

The Ontario Weekly Notes

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HIGH COURT DIVISION.

KELLY, J., IN CHAMBERS.

OCTOBER 19TH, 1914.

REX v. STECKLEY.

Criminal Law—Police Magistrate's Conviction for Kidnapping—Plea of "Guilty"—Admission of Crown as to Nature of Offence—Hasty Proceedings—Quashing Conviction—Costs—Protection of Magistrate.

Motion by the defendants, Arthur Steckley and Gordon Steckley, for an order quashing their conviction by a Police Magistrate for kidnapping.

Shirley Denison, K.C., for the defendants.

Edward Bayly, K.C., for the Attorney-General.

KELLY, J.:—The accused men, father and son, were charged that on the 14th July, 1914, they "did kidnap a girl under age named Blanche Steckley." The girl is the daughter of the elder of the two men and the sister of the younger. The whole proceedings—the information, the issue of the warrant, the arrest, the trial, and the conviction—took place on the day on which the alleged offence was said to have been committed.

The papers returned contain a record by the magistrate that both defendants elected to be tried summarily and pleaded "guilty." On the motion affidavits of both defendants were submitted denying this election and plea of "guilty;" and a further affidavit of the magistrate, confirming his record in that respect, was filed. I do not take these affidavits into consideration in disposing of the application. The charge is a grave one, for which the accused, if guilty, would be liable to a serious penalty.