

trate charged with the crime before the information was drawn up. It is then the duty of the magistrate, after ascertaining the nature and extent of the charge, to state to the prisoner the substance of the charge against him. There is no reason to doubt that this was properly done. Then the magistrate asks him whether he consents to be tried before him (the magistrate.) No doubt, this was done. Then, and not till then, according to the Act, comes the duty to reduce the charge to writing. (I do not mean in point of time, because I see no reason why the magistrate may not have the charge prepared in advance in anticipation of the prisoner's expected or possible choice.) The information seems then to have been prepared, as, instead of the complainant praying for the issue of a warrant or summons, the sentence reads, "Complainant prays that justice be done in the premises." After the charge has been reduced to writing, the magistrate is to "read the same to such person, and shall then ask him whether or not he is guilty of such charge." There is nothing to shew that this was not done—if so, the proceedings were wholly regular. I think the fact that the charge is contained in a document in the form of an information is wholly immaterial: *Rex v. Sheppard*, 6 Can. Crim. Cas. 463.

5. It is contended that the police magistrate must be considered as having prejudged the case. No imputation of wilful misfeasance is made against the police magistrate, but it is said that the simple fact that he looked at these utterly vile and disgusting pictures, etc., must of necessity prejudice him against the defendant. (All allegations in the affidavit of the prisoner are withdrawn in this connection; and the only fact now alleged is, that, before the actual trial, the magistrate looked at the productions.) If the prisoner was brought before the police magistrate upon summons or warrant issued by him, as to which we are left in the dark, it was the duty of the police magistrate, before issuing summons or warrant (sec. 655), "to hear and consider the allegations of the complainant," and, "if of the opinion that a case for so doing" was "made out," to "issue a summons or warrant." The magistrate must satisfy himself that a case has been made out before issuing a summons or warrant; to do that he may require to look at the pictures, etc., which it is alleged are obscene. It is perfectly notorious that many of the best people in the