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No. 12

NEW BRUNSWICK.

SUPREME COURT EN BANC.

SEPTEMBER 23RD, 1910.

REX v. PECK, EX PARTE BEAL.

Canada Temperance Act—Violation—Conviction—Proceedings Commenced Two Years after Offence—R. S. C. 1906, ch. 152, sec. 134—Construction.

Application by certiorari to quash conviction made by Peck against Beal under the Canada Temperance Act. Argued June 15th, 1910.

W. B. Jonah, in support of conviction, shewed cause against the order nisi to quash.

L. A. Currey, K.C., contra, in support of the order nisi to quash.

BARKER, C.J.:—An information for a violation of the provisions of the Canada Temperance Act was made against Beal before Peck, police magistrate, for Albert, on the 31st of December, 1908. No summons was issued and no proceeding of any kind was taken until January 14th, 1910, when a summons was issued. The charge was heard and Beal was convicted on the 10th March, 1910. There was nothing to prevent the defendant from being served with a summons at any time during the year and some days which elapsed. On the other hand, the delay does not seem to have in any way prejudiced the defendant as to his defence. The objections to having a charge of this kind hanging over a defendant for an indefinite time, without affording him any opportunity of having it disposed of by a dismissal or