-law, passed under the Ontario Shops Regulation Act, R.S.O. 1897, c. 257, it may be