servant went out to him, and was told by the boy that he had taken strychnine.

He used to attend in the shop occasionally, and was acquainted with medicines. It was clearly proved that his death was occasioned by taking a large dose of strychnine. Many witnesses were examined.

There was evidence that he had complained of insufficient food and clothing, and of being over-worked, and had expressed himself as if he was weary of life and wished to die; also that he had spoken of running away.

On the other hand, many witnesses gave a different account of the manner in which the boy was treated.

M. C. Cameron showed cause.

ROBINSON, C. J., delivered the judgment of the court.

There was enough perhaps in the evidence to warrant the finding of the jury, if it had been uncontradicted; and it is impossible for us to come to the conclusion that the jury was not honestly under the impression produced by the testimony, the appearance of the body, and the fact of self-destruction not accounted for by any want of sound understanding in the boy, that he had been driven to the fatal act by a want of reasonable and kind treatment on the part of his master, though the evidence is very strong the other way, and seems to preponderate in favour of the opposite conclusion. It cannot be said that the enquiry into the cause of the boy taking poison was irrelevant: it was evidently the duty of the jury; it bore upon the question whether it was accidentally done and by mistake, or in consequence of insanity. Such inquiry into the inducements which led to the act are constantly made at inquests; and though the jury seem to have come to the conclusion upon light evidence, we cannot on that account alter their finding.

The statute 13 & 14 Vic. ch. 56, has evidently a very different object in view from that which is sought to be accomplished by this application.

Rule discharged.

REGINA EX REL. HALL V. GREY ET AL.

Where the returning officer used the original collector's roll instead of a copy, as directed by the act, having first announced that he intended to do so, and no one having objected.

Held, that the election was valid. [15 U. C. Q. B. 257.]

Morris obtained a rule on defendants to shew cause why the judgment of the judge of the County Court for the County of Grey should not be reversed, and why the election of the defendants should not be set aside, and the relator, Hall, be declared duly elected, on the ground that the returning officer did not procure a correct copy of the collector's roll for the township (Melancthon) as required by the statute 16 Vic., ch. 181, and on grounds disclosed in the relator's statement and the affidavits filed.

The other grounds in the statement were, that the returning officer would not allow this relator's name to be inserted in the poll book as a candidate, or receive votes for him, although he was proposed and seconded at the election, and was duly qualified; that the defendants, *or some of them*, were not duly qualified in point of property, which the returning officer held to be immaterial, treating the election as one coming under the statutory provision applying to cases where there are not more than two persons in the township for each seat having the property qualification required by law, whereas in fact there were more than the requisite number of persons in the township possessing the necessary qualification.

J. B. Read showed cause, and cited Regina ex rel. Ritson v. Perry, 1 P. R. 237; Regina ex rel. Carroll v. Beckwith, Ib. 278; *Morris*, contra.

ROBINSON, C. J., delivered the judgment of the court.

Upon the first objection, the opinion of the learned judge of the County Court is supported by the case cited, of The Queen ex rel. Ritson v. Perry et al. (1 P. R. 237), and this is so far a case more favourable for the defendants, that it is shewn and not denied that the returning officer had here the original roll; that is, the assessor's roll as revised, and of which the collector's roll ought to be a copy, and we may assume was. Then it is shewn also that he publicly announced that he intended to proceed with the election, using this original roll, and that no one objected. In all such cases, however, the returning officer ought to proceed as the act points out, if it were only for the sake of excluding objections such as have been made here, which, though they may not be treated as fatal, yet put the parties elected, and sometimes the returning officer himself, to a great deal of trouble and expense, which by simply conforming to the statute would be avoided.

The other objections, we think, were not intended to be pressed; we mean were not intended to be revived here.

They were rightly determined, it seems, by the judge of the County Court, according to the evidence.

Rule discharged.

REGINA V. BOULTON.

Lane—Dedication—Highway.

Where a person has sold lots according to a plan on which a lane is laid out in their rear, he cannot afterwards shut up such lane: and the fact that he had previously conveyed portions of the land comprised in the lane, would only effect so much as he had thus precluded himself from giving up to the public, and would not entitle him to close up the whole. [15 U. C. Q. B. 272.]

INDICTMENT for nuisance, in obstructing a common public highway, being a lane on the north side of King Street, and running parallel with it, connecting York St. with Simcoe St., in Toronto.

At the trial, at Toronto, before *Robinson*, C. J., the jury found a verdict of guilty, and the learned Chief Justice reserved for the opinion of the court the question whether the evidence supported the conviction. Sentence was not passed.

The facts were as follow:—The defendant owned a block of land on the north side of King street, extending from York street to Simcoe street, and many years ago he laid out a lot fronting on King street, and running 100 feet. This lot he sold to one Nicholson, who long ago built a wooden stable upon it, which he placed on the extreme northern limit of this lot.

Afterwards the defendant laid out the north part of his block into building lots, and left a lane of about twenty feet (there was no accurate account of its width) which was to extend some distance between York street and Simcoe street, and was to separate the range of lots fronting upon King street from a range of lots north of that, which the defendant intended should front upon a street to the north called Boulton street.

This plan of survey gave to the range of lots fronting upon King street a less depth by some feet than had been given to Nicholson's lot, and as the defendant had conveyed that lot, and Nicholson had placed his stable as far back as he could, the lane could not be laid open in that part of the same width as it was and now is east and west of it.

The plan was certified and filed in the County Registry Office, in 1852:

It was sworn by Mr. Crooks the prosecutor, that he became the purchaser of Nicholson's lot in February, 1854: that north of the stable, and between it and the range of lots abutting on the lane, there was a space wide enough for a lumber-waggon to pass, with some room to spare: that he had used it for the purpose, and the space had always been left open in rear of the stable or shed, until the defendant shut it up by running out a board fence from each end of the stable to the northern edge of the land: that there were many persons living on the lots east and west of that point, on each side of the lane, which opens into a street at each end; that about eighteen months ago defendant closed it at this point; that some one living near the place pulled down the fence which the defendant had put up, and it was renewed and pulled down again, and the defendant replaced it; and the prosecutor, Mr. Crooks, again pulled it down in presence of two policemen, and afterwards preferred the indictment for nuisance, in order to have the right of way determined.

Mr. Crooks swore that before he purchased he referred to the registered plan, in order to ascertain whether he would have a passage-way behind his property, and that it was at that time open, though it seemed that when the plan was filed it was fenced across from the stable at each end, or at least it had been fenced and *some* of the boards were still up.

Charles McClellan, the city inspector, swore, that in 1856 he made a report of a nuisance (rubbish or water) allowed to lie in that lane, and partly in the space between the stable and the north side of the lane: that an investigation took place before the police magistrate, upon a complaint preferred by the witness against the present defendant as proprietor of the ground: that the defendant