

19th of February for the first offence, is one that requires careful consideration in view of previous decisions interpreting the law as to increased punishment for these offences.

Crankshaw (Cr. Code, 2nd ed. p. 536), on punishment after previous conviction, says on the authority of *Lambe v. Hall*, Q. B. Montreal (unreported), and 1 Hawk. P. C. 72:—

“A second offence to be punishable as such must be one committed after previous conviction for a previous offence. . . . The principle upon which the law proceeds in providing a severe punishment for the repetition of an offence being this, not because the offender has committed the offence more than once, but because when an offender has committed and been convicted of an offence he is looked upon as incorrigible, and as treating with contempt his first conviction, if afterwards he repeats the offence; but if the repetition of the offence takes place without his having been convicted he cannot be said to have treated with contempt a conviction which has not yet taken place.”

The principle was followed substantially in *ex parte McCoy*, 7 Can. Cr. Cases, 485. Landry, J., in his decision with which Hannington concurred, gave full effect to the principle. Gregory, J., limited himself to the fact that an information for a second offence had not been laid before commission of the offence for which Mr. McCoy was convicted as a third offence. With this view Barker, J., agreed, McLeod, J., dissented from the opinion of the majority of the Court, holding that the increased penalty for a second and third offence is in all cases the result of the statute which provides that:—

“Conviction for several offences may be made under this Act, although such offences have been committed on the same day; but the increased penalty or punishment herein-after imposed shall only be recoverable or liable to be imposed in the case of offences committed on different days and after information for a first offence.” R. S. C. 1906, c. 152, s. 143 (2). Sec. 134, chap. 100, R. S. N. S. 1900.

In *Rex v. Jordan*, 7 E. L. R. 53, recently heard before Russell, J., on application similar to the one under consideration, the principle above cited was applied in interpreting the section of the statute hereinbefore quoted. The conviction was quashed and the defendant was ordered to be released; counsel representing the Crown in this application advanced the view that giving effect to the principle