

ture and sale of intoxicating liquors in the state, except as provided. The exception was that in cities and towns, sale for medicinal and mechanical purposes, by special agents was permitted. Following the example of Maine, a number of other states, also enacted prohibitory laws. Some of these laws remain. The majority of them were repealed about the time of the American Civil War. Public interest in that war for a time interfered with the attention that had previously been given to the temperance question. Many states felt the financial pressure of the situation, and enacted license laws as a means of raising revenue. In later years the prohibition agitation again became active. In some states it took the form of agitation for the adoption of constitutional amendments, making prohibition the fundamental law of the state. Kansas, Maine, South Dakota and North Dakota adopted prohibition amendments to their constitutions. Laws prohibiting the manufacture and sale of liquor are now in force in the State of Maine, Vermont, Kansas, North Dakota and South Dakota. The State of New Hampshire has a law prohibiting the sale of liquor, but not prohibiting the manufacture. Iowa has also a law prohibiting manufacture and sale, but the legislature has lately enacted a measure practically suspending its operation in certain communities where a specified proportion of the electors petition for such suspension and the dealers agree to pay certain sums. This, actually, is the general prohibitory law with option for license by localities. Prohibition is also the law in the unorganized territories of Indian Territory and Alaska.

It might at first sight appear reasonable to expect that it would be possible to ascertain the result of prohibition by comparing the states named with those states which have not prohibitory laws in operation. There are, however, a good many difficulties in the way of making such comparisons. The prohibitory laws mentioned do not prohibit the bringing of liquor into the territory over which they operate. Under them liquor importation is practically free. Parties can purchase elsewhere and bring in liquor for personal consumption to any extent. The prohibition is, therefore, imperfect, and it is impossible to ascertain exactly the amount of liquor consumed in the different states. Nor are there available accurate statistics of pauperism, crime, disease and other results of the liquor traffic in such form as to permit of comparisons being made that will show all the facts which it is desirable to have.

In some cases comparisons have been made between the police statistics of cities under license and cities under prohibition. Such comparisons are often misleading, especially so when only two cities are compared. For example the arrests for drunkenness in different cities are largely affected, not merely by the amount of liquor consumed, but by the police regulations relating to drunkenness, or by the custom of the authorities in carrying out such regulations. In one city where there is notoriously much drunkenness the record of arrests for drunkenness may have been much lower than of the city where drunkenness is much less common. It is well known that drunkenness is more common in large centres of population than in rural districts. A state having many such centres would, other things being equal, have more drunkenness than a state with a population almost exclusively agricultural. Cities and towns that have "a floating population," such places as seaport towns, are more likely to have marked drunkenness and disorder than inland places. The character and nationality of a population affects the drunkenness record. Climate has much to do with the extent to which relief of poor is necessary. The diligence of authorities in carrying out either the prohibitory law or the law for punishing the intemperance that results from the liquor traffic varies in different localities. For these and other reasons, statisticians admit the difficulty of making such comparisons as have been mentioned.

Tax Receipts.—The tax receipts issued by the United States government are sometimes taken to indicate the volume of the liquor traffic in the several states. A table showing the number issued in 1892 will be found in Vol. 7, Appendix 78. An analysis of the table, taking into consideration all the facts and conditions which affect this matter, will show that the record of the prohibition states is much superior to that of the other states. For instance, it will be necessary, in examining the table, to remember that New Hampshire does not prohibit the manufacture

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of liquors, nor the sale of, for export. In the case of Maine nearly one-fourth of the tax receipts issued were to dealers in a kind of malt liquors, which, as stated in evidence by Sheriff Cram, of Portland, Me., is not prohibited.

The tax receipts mentioned are sometimes spoken of as liquor licenses. This is a looseness of expression that is very misleading. Under the United States law, every person engaged in the liquor traffic is required to pay a certain tax to the Federal authority. This tax for retail liquor sellers at present is \$25 per annum. The tax is levied upon all dealers simply as a national revenue provision. The receipt given expressly sets on its face that it is not an authority to sell liquor. The penalties for selling liquor without this receipt are, however, very severe. They are generally much heavier than are the penalties provided by state laws for selling liquor in prohibitory states. To evade the severe Federal penalties it is a common practice for persons who violate, or intend to violate, the law in prohibitory states to pay this fee and obtain this receipt. It frequently happens that a business attempted to be carried on by such persons is stopped by the state law. Druggists and those who sell liquor for permitted purposes are also required to hold such receipts. It will, therefore be understood that the number of such tax receipts issued in any state is not at all a statement of the number of persons engaged in liquor selling in that state.

STATISTICS OF CRIME AND PAUPERISM.

In examining the table herewith submitted it is necessary also to bear in mind that the figures showing the criminals in states prisons and county jails, and the paupers in almshouses, &c., do not profess to be figures of convictions for crimes during any period, nor of persons cared for during any extended time; they simply set out the number of inmates of the institutions named on the particular day of the year on which the census was taken. There are not, in the hands of the Commission, returns that make it possible to show the yearly number of convictions for crimes of different states. The table is given, however, with this explanation, as the only available statement of facts which can be assumed to have some bearing upon the present enquiry.

PENITENTIARIES.

(United States Census, 1890.)

| States. | No. of Prisoners. | Ratio per 1,000. | States. | No. of Prisoners. | Ratio per 1,000. |
|----------------------|-------------------|------------------|----------------------|-------------------|------------------|
| Prohibition States— | | | License States—Con. | | |
| Kansas | 913 | 64 | Arkansas | 832 | 75 |
| North Dakota | 65 | 36 | New Mexico | 112 | 72 |
| Iowa | 623 | 32 | Washington | 251 | 71 |
| New Hampshire | 116 | 30 | Alabama | 1,086 | 71 |
| South Dakota | 97 | 29 | Virginia | 1,167 | 70 |
| Vermont | 91 | 27 | South Carolina | 806 | 70 |
| Maine | 170 | 25 | Massachusetts | 1,530 | 68 |
| License States— | | | Maryland | 690 | 66 |
| Arizona | 144 | 2 41 | Kentucky | 1,235 | 66 |
| Nevada | 96 | 2 09 | Indiana | 1,416 | 64 |
| Montana | 225 | 1 70 | Missouri | 1,701 | 63 |
| California | 2,051 | 1 69 | Illinois | 2,057 | 63 |
| Texas | 3,319 | 1 48 | Michigan | 1,108 | 52 |
| New York | 8,190 | 1 36 | Connecticut | 340 | 45 |
| Colorado | 526 | 1 27 | Ohio | 1,652 | 45 |
| Idaho | 102 | 1 20 | Pennsylvania | 2,361 | 44 |
| Oregon | 362 | 1 15 | Nebraska | 391 | 36 |
| New Jersey | 1,557 | 1 07 | West Virginia | 278 | 36 |
| Florida | 374 | 95 | Rhe le Island | 122 | 35 |
| Georgia | 1,729 | 94 | Mississippi | 429 | 33 |
| North Carolina | 1,422 | 87 | Minnesota | 432 | 33 |
| Utah | 180 | 86 | Wisconsin | 530 | 31 |
| Tennessee | 1,484 | 84 | Wyoming | 10 | 16 |
| Louisiana | 856 | 76 | | | |

JAILS.

(United States Census, 1890.)

| States. | No. of Prisoners. | Ratio per 1,000. | States. | No. of Prisoners. | Ratio per 1,000. |
|-----------------------------|-------------------|------------------|-----------------------------|-------------------|------------------|
| Prohibition States— | | | License States— <i>Con.</i> | | |
| Maine..... | 302 | .45 | Washington..... | 141 | .40 |
| Kansas..... | 432 | .30 | Alabama..... | 573 | .37 |
| New Hampshire..... | 113 | .30 | Tennessee..... | 654 | .37 |
| North and South Dakota..... | 97 | .19 | Arkansas..... | 307 | .33 |
| Iowa..... | 327 | .17 | Kentucky..... | 646 | .34 |
| Vermont..... | 30 | .09 | South Carolina..... | 374 | .32 |
| License States— | | | Georgia..... | 552 | .30 |
| Arizona..... | 97 | 1.62 | North Carolina..... | 442 | .27 |
| Montana..... | 193 | 1.46 | Virginia..... | 390 | .23 |
| Nevada..... | 54 | 1.18 | Mississippi..... | 284 | .22 |
| Wyoming..... | 59 | .97 | New York..... | 1,292 | .21 |
| D. Columbia..... | 213 | .92 | Indiana..... | 464 | .21 |
| Connecticut..... | 675 | .90 | Utah..... | 43 | .20 |
| Delaware..... | 139 | .82 | Nebraska..... | 219 | .20 |
| Florida..... | 270 | .69 | Wisconsin..... | 345 | .20 |
| Colorado..... | 275 | .66 | West Virginia..... | 153 | .20 |
| California..... | 682 | .56 | Oregon..... | 61 | .19 |
| New Mexico..... | 85 | .55 | Michigan..... | 399 | .19 |
| New Jersey..... | 783 | .54 | Illinois..... | 727 | .19 |
| Idaho..... | 45 | .53 | Missouri..... | 505 | .18 |
| Louisiana..... | 524 | .46 | Minnesota..... | 208 | .16 |
| Texas..... | 1,040 | .46 | Maryland..... | 163 | .15 |
| Pennsylvania..... | 2,386 | .45 | Ohio..... | 502 | .13 |
| Massachusetts..... | 954 | .42 | | | |

PAUPERS IN ALMSHOUSES.

(United States Census, 1890.)

| States. | No. of Inmates. | Ratio per 1,000. | States. | No. of Inmates. | Ratio per 1,000. |
|---------------------|-----------------|------------------|-----------------------------|-----------------|------------------|
| Prohibition States— | | | License States— <i>Con.</i> | | |
| New Hampshire..... | 1,143 | 3.03 | Nevada..... | 43 | .94 |
| Maine..... | 1,161 | 1.75 | District of Columbia..... | 221 | .96 |
| Vermont..... | 543 | 1.63 | North Carolina..... | 1,493 | .92 |
| Iowa..... | 1,621 | .84 | Michigan..... | 1,916 | .91 |
| Kansas..... | 593 | .41 | Missouri..... | 2,378 | .88 |
| North Dakota..... | 35 | .19 | Tennessee..... | 1,545 | .87 |
| South Dakota..... | 53 | .16 | Kentucky..... | 1,578 | .84 |
| License States— | | | South Carolina..... | 578 | .50 |
| California..... | 2,660 | 2.15 | Georgia..... | 901 | .49 |
| Massachusetts..... | 4,725 | 2.11 | Alabama..... | 623 | .41 |
| Ohio..... | 7,400 | 2.01 | Mississippi..... | 494 | .38 |
| Connecticut..... | 1,438 | 1.92 | Arizona..... | 23 | .38 |
| New Jersey..... | 2,718 | 1.88 | Oregon..... | 99 | .31 |
| Delaware..... | 299 | 1.77 | Utah..... | 62 | .29 |
| New York..... | 10,272 | 1.71 | Minnesota..... | 365 | .28 |
| Pennsylvania..... | 8,653 | 1.64 | Nebraska..... | 291 | .27 |
| Wisconsin..... | 2,641 | 1.56 | Idaho..... | 20 | .23 |
| Maryland..... | 1,599 | 1.53 | Colorado..... | 87 | .21 |
| Rhode Island..... | 490 | 1.41 | Washington..... | 71 | .20 |
| Illinois..... | 5,395 | 1.41 | Texas..... | 464 | .20 |
| Indiana..... | 2,927 | 1.33 | Arkansas..... | 223 | .19 |
| Virginia..... | 2,193 | 1.32 | Louisiana..... | 122 | .10 |
| West Virginia..... | 792 | 1.03 | Florida..... | 24 | .06 |
| Montana..... | 132 | .99 | | | |

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In the penitentiaries' statistics it will be observed that the highest ratio in prohibition states is much smaller than the highest ratio in license states; and that only one license state has as low a ratio as the majority of prohibition states.

In the gaols statistics, also, the highest ratio in prohibition states is much below the highest ratio in license states; and no license state has a ratio as low as the lowest prohibition state.

In the almshouse statistics one prohibition state has a ratio higher than the license states, and that is New Hampshire, in which prohibition is only partial. Two license states have a lower ratio than the lowest prohibition state; these two are southern states, and one of them (Florida) is largely under prohibition. Having in mind the fact that the figures quoted are of the pauperism provided for in almshouses, it is worthy of note that the highest rate is in the older states, where there are not only more old people, but where the public care of the poor is better organized.

The following analyses and deductions will help to a better understanding of the foregoing tables.

The population of the prohibition states is one-twelfth of the population of the whole country.

The penitentiaries of the whole country had in them, when the census was taken, 42,233 convicts.

Of these the penitentiaries in prohibition states had 2,080. But if they had had the same ratio as the other states the number would have been 3,770.

The non-prohibition states had in their penitentiaries 43,153. But if they had had convicts only in the same ratio as the prohibition states the number would have been reduced to 22,880, or nearly one half.

The jails of the whole country had in them 19,538 prisoners. Of these the prohibition states jails had 1,301. But if they had had the same ratio as the other states the number would have been increased to 1,628.

The jails in the non-prohibition states had 18,237. But if they had the same ratio as the prohibition states the number would have been reduced to 14,311.

The penitentiary convicts in all license states were .75 per thousand of the population. In prohibition states .39 per thousand of the population.

The prisoners in the jails of all license states were .37 per thousand of the population. In prohibition states .24 per thousand of the population.

The almshouses of the whole country had 73,045 inmates. Of these the almshouses in prohibition states had 5,149. If they had had the same ratio as the other states the number would have been 6,087.

The almshouses in the non-prohibition states had 67,896 inmates. If they had had the same ratio as the prohibition states the number would have been reduced to 61,788.

The paupers in almshouses in all license states were 1.29 per thousand of the population. In prohibition states there were 1.02 per thousand.

The foregoing figures make it clear that, in proportion to the population, serious crime and publicly supported pauperism are less in states under prohibition than in states under license.

MAINE.

It needs to be kept in mind that the prohibitory law of Maine does not provide such total prohibition as it asked for in the petitions which have been presented to the Parliament of Canada from time to time. The law does prohibit the manufacture of intoxicating liquors absolutely, and the sale except for certain purposes and under certain conditions. But for reasons already stated, importation of liquors into the state is practically free.

Prohibition was first enacted in 1851. The law was repealed in 1856. In 1858 the electorate of the state voted upon the question of choice between license and prohibition. Declaring in favour of the latter, the prohibitory law came into operation, and has remained the law of the state up to the present time.

Much interest attaches to an examination of the conditions in Maine, as showing the effects of 36 years delegalization of liquor selling. The Commission's examination was not quite what the undersigned hoped it might be, and suggested it should be. The time spent in the state was distributed as follows:—Eight days in Portland, the largest city; one day in Augusta, the capital; three days in Bangor, the city in which there is admittedly more flagrant violation of the law than in any other part of the state; one day in Pittsfield; less than half a day in Winthrop; about three-fourths of a day in Lewiston; an hour in Auburn, and two or three hours in Biddeford. At the several sittings of the Commission in the state 88 witnesses were heard. They were not selected because they were known to be favourable to prohibition, except perhaps a few suggested by Mr. J. H. Carson, who accompanied the Commission as the representative of the prohibitionists of Canada; Mr. Kribs, the representative of the liquor interests of Canada, naming, at least, an equal number, of known opponents of prohibition. Mention must also be made of the fact that besides the witnesses heard in the state, evidence was had from citizens of Maine at the sitting of the Commission in St. Stephen, N. B., and also from General Neal Dow at a sitting of the Commission in Montreal.

The facts, based on evidence heard and other information received, which your Commission sets forth in this report, are:—

An endeavor was made to ascertain the effect of prohibition on the consumption of liquors, on the industries and other business interests, on crime and the social conditions generally, and also to ascertain the facts about the measure of enforcement, the difficulties of enforcement, and the feeling of the people generally about the law.

It was learned that there is absolutely no manufacture of liquors in the state. Previous to the enactment of the prohibitory law there was extensive manufacture of both spirituous and malt liquors, but the distilleries and breweries were long ago closed, and there has been no attempt to revive the business.

CONSUMPTION OF LIQUORS.

As to the consumption of liquors in the state, it is not, for reasons set forth in an earlier part of this report, possible to state accurately the quantities taken into the state in recent years. A well-known citizen of Maine, Hon. A. W. Paine, of Bangor, who has for many years given much attention to this matter, furnished the Commission with some interesting figures, based on the internal revenue returns, which are, probably, approximately correct. They show that while in the United States, as a whole, the annual liquor tax is nearly two dollars per inhabitant, the portion of it contributed by Maine is less than four cents per capita.

The Hon. Nelson Dingley, an ex-Governor of Maine, at present and for many years a member of congress, and who is accepted as an authority on all matters relating to his state, in a recent address in the house of representatives at Washington, gave a statistical statement which shows that the consumption of liquors in his state is very small. He said:—

“For revenue purposes, as is well known, the United States imposes a tax on the manufacture and sale of intoxicating liquors. For the year ending May 1st, 1889, the revenue from this source was \$98,575,073, or \$1.95 per inhabitant on the basis of the population of 1880.

“As these taxes on manufacturers of and dealers in intoxicating liquors are collected with substantially uniform thoroughness in every state of the union, a comparison of the amount collected in the several states gives us some idea of the relative extent of the manufacture and sale of distilled and fermented liquors.

“In New York the amount of tax collected by the government from this source was \$2.30 per inhabitant; in New Jersey, \$2.95; in Pennsylvania, \$1.49; and in Maine three and two-eighths cents per inhabitant.

“The suggestior. has been made that prohibition mainly interferes with the traffic in malt liquors, but does not seriously restrict the traffic in distilled liquors. Inasmuch as the government imposes a higher tax on retail dealers in distilled liquors

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than on retail dealers in malt liquors, and keeps the two classes of liquor dealers separate, we have reliable means of comparing the number of retail dealers of distilled spirits in the several states, as it is well known that nearly all persons who propose to sell such liquors pay the small United States tax of \$25 rather than run the risk of incurring the severe penalties of the United States laws.

"According to the official returns of the officers of the internal revenue for the year ending May 1st, 1890, there were 185,868 retail dealers in distilled liquors in the United States, or one liquor dealer to every 275 inhabitants, on the basis of the census of 1880.

"In New York there was one retail dealer in distilled liquors to every 150 inhabitants; in New Jersey one to every 175; in Ohio one to every 230; in Pennsylvania and Massachusetts, one to 400; in Indiana, one to 325; in Delaware, one to 160; and in California one to 75.

"The average in all the States which have general license laws is one dram shop to 250 inhabitants. In Maine there is one retail dealer (tax receipt holder) in distilled liquors to every 750 inhabitants; in Vermont, one to 820; in Iowa, one to 520; and Kansas one to 800."

Referring to the 'Federal tax receipts' mentioned in the foregoing statement, there is evidence that many of those issued to parties in Maine are not what they seem to be—liquor selling tax receipts—as they are when issued to persons in other states. Sheriff Cram of Portland, whose evidence before the Commission was valuable, covering many points, gave an explanation of the tax receipts which should not be overlooked. His explanation is that sellers of beer which, it has been decided, is not prohibited, have to take out the United States license. There is nothing on the face of the receipt held by one of these persons to distinguish it from a spirituous liquor tax receipt. A considerable proportion of those holding such tax receipts never did, nor ever intended to violate the prohibitory law. Sheriff Cram said:—

"I took a list of the names of the persons who hold these licenses in this county two years ago, and I found that a large number of them are those people who retail small beer." He said that, from examination, he knew that the larger number of those holding tax receipts are "the soft beer keepers." "It might be difficult," he added, "to get a classification of them, because the certificate does not define whether the man intends selling soft beer or not. It says that he is going to sell malt liquor, but it does not make any distinction. I know, however, that the larger part of the entire list of those people sell soft beer."

Hon. Woolcott Hamlin, ex-supervisor of internal revenue for Maine, says:—"In the course of my duty as an internal revenue officer, I have become thoroughly acquainted with the state and extent of the liquor traffic in Maine, and I have no hesitation in saying that the beer trade is not more than one per cent of what I remember it to have been, and the trade in distilled liquors is not more than ten per cent of what it formerly was. Where liquor is sold at all it is done secretly, through fear of the law."

Hon. W. P. Frye, at one time attorney-general of Maine, and now United States senator, bears this testimony:—

"I can and do, from my own personal observation, unhesitatingly affirm that the consumption of intoxicating liquors in Maine is not to-day one-fourth as great as it was twenty years ago; that in the country portions of the state, under a vigorous enforcement of its provisions, has created a temperance sentiment which is marvelous, and to which opposition is powerless. In my opinion our remarkable temperance reform of to-day is the legitimate child of the law." Senator Frye's statement was concurred in by senators Hon. Lot M. Morrill and Hon. Hanibal Hamlin, congressmen John Lynch, John A. Peters and Eugene Hale, and the late Hon. James G. Blaine.

It is sometimes stated that the abolition of the saloon in Maine has caused a marked increase in the home consumption of liquors. Information on this point was sought by the Commission, and the testimony, in the main, is to the effect that the

use of liquors in the state has steadily diminished, and that instead of there being general use of them in the home, the cases of home use are so few as to attract attention and provoke surprise and comment. To ascertain the facts about the quantities brought in by express, agents of express companies and railroad station agents were examined. An express agent at Portland, who also acts as purchasing agent for those who desire liquors, said that a considerable quantity comes into the city, the packages generally being small—from a single bottle to two or three gallons. He expressed the belief that much larger quantities are received by freight trains and steamers. It is impossible, he said, for anyone to keep a large stock of liquors in the city. The other gentlemen who were examined on this point agreed that the quantity passing through their hands is very small, and that it is diminishing, being much less than even ten years ago. Mr. George P. Wescott, a gentleman who is not a prohibitionist, being questioned as to the use of liquors in homes now compared with what it was twenty years ago, said:—"It is very much reduced." "That," he added, "comes from the people being opposed to it. We see parents not allowing their children to associate with others who are rough or who are accustomed to drink beer. They draw the line at that."

It is made clear in the evidence given that throughout a large portion of the state, probably three-fourths of it, or more, not only is there practically no sale of liquors, but the cases of importation for family use are extremely rare.

BUSINESS EFFECTS.

The opinion is held by many, including some who are not in any sense friends of the liquor traffic, that prohibition causes business stagnation. Maine's experience as to this is, therefore, important.

Probably few persons would be better qualified to judge of this matter than ex-Governor Burleigh, of Maine, who, at a public meeting in the summer of 1891, said:—"To my mind, of all the puerile attacks upon our prohibitory law, that which asserts that it injures the business prosperity of the state, is the most absurd. It will be impossible to conceive of two things more incompatible than business success and intemperance. Sobriety and industry go hand in hand. Both are essential to success." He also says that taxation has been reduced the last year (1890) \$117,799.94, and that for the coming year will "be the lowest tax levied for thirty years." The savings banks have increased to 55, with aggregate deposits of "nearly forty-one million dollars, divided between 124,562 depositors."

Another gentleman of prominence in the State, Hon. W. P. Frye, United States Senator from Maine, said:—"Allow me to say, without any reservations, too, that prohibition has promoted legitimate lines of business in my state (Maine)—has not depreciated the value of real estate, nor been detrimental to any interest whatever except those of rum sellers. It has induced no man to emigrate to licensed states. And allow me to add, further, that any man who would emigrate from a prohibition state to a license state, simply because in the one rum was permitted to be sold, and in the other not, would leave his state for his state's good."

Many of the witnesses examined in the state were questioned as to the effects of prohibition on business interests, property values, etc. One gentleman, Mr. P. H. Brown, of Portland, who is a large real estate owner, said:—"Certain properties such as distilleries and breweries have been rendered worthless and certain other properties which were used perhaps for the sale of rum have also become vacant, but that is not considerable. As the town is less attractive as to residence, I think probably the value of all real estate has somewhat declined."

It is but fair, both to this gentleman and to the city, to mention that he is the owner of the largest hotel in Portland, the rental of which would possibly be larger if it could have a liquor selling license.

Mayor Baxter, of Portland, who is the owner of much real estate, has given careful consideration to the question of the effect of the prohibitory law on the value of property, said:—"I own considerable property in Portland, principally business

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property, and I am perfectly satisfied in my own mind that the prohibitory law has not damaged me in any way. I think, perhaps, I get a better class of tenants than I should have otherwise, men who pay very well. Now there has been a difference of opinion about that. Mr. John Brown used to argue, and his sons argue similarly, that the prohibitory law does great damage, and that buildings of theirs would be occupied without a prohibitory law, which are now idle. Mr. Brown claims that it is a damage to the estate. I have taken a different view. I think I am right and he probably thinks he is right, but I think it is owing to the nature of his property more than anything else, that some of it is not occupied. He has certain buildings which, perhaps, should never have been built. He owns the Falmouth Hotel, and, of course, if that hotel had a license and could sell liquor, it would have been a large source of revenue to him.

Mr. S. L. Carleton, barrister, of Portland, and one of the oldest residents, said:—"The effect is good, a thousand times good. I have had real estate in this town. I have now from sixty to seventy tenants. When the prohibitory law was brought into operation, people used to drink liquor, and did not pay their rent, but immediately that they were sobered up everything was all right, the children were clothed and the wife was clothed and they paid their rent. Before that the rent that should go to the landlord, went to the rum-shop."

There were other equally strong expressions of belief by witnesses that prohibition has enhanced, instead of depreciated the value of property.

An important statement about the business prosperity of Maine, made since the visit of the Commission to that state, is found in the inaugural address of Governor Cleaves to the legislature, 5th January, 1895. He said:—"The financial condition of the state, as shown by the report of the state treasurer, is most gratifying. There was a balance in the treasury on the first day of January, 1895, of \$458,195.85. * * * The net indebtedness on the 31st December, 1874, after deducting the amount in the sinking fund, was \$5,570,876, nearly all of which was incurred for war purposes, and on which amount the annual interest charge was \$334,252. During the following twenty years there was paid on this debt \$3,167,876, reducing the bonded indebtedness of the state, on the thirty-first day of December, 1894, to \$2,403,000, and reducing the annual interest charge from \$334,252, in 1874, to less than \$76,000 at the present time. * * * The outstanding bonds of the state, bearing interest at three *per centum*, command a premium. Our cities and towns, in making their temporary and permanent loans, are negotiating their securities on a four *per centum* basis, and in many instances for less. The bonds of the state and of her municipalities are among the choicest investments, and are in quick demand, not only by our own people, but throughout the financial centres of New England and the Middle States. The high financial credit of our state and of her various municipalities rests upon a permanent basis. * * * There was outstanding against the state on the first day of January, 1893, a temporary loan of \$300,000, that had existed for several years. * * * I am pleased to state to you and the people, that during the past two years the entire temporary loan has been paid from the receipts of the treasury. In addition to this, \$103,000 has been paid on our bonded indebtedness, thus reducing the state debt during the years 1893 and 1894, \$403,300, and our interest charges not less than \$17,000. On the first day of January, 1895, as before stated, the unexpended balance in the treasury was \$458,195.58; more than sufficient to meet all our outstanding liabilities."

Of taxes the Governor says: "The state tax for the year 1893, was two and three-fourths mills on a dollar. The levy for 1894 was on a basis of two and one-half mills, making a reduction in the state tax for the past year of \$77,634." He anticipates a reduction in the receipts the present year, but adds: "I can, however, safely recommend that for the year 1896, the state tax be reduced to two mills on a dollar," which would reduce the tax to be levied for 1896, \$162,239.16.

"Upon this basis there will be a tax of only twenty cents on every one hundred dollars of the assessed valuation of the property of the state, and one-half of this, under a statute that has existed for more than twenty years, will be devoted solely

to school purposes. Deducting this school tax, which is distributed to aid in maintaining our schools, the rate of taxation for the support of the state government will be only ten cents on one hundred dollars; the *lowest rate of taxation* for that purpose, that has existed since Main was admitted into the American Union as an independent state."

Of the savings banks in the state, the governor says: "The report of the State Bank Examiner shows a gratifying condition on the part of our savings banks, trust companies, loan and building associations. The entire resources of the fifty-one savings institutions on the twenty-fourth day of November, 1894, were \$37,761,918.46. The increase of deposits during the past year was \$1,269,914.38. The gain in number of depositors was seventeen hundred and eighty-two." * * * "Notwithstanding the depressing influences that have surrounded many of our industrial enterprises and the interests of labour during the past two years, our state has steadily increased in population, in valuation of property and material wealth. Our enterprising people have constructed more than two hundred and eighteen miles of new railroad, penetrating and opening up various sections of the state. * * * "We look with pride on the permanency of our great business interests. * * * "We view with satisfaction the soundness and stability of our financial institutions; our national and savings banks, trust, loan and building associations, towering in strength and safety amid the storms of broken confidence, financial distrust and disaster, that have overtaken and submerged so many institutions of a similar character, in other sections of our country."

MANUFACTURING INTERESTS.

The manufacturing interests of Maine are large and important. In Lewiston and Biddeford there are extensive cotton mills and other manufacturing industries employing some thousands of persons. It was suggested to the Commission, in both these places, that the managers or superintendents of these industries could, doubtless, give valuable evidence; and it is to be regretted that in neither place was any of them examined. Such employers of labour as were examined testified that prohibition is a benefit both to their employes and to their business. Mr. R. T. Burrows, Portland, employs 200 men and boys. He said:—"I know the men who are working with me now and I talk with them. I also talk with manufacturer about their men, and they tell me that they get about five days' work out of their men per week in towns where license prevails. A proportion of their men are supposed to be off about one day of the week on account of drink. I have none of that trouble here. This spring I have had one man who has been away on account of drink, but that is all. It would cost us more to manufacture our goods if we had no prohibitory law. Our profits would be less. We pay the highest wages to our men here. We pay our men more than they do at Grand Rapids, Mich., in similar business. I think the wages would be less under a license system. The men would be less competent. We pay a certain amount for the work done, and if the men were not competent to do it they would not get so much money out of it. I think that drink is unpopular in the rank and file of our young men here. I have seen a great many young men here grow up with whom I am acquainted, and it is an exception to find a young man of respectable family who learns to drink or to become a user of drink. The prohibitory law has emphasized the danger of the drink habit to these young men."

Mr. McIlroy, agent of the Winthrop mill company, said:—"There is not nearly so much drunkenness as there was 18 or 20 years ago. I do not know any place where liquor can be purchased in the village. I think the prohibitory law has had the effect of promoting temperance in this town."

Colonel C. Wayne, Winthrop, manufacturer of boots and shoes, who has been a member of the Legislature and a member of the Governor's council, said:—"If there is any (secret) sale of liquor it is in a very limited degree. The people are more temperate than they were twenty years ago. I attribute that largely to the

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temperance sentiment and to the effects that temperance law has had upon the minds of the people from their own experience and observation of its effects upon the community generally. There is a large gathering outside the hotel here (it was the 4th of July), and you cannot see much intemperance amongst them, or if you have, you have seen what I have not seen. I know the state pretty well, and looking at the prohibitory law, broadly and generally, I believe that the prohibitory law has had a good effect upon the state. I am ready to testify in the affirmative on that question anywhere and any time, and before any man or men. I have not always been a temperance man myself, although I am to-day and have been for several years. I think that the most of our citizens will testify with me, that our prohibitory law has done great good."

Mr. William Dobson, proprietor of woollen mills at Pittsfield, said: "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."

MORAL EFFECTS.

It was thought that clergymen could give the commission valuable information about the moral effects of prohibition, and representatives of several denominations were examined. Quotations are made from the evidence of all the clergymen heard. Only two expressed doubts about the benefits of the prohibitory law.

Bishop Neely, of the Protestant Episcopal church, has been a resident of Portland for several years, but, he said, he had not made an examination into the workings of the prohibitory law either in the city or in the state at large and could only give an impression. He felt, he said, that the law is not entirely effective, adding: "I would be far from saying that it has had no good effect. I think it has. I think it has had more or less a good effect but how much I cannot say because I do not know what the condition of things was before the law. It must have had a good effect. In the country parts I do not think it has been detrimental; on the contrary, it has been advantageous, and wherever public sentiment would sustain it I have no doubt it would do good."

Bishop Healy, Roman Catholic, was visited at his residence. He is not, nor ever has been in favour of prohibition. His views and the reasons for them are stated at length in his evidence. His position is quite difficult, as he frankly stated. Speaking of those prosecuted for violation of the law, he said: "I think in our prison there are 120 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 my influence over them. To tell you the truth we scarcely dare to speak to them of it. But," he added, "In our little villages and country places where public sentiment maintains the prohibition law it has done a great deal of good. It has done away with the village taverns and loafers."

Rev. Mr. Whitcomb, Free Baptist, is principal of the Maine state central institute, situated at Pittsfield. He has resided in the town twelve years, during which time the capacity of the woollen mills and other industries there has been considerably increased, increasing the number of their employees; and the attendance at the institute has steadily increased. Questioned about drinking and drunkenness, whether they had increased or decreased, and as to the strength of prohibitory sentiment, and the effect of enforced prohibition on the morals and religion of the community, he said: "It (drinking) has decreased vastly since my residence here. Those who come to our village, especially within the last few years, have remarked with a good deal of surprise, upon the little sign of drinking in the place. It is very

rare to see a drunken man here, and when a man is found drunk in the streets, it most often turns out that he brought his liquor with him. Our own people do not go in for liquor. We had workmen here last summer at the new mill, some of them pretty rough characters, and they would go to Bangor once in a while and get drunk * * *. There was a good deal of drinking here at one time. Liquor was sold in this house (a hotel) and it was sold in other places around here, and there were signs of drunkenness, and we had some of our citizens who were ruined by liquor. There was a good deal of lawlessness in the village. Since the enforcement of the law the village has amended greatly in these particulars. Our boys were in the midst of facilities for drinking and were growing up in rather a bad way. Any who will tell you the truth, will tell you that we have prospects of a good deal better citizenship now. The young men growing up in our midst do not know anything about this drinking; I think we have now one of the cleanest villages in the state. We have a large college here and we invite parents to send their children here, because there is no liquor. We tell them that it is safe for them here, so far as drinking is concerned * * *. I am confident that the honest prohibition sentiment has increased. It is in a healthier condition now than I have ever known it, because we have proved that under it our people are prospering. When I came here it seemed as if the most of our people lived in rented houses and did not have particularly good houses, but even since I have been here, the village has prospered and the people own their own houses and are living better. I do not attribute all the material prosperity and the growth of the place to temperance sentiment, but no doubt it has had something to do with it, and this fact is shown in the better condition of the people * * *. Some of these people would drink if it were right here before them, but they have not the opportunity of drinking now. The temptation of drink is removed from them and they are better people. Yes, that is matter of remark, and our people have improved materially * * *. The moral and religious tone of the place has greatly improved within the last ten years, that is apparent and is common testimony. Our mill property has been enlarging; Mr. Dobson has enlarged his mill twice and there is another mill across the river. Our people are a sober and pious people. Temperance sentiment has increased, morality has increased and religion has increased. Religion has a broader flow here than it had ten years ago."

Rev. Dr. Randall (Methodist), is, perhaps, the oldest minister in Maine. He has lived in the state 65 years, and was in the active work of the ministry 55 years. He has had ample opportunities to observe the changes which have taken place in the state and to judge how much the prohibitory law has contributed to the improved condition. He said:—"Intemperance prevailed to a great extent before the enactment of the prohibitory law. Nearly everybody sold liquor then, restaurants and hotel-keepers. The condition of Maine was at that time what might be expected where intemperance prevailed, but very soon after the enactment of the prohibitory law, a change of things took place. The enforcement of the law stopped the sale of intoxicating liquors in the country towns and to a very large extent in the cities. We had I think three distilleries in Portland, and I do not know but we had more, before the prohibitory law was enacted. These were soon obliged to shut up and the enforcement of the prohibitory law made a very great change in the habits and morals of the people. There was a political change in 1857 and the prohibitory law was repealed and a license law was enacted. The effect of that license law was very soon seen by the increase of intemperance. Men commenced selling intoxicating liquors in the towns and in the country, and, of course, the result of that sale was very soon seen. A change took place when the prohibitory law was re-enacted. It was submitted to the people for their adoption, and it was adopted by a very large majority. Then very soon, owing to the enforcement of the law, a change took place and there was scarcely any liquor sold in the country places. Sometimes it is brought in by stealth but no person openly sells it. In three or four or five cities in the state the law is not so generally enforced as it should be, but where it is enforced the effects are very noticeable.

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"It has been very well enforced in this city, I think, under the administration of our present sheriff. There is liquor sold in the city, there is no doubt about it, but it is not sold openly. The effects of the enforcement of the law are very visible. I think that in Augusta, Bangor, Biddeford, Lewiston, the law is not so well enforced as it should be, but when it is enforced its effects are seen.

"I have been chaplain of the House of Representatives for several sessions and was, I may say chaplain at the time the constitutional amendment was enacted. We do not expect that intemperance can be entirely subdued by law any more than theft or burglary, or other crimes, but that the law goes very far toward the suppression of intemperance is very evident."

Rev. Dr. Blanchard, Congregationalist, has resided eleven years in Portland. His church is, numerically, one of the largest Protestant churches in the city. He told the Commission that he is "not a prohibitionist in the sense that General Neal Dow is." He is opposed to saloons because they invite men to drink. He thinks the "government should have charge of so dangerous a traffic," and he inclines to favour some such system as that of Norway or South Carolina system.

Of the working and effects of the prohibitory law he said:—"My general impression is this, that the liquor saloon is more and more restricted and that there is a growing sentiment against the use of liquor because of these restrictions and because of the obliquy cast upon the man who sells liquor. You gentlemen can hardly understand it, who live in places where liquor is sold. I lived in Brooklyn and it was a very common thing to see men go in and out of the saloons. When I lived in that city and saw the open saloons there, and when I lived here I said there are many advantages on the side of the prohibitory law.

"So far as the enforcement is concerned I think that the law here is very well enforced. I was told, however, by a man in charge of a large hotel, 'I do not want to sell liquor, but my guests come from all parts of the world, and it seems my duty to sell.' A year later that man told me: 'I have made up my mind since the officers are enforcing the law, that I will not sell liquor as I do not propose to go to jail.' Therefore, I believe that the enforcement of the law stops the sale of liquor in our hotels and principal places of resort . . .

"My own impression, Sir Joseph, is that as a result of this law there is a steady decrease in the use of liquor, and a deepening conviction on the part of the community that it is a dangerous traffic to have liquor used . . . When I know how young men of our small towns are protected from liquor as they were not in former years, I say that there is a great advantage in the prohibitory law in protecting the young men as they grow up in the country districts. And the young men of the state, taken as a whole, clerks and young business men, accountants and the like, are he said, a sober class. They have more or less an abhorrence of the drink habit and I cannot help thinking after all my criticism of the prohibitory law that it has done a great deal to educate these young men to abhor liquor."

Rev. S. F. Pierson, for many years engaged in the city mission work, having been superintendent of Portland City Mission since 1878, is well acquainted with every part of the state. He has visited and lectured in every town of 1,000 people from Biddeford to Aroostook, and as closely observed the operations of the prohibitory law. In illustration of the lessening sale of liquors he said:—"There was an old gentleman here a few days ago who drove one of the early stages from Portland to Lewiston, thirty-seven miles. He told me that forty-five years ago there were forty-three places on the road where he could stop with his stage, either at the tavern or grocery store, or dry goods store, and procure all the liquor that any of his passengers might want, at three cents a glass, and they could help themselves at that price. After being absent from the city in Minnesota for a number of years, he wanted to see what the effect of the law was, and a friend and himself took a team in Portland and drove to Lewiston, and he said that he was unable to obtain one drop of liquor from the time he left this city until he reached Auburn."

He told the Commission that he is on the streets every day many hours, early and late, in pursuance of his duties as city missionary, and expressed surprise at the statement sometimes made that many drunken men are to be seen. He said:—"I

should like to illustrate how full our street are of drunkenness. I was standing in our door one day a short time ago, and a gentleman asked another how often the street cars ran to the observatory, and the man that he addressed answered him and asked if he were a stranger here and he said he was from Montreal. It was some few moment before the car was to come along and they entered into conversation, and this gentleman from Montreal, was expressing his admiration of the city of Portland and telling what a clean city it was. That was true of course, and this man that had given him the information said, Oh, there is not such a drunken place in all the country as Portland. I did not want the stranger to go off with such an idea as that. I spoke out and said, Look here, my friend, I think you are giving this stranger a wrong impression of the city. He said, Look here, Pierson, everybody knows what kind of a crank you are, and I am telling this man the truth. I said, Here is my horse and carriage, get into it and we shall drive to the Observatory and back again to the union station, and we will get out of the carriage and go to the station and drive around the city, and if you can find or discover one man who is intoxicated and not able to take care of himself, I will give you fifty dollars, and if you cannot do that you give the Gospel Mission a barrel of flour. That man, instead of getting into the carriage, started and walked up the street, and the gentleman from Montreal had a good laugh at his expense. The streets are not full of drunkenness, and the man who says so is very careless with the truth, or else he has got some selfish purpose that I cannot understand."

Of the educative effects of the outlawry of the liquor traffic on the young people of the state he said:—"At our camp at Sebago Lake, where it was presumed 10,000 people were assembled, I lectured on "Men Turned Inside Out," or the effect of alcohol internally and externally. That lecture was delivered to the juveniles. There were five or six thousand children eligible for membership. I asked the question, How many under fifteen years of age in that audience had ever seen a man who was so drunk that he lay down and was not able to control himself and rise, and out of the whole multitude there was but one who held up his hand. That is the educative effect, absolutely, of prohibition in our state."

Rev. Matt S. Hughes is pastor of the largest Methodist Episcopal Church in Portland. It is the largest Protestant congregation in the state. Having lived in licensed towns he was able to compare the conditions under license and prohibition, and his testimony in favour of the latter was strong.

Of prohibition in Portland he said: "I think it is a decided benefit to the city. My reasons for saying that grow out of my experience as a clergyman. It struck me as being a peculiar thing that under the present system here I did not know of a family in my church where there was an intemperate or drunken son. My church is the largest Methodist Episcopal church in the city, out of seven or eight. It is the largest Protestant church in the State of Maine. When I say that here in the city of Portland, with all the drawbacks that there are in the enforcement of the law, that I do not know of a family in my church where there is a drunken son, it seems to me a most remarkable thing. It is estimated, so the committee tell me, that we have 500 families who have church privileges in my parish, and since I have been here I have not been called into a home on account of liquor."

His statement about the young men of Portland was quite remarkable. He had, he said, intimate knowledge not only of the young men of his congregation but of the young men of the city generally, and he had been surprised to hear one gentleman say that the drinking habit was increasing amongst them. He said: "I have not, amongst the young men of my acquaintance one whom I would term an intemperate young man, and I do not know of one who is addicted even to the moderate use of liquors. That is among the young men; of some of the older men I cannot say so much. I attend our commercial travellers' banquet and a great many banquets in the course of the winter. I belong to the Masonic fraternity. I am a thirty-two degree mason and an Knight Templar, and I know the class of men you usually find around such places as these. There is scarcely any kind of an association of our city with which I am not more or less familiar. I may add that I make it a point to stand on the same ground on which other men stand, and I have given you

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the result of my observation. I have a Sunday school of 950 scholars, and I never have had any difficulty in any way in my school on account of liquor.

From careful observation he had, he said, become convinced that the advantages of having no open saloons is abundantly apparent, and more than counteract all the difficulties of enforcement and more than counteracts the clubs and the illicit saloons of all kinds.

CRIME IN MAINE.

In dealing with criminal statistics it has been found that those relating to the higher crimes are more trustworthy. It is very difficult to get at the actual facts about the minor offences, such as are dealt with by police, judges and by magistrates in towns, villages and country places.

For purposes of comparison police statistics are often almost valueless, because of the difference in police administration and in court record keeping.

The Commissioners have found it very difficult to make correct deductions from this class of statistics furnished them, including those of Canada.

POLICE STATISTICS.

In any comparison of police statistics of Maine with those of any other state, or with those of Canada or any part of it, due consideration must be given to certain facts which appear to be peculiar to Maine. Men are arrested for drunkenness in Maine who would scarcely be noticed in many cities of the other states and of Canada. On this point much inquiry was made. The following quotations from the evidence show what the rule is.

Mayor Baxter, of Portland, said: "The police are ordered if they see a man intoxicated to bring him to the station. At the present time if a man gets intoxicated in one of these places where they sell liquor, they immediately put him out of doors, where he is seen. They will not allow him to lie around there, because they are afraid. So every drunken man gets out on the streets and is taken up. Formerly when these men got intoxicated they were kept on the premises or put out of sight, but now they are put out on the street."

Mrs. Stevens, of the W. C. T. U., said: "Men and women both are arrested here (Portland) under conditions that they would not be arrested in a licensed city. There are many, more or less, according to the number who get drunk, than there are in a license city."

Police Judge Andrews, Augusta, said: "We are strict here in arresting men. If a man steps cross-legged he is taken care of. All these cases (drunks) are carefully looked after by our police."

Mr. S. L. Carleton, one of Portland's oldest citizens, said he would expect the arrests for drunkenness in Halifax and St. John and other licensed cities to be less than in Portland. "When a man is drunk in Portland he is an eyesore, and everybody expects him arrested, and he is arrested. It is not so in licensed cities."

Insane people, truants from school and paupers are also included in the record of arrests, swelling the number considerably. It is clear that in comparing such police records with those of cities in other states, and also with such Canadian cities as Montreal, Toronto, Quebec, Hamilton, St. John and Halifax—where entirely different methods are in vogue—the foregoing facts must be kept in mind.

There are no reports showing the total convictions for drunkenness by police magistrates in Maine. The principal city in the state (Portland), however, does furnish a complete police court record.

According to the testimony of the police and police court officials in Portland, all arrests appear in the court record, including those persons who are discharged without being taken before the court. Of 1,313 cases of arrests in Portland, in 1892, 718 were discharged without being taken before the court. And cases occur in which a man arrested for drunkenness is tried also for two or three other offences, for disturbance of the peace, for resisting the police &c., and the court

record shows all the offences. Then, in making a summary of the court record at the end of the year, all these related offences, while given also in detail, are grouped under the head of drunkenness. For example, in the Portland city marshal report for 1892, 874 are grouped under the general head of drunkenness, while an accompanying classification of offences shows that the number really charged with drunkenness was 502. And the evidence of police officials shows that the number of persons arrested for drunkenness is not nearly so large as even the last quoted figures would indicate. Mr. Harmon, who has been connected with the police department of Portland for more than twenty years, told the Commission that he had noticed in recent years that the prisoners for drunkenness "are the same old crowd." "Take 100 men out of the city and lock them up, and there would be few drunks on the street."

JAILS.

Maine's jail statistics are complete, every county that has a jail making a full return. The returns show not only the number in the jails at the end of the year, but the number committed whether for a day, or for a longer period, on suspicion, preceding trial or after sentence. The committals include persons convicted of drunkenness, those sentenced to state prison, tramps, poor debtors and rum sellers. The last three classes, which are not included in jail returns generally, made up more than one-fifth of the total committals to jail in Maine in 1892. Rum sellers alone were nearly one-tenth of the whole number. In any use which is made of Maine jail statistics account should be taken of the fact that so large a number of the imprisoned are violators of the liquor law, a class not found in the prison statistics of other states. General Neal Dow said one difference between Maine and other states is that "Maine sends rum sellers to jail, other states send them to Congress." There are no Canadian jail returns similar to those of Maine, and comparison is, therefore, impossible.

CONVICTS.

The difficulties which have been mentioned as confronting the investigator who attempts to estimate the significance of the records of minor offences, and to make a comparison of them as they are found in different communities, or even in the same community under different administrations, do not exist to the same extent in the records of the higher crimes. Most communities are in substantial agreement that felonies should be punished by long terms of imprisonment. It is easy to ascertain the number of convicts in a state, a province, or a whole country. The reports of penitentiaries and states' prisons may, therefore be taken as indicating, with a good degree of accuracy, the actual prevalence of serious crime, and may, generally, be safely used for purposes of comparison.

Maine's convict record is lower than that of any other state in the union, and much lower than that of Canada. And its tendency is steadily downward. The state prison report for 1892 says: "The number of convicts has not been so small for many years. The average this year is sixteen less than last year."

Mr. C. W. Jones, chairman of the state board of prison inspectors, gave evidence before the commission of Augusta, and said that for a number of years there has been a marked decrease in the number of convicts in the State prison. He added: "We have at the present time the smallest number of convicts in the Maine state prison for any time over thirty years. Two weeks ago we made an official visit to the prison, and we had only 121."

And this low record would be still lower but that capital punishment was abolished in Maine many years ago, since which time, those who in most other states and in Canada would have been executed, are life convicts in the state prison. There are now forty of them. Deducting these, a comparison of the records of Canada and Maine shows that Maine has, in proportion to population, little more than half as many convicts as Canada. Canada in 1892 had one convict for every 3,989 of population. Maine, in the same year, had one convict for every 6,959 of population.

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PAUPERISM.

The statistics of pauperism, like those of crime, and for the same reasons, are quite untrustworthy, especially for purposes of comparison. No two states have the same system, in every respect, of caring for their dependent poor. The only comparative figures of pauperism in the United States, the Commission was able to get, are those based on the census returns. They do not show the actual pauperism in the various states, but only the number of paupers found in the almshouses on the day the census was taken. In some states there are many almshouses, in some very few. The states, therefore, which have most fully provided for housing their poor will appear to have more pauperism than those states which have not made so ample provision, though, as a matter of fact, they may have much less.

Maine is said to have more almshouses according to its pauper population than other states, and it is claimed is more careful and stringent in insisting that all the pauper shall be kept in almshouses. Being housed, the pauperism of the state appears at its largest in the census and other official records, which is not true of many other states, perhaps not of any. The census figures, which are the only ones available for comparison, and which, for the reasons stated, must be somewhat to Maine's disadvantage show, however, that its pauperism decreased more in the ten years from 1880 to 1890 than that of any other state in New England group of states.

Maine has not a large proportion of pauperism, and it is not all general, as evidence heard in the state shows, and its paupers are well cared for. A few quotations from the evidence will throw light on this part of the investigation.

Col. Fred Dow, collector of customs at Portland, said:—"In 1850 we had (in Portland) a population of 20,000 and the total number of inmates in the almshouses was 116. That was the year before the prohibitory law. To-day the total number in the almshouses is 135 and the population is, I believe, 37,000."

Mr. C. H. Baker, who has for many years been secretary to the board of overseers of the poor in Portland, told the Commission that any increase of pauperism in the city had been altogether amongst the foreign population. "The paupers of our native population have decreased rather than increased during the last ten years." He also said:—"Maine has more almshouses in proportion to her population than most any other state in the union, and they pretty generally insist that persons who are supported entirely at the public expense shall be supported in the almshouses. Some other places have not so many almshouses in proportion to their populations, and they are not so stringent in enforcing the idea that their paupers shall be supported in almshouses."

Mr. Baker, later, furnished the Commission with a statistical table of pauperism, which shows that about 75 per cent of those assisted are of foreign birth or descent, and are enumerated as Irish, Swedes, French, Portuguese, Germans, Danes, Poles, Russians, Dutch, Prussians and Norwegians. Accompanying Mr. Baker's tabular statement was the following explanation: "In the total number of persons mentioned as being assisted each year, is included all those persons contained in the families of outside poor, all who for each year were inmates both of the house and hospital, for a longer or shorter time; all whose expenses were paid by the city who were patients in the insane hospital; all persons whose transportation out of the state was paid by the city. In fact it comprises the whole number of persons who in any way were, during each year, assisted in a greater or less degree at the public expense."

Mrs. L. N. Stevens is the corresponding secretary for Maine in the national conference of charities and correction, and has for several years given much attention to this subject, with specially favourable opportunities of becoming acquainted with the actual facts. When she appeared before the Commission she had just returned from the Chicago conference, where she had reported the charitable societies, the correction societies, and the jails and prisons of the state. She said she had been able to report 57 Maine towns which have neither an almshouse or a single pauper. She did not get her statistics from the census, but by writing and personal investigation.

She said:—" I wrote to every town, and I also visited every jail and got statistics direct from every jail. I know that we have paupers whether we have a prohibitory law or not, but I believe that the prohibitory law lessens pauperism. Certainly in three-quarters of the towns in the State of Maine no liquor is sold, and I have seen young men and young women who say they have never seen a drunken man. I have been for many years in the conference of charities, and it seems to me that we have been able to give a better showing in the care of our dependent classes in the State of Maine than any other states have."

ILLICIT LIQUOR SELLING.

That sales of liquor take place in Maine is not denied by anybody, the most enthusiastic friends of the prohibitory law freely admitting that they are frequent violations of the law. They claim, however, that liquor selling is greatly diminished, that the difficulties attending the traffic are many and great, that the class of people engaged in the illicit traffic is the class which includes the violators of all other laws, and that the crimes and offences of various kinds which everywhere result from the liquor traffic are reduced to a minimum in Maine.

The population of the state is 661,086. There are twenty cities having an aggregate population of 195,000. Over 70 per cent of the state's population is in country, villages and towns. It is declared by many, and not denied by any that, in fully three-fourths of the state the prohibitory law is as well enforced as any other law, and that the effects are most beneficial. The difficulties of enforcement are in the larger cities, as Portland, Lewiston, Bangor and Biddeford. Brief references to these cities, and the conditions in them follow.

Portland.—Portland is a seaport, and has the class of population peculiar to every seaport. Of those who offend against the law, Judge Gould says:—"Ninety per cent of those charged with liquor selling are foreign born or of foreign parentage; and 70 per cent. of the drunkards are foreign." And yet there was strong testimony to the effect that, notwithstanding violations of the law and the necessity of constant vigilance on the part of the officers to prevent flagrant violation, prohibition in Portland has been as effectual as could be expected, and has resulted in much benefit to the city. It is in evidence that the arrests for all offences are scarcely more than one-third of what they were twenty years ago, and this improved condition is attributed to the prohibitory law.

Lewiston.—Lewiston has the difficulty that to a large section of its present population the prohibitory law is distasteful. Within a few years there has been a large influx of French-Canadians, who find employment in the factories of the city. Since 1890 the French population has increased 4,000. Fully one-half of the population of the city is foreign-born, one-third of the whole being French. The control of the civic administration is now practically in the hands of this class of the population. However much good may be said of them as industrious and well-ordered citizens, it is freely admitted that, having always previously lived in a province in which the liquor traffic is but slightly restricted, when restricted at all, they are naturally antagonistic to the prohibitory law, and do not easily reconcile themselves to its enforcement. Evidence given before the Commission is to the effect that much of the violation of the law is by, and to meet the demands of, the French population.

Mr. Newell, an ex-mayor of Lewiston, referring to this, told the Commission that:—"These French and Irish people look at the subject of selling rum different from what a Yankee does, who is raised in the country. It is absolutely impossible to prevent these people from selling rum, educated as they have been, they see no reason why, if they want a glass of liquor, they should not take it. In Auburn now, there are no French people, there are few Irish people, and most of the people are American born." And he added, "There is very little liquor selling in Auburn."

Rev. G. M. Howe, one of the oldest pastors in the city, said:—"The liquor selling business is in the hands of the French and Irish almost exclusively. I do not know of any American, so called, in this city, except one, whom I ever heard mentioned in connection with the liquor business."

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The Deputy City Marshall, himself a Frenchman, said:—"The arrests for drunkenness last year were half Irish, one-fourth American and the balance French and German."

But, despite the difficulty explained, the burden of the testimony given in Lewiston is to the effect that liquor selling is much hampered, and that good results follow. Even those witnesses who were least favourable to the law frankly admitted that good had been done by what they regarded as very imperfect prohibition.

Attention having been directed to a newspaper statement that a large number of seizures of liquors had recently been made, Judge Cornish explained to the Commission that the number of seizures is no indication of the number of persons or places selling. He said:—"If a man is selling liquor here he might order from Boston at night and again to-morrow, and so on, and a dozen or twenty seizures of packages may be from the same person. Nor does it indicate a large consumption."

To the foregoing may be added the testimony of Senator Frye. In a letter from Lewiston in the autumn of 1891, referring to the state fair then being held there, he wrote:—"Four days of the fair have now gone. There is an immense crowd here. Not a liquor shop to be found; not the slightest sign of gambling; and I have not yet seen a drunken man, notwithstanding tens of thousands of people are present."

Biddeford.—Biddeford has the same difficulty of population as Lewiston. It is, besides, very near to Boston, which makes violation of the law much easier. The mayor of the city told the Commission that there is no open sale of liquor; whatever sale there is, is "what we call the bottle and kitchen business." And the city marshal said, "In justice to Biddeford, I should say there is a little liquor sold here as in any city in the state. Under the system of prohibition there is much less sale of liquor than there would be under license. There was more drunkenness 15 or 20 years ago than there is now," though the population has considerably increased.

Bangor.—Bangor has the distinction of being the only place in the state in which there is anything like open violation of the prohibitory law. The witnesses examined there were in substantial agreement as to the causes of the weak enforcement of the law. The situation, as they view it, was very well stated by Judge Vose, who said:—"Public sentiment is all right, but we are so nearly divided in politics that it is difficult to enforce it. It is well settled that the policy of the Republicans is and has always been to support the prohibitory law. The policy of the Democratic party has always been to oppose it. We are so nearly divided in politics that if, as Republicans, we should undertake to enforce the prohibitory law strenuously, the result would be that the administration would pass into the hands of the other party, and then prohibition would go by the board at once. That is honestly the reason, and I do not care what any man may say about it to the contrary. The truth is that the liquor vote controls the balance of power between the two parties, and if the Republicans undertake to enforce it to an unreasonable extent we should lose power. It would be no advantage to prohibition to have the political power thrown over to a party that does not believe in prohibition. If the Democrats had power, they would have a license law or some other law which might lead to free rum."

In support of the statement that public sentiment in Bangor is in favor of prohibition, the fact is cited that the people, when voting untrammelled by party exigencies, gave a majority in favour of the prohibitory amendment to the constitution of the state.

Bangor is the headquarters of the lumber business of eastern Maine. A great many lumbermen congregate there and remain during a considerable portion of each year; many of them are given to drink and are free spenders of money. It is also stated in the evidence that Bangor has more sailors than any other town in the state; and during the winter a large number of "ice-men" live there. Both these classes, as the lumbermen, are fond of liquor and furnish a strong inducement to violations of the law. The chief cause of the toleration of the violations, however, is evidently the political one mentioned by Judge Vose and other witnesses.

As showing the effects of the lax enforcement of the law, attention is directed to the fact that the ratio of drunkenness and offences and crimes of all kinds is larger in Bangor than in any other part of the state. It is, also, suggestive that of 50 poor debtors confined in the jails of the state in 1892 Bangor contributed nearly one fourth of the whole number. In the same year Portland, the largest city, sent 213 men to jail for drunkenness, and Bangor, with less than half the population of Portland, sent 456.

Outside the cities, named, in which occur such difficulties of enforcement as have been explained, the law works with scarcely, if any, more friction than any other law of the state; nor are there more infractions of it than of other laws. The testimony on this point is quite uniform, to which reference will be made further on.

THE STATE AGENCY.

A feature of the Maine law which is a weakness and exposes it to abuses is that by which the state liquor agency is established to furnish municipal officers of towns in the state, and duly authorized agents of other states, with pure, unadulterated intoxicating liquors for medicinal, mechanical and manufacturing purposes. The sometimes lax administration of the state agency and the local agencies defeats, in some degree, the objects of the prohibitory law, and makes occasion for attacks upon it. But the feeling against the agency is evidently growing. Governor Cleaves, in his address to the legislature, January 5, 1895, says:—

"With the continued advance of the cause of temperance in our State, and under the influence of a strong public sentiment, aroused and strengthened by our various temperance and Christian organizations, the city and town agencies have been gradually reduced; and in 1894, in the four hundred and thirty-eight cities and towns in the state, only twenty-three agencies were in existence."

The law regulating the liquor agency business is, in the view of the governor, quite inadequate in many respects, and he recommends changes that will prevent the abuses that now sometimes occur. He says:—"If the state is to continue the maintenance of a state agency, and authorize city and town agencies, more stringent legislation regulating the same should be enacted; we should recognize that these agencies are established solely to provide pure liquors, strictly for the purposes contemplated under the law sanctioning their creation. * * * I recommend that either the state liquor agency be abolished, or that appropriate legislation be enacted in the direction indicated." * * * *

"Permit me to suggest if legislation be contemplated in the latter direction, it should be guarded by the most inflexible legal restrictions; regulations should be established for proper tests as to the purity of the purchases, after their arrival in this state; the profits of the cities and towns should be limited to a sum not in excess of the actual cost of maintaining the agency; such agencies should be continually subject to inspection by a competent assayer; and absolute power should be conferred upon the courts to summarily close any agency, should it be found upon investigation that it was not being conducted strictly in accordance with the intention of the statute.

"Whatever action you may deem it wise to take, it should be with a purpose to promote the cause of temperance in the state and remedy existing conditions."

STATUS OF THE TRAFFIC.

One effect of the prohibitory law is manifest in the changed status of the liquor traffic in the state. Such expressions as: "No respectable man in Maine wants to be known as a liquor-seller," and "A liquor-seller in this state is a name that is nauseating" were frequently heard. The outlawry of the traffic has degraded it, so that no one with any pretensions to respectability, no one who is not willing to take the risk of being sent to jail, will have anything to do with it. There was much evidence to show that those engaged in illicit liquor-selling are of the class

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found everywhere, whose instincts, associations and habits are criminal, and who, wherever they are, are as ready to violate laws as good citizens are to observe them. "The liquor traffic which once flaunted itself in the public gaze has," says ex-Governor Burleigh, "been driven into dark corners. Popular sentiment and constitutional law are alike arrayed against it."

THE TRAFFIC'S METHODS.

The methods resorted to by the illicit sellers show how seriously the traffic is hampered by the prohibitory law. "It is almost as difficult," said one witness, "for many persons to get liquor here as it would be for them to work themselves into a masonic or Oddfellow's lodge. They have got to be known, and the sellers have to understand that they are perfectly safe in selling to them."

This statement was quite generally concurred in. General Dow related this incident: "A gentleman, a professor in medicine, wanted to find out how it was about the liquor sold in Portland. He enquired in Center street; his wife was on one side of the road and he was on the other, and he went into a shop where it looked as if they might sell liquor. He said he wanted whisky and the man behind the counter said he did not sell any. He said: 'I am a stranger and you will have no trouble with me—I want a glass of whisky.' He went to several places and they all told him the same story that they sold no drink. In the sixth place he went they said to him: 'Do you see that shop on that corner? Jack Hinchey keeps it there; go over and tell him that Jim Coady sent you over to get a glass of whisky.' He went and said that Jim Coady sent him over to get a glass of whisky, and the fellow in that place said: 'Why didn't Jim Coady let you have the glass himself, he has more of it than I have.' That is the way the liquor is sold under prohibition."

Rev. Dr. Blanchard related his experience in endeavouring to locate a place of sale in Portland, having been told that any one could get liquor there. He said: "We got there and went to the door but there was no response. We got to a little room where there was a counter and nothing else, and close by the counter there was a door and in the door a kind of an opening, and evidently any person who was in there could take observations so as to know who we were. Of course, when they saw the Marshall and myself no one was visible inside and there was nothing to be seen there."

City Marshall Triokey, of Portland, explained the pocket peddling business. It is carried on by men and women, and sometimes by their boys under their directions. "They go into yards and alley-ways and hail men, asking if they do not want a drink." There are some families, he said, in which the desire to sell liquor seems to be hereditary; "The father sells, and gets arrested and is sent to jail; then his wife will take up the business, and she is sent to jail; the boys then take it up, and they all got run in some times." "They all expect to spend part of their time in jail. They are the most disreputable citizens."

The Deputy City Marshall of Lewistown said there are no open bars here the same as you have in Montreal. "The man who seeks to carry on illicit sale has a back room "with thick doors about six or seven inches thick and bars on that door; and they generally know their customers pretty well, and they open the door for them when they want a drink. They have a little hole to peep through, and if they know their man they will open the door for him and let him in, and then they will pull down the bars on the door."

They have, he said, connection between their rooms and the sewer, and while an officer is attempting to get entrance through the strong door they empty the liquors down the sewer. The stock in any case is necessarily small, the business exceedingly precarious, and the people engage in it of the "baser sort."

Again and again witnesses directed attention to the difference between this illicit traffic, carried on in but a few places in the state and, at most in a very small way, and only by the criminal class, beset with the greatest difficulties and regarded by all reputable citizens as a degraded thing, and a liquor traffic authorized and

open, making itself attractive and having standing and influence in the community because of its legal status and its contributions to the municipal revenues.

Having in mind the facts about the extensive illicit sales in communities where the liquor traffic is licensed, it seems clear that the illicit traffic under prohibition, carried on as described above, is not nearly so great as it would be if some thousands of licensed saloons were established in the states.

PAST AND PRESENT COMPARED.

To know exactly what prohibition has done in Maine, it is necessary to compare the condition of the state prior to the enactment of the prohibitory law with its conditions since the enforcement of prohibition. Ex-Governor Dingley has done this in the following statement:

"In 1830 13 distilleries in the state manufactured 1,000,000,000 gallons of rum (2 gallons to each inhabitant) together with 300,000 gallons imported—not including cider and other fermented liquors. Now there is not a distillery or brewery in the state. In 1833 there were 500 taverns, all but 40 of them having open bars. Now there is not a tavern in the state with an open bar, and not one in ten of them sells liquor secretly. In 1830 every store sold liquor as freely as molasses; now, not one.

"In 1832, with a population of only 450,000, there were 2,000 places where intoxicating liquors were sold—one grog shop to every 225 of the population. Their sales amounted to \$10,000,000 annually or \$20 for each inhabitant. Last year the aggregate sales of 100 town agencies was \$100,000, or 15 cents per inhabitant. Including clandestine sales, even the enemies of temperance do no claim that the aggregate sales in the state exceed \$1,000,000, less than \$2 per inhabitant. This is but *one-tenth* what the sales were forty years ago, and but *one-eighth* what they are on the average in the remainder of the Union, which is \$16.00 per inhabitant. Liquor selling is almost wholly confined to the five or six cities of the state, so that hard drinkers are compelled to journey for their drams. Hence most of the drunkenness of the state is concentrated in a few cities where the police arrest all persons under the influence of strong drink. Making the number of arrests for drunkenness seem large in comparison with the places where few arrests are made for that offence.

"In 1855 there were 10,000 persons (one out of every forty-five of the population) accustomed to get beastly drunk; there were 200 deaths from delirium tremens annually (equivalent to 300 now); there were 1,500 paupers (equivalent to 2,200 now) made thus by drink; there were 300 convicts in the state prison and jails (equivalent to 450 now); and intemperance was destroying a large proportion of the inhabitants and of the homes throughout the state. Now not one in 300 of the population is a drunkard—not one-sixth as many; the deaths from delirium tremens annually are not 50; and criminals and paupers (not including rum-sellers) are largely reduced, notwithstanding the great influx of foreigners and tramps."

EVIDENCES OF OPPONENTS OF THE LAW.

The preponderance of evidence heard by the Commission is strongly in favour of the prohibitory law, and corroborative of Governor Dingley's statement. Of 88 witnesses heard in the state, 22 expressed opinions more or less unfavourable to prohibition. Nineteen of the twenty-two said they had never regarded the law with favour, and had always voted against it when opportunity offered. The other 3 expressed opposition to prohibition only to the extent that they favour a system of rigid license for large cities, with a local prohibition option proviso. It is worthy of note, also, that nearly every one of the 22 stated that prohibition had done good in the state at large, and not one favoured the repeal of the law as applied to the whole state. The following quotations from the evidence of these gentlemen.

Ex-Mayor Newell, of Lewiston, said: "I think the prohibitory law, so far as the country portion of the state is concerned, is a success."

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Mayor Staples, of Biddeford, said: "I should say that one effect of the prohibitory law has been to prevent the sale of liquor in small villages. There is not much, if any, liquor sold in villages throughout the country."

Mayor Beal, of Bangor said: "My knowledge of the rural districts, so far as it goes, is that the prohibitory law is enforced in them, and that it works well. * * * There are a good many towns of 1,000 or 2,000 inhabitants where there is no liquor to be had."

Mr. P. H. Brown, Portland, said: "I may say that there is less drinking amongst boys than there was before—that is, 25 or 30 years ago, when I was one of them myself. * * * I think it (the prohibitory law) has had a good effect in the country districts. It has stopped the bar room loafer, who used to be a very prominent element in our Maine towns and in New England. * * * I should say without hesitation that the law has done extremely well for our country towns."

Sheriff Norton, of Kennebec county, said: "Outside of the cities there is very little liquor sold." And in the cities, he said, "it has had a tendency to check the sale."

Mr. E. B. Winslow, Portland, said: "I can only judge from my travels about the state. In the country districts I think the prohibitory law has done a great deal of good. * * * In the country towns the man who goes into the liquor business is very soon found out, and he is punished and the sale is stopped. We call them country places, but that includes all large districts as well as the central villages and towns."

Hon. C. F. Libby, who is one of the strongest opponents of prohibition in the state, said: "I do not question the possibility of restricting the liquor traffic. I realize its evils as much as any one. The prohibitory law does restrict the traffic, but it does not accomplish what it purports to do. * * * I do not say that the prohibitory law does not accomplish anything in the sparser towns, but when you come to deal with this evil in thickly settled communities, especially where there is a foreign element, the position is different. * * * If you take Lewiston, where the French-Canadians come, and Bangor and Augusta and Waterville, the conditions of life are very materially changed on account of the large influx, mostly of an operative class, of foreign birth."

Hon. George P. Westcott, Portland, said: "As I understand it, there has been less drunkenness in the country districts, from the fact that it is more difficult to get rum. Public sentiment in the country districts is against rum, and men do not drink so much there as they formerly did. Some men are good temperance men so long as temptation is kept away from them, but when temptation is brought before them they cannot stand it. In the country districts I think the law has been efficient in keeping away the temptation, and they have made temperance men because they made it impracticable to get rum in these districts."

Mr. B. C. Stone, clerk of the Supreme Court said the general effect of the prohibitory law in the state has been good. He said: "I think that throughout our country towns prohibition has worked nicely. Where liquor used to be sold indiscriminately no liquor is sold there at all now. Of course it is a difficult matter to enforce prohibition in towns of a large size. The prohibitory law works similarly to our laws against larceny and against all other crimes."

Mr. John Mulvaney, of Bangor, who was unable to say that the law had done much, if any good, gave this incident in his personal experience: "You take the city of Portland, where the law is in force, there is a town in which it was pretty hard to get a drink of liquor at one time. I was taken ill in the Falmouth hotel and I sent to the clerk for some brandy, but I had to send for a doctor and get his prescription before I could get a half pint of brandy."

Similar statements might be quoted from the evidence of others of the witnesses who, for one reason or other, do not approve of the prohibitory law. The foregoing, however, suffice to show that even the opponents of prohibition admit that its effects have been beneficial in the state as a whole.

OTHER WITNESSES.

Three fourths of the witnesses heard by the Commission unhesitatingly endorsed the prohibitory law as a blessing to the state. The following extracts from the evidence of a few of them may be regarded as representative of all the views expressed and their reasons for them.

Hon. Hiram Knowlton, a barrister of high standing, a gentleman who has occupied official and representative positions in the state, said: "I have always resided in Maine, and have done more or less business in every county and in all the towns of any importance, I believe. I have observed something of the operations of the prohibitory law. I remember quite well when the first Act was passed * * * I think it is enforced as well as any other law against crime in the state of Maine. I think the other criminal laws in the city of Portland, are violated as much as the liquor law * * * There is not another place that I know of where the prohibitory law is fought so vigorously as in Portland, and the opposition to-day have aid from outside. There is no question about that. I do not entertain any doubt, but, that it has met more serious opposition here than anywhere else. I do not look at the effect of the law in the city of Portland alone, and offer my opinion as to the wisdom of the law on that; but I look at the effect of it upon the whole state, and how it is for the entire state, and I compare it with other places where they have not had prohibitory laws, and I do not hesitate to say that the prohibitory law has been decidedly beneficial to the state of Maine."

Sheriff Cram, of Cumberland county, which includes the city of Portland, being asked if the law benefited the state, said:—"Most decidedly, and I will tell you why. I was born 33 miles out of the city, in the little town of Baldwin, about the time that the first Maine law was enacted. Prior to that in this little town there were something like six taverns where liquor was sold in large quantities; and where you would find one of these houses, you would find the neighborhood very poor. Knowing this country all my life, and passing through it recently I could see that no liquor was sold there now, and the state of things was very much better. In fact I may say that, comparatively speaking, there is no liquor sold in any of these small towns. You would not in some of them be able to buy a pint of any kind of hard liquor for a large sum of money. You might go through ten of these towns in the northern part of this county and not be able to get one single pint of liquor, whereas in that little town of Baldwin, before the law, it was sold by barrels, hogsheads and puncheons * * * There is a great improvement in their condition. In the place I speak of, at that time, land was new and it was a good agricultural portion of the county. They had timber to sell and various things on the farm which produced an income; the land produced wheat, rye, oats, barley, potatoes and Indian corn in abundance. We had no weavel in the wheat then and things were flourishing, but, nevertheless, the houses around there were not painted, the windows were broken, and the people wore old clothes; while on the main road now you will see newly painted houses and the people looking thrifty and clean. In this respect I noticed a change and which I can hardly describe. The Maine law may have done it, or it may not have done it, but it is the only way I have to account for it."

Mayor Baxter, of Portland, who carries on one of the largest businesses in the city, and is one of the largest property owners, said:—"I think the prohibitory law has done a great deal of good in this city. It has rendered the traffic in intoxicants disreputable, and no respectable men are inclined to undertake the business. It has had that effect. Of course it does not prevent drunkenness, for men who are inclined to drink will get it in some way, but it has driven the liquor traffic into out of the way and disreputable places. There are no open saloons in Portland. There are places where liquor is to be found, but it is sold in secret and I should say almost altogether from the pocket."

Being asked if the law may not have hindered immigration into the state, he said:—"I do not think it has hindered people from coming here. I can give you a case of one young man who came out here who drank to excess in England, and he came here because there was no liquor sold. He has not the temptation now of saloons

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and he has become very prosperous in this city. He told me he came here simply because he heard of a prohibitory law."

Mr. S. L. Carleton, who has lived in Portland forty-eight years, speaking of the condition of the city and state before prohibition, said:—"Up and down this very street, there were rum shops wholesale and retail. Every grocery store in the state of Maine was a rum shop. We had one little town called Westbrook, and the like of it in any state was not to be found for poverty. They hauled their lumber in here from day to day and sold it, and they brought back in return hogsheads and barrels of rum and gin, and brandy, and they were consequently badly off and it was a poor miserable place. To-day, under the prohibitory law, it is one of the most prosperous places in this state or in any other state * * * When I came here (Portland) there were seven distilleries and breweries in this city and immediately around it, and now there is not one."

Mr. A. T. Adams, who has lived in the state all his life, has been in nearly every part of it, and has forty years memory of its history, said:—"There can be no question, I think, if you were to ask the people who have lived in the state right along, you would find three-fourths of the people would agree that, while the prohibitory law has not totally prohibited liquor, it has lessened the sales of liquor very much. I heard a sheriff say, a short time ago, that it had decreased his business in the last decade more than one third, showing that instead of the law becoming less effective, it is more effective. * * * At first when it was the law it did not have the endorsement of the people, and there was a strong sentiment against making raids on liquor sellers. The persons who seized a liquor seller were in a sense boycotted, but that sentiment has changed, so that the best citizens in almost any community would have no hesitation in assisting the officers in searching and seizing and enforcing the law. The law itself, by its enforcement, has helped to bring about the changed state of feeling."

Mr. A. L. Bangs, Augusta, a business man of wide experience, and a close observer, and who was at one time in favour of a high license system, said:—"I have been in active business since 1865 employing men. I have visited all parts of the state in the line of my business, coming into contact in a business way with all parties in all parts of the state. I also come into contact with people in Massachusetts, Connecticut, New York and Rhode Island once a month at least. 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. There were six months when I stayed continuously in Connecticut under high license.

"I find in my observations that there is a difference in the temperance sentiment in the state of Maine in the last twenty-five years so decided that it is perceptible to any casual observer who will compare the two periods together. Not only that but in the customs of the people as compared with twenty-five years ago, and in the customs of all our gatherings as we come together, and in the customs of families at their own tables there is a difference in the temperance sentiment so decided that no one questions it in the state of Maine. That the prohibitory law is a benefit to the state of Maine in every possible way you can speak of it, both in regard to its business and from a moral standpoint, there is not any question. I say this because I have come into contact with the people all through the state, and this is especially the case, as you have been told to-night, in the rural districts, from which our best quality of citizens come. The rural population come in and make the best quality of our city population. That population comes in, respects the law and helps to protect it.

"As to the population that has been brought up in foreign communities where there is no prohibitory law and where they have been educated in another way, they come largely to our cities and to our centres of population, where manufactories exist, and they are not generally supporters of the prohibitory law. It takes them quite a long time to get hold of the idea which we in Maine have been brought up to from our childhood. The foreign population are those which have been a menace to the prohibitory law. It is not the educated citizens of Maine generally who are

opposed to it. 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.

"If you will allow me to make a statement perhaps it will throw a little light on the question of crime as you have it there. Of all the indictments in the county of Kennebec, and that is a good county to work from to make any comparison with, and of all the convictions for crime, more than three-fifths of them are for liquor selling. We prosecute them for selling liquor and they are our criminals * * * They do not prosecute them for selling liquor in many of those states you have mentioned. Here we prosecute one class as criminals that another state allows to go scot free, and you can see at once from our showing of criminals that the crime of liquor selling comes within that. I think you will find that other crimes such as house breaking and high crimes would be very few."

Many statements, substantially the same as the foregoing, may be found in the evidence of three-fourths of the witnesses who appeared before the Commission in the state. It is not necessary to quote them here.

GEN. NEAL DOW.

The evidence of Gen. Neal Dow should be read. It will be found at page 445 of the evidence taken in the province of Quebec, and at pages 449 and 472 of the Maine evidence. The "father of the Maine law," and closely and actively associated with the prohibition movement from the first, his statements are entitled to the greatest respect. On March 20th of last year Mr. Dow celebrated his ninetieth birthday. Many of the letters and telegrams of congratulation that poured in upon him were really testimonies to the value of the legislation which he had initiated.

THE CONSTITUTIONAL AMENDMENT.

The people of Maine may be regarded the best judges of the prohibitory law and its effects. They have on several occasions declared their judgment of the law, their approval of it being with increased emphasis on each succeeding occasion. Enacted first in 1851, the law was repealed in 1856. After another short experience of license, the prohibitory law was re-enacted and then ratified by a vote of the electorate, the majority being 22,952. It came into operation in 1858. For several years there was more or less agitation for its repeal, one of the chief political parties favoring the repeal. But several years ago repeal ceased to be a part of the avowed policy of that party, it having become apparent that legal prohibition of the liquor traffic was the fixed policy of the state, regardless of what either political party might desire. After having had statutory prohibition from 1858 to 1884—26 years, the people were asked, in 1884, to vote on the question of making prohibition constitutional. The vote polled on this question was the largest ever given in the state on a constitutional amendment, and the majority in favor of constitutional prohibition was 47,075.

In the 1895 session of the State Legislature a Bill to provide for the re-submission of the question of constitutional prohibition to the people was introduced. The friends and advocates of a license system used all their influence in its favour, but it was defeated by a vote of 114 to 13.

These things show that the people who know most about the law, who are thoroughly acquainted with its merits and its defects, have become satisfied from long experience that the most satisfactory way to deal with the liquor traffic is to legally prohibit the manufacture, importation and sale of liquors.

TESTIMONY OF THE GOVERNORS.

The governor of the state is elected by popular vote, and presumably represents public opinion on all matters of general concern in the state, particularly those which may be effected by legislation. Having this in mind, your Commissioner

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obtained certified copies of the references to prohibition contained in the official addresses to the legislature of the state made by gentlemen who have occupied the high position of Governor of Maine since the prohibitory law came into operation. They are so important and voice so clearly the public sentiment of the state on this question, that any statement about prohibition in Maine would be incomplete without them. Special attention is, therefore, directed to them. (See Vol. 5, Appendix No. 169.)

MR. CARSON'S STATEMENT.

Subsequently to the Commission's examination in Maine, a statement was received from Mr. Kribs, agent of the brewers and distillers in Canada, who accompanied the Commission, setting forth his observations in the state, which statement is published with the evidence. Your Commissioner requested that Mr. Carson, the representative of the prohibitionists of Canada, who, also, was with the Commission in Maine, be permitted to make a statement of his observations in the state. His statement was not received. Believing it only fair that Mr. Carson's evidence should be received, your Commissioner examined him under oath. His examination was as follows:—

"Q. You were with the Royal Commission, Mr. Carson, during the investigations in Maine in June and July, 1893? A. Yes, as the representative of the temperance people.

"Q. How long were you in the city of Portland? A. Ten days.

"Q. During that time did you make any personal investigation as to how the prohibitory law was being observed in that city? A. I did. While not engaged in attendance at the sittings of the Commission I was constantly on the look-out to see if I could discover any place where liquor was being sold. I visited all the hotels, I believe, a large number of restaurants of various classes, cigar and soft drinks shops, drug stores, places where one would naturally expect to find liquor for sale, if any was being sold; and during the whole of my stay in Portland I did not find one place in which I could discover that liquor was being sold.

"Q. Did you try to purchase any liquor yourself? A. I did, several times, but was always informed that they had none.

"Q. Did you hear it said that liquor could be had in many places in Portland? A. Oh, yes; Mr. Kribs was frequently informing me to that effect. I was anxious to know where and how the illicit business was done. I asked Mr. Kribs to come with me and show me where liquor was being sold, just to convince me of the truth of his statement. I promised I would make no other use of the information. His reply was "Oh, I don't care to go with you."

"Q. Was that the Mr. Kribs who represented the brewers and distillers during the Commission's investigation? A. Yes.

"Q. Did you not see liquor sold in the city agency? A. Yes, I should have made an exception of that, but, of course, under the Maine law the sale of liquor at the agency is legal.

"Q. Did you carefully examine into the working of the city agency? A. I did. I made several visits, and watched its workings, and I believe that this place, as it was being conducted while we were there, was, in itself, sufficient to destroy, to a considerable degree, the beneficial effects of the prohibitory law. The freedom with which any one could be supplied with liquor there made it surprising that so few cases of arrests for drunkenness were brought before the police courts.

"Q. You consider the city agency is a weakness to the prohibitory law? A. Most certainly, as conducted when I saw it. The wonder to me is how prohibition has accomplished so much in Portland if the agency has always been as it was when I saw it.

"Q. The intention of the law in providing for such places as the agency was, were are told, that only liquor to be used as medicine, or for mechanical purposes was to be sold? A. Yes, but it did not appear to be confined to those purposes in Portland when I was there.

"Q. A prohibitory law, then, to be effective, should, you think, provide some other method for supplying liquor to be used for permitted purposes? A. Very great care should be taken at this point, as so much depends upon the conscientious discharge of this duty.

"Q. Did you notice many drunken people in Portland? A. Only one person during the ten days.

"Q. Did you make any effort to get liquor in any other city? A. In Augusta we were informed that any one could get all the liquor he wanted in any of the drug stores. I visited six, and in each I asked for a little brandy, but was refused in every one. I did not see any liquor sold or offered for sale in Augusta.

"Q. How was it in Bangor? A. That was the only place in Maine in which I was able to find liquor for sale. There open bars were found, but, not in a very attractive form, such as one would find in any licensed place. Party politics in Bangor is the cause of the lack of law enforcement. The two parties are so evenly divided that the liquor sellers combining can defeat the party that attempts to enforce the law against them, and so deals are made, and, as stated by Mayor Beal and others, there exists an understanding between the liquor sellers and the authorities by which the prohibitory law, in a considerable degree, becomes a dead letter.

"Q. Would you say, then, that prohibition is a failure in Bangor? A. No, but the officers, whose sworn duty it is to enforce the law, are a failure.

"Q. In the other places visited, how did you find the prohibitory law observed? A. Pittsfield and Winthrop were the only places visited by the Commission outside the cities. There the advantages of the prohibitory law were very apparent. Not the slightest appearance of liquor or liquor drinking was to be seen, and, although the town of Winthrop was "en fête," it being the fourth of July, I did not see any disturbance or sign of drunkenness any where, and I was particularly observant. From information I received while in Maine, I am perfectly satisfied that, notwithstanding the weakness and defects that there undoubtedly are in the Maine law, it is, in its results, infinitely superior to any system of licensing of which I have any knowledge."

PERSONAL OBSERVATION.

During the Commission's investigations in Maine, the undersigned made as close observations as possible. In the eight days spent in Portland he was about the city a good deal, but saw no saloon or other liquor shop. That sales are made in some places there is no doubt, but that whatever sale goes on is secret is suggestive of the real power of the prohibitory law. Except in Kansas and Iowa, your Commissioner had never before been in a city of the same size without seeing saloons as conspicuous and conducting their business as openly as groceries. A town and a city were visited on the fourth of July. In the former (Winthrop) a large number of people from the surrounding towns and villages and rural districts were assembled to celebrate independence day; and not a single case of even slight intoxication was noticed.

In the city (Lewiston) the celebration was on a very large scale. Besides the resident population there were several thousands of visitors in the city; a city official estimated the number at thirty thousand. The Commissioners arrived in the afternoon, and were there during the time when, if at all, the effects of drinking during the day would be observable. A tour of the streets and squares, where the people were enjoying the holiday, and amongst the crowds that were witnessing the several features of the day's display, failed to discover the drunkenness and disorder which might be expected amongst so many people on such an occasion. Two drunken men and one somewhat under the influence of drink were seen. There were no cases of arrests before the police court the next morning. The deputy chief of police, in evidence given before the Commission the following day, said three intoxicated persons had been arrested on "the fourth," but they were not residents, and were permitted to leave the city on the late train.

In Pittsfield, Waterville, Augusta, Auburn and Biddeford no signs of either the sale or use of intoxicants were discovered.

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CONCLUSIONS.

If a diminution of the sale of liquors, the lessening of the many evils which result from such sale, the strengthening of sentiment antagonistic to legalize the traffic, and the clearly expressed will of the people favourable to prohibition may be regarded as proof of the success of the prohibition system, then your Commissioner with all these facts before him, cannot avoid the conviction that the prohibitory law of Maine, despite defects and many infractions, has been, and is, a marked success. It has greatly reduced the consumption of liquors in the state; has created a strong public sentiment against both drinking and selling liquors; has banished drink shops from fully three-fourths of the state; has degraded the liquor traffic so that no person with any pretension to respectability thinks of engaging in it; has restricted illicit liquor selling more effectually than any other system has ever done; has been attended by peace, plenty and prosperity; and has commended itself to the favour of the vast majority of the people of the state as a beneficent law, markedly promotive of the public welfare.

VERMONT.

Prohibition has been continuously in force in the State of Vermont since 1852. The law is in some respects less rigid than that of Maine, inasmuch as the penalties for infractions of it are lighter. It however, goes further in that it prohibits the bringing into the state of liquor except for the town agents, who are legally authorized to sell. The state of Vermont is mainly rural. It has a population of 332,442. There are in it no large cities. It is difficult to state exactly the dimensions of the recognized liquor traffic in it, as for late years it has been grouped with some other states in the Internal Revenue district of New Hampshire. In the Internal Revenue Reports it had a separate report up till the year 1887, and the following table shows its record up to that time from 1880:—

| Years. | Retail dealers. (a.) | Wholesale dealers. (b.) | Distilled liquor products. (c.) | Malt liquors produced. (c.) |
|-----------|----------------------|-------------------------|---------------------------------|-----------------------------|
| 1880..... | 595 | 10 | 1,400 | None |
| 1881..... | 473 | 15 | 2,335 | " |
| 1882..... | 476 | 8 | 1,182 | " |
| 1883..... | 516 | 13 | 662 | " |
| 1884..... | 486 | 13 | 937 | " |
| 1885..... | 485 | 9 | 332 | " |
| 1886..... | 565 | 8 | 597 | " |
| 1887..... | 498 | 9 | 863 | " |

a. Including "retail liquor dealers (distilled)," and "retail dealers in malt liquors." b. Including "wholesale liquor dealers (distilled)," and "wholesale dealers in malt liquors." c. See the Internal Revenue report for 1889, pp. 366-9.

The population during the years set out changed very little, and the period shows an average of about 1 tax receipt payer for each 637 of the population, which is about one-half the proportion of the United States as a whole. It must be borne in mind that a tax receipt in a prohibition state, as a rule, does not at all represent a liquor selling business, as a tax receipt often does in a state where license laws are in operation.

The state is evidently committed to the continuance of the law. Bills proposing high license and local option as a substitute for the prohibitory law were introduced into the legislature in the years 1888 and 1890, but in both cases they were rejected by large majorities.

The Commission did not visit Vermont, and obtained practically no evidence from the state. The following statements of prominent citizens are submitted, being

all the testimony that your Commissioner has been able to get. They are statements made in reply to inquiries made in 1890. Hon. Frank Plumley, United States district attorney for Vermont, wrote:—

"I am glad, as a friend of prohibition, that the license advocates have unmasked and are to wage open warfare. Their arguments cannot stand the broad light of publicity, and are easily punctured by the facts concerning the beneficence of prohibition exhibited in our state. Take the state as a body: every year shows improvement, both in the vigor of enforcement of the law and the decreased intemperance and resulting crime."

George W. Hooker, president of the Vermont state agricultural society and member of the Republican national committee, wrote:—"Prohibition is the best law for Vermont, and I base my belief on the almost entire absence of crime. There is no law better enforced in Vermont, and it can be enforced everywhere if public sentiment so orders."

M. H. Buckham, president of the Vermont state university, wrote:—"I wish I was half as sure of the triumph of other good causes as I am that the people of Vermont will maintain and improve, and still more effectually carry out, the present system by which the selling of intoxicating drink, if not absolutely prohibited, is to a great degree restricted and restrained."

On the floor of the House of Representatives, in the United States Congress, Hon. Charles S. Joyce, member of congress for Vermont, some time ago made a speech in which he said:—

"The history of the temperance movement in my own state, while it has not been all that we could wish, yet has been such that all good men have been inclined to thank God and take courage. Vermont passed a prohibitory law in 1852, and she has been strengthening it and making it more effective ever since. In the main it has been fairly and wisely executed. It has always been sustained by a sound and healthy public sentiment upon the subject and in my opinion there never has been a moment since its passage when it stood so strong and firm in the good sense and hearts of the people as it does to-day. That it has, in connection with the moral sentiment of the people, had the effect to greatly diminish the sale and use of intoxicating liquors in our state, no man who has examined the figures and who has been long acquainted with our people and their habits will deny."

The following statements have been made by different governors. Governor Peck, who has also been judge of the supreme court, said:—"In some parts of the state there has been a laxity in enforcing it, but in other parts of the state it has been thoroughly enforced, and there it has driven the traffic out. I think the influence of the law has been salutary in diminishing drunkenness and disorders arising therefrom, and also crimes generally. You cannot change the habits of the people momentarily. The law has had an effect upon our customs, and has done away with that of treating and promiscuous drinking. The law has been aided by moral means, but moral means have also been wonderfully strengthened by the law."

"I think the law is educating the people, and that a much larger number will now support it than when it was adopted; in fact, the opposition is dying out. All the changes in the law have been in the direction of greater stringency. In attending court for ten years, I do not remember to have seen a drunken man."

Governor Convers said:—"The enforcement has been uniform in the state since its enactment, and I consider it a very desirable law. I think the law itself educates and advances public sentiment in favour of temperance. There is no question about the decrease in the consumption of liquor. I speak from personal knowledge, having always lived in the state. I live in Woodstock, sixty miles from here, and there no man having the least regard for himself would admit selling rum, even though no penalty attached to it."

Hon. W. B. Arcourt, associate justice for Washington county, said:—"Public sentiment is growing stronger in favour of the law every year."

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The following letter was received by the commission, in reply to an application to the governor of Vermont for information about the prohibitory law of the state:—

"By request of the governor, I have the honour to reply to yours of 9th May, and say that Vermont has worked under the prohibitory liquor law for about forty years. 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 fewer inmates than they would have had were it not for the enforcement of the prohibitory law, though in many cases it has failed of a very strict enforcement. No better evidence of the way in which the people of Vermont look upon the working of our statute, and its general good effects, can be found than in the fact that it has stood upon the statute-books of the state for a good many years, and that every step taken by the legislature since the first enactments of the law has been rather towards a more strict prohibition than otherwise."

NEW HAMPSHIRE.

Prohibition in this state is hampered by the fact that only the sale, and not the manufacture, is prohibited. Neither does the law prohibit sales made in original packages by importers into the United States. Up till 1881 towns had the right to permit the sale of lager beer. Brewing is very extensively carried on in the state. The commission has no definite information other than that furnished by the internal revenue records, which, for the reasons already stated, are of little value.

The *Cyclopædia of Temperance and Prohibition* makes this statement:—"It is inevitable that in a state where the manufacturing interest is powerful there will be made a considerable wholesale and retail market. In practice the New Hampshire law operates more as a local option than as a prohibitory Act, the traffic being entrenched in the important localities because of the legal standing that its most prominent representatives enjoy. But well-informed citizens of New Hampshire declare that the sale is suppressed in by far the greater number of towns and in practically all the unincorporated parts of the state. And the Injunction Act of 1887 has strengthened the friends of the law in places where enforcement formerly was difficult. Successful crusades against the open saloon have been waged in the cities from time to time under this Act, and there can be no doubt that more stringent legislation—especially legislation against the manufacture—would render prohibition fully as efficient in New Hampshire as it has been in the neighbouring states of Maine and Vermont."

Governor Goodell, in a recent address said: "Prohibition, comparatively speaking, has been a success in New Hampshire. The enforcement of the law of late in the state has been simply remarkable. It has resulted in reducing the number of convicts in the state prison from 202 to about 100."

RHODE ISLAND.

The State of Rhode Island adopted a prohibitory amendment in April, 1886, and repealed it in June, 1889. So far as has been learned, it would seem that in the first voting there was very little activity manifested by those opposed to the law, while in the second campaign they worked with great diligence. In the first contest there were polled against the measure only 9,230 votes, while in the second campaign the anti-prohibition vote amounted to 28,315, being much larger than the total vote polled in the first election.

The Commission did not visit the state to make inquiry as to workings of the law for the brief time it was in operation. From what can be learned it seems not to have been enforced with much energy. Several measures, introduced into the

legislature to facilitate its operation, were defeated. The *Cyclopædia of Prohibition* gives the following information in regard to the conditions that existed:—

"The legislature refused to add necessary amendments to the statute, and before two years had passed it was generally understood that the managing politicians and many of the influential law officers had no other purpose in view than to render the law ridiculous and odious by non-enforcement. In spite of these unfavourable circumstances, it was partially enforced, and with uniformly wholesome consequences. The number of persons paying United States special taxes as retail and wholesale dealers fell from 1,544 in 1886 to 1,241 in 1887. (The numbers for subsequent years cannot be given, since Rhode Island was consolidated with the internal revenue collection district of Connecticut on 1st July, 1887). In Providence, the principal city, the arrests for crime, drunkenness and disorderly conduct were greatly reduced in the first year. The figures are as follows:—

"Total arrests for all causes except for the sale of liquor,—year ending 30th June, 1886 (license), 6,473; year ending 30th June, 1887 (prohibition), 4,087—decrease, 37 per cent. Arrests for drunkenness, common drunkards and disorderly,—year ending 30th June, 1886 (license), 2,617; year ending 30th June, 1887 (Prohibition), 1,521—decrease, 42 per cent.

"In each of these years Providence had the same chief of police, and therefore the decrease was not brought about by any change in the police department. In the next year there was an increase, not large enough however to bring the total up to the number of arrests made in the last year of license. The record for two and one-half years of prohibition (ending with 1st January, 1889) showed 9,923 arrests for drunkenness and disorderly conduct in Providence in that period, as against 11,304 in the last two and one-half years of license—a decrease of 2,000."

THE DAKOTAS

North and South Dakota are new states. Prohibition of the liquor traffic was made part of their original constitutions. Their first legislatures (in 1890) enacted laws in accordance with and for the enforcement of the prohibitory provisions of the constitutions.

In neither of these states was any examination made by the Commission. It has not been possible to get much statistical information; and whatever figures have been obtained are too new to be of any value, especially as there are no earlier statistics with which to compare them. Your Commissioner has endeavoured to get as reliable information as possible of a general character, and presents the results of inquiries made.

In North Dakota, Mr. Charles A. Pollock, one of the foremost lawyers of the state, made careful inquiry of prominent men throughout the state, and received from them strong testimony to the effect that the prohibitory law is effective.

Rev. H. C. Simmons, a home mission superintendent, whose duties take him into every part of the state, says:—"I have travelled over the state for 10 years, and have carefully observed the workings of both policies (license and prohibition). Everywhere is seen the advantage of prohibition over the license system. While some young men are undoubtedly led into drinking habits by those who bring in liquor in jugs and bottles, their number is insignificant compared with those who are drawn into drinking habits by the saloons."

Rev. E. H. Stickney, field secretary of the Sunday School Union and Publishing Society, who has travelled extensively in the state, says:—"The open saloon is gone. With a few solitary exceptions, liquor is nowhere openly sold. These places will be reached before long. With the overthrow of the saloon the treating habit is broken up. Thus a great temptation is taken away from the young men—to meet together, play for the drinks, and take the first glass. This is true not only in the state generally, but also in such border towns as Fargo and Grand Forks. But very little liquor is sold in the state. In the small hours of the night, in some out-of-the-way place, to a certain faithful few who are confirmed toppers, liquor is undoubtedly sold. Druggists, to a certain extent, abuse their privilege in this

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respect. Men do, in certain cases, perjure themselves for a drink. These, however, are the exceptions, not the rule. The man who dreads the intoxicating cup, and yet has that terrible appetite, is tempted but little compared with what he once was."

Similar testimony is given by the officials of the Baptist, Methodist, Presbyterian and Lutheran churches,—to which may be added that of a prominent business man, Mr. W. H. White, who has been a resident for nearly 20 years. He says:—"My travels have been extensive within the agricultural districts of the state, and I have found that farmers have been enabled to successfully prosecute their fall work to much better advantage, at greatly reduced expense; that merchants have sold more goods and have made more collections; crime has been less; elections more peaceable, and prosperity and content more general, since the saloons have been closed; and the towns are not made a rendezvous for the rough element attracted to them, in the fall, by whisky. Those facts are so well known by the farmers and merchants that they favour prohibition, if on no other ground than a purely financial one."

Of South Dakota, less information is at hand. "The Farmer," a paper published in Huron, South Dakota, in its issue of August 15, 1893, said:—"Notwithstanding the efforts of liquors dealers, drunkenness has been almost entirely wiped out. Many a moderate drinker has quit the habit, and, above all, a host of young men have started on a sober and industrious career under three years' influence of so-called prohibition."

It is stated that the drink bill of the two Dakotas dropped off 70 per cent the first year under prohibition, and that it has been growing less each year since. "And no one has been made the poorer thereby but the saloon-keepers, brewers and distillers."

IOWA.

A prohibitory law was enacted in Iowa in 1855. In 1857, in deference chiefly to the German and other foreign population of the state, the law was amended to permit the manufacture and sale of malt liquors and wine. This change broke down the prohibitory law, all the evidence going to show that under cover of license to sell wine and beer all kinds of liquors were sold freely, it being practically impossible to prevent, or even check, the sale of ardent spirits while the sale of other liquors was authorized.

In 1882 the state voted on a prohibition amendment to the constitution, the amendment being adopted by a majority of 29,759. The courts decided, in a case of appeal, that because of a clerical error in the record of the legislative proceedings preliminary to its submission, the amendment had not been properly submitted. The popular vote was, therefore, invalidated.

In 1884 a prohibitory law was passed, and has been in operation since. For several years there has been an agitation for the repeal of the prohibitory law. The agitation culminated in 1894 in the passage of a law, which, while not repealing, provides for taxing violations of the prohibitory law. It is very peculiar legislation; it provides that in communities where a specified large proportion of the electorate approves, it shall be lawful for the authorities to permit the violation of the prohibitory law by those who pay periodical fines as the price of immunity from prosecution. This is, really, sanction by the legislature of the practice which has been in vogue in a number of localities where the law has been disregarded.

Many statements have been made about the effects of prohibition in Iowa. While it is freely admitted that in some places there has been persistent and flagrant violation of the law, it is claimed that wherever honest efforts have been made to enforce it, success has attended those efforts, good results following. It is also claimed that, notwithstanding the lawlessness of certain places, the benefits of prohibition in the state as a whole have been marked. Some of these statements, gathered from official sources, are appended:—

A Governor's testimony.—Hon. William Larrabee, Governor of Iowa, who was, prior to its enactment, a strong opponent of the prohibitory law, became an equally

warm supporter of it by observation of its workings. In his address to the legislature in 1890 he said:—

"Thousands of those who voted against the constitutional amendment in the belief that such a law would prove a dead letter, are now convinced that it can be enforced, and demand its retention. The benefits which have resulted to the state from the enforcement of this law are far-reaching indeed. It is a well recognized fact that crime is on the increase in the United States, but Iowa does not contribute to that increase. While the number of convicts in the country at large rose from one in every 3,442 of the population in 1850, to one in every 860 in 1880, the ratio in Iowa is at present only one to every 3,130. The jails of many counties are now empty during a good portion of the year, and the number of convicts in our penitentiaries has been reduced from 750 in March, 1886, to 604 on July 1st, 1889. It is the testimony of the judges of our courts that criminal business has been reduced from 30 to 75 per cent, and that criminal expenses have diminished in like proportion.

"There is a remarkable decrease in the business and fees of sheriffs and criminal lawyers, as well as in the number of requisitions and extradition warrants issued. We have less paupers and less tramps in the state in proportion to our population than ever before. Breweries have been converted into oatmeal mills and canning factories, and are operated as such by their owners. The report of the superintendent of public instruction shows an increased school attendance throughout the state. The poorer classes have better fare, better clothing, better schooling and better houses.

"The deposits in banks show an unprecedented increase, and there are everywhere indications of a healthy growth in legitimate trade. Merchants and commercial travellers report less losses in collections in Iowa than elsewhere. It is safe to say that not one-tenth, and probably not one-twentieth, as much liquor is consumed in the state now as was five years ago. The standard of temperance has been greatly raised, even in those cities where the law is not yet enforced. Many a man formerly accustomed to drink and treat in a saloon has abandoned this practice in deference to public opinion.

"Our courts show a marked improvement in dealing with this question, nearly all of the judges being now disposed to enforce the law, whether they are in sympathy with it or not. In those counties where the law is not enforced the fault lies almost invariably with the executive officers."

In a later address, Governor Larrabee said:—"There is not one-twentieth part as much liquor consumed in Iowa to-day under prohibition as there formerly was under license. Taxes have decreased in Des Moines, and taxes have decreased in the state, yet the liquor press persists in heralding false statements denying these facts. The dullest cities in Iowa to-day are those where the law is most laxly enforced, while the liveliest cities are those where the prohibitory law is vigorously lived up to. Many of the sheriffs in Iowa have discharged their deputies because there was nothing for them to do. The saloon was gone, and crime was without a factory. About half the Iowa jails are empty. It is impossible to keep jails filled unless you have recruiting stations in the shape of saloons. When my term of office expired, the convicts in the two penitentiaries had so run down that all could have been put into one prison.

COURT RECORDS.

Hon. E. R. Hutchins, commissioner of labour of Iowa, makes the following exhibit of criminal offences, taken from the records of the courts for the five years 1884-88:—

| | |
|-----------------------------------|-------|
| In 1884 criminal convictions..... | 1,592 |
| 1885 do | 1,339 |
| 1886 do | 1,645 |
| 1887 do | 1,520 |
| 1888 do | 838 |

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The following figures show that, notwithstanding the increase of the population of the state, the inmates of the state penitentiaries gradually diminished:—

| | |
|--|-----|
| In 1885 inmates of the penitentiaries..... | 634 |
| 1886 do do | 653 |
| 1887 do do | 615 |
| 1888 do do | 532 |

The number of commitments to penal institutions, and their cost to the state each year were as follows:—

| | Commitments. | Cost of State. |
|--------------|--------------|----------------|
| In 1885..... | 332 | \$413,000 |
| 1886..... | 298 | 421,000 |
| 1887..... | 278 | 292,000 |
| 1888..... | 260 | 300,000 |

TESTIMONY OF JUDGES.

The foregoing statements about the reduction of crime under prohibition have strong confirmation in the testimony of many judges of the state. In December 1887, Governor Larrabee addressed to each of the superior court and district court judges in the state a letter of inquiry about matters for executive recommendation to the next General Assembly of the state. The governor's letter contained this paragraph:—

"I shall also thank you to apprise me of the effect of the prohibitory law in your district. Would you, after having for several years observed the operation of the present prohibitory law, advise its repeal; and if so, what would you propose to place in its stead?"

Answers to the above question were received from thirty-five judges—nearly the whole list. Two of them did not say whether they were in favour of or opposed to the law. Four were opposed to the law as it stands, favouring local option for cities. Twenty-nine were in favour of the law. Some of them had been opposed to it, but had become convinced of its wisdom by observing its good effects.

Judge Wilson said:—"I was not in favour of the law, thinking that the public sentiment was not strong enough to make it a success, and that high license would work better. I have carefully watched its workings, and am convinced that I was wrong. Whatever was the sentiment at its passage, I am satisfied that nine-tenths of our citizens would vote against its repeal to-day. * * * No, sir, I am not in favour of repealing the law, and should be very sorry to see it attempted."

Judge Carson said:—"When in the senate I favoured local option, but I am now satisfied that the statute should stand. My belief is that the effect has been very favourable in the reduction of criminal offences, especially those growing out of brawls and quarrels."

EFFECT ON CRIME.

Hon. James P. Flick, member of Congress from Iowa, said in 1890:—"I was prosecuting attorney both before and several years after the enactment of the prohibitory law in Iowa. There were eight counties in my district, and I know that after the enactment of the prohibitory law crime decreased more than 50 per cent. I know this to be a fact, for the fees of my office and the court expenses diminished at least 50 per cent."

Rev. C. F. Williams, chaplain of the state penitentiary of Fort Madison, 1890, said:—"The business of making criminals fell off at a remarkably rapid rate immediately following the passage of the Clark (prohibitory) law. Within eighteen months the convict population of the state ran down from about 650 to 600. We have two prisons in Iowa—one at Anamosa and the other here. Our Fort Madison prison has the contract labour system. Our 'lock-up' was over 400 when the law

passed. The number ran down so rapidly that the governor was compelled to transfer convicts from Anamosa to this prison to keep the contracts going here. By the districting of the state then in force 42 counties sent prisoners to us and 57 counties sent to Anamosa. The transfer of prisoners being both inconvenient and inadequate, the state was redistricted, giving 48 counties to us and 51 to Anamosa. But this readjustment was soon found to be inadequate. The state was again redistricted, six more counties being transferred to us, giving us 54 counties and Anamosa 45. Within a year the history of shrinkage and consequent crippling of contracts repeated itself, and a third time the state had to be redistricted. This time 22 counties were transferred, giving us now 76 counties and leaving Anamosa 23. And this total transfer of 34 counties from the territory tributary to Anamosa to our territory barely suffices to keep our prison population up to what it averaged from four more than half the number of counties before the passage of the law; or, in other words, 76 counties do no better business in the line of making criminals under prohibition partially enforced than 42 counties did before the law was enacted. And this is only one phase of the situation. The truth as to the reduction of crime is a many-sided truth, everywhere and always maintaining the unity of fact amid the diversity of aspect, as viewed from different standpoints. Ninety-nine county jails, the majority of them empty more than half the time, idle courts and reduced expenses are only a few of the many results of prohibition in depressing business of this particular kind in Iowa."

THE ECONOMIC EFFECT.

Dr. E. R. Hutchinson, labour commissioner of Iowa, who has given much attention to the subject, makes a statement on the economics of prohibition, which shows that the state has not been injured financially by prohibition of the liquor traffic. He says:—

"Proofs of results are strongest when practical and beyond cavil. Take Des Moines, the capital. *First.*—The average rate of taxes for the six years preceding the enactment of prohibition (1878-83) was fifty-five mills on the dollar. For the past six years (1885-90) it has been fifty-two mills. The highest rate of tax ever paid by any property in Des Moines was sixty-seven mills, levied in 1883; the smallest was forty-one and a quarter mills, levied in 1887.

"*Second.*—In 1884 there 10 school-houses in Des Moines, with 88 rooms; now there are 21 for the grades, with 160 rooms, besides two large high-school buildings with capacity for nearly 600 students and costing \$125,000. This does not include the schools in the territory recently annexed to Des Moines, in which there are not far from 20 schools, having 50 rooms, attended mostly by pupils from families recently removed from older parts of the city. In 1884 there were 37 houses of worship in the city as at present constituted; now there are 67, and eight of the societies which then had houses of worship have erected new ones, and several more are in process of erection. Among the new ones are some of the most elegant and commodious in the state.

"Des Moines to-day is unquestionably the most prosperous and flourishing city in the state. The contrast in good order, growth, prosperity and comfortable home-owners between this city, where the prohibitory law is enforced, and the river cities, where the law is openly and flagrantly violated, is decidedly marked. Business men, including those opposed to prohibition, report larger sales, easier collections and a far larger volume of ready cash.

"The following illustrates the economic effect of prohibition upon the taxpayers of the state in the matter of criminal convictions. There were, in 1884, 1,592; in 1885, 1,339; in 1886, 1,645; in 1887, 1,520; in 1888, 838. About the same reduced proportion prevails in 1889 and 1890.

"The requisitions for criminals in 1883: Iowa sent to other states 125 requisitions for criminals that had fled from her boundaries; in 1885, 167; in 1887, 112; in 1888, 37. The cost to the state for this purpose in 1883 was \$17,193; in 1890, less than \$4,000.

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"The prison population in the state in 1885 was 634; in 1886, 653; in 1887, 615; in 1888, 532; in 1889, 537; in 1890, 570. In Missouri, there is one inhabitant out of every 1,320 an inmate of their prisons; in Alabama, one out of every 2,000; in high-license Nebraska, one out of every 2,600; and in Iowa, one out of every 3,350.

Third.—On 30th June 1885, there were 34 savings banks in Iowa, with deposits amounting to \$7,463,333.30, and assets of \$9,618,866.97. Five years later the number of these banks had risen to 59, the deposits to \$16,336,787.68, and the assets to \$20,771,393.86.

"During the same time the number of national banks and state banks (not including those for savings) had increased from 175 to 243, with deposits from \$23,255,047.19 to \$39,416,981.36, and their resources from \$44,706,061.74 to \$64,411,964.07. Total increase in number of banks, 93, or 44.5-10 per cent; in deposits, of \$25,996,988.55, or over 81 per cent; and in resources, of \$30,858,429.18, or nearly 60 per cent; this while the population of the state was increasing about 8 per cent. In 1885 there were about \$18 of bank deposits to each inhabitant; in 1890 there were over \$29 for each. During these five years it may be remarked that our building and loan associations have multiplied, and investments therein—both home companies and those from abroad—have very greatly increased. This shows how prohibition has 'ruined' Iowa financially.

Fourth.—While I was commissioner of labour statistics I asked the question:—'Is prohibition a good thing for the wage earners?' 1,704 workmen returned answers. Of these, 376 said 'No,' and 1,328 said 'Yes.' The same question was asked of coal miners. 440 replied. Of these, 121 said 'No,' and 319 said 'Yes.' The same officer asked of the savings bank officials:—'Has there been an increase or decrease in the deposits of wage-earners during the last two years?' Twenty per cent replied 'No increase,' and eighty per cent said 'An increase.'

Fifth.—Statistics prove beyond a doubt that *home ownership* in Iowa has increased during the last five years more than threefold in excess of any like period prior to the enactment of the prohibitory law.

"Grocers and dry goods merchants in cities where the law is in force report their sales for cash on Saturday and Monday nights (after pay-days) more than trebled since the prohibitory enactment.

"An unbiased observer cannot find a phase of pure social life that is not bettered by prohibition. Money is saved, homes are bought, schools and churches are populated, jails and prisons are emptied, improvements are perfected, sunshine dispels clouds around hearthstones, joy and content banish sorrow and strife at fire-sides, family altars are erected and men are christianized.

"Thousands of persons once chained to the curse of the liquor habit are men once more, 'clothed in their right minds.' Thousands of homes, once places of discord and only homes in name, are now sweet and pure and in reality the dearest places on earth. And all this comes directly from the economic effect of prohibition.

OTHER TESTIMONY.

Many gentlemen occupying prominent and representative positions, whose knowledge is accurate and whose standing gives weight to their words, have given testimony confirmatory of the foregoing. A few statements are quoted:

Hon. James F. Wilson, United States senator from Iowa, 1890, said:—"It gives me pleasure to be able to say that in every desirable aspect of the case prohibition has been beneficial to Iowa. I have a pretty accurate knowledge of the conditions existing in Iowa, as induced by prohibition, and I do not hesitate to say that they are all better on account of its presence than they would have been without it. In the several features of the case as respects business, value of property, moral and educational conditions, diminution of crime and criminal expenses, social and domestic phases of society, Iowa is ready to stand in a row of the states for examination, with no fear that any of her sisters will, at the conclusion, stand nearer the head of the line than she."

J. F. Kennedy, M. D., secretary of the Iowa state board of health, says:—"In all respects our people have been greatly benefited. Crime and immorality have greatly decreased; social conditions have improved; homes have become more home-like, and thrift and the angel of hope have gone into many homes where the blight of poverty and the demon of despair had taken their abode."

Mr. W. W. Field, director of the state agricultural society, said:—"I do not mean to say that no liquor is sold and used in the state, but I do say that the quantity is small compared with saloon times, and that our young men are not tempted as formerly, and are being taught that to drink is to lower themselves in the estimation of the best society. It is rare now to see a drunken man upon our streets, and at our recent state fair, 1890, where there were upon our grounds one day 50,000 people, not a man was seen under the influence of liquor."

Mr. C. H. Hill, superintendent of the Iowa state hospital, says:—"The prohibitory law * * * has proved to be a great blessing to the citizens of our commonwealth. Criminal statistics and various other kinds of statistics, some of which could be furnished from this institution, show that the physical, mental and social condition of the people in Iowa has improved since this law was enacted."

THE PLACES VISITED.

Two of your Commissioners made some investigation in Iowa. The places visited were Council Bluffs, Des Moines, Cedar Rapids, Clinton and Muscatine.

Des Moines, the capital, is the largest city in the state, having a population of 70,000. Council Bluffs, population 35,000, is on the Nebraska border. Cedar Rapids, population 22,000, has a considerable foreign element, Bohemians predominating. Clinton, which was visited by one Commissioner, is a border town, on the Mississippi river, and has a population of 21,000.

It was urged that to get a complete and accurate view of the enforcement and effects of the prohibitory law some of the smaller towns and some rural districts should be visited. Your Commissioner regrets that this was not done.

THE WITNESSES HEARD.

Thirty-five persons were interviewed. Their statements are recorded in Vol. 5 of the printed evidence. Five of them were men engaged in the illicit sale of liquor. Nine others declared themselves against the prohibitory law; two of them had voted for the constitutional amendment—one because he believed in it at the time, the other to please his father; the other seven, in addition to the men engaged in the illicit traffic, had always been opposed to prohibition.

It was noticeable that, in some instances, those who made statements about the failure of the prohibitory law were careful to stipulate that anything they said should not be used in the state of Iowa, which carefulness impressed your Commissioner that, for some reason, they were unwilling to have public or official attention directed to infractions of the law.

Gentlemen who are not favourable to state prohibition freely admit that the law has worked beneficially in some parts of the state.

Gov. Boies, the leader of the opposition to prohibition, and who, to quote his own words, believes "the law is bad from every standpoint," said:—"I do not mean to say by that that in no part of Iowa is the law enforced, because that is not true. Wherever public sentiment upholds it, wherever a large majority of the people are opposed to the traffic in intoxicating liquors, the law is reasonably well enforced."

Being asked to state the benefits, if any, that have been conferred by the prohibitory law, he said:—"I think I can truthfully say that in interior counties, where public sentiment is strongly opposed to the traffic in intoxicating liquors of any kind, the use of those liquors as beverages has been diminished. So that, starting with the proposition that the use of intoxicating liquors as beverages is an evil, I think all ought to be willing to concede that the law has proved a benefit to those localities." He also said:—"The chief difficulties arise in the border cities."

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Hon. W. R. McFarland, Secretary of State, who thinks it would be better to have local option for the cities, said:—"We have ninety-nine counties. I have been pretty well over them in the campaigns in three years, and I should say that in sixty of those ninety-nine counties the law is fairly well enforced, as well as ordinary criminal statutes are enforced; but in the other thirty-nine counties the law is not enforced as well as other laws. Probably in these thirty-nine counties there are twenty counties where the law is absolutely disregarded."

Mr. McFarland attributed the disregard of the law in the twenty counties referred to, to location and the character of the population. He said:—"To their location largely. They are mostly located on the Mississippi or Missouri River. That is not the case in all the border counties, because some of our border counties are strongly prohibition. The foreign population I think has a great deal to do with it. We have a great many Germans in Iowa who were accustomed to have their beer before they came here, and they keep up the custom."

Being asked if the poor enforcement in certain places is due to the fact that the administration of the law is in the hands of officials hostile to the law, he said: "I think there is something in that too. I think if the mayor and city authorities are in earnest they can enforce the law in twenty-four hours in any city."

DES MOINES.

The evidence shows that in Des Moines, the largest city in the state, the law is very well enforced. Gov. Boies, speaking of this city, said:—"We have no open saloons."

M. Fred. Johnson, chief of police of the city, said:—"I am not giving Des Moines a better name than it deserves. It is better to-day than when we had open saloons."

C. J. Schaefer, deputy chief of police, who has been in the service since 1876, said:—"There has been great improvement in the order of the community. At the time we had a license system here prior to the time prohibition took effect, I helped to collect \$61,000 from the licensees—\$1,000 a year from each—in one year in this city. We had a great many wretched homes in the city at that time, and those who used to be great drinkers themselves are better provided for now and attend to their families. I know that to be so. I can cite cases to illustrate that."

Judge Eggleston, of the city police court, said:—"The city has grown more orderly." And this, notwithstanding "the city is growing larger, and we expect more crime in consequence. In spite of the difficulties (of enforcement) the law has had good effect."

Mr. E. R. Mason, clerk of the circuit court, said the prohibitory law is as well enforced in Des Moines as the laws against other offences; "quite as well as the law against gambling and prostitution, and as the law against petty larceny."

EFFECT ON THE TRAFFIC.

Eighty-six breweries flourished in Iowa before the enactment of the prohibitory law. They have been practically driven out of the business. The commissioners were told in Council Bluffs that two or three breweries were closed in that city by the law, and remained closed. It is claimed that the breweries in some places are still carrying on business.

At Cedar Rapids, W. Zalesky, representing the brewery of George Williams, said:—"Two years before the law was passed Mr. Williams refused \$50,000 for the brewery. To-day he cannot get anything for it."

Christian Magnus, Cedar Rapids, said that since the prohibitory law "We tried to put something on the market which is not intoxicating; they call it 'good luck,'" and it is what they are now making. Later he said: "The law has interfered with our business; the breweries in the state are crippled by the law."

There was a marked decrease in the number of United States special tax receipts issued from Iowa between 1883 and 1889. In 1883 there were of all kinds, 5,473; in 1889, 3,082—a decrease of 2,355. In 1891 the number was larger than in 1889, chiefly held in the border towns, the increase being attributable, according to some witnesses, to the election of Governor Boies, an avowed opponent of prohibition.

Concerning these tax receipts the Commissioners were told by the collector of internal revenue, who issues them, that "a great proportion" of those issued for Des Moines are to druggists doing a legitimate business. He, also, said that a tax receipt is not always for a year, that "many take out tax receipts who never intend to sell."

ADVANTAGES OF THE LAW.

Testimony as to the advantage of the prohibitory law to wage-earners was given. Mr. J. C. Brocksmitt, auditor of the Burlington, Cedar Rapids and Northern R. R., said:—"It has accomplished a great deal of good * * * The absence of the saloon is an advantage to employees, boys and others."

Mr. E. R. Mason, Des Moines, proprietor of a cotton mill, said:—"In 1886 my brother and myself purchased at Jonesville, Mich., a cotton mill, and operated it with about 100 employees. In that town they had open saloons, and a large number of the employees were addicted to drink. When they drew their money monthly they were not back to the mill on time, and they never got a single dollar ahead. When we moved to Des Moines with the mill in 1888, we brought a large number of those employees with us, and without a single exception, we had to furnish the means to pay the transportation of themselves and their families and their household effects. We operated the mill here for three years, and, without a single exception, those men who had been addicted to drink were sober and saved their money, so that when the mill was burned in December, 1891, there was not one of them who had not sufficient money to carry him through the winter without any help from outside. Though we insisted that the men should be sober, it had no effect on them in Michigan. The saloon was too much for them. One man in particular, who, I think, never in his life, after he had drawn his monthly wages, would have a single cent until the next pay-day, and who always anticipated it by getting credit at the stores, after he came here I do not think was intoxicated to be absent from the mill but once. A short time before the mill was burned he quit it, and he had purchased for himself a pair of horses and a wagon and was going teaming. He saved enough money to do that out of his wages here."

CHANGE IN POPULATION.

It was stated to the Commissioners that within late years there has been considerable change in the population of the state. Many native Americans have gone to the Dakotas, and have been replaced by Germans and other foreigners, whose ideas and habits do not dispose them to regard prohibition with favour. It is also in evidence that the cities and towns in which prohibition is enforced receive the best class of immigrants, while the less desirable class flock to the places where the law is more or less disregarded.

CONCLUSIONS.

The evidence shows that in certain places the law is openly violated with the consent of the civic authorities. And the observation of the Commissioners bears out these statements. The testimony is uniform that the lax enforcement of the law is in the border cities and towns, and in those in which the foreign population is dominant. And, except Des Moines, the Commissioners visited only such places, and in them heard most of the evidence and made their observations.

There was substantial agreement amongst the witness heard, including those who did not think the prohibition system a wise one, that in two thirds of the state, or more, the prohibitory law was well enforced, with but little difficulty and with beneficial results.

Liquor Traffic—Commissioners' Report.

KANSAS.

No other state which has made the experiment of prohibiting the liquor traffic offers such a field for investigation as Kansas. It has a larger area than any other, is a comparatively young state, has had a large influx of population during recent years, and its law is more rigid than that of any other state.

It was the first state to adopt constitutional prohibition. The prohibitory amendment to the constitution was adopted in 1880, and is in the following terms:—

“The manufacture and sale of intoxicating liquors shall be forever prohibited in this state, except for medical, scientific and manufacturing purposes.”

The total vote polled for and against the amendment was 200,000, the majority in favour of it being 7,998. Up to that time there had been thirteen propositions of various kinds to amend the constitution of the state, but never before was so large a vote polled on an amendment proposition, nor was one ever adopted by so large a majority.

In the following year (1881) the legislature enacted a prohibitory law to give effect to the constitutional amendment. The liquor trade, of course, took advantage of every weakness and technical imperfection in the law, and for three or four years found various ways of temporarily evading it. But, as discovered, the weaknesses and defects of the law were remedied by the legislature, penalties for violations were made severer, and it soon became apparent to all that it was possible to close the saloons, and keep them closed. Since 1885 the effectiveness of the law has been acknowledged, even by those opposed to it.

Places and witnesses.—The places in Kansas visited by the Commissioners were Kansas City, Topeka, Ottawa, Leavenworth and Salina—one Commissioner going to the last-named place. The undersigned thinks it a matter of regret that the commissioners did not visit some of the small towns and rural districts about which witnesses said much, and in all of which it was declared the law is completely enforced, and with excellent results.

Of sixty-five witnesses heard in the state, eighteen expressed opposition to the prohibitory law. Of those eighteen, sixteen had always opposed it. Two of them had voted for the prohibitory amendment, but are now opposed to the law. On the other hand, five witnesses who had opposed the adoption of prohibition are now in favour of it, having been led to change their views by the satisfactory working and the good effects of the law.

CONSUMPTION OF LIQUORS.

There is no doubt whatever that the prohibitory law has caused a marked decrease in the quantity of liquors consumed in the state.

In 1880, the year immediately preceding the enactment of the prohibitory law, the number of United States tax receipts issued for Kansas was in the ratio of one to less than every 500 of the population; eight years later the number was in the ratio of one to more than 1,829 of the population.

In considering these figures the facts already stated, as to what the tax receipts really represent in prohibition states, have to be kept in mind. They are not, as many suppose, evidence, in all cases, of illegal drinking places.

All druggists who handle liquor in any form are compelled by the Federal Government to pay for special tax stamps. Therefore, a great many of these permits are legitimately held in prohibition territory. Pharmacists, familiar with their profession in the state, estimate the number of druggists doing business in Kansas at 1,600. Some of these do not keep or sell liquors, and, of course, do not pay the special tax. For some years the number of Government permits and the number of druggists in Kansas bear a very close analogy.

The Nebraska high license law came into operation in 1881, the same year that prohibition came into operation in Kansas. In 1882, the first full year under prohibition, Kansas had 484 more tax receipts than Nebraska. In 1889 the number in Kansas had been considerably reduced, while the number in Nebraska had

increased by 2,329. The population of Kansas is about 50 per cent larger than that of Nebraska. Nebraska with 50 per cent less population had more than double as many liquor tax-receipts. And the difference is attributed, by those who know the states, to prohibition.

There is other evidence of reduced consumption of liquors in the state. The report of the Commissioner of internal revenue for the 11 years ending 30th April 1890, shows that there was collected in these states because of the manufacture and sale of spirituous liquors a total amount of \$18,433,097; of which \$675,934 were collected in Kansas, and \$17,757,163 in Nebraska.

From tables published in the *Beer Brewers' Journal* it is learned that the sales of beer in these states during the year 1880 to 1891, inclusive, were as follows:—

| | Nebraska. | Kansas. |
|-----------|-----------------|-----------------|
| 1880..... | 40,000 barrels. | 32,000 barrels. |
| 1881..... | 45,000 " | 23,000 " |
| 1882..... | 53,000 " | 23,000 " |
| 1883..... | 55,000 " | 23,000 " |
| 1884..... | 60,000 " | 26,000 " |
| 1885..... | 66,000 " | 20,000 " |
| 1886..... | 84,000 " | 17,000 " |
| 1887..... | 108,000 " | 16,000 " |
| 1888..... | 124,000 " | 15,000 " |
| 1889..... | 136,000 " | 9,700 " |
| 1890..... | 129,000 " | 2,700 " |
| 1891..... | 146,000 " | 2,050 " |

There was, therefore, according to this anti-prohibition authority, sold in Nebraska, in 1891, about ninety-six and two-thirds times as much beer per capita as there was sold in Kansas during the same year.

And it needs to be remembered that during the years 1881-91 high license was in operation in Nebraska and prohibition in Kansas.

Rev. Dr. Milner, for eighteen years a resident of Kansas, and thoroughly familiar with every part of the state, said:—

"I think it is unquestionable that there has been a vast decrease in the consumption of liquors in our state. We had an illustration during the original package invasion in 1890. According to the decision of the supreme court, anyone, could go into any community in Kansas and open up an original package house and sell liquor without regard to the law of the state. There was in this city (Topeka) and in other places in the state, as a result of that, an immediate increase of drunkenness. There was double the number of arrests in the city in a week. That was not the only thing. In Kansas City, Mo., all the wholesale liquor dealers increased their business by day and night. The business was increased. The *Wine and Spirit Gazette* of New York made this statement: 'This illustrates what Kansas would do for the trade if it were not for its law of prohibition.' That was the admission of the liquor people themselves. That original package illustration showed that the facility of supply immensely increased the demand, and that, to my mind, was a demonstration of the success of prohibition without going further. The *Kansas City Journal of Commerce*, an anti-prohibitionist paper, and the leading Republican journal of the city, in the review of the year before, simply said that the prohibition law of Kansas had broken the backbone of the business, and the wholesale liquor men of Kansas City, Mo., did not count that as their territory, and had withdrawn their travelling men from the state."

LAX ENFORCEMENT.

There are places in Kansas in which the law is poorly observed. Evidence of this was heard and seen by the Commissioners in Kansas City and Leavenworth. There are few other places, similarly situated, where the enforcement is more or less lax and spasmodic. The geographical position and the character of the populations of these places have to be considered in accounting for lax enforcement of prohibition in them.

Liquor Traffic—Commissioners' Report.

KANSAS CITY.

Kansas City is as unfavourably situated for the enforcement of prohibition as it could possibly be. It is, practically, a part of Kansas City, Missouri, in which latter city, as stated elsewhere in this report, liquor selling, under a high license system, goes on unhindered seven days in every week and twenty-four hours every day, with the accompaniment of Sunday theatres, gambling and prostitution.

The population of Kansas City, Kan., (40,000) is made up largely of Bohemians, Hungarians, Germans and coloured people, all of which classes have, more or less, the drink habit. It is clear that in such a city the enforcement of a prohibitory liquor law could not be without exceptional difficulties. And yet there is evidence that prohibition has, first and last, had a good effect, and that the condition of the city is much better than in earlier years and than it would be but for prohibition.

In Rev. James G. Dougherty, Congregational minister, the Commission found one who could give valuable information about Kansas, and especially about Kansas City. He had lived in Kansas City in 1872, then he was out of the state a short time; returning to it, he was thirteen years in Ottawa. When the commission visited Kansas City he had been there for more than four years. He was familiar with the early history of Kansas City. He said:—

"I knew this town when there were not more than 4,000 people altogether in the district in which there are now 40,000, and the greater part of those were in the district formerly called Wyandotte. Kansas City, Kansas, is made up of the old town of Wyandotte, the old town of Armstrong and the newer towns of River View and Armourdale. These places have now been combined for five years, under the name of Kansas City, Kansas. In that entire territory, from 1872 to 1875, there were not more than 4,000 people. This is one of the old towns of the state. The Indians founded it in 1843. In 1855, when this territory was organized, there were only about 150 white people in the entire territory of Kansas. In 1856 men came to this town. There was no railroad west of here. The people were a pretty rough class of men. In 1872, when I first saw the town, there were some of these men still living here, and the bad impress of their character remains in the town to this day. In that small population of about 4,000 there was an amount of drinking and drunkenness such as I have never seen equalled, except in some of the worst parts of New York city or the city of London. This was a frontier town, and the life of the place was a thoroughly bad life. Men of all classes here were not only drinking men, but drunkards."

Drunkenness, gambling and the social vice were flagrant. These things still exist; "but," said Mr. Dougherty, "neither the gambling nor the drunkenness keeps pace with the increase of population. There has been a great improvement relatively to the whole population."

Mr. Dougherty described at length the manner of conducting the illicit traffic in Kansas City, which he said was by collusion between the joint-keepers and the police, other civic and state officials, for one or another reason, either definitely or tacitly endorsing the arrangement. Of the administration of the police affairs of the city he said: "It is really in the hands of the brewers and distillers of Kansas City, Mo.; they bring influence to bear on the governor, which secures the appointment of the commissioners they want."

Mr. S. S. King, police court judge of Kansas City, Kan., said that notwithstanding the degree of non-observance, the prohibitory law is a long step in the direction of sobriety. "I am satisfied," he added, "that, taking the state over, there is not nearly so much drinking or intoxication as there would be under a license law. I will say this, too, notwithstanding the fact that I have always been in favour of license, at least until recently, and I can scarcely tell now whether I am or not."

Asked if there are fewer persons selling liquor in the city than there were under the License Act, he answered: "Oh, yes, certainly, very much fewer, and it is sold in places rather hidden away, in back rooms, where young men and boys are not so likely to be induced to drink as in more public places."

The police captain of Kansas City, Kan., J. E. Porter, who had been in office four years, said crime had diminished considerably in the city during the four years, notwithstanding the population had increased. And, he added, the sale of liquor is "less than it would be under license." There is evidence, also, that a proportion of the police work in Kansas City is due to the much drinking in the Missouri City.

Mayor Barnes, of Kansas City, Kan., who was elected in opposition to the liquor interest, and received the largest majority ever polled by a candidate for the office, said the law has "accomplished very considerable good." "It has been beneficial, even although the law has not been enforced entirely. I believe every effort in that direction benefits the community, and promotes the growth of the country. I think we have had as many people immigrate to this state on account of our laws as there have been people to avoid it. Many a parent in the east who has had a son inclined to go to ruin has come to Kansas in order to get him away from the liquor traffic. In the smaller towns it is entirely effective. In the cities it has been harder to enforce the law."

The personal observations of your Commissioner confirm the statements as to the difference between the neighbouring cities—one under high license, the other under prohibition. A Sabbath in Kansas City, Mo., revealed an open and general sale of liquors in disregard of the restrictions of the license law, and a condition of drunkenness on the streets quite appalling. Part of the same day was spent in Kansas City, Kansas. Whatever illicit sale there may be on other days, there was, certainly, an absence of observable violation of the prohibitory law. There were no drink shops to be seen and no signs of drunkenness in the streets, and there was a general air of quiet Sabbath observance, in marked and pleasant contrast with the flagrant violations of the license law and the flaunting Sabbath desecration in the Missouri Kansas City.

LEAVENWORTH.

Leavenworth is another illustration of lax enforcement. It is located on the Missouri river, and its main street is within fifteen minutes walk of the high license state of Missouri. It has a large foreign population, including many miners; there is a military reservation and fort, with sometimes 3,000 soldiers, on one side; and a home for veteran soldiers on the other side, in which there is all the time an average of 2,500 men; the state penitentiary, also, is near. Before prohibition Leavenworth supported over two hundred saloons, dance houses and beer gardens; and when the vote was taken on the prohibitory amendment the city polled a large majority against it. It is not, therefore, surprising that there should be resistance to the prohibitory law, nor that its enforcement should be difficult and uncertain.

Quotations from the evidence heard there will show some of the difficulties encountered, and also the measure of success achieved.

Col. Jas. Abornathy, a furniture manufacturer and prominent citizen, said:—"This is probably the worst city in the state of Kansas to enforce that law in, from this fact: The judge of our court was opposed to the law, as well as the clerk, the sheriff, the justice of the peace, every township officer and constable, the county attorney, the mayor and the entire council, all bitterly opposed to it. I do not think there was a single member of the council in favour of the enforcement of that law. The sentiment of the community was largely against it. They elected these officers. It was a question that was prominent in our elections, and the sentiment of the city was against prohibition. We arrested these men for selling liquor in 1885 and 1886, and prosecuted them in our district court, but we could not get the cases proceeded with. They would carry them over from time to time until the witnesses became scattered and gone, and then the cases were dismissed. * * * We had not a court to which we could take a case—not a single one. Everybody was opposed to us."

But, notwithstanding these difficulties, Col. Abornathy said the law had not been without good effect. He employs a large number of men, who have, he

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believes, been benefited by the law. He said: "In my own business, before this law was passed we employed a great many Germans, and they were in the habit of going out about ten o'clock in the morning and along in the afternoon and getting their beer. When the law was passed we found that they stopped that. I noticed a great improvement in the men in that respect. Indeed, I will say this: I believe there is a great improvement even right here in Leavenworth, in comparison with the time before the law was passed. Men who used to go to saloons and places of that kind when they had to climb up two or three flights of stairs, or go into a back alley, have told me repeatedly, "If I have to do that, I won't drink." I know a great many men who have quit drinking. Although the law has been poorly enforced, I believe a great deal of good has come of it, even here, although this is probably the hardest place in the state of Kansas in which to enforce the law, owing to its peculiar circumstances."

Major E. N. Morrill, banker, said:—"We have adjoining us on the north a fort with at times nearly 3,000 United States troops in it. Then we have three large coal mines here, and you know the class of people miners are; and then we have these old soldiers in the soldiers' home. I think 40 percent of the inmates go there on account of intemperance. They got stranded and then they turn up at the soldier's home. I think all these influences are at work around here to make prohibition ineffective. I do not believe the people of Leavenworth are much different from the people anywhere else, aside from those three classes."

He expressed the belief that lax enforcement in Leavenworth is due to the presence of the classes mentioned.

Rev. Dr. Page said Leavenworth is not a fair illustration of the prohibition system. "The city was settled largely from Missouri, a state where the prevailing views on that question are not as strict as those of people in other localities, so prohibition has never been favoured in this part of the state. Then, we are peculiarly situated here. We have a very large foreign element. The coal mines bring an extensive foreign element here. We have also the young soldiers to the north of us, who are largely a drinking element, and we have the old soldiers to the south, who are also largely given to drink. A good deal of our police trouble, and a good deal of the annoyance we have in the city, comes from the soldiers. Then we have Missouri bounding us on the east. We virtually have but a short western boundary that is favourable to prohibition; otherwise we are right in the midst of a class of people who are not naturally, or from education, in favour of strict temperance."

Mr. Henry Shindler, the Leavenworth representative and correspondent of the Kansas City, Mo., *Times*, is a strong opponent of prohibition. He is, he said, "opposed to it from every point of view," adding:—"I have made as much effort, and perhaps succeeded as well in showing up the impossibility of enforcing the prohibitory law in our large cities, as any newspaper man in Kansas."

While he made many charges against the prohibitory law, denounced in unmeasured terms the alleged hypocrisy of many of its friends and advocates, and averred that it was an utter failure, responsible for a great deal of injury to the state and productive of many serious evils, he said:—"We had a fine brewery here, but its business was destroyed by the prohibitionists. It was not allowed to operate."

So that even in Leavenworth, where prohibition is not so well enforced as in other parts of the state, a brewery, not to say anything of many of the two hundred saloons, beer gardens and dance houses, was effectually prohibited.

Rev. W. J. Gillespie, chaplain of the Soldiers' Home, said: "To-day, even the men who opposed the passage of the prohibitory law, feel sure that if it were re-submitted to the people a very much larger majority would vote for its re-enactment and enforcement than when it was first passed. Even the whisky men who are in favour of license, believe that the majority of the people, even in Leavenworth, are favourable to prohibition. But the people opposed to prohibition are more noisy and make more display of their power and force than the prohibitionists and temperance people."

CONVINCED BY RESULTS.

The opponents of the law, including those who hold as strong views as those expressed by Mr. Shindler, agree that the law has been fairly well enforced in far the larger portion of the state, and with apparent good results.

Evidence is plentiful that the operations of the law have created a sentiment in its favour, and that re-submission of the question of prohibition would result in a much larger majority in its favour than was given in 1880. Governor Martin is a notable example of the once strong opponents of the law who have become its ardent friends and supporters.

One gentleman (Dr. Milner), who has an extensive acquaintance in the state, says that while he knows hundreds of people who voted against prohibition who are now in its favour, he does not know a single person who voted for it from conviction who is now against it. Confirmation of this statement was found by the Commissioners in Ottawa, a town of 8,000 or 10,000 inhabitants. When the closing of the saloons was proposed there was a strong feeling against the proposition; and many business men united in issuing a circular to the voters, setting forth their belief that prohibition would surely injure the business of the town and retard its growth. Their appeal had such influence that the majority there in favour of closing the saloons was less than half-a-dozen votes. But the actual results of prohibition have caused a revolution of feeling, and now the very men who feared evil are loud in their praises of prohibition. It is stated that nine-tenths of the business interests of the town are openly and strongly in favour of the law.

The same is said to be true of the business men in a number of other towns. They have been convinced by results.

EFFECT ON BUSINESS.

Opponents of prohibition are wont to assert that prohibition causes business stagnation. The investigation in Kansas does not justify this assertion. It is found that the cities which observe the law are more prosperous than those which disregard it.

For instance, the population of Leavenworth has steadily decreased. A gentleman, not at all favourable to prohibition, remarked: "There are too many empty business places and houses in Leavenworth to make it a comfortable thing to walk along the streets."

The same thing is true, more or less, of other places in which violations of the law are tolerated, while Topeka and the cities and towns, generally, in which the law is honestly enforced, have had steady increase of population and other indications of prosperity.

The tax-rate in Kansas decreased from 55 cents in 1880 to 40 cents in 1889; while in Nebraska it increased from 39 cents in 1880 to 63 cents in 1889. During these years, from 1881, Kansas was under prohibition, and Nebraska under high license.

Hon. J. A. Troutman, Topeka, who has given much attention to the business side of the question, said: Prohibition has had "good effects upon the business and industrial interests, and in every respect. In this city (Topeka), where it has been better enforced during the entire period of its existence than in any of the other larger cities of the state, the buildings occupied by saloons originally were soon filled up by various branches of trade, the money that maintained the saloons went into other channels of business, and the revenue which was lost to the city by the suppression of the saloons has not been appreciably felt. The general tax-rate has been a trifle lighter on the average since the adoption of prohibition than it was previously. The state taxes have diminished. While I do not attach much importance to prohibition in connection with the state taxes, for the question of prohibition or license in a single state or a single community cannot have a very great effect upon the question of taxation,—but whatever effect it may have, in this state, has been favourable to prohibition. It has been demonstrated that the argument that the closing of the saloons will increase the taxes is a fallacy."

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Property has increased in value. In 1880 the assessed valuation of lands was, in round numbers, \$87,000,000. In 1889 it was \$170,000,000—an increase of ninety-five per cent in eight years. The increase in eight years under prohibition was fifteen per cent greater than in the ten years immediately preceding prohibition. The assessed value of all property in 1880 was \$160,600,000; in 1888 it was \$353,240,000—an increase in eight years, under prohibition, of over one hundred and twenty per cent. The increase in the ten years immediately preceding prohibition was under seventy-six per cent.

The bankers' statement, sent out from the capital of the state last year, said:—"Kansas has made a record in the decrease of her bank indebtedness in the last nine months of over \$6,000,000. State and private banks' reserves have been increased to 41.2 per cent, where the law requires only a 20 per cent reserve. In a tabulated report, Bank Commissioner Breidenthal shows that the private and state banks of the state owe less than \$1,000,000, and have due them from banks outside of the state over \$3,000,000. The people of Kansas have paid off over \$5,000,000 of loans and \$380,000 of overdrafts, and the banks have paid \$730,000 which they owed banks outside of the state. The total state and private bank indebtedness has decreased \$6,299,178.03 during this period of time."

Hon. J. R. Mulvane, President of the Bank of Topeka, issued a statement in 1893, of the business of the state, in which he said: "To comprehend the immense product of the last five years I call attention to the fact that in Kansas cattle alone there passed through the Kansas City stock yards for the year 1882, 80,509 head, which was increased in 1892 to 699,578 head, being an increase of over 800 per cent in ten years; and in the last five alone we have shipped and sold, passing through the same stock yards, over 2,630,000 head of cattle. In swine our production has grown from 770,581 head in 1882, to 2,305,000 in 1890; in the last five years we have shipped and sold, receiving pay, 10,411,000 head of fat hogs. Of wheat we have produced 197,500,000 bushels in the last four years, which, at the average values of the years, brought us \$136,500,000. The same four years blessed us with 602,500,000 bushels of corn, which had a market value of \$200,000,000.

"The larger portion of this immense production has gone into debt paying and permanent improvements."

Mr. T. C. Noel, President of the First National Bank of Topeka, gave evidence before the Commission. While admitting that he is not, in the strict sense, personally a prohibitionist, he said the law is, doubtless, well enforced and has done good. Asked about the effect of prohibition on the finances of the state, he said:—"I think it has been good. I think it is one of the things that saved us from a bigger drop from our boom than we otherwise would have had."

And about Topeka's expenditure for liquors, he said:—"The flow of money for whisky has diminished by from 25 to 75 per cent. I am in the business where the drafts are drawn for the purpose of paying for whisky, because men do not pay cash for it any more than they do for any other commodity, and there are fewer dollars by 25 to 75 per cent in this way for whisky than there were under license."

Other business men, including bankers and real estate men, were very emphatic in their statements about the beneficial effects of the law on business, property values and financial interests generally.

Rev. Dr. Milner said:—"The material interests of the state have been advanced as respects all lines of business, except those connected with the liquor traffic. We have evidence of it in different ways. I have not statistics, but I have illustrations. For instance, in one of the towns there was a German who had a place near the railroad shops with a partition in the middle of it. On one side of the partition he had a meat shop and on the other side a saloon, and when the law was enforced he had to close the saloon. He said that that seemed to mean starvation to himself and his family. A friend asked him about three months afterwards how he was getting along. He said he was getting along first-rate. Formerly, he said men would come and drink awhile in the saloon and then go and take a little liver or bone away from the next shop, but now the same men will come and buy a great deal more meat, and

a better quality, and I make more money out of it. That is an illustration to show how it works in every line of business."

EFFECTS ON LABOUR.

The Commissioner of the Bureau of Labour and Industrial Statistics, in 1889, Mr F. H. Betton, said the prohibitory law had been beneficial to the labouring classes in the state. This statement he based upon his investigations and his personal observations. More men, he said, are owing their own homes now than ever before. The workmen are better clothed and better fed. They do better on the same wages here than they do in towns where liquor is sold.

Mr. E. B. Purcell, a director of the Atchison, Topeka and Santa Fe Railroad, and one of the leading business men of the state, made this statement in 1889: "In my opinion the prohibitory law of the state has been a great success from a business point of view. The state has lost some revenue from the saloons, but it has gained immensely in the direction of public morals, law, order and sobriety. I know personally of numbers of men in the neighbourhood of my own town who before the prohibitory law went into effect were squandering their earnings on drink, and who but for prohibition would be to-day, I believe, without a home or a dollar in the world. But these men are now sober and industrious and have comfortable homes. I believe that railroad men in this state generally share my views as to the success of the law. I have heard many express the same opinion. The amount of liquor brought into the state under the present law and the amount of money sent out are grossly exaggerated. I do not believe it is one-tenth of what it was before prohibition."

The Commission heard evidence to the same effect.

Mr. T. C. Noel, Topeka, said: "I have employed a great many men, and at the time the saloons were open it was a rare thing to begin business on Monday morning with a full force; but since the saloons have been closed it has been a rare thing to open up short of a man. Prohibition has changed that."

Mr. Edward Wilder, secretary and treasurer of the Atchison, Topeka and Santa Fe Railway, testified of the advantages of the prohibitory law. The railway company has, in Topeka alone, 3,000 to 4,000 men at work. The abolition of the saloons, he said, has been a vast benefit to them. He has resided in Topeka 22 years; has seen it grow from 5,000 to 45,000; has observed the conditions under a liquor license system and under prohibition, and says emphatically that there is a much better and more prosperous condition under prohibition. He said: "I am not an absolutely prohibition man in my own practice. If I choose to drink a glass of wine at my own home or at a friend's house I do it, but I am absolutely prohibition as far as the saloons are concerned. There is no question at all but a good deal of the wages which was paid into the saloons (under license) now goes into the houses to purchase better food and clothing for their families. A very large proportion of the houses are owned by the mechanics living in them, and they are paying for them gradually, and are helped to pay for them by the savings of their wages that formerly went into the saloons." It is also, he said, an advantage to the company. "A man coming to us in the morning with his head clear is better than a man who was on the street the previous night."

PAUPERISM.

Kansas has never had much pauperism. This is true of all the western and newer states. The Commission has no information as to the state's pauperism other than that based on the United States census returns of 1890, which, as explained in another part of this report, give no adequate idea of the number of dependent poor in any state, and which are quite valueless for purposes of comparison.

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In 1892, forty-four counties in Kansas, which have poor-houses and farms, were without a single pauper. And in a number of counties there has not been any need for poor-houses.

Hon. S. B. Bradford says that, "Carefully prepared figures from reliable and official sources show that in Kansas we have only one pauper to every 1,350 of our population, the smallest percentage of any state in the Union."

EFFECT UPON CRIME.

"The saloon breeds crime. The saloon is gone; crime has decreased"—is the testimony of a gentleman conversant with the history of Kansas.

Hon. S. B. Bradford, ex-Attorney General of Kansas, presented "A Comparative Statement of Crime" to the Commission (which is not printed as an appendix to the report), in which he summarizes crime for a period of years. He was Attorney General two terms, of two years each. He says:—

"In 1888, I had the prison officials at our state penitentiary compile a series of tables showing the number of persons sent to the penitentiary, and for what crime, from every county in the state, from and including 1874 to and including 1888. This was for the purpose of comparison, to see if the enforcement of the law had reduced crime in the state."

"In 1874, the population of Kansas was 530,367. We convicted and sent to the penitentiary during that year 169 persons, and 108 of that number were for grand larceny.

"In 1880, the population of the state, as shown by the United States census, was 996,096. During that year we convicted and sent to the penitentiary 291 persons. The year 1880 was the last year of the dram-shop in Kansas.

"In 1881, the first year of the prohibitory law, we convicted and sent to the penitentiary *only one hundred and eighty-four persons*, 107 less than in 1880, notwithstanding the fact that the population of the state had increased at least 25,000.

"On December 30, 1886, there were in the penitentiary 898 convicts besides government prisoners. What are called government prisoners are persons convicted of crimes against the (United States) government in various states and territories, and sent to Kansas penitentiary for punishment, and should not be taken into this account.

"On December 31, 1887, there were 900 convicts in the penitentiary, only two more than in 1886, notwithstanding the fact that our population has increased more in 1886 than in any year of our history.

On the 17th day of August, 1888, there were in the penitentiary 854 convicts, *an actual decrease of 46* in seven and one-half months.

"The appropriation asked for by the warden of the penitentiary, of the legislature of 1887, was based upon the probable increase of prisoners, consequent upon the increase of population. The expected increase not holding out, there was a surplus to return into the treasury at the end of the year."

As showing the immediate effect locally upon crime, Mr. Bradford instances some of the counties to which as attorney-general he gave personal attention. The figures quoted are from tables based upon official records. He says: "Atchison county, between January 1, 1874, and January 1, 1881, the last year of the dram-shop act, a period of seven years, sent 65 people to the penitentiary. From January 1, 1881, to June 30, 1887, a period of six years and six months under prohibition, only 36 persons were sent to the penitentiary, notwithstanding the fact that the population has doubled in that time. During the year 1886 there were no saloons in Atchison county, for as I have before said, they fell an easy prey in January and February, 1886, and during that year only three persons were sent to the penitentiary. From January 1, 1887, to June 30, only one prisoner was sent to penitentiary from Atchison county."

Other similar records are cited, and he says: "Many favourable comparisons of this kind could be made; in fact many of our county jails are empty."

In his evidence before the Commission, Mr. Bradford said: "One noticeable feature of these criminal statistics is that the ages of the criminal classes in Kansas are growing greater, showing that the younger people of the state are in the schools or on farms, or in the factories, instead of being in the penitentiary."

Hon. J. A. Troutman, who gave evidence at Topeka, said: "I made a comparison with regard to crime between Topeka and thirty or forty other cities which have license. I also made a comparison between Kansas and Nebraska, and the comparison was favourable to prohibition."

The comparisons to which he alludes are contained in a pamphlet presented to the Commission, but which does not appear as an appendix to the report. The following are quotations from his figures:—

"Let us go back to 1879, when Kansas and Nebraska were both operating under the license system, and let the comparison cover the entire period of prohibition in Kansas and high license in Nebraska. In 1879 Kansas had 917 convicts in her prison, while Nebraska had only 129. Kansas has tried prohibition for nine years and has, including fifty military prisoners that do not belong to us, 873, a decrease of forty-four. Nebraska has tried the license system during this time, and has in her penitentiary 345 convicts, an increase of 216. The prison population of Kansas under prohibition has decreased five per cent, while the prison population of Nebraska under license has increased 167 per cent—a showing of 172 per cent in favour of prohibition and against license. * * * The prison population of Nebraska has outrun the general growth of population, while the prison population of Kansas has fallen behind the general growth of the state * * * Kansas has a greater number of convicts in her penitentiary per capita than Nebraska, but the comparison is by no means as unfavourable to Kansas now as when both states were under the license system. Kansas had four times as many convicts, population considered, ten years ago under license as Nebraska had under the same system, but prohibition in Kansas and license in Nebraska are rapidly cutting down this disparity."

In 1893 the number of convicts in the Kansas penitentiary was still further decreased, though the population of the state has increased. There were 855 prisoners in the penitentiary the day it was visited by the Commission. Of those 55 were United States' prisoners, and 30 were from Oklahoma, so that but 770 were really Kansas convicts. It may be mentioned, also, that convicts sentenced to be hanged accumulate in the penitentiary, as none are ever hanged in Kansas. The sentence in such cases is confinement in penitentiary for one year, and after that to be hanged on the order of the governor. But, as the warden told the Commissioners, "the governor never gives the order." There are 44 such prisoners, some of them having been there many years.

The comparison of criminal statistics already quoted deals with two other records, thus:—

"Kansas and Nebraska have reform schools for boys. Both were started about the same time, and are run upon essentially the same plan. Nebraska's reform school has 245 inmates, while in Kansas we only have 174. If Kansas had as many as Nebraska in proportion to her population, there would be 392 boys instead of 174. Taking Nebraska as an example, we lack 218 boys of having our share.

"Where are these missing boys? On the farm, in the store and shop, and in the school, growing up to manhood without personal knowledge of what a saloon is. Until some better explanation is given, I shall firmly believe that the absence of saloons from Kansas and their presence in Nebraska is, at least, a partial solution of this problem."

"Passing from the penitentiary to the police court, from the highest to the lowest grade of crime, and the showing in favour of prohibition is even more gratifying.

"I have compared the record of crime in fourteen high-license cities, and ten low-license cities, with the record of Topeka, basing the figures upon population and the total number of arrests during the past year. The population given from this table, is either official, from local census returns, or the estimate of the officers of the

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respective cities. The figures from Chicago do not include the recently annexed suburbs, that added about 100,000 to her population.

"I have taken Topeka as the basis, and figure from the official report of our police commissioners, made only a few days ago."

COMPARISON OF CITIES.

| City. | Population. | Number of saloons. | Number of arrests. | Excess, taking Topeka as a basis. |
|--------------------------|-------------|--------------------|--------------------|-----------------------------------|
| Topeka, Kansas..... | 45,000 | None. | 1,616 | |
| Little Rock, Ark..... | 30,000 | 45 | 2,932 | 1,882 |
| Joliet, Ill..... | 30,000 | 54 | 1,760 | 710 |
| Omaha, Neb..... | 110,000 | 265 | 12,543 | 8,793 |
| St. Joseph, Mo..... | 82,000 | 130 | 3,909 | 1,040 |
| Dallas, Texas..... | 50,000 | 100 | 3,721 | 1,971 |
| Bloomington, Ill..... | 25,000 | 52 | 1,116 | 230 |
| Leadville, Col..... | 15,000 | 72 | 2,058 | 1,530 |
| Columbus, Ga..... | 30,000 | 41 | 2,062 | 1,012 |
| Chicago, Ill..... | 950,000 | 4,200 | 50,432 | 18,932 |
| East St. Louis, Ill..... | 15,000 | 100 | 1,573 | 1,040 |
| Springfield, Ill..... | 35,000 | 115 | 3,233 | 2,008 |
| Springfield, Mass..... | 42,000 | 36 | 2,084 | 614 |
| Parkersburg, W. Va..... | 10,000 | 34 | 768 | 418 |
| Philadelphia, Pa..... | 1,000,000 | 1,172 | 46,899 | 11,899 |
| Charleston, S. C..... | 60,000 | 221 | 3,210 | 1,110 |
| La Crosse, Wis..... | 30,000 | 144 | 2,375 | 1,325 |
| Lynchburg, Va..... | 22,000 | 66 | 2,575 | 1,895 |
| New York City..... | 1,650,000 | 7,809 | 85,049 | 27,298 |
| Richmond, Va..... | 100,000 | 314 | 6,200 | 2,700 |
| Buffalo, N. Y..... | 250,000 | 1,859 | 14,149 | 5,399 |
| Lexington, Ky..... | 28,000 | 85 | 2,322 | 1,342 |
| San Francisco, Cal..... | 325,000 | 3,000 | 19,460 | 8,091 |
| Baltimore, Md..... | 425,000 | 2,860 | 29,789 | 14,914 |
| Elmira, N. Y..... | 32,000 | 218 | 1,830 | 710 |
| | | 22,983 | | 118,864 |

"This tabulated statement shows an aggregate of 118,864 more arrests in these twenty-four cities than there would have been if they had been as orderly as Topeka. This excessive number of arrests is explained by the second column of figures, giving the number of saloons in those cities—22,983 saloons.

"The cities are distributed from the Atlantic Ocean to the Golden Gate, and from the Gulf of Mexico to the Queen's dominions; fourteen of them are smaller than Topeka and ten are larger; some are in cultured New England and some in the rough and-ready west; but altogether they typify the American city. These mute figures are a more significant comment than any words of mine."

ENFORCEMENT.

It is frequently urged that it is not possible to enforce a prohibitory law. The experience of Kansas is against this contention.

Hon. A. H. Horton, Chief Justice of the Supreme court of Kansas who has lived in the state thirty-five years, made a statement to the Commission which must have weight with those who have sincerely doubted the possibility of efficient enforcement. He said:—"The license law was not better enforced than the prohibitory law is." Speaking of alleged difficulties and failures in enforcement, he said:—"The difficulties and failures have been equally great in other cases as in liquor cases." The prohibitory law is as well enforced as the law against gambling and the laws against disorderly houses, and in the cases brought into court the proportion of convictions is even greater."

About the alleged commonness of perjury in liquor cases, he said:—"I do not think there is any more than there is in the cases of disorderly houses or gambling. At the commencement of the enforcement of the prohibitory law in the state, I think there was a great attempt on the part of witnesses to evade giving direct information as to violations of the law, and especially as to their obtaining liquor in the places prosecuted, and paying for it; but that is largely changed, and I do not think there is now much trouble in obtaining proof and convicting. I do not know that there is any more false testimony given in these cases than is generally given in the courts. I judge that there is not, because now convictions under the law are very easily obtained."

A mass of testimony, confirmatory of Judge Horton's evidence, has already been quoted about the closing of a brewery at Leavenworth. The other breweries in the state were, also closed, though some of them made a long and severe struggle before yielding to the law's power. The case of one may be taken as illustrating the triumph of the law. The case is cited by Hon. S. B. Bradford, attorney general at the time.

At Lawrence, John Walruff owned and operated a large brewery in violation of law. The defendant, Walruff, had done more to strengthen the fight against the law than any other man in the state. He engaged eminent counsel and fought to the bitter end. He applied to the court for a transfer of his case from the state to the federal court, on the theory that a federal question was involved; that to grant an injunction and deprive him of the use of his property for which it was peculiarly constructed, was a confiscation and a taking of this property without compensation, and in violation of the constitution of the United States. The judge of the circuit court of the United States held that a federal question was involved, and that the Kansas law could not prevent the manufacture of beer, or other intoxicating liquors, for sale in the markets of the world, where it was not a prohibited article.

The brewers and the friends of the liquor traffic generally supposed their troubles ended, and that they could henceforth manufacture and sell at wholesale in spite of the prohibitory law. They were, naturally, jubilant; and the friends of prohibition were correspondingly discouraged. But the Attorney General of the state appealed the case to the Supreme court of the United States. The National Brewers Association espoused the cause of the Kansas brewers, and employed eminent counsel to defend the case; but without avail. The judgment of the highest tribunal in the country was to the effect that: "The power of police regulation is inherent in the state, and should the state legislature place its seal of condemnation upon the traffic of that which tends to produce "pauperism and crime, there is no power to prevent it."

Then Mr. Walruff's troubles began again. They are best told in a letter from himself to the Secretary of the United States Brewers Association, dated March 25 1887, extracts from which follow. He was then in St. Louis, Mo., to evade prosecution. He wrote:—

"In Kansas the outlook is very blue, and I will be compelled to give up the fight. First, on account of my health and my age, I cannot stand the annoyance any longer; second, it does not pay to keep up the fight any longer. I will state to you my experience during the last four or five months. In November last we had a grand jury, and from the make-up of it, it was certain they would find indictments against me. I, my son and my son-in-law left the state until after the adjournment of the court, when we returned, and had to enter into a bond amounting to \$9,000 for our appearance at the February term of court. The court convened on the 7th of February, and again we had to leave the state, and our bonds were forfeited. It was found out that we were in Missouri, and the Governor of Kansas made a requisition upon the Governor of Missouri for our delivery. * * * I had the influence and the assistance of two Senators from Missouri, who acted as my attorneys, but of no avail. The Governor granted the requisition and the sheriff brought me back to Lawrence, Kansas. My son and son-in-law meanwhile had gone to Nebraska. After coming home, the judge raised my individual bond to \$5,000. * * * If I had gone to trial, conviction would have been sure, and

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the least fine the court would have inflicted would have been \$1,500 and fifteen months imprisonment in the county jail. This I would not do, and I left the state again. When the court was called and I did not appear, the judge raised my bond to \$25,000, my son's to \$9,000, and my son-in-law's to the same amount—\$43,000 in all. Since February 7, with the exception of the one day that the sheriff brought me back, we have been wandering over the country, from one state to another, and do not feel safe anywhere. We were in Missouri, Nebraska, Iowa, Illinois and Missouri again. We cannot stay in one place any length of time, as we are hounded worse than murderers or horse-thieves. What the end will be I cannot foretell. Under the circumstances, can anybody wonder that I would throw up the sponge? I have fought the fanatics for six long years. Their hatred toward me is unbounded. All they want is to down me, and then they are of the opinion that their victory is complete. * * * Since January, I have quit selling in Kansas, and opened a depot in Kansas City, Mo., where I ship my beer, and have to find a sale from there. Our last Legislature has made the law much stricter, and it will be very hard to sell any beer hereafter in Kansas. There is only one hope left for me—my friends at home, with the assistance of my attorneys, are working on the attorney-general to induce him to enter a *nolle prosequi* in our cases, on the ground that we have actually removed our business out of the state. Whether my friends will succeed it is hard to tell. The governor has been seen, and he was requested to commute the imprisonment if I would plead guilty and pay the fine; but the pressure is so great that he does not dare to do it. If the arrangement with the attorney-general fails, I do not know what to do. It looks to me as if I had to abandon house and home, and leave everything to the mercy of my prosecutors."

What success he had in getting the matter settled and continuing to defy the law is explained in a letter written by him on May 21, following, in the jail at Lawrence, Kansas, to the same gentleman. He wrote: "As much as I desire to attend the twenty-seventh annual convention of our association (the U. S. Brewers Association), I am deprived of coming to Baltimore. The reason for this is plain and simple. I am incarcerated in our county jail. You will be astonished, and ask for what? For the only reason that I have committed the enormous crime of selling beer at wholesale."

That prohibition prohibited in his case there can be no doubt. There is no lack of evidence that there has been equally effective enforcement of the law against saloon keepers and liquor dealers of every kind in every part of the state prohibiting them.

PUBLIC ORDER.

The effect of prohibition on public order throughout the state has been demonstrated. Dr. Milner, who has had opportunity to observe the order of great public gatherings, said:—

"I have been present for several years at the Chautauqua Assembly, which is held at Ottawa. We had celebrations there when great numbers of people were present, Fourth of July celebrations, when excursions would come in from everywhere about. On one occasion, when John A. Logan was present, it is estimated that 30,000 people were there, and there was not a solitary arrest that day. I cannot think that such a thing would happen anywhere on the face of the earth where the sale of liquor and open saloons were permitted."

During the session of the State Legislature in 1893, there was a remarkable and severe struggle between the Republicans and the Populists for the possession of the Legislative Chamber and the control of legislation. Thousands of men were congregated in Topeka from every part of the state. It was a time of great excitement, and the most intense and bitter partizan feeling prevailed. The struggle continued for several days, and for days and nights together many people scarcely slept. There was dreadful apprehension that there would be a general fight. But there was no violence. In the crowds which thronged the streets and state buildings

there was no signs of drunkenness, and there was no violence. Witnesses who appeared before the Commission attributed the avoidance of riot and bloodshed to the absence of saloons.

EFFECT ON IMMIGRATION.

It is sometimes said that prohibition deters immigration into a state where it is in operation. On the other hand, it is claimed that prohibition in a state makes it more desirable to those seeking to establish homes.

Inquiry was made as to these points. Statements of both kinds were made. No statistics were available, and if they had been they would have been of little use without personal local knowledge.

Rev. J. G. Dougherty, whose knowledge of the state, and the movements of population was evidently full and accurate, said:—"If I were to give you my own personal opinion, I would say that a great many have come into the state in order that their sons might escape temptation. I have known a great many of such cases. As to persons who have left the state, or who have refused to come here because of the prohibitory law, if there have been such I have not known them. I have known cases of men who have radically changed their views and have come to favour prohibition, especially in the country. I know Germans who after the prohibitory law was first put into force used to go to Ottawa and get their beer, which was shipped to them from Kansas City, a keg at a time. To one of these men I once said, 'I do not see you taking beer as you used to.' 'No,' he said, 'I do not take any more.' 'Why?' he was asked. He answered, 'I had enough for myself, and my boys can get along without it.' The man, finding that drinking was not common with his neighbors had simply dropped it."

Speaking of the town of Ottawa, he said:—"We could trace directly to the closing of the saloons the coming there of families possessed of from \$50,000 to \$75,000, who would not have come otherwise."

The only farmer heard was Mr. C. McLean, who happened to be in Ottawa when the commission visited that town. He said:—"Prohibition "has been one of the grandest things we have had in our state." The farmers are greatly benefited by it, he said, and added:—"There are men who would not have a dollar to-day but for prohibition, and who are now well-to-do." And the influence on farmer's sons, he said, is markedly beneficial.

Another gentleman, president of a bank, owner of a stock farm a few miles from town, said:—"I have a man working for me, a very valuable man, but one who must have a spree as often as he can get liquor. That man was here yesterday, and he went home sober; he could not get liquor. If there had been a licensed saloon he would have got some; he would have got drunk; he could not have helped himself."

THE CAPITAL.

Topeka, the capital of the state, in which the exciting events described occurred, is a city of 45,000 people. Nobody who gave evidence denied that the prohibitory law is enforced in the city. There are no saloons; and if a "joint" is started it is not permitted to exist more than a few days. During a ride about the city with the mayor, your Commissioner asked to see the slums where the illicit liquor dives and the class of people which usually congregate in such localities might be seen. The mayor said:—"I am glad to be able to say that we have no such section in this city." And, neither in the evidence of witnesses nor by the observation of the Commissioners, did anything come to their knowledge to disprove the statement of the mayor.

The business of the city flourishes, the population increases, and the people are contented and happy in their freedom from the baneful influences of the liquor traffic. Drunkenness and its attendant evils and crimes are the only things which have decreased in the city and vicinity.

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Mr. S. M. Gardenhire, clerk of the district court in the county, which includes Topeka, testified that crimes of all kinds have decreased under prohibition. He said: "We have no criminal business to speak of in this county, and have not had since the adoption of the prohibitory policy. We have almost none. We have less than four cases on our docket now, in this county of eighty thousand people. We do not average a capital offence per year in this court, and this court has exclusive criminal jurisdiction. We have sent less than twelve men to the penitentiary in the past year from this county for all crimes."

ATTITUDE OF THE CHURCHES.

The great body of christian people in the state are in sympathy with the prohibitory law, and are advocates of its strict and impartial enforcement. The leading denominations, in conference, presbytery, association and convention, and through official representatives, have affirmed and reaffirmed their confidence in the law and its efficiency and beneficence so emphatically and frequently as to place their position on the question of the proper way of dealing with the liquor traffic beyond doubt or discussion.

TESTIMONY OF OFFICIALS.

In 1889 the probate judges of all the 106 counties of Kansas were asked for information as to the effects of the prohibitory law. Among other questions the following were asked:—"How successfully has prohibition closed the saloons in your part of the state?" and "To what extent, in your judgment, has it diminished drunkenness and the consumption of intoxicants for beverage purposes?"

There were replies from 97 counties; for 75 of the counties the answers were written by the probate judges personally, and for the other 22 counties by county Treasurers or other officials or by prominent private citizens. Every reply, whether favourable or unfavourable to prohibition, was summarized. Ninety-four of the writers declared positively that there were no open saloons, while the other three made qualified reports. Ninety-two stated that drunkenness and the consumption of drink has been greatly diminished. A majority, in estimating the extent of the diminution, placed it at from 75 to 90 per cent; others said that drunkenness and drink had been "entirely eradicated" in their parts of the state, or "almost totally," or were "too small to estimate," etc.

Of the repressive effect of the law upon crime, pauperism and like evils, the probate judges speak with equal positiveness of its beneficent action. The question submitted to them touching the law's relations to pauperism and crime was intended to ascertain not merely whether there had been an improvement, but also whether the improvement had been great enough to compensate the Kansas communities, pecuniarily, for the loss of license revenues. It was worded as follows:—"In your judgment has not the loss of the revenue from former saloon licenses been more than made good by the decreasing burdens of pauperism and crime resulting from prohibition, and by the directing of the money formerly spent in the saloons now into legitimate channels of trade?"

A fair percentage of affirmative answers to so sweeping a query would have gone far toward vindicating the prohibitory law against all ordinary criticisms. But the replies showed much more than a fair percentage of favourable ones; indeed, there were very few who did not respond emphatically in the affirmative. No less than 90 of the 97 counties reported a decrease in crime and pauperism so marked as to more than offset the loss of revenue.

In 1889 the Kansas state temperance union issued a formal declaration signed by its officers, concerning the results of the prohibitory law. In that statement were the following paragraphs:—

"The law is efficiently and successfully enforced. The direct results of its enforcement are plain and unmistakeable. We believe that not one-tenth of the amount of liquor is now used that was used before the adoption of the prohibition law.

"Our citizens fully realize the happy results of the prohibition of the manufacture and sale of liquor, as these results are seen in the decrease of poverty and wretchedness and crime, and in the promotion of domestic peace and social order,—in the advancement of general enterprise and thrift. In our opinion, the prohibition law is now stronger with the people than it was when adopted. It has more than met the expectations of its warmest friends. It is steadily winning the confidence and support of thousands who were its bitterest enemies."

Appended to this statement was the following endorsement:—

"TOPEKA, KANSAS, April 16, 1889.

"We have examined the statement prepared by the president and secretary and the ex-president and 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, secretary 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. JOHNSTON, associate justice."

EDUCATIVE EFFECT.

Chief Justice Horton told the Commission that the prohibitory law is creating a sentiment not only in favour of itself, but in favor of every other restriction of the liquor traffic." This opinion was concurred in by many witnesses.

Mr. H. C. Bush, president of the Kansas State Sunday School Union, says:—"The law has made drinking disreputable; it has saved many men who ten years ago were tottering over the precipice of drunkenness; it has removed from the young and the slaves to appetite the open, public temptation to drink; it has caused to be reared an army of large boys who have never seen a saloon nor the drinking of liquor."

President McVicar, of Washburn College, says it bequeathes a heritage of sobriety to the youth of the state; and ex-Governor Humphrey says:—"There are thousands of children who do not know what a saloon is, except as described in newspapers, books, or by their parents."

That men who have always drunk in moderation, and some who are excessive drinkers, having in view the effect of drinking and drink-shops on their sons, are in favour of prohibition is shown in this incident, related by one of the witnesses. He said: "I recollect, for instance, a highly educated and respectable German, who said to me: 'You will be surprised to find that I am voting with you.' I said, 'I am surprised.' 'Well,' he said, 'I have drunk wine and beer, and I expect to do so as long as I live, but I want my boys protected.' He had nine boys. 'I have been offered good positions in Kansas City for them, but I would not take my boys and put them under the influence of the saloons, while I can live here. I have known a man in Atchison, a drinking man, to say publicly that so far as he was concerned he believed in the law that protected his boys, though it didn't protect him, for he had gone too far. I believe there are quite a number of such cases."

One of the most striking examples of the law's educative effect upon the young people of Kansas was given the Commission by Hon. Mr. Gaines, state superintendent of public instruction. Asked about the effect of prohibition on the school-going youth of the state, he said:—

"It is excellent. The effect is grand. I have been a teacher for a number of years in the state. I have been connected with the high schools, public schools and

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colleage work. We have the country high school system in this state. In Dickenson county I stood before one of the high schools and asked how many of the pupils had never seen a saloon. Out of an attendance of 140 over 100 of their hands went up in answer; they were young boys and girls who had never seen a saloon. We have a four weeks term of special training for teachers in the summer months in each county, and I have asked as many as 140 or 150 teachers at these assemblages how many had never seen a saloon, and in answer the majority of hands went up. This shows that we have driven the saloon from the state."

The effect on the younger voters of the state is very marked. Mr. Ira D. Chamberlin, journalist, Leavenworth, said:—"Anyone who has lived in the state prior to the passage of the prohibitory law, and has lived here since, will not need any argument to convince him that so far as the morality of the people and the effects of the law on the public interest in all its higher branches are concerned, prohibition has been a success. There has been a feature of this question which has been growing in interest and importance, that is, the attitude of the young people who are growing up and becoming of legal age to vote. This movement for prohibition was started in 1878. Since that there has been a large growth of children into voting men, and these are almost entirely temperance young men. There are tens of thousands of young men between the ages of 21 and 25 in this state that know nothing of the vile associations that gather around the saloon, and I could find you thousands that were never in a saloon. I have lived in the central part of the state and I have travelled throughout the state a good deal in connection with the associated press, and I have talked with a great many young men who have never been in a saloon, and who have grown up with a natural antipathy to the traffic. That is going to be of great assistance to the parties who desire to destroy the liquor traffic."

In illustration of the foregoing views and statements, this instance, related by one of the witnesses, is quoted:—"In 1888 this law had been in force seven years. There was at the Copeland House, in Topeka, a meeting of the young men's Republican clubs from all over the state. There were about 500 young men there from 21 to 35 years of age. I talked with one of them who had been a newspaper correspondent and had travelled a great deal throughout the state. I asked him how such a gathering would have been ten years ago? He said, 'they would be all blind drunk by this time.' That evening they were all sober."

And this condition the witness attributed to the prohibitory law.

"FACTS NOT OPINIONS."

Rev. Dr. Miller, who gave evidence before the Commission at Topeka, presented, as part of his statement, a pamphlet entitled "Prohibition in Kansas—Facts Not Opinions." It contains, amongst other things, the testimonies of eminent men in the state. It was requested that the pamphlet, or the essential portions of it, be included with the many appendices, more or less relevant and valuable, which accompany the Commission's report. To this request, made by a Commissioner, the majority of the Commission declined to accede. The undersigned, therefore, feels it his duty to quote some of the evidence it contains—and the more so as from another pamphlet, put in by the same gentleman, entitled "Prohibition and How to Enforce It," quotations of the portions referring to non-enforcement in certain places are freely made in the report of the majority of the Commission.

Following are some of the statements alluded to:—

United States Senator Plumb, of Kansas, said, October 22, 1889:—"That there has been a great diminution in the consumption of liquor and in the consequent drunkenness and crime in the state, as the result of the exclusion of the saloon, is everywhere noted and confessed. In fact, no evidence on this point is more conclusive than that the brewers and distillers are so urgent to have saloons re-established. They are not spending large sums of money in this matter for fun. The argument that the people of Kansas are spending large sums of money in Missouri for whisky which they would do better to spend at home is similarly disposed of,

when we observe that the liquor manufacturers and wholesale dealers of Missouri are deeply engaged now, as they always have been, in the effort to change the policy of Kansas on the temperance question. They know where their interest lies.

"We have at successive elections chosen legislatures almost unanimously instructed to regard prohibition as the settled policy of the state, and to enact laws proper for its enforcement. They have similarly chosen state and local officers to enforce such laws as might be passed. They will not suddenly change the policy thus established and maintained. They will ponder long and thoroughly discuss the question before resolving to bring back the saloon, or to relax the efforts heretofore made and attended with so much success to prevent the spread of and to eradicate the evils of the liquor traffic; and in my judgment they will never return to the policy which they have so deliberately put behind them."

Congressman Kelly, of Kansas, November 26, 1889, said:—"No law ever passed has added so much to the comfort and happiness and contentment of a people as has the prohibitory law in Kansas, and the people of Kansas know it. Of all the legislation ever passed in Kansas—and much of it has been good—prohibition is the brightest jewel in her crown; and Kansas is to-day, on account of prohibition and the courage of her people in sustaining it, the citadel around which cluster the hopes of humanity for the eradication of the greatest curse of this country, the saloon. Other states may reject, other people may falter, but the people of Kansas never. After having struggled to success through discouragements, and stood in the sunshine of its great success for years, why agitate so absurd a proposition?"

November 28, 1889, Congressman Morrill said:—

"I am fully satisfied that the law has been a blessing to the state; that it has largely reduced the sale of intoxicating liquors."

Hon. A. H. Horton, Chief Justice of the Supreme Court of Kansas, said December 16, 1889:—

"Under the laws of our state, the open saloon has been banished utterly from its limits. The overwhelming sentiment of Kansas is against the saloon, and a complete revolution will have to take place in the minds of a majority of the voters before the saloon traffic will again exist in the state. With the abolition of the open saloon, the vicious habits of treating has passed away. With us, the habitual use of intoxicating liquors is a bar to political preferment, and the saloon is no longer a potential factor in elections. The effect of the passage of the law was immediate. The hand of the liquor seller, before stretched out between the hand of the employer and employee, disappeared from the pay table. Grocers, bakers and dealers in clothing noticed a change. The money came to them for the necessities of life that before had been expended for its bane and curse. The traps before set at every step for the feet of the laboring man disappeared. The father is no longer allured, with the consent of the state, to squander the money of his wife and little children. He no longer takes the furniture or the scanty clothing from his little home, and exchanges it for money at the pawn shop, spending the proceeds in the nearest saloon. Employers have repentedly testified to the benefits which came with the change."

Hon. W. A. Johnston, Associated Justice of the Supreme Court, said in November, 1889:—

"I think that prohibition grows stronger as time passes. It is correct in principle, practicable and highly beneficial in its operation. It is reasonably well enforced in most of the counties of the state, and I believe that by an earnest, determined effort of the officers it could be enforced in every county. Aside from the vote adopting the amendment, the issue has been repeatedly presented at each of the state elections, and the result shows an overwhelming sentiment in favour of prohibition. I regard it to be as firmly fixed in our political system as free schools and homestead exemptions."

Prof. James H. Canfield, of the Kansas State University and president of the National Educational Association, says:—

"When I began work in the State University in Lawrence, twelve years ago, every student was obliged to pass thirteen saloons on his way to the postoffice for

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his daily mail. There is not now a saloon in this city of 12,000 people, nor anything that corresponds to a saloon. The mass of our school children never saw a saloon, and do not know what it means. This is also true of many of the older students in the university. We already have a generation almost on the stage of active life *who have never been tempted*. Social drinking is impossible. The moral sense of the community has so risen and has been so tempered that no conceivable conditions or circumstances could ever again make the saloon-keeper or the bar clerk respectable."

Judge W. C. Webb, who is spoken of as one of the ablest jurists in the state, said April 4, 1890:—

"I voted in 1880 against the prohibitory amendment. For four or five years afterwards I thought my opinion as to probable results was likely to be vindicated. But it is not so now. Prohibition has driven out of Kansas the open saloon, and has accomplished a vast deal of good—a thousand-fold more than any license law ever did or ever could. A return to whisky and saloon rule would not bring an additional dollar to the state, nor grow an additional bushel of corn, nor give a single ounce of bread to hungry, nor clothe the nakedness of a single beggar. The whisky traffic never had a single virtue nor a possible merit. It was permitted only as preferable to a worse evil, prevailing idea for many generations being that unless licensed and taxed, and so brought within the control or restraint of law, it would be absolutely free to damn and curse and kill the human family. Now that it has been demonstrated that the law can and will prohibit its open and public sale, and prohibit the running of drunkard-making and beggar-making mills, there is no longer any occasion for men to choose between evils, for they can choose the good; and prohibition has proven to be and is unmistakably good, as compared with open saloons."

Senator Buchan, of Wyandotte, Kansas, said October 22, 1889:—

"I can't recall a single person who voted for the amendment that would now vote against it, while on the other hand you can find hundreds who voted against it who would now vote to retain it in the constitution. I voted against the amendment and have never been a prohibitionist, but I prefer to cast my lot among respectable, law-abiding citizens as against law-breakers and nullifiers. I believe the state is better for prohibition. Crime has decreased, court expenses have been reduced, communities have been made more respectable, and individuals have been made happier for it. The promiscuous consumption of liquors has been made less respectable. Why travel over the railroads of the state, and ask the persons engaged in the management of our transportation lines, and they will tell you that the crowds who travel over them on excursions and holidays are more orderly, quiet and respectable than before the adoption of the amendment. The jolly crowds they receive from stations now are much less apt to have their spirits clouded by indulgence in intoxicating liquors, and the pleasure and comfort of women and children less endangered than under the old regime; and as a matter of fact we are all fast learning that we can live and move about without guzzling whisky, and that our 'personal liberties' haven't been so seriously circumscribed after all."

Hon. J. W. Hamilton, State Treasurer, said November 24, 1889:—

"It is well known to my friends that when the prohibition question was first agitated I was an anti-prohibitionist. I did all in my power to defeat the amendment. I was what they called a Glick resubmissionist. But I was mistaken then. The prohibitory law has my endorsement, not alone because it is the doctrine of my party, but because I believe it is right, I do not see how any fair-minded man who has lived in Kansas for the past five years can be otherwise than in favour of the law. I don't want my children, nor any other man's children, to grow up where they will be confronted by saloons every day of their lives. I am satisfied with the law, and shall vote and work to keep it in force."

Governor John A. Martin was one of the most resolute opponents of prohibition in 1880, but before his death became a firm advocate of the cause—converted by the logic of its success. In his last message to the Legislature he said:—

"There is no longer any issue or controversy in Kansas concerning the results and beneficence of our temperance laws. Public opinion, it is plainly apparent, has

undergone a marked change, and there are now very few citizens of Kansas who would be willing to return to the old order of things. The change of sentiment on this question is well grounded and natural. No observing and intelligent citizen has failed to note the beneficent results already attained. Fully nine-tenths of the drinking and drunkenness prevalent in Kansas eight years ago have been abolished; and 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 abolition of the saloon has not only promoted the personal happiness and general prosperity of our citizens, but it has enormously diminished crime; has filled thousands of homes, where vice, and want, and wretchedness once prevailed, with peace, plenty and contentment; and has materially increased the trade and business of those engaged in the sale of useful and wholesome articles of merchandise. Notwithstanding the fact that the population of the state is steadily increasing, the number of criminals confined in our penitentiary is steadily decreasing. Many of our jails are empty, and all show a marked falling-off in the number of prisoners confined. The dockets of our courts are no longer burdened with long lists of criminal cases. The business of the police courts of our larger cities has dwindled to one-fourth of its former proportions, while in cities of the second and third class the occupation of police authorities is practically gone. These suggestive and convincing facts appeal alike to the reason and the conscience of the people. They have reconciled those who doubted the success, and silenced those who opposed the policy, of prohibiting the liquor traffic."

Governor L. U. Humphrey, in his annual message to the Legislature in 1889, said:—

"The growth of public sentiment in support of constitutional prohibition in Kansas is steady, healthy, and unmistakable. The saloon as a factor in politics, as a moral iniquity, has been outlawed and made a fugitive and a vagabond on the face of the earth, or that part of it within the territorial limits of Kansas. The law generally is being respected and enforced, because by a sort of educational process it is becoming identified in the public mind with other criminal statutes. The records of courts and of prisons, from the city calaboose to the penitentiary, show a diminution of crime and a falling off in our prison population, bearing the most incontestible evidence of the efficiency of the present law and of the prohibitory policy which the law is designated to enforce."

Later, Governor Humphrey, writing in answer to a question about prohibition, said: "It is not needed to disguise the fact that there are some cities and towns in Kansas where the law and the constitution are violated. Every penal statute ever enacted has been violated. But you can boldly tell your co-workers that prohibition is neither a farce nor a failure; that the open saloons outlawed and the vocation of the bar-keeper gone; that *since prohibition was enacted the state has increased in health and population and prosperity, and that crime has diminished.* You can join with one of Kansas' purest and ablest citizens, the late Governor Martin, the shadow of whose death still hangs over us, who loved Kansas, and whose memory is, and will for all time to come be held in devout reverence, who said in his last message to the Legislature: 'I affirm with earnestness and emphasis that Kansas is to-day the most temperate, orderly, sober community of people in the civilized world.'"

CONCLUSIONS.

The Commission heard much evidence similar to that quoted. The following statement by Mr. J. L. Bristowe, editor and proprietor of the *Salina Daily Republican*, and which is the last statement in the Kansas evidence, covers the principal points of the investigation, and summarizes the great body of evidence heard about the Prohibitory Law—its enforcement and its results:—

"The workings of the law in Kansas have been somewhat varied. The fact that its enforcement depends largely upon officers who are elected by the electors of the locality has quite an influence upon the leniency with which the law is enforced in those localities. * * * But even in those centres in the state—and there are

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but few—where before the prohibitory amendment was passed the saloon interests were entrenched by breweries and wholesale liquor houses, and much capital invested, the workings of ten years have wrought a great change. In the time of the saloon the liquor dealer was a man with money and influence, and a strong political force; now he is an outlaw, the same as a gambler or the keeper of a disreputable house, and the same odium which is attached to the liquor dealer is fastening itself upon his business, so that men of anti-prohibition sentiments will not go into the joints and buy liquor, because they regard it as disreputable, and officers are much more vigorous now than they were or ever have been in the suppression of these places where liquor is sold as a beverage. As a result, young men of respectability and character who are growing up know nothing about the evil of the saloon, and are sober and industrious, and instead of spending their money for drink and gambling they buy other luxuries, such as bicycles, fine clothing, &c. Example after example could be given in this line. The club house is the only house where liquor is drunk with any degree of respectability, and these are rare, and exist only in the large cities; but public sentiment is branding them, and the odium of the joint is fastening itself upon these clubs, and they are becoming disreputable and fewer. Where one is maintained it is maintained in the greatest secrecy. As a result the temperance sentiment has greatly increased. In Kansas prohibition is much stronger now than it was when the amendment was passed. * * * The people of Kansas are overwhelmingly opposed to the return to the saloon, which is indeed the strongest evidence of the success of prohibition. While our own city is one where the anti-prohibition sentiment is strongest, where the liquor interest had large investments and wholesale houses before the passing of the amendment, still in the course of years they have been rooted out, and to-day the influence of the liquor forces is weaker than it has been at any time since the amendment passed, and we have an implicit faith in the absolute triumph of prohibition. The difficulties the temperance people have gone through to kill the power which has such an enormous capital behind it, and so many votaries from the cravings of appetite, have been many; but the success in Kansas demonstrates beyond question that the enactments against the liquor traffic are the only effective way of controlling these evil influences."

The conclusions at which your Commissioner has arrived from a careful study of all the facts ascertained, and from personal investigation and observation are:—

1. That prohibition in Kansas has passed the experimental stage and is now the settled policy of the state.

2. That wherever enforced the good results are undeniably great.

3. That in every part of the state, except in the border towns, and perhaps a few interior places where the people have been very strongly opposed to it, the law has been efficiently enforced; and that even in these excepted places there have been times when the prohibition has been absolute, and at all times the illicit traffic has been seriously hampered and reduced, with corresponding benefits to the communities.

4. That the consumption of liquors in the state has greatly fallen off; liquor dealers who formerly made large sales in the state admitting that the law has made Kansas an unprofitable territory for their business.

5. That the liquor traffic has lost most of its influence in the politics of the state, what influence it does now exert being from neighbouring states, and lessening each year.

6. That crime has been lessened considerably; and the tendency is towards still farther reduction.

7. That business in the state has not been hindered, but greatly helped by prohibition; that property values have been enhanced, and the rate of taxation reduced.

8. That the effects on the social, educational, moral and business interests have been such as to commend the law to the favour of the great majority of thoughtful citizens, including many who were originally opposed to it; and that if the question were now, after twelve years experience, submitted to the people the prohibitory law would be endorsed by an increased majority.

9. That the prohibitory law Kansas has, all things considered, so much suppressed the liquor traffic and its accompanying miseries and evils, and has so much

promoted sobriety and its accompanying prosperity and blessings, that it is fairly entitled to be declared a marked success.

GENERAL OBSERVATIONS.

Before passing from this section of the report your Commissioner desires to say:

1. That the investigation and his observation in the prohibitory states visited by the Commission have not impressed him that the law in any one of them is perfect, either in construction or in operation. Like other human enactments, prohibitory laws have defects.

2. It has been learned that for proper enforcement much depends on the officers for the time being; and that officers, like other men, are sometimes susceptible to influence which lead to a lax discharge of duty.

3. Public sentiment has something, even much, under the United States system, to do with the choice of officers. But public sentiment on the prohibition question is not always expressed in the choice of officers. So many things, local, political and personal, enter into the contests which precede the choice of officers that sometimes the question of enforcement of the prohibitory law is lost sight of for the time, and unworthy or incapable men are chosen. Thus it comes to pass that a community in which the sentiment is strongly in favour of the faithful enforcement of the law may, in some years, have officials who fall far short of their duty.

4. In several states a prohibition party vote is polled in every state and federal election. To regard this vote as indicative of the strength of the prohibitory feeling in these states is wrong. Neither the prohibition party, the other political parties, nor the people at large so regard it.

5. Other things being equal, it would be reasonable to expect better general results from a law enforced under the Canadian political system, than from a law administered by officers so directly amenable to varying local sentiment as are the officials charged with law enforcement in different parts of the United States.

6. It must be remembered also that state prohibition is not much more than enlarged local prohibition. Any existing prohibitory law applies, at most, to a limited area, surrounded by hostile states, and is therefore more difficult of efficient enforcement. National prohibition, such as is asked for by Canadian prohibitionists, would not be hampered by these limitations.

LOCAL PROHIBITION.

Local prohibition, that is, prohibition operating in limited areas of territory, has been tried in many places and under many circumstances. It exists in some places by the will of certain individuals controlling large tracts of land, in other places by legislative action, either directly or brought into force by popular vote in the locality affected. In some states, notably in Connecticut, Massachusetts, Georgia, Alabama, Missouri, Tennessee and Kentucky, large areas are without any legalized liquor selling through the operation of this system. The Dominion of Canada has had, and now has, local prohibition operating to a very large extent.

Great Britain.—A few facts are submitted in reference to local prohibition as it exists in different parts of the United Kingdom. The report of the committee on intemperance for the convention of the province of Canterbury, already mentioned, contains a list of 1273 parishes and districts in which no licenses are issued, and of them says:—

"Few, it may be believed, are cognizant of the fact, which has been elicited by the present inquiry, that there are at this time within the province of Canterbury upwards of one thousand parishes in which there is neither public house nor beer shop, and where in consequence of the absence of these inducements to crime and

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pauperism, according to the evidence before the committee, the intelligence, mortality and comfort of the people are such as the friends of temperance would have anticipated."

The same report contains a great array of testimonials from clergymen, chief constables and superintendents of police, numbering more than two hundred and fifty in all, bearing out the statement just quoted. In and around the city of Liverpool there are large tracts of land from which the owners have excluded all public houses. By these experiments it is claimed that the following facts have been clearly demonstrated:—

"1. That as a business speculation, builders find it a more profitable investment of their capital to exclude public houses from the neighbourhood of the people's dwellings. It has been found that a public house depreciates the value of the surrounding property more than the extra rent obtained for the house itself; it attracts and creates rowdyism; rowdyism drives away respectable tenants, causes loss of rent, frequent removals, damage to property and expensive cleansing operations after infectious diseases, to which the intemperate are specially liable.

"2. That residences in these prohibitory districts are much in demand, and people are willing to pay a higher rent for dwellings here than elsewhere. There has been no instance of a complaint from the residents of these districts of the absence of a public house."

In the *Edinburgh Review*, a writer makes the following statement: "We have seen a list of eighty-nine estates in England and Scotland where the drink traffic has been altogether suppressed, with the very happiest social results. The late Lord Palmerston suppressed the beer shops in Romsey as the leases fell in. We know an estate which stretches for miles along the shore of Loch Fyne where no whiskey is allowed to be sold. The peasants and fishermen are flourishing. They have all their money in the bank, and they obtain higher wages than their neighbours when they go to sea."

Saltaire is a manufacturing settlement founded by Sir Titus Salt, near Bradford, in Yorkshire, in which the sale of all liquors has been forbidden. Its condition is described in "Homes of the Working Class," in the following terms:—

"One thing there is which is not to be found in Saltaire, and Mr. Salt deserves as much praise for its absence as he does for anything he has provided. Not a public house or beer house is there. And what are the results? Briefly these: There are scarcely every any arrears of rent. Infant mortality is very low as compared with that of Bradford, from which place the majority of the hands have come. Illegitimate births are rare. The tone and self-respect of the working people are much greater than that of factory hands generally. Their wages are not high, but they enable them to secure more of the comforts and decencies of life than they could elsewhere, owing to the facilities placed within their reach and the absence of drinking houses."

Lord Claud Hamilton, a large landed proprietor in Ireland, and a member of the British Parliament, said some time ago in a public meeting:—

"I am here as representing the country to assure you that the facts stated regarding the success of prohibition there are perfectly accurate. There is a district in that county of sixty-one square miles, inhabited by nearly ten thousand people, having three great roads communicating with market towns, in which there are no public houses, entirely owing to the self-action of the inhabitants. The result has been that whereas those high-roads were in former times constant scenes of strife and drunkenness, necessitating the presence of a very considerable number of police to be located in the district, at present there is not a single policeman in that district, the poor rates are half what they were before, and all the police and magistrates testify to the great absence of crime."

Similar statements might be quoted in reference to the famous Irish town of Beesbrook, in reference to the Shaftesbury Park estate and many other places from which the liquor traffic is shut out by the various methods already indicated.

THE UNITED STATES.

California.—The Commission did not make any investigation of the workings of local option in the United States, in any place where local prohibition was in force at the time of the investigation.

Two Commissioners visited Riverside and Pasadena, California, in which towns local prohibition had been in operation, but was not in operation at the time of the commissioners' visit. It was strongly urged that at least one town, at present under local prohibition, should be examined, but no such examination was made.

In Pasadena there are no bars, but restaurants and hotels are permitted to furnish wines and beers to guests at meals. Riverside, in the election in April of last year, re-adopted prohibition, after having had experience, for two years, of two licensed saloons paying a license fee of \$2,300 each per year.

MASSACHUSETTS.

When in Massachusetts it was urged upon the commission that some of the cities and towns that were under the no-license system should be visited, including one or more which had more than once changed from one system to the other. But no such places were visited.

Each town and city in Massachusetts votes each year "Yes" or "No" on the license question. And every year a number of towns and cities refuse to issue licenses. Some large cities have for several successive years voted no license. Cambridge, Summerville, Brookline and Newton, contiguous to each other and to Boston, and embracing an aggregate population of 175,000, have for years refused to license saloons. Other cities have done the same.

To show the effect of the no-license system, as compared with the license system, your Commissioner presents a carefully prepared compilation of the records of police courts in Massachusetts cities. All the figures have been taken from official sources. They give the population of each city according to the last census, the retail license paid in license cities, the total arrests for drunkenness, and the arrests for assaults.

The tables include the cities and organized towns of the state having a population of 10,000 or over. These cities and towns are arranged in two groups—a group containing those under license during the police year 1892, and a group containing those under local prohibition during the same year. The third table gives a summary of the totals of tables 1 and 2, and for purposes of comparison shows the number of arrests per thousand of the population.

TABLE 1.—Cities under High License during Police Year.

| License cities. | Population 1890. | Annual saloon license fee. | Total arrests. | Arrests for drunkenness. | Arrests disorderly conduct. | Arrests, assaults. |
|-------------------|------------------|----------------------------|----------------|--------------------------|-----------------------------|--------------------|
| | | \$ | | | | |
| Boston | 448,477 | 1,300 | 48,463 | 33,746 | 793 | 3,183 |
| Lowell | 77,096 | 1,500 | 6,153 | 4,639 | 49 | 238 |
| Fall River | 74,398 | 1,300 | 2,071 | 1,220 | 429 | 390 |
| Lynn | 55,727 | 1,000 | 4,157 | 2,955 | 79 | 308 |
| Lawrence | 44,654 | 1,300 | 2,840 | 1,878 | 85 | 215 |
| Springfield | 44,179 | 1,500 | 2,511 | 1,634 | 243 | 69 |
| Holyoke | 35,637 | 1,300 | 1,493 | 890 | 49 | 234 |
| Salem | 30,801 | 1,000 | 1,558 | 1,120 | 94 | 87 |
| Taunton | 25,448 | 1,600 | 1,585 | 1,311 | 31 | 53 |
| Gloucester | 24,651 | 1,500 | 1,733 | 1,246 | 20 | 135 |
| Waltham | 18,707 | 1,400 | 1,308 | 858 | 114 | 68 |
| Pittsfield | 17,281 | 2,000 | 1,254 | 829 | 133 | 62 |
| North Adams | 16,074 | 1,600 | 929 | 572 | 106 | 31 |
| Northampton | 14,990 | 1,300 | 660 | 574 | 25 | 29 |
| Chicopee | 14,050 | 1,400 | 695 | 301 | 98 | 75 |
| Woburn | 13,489 | 1,500 | 1,005 | 680 | 41 | 103 |
| Totals | 956,269 | | 79,255 | 54,453 | 2,394 | 5,280 |

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TABLE II.—Cities under Prohibitory Law during Police Year.

| Prohibition cities. | Population, 1890. | Total arrests. | Arrests for drunken- ness. | Arrests for disorderly conduct. | Arrests for assault. |
|---------------------|----------------------|-------------------|-------------------------------------|---------------------------------------|----------------------------|
| Cambridge..... | 70,028 | 3,047 | 1,704 | 202 | 253 |
| Summerville..... | 40,152 | 1,824 | 1,344 | 50 | 122 |
| Chelsea..... | 27,909 | 1,688 | 943 | 57 | 68 |
| Brockton..... | 27,294 | 1,265 | 861 | 89 | 59 |
| Newton..... | 24,379 | 1,118 | 719 | 88 | 50 |
| Malden..... | 23,031 | 579 | 276 | 44 | 61 |
| Quincy..... | 16,723 | 393 | 230 | 41 | 41 |
| Marlborough..... | 13,805 | 445 | 239 | 42 | 24 |
| Brookline..... | 12,103 | 790 | 382 | 37 | 92 |
| Everett..... | 11,068 | 489 | 297 | 6 | 27 |
| Deverley..... | 10,821 | 165 | 125 | 18 | 10 |
| Hyde Park..... | 20,193 | 164 | 50 | 49 | 15 |
| Totals..... | 287,506 | 11,967 | 7,168 | 778 | 761 |

TABLE III.—The groups of cities compared by totals and by the number of arrests of each class per 1,000 of population.

| | Population, 1890. | Total arrests. | Arrests for drunken- ness. | Arrests for disorderly conduct. | Arrests for assault. | Arrests per 1,000 of population. | | |
|---|----------------------|-------------------|----------------------------------|---------------------------------------|-------------------------|----------------------------------|-------------------|----------|
| | | | | | | Total. | Drunken- ness. | Assault. |
| Cities wholly under license..... | 956,269 | 79,255 | 54,453 | 2,394 | 5,280 | 82.9 | 56.9 | 55 |
| Cities wholly under prohibition..... | 287,506 | 11,967 | 7,168 | 778 | 762 | 41.6 | 24.9 | 26 |

It will be seen that those cities under high license averaged 82.9 arrests per thousand of population, while the cities under prohibition average but 41.6, scarcely more than one-half as many. Arrests for drunkenness in the high license cities averaged 56.9 per thousand of the population, but the cities under prohibition had only 24.9, or considerably less than one-half as many,—a fact which does not appear in the tables is that those cities which have been the longest under prohibition have the best record.

The following is interesting, showing the effect in a single city, of license, no-license and license, in three successive years. The figures are from the police records of the city of Worcester, Mass.:—

TOTAL ARRESTS.

| | |
|-------------------------|-------|
| 1889-90—License | 3,889 |
| 1890-91—No license..... | 2,589 |
| 1891-92—License..... | 4,807 |

ARRESTS FOR DRUNKENNESS.

| | |
|-------------------------|-------|
| 1889-90—License..... | 2,926 |
| 1890-91—No license..... | 1,590 |
| 1891-92—License..... | 3,574 |

The following return was furnished by the chief of police at New Bedford, Mass. It shows the arrests during the last four months of no-license—1st January to 30th April, 1893—and the arrests during the first four months under license—1st May to 31st August, 1893:—

| | No-license period. 1st Jan. to 1st May. | License period. 1st May to 1st Sept. |
|----------------------------|--|---|
| Total arrests. | 412 | 826 |
| Assault and battery | 34 | 78 |
| Disturbing the peace | 38 | 70 |
| Larceny..... | 24 | 34 |
| Drunkenness..... | 204 | 503 |

"I have had quite an experience in these matters, and find that it is a fact that at least from 25 to 75 per cent more cases are before the court under a license law than under no-license.

"GEORGE DOUGLAS,
"Chief of Police."

The only witness the Commission heard who gave any facts about the workings of the no-license system in a Massachusetts city, was Rev. O. S. C. Wallace, who gave evidence in Toronto. He had lived several years in Lawrence, Mass., and was able to furnish the commission with statistics prepared by himself. His statement was as follows:—

"During that period (six years) at one time there prevailed low-license unlimited, then no-license, then limited high license * * * I made more study of the question at that time than before or since. When I was first a resident of Lawrence there were more than three hundred places licensed to sell liquor. The population at the time of which I am now speaking was between 38,000 and 39,000. The actual number of licensed places, as given to me on one occasion by the mayor, was 326 or 328. That included drug stores. But since 26 or 28 drug stores would be enough to serve legitimately a city of that population, I may say that about three hundred places were licensed to sell liquor as a beverage * * * It may be of interest to the Commission to know the character of that city. It is a manufacturing city. Its prosperity depends on the prosperity of the mills, chiefly cotton and woollen mills. The population is very largely a mill population, and is quite largely made up of foreigners. There were a great many Irish, a great many French-Canadians, many Germans, and many from the southern parts of Europe. The difficulties of enforcing any law, especially any liquor law, are very great there. With so many saloons and taverns, drunkenness was so prevalent as to awaken all the better elements of the citizens.

"At the end of 1887 the city voted no-license, the law to go into effect on the 1st of May, 1888. For one year we had no license. Then the law was changed in the state, so that low license and unlimited license no longer prevailed. From that time it was limited high license. Except in Boston, every city of Massachusetts might have one licensed place for every 1,000 of population. That gave Lawrence 38 licensed places." * * *

"Great hopes were entertained by many temperance people—by many who were total abstainers, and who were opposed to the liquor traffic entirely—from limited high-license in the city of Lawrence; and we came to the vote, but next time the no-license people were defeated * * * We had limited high license for the succeeding year. It came into force on 1st May, 1889. The no-license period was from May 1, 1888 to May 1, 1889. I remained in the city during the years 1889 and 1890. * * * If the Commission will permit me, I will illustrate what I am about to say with figures which I gathered myself in connection with the last contest. I have compared half-years, not being able to compare whole years. The convictions for drunkenness in Lawrence from 1st May, 1888 to 1st November, 1888, the no-license year, numbered 276. In the corresponding months of the next year, under limited high license, they numbered 747. In the following year, the second year of limited high license, the number rose to 985 for

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the corresponding months of the year. Then I made investigation as to the number of intoxicated persons taken home by the police in those three periods. In the first period the number was 41, in the second 85, and in the third 251. I also made investigations as to the number of women arrested for drunkenness. In the first period there were 57, in the second 118, and in the third 171. Before commenting on these figures, it may be of interest to the commissioners to know that I took a statement of those figures to most of the clergy of the city and to the representatives of the great mills, and obtained the signatures of nearly all the Protestant clergymen and of the leader of the Augustinian Order and of nearly all the agents or superintendents of the mills to the following statement:—"In view of the terrible prevalence of drunkenness under high license, we whose names appear below urge upon every citizen of Lawrence the duty of voting no, in the approaching municipal election."

"The election contest began in November, and, since the law went into effect on the first day of May, I could not make the comparison for more than six months. These figures were gathered in 1890, in the first part of November, for use in the campaign, and the licensed year then on began on the first of May, 1890, and therefore I took the first of May as the starting point and the first of November as the terminating point of each year. There was no other reason.

"It was hoped, as I have said, by some of the strongest advocates of temperance and total abstinence that limited high license would do better than no license. That hope was based partly on the assumption that those who had paid large sums for licenses would aid in enforcing the law, and that therefore there would be no more low dives, no more kitchen bar-rooms, no more hip-pocket sales and the like. But those hopes were not justified by the event. All the evidence was to the contrary."

A great deal of testimony could be given from officials, business men and others as to the material and moral benefits of the no-license system, notwithstanding the uncertainty always attending it and the proximity of license cities.

Cambridge is one of the largest cities which has been continuously under the no license system for a period of years. The statements of some of its business men are subjoined.

Mr. John P. Squire, president of the Squire & Co. Slaughtering and Curing Co., East Cambridge, where 800 men are employed, says: "My observation of the effect of no-license in Cambridge leads me to affirm without any qualification that the character and habits of a good many of the men employed by us have shown a decided improvement since it went into effect. Before no license the saloons and tipping shops were numerous in the vicinity of the packing house where the men worked, and many of them lay between the packing house and the homes of the men, so that they had to be passed on their way back and forth, and were a constant temptation to the men. Now that they have been driven out of Cambridge and resort has to be had either to the kitchen bar-rooms or to the saloons in Boston, a great many of the men refrain entirely from patronizing either, and the result is that drinking among the men has very largely decreased. As a natural result, the men do more and better work, with less waste arising from carelessness or incompetency, and the cost of production has correspondingly decreased. I think I may say that the change in these respects is very noticeable since no-license was established in Cambridge. In connection with the packing house we run a grocery and provision store, at which naturally a good many of the men trade; and, if no other way existed to compare the workings of license and no license, this would be enough to warrant anyone in preferring the latter to the former, for it is perfectly evident, from an examination of the accounts there kept, that the families of the men have a great deal more spent in provisions and groceries than they did when the saloons were running in Cambridge. I am informed that the same is true with the clothing and shoe stores since no license."

Curtis, Davis & Co., soap manufacturers, Cambridgeport, say:—"Previously to the adoption of the no-license policy in Cambridge, it was difficult for us to secure the service of fifty men without there being ten or more drinking men among them. We

were frequently discharging men for non-appearance after holidays, undoubtedly due to drunkenness. Often several applicants for places would be tried before a reliable man could be found. We have had no occasion to discharge a man for drinking for three years past. Drinking men seem to have removed from Cambridge in many cases. Drunken men are seen upon the streets and cars, but they obtain the liquor in most cases in Boston saloons."

Moore & Ricker, hardware dealers, say:—"The men are more temperate, consequently more industrious, under the no-license law. The quality of the work performed is better and the quantity increased, which causes a decrease in the cost of production. The labouring class is more prompt in paying bills. Much more money is spent for the necessaries of life than under license. Buildings formerly occupied by saloons are in use for some valuable business."

Many other business men, contractors and others give like testimony, not only concerning Cambridge, but concerning the other towns and cities which have tried the no-license system for any considerable period.

Georgia.—In answer to an inquiry addressed by the Commission to the Governor of Georgia, Rev. Dr. Hawthorne, of Atlanta, at the Governor's request, wrote:—

"Under the local option law in Georgia, we have complete prohibition of the liquor traffic in about one hundred counties (out of one hundred and thirty-seven), and partial prohibition in the other counties. There are occasional violations of the law, but they are not more frequent than the violations of any other criminal law. The people are so well satisfied with it that, in almost every county where it has been in operation several years, no effort is made to repeal it. We have prohibition in every county where there is a large majority of white voters. * * * No well informed person doubts that the local option law has improved the morals of the people, and greatly contributed to their material welfare."

The *Savannah News*, one of the most influential daily papers in the state, said editorially:—"More than three-fourths of the counties of the state have voted out whiskey, and there is not one of them that is not richer and more prosperous for its action. In every one of them the people are happier and more industrious, and there is less crime and pauperism than there ever was before. The prohibition movement in the state has grown rapidly, because wherever it has been adopted its benefits have at once become apparent."

Hon. J. D. Stuart, member of Congress from Georgia, in an address in Congress, said:—"I have held court for five years in the State of Georgia, and of the eight counties in my district, six were prohibition counties and the others non-prohibition or whiskey counties. I want to say as a witness on this subject, that in counties where the sale of intoxicating liquors was absolutely prohibited my duties in disposing of the criminal docket would occupy sometimes one or two days, sometimes half a day; while in the counties where there was free whisky I have scarcely ever cleared the criminal docket in less than three to five days."

Mississippi.—In Mississippi a like local option law is in force, and much the larger part of the state is without licensed drink shops. Bishop Gallaway makes this statement about the extent and effect of prohibition in the state:—

"It will be gratifying to friends of the legal suppression of the liquor traffic to know that the cause makes constant and intelligent progress in Mississippi. Our step has been steady, if not as quick as all have desired and some have lamented. Every year has marked an advance in sentiment, and every amendment to our liquor law has tightened the statute and made it more effectively prohibitory. So drastic is our present measure and so potential has been its influence as already to make this almost an absolute prohibition state. Of the 75 counties in Mississippi, intoxicating liquors are sold only in 10, and the indications are that in the next few months the number will be reduced to 5, and in the 10 counties still in the small 'wet' column liquor is sold in possibly only ten places, and those are towns sufficiently large to have police protection. The large county of Hinds, with the state capital and twelve towns, has only three saloons, and they are in the city of Jackson. One

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of these will close in three weeks, and the others are doomed. The villages and country places are now entirely rid of these dreadful storm-centres of crime and vice."

What is true of the states from whose records and citizens the foregoing facts have been obtained, is presumably, true of all the other states which have had experience of local prohibition.

PROHIBITION IN CANADA.

Canada has had several important experiments in local and partial prohibition. The most notable of these have been the different forms of local option which have been tried, and the prohibitory law of the North-west Territories.

LOCAL OPTION.

Different methods of giving effect to a popular desire for prohibitory law prevail in different parts of the Dominion.

Nova Scotia.—Nova Scotia has legislation providing that a license shall only issue upon a petition from two-thirds of the electorate of the locality in which the license is to take effect.

Quebec.—In Quebec the parish councils have power to prohibit the sale of intoxicating liquor under the following clause of the municipal code:—

"Whenever a municipal by-law shall have been passed, as by law required, prohibiting the sale of intoxicating liquors within the limits of its jurisdiction, and a copy of such by-law has been transmitted to the collector of provincial revenue entitled to same, the collector of provincial revenue is forbidden to issue any of the licenses hereinbefore mentioned for the sale of such liquors, excepting steamboat bar licenses and licenses of railway buffets, such licenses not being effected by the present restrictions."

New Brunswick.—The New Brunswick license law provides that "no license shall be granted if the majority of the rate-payers in any city or incorporated town or parish petition against it."

And also, that "the council of any municipality may, by by-law to be passed before the first day of February in any year, ordain that no tavern license shall be issued therein for the then issuing year, or for any further license year until such by-law is altered or repealed."

Ontario.—The municipal councils and electorate of Ontario municipalities have power jointly to prohibit retail liquor selling under the following clause of the statutes:—

"The council of every township, city, town or incorporated village may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or any other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment; provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of the Municipal Act. No by-law passed under the provisions of this section shall be repealed by the council passing the same, until after the expiration of three years from the day of its coming into force, nor until a by-law for that purpose shall have been submitted to the electors and approved by them in the same manner as the original by-law, and if any such repealing by-law (upon being submitted to the electors) is not so approved, no other repealing by-law shall be submitted for the like approval within the full term of three years thereafter.

"The sale or keeping for sale of liquors without license in any city, town, incorporated village or township in which there is in force any by-law for prohibiting the sale of liquors passed in pursuance of section 18 of the Act passed in the 53rd year of Her Majesty's reign, entitled "An Act to improve the Liquor License

Laws," shall, nevertheless, be a contravention of sections 49 and 50 of this Act and all the provisions respecting the sale or keeping for sale of liquor in contravention of said sections, and penalties and procedure in reference thereto, shall be of full force and effect in such municipalities, notwithstanding such prohibitory by-law."

Manitoba.—In Manitoba the electors have power to prohibit local liquor selling, under the following clause of the License Act:—

"No license shall be granted by the commissioners for the sale of liquors within the limits of a city, town, village or other municipality when it shall have been made to appear to the commissioners that a by-law has been passed by said city, town, village or municipality forbidding the receiving by said city, town, village or municipality of any money for a license for such purpose; said by-law shall be voted on by the people as hereinafter provided, and shall be only submitted on the council receiving a petition from twenty-five per cent in number of the resident electors whose names appear on the last revised municipal voters' list of said city, town, village or municipality asking them to do so."

In Manitoba a proportion of electors has also the right locally to vote any license by petition.

DUNKIN ACT.

Besides the provincial measures above mentioned, there formerly was in operation in Ontario and Quebec a measure known as the Dunkin Act, under which counties or minor municipalities could prohibit the liquor traffic. Prohibition enacted under this authority is still in operation in some parts of Quebec and Ontario.

THE CANADA TEMPERANCE ACT.

In addition to the above mentioned local prohibition measures, there is the Canada Temperance Act of 1878, which has been in force in different sections of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island, and which at the present time is operative over a greater part of the territory of the last named three provinces.

A great deal of oral testimony was taken by your Commissioners in reference to the operation of these different laws, and is submitted by them for your consideration. The general result of the inquiry made and information secured may be summed up as follows:—

ONTARIO.

Different parts of the province of Ontario tried the Dunkin Act, and repealed it. It was a measure which admitted of repeal very soon after enactment, and there seem to have been very few cases in which its operation covered a long enough period to permit a fair test to be made of its results. It provided, moreover, for unrestricted sale of intoxicating liquor in five-gallon quantities. This provision tended to make the law unsatisfactory, unpopular and difficult of enforcement.

The Canada Temperance Act was adopted in twenty-five cities and counties of Ontario and repealed in them all, repeal in most cases taking place at the earliest possible opportunity.

A good deal of evidence was taken as to the operation of this Act and the causes which led to its repeal. This evidence, though somewhat conflicting, is important and instructive. It goes to show that defects in the law, failure of officials to properly discharge their duties, extensive litigation which generally accompanies the early operation of such laws, the localness of the prohibition given by this Act, the abuse of the privilege given by the Act of selling for certain purposes, terrorism in certain localities because of violent acts of persons against whom the law was enforced, neglect of the government to take steps for the enforcement of the law,

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and political complications,—all were hindrances to the effective working of the Canada Temperance Act. They prevented its having a fair trial.

The advocates of prohibition who were instrumental in bringing the law into operation seem to have had an exaggerated idea of what it would accomplish. Under these circumstances the Act did not give the general satisfaction that might have followed its operation under different circumstances, or if it had been given a longer trial; and it was repealed in every place in Ontario in which it had been carried; although, as will be seen from the statement elsewhere submitted, in many places large votes were polled in favour of retaining it.

It must be admitted that there is much force in the statement made by certain witnesses, that the majorities recorded for the Canada Temperance Act at its adoption were expressions of the people's desire for prohibition, and that the majorities recorded in favour of its repeal were expressions of opinion that the Canada Temperance Act, as operated, did not provide the prohibition which the people desired. That no change has taken place in the province in the favour of the people for the principle which the Canada Temperance Act attempted to work out, is manifest from the great majority recorded in favour of prohibition on 1st January, 1894.

It is not necessary to recapitulate here the extensive evidence submitted in this connection, which speaks for itself. It is, however, a matter to be regretted that neither in Ontario nor elsewhere did the commission personally visit those rural places, in which they were informed the law had been effective, and where they could have the direct testimony of those who had lived under its operations.

The undersigned also regrets that the Commission declined to accept evidence offered at Toronto to show that terrorism did prevail to so great an extent in some localities as to interfere with the enforcement of the law and to lead to its repeal; the contention of the friends of the law being that if this terrorism had been suppressed with a strong hand better results would have been obtained.

There was also presented at Toronto an important statement embodying a careful analysis of the official provincial figures for commitments for drunkenness during the years of the Canada Temperance Act's operation and the years preceding and following that operation, but a majority of the Commission decided not to put it in their report. Because of the importance of this statement it is herewith submitted:

"There are various data from which conclusions may be drawn; there are the local police records of arrests for drunkenness in different places; there are the court returns of convictions for drunkenness which are gathered up from the different counties in the criminal statistics published at Ottawa; there are the returns made to the Ontario government by the jailors in the different counties of commitments for drunkenness. All of these sources of information should be carefully examined, although there is little doubt that all, dealing with the same evil, must show similar results. In the present paper an inquiry is made based upon the last named report, which is, as far as it goes, the most available and complete of all the three.

"The report, for the year 1892, of the hon. the Provincial Treasurer of Ontario, on the working of the tavern and shop license Acts, contains on page 90 a statement showing the number of persons committed to jail for drunkenness during the years from 1876 to 1891 inclusive. These figures cover all the time during which the Scott Act was in operation in any part of the province of Ontario.

"The license year for the province of Ontario ends on the 30th of April, and the Scott Act, when it came into force in a county of this province, came into force on the first day of May. The judicial year, for which the figures are given in the table referred to, ends with the 30th day of September. There is therefore a little difficulty in making comparisons between Scott Act years and license years, inasmuch as the figures for the year in which the Scott Act began to operate, and the year in which it ceased to operate, are figures covering a period during which the law was part of the time a license law and part of the time prohibition.

"Another difficulty met with in the making of comparisons is the fact that the Scott Act affects a municipal county or city, while the figures of commitments for

drunkenness are for judicial counties, which are not in all cases coterminous with municipal counties.

"Where a municipal county includes a city, the city and county are united for judicial purposes, and the figures for commitments cover both. There were five counties, namely: Brant, Carleton, Frontenac, Lincoln and Middlesex, in which the Scott Act was carried; but each of these counties included a city in which the license law remained in operation. The figures for these judicial counties are, therefore, for territory partly under license and partly under Scott Act.

"The judicial counties of Simcoe, Victoria and Haliburton and Renfrew, and the judicial district of Muskoka and Parry Sound, include portions of territory that did not come under the Scott Act, although parts of the three counties and of the district named were under that Act. The figures for these three counties and that district are also, in each case, figures for territory that was partly under license and partly under Scott Act.

"The Scott Act was carried, altogether, in twenty-five municipal counties and two cities. It affected, however, twenty-six of the judicial districts set out in the above mentioned table. The judicial districts of Brant, Carleton, Frontenac, Lincoln, Middlesex, Muskoka and Parry Sound, Renfrew, Simcoe and Victoria and Haliburton, were, as has been said, partly under license and partly under Scott Act. The judicial counties of Bruce, Dufferin, Elgin, Halton, Huron, Kent, Lambton, Lanark, Leeds and Grenville, Lennox and Addington, Norfolk, Northumberland and Durham, Ontario, Oxford, Peterboro', Stormont, Dundas and Glengarry, and Wellington, came entirely under Scott Act in every part of their respective jurisdictions. The remaining sixteen judicial counties remained throughout under license.

"The county of Halton changed from license to Scott Act in the judicial year 1882 and changed back to license in the year 1888. The Scott Act did not come into force in any other county for three years after the commencement of its operation in Halton. Halton, therefore, has to be considered to a certain extent by itself.

"If we omit the years of change, 1882 and 1888, we find from the official table referred to the following fact: For the six years from 1876 to 1881, inclusive, the county of Halton had 54 commitments for drunkenness, an average of 9 per year. For the five following years of Scott Act, from 1883 to 1887, inclusive, the county of Halton had 40 commitments for drunkenness, an average of 8 per year. For the three years 1889 to 1891 inclusive, subsequent to the repeal of the Scott Act, the county of Halton had 31 commitments for drunkenness, an average of 10.3 per year.

"Of the other twenty-five judicial counties, Bruce, Dufferin, Huron, Norfolk, Oxford, Renfrew, Stormont, etc., changed from license to Scott Act in 1885. All of these, excepting Oxford, changed back to license in 1888. Oxford changed in 1889. Because of the overlapping of judicial and municipal counties, already mentioned, it happened that the judicial counties of Simcoe, Victoria, and the judicial districts of Muskoka and Parry Sound, came partly under the Scott Act in 1885, still more under that Act in 1886, changed in part back to license in 1888, and came entirely under license in 1889. The remaining fifteen judicial counties, Brant, Carleton, Elgin, Frontenac, Kent, Lambton, Lanark, Leeds, etc., Lennox, etc., Lincoln, Northumberland, etc., Middlesex, Ontario, Peterboro', and Wellington, changed from license to Scott Act in 1886, and back to license in 1889.

"It will thus be seen that there was only one year, 1887, in which all the judicial districts affected were under the Scott Act to a maximum extent. It is also clear that the transition years 1885-6 and 1888-9 would not give data of value in making a comparison between the results of Scott Act and license respectively, and to get at any just conclusion as to the effect of the Scott Act upon the number of commitments, we must compare the year 1887, when the Scott Act was in force to the fullest extent, with the years previous to its coming into operation and the years subsequent to its repeal. We take the two years just before and the two years just after the change as being the nearest and fairest for comparison.

The facts in regard to the county of Halton have already been set out. Taking all the other judicial counties and districts of the province of Ontario for the years named and arranging them in three groups, (1) those coming entirely under Scott

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Act; (2) those coming partially under Scott Act; (3) those remaining entirely under license, we get the following tables showing the commitments for drunkenness in the respective groups.

TABLE I.—Counties changing entirely from License to Scott Act.

| County. | License. | | Scott Act. | License. | |
|--------------------------------------|----------|-------|------------|----------|-------|
| | 1883. | 1894. | 1887. | 1890. | 1891. |
| Bruce | 10 | 3 | 6 | 6 | 7 |
| Dufferin | | 1 | 3 | 2 | 1 |
| Elgin | 92 | 82 | 25 | 20 | 32 |
| Huron | 5 | 4 | | 5 | 5 |
| Kent | 23 | 26 | 7 | 71 | 47 |
| Lambton | 75 | 105 | 38 | 108 | 95 |
| Lanark | 9 | 7 | | 5 | 5 |
| Leeds and Grenville | 19 | 135 | 24 | 58 | 44 |
| Lennox and Addington | 18 | 20 | 8 | 22 | 23 |
| Norfolk | 18 | 17 | 5 | 3 | 10 |
| Northumberland and Durham | 21 | 26 | 6 | 38 | 22 |
| Ontario | 10 | 1 | | 2 | |
| Oxford | 28 | 51 | *50 | 51 | 34 |
| Peterboro' | 71 | 30 | 11 | 45 | 24 |
| Stormont, Dundas and Glengarry | 8 | 9 | 4 | 25 | 14 |
| Wellington | 93 | 49 | 22 | 10 | 4 |
| | 500 | 566 | 218 | 471 | 367 |

*These returns do not give the figures for 1887, but the jailer states that there were fifty commitments.

TABLE II.—Judicial Counties changed in part from License to Scott Act.

| County. | License. | | Scott Act. | License. | |
|-------------------------------|----------|-------|------------|----------|-------|
| | 1883. | 1884. | 1887. | 1890. | 1891. |
| Brant | 75 | 58 | 112 | 182 | 112 |
| Carleton | 261 | 314 | 286 | 336 | 204 |
| Frontenac | 46 | 75 | 108 | 129 | 125 |
| Lincoln | 65 | 39 | 21 | 24 | 12 |
| Middlesex | 269 | 445 | 404 | 332 | 213 |
| Muskoka and Parry Sound | 8 | 16 | 8 | 28 | 19 |
| Renfrew | 17 | 27 | 2 | 1 | |
| Simcoe | 87 | 99 | 16 | 34 | 34 |
| Victoria and Haliburton | 7 | 20 | 2 | 7 | 1 |
| | 835 | 1,093 | 959 | 1,073 | 720 |

TABLE III.—Judicial Counties remaining under License without any change.

| County. | 1883. | 1884. | 1887. | 1890. | 1891. |
|---------------------------|-------|-------|-------|-------|-------|
| Algona..... | 21 | 15 | 85 | 69 | 77 |
| Essex..... | 121 | 103 | 45 | 35 | 57 |
| Grey..... | 19 | 28 | 21 | 17 | 13 |
| Haldimand..... | 7 | 7 | 17 | 15 | 22 |
| Hastings..... | 57 | 50 | 51 | 49 | 34 |
| Nipissing..... | 10 | 17 | 13 | 97 | 96 |
| Peel..... | 4 | 10 | 8 | 30 | 17 |
| Perth..... | 37 | 14 | 12 | 14 | 4 |
| Prescott and Russell..... | 2 | | | | 5 |
| Prince Edward..... | 70 | 46 | 29 | 33 | 19 |
| Thunder Bay..... | 296 | 705 | 148 | 125 | 129 |
| Waterloo..... | 14 | 11 | 8 | 17 | 13 |
| Welland..... | 34 | 23 | 32 | 16 | 7 |
| Wentworth..... | 376 | 295 | 373 | 418 | 251 |
| York..... | 1,485 | 1,661 | 2,166 | 2,085 | 1,783 |
| Total..... | 2,553 | 2,985 | 2,999 | 3,020 | 2,518 |

"Table I. is, of course, that which makes clear the result of the Scott Act on the commitments for drunkenness. It is instructive. A careful examination of it will show that with one exception every county in which commitments for drunkenness were common was greatly benefited. In the exceptional county, Oxford, the enforcement of the law in the town of Woodstock was very lax. Every other county that had over ten commitments for drunkenness in either 1883 or 1884 shows a startling reduction of such commitments under the Scott Act. It would be unfair to generalize from any isolated case, but the conclusion from the whole of the counties is irresistible.

"The total figures of all the counties named for the different years should be carefully noted. Then it must be borne in mind that the Scott Act was new. Its maximum benefit could not be attained until it was long enough in operation to give those charged with its administration the knowledge and success in its enforcement that could only come from study and experience.

"Table I. includes all the counties that came entirely under the Scott Act. Excepting Oxford, they had all exactly two full years of Scott Act experience, and 1887 was one of the Scott Act years in every case. If they are separated into two sets, according to the different times of the coming into force of the law, we can compare two Scott Act years for each set with the preceding and subsequent license years. We then get the

TABLE IV.—Counties entirely under Scott Act in 1886-87.

| County. | License. | | Scott Act. | | License. | |
|--------------------|----------|-------|------------|-------|----------|-------|
| | 1883. | 1884. | 1886. | 1887. | 1889. | 1890. |
| Bruce..... | 10 | 3 | 2 | 6 | 8 | 6 |
| Dufferin..... | | 1 | 3 | 3 | 4 | 2 |
| Huron..... | 5 | 4 | 4 | | 2 | 5 |
| Norfolk..... | 18 | 17 | 6 | 5 | 17 | 3 |
| Stormont, etc..... | 8 | 9 | 1 | 4 | 29 | 25 |
| | 41 | 34 | 16 | 18 | 60 | 41 |

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TABLE V.—Counties entirely under Scott Act in 1887-88.

| County. | License. | | Scott Act. | | License. | |
|---------------------|----------|-------|------------|-------|----------|-------|
| | 1884. | 1885. | 1887. | 1888. | 1890. | 1891. |
| Elgin..... | 82 | 57 | 25 | 29 | 20 | 32 |
| Kent..... | 26 | 18 | 7 | 9 | 71 | 47 |
| Lambton..... | 105 | 130 | 38 | 64 | 108 | 95 |
| Lamark..... | 7 | 6 | 9 | 4 | 5 | 5 |
| Leeds, etc..... | 135 | 80 | 24 | 31 | 58 | 44 |
| Lennox..... | 20 | 6 | 8 | 7 | 22 | 23 |
| Northumberland..... | 26 | 26 | 6 | 12 | 38 | 22 |
| Ontario..... | 1 | 4 | | | 2 | |
| Peterboro'..... | 30 | 27 | 11 | 26 | 45 | 24 |
| Wellington..... | 49 | 32 | 22 | 21 | 10 | 4 |
| | 481 | 386 | 150 | 203 | 379 | 296 |

“These tables are convincing. It would be impossible to make fair arrangement of the figures they contain without having evidence the same fact, that the Scott Act, despite its defects and the difficulties that surrounded its operation, was effective in lessening criminal drunkenness.”

Rev. Mr. Kettlewell, in evidence given at Toronto, stated that the Scott Act period, compared with an equal period before and after, reduced drunkenness. He was asked to supply statistics in support of his statement, and has sent the following:—

“Complying with the request made by Commission, I have to-day, December 21st, 1893, forwarded to the secretary a table comparing convictions for drunkenness in the 17 counties of Ontario brought entirely under the Scott Act. The comparison is made between three groups of years, viz.: Under license, 1883, '84, '85; under Scott Act, 1886, '87, '88; and under license, 1889, '90, '91, the broken years being dropped out of sight.

“The following is the average of convictions for each county during each term of years:—

| | |
|-----------------------------------|-------|
| Under license—1883, '84, '85..... | 34.57 |
| “ Scott Act—1886, '87, '88..... | 15.63 |
| “ license—1889, '90, '91..... | 23.22 |
| “ “ (six years)..... | 29.03 |

“I think that it is impossible to break the force of the foregoing comparison, and I claim that the improvement in the second license term is due to the educative influence of the much decried Scott Act.”

Several Ontario brewers and distillers, who gave evidence, stated that the consumption of liquors was not lessened in Canada Temperance Act counties. They all admitted, however, that they were anxious for the repeal of the law, and some, if not all, of them were active in various ways in the repeal movement.

It is also in evidence that the Carling Brewing Co. made application to the city council of London, Ont., where their brewery is situated, for a large reduction in their taxes, supporting their application with a sworn statement that the Canada Temperance Act had been very injurious to their business.

The Ontario local option legislation, already quoted, is recent and has not yet had an opportunity to show to any great extent what it is capable of accomplishing. The only witness who professed to speak definitely of experience of its work was Dr. Gaviler of Grand Valley, which evidence went to show that marked advantages have, even in the early days of its operation, resulted from local option.

QUEBEC.

The Canada Temperance Act was carried in the counties of Chicoutimi, Brome, Stanstead, Arthabaska and Drummond, in the province of Quebec. In one these, Brome, it is still in force. In the others it has been repealed. The Dunkin Act is still in force in the County of Richmond.

The local option power vested in parish councils has been exercised, outside the counties named, to a large extent, so that there are nearly three hundred parishes in which licenses are not issued. This fact is interesting, showing the great extent to which the principle of prohibition is being locally worked out in Quebec.

The evidence relating to the effectiveness of local prohibition in Quebec is, like the evidence in other places, conflicting. It is impossible, however, in candidly weighing this evidence, to fail to recognize the fact that these laws are generally endorsed as effective by that section of the community desirous of having prohibitory laws made effective, and that adverse criticism of the law and allegations of its uselessness are generally made by those who are not in sympathy with it, and who are opposed to the attainment of the result at which the law aims, namely, the prohibition of the liquor traffic. The fact of the maintaining of prohibition legislation for a long time in the different localities mentioned must in itself be looked upon as evidence that this legislation and its results command the approval of a large majority of those electors and municipal councils who have it in their power to repeal these laws where they think such repeal desirable.

MANITOBA.

Large majorities in favour of the Canada Temperance Act were polled in the districts of Lisgar and Marquette, Manitoba. It was held, however, that these districts not being counties within the meaning of the Act, the voting was of no effect, and the Canada Temperance Act is not, and has not been in operation in any part of Manitoba. The provincial local option law has, however, found much favour, and through its operation, as well as through the operation of the provisions of the License Act regarding petitioning for and against the licenses, about three-fourths of the territory of the province is without any legalized liquor traffic. Evidence in regard to the results attained by this form of prohibition was given at Winnipeg by Rev. John Stuart, Mr. J. K. McLennan, and other gentlemen.

The feeling of the province as to how the liquor traffic ought to be dealt with was quite emphatically expressed in the vote on prohibition taken in the provincial election in July, 1892, when, in a total of 26,752 votes polled, 19,637 were in favour of prohibition.

NEW BRUNSWICK.

Prohibition sentiment has for many years been strong in New Brunswick. It manifested itself in 1885 in the enactment by the legislature of a law of prohibition. The history of that legislative effort will be found in the testimony given by Sir Leonard Tilley and Judge Steudman, both of whom were actively associated with the movement. (Vol. 1.) That evidence makes it clear that the attempt to carry out this law met with violent opposition from the liquor traffic, that the law had not a term of operation sufficient to give it a fair trial, and that the change of government which led to its repeal did not entirely hinge upon the question of sustaining or repealing the law. Sir Leonard Tilley's evidence in regard to the attitude of public opinion in New Brunswick at the present time and his views generally in reference to the views under consideration are especially worthy of note.

In a statement made by C. A. Everett, of St. John, N. B., and addressed to the Commission, but which does not appear in any part of the report, he sets forth the following facts concerning the New Brunswick prohibitory law:—

“Your inquiries extended back to the time of the adoption of the prohibitory law by the Legislature of New Brunswick.

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"In addition to the evidence received by you, I may say that the law was passed April 12, 1855, and by its provisions came into force on 1st January, 1856.

"Being a member of the St. John city council in 1855, I tried to secure some action on the part of the city to aid in the enforcement of the law when it came into operation. I did not succeed.

"The law provided for its execution by the existing peace officers of the province, and no provision was made for special services.

"On the 1st January, 1856, the liquor establishments in the city of St. John were nearly, if not all, closed. Considerable excitement was manifest among all classes of the citizens.

"I am not quite sure, but think that on the 2nd January members of the committee acting for the temperance people discovered one or more sales of liquor and took steps against the offenders.

"The first case came before the acting stipendiary magistrate of the city. A large gathering of people representing both sides surrounded the premises. The excitement was very great. I think that the magistrates became alarmed and postponed the case. The temperance committee lost confidence in the magistrate, and commenced proceedings before city and county justices of the peace. Judgments were rendered in some cases and appeals taken. At this point many supporters of the law became inactive, fearing the possibility of being compelled to pay large costs in case of failure in sustaining the judgments of the justices.

"With the hopes of success in such appeals,—and probably with a large expense fund to sustain them,—the liquor dealers boldly re-commenced their business. Efforts made by private citizens to enforce the law were met, not only by legal, but by personal opposition, and in some cases, by personal violence.

"In the midst of the fight, the governor, Mr. Manners Sutton, dismissed his executive council, dissolved the assembly, and ordered a general election.

"Many elements entered into this election. "Support the governor" was the watchword of the repealers. An assembly adverse to the law was elected, and by Act of July 26, 1856, repealed the prohibitory law.

"In my judgment the law was a fairly good one, and would have done good service had it received reasonable support."

THE CANADA TEMPERANCE ACT IN NEW BRUNSWICK.

The Canada Temperance Act was carried in ten of the fourteen counties of New Brunswick. The cities of Fredericton and Portland also adopted the Act. The city of Portland subsequently became a part of the city of St. John, to which it was contiguous. The city of Portland repealed the Canada Temperance Act, which for several reasons had never been really operative. Surrounding these cities is the county of St. John. The free sale of liquor under license in the city made efforts to enforce the law in the county difficult. The county also repealed the Canada Temperance Act. In all the rest of the province in which the Canada Temperance Act was adopted it is still in force. Nearly all of these counties have now had ten years' experience of the law. Not long ago the town of Moncton, in the county of Westmoreland, was erected into a city. Thus at the present time the province contains fourteen counties and three cities. The Canada Temperance Act is the law of nine counties, which contain several large and flourishing towns, and two cities. What has been said of Quebec in relation to the continued favour of the people for prohibition, applies forcibly to this province. Efforts have been made in different parts of the province for the repeal of the law, and with the exception of those named such attempts have always failed.

MR. JOHNSON'S TABLES.

In this connection it is necessary that some attention be given to the memorandum prepared by Mr. George Johnson, Dominion statistician, dealing with the Canada Temperance Act, especially in New Brunswick. The paper was prepared in response to a letter from the chairman of the Commission to the Hon. the Finance

Minister, asking for statistics relating to convictions for crime in those parts of the Dominion in which prohibitory laws were in operation, and similar information relating to places not under the operation of such laws. The request was handed to Mr. Johnson, who prepared a statement in reference to crime in Canada generally. (See Appendix No. 17, vol. VII.)

He confined his analysis, so far as it related to counties under prohibition and license respectively, to the province of New Brunswick.

He commences his comparison with this statement:

“With respect to the Canada Temperance Act, it may be said that during the ten years (1882-91) it has been in operation for longer or shorter terms in sixty-six counties, cities and towns. In thirty-six counties, etc., it has been in force since 1881 to 1889; and from 1885 to 1889 it was in force in fifty-four places. During these four years (1885-89) the convictions for crime throughout Canada were 139,845, of which for drunkenness there were 46,903 convictions. During four years (1881-84) the total convictions for crimes were 123,454, of which 30,863 were for drunkenness. During three years (1889-91) there were 114,386 convictions for crimes, of which 40,883 were for drunkenness.

“The averages per annum are:—

| | 1881-84. | 1885-88. | 1889-91. |
|---|-----------|-----------|-----------|
| Total convictions..... | 30,863 | 34,961 | 38,128 |
| Drunkenness..... | 10,436 | 11,726 | 13,628 |
| Per cent of drunkenness..... | 33.8 | 33.5 | 35.7 |
| Conviction for drunkenness per million inhabitants..... | 2,371 | 2,561 | 2,844 |
| Convictions, all other, per million inhabitants..... | 4,640 | 5,074 | 5,151 |
| Scott Act in operation in places..... | 36 | 54 | 33 |
| Mean of population..... | 4,400,900 | 4,578,745 | 4,756,500 |

“It would appear from this,” Mr. Johnston says, “that there was less crime in 1881-4, when there were but thirty-six places under the Canada Temperance Act, than in 1885-8 when there were fifty-four places under the Act. It would also appear that there was a reaction in favour of drinking when the Scott Act counties became reduced in number, as also in favour of crimes generally.”

As a matter of fact, at the commencement of the criminal year ending September 30, 1881, the Canada Temperance Act had only been carried in fifteen places. In some of these it had not come into operation; and in one of them it never came into operation because of legal technicalities. At the end of that year (1881) it had been carried in only twenty-six counties, in three of which it never came in force, and in some others of which it had not then come into force. At the end of 1884 it had only been adopted in thirty-one places; in some of these it had not come into operation, and in three of them it never came into operation; so that for the period during which Mr. Johnson estimates thirty-six places under the Canada Temperance Act, there had not at any time been thirty places so situated. At the end of 1887 it was actually in operation in sixty counties and cities, exclusive of the three already mentioned in which it had been carried but had not become operative. It continued in operation in at least fifty-two of them up till 1st May, 1889, so that the grouping by years is inaccurate.

Generally speaking, however, for the ten years mentioned, the Canada Temperance Act was at a minimum of operation in the criminal year ending 1881, and at the maximum of its operation in the criminal year ending 1887.

Later on in his statement Mr. Johnson says:—“It would seem that the result of the investigation is to show that in a general way the Canada Temperance Act has not reduced crime.”

It is difficult to understand how this conclusion is arrived at. The figures given, if accurate, would better justify a statement the reverse of Mr. Johnson's. That gentleman, however, although offering them a basis for the deductive argument, asserts

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their incompleteness. The *Statistical Year Book of Canada*, 1892, says: "Much diversity of opinion exists as to the results of the working of the Scott Act, and no reliable statistics are available showing the number of convictions for drunkenness in districts for periods when the act was and was not in force, and only by such means can the results be approximately arrived at."

In a detailed table Mr. Johnson classifies offences for the ten years (1882-91), and states that the period 1886-7-8 has an exceptionally bad record. This is a period included in that in which the figures above quoted show the Scott Act to have in operation to a maximum extent. He says: "It seems to be a settled fact that the period 1886-7-8 was, as regards serious crimes, the worst of all three of the periods into which the nine years of crime has been divided."

This period was not exceptionally bad as regards the total of crimes committed. It was only exceptionally bad in relation to the class described by Mr. Johnson as "offences against the person," and the record of the offences of that class was low for the years 1887-8 in which the Canada Temperance Act was at a maximum.

The criminal year 1887 was the year most affected by the Canada Temperance Act, the year 1888 coming next. What might really be considered the most serious crimes are those classed as indictable offences, and the convictions under this heading were lower in 1887 than in either of the two preceding years. The period 1886-7-8 can only be said to be bad, even from the standpoint taken to Mr. Johnson, because of the extra bad record of 1886, during most of which the Canada Temperance Act was not operating to a maximum extent.

A fair statement showing the varying criminal record, and the varying extent of the Canada Temperance Act operation, could have been made; and it would not have conveyed the wrong impression that when the Canada Temperance Act was most generally in operation serious crime was most prevalent.

It will readily be admitted that with such a law as the Canadian Temperance Act thoroughly enforced the criminal record would be affected by the increased number of convictions for violation of that law, and it would be fair in any presentation of statistics intended to be an index of the results of the Canada Temperance Act to deduct from the aggregate of convictions the convictions for violations of the liquor law. What has been said elsewhere about the effect of partial prohibition upon the record of criminal drunkenness should also be borne in mind in this connection. As the fairest and nearest statement that could be made in this connection, there is submitted herewith a table showing the total criminal record for all the years dealt with by Mr. Johnston, and giving as nearly as possible the extent to which the Canada Temperance Act was in operation in these different years.

It should of course be remembered that, after all, the Canada Temperance Act only affected, even at its maximum, a minority of the population of the Dominion, and that the figures presented show the criminal record for the whole country, which no doubt was affected at different times by other causes. The table is simply given for what it is worth as the grouping that would naturally present itself:—

| Year. | Places under C. T. Act. | Convictions for violation of liquor laws. | Other convictions. | Total convictions. |
|-----------|-------------------------|---|--------------------|--------------------|
| 1881..... | 12 | 1,747 | 27,478 | 34,997 |
| 1882..... | 18 | 1,672 | 29,633 | 31,306 |
| 1883..... | 25 | 2,006 | 31,382 | 33,388 |
| 1884..... | 25 | 1,856 | 27,680 | 29,536 |
| 1885..... | 27 | 2,056 | 31,812 | 33,869 |
| 1886..... | 37 | 2,627 | 31,247 | 33,874 |
| 1887..... | 59 | 3,735 | 30,718 | 34,450 |
| 1888..... | 51 | 4,257 | 33,392 | 37,649 |
| 1889..... | 31 | 3,030 | 35,401 | 38,431 |
| 1890..... | 30 | 2,203 | 36,337 | 38,540 |
| 1891..... | 29 | 2,309 | 35,196 | 37,415 |
| 1892..... | 28 | 1,265 | 33,732 | 34,997 |

The criminal year does not coincide with the Canada Temperance Act year. The year of change from license to Canada Temperance Act, or *vice versa*, therefore presents difficulties. In the above table the Canada Temperance Act is counted as in force only when it was in force for the full period of the criminal year named.

It might appear at first from consideration of this table that from 1881 up till 1886 there was, generally speaking, a marked increase of crime. The soundness of such a conclusion is very doubtful. The statistics are collected under an act which first came into operation in 1876. For some time after the returns made were very incomplete. The Statistical Abstract and Record for 1886 says:—

“It is, however, very much to be regretted that these returns have not at present by any means attained that degree of perfectness which is desirable and practicable.” After a table giving the total convictions to the end of 1885, the same official book says:—“The above tables show the imperfectness of the returns as made to the Government. According to the figures there was an increase in the total number of convictions in 1885 of not less than 4,318, which would indicate the passing of an extraordinary wave of crime over the Dominion, which there is no reason whatever to suppose was the actual fact.”

In all probability the returns were more full in 1885 than they had been previously. The *Statistical Year Book for 1892* says that “great improvements have taken place in the completeness of the returns, and that the probability is that the average of the four years 1888 to 1891 very fairly represents the actual average for the decade. This statement, made also under Mr. Johnson's direction, considered in connection with the actual figures, certainly does not justify the statement that crime increased under the Canada Temperance Act.

The practice of drinking, which so often leads to the habit of drunkenness, is much more likely to be affected by the operation of a law like the Canada Temperance Act than is the police record of convictions for drunkenness. Men who are slaves to the drink habit will make sacrifices of character, effort and money to gratify that appetite such as would not be made by those in whom it was not developed. Under partial laws not very effectively enforced men who have become habitual drinkers will nearly always manage to obtain drink. The record for drunkenness might, therefore, be very little altered even in places where the Canada Temperance Act was accomplishing good, lessening the sale of liquor and improving the moral tone of the community. It would not be strange, therefore, if the first operation of the Canada Temperance Act in a locality was attended with an increase in the police court record, and it is remarkable that the actual figures indicate such a falling off during the maximum Canada Temperance Act period.

That the criminal statistics of the country are, at best, incomplete is stated in the *Statistical Year Book of Canada, 1890*, prepared under Mr. Johnson's supervision. The Year Book says:—“The returns, however, are now much more accurate and complete, though still some considerable distance from perfection. Extreme accuracy is most desirable; for statistics of crime, when they can be depended on, are not only valuable indications of the social conditions of the country, but are also of much importance both in the making of laws, civil and criminal, and in illustrating the working of them. Comparisons also between provinces, which would be interesting, are deprived of value owing to the uncertainty of the completeness of the returns, and it may be that the province supplying the fullest particulars will appear to have the largest proportion of crime. The returns of indictable offences are supposed to be complete from all the provinces, but except from Ontario and perhaps Quebec, it is certain that those of minor offences are deficient.”

Referring to the apparent increase of convictions in 1889 over previous years, the Year Book says:—“As has been already mentioned, the increase in the figures does not at present necessarily mean a corresponding increase in crime (though with a growing population the number of offences must be expected to increase), but it is largely owing to greater accuracy and completeness in the returns.”

The difficulty of fairly classifying such statistics as are available being admitted, it should be a reason for special care in such grouping and classification, and cannot be considered an explanation of groupings and statements that are incorrect, and that

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present the criminal records of the country for Canada Temperance Act years in a specially unfavourable and misleading manner.

THE NEW BRUNSWICK COMPARISONS.

Mr. Johnson, dealing particularly with New Brunswick, goes on to show that in the years 1882-1891, inclusive, there were in the counties of New Brunswick under the Canada Temperance Act 8,738 convictions for offences of every kind, the population of such counties being 196,422 in 1891. In the other counties, under license, there were 14,102 convictions, the population of those counties being 124,841. Or, as he otherwise expresses it, 61 per cent of the population, under the Canada Temperance Act, had 38½ per cent of the criminal convictions of the province; and 39 per cent of the population, under license, had 61½ per cent of the criminal convictions.

This comparison is quite striking, showing greatly in favour of the Canada Temperance Act. It must be borne in mind, however, in considering it, that the worst criminal record for the province would naturally be expected to be that of the city of St. John, which has the largest and densest population, and is a seaport, facts which somewhat affect the criminal record, apart altogether from the Canada Temperance Act or license.

Mr. Johnson goes on in his paper to make a number of statements regarding matters concerning which the Commission had not inquired. He compares the manufacturing development of the Scott Act counties with that of other counties in the following form: "Tested by manufacturing development, the counties show an increase per head as follows:—

| | |
|--|---------|
| In capital: Nine Scott Act counties..... | \$24 15 |
| The other counties..... | 27 56 |
| Difference per head in favour of the others... | 3 41 |
| " In employees: Nine Scott Act counties; increase per thousand inhabitants..... | 18.0 |
| The others, per thousand inhabitants..... | 24.4 |
| Difference per thousand inhabitants in number of employees | 6.4 |
| In wages: The nine Scott Act counties increased per head of population..... | \$5 28 |
| The others increased per head of population.. | 8 27 |
| Difference per head in favour of others..... | 2 09 |
| In products: The nine Scott Act counties increased per head..... | 11 84 |
| The others increased per head | 22 80 |
| Difference per head in favour of others..... | 10 96 " |

It is difficult to understand why this statement should have been submitted in reply to an inquiry concerning crime. Since, however, it has been presented, attention should be called to its misleading character.

The inauguration and development of manufacturing industries depend upon a number of conditions and circumstances, such as local supplies of fuel or of raw material used in manufacturing, convenience of shipping or railway facilities, and other conditions. The suggestion that in New Brunswick they are affected detrimentally by the operation of the Canada Temperance Act is a very strange one. Moreover, the figures from which Mr. Johnson's statements are compiled afford no grounds for such suggestion.

The amount of increase of capital invested in manufacturing industries might be large, and yet be represented by only a small amount per capita of the population, if the population were very large. A small proportion of the increase of manufacturing capital might represent a much larger amount per capita if the population were small. There might be a large increase in a given manufacturing industry in

a certain locality, and yet the proportion of increase per capita of a large agricultural community (at a point in which the industry was located) would seem small. If fully and fairly presented the facts cannot convey wrong impressions.

The census return, which Mr. Johnson quotes as the basis of his calculation, shows the increase of capital invested in manufacturing industries from 1881 to 1891 in New Brunswick to be as follows:--

CAPITAL INVESTED IN MANUFACTURING INDUSTRIES.

| | In 1881. | In 1891. | Increase. |
|---------------------------|-------------|-------------|-------------|
| In C. T. A. counties..... | \$3,865,531 | \$8,608,648 | \$4,743,117 |
| In license "..... | 4,559,751 | 8,000,107 | 3,441,356 |

EMPLOYEES ENGAGED IN SAME.

| | In 1881. | In 1891. | Increase. |
|---------------------------|----------|----------|-----------|
| In C. T. A. counties..... | 89,820 | 813,339 | 83,419 |
| In license "..... | 10,102 | 13,270 | 3,168 |

WAGES PAID IN SAME.

| | In 1881. | In 1891. | Increase. |
|---------------------------|-------------|-------------|-------------|
| In C. T. A. counties..... | \$1,935,483 | \$2,972,971 | \$1,037,488 |
| In license "..... | 1,930,528 | 2,963,050 | 1,032,522 |

VALUE OF PRODUCTIONS.

| | In 1881. | In 1891. | Increase. |
|---------------------------|-------------|--------------|-------------|
| In C. T. A. counties..... | \$9,104,223 | \$11,431,457 | \$2,327,234 |
| In license "..... | 9,407,835 | 12,254,179 | 2,846,344 |

It is clear from these statements that in the Canada Temperance Act counties the capital invested was actually increased in a larger proportion than was the capital invested in license counties. It can only be made to appear to have had a less increase by distributing it over the population in both cases, notwithstanding the fact that in both cases a large proportion of that population had nothing whatever to do, except indirectly, with such manufacturing industries--in many cases such population being largely agricultural.

In the same way misleading calculations are made in reference to the increase in the number of employees, wages paid and products.

Considering the population of New Brunswick, the paper under consideration says:—"The nine counties (under Canada Temperance Act) show during the decade (1881 to 1891) a decrease of 4,869 in population. The others (under license) show an increase of 4,900 in population during the same period."

It also sets out in detail that while there was in the whole province of New Brunswick from the years 1881 to 1891 a falling off in the birth-rate and death-rate respectively, the birth-rate decreased by a larger per cent in Canada Temperance Act counties than in counties under license, and the death-rate decreased by a larger percentage in license counties than in counties under the Canada Temperance Act, and says:—"It would appear from this that the non-Scott Act counties are the best nurseries for population."

The suggestion that certain counties in New Brunswick decreased in population because the liquor traffic was not permitted in them is absurd. The fact is overlooked that some Scott Act counties have very much increased in population, while

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some license counties show serious falling off. For example, the county in New Brunswick which shows the greatest increase in population is Westmoreland, a Canada Temperance Act county, which has an increase of 3,758; and one of the worst cases of falling off is that of the county and city of St. John, under license, which shows a retrogression of 3,592.

As a matter of fact, the changes of population were influenced and determined by altogether different causes, and the attempt to make it appear that the Scott Act is responsible for them is inexplicable. The whole increase in population in the province of New Brunswick for the decade named was 30. The reasons for its stagnation were discussed by Mr. Johnson in Bulletin No. 3 of the census, 1891; and his explanation then was as follows:—

“The family is becoming smaller. It averaged 5·74 persons in 1871, 5·57 persons in 1881, and 5·43 persons in 1891. The causes for this decrease are: First, the decay of early marriages, and, second, the increasing tendency to celibacy. The first cause is the effect of increasingly complex conditions of life; the second is due to the spread of education, which enables females to become better wage-earners, and, therefore, less interested in marriage.

“But the reduction of the average family does not account in whole for the stagnation of population revealed by the census returns. The population has remained in larger numbers than in previous decades.

“In the present census we have provided for the ascertainment of the extent to which there has been an interprovincial distribution of the people. The analysis is not yet complete, but the partial trials made show that the people of these provinces have gone, during the past ten years, in an increasing degree to the western portion of our country. The stagnation in the east is partially accounted for by the natural movement westwards. It is also accounted for by the increasing aversion to agricultural pursuits. Other causes no doubt have contributed to the stagnation.”

Perhaps Mr. Johnson had forgotten that he had written this explanation of the falling off of the population in New Brunswick when he prepared the statement which makes it appear that the falling off was to any extent chargeable to the Canada Temperance Act.

Mr. Johnson closes his statement as follows:—“It would seem that the result of the investigations is to show that in a general way the Canada Temperance Act has not reduced crime, but that where it has been under the most favourable conditions imaginable, there criminal convictions have materially decreased. Second, that in other respects, for instance, industrial prosperity, population, character of population as to age-periods, etc., the New Brunswick illustration fails to prove that the Canada Temperance Act carries in its train other material blessings.”

These conclusions have certainly no reasonable basis in the facts upon which they are said to rest. Your Commissioner's reason for referring to them at so great a length is because they form part of an official statement, made in response to an application to a Minister of the Crown for information, and, therefore, might be received with undue importance if their unreliability were not pointed out.

Mr. Johnson was before the Commission at Ottawa, and was questioned not only on the statements of the paper quoted, but concerning the criminal statistics generally of Canada. His answers show that while there is a steady improvement both in collecting and compiling statistical information, there yet remains something to be done before accuracy is attained.

It is made clear that no comparison can, with any fairness, be made of the returns of earlier years with those now received. Such comparison would be sure to show an increase of crime in the country, whereas, if the returns of the periods compared were either equally complete or equally incomplete, it would probably be shown that there has been a decrease of crime in the country at large.

Mr. Johnson said: “It is difficult to make comparison with any degree of satisfaction for a further period back than four or five years.”

OTHER EVIDENCE.

Much of the evidence heard in New Brunswick had reference to the Canada Temperance Act. Three places in which it was in operation were visited, viz., St. Stephen, Fredericton and Moncton.

St. Stephen is in Charlotte county, which adopted the Act in 1880, and which, in 1891, on a petition to repeal it, declared in favour of its retention by a greatly increased vote, the majority being three to one. The evidence heard in St. Stephen was to the effect that the Act has been a benefit to the town and country at large.

Mr. J. D. Chipman, mayor of St. Stephen, said it had lessened drunkenness; and Mr. C. N. Vroon, an ex-mayor, presented official figures showing that poverty and forms of crime other than drunkenness had been reduced during the enforcement of the Act.

Mr. W. W. Graham, for six years mayor of Milltown, a town of about 2,500 people, adjoining St. Stephen, and in the same county, said that the law has had a beneficial effect since its enforcement ceased to be hampered by appeals to the supreme court.

In the city of Moncton, where the law is admittedly more violated than in any other place in New Brunswick, there was no lacking testimony of its beneficial effects, notwithstanding the sometimes lax enforcement. And concerning the county of Westmoreland, which includes Moncton, it was shown that there was a good degree of enforcement and with good results.

FREDERICTON.

Fredericton, the capital of the province, has had the Act in operation longer than any other place in Canada, having adopted it in October, 1878. It came into force on the 1st day of May, 1879. Three times attempts have been made to repeal it, but it still remains the law of the city.

That there have been many violations of the law, and that it continues to be violated, nobody pretends to deny; but that, in spite of many difficulties, it has greatly reduced the sale and consumption of liquors, and promoted sobriety and good order, is shown in the evidence, as in the refusal of the citizen to repeal it.

Mr. D. F. George, one of the leading lumber merchants of the city, said:—"There is not one-fourth the liquor sold in Fredericton there was twenty-five years ago."

Mr. J. C. Risteen, proprietor of a planing mill and door and sash factory, said there is much more sobriety amongst his men, and "the law has been a benefit to the community."

Rev. G. G. Roberts, rector of the Church of England, who has lived many years in the city, said:—"The Act has been beneficial to Fredericton."

Judge Steadman said:—"If you expect the Scott Act will entirely suppress the traffic, you will never see it; or if you expect it to decrease the traffic by nine-tenths, you will not probably see it; but if you expect the traffic to be decreased by two-thirds, which would be a reasonable expectation, that would be sufficient to satisfy the public mind. I think that is the effect of the Scott Act in the counties where it is enforced. It does decrease the drinking habits of the people and the sale of intoxicating liquors by, at least, two-thirds. I may say that it is so in Queen's and Sunbury, and I think in York, too, taking the whole county together. That, in my opinion, is a satisfactory, and ought to be considered a satisfactory enforcement of the law."

Mr. Dow Vandine, who was in charge of the police force for ten years, and had only retired to accept another office four days before he gave evidence, told the commission that the law has been well enforced. He said:—"In the last ten years we have driven at least fifty persons out of the trade;" some of them have been driven out of the city, and remain out.

He described the difficulties sometimes met, the hotels being the chief offenders, and always on the watch for the officers and others whom they might suspect of having designs against them.

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About arrests for drunkenness, he said every man seen staggering is arrested, whether he is disorderly or not. Under the license system two out of ten drunken men might be arrested, but now eight out of ten are arrested; we arrest every one of them whom we see. There has, he said, been a steady decrease, during late years, of petty offences, thefts, disorderly conduct, and this he attributed to the enforcement of the Act.

Mr. John L. Marsh has been police court judge twenty-one years. Before being made police judge he was city clerk, and had to do with the issue of licenses. He says there was much illicit sale then, in what was called "jug-taverns," notwithstanding there were some years as many as forty or more licenses; there was also much Sunday selling, presumably by the licensees. There are, he said, no "jug-taverns" now. There is much less drunkenness than formerly, which he attributes "to a great extent to the fact that liquor selling is illegal." The Act has, he said, been a success "to a large extent; its effects has been good." And he added:—"I remember under the license law, that on Christmas eve, if you walked through the city, you would hardly find a countryman without a jug to put liquor in; but now that is very rare."

He also confirmed the statement of Mr. Vandine about arrests, saying that they are made for less cause than before: "We arrest three now where we would not arrest one before; if a man is staggering now he is arrested."

Asked about flagrant sale, he said:—"I think the sale has been more since the Commission arrived than it was before. So I am informed by the policemen."

Subsequently your Commissioner had a conversation with Judge Marsh about this, in which he (Judge Marsh) stated that J. A. Edwards had told him that an exhibition of liquor selling was being made for the benefit of the Commission, and that the show made at Howard & Crangle's billiard saloon was the great one. It was explained to him that one of the Commissioners was in an office in the same building as the billiard saloon, that when the saloon man had everything ready the Commissioner was introduced. Then another Commissioner was telephoned for; on his arrival he expressed great surprise at what he saw, and asked if another Commissioner (naming him) knew this; but the parties managing the affair would not call the third Commissioner.

The object of such exhibitions, as explained by the police magistrate, was to give the Commissioners the impression that what they saw is the every day condition under the Canada Temperance Act.

A somewhat similar trick was, it is said, resorted to a few years ago. A vote was to be taken on the adoption of the act in a neighbouring city. The opponents of the Act feared it might be adopted. They invited a gentleman of position and influence to Fredericton to see how the Act worked. They prepared for his coming by having rooms fitted up in several private houses as bars, besides making as elaborate arrangements as possible in the hotels. The gentleman was taken to all these places, and went home convinced that the Act was a failure, and threw his influence against its adoption in his own city.

A. A. Sterling, sheriff of York county, said:—"There is not anything like the drunkenness now that there was previous to the passage of the Act." The greater sobriety is attributable in considerable degree to the Act:—"Young men twenty years old now were only six years old when it came into force, and they have grown up without the influence of open bars before their eyes; and I take it that the temperance sentiment has been strengthened by the fact that the trade has been hidden." He added:—"I think the manner in which the Scott Act has been enforced and sustained is a very strong testimony in favour of the temperance sentiment of this town, because scarcely any other Act could be enforced at all under the conditions with which the Scott Act has had to contend."

Some inquiry was made as to whether the Act has had any effect on pauperism in the city. Mr. A. D. Thomas, superintendent of the almshouse said:—"Taking the twelve years from 1879 to 1891 (under the Canada Temperance Act), and the twelve years immediately preceding (under license), there is a difference of forty-five less in the last twelve years as compared with the twelve years before. That is a re-

duction under the Canada Act as compared with the twelve years before it." The accounts of the almshouse show the cost of support for twelve years under the Canada Temperance Act average \$500 per year less than for the twelve years under license, immediately preceding the adoption of the Act.

Marysville, a prosperous and growing town of over two thousand population, adjacent to Fredericton, is also under the Canada Temperance Act, Mr. Alexander Gibbon, in his cotton mills and lumbering operations, employs about 1,200 people in the spring and summer, and about 2,400 in the winter. There is no liquor selling in the town; there is only one policeman, who has very little to do; and there is no pauperism.

Mr. Gibson believes that prohibition of the liquor traffic has had a good effect on his employees. He says:—"I think it has. In all the thirty years I have been there, I have kept everything fully insured, and I have never yet made a claim for a loss, which I think is to be attributed to the fact that there was no liquor."

In a letter addressed to the Commission by Mr. H. A. McKeown, M. P. P., of St. John, N. B., but which does not appear in any part of the report, the following statement is made concerning the Canada Temperance Act:—"I am familiar with nearly all the counties in New Brunswick in which the law is in force. I live in St. John city, which is under the operation of the license law, fortified by an inspector who has under him about forty men, whose duty it is to report violations of that law. I make no hesitation in saying that in each of the Scott Act counties of New Brunswick there is less violation of that Act than there are violations of the liquor license Act now in force in St. John, and in which place the inspector reports the law well enforced. I believe the Scott Act to be a good law, and on the whole well enforced in New Brunswick."

DIFFICULTIES OF ENFORCEMENT.

In any judgment of the efficiency of the Canada Temperance Act in New Brunswick consideration must be given to the exceptional difficulties which attended it in the earlier years of its enforcement, some of which have not yet ceased to hamper its workings.

Appeals involving the validity of the Act arose out of some of the first cases of conviction in Fredericton. They were taken through all the courts to the Judicial Committee of the Privy Council. There was long delay before judgment was given, during which time the law was practically a dead letter. Subsequently, appeals, based on a great variety of grounds, were taken to the supreme court, causing long and vexatious delays. The mayor of Milltown stated in his evidence that cases from that town were before the court three years before a judgment was given; and during all that time they were unable to enforce the law. Some St. Stephen cases which were appealed in March, 1881, were not decided till April, 1893. Meantime the law was inoperative, and during 1882 there were thirty rum shops in operation in the town.

An examination of the Crown paper of the Supreme Court, between April, 1890, and November, 1891, shows that the whole number of cases of all kinds entered was 150. In 141 cases judgment was given, 4 were settled, and 5 remained undecided. Of the 141 judgments, 128 were given the same term the cases were entered. Of the other 13, three had to wait two months; three had to wait three months; and seven had to wait four months. The five undecided cases were entered—three in April 1890, one in January 1891, and one in October 1891.

And all the undecided cases were Canada Temperance Act cases; four of them from Fredericton, and one from St. Mary's, immediately opposite Fredericton. Those interested in the proper enforcement of the law had done all they could to get the cases properly decided, but without avail.

Nor had the difficulty caused by appeals and delayed judgments ceased to operate against good enforcement at the time the Commission visited the province.

Mr. F. E. McCully, Canada Temperance Act inspector in Westmoreland county, giving evidence before the Commission in August, 1892, was asked if these difficulties

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had been overcome. He answered: "Apparently not. There are to-day, I think, in the county of Westmorland, outside of Moncton, sixteen or eighteen appeals since January, and they will be pending up to the next term of the Supreme Court. In all these cases, in the great majority of them at least, proceedings are stayed and will be stayed till the cases are disposed of. But nothing can be done in collecting the fines in connection with these suits. To go on with other parties while these cases are pending is quite difficult for two reasons. You cannot base a subsequent offence on that conviction, because you might be sued for contempt of court if you did. Another reason is that the temperance people have become discouraged in a way. I think appeals generally have a discouraging effect."

He also expressed his belief that if the obstacles referred to were removed the enforcement of the law would be with much better effect.

There are, your Commissioner is informed, at the date of this writing, convictions in Fredericton the penalties for which cannot be executed because of appeals to the Privy Council. And the thorough enforcement of the law against the offenders for subsequent offences is greatly hindered thereby.

The actual result, of the operation of the Canada Temperance Act in New Brunswick, despite ordinary and extraordinary difficulties, will be learned from a careful examination of the evidence submitted to the Commission by persons so situated as to know whereof they speak, and likely to be unprejudiced against the Canada Temperance Act. It is not needful to repeat that the evidence of persons interested in liquor selling, or who have suffered the penalties that attend their efforts to resist the law, must be received with caution. There is abundant testimony outside this by which to judge of the measure.

The general opinion of the people of New Brunswick has not been expressed by a plebiscite, as has been that of some other provinces. But the question of prohibition was brought up recently in a newly-elected legislative assembly, which adopted by a unanimous vote on 7th April, 1893, the following resolution:—

"Whereas, in the opinion of this legislative assembly the enactment of a prohibitory liquor law would conduce to the general benefit of the people of this province, and meet with the approval of the majority of the electorate, and

"Whereas, legislative power in respect to the enactment of such a law rests in the parliament of Canada; therefore

"Resolved, that this assembly hereby expresses its desire that the parliament of Canada shall, with all convenient speed, enact a law prohibiting the importation, manufacture and sale of intoxicating liquors as a beverage into or in the Dominion of Canada."

This, from all that your Commission has been able to gather, may be taken as a fair expression of the desire of the majority of the electors of New Brunswick.

NOVA SCOTIA.

In the province of Nova Scotia temperance sentiment is very strong. There are some counties in which your Commissioners were told no license had been issued for fifty years.

Nova Scotia has eighteen counties and one city. Thirteen counties adopted the Canada Temperance Act. In one of these (Colchester) it failed to come into operation on account of a legal technicality connected with the proceedings necessary to bring it into force. At the instance of friends of prohibition it was repealed. In the other twelve counties the law is still in operation. The last of these to adopt it was Guysborough, in June, 1885.

The license law of Nova Scotia makes a petition from two-thirds of the local electors a necessary condition precedent to the granting of a license. So difficult is it for would-be licensees to comply with this condition that there are four counties, outside the Canada Temperance Act counties, in which no license can issue. Colchester, in which the Canada Temperance Act was repealed, is one of these. Licenses are issued in the city of Halifax and in the counties of Halifax and Richmond.

The extent to which the prohibition thus in operation is enforced varies in different localities. Your Commissioners found that in some places there is an element hostile to the law and active in the practice or encouragement of its violation. It is worthy of note that notwithstanding this difficulty, which is made more a difficulty by the partial and local character of the law, prohibition is still warmly approved by a great majority of the people. No vote on the Canada Temperance Act has yet been taken in the two counties in which licenses are issued, nor in the city of Halifax.

In Halifax, Truro, North Sydney and Yarmouth the Commission heard evidence. It was made clear that in Halifax but slight regard is paid to the restrictive features of the license law, either by the licensees or others.

Truro, which is under the prohibition provided in the license law, has had serious struggles at different times with illicit selling, but has succeeded, in the main, in suppressing the traffic in a large degree.

North Sydney presents a peculiar condition. The Canada Temperance Act is in force there, but has not been well enforced. Much of the difficulty of efficient enforcement has evidently arisen from the adverse and (as at least one witness, a barrister, said) illegal decisions of a county court judge, and the large expense caused the prosecution thereby.

Several managers of coal mines in Cape Breton were examined, all of whom testified to the beneficial effects of prohibition as enforced in their several districts.

Yarmouth has had the Canada Temperance Act in force since 1894. Previous to that it had the prohibition provided for in the license law. For fifty years or more there has been no license to sell liquor granted in either the town or the county.

The population of Yarmouth is something over 6,000. It is a seaport, and many sailors go there. The mayor said the number yearly is "12,000 in and out." But, notwithstanding the presence of so many sailors, the mayor stated that there is "no serious or insurmountable difficulty in enforcing the law."

There is very little drunkenness. The police magistrate said about twenty different persons had been before him for drunkenness in the last year. Disorders are very rare.

There are several extensive manufactures in Yarmouth, and some of the managers gave evidence of the beneficial effects of prohibition.

If the rule applied by Mr. Johnson to the Canada Temperance Act in New Brunswick is correct, then the Act may be credited with Yarmouth's great increase both in manufactures and population.

Census bulletin No. 12 says:—"Yarmouth has made remarkable progress, having been in 1881 one of the smallest per head in manufacturing, and in 1891 having reached the figure of \$206 per head, the population having in the same time increased 75 per cent."

One witness from Annapolis and one from Barrington were heard. Both stated that the law is well enforced.

The evidence taken in Nova Scotia is well worthy of consideration. It is safe to say that the mass of public opinion in the province is favourable to prohibition of the liquor traffic. The plebiscite in March, 1894, resulted in a declaration by the electorate in favour of prohibition by a vote of 43,756 to 12,355. Every county in the province but one, and all the principal towns, including Halifax, gave a majority in favour of prohibition.

PRINCE EDWARD ISLAND.

This province has long been noted for the temperate character of its population. When the Canada Temperance Act was passed by the Dominion parliament Prince Edward Island prohibitionists at once began work to secure its benefits. On 20th December of the same year, 1878, it was voted upon and adopted in Prince county. The following year it was adopted in the city of Charlottetown and in King's county. In 1881 it was adopted in Queen's county. An attempt to repeal it in Prince county, in 1884, resulted in an increased majority in favour of the Act. The city of Charlotte-

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town defeated repeal movements in 1884 and 1887, but repealed the Act in 1891 by a majority of fourteen.

During the time the Canada Temperance Act was the law of the whole province the provincial license law was inoperative, and the probability of its being required again was so small that it was dropped from the statute book. Charlottetown, therefore, had, after the repeal of the Canada Temperance Act, no law whatever relating to the sale of liquor. Later, the legislature, while refusing to enact a license law, passed a measure imposing rigid police restrictions, which all who sold liquor were required to observe. Sale was only permitted during certain hours, in premises having unscreened windows, open to the street, having only one entrance and having no seating accommodation, and in which no other goods were sold.

When the Commission visited Charlottetown the police regulation had been in operation only a few weeks—not long enough to determine its effects. Since then information has been received which shows that it was very unsatisfactory, drunkenness and disorders being very prevalent. The following extract from a letter from Rev. W. W. Brewer tells the condition of things under the police regulation:—

“CHARLOTTETOWN, P.E.I., 30th January, 1894.

“DEAR DR. McLEOD.—You ask,—‘1. Do the police court records show the true condition of things?’ No. Scores of drunken men go unarrested every week—mostly countrymen on market days. I have seen more drunken men on the streets of our city during the past twelve months than in any two years of my residence in Charlottetown. I do not think, however, that drinking is on the increase in the city, save as stated above on market days. The blindless windows, closing at 10 p.m. and on Saturdays at 6 p.m. and on Sundays, with other restrictions have, to some extent, checked public drinking and open drunkenness.

“The present liquor regulation Act is working ruin to our farming population who come to the city to do business. Travel on our country roads at night after market is not only unsafe because of the reckless driving of drunken men, but perilous in the extreme.

“‘2. Is the present system preferable to the Scott Act?’ No.

“‘3. If what I have seen in the papers about drinking amongst boys, and serious disturbances, death by rum, etc., is correct, what is the explanation of the police court record?’ Not one of the fifty of the countrymen who come to the city on market days and get drunk fall into the hands of the police. Son, daughter, wife, or friend will take care to get the drunken farmer beyond the city limits as quickly as possible. I have never known a year in Queen's county so saddened with fatality and blackened with horrible crime as the year 1893, all of which is directly traceable to the fact that rum is so easily obtained and so generally used. Five deaths in as many months, a brutal stabbing in a tavern between two farmers, almost fatal, fighting and brawling to an extent I have never known before, are some of the results of the present system in our city and county.

“I may add that the very large number of saloons and drinking places in Charlottetown under the liquor regulation Act greatly affects the value of houses in our city. A property consisting of a store and residence in the very heart of Charlottetown is to-day unrentable, save as a storeroom for pork, and is unsaleable—solely because there are saloons on every side of it.

“I will conclude by saying that I was one of the first to move in obtaining the present restrictive law, the object of which was to regulate the sale of liquors in our city. I am now forced to confess that it has signally failed. This fact is now admitted on all sides. The only redeeming features are the blindless windows and the closing of the saloons on Saturday at 6 p.m. until Monday morning. This last provision is, however, violated by many of the saloon-keepers. Liquors purchased before six o'clock on Saturday are taken into so-called private dwellings attached to many saloons, and in such rooms men drink on Saturday and Sunday without let or hindrance.

“We are, however, looking for a change. Charlottetown will, in the near future, again have an opportunity of voting on the Scott Act, and judging from the

recent "pleb." vote we shall win by hundreds. In enclose police report from June 1893, to January, 1894.

"I am, my dear sir,
"Yours sincerely,
"W. W. BREWER."

The evidence heard at Charlottetown shows that, as in other provinces, delays in the courts interfered somewhat with the efficient enforcement of the law. Judge Hodgson told the Commissioners that the Fredericton, N.B., appeal cases made a long delay, during which not much enforcement was possible.

But, notwithstanding various difficulties, there seems to have been a fair degree of enforcement of the law in Charlottetown. Hon. T. C. Haviland, mayor of the city and ex-governor of the province, said: "There were two or three years under the old license law when Charlottetown was in a terrible condition. * * * At one time it was so bad that the stipendiary magistrate applied to the city council to largely increase the police force on account of the demoralized condition of the city." He said the condition under the Canada Temperance Act was much improved; "there was more sobriety than under license—decidedly so."

Other witnesses gave similar evidence.

As soon as the three years had expired, which must elapse between the repeal of the Canada Temperance Act and its re-adoption, the people of Charlottetown petitioned to have a vote. The vote was taken on the 19th April, 1894, when the city re-adopted the Act. This fact gives emphasis to the evidence of those who said the Act did more to restrict the liquor traffic and reduce its evil effects than either the license or police regulation system.

When the Canada Temperance Act had been in operation in the city of Charlottetown for six months after its re-enactment, in 1894, the record of convictions for drunkenness made during that time compared with the record for the corresponding six months of the previous year, when liquor selling was permitted, was as follows:—

| | 1893. | 1894. |
|--------------------|-------|----------|
| August | 20 | 6 |
| September | 43 | 16 |
| October | 18 | 11 |
| November..... | 22 | 10 |
| December..... | 11 | 8 |
| January.....(1894) | 5 | (1895) 4 |
| Total | 119 | 55 |

The only other place on the Island visited by the Commission was Summerside. The chief difficulty in that town is, probably, attributable to the loose manner in which the vendor under the Act conducts his business.

Sheriff Strong told the Commission that, "The Act has undoubtedly been beneficial to Summerside and the whole country."

In Prince Edward Island and elsewhere no attempt was made at examination into the condition of affairs in rural places, in which the Commission was assured that the law was thoroughly effective. The witnesses examined were practically unanimous in their testimony to the effectiveness of the Canada Temperance Act in the province at large.

The fact of their experience under partial prohibition gives special weight to the verdict given by the people of Prince Edward Island in the plebiscite on the question of total prohibition which was taken on 15th December, 1893, and which resulted as follows:—

| | |
|--------------------------------|-------|
| For prohibition..... | 6,118 |
| Against prohibition | 1,923 |
| Majority for prohibition... .. | 4,095 |

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CONCLUSIONS.

That there have been violations of the Canada Temperance Act in all the places where it has been adopted, and in some places, at certain times, many and even flagrant violations, there is no doubt. That the law, at best, is imperfect its warmest friends admit. But it is considered preferable to any license system, affording a degree of relief from the evils which attend the legalized drink traffic which commends it to the majority of the people who have had long experience of its working and effects.

THE NORTH-WEST.

The prohibitory law of the North-west Territories gave the most thorough prohibition of the liquor traffic which has been had in Canada. From the time the territories came under Dominion control, in 1870, up to 1892, the law relating to the liquor traffic was in these terms:—

“No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the territories except by the permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or sold, exchanged, traded, or bartered, or had in possession therein except by special permission in writing of the Lieutenant-Governor.”

In various official reports there is a deal of evidence about the working and effects of the law.

Colonel Herchmer, commissioner of the mounted police in the North-west, in his report in 1888, said:—

“I consider that the homes of our rural settlers, who being in the majority, are the class in whose prosperity and welfare a government should be most interested, and the country parts are generally and remarkably free from liquor and its effects. * * * In reality these settlers seldom or never get whisky except when they visit the towns, and even then the instances are rare in which farmers have been under the influence of liquor; and although public meetings have occasionally been called in the towns, when this law and all connected with its enforcement have been deluged with abuse, no meetings have ever been held to my knowledge in rural places, nor have any resolutions in favour of extended liquor privileges been passed at any country meetings.”

Being questioned on this by the Commission, in 1892, he said he was still of the same opinion, and that there was no agitation in favour of a change to a license system.

In the same report (1888), referring to the plea for a license system, Colonel Herchmer gave the results of his observation of both systems, thus:—

“Having lived in Manitoba in the old days when a permit was required, and when it was only responsible people who were able to procure them, and having lived in that portion of the province since the license law was extended to it, and having during all the time I have lived there occupied positions which occasioned continual travelling over a larger section of the country than any other resident, I believe that I possess sufficient information to speak with some authority on the subject, and I unhesitatingly affirm that under the permit system and the North-west Act, as then interpreted by our judges, there was less intoxication among the whites, according to population; and there can be no comparison between the quantity of liquor been supplied to Indians and the quantity they have obtained since that portion of the province was, as certain people call it, emancipated.”

Superintendent Cotton, of the mounted police, in the report for 1889, said:—

“The construction of the main line of the Canada Pacific Railway proceeded quietly, and the total absence of all serious crime—notwithstanding the sudden influx of thousands of rough navvies—was remarked with astonishment. This was again and again borne testimony to by prominent men who had experience in other countries. Even with the efficient police surveillance maintained, such happy results could not, I think, have come about but for the prohibitory laws existing. That these laws

were sometimes broken even in those days is an undeniable fact. Such, however, was the exception, not the rule."

In his evidence before the Commission in 1892 he reiterated the above statement, adding: "If all the working parties had had the right to bring in liquor and use it, the story of the construction of the Canada Pacific Railway would have been exactly similar to the history of the Northern Pacific and the Union Pacific railways. There would have been rows and murders of all kinds, I have no doubt."

And in his report for 1891, immediately before the change from prohibition to license, Superintendent Cotton put himself on record thus:—"As it is certain that the law will be changed within a short time, it might be well to observe that no law, in my opinion, ever existed on the statute-book which effected so much in so short time. To it can be credited the quiet, peaceful opening up of this territory by the North-west Mounted Police. Only the old officers and men of the force know what a hold it gave over the western roughs. The whisky traders were the strong element in the country, but a rigorous enforcement of this law soon extinguished them."

In an address delivered in London in the summer of 1880, Sir Charles Tupper made the following reference to North-west prohibition:—

"Some years ago (1872) he had the honour of proposing to Parliament the most prohibitory law that ever was proposed in any country, applying to a section of country 2,500,000 miles in extent, called the North-west Territory. It was a measure for entire prohibition. There, he felt, was presented an opportunity of dealing with the question on its merits, and without the difficulties involved by the enormous vested interests that in this country and every other country where the liquor traffic has been established formed the great obstacle to success. * * * It might be asked: Do the people in the North-west Territory object to the absence of the privilege of being able to purchase intoxicating drinks? Not in the least; but on the contrary, he was proud to know that when the proposition was made to annex a portion of the North-west Territory to Manitoba, where the liquor traffic existed, one of the strongest objections to the annexation was that it would deprive them of the great blessing of a prohibitory liquor law."

Lieutenant Governor Royal, of the North-west Territories, in a letter to the Commission under date 7th January, 1893, said:—

"For seven years and more the law of 1875 had brought about all the good results that the legislation had anticipated, when in 1882 and 1883 the Canada Pacific Railway Company placed under contract the construction of its line across the plains to the Rocky Mountains. Many apprehended, and not without reason, that the cortège of crimes of all sorts, which had accompanied the construction of trans-continental lines in the United States, would inevitably appear from the moment the uninhabited Territories were reached; fears of interference by the Indians with the progress of the work were also entertained. Yet none of these fears and apprehensions were realized. Owing to the absence of strong liquors in the camps of the railway navvies, owing to the discipline and strict surveillance exercised by the North-west Mounted Police, the construction was proceeded with and carried on through more than seven hundred miles of vacant and silent plains with at least as much order and tranquillity as if it had been across any of the provinces of eastern Canada."

Evidence taken by the Commission confirms the foregoing statements as to the beneficial effects of prohibition.

Hon. H. G. Joly gave this evidence:—"I happened to be in the North-west Territory when total prohibition prevailed, and certainly at that time, with the class of people who were there then, I think it was very beneficial. There were scarcely any settlers there, and the country was over-run with working men from every part of the world, who were employed in constructing the Canada Pacific Railway. I travelled on a construction train with hundreds of men, as the railway was not finished beyond Moose Jaw. Some American gentlemen were with me, and they called my attention to the fact, observing all the discomfort to be endured by these men, large numbers being packed in the cars and even standing on the platform, that if such a state of things had prevailed on the Northern Pacific there would

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have been a regular pandemonium; while here, though the men were very much crowded and though some could not find seats and had to lie on the floor, there was no liquor drank and there was no disorder."

Sir William Dawson said:—"In our North-west, when the Canadian Pacific railway was building, I had an illustration which struck me exceedingly forcibly. There were at that time—and I went there when the road was in process of construction through the plains and the Rocky Mountains—perhaps 20,000 men employed on the road, and I neither saw drunkenness, fighting or quarrelling there; everybody seemed in a sound mind, and I never saw so many labouring men quiet and orderly (they being, moreover, of all nationalities), as there were there. It struck me very much as an illustration of the power of a restrictive measure, because there were no liquors allowed, except for medicinal purposes."

Lieutenant-Governor Schultz, of Manitoba, than whom no man is more conversant with the North-west, gave valuable testimony. He referred to the several prohibitory measures which have been in operation in various parts of the territories, as well as to the prohibitory law now under consideration. (See Vol. 3, pp. 158-163.)

The "permit" feature of the North-west prohibitory law was its weakness, and led eventually to its overthrow. The governor, for the time being, who was invested with authority to issue "special permission" to persons needing liquor, could, if so disposed, interpret that authority to mean much more than was intended by the framers of the law, and could issue "permits" as freely and indiscriminately as he chose.

Governor Royal, in his letter already quoted, says:—"The granting of 'permits' or exemption, gradually assumed the character of a regular system under my predecessors in office."

That there was a great increase in the quantity of liquor taken into the territories by "permission," the following table shows:—

| Year. | Galls. of liquor imported under "permits." |
|-----------|---|
| 1881..... | 3,165 |
| 1883..... | 6,736 |
| 1884..... | 9,908 |
| 1885..... | 9,758 |
| 1886..... | 20,564 |
| 1887..... | 21,636 |
| 1888..... | 56,388 |
| 1889..... | 151,629 |
| 1890..... | 153,610 |
| 1891..... | 121,325 |

The population of the territories in 1881 was 25,515. In 1891 it was 67,554. The population in the last decade increased 165 per cent, as shown by the foregoing table, while the importation of liquor, by "permission," increased more than 4,000 per cent.

Governor Royal's term of office began in July, 1888. The number of "permits" and the quantity permitted increased steadily during his administration.

In 1889 four per cent beer was, practically, made free, the governor's idea being that the consumption of beer would reduce the consumption of spirits. But that it did not have that effect is evident from the fact that in that year 11,460 gallons of spirits were "permitted" nearly double the quantity in any previous year. And besides the large quantity of "permitted" spirits, it is in evidence that other large quantities of spirits came in under cover of "beer permits."

In the language of Governor Royal, "what had been intended as an exception by Parliament, soon overshadowed the law itself and became the rule." And the effect was most disastrous.

The mischief done by the free use of permits was greatly increased by a decision given by one of the judges. The decision was that, "Any one bringing in

liquor under the governor's 'permit' may transfer such liquor to other residents of the territories, who are not themselves in possession of the 'permits'; and, further, that persons receiving liquor are not liable to punishment."

The effect of this was that whenever a quantity of liquor was found, the man having it in possession, if he had no permit of his own, could borrow one from his neighbour and so protect his illicit liquor.

Colonel Herchmer, in his annual report, 1890, said:—"The liquor question is still in a very unsatisfactory condition, and while the importation of beer has, I think, lowered the demand for stronger liquor, the ruling of the court that liquor once admitted under 'permit' can be held by anyone, and the fact that counterfoils of permits belonging to other people can protect liquor, almost completely kills the enforcement of the North-west Act."

It was also stated in evidence, by inspector Harper of the mounted police, that there had been cases in which illicit liquor was seized, but before prosecution could be carried to a conclusion the accused would apply for and get a permit to cover the seized liquor and protect him from conviction.

Permits were freely issued to persons known to be engaged in liquor selling. Thomas Connors, now a licensed liquor seller at Banff, gave evidence that he had been engaged in illicit liquor selling during the prohibition period, that he smuggled liquors into the country frequently, and that he always had a permit to protect him in case a seizure was made. He had had, he said, a number of permits from the Governor, and they covered his liquor wherever he got it, and saved him from conviction.

It is not difficult to see what the effect of this system of indiscriminate "permissions" would be. The officers of the mounted police testified that because of it, and the added difficulty caused by the judge's decision referred to, it became almost impossible to enforce the law against anybody; everybody was protected, either by the direct authority of the governor, or, under the judge's decision, by borrowed authority of the governor.

Whether such exercise of the "permit" issuing authority was designed to make prohibitory law inoperative, your Commissioner does not here express an opinion; but that it did break down the law quite as effectually as if deliberately designed to that end is a matter of history. The law, which was intended to prohibit the liquor traffic, and which for many years did effectually prohibit it, had, by the unwarranted use of the "permit"-issuing authority, "degenerated," says Governor Royal himself, "into the most unsatisfactory and crude licensing system possible."

Governor Royal seems to have expected that Parliament would interfere and establish a license system. He says:—

"It was, of course, to be expected that Parliament would amend the law, and that new provisions would be enacted whereby either total prohibition of some licensing organization would supercede the individual action of the Lieutenant Governor. This, indeed, would have been done had it not been, as it was reported publicly, for the agitation of the prohibitionists all over the Dominion."

But though Parliament did not take from the territories the prohibition it has given them, the Governor says "public opinion compelled Parliament to vest in the Legislative Assembly of the territories power to legislate upon the liquor question," and that, "It belonged to the general election of the fall of 1891 to demonstrate in an unequivocal manner what were the feelings of the electorate concerning the settlement of the question. The Parliament of Canada having in the session of the same year vested in the legislature the power to pass ordinances in respect to the liquor traffic, the question was at once put at issue before the electors. "The result was that only a small group of prohibitionists were returned, and the Legislative Assembly, after careful deliberation, adopted a high license and local option ordinance, which came into operation on the 1st of May, 1892, and is to-day the law of the land."

An explanation of the foregoing statement is necessary. The North-west council was peculiarly constituted; of twenty members, six were members without election by the people. When in 1887 a motion was carried in the council favouring a change from prohibition the majority of those elected by the people voted against it.

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The next year (1888) a legislature newly elected adopted a resolution by 14 to 6 in favour of a plebiscite. But the plebiscite was never had.

The legislature, elected in 1891, and which enacted the license law, was not elected on that issue. The question which overshadowed all others in that election concerned the respective powers of the governor and the legislature. There was a "dead lock" on account of the conflict of authority, and the people were appealed to to sustain their representatives or the governor. Much evidence was taken about this, and the witnesses agreed that the question of license or prohibition did not enter into the election.

EFFECTS OF THE CHANGE.

Before considering the effect of the change from prohibition to license, it is well to show how the "permit" system, as operated in the later years, affected the criminal records of the territories. The following table was compiled from such official records as were available.—

| Year. | Convictions. |
|-----------|--------------|
| 1883..... | 229 |
| 1884..... | 296 |
| 1885..... | 296 |
| 1886..... | 390 |
| 1887..... | 227 |
| 1888..... | 294 |
| 1889..... | 409 |
| 1890..... | 476 |
| 1891..... | 555 |

It is seen that with the large increase of permitted liquors, which began in 1888, there was a corresponding increase in crime.

In May, 1892, the license system came into operation. The Commission visited the territories in the fall of the same year. Though there had been less than six months of license, many witnesses testified that there had been an increase of drinking and of the disorders accompanying the liquor traffic.

The mayor of Regina said:—"We have had more of it (drunkenness) since the license system came into force." The mayor of Prince Albert said:—"The license system is increasing the drinking in the rural districts." Like evidence about the rural districts was given by others.

In Calgary there had been a large increase in the arrests during the six months of license. One of the witnesses said:

"We looked over the books this morning, and I found that since the license law came into operation there have been 136 arrests for all offences. Of that number 102 have been for drunkenness. These have been during the six months the law has been in force. For the corresponding six months before there were 60 arrests for all offences, and 33 were for cases of drunkenness or vagrancy."

The magistrate at Banff told a like story about that place and Canmore.

The Ven. Archdeacon McKay, of Prince Albert, said he had seen more drunkenness on the streets of Prince Albert under the license system than he ever saw before. And his evidence is a sample of much that was said on the same subject.

It was also shown that the licensees under the present system flagrantly and continually disregard the prohibitions of the license law, and that there are unlicensed persons engaged in the traffic without being interfered with either by licensees or officials.

Mr. Hayter Reed, commissioner of Indian Affairs in the North-west, told the commission that it had been necessary, since the license law came into operation, to take extra precautions to keep the Indians from getting liquor. Officers of the mounted police agreed with Mr. Reed in this. And their reports made since then confirm the worst fears that were entertained.

In his report for 1892 Superintendent Perry says:—"The effect on the Indians by the change in the liquor law, so far as can be judged at present, has been bad.

They have obtained more liquor under the license ordinance than they formerly did, and the difficulties in preventing this are greater. They buy from or through the half-breeds, and sometimes directly. In a case recently tried at Regina a wholesale dealer was convicted for selling two gallons of whisky to an Indian who spoke fair English and looked altogether like a half-breed. This whisky was taken to Pi-a-pot's reserve during hay-making, and the whole camp became drunk."

Inspector Huot, stationed at Duck Lake, reports that:—"Some half-breeds have, when without ready cash in hand, sold cattle at sacrifice in order to procure liquor, the sale of which is constantly going on about them. Under the old system it would have been impossible for such persons to obtain permits at will."

Later evidence than that taken by the Commission is available. The effect on the men of the mounted police has evidently been bad. Colonel Herchmer, in his 1892 report, says there has been "an increase of drunkenness amongst the men." He adds: "The introduction of the license Act has enabled some men who formerly could not get liquor to disgrace themselves and the force, and those I have been obliged to dismiss as useless."

In the same report Superintendent Steele, of Fort Macleod, says:—"There is no stint of liquor of all descriptions at a low price, while the barracks are so close to the town that the temptation to certain men has been very great. As was to be expected, a certain number who were slaves to liquor soon showed their dispositions and were dismissed from the force."

Superintendent Dean has had similar trouble with the men of his command at Lethbridge. They have given him much trouble by their drunkenness. Six had to be dismissed from the force. He makes a statement which is a comparison of six months in the last year of the prohibitory law and the first six months of the license system. He says:

"From the 25th of May until the 30th of November, 1891, there were eight cases of drunkenness in the division. During the corresponding months of the present year there were thirteen cases, but this does not by any means represent the real increase in consumption of strong drink by men who had evidently been drinking, although they were not under the influence of liquor from a disciplinary point of view."

Colonel Herchmer in his report of 1892, already quoted, says:

"Even in the best regulated districts there has been, I think, more general drinking than under the permit system, and one result is established beyond contradiction, viz., that the half-breeds and Indians can get more liquor than under the old law. Under the permit system liquor was expensive and dealers were afraid to give to people they could not trust, and consequently the lower classes of whites and half-breeds could very seldom get any. Now half-breeds with money can get all they want, and as many of them are closely related to the Indians, and in some cases live with them, it is impossible, when liquor once gets into their possession, to prevent Indians camped with them from getting it also; again, it is impossible for any one not personally acquainted with them to tell, on sight, half-breeds from the better class of Indians, the latter class, in many cases, dressing like whites, cutting their hair and speaking good English and French. In some cases very little exertion is made to establish their identity, and undoubtedly Indians very often buy liquor as half-breeds."

"To give you an idea of the consumption, I am creditably informed that between the first of June and the first of December six carloads of liquor have gone to Battleford; in addition to this there can be little doubt that considerable amounts have gone in smaller consignments not recognized as liquor.

"At Batoche and Duck Lake, with a joint population within fifteen miles of less than 400 male adults (outside of Indians), there are two wholesale and two retail licenses; more than four-fifths of these residents are half-breeds and poor, cultivating from five to twenty acres of land and owning generally about four horses and nine head of cattle each; the whole of the contents of each house being worth on an average less than fifty dollars. There is little or no outside travel at these places,

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and the question is, how are these licensed houses supported? Some of these half-breeds have sold cattle at less than their value to obtain liquor with the proceeds, but not in sufficient quantities to support the trade; there is little or no money in either of the settlements—in fact, in former years considerable relief has been required.

“While I have not the actual figures of liquor imported since the first of May, and under the permit system it was impossible to find out the actual quantity of liquor imported illegally, I have no hesitation in writing that the quantity of liquor used under the license system very greatly exceeds that under the permit system, and that while the heavy drinkers under the old system, except those who have taken the gold cure with advantage, still drink heavily, a considerable number of settlers who formerly seldom or never obtained liquor, are now using large quantities and, as I stated before, half-breeds can get it whenever they have money, and consequently, in many cases Indians, in spite of the closest watchfulness on our part.”

These official reports to the Government, by the chief officer of the Mounted Police and his subordinate officers, are a strong condemnation of the license system as it operates in the territories.

In addition to the foregoing your Commissioner has the following letter from Rev. Leo. Gaetz, of Red Deer, N.W.T., a gentleman so well known in Canada, so conversant with past and present conditions in the territories that his testimony must have great weight. Writing under date 11th December, 1893, he says:—

“* * * As to the liquor selling and drinking in the North-west under license, I say this deliberately and positively, that in this portion of the country the license has increased the sale of liquor one hundredfold and drunkenness in much the same proportion. I am speaking now of Red Deer and the surrounding places, principally Innisfail and Lacombe. Under the ‘permit’ system liquor came in kegs and bottles, now it comes by barrels. Under the ‘permit’ system it injured chiefly those immediately along the public lines of travel. Farmers a mile or two off the roads knew generally nothing of the movements of the smugglers, and went on with their work. Now it is centralized and published, and he leaves his home and work expressly to get it, or finds it open and attainable when he comes on other business. Then, only occasionally the hard cases gather where a ‘permit’ was expected, or known to be, and have a short debauch. Now they lie around the tavern or rum shop and spend their time and money more freely and leisurely. Then, only a few well known drunkards smelt out a ‘permit’ and went to excess. Now, persons who were never, before the inauguration of the license, known to touch liquor, are drinking more than they can stand and spending more than they can afford. Then, the few notorious cases when drunk lay concealed in a willow bluff or log shack. Now, they lie around the saloons, reel the streets or infest the different stores, either unconscious of their degradation or glorying in their shame, to the disgust of sober citizens and the contamination of the uninitiated.

“I do not know of any places in this vicinity where liquor is sold without license. Nor do I know a single licensed place in which the conditions of a license are observed any better than the system that prevailed before license. Liquor is sold after hours, sold on Sundays, sold to persons who are already intoxicated; indeed in almost every way that a license law can be violated, the North-West license law is violated, just as license laws always have been and probably always will be.”

“Yours very truly,

“LEO GAETZ.”

The record of convictions for all offences in the territories shows a marked increase since the adoption of the license system in May, 1892. The total convictions were:

| | | |
|-----------|--|-----|
| 1892..... | | 708 |
| 1893..... | | 711 |

CONCLUSIONS.

The conclusions reached by your Commissioner as to the North-west prohibitory law are as follows:—

1. That so long as it was given a fair chance it worked admirably, reducing liquor consumption to a minimum.

2. That it was broken down by an unwarranted exercise of the permit-issuing authority.

3. That corresponding with the increased consumption of liquors imported into the territories by "permission" of the governor, there was a steady increase of crimes.

4. That in the election of members of the Legislative Assembly of 1891, the question of the liquor traffic was not the issue, all other questions being overshadowed by the "dead lock" between the Lieutenant-Governor and the Assembly.

5. That the protests of the people against alleged maladministration, and their appeals to be allowed to vote directly on the question of retaining prohibition or changing to license, were disregarded.

6. That since the introduction of the license system there has been a still greater increase in the consumption of liquor; that extra precautions have had to be taken to prevent sales to Indians, and without success; that the mounted police have felt the baneful influence of the traffic; that drunkenness and disorders have increased; and that the criminal record shows an upward tendency.

7. That the prohibitory law, at its best, was a marked success; and that even under the loose system of permits which prevailed for some years, it was preferable to the present license system.

That there is, probably, now a substantial majority of the electorate of the territories in favour of prohibition.

Such prohibition of the liquor traffic as Canada has had—whether by direct enactment, as in the North-west; by local option laws, as the Scott Act and Duncan Act; or by non-issue of licenses because of the failure of applicants to secure the requisite number of signatures—has, notwithstanding the limited areas in which it has operated, the proximity of hostile territory, the opposition of the combined liquor interests of the country, and admitted defects in even the best laws, undoubtedly had good effect, and points to the greater good that would result from a general prohibitory law.

IV.

The fourth subject of inquiry committed to your Commission is:

"The effect that the enactment of a prohibitory law would have in respect of social conditions, agricultural business, industrial and commercial interests, of the revenue requirements of municipalities, province and Dominion, and also as to its capability of efficient enforcement."

SOCIAL CONDITIONS.

The effect that prohibition would have upon the social conditions of the community can, to some extent, be inferred from the results that have already been obtained, and from the fact that such prohibition would remove the cause of evils that now exist. The mere "enactment" of a law could not be very effective, beyond the educating influence that must be exercised upon the community in reference to evil, by the fact of legislation against that evil. Respect for law will also be cultivated by the bringing of law into harmony with right principles.

It is impossible, in face of the facts already set out, to come to any other conclusion than that the effect of prohibition on the social condition of the people

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would be good, the extent of the benefit conferred by it varying with the thoroughness of the enforcement of the law.

The evidence laid before the Commission unmistakably demonstrates that the liquor traffic is invariably productive of terrible evils. That evidence also makes it clear that every diminution of the traffic is accompanied by a lessening of those evils. It is also manifest that the law the results of which approximate most nearly to prohibition of the liquor traffic would be most effective; and, so far, it is clear that prohibitory laws have been more restrictive of the traffic and more promotive of desirable social conditions than any other form of legislation known. Were the direct evidence on this point not so complete, the conclusion would be inferred from the fact that the liquor traffic opposes prohibitory legislation and resists the operation of it, as well as from the declared favour of that traffic for any kind of legislation in preference to prohibition.

There can be no escape, therefore, from the conclusion that the abolition of the traffic by legal prohibition would bring about vastly improved social conditions, to the great benefit and blessing of the country.

AGRICULTURAL BUSINESS.

The effect that prohibition would have upon agricultural business is not at first sight so clear. The liquor traffic furnishes a market for certain kinds of agricultural produce, and it is frequently assumed that if the traffic were abolished the agriculturist would suffer. Looking into this, it is seen to be a less serious matter than it is made to appear.

The annual production of barley in Canada during the ten years 1882 to 1891 has been diminishing; in 1882 the product was 27,658,444 bushels; in 1891 it had fallen to 21,634,817 bushels; the average annual yield for the ten-year period being 23,184,131 bushels. The Inland Revenue Report, 1893, shows that the total amount of barley taken in that year, for the manufacture of malt and for other liquor-producing uses, was 1,389,045 bushels. It is thus seen that the liquor manufacturing business furnishes a market for only about 6 per cent of the barley produced. If barley growers find a profitable market for 94 per cent of their product elsewhere, it will not be very difficult for them to find a market for the 6 per cent now taken by liquor makers.

There is also the fact that farmers are not compelled either by the profitableness of the crop, or for any other reason, to continue to raise barley if the market for it should be limited. It has been stated in evidence that the land devoted to barley growing could quite as profitably be devoted to other uses.

Another fact related to this branch of the inquiry is that about the amount and value of imported grains etc., used in the manufacture of Canada's liquor. According to an estimate by the Commission, the value of the materials used in liquor manufacturing annually is about as follows:—

| | |
|-------------------------|-------------|
| Imported materials..... | \$1,103,326 |
| Home-produced | 1,279,439 |
| | \$2,382,765 |

The value of the materials imported for liquor manufacture is just so much of the country's money sent away, and for which no equivalent is received, the only return being the impoverishing and demoralizing liquors produced.

It is claimed that the cattle-feeding business, carried on to some extent in connection with liquor manufacturing, has a right to be considered as an increment of the people's wealth. It is true that the refuse of grain used in making liquor is fed to stock, and that by the export of the meat thus produced the country receives a good deal of money.

An examination of this shows the fallacies it involves. Much of the grain used in making liquor is imported. After having its nutritive powers to a great extent destroyed, the refuse goes to the production of beef and pork, which finds a market

outside of the Dominion. That market would be in no sense impaired if the liquor business ceased to exist. The supply for it would, in the absence of depreciated foreign grain, be made by feeding stock on native Canadian produce.

The liquor traffic in its relation to the stock-feeding industry is really an interference with the Canadian agriculturist.

Canada is a grain-producing and a grain-exporting country. It will be admitted that the wealth of a country depends to a large extent upon the magnitude of its exports. The surplus production sent abroad is represented in a return, either in money or other value, which represents the real increment of the country's wealth from such surplus production. Whatever tends to lessen the surplus lessens the country's wealth. In general terms, it may be said that the consumption of grain in any form that is not beneficial to the community involves the diminution of the national wealth, just as if that amount of grain had been destroyed by fire. It is clear that the consumption of liquor in Canada adds nothing to the health, strength, morals or wealth of the consumer, but in many cases is productive of injury or loss. Thus harm is done to the country as a whole.

The following results in relation to agricultural business would be likely to accompany prohibition:—

1. The first effect would be to impel agriculturists to produce material for export rather than for the domestic manufacture of liquor.
2. The wealth of the country would be increased by the amount of grain accruing from the exportation of this produce instead of its destruction.
3. The increased national wealth, being to some extent in the hands of a class of the community now impoverished through intemperance, would be likely to raise the general standard of living, thus leading to an increased home consumption of the finer classes of agricultural produce. This would be beneficial to agricultural interests.
4. If the distilling business were terminated there would be likely a falling off or a complete stoppage of the importation of foreign grain now used for distilling, and the refuse of which is taken for feeding stock, a large part of which stock finds its way to a foreign market. This would naturally compel the feeding of this stock upon Canadian produce, which would be a benefit to agricultural interests.
5. To the extent to which the agricultural classes are now consumers of intoxicating liquors, that class would be benefited by their savings through the termination of the liquor traffic. Increased sobriety, meaning improved habits, would tell favourably upon agricultural as well other interests. What benefits the country at large must benefit the farmer.

INDUSTRIAL INTERESTS.

The effect of prohibition on industrial interests could only be made known by the actual experiment.

The first effect would be the termination of liquor manufacturing, which is now a legalized industry of the country.

The extent of this business may be gathered from the following figures:—There are in Canada (see Census bulletin No. 8, 1891,) 162 breweries, 8 distilleries, and 5 malshouses. These have invested in machinery, tools, etc., as follows:—The breweries, \$1,187,723; the distilleries, \$282,500; and the malshouses, \$5,000; and they employ, respectively, 1,865, 404, and 43 persons. The whole number of liquor manufacturing establishments is 175; the money invested, \$1,475,223, and the employees, 2,312.

Real estate is not included in the above sum; it does not need to be considered, as its value would not be appreciably affected by prohibition.

There are certain related industries which would be affected, as cooperage, bottle making, etc. The employees of wholesale houses and bar-tenders would be out of employment. The capital employed in the manufacture of liquor would have to seek other investment; and the persons engaged in the various branches of the business would have to seek other employment.

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Could the money find profitable investment in other ways? is a question which has been many times asked in the course of the Commission's inquiries. The answers, while differing (usually according to the attitude of the witnesses toward the liquor traffic), show a very general agreement of belief that the capital now employed in liquor making and traffic would not long remain idle; that money in this country does not go begging for profitable investment. There is like agreement that those now employed in the manufacture and sale of liquors would not be long without employment equally remunerative to themselves and vastly more profitable to the country.

If the business were unobjectionable in every other respect, it is not an advantage to the industrial classes that so much, or even any, money is invested in liquor manufacturing; for no branch of business in the country gives, according to the capital invested and the market value of the output, so little employment.

Mr. George Gooderham, of the firm of Gooderham & Worts, Toronto, whose distillery is the largest in Canada, said that his firm employed 150 men, and admitted that he did not know of any business in Canada, employing the same amount of capital and having such an enormous output, which gives employment to so few people.

Besides, the fact that any number of persons are given employment by the liquor traffic, instead of being, as is claimed, an argument in its favour, is an argument against it.

It is a doctrine of political economy that the wealth of a country is dependent on, and in proportion to, the number of those who produce something useful and valuable, and that every man who is not producing valuable goods, or by his work adding to the prosperity of the country, is a burden on society. Those engaged in the manufacture and sale of liquors are not producing anything of value to the country. They are not only non-producers, but are engaged in a business which increases, in the ratio of its success, the number of non-producers.

The great majority of non-producers in the country are, (1) the people engaged in the liquor traffic, (2) the police and other officials whose duties are made necessary by the traffic, (3) the many thousands who by the drink habit work only part of the time or not at all, and (4) the wholly dependent classes—paupers, insane and criminals, a considerable proportion of whom are the product of the liquor traffic.

The overthrow of such a traffic could not be detrimental to any interest of the country. The saving of the money now spent in liquor by that class whose small income always runs close to the outlay necessary to maintain an existence must be beneficial to every kind of legitimate industrial occupation.

It is to be regretted that the Commission declined to send questions to the large employers of labour throughout the country relating to this subject; and also that in Maine, the only place, outside of Canada, especially noted for manufacturing, in which the Commission's inquiries were prosecuted, none of the men managing large industries were examined.

Considerable evidence, however, was gathered in Canada in regard to the effect of the liquor traffic upon industrial occupations generally and the earnings of the working classes. And that evidence is deserving of special attention.

Roderick McDonald, manufacturer of copper and brass goods, steam fixtures, etc., Halifax, N. S., employs 140 men. He said his firm had a decided preference for abstainers; they do all they can to keep drink shops away from the vicinity of their works; customers, including brewers, object to drinking men being sent to work on their premises. As a ship owner he would not think of employing a captain or engineer who drinks. He added:

"I believe that if we had prohibition for five years it would so change the face of the country that we would not know our Dominion. In making that statement I am simply voicing the opinion of Mr. Bright, Lord Palmerston and such statesmen."

Charles Archibald, manager of the Gower Mine, Cape Breton, N. S., employs from 300 to 400 men. He said the drink habit lessens decidedly the wage-earning power of men; their drinking is an injury to us also; we have certain expenses

going on all the time, and if our men are off work involves a loss to us—a very severe one; previous to the enforcement of the Scott Act the loss was very great, both to the men and to us; there has been a marked improvement since the law has been in force; national prohibition would have a good effect upon our business and upon business interests generally.

Several other managers of mines in Cape Breton gave similar testimony.

Harvey Graham, iron founder, New Glasgow, N. S., employs 400 men. He prefers abstainers as a matter of business, the drinking men lose time and are not able to earn much; their drinking is also a detriment to our business, we get rid of the drinkers as quickly as possible; we object to drink shops near our work, and are glad to have the Scott Act enforced; the effects of its enforcement are good.

J. F. Gregory, accountant of Murray's Mill Co., St. John, N. B., said they employ a large number of men. They would not employ drinking men if they could avoid it; drinkers lose from ten to twenty-five per cent of time, those who do not drink take good care of themselves and families, the drinkers have to be taken care of through the winter; our business has suffered through the drinking habits of some of our employees; there are drink shops near our mill and they are a temptation to men who otherwise would not drink.

J. C. Risteen, of J. C. Risteen & Co., planing mill and door and sash factory, Fredericton, N. B., said they employ twenty-five men; we must have men who do not tamper with liquor; it would be ruinous to our business to have drinking men; under the license law we had more difficulty to get and keep sober men than now; the absence of liquor-selling places is good and helps the man to be temperate.

Alex. Gibson, Marysville, N. B., who employs in his lumber and milling business and cotton factory; 1,200 in the summer and 2,400 in the winter, is a strong advocate of abstinence and of legal suppression of the liquor traffic. No liquor is sold in the town of Marysville, to which fact Mr. Gibson attributes the absence of disorder and the thrift and prosperity of the people. In the thirty years during which he has developed immense business under his control, though keeping all his property fully insured, he has not had to make a single claim for loss by fire, and this he thinks is largely due to the absence of liquor selling in the town. He expressed the belief that from a business point of view alone, it would be infinitely advantageous to the country to prohibit the liquor traffic.

Charles E. McKeon, manufacturer of boots and shoes, Quebec, said considerable trouble is caused manufacturers by drinking employees; when a man is away it is our loss as well as his; it lessens our output, while our running expenses are the same; we sometimes have orders cancelled because not filled in time, the failure to fill them being due to drinking employees; a few drinkers often interfere with the work of many others: "We had a case about two weeks ago; four men stopped the output of the entire factory for three or four days." He believes prohibition would be a great advantage to the business of the country.

D. W. Karn, manufacturer of pianos and organs, Woodstock, Ontario, employs two hundred men. He said he had been compelled at various times to discharge some of the best workmen he ever had, for drinking; not only the men themselves lose by drinking, but their employers are losers too; he has lost hundreds of dollars by not being able to fill orders, the inability to fill them being caused by drinking men. When the Scott Act was in force there was a great improvement; it will be better still if we have a general prohibitory law.

William J. Copp, iron founder, Hamilton, Ontario, employs one hundred and fifty men. He said we much prefer abstainers; the wage-earning power of drinking men is much reduced; their drinking is also a very serious disadvantage to our business; in our business the absence of one man at particular times may interfere with many men, hindering the work they have in hand, and we have had serious losses from the absence of some on account of drink; the establishment of licensed drink shops near our works is injurious; they induce men to drink; drink shops

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depreciate the value of property near them; national prohibition of the liquor traffic would have a very beneficial effect on the business interests of the country generally

Hart A. Massey, Toronto, president of the Massey-Harris Co., manufacturers of agricultural implements, the said company employs from twelve hundred to fifteen hundred men; they pay in wages about \$500,000 annually; their annual output is from \$3,000,000 to 5,000,000; they have had a good deal of trouble, first and last, on account of drinking employees, and have suffered considerable loss; they have had men who lost fully one-third of their time through drink; the drinking of one man often interferes with the work of a gang—their work has to stop while he is off drinking; there has scarcely been an instance of suffering in the families of our men that has not been traceable to drink; other branches of business would not suffer by the abolition of the liquor traffic, but would receive an impetus; forms of industry, now dormant for want of capital, would be established, and labour would find employment; the purchasing power of the people would be increased; a distillery or brewery with an annual output equal to theirs would not employ nearly so many men; a prohibitory law would be a decided advantage to the country, it would be the best law that could be given to the country.

The fact that employers of labour, in increasing numbers, are requiring abstinence from intoxicating liquors on the part of those whom they employ, at least while on duty, is suggestive of the economic value of such abstinence, and by implication, of the interference of the liquor traffic with the various industries of the country.

The action of the chief railway corporations of the United States and Canada is significant. A leading New York paper, in 1891, addressed letters of inquiry to a large number of railroad superintendents, asking what were their rules in relation to the drinking habits of their employees? The replies showed that all the leading roads require absolute total abstinence of all employees while on duty.

Like rules are enforced by Canadian railways. The following is a rule of the Canadian Pacific Railway:—

"The use of intoxicating liquors will be followed by immediate dismissal from the company, and preference will be given to employees who abstain from the use of such altogether."

The general superintendent says: "I consider that the only guarantee of safety for railway companies is to have this rule strictly enforced."

The Intercolonial Railway (under control of the Government of Canada) has the following rules:—

"Only men of known careful and sober habits will be employed in any position affecting the movement of trains. The use of intoxicating liquors when on duty is strictly prohibited. Persons known to indulge freely in intoxicating liquors, or to frequent bar-rooms or places where liquor is sold, will not be kept in the railway service.

"Any employee of the railway who is known to be intoxicated, either when on duty or when off duty, will at once be dismissed from the service."

The evidence goes to show that the various industries and the wage-earners of the country have no enemy so dangerous and so damaging as the liquor traffic.

Manufacturing and commercial interests generally would be favourably affected by prohibition. The capital formerly employed in the liquor traffic and connected businesses would, probably, suffer temporarily in its transference to other lines of investments. The loss which the carrying trade would at first suffer would be comparatively small, and in time would probably be fully compensated because of the general increase in business and the improved prosperity of the country.

It is difficult to conceive how anything but benefit could come to the industries and commerce of the country by the prohibition of a traffic which is the cause of national waste of more than \$134,000,000 annually.

THE REVENUES.

The effect prohibition would have "in respect of the revenue requirements of the municipalities, provinces and the Dominion" is an important consideration, though not by any means the most important.

THE MUNICIPALITIES.

As will be seen from the statistics submitted, the revenue derived by the different municipal bodies in the Dominion is comparatively small; and in many cases is offset by the expense entailed upon those municipalities by the results of the traffic. It must also be remembered that these municipalities, in most cases, have and exercise the power of direct taxation. No form of tax could possibly become as heavy an impost upon the public for the collection of a certain amount of revenue as is the system of raising that revenue through licensing the sale of liquor, which plan takes from the consumer of the liquor a sum of money out of all proportion to the small amount which finds its way into the municipal treasury. Municipal bodies would find little difficulty in meeting the conditions created by such a change as prohibition would cause.

THE PROVINCES.

As to the provinces, it must be borne in mind that several of them derive no revenue from the liquor traffic. But all of them are put to heavy expense by the evils of which the traffic is the most productive cause.

Details in regard to this matter for all the provinces are not easily accessible. But as is shown by a statement already set forth in this report, the latest and most reliable statistics available give an estimate that of the total expenditure for the administration of justice, penitentiaries, prisons, reformatories, asylums and like institutions, \$2,743,879 is fairly chargeable to the liquor traffic. This expenditure would be materially curtailed by any change that would improve the prosperity, sobriety and morality of the people.

THE DOMINION.

The chief revenue consideration is that which pertains to the Dominion Government. The gross revenue derived by the Dominion from excise and customs duties on intoxicating liquors, including manufacturers' licenses and a duty on malt produced and materials imported by liquor manufacturers annually, averages about \$7,101,557.22.

No doubt prohibition would immediately involve the loss of a large proportion of this revenue, and the Government would have to devise some plan of replacing it. In this connection the following facts are worthy of consideration:—

1. That the liquor traffic affects injuriously the sources of public prosperity. It is directly and indirectly in irreconcilable antagonism to all the means and ends of the public welfare.

2. The amount (\$39,879,854) annually spent for liquors is so much withdrawn from the national wealth. Were that all, and these millions simply lost, the burdens arising from the traffic would be light compared with what they are. But the host of evils resulting from the traffic impose other burdens on the country many times greater than the original expenditure.

It is not strange that in view of this enormous waste the present Finance Minister should have, some years ago, made the strong statement, that the money spent in intoxicating liquors during the previous fifteen years would have defrayed all the cost of government, built every mile of Canadian railway, and left us without a shadow of a national "debt."

Statistics, so far as they are available, support the statement just quoted, and yet no statistics more than remotely approximate the truth on this subject. The

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humane and reflective mind must see in these things worse evils than taxation, and worse relations to the public welfare than that of pecuniary cost.

The statistical statement, set out in detail on page 85, based on the conservative estimates of competent authorities, and taking no account of the cost of collecting the revenue, but only of the charges made upon the country by the liquor traffic, and of the revenue it yields in return for the rights and privileges granted it, shows that the liquor traffic costs the country, in public charges and losses of various kinds, \$143,258,716; and that it pays into the public treasuries, in various ways, \$8,473,316; causing a net loss to the country of \$134,785,400.

4. In view of the foregoing facts, it is clear that legalizing the liquor traffic, as a revenue-producing institution, is neither wise nor economical; it is indeed, most unwise, extravagant and wasteful. The larger the revenue derived from it the less the real prosperity of the country present and prospective. Increase of liquor revenue indicates increased absorption of wages in drink, decrease of expenditure for other and useful things, and a corresponding increase of the non-producing and dependent classes, and of the public and private expenditure on their account.

5. If the liquor traffic were prohibited the increased wealth and prosperity that would result would no doubt mean an increased consumption of the articles that are dutiable.

The evidence of a number of well informed persons presented this fact in a striking light, showing the enormous waste caused the country by the liquor traffic, and the marked advantages that would result from its abolition.

Mayor Kennedy, of Toronto, the head of a large business house, said it is a mistake to say, as is often said, that hard times are caused by over-production of different kinds of goods. He said: "I think the difficulty is not in the over-production, but in the under-consumption. If I visit any of the homes of mechanics I do not find that they have too much furniture and clothing, or things of that kind. I think the country would be enriched if a prohibitory law were in force, because then the means that are now used for strong drinks would be available for other and useful and practical purposes for the benefit of the country."

Asked about the manner of making up the loss of revenues of the Dominion which would be caused by a prohibitory law, he said:—"After enacting such a law the country will still retain its strength, its resources and its wealth. These would not be diminished by a prohibitory law: and whatever means the government might adopt to raise the revenue, whether by direct taxation or otherwise, the same resources are available; and the country, instead of being impoverished by a prohibitory law, I consider will be in a measure enriched."

The late Mr. W. H. Howland, ex-mayor of Toronto, and who had also been president of the Toronto board of trade, president of the corn exchange and president of the Dominion board of trade, gave very important evidence before the commission. Asked to state his views on the financial side of the question of prohibition, he said:

"I would say shortly that the ability to pay taxes depends altogether on the wealth of the community, no matter in what shape the taxes are levied, no matter whether they are collected by customs or inland revenue or by direct taxation. In the case of goods paying customs duty and inland revenue, if the people have not got the money they have simply to do without the things altogether. It always comes to the same thing,—the taxes really come out of a man's pocket. Now if people have the means they can pay. For instance, it is not easy to pay taxes when times are hard, I feel it hard to pay my taxes this year, because I am not so flush as in ordinary years. * * * The inability of the country to pay taxes, and the hard times that come upon us periodically, I believe result from the sweeping of such an immense volume of money into the channels of an unproductive trade. For instance, take the workingman. If he drinks two glasses of beer a day at five cents each, he will spend annually \$36.50. That \$36.50 represents about 45 gallons of beer, which beer is produced from about 3½ bushels of barley. At the present price of barley, 40 cents per bushel, the farmer gets \$1.50, and that is all he gets out of the \$36.50, that the workingman pays for the forty-five gallons of beer. Of course

there are other articles that go into the beer, but I am speaking broadly of the profit made by the farmer on the one hand, and the brewer, the distiller, and the saloon-keeper on the other hand. The workingman pays \$36.50 for the product of \$1.50 worth of barley, supposing that he takes two glasses of beer a day, which is as little as any man drinks who drinks at all, as a rule. Now, that \$36.50, with the exception of a very small expenditure for labour and a few other things that go into the manufacture, represents a drawing out of the community into an unproductive trade, and away from productive labour and productive employment, of that whole sum. * * * The percentage of labour is exceedingly small in the production of that \$36.50 worth of beer, extraordinarily small, in fact, when you come to work out the percentage. They may give you the volume of the output, the amount paid in labour, the number of men employed, and one thing and another, but when you come to put the whole outlay against the 3½ bushels of barley, or the 45 gallons of beer that the working man will drink in a year, you will find it is an infinitesimal amount. Now, if that \$36.50 were applied by the workingman to the purchase of food that the farmer has to sell, the wool and other things that he grows, the products of the manufacturers, I believe that the country would enjoy a state of prosperity that we cannot possibly obtain under any other circumstances.

"Suppose that prohibition became law, and the workingman did not spend this \$36.50 for beer, it would be available, and would be spent in needful articles for his home. The bread, the butter, the cheese, the meat, the vegetables, the woollen clothes that it could purchase, are all directly or indirectly the produce of the farm. If we allow the manufacturers and dealers in these articles 40 per cent of their selling price for their profits, the farmer would still get \$21.90 and the traders have \$14.60. But it must be noticed that the workingman would have something to show for his money, food in his cupboard, clothing for his family to the full value of \$36.50. At the same time, we must remember that the farmer has sold his barley; but instead of selling it to the brewery he has exported it either in grain or changed to beef, and has received the \$1.50 for it all the same,—but with this difference, that now the money to pay him has come to Canada from abroad, and the country has in it \$1.50 more than it would have if the workingman had drunk that barley in the shape of beer. Now, turn the subject in another way. According to Mr. Foster's statement, there is something over 21,000,000 gallons of liquor drunk, that is to say, taken out for consumption for a year. I think he values that—I am speaking from memory—at nearly \$32,000,000 as the cost to the consumer. Now, he does not take any account of the watering of proof spirits, of the amount of stuff that is manufactured in one way or another under the name of liquor. We are safe in saying that the original product has extended itself many times before it gets into the hands of the consumers, and I think that there is no doubt that the country spends at least \$50,000,000 in drink yearly, and all that \$50,000,000 is just the same as thrown into the water, except the small amount paid for the grain, for labour, and in some other small items. With these exceptions, that money is entirely wasted. If that \$50,000,000 were employed in productive ways, I believe there would be a basis for any additional amount of taxation which would be required to make up the loss of the seven or eight million dollars which are now derived in revenue from the liquor traffic. The prosperity which would naturally come, and must come, from the expenditure of this money in various productive trades and occupations, must immensely increase the taxable capacity of the country. I should not be afraid as Finance Minister to undertake to provide for the loss of that amount of revenue in a community which had saved from actual waste a sum approaching \$50,000,000."

The position taken by the gentleman quoted was strikingly illustrated in Father Matthew's time in Ireland. The consumption of liquor was reduced from 12,000,000 gallons to 4,000,000 gallons. But the revenue did not suffer diminution. It was, instead, increased by the purchase and use of greatly more home necessities and comfort. (See Vol. 4, Part II, Q. 15967a).

In earlier years prohibition of the liquor traffic was urged almost wholly as a temperance measure. But in late years much attention has been given to the traffic

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in the light of political economy; and to deal with it is now very generally regarded as a necessary financial reform.

As showing this, the following opinions, which because of their source are especially deserving of consideration, are submitted:—

"Gentlemen, you need not give yourselves any trouble about the revenue. The question of revenue must never stand in the way of needed reforms. Besides, with a sober population, not wasting their earnings, I shall know where to obtain the revenue."—*W. E. Gladstone.*

"After a succession of unfavourable seasons in the greater portion of the United Kingdom, the produce of the land has, during the present year, been for the most part abundant and trade is moderately active. The growth of the revenue is sensibly retarded by a cause which must by itself be contemplated with satisfaction. I refer to the diminution in the receipts of the exchequer from the duties on intoxicating liquors."—*Queen's Speech from the Throne, 1883.*

"No way so rapid to increase the wealth of nations, and the morality of society as the utter annihilation of the manufacture of ardent spirits, constituting as they do an infinite waste and an unmixed evil."—*London Times.*

"If the revenue diminishes from increased habits of temperance, the amount of wealth such a change would bring to the nation would utterly throw into the shade the amount of revenue that is now derived from the spirit duty; and we should not only see with satisfaction a diminution of the revenue from such a cause, but we should find in various ways that the exchequer would not suffer from the losses which it might sustain in that direction."—*Sir Stafford Northcote, Chancellor of the Exchequer.*

"After having had a good deal to do with the question of revenue and the raising of taxation, I am quite prepared to assert before this audience to-night that the finance minister who should succeed, by prohibiting the traffic in intoxicating liquors, in restoring \$16,000,000 now lost to the people of this country, and wholly wasted—the finance minister who should succeed in doing that and should also save the indirect loss that arises from the injury that is done society by it—I say he will have no difficulty whatever in raising the sum of money which appears in the first instance to be lost to the revenue. There can be no doubt whatever about it."—*Sir A. T. Galt, G.C.M.G., Finance Minister, 1867.*

"It has been my misfortune, or fortune, having been a great many years in the government of my native province, New Brunswick, and in the government of the Dominion, to hold the post of Finance Minister in all these governments, and I have never had but one opinion about the revenue question, namely, that it is of quite secondary importance, though it is, I admit, a more difficult thing with you. The revenue we obtain in the Dominion of Canada is probably five or six millions of dollars a year, and it costs twenty million dollars to provide it for us. No finance minister would remain in office who would, in this day, propose a scheme for raising a revenue of \$5,000,000 that would cost \$20,000,000 to collect."—*Sir Leonard Tilley, K.C.M.G., Finance Minister, 1873, 1878-85.*

"I do not believe that there a great many people in this country who would not be prepared for the statement that the Hon. Finance Minister then made. There are not a great many people in this country who would not fully understand that, although direct receipts from this traffic would certainly be expunged from our revenue, still the improvement in the general commerce of the country, the improvement in the general welfare and well-being of our community, would be so great that the receipts in all other branches of our revenue would be increased correspondingly, and there would practically, after the first year or so, not be any diminution whatever in our revenue from our tax payers."—*Hon. George E. Foster, Finance Minister, 1888-1895.*

In January, 1894, Hon. George E. Foster, being asked if prohibition would not seriously effect the revenue of the Dominion now largely raised from a tax on liquor, replied: "Personally, I have no doubt, and never had any, that if the waste and

ruin entailed by drink were done away with, the country could well afford to pay three times the amount in another way."

While not presuming to deal with the problem which must of course be solved by the finance department of the Dominion, your Commissioner may be permitted to call attention to a suggestion made in the evidence presented to your Commission as to a probable important source of revenue from the liquor traffic that would remain to the government after the enactment of prohibition.

It is not anticipated that the operation of a prohibitory law would immediately abolish the consumption of intoxicating liquor. There is at present a large amount of alcohol used for other than beverage purposes. The use of this liquor would still continue, and to the extent to which that use remains the government would have available a source of revenue from excise and customs duties.

Certain prohibitionists have expressed the desire that whatever importation and manufacture of alcohol may be permitted under prohibition should be carried on directly under the direction of the government, by salaried officials, so that there would be dissociated from this traffic any possibility of personal advantage by any increase in its volume. The liquor traffic is generally admitted to be a very profitable business. Under the proposed plan, the whole of the profit derived would become a part of the national revenue. It has also been suggested that the price of liquor under the proposed new system might be made very much higher than at present.

From what has been said it is easy to see how, say, one-fourth of the present liquor consumption might be made to yield almost as large a revenue as the government derives from that traffic at present.

VOICE OF THE TRAFFIC.

While there are differences of opinion as to the effectiveness of prohibition and the results of the experiments dealt with in this report it is worthy of consideration that, as is shown in the evidence given before the Commission, the friends of the liquor traffic, that is those who desire to have that traffic continued, and who object to its suppression, are those who have opposed and resisted all the different forms of restriction described. Whether or not these laws have prevented, to any extent, the sale and consumption of liquor, it is certain that they have been strenuously opposed by those who do not wish to see that sale and consumption interfered with.

At present there is practically no such thing, even by those engaged in the traffic, as advocacy of what might be called free trade in liquor. It is universally considered a business that must be dealt with by special legislation. Those who are opposed to prohibition now generally advocate, as an alternative measure, high license.

If suppression of the liquor traffic to the utmost extent possible is conceded to be for the benefit of the community, then there must be expected a struggle between the liquor traffic resisting limitation and those forces which aim at limitation. The system of dealing with the liquor traffic which meets the approval of that traffic is not likely to be the most effective kind of limitation. These facts must weigh in connection with the indisputable evidence that the liquor traffic opposes prohibition and favours high license, while as a rule those moral reformers who are most earnest in their effort for the promotion of temperance favour prohibition and oppose high license.

Against the declarations in favour of high license and against prohibition from those persons interested in the perpetuation of the traffic may be put the declarations of organizations admittedly favourable to temperance free from self-interest, and desirous only of securing the best efforts of promoting reform and mitigating the terrible evils that result from the liquor traffic.

THE VOICE OF THE CHURCH.

The Christian church, in all its branches, recognizes the great and widespread evils of the liquor traffic, and, in one form or another, protests against it and seeks to minimize its evil power.

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The various church courts in Canada have made numerous deliverances on the subject.

The pastorals of the archbishops of the Roman Catholic church have contained many and earnest warnings to their people against the evil power of the drink habit, and frequently against the common traffic in intoxicants. Many of the priests are enthusiastic advocates of total abstinence; they pledge large numbers of their people, and carefully watch over them to protect them from becoming victims of their own appetite and the greed of the drink-sellers. That they recognize the great danger of the legalized traffic is shown by the extent to which their influence, especially in the province of Quebec, has prevented the issue of licenses. That of about nine hundred municipalities in that province about 300 have prohibition of the liquor traffic either by local option by-laws or by refusal to grant licenses, is due almost entirely to the influence of clergymen of the Roman Catholic church.

The Church of England, by such of its chief pastors as Archbishop Lewis, Bishop Bond, Bishop Baldwin and others, expresses disapproval of the liquor traffic and the desire to restrict its bad power.

The deliverance of the chief courts of several denominations have been presented to the Commission, and are printed as appendices to the report.

A summary of some of them, showing their character, is given here.

The New Brunswick synod of the Church of England, at its session in 1885, adopted the following resolution:—"Resolved, that this synod recognizes the evil of intemperance as one of the greatest obstacles to the spread of Christ's Kingdom; and further resolved, that in the opinion of this synod, the Church of England should be found in the front ranks in the contest against this gigantic evil, and that the clergy and laity of this diocese be called upon resolutely to oppose the evil, and to encourage every legitimate effort to suppress it."

In 1886, and again in 1890, the synod reaffirmed the resolution.

The Reformed Episcopal Church is very pronounced on the subject. The synod, held in Oshawa, Ontario, in June, 1894, adopted the following resolution:—

"That whereas the traffic in strong drink is responsible for the intemperance to which is traced a large proportion of the crime, disease, insanity and social disorders that afflict and disgrace the community; and whereas all efforts to remedy these evils by moral suasion have been comparatively ineffective. Therefore, be it resolved that, in the judgment of the synod, a law providing for the total prohibition of the sale of intoxicating liquors for other than medicinal purposes should be enacted by the legislative authority having the power; and we further urge the members of our church to use their moral and political influence for the accomplishment of this desirable legislation; and be it further resolved, that we express our hearty approval of the prohibition convention to be held in Montreal in the month of July, and that four delegates be appointed to represent this synod at that meeting."

The Methodist Conference of Canada, at its last session, adopted a report on temperance and prohibition, of which the following is a part:—

"That the attitude of the Methodist church has ever been one of antagonism to the traffic in strong drinks.

"That the rules and discipline of the church explicitly forbid the use of intoxicating liquors for beverage purposes, declaring that 'drunkenness, buying or selling spirituous liquors or drinking them, unless in case of extreme necessity,' is doing harm, and is placed in the same category as profanity, Sabbath-breaking, and the buying and selling men, women and children for the purpose of enslaving them.

"That the liquor traffic of to-day is the greatest stumbling block in the church's progress, is fraught with untold evils to humanity and spreads desolation over the length and breadth of our fair Dominion.

"That the efforts put forth by the governments to restrain, by license laws, this cyclone of destruction, have failed in their purpose; be it therefore,

"Resolved, (1.) That we are unalterably opposed to all efforts to regulate the liquor traffic by taxation of licenses, high or low. These afford no protection from its ravages, but on the other hand entrench it on the commonwealth, throw around it an artificial garb of respectability, and make the people partakers of and responsible

for the evils resulting therefrom. 'It is impossible to legalize the liquor traffic without sin.'

"(2.) That we declare the complete and immediate prohibition of the manufacture, importation and sale of alcoholic liquors for beverage purposes to be the duty of the civil government.

"(3.) That this is one of the great questions in regard to which christain men are obligated by their profession to rise above all questions of expediency or personal and party interests, and so to use their moral influence and their franchise as to contribute to the overthrow of a traffic that is evil, only evil, and evil continually."

The Baptist convention of the maritime provinces, in 1890, adopted the following resolution:—

"Whereas, the traffic in intoxicating liquor is a recognized evil, producing a large proportion of the poverty, suffering, disorder and crime in our Dominion, and unnecessarily adding much to the taxes of our people; and, whereas, we believe that a law enacted by the Dominion Parliament prohibiting the importation, manufacture and sale of all alcoholic liquors, except for use in medicinal, mechanical and sacramental purposes, and containing ample provision for its strict enforcement by the proper authorities, will greatly diminish these and other evils, and largely increase the prosperity and promote the health, peace and morals of our country, it is therefore resolved, that in the opinion of this convention, it is now the duty of the Dominion Parliament to enact such a prohibitory law."

Like position is taken by the Baptist denomination in Ontario and the Northwest and British Columbia.

The Congregational Union of Ontario and Quebec adopted the following resolution at its meeting in 1892:—

"Resolved, that as ministers and delegates we are in a position to feel the pulse of the best sentiment of our Dominion, that is gradually moulding public opinion; and we feel that the tax-paying and thinking element of the Dominion would be glad of prohibition of the liquor traffic, enforced by officers who are willing to enforce the expressed wish of the people. We thank those representatives in Parliament who were firm in demanding immediate prohibition in accordance with our resolution of last year."

The Reformed Baptist Church of New Brunswick and Nova Scotia adopted the following at the annual session of its alliance in 1891:—

"Resolved (1.) That this alliance declares the liquor traffic to be an unmitigated curse to every nation or country that gives it license.

"(2.) That we declare ourselves fully committed to the principle of its entire prohibition.

"(3.) That we most emphatically declare ourselves opposed to the whole license system, under whatever political party it may be worked.

"(4.) That hereafter, as individuals and as a christian body, in the use of our elective franchise, whenever possible, we will not knowingly, for any reason whatever, cast our votes for any man who will not incorporate into his political platform the principle of the entire prohibition of the liquor traffic."

The Free Baptist conference of Nova Scotia adopted the following in the session of 1893:—

"Resolved, that it is neither right nor politic for the state to afford legal protection and sanction to any traffic or system that tends to increase crime, to waste the national resources, to corrupt the social habits, and to destroy the lives and health of the people * * * That the total and immediate prohibition of the liquor traffic is the demand of righteousness, the pressing claim of humanity, and the crying need of home and country.

"That we again urge upon all, by both voice and vote, to maintain our first and only position as Free Baptists, in regard to the world's deadliest curse, and the church's persistent foe, and to be satisfied with nothing less than the entire and total suppression of the traffic of shame, misery and death."

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The Presbyterian general assembly of Canada, at its last session, adopted a report containing the following:—

"That this assembly, having heard with gratitude that the lower courts of the church so fully recognize the earnest and faithful preaching and teaching of the Word of God as the principal factors in the temperance reform, and that their importance, especially as they bear on the evils of strong drink, is of late years being more strongly emphasized with good results, urges all its ministers to give increased prominence to sermons on temperance, and all its Sabbath school teachers to use the many opportunities they have to instruct their classes in sound temperance principles.

"That this assembly, having heard the unanimous and vigorous denunciation given by so many sessions and presbyteries in all parts of the Dominion of the saloon or dram shop, and deploring the large number of them that are reported as plying their demoralizing traffic in so many centres of population, desires to place on record its unqualified condemnation of the saloon or dram shop, as a centre of most degrading influences, and a source of great danger to the church and country, and its conviction that the license system has been proved insufficient to effectually remove the terrible evils of the drink traffic, and that so far as legislation is concerned, nothing short of prohibition, rigidly enforced by proper authorities, should ever be accepted as final or satisfactory."

The Free Baptist conference of New Brunswick, in the session of 1890, adopted the following report:—

"The position of the denomination declared in church covenant, by oft-repeated resolutions of conference, from the pulpits, and in the organ of the body, is:—

"(a.) That every Free Baptist church member is a pledged total abstainer from intoxicants.

"(b.) That every member must give the help of his positive influence to the temperance reform, and further the movement for prohibitory legislation by every means in his power.

"(c.) That it is the duty of every Free Baptist minister to give earnest advocacy from the pulpit and platform, and in every way open to him, to temperance and prohibition.

"(d.) That moral sympathy and support, and the personal help and influence of all its members, are pledged to officers of the law and others who are endeavouring to enforce the Canada Temperance Act.

"(e.) That it is the duty of all good men, rising above selfish and party considerations, to give their support only to such candidates for representative positions as guarantee, by their character and pledges, that they will advocate and support advanced temperance legislation.

"In political action we know no party as such. We are against any and every form of legalizing the deadly traffic; we desire its utter and absolute prohibition. And we are for whatever party or union of parties will soonest secure such prohibition. We do not advise our people to support this party or that party, but to support, irrespective of party, men who are out and out prohibitionists. * * What we want is not the triumph of one party or another as such, but the triumph of christian conscience in the legalization and utter suppression of the hideous, hateful thing, which, established in our midst, makes such ghastly havoc.

"Reaffirming, with all possible emphasis, the position taken by the conference from year to year on this subject, we again declare that the attitude of the Free Baptists is that of uncompromising opposition to the drink traffic, to every form of its legalization, and to every politician or other person who gives it any support or countenance; and that we are pledged, in the most solemn manner, as a denomination and as individuals, to do everything in our power to secure prohibition."

These several denominations, not only in their chief courts, but in provincial and district meetings and associations, repeat, year after year, and with increasing emphasis, their protests against the liquor traffic and their prayers for its legal prohibition.

ENFORCEMENT.

To properly consider the "capability of efficient enforcement," of a prohibitory law it is necessary that "efficient enforcement" should be defined. If efficient enforcement is to be understood in the sense of absolute enforcement, then it will at once be replied that no law is absolutely enforced.

Liquor laws of all classes are remarkable for the extent to which they are ignored. This has been shown, by the evidence submitted to your commission, to be strikingly true of all licensing and regulative laws. The liquor traffic, as has been shown, is especially lawless and law-defying. In carrying out such laws there is also the hindrance that all the parties cognizant of the offences are likely to be hostile to the law against which the offence is committed. The men who are harmed by the violation of the liquor laws are themselves desirous of the violation and willing to submit to the wrong. From these conditions come the special difficulties of enforcing all kinds of liquor laws. Many witnesses urged, with much force, that these considerations make especially desirable a thorough-going law of total prohibition as the kind of liquor law most capable of efficient enforcement, being hampered by the fewest of those conditions which facilitate law breaking.

It will also be admitted that a number of failures in the attempt to attain a certain result do not establish the impossibility of attaining that result. The effort may have been hampered by conditions which do not everywhere exist, or which may be removed. If it can be shown that, under any circumstances, prohibition has been effective, then there is a demonstration that under favourable circumstances prohibition is capable of efficient enforcement.

It is impossible, as has already been said, to consider the evidence that has been submitted to your Commission and the facts which have come under the direct observation of your Commissioners without coming to the conclusion that in many cases and many places prohibitory laws have been in force to such an extent as to abolish the common sale of liquor, in other cases to bring liquor consumption within much smaller limits than those within which it was previously, and generally to produce results very desirable and beneficial from the standpoint of sobriety, morality and material prosperity.

If it is admitted that a lessening of drinking, drunkenness and crime through the enforcement of prohibitory law are satisfactory evidence of what may be called "efficient enforcement," then the overwhelming weight of evidence recorded shows that prohibition has been efficiently enforced. That it has been efficiently enforced is proof that it is "capable of efficient enforcement."

The difference between the prohibition which the advocates of this reform seek and the prohibition which its opponents set up as an ideal and declare to be unattainable is strongly stated in the following by Wilber F. Crafts:—

"Prohibition, the opposite of permission, is not a synonym of annihilation. Those who say 'prohibition does not prohibit'—a self-contradictory proposition—mean that prohibition does not annihilate. This is manifestly true of all kinds of prohibition in this world—those of the divine government, of family government and of civil government alike. Prohibition does not annihilate, not even when it forbids murder, adultery, theft, false witness and Sunday work. If a threefold alliance of man, woman and devil, to break a prohibitory law and then hide away from justice, proves the law a 'blunder,' what is to be said of the first prohibition given to man by God himself, in Eden? If prohibition is a 'failure,' when it does not at once destroy the evils which it forbids, then the prohibitory law of Sinai is the masterpiece of failures.

"Prohibition does not define accomplishment, but only the aim and attitude of government towards wrong. License is a purchased truce—sometimes a surrender; prohibition is a declaration of war. License is an edict of toleration—sometimes a certificate of 'good, moral character'; prohibition is a proclamation of outlawry. As murder, adultery, theft, false witness and political corruption are outlawed, the ringleader of this 'gang' ought also to be outlawed. The first requisite of the law is justice. A law that sanctions wrong is no law at all, but legislative crime. It is

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not 'public sentiment' but public conscience out of which law should be quarried. Law is an educator. Duelling, and smuggling, and liquor-selling were once in the 'best society.' Gradually the law has made them disreputable. Rum-selling in Maine is a sneaking fugitive, like counterfeiting—not dead, but disgraced, and so shorn of power.

"Prohibition of the liquor traffic is more than a standard or a flag to mark the height to which we are marching. No other kind of prohibition has had greater victories. In Maine children grow up without ever seeing a drunken man. In most parts of Kansas and Iowa the law against the saloon is as effective as the law against the brothel or the burglar. To this fact testify a great company of witnesses—governors, senators, congressmen, pastors, physicians, manufacturers—against whose evidence scarcely a witness can be brought in rebuttal. The liquor dealers have saved us the trouble of summing up this testimony. Their statement, that more liquor is consumed under prohibition than without it, is cancelled by actions that speak louder than words, by efforts, at great cost, to defeat prohibition wherever it is proposed. If, while cancelling their license fees it really increased their sales and so gave them double gains, as they are sometimes able to make even christian people believe, they would hardly fight so helpful a friend."

Before leaving the question of efficient enforcement, the following points may be mentioned.

Nearly every experiment of prohibition inquired into was marked in more or less by a lack of enforcing power in the hands of favourable and efficient officers, clothed with sufficient authority. For this reason, the results in some cases, though sufficient to commend prohibition to the favour of the people, were not as uniformly good as they might have been.

It has been shown that where prohibition is in operation there has been perjury, on the part of those who sought to save themselves or their friends from the penalties of law violation. It has also been shown that, according to the opportunities offered, perjury has been quite as common in cases of infractions of license laws. If in any place this offence has been more manifest under prohibition, it has been simply because there has been more honest attempts to enforce prohibition than to enforce the restrictive and prohibitive conditions of license laws. This deplorable evil must be set down as the result of the lawlessness and degrading influence of the liquor traffic, and really constitutes an argument for the suppression of the traffic.

The prohibition advocated in Canada, viz., the total prohibition of the manufacture, importation and sale of intoxicating liquors for beverage purposes—is a more complete and effective form of prohibition than any which has yet been in operation. No such prohibition was examined into. No experiment in prohibition was investigated that was not trammelled by the evil of more or less free importation. The nearest approach to such prohibition system was that existing some years ago in the North-west Territories, and it is well worthy of note that that rigid enactment met with almost universal approval, that the early operation of the North-west law is even more heartily commended, and that the condemnation of it, sometimes heard, is the condemnation of the broken-down and mutilated condition to which it was reduced by the administration in later years.

Important evidence, well worthy of consideration, was given before the Commission, showing that under a law of total national prohibition there would exist conditions specially unfavourable to smuggling contraband liquor into the country, making such smuggling even more difficult than it is at the present time, and, therefore, lessening the interference with prohibition that might be supposed to be caused by the long frontier line of the Dominion.

V.

The instructions given the Commission asked, in the fifth place, that there should be set out "all other information bearing on the question of prohibition."

Under this head your Commissioner desires to say that it has been clearly demonstrated that the liquor traffic is a public enemy. Those engaged in it, and its friends generally, admit its dangerous character, as witness their willingness to have it restricted.

It has been sought for many years, in many countries, to create a sense of security by various legal limitations of the traffic. The futility of these restrictions to change the character of the traffic or to lessen its evil effects is proven by its thousands of victims and by its damaging influence on industries and business generally.

Its character is such that parleying and half-way measures have had, and can have, no effect, except to ontrench it more strongly. A public enemy, it should be treated as such.

Government is instituted for the peace, safety and prosperity of the people. The protection of the possessions, rights, industries and virtue of the people from the lawless and mischievous is the duty of government. Each statute is, in more or less, a protective prohibition. And the whole administration of law involves the practical application of restrictive prohibitory legislation.

Justin Edwards says:

"1. Society has a right to protect itself. This clearly extends to everything where injury or wrong would be done. Society would cease without this right.

"2. Society should not by its laws protect evil.

"3. Society should not undertake to regulate evil by law; its business is to remove it.

"4. Society has a right to take efficient means to prevent or remove evil. Its discretion is ample.

"5. Society has a right to prevent or remove evil by destroying private property or rendering it valueless, if necessary."

It having been shown that the liquor traffic is a most serious interference with the rights and interests of the country, diminishing the products of its industries, lessening its industrial ability, injuring every branch of necessary business, perpetuating and increasing the vicious and dependent classes, and hostile in every respect to the public welfare, it is the plain duty of Parliament to prohibit it.

As showing the growth of Canadian public sentiment on this question, and the steadily increasing emphasis of the demand for the prohibition of the liquor traffic, the following summary of the history of the prohibition movement in Parliament up to the present time is presented for your consideration:

Early in the history of the Dominion many petitions for the enactment of a prohibitory law were presented to both houses of Parliament; and the debates and proceedings from time to time show that legislators recognized the strength of this demand and the importance of the question therein raised.

In the year 1873 the number of such petitions was very great. In the House of Commons that year, on motion of Sir John A. Macdonald, a committee was appointed to consider such petitions. The committee subsequently requested a grant of money, to be expended in analyzing liquors with a view to ascertaining the extent to which adulterations were practised. The grant was made. Later, the same committee presented a report, which was printed, containing a strong declaration in favour of total prohibition.

In 1874 many more petitions were presented. The House of Commons again appointed a committee to consider the question. This committee reported, recommending that steps be taken to obtain information about the working of prohibitory laws in the United States. The recommendation was adopted by the House of Commons, and after the close of the session a royal commission was appointed, which

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made an investigation of the subject committed to it and presented a careful and comprehensive report.

The agitation was kept up. In 1875 the number of petitions presented was very great. Mr. G. W. Ross moved to have the House of Commons resolve itself into a committee of the whole to consider a resolution in favour of the enactment of prohibition as far as was within the competence of Parliament, as soon as public opinion would efficiently sustain such legislation. Dr. Schultz moved an amendment declaring that it was the duty of the Government to introduce a prohibitory measure at the earliest moment practicable. Mr. Oliver moved in amendment to the amendment, that the House go into committee of the whole to consider means to diminish the evils of intemperance. This amendment was adopted. In committee of the whole, Mr. Ross moved a resolution declaring that the most effective remedy for the evils of intemperance would be a law of total prohibition. An amendment was offered by Mr. Bowell, declaring it to be the duty of the Government to propose such a measure. The committee decided in favour of the motion offered by Mr. Ross, and reported the same to the House. No action seems to have been taken upon this report.

The following year, on motion of Mr. Ross, the House adopted an address asking for the submission of correspondence relating to the question of the jurisdiction of the Dominion Parliament, and the decisions of different courts in relation to the same. The address was adopted.

The return asked for was presented in 1877. The same session Dr. Schultz moved a resolution declaring it to be the duty of the Government to submit to Parliament a prohibitory law as soon as practicable. An amendment was offered by Mr. Ross, stating that whereas grave doubts existed in reference to the question of jurisdiction, and a case involving such question was before the courts, it would be inexpedient to express an opinion as to the duty of the Government in the matter. This amendment prevailed.

In 1878 the petitioning continued. Requests were made for total prohibition, for the amendment of the Dunkin Act, and for other legislative measures. In that year Parliament dealt with the question by the enactment of the Canada Temperance Act, which measure is frequently referred to in the present report. It seems to have been accepted by prohibitionists at the time, and steps were immediately taken to secure the adoption of it in many localities.

Two Acts were passed in 1879 for the amendment of the Canada Temperance Act.

In 1880 Mr. Boulton carried through the House of Commons a bill to amend the Canada Temperance Act by providing that its adoption should require an affirmative vote of a majority of the electors on the voters' lists of the county or city affected. The measure, however, failed to pass the Senate, and did not become law.

In the session of 1880-81 the House of Commons voted to close the bar for the sale of liquors and to exclude from the House of Commons' refreshment room, all strangers not accompanied by members of the House. Mr. Boulton again introduced his Scott Act amendment bill, which was again defeated.

Many petitions were presented in 1882 against any weakening of the provisions of the Scott Act, and asking for the enactment of total prohibition. A return was laid before the House of the sales made under the Canada Temperance Act by authorized druggists and vendors. Similar returns were laid before the House in subsequent years.

During the session of 1883 the House of Commons was officially informed of the judgment of the Privy Council in the case of Russell, and it was urged that the Dominion Parliament had exclusive control of legislation dealing with the liquor traffic. A bill providing for the issue of licenses and the regulation of the liquor traffic was introduced and passed. This measure was generally known as the McCarthy Act. It was subsequently declared *ultra vires* of the Dominion Parliament.

In 1884 a measure was enacted amending the McCarthy Act. The McCarthy Act was referred to the Supreme Court, and to the Judicial Committee of the Privy Council, for an expression of opinion as to its constitutionality. In the same year Mr. Geo. E. Foster moved the following resolution:—

"That the object of good government is to promote the general welfare of the people by a careful encouragement and protection of whatever makes for the public good, and by equally careful discouragement and suppression of whatever tends to the public disadvantage.

"That the traffic in alcoholic liquors as beverages is productive of serious injury to the moral, social and industrial welfare of the people of Canada.

"That despite all preceding legislation, the evils of intemperance remain so vast in magnitude, so wide in extent, and so destructive in effect, as to constitute a social peril and a national menace.

"That this House is of the opinion, for the reasons hereinbefore set forth, that the right and most effectual legislative remedy for these evils is to be found in the enactment and enforcement of a law prohibiting the importation, manufacture and sale of intoxicating liquors for beverage purposes."

Mr. Thomas White moved to amend the resolution by the addition of the following words:—

"And this House is prepared, so soon as public opinion will sufficiently sustain stringent measures, to promote such legislation, so far as the same is within the competency of the Parliament of Canada."

This amendment was accepted by the House. Mr. Thos. Robertson moved in amendment to the amendment, that the following words be added:—

"And that this House is of the opinion that the public sentiment of the people of Canada calls for legislation to that end."

The amendment to the amendment was defeated by a vote of 107 to 55.

The amended resolution was adopted by a vote of 122 to 40.

In the year 1885 an Act was passed suspending such portions of the McCarty Act as had been declared unconstitutional by the Supreme Court, pending an appeal to the Privy Council. Many returns relating to the Canada Temperance Act were laid before the House; many petitions relating to the temperance question were received; a number of bills proposing to amend the Canada Temperance Act were introduced, but not passed. One of the most important of these was the bill agreed to by the representatives of the Dominion Alliance and introduced by Mr. Jamieson. It passed the House of Commons, but was returned from the Senate with an amendment exempting beer and wine from the operation of the Scott Act. The House of Commons refused to assent to this amendment, and the bill did not become law. A motion was submitted by Mr. Kranz, declaring that when a prohibitory law would be enacted provision should be made for the compensation of brewers, distillers and maltsters. An amendment was offered by Mr. Fisher declaring that the time when Parliament proceeded to discuss the details of a prohibitory law would be the occasion to discuss the question of compensation. The amendment was adopted by a vote of 105 to 74. Mr. Beatty introduced a bill providing for the severe punishment of excessive drunkards, and another bill aimed against the traffic in spirituous liquors, but favouring the traffic in beer and wine. Neither of these measures passed the House.

A resolution in favour of total prohibition was introduced in the House of Commons by Mr. Jamieson in the session of 1887. Many amendments offered relating to the Canada Temperance Act were defeated. An amendment was submitted by Mr. Sproule declaring in favour of compensation. An amendment to this amendment, moved by Mr. Fisher, similar to that submitted by him in 1885, was adopted. The amended resolution was defeated, the vote upon it being 70 for, 112 against.

In 1888 Mr. Jamieson again introduced a resolution in favour of total prohibition. It was not voted upon. Bills, introduced by Mr. Jamieson and Mr. McCarthy, the amendment of the Canada Temperance Act, were passed.

Mr. Jamieson, in 1889, again introduced a resolution declaring it to be the duty of parliament to enact a prohibitory law. An amendment was proposed by Mr. J. F. Wood, making an additional statement that such prohibition should be enacted when public sentiment was ripe for the reception and enforcement of such a measure.

Liquor Traffic—Commissioners' Report.

This was adopted by a vote of 99 to 59. An amendment offered by Mr. Taylor in favour of a plebiscite and compensation was defeated, as was also an amendment by Mr. Mills in favour of a plebiscite. An amendment, offered by Mr. Moncrieff, favouring the exemption of beer and wine from the operation of the Canada Temperance Act, was ruled out of order. Mr. Jamieson's resolution was adopted without a division.

During the session of 1891, Mr. Jamieson introduced a resolution declaring that the time had come for the enactment of a prohibitory law. Mr. Mackintosh submitted an amendment favouring the appointment of a select committee to inquire into the whole question. An amendment to the amendment, moved by Mr. Taylor, declaring that a vote of the electors should be taken before legislation, was defeated. Another amendment to the amendment was moved by Hon. Mr. Foster, declaring in favour of the appointment of a royal commission to obtain for parliament information relating to the subjects of the liquor traffic and prohibition. Mr. Foster's amendment was carried. As the result of this action the present inquiry has been undertaken. Two bills introduced for the amendment of the Scott Act failed to become law.

In 1892 a bill for the amendment of the Scott Act was introduced by Mr. Flint, and passed. A resolution in favour of a plebiscite was introduced by Mr. Charlton, but subsequently withdrawn.

Mr. Flint introduced a resolution in the session of 1894, declaring in favour of prohibition, but it did not reach a vote.

Conclusions.—In view of the facts hereinbefore recited, and after a careful consideration of all the evidence taken by the Commission, and of all other information and knowledge obtained, the undersigned respectfully submits the following as his conclusions in reference to the whole subject which the Commission was instructed to investigate:—

1. That the House of Commons of the Dominion of Canada made a right and wise declaration in relation to the subject when it declared, in 187—, "That total prohibition is the right and only effective remedy for intemperance;" that the House of Commons was right in declaring, at the same time, "That this House is prepared to enact such legislation as soon as public opinion will sustain them in doing so;" and that the House of Commons was well advised in reiterating from time to time, as already set out, this declaration.

2. That all the information which your Commission has been able to obtain has made clear to the undersigned that the effect of the liquor traffic has been, and is, seriously detrimental to all the moral, social and material interests of the nation; that the measures employed to "lessen, regulate or prohibit" the traffic have been of value and effective only in proportion as they have approximated, in their operation, to the absolute prohibition of the traffic in intoxicating beverages; and that the revenue requirements of the country should not be considered a reason for the continuance of an admitted evil, and, moreover, could be met without the continuance of that evil.

3. That the endorsement which the electorate of different sections of the Dominion of Canada have given, at the ballot box, to the principle of prohibition, whenever submitted, as well as many petitions, memorials and declaration of church courts, temperance organizations, municipal councils, and other representative bodies, make it sufficiently clear that a majority of the people of Canada are in favour of the total prohibition of the liquor traffic.

4. That it would, therefore, be right and wise for the Dominion parliament, without further delay, to carry out the promise given and give effect to the principle stated in its several resolutions, by the enactment and thorough enforcement of a law prohibiting the manufacture, importation and sale of intoxicating liquors—except for medical, sacramental, and scientific purposes—in and into the Dominion of Canada.

All of which is respectfully submitted.

JOS. McLEOD.

5th April, 1895.