

COURT OF APPEAL**High Interest.—Usury.—Money Order.—Criminal prosecution.—Interpretation.**

MONTREAL, 19th May 1913

ARCHAMBAULT, J. C. TRENHOLME, CROSS, CARROLL ET GÉRYAIS, J. J.

REX vs MORGAN.

HELD.—10. That a "money-lender", under the R. S. C. ch. 122, s. 2 must be a person who carries on that business, who advertizes, announces or holds himself out as such, and who practice the lending of money at forbidden rates of interest.

20. That these characteristics or essential elements may coexist notwithstanding that all the loans proved to have been made were made to the same person.

R. S. C. ch. 122, sect. 2.

The respondent was prosecuted under the law prohibiting high rate of interest. The prisoner was acquitted by the judge of the Court of Sessions on the ground that he was not a "money-lender" under the law. But the Court of King Bench, reversed this decision, and ordered the trial to be proceeded with. The judgment of the Court was rendered by Mr. Justice Trenholme.

Mr. Justice Cross has written the following notes on this case: