

deduction from the rent in respect to the period of time during which the house was not occupied.

*Held*, also, that the payments made by plaintiff shewed a waiver of the provision in respect to the house being finished by a fixed date, or rather in respect to the deduction which was to be made in consequence of its not being finished.

*C. P. Fullerton*, for appellant. *G. A. R. Rowlings*, for respondent.

Full Court.]

THE KING *v.* GIOVANETTI.

[Dec. 28, 1901.

*Canada Temperance Act—Stipendiary magistrate for county—Jurisdiction where offence committed in incorporated town.*

Defendant was convicted by a stipendiary magistrate for the county of Cape Breton of having kept for sale upon his premises intoxicating liquors contrary to the provisions of the second part of the Canada Temperance Act. The offence for which defendant was convicted was committed within the limits of the town of Sydney, an incorporated town in the county of Cape Breton. Under R.S.N.S. 1900, c. 33, it is enacted that "every Stipendiary Magistrate shall have jurisdiction, power and authority throughout the whole of the county for which he is appointed."

*Held*, 1. In the absence of legislation giving exclusive jurisdiction to the stipendiary magistrate of the town of Sydney the words of the statute must be construed as including parts of the county embraced within the limits of incorporated towns.

2. Section 14 of c. 33 which was relied upon as indicating a contrary intention was not to be given such a construction, but was merely intended to give certain powers to stipendiary magistrates for the counties where exclusive jurisdiction had been conferred upon the magistrates for incorporated towns. Appeal allowed and order below reversed with costs and costs of the appeal.

*C. P. Fullerton*, for appellant. *Nem. con.*

Full Court.]

IN RE SKEFFINGTON.

[Dec. 28, 1901.

*Illegitimate child—Order for adoption set aside at instance of mother—Consequences of order not fully understood at time of consent—R.S.N.S. (1900), c. 122—Acts 1901, c. 47.*

An order was made by the judge of the County Court for District No. 1, under the provisions of R.S.N.S. 1900, c. 122, permitting the adoption of an illegitimate child of S., whose written consent to the making of the order was first obtained as provided by the Act, s. 2, sub-s. (a).

Subsequent to the making of the order c. 47 of the Acts of 1901 was passed under the provisions of which application may be made to set aside an order for adoption where it appears that the party signing the consent