

who thereupon did unlawfully omit, without lawful excuse, to provide his wife with such necessities, to wit, the necessary medical care, treatment, medicine, and assistance, whereby the death of his said wife was caused. There was a second count charging that the wife's life was endangered by reason of the aiding, abetting, counselling, etc., of the prisoner.

The prisoner, having elected to be tried without a jury before said Judge, was arraigned on these charges, and pleaded not guilty.

On 29th December, 1905, at Whitby, the trial was proceeded with, and the prosecuting counsel put in and filed a letter from a professional gentleman in Toronto, who had acted as counsel for Harmon, and who had also, as it would seem, been retained to act for the prisoner at his trial. The letter was addressed to the Crown Attorney at Whitby, and was in the following terms: "Toronto, 19th December, 1905. Dear Sir:—Rex v. Eugene Brooks. I find that I will (sic) be unable to go on with this trial on the 28th December owing to another engagement. Would you kindly see the Judge and ask him if he can take it on Saturday the 6th January in the morning? I am quite willing to accept the evidence of the family, in particular those who gave evidence at the Harmon trial, and that it would not be necessary for you to call them, nor the evidence of the doctors as to Mrs. Harmon's condition. This will clear the case down to the evidence of Harmon's letters and so forth. Kindly let me hear from you."

What reply was sent to this letter does not appear, nor whether it was ever arranged that the offer made therein was to stand good if the proposed adjournment of the trial to 6th January was not acceded to. The trial was in fact proceeded with on 29th and 30th December, 1905, continued and concluded on 6th January, when the prisoner was convicted, and on 8th January sentenced to 6 months' imprisonment in the Central Prison with hard labour.

The prisoner was represented at the trial by counsel—not the writer of the letter referred to.

Among the depositions of the witnesses examined at the trial of Harmon, which were put in and used at the trial of the prisoner, on the assent assumed to have been given by that letter, were those of one Charters, an undertaker, and a Mrs. Thom, neither of whom was a member of