

legacy or claim of \$1,000. The only difficulty I have is the final disposition of the matter. There are four other claimants of \$1,000 each, and although Jessie Lavinia's claim is to be paid first, I am not inclined to think she thereby gets any final advantage in case the whole property is not of sufficient value to pay the charges in full. The claims of all the beneficiaries under the trust have now matured, since W. D. Balcom has been dead nearly seven years. It seems to me in every way convenient that the other beneficiaries should be joined in this action, in order that the rights and interests of all should be considered and regarded.

For the present I will grant a decree making the declaration of charge against the property now held by defendant under deed from his father and mother, and direct that the other beneficiaries be joined as plaintiffs if they agree, and if any or all decline to be joined as plaintiffs those so declining shall be joined as defendants. After which an application can be made to the Court for an order for sale.

The costs, which must be the plaintiff's in any case, may stand over awaiting the final disposition of the case.

NOVA SCOTIA.

SUPREME COURT.

A. MACGILLIVRAY, Co.C.J., MASTER. AUGUST 3RD, 1909.

REX v. MCGILLIVRAY.

Liberty of Subject—Discharge of Person Imprisoned for Offence against Canada Temperance Act—Warrant of Commitment — Irregularity — Amendment—Judicial Notice of Facts Necessary to Valid Conviction—Effect of Recital in Complaint.

Motion on return of papers pursuant to order in the nature of a habeas corpus under the provisions of the Liberty of the Subject Act, R. S. N. S., c. 181.

D. P. Floyd, in support of motion.

J. A. Fulton, contra.