

Magistrate, Mr. Dugas, before whom Gibbons had been found guilty of assault and battery.

When the case came to be heard on the Appeal, before the Court of Queen's Bench, a question was raised as to what party should begin. The Respondent contending on the one hand that the Appellant was bound to support his appeal, whilst on the other hand the Appellant affirmed that the appeal was but a new trial, leaving both litigants in the same respective positions of Complainant and Accused which existed previously before the Magistrate.

The Honorable Judge presiding held that the latter pretension was the correct one, and ordered the Complainant before the Court below to proceed first with his case.

The conviction pronounced by the Magistrate was reversed and Gibbons pronounced "not guilty" by the jury.

Archambault & St. Louis for Complainant; then Respondent.

D. Barry & A. Globensky for the Accused, then Appellant.

(H. C. ST. P.)

COURT OF QUEEN'S BENCH.

CRIMINAL SIDE.

March Term, 1882.

President : His Honor Mr. Justice Ramsay.

THE QUEEN,

vs.

ISIDORE BRIEN DIT DUROCHER, accused of obtaining chattel by false pretence.

HELD :—*To.* That in order to constitute the offence of receiving any chattel by false pretence, it must be shown that the false assertion alleged or complained of, is that by which the Complainant has been induced to part with his property.