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No. 26.

COURT OF APPEAL.

MARCH 4TH, 1912.

REX v. CHILMAN.

Criminal Law — Receiving Stolen Money — Evidence — Judge's Charge—Application for Stated Case.

Application on behalf of the prisoner by way of appeal from the refusal of TEETZEL, J., the trial Judge, to state a case, and for a direction to him to state a case, for the opinion of the Court, under the provisions of secs. 1015 and 1016 of the Criminal Code, raising the questions whether there was evidence upon which the jury might properly find the prisoner guilty on the 3rd count of the indictment (for receiving stolen money), and whether the Judge rightly directed the jury in respect of such evidence. The prisoner was acquitted upon the other two counts, robbery with violence, and theft.

The application was heard by MOSS, C.J.O., GARROW, MACLAREN, and MAGEE, J.J.A., and LATCHFORD, J.

G. Lynch-Staunton, K.C., and C. W. Bell, for the prisoner.
H. D. Gamble, K.C., for the Crown.

The judgment of the Court was delivered by Moss, C.J.O.:— Upon the hearing of the application both the facts and law were discussed at considerable length. We have since considered the matter and referred to the evidence and the learned Judge's charge, and are of opinion that it would serve no useful purpose now to grant leave to appeal and direct the learned Judge to reserve the questions.

The application is, therefore, refused.