

## BRITISH COLUMBIA.

## SUPREME COURT.

The Hon. M. B. Begbie, Chief Justice.  
*Puisne Judges*—Hon. H. P. Crease;  
 Hon. J. H. Gray.

## PRINCE EDWARD ISLAND.

## SUPREME COURT OF JUDICATURE.

The Hon. E. Palmer, Chief Justice.  
*Puisne Judges*—Hon. J. H. Peters; Hon.  
 Jas. Hensley.

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 The New Temperance Act.
 

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After some years of discussion in the press, in conventions, in Parliament and the law courts, a conclusion was arrived at in 1877 that any legislation tending to abolish the traffic in intoxicating drinks throughout the Dominion, or in separate districts, was within the purview of the legislative authority of the Canadian Parliament and could not be dealt with by Provincial legislatures. The subject was accordingly taken up by the Mackenzie Government, and the Secretary of State, the Hon. R. W. Scott, introduced and carried through Parliament a bill for permissive prohibition.

The Dunkin Act, besides some other defects in its working, was essentially Provincial and municipal in its operation, and the municipal machinery in the provinces, for which it was not originally enacted, did not lend itself readily to the carrying it into effect. In most other respects the old law has been followed more or less closely.

At the outset of the Scott Act, the necessary portions of the Dunkin Act are repealed as respects all parts of Old Canada wherein it was not in force, and prospectively repealed wherever a by-law heretofore enforcing it is repealed by the municipal authority, or this new Act is brought into force to supersede it.

To bring the new law into effect, the Dominion electoral machinery is employed. A petition is to be prepared praying the Governor in Council to bring the second (prohibitory) portion of the Act into force in the electoral division. It must be signed by one-fourth of those qualified to vote for a member of the House of Commons. Notice is then given to the Secretary of State that such a petition is to be presented (embodying it in the notice), and evidence must, at the same time, be furnished him that the genuine signatures of one-fourth the electors are subscribed to it, that the notice has been deposited in the Sheriff's or Registrar's office for examination during 10 days previously, and that two weeks previous notice of such deposit had been given in two local newspapers. If the Governor in Council is satisfied as to these facts, he issues a proclamation to be published twice in the *Canada Gazette* and the *Official Gazette* of the Province. In it he gives notice of a day on which the votes are to be taken on the petition, that they are to be taken by ballot on that day between 9 a.m. and 5 p.m., the name of the Returning Officer, his power to appoint deputies for each polling place, and the

place and time at which he will appoint persons from the petitioners and the opponents of the petition to watch the balloting and summing up of the votes, the day for the summing up and the day on which the Act will go into force if the petition be approved by a majority of the electors. The poll on such petition cannot be taken on the same day as that for a Parliamentary election. The voters are the same as for House of Commons elections. The duties of the Returning Officer in respect of polling districts, &c., are the same as those at such elections, also for giving notice concerning them, respecting voters lists, furnishing ballots and ballot boxes, appointment of Deputies, oaths of office, &c. At the time and place named he appoints one person on each side to attend each poll and two on each side to be present at the counting and summing up the votes. Before acting they must make oath that they are interested in and desirous of promoting or opposing the petition. The polling places are to be arranged as for Parliamentary elections; and no person is to be present except the Deputy Returning Officer, the agents and the voter when the last named deposits his ballot. The agents are sworn to secrecy. Other proceedings also are as at Parliamentary elections. If one-half or more of the votes polled and accepted as valid, are against the petition, it is rejected; if more than one-half for it, it is adopted—and the Returning Officer so reports to the Governor in Council. He does this within two weeks if a scrutiny or re-count is not in the meantime asked for; if it be, then immediately on the receipt of the Judge's report. Any elector may apply, within a week after the returning Officer has declared the result, to a Judge of the Superior Court in Quebec, of a District or County Court in British Columbia, or of a County Court in any other Province (giving security for \$100 cost) for a scrutiny. The Judge thereupon appoints a day for the purpose, and orders the petitioner to give one week's notice to such persons as may be thought necessary on the other side, to attend. He then scrutinizes the vote, and his report to the Returning Officer is final.

If a petition is rejected, a new one cannot be presented from that constituency for 3 years. If it is adopted, the Governor in Council, at any time after 60 days subsequent to the vote, may, by Order in Council, published in the *Canada Gazette*, declare that the prohibitory or second part of the Act shall be in force from the expiry of the annual or semi-annual licenses then in