

a summary conviction against any individual under Part XV. or a summary trial under Part XVI. of the Code, there is no jurisdiction in a magistrate to hold a preliminary inquiry in a proceeding against a corporation. In *Re Chapman and City of London* (1890), 19 O. R. 33; *Regina v. T. Eaton Co. Ltd.* (1898), 29 O. R. 591, and *Regina v. City of London* (1900), 32 O. R. 326, prohibition was granted against Police Court proceedings by way of preliminary inquiry. The last-mentioned case was a decision of a Divisional Court. The subsequent amendments to the Code have left these decisions untouched. By sec. 720 A, which was introduced into the Criminal Code in 1909 (8 & 9 Edw. VII. ch. 9), the doubt that had previously existed as to the jurisdiction of a magistrate over corporations in cases where there might be a summary conviction against an individual (see *In re Regina v. Toronto Rv. Co.* (1898), 30 O. R. 214, and *Ex p. Woodstock Electric Light Co.* (1898), 4 Can. Crim. Cas. 107), was resolved in favour of such jurisdiction. By sec. 773 A, also introduced into the Criminal Code in 1909, provision was made for the summary trial of corporations in the cases of indictable offences where individuals might be tried summarily. The list of cases which may be thus tried is contained in sec. 773, and does not include a common nuisance. Whenever an offence is triable summarily under the Criminal Code, that fact is indicated by the section itself. Note the language, "Every one is guilty of an offence and liable, on summary conviction," of secs. 537, 542, etc.; and compare sec. 222. Crankshaw in his Criminal Code, at the end of Part XV., p. 878, gives a list of offences triable summarily. The nuisance sections are not included. Note also sec. 291, for an example of cases triable both summarily and on indictment. The annotators infer there is no jurisdiction in a magistrate to hold a preliminary inquiry. Vide Crankshaw's Annotations under secs. 916-920, 720 A, and 773 A.

E. E. A. Du Vernet, K.C., for the Crown, and G. R. Geary, K.C., and C. M. Colquhoun, for the city corporation, were not called upon.

HON. R. M. MEREDITH, C.J.C.P.:—It is plain that the policy of the criminal law is to require a somewhat thorough preliminary investigation of every indictable offence. That is very apparent from many of the provisions of the Crim-