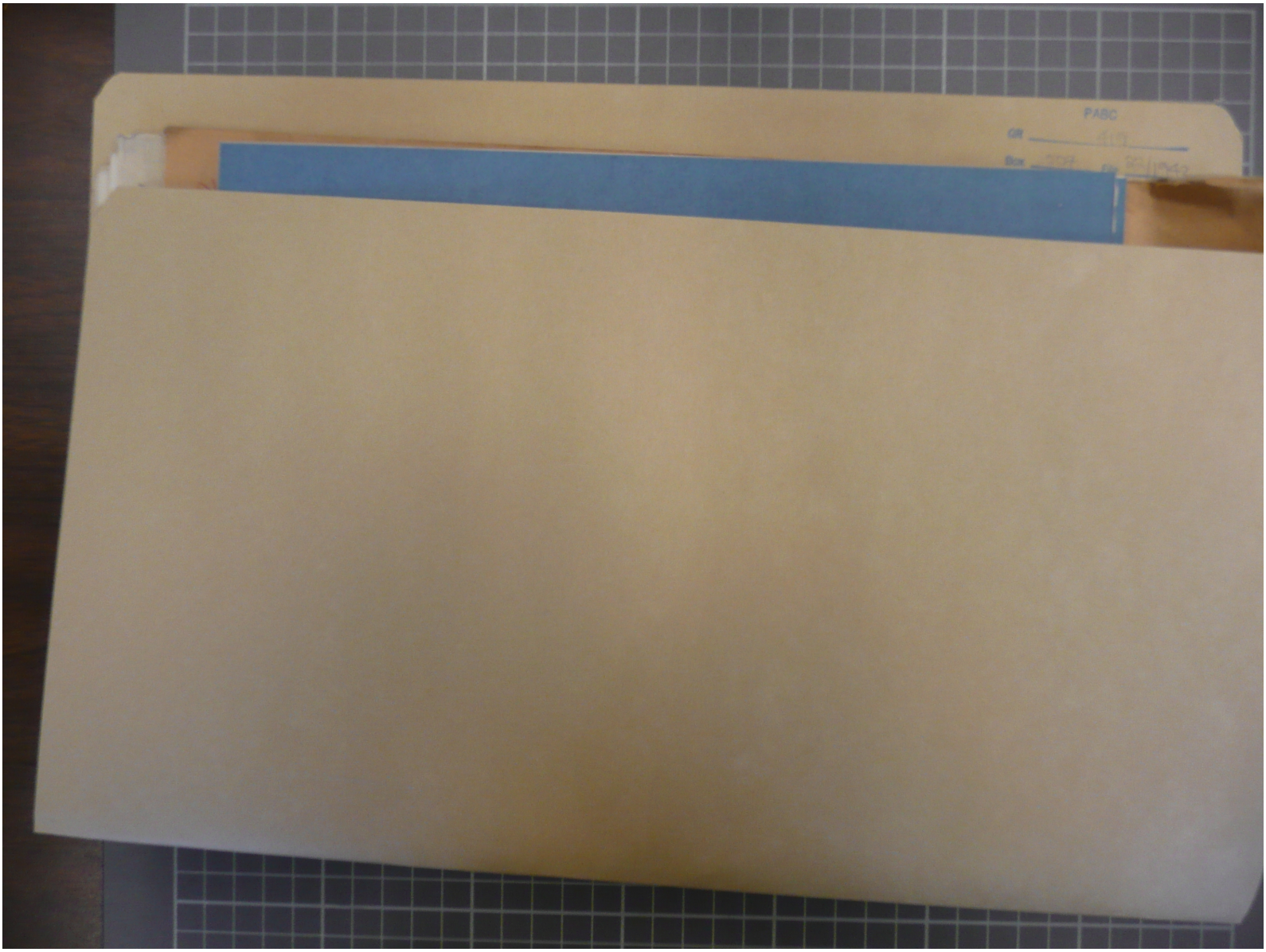

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IN THE SUPREME COURT OF CANADA

ON APPEAL FROM THE COURT OF APPEAL
FOR BRITISH COLUMBIA.

BETWEEN:

R E X .

APPELLANT.

AND

FLOYD HERRIGAN,

RESPONDENT.

RESPONDENT'S FACTUM.

ERIC HEPLER, ESQ.,
Solicitor and Counsel for the Appellant.

MESSRS EWART & CO.
OTTAWA AGENTS.

THOMAS F. HURLEY, ESQ.,
Solicitor and Counsel for the Respondent.

MESSRS NEWCOMBE & CO.
OTTAWA AGENTS.

IN THE SUPREME COURT OF CANADA.

ON APPEAL FROM THE COURT OF APPEAL

FOR BRITISH COLUMBIA.

BETWEEN:

R E X .

APPELLANT.

AND

FLOYD BERRIGAN,

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RESPONDENT'S FACTUM.

ERIC PEPLER, ESQ.,

Solicitor and Counsel for the Appellant,

MESSRS EWART & CO.
OTTAWA AGENTS.

THOMAS F. HURLEY, ESQ.,

Solicitor and Counsel for the Respondent,

MESSRS NEWCOMBE & CO.

OTTAWA AGENTS.

IN THE SUPREME COURT OF CANADA.

ON APPEAL FROM THE COURT OF APPEAL

FOR BRITISH COLUMBIA.

BETWEEN:

R E X .

APPELLANT.

AND:

FLOYD HERRIGAN,

RESPONDENT.

STATEMENT OF FACTS.

This Respondent accepts and adopts the statements of facts contained in the Factum already filed herein on behalf of Respondent. Robert Hughes, and the argument submitted on his behalf and submits these further arguments on behalf of this Respondent:

1. The learned trial Judge erred in failing to direct the attention of the Jury to facts in evidence which would serve to indicate Gorovenko's complicity in the crime, and to submit to them the issue as to what she was proved or sworn to have done, constituted her an accomplice, and in particular the following evidence.

Case p. 31. (a) That Gorovenkp a week before the 16th January 1942 had inspected the Chapman and the Uno stores.

Case p. 29 (b) That she had obtained and given to Hughes the revolver allegedly used in the crime.

Case p. 31 (c) That she swore she knew the stores were "to ~~be~~ taken".

Case p. 36 (d) That after the commission of the crime she received harboured and comforted one or more of the alleged

criminals and put the revolver under her pillow.

REX VS VIGEANT (1930) S.C.R. 396.

Case p. 279 2. The learned trial judge erred and misdirected the jury in stating with regard to the evidence of Gorovenko "Is this girl speaking the truth so that I can rely upon her evidence, that is all you need to consider in her respect." and

Case p. 280 "So, therefore, if you believe that evidence (Gorovenko's) if you accept that as truthful evidence and an accurate account of what took place then you have the commencement of the unlawful enterprise" The jury might reasonably have concluded that these particular directions overruled the general direction as to the danger of convicting on the uncorroborated evidence of an accomplice and that if they believed the evidence of Gorovenko they should convict.

GOUIN VS THE KING, 1926 46 C.C.C. p. 1.

REX VS NOWELL, 1938 54 B.D.R. p. 165.

Case p. 285 3. The learned trial judge erred on the issue of corroboration by not directing the attention of the jury to the evidence with particularity which might be held to be corroborative of the evidence of Gorovenko, and in stating "you may find corroboration of the girl's evidence in that of Mr. Chapman, the police officers, Inspector Vance and the taxi driver".

HUBIN VS THE KING 1927, S.C.R. p. 442.

REX VS MCDONALD, 1939 4 D.L.R. p. 60

REX VS BEAUCHESNE, 60 C.C.C. p. 25 at 31.

REX VS WEIGERBAUM, 1919 14 C.A.R. p. 1 at p. 3.

4. The learned trial judge did not put the defence or the theories of the defence to the jury and did not put before them evidence or the lack of evidence favourable to the respondent or in the alternative did not put it to them as forcibly as he did the evidence against the Respondent.

THE KING VS KRAWCHUK, 1941 2 D.L.R. 353.

Case p. 282 5. The learned trial judge erred in telling the Jury "About 8.20 they (including the respondent) arrived at the Japanese store" as there was no evidence that the Respondent was at or near the Japanese store, and there was therefore misdirection, and the learned trial judge further misdirected the jury when he stated "Then the three men escaped (from the Japanese store) to a waiting car which the Crown suggests was driven by a fourth man, and they drove off and made their escape", as there was no evidence of a waiting car or a fourth man, in the alternative the learned judge should have asked the jury to decide as to whether or not a fourth man was implicated in the crime.

REX VS COBBETT, 28 C.A.R. p. 11 at p.p. 13 and 14.

REX VS ILLERBRUN, 1939 3 W.W.R. 546 at p. 549.

REX VS SWITYK, 1925 1. D.L.R. 1015 at p.p. 1017 and 1018.

6¾ The learned trial judge erred in instructing the jury either directly or by implication that statements allegedly made in the presence of the respondent and not sworn to have been made by him or assented to or accepted by him either by word, conduct action or demeanour were of evidentiary value against him (respondent), and should be regarded by the jury as evidence against him and as corroborating the witness.

Gorovenko, or in the alternative the learned trial judge was guilty of non-direction amounting to misdirection in not warning and instructing the jury that such statements were of no evidentiary value against the Respondent unless made by him or assented to or accepted by him either by word conduct action or demeanour, and could therefore not be held to be corroborative of the evidence of Gorovenko.

Case p. 31 Such evidence relates to an alleged conversation at the Piccadilly Hotel at about 4 o'clock in the afternoon of the 16th January 1942.

Case p. 32 AND to a conversation at about 8 p.m. of the 16th January 1942, at the Piccadilly Beer Parlour as to when "They would take the first store".

Case p. 33 AND to a conversation at about 9.15 p.m. of that date at Room 11 of the said hotel,

AND again to the last mentioned conversation.

MAX STEIN VS THE KING (1928) S.C.R. 553.

ALL of which is respectfully submitted.

THOMAS F. HURLEY,
Counsel for the Respondent.

Vancouver, B.C.
September 30th, 1942.

IN THE SUPREME COURT OF CANADA.

R E X,

Appellant

vs.

ROBERT HUGHES,
JOHN PETRYK,
WILLIAM G. BILLAMY, and
FLOYD BERRIGAN,

Respondents.

REGISTRAR'S CERTIFICATE.

I, the undersigned Registrar of the Court of Appeal for British Columbia, DO HEREBY CERTIFY that the foregoing printed document from page 1 to page inclusive, is the Case stated by the parties pursuant to the Supreme Court Act and the Rules of the Supreme Court of Canada, in an appeal to the said Supreme Court of Canada from the judgment of the said Court of Appeal in a certain case between Rex, Appellant, and Robert Hughes, John Petryk, William G. Billamy, and Floyd Berrigan, Respondents.

AND I DO HEREBY FURTHER CERTIFY that all judgments and opinions pronounced in the Courts below are included in the said Case.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed the seal of the said Court of Appeal at Vancouver, B.C., this day of August, A.D. 1942.

Registrar of the Court of Appeal.

Notice of Motion to amend Notice of Motion for Leave to Appeal.

COURT OF APPEAL

R E X

RESPONDENT

VS.

ROBERT HUGHES

APPELLANT.

NOTICE OF MOTION TO APPLY TO AMEND NOTICE OF APPEAL

TAKE NOTICE that the above-named Prisoner Appellant, Robert Hughes, will by his Counsel Angelo E.Branca, Esq., apply to this Honourable Court upon the hearing of this appeal for leave to amend the Notice of Motion for leave to appeal on questions of fact or mixed law and fact filed herein involving questions of law by adding thereto the following:

"1. The Learned Trial Judge failed to instruct the Jury as to the law applicable to excusable homicide, there being evidence given at the trial, of such defence for which a foundation of fact appeared in the evidence given by witnesses called for the Crown at the trial, and in particular as follows:

(a.) That the shot that was fired allegedly by the Prisoner Appellant and which killed the deceased man was fired accidentally. The evidence so lead and which, had the Jury desired to accept and believe, directly or inferentially was given at the trial by Oiyo Uno, Yukio Uno and one Ciminelli, Crown witnesses.

(b.) The Learned Trial Judge disregarded or failed to call the attention of the Jury to such evidence upon which, the Jury might have, had it believed the said evidence arrived at a conclusion of excusable homicide, or death per infortunium.

(c.) The Learned Trial Judge, omitted and or failed to instruct the Jury, that if it the said Jury believed the evidence referred to, and either directly or indirectly found that the deceased had come to his death as a result of an accident, owing to the revolver of the accused

Branca
May 30/1942
Registrar

if they found that the Prisoner Appellant Hughes had the revolver at the time in question, having been inadvertently discharged during a scuffle or struggle between the Prisoner Appellant Hughes and the deceased, that then the Prisoner Appellant Hughes was not guilty of murder but was innocent if at the time he was so engaged in an unlawful act, and or if he did not intend to cause the death of the deceased, or guilty of manslaughter if the Jury found that he was then and there engaged in an unlawful act.

(d.) That the Learned Trial Judge misdirected the Jury on this issue by repeatedly directing the Jury that they must find the Prisoner Appellant Hughes, if he did the shooting guilty, or acquit him, that there was not with respect to the accused Hughes, or any of the accused any middle ground.

(e.) That the Learned Trial Judge in effect, by not putting or reviewing any of the facts given in evidence upon such vital issue, and by not instructing the Jury upon the law applicable thereto neglected or failed to put a substantial ground of defence clearly open to the Prisoner Appellant Hughes upon the evidence given at trial by reason whereof there was non direction on such vital issue which resulted in the full answer and defence of the accused being ignored.

(f.) That the Learned Trial Judge failed to instruct the Jury, as he should that if it the Jury had any reasonable doubt concerning the facts as to whether the same amounted to murder or manslaughter then the jury should find the accused guilty of manslaughter.

(g.) The Learned Trial Judge in effect summarized such issue in a manner most prejudicial to the accused by reason whereof the Jury could only have concluded that there was no substance to the said defence at all thereby prejudicing the accused in his right to full answer and defence and a fair trial.

2. That the Learned Trial Judge failed to properly instruct the jury, with reference to the law applicable to drunkenness as a defence and in particular when referring to same so referred to it as to misdirect the Jury on the law applicable to such issue.

(a.) That the Learned Trial Judge failed to instruct the Jury that it was open to the Jury to find drunkenness on the facts, that there was evidence direct and circumstantial, wherefrom it the Jury could find that the Prisoner Appellant Hughes was drunk to the extent if they so evalued such evidence, that he the said Hughes was incapable of forming the specific intent essential to constitute the crime of murder, and that the Jury was entitled to take such evidence into consideration with other facts proved in order to determine whether or not the Prisoner Appellant had or had not the intent to kill the deceased, assuming the Jury found upon proper direction as to facts and law that the Prisoner Appellant had killed the deceased.

(b.) That the Learned Trial Judge failed to summarize the facts given in evidence, whereupon the jury might consider the issue of drunkenness as effecting intent, in a manner and to the extent of being assured that the Jury understood and appreciated the facts and the law applicable to such issue.

(c.) That the Learned Trial Judge failed to put this essential defence, apparent from the evidence, to the Jury and as a result thereof the accused Hughes had had an unfair trial, and has been deprived of the right to have the jury pass upon this vital branch of his, the Prisoner Appellant's defence.

(d.) That it was open to the Jury to find the Prisoner Appellant guilty of manslaughter, not murder, had the Jury been enabled to pass upon this branch of the defence and had the Jury come to the conclusion that the Prisoner Appellant Hughes was so drunk that he was

incapable of forming the specific intent essential to constitute the crime whereof he was charged.

(f.) That the Learned Trial Judge erred in not directing the jury that the Prisoner Appellant Hughes, was entitled to the benefit of any reasonable doubt that remained in their minds upon the whole case, including the reduction of the charge from murder to manslaughter.

(g.) That the Learned Trial Judge specifically misdirected the Jury by stating that it was for the Jury to say whether there was any evidence anywhere that any of the accused (not Hughes specifically) were so drunk that they (not Hughes specifically) were incapable of knowing what they were doing.

3. That the Learned Trial Judge erred in allowing in evidence of the bad character of the Prisoner Appellant Hughes and directing the attention of the Jurty thereto in summing up, and in particular;-

(a.) Of the fact that Hughes lived with an admitted prostitute, and an acknowledged law breaker.

(b.) That the Learned Trial Judge erred in allowing in evidence of a similar act, amounting to a crime not connected with the charge whereupon the Prisoner Appellant Hughes was arraigned.

(c.) That the Learned Trial Judge erred in allowing evidence of an alleged theft of an automobile.

(d.) That the Learned Trial Judge erred in allowing in evidence of the acquiring of a gun in the month of December by the accomplice Corovenko, which prejudiced a fair trial to the Prisoner Appellant Hughes and which was irrevelant to the charge whereupon he was tried.

(e.) That the Learned Trial Judge erred in allowing in evidence of a hunting trip to Lulu Island having no relevency to the charge, which prejudiced a fair

trial to the prisoner Appellant Hughes.

4. That the Learned Trial Judge allowed in the following irrevelent evidence which prejudiced a fair trial to the Prisoner Appellant Hughes, namely:

(a.) Evidence lead by one Ciminelli, a Crown Witness that he had met Hughes at the White Chef and wanted to use Ciminelli's car to pull a job.

(b.) Evidence lead by Mr. and Mrs. Chapman and Mrs. Garnett as to the robbery of the store.

5. That the learned Trial Judge erred in not instructing the Jury that certain evidence of acts and declarations, highly prejudicial to the Prisoner Appellant Hughes, given by certain witnesses, not in the presence of the said Hughes, was not evidence against Hughes, namely:

(a.) A statement made by Berrigan, a co-accused in the absence of the accused Hughes, that Bob (meaning the Prisoner Appellant Hughes) had done some shooting.

(b.) A further statement made by the Prisoner Appellant Berrigan (a co-accused) that he hoped the Gee (meaning man) wouldn't die.

(c.) A statement allegedly made by co-accused Berrigan, Billamy and or Petryk, in the absence of the Prisoner Appellant Hughes that they had met trouble and a shot was fired, and they had run their car into a dead end and had split up.

6. The Learned Trial Judge erred in directing the attention of the Jury to the fact that the girl Gorovenko was not cross examined by Counsel for the Prisoner Appellant Hughes.

7. The Learned Trial Judge erred in usurping the function of the Jury in deciding upon the credebility of the witnesses and in particular of the witness Gorovenko.

8. The Learned Trial Judge erred in instructing the Jury that a crime had been committed and that they the accused had done such crime, and by directing the attention of a jury to a man proved guilty by the Crown who has been found not guilty by a jury.

9. The Learned Trial Judge erred in usurping the function of the Jury when he instructed them as follows: "Now much has been said about the Chapman holdup very properly. It was part of the original scheme and you must take it into careful consideration."
And again:

"If you should not consider the Chapman holdup as proof of the other hold up, but so far as that one concerned these men (referring to the Prisoner Appellant Hughes) certainly took part in it and took part in it to the end."
And again:

"You will remember Mrs. Garnett saying she saw the car at the lane with two or three men standing beside it and the Crown says Hughes was the man who remained in that car."
And again:

"Then of course they went to the beach"
And again:

"First of all there is the matter of Hughes who fired the shot."

10. That the Learned Trial Judge erred in his instructions to the Jury as to the law and particularly, the Learned Trial Judge

(a.) Erred in not directing with particularity the facts, if any, given in evidence, which would serve to indicate the complicity of a Crown witness Gorovenko in the crime whereof the Prisoner Appellants were charged, at any stage thereof.

(b.) Erred in not submitting to the Jury the issue as to whether what was proved to have been done made the said witness Gorovenko, having regard to a proper direction in law as to accomplices, an accomplice.

(c.) Erred in not directing the attention of the Jury as to what facts, if any, proven in evidence would amount to corroboration of the testimoney given by the witness Gorovenko, should the Jury deem her upon proper direction as to law and fact, an accomplice, im-

plicating the Prisoner Appellant Hughes, and confirming in some material particular, not only her evidence that a crime had been committed, but also that the accused Hughes, committed it.

(d.) Erred in treating the said alleged accomplice Corovenko as a witness of truth and removed from the Jury its right to judge the credibility of a material witness.

(e.) Erred in not directing the Jury what, if any, circumstantial evidence given in evidence which may at law have amounted to corroboration of her evidence.

(f.) Erred in not directing the attention of the Jury that such circumstantial evidence if in law the same amounted to corroboration, must be inconsistent with any reasonable hypothesis than the complicity of the Prisoner Appellant in and his identity as the author of the crime charged.

10. THE Learned Trial Judge erred in not instructing the Jury as to what in law constituted robbery with violence.

11. That substantial defences of the prisoner Appellant Hughes were not put to the Jury so as to insure the due appreciation of the Jury thereof.

12. And upon such other ground as Counsel may be instructed.

DATED at the City of Vancouver in the Province of British Columbia on this 30 day of May A.D. 1942.

SOLICITOR FOR PRISONER APPELLANT HUGHES

This Notice of Motion to apply to amend Notice of Appeal is filed on behalf of the Prisoner Appellant Hughes herein by his Counsel Mr. A.E.Branca, Barrister & Solicitor, whose place for service and address for business is Suite 402 Holden Building, 16 Hastings Street East, Vancouver, British Columbia.

Notice of Motion to Amend Notice of Appeal.

COURT OF APPEAL

R E X,

RESPONDENT

vs.

ROBERT HUGHES,

APPELLANT.

December May 20, 1942 Registry

NOTICE OF APPLICATION TO AMEND NOTICE OF APPEAL

TAKE NOTICE that the above-named Prisioner Appellant by his Counsel Angelo E.Branca, Esq., will apply to this Honourable Court upon the hearing of this appeal for leave to amend the Notice of Appeal filed herein upon questions of law only, by adding thereto the following:

" 12. That the Learned Trial Judge misdirected the Jury as to the law applicable to drunkenness.

13. The Learned Trial Judge erred in not pointing out the facts in evidence which might justify the conclusion of drunkenness.

14. The Learned Trial Judge erred in not directing the Jury that if the evidence justified a verdict of drunkenness to the extent that the Prisoner Appellant was incapable of forming intent which was an essential ingredient to the crime of murder, then they should find the Prisoner Appellant guilty of the crime of manslaughter.

15. The Learned Trial Judge erred in not directing the Jury that if it had any doubt as to whether or not the Prisoner Appellant Hughes was drunk to the extent aforesaid, that such doubt should be resolved in favour of the Prisoner Appellant Hughes, and the verdict of manslaughter returned.

16. The Learned Trial Judge erred in not directing the Jury as to the law of manslaughter with reference to an issue of accident.

17. The Learned Trial Judge erred in not directing the

the attention of the Jury to the facts upon which the finding of accident might be arrived at.

18. The Learned Trial Judge erred in not directing the Jury that if upon the facts proven in evidence if it had any doubt as to whether or not it was an accident that such doubt should be resolved in favour of the Prisoner Appellant Hughes.

19. The Learned Trial Judge erred in this regard in instructing the Jury that it must either acquit or convict the Prisoner Appellant Hughes of Murder.

20. The Learned Trial Judge erred in misdirecting or alternatively not properly directing the Jury upon the question of an accomplice and corroboration required at law.

21. The Learned Trial Judge erred in not directing the attention of the Jury to the substantial defences of the Prisoner Appellant Hughes.

22. The Learned Trial Judge erred in misquoting certain important pieces of evidence to the Jury, which had no foundation in fact.

23. The Learned Trial Judge erred in certain findings to the Jury, finding certain facts as facts and directing the attention of the Jury to such facts as if they were proven facts.

24. The Learned Trial Judge erred in not putting the defence of the Prisoner Appellant Hughes upon the evidence so fully and adequately so as to insure the due appreciation of the Jury thereto.

25. The Learned Trial Judge erred in not directing the attention of the Jury to the weakness of identification and summarising evidence with respect thereto so as to insure the due appreciation of the Jury on that issue.

26. The reception of inadmissible evidence.

27. And upon such other grounds as Counsel may be instructed.

DATED at the City of Vancouver in the Province of British Columbia on this 30th day of May A.D. 1942.

SOLICITOR FOR PRISONER APPELLANT

The Place of Business and address for service of the Prisioner Appellant's Solicitor is Room 408 Holden Building, 16 Hastings Street East, in the City and County of Vancouver, Province of British Columbia.

Notice of Motion to Amend Notice of Appeal.

COURT OF APPEAL

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ON APPEAL ~~FROM~~ THE SUPREME COURT OF BRITISH COLUMBIA OYER AND TERMINER AND GENERAL GAOL DELIVERY, BEING AN APPEAL FROM A CONVICTION MADE ON THE 18th DAY OF APRIL A.D.1942, IN THE COURT OF ASSIZE IN AND FOR THE COUNTY OF VANCOUVER, THE HONOURABLE, MR JUSTICE SIDNEY SMITH PRESIDING.

REX. RESPONDENT.

vs

FLOYD BERRIGAN. APPELLANT.

TAKE NOTICE that the abovenamed Appellant will at the opening of the appeal herein move this Honourable Court for leave to amend his notice of appeal already filed by adding thereto the following grounds:-

17. The learned trial judge erred in instructing the jury either directly or by implication that statements allegedly made in the presence of the appellant and not sworn to have been made by him or assented to or accepted by him either by word conduct action or demeanour were of evidentiary value against him (appellant) and should be regarded by the jury as evidence against him and as corroborrating the witness, Gorovenko, or in the alternative the learned trial judge was guilty of non-direction amounting to misdirection in not warning and instructing the jury that such statements were of no evidentiary value against the appellant unless made by him or assented to or accepted by him either by word conduct action or demeanour, and could therefore not be held to be corroborrative of the evidence of Gorovenko.

Such evidence relates to an alleged conversation at the Piccadilly Hotel at about 4 o'clock in the afternoon of the 16th January 1942 and is found at page 54 of the Appeal Book l.4 to l.30.

and

to a conversation at about 8 p.m. of the 16th January 1942 at the Piccadilly Beer Parlour as to when "they would take the first store," page 58 of the Appeal Book l.l. to l.7.

-and-

To a conversation at about 9.15 p.m. of that date at Room 11 of the said hotel, page 59 of Appeal Book l.6 to l.6 of page 60.

and again

To the last mentioned conversation (p.554 l.19 to p.555 l. 7

18. The learned trial judge erred in failing to direct the attention of the jury to facts in evidence which would serve to indicate Gorovenko's complicity in the crime and to submit to them the issue as to whether what she was proved or sworn to have done constituted her an accomplice, and in particular the following evidence:-

(a) That Gorovenko a week before the 16th January 1942 had inspected the Chapman and the Uno Stores.

(b) That she had obtained and given to Hughes the revolver allegedly used in the crime.

(c) That she swore she knew the stores which were "to be taken".

(d) That after knowledge of the commission of the crime she received harboured and comforted one or more of the alleged criminals.

19. The learned trial judge erred on the issue of corroborration by not directing the attention of the jury to the evidence with particularily which might be held to be corrborrative of the evidence of Gorovenko and in stating "you may find corroborration of the girl's evidence in that of Mr Chapman, the police officers, Inspector Vance and the taxidriver"

20 The learned trial judge did not put the defence or the theories of the defence to the jury and did not put before them evidence ~~of~~ or the lack of evidence favourable to the appellant or in the alternative did not put it ~~to~~ them as forcibly as he did the evidence against the Appellant.

21. The learned trial judge erred in telling the jury "About 8.30 they (including the appellant) arrived at the Japanese store" as there was no evidence that the appellant was at or near the Japanese store and there was therefore misdirection.

22. The learned trial judge misdirected the jury when he stated "then the three men escaped (from the Japanese Store) to a waiting car which the Crown suggests was driven by a fourth man, and they drove off and made their escape" (Appeal Book p.512 l.5 to 9) as there was no evidence of a waiting car or a fourth man in the alternative the learned judge should have asked the jury to dicide as to whether or not a fourth man was implicated in the crime.

23. The learned trial judge erred and misdirected the jury in stating with regard to the evidence of Gorovenko "Is this girl speaking the truth so that I can rely upon her evidence, that is all you need to consider in her respect" (Appeal Book l. 22 to 25).

and

"So, therefore, if you believe that evidence (Gorovenko's) if you accept that as truthful evidence and an accurate account of what took place then you have the commencement of the unlawful enterprise" (Appeal Book p.534.l.3.to l.6.)

The jury might reasonably have concluded that these particular directions overruled the general direction as to the danger of convicting on the uncorroborrated evidence of an accomplice and that if they believed the evidence of Gorovenko they should convict.

DATED this 9th day of June A.D.1942.

Appellant's Solicitor.

TO: the Registrar of the Court
at Vancouver and to Alfred Bull.Esq.
Respondent's Solicitor.