

The conviction being under Part XVI. of the Code, and not Part XV., it was sought to make the provisions relating to appeals of Part XV. applicable by the exception (sec. 797). That section provides that, where a case of this kind is tried before two Justices of the Peace sitting together, an appeal shall lie in the same manner as from a summary conviction under Part XV. This, however, applies only to trials at which two Justices of the Peace sit together, not to cases in which the Police Magistrate sits by himself. The definition of "magistrate" in sec. 771 (a) (vii.) does not assist.

The amendment of the Code in 1913, 3 & 4 Geo. V. ch. 13, sec. 28, takes away the right of appeal which was given by sec. 797, and limits it to the special case of two Justices of the Peace.

Rex v. Dubuc (1914), 22 Can. Crim. Cas. 426, was rightly decided. No appeal to the Sessions lay.

The place in question was undoubtedly a gaming-house; and the whole question upon the motion to quash the conviction was, whether it was "kept" by these defendants. It was plain that the "City Social Club," of which the defendants were respectively secretary and treasurer, kept the gaming-house for gain—it was a place covered by sec. 226 of the Code; and it followed, under sec. 228, that it was a disorderly house, and that the keeper was guilty of an indictable offence. While the defendants were not the real owners, and might not be the real keepers, they assisted in the care and management, and were in law considered the real keepers: sec. 228 (2).

Rex v. Jung Lee (1913), 22 Can. Crim. Cas. 63, and Rex v. Hung Gee (1913), 21 Can. Crim. Cas. 404, distinguished.

Motion to quash the conviction refused with costs as of a motion separate from the motion to discharge upon habeas corpus.

SASKATCHEWAN LAND AND HOMESTEAD CO. v. MOORE—KELLY, J.
—JULY 17.

Costs—Disposal of on Further Directions—Both Parties Partly Successful—Counterclaim—Reference—Set-off — Solicitor's Lien.
—Motion by the plaintiffs for judgment on further directions and as to costs. The motion was heard in the Weekly Court at Toronto. KELLY, J., in a written judgment, said that, with the exception of a \$2,000 reduction by the Appellate Division in one of the several matters of claim, the plaintiffs had succeeded on all their claims remaining after the abandonment of some of those set forth in the pleadings. On the two items of the defendant's counterclaim referred to the Master, an allowance was