

vision that any shareholder or creditor who is opposed to it may use the name of the liquidator or the company in bringing the issue to trial, on giving within a time limited a satisfactory indemnity to the liquidator against costs; in default of which only the issue to be dismissed.

2. To ascertain the wishes of the shareholders and creditors, it is not necessary that there should be a meeting; their consent may be sufficiently expressed by counsel. *Re West Hartlepool*, L.R. 10 Ch. Ap. 618, followed.

3. The application for the stay may be made by a shareholder or a creditor independently of the liquidator. *Re Sarnia Oil Co.*, 14 P.R. 335, followed.

A. B. Hudson, Coyne, and Armstrong, for applicants. Anderson, K.C., for the liquidator. Symington, for company. O'Connor, contra.

Macdonald, J.] THE KING v. KOLOTYLA. [April 12.

Criminal law—Conviction for vagrancy—Gaming—Living by means of—Sufficiency of evidence—Habeas corpus.

The prisoner was convicted under par. (1) of s. 238 of Crim. Code for that, having no peaceable profession or calling to maintain himself by, he, for the most part, supported himself by gaming and was thereby a loose, idle and disorderly person and a vagrant. There was evidence that, although he was a carpenter by trade, he had not been working at it or any other trade for about seven months prior to his arrest, that he had been making money by taking a rake-off from men resorting to his house, who gambled there and that he had not only paid his rent for several months back, but had also repaid \$25 of borrowed money during that period and had supported himself and family in some way.

Held, that the magistrate was justified in finding that the prisoner had for the most part supported himself by gaming, and that the prisoner was not entitled to be discharged upon habeas corpus. *The Queen v. Davidson*, 8 M.R. 325, distinguished.

P. E. Hagel, for prisoner. Patterson, K.C., Deputy Attorney-General, for the Crown.