

GEORGE MILLER APPELLANT;
 AND
 HIS MAJESTY THE KING RESPONDENT.

1931

*Apr. 28.

ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME
 COURT OF ALBERTA

*Criminal law—Common betting house—Means or contrivances for betting—
 Sufficiency of evidence of—Prima facie evidence—Ss. 229 and 986 (2)
 Cr. C.*

An appeal from the judgment of the Appellate Division, Alta. (25 Alta.
 L.R. 273) affirming (Lunney J.A. dissenting), the appellant's convic-
 tion for unlawfully keeping a common betting house (s. 229 Cr. C.)—

*PRESENT:—Anglin C.J.C. and Rinfret, Lamont, Smith and Cannon
 JJ.

1931
MILLER
v.
THE KING.
—

The chief evidence consisted in the finding of certain cards marked in duplicate and similar to those used for checking hats at a hotel, but also suitable for the purpose of betting, which might constitute "means or contrivances for betting" within the meaning of s. 986 (2) Cr. C.

Held that, in the absence of any suggestion in the evidence as to the possibility of the duplicate cards having been used by the appellant for any other purpose than that of betting, there was *prima facie* evidence of guilt.

APPEAL from the judgment of the Appellate Division of the Supreme Court of Alberta (1), dismissing (Lunney J.A. dissenting), the appellant's conviction for unlawfully keeping a common betting house (s. 229 Cr. C.).

A. M. Sinclair K.C. for the appellant.

W. S. Grey K.C. for the respondent.

The judgment of the court was orally delivered by

ANGLIN C.J.C.—This is an appeal from the decision of the Appellate Division of the Supreme Court of Alberta affirming the conviction of the defendant by a stipendiary magistrate for keeping "a common gaming house" (s. 229, Crim. Code).

The chief evidence consisted in the finding of certain cards suitable for the purpose of betting and which might constitute a "means" for betting under s. 986 (2) of the Criminal Code.

In the absence of any suggestion in the evidence as to the possibility of the duplicate cards found having been used by the appellant for any other purpose than that of betting, there appears to have been *prima facie* evidence of guilt.

We, therefore, dismiss the appeal with costs.

Appeal dismissed with costs.

Solicitors for the appellant: A. M. Sinclair and J. McK. Cameron.

Solicitors for the respondent: W. S. Grey.