

HOMICIDE — MURDER OR MANSLAUGHTER — PROVOCATION BY
WORDS — PARTIES ENGAGED TO BE MARRIED — CONFESSION BY
INTENDED WIFE OF IMMORALITY.

The King v. Palmer (1913) 2 K.B. 29. The defendant was indicted for the murder of a young woman with whom he had been keeping company for two or three years, and to whom he was engaged to be married. According to his own statement the defendant had been to Canada and on his return met the deceased and told her that he had decided to give up his trade and return to Canada, to which she replied that if he did she would go on the town, and he then asked if she really meant it, and she said she did, that she had done it before, and would do it again, and thereupon took off her ring and threw it in his face. The defendant thereupon seized her and cut her throat with a razor which he had in his pocket. The Judge told the jury that "no provocation by words, however opprobrious, in a case where a deadly weapon is used, can, in law, reduce the crime from murder to manslaughter." The prisoner was convicted, and applied for leave to appeal on the ground of misdirection, but the Court of Criminal Appeal (Channell, Bray, and Coleridge, JJ.) dismissed the application, the court being of opinion that though the sudden confession of a wife of her past adultery might be sufficient provocation to reduce the crime of a husband in killing her to manslaughter, yet that principle could not be extended to persons as between whom the relation or quasi-relation of husband and wife does not exist, although the court agreed that it would perhaps have been more accurate if the judge had said that words cannot constitute sufficient provocation, except in very special circumstances.

ARBITRATION — SPECIFIC QUESTION SUBMITTED — AWARD — ERROR IN
LAW — APPLICATION TO SET ASIDE AWARD.

In re King v. Duvén (1913) 2 K.B. 32. In this case a specific question was submitted to arbitration. The arbitrator made an award finding that Duvén was not liable to pay damages in respect of a nuisance he had occasioned to King, by buildings erected on Duvén's own premises, which adjoined King's. King moved to set aside the award as being bad in law on its face. On the part of Duvén it was contended that as the specific question was left to the arbitrator, his decision was final, even though it were shewn to be erroneous in point of law, and with that view Channell and Bray, JJ., concurred.