

IN THE SUPREME COURT OF NOVA SCOTIA
APPEAL DIVISION

Hart, Jones and Pace, JJ.A.

B E T W E E N:

WAYNE JAMES and)	Castor H.F. Williams
STEPHEN DOWNEY)	for the appellants
)	
Appellants)	Kenneth W. Fiske
)	for the respondent
- and -)	
)	Appeal Heard:
)	October 17 and 23,
HER MAJESTY THE QUEEN)	1980.
)	
Respondent)	Judgment Delivered:
)	October 23, 1980.

THE COURT: Without determining the merits of the appeal, the accused men admitted to bail per oral reasons for judgment of Hart, J.A.; Jones and Pace, JJ.A., concurring.

1.

The reasons for judgment of the Court were delivered orally by:

HART, J.A.:

This is an appeal from the refusal of Richard, J., to grant an application for the discharge of the two accused men on habeas corpus.

Without going into the merits of the appeal, in view of the fact that the two accused men have been held in jail for a long period of time between the time of their arrest and the time of the commencement of the preliminary hearing, this Court is of view that they should be admitted to bail at this time.

The terms which the Court considers appropriate for such bail would be the sum of five thousand dollars with two sureties, that each accused keep the peace, that they remain within the province, that they report to the Halifax City Police two times each week, that they notify the police of any change of address and that they abstain from communicating with any witnesses to be called at their preliminary hearing or witnesses that have been called during show cause hearings.

This bail order is intended to remain in force until the end of the preliminary hearing and, if there should be a committal for trial, at that time future bail will depend upon the order of the other court.

[Handwritten Signature]
J.A.

Concurred in:

Jones, J.A. *[Handwritten Signature]*

Pace, J.A. *[Handwritten Signature]*