

Book Review: Summary Conviction Appeals to County Courts, by R. W. Foxall

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Citation Information

Pepper, E. R.. "Book Review: Summary Conviction Appeals to County Courts, by R. W. Foxall." *Osgoode Hall Law Journal* 1.1 (1958) : 90-90.

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Summary Conviction Appeals to County Courts. By R. W. FOXALL, Deputy Clerk, County Court of the County of York, Ontario. With an introduction by G. ARTHUR MARTIN, Q.C., Toronto: The Carswell Company Limited. 1957. Pp. xvi, 115.

Mr. Foxall at the beginning of his book states that it contains "a compilation of statute references and forms pertinent to appeals from summary conviction courts to county courts in Ontario as of March, 1957".

After carefully reading through this work and obtaining the opinion of leading defence counsel throughout Ontario, it is my opinion that Mr. Foxall is being more than modest. The book is not only a compilation but also a revelation of the intricacies involved in guiding an appeal from summary conviction courts to county courts. Anyone who has ever attempted to follow the rules as set out in sections 719 to 743 of the Criminal Code realizes the importance of having a clear and precise step by step procedure to follow in perfecting the appeal. Not only is each relevant section of the Criminal Code set out, but also, sections of Ontario Statutes which require certain variations in the appeal procedure are quoted. Mr. Foxall also sets out conditions that merit special notice and notes on relevant case law, all of which must be kept in mind when going through the maze of procedure which will take a case from a summary conviction court to a county court.

In late March of 1958 the Court of Appeal for Ontario, in the case of *Desaulniers v. Desaulniers*, laid down as law that all the conditions set out in the Criminal Code pertaining to appeals from summary conviction courts are *conditions precedent* and must be strictly adhered to in order to get the case before a county court Judge. Any slight variation from these conditions precedent completely blocks the county court Judge from hearing the appeal. As readers can readily see, it is now more important than ever to have a clear-cut guide to the preparation of these appeals.

Mr. G. Arthur Martin, Q.C., in his introduction, comments on the usefulness of this book to the general practitioner when he notes that "there is perhaps no branch of Criminal Law where substantive rights are more easily lost by failure to comply with procedural requirements. The increase in the number of offences punishable on summary conviction emphasizes the necessity for familiarity with this branch of Criminal Procedure. Mr. Foxall has given to the members of the profession a lamp with which to light their way through the intricacy of this branch of the law. This work cannot fail to be of great assistance to Practitioners and Students." With this comment I am in complete agreement.

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