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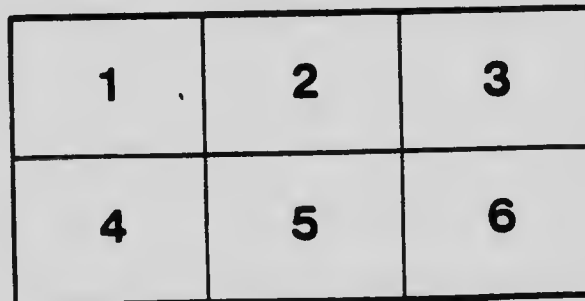
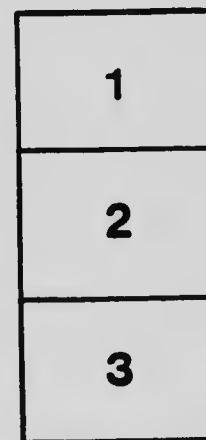
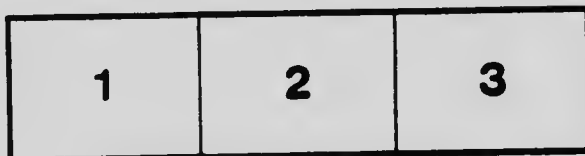
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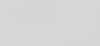
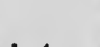
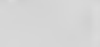
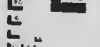
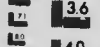
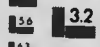
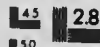
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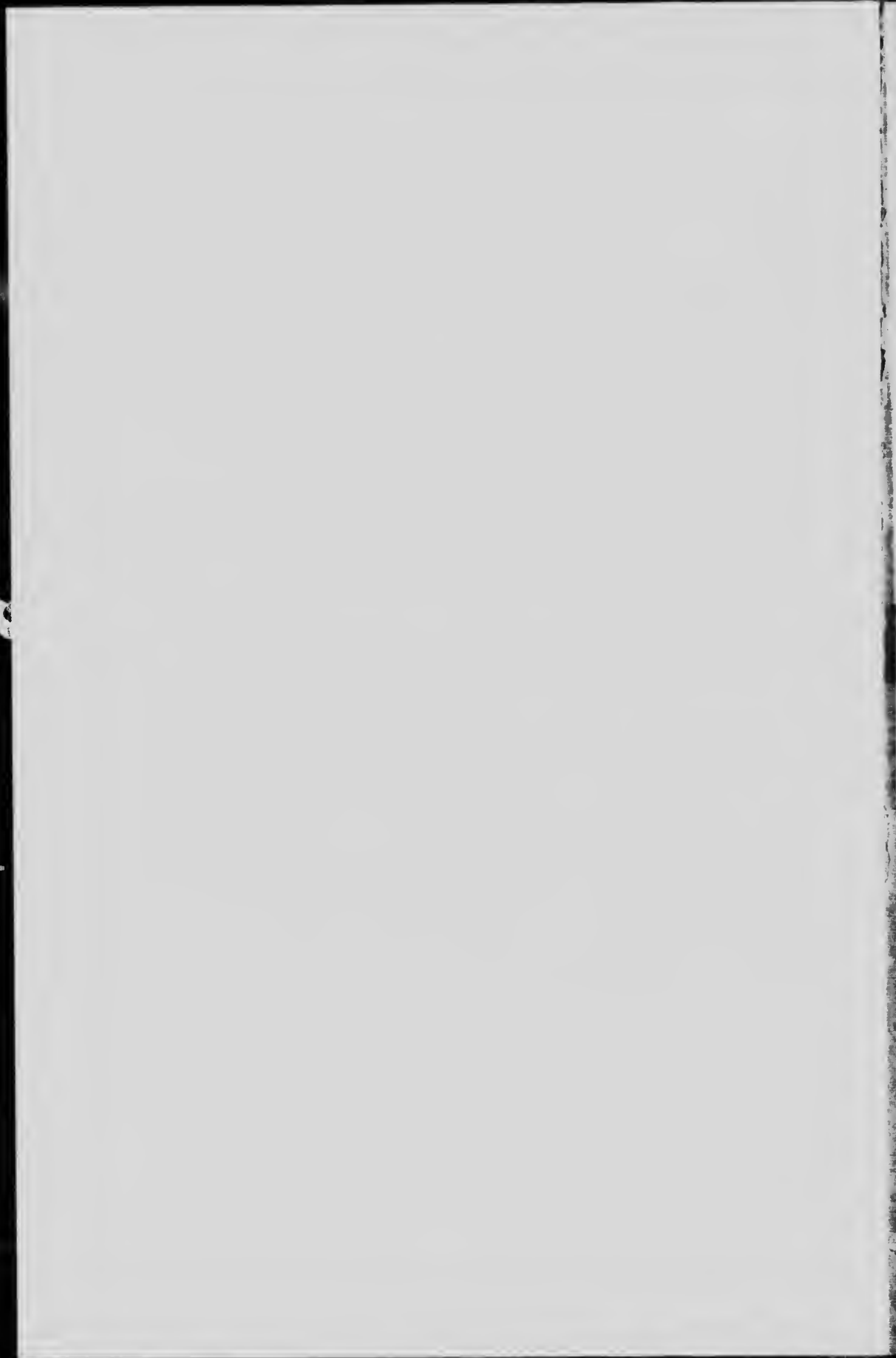
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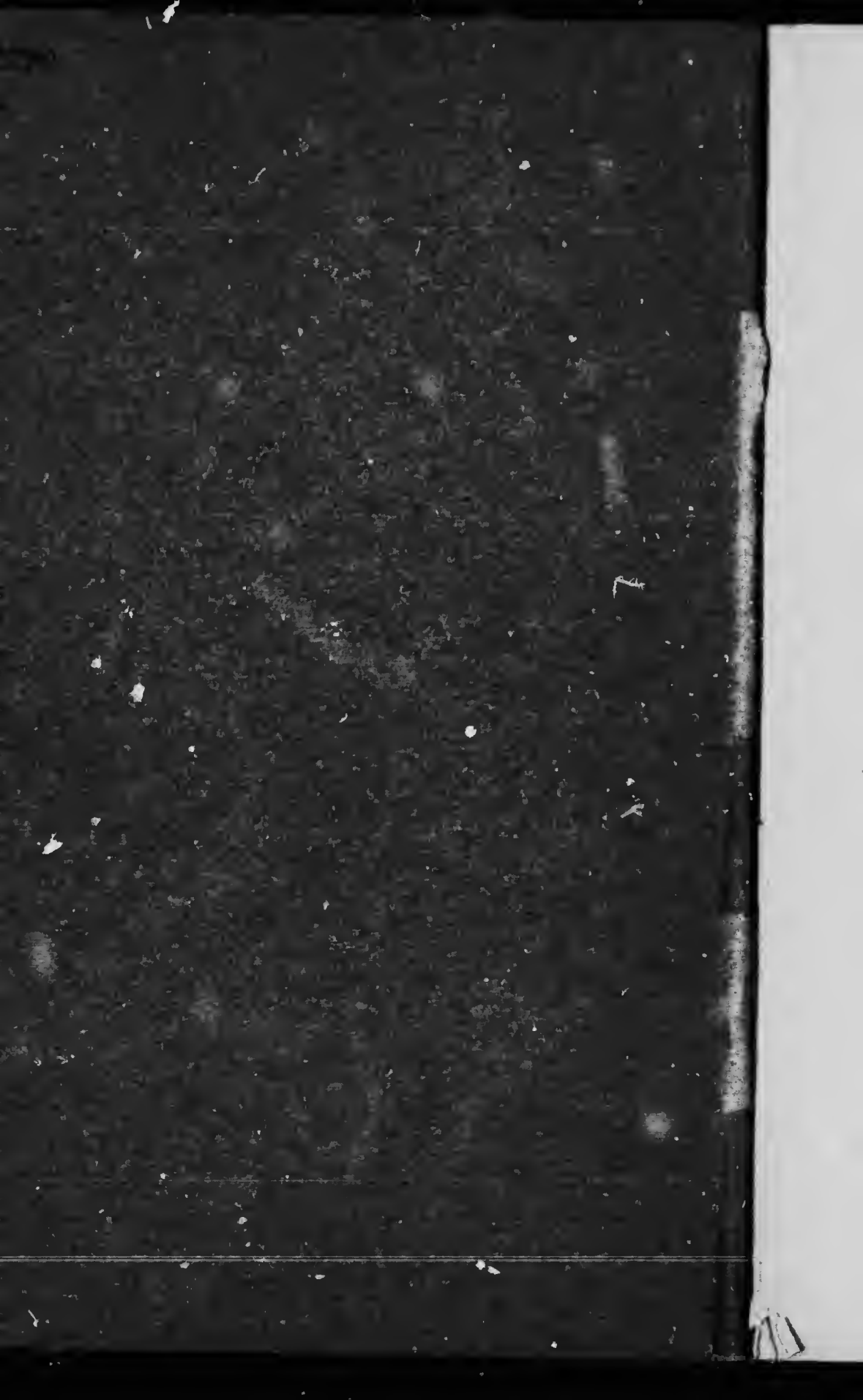
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**A
Statement
by
the
Distillers
of
Canada**





A STATEMENT BY THE DISTILLERS OF CANADA

THE Government of Canada having announced its intention to submit to the forthcoming session of Parliament legislation dealing with the manufacture, transportation and sale of alcoholic beverages, and there appearing in the daily press paid advertisements, published by those interested in the passage of prohibitory laws, the distillers feel that in justice, not only to themselves, but to that large body of people throughout the whole Dominion who have legitimately and temperately used their products, they should place their position before the public: for the business of the distillers of Canada has existed only in response to demand from the people of Canada without which it could not have been created and maintained.

For years there has been spreading over the American Continent a strong sentiment in favor of temperance. This sentiment is by no means the monopoly of the total abstainer, but is shared by the vast majority of those who use alcoholic beverages, and is directed almost wholly at the public drinking bar and saloon. There has been very little popular agitation that went beyond the abolition of public drinking. It was felt that the public bar with its ever-ready invitation to enter, its customs of "treating," its pernicious record of political activity, and in too many cases its dubious management, could only be dealt with by extinction.

It is true that the goods of the distillers were sold in bars, but it should be remembered that the bar was then a legitimate channel through which distilled liquors could be purchased, and that the distillers were neither responsible for them, nor did they establish them, or support them as a part of the machinery of their business. They made no demur when bars were abolished, and have made absolutely no effort to have them restored; indeed, they go further, and the distillers of Canada put themselves on record as being absolutely opposed to any legislation which has for its object, directly or indirectly, the restoration of the public drinking bar.

The sentiment against the bar was crystallised by the Great War. In response to the call for sacrifice and economy, the Provinces of Canada, one after the other, enacted legislation which, as well as placing restriction on the consumption and sale of alcoholic beverages, that prior to the war would probably not have been passed, abolished the bar. In some Provinces a popular vote was taken, while in others the necessary Acts of Parliament were passed on the initiative of the respective Provincial legislative bodies.

These Provincial Acts are all similar in their leading features and are based on the "Macdonald Act," drafted by Sir J. A. M. Aikins, now Lieutenant-Governor of Manitoba.

These Acts are so far from being completely prohibitory in their nature that they even expressly state the conditions under which liquor may be kept and consumed, and provide machinery for the importation of liquor for consumption in private dwelling houses. Manifestly nothing further was intended than restriction and the abolition of the bar.

It is sometimes stated by the professional prohibition agitator that these Provincial Acts are not completely Prohibition Acts by virtue only of the fact that they were considered to be beyond the powers of a Province to enact legislation interfering with importations of liquor from other Provinces and foreign countries, the impression sought to be made being that had these Acts been completely prohibitory they would have been just as acceptable. There is little to support this. In those Provinces where contests were waged, it was openly urged by the advocates of the Temperance Acts that one reason why people should vote for them was that they were not absolutely prohibitory; but in that they abolished the bar they were evidently considered sufficiently so, for in Manitoba they even went the length of debating in public with an extreme prohibitionist whose objection to the Manitoba Act was that it did not even pretend to be prohibitory!

Inconsistently enough in view of their present statements, but with truth, it was openly declared by the advocates of the Temperance Acts after these Provincial contests that the Acts had been voted into law by men who used alcoholic beverages. These men had no intention of voting themselves into compulsory total abstinence, nor did they think they were doing so. They voted against the bar—not for prohibition. There are thousands of people, from every class of society, who voted for Temperance Acts and who after doing so, obtained and used liquor in their private dwelling houses. Surely even the most reckless prohibitionist will pause before branding these people as being either weak-minded or hypocrites.

The rapidity with which these Temperance Acts were adopted by the Provinces of Canada one after

the other concentrated attention on the oft-repeated statement of the prohibitionists that the wishes of the people had only been partially met and that the Provinces desired to have the power to enact complete prohibition within their boundaries. The matter was taken up in the Dominion Parliament, and an Act giving the necessary powers to the Provinces was passed. This Act, often referred to as the "Doherty Act," was assented to on 18th May, 1916, and has the following title: "An Act in aid of Provincial legislation prohibiting and restricting the sale or use of intoxicating liquors." Among other provisions this Act forbade under heavy penalties the sending, shipping, taking, bringing or carrying into a Province liquor which was to be used contrary to the Provincial laws, and the onus of proving that he had good reason for believing that the liquor was not to be used illegally was placed on any person accused. The effect of this was that had any Province passed legislation prohibiting the use of alcohol for beverage purposes none could legally have been imported into that Province. It was stated by the Minister of Justice in the House of Commons that it was for the purpose of enabling Provincial Legislatures to enact complete prohibition that the Act was passed.

Since then each Province of Canada has had two legislative sessions, and not one has availed itself of this power.

The Provinces of Canada which have adopted these Temperance Acts have had time, by practical experience, to test whether they were of public benefit or otherwise, and the published statements of representative men and of the press of the country are almost unanimous that when compared with the state of affairs which existed prior to the passing of these

Acts, the situation created by these Acts is infinitely superior, the point in which it is superior being unquestionably centered in the abolition of the bar, or public drinking place. There have, however, developed defects in the operation of these laws, but these defects are not of an insuperable nature, and only time and consideration are required to overcome them. The practical working of these Acts was that while no one could buy liquor within the boundaries of his own Province, he could send to a dealer outside of his Province and have shipped to his private dwelling house whatever liquors he desired. There was thus created a system of liquor stores in each Province whose business it was, not to supply the demands for liquor within the Province in which the store was situated, but to export from that Province to other Provinces. It has been felt by those brought into practical and intimate touch with the state of affairs thus created that this inter-provincial trading did not give the extent of control or regulation which was desired, but with the powers conferred by the Doherty Act, it was only a question of time before this would be righted. In Ontario a system of permits was established regulating the number and locus of these export liquor warehouses, but in other Provinces no such attempt at regulation was made, and a pernicious element was allowed to be introduced into inter-provincial trading.

On the whole, however, it is unquestionable that in their correction of manifest abuses these Provincial Temperance Acts have the support of a majority of the people, and that in their abolishing of the bar, and in the control of the trade in alcoholic stimulants they afforded, they are considered to have been of signal benefit to the Provinces which adopted them.

On 11th March, 1918, the position was that each Province of Canada, with the exception of Quebec, had enacted and had in operation a Temperance Act prohibiting the consumption of liquor in bars or public places, but allowing it to be brought into and consumed in private dwelling houses. On that date, however, there was issued an Order-in-Council under the War Measures Act, which after 1st April, 1918, prohibited the transportation of alcoholic liquors into prohibited areas, and there had been issued previously, Orders-in-Council prohibiting the manufacture and importation of liquor. These Orders-in-Council only affected districts which had enacted so-called prohibitory laws, and for the time being excluded the Province of Quebec, the effect being that, with this exception, the whole of Canada was placed under complete prohibition.

The distillers of Canada, who were seriously affected by this Order-in-Council, made representations to the Dominion Government stating their position. By law they had been compelled to mature their wares for at least two years before sale, which meant that there was at least two years' stock in hand. There was, however, a very much greater stock than this, because it had not been the practice of the Canadian Distillers to sell their goods at the earliest possible moment that they were legally entitled to do so, but, on the contrary, to retain them, and through the influence of ageing and maturing, to let the Canadian public have the highest class of distilled products. Nothing was done by the Dominion Government to ameliorate the position of the distillers, but the Orders-in-Council being war measures, and being in the opinion of the Government, measures which would help this country in the conduct of the

war, were so accepted and acquiesced in by the distillers. Actuated by similar motives, the public of Canada submitted to these measures without open murmur or protest, as they did to others imposing unusual restrictions on their liberty.

At the time there was no statement made by the Government that these Orders-in-Council were anything more than measures calculated to help in the winning of the war, and this was the understanding of the general public who were affected by them.

Ten months of experience have shown the inherent defects of measures purporting to be completely prohibitory, and have demonstrated how lukewarm and lacking in heartiness is the support accorded them by the public. It is a matter of common knowledge that those who could afford to do so made provision which will enable them to escape the effects of the law for an indefinite time, and that the offices of physicians have been so besieged by applicants for prescriptions for liquor as to cause uneasiness and annoyance to the profession upon whom this method of dispensing has been thrust. In noting the effects of these Orders-in-Council, it should be borne in mind that the duty of observing them was imposed upon the public by patriotic motives, and that had these motives not been present they would not have been as well observed. To-day we have in Canada more bootlegging and more illicit making of intoxicating liquors than has been the case for a quarter of a century, and the corrupting and blighting influence of prohibitory Acts has been too painfully manifested in the case of one great Province of Canada.

It is, therefore, contended by the Canadian distillers that while the people of this Dominion are

steadfastly opposed to the bar and public drinking, there has been no mandate to the Dominion Government to go beyond the legislation which has already been enacted by the Provinces, and which, in conjunction with the Doherty Act, gives the Provinces the right of self-determination in this matter.

So far as the distillers of Canada are concerned, they have no desire to have the matter of distribution and consumption of alcoholic beverages made a matter of political partisan interest, and they intend, as they always have done, to carry out, not merely the letter, but also the spirit of any Act placed upon the statute books of the Provinces of the Dominion. In this connection they hold themselves ready to confer and advise regarding the technical aspects of this question, and it has been a matter of regret to them that in recent years, when great and far-reaching changes were being made in legislation, that their services were not more fully taken advantage of.

It is as much in the interests of those who manufacture alcoholic beverages as it is of the general public that the opportunities for excessive indulgence should be removed, and the distillers will gladly cooperate in any movement which, while sanctioning the legitimate and moderate use of alcoholic beverages, will eliminate, as far as possible, the opportunity to abuse them. As a means of accomplishing this they have prepared a plan of legislation for which they ask unprejudiced and careful consideration.

It is felt that legislation on the subject of alcoholic beverages should come from the Provinces, and the legislative proposals of the distillers are based on the various Temperance Acts. As has been stated, the distillers are opposed to any restoration of public drinking bars, and the main feature of their legis-

lative proposals is that they not only perpetuate the prohibition of the bar, or public drinking place, but also make it possible to withhold alcoholic stimulants from those who abuse their use, and confer greater powers of regulation and control on those responsible for the administration of the law.

It is only possible at the present stage to give a brief outline of these legislative proposals. While many of the existing provisions of the various Temperance Acts will be retained, the principal new features of the proposals are:

1. The division of the Province into areas or zones.
2. The issuance of dealers' and factors' licenses.
3. Regulation governing shipment and delivery of liquor.
4. The prohibition of private inter-provincial transactions in liquor and of export warehouses.

1.—AREAS.

The reason for dividing a Province into areas is to provide the authorities with means of controlling liquor transactions. In each area there should be established an office conducted by a Government-appointed official, designated as a "Factor". It would be the duty of this Factor to receive orders for liquor from parties having private dwelling houses within the boundaries of his area, and to refuse orders from all other parties. Having satisfied himself that the order is from a bona fide resident within his area, the Factor would then forward the order to the dealer, specified by the purchaser.

There would, of course, require to be a sufficient number of Factors, and in some cities more than one would be necessary.

2.—LICENSES.

(a) **DEALERS' LICENSES.** Each Province of Canada should grant licenses to distillers, brewers or other persons licensed by the Dominion of Canada to manufacture liquor, and also to any person who produced evidence to the satisfaction of the proper authorities, that he is the properly constituted agent of a manufacturer of liquor in a foreign country, and that such manufacturer has for a period of not less than five years preceding been importing such liquor manufactured by him into the Dominion of Canada.

It will be seen that the intention here is to eliminate the middleman and to place the responsibility for the sale of liquor and its distribution on the Provincial Government and those who are directly interested in its manufacture. This would result in the elimination of the adulteration of liquor and would insure that the purchaser would receive exactly the goods he ordered.

A dealer's license should authorize the sale and delivery within the Province of liquor for beverage purposes, but only upon an order received from a Factor. It would therefore be impossible for any person whose order the Factor had been authorized to reject to obtain liquor within the Province, and by making a straight prohibition against the importation of liquor into the Province for private use, such interdicted person would be effectively restrained from securing liquor.

A dealer's license should state, in addition to the name of the licensee, and the warehouse in respect of which a license is granted, the name and address of the manufacturer of the liquor authorized to be sold, and should confer on the licensee the right to sell only the liquor made by that manufacturer. This

would prevent the possibility of admixtures or adulterations. As there are certain beverages the sale of which is small, it should be lawful for a person to possess more than one dealer's license.

It should be an offence for any dealer to sell for human consumption any distilled liquor, or any blend thereof, the whole or component parts of which have not been matured for two years.

There should be provision for keeping records of transactions and for making regulations for governing hours of business, construction of warehouses, etc. (See O.T.A. as to distiller's premises and export warehouses.)

(b) **FACTOR'S LICENSES.** A factor's license should not authorize the sale of liquor, but should only authorize the holder thereof, or his employees employed by him in the premises mentioned in the license, to receive orders for liquor.

Orders for liquor should be received from the purchaser personally or by mail, and subject to regulations as to inspection of orders to be made by the proper authority, should be forwarded to the licensed dealer entitled to sell the liquor mentioned in the order.

There should be prominently displayed in the Factor's office a list of persons holding dealers' licenses, the names of the manufacturers of liquors entitled to be sold, and the brand of such liquors, with the prices thereof.

No Factor's license should be granted to a person who directly or indirectly is beneficially interested in the sale of liquor.

There should be regulations as to hours of sale, location of office, and keeping records.

3.—INTERPROVINCIAL TRADING.

While the proposed legislation, aided by the Doherty Act, would effectually prevent parties outside the Province shipping into the Province, it may be necessary to obtain Dominion legislation to prevent unlicensed parties within the Province opening export warehouses for the purposes of conducting transactions in liquor with residents in other Provinces or foreign countries which have not prohibited the importation of liquor. There should be in the Act a prohibition against the keeping of liquor for export except by licensed dealers, who may keep for export liquor in respect of which they have been licensed.

4.—PROHIBITIONS AND REGULATIONS.

There should be a complete prohibition against selling liquor for beverage purposes except by the holder of a dealer's license, and except as specially provided, no person might have keep, or give liquor in any place other than his private dwelling house, and then only if the liquor had been lawfully obtained either prior to the commencement of the Act or within the area in which he resided, through the Factor.

No licensed dealer should allow liquor to be consumed for beverage purposes on his licensed premises.

There should be provisions similar to those in the Ontario Temperance Act allowing liquor to be kept and sold for mechanical and scientific and medicinal purposes. (See Secs. 41, 51, 51a, O.T.A.)

Societies, clubs, etc., should be prohibited from having liquor in their premises.

Power should be given to the administrative au-

thorities to issue instructions to the licensed Factor not to receive, and to licensed dealers not to fill, orders from persons adjudged to be inebriates, or who for any good reason should not be supplied with liquor.

5.—SHIPMENTS AND DELIVERIES.

In order to conform to the spirit of existing legislation provision should be made for prohibiting deliveries of liquor to the purchaser at the licensed dealers' warehouses. In the city or town where the warehouse is situated the dealer could easily provide his own vehicle for making delivery at private dwelling houses. In other cities or towns liquor could be sent by boat or rail and then delivered at the private dwelling house by express wagon. In places where there was no express delivery the purchaser, or some one having written authority from him, could call at the railway depot or wharf to which the goods had been consigned and there get delivery. In every case the package containing the liquor should be distinctly marked as to its contents, and should not be broken until it is received in the private dwelling house of the purchaser.

6.—MISCELLANEOUS.

It is intended to apply the provisions of the Ontario Temperance Act in so far as these are consistent with the present proposals, and special attention should be given to the definitions contained in that Act to the provisions governing applications for licenses, transfer and removal of licenses, to the enforcement of the Act and prosecutions thereunder, and to the constitution of License Boards and the power of inspectors appointed to administer the Act.

The practical operation of this proposed legislation would be that any person desiring to purchase liquor would go to the Factor's office in whose area he resides. In the Factor's office he would find displayed a list of manufacturers licensed to sell liquors, together with the names of these liquors and their prices. He would then fill the order for whatever goods he wished and hand same with the price thereof to the Factor. The Factor having satisfied himself that the address on the order was that of a dwelling house within his area, and that the party ordering had not been interdicted, would forward the order to the dealer, or dealers, whose goods were purchased. In due course the goods would be delivered at the private dwelling house of the purchaser.

It is here pointed out that if it is thought desirable to impose a lapse of time between the receipt of order and its delivery, this could be readily done, or if it is thought advisable to limit the quantity of liquor which a person may have, this method provides the means of doing so. It is suggested that where any person uses liquor to excess, or where by the use of liquor those dependent upon him are neglected, or even where a person wilfully fails to pay his debts, that person's name should be listed with the Factor, and so prevent him from obtaining liquor until he has purified himself of his default. The present system of interprovincial trade allows of no such control, and as will be readily seen, this proposed plan of legislation gives opportunities for imposing regulations and exercising control that no legislation in this country has ever had previously.

By licensing dealers and confining them to those interested in the manufacture, the possibility of adulteration of liquor is removed, while, dealing as he

would be with the manufacturer, the purchaser would be assured of a pure article at a reasonable price.

The contention of the distillers of Canada is that there has been no breakdown in the legislation enacted by the Provincial Legislatures, and that no reason has been given why, except for purely war purposes, the right to legislate in the matter of the sale, distribution and consumption of alcoholic beverages should be taken out of the hands of the Provincial authorities by the Dominion Government. On the contrary, it is submitted that the experience of the legislation enacted by the Provincial authorities has justified it, and that it should be left to the Provincial authorities to deal with this matter. In the Province of Ontario the present Provincial Act provides for a referendum being taken to enable the people of that Province to vote on whether they wish to continue the operation of the Ontario Act, or whether they wish to revert to the old system of public bar drinking. This referendum would be rendered unnecessary by any action of the Dominion Government, and if the people of the Province desired to continue the Ontario Temperance Act they would be prevented from doing so. This would be a clear interference with the enacted intention of the people of Ontario. It is sought by those in favor of complete prohibition to make the issue be one as between public drinking and prohibition. As has been shown on the previous pages, this is not the issue at all. The issue is really between Provincial Governmental control and complete prohibition, with this to be kept in mind, that any Province which wishes to do so can enact complete prohibition. There is, therefore, no reason why the Dominion Government of Canada should enforce on the people of the Provinces something which they can voluntarily enact for themselves.

Those interested in the enactment of complete prohibition are resorting to paid advertisements in the public press, and are making statements which, so far as the distillers of Canada are concerned, are without foundation. The distillers are not desirous of reviving inter-provincial trading. They recognize its defects, and their proposed legislative plan provides for its abolition. They have not adopted any method, insidious or otherwise, of discrediting the administration of Provincial Acts. So far from doing so, they have at all times co-operated in the most sympathetic spirit with those entrusted with the administration of these Acts, and they feel that were the authorities consulted in this matter they would acknowledge their services. They have not had letters sent to the newspapers in fictitious names, nor are they behind any movement which cannot stand the fullest public scrutiny. Their business is one which has been legitimized from the earliest times in the history of this Dominion, and they feel that it is one which is sanctioned by the responsible and temperate opinion of the whole people. They feel that if legislation on the lines which they suggest, providing for the right of the citizen to have and consume liquor in his private dwelling house and providing barriers from doing so to those who cannot use liquor properly, were adopted, the distilling industry and the brewing industry of Canada would be put on a stable and acceptable basis, and that the private rights of the individual and the public rights of society would be adequately conserved.

*Communications regarding this booklet may be addressed to
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