

said to be far from satisfactory, yet before making his affidavit there had been read to him affidavits or statements made by a number of persons as to transactions connected with the election, and he also mentioned several instances told him of what, if true, were corrupt practices, giving at the same time the names of his informants.

*Held*, that although the affidavit might have been made without due consideration, and a judge might not have felt justified in making such an affidavit on such information, yet it could not be said that it was a manifestly false affidavit.

Appeal from decision of Killam, J., noted ante vol. 32, p. 720, dismissed without costs.

*Howell*, Q.C., for the petitioner.

*Tupper*, Q.C., and *C. H. Campbell*, Q.C., for respondent.

BAIN, J.]

[Dec. 28, 1896.

IN RE ZICKRICK.

*Prohibition—Liquor License Act, s. 174—Summons on original information after conviction quashed.*

This was a motion for a writ of prohibition to prevent a magistrate from further proceeding on an information laid before him on the first day of June, 1896, for an offence against the Liquor License Act, on the ground that the defendant had been convicted of the offence charged in the information, and that the conviction had been quashed.

It was shown that at the hearing before the magistrates on the 4th of June, on the return of the first summons issued on the information, an attorney appeared for the defendant and pleaded guilty for her, whereupon the magistrates convicted her of the offence charged, and imposed a fine; that the attorney paid a portion of the fine, but that afterwards the defendant succeeded in getting the conviction quashed on the ground that the attorney had acted without her authority or knowledge.

Subsequently another summons was issued on the same information and the present motion was made, counsel for defendant relying upon s. 174 of the Liquor License Act, R.S.M., c. 90, which enacts that all informations or complaints for the prosecution of any offence against any of the provisions of the Act shall be laid or made in writing within thirty days after the commission of the offence.

*Held*, that there was nothing in this section to prevent the prosecution from proceeding on the original information, which was in time, and there was no reason why the defendant could not meet the charge on its merits as well in November as in June, as any delay in the proceedings had been caused by the defendant herself.

Motion dismissed with costs.

*Wade*, for the defendant.

*MacLean*, for the Crown.