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NOVA SCOTIA.

RUSSELL, J.

JUNE 14TH, 1909.

IN CHAMBERS.

REX v. JORDAN.

Canada Temperance Act—Illegal Sale of Liquor—Conviction—Commitment—Imprisonment—Habeas Corpus—First and Second Offences.

Motion pursuant to special leave given for an order in the nature of a habeas corpus for the discharge of defendant from imprisonment under an order of commitment for the unlawful sale of liquor contrary to the provisions of the second part of the Canada Temperance Act.

J. J. Power, K.C., in support of application.

Stuart Jenks (Deputy Attorney-General), contra.

RUSSELL, J.:—The defendant was convicted on the 8th of May for an offence against the Canada Temperance Act, alleged to have been committed between the 27th of January and the 27th of April. On the 29th of May he was convicted for an offence committed between the 27th of April and the 10th of May, and was punished with the increased penalty as for a second offence. The second offence, it is argued, may have been committed according to this record at any time after the 27th of April before the 8th of May, and therefore before conviction for the prior offence, and it is contended that no offence punishable as a second offence