

Gabarus. The master of the schooner of five tons had entered his vessel at that port from St. Johns as having no cargo, and not landed any, but clandestinely landed this cargo of Chinamen. It is not material how many provisions of the Chinese Immigration Act he had violated in that connection. He was indicted for more than one offence.

The defendant, in pursuing his enquiries of the student as to the head tax, had produced to him 21 certificates purporting to shew that Chinamen of some name had paid the tax; that one Thomas, a Chinese smuggler, had sent him these certificates from Toronto to be used in connection with these arrivals, who were to land on the shore of Cape Breton and make their way to his house. He had destroyed the letter. These certificates were to be delivered to these Chinamen, and in an envelope there were 21 slips, each with a number and a name, or two names rather, in Chinese characters, indicating to whom each certificate was to be given. It was the theory of the Crown that these were old certificates to be used by these people personating other Chinamen, or were false certificates to assist in evading the tax.

The Chinamen were arrested without warrant by the chief constable and were sent to the lock-up. This was done at the instance of the defendant, I think. Later, there was an information made by this defendant and a warrant issued by a stipendiary magistrate in the following terms:—

“Canada,

“Province of Nova Scotia,

“County of Cape Breton, SS.

“To any of the constables and other peace officers of the said County of Cape Breton:

“Whereas, seventeen persons of Chinese origin, and now of Sydney in the county aforesaid, have, this day, been charged upon oath before the undersigned, Angus G. McLean, a stipendiary magistrate in and for the city of Sydney, in the said county of Cape Breton, for that they, on or about the thirtieth day of August, 1907, at Sydney, in the said county of Cape Breton, did unlawfully and wilfully attempt to evade the provisions of the Chinese Immigration Act, as respects the payment of the tax, contrary to the form of statute in such case made and provided.

“These are, therefore, to command you, in His Majesty's name, forthwith to apprehend the said seventeen persons of Chinese origin and to bring them before me or some other