GET READY FOR ACTION!

The Spring is coming with all its Glory. Be Ready to Advance.

Our Store is the Farmers' Headquarters for the following:

FIELD FENCING, SQUARE MESH NETTING, SAW MANDRELS, WAGGON PAINTS, **CART and CARRIAGE WHIPS.** HORSE HAMES.

Empire Wood Plows, **Empire Steel Plows**, Massey Harris Plows, Massey Harris Disc Harrows, Massey Harris Double Mole B. Plows, Massey Harris Rakes and Mowers.

B. Y. Grass Hooks. B. Y. Scythes, Griffen Best Crown Scythes, Rivet Back Scythes, **Dutch Hoes,** Patent Snaiths.

Handled Rakes. Unhandled Rakes, 12, 14, 16 in. Trenching Shovels, Maddocks. D. Handled Spades,

D. Handled Spading Forks.

Martin-Royal Stores Hardware Co., Ltd.

Judgment of

IN THE CASE OF SOPER VS.

JOHN RYRNE RESPONDENT.

Prohibition Act 1916 and this appeal dred dollars or, in default of payment, on. The appellant is a wholesale dozen 8 ounce bottles of Shirffs Iment. of alcohol in its preparation but the section, implies spirits of any des- | to signify all ales, wines, malt, brewed

c. A good essence takes about 50 per ous liquors, containing 2 per cent. or with the other ingredients its strength such medicinal, tollet and other prereduced to about 40 per cent, al- parations containing two per cent, or hol. The analysis by Mr. Davies, the upward of alcohol by volume, as may ernment analyst, of a bottle of from time to time be directed by the niriffs Vanilla, taken from those sold Governor in Council, by proclamation, the appellant to Byrne on the 4th but not wines for Sacramental pur-February, gave 39.4 per cent. of poses." Section 1 of the Act of 1917 recohol by volume. The learned Magis- pealed the definition of the term that rate held, on this analysis, that this had been given by 35 of the Prohibiuor and, therefore, one of those tion Plebiscite Act 1915, and by Secuors absolutely prohibited by the tion 7 of Prohibition Act, 1916. That Prohibition Acts. He says, "In my op- in the Act of 1915 was "The term 'Innion, the words 'spirituous liquor' in toxicating Liquors' shall be construed cription, and all liquors, mixtures, es- or spirituous liquors containing two ences and compounds made with per cent. or upward of alcohol in vol-

Shiriff's Imperial Quintessence of purposes." That in the Act of 1916 liquors" in contradistinction to "med-Mr. Justice Kent Vanilla' contains 39.4 p.c. by volume; was: "The term 'Intoxicating Liquors' icinal, toilet and other preparations" its sale, therefore, by the defendent, shall be construed to signify all ales, containing two per cent. or upward is a violation of the Prohibition Act." wines, malt, brewed or spirituous of alcohol, the Legislature intended Upon this finding he convicted the ap- liquors containing two per cent. of up- to use the first set of words in their pellant of an offence against section ward of alcohol in volume, except popular as distinct from their scienof the Act. That section reads as such drugs and medicines as may be tiffe meaning. Any other interpretafollows:-"If any one not licensed in excepted by the Governor in Council tion would involve the difficulty that. accordance with the provisions of the and wines for Sacramental purposes." scientifically, the term 'spirituous said Prohibition Plebiscite Act, sells, It will be noticed that the difference liquor includes not only those liquids The appellant was convicted by His after the 1st of January 1917, any in- between these definitions of the term ordinarily and popularly comprehend-Honour Judge Morris, K.C. acting as toxicating liquors, he shall be liable 'Intoxicating Liquor' consists in the ed by the phrase, but other liquids Stipendiary Magistrate, of a breach of to a penalty of not less than one hun- words that are added, in both the 1916 containing two per cent. of alcohol section 4 of the Intoxicating Liquors dred dollars nor more than five hun- and 1917 Act to those in which the by volume. heluding those in the secterm is defined in the 1915 Act. These ond class of the definition, but if a is brought by him against that convic- imprisonment not exceeding three additions are not the same in the two medicinal or tollet preparation is promonths. The appellant was not licens- Acts. In the Act of 1916 after the words hibited because it is a spirituous grocer who carries on business on ed under the Prohibition Plebiscite of the 1915 Act, it proceeds to say: liquor, the power to prohibit them New Gower Street in St. John's. On Act. The question then to be decided "except such drugs, etc., as may be given to the Governor in Council is February 4th last he sold to Michael on this appeal is, was the sale by the excepted by the Governor in Council, meaningless. The intention of the Byrne, a retail grocer and provision appellant to Michael Byrne of two doz- etc." That of 1917, after the words of Act is clearly to prohibit the usual indealer, certain goods including two en bottles of Shiriffs Imperial Quintes- the 1915 Act says: "and such medicin- toxicating beverages and to enable sence of Vanilla on the 4th of Febru- al, toilet and other preparations, etc., the Governor in Council to prohibit perial Quintessence of Vanilla. This ary a sale of intoxicating liquor with- as may be directed by the Governor in other alcoholic liquids should be at article is one of the usual flavouring in the meaning of section 4 of the Act. Council, etc." This difference in word- any time deem it desirable to do so. ssences used in cooking, in the manu- The Court is bound to interpret the ing represents a substantial difference In the case of the Attorney General acture of ice creams and other such words of a Statute in the sense in in the meaning of the phrase. In the vs. Bailey 17 L.J. Exch. 9, which was preparations. It is and has always which the Legislature directs. The 1916 Act the articles over which the an information under the excise laws, een sold in the grocery business, as Prohibition Acts define the term "in- Governor in Council Is given control the defendant, a wholesale druggist, part of the ordinary stock in trade, toxicating liquors" and wherever that are included in the prohibited articles purchased from a man, who was not is made up in bottles of various term occurs in the Acts it must be in- unless and until they are excepted licensed as required by the Act, a sizes but, until lately, generally in terpreted in accordance with that de- from them by him. In the Act of 1917, quantity of spirits without a permit. izes varying from 1-2 to 4 ounces. finition. The Prohibition legislation those preparations over the prohibition Spirits of Nitre was made by mixing he most usual was the 2 ounce bot- consists of three Acts, the Prohibi- of which he is given control are not nitric acid with spirits of wine. The tion Plebiscite Act 1915. The Intoxi- included in the prohibitied articles spirits used in making the spirits of on use. Before the Prohibition cating Liquors Prohibition Act. 1916, until he so directs. This change which nitre was illegally distilled by the ct came into operation, these es- and the Amending Act of 1917. The de- is effected by excluding from the pro- seller, which the defendant well nces were used, almost exclusively, finition of the term intoxicating liquor hibition act what had previously been knew. The spirits of nitre were ordiffers in each of these Acts. The included within it, was deliberately dinary merchantile spirits of nitre tle of the usual alcoholic liquors was latest, and that now binding, is set made by the Legislature and must such as were usually sold by chemists chibited, Shiriffs essence, like sever- out in section 1 of the Amending Act be given effect to by the Courts. The and druggists. The defendant was other such preparations, has been of 1917. It says "the term intoxicating Act of 1917 is law to-day and the Court convicted. He appealed, and the argely used instead of them as a bev- Liquors' shall be construed to signify must interpret the words 'Intoxicat- question upon which the appeal was the meaning of that word as used in rage. They are undoubtedly alcoho- all ales, wines, malt, brewed or spiritu- ing Liquors' in all three Acts as it 's decided was whether the spirits of the information." Acting on this appellant to Byrne. 'Spirituous liqupward of alcohol by volume, and Liquors," the sale of which is now intent of the Excise Acts. In deliver- and set aside the conviction. The hibition Acts. It must, therefore, as be taken to be "all ales, wines, malt, the meaning of the word 'spirits,' but brewed or spirituous liquors, etc., and an enactment as to what are to be such medicinal toilet and other pre- deemed to constitute the different parations, etc., as may from time to classes or denominations of 'spirits' time be directed by the Governor in It assumes that 'spirits' is a word of Council by proclamation, etc." This known import and then proceeds to definition consists of two members. the first covers what is forbidden the so that it does not enable us to de second what is not but may be. The termine the material point in this prehended by the words "ales, wines, malt, and brewed or spirituous liquors, therefore, of any Statutable definition, parations containing two per cent, or and we do not think that in common upward by volume," as the Governor parlance the word 'spirits' would be in Council may direct. The first named articles are absolutely prohibited: the others are not prohibited but the Governor in Council is given authority not ordinarily passing under the name to prohibit them. A logical interpreta- of spirits. It is very true the case tion requires that these two clauses should be mutually exclusive—in the into the composition of sweet spirits sense that the same article, as such, of nitre, but so they do with the arclass of this division of alcoholic s one of the articles that are named in the definition as absolutely proble liquid produced by distillation
blitted. None of the Prohibition Acts efine the words "Spirituous Liquor." out leaves it to the Court to interpret.

The compound labelled ume, except wines for Sacramental wines, mait, brewed and spirituous defined by that Act. "Intoxicating nitre were "spirits" within the true view, the Court allowed the appeal penalized by section 4 of the Act of ing the judgment of the Court, Pol- reasoning applied by Chief Baron Pol- in that case, be read in the sense in 1916, with a breech of which the ap- lock C.B. said, "The section is not lock in Bailey's case to spirits of ni- which it is ordinarily understood in pellant is charged in this case, must an interpretation clause, explaining tre under the Excise Acts has equal common parlance; it is itself a known define the different classes of sniets first comprises articles usually com- case, namely, what is the meaning of the word 'spirits.' In the absence. containing two per cent. or upward we must assume that the word is of alcohol by volume," and the second used in the Excise Acts in the sense such medicinal, toilet and other pre- in which it is ordinarily understood: considered as comprehending a liquid like sweet spirits of nitre, which is itself a known article of commerce finds that 'spirits' enter very largely cannot be in both at the same time. ticle called Sal Volatile and into most Does "Shirifts Imperial Quintessence if not into all, kinds of varnish, and of Vanilla," which the appellant sold, so as to other fluids, which certainly to Byrne, belong to the first or second | no one in common parlance would speak of as 'spirits.' And we think quors or is it outside of both of that nothing can be taken to be them? The prosecution contended spirits' within the meaning of 6 that it is a "spirituous liquor" which Geo. 4 C. 80 which does not come 'spirits' within the meaning of 6 gredients which do not convert it int some article of commerce not know that term according to the context in which it is found. The general rule of interpretation, in such cases, is to give the words their popular meaning, unless the context requires a different between the context requires a different popular meaning, unless the context requires a different between the context requires a different popular meaning, unless the context in common parlance under the appearance under the appearance with the context in common parlance under the appearance with the common parlance ent interpretation. It seems to me dinary use as an intoxicating bever that, by placing the words "ales, age, we think it is not 'spirits' within

ANNOUNCEMENT.

This Company has completed arrangements with E. M. Fuller & Co., a responsible brokerage firm of New York City,

THE NEW YORK CURB MARKET

We request our old clients and all investors to favor us with a share of their business, whether on margin or outright buying. as we are prepared to execute all orders with the same precision and despatch as any brokerage firm anywhere. We will be in daily communication with New York and will furnish quotations for clients on any stock desired.

LACEY & COMPANY LIMITED.

British Made.

Sold by all dealers. WM. HEAP & CO.,

mar25.th.s.tu.tf

Sole Agents for Newfoundland.

force when applied, under the Prohi-

uor' is not defined in any of the Pro-(Continued on 10th page.)



on the dial of a watch is a guarantee of qualityeven the the price is low. It means money's worth. Always look for it. If it's there the watch is a genuine INGERSOLL.

Let Us Fill Your Order From Fresh Supplies.

ELLIS & CO

203 Water St. Grocers & Delicatessen

FRESH CHICKEN. FRESH SAUSAGES every hour-Pork, Beef.

Lenten Goods

in tins. Soft Shell Clams. Clam Chowder, Cove Oysters. Tuna Fish. Findon Haddock. Chicken Haddies. Kippered Herring. Marinated Herring. Real French Sardines in Oil Assorted Fish Pastes. Lobster a la Newburg. Local Salmon. Local Lobster. Local Cod Tongues. Anchovies in Oil.

FRESH COD TONGUES. FRESH CAPLIN. FRESH COD FISH.

Dried Apricots. Dried Peaches. Dried Pears. Dried Apples. Dried Prunes.

FRESH SMOK'D HADDIE SMOKED KIPPERS. SMOKED BLOATERS.

> HUYLER'S Confectionery.

TO CORRESPONDENTS!

Corrspondents are requested to accompany contributions with their real names, not necesarily for publication but as a guarantee of good faith. In future no correspondence will be considered unless this rule is adhered to. It is also requested that all letters "For lication" be so marked



B. MITCHELL & SONS, LTD 327 Water Street, St. John's.