that of the captain of the vessel, who stated what the tug had done, and swore that, in his opinion, the vessel could not have been got off the rocks. The jury found, in answer to questions submitted to them, that the vessel was a total loss in the position they considered she was in, and that a notice of abandonment would not have benefited the underwriter. A verdict was given for the plaintiff, which the court *in banc* sustained.

Held, per RITCHIE, C.J., and STRONG, J., that the jury having found the vessel to be a total loss, and that finding being one that reasonable men might have arrived at on the evidence, it should not be disturbed by an appellate court.

Per TASCHEREAU, GWYNNE, and PATTERSON, JJ., that as the vessel existed in specie for some time after she was stranded, and there being no satisfactory evidence that she could not have been got off and repaired, there was no total loss.

Per RITCHIE, C.J., STRONG, and PATTERSON, JJ., that if the verdict for a total loss could not stand there should be a new trial, the plaintiff being entitled in this form of action to recover as for a partial loss.

Appeal allowed and new trial ordered.

C. A. Palmer for the appellant.

Barker, Q.C., for the respondent.

Ontario.]

GODSON *v.* CITY OF TORONTO ET AL.

Prohibition—Restraining inquiry ordered by city council—R.S.O. (1887), c. 184, s. 477—Functions of county court judge.

The Council of the City of Toronto, under the provisions of R.S.O. (1887), c. 184, s. 477, passed a resolution directing a county court judge to inquire into dealings between the city and persons who were or had been contractors for civic works with a view of ascertaining in what respect, if any, the system of the business of the city in that respect was defective, and if the city had been defrauded out of public monies in connection with such contracts. G., who had been a contractor with the city, and whose name was mentioned in the resolution, attended before the judge, and claimed that the inquiry as to his contracts should proceed only on specific charges of malfeasance or misconduct, and the judge, refusing to order such charges to be formulated, he applied for a writ of prohibition.

Held, affirming the judgment of the court below, GWYNNE, J., dissenting, that the county court judge was not acting judicially in holding this inquiry; that he was in no sense a court and had no power to pronounce judgment imposing any legal duty or obligation on any person, and he was not, therefore, subject to control by writ of prohibition from a superior court.

Held, per GWYNNE, J., that the writ of prohibition would lie and in the circumstances shewn it ought to issue in this case.

Appeal dismissed with costs.

McCarthy, Q.C., and *T. P. Galt*, for appellant.

Aylesworth for respondent.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Full Court.] [Dec. 31.

REGINA *v.* MILFORD.

Criminal law—Fortune telling—9 Geo. II., c. 5.

The statute 9 Geo. II., c. 5, is in force in this province. By the statute the mere undertaking to tell fortunes constitutes the offence; and a conviction was affirmed where it was obtained upon the evidence of a person who was not a dupe or victim, but a decoy.

J. R. Cartwright, Q.C., for the Crown.

Murdoch for the prisoner.

Full Court.] [Dec. 31.

REGINA *v.* POPPLEWELL.

Criminal law—Threatening letter—Accusation of abortion—"Not less than seven years," meaning of.

A crime punishable by law with imprisonment for not less than seven years means a crime the minimum punishment for which is seven years; and as no minimum term is prescribed for the crime of abortion, sending a letter threatening to accuse a person of that crime is not a felony within the meaning of R.S.C., c. 173, s. 3.

J. R. Cartwright, Q.C., for the Crown.

George Lindsey for the prisoner.