

DIARY FOR SEPTEMBER.

2. Wed.....De Beauharnois, Governor, 1726.
 6. Sun.....15th Sunday after Trinity.
 8. Tues.....General Sessions and County Court Sittings for Trial in York.
 12. Sat.....Frontenac, Governor of Canada, 1692.
 13. Sun.....16th Sunday after Trinity. Quebec taken, and death of Wolfe, 1759.
 14. Mon.....Trinity term commences. Jacques Cartier arrived at Quebec, 1535.
 15. Tues.....Ct. of Appeals sits. Civil Assizes at Hamilton.
 17. Thur.....First Parliament of Upper Canada met at Niagara, 1792.
 18. Fri.....Quebec surrendered to the British, 1759.
 20. Sun.....17th Sunday after Trinity.
 21. Mon.....St. Matthias.
 23. Wed.....Conrouelles, Governor of Canada, 1665.
 24. Thur.....Guy Carleton, Lieut.-Gen. and Commander-in-Chief, 1783.
 26. Sat.....Trinity Term ends. Relief of Lucknow, 1857.
 27. Sun.....18th Sunday after Trinity.
 28. Mon.....Criminal Assizes at Toronto. W. H. Blake, 1st Chan. U.C., 1849.
 29. Tues.....St. Michael and All Angels.
 30. Sun.....Sir Isaac Brock, Administrator, 1811.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court]

[June 19.

MINGEAUD v. PACKER.

Insurance—Life—Benefit society—Change of direction as to payment—Trust—Revocation—
R.S.O., c. 172—R.S.O., c. 136—51 Vict., c. 22.

A person, whose life was insured in a benefit society, incorporated under R.S.O., 1877, c. 167, as amended by 41 Vict., c. 8, s. 18 (R.S.O., 1887, c. 172), on the 28th January, 1888, his first wife being then dead, caused to be issued to him a certificate making the insurance money payable to his children. After this, he married again, and on the 1st June, 1889, at his request, a change was made, and a new certificate issued, making the money payable to his second wife. He died on the 19th Nov., 1889.

Held, reversing the judgment of STREET, J., that the effect of 51 Vict., c. 22, was to make the certificate of the 28th January, 1888, subject to the provisions of R.S.O., c. 136, and that the rules of the society, in so far as they were inconsistent with such provisions, were modified and controlled by them; and such certificate became a trust for the children, under s. 5 of R.S.O., c. 136, and ceased, so long as the objects of the trust remained, to be under the control of the deceased, except only in accordance

with ss. 5 and 6, which did not authorize him to revoke the certificate and replace it by the subsequent one.

N. F. Paterson, Q.C., for the plaintiff.

C. J. Holman and D. B. Simpson for the defendants.

IN RE MCGUGAN v. MCGUGAN.

County Court—Equity jurisdiction—32 Vict., c. 6, s. 4—Judicature Act—Qui tam action by ratepayer of school section to recover moneys improperly paid out by trustees—"Personal actions," R.S.O., c. 47, s. 19—Power to transfer to High Court—R.S.O., c. 47, s. 38—Prohibition—Solicitor and client—Bill of costs—Public School Board—Ratepayer applying for taxation—R.S.O., c. 147, s. 42—Rule 1229—R.S.O., c. 225, s. 39—Duty of auditors of school section.

Since 32 Vict., c. 6, s. 4, the County Courts have had common law jurisdiction only; the Judicature Act did not alter the jurisdiction of those Courts, but only made applicable to matters cognizable by them the several rules of law thereby enacted and declared.

An action by a ratepayer of a school section, on behalf of himself and all other ratepayers, against the trustees of the section, seeking to compel the defendants to pay to the treasurer of the section such amount as might be disallowed upon taxation of a bill of costs paid by the trustees to a solicitor, is one of purely equitable jurisdiction, and is not cognizable by a County Court, even though the amount in question is not more than \$200.

The term "personal actions" used in R.S.O., c. 47, s. 19, means common law actions.

If a County Court has no jurisdiction over the plaintiff's cause of action, the proceedings in respect thereof in that Court are all *coram non judice*, and the judge of that Court has no power over them; s. 38 of R.S.O., c. 47 applies only where the action in which the equitable question is raised is within the jurisdiction of the County Court.

Prohibition granted to restrain a county judge from transferring to the High Court an action brought in the County Court for an equitable cause of action.

A ratepayer of a school section is entitled under R.S.O., c. 147, s. 42, to a taxation of a bill of costs rendered by a solicitor to and paid by the school board of the section.