

The Ontario Weekly Notes

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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 25TH, 1918.

*REX v. HARVEY AND TAYLOR.

Criminal Law—Conspiracy to Defraud—Evidence of Identity of one Prisoner—Trial by Judge without Jury—Sufficiency of Evidence to Sustain Conviction.

Case stated by WINCHESTER, Senior Judge of the County Court of the County of York.

The defendants were charged in the County Court Judge's Criminal Court for that they on the 27th September, 1917, in the county of York, did unlawfully conspire and agree together by deceit and falsehood or other fraudulent means to defraud John E. Thompson out of the sum of \$2,170 in money, contrary to the Criminal Code; and further that the defendant Harvey at the time and place aforesaid fraudulently and knowingly by false pretences obtained from John E. Thompson \$2,170 in money with intent to defraud, contrary to the Criminal Code.

The County Court Judge found both defendants guilty on the said charges; and, at the request of counsel for the defendants, reserved for the consideration of the Court the following questions:—

(1) Was there evidence admissible and sufficient against the accused on which they could properly be convicted on the said charges?

(2) Should I have admitted as evidence a certain book?

Evidence as to the identity of the defendant Harvey was given by the complainant at the trial before the County Court Judge. At the preliminary inquiry in the Police Court, the com-

* This case and all others so marked to be reported in the Ontario Law Reports.