to a dwelling house, where it lawfully might be, if that were the private dwelling house in which the person "having" it resided. It was the dwelling house of his sister, in which he had often, but not always, resided.

The applicant was merely a driver for hire of a motor-car, employed by the other man to take him to the railway station, and, after taking him there, employed to take him and the parcels in question with him to the dwelling house mentioned.

The applicant denied having any knowledge that the parcels thus taken contained intoxicating liquor, and denied having in any way handled them. But, assuming that he did take part in loading them on his car and in unloading them and carrying them into the dwelling house, how did that alone make him guilty of the severely punishable offence of unlawfully having intoxicating liquors? It was the man who employed him who "had" them, and alone had control of them: the driver did not "have" either the man or his parcels.

Why the man who really "had" them was not prosecuted, why he was merely a witness at the trial of the applicant, was not disclosed, and was difficult to understand.

If his conduct were unlawful, if he were not taking his parcels where lawfully they might be, he should have been prosecuted for "having" them in a place where lawfully they might not be, if not for other more serious offence.

Whether one who aids and abets another in unlawfully "having" intoxicating liquor, without himself "having," in any manner, the liquor, is guilty of any offence, need not be considered; because no such case was made against the applicant, and no evidence was adduced which would support it if made: see the Ontario Temperance Amendment Act, 1917, sec. 30, adding a new sub-section to sec. 84 of the original Act.

The magistrate seemed to have been under the erroneous impressions: that having liquor in a public place constituted, alone, an offence under sec. 41; and that, because the parcels were in the applicant's "for-hire" motor-car, they were in his possession, and he "had" them, within the meaning of that section, though in fact and in law he had no possession of or power over them—no more than if they were his fare's luggage.

The conviction must be quashed on this broad ground: it was not necessary to consider any of the narrower objections to it.

Counsel concerned might observe: that the applicant had sworn that he did not sign his deposition; that there was no contradiction of this; that the name at the foot of his depositions was in writing very like that of the depositions, and unlike his signature upon his affidavits.