As there was ample admissible evidence, coupled with the prima facie proof of guilt, to justify the conviction, the learned Judge was of opinion that no substantial wrong had been done, and that the conviction must stand.

No good ground was shewn for reducing the sentence of 3 months in gaol imposed by the magistrate.

Motion dismissed with costs.

ORDE, J., IN CHAMBERS. SEPTEMBER 2ND, 1920.

REX v. KORLUCK.

Ontario Temperance Act—Magistrate's Conviction for Offence against sec 40—Keeping Intoxicating Liquor for Sale—Evidence to Support Conviction—Presumption—Secs. 67, 88—Improper Admission of Evidence—Relevant Evidence—Hearsay Evidence—Effect of—No Substantial Wrong—Sec. 102a. (8 Geo. V. ch. 40, sec. 19)—Reduction of Sentence.

Motion to quash the conviction of the defendant by the Police Magistrate for the City of Hamilton for the offence of unlawfully keeping intoxicating liquor for sale, without a license, contrary to the provisions of sec. 40 of the Ontario Temperance Act.

M. J. O'Reilly, K.C., for the defendant.
Edward Bayly, K.C., for the Crown.

ORDE, J., in a written judgment, said that this conviction was attacked on substantially the same grounds as that in the Collina case, ante, and the two motions to quash were virtually argued together.

Before entering the defendant's house, the police constables watched it for some time. They saw one man go in who was afterwards found in the place very drunk, and also saw seven men come out; at least two of the seven were intoxicated. Upon entering they found a man (not the accused) drinking from a bottle. There was a small quantity of alcohol in a glass on the table and five other glasses and nine empty bottles. In the kitchen was found a can containing alcohol and in a cupboard a teapot half full of alcohol and in some drawers about 15 empty "pop" bottles. As is doubtless frequently the case, there was some irrelevant, inadmissible evidence of statements made by persons in the house. There was nothing in the magistrate's