

tor, however in uttering the indictment, for some reason best known to himself, used the word "animaux" instead of "bestiaux," as used in the Code, and in that form the indictment went before the Grand Jury, and upon that indictment they found a true bill.

"A motion was made to quash, and the motion was granted. The motion was opposed by the counsel for the Crown. It does not appear whether it occurred to the Counsel for the Crown, or to the learned trial judge, that on amendment could have been made to the indictment, if any amendment, indeed, was necessary.

"That the indictment could have been amended, if necessary, and should have been amended if indeed it was necessary, there is no doubt. The irregularity, if there was any, did not make to the substance of the offence, in the sense of precluding the possibility or the legality of ordering an amendment. However, none was made and the indictment was quashed for the time being, at least, the person charged was liberated, and her sureties or bondsmen discharged.

"Now it is clear that there was not a final termination of the prosecution. It would have been quite within the powers of the Court to order another and proper indictment to be preferred before the Grand Jury. The accused had never pleaded over the indictment, and of course had never been put upon her trial. However neither the Crown, nor the defendant, the private prosecutor, if he can be so called, suggested the preferment of a new indictment, and so the matter rested until the 15th of March, 1911, when the present action was brought.

"Now the serious preliminary question is. — the Magistrate having committed the accused for trial after a full hearing, and after the accused had seen fit to call witnesses, and a true bill having been duly found upon the