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THE EVENING TIMES AND STAR, ST. JOHN, N. B., THURSDAY, AUGUST 4, 1921

IMPORTANT LEGAL POINT IS SETTLED

Privy Council Judgment on
Liquor Act and Meaning
Attached to It.

(Vancouver World.)
The enrichment of the provincial coffers by several hundred thousand dollars is not the most important result of the finding of the Privy Council confirming the confiscation of a large quantity of liquor in this city. Rather it is that a very grave legal question has been settled, namely, the right of the province to enact legislation, failure to comply with which renders the defendant liable to imprisonment without the option of a fine.

It will be remembered that in a number of appeals in cases arising directly or indirectly out of the Prohibition Act, a well known King's Council has repeatedly argued that it was beyond the power of the province to impose imprisonment as a penalty other than as the alternative in the event of failure to pay a fine. Criminal law, it was asserted, had been restricted as a subject of legislation to the Dominion Parliament and when a provincial Legislature created offences punishable by imprisonment only, it was assuming rights from which, by the British North America Act, it was specifically excluded. Therefore, since if one part of an act is ultra vires, the whole act becomes void, the Prohibition Act, which was originally passed, provided for the imprisonment without option of persons found guilty of selling liquor, was not worth the paper it was printed on. From these premises it followed that all proceedings under the act were void and that the province had no right to retain the confiscated liquor.

Now it would have been a very serious matter had this view held, even had it effected the Prohibition Act only for it would have meant tremendous readjustments since every decision given under the act would have been nullified. But that would have been by no means all. The Summary Convictions Act, too, would have gone by the board and proceedings taken, not only in this province, but in other provinces having similar acts, would have been rendered abortive. The present Liquor Act since it provides imprisonment as the sole penalty for unlawful sale, would have disappeared in the legal debris. How far the retroactive effects would have extended it is difficult to say, but even if what had been done under the



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BABY'S OWN SOAP



abrogated laws had to remain done, a state of chaos, both as regards liquor legislation and courts of summary jurisdiction, would have resulted and continued hastily summoned legislatures passed new acts, all the clauses of which were within their powers. It is not too much to say if that consternation would have prevailed among the authorities responsible for the maintenance of law and order, not alone in British Columbia, but throughout the Dominion. Happily no such catastrophe has been permitted to occur. The Judicial Committee of the Privy Council, after hearing, for the applicant, a great British lawyer is Sir John Sims or who had the advantage of the assistance of two able counsel from this city, decided that the Summary Convictions Act and the quasi-criminal clauses of the Prohibition Act were not ultra vires. Mr. S. S. Taylor, K. C., who appeared on behalf of the Government of British Columbia, faced the imposing array of legal talent on the other side, it is to be congratulated on one of the most important successes ever achieved by a British Columbia barrister in the court of last resort.

SOLDIER SETTLERS

(Toronto Globe.)

Despite the fact that the bottom has fallen out of the farm products market within the last year, and that agricultural land was bought at top prices immediately after the war, few actual failures are reported among soldier settlers.

About a hundred veterans are farming around Port Hope, and of this number only six have given up, and these were exceptional cases. The farms purchased as a rule, were too small and poor to support an average family. In other parts of the Province a few failures are reported of men who paid too much for the land. The Government, realizing the peculiar situation faced by the soldier farmer, is giving consideration to those now in financial difficulties, but who have paid off their mortgages regularly in the past.

WOODSTOCK PERSONALS.

Mrs. Beale McCall of Vancouver, B. C., is visiting her sister, Mrs. S. McRibbon.
Lester Hall of New York is here visiting his mother.
Miss Aurilla Shea, who went to Montreal for medical treatment, has returned very much improved in health.
Mrs. Caroline Riley of Shirley, Mass., a native of Hartland, is on a visit to her brother, Chas. Gillin.
Rev. Samuel Johnson, who left the Centerville, N. B., Baptist pastorate about a year ago, is now located at Winsted, Conn.
Dr. and Mrs. A. Ross Currie, who have been spending the summer in Vancouver, returned home on Saturday. Mrs. Luther Dow, who suffered a slight stroke while visiting her daughter, Mrs. Albert Sullivan, at Greenville, Me., was so far recovered as to be brought home the first of the week.

Miss Jessie Foster left for Boston on Monday morning to spend her vacation with her sister, Mrs. Edward Murry.
Mrs. Roscoe Flewelling left on Saturday for a week's visit to her brothers and sisters at Chipman.
Miss Adeline Moores, Moncton, is spending her vacation with her parents, Mr. and Mrs. F. L. Moores.
Mr. and Mrs. McNeill of St. John arrived here last week to keep house for their daughter, Mrs. H. M. Bridge, while she and Mr. Bridge are spending their vacation in Montreal and Boston.
Mrs. D. L. Gray of Lindsay left on Monday night for Boston, where she will receive medical treatment. She was accompanied by Miss Margaret Mc-

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Bride, who has been spending her vacation at her old home in Lindsay.
Mr. and Mrs. Malcolm Munro and children of Moncton are here on a visit to Mr. Munro's parents, Donald Munro and Mrs. Munro.
John H. Watt, who has been for over forty years in the postal service, in early years in the town post office and a longer and later period on the railway, has retired on superannuation allowance.

SACKVILLE PERSONALS.

(Sackville Post.)
Mr. and Mrs. Henry Nichol, who have been visiting Mrs. Nichol's mother, Mrs. Howard Sprague, left Saturday for their home in Fall River, Mass.
Mr. and Mrs. I. M. Lingley of Campbellton and daughter, Lois, are spending a few days with Mr. and Mrs. H. H. Woodworth.
Mrs. C. F. Wiggins left last week for Charlottetown, where she will spend a few weeks with Sir Louis and Lady Davies.
Dr. Gass has taken a turn for the better, and is now improving rapidly. Dr. Gass has been ill for several weeks with blood-poisoning in his left arm.
A report from Amherst states that Mrs. Leonard Carter of Point de Bute, who was recently in the hospital, is now at the home of her daughter, Mrs. Scott. Her condition continues serious.

Meadows for Pasture.
Some Kings county farmers are using their meadow lands for pasture. The dry weather has burned the upland pastures to a crisp and it has been found necessary to resort to the use of hay land to keep the stock in pasturage.

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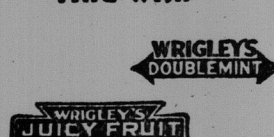


Delicious candy coating over a delectable morsel of peppermint chewing gum.

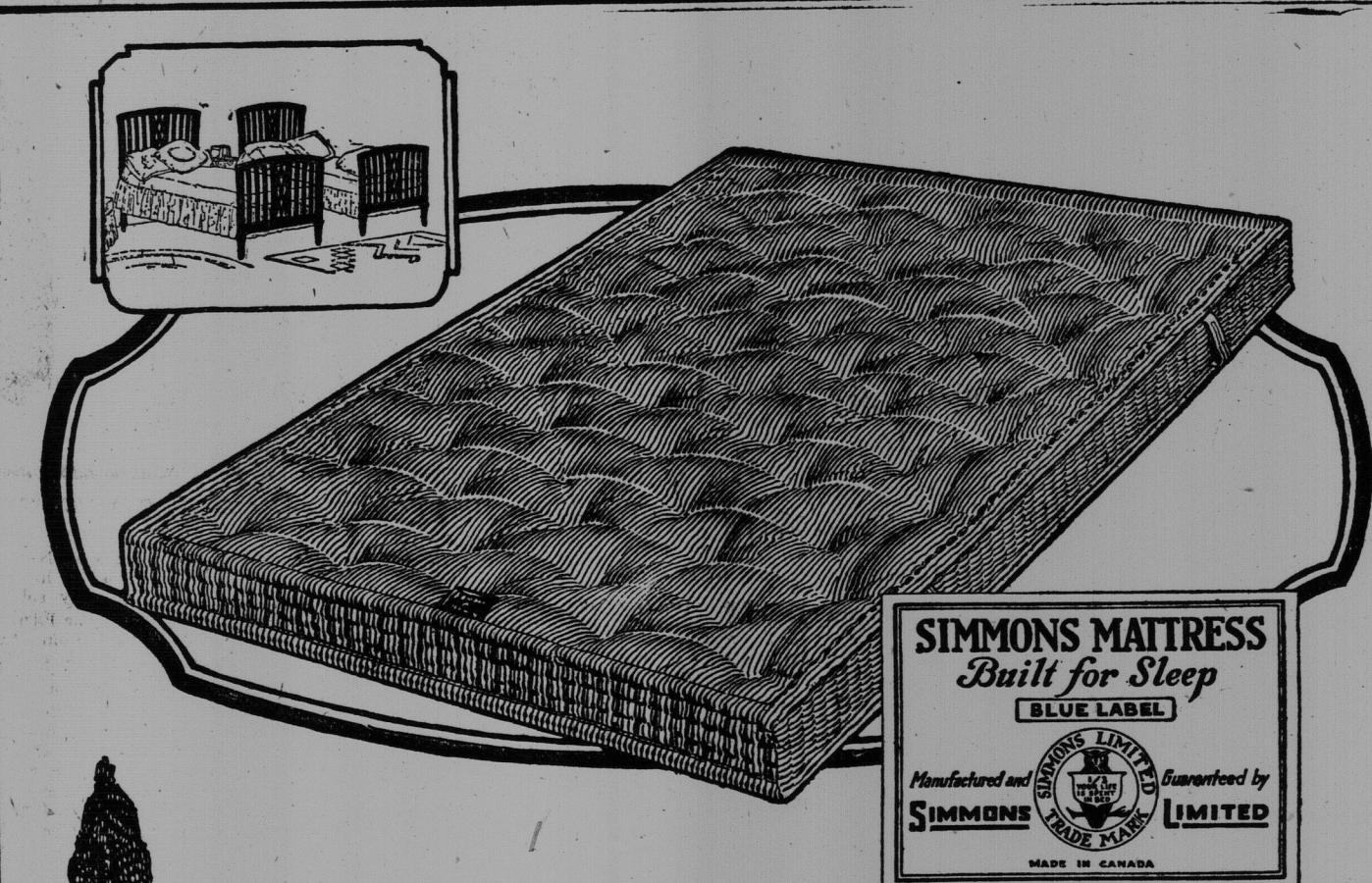
It's a nippy, zippy peppermint that you will like, too.

Good for teeth, appetite, digestion and throat.

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