conviction, are so obvious that one might almost infer that there is no such practice. On the other hand, it must be remembered that although this offence is not an indictable one, and is punishable under summary conviction, it is quasi criminal, and the maxim, "nullum tempus occurrit regi" applies unless the legislature has fixed some limitation as to the commencement and continuance of the proceeding. The only limitation applicable to the present case arises from sec. 134 of the Canada Temperance Act (R. S. C. 1906, ch. 152), which is as follows: "Every such prosecution shall be commenced within three months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant or upon the evidence of a witness or witnesses." The information in this case was duly laid before the magistrate within the three months and he thereby acquired jurisdiction over the offence and person to proceed and hear the charge. The question with which we have to deal is whether by reason of no further proceeding being taken until the summons issued over a year later, the magistrate had thereby lost his jurisdiction, for the right to a certiorari to remove the proceedings has been taken away except in such cases. If the jurisdiction was lost, when was it lost? Was it lost merely by delay, or by a delay not justified by circumstances?

In Potts v. Cumbridge, 8 E. & B. 847, cited in the argument, it appeared that according to the forms the summons recited that the application had been made "this day" and the statute directed the summons to issue "thereupon," that is, on the application being made. Notwithstanding this, the Court held that a summons issued over twelve months after this application was good. It is true that they say that there was nothing gained by issuing a summons, which by reason of the defendant's absence could not be served on him; but that is not the ground on which the case is decided. Wightman, J. (at p. 855), says: "The only regulation as to the time is that the application must be made in twelve months, unless it can be said that it is necessary "thereupon" to issue the summons, that is, immediately on the application. I think it is not." And Crompton, J. (at p. 855), says: "The only question here is whether this proceeding can be said to be founded on the original application. I will not say that it could, if the summons had been refused in the first application; but here I