

their consent, persons accused of running a common gaming house; such persons have the right to elect to be tried by a jury; the words "disorderly house" in s. 773 do not include "common gaming house," but are limited by the words which immediately follow them, "house of ill fame or bawdy house." *The Queen v. France* (1898) 1 Can. Crim. Cas. 32 approved and followed.

The accused having been illegally tried and convicted before a magistrate, their conviction was quashed, and it was directed that they should be accorded the right of election to be tried by or without a jury, and that they should be tried accordingly.

A. M. Lewis, for the accused. Cartwright, K.C., for the Crown.

HIGH COURT OF JUSTICE.

Divisional Court.] McCANN v. MARTIN. [Oct. 30, 1907.

Chattel mortgage—Renewal—Time of filing—Computation of time.

A chattel mortgage filed on April 26th, 1904, at the hour of 10 a.m. is renewed within time if the renewal be filed on April 26th, 1905, at the hour of 10 a.m.

W. R. Smyth, for plaintiff, appellant.

Divisional Court, Q.B.D.] [Nov. 5, 1907.

REX v. LOWERY.

Habeas corpus—Discharge of prisoner—Condition of not bringing action being against magistrate.

Where a prisoner is entitled to his discharge, under habeas corpus, by reason of no offence being disclosed in the papers under which he was committed, such discharge cannot be made conditional on no action being brought against the magistrate, or other person in respect of the conviction, or anything done thereunder.

D. O. Cameron, for prisoner. Cartwright, K.C., for Crown.