

Governor-General revoked the said license, and Johnson was recommitted to the penitentiary by a Judge of the Sessions, "there to undergo the residue of his original sentence as if such license had not been granted," ostensibly under section 3 of the said Act.

No cause was assigned by the Crown for the revocation of the license. The prisoner applied to the Court of Queen's Bench for a writ of habeas corpus, and after argument thereof before Ouimet, J. (in Chambers), the learned judge ordered the prisoner to be released from custody, holding, in effect, that where a convict's license, or ticket of leave, is revoked by the Crown without cause assigned, the provisions of section 11 do not apply, and in the absence of the commission of some new indictable offence by the convict, or some violation of the terms of his license, it is not possible for him to be recommitted to prison to serve the time of his original term covered by the period during which he was liberated under license. In other words, in the learned judge's opinion, the time of the sentence must be held to have run continuously and notwithstanding his liberation under license, and that when the license was revoked the convict could only be recommitted for the balance of the unexpired term as computed from the date of the revocation of the license. We have had the privilege of reading the learned judge's notes of judgment, and we find that after discussing the grounds upon which the convict's license may be revoked under section 11 of the Act, and the penalties prescribed therein, he continues :—

"No such penalty is imposed by the Act in case the license is revoked by the Crown without any cause being assigned. The license under which he was allowed to be at large is simply cancelled and the result is that he may then be recommitted to complete his sentence in jail as if no license had ever been granted to him."

"In the one case, the law provides that as a penalty he has to put in again the time he was out of prison under license; in the other case no such penalty is provided by law. He is in the same position as if he had been taken out by process of law removed, for example, to testify before a tribunal."

"En résumé, I am of opinion that the revocation of the license by the Crown without assigning cause, under s. 1 of the Act leaves matters just as they are at the date of such revocation with no other effect than that the convict, instead of being left at