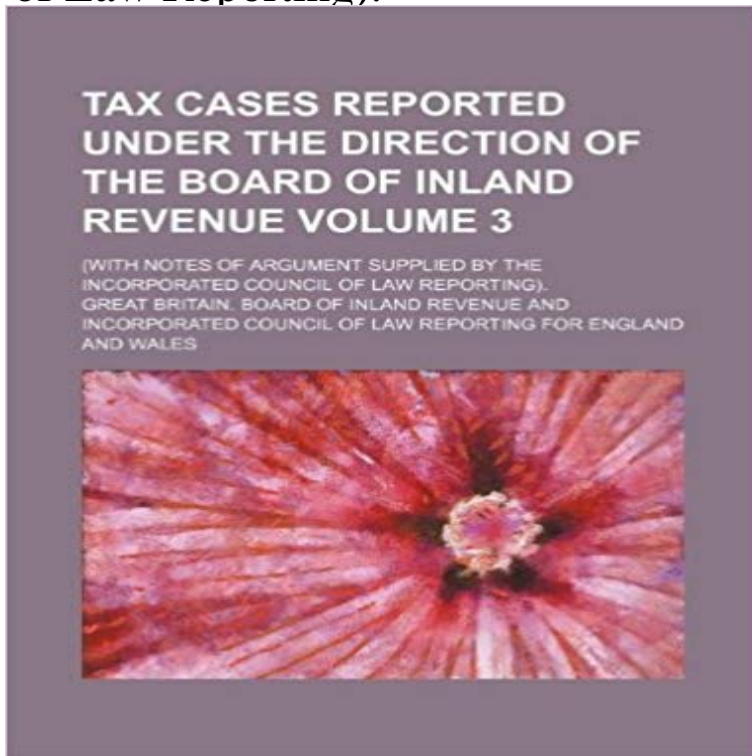


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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1899 Excerpt: ...in the alternative, to hear and determine the appeal. On 25th July 1894, counsel for the Special Commissioners showed cause. The case was argued before Mathew, J., and Kennedy, J., and on the 26th July judgment was delivered. (O Not yet reported. THEQuEipt. ihe Court were divided 111 opinion. Mathew, J., gave luderSpucial Com-,0,,, 1.,, 6T,,0 Missro.NERsoF ment tor the Lrown 011 all the points, with costs, but Kennedy, Ixcomktax. j go-reeing tnat no p0mt of law was involved, gave judgment for the prosecutor, on the ground that his appeal had not been heard and determined in conformity witli the requirements of the Act. The latter, however, subsequently withdrew his judgment, with a view to an appeal being entered 011 behalf of Mr. Fletoher. Mr. Fletcher appealed, and on the 24th and 25th October 1894, the case came on for hearing in the Court of Appeal, before the Master of the Rolls (Lord Esher) and Lords Justices Lopes and Rigby. On the 25th the following judgment was given in favour of the Crown:--Esher, M.R.--I think I am repeating what the learned judges in the Divisional Court said when I say that this case, on behalf of the Appellant, has been very strenuously argued, and I can further say that I think it has been very ably argued by the learned Counsel for the Appellant. But I am of opinion that upon either of the two views, one of which must be the right new, this appeal must fail. iVow the point seems to me to come to this--there are two views presented. This Appellant went before the Appeal Commissioners, and either we must take it that he did raise the point of law or that he did not. We niav take it that he did raise the point of law,

namely, that he said, You are bound to make all inquiries before you ask me to be sworn, and yo...

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