

Common Pleas Division.

Div'l Court.]

[June 27.]

REGINA v. SMITH.

Criminal law—Separate indictments for abduction and seduction.

The prisoner was convicted under R.S.C., c. 162, s. 44, the Act relating to offences against the person, for unlawfully taking an unmarried girl, under the age of sixteen years, out of the possession and against the will of her father. On the same day the prisoner was again tried and convicted under R.S.C., c. 157, s. 3, the Act relating to offences against public morals, for the seduction of the said girl, she being of previously chaste character, and between the ages of twelve and sixteen years.

Held, that the offences were several and distinct, and so a conviction on the first indictment did not preclude a conviction on the second one.

A. H. Dymond for the Crown.

No one appeared for the prisoner.

REGINA v. WATSON.

Public Health Act—R.S.O., c. 205—Owner or agent, meaning of—Plumber.

By the 6th clause of a city by-law, passed under the Public Health Act, R.S.O., c. 205, it was provided that before proceeding to construct, re-construct, or alter any portion of the drainage, ventilation, or water system of a dwelling, house, etc., "the owner or his agent constructing the same" should file, in the city engineer's office, an application for a permit therefor, which should be accompanied with a specification thereof, etc.; and by the 8th clause, that after such approval of such plan or specification, no alteration or deviation therefrom would be allowed except on the application of the "owner or of the agent of the owner" to the city engineer. By s. 2 of the said Public Health Act, "owner" is defined as meaning the person for the time being receiving the rents of the lands on his own account, or as agent or trustee of any other person who would so receive the same if such lands and premises were let.

Held, that the agent intended by the Act, and coming within the terms of the by-law, meant a person acting for the owner as trustee or in some such capacity, etc., and did not include a

plumber employed by the owner to re-construct the plumbing in his dwelling-house.

T. W. Howard for the applicant.

F. Mowat, contra.

REGINA v. DOWSLAY.

Transient traders—Proof of by-law—R.S.O., c. 184, s. 289.

On the trial of a charge of being a transient trader without a license, contrary to a municipal by-law, no copy certified by the clerk to be a true copy and under the corporate seal as required by s. 289 of R.S.O., c. 184, was produced, but merely a by-law stated by the solicitor for the complainant to be the original by-law.

Held, that the requirements of s. 289 were not complied with, and the by-law was quashed with costs.

Aylesworth, Q.C., for the applicant.

Marsh, Q.C., contra.

BAKER v. FISHER.

Sale of goods—Intention of purchaser to set off a claim against the vendor—Fraud.

The plaintiff, with the intention of parting with the possession and property in certain flour, made an absolute sale of same, on apparently a short term of credit, to the defendant, who withheld from the plaintiff his intention to pay for the flour by setting off a claim he had acquired against the plaintiff.

Held, that this did not constitute a fraud on the defendant's part, so as to entitle the plaintiff to disaffirm the contract and replevy the goods.

Smythe, Q.C., for the plaintiff.

Machar for the defendant.

REGINA v. ATKINSON.

Police magistrate—Appointment of—Legality of—Canada Temperance Act.

On the 24th June, 1879, F. was appointed police magistrate for the town of W., in the county of O., and on the 21st January, 1887, H. for the county of O., in the place of one P., deceased. It did not appear whether F. or P. was the prior appointee. It was urged that H.'s appointment for the whole county was illegal by reason of F.'s previous appointment for W., and a conviction made by him for an offence against the Canada Temperance Act, committed in the county of O., but outside of the limits of W., was therefore bad,