

Code sec. 749. The phrase, "any person who thinks himself aggrieved," was an apt one to include not only the party to the proceedings against whom the decision of the justice had been given, but a person who had some direct and special property interest which was adversely affected by the justice's order. It was in fact applied to various orders which justices were empowered to make in furtherance of local government regulations. This is exemplified by the case of *Draper's Co. v. Haddon*, 57 J.P. 200.

The Drapers Company, who were freeholders of the roadways and footways of London Wall Avenue, considered themselves "aggrieved" by a conviction of a carrier for allowing a wooden case to remain on the footway longer than was necessary. The carrier contended the place was not a highway, as it was a *cul-de-sac*, and led only to houses belonging to the company, who paid the expense of repairing the roads, and claimed the right to put up a gate, but the carrier did not appeal, and the Q.B. Division held that persons whose legal rights were directly affected by the decision were the only persons "aggrieved" within sec. 33 of the S.J. Act, 1879, and entitled to apply for a case to question the conviction: *Drapers' Co. v. Haddon*, 57 J.P. 200, 9 T.L.R. 36.

It has been held by Judge Ouseley, of the Moose Jaw (Sask.) District Court, in *Gates v. Renner*, 24 Can. Cr. Cas. 122, that the effect of the words, "the prosecutor or complainant as well as the defendant," which are used in Cr. Code, sec. 749, in reference to the appeal given to "any person who thinks himself aggrieved" is to limit the right of appeal from the dismissal of an information in a summary conviction proceeding to the prosecutor or complainant. And in the same case it was held that it is ground for quashing an appeal under Cr. Code, sec. 749, from the dismissal of a summary conviction proceeding that the appellant has not shewn upon the appeal that he is the complainant and so within the limitation of Code sec. 749 as a party aggrieved by the order of dismissal; the Court to which the appeal is taken under a notice of appeal which does not state the appellant to be the complainant in the proceedings below is not bound to look at the information transmitted under Cr. Code, sec. 757, to ascertain whether the appellant was such complainant if the information was not put in evidence on the appeal.

Where an information is laid in the name of an individual describing himself as the agent of a society named, the society does not thereby become a party to the proceedings and it has no *locus standi* to appeal from the justices' order dismissing the charge. The notice of appeal must in such case be taken in the name of the