5. It does not appear that any enquiry has been made for the patentees or their family. Some of them might know whether the property had been conveyed, and to whom, for all the papers show that the family may be well known and easily to be seen. If not, what search has been made for them? Sometimes a clue to parties is obtained by searching for their wills. Has this been done?

6. If the title is cleared of the other difficulties the certificate can only be granted subject to the dower, if any, of the wives of all these former owners, and of ——, unless the petitioner considers it worth while making further enquiries to ascertain the facts as to whether the wives are alive or not.

7. Notice of the application for the certificate should be given to M. and W., to whom deeds are registered, though no right of the grantor to convey to them at present appears. Copies too of the memorials of deeds to them, and of the deed to S. and others, must, by the express terms of the statute, be produced, as the petitioner has not the original deeds.

8. No certificate by the sheriff that he has not sold the property under execution has been produced.

9. Two Mutual Insurance policies are produced, but there should be some evidence that they are the only ones under which there would be a lien on the property.

10. There is no proof of payment of taxes for 1866 and 1867.

ENGLISH REPORTS.

CROWN CASES RESERVED.

REG. v. GEORGE BULLOCK.

Malicious injury to cattle—24 & 25 Vic. c. 97, sec. 40—Proof of wounding—Instrument.

It is not necessary in order to prove a wounding within 24 & 25 Vic. cap. 97, sec. 40. to show that injury done to the cattle has been caused by any instrument other than the hand of the prisoner.

[C. C. R., Jan, 25,—16 W. R, 405.]

Case reserved by the chairman of the Quarter Sessions for the County of Gloucester.

George Bullock was tried before me on an indictment which charged him with maliciously and feloniously wounding a gelding, the property of James Ricketts. The prisoner pleaded not guilty.

On the trial it was proved that the prisoner, who was sent by his master with a cart and horse to fetch stone from a distant field on the 20th of December last, at half-past one p.m., returned about four p.m., bringing back the horse with his tongue protruding seven or eight inches, and unable to draw it back into his mouth. The veterinary surgeon who examined the horse the following day proved that he found the roots and lower part of the tongue much lacerated, and the mouth torn and clogged with clotted blood; the injury he considered might have been done by a violent pull of the tongue on one side. He was obliged to amputate five inches of the tongue and the horse is likely to recover. The prisoner's statement was that the horse bit at him and he did it in a passion. There was no evidence to show that any instrument beyond the hands had been used. The prisoner's counsel contended that no instrument having been proved to be used in inflicting the injury, the prisoner could not be convicted under the 24 & 25 Vic. cap. 97, sec. 40. For the prosecution it was maintained that under the statute it was not necessary to show that the injury had been caused by any instrument other than the hand or hands of the prisoner. The prisoner's counsel, on the point being reserved, declined to address the jury, and a verdict of guilty was found by them.

I respited the judgment and liberated the prisoner on recognisance, in order that the opinions of the justices of either bench and the Barons of the Exchequer might be taken on the question—whether the prisoner was properly convicted of the wounding, there being no evidence to show that he used any instrument other than his hand or hands?

No counsel appeared for the prisoner.

Sawyer for the prosecution.—This was a wounding within the meaning of 24 & 25 Vic. cap. 97, sec. 40. COCKBURN, C. J.—This indictment was simply for wounding?] Yes. There was no count for maiming, as there is authority that such a count could not be sustained where there is no evidence of a permanent injury: *Reg.* v. *Jeans*, 1 C. & K. 539. That case was upon statute 7 & 8 Geo. 4, cap. 30, sec. 16, which in terms is substantially the same as the present section; but it is no authority that such an injury as this is not wounding. There the point seems not to have been argued by the counsel for the prosecution, and the decision only goes to show this injury would not be a maiming: *Reg.* v. *Owens*, 1 M. C. C. 205; and *Reg.* v. *Hughes*, 2 C. & P. 420, are there cited by the counsel for the prisoner to show that an instrument is necessary to constitute a wounding; but the former case only shows that pouring acid into the ear of a mare by which her sight was destroyed is a maiming; and in the latter case, biting off the end of a person's nose was held not a wounding within 9 Geo. 4, cap. 31, sec. 12, where the words are "stab, cut or wound any person." In *Jenning's case*, 2 Lewin's C. C. 130, where the prisoner with his teeth bit off the prepuce of a child three years old, it was held not a wound within 1 Vic. cap. 85, sec. 4; but there also the words of the Act are "stab, cut, or wound," and very different from those of the section on which this indictment is framed.

COCKBURN, C. J.— You have satisfactorily accounted for the decisions referred to; but no difficulty exists in the present case as this statute makes it felony, unlawfully and maliciously to "kill, maim, or wound" any cattle, and we may interpret the word "wound" in its ordinary acceptation, which means any laceration which breaks the continuity of the internal skin. It may not manifest so much malice on the part of a man if, in his passion, he uses his fist only; but it is within the words of the statute, and it is probable that in altering the words of this statute the Legislature may have intended to get rid of the difficulty.

The rest of the Court concurred.

Conviction affirmed.