

cannot say it is not so founded. The first application is bona fide acted upon after the lapse of a certain time. I find nothing requiring that the summons should be issued at the time of the application."

In *Reg. v. Lennox*, 34 U. C. Q. B. 28, it appeared that the defendant had been convicted for selling liquor without license, contrary to the provisions of the License Act then in force in Ontario. Among other things this Act provided that all prosecutions under the section in question should be commenced within twenty days after the commission of the offence. The information was made December 30th, 1872, charging an offence on December 16th. A summons issued on January 15th, 1873, and on the 30th the defendant was convicted. The question was whether the prosecution had been commenced within the twenty days as no summons had issued until after the expiration of that period. Richards, C.J., in delivering the opinion of the full Court, proceeds to give reasons why the issuing of the summons rather than the making of the information should be held to be the commencement of the prosecution. He says (p. 32): "The issuing of the writ in a civil suit is the commencement of the action, and the proviso would be of little practical use to defendants if an informer could lay an information and allow it to remain a year without issuing a summons and then proceed with the prosecution. There is an obvious distinction in the case when a prosecutor has lodged his complaint and a summons has been issued on it and served on a defendant, and when a complaint has been made and the summons not issued." He then gives certain supposed cases by way of illustrating his argument, and among others the following: "Or, suppose he swore to a complaint before a magistrate, and kept it in his own possession for a month, and then asked the magistrate to issue a summons on it, would that be sufficient under the statute? I do not think in these cases the spirit of the Act would be complied with. It appears to me, that what is meant is, that it is to be commenced and proceeded with, with reasonable expedition in such a way as to bind some one to the proceeding, and by the issue of a summons or warrant against the defendant, to shew that it is really a proceeding intended to be taken against the party within the twenty days, and not something which the prosecutor may proceed with or not, as he thinks proper. On considering the decided cases on the subject, which have been referred to, and