

SPECIAL NOTICE.

The TEMPERANCE JOURNAL is devoted to the Principle of Temperance, and is designed as a family newspaper. It is issued on Thursday 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.

SUBSCRIPTION RATES:

One Copy, one year, \$1.00
 " six months, .60
 " three months, .30

Subscriptions must invariably be paid in advance. Postage stamps will be taken when more convenient to the party remitting. Clubs of four and over will be sent the paper for 75 cents per year.

ADVERTISING RATES:

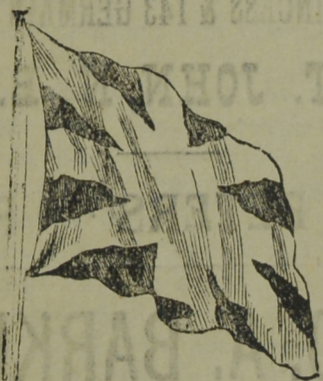
A limited number of advertisements will be taken at the rate of ten cents per line, minimum measure, five cents for each subsequent insertion. Special rates given for yearly advertisements.

All communications to be addressed to
HERMAN H. PITTS,
 EDITOR AND PROPRIETOR,
 Fredericton, N. B.

OFFICIAL CORRESPONDENTS.

The following have been appointed Official Correspondents for the JOURNAL from their Divisions.

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- C. F. Mann, Baillie Division, Baillie St. James, Char. Co.
- John Keenan, Lewisville Division, Lewisville, Moncton, West. Co.
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RAISE THE STANDARD.

—OUR MOTTO—

"NATIONAL PROHIBITION."

Temperance Journal.

THURSDAY, AUGUST, 5, 1886.

HOW TO BRING A CHARGE AGAINST A RUM SELLER UNDER THE SCOTT ACT.

EVERY MAN HIS OWN LAWYER.

Hardly a week passes but we have applications for information as to how a case should be conducted against a violator of the Scott Act. For the information of those who are in sections of Scott Act counties where there are no lawyers, we give copies of the necessary papers. The "Canada Temperance Act" or Scott Act, so called after the framer of the Act, is divided into three parts. The first has reference to the bringing in force of the act in a county or city, and gives the procedure in making out petition, and mode of balloting etc. The second part is the act proper, and refers to the mode of conducting the prosecution of violators, what amount of liquor may be sold, and what constitutes an offence under the act. The third part, is to be taken in connection with the second part and has reference to Penalties and Prosecutions, for offences. When a person has sufficient evidence against an individual for violating the law he should make a charge in the following form, either before a Police, Stipendiary or Sitting Magistrate, or a commissioner of a Parish Court, or if these are not available, before two Justices of the Peace for the County.

FORM I.

CANADA, PROVINCE OF NEW BRUNSWICK, COUNTY OF PARISH OF

The INFORMATION of (here put in the man's name who prefers the charge) of (name of Parish or Village), in the said (name of County), taken before me, the undersigned (Police or Sitting Magistrate or Justice of the Peace), in and for the said (name of Parish), at _____ aforesaid, this _____ (date) day of (here month) in the year of our Lord one thousand eight hundred and eighty six (here year) who saith, (here write in your own hand the following form).

Richard Roe, of the Parish of St. Marys, did between the first and twenty-sixth day of July instant, in the Parish aforesaid, in the County of York, unlawfully sell intoxicating liquors, contrary to the second part of the "Canada Temperance Act of 1878" which is in

force in the said Parish of St. Marys, County of York.

WILLIAM DOE.

Taken and Sworn before me the day and year and at the place above mentioned.

The Magistrates must sign their name here.

In making a charge against an individual it is always better to cover from ten to twenty days, and not to specify a certain day or case in which the liquor was sold. Also select as witnesses, parties whom you think would be the least liable to make a false oath, as many are inclined to do to protect their friends. The person making the charge must sign the same in the presence of the Magistrates.

Although the informant can ask to be a witness, it is not best to depend on the evidence of one, so at the time of bringing the information if you know of any witness whom you think would not be likely to give evidence unless compelled, you can ask the court to summon the same, who will use the following form.

FORM II.

CANADA, PROVINCE OF NEW BRUNSWICK, COUNTY OF PARISH OF

To _____ in the County of _____

WHEREAS information was laid before me, the Justices of the Peace in and for the Parish of _____ of _____ for that _____ of the _____ at the _____ aforesaid, (Unlawfully sell intoxicating Liquors contrary to the second Part of the Canada Temperance Act of 1878.)

And it hath been made to appear to me upon oath that you are likely to give material evidence on behalf of the (Prosecution) in this behalf. These are therefore to require you to be and appear on the _____ day of _____ at _____ o'clock in _____ noon, at the _____ Office, in the Parish of _____ aforesaid, before me, or such Justice or Justices of the Peace for the said County as may then be there, to testify what you shall know concerning the matter of the said information.

Given under my hand and seal this _____ day of _____ of our Lord one thousand eight hundred and eighty _____ at the _____ in the County aforesaid. (Magistrate's Name.) L. S.

After making this oath, the Justices will subpoena the witnesses named in the above by the following summon.

FORM III.

CANADA, PROVINCE OF NEW BRUNSWICK, COUNTY OF PARISH OF

To _____ in the County of _____

WHEREAS information was laid before me, the Justices of the Peace in and for the Parish of _____ of _____ for that _____ of the _____ at the _____ aforesaid, (Unlawfully sell intoxicating Liquors contrary to the second Part of the Canada Temperance Act of 1878.)

And it hath been made to appear to me upon oath that you are likely to give material evidence on behalf of the (Prosecution) in this behalf. These are therefore to require you to be and appear on the _____ day of _____ at _____ o'clock in _____ noon, at the _____ Office, in the Parish of _____ aforesaid, before me, or such Justice or Justices of the Peace for the said County as may then be there, to testify what you shall know concerning the matter of the said information.

Given under my hand and seal this _____ day of _____ of our Lord one thousand eight hundred and eighty _____ at the _____ in the County aforesaid. (Magistrate's Name.) L. S.

You will now have your part of the preliminary arrangements completed. The Justices of the Peace should then issue the following to the party against whom the charge has been preferred:—

FORM IV.

CANADA, PROVINCE OF NEW BRUNSWICK, COUNTY OF PARISH OF

To _____ of _____

WHEREAS INFORMATION hath this day been laid before the undersigned Magistrate, in and for the _____ for that you did, _____ the _____ day of _____ at the _____ aforesaid in the (Unlawfully sell intoxicating Liquors contrary to the second Part of the Canada Temperance Act 1878 which is in force in the said _____)

THESE are therefore to command you, in Her Majesty's name, to be and appear on the _____ day of _____ at _____ o'clock in the forenoon, at the _____ office, in the said _____ before me, or such Justice or Justices of the Peace for the said County as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and Seal, this _____ day of _____ of our Lord one thousand eight hundred and _____ at the _____ aforesaid, in the County aforesaid. (Magistrate's Name.) (Seal)

On the day of the trial you will appear and have an eye to the proceedings, and ask to be called upon to give evidence if you have any to give bearing on the case. You have the privilege of conducting the case and examining and cross-examining the witnesses if you so desire, or the Justices may do this themselves. It will be first necessary for you to prove the act to be in force in the County, although it may be a well known fact. You will therefore procure a copy of the Royal Gazette containing the announcement of the same and in every prosecution present this as evidence of the Act being in force, or the conviction may be quashed on this apparently small point.

It would be well for the party

making the complaint if he proposes to conduct his own case to have a copy of the Act, which can be procured from almost any book-store, or from the JOURNAL Office, and be read up on the various points likely to be taken at the trial.

Section 119 reads:

119. When in any house, shop, room or other place in any municipality in which any prohibitory by-law passed under the provisions of "The Temperance Act of 1864," or of this Act, is in force, a bar, counter, beer pumps, kegs or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in are found, and spirituous, fermented or other intoxicating liquor is also found in such house, shop, room or place, such liquor shall be deemed to have been kept for sale contrary to the provisions of such Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who keeps therein such liquor for sale.

120. In proving the sale or barter or other unlawful disposal of liquor for the purpose of any proceeding relative to any offence under the said "The Temperance Act of 1864," or under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the Justices, Magistrate or other officer or court hearing the case, is or are satisfied that a transaction in the nature of a sale or barter or other unlawful disposal actually took place.

121. In any prosecution under the said Temperance Act or under this Act, for the sale or barter or other unlawful disposal of intoxicating liquor, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Magistrate or other officer trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

THE SONS OF TEMPERANCE.

A SKETCH OF THE HISTORY, WORK AND OBJECTS OF OUR ORDER.

By Bro. Thos. Webster, Past Grand Scribe in the Son of Temperance for January.

This organization was instituted in the City of New York, September 29th, 1842, to supplement, solidify and perpetuate the results of the Washingtonian Reformation. For forty-three years the Order has been working diligently and increasing in numbers and power. It is now composed of four National Division, about seventy Grand Divisions, and nearly three thousand subordinate Divisions embracing every State and nearly every territory of the Union—also, Canada, Great Britain, and the Islands of both the Atlantic and the Pacific Oceans, and it has enrolled more than three millions of persons. Its fundamental principle is total abstinence from all intoxicating drinks. It presents a paternal combination to meet and overcome the social allurements of intemperance and the combined influence of the liquor traffic. Its beautiful and instructive ritual, filled with the spirit of love, and self-sacrifice for the welfare of others, appeals to the highest faculty of human nature. The plain and simple constitution, practical code of laws, sound financial basis, co-operation, sympathy and union with the moral and Christian elements of the country, are making it one of the most powerful agencies against intemperance and the liquor traffic in the world. The growing temperance sentiment of the country necessitates permanent organizations, in order that the good accomplished by the Murphy movement and previous efforts may be perpetuated. The experience, moral, numerical and pecuniary strength of the Sons of Temperance, offers every advantage necessary to satisfy the requirements of such an organization.—Its membership is composed of the best class of persons of both sexes, old and

young, who are actuated by a common purpose of reclaiming the fallen and throwing around them an influence calculated to benefit them morally, socially and intellectually. The Order aims to educate the children in the principles of total abstinence, through organizations of the Cadets of Temperance, superintended and managed by the Divisions, and create a wide-spread public sentiment in favor of total abstinence and to support and aid in carrying forward ALL movements designed to suppress the vice of intemperance. Not only does it aim to reform and save the drunkard but also seeks to throw safeguards around the innocent, which shall prevent them from becoming victims to the vice of intemperance.

The Division Room is an educator, and possesses the charm of a social circle, where there exists the warm fraternal feeling and a community of interest. Those who enter this group come into an assembly of sympathetic friends, who receive them into cordial fellowship, and take a kindly interest in their welfare. As the bar-room has its social fascinations, so this Order aims to render temperance attractive. In addition to the social features, new and beautiful ceremonies are employed. The exercises at the regular meetings are always of an interesting character, being an agreeable blending of business and social recreation. Its grand purpose is indisputably an offspring of the gospel. Its principles, laws, and practices are in accordance with its motto, "Love, Purity, and Fidelity."

Since the Order was first instituted it has been steadily at work saving the fallen and advancing the temperance sentiment among the people. Many of the leading and most influential statesmen and orators, of the past and present, commenced their work in the Division Room, and owe a portion of their success to the Sons of Temperance, of which they are still members.

TAX VERSUS LICENSE.

[The following was refused a place in the Indianapolis Times.—Ed.]

Your correspondent R. B. Blake, in this morning's issue, thinks 'the system of restraint upon the liquor traffic, commonly called the license system, might more properly be termed the tax system.' It is well enough to have a clear understanding about terms so commonly used at this time. If the document the saloon keeper receives after paying his \$100 to our county Auditor is merely a receipt, like that we all receive when we pay our taxes, then it should be called a tax receipt and should not read "The said A. B. is hereby licensed to sell liquors in less quantities than a quart," in such a place for such a time, as it now does. Such wording conveys to the average mind the impression that we, the people, do by and through our properly constituted officers, permit the saloon keeper, in consideration of a certain sum of money, to carry on his nefarious business. This impression is so clear and distinct in the minds of many conscientious men that they cannot vote with a party that favors this method of "restraining the liquor business." Hence it is of the greatest importance to have the correction made in the phraseology of the law on the subject, if our law makers have made a mistake in the use of the word intended. But we think they make no mistake. They used the word that conveyed the idea intended. They intended to permit, which is the same as to license, the liquor dealer to carry on his business of drunkard making on the payment of the sum demanded, and he understands it so himself. If he did not he would not have paid the fee. If you should demand that he quit the business on account of the temptation he is putting in the way of your son or brother, he would quietly point you to his license, and tell you that there was his permit to sell to whomsoever he pleased.

But a word as to this tax, as R. B. B. prefers to call it, being a restraint upon the business. He needs to enlighten us on this point. It would seem that when a man pays for and gets a license to do a certain thing, the restraint that was heretofore placed upon him was removed. Payment of the tax demanded instead of being a restraint upon the liquor dealer is a license to him. If Mr. B. thinks the sale of liquors and the business of drunkard making is lessened by the wiping out of the few saloons that are unable to pay

the tax, (procure a license) he is laboring under a serious mistake. Take any block in our city, for example, where two or more saloons are now in existence. Suppose that a tax (license fee) was made high enough to close one of them, will Mr. B. say that the thirsty victim of alcoholic poison, when the fever of drink is upon him, will stop, turn around and go home sober when he finds the door of his favorite saloon closed, while another half a square farther on stands with doors open and liquors temptingly displayed?

No, the closing of half our saloons would not reduce the amount of drinking a gallon in the year. In Chicago, with a \$500 tax, (license fee) there are almost or quite as many saloons as before, and the amount of liquors drunk has largely increased beyond the ratio of the increase of population. In many other cities and towns in Illinois the number of saloons has increased since the high license law went into force.

J. G. KINGSBURY.

Indianapolis.

MAINE.

In reply to a statement accredited to Dr. Howard Crosby concerning the alleged failure of prohibition in Portland, Rev. Dr. I. P. Warren, editor of the *Christian Mirror*, concludes a lengthy, emphatic denial as follows:

"As to the benefits which this law, imperfectly as it some-times and in some places has been executed, has conferred upon this city and State, I can only say that in our opinion they are inestimable. The law has now been in force thirty-four years. Innumerable attempts has been made to substitute a license law for it, or in some way modify the stringency of its provisions, but they have totally failed. A year ago prohibition was placed in the constitution of the State by a popular majority of over forty seven thousand. Do you want any other evidence of what the people of Maine think of their law? Is it not to be supposed that by this time they understand it? Do you think they want arguments or allegations from abroad as to whether it is enforced or not, whether 'prohibition is a failure,' whether our cities have 'more saloons to the population than New York City,' or whether it is best to descend from our high ground, approved by experience and equity, to any scheme of license, high or low, under which grog-shops are multiplying and growing in power in most of the States of this Union?"

"I speak particularly of the working classes, for they are the nearest objects of my own sympathies, and they suffer most deeply from intemperance when they are addicted to it. The rich, when they drink, have in their surroundings breakwaters that ward off much of the sea of misery that flows at full crest upon its poorer victims. But I must not be understood to say that intemperance is confined to the poorer people; its venomous fangs reach upward through all ranks of society; it crosses marble thresholds, nestles in the boudoir of high-born ladies, lurks amid the books of the professional man, in the parlors of the princes of the people, and in those elevated regions it gains new intensity in its virus, with which it will with redouble fury lash the multitudes who occupy the lower planes. The higher ranks drink as well as the humbler, and the example of the former provokes the weakness of the latter, and it is the power of the high and proud victims of alcohol which mostly neutralizes our efforts in behalf of the poor; they hug their decanter, and do not wish us to demolish the poor man's bottle, lest the destructive blow in its recoil might shatter their own pet idol."—Bishop Ireland.

JANEVILLE DIVISION.

Janeville Division No 314 S of T was organized at Janeville, Gloucester County on Saturday 24th July. The following office bearers were elected.

- Hugh A. Caie, W. P.;
 - Edwd. Scott, W. A.;
 - Edwd. L. Caie, R. S.;
 - W. McKenzie, F. S.;
 - Ernest Parrott, T.;
 - Ellen Caie, Chap.;
 - Alex Sullivan, C.;
 - Annie Eady, A. C.;
 - Edwin Ellis, I. S.;
 - James Curren, P. W. P.;
 - Edwd. L. Caie, D. G. W. P.
- Night of meeting, Saturday.