

office of the Clerk of the Peace. Probably its publication may be of service. It may lead to more decided action, and further investigation, and I fancy my exposition of the law will be found to be correct. Hereafter I may make some further observations respecting temperance houses of entertainment, and how they have been and ought to be sustained. For the present I shall have occupied sufficient space, if you think it worth while to publish the following:—

To the Worshipful the Bench of Magistrates in Quarter Session assembled.

The Memorial of the undersigned humbly sheweth, that * * *

Your Memorialist is of opinion, and he has also sought legal advice on the subject, that the Act III. Victoria, Chapter 20, does not comprehend houses of entertainment, where no strong drinks are sold, and that in fact they are no more included in that Act, than boarding-houses where the same articles may be sold, as are required in such a house of entertainment. To insist otherwise affords no encouragement to persons of temperate habits, and to those who may be disposed to endeavour to promote the dissemination of orderly and temperance principles, while on the other hand it offers a premium of probable profit to the seller of ardent spirits.

Your Memorialist begs permission to submit a few remarks for your consideration, and entreats the Magistrates to secure legal advice before any further action be taken. The Act under which the license fee is claimed for houses of entertainment not selling liquors, is that before mentioned. It may be found in the Provincial Statutes of 1840. On examination of that Act it will be seen that no such houses are contemplated or described. The fourteenth clause is that which is made the grounds of charge for mere houses of entertainment. It reads thus:—"That from and after the first day of June next, all, and every person or persons, who shall open a house of public entertainment, or a house for the sale of ale, beer, cider, or other liquors not spirituous, within this Province, by retail, he, she, or they are required to take out a license for so doing, &c." It must be admitted that if two classes of public houses are described in this clause, then there may be some plausibility in the demand, that persons keeping a house of entertainment, where no strong drink is sold, should be required to take out a license, and pay the prescribed sum. But a few observations will make it evident, that not two classes, but only one class of houses is therein set forth. The house of public entertainment is in the next sentence, by the continuation of the sentence more fully described, and it is a house "where ale, beer, cider, and other liquors, not spirituous, are sold, and may constitute a part of the entertainment. The conjunction, or, is not disjunctive merely, but also copulative, and serves to distinguish the public houses contemplated in the Statute, from those houses where ardent spirits also may be sold. Two classes of houses, one indeed described in the Statute, and the title of the Act is certainly plain enough to show their character. It is "An Act for further regulating the manner of granting Licenses to Inn-keepers, and to the keepers of Ale and Beer Houses in this Province." If in the fourteenth clause, another kind of house is really contemplated, then the character of the Statute is not given by the title, for it would then include three different kinds of public houses. But this is evidently not the case, and, therefore, a house may be opened for public entertainment, without being liable to license taxation, providing spirituous liquors, or ale, beer, cider, &c., are not sold or kept for sale. This will further appear from the title or description of the 14th clause, printed in the margin, which is "License to be taken out for selling beer, ale, &c." The same conclusion will be arrived at from the 16th clause, where the payable amount of license is mentioned. The ale house is the house of public entertainment, the license for which is not more than five, and not less than one pound currency. Here also, in the margin, the class of houses is described, and the clause specifies the "amount payable on license to sell beer, &c."

Thus, therefore, houses where beer or other intoxicating drinks are not sold, are not liable, within the provisions of the Provincial Statutes, regulating such affairs, and to enforce payment of license is contrary both to the letter and spirit of the Act. And it seems perfectly reasonable that those persons who have heretofore been compelled to pay, ought to be refunded the several amounts exacted from them, under a misunderstanding of the Act of Parliament. Most assuredly no license can be required for keeping a public house, where no strong drinks are sold. And

in behalf of persons keeping, or wishing to keep, such houses, the consideration of the Magistrates is respectfully urged by the Memorialist,

WILLIAM SCOTT,
Minister of the Gospel.

Port Sarnia, March 20, 1844.

[We strongly recommend our temperance friends in the Western District to petition the Governor for redress without any delay, and we will be much disappointed if they have any future reason to complain of the conduct of their Magistrates or Inspector in this matter.—Ed.]

A FEW HINTS.

Notwithstanding the indefatigable and successful labors of the self-sacrificing pioneers of the temperance reformation, the hydra-headed vice, intemperance, prevails to an alarming extent. There is weeping and wailing among drunkards and their relatives, because in the distillery the worm dieth not, and the fires are unextinguished. Go to the Hospital, the Poor House, the Lunatic Asylum, the common Jail, and the Penitentiary, and there you may be introduced to the unfortunate and unhappy graduates from the grog-shop, with their diplomas printed on their distorted features. Visit the cellars, garrets, hovels, and kennels tenanted by drunken prodigals, who are surrounded by squalid poverty, and inquire the origin of such scenes of distress, and you will be informed that a combination of causes impelled the victims of inebriation onward, with rail-car rapidity, to unimaginable misery and destitution. Although compulsory usages do not prevail on this as they do on the other side of the Atlantic, yet the drinking customs have been interwoven into the frame-work of social habits—intermingled with the business transactions of every-day life—linked with the etiquette, courtesy, and fashion of society, and entwined with our notions of friendship and hospitality. Noxious nostrums, composed principally of alcohol, have been palmed on the community as infallible panaceas for mental and physical infirmities; so that sickness is offered as an apology for the use of dangerous compounds, which originate the deadly appetite. Yes, nauseous mixtures, assuming the name of medicines, drange the digestive organs, corrupt the blood, and generate the germ of future excess in the use of intoxicating liquors. The love of excitement, as well as the gratification of appetite, leads scores, and hundreds, and thousands of misguided, but well meaning persons from the pleasant paths of sobriety into the dark and dangerous labyrinths of intemperance. The writings of eminent men, who have celebrated in song and story the drinking usages of what they term the golden age, have led the multitude astray, invited generation after generation to the fatal cup, and accelerated their down-hill progress to the valley of the shadow of death. The needless and pernicious habit of using cider, beer, and wine at the table during meals, has contributed largely towards increasing the army of tipplers and toppers, and incorporating a love for ardent spirits into the systems of those who indulge a vitiated taste at the luxurious board. The absurd habit of treating, and sealing bargains, and drinking healths and toasts has accomplished an immeasurable amount of irreparable mischief, by associating the glass with the out-gushing of generosity, and the expression of the best feelings of our nature. Using the drunkard's drink at bees, raisings, feasts, parties, and militia trainings has swelled the impetuous current of vice, and swept millions into eternity. The abominable practice of drinking at auctions, and elections, and town meetings, has added many to the list of the intemperate. The disgusting habit of chewing and smoking opium and tobacco has, like an incendiary, set insatiable appetite on fire. The temptations from without, and the desires from within—the cheapness of the leverage, and the facilities for