

The Ontario Weekly Notes

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TORONTO, MARCH 27, 1912.

No. 28.

COURT OF APPEAL.

MARCH 19TH, 1912.

REX v. WRIGHT.

Criminal Law—Offences against Canada Shipping Act, sec. 123—Fraudulent Use of Certificate of Service—False Representation to Obtain Certificate of Competency as Master of Vessel—Evidence—Absence of Guilty Knowledge—Finding of Fact by Trial Judge.

Case stated by the Senior Judge of the County Court of the County of York upon the acquittal of the defendant after trial upon a charge of offences against the Canada Shipping Act.

The case was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

J. Jennings and H. C. Macdonald, for the Crown.

H. H. Dewart, K.C., for the defendant.

MOSS, C.J.O.:—The defendant, having been committed for trial by the Police Magistrate for the City of Toronto upon charges preferred against him in the Police Court, and being in close custody, duly elected to be tried by a Judge without a jury, pursuant to the provisions of the Criminal Code in that behalf. He was thereupon tried by His Honour Judge Winchester, Senior Judge of the County Court of York, presiding in the County Court Judge's Criminal Court, upon a charge-sheet containing two counts: first, that he fraudulently made use of a certificate of service to which he was not justly entitled, contrary to the Canada Shipping Act, R.S.C. 1906 ch. 113; and, second, that he made a false representation for the purpose of obtaining for himself a certificate of competency, contrary to the Canada Shipping Act. The date of the com-