

fall into the back ground, and it cannot be carried on without money. Surely it is much to be wished that the lecture fund should be raised to something of its old status, when called after the name of its founder, P. G. W. P. Rose, "The Rose Fund." Last year, there were very few Divisions that responded to the call of the G. S. Let us try to do a little better this winter and thus help forward the Cause.—In L. P. and F.

M.

Miscellaneous.

The Canada Temperance Act.

THE question of the constitutionality of the Canada Temperance Act is now under the consideration of the Supreme Court, and unless a long delay is made by the Judges, a decision will probably soon be given. Arguments of counsel on both sides were heard, commencing on Thursday of last week. It turns out that the Ottawa Government have employed lawyers to argue on behalf of both sides of the question. Mr. Lash, Deputy Minister of Justice, conducted the argument in favour of the constitutionality of the Act, and Mr. Christopher Robinson, Q.C., of Toronto, was employed to argue against it. On behalf of the Act, Mr. J. McLaren, Q.C., of Montreal, was heard on behalf of the Alliance, and Mr. Kay against it.

We are indebted to the *Witness* for the following summary of the arguments presented:

Mr. Lash opened the case for the City of Fredericton, and explained how the case had arisen only by the refusal of the city to issue a liquor license to one Thomas Barker, because of the adoption of the Scott Temperance Act in the city. He submitted three propositions as having been adduced from decisions in the British North America Act:—1st, that in all matters relating to the internal affairs of Canada and of the Provinces comprising it, legislative authority exists within our own borders, either in the Do-

minion Parliament or the Provincial Legislatures, or in both; 2nd, that local Legislatures have only such legislative powers as are specifically conferred upon them by the British North America Act, and that the balance of legislative power respecting the internal affairs of Canada, and of the Provinces of which it is composed, rests upon the Parliament of Canada; 3rd, that when the powers specifically conferred on the Parliament of Canada clash with the powers of the Provincial Legislatures, the latter must give way. He contended that in order to show that a certain power was not vested in the Parliament of Canada it must first be shown that it was vested in the Local Legislatures. He then proceeded to argue that this power exercised in the Canada Temperance Act, so far as the prohibition of the sale of liquors is concerned, was not vested in the local Legislatures.

Mr. McLaren first took up the objection that the Act was null because Parliament had no right to delegate its authority and say that the Act should come into force by a popular vote. To show that a prohibitory act was a regulation of trade, he cited a decision of Mr. Speaker Sicotte in 1855, throwing out a prohibitory law which had come to its third reading, because it had not originated in Committee of the Whole, where Trade Acts must originate. He cited the decisions of Judges Bourgeois, Caron, Dunkin, Papineau and Belanger, in the Province of Quebec, to the effect that the local Legislatures could not repeal the Temperance Act of 1864 or the Dunkin Act. He also cited Story on the Constitution and Kent's Commentaries, as well as American decisions, to the effect that the right to regulate commerce gave the right to prohibit. He also said that Parliament had the right to declare the sale of liquor a criminal offence, and cited an Act of 1864, where, for the preservation of peace near public works, a proclamation might issue making it illegal to carry

arms or sell liquor, putting both on the same footing.

Mr. Kay, Q.C., followed against the Act. He held that Canada could not take away the right of the local Legislatures to get their revenue from taverns and other sources of revenue guaranteed to them. Parliament had only a right to regulate trade as trade, and not to affect local or private matters, such as the suppression of drunkenness. Mr. Kay concluded his argument, and was followed by Mr. Robinson, Q.C. The argument was resumed in the Supreme Court this morning.

Lift up the Fallen Ones.

JOHN B. GOUGH tells the following incident of a minister who went to see a poor besotted wretch:

He went up three or four pairs of stairs and knocked at the door—no answer; he knocked again—no answer; he opened the door and went in; and he said, when he saw that poor creature crouched by the fireplace, he began to feel a little frightened; he began to feel a sort of sickness in his throat—that sort of feeling, I wish I wasn't here. His hair was matted and tangled, his clothing in rags, and filthy; a four weeks' beard on his face, and his cheeks cadaverous, and as he looked around him there was a glare like that of a mad beast, and he felt timid and frightened. The first words of the poor creature were:

"Who are you?"

"I am a minister."

"Minister! what do you want?"

"Well, I have called to see you."

He rose upon his feet and the minister said, "Then I began to think where I should take him; I expected a struggle, and I was determined I would not give him up. He came up pretty close to me, and stretched out his hand and said, 'You have come to see me, have you? Then see me. How do you like the looks of me? I'm a bit of a beauty, ain't I? Come to see me, did you?'"

Then he came a pace or two nearer, and he felt the pestiferous breath on his face hot, as he said: