

FALCONBRIDGE, C.J.K.B., IN CHAMBERS.

JUNE 2ND, 1916.

REX v. ROHER.

*Criminal Law—Selling Newspaper Containing Racing Information—Intent to Assist in Betting—Criminal Code, sec. 235 (f)—Magistrate's Conviction—Motion to Quash—Intention of Purchaser.*

Motion to quash the conviction of the defendant by Rupert E. Kingsford, Police Magistrate for the City of Toronto, for that the defendant "unlawfully did advertise, publish, sell, supply, and offer to sell and supply information intended for use in connection with book-making, betting, and wagering upon a horse-race," etc., contrary to the statute (Criminal Code, sec. 235 (f), as amended by 9 & 10 Edw. VII. ch. 10, sec. 3).

T. N. Phelan, for the defendant.

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

FALCONBRIDGE, C.J.K.B., in a written opinion, said that the learned magistrate was right in distinguishing this case from *Rex v. Luttrell* (1911), 2 O.W.N. 729. The defendant there was a mere newsboy; the defendant here was announced on the front page of *Collier's "Eye,"* the newspaper sold by him, as having been appointed "distributor" for the publication, which contained "entries and selections for to-day's races," couched in the highly technical language of the race-track, but plainly suggesting "tips" for the events.

The intention of the purchaser, according to the learned Chief Justice's reading of *Rex v. Luttrell*, was quite immaterial.

Motion dismissed with costs.

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KELLY, J., IN CHAMBERS.

JUNE 2ND, 1916.

UNITED ELECTRIC CO. v. CLEMENTS MANUFACTURING CO.

*Security for Costs—Corporation-plaintiff—"Resides out of Ontario"—Rule 373(a).*

Appeal by the plaintiffs from an order of the Master in Chambers requiring them to give security for the defendants' costs of