

The Canada Citizen

AND TEMPERANCE HERALD.

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TORONTO FRIDAY, DECEMBER 21st, 1883.

THE CROOKS ACT.

A very important decision has been given by the Judicial Committee of the Privy Council. It will be remembered by most of our readers that in the celebrated case of Regina vs. Russell, it was ruled by the Privy Council that the Dominion Parliament had power to prohibit the liquor traffic; the Scott Act was therefore sustained. Because of this decision many people concluded that the power to legislate in reference to the liquor traffic rested solely with the Dominion Parliament, and that the Local Legislatures did not possess the licensing power that they have hitherto exercised. Sir John A. Macdonald held this opinion, and to put the matter right had the McCarthy Act passed. This was done however without any judicial pronouncement in reference to the licensing power. Now a definite decision has been arrived at, and the Privy Council confirms the Ontario Legislature in its claim to license, restrict and regulate the traffic. It will be seen at once that the question of jurisdiction is now very much simplified. The Dominion Parliament can prohibit, the Local Legislatures can restrict and regulate. We know which body can give us what we want, and we must press upon the former persistent, determined demands for total prohibition, and at the same time do what we can through the assistance of the latter towards further restriction as a measure of temporary relief.

It is a cause for thankfulness that we have reached this definite position before our municipal elections. There can be now no excuse for apathy among our friends in reference to their imperative duty. A vigorous effort now may give us everywhere councils for the coming year pledged to abolish the dangerous and inexcusable grocer's license system, and also to still further curtail the whole liquor business. There is no time to lose. We urge upon our friends their personal responsibility. They cannot be free from blame who neglect to do all in their power for the mitigation of the

awful evils of intemperance. The clauses of the Ontario License Act that relate to this matter are these:

"17. The Council of every City, Town, Village or Township may, by by-law to be passed before the first day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the first day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Act."

"24. The Council of every City, Town, Village or Township may, by by-law to be passed before the first day of March in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the first day of March, and in such by-law or by any other by-law passed before the first day of March, may require the shop-keeper to confine the business of his shop solely and exclusively to the keeping and selling of liquor, or may impose any restrictions upon the mode of carrying on such traffic as the Council may think fit."

Every candidate for municipal honors should be required to state definitely what he will endeavor to do in regard to the exercise of the power that these clauses confer, and those who will not do right should invariably be left at home.

It is perhaps worthy of note that while the Privy Council has decided that the Dominion Parliament possesses prohibitive power, and that the Local Legislature possesses licensing power, it has not stated that the Dominion Parliament cannot license, nor that the Local Legislature cannot prohibit. Of course it will generally and naturally be inferred that if certain jurisdiction is possessed by one legislative body, the other will not have a right to a similar jurisdiction, but the point to which we call attention is that the decision of the Privy Council does not in terms void any claim to control of the liquor traffic that either authority has yet made. It has however ratified certain claims, and this is what makes our line of action clear, and enables us to work more hopefully and with a definite aim.

THE HOLIDAY SEASON.

A beneficent provision of our liquor legislation closes all places where strong drink is sold, from Saturday night to Monday morning. The results are seen in our quiet and orderly Sabbaths, so often noticed and commented upon by visitors from other countries. We shut up our liquor-shops at seven o'clock on the last evening of the week, because it is then that temptation finds men an easier prey. They have finished their weekly round of toil, and loosened the tight rein of work-compelling will-power that has held them in for the last six days, and in the inactive mood of rest they give way more readily to self-indulgence; in the complacency of consciousness of completed tasks, they are more ready to show their good fellowship and kindness to those they meet, and "the treat" has more than usual attractions.

All this applies with equal force to laborers in every department of work, and to every time of relaxation. The holidays are here, the student's books are thrown aside, the professional man is taking a needed vacation, and the hard-working toiler in the factory or the field wipes away the sweat and stops a while for merry-making and rest. Circumstances are all favorable to the unguarded and unresisting frame of feeling that has already been described, friends are meeting friends, everything is looking at its best, and everybody seems happy and feels kindly.

Does the law with prudence and watchfulness interdict the temptation now? No! The liquor-shops are in holiday attire. The saloons are enhancing their fatal attractiveness. Grocery-stores are adorning their poisonous wares with the emblems of peace and good-will; decorating with skill and care in evergreens and flowers, the bottles that are going to carry wretchedness and heart-breaking to thousands of homes; and in not a few cases the proprietors are sending to their patrons, gifts of the woe-breeding drug as evidence of esteem and friendship.

We said it is a time of merry-making and rest. Not everywhere,