

Q. B.]

NOTES OF CASES.

[C. P.]

of the total loss to L. and C., and a third person to be appointed by them if they thought fit, the appraisal and estimate by them or any two of them to be binding on the parties. L. and C. appointed M. as third arbitrator. After the closing of the evidence and several meetings by the arbitrators, M. having drawn the document set out below produced it at a meeting of the arbitrators and read it as *his* decision. This was in M's. own handwriting. At the next meeting a document formally drawn up by the Company's solicitors was produced and signed by M. but for some reason it was abandoned. At this meeting the arbitrators permitted the manager and inspector of the Company to be present and to take part in the discussion as to the amount of the award and the fixing of the costs. The next day L. and M. met and, after adding a clause reducing the amount mentioned in the document prepared by M. by \$53.75, portion of a former award as to partial loss, signed the said document and published it as an award.

Held, that permitting the officers of the Company to be present and take part in the deliberations of the arbitrators was such improper conduct as to render the award invalid.

Held, also, that the said document written and signed by M. and expressed throughout in the *first person* and as his decision alone, and without any expressions therein to shew it to be the decision of L., although signed by L., could not be upheld as the award of two arbitrators.

Clendenan for application.

A. C. Galt, *contra*.

COMMON PLEAS.

IN BANCO.

[June 5.]

REYNOLDS V. CORPORATION OF ONTARIO.

This was a rehearing of the judgment of Cameron, J., in this case, reported in 29 Q. P. 488.

The Court affirmed the judgment.

Hector Cameron, Q. C., for the plaintiff.

Robinson, Q. C., and *H. J. Scott* for the defendant.

[June 5.]

REGINA V. BONTRE.

Criminal Law—Assault—Competency of prisoner to give evidence in his own behalf,—40 Vict., c. 18, D.

The prisoner was indicted for that he did make an assault on one R., and ~~him~~ the said R. did beat, wound and illtreat with a club on and about his head and other parts of his body, and thereby thus occasioned R. great actual bodily harm, so that his life was greatly despaired of.

Held, that the prisoner could not be deemed to be on his trial for a common assault only, so as under 40 Vict., c. 18, D., to make him a competent witness in his own behalf.

Wallbridge, Q. C. for the prisoner.

J. G. Scott, Q. C. for the Crown.

[June 5.]

REGINA V. STITT.

Criminal law—Supplying noxious thing with intent to procure abortion—33, 34 Vict. cap. 20, sec. 60, D.

The prisoner supplied a pregnant woman with two bottles of Sir James Clarke's female pills, with instructions to take twenty-five pills at a dose, and it would procure a miscarriage, but if taken as directed in the wrapper on the bottles—namely, one pill night and morning, and increasing the dose to four pills a-day, it would have a contrary effect. It was proved that the pills contained oil of savin, and that a bottleful, consisting of from three to four dozen pills, would contain about four grains, which would probably be sufficient to procure an abortion; that oil of savin in any dose was a most dangerous thing to give to a pregnant woman, and was given in such cases to procure abortion.

Held, under the circumstances, there was a supplying of a noxious thing within the meaning of the Act, 33, 34 Vict. cap. 20, sec. 60, D., to procure an abortion.

McMichael, Q. C., for the prisoner.

J. G. Scott, Q. C., for the Crown.