

Held, in adverse proceedings the party locating over a claim alleged to have been abandoned must produce clear evidence of abandonment, and it is not enough for this purpose to rely upon the non-production of certificates of work.

Seemle, a locator cannot after abandonment by a prior locator rest on a location made before such abandonment, but must re-locate.

W. J. Whiteside, for plaintiffs. *J. A. Macdonald*, for defendants.

Drake, J.]

REGINA v. NICOL.

[June 20.]

Venue—Change of—Grounds for—Criminal libel—Political bias.

Motion for change of venue from the County of Victoria. The defendant was charged with criminal libel in respect of an article in the Province newspaper published in Victoria on 11th December, 1897, and reflecting on the conduct of Messrs. Turner and Pooley, then members of the Provincial Executive. The motion was made under section 651 of the Criminal Code, 1892. The cause had been tried at Victoria in February, 1899, and in April, 1900, and in each of the trials the jury failed to agree. The affidavit of W. H. Langley, solicitor for the defendant, used in support of the motion set out that the prosecutors were, at the time of the alleged libel, and still are, interested in politics, and that in his belief it would be impossible to obtain a fair and impartial trial in the City or County of Victoria.

Held, in criminal libel, in order to obtain a change of venue, it is not sufficient to allege that the prosecution is interested in politics in the place where the libel is alleged to have been committed and that, therefore, the defendant cannot obtain a fair trial. The fact that two abortive trials have taken place is not per se a reason for change of venue.

Langley, for the motion. *Cassidy*, contra.

North-West Territories.

SUPREME COURT.

Rouleau, J.]

THE QUEEN v. WHIFFIN.

[May 14.]

Summary conviction under Liquor License ordinance, N.W.T.—Two offences charged in one information—Ss. 102 and 106—Both offences tried together—Minute of adjudication—Hand labour—Costs.

This was an application to quash a conviction against one Alfred E. Whiffin who was convicted on the 5th July, 1899, of having unlawfully sold intoxicating liquor without a license, and of having kept intoxicating liquor