

motor vehicle when required to do so in the King's name by Allen Wilfred Ward, an officer of excise, contrary to the provisions of section 96 of the Excise Act, 1934, and amendments thereto'.

"Section 96 of the Excise Act reads as follows:

"Everyone who, when called upon in the King's name by an officer of excise to aid or assist him in the execution of any act or duty required by this Act refuses or neglects to do so, and every master or person in charge of any vessel and every driver or person conducting or having charge of any vehicle or conveyance, who refuses or neglects to stop such vessel, vehicle or conveyance when required to do so in the King's name by an officer of excise, is guilty of an indictable offence, and liable to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months and not less than three months or to both fine and imprisonment, and in default of payment of such fine to a term or a further term of imprisonment not exceeding six months and not less than three months'.

"The informant, who is a constable of the R.C.M.P., accompanied by Sergeant Nilsson of the Force, was, on the 7th day of December last at about 1.15 p.m. proceeding along the main highway from Sydney to Glace Bay in a motor vehicle—the vehicle bearing on its sides in large white print the letters R.C.M.P. Both officers were in full uniform, Sergeant Nilsson driving the vehicle. Near Reserve Mines they noticed a vehicle being driven by the defendant along the old airport road, approaching the highway. The police stopped their vehicle about halfway across the intersection of the two roads and started to dismount, expecting the other vehicle to stop. Instead of stopping, however, the other vehicle passed in front of the police car, drove onto the highway and proceeded toward Glace Bay. The police gave chase, calling upon Hache verbally and by signal, to stop, and continually sounding their horn. The two cars were travelling almost abreast. There were three men in the front seat of the Hache car, and during the chase one, Murphy, who was on the extreme right, was seen to throw a glass jar from the vehicle. The police finally crowded the

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