

large to purge his sentence under the conditions of his ticket of leave, is brought back to the penitentiary for the same purpose. Through the good pleasure of the Crown he loses the restricted liberty that he owed to the same. But he has incurred no new penalty, such as the law enacts against those convicts who have been convicted of a new criminal offence or of any violation of the conditions of their license."

Now, with all deference to the opinion of the learned judge, we are inclined to think that, in virtue of the explicit meaning of the words of ss. 3 and 11 of the Act, the convict was properly recommitted to prison, "there to undergo the residue of his original sentence as if such license had not been granted." Section 11 says: "When any such license as aforesaid is forfeited by a conviction of an indictable offence or other conviction, or is revoked in pursuance of a summary conviction *or otherwise*, the person whose license is forfeited *or* revoked shall, after undergoing any other punishment to which he may be sentenced for any offence in consequence of which his license is forfeited or revoked, *further undergo a term of imprisonment equal to the portion of the term to which he was sentenced that remained unexpired at the time his license was granted*, etc." By the employment of the very comprehensive phrase "*or otherwise*," the inference is irresistible that Parliament, in enacting s. 11, contemplated the revocation of the license for something else than the one cause specified; and construing this section with the obvious intendment of the whole statute, it would seem to be perfectly competent to the proper authority under the Act to recommit a convict, whose license is revoked by the Crown without cause, to serve out the balance of his term to be computed from the date of his liberation under the license and not from the date of its revocation.

As to the learned judge's view that the convict liberated under license is in the same position as a convict removed under process of law to testify before a tribunal, we have only to say that in the latter case the convict is not liberated at all.

Art. 955 of the Criminal Code, s. 7, relied upon by the learned judge is support of his interpretation of the Act, seems in our opinion, though we submit it with deference, rather to support the validity of the convict's recommitment for the balance of the unserved term. It enacts that: "The term of imprisonment in pursuance of any sentence shall, unless otherwise directed in the