

MONTREAL, 12TH APRIL, 1867.

CRIMINAL SIDE.

Coram MONDELET, A. J.

*The Queen v. Dunlop.*

INDICTMENT—NUISANCE—CONVICTION.

The defendant was convicted by a jury of a nuisance in keeping in a building an excessive quantity of gunpowder.

The Court thereupon adjudged that he should pay to Her Majesty, £50, and be imprisoned until the fine was paid, and further ordered the sheriff forthwith to abate the nuisance by the immediate destruction of the powder.

The indictment was in the following words :

"The Jurors of Our Lady the Queen upon their oath, present that Charles John Dunlop, late of the parish of Montreal, in the District of Montreal, Esquire, on the first day of September in the year of our Lord one thousand eight hundred and sixty-five, and on divers other days and times between that day and the day of the taking of this inquisition, with force and arms, at the Parish of Montreal, in the District aforesaid, in a certain building situated at a place called Côte Ste. Catherine, in a property occupied by him, the said Charles John Dunlop, in the Parish aforesaid, near a public highway and road leading from the City of Montreal, in the District aforesaid, to divers parishes and places contiguous thereto, and also near the dwelling-house of divers subjects of our said Lady the Queen there, and also near unto divers public streets being the Queen's Common Highways within the limits of the City of Montreal, and numerous other dwelling houses of divers other liege subjects of our said Lady the Queen there, did unlawfully and injuriously in the said building receive and keep and still keeps an excessive quantity of gunpowder, to wit, the quantity of fifty-one tons of gunpowder, and over, whereby the said liege subjects of our said Lady the Queen there residing, as also those residing within the limits of the said City of Montreal, and those passing and repassing on the said highway are and have been and still are placed in great terror, and in great danger to the great damage and common nuisance of, &c.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said Charles John Dunlop, on the first day of September, in the year of Our Lord one thousand eight hundred and sixty-five, and on divers other days and times between that day and the day of the taking of this inquisition with force and arms, at the Parish of Montreal aforesaid, in the District aforesaid, in a certain building situated at a place called Côte Ste Catherine, in a property occupied by him, the said Charles John Dunlop, in the Parish aforesaid, near a public highway and road leading from the City of Montreal, in the District aforesaid, to divers parishes and villages contiguous thereto, and also near the dwelling-houses of divers subjects of our said Lady the Queen there, and also near unto divers public streets, being in the Queen's Common Highways, within the limits of the City of Montreal, in the District aforesaid, and numerous dwelling-houses of divers other liege subjects of our said Lady the Queen there, did unlawfully, injuriously and negligently in the said building receive and keep and still keeps a large quantity of gunpowder, to wit, fifty-one tons of

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