

the first instance to the witness, and the defendant was convicted. On application for a writ of habeas corpus,

*Held*, that the question whether, in a case under the Liquor License Act, the witness could be compelled to attend, or the party was entitled to a warrant, unless the fees had been paid, was open to debate, but that even if the decision of the stipendiary magistrate was erroneous it could not be reviewed by habeas corpus proceedings, and the application must be dismissed.

Per WEATHERBE, J., dissenting. The statute imperatively required the magistrate to issue the warrant and that having refused to do so he had no power to convict, and the conviction must be set aside.

*J. J. Power* in support of application.

Full Court.]

THE KING *v.* KEEPING.

[May 20.]

*Criminal law—Offence of "keeping" a bawdy house—Word implies continuous offence.*

Defendant was convicted by the stipendiary magistrate for the City of Halifax of the offence of "keeping a disorderly house; that is to say, a common bawdy house on the 21st April, 1901, and on divers other days and times during the month of April, 1901," and was fined the sum of \$54, and in default of payment of the fine four months' imprisonment. On motion for a habeas corpus,

*Held*, dismissing the application that the offence as charged did not constitute more than one offence. The word "keeping" implies a continuous offence.

*J. J. Power*, for applicant. *H. S. Blachadar*, for the Attorney-General, contra.

## Province of New Brunswick.

### SUPREME COURT.

En Banc.]

YORK ELECTION CASE.

[April 20.]

*Dominion Controverted Elections Act—Order for substitute service.*

An order for substitute service of the notice of the presentation of an election petition under s. 10 of the Dominion Controverted Elections Act, as amended by s. 8 of c. 20 of the Acts of 1891, is not invalid by reason of its being applied for and made after the expiry of the time allowed for personal service.

Rule nisi to rescind order discharged with costs.

*A. J. Gregory*, for respondent, in support of rule. *O. S. Crocket*, for petitioner, contra.