

4. That "the law as it now (1893) exists gives the drug stores practical immunity for the sale of liquors," and that in fact very many of the so-called drug stores are in reality simply saloons for the sale of intoxicants.

5. That one of the worst evils which has resulted from the working of the prohibitory law in Iowa has been that in many communities there has been begotten a contempt for all law.

But this paper may not be concluded without calling attention to the fact that, since the Commission made the inquiry in the state, the Republican party changed its front and, by the thirteenth "plank" of its platform, declared:—

"That prohibition is no test of republicanism. (Iowa Official Register, 1894, page 100).

"The general assembly has given to the state a prohibitory law as strong as any that has ever been enacted by any country. Like any other criminal statute, its retention, modification or repeal must be determined by the general assembly (Legislature) elected by and in sympathy with the people, and to it is relegated the subject, to take such action as they may deem just and best in the matter; maintaining the present law in those portions of the state where it is now, or can be made, efficient, and giving to other localities such method of controlling and regulating the liquor traffic as will best serve the cause of temperance and morality."

At the election in 1891 Mr. Boies had been elected by a majority of about 9,000, and in 1893 (after the adoption of the above plank) he was defeated by the Republican candidate by a majority of over 32,000. (Q. 2765b).

The Legislature in 1894 passed "An Act to tax the traffic in intoxicating liquors and regulate and control the same."

The first section of the Act imposes a tax of \$600 per annum upon any real property and the owner thereof within or whereon intoxicating liquors are sold or kept with the intention of being sold, and the tax is made a perpetual lien upon all property both personal and real used in or connected with the business.

The second section provides that it shall be the duty of the assessor of each township, town or city in the months of December, March, June and December in each year to return to the auditor of each county a list of places with name of occupant or tenant, and owner or agent, where intoxicating liquors are sold or kept for sale, with a full description of said property.

The fifth section of the Act provides that if the owner, agent or tenant has paid a retail liquor dealers internal revenue tax to the United States covering the time and premises as set forth in the listing of the said real estate, it shall be *prima facie* evidence that the tax—i.e. the State tax—was properly levied.

The eleventh section makes it the duty of the person against whom or against whose property taxes as provided for in the Act have been assessed, to attend at the treasurer's office and pay the same in semi-annual instalments on or before the first days of April and October of each year.

The twelfth section provides that the county Treasurer may offer for sale at public auction at his office all lands, town lots or other real estate on which taxes for the sale of intoxicating liquors have become liens as provided in the Act.

The sixteenth section provides that "nothing in this act contained, shall be in any way construed to mean that the business of the sale of intoxicating liquors is in any way legalized, nor is the same to be construed in any manner or form as a license, nor shall the assessment or payment or any tax for the sale of liquors as aforesaid, protect the wrong doer from any penalty now provided by law, except that on conditions hereinafter provided certain penalties may be suspended."

In subsequent sections it is provided that in any city of 5,000 or more inhabitants, the tax specified may be paid quarterly in advance, on the first days of January, April, July and October, and after a written statement of consent signed by a majority of the voters resident in the said city who voted at the last general election, shall have been filed with the county auditor, the quarterly payment then made is to be a bar to proceedings under the statute prohibiting such business, provided the person appearing to pay the tax shall file with the county auditor a certified copy of a resolution regularly adopted by the city council consenting to such sales, and a written

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statement of consent from all the resident freeholders owning property within fifty feet of the premises where the said business is carried on, and the business is not to be carried on within 300 feet of any church or school house. The applicant has also to file a bond in the sum of \$3000 to be signed by himself as principal and by two sureties for the faithful observance of all the provisions of this Act, and for the payment of all damages that may result from the sale of intoxicating liquors upon the premises occupied.

The Act contains some further provisions in regard to selling in towns or cities of less than 5000 inhabitants.

This legislation really amounts to a recognition of the traffic, which may be carried on under certain conditions, and the payment of what may be considered as a high license fee.

IOWA.

The United States Census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available.

	1890.	Per 1,000 of Population.	1880.	Per 1,000 of Population.
Population	1,611,896		1,624,615	
Convicts in penitentiaries.....	623	0 33	546	0 34
Prisoners in county jails.....	327	0 17	255	0 16
Paupers in alms houses.....	1,021	0 85	1,165	0 72
Inmates of juvenile reformatories.....	527	0 28	257	0 16

KANSAS.

Kansas, the twenty-first state of the Union is bounded on the north by Nebraska, on the east by Missouri, on the south by Indian Territory (some of which is possibly now organized), and on the west by Colorado. It belongs to the tract of country purchased by the United States from France in 1803. Prior to 1854 it was in the hands of various Indian tribes, some native and others which had been removed from the older states. It was organized and opened for settlement as a territory by Act of Congress in May, 1854, in the midst of a heated contest on the slavery question. The slaveholders and the friends of freedom at once began a vigorous contest for the occupancy and control of the new territory, and thus it was that Kansas became the vanguard in the great struggle which resulted in the overthrow of slavery in the United States. Before the formal beginning of the war, societies were organized by the rival settlers and their friends in the state on both sides of the question, and even rival legislatures were elected and convened. The discussions frequently resulted in personal violence, and the greatest excitement prevailed until the breaking out of the civil war. During that war the state was frequently invaded, and the city of Lawrence was sacked and burned in August, 1863. It may, therefore, easily be seen that the first settlers were men of great determination of character and of strong views upon political and social questions, and in this respect the present citizens of the state are not unlike them.

The Governor of the State of Kansas, in reply to a communication addressed to him by this Commission, wrote (April 19th, 1893): "I have the honour to submit the document 'Prohibition in Kansas,' which, I think, covers most of the points referred to in your letter." (Appendix No. 76.)

No further information than that contained in the pamphlet referred to was sent. At a later date three members of the Commission visited the State of Kansas. The evidence collected by them will be found in Volume 5, and is referred to hereinafter.

The pamphlet referred to by the Governor of the State was entitled: "Prohibition in Kansas; Facts, not Opinions; Statement made by Hon. N. C. McFarland, late Commissioner of the United States Land Office, and Rev. Dr. F. S. McCabe, and endorsed by Governor Humphrey, the officers of the State, and Judges of the Supreme Court of Kansas." It was printed at Topeka by the Kansas Publishing House, in 1889. Mr. McFarland appears to have been, at the date of this pamphlet, president of the Kansas State Temperance Union. It is signed by the President, by A. H. Limerick, the secretary of the Union, James A. Troutman, ex-secretary, and by F. S. McCabe, ex-president.

The document bears the following certificate:—

"TOPEKA, KAN., April 16, 1889.

"We have examined the statement prepared by the president and secretary, and the ex-president and the ex-secretary of the Kansas State Temperance Union, upon the subject of prohibition and its results in our state. We find it a fair, honest and true statement of our condition, and we heartily endorse it as such.

(Signed)

"LYMAN U. HUMPHREY, Governor,
 "WILLIAM HIGGINS, Sec. of State,
 "TIMOTHY MCCARTHY, Auditor of State,
 "J. W. HAMILTON, Treasurer of State,
 "G. W. WINANS, Supt. Public Instruction,
 "L. B. KELLOGG, Attorney General,
 "ALBERT H. HORTON, Chief Justice,
 "D. M. VALENTINE, Associate Justice,
 "W. A. JOHNSON, Associate Justice."

It is stated in the pamphlet that "the amendment to the constitution of the State of Kansas, forever prohibiting the manufacture and sale of intoxicating liquors, except for medicinal, scientific and mechanical purposes," was adopted at the general election in November, 1880. The liquor law, enforcing the amendment, was passed in February, 1881, and went into effect on the first of May, 1881. The pamphlet contains a quotation from an address made by Ex-Gov. John A. Martin, which sets forth the beneficial effects of prohibition on the material prosperity of the state.

In this it is stated that the population of the state was, in 1880, 996,096; that it had taken Kansas twenty-five years to attain that population, and at the date the Governor was writing, September 16th, 1886, Kansas had no less than 1,500,000 of a population. It had gained in five years half a million people. Statements in regard to the increased value of land, etc., not having any very important bearing on the question of prohibition, are referred to, and it is said that the state had, in 1880, 346 newspapers and 1,514 churches, whilst in 1885 it had 581 newspapers and 2,976 churches.

The Governor, in the same address, asks if the figures he has quoted do not establish the fact that the growth of Kansas during the six years of prohibition has far exceeded any other period of the state's marvellous development. In another part of the pamphlet (p. 6,) it is claimed that the vote of 1888 clearly established the fact that the population of Kansas was then full 1,651,000, or an increase of over 654,000 since 1880. That the school population in 1884 was 411,250, and in 1888, 532,010, an increase of 120,760. These estimates it is not practicable to verify by official returns.

Speaking of drunkenness and drinking in Kansas, the Governor of the State, on 8th April, 1889, quoted a statement made by an ex-attorney general, to the effect, "That there is not to exceed 10 per cent as much liquor sold in the State as was sold in 1880," and adds, "that other officials, in a position to judge intelligently, put it as low as 5 per cent."

The following quotations refer to crime in the state:—

"It is a significant fact connected with the Kansas Penitentiary, that the number of prisoners, when compared with the population of the state, has been steadily

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decreasing for eight years past, and that there has been an actual decrease in the number in confinement during the past two years. On the 1st January, 1870, the State prisoners (not including United States civil or military), numbered 218, or one for every 1,671 inhabitants. At the same date in 1875 the state prisoners numbered 435, or one to every 1,214 inhabitants. In 1880 the number was 633, or one to every 1,573 inhabitants; in 1885 the number was 673, or one to every 1,885 inhabitants; and on the first January, 1889, the state prisoners numbered 861, or one to every 1,921 inhabitants. On the 1st January, 1887, there were 895 State prisoners confined in the penitentiary; on the 1st January, 1888, there were 898; and on the 1st January of the present year (1889) 861."

"The warden states in his biennial report that more than 60,000 criminals are serving out sentences for felonies in the prisons of the United States, or about one prisoner for every thousand inhabitants. The same ratio in Kansas would give our penitentiary 1,651 state prisoners. We have to-day a total of only 861, or not much more than one-half the number of criminals *per capita* reported for the United States."

It is assumed that when the term "state prisoners" is used it is prisoners in the state's prison who are referred to. In the United States census they are treated as "convicts in penitentiaries."

The figures referred to above, tabulated, are as follows:—

1870.	218	States prisoners,	1	for every	1,671	of population.
1875	435	do	1	do	1,214	do
1880.	633	do	1	do	1,573	do
1885.....	673	do	1	do	1,885	do
1887.....	895	do	No computation made.			
1888	898	do	do			
1889	861	do	1 for every 1,921 of population.			

Turning to the United States census returns (Bul. No. 31, p. 18) we find convicts in the penitentiary given as under:—

On 30th June, 1880...	687	convicts,	or 1	for every	1,450	of population.	
do	1,890...	918	do	1	do	1,554	do

It is manifest that the figures showing the ratio of prisoners for the years subsequent to 1880, quoted in the pamphlet, were either arrived at by estimating on an erroneous basis the population of the state, or there was a large decrease in the population in the years immediately preceding 1890. The decrease in the ratio of 1890 from that of 1880 was about .05 per 1,000 of the population according to the United States census. Nebraska, in the same group of states, had in the same period a reduction of .20 per 1,000 of its population.

The statement of the warden of the penitentiary of the state is somewhat difficult to follow. According to the census, the number of convicts in the penitentiaries of the United States on the 30th June, 1890, was 45,233 (Bul. 31). These figures, divided into the population, 62,822,250, give one for every 1,384 persons. If to the convicts in penitentiaries are added the prisoners in county gaols, 19,538 (Bul. No. 95), the total population in these institutions would be 64,771, or one for every 977 of the population. This is not very far from the figure used by the warden of the Kansas penitentiary. But if the convicts in the penitentiaries and prisoners in county gaols in the State of Kansas on the 30th June, 1890, are dealt with, the figures according to the United States census, would be as under:—

In penitentiaries.. .. .	918
In county jails.	432

1,350 or one to every

1,057 of the population of the state. The ratio for the United States was one for every 967 of the population.

The states of the union are for census purposes grouped in divisions. Kansas is included in what is designated the "North Central Division." The ratio of the

convicts in the penitentiaries in this division in 1880 was 510 to each million of the population; in Kansas it was 690. In 1890 the ratio was 491 per million of the population; in Kansas 643 per million. Of prisoners in county jails the ratio in the division was, in 1880, 165 per million, and in 1890, 189 per million. In Kansas, in 1880, the ratio was 203 per million, and in 1890, 303 per million of population.

In a separate bulletin (No. 182) issued by the census office the total number of prisoners of all kinds, excepting those in juvenile reformatories is stated to be 82,329. These figures include the convicts in the penitentiaries, 45,233, prisoners in jails, 19,538, other prisoners not included in the census bulletins, 17,235. (Total 82,006.* These 17,235 are divided as follows:—In city prisons, 3,264; in the workhouse, 9,968; in convict camps in the south, 2,308; in military prisons, 794; insane criminals in hospitals, 901.

The census returns divided the 82,329 prisoners into divisions. The north central division had 19,854, and of that number Kansas contributed 1,928. The population of the north central division is 22,362,279. The ratio for the whole of the United States is one for 760 of the population.

In the north central division one for every 1,125; and in Kansas one for every 740 of the population. The Kansas figures may include military prisoners.

The following paragraph is taken from the report of the warden of the State Penitentiary, dated 1st July, 1888:—

“In 1886, Warden Hopkins, in his biennial report says: ‘Crime has apparently increased much more rapidly than has the population of the country, not only in this State, but in others.’ Following this was a list of States showing the increase. Among the list was Kansas, which, in 1873, had 333 prisoners. In 1880 she had 691 prisoners, making an increase of 358 in seven years. In 1873 Kansas had a population of 462,769; in 1880 a population of 996,096. In 1887 Kansas had a population of 1,750,000, and 929 prisoners, showing an increase in eight years of only 236, and an increase in the population of 753,904. In 1880 there was in Kansas one prisoner to 1,440 inhabitants. In 1888 there was one prisoner to 1,800 inhabitants. This includes about 100 United States military and civil prisoners, which would reduce the number to about one in 2,000. (Vol. 2, pt. D, 1887-88.)

If Kansas in 1887 had a population of 1,750,000 between that period and the date of the United States census—30th June, 1890—there must have been a decrease in the population of 322,914, which, if correct, would certainly not tend to show that prohibition was promoting the material prosperity of the state.

The following is a statement made in the pamphlet in regard to taxes:—

“The following tabulated statement shows the levy of taxes for general revenue purposes, both county and state, in Topeka and Shawnee county, for eleven years, beginning three years before we had prohibition, giving the amount of tax on each \$100 returned by the assessor, which represents about one-third of the actual value of the property assessed:—

Year.	State Tax.	County Tax.	Total.
1878.....	\$0.55	\$1.25	\$1.80
1879.....	.65	.50	1.15
1880.....	.65	.50	1.15
1881.....	.50	.50	1.00
1882.....	.50	.50	1.00
1883.....	.43	.50	.93
1884.....	.43	.50	.93
1885.....	.39	.50	.89
1886.....	.42	.50	.92
1887.....	.40	.50	.90
1888.....	.38	.33	.71

* The difference between 82,329 and 82,006 is explained by an alteration in the number of prisoners in county jails, which, in the census bulletin No. 95 is put down as 19,538, and in a subsequent bulletin (No. 182) at 19,861, a difference of 323.

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It is manifest that no conclusions can be based upon figures relating to this subject, unless a complete analysis is made of the character of the expenditure. Assuming the figures quoted to be correct, it has to be observed in the state expenditure, the reduction between 1878 and 1881 was 10 per cent, between 1881 and 1888 the reduction was 24 per cent. But in the county taxes the reduction between 1878 and 1881 was 60 per cent, whilst between 1881 and 1888 the reduction was only 44 per cent. If the total expenditure is dealt with, the reduction was from \$1.80 in 1878 to \$1 in 1881, and from \$1 in 1881 to 71 cents in 1888. The reduction therefore, in the first period was very nearly 45 per cent, and in the second period a little less than 30 per cent.

The prohibition law went into force in 1881. The increase in the population of the state between 1870 and 1880 was 173.35 per cent, and between 1880 and 1890 the increase was 43.27 per cent. From 1886 to 1888 the church membership in the state is said to have increased 44,988, or about 19 per cent, and church edifices to have increased 264, or about 14½ per cent. If these figures have any significance, they ought to be gauged, perhaps, by the increase in population, and it is difficult to apply that standard to the progress alleged to have taken place between the periods for which the United States census figures are not available. The church membership in 1886 may have been the church membership for some time before that, and the number of churches may likewise be the number existing before 1886.

The governor of the state, in January, 1889, in an address to the legislature remarked that "The present legislation in aid of the prohibitory amendment is, perhaps, not perfect, or free from objection, but so nearly satisfactory that I doubt if public opinion demands any radical revision of the law: and law should be but public opinion passed over into public will." He further stated that "Frequent change in such a law especially tends to unsettle public confidence, and begets distrust and doubt." It may therefore be concluded that the laws which existed then were considered to be satisfactory by the advocates of prohibition.

It was mentioned in the pamphlet that a governor of the state in 1889, in his message, stated,—“I affirm with earnestness and emphasis that Kansas is to-day the most temperate, orderly, sober community of people in the civilized world.” It is stated also in the pamphlet that the law is efficiently and successfully enforced.

It has already been mentioned that the increase in population in the state of Kansas between 1880 and 1890 was 43.27 per cent, and while the increase in the whole north central division was 28.78 per cent, in Minnesota the increase was 66.74, and in Nebraska 134.06. The Dakotas, North and South, show very large increases, but in 1880 they practically only commenced to be settled. In 1870 the population of the two was 14,181; in 1880 it was 135,177, and in 1890, 501,527.

The following figures are taken from the reports of the Commissioner of Internal Revenue for the United States:—

STATEMENT showing the number of those paying the special tax imposed by the United States upon the makers of malt liquors, those dealing in them and in other intoxicating liquors in the State of Kansas.

YEAR.	Rectifiers.	Retail liquor dealers.	Wholesale liquor dealers.	Brewers.	Retail dealers in malt liquors.	Wholesale dealers in malt liquors.	Total.
1890, ended 30th April.....	1	1,550	12	2	185	28	*1,778
1891, 14 months, ended 30th June.....	2	2,811	19	1	525	61	3,419
1892, ended 30th June.....	2	2,068	16	1	432	51	2,570
1893, do.....	1	2,786	28	2	660	90	†3,667

* Including Indian Territory. † Includes Wyoming, Indian Territory and Oklahoma.

Registered fruit distillers :—

1890.....	2
1891.....	1
1892.....	4
1893.....	2

The following are taken from the judge's reports for the year 1889, and five months of 1890 :—

		Collections.
Arrests made for selling liquors.....	313	\$7,840 00
do keepers of houses of ill-fame, inmates and visitors.....	426	4,093 50
do drunkenness.....	352	1,376 25
do gambling.....	48	195 00
do assignation houses.....	3	40 00
do miscellaneous offences.....	772	2,202 65
Total number of arrests for year 1889.....	1,914	\$15,747 40

1890.—From 1st January to 1st June.

		Collections.
Arrests made for selling liquor.....	104	\$3,200 00
do keepers of houses of ill-fame, inmates, visitors and improper conduct.....	229	2,185 50
do gambling.....	22	209 00
do drunkenness.....	213	693 00
do miscellaneous offences.....	232	790 25
Arrests for five months.....	800	\$7,077 75

In November, 1880, as has already been mentioned, a prohibitory amendment to the Constitution was adopted. The majority was about eight thousand votes, there being 91,874 for and 84,037 against the proposal. The total number of votes recorded at the nearest important election was 201,236. In 1888 the total of the votes cast for President was 334,035, in 1890 for the Governor of the State, 294,588. The prohibition vote for President in 1888 was 6,779, and for Governor in 1890, 1,230.

The result of the vote on the prohibitory amendment was the enactment of a prohibitory law in 1881. This measure was of a sweeping character. No person was permitted to sell intoxicating liquors, except a druggist holding a permit for that purpose, and then only for medicinal purposes on a physician's prescription, or for scientific or mechanical purposes.

In this State, as elsewhere, amendments to the law were found to be necessary at an early date. In 1885, the law was changed so as to enable druggists to sell liquor upon a sworn application by a party that it was needed for medicinal purposes. In 1887 this regulation was further strengthened. Other amendments included the granting of additional powers to county attorneys, and the conferring of special powers on police commissioners in cities.

The general prohibitory law may be thus summarized: The selling of liquor for purposes other than those specified, namely, medicinal, mechanical and scientific purposes, is declared to be a misdemeanor.

Liquor can only be sold by a druggist under permit from the Probate Judge of the county in which he does business. The permit is granted for one year, and the Judge may at any time revoke it. The application for a permit has to be signed by the applicant and twenty-five reputable freeholders having the qualification of electors, and twenty-five reputable women, over twenty-one years of age residing in the locality where the business is situated. The application must set out, among

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other things, that the applicant does not use intoxicating liquors as a beverage. Notice of the application and the time and place appointed for hearing are duly published. If the application is granted, the party must enter into a bond of \$1,000 as security for his compliance with the law. An appeal is given from the Probate Judge to the District Court.

On the presentation of a petition signed as prescribed in the case of an application for a license, and after an inquiry has been held as to whether or not the druggist has violated the law, the permit may be cancelled.

Special restrictions surround the physicians, who, in the event of illegally issuing prescriptions, are liable to a penalty from \$100 to \$500, and imprisonment from ten to ninety days.

In order to obtain liquor for medicinal purposes, the applicant must make an affidavit on oath before a druggist, stating that the liquor is necessary and actually needed by him, to be used as a medicine for a certain disease, to be specified, and that it is not intended for a beverage, or to sell or give away. Similar forms are required to be filled up and filed on application being made for liquor for mechanical and scientific purposes.

The druggist is compelled to keep a record of sales, and to make sworn monthly returns of such transactions. The penalty for false affidavits is imprisonment from six months to two years, at hard labour. The druggist's records and the affidavits are to be open to the public at all reasonable hours.

Provision is made in the law for manufacturing liquor for medicinal, scientific and mechanical purposes. The application for permission to manufacture, however, must be signed by a majority of the resident electors, and the party must give a bond to the amount of \$10,000. His permit continues during five years. The penalty for manufacturing or selling without a permit is a fine from \$100 to \$500, and imprisonment from thirty to ninety days.

The officer authorized to carry out the law is the county attorney.

Places in which liquor is sold may be declared to be common nuisances, and the owner fined from \$100 to \$500 and be imprisoned from thirty to ninety days. A perpetual injunction may also be obtained, violation of which is punishable by contempt of court. Civil damages can be sued for against liquor sellers. Selling liquor to minors is specially forbidden. Warrants for seizure can be obtained.

The law contains special provisions with regard to sales in clubs. Any person who keeps any club-room or other place, in which an intoxicating liquor is received or kept for use, barter, or sale, as a beverage, is liable to be fined from \$100 to \$500 or be imprisoned from thirty days to six months.

Common carriers are liable to punishment by fine and imprisonment for conveying liquor to be sold in violation of the law.

Provisions are embodied in the law by which a board of three police commissioners may be appointed for each city of the first class; these commissioners having authority to appoint a police judge, a city marshal, and as many policemen as are deemed necessary, not exceeding one to 1,500 inhabitants; but they may also, on occasions, appoint special policemen. The police force is entirely independent of the city authorities.

Prohibition in this state, as already mentioned, was enacted in 1881. Previously license and local option had prevailed.

Kansas is essentially an agricultural state. At the outset it was settled largely by people from the eastern states, these being, in the main American, settlers of a superior class. The vast public domain thrown open for settlement attracted immigration. Germans and Irish, together with representatives of European nationalities, settled on its fertile lands. Its population grew apace, increasing from 107,000 to 365,000 in 1870, nearly 1,000,000 ten years afterwards, and in 1890 1,427,000. The state contains no large city, Kansas City having a population of only 38,000. It has, however, seven towns with a population of about 10,000 each, these being scattered from its eastern border to its western limits, fronting on the Indian Territory.

In view of the fact that Kansas is essentially composed of farming communities; that it was settled largely by people of a superior class, the New Englanders at home and Germans from abroad, and that it does not contain any large manufacturing centres, it is obvious that it presents an eligible field for experimental work in the direction of the prohibition of the liquor traffic. That such is the popular prohibition view is manifest by the discussions and agitations that have prevailed during the last ten or twelve years.

Taking the state as a whole, various opinions were presented to this Commission as to the benefit or injury caused by the enactment of the prohibitory law. It is an undoubted fact that while during the decade from 1870 to 1880—about the period when prohibition was carried—the population increased 173 per cent, it only increased 43 per cent from 1880 to 1890. It is asserted in many quarters that not only did the growth of the state suffer a check, but, that during certain years, there was an absolute falling off in the population. The evidence taken by the Commissioners dealt largely with this point. It was argued, on the one hand, that the prohibitory enactment had been the means of preventing Germans and other European immigrants from settling in the state, and, on the other, it was asserted that prohibition had been the means of attracting parents from other states, who desired to protect their sons from the dangers of the liquor traffic. (Q. 639b.) It was undoubtedly established that many thousands of settlers had left the state on account of the existence of that prohibitory law, whilst many prominent witnesses deposed to the fact, that, in addition to this migration, large numbers of would-be immigrants had been deterred by this law from coming into the state. The loss in population to the state, from both these causes, was estimated at least 500,000 in the decade of prohibition's reign. (Q. 1914b and 1963b.)

Every effort appears to have been made to render the prohibitory law effective. Not only was the measure stringent in its enactment provisions, but, at different sittings of the Legislature, since its enactment, amendments have been proposed and adopted with a view to increasing its effectiveness and severity. The machinery for the enforcement of the law is elaborate, and even complicated. Under the metropolitan police system, which applies to cities of 15,000 and upwards, the Governor appoints three electors to act as a Police Board, these being representatives of the different political parties. This board possesses wide powers, and is practically independent in its operations. But not only do certain sections of the country possess the advantage, if such it may be termed, of a State prohibitory law, but some cities have themselves adopted additional measures to suppress the saloon as such. Kansas City, for example, has an ordinance against tipping shops, by which it is provided that those who keep a place where liquors are sold shall be deemed to keep a tipping shop, and be liable to a fine of \$50, and, at the discretion of the Court, sixty days imprisonment. (Q. 461b). So not only are there here as factors in favor of prohibition, the superior class of settlers, the agricultural character of the population and the sparseness of the settlement, but also the most efficient means that can be devised for enforcing the law.

It is not even claimed that prohibition prohibits in Kansas. The utmost that is claimed in behalf of the prohibitory measure is that it has diminished drinking and cast odium on the liquor traffic. It is conceded that drinking has been reduced in the country districts but evidence, abundant and conclusive, was submitted to this Commission to establish the utter failure of the law in the cities. No better proof of this could be found than the fact that illicit sellers in Kansas City, for example, are summoned before the Police Judge at the beginning of each month, and fined \$50 and costs. In a word, the illicit dealer is allowed to continue his trade by making this payment monthly, on the demand of the police authorities, which is equivalent to paying a license of \$600 yearly. Sunday drinking is common, and apparently cannot be suppressed. Attempts to stamp out these illicit places utterly fail. Police Captain Porter, of Kansas City, stated to the Commissioners, "If there is a tipping shop in a block, and we get a case against it and close it up, it is only fifteen minutes before the people will go to another place and open up." (Q. 497b). Generally, the evidence regarding Kansas City showed that the law

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was not enforced, but that the authorities were satisfied to permit illicit selling, provided the monthly toll was regularly collected for the benefit of the city treasury.

The working of the prohibitory law in Kansas City, was described by Rev. Father Kuhls. He said, in the course of his testimony before the Commission: "Prohibition in our state is a total humbug from top to bottom. There is not one particle of sense in it. It has filled the state with perjurers and thieves, and under it this city is actually filled with saloons. To my knowledge we have 110 saloons running now, a larger number than we had before the law was passed; and there is really more drunkenness going on than there was before. Besides, our neighbours across the state line, in Kansas City, Missouri, are making fortunes selling liquor in the State of Kansas, and we are losing the money. There are in Kansas City, Missouri, probably thirty wholesale houses all of which do business in Kansas, sending packages of liquor there. You can have it sent in quart bottles, or in ten gallons, or in fifty gallons, just as you want it, delivered at your house. I myself have counted at the Union Depot about 1,200 liquor packages at one time, all addressed to different places in this state. Our express companies make a great deal of money carrying these packages to and fro. I could take my oath there is more liquor used in Kansas to-day than there ever was before prohibition was enacted. So that, taking it, all in all, we have in this state a very deplorable condition of affairs, and if every state that adopts prohibition suffers as this state has, then God help this country—I think I would go to Canada." (Q. 506b).

Evidence was given before this Commission which established that enormous quantities of liquor are sold in Kansas, and these are transported to different points in the state, from dealers in Missouri, by means of the express companies. The liquor is conveyed in almost every conceivable variety of package. Mr. Arthur Clarke, of Leavenworth, said:

"The express companies bring in an immense quantity of liquor from Missouri and other outside states. Any day in the week, if you go to the station at Kansas City, you will see truck loads after truck loads of liquor in casks and boxes shipped by express on every train." (Q. 1641b).

Not only are spirituous liquors sent to customers, but breweries in the adjoining State do a brisk business. The drug stores in Kansas are, moreover, centres for liquor selling, according to the testimony taken by this Commission. Therefore, the existence of the liquor traffic is scarcely open to question. Mr. David Overmeyer, a counsellor-at-law in Topeka, thus defines the position:

"I think, to put it plainly, that the difference between prohibition and the license system is simply the difference between the traffic in sight and the traffic out of sight. Therefore, I think the license system is vastly preferable because it entails candour and openness of conduct, while prohibition does not, and never can stop the use of liquor, simply because you cannot watch all the people all the time. (Q. 802b). Perjury is common in the courts. To use Father Kuhls' words: 'There are oaths taken falsely for the trifling sum of five cents. A man gets so used to taking an oath that he does not think much of it. * * * If you will go into a court room and see the way these people handle the oath, you will not believe three out of a hundred witnesses.' (Q. 515b). Referring to drug stores, the Rev. Father said: 'I have known one drug store that sold as much as a thousand bottles of beer in one month, and probably in the same time did not make up a single prescription.' (Q. 514b). It was conceded before this Commission that the suppression of illicit places was followed by the establishment of "blind pigs," "holes in the wall," "boot-leggers" and other still more degrading measures by which to pursue the liquor traffic. Notwithstanding the most vigorous efforts of the police authorities, it is found impossible to suppress these forms of violation of the law.

A favourite means adopted for evading prohibition is the establishment of "clubs." By this term is meant an organization which receives members on payment of one or two dollars as a fee, the member in return obtaining the value in liquor. He is handed a ticket, which is regularly punched as he obtained drinks, and it is required to be renewed when its value is exhausted. Another method was

thus described to the Commission: A certain number of men will club together and pay a keeper to furnish their rooms with lockers, each individual will buy his liquor and put it in the locker, of which he carries the key. Then, whenever he goes there, the attendant will take his key and go to his locker, and bring him what he wants out of it. He can take half a dozen friends in, and treat them from his own locker.

Speaking of this club system Mr. Edwin Rosewater, the principal proprietor and editor of the *Omaha Bee*, said,—“I made a personal enquiry in Kansas * * * as regards the traffic itself, and the methods pursued to get liquor * * * I arrived at Topeka about six o'clock in the evening, and the same evening about ten o'clock I visited a club house in which there was something like 200 odd members, where I found piled up thirty-eight kegs of beer, empty kegs that had been used there during one week.” (Q. 2194b).

In Kansas, as elsewhere, the prohibition question is made an issue between the different political parties. Even Mr. Troutman, an officer of the State Temperance Union, admits that, “It has been political contest, more or less, from the day of the adoption of the amendment to the constitution, to the present time.” (Q. 1047b).

Hon. Edward Carroll thus describes the position which prohibition occupies in the state:

“It has been a political football. The prohibitionists are nothing if not extremely radical and fanatical in their opinions, and my observation is that the prohibition party do not seek, as a rule, to run an independent party machine. They have been more wise and politic in that respect, though most of the leaders of the party are preachers. They seek to ally themselves with the dominant party in the state. For instance, in Kansas they allied themselves with the Republican party, it being a dominant party. In the south, I understand that, as a rule, they seek to ally themselves with the Democratic party. Prohibition has little or no following in centres of population. It is strongest in the rural districts. In this city the sentiment is all against it.” (Q. 1728b.)

That the prohibitory law is enforced spasmodically was generally admitted by the witnesses heard by this Commission. The force of public opinion, the views held by police commissioners and the exigencies of party politicians are all elements entering into the difficult question of enforcement. Mr. Overmeyer considered that “The worst feature of this prohibitory law consists in the spasmodic attempts which have been made to enforce it. This year is an off year, and it is being very vigorously enforced, but next year, when the election comes on, and when the political parties bid for the support of the classes interested in the sale of liquor, these efforts will be relaxed, and the old state of things will return. The party leaders will wish to keep everything quiet, so as not to lose any votes. This has been the history of prohibition in this state for many years.” (Q. 814b.)

Mr. Troutman, a representative prohibitionist, testified: “The enforcement of the law has gone in waves. There would be a period of rigid enforcement throughout the entire state, and then there would be an apathy of temperance sentiment, and the officers would relax their efforts in certain localities, and a state of demoralization would ensue in those localities, which would extend in time to other parts of the state. That would continue until there was a laxity of enforcement throughout the entire state, and the people would take hold of the matter again, and see that the law was enforced pretty thoroughly.” (Q. 1036b.)

In many of the principal centres of the state, not only is the law spasmodically enforced, according to the breeze of popular opinion, but a regular system is adopted of imposing fines on illicit sellers, which is equivalent to a license system, and creates a considerable revenue for municipal purposes. This was clearly explained by Deputy City Clerk Short, of Kansas City, who said: “The expense of our police department has been sustained out of fines imposed on liquor joints. The police arrest the keepers of the places once a month and bring them to the police court where they ordinarily plead guilty and pay a fine of \$50 and costs. The fines al-

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together in a year amounted to about \$45,000. After paying the police expenses the balance, \$5,000 or \$20,000 goes to the general fund of the city."

Mayor Barnes said that there were from sixty to eighty joints in the city, and that the revenue from the breaches of the liquor law amounted to over \$40,000 annually. (Q. 603b.)

Rev. James G. Dougherty entered into particulars. He said: "I will give you the state of the account here as it has been given by the police commissioners. For the eleven months ending 28th February, 1893, the police force has not only been self-sustaining, but a surplus of \$6,715 has been turned into the general funds of the city, and for the four years, from 15th March, 1889, to 15th March, 1893, the sum of \$12,893, has been paid to the credit of the city after all expenses of the police department has been paid * * * For those four years the total receipts were \$149,274. When the old commissioners were about to turn things over to the new board they called together the police force and congratulated them; not on having enforced the law and closed the joints and gambling houses, but, here is what the president said to the police force: 'Since they had been associated together over \$190,000 had been handled, and not the slightest suspicion had ever been uttered that a single cent had not been honestly accounted for, and the board had the first complaint to hear that any member of the force had abused his power or position in the slightest.' That is, the police force is an agency, not for the suppression of crime, but for the collecting of revenue, and the thing they are complimented for is that they have been such good collectors." (Q. 622b)

Not only do illicit places prevail in Kansas, together with boot-leggers and other individuals who appear to persistently violate the prohibitory law, but gambling in almost every form prevails extensively throughout the state, especially in the centres of population. Witnesses heard by this Commission stated that servants and the very poorest class took their chances at the revolving wheel. Crap and faro are popular pastimes. Indeed, Police Judge King, of Kansas City, declared that, "gambling has done more harm to our people than the saloons."

It is important to consider somewhat in detail the operations of the prohibitory law in the principal cities of the State.

Hon. L. D. Lewelling, Governor of the State, who defined his position in these terms, "I have not been an enthusiast either for or against prohibition," described the condition of affairs at Wichita as follows,—

"In my own town, Wichita, some years ago, the Governor appointed a Police Commission, of whom two, perhaps the whole three, of the members were radical prohibitionists. They took the appointment with the earnest desire to enforce the law absolutely according to its letter and spirit. Two of the Commissioners, Mr. Stanley and Col. Lewis, were prominent members of the Methodist church, and both earnest in their desire to enforce the law. Yet Mr. Stanley afterwards came out with a letter in which he stated that he believed that it was impossible to enforce the prohibitory law absolutely in accordance with its spirit and letter where public sentiment was so much against it." The Governor further mentioned that in some of the cities, "the system of fines in vogue practically amounts to a license. Men are arrested and fined practically." (p. 52-55, vol. 5).

The position in Achison is indicated by memorials contained in the journals of the State Legislature in 1891. B. P. Waggner, Mayor, writes as follows:—

"I do not believe that it is possible to enforce the prohibitory law to the extent of closing up all places where intoxicating liquors are sold in violation of its provisions. For ten years the experiment has been tried in the city of Achison, and I think I can safely say, without fear of successful contradiction, that during all of that time we have had many of the evils resulting from the traffic without receiving a fair revenue therefrom."

A special committee of the State Legislature reported respecting Topeka:

"The authorities of Topeka have made a more determined effort than any city of its class. They are expending \$15,000 per annum of the tax payers' money in

excess of all the revenue of the police department of the city, and yet the joints, drunkenness and crime has not been banished."

In Leavenworth there are admittedly open saloons. The system of monthly fines is there followed, and the witnesses declared that it was virtually a license system. The special committee of the Legislature thus reported respecting that city:

Leavenworth Board is at present composed of three aged men; the president, William Fairchild, is over eighty years of age. They were said to have been selected because of their belief in prohibition and prohibitory laws. The president's testimony, which was confirmed by the secretary of the board, was to the effect that they had tried to enforce the law and ordinance governing the city, but had failed to suppress the joints, and were not now trying to abolish houses of prostitution. They testified further that that there were many places where intoxicants were sold."

The situation in Kansas City has already been indicated.

Summing up the reports obtained from all the six cities, the Special Committee of the Legislature thus reports:

"Your Committee has heard no testimony that induces them to believe that the prohibitory law has been enforced in any city in the state, through the agency of the metropolitan police or any other machinery of the law. In all of the six cities fines, or forfeited recognisances called fines, are imposed. There is usually no other punishment inflicted. The more vigorous the effort made to enforce prohibition in cities, the more irresponsible and debased are the men engaged in the traffic, the more deceptive their devices and secluded their places of business."

An address delivered at the last annual meeting of the State Temperance Union by Mr. John A. Murray, author of the present prohibitory law of Kansas, contains many interesting points. The statements made by the author of the prohibitory law are diametrically opposed to those presented by prohibitionists in a pamphlet entitled "Prohibition in Kansas," and endorsed by Gov. Humphrey and others. This is made apparent by quotations subjoined, which are given in parallel columns.

Prohibition Pamphlet, "Prohibition in Kansas," issued by the State Temperance Society.

"The Prohibition Law and how to enforce it," by John A. Murray, author of the 'Kansas Prohibitory law,' issued by State Temperance Society.

"The evil results of the open saloon had been abolished in nearly every town and city of Kansas.

"To-day there is not a saloon in the city (Topeka).

"The traveller will marvel most as he contemplates the fact that he has not seen an open saloon within her border, thanks to prohibition.

"There are in Kansas thousands of boys eight years of age who have never seen a saloon, and to whom the word 'saloon' has a meaning hardly more definite than that conveyed to them by the Hindu word 'Bungalow' or the African word 'Kraal.'

"Gov. Martin, in his message of 1889, says: 'I affirm with earnestness and emphasis that this State is to-day the most temperate, orderly, sober community of people in the civilized world.'

"The jointists of this State are selling intoxicating liquors under various names, such as malt, pale malt, hop tea tonic, barley mead, &c.

"In some localities this class of goods is received by the jointists in car load lots while private bars are arranged for the convenience of the suffering public.

"The inertia of public sentiment upon the temperance question is cause for apprehension. The prohibitory law, once the emblem of our pride, has in parts of our State become a burden of apology.

"Its efficiency hath no impairment, but it suffers great disparagement because of non-enforcement.

"The very atmosphere of the principal streets of some of our flourishing cities is laden with the noxious odor of the undisturbed, defiant and prosperous 'joint.'

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"Judge Gathrie, of Topeka, in 1889, said: 'The law has so far accomplished all that was expected for it.'

"Gov. Humphrey, in 1889, said: 'The law generally is being respected and enforced.'

"The prohibition law has more than met the expectations of its warmest friends.

"Our citizens fully realize the happy results of the prohibition of the manufacture and sale of liquor. In our opinion the prohibition law is now stronger with the people than it was when adopted."

"We who now sit here are in a large measure responsible for the benighted condition of temperance inactivity.

"Many druggists are endeavouring to make it appear from the returns of their books that they are conforming to the law, while in truth they are only using the forms of law as a subterfuge for its violation. In many instances false certificates are systematically made to the affidavits, stating that they were subscribed and sworn to in the presence of the pharmacist, while, as a matter of fact, the applicant did nothing more than sign the application filled out by the druggist.

"Another very common form of violation is for the druggist to insert in the statement, in place of naming the particular disease, as required by law, some imaginary general ailment, of which perhaps one-half of the human family could at any time complain, as for example, 'cold' for 'quick consumption,' 'debility,' 'weakness,' 'chilliness,' &c.

"The utter recklessness with which this branch of the law is violated is but indicative of the temperance lethargy prevailing in the State.

"The institutions for the enforcement of this law are more complete, and its machinery, when put in operation, more effectual, than any other known statute in the world.

"First, unwise in our official selections; second, yielding to selfish lethargy, we have, almost without protest, beheld our proud statutes trampled underneath the feet of the defiant rummy, that vampire upon society."

An interesting pamphlet called "The Eye-Opener; or the Evil Fruits of the Prohibitory Law in Kansas," written by Charles Willslie, a member of the bar of the State, is published. He deals with the working of the prohibitory law. Referring to the allegation that prohibition is largely a political issue in some States of the Union, he says:—

"The Republicans in the State who wanted office, and who expected in the future to want office, were afraid to expose, or to advert to, the weak phases of the law, because they knew that the measure had been introduced by Republicans, and in a great degree, carried by Republicans; and these office-seekers were convinced that if it should be suspected that they were not wholly in sympathy with the most extreme measures proposed to enforce absolute prohibition in the State, their endorsement at the polls would be weak, and their aspirations for office hopeless. And too true were such surmises; for, no matter how able the man, no matter how upright he might be before his fellow-men, no matter how earnest a Republican he might have been and still be, no matter how gallant a record he might have had as a Union soldier, if he refused to join in the general prohibitory clamour, the merest nobody, the most ignorant in the entire community would be preferred to him, if the latter did but proclaim himself in favour of extreme penalties for the violation of the

prohibitory law. A large number of ultra prohibitionists, being Republicans, carried out their threats to defeat at the polls, every man who did not subscribe to their extreme views."

The author calls attention to the provision in the law which prohibits the alcoholic liquor obtained as a medicine to be taken on the premises of the drug store where it is obtained, or in the physician's office, if that office should happen to be in a drug store. He says:—

"It would seem that the law-makers were too familiar with the facts, and knew that while the liquor would be bought upon the sworn statement that it was for medicine, yet in reality it was for beverage; that while it would be sold under sworn restrictions, it would nevertheless be sold as a beverage and drank as a beverage. Else, why the necessity of requiring that it be drank off the premises?"

The facility with which liquor could be obtained in the State is thus referred to:—

"It is a well known fact that under the law of 1881, and until 1885, all over the State of Kansas, hundreds upon hundreds of parties would have prescriptions from physicians for brandy or any other kind of intoxicating liquor, most commonly beer, and would get the liquor not once but hundreds of times on one and identically the same prescription; and, while one person might have but few prescriptions, yet those few would be filled and refilled and filled again and again, until, in many instances, one prescription would have served the purpose of getting a whole barrel of beer or of other liquor in like proportion to the quantity originally prescribed. Beer in those days often came, and still comes, to Kansas in barrels containing 72 common three-half-pint bottles. I have known a whole barrel of beer to be sold out at one time on one prescription."

A common expedient is for young men in that community to give the physician prescribing for him a fictitious name.

The writer claims that the prohibitionists of the State well know that many of the drug stores are, in fact, liquor saloons, and the prohibitory law does not effectually prohibit or prevent the sale and use of whisky and beer as beverage..

Attention is called to the fact that when the police have closed up one place where whisky has been sold, the only effect is to open a dozen smaller places in the neighbouring barns, sheds, alleys and corners. He added: "In some places the metropolitan policemen are gayed, scoffed at, ostracised and boycotted, so that in a few days, from force of circumstances, they lose the interest they were expected to take in the execution of their duties, and in a few days more that nose which was expected to smell out numberless places where liquor was sold has so dwindled and lost its cunning that it cannot find an open saloon. And thus when these policemen are on the street, they walk about like other people, and, as likely as not, walk right by fifty saloons or joints in less than an hour and a-half."

The law of 1887 appeared to somewhat restrict, for a time, the operations of the druggists. The author of "An Eye Opener" says: "There is not that wholesale trade in whisky and beer by the druggists that there was under the law of 1885, but there is a trade so active that no express train in the state is ever known to be without whisky and beer, medicine en route to the address of some one druggist or more." He adds, speaking of the situation generally: "The people see an expensive and and useless metropolitan police force imposed upon the larger cities of the state for no other purpose than to attempt to compel obedience to the prohibitory law, the provisions of which from their wording were never expected to be adhered to. They see millions of gallons of spirits used as a beverage all over the state. They see the money that should remain in the state sent beyond its border to buy this liquor. They see corporations becoming wealthy carrying by express the liquor into and through the state. They see saloons without license. They see their prisons filled with vendors of liquor, and their courts crowded with criminal cases of violations, or alleged violations, of the prohibitory law. They see fines imposed and never paid. They see a steady increase in unlawful liquor traffic. They see thousands of youths being debased by taking part in this traffic."

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The author says: "The Republicans are responsible for the lies told by the prohibitionists to the effect that the prohibitory laws of Kansas do effectually prohibit and prevent the sale of liquor, and that there are no saloons in Kansas."

Mr. Willsie regrets "The mania among eminent men for misrepresenting facts relative to the liquor traffic in Kansas." He quotes a paragraph from a Topeka paper in which a university professor is stated to have exhibited a banner bearing the words "Not a saloon in the state," at a gathering of educationalists. At that very time, says the writer, "There were in Achison, Leavenworth, Topeka, Newton, Emporia, Kansas City, Kansas, Hutchison, Arkansas City, Dodge City, Medicine Lodge, Fort Scott, Oswego, Parsons, Winfield, Wellington and Wichita over five hundred saloons, and these cities are but a few of the spots in the state where whisky and beer are sold in places as public as any building in the city. Why apparently worthy people take so much pride in saying that there are no saloons in Kansas, can only be accounted for upon the theory that they are so in sympathy with prohibition that they think it is right even to lie in its behalf, that the end justifies the means.

The writer comes to the conclusion that though the persistent work of prohibitionists for a law to prohibit, instead of practical means to change man's habits from drunkenness to temperance, the people of Kansas find a steady increase of the drink habit.

Clubs are constantly organized in cities of Kansas. Mr. Willsie says "Their meeting places (the Floodwood clubs) are substituted for saloons as often as a temporary suppression of the business of the jointists and boot leggers may appear to require. They also appear frequently in the country. The police sometimes make a raid upon the meetings and disperse the crowd when they get somewhat noisy, but that does not stop the men from drinking their liquor any more than a prohibitory law does."

Referring to crime and insanity under prohibition, the author claims that a large increase has resulted. "We have," he says, "further evidence that crime is on the increase, and has been since 1880. Even felonies are increasing in number. Instead of the penitentiary becoming vacant, it is filling up. There were 178 more inmates in the penitentiary January 1st, 1890, than there were January 1st, 1880. The number of felons received in the penitentiary from January 1st, 1870, to January 1st, 1880, was 1808. The number of felons received in the penitentiary from January 1st, 1880, to January 1st, 1890, was 3,683. Does this look as if crime was decreasing under the moral influence of the prohibitory law?"

In appendices Nos. 151 to 156, inclusive, are given the figures of arrests in the cities of Atchinson, Fort Scott, Leavenworth, Wichita, Topeka, and Kansas City, Kansas.

On Saturday morning, the 13th May, 1893, Messrs. G. A. Gigault, the Reverend Dr. McLeod, and Judge McDonald, members of this Commission, and Mr. Albert Horton, stenographer, commenced an investigation in the state of Kansas.

The first place visited was Kansas City, the population of which in 1890 is said to have been 38,000. It and Kansas City, Missouri, are merely separated by the state line, which, in places, is on a street. The Armour Company, of Chicago, has large packing houses here. The mayor, the police judge, the police captain, the deputy city clerk, the superintendent of the Armour Packing Company, the Reverend Fother Kuhls (Roman Catholic), and the Reverend James G. Dougherty (Congregational), were examined.

The Commissioners saw in Kansas City, Kansas, places in which pool selling and gambling were publicly carried on—the pool selling in a room on the ground floor, while the gambling proper, with cards, dice, roulette tables and faro tables, was carried on in an upper room. At least three such places were visited. In the largest, called the Turf Exchange, the sign of which was conspicuously painted on the front window, there was a very large room on the ground floor, resembling an ordinary store, with an immense blackboard down the side of the room. Here pool selling was carried on, and there were congregated upwards of one hundred men of

various ages, and, apparently, of various conditions in life. At the rear end of the room was a bar—a large bar of the ordinary kind with one or more bar-tenders behind it, just like an ordinary saloon, liquors being served to men in front of the counter. Up-stairs were many men engaged in gambling of one kind or another, most of the tables, about ten in number, being filled.

In another part of the city, a store at the corner of two streets, which bore the sign of "merchant tailor," was visited, and found to be an ordinary saloon with the usual fittings and furniture, and a bartender selling liquors to men. Again, in another part of the city, in answer to an enquiry, a place was found fitted up as an ordinary saloon, although there was no street sign.

The next place visited was Topeka, the capital of the State, with an estimated population (1894) of 34,000. The Commissioners were courteously received by His Excellency, Governor L. D. Lewelling, and other State officials, and made enquiries in different quarters, and as to different localities. While at the Copeland House, in Topeka, they saw a package of liquor delivered to a guest, at his room in the hotel, and understood that it had been sent by express from Kansas City, Missouri.

Two of the Commissioners next visited Ottawa, Kansas, which the Rev. James G. Dougherty, above-mentioned, had indicated as a place in which prohibition had thoroughly been successful. They found it to be a beautiful town with a population of possibly 7,000 people, and having railway repair shops, mills and other industries, the Santa Fe Hospital, four graded schools, a Baptist university, and a lovely park. It is called a "city of churches," there being sixteen church buildings. One witness thought it was the first place that had prohibition before there was a general State enactment. (1143b.)

Although it was admitted by some of the friends of the law that illicit sale goes on, and that it is thought that druggists (there being nine drug stores when there should not be more than three or four to do a legitimate trade) sell liquor to people for beverage purposes, and that a great deal is shipped to Ottawa on the sly by men who use liquor; notwithstanding all these admissions, the great majority of those who were examined,—in fact, nearly all of them,—stated that the prohibitory law had been of great benefit to their community, and they or many of them said that drunkenness had been virtually banished from the community. (Q. 1103b, 1142b, 1168b, 1208b, 1230b, 1231b.)

The Commissioners visited the office of the Probate Judge and examined some of the returns made to him by druggists in regard to the sale of intoxicating liquors under the Act. One set of returns was shown to them by the judge as having been made by the druggist doing the largest business in Ottawa. According to these returns the number of sales per day for the month of March, 1893, averaged from eight to ten. In most cases the ailments for which liquor was stated by the purchasers to be obtained were entered as "lungs," "la grippe" and "rheumatism."

The county gaol was visited. There were eight prisoners in confinement, one of whom was undergoing a sentence for what is called "boot-legging," that is, carrying liquor about on his person and selling it illicitly.

One of the Commissioners, accompanied by the Revd. Dr. Milner, or some citizen of Ottawa, called at one of the express offices and was shown there a package containing liquor which was awaiting delivery, but in Ottawa no liquor saloons were seen, nor were there any signs of drunkenness.

While two of the Commissioners visited Ottawa, another went to Salina, a town probably about as large as Ottawa, and further west. It had been named by the Hon. Mr. Gaines, superintendent of Public Instruction for the State, as a place in which the law was well enforced. A good deal of lawlessness appeared to exist here, and a good many "joints" for the illegal sale of liquor were open. At one of the leading hotels, liquors were sold and given openly. Statements were obtained from several citizens—including the mayor of the town, an ex-State senator, a justice of the peace, a Roman catholic priest, four physicians, a druggist, an insurance and real estate agent, and an editor. These men were, with the exception of the two last named, practically unanimous in saying that the law is not observed, that it creates and leads to perjuries, and that there is great difficulty in getting witnesses to testify and juries to convict. The mayor said: "Prohibition is more a myth than

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a reality. I do not think the regular joints here will exceed twenty." The Rev. Father P. Maurer said; "The prohibitory law, instead of making people better, is bringing in its train a general disrespect of all laws. The prohibitory law is worse than a farce. It has not a good effect on the morals of the people. It brings into disrepute the sanctity of oaths."

On the 17th May, 1893, the Commissioners reached the city of Leavenworth. During their stay they visited the State Penitentiary and the Western Branch of the National Home for Disabled Volunteer Soldiers, at both of which institutions they received most courteous treatment and obtained information from the Hon. S. W. Chase, the warden of the prison, and from Col. Andrew J. Smith, the governor of the Soldiers' Home. The last named is a firm believer in the efficiency of the gold cure treatment, and many of the old soldiers who had tried it related their experience of its results, and the Commissioners saw it administered to a number of persons. (Q. 1419b.-1441b.)

Leavenworth is the oldest city in the state, and has a population of about 21,000. There are large coal industries here, some \$2,000,000 being invested in the mines, and about \$20,000 a week paid in wages. It is also a great corn market, has a large manufacture of bricks—some 60,000 paving brick a day having been made—and the Great Western Stove Company makes 60,000 stoves a year. There are also furniture factories, planing mills and cooperage works.

At Leavenworth the Commissioners saw a number of open saloons supplied with glasses, bottles, decanters and other usual fittings of such places. They were also shown gambling establishments with faro and other tables. At the hotel at which they were guests, there was an open bar, and it was said that there were about 175 places in which liquor was sold, and that a revenue of about \$1,000 per month or \$48,000 per year was being derived from persons engaged in this illicit sale. (Q.1493b.-1918b.)

On the night of the 19th May, 1893, the Commissioners left Leavenworth, the next point visited by them being the State of Nebraska.

To sum up in a very few words the state of matters as it was found in the State of Kansas, it may be observed that, while people not wishing to use intoxicants, or who are opposed to such use, seldom find themselves face to face with the saloon and its surroundings, yet there cannot be any doubt that the person, young or old, who really wishes to obtain intoxicating liquor for beverage purposes, need not wish in vain. He may from any place in the state send to any neighbouring state and order a supply which will be delivered to him openly by the express company, or he may in many sections, resort to the drug store, and in some can be supplied at the places called "joints," or by the persons called "boot leggers," or, if in a city or town where the authorities are in sympathy with the law, and have public sentiment with them, he may join others in a "club." And when this state of things exists, and at the same time in some communities there is an illegal licensing of the traffic which has a tendency to bring all law into contempt, and in almost every section of the state in which prosecutions are instituted, a prevalence of perjury in these liquor cases—the thoughtful man may well ask himself which after all is the better, or the worse, the state of things under a license law, or that under a so called prohibition law.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	1,427,606		996,096	
Convicts in penitentiaries	918	0.64	687	0.69
Prisoners in County jails	432	0.30	202	0.20
Paupers in almshouses	593	0.42	355	0.36
Inmates of juvenile reformatories	208	0.15	No returns.	

PROHIBITION IN MAINE.

A gentleman occupying a prominent public position, one of the representatives of the state in Congress, and an ardent supporter of the prohibitory system, remarked, when giving evidence before this Commission, that if prohibition were a failure in the State of Maine, it must be considered a failure everywhere.

When it is considered that the law has been upon the Statute Book of the state for upwards of forty years, that the Legislature has been ever ready to pass amendments calculated to make it more effective, that power was given to the Governor and Council of the state to supersede the municipal officers elected by the people, that the full weight of the executive of the state has been employed to give effect to the law, as is evident by the fact that a very large proportion of all the cases before the courts of the state have been those which arise out of breaches of this law, and that before its enactment a strong temperance sentiment prevailed amongst the people of the state, it is difficult to conceive that the law could anywhere have been surrounded by conditions more favourable to its success. It is, therefore, important to consider carefully the results of the prohibitive system in this state.

THE LAW.

As early as 1830 an energetic temperance movement was commenced in the State of Maine. It was followed in 1840 by what was known as the "Washington Movement," and as far back as 1846 the question of prohibiting dram shops became an issue in the state and municipal elections. In 1850 a Legislature was elected favourable to prohibition.

The law prohibiting the manufacture and sale, for beverage purposes, of intoxicating liquors within the State of Maine went into force, on approval, on 2nd June, 1851. It continued in force up to 1855, when it was repealed. During the years 1855 and 1856 licenses were granted. In 1857 the law was re-enacted and it has continued upon the statute book ever since. Prohibition has, therefore, been the law of the State for upwards of forty years. Very few, if any, sessions of the legislature of the State have been held at which amendments to the law have not been made. Those amendments are said to number between fifty and sixty, and they have generally been in the direction of increasing the severity of the punishments for breaches of the law and enlarging the powers of the officers entrusted with its administration, until it is as inquisitorial in its character, and as stringent and severe in its provisions, as it is possible to conceive any law would be, enacted and accepted by a self-governing community. During the session of the legislature of the State held in the beginning of the year 1893 a change was made in regard to the punishment of offenders, which was opposed by General Dow and some of his associates. By this amendment the judge trying liquor cases is allowed to exercise discretion in the matter of imposing a fine or imprisonment for a breach of the law.

The constitutional amendment making prohibition a part of the fundamental law of the State was passed in 1884. Votes on amendments to the constitution are said to be, as a general rule, small. On this occasion the total number voting was ninety-four thousand five hundred and ninety-four (94,594), of which number seventy thousand seven hundred and eighty-three (70,783) voted for the amendment.

The total of the votes cast in the same year, and at the same time, for the election of Governor for the State was 142,107, of which 78,318 were given in favour of the Republican candidate, Hon. F. Robie.

The amendment to the constitution was as follows:—

Amendment 5.

"Forever prohibiting the manufacture of intoxicating liquors, and prohibiting their sale, except for medicinal and mechanical purposes and the arts.

"The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors are, and shall be, forever prohibited.

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Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider, may be permitted under such regulations as the legislature may provide. The legislature shall enact laws, with suitable penalties, for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exception herein specified.

“Resolved, that the Aldermen of the cities, select men of towns, and assessors of plantations in the State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, at the September election next ensuing after the passage and approval of these resolves, to give in their votes on the question whether the amendment to the constitution proposed in the foregoing resolves shall be made; and the question so submitted shall be: Shall the constitution be amended so as to prohibit forever the manufacture, sale and keeping for sale of intoxicating liquor as provided by the said amendment? And the inhabitants of said towns, cities and plantations shall vote by ballot on said question, those in favour of the amendment expressing it by the word “yes” upon their ballots, and those opposed to the amendment by the word “no” upon their ballots; and the ballots shall be received and sorted, counted, declared and recorded in open ward, town and plantation meeting, and lists of the votes so received shall be made and returned to the Secretary of State in the same manner as votes for governor. And the Governor in Council shall open, examine and count the same, and make returns thereof to the next legislature, and if it shall appear that a majority of the votes is in favour of said amendment, the Governor shall, by his proclamation, declare such amendment to be adopted, and the Constitution shall be amended accordingly, to take effect on the first Wednesday of January in the year of Our Lord, one thousand eight hundred and eighty-five.”

The full text of the prohibitory law of the State is given in Appendix, No. 104.

THE ENFORCEMENT OF THE LAW.

The sheriffs are entrusted with the execution of the prohibitory law. Section 60, provided that:

“Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law within their respective counties, and institute proceedings against violations, or supposed violations of the law, and particularly the laws against the illegal sale of intoxicating liquors, and the keeping of drinking houses and tipping shops, gambling houses or places, and houses of ill-fame, either by promptly entering a complaint before a magistrate and executing the warrant issued thereon, or by furnishing the County Attorney promptly and without delay with the names of the alleged offenders and of the witnesses.

The sheriffs are elected by the people, apparently on purely political party lines. Under the State Constitution they retain office for two years. They appoint their own deputies, and both the sheriffs and deputy sheriffs are paid \$2 per day when on duty, together with allowances for travelling expenses and certain fees for the service of warrants, &c. In some cases warrants are served by constables or the city police, but in the cities and towns the work is almost invariably performed by the sheriffs' deputies, those specially charged with looking after the liquor traffic, being commonly known as “Liquor Deputies.”

Liquors seized are taken charge of by the sheriff, who, in the cities of Portland and Auburn (for Lewiston) which were visited, had large stocks on hand. The practice under the law now is to dispose of all confiscated liquors containing less than 20 per cent of alcohol by emptying them into the common sewer. All containing 20 per cent and upwards of alcohol are poured into barrels, and when five barrels have been collected they are shipped, under contract, to someone outside of the State; the alcohol is extracted and the value of it, according to contract price, which contract is made with the Sheriff, is remitted to the Treasurer of the county from whence the liquor is sent. The sheriff at Portland estimated that the shipments by him would average about two and one-half barrels per month.

The mode of procedure in Portland, where the system was more particularly investigated, and it is practically the same elsewhere, is for the sheriff or one of his deputies to make an affidavit before the Judge of the municipal court, on one or other of the forms printed as appendices to this report, as the case may dictate. Declaration A, Appendix No. 105, is for a warrant to search a dwelling house; B, Appendix No. 106, for a warrant to search a shop; C, Appendix No. 107, for a warrant to search the premises and cars of a railroad company; and D, Appendix No. 108, for a warrant, *ex post facto*, to seize, take possession of and hold certain liquors and vessels. The Judge then issues his warrant, armed with which the sheriff proceeds to make search and seizure.

A return, prepared by the Recorder of the municipal court of Portland, shows the number of warrants issued each year between 1888 and 1892, with the number of cases in which liquors were found. It is as follows:—

Year.	Warrants issued.	Seizures made.
1888	2,887	961
1889	2,856	839
1890	3,037	978
1891	3,979	1,562
1892	10,863	1,082
Totals	24,222	5,422

RESULTS OF THE ENFORCEMENT OF THE LAW.

It is obvious that a system which necessitates or admits of so extensive a resort to domiciliary visits must be dangerously liable to abuse, and to become a means of coercion and serious corruption. On this subject very strong opinions were expressed by witnesses who gave evidence before the Commission:—

The Hon. Chas. F. Libby, Counsellor-at-Law, Portland, ex-President of the State Senate, ex-Mayor of Portland, prosecuting Attorney for the State of Maine from 1873 to 1878, said:—

"I consider that the prohibitory law is a failure so far as the city of Portland is concerned. I consider that it has tended directly and indirectly to bring about a certain condition of affairs which I consider is not favourable from a moral point of view. Now, I will give you my experience as prosecuting officer, and I am going to speak of some matters which are rather personal so that you may fairly understand my attitude in the enforcement of this law. I received the nomination to the office which was followed by my election as attorney for the State over this country without my knowledge or desire. I went into the office perfectly free. I went in there with the disposition, as I think every officer should have, to make no enquiry into the operation of the law, but as the law was on the statute book, to enforce it. I think I enforced that law impartially with all the vigor I could control, and I would be willing to let the judges and officers of the court speak on that question. I had five years' experience with the enforcement of the prohibitory law. During that time I prosecuted nearly 1,000 indictments, and I collected in these five years, I think over \$80,000 in fines in this county, and largely in the city of Portland. I had sentences passed in a month on liquor sellers that aggregated fifty years. The liquor cases exceeded very largely all the other cases that I prosecuted. Cases of murder and capital offences were included in the crimes that came before me as prosecuting officer. I kept a careful record of every liquor seller that I had indicted or prosecuted before the courts, and I had a progressive system of fines and punishments. I kept a record of all these men and the number of times they came before me. * * * I looked it all over to see what I had accomplished at the end of my time. I found that I had driven out of the business one set of men,

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and another set of men had come in, and so far as I can judge from my experience, the last set of men engaged in the business was worse than the first set who were out of the business and were in jail; according as they were driven out of the business they got other men to take their place. In addition to that I found, especially if the sheriff co-operated with me and if the marshall of the city aided me, that when the law was very stringently enforced it created a demand for club houses, and I found the young men were establishing club rooms here in the city, and not only did they become places where drinking was carried on, but by supplying larger quantities than they generally would have in their possession as a means of gratifying their appetite for drink, they were also getting to gambling and other vices, and I had to break up quite a number of these places. I found that, while I was driving the liquor out of the ordinary shops where it had been sold, I was driving it into the houses and kitchens where the children of the family, who up to that time never saw it, were accustomed then to see it dealt out in that surreptitious manner. The rigid enforcement of the law introduced the system of pocket peddling, something which we never had in the city before. Not only that, but I found that perjury was becoming alarming common in the courts. The prohibitory law does not prohibit, it simply restricts it; it does not do more than that, and I believe it does that badly. In our own city of Portland the law has become a foot-ball in politics, more or less. It enters into state and municipal politics, and the variations in these figures (returns of arrests by the police) which you have before you are due in my judgment, more or less, to the efforts by some administrations to make it appear that there has been an improvement in one way or another, or perhaps, they may think there is something to be gained by showing an increase in one year over the other. I am very sorry to say it, but it is true, that this liquor law opens up such an avenue for bribes that it tends greatly to corruption; the liquor sellers are given immunity by officers on their beats, and that has been a large source of corruption. It is matter of history that our sheriffs and police force become corrupted. I therefore say that, to my mind, this prohibitory law has not been good to us as a whole, because it does not effect what its friends claim for it, claim in good faith." (Q 5207b, 5208b).

Mr. Leander Cram, of the city of Portland, Sheriff of the County of Cumberland, was asked:—

"Does it come within your duty to enforce the prohibitory law? It is part of my duty under the statute.

"I suppose the enforcement of the law varies in different years? Some years it is enforced more rigorously than others.

"For instance, the same man is not sheriff always? Exactly, it varies with the zeal and interest of the officer.

"What are the chief difficulties in the way of enforcement of the prohibitory law? Well, I should say dishonesty.

"Dishonesty on the part of the officers? Yes." (Q. 4439b-4446b).

The Hon. Judge Gould, of the Municipal Court, Portland, was asked:—

"I have heard the statement made that under this prohibition system, it occasionally happens that blackmail is levied by the officers upon vendors of liquor, that is to say, that if they find a man selling liquor, they threaten to bring him before the court, and the man compromises with the officers. Have you any reason to suppose that anything of that sort is done? It has been common report that dealers have been in the habit of paying licenses to the officers for allowing them to continue in the business. I do not know anything of that, to my own knowledge. It has not been brought before the Court." (Q. 4995b).

The Right Reverend Dr. Healy, Roman Catholic Bishop of Maine, who gave evidence before the Commission when at Portland, said:—

"I was a witness on the same matter when the law existed in the State of Massachusetts, and I was called before the Legislature in connection with it, * * * In my parish then, which was one of the largest in Boston, this prohibition exerted a very bad effect, and in this way: The poor people made it a rule to oppose it.

When it was carried out,—as it always was for a little while when a new Sheriff or a new Chief of Police got into office—it sent rum into the families. Instead of taking a drink, a man carried it home, and I found there, as I find here, that it did a great deal of harm in that way. * * * The intention of those who made such a law, I am not going to question; but it corrupts every set of officers that has anything to do with it. It is a fruitful school of perjury to all the witnesses who are called upon to testify in these cases; and it degrades the idea of law to the poor people, who say that it is only law to them, and that it is not law to the richer classes. * * * In the rural districts where it is supported by public sentiment, it does prohibit to a degree, but it does not completely prohibit. * * * All along the New Brunswick line they always get what they want, and my priests who are in charge of my Acadian people up there make a great deal of complaint about the abuse of liquor among them. I can say that these are a good people. Among the twelve or fifteen thousand people a case of adultery has never been tried before the courts; there never has been but one man tried for attempt to kill, and he was not convicted. I speak of the North-eastern district of Maine, up along the St. John's river. * * * I merely mention this to show that the liquor law does not prohibit in that rural district.

"I do not deny the good intentions of those who made the law. They are perfectly savage in their attempts to enforce it, and they are always wanting to make it more stringent. There is another feature with regard to it: the more of these poor people they put into prison the less dreadful the prison becomes to them. They do not look upon it as a disgrace to be sent to gaol, but they rather look on themselves as victims. I think in our prison there are a hundred and twenty persons, sometimes in the winter; first the father, then the mother, and then the children. But they do not look upon it as a disgrace: rather, as I have said, they look upon themselves as victims of an oppressive law. I am sorry to say that they are mostly among my own people, and it distresses me very much. We preach to them of temperance; we are bound to do it as we preach on all virtues; but what can I say when I come to preach to them about this law? If I endorse the law they say, 'You are putting yourself in the hands of those who are oppressing us'; and this law, therefore, completely destroys our influence over them. To tell you the truth, we scarcely dare to speak to them of it.

"This prohibitory law corrupts the officials from high to low. Every sheriff and official connected with it, whom I have known, has submitted to bribery in some way; and every officer that I have ever heard of, who was on the force for any length of time, has accepted bribes. I know that the men selling liquor were levied on for bribes; they had to pay so much a week, or so much a month, and that went into the corruption fund."

"Have you any temperance organization in connection with your church?"
 "We have not any now. We had some in former years, but, as I say, this prohibitory law has destroyed it. We have but one in the state, I think. The law takes all the enthusiasm out of it."

"Do I understand you to say that you have one temperance organization now?"
 "There is only one that I know of."

"And previously?" "There were several. When I came here there were quite a number. We had one in Portland, and kept it up for a length of time. Some of the men said, 'There is no use in an association for me, because I have to be temperate, and I will not join.' You see how it is with us. We cannot join in a principle that we consider is an unsound one. Now, when they (the prohibitionists) say that it is a sin and a crime to taste liquor or to sell liquor, we cannot join in that.

"Do you think that the prohibitive law has had the effect of demoralizing the efforts of temperance people? I cannot answer that, but with us it has had that effect. The execution or enforcement of the law is made a political engine, and every time there is an election there is a let-up of this enforcement: that is beyond all doubt. There is no public man in Portland or in Maine who will not tell you that, if he speaks out his mind. It has made quite a corruption fund for the elec-

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tions. The principal thing against it, in my opinion, is—and I look upon it as a great evil—that under this law witnesses do not hesitate to perjure themselves. A man may have nothing to do with liquor himself,—he may be a respectable, quiet man, he may never have touched liquor in his life,—but if a policeman sees him coming out a place that is suspected, he is brought before the court, and he is obliged to tell whom he saw in that place, whether he saw liquor or not; and if he does not tell, he goes to jail for contempt. You know how that works with poor people, and with other people too. The poor people have to go to jail if they do not tell all, and in some cases I am afraid that a man may commit perjury rather than betray a friend. All the preaching in the world will not convince them that an oath is as sacred and as binding in that as in other cases. I do not hesitate to say that, as far as the officers enforcing the law are concerned, it is a school of corruption. There is a second fact which has a very serious effect on the people, and that is that this prohibitory law destroys their reverence for all law. They compare this law with other laws, and they say it is the oppression of the poor. They say that a rich man can have all the liquor he wants, and can order it for himself, and that this law is only aimed at and executed against the poor." (Q 5212b-5229b).

The Roman Catholic portion of the population of the state is said to have largely increased, and to now form probably nearly twenty-five (25) per cent of the whole (Q. 8662b-8663b).

The following are extracts from evidence given before the Commissioners by the Right Reverend Dr. Neely, Episcopal Bishop of Maine:—

"I do not think it is claimed, even by those who are most enthusiastic in support of the measure, that it has done any very distinct service in our cities. I should say that it has not done any good during the time of my residence here. There is no marked change in the condition of the cities.

"Have you any temperance organizations in connection with your church, Bishop Neely?—A. We never have had here. There is a Church of England Temperance Society that has numerous branches throughout the world. I have never introduced that society into Maine, because of the feeling that the moment we would do anything of that sort, we should be denounced as friends of the rum sellers. We should be denounced, as our friend the inventor of this law denounced the Church of England temperance societies when he came back to Portland from a visit in England. I have felt that if we introduced that temperance society here, we would put ourselves into this position. People who call themselves temperance people, by which they mean total abstainers, denounce moderate drinking, as the Bishop of London was denounced and all his associates, because they do not insist on total abstinence. A gentleman who was courteously invited to make an address before them, because he was known to be a great temperance advocate in America, came back to Portland here, having accepted their courtesy, and gave an address here and made astounding statements with regard to the effect of this prohibitory law, and publicly denounced the Bishop of London and his associates as not temperance men at all, but as advocates of drinking. They were denounced as opposed to temperance because they did not believe, in England at any rate, the practicability of prohibitory measures. I have not very much confidence in legal measures or law of any kind for enforcement of morality of that kind, and I have very much more confidence in the cultivation of a high moral religious sentiment in this matter. I think they ought to put drunkenness where it ought to be. It is not the use of this or that or the other thing, but the abuse of it, which is destructive morally and physically. Drunkenness is put down by St. Paul in the category of a deadly sin, shutting out a man from the Kingdom of Heaven as much as adultery or murder. Let it be regarded as a deadly sin and let the law punish it as it would any crime, and you will stop drunkenness."

"Shall we be correct in concluding, Bishop Neely, that your Church is not making efforts which it otherwise would make in the temperance movement, because the sentiment here is directed towards the enforcing of prohibition?—I officially have not thought it expedient, in response to requests to me to that effect, to ask my people to take up that matter, because I felt that many people were so wedded

to this one system of prohibition that I did not want to have them feel that I was out of sympathy with them in their efforts to suppress this vice, or, rather let them think that I had less desire than any one else for its suppression."

"The other clubs which have been spokou of to the Commissioners are not organized clubs, they are simply coteries of young men who call these clubs, and get together and have their bottles in their closets. I am afraid that these clubs have had a very bad effect indeed, and that young men who never drank at all previously have done so in the secrecy of the club, as they call it. They would not be seen to drink over a bar; but they do it in these club rooms. I do not think, however, that that exists to such an extent as it did a few years ago.

"The system which I have described of issuing so many search and seizure warrants, is it not likely to lead to corruption? A. One would think so."

In the Portland *Daily Advertiser* appeared on 1st July, 1892, a list showing the disposition of each appeal case and indictment for violation of the laws regulating the use and sale of intoxicating liquors at the May term of the Superior Court of Cumberland County. The list, published in accordance with the law, contains 234 cases. Portland is in Cumberland County. The population of the county, including that of the city, in 1890, was 90,949, of the city 36,425.

A statement prepared by the Clerk of the Supreme Judicial Court of Penobscot County, population 72,865, for the information of the Commission, shows that at the beginning of the year 1831 there were 95 cases of all kinds pending in the court, of which 24 were liquor cases; and between that date and the year 1893, the cases entered were as shown in the following table:—

Year.	Liquor cases.	Other cases.	Total.
1831	57	39	96
1832	54	27	81
1833	54	71	125
1834	87	65	152
1835	60	148	208
1836	59	157	216
1837	61	56	117
1838	99	60	159
1839	70	78	148
1840	68	63	131
1841	39	56	95
1842	287	57	344
1843	259	35	294

The clerk estimated that of the liquor cases about three originated in the city of Bangor, as compared with one in other parts of the county, and added, in a letter dated 17th July, 1893, the following explanation:—

"As to the causes of a large number of prosecutions in 1892 and 1893, I can only say that our County Attorney in the discharge of his duties as such in this county caused everyone holding a United States license as a liquor seller to be indicted under a clause of section 4, chapter 132, of the Public Laws of 1891, which states that 'the payment of the United States tax as a liquor seller, or notice of any kind in any place of resort indicating that intoxicated liquors are there sold, kept or given away unlawfully, shall be held to be *prima facie* evidence that the person or persons paying said tax, and the party or parties displaying said notices, are common sellers of intoxicating liquors, and the premises so kept by them common nuisances.'"

In the *Lewiston Journal* of 1st July, 1893, there was published a list of 125 seizures of liquors of various kinds made in the cities of Auburn and Lewiston between 28th March and 27th June, 1893. These seizures comprise 4,566 gallons of ale and beer, 446 gallons of whisky, 13 gallons of brandy, 57 gallons of rum, 75 gallons of gin, and 281 gallons of alcohol. (Appendix 5, vol. 5.)

The High Sheriff of the county (the Hon. Benjamin F. Hill), in giving evidence before this commission, stated that this list was only incorrect in that it did not

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embrace all seizures actually made. Over 200 seizures were reported between January and July, 1893.

In the evidence given by an ex-marshal of the city of Augusta (Henry F. Morse), it was stated that 750 packages of liquor had been seized by the police of the city from the express companies between June 25 and August 5.

The evidence taken before the Commission tends to show that the enforcement of the law is not uniformly energetic and effective, but, nevertheless, that its enforcement leads to prosecutions which constitute 54 per cent of all the cases before the Superior Courts of the State. (Appendix No. 110).

General Neal Dow, in answer to questions put to him, said: Do you know if it is a fact that there was a wide open bar there (Augusta) during the last session of the legislature?—I do not know, but I should not wonder, because the politicians stay there, and the law has been very imperfectly enforced in recent years.

“How are we to account for the frequent appearance of the patrol wagon on the streets and the number of drunken people we saw (in Portland) yesterday, Sunday?—I suppose they were drunk.

“But the present sheriff has been rigorously enforcing the law, and I understood from the liquor agent that he closed up on Saturday afternoon?—Yes.

“I saw quite a number of drunken people yesterday, and the patrol wagon out two or three times? As matters are going now, there would be no great difficulty in persons who are bound to have liquor finding it in some way or other. Those people who are under the influence of the alcohol habit will find some way to obtain it, but they have to go out of the way to get it.

“The sheriffs were empowered by special act to look after this matter, because the police force throughout the country did not do anything. (Q. 5443b-5453b).

“You have stated, I think, that the majority of the people in Portland are in favor of the prohibitory law?—That was their vote on the constitutional amendment.

“We have it in evidence that liquor is sold very extensively in the city agency, and it is certainly not confined to the purposes which the law, in establishing the agency, designed it should. Is it quite consistent on the part of a community favoring prohibition to permit practically a free sale of liquor at that agency, and to employ at the same time a large force of men to go round the city and convict people for selling liquor? You have a staff going around taking these people before the courts, and yet under the auspices of the city you have free sale of liquor. Is that in accordance with prohibition sentiment?—The Methodists are a very great body of religionists in this country, and always at their conventions they form a grand resolution against the liquor traffic. There is hardly any language in the English tongue that they do not use against the liquor traffic. Nice men they are, and educated men too; but after that they go directly round and vote for rum. The Presbyterians all do the same thing, and the Congregationalists will do the same. When I have occasion to speak to them, I say ‘I would rather you would resolve against temperance, and pray against temperance, and then vote against rum, rather than you would pray and resolve against intemperance and then go and vote against rum.’ This whole question of redeeming the nation from the liquor traffic is a question of votes. It never can be done in this country, or any other country, without the votes of the people. And so the *Christian at Work*, a great New York religious paper said: The liquor traffic as it exists in this country is by the permission of the Christian churches.’ That is so. Those people, as I said, pray against rum and resolve against rum, but they vote for rum. What I mean by that is, that they go and vote the Republican ticket, as I did for years. Neither the Methodists, nor the Presbyterians, nor the Congregationalists vote against rum, but they vote the Republican ticket, rum and all.

“What is it difficult to understand, is why if the prohibition sentiment is so strong as it is asserted to be in this state, the people do not put into office those who would give effect to the law? It is a wonder and I cannot account for it very easily I was walking in the street some time ago, and I met a Doctor of Divinity, a man who was widely known and he said: ‘It will take you a long time to accomplish your purpose of putting down grog shops when the temperance people are not voting for

it.' 'That is very possible,' I said, 'it may take us a very long time, but if it takes a long time, it is because you and such as you do not help. If you did help we would put the grog shops down to-morrow.'

"If the prohibition sentiment is predominant in the state of Maine, what steps are the people taking to put an end to this condition of things? We are trying to show the people of Maine that if they are in favour of prohibition, they must show it by their votes, and not by what they say. On the platform I very often refer to the action of the Republican and Democratic parties in this respect. I say that the Democrats like whisky, and go for whisky honestly and openly, and the Republican party do not believe in whisky, but they go for whisky all the same. That is the only difference between the two.

"May we attribute the laxity of enforcement throughout the different parts of the state to a want of sympathy amongst the politicians? Yes, the state of things existing here is really demoralizing. Although the law of the state has been on our statute book for forty-two years, and has been re-affirmed by a majority of 47,075 of our people, it is not enforced in some places. I am sorry to see some of our judges ignoring the law. That is very demoralizing, and it tends to lead the whole people of the State to illegality." (Q. 5740b-5812b.)

The Hon. Judge Gould was asked: "Have you formed any impression from the cases that have come before you as to what proportion of those that got drunk got their supplies from the city agency? For two or three years it was pretty difficult to tell, but I should say that probably last year one-third did." (Q. 4938b.)

Judge Gould in giving evidence, stated that there had not been one conviction against the city liquor agency; that the law provided that liquor at the agency should be sold only for medicinal or mechanical purposes, and that he had no doubt but at any time last year (that was 1892), if any one had taken the pains to go and make enquiry, the agent could have been convicted for illegal selling. (Q. 4947b-4950b.)

The devices resorted to in order to obtain liquor by those who sell contrary to law are numerous and ingenious. One not unfrequently adopted is to have packages of liquor addressed to respectable citizens, whose names are a guarantee that they would not act contrary to either the spirit or the letter of the law. These packages are intercepted before they reach their destination. This practice has doubtless led to seizures being made by the sheriffs of liquor imported for their own use, this being legal under the law, the consignees being able, only after much trouble and publicity, to obtain the supplies purchased by them. Then there are sales under false designations, and it is certain to a very large extent the spirits supplied are inferior in quality and are frequently adulterated.

In consequence of statements made to the Commissioners who visited Maine in regard to a regulation said to be in force under which liquor is supplied to the disabled veteran soldiers who are cared for in the National Home at Togus, the chairman of the Commission communicated with the governor of the home, General Luther Stephenson, from whom a letter was received which contains the following statements:—

"I would say that the practice of selling lager beer to the members of the home was commenced about twenty years ago, and was first introduced at this place with the idea that by furnishing members with this beverage they would be less inclined to drink the more intoxicating liquors. The result of the experiment proved this idea to be correct, and since that time the sale of lager beer has been introduced generally, by order of the board of managers, into all the other branches of the National Home.

"A large majority of the soldiers who seek admission to the National Home are men who have been accustomed to the use of liquor. It was found necessary, in order to preserve discipline in the home and to keep this class of men from going outside and purchasing the vile liquors which are sold all through the state of Maine, to provide them with this mild beverage, and the result has been, in some of the homes after its introduction, that the amount of drunkenness has been decreased fifty per cent. Although this is known as a prohibition state, yet my experience of

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ten years as governor of the home has fully convinced me that the law prohibiting the sale of liquor in the State of Maine, with the manner of its enforcement, is simply a farce. There is no difficulty, at least for the veteran soldiers, to procure liquor, not only in the cities of Gardiner and Augusta which are situated nearest to this place, but also in the immediate vicinity of the home, where there are a score of places where compounds of an intoxicating nature can be purchased.

"I get but little assistance from the officers of the law and the enforcement of the statutes in relation to the sale of liquor, and am obliged to depend almost entirely upon what we furnish them in the shape of lager beer and the enforcement of the penalty for drunkenness."

The evidence taken shows that anyone desiring to secure a supply of liquor can get it by depositing in an express office the amount which he wishes to expend, with directions to whom the money is to be paid in Boston or elsewhere.

Mr. W. H. Greene, express proprietor, stated:—

"If a man or woman comes in and says he or she wants a gallon of whisky or keg of beer, I take her order, and ordinarily in every case ask if it is for her own personal use. I cannot do any more than that. I comply with the law and I let her sign an order and I send away and I get the liquor. I find that within the past ten years you cannot place much reliance in most anyone in regard to liquor. Almost anyone will lie about it. If they want the liquor for sale they will tell you sometimes they want it for their own use. They know the law as well as I do, and they know that if we bring it into the state knowing it is for sale we are liable to the law.

"I had occasion, in conversation with Judge Fox of the United States court, previous to his death, to speak on the subject. I made the statement that I thought the prohibitory law had lowered the standard of truth in the state of Maine more than anything else that had happened here, and he agreed with me.

"In general, large quantities of liquor come every day, and previous to holidays extremely large quantities come in. I have no doubt that next week, on the night of the 3rd of July, it would be no exaggeration to say that we will have forty or fifty packages.

"What is about the quantity of each package?—Well, from one to two or three gallons, and malt liquors come in kegs and half barrels.

"Are there many express companies in this city besides your own?—Yes sir there are four run to Boston.

"Do the other express companies receive as large quantities of liquor as you do?—My impression is that they have more.

"Each of them?—Yes, each one of them transports more; because it is a well-known fact among the people of Portland that we do not cater for that business. We take it merely as we take any other business.

"How many packages do the five express companies receive generally every day, and bring into the city of Portland?—I cannot say for the other companies.

"Well, about how many packages?—If they have as many as we, and I think they have more, I should say there would be 100 packages a day come in by express. I think, however, that is but a drop in the bucket to what does come in. I judge that from a question I asked of a man in the liquor business. He was a wholesale liquor seller here a few years ago, at a time when the law was being fully as rigidly enforced as it is now. He used to send his money and pay his bills in Boston, to our agency, and one night he came in with somewhere about one thousand dollars. While I was counting out the money, I said to him: 'I should think these thousands of yours would worry you to death. I would not be in it for any consideration.' He said: 'I do not worry much about it. The getting in of two or three barrels of beer causes me more worry than a whole carload of whisky.'" (Q. 6435b-6450b).

It follows as a matter of course, that under the operation of this law all amounts paid for liquor consumed in the state of Maine are remitted to places outside the state, excepting in the case of cider, or such other liquor as may be manufactured

illicitly. The quantity of the latter is probably comparatively small, although evidence was given of very vile compounds being concocted occasionally and sold for beverage purposes. (Q. 7557-6015b).

The evidence of judges and others is emphatic in declaring that false swearing in connection with these liquor cases is of frequent occurrence.

The law of the state provides for the establishment of a State Liquor Agency, under the charge of a commissioner, for supplying pure liquor for medicinal, mechanical and manufacturing purposes at cost price, plus a percentage to cover expenses, to all city, town and county Liquor Agencies.

The following is the report of the Commissioner for the year 1893:—

Augusta, Dec. 29—State Liquor Commissioner P. P. Gilmore made his annual report to the council to-day. His total sales of liquors to twenty-four towns and cities were \$130,812.29, divided as follows:

Auburn.....	\$ 9,179
Augusta.....	5,145
Albany.....	348
Biddeford.....	19,676
Bath.....	3,862
Bangor.....	8,631
Bethel.....	850
Bucksport.....	2,832
Fayette.....	116
Greenwood.....	1,206
Gardiner.....	3,400
Hartland.....	813
Lewiston.....	9,723
Machias.....	2,215
Mt. Vernon.....	184
Portland.....	48,437
Phillips.....	979
Richmond.....	3,527
Rangeley.....	248
Rockland.....	2,916
Randolph.....	1,204
Topfield.....	6
Turner.....	250
Waterville.....	5,065

The sub-agencies, which are established and regulated by the local authorities, order their supplies of liquor from the State Commissioner. The practice seems to be for the latter to supply the names of a few persons or firms from whom liquor is to be purchased, and the sub-agents, in their applications, can name any of these as the person or firm from whom they wish their supplies to be purchased. The city, town and district agents sell to the public, adding to the price paid to the State Commissioner a certain percentage to cover the expenses of the agency.

It will be sufficient for the purpose of illustrating the system to describe what is done in the city of Portland, where the Commissioners had full opportunity of making themselves acquainted with the working of the agency. It is possible, however, that there are other agencies which are conducted more strictly in conformity with the spirit of the law. In Portland, as elsewhere, the appointment to the agency, which is considered a valuable one, appears to be bestowed as a reward for political services. The establishment is situated at the corner of two important thoroughfares near the city hall. The agency was visited by some of the members of the Commission on two or three occasions, and there was at no time an absence of purchasers, occasionally members of both sexes being present.

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The following is a statement of the amount of sales at this agency from 1870 to 1892 :—

1870-71.....	\$ 3,050 55
1871-72.....	6,677 00
1872-73.....	19,340 62
1873-74.....	.....
1874-75.....	.....
1875-76.....	1,748 82
1876-77.....	6,500 00
1877-78.....	18,025 00
1878-79.....	9,786 54
1879-80.....	.....
1880-81.....	26,850 00
1881-82.....	.....
1882-83.....	19,615 50
1883-84.....	20,885 69
1884-85.....	20,520 31
1885-86.....	28,974 66
1886-87.....	22,164 74
1887-88.....	26,133 33
1888-89.....	20,667 89
1889-90.....	23,770 27
1890-91.....	22,356 51
1891-92.....	58,742 76
1892-93.....	84,848 33

It will be noticed that for the last year the sales amounted to nearly \$85,000, and it may be mentioned that there was, after payment of all expenses, a net surplus of \$17,758, which was applied to schools, quarantine station, &c. The agency is closed at 4.30 p.m. on Saturday, and on June 24th, one of the days on which the commissioners were in Portland, the pressure of work at the agency was so great that the agent, although he is supplied with assistants, was unable to make an appointment with the commissioners until after the hour mentioned. The present agent is entering upon his second year in office. The circumstances under which he was continued are stated in the evidence. The agency is supervised by a committee of three members of the board of aldermen. That board, in 1893, was composed of four Democrats and Republicans. The mayor has in certain matters the casting vote.

The evidence taken by the Commission tends to show that when the terms of the prohibitory law are very strictly enforced in the city the sales at the agency increase, and, on the other hand, when the law is not very stringently enforced, the sales at the agency diminish.

It was not claimed by anyone from whom the Commissioners obtained evidence that the sales of this agency were confined to the purposes which the law contemplated, namely, medicinal, mechanical and sacramental. The system pursued is to keep a register of all liquors sold. Every applicant is required to state verbally if it is for himself and the purpose for which he needs the supply he desires to purchase. If it is for some other person he must present an order. The agent uses his discretion as to granting or refusing the application; but he is forbidden by the terms of the Act to sell to the following persons, namely.

"To minors, without written direction of their parents, master or guardian; an Indian, soldier, a drunkard, an intoxicated person, any person liable to guardianship, to any intemperate person, of whose habits he has been notified by his relatives, or by the aldermen, selectmen, or assessors of any city, county or plantation."

The accounts of the agent in Portland are audited by the City Auditor, and the business of the agency is supervised by the committee of aldermen already referred to.

The Commissioners could not ascertain that proceedings had at any time been taken to secure that the sales at the agency in Portland should be confined to those purposes which the law contemplated, and the anomaly is presented of sales of liquor being made on a large scale, under arrangements sanctioned by the city government, whilst the county and city officials are simultaneously engaged in prosecuting illicit vendors of half-pints of whisky or other spirits.

The following are further extracts from the evidence given before the Commissioners by General Neal Dow.

"The State Commissioner nominates these Boston people from whom the city liquor agents must get their liquors? It is all a violation of the law. Everything he does in that way is a violation of the law. The law contemplates that he shall buy the liquor and keep it in stock, and when the law creating the State Commissioner was enacted, that is the way it was done." (Q. 5417b).

"Are we to understand from you that the state commissioner does not keep a supply of liquor himself? No, because it costs a great deal of trouble, and he would have to invest money in it." (Q. 5418b).

"To what party does that state commissioner belong?—He is a Republican." (Q. 5419b).

"And that Republican officer nominates these rum sellers or wholesale liquor merchants from whom the liquor agents have to buy?—He evades the law." (Q. 5420b)

"The Republican State commissioner evades the law?—Yes, he evades the spirit of the law. The law contemplates that he shall have a stock of liquor on hand from which he will supply the local agents. The commissioners, when first appointed, did that. My friend, Mr. Chance, who was a temperance man in this town, was commissioner. He had a large stock of liquor on hand and a good deal of money was invested in it, and of course he lost the interest in the investment; and when he was changed he had a good deal of trouble in getting the new man to take his stock of liquors off his hands. The state commissioner, when he comes into office, does not want the trouble of keeping a stock of liquors on hand from which he will supply the agents, and so they give an order to the local agent on Mr. So-and-so, of Boston, to supply them in the name of the commissioner." (5421b).

"We are informed by persons who testified here, and I believe it is a fact, that the state commissioner says, 'You must buy your liquors from these four men'—I suppose so." (Q. 5424b).

"We do not understand why the local agents should be restricted to buying from four firms?—Because the commissioner is making as much as he can out of it, and the commissioner goes around and makes a bargain with those four people that he will give so much for the liquor." (Q. 5425b).

"That is the suspicion? Yes, we do not know it. We are not there when they do it." (Q. 5426b).

"At any rate, the State Commissioner can purchase liquor from whom he likes? Yes." (Q. 5427b).

"Although he is supposed to keep a stock on hand, he does not do so, and he can buy whenever he wishes? Yes, that is right." (Q. 5428b).

"If he (the State Commissioner) says to the local agent, 'you shall only purchase from these four firms which I name,' the city agent in Portland has no alternative but to comply with that order? Yes, that is so. You may very well wonder why it is that this state of things should exist, and the reason of it is that the Republican party in power does not want to do anything more than it can possibly help to offend the rumsellers, because they want their votes."

"Did the legislature in that year not also amend the law in this respect, that they gave the judges discretionary power to impose a fine or imprisonment, whereas previously the law provided for a fine and imprisonment? Yes, the legislature did that; but even the judge had exercised that discretion irrespective of law, and so last year they enacted that the judges might use their discretion. I told the legislature that, no matter how good the law might be, it would amount to very little, unless they took away all the discretion from the courts.' That was in the original Maine law. The original law said that cases arising under this Act should take

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precedence in the courts of law of other cases, except those where parties were actually in jail." * * *

"I am sorry to say that some of the courts manage these rum cases in a very scandalous way. A man will be convicted, and they will put him on what they call a special docket. The fine will not be imposed upon him, and the penalty of imprisonment will not be imposed upon him, and there will be written at the foot of the docket the word "continued," that is, that he is not to be brought forward for punishment without special order from the court. In one case there was one man's name eight times, one under the other.

"My conviction is settled, that we can never sweep out entirely the liquor traffic in the lifetime of the Republican party, because they refuse to give us amendments to the law which are absolutely necessary towards that end. The liquor traffic can never be put down so long as there is any profit remaining in it. It is carried on for the profit and not for the fun of the thing. If I could drive you around our streets, I could show you some very fine houses owned by rum sellers, who made their money out of the rum.

"Have these rum sellers amassed this property since the prohibitory law came into force? Yes." (Q 5429b-5436b.)

The claim frequently advanced that the prohibitory law has closed all the breweries and distilleries in the state, and thereby largely reduced the sale of intoxicants, is doubtless literally correct. It is manifest that if the law was to be enforced at all, brewing and distilling in the state must cease, and, moreover, that the manufacture having ceased, the sale of intoxicating liquors within the state must be diminished, the sales of these establishments being included in the one period and not in the other. A large proportion of the products of the distilleries and breweries previously carrying on business was doubtless, however, sold for exportation from the state, and the closing of these establishments does not necessarily demonstrate that the actual consumption of liquor has largely diminished. It is to be regretted, in so far as the work of this Commission is concerned, that there are no statistics from which information can be gathered concerning the consumption of intoxicating liquors within the State of Maine. One witness, Mr. W. H. Orr, who gave evidence in Toronto, made the statement that he thought he could get statistics of the consumption of liquor in the State of Maine in a little while, and he was solicited to do so, and supply them to the Commissioners. (Q. 10457a, 10536a, 10540a.) In a letter dated 18th July, 1894, which will be found in the volume of evidence No. IV., pt. 2, as Appendix No. 6, he has explained his inability to supply the information. The suggestion of Governor Burleigh, that the Commissioners should apply to Gen. Neal Dow, was acted upon. The General appeared on two occasions before the Commission, but he was not prepared to furnish particulars of the consumption of liquor either before, or subsequent to the adoption of the prohibitory law, and the Commissioners are justified in concluding, looking at the statement made by the chief of the Bureau of Statistics, Washington, referred to at page 666 of this report, that anything approaching to exact information on this point is not to be obtained, but that very considerable quantities of liquor are consumed in the state, the sales at the various liquor agencies and the evidence of the express agents and others, together with the statistics of drunkenness referred to elsewhere, conclusively prove.

In social clubs in some of the larger centres of population the members procure their own supplies of liquors, and are provided with conveniences which secure them the individual control thereof. Clubs are formed, in some instances at least, with the sole object of enabling members to secure intoxicants for personal use, without subjecting them to the penalties of the law. What is known as "pocket peddling" is common in many of the cities, which simply means that a supply of intoxicants is secured and carried about on the person and retailed at the corners of streets, or in lanes and in alleys to whomsoever may be willing to purchase. The evidence collected by the commission all tends to show that the liquor sold in this way is of the very worst description.

In small communities, or what may be called villages and townships, the prohibitory law is unquestionably more effective in preventing the distribution of intoxicants. It is natural that such should be the case, for where the inhabitants are all known to each other, and the business of each is known to his neighbour, the carrying on of an illicit trade is obviously rendered difficult, especially if public sentiment is in favour of the law; but, nevertheless, it would probably be a very difficult matter to find any village with more than one thousand inhabitants where intoxicants could not be purchased by those who were bent on obtaining them.

At Augusta, the capital of the state, there is very little attempt made to conceal the fact that liquor is sold, and some of the Commissioners had pointed out to them several places where it could be obtained. They also were informed that during the session of the legislature, which took place in the early part of the year, there were practically open bars at one or more of the leading hotels. A liquor agency was established in that city in 1893. The receipts from 15th May to 9th December, 1893, were \$4,475. At Bangor there is an open sale of liquor, and the prohibitory law is not enforced. The city government cannot, of course, make by-laws regulating the sale, as it is prohibited by the state law, but the authorities act upon an unwritten regulation, which is to the effect that if the vendors keep orderly places, close at ten o'clock at night, do not open before six o'clock in the morning and keep their places closed on Sunday, the police authorities will not meddle with them. A liquor agency exists in that city, the receipts of which from 1881 to 1891, inclusive, were as follows:—

Year.	Receipts.
1880-81.....	\$ 9,377 25
1881-82.....	11,350 00
1882-83.....	9,825 00
1883-84.....	8,340 46
1884-85.....	6,161 28
1885-86.....	6,722 95
1886-87.....	5,815 00
1887-88.....	9,594 51
1888-89.....	11,973 12
1889-90.....	13,504 91
1890-91.....	14,045 37
1891-92.....	9,960 36
1892-93.....	9,984 34

With open sale of liquor in the city, it would follow that the sales at the agency would be comparatively small.

The number of cases before the Supreme Court of the county of Penobscot, in which Bangor is situated, for breaches of the liquor law, compared with the total number of all cases, has been already referred to.

Pittsfield, a village with about 2,500 inhabitants, possessing three large woollen mills, situated on the main line of the Maine Central railway, was visited. It was selected as a place that would fairly illustrate the working of the prohibitory law in the rural districts. The Commission sat in Pittsfield on July 3rd, and left it on the morning of the 4th, when there was a good deal of excitement over the celebration of Independence Day. The village was orderly, and there were few cases of intemperance. The hotel in which the commissioners stayed, in reality the only one in the village, had been searched the previous autumn, and liquor being found, proceedings were taken against the landlord, as a result of which the house was closed for about three weeks. Suspended sentence was hanging over the man at the time the Commissioners were in the village. Comparatively recent proceedings had been taken against one or more persons for selling liquor in the village; and the opinion was entertained, and was expressed by the strongest advocate of prohibition in the village, that liquor was probably being sold at a certain establishment not far from the hotel. There had been no arrests for drunkenness for some time previous to the date of the Commissioners' visit.

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The district in and around Pittsfield, like many others in the State of Maine, produces very excellent apples, and cider is made in considerable quantities. A cider mill in the village was visited by the Commissioners. The law in regard to the sale of cider is, that while its manufacture is permitted, the sale is prohibited if it is sold "to be used as a beverage or for tipping purposes." (Sections 28 & 29).

The provisions of the law have been amended once or twice, so that practically the sale of cider for beverage purposes is now prohibited; but any person producing apples within a reasonable distance of a mill could take them to it, and have them manufactured into cider for his own use. There is undoubtedly a good deal of cider drunk by the agricultural population. Various estimates of the quantity of alcohol in cider were given, ranging from four to ten per cent.

Winthrop, another village on the line of the Maine Central railway, and containing a population of about 1,200, was visited on July 4th. There was a large number of strangers in the village on that day, and all were very orderly. Little evidence of drunkenness was observable, although it was apparent that liquor could be obtained. The inhabitants, embracing a considerable number of French-Canadians, appear to be sober and industrious.

The city of Lewiston was next visited, the population of which is about 22,000. There was a large influx of visitors on the day of the Commissioners' arrival, and the inhabitants were keeping holiday. There was some drunkenness seen in the street, and the evidence gathered by the Commission shows that only a limited restriction is placed upon the sale of liquor in that city. Important evidence was given by the Hon. W. H. Newell, Counsellor-at-law, Mayor of the city for the year 1892. Mr. Newell is a gentleman of position and high character in the community. His statements in regard to the not infrequent partizan proceedings of officers charged with the enforcement of the law are supported by evidence obtained elsewhere in the state. Recent seizures of liquors appear to indicate that there is a large number of vendors and a wide demand for liquor in this district.

The following are extracts from Mr. Newell's address to the City Council, printed in the official report of the city for the year 1892:—

"The law does not mean that a warrant shall be taken out of court by an officer, and that before searching the place described, a trusty messenger shall call upon the owner and notify him that the officers are about to come. It is a matter of common knowledge that this method is pursued. For ten years there has not been a man engaged in the business against whom there was not the strongest kind of suspicion that he was taking bribes from the liquor sellers.

"I have said to you, gentlemen, but a fiftieth of what is known, not only to you, but to myself and every other citizen. It is not possible at all times to draw a line between the rum seller, the rum sympathizer, the temperance advocate, and the temperance reformer. There are times during the year when the interests of all the above classes become so intermingled that it is difficult to distinguish to which class a certain coterie of each kind belong, for the reason that they all work in the same line, to accomplish the same result, and forget, for the time being, their differences.

In evidence before the Commissioners, Mr. Newell said:—

"This prohibition subject is entirely a political matter. That is the truth of it, and that is the ruination of it.

"I think the prohibitory law, so far as the country portion of the state is concerned, is a success. Public sentiment backs it up; but so far as the cities of the state are concerned, I do not think it is a success in any sense of the word. For instance, I was in Augusta, when the Legislature was in session, for some two weeks last winter. The Governor, the Speaker of the House, and about every leading member of the House and Senate stopped at the Augusta House. There was an open bar in that house, and everybody knew it, and it was run all the time, and the highest officers of the state were right there, and knew it, and winked at it. This is one example of the way the thing is done. * * *

"We have at the present time two deputy sheriffs, whose entire business consists of the enforcement of the liquor law. I rather think that when I was Mayor,

they had two deputy sheriffs, and two state constables appointed by the Commissioner, who did no other business.

"By common consent, when these men were put on, the city police force did not have anything to do with the liquor traffic, and these state and county sheriffs did the business. I would not say anything about the two sheriffs that are there now, because I do not know anything about them, but up to the time of the appointment of these two, I do not think there was an honest man in the lot, nor do I think there was a man amongst them who was not bought.

"What do you mean by that?—I mean to say that a certain lawyer in this town is one man, the sheriff of this county is another man, the two liquor deputy sheriffs were two more men. This lawyer, as it is claimed, went around to the different men who wanted to sell liquor: one man paid \$5 per month, another \$10, and another \$15, according to his traffic and means. This lawyer collected the amounts. The sheriff had half, and the other two had the other half: that is hearsay, but from everything that I could understand, it points in that direction.

"You say it is hearsay, but do you believe it to be true? Yes, sir. Two years ago last Fair time, there was an agreement between the hotel-keepers and liquor sellers in town, that during Fair time nobody should be touched for selling liquor; that they should be allowed to sell freely.

"Who was that arrangement made with? With the Sheriff of the county, the hotel men and the liquor sellers. The leading grocer in this town was the middle-man who did the business. (Q. 8834b-8898b).

"They are using this question of prohibition in politics? Yes, and it is a disgrace to the politics of the State of Maine that this thing is as it is. There is an enormous lot of crime and perjury, and everything of that kind, done in the name of temperance here. (8919b).

"Do you think that the strict enforcement of the prohibitory law has had the effect of driving the use of liquor into the homes of the people? I have no knowledge of that, but it is generally understood that it has that effect. If you shut down on these places in Lincoln and Lisbon streets, which are two business streets, for every place you shut down there, you will open half a dozen kitchen bars and dives. It is not so easy to reach these places, and they are the worst things in the world." (Q. 8931b).

In Auburn, a city on the other side of the Androscoggin River, with a population of 11,000 inhabitants, the law is said to be more strictly enforced. The number of arrests made by the police (Appendix, No. 4, M), would indicate that there has not been much intemperance in the community. A letter from the City Marshal (see Appendix, No. 4, M), indicates that there was a great increase in the arrests for drunkenness in the year which ended in February, 1894. The distance between this city and Lewiston is short, and so long as liquor is plentiful in the latter, the people of Auburn will experience no difficulty in getting a supply. There is a large French population in both of these cities. In Lewiston the cotton manufacture is carried on extensively, and Auburn produces large quantities of boots and shoes.

The publishers of the *Lewiston Journal*, a strong advocate of the prohibitory law, in 1892 sent out circulars to representative men in 300 Maine towns and cities, in which the following questions were submitted:—

"Do you know whether there are any secret grog shops in your town? If so, how many?

"Are there any open grog shops in your town, meaning thereby open bars, either on the street or in a rear room with a bar accessible and a lay out of decanters, bottles, and so on, as in old license days?

"Has drinking or drunkenness increased in your place in the past two years?

"Have you any active moral suasion movement, either reform club or other temperance society in your midst?

"If the law is not well enforced, is the fault official or public?

"Are the officers lax in spirit in spite of a healthy public opinion, or because of lax public sentiment.

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"In your judgment has the number of rum shops, disguised as drug stores, decreased since the new law took effect?"

"Will you be kind enough to make suggestions regarding the needs of prohibition and temperance in Maine at present?"

"You will perceive that we want two things: 1st, well established facts regarding the liquor question in your locality; 2nd, your opinions."

In the paper of the 30th July, 1892, the replies received were published. They will be found in Appendix No. 111 of this report. 5113

From Lewiston the Commissioners went to Biddeford, a city with a population of 15,000 inhabitants. Here also are extensive cotton mills. On the occasion of the Commissioners' visit the regularly elected Marshal of the city had been superseded by a marshal appointed by the Governor and Council of the State. Public feeling on the subject of the liquor traffic evidently runs high in this city. A perusal of the evidence taken will show that there is a comparatively free sale. The statistics of the police arrests are given in Appendix No. 118.

Under the internal revenue laws of the United States, every person dealing in liquors must take out a permit, or special tax paper. An abstract of the law is given at page 655. From the returns supplied by the Commissioner of Internal Revenue at Washington, already referred to, it is ascertained that the following certificates were issued to residents in the State of Maine for the years 1890 to 1893.

Statement showing the population of the State of Maine and number of persons who have paid special taxes as vendors and manufacturers of liquors from April 30, 1889, to June 30, 1893.

Date.	Population.	Retail Liquor Dealers.	Wholesale Liquor Dealers.	Retail Dealers in Malt Liquors.	Wholesale Dealers in Malt Liquors.	Malt.	Number of Inhabitants to each Special Tax Paper.
Year ended April 30, 1890.....	661,000	868	7	73	8	956	691
Year ended June 30, 1891.....	662,000	1,193	8	126	11	1,336	495
Year ended June 30, 1892.....	663,000	808	7	214	5	1,634	642
Year ended June 30, 1893.....	664,000	866	10	207	4	1,087	610

* Fourteen months. Population is taken from the United States Census for 1890; other years estimated

These returns practically represent the number of persons who paid the special tax, with the intention, doubtless, of dealing in liquors in some way which they considered would render them liable to the penalties imposed by the law, if they did not hold certificates.

The following table shows the number of cases entered in 1891 against persons selling in various states without having paid the special tax. It will be noticed that Maine has proportionately the largest number of any of the New England States.

State, 1891.	Population.	Cases entered, 1891.
Maine.....	662,000	67
New Hampshire.....	377,000	11
Vermont.....	332,000	8
Massachusetts.....	2,230,000	135
New Jersey.....	1,445,000	2
Connecticut.....	746,000	5
Delaware.....	168,000	1
New York.....	5,998,000	46
Pennsylvania.....	5,078,000	13
Rhode Island.....	346,000	*

* Internal Revenue Commissioner's Report, 1891.

A considerable number of these certificates are, no doubt, held by druggists, and it is singular that there should exist, in view of the fact that the law has been in force for so many years, any doubt as to the obligation of the dealers in drugs and dispensers of medicines of which alcohol may be a component part, to hold such certificates.

A member of the legal profession, Mr. L. T. Carleton, county attorney for Kennebec County, who gave evidence before the Commission at Winthrop on this point, expressed his opinion in the following terms:—

"We have two druggists. They have not taken out tax certificates, but they used to do so. A couple of years ago they stopped, and have not taken out certificates since. The officers of the United States revenue department go round and persuade people to take out the tax certificates. They say it is for their own protection, and the officers get their salaries and fees on the number of tax certificates taken out." (Q. 8449b.)

A gentleman who visited this continent in 1892, for the purpose of investigating the liquor legislation of the United States and Canada from an entirely non-partizan standpoint, and whose report* forms a very interesting volume on the subject, says in regard to the United States liquor tax:—

"I am quite unable to say why apothecaries in Maine (or in any other prohibitory state), if they are not permit holders, should pay the retail liquor tax, unless they intend to sell liquor in defiance of the state law."

CRIME, PAUPERISM, &c.

There are no complete statistics of convictions for offences of all kinds in the State of Maine. In cities the arrests can be obtained, but the convictions can only be got from the records of the various courts throughout the state. The commitments to the jails are embodied in reports which are laid before the legislature and printed.

In Canada the criminal statistics are made up on the basis of convictions. Comparisons, therefore, become most difficult to make in any case, and in most instances impracticable, i. e., impracticable on a scale which would cover the whole field of inquiry. Such statistics as exist cannot, however, be ignored, for they are constantly being appealed to, on the one hand, as evidence of the beneficent effects of the prohibitive system, and, hardly less frequently, on the other hand, as proving its failures, unfortunately, in many instances, without sufficient investigation on either side.

Appendices 112 to 124 show the arrests for offences of all kinds, the arrests for drunkenness, and the ratio of these arrests per 1,000 of the population in Bath, Bangor, Lewiston, Portland, Auburn, Augusta, Biddeford, Hallowell, Waterville, Westbrook, Rockland, Gardiner and Saco, for the dates mentioned therein. Efforts have been made, but unsuccessfully, to obtain like information from several other places.

It will be noticed that in the year 1892 there was a large decrease in the arrests reported in the city of Portland, attributed by those in favour of the prohibitive system to the fact that the sheriff was in full sympathy with the law and fearlessly executed it. The facts, as far as the Commissioners have been able to gather them, are, that the smaller number of arrests was due wholly to the action of the police, who were less zealous in locking up offenders. They also discharged many of those arrested without bringing them before the court. In his report for the year 1892, the city marshal remarked:—

"On my induction to office I was given to understand that it had not been the practice to put 'simple drunks,' first, or rare offences before the court, which I believe to be a good policy, and have adhered to."

* "Liquor legislation in the United States and Canada," by E. L. Fanshawe, barrister-at-law, London.

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The Hon. George F. Gould, judge of the Municipal Court, Portland, having had pointed out to him that the city marshal's report showed that there had been a great decrease in the number of arrests in 1892, stated:—

"That was Marshal Swett's year."

"Can you give us any explanation of the cause of the decrease? I do not know. I have thought that drunkenness had decreased here a little, or that it had kept about the same right through. I did not think the total number of arrests decreased quite as much as that."

"It has dropped 50 per cent? Well, I would not pay much attention to last year's return, because men staggered right up in front of officers and dared them to arrest them."

"When was that? From March, 1892, to March, 1893."

"Did the same condition of things exist in 1891? It did not to such an extent. The police department, however, had dropped in efficiency during those six or seven years." (Q. 4903b-4907b).

A statement (Appendix No. 125), shows the number of persons convicted of the offence of intoxication and of being common drunkards, in the city of Portland, for the years 1888 to 1892, inclusive. It will be noticed that the convictions for the year 1892 were just about one-half of those for 1891, and less than one-half of those for 1890. A new marshal took office in the beginning of 1893, and he decided that it was not his duty to constitute himself a judge, but to apprehend and bring before the court all those offending against the law. The arrests at once largely increased as will be seen on referring to the statement (Appendix No. 115).— They were as under:—

Year.	Total arrests.	Arrests for drunkenness.
1888	2,169	1,368
1889	1,947	1,230
1890	1,822	1,211
1891	1,500	917
1892	1,513	874
1893	2,110	1,464

The same gentleman held the office of sheriff in 1892 and 1893, Sheriff Cram having been re-elected in 1893. On both occasions on which he was a candidate, he was the nominee of his party (Republican), and it perhaps, to a certain extent indicates the feelings of the electors in regard to the enforcement of the law (for it is on all hands admitted that Sheriff Cram executes the law), that on the first occasion he was elected by a majority of 2,335 votes, and on the last by 55 only.

In Bangor the ratio of arrests for drunkenness is very high. It is the head quarters of the lumbering industry of the state. Large numbers of men gather in that city and proceed to the woods to carry on lumber operations during the winter. They return in the spring, and this class, with the sailors who frequent the port, are alleged to add a large quota to the arrests for drunkenness.

Similar statements of arrests in some of the Canadian cities have been compiled, and are given in Appendices, Nos. 21 to 47.

Every reasonable effort has been made to ascertain the practice pursued in regard to the making of arrests, and the basis on which the statistics are prepared. These differ in some instances; but in the larger cities the methods do not apparently vary materially. In Lewiston the recorded arrests are evidently below the actual arrests, and this may probably also be said of the arrests in Auburn.

In Halifax, Nova Scotia, the figures returned appear to more nearly represent the convictions for drunkenness than the arrests.

The statistics of arrests in the various cities of the State of Maine, already referred to, compare with the arrests in the cities of the Dominion as follows:

STATEMENT showing Ratio per 1,000 population of Arrests for All Offences and Arrests for Drunkenness in the undermentioned cities of the State of Maine and the Dominion of Canada.

STATE OF MAINE.

Cities.	1880.			1885.			1890.			1891.			1892.			1893.			
	Ratio per M.																		
	All Offences.	Drunk-ness.	Population.																
Portland.	65.45	43.44	35	58.20	31.07	36	52.76	33.24	37	49.84	24.96	37	35.43	23.58	37	36.42	39.14		
Lewiston.																			
Bangor.	30.84	15.54	18	66.02	41.86	19	85.06	49.46	20	86.72	53.59	20	74.17	48.50					
Biddeford.																			
Auburn.																			
Augusta.																			
Bath.																			
Rockland.																			
Waterville.																			
Westbrook.																			
Saco.																			
G. etinef.																			
Hallowell.																			

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DOMINION OF CANADA.

Cities and Towns.	1880			1885			1890			1892			1893.		
	Ratio per M.		Population.	Ratio per M.		Population.									
	All offences.	Drunk- enness.		All offences.	Drunk- enness.		All offences.	Drunk- enness.		All offences.	Drunk- enness.				
Montreal	43.02	19.24	180	32.41	9.55	210	43.64	14.20	217	12.93	225	32.17	11.36	255	
Toronto	68.50	33.13	134	51.94	28.86	181	61.84	28.74	181	20.76	190	47.19	19.19	200	
Quebec	25.01	12.28	63	17.84	11.40	63	17.03	10.90	63	7.73	64	12.90	7.68	64	
Hamilton	72.11	16.62	41	70.54	14.79	47	54.32	17.50	49	8.73	50	38.05	7.13	52	
Ottawa	32.17	14.17	36	25.96	11.80	42	23.80	12.71	44	9.17	46	16.38	8.03	48	
St. John, N. B.	40.19	23.13	25	41.20	23.64	39	44.03	26.51	39	42.82	30	40.62	23.32	30	
Halifax.			57	41.10	15.78	32	35.41	15.41	39	13.28	39	35.21	19.18	39	
London.						32	32.67	33.78	32	32.64	28	42.56	22.98	30	
Winnipeg						24	33.37	22.42	26	31.00	28	44.68	22.98	30	
Kingston.						19	31.77	21.91	19	26.31	20	51.68	13.73	21	
Brantford						13	69.86	15.98	13	58.73	13	62.62	17.11	13	
Charlottetown, P. E. I.						11	25.00	21.73	11	33.93	11	21.93	20.70	11	
Hull.	41.77	22.45	11	51.26	24.84	11	16.07	6.16	11	12.43	12	10.97	3.37	12	
Guelph.						10	10.44	7.37	11	6.16	11	15.21	6.95	11	
St. Thomas.						10	34.35	6.33	10	20.92	10	24.24	8.95	11	
Sherbrooke.						10	31.64	18.64	10	36.80	10	28.90	16.50	10	
Belleville.						10	64.51	24.91	10	58.20	10	38.10	12.95	10	
Peterboro'.						9	41.06	15.60	9	42.70	9	26.57	8.20	10	
St. Catharines.						9	30.67	16.03	9	22.57	10	14.10	12.06	9	
Brookville.						9	26.06	16.03	9	24.32	9	24.32	14.94	9	
Moncton						7	52.19	34.18	8	32.75	9	13.43	8.96	9	
Woodstock						7	71.71	3.60	9	30.00	9	22.30	4.25	8	
Owen Sound.						7			8	38.01	8	42.29	6.66	8	
Berlin						7	2.53	0.23	7	1.21	8	17.03	11.26	7	
Point Lewis.						7	18.14	12.55	7	14.51	7	38.32	16.48	7	
Fredericton*						6	58.34	24.80	6	39.21	7			7	

*Scott Act in force.

In the report of the Canadian Commissioners who visited certain places in the United States in the year 1874, and which report was printed and laid before parliament in 1875, certain information was given in regard to the arrests for drunkenness in the cities of Portland, Bangor, Augusta, Rockland and Lewiston. (P. 27).

The Commissioners stated that:—

“The cities are here placed according to the activity used in each in enforcing the law, Portland displaying the least, and it will be seen * * * that whilst Portland has double the population of Lewiston, she has nearly ten times the amount of drunkenness, and nearly seven times the number of arrests.”

In the following table is shown the number of arrests for drunkenness in the cities referred to (placed in the same order), reported at that time, and the number for later periods in regard to which this Commission has been able to obtain information.

PORTLAND.

Arrest for ten years ended 1873.....	1 to 24	of the population.
do do 1893.....	1 to 29	do
do the year ended 1893.....	1 to 18	do

BANGOR.

Arrests for eight years ended 1874.....	1 to 49	do
do do 1892.....	1 to 20	do
do the year ended 1892.....	1 to 20	do

AUGUSTA.

Arrests for five years ended 1874.....	1 to 60	do
do do 1892.....	1 to 41	do

ROCKLAND.

Arrests for ten years ended 1873.....	1 to 83	do
do do 1892.....	1 to 53	do
do the year ended 1892.....	1 to 28	do

LEWISTON.

Arrest for nine years ended 1874.....	1 to 237	do
* do two do 1892.....	1 to 77	do
do the do 1892.....	1 to 84	do

The population in the rural districts of the state is probably smaller to-day than it was ten years ago, such increases as have taken place, having been in the towns and cities. This condition has doubtless increased the difficulty of giving effect to the prohibitory law in cities, whilst in the rural districts it has contributed to its better enforcement.

The methods adopted in compiling criminal statistics in the states of the United States differ in most cases so materially from the methods adopted in Canada as to make it impracticable to institute perfectly satisfactory comparisons. The Commissioners have not been able, as has been mentioned, to obtain complete statistics of convictions for offences covering the whole of the State of Maine, and they have not, therefore, been able to compare the whole volume of crime in the state with that of the Dominion.

* Arrests for two years only have been obtained.

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The following table shows the commitments to jail in the State of Maine for each of the years during the quintennial period ended November 30th, 1892 :—

STATE OF MAINE.

Year.	Population.	Total commitments.	Per 1000.	Commitments for drunkenness.	Per 1000.
1888.....	658,500	3,398	5.17	1,383	2.10
1889.....	660,000	3,857	6.00	1,345	2.04
1890.....	661,000	3,790	5.73	2,300	3.48
1891.....	662,000	3,655	5.53	1,624	2.46
1892.....	663,000	3,723	5.62	1,714	2.58
Average.....	660,900	3,703	5.60	1,673	2.53

The population is taken from the United States census in 1890, other years being estimated.

This statement, it must be borne in mind, represents the commitments to prison.

The following table has been compiled from the criminal statistics of Canada, showing the convictions for offences of all kinds and for drunkenness in the three Maritime Provinces of the Dominion for each of the years during the quintennial period ending September 30th, 1892 :—

NOVA SCOTIA, NEW BRUNSWICK AND PRINCE EDWARD ISLAND.

Year.	Population.	Total convictions.	Per 1000.	Convictions for drunkenness.	Per 1000.
1888.....	878,000	3,744	4.26	1,929	2.19
1889.....	879,000	4,154	4.72	2,370	2.69
1890.....	880,000	4,553	5.17	2,490	2.83
1891.....	881,000	4,573	5.19	2,574	2.89
1892.....	882,000	4,462	5.06	2,268	2.57
Average.....	880,000	4,297	4.88	2,326	2.64

If the year 1892 is taken separately, the comparison is as follows :—

—	All offences.	For drunkenness.
Committals—Maine.....	5.62	2.58
Convictions—Lower Provinces.....	5.05	2.57

The basis of comparison here is, as regards drunkenness, favourable to Maine, as in the provinces convictions, including cases where fines are imposed, are taken, whereas in Maine the commitments to the jails only are given. The Commissioners regret that they have not been able to obtain full classified statistics of the commitments to the jails of the Maritime Provinces. The position of the three provinces resembles that of Maine. They are contiguous, and all border on the Atlantic;

their populations are largely engaged in similar occupations, and there has not been any great increase in the numbers thereof for the last decade. If, in the case of drunkenness, the number who were fined, paid fines and were discharged, could be eliminated from the total convictions in the provinces, the ratio of the remainder to the population would be much smaller than that of the commitments in the State of Maine.

Assuming that the terms "tramps" and "vagrants" are synonymous, Maine has a larger number of this class committed to jail than the provinces show convicted.

In the province of Ontario statistics of the commitments to the common jails of the province have been kept in an admirable manner, and the results have been embodied in annual reports presented to the Legislature.

The following table shows the commitments to all the jails of the province for all offences, and the commitments for drunkenness, with the ratio per thousand of the population, during the five years ended September 30th, 1892:—

PROVINCE OF ONTARIO.

Year.	Population.	Total Commitments.	Per 1000.	Commitments for drunkenness.	Per 1000.
1888.....	2,086,000	12,454	6.05	4,451	2.16
1889.....	2,074,000	12,531	6.03	4,777	2.31
1890.....	2,094,000	11,810	5.63	4,573	2.18
1891.....	2,114,000	10,423	4.92	3,614	1.70
1892.....	2,134,000	9,911	4.22	2,736	1.28
Total.....	10,473,000	56,229	26.85	20,151	9.63
Average.....	2,094,000	11,246	5.37	4,030	1.92

The ratio of all commitments to the jails of Ontario, with its large business centres and constantly increasing population, is, it will be observed, less than the ratio in the State of Maine, and the commitments for drunkenness much below those of that state. Properly classified statistics of the commitments to jails of the other provinces of the Dominion are not available.

As nearly as can be ascertained, about 69 per cent of those convicted for drunkenness in Ontario are sent to jail. There are no statistics showing what the proportion is in the whole State of Maine, but taking the return of the Municipal Court of Portland as a fair index, the commitments to jail do not amount to as high a percentage of the total convictions for drunkenness as they are in Ontario.

It is not claimed that these are exact statistics; in fact, exact statistics are not obtainable, but they indicate very clearly that the vice of drunkenness has not been eradicated by the operation of the prohibitory law in the State of Maine, and that the results obtained in that direction, after a lengthened experience under very favorable conditions, are not more satisfactory than they are under the license system prevailing in the Dominion.

The following figures show the number of prisoners in the common jails, the number of prisoners in the penitentiaries, (in Maine, the state prison), the number of inmates in reformatories, and the number of lunatics in the asylums of the State of Maine and in the provinces of the Dominion mentioned:—

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STATEMENT showing number of prisoners in common jails at the end of the following years, with ratio per 1,000 of the population.

YEAR.	QUEBEC.		ONTARIO.		NEW BRUNSWICK.		NOVA SCOTIA.		P. E. ISLAND.		MANITOBA.		N. W. TERRITORIES.		B. COLUMBIA.		STATE OF MAINE.	
	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.	In jail.	Ratio.
1881.....	*565	0.36	770	0.39	73	0.23	76	0.17	27	0.24	12	0.19	.....	.....	65	1.31	250	0.38
1891.....	567	0.38	895	0.42	64	0.19	89	0.19	24	0.22	35	0.22	47	0.47	138	1.40	378	0.57
1892.....	451	0.30	810	0.37	72	0.22	63	0.13	24	0.21	52	0.31	59	0.57	144	1.36	400	0.60
1893.....	451	0.30	814	0.37	51	0.15	67	0.14	.....	.....	64	0.36	80	0.74	.....	.....	572	0.86

* For 1883. In Quebec the figures for 1881 not available. In Quebec the jail year ends 31st December; in Ontario, 30th September. In Maine the jail year ends 30th November; in Nova Scotia, 31st December; in New Brunswick, 31st December; in Manitoba, 31st December; in British Columbia, 31st December.

22 The returns from New Brunswick and Nova Scotia are imperfect. The figures have had to be obtained from the county officials, the Provincial Governments apparently keeping no accounts.

PRISONERS IN PENITENTIARIES.

YEAR.	IN THE DOMINION.		IN MAINE (STATE REPORTS).	
	Prisoners.	Ratio.	Prisoners.	Ratio.
1881.....	1,218	0·281	184	0·283
1891.....	1,249	0·258	168	0·254
1892.....	1,228	0·251	135	0·204

The United States Census returns give the convicts in penitentiaries in Maine 30th June, 1880, 0·328 per 1,000; 30th June, 1890, 0·157.

In the Dominion the year ends June 30th; in Maine the year ends November 30th.

POPULATION IN INSANE ASYLUMS.

Year.	ONTARIO. Sept. 30.		QUEBEC. Dec. 31.		NEW BRUNSWICK. Dec. 31.		NOVA SCOTIA.* Dec. 31.	
	No.	Ratio.	No.	Ratio.	No.	Ratio.	No.	Ratio.
1881.....	2416	1·253	1758	1·293	325	1·012	382	0·866
1891.....	3468	1·641	2532	1·701	466	1·451	354	0·785
1892.....	3587	1·680	2530	1·684	451	1·400	363	0·804

Year.	P. E. ISLAND. Dec. 31.		MANITOBA. Dec. 31.		N. W. TERRITORY'S Dec. 31.		B. COLUMBIA. Dec. 31.	
	No.	Ratio.	No.	Ratio.	No.	Ratio.	No.	Ratio.
1881.....	97	0·800	.....	.....	.....	.....	48	0·970
1891.....	137	1·256	135	0·882	41	0·414	123	1·251
1892.....	137	1·256	176	1·035	48	0·475	135	1·280

* In Nova Scotia there appears to be an increasing number of harmless insane cared for in the county and city institutions. The figures here given are taken from the reports of the Provincial Hospital for the Insane.

In the report for 1889, it is stated: "During the past year, Cape Breton and Inverness counties have made provision for their chronic insane, and, according to chap. 44 of Acts of 1886, they have removed 23 men and 16 women."

It has not been found practicable to separate the insane from other inmates in these last-mentioned institutions, which partake of the character of almshouses.

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MARITIME PROVINCES COMBINED.

Year.	No.	Ratio.
1881.....	804	0·923
1891.....	957	1·086
1892.....	951	1·078

STATE OF MAINE (Nov. 30).

Year.	No.	Ratio.
1881.....	450	0·693
1891.....	673	1·016
1892.....	685	1·033

INMATES OF REFORMATORIES.

Year.	ONTARIO.		QUEBEC.		IN MAINE.			
	No.	Ratio per M.	No.	Ratio per M.	Year.	No.	Ratio per M.	
1881.....	377	0·195	415	0·305	1880	116	0·179	U. S. Census.
1891.....	306	0·145	631	0·423	1890	169	0·255	do
1892.....	278	0·130	569	0·378	1892	162	0·244	State Report.

In the province of Quebec, juvenile offenders are sent to reform schools, which are under the charge of one or other of the religious institutions, the Government of the province paying a certain sum *per capita* for their maintenance. The Inspector of Reformatories for the province, in response to inquiries as to the causes leading to Quebec showing such a much larger number of inmates in reformatories than Ontario, stated that the latter has fewer establishments of the kind than Quebec, and that it is probable that the juvenile offenders are sent in a larger proportion to other institutions.

In the State of Maine capital punishment was abolished some years ago, there are many prisoners in the state prison who have been convicted of the crime of murder.

The relationship which intemperance bears to lunacy is a matter about which specialists differ widely. Opinions on the subject must be considered as almost wholly speculative.

There has been in Canada a large increase in the number of inmates in the insane asylum. This is probably owing, in some degree, to the improved methods of treatment adopted, to the increased accommodation provided, and the extra care and attention bestowed in these institutions upon those so afflicted, creating an increasing confidence on the part of the public in their management. The practice of communities undoubtedly differs, and a mere comparison of the number of the inmates in asylums is not a safe guide to the prevalence, or the reverse, of insanity in different countries or states. The harmless insane are cared for privately in some

communities to a larger extent than in others, and in such cases, of course, they do not add to the population of the asylums.

Mr. George Johnson, Government Statistician, in bulletin No. 16, 1893, of the Census of Canada, draws attention to the increase of the insane. He shows that the increase in the number of insane in Ontario, Quebec, Nova Scotia and New Brunswick, was at the rate of 34.4 per cent between 1871 and 1891, whilst during the same period the population increased only 25.5 per cent. From these figures it appears that during twenty years insanity in Canada increased more rapidly, proportionately, than its population. In 1891 there were 2,900 insane in every million, and in 1871 there were 2,703 in every million of the population of the four original provinces of the Dominion. These figures refer to the total insane in the four provinces, including those in asylums, as well as those cared for elsewhere.

The Commissioners have been unable to obtain statistics of the total insane in the United States, or even in a single state. From a statement showing the number of inmates in the Maine Insane Hospital (Appendix, No. 126), it appears that the number has steadily increased; and the trustees, in their report for 1892, intimate that the present accommodation for patients is exhausted. No doubt a large number of harmless lunatics are cared for in private families, and the number of inmates in the state hospital cannot be accepted as representing the total number of the insane in the state.

The poor are cared for in Canada mainly by the various charitable societies and in the religious houses of the Roman Catholic community. It has not been found practicable to compare pauperism in the State of Maine with pauperism in Canada. The following figures, taken from the United States census returns, show, however, the position which Maine occupies in this respect in the group of the North Atlantic division of states:—

RETURN of Paupers in almshouses in the undermentioned states for the years 1890, and 1880, with population of states and the ratio of per thousand of the population.

State.	1890.			1880.		
	Population.	Paupers.	Ratio per 1,000 of Population.	Population.	Paupers.	Ratio per 1,000 of Population.
Maine.....	661,086	1,161	1.75	648,936	1,505	2.31
New Hampshire.....	376,530	1,143	3.03	346,991	1,198	3.35
Vermont.....	332,422	543	1.63	332,286	655	1.97
Massachusetts.....	2,238,943	4,725	2.11	1,733,035	4,533	2.54
Rhode Island.....	345,506	490	1.41	276,531	526	1.90
Connecticut.....	746,258	1,438	1.92	622,700	1,418	2.27
New York.....	5,997,853	10,272	1.71	5,082,871	12,452	2.45
New Jersey.....	1,444,933	2,718	1.88	1,131,116	2,462	2.17
Pennsylvania.....	5,258,014	8,653	1.64	4,282,891	9,184	2.14
Total.....	17,401,545	31,143	Aver. 1.78	14,507,407	33,933	Aver. 2.34

A large number of divorces are applied for and granted in the State of Maine. According to statistics collected under the supervision of Hon. Carrol Wright, and issued from the Labour Bureau at Washington, there were, between the years 1867 and 1886, 8,412 divorces granted in the state, and of these 117 were granted on the direct ground of intemperance.

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The following figures show the number of cases in which intemperance formed one of the charges preferred:—

Adultery, cruelty and habitual intoxication.....	2
do and habitual intoxication.....	10
do habitual intoxication and neglect to provide.....	1
Convictions for felony and habitual intoxication.....	2
Cruel and abusive treatment and habitual intoxication.....	134
do do habitual intoxication and neglect to provide.....	13
Cruelty and habitual intoxication.....	311
do do and neglect to provide.....	21
Desertion and habitual intoxication.....	28
do habitual intoxication and neglect to provide.....	5
do do and refusal to cohabit.....	1
Habitual intoxication	117
do and neglect to provide	315
Total.....	960

There are no general statistics of a later date published, but a return prepared by the clerk of the court supplies the following information in regard to divorces decreed by the Supreme Court of Maine, in the county of Penobscot, from 1881 to 1893:—

1881.....	79	15
1882.....	65	9
1883.....	57	11
1884.....	31	3
1885.....	53	5
1886.....	58	10
1887.....	73	15
1888.....	69	8
1889.....	82	18
1890.....	59	9
1891.....	69	15
1892.....	48	8
1893.....	41	9
Total	783	135

For gross and confirmed habits of intoxication, or for intoxication, one in six, (1 in 6).

Mr. Benjamin C. Stone, Clerk of the Supreme Judicial Court, Portland, stated, in reply to a question as to divorces granted in the court, that in 1891, at the three terms of the court, there were 68 divorces; in 1892, 48 divorces, and in the two first terms of the court in 1893, 36 divorces, granted; that out of the 68 divorces granted in 1891, 17 were on account of gross and confirmed habits of intoxication; of the 48 divorces granted in 1892, 12 were for gross and confirmed habits of drunkenness, and of those granted at the first two terms of the court, in 1893, 2 were for gross and confirmed habits of intoxication. He further stated that the population of the district was in 1890, 91,000.

In the evidence of the Hon. C. W. Jones, Chairman of the Board of Inspectors of State Prisons, page 564, Vol. V, statistics of the number of certain classes of criminals in the prisons of the State in the year 1886 are given. Mr. Jones was kind enough to promise to supply the comparative figures for the year 1851. (Q. 6810b). In a letter dated 4th November, 1893, that gentleman wrote,—“I find by

the records that there were in prison on the 30th April 1851, and on November 30th, 1886, convicts committed for the crimes mentioned as follows:—

	1851.	1886.
Murder.....	4	30
Manslaughter.....	1	5
Arson.....	4	4
Robbery.....	0	1
Piracy.....	0	2
Other high crimes	5	13
	—	—
	14	55

“The repeal of the death penalty in 1878 and former repeals which had been in force a part of the time prior to that date, accounts in part for the large number of murderers in custody in 1886. The number of convicts in prison in 1851 was about half the number in 1886, while the population was not enough smaller in 1851 than in 1886 to make a great difference in the percentages.”

Leaving out the murderers in each period, the number would be,—1851, 10, 1886, 25.

In the census returns of the United States, the number of those charged with homicide remaining in the prisons of the State of Maine, were, in 1880, 29, in 1890, 42. The increase was 42.22 per cent; the increase in population was 1.87 per cent. In the same returns the population of the State Penitentiary was given as being in 1880, 213, in 1890, 170, a decrease of 20.18 per cent.

THE SAVINGS OF THE PEOPLE.

The amount deposited in the savings banks are frequently referred to in connection with the liquor legislation of this State as evidence of its beneficial effects. It is evident that the occupations of the people must largely influence the amount of their savings, and it therefore becomes difficult to make comparisons which are of much value.

The savings banks throughout the New England States are simply associations. They are managed by trustees for the benefit of the depositors. There is no shareholders' capital, as is the case in Canada, where, outside of the Government Savings Banks, such institutions are simply joint stock companies allowing to depositors a fixed rate of interest, and reserving the profits made beyond that rate for the payment of dividends to their shareholders. A comparison between the depositors and deposits in such institutions and those in the State of Maine, therefore, would be misleading, even were it otherwise of any value.

The following figures showing the number of depositors, the total amount of deposits, the average to the credit of each depositor, and the population of sundry States of the Union are taken from a paper prepared by Mr. George Johnson from the returns of the Comptroller of the United States Treasury.

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STATEMENT showing number of depositors in savings banks, the amount and average of each deposit, and the proportion of depositors to population in the following states:—

1891-92.

State.	Population, 1890.	Number of Depositors.	Proportion to Population.	Amount of Deposits.	Average to each Depositor.
				\$	\$ cts.
Maine	661,086	146,668	22 18	50,278,452	342 80
New Hampshire	376,530	169,949	45 13	72,439,660	426 24
Vermont	332,422	80,740	24 28	24,574,742	305 60
Massachusetts	2,238,943	1,131,203	50 52	369,526,386	326 67
Rhode Island	345,506	136,648	39 55	66,276,157	485 01
Connecticut	746,258	317,925	42 60	122,582,160	385 57
New York	5,997,953	1,516,289	25 28	588,425,421	388 07
New Jersey	1,444,933	131,739	9 11	33,807,634	256 62
Pennsylvania	5,258,014	248,471	4 72	65,233,993	262 54
Delaware	168,493	17,318	10 27	3,626,319	209 39
Maryland	1,042,390	142,135	13 63	41,977,868	295 34
Ohio	3,672,316	84,779	2 30	33,895,078	399 80
Indiana	2,192,404	15,418	0 70	3,754,622	243 52
Michigan	2,093,889	180,391	8 61	36,959,573	204 88
Iowa	1,911,896	71,687	3 74	26,115,384	364 29
Minnesota	1,301,826	35,123	2 69	8,786,879	250 17
California	1,208,130	167,667	13 87	127,312,088	759 39

The Maine savings banks accept deposits up to \$2,000, from any one depositor, and to a larger extent from widows and orphans and in the case of certain trust funds.

WHAT PROHIBITION IN MAINE IMPLIES.

A very general misapprehension exists as to what prohibition in Maine really implies. This is due no doubt due to some extent to the very general terms which the advocates of the system have used when urging its claims to public support. The popular conception outside the state is, that the law prohibits and makes illegal the use of intoxicants as a beverage. The fact is, the law simply aims at preventing trading in any form in the manufacture and sale of intoxicants within the state; but every citizen of Maine has the right to purchase outside and bring into the state whatever he may desire in the shape of intoxicants for his personal use or the use of his family.

On this question of importation for personal use, the following statements were made by General Neal Dow:—

"You are credited with being the father of the Maine law, and you have no doubt, considered it more than any other person in your state who has made it a study. Do you find that a law permitting liquor to come in as it does for private consumption tends to prevent your getting the full benefit you wish, in other words, if public opinion would permit it, would you stop importation for private consumption? I would want to think over that a little. We do not want any more than we can help to interfere with the private habits of people, except so far as they interfere with the public good. We think we are warranted by law in interfering in every way when the public good is endangered. I was talking once to John Stuart Mill, who asked me if I thought we should not let people drink as much as they liked, provided they do not interfere with others. Then he said 'you should have places where they can get it.' I said I disagreed with him, because the places where they get the drink inflict more injury on people than all other sources of mischief combined. If they can get their liquor in any way consistent with the public good, though we do not advise them to use it, still we would not object." (Q. 26122.)

Hon. Judge Rounds, of Calais, who also appeared before the Commission, said upon the subject :—

“ Is your law such that if a citizen chooses to go to Boston and buy a cask of wine or a box of bottles of ale for home consumption, he can do so? Our law does not touch the personal use of intoxicating liquors. A man can go to Boston and purchase a case of liquor and bring it to Calais and take it to his home and use it at his own table. There is nothing in our law to interfere with it.

“ Practically, has it not this effect, that the man who is wealthy and can afford to buy wine in Montreal or Boston, is placed in a position of advantage over the man of smaller means who cannot do so? He has the advantage that wealth always gives. I think that practically the wealthy do not get as much liquor as the poor. My idea is that the wealthy in this State, as a rule, do not use it; it is more largely used by men of small means. (Q. 10508-10510.)

The advocates of the prohibitory system claim as one of its greatest advantages, that it makes the liquor traffic disreputable, drives it into holes and corners and out of the way places, where only those who have lost their self-respect will go. This is a result which some persons, on the other hand, consider as otherwise than advantageous. They contend that the system increases the consumption of liquor in the homes of the working classes, and that the young are in this way brought in contact with conditions, and of necessity made familiar with scenes and incidents, whose influences must be hurtful.

A commission recently appointed by the Governor of Massachusetts to investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors, engaged Mr. John Koren to visit Sweden and Norway and report, after personal investigation. That gentleman's report has been printed this year (1894) and circulated as a state paper. In it Mr. Koren says :—

“ It may be mentioned that one of the first acts of the company was to remove the bars from the dingy back streets and courts, and locate them on much travelled thoroughfares, where they may be, as it were, under the surveillance of the public. Complaint is made that this is placing temptation directly in the way of many. But the policy of the company is more than justified by the fact that this turning broad daylight on the saloons has resulted in stamping out the usual loafing outside such places, as well as in exterminating, to a large extent, the confirmed toper and the vicious class of drinkers.”

A number of gentlemen who gave evidence before the Commission were in favour of local option and high license, and others, who have always supported the present prohibitory law, expressed themselves as somewhat in doubt as to its advantages over the last mentioned system. Under local option and license the greater portion of the rural communities would, it is highly probable, continue to prohibit the traffic, whilst the cities and larger towns would license it.

His Worship, Mayor Baxter, of Portland, a supporter of the prohibitory law was asked :—

“ Have you given any study at any time to the question of the superiority of the one system over the other, that is, the superiority of the license system over the prohibitory system, or *vice versa*?” In reply he stated, “ I have paid considerable attention to it, and I have heard the matter discussed a good deal. I must say that I am a little in doubt about the matter. If there could be a licensing system which could be controlled properly, it seems to me that it would be better than our system here.” (Q. 4567b).

Again :—

“ If the liquor agency is to be made a source of revenue for the municipality, what is the difference between licensing that and licensing other persons to sell?— That is the point, of course, and that is why, in mentioning this matter, I stated that I was somewhat in doubt as to what was the best method. I do not know if there could be a license system perfectly controlled, but if we had such a license system, I have no doubt but that it would do as well as our present system. (Q. 4569b).

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Alderman George Tolman, of Portland, chairman of the committee of the City Council controlling the liquor agency, when asked if he would prefer a license law, replied, "I believe that high license and local option would work much better in every large town and every city in the state. (Q. 5057b).

Mr. George L. Swett, ex-city marshal, of Portland, when asked as a "public officer and one who has been chief of police and been connected with the enforcement of the municipal ordinances and the preservation of the law and order in this city (Portland) have you come to any conclusion as to whether it is possible to enforce the prohibitory law in this city. My opinion is that a high license or local option law would be in the interest of the better morals of society. (Q. 5382b).

Mr. Franklyn R. Barrett, President of the Portland Savings Bank, the largest bank in the state, said that the requirements of the law might have something to do with the amount of the deposits, for instance the taxes paid to the state might be higher in one state than another, and the latitude given for investments greater. When asked if the prohibitory law had a beneficial effect or otherwise on matters in the state at large, he said, "I have always been inclined to doubt it, but yet I do not know that I can justify my doubt. I have no absolute knowledge of my own; but my impression is that any other law would do just as well as the prohibitory law. Of course the prohibitory law is easy to enforce in sparsely settled communities, and it has some effect there, but in my opinion a rigid license law would probably do the same thing. (Q. 5859b).

Mr. Benjamin C. Stone, Clerk of the Supreme Judicial Court, stated:—

"It is a question in my mind as to whether a prohibitory law is better than high license law. I think that prohibitory or license law is better than no law; that is to say, I would not be in favour of unrestricted sale of intoxicants in the state. I think that the prohibitory law has had a beneficial effect, and that it is far above an unrestricted sale. But it is a question in my mind whether or not high license would have done fully as well. It is a matter which I have considered quite frankly, though I am free to acknowledge that I have always been a prohibitionist, and I am in favour of restricting the sale of intoxicants, but, however, since I have been connected with the courts it is a question to my mind whether the prohibitory law has worked as well as a high license law might have done. (Q. 5974b).

Hon. George P. Westcott, President of the Portland and Rochester Railway, a member of the State Senate, and ex-Mayor of Portland, said:—

"In looking at the operation of the law, and reviewing its operation from 1866 to the present time, and especially from 1869 up to now, I see but little change. While the law has grown stronger, I do not see that the effect of it has been to reduce the number of arrests or the amount of drunkenness in this city (Portland). I do not see that there has been any decrease in drunkenness which would not have occurred to the same extent through the enlightenment and the general habits of the people. I believe that the same result would have been produced under a license system, and that there would have been less drinking now than formerly. (Q. 6082b).

"You mean that there is more liquor in private houses in the city of Portland than there used to be?—Yes, more than there was when liquor was sold freely, or than there would be if there were respectable places in the city where liquor could be purchased. (Q. 6103b).

"If a vote were taken in the city of Portland for local option, I believe that local option would carry, and that the sale of rum would diminish.

"When you say 'rum,' you mean, of course, liquors of all kinds?—Yes." (Q. 6145b-6146b).

Writing to the Chairman of the Commission, Mr. Westcott said:—

"The policy of the state and the majority of voters in the state, both Republicans and Democrats, are in favour of the prohibitory law remaining on the statute book. It is true, however, that they do so with this qualification, that they want prohibition in the country where public sentiment of both political parties will sustain prohibition in the country towns, but they want free rum practically in the

cities; and I believe that a majority of both parties in the cities, freely expressed, would be for local option or, rather, high license. * * * In Portland the law has been fairly well enforced for years, while in Bangor the contrary is true. They have had for years in Bangor, where public sentiment is in favour of the prohibitory law, but against its enforcement, practically free rum."

Mr. L. T. Carleton, County Attorney for Kennebec County, said:—

"This drink question is a great question. I suppose that liquor will always be drunk so long as liquor is made, and what the outcome is going to be I do not know. I think the prohibitory law is a success in some directions, and it is a failure in other directions. I think, however, it is ahead of any we have ever had in this line. I believe it is ahead of the license law. * * * Whether the high license law and local option would be better or not I do not know. If we had, however, a town of this size under local option, I believe we would have no rum shops.

"Do I understand you to say that you have not made up your mind as to whether high license or local option would produce better results than prohibition? I cannot say that I have made up my mind as to that." (Q. 8475b-8477b.)

"Do you think that a vote to repeal the prohibitory law would have any chance in this state? If this matter would be submitted again to the people in the State of Maine, under an Australian ballot system, as we have it now, I am much afraid that there would be no 47,000 majority in favour of prohibition, as there was before. I do not say that the vote would be against prohibition, but it would be very close in my judgment.

"What effect would the Australian ballot system have? Well, of course everybody knows that any number of people desire to be considered as temperance people and teetotalers, and yet they take a glass of liquor once in a while, but when they come to vote openly they will vote for temperance. A great many do not vote on this question as they believe, but as they practise." (Q. 8491b-8492b.)

Mr. Charles B. Chick, city clerk of Augusta, when questioned in reference to his opinion regarding the working of a license law as compared with prohibition, said:—"I have always been a high license man. I think it is the wisest system. I think it is better than this prohibitory law."

"Why? Because I think the condition of things here is degrading and demoralizing. It puts in contempt, not only our prohibitory law, but all our laws. (Q. 6672b-6673b.)

"As a matter of fact, as a citizen of Maine, you would favour a high license law? Yes, if I had a chance to vote for it, I would vote for it, and advocate its adoption.

"Would it be a political question? Not with me. In my opinion, I think the majority of the people would vote for high license, as we have now the Australian ballot system and not open voting." (Q. 6689b-6690b.)

Mr. C. W. Jones, chairman of the State Board of Inspectors of Prisons and Jails, said:—"I am most heartily in favour of the license system, although I voted for putting prohibition in the constitution. (Q. 6793b.)

"For what reason would you prefer a licensing system to the prohibitory law? I think a license law would make the trade more honourable, for one thing. Now a large part of the rum is sold in low dives and by pocket peddlers. They pay no United States license, and they sell to the lowest class of the people, just the class of people who commit crime when under the influence of liquor. (Q. 6812b.)

"The state derives more revenue from it (high license); and if you put the liquor sellers in jail under prohibition, it is more expensive for maintaining them. I believe that if you had license system you would drive out of the business these low dives which sell cheap liquor. * * * The people who hold the license would be as much interested as any one in driving them out." (Q. 6821b.)

A. D. Andrews, Esq., Judge of the Municipal Court of Augusta, on being asked if the prohibitory law made the traffic in liquor disreputable, replied:—

"I should say so.

"Is that a benefit for the community? That is a question to be argued either way. I do not think any respectable man in the State of Maine to-day would want

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to be known as a liquor seller. I should sadly deplore to see a license law. Even with all the hypocrites and perjurers that the liquor law has caused, I should be sad to see a liquor license here." (Q. 6889b-6890b.)

Mr. E. Norton, High Sheriff of the County of Kennebec, after remarking that the prohibitory law was not an entire success, continued, "I think that better results could be obtained under the license law. I think it would be better if we had a high license law. (Q. 6949b.)

"As a citizen of the city, born here, are you satisfied with this law? No, I think a license law would be better." (Q. 6985b.)

Mr. A. S. Bangs, of Augusta, lumber merchant, an ex-Grand Chief Templar for the State of Maine, said:—

"I have had an opportunity of seeing the working of the prohibitory law in all parts of the state, and to compare it with the license system. * * * Whether it (the prohibitory law) was the wisest law that could be enacted, or whether the subsequent amendments have been the wisest is of course a question which various people differ upon. * * * Of course there are those who believe that a high license law would be preferable to a prohibitory law, and I know that they are honest in their opinions. I used to think so myself. I am free to state that before my connection with the temperance organization, I believed in high license, and sought to strengthen myself in regard to it by visiting those places where high license prevailed. But you find the same difficulties in high license cities that you find here under the prohibitory law. High license does not stop people from selling liquor who have no license." (Q. 7127b.)

Thos. W. Vose, Esq., Judge of the Municipal Court of Bangor, said, on his examination before the Commission:—

"I would suggest nothing to take the place of prohibition. There is license and local option, but prohibition involves both local option and license to this extent: you may say we have license because we do not enforce the law, and we have local option because we do not enforce the law. Public sentiment is what controls all three.

"I am inclined to think the people in Bangor would favour local option. It is only a question of whether we would have more rum sold or whether we should have it in our power to say we would stop it at any moment or let it be controlled.

"If local option were carried out in accordance with the sentiment of the people, what do you say as to that compared with the present state of things? I am for prohibition." (Q. 7343b-7346b.)

Mr. J. Norman Towle, of Bangor, wholesale grain merchant, was asked—

"Is it your opinion that, if a vote were taken on the question of prohibition, the people of Bangor would vote for some other law than the prohibitory law? Yes, I think that the people would vote for high license in their city." (Q. 7483b.)

Mr. T. O. Beal, Mayor of Bangor, said in his examination—

"Do you believe that the prohibitory law has had the effect of promoting total abstinence? I do not think it has. I think it has been a signal failure in that respect. (Q. 7580b.)

"Were you originally in favour of the prohibitory law? I was young when the law was first started, so that I cannot say that I know much about it * * * My experience of the operation of the law was not calculated to make me a radical temperance man. I may say, however, to you that I do not take a drink myself, and that I hate to see anyone else taking a drink * * * I doubt if the principle of the law is solid." (Q. 7610b.)

Mr. Chas. H. Bailey, County Attorney for Penobscot County, Bangor, said:—

"The object of the prohibition law was, if possible, to restrain the sale of intoxicating liquors, in making certain limitations under which it could be sold * * * It has not accomplished that purpose manifestly here * * * I think that the result of the law has been to cause a great deal of good. I think, however, the moral effect of such a law is good. I think that amongst our rural population it is work-

ing well. In our cities and large centres of population, the prohibitory law does not work so well.

"Have you given any thought to a local option law? The matter has received some consideration from me, but I have never thought that that would very much restrict the sale of liquor. There are a great many people who think, however, that local option would be nearer the correct idea than the state of affairs we have." (Q. 7702b-7703b).

Joseph S. Smith, Esq., President of the Manufacturing and Bangor Extension Leather Company, said:—

"Has the (prohibitory) law, taking the city all over, done any good? I do not think it has. I believe in high license.

"Do you mean to say that you prefer high license to prohibition, and always have done so? I always have preferred high license and I prefer it to-day, because I think it will control better the sale of liquor. I would have a law that would limit the number of licenses and control the sale." (Q. 7834b-7835b).

Mr. William Dobson, of Pittsfield, woollen manufacturer and mill owner, in his evidence before the Commission, said:—

"If we had a license law with local option, I should vote against it. I would have no license so far as Pittsfield (population about 2,500) is concerned. If I lived in Boston, I should vote for licenses. I think there are places where prohibition can be enforced pretty well, as it is in this town, because public opinion sustains it, where in other places it does not sustain it.

"You think you would prefer no license? If we had a license law in the State of Maine, with local option, I would vote against it, and against having license in this place.

"Are you in favour of license and local option being the law? I am not prepared to say that I am. I feel more inclined that way, however, than I did formerly. There are some things that are not right in the prohibitory law * * There are a great many things that I do not like under prohibition, and my position in that respect is a little different from a good many others here. (Q. 8268b-8270b)

"Do you believe that a license system, like the one they have in Boston would work better in Bangor than the present system? I do firmly believe so. I do not want to be understood as saying that I believe in local option absolutely, but I am inclined to that belief." (Q. 8281b).

Hon. William H. Newell, ex-Mayor of Lewiston, and ex-County Attorney, said:—

"Would you not give country places the right to decide whether they should or should not have a license in their midst. I do not think that I would have any licensed places in the country.

"You would give them local option with high license? Yes. (Q. 8925b-8926b).

"Do you believe that the prohibitory law is not promoting total abstinence? No, I do not believe that any well informed man who meets men and who has lived here, would say that it did." (Q. 8940b).

Hon. A. D. Cornish, Lewiston, Judge of the Municipal Court of Lewiston, when questioned as to what effect the prohibitory law had upon the sobriety of the people in Lewiston, replied that he had no doubt that it had greatly lessened the number of cases of intoxication, and the consumption of liquor. (Q. 8989b-8990b).

Hon. Mr. Staples, Mayor of Biddeford, was examined before the Commission. He was asked,—

"What system do you think would work better than the present prohibitory law? I think that a license law with local option would be the best law.

"Do you know anything of how the license law with local option is working in Massachusetts? Well, most of the cities in Massachusetts have license. If a city in Massachusetts votes for no licenses this spring, they are sure to change it next spring, and have licenses." (Q. 9097b, 9099b).

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"Taking the state as a whole, do you think the law has done good or harm?—I think the law has been a benefit in the sparsely settled parts of the state, that is in the country districts.

"If you had local option, would you have license in Biddeford?—Yes, sir; some would and some would not vote for license. I have no doubt but that Biddeford would have license. (Q. 91086-91106).

Hon. Judge Cram, Judge of the Municipal Court, Biddeford, said:—

"Our present prohibitory law will drive any man out of the business if they enforce it against him. (Q. 9213). From my knowledge of the prohibitory law, I believe it has done good in the country towns. (Q. 9214). It is easier to enforce in country places. (Q. 9215). I do not think it has worked satisfactorily in the large cities of the state. (Q. 9229).

The evidence collected in the State of Maine is too extensive to admit of a summary being made of it here, and will require to be read by those who desire to fully understand the working of the prohibitory law in that state. On all hands it seems to be admitted that prohibition has come to be considered as a question to be handled by the two great political parties in the manner best calculated to procure them votes. The Democrats openly condemn the law, the Republicans openly commend it; but they are not unfrequently charged with neglecting, when in office, to enforce its provisions. They are said to thus secure in many instances the votes of the illicit dealers in liquor, who object to their policy, but approve their practice. That the earnest and active prohibitionists are dissatisfied with the conduct of both parties may be assumed from the fact that they now regularly put in the field candidates of their own for some of the public offices. The prohibitionist candidate for the position of governor of the state polled in 1890, 2,981 votes, and in 1892, 3,732 votes. The successful candidate polled in 1890, 64,259, and in 1892, 67,609 votes. These figures would seem to indicate that the electors attach more importance to the success of their political candidates than to any more active and energetic enforcement of the prohibitory liquor law.

There are many religious denominations in the state, and most of the churches probably endorse and support the prohibitory system. The evidence of several clergymen was taken, and the Bishops of the Roman Catholic and Episcopalian churches of the state both expressed their views before the commission.

President Hyde, of Bowdoin College, Brunswick, Maine, writing in the *Forum* in June, 1892, on "Impending Paganism in New England," says:—

"The word *paganus*, pagan, originally meant simply countryman or villager. It acquired its present meaning in consequence of the fact that as Christianity entered the Roman Empire through the cities, the rural regions were the last to be converted. In New England, on the contrary, Christianity came first to the town. Yet New England to-day is confronted with the danger that the country village will be the first to lapse from vital Christianity, that here the English word countryman will repeat the history of its Latin predecessor, and that rusticity will again become synonymous with godlessness and superstition.

"Statistics recently gathered by the Maine 'Bible Society' show that Waldo County, Maine, has 6,987 families divided in religious preference as follows:—Adventist, 239; Baptist, 713; Christian, 159; Congregationalist, 691; Episcopal, 24; Free Will Baptist, 734; Methodist, 1,818; Roman Catholic, 136; Unitarian, 126; Universalist, 619; other denominations, 541; without preference, 1,046; not recorded, 141. Of the total 4,850 report themselves as not attending church. Oxford County contains 7,288 families, of which 4,577 report that they attend no church. The combined statistics of 15 counties show that of 133,445 families, 67,842 are not attendants upon any church."

These statistics go to show that the fact of the prohibition of the liquor traffic being a part of the constitution of Maine has not had the effect of strengthening the religious life of families in the State, and that the influence of religion is diminishing. This diminution must affect all lines of temperance work, and in this State give point to the assertion frequently made that religious and other efforts in behalf of

voluntary temperance have weakened contemporaneously with the attempt to compel the people by legislative enactments to become total abstainers.

The attention of the undersigned has been called to the inaugural addresses of the governors of the state to the Legislature, since 1880, which refer to the prohibitory law.

In Appendix, No. 169 will be found copies of the portions of these addresses which relate to that law. They must, of course, be read as the utterances of public men engaged in party politics in the state. Statistics or other evidence in support of the statements made in regard to the beneficial effects of the law are not supplied, and it is impossible to ignore the fact that there are many other public men taking part in the affairs of the state whose opinions do not agree with those expressed in these addresses.

The President of the Maine Pharmaceutical Association, in an address delivered before the members of that body in October, 1891, said:—

"In the first place the old Washingtonian temperance revival did more for temperance than any individual or law ever could. It was a movement founded on self abnegation and co-operation, without the baneful influence of sumptuary laws. Under it bar-rooms and grog shops were made dry in Maine, through lack of customers, and would never have appeared again had wise legislation regulating the sale of intoxicants been adopted. But prohibition came; with it the saloon; and though its author is credited with saying to the Legislature that first enacted it: 'give me this law and in thirty days I will suppress the rum traffic in the city of Portland,' the fact remains, that in nearly half a century which has since elapsed, at no time has the rum traffic been suppressed in that city, except at brief spasmodic spurts, when people were excited and misled by inflammatory appeals to believe for a time, that prohibition and temperance were synonymous terms. It is unnecessary to state that such 'enforcements' were, as they always will be, ghastly caricatures on voluntary temperance, and at no time has the main object, the lessening the consumption of intoxicants, been achieved; and as soon as the pressure was off the conditions were worse than before."

This gentleman in support of his views that persuasion is more effective than prohibition in dealing with intemperance, referred to the opinions of Mr. Francis Murphy, Mr. John B. Gough, and Dr. Dio Lewis.

When it is claimed that under prohibition the people of Maine have become more temperate and that the open sale of liquor in country districts (called towns in Maine) has been discontinued, it has to be borne in mind that the people in many other places where prohibition does not exist, have also become more temperate in the use of intoxicants, and that under the law in the State of Maine, open sale means open defiance of the law, but that the absence of open sale by no means implies that sale is not carried on, or that liquor is not supplied to those who desire to get it. As a matter of fact, the evidence taken by this Commission proves the reverse to be the case.

The addresses show that very exceptional measures have been taken to give effect to the law, such as that of superseding the local officials by officers appointed by the state, and the issue, in one instance, by the Governor of the state, of exceptional instructions to public functionaries. They form a striking commentary upon the statements frequently made that it is no more difficult to enforce a prohibitory law than it is to enforce the law against murder and other serious criminal offences.

Notwithstanding the reference in every inaugural address for years past, and the urgent appeals and exceptional measures taken to enforce the law, that it is not efficiently enforced is admitted in almost every case in these state papers, and we have the further evidence of the most distinguished, and perhaps the most able, advocate of the system, General Neal Dow, to prove. That gentleman gave the following evidence:—

"You say that you have gone to the State Legislature and tried to get amendments to the prohibitory law, and that you did not succeed in some cases. If the Legislature of Maine was anxious to make the law effective, would they not have given you the amendments you sought? Yes.

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"Did they reflect public opinion in withholding these amendments? They did not reflect the public opinion of Maine.

"The Republican party has been dominant in this State for many years. Did the Republican legislators reflect public opinion by pursuing this course and defeating your efforts to make the law efficient? Yes.

"Does the Republican sentiment in the legislature play with the law, so as to make it a political foot ball? They do.

"How about the Democrats. Are they any warmer friends of the prohibitory law than the Republicans? No, they are utterly opposed to the law and always have been.

"The action of one party, the Republicans, is to use the prohibitory law as a political lever? Yes.

"And that of the other party, the Democrats, is open opposition to the law? Yes.

"Is it possible that there can be a fair enforcement of the law under such a condition of things? No.

"If the prohibition sentiment is predominant in the State of Maine, what steps are the people taking to put an end to this condition of things? We are trying to show the people of Maine that if they are in favour of prohibition they must show it by their votes and not by what they say. On the platform, I very often refer to the action of the Republican and Democratic parties in this respect. I say that the Democrats like whisky and go for whisky honestly and openly, and the Republican party do not believe in whisky, I go for whisky all the same. That is the only difference between the two.

"Then there is nothing to be hoped for in the way of a rigid enforcement of the prohibitory law from either of the recognized political parties in the State of Maine? No.

"And the law will not be rigidly enforced until there is some new party returned to power, which will make prohibition the principal plank in their platform? That is what we are after.

"We may attribute the laxity of enforcement throughout the different parts of the State to a want of sympathy among the politicians? Yes; the state of things existing here is really demoralizing. Although the law of the State has been on the statute books for forty-two years, and has been reaffirmed by a majority of 47,075 of our people, it is not enforced in some places. I am sorry to see some of our judges ignoring the law. That is very demoralizing and it tends to lead the whole people of the state to illegality.

"Is it not possible that the people of State, a great majority of whom are so strongly in favour of prohibition, as you say, would throw off party allegiance for one or two years, so as to secure the amendments to the prohibitory law which are necessary? It is a wonder they do not. If they did that, they would soon abolish rum." (Q. 5801-5813.)

In the Governor's address for 1885, it was stated that "The present law may therefore be considered sufficient to cover all violations of its provisions that can possibly occur, and its weakness seems to be in its non-enforcement by those officers whose duty it is to execute the laws of the State." Notwithstanding this, we find that in 1887 the Governor states that "the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offence of liquor selling, would cure the admitted evil of imperfect enforcement," and it may be said that in every session of the State Legislature since 1887, amendments to the law have been passed.

Judge Charles R. Rounds of the Municipal Court of Calais, Me., who gave evidence before the Commission at St. Stephen, N.S., speaking of the disadvantage of increased penalties, said: "I think it (the Maine law) has not been so thoroughly enforced under imprisonment for the first offence as it was before. I talked the matter over with two of the judges of the Supreme Court. They told me they found difficulty with juries in regard to obtaining convictions for the first offences, the juries now finding excuses to let off the parties which they did not before. * * *

It is said to be because there is now imprisonment for the first offence, and the juries thought it too severe. To the common mind that penalty is too severe for the first offence. Judge Libby, one of the judges of the Supreme Bench, said he found considerable difficulty, and that whereas he could get convictions without any difficulty formerly, he now found that juries hesitated about rendering them in cases of first offence." (Vol. 1, p. 535, Q. 10496-10497.)

On this question of increased penalties Governor Joseph R. Bodwell, in his address to the Legislature, January, 1887, said: "Some of the more zealous friends of the temperance cause think that an increase of the penalties, especially for the first offence of liquor selling, would cure the admitted evil of imperfect enforcement, but the more prudent, and I think by far the larger number, are of the opinion that an increase of the penalty would do harm rather than good. What is actually needed at the points named is a sound public opinion to urge and uphold the enforcement of the law. Where that is wanting the case is made difficult with the prohibitory law, as indeed it always is with every form of law. Perhaps an increase of penalty would, in the place referred to, enhance rather than diminish, the evils of indifference and of hostility."

In Appendix, No. 76, will be found letters and papers forwarded by order of His Excellency the Governor of the State of Maine for the use of this Commission.

NEW HAMPSHIRE.

The law in this state is somewhat similar to the prohibitory laws of Maine and Vermont. It has been in operation since 1855. Brewing and distilling are not prohibited.

Secretary of State Stevens, who replied to the letter addressed to the Governor of the State, says:—

"In towns where public opinion does not encourage it the law is not uniformly enforced, and sales are made with more or less freedom; but in a majority of the towns of this state the law is enforced, and no open, if any, sales are made. Our statute generally rostrains and prevents a general sale, and, as stated, in many places entirely prohibits the sale."

By the Act entitled "An Act for the Sale of Spirituous or Intoxicating Liquors," provision is made for legal sales. The Governor appoints a person to sell liquor to town agents, who are chosen by the selectmen of towns. They sell spirituous liquors to be used "in the arts, and for medicinal, mechanical and chemical purposes."

It is provided that the act shall not be construed "to prohibit the sale, keeping for sale of domestic wine, nor the sale of any foreign spirituous liquors imported under the authority of the laws of the United States by the importer thereof, in the original casks or packages in which they are imported." (Section 22.)

"The selectmen shall prosecute, at the expense of the town, every person guilty of a violation of any previous section of this chapter, of which they can obtain reasonable proof; and if any selectman shall neglect his duty as specified in this section, he shall be fined not more two hundred dollars. But this provision shall not be construed to prevent any person from making complaint, and instituting and carrying on prosecutions for such offences, and such complainant, whether a town or city by its officers or an individual, shall be entitled to one-half of every fine collected through such prosecution." (Section 23.)

"If any person charged with the offence of drunkenness shall, before conviction thereof, disclose the name of the person from whom he obtained liquor whereby he became intoxicated, and whenever required shall testify fully concerning the same, he shall thereupon be discharged." (Section 26.)

In 1892 there appear to have been five breweries in the state and two distilleries.

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The following is a summary of the number of special tax payors in the state for the year ending 30th June, 1892:—

Retail dealers in malt liquor	160
Wholesale dealers in malt liquor.....	68
Retail dealers in spirits.....	1,669
Wholesale dealers in spirits.....	9
Rectifiers	1
Brewers	5
Total	1,912

The population in 1890 was 376,530; assuming it to be in 1892, 380,000, there would be one special tax payer for every 198 of the population.

Appendices 141 to 146, inclusive, give particulars of arrests for offences of all kinds and arrests for drunkenness in Portsmouth, Rochester, Manchester, Keene, Concord and Nashua. The ratios of these arrests are all comparatively high, and do not compare favourably with similar places elsewhere. In most instances they are largely in excess of the ratios of arrests in towns and cities in Canada, where the liquor traffic is carried on under license. In appendix number 136 comparative figures for a large number of towns and cities in the United States and Canada will be found.

The United States census returns supply the following information. No statistics of commitments to gaols, or convictions for crime, are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	376,530		346,991	
Convicts in penitentiaries.....	116	0.31	154	0.44
Prisoners in county gaols.....	113	0.30	57	0.16
Paupers in almshouses.....	1,143	3.04	1,198	3.45
Inmates of insane asylums.....	339	0.97	285	0.81
Inmates of juvenile reformatories.....	102	0.27	111	0.32

NORTH DAKOTA.

Letters from the Secretary of the Governor of this State and from the Secretary of State, will be found in appendix number 76. The State is under prohibition. A prohibitory amendment to the constitution was carried in 1889 by a vote of 18,552 for, to 17,393 against. From the letter of the Secretary of State it will be seen that there are practically no statistics in existence which afford any information as to the effect of prohibition in this State. The two largest towns in the State adjoin Minnesota, from which, being a license state, liquor can easily be obtained. The Commissioners have not been able to obtain any statements of arrests in these towns.

The reports of the Board of Trustees for the hospital for the insane at Jamestown, shows that on the 1st November, 1890, there were 221 inmates in the hospital. On the 31st October, 1892 (the reports are made biennially) the number was 262. Taking the population in 1890 to have been 182,719, the ratio per thousand of the insane in the hospital would be 1.20. If the population in 1892 is assumed to have been 200,000, the ratio per thousand would be 1.31.

The report of the Trustees of Bismarck penitentiary (page 41) shows that in the year ending 31st October, 1890, there were 50 inmates in the penitentiary. In the report of the 31st October, 1892 (page 35) the population was shown to be 76.

Of the convicts received in the penitentiary between 31st October, 1890, and 31st October, 1892, 89 in all, 19 were classed as temperate, and 70 as intemperate. 77 were classed as using tobacco, and 12 as not using tobacco.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	182,719		36,909	
Convicts in penitentiaries	65	0·36	†	
Prisoners in county jails	25	0·19	† 55	0·41
Paupers in almshouses	35	0·19	†	
Inmates of juvenile reformatories			‡	

*Includes North and South Dakota in 1880. The ratio is based on the population of the two states.
†No returns for 1880.

‡There is no juvenile reformatory in North Dakota.

SOUTH DAKOTA.

In Appendix No. 76 will be found letters from executive officers of this state. It has not been practicable to obtain any statistics showing the effect of the prohibitory law in South Dakota. The Assistant Secretary of State, writing on the 15th January, 1894, says in response to request for copies of reports on asylums, jails, &c.:—

“I have to inform you that we have no records at hand with which to furnish you the statistics asked for. Neither could we get it, as no such record is kept within the state.”

A prohibitory amendment to the state constitution was carried in 1889 by a vote of 39,509 for, to 33,456 against.

The United States census returns supply the following information:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	328,808		98,268	
Convicts in penitentiaries	97	0·29	†	
Prisoners in county jails	72	0·19	† 55	41
Paupers in almshouses	53	0·16	†	
†Inmates in juvenile reformatories				

*Includes South and North Dakota in 1880. The ratios are based on the population of the two states.

†No returns for 1880.

‡There is no juvenile reformatory in South Dakota. Census bulletin No. 72.

VERMONT.

This state is under prohibition. The law has been nearly forty years in operation. Sale is controlled by county commissioners, who appoint town agents to sell for medicinal, chemical and mechanical purposes only. Selectmen furnish liquor and fix selling price, which is as nearly as possible actual cost.

Section 1 of the law provides that nothing shall prevent the manufacture, sale or use of wine for the commemoration of the Lord's Supper, nor for the manufacture, sale and use of cider, or, for medicinal purposes only, of wine made in the state from grapes or other fruits the growth of the state, and which is without the admixture

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of alcohol or spirituous liquor, nor the manufacture by any one, for his own use, of fermented liquor.

The prohibition as regards "furnishing" and "giving away" shall not apply to the giving away by a person in his own dwelling, unless given to a minor other than a member of his own family, or habitual drunkard.

A penalty of \$25 and costs is imposed for carrying liquor by freight or express, unless said barrel or other vessel is legibly marked with name of person to whom it is sent or to be delivered.

The penalties for selling, furnishing and giving away are \$10 and costs for a first offence; \$20 and costs for a second, and \$20 and costs, and imprisonment for not less than three months, nor more than six, for a third subsequent offence. An amendment gives discretion to judges to imprison for a first offence, and to impose a fine of not less than \$10, nor more than \$100.

Penalties are imposed for drunkenness, of \$5 and costs for a first; \$10 and costs for a second; and \$20 and costs and imprisonment for one month for a third and each subsequent offence.

A person refusing to disclose where he obtained liquor may be committed to prison until he makes such disclosure.

A references to appendices numbers 79 to 82 will show that this state has a very low ratio of criminals and also a very low ratio of paupers. The commitments to jail for drunkenness are small. The arrests for drunkenness in the few places from which it has been practicable to obtain statistics are given in Appendices 137 to 140 inclusive.

In a letter from the secretary of His Excellency the Governor of the State, it is mentioned that the law is not uniformly thoroughly observed. That there is opposition to it in certain localities, is evident from the number of prosecutions for offences against it which are also referred to in the letter.

The reports of the Department of the Interior, Washington, show one brewery within the state.

In the letter referred to it is added, "it is the opinion of those best versed in the matter that the effect of the law in Vermont has been to decrease the consumption of intoxicating beverages; that it is diminishing drunkenness and having a marked tendency to diminish crime and lessen the poor expenditure; and that our insane asylums have less inmates than they would have were it not for the existence and enforcement of the prohibitory law, though in many cases it has failed of a very strict enforcement."

It may be mentioned that there is no city or town within the state with a larger population than 15,815, and only one with that number of inhabitants. The population is mainly rural.

The state reports presented to the legislature are all for periods of two years. The first one obtained by the Commission is for a broken period of 23 months, viz. from the 1st August, 1888, to the 30th June, 1890. The commitments to the county jail and the house of correction for that period were:—

For all offences	684
For drunkenness	205
For offences against the liquor law	62

Which would give for 24 months an average of about 714, 214 and 65.

For the two years ended 30th June, 1890, the commitments were:—

For all offences.	842
Drunkenness.....	291
Offences against the liquor law.....	74

1,207

Taking the population as 332,000, the commitments per annum per 1,000 of the population would be:—

—	1888-89. Per 1,000.		1889-90. Per 1,000.		1890-91. Per 1,000.		1891-92. Per 1,000.	
All offences	357	1.07	357	1.07	421	1.26	421	1.26
Drunkenness	107	0.32	107	0.32	145	0.43	146	0.43
Offences against the liquor laws	32	0.09	33	0.09	37	0.11	37	0.11

Comparing these figures (which have been worked out as accurately as the data available would permit) with the commitments in the State of Maine, the result is, per 1,000 of the population:—

—	All Offences.	Drunkenness.	Offences against Liquor Laws.
Maine, 1889.....	6.00	2.10	0.28
do 1890.....	5.73	2.04	0.29
do 1891.....	5.53	3.48	0.35
do 1892.....			
Vermont, 1889.....	1.07	0.32	0.09
do 1890.....	1.07	0.32	0.09
do 1891.....	1.26	0.43	0.11
do 1892.....	1.26	0.43	0.11

The following statement shows the amount collected for fines imposed for offences against the liquor laws, and the expenses of prosecuting offenders:—

EXPENSES AND REVENUE.

—	Cost of prosecuting in Liquor Cases.	Fines paid.	Net Revenue.
	§ cts.	§ cts.	§ cts.
1886.....	23,100 00	30,636 00	7,535 00
1887.....	21,417 00	44,386 00	22,969 00
1888.....	25,324 00	44,386 00	38,176 00
1889.....	25,986 00	47,306 00	21,409 00
1890.....	24,731 00	37,449 00	12,717 00
1891.....	30,470 00	50,254 00	19,784 00
1892.....	33,183 00	69,914 00	31,730 00

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The United States census returns supply the following information :—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	332,422		332,286	
Prisoners in penitentiaries	91	0.27	143	0.43
do county jails	30	0.09	45	0.13
Paupers in alms houses	543	1.63	656	1.97
	1889.		1881.	
Inmates of insane asylums	468	1.40	447	1.34
	1890.		1880.	
Inmates of juvenile reformatories	86	0.26	149	0.45

DISTRICT OF COLUMBIA.

The District of Columbia, the seat of the United States Government, is under a recently passed measure of high license.

In 1888 an attempt was made to secure a prohibition act for this district, but it proved abortive, notwithstanding the acknowledged weakness of the then existent license law. The fees paid for licenses under the old law were:—For a wholesale license, \$25 per annum; for a retail license, \$100. Under this Act there were in the city of Washington alone from 900 to 1,400 liquor licenses granted.

The new law was approved 3rd March, 1893. It constitutes the three Commissioners of the District an excise board for the consideration and disposal of all applications for license, such disposal to be final. The board must appoint a clerk, who shall also be license inspector.

All applications must set forth that the applicant is 21 years of age, and was never convicted of any violation of the liquor laws, nor of gambling, and is not already a licensee. This must be confirmed by an affidavit before a notary, and any false statement shall revoke the license, and constitute perjury. The applicant's declaration must be supported in the cities of Washington and Georgetown by the written permission of the majority of the residents and persons owning real estate on the side of the square on which the proposed bar-room is to be placed; if the place is at a corner, then the majority on both streets must signify their consent. Outside these two cities the majority of residents and owners within 250 feet on each side of the proposed bar-room must consent. Hotels having 20 chambers for guests need not make annual application for renewal of license, but during good behaviour have only to pay the annual license fee. No one under the age of sixteen may be served or employed on any licensed premises, and selling is prohibited on Sunday, and between the hours of twelve (midnight) and four o'clock in the morning.

The fee for a wholesale license under this Act is \$250, and for a bar-room license \$400 per annum. One pint is the minimum wholesale quantity. Druggists may sell under medical prescription only; any other sale constitutes sale without license.

The penalty for selling without a license is: for first offence, from \$250 to \$800, with or without imprisonment of from two to six months; for a second offence, as above, with imprisonment from three months to one year. The violation of any condition of the license incurs a fine of from \$50 to \$200 for a first offence, and for every subsequent offence a similar fine, with 25 per cent of the amount of the previous fine added; in default, imprisonment for six months, or until the fine is paid. No license can be granted after a second conviction. For aiding or abetting in any violation of the license, the fine is \$50 to \$100, or imprisonment for one month.

No licensed place may exist within 400 feet of any schoolhouse or place of public worship.

The life of a license shall be twelve months only.

The Commissioners are indebted to the Hon. Senator McMillian, Michigan, for valuable information respecting the District of Columbia. In a letter from Mr. McMillian dated 8th March, 1894, he states, with reference to the liquor law of the District of Columbia, that "it was passed while I was chairman of the District Committee, and was drawn by me after a long study of the subject. The results have been excellent, both in the way of revenue, and also in closing saloons, especially in the residential portions of Washington."

The United States census returns supply the following information. No statistics of commitments to gaols or convictions for crime are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	230,392		177,624	
† Convicts in penitentiaries				
Prisoners in county gaols	213	0.92	190	1.07
Paupers in almshouses	221	0.96	184	1.04
Inmates of juvenile reformatories	187	0.81	168	0.95

† There is no penitentiary in the District of Columbia. (Census Bulletin No. 31.)

IDAHO.

The State is under high license.

The Governor of the State, in a communication to this Commission writes (see appendix 76):—"At the last session of the legislature a high license law was enacted, which in all the counties of the state, except one, has been carefully enforced. I am not advised that there has been any diminution of consumption of alcoholic liquors, or decrease of crime, or increase of insanity as a result of its enactment and enforcement."

The licensing board for each county is composed of the county commissioners.

Each licensee must enter into a bond of \$1,000, with two sureties, resident householders or freeholders of the county, that he will observe the law. The license fee is \$500 per annum in cities and towns, and \$300 per annum in villages or hamlets. Notice may be given to licensees not to sell to habitual drunkards, and if sale is subsequently made to such, a civil action may be brought and damages recovered; and the Board shall cancel and annul the license. In the event of a licensee being convicted of a violation of any of the provisions of the License Act, he shall lose his license. It is further provided that any licensee, "who shall keep a disorderly house, or allow boisterous or disorderly conduct therein, or shall allow the peace and quiet of the neighbourhood to be disturbed by loud and unusual noises therein, or threatening abusive or obscene language therein, shall be guilty of a misdemeanour, and upon conviction thereof shall be punished accordingly; and his license may likewise be revoked."

The United States census returns supply the following information. No commitments to jails, or convictions for crime, are available:—

	1890.	Per 100 of popu- lation.	1880.	Per 1,000 of popu- lation.
Population	84,385		32,610	
Convicts in penitentiaries	102	1.21	22	0.67
Prisoners in county jails	45	0.53	10	0.31
Paupers in almshouses	20	0.24	7	0.21
Inmates of juvenile reformatories				

There is no juvenile reformatory in Idaho—(Census Bulletin, No. 72.)

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INDIANA.

High license prevails in this state.

The Governor in reply to a communication from this Commission writes:—
(Appendix 76.)

"Briefly, this state has never had any prohibitory law legislation. The liquor traffic is now regulated by stringent laws, and what is termed a high license system."

The earliest provision for the regulation of the liquor traffic in this state was made in 1805, when the Governor was empowered to prohibit the sale of liquor to Indians. In 1807 an act was passed providing that the Court of Common Pleas should issue licenses, upon bonds to obey the law, not exceeding \$300. In 1816 the right to grant licenses was transferred to the county commissioners, upon production of a certificate of moral character signed by twelve householders, stating that the place would be a convenience to travellers, and the giving of a bond to the extent of \$500. In 1819 this power was transferred to the Circuit Court, only to be retransferred to the county commissioners in 1824, and given to the County Court in 1828.

On the consolidation of the laws in 1832, a provision was added that licenses to retail should not be granted in any town or township where the majority of the freeholders remonstrated against the granting of the same. The license fee was placed at from \$25 to \$200, whilst the penalty for allowing disorder was fixed at from \$25 to \$100. Under this Act, in 1842, the issuing of licenses was prohibited in twelve counties, whilst in sixteen other counties the fee was at the discretion of the board.

A prohibitory, or Maine law, was passed in 1855, but was repealed in 1858, after having been declared unconstitutional generally. A new license law was passed in 1859, which fixed the fee at \$50, and contained several restrictive clauses. In 1861 this was amended by giving a remonstrant against a license the right to appeal and in 1873 a stricter license law was enacted, requiring a petition for license to be signed by a majority of the voters in the townships or wards, and the giving of a bond of \$3,000, with penalty of forfeiture of license for violation of the act, and disqualification for five years. No fee for license "permit to sell," was required, beyond the cost of procuring it. This is virtually the law of to-day, except that fees have been added. These fees are applied to the school fund of the county, and are: For selling all liquors, \$100; for vinous or malt liquors, or both, \$50. No city may charge more than \$250 additional, and no incorporated town more than \$150 additional. The penalty for selling without a license is from \$20 to \$100, and the court may add imprisonment for from ten to thirty days. The license jurisdiction of a city extends two miles beyond the city limits.

The State Board of Health has to report annually what, in its best judgment, is the effect produced on the industry, health and lives of the people by the use of liquor.

The strictest prohibition is enforced in regard to the territories inhabited by the Cherokees, Chickasaw and Choctaw nations of Indians.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	2,192,404		1,978,301	
Prisoners in penitentiaries	1,416	0 65	1,238	0 63
Prisoners in county jails	464	0 21	289	0 15
Paupers in almshouses	2,927	1 33	3,052	1 54
Inmates of juvenile reformatories	636	0 29	463	0 23

ILLINOIS.

A letter from the secretary of the Governor of this state will be found in Appendix No. 76.

This state is under license and local option.

The county board of each county may grant as many licenses to sell by retail as they may think the public good requires, upon the application by petition, signed by a majority of the legal voters of a town, or, if not under township organization, then of a majority of the legal voters of the electoral district where the place proposed to be licensed is located. The fee for such license shall not be less than \$50 nor more than \$300. The board is not to issue a license in or within two miles of any incorporated town, city or village in which the corporate authorities have authority to regulate, or in any place where the sale of liquor is prohibited.

A fee of not less than \$150 is collected for selling malt liquors. Any person having such license who is convicted of selling other liquor is liable to fine or imprisonment, or both (and may be proceeded against summarily for the fine), and a conviction under this section shall forfeit the license held by the defendant, and the court rendering judgment upon such conviction shall, in such judgment, declare a forfeiture of such license.

"Any license may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this Act, or keeps a disorderly or ill-governed house, or place of resort for idle or dissolute persons, or allows gambling in his dram-shop, or any house or place adjacent thereto."

Every licensee must enter into bond in \$3,000, with two sureties, being freeholders in the same county, that he will pay to all persons all damages that they may sustain, either in person or in property or means of support, by reason of his selling or giving away any intoxicating liquors.

Anyone selling or giving liquor to, or procuring for, a minor without the written order of his parent, guardian or family physician, or to any person intoxicated, or in the habit of getting intoxicated, is liable to a fine and imprisonment.

Any keeper of a dram-shop where liquor is detailed in less quantities than one gallon, who sells without a license, is liable to a fine of from \$20 to \$100, or imprisonment for ten to thirty days, or both.

Places where liquor is sold in violation of the Act are declared to be common nuisances. The keeper, on conviction, is subject to fine, and imprisonment of from twenty to fifty days, "and it shall be part of the judgment, upon the conviction of the keeper, that the place so kept shall be shut up and abated until the keeper shall give bond, with sufficient security to be approved by the court, in the penal sum of \$1,000, payable to the people of the state, on condition that he will not sell intoxicating liquors contrary to the laws of the state, and will pay all fines, costs and damages assessed against him for violation thereof."

The penalty for drunkenness is a fine not exceeding \$5, and, on subsequent conviction, not exceeding \$25. The fine may be remitted in whole or in part, if the public welfare and the good of the offender require it.

The ordinances of the city of Chicago make provision for the licensing of dram-shops.

Licenses are required to be granted by the mayor to persons furnishing satisfactory evidence of good character, and entering into a bond of \$500, with two sureties, to observe the ordinances and keep closed on Sunday all doors opening on the streets. The license fee is \$500. The separate beer licenses have been abolished. Licenses are not to be granted in any prohibited area which becomes annexed to the city. Any license may be revoked by the mayor when the licensee has violated any of the ordinances or conditions of his bond. Licensed places are required to be closed from midnight to 5 a.m. One per cent of the license fees is given to the police and firemen's relief fund. Ten per cent goes to the Washingtonian Home, Chicago.

During the past two years (prior to 1893) the license fee in Chicago has been raised twice, from \$52 to \$103, and then to \$500.

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Local option is exercised through the general law of the state, which gives local authorities of incorporated cities and villages power to "license, regulate and prohibit the liquor traffic." The law also enables each county board, as regards so much of the county as is not included in an incorporated place, to grant licenses on a petition from a majority of the voters of the district. The law is thus one of local option, exercised in the towns by the municipalities and in the rural districts by popular vote. In the latter case, the option is one to be exercised affirmatively, licenses not being issuable until the decision of the majority has been given in favour of their issue.

The following is a summary of the law:—

City councils and boards of trustees in villages have power to license, regulate and prohibit the selling or giving away of intoxicating liquors, subject to the general law of the state, and to punish the selling or giving to minors, insane, drunkards, or intoxicated persons.

A penalty is provided, not exceeding \$1,000, or imprisonment not exceeding one year, or both, for adulterating liquor intended for drink with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel waters, logwood, brazil wood, cochineal, sugar or lead, or any other substance which is poisonous or injurious to health.

A fine not exceeding \$200 is enacted for keeping open on Sunday any place where liquor is sold or given away.

It is claimed that the number of saloons throughout the state has been reduced under the high license system from 13,000 to 9,000, with the advantages of a revenue raised from \$700,000 to \$4,500,000.

It is claimed that 26 towns in the state are under prohibition, but none have a population exceeding 6,000. Some of the towns, after closing the saloons for a time, have reverted to license.

The following figures are taken from the annual police report:—

CHICAGO.

	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
Population.....	594,334	629,985	667,787	703,817	753,100	802,651	931,200	1,099,850	1,200,000
Total arrests.....	37,187	39,434	40,998	44,261	46,505	50,432	48,119	62,230	70,550
Arrests for drunkenness.....	18,218	23,080	25,407	26,067	27,632	31,164	27,536	37,063	41,463
<i>Ratio per 1,000 of population.</i>									
Total arrest.....	62.57	62.59	61.39	62.88	61.75	62.83	51.67	56.68	58.87
Arrest for drunkenness.....	30.65	36.63	38.43	37.03	36.69	38.82	29.98	33.39	34.52

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime are available.

ILLINOIS.

	1890.		1880.	
Population.....	3,826,351		3,077,871	
Convicts in penitentiaries.....	2,657	0 54	1,838	0 60
Prisoners in county jails.....	727	0 19	686	0 22
Paupers in almshouses.....	5,305	1 41	3,684	1 20
Inmates of juvenile reformatories.....	383	0 10	217	0 07

MASSACHUSETTS.

In a communication sent to the Commission by order of the Governor of the commonwealth of Massachusetts, it is stated:—

“The legislature of this state enacted in 1860 (?) a prohibitory law, and provided for the appointment of a special police force for its enforcement. In 1869 the law was changed, giving authority to cities and towns to appoint agents to sell spirituous and intoxicating liquors of pure quality. In fact, from the year mentioned, the several legislatures have amended certain provisions of the law.” (Appendix 76.)

In the year 1852 a prohibitory law, which was practically a copy of the original Maine law, was passed by the state of Massachusetts. In 1855 a new prohibitory law was enacted, changing the penalties imposed by the law of 1852 and elaborating that Act. This law was repealed in 1868, and restored in 1869. In 1865 a state police force was created for the purpose of suppressing liquor shops, gambling places and houses of ill-fame. In 1870 an amendment to the prohibitory liquor law was made, authorizing anyone to manufacture and sell ale, porter, strong beer and lager beer. In 1873 this amendment was repealed. In the fall election of 1874 the popular vote appears to have been against the prohibitory law and the maintenance of the special constabulary force, and both were abandoned, and a license system was again resorted to. In 1881 the license system was supplemented by a local option enactment. In the year 1882 a bill for the restoration of the prohibitory law was defeated in the House of Representatives by the casting vote of the Speaker. In March, 1889, it was resolved to submit a proposed amendment to the constitution of the state, prohibiting the manufacture and sale of intoxicating liquors for use as a beverage, to the people of the state. A vote was taken in April, 1889, and the proposed amendment was rejected by a majority of about 46,000.

Under the law of 1869, cities and towns had the right to appoint agents to sell spirituous and intoxicating liquors of pure quality, for other than beverage purposes, and it was provided that licenses might issue for the manufacture for export, and also for the appointment of a state assayer of liquor.

In 1867 a Joint Special Committee of the Senate and House of Representatives was appointed to consider various petitions of nearly 35,000 legal voters, praying for the enactment of a law for the regulation of the sale of spirituous and intoxicating liquors, and the petition of the Massachusetts College of Pharmacy, asking for such alterations in the then existing law as would enable druggists and apothecaries to sell liquors for medicinal and certain other purposes, together with the various remonstrances from nearly 26,000 legal voters, the officers of many temperance organizations and conventions, and of 14,471 women and others, severally against the passage of a license law.

The committee appears to have consisted of five members of the Senate and nine members of House.

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A majority, consisting of three members of the Senate and five members of the House, reported very strongly against the prohibitory law, and submitted a draft of an Act to regulate the sale of spirituous and intoxicating liquors.

A minority report, signed by one member of the Senate and three members of the House, was also submitted; and, accompanying it, was a draft of an Act to amend the then existing law, so as to provide for the appointment by a commissioner, under the direction of the Governor in Council, of as many agents, not exceeding fifty, for the purchase and sale of spirituous and intoxicating liquors in the city of Boston, for the purposes set forth in the then existing law, as he might consider to be in the interest of the citizens.

Mr. Frank B. Fay, a member of the Senate, made a separate report, and submitted the drafts of two bills; the one was an Act to empower druggists and apothecaries to sell alcohol, spirits and wines for medicinal purposes, if they should keep registers and be subject to the penalties prescribed in the then existing law for any illegal sale; the second was an Act concerning a state liquor commissioner and a state assayer. Mr. Fay starts upon the assumption that it is impossible entirely to prevent by law the sale, use and abuse of spirituous liquors as a beverage, quoting ex-Governor Washburn as having said: "It is idle to think of enforcing it (the prohibitory law) in our large cities and towns by means of the few civil officers known to the law. Against the passions, the appetites and the cupidity of the thousands who will be found active, busy and united in opposing it, these officers will be powerless." Mr. Fay considered it inadvisable to make any changes in the law of the state beyond those he recommended in regard to druggists, the commissioner and the state assayer.

Mr. Sherman (another member of the committee) stated that in most of the smaller towns of the state the existing prohibitory law, or the license law in connection therewith, would suppress the sale of liquor, and that the question under consideration related only to the cities and large towns, and he expressed his conviction that it was desirable to have the experience of another year before changing the law, in order to determine what effect some recent decisions of the United States court, and an increase in the state constabulary force, would have. "If," Mr. Sherman said, "the experience of another year should prove the present law a success, no friend of total abstinence can, with reason, ask for a license law; and then it will remain to be seen whether public sentiment will sustain prohibition enforced, as well as prohibition in theory only. If, however, it is not successful, and successful not merely by fitful efforts, attended with no permanent effect, not merely by closing particular places of sale, *but by stopping the sale, and the drinking*: if it shall be found still to work the manifest injustice of seizing the liquors of certain individuals and closing up certain places of sale, while other places of larger traffic are not interfered with, but with special favouritism are allowed to continue to sell, with great increase of business,—then the present law ought to be regarded as a failure, and a license law, like that proposed in the majority report, meet with general favour."

Those signing the minority report held that the states had the power, in "the exercise of that great conservative right of self-preservation," to pass laws restraining or wholly prohibiting the sale of articles of commerce which were found to be productive of irreparable injury to the community, and if there was a beneficial and injurious use which might be made of such articles, it was beyond all controversy that the state will permit the first and prohibit the latter. They quoted a statement not infrequently made, that men cannot be made moral by an Act of the legislature, but held that it was clearly within the legitimate scope and duty of legislation to guard against the corruption of morals. "If," says the minority, "men cannot be made moral and good by legislation, the legislation has at least the power and the right to forbid and punish a traffic which uniformly makes men criminal and vicious. And it is on this ground that the law forbids and punishes, with heavy penalties, the sale of intoxicating liquors as beverages. It is not simply because alcohol is a poison, or that its use as a beverage is an *immorality*, that the traffic in it is forbidden for such purpose, but for the reason that the traffic,

resulting in that use, produces a vast amount of crime, poverty, disease and general demoralization, followed by what would be otherwise unnecessary taxation to support the pauperism thus created, and to protect society from the disastrous consequences of crime thus occasioned." They endorse a statement made by an ex-governor of the state, who said, "I do consider the selling of liquors under licenses to be a *moral evil*; if I could prohibit the sale of these liquors as a beverage I would." They continue by saying: "The hope was expressed that the evil might be restrained or limited by licensing it. In other words, a vice or an evil is to be rendered less by throwing over it the protection and respectability which comes from governmental authority. Herein lies the fallacy of the whole license system. For since it has been declared by an older and higher law than any merely human enactment, that it shall never be lawful for individuals to do evil that good may come, it is impossible to see how an aggregation or society of men, acting under and through the forms of self-constituted government, can rightfully grant to any of their number licenses or indulgences for the doing of evil."

The majority of the committee strongly condemned the prohibitory law. They spoke of the measures which had to be taken to enforce it, the setting aside of the ordinary means by which other criminal laws were enforced, and pointed out that if the sale of intoxicating liquors was wrong, the purchaser, as well as the vendor, should be punished, and that if this course was resorted to, under the penalties to which the seller was liable, the result would be that, if the law was enforced, almost all the male population of the state would, at some time or other, be fined and imprisoned; that legislative records of the state showed that bills to punish the buyer of intoxicating liquor, equally with the seller, had repeatedly been rejected by almost unanimous votes.

The committee summed up in three propositions their statement of the defects in the theory of the prohibitory law:—

"1. It is not sinful nor hurtful in every case to use every kind of alcoholic liquors as beverages. It is not, therefore, wrong in every case to sell every kind of alcoholic liquors to be used as beverages. But this law prohibits every sale of every kind of alcoholic liquors to be used as beverages.

"2. It is the right of every citizen to determine for himself what he will eat and drink. A law prohibiting him from drinking every kind of alcoholic liquors, universally used in all countries and ages as a beverage, is an arbitrary and unreasonable interference with his rights, and is not justified by the consideration that some men may abuse their rights, and may, therefore, need the counsel and example of good men to lead them to reform. But this law does, in theory, prohibit him from drinking every kind of alcoholic liquors, since it prohibits every sale of every kind of alcoholic liquors to be used as a beverage.

"3. Finally, if the use should be totally prohibited, because it is either sinful or hurtful in all cases, or may be in some cases, the use should be punished. But this law punishes the sale, and does not punish the use."

The committee says further:—

"Upon careful inquiry into the present condition of things throughout the state, it would probably appear that in the small towns there is hardly any liquor sold, but that in all the large cities and towns it can be had without difficulty; that in most of them the sales are open, and that whenever by peculiarly vigorous efforts the open places are closed, large numbers of secret places are established, and the cases of drunkenness largely increased. The mere fact that the law seeks to prevent them from drinking rouses the determination to drink in many; the fact that the place is secret takes away the restraint upon them, which in more public and respectable places would keep them within temperate bounds. The fact that the business is contraband, and liable to interruption, and its gains hazardous, tends to drive honest men from it and to leave it in the control of dishonest, men who will not scruple to poison the community with vile adulterations. Another serious result in the operation of the present law is the immoral business practices which it has suggested and sanctioned. A man, without violating any law, may purchase liquors to the extent of his credit, and then repudiate the debt. Though the liquors as

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articles of commerce are worth to him all he agreed to pay, the law permits him to hold them without making payment. Still further, a man may put all his property into liquors, and so escape the payment of any of his debts, for his liquors cannot be attached, as the officer will violate the law in selling them upon execution. They cannot be distrained for taxes even, for the Government officer is liable to prosecution if he sells. These attempts to outlaw a commercial article whose place in trade has been undisputed for centuries, have had no effect in preventing honest men from paying their debts, but they have held out temptations too powerful to be resisted by swindlers. It is unworthy of the good name of the commonwealth that her laws should protect and encourage a man who has bought merchandise, without violating the law, in refusing to pay the price thereof to the seller. It is unworthy of the state that dishonest men should be enabled to escape the payment of their debts by converting their property into liquors. It is not less unworthy that the state herself should, without compensation, seize and sell for her own benefit articles of merchandise which the citizen has brought in violation of no law."

The conclusions of the committee are summed up in the following paragraph:—

"The committee believe that the time has come when this prohibitory law, unsound in theory, inconsistent with the traditional rights and liberties of the people, tempting to fraud and protecting those who commit it, in many communities not enforced because of the thorough disbelief in its principles, in other communities, when enforced, driving the liquor traffic into secret places and so increasing, rather than diminishing, the amount of drunkenness and other crimes, should be so far modified as that the rights of the citizen will be respected, while, at the same time, the general peace and order of the community will be better promoted. Let the law cease to attempt to interfere arbitrarily with what a man shall drink, while, nevertheless, it places such regulations as experience has shown to be necessary over the persons who may make the sale and the times and places when and where the sales shall be made. Let it be regarded as a fact that the demand on the part of those who desire, wisely or unwisely, to use liquor as a beverage, has always been met, and always will be met, by men who will sell, either under the law, or in defiance of the law, and that wise legislation should recognize and act upon that fact."

This somewhat lengthy statement of what took place in the State of Massachusetts prior to the abandonment of the prohibitory system, and the adoption of local option, is made simply to show how thoroughly the whole question was discussed before the prohibitory system was abandoned in that state.

The law of 1861 contained the following provision:—

"The aldermen and selectmen respectively shall insert in the warrant for the annual municipal election or town meeting, an article providing for a vote upon the question, Shall licenses be granted for the sale of intoxicating liquors in this city (or town)? The vote shall be by separate ballot; and the ballot shall be 'Yes' or 'No,' in answer to said question, and in taking said vote the check list shall be used. The clerk of each city or town shall, within thirty days after such vote is taken, transmit a true statement thereof to the secretary of the commonwealth; and shall annually, in November, make a return to said secretary showing the number of licenses of each class issued, the amount received for the same by classes, and the number revoked, if any."

The law also provided that the powers conferred upon the mayor and aldermen of cities should be exercised in the city of Boston by a board of police commissioners; and in any other city of the commonwealth said powers and duties might be exercised by a board of license commissioners, if the city council of such city so determined, such board to consist of three inhabitants of said city, to be appointed by the mayor and confirmed by the city council thereof, and to hold office until the first day of May next after their appointment, or until their successors were appointed and confirmed, they were to receive such compensation as the city council might determine.

The licenses established by this Act were:

First class.—To sell liquors of any kind to be drunk on the premises.

Second class.—To sell malt liquors, cider and light wines, containing not more than 15 per cent of alcohol, to be drunk on the premises.

Third class.—To sell malt liquors and cider to be drunk on the premises.

Fourth class.—To sell liquors of any kind not to be drunk on the premises.

Fifth class.—To sell malt liquors, cider or light wines, containing not more than 15 per cent of alcohol, not to be drunk on the premises.

Sixth class.—Licenses to druggist and apothecaries to sell liquors of any kind for medicinal, mechanical and chemical purposes only, and to such persons only as may certify in writing for what use they want it.

This Act also provided (section 14), that "The treasurer of a city or town shall pay to the treasurer of the commonwealth one-fourth of all moneys received by him for licenses within one month after he receives the same."

The Act further provided that the Governor, with the advice and consent of the Council, shall annually appoint and commission a competent person as an inspector and assayer of liquors.

In 1888 it was enacted (section 1) that "In all towns and cities which vote to grant licenses of the first five classes described in section ten of chapter one hundred of the public statutes, to sell intoxicating liquors, the number of places licensed for the sale of such liquors shall not exceed one for each one thousand of population, as ascertained by the last preceding national or state census, except that in the city of Boston one place may be licensed for each five hundred of the population. No more than one such place may be licensed by any one vote of the licensing board; such licenses shall be numbered in regular order as granted and any licence contrary to, or in excess of the provisions of this Act shall be void; provided that, in towns having an increase of resident population during the summer months, the selectmen may, during the month of June, cause a census to be taken, and may grant one such license for each five hundred of said resident population, as ascertained by said special census, to take effect on the fifteenth day of June and to expire on the fifteenth day of September following; but no such license shall be granted unless the town at its last annual town meeting votes 'Yes' in answer to the question, 'Shall licenses for the sale of intoxicating liquors be granted in this town?'

"The foregoing section shall not prevent the licensing of one place in any town voting for license whose population is less than one thousand (Section 2)."

By section 2, chapter 139, it was enacted;

"The fees for licenses shall be as follows:—

"For a license of the first class, not less than one thousand dollars.

"For a license of the second or third class, not less than two hundred and fifty dollars.

"For a license of the fourth class, not less than three hundred dollars.

"For a license of the fifth class, not less than one hundred and fifty dollars.

"For a license of the sixth class, one dollar.

"No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued, and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable, and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this chapter. Separate suits may be brought on such bond by any persons at their own expense. Such bond, after approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this chapter; and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have if offered in evidence. No bond given under the provisions of said chapter shall be accepted or approved until each surety has made and subscribed a sworn statement that he is worth not less than two thousand dollars, over and above all liabilities and indabtedness, the statements so made shall designate sufficient property, real or per-

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sonal, to cover the requirement of the bond, and shall be kept on file with the bond in connection with which said statement is made." *

Upon the recommendation of the board of commissioners of prisons, the legislature of the commonwealth passed an Act (chapter 356), which came into force on the first day of July, 1891. Under this Act the justice of each municipal or police district court was required to appoint one person to perform the duties of "probation officer." In Boston the appointment was to be made by the chief justice of the municipal court. The officer so appointed was to hold his office during the pleasure of the court. He was not to be an active member of the regular police force, but was, in the execution of his duties, to have all the powers of police officers. Each probation officer under the Act was required to inquire into the nature of every criminal case brought before the said court under whose jurisdiction he acted, and he could recommend that any person convicted by the said court should be placed upon probation. The court could place such person so convicted in the care of the said probation officer for such time and upon such conditions as the judge thought proper. The person released upon probation was to be furnished with a written statement of the terms and conditions of his release, and the probation officer was required to keep full records of all cases investigated and all cases placed in his care by the court.

The following is a copy of section 7 of the law:—

"A probation officer may, at the request of any justice of the superior court, investigate the case of any person on trial in that court, and make a report upon the same to said justice, and may, upon the order of the court, take on probation any person convicted in said court; the compensation for such services shall be paid from the treasury of the commonwealth upon vouchers approved by said justice. The officers appointed under this act may also perform the services of probation officers named in sixty-nine of chapter two hundred and twenty of the public statutes, and for said services may receive such compensation as the county commissioners or the commissioners of public institutions, as the case may be, shall approve."

An Act passed in the same year, and coming into effect also on the first day of July, specially related to the punishment of drunkards, provided, that anyone found in a state of intoxication in a public place might be arrested without warrant, and kept in custody in some suitable place until he recovered from his intoxication. That any person so arrested might make a statement in writing to the officer in charge of the place of custody, declaring that he had not been arrested for drunkenness twice before within twelve months next preceding, or having been arrested, he had been tried and acquitted in one of the cases. The statement to contain a request to be released from custody. The officer being satisfied with the statement, was authorized to release the person arrested from custody, pending investigation.

If the arrest was made within the jurisdiction of a court having a probation officer, the statements and requests so made were then to be referred to the probation officer for investigation, who was to endorse thereon, over his own signature, for the use of the court, a statement as to the truth or falsity thereof. If the said investigation sustained the truth of the said statement, the court thereupon might direct that such person might be released from custody without being brought into court, if he had not been already released, and no further action was to be taken. If, on the other hand, it should appear to the probation officer that the statement was untrue, it was his duty to notify the officer who made the arrest, who would then make a complaint against the said person for drunkenness. If the case was within the jurisdiction of a trial justice (and there was no probation officer), he was to make such enquiries as he thought necessary, and he was empowered to release the person from custody without bringing him into court, if he was satisfied the said complaint was false. The officers making the arrests under such conditions were not to be liable for damages for illegal arrest or imprisonment; if the person arrested was released from custody upon his own request, as provided in the act. No one was to be released unless he preferred such request to the officer making the arrest.

* Liquor laws of the United States, pp. 36-37.

The following is a copy of section 5 of the Act:—

"If a male person is convicted of drunkenness by the voluntary use of intoxicating liquor, he may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the Massachusetts reformatory, as provided by chapter three hundred and twenty-three of the acts of the year eighteen hundred and eighty-six. If a female person is so convicted, she may be punished by imprisonment in the jail, or in any place provided by law for common drunkards, for not more than one year, or in the reformatory prison for women for not more than two years; provided, however, that if the person so convicted shall satisfy the court or trial justice, by his own statement or otherwise, that he has not been arrested for drunkenness twice before within the twelve months next preceding, or that having been so arrested, he has been tried and acquitted in one of the cases, his case may be placed on file."

The Act provides that the superintendent of houses of industry, etc., etc., should furnish all information, on application, to the probation officers. This Act repealed previous acts which imposed fines as penalties for drunkenness; thus the power of the judges to impose any other penalty than imprisonment for drunkenness was removed.

The effect of the enactment of this law upon the commitments for drunkenness was referred to in the following terms by the commissioners of prisons in their report for the year ended 30th September, 1891:—

"The Legislature of 1891 passed an Act relating to the punishment of drunkenness; this has materially affected the number of commitments to the jail and houses of correction, and to the Boston houses of industry since the first of July last. In the county prisons the number of commitments has been reduced, but the population has increased, in nearly all cases, owing to the fact that the fine as a punishment for drunkenness has been abolished, and all sentences are now for a stated term, which, in most cases, is much longer than the usual thirty days for which prisoners committed for non-payment of fine and costs were held under the old law."

In their report for 1892 the commissioners also referred to the matter. (Page 287). They say:—

"The large falling off in the number of cases begun in the lower courts has already been noticed, but it is proper to say that, inasmuch as the decrease is altogether owing to the change in the law for the punishment of drunkenness, as contained in chapter 427 of the Acts of 1891, the amount of work to be performed by the clerks of the courts has not in the slightest degree lessened by the decrease in the number of cases; on the contrary, in some courts the work of the clerks has been very much added to by the requirements of that Act that the clerk shall keep a record of each case in which a person is released from custody without being brought into court. One clerk of a court in Suffolk county reports more than 2,300 cases recored by him under section 4 of that act. If all such cases were included in the returns, the number for 1892 would be greater than in any other year named in the table." And the commissioners recommended that the Act of 1891 should be amended, so that the probation officers might be relieved of the duty of investigating the statements made to the police by persons arrested for drunkenness. They state that, "Unless such a change is made, the courts cannot give the probation law a fair trial."

Mr. Pettigrove, the secretary of the commissioners of prisons, in his evidence before this Commission stated: "The probation system was introduced into our courts in Boston by some charitable persons who believed that some boys, young men and young girls might be reformed and corrected without being subjected to the dangerous influences of a prison. The first probation officer was appointed by the board of aldermen in Boston to act in the municipal court of the city. Then came after that a statute passed in 1880 which provided that the mayor and aldermen of a city, or the selectmen of a town, could appoint a probation officer. Under that Act the chief of police in places outside of Boston usually performed the duty of probation officer, but the system was not carried on very well, and in 1890 we

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made an investigation to ascertain how many of the cities had appointed a probation officer and we found there were only 49. Then we went to the legislature for this new law, * * * that provides, "that the justice of each municipal court shall provide a probation officer to inquire into every case brought before the court where he is, that is that he find out what the circumstances of the offender are, and make his report to the court. If the court thinks that the interest of the community will warrant it he puts the boy on probation. That is to say, he convicts him of the offence and he says, "Now I am going to place you in charge of the probation officer for six months, or for nine months or for twelve months." If he finds from the report of the probation officer that there is reason to believe that the boy can be reformed without being sent to prison, and that the interests of the community will not suffer, he puts the boy in charge of the probation officer. The custom is that the probation officer shall become security for his appearance at some date specified by the court. He is released on certain conditions, and one of the conditions is that he shall report regularly to the probation officer. Whenever he violates any of these conditions, the probation officer can surrender him at any time to the court." (Q. 9297b.)

"And with regard to drunkenness?—The probation officer, as a special duty, inquires into their statement. The probation officer takes the statement signed by the man who is under arrest, and makes a report as to the truth of it. (Q. 9299b.)

"If the statement made by the offender is found to be true is he allowed to go without appearing before the court?—He would be, up to the first of July of this year (1893), but on the first of July that was changed. Now he can be released without going to court, but he cannot be released without the order of the court. Under the old law the police officer could release him when the report of the probation officer was made, but under the present law there has to be an order of the court. For instance, if a police officer got an old rounder into his custody, and the man made a statement that he had not been arrested twice before within twelve months, and the probation officer made a report that it was true, the police officer must release him.

"There was no fine?—There was no fine or any further action to be taken if the statement was true, but at present the court may direct his release without bringing him into court.

"What is done in a case when probation officer finds the statement of the offender to be untrue?—If he finds the statement to be untrue he notifies the police officer to that effect, and it becomes the duty of the officer to make a complaint against the prisoner for drunkenness, and if he has been let loose he must be arrested again. There is a feeling that it is an unwise provision of the law of 1891 which gives to the police officer power to release." (Q. 9301b-9303b.)

Mr. Pettigrove proceeds to say that the law of 1891 abolished fines for drunkenness. That the courts had no power to impose a fine for two years, from the first of July, 1891, to the first of July, 1893; but that since the 1st of July, 1893, the court may impose a fine upon any person who has been twice before arrested, within twelve months. He may be fined a sum of not exceeding \$10, and, failing payment, may be imprisoned for 30 days. He stated that the system had not much effect upon the present population of the jails; that the commitments for drunkenness, although fewer, had usually been for longer terms. Quoting his own language "the sentences have been longer, so that the prisoners have been kept up the same as before, and the procession has been going on, in and out, all the time." (Q. 9305b-9308b.)

There was a large increase in the number of arrests in 1892, and at the same time a large reduction in the number of commitments to prison for drunkenness, the causes of which are explained in the evidence given by Mr. Whiting, chairman of the police commissioners of Boston, and Mr. Pettigrove. The releasing, under the law of 1891, of a very large number of those arrested without bringing them before the courts, reduced the numbers committed to jail, because of those who previously came before the courts, a large number were fined, and being unable to pay their fines, were sent to jail. (Q. 9320b-9371b.) On the other hand, the police officers, by the system being to a large extent relieved from attending the courts to

give evidence against offenders, were less reluctant to make arrests, added to which the establishment of an efficient patrol and telephone system, by which the officers were enabled to send prisoners to the police stations, without having to accompany them through the crowded streets of the city, incurring the risk of being assaulted, led to greater efficiency in making arrests. (Q. 9372b.)

Mr. Whiting expressed the opinion that there was more drunkenness when the city was under the prohibitory law than there is under the present system. (Q. 9374b.)

Probably in no State of the union has so much attention been given to the collection of information in regard to crime, or to the elaboration of statistical data bearing upon social and economic questions, as in the state of Massachusetts; it is, nevertheless, a fact that this very elaboration has rendered the work of making sound deductions in many instances most difficult, and conclusions not a little uncertain, at least in the matter of the statistics of crime and the relation of those to the legislation of the state upon the liquor traffic. Most admirable reports are printed annually of arrests and commitments throughout the state, and of the population in the various institutions for the punishment and correction of offenders. It has, however, to be borne in mind, in comparing the general results of one period with those of another, that, "you have now six or seven classes of offenders where you had previously only three." (Q. 9335b). So many have been the changes that it has been said the legislature of the state has made the creation of offences a state industry, and, further, that the methods of dealing with those offending have, from time to time, been changed.

Mr. Pettigrove has superintended the compilation of many of the annual reports of the board of prison commissioners, and is thoroughly conversant with the laws relating to the liquor traffic and their administration. He is in principle a prohibitionist, and thinks the system has advantages over the license system, but admits that "there was drunkenness under prohibition, and that was apparent to any one in the community; but whether there was as much drunkenness under the prohibitory law as there is under the license law, is still an open question." His personal opinion is that there was not, but he adds in another part of his evidence, "I do not think it is possible to prohibit the sale of liquor to persons who have acquired the habit and want it. I believe they will get it under any system." And further, "It is a difficult matter to reform a man by statute. As I say, a man who is disposed to drink will get liquor under any system. They always get liquor under the prohibitory law. They get it in Maine, although in the town where I was born and brought up in Maine, there was no liquor sold. It was in Calais. When I was a boy and saw a man staggering through the street, it was just as good evidence that he had been across the river to St. Stephens as if we had the testimony of a decent witness." He considered that the present law worked very satisfactorily. Under it, he said, a single property-owner within 25 feet of a place proposed to be licensed, could, by making an objection, prevent such license being issued. He stated that the present system of statistics did not cover the prohibition period, and for that period they were only obtainable from the returns of prosecutions.

The prison commissioners caused the returns for the year 1891 and 1892 to be dissected, and the arrests in cities separated from those made in towns. The following is the result; the ratio per 1,000 being added by this Commission:—

	Population 1890.	Drunkenness.		Other offences.		Total.		Year.
		Total.	Ratio per 1,000.	Total.	Ratio per 1,000.	Total.	Ratio per 1,000.	
In cities	1,372,300	51,093	37.23	24,508	17.78	75,601	55.09	1891
do	1,372,300	65,853	47.98	28,314	20.65	94,167	68.61	1892
In towns	866,643	5,419	6.25	6,064	7.03	11,513	13.28	1891
do	866,643	4,820	5.5	9,204	10.62	14,033	16.19	1892

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The population in towns is, of course, much smaller than in cities, and in many of them no licenses are issued. The population is that given in the United States census returns (1890) and adopted in the commissioners' reports; but it was doubtless in many of both the cities and towns larger in 1891 and 1892 than in 1890. The increase in the population of the state between 1885 and 1890 was 15.3 per cent. Of the increase in arrests for drunkenness in cities between 1891 and 1892, in round figures, 15,000, the city of Boston contributed about 8,000; and of the increase in arrests for other offences, in round numbers, 4,000, Boston contributed 25 per cent.

In the year ended 30th September, 1891, the number of convictions for all offences in the state of Massachusetts was 58,372. Taking the population as shown in the United States census on the 30th June, 1890, namely, 2,239,000, the ratio of convictions is 26.07 per 1,000. In Canada, in the same year, the convictions were 7.75 per 1,000. The convictions for drunkenness are not given separately in the Massachusetts returns.

The following table shows the *arrests* of all kinds in the State of Massachusetts from 1886 to 1892:—

Year.	Population.	Drunkenness.	Ratio per 1,000 of Population.	Other offences.	Ratio per 1,000 of Population.	Total.	Ratio per 1,000
1886.....	2,001,376	35,402	17.68	25,938	12.96	61,340	30.69
1887.....	2,062,417	41,456	20.10	26,235	12.67	67,691	32.88
1888.....	2,125,320	48,153	22.65	28,084	13.21	76,237	35.87
1889.....	2,190,142	53,158	24.27	29,958	13.67	83,116	37.67
1890.....	2,239,000	52,814	23.58	28,030	12.51	86,844	38.78
1891.....	2,306,100	56,512	24.50	30,602	13.27	87,114	37.77
1892.....	2,375,200	70,682	29.76	37,518	15.79	108,200	45.55

The following figures are taken from the reports of the prison commissioners of the state for the years 1891 and 1892. They show that, taking periods of ten years, the largest number committed to prison for *drunkenness* were of the ages from 31 to 40 in 1891, and 21 to 30 in 1892:—

Age.	1891.	1892.
From 12 to 20 years of age.....	612	280
“ 21 “ 30 “	6,380	2,812
“ 31 “ 40 “	6,422	2,665
“ 41 “ 50 “	4,034	1,800
“ 50 upwards.....	2,346	1,077
	19,794	8,637

Combining all offences, the largest numbers were in the period between 21 and 30 years of age both in 1891 and 1892.

In the class committed for drunkenness the reports show that there were, in 1891, 12,200, out of a total of 19,794, who had been previously committed. Of these 12,200, over 5,000 had been committed from six to fifty times and upwards. In 1892, 5,358, out of a total of 8,634, had been previously committed for the same offence, and of these 5,358, 1,960 had been committed from six to fifty times and upwards.

The commissioners, in their report for the year ended 30th September, 1892, remark :—

"The fact that 185 prisoners, whose ages range all the way from sixteen years to fifty, were committed (to the reformatory) for drunkenness during the year, leads us to call the attention of the general court to the inadvisability of sentencing persons for that offence to this institution. If the prisoner is a confirmed drunkard, who has been repeatedly sentenced to the house of correction, it seems to be a waste of time to commit him to the reformatory; if he is a young man whose only offence is that of drunkenness, it seems to be unwise to expose him to the influences of a prison for criminals for the purpose of attempting his reformation. It would undoubtedly be far better for the state if the persons who are repeatedly committed could be imprisoned in a workhouse, where they would be compelled to earn their own living. Unfortunately a large number of this class of drunkards have also the vagrant disposition, and might as properly be committed for tramping as for drunkenness. It would seem to be in the interest of good public policy to make the attempt to reform and correct the younger drunkards without subjecting them to the dangers already referred to."

The following table shows the commitments to prisons in the state of Massachusetts from 1881 to 1892, inclusive :—

Year.	Population.	Offences against the person.	Offences against property.	Against public order, etc.	Total commitments.	Ratio per 1,000 of population.	Drunkenness.	Ratio per 1,000 population.
1881.....	1,814,823	1,686	2,223	2,223	17,062	9.45	10,930	6.02
1882.....	1,847,126	1,691	2,283	2,122	22,865	12.37	16,769	9.07
1883.....	1,880,004	1,660	2,352	2,259	24,125	12.83	17,854	9.47
1884.....	1,913,400	1,833	2,639	2,705	26,739	13.97	19,564	10.22
1885.....	1,942,141	1,879	2,918	3,153	26,651	13.72	18,701	9.62
1886.....	2,001,376	1,771	2,448	3,258	25,458	12.72	17,981	8.98
1887.....	2,062,417	1,651	2,449	2,773	26,825	13.00	19,952	9.67
1888.....	2,125,320	1,754	2,491	3,031	30,683	14.43	23,407	11.01
1889.....	2,190,142	1,888	2,779	3,548	34,094	15.56	25,879	11.81
1890.....	2,238,943	1,821	2,547	3,242	33,200	14.86	25,080	11.42
1891.....	2,306,100	1,799	2,762	3,449	27,795	12.05	19,794*	8.58
1892.....	2,375,200	2,195	2,899	4,133	17,861	7.52	8,634*	3.63

*The commitments for drunkenness were reduced by the change in the law for the punishment of that offence. (See evidence of Mr. Pettigrove and Mr. Whiting, pp. 737-748).

N.B.—In 1890 the population is taken from the U. S. census returns; in other years it is estimated.

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The commitments to prisons for the whole Dominion cannot be given accurately but those for the province of Ontario are published annually, and per 1,000 of the population they compare as follows with those of Massachusetts :—

Year.	MASSACHUSETTS.			ONTARIO.		
	Population.	For all offences.	Drunkenness.	Population.	For all offences.	Drunkenness.
		Per 1,000 of population.	Per 1,000 of population.		Per 1,000 of population.	Per 1,000 of population.
1882.....	1,847,126	12.37	9.07	1,944,889	4.94	1.79
1883.....	1,880,004	12.83	9.49	1,963,016	5.03	1.98
1884.....	1,913,400	13.97	10.22	1,981,311	6.09	2.34
1885.....	1,942,141	13.72	9.62	1,999,777	5.71	1.84
1886.....	2,001,376	12.72	8.98	2,018,415	5.27	1.76
1887.....	2,062,417	13.00	9.67	2,037,227	5.40	2.05
1888.....	2,125,320	14.43	11.01	2,056,214	6.05	2.16
1889.....	2,190,142	15.56	11.81	2,075,378	6.03	2.31
1890.....	2,238,943	14.86	11.42	2,094,721	5.43	2.18
1891.....	2,306,100	12.05	*8.58	2,114,321	4.92	1.70
1892.....	2,375,200	7.52	*3.63	2,134,026	4.22	1.28

*The commitments for drunkenness were reduced by the change in the law for the punishment of that offence. (See evidence of Mr. Pettigrove and Mr. Whiting, p. p.)

N.B.—For Massachusetts, in 1890 the population is taken from U. S. census returns, in other years it is estimated; for Ontario, the population is taken from census returns for 1891, and estimated for other years.

If the total convictions in Canada are taken, they compare as follows with the commitments to prison in the state of Massachusetts :—

Year.	Per 1,000 of the population.			
	Canada: Convictions.		Massachusetts: Commitments.	
	All offences.	Drunkenness.	All offences.	Drunkenness.
1882.....	7.16	2.63	12.37	9.07
1883.....	7.58	2.80	12.83	9.49
1884.....	6.66	2.22	13.97	10.22
1885.....	7.52	2.49	13.72	9.62
1886.....	7.49	2.45	12.72	8.98
1887.....	7.49	2.53	13.00	9.67
1888.....	8.08	2.74	14.43	11.01
1889.....	8.17	2.94	15.56	11.81
1890.....	8.09	2.94	14.86	11.42
1891.....	7.78	2.60	12.05	8.58
1892.....	7.22	2.35	7.52	3.63

The following table shows the number of votes cast in the state for and against the issue of licenses, from 1888 to 1894, the number of the various classes of licenses granted, and the amounts received therefor:—

Votes refer to the years	Shall licenses be granted?		Licenses issued in the preceding year.							Amounts received for licenses.
	Yes.	No.	1st class.	2nd class.	3rd class.	4th class.	5th class.	6th class.	Revo- koved.	
1888.	109,988	117,188	2,530	244	20	1,989	179	704	44	\$ 1,034,103 00
1889.	125,481	107,404	2,544	227	23	1,851	187	999	96	1,286,305 83
1890.	108,814	114,550	1,168	102	4	914	89	983	13	1,812,810 00
1891.	120,268	108,523	1,449	84	7	1,059	81	998	12	1,779,957 50
1892.	119,191	127,123	1,389	92	21	1,244	75	1,136	36	2,224,196 42
1893.	134,819	158,957	1,266	45	5	1,218	63	1,049	11	1,991,969 25
1894.	147,812	147,168	1,206	44	1	1,081	64	1,019	15	1,922,105 25

It is, perhaps, unsafe to draw very decided conclusions from the arrests by the police in the different cities and towns in the state of Massachusetts, when comparing years in which no licenses have been granted with those in which the sale of liquor has been legalized. The changes from one system to another in some instances have been so rapid, and such small periods have intervened, that the no-license plan cannot, in some cases at any rate, have had a fair trial. The arrests in a number of cities have been obtained, and they, with the ratio per 1,000 thereof to the population, are set out in appendices Nos. 83 to 95. On the statements, the years in which no licenses were issued have been distinguished from those in which they were granted, and an examination of the figures will show that the arrests, as a rule, but not in all cases, were smaller in the years of no license than in those of license. But the ratio of arrests generally in Massachusetts is very largely in excess of the ratio in Canada. Malden, a place of 27,000 inhabitants, and where no licenses have been issued for several years back, has, as compared with other cities in the state, a low ratio of arrests; but it is not lower than the ratio in Quebec or Ottawa. The same remarks may be made in regard to Quincy, where the contest between the advocates of license and no-license has been carried on in a most belligerent manner, and apparently with success on the part of the no-license party. In both of these cities of Massachusetts the ratio of arrests has increased since 1889. Brocton, another no-license city, shows a much larger ratio of arrests than either Malden or Quincy. Cambridge is so near to Boston that the number of arrests there does not probably afford a safe basis for making comparisons. No licenses have been issued in that city for several years past, but the arrests for drunkenness have very largely increased since 1889.

On the question of drunkenness, the Hon. A. T. Whiting, chairman of the police commissioners of the city of Boston, was asked:—

"Do you think that there is more drunkenness now than there was when the previous law existed?" No, I cannot say that I think there is. * * * The number of assaults on constables under the present system has greatly decreased; it is not one in twenty-five of what it was under the old system.

"Can you remember the time when the city of Boston was under the prohibitory law?—Most decidedly I can. I remember it perfectly well, because I had a bar-room in operation then opposite my place of business, right under my nose. * * * I know how prohibition worked here; it was a perfect disgrace to Boston and to the state of Massachusetts. There was more intoxication here then than ever I remember before or since." (Q. 9372b-9574b.)

The commissioners of prisons in their report for the year 1893, in regard to the arrests in the state, show that the arrests in towns and cities for the year ended

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30th September, were 107,632. As compared with the previous year, there was a decrease of 568, and that, although there were fewer arrests, taking all offences together, than in the preceding year, the total arrests for drunkenness numbered 995 more in 1893 than in 1892. The total arrests in cities show a slight decrease, and those in towns an increase, and the arrests for drunkenness show a slight decrease in cities, but a considerable increase in towns.

The commissioners say: "In the period from 1st July to 30th September, 1893, 14,653 persons were arrested for drunkenness, whereas, during the same period in 1892, there were 18,588 so arrested. As the falling off in the three months is so great it will be seen that the number of arrests for this offence from 1st September, 1892, to 30th June, 1893, must have largely exceeded the number for the corresponding period in the preceding year. It is very evident, therefore, that the effect of the law which went into operation on 1st July, has been to largely reduce the number of arrests for drunkenness, particularly in the cities."

The law under which the large number of cases of drunkenness were dealt with outside of the court was changed in July, 1893, as has already been explained. It is evident that the effect of this change has been to largely reduce the number of arrests for drunkenness, which in the three months ended 30th September, 1893, were over 21 per cent less than in the same period of 1892. This fact has to be borne in mind when considering the tables for arrests in the cities of the state of Massachusetts given in Appendices Nos. 83 to 95. For instance, Lawrence, which issued no licenses in 1893, shows a reduction in the number of arrests for drunkenness of 470 in the year. Of this reduction it appears that no less 358 took place between the 1st of July and the 30th of September, 1893. Again, Lynn, which issued no licenses in 1893, shows a reduction of 996 in the number of arrests for the year ended 30th September, 1893, as compared with 1892. Between the 1st of July and the 30th of September, 1893, the reduction was 557.

An analysis of the voting on the question of issuing licenses in 1892 shows the following result:—

Places previously under license.	Population.	Voted.		Places not previously under license.	Population.	Voted.	
		Yes.	No.			Yes.	No.
Boston.....	448,477	1	.....	New Bedford.....	40,733	1	.....
Lowell.....	77,696	1	.....	Worcester.....	84,655	1	.....
Gloucester.....	24,651	1	.....	Haverhill.....	27,412	1	.....
Holyoke.....	35,637	1	.....	Fitchburg.....	22,637	1	.....
Newburyport.....	13,947	1	.....			
Springfield.....	44,179	1	.....		174,837	4	.....
Northampton.....	14,990	1	.....			
North Adams.....	16,074	1	.....	Cambridge.....	70,028	.....	1
	675,651	8	.....	Quincy.....	16,723	.....	1
				Everett.....	11,068	.....	1
Lawrence.....	44,654	.....	1	Malden.....	23,031	.....	1
Salem.....	30,801	.....	1	Marlborough.....	13,805	.....	1
Fall River.....	74,398	.....	1	Medford.....	11,079	.....	1
Taunton.....	25,448	.....	1	Newton.....	24,379	.....	1
Lynn.....	53,727	.....	1	Somerville.....	40,152	.....	1
Chicopee.....	14,050	.....	1	Brocton.....	27,294	.....	1
Woburn.....	13,499	.....	1	Chelsea.....	27,909	.....	1
Waltham.....	18,707	.....	1	Beverly.....	10,821	.....	1
Pittsfield.....	17,281	.....	1	Brookline.....	12,103	.....	1
Peabody.....	10,158	.....	1	Hyde Park.....	10,193	.....	1
				Weymouth.....	10,866	.....	1
				Clinton.....	10,424	.....	1
	304,723	.....	10				
					319,875	.....	15

The population is that shown in the United States census of 1890.

Total number of places where vote was taken, 352.

Of which, in 1892,—

Places with population over 10,000.

8	previously under license; population	675,651;	voted	Yes..	8
10	“ “ “ “	304,723;	“	No....	10
4	“ not under license “	174,837;	“	Yes... 4	
15	“ “ “ “	319,775;	“	No....	15— 37

Places with population under 10,000.

33	previously under license; population	121,230;	voted	Yes... 33
274	“ not under license; “	626,349;	“	No....274
6	“ “ “ “	14,078;	“	Yes... 6—313
In one place, Salisbury, population 1,316, vote was a tie.				
In another, Clarksburg “ 884, no figures given 2				

Total number.....352

Population of places voting in favour of the granting of licenses.....	} 985,796.
Population of places voting against the granting of licenses.....	
Population not counted in.....	2,200.
Total votes cast for granting of licenses, 119,191.	
“ “ “ against granting “	127,123.

In 1893, the Governor of the commonwealth appointed a commission to investigate the Gothenburg and Norwegian systems of licensing the sale of intoxicating liquors.

The report of the commission was published in 1894 (House document, number 192, 1894). The commission appointed a gentleman to visit Sweden and Norway, who, after making a full investigation on the ground, made a report for the information and guidance of the commission. This report has been printed, along with the draft of “An Act to establish the Norwegian system of selling intoxicating liquors” in the state of Massachusetts.

It provides that a petition signed by qualified voters of any city or town, not less in number than one for every one hundred persons who voted at the immediately preceding annual election in such city or town, to the board of aldermen of such city, or the selectmen of such town, asking them to insert in the warrant for the annual municipal election or town meeting an article providing for a vote upon the question: “If licenses for the sale of intoxicating liquors are granted in this city (or town), shall they be granted under the Norwegian system?” If the petition is duly filed with the bond as provided for in the Act, the aldermen or selectmen, as the case may be, shall insert such article in said warrant.

The bond is to be in the penal sum of one thousand dollars in towns, or five thousand dollars in cities, executed by five citizens, approved by a master in chancery. The obligation is that permission being granted to sell on the Norwegian system, the petitioners will form a corporation to take over the licenses which may be issued, and carry on the business for at least three years. Only one corporation is to do business within a town or city. Shareholders are not to receive more than 5 per cent on the par value on their stock.

“After all the expenses of the business and the dividend have been paid, there shall first be established a reserve fund equal to the par value of the capital stock, and after the payment of said dividend and the establishment of said reserve fund, the remainder of the net profits, if any, shall, at a fixed time in each year, be expended for one or more objects of general public benefit and utility, such as industrial education, coffee-houses and reading-rooms, parks, hospitals, public baths and sanitary improvements. The objects of such expenditure in each year, and the proportion of said remainder to be expended for each one of the objects selected, shall be determined by the shareholders at a meeting called for that purpose.”

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The commissioners of saving banks are empowered to investigate, examine and proceed against every such corporation in like manner and with the same powers as they now have or shall be given in the case of saving banks. The commissioners are to see that the shareholders do not, either directly or indirectly, receive a larger dividend than five per cent. The corporation shall annually, within ten days after the last business day of its fiscal year, make a return to the said commissioners, specifying such details as to its business as the said commissioners may direct. The commissioners are to supply the necessary blank forms for the making of such returns. The licenses granted to the corporation are to be subject to all the existing laws and to all the conditions imposed upon licenses granted to private licensees, which are not inconsistent with the Act. The number of licenses to be issued to any corporation is to be fixed by the directors of the corporation, subject to the approval of the licensing authority of the city or town, but the licenses under the first four classes, as set forth in the existing law, are not to exceed one for each two thousand of the population, as ascertained by the last national or state census. There are two other classes of licenses besides the four; one is licenses to clubs, the other licenses to druggists and apothecaries, the latter to sell only for medicinal purposes on the prescription of a physician. The act specifies the limits of the charges to be made for licenses. Five or more persons may form a corporation.

The proposals have not yet (December, 1894,) received the approval of the legislature of the state.

BOSTON.

The liquor traffic in the city of Boston is regulated by a board of police commissioners, three in number, the members of which are appointed by the state government. This board has been in existence for upwards of eight years. The Hon. Albert Whiting has been chairman of the board from the day of its creation. The Board appoints the chief of police and the police force.

Mr. Whiting very kindly supplied much information to the commissioners, and in his evidence very fully described the manner in which the liquor traffic in the city is regulated.

In Boston, as in other cities and municipal districts of Massachusetts, a vote is taken every year on the question of whether licenses shall be issued or not. The following table shows the votes cast each year since 1888. In 1892 the majority in favour of licenses was only 1,140. The opinion was expressed to the commissioners that that this comparatively close vote could not be taken as indicating a stronger opposition than previously to the granting of the licenses, but was the result of a feeling amongst certain classes of the community who look upon the high licenses exacted in Boston as favouring the wealthier class, and rendering it impossible for a man without considerable capital to engage in the business.

CITY OF BOSTON, MASS.

Votes cast on the question of licenses. "Shall licenses be granted for the sale of intoxicating liquors in this city (or town)?"

Year.	Population.	Yes.	No.	Remarks.
1888	390,392	35,744	17,660	
1889	390,393	27,134	17,875	
1890	448,477	29,150	13,910	
1891	448,477	25,648	21,552	
1892	448,477	31,616	30,476	
1893	448,477	30,145	20,556	

The number of licenses issued is restricted to one to every five hundred of the population. The board of police commissioners appear to issue annually a notice in the form printed in Appendix 96. This notice sets forth the fees to be paid, and it

will be seen from the terms of it, that persons holding a license and expecting to obtain a renewal of it, have to make application to the board. Printed forms on which applications have to be made are supplied. These forms are numerous, and are, of course, varied to meet the conditions on which the various classes of licenses are issued. Every application has to be reported upon by the police on the form prescribed, copies of which are given in Appendices Nos. 101-2-3. If the application is rejected, a simple notification by the clerk of the board is given to the applicant. In cases where the application is approved, an intimation is sent on form Appendix No. 98. The licensee has to provide sureties who give a bond to the city in the form printed in Appendix No. 99. The sureties have also to make the statement shown in form Appendix No. 100. In the case of a report being made against the holder of a license, which the commissioners think of sufficient importance to be considered, the licensee is cited before the commissioners, who, if after giving the accused a reasonable opportunity to be heard, considers that he has violated, or permitted to be violated, the conditions of the said license, order it to be cancelled. A notice signed by the clerk of the board in the form B, Appendix No. 97, delivered by the police, cancels the license, and the holder is debarred from obtaining any license thereafter. In cases where the transfer of a license is desired, a petition has to be sent to the commissioners, who can, if they think proper, authorize such transfer. A transfer being authorized, a fee is charged to cover the expense of notice, etc.

Mr. Whiting was so good as to supply to the commission a statement of the amounts received and paid into the city treasury for license fees from 1st May, 1885, to 1st December, 1892, which are as under:—

From May 1st, 1885, to Dec. 1st, 1885.....	\$505,093
“ Dec. 1st, 1885, to Dec. 1st, 1886.....	603,113
“ Dec. 1st, 1886, to Dec. 1st, 1887.....	588,497
“ Dec. 1st, 1887, to Dec. 1st, 1888.....	618,918
“ Dec. 1st, 1888, to Dec. 1st, 1889.....	888,308
“ Dec. 1st, 1889, to Dec. 1st, 1890.....	1,016,500
“ Dec. 1st, 1890, to Dec. 1st, 1891.....	1,033,872
“ Dec. 1st, 1891, to Dec. 1st, 1892.....	1,058,146
In 1878 the amount collected was.....	236,000

The state is entitled to one-fourth of the amount collected.

Mr. Whiting also supplied a statement of the fees charged for the different classes of licenses from 1884 to 1892, of which statement the following is a copy:—

Fees for different Classes of Licenses, under the Board of Police.

	1884-5.	1885-6.	1886-7.	1887-8.	1888-9.	1889-0.	1890-1.	1891-2.
1st innholder A.....	\$ 600	\$ 600	\$ 800	\$ 800	\$ 1,000	\$ 1,500	\$ 1,500	\$ 1,500
1st " B.....	350	350	500	600	600	1,200	1,200	1,200
1st victualler.....	250	250	300	350	400	1,000	1,000	1,000
2nd ".....	125	125	175	175	200	500	500	500
3rd ".....			125					
4th grocer.....	150	150	150	150	150	300	300	300
4th wholesale dealer A.....	50	50	50	50	50	300	300	300
4th " B.....	150	150	250	250	250	1,000	1,000	1,000
4th " C.....	250	250	450	450	450			
4th " D.....	350	350						
4th distiller.....	400	400	400	400	400	1,000	1,000	1,000
5th brewer A.....	250	250						
5th " B.....	350	350						
5th " C.....	450	450						
5th Brewer.....			400	400	400	1,000	1,000	1,000
5th Wholesale dealer and bottler.....	150	150	150	150	150			
5th Bottler.....						500	500	500
5th Retail dealer.....	100	100	100	100	100			
5th Wholesale dealer.....			50	50	50			
4th Wholesale druggist.....							300	300
6th Druggist.....	1	1	1	1	1	1	1	1
Special club.....					50	50	50	50

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It will be noticed that, for almost every class of license, the fees were steadily increased from 1885 to 1890, and that from that year to 1892 no change was made. The total revenue collected, it will be seen, fell off slightly in the year which ended in 1887, but, with that exception, it has steadily increased, notwithstanding the fact that the number of licenses granted were very largely reduced. The following statement also supplied to the commissioners gives much very interesting information.

Liquor work, etc., of the Police Department under the Board of Police.

	July 23 to Dec. 1, 1885.	1886.	1887.	1888.	1889.	1890.	1891.	1892.
Number of complaints for violation of conditions of licenses, made to board.....	207	267	133	164	75	32	20	26
Number of complaints for violation of conditions of licenses, made in court.....	125	124	63	33	29	13	6	16
Seizures made.....	240	715	717	1,189	804	1,359	1,409	1,633
Arrests for selling without a license.....	150	398	327	525	684	473	420	401
Licenses forfeited, liquor.....	65	108	57	44	29	3	1	1
" " druggists.....			5	5	10	12	6	3
Licenses in force Nov. 30 of each year.....	2,677	2,059	1,929	1,789	779	892	895	896
Applications for licenses rejected.....		1,068	701	314	492	425	287	229
<i>Nature of complaints upon which licenses were forfeited.</i>								
Violation of Sunday law.....	29	22	13	14	12			
Violation of screen law.....	5	1	1	2		1		
Opening unlicensed doors.....	11	19	7	2	2			
Selling to minors.....	9	10	9	7	3	1		
Selling to be carried off premises not allowed by license.....	1	8	3					
Selling to be drunk on premises in violation of license.....	1			16	13	1	4	1
Allowing gambling, and keeping noisy and disorderly place.....	1							
Selling in a room not allowed by license.....	1	3	11					
Selling between the hours of 11 o'clock p.m. and 6 o'clock a.m.....	1	5	2	3	1			
Keeping and exposing for sale liquors not allowed by license.....	6	39	15	3	1		1	
Selling to intoxicated persons.....		1	1	1	2			
Selling liquor without making record in book.....				1	5	12	2	3
Total.....	65	108	62	49	39	15	7	4
<i>Number of hearings given.</i>								
Complaints against liquor licensees.....	207	267	133	164	75	32	20	26
Rejected applications for liquor licenses.....	48	426	248	215	14	12	30	40
Complaints against officers.....	44	123	94	80	98	131	90	60
Miscellaneous hearings.....	19	31	20	23	50	90	64	41
Total.....	6,318	847	495	482	237	265	204	167
Arrests for drunkenness.....	6,067	16,179	19,141	23,044	24,991	23,970	27,396	33,698
Total number of arrests.....	11,062	28,510	30,681	36,009	40,066	37,492	41,132	48,463

From the preceding figures it will be observed that the number of licenses, which in 1885 were 2,677, fell to 896 in 1892.

The number of complaints for violation of the conditions of the licenses made to the board fell from 207 in 1885 to 26 in 1892, and the number of complaints made in court from 125 to 16. The seizures made, however, increased from 240 in 1885 to 1,633 in 1892, and the arrests for selling without license from 150 to 401. The number of licenses forfeited, which in 1886 were 108, fell to 1 in 1892. Applications for licenses which were rejected by the commissioners were, in 1886, 1,068, and in 1892, 229.

The statement shows a very large increase in the arrests for drunkenness; in short, in 1892 they were more than double what they were in 1886. The population in 1885 was 390,406, and in 1892, 448,477, and increase of 15 per cent.

MASSACHUSETTS.

THE United States census returns supply the following information :

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	2,238,943		1,783,085	
Convicts in penitentiaries.....	2,530	0.68	1,085	0.61
Prisoners in county jails.....	954	0.43	418	0.23
Paupers in almshouses.....	4,725	2.11	4,533	2.54
Inmates of juvenile reformatories.....	698	0.31	726	0.41

MINNESOTA.

This state is under high license and local option. Governor Merriam, in a very interesting letter to this Commission, writes :—

“What is known as the high license system is in vogue in this state. The license fee in cities of 10,000 or more population is fixed at \$1,900, or such fee in excess of such sum as the city council shall prescribe; and in cities with less than 10,000 population, and in country villages or boroughs the license fee is \$500, or such fee in excess of said sum as the city council of a city, or in case of a county, the county commissioners, or of a village or borough the municipal authorities, of such village or borough shall fix and prescribe. I am unable to furnish you any definite statistics bearing on this subject, but in my opinion there can be no question but that high license reduces the consumption of intoxicating beverages, and so diminishes drunkenness, resulting, further, in a less number of criminals, of paupers, of insane, and so of all public expenditure of every class.

“The statistics of this state, however, with reference to crime, pauperism and insanity could not be directly shown, for two reasons:—First, high license laws have not been in operation long enough to show so marked an effect as to enter into our public statistics; second, there are, besides drunkenness, so many concurrent causes of crime, pauperism and insanity that the student of sociology is very careful not to attribute a specific increase or diminution to some specific cause without being quite certain that no other causes have been active during the same time. One thing is certain, that the number of liquor saloons has been largely decreasing in Minnesota by reason of the adoption of the high license and bond laws, and the liquor traffic would be very glad to be relieved from the burden. License, therefore, tends to diminish drunkenness and the prosperity of the liquor traffic in all countries.’ (Appendix 76.)

The Act provides that the licensing authorities are the commissioners of a county or the authorities of any municipal corporation. The applications for licenses, when received by the county auditor or the clerk of the municipal corporations are published in a newspaper at least two weeks before the hearing takes place.

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Any person may appear and object to the granting of a license, and if it should appear that the applicant had knowingly violated the license act within the year preceding the application, or sold to minors, habitual drunkards, or intemperate drinkers, after receiving a notice forbidding such sale, within five years preceding such application, the board shall refuse to grant the license. Licensees shall file a bond of \$2,000 to carry out the law.

The following are the license fees:—In a city of 10,000 people or more, \$1,000, or such amount in excess as the city council may from time to time prescribe; in a city of less than 10,000, \$500, or such amount in excess as the city council may prescribe; in county, village or borough, \$500, or such amount in excess as the county commissioners or municipal authorities may fix and prescribe.

The following punishment is prescribed for drunkards:—For first offence, fine of not less than \$10 or more than \$40, or imprisonment from ten to forty days; for second offence, imprisonment from thirty to sixty days, or a fine from \$20 to \$50; for the third and all subsequent offences, imprisonment from sixty to ninety days.

Unlawful sales include sales to a minor, student or pupil in any public school, seminary, academy or other institution of learning, as well as to a drunkard or intemperate drinker. The punishment is a fine of not less than \$25 or more than \$100, or thirty to ninety days imprisonment.

The Act contains provision forbidding the sale of liquor within the capitol building during the session of the legislature, or on the state fair grounds, or within half a mile of the state university.

Provision is made for the preparation of a complete list of licensees, and this shall be open to the inspection of any resident of the county without charge.

The local option feature of the law is embodied in section 1856, and is as follows:—

“The board of county commissioners may grant licenses for the sale in any quantity of spirituous, vinous, fermented or malt liquor within the proper counties to any person of the age of 21; provided, that nothing herein contained shall be so construed as to prevent the people of any municipal county from deciding for themselves whether licenses shall be granted to any person or persons in said township, and the town clerk is hereby required, on the petition of ten or more legal ‘voters’ of said township at any time not less than twenty days before any annual town meeting, to give notice that the question of license will be submitted at said election. And notice therefor shall be given to the town clerk, and the said question of license shall be determined by ballot containing the words, ‘in favour of license,’ or, ‘against license,’ which vote shall be returned, and if such returns show that a majority of the votes cast at said election shall be against license, then it shall be the duty of the town clerk to notify the county auditor thereof, and in such case the board of county commissioners shall grant no licenses to said township.”

Statistics of arrests in St. Paul and Minneapolis will be found in Appendices Nos. 159 and 160.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of the population.	1880.	Per 1,000 of the population.
Population.....	1,301,826		780,773	
Convicts in penitentiaries.....	432	0.33	248	0.32
Prisoners in county jails.....	208	0.16	105	0.13
Paupers in almshouses.....	365	0.28	227	0.29
Inmates of juvenile reformatories.....	284	0.22	112	0.14

NEBRASKA.

Correspondence which has passed between the executive of this state and the commission will be found in Appendix No. 76. The Secretary of State, writing on the 19th March, 1894, says:—"We have what is known as the Slocum law, or local option. I know of but one county in the state (York) where this law is in force."

The state is under high license and local option.

The present law has been in operation since 1881. The previous law, passed in 1858, allowed the county commissioners to grant licenses and to fix the license anywhere between \$25 and \$500 and cities could impose an additional amount, not exceeding \$1,000.

In 1890 a popular vote was taken on a prohibition amendment to the constitution, but it was rejected by 111,728 votes to 82,292. A proposal to add a licensing amendment to the constitution was also rejected by 91,084 to 75,462 votes.

Applicants for licenses must obtain the support of a majority of the freeholders in towns under township organization, and in other places a majority of the freeholders of the precinct where the house proposed to be licensed is situate. The licensing authorities, however, may refuse all applications, if public sentiment, in their opinion, demands such action. There are, in fact, many places in the state where no licenses are issued. The state has really local option, as the question of license or no license is sometimes made a direct issue in the election of commissioners.

The present law, which is known as the "Slocum" law, provides that the licensing authority in Omaha shall be the board of fire and police commissioners; in Lincoln, the excise board; in other cities, the city council; in incorporated villages, the board of trustees; and elsewhere the county board. Notice of application for a license has to be published, and if objection is made, a day is appointed for the hearing. If it appears that the applicant has violated the liquor law within a year, or has had a former license revoked, the application must be refused; in other cases, the licensing authority may grant the licenses "as deemed expedient."

A license may be granted only upon application, by petition of a majority of the resident freeholders of the town, if the county is under township organization; and if not under township organization, by a majority of the resident freeholders of the precinct where the sale of such liquor is proposed to take place.

The license fee is fixed by the licensing authority, but may not be less than \$1,000 in cities with a population exceeding 10,000; or \$500 elsewhere. The licensee is required to enter into a bond in the sum of \$5,000 with two freeholders of the county as sureties.

The following penalties are provided: Selling to a minor, \$25; selling or giving liquor to an Indian not a citizen, \$1,000, or imprisonment from two to five years; selling or keeping for sale without license, \$100 to \$500, or imprisonment not exceeding one month; selling liquor adulterated with strychnine, strontia, sugar or lead, or any other substance, \$100.

Permits may be issued to druggists, each of whom is obliged to keep a detailed record, open to public inspection, of his sales of liquor, and to report on oath half-yearly to the licensing authority. The penalty provided is a fine from \$20 to \$100, and imprisonment ten to thirty days.

All vendors of liquors are required to keep their doors and windows unobstructed by screens or otherwise.

"Treating," or giving away liquor in any saloon or public place where liquor is sold for consumption on the premises is prohibited under penalty.

Any person found intoxicated is to be arrested, and on conviction fined \$10 or be imprisoned not more than thirty days; but the punishment may be wholly or partly remitted on his giving sworn evidence when, where and from whom he received the liquor.

There is a civil damage law which provides as follows: "The person so licensed shall pay all damages that the community or individuals may sustain in consequence of such traffic; who shall support all paupers, widows or orphans, and

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the expenses of all civil and criminal prosecutions growing out of or justly attributed to his traffic in intoxicating drinks." Such damages and expenses may be recovered by an action on his bond. On the person becoming a pauper by reason of intemperance, the poor authorities may sue on the bond of any licensee who was in the habit of supplying him with liquor. All fines are paid to the school board, and the complaining witness is to receive out of the local funds under the control of the licensing authority a sum equal to one-fourth of the amount so paid.

It is claimed that the effect of the high license system has been to largely reduce the number of licenses issued. In Omaha 251 licenses were granted in 1891, besides 72 permits to druggists. This gives a ratio of one license to nearly 600 people. In Lincoln only about 40 liquor licenses are granted, considerably less than one to 1,000.

Mr. Fanshawe in his book gives the following table of total arrests and arrests for drunkenness in Omaha under high license, and in Council Bluffs, Iowa, under prohibition:—

	1889.		1890.		1891.	
	Total arrests.	Arrests per 1,000.	Total arrests.	Arrests per 1,000.	Total arrests.	Arrests per 1,000.
Omaha, Nebraska—Under high license: Population (1890.) 140,500 :—						
Total arrests	8,449	60.13	8,113	57.74	7,281	51.82
Arrests for drunkenness	2,094	14.90	2,275	16.19	1,667	11.86
Council Bluffs, Iowa—Under prohibition: Population (1890) 21,500 :—						
	1889.		1892.			
Total arrests	1,815	84.41	1,482	68.93		
Arrests for drunkenness	736	34.23	696	32.37		

NOTE.—In Appendices Nos. 158 and 168 will be found statements of arrests obtained from Omaha and Council Bluffs.

The state bureau of labour statistics in their report for 1893-4 state that in response to circulars sent to every village or city clerk in the state, over 1,000 blanks were sent out and seven hundred replies were received 475, reported "no saloons," and 225 reported a total of 873 saloons, paying license fees ranging from \$25 to \$1,500 per annum, and aggregating the sum of \$713,550. Of this amount 80 saloons paid \$13,880 occupation and municipal tax, which amount, however, is included in the above total.

Omaha and Lincoln, with a total population of 200,000, collect \$269,000 from 269 saloons. The average license fee in the state is \$818.80. The report says:—"A rough estimate of the total receipts of the average saloon for the year necessary to cover known expenses, including license fee and all other expenses, is certainly not less than \$4,000; 873 saloons at \$4,000 each make \$3,492,000, or \$3.23 for every man, woman and child constituting our population of 1,058,910." It concludes by contrasting this sum with the amount (\$1,104,470) voted by the last legislature for current expenses. (P. 277).

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available :—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	1,058,910		452,402	
Convicts in penitentiaries.....	301	0.37	256	0.57
Prisoners in county jails.....	219	0.21	78	0.17
Paupers in almshouses.....	291	0.27	113	0.25
Inmates of juvenile reformatories.....	237	0.22		

*No information for 1880.

ARKANSAS.

This state is under high license and local option.

A letter from the governor of the state, dated the 17th day of May, 1892, will be found in Appendix No. 7C. No communication was received from Dr. Bennett, the gentleman mentioned in Gov. Eagle's letter.

In the early days, to prevent disorder, no person was allowed to keep a public house without a license, the fee being from \$10 to \$30, whilst slaves and soldiers were prohibited from obtaining liquor. In 1838 the fee was made \$10 to \$100, with a \$50 penalty for any violation. Licenses under both these arrangements were granted by the county court, and under the latter the applicant had to procure a petition, signed by a majority of the resident voters of the township, in favour of his license being granted. In 1854 Phillips county and Taylor county, in Columbia district, were placed under prohibition, and sales to Indians were forbidden, under a penalty of from \$1 to \$500. In 1860 thirteen local prohibitory laws were enacted for churches, schools and townships, and four more in 1866. At this time the minimum license fee was raised to \$25 and the maximum to \$500 in any county where licenses could be issued. In 1871 a county tax of \$100 was placed on all liquor sellers, and in 1873 a state tax of \$100 was added, sales for medicinal purposes being exempted, whilst the penalty for selling without a license became, instead of from \$1 to \$500, from \$200 to \$1,000. In Washington county the principle was introduced of awarding civil damages in favour of those injured by the sale of intoxicating liquors, and against the vendor. Prohibition on account of race or colour was done away with.

Six local prohibitory laws were enacted in 1874, six in 1879 and over twenty in 1881, whilst about the same number have been passed every session since.

The present law was passed in 1879, and was added to in 1881 and 1883. It provides :—

That all sales of liquor must be under license, except that manufacturers may sell in original packages of not less than five gallons each. The county court may issue licenses to any one who is 21 years of age, provided that the vote of the township for which the license is required has been recorded in allowing the issue of licenses. Application must be verified by oath, and accompanied by the receipt of the collector for \$400 as county tax, \$300 as state tax, 1 per cent on the amount paid as collector's fees, and \$2 as clerk's fee. The penalty for selling without a license is double the amount of license fee, and each day of such sale constitutes a special offence.

Every applicant shall give bond in \$2,000 conditioned to pay all damages caused by reason of liquors sold at his house, and all such sums of money as may be lost at gaming in his saloon.

Before the license is granted the applicant must produce the receipts for the foregoing payments, and further pay for the use of the county such additional sum,

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being not less than \$50 nor more than \$200, as shall be determined by the county court.

Wines from grapes, berries, and other fruits, sold by the manufacturer, who must manufacture and sell no other liquors, are exempted.

No debts for liquor are recoverable.

Allowing gaming or selling to United States soldiers forfeits the license. Selling liquor to a minor without the consent of the parent or guardian incurs a fine of \$50 to \$100. Selling to Indians incurs a fine of \$1 to \$500. For selling on Sunday the fine is from \$25 to \$100.

The provisions for preventing the sale of intoxicating liquors in any locality comprise three distinct methods:—

At each general election for state officers, the question shall be submitted to the electors whether or not licenses shall be issued in the county for the next two years.

Whenever the adult inhabitants residing within three miles of any school-house, academy, or institution of learning, or of any church-house, shall desire it, and a majority thereof shall petition therefor, the county court shall make an order prohibiting the sale of liquor there for two years. Females, as well as males, are included as inhabitants in this section. This is the second method of local prohibition.

The third method is by means of a special act of the legislature. A large number of these special acts have been passed since 1883, and so far none of them have been repealed.

The three-mile law does not prohibit the use of wine for sacramental purposes, or sales on a physician's prescription. The physician prescribing has to make an affidavit of necessity.

At the elections in September, 1892, twenty-four counties, about one-third of those in the state, voted against the issue of licenses. It is estimated that at present about one-half of the whole state is under local option. More bills affecting the liquor interest were introduced into the state legislature than on any other subject.

It would appear that the term "local prohibitory laws for churches, schools and townships" means that if the adult population residing within three miles of a church, schoolhouse, academy or institution of learning, petition the clerk of the county court, that court is bound to issue an order prohibiting the sale of liquor within the district for a period of two years.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	1,128,179		802,525	
Convicts in penitentiaries.....	832	0.74	564	0.70
Prisoners in county jails.....	397	0.35	190	0.24
Paupers in almshouses.....	223	0.20	105	0.13
Inmates in juvenile reformatories.....				

*No juvenile reformatory.

CALIFORNIA.

Letters received from the executive department of this state, dated 10th April, 1893, and 15th January, 1894, will be found in appendix No. 76.

Under the constitution of California, any county, city, town or township may make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws. The effect of this is to give to every

municipality of local administration the 'power of dealing with the liquor traffic; or, in other words, the constitution gives to each local authority power to make such arrangements as it may think fit, regulating, restricting or entirely prohibiting the sale of liquor within the area which it controls.

The secretary of the governor of the state, in a letter to the commission, says:—"The sales of liquor are affairs of the counties, they having the right to adopt ordinances concerning them." (Appendix 76.)

The state has therefore no general liquor law. The license system prevails in San Francisco and the principal centres. Prohibition prevails in one or two counties and several towns and districts.

California is a large wine-producing state, and in this respect occupies an exceptional position. According to statements in the national census of 1890, there is an established home demand for California wine to the amount of 1,000,000 gallons a month, and there were exported in 1889 about 312,000 gallons, valued at \$217,000.

The city ordinances of San Francisco provide as follows:—

"No license as a retail liquor dealer, or as a grocer and retail liquor dealer, shall be issued by the collector of licenses, unless the person desiring the same shall have obtained the written consent of a majority of the board of police commissioners of the city and county of San Francisco to carry on or conduct said business; but in case of refusal of such consent upon application, said board of police commissioners shall grant the same upon the written recommendation of not less than two citizens of San Francisco owning real estate in the block or square in which said business of retail liquor dealer is to be carried on. (Ordinance xxxix, clause 2).

"As a matter of practice, the commissioners require every new application to be backed by the support of some persons in the block." (Liquor Legislation, by Fanshawe, page 310.)

Licenses are issued for a period of three months, and the penalty of infringement of the law is a fine not exceeding \$1,000, or imprisonment not exceeding six months, or both.

Bar-rooms must be closed between midnight and 6 a. m. The penalty for drunkenness in the public streets or public places is a fine not exceeding \$1,000, or imprisonment not exceeding six months, or both.

No liquor may be sold to a minor under 18 years; and no minor may be permitted to enter a saloon or public place where liquors are sold under a penalty payable by the keeper of the place ranging from a \$100 to \$300.

The number of liquor shops on June 30, 1892, was reported to be 3,192.

In some cities and towns the license fee is as high as \$1,000 per annum. In Los Angeles the fee is \$50 per month, and the applicant is required to get the support of three-fourths of the owners in the same block.

The towns of Pasadena and Riverside were formerly under prohibitory ordinances; but these were repealed. What has taken place since the visit of the commissioners is referred to in a later part of this paper.

RIVERSIDE AND PASADENA.

His Honour Judge McDonald and Rev. Dr. McLeod, members of this commission, visited Southern California, and made inquiry on the spot as to the method adopted for regulating the liquor traffic in Riverside and Pasadena.

Their visit was the outcome of statements made by Mr. John W. Sifton, of Winnipeg, when giving evidence before this commission, to the effect that prohibition was successfully enforced in these towns. His testimony was as follows:—

"Have you any knowledge of any prohibition in any other place?—I lived for some time in Southern California and was in two prohibition towns, one with 10,000 inhabitants near Los Angeles—Pasadena, where I was for a considerable time.

"And the other was what?—Riverside.

"How far are they from each other?—About 40 miles.

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"From your observation, was prohibition enforced there?—I think it was the most thorough and successful thing I ever knew. They had it in Pasadena. There was one constable there, and he was also night watchman and health inspector, and held two or three other offices.

"And did he succeed in enforcing the law?—He told me he had no trouble. He told me they would come down from Los Angeles drunk, they would get out of the train, and they would be put into the lock-up. It is ten miles from Los Angeles, and nearly 600 south of San Francisco." (Q. 32109-32113.)

The Commissioners ascertained, on visiting Pasadena and Riverside, that neither town is under total prohibition; that while these new western towns had been established under a prohibitory system, and were being settled by people from the eastern states, from some of the western states and from Canada, all of the higher class, and the majority entertaining total abstinence principles, they had found total prohibition impracticable, and that consequently these communities reverted to a system of regulation, rather than of total prohibition. The history of the settlement of the southern portion of California possesses many points of interest.

The state itself permits localities to deal with the liquor traffic. Outside of incorporated cities, an applicant for a license simply requires to obtain signatures of twelve freeholders to a petition to the supervisors of the county. Although discretion rests with the licensing board, it is not exercised unless the applicant is of bad character. The license fee is regulated according to the prospective business, and ranges from \$25 to \$100. The effect of this plan is practically to give free trade in liquor in communities outside of incorporated municipalities. In these incorporated municipalities many experiments have been made with a view to satisfactorily solving the problem of how effectually to deal with the liquor traffic. Prohibition has been tried in several towns, notably in Pasadena and Riverside. Riverside undoubtedly offered a suitable field in which to carry out a prohibition experiment. The settlement was commenced with the idea of adopting permanently a prohibitory system. The settlers belonged to a superior class and were largely total abstainers. They were generally possessed of some means; they were settled in a portion of the continent having exceptional advantages as regards climate; they were led by men who had occupied prominent positions in eastern communities, and were resolved to build up on the Pacific slope a model town. No pauper class or criminal class threatened the success of the scheme. Thus the men and their environment were calculated in the highest degree to achieve success for the prohibitory system, if such were possible.

The settlement grew rapidly, the population increasing from a nucleus of two or three score to 5,000 people within about five years. The community is a model one in every respect. It is temperate, law-abiding, progressive and prosperous. But even here it is divided practically into two classes, one being the owners of orange groves or ranches, as they are termed, and the other being composed mainly of the business people and others who earn their living by trade.

Riverside, according to the terms of the state law, was under the control of the supervisors of the county, as regards the liquor traffic, until its incorporation. Accordingly there was practically free liquor for a brief period in the very early days. Then the town elected an anti-saloon board of trustees, and that board abolished the traffic. Three saloons were running at that time, and it was reported that there was a good deal of drinking going on. During two years saloons were abolished. There was, however, illicit sale. The number of places illegally selling was placed at from a dozen to twenty-five. There was, moreover, a large importation of liquor from outside, San Bernardino and Los Angeles being within easy distance. The drug stores sold liquor in large quantities, and prescriptions, it appears, could be obtained for a small consideration for any purpose wanted. The board of trustees, composed altogether of prohibitionists, with one exception, ruled the town for two or three years. They raised large sums of money for the purpose of carrying out prohibition ideas, and they expended \$2,000 of the town's money in trying to prevent clandestine sale of liquor. The attempt to suppress the sale, however, was like an effort, as a witness put it, "to put out fire with oil. It started

on the other side, and simply went to another place, for the demand for liquor had to be met." (Q. 8c.) Prohibition proved impossible of enforcement. Liquor was obtained in the city; it was brought in from outside places; it was obtained in drug stores. And the consumption increased. While residents could obtain alcoholic beverages freely, tourists visiting this winter resort were prohibited obtaining wine at meal times, even when ordered by their physicians. Witnesses concurred in the opinion that when tourists found they could not get even the wines of the country for beverage purposes they frequently left town by an early train, so that, eventually, a high license board was elected. A high license system had been in force two and a-half years when this commission visited the town. Under it two licenses are granted. The board, however, allows anyone keeping an hotel with 40 rooms to furnish wine and beer to guests at meal times, but no bar is allowed in such hotels.

Under the present system the licensee is called upon to pay fees to the amount of \$2,325 annually, viz., \$2,000 to the city, \$300 to the county, and \$25 to the Federal Government for the United States tax certificate. It was stated before the Commission that, notwithstanding this high license, the trade is profitable. Application for a third license was made some time ago, but was refused by the licensing board, on the ground that satisfactory bonds had not been filed; but popular opinion in the town appeared to be adverse to the granting of an additional license.

The town appeared to be most orderly and well conducted in every particular, and the people to be a superior class, and generally in comfortable circumstances. It was stated in evidence that while there had been a little more crime during the first month of the licensing system, it had even diminished during the last two months, as compared with the prohibition period. It was, moreover, conceded that there were not so many unlicensed places now as formerly.

Prohibition or license appears to constitute the sole issue at the elections for members of the board of supervisors. The voting takes place every two years, and as the elections are carried by narrow majorities, this question will doubtless continue for some years to be the issue.

Meanwhile the town is growing rapidly in wealth and population, and it has become a popular resort. The saloons do not appear to be detrimental to the public interest. They are situated outside of the residential wards, and are even outside of the main business streets, so that, as a leading banker stated, "a man could go through the town twenty times and not find them (the saloons)." They are not allowed to be within a hundred feet of church, schoolhouse or postoffice. (Q. 107b and 108b.)

Pasadena, another model town and winter resort, was visited by the members of the Commission. Within five years it has acquired a population of 3,000 inhabitants. Like its sister city, Riverside, Pasadena commenced as a prohibition town. It was first settled by the best class of people from the east, especially from the New England states, and the leading men who promoted its settlement were total abstainers. For three years after the city was organized, the "rank prohibition element," as local witnesses called it, ran the town. The prohibition advocates were not only opposed to saloons, but desired to prevent the inhabitants obtaining liquor from outside towns and keeping it in their own homes. An ordinance was passed for absolute prohibition; no liquor could be sold in the town for drinking purposes. Even tourists arriving from the east who were recommended to drink California wine were sought to be prohibited, and the prohibitionists publicly declared that no wine, beer or liquor of any kind should be used in the town.

A considerable section of the people were opposed to this extreme measure, and candidates were nominated for the board of supervisors on the platform that the board would allow restaurants and hotels to serve liquor at meals, but under no circumstances would a bar be permitted.

Mr. T. P. Lukens, president of the Pasadena National Bank, and also one of the trustees of the town, stated to this commission that "within one year from the time that we were elected and put that system into operation, the people were satisfied that it was the best thing to do, and the city made much more rapid

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strides than it had ever done under absolute prohibition, because the young men growing up here have no temptation laid before them whatever. We began to educate our people not to use liquor, and they have not acquired a taste for it, and so the next generation will be comparatively temperate people. The fact is, they have no occasion to drink. The system is working beautifully. We have now been elected three years on this platform, and even a great many of the strongest prohibitionists are satisfied that it is the best thing to do." (Q. 197b.)

Under prohibition there was much illicit selling. Strong efforts were made to suppress the illicit places, but it was found almost impossible to convict the parties according to the statements of gentlemen heard by this Commission. Mr. Lukens, referring to this matter, said: "As soon as our party was elected, every one of the places shut up of its own accord. They were satisfied with the new system, and they thought it was a reasonable one. The present system is very much better than the former system of attempted prohibition, and we have accomplished a great deal more under the present system than under prohibition." (Q. 213b. and 220b.)

The opinion generally held by the people was thus stated: A large majority of the citizens would be glad to see liquor annihilated from the face of the earth, but there is not a majority who favour absolute prohibition; they are in favour of voluntary total abstinence. Mr. P. M. Greene, president of the First National Bank of Pasadena, and one of the original founders of the settlement, said: "The community is a sober and law-abiding one. You very seldom see a drunken man. We have from the beginning endeavoured to keep down the open bar, and we have been successful. Theoretically, I have been a strict prohibitionist, but it is impossible to enforce such a law here under our circumstances." (Q. 262b-263b and 278b.)

Mr. W. H. Rose, recorder of the town, considered that the modified system worked most satisfactorily. Under prohibition, he said, there was much illicit sale of beer, wine and whisky; there was also a large sale at the drug stores. He explained the reason for adopting the modified system, as follows: "I think the principal reason that led to it (the change) was the fact that the more rigid prohibitionists were prosecuting everybody—they were not particular. Another action which the people resented was the employment of paid spies, men who worked themselves into the confidence of the saloon keepers who were supposed to be selling, and induced them, or rather seduced them, to act in violation of the ordinance, and then arrested and prosecuted them. That caused a revulsion on the part of more temperate men, who did not approve of that way of doing business. Then there was a good deal of talk in regard to the revenue question, and there was a good deal of complaint by visitors that they could not get at the hotels liquors which they had been ordered to take by their physicians." (Q. 329b.) Under the interpretation of the trustees, the hotels and restaurants are allowed to furnish liquor to their guests at meal times. There is no ordinary saloon for selling liquor by the glass. There is less drunkenness than under the old system. "The record shows double the number of arrests for drunkenness under the first system, as compared with the number of arrests at the present time. A large proportion of the people are favourably impressed with it (the present system), and even rank prohibitionists do not now complain." (Q. 338b. and 348b.) Opportunity to express their opinions was afforded at the election of the council; but the people were so well satisfied that last year, at the elections, no opposition was offered. (Q. 349b-352b.)

In regard to the use of California wine, evidence was given before this Commission that, in the Napan wine district, out of one hundred families there are only two or three who have not wine in their houses always. Yet they are absolutely temperate, and, as witnesses testified, "You will not find there any drunkenness whatever."

Since the visit of the Commissioners, the following communication was received from the city clerk of Riverside:—

"RIVERSIDE, CAL., 12th March, 1894.

"In December, 1892, we had what was known as a high license ordinance controlling the traffic, requiring all dealers to pay a license of \$2,000 per year. There has been no change in our city law, but the board of supervisors of the county of

Riverside have passed or adopted a prohibitory law, closing all saloons and prohibiting the selling of liquor by anyone except druggists upon the prescription of a physician, and hotels are allowed to serve liquors at meal time with meals furnished to regular guests of such hotel, and at meal time only. This took effect 1st October, 1893, since which time there have been no saloons in this country. This law was brought about by a petition of the board of supervisors asking for such a law, signed by a majority of all voters and tax-payers of the whole county, and including the city of Riverside, which is in this matter controlled by the higher authority, and on the 2nd Tuesday of next November the question will be submitted to a vote of the people in this county; whether they want high license or prohibition, and the result of such vote settles the matter for four years, when it may be again submitted."

Application was made to the city clerk of Riverside for information as to the result of the vote which was to be held in November last, but no reply was received.

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available:—

	1890.	Per 1,000 of the population.	1880.	Per 1,000 of the population.
Population	1,208,130		864,694	
Convicts in penitentiaries	2,051	1.70	1,495	1.73
Prisoners in county jails	682	0.56	657	0.76
Paupers in almshouses	2,400	2.15	1,594	1.84
Inmates of juvenile reformatories	206	0.17	165	0.19

COLORADO.

This state is under a license law.

The Governor, in reply to a communication from this Commission, writes: (Appendix 76):

"In this state no laws have been enacted prohibiting the sale of liquor, except those relating to Sunday closing and the selling to minors and habitual drunkards. Regulative laws are limited to issuing licenses. These matters are under the control of the county commissioners of the several counties, or of the police machinery in cities and incorporated towns."

The law of the state provides that the licensing authority in cities shall be the city council, in incorporated towns the board of trustees, and elsewhere, the board of county commissioners.

In cities or towns the council or board of trustees has: "The exclusive right to license, regulate or prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor within the limits of the city or town, or within one mile beyond the outer boundaries thereof, except where the boundaries of two cities or towns adjoin, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license."

The retail license fee must not be less than \$600 in cities, \$500 in incorporated towns, and elsewhere \$300.

When the county commissioners are a licensing authority they have power to grant or reject applications in their discretion, and on complaint made, may revoke licenses.

Each applicant, before receiving his license, must execute a bond in not less than \$2,000 with two good and sufficient sureties of the county.

The licensing authority may, in its discretion, grant licenses for malt liquors only, on payment of half the fee.

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The law contains a civil damage clause, limited to the case of habitual drunkards' after notice not to sell.

The penalties provided are. For selling liquors in quantities less than one quart, without a license, \$50 to \$200; for procuring intoxicating liquor of any kind for an habitual drunkard, \$100 to \$300, or imprisonment from three to twelve months, or both.

Sheriffs and constables are required to arrest all persons found violating the law respecting minors or habitual drunkards, and saloon keepers are to post up conspicuously the words, "No minor or habitual drunkard allowed here."

Under the ordinance of the city of Denver the fine for drunkenness on a public place is \$1 to \$25, and it was made the duty of the police to arrest offenders and keep them in custody until sober, unless they were taken charge of by relatives or friends.

In 1892 an ordinance was passed under which applicants for a new license are called upon to accompany their applications by a petition from a majority of the owners of frontage property in the same block. No license can be granted for premises within 500 feet of a public school.

The same ordinance provides that liquor shall not be supplied to females, nor may females be permitted to be in saloons or dram shops for the purpose of drinking, or be employed in the liquor business.

The legislature of this state in 1893 passed the following Act to provide for the treatment and care of habitual drunkards:—

An Act to provide for the treatment and cure of habitual drunkards.

"BE IT ENACTED by the General Assembly of the State of Colorado:—

"Section 1. Any inhabitant of this state who is of kin to, or a friend of an habitual drunkard as hereinafter defined, may petition the board of county commissioners of the county of the residence of such drunkard, for leave to send such drunkard, at the expense of such county, to any reputable gold cure institute for the treatment of drunkardness, which petition shall set forth the name, age and condition of such habitual drunkard; that such drunkard, or those of kin petitioning, are not financially able to incur the expense of such cure, and shall set forth that such habitual drunkard is willing and has agreed to attend such institute for the cure of drunkardness, which petition shall be verified by the person making such request, and shall contain, in addition thereto, the written agreement of such habitual drunkard, his desire to take such treatment, and the names of three reputable taxpayers in the county in which said habitual drunkard resides, stating that they are familiar with the facts set forth in the petition and that they are familiar with the financial circumstances of the drunkard and of the petitioning kin, and think it a proper case for assistance from the county commissioners.

"Section 2. When such petition is filed, the board of county commissioners shall, if satisfied from their examination that the facts set forth in the petition are true, that he has been a resident of the county for six months, and that such drunkard of his own free will desires to take such treatment, send such habitual drunkard to some reputable gold cure institute, for the treatment of such disease, that will treat the same at the lowest figure; but such board of county commissioners shall not be compelled to send such person to the institute making the lowest bid, unless in their judgment the best interest of such drunkard shall be promoted thereby; and the said board of county commissioners shall make an order that the expense for the treatment be paid out of the county treasury in the manner that other claims and bills of the said county are paid: Provided, however, that the cure and treatment of such drunkard shall at all times be under the supervision of the board of county commissioners, who may, at any time they see proper, stop the treatment of any such drunkard, or change him from one institute to another, as to them shall seem meet and proper. Provided, that no county shall be required to send the same person to any such institute a second time at its expense.

"Section 3. A drunkard as mentioned in the foregoing sections shall be deemed to include a person who has acquired the habit of using morphine, opium or other narcotics to such a degree as to deprive him of reasonable self-control.

Approved, 31st March, 1893."

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime are available:—

	1880.	Per 1,000 of population.	1890.	Per 1,000 of population.
Population	412,198		191,337	
Convicts in penitentiaries	526	1.28	185	0.95
Prisoners in county jails	275	0.67	84	0.43
Paupers in almshouses	87	0.21	46	0.24
Inmates of juvenile reformatories	149	0.36	*	

* No reformatory.

FLORIDA.

This state is under license and local option.

The governor of the state, in reply to a communication from this Commission, said:

"Up to 1883 liquor was sold simply on the payment of a license tax. At that time an Act was passed prohibiting the sale of intoxicating liquors, except if persons desiring to sell the same should procure a petition signed by a majority of the registered voters in the electoral district of the county in which such application could be made, and also provided for the publication of such petition. Upon the presentation of such petition to the county commissioners they were authorized to permit the applicant to sell liquor, upon the payment of the license tax. The statute also prohibited the sale of intoxicating liquors to any minor, or person in a state of intoxication. The license tax at that time was \$300 for the state, and the county was also authorized to collect a license of \$150, and the city or town in which the liquor seller might be, a similar tax of \$150. The state license increased in 1887 to \$400 and the city and county license proportionately. In 1889 the state license was increased to \$500, and the city and county license proportionately.

"In 1886 a new constitution was adopted by the state, one feature of which provided for local option in the selling of liquor, that is, permitting each county by a vote to decide whether or not liquor should be sold therein. The ensuing legislature of 1887 passed an Act in accordance with that constitutional provision, providing the machinery for such elections, etc. In pursuance of such laws, elections were held in 1887 in some 18 of the 45 counties of this state, in 16 of which the result was in favour of the prohibition of the sale of liquor; in 10 of which prohibition has been removed by subsequent elections. Two other counties have prohibited the sale of liquor since 1887, so that at the present time there are 8 counties in which the sale of liquor is prohibited, 26 in which licenses to sell have been issued, and 11 where, though not prohibited, no licenses are issued, the petitions, as hereinbefore stated, being requisite to procure a license. The high license in some of the sparsely settled counties operates as a prohibition.

"I am impressed that it is the opinion of the majority of our people, including those who are earnestly desirous of the promotion of temperance, that the experiment of prohibition in this state has generally proved to be a failure; and that in many of the counties which prohibited the sale there was as much liquor sold clandestinely, and as much drunk, as before prohibition.

"Where a license system prevailed there is but little temptation to sell in violation of the law; but the profits of the sale of liquor are such that to supply those desirous of procuring it, the temptation is great to sell clandestinely when the law prohibits, even at the risk of conviction, which is generally difficult. The trials in such cases frequently develop deceptive methods and the betrayal of confidence in the efforts to procure testimony to convict. There is no doubt that the closing of bar rooms in 'dry counties' removes convenient places for gratifying the appetite

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for intoxicating liquors; but, on the other hand, there are not a few instances where persons cut off from such sources procure liquor by the quantity in consignment from places where the sale is not prohibited, keep it at home, and drink more than before.

"With every desire for the promotion of temperance, I favour the system of high license, with reasonable restrictions and regulations as to the sale, rather than prohibition." (Appendix 76.)

The following is the provision of the law respecting local option:—

The board of county commissioners of each county in the state, not oftener than once in every two years, upon the application of one-fourth of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority of those voting at an election called under this section, which election shall be conducted in the manner prescribed by law for holding general elections; provided, that intoxicating liquor, either spirituous, vinous, or malt, shall not be sold in any election district in which a majority vote was cast against the same at the said election. Elections under this section shall be held within sixty days from the time of presenting said application, but if any such election should thereby take place within sixty days of any state or national election, it shall be held within sixty days after any such state or national election. (Section 1.)

The legislature shall provide necessary laws to carry out and enforce the provisions of section 1 of this article. (Section 2.)

The United States census returns supply the following information: No statistics of commitments to jails, or convictions for crime, are available.

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	301,422		269,493	
Convicts in penitentiaries	374	0.95	183	0.68
Prisoners in county jails	270	0.69	86	0.32
Paupers in almshouses	24	0.06	45	0.17
Inmates of juvenile reformatories				

There is no juvenile reformatory in Florida. (Census Bulletin, No. 72).

GEORGIA.

This state is under high license and local option.

The Governor, in answer to a communication from this Commission, says:—

"We have no state law prohibiting the sale of spirituous liquors and drugs. We have a general local option law for the state, applicable to such localities (counties) as vote upon the question. Before this general law was enacted, we had the sale of whiskey prohibited in many counties by local enactments.

"We have 137 counties in this state. The sale of liquors under the provisions above named is prohibited in more than 100 of these counties. This prohibition does not cover any county in which is located a large city." (Appendix 76.)

The general licensing law of the state, which applies to those portions of it which are not subject to prohibition or to any special local law, provides that application for a license to sell spirituous liquors must be made annually to the ordinary of the county, who has power to grant or refuse the application. On a license being granted, the applicant must take an oath not to sell to a minor without the consent of his parents or guardian, and must give a bond in \$500 to abide by his oath and to keep an orderly house. The county retail license fee is \$25.

Another general law provides for the inspection of liquors. City and incorporated town authorities, and in counties the ordinary, may appoint inspectors to

examine liquors every month, and require the destruction of such as are injuriously adulterated. Dealers are required, under penalty, to have their liquors inspected before sale.

Penalties are enacted for selling without a license, keeping open on Sunday, selling to minors, etc., and the court sentencing the offender is required to cancel his license, whereupon he becomes disqualified for a year from obtaining another.

By a law enacted in 1887, it is provided that in counties having prohibition, with a saving claused for any kinds of wine (domestic or other) dealers in such wines, unless also manufacturers, are required to pay a tax of \$10,000 annually; and such wines are not to be sold in less quantities than a quart, and are not to be drunk on the premises.

By an Act passed in 1891, the sale of liquor within three miles of any church or school-house, except in incorporated towns and cities, is forbidden under penalty, subject to a saving clause for domestic wines, and for physicians, and for manufacturers selling to legally authorized dealers, in original packages of not less than 40 gallons. Local prohibition has been brought about in the state in three distinct ways—by the operation of the general local option law; by special prohibitory or local optional legislation, affecting particular areas; and by corporation acts conferring powers of local self-government on individual municipalities.

The general local option law of the state, enacted in 1885, may be thus summarized:—

A local option election is to be held on the application of one-tenth of the qualified voters in the county. The election is to be distinct from any other election, and is not to be held in the same month with any general election. If the majority is against the sale, no person within the county may "sell or barter for valuable consideration, either directly or indirectly, or give away to induce trade at any place of business, or furnish at other public places any alcoholic, spirituous, malt or intoxicating liquor, or intoxicating bitters, or other drinks which, if drunk to excess, will produce intoxication."

There is a saving clause for domestic wines and cider (but not to be sold in bar-rooms by retail) and for sale of wine for sacramental, medicinal, art, scientific and mechanical purposes.

Elections under the Act are not to be held more frequently than once in two years, and no such election is to be held for any county, city, town or other place having prohibition under a local law. A large body of special liquor legislation appears on the statute book of the state. During the last eight years no less than 160 local liquor laws have been passed. Those include acts prohibiting the sale of liquor in a county, town or district, or repealing such prohibition, sometimes prohibiting for a county, exclusive of a particular town, and sometimes subject to a power of reversal by popular vote; acts providing for submission of the question to local option, these acts having been passed before the enactment of the general local option law; acts prohibiting within a certain distance, varying from one to five miles, of a particular church or place of education; acts regulating the traffic in a county or town, sometimes requiring each application for a license to be supported by a majority, or by two-thirds of the freeholders within the licensing area, or within three miles of the premises; sometimes introducing a very high license fee, one county placing the fee at \$10,000; acts providing for the election of an agent to sell liquor for medicinal and mechanical purposes. Acts have also been passed conferring power on municipal corporations to make ordinances regulating or prohibiting the liquor traffic.

The number of prohibition counties has been as high as 108, but a few have gone back on the license, and the number maintaining prohibition is now placed at 100.

The city of Atlanta, which is the largest city in the state, having a population of about 65,500, was under prohibition for two years, Fulton county, in which Atlanta is situated, adopting it by popular vote under the general local option law in 1887. The majority given against the saloons is 225 votes. The city returned to license in 1887. The result of the election in that year was a majority of 1,128 for a return to the licensing system, the total number of votes cast being something over 9,000.

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The licensing regulations of Atlanta are of a very stringent character, and contain several novel features.

The licenses are of three kinds, wholesale, retail, and retail for malt liquor only. Licenses of the first two classes may be issued only in specified business portions of certain streets, enumerated in the ordinance. Beer licenses may not be issued within those limits, but may be issued outside of them, "on business portions of business streets, within practicable and efficient police supervision, and in localities where there is no reasonable objection thereto."

The mayor and council have full power and authority to regulate the retailing of ardent spirits within the corporate limits of the city, and to fix the license fee at any sum not exceeding \$2,000.

The applicant is required to pay a license fee, and to make an oath and give a two thousand dollar bond to observe the law. He must also produce a certificate from two or more of his "sober, respectable, near neighbours, not interested in the application," one of whom must be an adjoining neighbour. The applicant must also produce a written consent of the owner of the premises.

Before a license is granted the police are personally to examine the locality and give notice to adjacent tenants or owners, and also to the owner of the place going to be licensed, and are to report to the mayor and council.

The license fees are as follows:—Wholesale, \$25; retail, \$1,000; retail beer license, \$250.

Licensed premises, whether wholesale or retail, are required to be closed from ten at night till five in the morning. The premises where retail trade is carried on must have to screen, blinds painted black, or other obstructions to the view through the doors and windows, and, subject to a saving clause for bar-rooms in hotels, must front or have its main entrance on, and be substantially on a level with the public street, subject to a power to license for sale "in basements sufficiently open to view."

Conviction of an offence against the license law not only subjects the offender to fine and imprisonment, or both, but operates as a forfeiture of his license. Any one convicted of selling spirits under cover of a beer license is to be imprisoned for 30 days, as well as being fined. The mayor and council are to forfeit licenses of places becoming a nuisance or of evil repute by disorder thereat, or otherwise.

The penalty for drunkenness is a fine not exceeding \$100, or imprisonment not exceeding 30 days, or both.

The police committee of Atlanta, in their annual report for 1891, say: "We believe that Atlanta has the liquor traffic, where the same exists at all, under the best control of any city in the Union; and though this is strong language, we use the same after mature consideration. It is impossible to get liquor after ten o'clock at night, and before five o'clock in the morning, or on Sunday at all; and under no circumstances are minors allowed in bar-rooms."

The number of liquor licenses issued in 1891 was 84; also one brewer's license.

A system somewhat resembling the Gothenburg system is in force in the city of Athens, in Clarke county. This city contains a population of about 9,000, and is the seat of the State university. Under a statute passed in August, 1891, three commissioners are appointed, of whom one retires annually, his place being filled by nomination of the two remaining commissioners, subject to the approval of the mayor-in-council. The duty of the commissioners is to determine and maintain a dispensary for the sale of liquors, and place it in charge of a manager under their supervision. He is paid a fixed salary, his remuneration being in no way dependent on the amounts of his sales.

All bills for the maintenance of the dispensary and purchase of stock are to be paid by the city treasurer.

The commissioners make regulations for the operation of the dispensary. "The quantity to be sold to any purchaser shall be determined by them, but in no event shall wine or liquor be furnished in less quantities than one half pint, and none shall be drunk in the building or on the premises where the dispensary is established. The dispensary shall not be opened before sunrise, and shall be closed

each day before sunset, and it shall be closed on Sunday, public holidays, election days, and such other days as the commissioners shall direct. Liquor is not supplied to any university student, except on the written order of the chancellor. The commissioners are to fix the prices to be charged for liquors, which, however, are not to be sold for a profit exceeding 50 per cent. above the actual cost, it being the purpose of this Act that the dispensary shall use it in such a way as to pay its expenses, and any revenue derived shall be simply an incident to, and not the object of the dispensary." Liquor is to be sold only in sealed packages. All of it is to be examined and analyzed by a chemist, and passed by him as pure before sale.

No liquor is sold for re-sale. Any profits are divided between the city of Atlanta and the county of Clarke.

The following table shows the number of convicts in the State penitentiary (State penitentiary report, 1890):—

Year.	Colored Males.	White Males.	Colored Females.	White Females.	Total.	Net Increase.
1888.....	1,336	149	52	0	1,537	} 157
1890.....	1,478	168	48	0	1,694	

From the above it will be seen that the negro race contributed 90 per cent, and the white race 10 per cent of the penitentiary population.

Mr. E. L. Fanshawe, in his work on liquor legislation in the United States and Canada, supplied the following information in regard to crime in the city of Atlanta, Georgia, extracted from the statistical information given in the yearly reports of the city. The offences for which the arrests were made, Mr. Fanshawe explains, were not classified. The years 1886 and 1887 were those in which prohibitory laws were in force. The population of Atlanta city in 1890 was 65,533. In 1880 it was 37,409:—

	1883.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
Arrests.....	5,578	6 305	5,578	6,138	7,817	10,379	12,837	13,351
Fines in Recorder's Court	\$20,800	\$21,900	\$23,800	\$27,700	\$28,200	\$37,000	\$46,400	\$41,100
Amount collected for retail liquor licenses.....	\$.....	\$37,700	\$12,500	\$ 775	\$52,700	\$60,700	\$67,950	\$70,400

The number of police employed was as under:—

1883.	1885.	1886.	1887.	1888.	1889.	1890.	1891.
51	58	60	76	74	98	118	133

In 1889 the city limits were greatly enlarged, nearly doubled. The population largely increased, and it is stated that the efficiency of the police was much greater. In addition to these causes operating in bringing about a larger number of arrests, new city ordinances were created.

The license taxes are as follows:—To keep a tavern, \$10; if with privilege to retail malt liquors, \$50; to retail spirituous and vinous liquors, \$100; to retail spirituous, vinous and malt liquors, \$150.

Local option provisions are contained in an act passed in 1874. The county judge, on petition from twenty voters in any civil district, town or city in the county, is required to cause an election to be held on the question whether or not spirituous, vinous or malt liquors should be sold in such district, town or city. If a majority is against the sale, any person selling is to be fined from \$25 to \$100 for each offence; but the prohibition does not extend to sales by wholesale, nor to sales by druggists for medicinal purposes, on a medical prescription. An election under this law can only be held once in every two years.

A local option bill, intended to supersede this act, was introduced in the Legislative session of 1893; but it does not appear to have been passed.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions from crime, are available.

	1890.	Per 1,000 of the population.	1880.	Per 1,000 of the population.
Population.....	1,858,635		1,648,690	
Convicts in penitentiaries.....	1,235	0.66	802	0.49
Prisoners in county jails.....	646	0.35	471	0.29
Paupers in almshouses.....	1,578	0.85	1,366	0.83
Inmates of juvenile reformatories.....	273	0.15	223	0.13

MARYLAND.

The State of Maryland in the year 1894 passed an Act providing for the treatment of habitual drunkards. A copy of it will be found in appendix No. 127. It provides that the drunkard himself assenting, the relation of any such person, or friends, may petition for his removal to some establishment for the treatment of drunkards, and if the facts alleged are proved to the satisfaction of a judge of the circuit court, and it is a case deserving of financial assistance, the said judge may send the drunkard to some institution for the treatment of drunkards, at an expense not to exceed \$100, to the county in which he resided, or the city of Baltimore, if he resides therein. The same person cannot be committed a second time at the expense of the county or city.

Maryland, according to the United States Internal Revenue reports, had

	Wholesale.	Retail.	} Liquor dealers.
In 1878	217	4,887	
In 1889.....	183	6,223	

The figures included the district of Columbia from October 2nd, 1876 to June 30th, 1887, and the States of Maryland and Delaware and the district of Columbia since July 1st, 1887.

The state has a law passed in 1886 requiring scientific temperance instruction in the public schools.

The Encyclopedia of Temperance and Prohibition gives many interesting facts respecting legislation in regard to the liquor traffic in this State. It appears that as far back as 1642, it was provided that drunkenness should be punished by a fine of 100 pounds of tobacco, or, if the offender was a servant and not able to pay, imprisonment, or to be set in the "bilbos," and to fast for 24 hours. In 1858 drunkenness was punished by confinement in the stocks for six hours and a fine of a 100 pounds of tobacco—half to the informer,—and for a second offence, by public whipping or a fine of 300 pounds of tobacco; for the third offence the offender was adjudged infamous

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and disfranchised for three years. In 1662 there was legislation having for its object to encourage honest parsons to set up "ordinaries." In 1666 their scale of charges having been complained of, was regulated by legislation. In 1746 it was provided that licenses were to be granted by the justices of each county. In 1846 there was legislation of the character of local option and local prohibition.

The law as it existed in 1889 is a license law. It provides that any person intending to sell spirituous or fermented liquors or lager beer in quantities less than one pint, shall make application to the clerk of the Circuit court or of the Common Pleas at Baltimore, for a license therefor. It describes the amounts to be paid, which are based on the value of the stock of liquor to be kept on hand, the formalities to be complied with, and sets forth certain persons to whom licenses are not to be granted. The clerk is not, without a special order of a judge, to grant a license to any person to sell liquor from whom the grand jury has recommended a license to be withheld, nor to any person, who being previously the holder of a license, has had it suppressed by the court. No license is to be issued to a married woman or a minor, without the special order of a judge, and no judge is to give such order without the recommendation of at least ten respectable freeholders of the ward or district. Any person carrying on a shad, herring, or ale-wife fishery may obtain a license to sell liquors during the fishing season on payment to the clerk of the court of a sum of \$6.00

The United States census returns supply the following information. No statistics of commitments to jails or convictions for crime, are available.

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	1,042,390		934,943	
Convicts in penitentiaries	690	0.66	685	0.73
Prisoners in county jails	163	0.16	148	0.16
Paupers in almshouses	1,599	1.53	1,187	1.27
Inmates of juvenile reformatories	1,061	1.02	759	0.81

MICHIGAN.

This state is under license and local option.

The Secretary of State, in reply to a communication addressed to the Governor by this Commission, says:

"Our prohibition law, which is in effect, was not enacted until 1889, and only five counties have put it into effect, and four of these within the last four months. The first county to adopt it had considerable trouble in enforcing the law, as its officers were not in sympathy with the measure. But have since got the matter well in hand, and are carrying out the law to the entire satisfaction of the people who favour it." (Appendix 76.)

The state constitution contained a provision prohibiting the legislature from passing an act authorizing the granting of licenses for the sale of intoxicating liquors. Prohibition prevailed in the state (with an interval of only two years) from 1863 to 1875. In 1876 a resolution antagonistic to the provision in the constitution respecting the liquor trade was carried by a vote of the people.

In 1887 a prohibitory amendment to the constitution was submitted to the people, and was defeated by the following vote:—For the amendment, 178,636 against, 184,281; majority against, 5,645. The vote showed conclusively that agricultural counties favoured prohibition, while the cities and lumbering districts were opposed to it. Accordingly the state is divided into license and prohibition communities on this basis. The state is under the License Act of 1887 wherever the sale of liquor is not prohibited under the local option law.

The following is a summary of the existing license law:—

Every liquor dealer is obliged every year, before the first of May, to make a statement as to his name, place of business, etc., and to pay the license tax. He has also to enter into a bond of not less than \$3,000, or more than \$6,000, with two sureties, male freeholders of the town or village.

It is the duty of every police officer or other person having knowledge of any violations of the act to inform the county attorney, and it is the duty of the county attorney to prosecute. If any officer wilfully neglects or refuses to do his duty, he is liable to a fine of \$100 for each offence, and the governor may appoint someone else to act for him.

Liquor may not be sold in a theatre or place of amusement; and saloons must be closed back and front on Sundays, election days or holidays; and from 9 p. m. to 7 a. m., except in cities and incorporated villages, where the hour for closing may, by local ordinance, be postponed till 11 p. m.

Anyone who has been intoxicated in any public building or place may be compelled to appear and give testimony in regard to the person or persons from whom, and the time when, and the place where, the liquor was procured. According to his answer, proceedings are taken against anyone who appears to have violated the law; but he himself is not to be prosecuted for his intoxication.

In addition to the usual civil damage clause, both actual and exemplary damages are recoverable by a parent or master for the illegal sale of liquor to a minor.

The village and city marshals, or the police, are required to visit weekly all places where liquor is sold or kept, and to prosecute all offenders against the liquor law.

The adulteration of liquor is made a misdemeanor, punishable by fine from \$50 to \$500, or imprisonment from ten days to six months, or both; and all casks are to be branded "pure from drugs or poison." The section of the Act is in the following terms:—

"If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink, by mixing the same in the manufacture or preparation thereof, or by process of rectifying or otherwise, with any deleterious drug, substance or liquid which is poisonous or injurious to health, or if any person shall sell or offer to sell any wine or spirituous or alcoholic liquors, or shall import into this State any wine or spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500, or less than \$50, and shall be imprisoned in the jail of the county not more than six months or less than ten days."

During the hours of closing all screens, etc., obstructing the view from the street must be removed.

The license fees are as follows:—

Retail, \$500; wholesale, or retail, or both, for malt liquor only, \$300; wholesale for spirituous liquors, \$500; wholesale and retail, \$800; brewers, \$65; distillers, \$800.

The number of liquor licenses issued in the whole State is shown on the following tables:—

Licenses.	1885.	1890.
General:—		
Wholesale.....	38	30
Retail.....	2,915	2,506
Beer and Wine:—		
Wholesale.....	20	55
Retail.....	1,183	1,678
Tax paid by Retailers;—		
General.....	\$824,014	\$1,186,318
Beer and Wine.....	211,946	479,154

Ratio of retail licenses to population, 1 to 500.

See Fanshawe, p. 284.

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The local option law of 1889 may be thus summarized:—

It is provided that the Board of Supervisors of any county may prohibit the sale of liquor in their county by resolution, passed after a vote of the electors in the county has been cast in favor of prohibition. A popular vote has to be taken, on a requisition from one-fourth of the qualified electors in the county. The Board of Supervisors, however, is not bound by the popular vote; but it is decided by a vote of the Board whether the prohibitory resolutions shall be passed. The resolution once passed cannot be revoked for two years, and then only if a popular vote has been passed in favor of its revocation.

Statements of arrests in some of the principal places in the State will be found in Appendices Nos. 147 to 150 inclusive.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	2,093,889		1,636,937	
Convicts in penitentiaries.....	1,108	0.53	1,183	0.72
Prisoners in county jails.....	399	0.19	220	0.13
Paupers in almshouses.....	1,916	0.91	1,746	1.07
Inmates of juvenile reformatories.....	696	0.33	314	0.19

MISSISSIPPI.

A license law with what are practically local option conditions exists in this state.

An interesting letter from His Excellency Governor Stone will be found in Appendix, No. 76.

In this letter he explains that during the last twenty years they have had so much legislation on the subject of the liquor traffic in the State of Mississippi, that it is impracticable to furnish a copy of the laws; that there have been local prohibitory laws enacted, and that the sale is prevented in many counties in the State under what is called local option. The provisions of a new code, which took effect in November, 1892, authorize the Board of County Supervisors to grant licenses to persons residing in their respective counties, but not within a city, town or village. The corporation authorities of cities, towns and villages are authorized to grant licenses for twelve months, but no such licenses are to be granted unless a majority of the qualified voters of a district, city, town or village, sign a petition in favour of such granting. Heavy penalties are imposed for sale on the Sabbath, and for selling to minors, to intoxicated persons or to habitual drunkards.

The following is Governor Stone's answer to the specific questions asked by the Commission:—

("a.") There has been a gradual decrease in the sale and use of intoxicating liquors."

("b.") There has been a marked diminution in drunkenness."

("c.") The number of criminals has been very greatly reduced."

("d.") There is no perceptible change in the number of poor persons requiring to be assisted by the state, the municipality or other means."

("e.") The malady of insanity continues to increase, notwithstanding the reduction in the use of liquor."

("f.") The expenditures of the State have been reduced in the same ratio as crime has been reduced."

He expresses his regret that he cannot give a more accurate reply, for the reason that the necessary data are not obtainable, no statistics being kept in the State.

The United States census returns supply the following information. No statistics of commitments to gaols, or convictions for crime, are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	1,289,600		1,131,597	
Convicts in penitentiaries	429	0.23	1,088	0.96
Prisoners in county gaols	284	0.22	206	0.18
Paupers in almshouses	494	0.38	345	0.30
Inmates of juvenile reformatories				

There is no juvenile reformatory in Mississippi. (Census Bulletin No. 72.)

MONTANA.

The state is under a general license law, regulated by municipalities.

The governor of the state, in a communication to this Commission, says: "The saloons run wide open night and day, Sundays included. While there is a great deal of drinking, there is very little drunkenness, and anyone in an intoxicated condition is promptly arrested and fined." (Appendix 76).

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of the population.	1880.	Per 1,000 of the population.
Population	132,159		39,159	
Convicts in penitentiaries	225	1.70	53	1.35
Prisoners in county jails	193	1.46	23	0.58
Paupers in almshouses	132	1.00		
Inmates of juvenile reformatories				

* No information for 1880. There is no juvenile reformatory in Montana. (Census Bulletin, No. 72.)

TEXAS.

The state is under local option law.

The Secretary of State of Texas, writing to this Commission, says:—(Appendix 76.)

"You are respectfully advised that this state has no prohibitory legislation experience, or statistical data relative to the effect of intoxicating drinks.

"The only laws of the kind in force in this state are our laws which give to counties and subdivisions of counties the right—by election for such purposes—to have local option; that is to decide that, with certain localities, intoxicating drinks shall not be sold."

Under the law the Commissioners' Court for each county, (whenever it deems it expedient), may order an election to be held in the county or for any justice's precinct, town or city therein; and it is bound to grant an election when petitioned by 200 voters of the county or 50 voters in any justice's precinct, town or city.

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An interval of two years must elapse between the holding of elections. The failure to carry prohibition in one area does not prevent a vote being taken in another area, wholly or partly including the former.

The penalty for illegal selling in the prohibition area is a fine from \$25 to \$100 and imprisonment for from 20 to 60 days; for keeping a "blind tiger" imprisonment for from two to twelve months, and a fine from \$100 to \$500, and a separate offence for each day. "Blind tiger" is defined to mean "any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the sale is delivered."

Every licensee must enter into a bond of \$5,000 with at least two sureties approved by the county judge, as security for obedience to the law and for keeping "an open, quiet and orderly house." On breach of any condition the county attorney is to proceed for the recovery of \$500 on the bond.

The state liquor tax for retail sale is from \$50 (for malt liquor only) to \$300. The Commissioners' Court of the several counties may levy an additional tax equal to one-half the state tax; and incorporated cities and towns may levy an additional tax equal to that levied by the Commissioners' Court.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	2,235,523		1,591,749	
Convicts in penitentiaries	3,319	1.48	2,293	1.44
Prisoners in county jails	1,040	0.46	826	0.52
Paupers in almshouses	464	0.21	210	0.13
Inmates of juvenile reformatories			8	

There is no juvenile reformatory in Texas. (Census Bulletin, No. 72.)

VIRGINIA.

A letter from the Assistant Attorney General, dated the 28th June, 1892, and another from the Secretary of the Commonwealth of Virginia, 10th January, 1894, will be found in Appendix No. 76.

The state is under license and local option. The law is contained in the Code of Virginia of 1887.

A State Board of Commissioners of Excise appoints three commissioners for every city in the State to act as a licensing board. They inquire as to the suitability, convenience and appropriateness of the place which it is proposed to license, and the character of the applicant. Petitions of resident citizens for and against the application are considered by the board, which has the power to summon witnesses. At their discretion the board may approve or disapprove of the application. Any person who thinks he would be aggrieved by the granting of the license may protest against it. In the event of an application being granted, the licensee is compelled to file a bond of not less than \$250 or more than \$500 that he will faithfully comply with the law. There is an appeal to the circuit court against either the granting or refusing of a license.

Three kinds of licenses are issued:—wholesale, five gallons or more, and in the case of beer 12 bottles or more; retail, not exceeding five gallons, for consumption off the premises; bar-rooms, ordinary or malt liquor saloons, for consumption on the premises only.

The license taxes are as follows:—wholesale, \$350; wholesale, malt liquor only, \$150; retail, from \$75 to \$125; malt liquor only, \$30; bar-rooms, from \$75 to \$125, and 15 per cent. of the rent; malt liquor saloons, from \$40 to \$125, with an addition of 8 per cent. of the rent.

For selling liquor on election day the fine is not exceeding \$1,000, and imprisonment not exceeding one year.

By section 3,798 of the Code, it is provided that: "If any person, arrived at the age of discretion, profanely curses or swears, or gets drunk, he shall be fined by a justice one dollar for each offence."

By the local option clauses of the Code it is provided that an election shall be held on the question of granting or prohibiting licenses in magisterial districts in counties, on the application of one-fourth of the persons voting at the last preceding November election. A local option election is not to be held within 30 days of a county, corporation, state or national election. A no-license vote extends to prohibiting within the area affected the sale by distillers and by manufacturers of wine or malt liquors.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	1,655,980		1,512,565	
Convicts in penitentiaries.....	1,167	0.70	1,087	0.72
Prisoners in county jails.....	300	0.24	266	0.18
Paupers in almshouses.....	2,193	1.32	2,117	1.40

There is no juvenile reformatory in Virginia. (Census Bulletin, No. 72.)

WASHINGTON.

The state is under a license system.

The governor of the state, in a communication to this Commission says:— (Appendix 76.)

"License system was in force during the entire period of territorial existence of Washington, and has been continued since the organization of the State Government. The fees for license, both in municipalities and outside thereof, are determined by the municipalities themselves, and by the county commissioners outside of municipalities; hence there is no uniformity in this particular. The license fee ranges from \$300 to \$1,000.

"At the time of the adoption of our state constitution, the question of prohibition was submitted to a popular vote of the citizens of the State. The result was as follows: For prohibition, 19,546; against, 31,487; majority against, 11,914."

The law provides that it is the duty of the county commissioners of each county to appoint at least one suitable person for each village or neighbourhood where spirituous liquors are sold in less quantities than a gallon, whose duties shall be to inspect all the liquors to be sold in less quantities than a gallon. The inspector is authorized to mark such liquors on the packages if he finds them free from adulteration; but if adulteration is found, he shall retain possession, and an analysis shall be made, when if found impure the liquor shall be destroyed. Failure to faithfully discharge his duty renders the inspector liable to conviction for misdemeanor, a fine of \$50 for each offence, and forfeiture of his appointment.

All liquors sold must be approved by the inspector, and if any person shall sell liquor without such inspection he shall be imprisoned in the county jail for not more than six months, and fined not more than \$500. The inspector receives as fees 50 cents per barrel and 12½ per dozen bottles. The board of county commissioners has the exclusive authority and power to regulate and restrain license, or to prohibit the sale of spirituous, fermented, malt or other intoxicating liquors outside the limits of each incorporated city, town or village. The license fee varies

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from \$300 to \$1,000, which is paid to the county treasurer, who puts ten per cent. of the amount into the fund of the State treasury, 35 per cent into the county school fund, and 55 per cent into the general county fund.

The mayor and council incorporated cities, towns and villages have exclusive authority to regulate license or prohibit the liquor traffic. The license fee is not less than \$300 nor more than \$1,000, which is payable to the treasurer, who pays 10 per cent into the general fund of the State treasury, and 90 per cent into the general fund of the city or town. Each licensee is compelled to enter into a bond in the sum of \$1,000 to faithfully obey the law. The right of action is given against licensees who sell to habitual drunkards. Any licensee selling to minors is liable to a fine not exceeding \$500 or three months imprisonment, or both. Sale to Indians is prohibited, and the penalty is imposed of from \$25 to \$100 for each offence.

The owner of property in which liquor is sold, and by which intoxication ensues and damage results, is liable to make compensation as well as the vendor of the liquor. He may sue the vendor by civil action for the recovery of any amount he may have to pay. The minor over 18 and under 21 years of age representing himself as being of age, for the purpose of getting liquor, renders himself liable to a fine of not less than \$25 or more than \$100, with the alternative of imprisonment for a period not exceeding three (3) months.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	349,390		75,116	
Prisoners in penitentiaries.....	251	0.72	54	0.72
Prisoners in county jails.....	141	0.40	27	0.36
Paupers in almshouses.....	71	0.20	11	0.15
Inmates of juvenile reformatories.....				

There is no juvenile reformatory in Washington. (Census Bulletin, No. 72).

CONNECTICUT.

The law of this state embodies prohibitive and license provisions—local option and license.

The "Maine law" was enacted in 1854; but was gradually weakened by amendments, until, in 1872, it was repealed, and was succeeded by a system of license and local option which never satisfied the temperance people. In 1882 a prohibition amendment was proposed for submission to the people, but was repudiated in 1883, only to be brought forward again in 1887. It was not until 1889, however, that the amendment was submitted, and it was defeated, the vote being 22,379 for prohibition, and 49,974 against, giving a majority against the amendment of 27,595.

THE LAW.

The law now in force was then passed. It provides:—

Upon petition of twenty-five legal voters of any town the select men thereof shall, at the next annual town meeting, hold a ballot for and against the issuing of licenses for the sale of intoxicating liquors in that town; the vote then taken to remain in force until annulled by a new vote taken at an annual town meeting.

The county commissioners license persons to sell; must investigate complaints preferred by any prosecuting agent, and have power to revoke licenses without appeal. No commissioner may be directly or indirectly connected with the trade, or become bondsman for a licensee.

All applications for license must be in writing, signed by the applicant and endorsed by five electors and taxpayers of the town, and must specify the premises to be used. No one can endorse more than one application for license; nor may he be a licensee, or any applicant for license. The application must be certified by the town clerk, who shall advertise it for two weeks before the commissioners consider it. Any citizen of the town in which the applicant seeks to do business may lodge an objection with the licensing board to the granting of any license, and the objection shall be heard after suitable notice has been given to the parties.

No license can be issued until the licensee has lodged with the treasurer of the county a joint and several bond of the amount of \$300, that he will comply with the provisions of the law. No bondsman may be a licensee, or security under more than one bond.

The minimum license fee is \$100, the maximum \$500. In towns of not over 3,000 population the fee for the sale of spirituous liquor is \$100, and for the sale of ale, beer, lager, cider and Rhine wine, to be drunk on the premises, \$50. Any druggist, upon producing his pharmacy license, may be licensed to sell spirituous and intoxicating liquors, on physician's prescription; license fee, \$12, or in towns of less than 5,000 population \$10, and any druggist may be licensed to sell spirituous or intoxicating liquors in quantities not exceeding one gallon; and other than distilled liquors in quantities not exceeding five gallons, on payment of a fee of \$50. Druggists may receive the former license, for medicinal purposes only, in towns that have voted against license. These licenses do not authorize the sale for consumption on the premises.

The conviction of any licensee of itself renders his license forfeited, nor can he obtain a renewal for one year.

PENALTIES.

For selling without a license, first offence, not exceeding \$50; second offence, \$50 and thirty days imprisonment; third and every subsequent offence, \$100 and sixty days' imprisonment.

For keeping a bar without a license, \$30.

For in any way supplying minors, an intoxicated or prohibited person, or habitual drunkard, not exceeding \$50, or imprisonment for not less than ten or more than sixty days, or both.

For selling on election day, \$50.

For selling illegally between 12 midnight and 5 a.m., not less than \$25, nor more than \$50.

For any druggist making any violation of the law, not less than \$50, nor more than \$100.

For keeping or selling adulterated liquor, not exceeding \$250.

MISCELLANEOUS.

Prosecutions may come before any justice of the peace.

The county commissioners, subject to the approval of a judge, shall appoint prosecuting agents for each town, as many as may be deemed necessary, whose duty it shall be to prosecute under the law.

When any town has vetoed the issuing of licenses, the select men shall appoint one town agent for every 5,000 inhabitants, such agent to be removable at pleasure. These agents shall purchase and sell intoxicating liquors, within the limits of their own town, for sacramental, medicinal, chemical and mechanical uses only. The agent must give bonded security to the amount of \$500, must sell at a fixed limit of profit, must fully account to the selectmen when required, regarding his dealings, and shall receive fixed and stipulated compensation, which shall not be increased or diminished by the extent of his dealings.

Concerning adulteration, the Act says:—"Each state chemist shall analyze all samples of intoxicating liquor presented to him for that purpose by any legal

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officer; keep a record of all such samples, stating the kind of liquor, the name and address of the person from whom he received it, and the result of his analysis, and furnish attested copies of said record for publication, at least four times a year."

The average number of convicts in confinement in the state prison for the two years 1891-92 was 291.

The directors of the state prison in their annual report for 1892, say: "While the prison population has been stationary, or, considering the gain in the census of the state, has been diminishing, the population of the jails, notably in the principal counties, has increased so rapidly and materially as greatly to embarrass the county officials and create a demand for extensive additions to the cell room."

The number of inmates in the insane asylum, June 30, 1892, was 1,506, or 2.02 per 1,000 of the population of 1890.

The Commission is indebted to the governor of the state (1893) for copies of the liquor law, the public acts of 1889, and the reports of the state prison and the hospital for the insane. (See Appendix No. 76.)

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	746,258		622,700	
Convicts in penitentiaries.....	340	0.46	252	0.40
Prisoners in county jails.....	675	0.90	431	0.69
Paupers in almshouses.....	1,438	1.93	1,418	2.28
Inmates of juvenile reformatories.....	626	0.84	429	0.69

DELAWARE.

This state is under high license.

The Governor of the State, in a communication to this Commission, says:—
(Appendix 76).

"We have what may be termed a high license liquor law in this State. It has been in force for five years, and its practical results seem to be satisfactory."

The history of legislation on the liquor traffic in Delaware dates back to the year 1740. In that year a law was passed requiring all keepers of inns or alehouses to obtain licenses of the Governor, by recommendation of the Justices of the Court of Quarter Session; and none but fit persons, with suitable places, were to be recommended. A simple code of regulations was framed, including several penalties for common offences, and a third conviction with punishment with loss of license and disqualification for three years. The justices were to settle the rates and prices at such houses, which were to be posted. No sheriff or jailer could keep a tavern or sell liquor to prisoners. Selling without a license incurred a penalty of £5.

In early state days the same law, with some very slight modifications has maintained. The license fee was introduced, being fixed at \$12.

In 1841 the power of granting licenses was transferred to the city council in Wilmington, and in 1845 the tavern license, including the right to sell spirituous liquors, was fixed at \$12, the fee for keeping a tavern without such right being only \$5. The penalty for selling without a license by the latter class was \$14.

In 1847 "License or no license" (in fact prohibition, pure and simple), was submitted to the people to decide. This was declared unconstitutional as a delegation of the legislative authority to make laws. Tavern-keepers were prohibited from selling liquor, under a penalty of \$20 for a first and \$50 for a second offence. Later, a recommendation from the majority of the ratepayers of any school district was required, together with a recommendation to the Governor by the Judges of

Quarter Session, before a license could be obtained. The fee was \$25; penalty for violation \$20. This did not apply to tavern-keepers who were allowed to sell for consumption on the premises. Alehouses were completely prohibited.

In 1885 an act similar to that of Maine was passed, but, with the preceding, was repealed in 1857. In this year a return was made to the system of license; fees being fixed at \$20 to \$50, without recommendation. In 1861 a recommendation from the grand jury was made requisite, and in 1864 this was changed to a recommendation from the Judges of Quarter Session.

Several other changes gradually crept in, but since 1889 the law has remained very much the same. The Secretary of State furnishes licenses to the clerk of the peace to issue. Any retailer of goods or druggist of good character, whose stock is of the value of \$500, may be licensed; but a druggist must retail in quantities greater than a quart, and other traders of more than half a gallon. An applicant for license must file his application, accompanied by a certificate of 12 citizens, in Wilmington of 24, and shall publish his intention to apply three times in two papers. The court of General Session considers all applications, marking them approved or disapproved, according to its intention that the license shall or shall not issue. Sales are prohibited on Sunday, and election day, to minors, insane persons or chronic drunkards; penalties, first offence, \$50 to \$100; second offence, forfeiture of license and disqualification for two years. No license authorizes any person to sell intoxicating liquors, but authorizes sale upon certain premises named in the application, and of which the applicant is the owner. Judgements for violation of the law form liens upon the premises. A druggist must depose to not selling more than \$75 worth in one year. A tax of 10 cents a gallon is levied on all liquor manufactured. Relatives of known drunkards can recover actual and exemplary damages, not excessive, from persons selling them liquor, in case they meet with any accident. The fees are: tavern license in towns over 10,000 inhabitants, \$300; elsewhere, \$200; druggist's license, \$20; retailer of merchandise, \$100. No blinds, screens or frosted glass are allowed, penalty \$50 to \$100.

The United States census returns supply the following information. No statistics of commitments, to jails or convictions for crime, are available:—

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	168,493		146,608	
Convicts in penitentiaries*.....				
Prisoners in county jails.....	139	0.82	81	0.55
Paupers in almshouses.....	299	1.77	387	2.64
Inmates of juvenile reformatories.....	45	0.27	No return.	

A note appended to United States Census Bulletin No. 31 explains that Delaware has no penitentiary.
*No information.

NEVADA.

This state is under a license law.

The governor of the state, in reply to a communication from this Commission wrote (Appendix 76):—

"We have laws prohibiting sale of liquor to Indians, to minors, to imbeciles, and requiring hotels and saloons to close all bars at 12 p.m. Also a law requiring the public schools to teach the effect of intoxicants and narcotics. We also had an anti-treating law, but it was repealed for non-enforcement. The 12 o'clock closing law has been bitterly fought and contested in the courts. It was upheld by the supreme courts, and at the last legislature its repeal was passed, but Governor Colcord vetoed it, and his veto was sustained by a small majority. It has materially aided in securing a reduction in the number of criminals."

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License laws of the State of Nevada.

By the Revenue Act of the first session of the legislature in 1861, the tax on liquor licenses was put substantially as it has remained in the revenue laws since passed. The laws now in force have been enacted at different times, but the policy of the law has not changed.

It is unlawful to retail liquor within one-half mile of the State prison, upon penalty of \$50 to \$500, or imprisonment from 25 days to six months.

Every person selling liquor to minors or mental imbeciles without written or verbal order from parent or guardian shall be fined \$25 to \$100, or imprisonment not exceeding sixty days.

Selling to Indians is subject to a fine of \$100 to \$500, or imprisonment one to six months, or both. (This was amended in 1887 to a fine not exceeding \$1,000, or imprisonment not exceeding two years, or both.)

Licenses shall be posted conspicuously in the place of the business, or \$10 to \$100 be forfeited.

Anyone knowingly selling any adulterated liquor shall be fined not more than \$500, or imprisoned not more than six months.

None (hotel-keepers excepted) may keep open a place for selling liquor between 12 p.m. and 6 a.m., upon penalty of \$200 to \$500, or imprisonment 30 days to six months, or both,

There is a law requiring scientific temperance instruction in the public schools.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1880.	Per 1,000 of the population.	1880.	Per 1,000 of the population.
Population	45,761		62,266	
Convicts in penitentiaries	96	2.10	150	2.41
Prisoners in county jails	54	1.18	49	0.79
Paupers in almshouses	43	0.94	95	1.53
Inmates of juvenile reformatories				

There is no juvenile reformatory in Nevada.

A report of the Nevada State Prison shows for the year ended December 31st, 1890, a total of 91 prisoners, classified as follows:—Claimed to be temperate, 16; drink moderately, 65; drink to excess, 10.

The patients in the insane Asylum, December 20th, 1890, numbered 181; at the same date in the previous year, 167. Of 64 admitted in the year 1890, 14 were classified as having been affected by liquor, namely, ardent spirits, 4; alcoholism, 3; intemperance, 7.

RHODE ISLAND.

The state is under a license law.

On three occasions the votes of the people have been taken on the question of a prohibitory law. Such a law was enacted in 1852, and continued in force till 1863, when it was replaced by a license law. Again, prohibition was in force from 1874 to 1875, when a license and local option law was substituted. In 1886 a constitutional amendment in favour of prohibition was submitted to the people, and was adopted by 15,113 to 9,230 votes, a majority of 5,883, or more the necessary three-fifths. The question was re-submitted in 1889, when there voted, for prohibition, 9,956; against, 28,315; majority against, 18,359.

The non-enforcement of the prohibitory law was thus referred to by Gov. Davis in his message to the Assembly in 1888:—

"The chief of the State police has been diligent in his office, and the law he was especially appointed to administer has been enforced as far as punitive influence within his control can effect it. That the law is not more efficient—and it is sadly inefficient—is for want of a sufficient public sentiment to enforce it. It is a thankless task to attempt to enforce a law which has not the hearty moral support of the community to sustain it. Laws may represent public opinion, but their enforcement is dependent almost wholly upon the public will, as contradistinguished from public opinion; and without a will the way will not be found."

Governor Taft reported to the Legislature in the following year, although the prohibitory law had been in force two and one-half years: "The operation of the law prohibiting the manufacture and sale of intoxicating liquors is, as yet, very far from being satisfactory."

The governor of the state, in a communication to this Commission through his Executive Secretary, dated May 24th, 1892, (Appendix 76), said:

"In 1886 a prohibitory amendment was engrafted on our constitution by a popular vote of 15,113 for, to 9,230 against. In 1889 this amendment was annulled by a vote of 28,315 to 9,956. The strong popular support for the repeal of the prohibitory amendments (outside either the liquor trade or the political prohibitory party), was due to a prevailing belief, from the experience of the three years' trial, that the traffic in intoxicating beverages was only partially controlled thereby, and that the necessary effort and expense, due to costly official supervision and loss of revenue from license fees, were somewhat out of proportion to the results achieved. The existing law permits of local option, and since its passage, following the repeal of the prohibitory constitutional amendment, has been subject to remarkably little criticism, either from the liquor trade or the citizens generally, who seek to control the traffic rather than suppress it altogether."

Under the present Act the State acquired from license fees in 1891, nearly \$100,000, the total amount secured from the traffic being \$400,000, three-fourths of which went to the cities and towns.

The governor adds:

"Of the 36 towns in the state, 16 are under 'no license' local prohibitory laws at present, and the local control is believed to be satisfactory."

The present law, enacted at a special session of the Legislature held in 1889, is designated, "An Act to regulate and restrain the sale of strong, malt and spirituous liquors." It may be summarized as follows:

Town Councils, and in cities boards of commissioners appointed by the mayor, constitute the body authorized to grant licenses for the manufacture and sale of pure liquor to such citizens resident within the state as they think proper.

Notice of application must be given, and remonstrance must have the opportunity of being heard. A license shall not be granted where "the owners or occupants of the greater part of the land within 200 feet of such place for which license is desired shall file with the board their objection to the granting of such license." The licensee is compelled to give a bond of one thousand dollars, with two residents of the town or city as sureties, for compliance with the law and payment of all costs and damages incurred through violation of it.

Except in the case of licensed taverns, a license may not be granted for any place which is connected with interior communication with the dwelling-house, "or to which an entrance shall be allowed other than directly from a public travelled way."

The fees for licenses are as follows:—For a license to manufacture, or sell at wholesale and retail, not less than \$500 or more than \$1,000; for a license to sell at retail only (less than two gallons) in the city of Providence, \$400; in all other cities and towns of over 15,000 inhabitants, \$350; in towns from 600 to 15,000 inhabitants, \$300; in all other towns, not more than \$300 or less than \$200.

The sale of liquor on Sundays, or to any minor or person of notoriously intemperate habits, or (for consumption on the premises) to any woman, is prohibited.

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A licensee is not authorized, "to sell or furnish intoxicating liquors to any person on a pass-book or order on a store, or to receive from any person any goods, wares, merchandise or provisions in exchange for liquors."

The punishment for illegal selling or keeping for sale is a fine of \$20, and imprisonment for ten days, with increasing penalties after repeated convictions. The penalty for selling to any woman any intoxicating liquors to be drunk upon the premises, or to any minor, is \$100 and imprisonment from ninety days to one year, and to be disqualified for five years from holding any license. Anyone convicted as an illegal manufacturer or "common seller" is to be fined \$100 and imprisoned for ninety days, which punishment is doubled on subsequent convictions.

A licensee may be summoned before the licensing authority for permitting his place to become disorderly, "so as to annoy and disturb the persons inhabiting or residing in the neighbourhood," or for permitting gambling or any violations of the laws of the state; and if proved guilty, he shall lose his license and be disqualified for five years.

For selling to a woman for consumption on the premises, or to a minor, or allowing a woman or minor to loiter on premises where liquor is sold, the husband of the woman, or parent or guardian of the minor may recover \$100 in an action of debt for each offence.

Notice not to take may be given by the husband, wife, parent, child, guardian or employer of an habitual drunkard, and damages, if such ensue, may be recovered for sale within six months after notice.

All obstructions to the public view of the premises must be removed on Sunday. Special constables appointed by town councils and sheriffs of counties and their deputies are authorized to enforce the law.

Special provisions provide for local prohibition, if desired by the people. A local option vote is to be taken at each election of general officers, on a requisition of 15 per cent (in cities 10 per cent) of the number of voters taking part in the last two general elections. If the majority is against license, none shall be granted; if it is the reverse, "the licenses under the proviso of this Act shall be granted," until an adverse verdict is rendered.

STATEMENT showing the total number of persons committed to prison, the number committed for drunkenness and for infractions of the liquor laws, with the number of each per 1,000 of the population for the years 1888-89-90-91-92, in the State of Rhode Island.

Year.	Population.	Total commitments to jails and houses of correction.	Commitments per thousand.	Commitments for drunkenness.	Commitments for drunkenness per thousand.	Commitments for offences against the liquor laws.
1888.....	345,000	2,639	7.70	1,440	4.18	24
1889.....	345,500	3,019	8.74	1,517	4.4	46
1890.....	346,000	3,006	8.69	1,677	4.81	10
1891.....	346,000	3,355	9.70	2,018	5.83	33
1892.....	347,000	3,353	9.69	1,868	5.38	14

NOTE.—In 1888 the state was under a prohibitory law. The law was repealed in June, 1889.

The United States census returns supply the following information. No statistics of arrests, or convictions for crime, are available.

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	345,506		276,531	
Convicts in penitentiaries.....	122	0.35	107	0.39
Prisoners in county jails.....	229	0.66	47	0.17
Paupers in almshouses.....	490	1.42	526	1.90
Inmates of juvenile reformatories.....	270	0.78	180	0.65

WEST VIRGINIA.

In this state local option laws prevail, and are substantially the same as have been in force since the formation of the state. "The question of prohibition," writes the Governor of the state to this Commission, "within the limits of the municipality or council is left to the corporation itself. (See Appendix 76.)

Provision is made for the issuing of state licenses. It is, however, provided (section 10) that state licenses "shall be issued only when authorized by the county court of the county, or other tribunal therein acting in lieu of the county court, except that where the act, occupation or business for which such state license is necessary is to be done or carried on in an incorporated city, village or town, the license shall be issued by the council thereof, provided that no license shall be issued within two miles of any city, town or village in which there is no such license, without the consent of the council."

If any hotel or tavern licensed shall fail to provide travellers and their servants with lodging and diet, the license may be revoked; and the license shall be revoked if the object of the licensee is simply to use it as a facility for selling intoxicating liquor.

The license fees are: On every license to keep hotel or tavern, 3 per cent per annum upon the yearly value of the premises; on every license to sell at retail, \$350; to sell at wholesale, \$350 in addition to all other taxes.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available:—

	1880.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	762,794		618,457	
Convicts in penitentiaries.....	278	0.36	266	0.43
Prisoners in county jails.....	153	0.20	106	0.17
Paupers in almshouses.....	792	1.04	711	1.15
Inmates of juvenile reformatories.....				

There is no juvenile reformatory in West Virginia.—(Census Bulletin, No. 72.)

SOUTH CAROLINA.

By a law passed in 1880, the issue of licenses was forbidden outside of incorporated cities, towns or villages. By a general local option law enacted in 1892, the direct voting power was extended to any incorporated city, town or village.

Many special acts relating to the liquor traffic have been passed by the State Legislature.

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In 1878 the sale of liquor was prohibited within one mile of any place of worship or educational institution outside of a city, town or village. Subsequent acts prohibited selling liquor in the neighbourhood of factories. The legislation includes acts prohibiting the sale in certain cities, towns and villages, excepting on petition presented by a majority of owners of real estate, withdrawing the right of druggists to sell liquor under medical prescriptions, and providing for prohibition in different counties and towns.

The Statute-book of the State appears to be crowded with different enactments relating to the traffic, and the fact that such an enormous volume of legislation has been deemed necessary, indicates difficulties surrounding the enforcement of the local prohibitory laws.

In December, 1892, a law was enacted which has since been known as "The Dispensary Act," but the proper title of which is "An Act to prohibit the manufacture and sale of intoxicating liquors as a beverage in this state except as herein permitted." The State board of control consists of the governor, the controller general and the attorney-general. It is to appoint in each county a board of three persons, "believed not to be addicted to the use of intoxicating liquors." It is the business of these county boards to appoint dispensers of liquors. It is provided that there may be one county dispenser for each county, except in the county of Charleston, including the city of Charleston where there may be ten dispensers, and except in the county of Richland, including the city of Columbia, where there may be three dispensers appointed. There is a proviso, however, that, "in the judgment of the county board of control, other dispensaries may be established in other towns in any county."

County dispensers must "not be addicted to the use of intoxicating liquors as a beverage." The petition supporting the application must be signed by a majority of the freehold voters of the incorporated town or city in which the permit is to be used, and the statement must be attached that the individual signing is "well and personally acquainted with the applicant." A bond is required from each county dispenser.

A state commissioner, appointed by the governor, subject to the approval of senate, is appointed for the purpose of supplying liquor to the dispensaries. He, too, must be "believed to be an abstainer from intoxicants." He must purchase pure liquor, giving preference to manufacturers and brewers doing business in the state, and sell it to the county dispenser at a price not exceeding 50 per cent above the cost.

No liquor, except beer, is to be brought into the state or transported within it, otherwise than in a package bearing a certificate with the signature and seal of the state commissioner. The penalty is a fine of \$500. Manufacturers of distilled malt or vinous liquors, doing business in the state, are not allowed to sell in the state, except to the commissioner, and he is to sell only to the county dispensers in packages or not less than one-half pint or more than five gallons.

The county dispensers are not allowed to break the packages, nor to obtain their supplies from any one but the state commissioner, and purchasers may not open the packages on the premises. The dispensers are not to charge more than 50 per cent. above cost, and on sales to druggists for compounding medicines, not more than 10 per cent.

The state commissioner is not permitted to sell to the county dispensers any intoxicating or fermented liquors, except such as have been tested by the chemist of the South Carolina college or his assistants, and by them declared to be pure and unadulterated. If any county dispenser shall purchase liquors except through the state commissioner, or "shall adulterate, or cause to be adulterated, any intoxicating, spirituous or malt liquors which he or they may keep for sale under this Act, by mixing with the same any coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of different kind or quality, or with water, he shall be liable to a penalty of not less than \$200, or imprisonment for not less than six months."

The following provision indicates the mode of applying for liquor to the county dispenser:—

"Before selling or delivering any intoxicating liquor to any person, a request must be presented to the county dispenser, printed or written in ink, dated the true date, stating the age and residence of the signer for whom and for whose use the liquor is required, the quantity and kind requested, and his or her true name and residence; and the request shall be signed by the applicant in his own true name and signature, attested by the county dispenser or his clerk, who receives and files the request, in his own true name and signature, and in his own handwriting. But the request shall be refused if the county dispenser filling it personally knows the person applying is a minor, that he is intoxicated, or that he is in the habit of using intoxicating liquors to excess; or if the applicant is not so personally known to said county dispenser before filling said order or delivering said liquor, he shall require identification, and the statement of a reliable and trustworthy person of good character and habit, known personally to him, that the applicant is not a minor, and is not in the habit of using intoxicating liquors to excess."

Each dispenser is to make full returns monthly to the county auditor, together with a sworn statement certifying that he has made a full disclosure of all business transacted by him. The penalty for failure to make the returns to the auditor is a fine of not less than \$100 nor more than \$500, and imprisonment in the county jail for not less than thirty days or more than six months.

Clubs are specially prohibited, and the penalty for keeping a club-room in which any intoxicating liquors are received or kept for the purpose or barter or sale as a beverage, or for distribution or division among the members of any club or association by any means whatever, is a fine of not less than \$100 nor more than \$500 and imprisonment in the county jail for not less than ninety days nor more than one year.

Places for the sale of liquor in violation of the Act, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, are declared to be common nuisances. The personal property shall be seized by the state, and the owner or keeper adjudged guilty of maintaining a common nuisance. The punishment for the first offence is a fine of not less than \$100 nor more than \$1,000, or imprisonment in the county jail for not less than ninety days nor more than one year, and for each successive offence imprisonment in the penitentiary for a period not exceeding two years nor less than one year.

The proceeds of sales by the state commissioner go to the state; those of sales by the dispensers, after payment of expenses, are equally divided between the county and the municipality.

The law was to be enforced by state constables appointed by the governor.

The Act came duly into force and the result is described by Mr. John H. Ingram in a paper on liquor legislation in South Carolina (Law Register, May, 1894) thus:—"The scenes of riot and bloodshed that followed the attempt to put this law (thereby proved to be an unpopular one) into execution, are fresh in the memory of all and it is unnecessary to do more than allude to them."

Legal proceedings followed the attempt to enforce the Act, and in two cases, namely, M'Cullough vs. Evans, and State vs. Jacobs, its validity was impugned and subsequently the Supreme Court, one judge dissenting, pronounced the law invalid. The reasons of the judgement are exceedingly interesting, as were also the court's criticisms of the Act, which, it says, "not only permits but encourages the sale to an unlimited extent; for by its profit feature it holds out an inducement to every tax payer to encourage as large sales as possible, and thereby lessen the burden of taxation to the extent of the profits realized."

The reasons for the judgement were:—

1. "The traffic in intoxicating liquors not being in itself unlawful or immoral, but such liquor being, on the contrary, a lawful subject of commerce, an Act forbidding anyone in the state from engaging in such traffic, conflicts with the rights of personal liberty, and private property, secured by the constitution, unless it is a legitimate exercise of the police power of the government. Before the sale of in-

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toxicating liquors can be declared unlawful there must be some valid statute declaring it to be so; and we must say that we have been unable to find any such statutes on the statute book of the state."

2nd. "The Act is not a legitimate exercise of the police power *regulating* the sale of intoxicating liquors, as it *forbids* the sale by all private persons, and if it be said that the sales by government officials are *regulated* by the Act, still the police power can only be resorted to for the government and control of the people of the state and cannot with any propriety be appealed to for the purpose of controlling the action of the state itself."

3rd. "The Legislature have no authority to embark the state in a trading enterprise, not because there is any express prohibition, but because it is utterly at variance with the very idea of civil government. The court holds that trade cannot be properly regarded as one of the functions of government, but it is the function of government to protect the citizen in the exercise of any lawful employment, the right of which is guaranteed to the citizen by the terms of the constitution." (Mr. John H. Ingram's article).

Judge Pope, the dissentient judge at this tribunal, disagrees on every point. He holds that the Act is no infringement on rights of life, liberty or property, and says, "It is unjust to the Act to ascribe to it as its leading and controlling feature, the raising of a revenue for the state and municipalities. 2nd. That the state has power to confer exclusive rights on municipal corporations, and on the state itself, *a fortiori*, whereas here there are no inherent rights of others to be considered."

In response to a communication addressed by the chairman of this Commission to the governor of South Carolina, a letter was received, written by Mr. L. D. Childs, of Columbia, chairman of the state prohibition executive committee, and addressed to "His Excellency, Governor R. B. Tillman, Columbia, South Carolina." The letter is dated the 15th September, 1892, and will be found in Appendix No. 76. It was sent without comment of any kind.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population	1,151,149	.....	995,577	.....
Convicts in penitentiaries	806	0.70	404	0.41
Prisoners in county jails	374	0.32	220	0.22
Paupers in almshouses	578	0.50	519	0.52

There is no juvenile reformatory in South Carolina.

OHIO.

The correspondence which has passed between the executive of this state and the Commissioners will be found in appendix No. 76.

The state is under a tax and local option laws.

The new constitution of the state (1851) provides that "No license in the traffic of intoxicating liquors shall hereafter be granted in this state; but the general assembly may by law provide against the evils resulting therefrom."

The Dow Law is in operation. It is so framed that the payment required is not in the form of a license fee, nor is the payment made a condition precedent to the opening of saloons; but it is a tax imposed on those who are actually engaged in the liquor trade, on the principle that, as the trade causes results which entail expense on the state, those engaged in the trade should be taxed to meet that expense. This law passed in 1886, was preceded in 1882 by a law known as the

Pond Law, which was declared constitutional, and in 1883 by the Scott law which was declared constitutional, but some of the provisions of which were of doubtful legality. The validity of the tax under the Dow Law was contested in the courts. The amount of the tax was altered in 1888, and is now \$250, without reference to the kind of liquor sold.

The power to pass a prohibitory ordinance is given to a municipal corporation by the terms of the Act, which authorizes such corporations, "to regulate, restrain and prohibit ale and beer and porter houses, and other places where intoxicating liquor is sold at retail except for medicinal purposes."

Local option is also given to townships outside of municipal corporations. It is provided that the trustees of any township, on petition of one-fourth of the electors, shall hold a special election upon the question of prohibition for the township. If prohibition is carried, the punishment for selling liquor in the township, as a beverage, or keeping a place for the sale, is a fine from \$50 to \$500, and imprisonment not exceeding six months.

In connection with the Dow law there is a civil damage law (the Adair law) under which, after notice has been given not to serve liquor, the seller is liable to a fine from \$5 to \$25, as well as damages for all injury.

The Dow law is entitled "An Act providing against the evils resulting from the traffic in intoxicating liquors."

It is provided that a tax shall be laid on the liquor business, and that each business of this character shall pay \$250 annually, which shall be a lien on the property.

The revenue and fines are distributed in the following proportions—two-tenths of the money collected in counties is paid into the state treasury; six-tenths into the treasury of the municipal corporation; one-half to the credit of the police fund; and one-half to the credit of the general revenue fund; the remaining two-tenths to the poor fund of the county.

Special provision is contained in the law respecting Sunday closing.

Municipal regulation is provided in the following clause: "Any municipal corporation shall have full power to regulate, restrain and prohibit ale, beer and porter houses, and other places where intoxicating liquor is sold at retail. But if any municipal corporation shall prohibit ale, beer or porter houses or other places where intoxicating liquors are sold within the limits of such corporation, a rateable proportion of the tax paid by the proprietors thereof for the unexpired portion of the year shall be returned to such proprietors."

It is provided that the county treasurers shall report to the auditor of state the amount of money paid into the treasury of the counties under the provision of the Dow law.

All fines collected under this law are paid into the county treasury and credited to the poor fund of the county.

The Act contains several clauses prohibiting the sale of liquor within certain distances of school houses, seminaries, colleges, or at fairs, also on election day, harvest festivals, in the vicinity of soldiers' and sailors' homes, or in the vicinity of religious gatherings.

There is a section of the Act regarding administering medicine when a person is intoxicated, the penalty provided being a fine not exceeding \$100, and imprisonment of not more than 20 days.

The penalty for intoxication is: "Whoever is found in a state of intoxication shall be fined \$5.00."

Temperance teaching is provided in the public schools, the provision in this respect reading, "that the nature of alcoholic drinks and narcotics, and their effects on the human system, in connection with the subject of physiology and hygiene, shall be included in the branches to be regularly taught in the common schools of the state, and in all educational institutions supported wholly or in part by moneys received from the state. School teachers are required to pass a satisfactory examination on the nature of alcoholic drinks and narcotics, and their effects upon the human system. If any teacher refuses or neglects to give this instruction he shall be dismissed.

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Special provisions are inserted in the Act respecting the inspection of liquor. The probate judge of each county shall appoint an inspector of domestic and foreign spirits, who shall have the power of appointing as many deputies as may be required. Each inspector is compelled to provide himself with approved instruments for ascertaining the capacity of a barrel or cask, and with hydrometers for ascertaining the strength of spirituous liquor; and, when called upon for that purpose, he is compelled to immediately ascertain the capacity and contents of any cask, and the quality or proof of the contents thereof, and brand the same. He is also compelled to inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same has the inspector's brand of some other county, which brand shall be evidence of the purity of the article. The penalty for selling uninspected liquor is a fine of not less than \$100 or more than \$500, and imprisonment in the county jail for not more than 30, nor less than 10 days.

The duty of the inspector is thus laid down in the law: "The inspector shall keep an accurate account of all liquors inspected by him, and mark on the casks or barrels the word 'pure' if so found, and, if otherwise, the word 'impure'; and when he finds any adulterated liquors he shall give notice to the prosecuting attorney of the county, of the person owning or offering for sale such adulterated liquors, who shall forthwith institute proceedings against such persons, and if, upon trial, he is found guilty of a violation of the foregoing provisions, the inspector shall forthwith destroy such adulterated liquor."

Failure to properly brand packages of liquor is an offence under the law. It is provided that "whoever being engaged in the manufacture and sale of intoxicating liquor, fails to brand on each package containing the same, the name of the person or company manufacturing, rectifying or preparing the same, and also the words 'containing no poisonous drug or other added poison,' shall be fined not more than \$1,000, and imprisonment not more than six months, nor less than one month."

Adulteration of liquors is prohibited by the Act. It is provided that, "whoever adulterates, except for medicinal or mechanical purposes, any spirituous or alcoholic liquors by mixing the same with any substance, or sell or offers to sell any such liquors, knowing the same to be adulterated, or imports into this state and sells or offers to sell any such liquors, knowing the same to be thus adulterated, and not inspected as required by law, shall be fined not more than \$500 nor less than \$100, and imprisonment of not more than 30 nor less than 10 days."

For the offence of putting adulterated liquors in branded packages the penalty is imprisonment in the penitentiary for not more than twelve months.

The penalty for selling adulterated domestic wines is a fine of not more than \$300 or less than \$50.

A further provision prohibits the use of certain drugs for the purpose of adulterating liquors, and imposes a penalty of not less than \$200 or imprisonment for not less than 30 days or more than six months, or both, at the discretion of the court. It is also provided that, "whoever uses any actual poison in the manufacture or preparation of any intoxicating liquor, or sells such liquor, shall be imprisoned in the penitentiary not more than five years or less than one year."

The law contains a provision respecting compounding. Compounded wine is understood to mean any wine which contains less than 75 per cent of pure undried grape juice, and is otherwise impure, and contains alcohol not produced by the natural fermentation. Such wine shall be branded, marked, labelled and sold as compounded wine, and the word "compounded" must be placed next preceding the name of such wine, and so stamped on every package. The penalty is a fine not less than \$100 or more than \$1,000 for each offence, or imprisonment in the county jail for not less than 30 days or more than six months, or both fine and imprisonment. In addition thereto, the offender is liable to a penalty of one dollar for each gallon thereof sold, offered for sale, or manufactured with intent to sell. It is further provided that all the liquor seized shall be destroyed.

By a law enacted in 1891 railway companies are prohibited employing "any person to run, or operate in any capacity, a railroad locomotive on any part of its road, who is intoxicated, or in the habit of becoming intoxicated, or to knowingly

continue the employment of any person in that capacity, after he becomes or is so intoxicated." The penalty is a fine of \$200.

By a special Act passed in 1891, minors (less than 18 years of age) are prohibited from entering any saloon, beer garden or other place where intoxicating liquors are sold or offered for sale, except in the discharge of some lawful business, or accompanied by a parent or guardian. The penalty is not more than \$5 or less than \$1, and upon subsequent conviction a fine ranging up to \$25, or imprisonment for ten days, or both. The keeper of the saloon or beer garden is liable to a fine of not more than \$25 or less than \$5, or imprisonment for ten days, or both. Another special Act prohibits the sale of intoxicating liquors in bottles, and provides a penalty of not less than \$100 or more than \$500 fine, and imprisonment for not less than one month, nor more than six months.

Provision is made for prohibition of the liquor traffic in townships, if desired by the electors, and so decided at a special meeting to be held. Whenever one-fourth of the qualified electors of any township, residing outside of any municipal corporation, shall petition the trustees thereof, such election shall be held, and if a majority are opposed to the sale, the traffic shall be prohibited.

The Secretary of State, in a letter dated the 11th January, 1894, states that the revenue derived under the Dow liquor law was for 1892, \$2,683,939.

The United States census returns supply the following information. No statistics of commitments to jails, or convictions for crime, are available.

	1890.	Per 1,000 of population.	1880.	Per 1,000 of population.
Population.....	3,672,316		3,198,062	
Convicts in penitentiaries.....	1,652	0.45	1,278	0.40
Prisoners in county jails.....	502	0.14	466	0.15
Paupers in almshouses.....	7,400	2.01	6,974	2.18
Inmates of juvenile reformatories.....	1,529	0.42	1,051	0.33

PULLMAN.

The prohibition which exists in the town of Pullman, Illinois, has frequently been referred to during the investigations of the commission.

Mr. George M. Pullman, the inventor of the Pullman cars, and the founder of that great enterprise which called into existence a town, covering 3,500 acres of ground, on the shores of Lake Calumet, did not appear before the Commission, but, in answer to a request from the chairman, he wrote a letter, and forwarded therewith the material from which the following statement is prepared:—

When, in 1859, Mr. Pullman made the memorable night ride from Buffalo to Westfield, N.Y., in what was then dignified by the name of a sleeping-car, the discomforts of which caused him to design the first Pullman car, "the Pioneer," he did not foresee the immense proportions of the enterprise which he had initiated. From its inception the Pullman car system steadily developed, but it was not until 1879 that the resumption of specie payments, after six years' financial depression, gave such an impetus to all commercial enterprises in the United States that it became necessary for the Pullman company to concentrate their workshops, then in St. Louis, Detroit, Elmira and Wilmington, and make one vast factory in order to keep pace with the demands made on them.

The neighbourhood of Chicago was finally selected as the most suitable, and 3,500 acres on the shores of Lake Calumet, now known as the town of Pullman, and forming a part of the 34th ward of the city of Chicago, were secured. It was then, 1882, that Mr. Pullman had the opportunity of testing his theory "that the better the man, the more valuable he is to himself. Just in that proportion is he also better

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and more valuable to his employer." On this simple business theory an attempt was made to surround the workmen in Pullman with such influences as would most tend to bring out the highest and best there was in them. The land belongs to the Pullman company, and, of course, that company can enforce such conditions in regard to the occupancy of it as they may deem proper.

In eleven years Pullman reached a population of 12,000 souls, and never in its history, prior to the troubles of 1894, had any one of its people to be supported by charity. Many own their own homes, and on the 25th December, 1892, the savings bank books showed that there were 2,012 depositors, having \$513,000 deposited.

There has never been any agitation in Pullman on the liquor question. The rival merits of high and low license; of prohibition or restricted trade; of license or free traffic, have never been discussed. The central object, which Mr. Pullman always had in view, has been the keeping of the moral atmosphere of the place elevating, and filled with quickening stimulus to hope and progress; in other words, to have a pure and wholesome atmosphere, morally as well as physically, whilst at the same time to avoid anything approaching an encroachment upon the absolute independence of the individual.

Several very serious problems had to be considered, and amongst them that of the liquor traffic. The result of studious thought has been to totally prohibit the trading in liquor within the limits of the company's control. It has been said that Pullman is the only town in America, of its size, in which there is neither a saloon, a hotel, nor a house of ill-repute. There is not, and never has been, one of the three in Pullman since it was started. Their exclusion was very simply effected. A formal lease was prepared bristling with clauses prohibiting the lessee from selling intoxicating beverages, keeping a disorderly house, etc., etc.; but Mr. Pullman quietly drew his pen through them all, and wrote, "This lease is terminable at the pleasure of either party by giving the other a notice of ten days." There was no posing as censor and director of public morals.

The simple fact is that prohibition exists in Pullman because it is the will of the owners of the property that there should be no traffic in liquor thereon.

FRANCE.

In France the liquor traffic has been the subject of very extensive investigation on two occasions within a comparatively recent date. First by a commission organized by the Senate in 1886, which was composed of eighteen members. Its first sitting was held on the 22nd March, 1886, and its report was submitted to the Senate on the 7th February, 1887, by the chairman of the commission, Monsieur Claude.

A very full summary of this report has been made by Mr. Gigault, and is printed as Appendix No. 74 to this report. The document is full of most interesting information. It refers to the law passed in 1873 by the *Assemblée Nationale* for the repression of drunkenness, "which measure helped," says the commission, "in the re-creation of temperance societies, amongst them the French temperance society, which has been recognized as an institution of public usefulness."

The commission reports that the consumption of alcohol increased from 970,579 hectolitres in 1874 to 1,444,342 hectolitres in 1885, the rate of duty collected in this period being 156 francs 25 centimes. The report states that from 1816 the Ministers of Finance had, almost without interruption, worked towards an increased duty on liquors, and expresses regret that on the occasion of every increase the duty on wine was increased in an excessive manner. The report further states:—"It is an established fact that drunkenness is most prevalent in the non-wine-growing countries. It adds:—"Nations, like individuals, can live long only if they are sober and virtuous. As soon as they become intemperate and vicious, they are destined to perish."

Reference is made to the evil, which a high medical authority says is constantly increasing, arising from the bad quality of the liquors given for consump

tion. The same authority, Doctor Lancereaux, says:—"The greatest care should be taken to give to consumers only liquors of a good quality (therein lies the prevention of alcoholism); to inspect seriously the making and sale of alcoholic liquors; to enact the severest penalties against adulterators, and to oppose the multiplication of inns."

The commissioners state that in 1876 wine alcohols gave 545,994 hectolitres and only 23,240 in 1885, and that the manufacture of grain alcohols, for a long time unimportant, suddenly expanded from 86,700 hectolitres in 1873 to 564,000 hectolitres in 1885.

It is stated that the mean consumption of alcohol per head in France, calculated on the total of the population, was, in 1830, 1 litre 12; that the duty was then 55 frs. 50 1-10 centimes, which was less than the purchase price of the material. This duty was levied on 365,182 hectolitres, and produced 20,241,000 francs. In 1885 the consumption had reached 3 litres 85, and the duty was then 156 francs 25 centimes, more than three times higher than the purchase price of the article. That was levied on 1,444,342 hectolitres, and produced 238,333,000 francs.

Annexed to the report were tables showing the consumption of pure alcohol and the consumption of the other chief alcoholic drinks—wine, cider and beer. The commission reports that these statements establish the fact that the more wine a region makes, and consequently consumes, the less alcohol it absorbs, and "that man seeks in the *eau de vie* the quantity of alcohol which he has not been able to find in beer and cider, and which he would have found in wine."

They say that in 1885 there were 94 inhabitants for every saloon or liquor shop; that the French temperance society had asked that there should be no more than one saloon for each 200 inhabitants, and then remark:—"The commission believes that it would be preferable to increase the license duties, and thinks such a line of action would hinder the development of the number of saloons and give an increased revenue to the treasury."

They refer to a law passed in 1873 for the repression of drunkenness. It provided that a fine of from 1 to 5 francs should be inflicted on all persons found in a state of manifest drunkenness in the streets, roads, taverns, saloons or other public places. The commissioners state that the effect of this law has generally been favourable, but that in rural districts, for want of proper means to secure its enforcement, it was not all that could be desired.

The commissioners refer to the fact that the increased consumption of alcohol has had no effect upon the stature and height of the conscripts, but state that in the districts where large quantities of alcohol are consumed, chiefly Normandy, the mortality of infant children is excessive. There has been a progressive increase in the number of suicides, and in the departments which consume the greatest quantity of alcohol, chiefly trade alcohol, are to be found the largest number of accidental deaths, through excesses in drink, and a diminished number in those which consume the largest quantity of wine.

The commissioners make special reference to what has become known as the "Gothenburg" system in Sweden, Norway and Switzerland.

In conclusion, after a study of the liquor traffic in France and in foreign countries, and an examination of the numerous transformations which the legislation in regard to it has undergone, they state: "We have been able to ascertain that no legislation or combination has stopped the continuous progressive growth of consumption of liquor."

They also refer to several proposed legislative reforms, and print with their report a copy of a bill proposed by M. Emile Aiglave. They remark that the bill generally responds to the wishes of the commission, but they differ from M. Aiglave in some respects.

The commissioners state that they "have not for one moment forgotten that alcoholism has developed itself in France, only after the disasters which have destroyed a large portion of the vines."

The recommendations of the commission will be found on the last page of Appendix No. 74.

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This commission has not ascertained that there has been any legislation based upon this report.

Some of the statistical tables published with the report are attached to Appendix No. 74.

The second investigation was made in pursuance of a decree of the President of the French Republic, under date of the 18th September, 1887, appointing a commission for the purpose of inquiring into the reforms required to be carried out in the legislation on alcohol, and, generally, into the liquor system. The report of this commission was presented by M. Leon Say. Mr. Gigault has been kind enough to make a summary of this report, which is as follows:—

After Mr. McClaude had presented his report advising the French Government to cause to be examined by a commission the question relating to a monopoly of alcohol by the state, the President of the French Republic, by a decree under date of the 18th September, 1887, appointed a commission "for the purpose of inquiring into the reforms which require to be carried out in the legislation on alcohol, and, generally, into the liquor system."

MONOPOLY.

One of the principal inquiries of the commission was that concerning the monopoly. "Monopoly," says the commission, "may be considered under different forms; the state as sole manufacturer; the state allowing to a certain extent the liberty of manufacturing, but monopolizing the sale; finally, the state reserving to itself an intermediate monopoly, that of rectification."

The monopoly of manufacture and that of rectification of alcohol for manufacturing purposes is in force in Switzerland, by virtue of a federal law adopted on December 23, 1886.

In 1886 Bismarck attempted to establish in Germany a monopoly of rectification and of sale. "Indemnities," says the commission, "were provided for the benefit of all individuals whose real or personal property would become diminished in value through the abolishing, on one hand, of the trade in spirituous liquors, and, on the other hand, of the freedom of manufacture for the rectification of alcohol or the preparation of alcoholic liquors.

"The indemnity to be granted to manufacturers for the buildings or machinery which might not be taken over by the (board of) administration of the monopoly, was to be fixed according to the declaration accompanied by a statement of (the value of) the premises.

"As regards the indemnity for personal damages, it could be claimed after four years passed in the manufacture or calling:—

"1. By manufacturers who rectify alcohol or prepare alcoholic liquors, in all cases where their establishments have not been repurchased;

"2. By the merchants and dealers in spirituous liquors;

"3. By the technical staff of rectifying establishments, or of manufacturers of alcoholic liquors (superintendents, inspectors, surveyors, etc.);

"4. By professional workmen who have attained 21 years of age at the date of the promulgation of the law;

"5. By the employees or professional traders in spirituous liquors (representatives, brokers, travellers, etc.)

"These personal damages were to be liquidated by taking as a basis, on one hand, the time passed in service, and the nature of this service, and, on the other hand, the net emolument, salary or profit for the last five years. No indemnity could be less than the emolument, salary or profit for one year, nor greater than five times this figure.

"Help was provided for all persons, who, without having right to any indemnity, would, however, be injured in their interests by the establishment of the monopoly.

"The amount of damages was first estimated at six hundred millions, but this figure would have been considerably exceeded, notably on account of the modifica-

tion introduced by the Federal council, which reduced from four to two years the working period necessary to give a right to an indemnity."

The bill was rejected by the Reichstag.

LEGISLATION ON ALCOHOL IN SWEDEN AND NORWAY.

"Dr. Broch," says the commission, "explained to the sub-commission on the monopoly that the Norwegian legislation had for especial object a struggle against drunkenness and alcoholism, and that the struggle has been crowned by a complete victory.

"Dating from 1830, this movement (impulse) becomes especially marked. Attempts were at first made to restrict the manufacture in country places where the high wines produced was of an inferior quality. There were in Norway at that date nearly 10,000 distilleries, of which 151 were in the towns, and the remainder in the country. The latter were in the hands of petty distillers of potatoes, who correspond somewhat to our distillers of fruits of their own growth. A start was made by raising little by little the duty on alcohol. Then, in order to prevent the frauds resulting from the clandestine use of small stills, it was decided, in 1848, to purchase for the account of the state, at a price exceeding by ten and twenty per cent the value of the apparatus, the said stills, etc.

"The number of distilleries which, after the establishment of the grade duty in 1840, had already fallen to 1,387, dropped immediately down to 712 in 1848. It fell gradually to 40 in 1850, to 27 in 1865, and to 24 in 1874, at which figure it has remained ever since. The distilleries are all important ones, and are situated in the low lands rich in potatoes.

"At the same time the Legislature was endeavoring, in the shape of duties, to restrict the sale of liquors in small quantities, and also the increase of liquor shops. A law of 6th September, 1845, decreed that no new grant to retail, that is to sell less than a cask of 40 litres, high wines of 50 degrees, could be granted, and that no liquor store where liquor is consumed on the premises could in future be joined to a trade for the carrying on of which the right of citizenship is indispensable. The same law forbade the manufacturers from selling their high-wines (eaux-de-vie) in less quantities than 40 litres, and further forbade them going through the country districts for the purpose of selling off their products even in larger quantities than 40 litres.

Later on, by a law passed on 3rd May, 1871, the system known as the Gothenburg system, so called because it originated in the Swedish town of that name, was introduced into Norway. By that law the right of sale by retail may be granted in towns, by right of monopoly, to companies agreeing to apply their profits for useful public and charitable purposes. The by-laws of these companies must be approved by the municipal council of the town and sanctioned by the king. The choice of the grantees is equally subject to the municipal authority, which defines the number of establishments and approves of the location of same. Companies acting in accordance with that law are at present established in all the towns, with the exception of five or six of the smaller ones. These companies have succeeded in decreasing considerably the number of liquor shops (débites) and contributed in a great measure towards the large diminution in the consumption ascertained since 1877."

The commission, in its conclusions, pronounces "against the establishment in France of the monopoly of manufacture, rectification or sale of alcohol."

The commission is of opinion that in establishing the monopoly the state would be obliged to indemnify all persons who might suffer from the introduction of said system.

This indemnity is estimated at a thousand million of francs (milliard) at least.

"In 1812," adds the commission, "the state paid 10,217,000 francs for the purchase of sixteen tobacco factories, and the Administration places its capital account in the period from 1811 to 1814 at 89 millions of francs. The reimbursing of the proprietors for the goods they had in stock gave rise to the most shameful

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abuses. The expropriated dealers had filled their stores with goods which were tobaccos only in name,—for example, with walnut leaves, and more than one fortune was made by means of disloyal frauds of this nature.

"We also remember the large indemnities for dispossession paid a few years ago to the manufacturers of matches, in order to establish the state monopoly (33,800,000), and yet it was only a comparatively limited industry which was at stake."

HYGIENE.

"Alcoholism," says the commission, "is a social evil. Within a few years, especially, the symptoms of the disease have shown in our midst the most alarming characteristics. * * * The increasing encroach of this plague in France coincides with the considerable augmentation noted during a number of years in the consumption of alcohol generally, and especially since manufactured alcohols (alcohols d'industrie) have taken the place of wine, brandy (eau-de-vie de vins). * * *

"The law can proceed in to ways in order to restrict consumption—by diminishing the number of liquor establishments, and making liquor dearer. * * *

"The increase in the quantity of alcohol consumed is due either to a need of it or to a liking for it, and the restriction which has a tendency to not entirely satisfy this need, and also to not follow the impulses of passion, can only come from a moral restraint. This restraint acts according to the moral energy of the individuals, a varying force inherent to the race, the education and the country, and which aid, with varying success, the more or less artificial obstacles which are opposed to the individual allurements. The temptation and facility of succumbing thereto are the primary causes of the abuse. It is evident that by removing the temptation by considerably lessening the chances of falling, we will act indirectly on the evil, and successfully struggle with the enemy. There is consequently a relation of cause to effect between the number of liquor establishments and that of the abuse of liquor. * * *

"The solution which seems therefore the most natural is, first, to cause to disappear by police measures all superfluous establishments where alcoholic liquors are retailed, and then to render the abuse impossible by raising the price thereof by means of a duty. * * *

"There remains, however, a means of exercising a restrictive influence on the number of liquor establishments, and that is by imposing a duty to make the retail trade therein less easy of access than it is to-day to all who take a notion for it.

"Too often the calling of the liquor dealer is resorted to as a make-shift for want of activity. Nothing is easier than to set up a small establishment, very little money is needed, and the notion, a very laudable one in itself, that many have of setting up in business on their own account, induces a large number of people to open up a liquor shop (débit) who, from the point of view of public interest, and possibly of their own, would employ far better in another direction, their small capital, intelligence and industry. The system of high license would therefore have the inevitable effect of concentrating the retail trade into fewer hands. The day may perhaps come when it will be possible, if not of making licenses revocable by the administration, at least of limiting the number of liquor establishments (débits) in proportion to the population, wherever a maximum considered as dangerous has been exceeded; but an attempt should first be made to attain the same result by indirect means. * * *

"It is not sufficient to decrease the number of liquor sellers; you must also diminish the number of purchasers. If we can act on the number of vendors by means of taxes on the gross value (*frais généraux*) of the liquor establishment we can also reach the majority of purchasers by duties on the liquor itself."

The commission quotes the opinion of a publicist and Protestant clergyman, Dean Josias Tucker, who wrote as follows to his fellow countryman, David Hume: "Allow me to draw your attention to the fact that both you and Mr. Turgot have fallen into a gross error when you considered me as in favour of duties on consumption in general. I never entertained that idea. My system is as follows: That it

is requisite in all countries of the globe to endeavour to make activity very cheap and idleness very dear. To attain that end all occupations tending to increase activity should be encouraged by exempting them from all restrictions and restraints, and especially by exempting them as much as possible from all taxes and dues. On the contrary, a check should be placed on all those who live by the idleness, drunkenness and extravagance of others, by discouraging them in every possible manner, and by over-burdening them with taxes judiciously established. * * *

The commission, while readily admitting that an increase of duties on the consumption of alcohol would have favourable results and would decrease the quantity consumed, is of opinion that this measure should not be adopted unless it were possible to check the frauds now committed, and finally the frauds to which an additional tax would give a new impetus. * * *

"There is a necessary effort," says the commission, "which we must ask the country to make in order to give life to the legislative reforms which it is possible to realize, and that is to struggle against alcoholism and against the frauds by a kind of league for the common weal, by temperance societies, by protective associations of honest trade—in a word, by a propaganda which will never tire, and which will also know, like many others, to make use of the great lever at the disposal of all French citizens, the liberty of the press."

GERMANY.

The commissioners have not been able to ascertain that the proposals for dealing with the liquor traffic in Germany, referred to in the report of the French commissions, have been given effect to by any legislation. In Appendix No. 75 will be found a short summary of the general law applicable to the traffic in that country. The abstract is made from the law of 1887. It may have been amended since that date. The abstract has been made simply for the purpose of indicating the nature of the laws in that country.

In the report of the French commission presided over by Mr. Leon Say, referred to in another portion of this report, will be found a reference to some proposed legislation on the liquor traffic in Germany. This legislation is important, as embodying the principle of compensation to those engaged in the manufacture and vending of liquors. The German Government proposed to take over the control of the traffic, and to provide in their scheme for compensation on a large scale to manufacturers and dealers. It is worthy of note that the proposal of the German Government on this point appears to have been criticised mainly on the ground that the compensation was not sufficiently liberal to employees who would be deprived of their employment.

THE ALCOHOL MONOPOLY IN SWITZERLAND.

The alcohol monopoly was established in Switzerland in virtue of a law adopted by popular vote on the 15th May, 1887, by 267,122 yeas against 133,496 nays. It was promulgated on the 27th of the same month and came into force on that date.

The object of this legislation was: 1st, to restore to the cantons the right, which the constitution of 1874 had taken from them, of legislating with respect to inns and the sale by retail of spirituous liquors; 2nd, to regulate the manufacture and sale of distilled liquors; 3rd, to remove the duty on fermented liquors.

It was contended that the high price of wine, beer and cider led to the inordinate use by the poorer classes of Schnapps, the common alcoholic drink of the country.

The ravages of alcoholism were attributed, not only to excessive consumption, but also to the bad quality of the spirits, which was due, in a great measure, to distilleries with insufficient or defective plant and to unlicensed traffic in their impure or adulterated products.

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In 1886 there were 1,022 distilleries in Switzerland which made use of feculent substances and sold their products directly to the trade, besides the stills in the hands of distillers of grapes or other fruit of their own growth (*bouilleurs de cru*), who are found in large numbers in grape and fruit-growing countries.

The materials used in the distilleries were foreign wheat and maize, the native rye and foreign and native potatoes.

Of all the distilleries in existence at the date of the establishment of the monopoly, but from 60 to 70 remain.

The tariffs on wines and beer were reduced to a considerable extent and those on spirituous liquors are three times as high as in 1887.

Under the monopoly, the right to manufacture and import spirituous liquors, the manufacture whereof is subject to Federal legislation, belongs exclusively to the Confederation. The Confederation is obliged to take measures to have the spirits, which are to be transformed into liquors, sufficiently rectified.

About one-fourth of the spirits consumed is supplied by means of delivery contracts which the Confederation must make with native producers. The deliveries are tendered for on conditions set forth in the specifications of the tender.

Private individuals are also allowed to import spirituous liquors of superior quality on conditions determined by the Federal council and on payment of 80 francs per hundred kilograms.

The peddling of spirituous liquors of every kind is prohibited. The sale of spirituous liquors of all kinds, in quantities of at least 40 litres (about ten gallons) is not taxed and requires no license; the sale by retail of quantities less than the above is governed by the local authorities of the cantons, who impose a duty on such sales in proportion to the importance and value of the goods sold.

The Confederation levies customs duties on all imported spirituous liquors. The net amount collected by the management of the monopoly is distributed amongst the cantons in proportion to their population, as established by the last Federal census. The cantonal governments must devote one-tenth of these receipts to the prevention of alcoholism. This tenth amounts to from 600,000 to 700,000 francs per annum. It is expended in caring for the insane and indigent and in supporting institutions whose object is to lessen the evils of intemperance.

Whoever contravenes the provisions of the monopoly law is liable to fines, amounting to from 5 to 30 times the sum of which the state has been defrauded.

The proprietors of distilleries were indemnified by the Confederation for the reduction in the value of their buildings and plant, resulting from the carrying out of the law. In determining the indemnity, the profits realized by the distillation were not taken into account. The right to indemnity was recognized only for those proprietors whose distilleries had been established before the 25th October, 1885, and in operation up to that date, and who had, moreover, given up manufacturing. The indemnities paid amounted to more than 4,000,000 francs.

In 1882 the consumption of spirits of all kinds gauging 50 degrees was 9.4 litres per head of population; in 1885 it was 10.26 litres. Under the monopoly this consumption fell in 1890 to 6.27 litres; in 1891 to 6.32 litres and in 1892 to 6.39 litres. In the latter year the population of Switzerland was 2,977,678.

It is, however, admitted that the consumption has really not decreased to so extraordinary an extent. Before the monopoly was introduced, a considerable portion of the spirits manufactured or imported into Switzerland was smuggled into foreign countries and was therefore not consumed in Switzerland. Since the existence of the monopoly, this smuggling has almost entirely ceased. But every one admits that the consumption of spirits has decreased about 26 per cent; that of wine seems to have remained about the same; the consumption of liquors containing less alcohol, such as beer and cider, has increased; that of beer to the extent of 25 per cent.

The monopoly yielded 6,661,134 francs in 1890 and 6,368,568 francs in 1892. By this, we mean the excess of receipts over expenditure.

From the report of the commission appointed by his Excellency the Governor of Massachusetts to report on the Gothenburg system of controlling the liquor traffic, 1894.

THE ALCOHOL MONOPOLY IN SWITZERLAND.

"It remained for that most democratic country in Europe, if not in the world Switzerland, to give the Scandinavian principle a wider application, namely, to the entire manufacture and also distribution of spirits. The chief circumstance leading to the formation of this monopoly was the great danger perceived from the ever-growing consumption of spirits. The adoption by an overwhelming majority of a law creating a government monopoly of the wholesale trade in distilled spirits is the more remarkable when it is remembered that by the Swiss institution known as the referendum, the votes of all Swiss citizens had to be taken on the question. The Federal law in its final form was passed in 1886, and charges the Federation with the production, importation and distribution of spirits, and gives it the right to make contracts with private persons for supplying spirits. While the federation is made responsible for the materials used in the production, it does not furnish spirits in a ready state for consumption. The government only sells the raw article in quantities of not less than about forty gallons. Thus it does not control the ultimate distribution nor the manner in which the spirits are dealt with after passing into the hands of the retailers, who are licensed by the cantonal governments. The monopoly does not include wine, beer or fruit brandy.

"The federal government receives the whole revenue from the wholesale taxes, and customs, and the net income is divided among the cantons in proportion to the population. The latter are required to devote ten per cent of the funds to combating drunkenness and its effects.

"Three objects were sought by the introduction of the monopoly:—(1) to restrain consumption; (2) to furnish pure spirits; and (3) to obtain a larger income for the cantons.

"From the information at hand, it does not appear that the first object has been largely realized, nor could this in any reason be expected as long as the monopoly has no power to restrict or even supervise the actual consumption of spirits. Only one canton, that of the town of Bâle, has given its government the monopoly of the retail trade in spirits; but it is not clear that the effect has been to diminish the number of public houses nor the consumption of intoxicating liquors in this canton more than in any other part of Switzerland. The root of the evil is left to flourish. The annual statistics published by the government would indicate that the consumption of spirits has decreased very materially under the monopoly, and that a considerable diminution was noticeable at once; but, as the statistics published previous to the establishment of the monopoly entered as home consumption large quantities of liquor smuggled out of the country, and the spirits manufactured from fruit are not included, the consumption has probably not diminished as much as would appear from official documents. Since 1890 a very marked increase has taken place.

"As a financial scheme, the monopoly has been a great success. The revenue derived from the traffic is not, as already remarked, at the disposal of the federal government, but must be divided among the several cantons. In other words, the federal government has all the care and trouble of the monopoly, while the local governments spend the surplus, which they have not even been obliged to collect. The only provision relating to the manner in which the money shall be spent is that every canton must devote one-tenth of its share to combating the evils of alcohol. The cantons allow themselves great liberty in interpreting the phrase "evils of alcohol."

"During 1891 we find that a large part of the tenth, or "alcohol tithes," went to support the unemployed, to lectures on cookery, country holidays, etc. One canton even spent the whole of its tenth in combating intemperance by establishing a training school for elementary teachers. This is not in accordance with the view of the federal government, and steps have been taken for a better regulation of the appropriations.

"It will be seen that the Swiss alcohol monopoly differs fundamentally from the company system, as it is known in Sweden and Norway. In Switzerland the gov-

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ernment controls the wholesale trade and becomes responsible for the production and importation of spirits, leaving the public houses and the retail trade pretty much where they were. In the Scandinavian countries the idea is to reform the saloons, and not interfere with manufacture and importation further than to secure thorough legislative control. Again, while in Switzerland the federal government is charged with the monopoly, in Scandinavia each municipality is left to work out the problem for itself." (Pp. 169 to 172.)

THE GOTHENBURG OR COMPANY SYSTEM IN SCANDINAVIA.

The common drink of the Scandinavian people is or has been "brännvin" or "brandevin," commonly translated brandy, which is made from corn and potato and contains from 44 per cent to 50 per cent of alcohol.

In Sweden, in 1788, the Crown distilleries which the king had established about thirteen years previously were abolished, and a succession of statutes made the cultivation of the land a necessary qualification for the production of brandy. In the commencement of the 19th century it was expressly enacted that the right of distilling should go with the soil, only those who possessed or cultivated land had the right to distil. About ten years later the privilege was extended, and tenants and other persons resident in the country might distil if the owner of the estate gave them leave, and every distiller had the right to sell his product, though not in less than two pints (half a stop). In the towns, every householder, as well as his lodgers, if he gave his permission, might hold a license to distil. The tax imposed was a very trifling one, and was reckoned partly as a license fee. About the year 1810 it was fixed by Royal ordinance at a sum which was about equal to \$2 for every whole farm, and in towns at about $6\frac{1}{10}$ cents for every ratepayer manufacturing, partly according to the quantity distilled. The license to manufacture brandy included the right of distilling.

Brandy appears at this time to have been considered necessary for domestic use. About 14 years later, that is about 1824, free distillation for household purposes was abolished. Private stills for domestic purposes were in reality illegal, though in public estimation they long continued to be regarded otherwise. In 1829 the number of stills paying license fees is stated to have reached its highest figure, that is, 173,124; after that the number decreased, though, in 1850, there were still 43,940. Notwithstanding this, the quantity of brandy manufactured seems to have continued to increase, owing to improved methods and machinery. According to the lowest calculations, it was at this time estimated to be 24,869,700 gallons, and according to the highest, 41,449,500 gallons, all of which was said to be annually consumed in the country. In 1835 a royal ordinance deprived all those whose land was taxed at less than 300 rix-dollars banco of the right of distilling, though the owners of several lots of lands taxed at less, might, by clubbing together, obtain the right to distil. The time for distilling was limited to six months in the year. License fees were abolished, but a tariff was imposed, graduated upon the quantity of spirits distilled.

In 1819 a temperance association was organized at a small town in Sweden, which gradually extended its membership and its influence by speeches, writings, holding numberless meetings far and wide, by forming hundreds of branch societies, distributing pamphlets, by addresses from pulpits and lecture rooms, by pointing out that brandy was not only unnecessary, but most pernicious for man, asserting that distillers wash was equally injurious for agriculture, and that it was the duty of all good citizens to practice self denial. This association exerted such an influence upon public opinion that upwards of 800 petitions were presented to the king in the years 1852-53, from various towns, the clergy, the agricultural societies, and from tens of thousands of private individuals, demanding a change in the liquor law.

In 1853 a most earnest appeal to the states of the realm and certain recommendations were made by His Majesty Oscar I, the results of which were that the Diet passed certain laws which received the royal sanction in January, 1855. The first of these referred to the manufacture, the second to the sale of brandy, under

which head were classed all native and foreign distilled spirituous liquors. By the first mentioned enactment the minimum quantity of brandy to be distilled daily was placed at 829 quarts, by which the uncontrolled household distillation was converted into a controlled manufacture, separately taxed, at about $4\frac{1}{10}$ cents per quart. The period of manufacture was confined to six months in the year. Certain holders of public offices, judicial, medical, ecclesiastical, civil and military, and the occupiers of certain crown lands, were prohibited from taking part in the manufacture. The most important change in the law, relating to sales, was the right given to every community to forbid within its precincts all unlicensed brandy traffic, that is, all retail and public house traffic, into which the minor traffic was divided. The number of licenses was to be fixed by the local authorities, and to be sold by auction, though the authorities were not bound to accept the highest offer, but were directed to rather look to the character of the individual than to the sum offered. A clause was then added to the enactment relating to the sale, to the effect that where a company was formed for assuming the whole of the minor brandy traffic, or either of the traffics, in towns, the town authorities should be empowered to confer upon it all the licenses which would otherwise have been the first legislative enactment, recognizing what has since become very generally known as the "company system."

It will be observed that it was only in towns that the company system could be brought into force. Under this law the minimum quantity for which each vendor was to be taxed appears to have been fixed at 2,211 quarts, in towns, and 1,105 quarts in the country. Country districts appear to have exercised the right to curtail the number of licenses. The right of veto on the number of licenses granted in country districts appears not to have been extended to the towns, and as the rural districts shut out the traffic, by curtailing the number of licenses, the traffic seems to have concentrated in the towns. It is said that in 1856 the towns possessed 584 retail and 1,170 public house licenses, against 64 of the former and 493 of the latter in the rural districts, notwithstanding that 88 per cent of the whole population belonged to the country. Another fact which is referred to is, that of the 11,846 persons sentenced for drunkenness during the year 1856, 10,507 were inhabitants of the towns, and only 1,339 of the country.

The conditions and charges on sales, fixed by the law of 1855, were:—

Not less than a half *Kan* (about $1\frac{1}{2}$ quarts) might be sold, not to be consumed on the premises. The duty on these sales was about $2\frac{1}{10}$ cents per quart.

Public house licenses permitted quantities, however small, to be sold for consumption on or off the premises, on condition that food should likewise be procurable with the liquor. The duty on these sales was fixed at about $3\frac{1}{10}$ cents per quart; afterwards it was increased to about $3\frac{1}{10}$ cents.

The state collected at this time the duties on spirits produced; the municipalities the duties on sales.

It may be mentioned that "retail trade" appears to correspond to the shop or bottle trade in Canada, and what is called simple "retail," to sales in smaller quantities in public houses, etc.

The law about supplying food to customers appears to have been found burdensome by the retailer, who evaded it by putting a bowl of potatoes and a loaf of bread on their shelves.

The whole of the licenses in the towns were not entirely under the control of the municipal authorities. Certain licenses were held by virtue of burghership, and could only be cancelled on certain specified conditions, such as an offence against the law, certain cases of death, etc.

The effects of the new law of 1855, it is said, were soon apparent. Whereas in 1853 there were 33,342 distilleries in the country, producing at the lowest computation 24,869,700 gallons of brandy per annum, paying a tax of \$193,505, there were in 1885, though the prohibition against the small stills was not fully carried out until four years later, only 3,481 distilleries, producing 6,519,191 gallons of brandy, which paid \$1,301,900 taxes. The small stills appear by this process to have been abolished, and the change is said to have had a very beneficial effect upon the rural

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districts, where the larger portion of the spirits produced by these small stills had been consumed. One authority on the subject of the liquor traffic in Sweden made this remark: "Before 1855 brandy could be bought in almost every cottage; in 1856 one might travel through whole provinces without finding a single place where it was sold; and in the same year, in the country districts throughout the whole kingdom, there were no more than 64 retail and 493 public house licenses, of which latter not less than 411 depended upon individual privileges."

The temperance party considered that one way of promoting temperance was by making spirits less easily procurable by keeping up the prices, but in towns this policy was thwarted by the fact that, in almost every town there was, at least, one privileged public house that could fix its price independent of those competitors who had obtained their licenses by auction. In Gothenburg, with a population of 35,000, it would appear that, in 1860, the town possessed 136 licenses in full use, and that the greatest misery prevailed among the numerous working people inhabiting the town, brought about, to a very great extent, by the excessive consumption of liquor.

In 1862 Dr. P. Wieselgren, dean of Gothenburg, and certain other earnest workers in the cause of temperance, sent in a petition to the magistrates of the town signed by 8,800 persons, principally of the lower classes, urging the magistrates to prohibit all sale of brandy at the bars on Sundays and holidays, or, at least, to limit it on those days to two or three hours, during meal time. The magistrates appear to have answered somewhat curtly that they did not think it incumbent on them to take any steps in the matter in question. In the following year the town obtained, under new communal laws which had been passed, a representative council, and that body was moved, in 1864, to appoint a committee to examine into the condition of pauperism in the town. That committee recommended that the authorities of the town should make use of the power conferred upon them by the law to hand over the licenses, previously disposed of at auction, to a company consisting of persons who would undertake the business, not for the sake of profit, but solely for the good of the working classes; that the shareholders should not derive the slightest profit from the concern beyond the ordinary rate of interest on the capital invested; that all profits accruing from the sale should be devoted to the welfare of the working classes, or paid over to the town treasury; that the premises hired by the company should be clean, light and roomy, and at the same time serve as eating-houses for the working classes; that the profits arising from the food department, and sale of beer, ale and coffee, should be kept separate. The committee not only made these suggestions, but they organized a company with the object of carrying out the suggestions made. It is stated that twenty highly respected firms and private individuals agreed to take stock in the company. The offer of the company to assume all the public house licenses was accepted by the authorities. On 1st October, 1865, the company began its operations, which still continue in full activity.

The magistrates are said to have annually placed 61 licenses at the disposal of the company, but before it had been established 72 such licenses existed in the town, and although the population had been steadily increasing, the company has never made use of the whole of its licenses, and that in 1885, when the population was 83,000, the number of the company's licenses was only 19. It had established four eating-houses where no spirituous liquors were served, except the usual dram at meal times, the object being to supply workmen, who did not wish to frequent the public houses, with food. The company had also fitted up several reading rooms, where no spirituous liquors, only coffee, tea, chocolate, milk and small beer were served, besides light food, at a low price fixed by tariff. In these, books, newspapers and periodicals are provided for the use of visitors. On the wall of every one of the company's public houses is posted a printed card showing how much money can be saved every day, week, month and year, by abstaining from the taking of so many drams, and what sums may, by this means, be laid aside for the future. The company, it is said, has also curtailed the time of selling, nothing being sold on Sundays or public holidays, or from 6 p. m. on the day preceding such days, except

the small dram served at meals. They have also curtailed the time of selling over the bars on ordinary week days, closing, instead of at 10, as the law would permit, at 7 in autumn and winter, and 8 p. m. during the rest of the year.

The distillers appear to have kept up a constant agitation for a change in the law affecting their interest, and a long and severe struggle, between them and the advocates of temperance and the new system appears to have been carried on. The distillers agitated for one tax only being levied, and that upon production. That tax would go to the state, instead of the major portion of it going to the municipalities, as previously. In 1870 the distillers succeeded in getting some modification of the law affecting distillation, and that year it is stated that the industrial classes of the country were affected by the speculation which prevailed, not only in Sweden, but throughout Europe; so that they had their hours of labour curtailed, and their wages increased; that as a consequence of the change in the law and the altered conditions, the manufacture largely increased, and that in 1873, 12,434,850 gallons were produced; in 1875, 13,353,892 gallons; and in 1876 as much as 13,504,663 gallons. At the same time the annual import of spirituous liquors exceeded the export. As a consequence, the advocates of temperance claimed that drunkenness greatly increased throughout the country, the number of cases having doubled between 1870 and 1876. In 1878 a committee was appointed by the king on the recommendation of the Diet, and instructed to revise the existing statutes, with a view of counter-acting, more effectually, the abuse of intoxicating liquors.

The "brandy" committee, so called, do not appear to have been unanimous; but a majority proposed that every one who was neither under age nor insolvent, nor of ill-repute, able to read and cipher fairly well, was a voter, and had the permission of his landlord to retail spirits on his premises, should, after applying to the Governor of the province, and giving security for possible fines, receive a license from the authorities to carry on such traffic.

In the meantime the temperance party had been actively at work, and they had resolved:—"Considering the absolute necessity of making the existing liquor laws more efficient in several important points, in order to promote the cause of temperance, this meeting is of the opinion that the principles on which the liquor law of January, 1855, is based, still continue to hold good for further legislation." They sent out circulars over the whole country inviting the clergy and other local authorities to express their opinion in regard to the brandy committee's proposition, and it is stated that among 2,123 answers returned, during the course of three months, by communes, vestries, etc., only three agreed entirely with the committee's proposition, as a whole; those who approved of some of its clauses amounted to only 1 per cent, and 99 per cent rejected it altogether.

The facts were laid before the King, Oscar II. In 1885 a new liquor law was brought forward by the government. It was based upon the principles of the law of 1855. The Prime Minister of Sweden, speaking on the subject of it, said:—"I am convinced that those companies, if properly administered, will prove the most effectual means of promoting order in the brandy traffic, and it is only by their means that the said trade can be carried on in such a manner as not to encourage an increased consumption of spirits. It stands to reason that when a private individual is engaged in the brandy trade, as in any other, his interests will induce him to sell as much as he can; whereas the companies, if they properly fulfil their mission—and happily our country can boast of many such—need never be influenced by selfish motives." Therefore, he said the law ought to be framed so as to offer "a decided encouragement to the system of brandy companies; moreover, as the companies transfer to the communities all those profits that a private dealer would put in his own pocket, financial interest likewise spoke in their favour."

In May, 1885, the new law was signed by the king.

For the foregoing information the commissioners are indebted to the exhaustive report prepared under the direction of Hon. Carrol D. Wright, commissioner of labor, and presented to the President of the United States in 1893, being the "Fifth Special Report of the Commissioner of Labour," the information given in which was prepared by Dr. E. R. L. Gould, who visited Sweden and Norway to investigate the system.

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From the same publication has been extracted the main features of what is understood to be the existing Swedish law governing the manufacture and sale of brandy. It bears date July, 1887. An abstract of it and of the law of 1891 will be found in Appendix No. 109.

It will be seen on reading this law that the quantity each manufacturer can make is fixed, and that on the quantity fixed a tax has to be paid. Of the brandy, on which taxes have not been paid, at least 85 per cent shall be stored for a time in a bonded warehouse, as security for the payment of such taxes. The smallest quantity to be sold wholesale is fixed at 66 gallons; by retail, but not to be consumed on the premises, 10·567 quarts. Brandy may be sold over the bar in as small a quantity as desired, whether it be drunk on the premises, or be taken away. There are exceptions with regard to sales at hydropathic establishments, and on board steamers. A license obtained at auction to sell brandy at retail, or over the bar, is only transferable with the concurrence of the magistracy, in towns, and the local government board in the country. The transfer of any other license to sell brandy at retail or over the bar is not permitted. The privilege to sell brandy at retail or over the bar, held by any one in virtue of burgess rights, or as a special privilege, obtained previous to the promulgation of the law of 1855, may continue as long as it is not given up or forfeited, but only to the same extent as before, but burgess rights granted after the promulgation of the law of January, 1855, do not confer the right to sell brandy at retail or over the bar. (Section 6, 7, 8 and 9—1891.) There are certain exceptional conditions, respecting the right to sell over the bar, exercised at an inn in the country, prior to the passing of the law of 1855. (Section 7.)

The clauses in reference to sale by companies are as follows:—

"The proposals made, which should be accompanied by the by-laws of the company, shall be examined by the magistracy, who, when the town council, or, where such is not found, the town meeting, have reported, shall send the documents, together with their own opinion, to the governor; and the latter, having considered the qualifications of the company no less than the amount of the fee offered, as well as the ratio between the fee offered and the number of litres it is supposed the company will be able to dispose of, shall accept or reject the proposals. Such proposals shall not be accepted in case the fee is less than the whole sum would amount to, according to section 17, in case the licenses had been given to individuals.

"When the proposal made is accepted, the magistracy shall make a contract with the company for the period fixed by the governor." (Sec. 7, subsec. b.)

"In every case it shall depend upon the special investigation of the government whether, and on what conditions and limitations, all sales of brandy at retail or over the bar, the licenses for which would otherwise be offered at auction, according to the provisions preceding, shall, in a small town, be given in charge of a company organized in the town for that purpose." (Section 11, subsec. b.)

"A company in a town or village that has taken charge of all sale of brandy at retail or over the bar in the place, in conformity with section 9 (b) or section 11 (b) shall not transfer the license granted them to any other person. But if such company should wish to transfer one of their special privileges to sell brandy at retail or over the bar, on the payment of a stated sum to the company, the company shall hand in a statement to this effect to the authorities. After consultation with the magistracy, the authorities, duly considering the reason of the transfer as well as the qualifications of the person to whom the transfer is to be made, and also the ratio of the fee to the probable income derived from the business, shall approve or reject the proposal." (Sec. 15, subsec. c.)

"When all sale of brandy at retail or over the bar in a town has been given in charge of a company, in the manner provided for in section 9 (b), the company shall, in addition to the tax fixed, give away the net profit which after deducting the necessary running expenses, is shown by the accounts of the company to have accrued from all the business in brandy done by the company, and also the fees which the company has paid for the privileges according to section 15 (c). The accounts of the company shall be kept in the manner and after the formula provided by the bureau of control and assay of the royal department of finance. These accounts, as well as

the management of the company, shall be examined into during the month of January of every year, on a day fixed by the authorities, by five auditors, of which the town council, or, where such is not found, the town meeting, shall appoint two, the *landsting* (meeting of the commissioners of supply of a county) one, the agricultural society one, and the governor the fifth. When a town does not take part in a *landsting*, the town council shall appoint the auditor, otherwise to be chosen by the *landsting*. In Stockholm the town council shall appoint three auditors, and the governor-general two. A report of the investigation shall be sent to the town council or town meeting, the *landsting*, and the agricultural society before the expiration of the month of February succeeding. The auditors shall receive the compensation of the fourth grade mentioned in the regulations, which compensation shall be paid out of the profits mentioned above. If the *landsting* or agricultural society declines to assume any responsibility for the management of the company, the matter shall be appraised to the governor. The company is in duty bound to be controlled by the orders given by the governor in the matter of desirable modifications. If the company declines to do this, the governor shall impose a suitable fine." (Section 18, subsec. b).

A board of assessors, by resolution, fixes the quantity on which the tax is to be paid, and the law provides that the fees (in other words, the tax) to be paid for the license to sell brandy at retail or over the bar, and, also, the net profits of the business, which the companies make, shall be distributed in the following manner:—

"I. In Stockholm eight-tenths shall go to the city, if the trade in brandy be in the hands of a company; in any other case the city shall receive seven-tenths; the remainder shall be deposited in the public treasury.

"II. In any other town which does not take part in a *landsting*;

"First, if the sale of brandy is in charge of a company, seven-tenths shall go to the municipality, one-tenth to the agricultural society of the district, and two-tenths shall be deposited in the public treasury.

"Second, if the sale of brandy in a town is not in the hands of a company, six-tenths shall go to the municipality, one-tenth to the agricultural society of the district, and three-tenths shall be deposited in the public treasury.

"III. In a town that takes part in a *landsting*;

"First, when the sale of brandy in the town is in the hands of a company, five-tenths shall go to the town, two-tenths to the *landsting* of the district, one tenth to the agricultural society of the district, and two-tenths shall be deposited in the public treasury.

"Second, when the sale of brandy in the town is not in the hands of a company, four tenths shall go to the town, two tenths to the *landsting* of the district, one tenth to the agricultural society of the district, and three tenths shall be deposited in the public treasury.

"IV. In the country parishes the whole sum shall be deposited at the office of the receiver of the district, who shall distribute it as follows:—seven tenths to all the country parishes of the district, according to the population, two tenths to the *landsting* of the district, and one tenth to the agricultural society of the district.

"V. In a village where, in conformity with section II (b), the sale of brandy at retail and over the bar has been given in charge of a company, the taxes and profits shall be divided in the same way as in a city where the trade in brandy is given in charge of a company.

"(b). The portion of the moneys mentioned above that go to the *landsting* and agricultural societies, shall be deposited at the office of the receiver of the district. The portion deposited in the public treasury shall be distributed among the country revenue districts according to the number of inhabitants, care being taken that the number of inhabitants of each county revenue district, within the limits of which a town is situated, be reduced by the number of inhabitants living in such town. Of the amount which goes to each county revenue district, according to this division, the *landsting* and agricultural societies shall receive each one-fourth, and the country parishes one-half. The distribution among the latter is also to be made according to

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the number of inhabitants. It is the duty of the companies to pay over to the proper persons the profits of the last year's business, which they are to give up according to section 18, and such payment shall be made before the 1st of May." (Sec. 22, subsecs. a and b.)

The law provides that the places of sale shall be situated in open streets, roads or market places, and that the premises used for sale shall be light, well ventilated, large enough for the business to be transacted, and be kept in proper order.

A short summary of the law governing the sale of wine, malt drinks, coffee and other prepared and non-spirituous beverages will be found in Appendix No. 109. The law makes it necessary for the vendor of these articles to obtain a license, and in country parishes no less quantity than about 10½ quarts of wine can be sold at one time, to be carried away from the premises where sold. Any one having obtained a license to sell brandy over the bar is permitted to sell wine, malt beverages, coffee, tea, chocolate, etc. A license to sell wine to be consumed on the premises includes the right to sell beer and other non-spirituous beverages. A license to sell malt beverages, to be consumed on the premises, includes the license to sell other non-spirituous beverages, in the same manner, with the exception of wine, and the right to sell wine, to be taken away in quantities of less than 10½ quarts, belongs to every one who has a license to sell brandy, at retail or over the bar, or a license to sell wine over the bar. The governor of the district in which the place sought to be licensed to sell malt, etc., liquors, is situated, determines whether applications for licenses shall be granted or not. In the case of towns, the governor acts on the recommendation of the magistracy, who receive the recommendation of the town council, or the town meeting, where a council does not exist but no license is to be granted contrary to the opinion of both the magistracy and the town council, or the town meeting, nor is the number of persons licensed to be greater than the number agreed upon by the magistracy and town council or town meeting, or, in the case of difference between the authorities, beyond the number advocated by either.

In the country districts the governor acts upon the recommendation of the local government board. The licenses are issued by the governor, and no one whose license has been rejected is allowed to enter any complaint against that official.

From the foregoing it will be observed, that it was not until ten years after the law authorizing the sale of spirituous liquors by companies was passed that advantage was taken of it. The first company appears to have been organized and commenced operations in Gothenburg in 1865.

The opposition of the distillers, and the agitation kept up by that interest, and also the condition of things existing during a part of the time, already alluded to, and which resulted in shortening the hours of labour and increasing the remuneration of the working classes for a period, are said to have neutralized the effect of the formation of the Gothenburg company, and the advocates of the company system claim that it was not until 1875 that conditions existed permitting a fair test of the advantages or disadvantages of the experiment being made.

In 1877 a company was formed in Stockholm on the same plan, but on a slightly different basis to that of the Gothenburg company.

One or two points require to be noted here in order to understand the situation in Sweden more fully:

1. The licenses transferred to the companies by the towns and cities did not, in all cases, include all the licenses granted, inasmuch as there were some held by right of burghership, and under special privileges. These, however, have been gradually disappearing.

2. The sale of wine, malt liquor, and some other beverages, although carried on in the establishments of the companies, are not embraced in their contracts with the various municipalities for the sale of spirituous liquors. The sale of these beverages is not exclusively carried on on the companies' premises, and where such are sold by their managers, it is apparently at their own risk.

In order to secure the entire control of the traffic in spirituous liquors, the burghers and privileged rights of certain vendors have, in some cases, been purchased. In the case of Stockholm, the municipal authorities made contracts with the holders

of these special rights, on the basis of granting them life annuities varying from \$154 to \$536. In some cases these annuities were extended to the wife of the holder of the privilege. The total sum paid for 133 licenses, constituted at the outset an annual charge upon the municipal treasury of \$33,258.

In the report of the labour commissioner of the United States, from which this information is derived, it is remarked (page 145),—"When the company began operations in October, 1877, with a complete monopoly of all the licenses for conducting the retail and bar trade of spirituous liquors in the city (Stockholm), it seemed to be handicapped with the large annual charge upon it for compensation to the expropriated license holders. In fact, many persons at the time predicted financial disaster, but the results of the first year, after paying all expenses, and the six per cent dividend to the stockholders, showed sufficient surplus to provide for the compensation fund for a period of three or four years in advance. The annual charge on this account has diminished from year to year, as the old license holders have died off, until only eight survive at the present day (1892)."

The by-laws of the Gothenburg brandy company are printed in Appendix No. 129.

In the special report of the commissioner of labour are to be found copies of the form of contract with the managers of bars, managers of eating houses, managers of retail shops, and lists of the retail prices of liquor.

The companies employ a large number of managers, and a smaller number of inspectors. The following are copies of the instructions to those so employed by the Gothenburg company. (Pp. 125 and 127).

" INSTRUCTIONS TO INSPECTORS.

"The inspectors, on whom the company relies for a zealous and energetic co-operation in promoting its object, as shown in the preamble to its bylaws, and sanctioned by His Majesty, 22nd August, 1865, and required to observe the following instructions:—

"1. Each in his own district to keep a strict watch, that the contracts made with the managers of the company's public house and retail premises, as well as other regulations placed in them or communicated to the managers are punctually observed.

"2. To see that order and decency prevail in the public house and retail premises, for which purpose they shall visit said places daily, particularly at such times as they are likely to be most frequented.

"3. To control and certify, if required, the correctness of the managers' reports, as to the quantity of spirits sold; also to superintend the repairs and fitting up of the company's premises, etc.

"4. To note down the time of their visit to the public house and retail premises within their district in the ledger, which is kept in each of these places, and at the same time to enter such remarks as may be deemed necessary, which remarks, if the inspectors see fit, are without delay to be communicated to the company's office.

"The inspectors are further enjoined by friendly and earnest representations, to promote order and prevent abuses or disturbance in the above named premises within their district.

" RULES AND REGULATIONS GOVERNING MANAGERS.

"In the Gothenburg brandy company's taverns and public houses the following regulations shall be observed:—

"1. Cleanliness, order and decency shall be strictly attended to in every public house.

"2. The manager and his assistants shall treat their customers with civility and attention, and execute orders promptly and punctually.

"3. The manager shall keep his premises duly lighted and heated, well ventilated and swept.

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" 4. The manager who sells food, coffee, malt liquors, etc., on his own account, shall supply his customers with well cooked food, hot, if required.

" 5. All spirits and wines in the public houses belong to the company and are sold on its account, therefore no such stores may be sold, whether in casks, ankors, bottles or decanters, otherwise than in the company's vessels, which are duly marked for the purpose. All spirits and wines shall likewise be served in glasses, bearing its mark, G. U.

" 6. The manager is strictly enjoined to serve wines and spirits only for ready money, consequently never to sell them on credit, pawn tickets, or security, but payment is to be made as soon as the customer is served.

" 7. The manager is forbidden under severe penalty to sell wines or spirits to persons who are already intoxicated or under age.

" As persons under age, the tavern keeper or publican shall include not only children of 15 or less, but also boys, who have not yet reached 18 years; the manager shall, in each case, if possible, ascertain if the alleged age be correct, and in doubtful cases observe the above mentioned prohibition.

" 8. The company relies on the customers to show civility and good will to the managers and their assistants, and to behave so as to insure the maintenance of order and tranquility in the public houses.

" 9. If any one infringes this rule and thereby causes disorder and contention, and refuses to listen to a courteous remonstrance, the manager has a right and is in duty bound to turn him out of the premises.

" 10. On Sundays and holidays, as well as after 6 p.m. of evenings preceding such days, all sale of brandy and other spirituous liquors, either to be drunk on or off the premises, is prohibited in the company's twenty-five taverns and public houses; only the dram before meals may be served.

" 11. The premises shall be kept open on week days from 7.30 a.m. till 8 p.m. in winter, and 7.30 a.m. till 9 p.m. in summer; and on Sundays and holidays from 1.30 to 3, and 6.30 to 8 p.m.

" 12. All complaints against the manager and his assistants shall be referred to the company's accountant or inspector, who are bound to pay due attention to all such matters."

In the report of the auditors upon the accounts of the Gothenburg company for the year ending September 30, 1892, they remark:—

" With regard to the privilege granted the managers of the bar trade places of the company to sell strong malt beverages, such as beer and porter, on their own account in connection with the bar trade in wine and spirituous liquors, the auditors—both because of the aim of the company, which is to further abstinence and temperance by every means, and the large increase of late of the beer traffic in general and at the bar trade places owned by the company—believe it desirable that all sale of and bar trade in malt beverages on the premises of the company, with the exception of small beer, ought to be taken charge of and carried on by the company in the self same manner in which the company now carries on the bar trade in wine and spirituous liquors.

" It is perhaps not possible to offer direct proof that such bar trade as is mentioned above, carried on by the managers, has had evil results to any great extent, but it is undeniably in full harmony with the purpose of the company as well as with the demands of the public and the interests of temperance that the company should take charge of this traffic. At all events, in our opinion, such a measure on the part of the company would be a first step towards the desired end that all bar trade in the stronger malt beverages containing alcohol, such as beer and porter, might be carried on under the same surveillance and control as is now provided for the bar trade in spirituous liquors." (Page 137).

It appears that in the case of this company the managers were, up to 1874, remunerated by a percentage on the liquors sold, a plan which proved unsatisfactory and was abandoned in that year.

The following table from the Massachusetts House Document (p. 85), referred to hereinafter, shows the profits of the liquor companies of Sweden from 1881 to 1892, including the excise tax paid in lieu of license-fees:—

Years.	In towns.		In country districts.		Total.	
	\$	cts.	\$	cts.	\$	cts.
1880-81.....	1,476,094	46	73,007	62	1,549,102	08
1881-82.....	1,460,222	62	70,453	40	1,530,676	02
1882-83.....	1,272,866	60	68,056	50	1,340,923	10
1883-84.....	1,330,793	27	64,738	61	1,395,531	88
1884-85.....	1,433,176	86	64,264	39	1,517,441	25
1885-86.....	1,489,318	05	58,638	12	1,547,956	17
1886-87.....	1,577,653	50	62,270	61	1,639,923	11
1887-88.....	1,662,118	09	53,136	19	1,717,255	18
1888-89.....	1,567,133	16	55,914	79	1,623,047	95
1889-90.....	1,813,446	25	56,773	91	1,870,220	16
1890-91.....	1,667,800	74	56,655	15	1,724,455	09
1891-92.....	1,802,662	62	57,814	16	1,860,476	79

The following table shows the distribution of the average net profits for the five years 1880-85, to have been (page 86),—

Municipalities.....	\$1,014,205	00—69	per cent.
Landsting.....	176,039	82—12	
Agricultural societies.....	222,450	94—15	2
Country parishes.....	45,547	65—3	1
Commissions and small expenses....	8,671	44—0	6

And for the seven years, 1885-92, to have been,—

Municipalities.....	\$982,041	42—57	4
Landsting.....	286,422	04—16	7
Agricultural societies.....	214,096	08—12	5
Country parishes.....	206,920	30—12	1
Commissions and small expenses....	22,451	64—1	3

A summary of the transactions of 88 brandy companies, reported to have existed in Sweden during the year 1890, shows that the total amount of spirits sold by them was 20,222,500 quarts, a quantity which is reported to be equal to 57 per cent of the total consumption of the country.

The number of permanent licenses utilized to sell brandy in Sweden, from 1882 to 1892, were as follows (Pp. 74, 76, M. H. D., 192):—

IN TOWNS.

Years.	Conceded companies.	Bid in at auction.	Privileged.	Total licenses.	Inhabitants to each license.
1882-83.....	875	118	23	1,016	719
1883-84.....	862	124	23	1,009	743
1884-85.....	853	133	19	1,005	774
1885-86.....	912	69	16	997	807
1886-87.....	914	52	15	981	850
1887-88.....	904	51	13	968	884
1888-89.....	911	47	13	971	901
1889-90.....	902	43	13	958	936
1890-91.....	985	44	13	962	951
1891-92.....	811	42	12	865	1,073

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IN COUNTRY DISTRICTS.

Years.	Conceded companies.	Bid in at auction.	Privileged	Total licenses.	Inhabitants to each license.
1882-83.....		104	153	257	14,975
1883-84.....		93	143	236	16,329
1884-85.....		93	141	234	16,431
1885-86.....		92	132	224	17,311
1886-87.....		86	128	214	18,148
1887-88.....		84	128	212	18,297
1888-89.....		84	126	210	18,451
1889-90.....		70	116	186	20,728
1890-91.....		67	111	178	21,740
1891-92.....		63	109	172	22,526

The following statement gives the average annual consumption of spirituous liquors in Sweden from 1856 to 1890, by five years periods (page 200. U. S. Report):—

Periods.	Quarts per inhabitant.
1856-1860	10.03
1861-1865	11.31
1866-1870	9.40
1871-1875	12.47
1876-1880	10.67
1881-1885	8.66
1886-1890	7.42

This is of liquor said to contain 50 per cent of alcohol.

In the Massachusetts House document is given a table, prepared under the auspices of the Swedish Brewers' Association, showing the consumption of malt liquors, including 3 per cent small beer, to have been as follows, with the remark that the estimate is perhaps a trifle too low (page 80):—

In	Quarts per inhabitant.
1861.....	7.4
1871.....	12.8
1881.....	19.4
1890.....	28.2

The convictions for drunkenness in Sweden were (p. 82, Mass. H. D., 192):—

	Population.	Number of convictions.	Per 1,000 of population.
1874.....	4,341,559	16,422	3.7
1884.....	4,644,448	19,913	4.2
1891.....	4,802,751	25,548	5.3

The convictions for illegal sale of brandy were (p. 83):—

In 1885.....	818
In 1891.....	897

For the illegal sale of beer the convictions were (p. 83):—

In 1885.....	1,342
In 1891.....	1,412

The following figures of the number of licenses and the ratio to the population in Gothenburg (in 1892, 106,356), are taken from the Massachusetts House document 192, 1894 (p. 46).

Years.	Number of licenses.	Inhabitants to each license.
1868-9	43	1,172
1878-9	63	1,043
1888-9	70	1,348
1892-3	70	1,519

Of the 70 licenses last mentioned, 40 are described as licenses used for consumption on the premises, 7 as retail licenses used by the company, and 23 as retail licenses transferred to wine merchants. The licenses transferred to wine merchants, with the sanction of the local licensing authorities, confer the privilege of selling, so-called high grade liquors at retail (p. 46).

The preceding figures do not appear to include beer and wine licenses.

In the same report the consumption of liquors in Gothenburg, is estimated to have been, (p. 49):—

In 1875,—34.9 quarts per capital of the population.
 1885,—19.6 do do
 1892,—14.2 do do

This computation apparently excludes the consumption of beer, respecting which it is remarked:—"Although exact statistics of the consumption of beer in Gothenburg are not obtainable, it is known to have increased steadily and rapidly. Now (at the present) beer is a more expensive drink than brandy, at least in Sweden. If the diminution in the consumption of brandy were due to less prosperity, or to the work of temperance advocates, or to the influence of religious movements and the like, why has not the consumption of beer been similarly affected?"

It is also stated that in making the computation the population of four suburbs, forming what is really part of the city, although belonging to four country parishes, is included. (p. 49).

The same authority reports the consumption of spirituous liquors, sold by the company, to have been in the year 1874-5, 1,740,110 quarts, and in 1891-2 only 1,523,251 quarts, though the population in that time had increased from 58,307 to 106,356. (p. 50).

The ratio of persons fined for drunkenness in the city of Gothenburg was (p. 53):—

In 1855—138 per 1000 inhabitants.
 1865— 45 " "
 1875— 42 " "
 1885— 29 " "
 1892— 42 " "

The cases of delirium tremens were:—

In 1865..... 118
 1875..... 80
 1885..... 84
 1891..... 31

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In the city of Stockholm (population in 1892, 256,608) the total number of licenses, bar trade and retail, were:

	Number of licenses.	Inhabitants to each license.
1877.....	253	655
1887.....	231	987
1892.....	223	1,151

Of the 223 licenses existing in 1892, 143 were bar-trade-licenses used by the company, and 80 retail licenses. (p. 63.)

The consumption of liquor in Stockholm is given as being, in:
 1882 3—23.28 quarts per inhabitant.
 1891.2—16.71 " "

The calculation apparently excludes beer and wines. (p. 65.)

The convictions for drunkenness and the cases of delirium tremens in Stockholm are stated to have been (p. 67.):

	RATIO PER 1,000 OF POPULATION.	
	Convictions for drunkenness.	Cases of delirium tremens.
1876.....	46.0	4.3
1886.....	31.0	2.2
1891.....	3	1.8

In the Massachusetts House Document it is remarked, in regard to the foregoing statistics, that a necessary consequence of the spread of the company system was a better policing, notably of the towns, which resulted in a greater number of arrests for drunkenness, and that it is no cause for surprise to find that the number of arrests per thousand inhabitants has increased somewhat from 1874 to 1891. It is observed: "It may fairly be doubted if the figures would indicate a perceptible change but for the unrestricted and, to a considerable extent, illegal traffic in beer."

THE LIQUOR TRAFFIC AND THE COMPANY SYSTEM IN NORWAY.

The following summary of the Norwegian law regulating the sale of brandy, enclosed in a dispatch from Sir F. R. Plunkett, Minister at Stockholm, to the Marquis of Salisbury, dated the 2nd July, 1892, was obtained for the use of this Commission by Sir Charles Tupper.

A summary of the Norwegian law regulating the sale of br ndevin (corn or potato brandy).

In the following summary br ndevin also means drinks mixed or prepared with br ndevin; retail trade is the sale in less quantities than 40 litre or 50 whole bottles; retail only, when the liquor part of it is consumed on the premises; municipal board means the town council and local board.

THE RIGHT OF SALE OF THE PRODUCER.

No distiller of br  ndevin, whether in the towns or the country, is allowed to part with any brandy, manufactured by him, in a less quantity than 40 litre, and, even in such quantities he must not sell it by going round the country districts.

In cases where there are more owners than one of a distillery, only one of the owners can be allowed to sell br  ndevin outside of the distillery.

Other regulations in force for the sale of br  ndevin are as follows :—

(a.) In Towns.

The sale of br  ndevin in quantities of 40 litre and above comes under the general regulations for all mercantile trades, for which burghership as a merchant is required. (No special license is required). The retail trade on the other hand is combined with the retail sale into one trade, the carrying on of which requires a license, such license to be given by the magistrates and town council and only to a man or widow of age. In granting these licenses, the chief consideration should be whether the character of the applicants offer a reasonable guarantee for the permission to sell br  ndevin not being made bad use of. Licenses are granted for a term of five years, unless, by a general resolution, the municipal board have previously fixed upon a shorter time. Such license also includes the rights of selling br  ndevin in larger quantities than 40 litre, but no other trade for the carrying on of which burghership as a merchant is required can be combined with this, except the redistillation of ready manufactured br  ndevin. Rights of retail trade and retail in towns may also be granted to companies that bind themselves to apply the profits of the business to the good of the public and the rules of association of which have been approved of by the municipal board and confirmed by the government. The number of licenses to be fixed by the municipal board.

Every license holder must pay a yearly tax to the poor box of the place, the amount of which is fixed in the following way :—

(a.) Before the middle of October every year the municipal board meet to find out what quantity of br  ndevin there should be sold in the town in the course of the following year, both retail trade and retail. This quantity is taxed at the rate of 13½ ore (3½ cents) a litre, and the product arrived at shows the total amount which has to be divided between the different license holders.

(b.) Before the 30th of November every year the magistrates make a list of all persons entitled to sell br  ndevin retail trade or retail, and take their statements whether they want to pursue such trade or not. The magistrates then apportion the whole of the tax on those sellers that have declared themselves desirous of carrying on their trade, in equal parts, without taking regard to the extent of their business.

No one allowed to sell br  ndevin retail trade or retail to pay a less duty than 80 kronor (\$21.44).

The apportioning of the tax to be done before the 15th December, after which date a copy of the resolution shall be kept at a convenient place for inspection by the public. The amount due to be paid by two instalments, one half before the 15th of January and the other half before the 15th July. For the proper payment of the money due each of the parties concerned to give the magistrates an approved security, failing which he will be subject to have his license revoked. The same applies to everybody who does not pay his tax at the periods fixed, such loss of license to count from the date at which the omission took place; but he is still bound to pay the full yearly amount, which can be taken out by exemption like other taxes.

Under no circumstances can a revoked license be given back to anybody who has not fully paid the amount of tax due by him.

Should the municipal board find the tax on br  ndevin to exceed what is required for the poor box, such surplus may be applied for other purposes.

The traffic in br  ndevin is subject to the following restrictions :—

(a.) No one allowed to sell br  ndevin may do so in a less quantity than $\frac{3}{100}$ litre.

(b.) No one to sell br  ndevin in more places than one.

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(c.) No brændevin to be sold, whether in small or large quantities, on Sundays and holidays, or on the day before Sunday or holiday, after 5 p.m.

(d.) No sale, retail trade or retail, to take place before 8 a.m.

(e.) No landlord, innkeeper or publican to keep his place open for the public—travellers living there excepted—longer than to 10 o'clock p.m. Neither must he sell brændevin to children and apprentices, nor allow them to stay at his place for the purpose of getting such drinks.

(f.) No brændevin to be sold to anybody who is, or in such quantities as to make him intoxicated.

Moreover—

(1.) Every householder is forbidden to allow, or grant permission to servants, apprentices or idle people to congregate in his house in order to consume brændevin bought elsewhere.

(2.) No brændevin is allowed to be sold at churches, assizes, sales by auction or other occasions and places where people congregate.

(3.) At fairs no brændevin to be sold in streets or open places.

(b). In the Country.

In the country districts sale of brandy by retail may take place only at such inns as are required for the convenience of travellers, and are licensed by the government. Sale by *retail trade* in quantities of above or under 40 litre is only allowed to shopkeepers that are likewise licensed by the government; but as the same person may keep an inn and a shop, he can get a license for both *retail trading* and *retail*.

In the country, licenses for innkeepers to sell and for shopkeepers to trade by retail cannot be granted, unless recommended by the parish board.

No innkeeper is bound to keep brandy for sale.

Every holder of a license for *retail trade* or *retail*, unless before the 30th November, by a written declaration to the parish board, he shall have resigned his rights, is assessed at such a quantity of brændevin as he is supposed to sell in the course of the next year. On that quantity he is to pay a tax of 13½ ore (3½ cents) a litre, which goes to the poor box of the parish; but if the shop or inn be within a distance of 5.5 kilometre from a town, the total amount not to be less than is fixed in such town. From this tax no exemption can be granted. For the minimum of tax and the purposes for which it is to be used the same regulations are valid as in the towns.

The restrictions and prohibitions stated above under *b, c, d, e, f* and 1 and 2, also apply to the country, as do the following additional regulations:—

(1.) Sale of brændevin in the country may take place only at the residence of the license holder.

(2.) At country fairs the provincial (*amt*) government fixes what number of places for *retail trade* and *retail* may be considered convenient. The high-bailiff (*fogde*) may then grant as many temporary licenses as has been previously decreed by the provincial government, and with the retailing of brændevin no other sale can be combined than that of prepared food and small beer (*drikke*). Everybody who has got permission to sell brændevin at a country fair, before the license is handed over to him, shall pay a fee, not less than 40 kronor (\$10.72).

(c). On Board of Steamers.

Sale of brændevin by retail may take place on board of steamers only by government license, such licenses stating if and how far the restrictions of time given by the general regulations for the sale of brændevin shall apply.

Before those licenses can be granted to steamers plying exclusively, or chiefly, on firths, lakes or rivers and principal places of call of which are in a country district, the opinions must be taken of the councils of those provinces within which such steamers are running. On a license of this description brændevin can be

retailed only to passengers on board, and, if the captain permits it, to the crew and others permanently belonging to the ship.

Licenses for retailing brendevin on board of steamers are granted for a term not exceeding two years at a time, on payment of 40 kronor (\$10.72), but are not subject to any other taxation.

Penalties for transgressions of the regulations for the sale of broendevin are chiefly fines, but in case of repeated offences, may amount to imprisonment or penal servitude in the fifth degree (from six months to three years), besides which the brandy found in the possession of the transgressor up to a quantity of 120 litre is seized. The fines and moneys for the goods seized are divided into two equal parts, one going to the poor box and the other to the informer, if he belongs to the police. Should there be no informer entitled to a share, the poor box gets the whole.

Any member of the force who omits, within the space of 24 hours, to report to the superintendent of police any transgression against the law for the sale of brondevin that has come to his knowledge, is subject to a fine of, the first time, twice, and the second time, three times, the amount of fines due by the transgressor; but the third time, and any after, that he is found wilfully to have repeated his omission, he shall be expelled from the service.

A full digest of the liquor laws of Norway is given in the fifth special report of the commissioner of labour of the United States (pp. 86-106).

In the first section of the law it is provided that in towns and landing places every one who is a citizen, and in the country districts, every owner of specially assessed land, shall have the right to distil or manufacture brandy, and also to rectify brandy already manufactured. Superior magistrates of districts, judges, clergymen, officers of the police force and customs, form exceptions to this rule, and they are not allowed such privilege, unless, prior to the passage of the law which was enacted in 1848, they already possessed apparatus for the manufacture of brandy, and had lawfully made use of the same, in which case they were to be allowed to distil brandy as long as they continued to be the owners or tenants of the property on which the apparatus in question was in use.

By the law the manufacture, or rectification, of brandy was prohibited between the 15th April and the 15th October. By a law passed in 1878 the period of prohibition appears to have been changed to, from the 1st July to the 14th September, inclusive.

The third section of the law of 1848 provided that no still of a less capacity than 100 potter (about 25 gallons) should be used in distilling or rectifying brandy, and another clause provided for compensation to the owners of stills of a smaller capacity, who had been legally using them, prior to the passage of the law of 1848. This compensation was based upon a price determined by the king, and applicable to the whole country, as the value of the metal, with 10 per cent in addition. Every distillery was to be provided with two alcohol reservoirs, for the storage of the finished product, and which were to be open for inspection by the controlling officers, on both inside and outside, and under the bottom, as well as at the sides, in order to make sure that they did not contain secret drain pipes. Furthermore, they were to be fitted with a cover, which the controlling officer might easily lock with his own lock and key. These reservoirs were to be of a size large enough to contain the product of one day. The 28th section of the law reads as follows:— "As often as a distillery is in operation, it shall be taxed at least for a period of 15 days and for an average production of at least 1,500 potter (about 375 gallons) per day, even if the time of operation has been shorter, and the product less." The law provides for the payment of certain fees for inspection, sealing, etc., by officers of the state. The tax imposed in 1848 appears to have been 3½ cents per quart, which seems to have been gradually increased, until it is stated to have been 20 cents in 1888.—(Mass. H. D., 192, p. 91.)

The revenue derived from taxes on intoxicating liquors, in Norway, is said to amount to less than one-tenth of the total revenue of the state.

The company system in Norway differs in some interesting particulars from the system in Sweden. The net revenue of the companies in Sweden is handed over

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to the municipalities, which make the apportionment to the various interests entitled to participate, according to the law. In Norway, the companies apparently make this distribution.

In the fifth special report of the United States labour commissioner the method of distribution is explained as follows:—"Under the Norwegian system the surplus is not paid into the town treasury, but expended in the form of subsidies to objects of public utility, for the support of which the municipality is not bound by law to provide. Institutions desiring an appropriation send in applications prior to the general meeting in March. The directors and committee of management consider them in meetings held with open doors, and make or refuse grants by a majority of votes. The committee of management taking part in the distribution of the surplus is composed in part of 20 representatives chosen by the stockholders, and in the other part by 20 selected by the municipal council of the city from or outside the shareholders. The initiative regarding the destination of the surplus rests with the directors of the company, who make propositions to the committee of management. All jointly discuss the proposals on their merits, and afterwards decide, but such decision is not carried into effect until it has been approved by the governor of the district, after he has obtained the opinion of the magistracy and council." (p. 177.)

Taking the case of the Bergen liquor company as a sample of the system, it is said to be bound, by the following obligations, to show a due regard to the public interests. (pp. 166-7).—

"1. The company's articles of incorporation, its regulations and by-laws, shall be submitted for the approval and confirmation of the magistracy and municipal council, and thereafter to the Crown for the Royal sanction and seal.

"2. The magistracy and municipal council have the right to inspect the company's books and accounts at all times.

"3. The municipal council nominates 15 members of the company's committee of management.

"4. The appointment of the managers and employés of the company's bars are subject to the approval of the magistracy and municipal council.

"5. The number of shops and bars necessary to meet the reasonable requirements of the community is fixed by the magistracy and municipal council, who also fix and decide their distribution over the area of the city so as to meet the public convenience.

"6. The company pays in advance into the local municipal treasury the usual excise revenue payable on the probable consumption for the year, as estimated by the local licensing authority.

"7. The company pays all the other general taxes, as usual, to the municipal treasury.

"8. The company is allowed no privilege not enjoyed by a private licensee, except only the right to hold more than one license. Its obligations are, on the other hand, very different, and such as a private licensee could not undertake.

"9. The shareholders cannot profit by the trade beyond receiving 5 per cent interest per annum on their shares.

"10. The public is so secured that after payment of the company's working expenses, excise revenue, taxes, and 5 per cent interest to the shareholders, the entire net surplus is applied in pecuniary grants in support of objects of general public utility and benefit, subject, however, to the retention of a sum equal to the capital to be kept as a reserve fund to secure the company's existence; but this reserve fund also belongs to the public, and becomes applicable in the same way as current annual profits in the event of the dissolution of the company, subject to the repayment of the shareholders' original capital only.

"The foregoing are obligations the company has incurred to the magistracy and municipal council on behalf of the community, but it has incurred an additional obligation to the Crown in order to obtain the royal sanction.

"The obligation to the Crown is that the institutions, charities, etc., receiving grants out of the company's surplus, shall be restricted to such only as draw no part of their income from the local taxes or treasury.

“The selection of the objects to be benefited is, subject to this restriction, left to the choice of the directors and committee of management.”

The company in 1877 employed the following staff (page 167).—

An inspector and manager.....	\$1,286 40
A cashier and book-keeper.....	804 00
A clerk.....	268 00
Twelve managers of bar trade places.....	428 80
Four managers of retail places.....	375 20
A warehouse keeper.....	536 00
A stock clerk.....	321 60
Seven assistants.....	187 60
Two police detectives.....	375 20

It has two detectives in its pay, who are attached to the municipal police, although they are paid by the company. They are charged with the special duty of looking after and detecting violations of the liquor laws.

The profits distributed by the Bergen company between 1877 and 1890 were \$348,655, the amount for the year 1890 being \$38,317. Amongst the items included in the distribution may be mentioned the following (pp. 178-179) :—

Bergen forest and tree planting society, for laying out the mountain road, repairing the mountain road, and tree planting, a total of	\$25,701
Museum of Bergen for library and objects of national and economic interest.....	24,924
Bergen home for boys, as capital.....	12,864
Magdalen home.....	13,721
Nygaard park.....	26,593
Bergen deaconess home.....	10,157
Waiting room for workmen.....	16,884
Bergen public library.....	13,936
Bergen national theatre.....	13,668
Permanent exposition building in Bergen.....	17,763
Building fund of Bergen young men's association.....	5,092
Temperance organizations.....	9,968
Fund for redemption of beer licenses.....	8,844

The number of licenses in Bergen (population in 1892, 56,513), and the number of inhabitants to each license, were as follows :—(Mass. H. D. p. 112).

Year.	Number of licenses.	Inhabitants to each license.
1877.....	14	2,911
1887.....	14	3,544
1892.....	15	3,768

The consumption of liquors in Bergen is stated to have been (p. 114) :—

In 1877.....	5.19 quarts per inhabitant.
1887.....	3.84 “
1892.....	4.66 “

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The following figures are given in regard to the arrests for drunkenness (p. 116):—

In 1877.....	24·8 per 1,000 inhabitants.
1887.....	13·8 "
1892.....	12·2 "

The arrests for illegal sale of liquor were (p. 118) :—

In 1877.....	15
1887.....	6
1891.....	5
1893.....	18

The number of refusals to supply liquor to minors and intoxicated persons in this city is given, (p. 119). In 1878, in the bar trade places, the number was 36,180. In 1888, it was 13,067, and in beer shops 2,587. In 1892 it was 13,819 in bars, and 2,421 in beer shops.

In the city of Christiania (population in 1892 165,500) the number of Licenses is given as follows (p. 125) :—

Year.	Number of licenses.	Inhabitants to each license.
1885.....	116	1,127
1891.....	68	2,336
1892.....	65	2,546

The average consumption of spirituous liquor in Christiania was as follows (p. 126):—

	Quarts per inhabitant.
In 1886.....	2·22
In 1891.....	2·63
In 1892.....	2·69

The following figures are given of the arrests for drunkenness and other crimes in this city:—

	Ratio per 1,000 Inhabitants.	
	Drunkenness alone.	Drunkenness in connection with other Crimes.
1876.....	66·4	43·7
1886.....	25·6	9·1
1889.....	41·2	14·0
1890.....	51·9	14·9

Christiania is said to be the centre of the brewing interests of the country, and there appears to have sprung up a large number of beer halls since the brandy traffic ceased to be a private business. It is said that the introduction of variety entertainments in places where beer is sold has also been a powerful factor in stimulating consumption (p. 127-8.)

The number of refusals to supply liquor to minors and intoxicated persons is said to have been in 1887 34,399, and in 1892 52,336 (p. 128).

The Christiania Company appears to have distributed between 1886 and 1891, \$312,006. Amongst the expenditure of this company are included items for the

orchestra of Christiania theatre, hospital for scrofulous children, fencing roads, building roads, for counteracting beggary, tourists' house, the largest item being for a new theatre at Studenterlund, \$51,456.

The Christiansand Company is the oldest in Norway. It was organized in 1871. The capital stock of the company amounts to \$10,000, divided into shares of about \$100 each. The interest allowed is five per cent. The board of directors engage and fix the compensation of the employees, and also prescribe needed instructions, and the rules to govern the sale, as well as to determine the prices to be charged.

When this company opened, the hours were from 8 a.m. to 10 p.m., but the hour for closing was shortly afterwards fixed at 8.30 p.m. It is stated that the sales at first showed no material change, but there was much less drunkenness observable in the community. The company discovered a dangerous competitor in the establishments selling beer. In 1873 the sales of spirituous liquors appear to have exceeded those of the previous year, to the disappointment of the directors. A special liquor officer was appointed, and other measures adopted, looking to a curtailment of consumption, and in 1874 there was a marked diminution, notwithstanding that it was a year of unusual prosperity with the working classes. The company appear to have engaged the services of a representative of the society of home missions to do temperance work in various parts of the city. In 1876, the company was given eight licenses for the selling of beer. Four granted to private parties previous to 1865 could not be expropriated.

On completing the eighth year of its existence, a communication was addressed to the company by the chief of police of Christiansand, from which the following are extracts:—

"The police experienced immediately that the company was an institution of great benefit to society * * * Its usefulness has become more and more apparent, increasing gradually from year to year. The influence of its preventive measures on the population at large is very perceptible. Contrary to the habits prevailing in former years, the family men now return to their homes when the day's work is done. Their love of home has grown as they have more and more been drawn away from the miserable companionship with drinkers, to which they were accustomed. In consequence, the friction between married people has lessened, and the complaints and denunciations continually uttered by housewives against the saloons have been silenced * * * The company system seems also to have brought about other improved conditions, and to have approached its aim incredibly fast, which to a large extent is due to the ability and energy with which the directors have gone to work, and the manner in which they have regulated the whole traffic."

In their report for 1882 the directors stated that "in spite of stringent times and lower wages, the stricter rules governing the brandy shops and the complete order and decency prevailing in them, the bar trade had not diminished to the extent expected. Consultations were had between the directors and the managers, and a list was made of the regular customers, and the quantity of liquor bought by the latter noted. It was found that many men of the working classes squandered a large portion of their wages in drink, and the directors of the company took steps to prevent this. Smaller dram glasses were ordered, and a rule laid down that only one dram, once in three hours, should be served to each person. A number of habitual drunkards were notified that in future they would only be permitted to visit one particular shop, and all sale of liquor was prohibited to persons known to depend, in part or whole, on charity, or who neglected their families in any way. It is stated that these orders not only proved effective, but were even hailed with approbation by the customers themselves, and the fear that the severe rules governing the bar trade would lead to larger sales at retail, and thus foster home-drinking, was not realized. (Mass. H. D. 192, pp. 99-100).

The bars of this company are described as follows:—

"The bar trade premises consist of two rooms, one a box-like arrangement, with a counter behind which liquor is dispensed, and an adjoining room, furnished with small tables and wooden stools. —While no special comforts are provided for

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the customers, the rooms are scrupulously clean and neat, as well as properly ventilated."

The rules of order are displayed, one of which is:—

"When the liquor ordered has been consumed, the person in question must leave the premises at once, and a prolonged stay in the same is not permitted. Children and apprentices are not allowed to visit the bars for the purpose of obtaining intoxicating drinks." (p. 100).

No malt liquors, temperance drinks or cigars are sold at these bars. The sale of these articles appears to have been kept entirely apart. Females are employed in the sale of spirituous liquors, but, it is stated that, their employment is gradually being dispensed with.

The relation of the manager of these bars in Norway to his employers is said to be very similar to that of the managers of similar institutions in Sweden. In regard to this particular company, the following paragraph is taken from the Massachusetts House Document, p. 102:—

"On the whole, the manner in which the Christiansand company has conducted its affairs calls for unstinted praise. No abuses of any kind were visible. During a four days' stay not a single intoxicated individual was met with, although searched for. Under the present circumstances it would seem impossible to confine the traffic within narrower bounds without encouraging 'kitchen bars,' which at present mean almost unknown evil."

It is observed that the company has worked hand in hand with the temperance societies since it was established, and that the pleasantest relations have always been maintained between them. It is also stated that the sale of beer by the company, in the places which it controls, has been placed under very nearly the same restrictions as the sale of brandy. The hours of closing in these are said to differ somewhat from the spirituous liquor bars, and the quantity sold to each customer is limited to one quart.

In Christiansand in 1870, the year before the company was started, the number of licenses issued for bar trade in brandy was nine, or 1 to every 1,274 inhabitants. Whilst eight licenses were placed at the disposal of the new company, it was decided that only four would be needed, and shortly afterwards this number was reduced to three. The last mentioned number, with two greatly limited hotel licenses, made the total existing number five, or one to every 2,566 inhabitants. (p. 103.)

The figures of the consumption of liquor (spirituous) in Christiansand (population in 1892, 37,000) are given as follows. (p. 104):—

1872.....	7.29 quarts per inhabitant.
1882.....	4.67 " "
1892.....	3.81 " "

Statistics of arrests for drunkenness are not obtainable, nor has any record been kept of the refusals to sell liquor to minors and intoxicated persons.

The consumption of liquor (spirituous) in Norway is given in the same report as follows (p. 135):—

1876.....	6.8 quarts per inhabitant.
1886.....	3.0 " "
1891.....	3.8 " "
1892.....	3.3 " "

This calculation apparently has been made on the basis of the liquor containing 50 per cent of alcohol. (p. 135.)

The report contains the following figures in regard to the consumption of beer in Norway:—

1870-71.....	16.9 quarts per inhabitant.
1880-81.....	22.7 do do
1890-91.....	31.2 do do

The report states that the statistics for 1892 were not available, but they would most likely show a continued increase.

The following statement showing the distribution of the profits of the Norwegian Liquor companies in 1891, is taken from the Massachusetts report. (p. 143-4).

Objects.	Amounts.
Mission Home, city	\$ 2,961.40
Church buildings.....	3,764.40
Other religious objects.....	2,780.42
Museums, collections, etc.....	9,192.40
Libraries, reading rooms and clubs.....	10,739.38
Public schools:—	
Buildings.....	25,107.04
Libraries and collections.....	1,890.74
Other educational purposes.....	1,892.46
Grammar schools and higher schools:—	
Buildings.....	1,911.82
Libraries and collections.....	943.36
Other purposes.....	5,949.60
Evening schools, Sunday schools, sailor schools, normal schools, etc	13,893.12
Schools of home industry, handicraft, housekeeping....	16,981.16
Scholarships for artisans.....	616.04
Orphan homes, educational institutions, etc.....	31,563.34
Rescue homes.....	532.60
Young Men's Christian Association.....	2,476.76
Temperance and total abstinence societies.....	5,683.47
Friendly societies.....	3,123.20
Homes for sailors, etc	884.04
Seamen's artisans' and other charitable societies.....	8,744.84
Public hospitals	12,759.48
Education of deaconesses.....	5,222.01
Association for assisting sick and poor.....	10,398.13
Poorhouse.....	1,880.20
Assistance, nursing and feeding of poor.....	11,025.05
Gun clubs.....	660.00
Gymnasiums	3,376.08
Public baths.....	14,617.52
Drawing schools.....	1,139.00
Theatres and public amusements.....	18,974.40
Music and singing.....	9,046.34
Other artistic objects.....	9,946.16
Railway building.....	9,034.28
Construction of highways and streets.....	34,313.11
Other subsidies to roads, etc.....	7,396.26
Lighting of streets.....	4,133.63
Water works and sewers.....	30,603.45
Fire brigades.....	2,719.39
Public parks, tree planting, etc.....	29,325.90
Medical assistance.....	388.60
Police.....	1,327.67
To municipalities, objects not specified.....	2,716.98
Other objects.....	5,879.65
Total.....	\$383,111.89
Not distributed, or put aside for reserve fund.....	15,211.14
	\$398,323.03

The following statement shows the quantity of brandy sold, the gross receipts, the total expenses, and the net surplus of the Norwegian brandy companies for the years 1881 to 1890, after deducting the amounts paid for licenses and taxes.

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STATEMENT showing Sales, Receipts, Expenditures, etc., of the Norway Brandy Companies from 1881 to 1890 (inclusive).

Year.	No. of Companies.	Sales of Brandy (Quarts).	Gross Receipts.		Total Expenses.		OF THE EXPENSES THERE WERE PAID AS				Net Surplus.		
			\$	cts.	\$	cts.	Town tax.		Brandy tax.			Beer and Wine tax.	
							\$	cts.	\$	cts.		\$	cts.
1881.....	40	1,824,768.7	420,821.37	270,969.17	7,839.54	70,251.91	8,431.82	149,852.30					
1882.....	41	1,187,699.3	444,358.47	277,833.99	10,223.93	69,395.31	8,594.49	166,524.48					
1883.....	44	2,290,972.8	511,316.39	332,533.86	12,017.42	83,875.51	10,376.89	178,782.53					
1884.....	45	2,417,597.5	540,592.98	335,190.90	12,991.57	86,944.29	11,213.12	205,412.08					
1885.....	47	2,305,670.7	562,304.20	335,638.51	15,524.17	92,740.33	11,930.50	203,645.69					
1886.....	49	2,379,572.7	603,103.29	428,856.28	16,218.02	104,995.43	13,555.17	224,247.01					
1887.....	50	2,556,433.1	665,215.66	440,067.52	21,560.60	103,647.39	15,097.20	225,148.14					
1888.....	50	2,351,983.9	704,674.91	444,542.86	21,721.67	102,079.06	14,344.70	200,132.05					
1889.....	51	2,790,389.3	754,182.28	448,629.59	23,503.60	102,692.73	14,004.07	305,552.69					
1890.....	50	3,218,187.0	838,453.20	467,369.19	25,368.31	103,197.69	13,704.18	371,064.01					

The profits, including excise and municipal taxes (or the total revenue apart from the income from the tax on distilling) were reported as follows (p. 206):—

Year.	Profits.	Year.	Profits.
1881.....	\$211,654.88	1886.....	\$315,570.00
1882.....	223,286.08	1887.....	327,614.73
1883.....	254,079.28	1888.....	372,827.13
1884.....	286,226.68	1889.....	431,983.47
1885.....	273,376.08	1890.....	503,670.89

The capital of the Norwegian brandy companies at the expiration of 1890, was (p. 202):—

Paip up capital stock.....	\$159,939.72
Reserve stock.....	314,283.86
Undivided earnings of the current year, and, in part, of other years.....	443,750.11
Special funds.....	31,706.28

The following note is appended to the statement relating to the undivided earnings:—"Of this the total from previous years, \$78,494.79."

The law prohibits the distribution of surplus profits until a reserve capital has accrued in a sum equal to the paid up capital stock.

The following table gives the percentage of liquor disposed of through the companies, and the quantities sold through other agencies in Sweden. (p. 72):—

Years.	SOLD BY		PERCENTAGE OF SALES.	
	Companies.	All others.	Companies.	All others.
	Quarts.	Quarts.		
1886-87.....	20,810,074.0	14,540,929.5	58.8	41.2
1887-88.....	19,710,357.4	14,833,337.4	57	43
1888-89.....	19,026,365.3	12,220,965.8	61	39
1889-90.....	20,222,500	15,153,722.5	57.1	42.9
1890-91.....	19,606,094.9	13,016,592.6	60	40
1891-92.....	19,870,198.3	13,154,955.4	60	40

It is suggested that the figures are not entirely accurate. The quantities sold by the companies are known. These appear to be deducted from the total quantity distilled in the country, and the remainder is put down as sold through other sources, but, it is said that 2 per cent of the brandy distilled in the country is exempt from taxation, and on the other hand that, there is a shrinkage through the process of refining raw brandy, the exact amount of which is not definitely known.

Since the passage of the law of 1871 the number of brandy shops in towns is said to have been reduced from 501 to 227, or from 1 to 591 inhabitants, to 1 for over 1,413. (p. 132.)

In 1892, out of 645 licenses granted for the sale of beer, 172 were held by the companies, and 473 by private individuals. (p. 134.)

The consumption of liquor in Norway seems to have reached its lowest point about the year 1887, that is, the average consumption per inhabitant 2.8 quarts. It then began to rise, and in 1891 it had reached 3.8 quarts, and in 1892 stood at 3.3. The cause of the increase is said to have been favourable times for the fisheries, new industrial enterprises, the building of canals and railroads, the destruction by fire

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of several large towns, which caused an unusual immigration of labourers, good crops throughout the country, the sudden springing up of associations of all kinds, both political and non-political, recruiting members from all classes of society, which caused to some extent a revival of the old drinking customs.

By the present system in Norway which permits of sales at wholesale of 10½ gallons, and that by any one holding a trader's license, and the fact that such sales are exempted from the municipal tax, of rather more than 3½ cents per quart, to which the retail sale is subjected, there is a temptation for the people to club together and buy brandy by the cask. It is sold in vessels containing about 42 quarts, which can be purchased for the small sum of \$13.40. This is a price said to be much below the retail prices of the companies, and there is saved, on the quantity bought, the municipal tax already mentioned which would amount to \$1.46. It is estimated that 49 per cent of the spirituous liquors consumed in Norway are purchased at wholesale, and that the rural population are the only customers, as, in towns, the officers look sharply after "spicing societies," as they are called, and are able to prevent the practice. It is said that this defect in the law leads to a much larger consumption of brandy in Norway than there otherwise would be, and is the chief obstacle in preventing the company system from reaching the highest degree of usefulness. (p. 137-8.)

This subject appears to have engaged the attention of the Norwegian Parliament, a commission having been appointed, as far back as 1888, for the purpose of considering the question of raising the minimum quantity to be sold at wholesale, and it is thought that the result will be to fix the minimum quantity at 66 gallons, which appears to be the lowest quantity which can be sold wholesale in Sweden, but, in order to keep up the price which the companies appear to desire to do, it is thought that an increase in the customs charges on foreign importation will be necessary.

A misguided zeal for the promotion of agriculture, and the then current belief in alcohol as a necessary stimulant during the cold season, are said to have been responsible for a law passed in Norway in 1816, granting every man the right to distill brandy from corn or potatoes raised on his own land. The consequences are said to have been startling. During the following twenty years the consumption more than doubled, reaching 16 quarts of brandy, containing 50% of alcohol, per inhabitant. In 1833, when distillation was still unrestricted, there were 9,576 stills in the country districts, and in the cities 151, with an annual output of 4,486,000 gallons, nearly the whole of which was consumed at home.

The Storting of 1842 is said to have aimed at terminating the traffic at one stroke, and enacted a law prohibiting, absolutely, all distillation of brandy, but it was found that so radical a measure only aggravated matters, and, finally, the law regulating the manufacture of brandy, and imposing a tax upon it, went into effect in 1848. The number of stills is said to have been reduced to forty, and in 1893 only twenty-three stills existed, owned, principally, by farmers' associations. (Mass. H. D. p. 90.)

In Norway the company system which was commenced in 1871 seems to have developed rapidly. In 1875 there were 24 companies; in 1880, 41; and in 1885, 48; and since that date the number has reached 51. (Mass. H. D. p. 129.)

CRITICISMS AND OPINIONS ON THE SCANDINAVIAN SYSTEM.

In presenting the fifth special report of the labour commissioner (1893) which specially relates to "The Gothenburg System of Liquor Traffic," to the President of the United States, Hon. Carroll D. Wright remarks:—

"For a quarter of a century, at least, Norway and Sweden have led the way in Europe in their efforts to lay down a satisfactory basis of control. The experience there cannot fail to be of inestimable value to other peoples, and, in fact, for many years those European nations which have sought to grapple with the problem in one fashion or another, have looked in this direction for suggestions. While from time to time the continental countries of Europe especially have undertaken to

regulate the liquor traffic, it has been probably as much with a view of utilizing it as a means of enhancing national financial resources as to deal with it from a moral standpoint. More recently Great Britain an even some of our own states have endeavored to acquire a knowledge of the practical working of the Scandinavian system for the purpose of studying its possible application to the somewhat different conditions prevailing in their midst.

In the report it is mentioned that,—

“A difference between the Norwegian and Swedish methods of distributing the profits has been referred to already. Particular merits are claimed for both. As a matter of fact, the surplus ultimately reaches practically the same dest nations in the two countries. It is in the method, not in the destination, wherein the chief difference lies. If we analyze the detailed statements which have been furnished regarding the subsidies accorded in Bergen, in Christiania, and even in the whole of Norway, we will find that the institutions mentioned are mostly those which should under ordinary conditions, receive municipal support. Such, notably, are schools, museums, libraries, and reading rooms, orphans' homes, rescue homes, public hospitals, poorhouses, lighting of streets, waterworks, and sewer construction, public parks, medical dispensaries, etc. The net earnings of the Swedish Companies go to the extent of seven-tenths, directly to the municipal treasuries, and it is not possible to ascertain the specific objects for which they are appropriated; but as has been said already, unquestionably the greater part finds similar ultimate destinations as in the sister kingdom.” (pp. 207-8.)

Statistics are produced showing that in Norway in later years, there has been an increase in the consumption of spirits and beer, the consumption of spirits, reduced to alcohol, having been in 1887, 1.5, and in 1891, 1.9 quarts per inhabitant, and the consumption of beer in 1887, 18.7 and 1891, 31.2 quarts per inhabitant.

On this subject the opinion is quoted of “Mr. H. Berner, of Christiania, for many years a member of the Norwegian Parliament, and whose knowledge of all questions relating to the licensing system of the country is most profound.” (p. 38.)

Mr. Berner says,—“The abuse of alcoholism was as great in Norway as in any other country. It was only by energetic efforts in the enactment of laws, taxation, and voluntary agitation for abstinence, that, step by step, this abuse has been corrected and that Norway has made the greatest progress of any country. Fifty years ago it was estimated that in Norway the average consumption was at least 16 quarts of 50 per cent alcohol per head, * * * In 1891 in Norway the average consumption per capita of the population was about 3½ quarts.” (p. 39.)

Speaking of the great reduction which had been made in the consumption of liquor up to that time, and the satisfactory position which Norway occupied in 1887 (when the consumption had been reduced to the lowest point, said to be about 1.5 quarts of alcohol per inhabitant, and the consumption of beer had not increased beyond 18.7 quarts per inhabitant), and the increase which had taken place in the consumption between that period and 1891 when the consumption of alcohol had reached 1.9 and beer 31.2, he said:—“The language of figures is incontrovertible, and it speaks loudly of a steady and very marked increase of drunkenness in Norway during these last years * * * This large increase in the consumption of intoxicating drinks, which cannot be explained by passing or outward circumstances, seems not yet to have reached the limit. We must be prepared for a further decrease in sobriety. But it will be asked to what cause or causes is this decline in sobriety attributable? To be sure a similar period of falling off had been witnessed earlier, namely, at about the middle of the seventies. But at that time the explanation was easy; there were the ‘splendid economic times’ which in more than one respect served to turn people’s heads. When the poor years returned again sobriety once more came to the front. At present nothing is known of economically palmy days such as may be compared with those of the seventies. On the contrary, complaints are loud that trade is in a languishing state. The branches of business, for instance, the agricultural branch in the eastern part of the country, in which the demand for labor has been greater than the supply, resulting in an increased rate of pay. But even if this justifies the conclusion that the laboring classes consume