

B. C.] UNION COLLIERY CO. v. THE QUEEN. [Dec. 7, 1900.

*Criminal law—Indictment against corporation—Endangering human life—Crim. Code s. 213—Manslaughter.*

Under sec. 213 of the Criminal Code a corporation may be indicted for omitting without lawful excuse, to perform the duty of avoiding danger to human life from anything in its charge or under its control.

The fact that the consequence of the omission to perform such duty might have justified an indictment for manslaughter in the case of an individual is not a ground for quashing the indictment.

As sec. 213 provides no punishment for the offence, a corporation indicted under it is liable to the common law punishment of a fine. Appeal dismissed.

Aylesworth, Q.C., for appellant. C. Robinson, Q.C., for respondent.

Ont.] ECKHART v. LANCASHIRE INS. CO. [Nov. 13, 1900.

*Insurance, fire—Form of policy—"Co-insurance" clause—Statutory conditions—Variations—R.S.O. (1887) c. 167.*

A policy of fire insurance issued on 2nd January, 1896, contained the clause known as the "Co-insurance clause" (requiring the insured to keep the property covered by other policies to at least 75% of its value), printed under the heading "Variations in Conditions" as prescribed by secs. 115 and 116 R.S.O. c. 167.

*Held*, affirming the judgment of the Court of Appeal (27 O.A.R. 373; 36 C.L.J. 421) which affirmed the judgment at the trial (29 O.R. 695), that whether or not the alteration introduced into the policy was of the nature of a variation of any particular statutory condition or in addition to statutory conditions, the clause was neither unjust or unreasonable and that it formed part of the contract of insurance to the same extent as the statutory conditions indorsed on the policy would have been if the alteration had been printed therein. Appeal dismissed with costs.

Lash, Q.C., for appellant. Creelman, Q.C., and MacInnes, for respondent.