

Canada Temperance Act. AN ACT RESPECTING THE TRAFFIC IN INTOXICATING LIQUORS.

[Assented to 10th of May, 1878.]

Whereas it is very desirable to promote temperance in the Dominion and that there should be uniform legislation in all the Provinces respecting the traffic in intoxicating liquors:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY.

1. This Act may be cited as "The Canada Temperance Act, 1878."

2. In this Act, the expression "intoxicating liquor" means and comprehends any and every spirituous or malt liquor, and every wine, and any and every combination of liquors or drinks that is intoxicating; and the word "county" includes every town, township, parish, or municipality, except a city, within the territorial limits of the county, and also a union of counties where united for municipal purposes.

4. Any petition to the Governor General in Council for the bringing of the second part of this Act into force in any county or city may be in the form in Schedule A to this Act, or in words to the same effect.

5. Such petition may be embodied as in Schedule A to this Act, in a notice in writing addressed to the Secretary of State for Canada and signed by electors qualified and competent to vote at the election of a member of the House of Commons in the county or city, to the effect that the signers desire that the votes of all such electors, hereinafter termed electors to be taken for and against the adoption of the petition.

6. Together with, or in addition to, every such notice there shall be laid before the Secretary of State evidence that there are appended to it the genuine signatures of at least one-fourth in number of all the electors in the county or city named in it, and that such notice has been deposited in the office of the Sheriff or Registrar of Deeds or in the county or city, for examination by any parties, for ten days preceding its being laid before the Secretary of State; and that two weeks previous notice of such deposit had been given in two newspapers published in or nearest to the county or city, and by at least two insertions in each paper.

7. In case it appears by evidence to the satisfaction of the Governor General in Council that any such notice has been appended to it the genuine signatures of one-fourth or more of all the electors in the county or city named in it, and has been duly deposited, as aforesaid, His Excellency in Council may issue a proclamation under this part of this Act.

8. Such proclamation shall be inserted at least three times in the Canada Gazette and three times in the Official Gazette of the Province in which the county or city is situated.

12. All persons qualified to vote at the election of a member of the House of Commons, in the county or city to which any proclamation issued under this Act relates, on the day on which a poll is held in compliance with such proclamation, and no others, shall be qualified to vote and to have their votes polled on that day, for or against the adoption of the petition mentioned in such proclamation.

95. When in any county or city one half or more of all the votes polled have been against the adoption of any petition embodied as aforesaid in any notice and in any proclamation, under this, the first part of this Act, no similar petition shall be put to the vote of the electors of such county or city for a period of three years from the day on which such vote was taken.

96. When any petition embodied as aforesaid in any notice and in any proclamation under this, the first part of this Act has been adopted by the electors of the county or city named therein and to which the same relates, the Governor General in Council may, after the expiration of sixty days from the day on which the same was adopted by Order in Council published in the Canada Gazette, declare that the second part of this Act shall be in force and take effect in such county or city upon, from and after the day on which the annual or semi-annual licences for the sale of spirituous liquors then in force in such county or city will expire; provided such day be not less than ninety days from the day of date of such Order in Council; and if it be less, then on the like day in the then following year; and upon, from and after that day the second part of this Act shall become and be in force and take effect in such county or city accordingly.

97. No Order in Council issued under the provisions of this Act shall be revoked until after the expiration of three years from the day of coming into force under it of the second part of this Act, nor unless nor until a petition to the Governor General praying for such revocation has been embodied in a notice in writing addressed to the Secretary of State of Canada and signed by one-

fourth or more of the whole number of the electors then qualified and competent to vote at the election of a member of the House of Commons in the county or city named in such Order in Council, and such proceedings have been had thereon as are by this Act required to be had on a petition or notice for the second part of this Act into and more than one-half of all the votes polled have been found to be for the revocation of such Order in Council; and each and all of the provisions of the preceding sections of Act shall apply (mutatis mutandis) to every case of a petition and revocation of an Order in Council under this section and to the proceedings to be had and taken thereon, and the powers to be exercised and the offences that may be committed and the penalties that may be incurred, in the course of and in connection with such proceedings.

PROHIBITION OF TRAFFIC IN INTOXICATING LIQUORS.

99. From the day on which this part of this Act comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person, unless it be for sacramental or medicinal purposes, or the bona fide use in some art, trade or manufacture, under the regulation contained in the fourth sub-section of this section or as hereinafter authorized by one of the four next sub-sections of this section shall, within such county or city, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly, on any pretence or upon any device, sell or barter, or in consideration of the purchase of any property give, to any other person, any spirituous or intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating:

2. And neither any license issued to any distiller or brewer, nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors—nor yet any license for retailing on board any steamboat or other vessel, wine ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, or other spirituous liquors—nor yet any other description of license whatever—shall in any wise avail to render legal any act done in violation of this section:

3. Provided always that the sale of wine for exclusively sacramental purposes shall be made by druggists and vendors as hereinafter provided, only on the certificate of a clergyman affirming that the wine is required for sacramental purposes:

4. 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; such sale, when for medicinal purposes, to be in quantities of not less than one pint, to be removed from the premises and to be made only on the certificate of a medical man having no interest in the sale by the druggist or vendor, affirming that such liquor has been prescribed for the person named therein; and when such sale is for its use in some art, trade, or manufacture, the same to be made only on a certificate signed by two Justices of the Peace of the bona fides of the application, accompanied by the affirmation of the applicant, that the liquor is to be used only for the particular purposes set forth in the affirmation; and it shall be the duty of the druggist or other vendor to file the certificates and keep a register of all such sales, indicating the name of the purchaser and the quantity sold, and to make an annual return of all such sales on the thirty-first day of December in every year to the Collector of Inland Revenue within whose revenue division the county or city is situated:

5. Provided also, that any producer of cider in the county, or any licensed distiller or brewer, having his distillery or brewery within such county or city may thereto expose and keep for sale such liquor as he shall have manufactured thereat, and no other; and may sell the same thereto, but only in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at any one time, and only to druggists and others licensed as aforesaid or to such persons as he has good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons, or in the case of ale or beer not less than eight gallons at a time:

6. Provided also, that any incorporated company authorized by law to carry on the business of cultivating and growing vines and of making and selling wine and other liquors produced from grapes

having their manufactory within such county or city, may thereto expose and keep for sale such liquor as they shall have manufactured thereat, and no other; and may sell the same thereto, but only in quantities not less than ten gallons at one time, and only to druggists and others, licensed as aforesaid, or to such persons as they have good reason to believe will forthwith carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time:

7. Provided also, that manufacturers of pure native wines made from grapes grown and produced by them in the Dominion of Canada, may, when authorized to do so by license from the Municipal Council or other authority having jurisdiction where such manufacture is carried on, sell such wines at the place of manufacture in quantities of not less than ten gallons at one time, except when sold for sacramental or medicinal purposes, when any number of gallons from one to ten may be sold:

8. Provided also, that any merchant or trader exclusively in wholesale trade, and duly licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may thereto keep for sale and sell intoxicating liquor, but only in quantities not less than ten gallons at any one time, and only to druggists and others licensed as aforesaid, or to such persons as he has good reason to believe will henceforth carry the same beyond the limits of the county or city, and of any adjoining county or city in which the second part of this Act is still in force, to be wholly removed and taken away in quantities not less than ten gallons at a time:

9. In any prosecution against a producer, distiller, brewer, manufacturer, merchant or trader under this section, it shall be incumbent on the defendant to furnish satisfactory evidence of having good reason for believing that such liquor would be removed beyond the limits of the county or city in which the second part of this Act is then in force, for consumption outside the same.

PENALTIES AND PROSECUTIONS FOR OFFENCES AGAINST THE SECOND PART.

100. Whoever by himself, his clerk, servant or agent, exposes or keeps for sale, directly or indirectly, on any pretence or by any device, sells or barter, or in consideration of the purchase of any other property, gives to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise intoxicating, in violation of the second part of this Act, shall be liable on summary conviction to a penalty of not less than fifty dollars for the first offence, and not less than one hundred dollars for the second offence and to be imprisoned for a term not exceeding two months for the third and for every subsequent offence; and whoever in the employment or on the premises of another, so exposes and keeps for sale, or sells, or barter, or gives in violation of the said second part of this Act shall be held equally guilty with the principal, and shall be liable on summary conviction to the same penalty or punishment. And all intoxicating liquors in all kegs, barrels, cases, bottles, packages or receptacles of any kind whatever in which the same are contained shall be forfeited.

101. Any prosecution for any such penalty or punishment may be brought by or in the name of the Collector of Inland Revenue within whose official division the offence was committed—or by or in the name of any person.

102. It shall be the duty of such Collector of Inland Revenue to bring such prosecution, whenever he shall have reason to believe that any such offence has been committed, and that a prosecution therefor can be sustained, and would not subject him to any undue measure of responsibility in the premises.

103. Such prosecution may be brought—in the Province of Nova Scotia before a Stipendiary Magistrate or before other two Justices of the Peace in the county in which the offence was committed.

In the Province of New Brunswick before any Police Stipendiary or Sitting Magistrate or Commissioner of a Parish Court, or before any two Justices of the Peace in and for the county in which the offence was committed.

In the Province of Prince Edward Island before the Stipendiary Magistrate for the county or town, or before any two other Justices of the Peace of or for the county in which the offence was committed.

SCHEDULE A.

FORMS OF NOTICE AND PETITION FOR THE BRINGING OF THE SECOND PART OF THIS ACT INTO FORCE.

To the Honorable the Secretary of State of Canada.

SIR,—We the undersigned electors of the county (or city) of _____ request you to take notice that we propose presenting the following petition to His Excellency the Governor General, namely:—

To His Excellency the Governor General of Canada in Council.

The petition of the electors of the county (or city) of _____, qualified and competent to vote at the election of a member of the House of Commons in the said county (or city)—

Respectfully sheweth that your Petitioners are desirous that the second part of "The Canada Temperance Act of 1878," should be in force and take effect in said county or city.

Wherefore your Petitioners humbly pray that your Excellency will be pleased, by an Order in Council under the ninety-sixth section of the said Act, to declare that the second part of the said Act shall be in force and take effect in the same county or city.

And your petitioners will ever pray, &c., &c.

And that we desire that the votes of all the electors of the said county (or city) be taken for and against the adoption of the said petition.

* Many of the sections of the Act are not here given, namely, such as those which relate to polling days, returning officers lists of voters, mode of voting, etc. Such portions only of the Act are here given as are peculiar to the Act itself, and as are of special interest to the general reader.

TOBACCO AND LONG LIFE.

The Manchester Guardian of September 17th, 1879, says:

Mrs. Margaret Robertson (or Duncan), believed to be the oldest woman in Scotland, died yesterday morning, at the residence of her daughter, in Campbell Street, Coupar Angus. On the 2nd February last she was (says our correspondent) 107 years of age. She married, shortly after the beginning of the present century, John Duncan, a stocking weaver, in Coupar Angus; but it is more than fifty years since he died. Her maiden name was Margaret Robinson, she was born at Balrulzie, Glenesbee, in the year 1773, and had lived under the reign of three kings and one queen of Great Britain. Margaret went to Coupar Angus nearly eighty years ago, and continued to reside there till her death. Until about six or eight years ago she was in possession of all her faculties. She pooh-poohed the idea of people living to the age of 80 or 90, and used to remark of such that "was nae age aye." Mrs. Duncan was very fond of a smoke, and up to the last enjoyed her clay pipe with the greatest zest. When spoken to of the injurious effect of tobacco, her invariable answer was, "I've smoked a' my days. It's ha'en plenty time to dae me ill, and it's never socht." "Old Margaret" was a subject of much interest to all the well-to-do classes about Coupar Angus, many of whom called upon her and conveyed to her trifling presents, which were always much appreciated.

This paragraph has gone the rounds of the press, and the inference has been drawn that tobacco does not, at all events, shorten life. But isolated cases, considered apart from a multitude of others of a very different kind, prove nothing. There are many instances of persons inhabiting dens destitute of every sanitary convenience, living in filth and riot to advanced age, but shall we, because of this, lose faith in cleanliness, sobriety, pure air, and cheerful homes, as necessary conditions of health? Obviously these exceptions to the general law are accounted for either by exceptionally strong constitutions, by the resisting power built up from daily hard work, or by the mere absence of luxurious living. Some conclude from the above case that tobacco positively promotes long life. We give below, however, another little memoir—that of an old lady of 106, still living,—and from it our readers will perceive that, by a parity of reasoning, we should be justified in concluding that an atmosphere of peat smoke, and all the other agencies of a Skye hut are specially favourable conditions of longevity:—

There is at present living in a Skye bothy old Widow Macpherson, who entered upon her 106th year last Christmas. She was born in the same year that Dr. Samuel Johnson and Boswell visited Syke, and met with Flora Macdonald, the Jacobite heroine, who befriended Prince Charlie when he fled to Syke after his disastrous defeat at Culloden in 1746, and when the Government reward of £30,000 offered for his surrender did not induce her to betray her trust and yield up this sole survivor of a fallen dynasty. During the 105 years of Widow Macpherson's life she has lived in a turf hut, the smoke from the peat fire on the hearth finding its way out by every crevice, and giving a lustre as if varnished to the rafters which support the thatched roof. She has survived six Lords of the Isle, the present being the seventh, Lord Macdonald. She has never been out of the island, and does not understand one word of English, but converses freely in Gaelic. She has been blind for ten years, but her hearing and memory are

both good, and she is nursed by her daughter Kitty, who is unwearied in her attendance upon her mother.—Glasgow Herald.

Speaking seriously, it should not be forgotten that one of England's greatest physicians—the celebrated Sir Benjamin Brodie, F.R.S.—deliberately recorded the following opinion upon this question, in the Times:—

"From cases, however, which have fallen under my observation, and from a consideration of all the circumstances, I cannot entertain a doubt that, if we could obtain accurate statistics on the subject, we should find that the value of life in inveterate smokers is considerably below the average. Nor is this opinion in any degree contradicted by the fact that there are individuals who, in spite of the inhalation of tobacco smoke, live to be old, and without any material derangement of the health; analogous exceptions to the general rule being met with in the case of those who have indulged too freely in the use of spirituous and fermented liquors."

Some years ago, tectotallers used to be pointed to cases of hardy-looking old toppers of sixty, seventy, or even more, as evidence that alcohol did not shorten life. This kind of argument has, however, died out since the United Kingdom Temperance and General Provident Institutions showed, from an analysis of the mortality lists of its thirty odd thousand policy holders, that the average teetotal life is nearly twenty per cent. better than the average moderate-drinking life. If the same test were applied to the tobacco question, there cannot be a doubt that, in degree the superiority of the non-smoking over that of the smoking life would be found to be as plainly marked.

CONTAGION AND DIPHTHERIA.

Dr. Mackenzie, of the London Hospital for Throat and Chest Diseases, is of the opinion that the exciting cause of diphtheria is a specific contagion, and those cases which appear to originate de novo probably arise from the virus—often long dormant and forgotten—of previous cases. He considers that the whole tendency of sanitary science is opposed to the doctrine of the spontaneous origin of specific diseases, though he admits that cases do occur. He does not accept the view so strongly laid down by Oertel and some others, that a minute fungus is the essential contagion of the disease; he thinks, rather that the observations of those who advocate such a theory are not sufficiently conclusive to warrant a belief that the essence of the disease has yet been discovered.

STARVING OUT CANCERS.

At a late meeting of the Leeds (England) Medical and Chirurgical Society, Mr. J. W. Teale read a case of quiescent scirrhus. The patient was an unmarried lady of 35. A cancer formed in her breast, causing retraction, and ultimately the loss of the nipple; it ulcerated; some auxiliary glands enlarged, and the patient seemed about to die. But in consequence, as it seemed, of the small quantity of food taken by the patient, the cancer was "starved." It atrophied slowly; and now nine years after its first appearance, there was nothing but a hard cicatrix left in the breast and axilla. Cases more or less similar were related in the discussion which followed.—Medical and Surgical Reporter.

OBITUARY.

GEORGE DIBSON.

Early in the morning of Monday, Mar. 29th, there passed away from our little band of Christ's disciples at Douglas, one of its most loved and respected members. Bro. Dibson, tho' having enjoyed for years the pardoning love of God, met in class for the first time since my coming to this circuit. It was on August 17th he met with us first, at the close of the morning service, and I can well remember with what simplicity and assurance he spoke of his conversion and continued faith in Christ. He was then fast coming under the power of that most hopeless of all diseases consumption. In past years he carried on extensive and successful lumbering operations, and thro' the exposure which it was evident to such a business, the disease was contracted. Tho' the early part of the winter he rapidly wasted away, on several conversational visits with him on eternal things, and he always expressed himself as resting in hope. He had no fear, no doubt, no regret in anticipation of death, save the natural distress at the thought of leaving his wife with her young charge of five children. At his own request not more weeks before his death, some of the members were invited to the home to receive the sacrament with him, and the Spirit being present in a very sensible degree, I ministered the bread and wine to the little company. He is now feeding upon the spiritual manna and the water of life. "Thanks be unto God which giveth us the victory."

"There is no death! Tho' stars go down To shine upon some fairer shore, And bright in heaven's jewelled crown They shine for evermore."

M. R. KNIGHT.

Gibson, April 17th, 1880.

Advertisement for Benson's Porous Plaster, for women and children, claiming to be a great relief for various ailments.

Advertisement for Organ Beatty, a musical instrument.

Advertisement for Blymyer's Bells, a dental or medical product.

Advertisement for The Deaf, a product for the hearing impaired.

Advertisement for Henderso's Seeds, a seed company.

Advertisement for Paris, 1878, a medal or award.

Advertisement for Gold Medal, a medal or award.

Advertisement for Mason & Ham, a cabinet or furniture.

Advertisement for Agents Wanted, a recruitment notice.

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