

he was not aware of it. That is really the whole defence. Arnold himself admitted selling between 300,000 and 400,000 gallons in Montreal. We show in addition, 56,268 gals. entered in the stock book, as sold in Montreal. The actual quantity sold in Quebec was 64,173 gallons. Now do you believe that quantity of spirits came from Maitland, or was it water? It was spirits, beyond doubt. Where then did it come from? There was no other Distillery within 10 miles of them. Is there not sufficient evidence before you to lead you to believe it came from this Distillery, and that Halladay—by some means which we are unable to trace, but which are perfectly manifest,—had the locks opened and the spirits pumped out. We did not undertake to prove the way this was accomplished, but we did undertake to prove, and have fulfilled our undertaking, that he made upwards of 200,000 gals., over and above his returns; and this I think you will have no trouble to find, under his Lordship's directions. Indeed I have no question you will be satisfied that not only has he taken that quantity, but far more,—that 300,000 gallons were fraudulently disposed of. The manner in which this has been done, I cannot explain to you, but that it has been done is undeniable, unless you can believe that some one made him a present of that quantity. It was stated that he might have bought this spirit. But if that were really the case, do you think they would offer no evidence of such a vital point? Nothing of the kind was given, as you know. And I say now, that having shown you that the material sufficient to make the quantity charged was in the distillery, and having given you evidence of the shipment from Maitland, and sale of spirits to that extent,—under these circumstances, I say, can you doubt that by some means or other Halladay has defrauded the Government to the amount stated. If, as I think, you cannot doubt it, then, feeling that the Government is only doing its duty to the public in seeking to put a stop to such frauds, it will be your duty to strengthen the hands of the Government by giving them a verdict in this case.

His Lordship then charged the jury. The case, he said, has been tedious; but, gentlemen, all the papers are before you, and you will be supplied with every information which it is in the power of the Court to give, in order to enable you to arrive at your verdict. According to the principles of law, every one is presumed to carry on business honestly, until the contrary is proven. The Crown has here no advantage over the subject; and you may, gentlemen, look on this case as you would on one between two private persons in partnership, who sought to ascertain honestly their rights. The Crown, you are aware, gives certain rights of trade to the subject, for a certain percentage, which varies in different cases. This is honestly the right of the Crown. In the case of distillers, the Crown gave them leave to carry on their works; but the moment they made a gallon of proof spirits they were indebted to the Crown 30 cents; and, acting as they did, under license from the Government, they had no right to defraud the Crown of that amount. That was the undoubted right of the Crown—their property—which the other party to the agreement, the distiller, could not appropriate. The case is as if a farm were rented in shares. Each was fully entitled to his share, whatever it was, and ought not