

some respects unsatisfactory, their evidence was entitled to credence. There was an absence of anything to indicate fraud on their part.

The assignment to plaintiff was not champertous. If, as alleged, the mortgages were impressed in defendants' hands with a trust in favour of the children of John Logan, then plaintiff would be entitled, and an assignment to enable him to sue for what he was interested in would be perfectly legal.

Action dismissed with costs.

RIDDELL, J.

JULY 3RD, 1907.

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CHAMBERS.

REX v. ROBINSON.

*Criminal Law — Habeas Corpus — Issue of Second Writ — Change of Circumstances — Right of Appeal — Term of Imprisonment — Commencement from Day of Sentence — Magistrate Allowing Prisoner to go Free—Escape—Expiry of Term of Imprisonment — Discharge of Prisoner—Costs against Magistrate.*

Motion by William Robinson, the defendant, upon the return to a writ of habeas corpus, for an order for his discharge from custody.

J. B. Mackenzie, for defendant.

J. R. Cartwright, K.C., for the Attorney-General.

RIDDELL, J.:—On 17th January, 1907, the applicant was convicted by and before Peter Ellis, police magistrate, for a second offence against the Liquor License Act, and sentenced to be imprisoned for the space of 4 months. Instead of at once having him conveyed to the common gaol, the magistrate allowed him to go free, taking his recognizance to appear when called upon. Some time in March,