

relate to the construction of the following provision in section 35 : " Provided, however, that once in every year after the first year of license a petition by eight out of the twenty nearest householders against any license can be presented, and will have the effect of cancelling such license."

Held, that the word " year " in this provision means the license year ending on the 31st May, and not the calendar year ; also that by necessary implication the License Commissioners on receipt of such petition would have the right to hold a meeting after notice to the licensee, and to declare that his license should be cancelled.

Action dismissed with costs.

Wade, for plaintiff.

MacLean, for defendant.

TAYLOR, C.J.]

REGINA v. CAVELIER.

[Oct. 9.

Criminal law—Sunday—Habeas Corpus—Evidence.

This was an application to show cause why a writ of habeas corpus should not be issued in the case of the prisoner who had been committed to the jail of the Western Judicial District for trial under a magistrate's warrant on a charge of stealing.

It appeared from the affidavit of the prisoner that the magistrate had committed the prisoner for trial after a preliminary inquiry held on a Sunday.

Held, following *Eggington's Case*, 2 E. & B. 717. and *Re Bailey*, 3 E. & B. 607, that the affidavit of the prisoner was receivable in evidence to show that the investigation and commitment had taken place on a Sunday.

Held, also following *MacKalley's Case*, 9 Co. 66, and *Waite v. Hundred of Stoke*, Cro. Jac. 496, that judicial proceedings should not be conducted on Sunday, and that the prisoner was entitled to his discharge without the actual issue of a writ of habeas corpus.

Crawford, Q.C., for the prisoner.

MacLean, for the Crown.

North-West Territories.

SUPREME COURT.

NORTHERN ALBERTA JUDICIAL DISTRICT.

SCOTT, J.]

KELLY v. VERSTRAETE.

[August 25.

Pleading—Payment into Court—Embarrassing defence.

Action for the amount of an account for feed and care of horses and for the amount of a promissory note for the total sum of \$113. The defendants, amongst other defences, pleaded " That they, while denying all liability, bring into Court the sum of \$10, and say that this sum is sufficient to pay the plaintiff's claim and costs."