

that the Act in question sets a limitation of three months to the commencement of prosecutions for penalties inflicted under it, in my opinion it would be unwarrantable to hold that a magistrate who takes an information can for over a year withhold from the accused all knowledge of the charge against him, and at the end of that time summon him to answer the complaint under the circumstances which exist in this case.

Such procedure, it seems to me, practically nullifies the time limit for prosecutions which the act contains, and unless there be sufficient reason for the delay, I think it is fatal to the jurisdiction of the magistrate. I do not think that the reasons for delay given by the witness Robert A. Smith relieved the magistrate from the necessity of promptly issuing his summons to the defendant if he wished to retain jurisdiction over the subject-matter of the complaint. Laying an information before a magistrate gives no notification to a person accused thereby that proceedings are being taken against him. His knowledge comes from the summons or warrant which follows such information. By service of process the accused person is apprised of the offence charged, and can arrange for his defence, if he have any; but knowing nothing of it for a year, it may well be that witnesses available at the time the offence is charged may not be procurable twelve months afterwards; and in my opinion the criminal law should not be administered in such a dilatory manner. I think in this case the magistrate should have issued his summons promptly and proceeded in the best exercise of his judgment in the disposition of the case; or else, that he should have refused to take the information.

In the case of *Reg. v. Lennox*, 34 U. C. Q. B. 28, Richards, C.J., delivered the judgment of the Court upon a motion to quash a conviction under 32 Vict. ch. 32, sec. 25 (Ont.), for selling liquor without the license therefor by law required. The question at issue depended on whether the laying of the information could be considered the commencement of the prosecution and the Court held that it should be so considered. In dealing with the matter of delay in prosecution the learned Chief Justice (at p. 32), said: "The issuing of the writ in a civil suit is the commencement of the action and the proviso," (for commencing the prosecution in twenty days)—"would be of little practical use to defendants if an informer could lay an information