

in the county jail at Pictou for eight weeks, forfeiting wages as provided in Act."

A writ of *habeas corpus* was applied for and obtained, and the argument heard before GRAHAM, J.

For the prisoner, it was contended that the warrant was bad under s. 91 (a) of the Seaman's Act, which declares that, (a) "For desertion, he shall be liable to imprisonment for any term not exceeding twelve weeks and not less than eight weeks with hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned," inasmuch as the warrant of commitment merely required the "keeper of the said county jail to receive the said Louis Moreau into your custody in the said county jail, there to imprison him for the term of eight weeks," no hard labour being awarded in the sentence or contained in the warrant as required by the terms of the statute, and the warrant was therefore bad as containing an insufficient penalty, the minimum penalty authorized by the statute being "eight weeks imprisonment with hard labour," etc.

*Contra*, the word "liable" in s. 91 (a) conferred a discretion in the amount of penalty to be awarded.

GRAHAM, J., (*hesitante*) held the warrant bad under s. 91 as omitting hard labour, and granted the discharge of the prisoner.

In designating Mr. Lennox as the architect of the new library at Osgoode Hall, we find we were mistaken. The Law Society's architect is Mr. Edmund Burke, and it is to him the credit of the new building is due.