

NOTICE—Liquor's Effect on Temperance... of Young and Temperance Societies... over B. M. Clarke and a new city up to 100... city and county payments for the paper to be received at this office

The Canadian Son of Temperance.

TORONTO, TUESDAY, APRIL 12, 1853.

My son, look not thou upon the wine when it is red, when it giveth a colour in the cup, when it moveth itself right. At the last it biteth like a serpent, and stingeth like an adder.

[ORIGINAL]

THE END OF THE LIQUOR TRAFFIC.

Come wake up all creation, And raise an acclamation, Of joy of long duration,— Come raise a shouting world Ye friends of every nation, Of every rank and station, Come join our reclamation, Let our banner be unfurled.

We've a strong inclination To stop this degradation, If it meet your approbation, Come be a glorious Son; And we have a choice collection To prevent intoxication, Go join in quick resolution, We'll all unite as one.

'Twill produce a great sensation, And reduce the confusion Of the drunkard's inspiration, Their wives will cease to cry, We are all for reformation, All life and animation, Bound on unshakable ground, To conquer or to die.

We will stop this degradation, For a future generation, And leave for limitation A band that's wide and free; Ca. Juge, April 1853.

To stop this evil war, And the health of our nation, Of nature's great plan, Revolution there must be

And the total abolition, Of rum's assassinator, Will result in every tier, For him who is its foe; For his destruction, All our hearts plant a floor, And in right let him stop, Will make the demon go.

So with determination, And resolve of no cessation, We will quell abomination, As they do way down in Maine; For it with resolution, We submit to rum's taxation, There will be continuation, Of woe and endless pain.

Arouse then every nation, Whichever your complexion, And do things to perfection, In this our glorious cause; Let the fog with reflection, And the young with objection, Work—work on—without defection, For prohibitory laws.

HARLIE K. BALLOU.

THE LAW IS NOW BEFORE CANADA.

Last week we gave half of the new prohibitory act, and now give the balance to the public for inspection. One omission in this act was overlooked last week, we refer to the fact that importation for sale is not interdicted. Now it is not easy to see how such an interdiction could be carried out. Already some writer in the Quebec Gazette has objected to this omission. It may be said that when spirituous liquors are imported from the United States, England or foreign countries, there is no way of telling whether the importers intend them for beverage, medical or mechanical purposes, and that when the article gets here the owners or shippers cannot sell to any one except to agents appointed by law to sell for medicine. On examination it will be found that the Maine law does not interfere with importation—is silent on the subject, yet if the liquor is known to be for sale for beverage purposes it is seizable—otherwise not. A man may import spirituous liquors for his own use. So he may by the Canadian act, but if he imports for sale, or at least if he attempts to sell, he would be within the act. The Quebec writer objects that this construction and allowance of importation would operate unjustly towards the poor—enabling the rich to drink, whilst the poor cannot afford to import. The Quebec writer is opposed to the law in toto. Serious evils no doubt might result from allowing importation, for if all domestic manufacture be stopped and importation be allowed, means will be used no doubt to effect secret sales. If all importation except for medicinal, mechanical and sacramental purposes could be interdicted, or persons importing could be compelled to give bond that the liquor shall not be used as an article of traffic, it would be a wise provision. There is much difficulty in the way in this matter. We are in favour of having all importers undertake by bond that the article is not for sale as merchandise otherwise than as the law allows. We would not of course say that the law should interfere with importation for a man's own private use. Moreover, we think the act should contain a provision, distinctly stating that a man manufacturing or importing for his own private use is not within the act.

XI. Any person who shall obtain a license and deliver a bond as mentioned in the preceding Section may during the continuance of such license manufacture alcoholic or intoxicating Liquors, at the place specified in such license only, for chemical, medicinal, or mechanical purposes but for no other purpose, and may sell such Liquors to any lawfully appointed Agent of a Municipality, or to any person having the written permission of such Agent to purchase a specified quantity of alcoholic or intoxicating Liquor for a specified chemical, medicinal, or mechanical purpose, and the manufacturer shall before delivering any Liquor to any person exhibiting a written permission purporting to be signed by the Agent of a Municipality, certify himself that such signature is genuine and that the purchase is bona fide, and he shall keep the writing so produced to him.

XII. The Municipal Council of any City, Town, Township, or incorporated Village may appoint some suitable person as the Agent of the said County, City, Town, Township or Village, or the Municipal Council of any County in Lower Canada only, to sell, at some central and convenient place within the Municipality, spirits, wines, and other alcoholic and intoxicating Liquors for the purpose of being used medicinally or in some chemical or mechanical process or manufacture and no other, and such Agent shall receive such compensation for his services as the Council appointing him may allow, and shall in the sale of such Liquors conform to such rules and regulations as the Council shall prescribe for his guidance, and such Agents shall hold his appointment for one year, unless sooner removed by the Council which appointed him.

XIII. Such Agent before he enters upon his duties shall receive a Certificate from the Council appointing him, under the Seal of such Council (if the Council have a Corporate Seal) authorizing him as the Agent of the Municipality to sell alcoholic and intoxicating Liquors for medicinal, chemical, and mechanical purposes only, but

such Certificate shall not be delivered until the Agent shall have executed and delivered to the Council a Bond with two good and sufficient sureties in the sum of £200 conditioned as follows:

Know all men by these presents A. B. (the principal) and C. D. and E. F. (the sureties) as jointly and severally held and firmly bound unto Her Majesty in the penal sum of £200 of lawful money for payment whereof we bind ourselves and each of us bind—himself our and each and every of our heirs, executors and administrators jointly by these presents, sealed with our seals dated this day of A. D. one thousand eight hundred and

thirty: Whereas the above bounden A. B. has been duly appointed Agent for the Municipality of to sit within and for and on account of such Municipality alcoholic and intoxicating Liquors and medicinal, chemical and mechanical purposes, and no other, until day of A. D. one thousand eight hundred and thirty: unless sooner removed from such Agency: Now the condition of this bond is such, that if the said A. B. shall and respects custom to the provisions of an Act passed in the year of the Reign of Her Majesty, Queen Victoria, and intituled, "An Act, &c. (title of Act), and to such rules and regulations as now are or shall be from time to time established by the Council of the Municipality of, then this Obligation shall be void, otherwise it shall remain in full force."

XIV. No action shall be maintained by any person to recover the value or possession of any intoxicating Liquor sold, taken, detained, injured or destroyed, unless the plaintiff shall prove that such Liquor was sold according to the provisions of this Act, or was kept and owned by him for lawful purposes.

XV. Every person who shall sell or deliver to any other person any alcoholic or intoxicating Liquor, contrary to any provision of this Act, shall be liable for all damages which may happen or result to any other person from any act, negligence, carelessness, inadvertence or default committed, suffered or done by the person to whom such Liquor was sold or given, or by any person who drank the same, or any part thereof, if such person was in a state of intoxication, produced by the Liquor so sold or delivered at the time he committed the said act, or was guilty of such negligence, carelessness, inadvertence, or default.

XVI. Any person may maintain an action in any Court in this Province against any other person who shall sell or deliver any Liquor, contrary to any provision of this Act, to the husband, wife, parent, child, guardian, ward, apprentice or servant of the plaintiff, and it shall not be necessary in any such action, to aver, or prove any special damage resulting to the plaintiff, by such sale, or delivery, but the Court or Jury, before which such action is tried, shall, on proof of such sale, or delivery, as aforesaid, assess the damages of the plaintiff therein at no less than one shilling, and if any special damage be shown, for such higher sum as may be just, and judgment shall be given accordingly: any married woman may prosecute and maintain such action in her own name, with or without the consent of her husband, and upon the trial of any action under this Section, the defendant, plaintiff, wife or husband of the plaintiff, may be examined as a witness any law or rule of Court to the contrary notwithstanding. And the plaintiff in any such action shall be entitled to full costs upon obtaining a verdict or judgment for any sum whatsoever.

XVII. Upon the trial of any complaint or civil action under any provision of this Act, proof of the manufacture, sale, barrier or keeping of alcoholic or intoxicating liquor by the defendant, shall be sufficient to sustain an allegation that the same was unlawful, and unless he prove the contrary, judgment shall be rendered against him. It shall be the duty of every Constable, Police man or Watchman, whenever he shall see any person grossly intoxicated in any public street or place, to apprehend such person and to keep him in some safe and convenient place, until he shall have become sober, and thereupon, to take him to the Justice of the Peace, Reeve, Police Magistrate, Commissioner for Small Causes in Lower Canada, or Judge of a Circuit or Division Court, and it shall be the duty of such Justice, or other Functionary, to administer to such person on oath or affirmation, and to examine him for the purpose of ascertaining whether any offence has been committed against any provisions of this Act, and if such person shall refuse to be sworn or to affirm or to answer any question pertinent to such examination, he shall be committed to the common goal, there to remain until he shall consent to be sworn or to affirm or to answer; and if, upon such examination, it shall appear that an offence has been committed against any provision of this Act, it shall be the duty of such Justice or other Functionary to issue his Warrant for the arrest of the offender and search his premises, and to convict him if found guilty.

XVIII. It shall be lawful for any Justice of the Peace, Reeve, Police Magistrate, Recorder, Commissioner or Judge authorized to hear and determine offences against this Act, to summon any person who may be presented to him as a material witness in relation to any offence against this Act, and if such person shall refuse or neglect to attend, pursuant to such Summons, the Justice or other person authorized to try the offence, may issue his Warrant for the arrest of the person so summoned, and such person shall be brought before the Justice or person issuing the Warrant, and if he shall refuse to be sworn or to affirm or to answer any question touching the matter under investigation, he may be committed to the common goal, there to remain until he shall consent to be sworn or to affirm and answer; and if the provisions of any Act or Acts for the protection of Justices of the Peace who act singly or to facilitate proceeding by or before them, in matters relating to summary conviction and orders, shall in regard as they may not be inconsistent with this Act, apply to every Functionary mentioned in this Section or empowered to try offences against this Act and such Functionary shall be deemed a Justice of the Peace within the meaning of any such Act, whether he be or be not a Justice of the Peace for other purposes.

XIX. Every Justice of the Peace, or other Public Functionary who shall neglect or refuse to perform any duty required of him by any Section of this Act, shall, upon conviction thereof, in any court of competent jurisdiction, be adjudged guilty of misdemeanor, and shall be punished by fine not exceeding One Hundred Pounds, and such conviction shall work a forfeiture of Office in all cases.

X. Every Agent of a Municipality who shall knowingly give any Certificate, or written Permission, or by order of any kind authorized by any provision of this Act, or by any By-law or regulation of Municipal Council, made pursuant to this Act, which shall be false in any respect, and every person who shall forge, counterfeit, or falsify any such Certificate, written Permission or Order, or sell, or give, or use, as true and genuine, any such forged, counterfeit, or altered Certificate, written Permission, or Order, with intent to obtain for himself, or for any other person, any alcoholic or intoxicating Liquor, contrary to the provisions of this Act, and every person who shall sell or deliver to, or receive from any other person, any such genuine Certificate, Permission or Order, with intent to enable the person to whom the same is given or lent, to obtain any alcoholic or intoxicating Liquor, for himself or any person other than the person for whose benefit such Certificate, written Permission or Order was made or given, shall upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by fine not exceeding £50, or imprisonment not exceeding one year.

XXI. Every person who shall wilfully and corruptly swear, or affirm falsely in any material matter, upon any oath or affirmation,

taken or administered under any provision of this Act, shall, upon conviction thereof, be adjudged guilty of perjury, and shall be punished by imprisonment not exceeding three years.

XXII.—Specified Justices and Constables' Fees, &c. XXIII. No action or other proceeding, Warrant, Judgment, Order or other Instrument or Writing, authorized by or which may be necessary to carry out the provisions of this Act, shall be held void, or be allowed to fail for defect of form, but all Justices, Municipal Councils, Judges and Courts, and all Public Functionaries or Officers who may be required to perform any duty under this Act, shall regard the same as a remedial Statute, and shall so construe its provisions as to advance their remedy and suppress the mischief mentioned in the preamble.

XXIV. And be it enacted, that so much of each and every Act and provision of law now in force in any part of this Province, as shall be inconsistent with any provisions of this Act, shall be and is hereby repealed.

XXV. This Act shall commence and take effect on the 1st day of May, 1853, and not before.

Whereas, the Hamilton Divisions Sons of Temperance, have passed resolutions justifying the conduct of the editor of the Spirit of the Age and the Hamilton Canadian newspapers, in inserting in the latter, various LIQUOR ADVERTISEMENTS of INNS, SALOONS, and STORES; asserting in and by such resolutions, that such editor in so doing is, as an avowed Son of Temperance, conductor and owner of a temperance periodical, acting consistently and properly.

Now, we the undersigned Sons of Temperance of Toronto city and its vicinity, do entirely differ from the Hamilton Divisions and said editor, believing their doctrines subversive of the interests of the Order, and of the temperance cause; and, we hereby publicly challenge them to debate this question in its two fold aspect—upon these terms. The question shall be put and argued in this form:

"Is it consistent and proper for a Son of Temperance, being an editor and proprietor of a political newspaper, to insert therein for his livelihood, intoxicating liquor advertisements of inns, saloons, and groceries?"

Secondly:— "Is it consistent and proper for the editor and proprietor of a strictly temperance paper; seeking the patronage of Sons and teetotalers, to advertise for his livelihood, the inns and liquors of rum-sellers in any other paper of which he is proprietor?"

Said questions shall be argued by nine speakers from Toronto, and nine from Hamilton, at Oakville, in the Sons Temperance Hall—between the 15th day of April and the 1st day of May, in the presence of twenty-four judges—to be chosen by ballot from the Oakville, Wellington Square, Cumminsville, Waterdown, St. Ann's, Palermo, Milton, and Trafalgar Central, Stewarttown, Georgetown, Port Credit, and Hornby Divisions,—each Division sending two judges. Each speaker to occupy 20 minutes in first speaking, and ten minutes in reply, to speak alternately. The Hamilton speakers take the affirmative, and the Toronto speakers the negative side of the questions. A speaker not occupying the whole time allotted to him, the same may be occupied by another on the same side.

- Names of Toronto Speakers: CHARLES DURAND, ALEXANDER MCKINNON, E. V. WILSON, JOSEPH ROWEL, ROBERT MOORE,—St. Lawrence Division. HENRY LATHAN,—Toronto Division. SAMUEL ALCOCK,—York Division. ABRAHAM DIAMOND,—Yonge Street Division. REV. MR. WARD,—Total Abstinence.

THE PORT HORE DIVISION passed a resolution to have Br. Quimblin's statement of monies received published in all Canadian Temperance papers. It shows conclusively the benefit resulting to a man from being a Son of Temperance. Will other temperance papers please copy.—[Ed. Son.]

THE LATE ARCHIBALD McTAGGART OF THORAH.—On the 8th of March 1853, Mr. George Munroe sent a letter to this paper, informing us that the death of the late Archibald McTaggart of Thorah, was, in his opinion caused by exposure and drunkenness combined,—that he had been seen on the evening previous to his death in a state of intoxication, and was not as was reported in some papers a temperate man. Not knowing anything of the matter, and supposing our informant correct, we published the letter, as one bearing on temperance. A relation of his, (Robert McTaggart) under date of the 2nd April instant, writes a letter to inform us that Mr. Munroe is incorrect, calling Mr. Munroe a visionary &c. The letter is too long to insert, and as the substance of the first was given, we give the substance of the latter. The letter of the friend of the deceased says that the latter was of a weakly constitution, liable to fits, but at the same time was of strictly temperate habits, and was not at all intoxicated on the evening when he left the village and prior to his death, all of which can be abundantly proved. The friend attributes his death to constitutional weakness, perhaps a fit and the cold night air. Mr. Munroe should see that a denial is given to his former statement or prove it on affidavit.

HIGHLAND DIVISION is doing well. Officers: James Ormerod, W. P.; Charles Mahly, W. A.; Tho. H. Rapson, R. S.; Wm. Dixon, A. R. S.; John Street, F. S.; George Bainbridge, Sen., T.; Martin Bainbridge, C.; John Deall, A. C.; Tho. Knight, I. S.; Thomas Paisley, O. S.; Arch. C. Scorth, Chaplain.