

lutely wrong, and quite useless. No matter what drug a doctor thinks his patient should have he is entitled to a fee for his advice, even to telling the patient he should "smoke" some for his "nervousness". But such a change in the act would be evaded by the doctors giving general advice and ordering some other drug, and charging a fee for the "séance".

The recent "books" issued by the Commissioners has the motto: "Medical Practitioner Patient." This is somewhat humorous. Everyone who has consulted a doctor, obtains advice, and is given a prescription for any "drug", is a patient, though seen for the first time, and may never be seen again. We candidly do not think matters have been improved by printing these words at the top of the prescription blank.

Let us see how some able lawyers and experienced judges view the matter. In *The World* for October 13th we find this:

"That the Ontario Temperance Act is a most unBritish piece of legislation was the comment of Mr. Justice Masten, in chambers at Osgoode Hall, yesterday, as he listened to the motion to quash the conviction of John Newton of Cobourg, who was fined \$500 by Magistrate W. H. Floyd for having had liquor in a place other than his private dwelling."

Justice Orde in dealing with a case that came before him, in the form of an appeal from a magistrate's decision, remarked regarding the Act, that: "It's outrageous to my mind, but, of course, I am not legislation".

Justice Middleton in dealing with an appeal that came before him said in effect: "I am inclined to believe that there is an impression among magistrates that the Act has done much more than it purports to do. Section 88 shifts the onus of proof that accused had in his possession the liquor concerning which he is being prosecuted; but the Act does not abolish the fundamental principle that the accused is to be presumed innocent until guilt is proved, nor does it take away the right of the accused to the benefit of the doubt."

Mr. J. E. Jones, recently appointed assistant Police Magistrate in Toronto, expressed his opinion on the bench as much opposed to section 88, "which puts the onus of proving innocence on the accused person".

On page 95 of the Announcement of the College of Physicians and Surgeons of Ontario, we learn that a judicial opinion has been given that if a doctor is prepared to make a declaration to the effect that his prescriptions for liquor are always for medicinal purposes, no limit can be placed upon the number he may issue. This is law at present.