

and section 3rd of chapter 26th of the 40th Victoria (1877) were quoted, those sections, it was alleged, pointing out in what instances the common law rule may be departed from.

This objection was overruled by the presiding Judge, who held that the evidence offered *could* be received in order to prove the intent of the prisoner.

At the close of the case for the Crown, the prisoner's counsel submitted that the Crown had failed to make out a case against the prisoner, and urged the following grounds: 1st. That the false representation with respect to the opening of a hotel at Ste. Therese not having been that which had induced McGarvey to part with his property, it formed no part in the ingredients constituting the crime of obtaining property by false pretence. 2nd. That the false representation concerning the value of the property offered in payment could not form the basis of a charge like the present one.

The learned Judge supported the defense in both those pretensions and instructed the jury to acquit the prisoner, remarking that, although a fraud had been committed, it was not such a one as could be reached by criminal law.

The prisoner was acquitted.

Messrs. C. P. Davidson, Q.C., and J. A. Ouimet, Q.C.,
for the Crown.

Mr. Saint Pierre, for the defense.

Hon. R. Laflamme, Q.C., Counsel.

(H. C. ST. P.)