

*Summary conviction—By-law against swearing in street or public place—Private office in government building.*

A city by-law enacted that no person should make use of any profane swearing, obscene, blasphemous, or grossly insulting language, or be guilty of any other immorality or indecency, in any street or public place. Under it the defendant was summarily convicted of an offence committed in his private office in the customs house, a government building.

*Held*, that the object of the by-law was to prevent an injury to public morals, and applied to a street, or a public place *ejusdem generis* with a street, and not to the place in question; and the conviction was quashed.—*Regina v. Bell*, Common Pleas Division, 25 May, 1894.

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*Arbitration and award—Reference to three arbitrators—Award by two—Invalidity—Private authority.*

It is a general rule, applicable to all cases of private authority, trust or reference, to be exercised by several persons, that unless the constituent instrument permits action or decision by a majority, the office is regarded as joint, and all must act collectively. Different considerations arise when the duties are of a public nature, but in transactions between individuals they make their bargain and so become a law unto themselves. And where a submission to arbitration provided that the award should be made by three arbitrators, an award by two of them the other dissenting, was set aside on summary application.—*In re O'Connor & Fielder*, Queen's Bench Division, 13 Oct., 1894.

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*Criminal law—Conspiracy—Failure to complete fraud—Indictment of one of two conspirators.*

A conspiracy to defraud is indictable, even though the conspirators are unsuccessful in carrying out the fraud. One of two conspirators can be tried on an indictment against him alone charging him with conspiring with another to defraud, etc., the other conspirator being known in the country.—*Regina v. Frawley*, Common Pleas Division, 23 June, 1894.