

Province of Manitoba.

KING'S BENCH.

Richards, J.]

THE KING v. OSBERG.

[Feb. 27.

*Bawdy house—Evidence—Crim. Code, 1892, s. 195.
s. 195.*

Application for a writ of habeas corpus on behalf of the prisoner, who had been convicted of keeping a bawdy house, and committed to gaol for default in payment of the fine imposed.

The woman lived in a house by herself, and had been, and still was, reputed to be a prostitute, and the house was reputed to be a house of prostitution. On the day in question a detective visited it. He was delayed at the door, the lights were turned out before he was admitted, and on entering he found a young man in company with another woman known to be a prostitute. Apparently both were fully clothed, and the detective saw no evidence of acts of prostitution. It was also shewn that on a shortly previous occasion, another woman, who had formerly been a prostitute, had visited the house. One witness testified generally that he had seen women go there, without saying how many or what character the women bore. There was also evidence that men frequently resorted to the house during the night, and that many of them drove to it in cabs, and the place was a source of great annoyance to reputable people living in the neighbourhood:—

Held, 1. Following *King v. Young*, 14 M.R. 58, and *Singleton v. Ellison* (1895), 1 Q.B. 607, that a woman, living by herself in a house, cannot be convicted of keeping a bawdy house therein, unless other women than herself resort to it for purposes of prostitution, and that the evidence in this case was not sufficient to shew that any other woman had so resorted to the house in question.

2. Following *Reg. v. St. Clair*, 3 C.C.C. 557, that there was not even sufficient evidence to shew that the prisoner was keeping a house of prostitution at the time. To prove that, more would have to be shewn than the prisoner's bad reputation and the resorting of men to the house. Actual proof would have to be given of some act or acts of prostitution, though definite proof of one might be sufficient.

3. The definition of a bawdy house given in section 195 of the Criminal Code was not intended to effect any change in the law as to what is necessary to constitute a bawdy house as laid down