

British Columbia Supreme Court

R. v. Samejima

57 C.C.C. 395

**Re Munetake Samejima**

Murphy, J.

Judgment: October 30, 1931

Counsel: J. L. Clay, for Immigration Dept  
C. H. O'Halloran, for applicant

***Murphy, J.:***

1 Of the various points raised before me in support of this application I think the Court can only take cognizance of one, namely, that the applicant has already been discharged in this same matter by having succeeded in a habeas corpus application.

2 The claim upon which he obtained his release was that the warrant was deficient inasmuch as it did not set out with sufficient particularity the breach of the Immigration Act, R.S.C. 1927, c. 93, of which he had been found guilty. It appears, however, from the case of *Rex v. Brixton Prison*, 23 Cox C.C. 192, where the accused has been set at liberty by the Court merely upon the ground of error in procedure, a new warrant can be issued and he held under it. As in my opinion the warrant under which the applicant is now held is a valid document the application is dismissed.

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