

SOUTH DAKOTA is a prohibition state, and the prohibitionists elected as State Treasurer one Taylor. Taylor was loud in denunciation of the drink demon and in favor of the Home. Now he has cleared out \$350,000 of the State funds along with him.

BRO. BUCHANAN is advocating in the "Temple" the use of the pure juice of the grape, unfermented, as a beverage. What's the matter with Hamilton water? And why is it that your ultra cold water advocate is eternally hunting around for some new kind of a mixed drink?

CITIZEN GEORGE FRANCIS TRAIN has started a new church in New York which he designates no doubt with all appropriateness as "The Congregation of the Holy Jacksacs." Bro. Train should come to Ontario and start a branch. There is plenty of material here.

PROHIBITION appears to be doomed in South Dakota. The great question which overshadows all others in the Legislature which convened on the 8th is the resubmission of the Prohibition amendment to the people. A poll of the members shows a majority of seventeen in the house and three in the senate in favor of resubmission, and there appears to be no question that a vote of the people will overwhelm the obnoxious law.

REV. DR. WALPOLE WARREN, Rev. Joseph H. Ryland, Rev. Arthur Brooks, Rev. William H. P. Faunce, and Rev. D. Parker Morgan, all of New York, declare emphatically through the *Commercial Advertiser* in favor of restricted Sunday opening of bar-rooms. It will now be in order for the pes-headed side-line, lodge room orators to denounce them as "miscreants," "servitors of the devil," "apostles of damnation," "advocates of the drink demon" and the other choice epithets peculiar to the temperance vocabulary.

THE *Citizen and Home Guard* has discovered the cause of the atrocities practised by the Japanese by the taking of Port Arthur. It appears from this eminent authority that the victorious Japs discovered some Chinese wine, that they thereupon consumed the same, became "mad drunk" and proceeded to incontinently slaughter the entire native population. Would the learned editor kindly indicate what amount of Chinese wine, in his opinion, would be necessary to keep an army of 50,000 men mad drunk for four days? What the *Citizen and Home Guard* needs is more grey matter.

CASHIER JOHN E. BIRLEY of the Central National Bank, Rome, N. Y., is also a member of the First Baptist Church, a regular attendant upon the prayer meetings and church services, an officer of the church, a prominent candidate for superintendent of the Sunday School and President of the Young Men's Christian Association. He never entered a saloon, looking upon such as the gate to Hades,

but he has just entered the city jail, having stolen nearly \$30,000 of the money of the depositors. He is a scheming villain but then—he never drank, so that Bro. Casey will be unable to give him prominence in his list of Horrors.

MAJOR HOPKINS of Chicago has decided that Clubs which sell liquors must pay the same license fee as is charged for the regular bar. There is something to be said on each side of this question. If the Club is to be looked upon in the light of a home community then of course no license should be charged, as no license is charged a man for keeping liquor in his own house. But can this view be taken? We are decidedly of the opinion that a Club does not stand to the members in the relation of a home so much as it does as a select hotel where members are assured of the company they will meet. Taking this view a license fee should be charged.

A VICTORY! ALL ALONG THE LINE.

THE constitutional questions relative to the prohibition and control of the liquor traffic submitted to the Supreme Court of Canada by the Privy Council of the Dominion and with the concurrence of the Provinces of Ontario and Quebec were decided on Tuesday when judgment was handed down. It will be remembered that seven questions upon which the Dominion and the Provinces were agreed were referred, the argument taking place in May last.

The Dominion was represented by Hon. J. J. Curran, Q.C., Solicitor General, the Province of Ontario by Mr. J. J. McLaren, Q.C., and Deputy Attorney General Cartwright, the Province of Quebec by Assistant Deputy General Cannon, while the Distillers and Brewers of Ontario intervened on behalf of the trade through Mr. Wallace Nesbitt, Q.C., and Mr. E. Saunders. Five of the judges were present, the absentee being Mr. Justice Taschereau.

The seven questions submitted have all been decided in favor of the Trade. They, and the decisions thereon are as follows:

1. Has a Provincial Legislature jurisdiction to prohibit the sale within the province of spirituous, fermented or other intoxicating liquors? Ans.—No. Chief Justice Strong and Justice Fournier dissenting.
2. Has the Legislature such jurisdiction regarding such portions of the province as to which the Canada Temperance Act is not in operation? Ans.—No. Same dissent.
3. Has a Provincial Legislature jurisdiction to prohibit the manufacture of such liquors within the province? Ans.—No. Unanimous.

4. Can it prohibit the importation of such liquors into the province? Ans.—No. Unanimous.

5. If it cannot prohibit sales of such liquors, irrespective of quantity, can it prohibit the sale by retail, according to the definition of a sale by retail, either in statutes in force in the province at confederation, or any other definition thereof? Ans.—No. Chief Justice Strong and Justice Fournier dissenting.

6. If a Provincial Legislature has a limited jurisdiction only as regards prohibition of sales, subject to the limits provided by the several sub-sections of the 99th section of the C. T. Act, or any of them? Ans.—No. Same dissent.

7. Had the Ontario Legislature jurisdiction to enact the 18th section of the Act in 53 Vic., "An Act to improve the Liquor License Acts," as said section is explained by the Act in 54 Vic., "An Act respecting local option in the matter of liquor selling?" Ans.—No. Same dissent.

It will be seen that upon three of the points raised, those of the importation, manufacture and wholesale sale, the court seemed unanimous, and it may be taken for granted that no reversal of this decision will be asked for or if so, obtained. On the other points as to the prohibition of the retail sale and the local option acts of the Province, the court is divided three to two, and these points will be carried to the Privy Council in England.

It was upon these two latter points more directly that the trade of Ontario intervened. There was not much doubt as to the views the court would hold in the matters of manufacture, wholesale sale and importation, but on the other two points, and they were of the greatest importance, all parties but the trade were agreed. In fact the court made a difficulty of hearing the argument of the trade at all. They said, on these two matters, the Provinces claim a right which the Dominion concedes, why, therefore, should argument be heard at all. The answer was that the trade, a party interested, denied the contention of both the Dominion and the Provinces, and on this ground the argument was heard. So well did the trade's legal representatives acquit themselves that they upset the other side completely, and there is little doubt that had Mr. Sander's argument been delivered in the House case, to which we shall refer presently, the judgment in that case would have been different.

As it stands now the decision takes from the Provinces all power of Prohibition in every form including even a local option law. This relieves Sir Oliver Mowat from his Prohibition pledge and and Leavelle Marter of his opposition policy. The two parties in the Legislature can shake hands over a happy deliverance and return to the squabble over the Crown Lands and the surplus. Until the decision of the Supreme Court is overturned, the Province can do nothing. One immediate effect is that there will be free whisky in the local option

districts until licenses can be issued in May. There are not, however, many of these districts. The decision also shows the wisdom of Sir Oliver Mowat in first making sure of his ground before taking any action. Had the Marter Bill passed there would have been free sale of liquor throughout all Ontario until May.

On the same day a decision was given by the Supreme Court in the case of *Huson v. South Norwich*, in which the constitutionality of the Local Option by-law in that municipality was attacked. In this case the decision was exactly the reverse of that in the reference case, it being held that the Local Option by-law was constitutional. This remarkable inconsistency arises from the fact that the *personnel* of the court which heard the two cases was not the same. Mr. Justice Taschereau was present in the *Huson* case but not in the reference case, while Mr. Justice King was absent in the first and present in the latter. However, it is the reference case which will be reported to the Government and upon which they will act. The whole matter is now transferred to the arena of Dominion politics, and the first act of the Dominion Government will be to take the case to the Privy Council for final judgment so that the last doubt may be set at rest.

But this does not mean that the field of local politics is to be abandoned by the Temperance Legions. Far from it; their efforts henceforth will be devoted towards so-called amendments of the License Act in the nature of restrictions so irksome and disastrous that they hope to destroy the traffic and by this means accomplish what they have failed to do by the Legislature. Concurrent with this effort a determined attempt will this year be made to reduce the number of licenses and to shorten the hours during which liquor may be sold. And towards this end a strenuous effort was put forth at the recent municipal elections to secure councils favorable to this undertaking. How far they have been successful will be seen during the coming month during which time the by-laws limiting the number of licenses must be passed.

We cannot too strongly impress upon the trade the absolute necessity of preparation and vigilant watchfulness. Every interference with vested rights must be met, whether in the shape of entire prohibition or partial restriction, which latter, in its effects, is as disastrous to the traffic. It is the duty of the present Association to resist to the utmost all such attempts and this year should see all parts of the Province represented in the Organization. And as the battle for Prohibition will now be transferred to the arena of Dominion politics the trade of the Dominion should be organized to meet the efforts of the enemy. The old maxim is still true: "Eternal vigilance is the price of liberty."

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