

THE DAILY EXAMINER.

APRIL 5, 1888.

Another Retreat.

YESTERDAY we ventured the statement that the Patriot would find it "impossible to break the force of Mr. Ferguson's strong and conclusive argument." But little did we imagine that it would so soon beat a retreat from the position taken by its party as to Sir Richard's resolution—that having backed down from Commercial Union, it would be ready to back down from Unrestricted Reciprocity. The Patriot now says that:—

"No one probably who is advocating the scheme of unrestricted reciprocity, attaches the meaning of absolute to the term 'unrestricted.'"

The dictionary says that "unrestricted" means,—"having no restriction, limitation or qualification—absolute," and a majority of persons attach that meaning to it. Moreover, Sir Richard and his supporters in Parliament have constantly argued on the supposition that "unrestricted" meant absolute. The Patriot is, therefore, altogether wrong in its statement.

The Patriot says sugar, for example, "might be placed among the exceptions;" and if sugar, why not all other raw materials not natural products of the two countries?

It is creditable to the Patriot that it has been so soon taught by Mr. Ferguson to discern one of the essential weaknesses of the Unrestricted Reciprocity scheme adopted by its party. Guided by the Charlottetown Board of Trade, the Grits of this Province were among the first to discover that Commercial Union was impracticable; and now they are beginning to see that Unrestricted Reciprocity "will never do." It may be that they will also be the first of their party to see that the policy of the Government is best for this country.

The Congress of the United States have been constrained to admit some of the products of Canada free of duty; and the Government of Canada have promptly and fully reciprocated the courtesy. We regret that Congress has not yet made potatoes, horses, etc.,—in which the farmers of this Province are particularly interested—free of duty. But it is pleasing to note that the States are, at last, beginning to take advantage of the standing offer of Reciprocity in natural products held out by the Canadian Government ever since 1878.

—The appellation, "Organized Hypocrisy," as given to the Grit Party of Canada, is most appropriate. At present they are even boasting over the miscarriage of justice in the Glangary election case, and rejoice that through a flimsy indictment their sample purist, Patrick Purcell, holds his purchased seat, which, by his own confession, cost him \$36,000. The Patriot, although strongly supporting "the party of purity," dares not defend this outrage. Verily the "Reform" party is a delusion and a snare.

—As much interest has been evinced in the latest decision of Mr. Justice Peters concerning the Canada Temperance Act, and as some persons have presumed to doubt the correctness of THE EXAMINER'S summary report of it, we publish to-day the ipsissima verba of the learned Judge's judgment as to the interesting points in the case. But it must not, therefore, be inferred that THE EXAMINER'S opinions are in agreement with those of His Lordship. On the contrary, THE EXAMINER regards the conclusions of Judge Peters as erroneous and mischievous.

—It is understood that an arrangement has been arrived at between the Government and the Canada Pacific, whereby the company agrees to the cancellation of the monopoly clause in its charter upon terms which, when made public, will be found to be mutually advantageous to the country and to the company. The surrender of the monopoly no longer necessitates the continuance of the disallowance policy, and consequently it is fair to assume that there will be no further disallowance of Manitoba railway charters.

—The annual report of the United States geological survey gives the usual statistics of the mineral products of the republic, from 1882 to 1886, respectively. The total value in the former year was \$453,165,000 and in the latter \$465,327,000. The increase is less than might have been expected though the aggregates for both years are large. Coal holds the first place on the list, the value mined in 1886 being of anthracite, \$76,119,120, and of bituminous \$79,481,596. Pig iron comes next with \$75,195,000, followed by silver, \$51,000,000; gold, \$35,000,000; lime \$21,500,000, and petroleum, \$20,028,000. Next in order came building stone, copper lead and natural gas, the latter being estimated at \$3,750,000, having increased from \$215,000 in four years.

General Lew Wallace, the author of Ben Hur, is said to be comically absent minded. He has been known when at breakfast to put two heaping teaspoons of sugar on a soft-boiled egg, and then almost before the laughter had died away, to salt his coffee with great deliberation.

Miss Austine Sneed, better known as Miss Grandy, a Washington correspondent of several Eastern papers, died of pneumonia in Washington, last Thursday. She was one of the best known female correspondents in Washington.

Mr. Jefferson Matthews, of Dover, Ark., went out hunting for Mr. John Williams one night last week, and by mistake shot and killed Mr. Roman Barnes. On learning of his error Mr. Matthews expressed regret.

A Brooklyn girl ate arsenic to destroy pimples. The pimples are gone. So is the girl.

St. Peter's

The members of the flourishing Band of Hope in connection with the above-named church have to be heartily congratulated upon the very successful and thoroughly enjoyable entertainment held last night in St. Peter's Schoolroom. The programme was a lengthy one, and its contents judiciously varied. The performers, with only one or two exceptions, were members of the Band of Hope, and some of them of very tender years. The three pieces, viz: the "Touchy Dialogue," "Irish Dialogue," and the "Quack Doctor," of which the two former are original, were well put on the stage, and rendered with great effectiveness by the performers, to the supreme amusement of the large audience present. The performance of Signor Grandini and his travelling company was highly satisfactory, and reflected great credit on those very small children who sustained it. "The Haunted House," a character song, was well given, and equally well received, if we may judge from the merry peals of laughter with which it was greeted. Several songs were sung by the boys and girls during the evening, the rendering being careful and very pleasing, particularly "Whip-poor-will" and "Good Night, Ladies." Special praise is due to the little ones who sang, and that so prettily, "Tommy was a Small Boy," with action. Mr. Tanton sang with much pathos and care "My Mother's Wedding Ring," and the Rev. Fred E. J. Lloyd sang "Let Me Dream Again." Miss Alice Webb fulfilled, with much satisfaction and good nature, the somewhat arduous duties of accompanist. Lastly, a very hearty word of praise is due to Miss Harris and Mr. W. C. Harris, Jr., for the manner in which they undertook the superintendence of, and carried out, the necessary preparations, which must have been great, for the thoroughly good entertainment of last night.

Too much praise cannot be awarded to the boys of St. Peter's School for the noble way in which they performed their several parts in the dramatic entertainment of last evening. They labored hard to please the audience, and do so to perfection. In our St. Peter's School boys have a band of warm-hearted fellows that seem destined to become great by means of the drama. We applaud too much every crank that comes from a foreign country, and forget our clever boys at home who one day will be the pride of our nation. The entertainment, on the whole was a grand success.

The Hospital Bazaar.

The annual bazaar and tea in aid of the Prince Edward Island Hospital opened in Market Hall to-day. The management have left nothing undone to please all who attend. The hall has been nicely decorated for the occasion, and the different tables are well stocked with useful as well as ornamental articles. The refreshment and tea tables are well filled with good things, and those who patronize them cannot fail to be pleased. Following are the names of the ladies in charge of the different tables:—

Apron Table—Mrs. L. M. Poole, Mrs. B. Hartz, Mrs. C. H. Cooke and Mrs. J. M. McLeod.

Fancy Table—Mrs. George Macleod, Mrs. W. H. Finlay, Miss Snaddon, Miss Annie Beer and Miss Lowden.

Refreshment Table—Mrs. Joseph Unsworth, Mrs. C. Lewis and the Misses Brown.

Candy Table—Mrs. A. A. Bartlett and Miss Ball.

Tea Table No. 1—Mrs. McKinlay and Mrs. Sharp.

Tea Table No. 2—Mrs. Farquharson and Mrs. Sutherland.

Tea Table No. 3—Mrs. Hobbs and Mrs. Batt.

The bazaar will be continued to-night. Don't fail to attend and secure some of the splendid articles on sale as well as pass an enjoyable evening.

Rifle Association Meeting.

The annual general meeting of the P. E. Island Provincial Rifle Association was held last evening in the City Courtroom. There was a fair attendance of members from the city. The President, Lieut.-Colonel Irving occupied the chair.

The minutes of council for the past year were read, and the annual report of the Association, with a statement of the finances by the Treasurer, was submitted and adopted. The following gentlemen were elected officers of the Association for the ensuing year:—

President—Lieut.-Colonel Irving, unanimously re-elected.

Vice-Presidents—Lieut.-Colonel Francis Doherty, for Queen's County; Major F. S. Moore, for King's County; Captain E. Macdougall, for Prince County.

Members of Council—Captains Passmore, Longworth, Henderson, Stewart and Weeks for Queen's County; Lieutenants Hooper and Davison for Prince County; Lieutenants Stewart and White for King's County.

Senator Carvell and L. H. Davies, Esq., M. P., were re-elected Members of Council of the Dominion Rifle Association for P. E. Island.

Lieut.-Colonel F. Doherty was unanimously chosen to command the inter-maritime team. This match will be shot this year on Bedford Range, near Halifax, on the second Thursday in June.

At a meeting of Council, held immediately after the annual meeting, the President, Lieut.-Colonel Irving, was elected Chairman of Council, and Major G. L. Doherty Secretary-Treasurer.

Alice McKenna, violation Canada Temperance Act, first offence, \$50 or one month.

Philip Curley, violation Canada Temperance Act, four third offences, two months each—eight months imprisonment.

Four other Scott Act cases were dismissed and six adjourned.

HAVE decided to clear out balance of stock of Carpets, in Brussels, Scotch, and Tapestry, goods must be sold—bargains will be given. J. B. Macdonald, ap 5 d w

What is Intoxicating Liquor?

JUDGMENT OF MR. JUSTICE PETERS IN THE CASE OF WEATHERBIE VS. NICHOLSON.

This was an appeal case tried by me at the Georgetown Court. The defendant was convicted by two Magistrates of selling spirituous or intoxicating liquors contrary to the provisions of the Canada Temperance Act. That the defendant sold an article called "Temperance Beer" is not disputed. But the defence is that the beer sold is not intoxicating liquor.

The question is: was the beverage sold an intoxicating nature within the meaning of the Canada Temperance Act? The 99th section of the Act prohibits the sale to any person of any intoxicating liquor.

The interpretation clause, section 2, enacts that the expression "intoxicating liquor" means and includes any and every spirituous or malt liquor, and every wine and any and every combination of liquors or drink that is intoxicating, and any mixed liquor capable of being used as a beverage, which is spirituous or otherwise intoxicating.

Now it seems to me that this interpretation does not help us much; but is rather like the lecturer who undertook to define what "law" was, and could only explain it by saying "law was law." According to an article in Chambers' Journal of 1888, brandy, whiskey, Hollands, rum, gin, etc., contain from 40 to 60 per cent. of absolute alcohol, wine from 10 to 23 per cent., beer from 3 to 8 per cent., cider from the nearest amount to 3 or 4 per cent. according to the age. Now the Act don't say what quantity of alcohol or strength of spirit shall be considered as making beer or liquor intoxicating. Nor does it provide any scientific test by which its intoxicating quality or power can be ascertained.

How and by what means, then are we to ascertain whether this beer is intoxicating or not? Mr. Hilliard in his book on taxation, p. 162, mentions a case where a tax was imposed on wholesale dealers in malt liquor, and it was contended that the law was void for uncertainty because the law does not define what wholesale dealer is, but it was held that the act was not void—because that could be as easily determined as any other fact by evidence. But a question may arise here whether the Temperance Act—except as to rum, brandy, whiskey, gin, Hollands and such liquors, the very names of which import and convey to the mind the idea of an intoxicating liquid—is not altogether void for uncertainty; because the Act being silent as to the proportion of spirit or alcohol necessary to constitute an intoxicating drink, or liquor within the meaning of the act, and providing no test by which it can be ascertained, it follows that the only way of ascertaining its intoxicating properties is by drinking it. But here it must be observed that what may effect one man's head may have no effect on another. Again, as a writer on intoxicants observes: "It is a well known fact that one time with impunity will serve to overcome him at another. Much depends upon the state of health, the presence or absence of food in the stomach, the question of habit, the time of the day, the mental condition at the moment, an excited person being much more quickly affected than one whose mind is tranquil, and the nature of the liquor, for different people are susceptible to spirits, wine or beer in different degrees, which do not always compound with the proportions of alcohol which these fluids contain." It is obvious, therefore, that such mode of testing or proving the intoxicating quality of beer or other drinks must be very indefinite and unconvulsive.

Besides, there is another difficulty. Supposing the public prosecutor fancied or suspected that beer in a restaurant was intoxicating, he could not legally buy it, and probably no one would sell it to him for fear of being prosecuted for doing so. And suppose he got it, would he test its strength by drinking it himself? or experiment with it on other persons—both these modes would very much shock his temperance conscience. But suppose he silenced his scruples and proceeded to test. He might drink a quart of A beer before dinner, when the stomach was empty, and experience sensations which induced him to declare it intoxicating; but the next day test B beer after dinner, and experiencing no such effects, declare it not intoxicating, although both samples were in fact drawn from the same cask. It is difficult to see how a man can be held guilty of a criminal offence on such evidence as this. If he can his guilt must depend on the accidental state of the tester at the moment of testing, and not in any certain rule of law relating to the subject. The point seems surrounded with difficulties, but the facts of this case render it unnecessary that I should express any decided opinion on it. (The evidence in this case was that one witness drank three glasses and felt its influence, while many others drank eight or ten glasses and felt no intoxication.)

It is extremely difficult to know who to believe in these cases. If the Canada Temperance Act has failed to effect the good results it was intended to secure, it is quite certain that it has given rise to evils its originators never dreamed of its producing. In cases arising under it the temptation to deny, distort or suppress the truth is often from interest or feeling too great to be resisted, and its constant recurrence familiarizes people with mistaking, distorting or withholding the truth, until perjury in such cases comes to be looked upon as an excusable or venial offence. But once acquired, the habit of stepping over the line which divides right from wrong, falsehood from truth, in one case, and the obligation of an oath will soon cease to be binding in others. Also,—it seems to me that some people forget that the Temperance Act is not directed against the use of liquor or drinks which merely exhilarate or make a man feel cheerful or merry, but against that which may deaden his senses or excite his mind to frenzy or madness. The old toast, "Here is to the cup that cheers but does not inebriate," is to my mind, in perfect consistency with the object and principles of the Canada Temperance Act were properly understood. I believe it has been held in New Brunswick that lager beer is not an intoxicating liquor within the provisions of this Act; nor do I suppose that any Judge would hold that what is known as Bass pale ale and such-like drinks cannot be sold as freely as ever. Indeed, I think it quite clear that the prohibition was never intended, nor can its wording by any reasonable construction be held to apply to beer or light wines. The words of the interpretation clause are: "The expression, 'intoxicating liquor' means malt liquor and wine that is intoxicating." Dr. Paris, in his well-known work on indigestion, says: "Malt liquors differ from wines in several essential points. They contain a much larger proportion of nutritive matter and a less proportion of spirit, while they contain a bitter and narcotic principle derived from hops. It would appear that the extractive matter furnished by the malt is highly nutritive, the addition of the hops increases the value of the liquor by the grateful stimulus it imparts. To those, therefore, whose diet is not very nutritive, ale may be considered not only as an innocent but a salutiferous article, and happy is that country whose laboring classes prefer such a beverage to ardent spirits." Of this last he says: "The art of extracting alcoholic liquors by distillation from vinous liquors must be regarded as the greatest curse ever

inflicted upon the human race." The whole evidence convinces me that the beer sold in this case was not an intoxicating liquor within the meaning of the Canada Temperance Act. And therefore this appeal must be allowed and the conviction quashed with costs.

Provincial Legislature.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 4.

Afternoon Session.

Hon. Mr. Bentley presented a petition asking for the incorporation of the Emerald Branch of the Benevolent Irish Society, which was referred to a special committee, who presented a bill in accordance therewith. Said bill was read a first time and referred to the committee on Private Bills.

Mr. A. A. McLean moved the second reading of the bill intitled "An Act to Amend the County Courts Amendment Act, 1878," which was done, and the bill was submitted to a Committee of the whole House and agreed to.

Hon. Mr. Sullivan submitted a resolution to take into consideration the expediency of introducing a bill respecting replevin and regulating the practice of the Supreme Court in such actions, which was agreed to.

A bill in accordance therewith was presented to the House by Hon. Mr. Sullivan, and was read a first time and ordered to be read a second time to-morrow.

House then resolved itself into Committee of the Whole to further consider an Act respecting domestic animals. After some time spent in committee, progress was reported.

House adjourned until 10 a. m. to-morrow.

THURSDAY, April 4.

Forenoon Session.

Hon. Mr. Sullivan introduced a bill to incorporate the Monticello Hall Co., which was read a first time and ordered to be read a second time to-morrow.

On motion, the House resolved itself into Committee of the Whole to take into further consideration an Act relating to Domestic Animals.

After some time spent in consideration, progress was reported.

House adjourned.

Summerside Notes.

The Town Council election to fill the vacancy caused by the resignation of W. P. Baker, has come off, and contrary to the recommendation of the Journal Mr. P. Doyle has been elected by a majority of 69. Before the election Mr. Doyle stated that he was afraid of no opposition that could be brought against him, and the result has shown that he was right. Mr. Schurman, on the other hand, notwithstanding the hearty recommendations of the Journal has been defeated.

The remains of young Jarvis arrived here from Chicago on Saturday last, and were followed to their last resting place on Sunday by a large number of our citizens.

Mr. McCaul, who was recently appointed by our Town Council to fill the office of Scott Act Inspector held by the late James Caldwell, has moved into Summerside and entered upon his duties.

Our literary societies have been doing good work during the winter. 'The future of Canada,' 'The circulation of the blood,' 'The circulation of matter' and other scientific and literary subjects have been fully discussed in one of our literary societies, whilst in the other we have had debates, lectures and addresses on famous men of modern times. The result is that quite a literary taste has been fostered, which will be productive of much good among the young men of our town. MAC.

Souris Notes.

The harbor here is fast breaking up. Blue water can be seen at a distance. Our merchants are looking forward to a lively spring trade as soon as navigation will allow.

The Grand Lodge of Masons are now in session here. A large number of Masons are in attendance.

A boom is expected in the carriage business this summer. Quite a decent order has been sent to Ontario for some first class carriages and buggies. As this important industry has developed chiefly under the N. P., we are sure all loyal Canadians will rejoice that now, instead of sending our money to the United States, we can keep it among ourselves. On every buggy I would have a beautiful transfer of the Canadian Coat of Arms, with the following appropriate stanza:

The Maple Leaf, the Maple Leaf,  
The Maple Leaf forever;  
God bless our Queen and country dear,  
The Maple Leaf forever.

BEAVER.

Lease by Auction.

I am instructed to sell by Auction, at my Sales-room, on WEDNESDAY, 11th Inst., at 12 o'clock, noon:—The Lease of P. G. Fraser's Corner, with privilege of purchasing the Property at any time.

This offers a splendid opportunity for investment.

For particulars apply to G. M. HARRIS, Auctioneer.

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TO LET.

TWO NICE HOUSES on Pleasant Street, with Stables and Water.

Also—One House on King Street.

Apply to WILLIAM DODD.

April 4, 1888—tf

BAZAAR.

THE ANNUAL BAZAAR

—FOR THE—

P. E. Island Hospital,

WILL BE HELD IN THE

MARKET HALL,

—ON—

Thursday, April 5th.

OPEN AT 12 O'CLOCK.

Admission 10 cents. Tea 25 cents. Contributions gratefully received by MRS. CHAS. PALMER, President.

L. P. BEER, Secretary.

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TENDERS WILL BE RECEIVED

By the Subscriber, at the "HOTEL DAVIES," Until Wednesday, 11th Inst., at Noon,

STOCK OF GOODS

In the Store of D. A. BRUCE, Merchant Tailor, Queen Street, consisting of Cloths, Trimmings, Gents' Furnishings & Readymade Clothing.

For all the Book Debts due the said D. A. Bruce.

Stock List and Inventory of Book Debts may be seen at D. A. Bruce's Store daily from 9 a. m. to 5 p. m. Tenders may be for the Stock and Debts, or for either separately. Subscriber is not to be bound to take the highest or any tender.

H. H. HARVEY.

April 5, 1888—6i

HATS, CLOTHING & TRUNKS.

J. B. MACDONALD

—IS SHOWING A FINE STOCK OF—

Mens' and Boys' Felt Hats,

Imported late last Fall, selling at Low Prices.

CLOTHING.

250 MENS' SUITS (Worsted and Tweeds), and a lot of separate COATS, PANTS and VESTS, selling at Great Bargains to clear.

TRUNKS.

Five Hundred and Fifty Trunks, all sizes, from Fifty Cents to Six Dollars, best assortment in Town. Don't buy until you see this Stock.

J. B. McDONALD.

Ch'town, April 5, 1888—dy & wky

QUEEN STREET.

New Furniture at Auction Prices.

BEWARE of Cheap Imported Furniture, manufactured EXPRESSLY for AUCTION ROOMS.

Support LOCAL INDUSTRIES, and keep the P. E. ISLAND BOYS at Home.

We offer for Spot Cash Only, WALNUT PALLOR SETS, covered with Hair Cloth, only \$35.00.

HARDWOOD BEDROOM SUITS, complete with Chairs, only \$20.00.

And an Immense Stock of FINE FURNITURE at FINE PRICES

MARK WRIGHT & CO.

Charlottetown, April 5, 1888.

April Sale. JAMES PATON & CO., Market Square.

Dress Goods, HOUSE FURNISHINGS, &c.,

Silks, Carpets and Oil Cloths,

Laces, and CURTAINS, IN SILK AND TAPESTRY,

Embroideries, Curtain Poles and Fittings Complete,

Kid Gloves, LINEN SHADES & SPRING ROLLERS,

Hosiery, Room Paper in Every Quality,

From Four Cents a Roll upward.

GILRAY'S PATENT CURTAIN STRETCHER.

Every Housekeeper should have a Set.

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April 4, 1888—dy & wky

CROWN'S BLOCK.