

bushel of a certain mixture consisting of oats and peas, the goods of his employer, feloniously did steal, take and carry away;" and that Robinson, "the goods aforesaid, so as aforesaid feloniously stolen, feloniously did receive, he then well knowing the said goods to have been stolen."

Second count, that Robinson feloniously did receive one bushel of a certain mixture consisting of oats and peas, of the goods, &c., which said goods had been stolen, he then well knowing them to have been stolen.

Saunders, the thief, pleaded guilty.

Robinson, the receiver, pleaded not guilty.

Abel, for the prosecution.

Codd, for the defence.

The prosecutor had known the prisoner Robinson for years and had recently sold him various sorts of corn. Before the theft the prosecutor had missed oats and peas, and his oats were peculiar. On the prisoner's premises, after the other prisoner had been arrested, were found a quantity of mixed oats and peas, and the prosecutor believed the oats were his, but could not positively identify them, mixed as they were. The only other evidence was that of Saunders the thief, who swore that the prisoner asked him to "get" him some corn, and afterwards bought it of him and gave him a shilling for it, and told him to "say nothing about it."

POLLOCK, C. B., advised the jury to acquit the prisoner; it being perilous, he said, to convict a person as receiver on the sole evidence of the thief. This would put it in the power of a thief from malice or revenge to lay a crime on any one against whom he had a grudge. And here there was no adequate confirmation of the thief's evidence.

The jury, however, after consideration desired to return a verdict of guilty.

POLLOCK, C. B., however, declined to receive it or allow it to be recorded, and directed them to find the prisoner not guilty, as the evidence failed in point of law. The indictment charged a receiving of a mixture which had been stolen, knowing it, i.e. the mixture, to have been stolen; but the evidence of the thief, if believed at all, was that he stole pure oats and pure peas, and then mixed them and afterwards sold them to the prisoner, so that the one prisoner did not steal a mixture, and the other did not receive, as the indictment alleged, a "mixture" which had been stolen, for the mixture had not been stolen.

The jury, however, still declined to return a verdict of not guilty, declaring that they deemed that when the thief mixed the oats and peas it became a "mixture."

POLLOCK, C. B., with some firmness, told the jury that they were bound, on his direction in point of law, to return the verdict he directed. He explained that the facts only were within their province, the law was in his; and although he did not infringe on their province, he could not permit them to invade his. He peremptorily directed them, therefore, to return a verdict of not guilty.

The jury, after some hesitation and with great reluctance, at length, accordingly, returned a verdict of not guilty.

SPRING CIRCUITS, 1865.

THE HON. MR. JUSTICE MORRISON.

Kingston.....	Tuesday	21st March.
Brockville	Tuesday	4th April.
Perth	Monday	10th "
Cornwall.....	Monday	17th "
Ottawa.....	Tuesday	2nd May.
L'Original	Tuesday	9th "

THE HON. MR. JUSTICE WILSON.

Napanee	Monday	20th March.
Picton	Wednesday.....	22nd "
Belleville	Monday	27th "
Whitby	Tuesday	11th April.
Cobourg... ..	Monday	17th "
Peterborough....	Monday	1st May.
Lindsay	Thursday	4th "

THE HON. CHIEF JUSTICE OF UPPER CANADA.

Milton.....	Monday	18th March.
Hamilton	Monday	20th "
Barrie	Monday	3rd April.
Niagara.....	Tuesday	25th "
Welland... ..	Tuesday	2nd May.
Owen Sound.....	Tuesday	9th "

THE HON. MR. JUSTICE HAGARTY.

Guelph	Monday	29th March.
Brantford	Monday	27th "
Berlin	Monday	3rd April.
Stratford	Monday	10th "
Woodstock	Monday	17th "
Cayuga	Tuesday	25th "
Simcoe	Tuesday	2nd May.

THE HON. MR. JUSTICE JOHN WILSON.

Goderich.....	Tuesday	21st March.
Sarnia.....	Monday	27th "
St. Thomas	Thursday	30th "
London	Monday	3rd April.
Chatham	Wednesday.....	12th "
Sandwich	Monday	17th "

THE HON. CHIEF JUSTICE RICHARDS.

Toronto City.....	Monday	20th March.
York and Peel ...	Monday	10th April.

INSOLVENTS.

P. S. Stevenson ..	Toronto.
Charles J. Houghton	Montreal.
Charles Laroque	Plantagenet.
A. Bunnell	Brantford.
Pierre Elsear Pothier	Three Rivers.
Peter Aylsworth	Demorestville.
Thomas Redner	Tp. Hillier.
David Caldwell	Galt.
Thos. Mahoney	Petersboro'.
John Young	Montreal.
W. Muirhead	Hamilton.
John W. H. Schneider	Welland.
Wollaston F. Pym	Cobourg.
James M. Sweetman	Huntingdon.