

abets any such person of Chinese origin in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of an indictable offence," etc.

By sec. 30 it is provided that: "Every person who violates any provision of this Act, for which no special punishment is herein provided, is guilty of an indictable offence," etc.

By sec. 31, taxes and penalties may be recovered before stipendiary magistrates, among other officials.

By the Criminal Code, sec. 648, "a peace officer may arrest, without warrant, any one whom he finds committing any criminal offence."

By sec. 30, "every peace officer who, on reasonable and probable grounds, believes that an offence for which the offender may be arrested without warrant has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not."

For the scope of that provision I refer to a judgment of Killam, J., in *Queen v. Cloutier*, 2 Can. Cr. Cas. 43.

Previously to August, 1907, the Collector of Customs at Sydney was apprised by the Department at Ottawa, that Chinamen were coming in at his port from Newfoundland, ostensibly as being residents of Canada and entitled to re-enter on the strength of certificates which they bore purporting to shew their registration at some Canadian port in the past; that it was not at all probable that the bearers of the certificates were the people referred to in the certificates, but, in any event, the certificates did not allow them to re-enter Canada without payment of the capitation tax.

On the 30th of August, 1907, the defendant, a preventive officer at Sydney, was apprised by the collector that a schooner had landed a lot of Chinamen at a place called Gabarus, on the shore of Cape Breton, in the woods, and he was instructed to see if they had paid their head tax. He at once acted (under the collector), and with the Deputy Chief of Police for Sydney, went to hunt them up. They went to a Chinese resort and by interrogating a "student" Chinaman, Wong Winn Yeen, eventually found these Chinamen, some in one place and some in another, part of them on the road to Sydney, but all had passed the port of entry.