

and if they act maliciously they are liable to an action on the case: p. 839 (1843).

I have not overlooked the reference to the interpretation clause in the Code, whereby "indictment" and "count" are said to include "information." But that does not bring one any closer to particulars before the police magistrate under sec. 613 of the Code. That enables the Court, for the purposes of a fair trial, to order particulars if satisfied that it is necessary to do so. The provision would then be applicable, no doubt, to the case of a magistrate dealing with a matter summarily, which he can hear and determine by way of trial (as, indeed, is in terms provided for in sec. 848), but has no meaning as applied to the preliminary inquiry. Besides, I share in Mr. Justice Wilson's doubt as to the meaning of the word "information" in the interpretation clause, in that it is not applicable to the word as used interchangeably with "complaint." *Regina v. Cavanagh*, 27 C. P. 537. Nor is it necessary to decide whether "Court" in sec. 613 is applicable to the functions of the committing magistrate—as to which much might be argued.

It follows that there is no ground for disturbing the recognizance of bail taken for defendant's appearance before the magistrate; for he had jurisdiction over the forum of appearance, which was the essential lacking in *Re Currie*, 31 U. C. R. . . . I have looked at all the cases cited, but all are distinguishable on the ground that the magistrate had no jurisdiction or was proceeding in a manner contrary to natural justice, such as trying a man who had not been called before the Court, as in *Re Story*, 12 C. B. 767.

Much of the ground I have traversed has been touched upon in a Quebec case of *Regina v. France*, 1 Can. Crim. Cas. 34, which appears to agree with our application of the law, except that I think there is a failure to distinguish between an information on which a man may be convicted in a summary way, and one which is merely serviceable for the purpose of starting a preliminary inquiry.

The application is refused on all points.