

inal Code. And the purposes of it are obvious. For one thing, it lays the facts in a proper manner before this Court so that they can be in a proper manner laid before the grand jury. It has been the practice in some cases not to make such an investigation, but to do what has been called "waive examination." I find no warrant for any practice of that character; it seems to me to be quite improper. What the law requires is a preliminary investigation; and it is only upon the facts thus brought out that ordinarily an indictment can be laid. The Code provides that there may be an indictment for the offence for which the accused has been committed for trial; and that there may be an indictment for any other offence founded on the facts disclosed in the preliminary inquiry. The policy of the law plainly is, that cases should pass through an inquiry of that sort before being presented to the grand jury. It is true that power is given to the Attorney-General, and to the Judges, to permit an indictment in cases which have not come up in that manner; but I cannot think that that power was intended to be exercised in any but unusual cases. It is necessary sometimes where magistrates have not done their full duty, nor made that inquiry into the case which the law required; and there are other cases in which it is plain that, if there were no provision of that character, there might be delay in the administration of criminal justice, if not eventually a miscarriage. That being so, I am not to authorise a departure from the ordinary course without good cause; I am not to permit a departure simply because some person may desire it for his own convenience or any other selfish purpose. There is no royal road for any one; every one must take the common road up to this Court. The only excuse that I can imagine for seeking to proceed in the manner here sought is based upon the assertion that an indictment cannot be had in any other way. It is easy to say that, but I would be very much better satisfied with an application in a case in which the ordinary way had been tried and in which some difficulty had been encountered. The private prosecutors are, I think, beginning at the wrong end. But it is not necessary that I should consider that question yet. It is my duty to turn them back to the Police Court and let them begin there.

There should not be any difference in the criminal law applicable to a person and that applicable to a corporation—fish should not be made of one and flesh to another. Read-