

Court of Criminal Appeal.] REX v. BROOKS.

[Jan. 11.

Criminal law—"Zionites"—*Child's death due to want of medical aid—Aiding and abetting—Cr. Code, ss. 209 and 210.*

Case reserved for the consideration of the Court of Criminal Appeal. The prisoner, an elder of the sect "Catholic Christians in Zion," or "Zionites," was indicted for aiding and abetting and counselling in his actions one John Rogers, who neglected to provide two of his young children under six years of age with medical attendance and remedies when sick with diphtheria. Both children died. At the trial (Speedy Trial) DRAKE, J., found that prisoner knew that the children had diphtheria, and knew that it was a dangerous and contagious disease, that the ordinary remedies would have prolonged their lives and in all probability would have resulted in their complete recovery, and he convicted him and sentenced him to three months' imprisonment. At prisoner's request a case was reserved, and the question was argued before WALKER, IRVING and MARTIN, JJ., who affirmed the conviction and held as follows:—

Medical attendance and remedies are necessities within the meaning of ss. 209 and 210 of the Criminal Code, and anyone legally liable to provide such is criminally responsible for neglect to do so. So also at common law. Conscientious belief that it is against the teachings of the Bible, and therefore wrong to have recourse to medical attendance and remedies, is no excuse.

Macleod, D.A.-G., for the Crown. The prisoner was not represented by counsel in either Court.

NEW RULE OF COURT, ONTARIO.

STYLE OF CAUSE IN MECHANICS' LIEN CASES.

On the 31st March, 1902, the following rule was passed by the judges of the Court of Appeal and High Court of Justice.—

"All proceedings under the Mechanics' Lien Act, R.S.O. ch. 153, shall be legibly endorsed as follows:—

In the matter of the Mechanics' Lien Act.

Between A. B., plaintiff, and C. D., defendant."