VOTING.

See also Election.

WILFULLY AND CORRUPTLY VOTING WITHOUT LEGAL RIGHT.

(1) Where the doing of a particular act is prohibited by statute on public grounds, and the statute does not declare a mode of enforcing the prohibition, the offence is indictable. (2) A person who without lawful excuse wilfully and corruptly votes more than once at a municipal election for city alderman by general vote under sec. 158 (a) of the Ontario Municipal Act is guilty of an indictable offence by virtue of sec. 138 of the Criminal Code (disobedience of statutes). (3) Wrongfully voting twice at an election would not be indictable at common law unless prohibited by statute, and, semble, every contempt of a statute is indictable at common law where no other mode of punishment is provided. The King v. Meehan (No. 2), 5 Can. Cr. Cas. 312.

WAIVER.

Note on waiver in criminal cases. 2 Can. Cr. Cas. 93.

Statutory conditions; Jurisdiction. 7 Can. Cr. Cas. 116.

Statutory conditions; Jurisdiction; Speedy trial; Waiver of depositions. 8 Can. Cr. Cas. 234.

ABSENCE OF COMMITMENT OR RECOGNIZANCE; POSTPONEMENT OF CASE AS WAIVER.

The appellant having been convicted of an assault under Consol. Statutes (c) ch. 91, sec. 37, appealed to the Quarter Sessions. On the first day of the Court, after he had approved his notice of appeal, at the respondent's request, the case was postponed until the following day; and the respondent then objected to the jurisdiction, as it was not shewn that the apellant had either remained in custody or entered into a recognizance, as required by sec. 117 of Consol. Statutes (c) ch. 99. The Court held that this objection had been waived by the application to postpone, and they quashed the conviction. On motion for a prohibition to the Quarter Sessions from further proceeding in the matter:—Held, that this was an appeal under sec. 117 above mentioned, not under Consol. Statutes, U.C. ch. 114, sec. 1; that it was clearly incumbent on the appellant to shew his right to appeal by proving compliance with that section; and that the necessity for such proof was not waived by the respondent's application for delay. The prohibition was therefore granted. Re Meyers and Wonnacott, 23 U.C.Q.B. 611.

WAR MEASURES.

See also Aliens; Military Law.

REQUIRING CITIZENS TO ENGAGE IN USEFUL OCCUPATION; KEEPING POOL-ROOM.

The business of keeping a pool-room is properly held to be an occupation which is not "useful" under the terms of the war regulation contained in Order-in-Council of April 4, 1918, Can., requiring all male persons domiciled in Canada to be regularly engaged in some useful occupation in the absence of reasonable cause to the contrary, under penalty of summary conviction for default. Re Salhani, 31 Can. Cr. Cas. 7.

WAR TAX.

See Inland Revenue.

WARRANT.

See Arrest; Commitment; Remand.

WEIGHTS AND MEASURES ACT.

IMPRISONMENT IN DEFAULT OF DISTRESS.

The defendant was convicted by two justices of the peace under the Weights and Measures Act, 42 Vict. ch. 16, sec. 14, subsec. 2 (D.), as amended by 47 Vict. ch. 36, sec. 7 (D.), of obstructing an inspector in the discharge of his duty, and was fined $100 and costs, to be levied by distress, imprisonment for three months being awarded in default of distress. At the hearing before the justices the defendant tendered his own evidence, which was excluded. The defendant appealed to the Quarter Sessions, and on the appeal again tendered his own evidence, which was again excluded, and the conviction affirmed. On motion for certiorari:—Held, that the conviction having been affirmed in appeal certiorari was taken away except for want or excess of jurisdiction, and that there was no such want or excess of jurisdiction, inasmuch as the justices and the Quarter Sessions had jurisdiction to determine whether the defendant's evidence was admissible or not, and that such determination, even if erroneous in law, could not be reviewed by certiorari. That even if the determination on this point could be reviewed the justices were right in excluding the evidence of the defendant, inasmuch as the offence charged was a crime. (Per Armour, J.) Held, also (Armour, J., dissenting), that although irregularly directed imprisonment was justified in default of distress by sec. 62 of 32 and 33 Vict. ch. 31 (D), incorporated in the Weights and Measures Act by sec. 53 thereof; but that if such imprisonment were not so justified the whole conviction would be bad, there being no power to amend by