

I may perhaps add that, in my opinion, when the judgment is obtained in the Court of or before a stipendiary magistrate, only that stipendiary magistrate or a commissioner can be the examiner. On this ground too, if it were necessary, I would have to order the man's release.

NOVA SCOTIA.

SUPREME COURT.

TOWNSHEND, C.J., IN CHAMBERS.

JUNE 15TH, 1909.

IN RE ALFRED LEBLANC.

Canada Temperance Act—Second Offence—Conviction—Irregularity—Costs of Conveyance to Jail—Discharge of Prisoner.

John J. Power, K.C., for the prisoner.

Stuart Jenks, Deputy Attorney-General, for the Crown.

This was a proceeding under the "Liberty of Subject Act" (R. S. N. S. c. 181) on behalf of Alfred LeBlanc, a prisoner confined in the common jail at Amherst, under the following warrant of commitment issued by Alexander G. Mackenzie, Esq., stipendiary magistrate:—

"Be it remembered that on this 10th day of April in the year of our Lord one thousand nine hundred and nine, at the Police Office in the said town of Amherst in the county of Cumberland, Alfred LeBlanc of the said town, clerk, is convicted before the undersigned, Alexander G. Mackenzie, stipendiary magistrate in and for the said town of Amherst, for that he the said Alfred LeBlanc, did between the 31st day of January, A.D. 1909, and the 30th day of March, A.D. 1909, within the said town of Amherst, unlawfully sell intoxicating liquor, contrary to the provisions of the second part of the Canada Temperance Act, then and now in force in and throughout the said county of Cumberland; and further that the said Alfred LeBlanc was previously, to wit, on the 30th day of January, A.D. 1909, at the police office in the said town of Amherst