

The Ontario Weekly Notes

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No. 6.

COURT OF APPEAL.

OCTOBER 22ND, 1910.

REX v. KEHR.

Criminal Law — Usury — Conviction — Reasonable Evidence to Support—Money Lenders Act—"Money Lender"—Aider and Abettor—Servant of Lender.

Case stated by one of the Junior Judges of the County Court of York upon an indictment and conviction of the defendant for usury.

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

W. J. Tremear, for the defendant.

J. R. Cartwright, K.C., for the Crown.

The judgment of the Court was delivered by MEREDITH, J.A.:
—The single question reserved is, substantially, whether there was any reasonable evidence to support a conviction—whether, if the case had been tried with a jury, there was any reasonable evidence of guilt to go to the jury: it is not whether, upon the findings of the trial Court, the conviction can be sustained, and we have no power to consider any matter not involved in the question reserved; if this had been the question, I would feel bound to say that one of the findings was not entirely consistent with the verdict. But it is not.

No one can well doubt that, had the case been tried with a jury, it could not rightly have been withdrawn from them on the ground that there was no reasonable evidence of guilt. The whole circumstances of the case were such that it must have been submitted to the jury to find whether or not the whole method of dealing, in-