

THE

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TORONTO, MAY 15, 1911.

No. 10

NEW BRUNSWICK.

SUPREME COURT.

REX v. SPERDAKES.

CHAMBERS.

MCKEOWN, J.

APRIL 10TH, 1911.

*Habeas Corpus—N. B. Con. Stat. 1903, Ch. 133, Sec. 4—  
Stat. of Canada, 1909, Ch. 9, Sec. 325 (as amended)—  
Attorney-General not Compelled to Exercise Option—  
Meaning of the Word "May."*

The prisoner was tried by FORBES, Co C.J., under the Speedy Trials Act, and convicted on a charge of stealing electricity from the St. John Street Railway. The learned Judge sentenced the prisoner to a term of two years in Dorchester penitentiary, and to pay a fine of \$1,000, one-half of which is to be paid to the St. John Street Railway, or to a further term of two years in the penitentiary.

The prisoner was remanded to gaol.

This is an application for the release of the prisoner on the ground that the conviction is bad for reasons set out in argument of counsel.

Counsel for Sperdakes obtained from Mr. Justice McKeown, an order instead of a writ of habeas corpus cum causa, under ch. 133, sec. 4, N. B. Con. Stat. 1903, directing the keeper of the common gaol to return to him whether or no such person is detained in prison, together with the day and cause of his having been taken and detained.