
REPORTS AND NOTES OF CASES.

Province of Ontario.

SUPREME COURT—APPELLATE DIVISION.

Meredith, C.J.C.P.]

[14 D.L.R. 232.]

RE SCHOFIELD AND CITY OF TORONTO.

Criminal law — Procedure — Preliminary examination — Municipal corporation as defendant — Leave to prefer indictment.

A private prosecutor seeking to criminally charge a municipal corporation with maintaining a nuisance in respect of a part of the municipality's sewage system should ordinarily initiate the proceedings before a magistrate and not be granted leave by a superior court to prefer an indictment against the municipal corporation where no preliminary enquiry has been held by a magistrate.

Raney, K.C., for applicants. DuVernet, K.C., for Crown. Geary, K.C., for City.

Meredith, C.J.O., MacLaren,
Magee and Hodgins, J.J.A.]

[14 D.L.R. 257.]

RE MODERN HOUSE MANUFACTURING CO.
DOUGHERTY AND GOUDY'S CASE.

Corporations and companies — Liability of shareholders as contributory — Contract to pay for shares in property.

A person cannot be held as a contributory in a winding-up proceeding in respect to shares in a company incorporated under the Ontario Companies Act, issued as fully paid and allotted to him in consideration of his agreement to convey land to the company, notwithstanding he fails to make the conveyance, where there was no subscription or other contract by which any cash value was placed upon the shares; the default did not entitle the company to treat the shareholder as holding the shares subject to call.

Re Modern House Mfg. Co., Dougherty and Goudy's Case, 12 D.L.R. 217, affirmed on an equal division; *Re Alkaline Reduction*