

script thereof, as well as the manuscript of a letter to a Boston firm, both apparently in the same handwriting. The plaintiff's counsel stated that, in addition to the above, he intended proving that when plaintiff came to Ottawa he stopped at the same hotel as defendant, that defendant was the sole agent and vendor of the crescent heel plate machine.

Held, that this was sufficient evidence to go to the jury of defendant being the author of the letter in question.

Quære, whether the refusal to answer the direct question as to authorship or the claim of privilege against criminal proceedings afforded any evidence thereof by way of admission or estoppel or otherwise.

McVetty (of Ottawa, for plaintiff.

Aylesworth, contra.

Divisional Court.]

REGINA *v.* WINEGARNER, *et al.*

Criminal law—Inquisition—Statement of holding inquest—Presentment under oath—Sealing—Identification of body—Constable acting as juror and witness.

The caption to an inquisition finding the prisoner guilty of murder, stated that the inquest was held at H. and C., on the 11th and 15th days of January, in the 51st year of the reign of Her Majesty Victoria; and the inquisition to be "an inquisition indented taken for our Sovereign Lady the Queen, etc., in view of the body of an infant child of A. W. (one of the prisoners), then and there lying and upon the oath of (giving the names of the jurymen), good and lawful men of the country duly chosen and who being then and there duly sworn and charged to enquire for our said Lady the Queen when, where, how and by what means the said female child came to her death, do upon their oath say," etc.

Held, that the statement of the time of holding the inquest was sufficient; that it sufficiently appeared that the presentment was under oath, and that it need not be under seal; that there was a sufficient finding of the place where the alleged murder was committed and of identification of the child murdered with that of the body of which the view was had.

L., the constable to whom the coroner delivered the summons for the jury, was at the

inquest sworn in as one of the jurymen and was also sworn as a witness, and G., a jurymen, was also sworn as a witness.

Held, that the fact of L. being such constable did not preclude him from being on the jury, or did either of such positions preclude him giving evidence as a witness, and so also G. Y. was not precluded.

A. S. Jones, for the applicant.

Dymond, contra.

Divisional Court.]

REGINA *v.* EDGAR.

Canada Temperance Act—Conviction without trial and in defendant's absence—Quashing.

The defendant was summoned to appear before the police magistrate of Lambton, on the 14th April, at 10.30, at the council chamber in the village of Forest, for unlawfully selling liquor under the Canada Temperance Act. The defendant being anxious, as he stated, to prevent the attendance of a number of witnesses on his behalf, instructed C., who was in his employment, to go to Watford, where the police magistrate resided, and try to arrange the matter with him so as to avoid a trial or the recording of a conviction by paying to such police magistrate such sum as he should demand. On the 13th April, C. went and saw the police magistrate, and in reply to C.'s enquiry as to what it would cost to settle the case, the police magistrate stated \$50, which C. paid. At the same time C. signed an indorsement on the information in defendant's name as his agent, which stated that the written information had been read over to the defendant by the police magistrate and that the defendant pleaded guilty to same. Both C. and defendant stated that C. had no authority from defendant to sign anything, and that C. said he signed the paper without reading it or its being read to him. On 14th April the police magistrate, without holding any Court or calling any witnesses in support of the charge, and without defendant being present, convicted him of the offence charged and fined him \$50 and costs, drawing up a formal conviction, which was returned on the same day to the clerk of the peace. Subsequently the police magistrate returned another conviction for the same offence, reciting that the conviction was made on the 14th April at F., by defendant admitting