

Held, that he was improperly discharged, as the section is imperative that the debtor should sign to the truth of his disclosures.

A. B. Connell, in support of rule.

Carvill, contra.

Easter Term.]

RULE ALLIANCE *v.* BANK OF BRITISH NORTH AMERICA.

Insurance—Unlicensed foreign company—R.S.C. ch. 124, sec. 4.

The plaintiffs were a life insurance company incorporated under the laws of Massachusetts. They had an agency at the city of St. John, but were not licensed to carry on business in Canada as required by the Dominion Act, ch. 124, R.S.C. The company issued a policy on the life of W. H. Reid, a resident of New Brunswick, payable to his wife, Mary A. Reid, for \$2,500. On his death the company sent to their St. John agent a receipt of the payment of the loss to be signed by the beneficiary, and the following draft :

"\$2,500.

Boston, Mass., June, 1890.

"To W. H. HOYT, ESQ., Treasurer-in-chief G.R.A.

"You will please pay to Mary A. Reid the sum of two thousand five hundred dollars. She is the beneficiary named in a benefit certificate, 3205, issued to W. H. Reid, of Hillsboro, N.B. Proof of the death of the said W. H. Reid is on file at this office. John S. Damell, President."

Endorsed on the draft was a receipt to be signed by Mary A. Reid. The receipt and draft, with the signature of Mary A. Reid, attested to by the St. John agent of the insurance company, were negotiated with the Bank of British North America, and by it presented to the company for payment. The company paid the draft to the bank, who paid the amount to the St. John agent of the insurance company under an order purporting to be signed by Mary A. Reid. The signatures in all cases were forged, and the insurance company brought an action against the bank to recover the amount of the draft.

Held, that R.S.C., ch. 124, sec. 4, applied, and that as the money was paid by the insurance company in connection with business done contrary to the Act, the company could not recover.

Pugsley, Q.C., for plaintiffs.

Blair, Attorney-General, for defendants.

BARKER, J.]

IN RE DOHERTY.

[Sept. 15.

Crim. Code, s-s. 872, 877, 880—Canada Temperance Act—Two convictions—Imprisonment as penalty or to enforce payment of fines—When concurrent.

The prisoner was convicted on the 18th of February, 1895, for unlawfully keeping for sale intoxicating liquors in violation of the second part of the Canada Temperance Act, and he was adjudged to pay a fine of \$50 and costs, and if not paid and in default of distress, that he should be imprisoned for 80 days. A warrant of commitment was issued on 19th July, 1895. On 17th June, 1895, he was convicted by the same justices for a second offence under