

victed—and this might be held to imply a criminal offence—“despite the fact that the charge was dismissed.” It seemed to be at least arguable that if, after an acquittal, e.g., for murder, a newspaper was to state that this was a gross miscarriage of justice, the accused could support an allegation that this involved a criminal charge against him—unless the fact of acquittal was conclusive, because there could not be any further proceedings in the matter. In *Routley v. Harris*, 18 O.R. 405, it was held that the allegation of an offence punishable by imprisonment, and not merely by a fine, involved a criminal charge. An assault is punishable by imprisonment, in the discretion of the Court or magistrate. In some cases it might be the only appropriate and adequate punishment. See *Odgers*; *Broom's C.L.*, p. 307; and *Criminal Code*, sec. 291, which allows imprisonment for two months with or without hard labour, even on a summary conviction for common assault. Motion dismissed; costs to be costs in the cause, the point being new. H. M. Mowat, K.C., for the defendants. J. T. White, for the plaintiff.

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