

missioner, under the Extradition Act R.S. (Can.), c. 155, s. 10, under which the prisoners while still in custody were re-arrested.

*Held*, that this warrant having been issued on information disclosing an offence which if committed in Canada would have been indictable under the Criminal Code, s. 417, was a good answer to the application for discharge. *R. v. Stone* (No. 2), 17 C.C.C. 377, followed.

2. Where the original arrest or imprisonment has been illegal it is not necessary that the prisoners should be discharged from custody in order to hold them under good process subsequently issued. *R. v. Richards*, 5 Q.B. 926.

3. The effect of a statute passed in a foreign jurisdiction is a question of fact and not a question of law, and although the opinion of the court may be against the construction contended for, i.e., that the statute covered an offence committed before the date of appointment of the trustee in bankruptcy, the evidence of an expert as to the effect given to the statute in the foreign state will be accepted.

4. Where it appears to the court that the Extradition Commissioner had jurisdiction under the evidence before him to make an order committing the prisoners an application for their release under *habeas corpus* will not be granted.

*Mellish*, K.C., and *Kenny*, for the prisoners. *O'Hara*, for the United States.

Drysdale, J.]

REX v. ACKERSON.

[Nov. 2.

*Statutory officer--Jurisdiction--Rev. Stat. N.S. 1900, c. 100*

*First offence--Appeal--Commitment by County Court Judge.*

Motion on notice to the prosecutor, Chief Inspector of Licences for the city of Halifax, to discharge the defendant, under *habeas corpus*, from custody under a warrant of commitment in execution made on October 31st, 1912, by the judge of the County Court for District No. 1, at Halifax.

The defendant was convicted under the Liquor Licence Act, R.S.N.S. 1900, c. 100, s.s. 86, 135 by the stipendiary magistrate of the city of Halifax on July 2nd, for unlawfully selling liquor in the city of Halifax by retail without a licence, within six months previous to the date of the laying of the information on June 22nd, 1912, and was fined \$50.00 and costs and in default,