

---

 REPORTS AND NOTES OF CASES.
 

---

## Dominion of Canada.

---

 SUPREME COURT.
 

---

Ont.]                      SAUNDERS v. THE KING.                      [March 13.

*Criminal law—Disorderly house—Common betting house—Betting booth—Race course of incorporated association.*

A perambulating booth used on the race course of an incorporated racing association for the purpose of making bets is an "office" or "place" used for betting between persons resorting thereto as defined in s. 197 of Crim. Code, 1892 (Crim. Code, 1906, s. 227).

Sub-s. 2 of s. 204 of the former Code (now s. 235) which exempts from the provisions of the main section (dealing with the recording or registering of bets) bets made on the race course of an incorporated association does not apply to the offence of keeping a common betting house. DAVIES, J., dissenting.

Judgment of the Court of Appeal (12 O.L.R. 615) affirmed, DAVIES, J., dissenting. Appeal dismissed with costs.

Ritchie, K.C., and Godfrey, for appellant. Cartwright, K.C., for respondent.

---

 N.B.]                      IN RE RICHARD.                      [March 21.

*Canada Temperance Act—Conviction—"Criminal case"—Habeas corpus—Penalty "not less than \$50"—Conviction for \$200.*

A commitment on conviction for an offence against Part II. of the Canada Temperance Act is a commitment in a criminal case under s. 32 of R.S.C. s. 135 (R.S. 1906, c. 139, s. 62) which gives a judge of the Supreme Court of Canada power to issue a writ of habeas corpus.

By 4 Edw. VII. c. 41 (R.S. 1906, c. 152, s. 127) for a first offence against Part II. of the Canada Temperance Act a fine