

the arrival of the officers. The Chief Justice said, in giving judgment, "The evidence is too slight to found a conviction. There is, no doubt, abundant grounds of suspicion, but we cannot say that this is a clear and satisfactory ground to convict." Bailey, J., "There must be some clear and satisfactory evidence that defendant knowingly harbored the liquor."

Should some element or circumstance requisite to jurisdiction fail to be disclosed, as, for example, in a prosecution under a by-law, where there has been an omission to offer strict proof thereof, the writ will also be conceded: *Reg. v. Dowsley*, 19 O.R. 622.

Latterly the Courts here have appeared more economic with the award of the certiorari than in England; but this may be accounted for by the fact that the business of resisting attacks upon summary proceedings, instituted on behalf of any department of the Government—a category which comprises a great proportion of the number that find their way to Osgoode Hall—has been entrusted to a permanent counsel, who has felt it to be his duty to combat more strenuously the initial application than was the usage formerly.

There are points of comparison between the practice governing the petition for the writ here, and that prevailing in England, which it may be of practical advantage to consider. There, the motion, if made during the sittings, comes before the Divisional Court, or, during vacation, before a judge, and consists of an application, in the one case, for a rule nisi, and in the other, for a summons to show cause. A distinction is conferred, in view of special circumstances, to permit of its going *ex parte*, or upon the return of the rule, to make the order to quash absolute in the first instance.

Keeping in view the series of exacting attendances to which an applicant here must submit before he reaches the bourne of ultimate aspiration—argument upon the application to make absolute his rule nisi to quash—one incontinently yields to the belief that our procedure is not only unduly burdensome, but imposes an ordeal quite out of keeping with the genius of the time: that some intelligent and discreet lopping of the fungus would not be amiss. There is a further