

## Notes on Recent Cases

### **R. v. Boucher**

#### *N.B. Liquor Control Act—Police Dog “Cliffe”— Finding of Coal Oil and Wash*

Magliore Boucher, Acadiaville Siding, was suspected of dealing illegally in liquor and, as he lived in a very wooded section of Kent County, N.B., ample means were afforded for very safe caches to be established outside his home. A long and tedious search would have been required to cover the extensive area so the services of a police dog were sought.

Accordingly, on February 10, 1940, Reg. No. N-115, police dog “Cliffe” and his master, together with three other members of the Force were sent to the Boucher place. The dog had to travel eighty miles by car to get there. A search of suspect’s house and outbuildings met with negative results. Boucher was working north of the house cutting pulpwood and the search was made in that direction.

Fresh snowshoe tracks leading off the main trail into the woods were followed by “Cliffe.” After going about 200 yards, the police met Boucher as he was coming out; the latter was carrying an axe which he stated was suitable for cutting pulpwood. Boucher’s trail into the woods was looked over with “Cliffe.”

At one point the dog went about two feet off the trail and began to dig in the snow. After a few seconds he returned with a bottle of clear liquid which proved to be coal oil. This discovery suggested that illicit liquor was being manufactured and consequently a larger area was searched. In a thickly wooded section “Cliffe” took a sharp turn to the left and, when his master caught up with him, he was trying to dig out a 30-gallon barrel of wash which was being heated by two coal-oil lamps.

Boucher was charged under Section 56-2 of the N.B. Liquor Control Act. (See “The Question Box” as to admissibility of dog tracking evidence).

\* \* \*

### **R. v. Alberta Pacific Grain Company**

#### *Weights and Measures Act—Tampering with Beam Scale— Liability for Acts of Agent*

The defendant grain company has 365 elevators in the three prairie Provinces. Arthur Harry Smalley was the company’s local agent or grain buyer at Burnham, Saskatchewan. A beam scale had been furnished for the purpose of weighing the grain which came into the elevator. The elevator and its records and equipment, etc., were periodically inspected by the District Superintendent of the accused corporation.

Around October 28, 1939, Agent Smalley interfered with the beam scale with a view to enabling him to alter the grain weights as against the local elevator customers. The scale had, for the purpose of weighing, regular notches cut into the beam or bar of the scale indicating 1000, 2000, 3000, 4000, 5000, 6000, 7000, and 8000 pounds. The notches were in the shape of a “V”. Smalley filed the five higher notches so as to convert each “V” into a “W”. As a result of the counterpoise, which slipped into the various