

The Ontario Weekly Notes

Vol. XIII.

TORONTO, MARCH 1, 1918.

No. 24

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

NOVEMBER 22ND, 1917.

*REX v. KARP.

Criminal Law—Offence of Having in Possession Mineral Ore Suspected to have been Stolen—Criminal Code, secs. 424 (b), (c), 424A.—Grounds for Suspicion—Failure to Give Satisfactory Account of Possession of Ore—To whom Account to be Given—Conviction by District Court Judge—Refusal to State Case—Motion for Leave to Appeal—Code, secs. 1014, 1015—Question not Raised at Trial.

Motion by the defendant for leave to appeal from a conviction.

The defendant was tried before the Judge of the District Court of the District of Temiskaming, in the District Court Judge's Criminal Court, upon the charge "that he, the said Adolph Karp, on or about the 1st day of September, 1917, at the town of Cobalt, in the district of Temiskaming, did knowingly have in his possession a quantity of silver and gold ore of the value of not less than 25 cents per pound which there is reasonable ground to suspect has been stolen or dealt with contrary to paragraph (b) or (c) of section 424 of the Criminal Code of Canada, and the said Adolph Karp is unable or refuses to account satisfactorily for or prove his right to the possession of the same."

The defendant was found guilty and sentenced to 18 months' imprisonment at hard labour.

The conviction was under sec. 424A. of the Code (added by sec. 1 of 9 & 10 Edw. VII. ch. 12), referring to paras. (b) and (c) of sec. 424.

* This case and all others so marked to be reported in the Ontario Law Reports.