

that a transfer or disposition of personal property, good by the law, of the owner's domicile, is valid wherever the property may be.

Held, also, that a will is an instrument in writing within the meaning of the Manitoba statute above quoted.

Judgment declaring that the insurance moneys form part of the testator's estate in the hands of the executors, subject to a charge in favour of the widow for insurance premiums paid by her to keep the policy in force. Costs of all parties to be paid out of the estate.

E. E. Sharpe, Perdue, Tupper, K.C., and Hudson, for various parties.

Full Court.]

REGINA v. JOHNSON.

[Feb 15.

Criminal law—Crim. Code, sec. 205—Winning prize dependent partly on skill—Device to evade law against lotteries.

Crown case reserved. The accused was convicted in November, 1900, before RICHARDS, J., and a jury, under Crim. Code, s. 205, for having advertised a proposal or scheme for disposing of a horse, buggy and harness by lot, and also for having unlawfully disposed of a number of tickets, lots or cards as a means of or device for disposing of the same property by lot. The *modus operandi* advertised and practised was that each purchaser of goods to the value of \$5 was given a ticket; and, upon a drawing by lot among the holders of such tickets, the winner was to get the horse, buggy and harness if he could shoot a turkey at a distance of fifty yards in fine shot, it being provided that a lady winner could choose a substitute to shoot for her. The case stated that the evidence shewed that any person could easily shoot a turkey under the circumstances.

Held, that it was a question for the jury whether the interposition of the condition as to the shooting was intended as requiring a real contest of skill, or merely as a device for covering up a scheme for disposing of the property by lot; that the verdict involved a finding that it was merely a device, that the evidence justified that finding, and that the conviction should be affirmed.

Patterson, for the Crown.

Province of British Columbia.

SUPREME COURT.

Full Court.]

WARMINGTON v. PALMER.

[Nov. 16. 1901.

Negligence—Contributory—Defective machinery—Excessive damages—New trial—Full Court—Practice—Argument—Appeal—Particulars.

In an action by a miner against the mine owners for damages for injuries caused him by being precipitated to the bottom of a shaft when at