

# The Ontario Weekly Notes

---

VOL. XIII. TORONTO, SEPTEMBER 21, 1917. No. 2

---

## HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.

SEPTEMBER 10TH, 1917.

\*REX v. WELLER.

*Criminal Law—Vagrancy—Criminal Code, secs. 238, 239—5 Geo. V. ch. 12, sec. 7 (D.)—Prostitution in Private Boarding-house—Conviction by Police Magistrate—Improper Admission of Evidence as to Venereal Disease—Prejudice.*

Motion to quash a conviction of the defendant for vagrancy. The conviction was made by one of the Police Magistrates for the City of Toronto.

T. N. Phelan, for the defendant.

Edward Bayly, K.C., for the Crown.

MIDDLETON, J., in a written judgment, said that the only evidence was that the defendant (a woman) had on several occasions received money "for immoral purposes;" that one man had been infected with venereal disease; and that the woman was found, on examination by a surgeon, to be diseased. The woman was employed as a domestic servant in a boarding-house, and the acts of immorality were with boarders.

Section 239 of the Criminal Code, R.S.C. 1906 ch. 146, makes vagrancy punishable; but vagrancy is defined by sec. 238, and

\* This case and all others so marked to be reported in the Ontario Law Reports.