

eating liquor in their possession, in a place or places other than their private dwelling-houses, contrary to that section.

The motion was heard at the Weekly Court, Ottawa.

A. E. Fripp, K.C., for the defendants.

No one appeared for the magistrate or for the prosecutor.

CLUTE, J., in a written judgment, said that the motions were made upon the ground that there was no evidence to support the convictions.

There was sufficient evidence to support the charge in the first case against Pownell. A perusal of the evidence clearly supported this view. The motion in the first case should be dismissed with costs.

It was suggested as a further ground that the magistrate, after hearing the evidence in the first case, did not conclude the case, but proceeded with the second case against the three accused. A letter from the magistrate stated that he first heard the case against Charles Pownell, and found him guilty, and, having pronounced sentence, he proceeded with the case against the three defendants.

The case against the three presented more difficulty. Detectives were employed in Montreal to prevent the conveyance of large quantities of liquor from Montreal to North Bay for illegal purposes. A quantity of liquor was bought by the detectives and enclosed in tin cans, similar to those containing maple syrup, and also a quantity of bottles of liquor. These cans and bottles were shipped from Montreal to North Bay in a locked trunk. The baggage-man in charge of the train from Montreal to Ottawa was not called as a witness, but the baggage-man from Ottawa to North Bay was the defendant Towns. The other two were trainmen. All of the three had access to the baggage-car. The trunk was delivered to the baggage-man at North Bay. Wilson, one of the detectives, saw the packing in Montreal, and had the cans and bottles marked. The trunk was duly checked in Montreal, and the next time Wilson saw it was when it was taken off the train at North Bay. Wilson opened the trunk and found it had been pilfered, and that the cans and bottles were gone; that was 15 or 20 minutes after it was taken off the train. The baggage-check was on it—just the liquor was taken.

The point of difficulty was, whether there was sufficient evidence to connect the three defendants with the taking of the liquor from the trunk and having it in their possession as charged. The cans of liquor that had been placed in the trunk were found shortly after the liquor was missed in the baggage-room in the station, and Pownell was seen removing some cans from off his