

Walkem, J.]

IN RE FONG YUK.

[April 15.]

*Chinese Immigration Act—Prostitute—General reputation.*

The Chinese Immigration Act (1900) s. 12, provides that no person shall bring into Canada any person of Chinese origin who is a prostitute or living on the prostitution of others.

An order nisi was issued calling on the Collector of Customs to shew cause why a writ of habeas corpus should not issue to decide whether one Fong Yuk, a Chinese woman who had recently come from China, should be released from custody or detained to be deported to China pursuant to the Act. The woman admitted that before leaving British Columbia for China some months previously she had been leading the life of a prostitute, and there was some general evidence that the house in which she lived had the reputation of being one of ill-fame.

*Held*, that the evidence was sufficient to warrant the detention of the woman for the purpose of deporting her to China. See *Clarke v. Priam* (1742) 2 Atk. 339; *Reg. v. McNamara* (1891) 20 Ont. R. 499; Am. and Eng. Enc. of Law, vol. 9, par. 531, 2.

In this case an affidavit drawn in a language not understood by the deponent was allowed to be read, as it appeared from the jurat that it was first read over and interpreted to the deponent; the Court in this respect not following the decision of Chief Justice Begbie in *In re Ah Gway*, 2 B.C. Rep. 343.

*Bernard*, in support of order nisi. *Alexis Martin*, for the Collector of Customs, contra.

McColl, C.J.]

CAMPBELL v. UNITED CANNERIES.

[June 25.]

*Revenue tax--Canners—Tackle furnished fishermen—Whether cannery liable for revenue tax—R.S.B.C. 1897, c. 167, and B.C. Stat. 1899, c. 66.*

Appeal by defendants to the County Court from an order made by R. A. Anderson, Stipendiary Magistrate, under the Revenue Tax Act, whereby the defendants were ordered to pay Colin S. Campbell, a Provincial Constable, the sum of \$1,800 and \$3.50 costs.

*Held*, allowing the appeal, that where cannery furnish fishermen with fishing apparatus, but there is no agreement binding the fishermen to sell their catch to the cannery, the latter are not liable for the revenue tax in respect of such fishermen.

*Martin*, K.C., for appellants. *Bowser*, K.C., for Crown.