CANADA / JUDGMENT

Bigelow v. The Queen

(1900) 31 SCR 128

COURT	DECIDED
Supreme Court of Canada	12 June 1900

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Bigelow v. The Queen Collection Supreme Court Judgments Date 1900-06-12 Report

(1900) 31 SCR 128 Judges Strong, Samuel Henry; Taschereau, Henri-Elzéar; Sedgewick, Robert; Gwynne, John Wellington; King, George Edwin On appeal from Nova Scotia Subjects Constitutional law Decision Content Supreme Court of Canada Bigelow v. The Queen (1900) 31 SCR 128 Date: 1900-06-12 Bigelow v. The Queen 1900: May 1; 1900: June 12. Present:—Sir Henry Strong C.J. and Taschereau, Gwynne, Sedgewick and King JJ. Nova Scotia Liquor License Act, 1896—Conviction by magistrate—Jurisdiction—Application for certiorari—Affidavit—Constitutional law—Powers of provincial legislature—Matter of procedure. Appeal from the judgment of the Supreme Court of Nova Scotia[1] vacating the order of Ritchie J. for certiorari on a conviction against the appellant, on the ground that the affidavit required by sec. 117 of the Liquor License Act, 1896, had not been produced on the application for the writ of certiorari. After hearing counsel for the parties, the court reserved judgment, and on a subsequent day, dismissed the appeal for the reasons given in the judgment appealed from, Mr. Justice Gwynne dissenting, and holding that the question of the constitutionality of the Liquor License Act should have been decided before entering upon the technical point respecting the affidavit. Appeal dismissed with costs. Borden Q.C. for the appellant. Longley Q.C., Attorney General for Nova Scotia, for the Crown. McLellan for the informant.

[1] 31 N. S. Rep. 436.

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