

negligence, and plaintiffs could recover under the Employees' Liability Act. Appeal allowed with costs.

Mellish, K.C., for appellants. Newcombe, K.C., for respondents.

N.S.] NEW GLASGOW v. BROWN. [Dec. 13, 1907.

Municipal corporation—Sale of corporate property—Committee of council—Authority to sell—Ratification.

A committee of a municipal council cannot, unless authorized by the Council, sell corporate property, and if they do an action lies against them by the corporation for any loss incurred thereby.

Such illegal sale cannot be ratified by resolution of the council carried by the votes of the members of the committee.

Appeal allowed with costs.

Gregory, K.C., and Mellish, K.C., for appellants. W. B. A. Ritchie, K.C., for respondents.

Province of Ontario.

COURT OF APPEAL.

Full Court.] REX v. EDMONSTONE. [Dec. 13, 1907.

Criminal law—Indictment for robbery with violence and wounding—Finding "guilty of assault"—Interpretation of—New trial.

On the trial at the General Sessions of the Peace of an indictment charging two prisoners with robbery with violence, and wounding, on the jury bringing in a finding of "guilty of assault," the chairman questioned the county attorney as to its meaning, when the county attorney replied, "Assault as charged in the indictment." The chairman then asked the foreman, when he replied, "We mean inflicting the blow with a bottle as described, but not guilty of robbery," and on being questioned as to which prisoner, replied "Both," whereupon the chairman endorsed the verdict on the record as follows: "Guilty