

defendants should pay the costs. It is not necessary that such a suit should be brought in the name of the Attorney-General, notwithstanding what is stated in Dillon on Corporations at par. 910. *See paragraphs 911-922, and the following Ontario Cases: *Wilkie v. Clinton*, 18 Gr. 557; *Helm v. Port Hope*, 22 Gr. 273; *Smith v. Raleigh*, 3 O.R. 305; and *Wallace v. Orangeville*, 5 O.R. 37.

Tupper, Q.C., and *Phippen*, for plaintiff. *Ewart*, Q.C., and *Campbell*, for defendants.

Province of British Columbia.

SUPREME COURT.

Court of Criminal Appeal.]

[Feb. 9.]

REGINA v. PETRIE.

Criminal law—Common gaming house—Black jack—Criminal Code, s. 196.

Prisoner was lessee of a room to which the public had free access and in which several people congregated and played the game called black jack. There was no constant dealer (banker) and the lessee got no benefit. The dealer (who is chosen on commencing by cutting the cards) has an advantage, and as a rule, can keep the deal five or six minutes. Prisoner was convicted under s. 196 of the Code, of keeping a common gaming house and the Court of Criminal Appeal confirmed the conviction, holding that as the dealer had an advantage over the other players, the game came under the provisions of s. 196.

Wilson, Q.C., and *Brydone-Jack*, for Crown. *Davis*, Q.C., for prisoner.

Martin, J.]

FEIGENBAUM v. JACKSON.

[March 8.]

Practice—Privilege—Photographs.

Summons for inspection. The action was for an injunction and for damages against defendants who had erected a building next to plaintiff's building and thereby shut out free access of light. In the affidavit of documents filed by defendants they objected to produce some photographs showing the buildings occupied by all the parties before the erection of the addition complained of, on the ground that they were privileged.

Held, dismissing the summons, that photographs sworn to be part of the materials of the defendant's evidence in the action are privileged from production.

Barnard, for the summons. *Bradburn*, contra.