THE CANADA TEMPERANCE ACT, 1878.

Now that the noise of the advancing chariots of the temperance men sounds loud in our ears, some mention of a matter which has recently been brought prominently before our notice in connection with the so-called Scott Act may be excused, and the more so as public attention has been lately called to this Act in connection with a special case laid before the Supreme Court at Ottawa by the Government, and argued a few days ago, to which we shall presently allude more fully.

The Canada Temperance Act, 1878 (41 Vict. c. 16), nowhere points out or provides any method for securing the proper carrying out of the preliminary steps directed by the Act to be taken by those who desire the bringing into force of the second part of it in any given municipality. For example, sec. 5 provides that the preliminary petition and notice to the Governor-General-in-Council shall be signed "by electors qualified to vote at the election of a member of the House of Commons in the county or city;" sec. 6 provides that the petition and notice shall have appended to it "the genuine signatures of at least one-fourth in number of all the electors in the county or city named in it;" sec. 8 for the insertion of the proclamation of the Governor-General-in-Council so many times in the Canada Gazette and the Provincial Gazette; and sec. 9, sub-sec. 2, that no polling of votes under the Act shall take place on the same day as an election in the same locality for members to serve in the Parliament of Canada and the Local Legislature; and there are a number of other requirements intended doubtless by the Legislature to secure that the second part of the Act, if brought into force in any given locality shall be so brought into force by the undoubted desire of the majority of those qualified to vote. But when one comes to enquire what resort the defeated party would have in the event of these preliminary requirements not having been complied with, and nevertheless a return made to the Secretary of State of a majority being in favour of the second part being brought into force, and an Order-in-Council consequently ensuing calling it into force, he does not find any course pointed out. Sec. 70 indeed enacts that "No polling of votes under this Act shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll . . . it it appears *to the tribunal having cognisance of the question* that the polling of votes was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the polling;" but there is nothing to show what is the tribunal referred to. It will scarcely be denied by the most ardent spirits, or rather by the most inveterate haters of ardent spirits, that the second part of the Act, be it a wise piece of legislation or not, is a very grave and serious infringement of the liberty of the subject, and presses very hardly on that majority of persons who do know how to take their "liquor like gentlemen," and are not prone to excess,* besides being a serious blow to the vested interests of many; and, probably, all on reflection would admit that it is most desirable that the requirements of the Act should be very exactly carried out before the second part is brought into force. It, therefore, seems somewhat strange that no method of securing this is provided by the Act. No doubt it is open to any one who considers that the preliminary steps have not been regularly taken to petition the Governor-General-in-Council not to proclaim the Act in force, but this can scarcely be called an adequate remedy. It has, how-

* But, we might add, who do not see any responsibility to give up their liberty for the good of others.—Ed. C.L.J.