

drug store on the 3rd or 4th of May. I went for whiskey; got some in the morning and again in the evening, and paid for it. I got 12 ozs. Mr. Wright gave it to me. I drank part of it and gave part away. I have been in the habit of taking some every day for the last eight years by my doctor's orders. I asked for 12 ozs. and the clerk asked me if I wanted it for medicine as they could only sell it for that. I gave a prescription from Dr. Newton, of Mill Point, and signed the register. I was in Mill Point the day before to see the Dr., but did not see him. I met him in town next day. I use whiskey for asthma. I never got it before at the drug store.

JAS. CULHANE, sworn.—I keep a public house in Napanee. I know Marshall Schuman and the McHenry's; saw them in Napanee on Saturday last; they were at my house between 2 and 3 p. m. They had flasks with them and drank whiskey from them. I am not sure about Schuman, he had a flask or bottle, but I don't know what was in it. Daniel Lucas and Jas. McHenry had whiskey. Schuman and Lucas were pretty drunk at the time. I called Mr. Morden's attention to their condition and gave information in this case.

JOHN PAGE, sworn.—I was in Mallory's drug store one day last week and got 12 ozs. of whiskey and used it all with maple syrup for a cold. I told him what I wanted it for and signed the register.

MR. REEVE asked the Bench to look at the register and see how many sales of liquor had been made that day.

MR. PRESTON declined to have the book inspected except as to those cases about which evidence has been given. He claimed that the prosecution had failed as it had not been proven that liquor had been sold for other than strictly medicinal purposes, nor in any case in a larger quantity than 12 ozs. The first witness was not reliable.

For the defence,

ALBERT WRIGHT, sworn.—I am in the employ of M. B. Mallory; don't know Schuman, I never saw him that I know of until he came into the store on Saturday last about 11.30 a.m. He wanted a quart bottle filled with whiskey to put on camphor. I gave him 12 ozs. Whiskey on camphor makes a tincture which I know would be dangerous if drank. I thought he was perfectly sober. I had no suspicion that he wanted it for any other purpose than what he told me. I know Lucas, he was in the store and asked for whiskey to put on camphor; he came in a second time, and said he had spilled the first quantity. I know Whit. George. Liquor was sold to him for sickness. My instructions are to sell liquor only in accordance with the law.

M. B. MALLORY, sworn.—I am the defendant in this case. Mr. Page was the only one of those sworn to whom I sold liquor. No liquor has been sold to my knowledge in quantities greater than 12 ozs., except on a doctor's certificate, and none at all for other than strictly medicinal purposes. I never suspected that the liquor sold to the parties sworn, or to any others, was to be used for any other