

In Appendix No. 14 is given such information as it has been practicable to collect in regard to the inmates of the insane asylums of the province.

In a letter dated 14th April, 1894, the chief clerk of the Department of the Provincial Secretary, Winnipeg, said:—"We have also a home for incurables at Portage la Prairie, where harmless lunatics, as well as those who are incurable but sane, are cared for. Not more than one-third of the patients of this institution can be classed as sane and incurable. The number admitted to the home during the year 1892 was 18; the total number remaining at the close of the year 1892 was 47. The number admitted during the year 1893 was 9; and the number remaining at the end of the year was 48."

It was to be expected in a new country like Manitoba that the ratio of admissions, and the number remaining at the end of each year in the asylums, would show a continued increase. The ratio for 1892 is, however, when contrasted with the ratio in other provinces, comparatively a small one.

Appendix No. 45 shows the arrests for all offences in the city of Winnipeg between 1888 and 1893, the ratio per thousand of the total arrests, and the ratio per thousand of the arrests for drunkenness.

In Brandon the police magistrate stated that the number of arrests for drunkenness was about 15 per month. Estimating the population in 1892 at 4,000, and the arrests at 180, the ratio would be 45 per 1,000 of the population, as against 22.98 per 1,000 in Winnipeg.

The chief of police stated that the arrests which had been made for drunkenness from the 1st of January to the date when he was giving his evidence—October 29th, 1892—were 54, which would give a total of about 5.40 per month.

Brandon has eight licensed places to 4,000, and Winnipeg has about 54 to 30,000 population.

An analytical summary of the evidence taken in the province will be found printed along with Volume 3 of the Minutes of Evidence. Much of it had reference to the partially prohibitory system in force in the North-west Territories, which will be referred to in the portion of this report relating to that district.

A large proportion of the witnesses examined spoke strongly in favour of prohibition, a considerable number of them expressing the opinion that it was wrong—in fact, sinful—for the state to license the sale of intoxicants. They would like a Dominion law, and would have it enforced by Dominion officials; but they believe that a provincial law is desirable, and could be enforced.

Such witnesses as spoke of the failure to adopt and enforce the present local option law, and the Canada Temperance Act, attributed that failure to the non-appointment of inspectors and supineness on the part of the authorities in prosecuting offenders. They held that it was the duty of the inspectors to carry on prosecutions. (Q. 30496). Many of those in favour of prohibition as a principle either thought that it would be impracticable to carry it out, or were doubtful if it could be carried out.

In the city of Winnipeg it was stated that there had been a dispute between the city authorities and the Government as to whose duty it was to enforce the law.

There was a general concurrence that there was less drunkenness in the province than formerly; that the cities of Winnipeg and Brandon were orderly, and that the cases of drunkenness were not numerous. (Q. 30445-30608).

The superintendent of Indian agencies, Mr. E. McColl, stated in regard to the Indians, that "no intoxicating liquors are ever used by them outside the boundaries of civilization or white settlements, and of course, far north, there are no settlements. The only places where liquors are used are around Selkirk and the city of Winnipeg, and around the reservations. There is a reserve at the junction of the Roseau River and the Red River, and along the Rainy River there is considerable drinking, especially at the time of treaty payments. The reason that they are able to get the liquor is that there are disreputable men who cross over from the United States and bring liquor with them. When they return across the river they are beyond our control. Within recent years the Dominion Government, however, sent there an excellent officer from Ottawa, who has almost stamped out the sale of liquor at

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the time of the treaty payments. This year it has been reported that little or no drinking has been going on there." (Q. 30626).

This gentleman suggested that if one or more officers were appointed at different places, similar to the one who has been appointed, and who has achieved such success at Rainy River, much good would arise. He said that the law in relation to the selling of liquor to Indians "has been put in force by myself and by the agencies, without fear or favour to any party." (Q. 30630-1). He further stated that there was a time when you could not go along the street in Winnipeg without seeing Indians in a state of intoxication. Now arrests quickly followed any case of drunkenness, and there was punishment of both drunkard and seller. (Q. 20-6301). "The Indian," he added, "cannot take a drink and do as white men do. There is no half-way with him."

Mr. McColl made the further statement: "Rum and tobacco were introduced by traders some years ago, but I believe the Hudson Bay Company put a stop to that trading altogether. Since that time the generation of Indians have passed away, and probably many of those who are old men now have never tasted liquor. Long ago it was rum which was obtained for their furs; but there is nothing of that sort now. Such trading is absolutely prohibited, and no liquor is given to Indians. Of course, occasionally disreputable people go from the city and give them liquor in order to get their furs." (Q. 30649).

This gentleman said a good deal in commendation of the efforts made by the missionaries, and the good they had done amongst the Indian tribes.

There is no distillery in the province of Manitoba. There are seven breweries and the Collector of Inland Revenue, Mr. H. A. Costigan, stated that there was occasionally a case of illicit distillation, potatoes being used. (Q. 30678). Most of the cases of illicit distillation were in the North-west Territories, to which his district extended. Any distillation which took place in Manitoba was from grain, and occasionally syrup and molasses. He said that all the cases of illicit distillation which had been detected in the Territories were before the new North-west Ordinance went into force. (Q. 30685). He expressed the opinion that the present license law of the province was a good one, if thoroughly enforced, and said that he had not had any case of tampering with liquors brought under his notice. (Q. 30705). As far as he knew there was very little smuggling of liquor into the province of Manitoba. (Q. 30687). He had travelled through the North-west Territory, but had not found that prohibition prohibited there. He did not think that the consumption, now under the license system, in the Territories was greater than it was before they had that system. (Q. 30715-6).

The manager of the grocery and liquor business of the Hudson Bay Co., at Winnipeg, Mr. E. B. Nixon, stated that their sales had decreased since the adoption of the license system in the North-west Territories. (Q. 30760.) The general belief was that smuggling prevailed very extensively during the time that the limited prohibitive system was in force in the Territories. (Q. 30770.) He expressed the opinion that the recent vote on prohibition was sandwiched in with politics. (Q. 30815), and he did not think if the people were to vote again, that the resolution in favour of the plebiscite would carry, irrespective of politics. (Q. 30816.) He had lived in Richmond, Quebec, during the period that the Dunkin Act was in force, and he found that liquor was used very extensively. (Q. 30834.)

The fishery officer for the Dominion Government, Mr. Richard Latouche Tupper, who had been chief license inspector for the province under the McCarthy Act, until it was declared *ultra vires*, and who had been engaged in framing the Manitoba Liquor Act, which had since been repealed, said that the McCarthy Act was a very beneficial Act for the province, and that it appeared to satisfy the people as a whole. It was a workable Act. (Q. 30856-7-8-9.) "I think," he continued, "social habits have improved, for the reason that, on account of cheaper transportation, a better class of liquor is obtained, and the people are able to get better liquor than formerly. I travelled from here to Edmonton and the Peace River country long before the railroad came in here. I walked from Ottawa River to the Rocky Mountains, with

the exception of 137 miles, and I constantly visited the Hudson Bay posts and other posts, and at some places I drank brandy and whisky. Now in Manitoba you can get light beverages, and, of course, there is less drunkenness than there was before. Although there may be more liquor drank there is less drunkenness, and the people have improved under the change." (Q. 30870.) He never, he remarked, found much difficulty under the old system in getting liquor in the North-west Territories. (Q. 30891.) Traders and dealers would get hold of permits, and would obtain alcohol, and dilute it and fix it up with tobacco, &c. The people drank pain-killer all over the country, and subsequently the sale of it had to be stopped, and it could only be vended by permit. (Q. 30895.) He knew a man on the Saskatchewan who drank six or seven bottles a day of "Perry Davis' Pain-killer." (Q. 30896.)

This witness stated, in reply to a question as to the practicability of the enforcement of the prohibitory law, that "such a law would be desirable if it were practicable, but I do not believe it to be practicable. I believe it would be the means of giving us worse liquor and more crime every way, and it would not prohibit. I do not believe it is possible of enforcement. Smuggling and illicit manufacture would go on, particularly in the north-west country, and the people would resort to other methods of obtaining liquor. Smuggled liquor would take the place of the present supply." (Q. 30898.)

With regard to the vote recently taken on the question of prohibition, Mr. Tupper said that he did not think it meant anything, although there was a large majority. "A great many," he observed, "were very earnest, and a great many voted for fun. I have been told by a great many people that they did not want prohibition, but voted for it for fun. They voted without thinking. I am satisfied that if they came to consider the question again, and to vote again, and had the question fairly and fully placed before them, which was not done last time, the majority would vote the other way. I am satisfied that would be the result." (Q. 30966.)

He stated that under the license system the signatures of sixteen out of the nearest twenty neighbours were required to secure a license, and that meant prohibition all over the province if the people wished it. (Q. 30974.)

Mr. Edward L. Drewry, the owner of a brewery in Winnipeg, giving evidence before the commission, stated that they turned out about 300,000 gallons of ale, porter and lager beer, yearly. Of this quantity 60 p.c. would be lager. They shipped very little to the eastern provinces, but shipped westward over the territory as far as British Columbia. The arrangement for allowing 4 p.c. beer to go into the North-west Territories gave a great impetus to the brewing business in Winnipeg (Q. 31000.) During the time that the prohibitory system was in force in the North-west Territories he had been at Calgary, where he saw plenty of drinking. He found it difficult to get beer, but there was plenty of whiskey. (Q. 31011.) He had no doubt that large quantities of liquor were sent into the Territories without permits during the prohibition period. His brewery never sent in any, but it was not for lack of opportunity. They had studiously avoided either violating the law or the permit system. (Q. 31033.) He was quite satisfied with the present license law, and would like to see it fairly enforced. (Q. 31075.)

Mr. Thomas Nixon, right of way agent for the Canadian Pacific Railway Company, said he was in favour of prohibition, but would allow persons to have liquor in for their own use. (Q. 31138.) He expressed the opinion that people had better throw money into the river than buy liquor with it. (Q. 31188.) He thought a prohibitory law could be carried out. There might possibly be more smuggling under it than existed now. (Q. 31184.) With regard to the plebiscite recently taken in Manitoba, he said, "There was no fun about it. There was a solemn warning to the legislature of the country as to what the opinion of the people of Manitoba was on the subject. Many voters gave their votes in constituencies that have almost a prohibitory law now." (Q. 31200.) He thought no attempt had been made to pass the Scott Act in Winnipeg. Of course, the people had a right to take a vote on the subject; but they had not taken one. Asked if any steps had been taken in favour of prohibitory legislation since the recent vote was taken, he said, "We do not require to

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do so if the legislature carry out what they promised to do for us," which, he explained, was that if the vote was in favour of prohibiting the traffic, the Government would do it; that is, they would pass a prohibitory law, and that was what he and others were looking forward for them to do. The question submitted to the electors was "license or prohibition; for prohibition and against prohibition." The mode of prohibition was not submitted.

Mr. E. P. Leacock, agent of the Canadian Pacific Railway at St. Boniface, who has lived in the province for fourteen years, been reeve of Kiidonan, warden of Selkirk, a member of the Legislative Assembly, and a magistrate, stated that he prepared the Manitoba License Act of 1886, and that he has observed very carefully the working of it since. The conclusion he had come to was that the law was not enforced; that its non-enforcement was owing to the laxity of the officers, the laxity of public opinion, and the lack of moral courage to carry it out on the part of the officers who should do so, from the Attorney-General down. "Every one of them," he said, "down to the lowest officer, has not the moral courage to enforce the license law.

Mr. Leacock was asked how he could account for this lack of moral courage to enforce the law, when so large a vote had just been so recently given in the province in favor of prohibition. He stated that the reason was "that a great many Conservatives wished to place the Government in an awkward position, and voted for prohibition. I imagine the motive of the Conservatives was to see what the Local Government would do if that vote were carried. (Q. 31293.) It was no expression of public opinion in favour of prohibition; it was rather an expression of opinion that the local license laws were not properly carried out and that very serious results would follow. (Q. 31294.) It was a declaration in favour of strong measures being taken in regard to dealing with the traffic, but not in favour of prohibition *per se*. The officers of both parties "are afraid of the hostile opinion of the licensed victuallers; they are also afraid of influences being brought to bear upon them to stop prosecutions. There is no reason whatever why a man who is Attorney-General of this province, whether he is a total abstainer or not, should not know perfectly well that the law is not enforced. It is not enforced, and no one attempts to enforce it. (Q. 41296.) "If the opinion of the majority of the people was favourable to strict enforcement, now could the Government resist that sentiment?—They do not resist it, they go to sleep." If that sentiment is for prohibition, how can they, in view of the power and influence exercised by those in favour of enforcement, yield to the other side?—For the very simple reason that the people talk and do not enforce their views. (Q. 31298.) I think it would be impossible to enforce such a law (a prohibitory law) as the public mind is not ready for it. It would amount to nil. There would be strong measures taken at the outset to oppose it. The first step, in my opinion, is to see that the law in regard to the sale of liquor is observed, especially in regard to allowing liquor to be drunk on the premises during illegal hours, and in such case the licensed victuallers should be fined and punished." (Q. 31309.)

This witness expressed the opinion that the working of the prohibitory law in the North-west Territories was absolutely nil; that "there was more drinking done then than there is now" that "the liquor was imported in kegs and the people were in the habit of getting two or three gallons of whiskey at a time, and they would drink it and remain like beasts for a day or two; and subsequently, for about a month, they would not have any liquor whatever. (Q. 31310-11.) The Manitoba law he referred to was that which was prepared by Mr. Tupper, but was very much modified, and was adopted by the present Government of the province with many restrictive clauses taken out of it." (Q. 31325.)

Speaking of the vote recently taken on prohibition, he said:—"I regard it as a vote which was largely manipulated for political purposes." (Q. 31318.)

He considered that the public sentiment was growing towards prohibition, "and eventually, in years to come," it would be adopted. He looked upon the rigid enforcement of the license law as a first step, and a most desirable one. (Q. 31330-1).

The mayor of Winnipeg expressed the opinion that the temperance sentiment had increased; that prohibition was desirable, and, in his opinion, practicable; but he would have national prohibition. He thought the province could not very well enforce the provisions of a prohibitory Act. (Q. 31399). He stated that he had done business at different points in the North-west Territories for fifteen or sixteen years, and that the effect of prohibition there for the first eight or ten years was good. Recently the enforcement of the law had become more lax, and within the last four or five years, in his opinion, it was not enforced at all. He thought, in view of that condition of affairs, it was much better to drop the permit system, and adopt the improved system which now prevails. (Q. 31383-5). He considered that the recent vote in Manitoba was the expression of the opinion of the people on the question of prohibition. So far as he knew, the method of prohibition was not submitted, and he did not think that the vote had had the slightest legislative effect. (Q. 31413-31415).

Mr. James L. Steen, of Winnipeg, president of the Board of Trade, publisher of a "purely trade journal," and carrying on the business of a printer and publisher, stated that he thought it would be "a piece of the most unmitigated folly" to have an Act passed by the Dominion Parliament prohibiting the manufacture, importation and sale of alcoholic liquors for beverage purposes. There might be sections of the country in which prohibition could be carried out with profit, but a measure which would reach from the Atlantic to the Pacific could not. (Q. 31469).

The Hon. John F. Bain, judge of the Court of Queen's Bench, who has resided in Manitoba for about twenty years, expressed the opinion that there had been a marked change for the better in the drinking habits of the people, which he thought was in a great degree due to an improvement in the sentiment of the public in regard to the use of intoxicating liquors. He favored a system of high license. When in Maine he had noticed that liquor was obtainable quite easily at the hotels where he staid. He thought that a prohibitory law could only be carried out if the people were in favor of it, not merely in favor of the law being passed, but sincerely in earnest in wishing it to be enforced. He did not care to express any opinion as to the benefit or otherwise of prohibition over high license. His own impression was that it would be perfectly impossible to strictly enforce a prohibition law. He had made visits to the North-west on business and otherwise, and had observed the working of prohibition there to some extent. He thought it was the very reverse of a success. He had not been in the Territories since 1885. He said: "The permit system was evidently abused, and under the operation of that permit system, liquor seemed to be obtainable to a very great extent. It struck me that I had never seen the use of liquors so utterly demoralizing as it was in the North-west at that time." (Pp. 65-69).

The Hon. William D. Ardagh, judge of the eastern judicial district of Manitoba for the last eight or nine years, referred to the working of the Scott Act in Simcoe, where he had resided prior to going to the North-west, and stated that it was not at all a success. His experience was that it led to greater home consumption. He thought that the people of Manitoba, and Winnipeg more particularly, were temperate and sober in their habits, and that there was probably less drinking generally. He had travelled through a part of Maine without knowing that prohibition was in force there, and it was only when somebody happened to mention it that he was aware of the fact. With regard to prohibition in Canada, he said: "In my opinion, from all the experience I have had, and I have been for many years *ex officio* a magistrate, and between ten and fifteen years mayor of the town where I lived, a proper license Act is the best means to minimize the evil, which everybody admits to be an evil, and that system should be tried before we resort to prohibition. My own impression about the license law is that the whole difficulty lies with politics. I think that is at the root of the whole matter. The one approach made to the proper regulation and control of the traffic, and the disruption of politics from it, was in the case of the Dominion Act which was declared *ultra vires*. The administration of the law was, to a large extent, placed in the hands of an independent authority,

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an authority which was *ex officio* and largely independent. The impression on my mind is that if a proper license law were enacted, with, perhaps, a permissive Act in regard to certain portions of the law, so as to enable the control to be placed under one authority—the local authority, including inspection—such a law, without interfering with revenue purposes, would minimize the evil and reduce it to its lowest limit, and it would have a less injurious effect on the community at large and on their morals than total prohibition." (Q. 31666). Judge Ardagh also explained his experience as a license commissioner under the Dominion Act, and gave much valuable information to the commission.

Dr. George Turner Orton expressed the opinion that the license law worked very fairly in the province; but he did not think that the permit system worked well in the North-west Territories. He had some experience of it as medical superintendent of the men employed in constructing the Canadian Pacific Railway (Q. 31-743), and found that the law was continually infringed, and that large quantities of spirits of a very inferior character were shipped there and used. He also explained that it was the general opinion that liquors were much adulterated. (Q. 31745-6-7). He thought the permit system was as well administered as it was practicable to carry out such a law. He expressed himself in favour of a well regulated license system as being better than prohibition. He would permit the sale of light wines and beer in public places, but would entirely prohibit the vending of spirituous liquors in public bar-rooms and saloons. He thought that popular opinion was not in favour of prohibition, notwithstanding the recent vote in the province, (Q. 31765), and that nine-tenths of the votes were given simply because the people thought it was respectable to vote on that side without giving any consideration to the question. "I do not think," he said "that the people to-morrow would feel sufficiently interested in the subject to assist in any way the officers of the law in carrying out such a measure. I do not believe any large number of them would make it a special object to do so" (Q. 31767). "Every farmer in the country is well aware that the breweries are of immense value to him, as offering him a market for the crop of barley, for which he has very little sale. The same might be said in respect to rye, which is used in the distilling of whisky." (Q. 31770). He had remarked, been insurance examiner for a number of companies for over thirty years, and did not remember a case refused where a man drank moderately and took stimulants in moderation. He said: "It is a well known fact that at one time the character of the liquor admitted into the North-west Territories was almost like poison, but still the people drank it. There was a very strong feeling in favour of greater liberty under the permit system. I know that as a fact, simply because people were often compelled or tempted to bring in liquors that were not fit for use, whereas by the extension of the permit system they would have been able to obtain proper, healthy and unadulterated liquors." (Q. 31847).

Mr. Louis W. Coutlee, barrister, Winnipeg, who had acted as Deputy Attorney-General in the disputed territory between Ontario and Manitoba, stated that he enforced the Public Works Act. There was much smuggling; liquor came in in eggs, the original contents having been blown out. It was also brought in on hand cars on the railway. He had seen something of the prohibitory law in the State of Maine, and it was practically not observed. (Q. 31923). He did not consider prohibition practicable.

Mr. Colin Inkster, of Kildonan, sheriff of the Eastern Judicial District of Manitoba, said that the first liquor law passed in Manitoba after it became a province was practically a copy of the old Assiniboia law. (Q. 32010). He expressed the opinion that the license law was very well observed. He had chiefly to do with civil cases. A large number of those with whom he had to deal had executions issued against them for debt. (Q. 32018). Of such, the drunkards were the very smallest proportion. In only a very small percentage of cases had the inability to pay arisen from drinking habits. (Q. 32020). He thought that a general prohibitory law well enforced would do good. He was of opinion, however, that it could be

enforced only with dangerous consequences, because it would lead to smuggling, for people would have liquor at any rate.

Mr. John W. Sifton, the inspector of public institutions in the province, expressed the opinion that the recent vote taken on prohibition was a very serious expression of public opinion. (Q. 32092). He said the people had had other opportunities of voting on the question, and they had voted in the same way. The Scott Act had been carried in three-fourths of the province; in all the counties except the district of Winnipeg. Asked why it did not go into operation, he said that it was because "there was some flaw in the Act, in consequence of which it was declared to be invalid. The people never had a chance of seeing how it would work. They started to enforce the law, and the case went to the Supreme Court, and the court threw it out." There was, he remarked, a considerable portion of the territory under local option, and he thought this kind of prohibition had worked very well. "It is practically all over the province," he added, "and there seems to be no very great difficulty in carrying it out except in towns, especially in towns near the railway, where liquor can be smuggled in." He said there was a jail in one of the districts under this prohibition, in which there were no prisoners, and no jailer. (Q. 32094-8.) He thought the prohibitory law could be enforced just as well in Manitoba as the license law then was, in fact, a little better. He had enforced the Public Works Act on contract No. 14 of the Canadian Pacific Railway, where he had seventy-six miles of road under his jurisdiction. (Q. 32105.) The financial difficulty which would be created by the adoption of a prohibitory measure was not insurmountable; the law would promote the moral standing of the country. "Take the places," he said, "where it is in force now; take those places I have mentioned (certain places in California), and the moral standing of the communities is high. Take the condition of affairs right in our own province and wherever the Act is enforced, we find the same excellent condition, and there is no question but that as the sentiment of the country has increased in that direction, we have improved morally. We think we are the most moral and sober people on this continent. We think we can bear that out by statistics. We think there is no city of the same size as sober as Winnipeg." Witness expressed himself in favour of a prohibitory law similar to that in force in the State of Maine. He explained that the vote in Winnipeg was largely in favour of prohibition, but that the citizens had taken no action on the subject since the vote. He thought it did not rest with them to do so.

Mr. William Small, carpenter, of Winnipeg, was in favour of Dominion prohibition. He thought the law would perhaps be better carried out if limited to the provinces which were strongly in favour of it. He was of opinion that the sale of liquor was an evil to the state, and the state had no right to license an evil. If the sale of liquor was not wrong, then the hotel-keepers and saloon-keepers had no right to pay for the privilege of selling it, and there ought to be either untrammelled sale or prohibition. That was his opinion of the question on principle. As a matter of expediency, the license law might be better than untrammelled sale. (Q. 32211-32234.)

The Rev. John Stewart, of Treherne, a minister of the Methodist church, gave his experience in Ontario. He had lived at Brampton where he found adulterated stuff was sold. He would rather have a license system than untrammelled sale, but he would prefer prohibition to license. The officials who were supposed to look after the carrying out of the law were so lax in their duties that if the system (license) were adopted it would probably not be enforced. Of course, it would be very much better than untrammelled sale. He thought that the officers appointed to enforce the license system should be put under bond and made to do their duty. In the district where he resided, on the 10th of May there was a vote taken on prohibition in the municipality. He thought the vote stood between forty and fifty against to between two hundred and three hundred for the local option law. The law was set aside by the judges on the ground of some technicality. If the people had had the money they would have been able to set aside the decision of the judge, because the premises on which the decision rested was not true. (Q. 32311). In the

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district there were about one thousand voters, out of which, if his statements were correct, the number voting would be about three hundred and fifty. The feeling of the people in the district was such that no licenses were granted at Treherne. He thought that prohibition had been beneficial wherever it existed. (Q. 32338). He considered that the recent vote in Manitoba was an intelligent expression of the views of the people, and that it was unfair to charge them with voting unthinkingly. (Q. 32333).

Mr. Duncan McArthur expressed himself in favour of prohibition, and said: "I further believe it to be practicable throughout the Dominion if properly enforced, and eminently so in the Province of Manitoba, which at present has a small population, by the majority of whom the principle has been endorsed." (P. 112).

Mr. Frederick W. Thompson, the manager of the Ogilvie Milling Company, who had resided in Winnipeg about ten years, stated that he did not observe any particular change in the habits of the people in the matter of the use of intoxicants. He had lived in Missisquoi during the period when the Dunkin Act was in force, but was not favourably impressed with the results. Drink was to be had. He lived in the county after the Act was repealed, and was struck by the fact that there was less drinking under license in the village where he resided than there was when the Dunkin Act was in force. (Q. 32365). He regarded the Dunkin Act "as a farce" (Q. 32377). His opinion in regard to prohibition was that the very fact it was made difficult to obtain liquor would lead to greater demoralization, and greater crime and breaking of the law. He said: "I believe that where a community is generally prosperous the people attend in a larger degree to sobriety."

Mr. Andrew Dykes, tea merchant, of Winnipeg, who had been a brewer in England, thought that prohibition enhanced the value of property. He would vote for unrestricted sale in preference to a license law. The demoralizing effects of the traffic if unrestricted he believed would remedy themselves. (Q. 32440). He would have all the laws in regard to the traffic observed. He thought that the present license law in Manitoba was not enforced; that as it stood it was a good law, if well carried out. There was no officer appointed to enforce it, or rather, there was only one. He thought the proper course would be to have more officers appointed by the Government, and they should see that the law was properly observed. (Q. 32475-80.)

Mr. George F. Gault, wholesale merchant, Winnipeg, who had been a resident in the province between ten and eleven years, and in business all that time, had been through some of the counties in Ontario when the Scott Act was in force. He never knew any of those laws to interfere with the sale of liquor. He found it more difficult to refuse to drink in places where such laws were in force than in those under license. (Q. 32534). He had been in the North-west Territories when the prohibitory law was in force there; but only for a limited time. It was possible to obtain liquor for beverage purposes. (Q. 32536). He was unfavourable to enforced prohibition. He did not consider that it could be practically carried out. He was in favour of high license, which would tend to prevent illicit sale, and the business would be better conducted. He stated his objections to a prohibitory law as follows:—

"I think it is demoralizing to a community. It raises all sorts of ill-feeling in the community, and the experiences of the past have pointed how very willing people may be to vote for prohibitory laws, and yet almost at the first opportunity they have invariably expressed a contrary opinion. Considering that fact, and the further fact that all the pressure is brought to bear on one side, that is, on the side of temperance, I think those votes when they are registered against prohibition should be conclusive, as they express the opinion of the people." Continuing, he said he did not believe that it was possible to enforce prohibition. He did not regard the recent vote on prohibition in Manitoba as significant. "I think," he remarked, "experience has shown that such a vote could be carried anywhere where the people have not had any experience of the two systems, and experience has shown that such an Act could not be carried where the people have had experience of

two systems." He thought that was almost entirely correct. With reference to the position in the State of Maine, where prohibition had existed for forty years, and the position in Iowa, he said: "I have always understood that liquor can be had in those states, and so long as liquor can be had, the people who want it will not raise any great objection to any law, however much it is attempted to be enforced. (Q. 32593-32607).

Mr. W. R. Mulock, Q. C., Winnipeg, a resident of the city about ten years, expressed himself as strongly in favour of prohibition. He is president of the Prohibition League of Manitoba. He thought the recent vote in the province was the expression of public opinion. The liquor interests had, by the issue of pamphlets, endeavoured to influence the vote against prohibition, and the movement was not a one-sided agitation. He could see no more difficulty attending the enforcement of a prohibitory law than was connected with the observance of local option. (Q. 32678). The enforcement of local option was a matter dependent upon the officials. There was an indisposition on the part of citizens to become informers. (Q. 32680). He expressed the opinion that "God's law enforces prohibition." Though a member of the Church of England, he considered that the use of fermented wine at the communion was wrong. "From the economic standpoint," he said, "I think it would be well to take the money spent on liquor and bury it in the middle of the ocean, and the country would be an enormous gainer." (Q. 32696).

Mr. Edward A. Burbank, manager of the Merchants' Protective Law and Collection Association, Winnipeg, who had been in the province about four years, came from Australia, and had been in Kansas, Iowa and Maine. In Kansas he found a prohibitory law, but he did not find prohibition. There was pretty much the same condition of things in Iowa. (Q. 32772.) He quoted the number of liquor tax papers issued by the United States Government in the State of Maine as proving that the sale continued there. "I should judge," he said, "from my observations, that when people wanted liquor they could get it." He had been at Calgary, Banff and Regina. He remarked, "I think more drinking was done there than ever was seen in Winnipeg; particularly was that the case in Calgary." (Q. 32784.) Asked if liquor was sold in the Territories, he said, "It was freely drunk and freely used, but I do not know where it was obtained." He had taken no part in the recent vote on prohibition, except that about two or three days before the election he was requested to write something for the newspapers giving his views. Questioned if the opinion at which he arrived was favourable or unfavourable to prohibition, he replied, "I would vote for prohibition readily, and I would believe in absolute prohibition, if my impressions, observations, reading and study had not led me to believe that absolute prohibition was impracticable and impossible." This witness gave some information in regard to the traffic in the municipality of Carman, where a local option law was in force. The people had repealed the local option law, and he said the condition of matters since had improved under the license system adopted. Speaking of the vote taken on prohibition, he said, "I take it that even the vote fell two or three thousand short of the vote generally polled in the province. It would have been nine or ten thousand short if that question had come up separately. But the people were voting for candidates for the Provincial Legislature, and they were asked to vote and take in this measure, and that is the reason why so many voted as did vote." (Q. 32814.) There was no organized opposition to voting in favour of the Act. (Q. 32817.) With reference to the issue of the pamphlet (which he had referred to), he remarked, "My opinion is that Mr. Greenway was guilty of an attempt to evade the issue, and his opponents took advantage of that position in which the Greenway Government placed themselves, so as to put them in a hole on that issue. I believe that an absolutely strict and well enforced license law would be the best thing we could have in this country." He did not think the law was well enforced in Winnipeg. He went on to say: "There is only one license inspector for the province, and it is absolutely impossible for him to be in so many places at about the same time and enforce the law. In my opinion, he should have assistants. I think the people who call themselves prohibitionists and temperance

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people should have given support to the enforcement of the license law. If a license law cannot be enforced, I do not see how a prohibitory law could be enforced. (Q. 32826.)

Mr. C. H. Graburne, clerk of the executive council of the province, gave information in regard to the voting on the plebiscite. He thought the vote expressed a real desire on the part of the people of Manitoba for prohibition. (Q. 32,911.) He had the record only of two constituencies in which the vote had been against prohibition. One showed a majority of six and the other a majority of fifty. He was in favour of prohibition, and knew of nothing to prevent its being brought into force. He did not consider that the license law worked satisfactorily in Manitoba. He hardly knew what the difficulties were; probably non-enforcement of the Act would be one cause of it. Asked if it was a lack of a sufficient number of officers to carry out the Act, he said: "It is lack of stringent enforcement. I think there has been laxity in the enforcement of the law, which has given license to parties to break the law. I have seen so much trouble in connection with the sale of liquor after hours that I think the result has been found even worse than the sale of liquor during proper hours." He would prefer a license law to untrammelled sale, but desired prohibition. "Then you do not look on licensing as a sin *per se*?" he was asked, and he replied: "If it was properly observed and properly carried out, probably there would not be such a persistent cry against the license law and as to the necessity of prohibition." (Q. 32925.) The law had been amended from time to time, but he considered it still defective.

The Hon. Albert C. Killam, judge of the Court of Queen's Bench, resident in Manitoba for fourteen years, was born and brought up in Nova Scotia, studied law subsequently in Ontario, and practised there for some time before going to the North-west. He thought probably there had been a decrease, taking the increase in the population into consideration, in the use of intoxicating beverages in Winnipeg, which he considered an orderly and well-conducted city. He expressed the opinion that it would be better to put the persistent drunkard under some restraint. Such a provision had been made in the law in Manitoba, and although it was not repealed, it had been allowed to become a dead letter. He had occasionally been in counties where they had prohibition, but only temporarily. He had visited and resided at Yarmouth, N.S., where the sentiment appeared to be very strong against the sale of liquor. He was not aware that liquor was allowed to be retailed there by the glass. There had been no license granted in Yarmouth within his recollection. As a school boy he had heard of places talked about where liquor was sold illicitly. He had been in the North-west Territories when prohibition was in force there. Of the operation of the law, he said he had seen very little. "I remember," he remarked, "some time ago I was at Fort Macleod for a day or two, and at Calgary for a time, but never saw liquor sold. I have seen apparent evidence of parties having used it, and I have known it to be freely used; it has been offered to me and to others. I have seen bars that were pretty large and expensive to be kept up by the sale of ordinary liquor, and I have been told that they sold intoxicating liquors at them. But I did not see evidence of sale myself." He had not gone very deeply into the question of the advisability of a prohibitory enactment, but said: "As to enforcing such a law, it seems to me it would be so exceedingly difficult as to be almost impossible." (Q. 32972). Again, "I desire to say on the question of prohibition, that a large number of persons desire to use intoxicating liquors, and I think it would be an undue act on the part of the majority to prohibit their obtaining them." (Q. 32974). Further, he remarked: "The result of the recent vote was a surprise to me. In my opinion it may not have expressed the views of the people, for the reason that there was no practical outcome of it; it was not put into practical operation. Still, I may be mistaken in that regard. I was surprised at such a large vote being given in its favour." (Q. 32976). Asked if the majority being as strong as the vote indicated, it would be right for them to impose their views in the shape of a prohibitory law upon the minority, the honourable judge said: "That is a very difficult question to answer. I still hold my previous opinion, that the majority should not infringe on the natural rights of man."

Mr. J. K. McLennan, of Winnipeg, grain merchant, expressed himself most strongly in favour of prohibition. He had recently come to Winnipeg from Treherne. In the last-mentioned place, no licenses were issued. He thought that the municipality of Carman was better under prohibition than it was under license. (Q. 33013). He had been a commercial traveller, and had visited Carman regularly. He thought that whilst a local option law was in force there was very little drinking. He said: "I think a prohibitory law would be well enforced in Manitoba, judging from my impressions at Treherne, outside of a few parties who would be determined to keep a little liquor on hand. Outside of these few people, if the trade were prohibited, I believe there would be no difficulty in enforcing the law." (Q. 33013-33016).

Mr. Charles H. Cordingly, accountant, Winnipeg, thought that the enforcement of a prohibitory law would not only be impracticable, but impossible. (Q. 33071).

The Rev. John Semmens, minister of the Methodist church and president of the Manitoba and North-west Conference, who had resided five years in Winnipeg, described (pp. 135-137) the kind of prohibition enforced by the Hudson Bay Company. The following is a quotation from that gentleman's evidence:—

"Have you noticed the operation of the prohibition law in the North-west or in Keewatin?—Yes, I have, and I have also had a view of prohibition that no one has mentioned to this commission. Prohibition was introduced by the Hudson Bay Company many years ago, and its effect was felt over the whole territory then governed by the council of which Sir George Simpson was the president. That prohibition was decided upon by the Hudson Bay Company's council in session, for the purpose of protecting the hunters on the one hand and the company's trade on the other. It was carried into effect in the most wholesale fashion by the refusal of the authorities to ship any liquor from England, and for a number of years this prohibition prevailed all over the North-west. The immediate result of it was that business increased, that the health of the people was very much improved, and life was preserved. I know that from observation; I know it also from statements made, and I also know it from printed statements of the Hudson Bay Company, issued before this province was a province of the Dominion."

This gentleman stated that he had been a missionary in the Hudson Bay Territory for a number of years, and referred to cases of habitual drunkards, who, when the supply of liquor was shut off, became good citizens and able hunters.

The following is a further quotation:—

"Suppose the Hudson Bay Company had established, at various posts throughout the territories, licensed places under certain restrictions, do you think they would have accomplished the same result as was secured by adopting a drastic measure of prohibition?—They had that, practically, all the time. The people lived in forts, and were practically banished from the company of white men. They were practically prohibitionists, and yet under that system and under those restrictions, the evil crept in which the council saw must be removed."

He believed the recent vote on prohibition was an honest expression of the public desire and purpose respecting the liquor trade. He considered it a large vote as compared with the vote for members of the Legislature. He believed that a prohibitory law, if enacted, would be well enforced: He said, "I should be guilty of lacking respect for my fellow-countrymen if I made a statement to show that I did not believe it." In reply to the question, "So you expect the Provincial Government at the next session of the Legislature to introduce a measure for prohibition, I suppose?" he replied, "I do not think that I have faith enough to dare to expect that much. I have hope, however, that they will move in the right direction. I would not have prohibition unless it could be in force constantly." (Q. 33174). He said he would prefer Dominion to provincial prohibition. The Hudson Bay Company might have liquor in their stores, but it was for private supply. He stated that the private supply for their own factors was never done away with. They could always obtain liquor for their own use.

A highly interesting statement, made by ex-Lieutenant Governor Schultz, will be found printed with the evidence taken in the province.

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The evidence taken in Winnipeg, the most important place in the province, tends to show that the means taken to enforce the existing law are generally considered to have been inefficient and lacking in energy. The conclusion is irresistible that the agitation for prohibition has been much more vigorous than the agitation for a strict enforcement of the law. The people of the city of Winnipeg could at any time, if they were so disposed, have taken advantage of the provincial law and refused to issue licenses, as might any other town or municipal district in the province.

Much evidence was taken in Brandon.

The police magistrate, Mr. John Campden Todd, who declared himself in favour of prohibition, thought that a prohibitory law might be effectively worked, but that it would be a very difficult thing to do; liquor would be smuggled, and it would reach families who did not have it now. He said there were about eight licensed places in Brandon, and he did not think there were any places where liquor was sold illicitly, as they were pretty sharply looked after. The cases which came before him for sale after hours, he thought did not average more than one per month. About two-thirds of the vote taken at Brandon was in favour of prohibition, and he believed that it represented the opinions of the people. He added: "I do not think that any prohibitory law can be enforced, that is, so as to be able to keep liquor entirely out. I do not believe that it is possible to do it." On the question of voting on the occasion of the plebiscite, he said: "I noticed at the time the question was before the people that it was not placed before them or explained to them as explicitly as it might have been. It seemed to be an off-shoot of something that came in last, or at the tail end, or as something not worthy of much notice. I had occasion to observe that. If the question had been properly explained to the people, I think the vote would have been a different one to what it was at the last general election here. * * * I happened to be in one of the voting places at the time of the plebiscite for a couple of hours, and I noticed that the prohibition movement came up at the very last moment. The voters had cast their ballots for members of the Legislature, and this was taken up as a side issue. I noticed a great many people said: 'Oh, I do not care about it'; and started out. There did not seem to be the time and consideration given to it that should have been given. I observed that the question was asked individuals if they did not want to vote, and the answer was frequently given that they did not want to have anything to do with it. Then the men would start out. Of course, that man's vote counted for nothing; of course, it was neither for or against."

"He did not vote?—He would have voted against prohibition, and I noticed a great many people would have done so." (Q. 33259-33262.) He did not mean those who voted for prohibition, but those who did not vote at all.

The chief of police of Brandon said that between the 1st of January and the 29th of October, 147 cases had been before the police magistrate. Of these about 54 were cases of drunkenness, and of the remaining 98 cases he thought perhaps 31 might be attributed to drunkenness.

Mr. John McDiarmid, M.D., mayor of Brandon, in which place he had resided for about ten and one-half years, said that he considered prohibition might be a good thing if it were carried out, but he had great doubts about the practicability of the scheme (Q. 32298). If prohibition were enacted in Manitoba, he thought, in face of the vote which had been taken, it could be fairly well enforced.

Mr. Gordon Boll, M.D., medical superintendent of the Manitoba reformatory, had resided in the province for five years, and came from the county of Renfrew, Ont. He stated that of 47 inmates of the asylum—24 males and 23 females—there was only one case in which it could be proved that the lunacy had been caused by drink. (Q. 33340). He said that his experience had been somewhat limited, but from it he had come to the conclusion that about 3 per cent of the total lunacy cases could be attributed to alcoholism. (Q. 33367).

Mr. Frederick H. Hesson, collector of Customs, Brandon, thought from the experience he had had that prohibition could not be enforced. He considered that the license law was fairly carried out. He thought that for about two years there were no licenses issued in Brandon. The place was then under the North-west prohibitory law. He said that during 1882 and 1883 liquor was openly brought in without any permit and was sold. (Q. 33400-1). There were no mounted police to check the traffic, and it went on practically without hindrance. The result was that there was more drinking than under the license system.

Mr. A. M. Peterson, a member of the legal profession at Brandon, where he had resided for ten years, was favourable to prohibition, and did not see why it could not be enforced. (Q. 33430-2). Mr. Peterson's opinion with reference to the recent vote was expressed as follows:—"I heard plenty of men who had expressed themselves favourable to prohibition declare they would vote against it at the plebiscite, and I may state that lots of men who voted against prohibition would have voted for it if they had believed that the time was ripe for the enactment and enforcement of such a law. I think the people gave consideration to the matter, and voted as they thought best. I do not believe that those who voted for prohibition believed that it would be a bad measure, but I believe those who voted against prohibition believed that such a law would be a good thing, but that the time was not ripe to attempt its enforcement." (Q. 33452.)

"So the vote in favour of prohibition is not the expression of all the people favourable to it? I am not prepared to say that the people of Manitoba are fools, and I believe they expressed their honest sentiments." (Q. 33453.)

William A. Macdonald, M.P.P., barrister, of Brandon, who had resided in Manitoba over ten years, spoke of his experience under the Dunkin Act in the township of Pelham, Ont. It did not work satisfactorily. There was no license law in force when he went to Brandon. There was a great deal of sale, a great deal of liquor, and a great deal of drunkenness. He thought that the license law was fairly well observed in Brandon, (Q. 33473,) but he favoured prohibition if it was backed up by the sentiment of the people. The recent voting in Manitoba would be an indication of the feeling of the people, if they voted as they felt. In the city of Brandon they had a hot contest, and no doubt politics drove the question of temperance a little out of the public mind, though, for all that, he believed there was a fair expression of public opinion; but the people did not give the same thought to it as they would have done had the question been brought up separately. (Q. 33483.)

Rev. Alexander Urquhart, Presbyterian minister, had resided in Manitoba and the North-west Territories for about nine years; in Brandon for about three and one-half years. He was in favour of prohibition. He thought the license system had increased drunkenness. He presented a report of the Synod of his church on the liquor question. He considered that the prohibitory law in the North-west Territory was much preferable to the license system. He saw very little drunkenness in the Territories when the prohibition law was in force. He had resided in Regina. The Synod of his church had made a deliverance protesting against the way in which the permits were issued, and advocating that the law should be changed. The legislation of the Territories was in favour of a license system, and the members of the Legislature, elected by the people of the Territories, evidently did not agree with the sentiment expressed by the Synod of his church. He thought there was an increase of drunkenness after permission was granted to bring in beer for sale containing four parts of alcohol. He had no personal knowledge what the state of matters in the Territories was since the license law had been brought into force.

Mr. Richmond Spencer, M.D., of Brandon, had resided there for about eleven years, having gone from Montreal. He said that the permit system was in operation when he went to Brandon. The liquor traffic was prohibited when the railroad was opened, and you could not get liquor at that time except by permit. The whisky brought in was pretty good, he thought; the brandy and wine were nothing but poor whisky coloured. He considered that the present license law was fairly

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well observed. He was not in favour of prohibition, nor yet in favour of the provincial liquor license law. He thought that the common people ought to get a cheap drink, such as lager beer, or any other good drink, and the better classes get good wine; he meant those who were willing and able to pay for it. If there were those who wanted brandy or some liquors stronger than those commonly used, the proper way would be to place a large license fee on its sale; let them pay 50 cents per glass for it, but at the same time let it be good. Of course at 40 or 50 cents per glass there would be less drinking. They would not pay \$2 or \$3 for a few glasses of brandy. The reason men drank more under the permit system than under license, he considered, was that they would get one or two gallons at a time, gather their friends together, and drink it, not ceasing till they had finished. (Q. 33,580-1.) He remembered reading some extracts from an official report of Col. Herchmer, who said the condition of things under license was greatly worse than under the permit system, and that the change had been for the worse since the license system went into operation. He thought if the license system was properly looked after, it would not be so bad. (Q. 33585.) Prohibition was wrong in principle. He did not believe in prohibiting a man and "then having him sneak in by back doors. We would next have our children sneaking in by back doors, and practically stealing it." (Q. 33599-600.)

The Rev. S. Daniels, Methodist minister, Brandon, said he would like to see a Dominion Act. If that was not practicable, he would like to see a Provincial Act. He could not see why such an enactment could not be enforced. Something, no doubt, would depend upon public sentiment. He believed that the preponderance of public sentiment in Manitoba was most decidedly in favour of prohibition. (Q. 33644.) He had only been in Brandon a few months, and had previously been at Portage la Prairie. The license law was then in force.

Mr. L. F. Hughill, employed on the editorial staff of the *Mail*, Brandon, had been almost constantly in Manitoba and the Territories since 1872. The prohibitionist enactment was the law when he was in the North-west, but it was not to any great extent enforced. Intoxicating beverages were obtainable in large quantities. They were of a very inferior quality. Consumption to excess occurred. Whenever what was called a "cargo" arrived, it was the occasion of dissipation. Permits were drawn out so that they covered the liquor for a sufficient length of time until someone else smuggled in a cargo, and when it did come it was used to excess. "If a man had a permit for five gallons of whiskey all his friends called on him, and there was what was called in that country a general jamboree until the liquor was finished." Liquor brought in under the permit system was of a better quality than that which was smuggled in. He had not been in the Territories since the license system came into operation. He thought that the bringing in of liquor under the permit system diminished smuggling, and the liquor was decidedly better after the railway was built. (Q. 33684.) He had seen the working of the license law in Manitoba, and "as prohibition was carried out in the Territories, a license law is preferable, because the prohibitory law was not enforced in the slightest degree. (Q. 33687)." He was of opinion that in all cases a high license should be charged, and that a number of licensed places should be done away with and an effort made to obtain a better class of licenses. (Q. 33697.) When he said that prohibition was not enforced at all, he intended to refer to the time previous to the license system. When he was first at Fort McLeod there was no permit system; whiskey was smuggled in from Fort Benton. Then Col. McLeod, commissioner of the North-west Mounted Police, received an order from the Government that he could issue permits to a limited extent, and afterwards Governor Laird issued permits when he came into the Territory. He thought the North-west mounted police arrived about 1874, and from that date to the fall of 1876 or 1877 the permit system was in existence. He did not believe that any good at all had been effected by the prohibitory law in the North-west Territories. (Q. 33715.) That was because of non-enforcement. If the law had been rigorously enforced, he considered that some good might have been accomplished in certain sections. He did not think that the recent

vote as a vote was one on which anybody could reason anything. It was a political cry, and a great many people therefore voted that way. He knew men who voted for prohibition who every day of their lives drank some alcoholic liquor. He would vote for prohibition if he thought it would be strictly enforced.

Mr. David H. Cooper, of Brandon, barrister, and manager of the Freehold Loan and Savings Company, did not think that the license law was very thoroughly enforced in Brandon. He believed there were some places where liquor was being sold illicitly. He did not see why a prohibitory law could not be enforced as well as any other law.

Mr. William Johnston, agricultural implement dealer, had had some experience in the working of the Dunkin Act in the County of Grey, township of Collingwood, and did not consider it a success. There was more liquor drunk than under license. He was in favour of prohibition, and thought the manufacture of liquor should be stopped, and that the Government should stop the importation. He did not think the Government could stop the trade entirely, but they could make it very difficult to obtain liquor. Nobody seemed to take an interest in the matter in the township of Collingwood. He would expect to have a staff of Dominion officials appointed to see to the enforcement of a general prohibitory law, to see that no liquor was being manufactured and no smuggling carried on.

Rev. Alexander Cameron, Minister of the Presbyterian church of Canada, resident in Brandon, where he had been for only a few months, had been in charge of missions at Calgary and Revelstoke, (pp. 196-199). A prohibitory system was in force in the North-West Territories when he was there, with the permit system. He made Donald for a time his headquarters. There was high license in force. Revelstoke and Donald are both in British Columbia. The hotels were selling. There were about thirty places selling in Donald, sixteen under license and fourteen unlicensed. That was at the time of the construction of the Canadian Pacific snow sheds, the finishing up of the work in 1886-88. There was a fluctuating population of about 300. The town of Donald was now very much better; the population had slightly diminished, and he understood that the licensed places were reduced to four. He thought there were two licensed places between Donald and Revelstoke, and that liquor was sold at almost every place there. The liquor was spoken of as bad. The men at Donald and Revelstoke in the time he referred to were largely railway men working in the round house, on construction or on the bridges. They were largely strangers, but he thought they were nearly all Canadians. He had not been in the Territories since the license law came into operation. He was in favour of prohibition, which he thought applicable to the country as a whole, and was, from the observation of public contractors who carried on public works, of opinion that such a law could be carried out. On the matter of the practicability of preventing liquor coming into the country under a general prohibitory law, Mr. Cameron said that he did not care to go into that matter, but he thought that with the Government in favour of carrying out prohibition, it could be done. The force would have to be provided by the Government enacting the law and paid by that Government.

Mr. William Ferguson, of Brandon, a wholesale liquor dealer, who had resided for ten years in Manitoba, principally at Brandon, and came from Scotland, said that his business had increased, but he attributed it to the increase of population. In the summer the people required light liquors, and consumed a good deal of lager. He imported liquors direct from Europe, and also from Ontario and from Winnipeg. He had no experience of prohibition, except in the North-west Territory. He had been at Moose Jaw on business, where prohibition was then in force. He had gone there to push the permit trade. He saw people in the hotels, and gave them to understand that they could get "the goods" if they had permits. Permits allowed five or ten gallons at a time. At first it was two gallons; but it was afterwards increased. He did not know what they did with the liquor. There was a considerable trade built up in the way he had mentioned. As regarded the 4 per cent beer, he could not say whether there was more than that quantity of alcohol in it or

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not. He thought that occasionally the dealers would put something in it to make it stronger. Peddlers sometimes would put brandy in it, but he did not think the practice of peddling liquor prevailed to any extent. (Pp. 199-202). In reply to a question as to whether he had any opportunity of testing the liquor being peddled, he said: "I was very cautious; I was afraid of the whisky up there, I had heard so much about it." He had heard that blue-stone and tobacco were used to adulterate liquor, but he could not say positively what the ingredients were. If there was prohibition the world over, he would certainly be favourable to it. Prohibition in Manitoba only would not do at all; there would be smuggling across the line. Some people thought that liquor could be kept out, but he did not; it would come in by all kinds of ways.

Rev. James Woodsworth, Methodist minister at Brandon, superintendent of missions in Manitoba and the North-west Territories, had lived in the province a little over ten years, seven of which he had resided at Brandon. Under the working of prohibition in the North-west Territories, he said, he had seen men drunk, and he presumed they purchased the liquor. Of the people of Brandon and in Manitoba generally, if he spoke comparatively, and judged from the other provinces, he would say that generally he found that to be a sober and law-abiding community. He was opposed to the present license law, but on the question of whether the licensing of the traffic is or is not in itself sinful, he remarked: "There has been a doubt in my mind whether prohibition under some circumstances, for instance, as I saw it in some parts of the Territories, was better than license. But even if I were to suppose that license under some circumstances might perhaps be better than prohibition under certain circumstances, that would hardly answer your question. I have had no personal experience, and I do not know how I could give an opinion on the matter * * * I am inclined to that view (i.e., that the licensing of drinking is a sin). He believed in the principle of prohibition. "Notwithstanding apparent difficulties," he was asked "do you think it would be practicable to enforce such a law?" He replied: "If the people would put a principle of that kind before their party politics, it could be carried out." In response to the question, "Then you think that politics interfere?" He said, "Yes." The present license system has been in operation only a very few months (October, 1892). "As yet I have visited the Territories only once, but the general impression as expressed to me in various parts of the country was that the drinking had been far in excess of what it was previously." (Pp. 202).

Mr. Edward Jukes, manager of the branch of the Imperial Bank at Brandon, has resided in the province thirteen years; ten years in Brandon. He considered that the people of Brandon were sober and law abiding. He had not paid much attention to the liquor license law. The liquor traffic had not affected the business of the bank in Brandon in any way. He was opposed to prohibition on principle; it took away a man's right to a certain extent to think and act for himself. Judging from the result of the recent plebiscite, it seemed as if the people of Manitoba would like to have prohibition. He thought they had expressed themselves in favour of it (Pp. 203-206).

Mr. Stephen Clement, sheriff of the western judicial district of Manitoba, at Brandon, went to Manitoba in 1880. He had resided part of the time since at Shoal Lake, and in Brandon from 1882. He had had some experience of the working of prohibition in the North-west Territories. In some ways it was beneficial, but it was "a farce" to a great extent. (Q. 34042). They would get liquor occasionally, and when they did, then they would get together and drink to excess. Liquor was smuggled into the Territories; it was bad. There was liquor used for medicine that was mixed up with different articles and flavoured. Lots of "Pain-killer" was used. He thought that probably of the prisoners in the jail the greater portion of the crimes for which they were incarcerated were committed through liquor, directly or indirectly. He had not particularly observed the working of the license law. He did not know that there was much illicit sale in Brandon. He was favourable to the principle of prohibition, and thought it could be enforced with very little difficulty,

but he had not considered the machinery to be adopted for the purpose of enforcing it. He thought it should be the duty of the province to see that liquor was not brought in, and he held that, without incurring very great expense, liquor might be kept out. There was a great many people who said that if liquor was not manufactured there would be no difficulty. Asked if he did not think that at least two provinces would be against such a law, and if they would be likely to fall in and support it, he said: "I should not like to speak very much about those provinces that would oppose it. The French people are quite different from Ontario people, and are more disposed to drink. I have had very little experience of them, however" (Q. 34074).

John A. McDonald, M.D., who had resided nine years in Brandon, found the people sober and law-abiding. He thought the license law was well observed. The liquors which he had to use in his profession were very poor. Whisky that was supposed to be imported was adulterated, and unless he got a particular brand of brandy, it was very poor. These liquors were supposed to be imported, but he thought they were made in Brandon. He did not think that national prohibition was practicable. A continental law might be enforced. He did not think it would be possible, even with continental prohibition, to entirely prohibit the sale or use of liquors. He said he did not see how prohibition in the province could be carried out if it cut off the revenue from the traffic. If the Act were general all over the Dominion, then, of course, the Dominion, having power to tax other articles, would make up the deficit. Total prohibition in Manitoba could not be carried out.

The following is an extract from Mr. McDonald's evidence:—"The revenue at present obtained from liquor taxes would have to be raised in some other way, I suppose. I do not know how it could be done."

"Do you believe that when the people of Manitoba voted at that plebiscite, they voted in sober earnest? The assertion has been made that they did so; if that were the case, and the people were anxious for prohibition, would they not be willing, if necessary, to add to their provincial taxation?—I do not believe that the majority of the people want prohibition in Manitoba, and the rest of the Dominion to be free; for this reason, it would be a very great expense to prevent the entrance of liquor into this province, surrounded as it would be by provinces where there would be free trade. I believe that if the people were to vote again, and the question were to be put before them, they would not vote for prohibition.

"Do you believe that their principles are so weak that they would allow their feelings to interfere with them?—I think that a very large number who voted for it would look at it in that light. If it did not affect the revenue of the province, I think they would be in favour of trying it.

"Did not some people vote for prohibition because they wished to get rid of the evils of drink, and thought that this might be a way of getting rid of them?—I voted myself with that idea. If it were a question between high license, so that a man earning \$1 or \$1.25 per day would be unable to obtain sufficient drink to make himself drunk, and prohibition, I would vote for high license, because that is practicable and prohibition is not.

"So you voted for prohibition on account of its principle?—Yes; I should like to see less drunkenness.

"Do you think that others voted for it for the same reason?—Yes."
(Q. 34144 to 34151, inclusive.)

The Rev. W. H. Jenkins, pastor of the Baptist Church, at Brandon, where he has resided for upwards of two years, went from Cumberland County, N.S. Cumberland County, he said, was under the Scott Act, which was pretty well enforced. Difficulty was found in managing the vessels, but the Act was fairly well carried out at the end of the county where he lived, Advocate. It was a great sea-faring community, and there were many captains there. They had schooners and, of course, saw their friends for a while. A great many of them drink more or less, as all sea-faring men do. They would take a bottle along with them, and have a time. Any trouble experienced there arose from that cause. He thought that licensing the

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traffic was wrong on moral principles, yet he considered that anything that lessened the traffic was a good thing. He had lived in Queens County, N.B., which was under the Scott Act, and it worked very successfully. He had noticed that whilst there seemed to be a great deal of drinking in Brandon among young men, the community was strongly in favour of prohibition. In passing through the streets in the evenings you would see that the bar-rooms were open to the street, and you would see crowds, especially of young men. He thought that the sentiment in favour of prohibition was growing, and said: "The different Protestant churches have a very strong hold on the province and all those denominations are very pronounced in their opinions, with the exception of the Episcopal church, and I am not in a position to know anything in regard to it, although I know that some of its leading members are strongly in favour of temperance." (Q. 34200).

Mr. Alfred Boisseau, hotel-keeper, Brandon, had lived there about ten years. He had been for two years previously in Winnipeg, and prior to that he had resided in Ottawa. He was asked if he noticed any change in the social habits of the city as far as regards the drinking of intoxicating liquors as a beverage, and said they had greatly improved since he went to Brandon. The fee he paid altogether was about \$250 per year. He thought there was no illicit sale in Brandon, and he believed the liquors sold were pure. He purchased his liquors delivered in bond, and they were taken out of the original packages in which they came from the old country. He bought through the wholesale dealers in Winnipeg and Brandon. He thought it would be well to increase the amount paid for licenses, and make the number of licensed places small, as practically that system could be carried out. On the question of prohibition, he stated: "As long as liquor is manufactured it cannot be prohibited." Being asked the following question: "Supposing the Manitoba Legislature next session should enact a prohibitory law, would it be wrong?" He answered: "No, for they have a perfect right to legislate a wrong. It would be an injustice to some people. I do not think the plebiscite was a fair vote of the people. Why I say so is because I have heard hundreds say that they would not vote as they did if another vote was taken. If that vote were retaken, the result would be different. If a prohibitory Act were passed by the legislature, it would be supposed to be all right; but I do not think that such an Act could be enforced." (Q. 34247.)

A large number of those who gave evidence before the Commission in the Province of Manitoba expressed themselves on principle in favour of the prohibitive system; many on the ground that it was morally wrong to license the traffic. Some of those who so expressed themselves were of opinion that a prohibitive law was impracticable of enforcement; others expressed doubt as to the possibility of effectively carrying out such a law. A considerable number did not express any opinion on the subject. If those who were doubtful as to the possibility of carrying out prohibition, and those who expressed the view that it was impracticable, were added to those who expressed no opinion on the subject at all, they would form a majority of the witnesses who gave evidence.

The evidence given in regard to the significance to be attached to the vote on prohibition taken at the last provincial election will be found to be very contradictory. Those in favour of the prohibitive system expressed the view that it must be taken as the deliberate and well considered vote of the people of the province; those opposed to prohibition, that the popular mind was influenced by political considerations, and that the vote being taken at the same time as the vote for the members of the legislature imported into the question party feeling. The evidence shows that the system or kind of prohibition was not distinctly submitted or explained.

One important witness who gave evidence at Brandon, in answer to the question, "have the people of Manitoba decided this question by the plebiscite?" said, "there was a meeting here and the president of the Prohibition Society, Mr. Mulock was present. I asked, 'is this prohibition for the whole Dominion or for Manitoba?' He said: 'The idea is to get the vote of the people of the different provinces by a

plebiscite, and as soon as the people have declared in favour of prohibition, we can then go to the Federal Government for a general prohibitory law.' So, I say this is an indication that the people do not want prohibition in Manitoba alone." Witness went on to say, "The point I make is this: 'It is generally taken that the people of Manitoba want prohibition for the province, because there is a feeling that way; but, I think, the large majority of the provinces do not care for prohibition, and I think the large majority of prohibitionists would not care for it in Manitoba, if in the rest of the Dominion the traffic were free.'"

The law authorizing the vote to be taken was passed in 1892, and was assented to by the Lieutenant-Governor of the Province on the 20th April, 1892. It was entitled "An Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquor as a beverage, into or in the Province of Manitoba." It is clear therefore that provincial prohibition only was contemplated.

The people of any city, or county, can by taking the necessary steps, adopt if, they are so disposed, the Canada Temperance Act, which prohibits the retail sale of intoxicating liquors for beverage purposes, within any city, town or county adopting it.

The Provincial Liquor Law (sections 51 and 52) provides that any city, town or other municipality may pass a by-law forbidding the taking of any money for licenses, which by-law shall remain in force for two years thereafter, and until repealed. A by-law having been passed by such municipality, the commissioners for licenses cannot issue a license for the sale of liquor therein. Such by-law is to be submitted to a vote of the electors of the municipality. The pre-requisite of this submission is a petition signed by twenty-five per cent of the resident electors, and three-fifths of the said electors have to vote in favour of the said by-law in order to give it effect. Of course, no liquor can be sold without a license under the existing law.

The people of Manitoba, therefore, have been at liberty for years past to adopt practical prohibition of the traffic (if prohibition is practicable at all) by the adoption either of the Scott Act or of the local option by-law. Two counties in the province, namely, Lisgar and Marquette, as far back as the years 1880 and 1881 adopted the Scott Act, but the law has practically remained inoperative.

Evidence was given before the Commission that many districts have adopted local option by-laws, and one witness stated that the Scott Act had been carried in three-fourths of the province (Q. 32094), and "prohibition," he said, is practically all over the province, and it seems to me that there is no very great difficulty in carrying out prohibition except in towns, especially in towns near the railway, where liquor can be smuggled in" (Q. 32098).* The same witness said that he considered a prohibitory law could be just as well enforced as the license law is now; in fact, he was inclined to think a little better.

It very naturally occurs to ask, why, with these facilities for putting in force prohibition in the Province of Manitoba, those favouring the adoption of that system of dealing with this question of the liquor traffic have not availed themselves of the opportunities which have lain within their reach for years past. A provincial prohibitory law would not get rid of the difficulties mentioned by the last witness in enforcing a prohibitory system; it would not prevent the smuggling of liquor over the boundaries of the province. Such a law would differ only slightly from the terms of the Scott Act and the local option law referred to. If it was carried so far as to prevent the manufacture of liquor within the boundaries of the province, and the importation into it of liquors for beverage purposes, exception would have to be made in favour of liquors required for medicinal, sacramental and mechanical purposes.

Under the Scott Act liquor may be manufactured and sold to be exported over the boundaries of the district adopting the Act, and across any neighbouring district

*NOTE.—In regard to this evidence and the Scott Act in Lisgar and Marquette, see letter from Mr. Greenway, page 114.

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or districts adopting the Act. It may be manufactured to be sold for the purposes just enumerated, namely, for medicinal, sacramental and mechanical purposes.

What advantage would be gained as regards the power of enforcing prohibition under a provincial law by which the manufacture within the boundaries of the province was forbidden, seeing that such manufacture might be carried on at any point just outside such boundaries, either in some of the other provinces or in the neighbouring districts of the United States, it is difficult to realize. If it is sought to prohibit the importation for personal use under provincial legislation, such a course would be without the support of any precedent, and in opposition to the views of many of the most advanced and experienced advocates of prohibition, and it is certain must raise a very serious constitutional question.

Many of the witnesses complained that the present law of the province is not enforced; that the necessary district inspectors have not been appointed by the Government, and the duty of enforcement by municipal officers was either entirely neglected or inefficiently performed.

It was stated that in the city of Winnipeg, where probably three-fourths of all the licensed places in the province exist, an attempt to put in force the Scott Act had never been made, and no evidence was given before this Commission to show that an effort had ever been made to submit a local option law to the people of the city. Yet the city of Winnipeg is said to have given, on the occasion of the last election, a large vote in favour of prohibition. The point was not raised before the Commission, but it might possibly be claimed by some that the conditions to be complied with, precedent to the submission of a local option law, are such as to make it a difficult matter to comply with them in such a city as Winnipeg. To such an argument it may justly be replied that if the Legislature of the province reflects what are said to be the sentiments of the population on this question of prohibition, it would not be difficult to secure an amendment to the law in that respect; and in this connection it is not irrelevant to point out that the conditions on which an inn or hotel license can be obtained in the city of Winnipeg are not more onerous than they are in the Province of Quebec. Then as to the appointment of inspectors, the provincial law contains a clause which authorizes any municipality to appoint an inspector or inspectors of license within the limits of such municipality, who shall have all the powers conferred by the Act upon inspectors for the purposes of prosecution, and in case any person is convicted of an offence against the provisions of the Act through the action of such inspector, or otherwise through the action of the municipality, the Provincial Treasurer is to pay to such municipality one-half of the fines recovered through such conviction.

It is highly probable that, although the people vote for prohibition, their representatives in the municipal councils object to incurring the necessary expenditure to give effect to prohibitory measures, and hence there is a continual effort to place the cost and responsibility of enforcing such laws upon others than the local authorities. That the Dominion Parliament should enact and enforce a prohibitory law is evidently the most popular view in those municipalities where the population favour prohibition. That course would have the effect of relieving the municipalities of some expenditure which they now incur, but whether it should be resorted to or a Provincial prohibitory law should be enacted, the municipalities as such, would be relieved of a certain amount of direct expenditure at least. The adoption of either course would almost certainly involve a resort to machinery for enforcing the law other than that employed for the enforcement of the ordinary criminal law of the country.

That is a view which may or may not be well founded, but the conclusion is irresistible that the people of this province have had it in their power to enforce prohibition of the traffic, if they had desired to do so, to a very much greater extent than they have done or apparently attempted to do.

In a letter from the honourable the Prime Minister of the province dated the 14th March, 1894, it is stated: "The only official action taken on the subject of prohibition since the vote upon that question in 1892, was a memorial passed by the Legislature in 1893, addressed to the House of Commons of Canada, a copy of which you will find in the Journals of the Legislative Assembly for that year, on pages 63 and 64. I am sending you a copy of the Journals for 1893 by this mail."

The following is a copy of the paper referred to:—

“To the honourable the House of Commons of the Dominion of Canada:

“The humble petition of the Legislative Assembly of the province of Manitoba, showeth:—

“1. Whereas, by an Act of the Legislature of the province of Manitoba, assented to by the Lieutenant-Governor on the 20th day of April, 1892, entitled: ‘An Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law, totally prohibiting the importation, manufacture, and sale of intoxicating liquor as a beverage into, or in the province of Manitoba,’ it was provided that at the then next ensuing general election of members of the Legislative Assembly, an opportunity should be given the electors of the province of Manitoba to record their opinions upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquors in the province of Manitoba, by marking ballot papers either ‘for prohibition,’ or ‘against prohibition,’ and depositing such ballot papers in the ballot boxes at the time of such general election.

“2. And whereas, afterwards, in accordance with the provisions of the said last-mentioned Act, on the 23rd day of July, 1892, the day on which such general election was held, a majority of the electors of Manitoba voted under the provisions of the said Act, and recorded their opinions upon the question in the said Act set forth, and the result of said vote, according to the ballot papers marked and deposited in manner aforesaid, in so far as the same have been returned, was as follows:—

“ For prohibition.....	18,637
“ Against prohibition.....	7,115

“Thereby demonstrating that an overwhelming majority of the electors of this province, who then voted, are in favour of the total prohibition of the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Province of Manitoba.

“3. And whereas the liquor traffic, and its results, is an evil that entails upon the people of this province an incalculable amount of loss and suffering, and is productive of vice, disease, and crime to a greater extent than any other cause;

“4. And whereas it is deemed to be the duty of this House to place upon record its strong condemnation of a traffic demoralizing in its tendencies, and calculated to retard and hamper the moral and material welfare of the province.

“5. And whereas it is further deemed to be the duty of the Legislature of this province to take steps to secure such legislation as will carry into effect the opinions of the electors of Manitoba as declared upon the 23rd of July last:

“6. And whereas, in view of the provisions of the constitution, and the legal decisions given thereupon, it is uncertain what the powers of this Legislature are in regard to the prohibition of the liquor traffic, and it is desirable to secure the total prohibition thereof;

“7. And whereas it further appears that the full legislative power in respect of the premises rests in the Parliament of the Dominion of Canada;

“8. And whereas this Legislature agrees to supplement, if necessary, any effective prohibitory liquor law passed by the Dominion Parliament by appropriate legislation;

“The petitioners therefore pray that your honourable body shall, with all convenient speed, enact a law prohibiting the importation, manufacture and sale of intoxicating liquor as a beverage, into or in the Province of Manitoba, and your petitioners as in duty bound will ever pray.

“The Assembly met on the second of February, 1893, and on the first of March proceeded to consider the vote taken on the question of prohibition.

“Hon. Mr. Sifton, seconded by Mr. Young, moved the adoption of the preceding petition to the Dominion House of Commons.

“After a lengthy recital and a reference to the vote taken, Mr. Davidson moved in amendment, seconded by Mr. Hartney,

“Therefore be it resolved that a committee of this House composed of such members as are members of the Executive Council, be instructed to prepare a bill

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to provide for the total prohibition of the traffic in intoxicating liquors in the Province of Manitoba, and that they specially report to this House.'

"This amendment was negatived by 10 yeas to 28 nays, when Mr. Martin, seconded by Mr. Frame, moved,

"That all the words after 'that' be struck off and the following substituted therefor:—

"Whereas in the session of 1892, an Act entitled an Act to enable the electors of Manitoba to register their votes upon the advisability of the introduction of a law totally prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Province of Manitoba' was carried, and

"Whereas the promoters of the said Act have positively stated in the House that should the majority of the electors of this province pronounce in favour of such an Act to be introduced, that the same would be enacted accordingly, and

"Whereas the people of the province were thereby made to believe that this House had the power to pass such a Prohibition Act, and

"Whereas the electors of this province are desirous of having a Prohibitory Liquor Act carried by this House, and have the constitutionality of the same tested:

"Therefore be it resolved

"That a committee of this House, composed of such members as are members of the Executive Council, be instructed to prepare a bill to provide for the total prohibition of the traffic in intoxicating liquors in the Province of Manitoba, that they specially report to the House, and that such a Prohibitory Liquor Act shall only come into force by a proclamation of the Lieutenant-Governor in Council after having ascertained the constitutionality of the same.'

"This was also lost, the vote being, yeas 12, nays 25.

"The original petition of the Dominion House of Commons was then adopted, Mr. Martin being the only dissident in a House of 37."

NORTH-WEST TERRITORIES.

By 31-32 Vic., chap. 105 (1868), it was enacted:—

"It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada; and therefore it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain and establish within the land and territory so admitted as aforesaid, all such laws, institutions and ordinances, and to constitute such courts and officers as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein; provided that until otherwise enacted by the said Parliament of Canada, all the powers, authority, and jurisdiction of the several courts of justice now established in Rupert's Land, and of the several officers thereof, and of all magistrates and justices now acting within the said limits shall continue in full force and effect therein" (section 5).

This Act was assented to on the 31st July, 1868.

By the 32-33 Vic. (1869), chap. 3, it was enacted:—

"2. It shall be lawful for the Governor, by any order or orders, to be by him from time to time made, with the advice of the Privy Council (and subject to such conditions and restrictions as to him shall seem meet), to authorize and empower such officer as he may from time to time appoint as Lieutenant-Governor of the North-west Territories, to make provision for the administration of justice therein, and generally to make, ordain and establish all such laws, institutions and ordinances as may be necessary for the peace, order and good government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all laws and ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively."

The Act provided for the appointment of—not exceeding fifteen nor less than seven—persons as a council to aid the Lieutenant Governor in the administration of the affairs of the territory.

The Act was continued in force until the end of the next session of the Dominion Parliament.

The laws in force in Rupert's Land and the North-west Territory at the time of their admission into the Union were, as far as they were not inconsistent with the British North America Act, to remain in force until altered by the Parliament of Canada, or by the Lieutenant Governor, under authority of the Act.

Public officers or functionaries, excepting the public officer at the head, of the administration of affairs, were continued as public officers and functionaries of the North-west Territories, with the same powers and duties, until otherwise ordered by the Lieutenant Governor, under authority of the Act.

In 1870 the 33rd Vic., chap. 3, was passed and assented to on the 12th day of May, 1870. It was "An Act to amend and continue the Act, the 32-33 Vic., cap. 3, and to establish and provide for the government of the Province of Manitoba."

The 35th section of the said Act was as follows:—"And with respect to such portion of Rupert's Land and the North-west Territory, as is not included in the Province of Manitoba, it is hereby enacted that the Lieutenant Governor of the said Province (Manitoba) shall be appointed, by commission under the Great Seal of Canada, to be the Lieutenant Governor of the same, under the name of the North-west Territories, and subject to the provisions of the Act in the next section mentioned."

The Act referred to was the 32-33 Vic., chap. 3. It was re-enacted, extended and continued in force until the 1st day of January, 1871, and until the end of the session of parliament then next ensuing.

In 1871, by the 34th Vic., chap. 16, clause 4, the 32-33 Vic., chap. 3, and 33 Vic., chap. 3, were made permanent. The following is a copy of the clause:—

"All the laws in force in the North-west Territories at the time of the passing of this Act shall, so far as they are consistent with 'The British North America Act, 1867,' with the terms and conditions of the admission of Rupert's Land, and the North-western Territories into the Union, approved of by the Queen under the 146th section thereof, and with the said above-cited Acts and this Act, remain in force therein until altered by the Parliament of Canada, or by the Lieutenant Governor, under the authority of this Act."

In March, 1873, the Lieutenant-Governor of the North-West Territories, in Council, at a session of the Council assembled at Winnipeg, passed the following ordinance:—

"Whereas the giving, selling or bartering to Indians of spirituous liquors is subversive of public order and dangerous to the public peace, and the use or sale of such liquors in the North-West Territories is detrimental, not only to the Indian population and to the other residents therein; be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice of the Council of the said Territories, as follows:—

"1. The importation by any person or persons whatsoever into any portion of the North-western Territories, not being within the province of Manitoba, of any rum, whiskey or other spirituous liquor whatever, is prohibited; and any person who shall take, carry, send, bring or import, or have in his possession at any place within the said Territories, any such liquor as aforesaid, shall forfeit and pay a fine not exceeding £100, and such liquor shall be confiscated, and spilled on the ground by the officer seizing the same.

"2. Any Justice of the Peace, Quarantine or Peace Officer, constable or other person, with or without a warrant, and without any form of seizure, may take, confiscate and destroy all and any such spirituous liquors found or being within the Territories aforesaid.

"3. All fines imposed by this Act shall be recoverable before one Justice of the Peace, upon complaint, either oral or in writing, upon the oath of one credible witness, and one-half of the penalty imposed shall belong to the complainant, and one-half to the Government.

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" 4. Provided always that nothing in this Act shall be held to extend to any such liquors on the way by sea or land into Manitoba or other province of the Dominion, through the said North-western Territories.

" 5. Provided always that wine for sacramental purposes may be introduced into the Territories on a permit from the Lieutenant-Governor in favour of any Priest, Minister or Missionary in charge of a recognized Missionary Station, or of the Bishops or other Ecclesiastical authority, and shall not be liable to seizure. And any such wine introduced for such purposes shall if seized be released on proof that the same was, *bona fide*, brought on for such purposes as aforesaid."

This ordinance was not confirmed by the Governor-General in Council, for the reason that the Dominion Parliament had passed, in 1873, an Act (36 Vic., cap. 39) dealing with the same subject, subsection 2 of section 1 of which ran as follows:—

"Spirits or strong waters or spirituous liquors of any kind are hereby prohibited to be imported into any part of the North-west Territories, under the like penalty and forfeiture as are provided by the Customs laws of Canada, with respect to articles the importation whereof is prohibited; nor shall any such spirits, or strong waters or spirituous liquors of any kind be manufactured or made in the said North-west Territories, or brought into the same from any province of Canada, except by special permission of the Lieutenant-Governor of the said Territories; and if any such spirits or strong waters or spirituous liquors are imported and manufactured in the said Territories, or brought into the same, in contravention of this Act, they may be seized by any officer of the Customs or Excise, or by any constable, where-soever found; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause them to be forthwith destroyed; and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one half of such penalty shall belong to the prosecutor and the other half to Her Majesty for the public uses of the Dominion; and in default of immediate payment the offender shall be committed to the nearest jail or place of confinement for any time not exceeding six months, unless such fine and costs are sooner paid. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act."

In the same year (1873) an Act was passed authorizing the embodying of the North-west Mounted Police.

In 1874 an Act was passed entitled "An Act to amend 'An Act to make further provision as to duties of Customs in Manitoba and the North-west Territories,' and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North-west Territories." This Act (37 Vic. cap. 7) was assented to on the 26th May, 1874. In the clause amending the clause of the previous Act relating to the importation or manufacture of intoxicants, *wines, fermented and compounded liquors were included*. The maximum penalty for contravention of the Act was increased to \$200, and provision was made for the recovery of penalties imposed, and for imprisonment in default of payment.

In 1875 the 38th Vic. chap. 49 was passed.

By the 7th clause of this Act the Lieutenant-Governor, by and with the advice and consent of the Council of the North-west Territories, was empowered to make, ordain and establish ordinances, relating, amongst other matters, to the licensing of inns and places of refreshment. A copy of all ordinances passed by the Lieutenant-Governor in Council was to be submitted for the approval of the Governor General in Council.

The Act provided for the establishment of electoral districts, for the holding of elections, and for the election of representatives to the Council or Assembly. Section 13, subsection 6, provided that, "When the number of elected members amounts to twenty-one, the Council hereinbefore appointed shall cease, and be determined, and the members so elected shall be constituted and designated as the Legislative Assembly of the North-west Territories, and all the powers by this Act vested in the

Council shall be thenceforth vested in and exercisable by the said Legislative Assembly."

Section 74 of this Act reads as follows: "Intoxicating liquors and other intoxicants are prohibited to be manufactured or made in the said North-west Territories, except by special permission of the Governor in Council, or to be imported or brought into the same from any province of Canada, or elsewhere, *to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant Governor of the said Territories*, and if any such intoxicating liquor or intoxicant is imported or manufactured or made in the said Territories, or brought into the same, or is sold, exchanged, traded or bartered in contravention of this Act, it shall be absolutely forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and on complaint made before him any Judge, Stipendiary Magistrate, or Justice of the Peace may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said intoxicating liquor or intoxicant so seized to be forthwith destroyed; or in case of the same not having been seized, then, on complaint as aforesaid, such Judge, Stipendiary Magistrate, or Justice of the Peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences, and upon the same being found may cause them to be forthwith destroyed, and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded, or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle, or vessel aforesaid, respectively can be identified, may be seized by any officer of the customs or excise, or by any constable or other duly qualified person, wheresoever found within the said Territories; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel, or receptacle forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found may be condemned to pay a penalty not exceeding one hundred dollars, nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty."

Penalties for infringements of this clause are embodied in the Act, with a definition of what should be considered intoxicating liquor.

In 1876, 39 Vic., chap. 18, "An Act to amend and consolidate the laws respecting Indians" was passed. It was made to apply to all the provinces and to the North-west Territories, including the Territory of Keewatin.

It contained the usual prohibitions against supplying intoxicants to Indians which had applied to other portions of Canadian territory, with penalties for infringements of the law, all of which are to be found in sections 79 to 85 of the said Act.

This Act was amended in 1880 by 43 Vic., chap. 28; but all the prohibitory conditions against the sale of intoxicants to Indians were retained and slightly enlarged. In the same year an Act, 43 Vic., chap. 25, was passed to amend and consolidate the several Acts relating to the North-west Territories. Such clauses of the Act passed in 1875 as related to the prohibition of intoxicants were retained. The penalties in some instances were increased, and it was provided by sub-section 2 of section 90: "That the Lieutenant-Governor of the said Territories shall make an annual return up to the thirty-first December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament."

In 1886, by 49 Vic., chap. 43, the Acts relating to Indians were consolidated. The prohibitions against supplying liquor to Indians, &c., were all retained.

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By 49 Vic., chap. 50, the statutes relating to the North-west Territories were consolidated, the clauses relating to the prohibition of intoxicants to Indians previously referred to being retained.

In 1887, 50-51 Vic., chap. 33, the Indian Act was amended. The only clause affecting the liquor question related to the arrest of Indians found in a state of intoxication, and to the manner in which they should be brought to trial.

In 1888, 51 Vic., chap. 19, "An Act to amend the Revised Statutes of Canada, chapter fifty respecting the North-west Territories," was passed. By section 18 the following sub-section was added to that Act:—

"Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories, contrary to the provisions of this Act, shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly."

In 1888, by 51 Vic., chap. 22, "An Act further to amend the Indian Act, chapter 43 of the Revised Statutes," was passed. The clause of the previous Act relating to the supplying of intoxicants to Indians was repealed and the following substituted:—

"Every one, who by himself, his clerk, servant or agent, and every one who in the employment or on the premises of another, directly or indirectly, on any pretence or by any device, sells, barter, supplies or gives to any Indian or non-treaty Indian any intoxicant, or causes or procures the same to be done, or attempts the same or connives thereat, or opens, or keeps, or causes to be opened or kept on any reserve or special reserve, a tavern, house or building in which any intoxicant is sold, bartered, supplied or given, or who is found in possession of any intoxicant in the house, tent, wigwam, or place of abode of any Indian or non-treaty Indian, or of any person, or upon any other part of the reserve or special reserve, or who sells, barter, supplies, or gives to any person on any reserve or special reserve any intoxicant shall, on summary conviction before any judge, police magistrate, stipendiary magistrate, or two justices of the peace, or Indian agent, upon the evidence of one credible witness other than the informer or prosecutor—or in the Province of Manitoba, the Province of British Columbia, the North-west Territories, or the District of Keewatin, upon the evidence of the informer alone, if he is a credible person—be liable to imprisonment for a term not exceeding six months, and not less than one month, with or without hard labour, or to a penalty not exceeding three hundred dollars and not less than fifty dollars with costs of prosecution, or he shall be liable to both penalty and imprisonment, in the discretion of the convicting judge, magistrate, stipendiary magistrate, justices of the peace, or Indian agent; and a moiety of every such penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to Her Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians with respect to one or more members of which the offence was committed"

By 54-55 Vic., chap. 22 [1891] the Act 49 Vic., chap. 50, was amended as follows:—"Section ninety-five of the Act is hereby repealed and the following substituted therefor:—"Every person who, without special permission as aforesaid issued to him, manufactures, makes, compounds, imports, sells, exchanges, trades, or barter any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is found, without such special permission issued to him, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, a moiety of which penalty shall belong to the person laying the information."

This Act [1891] contained the following clause:—"Notwithstanding anything in this Act or the said Act contained, the Legislative Assembly may, by ordinance, repeal the provisions of sections twenty-six to forty, both inclusive, and also, in so far as they apply to the territories comprising the several electoral districts mentioned in the schedule to this Act, the provisions of sections ninety-two to one hundred, also both inclusive, of the said Act, together with all amendments thereto, and may re-enact the said provisions or substitute other provisions in lieu thereof."

The sections ninety-two to one hundred applied to the prohibition of intoxicants

The mounted police were given most extensive powers for the enforcement of the law relating to the liquor traffic. By the 15th section of the Act of 1873, 36 Vic., chap. 35, the commissioner and every superintendent of police was made *ex officio* a justice of the peace, and every constable and sub-constable was made a constable in and for the whole of the North west Territory, and was empowered to execute the office in any part thereof.

By an Act passed in 1874, 37 Vic., chap. 22, section 15, the commissioner of police was given all the powers of a stipendiary magistrate, and all inspectors and such other officers of the force as might be approved by the Governor in Council were appointed to be *ex officio* justices of the peace.

At a later date the assistant commissioner was also given the powers of a stipendiary magistrate.

The police force were also given the power, upon information or upon reasonable grounds for suspicion, to enter any shop, store, hut, tent, wigwam, dwelling or building, or place or enclosure, and also to enter and for such purposes stop and detain any vessel, canoe, carriage, wagon, cart, sleigh, or other vehicle or means of conveyance of any description, and to dig in, rummage and search all parts thereof for any kind of spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors, or intoxicating liquor of any kind and to break up and utterly destroy any vessels found containing any such intoxicants, and to spill, waste and utterly destroy the same forthwith. (41 Vic., chap. 36, 1879).

These extended extracts from the laws of the Dominion bearing upon the liquor question in the North-west Territories are given with a view to showing as fully as possible what the law in reference to the traffic was at the date the power to deal with it was transferred to the Legislative Assembly of the North-west Territories.

By the law of 1873 the importation and manufacture of spirits and spirituous liquors of all kinds into or in the North-west Territory was prohibited except by special permission of the Lieutenant-Governor of the said territories.

In 1874 wines and fermented and compounded liquors were added to the list of intoxicants previously prohibited.

In 1875 the law was changed, and the manufacture of intoxicating liquors and other intoxicants in the Territories was prohibited except by special permission of the Governor in Council, or to be imported or brought into the same from any province of Canada or elsewhere to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor of the said Territories. It is important to notice the introduction of the words "to be sold, exchanged, traded, or bartered" into the legislation of this year, as they enlarged the powers of the Lieutenant-Governor under the permit system.

Prohibition against giving and selling, etc., to Indians was continued, and still remains in force.

In 1884, the Council of the North-west Territories passed the following resolution, a copy of which was forwarded by the Lieutenant-Governor to the Dominion Government:—

"That, in the opinion of this Council, the rapid increase of the population in these territories has caused a necessity for some modification of the liquor law as at present in force. While acknowledging that the permit system has worked well in the past, and has been attended with good results, it appears to this Council that the system at present in force might be varied, so that beer and light wines should be excepted from the prohibition clauses of the North-west Territories Act; and that the manufacture of beer in the Territories may be permitted under regulations to be made by Your Excellency in Council."

On the 4th December, 1888, the Legislative Assembly, after discussion, passed by a vote of 13 yeas to 7 nays, the following resolutions, which were forwarded by the Lieutenant-Governor of the Territories, for the consideration of the Governor General in Council:—

"Whereas, on the 23rd of November, 1888, this assembly decided that a vote of the people should be taken on the question of License vs. Prohibition,

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"And whereas it has been decided that this assembly has not the power to make provision for taking such a vote,

"Be it resolved that in the opinion of this assembly a vote of the Territories on the question of License vs. Prohibition should immediately be taken;

"That in the event of provision for the taking of such vote not being made by the Dominion authorities at the next session of the Dominion Parliament, it is the opinion of this Assembly that powers similar to those enjoyed by provinces under the British North America Act in respect of the liquor question should forthwith be granted to this Assembly."

At a meeting of the Legislative Council held on the 21st October, 1887, it was resolved that Messrs. Turriff, Cayley, Lauder, Hughes, Ross, Jelly, and Messrs. Haultain and Wilson, be a special committee to take into consideration and report on the present state of the liquor law.

On the 18th November the committee made the following report:—

"Whereas, in the opinion of this council the present liquor system is unsatisfactory and ineffective, either as a temperance or prohibitory measure;

"And whereas, on account of the disfavour in which the present law is regarded and its consequent ineffectiveness, a large traffic in illicit liquor has sprung up, to the great detriment of the country morally and financially;

"And whereas the reasons for the introduction of the present law have ceased to exist, and with them the necessity for the law;

"And whereas, apart from any question of principle, the people of the Territories are united in the opinion that the time has come when they should be allowed to pronounce of themselves on the important subject of the liquor question;

"Resolved, that this council is of opinion:

"(a.) That power to deal with the liquor question similar to that enjoyed by provinces under the British North American Act be given to this council;

"(b.) That the provisions of the Canada Temperance Act be extended to the Territories, and that the present provisional districts of Assiniboia, Saskatchewan and Alberta be districts under the said act;

"(c.) That sections 92 to 100 of the North-west Territories Act be repealed, such repeal not to come into effect until one month after the close of the next session of the North-west Council or Assembly."

A copy of the resolution voted upon, upon the recommendation of the committee, was forwarded to the Dominion Government.

On the same day it was moved by Mr. Turriff, seconded by Mr. Crawford, "that the issue of permits except for medicinal, scientific, sacramental and mechanical purposes, be discontinued." Only the mover and seconder voted for this resolution, and the remainder of the members of the council present, fifteen voted against it.

On the 31st October, 1888, the first session of the first Legislative Assembly of the North-west Territories was held. The Lieutenant-Governor, in his address to the Assembly, pointed out the desirability of devising means by which the cause of temperance might be most effectually served, consistently with the exercise of the rights of the inhabitants of the Territories as British subjects. He said: "Whether exceptional legislation is to be continued or not is a matter upon which you as representatives of the people, have the sole right to speak with any degree of authority." And added that he would be happy to transmit any resolution or representation which the Assembly might think fit to pass to the honourable the Privy Council at Ottawa.

In response to the address of His Honour, the Legislative Assembly said: "The cause of temperance is one which we are glad to learn Your Honour proposes we should deal with. It is one which the present laws of the Territories do not deal satisfactorily with. Any resolution or representation to the honourable the Privy Council at Ottawa, which this Assembly may feel called upon to make, will be framed solely with a view to the temporal and moral interests of the community."

There was much discussion on the subject of the liquor laws during the session. A committee was appointed to report upon the advisability of taking a vote of the people to ascertain whether a prohibitory or license system was most desirable.

The committee reported in favour of having such a vote taken. There were several amendments moved to the report, and the committee was instructed to make a full recommendation as to the best method of securing "a full franchise," how the expense of taking a vote was to be provided for, how long the vote should hold good, providing for punishment of bribery and corruption, whether the vote should be an open one or by ballot, and an estimate of the total cost of the election. The committee made a further report, in which they estimated the total cost of the election to be \$3,000.

The Assembly decided to refer to the legal experts of the Legislative Assembly for their opinion on this question:—

"Has this Assembly a legal right to take a vote of the people on license or prohibition?"

The legal experts presented to the Assembly on November 30th, a report, the concluding paragraph of which was to this effect:—

"The only answer to the question propounded to the experts—after giving the subject their best consideration—is that the power to legislate in the direction suggested is not vested in the Assembly."

On the 4th of December, it was moved by Mr. Reaman, and seconded by Mr. Neff: "That this Assembly memorialize the Dominion Government to pass such legislation at its next session, as will give this Assembly the full power to deal with the liquor question in the Territories."

It was moved in amendment that the following should be substituted, and the amendment was, by a vote of thirteen to seven, adopted:—

"Whereas on the 23rd of November, 1888, this Assembly decided that a vote of the people should be taken on the question of license vs. prohibition;

"And whereas it has been decided that this Assembly has not the power to make provision for taking such a vote;

"Be it resolved that in the opinion of this Assembly, a vote of the Territories on the question of license or prohibition should immediately be taken;

"But in the event of provision for the taking of such a vote not being made by the Dominion authorities at the next session of the Dominion Parliament, it is the opinion of this Assembly that powers similar to those enjoyed by provinces under the British North America Act in respect of the liquor question should be forthwith granted to this Assembly."

This expression of the views of the Assembly was forwarded to the Secretary of State at Ottawa for the consideration of the Governor General in Council.

In the third session of the Legislative Assembly, on the 4th November, 1890, it was moved by Mr. Richardson, seconded by Mr. Plaxton:—

"That His Honour the Lieutenant-Governor be respectfully requested to discontinue the permission now being granted by him under the provisions of section 92 of the North-west Territories Act for the sale of beer." On the question being put, the House divided, and the names being called it was found that two members voted for the adoption of the motion, and eighteen against it.

In his address at the opening of this session of the Legislative Assembly, the Lieutenant-Governor stated that the North-west Mounted Police Force was entitled to special thanks for the valuable assistance they afforded in connection with the regulations governing the importation of liquor into the Territories, and their continued efforts to suppress illegal traffic in intoxicants.

A general election of members of the Assembly was held on the 31st October, 1891, and the first session of the second legislature was opened on the 10th December, 1891. The Act of the Dominion Parliament conferring upon the North-west Legislative Assembly the power of legislating in respect of intoxicating liquors within the electoral districts of the Territories had been passed. It received the Royal assent on the 30th September, 1891.

On the 14th December a motion was made in the Assembly to appoint a committee to prepare and bring in a bill respecting the sale of intoxicating liquors and the issue of licenses therefor. An amendment was moved to the effect that the authority to deal with the question had only been vested in the Assembly for a short

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time before the recent elections, and therefore the electors had not had due opportunity of considering the question as a matter under local control, and as the members of the Assembly had not been elected with a regard only to the question of amendment, repeal or substitution of the Dominion Act, there being no definite proposition before the electors, the Assembly was not in a position to say definitely what the wish of the majority of the people of the Territories was, and that no legislation should be passed amending, repealing or substituting for the sections of the Dominion Act 92 to 100, until such proposed amendment, repeal or substitution had been accepted or rejected by a majority vote cast by the electors. This amendment was rejected by a vote of 15 to 9, and the main question was carried by a vote of 17 to 7.

A bill authorizing the granting of licenses for the sale of intoxicating liquors was finally introduced and discussed at various sittings of the Assembly, sundry amendments being proposed, some of which were adopted. On the 20th January, 1892, when the Bill came up for the third reading, it was moved "That the bill be not now read a third time, but that the bill be read a third time this day six months." For the amendment there voted the proposer and seconder of the resolution and one other member—three in all—and against it twenty. It was then ordered that the bill pass, and be entitled, "An Ordinance respecting the sale of intoxicating liquor and the issue of licenses therefor." The Ordinance received the assent of the Lieutenant-Governor on the 25th January.

At a sitting of the Legislative Assembly on the 29th December, 1892, on the consideration of a bill to amend the Liquor License Act, it was moved by Mr. Knowling, and seconded by Mr. Oliver, "that no license of any kind shall be issued under this ordinance, unless there be within a radius of two miles of the proposed licensed premises not less than fifteen householders." The Journals of the Legislative Assembly simply report that, "The question being put upon the amendment, it passed in the negative."

These somewhat extended extracts from the proceedings of the North-west Assembly demonstrate that the representatives of the people dealt with the question very deliberately. The advocates of prohibition complain that the question was not referred to a vote of the electors of the territories. It is difficult to realize that such a vote, had it been taken, would have had any influence whatever upon the action of the legislature. The representatives of the people in the assembly were authorized by the Dominion Act to deal with the question, and unless it is to be supposed that the taking of a plebiscite resulting in a majority of the electors declaring themselves in favour of prohibition, or, in other words, as averse to a change in the law then existing, would have deterred the legislature from dealing with the subject at all, or so influenced the minds of the members as to have led them to deal with it otherwise than in the manner in which they did, the result must have been exactly what took place.

From the course adopted by some of the advocates of prohibition, it would almost seem as if they had intended that a vote of the electors taken as had been suggested should settle the question for some fixed period, and that it should thereby be removed practically from the jurisdiction of the legislature.

It will be seen from what has been said that the Dominion Government was urged for several years before the final action was taken, to give to the territorial assembly the power of legislating in regard to the liquor traffic. That power was no sooner given than it was availed of to put an end to the prohibitive system in force in the territories, and it is impossible to come to any other conclusion than that the action of the assembly was in accord with the views of the great majority of the electors; and to charge the executive of the territories, as has been done by some of the representatives of the prohibition organization in the country, with acts of maladministration is, in the opinion of this Commission, not justified by any evidence which they have been able to collect.

The preceding statements give the history of prohibition in the North-west. It may be said to have practically existed for a period of twenty years, modified only by the powers vested in the Lieutenant Governor to grant permits for the impor-

tation of liquors, at first very sparingly exercised, but, as population collected in the territories, by sheer force of circumstances, more extensively resorted to. The exercise of this power by the Lieutenant-Governor could never have been other than a source of annoyance and trouble.

When the white population was only a few thousands it is easy to see that the difficulty would be only comparatively slight, but as population increased, between the action of those who desired to see no permits issued and those who desired to obtain permits, and the difficulty of granting them in one case and refusing them in another, the representative of the Crown must have been placed in a most invidious and unenviable position. As His Honour Lieutenant-Governor Royal remarked in the paper which will be found printed with the evidence taken in the Territories, "While it was an easy task for the Lieutenant-Governor in a small community to promptly investigate any application for a permit, it will readily be seen how well-nigh impossible such an investigation would become as soon as the white population had reached the thousands." His Honour describes the course he adopted in carrying out the law, and it is difficult to realize in what manner it could have been improved. He says:—"As a natural consequence of the settlement of the Territories, and of a deeply altered condition of society, the necessity of a corresponding change in the laws that governed the country became apparent, and none so much as the liquor enactment applicable to the white settler."

The original intention of the law was to protect the Indians. To do this, and to meet the wishes of the white settlers, was the question which, doubtless, the framers of the law hoped to settle when they adopted the permit system. When that system was so changed as to cover sales as well as importations, it became in reality a limited license law, without many of the safeguards which are usually placed around a measure of that character. Lieutenant-Governor Royal seems to have realized this fact, for he says:—"While the Privy Council retained to itself the power to permit the manufacture of intoxicants in the Territories, all the powers generally vested in licensed bodies concerning the traffic were centralized in the Lieutenant-Governor's hand. This official was left to use his own discretion in granting exemption; the law did not preclude him from doing so; he was not circumscribed in his action. At the same time, he could not systematically refuse to issue such exemptions, and thereby ignore the intention of Parliament. Had the intention been to make the law prohibitory, the language of the statute, no doubt, would have been different, and the exemptions to be made by the Lieutenant-Governor would have been severally stated and carefully mentioned. On the other hand, such an enactment was desirable and possible only in a country where the white man had hardly penetrated. As a matter of fact, the white population of the Territories in 1875 was very small indeed, and consisted chiefly of the missionaries and employees of the missions, of some fur traders, of the officers and men of the Hudson Bay Company's forte, and of a limited number of settlers and officials of the North-West Government."

A perusal of the evidence taken by the Commission will show the demoralizing state of affairs which existed under the system in force in the North-west Territories after the population began to flow into the district. The active and efficient police force confessed themselves unable to prevent smuggling, which was carried on most extensively, and the vilest compounds were distributed and used as beverages by the population. Pain-killer, eau de Cologne, red ink, and other substances highly detrimental to health, were resorted to, and when such figures as are obtainable in regard to the importations of intoxicants into the Territory are referred to, it should constantly be borne in mind that there are no statistics of the quantities smuggled and sold illicitly prior to the adoption of the license system.

In the fall of 1891 the whole question connected with the liquor traffic came before the Legislature of the Territories. A license law was then enacted, known as "The Liquor License Ordinance of 1891-92." By it the country is divided into license districts, and the licensing body is a Board of Commissioners, composed of three persons, appointed by the Lieutenant-Governor in Council, for each licensing district, who are removable at the pleasure of the Lieutenant-Governor in Council.

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The licensing inspectors comprise a chief inspector, appointed by the Lieut.-Governor in Council, and one or more inspectors appointed by the Board of License Commissioners. Hotel licenses and wholesale licenses are granted. It is provided that in the incorporated towns, no business other than liquor business, except the sale of cigars and tobacco, shall be carried on in any premises covered by the license.

Licenses are issued under the direction of the Board of License Commissioners for the district in which the premises are situated. The Board, it is provided, shall sit during the month of May, and deal with the following matters: Fix and define the conditions and qualifications requisite to obtain hotel and wholesale licenses; regulate the hotels and wholesale premises to be licensed, and fix and define the duties, powers and privileges of the inspectors of licenses for the district. At that meeting protests shall be heard against applications, and as far as possible protests shall be tried in the locality for which the application for license is made.

On the first of April yearly the chief inspector shall advertise a list of all applications received for each hotel, showing the name of each applicant, description of license applied for, and the place sought to be licensed, together with a notice of the time and place of the meeting of the commissioners to consider such application. The chief inspector shall also send to the inspector of each district a list of all applications made in his district; and the instructor shall proceed to inspect the premises of each applicant and report to the Board. Each applicant is obliged to file a petition setting forth that he is an applicant, and for what premises; and it is provided that, "if the premises for which a license is sought are outside of town municipalities, the petition shall further set forth that the petitioner produces the recommendation of ten out of the twenty householders nearest to such premises," as well as certain affidavits that the applicant is 21 years of age, and has never been convicted of felony; also an affidavit from the "respectable neighbours," stating that the applicant is personally known to them, is of age, has never been convicted of felony and is a man of good moral character and temperate habits. A bond is also demanded from the applicant, and he is compelled not only to pay the Territorial license fee, but "5 per cent thereof, in addition to the prosecution fund."

The license fees are as follows: Hotel license, \$200; wholesale license, \$200; for bottling works where lager or ale only is bottled, a fee is payable of one-half the amount charged for a wholesale license. Town municipalities may, by by-law, require each licensee to pay towards municipal revenue such sums as they may determine, not exceeding the amount of territorial duty payable on such license. No license shall be granted to a married woman, unless she be the owner or tenant in her own right of the premises for which the license is sought.

Objection can be taken to the granting of a license, if made by any seven or more out of the twenty householders residing nearest to the premises in a municipality for which a license is asked. The objections taken may be one or more of the following: That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited his license; or that the premises in question are out of repair, or have not the necessary accommodation required by law, or reasonable accommodation, if the premises be not subject to the said requirements; that the licensing thereof is not required in the neighbourhood; or that the premises are in the immediate vicinity of a place of public worship, hospital or school; or that the quiet of the place in which such premises are situated will be disturbed if a license be granted; or for other valid reasons which may be shown. The petition embodying these allegations must be sent to the chief inspector with \$10, which shall be placed in the trust fund, and in case the protest is successful, shall be returned, and if unsuccessful, the amount shall be paid into the general fund. Every hearing of a protest shall be open to the public, and the applicant must attend in person.

Further provisions are contained in the Act by which protests may be entered. The council of the municipality may authorize a representative to appear and oppose the granting of the license. The Commissioners may also of their own motion, whether a protest has been filed or not, take notice of any matter which would be an objection to the granting of a license. No license shall be granted to any applicant within two years of the date of a refusal.

In addition to the provisions respecting the filing of objections and entering of protests against the granting of licenses, the law contains local option clauses. These provisions are:—

“No license shall be granted by the Board for the sale of liquors within the limits of a license district, when it shall have been made to appear to the Board that a majority of three-fifths of the duly qualified electors therein, who have voted at a poll taken, have declared themselves to be in favour of a prohibition of the sale of intoxicating liquors in their district, and against the issue of licenses therefor.”

It is also provided that a vote shall be taken when a requisition is presented to any Commissioner, accompanied with the sum of \$200 to defray the expenses of the poll, the requisition being signed by at least one-fifth of the total number of electors in the district, the basis of such estimate being the number of electors who voted at the last election of a member of the Legislative Assembly. The vote is to be taken by a ballot in the manner provided by the Canada Temperance Act.

It is further provided that, in case of any such vote being taken, then no new vote shall be taken for a period of three years thereafter.

The law contains provisions respecting adulteration of liquor. In case of conviction for such an offence, the party is liable to a penalty not exceeding \$50. If the license of the offender is not forfeited, and inspector or constable of the district “shall cause a placard, stating such conviction, to be affixed to the premises; and be of such size and form as the convicting justice may think fit, and it shall remain posted for two weeks.”

Liquors may be seized and analysed. The inspector may enter the premises at any time. He may also “examine every room and every part of such premises, and take an account of all liquor therein, and may demand, select and obtain samples of any liquor there.”

The law likewise contains provisions for the interdiction of habitual drunkards.

The number of licenses is restricted. In towns and municipalities, where the population does not exceed 500, not more than two hotel licenses may be granted, and not more than one additional license shall be granted for each 500 of the population.

That these changes in the methods of dealing with the liquor traffic were called for by the population, this Commission have seen no reason whatever to doubt; but on the contrary they are led to conclude from their investigations that the Legislative Assembly of the Territories fully and fairly represented the public sentiment when it enacted this law.

Mr. McKay, member of the Legislative Assembly, and a native of the Territories, presented the situation in these terms when before the Commission:—“Before the permit system came into force there was free trade in liquor in the country. The Indians came around the forts, stayed for a time, and got what liquor they could, and then went to the hunting grounds. There was free sale among white people. When the Hudson Bay Company stopped the sale in 1865, it was still supplied by traders. Men peddled liquor between Prince Albert and York Factory.” (Q. 36059-36070.)

The Hon. Justice McLeod, than whom no higher authority on North-western affairs can, perhaps, be found, for, as Col. McLeod, he commanded the North-west Mounted Police force from 1876 to 1889, gave evidence before this Commission; and speaking of the permit said:—“The idea was to stop the traffic with the Indians. We (the North-west Mounted Police force) came into the country in October, 1874, and before that time I believe there was a good deal of drinking among the Indians.” (Q. 38187-38188.)

Two facts seem clearly established: First, that the prohibitory feature of the law was intended to apply to and protect the Indians, while the permissive feature was embodied in the statute to cover the case of the white population; second, that absolute power to regulate the supply for the white population was entrusted to the chief executive officer of the Territories, “by placing in his hands the power to dispense with certain provisions of the statute.”

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The system appears to have worked in a satisfactory manner during several years, and, in fact, until immigration commenced to flow in considerable volume into the country.

Lieutenant Governor Royal said that "for seven years and more the law of 1875 brought about all the good results that the legislation had anticipated."

The Hon. Justice McLeod stated:—"At first there were no difficulties at all in enforcing the prohibitory law. Subsequently, however, people came in, and liquor was brought in, and we had more trouble."

Commissioner Herchmer, in command of the North-west Mounted Police, testified that "There was less drunkenness during the early days, when the permit system was in force, and when it was difficult to get liquor."

Mr. Justice Richardson said:—"The permit system worked very well formerly; latterly there were complaints of gross abuse of permits." (Q. 34271-34272.)

Mr. Hayter Reed, Indian Commissioner, considered that the permit system "Worked very well in early times; latterly not so well." (Q. 34303.)

Mr. Justice McGuire said:—"In the early history of the country, when settlers were few and easily known by the Lieutenant-Governor and those about him, the permit system was exercised wisely, and discretion could be used in issuing permits. As the population increased, and more strangers came into the country, persons of whom the Lieutenant-Governor knew nothing got liquor, and permits were obtained by persons who were really dealers in liquor." (Q. 35375.)

Supt. Perry, of the North-west Mounted Police, testified that "In the early days the prohibitory law seemed very effective; that was before the introduction of railways." (Q. 35244.)

These opinions, extracted from the evidence before this Commission in the North-west, are emphasized by the report of officers of the North-west Mounted Police embodied in the Commissioner's reports from year to year. The value of the reports is enhanced by the fact that they were made by police officers stationed in different parts of the North-west Territories, and the opinions expressed were based on the local situation, and must be considered reliable and impartial.

Superintendent Steele, in his report of 1888, said: "The reason of passing the prohibitory act was to prevent the sale of intoxicants to Indians, and for that purpose it answered very well, as it was then. Six months after the arrival of the police in 1874 the illicit traffic was suppressed, and no serious trouble has been caused since from the drunkenness of the Indians. But when the same law is applied to the whites it is quite another thing."

Superintendent Perry, summarized the result in these words, "The early effects of the law are acknowledged by all to have been most beneficial, and to have been the chief cause of the peaceable settlement of the country."

Superintendent Cotton, in 1889, reported: "In the early days prohibition was a necessity. It was an important factor in maintaining peace among the Indians. The half-breed element also benefited by it."

Superintendent McIllree dealt with the whole subject very fully in his report of 1890. He said: "Years ago the prohibitory law was a necessity, and fulfilled what it was expected to do, namely, rescued the native population from the state of degradation they were in, from being able to obtain unlimited supplies of alcoholic beverages in trade for robes."

Superintendent Jarvis said that the prohibitory system "served its purpose in the early days of settlement."

That it was not applicable to a white population is obvious from the record of its attempted enforcement during subsequent years, when immigrants commenced to arrive in considerable numbers in the territories. These settlers had been accustomed, speaking generally, to use alcoholic beverages in their former homes, either

in Europe or in the older provinces of Canada. An agitation was commenced against the prohibitory law, which was maintained until a license law was finally enacted. Meanwhile the composition of the population of the territories was being gradually changed. This is illustrated by the following figures:—

Dominion Census, 1880-81—Rupert's Land.

Indians	49,472
Whites, including half-breeds.....	6,974

Dominion Census, 1885—Provisional districts of Assiniboia, Saskatchewan and Alberta.

Whites.....	28,192
Indians	20,170

Dominion Census, 1890-91—Same Provisional Districts.

Whites.....	53,046
Indians	14,508

It is important to consider somewhat in detail the permit system, and the manner in which it was endeavoured to be carried out during comparatively recent years. It has already been established that by the terms of the Act the exercise of the permissive provision incorporated in the prohibitory law was placed altogether in the hands of the chief executive officer of the Territories, the Lieutenant-Governor, without recourse. The practical working of the system may be now indicated. Application for a permit was made to the Lieutenant-Governor in writing, the application setting out the number of gallons required and the nature of the liquor. If the applicant was unknown personally to the Lieutenant-Governor, he required the party to be recommended by some well-known citizen. As the population increased, this safeguard became difficult of application. Accordingly, His Honour sought to obtain, in such cases, the recommendation of the local member of the district from which the application was received. If this plan could not be carried out, the application was referred to the police superintendent of the district for a report. In this way it was sought to prevent liquor being obtained by parties who would sell it, and at the same time to check habitual drinkers.

Many difficulties presented themselves in working this system. It is obvious that applicants would generally be unknown personally to the Lieutenant-Governor as immigration flowed into the Territories. The local members did not favour this system, by which they were called upon to endorse the application of constituents; and one of the leading members of the Assembly admitted to this Commission that he made it a rule to endorse every application submitted to him. Again, the reference of applications to police officers for their report tended to increase the odium cast upon them by the people generally in connection with the enforcement of the liquor law. Moreover, if the applicants failed to obtain permits, they were able to secure smuggled liquor from the United States in the early days, and from Manitoba or British Columbia during later periods, importers of such smuggled liquor being constantly on the alert to secure customers, and thus reap immense profits. Then, again, frauds were of common occurrence in regard to the use of the permits themselves. A common plan followed was that of sending the permit east to be filled, and arranging for it to be inclosed in the package sent into the Territories. If the officer happened to find the permit when the package was opened, it was cancelled; if he failed to find it, it was liable to be used for an additional supply at a later date.

Legal questions that arose in connection with the permit system increased the difficulties attending its enforcement. By a decision given by Mr. Justice Rouloau, at Calgary, it was decided that one man could be in possession of any quantity of liquor, provided some one had received a permit for it and given it to the holder. Consequently a saloon-keeper was provided by his friends with all the permits he required.

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Commissioner Herchmer, in his report of 1888, referred to this ruling, and said: "A saloon-keeper of any experience keeps about enough liquor on his premises to fill his permits, and whenever 'pulled' by the police he produces his permit or those of his friends, and keeps his reserve stock of contraband liquor in hay stacks and manure heaps, closets and other hiding places of the same sort. Consequently it is impossible for the force I command to do much." In 1890, the commissioner reiterated his complaint, and said: "The fact that counterfoils furnished, belonging to other people, can protect liquor, almost completely kills the enforcement of the North-west Act, in spite of the efforts of the Lieutenant-Governor of the North-west Territories to prevent the transfer of permits, and places the police in a most unfortunate position. In fact, as at present interpreted, it is impossible to enforce the Act."

Superintendent Steele, in the same year, reported that "None of the saloon-keepers have any trouble in borrowing a permit to cover any liquor they may have in the house at the time it is searched."

Mr. Justice Rouleau, when asked by the Commission the effect of the decision to which reference has been made, summarized as follows: "If I bring in liquor under a permit from the Lieutenant-Governor, it is legally imported, and it belongs to me, and there is no objection to my giving it to a neighbour, or giving a man a bottle, if I like, so long as the quantity covered by the permit is not exceeded. It does not make the action illegal or illicit to give the liquor away." (Q. 37503).

Mr. R. B. Gordon, secretary to the Lieutenant-Governor, explained the difficulties experienced in issuing permits, and detailed the system followed (pp. 228-232). He said that the Lieutenant-Governor "found it impossible to enforce the law so far as regards permits." He pointed out that it was impossible to distinguish between the applications that should and should not be granted; that the Lieutenant-Governor tried to get the applicants recommended, but the difficulty increased with the growing population; and he wound up by declaring that "prohibition is impracticable."

Again, enormous difficulties were encountered by the North-west Mounted Police in their efforts to enforce the law. Commissioner Herchmer, in the course of his testimony before this Commission, swore that, "As chief officer of the force, I did all I could, and the officers of the force did all they could, with the permit system." (Q. 35569).

Superintendent Gagnon went even further, and after stating that the police were, as a rule, very watchful and zealous in trying to enforce the law, declared: "We were very little helped by the people of the country, who would protect the whisky traders and smugglers; and we were hindered by the feeling among the people that it was wrong to endeavour to enforce such a law." (Q. 35707-8).

Commissioner Irvine, as far back as 1885, entered a similar complaint. He said: "Men who are law-abiding citizens in the old province think it no crime to evade the liquor law, and do so on every opportunity. If such men are not caught, then the police come in for abuse from temperance quarters. If, on the other hand, conviction follows, so much the worse for the police, for in nine cases out of ten the conviction becomes a conception, which eventually gives birth to most unsparing abuse, not of the law, but of those whose duty it is to enforce it."

In the following year Commissioner Herchmer stated that "The enforcement of the liquor law is the most disagreeable and trying service the North-west Mounted Police have to discharge, and in this particular service, more than in any other, our weakness is apparent." The Commissioner, in 1887, conceded that "The enforcement of the prohibitory law is more difficult than ever, the sympathy of the settlers being generally against us in this matter." In 1888 the Commissioner, in his report, declared that "In the towns, under the influence of whisky, any policeman who does his duty is taunted and shunned."

Supt. McMillree, in 1888, was constrained to declare that, "Under existing circumstances there is not the slightest incentive for a policeman to try and do his duty in this particular. A man is looked upon as a martyr if he is arrested for a breach of the Act."

Supt. Gagnon even goes the length of asking the Government to amend the law, so that no part of the fine imposed be given to the informer, as he says: "This system brings the force a great amount of discredit, the man being always charged with doing their duty with a mercenary object in view." And so the police officers asked for a change in the law.

Difficulties also arose from the fact that the prohibitory law proved to be unpopular among those to whom it was applied. Archdeacon McKay, of Prince Albert, explained the position in this way: "The feeling of a good many people in the Territories was that they were restricted as regards the sale of liquor, which was allowed in other places, and they rebelled against being treated differently from their neighbours." (Q. 36133).

Mr. Hayter Reed, Indian Commissioner, said that "People, though law-abiding in every other particular, would not see the prohibitory law enforced (Q. 34328), because they felt it was not workable under present circumstances" (Q. 34340).

Mr. Cayley, a leading member of the Assembly, declared that the people did not object to the prohibitory system, but to the powers of personal and domiciliary search given to the North-west Mounted Police. He said the present system was relaxed because it was "the people's wish" (Q. 34574-34575).

Mr. Forget, now Assistant Indian Commissioner, and formerly secretary to Lieutenant-Governor Dewdney and Lieutenant-Governor Royal, said: "If the Lieutenant-Governor was free in granting permits, he was assailed by persons inclined to be prohibitionists for being too liberal; if, on the other hand, he became a little strict, he was assailed by letters all over the country with discriminating against certain persons. So it was one of the hardest systems possible to administer, and to discriminate between the parties" (Q. 34772).

Commissioner Herchmer declared to the Commission that "A very large proportion of the population would evade the law if they could. They would try one dodge, and when we found that out they would invent another scheme" (Q. 35528-29.)

Mr. George Arkle, who has travelled extensively over this continent, and has resided in the North-west Territories during recent years, declared that prohibition in the Territories was practically class prohibition; that while wealthy men could obtain wine, "the settlers, like dogs, could not get a glass of beer without cringing for a permit (Q. 34838-34839). The people are supposed to have the making of the laws in any civilized country; but it is entirely out of their province to say what a man shall eat and what he shall drink. A man is a free agent or he is not a man at all" (Q. 34857).

Outside opinion was in the same direction. Dr. Orton, Medical Superintendent of the Canadian Pacific Railway during the construction period, presented his views to the Commission. He said: "There was a very strong feeling in favour of greater liberty under the permit system. People were often compelled or tempted to bring in liquors that were not fit for use, whereas by the extension of the permit system they would have been able to obtain proper, healthful and unadulterated liquors" (Q. 31847). The permit system did not work well. It has been continuously infringed, and I found large quantities of spirits of a very inferior character shipped in there, and largely used" (Q. 31743).

Mr. Robert Ward, of Victoria, B.C., a Justice of the Peace for the province, expressed his opinion in these terms: "From what I have seen of the North-west Territories of Canada, and I have passed through the Territories frequently, I am satisfied that there is a good deal more drunkenness, and a greater sale of liquors, than if such law had not been in force" (Q. 40137).

Sir Matthew Begbie, Chief Justice of British Columbia, described his trip into the Territories. He said: "I never was so pestered in my life, for I hate raw spirits, and the people were always asking me to take what they called whisky. They seemed to think it was the duty of a man to drink all the whisky he could,

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and everybody had it. I was like Gulliver when in Brobdignag, where the people were so exceedingly hospitable that they pitch-forked tid-bits from their mouth into the mouth of poor Gulliver" (Q. 39616).

Mr. Warberton Pyke, in his recent work, "The Barren Ground of Northern Canada," thus describes his experience of the working of the prohibitory law in the Territories: "At the present day the Prohibition Act orders that even the white man of the North-west must be temperate, thereby causing whisky to be dear and bad, but plentiful withal. It is surprising how such a law exists in a country where the white men not only want drink, but do drink, in defiance of the command of a motherly government."

Turning to the annual reports of the Commissioner of the North-west Mounted Police, similar statements are found on almost every page. As far back as 1885, Commander Irvine reported, "that the majority of the people living in the North-west do not respect, and do not hesitate to break the prohibitory liquor law." Supt. Perry, in 1886, expressed his opinion that, "The law as at present is not popular with any party, and does not receive the support and approval of the people. A discriminating law cannot be upheld by the people." Commissioner Herchmer, in 1887, said, "The enforcement of the North-west prohibitory law is more difficult than ever." Supt. Perry, in 1887, said, "The liquor traffic must be stopped, although the mass of people appear to be against the law." Assistant Commissioner Herchmer, in 1888, reported, "The liquor law is not working at all satisfactorily, and is no doubt being evaded, and would be even if there were five times as many police as there are." The same officer, in 1888, declared that, "The difficulty in enforcing the present law is due to want of co-operation of the people." In the same year Supt. Griesbach reported that "The present system, though it was no doubt useful and suited to the times in which it was first instituted, does not now suit either the people or the enforcers of the law, and there is no doubt that a change of some kind is expedient." Supt. Cotton, in 1889, said, "It must suffice for us to bear testimony to the fact that a prohibitory law does not give universal satisfaction." Supt. McIlree declared, "It is no use trying to deny the fact that the sentiment of the greater part of the country is distinctly adverse to the statute on this subject." Supt. Steele expressed a strong opinion. He said, "Nearly all classes in this district are strongly opposed to the existing liquor law, and there are but few who will not assist either in smuggling or screening the smugglers." Supt. Griesbach, in the same year, made this concise summary: "The present liquor laws are both easy to evade and hard to enforce. That the system must be altered is the general opinion, both of the public and the enforcers of the law." Inspector Saunders reported to the same effect, stating that, "The liquor law is throughout the country considered to have served its purpose. Public feeling is strongly against it." Supt. McIlree, in 1890, thus represented the position: "White people have swarmed into the country, and they expect to be allowed to judge for themselves by a majority of voices, whether they should have a prohibitory law or on the contrary. In consequence the present regulations are universally unpopular."

The consensus of testimony from this source was to the effect that the prohibitory law was ineffective and unpopular, and that the people desired a change.

A still further difficulty in connection with the enforcement of the law was the apathy of the temperance people. Commissioner Herchmer, in his evidence before this Commission, presented this point in a strong light. He said: "If the temperance people of the country had really meant work and business, they could have given the police a great deal of assistance. My experience here, however, was that great difficulty was met with in getting evidence, and in this the officers were not assisted by the temperance people. There was a want of moral courage on the part of people with temperance proclivities. The clergymen could have given a great deal more assistance than they furnished; they did not give us much assistance, in fact very little. They wrote in the newspapers in regard to the non-enforcement of the law, but when it came to the point there was very little evidence

to be got from them (Q. 35569). Supt. Perry, in his report of 1886, also referred to this matter, and said, "In every case it is to be remarked that the information has been laid by the police or by others on compulsion. There has not been a single civilian informer."

The permit system appears to have been surrounded not only with difficulties, but with positive evils. Many witnesses who gave evidence before this Commission recited the particulars of scenes of debauchery following the arrival of liquor obtained on permit. The custom appears to have been for the friends of the party receiving the liquor to assemble and finish the supply at a single sitting. Another evil was the injury caused by the consumption of smuggled liquor adulterated and of an injurious character. This was brought principally from Fort Benton, Montana, and no less than one month was occupied in transporting a cargo from the United States boundary to Regina or Calgary, most of the travelling having to be done at night, in order to evade the Mounted Police. Another evil arose from the inducements offered to perpetuate fraud. Misrepresentation, fraud and deceit were used to screen operations which, while contrary to the law, were passively sanctioned by the majority of the people of the country. The use of compounds, in which drugs formed the principal constituents, was another evil arising from the permit system. The evidence given before the commission showed that pain-killer cock-tails were a favourite beverage in the morning among a certain class, and red ink, Florida water and eau de cologne were drunk for the alcohol they contained.

A further evil arose from the fact that spirits were commonly used on account of the high freight charges on beer. In fact, the principal reason why mild beer not exceeding four per cent of alcoholic strength was subsequently admitted was the poor quality of spirits smuggled and distributed throughout the Territories.

Various questions arose in regard to the interpretation of the liquor law, and especially in regard to the clause authorising the Lieutenant Governor to issue permits. It was contended by certain parties that the intention of the Dominion Parliament in passing the law was to give to the North-west Territories a measure securing total prohibition of the liquor traffic. It was contended, on the other hand, that the intention of parliament was simply to afford more effective means of preventing the distribution of alcoholic liquors among Indians. The opinion of Lieutenant Governor Royal has already been cited, to the effect that the latter was the true interpretation of the intention of Parliament. His Honour appears to have realized the difficult position in which he was placed, for his admission in his statements made to the Commission was that, the law in respect to liquor prohibition had degenerated into the most unsatisfactory and crude licensing organization possible, for a free people, and painfully retrograding, as compared with the measures which statesmen are now devising for the regulation of this social evil. While the original intention of the permit system undoubtedly was to enable the white settlers to obtain alcoholic liquors for medicinal and domestic use, under certain regulations, the experiment proved a failure. Each year evidences multiplied of the breaking down of the permit system, and both officials and people began to realize the necessity of adopting some new method of dealing with this difficult position.

In all quarters discussions arose as to the new methods of treating the liquor question. Lieutenant Governor Royal, in his statements to the Commission, mentioned that, "In the absence of any action by Parliament to amend the law, numbers of good citizens discussed the propriety of allowing public houses to dispense beer to the traveller and visiting delegates". It was suggested that such a measure, besides having the result of inducing the opening of good hotels, would also be means of supplying the people with a cheap and healthy beverage, and keeping people away from stronger stimulants. Indian Commissioner Reed, in his evidence before the Commission, covered several important points in this connection. After mentioning that the original intention was that permits should be granted for medicinal and domestic purposes, he justified the action of the Lieutenant Governor in these terms: "I suppose the Governor, who had the power to issue the permits, thought it better to issue them rather than to see so much smuggling." (Q. 34344.)

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It is admitted that the number of permits issued steadily increased during the later years when the system was in operation. That there were many sufficient reasons for this increase is beyond question. The increased population of the country of itself caused an augmentation of the number. Then there was the fact that the new settlers largely consisted of immigrants from Europe, who had been accustomed to the use of alcoholic beverages from their youth, and also of people from the older provinces of Canada who had been accustomed to a license system. Again, the smuggling of inferior qualities of spirits from the United States naturally led the Lieut.-Governor to consider the advisability of permitting the importation of pure liquors from the east. In this connection two points arose, first, the desirability of retaining in the country money expended in bringing in from the United States alcoholic liquors of low quality, which enabled smugglers to reap enormous profits; second, the question whether the granting of an increased number of permits would not diminish the quantity of liquor smuggled.

About the year 1888-89 a crisis arrived in North-Western affairs as regards the administration of the liquor traffic. The permit system had been tried and had failed. In the days of the early settlement of the country it had proved successful as a means of keeping liquor from the Indians. That was its original object, and that was successfully accomplished. When efforts were made to pass beyond the original intention of the law, difficulties arose on every hand. The white settlers, who had been accustomed to the use of alcoholic beverages in Europe or the eastern provinces of Canada without let or hindrance as they pleased, resented any interference with their personal liberty. It was felt in all quarters that a change must be made. It was admitted that smuggling had reached extensive proportions, and that the quality of the articles smuggled was universally bad and injurious to health. It was conceded that in consequence of the increased population and the changed circumstances of the country the permit system had broken down. It was felt, moreover, that if ale and beer could be introduced, their use would supersede the consumption of bad spirits, and thereby tend to the promotion of temperance. The desirability of replacing spirits by malt liquors was constantly presented to the attention of the Government by the officers of the North-West Mounted Police.

Inspt. Saunders, in his report of 1889, asserted that, "As the country is gradually becoming more settled, greater difficulties are experienced. My experience is that the law does a great deal of harm."

Supt. McIllree, in 1890, reported, "The general state of prohibition is as unsatisfactory as ever, both to the general public and ourselves, who are supposed to enforce the provisions of the statute on the subject. Saloons are plentiful, and the business of selling liquor is a profitable one, and instead of decreasing, the illicit traffic is increasing."

Commissioner Herchmer, in 1887, reported: "Liquor is run into the country in every conceivable manner—in barrels of sugar, salt, and as ginger ale, and even in neatly constructed imitation eggs—and respectable people, who otherwise are honest, will resort to every device to evade the liquor laws." Supt. Griesbach, in 1887, mentioned, "That the law as it now stands under the permit system is not a success, and it is most desirable from many points of view that some radical change should take place at an early date, possibly the introduction of a high license liquor law, with proper safe-guards, would now best meet the case, and would be in my opinion, more conducive to morality, good order and the carrying out of the law than the present system." Commissioner Herchmer, in 1888, reported that, "Under the present system there are undoubtedly the gravest reasons for complaint." Supt. Cotton, in 1888, referred to the discussions that had taken place in the public press and at many public meetings in connection with the prohibitory clauses of the North-west Act, and expressed his conviction that the Government had been placed in possession of the different views entertained throughout the territorial electoral divisions. Supt. McIllree, in 1888, regretted that the evils connected with the enforcement of the Act were increasing rapidly, and less regard was paid daily to the provisions of the Act. Supt. Steele declared that, "The illicit traffic in liquor has,

as a rule, the sympathy of the public, and the experience of the police force has shown that there is more drunkenness under the present system, and more injury done to the health of the individuals through this law, than if respectable houses were licensed. My recent experience in British Columbia also shows me that as far as the police force is concerned there are fewer offences against discipline, committed through the effects of drink in a country where there are numerous licensed houses, than in the North-west Territories. As far as the public in the Kootenay District, (British Columbia) are concerned, there was less drunkenness noticeable among them between my stay of over twelve months than I have seen during the last three months in the North-west Territories, although the very strictest steps were being taken by the officer commanding here to keep down the traffic." Supt. Cotton, in 1889, reviewed the effects of prohibition in the early days, and then said, "Now, however, the situation is changed; towns and settlements have sprung up all over the territories. The white population in discussing these changes has ventilated the subject freely and fully in the Territorial press." In the same year Inspector Saunders reported, "An unpopular law is always difficult to carry out, and as the country is gradually becoming settled, greater difficulties are experienced. As a furtherance of the temperance cause, few people who live in the North-west Territories, will disagree with me when I say it has been a failure."

The desirability of permitting the introduction of beer, and even establishing a brewery, in the Territories was constantly put forward in the reports of the police officers. As early as 1887, Commissioner Herchmer recommended that, "The importation and manufacture of a good article of lager beer, under stringent inland revenue regulations, would greatly assist the satisfactory settlement of this vexed question." In the following year the Commissioner stated that, "There is a feeling among the farmers, and naturally, that the sale of good beer should be allowed, and that it should be brewed in the country, out of home-grown barley, the present regulation allowing a wretched apology for beer to be brewed in the country out of grape sugar and poisons, while the brewing from home-grown malt of an article of equal intoxicating power is strictly prohibited." The Commissioner, in 1889, reiterated his recommendation in the following terms:—"It is generally conceded that permission to brew beer in the Territories, under proper restrictions, would have a beneficial result, besides in a measure allaying the considerable discontent which undoubtedly exists. Barley grows well, and in some sheltered places hops, but at present they are unsaleable. Home breweries would keep a considerable amount of money in the country, and afford a market for farmers for grain, which they could with great advantage grow." In 1891 the Commissioner returned to the charge, and in his annual report stated: "Beer is still imported, and I cannot understand why, when it is allowed in under permit, it cannot also be brewed here under permit, as barley is a safe crop, and of very excellent quality." Mr. Gordon, Secretary to the Lieutenant-Governor, stated in his evidence before the Commission, "That on account of the smuggling, the Governor thought it better to make beer sale legal." Lieutenant-Governor Royal, in his statement submitted to the Commission, reviewed the suggestion made of permitting the sale of beer at hotels, with a view of supplying the people with a cheap and healthy beverage, and keeping them away from stronger stimulants. He said:—"I accepted the idea, which was immediately carried into effect under a complete code of regulations. The licensing system developed under my predecessors was, to this further extent, completed by me, pending the decision of the legislative authorities at Ottawa. The regulations adopted referred to the personal character of the applicant, to the accommodation of the hotel, to the days and hours of closing, etc.; and the North-west Mounted Police were charged with the duty of keeping constant watch over these houses. As no license but a permit only was issued, and such permit had to be renewed frequently, any disorder or breach of the regulation was at once visited upon the applicant by a refusal to grant further privileges. The result of this new measure was a marked decrease in the demand for liquor permits since the increase of permits for beer, and, in the same time, an increase in the revenue."

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Thus it came about that, from the strength of public and official opinion, the Lieutenant-Governor was practically forced into the position of extending more widely the permit system, and allowing the sale of beer under certain regulations and restrictions.

The 4 per cent. beer plan has formed a debatable question between those holding prohibition views and the advocates of a license system. The Lieutenant-Governor himself stated that, "The public was not long in showing itself in favour of the new policy." Mr. Forget, formerly secretary to the Governor, expressed the opinion before this Commission that, "The introduction of the system had a beneficial effect as a whole, for it decreased the applications for strong drink." Commissioner Herchner, in 1889, reported that, "The facility of obtaining four per cent beer, and the great improvement in the quality of the article, has, to a large extent, lessened the demand for stronger beverages, and I think there has been much less drunkenness in the country. Certainly the free use of four per cent beer in the police posts where canteens have been established for its sale, has made a very great difference in the conduct of the men.

The reduced demand for spirits naturally caused a falling-off in the quantity of smuggled liquor coming into the country. Supt. Steele, in 1890, referring to this fact, said:—"There has been a marked falling-off this year in the efforts to smuggle into the Territories the decoctions called whisky, from Montana."

In 1883 Lieutenant-Governor Dewdney introduced modifications, by which a fee of fifty cents per gallon was paid by the applicants for liquor permits, beer being free, as well as wine for sacramental purposes. In his report dated January, 1884 he thus explained the reasons for his action:—"In connection with the liquor question, I may state that on account of the large increase in the number of applications and increase of labour and expense consequent thereto, I deemed it expedient with the advice of my Council, to exact the payment of a fee of 50 cents per gallon for spirits and wine, to form part of the general revenue fund of the North-west Territories. This regulation came into force on 20th September last, and from that date to the 31st December following 599 permits had been granted, and \$763 realized. While I have continued to exercise the same care in granting permits as heretofore, I am glad to remark that the imposition of the tax had the effect of lessening the number of applications, for during the latter part of the year, instead of increasing in proportion to the rapid increase of population, they show about the same average daily as during the first part of the year. I may state that during the time I exacted the fee, \$238 were returned to parties who had applied for permits which I refused to grant."

Notwithstanding the imposition of a fee on spirits and wine, the number of permits issued increased steadily. That they were in excess of the growth of population is, however, open to doubt, and is a matter of contention between the advocates of prohibition and those of a license system. It was argued before this Commission that an increased number of permits simply meant a diminution in the quantity of liquor smuggled, with the advantage of a better article being consumed, and at the same time having the money kept in the country. It was also maintained that the introduction of 4 per cent beer reduced the consumption of smuggled spirits.

Mr. Gordon, secretary to the Lieutenant-Governor, stated to the Commission that, "The increase in the number of permits issued was with the view to decrease the quantity of smuggled liquor." (Q. 34428.) He further said, on account of the smuggling, the Governor thought it better to make beer sale legal. (Q. 34469.) He added, "The means of judging the wishes of the people were the applications for permits."

Mr. Hayter Reed, Indian Commissioner, when interrogated on this point, replied:—"The Governor who issued the permits must have been governed by the wishes of the people, or he would not have issued them." (Q. 34354.)

Mr. Forget, Assistant Indian Commissioner, speaking of the permit system and its effects, said:—"My own experience has led me to believe that there was as much

drinking done in the Territories and Manitoba when under permit as in Quebec and Ontario under license." (Q. 34803.)

Commissioner Herchmer, in his report in 1890, says that, "The importation of beer has lowered the demand for stronger liquor."

The following table presents in a concise form a statement of the number of permits issued, and the quantity of liquor imported, during a series of years:—

TABLE showing Number of Permits Issued and Quantity of Liquor Imported.

Year.	Number of Permits.	Spirits.	Wine.	Beer and Porter.	Four p. c. Beer.
		Galls.	Galls.	Galls.	Galls.
1883.....	1,874	4,451	727	1,558
1884.....	2,457	5,405	938	3,565
1885.....	1,761	3,684	756	5,322
1886.....	3,559	6,592	975	12,996
1887.....	3,663	6,967	*989	13,667
1888.....	4,442	8,561	1,081	20,978	25,767
1889.....	5,568	11,660	1,422	26,098	112,448
1890.....	5,765	12,417	1,464	42,673	97,116
1891.....	5,973	14,341	1,625	18,933	86,926
†1892.....	913	3,717	315	2,218	4,650

NOTE. Four per cent beer was admitted in 1888. * Sacramental.

BEER AND WINE SOLD IN CANADIAN PACIFIC RAILWAY DINING CARS.

Year.	Date.	Wine.	Beer.
		Galls.	Galls.
1887.....	Dec. 15, 1886, to Nov. 25, 1887.....	177	3,391
1888.....	Jan. 25 to Nov. 25, 1888.....	3,470	253
1889.....	do 25 Dec. 25, 1889.....	164	2,607
1890.....	do 25 do 25, 1890.....	82	889
1891.....	do 25 do 25, 1891.....	76	673
1892.....	N. W. M. Police canteen.....	7,700

† The License Act of the Territories was assented to on January 25th, 1892, and came into force on May 1st, 1892.

Whether the statement be true or not that smuggling decreased as permits increased, it must be admitted that smuggling assumed enormous proportions in the Territories. It is not too much to assert that smuggling became a business in that country. Liquor was brought into the Territories by two particular routes, namely, from the South, especially from Fort Benton, Montana, and from the West, by way of Donald and other outposts in British Columbia. By the southern route liquor of vile character was purchased on the United States frontier and transported by waggons across the prairies, either to Regina or Calgary. The shortest route, namely, from the boundary line to Fort McLeod, which may be considered as the first Canadian station where liquor could be sold at a high profit, was 235 miles. In order to transport smuggled liquor to this point it was necessary to evade the North-West Mounted Police, who traversed the country in all directions and were constantly in movement. Of course, this force watched with exceeding care the fords crossing the various streams at different points *en route*. It was, therefore, necessary for the smugglers to obtain new crossings at the different streams, and, moreover, to ensure their safety, it was essential that they should travel the greater

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part of the distance at night. The journey was thus made. The liquor was carried 25 or 30 miles at night-time, over trails little frequented, and then was cached for 24 hours, and the journey resumed on the following night. Of course, the profits were of a magnitude sufficient to compensate the smugglers for their difficult and hazardous journey. It must, moreover, be borne in mind that the powers of the North-West Mounted Police were extraordinary and exceptional. They had the right to make domiciliary and personal search.

Inspector Harper, who had experience in different parts of the Territories, and especially on the southern and western frontiers, where this contraband trade was carried on, presented to the Commission the powers of the force in these words: "We could search anywhere; that is, a commissioned officer could do so, or a police constable, under orders of a commissioned officer. We could also make a personal search." It was also stated in evidence that the houses of settlers were searched, and even bed-rooms, in the general hunt for liquor.

The witnesses at McLeod admitted that that place was an important *rendezvous* for dealers in illicit liquor. It was conceded frankly that the North-West Mounted Police had endeavoured to discharge their arduous duties; but it was explained that, "owing to the police feeling that they were not supported, they considered it was of no use to try to enforce the law." The sentiment of the community was antagonistic to its enforcement. "There was the feeling," explained one witness, "that the law was an unjust one; that it was made by a government two thousand miles away; that it was made against the wishes of the people, and was directed against something that the people wanted; that it was against their feelings and ideas altogether, and that it was not wrong to break that law." It was admitted by everyone that the people were willing to obey the laws generally, but it was asserted that "they would break the liquor laws without compunction at all." Further, witnesses emphatically declared that, "the people would not be legislated for as to what they should eat and what they should drink." Besides the extraordinary powers possessed by the North-West Mounted Police force, as already indicated, it was provided by law that wagons and teams used in hauling liquor were liable to confiscation, in the event of seizure. This provision, it was admitted on all hands, proved a powerful weapon in the hands of the officers of the law.

Not only from the south, but from the west, contraband liquor was brought into the country by all available avenues and by every possible conceivable means. It was brought in secreted in packages of merchandise; in tins specially prepared and labelled "bibles"; as canned fruits, a single peach, perhaps, floating in alcohol valued at \$5; in casks of sugar and rice; in packages of bottles, supposed to contain nothing but temperance drinks; in carloads of hogs or lumber, and as eggs. Almost innumerable other devices were likewise resorted to. In some cases casks of liquor were attached to the cars or suspended in front of the engine, to be dropped off at a convenient spot. In other cases liquor was carried by the smugglers in the state-rooms of sleeping cars, and even the mattresses and pillows of colonists were used to secrete it. Inspector Harper, stationed at Banff, told the story of smuggling (Q. 38468), he said: "There was abundant means by which liquor could be smuggled in. They would smuggle it from British Columbia, and from other quarters. A whiskey man would go west in the morning and engage a Pullman berth at a place where the train stops half an hour for supper. During the time it was there he would make arrangements with the porter by which he (the whiskey man) filled his berth with kegs of whisky. We were not allowed to search pullmans for whisky. When he got near Calgary the liquor would be thrown off just before the train pulled in. Another way was that a man coming down in the colonists' car would use rubber beds and pillows filled with whisky. They had it all over the train. It would be in the berths, on the top, underneath, in front, on the engine, on the tender, and where the water was kept, and they would let down tanks and kegs with a rope and let them stay there. The liquor would be dropped off at convenient places, and they would have men there on the spot ready to carry it away. Of course, the officers could not watch all these places."

The police possessed at one time the right of entering sleeping cars and making seizures. But the complaints from travellers became so serious that the power was withdrawn.

Another favorite method of bringing liquor into the country was that of having packages addressed to some well-known clergyman or public man. Of course, the parties to whom the package was addressed knew of the transaction, but there were interested persons ready at the depot to claim it on its arrival.

Inspector Cuthbert, of Calgary, stated to this Commission that barrels, containing bottles of beer at both ends and whisky in the centre, arrived in under beer permits. He also mentioned that cases of aerated water came in, between the bottles of which were bottles containing spirituous liquors. He laid special emphasis on the fact that there had been continuously a great deal of smuggling, and large quantities of liquor had come in on the cars. He recited the circumstances of a case in which a man was informed against for having liquor in his possession, and who, during the same day, produced permits for double the quantity he had—permits that he had collected during the day. "Some of these permits," said the officer, "were for liquor obtained the year before. It was too absurd to pass over, so the permits were returned as not covering the liquor." (P. 385-389).

The fact that British Columbia was under license while the Territories were under a prohibitory system proved undoubtedly a drawback to the enforcement of the law in the latter. The Pacific province was made a basis of operation as regards the forwarding of liquor into the Territories. This was clearly shown by a statement submitted by Mr. J. E. Miller, of Vancouver, Collector of Inland Revenue, whose district ran up to the boundary line of the Territories. He explained that there was a bonding warehouse at Donald up to the time of the adoption of a license system in the Territories (Q. 42632-42640). During 1890-91 the spirits, warehouse, for consumption at that point, were of the value of \$2,739, and in 1891-92 of the value \$2,853. Of that amount, the Collector declared that 80 per cent went into the Territories. That this statement is warranted by the facts is made apparent by the admission that immediately on the enactment of a license law for the North-west Territories, there was no further sale there for liquor, and the bonding warehouse at Donald was immediately closed. The difficulties surrounding the suppression of smuggling, both on the western and southern frontiers in the North-west territories, were so great that nearly all the North-west Police officers, and many citizens, united in the conclusion that prohibition was impracticable of enforcement in that part of the Dominion. The vast extent of boundary to be watched night and day may be judged from the fact that Inspector Norman was in charge of a district covering 940 miles along the boundary line.

The effect of the prohibitory law in connection with the building of the Canadian Pacific Railway was brought prominently before the attention of this Commission during its sittings in the North-west. The claim was put forward, on the one hand, that the law had had the effect of producing a quiet, orderly and peaceful state of affairs during the railway construction period, and that, except for the prohibitory law, a similar condition would have prevailed in Canada to that which obtained in the United States when the trans-continental roads were in progress of construction. On the other hand, it was argued that the prohibitory law was only incidentally a factor in producing and maintaining the rule of order and law which prevailed in the Territories and along the Canadian Pacific line during the construction period. The fact is conceded by all that the building of the Canadian trans-continental road was distinguished by the absence of any serious troubles arising from the drinking habits of the men employed on the work. Governor Royal, advorting to this subject, said: "In 1882 and 1883 the Canadian Pacific Railway Co. placed under contract the construction of its line across the plains to the Rocky Mountains. Many apprehended, and not without reason, that the cortege of crime of all sorts, which had accompanied the construction of trans-continental lines in the United States, would inevitably appear from the moment the uninhabited territories were reached. Fears of interference by the Indians with the progress of the work was also entertained. Yet none of these fears or apprehensions were realized. Owing

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to the absence of strong liquors in the camps of the railway navvies, owing to the discipline and strict surveillance exercised by the North-west Mounted Police, the construction was proceeded with and carried on through more than 700 miles of vacant and silent plains with at least as much order and tranquillity as if it had been across any of the provinces of Eastern Canada."

The annual reports of the North-west Mounted Police are remarkably silent in regard to the condition of the Territories during the construction period. Superintendent Cotton almost alone deals with this interesting point. In his report for 1889 he made special reference to the subject. He said. "The construction of the main line of the Canadian Pacific Railway proceeded quietly, and the total absence of all serious crime, notwithstanding the sudden influx of thousands of rough navvies, was remarked with astonishment. This was again and again borne testimony to by prominent railway men who had had experience in other countries. Even with the efficient police surveillance maintained, such happy results could not, I think, have come about but for the prohibitory laws existing. That these laws were sometimes broken, even in those days, is an undeniable fact. Such, however, was the exception, not the rule."

Superintendent Cotton, when before the Commission, enlarged on this point. On the opinion expressed in his report as above, being cited, the Superintendent added: "If all the working parties had had the right to bring in liquor and use it, the story of the construction of the Canadian Pacific Railway would have been exactly similar to the history of the Northern Pacific and Union Pacific railways. There would have been rows and murders of all kinds, I have no doubt." (Q. 30507.) Superintendent Perry, also attributed good effects to the prohibitory law during the construction period. When before this Commission, the Superintendent expressed his satisfaction that the effect of the law was "more beneficial during the construction period, when from four to five thousand men were at work on the Canadian Pacific Railway." (Q. 35263—35264.)

Mr. Thomas Dowling, who resided at Calgary during the construction of the Canadian Pacific Railway, and upon whom the duty of administering the prohibitory law to a large extent devolved, testified before this Commission that he was considered severe as a magistrate; "but, notwithstanding all I could do, quantities of liquor came into the country. People were arrested and fined, but it was impossible to keep out the stuff. We succeeded in doing so to some extent. I destroyed large quantities of liquor; I destroyed a carload one time." (Q. 37207—37210). Unlike the police officers, he attributed little of the desirable results to the effect of the prohibitory law. In fact, he made the charge that, "Some of the liquor was purchased by contractors on the Canadian Pacific Railway, who wanted to get liquor on the works in British Columbia, and to make money out of it." (Q. 37211). On being interrogated as to the probable condition, if sale of intoxicating liquors had been permitted along the line, and whether there would have been less desirable condition among the men, the witness answered that "the men got liquor anyway," and added, "I had the police force in Calgary under my command, but with my force I could not keep liquor out of the country." (Q. 37214).

The evidence given by Mr. John W. Sifton, contractor for section No. 14, seventy-six miles east of Selkirk, is interesting, as presenting a different view. He deposed before the Commission as follows:—

"I should like to tell the Commission about prohibition, and the possibility of enforcing it. I had seventy-six miles of road under my jurisdiction up to the time of its completion. I had authority under the Public Works Act to prevent the sale of liquor on that track. I decided that in my own interest, as well as in the interest of the men, I would endeavour to carry out that law. During those four years there never was any liquor sold on that contract; I say that emphatically. Liquor came in, it is true; but it did not get the chance of being sold, except to one man each time. I found it quite possible to enforce the Act. The people on my section knew that I desired to enforce the law, and that I would do so. I asked the assistance of Mr. Davis, who said that the only assistance I could have would be five constables

but he said, at the same time, that he would endeavour to assist me to carry out the law. Afterwards he sent me a communication, and I found that the responsibility rested on myself, and after that I had no trouble. I had no constable on the works except a man who acted as foreman. I had one of the engineers appointed as magistrate by the Governor of Keewatin, Hon. Mr. Morris, but no case came before him." (Q. 32105-32107).

It will be observed that the police officers attribute the peaceable circumstances surrounding the construction of the railway to the prohibitory law in force in the territories; that Mr. Dowling, who acted as magistrate in Calgary, and had charge of the district police force, says that liquor came into the country in large quantities, and that he was unable to prevent its distribution along the railway lines; and that Mr. Sifton, a railway contractor, ascribes all the benefits accruing to the exercise of vigilance in connection with carrying out the prohibitory provisions of the Public Works Act. Under these circumstances, it is hardly permissible to ascribe wholly to the prohibitory law of the territories, the peaceable and satisfactory condition of the country during the railway construction.

Important evidence was given by Mr. Harry Abbott, General Superintendent of the Pacific Division of the Canadian Pacific Railway. He had charge of Section No. 15, and subsequently of the whole district between Sudbury and Port Arthur. Speaking of his efforts to enforce the Public Works Act, he informed the Commission that he was afraid it was carried out "very inefficiently, although we did our best to carry it out. We could not prevent liquor coming in. We had constables stationed along the line, and they honestly endeavoured to suppress the smuggling of liquor, but found it impossible to do so." Mr. Sifton's statement that he found it easy to thoroughly enforce the provisions of the Act on the section of road which he built, having been read, Mr. Abbott replied: "I do not know that section, and unless it is situated very peculiarly, and unless he possessed unusual facilities for stopping smuggling, I should been very much inclined to doubt his statement." Mr. Abbott further declared that if a license system had been in force along the line, the liquor "would have been more easily kept track of, and there would have been a better class of liquor sold." As to the question whether there was much disorder among the men on the line of construction, the Western Superintendent said, "when the men got liquor there was disorder; in fact, it amounted to so much at one time that we had to call the provincial police to our aid. The riot was at Biscotassing. I remember a bullet was shot through my bedroom on one occasion." (Pp. 625-627.)

Accordingly, whether the condition of the country under prohibition, as compared with its probable condition under license, was superior, or whether its condition under prohibition was superior to its probable condition under license, was due to the prohibitory system itself as regards the district on the line of the Canadian Pacific Railway, or whether such was in fact due to the prohibitory provisions of the Public Works Act being enforced, constitute debatable questions.

It is manifest that advocates of license endeavoured to press prohibition to the front as an issue. The candidates favourable to a change of system stated openly their views. These candidates were many, while prohibition candidates very few indeed.

Mr. Betts, M.L.A., said: "I tried to make prohibition an issue, but I was not altogether successful, and very many temperance people voted for me, although they knew I was a license man. I suppose, however, they felt, as I felt, that a license law would be better than the permit system." (Q. 36032).

Mr. J. L. Reed, of Prince Albert, a Dominion officer, well acquainted with the country, stated that "Public opinion in the North-west Territories is in favour of license. The last election most decidedly settled that question. It was one of the questions up. License is a great improvement on the old system, which was spoken against everywhere." (Q. 35859-35861).

Mr. John McTaggart, of Prince Albert, another Dominion officer, said: "The matter was brought strongly before the people. The elections came on quickly, almost before the temperance people had time to look around them for candidates.

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I was told that all the candidates were rather in favour of license, so there was no option." (Q. 36288).

It may be remarked that the prohibitionists had just as much time to prepare for the election of 1891 as had their opponents.

Mr. Enoch Colpitts, who announced himself as a total abstainer and prohibitionist on principle, gave a clear explanation of the position. When asked to account for the fact that no temperance man appeared as a candidate in his district, he said: "It was just on this ground, Mr. Ross was our former member. He declared himself in favour of license. Mr. Gordon then came out, and when the question came up declared himself in favour of license. They were both supposed to be very strong men, and had a great many personal friends. The temperance men thought of starting a man; but on considering the matter, they came to the conclusion that on account of the personal esteem in which the two men were held, one or the other of them would be elected." He believed the temperance men, even if a temperance candidate had been brought out, would have supported one of the original candidates. (Q. 36724).

The advocates of prohibition having failed to place in the field candidates capable of successfully contesting the elections against advocates of license, appear to have devoted their attention to raising an agitation on the necessity of taking a plebiscite. They held several meetings, and adopted a memorial to the Lieutenant Governor asking that a plebiscite be taken. Governor Royal replied that his action would be guided by the decision of the legislature on the license question.

The elections duly came on, and the license candidates swept the field. Immediately the legislature was convened, the liquor license ordinance was passed, and the Territories came under a licensing system. The question of a plebiscite came up in the legislature, but, to quote Mr. Colpitts: "It had a very weak following and did not amount to anything."

The license law embodying local option provisions went into force on 1st May, 1892, and the number of licenses issued up to 6th of that month, for the year ending 30th June, 1893, was: (a) hotel, 73; (b) restaurant, 2; (c) wholesale dealers, 24.

The amount of revenue derivable from the licenses issued is: By the Territories, \$20,790; by municipalities and electoral districts, \$7,675.

Interest attaches to the results which have followed the adoption of the license system. Taking a few of the witnesses haphazard, we find the following expressions of opinion given in the testimony:—

Dr. Brett, M.L.A., one of the leading representatives in the Territories, said: "I think the license system is preferable to the old system. It was the concentrated sentiment of the people that influenced the Legislature in passing that law. I do not believe the people of the Territories wanted a law for revenue purposes, but they wanted a law that would regulate the traffic." (Q. 38909-38910).

Mr. Betts, M.L.A., declared: "I am satisfied in my own mind that the license law is a benefit. I think, speaking from memory, that, with the exception of three or four, every member of the Assembly was in favour of a license law. The only difference was as to the lines the law should take. There were some who believed in a prohibitory law, and some were in favour of free traffic. The stand I took was for high license and a very strict license law. I think temperance feeling is steadily growing throughout the country. The licensing of the traffic, together with the moral influence that will be brought to bear, and especially improved education, will undoubtedly be the means of considerably reducing the consumption of liquor." (Q. 36010-36016).

Mr. McKay, M.L.A., expressed his satisfaction with the operation of the law, and said it worked very well. (Q. 36079).

Commissioner Herchmer said: "It will increase the drinking among the half-breeds; but among the respectable portion of the community I do not think it will increase drinking. There is more ale consumed now." (Q. 35602).

Mr. Justice McGuire testified that, "The license system in force at present is a better system for the Territories, and it should be strongly enforced. A very small

percentage of the cases that come before me are traceable to the use of liquor. Of all the cases I have tried, only two that I recollect were the outcome of excessive use of liquor, and one of those, in which death occurred, was a case of murder, the verdict rendered being manslaughter, and it arose out of the prohibition system, I think." (Q. 35395).

Inspector Harper pronounced himself in favour of a license law, with a small number of police to enforce it, rather than a prohibitory law, with all the Mounted Police endeavouring to carry it out.

Inspector Norman called attention to the fact that drunkenness had diminished under the license system. He said, "There is less drunkenness, because under the old system I have known four or five hundred gallons to come in under permits, and so long as the liquor lasted, the place was the scene of a jamboree. The license system keeps liquor out of the houses; if carried out to the full extent, it is best." (Q. 35653-35655).

Superintendent Gagnon called attention to the increased consumption of ale in the country, and added that "If wines and ales were made cheaper, they would be used more, and there would be less drunkenness." (Q. 36721.)

Mr. Alexander Lucas, mayor of Calgary, said: "The law works satisfactorily, and there are now no illicit sales." (PP. 362-367.)

Mr. James Walker, chairman of the license commissioners at Calgary testified that "License was preferable to the last year or two of the prohibitory system." (Q. 37313.)

Mr. Frank Dick, license inspector of Calgary, gave his adhesion to the new system, although at the same time he intimated that on principle he favored prohibition.

In the report of Col. Herchmer, commissioner of the North-west Mounted Police, 1892, page 3, that officer says: "While I have not the actual figures of liquor imported since 1st May, and, under the permit system it was impossible to find out the actual quantity imported illegally, I have no hesitation in writing that the quantity of liquor used under the license system very greatly exceeds that under the permit system, and that while the heavy drinkers under the old system, except those who have taken the 'gold cure' with advantage, still drink heavily, a considerable number of settlers who formerly seldom or never obtained liquor are now using large quantities, and, as I stated before, half-breeds can get it whenever they have money, and consequently, in many cases Indians, in spite of the closest watchfulness on our part." In his evidence before this Commission he gave his opinion of the present license law in these terms:—"I think the law is a good law if it is properly carried out; but I do not think it is as strongly enforced as it should be. * * * I think all bartenders and people handling liquor should be licensed as well as the regular licensees. If a man is caught evading the law he should not be allowed to be employed in any other bar or drinking place in the country. I also think all the licensed houses, hotels and bars in the country should have no back entrances, but only one entrance, and that the bar should be lighted up during prohibited hours. You would get in this way a better class of bartenders, and it would be worth their while to be careful. At the present time these men can be employed at one bar and then at another" (Q. 35553-35555).

Turning to the annual reports of the North-west Mounted Police officers for the year following the adoption of the license system, we observe frequent reference made to the new law.

Superintendent Deane reported: "I am of opinion that there is less drunkenness now than under the old system."

Superintendent Jarvis said: "The license system has come into force since the date of my last report, and seems to work well. So far as observed in this district there has been rather a diminution of drunkenness since its introduction."

Inspector Howe thus referred to what he termed the radical change effected in the liquor law through the introduction of the license system: "The increased

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facilities thus afforded for procuring intoxicants had the effect, for a short time, of causing an increase in drunkenness amongst a certain class, principally the poorer half-breeds; but after a time, when the novelty wore off, things settled down to their normal condition. Among the white people and the more prosperous half-breeds I think there has been less drunkenness."

Inspector Cuthbert reported that "The new system seemed to work satisfactorily."

Superintendent Perry truly said: "Past experience is the only infallible guide for future legislation, and not theoretical ideas, based upon conditions which do not present themselves in these territories."

Superintendent Cotton, in his report for 1892, says: "Partial prohibition, under the old system, had its strong points and its marked weaknesses. The present license system has both, though I trust the latter in a less degree. Public opinion will, I presume, weigh the advantages and disadvantages—the *pros* and *cons*—of both systems; and when amendments to the present law are desired they will, it is safe to anticipate, be forthcoming through the representatives of the people in the Legislative Assembly. In the meantime, it is to be hoped that licenses will in all cases be properly awarded, and that every care will be exercised to prevent the possibility of the number of licenses being excessive as compared to the population."

It was to be expected that defects in the system would be found, and that there would be faults of administration which, it is to be hoped, experience will correct. At any rate, the population have in their own hands the power of preventing the issue of licenses in any license district under the local option clause of the liquor license ordinance.

In his message at the opening of the second session of the second Legislature, His Honour the Lieutenant-Governor referred to the Liquor License Ordinance in these terms: "I am happy to know that the Liquor License Ordinance which you adopted last session has, upon the whole, given general satisfaction, and that any apprehensions as to the evil effects likely to arise from the change in the law have not been realized. I have no doubt that, after some months' experience of the working of the ordinance, amendments may now suggest themselves for your consideration, which would tend to make its provisions more effective and complete."

The report of the Commissioner of the North-west Mounted Police for the year 1893 is one of peculiar interest, embodying, as it does, the opinions of the officers upon the working of the license law for the first clear twelve months since it was enacted.

The whole tone of the reports of the officers is not only one of satisfaction with the operation of the law, but the reports themselves show that drunkenness has decreased under it.

Commissioner Herchmer, in his report for 1892, expressed apprehension that under the license law drunkenness amongst Indians would increase. Such, however, has not been the case, and in his report for 1893, he says: "There has been a good deal of drunkenness among Indians in the vicinity of the towns, but not so much as usual, and, as the parties supplying the liquor have, on several occasions, been convicted and heavily fined, it is to be hoped that the practice will still further diminish." He also reports the maintenance of a strong patrol on the Athabasca river, and that but little liquor had been brought in.

Superintendent Griesbach, in his report says that at Athabasca Landing permits for 130 gallons of liquor have been cancelled.

Commissioner Herchmer further says: "I still think that there are too many licensed houses in some districts, and that some of the license inspectors do not exercise sufficient vigilance in closing bars at the proper time."

The superintendents of the force speak favourably of the operation of the ordinance. Superintendent Steele, Regina, says: "On this question I may say that there is much less liquor sold now than there was during the first year of the license

ordinance; and there is much less drunkenness amongst the public than when the permit system was in force."

Inspector Wilson, at Estevan, reports eleven cases of drunkenness, but explains that they were mostly amongst labourers of the Soo railway construction, for which Estevan was the district headquarters, that they occurred after pay days, and that the illicit liquor dives, the "blind pigs," were kept on the Dakota side, and did not enter Canada.

The favourable operation of the ordinance is especially shown by the report of Inspector Constantine, Moosomin, who writes: "The license ordinance of 1891 is fairly carried out, and drunkenness does not appear to be on the increase; on the contrary, the cases coming before the justices for the year ended November 30th, 1893, were twenty as against twenty-nine for the year ended November 30th, 1892."

Superintendent Griesbach, Fort Saskatchewan, reports that, "That the license system being in its second year, things have settled down to much the same state of affairs as exist in other places where the system is in force."

Superintendent Jarvis, of Calgary, expresses the condition well when he reports: "Under this heading (liquor laws) there used to be a good deal to say in the old permit days; but under the license ordinance the selling of liquor has been brought to the position of an exact science, which being carefully looked after by a board of commissioners and several inspectors, is found to work satisfactorily. Very few infractions of the law have come under my notice this year."

Superintendent Howe, of Battleford, also reports: "A great change was effected in the liquor laws through the introduction of licenses, on the whole the license system has given satisfaction."

"The liquor license in this district has worked fairly well, and, in my opinion, it is preferable to the old system."

With regard to the obtaining of liquor by Indians, Superintendent Perry, Regina, reports three cases.

Inspector McGibbon, Saltcoats, reports: "The Indians on the Côté Reserve are addicted to drinking, and will do anything to obtain liquor." He also reports that they obtain liquor from Yorkton, but where, he has not discovered.

Superintendent Deane, of Lethbridge, reports eight convictions of Indians for drunkenness; and Superintendent Griesbach reports eight convictions out of twelve prosecutions.

Superintendent Howe reports: "In the early part of the year a few Indians were arrested," and where proof was forthcoming, both the Indian and the furnisher of liquor were punished. This prompt action had the desired effect, and no cases have occurred since. He does not consider that much drunkenness prevails amongst the half-breeds at Battleford, though when license was first introduced, they drank considerable quantities of spirituous liquor. Since they found they could obtain liquor as they wanted it, and that it was good for neither their pockets nor their constitutions, drunkenness has decreased. He again suggests that the North Saskatchewan should be the northern boundary for license.

The report of the Minister of the Interior for 1893 embodies reports from the Lieutenant-Governors of the North-west Territories and Keewatin.

Lieutenant-Governor Mackintosh reports the issue of permits in the North-west Territories for the importation of the following:—

Whisky.....	56	gallons.
Brandy.....	47½	"
Rum	9	"
	<hr/>	
Total spirits.....	112½	"
Wine	23½	"
	<hr/>	
Total.....	136	"

Liquor Traffic—Commissioners' Report.

Lieutenant-Governor Schultz, of Keewatin, reports:—"I am again able to make you the gratifying announcement that still another year has passed with an entire absence of crime in this district. The clauses of the Keewatin Act regarding intoxicants have been rigidly enforced, and permits have only been issued on the recommendations of missionaries, justices of the peace and the higher officers of the Hudson Bay Company, and then for medicinal and sacramental purposes only."

The statistics of convictions for offences of all kinds in the Territories will be found at page 67 of this report. They include the convictions by magistrates and others forwarded to the Department of Agriculture, and published in the annual volume of criminal statistics, and also convictions by the officers of the North-west Mounted Police, which are included in the annual reports of the Department of the Interior.

As population increased in the Territories, it was to be anticipated that the ratio of the number of convictions to the population would also increase, and the more especially as the population was added to by immigrants accustomed to entirely different social conditions, and who were unacquainted with the laws and habits governing the people amongst whom they had come to settle. It may be stated, with reference to the population shown on the statement just referred to, that it includes the estimated population of the unorganized territory, which has remained well-nigh stationary. The census return showing that in 1871 it was 30,000; in 1881, 30,931, and in 1891, 32,168. The organized territory gave a population in 1871 of 18,000; in 1881, 25,515, and in 1891, 66,799. (Census 1891, tabe 9).

Adopting these latter figures as those of the population, the ratio of offences in 1881 would be 3.10 per thousand of the population; in 1891, 8.30 per thousand of the population. From 1888 offences steadily and largely increased, this whilst the permit system was in force. It was not to be expected that there would be a diminution in the number of offences immediately the license system was adopted. Between 1890 and 1891, the number of offences increased by 17 per cent. Between 1891 and 1892 the increase was nearly 32 per cent. The Liquor License Ordinance took effect in May, 1892. The increase in convictions between 1892 and 1893 was only a little more than three per cent.

Appendices Nos. 7 and 15 contain such information as the Commissioners have been able to collect in regard to the number of prisoners in jail, and lunatics confined in the asylum.

In the following letter are given the numbers of licenses issued, and the amount received for licenses for 1892:—

"LIEUTENANT-GOVERNOR'S OFFICE,
"REGINA, N.W.T., 6th May, 1892.

"SIR,—I am directed by His Honour the Lieutenant-Governor of the North-west Territories to acknowledge the receipt of your letter of the 29th ultimo, requesting, on behalf of the Royal Commissioners appointed to inquire into the liquor traffic, such information upon the subject as may be procurable.

"In reply I am to state that a license system was established in the territories for the first time on the 1st of May instant, and the number of licenses issued up to date for the year ending 30th June, 1893, is:—

" 1. a. Hotels.....	73
" b. Restaurants.....	2
" c. Wholesale dealers.....	25
" 2. The amount of revenue derivable from the licenses issued is:—	
" By the territories.....	\$20,790
" By municipalities and electoral districts.....	7,675

"It is impossible at present to form any calculation as to the probable amount of any fines which may be derived for infraction of the liquor law. I am further

to forward for your information, by this mail, copy of the North-west Liquor License Ordinances, 1891-92.

"I have the honour to be, sir,

"Your obedient servant,

"R. B. GORDON,

"Secretary to Lieutenant-Governor.

"J. HICKSON, Esq.,

"Chairman, Royal Commission on Liquor Traffic,
"Montreal."

The following statement shows the quantity of liquor brought into the Territories under permits from the Lieutenant-Governor, between 1883 and 1892, and the quantity *per capita* of the white population.

Year.	White Population.	Spirits.	Per Capita.	Wine.	Per Capita.	Malt Liquor.	Per Capita.	Beer.	Per Capita.
								4%	
1881.....	6,974								
1882.....	9,873								
1883.....	14,027	4,451	0.317	727	0.051	1,558	0.111		
1884.....	19,928	5,405	0.271	938	0.049	3,505	0.179		
1885.....	28,192	3,684	0.130	769	0.026	5,322	0.188		
1886.....	31,011	0,592	0.212	975	0.031	12,096	0.419		
1886.....	34,112	6,980	0.205	*989	0.029	13,667	0.041		
1887.....	37,523	8,561	0.228	1,081	0.028	20,978	0.559	25,767	0.686
1888.....	41,275	11,660	0.282	1,422	0.034	26,098	0.632	112,448	2.724
1889.....	45,602	12,417	0.272	1,464	0.032	42,673	0.936	97,116	2.129
1890.....	56,694	14,341	0.259	1,625	0.031	18,933	0.366	86,926	1.681
1891.....	56,694	14,341	0.259	1,625	0.031	18,933	0.366	86,926	1.681
1892+.....	56,181	3,717	0.066	315	0.005	2,218	0.039	4,650	0.083

* Sacramental.

Four per cent beer was admitted in 1888.

Beer and wine sold in Canadian Pacific Railway dining cars.

Year.	When sold.	Wine.	Malt Liquor.
1887.....	December 10th, 1886, to November 25th, 1887.....	177	3,391
1888.....	January 25th, to November 25th, 1888.....	3,470	253
1889.....	do December 25th, 1889.....	164	2,607
2890.....	do do 25th, 1890.....	82	889
1891.....	do do 25th, 1891.....	76	673
1892.....	North-west Mounted Police canteen, beer.....		7,700

+ The License Act of the Territories was assented to on January 25, 1892, and came into force on May 1, 1892.

BRITISH COLUMBIA.

The laws relating to the liquor traffic in British Columbia are somewhat complicated, and a complete and exact statement of them could only be made after examination of the ordinances and by-laws passed by such cities and municipalities as have been given power, either under the general licensing acts, the municipal acts, or acts of incorporation, to make by-laws regulating the traffic, fixing the fees, &c. Summaries of the statutory laws of Vancouver and British Columbia are given in Appendices 72 and 73.

Liquor Traffic—Commissioners' Report.

The statutory law prescribes:—

1st. The fees to be charged for licenses in what are known as town and rural districts, temporary licenses for booths, and licenses for sale on steamers, and the regulations under which these licenses are to be issued.

2. Authorizes the creation of a licensing authority in cities and municipal districts; fixes the maximum and minimum fees which the municipal authorities may exact for licenses; the conditions as to renewals, transfers, &c., and confers the power of making by-laws regulating the traffic.

3rd. The conditions in regard to granting licenses, in districts in the neighbourhood of which licensing courts are not held, by the Superintendent of provincial Police, or a stipendiary magistrate, and the granting in such districts of wholesale license by an agent of the Government.

The Municipal Act, 1892, contains most of the provisions relating to the granting of licenses in cities and municipal districts, but the cities of New Westminster and Vancouver are only subject to that Act "in so far as it is not repugnant to, or inconsistent with, their Acts of Incorporation, or any Acts or Proclamations applicable to either of them," and these two cities possess some exceptional powers in regard to the traffic under their Acts of incorporation and amendments thereto.

Towns, Rural Districts, Booths and Steamers.

The Provincial Government collects the fees for all licenses in what are called towns, townships, and rural districts, not being municipal districts. These fees are:—

For each person vending spirituous or fermented liquors, retail for each house or place in the province where such vending is carried on,

In a town of not less than fifty inhabitants, \$100 per six months.

In a rural district, not forming part of a town, \$30 per six months.

For a wholesale license, \$100 per annum.

For a license for a booth, to be in force not more than 48 hours, \$10.

For a license for a steamer, \$30 per six months.

To obtain a retail licence the applicant has to petition, and also present a certificate or requisition in favour of granting such licenses, signed by at least two-thirds of the residents (other than Chinese or Indians), over 21 years of age, in the town, village or settlement where the place sought to be licensed is situated, and no one is entitled to sign such requisition who has not been a resident for one month or more. The applicant for such license has to present his petition to two justices of the peace, fifteen days before the day of sitting of the justice of the court to consider and grant licenses, and has, further to give one month's notice of his intention to make such application; and no retail licenses is granted, excepting on the certificate of two justices of the peace. No person can obtain such a license for retailing liquor who has not been a resident of the province for a period of twelve months. Any interested person can appear before the justices of the peace and oppose the granting of the license. The license is only granted in respect of the premises mentioned in the certificate presented, and no person so licensed is allowed to carry on such business, under the authority of such license, in any other premises. The Act (51 Vic., chap. 73, 1888,) exempts houses or persons previously licensed from presenting the certificate or requisition in respect of a renewal of their licenses (Sec. 23); but provision is made for the judge of the supreme court or a judge of a county court cancelling any license for cause or on petition of residents, (Sec. 28). Anyone convicted of giving or selling to an Indian, in addition to other penalties may, on conviction, have his license cancelled, at the option of the convicting Justice. (Sec. 29). The sale of licensed premises does not include the transfer of the license. The purchaser must obtain a certificate from the Government Agent and two justices of the peace. (Chap. 10, 1889.)

To obtain a wholesale license in these districts, the person desiring the license has to make application to the government agent, and hand in a certificate signed by a majority of the registered voters being, householders, resident within a radius

of five miles from the premises sought to be licensed, and there must be resident within five miles of such premises at least twenty registered voters, who must be householders.

The power of granting and renewing these wholesale licenses rests apparently entirely with the government agent, subject to an appeal to the county court judge, in case of refusal to issue. Every license so granted remains in force for one year from the date of its issue, and is to be construed to mean a license for selling, bartering or trafficking, by wholesale only, in intoxicating liquors, in warehouses, stores, shops, or places other than hotels, inns, taverns, ale or beer houses, or other houses of public entertainment. The smallest quantity to be sold under this class of wholesale license is two gallons, or one dozen reputed quart-bottles.

A license for a booth, not lasting more than forty-eight hours, may be issued, on the certificate of two justices, to any person holding a regular retail liquor license.

A license may, on application to two justices, be issued at any time to any steamer plying in British Columbian waters, for the sale of fermented and spirituous liquors to the passengers and crew.

Licenses in Cities and Municipalities.

In cities licenses are granted by a Board of License Commissioner, composed of the Mayor (or substitute), the Police Magistrate, an Alderman, and two Justices of the Peace chosen by the Council.

In township or district municipalities licenses are granted by a Board of Commissioners composed of the Reeve (or substitute), two Councillors, and two justices of the Peace chosen by the Council.

To obtain a license in a city, a petition has to be sent in to the Board of License Commissioners by the applicant, and also a petition or requisition signed by two-thirds of the lot owners, and two-thirds of their wives (if any), also by at least two-thirds of the resident householders and their wives living with them (if any) on the block of land within which the place to be licensed is situated, and the same proportion of the same classes on the block on the same street opposite the premises to be licensed. In the case of a corner house being proposed to be licensed, the same classes in the same proportions opposite to each front of the said house have to sign the requisition.

No new license can be issued in any city or town municipality containing a population of less than 1,000, unless, in addition to other requirements and provisions, a petition or requisition in favour of the granting of such license, signed by at least two-thirds of the lot owners and resident householders, and the wives of such lot owners and householders living with them within the city or town municipality in which the premises sought to be licensed are situated, shall be presented to the board of Licensing Commissioners. The Licensing Board is not bound to grant licenses or transfers of licenses, even if all the formalities are complied with, but they are forbidden to grant them in any case unless the applicant has, prior to the granting fully complied with the provisions of the law. The law provides for notice being given of intended application for licenses and the transfer and renewal of licenses, the presentation of a map or plan showing the place to be licensed, and the neighbourhood in certain cases, and a list of the residents and their wives (if any). The holders of licenses issued prior to the passing of the Municipal Act of 1891, namely, 20th April, are not required to make application for a renewal of their licenses. They simply require to pay each six months the amounts of their license fees, and apparently their licenses continue, except under the conditions hereinafter referred to. Every person to whom a license has been granted subsequent to April 20th, 1891, has, if he or she desire a renewal of the same, to make application to the Board of License Commissioners for such renewal, and the board may grant or refuse such renewal at its discretion. No new license is granted or renewed for a longer period than six months, and no such license is saleable or transferable under any conditions. The commissioners are empowered to hear complaints against the holders of licenses, and they have power to revoke or suspend licenses for any period. If the holder of a license be convicted of any criminal offence, the commissioners may, upon proof of

Liquor Traffic—Commissioners' Report.

conviction being furnished them, cancel and revoke his license. These powers in regard to complaints and convictions apply to licenses granted prior, and subsequent to, April 20, 1891.

A license may be granted for an hotel containing not less than thirty rooms, on application made direct to the Licensing Commissioners, after prescribed notice, and the Commissioners are empowered to grant and renew such license for one year, without requiring the presentation of a petition signed by the owners of lots, etc. Anyone of the full age of twenty-one years, resident in the district where licensed or proposed-to-be-licensed premises are situated, may appear in court and oppose before the Commissioners the granting, or renewal where granted, of a license.

In certain districts lying outside the municipalities wholesale licenses are issued and renewed by an agent of the government, and in districts in which the regular licensing courts are not held, the superintendent of provincial police or a stipendiary magistrate is empowered to grant, to fit and proper persons, licenses to sell intoxicating liquor by retail, such licenses to be for one year. Security may be required by bond, with two sufficient sureties, in a sum not exceeding \$500, for the orderly conducting of the licensed premises and the observance of the law against supplying liquor to Indians.

A stipendiary magistrate may, in open court held in the county within which the person concerned resides, prohibit the selling by any licensed person of liquor to a drunkard, the law defining the meaning of the term "drunkard," and inflicting penalties for selling or procuring, contrary to such order, liquor for such drunkard, except under the direction of a medical practitioner or minister of religion. The drunkard may himself make application for such order. Penalties are imposed upon licensed vendors selling to intoxicated persons.

Prior to the law of 1891, there does not appear to have been any Provincial enactment proscribing the hours of opening and closing licensed places, or against the sale on Sunday or any part of Sunday. The municipal councils had, it is true, been empowered to make by-laws in regard to these matters, but it would appear that the municipal authorities had taken no efficient action on the subject, seeing that the Provincial Legislature found it necessary in this year (1891) to enact that there should be no selling in licensed places between eleven o'clock on Saturday night and one o'clock on Monday morning, or in other words, from one hour before midnight on Saturday to one hour after midnight on Sunday, nor on any day in which by statute in force in the province, or by any municipal by-law, the bar-room or bar-rooms of licensed places ought to be kept closed. The evidence taken by the Commission goes to show that this enactment has been attended with beneficial results. The Commissioners have not had placed before them anything indicating that the municipal authorities have extended this comparatively limited restriction on the hours of selling, but, on the contrary, it would appear that licensed premises may still be kept open in most places during the whole twenty-four hours of every day, save and except as restricted by this enactment. In New Westminster the Chief Constable stated that places were supposed to be closed at two a.m., and opened again at 6 a.m., but, as a matter of fact they generally closed between eleven p.m. and twelve midnight. (Q. 41775-41777.) The evidence taken does not show that there have been many breaches of this Sunday closing law. The officers charged with the carrying out of the law complain that they find a difficulty in securing convictions, owing to the fact that neither the law nor the by-laws provide that the bar-rooms or places where liquor is sold shall be kept absolutely locked up, and in consequence they are lighted up and used as sitting or lounging rooms in many cases, and when they are visited, unless parties are absolutely found partaking of liquor, a conviction cannot be obtained.

Licenses in municipal districts holding licenses granted prior to 1891, have what closely approaches a vested interest in their licenses. They are not called upon to make application for renewals, but the licensing authority may, for cause, suspend or cancel their licenses, and the municipal councils, it would appear, have the power, under the Provincial law (Municipal Act of 1892), to make such by-laws for regulating the manner and conditions under which the Board of Licensing Com-

missioners may authorize and grant, or withhold a renewal to any person holding a license, or to any person to whom a license may thereafter be granted, for limiting the number of licenses, for prescribing the form and conditions of the license to be granted by the Board of Licensing Commissioners, and for regulating and cancelling licenses by the Board of Commissioners before the expiry of the time for which such licenses were issued, as makes this privilege dependent upon the action of these councils. The intention of the law seems to be made clear by section 223 of the Act, which is as follows:—"Unless and until the Council shall pass a by-law under the power conferred upon them by section 242 of this Act, it shall not be requisite for any person holding a license granted before the passing of the Municipal Act of 1891 to make any application for the renewal of the same." Section 242 of the same Act is that which confers upon the councils the powers just referred to.

The fees charged for licenses within municipal districts are paid to the municipal authorities. They are fixed by the Provincial Government at:—

For retail licenses in cities, not less than \$100, or more than \$200, every six months.

For retail licenses in township or district municipalities, not less than \$50, or more than \$100, every six months.

License to sell by bottle, containing not less than one pint, in cities, not more than \$75 every six months.

For a wholesale license to sell not less than two gallons, not more than \$50 every six months.

For a restaurant selling beer, &c., with meals, not more than \$50 every six months.

For a hotel in cities, containing not less than thirty rooms, not less than \$100, or more than \$200, every six months.

For a club where liquor is sold, in municipalities, \$100 per annum.

In Vancouver it was given in evidence (Q. 42235) that there were places for which as high as \$500 per annum were charged. This is probably under a city ordinance passed under special powers conferred by the city's Act of incorporation.

The provincial law does not contain any local option powers, and, as nearly all the licenses were issued prior to the change in the law made in 1891, only those seeking new licenses are required to obtain the petition or recommendation of the lot-owners and householders provided for in the law.

The number of licenses which may be issued is not restricted under the general law, but selling to drunkards, minors and Indians is prohibited.

In the case of Vancouver, it was stated in evidence that the number of licenses which could be issued was restricted; that the maximum number had been reached, and that no more could be granted until an increase in the population had taken place.

It was given in evidence before the Commission that there were about one hundred and seven licenses of all kinds issued in the city of Victoria.—(Q. 39097).—The population, according to the census of 1891, was 16,841, and if it be assumed that in 1892 there were 18,000 people, that would give one license to every 168 of the population.

It was stated by Mr. Beaven, the mayor of the city, that at one time there were 80 saloons licensed, and that in 1892 there were only 47. (Q. 39169). The police Magistrate of the city stated that he had been struck, both as a magistrate and a citizen, by the fact that the saloons were open at all hours of the night, which was contrary to his previous experience in New Zealand and Australia, and that the only limitation as to the hours in which sales might take place was that imposed by the provincial statute having reference to selling on Sunday. (Q. 39352).

The city of Victoria derives a revenue from liquor licenses of from \$18,000 to \$20,000 per annum. It has, of course, a large floating population, and it is probable that there is a considerable quantity of liquor sold there which is exported from the city.

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The report of the chief of police of Victoria, for the year 1891, supplied the following information in regard to offences committed in the city, during the year:—

Nature of Offences.	Committed by all, except Indians and Chinese.	Committed by Indians.	Committed by Chinese.	Total.
Assault.....	30	8	4	42
Infraction of city by-laws.....	136		39	175
Drunkenness.....	496	175	1	672
Gambling.....	29		12	41
Infraction of public morals Act.....	36		5	41
Supply intoxicants to Indians.....	29		2	31
Vagrancy.....	42		4	46
Possession of intoxicants.....		35		35
Other offences.....	96	3	12	111
Total.....	804	221	79	1,104

SUMMARY OF CASES BEFORE THE COURT.

Convicted in police court.....	804	221	79	1,104
Sent for trial.....	31	2	6	39
Discharged.....	231	28	31	290
Grand total.....	1,066	251	116	1,433
Total cases before the court for drunkenness.....	423	182	1	606

Of the total number, 1,433, 917 were arrested by the police. The others were brought in by warrant, given in charge, or summoned. Taking the population as being 17,000 in round numbers, the total offences were equal to 84.29, and the cases of drunkenness to 35.64 per 1000 of the population, both very high ratios.

Evidence was given that the license law was well observed in this city (Q. 39244), and that the saloon and hotelkeepers were respectable men (Q. 40167).

In Nanaimo there are said to be twenty-one retail and two wholesale licenses issued. Holders of retail licenses pay \$300 per annum and holders of wholesale licenses \$100, so that the city derives at this rate a yearly revenue of about \$6,500 from liquor licenses. The population, according to last census, was 4,595. It was variously estimated by those who gave evidence before the Commission as between 4,000 and 5,000. Supposing it to be the latter number, the licenses would be 1 to every 217 of the population. Of the twenty-one retail licenses, twenty are said to have been issued prior to 1891 (Q. 40901), and are what are known as "old licenses." There appears to have been no restriction by the council in the hours within which liquor could be sold. The only restriction in that respect is what is imposed by the provincial law. Witnesses examined in this city stated that the Sunday closing law had been attended with beneficial results; that offences were not numerous, and that the community were orderly and law-abiding. The police magistrate, speaking of the holders of licenses, stated that they were men of good moral conduct and integrity, and of a worthy class. There is a large mining population in the neighbourhood of Nanaimo.

New Westminster, according to the census return, had, in 1891, a population of 6,878. The police magistrate stated that he had had 259 cases before his court in 1891, of which number 132 were cases of drunkenness. He thought the Sunday closing law was well observed. (Q. 41657).

The mayor, Mr. William B. Townsend, estimated the population of the city in 1892 at 7,000. He said that there were, in round numbers, 1,000 Chinese in New

Westminster, and a very mixed sea-faring population. Many of this class were Italians and Greeks, who went to New Westminster for fishing. (Q. 41513-15). He stated that there were fifteen hotels, two saloons and one wholesale place licensed. The saloons were places for the sale of liquor pure and simple. They had no hotels coming under the law relating to such establishments having thirty or more bedrooms. The amount of the license fee charged was \$100 for six months. At this rate, the revenue would be about \$3,600 per annum. The mayor said that there was only one licensee who had complied with the conditions of the law requiring the signatures of lot owners and householders. (Q. 41609). He further stated that there was a city by-law under which barrooms had to be closed on Sundays. Under a local by-law licensed places had to be inspected by the chief of police, who was license inspector, and that the practice in regard to the removal of licenses was, that as long as the hotels and saloons were kept in an orderly and respectable manner, all the parties keeping them had to do was to come forward regularly and pay their fees, and their licenses would be renewed. He quoted the following clause of the city license law:—

“Whenever in consequence of the death of the person holding any license under the by-law, or in case of the lease having expired by the fluxion of time or by operation of the law he has been deprived of the licensed premises, the legal representative of such person or the landlord or other person interested in the premises or assignee at law may on applying to the licensing board, notwithstanding the non-protection of the license, obtain a transfer of such license on such premises as may to the board seem just: and the application for such transfer shall be accompanied by a fee of \$2.50, which shall be made as provided by the preceding clause; provided, nevertheless, that no such transfer shall be granted unless a majority of the board is of opinion that the person to whom it is proposed to make such transfer is a proper person to hold such license.” (Q. 41539.)

The evidence taken went to show that the law against selling on Sunday was well observed, and that the effect of it had been beneficial. The chief of police stated that the people of New Westminster were most orderly and law abiding; that the licensees observed the Sunday closing law; that they were supported by the citizens, and that there had been no complaints of violation of the law since it had been brought into force. He considered that it would be no advantage if the barrooms were locked up on Sunday, and no lights allowed in them. Witness explained that he was on a portion of the Canadian Pacific Railway, near Rat Portage, during construction, as constable; that he found it impossible to enforce prohibition under the Public Works Act, and that there was smuggling, the liquor brought in being of very poor quality. He spoke of it being brought in barrels, with meal packed all around, sometimes in barrels carried in front of an engine, and said that he and those with him faithfully endeavoured to carry out the law, but they found it impossible to do so. (Q. 41753-765).

In Vancouver there appear to be fifty retail, eight saloon, and seven wholesale licenses issued. The mayor, Mr. Frederick Cope, explained that the number could not be increased until an increase in the population had taken place. The population of the city, according to the census return, was, in 1892, 13,865. Mr. Cope estimated it in 1892 as 20,000, and said that there were about 1,000 Chinese in the city. There is a large floating population. One class of the license fees is as high as \$500. This is a higher figure than that named in the general licensing Act or in the general municipal Act. The authority to make this charge is evidently conferred under the special legislation referring to the city. The revenue collected by the city from liquor licenses appears to be about \$18,400 per annum. (Pp. 610-612).

The police magistrate stated that in the matter of sobriety and observance of the law Vancouver would compare very favourably with similar places in the east, of which he had had some experience (Q. 42031), and that the offenders who were brought before him were principally outsiders. (Q. 42092).

The chief of police stated that the Sunday law was very well observed. (Q. 42113). There were one or two convictions when the law came into operation. Most of the cases of disorderly conduct and drunkenness were amongst the floating population. With regard to the illicit sale of liquors, he thought there was very

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little outside of houses of ill-fame. There was, of course, some sale in these, and there were a considerable number of them in the city. (Q. 42153-9).

A license inspector is employed, who co-operates with the police. It is his duty to visit licensed places and report upon them, to see that licenses are properly issued, and that the licensees observe the law. (Q. 42181-3). This inspector considered that the Sunday law was fairly well observed (Q. 42189), and that in the matter of sobriety and order the city of Vancouver would compare favourably with other places similarly situated. (Q. 42176). Witness occupied the position of jailor as well as that of license inspector. He stated that of the total number committed to prison in 1890 (786), 232 were for drunkenness.

No return is made to the provincial Government of the number of licenses issued by the municipal authorities, or of the amount of revenue derived for licenses. There is no provision in the law requiring such returns.

It is well-nigh impracticable, in a summary, to do justice to the importance of the evidence taken in this province. Many of the witnesses examined were from Ontario, and made important statements as to the working of the Canada Temperance Act (Scott Act) in parts of that province. There were also witnesses who had visited New Zealand and the Australian colonies, and who had imparted interesting particulars in regard to the traffic in those countries.

The Province of British Columbia has a long coast line, and, as compared with the permanent, a large floating population, made up of sailors and fishermen of all nations. Under these circumstances, that the consumption of liquor and the convictions for offences against the laws should both be large, as compared with those in the other provinces, might reasonably be expected. The only information to be obtained in regard to the consumption of liquors is from the quantities entered, and on which duties have been paid, from year to year. The statement of these will be found at page 42. They were as follows:—

	GALLONS PER CAPITA.		
	Spirits.	Beer.	Wine.
Average for the 5 years ended 1875.....	1 214	1 830	308
“ “ “ 1880.....	1 366	3 400	424
“ “ “ 1885.....	1 330	3 825	716
“ “ “ 1890.....	1 369	5 400	518
“ 3 “ 1893.....	1 480	7 145	466

There has been, doubtless, a very considerable export of liquors from British Columbia in sealing and fishing vessels, and to Alaska and the North-west Territories. Again, the floating population which cannot, of course, be taken into account in computing the *per capita* consumption, are unquestionably large consumers.

The statistics of convictions for crime are also much larger per 1,000 of the population than in the other provinces, probably in a great measure from the same cause, as everywhere the statements made to the commissioners were that the offenders in the seaport cities and towns were “outsiders” visiting the ports. A comparison will be found at pages 140-142, of the convictions in the various provinces and of the liquor *per capita* entered for consumption.

The convictions for offences in British Columbia were as under:—

	PER 1,000 OF THE POPULATION.		
	All convictions.	Drunkenness.	Offences against the liquor license laws.
Average for the 5 years ended 1885.....	9 78	4 94	1 54
“ “ “ 1890.....	11 16	4 60	1 22
“ 3 “ 1893.....	13 98	6 26	1 52

The great bulk of the evidence taken by the commission on the subject was to the effect that the liquor laws are well observed, and that there are comparatively few offences against them committed by the licensed vendors. The terms upon which vendors hold their licenses are such as, it would be natural to conclude, would make them careful, for, as the law stands at present, they seem to be assured of a renewal of their licenses unless they are reported against for breaches of the law. It will be noticed, however, that the ratio per thousand of convictions for offences against the liquor laws is much higher in this province than in any other. A very large proportion of these offences is classified as being for selling liquor to Indians. Of 148 convictions for offences against the liquor laws in 1892, 82 were due to this cause. The statement was made by witnesses who appeared before the commission that this supplying of liquor to Indians was not done by licensed vendors, and that in not a few instances the offence was committed by Chinese. (Q. 39275).

A statement will be found in appendix No. 16 of the number of persons admitted to the insane asylum of the province annually, and the number remaining therein at the close of each year, from 1872 to 1893, and in appendix No. 8 a statement of the number of prisoners committed annually to the jails of the province, and the number remaining at the end of each year, from 1890 to 1893.

The commissioners have made every effort to ascertain the exact amount of revenue derived by the provincial government and the municipalities from the issue of liquor licenses in the province. Notwithstanding the fact that their efforts were supported by the provincial authorities, they have been only partially successful. The following statement was received from the Provincial Secretary, with the intimation that, "the return shows the amount received by the Government only. To procure the same information from the municipalities I can only suggest that an application be made to the clerks of the respective municipalities, a list of which is inclosed."

VICTORIA, B. C., 10th May, 1892.

"Number of spirit licenses issued in the Province of British Columbia (exclusive of those issued in the several municipalities) during the following fiscal years:—

1st July, 1873, to 30th June, 1874.....	240 spirit licenses.....	\$20,910 00
1874-1875.....	218 " "	19,620 00
1875-1876.....	249 " "	21,050 00
1876-1877.....	248 " "	21,020 00
1877-1878.....	219 " "	19,630 00
1878-1879.....	189 " "	17,349 00
1879-1880.....	206 " "	18,980 00
1880-1881.....	220 " "	19,770 00
1881-1882.....	186 " "	16,090 00
1882-1883.....	165 " "	14,000 00
1883-1884.....	145 " "	13,330 00
1884-1885.....	188 " "	16,660 00
1885-1886.....	249 " "	21,260 00
1886-1887.....	240 " "	20,630 00
1887-1888.....	206 " "	18,650 00
1888-1889.....	148 " "	13,510 00
1889-1890.....	186 " "	16,090 00
1890-1891.....	174 " "	15,500 00

NOTE.—In the above are included steamboat licenses to sell liquor; but in any one year not more than five licenses were issued. The rural municipalities are not included in the above, and are as follows:—North Cowichan, Chilliwack, Delta, Richmond, Langley, Surrey and Maple Ridge. Their licenses, since 1876, would probably average \$100 each per annum.

"The only municipalities materially affecting the foregoing return are the cities of Victoria, New Westminster, Nanaimo and Vancouver, which issue and regulate their own licenses. It will be seen that the number of licenses issued in

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the different years varies considerably. This is partly accounted for by the fact that some are collected at the end of the fiscal year, when they are really intended for the following year."

Application was made to the municipal authorities, both direct and through the Provincial Secretary, who kindly undertook to communicate with each municipality. In a letter the secretary says:—"Certain blank forms of returns * * * were forwarded to the municipalities to which they were addressed, without delay, and the clerks were asked to lose no time in completing the forms and returning them to your address." It was explained that several of the municipalities had been in existence but a short time, and that no returns need be expected from them. In a later communication the Honourable Provincial Secretary wrote; In the event of no attention being paid by the municipal clerks to my last request, I am afraid I can render no further assistance in the matter."

From such returns as were received direct from some of the municipal authorities, and from facts collected from other sources applied to, the information which is given in the following statement has been compiled. It is probable that it is not complete, and does not embrace all the licenses issued and the amounts received by municipalities.

BRITISH COLUMBIA.

STATEMENT showing the number of licenses issued and the amounts received from licenses and fines from 1880 to 1892.

	No. of Licenses.	By the Government.		By the Municipalities.		Total.	
		Fees.	Fines.	Fees.	Fines.	Fees.	Fines.
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
1880.....	222	18,980 00		2,465 00		21,445 00	
1881.....	232	19,770 00		2,390 00		22,160 00	
1882.....	202	16,090 00		2,500 00		18,590 00	
1883.....	183	14,000 00		2,330 00		16,330 00	
1884.....	161	13,330 00		2,510 00		15,840 00	
1885.....	206	16,660 00		2,685 00		19,245 00	
1886.....	293	21,260 00		9,530 00	100 00	30,790 00	100 00
1887.....	298	20,630 00		11,800 00	180 00	32,520 00	180 00
1888.....	283	18,650 00		15,075 00	220 00	33,725 00	220 00
1889.....	260	13,510 00		23,650 00	347 00	37,460 00	347 00
1890.....	300	16,090 00		25,660 00	452 00	41,750 00	452 00
1891.....	400	15,500 00		45,385 00	360 00	60,885 00	360 00
1892.....							

NOTE—No returns from New Westminster prior to 1889. Number of licenses in Surrey County estimated; the largest number in any one year being 5. No returns from Chilliwack.

From these incomplete returns, it would appear that there were issued in the province in 1891, not less than 400 licenses, viz. :—

By the provincial government	174 licenses.
By the municipalities.....	226 do
	<u>400</u>

and the amounts collected therefor were:

By the provincial government.....	\$15,500 00
By the municipalities.....	45,754 00
	<u>\$61,254 00</u>

Taking the population as returned in the census for 1891, (98,173), these figures would give one license for every 245 of the people. Leaving out Indians (34,959), the ratio would be one license for every 158 of the population.

The amount collected by the provincial Government has decreased. This probably arises from the organization of a larger number of municipalities, or from municipalities organized taking charge of the licensing.

BRITISH COLONIES.

Such information as the Commissioners have been able to collect in regard to the laws of the British colonies, and the effect of these laws, has been got mainly from returns laid before the Imperial Parliament and from standard works in regard to the various dependencies of the Empire.

In the portion of this report which refers to the Cape of Good Hope will be found much interesting and valuable information in regard to the prohibition of supplying intoxicants to natives.

The information on Tasmania contains a report from Captain Shaw, the commissioner of police, giving some useful information. That gentleman reports that the offence of drunkenness has largely decreased, and is steadily decreasing in the colony.

In very many of the colonies local option laws exist. They are not uniform in character, but all apparently have one object well defined, viz., the checking of the extension of the traffic and such evils as flow from it. It does not appear that in this direction they have so far been successful, but in some instances, at least, they have not been in force a sufficiently long time to afford a fair test of their efficiency.

In the case of South Australia provision is made for compensation to owners and occupiers in the case of licenses being taken away by vote of the electors.

In the part of this report which refers to the colony of Victoria, reference is made to report of the chief commissioner of police, in which it is stated that in Melbourne, Ballarat East and Ballarat West, where the number of hotels has been materially reduced by local option polls, there has been no corresponding reduction in the number of arrests for drunkenness.

Newfoundland in 1871 passed an Act which conferred local option powers upon certain districts. The object of the Act was stated to be the repression and prevention of the abuses arising from the sale of liquor. Writing upon this Act in 1881, the administrator of the colony said: "I find that it was put in operation in two districts only, Brigus and Burin, for a period some time elapsed, and since then it has been practically a dead letter in the districts referred to. The general opinion was that the Act occasioned more mischief from clandestine sale than had existed under the more general licensing law."

BASUTOLAND.

The capital of this colony is Maseru, with a population of 862. The total population of the colony is (1891) 212,902, including 578 Europeans. No statistics of crime have been obtained.

The trading regulations prohibit the supplying of liquor to natives. Section 7 says: "The sale, or gift, or disposal in any way of wine, beer and spirituous liquors is strictly prohibited. Any person convicted thereof shall be liable to a penalty not exceeding the sum of £20 sterling, and in case of a second or subsequent offence, to a sum not exceeding £40 sterling, and in the case of a holder of any trading license, he shall, whether upon a first or any subsequent conviction, be liable to the forfeiture of his license, at the discretion of the resident commissioner." It further provides for the forfeiture of liquor in such case. The bringing in of liquor without written permission is punishable by forfeiture of the liquor and a fine not exceeding £20.

Mr. M. Clarke, resident commissioner in 1888, states that formerly a large illicit trade existed, but it has been almost entirely suppressed, and adds that prohibition of the traffic in liquors has had a most beneficial effect.

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The same statement was made to the Cape of Good Hope commission on the liquor laws, by Mr. G. T. Lagden, secretary of the resident commissioners.

BECHUANALAND.

The population of Bechuanaland is 60,376 including 5,254 Europeans. The capital is Vryburg.

No statistics of crime have been obtained.

Supplying natives is strictly prohibited. Sec. 60 of the laws and regulations contain this provision: "Whoever, whether licensed or unlicensed, shall sell, exchange, or for any valuable consideration give to or procure for any native in British Bechuanaland any wine or spirituous, or partly spirituous liquor, in any quantity whatever, shall be liable, in addition to any penalty which may be incurred in respect of the sale thereof without license, to a penalty not exceeding fifty pounds sterling, and in default of payment, to imprisonment, with or without hard labour for a term not exceeding six months, unless such penalty be sooner paid." The penalty for any breach thereof is a fine not exceeding £50, or imprisonment, with or without hard labour, for a term not exceeding six months. The only exception is liquor administered medicinally, the *onus probandi* resting on the person administering it. This was amended in 1838 by increasing the penalty, and, if a trader, adding forfeiture of license for a second offence within three years.

In evidence before the Cape of Good Hope liquor laws commission, it was stated: The law as it now stands seems amply sufficient to check the supply of liquor to natives."

The prohibitory laws have been of increasing stringency, and it is now almost impossible in many districts for natives to obtain intoxicants.

GAMBIA.

There is a population (1891) of 14,266 in this colony, Bathurst, the capital, having 6,000. In the population there are included 62 whites.

The traffic in spirituous liquors in this colony is regulated by license. In addition to the customs duty on importation, gin and rum, the chief spirits used, pay a duty of 1s. 6d. per Sykes gallon, whilst grog shop licenses are £20 to £30.

"The Sale of Liquor Ordinance, 1880," makes it necessary for vendors to obtain licenses and provides for the punishment of the of the unlicensed vendor.

"The Navy Discipline Ordinance, 1836," prohibits the taking of liquor on board H. M. ships.

"The Palm Wine Excise Duty Ordinance, 1887," revives the duty on palm wines.

The Custom Tariff "Ordinances" impose specific export duties on spirituous liquors.

There are no special regulations having any reference to the sale to, or supplying of, natives.

GOLD COAST.

Gold Coast, the capital of which is Cape Coast Castle, has a total population of 1,473,382. The capital has a population of 11,614.

"The Spirit License Law, 1887," governs and controls the liquor traffic in this colony, as far as it is controlled, that is, within the district within three miles in a direct line from high water mark on the sea shore, or from the banks of the river Volta. Beyond this line no restriction has been attempted, as it could not be enforced. (*Vide* despatch from Governor Sir W. B. G. Griffith, 15th March, 1888.)

There are no special restrictions on the sale to natives.

LAGOS.

Lagos, including Yoruba, has a population of 3,000,000, including 6,000 whites.

In 1877 Acts were passed for regulating the liquor traffic by license and customs.

The licenses provided for are: wholesale license, fee for 1 year, £25; for $\frac{1}{2}$ year £15. Retail license (a), for any store in Lagos, fee for 1 year £25; for $\frac{1}{2}$ year, £15; (b), for any store outside Lagos, fee for 1 year, £5; for $\frac{1}{2}$ year, £2 10s. The area covered by the licenses is only a small portion of the colony.

Customs duties: on wines, liquors, brandy, cordials, etc., per imperial gallon, 1s.; on other spirits, per gallon, 6d.; on malt liquors, per dozen bottles, 9d.; in wood, per gallon, $\frac{1}{4}$ d. These are purely fiscal and police regulations, and natives may obtain an unlimited supply of liquor provided only all dues have been satisfied.

Governor Moloney, in 1888, in a despatch to Sir H. T. Holland, says: "This uncontrolled sale has, it is too visible, a vere degrading and degenerative effect on the aborigines." He advocates an international prohibition, or a uniform high tariff on imports, as probable to prove a very great boon to the natives.

The revenue of this colony is dependent on duties levied on spirits, and the success of any prohibitory, or high tariff policy would depend on its being accompanied by a complete international occupation of the West African coast line.

There was a continual increase in the importation of gin from 1878 to 1885, since when a decrease of from 1,369,912 to 561,412 gallons has taken place. All other liquors from 1878 to 1887 show a marked decrease in the course of the decade.

MAURITIUS.

Mauritius has a total population of 371,655. The capital of the colony is Port Louis, which has a population of 60,955. In 1892 there were 17,441 convictions in the inferior courts, and 94 convictions in the superior courts.

A system of license prevails in this colony. No special restrictions attach to the trade with the natives.

By the ordinance "To Amend the Law on Licenses," 1878, persons desirous of retailing spirits, etc., must take out licenses. A licensee may sell between 5 a.m. and 9 p.m. only, and taverns and billiard rooms must close at 11 p.m. Mixed drinks and adulterated liquor are forbidden. Selling to drunken or intoxicated men, to children under 15 years of age, or permitting drunkenness, are prohibited. Liquor may not be hawked, and (Ordinance 1866) distillers may not also be retailers.

SIERRA LEONE.

The reports from this colony are very scanty. The revenue in 1892 was £96,867, of which customs supplied £69,410. There are no restrictions on the sale to natives. No information regarding the working or nature of the license laws has been obtained.

ST. HELENA.

No information, beyond the fact that there are no restrictions specially applying to natives.

ZULULAND.

Capital, Eshowe; population (1892), native, 160,000; white, 700.

This protectorate is under the Natal liquor law, and severe penalties attach to in any way supplying liquor to a native, or obtaining it for him.

The penalty is, for offering for sale: First offence, not exceeding £20, or imprisonment up to six months; for second offence, not exceeding £40, or imprisonment up to twelve months, the confiscation of all liquor, and, if a trader, forfeiture of his license. For selling, not exceeding £50, or imprisonment up to six months, provided that liquor may be given medicinally. Kaffir beer, made by and supplied by a native, is exempt. Licenses to white traders for selling to white men are granted; fee £20. Drinking among Zulus is unknown. The existence of native law amongst the Zulus assists the operations of the liquor law.

BRITISH HONDURAS.

No official information has been obtained, except that no special restrictions affecting the trade with natives exist.

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CAPE OF GOOD HOPE.

The population of this colony is 1,527,224, of which 376,987 are Europeans. The population of the capital, Cape Town, is 83,714. The prisoners in jail at the end of 1892 numbered 2,584. The colony produces large quantities of wine and brandy. The yield in the year ended 31st March, 1893, was: wine, 6,156,943 gallons, and brandy, 1,550,360 gallons.

The liquor traffic in the colony of the Cape of Good Hope has been under regulation and license since the old days of Cape Colony. When the present form of government was established, 11th March, 1853, the traffic was regulated by Ordinance No. 9, of 1851, "For the Better Regulation of the Sale of Wines and Spirituous and Fermented Liquors." This was amended by Act No. 10, of 1860, "An Act to Make Better Provision for the Granting and Withholding of Licenses to Sell Wines and Spirituous and Fermented Liquors." This latter Act does not appear to have been sufficiently effective, for in 1875 Act No. 8, 1875, "An Act to Amend the Law Relating to the Sale of Wines and Spirituous and Fermented Liquors," was passed, the preamble setting forth as its *raison d'être*, that, "Whereas the vice of drunkenness prevails to a great extent, and it is expedient that the law relating to the sale of intoxicating liquors should be amended, and made more stringent, etc." This Act, after making provision for the interests of those then holding licenses, stipulated for the sitting of licensing courts in March and September yearly. Notice of application for license must be advertised in a newspaper for twenty-one days before the date of meeting. No retail license may be granted for any place, not being a town or village, more than six miles from the seat of magistracy, unless the applicant undertakes to keep reasonable accommodation, including food, for man and horse, as the board shall determine. No new license to sell liquor not to be consumed on the premises shall be issued, unless upon a petition in favour thereof, signed by at least one-third of the inhabitants of the ward or district.

Offences:—Selling liquor without a license, fine not to exceed £25, or in default, imprisonment up to three months, provided it be a first offence; for a second conviction, fine not exceeding £50, or in default, imprisonment up to six months, with forfeiture of license, if any; for a third or any subsequent offence, fine up to £100, with or without superadded imprisonment not exceeding six months, or, in default of payment, for twelve months, with temporary or permanent disqualification from holding a license; for contravening any section of the Act, fine up to £25, or, in default, imprisonment not exceeding three months; for a third conviction within three years, forfeiture of license, and permanent disqualification; for selling to intoxicated persons, fine not exceeding £10, or in default, three months' imprisonment; for selling to persons under 15 years of age, fine, 1st offence, not exceeding 20s.; 2nd, or any subsequent offence, not exceeding 40s.; for selling or keeping adulterated liquor, the penalty is the same as selling without a license.

An amendment to this Act, passed in 1876, gave auctioneers holding licenses to sell liquors by auction power to sell in any place.

In 1883 a law was passed prohibiting the sale and disposal of any intoxicating liquor to persons of native descent, or of issuing licenses in native locations, the word "native" being defined as applying to any person belonging to, or descended from, any of the native tribes of South Africa. This was by no means the first attempt to deal with this question. On the 29th April, 1825, Lord Charles Somerset, being Governor, issued a proclamation setting forth the serious evils which had arisen from the introduction and sale of intoxicating liquors amongst the natives, and prohibiting the practice, imposing a fine of from 50 to 100 rix-dollars, and the confiscation of liquor, for each offence. How far this was enforced, or beneficial, is not evident, but in 1881-2, when the Native Laws and Customs Commission were taking evidence, the question again came to the front, and in the Liquor Licensing Act of 1883, clauses 20, 21 and 22 provide as follows:—

"20. No license shall be issued for the sale of liquor within the limits of any native location, established or to be established under the provisions of the Native Locations Act, 1876, or the Native Location Amendment Act, 1878, or any Act here-

after to be framed for regulating native locations, except with the permission of the Governor.

"21. In districts where aboriginal natives of South Africa are located or resident, or are congregated upon public or other works or mines, the Governor may define areas, within the limits of which it shall not be competent for any licensing court to authorize the grant of a license for the sale of liquor, except with the permission of the Governor. Any licenses issued in contravention of this and the last preceding section shall be void.

"22 Save and except as to any liquor administered medicinally, no person shall sell, supply or give to any aboriginal native any liquor within the limits of any native location or area proclaimed as aforesaid. Any person who shall sell, supply or give liquor in contravention of this section shall be liable, upon conviction, to the same penalties and forfeiture of license, respectively, as are provided for selling liquor without a license."

In 1885, in accordance with these clauses, Sir Hercules Robinson issued a further proclamation having application to the Transkeian Territories, and including Transkei (embracing Fingoland and the Idutywa Reserve), Griqualand East, Tembuland Proper, Emigrant Tembuland, Bomvanland and Gealikaland. This proclamation provided for the issue of yearly licenses, fee £10, for sale between 8 a.m. and 6 p.m., week days, with closed houses on Sunday, Good Friday and Christmas day. No native, not being a chief, petty chief or councillor, or not holding a permit, could be supplied; penalty, fine not exceeding £10, or imprisonment up to three months. No liquor could be brought in, except on a permit from the chief or resident magistrate, under a penalty, of £20, or imprisonment up to six months, with forfeiture of the liquor. Any person selling without a license, or in unlicensed premises, incurred a penalty of £20, or six months' imprisonment. Licenses could supply lodgers at any time, or *bona-fide* travellers. The words "chief, petty chief, or councillor" were afterwards cancelled, so that the native population were entirely prohibited. The territories of Port St. John's and Walfish Bay were also added to the prohibitory territory.

When the Native Territories Penal Code was drafted a number of stringent provisions were suggested, but these were not embodied in the Act when it became law in 1886.

Proclamations were also made for eight other districts, or portions of districts, in Herschel, Bedford, East London, Hankoy, Kimberly, and Beaconsfield, King Williams Town, on the Orange River, and Victoria East. In course of time the operation of the proclamations in some of these places was found by no means satisfactory, and the failure of the law was attributed to the narrow limits of the areas defined. A motion was therefore carried in the House of Assembly appointing a select committee to inquire into the desirability of increasing the areas, so as to include Albany, Alexandria, Bathurst, Peddie, Victoria East, Fort Beaufort, Somerset East, East London, Stutterheim, Kongha, King Williams Town, Wodehouse, Stock-onstrom, Queenstown, Tarkastadt, and Cathcart. The committee commenced its labour, but the Attorney-General, foreseeing difficulties relative to parliamentary rules of procedure, and also the powers of the Government, no practical results followed.

In 1887 several of the proclamations were cancelled, and the same year an Act was passed granting exemption from the operation of this law to "all such natives as are graduates or undergraduates of the university of the Cape of Good Hope, ministers of the gospel who hold certificates as elementary teachers, or have reached the fourth or higher standards of education."

In September, 1889, Lieutenant-General Henry Augustus Smyth issued a commission appointing seven gentlemen to inquire,—1st, into the operation of existing laws; 2nd, whether or not drunkenness be increasing amongst the inhabitants, white or coloured; and, 3rd, the feasibility of affecting habits of consumption of intoxicating liquors by means of legislation. The members of this commission did not agree in their deductions. Four presented a majority report in March, 1890, and three presented a minority report in May, 1890. The majority report approved

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the principle dictating the constitution of the licensing courts, but found that many "houses of bad repute" obtained licenses, and that "these licensed haunts of vice and hotbeds of crime" formed a source of danger to the community, which it was the intention of the licensing Act of 1883 to suppress, and which could be effectively dealt with were the law enforced. For the purpose of securing thorough investigation of all applications for licenses, formal opposition by the inspector in every case was suggested. The report also recommended the appointment of an inspector of licenses, whose duty it should be to attend licensing courts and give any requisite information, to call and examine witnesses, and also to enforce the observance of the Act. Neither the public nor the police will act on these lines.

The licensing courts have not shown themselves able to cope with the increase in the number of licensed premises in some of the large towns, where the number has become much too large, especially canteens, and out of all proportion to the population. The license commissioners' powers of discretion have not always been wisely exercised in refusals to grant licenses. The report suggested that applications for renewal of license should be treated as if for new license, and that a petition signed by the majority of the registered voters of a locality or district should prevent the issue of any new licenses therein. Licensees of three years' standing should be forced to apply for renewal yearly, and all objections should be made in writing.

Railway licenses:—Those being shown to be greatly abused, the places licensed should be open only on the arrival of passenger trains for the service of passengers only.

It was recommended that in the matter of shop licenses no liquor should be sold in the same premises as other merchandise, nor should merchants be allowed to give customers liquor in the room or rooms where they carried on business. No communication should be allowed between stores used for the sale of liquor and those used for the sale of other merchandise.

Informers:—Recommended that police should not receive any benefit from fines in liquor cases, as did common informers. Said the police were inadequate to carry out the law in many places. No licenses should be issued for places without police supervision.

Adulteration:—The present law being inadequate, it is recommended that provision be made for analysis, and that the poisonous ingredients constituting adulteration be specified as in the English act. Very little direct evidence of adulteration came before the Commission.

Distillation:—New brandy often contains fusil oil; recommended that more care be taken in the distillation, and improved stills introduced.

Selling to children: Present Act requires extending; the word "spirit" having a limited meaning, should be changed to the phrase "intoxicating liquors."

Sunday closing:—The restrictions of the present law should be enforced on all alike, or entirely removed.

Hours of closing:—These should be left to the discretion of the Licensing Boards.

Hawking liquor:—A practice of hawking home-made liquor prevails, and acts injuriously. It should be prohibited, and the prohibition enforced.

Roadside canteen:—These places, originally intended for the accommodation of travellers, have become too numerous, and are sources of evil and demoralization, leading to ruin. These should be reduced to lowest limit, and placed in the hands of respectable men. All applications for canteen license should require the written petition of the majority of the landed population of the district.

Paying wages in canteens:—This practice prevails. It should be suppressed—any offender incurring fine and imprisonment.

Giving liquor to labourers:—A prevalent habit, producing drunkards. It should be entirely suppressed, especially on farms.

Drunkenness:—The evidence as adduced to the growth or otherwise of this habit is extremely contradictory. Statistical returns, properly considered, show a decrease, and dealers say less Cape brandy is sold, and the consumption *per capita*

is less. The reports indicate that it has decreased, the improvement being marked in some places.

Habitual drunkards:—The establishment of curative institutions, to which habitual drunkards can be committed for a period not exceeding 12 months, is recommended.

Selling to natives:—This is dealt with very extensively, and the conclusion arrived at is that drunkenness has not increased amongst natives, nor has any great beneficial result been achieved by the labours of missionaries. The great difficulty is that drunkenness in a native has no shameful stigma. Some good resulted from the prohibitory proclamation, but very slight. Recommends that areas should be proclaimed within which the supplying of liquors to natives, without distinction of position, class, or political privilege, should be totally prohibited. The term "native" should include any aboriginal Kaffir, Fingo, Basuto, Hottentot, Bushman, or the like, all half-castes, coolies, or persons of mixed race living as members of any native community, kraal, tribe or location. The selling or in any way supplying should be prohibited under heavy penalties and the forfeiture of all liquor. Natives found in possession of liquor should be severely punished, and the police empowered to search huts or kraals, etc., on suspicion.

Kaffir beer:—The sale should be made punishable; it should be included in intoxicating liquors in prohibited areas, and any quantity over two gallons found in native possession seized and destroyed. This should extend to the Transkei excise. The weight of evidence that an excise tax is of any value in preventing drunkenness being fatally antagonistic, the Commission in this report do not recommend the imposition of a tax on intoxicating liquor as an effective means to cope with intemperance. (Two of the four members signing the majority report dissent from this last clause).

The minority report:—This commences with a very elaborate defence of the three signers' position with regard to the majority of the commissioners, and concludes by asking that the minority report be taken as partly supplementary to and partly corrective of the other.

Increase and decrease of drunkenness:—This report first deals with the second of the questions referred to the commissioners. A majority of the general witnesses testified to the increase in drunkenness, and native witnesses, with few exceptions, depose that the vice has increased, especially amongst their own people in the east. An analysis of the evidence on this point taken orally and by circular from ministers of religion, magistrates, and assistant magistrates, district and hospital surgeons, and police officers, is shown in the following table:—

Description of Witnesses.	Increase.	Decrease.	Stationary.	No definite opinion.
Ministers of religion.....	33	12	3	8
Police officers on native locations.....	6	14	2	2
Resident magistrates.....	19	39	12	27
District surgeons and superintendents of hospitals.....	17	30	9	23
Total.....	75	95	26	60
Percentage on total opinion.....	29·30	37·11	10·16	23·43

Thus it will be seen the only class favouring the view that drunkenness has increased is that of ministers of religion, whilst the police, the magistrates and the medical faculty differ. The report finds that between the views of the "more emotional ministers of religion" and "the more matter of fact magistrates, etc.," it is impossible to form a conclusion; but taking statistical evidence of convictions, a valuable index can be obtained as to the increase or otherwise of drunkenness amongst the coloured population, but not amongst the whites, who, by drinking at home, avoid the clutches of the police. Bearing this in mind, the report finds an

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increase from 1884 to 1888 of 1,139 persons, exclusive of the Transkeian territories; but an analysis of the convictions in groups shows that 54·98 per cent were in Griqualand West, and 22·91 per cent in western districts, whilst in the portion included in the area suggested for prohibition by the majority report there is a decrease of 21·63 per cent, and in eastern districts, of 17·21 per cent. In conclusion, the report finds that if there be an increase in drunkenness it is in the face of,—

- I. Increased price of brandy.
- II. Decrease of about 11 per cent in the number of licensed houses.
- III. Fall in the output of colonial spirits.
- IV. Continuous rise in the overland export of such spirits.

Finally, references are made to the small number of licenses, one to every 1,094 inhabitants, and consumption *per capita*, 1·34 gallons.

Opinion of existing laws:—The present laws are pronounced good, but the enforcement is inefficient. The public are apathetic, and police insufficient. Low class canteens could, should, and must be abolished. Adulteration pronounced dangerously common, and should be suppressed. Roadside hotels are mere receptacles of stolen skins, wool and feathers. Hawking brandy common, and ought to be suppressed. Sales to intoxicated persons are frequent. The law is systematically violated. The prohibitory laws in proclaimed areas are utterly futile; liquor is largely sold illicitly, until the law is powerless.

Temperance legislation:—The minority agree with many of the recommendations and deductions of the majority. Recommend an excise tax as a cure for adulteration.

They disagree with the majority's suggestion to establish a prohibition area. They fail to see the reasons which could justify such a drastic measure. It would be impracticable, without enormous expense; less called for in the area proposed than anywhere else in the colony; not justified by very superior sobriety of the whites; a retrogressive step after the Natives Relief Act, 1887, and a violation of that Act; mischievous in character, and calculated to stir up a widespread and irritating agitation with regard to the political privileges of the natives.

Kaffir beer:—Several Kaffir beers exist, one thoroughly fermented and highly intoxicating, another of low strength, and comparatively innocuous, and yet a third used largely for food, and resembling thin porridge or gruel. They suggest licensing the sale of Kaffir beer, and forcing natives to give notice previously of any intended dances. They recommend an extended use of light wines and beer; the closing of canteens on Saturday afternoons, and that only applicants for new licenses should have to present a petition from a majority of the inhabitants.

In connection with this report is given the following table of the percentage of crime and disease caused by the consumption of alcoholic liquor in the districts named:—

Locality.	CRIME.	DISEASE.
	Average of percentage estimated by magistrates.	Average percentage estimated by district surgeons.
In proposed area.....	51·00	18·13
In remainder of eastern districts.....	32·89	18·13
In western districts.....	47·00	18·13
In Griqualand West.....	33·00	18·13
In Transkeian Territories.....	48·00	18·00

COMPARATIVE Statement of number of persons convicted of drunkenness in (1) the whole Colony, exclusive of the Transkeian Territories, (2) area proposed for prohibition by the majority, (3) the remainder of the Eastern Districts, (4) the Western Districts, (5) Griqualand West, of the percentage proportion to population, as well as of the increase or decrease in the number of persons convicted in the Colony and in the aforementioned groups of districts in the year 1888, compared with the year 1884.

	Population in 1875.	Population in 1888.*	Convictions in 1884.	Convictions in 1888.	Percentage increase or decrease of convictions 1884-1888.	Increase or decrease of convictions 1884-1888.	Percentage of convictions on population, 1888.	Proportion of convictions to population, if population of proposed area be taken as emp.
Whole colony, exclusive of the Transkeian Territories	* 720,984	1,025,446	87,957	9,696	+ 11.31	+ 1,139	883	3,123
Districts in area proposed to be put under prohibition to natives	+ 317,554	425,594	1,539	1,206	- 21.63	- 333	283	1,000
Remainder of eastern districts	124,512	168,846	1,535	1,279	- 17.21	- 256	764	2,706
Western districts	278,918	377,650	2,938	3,612	+ 22.34	+ 674	354	3,378
Griqualand West	45,277	59,000	1,935	2,993	+ 54.98	+ 1,058	3.08	17,350
All districts not in proposed area.	+ 403,430	603,852	6,418	7,890	+ 22.43	+ 1,472	1,306	4,685
Whole colony, exclusive of Griqualand West, and Transkeian Territories.	720,984	970,456	6,022	6,697	+ 11.24	+ 675	628	2,219

* The population for the whole colony in 1888, exclusive of the Transkeian Territories, is taken from the Statistical Register, and shows an increase of 34 p. c. over the population of 1875, according to the census of that year; i. e. after deducting an estimated population of 55,000 for Griqualand West, which did not belong to the colony in 1875, and the population of which therefore is not included in the number given for that year. The estimated population in 1888 for the various groups of districts were arrived at by adding 34 p. c. to the 1875 population of each group.

† Slightly over the mark, owing to the inclusion of that part of the division of Tarka which, in 1875, belonged to Queen's Town.

‡ Slightly under the mark, owing to the impossibility of arriving at a correct estimate of population of that part of Tarka which at the time of the last census (1875) belonged to Queen's Town, and which therefore has not been deducted from the population of the proposed area, as it ought to be.

§ The number given by the majority is 8,917, which is not the correct total of the numbers given for the various districts.

¶ In 1877.

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The following shows the number of separate persons convicted of drunkenness and the total convictions for twelve years:—

	Separate persons.	Convictions.
1877	3,799	4,545
1878	3,097	3,527
1879	3,151	3,818
1880	3,391	3,989
1881	3,860	4,417
1882	5,510	6,390
1883	7,000	8,349
1884	8,017	9,968
1885	7,443	9,111
1886	6,920	8,398
1887	7,594	9,154
1888	9,096	10,890

In consequence of the recommendation of the Commission an Act was passed in 1891 entitled: "An Act to amend the law regulating the Sale of Intoxicating Liquors." It provides that no liquor shall be sold by any holder of a bottle license upon Sunday, Christmas day or Good Friday, nor for consumption on the premises, nor after 8 p.m. The hours of sale under a retail license may be fixed by the district licensing court at any hours between 7 a.m. and 9 p.m. on week days. In all cases of application for new licenses the inspector of license for the district must report on the following points:—

1. A description of the house, premises and furniture.
2. Whether the applicant is a fit and proper person to have the license applied for, and is known to be of good character and repute.
3. Whether the bestowal of the license sought for is or is not, in the opinion of the inspector, required for public convenience.
4. Whether the applicant appears to be or not to be the true owner of the business or the premises supposed to be licensed.
5. In case of application for the renewal of a license, a statement as to the manner in which the house has been conducted; if any convictions have been recorded against the licensee, the particulars of the convictions; and a statement as to the character of the persons frequenting the house.

In case the inspector is unable to supply any of the foregoing particulars, he shall specially state so in his report, together with the reasons of his inability.

The Act provides for the inspectors securing samples of liquor for the purposes of analysis, and for the infliction of very heavy penalties on any inspector accepting a bribe, and on any person giving or offering such bribe.

No application for a new license can be granted without the presentation to the licensing court of a memorial or memorials, signed by a majority of the registered voters of the section in which the premises in respect of which the license is sought are situated.

No renewal of any license can be granted in case there shall have been lodged with the court a memorial or memorials, signed by two-thirds of such registered voters, objecting to the said renewal, and in case it shall be proved that written notice has been given to the holder of the existing license, and to the owner of such premises, of the intention to lodge such petition. The absence of such memorial shall not render it imperative on the court to grant a renewal. The Act contains provisions prohibiting the payment of wages to workmen on licensed premises; regulating the sale of liquor at railway stations; providing for the furnishing of liquor with substantial lunch or dinner (if paid for) to guests of retail licensees on Sunday. The Governor may proclaim areas in the neighbourhood of mines, manufactories or other centres of labour, within which all bottle stores and canteens shall be closed at noon on Saturday, or such other week day as the Governor may determine.

FIJI.

The population of the Fiji Islands was, in 1892, said to be 125,442.

These islands are under a system of license, the Act being known as "The Publican's Ordinance, 1884."

Licenses are granted in the month of November by the stipendiary magistrate, one month's notice of intended application for either new license or renewal of license having been given in the *Gazette*, except packet (steamer) licenses, which require no notice. The stipendiary magistrate, on approving an application, grants the applicant a certificate, and forwards a list of certificates, with full particulars of the premises affected in each case, to the Receiver General. The applicant presents the magistrate's certificate to the Receiver General, who may, if he thinks fit, mark thereon his approval, whereupon the collector of customs shall issue the license accordingly. In 1892 the receipts from general licenses and inland revenue were £6,600.

At the hearing of any application either for license, renewal or transfer, a plan of the premises has to be produced, the applicant, unless prevented by illness, being present, and the magistrate may call and examine on oath such witnesses as he may deem necessary. A license to sell in a booth at races, &c., for a period of not more than seven days, may be granted by a stipendiary magistrate to a holder of a publican's license, without notice, and shall be subject to such conditions as the magistrate shall see fit to impose. License fees must be paid within 28 days of the date of certificate. In case of default on payment of the license fee, and an additional sum not exceeding £10, the Governor may, if he see fit, upon a statement of the case, cause the license to issue.

Transfer of license is allowed on payment of a fee of £2. Removal of license is permitted in the same district. Conditional and temporary licenses are granted in cases of new premises, or alterations to premises, or in case of destruction of premises by fire. In case of the death or bankruptcy of a licensee, his executors, administrators or assigns may carry on business, or the widow or any member of his family of the age of 21 years, for a period not exceeding 3 months. If a female licensee marry, her husband shall possess the same privileges, and receive the same duties, obligations and liabilities, under the license as she did, unless, within 14 days after the date of marriage, he shall, by writing under his hand, addressed to the magistrate, disclaim all interest in the license. On application to a stipendiary magistrate, a licensee may sell an absconding lodger's goods to the extent of his claim.

Premises for which a publican's license is asked require beyond the necessary sufficient accommodation for the family, two sittingrooms and four bedrooms, constantly ready for use, besides a separate house for not less than 10 natives. No publican can be compelled to entertain a native, not a servant or attendant on a guest of the house. Notice of application for license has to be posted on the premises. The licensee's name and qualification must be painted in letters, at least two inches long, on the front of his premises, and a lamp must be kept lit and burning from sunset to sunrise. Penalty, £2 for first offence, and not less than £2 or more than £10 for any subsequent offence.

The hours of sale are from 5 a.m. to 12 at night on week days; from 7 a.m. to 9 a.m., 1 p.m. to 3 p.m., and 8 p.m. to 10 p.m. on Sunday, Good Friday and Christmas Day, and on the last-mentioned days only for the sale of liquor not to be consumed on the premises; penalty for infringement of hours, £20. A *bona-fide* lodger may be supplied, not at the bar, or a *bona-fide* traveller (qualification not defined) may be supplied at the bar or elsewhere on the premises. Penalty for drinking on licensed premises, or leaving them with liquor in possession during prohibited hours, 40s. The penalty for allowing an unlicensed person to sell in any premises, vehicle, vessel or boat, is £20. For permitting common prostitutes, thieves, drunken or disorderly persons on licensed premises, the penalty is not exceeding £10. For permitting licensed premises to be used as a brothel, penalty not less than £20 or more than £50, and forfeiture of license for twelve months. For permitting

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gambling, the penalty is £10 for first offence, and £20 for any second or subsequent offence. The following penalties also attach under this Act:—

For permitting premises to be used as ball-room, without permit, for first offence, £20; for second offence, £20 and forfeiture of license.

Licenseso convicted of felony forfeits license, which may be transferred.

Licensese absent from premises without leave forfeits license.

Refusing to admit officers, fine not exceeding £50.

Refusing to receive traveller, fine not exceeding £5.

Selling adulterated liquor, fine for first offence, £50 to £100; for second offence, £200, or 6 month's imprisonment, with forfeiture of license and goods. Cost of analysis follows each case. Notice of conviction is posted on premises.

Objections to the granting of a license may be made, either personally or to a licensing magistrate, by,—

1. Three or more residents of the district.

2. Police in charge of district, or persons authorized by them.

On the following grounds:—

1. That applicant is of drunken, or dissolute habits, or of bad repute.

2. Cancellation of license within twelve months.

3. Conviction of selling without a license, or of selling adulterated liquor within same period.

4. Insufficient accommodation.

5. Not reasonably requisite in neighbourhood.

6. Vicinity of church, hospital, public school, or native town.

7. Danger to quiet and order of neighbourhood.

Selling without a license:—For first offence, fine of not less than £30 or more than £50; for second offence, fine of £100, and imprisonment, with or without hard labour, for not less than three or more than six months, at the discretion of the magistrate. The forfeiture of all liquor and vessels containing the same follows each conviction, and disqualification from holding a license for one year follows second conviction.

Liquor carried about for sale, or exposed publicly for sale, together with all vessels, vehicles, horses or animals drawing the same, are subject to seizure; penalty not exceeding £50; in default, imprisonment for not more than three months with or without hard labour, at the discretion of the magistrate.

Prohibitory Act:—"The Liquor Prohibition Ordinance of 1892" regulates the "supply of spirituous liquors to natives and others." The term native is defined as including, not merely aboriginal natives of Fiji, but aboriginal natives of any part of Africa, India or Malaysia, or of any territory or island adjacent to either, and aboriginal natives of any island in the Pacific, or any person wholly descended from such. A half-caste is one either of whose parents has been of any of the races comprised in the term native.

Natives and half-castes are prohibited from having liquor in their possession, under a penalty not exceeding £10, or imprisonment with or without hard labour for not more than three months.

Any person licensed or otherwise giving, selling, or procuring liquor to or for a native or half-caste, shall be fined not exceeding £50, or in default, imprisonment up to three months for a first offence, and a fine not exceeding £100, or, in default, imprisonment up to six months for subsequent offences. If a licensee, the second conviction includes forfeiture of license. If unlicensed, the offender to incur the penalties for illicit trading in addition to the above.

Exceptions:—

1. Ministers giving wine in conformity with religious rites.

2. Medical men prescribing or giving liquor to patients as medicine.

3. Persons employed by medical men, and acting under their instructions.

4. Persons supplying a native personally exhibiting an exemption granted him by the Governor.

5. Domestic servants bearing employer's written dated orders for liquor for employer's use.

The *onus probandi* to lie on the defendant in every case.

Imprisonment for three months follows any evasion of this ordinance, such as lending a name or countenance for the purpose of procuring liquor for a native or half-caste.

Licenses are prohibited from supplying intoxicated persons; penalty for first offence, £2 to £5; for second offence, £10 to £20, with forfeiture of license; for taking a pledge for payments incurred, penalty up to £10.

A magistrate, upon application of a relative, may prohibit any person of confirmed intemperate habits from obtaining liquor. Three convictions in two years render such prohibition necessary. Penalty, any person not a publican, supplying a prohibited person with liquor, fine, not exceeding £10; in default, imprisonment up to one month; any publican supplying such person, fine, not exceeding £50, or, in default, imprisonment up to six months; any prohibited person found intoxicated, fine, not exceeding £2, or imprisonment up to 14 days.

Liquor found in the possession of natives shall be seized. Charges can be laid within three months, and a sum not exceeding one-quarter of any money penalty may be granted by the magistrate to a certified informer.

The Governor may grant an exemption, good during will, to any native or half-caste, allowing them to have liquor in their possession, or to drink it. Such exemption certificate found in the possession of other than the rightful owner shall be seized, and not returned to the owner, except on order by a magistrate.

Storekeepers and others are to keep liquor in such manner that no native or half-caste can obtain access thereto; penalty, not exceeding £5 for a first offence, and not exceeding £10 for a subsequent offence. The *onus probandi* in all cases to lie with the accused. No statistics have been obtained in regard to Fiji.

NATAL.

This colony was formerly part of Cape Colony, but separated from it in 1856. The capital of Natal is Pietermaritzburg; population, 17,500. The population of the whole colony is 543,913.

The colony is under license. Ordinance No. 9, 1847, for "Regulating the Sale of Wines and Spirituous and Fermented Liquors within the District of Natal," was in force until 1878, when it was amended by Act No. 23, 1878. This Act makes it necessary for anyone desiring a license to make application to the resident magistrate of the district, the application to be in writing, and to set forth the nature of the business to be carried on, whether inn, hotel or boarding house, a description of the premises, etc. He shall give notice of his intention to apply by advertising twice in the nearest local newspaper, and affixing a notice on a conspicuous place on his premises. The magistrate, on receiving notice, shall affix a copy in some conspicuous place inside and outside applicant's premises, on the church door, if there be one within seven miles, and on the gate of the public prison, together with 14 days' notice of the date of the meeting of the licensing board to consider the application. The licensing board is composed of the resident magistrate and two landed proprietors resident in the division, who are appointed by the Governor. They shall consider and determine on all applications, hearing objections of any person, whether grounded on character, unfitness, or misconduct of the applicant, insufficient or inconvenient premises, or sufficiency of already existing accommodation. Such board shall sit quarterly. The applicants must be either inn-keepers, hotel-keepers, keepers of accommodation houses, or storekeepers, who have, in connection with the store, houses of public entertainment and sufficient accommodation for man and horse for the exigencies of the district. A licensee must give security for good behavior.

In connection with the above, Act No. 23, 1878, "To prohibit the Sale and Disposal of Spirits and other Intoxicating Liquors to Persons of the Native Race," was enacted. From an early period in the history of the colony liquor has been prohibited to natives. In 1856 Ordinance No. 4 was passed to this effect. It was, however, not sufficiently stringent, and was repealed by Law No. 18, of 1863, which provided for imprisonment, with or without hard labour, in default of the payment of

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a fine, and for the informer receiving part of the penalty. Drunkenness increased, however, and yet more stringent measures were found necessary, and so Law No. 22, of 1878, was passed and enacted. It entirely prohibits in any way supplying natives with liquor, the penalty being from £10 to £20, with or without imprisonment, and with or without hard labour. Liquor administered medicinally is exempted. Fines go to the Crown; the informer may receive a portion up to one-half. In case a field cornet informs he shall receive one-half the fine, on conviction. In case the delinquent be a licensed dealer, his license may be suspended for three months for a first offence; for a second offence it must be suspended for a term of three months, and for a third offence it shall be cancelled. Natives may be supplied, if they be servants having a written dated order from their master, the licensee to give a pass with the liquor. Any native found in possession of liquor shall be fined up to 20s, or imprisonment for a term not exceeding one month.

On 6th May, 1889, Lord Knutsford, as Secretary of State for the Colonies, speaking in the House of Lords, said:—"With regard to Natal, although the law appeared to be sufficiently stringent, he admitted that, owing to lack of police supervision, there had not been sufficient enforcement of that law. The finances of the colony had not hitherto been in such a condition that any great additional expenditure could be lightly incurred, but proposals had just been received for appointing supervisors over natives, who would, amongst other duties, advise the chiefs against the excesses which prevailed at their ceremonies. He had been able to sanction the appointment of those supervisors, and would when giving his sanction, strongly urge upon the colonial government to see that the law prohibiting the sale of liquor to the natives was enforced. The view taken by the Cape government with regard to high tariffs was that, so far as the natives were concerned, the traffic could only be checked by internal duties, and that a high tariff would stimulate smuggling and illicit distillation, while the view taken by Natal was that it would be of little use for them to pass any measures until the Cape and Portuguese governments had acted in the matter." (*Times'* report, 7th May, 1889).

The attention of the Legislative Council was called to this, and a committee of the Executive Council enquired into the matter in 1889, and found that the Indian immigrant labourer from Madras drank largely, but that it would be unwise to prohibit them. Regarding the increase in drunkenness, 14 out of 21 magistrates did not believe in its existence, nor, except in Durban, had such increase taken place, neither were the police to blame. *Tjowala*, a Kaffir beer, it was shown, was largely used but was harmless and wholesome. *Isitshimiyana*, an intoxicant made from treacle, was also largely used, but had been forbidden since 1870, a penalty of £2 attaching to its manufacture. The sale of Kaffir beer, it was stated, required an annual license of £4; half yearly, £2 10s. The committee recommended that the Act of 1878 be amended, making the fines fixed, not optional, £10 for a first offence, £25 for a second offence, and, if a dealer, cancellation of license. They also advised that no canteens be allowed in native localities, and that greater vigilance in the discovery and punishment of persons selling to natives be exercised by the magistrates. They draw attention to the absence of restrictions on the sale of intoxicating drinks to natives in the Cape and Transvaal, where many Natal natives acquired drinking habits.

The supervisor's report that natives obtain liquor from Indian coolies, one woman having paid £100 in £10 fines for selling. They recommend that Indians be allowed to buy only by the glass at the counter; that supervisors be granted police and that they also be empowered to prohibit the manufacture of *isitshimiyana* and to enforce such prohibition.

HONG-KONG.

The capital of this colony is Victoria, and the population in 1892 was reported as being 231,662, comprising 10,590 whites and coloured, and 231,072 Chinese.

The following figures were given in regard to crime:—

Convictions by superior courts, 1892.	18
Convictions by magistrates.....	13,098
In jail, December, 1892, including 18 Europeans.....	468

In Hong Kong the law as to the sale of intoxicating liquors to persons other than Chinese is assimilated to the law of the United Kingdom.

The Chinese use a native spirit as a beverage with their food, but in so moderate and temperate a manner that a license fee is imposed on its sale for purely fiscal reasons, and no other.

CEYLON.

The capital of Ceylon is Colombo, which had a population of 126,926 in 1891. The total population of the whole colony, including 6,068 English, was 3,008,466. In 1892 there were 19,705 summary convictions, and 395 convictions in the Supreme Court.

The liquor traffic is under license regulations, and there is no special restriction against the sale of intoxicating liquors to natives, as distinguished from others. The revenue from licenses for sale of spirituous liquors is about 2,200,000 rupees per annum.

LABUAN.

The total population of this colony is 5,853, of whom 30 are Europeans. The population of the capital, Victoria, is 1,500. The revenue of 1892 was £6,311, derived from licenses and customs duties on spirits, wines and tobacco.

There have been several license laws in this colony. That of 1871 empowered the Governor to appoint the superintendent of farms, or others to collect duties, and retail, and to suspend clauses which authorized the sale by wholesale for consumption in the island. In all these laws there is no clause or reference dealing with the restriction of sales to natives; but in a country where the bulk of the inhabitants are Mahomedans, such legislation would not, apparently, be necessary.

THE STRAITS SETTLEMENTS.

The population of the Straits Settlements is 512,342, divided as follows:—

Singapore.....	184,554
Penang.....	235,618
Malacca.....	92,170

The figures given in regard to crime in 1892 are as under:—

Supreme court convictions.....	239
Other courts.....	30,863
Admitted to jail.....	4,510

There is no restrictions placed on the sale of intoxicating liquors to natives, and drunkenness is a very rare vice amongst them.

The system of license is regulated by the Excise Amendment Ordinance, No. IV, of 1879.

Licensed houses are divided into three classes, all opening at 6 a. m., and closing at midnight, 11 p. m. and 10 p. m., according to class.

Drunkenness, disorder, gambling and the harbouring of prostitutes are prohibited.

Adulterated and unwholesome liquors are prohibited.

Police are to have free access to all houses for public purposes.

Licensed farm shops may open at 5. a. m. and close at 10 p. m. In other respects the regulations are as above. (Ordinance No. IV, 1870.)

Police may inspect books and stock at any time.

The right to collect duties on spirits in the various provinces, and the sole right to manufacture and sell, are farmed, the lessees being called farmers.

The British agent in Perak reports that the Larut spirit farm is leased to Yap Hap Keat for three years, at a monthly rental of \$4,600. He may collect 50c. duty on every gallon of spirits imported, grant licenses and collect fees, and receive fines, being bound to the extent of \$9,200 to enforce the law. The fine for infringing the lessee's rights is not exceeding \$400. Other licenses are similar. The farmer is bound to have pure spirits, under a penalty of \$100.

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Toddy and bhang farm leases fix the prices of toddy at 6 and 7½ cents per quart bottle, and bhang 4 cents per package. Fine for infringement of rights, \$50, and for breach of lease by the farmer, \$25. In Sungei Ujong, the excise law governs the licenses, their being no restriction on the sale of intoxicants to natives, "but," says the agent, "with very rare exceptions, both religion and inclination preclude the desire for stimulants of that nature."

BRITISH GUIANA.

This colony has a total population (1892) of 278,295, that of Georgetown, the capital, being 53,176. There are 205,090 coolies and Africans included in the population. The Europeans number 2,533.

The colony has been under license since 1855, when the first ordinance restricting the sale of rum was passed. It has been found necessary to extend the regulations for the sale of intoxicating drinks from time to time, and ordinances to accomplish this end were passed in 1868, 1869, 1877, 1880 and 1885. These laws simply regulated the license fees and sale. The licensing laws contain no special provisions for the prohibition of the furnishing of liquors to the aborigines. It was, however, found necessary to protect the Indians in their dealings with the class of traders with whom they came in contact in the forests of the interior, and certain protective regulations were included in the Crown Lands Ordinance, 12th September, 1881, which were maintained in section 43 of the Crown Lands Ordinance, No. 18, of 1887.

THE MEDITERRANEAN POSSESSIONS.

GIBRALTAR.

The population of Gibraltar was, in 1892, 26,050. The exports and excise are unimportant. The revenue, of which excise is a great factor, was £56,735.

The functions of government and legislation are all vested in the Governor, who is also commander-in-chief.

Under proclamations in 1885, and an ordinance of 1886 (1st), the introduction and sale of spurious liquors are prohibited; (2nd), duties are charged on the importation of all liquors, and licenses for sale are issued at fixed fees; (3rd), licensees have to conform to rules of conduct and regulation.

MALTA.

The capital of Malta is Valetta, and the total population of the possession, in 1892, was 166,889, including 1,702 English. There were committed in jail in 1892, 7,648 persons.

The liquor traffic is restricted by the police laws. These provide for the limitation of the number of licenses; for closing, from 9 p. m. to 4 a. m., without permission otherwise, and during hours of divine service; against the keeping of weapons where they may be reached; and for licensees being vigilant in the preservation of law, order and morality.

The Governor's regulations provide that a licensee must be of good character, have his neighbor's permission to keep a public-house, and it must be 50 paces distant from a church. Licenses, or renewal of licenses, can be refused for contravention of the police law, or by the court of judicial police. A licensee is responsible for his servants; may not allow blasphemous language or scandalous or indecent words or gestures; may allow no woman but his wife to sell in the shop; may not allow drunkenness, nor persons known to carry weapons, or who by words or gestures incite to quarrelling; may not supply children under 16, nor permit music or noise. Shop licenses shall not be granted in certain districts. Licenses may be granted or renewed at discretion.

CYPRUS.

The only restrictions in this dependency are the prohibition of sales to soldiers and of illicit selling to Her Majesty's sailors.

NEWFOUNDLAND.

The total population of Newfoundland, including Labrador, was, in 1891, 202,040, that of St. John's, the capital, being 29,007.

The liquor traffic in this colony is regulated by license. The Consolidated Statutes of 1874 contain this clause, which was incorporated in the statutes of 1872:—

"I. No intoxicating liquors shall be sold, unless in the original packages in which the same are imported, or by license, under a penalty of not less than ten dollars, nor more than fifty dollars for every offence."

In 1871, an Act known as "The Temperance Act, 1871," was passed. The preamble set forward that the object of the Act was to amend existing laws respecting the sale of intoxicating liquors, and licenses, therefor, and to otherwise provide for the repression and prevention of abuses arising from such sale.

It provided that, if two-thirds of the duly qualified electors should vote at a poll, to be taken according to the Act, in favour of the prohibition of the sale of intoxicating liquors, and the issue of licenses therefor, the Governor might, by proclamation, prohibit the sale, and put in force this Act in such electoral district.

Upon the delivery to the Governor, by a stipendiary magistrate, of a requisition, bearing the signature of one-fifth of the electors of any electoral district, demanding a poll under this Act, the Governor shall appoint a day in October, November, December, January or February for holding such poll.

No new licenses can be issued between the date of the poll and the issuing of the proclamation.

Vote is taken by open polling. No new poll can be taken for three years.

After the issuing of the proclamation no liquor can be sold, or license issued for three years. Medical, mechanical and sacramental liquor, or liquor for those uses, is excepted.

Any sales in proclaimed districts shall be punishable as for selling liquor without a license.

Writing of this Act in 1881, Sir F. B. T. Carter, administrator of the colony, said: "I find that it was put in operation in two districts only, Brigus and Burin, for a period some time elapsed, and since then it has been practically a dead letter. In the districts referred to, the general opinion was that the Act occasioned more mischief from clandestine sale than had existed under the general licensing Act."

The then existing Acts regulating the traffic were consolidated in 1875 in "The Licensing Act, 1875."

For selling without a license, the penalty is \$10 to \$100.

Stipendiary magistrates may grant licenses to persons approved of by them. All applicants, before applying, must enter into a bond with two approved sureties for \$200 to observe the law.

Wholesale license authorizes sale on specified premises, in quantities of not less than 2 gallons, to be consumed off the premises; fee, \$100.

Wholesale license for malt liquors only, terms as above; fee, \$50.

Retail license authorizes the sale in any quantity on premises named; fee, \$10 to \$70, to be fixed by the magistrate, in accordance with the annual value of the premises. In case of death or insolvency of a licensee, the magistrate may make an order to suit the circumstances.

A register of all licenses issued, parties and premises licensed, bonds taken, and fees, fines and penalties paid, shall be kept by the clerk of the peace, who shall, under penalty of \$100, pay the same to the Receiver-General.

Habitual drunkards may be prohibited. For selling to such prohibited drunkard, the penalty is not exceeding \$100 or 30 days' imprisonment.

Prohibited hours. All day Sunday, Good Friday and Christmas Day, week days from 10 p.m. to 6 a.m. between 1st April and 31st December, from 9 p.m. to 7 a.m. between 1st January and 31st March.

Special licenses for a period not exceeding 6 days may be granted retail licenses, upon such terms of fee and hours of closing as the magistrate may specify. The tent, room, booth or place specified shall for the time be a licensed place under this Act

Liquor Traffic—Commissioners' Report.

The possession of tumblers, decanters, bottles, etc., usually used in the trade, shall be *prima facie* proof of illicit sale, provided they have been recently used.

Licenses may be declared forfeited, in lieu of other penalty by the magistrate, or in addition to such penalty.

The Act contains stringent provisions against selling during prohibited hours, to children insane persons or habitual drunkards, against harbouring improper characters, constables, and other provisions for the maintenance of good order.

NEW SOUTH WALES.

The population of this colony was stated in 1892 as being 1,132,234. The summary convictions were put down as being 56,360, and the prisoners in jail on the 31st December, 1892, as 2,622. The population of the capital (Sydney) is 411,710.

The summary convictions would amount to 49.76 per thousand of the population, and the prisoners in jail were equal to 2.31 per thousand of the population.

The traffic in this colony was early brought under regulation by a license act.

An Act was passed in 1862 fixing the hours for sale (except for lodgers and *bona fide* travellers) at from 4 a.m. till midnight on week days, from 6 to 9 a.m. on Good Friday and Christmas Day, and from 1 to 3 p.m. on Sunday, the special day sales being only for consumption "off the premises." This Act was amended by an Act limiting the granting of new licenses in Sydney for a time only.

The Act of 1862 was amended in 1881 and again in 1883, when public houses were closed entirely on Sundays, a third conviction rendering the license liable to forfeiture.

In a memorandum dated June, 1890, the Inspector-General of Police states that the law in this respect has been so systematically broken as to have become almost inoperative. The licensee knows his customers, and, short of employing informers, who would themselves be guilty of a breach of the law, it is almost impossible to secure a conviction for Sunday selling. The result is demoralizing: 1st, it leads men, who would be contented with a moderate supply during restricted hours, to spend the day in drinking and expending all their wages; 2nd, it leads to home drinking; 3rd, it produces unblushing perjury.

The local option clauses have not been found beneficial or efficacious in operation. In Sydney the citizens have been apathetic. Though the number of licensed houses has decreased in relation to the population, it is still too great.

The effect of the law upon intemperance has not been very marked. Excessive drinking is not so prevalent in bad times. Police arrests are not a safe criterion, but they show that the percentage of arrests for drunkenness in 1881 (2.96) had been reduced to 1.98 in 1888.

In any way "supplying" natives is absolutely prohibited under a penalty of £10, in addition to any penalty for selling without a license. The administration of liquor as medicine is exempted.

A report laid before the British House of Commons (June, 1894) shows the law to be unaltered, but to require amending chiefly as regards Sunday trading. It also states that there are too many hotels licensed. The evidence as to any marked decrease in intemperance is discouraging. The local option law is too limited in its operation to afford a satisfactory test of the value of the principle. As a factor in the repression of drunkenness the local option vote in the metropolitan district of Sydney has not had any appreciable effect, though it prevented the licensing of new hotels. New licenses were negatived in every ward in the city and the granting of removals in five out of eight wards. In the suburban districts new publicans' licenses were granted in 1 case, refused in 3 and withdrawn in 1. Conditional licenses were granted in 17, refused in 47 and withdrawn in 45 cases.

An Act passed on 19th December, 1881, amends and embodies all previous Acts. It is divided into four parts:—

Part I provides for the establishment and constitution of licensing districts and Courts, and the procedure thereat; for the mode of applying for licenses, transfers and renewals; it also deals with the licensees and the appointment and duties of

Inspectors. The duties of an inspector include the inspection of premises, the examining and taking an account of all liquors. He may also demand, select and obtain samples of liquor which may be in or upon the premises, and, on paying or tendering payment for such samples, may remove the same for the purpose of analysis or otherwise. The penalty for obstructing an inspector is £50. The cost of analysis is to be reckoned as part of the costs of proceedings in cases of conviction. The penalties for an inspector taking a bribe, and anyone offering a bribe to such an officer, are exceedingly severe. Licensed premises may be entered day or night by any police officer of, or above, the rank of sergeant, any senior constable authorized by a licensing court, any inspector under the Act, or any constable duly authorized by a magistrate or superintendent of police.

Part II defines the nature of the various licenses, and contains the provisions therefor. The latter, in dealing with the matter of accommodation, contains a proviso that each room intended for the use of a guest shall contain not less than "twelve hundred cubic feet air space, and not be less than nine feet in height." Section 34 provides that, "after the commencement of this Act, the granting of a new publican's license, or of a certificate of removal of a publican's license, shall, within the area of every ward in the city of Sydney, or of any municipality subdivided into wards, as well as within the area of every municipality not so subdivided, be contingent upon the vote of the ratepayers of such areas, respectively, to be ascertained in manner hereinafter provided." The vote is to be taken every three years simultaneously with the voting for aldermen, the question reading: "Shall any new publican's licenses or removal of publican's licenses be granted in respect of premises situate within the above (*ward or municipality*) for the period of three years from this date?"

The schedule of fees for licenses is as follows:—

(1). For publican's license.....	£30
(2). For packet licenses—	
(a.) Class I.—Passenger vessels above 1,000 tons register.....	15
(b.) Class II.—Passenger vessels less than 1,000, over 250 tons.....	10
(c.) Class III.—Passenger vessels under 250 tons....	3
(3). For a colonial wine license.....	3
(4). For a booth or stand license.....	2

Furnishing liquor to any native is strictly prohibited.

Hours for lawful sale under this Act are from 6 a.m. to 11 p.m. on week days, from 7 to 9 a.m., 1 to 3 p.m., and 8 to 10 p.m. on Good Friday and Christmas Day, and on these two days for consumption off the premises only. *Bona fide* travellers and lodgers may be supplied.

Part III provides for the issue and regulation of brewers' and spirit merchants' licenses. The fee is £30 annually in Sydney, and £20 elsewhere.

Part IV provides for the cancellation of licenses, and for legal procedure, etc. Two convictions within three years under this Act incur cancellation of licenses. Three convictions within three years serve to disqualify the premises. There are various provisions for the maintenance of order and preservation of morals.

This Act was amended by the Licensing Act of 1883, but the amendments are mostly of a minor character. It provides for the reduction of the fee on a publican's license where public convenience demands such accommodation.

Section 12 divides the question to be voted upon triennially under the local option clause into two: 1st, as to the granting or not granting of new licenses; 2nd, as to the granting or not granting of removals.

It provides for the cancellation of a license on the holder's being convicted of a felony

Liquor Traffic—Commissioners' Report.

On the working of the liquor laws in New South Wales, the inspector-general of police, in a communication dated, Sydney, 27th May, 1893, written for the information of His Excellency the Lieutenant-Governor, said:—

"Some amendment in the law is no doubt desirable, chiefly as regards Sunday trading, as the Act is still violated, and the difficulties in the way of prosecution to conviction are increased by the experience licensed publicans have obtained in the best methods of evading detection and conviction. There are still far too many hotels licensed, leading to competition, with the usual inducements to the working classes to spend their wages in drink. I regret to add that the statistics and general information obtained from year to year are not encouraging as evidence of any marked decrease in intemperance."

The superintendent of police for the metropolitan district, Sydney, in a letter written on the 26th May, 1893, addressed to the inspector-general of police, enclosing a report from the licensing inspector for the metropolitan police district relative to the operations of the Sale of Liquors Licensing Acts of 1882 and 1883, stated with reference to the local option law of the colony:—

"The local option law to which he (the license inspector) especially refers is much too limited in its operation to afford a satisfactory test of the value of the principle; but, considering that it has been the means of replacing a number of very inferior houses by buildings of a superior class, which are not much frequented by persons addicted to intemperance, its operation has certainly been beneficial, and I am decidedly in favour of such an extension of the principle as would approximate to full local option." He adds: "The slight decrease in the number of persons arrested for drunkenness in 1892, relative to population, is, I think, as much the result of the absence of about one-half the metropolitan force at Broken Hill for several months as of the want of means to purchase liquor by the people. The difficulties experienced in enforcing the Sunday closing provisions of the Act have in no degree diminished."

The district licensing inspector of the metropolitan district, writing on the 25th May, 1893, stated that no alteration in the licensing liquor law of the colony had taken place since 1883. He attached a copy of a report which he had previously made on the last local option vote taken in the metropolitan suburban municipalities in February, 1891, and also a report of the vote taken in the city of Sydney in the following December. He remarks: "The same apathy was shown as in former years; where no contested election took place scarcely any votes were recorded." The number of hotels in this district were reported by the same gentleman to have been:—

December 1889,	855,	being one hotel to 411 mean population.
"	1890, 852,	" " 435 "
"	1891, 846,	" " 461 "
"	1892, 833,	" " 487 "

And he remarked that although the population had increased, the number of hotels had been reduced by 22, caused principally by old worn-out houses having been closed through the objections made by the police to granting them renewals of licenses." He appended to his report the following statement of arrests for drunkenness in the metropolitan district:—

Year.	No. of arrests.	Mean population.	Proportion of arrests to per 100 of mean population.
1889	9,924	351,475	2·8
1890	9,894	370,355	2·7
1891	11,442	389,655	2·9
1892	10,740	405,490	2·6

The inspector remarked: "The proportion for 1892 is lower than the previous years, caused by great depression and distress among the working classes through want of employment."

The same officer reports: "As a factor in the repression of drunkenness, I do not think the local option vote in this district has had any appreciable effect. It

has certainly prevented the licensing of new hotels, except where buildings have been erected containing over thirty rooms, in order to overcome the operations of the vote. Such houses, when licensed, have proved in the majority of cases perfect failures as residential hotels, the sale of liquor being the only trade done."

It may be mentioned as a matter of interest that a return made of the result of local option voting in the city of Sydney in December, 1891, shows that in eight wards, containing 23,361 citizens entitled to vote, the total number of votes cast was 8,203 in all the wards.

On the question, "Shall any new publicans' licenses be granted in respect of premises situated within the above (ward or municipality) for the period of three years from this date?" the votes were divided as follows:—

Yes	1,566
No.....	2,606

The granting of new licenses was negatived in every ward.

On the second question, "Shall any renewals of publican's licenses be granted in respect of premises situate within the above (ward or municipality) for the period of three years from this date?" the vote was in five wards, "No," and in three wards, "Yes." The total number voting were:—

Against removals.....	2,154
In favor of removals	1,877

It appears that in the metropolitan licensing district votes were also taken in 1888 and 1891. The same gentleman, the inspector of licenses for the metropolitan licensing district, in a letter dated the 27th April, 1891, reported that in 1891, when the vote was taken, there were 56,766 voters on the list. It appears that the votes were taken in two divisions, in accordance with the local option law. In the first division A., the vote was on the question whether any new licenses should be granted or not. It appears that in division A. 12,101 votes were cast, and in division B, 11,626. These figures amount to about 21 per cent of the total voters on the list. This was said to be about 1 per cent more than the number which voted on the previous occasion, when the total on the list was 50,356. The result of the voting in 1891 was that out of 99 elections the local option vote was carried in 89 in the negative, and 10 in the affirmative in both divisions.

The following figures were given as the result of the licensing business in the suburbs from the date the local option vote was taken in 1888:—

New publicans' licenses:—

Granted	1
Refused	3
Withdrawn, etc	1

Conditional licenses:—

Granted	17
Refused	47
Withdrawn, etc.....	45

It was stated that in the suburban municipalities there were:

In 1885	298 hotels.
1888	330 "
1891	351 "

The inspector of licenses concludes his report with the following observations: "I have again to remark that where no contested election took place very little interest, according to the result of numbers, seems to have been exhibited, and the majority of those entitled to vote appear to have been apathetic about the matter. In Bellvue ward, Woolahra, only one vote was recorded. The operation of the vote has been quite secondary to the firm stand taken by the licensing bench in refusing licenses to places that were not clearly shown to be of public convenience and required utility."

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NEW ZEALAND.

The total population of this colony, exclusive of Maoris, was given as being, in 1892, 650,433. In addition there were 41,993 Maoris. The population of Wellington, the capital, was, in 1891, 31,021.

The following figures were given in regard to crime, etc., in 1892 :—

Europeans summarily convicted.....	13,000
do convicted in higher courts.....	184
In jail, December, 1892.....	447
Indoor paupers, 1892.....	680
Children wholly or partly maintained by Government.....	1,489

This colony has in force a system of license for the restriction and regulation of the liquor traffic. Prohibition of liquor to natives is partially in force. The word "native" includes full-blooded Maoris, and half-castes.

"The Native Licensing Act" was passed in 1878. It provided that on a petition of one third of the adult male and female residents, or of not less than ten of the chief and principal natives, the Governor might proclaim an area as under prohibition, or he might so act of his own motion.

Supplying in any way liquor to a native or to persons for the consumption of natives, or bringing liquor into such area, becomes punishable by fine, £20 to £100, and forfeiture of license, if the offender is a licensee. Licenses held by natives are ended by the proclamation, and no licenses may be issued in such area. This does not apply to liquor used or administered medicinally.

"The Licensing Act, 1881," amended and consolidated all existing laws. It provided that "The Distillation Act, 1868," "The Adulteration Prevention Act, 1880," and "The Native Licensing Act, 1878," should remain in force, except where specifically amended in the present Act, and it exempted perfumery, liquor for medicinal purposes, home produce, if sold in quantities of not less than two gallons, auctioneers selling not less than five gallons, and the refreshment rooms of the Houses of Parliament and military canteens, if established by law, from the application of this Act.

Licensing districts:—Undivided boroughs, wards of divided boroughs, ridings of counties and road districts are ordinary licensing districts. Counties may be divided into special districts, or special districts may be formed in thinly-populated localities.

Licensing committees:—Any manufacturer of liquor, person directly or indirectly interested in the traffic, Government, county or borough official is disqualified, and incurs a penalty of £50 by acting on any licensing committee. Five persons will be annually elected as the licensing committee in each district. In case of vacancies by resignation or death, the Governor shall appoint persons, one to fill every such vacancy. In special districts the Governor shall appoint a committee.

Native districts:—The clauses of the Act of 1878 are re-affirmed, save that fixing the penalty for selling, etc. The penalty is here fixed as not exceeding £20.

Licenses:

1. Publican's license authorizes the sale of liquor in any quantity on premises specified, between the hours of 6 a.m. and 10 p.m. The fee in boroughs is £40, and elsewhere £25.

2. New Zealand wine license authorizes the sale on premises specified, between 6 a.m. and 10 p.m., of any liquor, being a production of the colony, of not more than 20 per cent of proof spirit in quantities not exceeding two gallons. These may be issued in boroughs only; fee £1.

3. Accommodation license authorizes the sale on premises specified on terms of repairing, or keeping in repair, a road, or bridge near the premises, which must be five miles from nearest licensed premises; fee not exceeding £20.

4. Bottle license authorizes the sale of liquor in bottles, six or twelve to the gallon, in quantities of not less than one reputed quart, not to be consumed on the premises; fee £40.

5. Packet license authorizes the sale on board vessel during voyage to passengers; fee, £5.

6. Wholesale license authorizes the sale in quantities not less than two gallons, not to be consumed on the vendor's premises; fee £20.

7. Conditional license authorizes licensee of hotel to sell till midnight, or to open and use more than one bar, each extra bar to be endorsed on the license; fee, not exceeding £30.

The Act fixes a standard of accommodation for all licensed places.

Licensing meetings shall be held in December, March, June and September in each year, and an annual meeting in June, one month's notice of all meetings to be given. All applications to be heard in open court. Applicants to be notified of objections.

Local option:—No new publicans, wine, bottle or accommodation license can be issued unless the ratepayers decide that the number of licenses may be increased. In case of such decision, the power of discretion still rests with the licensing committee. New licenses must be issued in June.

Applications:—Notice of application in writing must be given the clerk of the committee, twenty-one days before the meeting, and must be posted on the premises and published in three consecutive issues of a newspaper circulating in the district.

Objections:—Ten ratepayers, or male or female residents, may object to any application, by a petition lodged seven days previous to the date of hearing. Any inspector or male or female adult resident, or the owner of the premises, may object personally at the time of hearing. In native districts five adult male or female residents may object. The council of any town, or the governing body of any corporate town may object, on 1st, the character of the applicant; 2nd, the premises not being in repair, or not containing sufficient accommodation; 3rd, the license is not requisite, would endanger the peace of the district, or is in proximity to a church, hospital, or school.

The granting of licenses is to be at the discretion of the committee. Licenses may be cancelled for improper conduct of a house.

Licenses may be transferred, subject to objection; fee, £2.

Fees for licenses in borough, county and road districts shall go to the respective treasurers thereof; elsewhere, to the public treasury. Fines and penalties shall be applied to the public account.

All licenses, forfeitures, disqualifications, etc., shall be registered, such registers to be open to inspection on payment of a fee of one shilling.

The chief offences are not producing license when lawfully demanded, employing any female, other than the wife or daughter, in the house more than ten hours a day, or allowing a female to serve in bar after 11 p.m., employing or permitting girls to dance, refusing to receive travellers, employer paying wages in licensed premises, refusing to receive a corpse for inquest. The Act contains the usual provisions for the protection of morality.

Helpless drunks placed in the cells must be visited at intervals not exceeding three hours, and if the senior constable present deems advisable, shall have immediate medical attendance. Magistrates may remand such persons for a period not exceeding 7 days to a hospital, or other place for treatment, they being deemed in the custody of the jailer; costs of such treatment and maintenance to be paid by the person, in addition to the penalty imposed, or in default, imprisonment, with or without hard labor, for not more than three months.

In all cases of imprisonment under this Act hard labour may be added.

No conviction can be cited as a previous conviction after a lapse of five years.

Two convictions under this Act within six months may forfeit the license.

A second conviction within five years for permitting drunkenness, harbouring disorderly persons, permitting gambling, and supplying children, or two previous convictions, against one or more sections of the Act, shall disqualify for five years. Three convictions on the same premises shall disqualify the premises for two years.

Owners of premises, not being the occupiers, shall be notified of convictions, and provision is made for them to protect their interests under the Act.

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For defacing an indorsement of a license the penalty is not exceeding £5.

In case of riot, two justices can order the closing of licensed premises. For not obeying such order, penalty not exceeding £50.

In case of disturbance or rebellion, districts may be proclaimed, when all licenses must close their premises. The penalty for supplying liquor in such proclaimed districts is £20 to £100. No liquor can be brought into such a district without a permit, without being liable to seizure.

For insulting a member of a license committee, or interrupting their proceedings, the penalty is not exceeding £10; in default, 14 days' imprisonment.

For committing perjury before a license committee, the penalty is the same as ordinary perjury.

Clubs, not less than 20 members, must possess a charter and pay a fee of £5 annually. Clubs of not less than 10 members may obtain a provisional charter; fee £5. This charter is withdrawn unless the club secures the full number of members.

This Act was amended in 1882, when the licensing committee were given three years' life, being elected every three years instead of annually.

Power was also given the licensing districts, under local option clauses, to restrict the number of licenses to be issued.

The Earl of Onslow, Governor, in a despatch in 1890, states: "It is admitted on all sides that the 'local option' clauses of the Act have not had the effect anticipated, and it is in contemplation to introduce a Bill during the ensuing session of Parliament, to enable a direct issue to be placed before the people, and to be decided by them."

The despatch further stated that licenses could be obtained with comparative ease, and illicit sales were confined to remote settlements. The natives were described as being apathetic in the matter of the license law.

The following table shows the consumption of alcoholic liquors per head:—

Year.	BEER.		SPIRITS.		WINE.	
	Excluding Maoris.	Including Maoris.	Excluding Maoris.	Including Maoris.	Excluding Maoris.	Including Maoris.
	Galls.	Galls.	Galls.	Galls.	Galls.	Galls.
1881.....	10 215	9 377	1 159	1 064	0 335	0 308
1882.....	10 523	9 684	1 153	1 061	0 351	0 323
1883.....	9 435	8 709	1 088	1 005	0 315	0 291
1884.....	8 769	8 121	0 999	0 923	0 272	0 253
1885.....	8 414	7 840	0 899	0 825	0 261	0 243
1886.....	7 861	7 333	0 820	0 765	0 212	0 198
1887.....	7 561	7 148	0 770	0 719	0 198	0 185
1888.....	7 133	6 670	0 820	0 767	0 167	0 156

A return presented to the English House of Commons in June, 1894, shows that "no alterations of the Licensing Acts have been made in this colony."

NORTH SEA FISHERIES

The evils arising from the sale and bartering of liquor amongst the fishermen of the North Sea, outside of territorial waters, attracted such general notice that in 1882 active endeavours were made to secure an international convention. These were so far successful that in 1886 the representatives of Great Britain, Germany, Belgium, Denmark, France and the Netherlands assembled at the Hague, and on the 16th November, 1887, signed a convention to the following effect:—

Article I provides that the provisions shall apply to the North Sea, outside territorial waters.

Article II prohibits the sale or purchase of spirituous liquors in the district, and the exchange, especially for the products of fishing, gear, or equipment of boats, or fishing implements.

Article III. Boats dealing with fishermen in provisions, etc., must be licensed by their own government, subject to (1) : Not carrying spirits in greater quantity than is necessary for its own crew; (2) all barter for articles mentioned above is forbidden. Licensed vessels must carry a special and is uniform mark.

Article IV. High contracting parties must legislate for the punishment of offences against the foregoing articles.

Article V. Each tribunal will take cognizance of offences by their own vessels, notifying the other tribunals of offences by their respective vessels.

Article VI. Prosecutions for infractions to be by the State in each country, under its own laws.

Article VII. Cruisers of the high contracting parties having charge of the police of the fisheries shall enforce these provisions. Resistance to officers of such cruisers shall be considered as resistance to national authority. Offending boats may be taken into port of the nation to which they belong.

Article VIII. Proceedings under these provisions to be as summary as possible.

Article IX. Laws made in each country in respect to these provisions are to be communicated to the other countries interested.

Article X. States not signatory to the convention may adhere to it, on request notified to the Government of the Netherlands.

Article XI. The convention shall be in force for five years, but may be continued annually from year to year, on twelve months' notice being given.

Article XII. The convention to be ratified, if possible, within one year.

The last clause was not possible. The French Government refused to ratify the convention, and on February 13th, 1893, the remaining powers agreed to abide by it, allowing France, if she so desires, to come in under Article X.

The period of life of the convention was reduced to one year, three months' notice of continuance being necessary from year to year.

QUEENSLAND.

The population of this colony was, in 1892, 421,297. The capital is Brisbane, which has a population of 48,738. The colony separated from New South Wales in 1859. There are collected £55,632 for licenses (not stated what kind). In 1892 the number of persons convicted for serious offences was 203.

This colony is under license, with provision for local option.

License.—The Licensing Act provides for the establishment and constitution of licensing districts and licensing authorities; of officers and the duties of officers under their direction; the granting, renewal, transfer, removal and transmission of licenses; the obligations, duties and liabilities of licensees; the sale of liquor by unlicensed persons; local option. The law also contains certain necessary general provisions.

Restrictions.—The Act places the following restrictions upon licensees. No licensee can leave his house open, or permit liquor to be consumed on the premises, except from 6 a.m. to 11 p.m., on the six business days of the week; from 6 to 9 a.m., from 1 to 3 p.m., and from 8 to 10 p.m., on Good Friday and Christmas day; nor shall he keep his house open for the sale of liquor on Sundays. A licensee is not prohibited from selling liquor at any time to a lodger in his licensed premises, a bona-fide traveller seeking refreshment on arriving from a journey, or to any person suddenly disabled by accident or sickness, and brought on his premises. A licensee is at liberty to close at 10 p.m., and remain closed till 7 a.m., and to remain closed on Christmas day and Good Friday. If in a municipality or town, he may refuse to supply a traveller on Sunday. Habitual drunkards, children under 14 years of age, any boy or girl apparently under 18 years of age, insane persons, or aboriginal natives of Australia, the Pacific Islands, or Polynesia, born in the colony, or any half-caste

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of these races, are interdicted from obtaining liquor. The penalty for supplying a native is £5 for each and every offence.

Local option.—The following is a brief summary of the provisions for local option contained in the Act. Any number of rate-payers in any area, not being less than one-sixth of the whole, may, by notice in writing, given not later than the 1st of November in any year, require the chairman of the local authority to take a poll of the ratepayers of such area for or against the adoption of all, or any, of the following resolutions, to have effect within that area:—

1st. That the sale of intoxicating liquor shall be prohibited.

2nd. That the number of licenses shall be reduced to a certain number, to be specified in the notice, not being less than two-thirds of the existing number.

3rd. That no new licenses be granted.

The chairman of the local authority to be the returning officer to take the poll.

To carry the first resolution requires a majority of two-thirds of the votes recorded, to carry the second or third, a bare majority of votes cast. Provided should the vote be taken upon more than one resolution, (a), only one resolution shall be adopted; (b), if the first resolution is carried, it shall be adopted, whether either or both of the other two resolutions be carried or not; (c), if the second resolution is carried and the first is not, it shall be adopted whether the third be carried or not; (d), if the third is carried, and the first and second not, it shall be adopted. The first resolution being carried, it comes into force June 30th in the year following that in which notice for the poll was given. The second being adopted, comes into operation at the next general meeting of the licensing and the licensing authorities on receiving notice of the carrying of the third, are precluded from issuing any fresh licenses. No new poll can be taken of the first resolution for three years after its adoption; on the second and third, for two years from the date of the first poll.

No test of local option.

Mr. William T. Blakeney, Registrar-General of Queensland, in a report dated 18th January, 1890, says:—

“It will be observed that the principle of local option came into force under the Act at the close of 1886, and it was full six months later before any action was taken thereunder; therefore it is obvious that the period which has elapsed since the law was put in force is too short for any reliable deductions to be made as to its workings. I have, however, caused a return to be prepared showing the results of the voting by local tax payers under the local option clauses, and the localities in which the provisions of the Act have been enforced, or otherwise. Referring to this return, it will be seen that up to the present time no poll has been demanded on the first resolution, that only one poll has been taken on the second, and that the chief interest has been with regard to the third, on which 43 polls has been taken in different parts of the colony. As a result of the polling, the resolution was carried in 42 places, and lost in one, but in five places where a second poll has been taken in 1889, the action of carrying the resolutions in 1886 was rescinded, from which it would appear that a certain amount of reaction on the subject was taking place. In one case, owing to the poll having been improperly taken, on an application made to the Supreme Court the result of the poll carrying the resolutions was upset.

I would also draw attention to the comparatively small number of votes recorded respecting the resolutions, compared with the population (unfortunately I cannot now obtain a return of the number entitled to vote), which shows that for a large porportion of the people the subject has no interest, the opposition to the sale of liquor being principally worked up by persons influenced by conscientious objections to the use of alcohol, and on the opposite side are to be found principally those who have vested interests in the liquor traffic.

Drunkenness and crime in the colony.

The action under the local option clauses of the Act, as previously stated, has not had a sufficiently long trial to prove whether or not it

will have any beneficial effect on the criminal statistics of the colony. The following is the return for ten years:—

Year.	Mean Population.	Convictions for Drunkenness.	Ratio per 1,000 of Population.
1879.....	214,180	2,101	9.81
1880.....	221,964	2,086	9.40
1881.....	226,022	2,839	12.56
1882.....	237,611	2,926	12.31
1883.....	267,865	3,580	13.36
1884.....	298,794	4,682	15.33
1885.....	318,414	4,972	15.62
1886.....	334,765	5,194	15.52
1887.....	354,777	5,661	15.96
1888.....	387,201	5,883	15.19

“It shows that there was a sudden increase in drunkenness in 1884; that the proportion fluctuated slightly since then up to the end of 1888, the last year for which complete statistics are available. Any beneficial effect can only be expected subsequent to the year 1886, but it is only in the proportion for 1888 that a slight decrease is observable.”

Mr. Blakeney also encloses statistics of cases disposed of by the benches of magistrates, from which is prepared the following table showing the number of convictions by the magistrates during a period of ten years, for the offences named (cases of drunkenness not included):—

Year.	Population.	Offences Against Person.		Offences Against Property.		Other Offences.	
		Convictions.	Ratio per 1000.	Convictions.	Ratio per 1000.	Convictions.	Ratio per 1000.
1879.....	214,180	646	3.01	456	2.13	2,559	11.96
1880.....	221,964	674	3.03	536	2.42	2,755	12.41
1881.....	226,022	642	2.83	566	2.50	3,206	14.18
1882.....	237,611	846	3.14	536	2.26	3,717	15.64
1883.....	267,865	1,368	5.11	655	2.45	4,185	15.62
1884.....	298,794	1,524	5.10	778	2.60	4,636	15.52
1885.....	318,414	1,129	3.56	747	2.35	4,603	14.46
1886.....	334,765	1,123	3.35	882	2.63	5,642	16.85
1887.....	354,777	1,290	3.64	1,011	2.85	4,487	12.68
1888.....	387,201	1,273	3.29	1,008	2.60	5,566	14.37

The above does not include those cases committed for trial or sentence, as no returns of the higher courts are contained in the report.

A return presented to the English House of Commons in June, 1894, shows that no changes have been made in the law. It also contains the data from which the following extension of Mr. Blakeney's table is prepared re convictions for drunkenness, and also the tables for convictions for other offenses. The figures in regard to

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population are taken from "the Statesman's Year Book," and include an estimate of 12,000 for the native population :

Year.	Population.	Convictions for Drunkenness.	Ratio per 1,000 of Population.
1889.....	399,463	6,002	15.03
1890.....	406,658	6,192	15.22
1891.....	410,330	5,450	13.28
1892.....	421,297	4,810	11.42

No explanation is given in the papers of the large reductions in the number of cases of drunkenness in the year 1891-1892.

OTHER OFFENCES.

Year.	Population.	Offences against person.		Offences against property.		Other offences.	
		Convict- ions.	Ratio.	Convict- ions.	Ratio.	Convict- ions.	Ratio.
1889.....	399,463	1,369	3.43	1,180	2.98	6,236	15.61
1890.....	406,658	1,496	3.68	1,176	2.89	5,706	14.03
1891.....	410,330	1,483	3.61	1,181	2.88	6,129	14.90
1892.....	421,297	1,291	3.06	1,113	2.64	6,449	15.31

In the return which embodied Mr Blakeney's report the population in many of the polling districts was not given. There was no record of the numbers voting for or against the resolution, in several instances the majority only being shown. Taking the cases where the population was set out, and also the number of votes polled, it appears that the numbers voting ranged from 2 to 17½ per cent of the population, in many cases the votes being less than 5 per cent of the population.

In 1894 another return was laid before the House of Commons (England), in which the results of the voting on local option in 49 municipalities were given, viz:—

1. In 30 instances the votes were against any increase in the number of licenses.
2. In three cases the resolution against any increase in licenses was defeated.
3. In 10 cases the vote was cast in favor of rescinding previous votes for no increase in licenses.
4. In 3 cases the vote was in favor of a decrease of the number of licenses.
5. In 1 case resolution No. 1, (that the sale of liquor be prohibited), was defeated.
6. In 1 case resolution No. 1, was carried, the total number of persons who recorded their votes being 96.

In 1 case the resolution in favor of no increase in licenses was carried, but was rescinded by the Supreme Court for informality.

The ten cases of repeal included the 5 cases referred to in Mr. Blakeney's memo., although they were not included in the report he presented with it.

SOUTH AUSTRALIA.

There is a population of 331,721 in this colony. The capital is Adelaide; population, 136,766.

The liquor traffic in South Australia has always been restricted and regulated by license. The more recent Acts are Act No. 16, of 1869-70; No. 22, of 1872; No. 52, of 1876; No. 68, of 1877; No. 69, of 1877, and No. 191, of 1880. A still later Act will be referred to presently. The Act of 1869 commenced the restriction of Sunday selling.

The Act of 1880 is most voluminous, containing 145 clauses and 25 schedules. It is called "The Licensed Victuallers' Act, 1880," and contains the following provisions:

"Bench" means licensing bench of justices for the district.

"Liquor" means any spirituous, malt, vinous, or fermented liquor.

"Mead, wine, cider or perry" mean these liquors made from fruit grown in the province, and from honey, the produce of the province, and not containing more than 35% of proof spirit.

"Town" means any corporate town and township containing 40 dwelling-houses within the radius of one mile.

Liquor in less quantities than five gallons may not be sold wholesale.

Spruce beer, liquor for medicinal purposes, mead, wine, cider and perry in quantities of not less than one quart bottle (reputed), not for consumption on the premises, sold by the occupier of a vineyard or orchard on any day but Sunday, and liquor supplied as "allowance" to a crew of a vessel, are exempt.

Licenses for the sale of liquor are of five kinds:

Publican's license, to sell liquor in any quantity on the premises specified; fee, £30 in towns, £15 elsewhere.

Storekeeper's license, to sell not less than one gallon of one kind of spirits, or one dozen reputed quart bottles of wine, not to be drunk on the premises; fee, £10.

Wine license, for the sale of wine, mead, cider and perry in any quantity; fee, £5.

Storekeeper's colonial wine license, to sell wine, mead, cider and perry in not less than one quart bottle, not to be drunk on the premises; fee, £3.

Packet license, for sale to passengers on board vessels; fee, £10.

Licenses take effect from day of issue. All licenses, except packet licenses, terminate on 25th March. Licenses issued for less than twelve months, pay proportion of fee only.

Justices interested in the trade in any way are excluded from the licensing bench. Each bench shall sit annually on March 25th, and quarterly on the second Tuesday in June, September and December. Special sittings shall be held for considering forfeitures of license.

Applications for license must be in writing, accompanied by plans, and be made at the meeting of the bench prior to the date of consideration. Notice of application shall be given by advertisement in two daily and two weekly issues of a newspaper, in two issues of the *Gazette*, and by notice posted on the house and land.

Objections to license: Two-thirds of the ratepayers of the district may object by signing memorial, of which notice has been served on applicant. New applicants for licenses in existence must be certified as to character. The penalty for signing a false character is "not exceeding" £5.

Objections may be based on the character of the applicant, the nature of the premises, not filing of plans, danger to the quiet of the locality, or the vicinity of a church, school or hospital.

Tap-rooms must be approved by the bench, and be under the management of an approved manager.

Proceedings for the transfer of license are the same as those for obtaining a license.

Provision for the protection of interests in case of death, insolvency, etc., are made.

Removal of license requires application and notice, and is open to objection.

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Five days' certificates to sell may be granted in case of races, regattas, cricket matches, shows, etc., to licensed persons only; fee, £2.

Certificates may be granted for the sale of liquor at a gold field; fee for liquor, £5, and for wine, £1 for three months.

Licenses are forfeited for the following causes:—Conviction for the felony of the licensee; three convictions of licensee for any offence. The landlord may in these cases temporarily carry on the business.

Liabilities and penalties: Any justice disqualified from sitting on the licensing bench, and who takes part in the business thereof; fine, £100. Allowing games on Sunday, harbouring prostitutes, thieves or disorderly persons; penalty, not exceeding £20. Not having name and light (at night) in front of the premises; penalty, 10s. to £10 for each night or part of a night. Having an unapproved tap or manager; penalty, £5 to £50. Refusing to receive travellers, horses, or a corpse for inquest; penalty, £1 to £20. Lodgers' goods are not seizable for rent. No debt for liquor less than 20s. at one time is recoverable at law. Taking any payment but money or bank notes; penalty, £10 to £50. In any way supplying an aboriginal native or half-caste; penalty, £1 to £10. Supplying children under 15; penalty, £1 to £5. Supplying a constable on duty; penalty, not exceeding £5. Supplying an intoxicated person; penalty, £10 to £50. Allowing music or dancing to take place without a permit; penalty, £5 to £10; fee for permit, 5s. Habitual drunkards may be interdicted for twelve months; penalty for supplying them, first offence, not exceeding £5; any subsequent offence, £5 to £10. Not having conspicuously posted in the tap-room or bar certain clauses of the Act prohibiting the supplying of liquor to those mentioned therein; penalty, 40s., and 10s. for each day that the law is not complied with. Having any retail store other than in the case of wine licenses, refreshment room or confectionery store, communicate with licensed premises; penalty, up to £5 per day. The same applies to eating houses and licensed premises. Employing a person who has been refused or forfeited a license; penalty, £2 to £20. Sharing profits with, or entrusting management of house to, an unlicensed person; penalty, £5 to £100. This does not apply to a partnership between a wine licensee and confectioner carrying on their respective businesses in the same premises. Keeping house open after 11 p. m., or before 5 a. m. on week days; penalty £2 to £10. A licensee may close at 10 p. m., or supply lodgers or *bona fide* travellers. Outer doors between any street and tap-room must be closed on Sunday; penalty, not exceeding £5. *Bona fide* travellers or lodgers may be supplied, others also between 1 and 3 p. m.; penalty for breach of restriction, £5 to £50.

The Act contains stringent provisions for the better maintenance of law and order.

This Act was the immediate outcome of the report of a commission appointed in 1879, and in accordance with their recommendations. Two members of this commission, however, strongly urged the adoption of an extended local option system in preference to the mode of granting licenses therein contained. In dealing with the promotion of temperance, the Commissioners say:—

"It must rest with the youth of both sex in South Australia. They should be taught to avoid the use of intoxicating drinks in connection with their work and recreation, to look upon them as dangerous and unnecessary, to discourage those who are addicted to the pernicious habit whenever they are met, to point out to those who advocate short hours of work that time so taken from healthy industry must not be wasted in habits of degrading indulgence and idleness."

On the 16th of September, 1890, "A bill for an act to amend the Licensed Victuallers Act, 1880," was introduced into the House of Assembly, and passed. It provides for the licensing of clubs of bona-fide character having, in Adelaide, not less than 50 members, and elsewhere 25, on payment of an annual fee of £5, the steward or manager to be registered and the club open to the inspector. Upon complaint proved, the certificate shall be cancelled and the club have to come under the full operation of the License Act.

License fees: The Act provides for the payment of fees in towns on the scale of assessment; in the country districts the annual fee to remain £'5. The following is the scale:—

Annual Value.	License Fee.
£100	£15
200	20
300	30
400	35
over 400	40

Objections: Licenses may be objected to on the ground of the applicant's character; that he has forfeited a license within six months; that communication exists between the premises and some other retail store, or they have a common yard; insufficient accommodation; that such licensed premises are not necessary; vicinity to a church, school or hospital; lack of accommodation of places of decency; that recommendations of the bench have not been complied with. Premises 10 miles from Adelaide must provide one sitting room, and two sleeping rooms, with separate entrance, places of decency, and stabling for four horses. Objection can be made in the case of wine licenses on the ground of the applicant's character; that he is interested in the keeping of a brothel; that he is of drunken habits, and all the valid objections to a publican's license, except that of accommodation. In the case of store-keepers' licenses, the objections shall be as to character and previous conviction.

Part IV of this bill makes provision for local option. It provides that "All licenses not existing shall, after fifteen years from the passing hereof, not be renewed as a matter of course, but shall thereafter be renewed or not at the discretion of the licensing bench."

One-tenth of the residents in a district, whose names are on the roll of rate-payers, may petition for a vote to be taken as to:—

1. Whether any new publicans' wine or store-keepers' colonial wine licenses in respect of premises not being so licensed shall be granted in such local option district.

2. Whether the number of publicans' wine or store-keepers' colonial or wine licenses in such local option district shall be decreased to any number below the then existing number or not.

The law which was passed in 1891 further provided (clause 15) that if the rate-payers of any local option district determine that there shall be a reduction in the number of licenses issued below the then existing number, the licensing bench having jurisdiction in such district shall determine the licenses which shall not be renewed, and notice is to be forthwith given by the clerk of the licensing bench to the holders of licenses; "and such owners and occupiers shall be entitled to compensation, to be determined as hereinafter provided, and where the occupier is not the owner of any such premises, the lease or agreement under which such occupier holds the same shall, if he shall so elect, be deemed to be annulled; provided that no person shall be deprived of a publican's license in pursuance of any such determination, unless and until he has received the compensation, if any, due to him in respect thereof under this Act, or the same has been tendered to him."

It is provided (clause 18) that the amount of compensation to be paid to the owner of any premises by reason of the annual value of such premises being diminished, owing to the publican's license being taken away therefrom, in consequence of the determination of the ratepayers of the local option district in which such premises are situated, and to the occupier by reason of his lease or agreement being annulled, and for the loss of his license and business as a publican, shall be determined by arbitration only.

It is further provided (clause 22) that the compensation to be paid on the refusal of the bench to renew any license, in consequence of the result of the poll prescribed by this Act, shall be calculated on the following basis, and not otherwise:—

"The difference between the rental value of the premises as a licensed house, and as an unlicensed house, from the time of the non-renewal of such license, until

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a period of fifteen years from the passing hereof. Should the holder of the freehold of the licensed premises and the licensee be different persons, or should the lessor and the licensee be different persons, or should there be more than one lease subsisting of the said premises, or should the premises be mortgaged, or should there be any lease thereon, the said compensation shall be divided between all the persons interested in such proportions and manner as the said arbitrators, or a majority of them, may determine."

It is further provided (section 23) that no compensation shall be payable to any person in respect of the refusal to renew a license issued after the date of the passing of the Act in question.

No house may be open on Sunday, but lodgers and bona-fide travellers may be supplied. Penalty for selling, not exceeding £20; for falsely representing oneself a traveller, not more than £10.

Special permits to sell on board any packet during a period not exceeding one day may be granted by a special magistrate or two justices; fee, £1. Liquor may not be taken on board any of H.M. ships without leave of the commanding officer; penalty, seizure of the liquor; fine, not exceeding £10. All bars must be locked up during prohibited hours, an open door affording *prima facie* proof of sale; penalty, £5 to £20. Provision for carrying on business in case of death of licensee.

A return laid before the British House of Commons in June, 1894, contains a report furnished Lord Kintore by Mr. W. J. Peterswald, Commissioner of Police. who says:—

"The liquor traffic in this colony has, on the whole, been conducted in a manner which, compared with its operation in other countries, can only be regarded satisfactory. Last year the number of convictions for drunkenness was 2,399, being 7.26 per thousand of the population, and the number of convictions for offences by licensed victuallers against the provisions of the Act was only 81. As in 1883, the convictions for drunkenness reached 4,362; the improvement in this direction is most marked."

Mr. Peterswald also reports that the local option clauses, though tested in one or two instances, have not resulted in the closing of any public houses. The least satisfactory feature is the working of the Act respecting total Sunday closing. He says, "a good deal of stratagem is employed to evade the Act."

TASMANIA.

The population of this colony is 146,667, that of Hobart Town, the capital, being 24,905.

The prisoners in jail at the end of 1891 numbered 165.

This colony has long been under license, the present Act, known as "The Licensing Act 1889," repealing the Licensing Act 21 Victoria, No. 39, and eight subsequent amending Acts.

The Act 53 Victoria, No. 37, now in force, defines "liquor" as being any liquor whatever containing not less than 2½ per cent of alcohol by weight.

Selling without a license incurs cumulative penalties of from £20 to £100, or, in default, imprisonment, with or without hard labour, from 6 to 12 months. Purchasers of liquor from illicit sellers, unless informers and witnesses against them, also incur a penalty.

Licenses are granted by a licensing bench of nine magistrates, the police magistrate and mayor in cities, and the warden in municipalities being *ex-officio* members. The court has all the powers of a court of general session, and meets annually, on December 1st, for the issue of licenses, and quarterly, in February, May, August and November.

Public-house license: fee £25, and for a separate tap £20, with fees to the clerk of the court for drawing case, and superintendent of police for preparing a list of rate-payers. This license includes permission to sell liquor on the premises mentioned, or not less than 7 quarts in any bonded warehouse. Twenty-eight days' notice of application may be given.

No one but the certified agent may sell liquor in a separate tap.

No woman, except the wife of the landlord, may sell liquor after 10 p.m.

Any resident ratepayer may, on giving five days' notice, object to the granting, transfer or continuation of any license.

A majority of the ratepayers of any neighbourhood in which a license is sought may petition against such application, and it is imperative on the licensing bench to entertain such petition, if duly lodged with the clerk of the peace ten days previous to the hearing of said application.

When an application is refused, no renewal of it can be made for three years.

The applicant must bear costs of successful opposition, but if the opposition appear to be vexatious or malicious, the magistrate can condemn the petitioner or petitioners in costs.

Should a license, owing to conviction for any offence, forfeit his license, or leave and abandon his premises, the owner of the place may apply to any two justices for leave to continue selling until the next ensuing quarterly meeting of the licensing board, as also in a case where a tenant neglects to apply for a renewal of license.

Offences:—Giving or allowing the supplying of liquor to any one under sixteen years of age; allowing any female, not the wife, to serve liquor after 10 p.m.; selling, except to lodgers and travellers, on Sunday, Good Friday or Christmas day; keeping open after 11.30 p.m. on week days, or being open before 5 a.m. from August 1st to March 31st or before 6 a.m. from April 1st to July 31st; a licensee may close at 10 p.m., if he desires; refusing to receive travellers or horses of travellers; allowing a store or shop to connect with the house or tap; not measuring liquor, or refusing to re-measure; supplying intoxicated persons; permitting music or dancing, outside of his private apartments; permitting noise or disorder; allowing dog or cock-fighting, boxing or wrestling; not assisting the police; being drunk or allowing his servants to be so; harbouring prostitutes, allowing a disorderly house, or permitting gambling; selling or holding unwholesome, adulterated or deleterious liquors.

A special night license may be granted by any two justices of the peace in petty sessions for such occasions as a dinner, ball, or other entertainment being held in the house. Fee, five shillings.

A second conviction forfeits the license.

Other licenses:—

A packet or steamboat license for sale to passengers only during voyage; fee, £10.

Railway refreshment rooms for the sale of liquor at any railway station, for one half-hour before and after the arrival or departure of any passenger train, with the approval in writing of the general manager or directors of the line; fee, if applicant do not hold a publican's license, £12 10s.; if he hold a publican's license, £5.

Races, etc.:—Licenses to sell liquor at races, volunteer encampments, fairs, regattas, etc., may be granted, the holder only to sell, provided applicant have the written consent of the authorities, or officer commanding. Applicant must be holder of a publican's license.

Legislative Refreshment Rooms:—A public-house licensee may be authorized by the Joint Committee of both Houses of the Legislature to supply liquor in the refreshment rooms in the House, at any hour of day or night, during the sessions of Parliament.

Theatre license to supply liquor in the refreshment room of any theatre during the hours of performance; fee, £5.

The Treasurer may, upon a certificate accompanied by the approval in writing of any two justices, grant a wholesale brewers', druggists' or importers' license, as the case may be.

Wholesale license, fee £25, permits the sale of not less than seven quarts at any one time.

Brewers' license, fee £12 10s., permits the sale of not less than five gallons of malt liquor of his own manufacture.

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Druggists' license, fee £5, permits the sale of medicines, drugs or certain defined liquors in prescribed quantities.

Importers' license, fee £10, permits the sale of, in bond, not less than 100 gallons of liquor, or not less than 20 unbroken packages.

Licenses granted for portions of a year only, carry proportionate fees. All renewals must be applied for at the annual meeting of the Board.

Liquor may not be taken on board any of H. M. vessels without the permission of the commanding officer; penalty, £10 for each offence and seizure of all liquor.

Granting of all licenses must be announced in the *Gazette*.

Fees for theatre licenses, permission to sell during prohibited hours, such as for balls, etc., and for certificate of transfer of railway refreshment room license, go to the municipality where collected. All other fees go to the Treasurer, and are applied to the Consolidated Revenue Fund; also all fines.

The manufacture of cider, perry or native wine, and the sale of the same in quantities of not less than two gallons is permitted.

Prohibitive clauses. Confirmed inebriates may be interdicted for twelve months, such interdiction to be renewable. Any prohibited person procuring liquor incurs a penalty of £5 for the first offence.

Upon the application of a relative, the superintendent of police shall prohibit any person having the liquor habit from being supplied with intoxicants.

An official return gives the following table:—

TABLE showing the extent of crime, the amount of drunkenness, and the actual consumption per head of wines, spirits and malt liquors, for 12 years.

Year.	Per 10,000 of mean population.			Per head of mean population.	
	Apprehensions and summonses. ‡	Apprehensions for drunkenness.	Committed for trial in Superior Courts.	Wine and Spirits consumed.	Malt Liquors consumed.
				Gall.	Gall.
1881.....	407·8	123·3	7·67	·921	9·365
1882.....	479·5	151·4	7·70	1·061*	10·035
1883.....	494·5*	152·0*	7·08	1·013	10·205*
1884.....	335·8	122·8	5·45	·838	9·036†
1885§.....	343·5	111·2	5·37†	·800	9·237
1886.....	374·5	111·5	6·10	·861	9·652
1887.....	335·1†	89·1	6·65	·850	9·601
1888.....	365·8	83·5	7·22	·893	9·366
1889.....	425·8	82·3	7·48	·730†	9·641
1890.....	365·9	80·1†	8·14*	·800	9·238
1891.....	337·4	77·0	6·58	·912	9·970
1892.....	350·4	60·2	7·00	·646	9·427

* Maximum, † Minimum, ‡ Less, cases of drunkenness.

§ The figures prior to 1884 are relatively somewhat higher than they ought to be, owing to the inclusion of petty cases of non-payment of rates, etc., subsequently included amongst civil cases.

Mr. Bernard Shaw, commissioner of police, in forwarding this report, says:—

“These figures present many interesting considerations with reference to drink, drinking and crime. It is curious to observe, although there is evidently a perceptible relationship between drunkenness and other minor offences, that the immediate relationship between drunkenness, the average yearly consumption of intoxicating liquor and serious crime is far from being apparent. This will be observed by reference to the signs indicating the year when the maximum and

minimum were reached under each specific head. Whatever indirect effects spring from the excessive use of intoxicating liquors, the extent of actual drunkenness and the year's drinking does not correspond with the actual extent of serious crime within any one year during the last decade in Tasmania. It is excessive drinking by the same individual within a brief space of time which immediately induces the state of drunkenness, and not the quantity taken over a long yearly period; and hence it is quite conceivable that individual excesses within, say, each 24 hours, may be more frequent in some cases where the mean quantity per head per year of total population may be comparatively low and, conversely, there may be fewer cases of individual excess in drinking in some cases where the average drinking per head per year of total population is comparatively high. Generally, however, the mean per year is a good, if not infallible, index to increase or decrease in drinking habits."

Speaking of the action of the Act, he says: "The convictions for the illegal sale of liquor by unlicensed persons have been confined for some years past to newly formed mining centres, where licensed houses had not been opened, and to Chinese camps at other mining districts. There is little or no illicit sale in other parts of the colony.

"The provisions of the Act under which stores or premises where liquor is suspected of being sold may be searched under a justice's warrant, and the liquor seized and condemned, operate very well, preventing no doubt in many places any attempt to keep liquor for the purpose of illegal sale.

Some of the most beneficial provisions are those under which the sale or giving of liquor to persons who are addicted to habits of intemperance may be prohibited. This power of prohibition may be exercised by justices, or by superior officers of police, and has been resorted to in many cases, to the great benefit of individuals and their families.

"The offence of drunkenness has largely decreased, and is steadily decreasing in the colony. Records which are carefully kept by the police show the very gratifying result that arrests and convictions have diminished in number year by year, and have fallen to less than one-half in ten years, although the population has increased considerably during that period. They are as follows:—

" In 1883.....	1,781
" In 1892.....	815

"This is not, of course, to be attributed solely to the operation of the laws for regulating the sale of liquor, although the restrictions placed upon that traffic have, in some degree, assisted to lead to the result, but rather to the marked improvement in the habits of the people, who, in common with all other British communities, have exhibited a steady progress in the direction of temperance."

VICTORIA.

The capital of Victoria is Melbourne; population, 490,896. The total population of the colony is 1,167,828.

The following figures are given in regard to crime:—

Arrested in 1891.....	35,429
Summarily convicted.....	22,280
Committed for trial.....	1,177
Sentenced.....	729
In jail, December, 1892.....	1,725

In this colony a license system has long been applied to the liquor traffic, the laws relating thereto being consolidated and amended by "The Licensing Act, 1876," which, in turn, was repealed in 1885.

"The Licensing Act of 1885" is a stringent and bulky one, divided into seven parts, and containing 151 clauses and six schedules. By clause 2 all previous Acts are repealed. Several exemptions to the operation of the Act are given, the principal being the refreshment rooms of the Houses of Parliament, military canteens,

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bona-fide clubs, vendors of cider, wine or perry in quantities of not less than two gallons at any one time, the produce of grapes, apples or pears of their own growth, and for consumption on the premises.

The schedule of licenses embraces nine classes, and the fees range from £2 to £50, being based, in the case of taverns, on the annual assessment of the premises. In the case of an inn or tavern assessed at £200, the license is £50.

The colony is divided into licensing districts, corresponding with the existing electoral divisions. The number of victuallers licensed in any one licensing district shall not exceed one for each full 250 of the first one thousand inhabitants, and a further one for each subsequent full 500 inhabitants of each licensing district.

Clause 22 provides: "When, after the commencement of this Act, the number of victuallers' licenses in any licensing district is in excess of the statutory number, not including those authorized in excess of such statutory number by this Act, or when such number of victuallers' licenses is below the statutory number, one-fifth of the number of persons whose names for the time being are on the rolls of electors for the electoral division forming such licensing district may petition the Governor-in-Council to cause a poll to be taken to determine whether or not the number of such victuallers' licenses in such licensing district shall be decreased to any number below the number then existing, but not below the statutory number or to determine whether or not the number of such victuallers' licenses in such licensing district shall be increased to any number above the number existing, but not above the statutory number."

In case of the ratepayers demanding a reduction in number, the licensing court shall decide upon the licenses not to be renewed, but the owners and occupiers of such premises from which the licenses are taken must receive compensation. The same process may be applied to grocers' licenses, except that no title to compensation is conferred. Every determination of ratepayers shall continue in force three years. The powers, authority and procedure of the licensing courts are carefully defined. License inspectors are to be appointed to inspect premises, and there are also to be inspectors of liquor, who shall examine all liquors, selecting samples for analysis. The offering or giving of any bribe to an inspector, and the acceptance thereof, are both met by clauses of prohibitory stringency.

In all cases of application for renewal of license the record of applicant's previous career, the way in which he has conducted the house, and the character of the frequenters shall be laid before the court.

Habitual drunkards may be interdicted, and persons under 16 years of age cannot be supplied with liquor.

Sunday selling is strictly prohibited. Only one bar is allowed in each house, and a bar found open during prohibited hours is *prima facie* evidence of sale.

Section 120 provides, "If any licensed grocer supply, or cause to be supplied, any liquor, and charge for it under a fictitious heading or description, he shall forfeit and for a first offence any sum not less than £10 nor more than £20, and for a second and any subsequent offence not less than £20 nor more than £50."

Three convictions within three years suffice to disqualify a licensee from holding a license for three years; three convictions within such period on the same premises disqualify the premises for two years. Under certain circumstances where the licensee is only an occupier, the owner of the premises may, in case of the licensee forfeiting his license, or becoming personally disqualified, appoint an agent to carry on the business until the end of the year for which such license was granted.

The Act also contains stringent provisions for the regulation of the traffic and the maintenance of good order and morality.

The Act of 1886 consists of merely verbal amendments to strengthen and perfect the foregoing Act, therein called "The Principal Act."

"The Licensing Amendment Act of 1887" is also chiefly composed of verbal amendments. It provides for the settling, by arbitration, of the amount of compensation due to any licensee or owner through the depreciation in value of any premises by reason of loss of license following on a vote of the ratepayers.

The effect of the two amending Acts has been to make the Principal Act much more stringent.

License fees in boroughs, less five per cent for the cost of administration, go to the municipal fund. All fees elsewhere than in boroughs form a part of the consolidated revenue.

In a memorandum dated 26th May, 1890, the chief commissioner of police states that the stringent restrictive licensing laws which have been in operation since 1885 have done much to lessen offences by publicans and others. The law is rigidly and systematically enforced, and its general tendency is towards increasing national sobriety. Eighteen superintendents of police report, 1st, that the character of the accommodation has vastly improved; 2nd, that drunkenness is about stationary, (in five districts there is an increase due to the carrying out of public works or in proportion to increase of population); 3rd, that Sunday trading is decreasing, (three superintendents dissent on this point); 4th, that the police find great difficulties in obtaining evidence against publicans, owing to reluctance on the part of witnesses, who in some cases commit perjury.

A return laid on the table of the British House of Commons in June, 1894, shows that no change has taken place in the laws. A decrease in the number of arrests for drunkenness and in the extent of Sunday trading is reported. This however, is not attributed to the operation of the license law, but to depression in trade. The lack of inspection of clubs, and the facilities for obtaining club licenses, require amendment, and the regulations for wine licenses should be more stringent. Local option, where enforced, has not reduced drunkenness.

WESTERN PACIFIC ISLANDS.

The Western Pacific Islands include many small groups and islets, amongst them being,

The Friendly Islands,
The Navigators Islands,
The Union Islands,
The Phœnix Islands,
The Ellice Islands,
The Gilbert Islands,
The Solomon Islands,
The New Hebrides Islands,
The Santa Cruz Islands,

The Manihiki Islands, and all other islands in the Western Pacific not within the limits of the colonies of Fiji, Quænsland, New South Wales or New Guinea.

These islands are under a High Commissioner.

A regulation was made in 1888 to prohibit the supplying of intoxicating liquor to the natives of these islands. The word "natives" means every person not of European descent.

Any British subject directly or indirectly supplying any native of any island shall be liable:—

1. To imprisonment not exceeding three months, with or without hard labor, and with or without a fine not exceeding £10; or,
2. To a fine not exceeding £10, without imprisonment.

Liquor may be administered medicinally; but the onus of proof of necessity shall rest with the persons so administering it.

In Rarotongo, one of the Manihika group, a license law appears to have been recently introduced (1891), and to have given rise to vigorous protest from the New Zealand Alliance, through Sir William Fox, their president.

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WESTERN AUSTRALIA.

The population of this colony is 58,674; that of Perth, the capital, is 10,040. In 1891 the proportion of the white population which could neither read nor write was 13.20. The following figures were given in regard to crime:—Summary convictions, 3,577; convictions in superior courts, 58. This is a reduction on 1891, the ratio being 60.96 per 1,000 of population in 1892, as against 66.55 per 1,000 in 1891.

The colony has the liquor traffic regulated and limited by license.

In 1880 the then existing acts were consolidated by the "Wines, Beer and Spirit Sale Act, 1880." Under this Act licenses are divided into ten classes:—

1. Publican's license, for the sale of any liquor in any quantity upon specified premises; fee, £50 in Perth or Fremantle, and elsewhere £40.

2. Packet license, for sale to passengers; fee £10.

3. Wine and beer license for colonial produce; fee, £5.

4. Spirit merchant's license authorizes the sale of imported spiritous liquors or wine in not less than two gallons; or any other imported fermented liquor (exceeding 30 per cent. of proof spirit) in quantities not less than eight gallons, in original packages; fee £5.

5. A gallon license authorizes the sale of liquors in less quantities than one gallon, not to be consumed on the premises; fee £10.

(6). A colonial wine license for the sale of liquor, the produce of fruit grown in the colony, in quantities not less than one pint, and not to be consumed on the premises; fee, £2.

(7). Billiard table license, not required by holders of general license, and not covering sale of liquor; fee, £10.

(8). A temporary license authorizes a holder of licenses No. 1, No. 3, or No. 10, to sell at any fair, races, etc., during continuance of such public amusement; fee, £1.

(9). An eating, boarding, or lodging house license for the supplying of boarders and lodgers with liquor obtained from a duly licensed house; fee, £1.

(10). A wayside house license stipulates that the house must be 10 miles from a town site, or in a town not exceeding 50 persons; fee, £10.

Applications for licenses must be made in writing, posted on Court House and premises, and advertised in a newspaper. The licensing court for hearing applications shall be an open court. It shall be composed of the resident magistrate and justices of the peace. Any justice interested in the sale or manufacture of liquor sitting in a licensing court incurs a penalty of £100. No woman may hold a license. In case of the death of a licensee, the widow may obtain a transfer of the license for the residue of the term. Licenses may be transferred upon application; fee, £2. In case of the death or insolvency of a licensee, his administrators, executors or assigns may continue the business for six months. Selling liquor without a license incurs a penalty of £30 for the first offence, and £50 for a subsequent one. Imprisonment, in addition, shall be optional with the court. The license is forfeited should the licensee refuse or hinder the admission of the police. The hours of sale are from 4 a.m. to 10 p.m. from 1st October to 31st March, and from 6 a.m. to 10 p.m. from 1st April to 30th September. Penalty for selling during prohibited hours, not exceeding £50. A permit for extension of hours is obtainable. Sales of liquor on Sunday, Good Friday and Christmas day are prohibited. Conviction for felony, perjury or any infamous offence forfeits the license. Employing an unlicensed person to sell liquor, unless a servant; penalty, not exceeding £50. Upon evidence under oath, warrants to search for liquor intended for illegal sale may be granted. If found, the liquor to be seized, and holder fined up to £50. The Act is very strict in its provisions for the satisfactory maintenance of law and order and the protection of morals.

This Act was re-enacted, with amendments, in 1884 and 1886. The chief feature in the amendments is the increasing of the penalty for supplying a native from £5. to £20

In 1890 Sir Malcolm Fraser, Governor, in a despatch states:

"So far as it is possible to ascertain, I believe the liquor laws here work

fairly well; but I am informed by the commissioner of police 'they are inefficient to prevent Sunday trading and sly grog selling.' The sale of spirituous fermented liquors on Sunday is by law prohibited, except to *bona-fide* travellers and lodgers. I am, however, informed that it cannot be said the closing on Sunday of licensed houses really checks Sunday trading or tends to diminish drunkenness. In this respect the laws may be capable of amendment, though the penalties now inflicted by law, when breaches are discovered, should really be a powerful deterrence."

In 1888 the quantity of spirituous and fermented liquors imported was 256,421 gallons, being 6.08 gallons *per capita* of population. The duty was £52,270, 13s. 3d., being £1. 4s. 10d. *per capita*, or nearly one-seventh of the colonial revenue for the year.

THE WEST INDIES.

BAHAMAS.

The capital of the Bahamas is Nassau, which had a population in 1891 of 11,000. The total population of the colony is 47,565.

There were, in 1892, 1,414 summary convictions, and 25 convictions in the superior courts.

The sale of intoxicating liquors in this colony is regulated by law. The principal statute is 38 Vic., cap. 26. This Act prohibits the importation, except under license, as well as places the sale under license. Licenses are of two kinds: 1st., a general license for the sale of all kinds of liquor; 2nd., a special license for the sale of wine, cider and malt liquor. Licenses are granted to approved persons only.

No sale is permitted on Sunday, and on week days from 4. a. m. to 8. p. m. only. Any store connected with a place where liquor is sold, or where other goods besides liquor are sold, must be closed entirely during prohibited hours. Supplying or harboring drunken persons, seamen, or policemen on duty is unlawful. Licensees must close their houses while a poll is being held. Selling liquor without a license, if of a spirituous character, is punishable by a fine of £20, and if malt liquor, wine or cider, £10, for a first offence, and imprisonment for each and every subsequent offence in either case. 45 Vic., cap. 2, adopts the principle of local option. The employing of persons under 18 years of age in any place where liquor is sold, the selling to children under 16 years of age, and harbouring or permitting reputed prostitutes are prohibited. The local option principal in this Act was applied in several districts.

47 Vic. cap. 5, exempts from the operation of prohibition under the Local Option Act hotels and boarding houses, the keepers of which can be licensed to supply guests only.

50 Vic. cap. 13. This act extends to the colony the operation of the Imperial Statute prohibiting the carrying of liquor to H. M. ships without the consent of the officer commanding.

BARBADOES.

The population of this colony is 182,306. The capital is Bridgetown, which, in 1891, had a population of 21,000.

The following figures were reported in regard to crime, etc., in 1892:—

Summary convictions.....	9,193
Convictions in supreme court.....	98
In jail, December, 1892,.....	308
Spent in out-door relief	£39,917.

There are 23 rum distilleries in Barbadoes.

Several Acts to regulate the sale of intoxicating liquors have been passed in this colony. The chief are:—

"An Act to regulate the Sale of Liquors by Retail, 1876."

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"An Act to Amend an Act to Regulate the Sale of Liquors by retail, 1876, 1885."

"An Act to Consolidate and Amend the Law of the Island Relating to the Distillation of Rum, and the Payment of Duty thereon, 1887."

"An Act to further Amend the Liquor License Act, 1876, 1887."

Under these Acts a licensed retailer may sell or barter liquors in any quantity less than 30 gallons, four dozen reputed quarts, or seven dozen imperial pint bottles, and wine in less quantities than a quarter cask, or in imported cases of less than one dozen quart or two dozen pint bottles.

Retail licenses vary from £10 to £30, according to the trade rating. Liquor must be sold in a shop, and not on the same premises as contain a distillery. Licensees must be "sober, discreet, and fit to be trusted" as retailers of spirits. A licensee allowing his premises to be a resort of prostitutes, gamblers, dissolute, disorderly, or idle persons forfeits his license. For selling without a license the penalty is double the amount of the license fee, or imprisonment from three to twelve months. Licensed hours for sale are, week days from 6 a.m. to 9 p.m., and till 10 p.m. on Saturdays. Sunday selling is prohibited. Liquor may be sold in any quantity for consumption off the premises. In 1887 the licenses issued were 469, viz.:-

11 at.....	£30
6 at.....	15
452 at..	10

Twenty-nine licenses for the distillation of rum were issued. 355,297 gallons of proof rum were distilled, and 343,755 gallons sold.

BERMUDA.

The capital of Bermuda is Hamilton; population (1892), 1,296. The total population of the colony is 15,290. In 1892 there were 189 summary convictions, and 14 convictions in superior courts.

The liquor traffic is under license. The general license law was passed in 1880. It prohibits all Sunday selling, legalizes the transfer of licenses, besides providing for grocers' licenses for the sale of wine and beer in bottles. It also compels licensees to give sureties for the payment of fines.

LEEWARD ISLANDS.

This colony includes five presidencies, viz.:-

1. Antigua, Barbuda and Redonda, population	36,819
2. Virgin Islands.....	4,639
3. Dominica.....	26,841
4. St. Kitts, Nevis and Anguilla.....	47,662
5. Montserrat	11,762

Total population, 1891.....	127,723
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Antigua is the seat of Government, but each presidency made its own laws until 1888.

Throughout the colony the liquor traffic is under license. In Antigua, St. Kitts, Nevis and Montserrat application for a license must be made to the magistrates. In Dominica and the Virgin Islands anyone can obtain a license on payment of the fee. There are no special restrictions in any part of the colony regarding the sale to natives. Selling on Sunday is prohibited throughout the entire Islands. Licensees must close their premises in Antigua at 6 p.m., in Montserrat at 7 p.m., St. Kitts, Nevis and Dominica at 9 p.m.; in the Virgin Islands there is no hour fixed. This early closing, it is said, tends to prevent drunkenness and street brawls. Stringent prohibition exists against payment for wages or work being made in liquor.

TRINIDAD.

The capital of Trinidad is Port of Spain, which had, in 1891, a population of 34,037. The entire population of the island is 218,381. In 1892 there were 395 summary convictions, and six convictions in the supreme courts.

A system of liquor license is in force in this colony, licenses being divided into two classes, 1st, manufacturers', and 2nd, dealers'.

Manufacturers' licenses are of two kinds. (1.) A still license authorizes the licensee to distill rum or other spirits. No revenue accrues from this license. The licensee is subject to excise supervision, prohibited from being directly or indirectly interested in the retail trade, and may sell not less than 80 gallons, subject to excise regulations and duty. He has to provide two sureties in £200 to observe the law. (2.) A certificate for the manufacture of compounds. Compounds are cordials, etc., of which rum, or any other spirit, is an ingredient. The licensee pays no fee, but is subject to excise supervision, and the cordials pay the same excise duties as rum.

Dealers' licenses are of five kinds. (1.) License to sell spirituous liquors by retail, granted by the magistrates. This license may be for a term of three to twelve months, and authorizes the holder to sell liquor for consumption on or off the premises specified. Fee, £30 to £200 per annum, and proportionately, according to duration. (2.) License to sell for consumption off the premises, in quantities of not less than 1 reputed quart; fee, £25. Premises must be entered as licensed. (3.) Hotel license granted only in Port of Spain and San Fernando. The house must be of £300 value, and no portion used as an ordinary public-house for the sale and consumption of liquor. Fee for one year, £50; for nine months, £40; for six months, £25; for three months, £15. (4.) Occasional retail license for sale of liquors by retail for twelve hours, place to be named in license. Fee, 20s., unless to a licensee under one of the previous clauses, when it is 10s. (5.) License to sell wine, malt liquor or cider for consumption on the premises. Fee, £2.

WINDWARD ISLANDS.

The Windward Islands consist of Grenada, the Grenadines, St. Vincent and St. Lucia. The population in 1891 was as follows:—

Grenada.....	55,333
The Grenadines.....	6,000
St. Vincent.....	41,054
St. Lucia.....	43,310
	145,697

The liquor traffic is under license in each island. In St. Vincent selling is prohibited on Sunday, Good Friday and Christmas Day, and also to children under 15 years of age. No special restriction is made in regard to selling to natives. A licensee may eject any one drunken, violent, quarrelsome or disorderly. Selling to any drunken person is prohibited.

JAMAICA.

No information has been obtained beyond the fact that there is no restriction on sales to natives.

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GREAT BRITAIN.

In Great Britain, although the liquor question has for many years past engaged much public attention, and the efforts of the various temperance organizations have been both numerous and energetic, legislation has been confined to the licensing and regulating of the business, such as the hours of selling, Sunday closing of houses of public entertainment, and kindred matters.

Various proposals have been embodied in bills brought before the present Parliament, none of which have been passed into law. An abstract of these bills will be found further on in this report.

The present Imperial Government is pledged to press for the enactment of a measure which will confer local control of the traffic upon the "local Government" electors.

BRIEF REVIEW OF ENGLISH STATUTES AND RETURNS.

To trace the ever varying course of public opinion in Great Britain regarding the liquor traffic would be too voluminous a work for the Commission to undertake, but a glance at the various acts and parliamentary returns since 1872 may be of some use and interest. The first statute in order is:

THE LICENSING ACT OF 1872.

35 and 36 Vic., ch. 94. This Act did not extend to Scotland. Its chief features are as follows:—

1st. The prohibition of sale without license, under heavy penalties, namely, fines as high as £100 and imprisonment for six months or less.

2nd. The prohibition of sale to children under sixteen.

3rd. The infliction of a penalty for being found drunk.

4th. The prohibition of gaming on the licensed premises.

5th. The prohibition of adulteration.

6th. The fixing of hours for closing. On Sundays, Christmas Day and Good Friday the closing hours are up to one o'clock in the afternoon and between three and six p. m., and after eleven o'clock at night, subject to certain exemptions, by law or by local authorities, in respect of certain trades.

7th. The right of constables, etc., to enter and search premises.

8th. The keeping of registers of licenses.

9th. The appointment annually of county licensing committees by the justice in quarter sessions.

10th. Conditions of valuation, legal proceedings, etc.

11th. Saving clauses, exempting from the Act the sale of spruce and black beer the sale of intoxicating liquor by proprietors of theatres and on packet boats, etc.,

This Act was amended by 37 & 38 Vic., ch. 49 and ch. 69, but the amendments involved no question of principle, the principle changes being in the hours of closing. It also contained, however, an important clause allowing liquor to be sold at any time to *bona fide* travellers; and in order to constitute a person a *bona fide* traveller, the place where he lodged during the preceding night should be at least three miles distant from the place where he demands to be supplied with liquor.

A glance at the statistics showing how these acts were applied may be useful.

ENGLAND AND WALES.

The number of licensed houses for consumption on the premises for every 1,000 of the population in each city, municipal borough, and petty sessional divisions, in England and Wales, is shown by a return dated 18th March, 1890. Middlesex

County shows the smallest average, 2.2 per 1,000, and Huntingdon the largest, 8.4 per 1,000. Among the cities, the following averages are shown:

		per 1,000
London	11.7	" "
Birmingham.....	4.2	" "
Bristol	4.6	" "
Hull	3.2	" "
Leeds	2.6	" "
Liverpool.....	3.7	" "
Manchester.....	6.2	" "
Newcastle upon Tyne	4.2	" "
Nottingham.....	3.5	" "
Portsmouth	6.5	" "
Sheffield	4.4	" "

IRELAND.

A return dated 11th November, 1890, shows how the licensing act was applied in Ireland. Licenses were given as follows:

	Population.	
Belfast.....	208,122	5.3 per 1,000
Dublin	249,602	6.2 " "
Cork	80,124	7.3 " "
Dublin Metropolitan Police District, exclusive of City of Dublin.....	100,046	3.9 " "
Galway.....	19,171	7.3 " "
Kilkenny	12,299	9.7 " "
Limerick	38,562	6.7 " "
Londonderry	29,162	8.1 " "
Drogheda	12,297	8.1 " "
Sligor.	16,808	8.6 " "
Clonmel	9,325	12.1 " "
Waterford.....	22,457	10.3 " "
Wexford	12,163	7.3 " "

LICENSED PREMISES (SCOTLAND).

A very voluminous return of particulars, with abstract added, relating to premises licensed for the sale of intoxicating liquors in the burghs (Glasgow excepted) and counties of Scotland, was brought down on the 31st July, 1891:

Among the averages were the following:

	Population	
Dundee.....	140,063;	3.1 licenses per 1,000
Edinburgh	228,357;	3.3 " " "
Greenock	65,883;	2.8 " " "
Leith	58,196;	5.2 " " "
Paisley.....	55,621;	3.5 " " "

HOURS OF CLOSING (SCOTLAND).

A comparative statement dated 10th July, 1891, shows the hour of closing of licensed premises prescribed in each burgh and county in Scotland, in which such hour is earlier than 11 p.m., and the date of the adoption of such earlier hour; (2) in the case of each burgh and county in which an earlier hour than 11 p.m. has been prescribed, the number of arrests for drunkenness in the twelve months immediately succeeding the adoption of such earlier hours and the number of such arrests in each twelve months since completed in each such burgh and county, etc.

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We need give only the general results from closing at 10 p.m. :

Twelve months immediately preceding.	Twelve months immediately succeeding.	Each twelve months since completed. 1889-90.	1890-91.
5,112.	5,358.	5,456.	5,627.

SUNDAY CLOSING ACTS.

In 1878, an Act was passed, 41 & 42 Vic. cap. 72, prohibiting the sale of intoxicating liquor on Sunday in Ireland, except in the cities of Dublin, Cork, Limerick, Waterford and Belfast.

In 1881, the Sunday Closing (Wales) Act was passed, 44 & 45 Vic. cap. 61, prohibiting the sale during the whole of Sunday.

A select committee which was appointed in 1888 to enquire into the operation of the Sunday Closing Acts (Ireland) reported after an exhaustive enquiry as follows:—

1st. That the Act of 1878 should be made perpetual, and extended to the five cities now exempted from the full operation of the Act.

2nd. That the qualifying distance under the *bona-fide* provision should be extended to six miles. (This refers to sales to *bona-fide* travellers, a *bona-fide* traveller being one from at least three miles' distance.)

3rd. That all houses for the sale of intoxicating liquors in Ireland should be closed at 9 p.m. Saturdays.

A Royal Commission was appointed in 1889 to enquire into the operation of the Sunday Closing (Wales) Act, 1881. This commission reported in 1890. The facts given in evidence in favour of the Act, the commissioners embrace under three headings:—

1st. Improved order in the streets and roads on Sunday. The Commissioners were satisfied that in the urban districts, the enforcement of the act has resulted, generally speaking, in a considerable improvement, so far at any rate as the chief thoroughfares of populous places were concerned, but found that in many instances this improvement had been gained at the expense of outlying and suburban districts. This was due to working men taking advantage of the *bona-fide* travellers clause to go to these districts and drink on Sundays.

2nd. Increased regularity at work

The commissioners found that on the whole, the good effect of the act in this direction was substantially established, although it had to some extent and in some places been neutralized by the transfer of irregularity to other days in the week.

3rd. Improved condition of the people.

Under this heading, the commissioners say: "This improvement began, however, before 1881, and is not confined to Wales. In our opinion, it is due to a variety of causes, among other things, in no small degree to increased activity on the part of the churches and temperance societies. We agree, however, that it may be fairly claimed in the case of some individuals that the enforced abstention from intoxicating drinks in one day of the week, and that the day of greatest temptation has been a powerful factor in their moral and social improvement."

The commissioners sum up the objections to the act under three heads:—

1st. Unwarrantable interference with the legitimate liberty of the minority.

This they hold to be a question to be decided by Parliament.

2nd. Alleged disrespect for law. On this point they say: "Speaking generally, it may be said that over a large part of the country, especially in the rural districts and in nearly the whole of North Wales, the present law is in harmony with the sentiments and feelings of an overwhelming majority of the population. * * *

* * * It cannot be denied, however, that in certain other parts of the principality, where these sentiments and feelings do not exist, and where there is habitually violation and evasion of the act, those who do violate and evade it do not consider that in so doing they are guilty of any moral offence, but look upon themselves as only endeavouring to get rid of restrictions which they deem oppressive."

3rd. Increased abuse of the act by travellers.

The commissioners recommend that the three mile limit in the Act be repealed and suggest the following definition of a traveller: "No person shall be deemed to be within the exception relating to travellers unless he proves that he was actually engaged in travelling for some purpose other than that of obtaining intoxicating liquor, and that he has not remained on the licensed premises longer than was reasonably required for the transaction of his necessary business, or for the purpose of necessary rest, refreshment, or shelter from the weather."

The commissioners dismissed as impracticable the proposal to close public houses absolutely and for all purposes the whole of Sunday, and were also opposed to any modification of the act by permitting the opening of public houses for a shorter time on Sunday.

With regard to clubs, they failed to suggest any definition of what constitutes a club for disciplinary regulations, but were strongly of opinion that associations existing only for the purpose of supplying intoxicating drinks to the members, or only colourably for some other purpose, should be declared absolutely illegal.

Shebeens, they said, should be subject to entry and search, on a magistrate's warrant, and all persons in the building arrested.

OTHER STATUTES.

In 1880, there was an amendment made to the Wine and Beer-house Act of 1869. This amendment gave to justices certain discretion as to the granting or refusing of certificates for beer dealers retail licenses.

In that year was also passed the Spirits' Act, 43 and 44 Vic., ch. 24, consolidating and amending the law relating to the manufacture and sale of spirits. This Act prohibited distilling or brewing without license and made regulations to govern the manufacture and warehousing of the liquors and the mode of carrying on the business.

Chap. 34, 45 & 46 Vic., 1882, extended the discretion of licensing justices under the "Beer dealer's retail license Act of 1880."

A return relating to brewer's Licenses, shows that from 1st October, 1888 to 1st October 1889, the total export of beer from the United Kingdom amounted to 478,383 barrels, value £1,798,876, of which 7,346 barrels, value £28,358 went to British North America.

The sale to children under thirteen for consumption on the premises was prohibited in 1886, 49 and 50 Vic. ch. 56, but the Act did not extend to Scotland.

In May, 1892, a Departmental Committee was appointed by Mr. Secretary Matthews to "inquire into the best mode of dealing with habitual drunkards," because of, as the Commission sets forth, "great differences of opinion having arisen as to what kind and degree of punishment for offences committed by habitual drunkards would be most effectual both as a deterrent and to the view to the reformation of such offenders."

The Committee, of whom Mr. John Lloyd Wharton, M.P., was chairman, reported in 1893 (the report forming the Imperial Blue Book C 7008), and stated that they found their enquiry naturally divided itself into two branches.

"1. The cases of drunkenness to which the provisions of the Inebriates Act of 1879 and 1888 were directed and under which habitual drunkards who voluntarily (under section 10 of the Act, 1879), make an application for admission, are detained in retreats.

"2. Habitual drunkards who come within the action of the criminal law and are apprehended for and charged with drunkenness whether accompanied by violence or not."

The report advocates the preservation of the distinction between paying patients in retreats and those treated as criminals. They found in 1891 that there were seven retreats under Government inspection, and only 62 patients legally amenable to the discipline of the retreat. The Commissioners were informed that a considerable percentage of cures has been effected by the treatment and discipline of these retreats, but think considerable enlargement and improvement necessary.

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The evidence before them attributes the comparative failure of the existing acts to:—

(I.) The want of sufficient notoriety of their existence even among magistrates themselves.

(II.) The want of proper facilities for the admission of patients.

(III.) The want of a power of compulsion where a confirmed inebriate cannot be brought to enter a retreat voluntarily.

(IV.) The inefficiency of the maximum period of detention (12 months) and the obstacles in the way of re-admission.

(V.) The difficulty of recovering patients who have escaped from the retreats, and the want of efficient means of dealing with refractory patients.

They believe all these difficulties may be removed or greatly diminished.

After reviewing the evidence on these points in order, the committee in regard to the first branch of the enquiry:—viz. cases of drunkenness to which the provisions of the Inebriates Acts of 1879 and 1888 were directed, recommend.

(1.) That the Secretary of State be empowered to make rules and regulations for the admission of patients.

(2.) "That the establishment of retreats should be encouraged for those who cannot provide the whole of the funds necessary for their maintenance, the residue being supplied by voluntary contributions, and if thought desirable, by aid from the public rates, and that with regard to such retreats the Secretary of State should be empowered to make regulations by which a certain amount of work suited to each particular case should be enforced."

(3.) "That the maximum period for which a patient may be confined in a retreat should be extended to two years."

(4.) "That power should be given for the compulsory committal to a retreat of persons coming within the definition of an habitual drunkard, as laid down in the Act of 1879, on the application of their relations or friends, or other persons interested in their welfare, such application to be made to any judge of the high court, county court judge, stipendiary magistrate, or justice, sitting in quarter or petty session, who shall decide on the propriety of the application."

(5.) "That the property of the person committed should be liable for his maintenance, and that the order for committal should provide, when necessary, for the appointment of a trustee of the patient's estate during the period of committal, with power to apply the same to the support of his wife or family."

(6.) Recommends that rules as above and provisions for inspection be made by the Secretary of State, with the concurrence of the Lord Chancellor.

(7.) Recommends the provision of proper rules for release, retaking, and, when necessary, the enforcement of discipline.

(8.) Recommends right of appeal to a divisional court.
The remainder of the recommendations deal with the second branch of the enquiry.

(9.) Recommends increased powers of arrests to the police under the intoxicating liquors (Ireland) Act, 1874.

(10.) That increased powers be given magistrates under the Act.

(11.) That reformatory institutions for habitual drunkards be abolished.

(12.) Recommends the temporary utilizing the existing accommodation in prisons, lunatic asylums, or poor-houses.

(13.) The magistrates have power to commit habitual drunkards under certain specified conditions.

A return printed by order of the House of Commons, 1st August, 1891, supplies the following information in regard to licensed premises in Scotland, exclusive of the city of Glasgow.

The return gives the names of the owners and occupiers of each of the places. It may be mentioned that it is noted on the face of the return that there were 16 houses for which no rent was shown.

	Population.	No. of Licenses per 1,000 of Population.	Number of Licenses.			
			Grocer.	Public house.	Hotel	Total.
Counties	2,082,172	2.3	1,039	2,208	1,043	4,950
Burghs	1,212,624	4.1	2,270	2,355	455	5,080

	Annual Rental of			Total.
	Grocers' Premises.	Public Houses.	Hotels.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Counties	46,292 13 6	71,410 5 8	62,553 3 0	180,168 2 2
Burghs	88,041 13 0	115,792 11 6	82,285 16 0	286,030 0 6

Another return laid before the House of Commons gave the following facts in regard to the quantity of materials used in making of beer, and the amount of license duty paid by brewers, and the amount of beer duty charged for the years between the 1st October, 1888, and the 30th September, 1889, in the United Kingdom. Malt and corn used, 54,502,316 bushels; sug. r, including the equivalent of syrups, 1,811,626 cwt. 3 qrs. 23 lbs.

	Amount of		Total.
	License duty paid.	Beer duty charged.	
	£ s. d.	£ s. d.	£ s. d.
Brewers of beer for sale	11,988 0 0	9,311,182 19 0	9,323,170 19 0
Other brewers, chargeable with duty	1,310 6 0	24,468 13 4	25,778 19 4
" " not chargeable with duty	5,479 13 0		5,479 13 0
Total	18,777 19 0	9,335,651 12 4	9,354,429 11 4

PROPOSED LEGISLATION.

Three measures were submitted to the House of Commons in 1893, none of which became law. The first proposed the establishment of licensing boards and the remodelling and simplifying of the license system, the second recognized the principle of local option or control, and the third proposed the establishment of authorized companies which alone would have the right to sell intoxicating liquor.

LICENSING BOARDS, &c.

This bill was prepared and introduced in 1893 by Mr. Bolitho, Mr. Courtney, Sir Mark Stewart, Sir Thomas Lea, Mr. David Brynmor-Jones and Mr. Little. Its chief provisions are as follows:—

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1st. The establishment of licensing boards, one for every licensing district. Such boards to consist of from seven to twelve elected members and not exceeding half that number *ex-officio* members appointed by the licensing justices of the district out of their number. Every three years the entire board must be renewed.

These boards replace the licensing justices and their decisions are subject to the same right of appeal.

2nd. New forms of licenses, viz.:—

1st. For consumption on the premises (hereinafter called on-licenses).

2nd. For consumption off the premises (hereinafter called off-licenses).

These licenses give the same rights, and entail the same obligations as the corresponding licenses previously granted by the licensing justices.

3rd. Local veto. Any ten ratepayers in any borough, ward or parish, may make a requisition to the mayor or the parish overseers to take a poll for or against the adoption of a resolution prohibiting the grant of on-licenses and off-licenses. No further poll shall be taken for at least three years, but after the three years a poll may be had either for or against the adoption or rescission of such resolution, provided it is demanded by at least one-tenth of all ratepayers.

The sale of methylated spirits for use in the arts or manufactures, under any statute permitting such sale, is not affected by this Act, and intoxicating liquors for medicinal purposes may still be sold under such conditions as the licensing board may direct.

4th. Regulation of number of licenses where no prohibiting resolution is in force. The number is restricted according to population. When, to reduce the number to the proportion allowed, the board refuses to renew a license, the value of that license must be paid to its holder by the council of the county out of the rate to be levied for that purpose on licensed premises. The value is the difference between what the premises are worth as licensed and as unlicensed premises. If not settled by agreement, recourse must be had to arbitration. The sum due is payable by means of an annuity for ten years. Should a prohibitory resolution come into force in the meantime, the annuity at once ceases.

5th. Special licenses for railway and hotels for the accommodation of travellers.

6th. *Bona fide* clubs used only for social purposes, and the entrance fee to which is at least £1, may be entered in a register kept by the licensing board, and thus be dispensed from a license. Undue drinking will be a cause for removal of the club from the register. The club may appeal to the county council.

7th. Sunday closing and limiting hours of closing. The licensing board may insert a condition in new licenses or in renewals or transfers, fixing the hours of closing on week days and prohibiting the opening on Sundays.

The remainder of the bill deals with matters of procedure.

LOCAL CONTROL BILL.

(*Government Measure.*)

Prepared and introduced in 1893 by Mr. Chancellor of the Exchequer, Mr Secretary Asquith, Sir George Trevelyan, Sir John Lubbock and Mr. Burt.

Its chief provisions are as follows:—

1st. On a requisition from one-tenth of the local government electors in any borough, ward, parish or sanitary district, to the borough council, sanitary authority or parish overseers, a poll shall be taken to decide whether the grant or renewal of licenses within such area shall be prohibited.

2nd. If two-thirds of the vote cast be in the affirmative, no license shall be granted or renewed, subject to the usual exceptions.

3rd. No further poll shall be taken for three years.

4th. On a requisition from one-tenth of the local government electors, a poll may be had, after the three years have expired, on the question of abolishing the total closing, and if two-thirds of the votes cast be in favour of the abolition, it shall take effect.

5th. The question of Sunday closing shall be decided in a similar manner, except that a bare majority of the votes cast is all that is required either to close or to re-open.

6th. By "local government electors" is meant those registered in the Local Government Register within the area for which a poll is taken.

7th. This Act not to apply to:—

Refreshment rooms at railway stations for the use of travellers;

Hotels, for the accommodation of travellers or lodgers therein;

Eating house, for persons taking meals in the premises.

8th. This Act not to extend to Ireland.

SALE BY AUTHORIZED COMPANIES.

A bill for establishing a system of retail sale of intoxicating liquor by authorized companies was prepared by the Lord Bishop of Chester in 1893. This system was subject to local option, and the main provisions of the bill are as follows:—

1st. Any ten voters in the district may submit to the local government board for approval any company, and that company, if approved, shall be an authorized company.

2nd. No new license shall then be granted in that district except to the authorized company, nor shall any other licenses be renewed.

3rd. The company may require surrender of any license or the license holder may require the company to accept his surrender.

4th. The value of any license surrendered must be paid by the company.

5th. The value is arrived at by agreement or arbitration. It consists in the difference between what the premises are worth, licensed and unlicensed.

6th. The proportion of licenses to population is fixed at:—

In urban districts, one to every thousand.

In rural districts, one to every six hundred.

7th. An authorised company may be incorporated as a limited company; incorporated by Royal Charter; or incorporated by Special Act. It must be approved by the Local Government Board.

8th. The capital must be sufficient, in the opinion of the Board, to carry out the objects of the company.

9th. The local authority of the district shall have power to nominate at least one-third of the directors.

10th. No director shall be interested in the production of any intoxicating liquor.

11th. Any profit over five per cent shall be paid to the local authority of the district and applied to public or charitable objects. The company may, however, retain one-third of the surplus profits to form a reserve fund.

12th. Railway refreshment rooms and hotels are, as regards travellers, not subject to this Act. Neither are *bona fide* clubs for social purposes. Such clubs must be registered by the licensing authority.

13th. Any ten qualified voters in a district may require the local authority to hold a ballot on the question of adopting the system of authorised companies, and a majority of the votes cast shall decide. No further ballot shall be held for three years.

14th. The High Court, on the petition of any ten qualified voters in a district and on proof, under such petition, may make an order declaring that the Act shall cease to operate.

15th. The Act not to extend to Scotland or Ireland.

16th. The penal and other provisions of Acts relating to the sale of intoxicating liquor shall apply to authorised companies.

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THE LIQUOR LAWS AND THE LIQUOR TRAFFIC OF THE UNITED STATES.

The legislation of the United States upon the liquor traffic is very varied in its character. It is the only country in which it has been attempted to prohibit the liquor traffic, if one or two of the British colonies, in which there have been attempts at partial prohibition, are excepted. That country supplies, it may almost be said, the only experience of prohibitory laws on a scale which deserves to be considered as a test of the efficiency of the system to satisfactorily regulate the use of intoxicants. The entire prevention of their use as beverages it has not in any case accomplished.

What has been done in the United States has been by state legislation, as the traffic is, under the Federal constitution, controlled by each of the separate states within its own boundary.

In so far as it is, or may become, an interstate or foreign traffic, it is subject to the Federal power. A citizen residing in a state where a prohibitory law exists cannot, by the laws of that state, be prevented from purchasing liquor in some other state, or in a foreign country where it is not illegal to make sales, and having it transported into his own state for his personal use. This statement of a well-known fact is sufficient to show that actual total legal prohibition of the traffic cannot exist in any single State of the Union until a change has been made in the Federal constitution, or all the States have adopted prohibition.

A letter was addressed to the Governors of the various States of the Union, which, together with the answers received thereto, and, in some instances, other information supplied, are printed in Appendix No. 76.

The following shows the character of the existing laws of the States from which the Commissioners have received replies to their communications:—

Prohibition:—Alaska (Territory), Iowa (this State in 1894 passed a law to tax the traffic and providing for local option), Kansas, Maine, New Hampshire, North Dakota, South Dakota and Vermont.

High License:—District of Columbia, Idaho and Indiana.

High License and Local Option:—Illinois, Massachusetts, Minnesota and Nebraska.

License and Local Option:—Arkansas, California, Colorado, Florida, Georgia, Kentucky, Maryland, Michigan, Mississippi, Montana, Texas, Virginia and Washington.

License.—Connecticut, Delaware, Nevada, Rhode Island and West Virginia.

Local Option and Dispensary Law:—South Carolina.

Tax and Local Option:—Ohio.

From the following named States no information has been received. The laws in force therein are understood to be those indicated opposite each:—

Alabama.....	License (in 1889).
Louisiana.....	License and Local Option.
Missouri.....	License and Local Option.
New Jersey.....	License and Local Option.
New Mexico.....	License and Local Option.
New York.....	License.
North Carolina.....	License and Local Option.
Oregon.....	License and Local Option.
Pennsylvania.....	License, with special local prohibitory laws.
Tennessee.....	License, with restricted areas.
Wisconsin.....	License and Local Option.

It was impracticable, even if it had been considered necessary, for the Commissioners to visit each separate State of the Union to make personal enquiries on the ground. Several states in which the liquor traffic has been more prominently before the people, and where measures have been resorted to to prohibit it, were visited, investigation made and evidence taken, which evidence forms a part ion o

this report. The position of the traffic, and the results of the laws which have been enacted in some of the States, will be more fully referred to hereafter.

Under the internal revenue law of the United States the Federal Government collects what is called a special tax from the vendors and manufacturers of intoxicating liquors throughout the Union. The following is a copy of the document issued to the retail liquor dealers:—



UNITED STATES
INTERNAL REVENUE
 ACT OF OCTOBER 3, 1890.
1891.

STAMP FOR SPECIAL TAX

Received from

the sum of

Twenty-five Dollars, for Special Tax on the

Business of Retail Liquor Dealer at Houlton,

State of Maine, for the period represented by the

coupon or coupons hereto attached.

Dated at Portsmouth, N.H., July 7, 1891.

\$25.00
 PER YEAR.

J. E. FINCH,
 Collector
 State of N. H.

Dist.



SEVERAL PENALTIES are imposed for neglect or refusal to place and keep this Stamp conspicuously in your establishment or place of business.

- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for June, 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for May, 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for April, 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for March, 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Feb., 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Jan., 1892.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Dec., 1891.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Nov., 1891.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Oct., 1891.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Sept., 1891.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for Aug., 1891.
- Coupon for RETAIL LIQUOR DEALER'S SPECIAL TAX for July, 1891.

From any penalty or punishment provided for by the law of any state for carrying on the said business within such state, and does not authorize the commencement of the continuance of such business contrary to the laws of such state, or in places prohibited by municipal law. See Section 3213 Revised Statutes U. S.

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The following is a summary of the portion of the law relating to the special tax. It appears in the Revised Statutes of the United States:—

"No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid the special tax in the way prescribed. Name and residence of owner or owners of such business, or address of place of business, to be registered. The payment of one special tax does not exclude from payment of additional special taxes, but storage on manufactories do not need additional tax. Each trade requires additional tax. Special taxes are due 1st July, or from commencement of business. All special taxes to be paid in stamps. Stamps for special taxes to be conspicuously displayed on place of business; if not, penalty of double tax fee and costs, with minimum of \$10; if through wilful neglect or refusal, penalty is doubled. Collector of Inland Revenue is to keep list of payers of special taxes, with particulars, for public reference. If holder of special tax dies, executors or heirs may carry on business to end of term, or if holder remove his place of business—in either case Collector to be notified. The carrying on business as rectifier, wholesale or retail liquor dealers, wholesale or retail dealers in malt liquor, or manufacturer of stills, without paying special tax, or running distillery without having given bonds, or distilling with intent to defraud the United States of tax on all or part of goods distilled, subjects the offender to a penalty for every offence of \$100 to \$5,000 and imprisonment from thirty days to three years.

"And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectifying of spirits, for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or rectifying establishment, or in any building, room, yard or inclosures connected therewith and used with or constituting part of the premises, and all the right, title and interest of such person in the lot or tract or land on which such distillery is situated, and all right, title and interest therein of every person who knowingly has suffered or permitted the business of a distillery to be there carried on, or has connived at the same, and all personal property owned by or in possession of any person who has permitted or suffered any building, yard or enclosure or any part thereof to be used for purposes of ingress or egress to or from any such distillery which shall be found in any building, yard or enclosure, and all the right, title and interest of every person in any premises used for ingress or egress to or from such distillery who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States."

Brewers pay \$100, unless they make less than 500 barrels annually, when the tax is \$50.

Manufacturers of stills pay \$50 tax, and \$20 for each still or worm.

Rectifiers pay \$200; if of less than 500 barrels of 40 gallons, tax is \$100. This applies to spirits made by any process and to making imitations.

Retail liquor dealers, if less than 5 gallons, \$25.

Wholesale liquor dealers, \$100.

Exempt, distilleries do not pay this wholesale tax if selling at distillery in unbroken packages.

Retailers of malt liquor.....	\$20
Wholesale malt liquor.....	50

Exempt, brewers do not pay this tax if selling at brewery in unbroken packages.

The Commissioners of Inland Revenue may issue special tax papers to retailers on cars and steamers. If special tax has been paid on still, to be refunded if still is exported. Distillers may manufacture wooden still for their own use, but must give notice of every one. If a special tax has been paid by a distiller, it is to be refunded. Special tax is not to be levied on vinters selling wine of their own growth at manufactory, if they have only one sale's office; nor by an apothecary using wine or spirits for medicinal purposes.

Section 3,243 of the Revised Statutes of the United States further provided that:—

"The payment of any tax imposed by internal revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or

punishment provided by the laws of any state for carrying on the same within such state, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such state or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any state from placing a duty or tax on the same trade or business, for state or other purposes."

Through the kindness of Hon. John W. Mason, Commissioner of Internal Revenue, the commissioners were supplied with a statement of the special tax certificates issued in the fourteen months ended 30th June, 1891. From this information a statement has been prepared (appendix No. 77) showing the number of certificates issued in each State, the number of the population according to the last census, and the number of certificates per thousand of the population.

A similar statement for the year ended June 30, 1892, is also shown in appendix No. 78. Adding, say, two per cent per annum to the population of 1890 to get at the population of 1892, make a total of 65,150,000, which, divided by the total number of special tax papers of all kinds issued, gives one for every 275 of the population of the United States.

The revenue derived by the United States Government from this special tax on dealers in, and manufacturers of, liquors, was for the four years ended June 30, 1893, as under;—

(Report of the Commissioner of Internal Revenue, 1891 & 1893.)

	1890.	1891.	1892.	1893.
	§	§	§	§
Retail liquor dealers.....	4,531,175	3,231,155	5,080,177	4,867,324
Wholesale liquor dealers.....	421,730	303,590	468,793	425,389
Retail malt dealers.....	147,673	108,513	184,161	174,043
Wholesale malt dealers.....	193,155	145,131	247,914	243,530
Brewers malt dealers.....	172,298	119,158	173,880	168,667
Rectifiers dealers.....	184,700	164,005	208,316	182,400
	5,654,350	4,074,552	6,363,241	6,061,312

The total of those manufacturing, and of those dealing in liquors in the United States, was for

Year ending April 30.

1877	173,113		1886.....	209,254
1878.....	175,421		1887.....	208,014
1879.....	174,530		1888.....	187,177
1880	183,322		1889.....	207,769
1881.....	189,140		1890.....	208,555
1882	186,931	14 mos. ending, June 30	1891.....	254,316
1883.....	206,970	12 " "	1892.....	238,216
1884.....	198,955		1893.....	243,609
1885	201,446			

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If the distinctively prohibition States are taken, the special tax payers for the years 1890, 1892 and 1893, were as under :—

	1890.	1892.	1893.
Maine.....	956	1,034	1,087
Vermont.....	388	460	456
New Hampshire.....	1,583	1,969	1,936
Iowa.....	4,330	5,219	6,607
Kansas.....	1,778	2,570	2,839
Dakotas.....	1,086	1,465	1,831

The Year 1891 is left out, as the returns were for fourteen months.

The following table shows the consumption of the different kinds of liquor in the United States for the periods mentioned therein, and the consumption *per capita* of the population.

QUANTITIES of Distilled Spirits, Wines, and Malt-Liquor consumed, and the average annual consumption per capita of population, in the United States, during each of the Years 1875, 1885, 1890, 1891 and 1892.

Year ending June 30	DISTILLED SPIRITS CONSUMED.			WINES CONSUMED.			MALT LIQUORS CONSUMED.			TOTAL CONSUMPTION PER CAPITA OF POPULATION.					
	Domestic spirits.		Imported spirits entered for consumption.	Domestic wine. ^b	Imported wine entered for consumption.	Domestic malt liquors. ^b	Imported malt liquors entered for consumption.	Total.	Total consumption of wines and liquors.	Of distilled spirits.	Of malt liquors.	Of all liquors and wine.			
	From fruit.	All other.											Total.	Total.	Total.
	Proof gals.	Proof gals.	Proof gals.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.	Gallons.			
1875.....	1,757,292	62,668,700	1,634,647	66,120,558	12,954,961	7,036,369	19,991,330	292,461,047	1,992,110	294,953,157	381,065,045	1.50	45	6.71	8.67
1885.....	1,468,775	67,489,250	1,442,067	70,690,092	17,404,098	4,495,759	21,900,457	594,063,095	2,068,771	596,131,866	688,632,415	1.26	39	10.62	12.26
1890.....	1,508,130	84,760,240	1,561,192	87,829,362	23,806,108	5,060,875	28,956,484	823,075,734	2,716,000	825,792,235	972,578,878	1.40	46	13.67	15.53
1891.....	1,219,436	88,335,483	1,692,646	91,157,565	23,736,252	5,297,569	29,033,792	974,427,863	3,051,898	977,479,761	1,097,671,118	1.42	45	15.28	17.16
1892.....	1,061,062	95,187,385	1,179,671	98,328,118	23,033,493	5,434,367	28,467,860	984,515,414	2,089,869	987,406,222	1,114,292,201	1.56	44	15.10	17.04

a Includes domestic spirits exported and returned since 1886.

b Product loss exports.

Notes.—(1) The production of domestic wines from 1875 to 1892 was estimated by the Department of Agriculture by Mr. Charles MeK. Lessor, president of the Wine and Spirit Traders' Society of New York, and other well-informed persons, and the production for 1889 (opposite the year 1890) is that officially reported by the United States Census. (2) The consumption of domestic sparkling and malt liquors from 1875 to 1892 was obtained from the reports of the Commissioner of Internal Revenue. (3) The consumption of imported liquors and wines from 1875 to 1892 was taken from the official return made to the Bureau of Statistics by collectors of customs. (4) In computing the quantity of sparkling and still wine and vermouth in bottles, five so-called quart bottles are reckoned as equivalent to the gallon.

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The following shows the number of distilleries in operation in the United States:—

1877.....4,510	1886.....6,034
1878.....5,652	1887.....4,905
1879.....5,346	1888.....3,646
1880.....4,061	1889.....(not received)
1881.....5,210	1890.....6,211
1882.....5,022	1891.....3,819
1883.....5,129	1892.....5,925
1884.....4,738	1893.....4,743
1885.....5,172	

These figures include all distilleries using grain, molasses and fruit. There was a large decrease in the number of distilleries operated in the year 1891; but the production of spirits was larger in that year than formerly, as the following figures show:—

	Gallons Produced.
1888.....	71,688,188
1889.....	91,133,550
1890.....	111,101,738
1891.....	117,767,101
1892.....	118,436,506
1893.....	131,010,330

The number of breweries registered and operated, were as shown below. (R. C. I. R., U. S.):—

1877.....2,758	1886.....2,292
1878.....2,830	1887.....2,269
1879.....2,719	1888.....1,968
1880.....2,741	1889.....(not received)
1881.....2,474	1890.....2,156
1882.....2,371	1891.....2,138 (14 mos.)
1883.....2,378	1892.....1,967
1884.....2,240	1893.....1,930
1885.....2,230	

Whilst the number of breweries has decreased, the production of malt liquors has steadily increased, as the following figures demonstrate:—

MALT LIQUORS PRODUCED. (U. S. A.)

	Gallons.		Gallons.
1875.....	292,861,047	1889.....	777,420,207
1885.....	594,063,095	1890.....	853,075,734
1886.....	640,746,288	1891.....	974,427,863
1887.....	716,446,038	1892.....	984,515,414
1888.....	765,086,789		

The quantity of native wine consumed increased from 12,955,000 gallons in 1875, to 23,033,000 gallons in 1892.

The quantity of imported spirits consumed was 1,695,000 gallons in 1875, and 1,180,000 gallons in 1892.

The quantity of imported wines consumed in 1875 was 7,036,000 gallons; in 1892, 5,534,000 gallons.

The quantity of imported malt liquors consumed in 1875 was 1,992,000 gallons; in 1892, 2,981,000 gallons.

These statistics show,—

First,—That there has been a steady increase in the production of both spirituous and malt liquors in the United States.

Second,—That there has been, including all descriptions, an increase in the aggregate consumption and the consumption *per capita* of the population.

Third,—That there has been an increase in the number of those paying taxes for the right to make, and to deal in spirituous and malt liquors.

Fourth,—That in those States where sale is prohibited the number of those paying taxes for the right to deal in liquors has increased.

Fifth,—That the consumption of spirits and wines, *per capita*, has remained almost stationary since 1875, and that the consumption of malt liquors has increased one hundred and ninety-six per cent. (196 per cent.)

There are no general statistics of crime other than those which the census returns supply, and none are available for the purpose of comparison of convictions for offences in the United States and the number of such convictions in other countries.

From the census returns of 1890, the following figures have been extracted:—

	1890 (Population 62,622,250.)		1880 (Population 50,153,783.)	
	Inmates.	Per 1,000 of Population.	Inmates.	Per 1,000 of Population.
Paupers in almshouse	73,015	1.17	66,203	1.32
Prisoners in county jails	19,538	.31	12,691	.25
Convicts in penitentiaries	45,233	.72	35,538	.71
Inmates in juvenile reformatories	14,846	.24	11,466	.23

Insane. In United States Census Bulletin No. 62 it is stated:—

The ratio to 1,000 inhabitants of the whole United States of the insane in public institutions is 1.46, and including, both private and public institutions 1.56.

It must be mentioned that there are 17,558 prisoners of various classes distributed over the country, who are not included in the figures given above. (Census Office Letter, May 6, 1893.)

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The following tables show the number of convicts in the penitentiaries, the numbers of prisoners in the jails, and the number of paupers in the almshouses in the seven prohibition States, with the like information in respect of seven license States.

PROHIBITION STATES.

State.	Population.	Convicts in penitentiaries.	Prisoners in jails.	Paupers in almshouses.
Ka.	1,427,096	918	432	593
Nor. Dakota.....	182,719	65	25	35
Iowa.....	1,911,896	623	327	1,621
New Hampshire.....	376,530	116	113	1,143
South Dakota.....	328,808	97	72	53
Vermont.....	332,422	91	30	543
Maine.....	661,086	170	362	1,161
Totals.....	5,220,557	2,080	1,301	5,149
Ratios per 1,000.....		0.399	0.249	0.986

LICENSED STATES.

Michigan.....	2,003,889	1,108	399	1,916
Wisconsin.....	1,686,880	530	345	2,641
Minnesota.....	1,301,826	432	268	365
Mississippi.....	1,289,600	429	284	494
Rhode Island.....	345,506	122	229	490
West Virginia.....	762,794	278	153	792
Nebraska.....	1,058,910	391	219	291
Totals.....	8,539,405	3,290	1,837	6,989
Ratios per 1,000.....		0.385	0.215	0.818

It will be seen that the ratio of convicts in the penitentiaries of the seven prohibition States was higher than the ratio of those in the penitentiaries of the seven licensed States referred to.

It will be found on reference to Appendix No. 79, that Maine has the lowest ratio of convicts in its penitentiary of any of the States of the Union, with the exception of Wyoming. New Hampshire and Vermont have also low ratios of convicts in their penitentiaries. Kansas has a higher ratio of prisoners in its penitentiary than thirteen of the licensed States. Its ratio is higher than that of Wisconsin with a larger population, than Minnesota, with slightly less population, and Mississippi, with about 140,000 less population. North Dakota has a larger ratio of prisoners in its penitentiaries than Minnesota, Wisconsin, Mississippi, Rhode Island or Wyoming. South Dakota has a lower ratio than any of the last mentioned States, with the exception of Wyoming.

It will also be noticed by reference to Appendix No. 80 that the ratio of prisoners in the common jails of the prohibition States was higher than the ratio of those in the jails of the seven licensed States. It may be mentioned that the ratio of prisoners in the common jails in Maine is larger than it is in twenty-five licensed States. The ratio in Kansas is larger than it is in seventeen licensed States.

The ratio of paupers in almshouses was larger in the seven prohibition States than in the seven license States.

It will be observed on reference to Appendix No. 81 that the ratio of paupers in almshouses in the North Atlantic division was 1.79; in Maine it was 1.76, and in Vermont, 1.63. Rhode Island had a lower ratio of paupers in almshouses than either of these States. Pennsylvania had a lower ratio than Maine, but a slightly higher

ratio than Vermont. Iowa was below the average of the North Central division in which it was placed. Both that State and Kansas had a higher ratio than Nebraska. The ratio of paupers in almshouses for the South Central division was lower than the ratio of any other of the divisions into which the States are divided.

It is not practicable to institute the same comparison as regards the inmates of juvenile reformatories. North Dakota and South Dakota have no reformatories. Maine, New Hampshire and Vermont show a very small ratio of inmates in juvenile reformatories compared with some of the other States in the North Atlantic division, as will be seen on reference to Appendix No. 8'. Pennsylvania, which is in the same division, however, has a lower rate of juveniles in reformatories than any of these three States mentioned.

Kansas, Iowa and the Dakotas are classed in the North Central division. The ratio of inmates in the juvenile reformatories shown in Iowa are, 27 per 1,000. Ohio, Indiana, Michigan and Wisconsin have all higher ratios, as will be seen on reference to the same appendix; but Illinois, Minnesota, Missouri and Nebraska have all lower ratios than Iowa. Kansas shows the lowest ratio in the division with the exception of Illinois and Missouri.

The following interesting statement was forwarded to the Commission by the Chief of the Bureau of Statistics, Washington (the Hon. S. G. Brock), to whom the Commissioners are much indebted for valuable information supplied in the most prompt and courteous manner.

The material for this statement appears to have been supplied (by request) to the Bureau, by Mr. F. N. Barrett, of New York, and formed part of a larger statistical statement relating to some other subjects compiled by Mr. Edward Atchison, of Boston.

CONSUMPTION OF LIQUOR IN THE UNITED STATES.

“Standard of comparison—The production and consumption of liquors:—

Spirits withdrawn, including fruit brandy.....	89,554,919 gals.
Less 12 per cent used in the arts.....	10,746,589 “

Consumed as beverage.....	78,808,330 “
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Valuation of spirits, 78,808,330 gals. @ \$4.50	\$354,637,485
Valuation of beer, 974,247,863 gals. @ 50c.....	487,123,931
Domestic wines, 25,000,000 @ \$2.	50,000,000
Imported beer.....	3,051,893
Imported wines	40,000,000

Total in 1891.....	\$934,813,314
Estimated increase spirits in 1892.....	35,000,000
Actual increase beer.....	21,070,963
Increase domestic and imported wines.....	10,000,000

Total in 1892.....	\$1,000,884,277
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Consumption of liquors <i>per capita</i> in 1892	\$15 28
Expenditure of the United States' Government.....	5 27

“The quantities of spirits, wine and beer, are well established by the data of taxation. The prices are assumed to be what are paid for consumption. A gallon of spirit yields sixteen half-pints; the average single portion is one-third of this quantity. At \$4.50 per gallon, the average charge would be $9\frac{3}{10}$ cents. A gallon of beer served in sixteen half-pints, computed at 50 cents a gallon, would give $3\frac{1}{10}$ cents each. Spirits, wine and beer per day per person $4\frac{1}{10}$ cents. All Government expenditures, 1892, per day per person, $1\frac{1}{10}$ cents.” In a letter from Mr. Brock (March 22nd, 1893), he writes:—“It will be impossible for us to ascertain

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the amount of liquor consumed in each State of the United States. The returns of collections of revenue in any one state are little, if any, index of the amount of liquor consumed in the state. As you are aware, our distilleries are located mostly in the western states (Illinois, Kentucky, etc.,) and it is there that the greater portion of the revenue for manufactured liquor is collected, while the liquor is consumed in all states of the Union."

There have been prepared from the United States census returns, statements of the number of convicts in penitentiaries (states prisons), of prisoners in county jails, of paupers in almshouses, and the population in reformatories by states and territories, and the ratio per 1,000 of these various classes to the population. These statements are printed as Appendices Nos. 79, 80, 81, 82.

It is necessary to state that the superintendent of the census office at Washington, to whom the commissioners are much indebted for valuable information, says, in reference to these returns (6th May, 1893):—

"The were confined in penitentiaries, 45,233; in county jails, 19,861; in city prisons, 3,264; in workhouses, 9,968; there were leased out in convict camps in the south, not included in any other class of prisons, 2,308; there were confined in military prisons, 794; and insane criminals confined in hospitals for insane criminals, 901.

"No bulletins have been issued by this office referring to any of these classes, except the penitentiaries and county jails, both of which have been sent to you.

"Only those returned as being in penitentiaries and county jails are included in the statement now given."

The following table is taken from the census reports of the United States (Bulletin No. 62.) The detailed statements from which it has been compiled have not been printed.

Table giving the number of insane in public institutions in each geographical division, the population of each division, and the ratio of insane to each 1,000 inhabitants in the United States:—

Geographical Division.	Number of insane.	Population.	Ratio to each 1000 inhabitants.
North Atlantic division.....	36,595	17,401,545	2 10
South ".....	11,288	8,837,020	1 27
North central division.....	28,690	22,362,279	1 28
South ".....	7,759	10,972,893	0 71
Western division.....	6,820	3,027,613	2 25

The ratio per 1,000 of the total population is 1.46, and including public and private institutions, 1.56.

ALASKA.

This territory is under prohibition, enforced by the United States government. According to the United States census for 1890, the population of the territory was 32,052, as follows:—

Whites.....	4,298
Mixed (Russian and native).....	1,823
Indians.....	23,531
Mongolians.....	2,288
All others.....	112

The enforcement of the law is entrusted to officers specially appointed by the Federal Government. Notwithstanding their most vigorous efforts, the prohibitory provisions are violated. Smuggling appears to be one of the most popular

branches of business, and illicit stills are established in different parts of the territory. The Indians, moreover, manufacture liquor from rice and molasses and in and by other primitive methods, even kelp being brought into requisition.

The basis of smuggling operations is British Columbia, from the ports of which even small schooners can sail along the coast, in the sheltered waters between the islands, to the Alaskan Territory. As different points are reached on the trip, kegs of liquor are thrown overboard and picked up by the traders, in accordance with pre-arranged plans.

In Alaska, prohibition has failed to prohibit, even in a territory sparsely settled, and with the law attempted to be enforced by Government officers, backed by the whole prestige of the Federal authority. Alaska occupies, however, a favourable position in many respects from a prohibition standpoint. It is comparatively isolated geographically. Access to the territory is mainly from the south, from British Columbia. On the north it is shut in by ice-bound seas; on the east it is bounded by the North-west territories, which, up to May, 1892, have been under a prohibitory system as regards the liquor traffic. Moreover, Alaska contains at the present time a sparse population. Still further, the prohibitory law is in the hands, as far as regards enforcement, of officers appointed by the United States Government. In these particulars, at all events, the territory occupies an exceptionally favourable position to secure a thorough enforcement of any law, whether prohibitory or otherwise.

Testimony taken by this Commission in British Columbia had special relation to the prohibitory situation of the territory of Alaska. As the commissioners were fresh from an inquiry instituted in the North-west Territories of Canada in regard to the enforcement of a prohibitory law under similar conditions, as regards the character of the law itself, a territory sparsely populated, and enforcement by Government officers, the inquiry as to the position of Alaska possessed special interest. Several witnesses called before the Commission described, with more or less detail, the condition of affairs in this recently acquired portion of American territory. The witnesses agreed on several points, which may be briefly summarized, namely, that the prohibitory law is a failure; that the whole force of Federal officers, supported by the Federal Government itself, has failed to enforce it; that the people themselves are opposed to the law, on principle; that accordingly smuggling is constantly going on between the territory and British Columbia; that smuggling operations are conducted not only by land but by sea; that while smugglers convey overland alcoholic liquors through difficult mountain passes and through a little-travelled country, schooners chartered to carry cargoes of liquors drift along the coast northward, taking advantage of the sinuosities of the coast, and drop portions of the cargo in bays and inlets, where the barrels are picked up by illicit dealers; that illicit stills are carried on by whites, as well as natives, who brew "hoochinoo," a native alcoholic drink, and that, in a word, the law is openly defied by all classes of the population.

The proof is contained in the evidence given by witnesses heard by this Commission in British Columbia. Mr. R. H. Hall, M. P. P., of Victoria, manager of the Hudson Bay Company's business, gave valuable information, gathered from a long residence on the border line of the province, and within the boundary of Alaska itself. He explained that the United States Government endeavoured to carry out prohibition in Alaska "by men from Washington." "It is a complete failure," was his emphatic statement. He declared that liquor was obtainable in any quantity, that it was smuggled. In Juneau, the principal town in the territory, with a population of 1,200 souls, there were no less than 33 saloons, when he visited it. The quality of the liquor was of the vilest character; to use his own words, "A very great deal of it was manufactured from proof spirits, and it was 'doctored' so as to make it look like whiskey or anything else." His experience in Sitka was similar—saloons, bad and crude liquor, unregulated trade, so-called prohibition, formed the record. As to the enforcement of the law, Mr. Hall stated, "I do not think the Government officials could put the trade down, unless they had a very large army in the territory. The majority would defy any interpretation of the law that would bring about pro-

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hibition." It was even stated that there were few places where liquor could not be obtained, and that both Indians and white men drank. Illicit manufacture was also common. The Indians manufactured liquor out of rice and molasses in their own stills, and in this direction, of course, it was impossible to enforce a prohibitory law. As to difficulties in the way of enforcement of the law, Mr. Hall said, "I think the difficulty is this: I do not suppose that the officials themselves, or the people, believe in the law that has to be enforced." Of course, the population of the territory is largely composed of fishermen and miners. Every effort appears to have been made to carry out the law, and this Commission was informed that the officers were constantly making seizures. Public opinion, however, was antagonistic to the law. The opinion was frankly stated to this Commission that the prohibitory law gave encouragement to lawlessness, from the fact that the people of the territories themselves admit the impracticability of its enforcement. In other respects, however, it was generally conceded that the people of Alaska were very law-abiding. Mr. Hall stated that two or three years ago the Governor of Alaska felt it was so difficult to deal with the liquor traffic that he undertook to assume the responsibility of granting temporary licenses to vendors of liquors, while he proposed to make such representations to Congress as would result in the license system being made permanent. The liquor dealers in Alaska, he explained, held a meeting to discuss the matter, and the result of their deliberations was, that they decided they would not accept temporary licenses or any other licenses, on the ground that the liquor trade was more profitable under prohibition than it would be to them under license.

A law to institute a license system in Alaska was introduced into the United States Senate in December, 1891, but after the second reading it was dropped.

Sir Matthew Begbie, Chief Justice of the Supreme Court of British Columbia, recited to this commission particulars of a journey in the northern country and over the Alaskan line. He declared that the Indians not only obtain considerable quantities of liquor by importation, but also manufacture liquor themselves. He explained that a small stock of wine which he had with him for the journey became exhausted, and he desired to obtain a fresh supply of alcoholic stimulants. He said: "I was at Fort Wrangol, and the people said that I could get as much liquor as I wanted for \$5 a bottle, good brandy, marked 'Martel.' I asked where I could get it, and they said that the Indians would sell me as much as I wanted. The Indians had plenty of liquor, and it was from them I got it. It was as good as you could get in Victoria. That was in Alaska, where there is prohibition."

Mr. Robert Ward, a prominent merchant in Victoria, and a justice of the peace for the whole Province of British Columbia, testified before this Commission respecting the trade in liquors between that province and Alaska. He said: "I remember in Alaska, some years ago, there was a large trade going on between it and British Columbia; in fact there was a large trade with nearly all points on the Stickeen River and Puget Sound in the illicit whiskey business. I have known cases where liquor was smuggled in casks of butter, small kegs of whiskey being inside. The butter was melted and poured around the small keg, and it would be concealed and shipped as butter."

Interesting evidence was given by Mr. Alexander Choquette, of Fort Wrangol, Alaska. He had resided at Fort Wrangol during a period of five years, having previously lived in California, and also on the Stickeen River, British Columbia. He explained that, although a prohibitory law is in force in the territory, all kinds of liquors were sold, including Jamaica rum, brandy, gin and whisky. They were sold openly. Although there are not more than 30 white people at Fort Wrangol, there are no less than three saloons in which liquor is openly sold. The enforcement of the law is in the hands of a Government commissioner, who, as Mr. Choquette laconically observed, attends to all the troubles that occur, and tries to stop the sale, which has never been done yet. Then there is Juneau, with 14 or 15 saloons, according to this Indian trader. There liquor is sold openly and over bars. Deputy marshals are appointed to enforce the law, but they fail there, as elsewhere. As this witness put it, "They have tried several times, but they have not stopped the

trade." The population is composed there, as elsewhere, of fishermen and miners, and it was generally conceded that but few of the whites did not drink. Again, evidence was given with respect to Sitka, the capital and headquarters for Alaska traders. Mr. Choquette appeared to be quite familiar with this trading post, where, he said, liquor is freely sold, and although many attempts have been made to stop the sale by deputy marshals, they have failed, and they appear now to mainly confine their efforts to preventing liquor sales to Indians. The reason was explained in a sentence by this witness, "They are unable to do so." As to the popular sentiment respecting the sale, the testimony went to show that the people desired to have liquor sold, notwithstanding the prohibitory law. Among other odd ways in which liquor was shipped to the territory, may be mentioned that of shipment in corned beef barrels, it being the habit to thereby smuggle ten gallons of alcohol. While the whites obtained liquor in large quantities by these smuggling operations, the Indians manufactured their own to a large extent, the product being described as possessing great strength.

Mr. John Pawson, of Nanaimo, an old resident of British Columbia, declared that large quantities of liquor were shipped from British Columbia ports to Alaska. He gave some particulars in respect to the manufacture of "hoochinoo" by the natives of the territory, a native intoxicant prepared from molasses with kelp and the assistance of a primitive still in the shape of a coal-oil can.

A Government return shows that for the year ended 30th June, 1892, there were taken out in Alaska, United States certificates as follows:—

Retail liquor dealers.....	60
Brewers.....	4
Retailers in malt.....	3

Mr. Robert D. Porter, United States superintendent of the census, in his official report of the census of 1890, dated February 9, 1893, makes several very interesting references to the subject of prohibition in the volume devoted to Alaska. He explains that, for census purposes, the country is divided into seven districts, commencing at the southern boundary and ascending to the arctic boundary, each district being dealt with separately.

The following excerpts are taken from his report:—

SOUTH EASTERN DISTRICT.

"The duties of the collector of customs (at Fort Wrangel) are principally to see that no liquors or dutable goods are smuggled into Alaska from British ports; but it is evident that he requires much better facilities for executing his authority in order to stop the liquor traffic across the British line and among the natives in south-eastern Alaska." (Page 23.)

Speaking of Port Chester, the report says: "The Tsimpseans differ from all other tribes in south-eastern Alaska, unless perhaps the Haida can be excepted, in their total abstinence from the use of liquor, and the manufacturer of the vile 'hoochinoo' is unknown amongst them." (Page 29.)

Referring to the Kakes, "the most vicious tribes," it says: "I saw they were not only anxious to become civilized, but said that they would do anything to do away with the manufacture and drinking of 'hoochinoo,' if the Government would give them a school at which their children would be educated." (Page 35):

Again, "Strict prohibition laws are decreed for the whole territory, but are not respected, and cannot be enforced in this section, where whisky smuggling is as fixed an occupation, or industry, as mining." (Mrs. Skidmore, in census report, page 42).

Reference to severe fighting amongst the Chilcats in 1881, arising from a drinking bout on 'hoochinoo,' is made on page 45.

Mr. Henry Boursin, special census agent, speaking of the Thlingits, "the most intellectual tribe," says: "They are born liars and grossly immoral; drunkenness is the rule and not the exception, and all these vices have been strengthened, not checked, by contact with civilization." (Page 54.)

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KADIAK DISTRICT.

The report on this district mentions the people as industrious and fairly prosperous, but is silent as to the observance or non-observance of the law.

UNALASKA DISTRICT.

Mr. Samuel Applegate, the official for this district, in his report says: "When I first visited Unalaska, in 1881, I found the people living in filthy, barbarous, semi-subterranean sod houses. There were some few exceptions, of course, but by far the majority lived in a manner but little above that of the higher animals. I soon discovered that the cause of their degraded condition was their excessive indulgence in a home-brewed beer called "quass," made from flour, sugar and yeast. This was made almost constantly, and imbibed so persistently that the people would remain in a drunken stupor for days at a time. At that time, and for two years subsequently, this condition existed. At that period there were rival trading companies established in the district, with almost everything imaginable except liquor in their stores to attract trade. Prices were fair and sea otters plentiful. In looking back to those times one can but deplore the weakness of human nature. There is not an able-bodied native here but would have been comparatively well off had he saved his earnings. With the disappearance of competition a check was placed upon the consumption of sugar, and since then the people have improved wonderfully, both mentally and physically—physically, because they can now much better resist the diseases which seem to visit them annually, and which formerly carried them off so easily. * * * Even now, however, opportunities will occur to save up sugar for some special holiday, and to indulge in a prolonged period of general intoxication." (Page 81.)

NUSHAGAK DISTRICT.

Of this district the report says: "Some of the Eskimo have learned to distill from flour-paste, sugar, dried fruit, berries, etc., a horrible kind of liquor, which they drink without rectification, fusil oil and all. The trader at Nushagak discountenances such proceedings, and has tried to put a stop to them by giving orders that not more than 20 cents' worth of sugar shall be sold at one time to a customer. The natives, however, have frequently been discovered saving up this flour and sugar. They will deprive themselves for weeks of sweetening in their tea and will refrain from eating bread in order to indulge in a beastly debauch, as soon as they have stored up enough flour and sugar to make a brew." (Page 93.)

KUSKOKWIM DISTRICT.

The Eskimo are described, in this district, as "a primitive people who have not yet acquired the accomplishment of making or consuming strong liquors." (Page 103.)

YUKON DISTRICT.

"The influx of miners to the country has produced marked changes amongst the natives, and not to their benefit morally. The illicit manufacture and use of liquor, both by the traders of the company and the miners, is certainly demoralizing the natives to a great extent. It is openly carried on, both on the upper and lower river. At Andreafskoy, on the lower river, it is a common sight to see intoxicated natives, more especially in the winter, and the natives have now learned the process of making liquor themselves, more particularly on the coast and the Lower Yukon." (Page 121.)

ARCTIC DISTRICT.

"The fondness for alcoholic liquor is a curse among these people, a circumstance that has been taken advantage of by the whalers in obtaining supplies of furs and bone. Within the past two years Kotzebue Sound and Point Hope natives have instructed the Point Barrow natives how to distill alcohol from molasses, sugar and flour. A mixture of these articles, with water, is boiled in an old coal oil or any other available can, into which is inserted an old gun barrel, fitted with dough or clay, to make it air tight. The barrel passes through a block of ice, and as the mixture boils, the vapor condenses as it leaves the tube into a crude spirit, and is caught in a receptacle. The utmost care is taken to avoid losing a drop of this precious mixture. Attempts to check the making of this vile liquor prove abortive, as the law does not prohibit the sale of sugar, molasses or flour to the natives, and until some strict Government surveillance is exercised over them during the winter, the manufacture will be continued. Under the influence of this alcohol men beat and maim the women unmercifully, accidents occur, and long spells of sickness succeed the drinking bout. A drunken Eskimo acts like a crazy man, and the sober men of the village try to divest the fellow of knives, or any weapon that might be used in his drunken paroxysms. The whalers, too, trade liquor to these people for various articles, but generally most of the drink is given to the women in payment for their favors. Efforts to restrain this traffic have been made by revenue marine officers; search is made on board the vessels for the contraband article, and in every instance, if it be found, the contents of the packages are dumped overboard. The trouble lies in the fact that both officers and men manage to obtain drink either from the ships that call at Honolulu, the Caroline islands, or Japanese ports, or secrete it in their effects prior to leaving San Francisco. It must be stated that the managers of the whaling firms of San Francisco use every endeavour to prevent liquor being taken on board their vessels proceeding to the Arctic. The love of strong drink has a firm hold on these people, and they will sacrifice their all to obtain it." (Page 145-6.)

The prohibition in the territory is carried out under the following regulations, prescribed under the authority of section 14 of the Act of May 17, 1884, entitled, "An Act providing a Civil Government for Alaska," and section 1955 of the Revised Statutes:

"1. No intoxicating liquors shall be landed at any port or place in the territory of Alaska without a permit from the chief officer of the customs at such port or place, to be issued upon evidence satisfactory to such officer that the liquors are imported, and are to be used solely for sacramental, medicinal, mechanical or scientific purposes.

"2. The importation to said territory of breech-loading rifles and suitable ammunition therefor, except for the personal use of white settlers or temporary visitors, not traders, is hereby prohibited.

"3. The master of any vessel departing from any port in the United States having on board intoxicating liquors or breech-loading rifles and ammunition suitable therefor, when such vessel is destined to any place in said territory, or, if not so destined, when the intended course lies within the waters of the territory, will be required to file with the collector of customs at the port of departure a special manifest, signed and verified in duplicate, of all such liquors, arms and ammunition; and no clearance shall be granted to any such vessel unless the articles embraced in the special manifest are shown to the satisfaction of the collector to belong to the necessary supplies and equipments of the vessel, or to be entitled to the above specified exemption, or are covered by bonds taken under the provision of said section 1955.

"4. One of the special manifests above provided for will be delivered to the master, together with the clearance, if granted, and any intoxicating liquors, breech-loading rifles, and ammunition found on board a vessel within the waters of the territory, without such special manifest, will be seized, and the offenders prosecuted under the provisions of section 1957 of the Revised Statutes."

The necessary executive order was issued by President Cleveland on 4th May, 1887, and this order remains in force.

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The following is a copy of one of the latest orders issued from the Treasury Department at Washington concerning the sale of intoxicating liquors in the territory of Alaska:—

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
WASHINGTON, D. C., March 12, 1892.

“For the purpose of more effectually carrying out the law of Congress prohibiting the sale of intoxicating liquors in Alaska, it is ordered that existing rules and regulations regulating the sale of intoxicating liquors in the territory of Alaska, pursuant to the Act of May 17, 1884, are hereby continued in force, except as herein modified:

“1. Existing statutes and regulations relating to the sale of intoxicating liquors shall be strictly enforced.

“2. The sale of intoxicating liquors for medicinal, mechanical and scientific purposes shall be made only by such persons in said territory as have obtained a special permit from the Governor of the territory to sell intoxicating liquors therein, upon the following conditions:—That before the application for the permit or renewal thereof shall be granted, the applicant shall make and subscribe an oath before an officer authorized to administer oaths in said territory as follows:—

“I (name), do solemnly swear that I will not sell, give or furnish any intoxicating liquors to any person otherwise than as provided by law and the regulations established by the President of the United States, under the Act of May 17, 1884; and especially that I will not sell or furnish any intoxicating liquors to any person who is not known to me personally, or duly identified; nor to any minor, intoxicated person, or persons who are in the habit of becoming intoxicated, and that I will not allow any intoxicating liquors to be drunk on or about my premises; and I will make true, full and accurate returns to all certificates and requests made to or received by me, as required by said regulations; and said returns shall show every sale and delivery of such liquors made by or for me during the month embraced therein, and the true signature to every request received and granted; and such returns shall show all the intoxicating liquors sold or delivered to any and every person as returned.”

Such applicant shall also file with his said application a bond to the Governor of said territory, in such penal sum as the Governor shall prescribe, not less than five hundred dollars (\$500), conditioned that for any violation of said Act of May 17, 1884, or the regulations established by the President thereunder, said bond shall be forfeited. Such bond shall be signed by the applicant or applicants, as principal or principals, and by at least two sureties, who shall justify under oath, in the sum of five hundred dollars (\$500) each, over and above all indebtedness and exemptions, and such bond shall be approved by and deposited with the Governor. The United States and any person or persons who may be injured or damaged by reason of any violation of said law, or the regulations thereunder, may have an action upon such bond.

“Upon taking said oath and filing said bond, the Governor of said territory may issue to the applicant a permit authorizing him to keep and sell intoxicating liquors as provided by said Act and regulations made thereunder; and every permit so granted shall specify the building, giving the location thereof by street or number, in which intoxicating liquors may be sold by virtue of the same and the length of time the same shall be in force, which in no case shall exceed twelve months.

“3. The sale for medicinal purposes shall be made only upon the prescription of a reputable practising physician of said territory, stating the kind and quantity of liquor necessary to be used by the patient.

“4. The sale for mechanical and scientific purposes shall be made only upon application duly subscribed and sworn to by the applicant in person, before some person authorized to administer oaths, made by the party desiring to use the same, stating the kind and quantity of liquor required, and that the same is necessary for mechanical or scientific purposes (stating particularly the purpose, and the exact locality where to be used).

"5. No licensed person shall sell or deliver any intoxicating liquors to any person if he has reason to believe that the applications, certificates, or affidavits, submitted to him by applicants are evasive or untrue; or to any minor, or intoxicated person, or to one addicted to intoxication. If the applicant is not personally known to the person selling, before filling his request he shall require identification by a person known to him, and a statement signed by such witness that the applicant is not a minor and is not in the habit of using intoxicating liquors to excess, and is worthy of credit as to the truthfulness of the statements in his application.

"6. At the end of each month each licensed person shall make out and forward to the Governor an itemized report of the date and quantity sold to each person, and the purpose for which it was bought; and if, upon a prescription, the name of the physician giving the same, which report shall be sworn to.

"7. Any person violating this regulations, or the provisions of law relative to the sale of distilled spirits or intoxicating liquors in Alaska, shall be liable, upon conviction in the proper tribunal, to the penalties imposed in section 1955 of the revised statutes of the United States, and, in any event, upon such violation by such persons his permit shall be revoked, and not renewed without approval of the Secretary of the Interior.

"8. In case any physician make a false certificate as to matters aforesaid, any certificated of his thereafter shall be rejecte, and no application shall be granted thereon; and in any case when a false affidavit is made, all applications by such person thereafter shall be rejected. Co-partnerships, corporations and all associations are included within the foregoing rules.

"9. The Governor shall have power to suspend or revoke any permit issued by him to any person whenever, in his judgment, it is shown, after due notice, that such person has failed to comply with the rules and regulations prescribed therein, or that the best interests of the inhabitants of the territory require such suspension or revocation of the permit.

"10. Every person who, under these regulations, shall have obtained a special permit from the Governor of the territory of Alaska to sell intoxicating liquors for medicinal, mechanical and scientific purposes will also be required to pay to the Collector of Internal revenue of the district of Oregon (in which collection district the territory of Alaska is included) the special tax as a liquor dealer, and in all other respects to comply with the internal revenue laws.

"O. L. SPAULDING,
"Acting Secretary.

"EXECUTIVE MANSION, March 11, 1892.

"Approved,
"BENJ. HARRISON."

In a letter written by the assistant secretary of the Treasury on the 3rd March, 1894, he said:—

"Customs officers and officers of the revenue marine service have been instructed to be especially vigilant, with a view of preventing the violation of the laws relating to the importation of liquor within the territory named. Complaints have been made from time to time of the practice of smuggling small packages of liquors, and seizures have been occasionally made. There is nothing, however, to indicate that liquors in any considerable quantity are irregularly introduced into the territory. As you are aware, the law allows the importation and sale of liquors for medicinal, mechanical and scientific purposes, and permits for such sales have, so far as this department is advised, been issued only to druggists."

Through the kindness of Senator McMillan, of Michigan, the commissioners have been supplied with copies of very interesting reports from the governors of Alaska to the Government at Washington. Extracts from these reports will be found in Appendix No. 134. It is only necessary, perhaps, to quote here from His Excellency Governor James Sheakley, addressed to the Secretary of the Interior, on the 1st October, 1893. In that report His Excellency says:—"The law prohibiting the importation, manufacture or sale of intoxicating liquors in Alaska is (in its pre-

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sent construction) a source of irritation and discontent amongst all classes of people in the territory. It gives rise to a large traffic in smuggled liquors, mostly from British Columbia, which our customs officers cannot prevent and have not the means to suppress. Either the law should be changed or the revenue officers provided with the means to enforce its provisions."

Mr. Inspector C. Constantine, of the north-west mounted police, visited the valley of the Yukon River in 1894. He returned by way of Alaska, and subsequently reported at Ottawa. The inspector made a statement to the chairman of this commission embodying some information in regard to the liquor traffic in Alaska, a copy of which will be found in Appendix No. 135.

IOWA.

The state of Iowa lies entirely within the prairie region of the Mississippi valley and is bounded by the Missouri and Big Sioux river, on the west, and the Mississippi on the east. Its area is 55,045 square miles, and the population in 1890 was 1,906,729. There are no large cities in it, but a number of thriving towns.

Iowa was originally a part of the Louisiana purchase, and was made a territory in 1838, and in 1846 admitted to the Union as a state.

The state is under a prohibitory law.

In Iowa the sale of intoxicating liquors as a beverage, exclusive of wine and beer, has been continuously prohibited since 1855.

In that year a strong prohibition law was carried by nearly 3,000 majority in a total vote of 48,200. In 1858 the law was modified, permitting the sale of ale, beer and wine.

In 1875 the prohibitionists became a factor in the politics of the state. In that year, however, they polled only 737 votes out of a total of 218,862. In 1877 they cast 10,545 votes. In 1879 the vote declined to 3,291.

In 1882 a prohibitory amendment to the constitution was submitted to the people, in the following terms:—

"No person shall in the future sell or keep for sale as a beverage any intoxicating liquors whatever, including ale, wine or beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for violations of the provisions thereof." (Section 26).

This proposition was carried by 29,759 majority, there being for, 155,436; against, 125,677. Seventy-six counties gave majorities to the amendment, as compared with 23 that cast majorities against it.

Immediately after the election at which the amendment to the constitution was adopted, Governor Sherman issued his proclamation declaring the result. The prohibitionists held a convention and declared in favour of the holding of a special session of the Legislature to enact additional laws. The opponents of prohibition at once declared that the amendment was unconstitutional. A test case was tried, and an appeal taken to the Supreme Court of the state. The question was argued at length, and the Supreme Court decided that the amendment was unconstitutional, not having been passed in the form prescribed by the law. Then a movement began for a rehearing of the case, which occurred at the April term in 1883. The decision of the Supreme Court was sustained, one judge alone dissenting.

In the same year Governor Sherman refused to convene a special session of the Legislature. At the following session of the Legislature, held in January, 1884, statutory prohibition was enacted.

The law, which is still in force, may be thus summarized: All persons are prohibited from manufacturing selling or keeping for sale all kinds of intoxicating liquors, including wine and beer. All of such liquors, including the vessels containing the same together with the premises on which they are sold or kept for sale are declared nuisances.

Intoxicating liquors may be sold for pharmaceutical, medicinal, mechanical and sacramental purposes, provided a permit shall first be obtained for doing so. In order to secure such permit, the party making the application must give three

weeks' notice in some newspaper of his intention to apply therefor. The application is made to the district court. The application must be by petition signed by one-third of the freehold voters in the township, incorporated city, or town in which the permit is issued. After all the provisions of the statute have been complied with and no objection taken, the court may grant such permit upon the applicant entering into bond in the penal sum of 1,000, with good and sufficient sureties that he will observe the law. These permits remain in force unless revoked for such period as may be specified thereon.

The penalties for selling without a permit are fines varying from \$50 to \$100 for the first offence, and for subsequent offences \$300 to \$500, with imprisonment not exceeding six months. The penalty for keeping a place for the manufacture or sale of liquors contrary to law ranges from \$300 to \$1,000. There are special provisions respecting sale of liquor by pharmacists. A permit-holder may sell or deliver liquor only on a written request. He is to make a return every month of the sales, and must enter them in a book open to inspection. The proceeds of fines are given to the school fund.

Any person found in a state of intoxication is to be arrested and, on conviction, to be fined \$10, or imprisoned for 30 days. But the punishment may be wholly or partly remitted, upon the prisoner's stating on oath when, where and from whom he received the liquor.

Any wife, child parent, guardian, employer or other individual injured in person, property or means of support by any intoxicated person, or in consequence of his intoxication, habitual or otherwise, has a right of action for damages against the person who, by selling him liquor, caused the intoxication.

In 1884 the prohibitionists of the state inaugurated a movement looking towards national prohibition, and they cast that year 1,472 votes for that ticket. Since 1883 the prohibitionists have had a ticket in the field every year. The vote has usually run from 1,400 to 1,600, going down in 1887 to 334. In 1882, however, the prohibitionist polled 6,097 votes, the Republican candidate obtaining 219,464 and the Democratic candidate 196,686.

Notwithstanding the restrictions surrounding the sale by druggists, a large quantity of liquor is sold. In 1886, the year after the prohibitory law took effect, the number of United States tax certificates of all kinds issued was 3,997, as against 5,563 in 1883, 4,424 in 1884—whereas in 1891 the number for the 14 months ended 30th June was 7,630; for 12 months in 1892, 5,219; and in 1893, 6,607. The following table shows the number of United States certificates, of each class, issued from 1882 to the year ended 30th June, 1893:—

Years.	Retail liquor dealers.	Wholesale liquor dealers.	Retail dealers in malt liquors	Wholesale dealers in malt liquors	Brewers.	Rectifiers.	Totals.
1882	4,104	55	321	54			4,534
1883	5,001	86	243	57	117	20	5,563
1884	3,989	63	216	54	86	16	4,424
1885	3,549	52	229	60	100	7	3,997
1886	3,769	57	152	64	98	8	4,148
1887	3,584	54	283	66	78	13	4,078
1888	2,928	36	249	48	74	6	3,341
1889	3,575	42	270	68	50	7	4,012
1890	3,975	35	225	85	22	8	4,359
1891	6,874	54	305	267	29	11	*7,630
1892	4,706	58	250	158	37	10	5,219
1893	5,985	58	291	238	27	8	6,607

*For fourteen months.

In Iowa, in 1893, one United States certificate was issued to every 289 inhabitants, taking the population of 1890, while Alabama shows only one certificate to 1,203 inhabitants, and South Carolina, Arkansas, Mississippi, North Carolina, Georgia, Florida, West Virginia, Tennessee, Nebraska, Virginia, Delaware, Massachusetts, Texas and Pennsylvania all have a lower ratio.

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Governor Sherman, in his second biennial message, 1886, says:—

"The prohibitory liquor law has been reasonably successful * * * The law is violated in many of our cities, but this argues nothing for its repeal; the same may be said as regards the law against burglary and other graver crimes, yet none desire their modification. *Whatever failure has attended it, is largely due to the apathy of its original champions, who, while stentorious in demand for its enactment, have been noticeably quiet in aiding its enforcement* * * * Singularly enough, the law for the suppression of the liquor traffic has had to contend not only against the vigorous onslaught of its enemies, but as well the *apologies of its hypocritical friends*, whose cowardly acts have really been more deadly in character. And yet * * * the law has sustained itself. There is less of liquor drinking * * * and less of crime. There is 'boot-leg' vending in some localities."

Governor Larrabee, in his biennial message in 1888, reports:—

"Much progress has been made in the enforcement of the prohibitory law. Not only has public sentiment much improved in relation to it, but judicial officers are more disposed to secure its enforcement. Many judges give strong testimony in its favour, showing that, where it has been well executed, there has been a marked reduction in criminal offences, and also in court expenses * * * There has been a marked improvement in the condition of our poorer people.

"While there is very little difficulty in enforcing the law in the rural districts, and in a very large majority of the counties, there are still a few portions of the state, particularly some of the larger cities, where the law is not enforced * * * In Des Moines, Sioux City and Cedar Rapids, the prohibitory law is now, and has been for the past year, well enforced."

In 1888, opinions of district and superior court judges were obtained respecting the working, etc., of the prohibitory law, and several of them advised its repeal.

Governor Larrabee, in a communication dated 16th February, 1889, states: "I think that more than half of the jails in the state are entirely empty at the present time. There are 98 less convicts in our penitentiaries than there were three years ago, notwithstanding the growth of the population."

Governor Larrabee, in his message, 1890, says: "Not one-tenth, and probably not one-twentieth, as much liquor is consumed in the state now as was five years ago. Nearly all judges are now disposed to enforce the law. The law should be amended so as to prevent undue searching of private houses and malicious prosecutions. The law has been more successful, and by far more beneficial, than its most hopeful friends anticipated."

The following table gives a comparison as regards the number of convicts and prisoners in penitentiaries and jails in Iowa under prohibition, and in Minnesota under high license, respectively:—

IOWA (Prohibition).

Population.	Convicts in penitentiaries and jails.	Per 1,000 of population	Average per 1,000.
1,911,896.....	1890 - Penitentiaries.. 623	0 325 {	.497
	Jails..... 327	0 171 }	
1,624,615.....	1880 - Penitentiaries.. 546	0 336 {	.493
	Jails..... 255	0 157 }	

MINNESOTA (High License).

1,301,826.....	1890 - Penitentiaries.. 432	0 332 {	.492
	Jails..... 208	0 160 }	
780,773.....	1880 - Penitentiaries.. 248	0 317 {	.452
	Jails..... 105	0 136 }	

The number of special liquor taxpayers reported for the year ended 30th June, 1893, was, for Iowa, 6,607; for Minnesota, 4,323. Taking the population as reported in the United States census returns, 1890, these figures give one special liquor taxpayer to each 301 of the population in Minnesota, and one to 289 of the population in Iowa.

The increase of the population between the years 1880 and 1890 was in Iowa 17.68 per cent; Minnesota, 66.74 per cent.

Supposing the increase to have continued in the same ratio for the years 1891, 1892, 1893, the population of the two states would be, in 1893, about as under:—

Iowa.....	1,999,000
Minnesota.....	1,459,000

The special liquor tax payers in Iowa would thus be one in 303; Minnesota, one in 337, of the population.

In Appendices Nos. 161 to 168 inclusive, statistics of arrests in several of the most important towns and cities of this state are given. In Appendix No. 136 a comparison of those arrests with those in other towns and cities in the States and Canada is made. The statements of these arrests in Iowa presents so many anomalies as to lead to the conclusion that they are not in all cases perfectly accurate.

Prohibition in this state has not, however, apparently had the effect of reducing the number of arrests for general offences or the arrests for drunkenness below the ratio of those in places elsewhere under license.

Much valuable information respecting the operation of the prohibitive liquor laws of this state is given in the report made by Mr. E. L. Fanshawe, Barrister-at-law of the Inner Temple, London, elsewhere referred to in this report. Mr. Fanshawe visited the State. He refers to a report made in 1885 by Senator Sutton on the working of prohibition in Iowa, in which that gentleman remarks that "prohibition has done great good wherever the field was prepared for it, and where the people wanted it, and would elect public officers to enforce it, and has restricted the traffic in places like Iowa city and Muscatine, even where only a minority favor it, but where that minority is determined and aggressive." (p. 154).

Mr. Fanshawe says,— "In the river-side towns the law at the present time is generally and openly violated, as is fully admitted by prohibitionists who are at all familiar with facts. At Davenport there is no sort of concealment. At the principal hotel the "lunch-room" opens out of the "billiard-room." It consists of an ordinary bar without any screen or curtain." (p. 155). He says that under license liquor was sold in about fifty places in Davenport, and the number of such places now approaches three hundred.

Mr. S. F. Smith, a resident of Davenport, and president of the Bankers' Association of the state of Iowa, said, speaking at Davenport: "The prohibitory law is not enforced at all, and there are two hundred and ten saloons open at all times, each saloon-keeper paying what is virtually a license fee of \$300 per year, selling what he likes. The fine is paid every three months in advance. The police force is comparatively small. There are some breweries running there, of course contrary to law. Mr. Smith said the law is fairly well enforced in the larger portion of the state, but not in the river towns of which Davenport is one.

Speaking of the state of matters in Sioux City, with a population of about 38,000, and which ranks as the second city in the state, Mr. Fanshawe says: "By a municipal ordinance the liquor dealers are compelled to make a monthly payment to the city. This payment, being exacted as a fine for violation of the law, is not in form a license fee, but in effect operates as such.....Fines levied for breach of a municipal ordinance go to the municipality. Therefore, by passing an ordinance ostensibly for the purpose of enforcing the state law, a municipality is enabled to institute proceedings thereunder, and appropriate to itself the fines. The arrangement thus introduced in Sioux City is obviously in fact, though not in name, a return to a licensing system in defiance of the prohibitory law of the state (p. 157).

"A greater measure of efficiency is justly claimed for prohibition in the interior of the state than that which it has achieved among the riverside towns. But even

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in the interior it can hardly be said to be attended with any marked success in the larger centres of population. I visited two out of three cities in the interior whose population exceeds 10,000. In Cedar Rapids the business is carried on much less openly than in Davenport or Council Bluffs. The saloons do not publicly proclaim themselves on the street front, but a prohibitionist of the place who had been an earnest worker for the enforcement of the law told me that there were a good many of them, and that they carried on business with little or no interference (p. 159).

Amongst those who gave evidence before the Commission, during their visit to the state, were several important witnesses from whose testimony the following synopses are made:—

Hon. Horace Boies, Governor of Iowa, stated:—"I suppose everybody understands my view of this law. It has been a matter of public discussion in every campaign in which I have been interested since I came into public life, and my speeches are of course familiar to all the people of the state. I ought to say that there is a division of sentiment in this state, a very wide division, as to the correctness of the conclusion I have reached. There are a great many people in this state who honestly believe that the prohibitory law is a good thing, that it lessens crime, that it is good from a moral point of view. For my own part I am just as thoroughly satisfied that they are wrong,—that the law is a bad law from every standpoint. I do not mean to say by that that in no part of Iowa is the law enforced, because that is not true. Wherever public sentiment upholds it, wherever a large majority of the people are opposed to the traffic in intoxicating liquors, the law is reasonably well enforced. But, on the other hand, where you get into a locality where the public sentiment is opposed to the law it is there that the law is worse than a dead letter. We have to-day in some of our cities ordinances passed for the sole purpose of licensing saloons in direct violation of the statute of the state. These ordinances are usually against disorderly houses, with the understanding that each saloon or place where intoxicating liquors are sold shall be classed as a disorderly house and each month the keeper of the saloon is notified to appear before the board, and a certain fine, which is the same in all cases, is imposed. He pays that fine and also the costs of the transaction, and considers that his license fee. That is the practice that prevails. And, with the exception of Des Moines, I think the saloons run openly, as openly as they ever did, in all the large cities of the state. But once in a while some friend of the law goes into one of these saloons and takes steps to enjoin the place, which anybody is entitled to do under the law; and for a few days or weeks, or possibly months, the saloon may be suppressed. In this city we have no open saloons, and yet I know that it is publicly charged that there are a great many places where liquor is sold. I do not know that of my own knowledge, for I have never entered one of these places. I see, as well as anybody, the evils that arise from the excessive drinking of intoxicating liquors, but I do not believe that this is the way to remedy them. I think the system in this state has thrown the business into the hands of our worst classes, and there being no inspection of the class of liquors sold, the cheapest and most injurious decoctions are dispensed. In other words I think we have the uncontrolled saloon where otherwise we should have the saloon controlled by the people..... It has put the business into the hands of a worse class of people than would be engaged in it under a license system, and the class of liquors sold, there being no way of inspecting them, or determining what they are, has been of the worst and cheapest class on which the vendor could make the largest profit."

Comparing the amount of temptation to drink under a license system, and with the secret drinking of a prohibitory system, he states:—"There is a wide difference of opinion amongst our people on that subject. So far as I am personally concerned I believe that the present system is a worse one for the young than the license. I know that a great many of our people believe that open saloons fitted up in a tempting manner are more enticing to the youth of the country, and that more are led to adopt the habit of an excessive use of liquor than would be under our present system. But, on the other hand, the intoxicating liquors that are purchased at these places now are purchased largely by the bottle and put into the coat pockets and

carried away, and young men get together in some room or some by place and consume them there. Now, my opinion is that more boys are taught to drink intoxicating liquors in this way than would ever contract the habit if they had to go into a saloon and buy liquors by the drink. In other words I believe they drink in a place of that kind when they would not go into a saloon and drink at all."

Speaking of the political aspect of prohibition he stated that the question of prohibition has been "made a party political question in both elections in which I was elected governor of the state," and continues:—"Ever since the enactment of the law, the Democratic party has opposed it in one form or another. Up to the time of my first election as governor, the platform of that party was in the same general terms. In substance it would be something like this, that they declared in favour of a well regulated license system, which would leave the opportunity for different constructions of the position of the party. When I was elected for the first time, the party took a more definite position on that subject. They declared in substance in favour of a local opinion law which would permit cities, towns and townships to determine for themselves whether they would have license system, or whether they would have a prohibitory law. They declared further, that, in the event of a license system being preferred by any of these municipalities, the fee should be at least \$500, to be paid into the county treasury, and to go to the general support of the county expenses. They declared further that the power should be conferred upon the municipal authorities of each municipality that declared for license to add any additional fee they saw fit for the use of the municipality. So that if that policy ever became the law of our state, no license could be issued for less than \$500, and it might be just as much more as the municipal authorities saw fit to add. At the time of my second election, that plank in our platform was re-adopted, and that is the position in which the democratic party have stood now for nearly four years, and on which they carried both the elections in which I was elected governor. Republicans have stayed with the Republican party and supported prohibition though honestly feeling that it was not the true method of dealing with the question..... I think in both campaigns it (the Republican party) practically pledged itself to the maintenance of the law." (Vol. 5, pp. 236-239.)

Hon. W. M. McFarland, secretary of State of Iowa, said that there had been a great deal of legislation and attempted legislation on the liquor question in the state. "I suppose it has been uppermost since we started it as a local issue. It has been made a party political question. The Republican party has taken it up. After a non-partizan election, the Republican party espoused that proposition, and carried it through two legislatures, and did amend the constitution in that respect. You are probably acquainted with the procedure that took place before the Supreme Court by which that amendment was declared null and void in consequence of its not being carried in pursuance of the provisions of the constitution. Then the Republican party, feeling under an obligation, proceeded to carry the legislation out in the form of a statute, and we have our present law as the result of several acts." Continuing, he describes the result as pretty badly mixed, there being fairly good enforcement of the prohibitory law in sixty out of the ninety-nine counties in the state whilst "in the other thirty-nine counties the law is not as well enforced as other laws," and admits that there are twenty-nine breweries taking out licenses in the state, though some are only "preserving the property in the event of start-up again in case the law should change," and, also, that there are 7,619 United States Government licenses taken out in the state of which "a large number would be for those selling or intending to sell illegally." Where the prohibitory law has been enforced he thought the result had been good.—He considers that the effect of disregarded law is bad, and says: "My opinion has been that under existing circumstances we should so modify our present law, by an amendment, that those communities where the law is absolutely nullified, and not enforced at all, might be allowed to control the traffic. That has been my judgment and my recommendation through the public prints here, so that I do not hesitate to make the statement.....My idea is to leave prohibition as the general law of the state, but

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to allow a community to substitute license where prohibition cannot be enforced. Then it would not be necessary for any county that wanted to retain prohibition to do anything, while those who wanted to withdraw from the law and license and regulate the traffic could do so..... The cause of prohibition would be better served by allowing communities to settle the question for themselves than by spreading it out over the whole state and making a party issue of it." (Vol. 5, pp. 240-244).

Hon. John M. Baldwin, counsellor-at-law of Council Bluffs, speaking of sales of liquor in drug-stores, says:—"It is peculiar to large cities, and cities adjoining the river, and to certain counties where the sentiment of the people is strongly against prohibition. In those counties where the sentiment is for prohibition, the laws with reference to prohibition are enforced as well as any other laws with regard to crimes and misdemeanours. There are evasions, the same as there are of the law against murder, but murder is committed, and the law against thieving but people steal. We have the boot-legger and I suppose that under certain shifts and devices the druggists sell" and again: "If Iowa were simply one country by itself, prohibition would be a good thing to close every saloon and stop the manufacture of liquor all through the state." He sums up his evidence thus:—"With public sentiment every law can be enforced; without public sentiment no law can be enforced. I think it (the liquor traffic) should be regulated by license. I would prefer to have an option, to leave it to each particular community to determine. I think it (the effect of prohibition on the community with regard to law as a whole) is deleterious. There is an open disregard of law that affects the community generally." (Vol. 5, pp. 222-223).

Mr. J. A. Brewer, of Des Moines, Deputy Collector of Internal Revenue for the United States, testifies that:—"Prohibition has certainly done this country a great deal of good. It has had a great effect. We have driven the liquor traffic from the public streets to the back alleys and the lumber yards. There are two classes of people politically in this state. The Republican party as a mass are prohibitionists. They voted prohibition. The people asked for it, and they gave the people prohibition and they are willing to stand by it. The Democrats are opposed to prohibition, and have done everything in their power to show that prohibition is a failure. But don't forget that prohibition is just the thing anyway. It is all wrong to license a crime. The liquor traffic is the mother of crime." He also states that he issues 260 United States Government licenses in Polk County, in which Des Moines is situate, and that these licenses are used by illicit liquor vendors. (Vol. 5, pp. 245-248).

Mr. J. C. Broeksmit, of Cedar Rapids, Auditor of the Burlington Cedar Rapids and Northern Railway is a prohibitionist, but admits that as far as the law goes "the state of public sentiment has all to do with the enforcement. Where the people are in favour of it, it is rigidly enforced." Speaking of prohibition he considers that it has done a great deal of good. The company employ probably 2,000 men. The effect of the constant violation of the prohibitory law upon the public conscience "can only be the greatest anarchy within the next fifty years. It is only sowing the wind to reap the whirlwind; it is sure to come. The law should be upheld at every hazard." He said that in Cedar Rapids the prohibitory law is not enforced, owing to the foreign population, but an arrangement exists that "is worse than black mail" on the part of the city—"we have a Democratic administration." The Democrats and the liquor power get together and say to every man that he can do as he pleases. They say: "we the city government will not molest you, and you may go on as you like, if you come to the scratch every month with \$25. I know for certain that the mayor of the city has stated, "if they do not come to the scratch, I will close them up," while, on the other hand, he gives us to understand "that he cannot close them up." (Vol. 5, pp. 279-281).

Mr. Edmund Burke, chief of the fire department of Clinton, stigmatized an attempt which had been made to enforce the prohibitory law in that place as a flat failure. "It succeeded so far as causing a great deal of trouble and excitement, but

so far as the enforcement of the law is concerned it did not succeed. While it succeeded in closing the public saloons, there would spring up in their place lunch counters, where beer and whisky were sold. We had a good many of them, and also of places that are called holes-in-the-wall. Another thing that was practised a great deal was parties getting together and buying a keg of beer and going out on the flats and drinking it. There was a great deal more of that than I have noticed before or since. A great many boys were in the habit of drinking that way." The attempted enforcement ceased when a man named Marshall Judge who had been acting as informer was spotted and nearly lynched for shooting "a man through the bowels," a riot ensuing and the jail being "wrecked." (Vol. 5, pp. 286).

Mr. C. W. Chase, of Clinton, counsellor-at-law, formerly mayor of Clinton, stated that there had been spasmodic efforts to enforce the prohibitory law. His own attempt to enforce the law caused trouble and illicit selling, and ended because the judge declined to work. He accounted for the sentiment of the community being opposed to prohibition, "because of the effect it has on politics. Men who are in favour of prohibition are in favour of free whisky, or license at election times so long as they can control the floating vote. Furthermore, when you elect to office a man in favour of prohibition, and he undertakes to enforce the law, when his time is out they will see that the next man is not prohibitionist." Referring to the existing system of virtual license he said:—"I do not know that the effect upon the public conscience is any worse than it is to have a prohibitory law with everybody selling whisky free. Both of them are violations of the law *** I think at this time the majority of the people prefer the present arrangement to prohibition unenforced, because you do not have any more whisky, and you get a revenue from the saloons from which public improvements can be made *** We have as little crimes as any place of the same size under the same circumstances. There are other laws evaded in the city of Clinton besides this. The Sunday law and the law relating to gambling houses, and to houses of prostitution, for instance. Money is got from them in the same way *** as men are, I believe it is better to have a license law than prohibition. As long as men are influenced by rabble voters, and the question has a political bearing, I think it impossible to keep men in office who will enforce prohibition. License is better than prohibition not enforced and it amounts to that *** I believe local option is a humbug." (Vol. 5, pp. 300-304). Mr. Chase said that both in Clinton and Lyons, a place near by, breweries were being run contrary to law.

Mr. Walter Dale, of Clinton, wholesale liquor dealer, said: "The records will show that there was more drunkenness during the two years of Judge Chase's administration than ever before *** He brought in spies and appointed them on the police force, but they were not here long. He made a monkey out of the whole question. At the present time Mr. Hughes is getting more out of the traffic than ever before. We have quiet orderly people and everybody is satisfied." (Vol. 5, p. 315).

Mr. William P. Daniels, Mayor of Cedar Rapids, and Secretary of the International Organization of Railroad Conductors, having given evidence as to the spasmodic efforts at enforcement of the prohibitory law culminating in the virtual local license, said: "The public sentiment of the people of Cedar Rapids to-day, I believe, has amply demonstrated itself as in favour of permitting and controlling the liquor traffic *** I believe that we shall be able to control them (the saloons) so far as to keep them orderly and respectable—as respectable as saloons can be. I think we shall be able to close the lower class, the groggeries and dives. My experience is that the very worst places for boys or young men, the places where they learn the use of liquor and get into drunken habits, are those holes-in-the-wall that respectable people know nothing about. They are generally in out-of-the-way places, and are carried on by a class of people who would sell to a ten-year-old child as quickly as to any one else; and a boy going into one of those places is perfectly free from being caught by his parents or by any one interested in his welfare." (Vol. 5, pp. 269-274.)

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Rev. Henry DeLong, of Council Bluffs, Methodist minister, gave interesting testimony as to the effort to enforce the law made when it was first passed and said: "I took upon myself the duty of enforcing the law through the search warrant, and I used to have sometimes thirty or forty warrants in my pocket. I could not get a regularly-elected officer to serve the warrants faithfully; he would slip into a telephone office and telephone to the fellow that he was coming. All he wanted was the fees, so the law was amended so that I could be deputized as a special officer for a special case. So I went myself and executed the warrants * * * I was in the fight four or five years. I had no trouble in closing up a saloon that would not pay the lawyers, but, where they did pay the lawyers, instead of my getting a case against them, they would get a case against me * * * For instance, I went into one saloon, and the saloon-keeper's wife went at me with a hatchet, and the saloon-keeper went at my assistant with a revolver. They indicted me before the grand jury for assault, and they bound me over for personating an officer, and for burglary in breaking into the place. These cases were pigeon-holed, and never brought to trial * * * I saw I was putting the county to considerable expense, and just making money for men who were getting fees both from the county and from the saloons * * * Then I came to the conclusion that it was no use, and I stopped. I could have made money out of it, but what I wanted was the law enforced * * * For instance, if I had a warrant against a saloon-keeper, he would be willing to give me fifty dollars if I would give him time to get out of the way * * * If I were just made a constable I could shut up every saloon in Council Bluffs, because then I could get pay for my work and afford to spend the time necessary." (Vol. 5, pp. 229-230.)

Mr. Templeton, city marshal of Council Bluffs, said that in the year 1892, there was received by the city as a revenue from persons engaged in selling liquor, of course illicitly, \$46,000, and that in May, 1893, there were 78 places in the city in which the traffic was carried on, not including drug stores.

The system, for it had been reduced to a system, was to have a warrant issued and each liquor dealer notified on the first day of each month of such warrant, and that he must come in before the 10th day of the month and put up \$52.10 for his appearance the next morning. He would not appear and the money was forfeited, the \$50.00 being a fine and the \$2.10 for Marshal's fees. Thus each dealer paid a monthly fine of \$50.00, which meant a yearly license fee of \$600, besides the costs. The revenue was more than sufficient to meet the expense of the police department, there being a chief with sixteen men, besides the marshal's department with four in it. The marshal stated that Council Bluffs would compare favorably with any place in Iowa. This officer, speaking of the interior of the state generally, said,—“I have the first place to find yet where I cannot “get liquor, although I am not a drinking man.” He further stated that he thought, in the rural districts, the majority of the liquor was sold in so called drug stores. Instancing a friend of his own son who went into the drug business without knowing anything of it, he had a patent medicine business, but had a room at the back of the store where the corks were flying while witness was there.

The Mayor of Council Bluffs, in his address and recommendations to the City Council in April, 1893, spoke of the City Marshal as follows,—

“The report of the city marshal shows that he has collected and paid into the hands of the city clerk \$46,234.15. This has been accomplished in a great measure through his energetic and official attention to his official duties. I desire to avail myself of this opportunity to extend Marshal Templeton and his deputies my thanks as mayor of the city for the valuable assistance rendered by them to the police department. No petty jealousy has marred the official action of either the marshal's or police department, but, on the contrary, the members of each have in an emergency mutually assisted each other with hearty good will.”

E. R. Mason, clerk of the Circuit Court of the United States, stated that it might be said that the law is pretty rigidly enforced in Des Moines, but there are many places in the city where intoxicants are sold under the protection of the pharmacy law, places known as drug stores, at which, under a permit to sell for medicinal

purposes, liquor is sold to all comers, the observance of the law depending on the conscience of the druggist. Then there are places in the town wherere people do a boot legging business.

Chief of Police Fred. Johnson, stated that there is a police force, including detectives and health officers, of 42 men; that there is considerable drunkenness, there being some sixty odd drug stores in town to which the judges of the District Court have granted permits to sell intoxicating liquors, and that is where the people get their drinks; that they also have joints where what is called "boot-logging," is carried on, and the lower class of men go to the joints, and the better class to the drug stores. He said they have clubs in the city with which the police do not meddle, and at which the members drink liquor socially. The arrests the previous year had been about 3,100, quite a good many of which were for drunkenness.

Mr. Frank Eggleston of Des Moines, Police Judge, in answer to the question:—"Do you think the prohibitory law is as reasonably enforced here as laws against other offences?"—said:—"Perhaps not, and that is probably due to this reason. It is a law that a great many people, who are law abiding citizens in other respects, will not hesitate to violate. They think it is no crime to sell intoxicating liquors. While they know it is against the law of the state, still they think it is the right of the citizen to drink intoxicating liquors if he wants to, and they think this law deprives them of some of their rights. They think the selling of intoxicating liquor is not a crime in the sense that you would say stealing and a great many other things are crimes, and while they would not think of upholding those classes of crimes, they are not in favour of the enforcement of the prohibitory law that is the reason it is much harder to enforce this law than other laws." (Vol. 5, p. 265).

Mr. Fred W. Faulks of Cedar Rapids, editor of the *Evening Gazette* said:—"In the localities where they would not allow a saloon under any circumstances, no matter whether license or prohibition were the law, prohibition has been a success because the law was not needed to make it a success." He gives the following account of matters under the prohibitory law:—"Then the lawyer would have served original notice on the saloon keepers. He would serve a notice for a suit for \$1,000 or or \$500, or \$5,000 or any amount he saw fit, and it was stipulated that one half should go to the school fund and the other half to the informer, I believe. Then he would get the saloon keeper in his office and settle for \$100, \$150 or \$200. and pocket the money. The school fund got nothing, and the county paid in advance the costs of any proceedings that might have been taken." (Vol. 5, pp. 277-278).

Mr. Faulks said that in Iowa prohibition had been made a party political question, the Republicans having made it a plank in their platform. In the rural districts he had known many places where some farmer would go to the city and regularly cart out his load of beer for distribution among the farmers of the locality. For some years there were hundreds of agents travelling through Iowa taking orders for whisky to be shipped in barrels, boxes, kegs and jugs, and in every imaginable way, while during the last few years there had been no trouble in securing it at the drug stores anywhere. At one time there were 240 places in Cedar Rapids selling liquor, whereas in the old license days they had 40.

Mr. W. C. Howell, Assistant United States Attorney, speaking of Kookuk, says: "That city by an ordinance called 'The houses of public entertainment ordinance' licenses persons upon a payment of \$400 a year, payable quarterly to sell beverages not contrary to law. Under that ordinance the saloons run openly. There are about thirty of them. They are run under strict police regulations, which require them to close up every night at eleven o'clock, and to close on Sunday. That system operates just the same as a regular license system. Under the ordinance the saloon keepers sell beer and whiskey, and every kind of intoxicating liquor. No persons except a man who runs a saloon is required to take out a license of that kind. If a saloon keeper violates a police regulation, such as selling to minors, or selling on Sundays, the authorities refuse to renew his license, and he is prosecuted under the prohibitory state law for selling without a license. That is a case in which the machinery of the state is

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used for punishing a violation of the city ordinance, which itself violates the state law." In another place he says: "One of our parties, the Democratic party, has largely—not expressly in state utterances, but in the action of its officials—placed itself in the attitude of favouring the violation of that law. And where you have a large political party taking that position, it is impossible to keep the same sentiment out of the jury box. There is no question in my mind that to-day the prohibition law would be enforced in every part of it like any other law; but, where you find a city or a community controlled by that party you find the law nullified and set aside. On the other hand it is largely true, that where you find a city or community controlled by the Republican party, the law is enforced, and the sharpness with which it is enforced depends largely upon the extent to which you have that feeling. (Vol. 5, pp. 251-253).

Mr. E. A. Hughes, Mayor of Clinton, states that in Clinton the prohibitory law 'was partly enforced, at no time fully' and compares the merits of the system of enforcing the law, and that of periodical fining for breaches of the law, thus "The best idea I can give you of it is that under Mayor Chase's administration the city received in his last year for fines and licenses \$1,104. Under Mayor Gobble's administration, when the fining system was in force, the city received in the first year from these two sources, \$14,000, and in the second year, \$16,060; and in the first year of my administration the city received \$27,800 from the same sources." (Vol. 5, pp. 282-285).

Mr. N. D. Lawrence, M.D. Council Bluffs, speaking of the success which attended the efforts at strict enforcement said there had been "none at all. As soon as you closed a saloon, the 'holes-in-the-wall' would spring up, and there would be more crime and disorder, and more drunkenness." (Vol. 5, pp. 233).

Rev. Frank L. Loveland, Pastor of the Methodist Episcopal Church, Clinton, says of prohibition, that "it has been the means of closing the open saloon in the interior of the state," and further says:—"Our citizens will go to the mayor and the police force, and ask for protection against the violation of the laws in this city,—the violation of the laws relating to the Sabbath drunkenness, lewdness and obscenity, which is continually being carried on in the open parks on Sunday, and the open running of saloons on Sunday. There is no law in our city that seems to be regarded by either the municipal authorities, or any one else, unless a protest is raised." (Vol. 5, pp. 293.)

Mr. Christian Magnus, of Cedar Rapids, brewer, says:—"We have been closed, but not for any length of time. I have not lost anything, and I have kept my establishment in good order." (Vol. 5, pp. 268.)

Mr. Fred. Mittnacht, of Council Bluffs, agent for the Val Blatz Brewing Company, of Milwaukee, says:—"Recently I built a large storehouse in this city, near the North-Western depot in which I keep lager beer. Last winter I put in 300 tons of ice. The house is large enough to hold three car loads of beer." (Vol. 5, pp. 215.)

Mr. Thomas Maloney, of Council Bluffs, saloonkeeper, says:—"I am a prohibitionist myself. There are eighty places in this city for the sale of intoxicating liquors. Ten years ago this was a better town than Omaha. It was just as big as Omaha, and you see what prohibition has done for this town." (Vol. 5, pp. 215)

Mr. C. J. Schaefer, Deputy Chief of Police of Des moines, speaking of the condition of facts under license said:—"We had a great many wretched homes in the city at that time, and those who used to be great drinkers themselves are better provided for now, and attend better to their families. I know that to be so. I can cite cases to illustrate that." (Vol. 5, pp. 264.)

Mr. Schaefer took the Commissioners to a cellar under the police station where he showed them a number of casks and bottles, and said these were the seizures of two days. There were 35 casks of beer, eleven of which were taken in one day, at different times of the day, from one man, who would keep replenishing his place as

soon as the seizures were made. He supposed there were from ten to fifteen "jointists" in the city in one day, and sometimes they run to as many as 24 or 25. Three or four of the regular jointists are women.

Mr. Henry C. Shaver, newspaper correspondent, of Des Moines, speaking of illicit saloons, under license, said:—"A great complaint is made that young men go to these places, and that drinking there in secret they have drunk more than they would in a public place; that they frequently get drunk there when they would not if we had open places. (Vol. 5, p. 262.) He said that at one time constables so construed the law as to claim that it gave them the right to go into a man's house and search it, and they did so and acted oppressively (Q. 3017*b*); now there is a class of men who pursue the liquor dealers for the money there is in it in the way of fees. Liquor is sold everywhere, and of the poorest quality. (Q. 3018*b*.) Every Monday morning you see the patrol wagon dumping men into the gaol who have been arrested on Sunday night. Many men carry private flasks. (Q. 3027*b*.) Speaking of Iowa City, at one time the capital of the state, at which the state university is located, he said that in that city the saloons are running openly, as openly as in Council Bluffs, and that the effort to enforce prohibition had been abandoned.

Mr. Henry Stivers, of Des Moines, editor of the *Daily Leader*, speaking of prohibition, said:—"In a large part of the state it has had the effect of closing the open saloons altogether. * * * The traffic, however, has simply been transferred to the drug stores and to private dealers. * * * We have just had a session of our Federal Court, which has been worse than the sessions of any police court. It is supposed to be the most dignified judicial body we have in America, and it has just put in three weeks here doing police-court business—calling a lot of niggers and low-lived fellows up for boot-legging. We had jurymen, the most respectable men we had in the state, and their whole time was given up to that petty business. That is nearly all the business of the Federal Court now—tracing and dragging up these boot-leggers." (Vol. 5, pp. 257-258.)

Speaking of Des Moines, Mr. Stivers said:—"In practice there is liquor everywhere (Q 2977*b*); all the druggists sell liquor, and sell all they possibly can (Q 2981*b*), and drunken men are seen on the street."

Ex-State Senator George F. Wright, counsellor-at-law, of Council Bluffs, said:—"I will be fair with you: I think the agitation in the state of Iowa has been a fine education of the people, and that as a consequence we are to-day a more temperate people than we were ten years ago. The public sentiment has been elevated." (Vol. 5, p. 226.)

Mr. George B. Young, of Clinton, counsellor-at-law, speaking of the prohibitory law, said:—"In some counties, especially border or river counties like this, it has always been difficult to enforce it. Here the enforcement has been largely, you might say, at the point of the bayonet. With the liquor sellers, it has been a matter of cold business—dollars and cents; with us temperance people, it has been a matter of what we might term purely sentiment or principle. * * * But just how the law is enforced to-day in the counties of Iowa, I could not say; I doubt if it is absolutely so in more than half the counties in the state. * * * I have been forced to the conclusion that the wiser course may be to pass what we know as an option law." (Vol. 5, pp. 287-289.)

Mr. Young further made the following statements:—"But the reason my mind has changed on the question of the prohibition law is based on two causes: the difficulty of enforcing the law in large places, in the larger towns, and the further fact that the non enforcement of the prohibitory law has tended to bring all law into disrepute seriously. That to me is the saddest feature of it all. Take my own city here. We have anywhere from sixty to eighty open saloons running in direct violation of a law, which was most solemnly enacted; but they are what you might term blackmailed by the officials here. They are paying \$25 a month each, with the tacit understanding that if they pay that, the officials will not molest them, which to me is nothing more or less than blackmail on behalf of the authorities. At the same time, public sentiment is such here that, if a vote were taken in this city to-day on

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the question, the people would vote for these officials to go right on doing as they are doing; they get quite a large revenue as the result. As I say, the saddest feature of this whole prohibition law is the tendency that it has had to bring all law into disrespect and disrepute. People seem to get the opinion that if it is popular to violate one law that can violate all others. If a dozen of the most prominent and wealthy citizens here were to endeavour to enforce this law it would take them 24 hours each day, and 365 days each year to do it. But then business men simply cannot drop their business and make the enforcement of that law their life work." Mr. Young also spoke of the honest and brave effort made by Mayor Chase to enforce the law, and said: "he did not seem to have the moral and financial support of the people. He was obliged to drop his own business to undertake to enforce that law; in the latter part of his term of office, it was not enforced. It became so burthen-some that he could not carry it on alone. He had to make the complaints himself and prosecute the cases himself." (Q. 3366b—3369b—3376b.)

The members of the Royal Commission who visited the Western States, Mr. G. A. Gigault, the Rev. Dr. McLeod and Judge McDonald, with Mr. A. Horton, stenographer, spent Sunday the 21st May, 1893, at the city of Omaha, in the state of Nebraska, which is a high license state lying on the west bank of the Missouri, just across from Iowa. Omaha and Council Bluffs (the latter being in Iowa) are connected by one or more bridges.

The Commissioners had been informed by a witness in Kansas that the Sunday law was enforced in Omaha (Q. 1022b), and that on Sundays people would cross the river to Council Bluffs and do their drinking there (Q. 2286b.) The experience of Commissioners was that Omaha was quiet and orderly on Sunday, and no drunkenness was seen, while one of them, who went over to the Iowa side of the river on Sunday afternoon, noticed a saloon, the front door of which was open, and going in found men before the bar drinking. Four glasses of lager beer were called for and taken in his presence. He saw a drunken man on the street, and also saw many saloons with signs openly displayed and men going in and out of them by the front doors.

On Tuesday the 23rd May, 1893, the commission entered upon its investigation in Iowa. Mr. Gigault, one of the commissioners started for home from Omaha on the previous day. Council Bluffs was the first place visited. The population of the city in 1892 was 21,409. In his "address and recommendation," to the city council dated 3rd April, 1893, shortly before the visit of the Commissioners, Mayor Lawrence said: "We have a prosperous city whose growth is steady and uninterrupted, possessing a great number of desirable homes, miles of paved streets lined with an abundance of elegant shade and ornamental trees; beautiful and picturesque parks, enchanting drives and more lovely suburban surroundings than any city in the west. The city also possesses twenty-seven churches, many of them fine structures, a public school system unsurpassed for excellence, with seventeen school edifices, erected at a cost of nearly \$200,000. An excellent system and supply of electric lights, an efficient and well equipped fire department, and a water system capable of supplying with abundance of water a city of 100,000 inhabitants. Again our city is a great railway centre, situated commodiously in the heart of the continent, on the most important highway leading from the Atlantic to the Pacific, in easy communication with all the great centres of civilization, and, it might be added, only a few minutes distant from a city of still greater magnitude."

The Commissioners saw open saloons and called at two of them and took the statements of the proprietors or barkkeepers (Thomas Maloney and Fred Mittnacht). The last named had a place of business on Broadway, called "The Mountain Liquor House," which was quite liberally plastered with signs in reference to the proprietor's business. On the front window was the sign "Mountain Liquor House, fine liquors, jug trade a specialty, fine wine." In one window was a placard bearing the words, "best whisky,—ten cents a drink." In the windows were displayed a large number of bottles and flasks labelled as follows: "Pure stout mash whisky, 30 cents a flask"; "Extra fine rye whisky, 20 cents"; "St. Jacob's bitters, etc. In this

shop was found a large number of casks and bottles, and a long counter behind which was a bartender selling liquor.

From Council Bluffs the Commissioners went to Des Moines the capital of the state, arriving at a late hour. The Des Moines *Leader* of the following morning (24th May, 1893), after some preliminary remarks as to the arrival of the Commissioners and the work in which they were engaged, said:—

“If the distinguished visitors from the Dominion are really seeking information and will consent to place themselves under the guidance of any private citizen and carefully avoid association with officers during their visit to Des Moines, they can easily gain access to not less than three hundred places in Des Moines where liquor is sold.

“If they will call upon the federal district attorney he will tell them that the revenue collector for this district has granted three hundred government licenses in Des Moines alone for the sale of liquor. If they will visit the district court and inspect the records, and later call upon the justices of the peace, the police judge, the chief of police, they will strike a lead that will open up a mine of information. They will discover that two-thirds of the culprits arraigned and tried in the federal court at the term now in progress were arrested for violating, not only the government revenue laws, but the state prohibitory law. The gentlemen will remain in Des Moines two days, and if they follow the course indicated the reading of their subsequent report will awaken lively interest in Des Moines.”

The Commissioners were kindly received by His Excellency Governor Boies, Mr. Secretary of State MacFarland, and many others upon whom they called. (p. 3073b). While at the police station the deputy chief showed them casks and bottles in the cellar, which are referred to in his evidence.

Upon fences in several places was noticed a placard which read as follows:—
“The best whisky in America, distilled, aged and bottled at the Mount Vernon Distillery, guaranteed strictly pure; fully matured before bottling.” In the centre of the placard was the picture of a bottle bearing a label containing these words:—
“In square bottles only; for sale by all retail druggists; wholesale only by C. H. Ward.”

On the evening of the same day through the kindness of Messrs. Stevens, proprietor and A. Moore, city editor, of the Des Moines *Leader*, one of the Commissioners was afforded an opportunity of seeing something of the system or systems in practice in Des Moines. Four or five drug stores, quite close together, and all near the post office, were visited. The front part had usually much the appearance of an ordinary drug store, there being in the window large jars with coloured liquors in them, while the counters were covered with show cases in which were cigar boxes. At the rear was a large wooden screen—in some or all cases labelled “dispensary,” behind which was found a room in which more or less liquor was stored, gin, whisky and beer being seen. Here were men drinking from glasses being served at the counter from bottles, some of which were labelled “lager beer,” and others labelled “whisky,” and there were no medical certificates or affidavits asked for. Two of these drug stores had an entrance from the rear into the rotunda of one of the principal hotels in the city, and in both of these intoxicating liquors were seen to be sold and drunk. A visit was made to a cigar and tobacco store. Passing through it and through a swing door at the rear end, access was had to a fully equipped drinking saloon, in one side of which was a large bar with a bartender, and in this room sixteen men were found. Subsequently two clubs were visited. To the first admittance was obtained by Mr. Moore knocking at the door. There were several rooms, among them an elaborately equipped bar in which liquors were exposed as they would be in a saloon, and at which several men were drinking what appeared to be beer, and there was a coloured bartender. There were a billiard room, a card room and a room in which a number of men were sitting engaged in conversation, reading papers, &c. It was stated that this club had 150 members who were admitted on payment of \$5 each, no further fee being required. Mr. Moore had a latch key for the outer door of the second club visited, and in this place was found a number of men who resembled mechanics, some of whom were sitting in a room with a keg

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of beer among them from which they were drinking. There was also a billiard room, a smoking room and a card room, but in neither of the clubs was card playing going on, and all the men seen in both these club rooms appeared to be perfectly sober. It was stated that the second of these places was a workingmen's club with a membership of about 100, and an entrance fee of \$2.50.

All the places visited, the drug stores, the saloon and the clubs, were within a limited area. An offer to show many other places throughout the city where liquor was illicitly sold was declined, as arrangements had been made for the Commissioners to leave the city at 11 p.m.

The Commissioner left Des Moines the same night. It may not be out of place to say that in honour of the birthday of our Gracious Sovereign, Her Majesty Queen Victoria, a part of "God Save the Queen" was softly sung in the rotunda of the hotel at Des Moines on the night of Wednesday the 24th May, 1893.

The investigation of the Commissioners was resumed at Cedar Rapids, Iowa, on Thursday, 25th May, 1893. This is an inland city with a population of about 20,000 people.

The Commissioners while at Cedar Rapids visited two breweries. At one of these the manufacture of a lager beer, called by the proprietor "Good Luck," was being carried on, such manufacture being illegal. The other brewery was not in operation, the proprietor having gone into a wholesale business and importing his liquor. In the cellar was a large number of casks piled up and some men at work removing them from one place to another, and on the railway tracks, near the breweries, were fourteen box cars, seven filled with empty casks and bottles which were to be returned and to be refilled, and the other seven filled with beer packed in ice. It was stated that about thirty-five cars a month were used in Mr. Williams' business.

The Commissioners were informed that at one time there were two hundred and forty places in Cedar Rapids at which liquor was sold, while at the time of their visit there was in operation, or about to come into operation, a quasi license system under which each saloon keeper would be called upon to pay a monthly fine of \$25, and the mayor said that some sixty days before the visit of the Commissioners there were about one hundred and thirty saloons in operation.

From Cedar Rapids one of the Commissioners, accompanied by the official stenographer, went to Clinton, a city on the eastern border of the state, with a population of about 15,000, and made investigation. Here were many open saloons, bearing signs announcing them as such, and carrying on business without concealment.

The next state visited was Minnesota.

In summing up what was seen and learned in Iowa the following positions may be laid down:—

1. (a) That in Iowa the prohibitory law has always had the support of the Republicans as a party, and the opposition of the Democrats as a party.

(b) That many Republicans, owing to their being opposed to the law, or to their disgust at the results of it, either voted with the Democrats or abstained from voting, and by their action brought about the election of a Democrat as Governor in one of the strongest Republican states in the Union.

2. That while many earnest prohibitionists honestly believe that in the rural districts the law is enforced, the fact is that in some of those sections there would not be any saloon even if a license law were in force, or, while in some of them the drug stores for the more respectable, and the "boot-leggers" for the lower classes, supply the demand for intoxicants, in all of them liquor may from other states be lawfully brought by or sent to the citizens for use in their own houses, and men may carry pocket flasks. (Q. 3027b.)

3. That there is not a pretence, even upon the part of prohibitionists, that the law is well observed in the cities and towns, with the exception of Des Moines and possibly some small places, and as to Des Moines it is shown incontrovertibly, both by the statements of citizens and others, and by personal observation on behalf of the Commission, that the law is flagrantly and systematically violated.