

MAY 18TH, 1903.

C.A.

REX v. BULLOCK.

*Criminal Law—Leave to Appeal from Convictions—Two Prisoners
Tried together—Burglary.*

Motion by defendants for leave to appeal from the verdict and sentence recorded by the Judge of the County Court of Waterloo, who tried defendants, without a jury, upon a charge of breaking and entering a shop in the town of Galt and stealing tobacco, found them guilty, and sentenced them to 23 months' imprisonment. The complaint was that defendants should not have been tried together, but that the evidence against each should have been considered separately.

J. M. Godfrey, for defendants.

J. R. Cartwright, K.C., for the Crown.

The judgment of the Court (MOSS, C.J.O., OSLER, MACLENNAN, GARROW, MACLAREN, J.J.A.) was delivered by

OSLER, J.A.—Having regard to the cases of Regina v. McBerney, 3 Can. Crim. Cas. 339, and Rex v. Fry, 19 Cox C. C. 135, the Court is of opinion that leave to appeal ought to be granted in order that the propriety of the convictions of the prisoners, under the circumstances, may be discussed.

MAY 18TH, 1903.

C. A.

RE SAULT STE. MARIE PROVINCIAL ELECTION.

SMITH v. MISCAMPBELL.

*Parliamentary Elections—Corrupt Practices — Bribery — Proof of
Offences—Proof of Agency—Election Avoided for Corrupt Acts of
Agent—Saving Clause.*

Appeal by respondent from judgment of trial Judges (ante 174) voiding his election for bribery by agents.

W. Cassels, K.C., and E. Bristol, for appellant.

A. B. Aylesworth, K.C., and R. A. Grant, for petitioner.

The judgment of the Court (MOSS, C.J.O., MACLENNAN, GARROW, MACLAREN, J.J.A., MACMAHON, J.) was delivered by

Moss, C.J.O.—In the result we are of opinion that the judgment of the rota Judges should be affirmed.