

Cross, J.—"The question to be decided is whether or not the judge of sessions misdirected himself in forming an opinion upon what it is necessary to prove in order to constitute a person a "money-lender" within the meaning of Section 2 of Chapter 122 R. S. C. The judge of sessions has found, as matters of fact, that the defendant was a man of no particular calling, but was owner of a number of house properties of which he took charge, that he was having a building erected; that Greenberg & Co. had taken a contract for plumber's work of the building for a price of over \$3,000.00; that Greenberg & Co. were in need of money to carry on the contract work and borrowed money from the defendant at very high rates—about sixty per cent. per year; that there were many such borrowings made at intervals of time extending over a year; that the defendant had not advertised or held himself out as a money-lender and was not publicly reported to be a money-lender, and that it was not proved that he had lent money to any one except Greenberg & Co. Upon these facts, the learned judge of sessions came to the conclusion that it had not been proved that the defendant was a money-lender within the meaning of the act and he therefore acquitted him.

"We are now to decide whether or not the judge of sessions erred in law in arriving at that conclusion. In the treatise on "Money and Money-lending" in "Laws of England" it is said, in paragraph No. 83: "It is a question of fact in each case whether a person is carrying on the business of money-lending, and in order to establish that he is carrying on such a business it is not sufficient to prove that he has occasionally lent money at a remuneration rate of interest, but it is necessary to prove some degree of system and continuity in his money-lending transactions." A number of decisions are referred to in