
Reports and Notes of Cases.

Province of Alberta.

SUPREME COURT.

Harvey, C.J., and Stuart,
Beck, and Walsh, JJ.]

[34 D.L.R. 514.]

REX V. LEVERTON.

1. *False pretences—Fraud of employee tendering under cover of a trade name—Obtaining rejection of lower tender.*

Where an employee makes representations to his employer to the effect that a tender for the supply of goods to the latter is an actual *bonâ fide* one from an independent tenderer, whereas it was in fact, although unknown to the employer, the employee's own tender, submitted in a different trade name through such employee's nominee, the employee may properly be convicted of obtaining by false pretences the additional money which, by means of such tender and his employer's reliance on the same as independently made, he obtained for the goods supplied over and above the amount for which the employer would have obtained them by acceptance of a competitive tender which the employee fraudulently caused to be rejected.

R. v. Cooper, 2 Q.B.D. 510, 46 L.J.M.C. 219, considered.

2. *Indictment—False pretences.*

An indictment or charge for obtaining money under a false pretence is not bad for not setting out what the false pretence was or stating to whom it was made. (Code secs. 852, 1152, Code form 64 (c)).

A. A. McGillivray, for the Crown; *J. McKinley Cameron*, for accused.

ANNOTATION ON ABOVE CASE IN D.L.R.

In a charge for obtaining goods by false pretences it must be proved (1) that a false pretence was made, (2) that the prosecutor believed the pretence, and (3) that the goods were obtained by means of the pretence. *R. v. King*, [1897] 1 Q.B. 214.