

SECOND DIVISIONAL COURT.

JANUARY 11TH, 1921.

REX v. SAVINO.

*Criminal Law—Case Stated by Trial Judge pursuant to Order of Court Made on Application of Defendant—Defendant Permitted to Abandon Case without Prejudice to Renewal of Application.*

The defendant was tried before SUTHERLAND, J., and a jury, and convicted of rape and sentenced to imprisonment in the Provincial Penitentiary for 8 years.

Pursuant to an order of the Appellate Division, made on the application of the defendant, a case was stated by SUTHERLAND, J., upon questions of law arising at the trial.

On the 7th December, 1920, the case came on for hearing before MULOCK, C.J. Ex., RIDDELL, SUTHERLAND, and MASTEN, J.J., and FERGUSON, J.A.

W. R. Murphy, for the defendant.

F. P. Brennan, for the Crown.

At the request of counsel, the hearing was adjourned until the January sittings.

On the 11th January, 1921, it was announced by RIDDELL, J., on behalf of the Court, that the prisoner was allowed to abandon the stated case, without prejudice to a renewal of his application at a later date if circumstances required such a course to be adopted.

SECOND DIVISIONAL COURT.

JANUARY 11TH, 1921.

REX v. DUMONT.

*Criminal Law—Murder—Evidence—Judge's Charge—Stated Case.*

Motion on behalf of the prisoner, convicted of murder, for an order directing LATCHFORD, J., the trial Judge, to state a case for the opinion of the Court.

The motion was heard by MEREDITH, C.J.C.P., RIDDELL, MIDDLETON, and LENNOX, J.J., and FERGUSON, J.A.

J. W. Curry, K.C., for the prisoner.

Edward Bayly, K.C., for the Crown.