

expressly requires in the preliminary investigation it expressly provides for; and how would anything of that kind be possible while grand jurors, petit jurors, officers, and litigants are waiting for the ordinary business of the Court?

To those at all familiar with the practice and constitution of the Courts, the cases referred to, even if no differences of opinion were expressed in them, could not be safe guides to-day. The early difficulty arising from the want of power in corporations to appoint attorneys, general or special, in some of the criminal Courts, has assuredly, in these days, no weight. It is now part of the birthright of all corporations to sue and be sued, and to appoint attorneys and agents, just as human entities may; that power is generally given, expressly, in the legislation under which they are incorporated, and given with express provision also for the manner in which they may be served with process. The merger of all the High Courts of the province in the Supreme Court of Ontario would do away with the old need of a writ of *certiorari*, if the provisions of the Code had not done so.

Regarding *Chapman's Case* (*Re Chapman and City of London*, 19 O. R. 33), it may be added that, since it was decided, one of the strongest points made in it in support of the prohibition has been turned the other way by the legislation now contained in the Code, expressly making its provisions applicable to corporations: sec. 2, sub-sec. (13); so that it is difficult for me to imagine any good reason why, to-day, a corporation may not be duly summoned to and appear at a preliminary investigation of a criminal charge against it taken under the provisions of the Criminal Code.

But, as I have said, it is not necessary to determine the question; in view of the willingness of the corporation, expressed by counsel, that the ordinary course of procedure be taken, there is no good reason that I can perceive for pressing this application further; it is dismissed.

See *Regina v. Birmingham and Gloucester Rv. Co.* (1840), 9 C. & P. 469; and *Pharmaceutical Society v. London and Provincial Supply Association Ltd.* (1880), 5 App. Cas. 857.