

came entitled to the insurance money, some \$750 odd. She, however, had become insane, and in the previous September had been admitted to the Hospital for the Insane at Hamilton, being still there at the time of this application.

William Nash having died intestate, letters of administration were granted to Mr. Dunlop, Inspector of Prisons and Public Charities, who applied for payment to him of the proceeds of the insurance; the society opposed the motion, and desired to pay the money into Court.

The learned Judge was of opinion that the provisions of the Hospitals for the Insane Act, R.S.O. 1914 ch. 295, sec. 36, overrode pro tanto those of the Insurance Act, R.S.O. 1914 ch. 183, sec. 176, and 4 Geo. V. ch. 30, sec. 10; and that the money should be paid to the Inspector.

Order accordingly.

MIDDLETON, J., IN CHAMBERS.

OCTOBER 11TH, 1916

REX v. GEIGER.

Criminal Law—Magistrate's Conviction—Breach of Municipal By-law—Failure to Prove By-Law—Motion to Quash Conviction—Attempt to Uphold under sec. 238 (e), (f), (g) of Criminal Code—Vagrancy—Order Quashing Conviction—Costs—Protection of Magistrate and Persons Acting under Conviction.

Motion to quash the conviction of the defendant Geiger and two others, by a magistrate, upon a charge laid under a municipal by-law. The offence of which the defendants were found guilty consisted in disturbing, on a winter night, the slumbers of a man 85 years old and his wife by waking them up and telling them untruly that their horse had got into the garden and was destroying it. No by-law was proved before the magistrate; and it was sought to uphold the conviction as falling within the vagrancy section (238) of the Criminal Code, R.S.C. 1906 ch. 146.

A. B. McBride, for the defendants.

A. L. Bitzer, for the prosecutor.

MIDDLETON, J., in a written judgment, said that the offence shewn was not brought within any of the clauses of sec. 238, referring especially to clauses (e), (f), (g). If any offence had been