or procures any drug or other noxious thing . . . knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child."

The question which the defendant desired to have stated was, whether there was any reasonable evidence that the substance supplied by the defendant was a "drug or other noxious thing."

The motion was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, JJ.A.

J. L. Counsell, for the defendant.

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

MOSS, C.J.O.:—Upon this application the law under the Criminal Code and the Imperial Act was discussed and the English decisions referred to at some length by Mr. Counsell. We have since had an opportunity of reading the transcript of evidence and the Chairman's charge and of considering the cases cited and others. Our conclusion is, that no useful purpose would be served by directing that a case be stated upon the point raised. Having regard to the evidence and the charge of the learned Chairman, we see no reason for thinking that the conviction was wrong or that there are sufficient grounds for putting the matter in train for further discussion.

The application must be refused.

MEREDITH, J.A.:—In the Imperial enactment the words are "any poison or other noxious thing:" under the enactment in force here—see the Criminal Code, sec. 305, and also sec. 303—the words now are, "any drug or other noxious thing," though originally they were as in the Imperial enactment . . . ; and the change from the word "poison" to the word "drug" was not made for the purpose of narrowing the effect of the enactment: it may have been for the purpose of enlarging it, in consequence of the cases in England upon which this appeal . . . is based.

Those cases decided that, when the thing administered or supplied was not noxious in small quantities, in order to make a case against the accused it was necessary to prove that it was administered, or supplied to be taken, in quantities enough to make it noxious. So, too, it had been held under the enactment in force here before the change I have mentioned: see Regina v. Stitt, 30 C.P. 30. In no case, of which I am aware, has any