

get an order from a county court judge to get bail. It is true that there is a provision by which the magistrate is permitted to say: "The evidence is not strong, I will simply hold you over for trial, and I will take bail myself." The magistrate can say that, but if the evidence is strong and he commits for trial it is beyond his power absolutely to take bail and the man must go to jail and then apply to a supreme or county court judge for authority for some magistrate to give him bail. It is for this reason that I am bringing the matter to the notice of the minister.

Mr. DOHERTY: I understand the hon. gentleman does not question the power of the magistrate to grant bail?

Mr. McKENZIE: If the evidence is not strong enough to commit.

Mr. DOHERTY: I have not the section before me, but as I recollect it, it is a matter for the magistrate to appreciate, and, if I am not mistaken, he is entitled to appreciate the nature of the evidence and the probability of the person disappearing rather than presenting himself for trial, in the exercise of his power to allow bail.

Mr. McKENZIE: It has no power at all, except as I have stated.

Mr. DOHERTY: I regret I have not the Criminal Code before me and I do not like to question the positive assertion of the hon. gentleman, but I do know that, in my own experience, it is only for the graver offences that a magistrate would refuse to admit a man to bail. Certainly he would not in the case of an offence of which the penal consequence is so light as in this case.

Mr. McKENZIE: We need not discuss it, because it is in the Code in plain words.

Mr. DOHERTY: We will take it that it is in the Code in plain words and will not discuss it further. But I adhere to what I said, that I do not think a man has a grievance because he has to submit himself to a magistrate, subject to appeal to the higher court, with the option of having his trial by jury. So far as the question of bail is concerned, if the magistrate cannot or will not admit him to bail, the accused has his recourse before a judge of a higher court.

Mr. McKENZIE: For a man living in a city, where judges are easily accessible, the consideration which the minister advances may be some consolation, but if a man lives twenty or forty miles away from a judge and is put in a lock-up by a magis-

trate it is not as easy as the minister might think to obtain authority for bail. However, the minister thinks it is all right. Every word of subsection 2 and all the procedure is of a summary character, the language of the Summary Convictions Act is used. Everything is summary in its nature and procedure except that this is made an indictable offence, with three months in jail if the fine is not paid.

Bill reported, and read the third time and passed.

SALE OR USE OF INTOXICATING LIQUORS.

BILL IN AID OF PROVINCIAL LEGISLATION; THIRD READING.

On motion of Hon. C. J. Doherty, Bill No. 121 to amend an Act in aid of provincial legislation prohibiting or restricting the sale or use of intoxicating liquors was read the second time and the House went into committee thereon, Mr. Rainville in the Chair.

On section 1—Insertion of words "for beverage purposes":

Mr. MARCIL: Are these amendments being inserted at the request of any particular provincial government or temperance association, or as the result of experience gained during the past year? What is the *raison d'être*?

Mr. DOHERTY: There are different *raisons d'être*. Some have been suggested by representatives of the authorities for the administration of prohibitory legislation, as in Ontario by the commission appointed under their statute. Others have been asked for by persons interested in temperance in certain provinces, more particularly in New Brunswick, and for the purpose of meeting legislation, in New Brunswick in particular, and legislation that I understand it is within the power of the commission in Ontario to bring into effect, if it has not already done so, and to give to that legislation the support or aid that is given to general legislation upon the subject by the Act of last year. Then, one amendment is to correct an omission in one of the sections of the Act passed last year. The Senate last year struck out a clause inserted by the Commons, and in accepting the Senate amendment it was announced in this House that another effort would be made to re-insert this clause in the Bill. The clause providing for the right of seizure of liquor has been introduced on representation of the authorities engaged