

*Held*, that sec. 94 of the Territories Real Property Act only means that in case of any dealing with the land by the execution debtor, the person acquiring interest from him would take such interest subject to those executions only copies of which had been delivered to the Registrar, and not that the lands should be bound in the order of such delivery.

That a copy of a writ of execution is not an "instrument" within the meaning of sec. 41 of said Act, nor is it covered by the definition of that term given by sec. 3 (L.) of said Act.

That Lamont's execution had not expired at the date of sale; that where a Sheriff duly sells under one writ, such sale is for the benefit of all executions he holds at the time the lands are advertised for sale.

That the proceeds of the sale should be distributed among the execution creditors in accordance with the provisions contained in the Creditors' Relief Ordinance.

Appeal allowed.

*White*, Q.C., for the appellant.

*McLosq*, for the respondent.

[June 5.]

EN BANC.]

QUEEN v. THOMPSON.

*Criminal Law—Practice—Description of offence in count—Criminal Code, sec. 611 (3) and (4)—Admission of evidence of incriminating answers—Canada Evidence Act, 1893, sec. 5.*

The prisoner was charged before WETMORE, J., on the following and another count:—"That he had committed perjury on the inquest or inquiry before Andrew J. Rutledge, Esquire, one of Her Majesty's coroners in and for the North-west Territories, concerning," etc. The said inquest was held before the coroner and a jury, and on the preliminary investigation of the charge before a Justice of the Peace the prisoner admitted that he had lied when making a certain statement at the coroner's inquest. Upon the trial the evidence of the prisoner's admissions in his testimony before the Justice was admitted and submitted to the jury. The prisoner was convicted and sentenced on both counts.

Upon objection that as the inquest was held before the coroner and a jury, and not before the coroner alone, as charged, the prisoner was not guilty of perjury before the tribunal he actually gave his evidence, the following questions of law were reserved for the decision of the Court en banc:—

1. Should the inquisition offered in evidence have been received?
2. Should the above count have been withdrawn from the jury, or they instructed to acquit the prisoner, on the ground that the inquest was before a coroner and jury, and not before a coroner, as charged.
3. Whether the evidence of the prisoner's admissions in his testimony on the preliminary investigation of the charge ought to have been struck out or withdrawn from the jury's consideration.

*Held*, in answer to question 1, that the circumstances of the alleged offence were sufficiently described under sec. 611 (3) and (4) of "The Criminal Code," and the evidence properly received.