

400 put away, it would make \$40,000, which quantity of liquor was at Maitland at that time, but which the Inspector never heard of. It was there, consigned to Reid, and was subsequently received in Montreal by Arnold, who sells it, keeps the proceeds apart from the rest in his possession, and accounts for it to Borst, Halladay & Co. A good deal had been said in reference to the grain arrival.—the books now here were not, it is said, the books first shown to Mr. Brunel at the railway station. And I did not allow them to speak anything about the railway station matter until it had been brought home to Halladay by Milkes. You will remember he spoke of being generally employed about the distillery. He was there at the distillery, but what he was doing he does not say definitely. While he was there he got 15 cars of grain. The station master, he says, asked him to sign the receipt, and he did so, but left them there, and was not aware Halladay had anything to do with them. But at last the fact came out that Halladay's teams went there, and did take away the corn. No duty, you will remember, had to be paid on corn, and the use that had been made of the fact thus brought out for the Crown had been to show the quantity used in the distillery. Every cargo that came in, dutiable or not, they were bound to report what it contained, so that the Government might know the quantity of grain coming into the distillery. On pain of seizure, the captain of every vessel is obliged to show the Custom House officer the manifest of his cargo. The officer consults these manifests—they are generally sworn to—and he has also the Captain's memorandum. Now here was another fact. In some way or other, the Custom House officer happened to say to Wilson,—Do you know how much corn is coming in for Halladay,—and the amount was mentioned. Wilson says he mentioned this to Halladay, and next Halladay comes to Jones, and you have heard of the way he conducted himself when he came to that officer's place. Taking these circumstances into account, what opinion do you form of this conduct. That is all I think it necessary to call your attention to with reference to the case for the Crown. On the part of the defence, it is said that the Crown must prove everything. That is quite so. It is quite right for them to say we are innocent in point of law, and if we are not proved guilty we ought to be acquitted. The answer to all this is really in their own power. For if they had produced their sales book, when called on to do so, that would be evidence in the matter at once. They might have produced their sales book, or clerk, to show all the liquor ever sold. That would have been an answer in a moment. But they did not do that, and are not bound to do it. They adopt the course of saying to the Crown, you are bound to prove that we made at Maitland more than we returned. They say we might have had as much liquor as we liked to bring from anywhere else, and you have no right to count that, though it was carried from Maitland. Now, are there any circumstances shown to satisfy you that the whiskey charged was made anywhere else than at Maitland? Do the circumstances detailed by the Crown satisfy you that it was made at Maitland? As to the

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