

accordingly the onus placed on the accused by ss. 434 and 991 (2) Cr. Code did not apply because the Crown could not prove knowledge.

His Worship observed that although the inscription "R.C.A.F." was plain to be seen on the tires it might quite easily escape notice by a buyer who was not

specially looking for it. In any event, these letters were not proper identification within the meaning of s. 432 Cr. Code, he said, because there is nothing in law to the effect that they stand for Royal Canadian Air Force any more than there is that R.C.M.P. stands for Royal Canadian Mounted Police.

R. v. Hawley

Excise Act—Admissibility of Evidence Concerning the Actions of Trained Police Dog

Special interest attaches to this case wherein a Nova Scotia County Court confirmed a magistrate's conviction which was based on evidence concerning the tracking propensities of a trained dog. The admissibility of evidence relating to the actions of animals is still a comparatively new subject, and the present case should be noted along with *R. v. White*, 37 B.C.R. 43 with which, by the way, it is not in accord. The question is also discussed at length in 6 R.C.M.P.Q. 259 and 7 R.C.M.P.Q. 381.

While engaged on preventive service work in the Killkenny Lake, N.S., district on Dec. 15, 1944, members of the R.C.M.P. New Waterford, N.S., Detachment, assisted by Reg. No. 153-W police dog Prince, a three-year-old purebred Doberman pinscher, came upon two illicit stills in the bush within a mile of each other. The investigators were attracted to one of these by sounds of human activity—somebody apparently was chopping wood for a fire which crackled audibly—but darkness, thick undergrowth and an intervening brook prevented them from actually seeing what was going on. Approaching cautiously, they arrived at the site a few minutes later only to find that it was deserted.

However, at the edge of the clearing in which the still was located a few low-lying bushes, swaying unnaturally, indicated that someone had fled in that direction. Given the scent at this point Prince promptly took up the trail and after going about 20 yards, signified by giving tongue that he had sighted his quarry; the chase extended two miles and a half through a wooded area, with the dog giving tongue continuously, and ended in a swamp.

Here, a man clad simply in shirt and trousers, Hugh Joseph Hawley by name, was arrested. He claimed to be in the vicinity snaring rabbits, and denied knowing anything about the still; but footprints and the dog's tracks, both clearly visible, were found side by side approximately

Prince—60 lbs. of canine sagacity.

