

Special Notice.

The TEMPERANCE JOURNAL is devoted to the Principle of Temperance and is designed as a family newspaper. It is issued on Saturday morning of each week.

The articles are specially selected and are such as to recommend the Paper to all.

Deputies of all temperance organizations are our Authorized Agents.

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As a Son of Temperance, and no doubt anxious to promulgate the principles of our order, will you not kindly bring the matter of the JOURNAL, and this method of distributing temperance literature, before your division. Every subscription helps us make the paper better, and more useful as a temperance medium. The divisions are as a general thing not particularly burdened with funds, but almost any division could subscribe for 10 copies, or at least 5 copies, or surely ONE copy, and every one helps.

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Fredericton, N. B.



RAISE THE STANDARD.

—OUR MOTTO—

NATIONAL PROHIBITION.”

Temperance Journal.

SATURDAY, JUNE 2, 1888.

AMENDMENT TO SCOTT ACT.

There were two Amendment Bills passed through the Dominion Parliament this year, to amend the Canada Temperance Act, and which have probably received the signature of the Governor General and become law before this. One was introduced by Mr. Jamieson and was in the interest of the temperance party the other was by Mr. Dalton McCarthy, which was in favor of the liquor interest. Mr. Jamieson's bill was so emasculated in the Commons and the Senate, that it would hardly be recognized by its author, as a measure to increase the efficiency of the Scott Act, after it passed through these bodies. Although the amendments made by the Senate were directly opposed to the principles of the bill, it seems they were concurred in by the Commons without debate.

Mr. McCarthy's bill was first introduced to make more definite the form of ballot to be used in Scott Act repeal contests, but when finally amended embodied in it a provision whereby druggists and physicians have been allowed much more license in the sale of liquors.

As will be seen by the synopsis of the Jamieson Bill below, several of the amendments will help enforce the act better in this province. After this there will be no excuse in searching premises. Section 10 of this act provides for a search warrant without the laying of any information, providing a witness proves upon oath that he has grounds for suspecting the sale of liquor in violation of the Act. Section 11 is a good section for the temperance people. It provides for the destruction of all liquors seized in respect to which the law has been violated. The old law provided for the destruction of 20 gallons only.

It will require a little time to discover just how the amendment will act, but we have reason to believe that the days of the promiscuous sale of liquor by the hotels have gone by. There will soon be no excuse for the authorities, and then we will see what we will see.

We clip the following synopsis of the amendments from the *Canada Citizen*—

The Jamieson Act contains fifteen sections.

Section 1 provides that a petition for the submission or repeal of the Scott Act may be deposited in any Registry Office in the

the Act stood before it necessitated the depositing of such petition in different offices, where there were several Registrars for the same county or district.

Section 2 and 3 make the Scott Act applicable to British Columbia, in which Province, from its wording, it was not before available.

Section 4 makes the Act applicable to certain parts of Ontario and other Provinces which are not organized into municipal counties, and which therefore could not before secure the benefits of the law.

Section 5 changes the law in reference to the sale for medicinal purposes. The old law prohibited such sale of liquor in quantities of less than one pint. The Jamieson Bill removes this restriction, and so permits of the sale by licensed druggists of a smaller quantity, when that quantity is sufficient. This section also provides that any medical man who gives a fraudulent certificate shall be liable to a penalty of \$20 for a first offence, and \$40 for a second or subsequent offence.

Sections 6, 7, 8 and 9 refer to the trial of Scott Act cases, making the jurisdiction of different magistrates, etc., more definite, and removing the grounds for technical objections to ordinary court procedure, upon which some Scott Act convictions have been quashed, and which were worked vigorously and effectively by Anti-lawyers.

The Scott Act as it stood provided for the search of premises for liquor only after cases had been brought against parties who were suspected to have liquor in their possession. Section 10 provides for the issue of a search warrant without the laying of any information, providing a witness proves upon oath that he has grounds for suspecting that liquor is kept for sale in violation of the Act.

Section 11 provides for the destruction of all intoxicating liquors seized, in respect to which the law has been violated. The law originally only provided for the destruction of twenty gallons.

Section 12 is a mere verbal alteration, necessitated by the clearer definition of the magistrates' jurisdiction.

Section 13 and 14 provide useful forms to be used in Scott Act prosecutions.

Beyond these a new clause is added to the Bill making a material alteration in section 114 of the Scott Act. This clause was put into the Bill by the Senate, and subsequently concurred in by the House of Commons. Section 114 originally read as follows:

On the trial of any proceeding, matter or question under any of the Acts or laws in the one hundred and twentieth section of this Act mentioned or under this Act, the person opposing or defending, or the wife or husband of such person opposing or defending, shall be competent and compellable to give evidence in such proceeding, matter or question. 41 V., c. 16, s. 123.

The new Act amends this section by striking out the words "and compellable," the result being that the parties named may give evidence, but are not required to do so. This simply means that they will always be permitted to give evidence in behalf of the defendant, but will not be witnesses for the prosecution. As a matter of fact section 114 of the Scott Act as it stood was one of the most valuable and effective provisions of the law, it never worked injustice, it never secured the conviction of any person who was not guilty, it made available as witnesses the parties most likely to know all about the case. In prosecuting, it was customary to place the defendant in the box. As the first witness, being a compellable witness, he had to answer questions asked him. Not knowing what other evidence was forthcoming, and fearing a charge of perjury in case he swore falsely, the defendant was very likely to tell the truth, and would confess to having kept and sold liquor. Under the law as it now stands he cannot be compelled to give this evidence, and the prosecution is practically deprived of the most valuable witnesses.

The McCarthy Act in the first place, provides that no repeal vote

shall be taken till within thirty days of the time at which the Scott Act has been three years in operation. This is really making matters a little worse than they are now, as we have at present an Order in Council prohibiting the taking of such vote until fifteen days later than the time specified by Mr. McCarthy.

It further provides that an Order in Council repealing the Act may be issued at any time after the expiration of thirty days from its adoption and shall go into force immediately on its publication.

The same Bill provides that the ballots to be used in the case of Scott Act repeals shall be printed *Against the Act*, and *For the Act*, instead of *For the Petition and Against the Petition*. The words *Against the Act*, to be printed in red ink. The bad part of the McCarthy Bill however is section 11:

Nothing in "The Canada Temperance Act" shall be held to interfere with the purchase or sale, by legally qualified physicians, chemists or druggists, of the following articles, that is to say:—

(a.) The official preparations of the authorized Pharmacopœas when made of full medicinal strength, and sold only for medicinal purposes;

(b.) Physicians' prescriptions containing spirituous liquors if sold in quantities of not more than ten ounces at any one time;

(c.) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage, the sale of which is a violation of "The Canada Temperance Act;"

(d.) Eau de Cologne, bay rum, or other articles of perfumery, lotions, extracts, varnishes, tinctures, or other pharmaceutical preparations containing alcohol, but not intended for use as beverages;

(e.) Alcohol or methylated spirits, for pharmaceutical, chemical or mechanical uses;

Now, clauses, a, c and d of this section of the Act give to druggists no power which they did not exercise before. Everyone living in Scott Act counties knows that druggists freely sold the articles mentioned in clauses a, c and d, and no prosecution was ever brought, and no penalty ever imposed for such sale, except in one or two cases, when, what was really liquor was sold with some slight flavoring and called medicine. Clause b opens wide a door to indiscriminate and unpunishable selling of liquor by any doctor or druggist, whether licensed or not.

We have put the whole of the changes before our readers, and as briefly as possible. The Scott Act as it now stands is applicable to a wider territory than that in which it was before available. The provisions for enforcing it are clearer and simpler, but beyond this it has in it less of Prohibition than it had before, and one of its former weaknesses was that it had not in it enough of Prohibition.

NOVA SCOTIA'S WORK.

On the 8th of May the second quarterly session of the Grand Division of Nova Scotia was held at North Kingston. Since that date the *Clarion*, official organ of the Sons of Temperance for that province, has been publishing the reports of the Grand Officers and the committees. The reports have been interesting reading, showing the work and the difficulties experienced by the banner Grand Division of North America.

In the report of the Grand Scribe, Rev. R. Alder Temple, under the heading of 'Legislation' we find the following pertinent remarks which will commend themselves to the brothers of this province as well:

The petition of the Grand Division of Nova Scotia praying for the passing of an Act submitting the question of the total prohibition of the liquor traffic in Canada to the verdict of the electorate at the polls, has been transmitted to Sir Charles Tupper and the Hon. L. G. Power, to be presented by them to the two Houses of Parliament, and communications acknowledging the receipt of these papers will be laid before the Grand Division. The petition, together with similar petitions from the Grand Divisions of New Brunswick and Quebec were presented to the House of Commons on 9th of April last. Whatever may be the fortune allotted to these petitions, they, without question, indicate the policy of our Order in the Dominion. Our final appeal

must be to the people of Canada. We are of opinion that it would be premature to coerce prohibition in advance of public sentiment. The 'set time' for the adoption of a prohibitory law will be when the people are prepared to demand and enforce it with a unanimity which will place it beyond the reach of the perils and hazards of political partizans' ip. When that day comes no government that regards its own interest will refuse to grant it, and cannot do so without periling its own existence and incurring the forfeiture of the reins of government to those who will carry into effect the wishes of the people. Whether that day is far or near is a question for the electorate of Canada to answer. In the meantime our work as an order is to plant the seed and cultivate the growth—to organize and educate—to vote temperance as well as practise it; and as surely as the harvest follows the seed-sowing, so surely will prohibition come in God's good time."

The committee on the state of the order submitted a lengthy report. It is evident from one of the sections that the question of the third party, has been agitating the membership of the order in Nova Scotia, as well as in Ontario, and in this province. The committee in dealing with the subject has to say:—

"The Circular issued by the Executive, defining the attitude of our Order toward political parties, meets with the approval of the members at large. We deem it wise to here quote the decision of the National Division as given in the Circular. It is as follows:

We are not, as an Order, to aim at advancing the peculiar interests and views of any party in politics, or any sect in religion. * * *

We are bound to vote Temperance as strongly as we are bound to practise it; but of the mode of doing it every member must be left free to decide for himself. It must be wholly left to each one's judgment and conscience. * * * In becoming Sons of Temperance we relinquish none of our rights as citizens.

The meaning of this decision cannot be misunderstood by any one who is inclined to act fairly and honestly toward us 'as an organization; and if the Divisions of our Order, while discussing in the fullest and freest manner the great and important question of PROHIBITION, will only be guided by that decision, there will be no weakening of our organization or wasting our strength; but when the crucial hour comes we will march into the field as a well-organized, thoroughly disciplined, and effectively equipped contingent of the army which will yet plant the white banner on the ramparts of the rum traffic. Let us be true to our principles; true to the lines on which those principles are to be brought into effective practice; and when the grand ensign floats victorious in the breeze, our regiment flag—the flag of Love, Purity and Fidelity—will wave proudly by its side."

Another subject is dealt with by the committee which is of special importance to the order in this province at this time, viz, that of District Divisions. At the Semi-annual session of the Grand Division a committee was appointed to consider and report upon the advisability of undertaking the formation of these branches in this province; the said committee to report at the Annual session. In view of these facts it will be interesting to know the experience of Nova Scotia as expressed through their committee on the state of the order. The report says:—

"The hopes held out in the formation of District Divisions have been in part realized. May we witness in the near future the full fruition of these hopes. Let the work of organizing these District Divisions continue; and let the Divisions, when organized, go out and faithfully do the duty assigned. But care must be taken that the work of the Subordinate Division is not neglected—that the present active workers in the Division rooms are not overworked, to the injury of that which should have the first claim on their time and attention. With care, this need not be but the new departure may be made to work satisfactorily for the general good. Under the special care of the Agency committee, as we judge from that committee's report, the District Divisions have already done good

work; and we recommend that the Executives continue their encouragement and aid in the formation of these valuable auxiliaries."

While we have quoted quite freely from the report of this committee we feel constrained to publish the closing remarks also, which contain much to encourage, stimulate and cheer. Our principles are heaven-born. The record of our Order is one of which we may well feel proud. The blessings of the rescued victims of a devilish traffic are ours. The further rewards for work well done may be ours if we seek them. Let us so seek. Let each one assume a fair share of the responsibility and each one will have a share of the glory for the workers in this great cause.

A WORD TO THE WISE.

The question of compensation to the liquor traffic is advocated by some and it will probably come up in a practical form for temperance people to consider before the whole question of Prohibition has been fought out. An exchange says that:

"The British government, in the Local Government Bill, had embodied a clause granting compensation to liquor dealers whose licenses may be taken away, should the bill become law. The government lawyers defended the provision that the publicans had a vested interest in the license; because, once obtained there was a presumption that it would be continued. A test case has been up before the Queen's Bench, and the decision is that this provision of the bill, put in by the government to win the support of the liquor interest, is illegal; because the fact that license is to be taken out pre-supposes the right to withhold it. This is common sense, and we are glad it is law as well. This decision is of importance to us here in the Dominion, as it will be a precedent, should the time come when the question of compensation shall be raised here, as we believe it will. It may help abash the politicians who have already assented to this evil principle."

TRICKS OF THE TRADE.

In evidence given at a late Scott Act trial in Moncton, the following very suggestive points were brought out:

Legere admitted in his evidence that he was the clerk and that there was a bar-room in connection with the hotel; that various kinds of intoxicating liquor was kept there, though he had never seen any sold; that by means of a secret appliance beneath the counter in the office, connected by a wire with the lock on the bar-room door, he could lock or unlock the door without moving from his position at the counter and could keep out or let in whomsoever he wished; on some occasions he had let in parties and on others had kept out parties who were objectionable.

They do not allow 'suspects' in the vicinity of the bar-room doors in the Fredericton hotels, we are informed. The watcher who is either at the front door or window quickly rings the alarm, and—the door is shut.

GURNEY DIVISION ANNIVERSARY.

The forty-first anniversary of Gurney Division, No. 5, S. of T., was celebrated last night in their hall by a very successful entertainment. This division was organized in the old Roman Catholic hall on Sydney street on the 19th of May, 1847. There were 19 charter members, of whom only four or five are living, viz.: Charles A. Everett, Chief of Police Marshall, Joseph W. Lawrence and R. D. McArthur. After the organization of the division it met in the Institute, and afterwards the meetings were held in several places. In 1849 the division moved into a building on the lot on which the police station now stands. There they remained until 1877 when their building was destroyed by the great fire. The meetings of the division were held in several places until 1878, when they took possession of the rooms in the market building which they now occupy. The division have, during their existence, initiated over 6,000 persons and the division has now over 230 active members.

The programme of the entertainment last night, John P. Bell presiding, was as follows: Address, C. A. Everett; piano solo, A. Wilbur; reading, James Woodrow; address,