

said by him during the progress of the trial, for in his subsequent reasons he merely says that he is satisfied that the ninety-seven cases delivered to the third parties contained all the goods said to have been shipped from England.

To properly realize the situation the evidence of Swale as to what he actually knows, must be studied.

It seems that he left Monmouth on 21st December, 1907, and never saw any of the goods till they were in Suckling's warehouse. He packed in December, 1907, some fourteen or fifteen cases as he calls them, but later on describes them as small cases used for packing sugar and stout, *i.e.*, cases used by grocers for things of that sort, two feet or two feet six square, and he gave them to the railway company. On an examination of the packer's list (Ex. 23) it would appear that those not put in barrels or cases appear as fifty-four packages, comprising boxes of books, etc. (11); of tools, (2); cupboard, part of cupboard, (4); bedsteads, (2); table and chairs, kitchen table, etc. (5); chairs (5); stepladder, sides of wood bedstead, flour bin and contents, iron folding chair, rolls of oil cloth, meat safe, garden roller, wire mattresses. The shipper's list (Ex. 22) shews the smaller cases packed by Swale to be as follows:—

"Cases, etc. packed by T. Swale. Hinged box T. S. 9, contains old china, Crown Derby service, Old English, etc.

"Gray painted box hinged, contains sheets, valances, curtains (lace) and games, etc. Old oak chest, contains blankets, lace curtains, sheets, table and baby linen. Diamond match box, contains plate, cutlery, cushions, etc. Five small cases, contain books, 1 large rough box (wood) contains books. Portfolio contains sketches, etc. Flat box, contains office books, music, etc. One painted cupboard, contains office stationery and furnishings, etc. Hinged box, T. S. 12, contains china, office books, music, etc. This was packed by your man Long."

These lists were objected to as evidence, and I think rightly so. But if they are of any value it is clear they carry the matter of identification no further. They differ radically. The packer's list gives fifteen barrels, twenty-eight cases and fifty-four packages of various kinds, while the other shews fourteen cases as packed by Swale, to which nothing in the other list corresponds, unless one can guess that what is headed "barrels" means small