

him in which he told her to strangle the child, and instructed her in what manner she might commit the deed and dispose of the body; that, in consequence, she did on the 26th March leave Toronto, taking the child with her, and went to Hawkeston, a station on the Grand Trunk Railway; that later she strangled the child and placed its body in her valise, and proceeded to Orillia, and there met the prisoner, and told him what she had done; that he told her to drop the body from the railway bridge crossing "the Narrows," the stream connecting Lakes Simcoe and Couchiching, and that she did so. There was much more in detail, but the foregoing is a brief outline of her testimony. The body was found in the following July, and Mary Dolan was arrested, and she then accused the prisoner.

Upon cross-examination Mary Dolan was asked whether she was improperly intimate with other men whose names were given, and she positively denied illicit intercourse with any of them.

The case stated that evidence was offered by the Crown and admitted tending to shew the intimacy of the prisoner with Mary Dolan over a period long prior to the birth of the infant murdered, and that it was contended on behalf of the prisoner that such evidence was irrelevant and should not have been received.

It was also stated that evidence was offered on behalf of the prisoner tending to shew the intimacy of Mary Dolan with other men, both before and immediately after the murder, and that such evidence was rejected.

It was further stated that it was contended on behalf of the prisoner that none of the evidence offered by the Crown as corroborative of the statements of Mary Dolan given in evidence was in fact corroborative thereof, and that the learned trial Judge should have so told the jury.

The questions submitted were:—

1. Was my ruling as to admission and rejection of evidence correct?
2. Was my direction to the jury as to corroboration of Mary Dolan, an accomplice, proper?

The case was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

A. E. H. Creswicke, K.C., and J. T. Mulcahy, for the prisoner.

J. A. Cartwright, K.C., and E. Bayly, K.C., for the Crown.

MOSS, C.J.O.:—As to the first question: it was important for the Crown to shew, if it could, such a set of facts and circum-