

of assault as charged, but not guilty of robbery," he so interpreting the finding.

*Held*, that the verdict was not properly interpreted and acted upon by the chairman and was not rightly recorded, and a new trial was directed.

*O'Reilly*, for the prisoners. *Cartwright*, K.C., for the Crown.

---

Full Court.]

[Dec. 20, 1907.]

RE ONTARIO VOTERS' LISTS ACT, WEST YORK.

*Parliament—Voters' lists—Appellant—Non-qualification of—Abandonment of appeal—Right to substitute new appellant.*

By section 33 of the Ontario Voters' Lists Act R.S.O. 1897, c. 7, where an appellant "entitled to appeal" dies or abandons his appeal, or having been on the alphabetical list, etc., is afterwards found not to be entitled to be an appellant, the judge may "if he thinks proper," allow any other person who might have been an appellant to intervene and prosecute the appeal, on such terms as he may think fit. This Act was repealed by the present Voters' Lists Act, 7 Edw. VII. c. 4(O) s. 33, being the same as the repealed section, except that the words "entitled to appeal" are omitted, and the words "in his discretion" are substituted for the words "if he thinks proper." Section 15 defines an appellant namely, "any voter whose name is entered, or who is entitled to have his name entered on the list for the municipality."

*Held*, that the substituted section does not empower the judge—where an appellant, after the time for appealing has elapsed, abandons his appeal by reason of not being properly qualified—to allow a duly qualified appellant to be substituted.

*Bayley*, for Attorney-General. *Godfrey*, for certain voters.

---

Full Court.]

REX v. HILL.

[Dec. 23, 1907.]

*Indian—Conviction for unlawfully practising medicine—Ontario Medical Act—Application to unenfranchised Indians—Constitutional law—Stated case.*

The defendant, an unenfranchised treaty Indian, residing on a reserve, was convicted for having practised medicine for hire,