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British Columbia Law Notes.

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**BRITISH COLUMBIA.**  
**IN THE SUPREME COURT.**

NOTES OF SOME OF THE UNPUBLISHED DECISIONS IN THE CURRENT NUMBER OF THE BRITISH COLUMBIA LAW REPORTS.

*Re* WING KEE.

JANUARY 10, 1893.]

[BEGBIE, C. J.]

Sanitary By-law, 1886—Overcrowding—"Suffering to be Occupied"—  
Scienter—Mens rea.

*Case stated* by Farquhar Macrae, a Police Magistrate under Rev. Stat. (Can.) 53 Vict., Cap. 37, Sec. 28, on the conviction of one Wing Kee for a breach of Victoria Con. Health By-Law, 1886, Sec. 17, by unlawfully suffering a certain room to be occupied as a dwelling or lodging, which did not contain at least 384 cubic feet of space for each person occupying the same.

The room in question was in a building of which defendant was lessee, containing in all 54 rooms and was, at the time of the alleged offence, sub-let by him for \$1.50 per month. Defendant, who did not reside in the building or exercise any control over rooms sub-let, had notified his sub-lessees to comply with the terms of the by-law.

*Lindley Crease* for the appeal :—There is no evidence of the over-crowding having been with the privity or consent of the defendant.

Evidence is necessary of actual or constructive knowledge by the person charged of the commission of the offence