be suicidal to the best interests of our Order.—In L. P. and F.

SON OF TEMPERANCE.

Toronto, 13th Sept., 1879.

To the Editor,

DEAR SIR,—Noticing a communication from J. McM., advising the reduction of the per capita tax, with your permission I would like to remind the members who were present at Grafton (and to repeat for the benefit of those who were absent) a few of the remarks of Brother George Maclean Rose on this subject. And first, let it be remembered that P. G. W. P. Rose, when the head of our Order in Ontario, raised the Sons of Temperance both numerically and financially to a position they had never enjoyed before, and consequently his experience in such matters cannot be too highly valued. Mr. Rose reminded the representatives that they only paid 28 cts. a head per capita tax all through the year, and it was impossible for the Executive of the Grand Division to do much outside work with so small a sum. He thought it surprising that with the means at its disposal the Order had done so much good. Why, about ten years ago the organization in Ontario had run down to 4,000 members, and now it numbered more than 10,000. The G.W.P. received no salary, although he lost a great deal of time visiting Divisions, and so forth. * * * If they were willing he would move that each member pay fifty cents capitation tax, for it would have to come to that. The Grand Division could be run on about 15 cts. per head, and the remainder used in propagation work. Mr. Rose spoke of the United Kingdom Alliance, with its guarantee fund of £100,000, and added, in his usual fiery manner, "*Give the Grand Division money, and we will revolutionize Canada!*" Those words are very emphatic, and it is needless to spoil them by any comments of my own.—Yours, etc.,

M. E. S. S.

The New Brunswick Judicial Decision.

THE Fredericton *Reporter* gives the following summary of the recent judgment, pronouncing the Scott Act *ultra vires*:—"The Temperance Act of 1878 has been decided by the Supreme Court to be *ultra vires*, the judges delivering separate judgments. Judge Wetmore held that the Act was for the promotion of temperance and not the regulation of trade and commerce; that Parliament could not affect the licensing power of the Local Legislature. The Act interferes with civil rights and property. Judge Fisher held that the law was not for the regulation of trade; that it was a sumptuary law for the promotion of temperance; it interferes with civil rights and right of property. It cannot take away *certiorari*. He went very fully into the constitutionality of the matter. Judge Weldon held that Parliament had no power to deprive of the right of appeal. The Act does not regulate trade and commerce. It interferes with the licensing powers, with civil rights and property; it is not a commercial law. The Chief Justice held that as it restricted the sale of liquors, the Act usurped the right of the Local Legislatures. He would not say that if the Act had been to prohibit its sale, Parliament had not the right to pass it. In such case, he thought civil rights and property would have to give way. He stated that Judge Duff agreed with the decision of the Court."

To our untutored judgment, these reasons for the decision seem rather mixed, if not actually conflicting. Judge Wetmore's statement, that the Act is for the promotion of temperance, and not for the regulation of trade and commerce, is only half true. It is certainly for the promotion of temperance; but it aims at doing this by repressing the traffic in intoxicating liquors, where the people desire it, and therefore it comes under the head of "the regulation of trade and commerce," which the "British North America Act" assigns to the Dominion Parliament. For this reason, we hold that this objection is not well taken. There is also good ground to question the alleged interference with the Act with "property and civil rights," in the sense in which these terms are used in the Confederation Act. No doubt, nearly all legislation in some remote way may be said to affect property and civil rights. Legislation respecting bankruptcy and insolvency, which is assigned to the Dominion Parliament, certainly touches questions of "property and civil rights," more closely than the Scott Act does.

We are quite at a loss to see on what just ground Judge Fisher can maintain that the Scott Act is not for the regulation of the trade in intoxicating liquors. Does it not lay down conditions, under which certain liquors may and may not be sold? To call the Act "a sumptuary law," for the promotion of temperance, is to repeat a hackneyed objection of the liquor sellers and their friends, against all efforts to restrict the traffic by law. But it is open to the serious objection of not being true. Sumptuary laws are defined as "laws passed by a government to restrain the expenditure of its subjects or citizens, either in apparel, food, furniture, or otherwise." But an Act empowering the ratepayers of a city or county, to free themselves from licensed places of temptation to drink, when they are disposed to do so, is not an arbitrary limitation of expense. It does not deal with the matter of expense at all, except indirectly. It does not prescribe what any one shall, or shall not, eat or drink or wear. It simply gives the people the right to demand the prohibition of something which they deem demoralizing and injurious to the community. The Scott Act is no more sumptuary legislation than the license laws. Both interfere with and restrict, though in different degrees, the sale of a certain article.

As to Judge Weldon's objec-