

Full Court.]

THE QUEEN v. GOLDSTAUB.

May 18.

Criminal Code, s. 354—Fraud in concealing one's own goods.

Under s. 354 of the Criminal Code (1892), which declares that every one is guilty of an indictable offence who for any fraudulent purpose takes, obtains, removes, or conceals anything capable of being stolen, the prisoner was convicted, at the last Assizes, on the charge that he had concealed a quantity of his own goods, being things capable of being stolen, for the purpose of defrauding an insurance company which had insured the goods, and leading the company to believe that the goods had been destroyed in a fire which had previously taken place.

On a case reserved for the opinion of the court, as to whether such conviction was proper,

Held, that the prisoner was properly convicted without any evidence that he had actually made any claim against the insurance company for the loss, and that, although the things concealed were his own goods, they came within the meaning of the expression, "things capable of being stolen."

MacLean for the Crown.

Hagel, Q.C., and *Elliott* for the prisoner.

Full Court.]

[May 18.

CREDIT FONCIER v. SCHULTZ.

Pleading in equity—Fraudulent conveyance—Alleging recovery of judgment—Certificate of judgment—R.S.M., c. 80, s. 6.

The plaintiffs sought in this suit to set aside certain conveyances of lands made by J. C. S. to the defendant, which the plaintiffs claimed were voluntary, and had been fraudulently made for the purpose of defeating and delaying them in the recovery of their judgment against the said J. C. S.

The plaintiffs had proceeded by a suit in equity against J. C. S. upon a mortgage, and the present bill alleged that in such suit a decree and report were made that "the said J. C. S. was ordered to pay to the plaintiffs the sum of \$6,366.66 for principal and interest." The bill further alleged that the plaintiffs, in pursuance of such decree and report and proceedings thereunder, caused a certificate of the said decree to be issued and registered in the registry office for the proper Lands Titles District.

Section 6 of the Judgments Act, R.S.M., c. 80, provides that every decree or order of the Court of Queen's Bench on its equity side ordering money to be paid to any person may be registered in any registry or land titles office on the certificate of the registrar, signed by him under the seal of the court, stating the title of the cause or matter in which the decree or order has been made, the date thereof, and the amount of money thereby, or by any report made in pursuance thereof, ordered to be paid, and shall, when registered, have the same effect as a registered judgment.

The defendant demurred for want of equity.