

DIARY FOR OCTOBER.

1. Mon....C.C. sittings for motions, except in York. Wm. D. Powell, 5th C.J. of Q.B. 1816.
2. Tues....Co. Court non jury sittings, except in York.
6. Sat....Co. Court sittings for motions, except York, end.
7. Sun....19th Sunday after Trinity. Henry Alcock, 3rd C.J. of Q.B. 1802.
8. Mon....Co. Court sittings for motions, in York, begin. R. A. Harrison, 11th C.J. of Q.B. 1873.
13. Sat....Co. Court sittings for motions, in York, end. Battle of Queenston, 1812. Lord Lyndhurst died, 1853, Oct. 22.
14. Sun....20th Sunday after Trinity.
15. Mon....English Law introduced into Up. Canada, 1792.
18. Thur....St. Luke.
21. Sun....21st Sunday after Trinity. Battle of Trafalgar, 1805.
23. Tues....Supreme Court of Canada sittings. Lord Lansdowne, G.C. 1881.
28. Sun....22nd Sunday after Trinity. Simon and St. Jude.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE
FOR ONTARIO.HIGH COURT OF JUSTICE FOR
ONTARIO.

Queen's Bench Division.

MacMahon, J.]

[August 30.

REGINA v. COX.

*Criminal law—Larceny Act, R. S. C. c. 164—
Information—Habeas corpus during re-
mand on preliminary investigation—Rail—
R. S. C. c. 174, s. 83.*

The information charged that the prisoner at a named time and place, "being a trustee of a sum of money . . . the property of the C. B. of C. (a corporate body) for the use of the said C. B. of C., did unlawfully, and with intent to defraud, convert and appropriate the same to his own use contrary to the statute in that behalf

Held, that the prisoner was, by this information, charged with a criminal offence under the Larceny Act, R. S. C. c. 164.

Held, also, that a writ of *habeas corpus* should not issue where the accused is in custody pending a preliminary investigation before a magistrate during a remand to enable the prosecution to supply evidence in support of the charge.

Held, lastly, that a judge of the High Court has power under s. 83 of the Criminal Procedure Act, R. S. C. c. 174, to admit to bail in

cases where the accused has not been finally committed for trial if he "think it right to do so;" but in this case, the charge being a serious one, the magistrate before whom the prisoner appeared having refused to admit him to bail, and no depositions having been taken, an order for bail was refused.

Badgerow, for the Crown.

Murdoch and A. C. Galt, for the prisoner.

Common Pleas Division.

Divisional Court.]

[June 29

REGINA v. TUCKER.

Canada Temperance Act—Conviction—Hard labour—Payment of Inspector's attendance and mileage.

In a conviction under the Canada Temperance Act there is no power to order imprisonment at hard labour.

Quere, whether there is power to order the defendant to pay a sum for two day's attendance of the inspector and his mileage.

A. F. C. Boulton, for defendant.

Aylesworth, contra.

Divisional Court.]

[June 29.

LYDEN v. MCGEE.

False imprisonment—Reasonable and probable cause—Misdirection—Damages—Liability of corporation for act of agent.

Action of trespass for false imprisonment. The plaintiff was arrested, as was alleged, by direction of the defendant M., the treasurer of the defendant association. On being brought before the police magistrate the defendant did not appear to prosecute, when the police magistrate remanded the plaintiff, and subsequently dismissed the charge and discharged the plaintiff. At the trial the judge charged the jury that it was not necessary to inquire whether or not the plaintiff was guilty of the crime charged against him, for by his acquittal he must be taken to have been not guilty, and the fact that M. believed him guilty was no excuse. If M. had laid an information it would have been different, but not having done so.