Full Court.]   REX *v.* CLARK.   [Nov. 28, 1906.

Canada Temperance Act—Form of conviction—Averment that
    penalty was proceeded for within three months not necessary
    —Amendment of information—Waiver of right to adjourn-
    ment—Objection cannot be taken subsequently.

Defendant was committed to jail for a third offence against
the Canada Temperance Act. On motion for his discharge under
proceedings in the nature of a habeas corpus the ground chiefly
relied on was that the conviction should shew affirmatively that
the informations were laid within three months after the offences
for which defendant was convicted were committed.

The commitment was regular on its face and while it did not
disclose the dates of the laying of the informations in the first
and second prosecutions the other proceedings brought up did,
and shewed that the informations were respectively laid within
the three months limit.

Held, following *Wray* v. *Toke,* 12 Q.B. 492, that it was not
necessary to aver in the conviction that the penalty was pro-
ceeded for within three months next after the offence.

R. v. *Adams,* 24 N.S.R. 559, overruled.

The information as originally sworn alleged an offence be-
tween the 24th September and the 15th October, but upon appli-
cation by the prosecutor at the trial, the "15th" was amended to
the "16th" so as to embrace the offence of keeping for sale liquor
seized on defendant's premises on the 15th. The information
was re-sworn and defendant was expressly informed of the
amendment and declared himself ready to proceed with the trial
on the amended charge.

Held, that having waived his right to an adjournment he
could not afterwards object that he had not sufficient time.

J. J. Power, in support of application. *Ralston,* contra.

Townshend, J., Graham, E.J., Meagher,
Russell and Longley, JJ.]   [Dec. 8, 1906.

THE KING *v.* CURRIE.

Criminal information against magistrate for acting illegally—
    N   allegation of corrupt motive.

Motion under the Crown Rules for leave to exhibit a criminal
information, against the defendant, a justice of the peace, for