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F. S. SPENCE,

Cor. Richmond-Victoria Sts. Toronto

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THE CANADA CITIZEN.

The : Canada : Citizen
AND TEMPERANCE HERALD.

A Journal Devoted to the Promotion of Social Progress and Moral Reform.

Subscription, \$1 a year, strictly in advance.

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TORONTO, FRIDAY, FEBRUARY 10th, 1898.

FIRST, SECOND AND THIRD OFFENCES.

ELSEWHERE in this paper will be found a letter signed "Common Sense," criticizing pretty severely the action of the officials who enforce the Scott Act in Victoria County, and charging them with failing to deal out justice even-handedly to all offenders. We do not, of course, know the particulars of any of the cases with which our correspondent finds fault. It is well, however, that it should be distinctly understood that a second offence, in the eyes of the law, means an offence committed after a prosecution has been brought for a first offence, and that no matter how many offences a man commits before proceedings against him are instituted, they must all be considered as first offences.

After carefully reading over our correspondent's letter, we can, however, hardly come to any other conclusion than that in some of the cases to which he refers there is a failure to have the intention of the law carried out. For example: A man is convicted on June 23 of a second offence and then on September 13 is fined as for a first offence. We would like to know the particulars of such cases as this, and learn the reason for the seeming failure of the Inspector to have the wrong done prosecuted as the law intended he should be prosecuted, and punished as the law intended he should be punished.

As we have said, we do not know the particulars of this case, but we do know, and the returns published from time to time in the CANADA CITIZEN make it perfectly clear, that some Scott Act Inspectors, are, by their outrageous conduct, changing the Scott Act, which was intended to be a prohibitory law, into a licensing system. Over and over again have we exposed the wrong doing of particular Inspectors, still they are retained in office, and go on with their persistent, illegal policy of prosecuting for first and second offences when third offences have been committed, and when, according to law, the offenders ought to be in gaol.

There can be no excuse for such misconduct. The officers concerned have taken upon themselves a duty they were not appointed and are not expected to perform. An Inspector is not a judicial officer. It is his duty to prosecute as for a second offence in every case of law violation in which the offender has been previously successfully prosecuted for a first offence, and it is his duty to prosecute for a third offence in every case in which the offender has been previously convicted of a second offence. The Police-magistrate should then deal with any special case in which in his judgment the option allowed by the law should be exercised. But the Inspector should not take upon himself the exercise of the functions of the Magistrate.

Of course there is no getting away from the fact that Inspectors are officers of the Provincial Government, and the Provincial Government is morally responsible for the wrong-doing of those Inspectors who are retained in office after the wrong-doing has been exposed. We know that the Ontario Government issued strongly-worded instructions to Inspectors, re-

quiring them to have the law fairly carried out. But, some of these Inspectors have ignored these instructions to do "that which seemeth right in their own eyes," and they retain their positions. It seems to us that the right line of action for the Provincial Government would be to instruct Inspectors to invariably proceed as for second offences and third offences when such have actually been committed, and to leave to the discretion of the Police Magistrate an option which certainly cannot be so well exercised by any other officer.

The public would like some further information in the matter. We would suggest that some member of the Local Legislature ask that the Government lay before the House a return showing the number of cases in which each Inspector has prosecuted offenders as for first offences where previous convictions had been secured, and as for second offences when previous second offence convictions had been secured. The information would be interesting to the public and we believe instructive to the Government.

The electors in our different Scott Act counties voted for the Scott Act as passed by the Dominion Parliament, not as the Inspectors might choose to distort it. Surely these Inspectors must so that the public cannot look upon their conduct as anything else than inexcusable connivance at law-violation. Any Inspector guilty of such malfeasance is absolutely unfit to hold the position he disgraces and should be summarily dismissed on proof of his misconduct. The License Inspector does not own his county, and has no right to override the votes of the electorate, disobey and defy the Government that appoints him, and put law breakers on the back—telling them he will license their business though the community votes to outlaw it and the Government instructs him to repress it.

Whether this aiding and abetting of law-breaking is done through cowardice, for political purposes, for personal favor of whisky-sellers, or for money paid as bribes by these whisky-sellers, the case is not altered. The Inspector who so acts is unfit to hold his position and must reflect permanent disgrace on the Government that does not immediately replace him by a man who is above being actuated by such unworthy motives or considerations.

THE GOVERNMENT AND DYNAMITE.

IN the province of Ontario at the present time the condition of affairs amounts to very little better than a reign of lawlessness and terrorism in those localities in which the friends of the liquor-traffic believe that terrorizing methods will be of any value to them in the prosecution of their nefarious undertakings. Outrage has been piled upon outrage, arson upon arson, dynamiting upon dynamiting, cattle-murder upon cattle-murder, brutal assault upon brutal assault, officers of the law are mobbed in open daylight, scoundrelism of every sort is rampant in malicious effort to injure those who are known to be favorable to the enforcement of law.

Were this kind of malicious persecution to be aimed at any other class of the community than those against whom it is now exercised, and were there as little official effort to secure the prosecution and punishment of the guilty parties, there would be an outcry from one end of this province to the other. There would be such a demand from influential public men, and influential public journals, for the suppression of the villainy as would startle any government from inexcusable apathy into energetic and effective activity.

Why is it that so little is said regarding the matter in our influential journals? Why is it that no special and determined efforts are made by the Provincial Government to overawe the brutal rascals who are thus endeavoring to suppress free speech and civil liberty? Why is it that on the floor of our Legislature no man lifts his voice in inquiry or protest? Is it—can it be, that the accursed whiskey business has

already gotten on our public men in Ontario the grip with which it holds politicians in other lands?

We recognize the serious difficulties that present themselves to any government attempting to deal with this evil. But the evil has attained such alarming dimensions that it can no longer be ignored. And, if these difficulties are great enough to prevent our Government from dealing with this evil, then, they ought at once to place the power held by them in the hands of men able enough to devise, and energetic enough to carry out, whatever measures are necessary to overcome these difficulties, and enforce law and order in every part of the country.

We believe that the Ontario Government has commended itself to public appreciation and public support by its open and frank avowal of determination to see the Scott Act thoroughly enforced. We believe that it is fast losing this confidence by its failure to rise to the necessities of the present emergency, and a storm of indignation against the Ontario Government is only averted by the fact that the leaders of the political party which would like to be the Government are equally indifferent or afraid. It must not, however, be forgotten that responsibility in the matter does not rest on the shoulders of the opposition to the extent that it does upon the shoulders of the Government and the Government's supporters.

There is already a fast growing and wide-spread feeling of discontent which is finding expression, not in the larger and more influential journals, but in the more independent of even those which have hitherto been strong supporters of the Liberal party. This fact ought to be looked upon by the Government as an indication of the danger ahead. And even if no more worthy consideration than that of political expediency is allowed to prevail, some head should be taken to such notes of warning as are given in the following editorial paragraph from that sturdy Reform paper the Renfrew Mercury:—

"The numerous outrages which are now occurring in all parts of the country, in the way of dynamiting or burning houses, and violently assaulting constables, are attracting the attention of many journals, particularly in places where there is some sort of police protection to be obtained. One such paper, alluding to the recent acts of incendiarism in Leeds and Grenville, said they must be stamped out, even if the militia had to be called upon to put the ruffians down."

The Provincial Government, however, does not deem the matter of sufficient importance to make the slightest reference in the speech from the Throne at the opening of the session of the Legislative Assembly. As we said a fortnight ago, the dealing with this question is one of the difficulties confronting Mr. Mowat's Administration. It cannot be put off much longer while the Legislature is in session.

TOBACCO AND PROHIBITION.

WHEN the Labor Commission was in session in the city of Kingston, Mr. Oberndorfer, proprietor of a cigar factory, was before them for examination. He made the startling statement that the operation of the Scott Act had injured his business to a large extent. He was of the opinion that had it not been for the Scott Act he would have sold fifty per cent. more cigars during the past year, and would have employed more hands than he does at present.

Mr. Oberndorfer's experience is not new. A good deal of cigar smoking grows out of the absurd treating system, which is really the cause of most of the drunkenness that occurs in Canada. It is worth while noting that from a financial standpoint the business of the tobacco dealer is, to a great extent, analogous to that of the liquor dealer in its relation to the material prosperity of the community, and no one imagines that the public would suffer if the tobacco traffic followed the liquor traffic into the oblivion to which the latter is surely hastening.

The testimony given at Kingston is, however, valuable to temperance workers, mainly from the fact that it demonstrates most emphatically that the Scott Act has pretty nearly killed out the treating system, and the rushing trade

done in bar-rooms in the days gone by is no more.

Close upon the heels of the Kingston investigation come the shocking revelations made at Montreal of the barbarities practised by cigar makers upon the children in their employment. Boys and girls of tender years have been brutally beaten, made to work long hours, confined in blackholes without food, light, or drink, subjected to a system of flogging which sometimes confiscated their whole wages, and altogether treated in a fashion which scandalizes the supposedly Christian country in which we live. The brutalities of the tobacco business are emulating those of the liquor business, and it cannot be very consoling to the devotees of the weed to think that the luxury he enjoys is purchased at the cost of the degradation of youth, and robbery of little girls and boys.

The statement made at Kingston will be hailed with satisfaction by all moral reform workers, and the revelations made at Montreal should as once secure a searching Government enquiry, and the prompt punishment of any scoundrels who are vile enough to perpetrate the recorded outrages.

AN IMPORTANT DECISION.

A RECENT decision of the Supreme Court of the State of Maine, which is as much in harmony with common sense as with written law, is likely to prove of value to those who are striving to suppress the illicit sale of liquor.

Our readers are probably aware that an Internal Revenue Tax is imposed by the United States authorities upon all persons engaged in the business of selling liquor. Any man who is found to have had liquor for sale without obtaining a federal permit, is open to national prosecution, and subject to a heavy fine as well as imprisonment for his attempt to defraud the Revenue. The national authorities, of course, do not trouble themselves at all to see that the States laws for the suppression of the liquor-traffic are enforced. They simply tax those who sell liquor, or propose to sell it; and in very many cases men who were willing to run the risk of a State prosecution, but afraid of the heavier penalty of National prosecution, actually took out these permits in prohibition states. The Supreme Court of Maine has sustained a law recently enacted, declaring the payment of the United States Special Liquor-dealers Tax, is *prima facie* evidence that the State laws have been violated.

This decision is hailed with satisfaction by prohibition workers. Very few men will dare to sell liquor without a federal permit, and every man who takes a federal permit thereby declares himself a violator of the State law and is liable to prosecution and punishment. Nothing has for a long time transpired in the United States that will put into the hands of law enforcers so effective a weapon against would-be whisky-sellers in the State of Maine.

A CONVENTION.

THE Scott Act Association for the united counties of Durham and Northumberland will meet in annual session in the Sons of Temperance hall, Cobourg, on Wednesday, 22nd inst., at 10 a.m. Important business will be transacted and a large attendance of all interested is requested.

R. T. OF T. GRAND COUNCIL.

THE sixth annual session of the Grand Council of Ontario, R. T. of T., will be held in the Y. M. C. A. hall, Toronto, on Tuesday and Wednesday of next week. There will be a public prayer meeting each morning at nine o'clock. On Tuesday evening there will be a public mass meeting in the Metropolitan Church, presided over by Rev. E. A. Stafford, at which addresses will be given by Mayor Clarke, W. H. Howard, A. C. Steel, G. C. W. W. Buchanan, D. C., and other workers. It is expected all the meetings in connection with this Convention will be of unusual importance and interest.