

brother; and that if he died without having made any further direction as to payment the money should be paid to the beneficiaries in the above order if living.

The insurer died intestate, unmarried, his father and mother predeceasing him, but two sisters survived who were supported by him and claimed the policy moneys in the character of "dependents" as well as "sisters." His estate, was insolvent and his administrator claimed that the money was assets for the creditors:—

Held, that the insurance amounted in effect to a voluntary settlement on the sisters of the insured, who though not within the protection of R. S. O. ch. 136, were beneficiaries named in the policy, and as it was not shewn that the insured was not in a position to make a voluntary settlement at the time he effected the insurance, or at any time, they were entitled to the money. *In re William Roddick*, 537.

Covenant for, in Mortgage—Assignment of Mortgage—Equitable Assignee of Insurance Money.—See BILLS OF SALE, 2.

Will—Variation—Election—R. S. O. ch. 136, sec. 6. (1).—See WILL, 1.

INTEREST.

Work and Services—Reference—58 Vict. ch. 12, sec. 118 (O.).—On a reference in an action in which money is claimed for work and services agreed to be paid for at a fixed rate, the referee may under 58 Vict. ch. 12, sec. 118 (O.), allow interest on the amounts claimed from the times they became payable. *McCullough v. Newlove*, 627.

JUDICATURE ACT.

Declaratory Relief—Locatee—Partition—R. S. O. ch. 44, sec. 21, sub-sec. 7.—See CROWN LANDS.

JUSTICE OF THE PEACE.

1. *Felony—Issue of Warrant—Absence of Written Information—Reasonable Suspicion—Notice of Action—Sufficiency of.*—A magistrate acts without jurisdiction, and so renders himself liable in trespass, where, without any written information charging another with a felony, he issues a warrant for his arrest therefor; and, while a reasonable ground for the belief that such person had committed the felony, might justify the magistrate in arresting such person himself, it does not enable him to issue his warrant for his arrest by another.

Ashley's Case, 6 Co. 320, followed.

The notice of action in this case alleged that the defendant on the 8th of September, 1893, wrongfully, illegally, and without reasonable and probable cause, issued his warrant and kept under arrest on a charge of arson, and on said 8th of September maliciously, illegally and wrongfully, and without any reasonable and probable cause, caused plaintiff to be brought before him, and to be committed for trial, and to be confined in the common gaol, alleging the subsequent indictment of the plaintiff, his trial on the charge, and his acquittal:—

Held, a good notice of action in trespass. *McGuinness v. Dajoe*, 117.

2. *Summary Conviction—Certiorari—Evidence—Jurisdiction.*—When a summary conviction is re-