

any possible misapprehension as to the nature of the transaction on the 8th, and its real bearing on the occurrences of the 11th was explained. The prisoner admitted that Lalonde was to come to her house on the 11th August in order to receive payment of the \$16, but her defence was that he did not come and was not there at all on that day. This was the real issue which the jury had to determine, and it was fairly and properly presented to them by the learned Judge.

On the whole case we think that there was no miscarriage, and that we ought to refuse the application.

OCTOBER 26TH, 1903.

C.A.

REX v. BULLOCK.

Criminal Law—Evidence—Trial of Same Prisoners on Several Charges—Trial before Judge without Jury—Prejudice to Prisoners—Evidence—Cases not Kept Distinct.

Appeal by Bullock and Stevens, the prisoners, from convictions by the Judge of the County Court of Waterloo, in the County Judge's Criminal Court, on two separate charges of receiving stolen goods knowing them to have been stolen. The prisoners were acquitted on a third charge, of house-breaking and stealing.

The first charge was of having on the 9th November, 1902, received tobacco stolen from one James Johns. The second charge was of having on 23rd October, 1902, received three razors stolen from one Leonard A. Macdonald. And the third charge was of having on the 23rd October broken and entered the shop of Thomas Hamilton and stolen a quantity of ginger ale and lemon sour soda.

The trial took place on the 27th December. The accusations or indictments on which the prisoners were brought before the Judge were of breaking and entering the shops of the respective persons mentioned with intent to steal, but with the consent of the Judge the further charge of receiving was added in the first two cases.

After stating the evidence in the first case, that is, the tobacco case, the learned Judge made the following statement: "I find in my note book that at the close of the case for the Crown it is noted that I dismissed the charge of shop-breaking as charged in the first count, and found a *prima facie* case for receiving stolen tobacco, as charged in the second count, made out. The case was then adjourned to 30th December at 10 a.m. to let in evidence for the defence. This evidence consisted chiefly of evidence of relations and friends