

RECENT ENGLISH DECISIONS—REGINA V. STURDY.

dants had published it maliciously, and that the plaintiff was entitled to an injunction restraining its further publication with costs. The plaintiff's damages were fixed at £5.

APPOINTMENT OF NEW TRUSTEES—ADDITIONAL TRUSTEE—TRUSTEE ACT, 1850, s. 32.

In *Re Gregson's trusts*, 34 Chy. D. 209, North, J., held that under sec. 32 of the Trustee Act, 1850, the court has jurisdiction to appoint an additional trustee, even though there is no vacancy in the trusteeship.

In *Re Hetherington*, 34 Chy. D. 211, he also held that when under the trusts of a will, different parts of the testator's property were subject to distinct trusts, but in a certain event the trusts would coalesce, that there was power to appoint separate sets of trustees for the different parts of the property.

PAROL CONTRACT BY TESTATOR—CONVERSION.

The only remaining case to be noted is *In re Harrison, Parry v. Spencer*, 34 Chy. D. 214, in which it was attempted to apply the doctrine of *Frayne v. Taylor*, 33 L. J. Chy. 228. A testator agreed verbally to sell land and received a deposit. The residuary devisee contracted in writing to sell the land to the same purchaser at the same price, to be paid partly by the deposit. The question was whether this was an adoption by the residuary devisee of the contract of his testator so as to effect a conversion of the land into personalty, relating back to the testator's lifetime. North, J. decided that it was not.

REPORTS.

ONTARIO:

ELECTION LAW.

REG. V. STURDY.

Misdemeanour — Demurrer — Unlawful voting at elections: an indictable offence—37 Vict. c. 9 (D.)

A person who does an act which a statute on public grounds has prohibited generally is liable to an indictment for misdemeanor; and it is not necessary that the statute should prohibit such act in express language.

The defendant's name appeared on the Voters' List used at the election of a member of the House of Commons, but before such election he lost his right to vote, but voted at the election without having at the time he so voted the qualifications prescribed by law.

Held, that he was guilty of a criminal offence, and was rightly indicted as for a misdemeanor.

[Wilson, C.J.—Huron Assizes, October, 1862.]

In this case the defendant was indicted for the offence of "unlawful voting" at an election of a member of the House of Commons of Canada. His name appeared on the list of voters used at the election as tenant of the lot mentioned in the indictment; but before the final revision he gave up his tenancy and removed out of the electoral district, and thereupon lost his qualification to vote. He voted at the election after taking the elector's oath.

The indictment was as follows:—

CANADA.	The Jurors for our Lady the
County of Huron,	Queen, upon their oath, pre
To Wit,	sent that on the eighteenth day

of May, in the year of our Lord, one thousand eight hundred and eighty-two, the Governor-General of Canada, by his writ of election in that behalf issued under the great seal of Canada, duly appointed a Benjamin Wilson, of the town of Wingham, in the county of Huron, to be returning officer for the electoral district of the west riding of the said county of Huron, and therein commanded him, the said Benjamin Wilson, to cause an election to be made, according to law, of a member to serve in the House of Commons of Canada for the said electoral district of the west riding of the county of Huron, and therein further commanded him to cause the nomination of candidates at such election to be held on the thirteenth day of June in the year aforesaid; and, thereupon, in pursuance of such writ of election, the said Benjamin Wilson, being duly qualified as such returning officer, caused the said nomination of