

Rose, J.]

REGINA v. THE T. EATON CO., LIMITED.

[Aug. 1.

*Criminal law—Charge against a corporation—Prohibition—Crim. Code, s. 448—Preliminary enquiry—Indictment.*

Sec. 448 of the Criminal Code provides that certain acts constitute an "indictable offence."

*Held*, the only way in which an offender can be prosecuted for violation of this section is by indictment. A prohibition was therefore awarded against a police magistrate who was holding a preliminary investigation.

*Semble*, the only way in which a corporation can be prosecuted is by indictment.

*Starcy v. Chilworth Gunpowder Manufacturing Company* (1889), 17 Cox C. C. 55, referred to.

*Maclaren, Q.C.*, for the corporation. *Cavell*, for the informant.

Meredith, J.]

MCINTYRE v. SILCOX.

[Aug. 2.

*Insurance for benefit of children—Death of some—Alteration of apportionment by will—Gift to others and to grandchildren—Validity of, as against creditors—Cancellation and re-issue of policies.*

A parent insured his life for the benefit of six of his children in equal shares, three of whom died without issue in his lifetime. He then made his will altering the shares of the three survivors, gave a portion to another child, and portions to four grandchildren, caused the policies to be cancelled and new ones issued, payable to "his executors in trust," and died in 1894.

*Held*, that the apportionments of gifts to the four children were valid, but those to the grandchildren while valid as legacies were not valid as against the rights of creditors.

*Held*, also, that the application of the provisions in 60 Vict., c. 36, s. 159 (O.), "to any contract of insurance heretofore issued and declaration heretofore made," could not apply to any concluded transaction, but should be limited to those existing at the time of the death of the insured.

*Held*, also, that the issue of the new policies did not affect the rights of the parties as the executors would take in trust for those who were beneficially entitled.

*Videau v. Westover* (1897), 29 O.R. 1, distinguished.

*W. A. Wilson*, for the plaintiff. *T. W. Crothers*, for the executors. *J. A. Robinson*, for defendant, *L. Clark*. *D. B. S. Crothers*, for other adult defendants. *J. S. Robertson*, for the infant defendants.

Meredith, J.]

IN RE POWERS AND TOWNSHIP OF CHATHAM.

[August 2.

*Municipal Corporations—By-law—Repeal—Public Schools Act, R.S.O. c. 292, s.s. 38, 39—Alteration of school sections—Township Council—County Council—Appeal.*

A by-law of a township council repealing a former by-law, passed under the provisions of s. 38 of the Public Schools Act, R.S.O. c. 292, whereby a new rural school section was created from parts of three existing sections, was quashed.