

Full Court.] THE KING v. McNUTT. [Dec. 26, 1905.
Intoxicating liquors—Illegally keeping for sale—Presumptions
—Duty of defendant to rebut.

Appeal from the judge of the County Court, District No. 4 affirming a conviction made by the Stipendiary Magistrate for Truro for keeping liquor for the purpose of sale without a license therefor by law required. The evidence shewed that defendant occupied a house in Truro opposite a building occupied by his son-in-law as an hotel where liquor was believed to be sold illegally. Defendant had previously occupied the hotel himself, and had been convicted of unlawful selling, and was believed to be selling in collusion with his son-in-law to whom he had rented the premises, the liquor being kept on defendant's premises and carried across the street to the hotel as required. On making a search of defendant's premises the inspector found a quantity of liquor concealed in a hole below the floor of a room occupied as a bed room, and also in a valise in a wood shed back of the house which was found to be locked at the time of the search and which defendant declined to open. In both places he found a large quantity of straw wrappers such as are used for packing bottles, and in the wood house some empty liquor cases. There was also evidence that as the inspector left defendant said there was a barrel that he had not got, though this remark was not heard by the inspector and was denied by defendant.

Province of Manitoba.

KING'S BENCH.

Perdue, J.] SCHWEIGER CO. v. M. VINEBERG CO. [Oct. 23, 1905.

Pleading—Embarrassing defences—Striking out pleadings.

Application to strike out parts of the statement of defence as embarrassing. The plaintiff sued for the price of goods alleged to have been sold and delivered to the defendant, and, in the alternative, claimed damages for non-acceptance of the goods and non-payment for same. By the third paragraph of the defence the defendant denied that she had purchased or received the goods referred to in the statement of claim, and then proceeded as follows:—"And the defendant is informed that the