

LIQUOR LAW IN THE TERRITORIES—A SUGGESTION.

UPON one point connected with the existing Territorial Liquor Law are most parties agreed, and that is in considering some alteration a necessity. The reason is that the circumstances of the country which the law was framed to meet, are completely changed.

For the information of those who recognize this fact, but do not understand how the prohibition of intoxicants originated, it may be stated that they were first excluded at the instance of the Hudson's Bay Company. In bringing about this, at the time, very desirable prohibition, the company, which up to that date traded in rum, desired the protection of its vested interests. Later on the increased safety afforded scattered settlers, by withholding what would necessarily inflame the ferocious nature of the savages, was recognized; but now the white population has grown so strong that many consider it a very severe exercise of self-denial to be deprived of good beer or may be something stronger. On the other hand the total abstainers, who, somewhat illogically, arrogate to themselves the title of the Temperance Party, are naturally most unwilling to loose an inch of the ground, however prepared, which has only been approached by their brethren elsewhere, at the cost of weary and determined effort. What does excite surprise is that the so-called Temperance Party does not see that in striving after what in the nature of things is unattainable, namely, complete prohibition, it is defeating its professed object. How comes it then that, as is universally admitted, the present law is so largely inoperative and generally objectionable? Chiefly because the extent of territory requiring to be watched is so vast that an army of police would not suffice to guard against the operations of smugglers and illicit distillers, and still more because a large proportion of the population regard the enforcement of total abstinence as a direct infringement of individual liberty. Many more who are not entirely out of sympathy with the spirit of the law feel that it cannot be impartially enforced.

The indirect evils attending the present system can only receive a passing mention. These are the disastrous effect upon the attitude of the community towards law breakers generally, engendered by the habit of sympathy with a particular class of transgressors—the tendency to introduce, whether under permit or otherwise, the strongest, and, therefore, vilest, forms of intoxicants which can be suppressed within a given space, and the draining of the country of money, which constantly flows out to pay for the liquor which can only be purchased outside of it. That these are crying evils all admit, and rather than endure them, could the people as a whole be brought voluntarily to accept, and, consequently, to enforce absolute prohibition, I would heartily endorse its adoption; as it is, however, the matter must be considered from a practical standpoint, and despite the ravings of fanatical prohibitionists or still more insane votaries of Bacchus, the large majority, who constitute the really temperate class of the community, desire to hit upon a scheme which will not press too heavily upon those who regard the moderate use of liquor as affording a legitimate pleasure, nor yet furnish licenses to those wretched creatures, who, by its abuse, ruin themselves soul and body, involve their immediate connections in loss and misery, and more remotely inflict injury upon the commonwealth.

To meet the views of the temperate majority, and secure such sympathy with the law as will insure its enforcement, some middle course must be adopted; and the only one which offers is to permit the brewing and sale of wholesome beer under license, and rigidly prohibit the distilling or sale or importation of spirits, upon any pretext whatsoever, except for strictly medicinal purposes, under permit. It is certain that those of the extreme prohibitionists who sincerely desire the reduction of the evils attending the use of intoxicants to the lowest limit practicable, rather than the imposition of their peculiar views upon their fellow men regardless of the feasibility or consequences of doing so, will hesitate to reject a compromise, which would appear to promise such good results. On the other hand, numbers of those most bitterly opposed to any interference with what they consider their rights, in the matter of intoxicants, will fall in with such a compromise rather than drive over to the other side, numbers, who could not, if it came to the point, bring themselves to undertake the responsibility of voting for a regular license system and free traffic in spirits. That the hope of keeping a people temperate when affording them access to beer is by no means Eutopian may be gathered from a study of the social condition of such countries as Germany and France, where, while beer and light wines are within the reach of all, spirits, although at all times accessible, are comparatively rarely used. The many advantages which might fairly be expected to result from the adoption of the suggested compromise will become apparent on considering the effect it would have upon the evils attending the prevailing system, already enumerated. The majority of the people being conciliated, become interested in upholding a law with which they are in sympathy, and practically form an overwhelming police force, which will enforce what is felt to be for the general good. The temptation to condense the vilest compounds into the smallest bulk is removed, and a form of class legislation disappears. The money spent on importing liquor, which can so ill be spared from a new country, stays in it, and a home industry by which the grain growers, as well as the brewers and retailers of beer are benefited, is fostered.

It is easy, from experience, to foresee the objections which will be urged by rabid prohibitionists to these arguments, but before they decide to reject the professed compromise, it will be well for them to consider what prospect they have of carrying the extreme measures they are endeavouring to establish without the help of the truly temperate class, who will not be persuaded to go the whole way with them—how tem-

perance legislation has succeeded where its severity has only allowed it a partial, and often at that an outward sympathy—and the extent to which the recognised difficulties in the way of enforcing the existing law would be increased, were it made more stringent in all respects. Get the mass of the people into sympathy with what they will regard as a reasonable law, and then make stringent provisions against its abuse, and they will help you. If you like, punish by fine one shown to have sold beer to an intoxicated individual; for a second offence, fine and imprison, if you will; and for a third, cancel for all time the offender's license.

Few, perhaps, would object to making the condition of drunkenness a criminal offence, nor does there appear any good reason why a man's deliberate reduction of himself to a condition such as prevents his control of his actions within limits compatible with the comfort, safety and well-being of his fellows, should not be treated as criminal. To devise a scheme which will work perfectly is beyond the scope of human ingenuity, but the one here proposed seems more likely to work practical good than any other I have heard suggested.

RICHARD.

A PROJECTED SWINDLE.

THE demoralizing effect of party spirit is every day becoming more apparent. Under its influence men of average honesty, and more than average intelligence, constantly defend acts and advocate measures which are plainly absurd and palpably dishonest. A remarkable case in point is at present occurring in the Province of Quebec. Certain bonds of the Province are now outstanding, which will not be due for some years to come. Money can be obtained at a lower rate of interest than is at present being paid to the bondholders. It is accordingly proposed by Mr. Mercier that the outstanding bonds be redeemed and new ones purchased, and this whether the bondholders like it or not. The proposal, shameful, ridiculous though it is, receives the support of men who are neither rascals nor fools.

It is urged in favour of the scheme, that if carried out it will save the Province a large sum of money every year. But on the other hand are urged the insuperable objections that it is neither legal nor honest. This, it must be remembered, is an ordinary and simple case of debtor and creditor. The creditor (the bondholder) lends his money to the debtor (the Province), and agrees not to demand it for a certain number of years, in consideration of certain interest payments during those years. Or to use the technical language, it is the case of an obligation with a term. Can the debtor insist on paying back the money before the term expires, or must he wait its expiration if the creditor so elects?

Article 1091 of the Civil Code of Quebec reads as follows: "The term is always presumed to be stipulated in favour of the debtor, unless it results from the stipulation or the circumstances that it has also been agreed upon in favour of the creditor." This is the expression of a rule of law which is common to all civilized nations. It is likewise the declaration of reason, justice and common-sense. There can be no doubt in the present case that the term was stipulated in the interest of the bondholder as much as in that of the Province.

An easy test as to whether a stipulation was agreed upon in favour of a particular party to a contract is the following: Had the party at the time of the contract any interest in requiring the stipulation? If so, it was made in his favour. Apply this test to the present case. When the bonds were issued, the purchasers had a plain interest in insisting that the term should not be anticipated, *simply because their debtor had a right to insist upon the same thing.* The stipulation of a time before which payment should not be made was necessary to secure them against possible loss, and to place them on an equal footing with the other party to the contract. If the term was agreed upon solely in favour of the Province the following would be the result. If since the making of the contract interest had gone up, they would have been unable to get back their capital, and thus be deprived of a more favourable investment. But interest having fallen they may be compelled to take back their money, and will have to invest it on less favourable conditions, for if their debtor can obtain a lower rate of interest so can any equally solvent borrower. Consequently the creditor on re-investing would have to take less interest or accept weaker security. In other words, if when the contract was made the bondholders agreed to the term in favour of the Province, but did not stipulate it in their own favour, they deliberately put it in their debtor's power either to deprive them of gain or subject them to loss, which is quite inconceivable.

The above reasoning is not offered as being either profound or original. On the contrary, it is self-evident and familiar to every one who has the least experience in business. Yet it is contested by men who justly plume themselves on their intelligence, and would bitterly resent the smallest imputation on their honour. Such blindness, intellectual and moral, is indeed a most startling phenomenon.

Lennoxville.

D. C. ROBERTSON.

THE Republican party has its face turned to the past. The Democratic party is looking forward. The Republican spirit is reactionary; the Democratic spirit is progressive. The Republican policy is narrow, sectional, and proscriptive; the Democratic policy is broad, national, and tolerant. The Democratic party stands for honest and economical government, low taxation, an enlarged commerce, and a united people; the Republican party stands for profligate government, for high taxes, for restricted commerce, for monopoly, and for a divided country. The issues between the Democratic and the Republican parties were never so strongly defined as to-day.

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