

*Held*, on motion for a non-suit, that there was no sufficient evidence of pecuniary loss to the plaintiff, that the circumstances were such as to afford a reasonable expectation of pecuniary benefit to the plaintiff had the deceased lived, and that this was enough to warrant the case being given to the jury, though there was nothing to justify so large an assessment. Nonsuit refused, but new trial on ground of excessive damages.

*D. Mullin*, Q.C., for plaintiff. *L. A. Currey*, Q.C., for defendant.

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EX PARTE DUPUIS.

*Review—Non-suit erroneously ordered by review judge—Certiorari.*

The Judge of the St. John County Court on review from a justice's court set aside a judgment recovered by the plaintiff and ordered a non-suit on the ground that a prior suit before a Parish Court for the same cause of action, in which the plaintiff had elected to become non-suit, was still pending.

*Held*, on motion to make absolute an order nisi for certiorari, that the order of the review judge was improper and that certiorari would lie to remove the review order. Rule absolute.

*J. D. Phinney*, Q.C., in support of rule. *J. H. McFadyen*, contra.

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Province of Manitoba.

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QUEEN'S BENCH.

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Bain, J.]      QUEEN v. GREAT WEST LAUNDRY CO.      [April 9.

*Criminal law—Criminal Code, s. 3, sub-s. (t), ss. 213, 220, 639, 958—Manslaughter—Negligence causing death—Corporation.*

The defendant company was indicted, under sections 213 and 220 of the Criminal Code, 1892, for negligence in maintaining machinery in a condition dangerous to life, resulting in the death of one of its employees. There was also a count for manslaughter. Defendant demurred to the indictment.

*Held*, that notwithstanding sub-s. (t) of s. 3 of the Code, by virtue of which sections 213 and 220 generally apply to corporations as well as individuals, an indictment will not lie against a corporation for manslaughter, and even if a corporation were indicted and convicted of such an offence, there is no provision of law under which any punishment could be imposed.