

than they charged at other times for the use of vehicles, this was done to protect themselves from loss by furnishing their conveyances gratis (as they did) to the friends of both candidates on election day, and that although, if the overcharging had been done by arrangement with the candidates or their agents, it would probably have been an unsuccessful attempt to evade the statute, yet as the petitioner had not, as was necessary, made out a clear case on plain evidence of a charge made or intended to be made for the use of the vehicles on election day, the charge against respondent must be dismissed.

DECEMBER 12TH, 1902.

DIVISIONAL COURT.

REX v. MCGINNES.

*Conviction—Motion for Rule nisi to Quash—Untenable Grounds—  
Lake Motions in Other Cases—Rule Granted on Terms.*

Motion by defendant, on return of a writ of certiorari, for a rule nisi to quash his conviction by a justice of the peace for the county of Simcoe, at Bradford, for an alleged offence against the Master and Servant Act, R. S. O. ch. 157, as amended by 1 Edw. VII. ch. 12, sec. 14, in leaving the employment of one Stoddart before repaying the cost of transportation advanced as wages.

S. B. Woods, for defendant, contended that the information disclosed no offence, or at most the offence of obtaining money under false pretences, over which the magistrate had no jurisdiction, and objected to the conviction on grounds of irregularity.

The judgment of the Court (MEREDITH, C.J., and MACMAHON, J.) was delivered by

MEREDITH, C.J.:—Many of the numerous grounds urged against the conviction are manifestly untenable, and we should have hesitated to grant a rule nisi on any of the objections, but that another Divisional Court, in three other cases arising out of the same circumstances, has granted rules nisi to quash the convictions, and these rules are now pending.

We therefore grant the rule nisi as asked, but it is not to issue until the other cases are disposed of, and then only in the event of the convictions in these cases being quashed; and in that event, if the respondent consents to the conviction in this case being quashed on the same terms, instead of a rule nisi, a rule absolute will go quashing the conviction on these terms.