which it was expected he should pay, as he did, and notwithstanding that he was not present at the time the assignment was made to him, it having been drawn by his solicitor. *Molsons Bank* v. *Halter*, 18 S.C.R. 88, and *Stephens* v. *McArthur*, 19 S.C.R. 446, followed.

Per FALCONBRIDGE, C.J., that the judge in the court below had ample ground for saying that he did not believe the evidence put forward to support the pressure, and his judgment ought not to be reversed because he had not said so in express terms.

W. H. Blake, for claimant. *J. M. McEvoy*, for primary creditor.

COUNTY COURT, PERTH.

Barron, Co. J.] IN RE STEELE. [Feb. 6.

Election of school trustee—Tie—Jurisdiction.

Held, that the Public Schools Act, I Ed. 7, c. 39, s. 63, pre-supposes an election and that, inasmuch as there was a tie and the proper officer had not yet given the casting vote, that there was not an election within the meaning of said section, and that there was no jurisdiction for the judge of the County Court to hear the complaint.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] THE KING *v.* GEORGE. [Jan. 14, 1901.

Charge of theft—Not necessary to allege "committed fraudulently and without colour of right.

The prisoner was charged before the Judge of the County Court District number 1, under s. 305 of the Criminal Code, that on a certain day he did unlawfully steal one piece of Oregon pine wood to the value of $5.40, the property of His Majesty, the King. At the conclusion of the evidence counsel for the accused objected that the charge should have alleged that the offence was committed fraudulently, and without colour of right.

The prisoner was found guilty, but judgment was suspended, and a reserve case granted upon the following question: Is the charge to which the prisoner pleaded, and on which he was tried, bad, by reason of its omitting to charge the offence as having been committed fraudulently and without colour of right, and if yes, is the conviction therefore bad, the accused not having objected until after the close of the evidence? The only doubt the learned judge entertained was as to whether there should