stances under which legislation of that character is enforced, but no one has seriously questioned that parliament did a wise thing when they took away the right of certiorari in regard to cases of persons keeping disorderly houses. These matters are almost invariably tried by recorders or stipendiary magistrates in the cities, who are well qualified to deal with legal questions when they arise and also determine the facts. In regard to this particular matter, whatever we might say in regard to temperance matters, or any other matters that come within the purview of the criminal law, we are all agreed that this nefarious traffic, which saps the mind and body of the people, can only be dealt with in the strongest possible way. I am instructed that in the city of Montreal, out of 68 appeals that were taken, I think, during the last six months, 40 of the appellants, when the cases came on to be heard in appeal, never turned up, which indicates that the parties who were appealing had put up the necessary security merely for the purpose of gaining time, and evading the penalties which the law had provided and were willing to pay the money in order to escape. It is a well-ascertained fact that the traffic which is going on in regard to these drugs is one which, in the interests of the nation, must be dealt with with the same severity as if we had the application of military law. I think the sense of the House and the sense of the committee would be that in proceedings against a physician, or registered druggist, or a veterinary, full rights should be preserved to the defendant in the case, but we are only doing our duty when we declare that no technical objection, or no ground which might be used by way of certiorari should be permitted to interfere with carrying out in a stern way the law which ought to be enforced in the interest of the nation and of our people.

Mr. LADNER: I fully concur with the viewpoint of the last speaker (Mr. Macdonald). In the course of last year, after careful inquiries from reliable sources, I found that practically all the offences which would come under these subsections (a), (b) and (c) of section 4 were committed in the larger cities. That is in Vancouver, Winnipeg and Montreal, but there were very few cases in the city of Ottawa or Quebec; in fact nearly all the cases were in those large cities and just as one hon. member has stated, they generally have lawyers in those cities who are trained men, acting as police magistrates, and they are quite competent to render justice to people charged with these offences.

[Mr. E. M. Macdonald.]

Mr. MARTELL: It seems to me that the accused under this section 14 is absolutely presumed to be guilty at the beginning. Under that section as it has been amended the presumption of guilt is against the prisoner. In fact, he is said to be guilty. When the prosecutor comes into court, it is simply necessary to have the magistrate read the information; then the prisoner pleads not guilty, and he has to proceed and prove himself not guilty. If that magistrate is, as often happens to be the case, a prejudiced person, the accused person is so to speak convicted before he arrives in court, and the man has no right of appeal. If the party does not establish his innocence, the onus of proof being placed upon him, surely the Crown or the informer does not suffer by giving him the right of appeal. He has to put up a bond of probably double the amount of the fine and sufficient security to pay the costs, and he comes before the court. Then the judge has an opportunity of trying the case de novo; he is judge of both the law and the facts. If you take away this right of appeal, you first declare that the onus is on the man to prove his innocence. Then, if he does not establish that to the satisfaction of a prejudiced magistrate—and magistrates in the country are not the same as the trained lawyers we find in the cities and larger towns—he is denied the right of appeal. If you have the man convicted and you have his bond for double the amount of the fine if he is fined, how does the Crown suffer? Then you take away the right of certiorari. In the Nova Scotia legislature some eight or ten days ago a bill was introduced by the provincial Attorney General, who is probably the best criminal lawyer in that province, to give in an application for a writ of certiorari, power to the judge to look at the depositions to see if a prima facie case is made out. Formerly if a conviction was complete and regular on its face, the judge could not look at the evidence; he had to confirm the conviction. By virtue of this bill, if it becomes law in Nova Scotia, where a provincial act is concerned, the judge before whom the matter comes will look at the evidence in order to see if a prima facie case has been made out, and if not, he has authority to make the rule nisi absolute. That is the experience of Nova Scotia under the Temperance Act and other drastic acts of the province. In this case you are taking away the right of certiorari absolutely. If a conviction happens to be a complete conviction on its face, no matter whether there is