

agent personally, otherwise it may be quashed: *Canadian Society v. Lauzon* (1899), 4 Can. Cr. Cas. 354 (Que.), 5 Rev. de Jur. 259.

Mr. Crankshaw, at p. 876 of his Annotated Criminal Code, 4th ed., says that a notice of appeal from a summary conviction "should state that the appellant is aggrieved by the conviction order appealed from." In support of this statement he cited the cases above referred to: *R. v. West Riding*, 7 B. & C. 678; *R. v. Essex*, 5 B. & C. 431. It will be seen, from the summary of these cases given above and the extract from Halsbury, that this statement is too wide and does not apply where the defendant himself is appealing from the conviction made against him. If anyone but the complainant or the defendant can have a status to appeal from a summary conviction, those cases would show that such other party must state in his notice of appeal that he is a person aggrieved. Furthermore, Mr. Crankshaw cites at p. 877 the case of *R. v. McKay*, 21 Can. Cr. Cas. 211, in support of the conflicting proposition that upon an appeal from a summary conviction for common assault it is not essential that the notice of appeal shall state explicitly in the language of sec. 749 that the defendant is a "person aggrieved."

The Licensing Act, 1872, 35-36 Vict. (Imp.), ch. 94, sec. 52, had provided that if "any person feels aggrieved" by any order or conviction made thereunder by a Court of summary jurisdiction, he might appeal. It was held that the "person aggrieved" is the person who has been convicted, or against whom an order has been made. Where a license-holder was convicted, it was held that the landlord has no right to appeal to quarter sessions, though his interest may be indirectly affected by the conviction: *R. v. Andover JJ* (1886), 16 Q.B.D. 711, 50 J.P. 549, 55 L.J.M.C. 143, 55 L.T. 23, 34 W.R. 456. Mathew, J., said: "I am of opinion that sec. 52 applies to a person directly aggrieved by the order, and that a person who, like this owner, feels himself indirectly aggrieved by the order cannot appeal against it."

By a "person aggrieved" is meant *prima facie* the person against whom the proceedings were originally instituted (*ibid.*, A. L. Smith, J.).

But a mortgagee has been held under the Licensing Act to be sufficiently aggrieved by the refusal of the renewal of the tenant's license to be able to appeal to quarter sessions, if the mortgagee made the mortgagee the attorney in fact for the license-holder in that respect: *Garrett v. Middlesex JJ.*, or *R. v. Garrett* (1884), 12 Q.B.D. 620, 53 L.J.M.C. 81, 48 J.P. 357, 32 W.R. 646. In general, the landlord, as such, is a stranger to the license (except in those cases where notice of a conviction is to be sent to him), and