

did vote. While the decision of the Divisional Court on the other branches of the case rendered it unnecessary to consider this question, so far as the result was concerned, it deemed it of sufficient importance to justify a determination upon it.

Without entering upon any extended discussion, I think it quite sufficient for me to say that I entirely agree with the conclusion of the Divisional Court upon the question, as expressed in the opinion of Teetzel, J.

The result upon the whole is, that the order of the Divisional Court should be set aside, and that the County Court Judge should be left at liberty to certify the result of the scrutiny to the council.

But, in view of the varying and conflicting opinions and the apparent difficulty in solving the question at issue, there should be no costs of any of the proceedings.

GARROW and MAGEE, JJ.A., agreed with the conclusions of MOSS, C.J.O., for reasons stated by each in writing.

MEREDITH, J.A., dissented, upon the first ground of appeal, from the majority of the Court of Appeal, and agreed with the view of the Divisional Court. Upon the other ground, as to the right to inquire how the persons not entitled to vote marked their ballots, he agreed with the view of TEETZEL, J., adopted by the majority of the Court of Appeal. His reasons were given at length in writing.

MACLAREN, J.A., agreed with MEREDITH, J.A.

*Appeal allowed; MACLAREN and MEREDITH, JJ.A., dissenting.*

APRIL 29TH, 1912.

REX v. SCOTT.

*Criminal Law—Supplying “Drug or other Noxious Thing”—  
Abortion—Criminal Code, sec. 305—Poison—Evidence—  
Conviction—Motion for Leave to Appeal.*

Motion by the defendant by way of appeal from the refusal of the Chairman of the Wentworth Sessions to state a case for the consideration of the Court, for leave to appeal from the conviction, and for a direction to the Chairman to state a case.

The conviction was under sec. 305 of the Criminal Code, which provides that “every one is guilty of an indictable offence and liable to two years’ imprisonment who unlawfully supplies