

Held, that the order was reasonable and proper and that the judge's discretion in granting it should not be interfered with.

W. F. O'Connor, for appellant. H. Mellish, K.C., for respondent.

Weatherbe, C.J.]

REX v. HOARE.

[Jan. 11.

Canada Temperance Act—Third offence—Proof of date of previous information.

Defendant was convicted before the stipendiary magistrate of the Town of Stellarton for a third offence against the second part of the Canada Temperance Act, and was sentenced to imprisonment for the term of three months.

The previous convictions made against him were proved as permitted by the statute by the certificates of the convicting justices, but the dates of the informations on which these convictions were based were proved only by a statement in the certificates and by the oral testimony of the prosecuting solicitor.

Held, that this was not legal proof and that the prisoner was entitled to his discharge.

Held, also, following *Reg. v. The Troop*, 29 S.C.R. 662, that the objection was one going to the jurisdiction.

J. J. Power, for the prisoner. W. B. A. Ritchie, K.C., and W. McDonald, for prosecutor and stipendiary magistrate.

Weatherbe, C.J., Townshend, J., Graham, E.J.,
Meagher, J., and Russell, J.]

[Jan. 12.

ST. CHARLES v. ANDREA.

Garnishment—Money deposited in bank by husband to credit of wife—Not attachable—Remedy under Married Woman's Property Act.

Money deposited by a husband in a bank in the name of his wife, in fraud of his creditors, cannot be recovered by the husband as against the wife and therefore is not a debt due from the wife to the husband and cannot be attached as such by the husband's creditor.