

Q. Tell me how you examined him. A. Felt around his pockets.

Q. Did you examine him when he came out? A. Certainly; he showed them to me.

Q. Will you tell me did you examine him when he came out? A. His pockets, no I didn't; not that he showed me.

Q. Tell me clearly, did you examine him when he came out? A. I have told you just exactly what was done when he came out.

Q. What? A. I didn't examine him. Q. Then you don't know whether he had a number of those flask in his pocket or whether he had not? A. He said he hadn't no more.

Q. Your role is to examine him when he goes in and take his word when he comes out; is that it? A. Well, that is what we do on that occasion.

Q. What? A. Just what I have said. Q. This you took his word when he came out? A. We done it on that occasion.

At the close of the case Mr. Haveron argued that no breach of the law had been shown. He contended a true construction of the License Act in respect to shop-keepers was that they could sell three half pints of any one kind of liquor or combination of liquors and take it away in any vessels or bottles they chose. He also pointed out that the wholesale license allowed the sale of two dozen pint bottles of ale, which, if the contention of the prosecution were correct, the shop-keeper could not sell to his customer.

The Crown Attorney contended:

1. That there had in this case been two sales, one of the ale, the other of the brandy, the latter of which was illegal.

2. That in cases where different liquors were sold not less than three half pints of each kind must be sold.

3. That even where the same kind of liquor is sold each bottle must contain not less than three half pints, in other words that the question under the act was not so much the quantity sold as the size of the vessel in which it was taken away. On the conclusion of the argument, judgment was reserved and on Tuesday, the 4th Sept., the following judgment was delivered by the Police Magistrate:

"The evidence in this case for the prosecution shows that the sale consisted of a quart bottle of ale and a flask of brandy containing less than three half pints, and I have to decide whether this sale is lawful or not. The defendant has a shop license, and by virtue of that license he is empowered to sell liquor in quantities not less than three half pints at any one time to any one person. The liquor so sold must at the time of sale be wholly removed and taken away in quantities not less than three half pints at a time. If the bottle of beer and the flask of brandy are added together, then the person bought more than three half pints. If the brandy is considered separately from the beer then the person bought less than three half pints. I do not think that the paying for the ale and then paying for the brandy separately makes these two purchases separate purchases. In my opinion it was one transaction within the reasonable meaning of the act. The true question is, is the whole sale legal or illegal? Suppose the purchaser had bought a quart bottle of beer and a pint bottle of beer thus making over three half pints of beer would the sale be illegal? This is a simple case but must be decided on the same principles.

"The wording of the Act is specific enough. In the case of tavern licenses

liquor may be sold in quantities of less than one quart. The word quantity is defined by Webster as follows: 'That property of anything which may be increased or diminished; an indefinite extent of space; a portion or part.' Synonyms are weight, bulk, measure, amount. Therefore under a tavern license liquor may be sold in quantities, or portions or measures of less than one quart. In shop licenses the liquor may be sold in quantities, portions, or measures not less than three half pints. How can the sale of a quantity or a portion or a measure, less than three half pints be legal if the subsection relating to shop-licenses had simply stated that the holder of such a license might sell 'not less than three half pints' at any one time to any one person, omitting two words 'in quantities.' Then it would be possible for a man to buy a quart bottle and a pint bottle of beer at the same time because he was buying not less than three half pints; or he might buy a quart bottle of one liquor and less than three half pints of another liquor at any one time, because he would be buying not less than three half pints of liquor. But the Legislature has used the words 'in quantities not less than three half pints' in quantities not less than three half pints, or by adding portions of one parcel to another they would have used the same mode of expression as they have used in dealing with tavern licenses, as above mentioned. In other words, they would have stated in what manner, either generally or specially, the three half pints might be made up. Whether the words used correctly carry out the policy or intention of the Legislature is not a matter for consideration by me. All I have to do is to take the words as I find them and give them what seems to me to be their true interpretation. The defendant must be convicted. I see no reason to disbelieve the crown witnesses solely because they are informers."

This judgment is far-reaching in its facts and virtually holds that no shop keeper can sell ale or other liquors no matter what the quantity may be, in pint bottles, so that if the shop keeper sells a dozen, or two dozen pints of ale, he is liable to the penalties imposed for an infraction of the law.

The case will be immediately carried to a higher court for final settlement of the question.

OURSELVES.

SUBSCRIPTIONS TO THE ADVOCATE from those who in the first instance only subscribed for three or six months are coming in rapidly, showing that the paper is fulfilling its mission to the satisfaction of its readers. Our friends, however, all over the country are requested to help us in making the journal a thoroughly repre-

sentative one by sending in contributions regarding matters affecting the trade and by keeping us posted as to the proceedings and progress of their local associations, and especially as to the election of officers and so on. It is the desire of this journal not only to be an advocate of right and justice, but to be representative in all that the word implies, and also to be a complete medium of the trade. This dual quality can only be realized by the active help of its friends. Our enemies are active; our friends should be equally so, always remembering that in unity alone is strength.

OBEY THE LAW.

We have repeatedly called the attention of members of the trade to the fact that the license inspectors are very active. It does not follow that because the law is broken, and no prosecution ensue, that the violation is unknown at headquarters. A case may be in course of preparation and only confirmatory evidence needed. We might say that the warning contained in our articles was not intended to apply solely to any particular city or district. It was published for the benefit of all and by disregarding it several of our Hamilton friends have got themselves into serious trouble. We would advise some members of the trade in Toronto to be on guard. Obedience to the law, and respect for the feelings of the community in which they do business, is the best protection members of the trade can possibly have against the encroachment of the enemy.

THE EXHIBITION.

On Tuesday afternoon Toronto's Industrial Exhibition was once more opened, Sir John Thompson, Premier of the Dominion, doing the touch-the-button act, surrounded by a big crowd of local and Dominion notabilities. Of course Sir John did the very graceful. He complimented everybody all round and expatiated on the noble display made in every department, referring to the exhibition as probably the finest in all America. Truth to say he was justified in all he said, for the present show is ahead of all that have gone before. In every department nearly there is an increase in the exhibits, while so far as the live stock is concerned it is doubtful if, in any one branch, such a display has been made anywhere, even in special shows of one species outside the British Isles; and there only can we be inferior in horses. In some people's opinion probably we are behind in cattle, sheep and pigs, and so we may be in special high bred lines, but not in the aggregate. As for the horses the catalogue shows upwards of one thousand entries and surely that is number enough for any one exhibition. The trouble in this department, however, is that many owners hesitate to show their stallions, fearing an adverse judgment, a judgment that they think might affect their animals locally. But no one should feel aggrieved if he fails to carry off a prize. It is impossible for all to get an award and those that are left are frequently the best stock-

getters. Judges can only make their decision on style, form and appearance and as we all know there are blood lines and many other things to be considered in sending a mare to service. As to the entertainment part, the exhibition is well ahead of anything we have had before. Manager Hill having shown before and ripe judgment in his selection of the different features. Altogether we feel justified in prophesying the most successful of careers for Toronto's Industrial Exhibition of 1894.

DOGBERRY IN CANADA.

A STRANGE CASE of Dogberryism has been brought to our notice. A tavern-keeper was charged with selling liquor out of hours. The prosecution could not prove its case, whereupon counsel remarked: "It doesn't matter whether it was on the 8th, 9th or 10th. You have sold liquor out of hours and I will put the question to you until I make you confess when, or place yourself in a position to be punished for perjury." In other words, according to this reasoning, the defendant was bound to prove a case against himself. This may be magisterial law, but it is not British or Canadian law. It is a parody on both. It is worse, it is a crime. It is as bad as the inquisition. A man must plead guilty to having committed a violation at a time unknown to the prosecution and that does not appear in the indictment, or stand his prosecution for perjury. Was there ever anything more inquisitorial? Fancy yourself, dear reader, or all of us being arrested and being compelled to say whether we had not at some time or other broken the law of the land! How Heavenly Father judges us in that way, well may we ask with Shakespeare "Which of us shall see salvation?" British law says a man shall be held innocent until found guilty. British law also in its mercy waxes a prisoner that whatever he says may be used against him. But there is no British law in the method spoken of; there is no Canadian law. A man is plainly told he must plead guilty or stand before the community, a person liable to indictment for perjury. Surely there is some liberty of the subject in the Canada of ours, some right that we can claim. The right of trial has always been held as the most sacred of all rights, sacred alike to the guilty as to the innocent; but here in Canada in this enlightened age, the last decade of the nineteenth century, the right is denied to those to be free-born subjects. Can intolerance, despotism, tyranny go any further?

We congratulate our esteemed contemporary, the *Monetary Times* upon having passed its twenty-seventh birthday, upon the handsome new dress it donned in honor of the occasion, upon the special edition, with its delicately pretty and neatly illustrated cover and varied contents, that it published last week, and upon the fairness, ability and comprehensiveness that always characterize its pages.

Malt
Proof
Old F

W

J.P. WISER,
BARLOW G.
BAC P. W.
E FRANK W.
ALBERT W.

CANADA IS