

CANADA CITIZEN

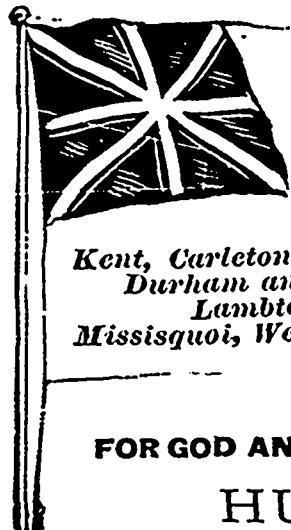
AND TEMPERANCE HERALD

FREEDOM FOR THE RIGHT MEANS SUPPRESSION OF THE WRONG.

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Lambton, Elgin, St. Thomas,
Missisquoi, Wellington, Chicoutimi.

FOR GOD AND HOME AND COUNTRY.

HURRAH!

We are very much pleased to learn that the Government is strong in determination to allow no liquor to go for volunteers in the Northwest, and the announcement made in the House of Commons the other day in regard to this matter lifted a load of anxiety from the hearts of many anxious friends. We have received frequent enquiries and other communications in reference to this matter, as a fair sample of which may be quoted the following extract from a letter lately received from a lady friend in Quebec:—

"We are feeling very anxious about our boys that are being sent to the front, on account of the temptations they will be exposed to from liquor being furnished them. I can say from the heart, if I had a boy to send, I should not fear the Indian half as much as this evil. We speak what we know, as we had some experience in our midst last summer. A regiment was camped near here, and boys who had never tasted before were intoxicated. God forbid that this should happen to our brave boys who are from home, perhaps for the first time. Let us as temperance people bring all our influence to bear to prevent it."

DRUGGISTS' LICENSES.

We called attention last week to the decidedly improper conduct of some Boards of Dominion License Commissioners in issuing licenses for the retail sale of liquor under the Scott Act to persons who were previously engaged in the business of keeping taverns and saloons. It is true that the law does not prohibit the issue of licenses to such parties, but it is evident that the intention of the framers of the Act was to permit the sale of liquor by persons other than druggists only in places where druggists are not available. At any rate, such interpretation of the purport of the law, is reasonable, and could readily be justified by unanswerable argument. The clause making provision for the issuing of these licenses reads as follows:—

99. Provided, also, that the sale of intoxicating liquor for exclusively medicinal purposes or for bona fide use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors as may be thereto specially licensed by the Lieutenant-Governor in each Province, the number not to exceed one in each township or parish, nor two in each town; and in cities not exceeding one for every four thousand inhabitants.

Now, as temperance workers simply, we do not need to discuss the question of any dispute between the Dominion and Provincial Governments in regard to the issue of licenses, we are only anxious to have the law administered by whatever authority will enforce it most effectually, and with the least danger of subsequent objection, appeal and tedious and expensive litigation. We are also anxious to see the Scott Act—for the enactment of which we worked so hard, and for the adoption of which we are working so hard,—carried out in its entirety. And when the spirit and extent of the law are outraged by the men who have undertaken to carry it out, we are driven to enquire whether or not they really have a legal right to exercise this authority that is now being used to the detriment of our cause.

We believe we have good grounds for claiming, in the light of the recent decision of the Supreme Court of the Dominion, that the Dominion Government has not the power to issue these licenses, and that any liquor sold under such licenses so issued will be in violation of the law, and the sellers open to prosecution and punishment. To make this plain we simply repeat the argument laid down in THE CANADA CITIZEN last week.

We have already quoted the clause of the Scott Act providing for the issue of these licenses by the Lieutenant-Governor. The clause of the Act subsequently passed by the Dominion Parliament, taking away this power from the Lieutenant-Governor, reads as follows:—

24. [Amending Act.] The licenses to be issued under the provisions of section 99, of "The Canada Temperance Act, 1878," shall be issued by the Board of Dominion License Commissioners, subject to the limitations provided in the said Act, and so much of the said Section as authorizes the Lieutenant-Governor to grant or issue such licenses is hereby repealed.

It is claimed by the Dominion authorities that this clause of the McCarthy Act was not set aside or declared *ultra vires* by the decision of the Supreme Court, the text of which is as follows:—

"The Liquor License Act, 1883," and "An Act to amend the Liquor License Act, 1883," are, and each of them is *ultra vires* of the legislative authority of the Parliament of Canada excepting in so far as the said Acts respectively purport to legislate respecting those licenses mentioned in Section 7 of the said "Liquor License Act, 1883," which are there denominated vessel licenses and wholesale licenses, except also in so far as the said Acts respectively relate to the carrying into effect the provisions of "The Canada Temperance Act, 1878."

The points to which we wish to call special attention are these:

1. The Supreme Court assigned to Provincial authority the issuing of locally-fixed retail licenses. The issuing of wholesale and vessel licenses was left to Dominion authority, these licenses being for business that has frequently a national or inter-provincial character.
2. The licenses issued under the provisions of the Scott Act are really and technically locally-fixed retail licenses.
3. The clause above quoted placing the power to issue them in the hands of the Dominion License Commissioners is not a clause "that relates to the carrying into effect of the provisions of 'The Canada Temperance Act, 1878,'" but is a clause actually framed to prevent the carrying out of the provisions of the said Act for having druggists' licenses issued by the Lieutenant-Governors of the different provinces.