

FALCONBRIDGE, C.J.:—It is extremely unsatisfactory to attempt to dispose of an application of this nature on an examination taken down in narrative form and in ordinary handwriting—particularly so when the writing is not very legible, and erasures and interlineations appear in critical parts.

If I had to dispose of the matter as it stands, I should find it difficult to say that defendant had made satisfactory answers within the meaning of the statute. On his own figures, defendant has received a large amount of money which has not been properly accounted for. I shall give him a further opportunity to shew that these moneys have been properly dealt with by him. It will be to his advantage to take some trouble to give a proper account.

The defendant will attend at his own expense to be further examined.

Costs of the application reserved for the present.

When the matter comes up again, the solicitors will put in typewritten copies of the present material and of the further examination.

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JULY 18TH, 1902.

DIVISIONAL COURT.

REX v. JAMES.

*Fraud—Conviction—Fruit Marks Act, 1901—Fruit in Possession for Sale—False Representation of Contents of Packages—"Faced or Shewn Surface."*

Motion to make absolute a rule *nisi* to quash defendant's conviction for an offence against sec. 7 of the Fruit Markets Act, 1901, made by the police magistrate for the city of Toronto on 17th February, 1902.

J. D. Montgomery, for the applicant.

R. B. Beaumont, for the respondent.

The judgment of the Court (MEREDITH, C.J., and MACMAHON, J.) was delivered by

MEREDITH, C.J.:—The conviction is in respect of 18 packages of apples, and is for selling and having in possession for sale the apples packed in these packages, in which the faced or shewn surface gave a false representation of the contents of the packages.

Ten of the packages were, according to the admission of the parties, in storage, and not intended for sale, and were