

James Heaton. Each count alleged that the money was obtained, by false pretences, on the same day (25 Sept. 1880).

A true bill having been found by the grand jury, the defendant moved to quash the indictment. (1) Because the defendant was charged with four distinct offences, which could not be joined in the same indictment. (2) Because the indictment had been submitted to the grand jury without the preliminary formalities required by sect. 28 of the Criminal Procedure Act of 1869 (32 & 33 Vict., c. 29) having been observed.

The Chief Justice allowed the case to proceed, intimating that he would reserve the questions raised, should the defendant be found guilty.

The defendant was convicted on the two last counts only.

The following questions were reserved:—

1. Whether the Attorney-General could delegate his authority to direct that the indictment be laid before the grand jury, and whether the direction as given on the indictment was sufficient to authorize the grand jury to enquire into the charges and report a true bill.

2. Whether if the indictment was improperly laid before the grand jury, it should have been quashed on the motion made by the defendant.

3. Whether the several counts could properly be included in the indictment.

4. Whether the rulings on the above questions are correct, and whether there was sufficient evidence of false pretences to justify a conviction on the third and fourth counts.

As to the first and second questions, the indictment was submitted to the grand jury by the following direction appearing on the face thereof:—"I direct that this indictment be laid before the grand jury. L. O. Loranger, Atty-General, by J. A. Mousseau, Q.C., C. P. Davidson, Q.C." Messrs. Mousseau and Davidson were the two Queen's Counsel authorized to represent the Crown in all the criminal proceedings during the term.

As to the fourth question, the evidence adduced at the trial was to this effect: That Preddy and Heaton went, on the 25th Sept. 1880, to the defendant's shop in St. James Street, and that the defendant sold them for \$20, they paying \$10 each, two railway passes, representing to them that they were valid passes, and would enable them to travel by the Grand

Trunk Railway, from Montreal to Chicago. One of the passes was issued by the Grand Trunk Railway Co., authorizing A. Carey and one to travel on the Grand Trunk from Montreal to Port Huron, and was to expire on the 30th Sept. 1880. The other pass was issued by the Chicago & Grand Trunk Railway Co., and authorized A. Carey and one to travel on their road from Port Huron to Chicago. This pass had already expired before it was sold by the defendant. It was also proved that after having sold the passes, the defendant told Preddy and Heaton, before they left the shop, that one of them would have to take the name of Carey, to which no objection was made. Preddy and Heaton swore, however, that they did not understand the meaning of this until after leaving the shop, when they looked at the passes and found they were not transferable. They then made inquiries, and were informed the passes were valueless.

*Held*, [Dorion, C.J., and Cross, J., dissenting] that the authority under the statutory provision in question is not one which can only be exercised by the Attorney or Solicitor-General personally, but may be delegated to any counsel authorized to represent the Crown in proceedings before the Criminal Court.

2. [By the whole Court], that the several counts could properly be included in the same indictment. *Reg. v. De Castro*, (see 3 Legal News, pp. 376, 393.)

3. [By the whole Court], that on the evidence the case was properly left to the jury.

Conviction affirmed.

*C. P. Davidson, Q.C.*, for the Crown.

*Keller*, for the defendant.

#### SUPERIOR COURT.

MONTREAL, NOV. 30, 1880.

Before JOHNSON, J.

De BELLEFEUILLE et al. v. LA MUNICIPALITÉ DU VILLAGE DE ST. LOUIS DU MILE END.

*Municipal Corporation—Quasi Contract.*

*A corporation can come under a liability by a quasi-contract, in the same manner as an ordinary person, and therefore a municipal corporation which avails itself of, and is benefited by, services rendered in procuring its act of incorporation is liable for such services.*

JOHNSON, J. The defendants are a corporate body created by 40 Vic. c. 29. Some of the in-