

*J. F. Faulds*, for the prisoner. *J. R. Cartwright*, K.C., for the Crown.

Full Court.]

REX v. LÉCONTE.

[Feb. 6.

*Criminal law—Conviction for keeping bawdy house—Crim. Code, ss. 207, 208—Warrant of commitment—Justices of the peace—Jurisdiction—Habeas corpus—Amended warrant—Reception on appeal—Form of conviction—Statement of offence.*

The prisoner was convicted before three justices of the peace for being the keeper of a disorderly house, bawdy house, or house of ill fame, or house for the resort of prostitutes—following the words of sub-s. (j) of s. 207 of the Criminal Code—and was committed to gaol for six months under a warrant signed by two of the justices. She obtained a writ of habeas corpus, and upon the return of it moved for her discharge, which was refused by a Divisional Court. She then appealed to the Court of Appeal, and, after the appeal had been argued and judgment reserved, the justices returned a further warrant of commitment signed by all three justices, which was received by the Court of Appeal. The offence was stated to have been committed in a city, for which there was a Police Magistrate. The warrant returned to the Court of Appeal was signed by all three justices, under their respective seals, and set forth a conviction by them, all acting in the absence of, and one at the request of, the Police Magistrate.

*Held*, that under s. 208 of the Code, as amended by 57 & 58 Vict. c. 57, one justice had jurisdiction to adjudicate upon the charge, and by R.S.O. 1897, c. 87, s. 7, had authority to act in the city in the absence of the Police Magistrate; and if authority be given to one justice it may be executed by any greater number, and the fact that others join in making the conviction does not invalidate the proceeding.

*Held*, also, that the conviction and commitment, following the language of sub-s. (j) of s. 207 of the Code, properly set out and disclosed the offence: s. 846 (2) of the Code (63 & 64 Vict. c. 46).

Order of a Divisional Court affirmed.

*J. B. Mackenzie*, for the prisoner. *Cartwright*, K.C., for the Crown.