

Full Court.]

[May 30.]

REGINA v. BACHELOR.

Canada Temperance Act—Conviction—Information laid after defendant has left jurisdiction of magistrate—R. S. C. c. 178, s. 13, construction of.

The words "being within the jurisdiction of such justice" in s. 13 of the Summary Convictions Act, R. S. C. c. 178, are to be read as referring to the time when the offence or act was committed, and not to the time when the information was laid; and an order *nisi* to quash a conviction for an offence against the second part of the Canada Temperance Act on the ground that, the defendant not being within the territorial jurisdiction of the convicting magistrate at the time the information was laid, having left such jurisdiction after the offence was committed, the magistrate had no jurisdiction to take such information nor to summon the defendant from without his jurisdiction, was discharged with costs.

Mackenzie, Q.C., for the defendant.

Delamere, for the complainant.

Common Pleas Division.

SHEARD *et al.* v. LAIRD.

Undue influence — Deed procured through threats, etc.—Setting aside.

The defendant, a merchant and active business man, had endorsed a note for G. Subsequently G. made an assignment for the benefit of his creditors, and on defendant requiring security, G.'s wife gave defendant her note for the amount. She held some property which had been purchased by her husband and conveyed to her, which was to be sold and the note paid. G. sold the land, but instead of paying the note, absconded, leaving his wife. The defendant then went to Mrs. G., and by the use of abusive language and threats of criminal prosecution against her husband, and of exposure of herself and him in the papers, she being of delicate constitution, frightened her into procuring her mother (a very old woman in feeble health), influenced by the communication of the threats to her, to get the deed from her solicitor of a small property

she owned—defendant giving strict injunctions not to inform the solicitor of the object, lest he should dissuade her—and to execute a deed to defendant, conveying the property absolutely to him, in payment of the debt, merely giving her back an informal memorandum evidencing her right to obtain a reconveyance on payment of the debt. At the same time he procured Mrs. G. also to execute the deed, which contained a clause barring dower she had in the land, and which was absolute and unconditional, and without any right to her to redeem. The deed was executed in the office of the defendants' conveyancer, without any one being present to advise plaintiffs.

Held (reversing the judgment of ARMOUR, J., at the trial), that the deed could not be supported as against the mother and must be set aside; and also, under the circumstances, as against Mrs. G.

REGINA v. HAGERMAN.

Criminal law—Forgery—Witness interested—Corroboration—R. S. C. c. 174, s. 218—Partnership.

By sec. 218 of R. S. C. c. 174, "The evidence of any person interested, or supposed to be interested, in respect of any deed, writing, or instrument, or other matter given in evidence on the trial of any indictment or information against any person for any offence punishable under the 'Act respecting Forgery,' shall not be sufficient to sustain a conviction for any of the said offences, unless the same is corroborated by other legal evidence in support of such prosecution."

The prisoner was indicted for forgery in feloniously uttering a cheque signed by H. J. & Co. on the Quebec Bank, which he had altered from \$400 to \$1,400. The evidence in support of the forgery was that of J., who though a member of the firm when the cheque was made, had ceased to be such at the time of the trial, and who had been released by his partner from all liability, and disclaimed any interest in the cheque. There was some evidence of the liabilities of the firm to creditors at the time of J.'s withdrawal.

Held (ROSE, J., dissenting), that J. was not a person interested, or supposed to be interested, within the meaning of the Act, and his evidence did not require corroboration.