

*Held*, that the point was well taken.

RUSSELL, J. (dubitante), dissented in order to enable an appeal to be taken.

Roscoe, K.C., for prisoner. Cluney, for Crown.

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Full Bench.] THE KING v. SAM CHAK. [Nov. 30, 1907.

*Chinese Immigration Act—Non-payment of duty—Not a criminal offence—Connection set aside.*

Defendant was tried and convicted before a County Court judge for violating the provisions of R.S.C. c. 95, ss. 7, 30, in that the being a person of Chinese origin did enter Canada without paying the tax required by s. 7 of the said Act. The learned judge reserved several questions for the opinion of the Court including the following: "Does the accusation sufficiently charge the defendant with an indictable offence under ss. 7 and 30 of c. 95 of the Revised Statutes of Canada, 1906."

*Held*, that while the statute imposes a tax upon persons of Chinese origin entering Canada, with certain exceptions, and provides machinery for the collection of the tax, it does not make the entering Canada by such persons without payment of the tax a criminal offence, and that the defendant not being charged with any criminal offence his conviction was unwarranted and must be set aside and that he was entitled to his discharge.

DRYSDALE, J., dissented.

Power, K.C., and F. McDonald, for prisoner. Smith, for the Crown.

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Full Bench.] CRAIG v. THOMPSON. [Nov. 30, 1907.

*Champerty and maintenance—Agreement to assist party to action—Consideration.*

Plaintiff who had been a shareholder and secretary of a mining company for a number of years, and had charge of its books and an intimate knowledge of its affairs, entered into an agreement in writing with defendant, the principal shareholder in the company, to give him certain assistance for the purpose of enabling him to win a suit then pending between defendant and another shareholder in relation to an option upon an adjoining