

suing not in the interests of the public, but at the mere private solicitation of interested individuals.

Held, confirming the Master in Chambers, that this portion of the defence was objectionable and should be struck out because not open to investigation in this Court, inasmuch as the exercise of the discretion of the Attorney-General, as representing the Crown in the commencement and conduct of litigation, is not subject to the control of the Court.

Ballantyne, for plaintiff. *Johnston*, K.C., for defendant.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] THE KING *v.* BONNEVIE. [Feb. 15.

Criminal law—Suspended sentence—Previous conviction.

Under the provisions of the Criminal Code, s. 971, where a prisoner is convicted of an offence punishable with not more than two years' imprisonment "and no conviction is proved against him," the Court, in consideration of the trivial nature of the offence or of any extenuating circumstances, instead of at once sentencing the prisoner, may direct his release on his entering into a recognizance, etc.

Held, that the proper time for proving the previous offence under the provisions of this section of the Code is not upon the trial, but afterwards. And when there has been a previous conviction which has not been called to the attention of the magistrate, but of which he has a personal recollection, it is his duty to proceed on his own initiative and to inform himself by sending for witnesses or documents, and he may do this when the prisoner comes before him for sentence.

J. J. Power, for prisoner. *Attorney-General*, for the Crown.

Full Court.] CITY OF HALIFAX *v.* WALLACE. [Feb. 15.

Municipal corporation—Rates and taxes—Sale of property after assessment—Personal liability of vendor.

A lot of land owned by defendant was assessed for rates and taxes for the year 1903-1904 and on the 15th March the