Province of Nova Scotia.

SUPREME COURT.

Full Court.] THE KING *v.* WIPPER. [March 5.

Canada Temperance Act—Jurisdiction of provincial magistrates—Power to adjourn case—Service of summons—Proof of, not necessary as a preliminary—Reasonable delay.

Defendant was convicted before two justices of the peace for the county of Kings of the offence of having unlawfully kept for sale in his hotel at K. in the said county, intoxicating liquors contrary to the provisions of the second part of the Canada Temperance Act then in force in said county. The conviction was attacked on the following among other grounds: (1) Because the justices who made the conviction were not clothed with jurisdiction by proper legislative authority to sit as a Court of summary criminal jurisdiction. (2) Because the justices had no jurisdiction to adjourn the trial from the hour named in the summons to a later hour of the same day, and in so adjourning lost jurisdiction. (3) Because the justices at the time they made the adjournment had no evidence before them to prove the service of the summons.

Held,—1. The Provincial Legislature having made provision for the appointment of justices of the peace, and having conferred jurisdiction upon them to impose penalties and punishments for the enforcement of provincial statutes, it was competent for the Parliament of Canada by statute to provide that punishments and penalties for the enforcement of laws of the Parliament of Canada might be recovered and inflicted before these Courts.

2. The magistrates had jurisdiction and the motion to quash the conviction must be dismissed.

3. The justices having met at the hour appointed did not lose jurisdiction by the fact of their having adjourned the hearing until a later hour of the same day.

4. Proof of the service of the summons being a part of the hearing it was not necessary that the justices should have had such proof before them as a preliminary to making the adjournment.

5. The delay in the hearing of the case from the hour of ten o'clock in the morning until about two o'clock in the afternoon of the same day was not unreasonable.

J. J. Power, in support of motion. *W. E. Roscoe*, K.C. contra.