1906, c. 12° and were convicted. Counsel for the defendants applied to the Judge to reserve a case for the opinion of this court, and, upon his refusal, applied to this court for leave to appeal.

Moss, C.J.O.:—The questions of law sought to be raised for the opinion of the court are, whether certain evidence admitted by the learned judge was properly receivable in evidence against the defendants, and whether, in any event, there was evidence upon which the learned judge could properly convict. For the purposes of this application it is not necessary to determine whether all the evidence objected to was or was not properly receivable. There was no jury, and the case really resolved itself into a question whether there is evidence properly receivable upon which the learned judge could find the defendants guilty of the offence charged.

Having examined the evidence and proceedings, we do not think there is any reasonable ground for calling for a stated case. The matter to be decided by the learned judge was one of fact, whether the defendants were, notwithstanding the methods adopted and the forms practised, engaged in money-lending in contravention of the Money Lenders Act, or were aiders or abettors of persons engaged in such illegal money-lending, and so guilty as principals under s. 69 of the Criminal Code. It appears to us that there was evidence to which no objection could be taken to justify the learned judge's conclusion. The methods adopted and the forms practised by which an incorporated company is made to appear to act as agent for the borrower for a liberal commission, the amount of which is first added to the loan and then deducted from the whole sum advanced, and for which security is taken, the company being represented in the procuring of the loan by the same person who at the same time is acting under a power of attorney from an individual personally unknown to the attorney, but whose money the attorney says he advances to the borrower, or the professed ignorance of the defendants of the nature of these dealings, cannot cloak the real transaction or the obvious design of exacting from the borrower a rate of interest upon the advance greatly exceeding that authorized by the Act.

Application refused.

J. W. Curry, K.C., for the defendant Smith. *J. R. Roaf*, for the defendant Luther. *J. R. Cartwright*, K.C., and *E. Bayly*, K.C., for the Crown.