

earliest convenience will confer an obligation on all your Brother Sons of Temperance in C. W.

I have the honor to be,
Gentlemen,

Your most obt. servant,
JOHN M. ROSS,
D. G. W. P.

TORONTO, March 1st, 1851.

JOHN M. ROSS, Esq.,
D. G. W. P.
Toronto.

SIR:—

You ask our "professional" opinion 1stly, on the "merits" of the Act of last session known as "Notman's Act," and its applicability to the Order of the Sons of Temperance. 2ndly, You wish our "opinion" also of the merits of the Act passed by the Legislature of New Brunswick incorporating the Sons of Temperance in that Province, and its applicability to the Order in Canada.

We are of opinion that the Act 13 and 14 Victoria, Chap. 32. (referred to as Notman's Act) is not applicable to the peculiar organization of the Sons. The title of the Act is perhaps large enough to include our Order. It is entitled "an Act for incorporating certain charitable, philanthropic, and provident associations," &c. The Sons, it is not strictly a "charitable," may well be designated a "philanthropic" association; but the following is the clause defining the class of persons for whose benefit the Act was intended—"That it shall and may be lawful for any persons to unite for the purpose of making provision by means of contributions, subscriptions, donations or otherwise, against the several contingencies of sickness, unavoidable misfortune or death, and for relieving the widows and orphan children of members deceased; and it shall and may be lawful for the members and officers of such associated body or society, from time to time, to establish and maintain branches thereof for, and at the convenience of the respective members, but for so long only as the business transacted at the meetings of such Society, or any of the branches thereof, shall be confined exclusively to the objects herein set forth."

Unlike other Acts for incorporating companies, institutions, &c., this Act requires no formality of making or registering a declaration, agreement, or other document. Consequently no one can tell when the incorporation of an "association" under this Act begins or ceases, or point out with any degree of certainty what associations are incorporated. It can hardly be argued that every association, one of whose objects is the "making provision by means of contributions &c., against the several contingencies of sickness, unavoidable misfortune or death," is *ipso facto* incorporated upon its formation. The restrictive words "but for so long only as the business transacted at the meetings of such Society or any of the branches thereof shall be confined exclusively to the objects herein set forth" were no doubt intended to limit the power to "unite;" but grammatically they limit the power to "establish, and maintain branches" only. From the exceedingly loose manner in which the Act is drawn, there can be little doubt that the Courts of Law, would confine its operation to persons who avowedly "unite for the purpose" and no other, "of making provision by contributions, &c., against sickness," &c. Now, the making provision by contributions &c., against the contingencies of sickness, unavoidable misfortune or death, is only one of the "purposes" and by no means the most important, for which the Sons "unite" together, and therefore we do not think that they would be held to be incorporated under this Act.

But even if the first clause of the Act should be held to embrace the Sons of Temperance the third clause renders the whole inapplicable inasmuch as it limits the extent of land to be held "in the Province of Canada" to "each of such Society" to "five acres."

The Act allows persons to unite and form a "Society" and this Society to establish "branches." Now if the divisions of the Sons are considered "branches" of the Sons of Temperance in this Province, as we think they are in the eye of the law,

then the first, or Grand Division only can hold real estate which must not exceed "five acres" for the "Province of Canada." It will be seen at once that such a limitation would destroy the utility of the Act for the purposes of our Order. Unless each division be allowed to acquire and hold real estate to the extent of at least five acres much difficulty may be found after a few years in making a safe investment of its funds. For the above and other reasons which will suggest themselves to any lawyer on reading the Act in question, we are of opinion that an Act like that passed by the Legislature of New Brunswick for the special purpose of incorporating the Sons of Temperance *eo nomine* is necessary.

The published copy of the New Brunswick Act which you enclosed appears well adapted for the purpose. A few amendments might advantageously be made. Instead of requiring the certificate of incorporation to be filed with the Secretary of the Province as mentioned in the fifth section, it would be better in view of the uncertain whereabouts of that officer in Canada, to file it with the Register of the County within which the division is located.

Yours, truly,

WM. McDUGALL,
J. McNAB.

CIRCULAR.

To all Subordinate Divisions of the Order of the Sons of Temperance under the jurisdiction of the Grand Division of Canada West and to all others whom it may concern.

WHEREAS a circular purporting to emanate from the "Grand Division of the Independent Order of the Sons of Temperance of Canada," has made its appearance, and is calculated to mislead and deceive Sons of Temperance, and also the public, it becomes my duty, as Grand Worthy Patriarch of the Grand Division of Canada West, to caution all within the jurisdiction of this Grand Division against holding any intercourse with the said self-styled "Grand Division of the Independent Order of the Sons of Temperance of Canada," notwithstanding their pretensions to be lovers of unity and concord, they have arrayed themselves against our Order, and for the past year have tried to sow dissensions and discord through the Province, and at present confined almost exclusively to the locality where they first made their disorganizing attempt, and at this time do not exceed fifty persons; notwithstanding that on some of their Circulars, in pencil, their number is stated at over one million.

This is to caution all Sons of Temperance against either visiting them or receiving them as visitors into their Divisions, as either would involve the forfeiture of their privileges as Sons of Temperance.

I have the honor to be,

Dear Brethren,

Yours in L. P. & F.
W. S. BURNHAM,
G. W. P.

This is the way our American neighbors put down intemperance. There is a similar law in Wisconsin.

LEGISLATURE OF NEW YORK.

IN ASSEMBLY, March 11th.

INTOXICATING DRINKS.

Mr. Fordyce, from the majority of the select committee reported that "to pass a strictly prohibitory law would be equivalent to repealing all restraining laws; and believing as they do, that the present law fully recognizes the doctrine that the traffic in intoxicating liquors is a beverage is dangerous, and that the present law was intended as a shield to be thrown around the community to guard them against the evil liable to grow out of law traff." Believing, however, that the present law may be modified, the majority report a bill which provides,

1. That hereafter no intoxicating liquors shall be

sold in the same room where groceries are sold, nor at any place until the person applying for license shall give bonds, in \$1000, to pay all damages which the community or individuals may suffer by reason of the traffic: also to support all widows, orphans and paupers occasioned thereby.

2. The bond to be filed, and be evidence in court.

3. Authorises married women to prosecute in their own names. When the wife neglects to prosecute, any person or kin may do so. In the latter case, the plaintiff must give bonds for the costs incurred by the defendant if plaintiff fails to make out a case.

4. Where a suit is commenced for damages done by a person under the influence of liquor, it will be sufficient to show that the person licensed had sold the party intoxicating drinks during the day.

5. When a judgment is obtained, the party mulcted may compel persons in the same town who had sold liquor to the same party, to contribute equally to meet the judgment.

Mr. Chamberlain, from the minority of the committee, made an elaborate report which closed with a bill providing,

1. That it shall not be lawful for any persons to sell, or, by any artifice, to dispose of intoxicating drinks.

2. This provision to apply to all cities, villages or towns, regardless of any provision in their charters; and to all canal boats, &c., navigating the waters of the State.

3. Any person violating this statute, shall forfeit \$25 and costs; second conviction, \$50; third, \$50 and 30 days imprisonment.

4. Any number of violations may be embraced in one act; but no prosecution shall be maintained unless the complaint is made within one year of the time of the alleged offence.

5. Makes it the duty of the overseers of the poor in the county, and supervisors in the city, to prosecute. But if they neglect to do so, for ten days after notice then the person giving the notice may prosecute. The fines to go to the poor fund.

6. Persons trafficking to be liable for damages to the extent suggested by the majority bill.

7. Judges to charge grand juries to take cognizance of offences.

TEMPERANCE.

During a discussion in the United States Senate, in relation to admitting Father Matthew to a seat in that body, Senator Houston from Texas, made the following remarks in favor of Temperance.

"Father Matthew goes not with a torch of discord, but with a bond of peace reformation, and redemption to an unfortunate class in the community.

"I, sir, am a disciple. I needed the discipline of reformation, and I embraced it. I am proud upon this floor to proclaim it, sir; and would that I could enforce the example upon every American heart that influences or is influenced by filial affection, conjugal love, or parental tenderness. Yes, sir, there is love, purity, and fidelity, inscribed upon the banner that he bears. It has nothing to do with abolition, sir. Away with your paltry objections to men who come bearing the banner above the turbid waters which unfortunately roll at the foot of this mighty republic!"

DELIRIUM TREMENS.—After some hours of almost fatal stupor, he awakes with a fever, burning hands, dull eyes, shallow cheeks, parched lips, and tongue, confused mind, trembling limbs, aching loins, tormenting heartburn that nothing will relieve. But the most overwhelming of his sensations is a crushing weight of pain on the brain, with an indescribable sense of dizziness as about to fall from an immense height. The headache is so intense that light is intolerable, and every sound hateful. His temper becomes so irritable, that his wife, who fondly watches him with the hope that he will once loved her will yet come to himself and repent his unmanliness towards her, dare not remain near him any longer, for the very sight of her now maddens him. Thus he passes his day of horrors, to which a night of terrible restlessness succeeds. Towards the next