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Various pagings.

In Sessional paper No. 21, Royal Commission on the Liquor Traffic, pages 469 & 969 are incorrectly numbered pages 459 & 269.

# SESSIONAL PAPERS

VOLUME 12

FOURTH SESSION OF THE SEVENTH PARLIAMENT

OF THE

DOMINION OF CANADA

SESSION 1894







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2. Public Accounts of Canada, for the fiscal year ended 30th June, 1893. Presented 20th March, 1894, by Hon. G. E. Foster. 2a. Estimates for the fiscal year ending 30th June, 1895; presented 20th March, 1894. 2b. Supplementary estimates for the financial year ending 30th June, 1894; presented 20th June, 1894. 2c. Supplementary Estimates for the year ending 30th June, 1895; presented 12th July, 1895..... *Printed for both distribution and sessional papers.*
3. Lists of Shareholders in the Chartered Banks of Canada, as on 31st December, 1893. Presented 20th April, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*
- 3a. Report of dividends remaining unpaid and unclaimed balances in the chartered banks of Canada, for five years and upwards, prior to 31st December, 1893. Presented 11th June, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*

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4. Report of the Superintendent of Insurance for the year ending 31st December, 1893. *Printed for both distribution and sessional papers.*
- 4a. Preliminary abstract of the business of Canadian life insurance companies for the year ending 31st December, 1893. Presented 20th March, 1894, by Hon. G. E. Foster. *Printed for both distribution and sessional papers.*
- 4b. Abstract of statements of Insurance Companies in Canada for the year ending 31st December, 1893. Presented 7th May, 1894, by Sir John Thompson *Printed for both distribution and sessional papers.*

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5. Report of the Department of Trade and Commerce, for the year ended 30th June, 1893. Presented 17th May, 1894, by Sir John Thompson.....*Printed for both distribution and sessional papers.*
- 5a. Report of the Mission to Australia, by the Minister of Trade and Commerce. Presented 4th July, 1894, by Sir John Thompson..... *Printed for both distribution and sessional papers.*
- 5b. The Colonial Conference, held at Ottawa, 1894.....*Printed for both distribution and sessional papers.*

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6. Tables of the Trade and Navigation of Canada for the fiscal year ended 30th June, 1893. Presented 27th March, 1894, by Hon. N. C. Wallace .....*Printed for both distribution and sessional papers.*
7. Inland Revenues of Canada. Part I., Excise, etc., for the fiscal year ended 30th June, 1893. Presented 20th March, 1894, by Hon. J. F. Wood...*Printed for both distribution and sessional papers.*
- 7a. Inland Revenues of Canada. Part II., Adulteration of Food, 1893. Presented 14th June, 1894, by Hon. J. F. Wood.....*Printed for both distribution and sessional papers.*
- 7b. Inland Revenues of Canada. Part III., Inspection of Weights and Measures and Gas. Presented 6th July, 1894, by Hon. J. F. Wood.. .....*Printed for both distribution and sessional papers.*

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8. Report of the Minister of Agriculture for Canada for the calendar year 1893. Presented 12th June, 1894, by Sir John Thompson..... *Printed for both distribution and sessional papers.*
- 8a. Report on Canadian Archives, 1893. Presented 12th June, 1894, by Sir John Thompson.  
.....*Printed for both distribution and sessional papers.*
- 8b. Third Annual Report of the Dairy Commissioner of Canada for 1892-93. Presented 18th May, 1894, by Hon. T. M. Daly..... *Printed for both distribution and sessional papers.*
- 8c. Report of the Director and Officers of the Experimental Farms for the year 1893. Presented 20th April, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*

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- 8d. The Scheduling of Cattle in England—the Canadian Case. Presented 4th May, 1894, by Hon. T. M. Daly.....*Printed for both distribution and sessional papers.*
- 8e. Special Report of the Executive Commissioner on Awards on Agricultural Implements at Chicago, 1893. Presented 7th May, 1894, by Hon. T. M. Daly.  
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- 8f. Criminal Statistics for the year 1893 ..... *Printed for both distribution and sessional papers.*
- 8g. Report of the Executive Commissioner on the World's Columbian Exposition.  
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- 8h. Special Report on the production of and markets for Butter and Cheese.  
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9. Annual Report of the Minister of Public Works, for the fiscal year ended 30th June, 1893. Presented 10th April, 1894, by Hon. J. A. Ouimet.....*Printed for both distribution and sessional papers.*
10. Annual Report of the Minister of Railways and Canals, for the past fiscal year, from the 1st July, 1892, to the 30th June, 1893. Presented 27th March, 1894, by Hon. J. Haggart.  
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- 11.** Annual Report of the Department of Marine and Fisheries, 1893—Marine. Presented 1st May, 1894, by Sir Charles Hibbert Tupper. . . . . *Printed for both distribution and sessional papers.*
- 11\*.** Annual Report of the Department of Marine and Fisheries, for the fiscal year ended 30th June, 1893—Fisheries. Presented 11th April, 1894, by Sir Charles Hibbert Tupper. . . . . *Printed for both distribution and sessional papers.*
- 11a.** Report of the Chairman of the Board of Steamboat Inspection, etc., for calendar year ended 31st December, 1893. . . . . *Printed for both distribution and sessional papers.*

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- 12.** Report of the Postmaster General, for the year ended 30th June, 1893. Presented 9th April, 1894, by Sir Adolphe Caron. . . . . *Printed for both distribution and sessional papers.*
- 13.** Annual Report of the Department of the Interior, for the year 1893. Presented 21st March, 1894, by Hon. T. M. Daly . . . . . *Printed for both distribution and sessional papers.*
- 13a.** Summary Report of the Geological Survey Department, for the year 1893. Presented 20th March, 1894, by Hon. T. M. Daly . . . . . *Printed for both distribution and sessional papers.*
- 14.** Annual Report of the Department of Indian Affairs, for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. T. M. Daly . . . . . *Printed for both distribution and sessional papers.*

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- 15.** Report of the Commissioner of the North-west Mounted Police Force, 1893. Presented 13th April, 1894, by Hon. W. B. Ives. . . . . *Printed for both distribution and sessional papers.*
- 16.** Report of the Secretary of State of Canada, for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 16a.** Civil Service List of Canada, 1893. Presented 20th March, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 16b.** Report of the Board of Civil Service Examiners, for the year ended 31st December, 1893. Presented 30th March, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 16c.** Annual Report of the Department of Public Printing and Stationery of Canada, for the year ending 30th June, 1893, with a partial report for services during six months ending 31st December, 1893. Presented 23rd May, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 17.** Report of the Joint Librarians of Parliament for the year 1893. Presented 15th March, 1894, by Hon. Mr. Speaker . . . . . *Printed for sessional papers only.*
- 18.** Report of the Minister of Justice as to Penitentiaries in Canada, for the year ended 30th June, 1893. Presented 20th March, 1894, by Sir John Thompson. . . . . *Printed for both distribution and sessional papers.*
- 19.** Report of the Department of Militia and Defence of Canada, for the year ended 30th June, 1893. Presented 19th April, 1894, by Hon. J. C. Patterson. . . . . *Printed for both distribution and sessional papers.*
- 19a.** Establishment Lists of the Active Militia for the financial year, 1894-95. Presented 20th July, 1894, by Hon. J. C. Patterson . . . . . *Printed for both distribution and sessional papers.*
- 20.** Statement of the affairs of the Canadian Loan and Investment Company, on the 31st December, 1893. Presented 20th July, 1894, by Hon. Mr. Speaker . . . . . *Not printed.*

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- 21.** Royal Commission on the Liquor Traffic. Minutes of evidence taken in the provinces of Nova Scotia, New Brunswick and Prince Edward Island. . . . . *Printed for both distribution and sessional papers.*

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21. Royal Commission on the Liquor Traffic. Minutes of evidence taken in the provinces of Manitoba, North-west Territories and British Columbia....*Printed for both distribution and sessional papers.*

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21. Royal Commission on the Liquor Traffic. Minutes of evidence taken in the United States.  
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22. Report of the Commissioner, Dominion Police, for the year 1893, under Revised Statutes of Canada, chapter 184, section 5. Presented 20th March, 1894, by Sir John Thompson..... *Not printed.*
23. Return to an order of the House of Commons, dated 15th March, 1893, for a return showing the number of employees dismissed from the Prince Edward Island Railway since the 1st day of March, 1892, the name of each employee dismissed, the date of each dismissal, the reasons for such dismissals; also the names of employees reinstated, if any. Presented 20th March, 1894.—*Mr. Perry*..... *Not printed.*
24. Return to an order of the House of Commons, dated 20th March, 1893, for copies of all documents, claims, petitions, correspondence, reports of the superintendent of the Chambly canal, reports of experts and others, plans, agreements, proposals and decisions of the government in relation to the claim of Joseph Lacouture, of the parish of St. Luc, for damages caused to his property by the waters of the Chambly canal. Presented 20th March, 1894.—*Mr. Lavergne*.... *Not printed.*
25. Statement of all superannuations and retiring allowances in the civil service, giving the name and rank of each person superannuated or retired, his salary, age and length of service; his allowance and cause of retirement, whether vacancy has been filled by promotion or new appointment, &c., for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. G. E. Foster.  
*Not printed.*
- 25a. Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the number of permanent civil servants in each department, inside and outside service, who contribute to the superannuation fund, and the gross amount of wages paid. Presented 25th April, 1894.—*Mr. McMullen*..... *Not printed.*
26. Statement of expenditure on account of miscellaneous unforeseen expenses, from 1st July, 1893, to date. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
27. Statement of Governor General's Warrants issued since last session of parliament, on account of the fiscal years 1892-93 and 1893-94, in accordance with the Consolidated Revenue and Audit Act, section 32, subsection b. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
28. Papers and correspondence relative to the payment to the Canadian Pacific Railway Company of amounts deducted from their subsidy in the year 1883. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
29. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for copies of papers and correspondence relating to charges made against Mr. Justice Palmer, or to his resignation and acceptance thereof. Presented 20th March, 1894.—*Mr. Davies*.  
*Not printed.*



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- 30.** Return of applications for registration under the provisions of chapter 131, Revised Statutes of Canada, "An Act respecting Trade Unions." Presented 20th March, 1894, by Hon. J. Costigan. *Not printed.*
- 31.** List of public officers to whom commissions have issued under chapter 19 of the Revised Statutes of Canada, during the year 1893. Presented 20th March, 1894, by Hon. J. Costigan. *Printed in No. 16.*
- 32.** Order establishing certain rules in respect of matters therein mentioned, in the Exchequer Court of Canada. Presented 20th March, 1894, by Hon. J. Costigan. *Not printed.*
- 33.** Copy of an order in council of the 17th January, 1894, continuing for the current year the issue of licenses to United States fishing vessels to enter any ports on the Atlantic coast for the purchase of bait, etc. Presented 21st March, 1894, by Sir Charles Hibbert Tupper. *Not printed.*
- 33a.** Return to an address of the House of Commons to his excellency the Governor General, dated 16th April, 1894, for: 1. Copy of order in council appointing Théophile Sabourin fishery overseer for the division of the Lake of Two Mountains and Isle Perrot. 2. Of the order in council appointing Julien Montpetit fishery overseer for the same division. 3. Of all instructions and orders issued by the fisheries department to the said overseers. 4. Of the reports of the two said overseers for the years 1891, 1892. Presented 5th June, 1894.—*Mr. Harwood*. *Not printed.*
- 33b.** Return to an address of the House of Commons to his excellency the Governor General, dated 26th April, 1894, for copies of all telegrams, letters, petitions, orders in council, and all correspondence relating to the dismissal of Timothy McQueen as fishery overseer in the county of Kent, Ontario. Presented 8th May, 1894.—*Mr. Campbell*. *Not printed.*
- 33c.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all papers, letters, petitions and reports sent to the minister of marine and fisheries, from 1st October, 1893, to this date, respecting the dismissal of I. B. Chevalier, of Iberville, from the post of fishery overseer; and of any communication sent from the government to the said I. B. Chevalier. Presented 11th May, 1894.—*Mr. Béchard*. *Not printed.*
- 33d.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for a return of all papers, correspondence, telegrams, reports to and orders in council, together with all departmental orders relating to the discharge from office as superintendent of St. Paul's island and keeper of Ingonish island, of Mr. Samuel Campbell, or relating to his superannuation allowance. Presented 23rd May, 1894.—*Mr. Davies*. *Not printed.*
- 33e.** Return to an order of the House of Commons, dated 14th May, 1894, for copies of all correspondence since 1st January, 1892, to the present time, from fishery officers and others from the western counties of Nova Scotia and the county of Charlotte in New Brunswick, as regards the taking of lobsters and of the limitation of size, and of all recommendations in regard to the same. Also a copy of all correspondence between the minister of marine and fisheries and his officials and all other persons as regards the close season for the herring fishing at Two Island harbour, Grand Manan, and of the weirs at that place. Presented 11th June, 1894.—*Mr. Bowers*. *Not printed.*
- 33f.** Return to an address of the House of Commons to his excellency the Governor General, dated 26th April, 1894, for copies of all orders in council and departmental orders now in force in the province of Ontario, concerning fisheries therein, and of all petitions received by the department with regard to the same. Presented 21st June, 1894.—*Mr. McGregor*. *Not printed.*
- 34.** List of all lands sold by the Canadian Pacific Railway Company from the 1st October, 1892, to the 1st October, 1893. Presented 21st March, 1894, by Hon. T. M. Daly. *Not printed.*
- 34a.** Return under resolution of the 20th February, 1882, in so far as the same is furnished by the department of the interior, respecting the Canadian Pacific Railway Company. Presented 28th March, 1894, by Hon. T. M. Daly. *Not printed.*
- 34b.** Return to an order of the House of Commons, dated 15th March, 1893, for copies of all documents, memorials and correspondence between the government and the Sorel board of trade and others, in relation to the granting of a subsidy to the Canadian Pacific Railway Company, for the rebuilding of a bridge at St. Michel d'Yamaska. Presented 10th April, 1894.—*Mr. Bruneau*. *Not printed.*

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- 34c.** Return to an address of the Senate to his excellency the Governor General, dated 5th April, 1894, for a schedule of the passenger and freight rates of the Canadian Pacific Railway Company, including the rates from St. Paul and Minneapolis to the seaboard, now in force. Presented 30th April, 1894.—*Hon. Mr. Boulton* ..... *Not printed.*
- 34d.** Return to an address of the Senate to his excellency the Governor General, dated 17th May, 1894, for a schedule of the passenger and freight rates of the Intercolonial Railway; and the revenue derived by the Canadian Pacific Railway Company on its western division, between Port Arthur and Calgary, for the financial years ending 1892 and 1893. Presented 6th June, 1894.—*Hon. Mr. Boulton.* ..... *Not printed.*
- 35.** Return of orders in council, in accordance with subsection (d.) of section 38 of the regulations for the survey, administration, disposal and management of Dominion lands within the 40-mile railway belt in the province of British Columbia. Presented 27th March, 1894, by Hon. T. M. Daly. .... *Not printed.*
- 35a.** Return of orders in council of 1893 relating to the department of the interior, in accordance with clause 91 of the Dominion Lands Act, chapter 54, Revised Statutes of Canada. Presented 27th March, 1894, by Hon. T. M. Daly ..... *Not printed.*
- 35b.** Statement in reference to fishing bounty payments for 1892-93, required by chapter 96 of the Revised Statutes of Canada. Presented 28th March, 1894, by Sir Charles Hibbert Tupper.... *Not printed.*
- 36.** Return to an order of the House of Commons, dated 1st March, 1893, for copies of all reports, documents, maps, manuscripts and correspondence in relation to exploring expeditions heretofore made to James Bay and Hudson Bay. Presented 27th March, 1894.—*Mr. Jones* .. *Not printed.*
- 37.** Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for a return showing copies of all petitions or communications to the government or to any member thereof, or to his excellency, asking for any interference with the sentence passed by his lordship the Hon. Mr. Justice Rose on Messrs. McGreevy and Connolly, of all replies thereto and all correspondence between any member of the government and any other person on the subject of commutation of such sentence; of all medical reports made in regard to either said McGreevy or Connolly, whilst undergoing such sentence; of all reports or recommendations on the said subject, by any member of the government to his excellency, and of all replies thereto and of all orders in council in anywise bearing upon the subject of the commutation of said sentences. Presented 29th March, 1894.—*Mr. Mulock*..... *Not printed.*
- 38.** Detailed statement of all bonds and securities registered in the department of the secretary of state of Canada, since last return, 1893, submitted to the parliament of Canada under section 23, chapter 19, of the Revised Statutes of Canada. Presented 29th March, 1894, by Hon. J. Costigan. .... *Not printed.*
- 39.** Return to an order of the House of Commons, dated 20th March, 1894, for a return showing the dates in each year since May 5th, 1887, when the Public Accounts, the Appropriation Accounts, and the Trade and Navigation Returns of Canada, for the next preceding fiscal year, have been published and ready for distribution; and when the said accounts and returns have been issued to the senators and members of the House of Commons of Canada in each of the years aforesaid. Presented 30th March, 1894.—*Mr. Charlton*..... *Not printed.*
- 40.** Return to an order of the House of Commons, dated 13th March, 1893, for a return showing the number of school teachers engaged in teaching in the North-west Territories, and the length of time each was engaged during the past year, with the salary received; also the number of pupils attending each school, and all sources of revenue for the maintenance of schools. Presented 2nd April, 1894.—*Mr. Semple*..... *Not printed.*
- 40a.** Supplementary return to an address of the Senate to his excellency the Governor General, dated 3rd February, 1893, for: 1. A copy of the deliberations, resolutions and ordinances of the former council of Assiniboia, relating to educational matters within its jurisdiction as it existed on the banks of the Red river before the creation of the province of Manitoba. 2. A statement of the amounts paid by the said council of Assiniboia for the maintenance of schools, showing the person<sup>s</sup> to whom such payments were made, the schools for which such amounts were paid, and the religious denomination to which such schools belonged. 3. A statement of the amounts paid by

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- the Hudson Bay Company, or by its agents, to the schools then existing in the territories forming to-day the province of Manitoba. 4. A copy of all memoranda and instructions serving as basis for the negotiations as a result of which Manitoba became one of the provinces of the confederation; together with a copy of the minutes of the deliberation of the persons charged on both parts to settle the conditions of the creation of the province of Manitoba and of its entrance into the confederation; and also a copy of all memoranda, returns and orders in council, establishing such conditions of entrance, or serving as a basis for the preparation of "The Manitoba Act."
5. A copy of the despatches and instructions from the imperial government to the government of Canada on the subject of the entrance of the province of Manitoba into the confederation, comprising therein the recommendations of the imperial government concerning the rights and privileges of the population of the Territories, and the guarantees of protection to be accorded to the acquired rights, to the property, to the customs and to the institutions of that population by the government of Canada, in the settlement of the difficulties which marked that period of the history of the Canadian West. 6. A copy of the acts passed by the legislature of Manitoba relating to education in that province and especially of the first act passed on this subject after the entrance of the said province of Manitoba into the confederation, and of the laws existing upon the same subject in the said province immediately before the passing of the acts of 1890, relating to the public schools and relating to the department of education. 7. A copy of all regulations with respect to schools passed by the government of Manitoba or by the advisory board, in virtue of the laws passed in 1890 by the legislature of Manitoba relating to public schools and the department of education. 8. A copy of all correspondence, petitions, memoranda, resolutions, briefs, factums, judgments (as well of first instance as in all stages of appeal), relating to the school laws of the said province of Manitoba, since the 1st June, 1890, or to the claims of catholics on this subject; and also a copy of all reports to the privy council and of all orders in council relating to the same subject since the same date. Presented 21st March, 1894.—*Hon. Mr. Bernier.* ..... *Printed for both distribution and sessional papers.*
- 40b.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all papers, petitions, letters, reports, minutes and orders in council respecting the school law of Prince Edward Island, intituled "The Public Schools Act, 1877." Presented 23rd April, 1894.—*Mr. Leclair.* ..... *Printed for both distribution and sessional papers.*
- 40c.** Return to an address of the Senate to his excellency the Governor General, dated 9th April, 1894, for copies of all school ordinances, school regulations and amendments thereto, adopted by the legislative assembly, the executive, and any board or council of education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885. Also for copies of all petitions, memorials and correspondence in reference thereto. Also for copies of all orders in council, reports to the governor general in council, and all communications and representations to the authorities in the North-west Territories. Presented 30th April, 1894.—*Hon. Mr. Bernier.* ..... *Printed for both distribution and sessional papers.*
- 40d.** Return to an address of the House of Commons to his excellency the Governor General, dated 21st March, 1894, for copies of all petitions, memorials and correspondence, in reference to the appeal made in the name of the Roman catholic minority of the province of Manitoba, in reference to the school laws of that province; also copies of reports to and orders in council in reference to the same; also copies of the case submitted to the supreme court of Canada respecting aforesaid appeal, and including factums and all materials in connection therewith, and copies of all judgments rendered and answers given by said court on or to the questions referred to them. Presented 27th June, 1894.—*Mr. LaRivière.* ..... *Printed for sessional papers only.*
- 41.** Return to an address of the Senate to his excellency the Governor General, dated 20th March, 1893, for a copy of all documents in relation to the demand of Michel Gosselin, Half-breed, living at Roseberry, Manitoba, and claiming indemnity for losses sustained during the troubles in the North-west in 1869 and 1870. Also a copy of all correspondence exchanged between the Dominion government and the said Michel Gosselin in relation to the said claim. Presented 21st March, 1894.—*Hon. Mr. Bellerose.* ..... *Not printed.*
- 42.** Return to an address of the Senate to his excellency the Governor General, dated 21st February, 1893, for a copy of all the changes that have been made in the tariff since the national policy became law in 1879, giving the name of each article, showing the original duty imposed thereon, the amount of increase or reduction subsequently made, or placed upon the free list, together with the date of all such alterations in the tariff. Presented 2nd April, 1894.—*Hon. Mr. McMillan.* ..... *Not printed.*

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43. Return to an order of the House of Commons, dated 30th March, 1894, for a complete list of the revising officers under the Franchise Act, giving their names, their electoral divisions, and when appointed. Presented 5th April, 1894.—*Sir Hector Langevin.* ..... *Not printed.*
44. Return to an order of the House of Commons, dated 20th March, 1894, for return of all rates, general or special, charged on the Intercolonial Railway on through freight from Lévis to Halifax; with the dates when such existing general or special rates came into force, and in cases where such rates have been altered, specifying the alteration. Presented 6th April, 1894.—*Mr. Davies.* ..... *Not printed.*
- 44a. Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for all papers, correspondence, telegrams, reports to, or orders in council, or departmental orders not already brought down to parliament, relative to the purchase of the Harris property in St. John for the Intercolonial Railway, or the payment of the purchase moneys therefor or relative to the uses or purposes to which that property has since been applied. Also for a list of all the claimants to the title of said property or any interest therein, together with the amounts paid to them respectively, and a summary or abstract of all deeds or agreements taken from the claimants respectively. Also for a statement of all moneys since laid out upon such property, and its total cost up to date. Presented 19th June, 1894.—*Mr. Davies.* .... *Not printed.*
45. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1893, for copies of all correspondence between the government of British Columbia and the minister of the interior, relating to the boundary of the railway belt in the province of British Columbia. Presented 9th April, 1894.—*Mr. Mara.* ..... *Not printed.*
46. Return to an order of the House of Commons, dated 30th March, 1894, for a statement showing the various amounts paid by way of bounty on pig iron produced in Canada, the quantities produced, and the parties to whom the bounty was paid, and the province in which their works are situated, since the date of the last return. Presented 10th April, 1894.—*Mr. Edgar.* ..... *Printed for sessional papers only.*
47. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing (by provinces) the value of mining machinery admitted free of duty since the year 1890. Presented 10th April, 1894.—*Mr. Mara.* ..... *Not printed.*
48. Return to an order of the House of Commons, dated 29th March, 1894, for a return of: 1. The number of students who have graduated from the royal military college since its establishment. 2. Number of these graduates who are now in the public service of Canada and number in the service of the imperial government. 3. Amount expended on capital account and on income since the college was established. 4. Number of students graduated in 1893. 5. Number of students now in attendance. 6. Total amount of salaries paid each year, to the different persons employed in connection with the college. 7. Name of the commandant of the college: his salary, perquisites, if any, in the way of free residence, maintenance thereof, supplies, servants, &c. 8. The cost of the residence for use of commandant, if purchased, and the amount expended thereon by the government since the purchase. Presented 12th April, 1894.—*Mr. Mulock.* ..... *Printed for sessional papers only.*
- 48a. Supplementary return to no. 48. Presented 11th May, 1894.—*Mr. Mulock.* ..... *Printed for sessional papers only.*
49. Return to an order of the House of Commons, dated 30th March, 1894, for a return of the sentence imposed by the supreme court of the province of New Brunswick upon John V. Ellis, editor of the *St. John Globe*, in the past year, for an alleged contempt of court; together with the names of the judges composing the court at the time the sentence was imposed. Presented 12th April, 1894.—*Mr. Davies.* ..... *Not printed.*
50. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for the production of all correspondence and other papers relating to the copyright question which have not already been brought down. Presented 13th April, 1894.—*Mr. Edgar.* ..... *Printed for sessional papers only.*

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- 51.** Return to an order of the House of Commons, dated 30th March, 1894, for a statement showing the working of the civil service insurance, how many civil servants have insured their lives in such insurance, and for what amounts respectively, without giving their names. Presented 13th April, 1894.—*Sir Hector Langevin*. . . . . *Not printed.*
- 52.** Return to an order of the House of Commons, dated 16th April, 1894, for a return of the receipts and expenditures to dates of 10th April, 1894, and 10th April, 1893. Presented 16th April, 1894. *Sir Richard Cartwright*. . . . . *Not printed.*
- 52a.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing the total amount of receipts and expenditures chargeable to consolidated fund from 1st July, 1893, to 1st May, 1894, and also for same period from 1st July, 1892, to 1st May, 1893. Presented 11th May, 1894.—*Sir Richard Cartwright*. . . . . *Not printed.*
- 53.** Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all correspondence between Mr. L. Vankoughnet and the government, or any member, or department, relating to his superannuation, and of all communications or reports to council or the treasury board or any member of the government, relating to such superannuation, and of any orders in council dealing with the same. Presented 17th April, 1894.—*Mr. Mulock*. . . . . *Not printed.*
- 54.** Return to an order of the House of Commons, dated 1st March, 1893, for a return of any correspondence which may have taken place between the government and any of the railway companies which have received public lands in aid of railway construction, in reference to the prices at which these lands are held and as to the steps taken by these companies to fulfil their trust by securing the early settlement of the lands so granted. Presented 18th April, 1894.—*Mr. Mills, Bothwell*. . . . . *Not printed.*
- 55.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the names of officials employed in connection with the Canadian exhibit at the Columbian exposition from the province of Nova Scotia, showing their official position, amount of salaries paid and dates at which such employment ceased. Presented 20th April, 1894.—*Mr. Patterson, Colchester*. . . . . *Not printed.*
- 56.** Return to an order of the House of Commons, dated 10th April, 1894, for a statement in the form of Table C in the blue-book already published on the French treaty, for the years ending 30th June, 1892 and 1893. Presented 20th April, 1894.—*Mr. Laurier*. . . . . *Printed for sessional papers only.*
- 56a.** Supplementary return to an order of the House of Commons, dated 10th April, 1894, containing correspondence and other matter relating to the French treaty. Presented 3rd July, 1894.—*Mr. Laurier*. . . . . *Printed for sessional papers only.*
- 57.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all correspondence between the government and George Goodwin in connection with the transfer of his contracts or any of his contracts on the Soulanges canal. Presented 23rd April, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 57a.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all communications in the form of letters, petitions and reports, from 1st April, 1887, to 1st March, 1894, between the government and Mr. J. B. Many, or the municipal council of St. Luc, in the county of St. Jean, in relation to the construction of a swing bridge on the Chambly canal, opposite the south-east end of Ste. Thérèse island, in the Richelieu river. Presented 4th June, 1894.—*Mr. Béchard*. . . . . *Not printed.*
- 57b.** Return to an address of the House of Commons to his excellency the Governor General, dated 28th May, 1894, for : 1. Copies of all the reports of the engineers recommending that certain changes be made in the original contract, both in the materials and the nature of the works entering into the construction of the locks and other masonry on sections 1 and 2 of the Soulanges canal, giving the reasons why such changes should be made and the names of the engineers who recommended such changes. 2. Copies of all the correspondence exchanged between the engineers, the department of railways and canals, the contractor and other persons in connection with those changes, and copies of all orders in council in relation thereto. Presented 6th June, 1894.—*Mr. Tarte*. . . . . *Not printed.*

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- 57c.** Return to an order of the House of Commons, dated 16th April, 1894, for copies of all advertisements inviting tenders for the construction of sections 1 and 2 of the Soulanges canal; also copies of specifications connected with said work, copies of extensions of said specifications and tenders with estimated quantities and work to be done according to engineer's estimate; also copies of all tenders, copies of contracts let, of correspondence which took place between the contractors tendering for this work and the contractor to whom the contracts were awarded and the department of railways and canals in this matter, copies of all reports of engineers since the letting of the contract. Presented 14th June, 1894.—*Mr. Tarte* ..... *Not printed.*
- 57d.** Return to an order of the House of Commons, dated 14th May, 1894, for: 1. Copies of all correspondence between the department of railways, the minister of public works and any other persons in relation to sections 12 and 13 of the Soulanges canal. 2. Copies of the call for tenders and of all tenders received. 3. Copies of contracts awarded. Presented 14th July, 1894.—*Mr. Tarte* ..... *Not printed.*
- 58.** Return to an order of the House of Commons, dated 27th July, 1891, for copies of all correspondence relating to application for increase of salary of Judge Johnstone, county court judge for Halifax county, Nova Scotia. Presented 25th April, 1894.—*Mr. Fraser* ..... *Not printed.*
- 59.** Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the names of all prisoners who have died in penitentiaries in Canada during the last ten years, with the cause of death and the length of their last sickness in each case. Presented 25th April, 1894.—*Mr. Martin* ..... *Not printed.*
- 59a.** Return to an address of the House of Commons to his excellency the Governor General of the 10th April, 1894, for a statement showing amount of receipts each month for gate money at Kingston penitentiary between 1st January, 1887, and 1st January, 1894. Statement showing disposition of these moneys, including statement showing the amount of those moneys deposited in any banks, with the names of such banks and particulars as to whose credit such deposits were made. Presented 26th April, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59b.** Return to an address of the House of Commons to his excellency the Governor General, dated 13th March, 1893, for a statement showing: (a.) Amount of money received as visitors' entrance fees at the Kingston penitentiary during each year from 31st January, 1885, to 1st February, 1893. (b.) Payments out of said moneys to the receiver general, and disposition of such funds. (c.) Particulars of goods manufactured and work done at said institution for any of its officers, showing who supplied the material for such goods, what sums were charged to said officers for said goods, and what sums have been actually paid during each of said years for said goods. (d.) Quantities of coal oil and gas supplied such officers, amount paid therefor, and when. (e.) Amount of laundry work done at said institution during said dates, for whom done, amount charged and paid therefor, with dates of such payments and names of persons making such payments. Presented 26th April, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59c.** Return (in part) to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all charges brought to the attention of the government or any department since 1891 in regard to any matters connected with the Kingston penitentiary, and the British Columbia penitentiary; of all appointment of persons to make investigations into any such charges, including their instructions; of all correspondence between any of such persons and any member of the government or department; of all evidence taken on any such inquiries; of all reports thereon, including any schedules in connection with such reports; and of all other documents and papers relating to any alleged irregularities in connection with the management of said institutions since 1891. Presented 1st May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59d.** Supplementary return to no. 59c. Presented 15th May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59e.** Further supplementary return to no. 59c. Presented 15th May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 60.** Return to an order of the House of Commons, dated 1st March, 1893, for a return of the report or reports of plans and surveys of the Galops Rapids channel, made by Mr. Kennedy. Presented 26th April, 1894.—*Mr. Reid* ..... *Not printed.*

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- 61.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all reports made to the department of the interior or to the superintendent general of Indian affairs as to the value of the Thousand islands and any offers received for the purchase of the same. Presented 26th April, 1894.—*Mr. Mills (Bothwell)*.  
*Printed for distribution only.*
- 62.** Return to an order of the House of Commons, dated 16th April, 1894, for copies of report of engineer who inspected river Aux-Roseaux, river Aux-Rats and river La-Seine, in the electoral district of Provencher. Presented 1st May, 1894. *Mr. LaRivière*.....*Not printed.*
- 63.** Return to an order of the House of Commons, dated 30th March, 1894, for a return of all papers and correspondence relative to a claim for compensation for railway damages made by one Charles Coffin, of Midgell, Prince Edward Island, in the railway department of the government. Presented 1st May, 1894.—*Mr. Davies*.....*Not printed.*
- 64.** Return to an order of the House of Commons, dated 23rd April, 1894, for the report of the commission appointed to inquire into all matters concerning the Trent Valley canal. Presented 1st May, 1894.—*Mr. Hughes*.....*Not printed.*
- 65.** Return to an order of the House of Commons, dated 25th April, 1894, for a return giving the amount paid out of the Six Nation Indians' fund (by way of gift or loan) to individual members from the year 1886 to date, stating in each case: The name of the person, the fact of whether gift or loan, the date when paid, the amount, the reason for the gift or loan, the authority for such gift or loan, the conditions on which such loan was made, the provision for repayment, the amount repaid. Presented 2nd May, 1894.—*Mr. Paterson (Brant)*.....*Not printed.*
- 65a.** Return to an order of the House of Commons, dated 16th April, 1894, for a return showing the amount of money that has been paid out of the funds of the Six Nation Indians for the payment of debts incurred by individual members thereof since the year 1886, and giving: 1. The names of the several persons who incurred the debts, with the separate amounts, the date or dates when incurred, and the proportion thereof that has been paid. 2. The names of the creditors to whom the payments were made, the dates when paid, with the total sum paid to each of such creditors; and stating in each case the authority given for incurring the debt, the authority for payment of the same, and whether such amounts have been repaid to the fund in whole or in part out of the annuities of the individuals on whose account the payments were made, and whether such was the condition on which such payments were authorized. Presented 14th May, 1894.—*Mr. Paterson, (Brant)*.....*Not printed.*
- 65b.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all petitions from the Indians of the Saugeen reserve claiming the exclusive right of fishing in French bay, lake Huron, of all answers to the same, and of all departmental orders in reference to that subject. Presented 16th May, 1894.—*Mr. Laurier*.....*Not printed.*
- 65c.** Supplementary return to no. 65b. Presented 23rd July, 1894.—*Mr. Laurier*.....*Not printed.*
- 65d.** Return to an address of the Senate to his excellency the Governor General, dated 10th April, 1894, for copies of all petitions or communications to the governor general, or the government, or any member thereof, asking for interference with the death sentence passed by Mr. Justice Harrison upon the two Chehalis Indians, Peter and Jack, in November, 1893, for the murder of the late Albert Edward Pittendrigh, in New Westminster, British Columbia, on the 27th October, 1892; of all replies thereto, and all correspondence between any member of the government and any other person on the subject of commutation of such sentence; of all reports or recommendations on the said subject by any member of the government to his excellency, and of all replies thereto, and of all orders in council in anywise bearing upon the subject of the commutation of said death sentence to imprisonment for life. Presented 14th May, 1894.—*Hon. Mr. MacInnes*.....*Not printed.*
- 66.** Return to an order of the House of Commons, dated 30th March, 1894, for all papers and correspondence in connection with the establishment of a government cattle ranche near Fort Macleod, North-west Territories, including the purchase of cattle for said ranche; the disposal of said cattle, and the management and disposition made of said ranche. Also a statement showing the amount of moneys paid for cattle placed upon said ranche, and for all other expenses incurred in connection with the same, also the total amount of moneys received for the sale of cattle from said ranche, and all other sources in connection with the same; which statement shall show the balance

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to the credit or debit of said ranche on the first day of January last, and shall further give the names of all parties indebted to said ranche account for cattle purchased or for any other property or material, with the amount due from each of said parties, if any. Presented 2nd May, 1894.—*Mr. Charlton*..... *Not printed.*

67. Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the amount paid to railways or steamship companies, as a bonus for bringing settlers to Manitoba or the Territories, in 1891, 1892 and 1893, and a list of settlers so brought, showing their names and locations. Presented 11th May, 1894.—*Mr. Martin*..... *Not printed.*
68. Return to an order of the House of Commons, dated 30th April, 1894, for copies of all communications received by the minister of agriculture in relation to the establishment of the bureau of labour statistics for the Dominion. Presented 14th May, 1894.—*Mr. Lépine*..... *Not printed.*
69. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the quantity of butter manufactured at the experimental creameries, established at Elgin and Woodstock, in the province of Ontario, from the time they were established up to the 1st of January, 1894; the number of sales made; where sold, and the amounts realized. Copies of all letters, reports, or other correspondence, especially the report of Clement & Son, of Glasgow, relating to the prices realized, and the condition of the goods when put upon the market. The amounts of money spent, and the different purposes for which the money was used. Presented 14th May, 1894.—*Mr. McMillan*..... *Not printed.*
70. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the number of homesteads taken up in Manitoba during the years 1892 and 1893, and the number of homesteads cancelled in Manitoba during said years, in each case showing the municipalities in which the homesteads were located. Presented 18th May, 1894.—*Mr. Martin*.... *Not printed.*
71. Return to an order of the House of Commons, dated 25th April, 1894, for a return showing: 1. The total number of depositors in the Dominion and post office savings banks. 2. The number of said depositors having deposits of \$1,000 or upwards and the total amount held by them. 3. The number having deposits of \$500 and over, not exceeding \$1,000, and the total amount held by them. 4. The number of depositors having deposits of less than \$500 and the total amount held by them. 5. The number of depositors not residing in Canada and the total amount held by them. Presented 18th May, 1894.—*Sir Richard Cartwright*..... *Not printed.*
72. Return to an address of the House of Commons to his excellency the Governor General, dated 7th May, 1894, for a copy of the order in council authorizing the sale of lot 16, concession 12, township of Luther, in the county of Wellington, for \$800 to John McNab and John Gallagher. Presented 22nd May, 1894.—*Mr. McMullen*..... *Not printed.*
- 72a. Supplementary return to no. 72. Presented 14th June, 1894.—*Mr. McMullen*..... *Not printed.*
73. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the sums of money paid to Mr. A. F. Wood, government valuator, for services, maintenance and transport during the years 1891-1892-1893, and the particular pieces of land or other property valued during those years. Presented 23rd May, 1894.—*Mr. McMullen*..... *Not printed.*
74. Return to an address of the House of Commons to his excellency the Governor General, dated 16th April, 1894, for copies of all orders in council in force in Canada (provinces of Lower Canada and Upper Canada) in 1858, concerning any drawback or bounty with respect to the building of Canadian ships, barques and other vessels; and also all orders in council amending the same, or concerning the same from 1858 up to the beginning of the confederation. Presented 23rd May, 1894.—*Mr. Amyot*..... *Not printed.*
- 74a. Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all orders in council from the origin of confederation up to the year 1879, inclusive, respecting any drawback or bounty with respect to the building of Canadian ships, barques or other vessels. Presented 30th May, 1894.—*Mr. Amyot*..... *Not printed.*
75. Return to an order of the House of Commons, dated 7th May, 1894, for copies of all calls for tenders, tenders received, contracts made, correspondence, telegrams, letters and papers relative to the public work (wharf or breakwater) at Grand Etang, Cape Breton; together with a statement of all moneys advanced or paid on such contract, with dates of payment. Presented 29th May, 1894.—*Mr. Davies*..... *Not printed.*



VOLUME 17—*Continued.*

- 75a.** Return to an order of the House of Commons, dated 6th February, 1893, for copies of all letters, petitions, surveys and reports in the possession of the government, relating to the threatened destruction of, and claims for, repairs on the breakwater at Sandford, in the county of Yarmouth, N.S. Presented 29th May, 1894.—*Mr. Flint* ..... *Not printed.*
- 75b.** Return to an order of the House of Commons, dated 6th February, 1893, for copy of the report of government surveys on Wood island breakwater, P.E.I. Presented 29th May, 1894.—*Mr. Welsh.* ..... *Not printed.*
- 75c.** Return to an order of the House of Commons, dated 15th March, 1893, for copies of all reports, correspondence or other documents, not already brought down, relating to the state of repair of the breakwater at Rustico, P.E.I. Presented 29th May, 1894.—*Mr. Davics.* ..... *Not printed.*
- 75d.** Return to an order of the House of Commons, dated 1st March, 1893, for a statement showing : 1. What is the total sum spent by the government since confederation in each province of the Dominion on the public works classified as (1) harbours, piers and breakwaters, (2) improvements of rivers, and (3) dredging and dredges. 2. How much of the sum so spent in the province of Quebec was expended on works within the harbour of Montreal. 3. (1) How much money the government has loaned to the harbour commissioners of Quebec towards the construction of the new harbour works in that city ; and (2) what amount of interest, derived from the revenues of the said works, have the harbour commissioners paid to the government in respect of the interest due on the said loans ; and (3) how many years' interest, if any, are in arrears. 4. (1) How much money the government has lent to the harbour commissioners of Montreal towards the construction of harbour works in that city ; and (2) how much interest is due thereon. Presented 12th July, 1894.—*Mr. Lépine* ..... *Not printed.*
- 75e.** Return (in part) to an order of the House of Commons, dated 30th March, 1894, for a return giving the total cost of the Cockburn island wharf and dock (lake Huron) ; the name of the contractor or contractors ; the date of its completion ; the number of sailing vessels that have called ; the quantity of freight imported and exported since its completion ; the number of steamers that made during the season regular calls at the wharf since its completion. Presented 12th July, 1894.—*Mr. McMullen* ..... *Not printed.*
- 76.** Return to an order of the House of Commons, dated 14th May, 1894, for copies of all letters, reports of engineers or other papers in the hands of the government relating to the condition of the Pickets pier and the non-expenditure thereon of the sum voted last year for the purpose of repairing said pier. Presented 29th May, 1894.—*Mr. Borden* ..... *Not printed.*
- 77.** Return to an order of the House of Commons, dated 18th April, 1894, for a statement of all sums paid by the government for the construction of the river Yamaska dam, under the first contract and subsequently thereto up to this date. Presented 29th May, 1894.—*Mr. Laurier* ..... *Not printed.*
- 77a.** Return to an order of the House of Commons, dated 2nd May 1892, for copies of report of any inquiry held under the authority of the department of public works with a view to estimate the losses inflicted on proprietors of the commune of Yamaska, by the erection of a dam in the Yamaska river. Presented 4th June, 1894.—*Mr. Laurier* ..... *Not printed.*
- 77b.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all letters, papers and statements in connection with awarding contract to William H. Davis & Sons for constructing a dam at Sheik's island, in connection with the Cornwall canal. Presented 5th June, 1894.—*Mr. Charlton* ..... *Not printed.*
- 77c.** Supplementary return to no. 77b. Presented 15th June, 1894.—*Mr. Charlton* ..... *Not printed.*
- 78.** Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all petitions, letters, plans, deeds and other documents respecting the claim of the Hurons of Lorette in relation to the seigniori of Sillery. Presented 29th May, 1894.—*Mr. Frémont* ..... *Not printed.*
- 79.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the amount of timber dues collected at Quebec for each year for the last ten years. The quantity of timber culled each year, and the wages paid to cullers and staff. Presented 30th May, 1894.—*Mr. McMullen* ..... *Not printed.*

VOLUME 17—*Continued.*

- 79a.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the quantity of timber that passed through the cullers' hands and was culled each year at Montreal, for the last ten years. The amount of fees collected for each year during the same period, and the amount of wages paid to the cullers and staff at Montreal for the same time. Presented 30th May, 1894.—*Mr. McMullen*. . . . . *Not printed.*
- 79b.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing: 1. How much timber has been disposed of in townships 1, 2, 3 and 4, in ranges 14, 15, 16 and 17, east of the 1st principal meridian, and also on the Whitemouth river. 2. To whom said timber has been disposed of. 3. In what way said timber has been disposed of. 4. Prices realized for same. 5. Copies of all advertisements in connection with same, with names of newspapers in which same appeared and dates of insertion. 6. How much timber still remains undisposed of in said townships. Presented 29th June, 1894.—*Mr. Martin*. . . . . *Not printed.*
- 79c.** Return to an order of the House of Commons, dated 25th April, 1894, for a statement of all timber licenses granted since January 1st, 1887, showing the date of each grant, the location, the area of the same, the name of the grantee, the bonus, if any, paid upon the same, whether disposed of: (a) At public auction duly advertised, where the public were invited to compete. (b) At auction where only applicants for the berth or limit were invited to bid. (c) By private application. (d) If in neither of the ways above mentioned, then stating in what way disposal and grant was made. (e) Length of public notice in each case when limits were sold either at public auction or by other form of public competition. Also a summary statement giving total area granted and total amount of bonuses received. Presented 12th July, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 80.** Return to an order of the House of Commons, dated 28th May, 1894, for copies of all correspondence between D. J. Hughes, Esq., county judge of Elgin, Ont., and the officials of the government printing office, in regard to the printing of the last revised voters' list for Elgin. Presented 4th June, 1894.—*Mr. Casey*. . . . . *Not printed.*
- 81.** Return to an order of House of the Commons, dated 14th May, 1894, for a return showing the amount and value of crucible steel imported into Canada free of duty in each year since 1885, under the provisions of order in council of 6th November, 1885. Also amount and value of lastings and mohair cloth imported into Canada free of duty in each year since 1885, under the provisions of order in council of 6th November, 1885. Presented 4th June, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 81a.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the amount and value of hatters' bands, bindings, tips, and sides and linings, both tips and sides, imported into Canada in each year since 1885, under provisions of order in council of 5th July, 1886. Also amount and value of steel strip for buckthorns and plain strip fencing imported into Canada free of duty since 1885, under provisions of order in council of 17th July, 1886. Also amount and value of wire rope imported into Canada free of duty since 1885, under provisions of order in council of 17th July, 1886. Also amount and value of twisted brass and copper wire imported into Canada free of duty since 1885, under provisions of order in council of 20th July, 1886. Also amount and value of yarn spun from the hair of the alpaca or angora goat, imported into Canada free of duty since 1885, under provisions of order in council of 18th November, 1886. Presented 4th June, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 81b.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the quantity and value of fellows of hickory wood imported into Canada in each year free of duty since 1887, under provisions of order in council of 16th November, 1888. Also quantity and value of homo spring steel wire, smaller than no. 9 and not smaller than no. 15, imported into Canada free of duty in each year since 1837, for the use of manufacturers of mattresses, under provisions of order in council of 6th December, 1888. Presented 4th June, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 81c.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the value of sweat leathers imported into Canada free of duty in each year since 1886, under provisions of order in council of 1st July, 1887. Also the value of square reeds, rawhide centres, textile leather or rubber heads, thumbs and tips, and steel, iron or nickel caps for whip ends imported into Canada free of duty in each year since 1886, under provisions of order in council of July 2nd, 1887. Also value of copper rollers for use in calico printing imported into Canada free of duty in each year since 1886, under provisions of order in council of 22nd November, 1887. Also quantity and

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- value of steel of no. 12 gauge and down to no. 30 gauge imported into Canada free of duty in each year since 1887, under provisions of order in council of 11th July, 1888. Also quantity and value of yarns, of wool and worsted, imported into Canada free of duty for use of manufacturers in each year since 1887, under provisions of order in council of 11th July, 1888. Also quantity and value of jute yarn, cotton yarn finer than no. 40; and wire of iron or steel, galvanized or tinned, or coppered, or not, of no. 16 gauge or smaller, imported into Canada free of duty in each year since 1887, under provisions of order in council of 11th July, 1888. Presented 4th June, 1894.—*Mr. Charlton*.....*Not printed.*
- 82.** Return to an order of the House of Commons, dated 25th April, 1894, for copies of all complaints made by one Etienne Tremblay, since 1st November, 1893, against Joseph Placide Rocheleau, postmaster of Pauline, in the county of Rouville, P.Q.; and of the report of the post office inspector who inquired into said complaint, or of any other official charged with such inquiry. Presented 5th June, 1894.—*Mr. Fréchette*.....*Not printed.*
- 83.** Return to an order of the House of Commons, dated 24th May, 1894, for a return giving the names of the junior judges in the province of Ontario and dates when appointed, the name and population of the county to which appointed, also the salary and allowance of each of such judges. Presented 5th June, 1894.—*Mr. Lister*.....*Not printed.*
- 84.** Return to an address of the House of Commons to his excellency the Governor General, dated 7th May, 1894, for copies of all letters, proposals, cablegrams and correspondence since the 1st of January, 1890, between the government and any member thereof and any person, firm or company in relation to establishing a fast Atlantic steamship line between Canada and Great Britain, and also a line between Canada and France, and in relation to the subsidies for such services asked for or proposed to be given by the government, and any draft or completed contracts for such steamship service. Presented 6th June, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 84a.** Supplementary return to no. 84. Presented 29th June, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 84b.** Further supplementary return to no. 84. Presented 5th July, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 85.** Return to an address of the House of Commons to his excellency the Governor General, dated 6th February, 1893, for copies of all correspondence, papers and documents, not already laid before the house, in reference to negotiations and communications between the government and the United States, in reference to reciprocity, canal tolls and wrecking and towing. Presented 11th June, 1894.—*Mr. Tisdale*.....*Not printed.*
- 86.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all correspondence, instructions, orders in council and reports about the boundary line between Alaska and British Columbia not already laid before this house. Presented 11th June, 1894.—*Sir Hector Langevin*.....*Not printed.*
- 87.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing in detail all sums of money in the hands of the government held as security for the performance of contracts completed, the name of each contractor who deposited the money, date of each such deposit, and amount of interest accrued on each deposit. Presented 11th June, 1894.—*Mr. Lister*.....*Not printed.*
- 88.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for a return of all correspondence, telegrams, reports to council, orders in council, or departmental orders or instructions relative to the employment of certified captains or mates on steamers plying in the waters or ferries of the Dominion, or to the running of such steamers or ferries without such captains or mates. Presented 19th June, 1894.—*Mr. Davies*.....*Not printed.*
- 89.** Return to an address of the House of Commons to his excellency the Governor General, dated 14th May, 1894, for copies of all correspondence between the minister of railways and the Rev. A. E. Burke and others having reference to the moving of the flag station from Mill river, on the Prince Edward Island Railway, to Howlan road, and all telegrams and documents having reference to the same, as well as all petitions, etc., against the removal of said flag station. Presented 19th June, 1894.—*Mr. Perry*.....*Not printed.*

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90. Return to an address of the House of Commons to his excellency the Governor General, dated May, 1894, for copies of all correspondence between J. B. Wright, M.D., V.S., and the government, or any member, department or officer of the government, and of all correspondence between the Grand Trunk Railway and the government, or any member, department or officer of the government, and of all correspondence between Mr. A. Brush and the government, or any member, department or officer of the government, and of all correspondence between the imperial authorities, or any one on their behalf, and the government of Canada, or any member, department or officer thereof, from, and including, the year 1882 until, and including, the year 1891, regarding the inspection of cattle passing through Canada from the United States. Presented 21st June, 1894.—*Mr. Mulock* ..... *Printed for sessional papers only.*
91. Return to an order of the House of Commons, dated 16th April, 1894, for a return showing all lands allotted to Half-breeds in Manitoba for which patents have not been issued, giving along with a description of the land, the name of the allottee and the reasons why the patent has not been issued. Presented 21st June, 1894.—*Mr. Martin* ..... *Not printed.*
92. Return to an order of the House of Commons, dated 21st May, 1894, for a return of the order, minute or direction authorizing the collector of customs at Woodstock, Ont., to admit free of duty certain goods consisting of vestments or other church articles for the use of the Roman catholic church at Woodstock, consigned to the Reverend Father Brady, of Woodstock, in the month of February, 1894. 1. The decision upon which the collector acted in admitting such goods free of duty. 2. All correspondence between the controller of customs or other person in the department of customs relating thereto. 3. Copies of the letters and correspondence which passed between the Rev. J. C. Farthing, of Woodstock, and the controller of customs, with reference to the admission of such goods and the alleged unfairness with which Mr. Farthing had been treated on the importation by him of a similar class of goods for the use of the Anglican church at Woodstock, of which he is rector. 4. And if duty has since been exacted upon the said articles, or any of them, a copy of the entry or minute in respect thereto and the amount of duty paid thereon. Presented 29th June, 1894.—*Mr. McCarthy* ..... *Not printed.*
93. Return to an order of the House of Commons, dated 7th May, 1894, for a return showing the names of all persons appointed to act as what are known as return-men, in connection with immigration work, the period during which each worked, the amount of money paid to each, the names of the settlers brought to Canada by each return-man, and the places in which such settlers were located. Also statement showing what arrangements are made with these return-men. Presented 29th June, 1894.—*Mr. Martin* ..... *Not printed.*
94. Return to an order of the House of Commons, dated 28th May, 1894, for a return showing the date on which the steamer "Stanley" commenced running between Charlottetown, P.E.I. and Pictou, N.S.; the date said steamer commenced running between Georgetown, P.E.I. and Pictou; how many trips were made; the date of each trip; how many mail bags were carried each trip; the date at which said steamer stopped carrying mails; the number of passengers and the amount of freight carried to and from Prince Edward Island; the amount of expenses and revenue for the winter 1893-94, in connection with said service. Presented 29th June, 1894.—*Mr. Perry* ..... *Not printed.*
- 94a. Return to an address of the Senate to his excellency the Governor General, dated the 14th June, 1894, for a statement giving in detail the days, during the month of January, February, March and April last, on which the steamer "Stanley" crossed between Prince Edward Island and the mainland, such statement to show separately the days on which the said steamer made single and return trips, and also the ports of departure from either side. Also for a statement covering the same period, giving in detail the days on which the government ice-boats crossed between Cape Traverse and Cape Tormentine, such statement to show separately the days on which single and return trips were made. Also for a statement giving in detail the days during the same period on which no mails were conveyed from the mainland to Prince Edward Island, and from Prince Edward Island to the mainland. Presented 6th July, 1894.—*Hon. Mr. Ferguson (Queen's, P.E.I.)* ..... *Not printed.*
95. Return to an address of the Senate to his excellency the Governor General, dated 19th June, 1894, for a copy of the report made on the 5th May, 1891, by Sir Douglas Fox, regarding the proposed tunnel under the Straits of Northumberland, without the plans. Also copies of reports on the same subject by Mr. Francis Bain, dated the 9th and 18th of December, 1890, and the 14th March, 1891. Presented 5th July, 1894.—*Hon. Mr. Ferguson (Queen's, P.E.I.)* ..... *Printed for sessional papers only.*

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- 96.** Return to an address of the House of Commons to his excellency the Governor General, dated 27th April, 1892, for copies of all correspondence, memorials, departmental orders and orders in council, respecting or in any way relating to the removal of the export duty from saw-logs and other un-manufactured lumber exported from Canada to the United States. Presented 9th July, 1894.—*Mr. Rider*.....*Not printed.*
- 97.** Return to an order of the House of Commons, dated 9th May, 1892, for a copy of the report of the inspector of customs, Nova Scotia, in reference to the establishment of a port of entry at Whycomagh, in the county of Inverness. Presented 9th July, 1894.—*Mr. Cameron*.....*Not printed.*
- 97a.** Return to an order of the House of Commons, dated 9th May, 1892, for a copy of the report of the inspector of customs, Nova Scotia, in reference to the establishment of a port of entry at West Bay, in the county of Inverness. Presented 14th July, 1894.—*Mr. Cameron*.....*Not printed.*
- 98.** Return to an address of the House of Commons to his excellency the Governor General, dated 18th June, 1894, for a return of all charges, complaints, letters, telegrams, correspondence, reports or orders relative to the dismissal or removal of John McLeod as inspector of the repairs of the Broad Cove Marsh pier, Cape Breton. Presented 12th July, 1894.—*Mr. Davies*.....*Not printed.*
- 99.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for the production of all orders in council, correspondence, instructions to officers of the department of public works, and reports of such officers respecting the improvement of St. Andrew's rapids in the Red river of the North. Presented 12th July, 1894.—*Mr. Martin*.....*Not printed.*
- 100.** Return to an address of the House of Commons to his excellency the Governor General, dated 6th February, 1893, for copies of all orders in council now in force regulating the slaughtering of swine for exportation in bond, passed under authority of an act respecting customs, cap. 32, Revised Statutes, sec. 93; and for a copy of the quarantine regulations governing the importation of such swine into Canada for the purpose of slaughtering in bond. Presented 14th July, 1894.—*Mr. Smith (Ontario)*.....*Not printed.*
- 101.** Return to an order of the House of Commons, dated 28th May, 1894, for a detailed report showing the prizes awarded by the judges or jury at the Chicago Columbian exposition for the work of pupils of primary and special schools of every kind and degree, and also to pupils of secondary educational institutions of each of the provinces of Canada. Presented 14th July, 1894.—*Mr. Lachapelle*.....*Printed for sessional papers only.*
- 102.** Return to an order of the House of Commons, dated 21st May, 1894, for list of persons in Manitoba who have not as yet repaid the loans made to them, in or about the year 1876, for seed-grain, etc., with statement of the amount owing by each person and the interest claimed, up to 1st January, 1894, on each such amount. Also a list, showing the amounts of mortgages received as collateral security for each loan, with description of land mortgaged, with name of proprietor and name of borrower if he be another person. Presented 18th July, 1894.—*Mr. LaRivière*.....*Not printed.*
- 103.** Return to an order of the House of Commons, dated 28th May, 1894, for : 1. A statement showing the quantities of distilled and fermented liquors, under the different names as given in the trade returns, imported into and taken for consumption in Canada, from 1883 to 1893, both years included, computed in imperial gallons; the value of the same, and the duty paid thereon. 2. The quantity of distilled and fermented liquors, under the different names given in the inland revenue returns, manufactured in Canada and taken for consumption therein; the value of the same, and the duty paid thereon for the same years. 3. The amount of materials used in brewing and distilling alcoholic liquors in the several provinces of Canada during the same years. Presented 19th July, 1894.—*Mr. Flint*.....*Not printed.*
- 104.** Return to an order of the House of Commons, dated 28th May, 1894, for a statement showing the number of breweries, distilleries and maltsters' establishments in Canada in the year 1891; the amount of capital invested therein; the value of the output; the amount of wages paid; number of employees, and the revenue derived therefrom. Presented 19th July, 1894.—*Mr. Flint*.....*Not printed.*
- 105.** General statements and returns of baptisms, marriages and burials in the districts of Bellechasse, Chicoutimi, Gaspé, Kamouraska, L'Islet, Montmagny, Ottawa, and Saguenay. Presented 20th July, 1894, by Hon. Mr. Speaker.....*Not printed.*
- 106.** Return to an address of the House of Commons to his excellency the Governor General, dated 4th June, 1894, for copies of all correspondence, petitions and memorials in relation to the reduction or abolition of the duties on Canadian tobacco, or in relation to any possible changes in the inland revenue laws in that behalf. Presented 23rd July, 1894.—*Mr. Brodeur*.....*Not printed.*

ROYAL COMMISSION  
ON  
THE LIQUOR TRAFFIC  
MINUTES OF EVIDENCE  
VOLUME I.

PROVINCES OF  
NOVA SCOTIA, NEW BRUNSWICK  
AND  
PRINCE EDWARD ISLAND

*PRINTED BY ORDER OF PARLIAMENT*



OTTAWA  
PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY

1893



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ROYAL COMMISSION  
ON THE  
LIQUOR TRAFFIC.

MINUTES OF EVIDENCE.

NOVA SCOTIA.

HALIFAX, July 25th, 1892.

The Royal Commission on the Liquor Traffic opened its sittings in the Council Chamber in this city on this day, at 11 a.m.

*Present :*

SIR JOSEPH HICKSON, Chairman.	His Honour JUDGE McDONALD.
MR. E. F. CLARKE, M.P.P.	REV. JOS. McLEOD, D.D.

THE SECRETARY (Mr. P. Monaghan) read the commission.

THE CHAIRMAN, in opening the proceedings, said : Ladies and gentlemen, the Commissioners some time ago determined to commence their public sittings in the city of Halifax, and after going through the Lower Provinces, to proceed westward. The Commissioners are here to-day to open the public inquiry into the matters they are charged to investigate, and they hope that all who are interested and who can give information of importance, will voluntarily come forward and do so. I have to observe that, where witnesses desire to quote statistics and to give somewhat voluminous information, it will facilitate the work of the Commission if they will send particulars to the Secretary of the Commission beforehand. We are now ready to take the evidence of any one who may desire to give testimony on the matters covered by the Commission.

MR. F. S. SPENCE : Sir Joseph Hickson and gentlemen of the Commission : I have been requested by the Dominion Alliance for the Total Suppression of the Liquor Traffic—the organization at whose request there was first introduced into the Dominion Parliament the matter which led to the adoption of the resolution requesting the appointment of this Commission—to appear before you, Sir Joseph, and your fellow-commissioners, to represent the advocates of total prohibition, in so far as you may permit. I request the privilege of addressing the Commission from time to time, as it may seem to me to be necessary, of submitting questions to witnesses who may come before you to give evidence, and of being permitted to issue subpoenas to witnesses whose attendance may be absolutely necessary. I request that the Commission will grant the e favours, in order that I may carry out, as far as possible, the views of the organization I represent.

## Liquor Traffic—Nova Scotia.

MR. L. P. KRIBS : Sir Joseph Hickson and Gentlemen : I am here under instructions from the Liquor Trade, the manufacturers of and dealers in liquor, to represent their side of the question. I ask similar privileges—if they are to be allowed—to those requested by Mr. Spence. If you will permit me, I may point out that the usual course adopted by Royal Commissions is to allow counsel, whether learned in the law or not, to appear and represent the different interests in the case. I will only quote one instance—not to weary the Commission—and that is the procedure of the Royal Commission, which sat at Quebec last fall, composed of Judges Jetté, Baby and Davidson. The procedure was this : The witnesses summoned by the Commission were examined by a member of the Commission, the right of cross-examination being allowed to counsel ; while witnesses summoned by counsel were examined by the counsel, the Commissioners cross-examining, if they so desired.

MR. J. F. L. PARSONS, barrister : May it please the Commission : I am retained by the Grand Division of the Sons of Temperance of Nova Scotia, a body corporate, to appear on their behalf during this investigation. I may state that there are some men who, by reason of occupying official positions in this city, and numbers in other parts of Nova Scotia, might not be willing to come forward and give their testimony voluntarily on either side, feeling that they might be accused by either party of being interested or of being partisans. I feel it would be desirable that I should have the privilege of issuing subpoenas in order to secure the evidence of these parties, and as I heard that this was the first place where the Commission would meet, I took the earliest opportunity of addressing the Commission through its Secretary, giving him the names and addresses of some of the persons whom I thought it would be very desirable to have here—men who could give facts and figures bearing on this question—and asking him to summon them. I did not feel that I could issue subpoenas in these cases through the Supreme Court, but only through your court, and I now ask the privilege of issuing subpoenas. It is necessary in the interests of truth and to get at the facts that we should have certain officials here, and I think it would be impossible to secure these officials if they were left to come here of their own accord—men who hold various views perhaps, from the extreme on one side to the extreme on the other, and being public officers, it is unpleasant for them to come and volunteer their testimony.

The Commissioners retired.

On the Commissioners returning into the Chamber,

THE CHAIRMAN said : The Commissioners have carefully considered the applications made to them, and I may say that all the subjects mentioned have previously had some consideration. They have come to the conclusion that it is not necessary to hear advocates on any phase of the matters they are called upon to investigate. They are prepared to hear any witnesses who may present themselves, and they are prepared to consider the question of issuing subpoenas for witnesses whose names may be submitted to the Commission. They are also prepared to consider any questions suggested by any one interested in the inquiry, if they are handed to the Commission. I think that probably covers the ground. I have already stated that the Commissioners are ready to hear the evidence of any witnesses who present themselves to be examined, and I think that leaves all parties open to present their witnesses. And, further, if names of witnesses are sent to the Commission, they will determine whether it is advisable to summon

MR. F. S. SPENCE.

them or not. Probably in most cases it would be considered desirable to do so, but that must be determined by the Commission after consideration. I have only to mention that a member of the Commission is absent through some misunderstanding of the railway arrangements, or other unexpected cause, but he will be here to-night—I refer to Mr. Gigault. If there are any witnesses who desire to give evidence, the Commission will now be glad to hear them. Of course, any one deeply interested in the question and prepared with facts connected with it, as you yourself, Mr. Parsons, or Mr. Kribs, or Mr. Spence, will have the opportunity of giving evidence if you so desire.

MR. PARSONS: There are several persons here whom I have requested to attend and give evidence, and I desire that the Rev. Dr. Lathern be called.

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REV. JOHN LATHERN, D.D., of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman :*

1. What is your position here?—At present I am editor of the church paper, “The Wesleyan.”

2. And what else?—I am also, of course, a minister. I am ex-president of the Methodist Conference, and at present I hold the office of Grand Worthy Patriarch of the Grand Division of the Sons of Temperance.

3. How long have you been a resident of this city?—Altogether about 11 years. I have been absent during certain periods. I have been twice in the pastorate, covering a term of six years, and I have spent five years in connection with the paper.

4. You have been in the province of Nova Scotia all that time?—Part of my ministerial life has been spent in New Brunswick, but I have spent about 20 years in Nova Scotia.

5. Have you been actively engaged in temperance work during those years?—Yes, more or less. I have been connected with different temperance organizations during that time.

6. The Commissioners would be glad to hear any statement you might desire to make, as it would possibly be more agreeable to you to make a statement than for the Commissioners to put questions to you. You have heard the Commission read and understand the scope of the investigation that the Commissioners are called upon to make.—I came here under the impression that I would have to answer any questions which might be asked. As I am asked to make a statement I may say that in regard to the Methodist Conference with which I am connected, there are two matters I desire to mention. In 1891 a petition was circulated through our churches in Nova Scotia asking for prohibitory legislation from the Dominion Parliament. It was done at the instance of the General Conference, and was quite a voluntary matter so far as the effort was made in Nova Scotia. Over 14,000 signatures were attached to that petition in the churches and congregations of our body; somewhat about the same as the total membership of the church in Nova Scotia.

6a. What proportion of the membership was that?—About the whole of the membership of the communicants.

7. The whole of the communicants?—About the same as the whole of the communicants—a little over 14,000. Then the Conference, which includes 100 ministers and nearly as many laymen, has been accustomed to take action from year to year expressing its judgment on this question. The laymen, I may explain, are not quite equal in number to the ministers, because there are certain ministers who are known as supernumerary. Each minister who is in active work has each a layman with him, so

## Liquor Traffic—Nova Scotia.

that the numbers are almost equal. Action was taken as embodied in the resolutions I have before me, taken from the public minutes, which will be published in about a week, and I ask to have these made part of the record:—

That this Conference reaffirms, but with increased emphasis, its sense of the magnitude of the evils resulting from the drink traffic, on the wealth, health, virtue, happiness and life of the people, and urges upon all who profess allegiance to our church, and especially upon our ministers, the enlightenment of the people at large with reference to these matters, and for the repression and removal of this great evil.

That in view of the woe and ruin wrought for both worlds by strong drink, this Conference affirms that the maintenance of any complicity with this evil, either by the personal use of liquor as a beverage, or the affording of any facilities for, or encouragement to, the prosecution of the trade in the same, and of membership in the Methodist church, whether official or private, is incompatible with a correct Christian sense of duty to man, degrading to the church, and dishonouring to God.

With respect to political action, we declare our unalterable resolve to accept no compromise with the drink evil. Unconditional surrender and complete extirpation is our demand. We regard with utter condemnation the acceptance of monetary consideration—whether as license fees or federal revenue—as any sufficient justification for the perpetration of this trade in drink in any of its forms. “Woe to him that buildeth a town with blood and establisheth a city by iniquity.” (Heb. ii., 18.)

Believing that every legally qualified voter within this Dominion is solemnly responsible to God for the influence he does or might exert upon the Government of the country, we enjoin upon every Methodist of this class that the great privilege of the franchise be tenaciously employed to rescue our country from the guilt and dishonour which her past complicity with the liquor traffic has brought upon her.

While we are compelled to affirm that it is not within the proper functions of this confederal body to dictate or even recommend to its adherents affiliation with any political party whatever, we must at the same time maintain that the drink trade is a crime of the greatest magnitude against society and against God; that no political issue now before this Dominion is comparable in the urgency attending it with this issue, and we therefore record our solemn judgment that no political party that condones this traffic, or that refuses to place itself in an attitude of decided hostility to it, is deserving of the allegiance of Christian or patriotic men.

In view of the possibility that the Royal Commission appointed by our Federal Government, to secure information touching the drink evil, and the best means for its abatement, may visit this province before we shall again meet in conference, we recommend that the executive committee of the Conference be requested to watch carefully the progress of this investigation, and to collect and to submit to the said commission such information and otherwise to represent before it, the Methodist church in Nova Scotia, as our interests, and the welfare of the people at large, may seem to require.

We hail with profound satisfaction and great hopefulness the introduction into the school law of this province, of the regulation securing compulsory instruction in scientific temperance in all our common schools.

Your committee recommend that the Conference Commission, an equal number of ministers and laymen, do attend the next session of the council of the Dominion Temperance Alliance, provided this can be secured without charge to any connexional fund.

These resolutions were adopted unanimously by ministers and laymen. There was a minority holding a different view, but it was in favour of some more stringent legislation looking more to political action, and that was not favoured by the majority of Conference.

*By Mr. Clarke :*

8. Were the views of the minority placed in writing?—They were presented, and were in favour of party action; and that is not supposed to be the business of Conference.

*By Rev. Dr. McLeod :*

9. I presume that the expression of the Conference is fairly the expression of the Methodist people in Nova Scotia at large?—Yes, as far as I know. If there was any exception, it might possibly be some solitary cases in Halifax. Outside of Halifax, I suppose that the unanimity of the Conference expressed that of the people of the whole province.

*By the Chairman :*

10. I understood you to say that the minority report only went to favour another line of action?—Another line of action, and the views expressed were equally strong.

11. There was no divergence in the views of the body on the subject at issue?—There was no divergence, but the stronger view held—the view that did not obtain the support of Conference—was, that action should take place having reference to party

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politics. The minority report was ruled out, on the ground that it proposed to interfere with party politics.

12. What proportion did the minority bear to the total representation at the Conference?—I could not say. Perhaps about one-third. I cannot speak positively. The names are not taken, and we cannot be sure as regards numbers on any division.

13. Can you tell the Commissioners if drunkenness has increased or decreased in the city of Halifax of late years?—I could speak with greater certainty in regard to the province than in regard to Halifax. In the province, I think it has very greatly decreased.

14. In the province of Nova Scotia?—Yes; I could not speak so positively in regard to Halifax.

15. Of your own knowledge, can you state if the provisions of the law and the city regulations in reference to the sale of intoxicants in Halifax, are enforced?—The impression amongst temperance workers has been that the law has not been very efficiently enforced; but I could not speak positively myself.

16. I gather from the statement you have made that you are in favour of a Dominion law prohibiting the manufacture, importation and sale of intoxicants? Am I correct?—Yes; very decidedly so. Possibly if a general law were not enacted at once, there might be one made permissive to provinces at least; and such a law might pass the Dominion Parliament, allowing any provinces, upon a majority vote, to adopt it.

17. Is it your opinion that such a law, if enacted, could be efficiently enforced in the present state of public opinion?—From my own experience in Halifax and in the counties outside of Halifax, I should say there would always be difficulty in enforcing any such law in the city. But outside of the city, the permissive clauses of the law at present in operation, have resulted in there being large sections of the province where there are no licenses and where no licenses have been granted for years.

18. Have you any doubt as to the efficient carrying out of a Dominion liquor law throughout the whole country, if it were now enacted?—I have no doubt in regard to this province of Nova Scotia that, outside of the city of Halifax, it could be carried out efficiently. We have a law-abiding community, and were this made a Dominion law, I have no doubt it would be sustained even in the cities.

19. Would there be a difficulty in territory contiguous to the United States—would liquor be transferred across the line?—Yes; but in Yarmouth, where I have lived five years, which is in the finest part of the country, a part of the country which is wealthy, prosperous and influential, they had to fight the difficulty more than in any other part of the province, and yet I do not know of any part of the country in which the law has been more strictly enforced.

20. Was that under the Scott Act?—Yes; but under the old Nova Scotia Act, which was practically prohibition, it existed before.

21. Have you lived in any county or district where the Scott Act has been in force?—It was introduced into Yarmouth just before I left, and all the information I have had is that it has been thoroughly enforced through the western part of the province. Still it has not been looked upon favourably by temperance workers, because it has led in many cases to a great deal of litigation in consequence of some doubtful clauses in the Act, and also because it was thought the executive clauses of the Act were not sufficient to enable it to be properly carried out. Still it has been an educational force. I have not personally had an experience of the working of the Scott Act. I only know this by reports which I have heard.

22. Am I correct in concluding that it is not claimed, even by the advocates of the Scott Act, that in districts where it has been put in force, it has entirely succeeded in preventing the distribution of intoxicating liquors?—It has not entirely prevented that, I suppose. In Yarmouth, even before it went into operation, there was no opportunity of getting liquor except in the most indirect manner, and I have been told that this is the advantage which is gained where the Scott Act is in force.

23. Is it not entirely prohibitory?—Not absolutely.

*By Rev. Dr. McLeod.*

24. You said there had been a very marked decrease in drunkenness as far as Nova Scotia is concerned. To what do you attribute it; is it to moral teaching alone,

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or to the effect of legislation restricting or prohibiting the trade?—It must be due to all these causes; largely to moral teaching, largely to the active operation of various temperance organizations, three or four of which are influential in the province, and are doing a great work, and also to the permissive clauses in various Acts, which have been of great advantage in educating the community.

25. They have prohibited the sale of liquor in certain places?—Yes.

26. You expressed some doubt as to the workability of prohibition in the cities?—Only in this city.

*By Mr. Clarke:*

27. Have you had any experience in other cities?—Only in Halifax, and I think the difficulty is because it is a fortress. I have not the least doubt of the enforcement of a prohibition law outside of Halifax.

*By Rev. Dr. McLeod:*

28. In Halifax, is the difficulty which you apprehend due to the want of efficient officers to enforce the law?—There is not the same force of temperance sentiment in Halifax that there is in the rest of the province. The fact of its being a place where liquors are imported, has a large influence, and the number of licenses granted makes public opinion stronger in favour of the liquor traffic in Halifax than elsewhere.

29. If a prohibitory law were enacted, applicable to all parts of the country, do you think it could be enforced if honest and competent officials were appointed under the Act?—I have no doubt it could be enforced, but there are many men closely connected with the traffic who have objected to the license laws and would be glad to have prohibition adopted. There would be more difficulty in Halifax than outside. In fact, there would be no difficulty outside in the province of Nova Scotia.

30. Not even in the towns?—No, not in any of the towns. In the end the law would be sustained.

*By Judge McDonald:*

31. During how many years have you continuously resided in Halifax?—Six years.

32. Can you inform the Commission whether in Halifax under the license law, licenses are granted to other places than hotels?—Yes.

33. Do you know the different classes of places where liquor is sold?—There are persons who can speak with greater definiteness on that point than I can.

34. But there are other places than hotels where liquor is sold, I suppose?—Yes. I think probably there are 140 or 150 licenses altogether in the city of Halifax. I only speak from a general impression.

35. Supposing the law to be in its present shape, that the license law was applicable to a city such as this, have you any knowledge which would enable you to say whether the licenses should be confined to places where travellers lodge, commonly called hotels, where accommodation in the shape of beds and meals are provided for travellers?—I scarcely possess that kind of knowledge which would enable me to give a decided answer to that question. It would be a limitation of the sale; but an impression obtains among many thoughtful people that licensed hotels attract young people and others who would not find their way to an ordinary saloon.

36. In other words, from that point of view the licensed hotel produces evils which the saloon would not?—It produces that kind of evil. An impression exists that it does so, but I can scarcely speak upon that subject definitely.

37. Given the choice between the licensed hotel and a place devoted simply to the sale of liquor to be drunk upon the premises, which would be preferable?—I can only speak from my own judgment of the matter. I should say, confine it to the hotels. It would break up an enormous evil outside.

38. Have you in Halifax, so far as you know, places where liquor is allowed to be sold under license not to be drunk on the premises, what are elsewhere called shop licenses?—Yes, but I do not know to what extent.

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39. Have you any knowledge which would enable you to say whether in such places the law is observed, which prevents liquor being consumed upon the premises?—I should scarcely like to answer that question. My work as an editor keeps me very close to my office, and I could only speak from reports. There will be witnesses before you who can give you much more intelligent evidence in that direction.

40. You have had a pastoral relation in Halifax?—Yes, my last terminated in 1876.

41. From knowledge acquired in your pastoral relation with families, who might possibly deal with shops which had licenses of that kind, could you state whether you found there was any consumption of liquor on the premises?—That was considered a very great evil in former times from Yarmouth down to the East, but I am not aware that there are more than one or two of these cases in this city now.

42. Do you know whether those licenses require separate premises for the sale of liquor and the sale of groceries and vegetables?—I think they are in different premises. Years ago, when this evil existed largely in Halifax, it was felt to be a very grave evil.

43. Now you think the sale of liquor is carried on in separate premises from the sale of groceries, and that the evil is not so great?—I do not know of more than one or two such licenses being issued. I am not speaking very positively, though I know the number has been very largely reduced.

*By Rev. Dr. McLeod :*

44. You were a pastor for many years. Can you state generally from your observation and experience as a pastor, what are the effects of the drink trade upon the home?—I think it is commonly an evil ; the worst experiences of my life as a pastor, all summed up, have been from that cause.

*By Mr. Clarke :*

45. From the excessive use of intoxicants?—From the use of intoxicants ; even when moderately used, there are always some victims.

*By the Chairman :*

46. Are the children of the labouring classes in the city of Halifax injuriously affected by the use of intoxicants by their parents?—As I have been out of pastoral work for a long period, I have not had the experience which would enable me to answer the question, but from the experience of others, I know there is a great deal of suffering caused from that source in workingmen's families. I can only speak as I have heard, and not as I could have spoken years ago.

*By Rev. Dr. McLeod :*

47. But when you were in the pastorate, you had a personal knowledge of that fact?—I had, and I think I have been through that class of homes in this city as much as any other pastor. I had the pastorate of Grafton Street and of Brunswick Street churches, and both are contiguous to sections of the city where this evil was very prevalent, and I had to get to the inside of it.

*By the Chairman :*

48. I think you stated that there has been a great improvement in the drinking habits of the people, and that there is not so much drunkenness in the province of Nova Scotia as there was some years ago?—I said that largely in reference to places outside of Halifax, but I think it holds to a certain extent in regard to Halifax itself.

*By Judge McDonald :*

49. Given a license law, would you favour the limitation of the number of licenses granted, or would you grant them to all who might apply?—My doctrine is altogether against the system.

50. Yes ; but given a license law, what would your opinion be?—In that case, I should say a limitation.

51. Given a license law, do you think it well that the license fee should be placed at a large amount?—That is a question very greatly discussed, and views in regard to it differ very greatly. My own judgment would be that it would be an advantage to have

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a limitation, and to have all the difficulties placed in the way of the traffic with which you can surround it.

*By Rev. Dr. McLeod :*

52. Do you think that the saloon or hotel which pays a high license is less likely to be a source of danger to the community than the saloon which pays a small license fee?—That brings one back to the old trouble that the high license and the respectable saloon might draw in a class of young men who would not visit a low saloon, and it might in that way lead to drinking habits in families that otherwise would be free from them.

*By the Chairman :*

53. What do you think would be the effect upon the labouring classes, who form the great bulk of the population?—I think it would be a great salvation for them to be free from the ordinary saloons.

*By Rev. Dr. McLeod :*

54. Are the labouring classes alone injuriously affected by the drink traffic?—Not alone.

55. Are they affected in a larger degree than others?—I think in a larger degree, but from sad experience during my pastoral life I have found that members of some of the most influential families have been affected in the same way.

56. Is it because the labouring classes are more numerous that the evil affects them more?—Yes.

*By the Chairman :*

57. You think there is not a larger percentage of that class?—No; not as far as I know.

58. But there is a larger number because the body is larger?—Yes.

59. Granted that licenses are to be issued, do you think any benefit would result from concentrating the power of issuing them in one body—say the Dominion Government, if you like?—That would relieve the difficulty in some ways. It is always supposed that there are local influences brought to bear upon those who issue licenses; but what I am saying now, I am saying under protest, because I object to the whole thing. I think it would be an advantage to have this work relieved from local influences.

*By Rev. Dr. McLeod :*

60. In that case, would you have the central authority influenced in any way by the local feeling, and would you allow the central authority to issue licenses whether the people in the locality wished it or not?—That question has two aspects. In a community where the temperance sentiment was very strong, the local influence would be very healthy; but if the other sentiment prevailed, the influence would be the reverse. Still, it would be better to have this free from local influences.

61. You would not have the licenses granted against the will of the people?—Certainly not.

*By Mr. Clarke :*

62. I understood you to say that, in your opinion, there had been a steady improvement in the direction of abstinence from the drinking of liquor in the counties of this province?—I think so, decidedly.

63. Have you examined the statistics of the province as to the number of commitments and convictions for drunkenness during the past ten years?—I could not speak positively in regard to Halifax. Outside of Halifax I think the number has been much reduced.

64. If the number of convictions has increased substantially during the last five years, taking the whole province, that increase must have principally occurred in the city of Halifax?—Yes. I do not know how that affects the matter; but the least sale that goes on within any communities where temperance largely prevails touches an element which might put in an appearance in the police courts possibly, even where there was no extensive habit of drinking obtaining in the ordinary life of the people.

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65. How is the area of the province which is under the operation of the Canada Temperance Act now, as compared with the area five or ten years ago?—I could not speak as to that, because there have been some sections which have been so dissatisfied with some of the provisions of the Scott Act that they have given it up.

66. If the area is the same, the increase in convictions would probably be owing to the non-enforcement of the law in this city?—I suppose so.

67. The statistics show that the percentage of committals for drunkenness has steadily increased during these years?—You will have statistics put before you in regard to that.

68. You have stated that throughout the province there has been a marked improvement?—In the life of the people; I have no doubt of that.

69. You have had no personal experience of the operation of the license law in any other city than Halifax?—No.

*By Rev. Dr. McLeod :*

70. Will you give us a statement in reference to the Sons of Temperance, the extent of the organization, its work, its effects and such things in regard to it as you desire to state?—The membership is a little over 14,000 in the province of Nova Scotia, and, in addition to that number, about 7,000 in youthful bands apart from the organization, making altogether about 21,000.

71. What is the attitude of that organization as an organization in regard to prohibition?—That has been decisive through all its history. I think there have been resolutions frequently passed on that subject. As far as I have known, there has not been a single vote given at any meeting of the organization in opposition to prohibition.

72. So the organization is practically a unit on that question?—Yes.

73. In favour of prohibition?—Yes.

74. Have you had experience at any time in regard to the use of beer, ale, or porter as a beverage, aside from the stronger drinks, and what has been that experience?—I have not had any in Nova Scotia.

75. Well, anywhere?—My early life was spent on the Upper Tyne in the North of England.

*By the Chairman :*

76. On the North or South Tyne?—On the South Tyne. My father was partly proprietor and was also manager of lead mines, and my own experience in that regard has been gathered there—this was in the neighbourhood of Alston. My father employed labour there extensively, and the effect of beer-drinking there was felt to be a very great evil. The temperance organizations had done very little work at that time, in fact temperance was then in its primitive condition, and the general experience was that when about once a month the pay-day came, for two or three days the men went upon what was called a "spree."

77. It was not your experience that the use of ale, beer or porter, promoted sobriety?—No, because these men went to the public houses, and we always thought the beer-drinking was rather brutalizing in its effects.

78. Did it lead to the use of whisky and other spirits?—With the workingmen, it was largely ale and porter that they drank; when they began to get very drunk, they might turn to the other.

79. And the effect of the beer-drinking was brutalizing?—It was bad on the workingmen as a whole. My father liked to have very few people of that kind around him.

80. From a business point of view, rather than from a moral one?—From a business point of view entirely; but I have never had any experience in regard to that in Nova Scotia.

*By Mr. Clarke :*

81. Has the membership of the Sons of Temperance increased or decreased in the last ten or fifteen years?—It varied somewhat. The Sons of Temperance have a fee to pay, and that throws off quite a number every year who do not feel like paying the fee. And then as men get on in life, they do not feel like spending their evenings in the

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division. There must be two or three times the number who abide by the pledge they took in the order in Nova Scotia, as compared with those who remain in the order itself.

82. Has the membership increased?—It has stood somewhere about the same for some two or three years. There are other orders growing up in the province, and they are growing very much stronger. This is the oldest order, and it is certainly influential, but there are other orders that have grown up since.

*By Rev. Dr. McLeod:*

83. Do we understand you to say that the majority of those who have dropped out have done so from increasing years, but remain in sympathy with the organization and its purposes, and are true to the promises they made as members of the order?—There must be two or three times as many in the province of Nova Scotia who abide by the pledge as there are remaining in the order.

*By Mr. Clarke:*

84. Have you the statistics in reference to the order for the last ten years?—No.

*By the Chairman:*

85. Do those who drop out of the active membership of the society still continue to be Sons of Temperance in effect?—Very few dropped out last year. I can speak positively in regard to that, having watched the proceedings from the chair, and there are very few who dropped out from violating the pledge. There are always some, but I am told there were never so few as there were last year.

86. Those who dropped out were mostly in consequence of not paying the fee, or from getting on in years and so not caring about remaining in the organization; but do they still remain, in effect, Sons of Temperance?—No, they do not remain members of the order.

87. But do they continue to be temperate members of society, or do they relapse into intemperate habits in any way?—My statement that there must be two or three times as many who keep the pledge in the province as there are members of the order shows that the habit which they have acquired in the order remains with them after they leave it.

*By Mr. Clarke:*

88. You spoke of the use of beer and porter and ale on the South Tyne: were whisky, rum and gin sold there also?—Yes, plenty of them.

*By the Chairman:*

89. From your observation, do you consider that the drinking of beer and wine is as injurious as the drinking of spirits?—The worst effects of drinking, the most brutalizing effects I have ever seen, have arisen from the drinking of beer in the North of England.

*By Mr. Clarke:*

90. Do you think those people would have been less brutal if they had drank whisky instead of beer?—I do not think there would have been so much fighting.

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REV. DYSON HAGUE, of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman:*

91. What is your occupation?—I am the rector of St. Paul's (Church of England), Halifax.

92. How long have you been a resident here?—Two years.

93. Where were you a resident before?—In Brockville; I was there for five years, as rector of St. Paul's.

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*By Judge McDonald :*

94. Where were you before that ?—I was in Toronto, where I was born and educated. I was there for three years as curate at the cathedral.

*By the Chairman :*

95. The Commissioners would be pleased to hear any statement you desire to make on the subject into which they are inquiring ?—I would like to know the line of information on which you require information.

96. Can you tell the Commission anything in reference to temperance work in the province of Nova Scotia, and the feeling of the people in regard to prohibition ?—I can tell you very little indeed about this province. I have been here so little, and have never travelled through the province.

97. Well, in regard to the city ?—I know there is a great deal of evil here in connection with the liquor traffic, and that, as in most cities, it is a very serious evil ; but I am not familiar with the working of it here, either in regard to the Council or the license inspector. I can only report from hearsay, and I believe that is not evidence. My own parish lies in the very worst district of the whole city of Halifax, and I see a good deal of the effects of drink in my parish. It chiefly touches the lower classes, and when a man of that class wants to be intemperate he can obtain all he wants, and I find that, as a rule, poverty only touches those who are intemperate.

97a. Perhaps the duty of the Commission lies more in the way of endeavouring to determine the best method of preventing these evils than of inquiring what the evils are : can you give us any information on that subject ?—Of course, every clergyman is brought face to face in his work with the fact that grogeries, licensed, crop up at every part of a crowded city. There are only two questions to consider. The one is, to reduce the number of licenses, and the other is to exterminate these places altogether ; and then it is a question whether it is feasible to do it, and men differ very much indeed in regard to that. For myself I would like to see an extermination of all the drinking houses within my parish. With regard to the extermination of liquor itself, I am not so convinced. I cannot see the evil of taking liquor in moderation ; I am not convinced as to that. As a result of my observation, workingmen do not take liquor except in public houses. I think the number of workingmen in my congregation who take liquor at their tables is very limited. It is either taken in the grogeries, or not at all. Among the upper classes it is taken in the wine cup in the house and at the table, but that is a very small matter in comparison with what it used to be. I question very much whether it is possible to exterminate that practice altogether.

*By Rev. Dr. McLeod :*

98. Have you had any opportunity of forming an opinion as to the effect of the use of wine in the house—which we all admit it is difficult to deal with ?—There are two very strong opinions about that. A very large number of men, with whom I have come in contact in my voyage through life, take this opinion, and they are not men who are at all fanatical, they are men of sober judgment and calm reasoning powers, men whom I consider to be good men, and this feeling is, that if they take liquor entirely in moderation at their tables at home and allow their children to see them do it, and to understand that it is not a thing to be denounced and is not to be looked upon as hell fire in itself, those children will take the same as their fathers and will not desire to indulge further. I am stating that as the result of conversations I have had with men of sober judgment and sound conviction. There is, again, the feeling that you should not have the liquor in the house, and that the best thing is not to allow the taste to be encouraged in the children. That is my feeling, and that is my practice with regard to my own family. I cannot afford to have it in my house, and I do not want my children to grow up with the taste of it. Among church people there is not generally the feeling that there is sin in drinking wine, such as there would be in the commission of adultery, theft, dishonesty or any such sin as that.

99. Have you had any means of observing in your position as a clergyman what the actual effect is upon the children in those homes where wine is used : do they continue moderate drinkers, or do they become excessive drinkers ?—Well, I am a young

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man, and have not seen all these grow up, and I would not pretend to give an opinion; it requires a good deal of consideration to answer that question. With regard to one or two gentlemen whom I had in my mind when I spoke before, their sons are temperate men. They follow in the paths of their fathers. They are men who are certainly not in the ranks of the drunkards. They take a glass of beer or wine, and do not go further. You must remember that nowadays in society social drinking is not a common thing. My congregation represents every class and condition of society in the city of Halifax. It comprises over 2,000 souls, and I have well-to-do people, and poor people, and middle class people, and as far as I know, I do not suppose there are 20 families who have wine or beer on their tables at their meals.

100. You think there has been a great change in that respect?—Yes; and those are generally English people, who have English habits. When I visit a family I always make inquiry as to this. I say: "Is it your habit to have wine on the table or beer at your dinner?" and I find it is very rare and only in a few families, and those are not families which are marked by intemperance. Intemperance is generally confined to the young men, to those who frequent the saloons and the billiard saloons and the clubs—that is among the higher class. Among the lower class, it is those who frequent the worst houses.

101. Have you any means of judging whether those young men who frequent the clubs and saloons also frequent the hotel-bars?—I think they do very often.

*By the Chairman:*

102. Do you think the reduction by a large number of the purely drinking saloons would have a beneficial effect?—I certainly think it would. I will give you an instance. When I was in Toronto as a curate, I was visiting a man who tried to conquer the evil habit, and when I went there his wife said: "He would be a good man, I believe, if it were not that between his workshop and his home he has to pass within 500 yards of five liquor saloons; if these were all closed, I am sure he would come home to me a sober man." I believe that myself. There is no doubt also that as long as men are constituted as they are, and the devil is in them and the gospel has not the power to expel him, they will drink. Whether the diminution of the number of places would not cause more drinking in the places that would remain, I do not know.

*By Judge McDonald:*

103. You have had some experience in the Church of England temperance work?—Yes.

104. Is there not a Church of England temperance society?—Yes.

105. On what basis does it work?—It has a double basis. The regular principle is that the gospel of the Lord Jesus Christ is the only means of reforming the intemperate. After that, all who desire to help the intemperate are supposed to bind themselves together; first, those who will promise to totally abstain, and secondly, those who will promise to moderately use intoxicating liquors and abstain from treating in bars.

106. The basis is, then, of a double character; first, of total abstinence for those who choose to embrace it, and then abstinence from treating for those who reserve to themselves the right of partaking moderately?—Yes; but no one can be a member unless he is really as he professes to be, a temperate man, one who would not be seen intoxicated or known to be so.

107. So far as your experience goes in the diocese of Ontario and in the diocese of Nova Scotia, what has been the result of the working of that society?—We have found that 90 per cent of the members are total abstainers, that 99 per cent of the workers are total abstainers, and that the others are a valuable addition, as we get men to help us who are, nevertheless, by constitution and habit and in some cases by conscientious scriptural preference, moderate drinkers. But the workers, the men who fight, are, as a rule, total abstainers.

108. Then the basal principle of the Church of England is, that the preaching of the gospel is the true means of reaching and reforming drunkards?—Yes.

REV. DYSON HAGUE.

109. Does that church, as far as your knowledge goes, as a church, take up the question of local prohibition and make it a standard, or a matter of church legislation?—As a rule, the Church of England synods are very chary about taking up the question of prohibition. They handle it with great reluctance in many cases, not because they are intemperate men or not strictly temperate men, but because they are as yet in a state of balance. They have not yet come to a full decision. A great many of our clergy to-day are total abstainers; but whenever the question of prohibition has come up, it has been faced with a considerable degree of reluctance. In our own synod here last year there was a motion brought forward declaring very strongly against prohibition, but that was amended, and as it was passed, it only stated that the synod wished to see the spread of temperance and the abolition of intemperance, without saying anything about the means by which that was to be accomplished. Prohibition is largely a political matter, and the synods do not desire to interfere in political matters. Of course, I cannot speak for the Church of England, because I am not the Church of England.

*By the Chairman :*

110. Is it your opinion that moral suasion is the most effective weapon against intemperance?—If by moral suasion you mean conversion or the grace of God working in the heart of a man, I would say, yes. As to moral suasion in the way of advice, I do not know.

111. I mean in the most comprehensive meaning of the term?—It is going to be one of the great factors in that direction.

112. But using it in the broadest sense as I put the question, what is your personal opinion?—You want me to say that prohibition is not the most effective weapon.

113. I do not want you to say anything of the kind. I want your opinion.—You corner me there. If I say it is the most effective, it would mean that prohibition is nothing.

114. I do not want to corner you; I simply want your personal view?—If you mean the working of the gospel of God in the heart of a man, I would say, yes, by all means.

115. I mean by all moral means?—I think I would say, yes.

*By Rev. Dr. McLeod :*

116. As Mr. Hague defines moral suasion, he says, yes; but according to the other definition of it, he says, no?—I do not think that was exactly fair. The question was very broad, including, as I understood, the more important sense and the less important moral means, such, for instance, as a good word of advice.

117. Your answer is according to your definition?—Yes.

*By Mr. Clarke :*

118. I understood you to say that a resolution was introduced at the last annual meeting of the synod in regard to this matter?—Yes.

119. Will you supply the Commission with a copy of the resolution and the amendment?—Yes.

*By Judge McDonald :*

120. By moral suasion I understand you to mean all Christian means, including the preaching of the gospel, the word of God, advice spoken by a friend, and the grace of God operating on a man's heart?—If you ask me if anything is going to turn the drunkard from the error of his ways except the supernatural grace of God, I say, no.

121. The question was whether, taking these moral influences as so defined and including the one of which you speak, you believe they form a more potent weapon against intemperance than any mere legislation of man?—That is a very serious question. I do not want to present myself in a false light, or give the Commission any erroneous idea of my views. Having heard the question read over to me, I answer, yes. I would like to add that I think we ought to consider whether it is not right for us to add every potent agent we possibly can to supplement and abet this work of God in the heart.

## Liquor Traffic—Nova Scotia.

*By Mr. Clarke :*

122. How do you consider your efforts, as a Christian minister, can be best supplemented, by prohibition, or by a rigid license law, or by free trade in the sale of liquor?—I am not prepared to answer that question.

123. You have been here two years, I understand?—Yes.

124. Has there been any improvement since you have been here?—I am an immensely busy man. I am rushed to my teeth every day, and except in regard to the practical work in my own parish I can say very little about the matter. They say that there is a great deal of drinking here in Halifax which might be stopped. They say that the license inspectors might do more than they do, and that they do nothing at all. But that is all hearsay ; I am only stating what I have heard.

125. You cannot say whether there has been any improvement since you have been here, or the reverse?—I cannot say from my own knowledge.

*By Rev. Dr. McLeod :*

126. Leaving aside the spiritual forces that are at work in a man, which you say are necessary to his conversion, or to his being rescued from the drink habit in the case of one who has been given up to it, do you believe that moral influences, which are understood as teaching about the evils of intemperance and counsel as to habits, are in themselves sufficient ; or do you think it is well to have those influences supported by such legal enactments as will be a protection to the man, even against himself and his weakness?—I think, if it were possible, it would be a grand thing to have a protection against the man himself, and to have this thing removed. It is the general opinion amongst thoughtful men that it would be a great benefit to humanity. Men who have liquor in their own homes and wine on their own tables have often told me they would like to see this done away with.

127. Then moral suasion, without that greatly important feature to which you refer, the grace of God in the heart, is not of itself enough to save a man from intemperance?—I did not say that.

*By Mr. Clarke :*

128. Have you ever worked in a parish where the Canada Temperance Act was in force?—Yes ; in Brockville.

129. What was your experience there?—It was only hearsay.

130. You cannot express any personal opinion upon that?—It is a very difficult thing to give an opinion. The Scott Act seemed for the first year or two to have a very beneficial effect, but afterwards there were many grogeries, which diminished that good effect, and made the acquisition of liquor easy.

131. Was the Act repealed when an opportunity was afforded to the electors?—I think it was.

132. Do you know what caused the change in public opinion?—I think the feeling that it was not what it promised to be. Here, again, I am only speaking without deliberation. There was a feeling that some people were at fault in the working of the Act, and that somehow or other it did not work as it was supposed to, and that the inspectors, or the authorities, did not carry it out.

*By the Chairman :*

133. And it was repealed by a large majority?—I could not tell you that without referring to the statistics.

*By Mr. Clarke :*

134. After the repeal of the Scott Act in Brockville, was there any marked increase in drunkenness and crime?—Of course, there was great jubilation among the liquor people at the time the Act was repealed, and there may have been some increase at that time ; but afterwards, I cannot say there was any increase.

135. In your experience, during the time the Act was in operation, was there a diminution in drunkenness and crime?—I think there was in the first few months, but it is very difficult to answer a question like that.

REV. DYSON HAGUE.

*By Judge McDonald :*

136. As a clergyman, visiting the homes of the people, you might be able to tell us?—A clergyman generally visits among the better class of the community; and if all the people belonged to the churches, you would not have all this bother.

137. But visiting some families, as I suppose you must, where there is drink, you might be able to state?—In that case they are bad, and they will get it anyhow. They are bound to get it, because the devil is in them; and you have to get the devil out of them, before they will change.

138. From your experience as a clergyman, and knowledge of life in those homes, can you state whether at the time the prohibitory law was in force, it was found that the drinking members of the families did not drink as much, or did not drink at all, or drank more?—I think he is a wonderful clergyman who can tell you. I go once a month to visit a family, or if it is a bad family, I go once a week. I may go in, and the man may be perfectly sober. I may talk to the wife, and she says, "Yes, he has been drinking lately." But he may drink by fits and starts. It is difficult to say whether he drinks by fits and starts under the Scott Act, or when the Scott Act is not in force. I am a strong temperance man, and I want to see everything temperate, but it is quite impossible to state absolute facts.

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DANIEL W. B. REID, Middle Musquodoboit, License Inspector for the Municipality of Halifax County, on being duly sworn, deposed as follows:—

*By the Chairman :*

139. I understand you are inspector of the municipality of Halifax county?—Yes.

140. You have nothing to do with the city of Halifax, I presume?—No; nor with the town of Dartmouth.

141. How long have you held your present office?—Five years last February.

142. Are you a native of Nova Scotia?—Yes.

143. Have you lived here all your life?—Yes.

144. By whom is the appointment made?—It is made by the municipal council, and confirmed by the Local Government.

145. The municipal council make the appointment, subject to the approval of the Local Government?—Yes.

146. Can you state to the Commission the number of members composing the municipal council?—Twenty-eight or twenty-nine, I think; I could not state exactly the number, but it is between twenty-eight and thirty.

147. Will you kindly describe to the Commission the character of your duties?—My duties are to receive applications for licenses, to investigate the applications and to report to the council; and if the applications are granted by the council, I have to issue licenses. I visit the licensed places and also prosecute persons engaged in illegal traffic.

148. You prosecute in cases of breach of the law?—Yes.

149. When you speak of applications for licenses, in what way do they come before you? As individual applications?—Individual applications, accompanied in each case by a petition from ratepayers in the district in respect of which the applicant is applying.

150. When you say "district," what do you mean?—I mean a polling district.

151. And what proportion of the ratepayers have to sign the petition?—Two-thirds have to sign the requisition.

152. When you receive a requisition signed in that way, what course do you adopt in respect to it?—The signatures have to be sworn to by the person in whose presence they were signed. Then I compare the signatures with the rate roll, and see that they are genuine.

153. You see that the parties are registered?—Yes.

## Liquor Traffic—Nova Scotia.

153a. You cannot, of course, tell whether the signatures are genuine or not?—No, but I see whether the parties are registered or not; and then if there is any objection, I hold a court of inquiry; and if there is no objection, I report to the council.

154. What evidence do you take as to the genuineness of the signatures to the petition?—They are all sworn to; I do not take any evidence in regard to that matter, unless there is an objection made to some of the names.

155. Does the petition contain a space for the witnesses to attest?—The party in whose presence it is signed has to attest every signature.

156. On oath?—Yes.

157. Where does he take the oath?—Before a justice of the peace.

158. And when you are satisfied as to the genuineness of the signatures you take into consideration, I suppose, the representations against granting the petition, where there are any representations made?—Yes; when there are any representations made I hold a court of inquiry, that is, if any objections are offered.

159. Do you hold an open court, or make an investigation?—Yes.

160. Then you practically determine whether the man shall have a license or not?—No; that is left with the municipal council, for, although my report may be favourable, they need not grant the application.

161. But what is the usual practice?—They have always acted according to my report.

162. In making a recommendation, are you at all influenced by the existing number of places for the sale of liquors?—No. There have been very few in the county; there never have been more than seven or eight applications granted for the whole county.

163. How many licenses are at present in force in the county?—Only two this year; there were three licenses granted, but only two have been taken out.

164. Is that a less number than were granted when you undertook the office of inspector?—Yes, a less number; but there were more than that number several years since.

165. What is the highest number that has ever existed during your time?—Six, I think.

166. The number has been as high as six; and it is now two?—Yes.

167. What is the license fee?—\$150 for hotel license and \$100 for shop license.

168. Will you say what you mean by a shop license?—Selling in quantities not less than a pint.

169. Not to be drunk on the premises?—Not to be drunk on the premises.

170. Have you any licenses of that sort now in force?—Not now; we have only these two hotel licenses.

171. Where are those licensed houses situated?—One is on St. Margaret's Bay Road, about fourteen miles from the city, and the other is about six miles from the city.

172. What population is near to them?—It is very scattered; these houses are resorted to by people from the city altogether.

173. Do you say the city people resort there?—Yes; they drive out to them.

174. Do they form a kind of summer resort?—People drive out to them during the afternoons, and they are also visited by people who go fishing or hunting.

175. Have you had to undertake many prosecutions?—Quite a number.

176. How many in the year?—On an average, upwards of thirty.

177. What is the character of the infringements of the law?—Selling without a license.

178. Have you been successful in most of these prosecutions?—In about 82 per cent, perhaps. Out of 159 cases during the five years, I succeeded in 126; I am not counting the balance of this year. Let me explain: I did not commence work until March, five years ago, and I have made my returns for the remaining part of that year, up to the end of the year, and I have not taken into account any cases since 1st January last.

179. Your term of office commenced in March?—My term commenced at the beginning of the year, but I reported up to March. The council meets on the second Tuesday in January, and my report must be in then.

DAN. W. B. REID.



*By Mr. Clarke :*

180. When does the license year commence?—On 15th March.

*By the Chairman :*

181. Do these two parties holding licenses keep respectable houses?—Yes.

182. Do they observe the law?—Well, so far as I know, they do. There are no complaints. I visit them occasionally, and I see no signs of infringement of the law; but perhaps there may be.

183. What is the character of the places where liquor is sold without license, as a general rule; I refer to those places where breaches of the law occur?—They are very low places—very inferior places.

184. Are they off the main roads?—Some of them are; there is occasionally one, a respectable place, on the public road.

185. Are they houses of entertainment?—Occasionally; two or three I had occasion to prosecute kept houses of entertainment.

186. Where they supplied meals?—Yes.

187. Then the county receives only a comparatively small revenue from the issue of licenses?—The amount is not very large.

188. Do the fines collected from cases of infringement of the law meet the expenditure incurred?—The fines and the license fees do.

189. I am speaking of cases where the law has been infringed: have the fines collected paid the expense of prosecuting the parties?—Yes, and more.

190. Is there much drunkenness in the county?—No; occasionally cases occur.

191. Do those occasional cases of drunkenness arise at those licensed establishments or at the unlicensed ones or at private houses?—They occur in this way: parties club together and send and get liquor.

192. They take it to their homes?—They take it to their homes, or to some resort, and get drunk. That is in the mining and lumbering districts. That is the greatest trouble at the present time, and most of the drunkenness occurs in this way. If there is a picnic or a trip to public gardens, there are some people who always prepare themselves in this manner.

193. If more licenses were granted, do you think there would be less drunkenness?—I did not say that.

194. No; but I am asking your opinion?—I do not know about that. I think if the county was free from licenses and illicit traffic, it would have less drunkenness.

195. You do not think an increase in the number of licensed places would decrease drunkenness in the county?—No.

196. Have you had any experience of the working of what is known as the Scott Act?—No; we never had it in our county.

197. Have you formed any opinion as to the operation of it—as to whether, if you had it in your county, it would lessen drunkenness or not?—No; I cannot say that I have. I believe it is successful in some counties, fairly so.

*By Judge McDonald :*

198. Is Dartmouth within your jurisdiction?—No; it is a separate town.

199. Are there any other towns and villages separate?—No; there is Halifax and Dartmouth and the municipality of Halifax county.

200. Have you any villages of any considerable size in the county?—Not very large ones; the population is very scattered and the county is extensive.

201. These two houses which have licenses are like roadside houses, I suppose?—Yes. There were licensed houses in Bedford and places like that, but they failed to get their licenses last year.

202. It appears the law requires that two-thirds of the ratepayers' names shall appear on the petition for an application for a license?—Yes.

203. So far as your knowledge extends, are there parties who try to get the necessary papers to enable them to apply for licenses and fail to secure the requisite number of signatures?—Yes; I know of my own knowledge several cases in which the parties have failed.

## Liquor Traffic—Nova Scotia.

204. So, if it was not for that portion of your license law requiring that number of signatures to appear on every petition, there might be more licenses granted?—Yes.

205. So the effect of requiring two-thirds of the ratepayers to sign each application for a license is to diminish the number of licenses granted?—Yes.

206. Have you stringent provisions in your law for non-sale on the Lord's Day, or is there any provision as to that?—Only in regard to licensed houses.

207. Of course, the others would have no right to sell at any time?—The licensed hotels are allowed to sell between certain hours on the Lord's Day.

208. Does that apply to all?—To none except guests in the house.

209. Then the people in the neighbourhood could not go in and get liquor on the Lord's Day?—No; nor on any day.

210. So, under your license law, the people in the neighbourhood cannot go and get drink at these places?—No; unless they get it fraudulently.

211. Unless the law is violated?—They cannot get it except as guests.

*By Mr. Clarke :*

212. Are people who drive out from Halifax regarded as guests?—Yes.

*By Judge McDonald :*

213. They are treated as such?—Yes.

214. Then those people who do sell liquor in that way keep houses for the entertainment of the travelling public, and may sell liquor to the travelling public, but none others?—Yes.

215. Then, of course, they may sell to parties as being travellers on the Lord's Day?—Between certain hours.

216. Have you any prosecutions for sales outside of those hours?—No; I never had any complaints, and never found any violations.

217. Do your duties involve travelling about from time to time?—Yes; I make visits a certain number of times and travel through my district.

218. You often obtain information from individuals about violations of the law before instituting prosecutions, I presume?—Yes.

219. Are the prosecutions instituted under your own name as a public officer?—Yes; before a justice of the peace or stipendiary magistrate.

220. Is the county council, which is the body that appointed you to your present position, elected by the ratepayers?—Yes.

221. Is it composed of men representing different districts?—Yes. Our municipal council is composed of one man from each polling district.

222. They make up a kind of county council?—Yes.

*By the Chairman :*

223. I think you stated that at one time there were as many as six licenses granted?—Yes.

224. Had you more drunkenness then than you have now?—I cannot say as to that. I am a poor subject to send out to see drunkenness.

225. We are only asking you to speak from your own experience?—I could not say. I do not see much drunkenness. I have travelled the county from one end to the other and have not seen a drunken man.

*By Judge McDonald :*

226. When the six licenses were issued, were they issued under the law that requires two-thirds of the ratepayers to sign each application?—Yes, the same law.

*By the Chairman :*

227. You have no knowledge as to the prevalence of drunkenness at that time as compared with now?—No. The licenses are all in the vicinity of the city, and I never saw a drunken man about any of the licensed houses.

*By Mr. Clarke :*

228. Do you see drunken men about the unlicensed places?—Frequently; I have not seen drunken men in them, but about them.

DAN. W. B. REID.

*By Judge McDonald :*

229. When you were in the neighbourhood would hardly be the time they would be exhibiting themselves?—There is the difficulty I have in getting information.

*By Rev. Dr. McLeod :*

230. You have been five years inspector, I believe?—Yes.

231. Prior to your inspectorship, how many illicit places were there in the county?—I could hardly tell you.

232. Take the time immediately preceding your appointment?—I could not say. When I began, there were a large number selling openly.

233. How long did they continue after you were appointed?—Not very long; they have been getting less, I think, every year.

234. Do you have great difficulty in enforcing the law?—Well, any law is difficult to enforce, and perhaps a liquor law is more difficult than other laws.

235. What were your difficulties chiefly?—The difficulty of getting evidence was one. Another difficulty was that of getting justices of the peace to enforce the law.

236. How have you overcome those difficulties?—They overcame themselves in some way, I do not know how. The justices got into sympathy with us in regard to enforcing the law, and the public grew to have confidence in those who were attempting to enforce it, and I got information from quarters from which I did not expect it, and I finally got the sympathy of the community in which the evil existed.

237. So you did not find it impossible to enforce the law?—Not at all.

238. From your experience of five years, are you persuaded it is as possible, if the officials mean business, to enforce the law against any other act that is illegal?—There is no difficulty at all. Perhaps you have not behind you and with you public sympathy as strongly as you have in cases of theft; but there is no difficulty in enforcing the law.

239. I understand you to say that there is not so much drunkenness now, so far as your observation goes, as there was five years ago?—There was more five years ago.

240. I presume that drunken people are likely to keep out of your way?—I do not know.

241. Not for fear that you may arrest them, but lest you may require them as witnesses against sellers of drink, either licensed or illicit?—I do not know whether they keep out of my way or not, I do not often see them, there is not as much drunkenness now as formerly.

242. Prior to your acceptance of office, what provision was made for the enforcement of the law?—This law was made in 1886, and it required the appointment of an inspector to enforce it, and I was the first inspector appointed by the council. Under the previous law there was no provision other than that anybody might prosecute.

243. So, from your experience, your impression is that the law can be enforced, if the officials intend to enforce it?—There is no difficulty in the world, according to my mind.

*By Mr. Clarke :*

244. Would that answer apply to the city of Halifax?—I do not know anything about this city.

245. Then it only applies to the county?—Yes.

*By the Chairman :*

246. You are speaking only with respect to your own county?—Yes.

*By Judge McDonald :*

247. Is it your duty to visit these houses that are licensed?—Yes.

248. To see as to the accommodation that is provided by them?—Yes.

249. What accommodation is necessary under the law?—They must be prepared to keep a certain number of guests.

250. How many?—I do not remember. There have to be a certain number of beds and stabling to accommodate a certain number of horses. I forget the number of beds required, but it is either four or six.

## Liquor Traffic—Nova Scotia.

251. Have you to investigate as to the quality of liquor they keep?—No.

252. Nor as to the quantity they keep?—No.

253. Do you know anything as to the quality of liquor sold in those places—I do not mean to say from your personal tasting of them—as to whether the liquors are of good class, or are adulterated?—I do not know anything about them.

*By Rev. Dr. McLeod :*

254. Have you had any trouble with persons holding licenses in the county as to violations of any of the provisions of the license law?—No.

255. In regard to selling after hours, or selling to minors, or selling to drunken men?—There have been no complaints, and I have not seen any violations of the law, and I have had no cases to prosecute.

256. You have not made any investigation about that?—I visit the houses occasionally and go through the premises, and also where the liquor is kept, and I see that everything is in proper shape, I have found no reason for complaint.

257. What are the limitations as to hours of sale?—They close at nine o'clock at night.

258. They close on Saturday night at a certain hour and open on Monday morning?—They are allowed to sell to guests on the Sabbath between the hours of one and three, and I think five and seven.

259. Is there an idea that because a man complies with the requirements of the liquor law as regards the obtaining of a license, the officials are therefore not supposed to be very particular about any little violation of the other provisions of the law?—I suppose it is taken for granted when a man complies with the law enough to get a license, that he means to comply with the law right through.

*By the Chairman :*

260. Still your duty is to visit those places and inspect them, and see that the law, so far as you can see to it, is obeyed?—Yes.

*By Mr. Clarke :*

261. And you do that?—Yes.

*By the Chairman :*

262. And you have not had occasion to prosecute the keepers of the two hotels?—No,

*By Mr. Clarke :*

263. Then the unlicensed places have given you the trouble?—Yes.

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GARRET COTTER, city marshal, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

264. How long have you lived here?—Nearly all my life.

265. How long have you filled the office of city marshal?—For 30 years.

266. Will you kindly tell the Commission the nature of your duties?—They are those of chief of police, collector of debts, and city marshal.

267. You are head of the police force?—Yes.

268. When you say collector of debts, what do you mean?—I mean of the city civil court. I am similar to a sheriff, collecting small debts incurred within the city.

269. Will you kindly tell the Commission the system upon which licenses are granted for the sale of intoxicating liquor in the city of Halifax?—I cannot answer that question. The inspector of licenses will be better posted than I am in regard to that matter.

DAN. W. B. REID.

270. Is it the duty of the police force to see that the law and the city regulations in regard to the sale of liquor are enforced?—It is to a great extent.

271. To what extent?—I would not wish a policeman to enter premises to see that the law was being carried out unless accompanied by a sergeant. I should not know but that he was going in for a drink for himself.

272. Is it not part of the duty of the police to see that the city regulations and the law are observed?—It is part of their duty.

273. In what way do they perform that duty?—The police officer performs it, accompanied by a sergeant.

274. These officers visit the houses?—Yes.

275. Are these sergeants appointed as deputy inspectors?—Yes; there are six of them.

276. Do they perform that part of their duty of inspection under your direction, or under the direction of the inspector of licenses?—Under the direction of both. They very frequently assist the inspector in visiting these places.

277. If they make a visit to a liquor establishment, or make an investigation as to where liquor is being sold, is it done at your instance, or at the instance of the inspector of licenses, or on complaint made?—We have had very little of that to do since the new law came into force. I do not know that we have had one instance brought up during the last two or three or four or five years.

278. One instance of what?—Seizing liquor by the police in a tavern or unlicensed place.

279. Some of the police must have visited liquor selling establishments during that time; have they done so under your instructions, or under the instructions of the license inspector?—Wherever there is a threatened violation of the law the police are in duty bound to see that the law is carried out.

280. Do they look for violations of the law, or do they only act when complaints are made?—I cannot tell. As I have said, I do not know of one instance since this new Act has been in force, of a liquor dealer being brought up for selling in small quantities. They are not supposed to sell less than a bottle.

281. At inns and saloons they sell liquor in quantities less than that?—I presume they do.

*By Mr. Clarke :*

282. Are they authorized to do so?—No, it is contrary to law to sell less than a bottle.

*By the Chairman :*

283. Is there no exception in favour of guests at hotels, or travellers?—I believe there is, but not in regard to drinking at a bar.

284. Then liquor is not sold in Halifax over the counter in smaller quantities than a bottle?—Yes, it is.

285. Is that against the law?—Yes; it is a violation of the law.

*By Rev. Dr. McLeod :*

286. You mean that liquor is thus sold by persons who hold licenses?—Yes.

*By Mr. Clarke :*

287. Notwithstanding the seven inspectors?—Yes. That is my impression. I have never witnessed any liquor sold over the counter, but it is my impression that it is sold and drank in some of the taverns.

*By the Chairman :*

288. You say there have been very few complaints, indeed, against liquor sellers?—Within the last four or five years there have been very few, indeed.

289. You have some knowledge of the cases which come before the police court, I suppose?—I have some knowledge of them.

290. Are the cases of drunkenness and offences against the liquor law more numerous than they were four or five years ago?—I do not think they are more numerous.

## Liquor Traffic—Nova Scotia.

291. Are there more licensed houses established now than there were four or five years ago?—I think there are fewer. But, as I have already said, the inspector of licenses is the one who can properly answer these questions.

*By Judge McDonald :*

292. You have spoken of the provisions of the license law allowing hotels to sell by the bottle as the smallest quantity. Do you know whether there is a system of shop licenses in addition?—Yes, I believe so.

293. Do you know anything as to the working of that system? As to the limiting of a sale to a pint?—Not less than a bottle can be sold.

294. Can you speak of your own knowledge of the working of the shop licenses?—No ; I cannot.

295. Do you attend at the police court in the discharge of your duties?—I do sometimes.

296. Have you been present at any time when cases have been heard in which people were charged with drunkenness?—There are a good many of these cases.

297. Have you been present at these trials?—Yes.

298. Has any investigation been made as to how the people obtained the liquor with which they got drunk?—If you ask them where they got the liquor, they say they got it out of a bottle.

299. Within your knowledge, has any case been tried in court in which proof has been given that the quantity sold was less than a bottle?—No. I have sometimes seen men myself in the by-ways and on the wharfs, drinking out of a bottle.

*By Mr. Clarke :*

300. Is it your opinion, having had experience as chief constable of this city, that there is more drunkenness in Halifax now than there was say five years ago?—It has not increased.

301. There is no more drunkenness in Halifax now, in your opinion, than there was five years ago?—No ; nor twenty years ago.

302. Has the number of convictions for being drunk and disorderly increased during the last five years?—No ; it has not. If anything, it has decreased.

303. Your experience enables you to state that definitely?—I make an annual report, showing the different offences, and my last report showed that between four hundred and five hundred people had been arrested for drunkenness, or for being under the influence of drink.

304. How did your last report compare with previous reports?—The number was something less.

305. Then you give the Commission as your opinion that there is less drunkenness, and that fewer people have been convicted of drunkenness, within the last five years?—Yes. I may say also that very many of those persons brought before the police court for drunkenness have been there on probably five or six previous occasions, and this person appears on the records every time as a fresh individual, instead of the same individual.

306. Is it not the duty of the police force to aid the license inspector?—Yes.

307. And the police force enforces the law?—I suppose, to the best of their ability, they do.

308. Have there been many convictions secured during the last twelve months for selling liquor without a license?—I think there have been several convictions for selling without a license. Two cases are now pending.

309. Has the number of places where liquor is sold illegally, increased or decreased during the last five years?—It has not increased. In company with the inspector of license, I have visited several places where it was alleged liquor was illegally sold, and we searched the premises from garret to cellar, but failed to find any liquor there, although persons declared there was liquor sold on the premises.

*By Judge McDonald :*

310. Does the law prohibit the sale of liquor to persons under a certain age?—Yes.

311. What is the age?—21 years.

GARRET COTTER.

312. Persons under 21 years are not allowed to obtain it?—They do obtain it.

313. The liquor sellers are not allowed by law to sell to persons under 21 years?—Yes.

314. Have you known any cases in the police court in which persons have been tried for violating the law in that respect?—No.

315. There have not been any cases of that kind?—No, with very rare exceptions.

316. Have you had any cases in the police court within your time in which persons were charged with selling liquor to persons under 21 years of age—to boys?—They are mostly young men who are brought before the police court for drunkenness, most of them not 21 years of age.

317. They appear not to be 21 years of age, I suppose?—Very many of them do, the larger in number.

318. Is it not contrary to law that liquor should be sold to those persons even by the bottle?—Yes.

319. Therefore, whoever sold the liquor to them was liable to be punished?—They got an older person to go in and buy the liquor for them.

320. How do you know that?—From the mouths of prisoners. They say they get an older person to buy the liquor, and then drink it outside.

321. Are infractions of the license law tried in the police court?—Yes.

322. During the last four or five years, has any man been tried for breaking this provision of the license law?—I do not remember; there may have been, but I cannot recollect.

323. There may have been a few cases, you think, during that time of persons charged with selling liquor to minors or selling liquor in less quantities than a bottle?—I do not remember of any cases—there may have been some. I am not every day in the police court, for I have other work to attend to.

*By Rev. Dr. McLeod:*

324. Are we to understand that the license inspector and the police have about the same duties to perform in regard to the enforcement of the license law?—Yes.

325. And you have equal powers?—Equal powers with the inspector.

326. Then the police force does not leave the enforcement of the law to the inspector, nor does the inspector leave the enforcement of the law to the police, but they work in harmony?—Yes.

*By the Chairman:*

327. If there is an infringement of the law, does the police force act under the license inspector, or at your instance?—They act under my instructions.

328. Who would set the force in motion?—If I received information of any one illegally selling liquor, I would communicate with the inspector. We, accompanied by the police, would go and make a thorough search of the premises.

*By Rev. Dr. McLeod:*

329. I understand that you have six sergeants who were appointed deputy inspectors?—Yes.

330. They are, of course, still under your control as chief of police?—Yes.

331. And they are under your control in regard to carrying out the license laws and other laws?—Yes.

332. Since they have been appointed deputy inspectors, how many times have you, as chief, instructed them to visit licensed places to see how the law was being enforced?—In some parts of the city there are only one or two licensed houses, and, of course, there is no trouble there. In regard to the centre and north end, where most of the licensed places are, the police have instructions to see what is going on.

333. Have you given them specific instructions at different times to visit the licensed places and examine into and ascertain as to the carrying out of the law by the licensees?—I cannot say I have given them specific instructions; but I have always told them, if they saw anything wrong in regard to carrying out the License Act, to look into it for themselves and report the parties.

## Liquor Traffic—Nova Scotia.

334. Your instructions have been general, not particular?—A man who has been appointed and sworn in as an officer, does not require instructions to carry out the law.

335. Do you know whether the chief inspector of licenses, whose deputies those sergeants are, has instructed them?—I cannot say.

336. Have your sergeants, as deputy inspectors of licenses, reported to you at any time as to infractions of the law?—Yes; they have.

337. In writing?—No, verbally. The report I receive from them is in regard to cases where liquor is sold illicitly, and not in regard to licensed houses.

338. Then it is not in regard to the violation of the provisions of the license law by licensees?—No.

339. Have you acted on the verbal reports they have made?—I have always been glad to know the facts.

340. What is your rule as to the arresting of drunken men: do you arrest a man simply because he is drunk, if he is not in any way disorderly, or are your officers instructed to help him home?—They very often help him home.

341. So all the drunkards in the city are not by any means arrested?—No.

342. I understand you to say that drunkenness in Halifax has not increased during recent years, say during the last four, five or six years: was there any difference in the law that was in operation then and the law now?—They were different in this way: previous to this new Act a person might go into a tavern and call for a drink. He took his drink, and probably he was satisfied with one drink. Now they go in and buy a bottle, and drink that or carry it about the streets until they get drunk.

343. They cannot drink it on the premises?—No; I have seen them drinking outside. I have seen them in yards and by-ways and on the wharfs drinking from flasks of liquor which they had between them.

344. Five years ago were there more licenses issued than now?—I believe there were.

345. Then the decrease in the licenses has not particularly diminished the drunkenness?—My impression is, in fact I am convinced, that drunkenness is not so prevalent now as it was five or six years ago. I judge as to that by the number of men brought before the police court. Of course, I know there are many men who get drunk on the street and are assisted home by the police.

346. That has always been the rule?—Yes.

*By Judge McDonald:*

347. Since the new license law came into force, five years ago, have you had any prosecutions in your court for breaches of it?—I do not remember. The inspector of licenses will tell you.

*By Mr. Clarke:*

348. You are troubled with the unlicensed places, I understand?—Yes.

349. Then you think one of the effects of the new law prohibiting buying a glass of whisky or a drink has been to induce men to buy a bottle, and go outside and drink the contents until they got drunk?—Yes.

350. They buy a bottle where a glass would otherwise have satisfied them?—In very many instances.

*By Judge McDonald:*

351. How do you account for the decrease in drunkenness during the last few years? The effect of your answer to Commissioner Clarke is this, that the operation of the present license law permitting liquor only to be sold by the bottle has been to increase drunkenness, and you say that where the people formerly got a glass, now they buy a bottle, and they take it and drink from it until they get drunk?—Yes.

352. That means that the effect of the law requiring sale by the bottle has been to increase the amount of drunkenness?—Drunkenness has not increased.

353. Why?—Before the new law came into force, up in the slums of the city where the roughs gather there were disorderly houses where the people got drunk. Now there is not one in that neighbourhood.

GARRET COTTER.



354. How have they been suppressed: is it because of the operations of the new law?—They could not get licenses.

355. Does the new law require two thirds of the voters in the polling district to sign the application for licenses?—I think three-fifths.

356. Do you know anything as to the class of liquors sold, whether they are pure or adulterated?—I cannot tell.

357. Have complaints come in to you in regard to that matter?—There were some received years ago, about 20 years ago, perhaps. A complaint was made about liquor being adulterated and this liquor being sold in the slums, in the upper part of the city. I myself went round and got samples of these liquors and had them analysed, and they were proved to be pure.

*By Mr. Clarke:*

358. And this liquor was bought in the slums?—Yes. It was sold to the sailors.

*By Rev. Dr. McLeod:*

359. About what proportion of the people arrested for various offences are total abstainers—have you any idea that very many of them are?—I think there are very few.

*By Judge McDonald:*

360. Did the old law require three-fifths of the voters of the district to sign the application?—No; I think two-thirds.

*By Mr. Clarke:*

361. Did the old law require a person applying for a license to secure the signatures of a certain number of ratepayers in a polling subdivision?—Yes.

361a. What is the principal difference between the old law and the present law?—Drinking at the bar and early closing—closing at six o'clock in the afternoon on Saturday and nine o'clock every night.

362. How many licensed houses are there now in the city?—I could not tell you.

363. You do not know what reduction has been made in the number?—The number is considerably less than formerly.

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GEORGE F. OLAND, of Dartmouth, brewer, on being duly sworn, deposed as follows:—

*By the Chairman:*

364. How long have you been a resident in Dartmouth?—About 18 years.

365. Were you born in the province?—I was born in England.

366. What is your business or profession?—That of a brewer.

367. How long have you carried on that business?—I have never carried on any other business since I was able to work.

368. You have carried it on in Dartmouth?—Yes.

369. What do you manufacture?—Ale, porter, and sometimes hop-beer, a temperance drink.

370. You employ, I suppose, a large number of men?—At the works in Dartmouth we employ from fifteen to twenty men. Then we have several branches in different places: one in Barbados, one in Jamaica, and we have also a branch office here. In each of these places, we employ two or three men.

371. Is your establishment conducted by a company or by yourself individually?—It is a firm composed of my brothers and myself.

372. You use a large quantity of barley, I suppose?—Yes.

373. Do you buy it here?—There is not enough grown here for our consumption. We get most of it from Ontario.

## Liquor Traffic—Nova Scotia.

374. Do you buy any produced in the province?—Yes; all that is fit for use. We do not go here much into barley growing, and the barley raised is too much mixed for malting. The barley grown in Prince Edward Island is better.

375. How much is grown in the province of Nova Scotia?—Very little. There is not sufficient grown in the whole province to supply our firm alone.

376. Then you must use a large quantity?—Yes.

377. State to the Commission what is your principal market for the product of your brewery at Dartmouth?—Our principal market is that furnished by the British troops here in town.

378. And also in the West Indies?—In the West Indies also. We supply the troops there.

379. Do you sell a considerable quantity of your products in this city and throughout the province?—Yes.

380. Can you tell the Commission if the consumption of malt liquors has increased in this province?—Yes; it has with us, and I think also with other firms.

381. From your knowledge, can you tell the Commission whether the consumption of spirituous liquors has decreased?—I cannot; I am not in that business.

382. About how much barley per annum do you make use of? Do you buy all the barley and make your own malt?—We buy nearly all barley, but we buy a little malt from Toronto.

383. About what quantity of barley per annum do you use?—About 216,000 bushels. That, of course, is a rough estimate.

384. Do you use any other grain except barley for the manufacture of your products?—No.

385. You have, of course, a large capital employed in your establishment?—Yes.

386. I will not press this question if you have any objection to answering it, but it would be interesting to the Commission to know what capital you have employed?—I cannot answer that question now, but I will give later on a statement to the Commission showing it.

*By Rev. Dr. McLeod:*

387. Will you state to the Commission about what is your annual output?—I cannot state it at the moment.

388. What is the cash value of that output?—About 30 cents per gallon for the cheaper grades, and the price runs up to 40 cents.

*By the Chairman:*

389. Are you heavily taxed in Dartmouth?—We pay a good rate of taxation.

390. About how much do you pay in taxes?—About \$1,500 a year.

391. To the municipal body?—Yes.

392. And you pay to the Government in the shape of excise, about how much per annum?—About \$15,000 per annum.

393. Those are the charges to which you are subject?—We pay between \$300 and \$400 a week to the Inland Revenue Department. Then there is besides the brewers' tax, and the maltsters' tax and the compounders' tax.

394. How much do those amount to?—\$100 for the brewers' tax and \$100 for the maltsters' tax, and we are about to pay the compounders' tax.

395. What will that amount to?—\$50.

396. Do you distribute your own product with your own carts in Halifax?—Yes; that is, when it is ordered.

397. Have you much trouble among your men on the score of drunkenness?—No. I think the brewery men, as a rule, are the best behaved men in any factory or establishment. I do not know an instance during the last ten years in my brewery where a man has had too much drink.

398. Your men who go out with the cars and deliver your products do not return at night in a state of intoxication, I suppose?—No. We are, of course, very careful in regard to the drivers we employ.

GEORGE F. OLAND.

399. Have you had any of your men apprehended and taken to the police court for drunkenness?—Never.

*By Judge McDonald :*

400. Do you know whether there is much liquor sold that is adulterated ; do you ever hear anything of that kind in this section of Canada ?—Very little. I have heard of a few cases, but very few.

401. I mean where men make up some compound and sell it for pure liquor ?—I have heard of cases, but nothing to speak of.

402. You have no personal knowledge that enables you to make a statement on the subject ?—No.

*By Rev. Dr. McLeod :*

403. What else is used by you in your business except barley ?—Nothing but barley malted.

404. I understood you to say that you sold large quantities to the troops ?—In regard to the product of a bushel of barley, I desire to state that four bushels go to a hogshead, and that an English hogshead is 54 gallons ; so there are nearly 15 gallons to a bushel.

405. I think we understood you to say that a large proportion of your product was sold to the troops in this city ?—Yes.

406. Could you give us an idea what proportion ?—They take in the city from \$1,500 to \$2,000 worth a month.

407. That is, I understand, for Halifax and the West Indies ?—No ; for the troops in Halifax alone.

408. I understood you to say that you had from 18 to 20 employees : do you include drivers ?—That number includes only employees in the brewery, one of whom is a driver. We have a town office here, and our bottling is also done in this city. We have two drivers and about seven persons are employed in the bottling room.

409. What would be the amount of your weekly pay sheet ?—In both places for labour alone we pay \$200 per week ; that sum is for 21 or 22 men.

410. You sell, of course, in all parts of Nova Scotia more or less. Do you sell much in the counties where the Canada Temperance Act is in force ?—Yes ; considerable quantities.

411. Say, for example, in Yarmouth county ?—I do not care to say the particular county. I do not say that we do a large amount in Yarmouth.

412. Do you sell an increased quantity in those places ?—Yes ; I think we are doing so.

413. You do not care to say as regards Yarmouth in particular ?—No.

414. Or as to Shelburne ?—No. I think in Scott Act counties, such as Yarmouth, they take more spirituous liquors than ale. That is a well known fact, for they are less bulky, and they can get them in without being observed. Ale is, of course, a bulky article.

415. Would you object to allowing the Commission to examine your books ?—I do not think we would care to grant that permission.

*By the Chairman :*

416. Are you sending your products to Prince Edward Island ?—Yes.

417. In considerable quantities ?—In large quantities.

418. Have you a depot in Charlottetown ?—We have.

419. Have your sales to that province increased or decreased of late years ?—They have increased steadily ever since we started our branch there, but we sent our products before it was established. We opened our market in Charlottetown when the Scott Act was in full force. The brewery that was there had to shut down.

420. Whose brewery was that ?—Heinman's brewery. And, of course, the people then sought somewhere else to get their goods, and we have been shipping ever since that time.

## Liquor Traffic—Nova Scotia.

*By Mr. Clarke :*

421. Notwithstanding the bulkiness of your product?—Notwithstanding its bulkiness. There are, of course, a good many English people in Charlottetown.

*By the Chairman :*

422. You commenced shipping to Prince Edward Island when the Scott Act was in force over the whole island?—Yes.

423. Had you any confiscations?—No.

424. Were your business arrangements interfered with at all?—Yes. We were interfered with as regards making collections. In some cases a man after he had obtained the goods, refused to pay for them because we could not collect the accounts in Scott Act counties.

*By Rev. Dr. McLeod :*

425. You were aware when you began to send your products to Prince Edward Island that it was against the law to do so?—Not against the law with us.

426. You were aware that the people of Prince Edward Island had constitutionally expressed their will and it had been embodied in law, and that the importation of the products of your industry into the island was illegal?—Yes; but we cannot shut up our brewery on that account.

427. You were not aware of the fact that you were co-operating with persons in the island to violate the law?—No; we sold to them as we would sell to any one here. We so'd them our product, and put it on board and shipped it from here to the island, and the purchasers had to run their own risk there.

*By the Chairman :*

428. They purchased it from you, and they could do what they liked with it after they had bought it?—Yes; we sold some to wholesale men, and they distributed it to others and to retailers.

*By Mr. Clarke :*

429. Is the sale of your product confined to the city of Charlottetown?—No; it extends all over the island.

430. Is the Scott Act in force all over the island?—Pretty much so, with the exception of Charlottetown.

431. Yet your business is still increasing?—Yes.

*By Rev. Dr. McLeod :*

432. You have an agent in the island?—Yes, we have our own man there.

433. All the time you have been doing business there?—No; only since last year.

434. Since the law was repealed in Charlottetown?—Yes.

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WILLIAM McKENZIE, chief of police and license inspector, Dartmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

435. How long have you held your present position as chief of police and license inspector?—Nine years next March.

436. By what authority were you appointed?—I was appointed as chief of police by the municipal council, and my appointment was endorsed by the provincial government.

437. Give the Commission a general outline of your duties as license inspector?—It is my duty to see that no illicit sale of liquor takes place, so far as possible.

438. Anything further?—That is my principal duty. It is my duty to discover, prosecute and punish any sale in houses not licensed.

GEORGE F. OLAND.

439. Have you anything to do with licensed houses?—We have no licensed houses.

440. What is the population of Dartmouth, according to the last census?—6,000.

*By Mr. Clarke :*

441. Is there any liquor sold there?—If so, it is sold illegally.

442. Is there any liquor illegally sold?—I suppose there is.

*By Judge McDonald :*

443. Then so far as your duties as inspector of licenses are concerned, they are really nominal, for there are no houses to inspect?—Yes.

444. You say you are engaged in seeing that people who are not licensed do not sell liquor?—Yes.

445. Were there during this year any persons who sought to obtain licenses?—Not for the last four years.

446. Would the petition require to be signed by two-thirds of the ratepayers of the division?—Yes.

447. But no effort has been made to obtain those signatures?—No.

448. Have you had many prosecutions for illegal selling?—Yes ; quite a few.

*By Mr. Clarke :*

449. And convictions?—Yes.

*By Judge McDonald :*

450. And were those prosecutions the result of observations made by you, or information given to you?—Both.

451. Is Dartmouth a scattered place?—No.

452. You can get readily over your territory?—Yes.

453. Is there much drunkenness in that community?—Very little indeed.

454. Then not much liquor is brought in from other places and used?—I cannot say that.

455. You are chief of police : have you any policemen under you?—Yes.

456. How many?—One.

457. Part of your duty is to arrest drunken people?—Yes.

458. Do you ever find any to arrest?—Occasionally.

459. Often?—No.

*By Mr. Clarke :*

460. Do the people get drunk over here in Halifax, or in Dartmouth?—Generally over here.

*By Judge McDonald :*

461. Are they Dartmouth people who come here and get drunk, or are they Halifax people who go to Dartmouth and get drunk?—Both.

*By Rev. Dr. McLeod :*

462. Do you find the people come from Dartmouth to Halifax to get drunk in larger numbers than when you had licensed houses there?—No. I have taken a memorandum from the police records of the prosecutions during three years when we issued licenses, and three years when no licenses were issued. In 1884, the first year I was there, we had 169 prosecutions, in 1885 we had 136, in 1886 we had 117. In 1887, the first year without licenses, we had 95 prosecutions ; in 1884, 84 ; 1889, 107. I have not taken the number for 1890 because I made a comparison for three years with licenses and three years without licenses.

463. Is there much pauperism in Dartmouth?—No ; very little.

464. Have you found a proportionate increase of pauperism since you ceased to issue licenses?—No ; there is very little poverty in Dartmouth at all.

465. Do you find very great difficulty in enforcing the law against illicit sales?—It is as well enforced in Dartmouth as any other law, as the law respecting theft, for example.

## Liquor Traffic—Nova Scotia.

466. You regard it as your duty to see that this law is enforced as any other law is enforced?—Yes.

467. You are chief of police as well?—Yes.

468. Is it your duty to see that the law is enforced against offenders?—Yes.

469. Do you have much difficulty in enforcing it?—No difficulty at all. I think it is very fairly enforced.

*By Judge McDonald :*

470. Among the people brought up for drunkenness and committed, are there any under 21 years of age?—Yes ; sometimes.

471. Is any inquiry made as to where they got the liquor?—Not much inquiry. They would not be bound to answer the question.

*By Rev. Dr. McLeod :*

472. Do you find that the people who come into your hands are mainly those who visited here and carried back liquor?—The principal trouble we have is with men coming from the city.

*By Mr. Clarke :*

473. They are strangers, then, to you?—They come over from Halifax. Then on market days there are country people. All the people who come to the city to market from that part of the county come through Dartmouth.

474. The brewery in Dartmouth does not carry on retail sales there?—No.

WILLIAM McKENZIE, recalled and further examined :

*By Rev. Dr. McLeod :*

475. You have been license inspector and chief of police for nine years?—Nine years next March.

476. During your term of office the town was under a license system for some few years?—Yes ; under license from 1884 to 1886.

477. During that period of licenses there was considerable work going on in Dartmouth in regard to railway building and the like?—Yes ; building a branch railway.

478. And a large number of men were employed : how were they affected by the license law?—We had a great deal of drunkenness ; sometimes the lock-up would be full of them, and even more than full.

479. Since Dartmouth has refused to issue licenses have you had any similar work going on, employing a large number of men?—The water-works have been constructed since then.

480. How have the men behaved?—We have had only two convictions ; four men were prosecuted and two convicted. The number of men arrested and prosecuted has been smaller than for a number of years.

*By the Chairman :*

481. What was the interval of time between the construction of these works?—The branch railway was built in 1886, and the water-works within the past year.

482. Then the railway was built six years ago?—Yes.

483. What number of men were employed on that work in 1886?—I am not sure of the number in either case ; but I think there was very little difference in the number of men employed on each work.

*By Mr. Clarke :*

484. Where did the men who built the railway come from?—They were all strangers.

485. Were the men who were employed on the water-works all strangers?—Pretty much so.

WILLIAM McKENZIE.

*By the Chairman :*

486. From what countries did they come?—Some of them were Italians, and some of them were Nova Scotians.

486a. Were Italians employed on the water-works and not on the railway?—Yes.

487. Was the strength of the police force during that troublesome time, the same as at present?—Yes.

WILLIAM DENNIS, of Halifax, Editorial Staff "Halifax Herald," on being duly sworn deposed as follows :—

*By Judge McDonald :*

488. How long have you resided in Halifax?—Eighteen years.

489. Are you in a position to state, from your personal knowledge, whether the system under which licenses are now issued in Halifax is a satisfactory one?—I think not.

490. What is the difficulty about it?—I am not qualified to express an opinion on the subject, but so far as my knowledge goes it is a stringent license law, and it is designed to be prohibitory; the effect is to make free sale of liquor, because the law is not enforced.

491. Are you in a position to state whether drunkenness has increased or decreased in the city since the law came into force?—I am not in a position to give an opinion.

492. Are you in a position to say whether there are more places in which liquor is sold than formerly, I mean licensed places?—The number of licenses has increased by ten or fifteen during the last three or four years.

493. In your opinion, would it be beneficial that there should be fewer places licensed?—Certainly; to the community.

494. Are the provisions of the law, and the city regulations in regard to the liquor traffic carried out?—In my opinion they are not.

495. In what respect are they not enforced?—One of the chief provisions of the law is that no liquor shall be sold in less quantities than one pint, and that there shall be no saloons. As a matter of fact, the saloons are run here in open violation of the law.

*By Rev. Dr. McLeod :*

496. While they are licensed to sell not less than one pint, do they sell by the glass?—Yes.

*By Judge McDonald :*

497. I understand there are three classes of licenses, hotel, shop and wholesale. The hotel can sell by the bottle to be used on the premises and only there. Under the shop-license, liquor may be sold in quantities of one pint, not to be used on the premises. With respect to the wholesale dealer, we have nothing to do. Under the hotel license, do you mean to say that liquor is sold in less quantity than by the bottle?—Any person who visits an hotel can see an open bar there, and liquor is sold in less quantities than by the bottle, and to persons who are not travellers, and at the hotel.

*By Rev. Dr. McLeod :*

498. You think people are not inclined to attempt to interfere with the bar business?—There is no attempt to do so. By tacit consent they are permitted to carry on the business, because the law is impracticable.

499. You have a license inspector in this city?—Yes.

*By the Chairman :*

500. Do the police not consider it their duty to interfere?—I believe not.

## Liquor Traffic—Nova Scotia.

*By Judge McDonald :*

501. Do you say that, in regard to shop licenses, the law is broken and people are allowed to drink on the premises?—I have no knowledge of that.

502. Can you state to the Commission what revenue is derived from this traffic by the city?—\$10,500 annually.

503. You have been a journalist for a number of years, I believe?—Yes, 16 or 17 years.

504. In your opinion, would it be advisable that licensed houses, which were not prepared to entertain travellers, should be allowed to sell liquor to any one who might come in?—I think the sale of liquor by the glass in licensed saloons is far preferable to the present state of affairs.

505. That is not an answer to my question. My question was this: Do you think it would be advisable that the law should permit the sale of liquor by the glass in houses not intended for the entertainment of travellers, do you think that the law should provide for the saloons?—In other words, do I think that prohibition is a practicable thing?

506. No; not prohibition. My question is whether it is preferable to allow liquor to be sold by the glass to any person in an hotel where travellers are entertained, or to be sold in places that carry on no other business except selling liquor?—I would not give a monopoly of the selling of liquor to hotels, if you are going to allow liquor to be sold at all.

*By Rev. Dr. McLeod :*

507. Would you give a monopoly to any one?—No.

*By Judge McDonald :*

508. Your opinion is in favour of the saloon, as either no more or no less objectionable than a tavern?—Yes.

509. What is the object of the saloon?—It is, I presume, to facilitate the getting of liquor by people who want liquor.

*By the Chairman :*

510. And what is the object of the hotel?—It is practically the same.

*By Judge McDonald :*

511. In your opinion, it is advisable to have a law that will provide for the sale of liquor to be drank by the glass on the premises, as far as possible?—Personally, I believe in prohibition. But if you ask me in regard to this law, I do not think it could be enforced here, because there would be no public sentiment to back it up.

*By Rev. Dr. McLeod :*

512. Do you suppose a prohibitory law, with an honest attempt to enforce it, even in Halifax, might not create a public opinion?—I do not think it would, because if there is not sufficient public opinion in Halifax to enforce the law we have, which could be made prohibitory, a prohibitory law would not be more effective.

513. Halifax is really under a provincial license law now?—Yes.

*By Judge McDonald :*

514. And this law could be made prohibitory?—Yes.

514a. But because of the lack of public opinion to enforce it, it is non-effective?—Yes.

*By Mr. Clarke :*

515. Has any attempt been made recently to have the law enforced?—Yes; a year ago such an attempt was made.

516. What was the result?—It was claimed that the law could not be enforced, and a body called the Halifax Temperance League undertook to prove that it could be enforced. They employed certain detectives, first, to show that the law was being violated, and second, to punish the offenders. The result was that the detectives were

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arrested on a charge of conspiracy, and they were committed to the Supreme Court for trial. At the trial they were acquitted. That was the end of the attempt to enforce the law.

517. I understood you to say that there was a tacit understanding that the people who have licenses might violate the law, and the police and the license inspector would wink at it?—Yes; so far as selling by the glass is concerned.

517a. And no attempt has since been made to have the law enforced, and in that respect it is a dead letter?—Yes.

*By Judge McDonald :*

518. You have lived in the city under the old law and under the present law, and which has proved the more effective?—There has not been much difference.

*By Rev. Dr. McLeod :*

519. Is it not a fact that the men charged with conspiracy replied by instituting charges against the other parties that some men had been improperly induced to sell illegally?—That point was made; but I do not think there was anything in it. I was asked to come here to testify to-day as to the genuineness of an interview had with Cardinal Gibbons.

THE CHAIRMAN.—The Commissioners have unanimously decided that they cannot accept such testimony. We would be delighted to have Cardinal Gibbons come here and testify; but we feel it to be our duty not to take evidence of this kind, second-hand, and of course in saying so we mean no disrespect to Cardinal Gibbons.

*By Mr. Clarke :*

520. As a journalist, are you of the opinion that drunkenness has increased or decreased?—It has decreased. I think the records will show it.

521. Have the convictions for drunkenness increased or decreased?—They have decreased. I do not think there is as much drunkenness in Halifax now as there was five or ten years ago.

522. Has it been brought about by the change in the law?—I think it has been brought about by the people becoming enlightened and educated.

523. If the statistics of the province show that there has been an increase in the percentage of commitments, that increase will be owing to the fact that there have been more commitments outside of Halifax than formerly?—The law has been more vigorously enforced outside of Halifax recently than during the previous ten years, owing to the agitation in favour of the Scott Act.

524. Is the law as vigorously enforced in Halifax as it was ten years ago?—I think not.

525. Then if it was as vigorously enforced now, the number of convictions would be greater?—No; because I do not think there are so many licensed houses.

526. Then there is a decrease in the number of licensed houses and a decrease in drunkenness?—Yes.

*By the Chairman :*

527. Have you studied the statistics of the cases of drunkenness and offences against the liquor law in Halifax?—Not carefully.

528. Have you made any comparison of them for a period of five or ten years?—No.

529. Then you are only speaking from your general impression?—Yes.

530. You have not looked over the statistics and satisfied yourself that the facts are as you have stated?—Not recently. Some years ago—three or four years ago—I looked into the statistics, and satisfied myself then that there was a large decrease in the commitments.

531. You have not examined the statistics lately in order to make a comparison of the position of affairs to-day as compared with past years?—No.

532. Do you know if the opinion prevails to any extent that the liquor sold here is adulterated?—I know that is the general opinion, and I have frequently heard it expressed.

533. That the liquor is extensively adulterated?—Yes.

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534. Are you a member of any temperance organization, or are you actively engaged in any temperance work here?—Not in recent years.

535. You have not at any time lived in a district where the Scott Act was in force?—No.

536. Then you cannot give the Commission any information based on personal knowledge and experience of the working of that Act?—No.

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Rev. E. MANNING SAUNDERS, D.D., of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman:*

537. What is your occupation?—I am engaged in denominational work, which takes me all over the province. I supply churches, and carry on the work of the Evangelical Alliance, and hold religious services in the poors' asylum, and make visits.

538. You have no special charge?—I have no special charge. I may add that there are three Chaplains of the poors' asylum.

539. Are you one of the Chaplains?—Yes.

540. To what religious denomination do you belong?—Baptist.

541. Have you been engaged in temperance work?—I have not been connected with any temperance organization for twenty-five years, and yet all through my public life I have been engaged, when occasion required, in what is known as temperance work, although, as I have said, I am not now connected with any temperance organization whatever, nor have I been for twenty-five years.

542. Have you any personal knowledge of the inmates of the poors' house, or do you just minister to them in religious matters?—I have been in the habit, as minister in the city for twenty-five years, of visiting the poors' asylum and taking my turn in holding religious services there; but for the last ten years I have conducted the services as Chaplain of the organization here known as the Evangelical Alliance. That involves the visiting of the wards, and the gaining of all the knowledge that a minister would, in the nature of things, obtain as to the inmates of the house.

543. How many religious services do you hold each week?—One each Sabbath.

544. Do you visit the institution during the week?—Yes.

545. Have you become personally acquainted with the inmates of the institution?—Yes, I have during the last twenty-five years.

546. How many inmates are there in the institution at the present time?—There are far more in the winter than in summer. I do not know exactly now how many there are, but about three hundred, perhaps a little under that number.

547. How many are there in the winter?—The number goes up to the neighbourhood of four hundred, if my memory serves me. It may drop at some seasons in the summer even below three hundred.

548. In what way is the institution supported?—The institution is now in charge of the city.

549. Is it supported out of the city revenues?—Yes.

550. Do the inmates contribute, or are they in any case required to contribute any sum?—There have been a few cases where there have been some slight contributions made by them to their own support, but I think they are very few. However, I cannot speak definitely as to that, for it has not been my duty to ascertain those facts.

551. Generally speaking, then, the expenses of the institution are borne by the city: is that the case?—Yes. It was different some years ago, but I think the system has been changed and the city has now charge of it. For instance, the Chaplains were paid up to a certain time by the Provincial Government, now they are paid by the city.

552. Can you state to the Commission if the Provincial Government make any contribution towards the expenses of the institution?—I am not acquainted with the facts.

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553. Can you favour the Commission with any statistics connected with the institution—such as the number of inmates from time to time, and the cost—or will the Commission have to get these facts from the officer in charge?—I speak from my observation, and from observations I have had with the officer in charge. (The officer who was there some years ago is not there now.) When I say that the people who go there are chiefly of the labouring class, I mean they are people who have been workmen. The inmates are not, however, altogether confined to that class. Some people of other classes, from their habits of life, have unfortunately got there, even members of the clerical profession.

554. Can you give the Commission an idea of the proportion of the inmates who have been obliged to go into the institution through habits of intemperance?—In a general way, from all the information I have obtained during these twenty-five years, and I have sought in various ways to get information, I think that, directly or indirectly, far the larger part, the great majority of cases, have gone there from drink. I will give one fact now. Some years ago the burials were not attended at all, and they are not now, except by the man who drives the hearse and one of the chaplains, who has to be at the cemetery in order to perform the ceremony. It was thought by those in charge of the institution that it would be more seemly and more in keeping with the religious sentiment of the city if a number of inmates should follow the hearse, as is the custom of friends of a deceased. That course was resolved upon by the Board which has the institution in charge, and they arranged to have twelve men follow the hearse. The Superintendent selected twelve of the most trustworthy of the inmates of the institution, those regarded as having the most self-control, and they were properly apparelled and followed the hearse to the cemetery. But they did not go back direct to the asylum. Every one of them got drunk. That was the end of the matter. Instances of that kind I have gathered, which lead me to the opinion I have just expressed, that the greater part of the inmates are there, either directly or indirectly, through strong drink, intemperance.

555. Who made the selection of the twelve?—It was made, I think, by the then superintendent of the institution.

556. The opinion of the board was that it was not practicable longer to continue that practice, because the men when they got outside did not return directly to the institution, but, as in this instance, got into a state of intoxication?—Yes.

557. Was there any difference of opinion on the Board in regard to that matter, or was the opinion of the Board all one way?—I do not know. That conclusion was resolved upon.

*By Rev. Dr. McLeod :*

558. These men were in the institution because they themselves were drunkards?—Yes.

559. About what percentage of those who are there through drunkenness, directly or indirectly, are there by reason indirectly of drunkenness on the part of husbands or fathers?—I have never kept any record of the cases. There are a few cases of excellent women being there whose husbands were unable to provide for them, and they were obliged to go to the asylum.

560. So, not only persons who are drunkards themselves get there, but also people get there on account of the drunkenness of others?—There is no doubt of that.

*By Mr. Clarke :*

561. Is there any record kept in the institution showing the causes which have led those people to be sent there?—I do not think so. There is none to my knowledge.

*By the Chairman :*

562. Out of 300 or 400 inmates, how many are aged persons?—Far the larger part are advanced in years.

563. Over sixty years of age?—Yes; a great many are more than sixty years.

564. How many are below fifteen?—Very few indeed are below fifteen years. There are those who have been sent there from loss of mental faculties. Some have been sent to the asylum as being harmless lunatics, and quite a number of those go to

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make up the number. There may be some there under fifteen years, but they are probably these who are affected with some disease and cannot take care of themselves.

565. Then of those who have had to seek the shelter of the institution, owing to intemperance on the part of parents, would there be only a small percentage of them below fifteen years?—It would be a very small number.

566. Those of the age of sixteen years and upwards would not, I suppose, be likely to have gone there owing to intemperance on the part of their parents?—When children are in the institution active measures are taken to put them out on farms, and thus the institution is relieved of that class. I do not know how many might be there, but if children are healthy and strong they can be placed out in the country, and so the institution is, as I have said, relieved in this way of that class.

567. But amongst that class would there be any of those to whom my co-Commissioner has referred—those who were in the institution owing to the neglect of parents?—Yes.

*By Rev. Dr. McLeod :*

568. Are there mothers in the institution on account of the neglect of their sons?—Yes.

569. And wives there on account of the neglect of their husbands?—Yes.

570. And widows there because their husbands drank?—Yes.

571. Inmates under fifteen years of age, you say, would not stay in the institution very long?—No; a very short time.

*By Judge McDonald :*

572. By what means has this been ascertained—that there are widows there because their husbands were drunken men?—I speak from personal knowledge and conversations with the inmates.

573. Did they tell you that it was because their husbands had been drinking men?—Yes.

574. And mothers told you they were there because their sons had been drinking men?—I have not in my mind that they have told me that it was on account of their sons drinking; but probably it may have escaped my memory. The usual tale is that the husband was intemperate, and perhaps lost his life through intemperance; or because of his extreme intemperance his wife had to leave him, and had no other place to go than this institution. For instance, a woman has come to the asylum from Newfoundland. The man was burned out. The wife says that her husband is so cruel she is obliged to leave him, and she has no other place to go than to the asylum. He wants her to return to him, and she says she will go if he leaves the city; but so long as he is in the region of the drink shops he will drink. Those are the tales the chaplains continually hear.

575. Is no register kept recording these cases?—No.

576. You are speaking from personal observation?—Yes. I may state that fourteen years of my life have been spent as minister of a church in Halifax.

*By the Chairman :*

577. Do you consider that drunkenness has decreased or increased in Halifax within the last five or ten years?—I do not think I could convey my opinion on that subject by “yes” or “no,” but I will make a short statement. I believe that the drinking habit, and consequently drunkenness, has decreased. There are more people in Halifax now who are total abstainers than there were fifteen or twenty years ago. At the same time, while there are more total abstainers, the intensity thrown into life by railways being built and the increase of steam-boat accommodation and telegraphs and telephones, has put society into a nervous, active condition, so that the same number of drinking people will turn out a greater amount of drunkenness than formerly.

578. They repeat the offence?—They repeat the offence over and over again. Some of those in the poor house had, during many years, been before the police court fifteen or twenty times annually for being drunk and disorderly, and they have been in the poor house for a time and then out for a time. Sometimes they are temperate and

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sometimes they are intemperate. So these cases might, apparently, appear to be contradictory to the opinion I have expressed, that there is now less drunkenness than formerly. There are a greater number of people in Halifax now who do not drink, and there has been steady progress made in the direction of total abstinence, and total abstinence is really the only means to meet and overcome the evil of strong drink.

579. Do you attribute that condition of affairs to the inculcation of temperance principles by moral suasion amongst the people, or to the enactment of license laws and laws making it more difficult for people to get drink?—I think it has been done chiefly by what you may call in a general way the churches—by means of the Gospel. For instance, there were ministers of the Gospel highly respected, in good standing, and having much influence here, who would take their glass socially, and who did not conceal the fact, or wish to conceal it. After examining the question they practically abandoned the practice. They took total abstinence ground, and they, of course, had great power with their congregations and the people generally. The change in sentiment has been brought about by the work of God through the ministration of the Gospel in changing men's hearts, and convincing them that they themselves should not be under the habit of taking strong drink, and that they should do all they could to dissuade others from it by pointing out that its tendency was not good, but bad in every way. That, I know, has been the tendency in Halifax, for I have been here twenty-five years.

580. Then you attribute this change to that more than to legislation?—Yes. My observation is that the enforcement of the law against the traffic in strong drink has been very spasmodic. Sometimes in Halifax the law is not enforced at all, and in other places it is the same. The educational effect of enforcing the law has not been, so far, very great. It has been useful to some extent, I daresay.

581. Have you had a charge in any county where the Scott Act was in force?—I have not.

582. Have you lived for a considerable time in any district or county where the Scott Act was in force?—My duties have caused me to go generally over these three provinces, especially over Nova Scotia, and in these provinces during the last ten years I have made it my business to inquire as to the progress of temperance, and what is being done, and the changes wrought for the better or for the worse; and in that way I have had an opportunity of observing some places where the law was enforced, and some places where it was not enforced. I could give particulars from memory.

583. Is it your opinion that the Scott Act, so called, has had the effect of reducing the number of drinking places, where it has been put in force?—There is no doubt of it. That, however, depends upon whether it has been carried out after it has been adopted.

*By Rev. Dr. McLeod :*

584. You know of places where it has been carried out, and where it has had the effect spoken of?—Yes; I went into a hotel in a town not very far from Halifax and within four miles of the shire town. I there saw the bar was as open as the dining-room. I said to the proprietor: "Is not the Scott Act in force here?" He said: "Yes." Then I said: "You seem to be selling liquor as openly as you give dinner?" "Yes," he replied. I asked: "How is that?" He said: "We keep everything decent about our premises, and we are not interfered with."

585. Is that the general state of matters?—I may state another occurrence in the same county, but in another place. I stayed at the principal hotel in the shire town. I saw a stream of men in the rear of the hotel going in continuously, and evidently taking strong drink. I talked to the proprietor about it, and he frankly admitted the fact. In another town near, and where the Scott Act has been repealed, I saw the same thing occur. Young men were going in and out of the house. I talked to the man, who appeared to be a nice sort of man, and he did not conceal the fact. Two or three men would come along and go in, get drink and then come out. That was the case last autumn. Now, I am told that the Act is being enforced there, and that the man has been fined. The law, however, is enforced spasmodically, so far as I know.

585a. Do you know places where such a state of things does not exist, where the law is really enforced as is any other law?—Yes. Take Berwick section in King's

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county. The license law has been in force there for the last thirty-five years, as I know, for I lived there nine years as pastor of the church. About five years ago a man went there with \$3,000, to set up an inn and sell liquor. The people went to him and tried to dissuade him from doing so, asking him to start an inn without selling liquor, and that if he would do so they would contribute to his success. He started in selling liquor; the people enforced the Scott Act, and the man was reduced to poverty and had to leave. That is the way the Act works in that part of the country. When you come twelve miles east, the law is never enforced in that way.

*By the Chairman :*

586. The Scott Act, then, is not universally successful?—That is apparent to every one who has had an opportunity of observing its working. There are counties where the people have not attempted for years to enforce it.

586a. To what do you attribute it?—I say to some of the leading temperance men, to ministers in country towns where the Scott Act has failed, and where there is free liquor and no attempt is made to conceal it: Why do you not attempt to enforce the Act? They name over the leading men of the town, who are men of means and in some way mixed up with public interests, and they affirm that these people will not take an interest in enforcing the law, and so they are not able to carry the law out.

587. So it is for lack of public interest the officers do not find behind them a sufficient public sentiment to make them zealous in the performance of their duties?—I have heard a good deal, these last few years, about the difficulty of enforcing the law from another point of view. It is this: When men were prosecuted for violating the law and convictions were obtained before the magistrate's court, appeals were made, and the "Canada Temperance Act" and the Provincial law were found to be so mixed, and to have been so altered, as to raise doubts in regard to their provisions; and, as there was doubt whether the temperance people would win or lose the cases in the higher courts, they become discouraged in regard to enforcing the law. I have been given very frequently this as one of the reasons why the law has not been enforced.

588. The difficulty of enforcing it?—Yes.

*By Rev. Dr. McLeod :*

589. You said that the diminished drunkenness was attributable to the teaching of the Gospel and to moral and religious influence chiefly: do you think the law has helped by making more stringent regulations in regard to the drink trade?—I have no doubt it has helped.

590. Do you think the law in any degree expresses the effect of that teaching? Do you think the teaching has not only had the effect on individuals, but has become crystallized in the law, which has become increasingly rigid? Has the teaching which has had this effect on individuals also found expression in increased restriction of the trade by law?—No. My opinion is that those who have gone forward and succeeded in their efforts to arouse public sentiment against the drink traffic along moral and religious lines are identically the same persons who are active in having laws enacted for the suppression or prohibition of strong drink. They are the same parties acting in two capacities.

590a. Do you think the teaching which has had such a beneficial effect is hindered in any degree by legalizing drinking places?—Yes.

591. If there were no legalized drinking places, would the teaching be still more effective?—Yes. It has been my habit to mingle with men in the trade and talk with them, and I find them open and frank as a class. I have talked with many of those who sell drink, the licensed men, and one of the grounds which those who are licensed take is this: that their business is a business recognized by the law, and they claim that it is legitimate, and should have the status which the law gives it. If it were outlawed, if the law respecting selling liquor were like the law regarding stealing, or any other vice by which offenders are outlawed, then, of course, that standing would go from under those parties, and they would not have that ground to fall back upon. They put that forward as one of the reasons why they claim their business is legitimate and

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respectable, and they claim that they should have the same rights accorded to them as are given to men in other lines of business.

592. Do you think it would be a good thing if it were outlawed?—You are asking my personal opinion.

593. Yes.—My personal opinion is that that is the only kind of legislation we should have.

594. Then again, in regard to the Canada Temperance Act, do you believe, from your observation and experience, that the Canada Temperance Act can be enforced?—Yes, I have no doubt of it.

595. And where it is enforced with vigour, the effect is good?—Yes.

*By the Chairman :*

596. What are the conditions which you think are requisite for such enforcement of the Canada Temperance Act?—If there is sufficient public sentiment in favour of prohibiting the sale of strong drink, in the community, all the conditions required are that those holding those views shall not be under the power of those engaged in the traffic, but free to act. If they are not under such power, they will have the courage of their convictions and do their duty.

597. Without such preponderance of public sentiment the Act could not be efficiently enforced?—That is the opinion I hold in regard to it.

*By Rev. Dr. McLeod :*

598. Do you know any places where, from your knowledge of the people, the moral and religious people, the sentiment against the drink habit and trade is strong, but there are inefficient and unfaithful officers, and, therefore, there is no enforcement of the Act?—I am just expressing my opinion in answering this question. My belief is, from inquiries I have made from one end of the province to another, that the responsibility of not enforcing the law rests upon the community more than upon the individual. I have seen cases, and I could give names of individuals, in which very great efforts were made to enforce the law, and yet the people found their efforts were not supported by the community, and they became embarrassed in various ways and had to give up the task.

*By Judge McDonald :*

599. You stated a few minutes ago that, in your opinion, the traffic was one that should be outlawed completely?—That is my opinion.

600. Is it your opinion, from travelling about and seeing the people, that that has been the view of those members of the community who voted for the Canada Temperance Act, that they felt it should be outlawed, and voted that way?—Partly perhaps as a matter of expediency, and they also believed it should be outlawed on its merits.

601. Expediency, in what way?—That it would be the way to arrest and do away with the evils of the drink traffic, that this would be the best way of doing it.

602. Those people who have carried the adoption of the Act—either from the view that the trade should be outlawed or that it was expedient in the interest of the community that it should be strictly regulated—formed a majority of the people, or the Act would not have been carried; has your experience been that those people voted to carry out those views?—Yes, in some communities. Take the position of the various denominations. The denomination to which I belong has, in the Maritime Provinces, between 42,000 and 43,000 communicants, representing 120,000 people according to the census. When the representatives of this denomination come together (and there were 310 delegates last year) this question, invariably comes up. There is an unanimous sentiment, as I could show from the records, expressed in favour of prohibition. There is no one to advocate any other view of the question. That is true so far as the body to which I belong is concerned. I do not know of a communicant of the Baptist Church in the Lower Provinces who is engaged in the traffic, and I know that no man could hold his membership in a church, unless the church had fallen off very greatly in numbers and in vitality, if he was engaged in any way in the liquor traffic. That is the position so far as public sentiment is concerned of the Baptists in these provinces. If there was a prohibitory law now in force, the Baptists would be prepared to enforce it.

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603. Have you obtained any knowledge, in going about among these different places, as to the quality of liquor sold: are there many complaints of adulterations?—I have heard some complaints, but nothing which led me to suppose that there is any general adulteration practised. Still, there may be. I have never been convinced that there was much of it.

604. Did you, on any of the occasions when you were at hotels where you saw people going in to drink, call the attention of the officers of the community to it, either there or elsewhere?—No, I did not. When I spoke about it, the parties knew all about it and admitted it.

605. But you did not care to meddle with it?—Yes, it was no matter of information to them.

606. And you, as a citizen of the province, did not feel it to be your duty to notify the officers charged with the administration of the law as to what occurred, in order that they might look after those people?—No, I did not.

607. And you thought the rest of the people felt the same way?—Yes. There are some communities in Nova Scotia where the temperance sentiment is desperate, and there would be little short of revolution if a licensed place was forced upon them. I know that thirty years ago, in one of the towns where a great many mill hands were employed, the people turned out and tore down the house of a man who sold liquor. There never has been a place for the sale of liquor in that town. If one was established it would cause a revolution. This has been the state of things for forty years, and there is no trouble in enforcing the Scott Act there.

*By Mr. Clarke :*

608. In what proportion of the places you visit is the Scott Act rigidly enforced?—As I said at the outset, there seem to be spasmodic efforts made. At times its enforcement will be thorough and rigid; then again it will be relaxed, so you cannot speak definitely about it. There are a number of places I have in mind where the law is now enforced. For instance, the town of Yarmouth. I spent four or five weeks in one of the hotels in the spring, and made myself thoroughly acquainted with the state of things in the town, and, so far as the people are able to do it, they are enforcing the law. They took a bar-tender away.

*By Rev. Dr. McLeod :*

609. What did they do with him?—They took him away to prison.

*By Mr. Clarke :*

610. What about the other places you visited, the cities and towns?—In Truro at one time the temperance law was enforced with very great efficiency, but when I was there last autumn liquor was as freely sold as if the people had never heard of the Act.

*By Rev. Dr. McLeod :*

611. They have not the Canada Temperance Act there now?—No; it has been repealed.

*By Mr. Clarke :*

612. They have it in force through Prince Edward Island?—I cannot speak for Prince Edward Island.

613. Is the Act enforced generally throughout these provinces?—It is to some extent. It is not, I think, generally well and efficiently enforced. There are some places, perhaps, where it is as well enforced as it is possible under the circumstances to enforce it. We have a law against people getting drunk; but it is hard to convict three or four or half a dozen who break the law.

*By the Chairman :*

614. You have said, I think, that a prohibitory law could not be enforced efficiently if public sentiment did not support it. From what you know of the community, do you think that a prohibitory law could now be efficiently enforced if it was on the statute-book?—I hold the opinion that if there was a prohibitory law for the entire Dominion,

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and if the regulations were such, and if the officers were appointed in a certain way so as to have officials of the best type and representative of the temperance element, the very fact of it being a Dominion law would give force to it. I think that the weakness of the law is that it is a local law.

615. Taking things as they are to-day, is it your opinion that a prohibitory law could be efficiently enforced in the present state of public opinion?—I doubt as regards Halifax.

616. I will not take Halifax alone, but the country generally. You go over a large portion of the country, and appear to be thoroughly well informed on temperance matters and in regard to public sentiment, and I want you to give the Commission your opinion on that point?—I think, after all my inquiries, from the way in which the Roman Catholic priests in different parts of the country and the clergymen of other denominations are acting, and from the fact that public sentiment is increasingly favourable to prohibition, that if there were a good prohibitory law for the Dominion of Canada, and if there were carefulness and wisdom observed in regard to the provisions of the law and in regard to appointing officers to carry it out, as a rule in these provinces, and I cannot speak beyond them, the law would be enforced with a high degree of efficiency.

617. You know, from your own experience, how improbable it is that those conditions would exist. I again put the question: Do you think, if a prohibitory law was passed at the present moment, it could be efficiently enforced in the Dominion of Canada?—I shall have to turn to another phase of it, and say that, if a law was passed by the Dominion Parliament simply to get rid of an ugly question that was pressing upon them, that of prohibition, and there was not any special interest taken in the details of the law and of the officers appointed to carry out the law, then I am ready to believe that the law could not be enforced very generally.

618. You have spoken of the law not being enforced in the case of public sentiment being opposed to it, and I now understand you to say that, in the present state of public opinion, you are doubtful at least, not to go further, whether it could be enforced?—I will answer that with the qualification I have already made. I think, if a law were passed, and the provisions of the law were wisely made—provisions for officials of the law to carry it out—if the very best safeguards and protective provisions were put around it, it would be generally enforced in these lower provinces. There might be times in Halifax, and perhaps in St. John, when it would be difficult to enforce it, and when there would be obstacles in the way, and, indeed, it would be some years before public sentiment would be strong enough to enforce it there; but I am speaking generally of the lower provinces.

619. Then, with your experience of the Scott Act, which goes to show that it has been very indifferently enforced, do I understand you still to express the opinion that, in the present state of public sentiment on the subject, a prohibitory law would be efficiently enforced?—I believe, in the first place, that a Dominion law for absolute prohibition would be better in its educational effect. It would have the majesty and dignity of law to a greater extent, than these local laws.

*By Mr. Clarke:*

620. Is not the Scott Act a Dominion measure?—It is, but it has to be adopted by localities. A law made for the entire country would have the dignity of law, and that would have a salutary effect upon the public mind, and would be like a law against any other vice and its operations would not be obstructed. That would be felt to a greater extent than is felt in regard to any local laws.

621. One of the conditions you attach to its efficient enforcement is that the officers shall efficiently carry out the law, and hitherto you have found, I believe, that the officers have not efficiently carried out the present law? Would the officers appointed be disposed to carry out a general prohibitory law if they were not well supported by public sentiment?—I think men can be found in every community, if the temperance party are allowed to make the selections, who would have the courage of their convictions, and if they were appointed under a Dominion prohibitory law to enforce that law, they would make it their business to do so.

## Liquor Traffic—Nova Scotia.

622. Do the license inspectors receive their appointment from the municipal councils?—I cannot answer that question.

623. If the Scott Act is in force in these counties and municipalities, do not the councils partake of the complexion of the electors in the matter of being favourable to prohibition, and having the appointment of the officers to enforce the Act in their own hands, do they not desire to appoint inspectors who will rigidly enforce the law?—The law has been adopted in some of the counties since I have been there, and I have not been able to follow it, and therefore give an opinion with respect to that point.

624. We learned from two witnesses that the inspectors were appointed by the municipal councils and their appointment confirmed by the Provincial Government. Do you know whether any effort is made by the municipalities to secure men as inspectors who are likely to enforce the law?—Yes, I do in some cases. I know that in some cases men of very strong convictions have been selected.

625. The fault then rests in the selection of the officers?—It was to a great extent that.

*By Rev. Dr. McLeod :*

626. Do we understand you to say that you never resided in a town or county where the Canada Temperance Act was in operation?—No.

627. The information you have given respecting places under the Canada Temperance Act was derived from personal observation during occasional visits, and from information you have received?—Yes.

628. You think a general prohibitory law is desirable?—Yes.

629. And that a prohibitory law well enforced would be a blessing?—Yes.

*By the Chairman :*

630. But you are not so confident as to the efficient enforcement of it in the existing state of public sentiment?—Not in all places.

*By Judge McDonald :*

631. Taking the present law as it is enforced in certain counties in this province, do you think the Scott Act is preferable to the license law?—I am not sufficiently well acquainted with the two to make a contrast or comparison, so as to be able to give an opinion on that matter. I hear persons say they do not think there is very much to choose between them, so far as the fact of their enforcement is concerned.

632. In one case the law is based on the ground that the traffic should be outlawed, the other on the ground that it should be licensed, so there is that difference?—Yes.

633. From your knowledge, which would be preferable, the Scott Act as it is and as it is worked, or a license law if it were carried out?—My convictions and sympathies go for prohibition.

*By Rev. Dr. McLeod :*

634. You said that a good many persons had stated that there was not much difference between the license law and the Canada Temperance Act; do we understand you to say that there is not much difference between the Canada Temperance Act and the prohibitory provisions of the present license law?—I was speaking in that respect of the difficulties and obstructions put in the way of enforcing the law. The difficulties are as great in regard to the Canada Temperance Act as to enforcing any other law.

The Commission adjourned.

HALIFAX, July 26th, 1892.

The Commission met this day at 11 a.m., SIR JOSEPH HICKSON, Chairman, presiding.

*Present :*

JUDGE McDONALD.

REV. DR. McLEOD.

MR. E. F. CLARKE.

MR. G. A. GIGAULT.

JOHN A. MACKASEY, License Inspector for the city of Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

635. How long have you resided in Halifax ?—Forty-seven years.

636. How long have you held your present office as license inspector for the city of Halifax ?—Six years.

637. Continuously ?—Yes.

638. By what authority were you appointed ?—I was appointed by the City Council, and my appointment was confirmed by the Provincial Government.

639. Were you appointed before the present license law came into force ?—Yes.

640. So you have had experience of the working of two license laws ?—I was not inspector under the previous law, only under the present law.

641. How long has the present law been in force ?—It came into force in 1886.

642. Were you the first inspector appointed under its provisions ?—Yes.

643. Will you be kind enough to state briefly to the Commission the nature of your duties as inspector of licenses ?—My duty as inspector is to supervise the liquor trade of the city of Halifax, and to see that it is carried out in accordance with law. If the law is not complied with, my duty will be, in case of any violations taking place, to bring the offenders before the court.

644. Will you tell the Commission, in your own words, the plan which has been adopted with respect to the issuing of licenses ?—On an application being made, a petition signed by citizens is required to be presented. That is filed with the inspector not later than 15th December. The petition must contain the signatures of three-fifths of those qualified to sign for that section or district.

645. Is that a polling district ?—Yes.

646. And then what takes place ?—The signatures, I may explain, must be those of resident qualified electors for that particular section, and the petition must be signed by three-fifths of such electors.

647. Three-fifths of the qualified resident ratepayers of the polling district within which the licensed house would be situated ?—Yes.

648. The first step, then, is the presentation to you of a document of that kind ?—Yes.

649. Then the law directs that notice of the application be advertised, for not less than fourteen days, in one or more newspapers published within the district. If there are no newspapers published within the district, then it must be advertised in newspapers published in the district nearest to that particular district. Then what follows ?—The second Tuesday in January was the date on which the council had to consider those applications, and grant or not grant as the case might be.

650. Having received this paper, how do you satisfy yourself as to the genuineness of the signatures ?—There are various ways. They are sworn to.

651. They are verified by affidavit ?—Yes.

652. Subscribed and witnessed ?—Yes. Moreover, I know quite a number of the signatures myself.

653. Do you then examine the rate-roll in order to ascertain whether the number of signatures make the required proportion ?—Yes. I can bring the last list in order to show you the manner in which it is made up.

## Liquor Traffic—Nova Scotia.

654. Having received the paper, and having satisfied yourself that the required number of persons have signed the petition, and that the application has been properly advertised, do you make any domiciliary visit to the proposed premises?—Yes.

655. Will you kindly tell the Commission what you do then?—If the application is for an hotel license, the law requires that the premises shall contain at least six bed rooms, fully equipped, besides the rooms required for the family of the proprietor, who is making the application for the license. That is the law in regard to hotels.

656. What other requirements are there? Are there any requirements in regard to stabling?—No; not in regard to the city, but in regard to the country.

657. Does your investigation of the house require you to examine the particular part of the house in which liquor will be stored, if the license is granted?—There is nothing in the Act in regard to that matter. We would naturally inquire as to where it was going to be kept.

658. Is there any provision in the Act as to the part of the house in which the liquor is to be sold?—No; not in regard to hotels. That matter is left to the proprietor himself, and he can keep it where he pleases.

659. Could it be kept in more than one room?—The Act is silent on that point.

660. Having made the domiciliary visit, and having satisfied yourself that the document is proper in every respect, is there any security taken from the man himself by way of bonds?—Yes; when he receives his license. The application has to be accompanied by the recommendation or otherwise of the Inspector. If a report does not accompany the petition or application, the Council cannot take action in regard to it.

661. Then the next step after receiving the paper and visiting the house is to make up your report to the Council as to what you think should be done in the matter?—Yes.

662. Are those papers filed with the Council?—They are handed in to the Council and generally handed back to me again.

663. Now we come to the date when the Council proceed to deal with it; when is that date?—It was the second Tuesday in January, but last year, or the year before, they made it the second Tuesday in February.

664. Was that done by the Legislature?—Yes.

665. Is there any limit in the statute as to the number of licenses which may be issued?—There is no limit in the Act.

666. Is there any provision in the Act stating that the Council may limit the number?—No. But the Council can grant or not grant the applications as they please.

667. There is no provision stating that there shall not be more than a certain number of licenses issued?—No.

668. Do I understand that when your report is submitted to the Council, that body may use its own discretion as to whether it shall grant or refuse the licenses applied for?—Yes.

669. Have they ever refused to grant a license when you have made a favourable recommendation?—They have done so.

670. They have granted it over your report?—Yes; and also over the Recorder's report.

671. The Council have granted a license, you say, in cases when you had reported adversely?—Yes, and against the Recorder's report.

672. Under the Act, does the Recorder report on applications as well as you?—No. Merely when a matter is referred to him; when a question is referred to him in regard to the law.

673. Supposing an application for license is refused by the council, that is the end of the matter, I suppose?—Yes.

674. But if the council, acting on your report, grants the license, who issues it?—I issue it.

675. There is a clause in the Act providing that when the council grants a license to the person applying, the Chief Inspector shall issue to him a license on the payment of the fee specified, and on his giving a certain bond and a certain security: are the

licenses issued by the municipality of Halifax or by the Provincial Government?—They are issued in the name of the municipality of the city of Halifax.

676. What is the fee required to be paid?—For a shop license \$100, for an hotel license \$150, under the amendments made to the Act since 1886. The whole of the provisions under that Act did not come into force until the 1st of January, 1887. The license was placed at \$300 for a wholesale license, and \$150 for a brewer. We never received any fee for a wholesale license, because power was given to refer that part of the law relating to the wholesale license to the judges. The law was considered by them to be unconstitutional and beyond the power of the Legislature to enact. Thus the matter has remained in abeyance and remains in that position to-day. We receive merely \$10, being the application fee. This I have always demanded and have always received, but I do not know that I have any right to receive it.

677. The fee of \$150 for an hotel license is paid to whom?—To me.

678. For the municipality?—Yes.

679. Does the Provincial Government receive any portion of it?—No portion of the fee.

680. All the fee goes for the benefit of the municipality of Halifax?—Yes.

681. When you issue a license, do you take security from the person that he will observe the requirements of the law?—Yes.

682. In what form is the security taken?—In the form of a bond.

683. With himself and two sureties?—Yes, himself and two sureties. Altogether in the sum of \$800 : \$500 from the person receiving the license and \$150 each for the two sureties.

684. Do the sureties have to be approved by you?—Yes.

(Witness filed a copy of the bond).

685. Can you give us the form of petition signed by the ratepayers?—Yes. [Appendix I.]

The applicant, having given the security, obtains his license and is allowed under the law to sell liquor, we will say in an hotel, in the manner provided by law.

686. Will you state what the limitations are as to selling, as to the quantity and to whom?—He may sell from 7 o'clock in the morning until 9 o'clock at night; and on Saturday from 7 o'clock in the morning until 6 o'clock in the evening; and on Sunday he can sell between 1 and 3 and 5 and 7 to guests at the table.

687. During the hours named by you, to whom may he sell?—To guests, boarders and lodgers.

688. Where can he sell?—In their rooms and at the table.

689. Is there any provision for what is commonly called an open bar?—On conviction a person who sells at an open bar in an hotel is liable to \$100 penalty.

690. There is no provision in the Act, then, for keeping an open bar?—No.

691. To which the people could go and drink by the glass?—No. The law does not provide for the sale of liquor at a bar in an hotel.

692. So the provision for the sale of liquor in hotels, taking it in its widest range, is only for sale to travellers, boarders or lodgers?—They have to be guests of the hotel. Of course, you might be a traveller and not a guest.

693. Has the individual to be a traveller stopping at the hotel?—He might reside in Halifax and be a guest or boarder.

694. Is it the duty of any person to supervise the hotels and see that persons who have licenses comply with the requirements of the law?—I visit the hotels occasionally.

695. Then you are the person to perform this duty?—I am one of the persons.

696. Who else is there besides you?—There are six sergeants of police. They were appointed by a resolution of the City Council on the 7th November, 1890, to assist me. They were appointed as deputies, and sworn in as such. The Act says that the inspector, policeman or other police officer may enter any place where they think the law is being violated.

697. So the City Council of Halifax, at all events, has passed a resolution making provision for giving assistance to you in the discharge of your duties?—Yes.

698. Is there any provision in the Act which will enable you, on making domiciliary visits, to go into any room in the house?—Yes.

## Liquor Traffic—Nova Scotia.

699. To break locks?—Yes; if I had a warrant. There is a provision by which I could obtain a warrant.

700. You could obtain a warrant, and it would be granted you on making an application?—We have had warrants, but we have never used them. We have never had any interference and have always been admitted.

701. You have been inspector many years and have discharged your duties since the new Act came into force: have you reason to suppose, from your experience and information and knowledge, that the requirements of the law are complied with in the city of Halifax?—I do not think they are.

702. Are they being broken by the sale of liquor in less quantities than the law allows, for I understand that liquor can only be sold by the bottle, not by the glass?—By the bottle not less than one pint—that is under shop licenses—but hotels have the privilege of selling by the glass.

703. Is that only to guests and boarders?—Yes.

704. Do you believe that the law is broken by the sale of liquor in the licensed hotels to persons other than guests, boarders or lodgers?—I have had the parties up for selling liquor to others than guests.

705. And have you secured convictions?—Yes.

706. Does the law limit the sale to persons under any particular age?—It does not allow liquor to be sold to minors.

707. Have you reason to believe that liquor is sold to minors?—I do not believe that to-day there is any person holding a license who would sell liquor to a minor, with his knowledge. I do not believe he would so, but still minors get liquor.

708. I suppose they might get it as the Indians in the west get it, by sending some one else for it?—Yes. The law should be amended to cover that. It is very stringent in regard to sale to minors by licensed people, but it is silent as to the purchasing of liquor by any other persons and disposing of it to minors.

709. Speaking of shop licenses, any person who buys in a shop cannot buy less than a pint, I understand, and it cannot be drank on the premises?—Yes.

710. Have you reason to believe that liquor is drank on the premises in those shops?—I have no particular knowledge of the fact; but, nevertheless, I believe it is done.

711. Have you had any convictions under this head?—Yes. I have had cases before the court, and I have secured convictions, and the cases have been appealed to the County Court. The Recorder tried a case respecting the sale of liquor to a minor and convicted, and it was appealed to the County Court, and the decision was reversed. There was another case of selling liquor by the glass to be drank on the premises—not for selling, but for drinking it. We secured a conviction in the Police Court, and the case came before the County Court and the judge held that there was no violation of the Act. The Act states that nothing less than one pint shall be sold and that it shall not be drank on the premises, but the County Court judge held that when the party did not drink the pint, there was no violation of the Act, and that if we brought the party up, it should be for selling liquor in quantities less than a pint.

712. Your law requires that under shop licenses liquor must not be sold in places where groceries are sold, but it must be sold in a separate place?—Yes.

713. With a separate entrance?—Yes.

714. Have you any reason to believe that people go to those shops and buy a pint of liquor and then drink it among themselves outside, that is, that the liquor is drank by more than one person?—I have seen them on the streets doing so; also in alley-ways and down on the wharfs. I have met them in the cemeteries, and I have found bottles under the trees when I have attended a funeral.

715. Then your license is an exceedingly strict one?—Yes.

716. Have you, as inspector, honestly endeavoured to carry out its provisions?—I have. Every case brought to my notice and every violation of the law that came under my observation I have brought before the court.

717. Have you received from the city authorities all such assistance as you could reasonably ask to enable you to carry out the law?—Yes; they have never interfered with me in my efforts to carry out the law.

JOHN A. MACKASEY.

718. Do you find with those favourable conditions you are able to have the law strictly observed?—No; it is an impossibility for one man to carry it out.

719. Even with your six assistants?—Yes, and with the aid of the police.

720. Even with that assistance, you find it impossible to have the law strictly carried out?—Yes. It has been said by some of the sergeants who are inspectors, that I have not done my duty, and that the work could have been done much better. They have been appointed, but they have not done very much, not so much as the inspector.

721. Do you think you could name any number of officers or deputy inspectors that could be provided that would enable you to carry out the law successfully, or would be of material assistance?—If there was an inspector to every licensed establishment in Halifax, the law could be carried out. That is my opinion.

722. A man to go and stop at each licensed house?—Yes; I think I am able to carry out the law as well as any individual can do.

723. I suppose you are not in a position to state as to whether many people from the rural districts come in and buy liquor and carry it out of the city?—I see them carrying away jars, cases and bottles.

724. Do they appear to be farmers from the rural districts?—They are from the country. I also see liquor sent out by the wholesale people to the country. I see the packages outside the doors addressed to different parts of the country, such as Antigonish and Truro.

725. I have not asked in regard to the wholesale people. Are there any violations of the law by them which you have observed?—Wholesale people can do as they please independent of the law, because the law at present is in abeyance. They cannot be prosecuted for any violation of the Act.

726. The point in dispute remains in abeyance until the law is settled?—Yes.

727. So in the meantime they are doing as they please?—They are doing as well as if the law were not in abeyance. They are doing what is right, as near as they can; but, as I have said, they may do as they please. They are not allowed, under the Act of 1886, to sell in quantities of less than one octave (18 gallons), and in bottles of not less than two dozen imperial quarts; that is the law.

727a. Have you had any experience of the working of what is commonly known as the Scott Act; have you resided in any section where it has been in force?—I have not lived in any place where the Scott Act was in force, but I have been to Truro in this province.

728. In what county is Truro?—The county of Colchester.

729. Was the Scott Act in force there?—Yes; I was there for a few days.

730. Had you an opportunity of observing its working?—Yes. I did not go there purposely to observe its working; but when I was there I endeavoured to see how the law was carried out.

731. State what you saw?—The trade was carried on more openly than in licensed establishments in Halifax.

732. That is the sale of liquor was carried on?—Yes. It was sold by the glass and by the bottle, and every way.

733. In what places?—In shops. These were fitted up like fully equipped liquor establishments, with counters, bottles, glasses and the full equipment that goes to make up a first class liquor store. I went into the bar and had a cigar there or ginger beer; I went there to find out matters. There was no concealment. I had conversed with parties in regard to the carrying out of the Act, and I was very much surprised that such a condition of things could exist, especially in the county of Colchester. I was told by the proprietor of the hotel that previous to the Scott Act being adopted there were seven licensed houses in Truro, from which the municipality received \$100 each, and now there were no licenses granted. But more than twenty persons were selling liquor, some being very disreputable people, people who had been driven from other places and had come there and commenced business, and kept very disreputable places.

734. How long ago was this?—Since I have been inspector.

735. Within six years?—Yes; probably about four years ago. I believe now they are a little more particular; I judge so from reading the papers.

## Liquor Traffic—Nova Scotia.

736. Do you know whether in Truro at the present time the license law is in force or the Scott Act?—I am not sure which—I am not sure whether the Scott Act was repealed or not. It is said to have been repealed, and if so, the License Act is in force there.

737. To come back to Halifax and your knowledge of matters here: have you any reason to believe that liquor is sold which is not pure, what we would call adulterated liquor?—I do not hear very much complaint; I never drink liquor.

738. So you are not in a position to speak of that matter. Do you think that during the six years you have been license inspector in this city drunkenness has increased or decreased or remained stationary?—Drunkenness has not increased.

739. Is there much drunkenness in Halifax?—Not a great deal. There is a certain class which is before the Police Court often. There are four or five hundred cases of drunkenness before the Police Court each year, but some of the prisoners appear seven or eight times during that period.

740. Are there exceptional circumstances, owing to this being a maritime port, which are liable to lead to more drunkenness here than other places?—Yes.

741. I know that is sometimes said to be the case?—Yes. I charge a great deal of the drunkenness of Halifax against the sale of liquor in the military canteen. Then, again, we have a great many sailors here and when they come into port (I am speaking of the Imperial forces) they come out at nine or ten o'clock drunk, and they get around the upper streets, and very often liquor dealers are blamed for their drunkenness when the men were never in the liquor stores.

742. Where did they obtain the liquor without committing a breach of the license law?—We have no control over the Imperial forces.

743. From your experience, which has been a long one, do you think it desirable that the number of places where liquor is allowed to be sold should be limited?—You mean that, in my opinion, if there were a less number of liquor stores there would not be so much liquor drunk.

744. I desire to know whether it would be promotive of temperance?—I do not think so. I believe if liquor was free and unrestricted, in a very much shorter time there would be a first-class sentiment for prohibition?

745. Please state your reasons for that answer?—If there was free sale of liquor, there would be no money in the trade, and so its sale would be given up.

*By Mr. Clarke:*

746. Competition would be so keen?—Yes; and there would be so much drunkenness that people would abandon the traffic.

*By Judge McDonald:*

747. You think the free sale of liquor would be promotive of drunkenness?—To a certain extent.

748. Then would the limitation of licenses be promotive of a decrease of drunkenness?—No, I do not think so. I believe unrestricted sale would create a greater amount of drunkenness for a time, but I do not believe the limitation of the number of licenses would make any difference either way, because the people who wanted to get liquor would get it.

749. Are you able to state whether in Truro, where there is unrestricted sale of liquor, the tendency has been to increase or diminish drunkenness?—I could not say. You could not say it was unrestricted in any sense, because the parties did not know at what time the rein might be drawn tight.

750. It was practically unrestricted, from what you said?—It was unrestricted as regards selling.

751. There had been seven houses under license there and now there are twenty houses where liquor is sold; do you consider there would be more drunkenness with those twenty than there was with seven licensed houses?—I could not say.

752. Have you formed any opinion as to the effect a higher license would have upon traffic?—I believe a high license would be better; that is with a fair law, it would be good.

JOHN A. MACKASEY.



753. You think it would be better?—It would restrict the traffic, and would place it in the hands of very reputable people who had large means to carry on the business, and it would, therefore, improve its status. We would have greater confidence in regard to the way in which the business was carried on. Although this would limit the number of licenses, I do not think it would limit the sale of liquor, because, as in the case of dry goods, if there is only one store, you would go there, but if there were a dozen, you would divide the trade between them.

754. Where there is a license law in force and a large fee has to be paid, is it found that those who are licensed take an interest in aiding the inspector in suppressing illicit places for the sale of liquor?—That is my opinion, for it would be to their interest.

755. I am asking what is your experience?—Under this law they do not assist the inspector in any way—I am now speaking of the licensed houses—in putting down the illicit sale, because they are people in pretty nearly the same position as the illicit sellers. They can hardly turn around and accuse them of breaking the law. They are in the power of the illicit sellers; that is to say, they have to go to the illicit sellers to get names to qualify them to get a license. If they do not break the law, the illicit seller will not allow them to get a license, because, without a certain number of names, they cannot get a license. The man who will keep the law has a poorer chance of getting the names than the one who will break the law. I may say that they even threaten the inspector. They terrorize the liquor dealers, who do not care to come to court because they feel they are in the power of these men.

756. The extreme stringency of the license law in the city of Halifax is such that a man who is in the trade, you say, is always sure to break some provision of it?—Yes.

757. And the result is that he is always sure to be a law-breaker himself?—They are all law-breakers.

758. He does not find that it is to his benefit to interfere with the illicit sellers?—That is it. I have conferred with liquor dealers very often and with the city marshal, because I thought it very unfair to the licensed dealers to have these illicit places in existence, and I have wanted assistance, which I am always glad to get. I have pointed out to keepers of licensed houses that it was in their interest to have illicit selling put down, because it interfered with their trade, and that I would be glad to get information in regard to it. I have stated that their names need not be known, and that I would try to find other evidence than themselves. I have been told by such a licensed liquor dealer of such places, and he pointed out one which had not a license. I wanted him to give information. He said he did not care to give it. I said I wanted to know where that was. He said it was within 100 miles of his place. He said that he would speak to the party himself about it, and possibly he would get him to cease selling. I do not know what he has done about it, but I received no information from the liquor dealer. I get no information from the people, that is, from citizens, as a general rule, at least, very little information. They may say that such a man is selling liquor—that they think so.

759. Do you think that there are many illicit places in Halifax where liquor is sold?—The number is reduced to a minimum, I believe, although there are a number yet.

760. If you knew of them, you would prosecute them, I suppose?—Yes. Within the last six years some of the most debased people have been driven out of the city, and their establishments broken up by our obtaining convictions against them and placing their commitments on file. We were not anxious to obtain the money from fines, because in this way we got them out of the city, by having these commitments placed on file.

760a. How many commitments have you secured during the last twelve months for selling liquor without a license?—I could not tell you within the last twelve months, but from March, 1887, which was the time when the first license was issued under this Act, up to the 1st of November, 1889, there were 106 cases brought before the court.

*By the Chairman :*

761. You have a statement showing the number selling without license?—Yes selling without license.

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*By Judge McDonald :*

762. Will you kindly put that statement in?—Yes. The police brought up eight or nine of those places and the inspector and citizens brought eighty-nine.

763. Supposing a license law to be in force of the kind I am about to describe to you, a law for the granting of license to places where travellers were entertained, at which liquors would be allowed to be sold by the glass to travellers and strangers, guests and boarders, or to people of the community if they should come in ; and a law for granting licenses to places where no travellers could be entertained, where the only business of the house would be that of selling liquor by the glass across the bar to those who asked for it, which of these two laws, do you think, would be best in the interests of the community? In other words, what we understand by a tavern license, where a man was required to have a certain number of rooms for the accommodation of travellers, and where he sold to no one but guests, and a saloon license where there are no such requirements demanded for travellers—which would you prefer, a law providing for hotel or saloon license?—Do you mean the difference between a hotel and saloon license?

764. Yes; which would be better in the interests of the public?—If there were no saloons and nothing but hotels, on the principle you have mentioned, I believe there would be more liquor drank in hotels than in saloons, for the reason that very many people do not care to be seen going into open saloons. But when a man goes into an hotel it is thought that he goes there to see a friend or read the newspapers or to make enquiries, or to transact business, and that he is not going in to take a drink. On the other hand, when a man enters a saloon, where they sell by the glass, he is in the eyes of the public and that deters him to some extent from entering the place ; at all events, that applies to a certain class. Such people do not like to be seen going into a licensed shop, whereas they would not mind entering an hotel.

765. Over which of these places would there be the more effective police supervision?—From my experience during the last six years there has been the very best of order kept both in the shops and hotels ; there has been no disorder to any extent.

766. Do you think that in an hotel where the drinking and non-drinking community are going in and out freely, or in a saloon where no people are going in and out except those who want to drink, the law would be better observed? Would the law be better observed in the hotel?—I do not think there would be any better observance of the law in one as compared with the other, but a blow would be struck at drinking by having all shops—shops instead of hotels. As I have said, people do not feel like going into a shop, that is, everybody does not ; but they do not mind going to hotels.

767. Then you would rather favour the saloon than the hotel?—I do not think I would favour either of them ; but hotels are necessary.

768. Taking the people among us who ordinarily drink—the labouring class, to which place are they more apt to resort, to the saloon or the licensed hotel?—They will go where they can get a drink ; they will go to hotels in keeping with their position, small hotels.

769. Rather than to saloons?—No, it does not matter which.

770. Suppose a general prohibitory law applicable to the whole of Canada were passed, could it be better enforced, judging from your experience, than the present stringent license law, or the Scott Act?—It would depend on the sentiment of the people. If such a law were passed and it were not in accordance with public sentiment, it would be very difficult to enforce it.

771. Then the success of a prohibitory law must depend upon the sentiment of the people?—Yes, any law, not only in regard to liquor but in regard to anything else.

772. Have you given the matter thought?—Yes.

773. What amount of sentiment do you suppose would be required to make it a success: would it require a very large majority of the people or a very influential section of the people, or what in its favour?—It would not be supported by public sentiment if it was a law of the minority of the people.

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773a. That is quite true ; and you will understand that unless there was a majority in its favour, it could not be passed ?—There has been legislation passed which was passed against the majority of the people.

774. In the counties ?—I do not mean in the counties, but in our Provincial Legislature. There have been cases in which legislation has been placed on the Statute-book that was not in accord with public sentiment.

775. Supposing a vote of the people were taken, and a majority voted in favour of prohibition, would you consider that was evidence of the necessary sentiment ?—I think that would be a fair expression of sentiment.

776. Would not difficulties still exist ? If a vote were taken, in which the people of Nova Scotia voted overwhelmingly in support of prohibition, and New Brunswick or some other province or provinces overwhelmingly against it, would the sentiment in Nova Scotia in such a case carry the Act as against the expression given by the other provinces ?—It depends on public sentiment being sufficient to enforce a law. In Halifax they might be opposed to the measure, largely opposed to it.

777. Then it is a matter of local sentiment ?—Local sentiment has a good deal to do with it.

778. In order to make an Act successful it must, in the locality where it is put in force, be backed up by a strong public sentiment in its favour, I suppose ?—Yes.

*By Mr. Clarke :*

778a. In order to make the operation of such a law successful throughout the Dominion, would there not be required a majority of the people in favour of its enforcement in every district, otherwise it would not work ?—Yes.

*By Rev. Dr. McLeod :*

779. You have stated the chief points of the license law ; but there is one point concerning which I wish to ask you this question : Can a licensed hotel keeper sell to a person, not a guest, the same quantity sold by the ordinary licensee to be taken away and consumed off the premises ?—I think a person might go into a hotel and get a quart of liquor and do what he pleased with it.

780. You think the hotelkeeper's license permits him to make that sale, to sell a quart ?—He can sell a glass or a quart ; there is no limit as to the quantity. If you are a guest, boarder or lodger at a hotel the licensee, the proprietor of the hotel, will provide you with a quart.

781. Can he sell to persons not guests ?—No.

782. Not even to be taken from the premises ?—No.

783. I understand you have six deputies to assist you ?—Yes.

784. Do they have to qualify the same as you have ?—They were appointed by resolution of the City Council.

785. What are the qualifications of the inspector ?—I have to belong to a temperance society and be in good standing.

786. Have your deputies to qualify in the same way ?—No.

787. Not necessarily so ?—They have been sworn.

788. They have to be sworn ?—Yes.

789. Does their appointment require to be endorsed by the Provincial Government, as is the case with you ?—No. I am not endorsed now by the Provincial Government, for the Act was amended ; but I am now appointed annually by the City Council, and that takes away my independence to a certain extent.

789a. Do you have control of your deputies ?—I might give them orders.

789b. Have you any special control over the men sworn in as your deputies ?—No.

789c. Have you any special power over those sworn in as your deputies, the sergeants who were appointed to assist you ; do they assist you in a different sense from the way in which the police generally assist you ?—Yes ; I think they assist me.

789d. Do you give them directions ?—They understand the law very well.

789e. Do you give them special directions as your deputies ?—Yes, when they need them, and ask questions or require information in regard to the law.

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789f. Do they carry out your directions?—Yes.

789g. Have you instructed them to keep watch on the liquor shops?—I have instructed them occasionally; that is not the sergeant's particular business, but the business of the police in general.

789h. Have you not instructed the sergeants, particularly those who have been sworn in as your deputies?—No; because they understand the law as well as I do; they come to me occasionally and get information.

789i. Do the policemen generally understand the law as well as you do?—I think so. They know the liquor stores are not allowed to be open after certain hours.

789j. If they are your deputies, should you not instruct them particularly?—I think they are instructed, and they understand the law.

789k. Then you have not given them specific instructions?—No, except in talking with them, as I have done during five or six years.

790. Do you suppose they keep watch on the liquor stores particularly, because they are your deputies?—They cannot help doing so, for they are on the streets all the time; they must take notice.

791. Do they do so simply because they are policemen who are on the streets or because they are your deputies?—I cannot tell what is passing in their minds.

792. Do they make better reports to you than they did before they were made your deputies?—No.

793. Are you helped by them in any degree?—I am helped as much as I had been before.

794. Not any more than before?—No.

795. Have they not made any reports to you because they are your deputies?—I have a book in which to enter their reports particularly.

796. Do they report violations of the liquor law?—I have a book containing their reports.

797. Have they made more reports of violations since they were appointed your deputies than they did before?—I do not know.

798. You believe there is sale in licensed shops by the glass?—That is my opinion.

799. Do you think it is very general?—Oh, yes.

800. Have you reason to believe that the hotels have bars?—Every hotel has to have a bar or some place in which to keep their liquors.

801. But bars over which there is sale by the glass?—I believe they have, to a certain extent, certainly.

802. Do you know of your own knowledge that they have bars?—I have brought the people up several times.

803. Have you gone to the places to investigate and discovered bars there?—Yes.

804. You have found those places provided in the ordinary way with the ordinary appliances that a bar requires?—Yes.

805. Have you seen sales by the glass going on?—No.

806. You do not believe the bars are there for any other purpose?—I could not say so.

807. When you discover such a place in an hotel, is it not fair to assume that they sell by the glass?—It is not fair to assume that they sell by the glass. They require those appliances to supply their guests; they require tumblers and paraphernalia and so on.

807a. You have no reason to believe that the hotels have bars and use them in the ordinary way?—I have every reason to think they have bars, because they are there in certain cases, but I have not the same reason to believe that they sell illicitly over the bar; at the same time, I believe they do, but I have no personal knowledge of it, except in cases where I have found them in the act.

808. Have you reason to believe that other people than guests frequent the bars and drink in the ordinary way, citizens?—No, I do not think so, not to the same extent.

809. You have no reason to know the reverse?—No; they take very good care that they will not allow me to see them sell or allow me to see drinking in the bars. People who hold very high positions in Halifax, bankers and large business men I have

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known, when they have seen the inspector two or three corners away, go into an hotel and tell the proprietor that the inspector is coming. Probably I had no intention of going there. There was no necessity for the person making the proprietor aware of the inspector's presence, but he has done so. This will show the difficulty I experience. Here is the Halifax hotel, which is a village within itself, for there are one hundred odd guests. I notice by last night's paper there were nearly one hundred names of persons registered at this hotel. These people have rooms in the hotel. Their rooms are their houses; they own them for the time being, and it is not necessary for them to go down to the bar to order liquor. They can obtain a quantity of liquor and invite citizens to go to their rooms, and these citizens may come out of the hotel late at night, which would imply that they had got liquor at the hotel bar, when they had not got it there at all. I know this to be a fact. I have been told that several hotels sold liquor and kept bars. When I pushed the inquiry I found that the people did not know where the bars were located. Then I have been told that the people came out late, drunk or inebriated.

810. You spoke of high class citizens seeing you in the vicinity of hotels and by some means sending word to the hotelkeepers warning them of your presence?—I do not mean that is so in every case.

811. There are some such cases?—Yes.

812. Do they go down in your esteem because they so act?—No.

813. Do you think this is the duty of citizens?—They are doing their duty to their friends; I suppose that is their opinion; still they may have not done any favour, for the reason that there was no violation of the law and no necessity for their action. But probably they thought there might be a violation, or they knew there were violations going on, and as they saw the inspector approaching they would go in and say, "The inspector is coming down this way."

814. They screen their friends who are violators of the law from the penalties of their violation?—Yes, and I think some men among them are men who never drank a glass of liquor, who are perfectly temperate men, I would not say that they belonged to a temperance organization, but they are temperate and sincere men.

815. I suppose you mention this to show the difficulty there is to enforce the law?—Yes.

816. What penalty attaches to violation, say in the case of an hotel?—For selling liquor other than the law provides, as regards quantity, \$20 for the first offence and \$50 for the second offence.

817. Have you had any such cases?—Yes.

818. Have these penalties been imposed?—Yes.

819. Have these fines been paid?—Yes.

820. What are the penalties attached to violation regarding shop licenses?—For selling less than one pint, not less than \$20. For selling after hours, \$20 for the first offence and \$40 for the second. We are particular about selling after hours, and the law says that liquor shall not be sold during certain hours, from nine at night until seven in the morning. But there is nothing in the Act to compel a liquor dealer to close his establishment.

821. The law simply prohibits the sale?—Yes; he can keep open so long as there is no sale. Any one finding the proprietor in his establishment during those hours I have named, would think there was a *prima facie* case of violation; but still, that person might come forward and say to the court that there was no violation.

822. I understood you to say that they are all law breakers?—I believe we are all law breakers.

823. You did not say "we," but "they"?—They are law breakers, but some are so to a greater extent than others. It is a pretty hard matter.

824. What is your opinion of a trade, which provides openings for violating the law, and which violations can only be prevented, as you have said, by having a watch on every house? What is your opinion of the character of the men who hold licenses, who persistently, according to your statement, violate the law at every opportunity?—I think they are a fairly respectable lot of men notwithstanding. We are all law

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breakers ; we all break the moral law, and I think we would feel offended if we were said to be anything but respectable.

*By Judge McDonald :*

825. I understood you to intimate that the license law is so strict that a man cannot turn around without breaking it ?—It is an impossibility to live within the law.

*By Rev. Dr. McLeod :*

826. I understood you to testify that the man who violates the law is about the only man who can get a license, that his chances are better in certain districts ?—In the districts in the centre of the city, in the vicinity of the upper streets, there were quite a number of people who had not first-class characters, and they signed petitions for liquor licenses. The merchants generally are not qualified to sign, because they do not reside in the district. Probably the applicant has obtained three hundred names and requires fifty or sixty more ; and to whom must he go ?—He has to go to the criminal class in a great part. If he has offended them, that settles it.

827. Then he gets his authority from the criminal class ?—That is in a certain section ; I do not say in every section.

828. And he panders to the criminal class to get that authority ?—I believe he would have to do so to a certain extent.

829. Is that true of the hotel men also ?—If the hotel was in that particular district that I refer to.

830. Do you think that the hotelkeepers observe the law more than holders of shop licenses ?—I do not think so. Going back to the petition business, I think it would be better if no names were required, because they get the names every time. There may be more difficulty in some districts more than in others ; but in every district they get the names, the necessary three-fifths of the ratepayers, the recommendation that the party is a fit and proper person to have a license. People will sign for people who are keeping most disreputable places ; they can get the names as well as the more respectable people.

831. How many polling districts have you in the city ?—I am not able to tell at present, because the city is being changed in regard to electoral districts. I might be able to tell you by going to the office.

832. How many licenses are there in the city ?—Sixty-seven shop, thirty hotel and twelve wholesale.

833. You have more licenses than polling districts ?—Yes ; some districts, I think, have twenty.

834. In a district with half a dozen licensed houses, do the same petitioners answer in regard to all the petitions ?—No.

835. Can John Brown sign a petition for "A" and also for "B" ?—Yes ; in the same district. A licensed district under the law means the whole municipality.

*By the Chairman :*

836. Is there a subdivision ?—Yes ; a polling district.

*By Rev. Dr. McLeod :*

837. Must the petitioners reside in the polling district in which the place is located which is sought to be licensed ?—Yes.

838. But John Brown may sign a petition for "A," "B" and "C" ?—For all applicants in that section.

838a. So, if there are three-fifths of the electors in the polling district who want a licensed liquor store, they may sign for all people ?—They can sign for every one making an application, if they please ; but they cannot sign for any person making an application from another district.

839. Is there a subdivision, a polling district, for licensing purposes ?—We take the electoral districts for members of the Local House. The polling district is the district for licensing purposes.

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840. To what do you attribute the failure to enforce the license law?—It is enforced as far as I am able to enforce it.

841. What is your salary as inspector?—\$1,000 a year.

842. Are you expected to devote your whole time to the duties of the inspectorship?—I pretty well do so. I believe I have been advised by the Recorder that I might do other business, but I do not do very much else. Formerly, I was agent for American fishermen, on commission, but the Washington Treaty tended to break that up.

843. You said something about your observation of the working of the Scott Act in Truro: do you know any of the difficulties met with in enforcing the Act in that county?—I do not.

844. Did you ever hear that the difficulties in the way of enforcing the Act there grew out of the judgments of the courts, and the difficulties that arose from appeal cases?—No. That was about four years ago.

845. Was it prior to the repeal of the Scott Act there?—Yes.

846. Do you know that the repeal of the Scott Act was due to the action of the people who favoured prohibition?—I do not. I do not know anything more about it than what I have told you. I was there for a few days, and I was told about it on the cars, when we reached the dépôt.

847. You were not aware of the efforts made to enforce the Scott Act?—No.

848. You were not aware of the difficulties in the courts which made the enforcement of the Act in that county almost impossible; and you were not aware of the fact that the people repealed the Act, supposing that, under the provisions of the present Provincial license law, they could enforce those provisions?—No. In regard to the License Act, I may say that it has been amended every year, and it is pretty difficult to understand it. In 1886 and 1887, some amendments were made and some special legislation was passed. In 1888, there were a lot of amendments made and new clauses added. They would amend, and repeal, and add something new, and they did this in 1889, 1890, 1891, 1892, and, in fact, every year.

849. Speaking about licenses in licensing districts in the city: in how many polling divisions are there licenses?—I think in eighteen or nineteen districts.

850. In how many polling districts are there no licenses?—Six or seven. The sections, however, have recently been altogether changed. Some sections, which were polling sections, are now divided into two sections.

851. Speaking now of the time prior to the change, how was it?—There were seven or eight which had no licenses.

852. Was that because the people could not get the necessary three-fifths to sign the petition?—They never tried. There is no liquor business carried on in these sections, and no applications for licenses were ever made.

853. Do you suppose that if a man desired to sell liquor in one of those five or six districts in which no licenses were granted, he could get the necessary three-fifths to sign the petition?—No, I do not think he could obtain a majority. He would not get any encouragement to do so; the people might sign for some other district, but not for that district in which they resided.

854. You spoke about the canteen: Is it supposed to sell liquor to citizens?—No.

855. Do you suppose it does so?—It is against its regulations and orders.

856. Do you think those regulations are observed?—I do not think they sell directly to citizens; but I think they sold in this way (I do not think they do it now): a citizen might go and get a military man to obtain for him a drink of beer.

857. Do you think soldiers frequent the canteen in company of citizens?—Not generally, not to any extent.

858. Is the canteen supposed to be under city regulations as to liquor sales?—No.

859. Is it independent of the city and outside of its regulations?—They are within their own territory.

*By the Chairman:*

860. Is not the canteen under military control?—Yes. The civil authorities had some correspondence some years ago with the heads of the military in regard to that point, that is about selling liquor to citizens.

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*By Rev. Dr. McLeod :*

861. Was there any decision in regard to the matter?—The authorities would not allow it. The people who had charge of the canteen did it on their responsibility, and they were severely censured by the military authorities.

862. I understood you to say that you honestly and earnestly endeavour to carry out the law?—Yes.

863. That is you endeavour to see that the holders of licenses do not violate the provisions of the license law, the prohibitive provisions?—I endeavour to do so as far as I can.

864. I dare say that you, like other people, are sometimes charged with unfaithfulness?—Yes, and the people who have most to say give me the least assistance.

865. Was there ever any formal charge made against you?—Yes, three or four times.

866. Was any one charge investigated?—Yes.

867. What was the result?—They did not get the charges proved.

868. What report did the committee make?—I do not remember exactly now what the report was.

869. Did the report state that the charges had been sustained?—No.

*By the Chairman :*

870. Were you continued in office?—Yes.

*By Rev. Dr. McLeod :*

871. Did the committee report that the charges had been sustained?—If so, I would have been dismissed.

872. But sometimes your recommendation against issuing a license, is overruled by the Council, and a license is ordered to be issued?—About the applications for licenses, I pretty well recommend them all, because the papers that come to me are such that I should recommend them.

873. I understood you to say that in many cases when you had reported against the issuing of licenses, the Council had over-ridden your recommendation, even when it was backed by the Recorder's report?—Yes.

874. And it is possible that a committee might report that the charges against you had been sustained, and the Council yet override that report?—That might be.

*By Mr. Clarke :*

875. How long have you held office : I understand you are appointed from year to year?—Yes.

876. If there was great dissatisfaction felt with your administration of the affairs of your office, would not that be reflected in the Council, at the election of members of the Council?—Yes.

877. What period has elapsed since these charges were made against you?—I think I had been about one year in office when quite a number of charges were brought against me.

878. Then five years ago those charges were made?—Yes.

879. Have any charges been made against you since?—Yes.

880. When?—I think during the last two or three years.

881. When was the date of your last appointment?—Last February.

882. Was any effort then made to depose you?—There was some opposition ; other candidates made application for the position.

883. But you were again successful?—Yes.

*By Mr. Gigault :*

884. Can you state to the Commission the general features of the license law previous to the present law?—The licensees were allowed to sell by the glass and were allowed to keep open until about eleven o'clock. I think ten o'clock was the time, but they generally kept open until eleven o'clock.

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*By Mr. Clarke :*

885. They had one hour's grace ?—No ; but they took it.

*By Mr. Gigault :*

886. Were there more licenses issued ?—Yes ; I think about 180 licenses.

*By the Chairman :*

887. And how many are there now ?—Now, there are 97 shop and hotel licenses, and there were about 180 under the old law when I took office. There were also 17 or 18 at that time selling publicly without license.

888. They would bring the number up to 200 ?—About that number.

*By Mr. Gigault :*

889. I understood you to say that drunkenness had neither increased nor decreased under the provisions of the present license law ?—I think so ; I cannot well say with respect to the time previous to my appointment. I did not take as much notice then as now ; but I am of the opinion, from conversations I have had with very many people whose experience goes back to those times, that drunkenness has not increased, that is open drunkenness. Still, possibly there is as much liquor used as formerly, but they drink it in a different way.

890. Is there any smuggling of liquor into Halifax ?—Not much.

891. Is there any illicit distillation of liquors ?—That is very scarce. There are some people around who are very anxious to find this out, but they do not find any very often. We have had one or two cases within the last four or five years, but it is to a very small extent.

*By the Chairman :*

892. Can you tell the Commission whether drunkenness has increased or decreased since the date of your appointment ?—I think it has decreased. Quite a number of people kept disreputable houses ; they do not exist now, and the people have left. That has tended in a great measure to create more respectability among the trade ; those people sold on Sunday.

893. Is it your opinion that the law restricting shops from selling less than one pint leads to increased drunkenness, or otherwise ?—It is said to enable a certain class to procure liquor at a cheaper rate.

894. What is the effect ?—They buy it by the bottle and bring it home, and set an example to their families which is not very beneficial.

895. It is sometimes said that a man buys a bottle when otherwise he would buy a glass : if that is the result to any considerable extent, must it not create an increased consumption ? Does it do so ?—No.

896. What, then, is the effect of that law ?—The effect is to make certain people drink more ; those people who have a bottle in their pockets.

897. You say that class would drink more ?—Yes.

898. What effect would it have on other classes, who would otherwise go and get a glass at a bar ?—As to the man with the pint bottle in his pocket, I do not think he would drink more.

899. I thought you said he would ?—I said he would get it more readily and at a cheaper rate. What I meant to say was this : If he went into a liquor store and got a glass, he would find he was able to buy a pint at a cheaper rate. If he went back to the place he would—that class would—purchase by the pint, because he could get it much cheaper, and he would bring it into his family.

900. But I understood you to say, you thought that selling by the pint would lead to larger consumption ?—I do not know about that. It would show a bad example, because there would be drinking of liquor out of a bottle on the street.

901. Looking at the matter from the stand-point of temperance, what is your opinion as to the effect of restricting the sale to a pint ?—If the law could be enforced, I think it would have some effect.

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902. From the stand-point of temperance, what is the effect of restricting the sale in shops to a pint : does it promote temperance, or has it the reverse effect ?—I do not think it is promotive of temperance.

903. Are you a total abstainer ?—I never drank a glass of liquor in my life.

904. Are you a member of any organization ?—I am a member of two organizations, Sons of Temperance and St. Mary's Young Men's Temperance and Benevolent Society.

*By Judge McDonald :*

905. You have stated that there are districts in Halifax where, owing to the law requiring three-fifths of the residents to sign the petition for a license, and where, owing to a large number of the ratepayers of that ward being non-residents in the ward, the completion of the list of names to the petition is practically left in the hands of a particular class, in the hands of the criminal class ?—Yes.

906. Is the class of hotel asked for by those people what you would call a respectable house ?—Yes.

907. Have you, on any occasion, had to report against a license being issued upon the recommendation of those people ?—No ; I have not had to report against any application recommended by those particular people, because the houses signed for were all right.

908. Owing to the operations of the law, do I understand that the persons applying for licenses cannot help themselves, but must apply to those particular people ?—If he lacks their names, he would not have a sufficient number.

909. And to do so would mean that he would have no license ?—The Council would not have power to grant a license unless sufficient names were appended to the petition.

*By Rev. Dr. McLeod :*

910. You mean he could not get enough respectable people to make up the three-fifths ?—Yes. I do not mean in every section.

*By Judge McDonald :*

911. Is it the intention of the law, which excludes from the petition the names of non-residents, that residents should have the power to say whether they wish to have an hotel near them, which might interfere with their convenience and comfort ?—I suppose that is it.

912. That is the reason why the signers to the petition are limited to residents in the district ?—I suppose so.

*By Rev. Dr. McLeod :*

913. Does the law so state ?—I suppose that it is thought the residents would feel a greater interest in having, or not having, a licensed house in their own district. A person might be willing to sign a petition for a house in another section, because it would not affect him, as he did not reside there. But merchants, doing business in a particular section, unless they resided there, had no right to sign the petition.

*By Judge McDonald :*

914. So a man might sign a petition for a dozen hotels, the protection being thrown around him of not having an hotel unless he asks for it ?—The same class that signs one petition signs all.

*By the Chairman :*

915. Has he to be an actual resident of the district ?—Yes.

916. He cannot sign on the ownership of property in a district ?—No ; he could at one time, but the law was altered.

917. The sergeants of police are your deputy inspectors ?—Now they are.

918. I think the relationship between yourself and the deputy inspectors is not very clearly understood. If you had reason to suppose that something improper was

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going on in any district of the city, would you send one of those inspectors, or would it be necessary for you to go to the chief of police or city marshal?—I suppose it would be the proper thing for me to go to the chief of police, but I would speak to the sergeants directly.

919. Would you send a sergeant?—Yes.

920. Would it be his duty to go on your instructions?—Yes, if it did not interfere with his other instructions.

921. Would he act on your instructions?—They have at all times.

922. If you had reason to suppose there was any improper selling going on, would you instruct one of the sergeants to go and make an examination and report?—Yes.

923. Would he report to you or to the city marshal?—He would report to me, or he might report to the city marshal.

924. Would he report in writing?—Yes; I have a book for that purpose.

925. So to that extent you have control over the sergeants of the police force?—Second to the city marshal. I would not take a man off his beat.

926. I am speaking of the sergeants who are your deputy inspectors. You say you would send a sergeant to make inquiry and he would report to you?—Yes.

927. To that extent the sergeants are under your control?—Yes.

*By Rev. Dr. McLeod :*

928. Did I understand you to say that certain citizens who would not sign a petition for a license in the district in which they reside, would sign a petition for a license in another district where they do business or the like?—That is my opinion.

*By Judge McDonald :*

929. They are not allowed to sign for their place of business?—No, but they were at one time.

*By the Chairman :*

930. You gave it in evidence that they must be residents in the district for which the license is sought?—Yes.

*By Mr. Clarke :*

931. Have you had occasion to complain to the city marshal that the instructions or orders given by you to your deputies were never carried out?—No; the police have always fairly done their duty.

932. They co-operate with you in enforcing the law?—Yes, and they never refused to go to any place to which I wanted them to go.

MICHAEL E. KEEFE, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

933. You are Mayor of the city, I believe?—Yes.

934. How long have you been in office?—I was elected last May.

935. What is your profession or occupation?—Contractor and builder.

936. How long have you been a resident in the city?—I was born here.

937. Have you been actively engaged at any time in temperance work in this province or elsewhere?—No.

938. We have had explained to us, and we need not go over the ground again, the system on which licenses to sell liquor are granted in the city; but I desire to ask your opinion as to whether or not you consider the system satisfactory?—I consider the system is fairly good, and with close attention, I think it would work out in the manner the parties who framed it intended it should.

939. Do you think the law and the city regulations are efficiently carried out at the present moment?—To the best of my knowledge, they are.

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940. Can you tell the Commission if drunkenness has increased or diminished in the city, within your recollection?—Within my recollection, I think drunkenness has decreased.

941. Within five or six years?—I do not think there is any marked difference during the last five or six years, but comparing my boyhood with the present time, it has decreased considerably.

942. The Commission has been told that there are fewer places licensed for the sale of liquor now than formerly: is that your opinion?—I think that is correct.

943. It is also stated that there are places in the city licensed to sell liquor only, where there is no sleeping accommodation provided, and no meals supplied?—That is correct.

944. Do you think there is any necessity for such places for selling liquor without having accommodation for travellers?—As regards my individual sentiment, I consider there is no necessity for them. I have never taken any liquor in my life time, and consequently I can speak in this way.

945. What amount of revenue does the city derive from liquor licenses?—I should think, speaking from memory, in the neighbourhood of \$10,000.

946. Is it a considerable percentage of the city revenue?—It is a fair percentage of the city revenue; I hardly know what proportion it is now.

947. Is it ten, fifteen or twenty per cent?—No. The revenue of the city is \$200,000 I think.

948. Then if the receipts from licenses amounted to \$10,000, they would be equal to five per cent?—I cannot give the figures, because I never looked to see what proportion the receipts from licenses bear to the city revenue.

949. Have you had any experience at any time of the working of the Canada Temperance Act, commonly called the Scott Act?—No.

950. Have you lived in any district where the Act was in force?—No, not to my knowledge.

951. Can you say from opinions expressed here whether the liquors sold in the city are adulterated?—I do not think I have noticed any expressions of opinion on that subject.

952. You cannot, of course, speak from your personal experience?—No.

953. What is the prevailing opinion on the subject?—I could not give you an opinion upon it, I do not know what it is.

954. In your opinion, would a Dominion law prohibiting the manufacture, importation and sale of intoxicating liquors, except such as may be required for mechanical and medicinal purposes, be desirable?—I never gave much consideration to the subject.

955. Probably you have some opinion upon the subject?—To my mind the human race would be better without it altogether.

956. But the means of reaching that end is what we are inquiring into?—I suppose prohibition would be the nearest way to get at that.

957. Then you answer that you think a prohibitory law is desirable?—I would not go so far as that; I think the human race would be better without liquor altogether, but whether a prohibitory law is desirable under existing circumstances or not, I am not prepared to say.

958. In the present state of public opinion, do you think a prohibitory law could be efficiently carried out.—I am not in a position to judge as to the minds of the people in that matter.

959. With your knowledge of the public sentiment and the public feeling on this subject, are you of opinion that a prohibitory law, if enacted, could be efficiently enforced?—From expressions I have heard round about, I do not think it could be efficiently enforced; there appears to be a desire on the part of the human race to get liquor somehow.

*By Rev. Dr. McLeod:*

960. Do you think that a prohibitory law, well enforced, would do any good?—There is no doubt that it would do some good.

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961. When you speak of your knowledge of public feeling, do you speak particularly of public feeling in Halifax?—Well, from the expression of opinion which I see in the papers through the different parts of the Dominion, I do not think the feelings and sentiments of the people altogether are ready to accept a prohibitory law.

962. You said the receipts from fees in regard to licenses here amounted to \$10,000?—Yes.

963. Could you state the average receipts of a drink shop?—I could not; I suppose they would vary very considerably.

964. Have you any particular knowledge of the expenses that are charged to the city in consequence of the criminal classes in Halifax?—No; I am not in a position to give you a statement off-hand on that subject.

965. Some other official would be able to do that?—Yes; the city auditor might do that.

*By Mr. Clarke :*

966. You know the City Marshal?—Yes.

967. He has been in office for many years?—Yes.

968. Is he looked upon as a competent and trustworthy official generally?—Yes.

969. And what character does the License Inspector bear?—Many people think he does very well, and others think he could do differently.

970. What is your own opinion?—I think he is doing fairly well all round.

971. Is he appointed by the City Council?—This year I think he is, and he is appointed yearly; but before the new law came into operation, he was practically appointed during good behaviour.

972. His salary is paid by the city?—Yes.

973. If there was any general opinion that he was not discharging his duty to the best of his ability, I presume that feeling would find its way into the council chamber and would have some effect in regard to his appointment?—There is no doubt of it.

974. Have you ever heard any complaints officially from any section of the community that the police force, the six sergeants who aid the inspector in enforcing the law, are derelict in their duty, or do not discharge their duty when they are called upon?—No.

975. Do you believe the police force co-operates with the inspector in enforcing the law?—There may be some indifference amongst them, and they may not be quite so scrupulous in looking after things as they might be.

976. When complaints are made of laxity in enforcing the law, from what section of the community do they come?—From the temperance organizations; in the past that is the only source from which they came.

977. The law says that the man who is to enforce that law must be a temperance man?—Yes; he must be a member of a temperance organization.

978. Is the present license inspector a temperance man?—Yes; he has been so for two or three years.

*By Judge McDonald :*

979. Must he be a member of a temperance society before he is appointed or after he gets the appointment?—Before; and he must have his certificate and his qualification.

980. He is allowed to select his own temperance society?—Yes.

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ROBERT MOTTON, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

981. What is your office?—I am Stipendiary Magistrate, and I preside over the civil and criminal courts in the province.

982. How long have you held that position?—Seven years next May.

983. How long have you been a resident in Halifax?—All of my lifetime.

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984. Did you receive a circular from the Commission?—Yes.

985. Did you answer it?—No; I have been so busily engaged that I had not time to get at the statistics that I thought necessary in answering the questions, but I shall answer them.

986. Have you been actively engaged in temperance work in the province, or have you been a member of any temperance organizations?—Yes; I have been a member of temperance organizations. I was a member of a division of the Sons of Temperance for some years, but I do not mix with them now, occupying the position which I do.

987. Do you consider that the present system of granting licenses in the city of Halifax works in a fairly satisfactory manner?—That question is more easily asked than answered. There is a great deal of difficulty in working the Act as at present constituted, with the large number of amendments which have been made from time to time. I think the Act needs to be simplified.

988. You think it a complicated piece of legislation at present, and difficult to execute?—Yes; it is very often difficult to come to a satisfactory conclusion on some of the clauses of the Act. Many of them are at variance with others. The Act, as it stood originally, I think, might have been carried out very successfully, but the amendments that have crept in seem to be rather perplexing, and some of them, I think, are calculated to induce litigation.

989. Were these amendments framed with a view to secure stricter observance of the Act?—Yes.

990. And with a view of decreasing intemperance?—Yes, certainly; and they have had that effect in a large number of cases.

991. But they have rendered the Act difficult in regard to the interpretation?—Yes; after the Act went to the Legislature it was interpolated with a number of clauses that interfered with its working, and that was not done at the demand of the people.

992. Is it your opinion that the law as it stands is efficiently enforced in the city of Halifax?—That is a very difficult question for me to give an opinion upon, because the persons who are charged with the enforcement of the law, the Inspector and his assistants in the matter, give testimony before me as to the violation of the law, and I do not desire to say anything in reference to it one way or the other. In the cases brought before me, where I convict, the officers, as far as I know, have acted properly and strictly within the lines of their duty.

993. I put the question to you as a citizen, and I wanted to find out whether you thought there was any laxity in the enforcement of the law?—There is, of course, a diversity of opinion as to the enforcement of the Act outside of Halifax. I am not prepared to say anything further, having taken a very solemn obligation here, and not being prepared to testify further on oath.

994. A statement has been made by one or two witnesses that there is less drunkenness now in this city than there was hitherto?—That is not my impression. My impression is that drunkenness is increasing, and I can procure you statistics on that subject.

995. The Commission will be glad to have those statistics. Have you any of them with you?—No; but I can state that from 1885 to 1890, and in 1885, there was a marked reduction in the number of drunks. In 1885 there were 608 drunks registered in my court, and in 1886, 752. In 1887, 746; in 1887, 715, and in 1890, 918.

996. Have you the statistics for the year 1891?—No; but I asked the clerk to furnish me with those statistics.

997. I observe that you leave out the year 1888.—I will explain that. Our civic year is from the 1st May to the 30th April.

*By Mr. Clarke:*

998. Have you any statistics showing the population of the city during those years?—No; I have not.

*By the Chairman:*

999. Have these convictions included offences against the liquor laws, as well as cases of drunkenness?—No; I am simply confining myself to convictions for drunken-

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ness. I directed the clerk this morning to look over the sheets—that is, the official sheets where the questions are put under the Dominion Act as to the habits of the prisoners, and the clerk took the number of drunks that were registered, and that came down to the 26th July, which would be three months from May. In May, there were 66 drunks; in June, 95; and from the 1st to the 26th July, 72; making in all, 233, during nearly three months.

1000. That is for this year?—Yes.

1001. How many of these were sailors?—Very few. Sometimes the sailors belonging to the mercantile marine are brought before me; but there are very few cases—not more than two or three a month. As to the sailors of the navy, we scarcely have any of them.

1002. I suppose they are dealt with on Her Majesty's ships?—A large majority are total abstainers.

1003. You have none of the military brought before you?—Yes; sometimes. If I feel that I can deal with a case, I do so, but in other cases, I hand them over to the military authorities to deal with them.

1004. Would these 233 cases to which you refer, include all the military cases?—They form a very small percentage. In three months, perhaps, there would not be more than six or seven soldiers brought up.

*By Judge McDonald :*

1005. And that would apply to previous years?—Yes.

*By the Chairman :*

1006. This would be a fair average in regard to previous years?—Yes; a fair average.

1007. What percentage do the cases of drinkers bear to the total number of cases which come before you?—I am not prepared to speak definitely from my own mind; but I find, from looking over the reports of drinkers who are sent to our city prison, that the percentage the governor has estimated as being sent for drunkenness, is 55 per cent.

1008. I suppose there are a good many people who are simply fined?—Yes.

1009. There are some cases which are dismissed?—We discharge them on payment of a fine.

1010. You have prisoners brought up who are acquitted?—Yes.

1011. Have you had any experience of the working of the Canada Temperance Act, commonly known as the Scott Act?—No; I have had no experience in reference to it; but I have had experience in reference to the McCarthy Act of 1883. I was solicitor for the Board of Commissioners at that time, in attending to the prosecutions, until the Act was pronounced *ultra vires*.

1012. Can you give us any information as to the working of the Scott Act?—I found that the machinery of the McCarthy Act was better adapted to the enforcement of the Act than any we have had since. I have no experience whatever in regard to the Scott Act, excepting when I was practicing at the bar, and had sometimes to prosecute or defend certain cases. I am no authority on the Scott Act.

1013. We shall be glad to have any information you can give in regard to the working of the McCarthy Act?—The machinery of that Act was more easily enforced than the other laws, and those who were fined seemed to fall into line. There were scarcely any appeals, and none of the cases determined were set aside, as far as I am aware, until the Act was pronounced *ultra vires*, when, of course, it was abandoned.

1014. Is it your opinion that, if that Act had been declared constitutional, and had been enforced, it would have had a beneficial effect upon the habits of the people and in the interests of temperance?—I am not prepared to go that far, but it was an Act much more easily workable than this one.

*By Judge McDonald :*

1015. And to that extent it was better adapted to prevent breaches of the law than the present license law?—Yes.

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*By the Chairman :*

1016. Have you given any consideration to the question of a general prohibitory law?—I have.

1017. Is it your opinion that a law prohibiting the importation, manufacture and sale of intoxicating liquors in Canada, except when they are required for mechanical or medicinal purposes, is desirable?—That is my opinion.

1018. With your experience and knowledge of public sentiment, do you think that such a law, if enacted, could be efficiently enforced?—I think a prohibitory law enacted by the Parliament of Canada, with all the machinery necessary to carry it out effectively, could be carried out effectively, in the city and in this province; that is, speaking with my knowledge of the city and the province generally.

1019. Could it be carried out in districts where there was a strong public sentiment against it?—I am not prepared to say that. I am satisfied that a law that would be *intra vires* of the Parliament of Canada, with the necessary machinery attached to it for carrying it out effectively, would be, perhaps, more effectually carried out in this city and province than any other province of Canada. We are a law-abiding people here.

1020. Is it your opinion that a law of that kind could be efficiently enforced throughout the Dominion?—I am not prepared to go that far.

1021. Have you considered at all what the effect of a prohibitory law would be on the business interests of the city, or is that not within the sphere of your observation?—The observation I am going to make is largely influenced by the fact that for years I have been in favour of a prohibitory enactment. As to the effect upon the business interests, I am not competent to speak. My opinion is that a prohibitory law, efficiently carried out, would produce a very healthy effect upon the community, and would help the business interests as well as the interests of all other classes.

1022. There are certain business interests which would be annihilated entirely, I suppose?—Yes, I suppose so. The financial difficulty is always the obstacle in the way.

*By Judge McDonald :*

1023. Your appointment is made in what way?—I am appointed by the Governor in Council for life.\*

1024. That is, during good behaviour?—Yes.

1025. So that you are able to express an independent opinion?—Yes. I am not really an official of the city council, though I am paid out of the city revenue.

1026. You are independent, and the provisions of the law properly give you the fullest freedom and insure your not being meddled with?—Yes, and that works exceedingly well, because a large number of cases brought before me are cases in which the city is interested. I am thoroughly independent.

1027. In this province the salary is paid by the city, but is fixed by the Legislature?—Yes.

1028. I suppose that, holding the position you do, you are brought more into contact with the administration of what may be called criminal law than any judge in the province?—Yes.

1029. Is it your duty to investigate cases that are sent to the Supreme Court, such as murder and larceny and so on?—Yes; I take the preliminary examination.

1030. And sometimes, at the instance of the criminal, you have jurisdiction to try cases?—Yes.

1031. Just the same as the County Court judge?—Not to the same extent.

1032. So your criminal experience is large and varied?—Yes, and I had a large criminal experience in my practice at the bar.

1033. As Crown prosecutor or in defence?—Sometimes I was prosecuting, but more frequently I was defending.

1034. From your knowledge and experience, could you state approximately what percentage of the crime that comes before you may be attributed to drink?—I do not know that I could on the instant.

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1035. You have stated, I think, that the returns of the city prison show that 55 per cent of those committed are convictions for drunkenness?—Yes, and of persons of drunken habits.

1036. I thought they were all convictions for drunkenness?—No.

1037. Is a very large percentage of the classes of cases that come before you to be attributed to drink?—Yes; cases of wife-beating; cases of neglecting wife and family; cases of persons who injuriously misspend their time by spending their money and time in liquor which ought to go to their families.

1038. And are you also, in dealing with criminals, often in this way brought into contact with those who are dependent upon them and members of their families who will speak on behalf of them?—Unfortunately, I am inundated with that class of prisoners. It is the innocent who seem to suffer.

1039. Is there a large class of persons of that kind who suffer from crime which has been, directly or indirectly, induced by intoxicating liquors?—Quite a large number in this community.

1040. So that, directly or indirectly, you find that the results of drink have been to create a great deal of crime and misery?—Yes.

*By Rev. Dr. McLeod:*

1041. Will you say how long the McCarthy Act was in force here?—I think about three years.

1042. So long as that?—Perhaps not quite so long.

1043. What proportion of the offenders who come before you are sixteen years of age or under?—There are quite a large number. We have two Reformatory Institutions in the city, the Protestant Industrial School and the St. Patrick's Home. They are the only places to which I can send boys. Now we find boys are committing the offences which were committed only by grown up people in former years.

1044. Are those boys drinking?—No; that is, very seldom.

1045. But are they the children of drinking people?—Yes; very often.

1046. Have you many cases of violation of the Liquor Act?—No; not many.

1047. And of illicit sale?—Very few.

1048. And of the holders of licences who violate the law?—Very few.

1049. Then there is not much money collected in fines from violators of the liquor law in the course of the year?—I do not know the amount this year, though I did in past years. The inspector would be the only authority on that point.

1050. In cases that come before you of simple drunk, what is your rule, as distinguished from those who are disorderly or incapable?—In cases of drunk and incapable, in nine out of ten cases I send them home.

1051. You admonish them?—Yes.

1052. Is there any considerable number of total abstainers who appear before you for disorderly conduct or petty crimes?—It is difficult to determine whether they are total abstainers or not; but I know there are many who are total abstainers who, sometimes, like other mortals, lose their tempers.

1053. How is the number related to those who are known to be habitual drinkers?—The percentage is small.

1054. A considerable amount of money is collected in fines in your court in a year?—Yes.

1055. What proportion consists of fines for drunkenness and offences that grow from drunkenness, or are connected with drink, and what proportion does it bear to the whole?—I cannot state that. The fines do not come into my hands, but into the hands of the clerk.

1056. You impose the fines?—Yes.

1057. Have you any knowledge of the number of cases, other than mere drunks, in which the offences could fairly be traceable to the drink habit and the drink trade?—Yes; there are quite a large number of men, and not so large a number of women, who are chronic drunkards. You may be sure they will turn up. If they are brought before me one week, they will turn up again next week for the same offence, after their punish-

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ment is concluded. We have reformatories now for women, and, in fact, there are very few women now brought before me for drunkenness.

1058. Do you think that juvenile crime is the result, to any considerable extent, of intemperance? I do not mean on their own part, but on that of other people?—No; I think not. Juveniles are more disposed to pilfer than a lults.

1059. That is, juveniles who are disposed to pilfer. In regard to them, is that disposition or habit in them attributable, in any degree, to intemperance on the part of their parents?—Yes; in very many instances; and, therefore, one has to exercise leniency towards them, knowing they have not known anything better.

1060. Could you give the Commission a statement of the amount of money in fines for drunkenness, or crimes committed through drunkenness, collected in the course of a year?—Yes.

### Proportion of fines for drunkenness to whole amount received.

	Whole amount.		For drunkenness.
1888-89 .....	\$1,760	50 p.c.	\$880
1889-90 .....	2,077	55 p.c.	1,142
1890-91 .....	2,065	50 p.c.	1,032.50

1061. I understand you to say that the license law is a little difficult of enforcement: what are the difficulties, or what are the defects of the law, that cause the trouble?—For instance, there is a recent amendment which states that anything containing alcohol is an intoxicant, and the sale of it is in violation of the law. There may be an infinitesimal quantity of alcohol in some things, and it is difficult to ascertain whether the amount of alcohol is sufficient to sustain a conviction.

1062. Do you find that license laws generally are observed?—Yes, if the people are well affected towards them.

1063. Who are to be well affected towards them?—Those engaged in the business.

1064. That is the people are to be well affected towards those engaged in the business in order to have the law observed?—It looks like it.

1065. Then a license law must be framed to suit the men who hold the licenses?—A license law, or any law, is not of much value until public opinion breathes into it the breath of life.

1066. I understood you to say that, unless those who were interested with those engaged in the liquor business were prepared to approve of such a law, it could not be well enforced?—I think they would be most unreasonable persons if they did not accept it.

*By the Chairman :*

1067. Do you mean those who vend the liquor, or those who live in the community?—I mean those who are in the habit of taking their liquor.

*By Rev. Dr. McLeod :*

1068. Do you think it is easier to enforce a license law than a prohibitory law, well framed?—I think a prohibitory law, well framed, would answer all purposes.

1069. And would be as well enforced?—Yes, I think so.

1070. Do you think that drink is often the cause of poverty and leads to thieving and so on?—Yes, too often.

1071. Have you any impression as to the number of crimes against persons that are attributable to drink, such as assaults?—Yes.

1072. Is there a considerable proportion of them?—Yes.

1073. And also in regard to crimes against property, which are traceable to drink?—There are not many cases of that kind. There are quite a number who are brought up for malicious injury to property while intoxicated, people who break glass or windows or dishes or furniture in the household.

1074. Some of these offences are traceable to drink?—Some.

1075. And directly traceable to drink?—That class of cases directly.

1076. You have cases of offences against women and children: what proportion of these cases are traceable to drink?—I think a considerable proportion. In certain

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localities in our city, where they are poorly cared for and allowed to run about the street and get the language of the street and get into bad company and develop into bad boys and girls, I think the effects may be traceable to the parents.

1077. Do you think the effect of prohibition upon business would be beneficial?—I think it would stimulate it.

1078. You were asked as to certain businesses being annihilated: is it the brewery business; the distillery business, the saloon business, the hotel business that would be annihilated; and if that capital were no longer employed in that direction, could it not be put into profitable employment elsewhere?—I think those engaged in various industries would be benefited by having sober employees.

1079. And would not the employees of these industries be likely to find employment elsewhere?—Yes.

1080. So there would be no annihilation, except in one branch of business, and the employees of that branch would find employment elsewhere?—I think so. I am a very poor authority on trade.

*By Judge McDonald:*

1081. Taking your experience in regard to crimes against property, such as forgery, embezzlement and the like, how do they stand in regard to arising from drink?—Within two years I have had several cases of that kind, where the only defence the party made was that he committed the offence when he was under the influence of liquor.

1082. Had you reason to believe it was a genuine statement?—Yes.

1083. And cases of embezzlement?—Yes.

1084. And where the same defence was made?—Yes.

*By the Chairman:*

1085. It is not an uncommon practice on the part of prisoners to excuse themselves on the ground of drunkenness, in order to lessen the amount of punishment?—Certainly.

*By Mr. Gigault:*

1086. I think you said that drunkenness had increased in the city of Halifax?—I think so.

1087. To what cause do you attribute that increase?—The only cause to which I can attribute it to is drinking larger quantities of liquor.

1088. But do you attribute that to the present license law?—No; I do not.

1089. Do you attribute it to the fact that the present license law is not enforced?—I do not know whether it is enforced or not. When there is a case brought before me there appears to be a good deal of care used in getting it up. We often have convictions where the parties would not have been convicted if the case had been slovenly prepared. I do not know anything about the drinking customs, outside of what comes before me.

1090. Do you believe that the present license law is more defective than the old one?—No; I think that, like our gardens at this season of the year, it wants weeding out. There are some clauses which are very perplexing at times.

1091. You said a prohibitory law could be enforced with proper machinery?—Yes.

1092. Did you not say that license laws could only be enforced properly if they suited the minds of the people?—No; it would be impossible to suit everybody.

1093. Did you say that, in order to enforce a license law, it would be necessary to have a law in conformity with public opinion?—I mean public opinion at large.

1094. If it is necessary to have public opinion in order to enforce a license law, is it not necessary to have public opinion in order to enforce a prohibitory law?—I presume so; but I presume it could be framed so as to have its own machinery.

1095. So it is not public opinion, but the proper machinery you want?—Yes; we want an effective prohibitory law.

1096. So you think that public sentiment has nothing to do with the enforcement of the law?—I do not know; but it has a good deal to do with the success of it.

## Liquor Traffic—Nova Scotia.

1097. When there are violations of the license law, can prosecutions be made by anybody, or must they be necessarily made by the license inspector?—No; they can be made by any person, but he can go and make his complaint to an inspector.

1098. So, if the present license law is not enforced, it does not depend entirely upon the inspector, but upon every person who does not choose to take steps to enforce it?—I have not said that it is not enforced.

1099. If it is not enforced, the want of enforcement depends not only upon the license inspector, but also on the public sentiment, because nobody cares about prosecuting for violations of the law?—Of course that class of people would have to stand aside, who are interested in the violation of the law; others would be found who would do it, I have no doubt. I do not think there is any difficulty in getting people who are willing to enforce the law; but there are a great number of people who are opposed to it, and they have a perfect right to their view of the matter.

*By the Chairman :*

1100. It is your opinion, I understand, that drunkenness has increased in Halifax of late years?—That is so far as the records of my court are concerned.

1101. That is the number of offences?—Yes.

1102. Do you think that is to be attributed to a lack of temperance sentiment in the community, or to a lack of the proper enforcement of the law?—There have been quite a number of cases brought up recently against persons who have no licenses whatever, and those form a difficult class of people to deal with, and very difficult for the officers to prosecute.

1103. You refer to offences against the liquor law. I was speaking about the offence of drunkenness, and I desire to know, if there has been an increase, if it is to be attributed to a want of provision in the law, lack of its enforcement, or to a defective public sentiment?—I am not prepared to say.

1104. Have temperance efforts in the city been as vigorous of late years as they were previously?—I do not know that they have. They have not been as aggressive recently as they were previously.

1105. You have a very large number of, what I will call, repeated cases of drunkenness before you: that is, the same person comes up many times?—Yes.

1106. Can you give us an idea of what proportion of the total commitments for a year these cases would form?—I really do not know, and cannot speak with any degree of certainty.

1107. Are they a large number?—Yes, and I can almost fix the time when they will appear again.

1108. Do the records of your court show whether any other cases than those directly so charged result from drunkenness or not?—No, it is very difficult to say whether they result from drunkenness or not.

1109. You have no record to show, if a man is committed for assault, that it is caused by drunkenness?—No.

1110. Do you put the question to a prisoner, whether he is a total abstainer or not?—I always ask him whether he is temperate or intemperate.

1111. Will the records of the court show whether offenders are total abstainers or not?—Of course, many of them I know when they come up, but as regards the majority we have to leave that matter to themselves, because the sheets only require that we shall ask whether they are married or single, whether they can read or write, whether they are temperate or intemperate, where they were born, etc.

1112. Then you are speaking of your impression more than of the statistical record?—Yes.

*By Rev. Dr. McLeod :*

1113. What is your opinion of the influence of the canteen on the community: is it good or bad?—Very bad, I think.

1114. What is its influence on citizens?—I do not know what may have been done recently, but some time ago the canteens were sending out many people in a state of intoxication—citizens who had no right there.

ROBERT MOTTON.

1115. The military regulations prohibit the sale to others than soldiers?—Yes, but we have nothing to do with the military regulations.

1116. Sales do take place to citizens, I suppose?—I do not know whether sales take place to citizens or not. I think they are generally invited in, as I understand, by soldiers, and the soldier pays.

1117. Do you know whether there is any attempt made to prevent that practice by the military authorities?—I know their attention has been called to it, and in one or two instances it has been remedied.

1118. Does the existence of the canteen, under military authority and under the sanction of the Imperial authority, have the effect of giving character to the drink habit and the drink trade in this city?—I cannot say. The class of cases brought to my notice has been those of civilians who have been taken into canteen by soldiers on the Sabbath day when they could not get drink in other places.

1119. Are there many cases of drunkenness amongst the soldiers?—I do not think so.

1120. They do not come before you?—Whenever there is a number of them to be sent home they get troublesome and take a good deal of drink, simply because they want to be sent to prison. They are not very much disposed to go, because the duty they have to perform at home is greater than they have to perform in the colonies, and many of them get liquor and get into the police court, and then into prison, because they think they will thus be prevented from going home; and during the few days that that goes on they are exceedingly troublesome, and very often come in contact with our police, and but for the forbearance of our police there would be some trouble.

1121. Do the police arrest drunken soldiers, or do they report to the military pickets?—They report to the military pickets.

1122. Then the number of soldiers who come before you charged with drunkenness does not represent the number of soldiers who are drunk?—No.

*By Mr. Clarke:*

1123. Are there more complaints which come before you now about the canteen than there were formerly?—No. It is only recently, I think, that complaints have been formulated at all against the canteen.

1124. Has drunkenness increased or decreased in the garrison here?—I cannot say. The military pickets are constantly going about and taking these men into barracks, but they do not register in my court at all.

1125. Is it the duty of the police, in case a person is not disorderly, and is capable of getting home, not to arrest him, even if he is drunk?—Yes.

1126. Then the number of drunks before you does not necessarily include the number of people who are drunk in the city?—No.

1127. There are fewer licensed places in Halifax now than formerly?—Yes.

1128. And the provisions of the new law are more stringent than those of the old law?—Yes.

1129. And the number of drunks is larger?—Yes.

1130. Are there more unlicensed places now than before?—Yes; I think we are flooded with unlicensed places.

1131. Notwithstanding that you have an Inspector and six detectives and the whole police force at your back?—Yes.

1132. If public sentiment were sufficiently pronounced, would it be possible for those unlicensed places to continue to exist and to continue to do business in violation of the law?—They would find great difficulty in doing business.

1133. Were there as many unlicensed places when there were more licensed places?—Not by any means, because the competition was so great between the vendors that they took care to ferret out the unlicensed places.

1134. One of the results of the adoption of the law has been to increase the unlicensed places?—Yes.

1135. I understood you to say that a prohibitory law, with public sentiment at its back, could be properly enforced?—Yes.

## Liquor Traffic—Nova Scotia.

1136. Do you suppose that public sentiment is not at the back of the officials at Halifax, and that is the reason why the unlicensed places are allowed to exist?—The difficulty is that the unlicensed places station their people on the corners very often to see whether a policeman or the inspector is coming along.

1137. If there was a prohibitory law, would they not do the same thing?—No doubt they would, but I imagine the penalties which would be imposed by the Act would be sufficient to teach them a lesson.

1138. Have you any reason to believe there would be a stronger public opinion behind the prohibitory law than behind this stringent license law?—I think so.

1139. Why?—Because I think the best people are strongly in favour of it, though they are not known as temperance people, but they have families and they have boys going to destruction.

1140. In districts throughout the province where there is local prohibition, where the Canada Temperance Act is supposed to be in force and operation, if it is found that liquor is being sold illicitly and illegally, is that owing to the fact that public sentiment does not back up the local prohibition, or is it owing to the inactivity of the officials who have charge of it?—I cannot say.

1141. And yet you are of opinion that if public opinion was behind a prohibitory law, it would be and could be enforced?—Yes; but that is only my opinion on the subject.

*By the Chairman :*

1142. Then you say that in Halifax, while a number of respectable people would step out and give effect to a prohibitory law, they would not step out and give effect to a local license law?—They do not. There are a number of temperance people whose hearts are in the work, particularly the Women's Christian Temperance Union. They are working as zealously as ever. They are doing a great deal of good in many localities where they visit.

1143. Is it your opinion that a large number of respectable people, who now do not take any trouble to assist in the enforcement of the law, would be induced under a prohibitory law to step out and assist in its enforcement?—I think so.

*By Mr. Gigault :*

1144. Why do they not so act in the counties in which the Scott Act is in force?—I do not know; I have no information on the subject. The large increase of drunken and incapable persons I attribute, and I know the officers do, to the fact that a very dangerous kind of liquor is abroad, and men can scarcely take a glass of that liquor before they tumble down, as if they had taken "rough on rats." If a competent person were appointed, whose authority would be thoroughly understood, to test the quality of liquors that are sold in different places, it would be a great advantage. We often find that within half an hour, even less, after a man has been turned out of a place, because it is not safe to have a drunken man there, he is found lying down outside of a licensed shop or house.

*By the Chairman :*

1145. Your experience leads you to conclude that, if liquors were properly inspected and looked after, the cases of offences against the law would be materially reduced?—Yes.

CHARLES H. LONGARD, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

1146. How long have you lived in Halifax ?—Forty-seven years.

1147. You are a native of Halifax ?—Yes.

1148. What is your occupation or profession ?—Manager of the Nova Scotia Building Society.

1149. How long have you held that position ?—I have been connected with the Society for 26 or 27 years, but I have been manager for five or six years.

1150. Is it a mutual benefit society or lending society ?—It is a co-operative bank.

1151. Will you explain the character of the society and the manner of doing business ?—Those who obtain loans from us are members of the corporation, and they obtain advances to enable them to purchase homes. They can pay the amount back in eleven years or they can pay every month.

1152. They subscribe monthly ?—Yes.

1153. In the matter of applications for loans, do you ballot ?—No ; we have a board of directors which settles that.

1154. Suppose you have half a dozen applications for loans, how do you determine who is to receive them, if you have not enough to supply all ?—We have always had enough money to supply all.

1155. Do you have a system of auction ?—Yes ; they bid for it.

1156. Would you explain what is meant by that ?—The whole sum available is put up for competition and any one present is entitled to vote and become a member ; but the application is first passed upon by the board of directors. We have agents in the different provinces where we do business and they send in reports with reference to the people who apply, and these are brought before the board of directors.

1157. And do the applications come from persons who are not members of the society ?—With very few exceptions they come from members.

1158. And those who are not members have to become members ?—Yes.

1159. And they repay the society by instalments ?—Yes ; monthly or quarterly, over a period of eleven years.

1160. Before you admit a man to membership, have you any test or examination made before you put him through ?—The agent who takes the application for a loan submits certain questions to the man, and submits confidential reports to us as to his character, age and business and so on. We consider the man in regard to the security he offers.

1161. Have you any limit as to age ?—No.

1162. Would you take a man at sixty years of age ?—He would not be as desirable as a young man.

1163. Would you take a man at seventy ?—We would ask for collateral security, or for an assignment of a life insurance policy, or for a personal bond.

1164. Do you require that a man who becomes a member should be a total abstainer ?—We do not require that.

1165. But I suppose you are influenced by the fact whether he is or is not a temperate man ?—Yes ; it practically amounts to that.

1166. But you have no positive rule that a man shall be a total abstainer before he becomes a member ?—No.

1167 68. In cases where you have difficulty in collecting, the monthly instalments, that is after a member has borrowed the money, do you find that the difficulty arises very frequently from the men being intemperate ?—Yes, we do.

1169. Is that one of your principal difficulties in making collections ?—We have very few failures, and they are principally due to the use of liquor.

1170. Can you tell us the percentage of these ?—I could not without having recourse to the books ; but if I had time, I could give many illustrations where men have lost property from that cause.

1171. Could you tell the Commission the percentage of failures in proportion to the allotments of money ?—We have between eight hundred and nine hundred thousand

## Liquor Traffic—Nova Scotia.

dollars on mortgage, and I think the foreclosures during the year would not average more than five or six per cent.

1172. How many individuals have you who have their property under mortgage?—I cannot say.

1173. Can you tell the percentage of the failures to pay that arises out of intemperance?—I cannot, but the small number of failures which we have we attribute to our carefulness in avoiding people who are addicted to the use of liquor.

1174. Is it not in regard to those who are addicted to the abuse rather than to the use of liquor?—Yes, I should rather say the abuse.

1175. Are you wholly employed in connection with this society?—Yes, I am the Inspector and, therefore, I travel through the provinces.

1176. And you look at the properties and see what is being done with them?—Yes.

1177. Has your Building Society a special Act of parliament?—Yes, we have a Dominion Act and local Acts as well.

1178. Have you taken an active part in any temperance work here?—No, I am not a member of any temperance society; I am a teetotaler on principle.

1179. Have you always been a total abstainer?—Yes.

1180. Do you undertake any city missionary work?—Yes, I am a member of the Jost City Mission, which is confined to the centre of the city. I have been engaged actively in that for many years.

1181. You take an active part in that?—Yes.

1182. Does that lead you to visit the jails to some extent?—Yes, I do that in my travels throughout the Province, and I am interested in the boys specially.

1183. Your work is not confined to Halifax?—No; I take in the maritime provinces generally.

1184. Have you paid any attention to the liquor traffic in this city of Halifax?—I have watched it quietly.

1185. Is it your experience that drunkenness has increased or decreased of late years within the city?—I think it has increased; I think there is more general drinking than there was in previous years. My experience in the mission would lead me to think so. The poverty and degradation amongst the class of people we visit would apply more to them possibly than to any other class.

1186. Does your answer refer to general drinking or excessive drinking?—I am speaking more of the poorer class of people.

1187. There may be a more general use of stimulants and not more drunkenness of that kind?—Yes; I am speaking of that very class.

1188. To what do you attribute the increase in drunkenness?—I think liquor is sold more freely. My private opinion is that the License Act does not deal with it at all; it has got beyond all control.

1189. It has been stated that the number of licenses issued now is fewer than the number previously issued?—I know nothing about that.

1190. Therefore, if drunkenness has increased, it would almost follow that there is more illicit sale?—Probably there is.

1191. I suppose you are familiar with the law in regard to the issue of licenses in this city?—Yes.

1192. Do you think the law is enforced?—No; I have reason to believe it is not enforced.

1193. In your experience, what does the non-enforcement of the law arise from?—I do not like to impute anything to any one, but I do not think there is an effort made by the officers to enforce it; that is my private opinion. I have enough to do with my own affairs not to interfere with others.

1194. You think it is owing to the non-enforcement of the law?—Yes, I do.

1195. Do you think that the lack of public interest in the matter has anything to do with it?—I cannot say so; it may be so. It is competent for any person to institute proceedings against any one selling liquor in an illicit way or violating the law in regard to the sale of liquor.—I do not know that there is much satisfaction in a private citizen trying to put the law in force.

CHARLES H. LONGARD.



1196. Do you think he would not succeed?—I do not think so.

1197. And for what reason?—I do not know. I should like to see a prohibitory law. It is the only cure for it.

1198. Have you had any experience as to the working of the Canada Temperance Act, commonly called the Scott Act?—No.

1199. Have you been in counties where the Scott Act was in force?—My only experience is in Dartmouth, where it is in force, and I think it is enforced.

*By Mr. Clarke :*

1200. The Scott Act?—No; it is the license law.

*By the Chairman :*

1201. You must have been in counties where the Scott Act is in force?—The town of Yarmouth is a good illustration, where there is less drunkenness than in many towns I could name.

1202. Is there any sale there openly?—Not openly.

1203. But is there sale illicitly?—Yes.

1204. Have you seen it?—I have seen symptoms of it.

1205. Can you speak of any other county or district where the Scott Act is in force?—Yes, in Amherst; there is liquor sold there; they have a rough population, and there is more selling there.

1206. Are you speaking of a recent period or further back?—A few months.

1207. Is liquor sold openly there?—There has been a war there.

1208. In the hotels do they openly sell liquor?—No.

1209. Is it sold to your knowledge?—I suppose so, but not openly.

1210. Have you any knowledge of the labour organizations here?—Some slight knowledge.

1211. Can you give us the names of any of them?—There are unions of different kinds, the metal workers, and the carpenters and the bricklayers, but I do not know much about their organizations.

1212. Have they separate organizations?—Yes, and there is a general organization.

1213. What is that called?—The Labour Union.

1214. And all these, I suppose, are represented by officers in the general union?—Yes.

*By Judge McDonald :*

1215. Your work in connection with a mission is of a voluntary nature?—Yes.

1216. Of what distinct nature is it: is it visiting the city prison, for example?—No; we have a missionary, a lady, who visits the homes of these people, and we conduct services in their interest.

1217. In their houses?—No, in a large hall we have, and we also have Sunday School and mission services.

1218. Do you visit the homes yourself?—No.

1219. Do you visit the jail yourself?—Yes; not only here, but through the whole Province.

1220. Do you inquire of the prisoners the causes which have led to their imprisonment?—Yes, in every case I ask them why they are here, and in the majority of cases the answer is that it is liquor that brought them here.

1221. You are a practical business man and accustomed to weigh matters in that light: do those answers carry weight with you?—I judge more from the physical appearance of the men.

1222. Do the attendant circumstances lead you to believe that the answers given to you in most cases are genuine?—Yes. I find these men are not wholly devoid of feeling, and they give as a reason for committing these crimes their indulgence in liquor.

1223. Some of these are imprisoned for offences against the license laws and for drunkenness?—Yes.

1224. And your experience at the city prison is the same as elsewhere?—They are all the same.

## Liquor Traffic—Nova Scotia.

1225. Your business does not call you into the homes?—No, the ladies are doing that work. Of course, there are individual cases where I know the whole circumstances. I have a case in my mind now of a man who, under the influence of liquor, was led to commit a crime, and in consequence of his being imprisoned for that crime forfeited his pension, he being a pensioner from the Imperial Government. It was a very sad case for the wife and for their children.

1226. In your personal knowledge was liquor the cause of that?—Yes, I am satisfied it was in that very case.

1227. Have you any knowledge in reference to the adulteration of liquor?—I have not, as I do not use it at all.

1228. But do you know?—I do not know.

1229. It is sometimes put forward that the compounds sold as liquor are making men mad?—I do not know.

*By Rev. Dr. McLeod :*

1230. Do you make loans to liquor sellers?—Yes.

1231. Do you consider them good risks?—Yes, if they are solvent men.

1232. We understood you to say you did not make loans to drinkers?—Not to drunkards. My experience is that liquor sellers are not as a rule liquor drinkers.

1233. Does your association look with suspicion upon any intending borrowers who are not known to be drunkards, but are known to be habitual drinkers; do you regard them as being quite as good risks as total abstainers?—No.

1234. I suppose in some cases where you have suffered loss the men were not drunkards, or the loan would not have been made?—Yes.

1235. But they became excessive drinkers and you suffered the loss?—Yes.

1236. Do you regard the fact that there is an illicit sale in Yarmouth as proof that the law is a failure?—No.

1237. Do you think it would be of advantage to allow Yarmouth to come under the operation of such law as exists in Halifax?—I do not like to say.

1238. You do not think that the illicit sale, as far as it does go on in Yarmouth, not openly, but secretly, is an indication of the power of the law?—No; the law succeeds in restricting the sale.

1239. I suppose there is such a thing as stealing in Yarmouth?—Yes.

1240. But it does not prove that the law against theft ought to be repealed?—No.

*By Judge McDonald :*

1241. Do you put stealing and taking a glass of liquor in the same category?—No; because we do not consider taking liquor is a sin *per se*. Theft is a sin against God and man.

1242. I understand that the License Act works almost to a charm in Dartmouth, does it not?—Yes.

1243. Does it not also work to a charm in Yarmouth?—No.

1244. And therefore there is a town which, to your knowledge, has a license law but it is not a success, and there is another town in which it is a success?—Yes.

*By Rev. Dr. McLeod :*

1245. You do not put side by side the taking of a glass of liquor and stealing; but do you regard the selling of liquor, where it is prohibited by the will of the people, as stealing is, as being as illegal as the other?—No doubt the breaking of the law is a sin.

*By Judge McDonald :*

1246. Smuggling is contrary to the law?—Yes.

1247. Do you mean to say that a lady who brings in a handkerchief from abroad, without paying duty on it, is guilty of a sin?—I would not say that.

1248. You would not put that on the same footing as a lady stealing a handkerchief from a store?—Certainly not.

CHARLES H. LONGARD.

*By Rev. Dr. McLeod :*

1249. As between Yarmouth and Dartmouth : there are no licensed liquor shops in Dartmouth, are there?—I am not aware.

1250. Dartmouth is an instance of prohibition, I understand?—Yes.

1251. And that is where a good thing is being done?—Yes.

*By Mr. Clarke :*

1252. How does Dartmouth compare with other towns in the province?—Very well.

1253. As compared with those under the provisions of the license law?—Yes.

1254. The same law exists in the town of Dartmouth as exists in the city of Halifax?—I think there is a difference.

1255. What is the difference?—There is a difference in its operation.

1256. I understood that Dartmouth was under the operation of the License Act, just as the city of Halifax was under the operation of the License Act, and I understood that under that Act persons not able to secure a certain number of signatures to an application for a license could not get a license?—That is true.

1257. And I understood that the Canada Temperance Act does not prohibit but restricts the sale of liquor?—With the exception of that town, I do not know where they have prohibition.

1258. The Canada Temperance Act is prohibitive, is it not?—It does not produce the same effect as the law in force in Dartmouth. I am speaking as a business man, and believe it to be a fact.

1259. And the fact is that the people are in favour of a license law in Dartmouth as against the Canada Temperance Act in Yarmouth?—Dartmouth has a prohibitory law in effect. The license laws are ineffective.

1260. Is it not under the provisions of the license law that people can decline to recommend a license preventing the sale of liquor?—Yes, but it is so interwoven that you cannot get people to express their honest convictions.

1261. If the people in this city of Halifax withheld their signatures from the petitions sent to the officers, the same result would apply here as in Dartmouth?—Yes.

*By Rev. Dr. McLeod :*

1262. You regard Dartmouth as being under prohibition?—Yes.

1263. There is some illicit sale in Dartmouth, I presume?—I suppose so.

1264. And in Yarmouth?—Yes.

1265. But not openly?—No.

*By Mr. Clarke :*

1266. If the people took advantage of the clauses of the local Act, would that not be better than a Dominion Act?—I do not think it is possible, unless people expressed their honest opinions; but the body of the people are feeble in doing that, and they dare not say what they think.

*By the Chairman :*

1267. For what reason?—Their interests are so interwoven with those of others.

*By Rev. Dr. McLeod :*

1268. They have not pluck enough?—I do not know that.

*By Mr. Clarke :*

1269. Is it for that reason that illicit sale takes place where the Canada Temperance Act is in force?—Yes, our people will not inform.

1270. Does the Act provide for officers to enforce the law?—I suppose so.

1271. If these officers did their duty, there would be no necessity for any one becoming informers?—I do not know anything about that.

1272. Are there more unlicensed places here than when more licensed places existed?—I think so.

## Liquor Traffic—Nova Scotia.

1273. And drunkenness has increased?—Yes, I think so. When the license law in Halifax was enforced, there was less drunkenness.

1274. Does this law impose greater restrictions on the sale than the previous one?—Yes, but it is not enforced.

1275. And the condition of affairs is worse under the more restrictive law than it was before?—Yes, but not because it is a restrictive law.

*By Rev. Dr. McLeod :*

1276. Do you know the difference in that respect between the Provincial license law and the Canada Temperance Act?—I do not.

1277. You do not know that the license law provides for the officers to enforce it, and that the Canada Temperance Act does not?—Now you tell me, I see that is so.

*By Mr. Clarke :*

1278. The License Inspector and the police are appointed by the Council?—Yes.

1279. And the people could elect those who would appoint men to enforce the law?—The people are powerless.

1280. They elect the Council, do they not?—They do, but they are powerless.

*By Judge McDonald :*

1281. Powerless for what?—Powerless to enforce the law.

*By the Chairman :*

1282. Would they have more power under a prohibitory law?—Yes.

1283. Would the state of things be changed if you had a prohibitory law?—If I see things that look like drinking and if I know that liquor has been illicitly sold, it is not worth my while following it up under the present law. It would be if there was a prohibitory law.

1284. You say that the prohibitory law in Dartmouth and Yarmouth and other places is not properly enforced because the interests of the people are so interwoven : how would you get rid of that difficulty under a complete prohibitory law?—It would be quite different. I look upon law as an educator, and I think it should be in advance of public sentiment. It points out to me the right and wrong.

1285. You have the power of prohibiting now, and you say the people will not enforce that power?—Under the present system we cannot, we are waiting for a popular system. If we had a prohibitory law, it would educate the public sentiment.

*By Judge McDonald :*

1286. How long have you been going through this Province?—For eleven or twelve years.

1287. Have you been at Truro?—Yes.

1288. Was that town under the operation of the Scott Act?—I believe so.

1289. Do you believe the sale of liquor was going on there?—Yes.

1290. To any considerable extent?—It never was in that town.

1291. Do you know where it was worse?—In some of the towns where we have many miners.

1292. What towns?—Westville and others of that kind.

1293. In each of these sections the law had been in force for some years?—I do not know.

1294. It must be in force for three years before it could be repealed?—I suppose so.

1295. From your experience, what do you think of its effect as an educator?—I think it has produced its effect.

1296. A good effect?—Where the Act has been enforced I think it has educated the people.

1297. You say the law is an educator, not the enforcement of the law. Would you pass a law to make it an educator? The idea of some people is that you must have people first educated up to the idea, and then put it into force ; you say the law is an educator?—I believe it is.

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1298. The simple enactment of a law?—Where they appeal to that as a standard.

1299. You have that law in force in almost all of the counties, except Halifax?—And Dartmouth.

1300. And the license law can be put in force elsewhere in the Province, if they choose?—Yes, but in Dartmouth we have no guarantee that it will last. In a few months we may have free rum. If we had a prohibitory law, its effect would be lasting. This is only temporary.

*By the Chairman :*

1301. If there was a change in Dartmouth for instance, it would be in consequence of a change in the public mind, would it not?—I do not consider that sufficient.

1302. But it would only change by public action on the subject?—No.

*By Judge McDonald :*

1303. You speak of the law as an educator. In your opinion is there any worse educator than a law on the Statute-book that is not observed?—I cannot say that.

1304. Do you think a law on the statute-book that is broken constantly is a good educator of the public mind?—It is not a good educator, but I would sooner have it than no law.

*By Rev. Dr. McLeod :*

1305. You object to the law because it legalizes what you consider a bad thing?—I do.

*By Mr. Clarke :*

1306. What has been the influence of the Act on the communities where it has been adopted? Is there a more general consensus of opinion?—I think if we had the whole Dominion committed to prohibition, we would be in a different position than we now occupy, with a small section committed to the Scott Act, which is prohibitory in its effect. If we are built up by all our countrymen, we are stronger.

*By the Chairman :*

1307. The trouble is to get all your fellow-countrymen in the same mind, and the question is whether it is not better to take the country in detail. The Scott Act is there to be put in force, and it can be made to apply in large sections. Why should it not be applied?—The next generation will give us prohibition.

1308. That is a prophecy. But the difficulty is to get the whole community in the same mind, and is it not better to get them in detail if they cannot be secured in gross?—I do not think so. I think we are helping the next generation on to prohibition.

1309. If you cannot get prohibition, you would rather not have the Scott Act?—I do not care for the Scott Act.

1310. Is that your position?—It does not answer its purposes.

*By Rev. Dr. McLeod :*

1311. You are in favour of prohibition for the whole Dominion?—Yes.

1312. But failing that, you would like to have prohibition for Nova Scotia?—Yes.

1313. You would like to have prohibition for Halifax?—Yes; but rather for the whole province.

1314. But failing Halifax, you would have it for Dartmouth?—Yes.

1315. Failing to have it in general, you would rather have it in certain places?—Yes.

1316. Because Halifax is under a license law, you would not have prohibition removed from Dartmouth?—No.

*By Judge McDonald :*

1317. I understand there are in this city some districts under prohibition, because applicants cannot get the necessary signatures of two-thirds of the ratepayers?—I do not know.

## Liquor Traffic—Nova Scotia.

*By the Chairman :*

1318. Is there any thing to prevent Halifax being under prohibition, except the will of the people?—Yes; business interests and social interests. We are not free agents, I am sorry to say.

1319. How are you going to be free agents under a prohibitory law?—You are putting some difficult questions. I admit the gravity and the difficulty of the subject.

1320. If the people of Halifax desire prohibition under the existing law, they can have it. Is there nothing to prevent it, but the public sentiment?—I do not know. There are a great many things to consider.

1321. If Halifax will not avail itself of the law to-day which would give it prohibition, and if general prohibition were adopted, would it not be using the influence of other communities to coerce Halifax?—Yes.

1322. Is there anything to your knowledge which prevents the people of Halifax from having prohibition at once, if they desire it?—Yes; I think they are so involved in various complex questions that we cannot get an honest expression of opinion.

1323. Then the people will not vote it?—They dare not vote it.

1324. Your society does not exclude from membership men who take liquor?—No.

1325. Dr. McLeod spoke of drinkers, and you said you avoid drinkers. What do you mean by drinkers?—Men who use liquor as a beverage; men who drink at a bar.

1326. Do you refuse such men?—We do men we know to be habitually such.

1327. You do not exclude men who take liquor, but you do exclude drinkers: where do you draw the line?—We do not ask them to be teetotallers, but we avoid habitual users of drink.

1328. What do you mean by that? Users to what extent?—As a beverage.

*By Judge McDonald :*

1329. Suppose a man has a glass of wine every day in the week at his dinner: he is a habitual drinker. Would you exclude that man?—No; certainly not.

*By the Chairman :*

1330. Do you mean a man who drinks to excess?—You have to consider the different classes of society.

1331. Whom do you class as drinkers?—A man who would drink at a bar or in a public place.

1332. Would you exclude such men as Judge McDonald spoke of?—Certainly not.

1333. Then, what do you mean?—It touches us in this way. A working man cannot afford this drinking, while a gentleman can spend his money as he likes.

1334. Do you measure a man's drinking capacity by the depth of his purse?—To some extent.

*By Judge McDonald :*

1335. Then, the man you would exclude is the habitual drinker?—Yes.

1336. And the habitual drinker at a bar?—Not necessarily.

1337. Take a workingman who kept in his house a cask of ale from which he might take a glass once, twice or three times a week: would you exclude him?—No.

1338. That is a habitual drinker?—But not of the same class as a man who asked me to a bar.

1339. You mean that you would not like to make a loan to a workingman who tips at a bar?—Certainly.

*By the Chairman :*

1340. The word "losses" was used in connection with your business. Does it follow that every man who fails to pay his instalments inflicts a loss on your society?—No.

1341. He inflicts a loss on himself and not on your society?—Yes.

*By Rev. Dr. McLeod :*

1342. Suppose two men, one of them belonging to the labouring class who drinks three glasses a day at a bar or in his home, and the other belonging to the monied class

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of people who drinks three glasses of what suits his taste : would you take a risk on the one and not on the other ?—We would. The labouring man cannot afford the additional expense while the other man can.

1343. You take the risk on the other man because he has the means ?—Yes ; not being a confirmed drunkard.

1344. But you would discriminate, refusing the labouring man because of the danger that he would not pay ?—We would.

1345. And you would take the other because he furnishes greater security ?—Yes.

1346. Do you regard the drink trade as established in Halifax and elsewhere a menace to your business ?—It is. When I say that, I am only expressing the opinion of the Board of Directors. I would not have it at all.

*By Judge McDonald :*

1347. If you were a director, you would vote against these men ?—Yes.

1348. You have \$800,000 or \$900,000 out. How much do you lose a year ?—We have five or six foreclosures in a year.

1349. Is not that good evidence of the sound judgment of the Board of Directors whom you represent ?—I think so.

*By Rev. Dr. McLeod :*

1350. Do you not think the percentage of foreclosures which you say have occurred, would not have occurred but for drink ?—I think so.

*By Mr. Clarke :*

1351. Then, the directors do not prevent men from having loans unless they drink more than they can afford ?—Or drink so as to affect their health.

1352. You say you do not preclude men who have means from obtaining loans ?—A labouring man becomes destitute by drinking.

1353. It is purely a matter of security ?—Yes.

*By the Chairman :*

1354. But if the working man fails to make his payments, the company loses nothing ?—Sometimes they do.

1355. But generally, they foreclose ?—You cannot well put a family out.

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J. B. RYAN, of Halifax, affirmed, and testified as follows :—

*By Judge McDonald :*

1356. What is your occupation ?—Inspector of Weights and Measures for the Halifax district.

1357. What is the extent of your district ?—It includes the Counties of Hants, King's, Halifax, and Lunenburg.

1358. By what authority are you appointed ?—By the Dominion Government.

1359. How long have you held the position ?—Nearly six years.

1360. Will you state briefly your duties ?—They are to inspect all classes of weights and measures in my district.

1361. How often do you inspect them ?—Once in two years when we can manage it ; and when we cannot, as soon as possible afterwards.

1362. Does that employment lead you to visit different sections of the country ?—I have to visit all places of trade within the district.

1363. Are you brought in contact with many classes of people ?—Yes.

1364. Do you test scales used for weighing hay, farmers' scales, grocers' scales and druggists' scales ?—Yes ; all classes of scales, except post-office scales, which we do not inspect unless we are instructed.

## Liquor Traffic—Nova Scotia.

1365. They are issued by the Government?—Yes.
1366. How long have you been a resident of Halifax?—Six years.
1367. And before that, where did you live?—Truro, and other parts of Colchester.
1368. Are you a native of Nova Scotia?—Yes, of Colchester county.
1369. Have you for years been engaged in temperance work?—Not very much.
1370. But to some extent?—Yes.
1371. Have you been an observer of what goes on about you?—I have.
1372. Before you came to Halifax to live, did you live in one county where what is known as the Scott Act was in force?—I lived in Colchester where it was doubtful whether the Scott Act was in force or not.
1373. Was it carried by the people?—Yes; but there were some technical points raised and a protest was made, and it was a question for seven years whether we had the Scott Act in force there or not.
1374. In what part of the county did you live?—In Truro.
1375. Were you in Truro or in any part of the county before the Scott Act was carried?—Yes; for years, under the old Nova Scotia License Act.
1376. Was there much intemperance in Colchester County under the old license law?—I have always seen more or less intemperance where liquor was sold in Colchester and other places, but I do not know that there was more there than anywhere else.
1377. Did you notice any increase after the Scott Act was adopted?—I do not think so.
1378. Has there been any increase in the sale of liquor?—I think so; but there is an increase in the population.
1379. Are there more places where liquor is sold?—Yes.
1380. Have you ever seen liquor sold there openly?—I have.
1381. In shops or hotels?—Principally in hotels.
1382. At an open bar?—Yes.
1383. Are there any shops in which it was sold or exposed for sale?—I have seen them some time ago.
1384. Then, you came into Halifax under a license law, which has been in force about six years?—It was in vogue when I came here.
1385. Have you been sufficiently an observer to see how that law is carried out?—Yes; I have mixed with the people in Halifax.
1386. What is your experience as to the working of the system under which licenses are issued in this city: does it work satisfactorily in your opinion?—I do not know what the definition of satisfactorily would be; I know they sell liquor here openly.
1387. Is it sold by the glass?—It is. I have seen it.
1388. In places that were licensed?—Yes.
1389. In any shop or any places that were not licensed?—That is a difficult question, because I do not know all the places that are licensed.
1390. In the six years you have lived in Halifax, so far as you have observed, has there been an increase or decrease of drunkenness, or does it remain stationary?—I would say it has not decreased.
1391. In this city, under the license law, they have shop licenses, I believe, which do not allow any other goods to be sold but liquor. Do your duties call you to inspect such places?—Yes.
1392. In what way?—To inspect measures.
1393. As the result of your experience in visiting such places, were you led to believe that the license law is fully observed?—I think not.
1394. Have you anything to do with inspecting the qualities of liquors?—No.
1395. You are not in a position to say whether adulteration exists?—I do not know. I am not an expert in that line.
1396. Have you formed an opinion?—I have found bad liquors sometimes.
1397. And liquor that appeared to have been adulterated?—Well, to my taste, it was not good liquor.
1398. Then, your duties also call you into King's and Lunenburg counties, as well as Halifax. Is either of those counties under the Scott Act?—I think Lunenburg is, and probably King's, but I have paid so little attention to the Scott Act, that I cannot tell.

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1399. You travel through those counties regularly?—Yes.

1400. Is there any sale of liquor in those counties?—I have found it.

1401. In places of public resort?—Yes.

1402. In hotels?—Yes.

1403. In shops?—I never saw it there.

1404. Was a secret made of the sale of it?—I never saw any secrecy.

1405. In your opinion, would a Dominion law, prohibiting the importation, manufacture and sale of intoxicants, excepting such as were required for medicinal and mechanical purposes, be desirable?—I do not know that it would.

1406. Do you think it would be preferable to a license law?—I do not know that it would. It might be, but I do not think it would.

1407. Have you given it consideration?—I have. I have seen the license law fail miserably, but I do not know that prohibition would be a greater success.

1408. Do you think from your experience that a general law of that kind would be efficiently enforced?—I do not know that it would; I cannot say.

1409. But in your opinion?—It is very hard for me to form an opinion. I have seen law in various forms applied to the sale of liquor and the prevention of the drinking of liquor, but I have never seen a day, though for years I did not drink liquor and belonged to a temperance organization, when people whom I knew could not get liquor. That is my experience in the United States and in Canada.

*By Rev. Dr. McLeod:*

1410. You lived in Colchester most of your life?—Yes.

1411. In your earlier years, was there a great deal of drink sold and used outside of Truro?—Yes, there was.

1412. And is there less now?—I think not. I have been there within three or four years, sometimes monthly, and I cannot see any difference.

1413. Truro has increased in population?—Yes.

1414. You think the increase of drinking in Truro is in proportion to the increase of population?—I think so.

1415. Speaking of open bars in Truro: do you refer to the time when the Canada Temperance Act was in force or since?—I refer to any time when there was anyone there to sell liquor.

1416. There were always open bars?—Always.

1417. You say the law was supposed to be in force, but there was some difficulty growing out of the appeals?—There was some litigation which arose out of the question whether the Scott Act was passed or not, and then there was free rum.

1418. The difficulties in enforcing the Act arose, then, out of those questions?—Yes, to a large extent.

1419. What class of people promoted the repeal of the Scott Act?—I know a gentleman took exception to it and entered a protest on the day of the Scott Act election, and litigation arose, and the matter continued unsettled for seven years.

1420. Who promoted the repeal agitation, the men who were selling openly, or those who tried to enforce the law and failed?—I think the temperance people.

1421. What motive had they?—I suppose to suppress liquor.

1422. They wanted to repeal the Canada Temperance Act, for what reason?—I think the Scott Act was repealed, but I do not know the motive.

1423. You do not know that the motive was that they might bring the county under the prohibitive provisions of the provincial license law?—I do not know.

1424. You find the same number of open bars in Truro as under the license law?—I find under the Scott Act, as before and since wherever there was liquor, there are the same people or other people selling liquor openly.

1425. Take your district and your experience: is it according to your experience that there is as much drinking now as there was twenty or twenty-five years ago?—That is my impression, I regret to say, from my personal knowledge in travelling.

*By Mr. Clarke:*

1426. Is Truro under the operation of the provincial license law now?—Yes.

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1427. The same as Halifax?—Yes. A good many prosecutions have been started within the last few weeks.

1428. And the Canada Temperance Act has failed?—I never saw a law bearing on the suppression of liquor that had any effect.

1429. Is it more difficult to obtain liquor outside of Halifax than in the city?—I do not know except in the hotels, and I do not see any difference in regard to them. I see people drinking in the hotels right along.

*By the Chairman :*

1430. You have not found that the prohibitive enactment known as the Scott Act has prohibited the sale of liquor?—Not to my knowledge.

*By Rev. Dr. McLeod :*

1431. Has the drinking in counties which are under license law been checked within the last twenty-five years?—I do not think so.

*By Mr. Gigault :*

1432. You spoke of your experience in the United States. Have you had any experience as to the working of the liquor laws in the United States?—Yes.

1432a. Have you been in the State of Maine?—I have.

REV. DR. MCLEOD objected to evidence being taken in reference to the State of Maine.

JUDGE McDONALD objected, for the following reasons :—

1. Taking the evidence of a person in reference to a foreign country is not germane to the inquiry at the present moment being made by the Commission.

2. It is impracticable, upon the ground that it is impossible for the Commission to call before it other testimony to confirm, qualify or contradict the evidence of the witness, inasmuch as the persons who could do so are beyond our jurisdiction.

3. If the Commission itself were in the country to which this gentleman is referring, it would not be in the position to take evidence there, and it should not take his evidence as to the state of facts there.

4. Any evidence in regard to the law in a foreign country must, by all rules of law, be given by one skilled in the law of that country—a judge or advocate, or some one of that kind, and it does not rest with the witness to tell us what are the laws of that country.

MR. CLARKE : I think we should obtain all the information possible, and as this gentleman has been permitted to refer to his experience in Maine, he should have an opportunity of stating what that experience was.

THE CHAIRMAN ruled that Mr. Gigault could proceed with his examination.

*By Mr. Gigault :*

1433. What experience have you had as to the working of the prohibitory law in the State of Maine?—I do not know that I had much experience as to the working of it. I merely stated that I found liquor sold there and drank without any scruple.

1434. In what portion of the state of Maine?—In Portland and in Augusta.

1435. Did you see any drunkenness there?—I did not.

1436. Were liquors drunk on a large scale?—I cannot say how large.

1437. Were they drunk freely?—I thought quite freely.

1438. Do you know anything as to the quality of the liquors which were drank there; were they more intoxicating than the general liquors used in Canada?—I do not know that they were. I am not a very good judge of liquor.

1439. When did you travel through the State of Maine?—First of all, eighteen or nineteen years ago, and afterwards about fourteen or fifteen years ago.

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1440. Did you travel through any other states?—Massachusetts, New York and other states.

1441. Were liquors sold freely in those States?—Very freely.

1442. How long ago were you in those States?—I was in Massachusetts in 1886. I was there in 1865 and in 1872, and in 1878 and in 1881.

1443. Did you stay there a long time on each occasion?—Yes; I was there the best part of two years, and about half a year another time, and three months another time, and the last time scarcely a week.

1444. In the State of Maine, did you stay long?—No; but I did in Massachusetts, New York, and San Francisco and other parts of California.

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C. B. McDougall, of Halifax, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

1445. What is your occupation or profession?—Importer of wines and liquors. I am also a distiller.

1446. How long have you resided in Halifax?—Twenty-two years.

1447. How long have you been engaged in the business of distilling?—Six or seven years.

1448. How long have you been an importer?—Ever since I can remember.

1449. To take one branch of the question first: From what countries do you import?—From different countries, largely from Great Britain.

1450. And from continental countries?—Yes; from France and Spain, Portugal and different countries, according to the different articles we sell.

1451. Have you been able to form an opinion as to the purity of imported liquors, and as to whether they are liable in any way to be adulterated?—I never saw any adulterated.

1452. No complaints have been made to you in that respect?—Adulteration is something that is chimerical.

1453. I am speaking of adulterations of a harmful kind?—There is no adulteration of liquor that is practically poisonous. Adulterated spirit means a practically pure spirit, or it means a spirit five or eight or ten years old. If you use a new spirit right from the still, that means, according to some people, an adulterated whisky; but if you use one, two, three or four years old, in fact an old whisky that is mellowed by age, people say it is very fine and very good.

1454. But that is not what is meant by adulteration. The idea of adulteration of liquors is that they have been tampered with after they left the distillery. I am only speaking now of imported liquors, and I ask you, whether you believe when they come to you from foreign countries and from Great Britain, they are pure when you receive them?—We get them only from first-class distillers, and, as we know the sellers through whom they pass, they must be pure.

1455. You are convinced of their genuineness?—Yes.

1456. What liquors do you manufacture in the distillery?—We only manufacture two; rye whisky and an imitation of Scotch whisky, as nearly as we can imitate it.

1457. Is it called white or Scotch whisky?—We call it Scotch; it is made principally from barley and malt.

1458. In the manufacture of all spirits, do we understand that the manufactured article is practically under the Government control?—Yes.

1459. From the distilling point until its issue?—Yes. We have three Government officers on the premises.

1460. When it leaves your premises it is what we would call pure and undiluted, and nothing is mixed with it?—Yes. It is actually owned by the Government till it leaves the distillery; after it leaves the distillery, we have it under our control.

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1461. It is sent from your place of business in casks and barrels?—Yes, and we also bottle it.

1462. Are these casks returned as empties?—Yes.

1463. Have you ever found deleterious substances in them, which substances might have been used outside?—We have never done so.

1464. So then, in so far as the question of adulteration by the mixing of outside matters with the liquors is concerned, you have no knowledge of any such practice existing?—No.

1465. And you have no reason to believe it exists?—No; I do not think it would pay for any person to do so.

1466. What amount of capital is invested in your manufacturing business?—There is a large amount.

1467. Could you tell the Commission how many men are employed in your establishment altogether?—We employ a lot of people directly, and there is also employment given to a very large number indirectly.

1468. Directly in the works themselves, how many people do you employ?—Directly in the works themselves we employ nearly forty men.

1469. Are these men employed within the limits of the city of Halifax?—Yes, but we employ also a large number of people indirectly.

1470. In what way?—Of course in a manufacturing enterprise like ours there are a large number of people employed. For example, we invest a certain amount of money each year in repairs.

1471. Do you do your own cooperage?—Yes. In repairs people are employed in various ways and a large amount of money is expended. For instance, we had to put in a number of copper tanks last year, and a large sum was expended; so a large number of people are working for us indirectly, as well as directly.

1472. You employ carters and draymen?—Yes.

1473. What kinds of grain do you purchase?—We use all kinds, malt, barley, corn, rye and oats in different proportions, according to the liquors we manufacture.

1474. But you have to use all of these?—Yes.

1475. Have you any figures to show how much corn you use in a year, or can you tell the Commission how many bushels altogether you use in a year?—I did not bring any figures with me. We received over the Intercolonial Railway last year of different kinds of grain 100 carloads. Then we bought a considerable quantity additional.

1476. You buy some grain in the Province?—Yes. The corn is practically all from the United States; last year we had a few carloads from Ontario, but very few. Our corn is principally from Chicago, and all the rest of our grain is from the Dominion of Canada.

*By the Chairman :*

1477. Do you obtain your barley from Nova Scotia?—We obtain it from Prince Edward Island.

*By Judge McDonald :*

1478. From what place do you receive malt?—We obtain that from Ontario.

1479. To what section or sections of the country does your output go?—St. John, N.B., is one of our principal places, outside of Halifax.

1480. Do you send any to Europe?—No. I do not think we could send our products there, for we could not compete with the European manufacturers. We send to Halifax and St. John, and some to Quebec and Montreal.

1481. Does any go to parts of the Maritime Provinces, other than those you have mentioned?—We could sell a lot in Winnipeg, if we could furnish it, but we have not a sufficient quantity to do so. We find that the places I have mentioned absorb all our products.

1482. As you have resided in Halifax for a great number of years, have you had an opportunity of observing the operation of the license law, which has been in force for six years?—Yes, I have had every opportunity.

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1483. Do you think it has been well observed since it came into force?—I think it has been well observed, according to the wishes of the people: It was passed by a few people who wanted to obtain positions as members of Parliament and who favoured a few temperance people, and this law was passed against the overwhelming wish of the whole Province.

1484. Taking the law with its various provisions, are you able to say whether these provisions are carried out?—They are not, and never can be carried out, not while the present people are living.

1485. Then, in your opinion, what is the cause of the failure to carry them out?—Because the law is not in accord with the wishes of the people, but embodies simply the views of a few legislators, some of whom are present to-day, and who are afraid to vote for a proper law and make a proper law.

1486. Your answer, then, is that the law is not enforced because it is contrary to the sentiments of the people generally?—Yes, and every sensible man will say so.

1487. So it is not observed?—No.

1488. Do you think under this law drunkenness has increased or decreased?—While it was attempted to be enforced, I think drunkenness increased; but when it resolved itself into its present state, I think drunkenness has really decreased under it. People have bought bottles and flasks and taken them away to consume. Labouring people, who were accustomed to buy a glass of beer as they went home, could not buy that pint of beer, but had to buy a flask of whisky, and they would take it behind a corner and drink it, as I have seen hundreds of them do. Every one must be of the opinion that this is worse than a man spending 5 or 10 cents and getting what he wanted and then going home.

1489. At present the law is not observed, and the people can get drunk by the glass, we understand?—It resolves itself into that.

1490. While it was enforced and people could only get it in large quantities, drunkenness increased?—Yes, decidedly so.

1491. Do you know whether efforts have been made to enforce the law?—I do not think the people thought it was wise to enforce it. It was enforced for a time, but it was then deemed unwise to do so any longer. Enforcement is desirable to a certain extent in order to keep the city peaceable. I do not think there is any modern city in the world more quiet and peaceable than is Halifax, that is a city where there is such a large number of the army and navy and travellers.

*By the Chairman:*

1492. Do you speak of the present time or of a past time?—Of the present time and for a number of years back.

*By Judge McDonald:*

1493. Have you had any personal knowledge of the working of the Scott Act from visiting counties where it was enforced?—In some counties I have had a good deal of experience of the Scott Act. Take Kentville, the people will not allow the Act to be enforced there. That is a farming district, and the merchants would not allow the Act to be enforced. They say that there are in the place a certain number of hotels which must be run on commercial principles. These hotels have to be run under the supervision of the mercantile community and kept in order, and run as if they were licensed houses.

1494. In what county is that?—In King's county.

1495. That is under the Scott Act, I believe?—Yes; and it has been so for many years. The people will not, however, allow the Act to be enforced. They say they want to do business, and if they did not offer some inducement for the country people to come in by having nice hotels, they would have no one coming into the town. They tried enforcement and during that period grass was growing over the streets. Hotels are now run and every thing is kept as orderly as it would be under a license system.

1496. Have you been in the town yourself?—Yes.

1497. Have you been to the hotels there?—Yes.

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1498. Have you observed whether liquor is sold there?—It is sold as openly as if the houses were licensed on each and every day. There is no possible restriction.

1499. Do you know any other county where the law was supposed to be in force, but where liquor is sold at the hotels?—Yes; it is pretty much the same all over.

1500. To-day you find the same condition?—In some places it is sold not quite so openly as there; but where the town is a prosperous one and where there is lots of business, we find the hotels in full blast.

1501. One town has been specially mentioned here, the town of Yarmouth?—I never was in Yarmouth.

1502. Have you been at Truro?—Yes.

1503. How did you find the law enforced there?—In Truro it is enforced about the same as at Windsor and other places.

1504. In what county is Windsor?—In Hants county. It is the principal town.

1505. From your experience, do you believe that the cause of temperance is better promoted by a License Act or by the Scott Act?—Yes, if the people could have a real License Act as at present prevails in Nova Scotia. For the present Act is prohibitory.

1506. Do you remember the old License Act?—Yes; it was a good Act.

1507. Which was the more promotive of temperance?—I think the old Act. A real license Act for the province would not only obtain for the province as a whole a large revenue, which is lost now through the recent law and the money is allowed to pass to the lawyers, as costs, which, otherwise, would go to the roads and bridges; but it would also be a more efficient law, and I hold that it would be better to have a good restrictive license Act than the Act at present on the statute-book.

1508. Would such an Act be more productive of temperance among the people?—Yes; certainly. It would conduce to the establishment of first-class hotels, the necessity for which each and every year becomes more apparent. Take New Glasgow: the people there have erected three or four very fine hotels, and they have gone to very great expense to maintain them, and one of them is said to be the best in the province outside of Halifax. These hotels should be able to sell liquors, within proper limits, to respectable people.

1509. Do you think that a general prohibitory law for the whole Dominion, passed by the Parliament of Canada, prohibiting the manufacture, importation and sale of intoxicating liquors, except such as might be required for medicinal and mercantile purposes, is a desirable law?—You could not carry it out. If it were passed, the Dominion would have to appoint about ten officials where there is one at the present time. Nova Scotia has 1,000 miles of sea coast, including the indentations of the coast. Prince Edward Island has no less than three or four hundred miles of sea coast, and the Dominion itself must have many thousands of miles. If you can explain it to me how it is possible to keep out liquors, when France has the Island of St. Pierre, I shall be glad to hear it.

1510. Then your opinion is, that such a law is not desirable?—Such a law could not be carried out, and such a law would not be wise.

1511. Could it be efficiently enforced?—No; it would take an enormous staff of Government officials to enforce it, and then they could not do so efficiently. Look at the United States, where they manufacture all kinds of liquors. There is nothing to hinder liquors being brought in all along the United States frontier. Their whisky is cheaper than ours, their duties are less, and there would be little difficulty in bringing it in, although it can be kept out to-day.

1512. What would be the effect of a prohibitory law on the business interests of Halifax?—It would take away about 50 per cent of the business, because it would all go to Montreal.

1513. If a prohibitory law were passed by the Dominion Government?—Yes; the business would go to Montreal.

1514. On what ground do you base that opinion?—There is not sufficient business here at present.

1515. But would not a prohibitory law be enforced in Montreal as well as here?—The tendency of business is in that quarter, towards the head centre. One-half the

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business of Boston is the wine and spirit trade, and if you hampered that trade too much, it would go to New York.

*By the Chairman :*

1516. Why would a prohibitory law send business from Halifax to Montreal?—Because small traders are always being drawn to business centres, and in fact, everything tends towards the real centre.

1517. Does that apply to all business?—It does to a large extent. It is as much as the people can do now to hang on to their present trade.

*By Judge McDonald :*

1518. You have said that if the importation, manufacture and sale of liquor were prohibited throughout the whole Dominion, it would injuriously affect the business interests of Halifax. How are those interests helped by the present state of things?—It is the centralization of trade on a certain point. The man who purchases liquor obtains other goods. If he cannot get liquors here, he will obtain them elsewhere, for they will be smuggled to Montreal to a greater extent than to Halifax.

1519. Would he not be able to get the goods here?—Liquors would be smuggled more by the river St. Lawrence than they would be smuggled to Halifax.

1519a. You think that, notwithstanding a prohibitory law, liquors would be sold in Montreal?—Certainly, and a man going to Montreal for liquors would purchase other goods there.

1520. Given a license law, which permitted the same privilege of selling by the glass at a hotel or saloon, which do you think would be preferable?—I think what would suit the people of this province altogether would be the licensing of hotels to sell by small quantities, that is outside of the city of Halifax, and to have in each and every town some person or persons to whom people could go and obtain either a hotel or shop license. That was the old Nova Scotia law when I was a boy.

1521. I am now speaking of drinking by the glass?—That would not meet the views of the people outside of Halifax. This is a distinct city altogether, and what would suit Halifax would not suit the country districts as well. What would suit the province of Nova Scotia (and as Mr. Gladstone panders to the people, I will also pander to them) is to have all the nice hotels licensed; but I do not think they would care about having saloons licensed.

1522. In your opinion, outside of Halifax, would saloons generally be considered less desirable than licensed hotels?—Yes; outside of Halifax. But in each town with a certain number of people, it is desirable there should be shop licenses, the number being fixed according to the population.

1523. I take it for granted that there would be shop licenses in all those places where men could buy by the bottle. Now, taking that for granted, which would be preferable, the licensing of places where liquor would be sold to be drunk on the premises, or licensing of hotels in which liquor would be sold to the travellers and guests only?—I think, outside of Halifax, hotel licenses would be most desirable, but in the city we require saloons as well.

1524. There people can buy liquor by the glass?—Yes; because hotels cater to a different class, and a first-class hotel does not want soldiers and sailors; their presence conflicts with the interests of the hotel.

1525. So you think that for a city like Halifax, both licensed hotels and saloons are required, and that outside of this city, hotels alone are needed?—Yes.

*By the Chairman :*

1526. Would you have three classes in Halifax, a hotel license, a grocery license selling by pints and quarts; and a saloon license, selling by retail?—I think it should be left to the discrimination of the people. The hotel will never sell any thing but by retail, because no one would ever think of buying a bottle of brandy at a hotel, but he would always go to a grocery.

1527. Is it your opinion that these three classes are desirable or necessary in Halifax?—I should think you could make two licenses, grocery and hotel.

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*By Judge McDonald :*

1528. Have you any knowledge of any part of the country where shop licenses were granted to sell by the glass ?—Shop licenses have not prevailed in Nova Scotia for twenty-two years. My father had the last one in the whole province.

1529. Then you have not had experience on that point ?—There has not been a shop license here for a long time. I remember that we had shop licenses, and the holder could not sell less than a bottle.

1530. Have you ever considered the question of what is called the limitation of the number of licenses ; in other words, do you think it desirable to give a license to every man who applies for one, or is it desirable in the interests of the community that the number of licenses should be limited ?—That is a very serious question to consider, and it is one I do not think I would like to answer.

1531. Have you given it consideration ?—No ; the Dominion license Act restricted the number of licenses. It legislated a great many people within the business, and it was a very difficult matter at the time to determine who should and who should not have licenses under the 200 licenses allowed. When you legislated out three-fifths of the licensees and gave licenses to the remaining two-fifths, it was very difficult to decide as to whose licenses should form the three-fifths that were taken away. I prefer not to answer the question.

1532. Suppose the license law were being enforced for the first time in a community where there were no vested rights to be dealt with, would you consider it well to have a limited number, or to give a license to every applicant ?—That law was a very good one.

1533. Only it did not suit the local circumstances ?—It did not suit Halifax, but it was just what was wanted in Nova Scotia. It was not suitable for Halifax, because it has such a large floating population.

1534. Then that was owing to your local circumstances ?—Yes.

1535. Is it advisable that the license fee should be so high as to place the sale of liquor only in the hands of a limited number—what is called high license ? Do you think that would be promotive of the interests of temperance ?—If the people want to raise a revenue, if the city is in debt, I suppose it is a very good means of getting a revenue ; but I do not think the trade should be made a monopoly. I think a good fair fee would not be objected to by the people who are selling at the present time ; in fact, they are paying a fair fee now. I do not think it is wise to make any business a monopoly.

1536. Would the effect of limiting the number of licenses and charging a high fee, cause those who hold licenses to take an interest in seeing that the law is observed and illicit selling put down ? Have you had any experience in that regard ?—I do not think there is very much illicit sale under the present regulations. Illicit sale means this, to a very large extent : Parties may come into a house, even though it is selling at retail, and buy two or three bottles of whisky ; but the proprietor cannot ask them what they are going to do with the bottles. Even in an hotel a party may buy three or four bottles of whisky and take them to his room, and may drink it or sell it ; but the vendor cannot restrict that person and ask him what he is going to do with the liquor, whether he is going to sell it or drink it himself. That is what causes a great deal of illicit sale.

*By the Chairman :*

1537. Is it your opinion that high license would improve the character of the places vending liquor ?—To a certain extent it would.

1538. By bringing into the trade men who would more strictly observe the law ?—To a certain extent, I suppose, it would, but I never thought it was desirable to make a monopoly of anything.

1539. What would be the effect of high license ?—It would tend to the establishment of more fanciful places, I daresay.

1540. Where the law would be more strictly observed ?—I do not think more so than at the present time. The law has to be strictly observed at present ; the licensee must keep a quiet place, or he may lose his license.

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1541. Do you think the law is strictly observed in Halifax?—You have to maintain quietness and order.

1542. Would high license reduce the number of places, in your opinion?—Yes; to a certain extent.

*By Mr. Gigault :*

1543. Do you know if there is any smuggling carried on now?—Yes; a great deal too much.

1544. Is there smuggling on a large scale?—There is considerable.

1545. And what is the quality of the liquors which are smuggled?—The quality is not as good as that of the liquors which we import, but it is fairly good. The kind of liquors smuggled is simply high wines, common rum.

1546. Are you sure those liquors smuggled have been rectified?—The rum has not, I know that.

1547. Then does it not contain many impurities?—It does.

1548. Is it not hurtful to the public health?—It is, but still it enters into consumption very largely in this province.

1549. Suppose we had a prohibitory law adopted, and smuggling was carried on to a very large extent, would not the public health suffer?—You would then get all that class of liquor brought into the country.

1550. This liquor which is injurious to public health would be used?—Yes. If we had prohibition, only two classes of liquor would be smuggled, high wines, pure and simple, or plain alcohol, and illicitly distilled rum—that is, rum illicitly distilled at almost every point of the West Indies and not rectified.

1551. What machinery do you use in your distillery to rectify your alcohol?—We use the latest improved British machinery.

1552. What do you think of the system under which a monopoly of the sale of alcohol is taken and controlled by the State, as in Sweden?—I do not know; it is almost too large a question to answer off-hand. It is a question I have thought of. I do not think, however, the people are educated up to the standard of having the State take hold of such a business as that.

1553. Do you not think that if the manufacture and importation of alcohol was controlled by the State in Canada, we would obtain liquors more pure and less harmful to the public health than at present?—I do not think we could get them any better than we have them now, whether the State control the sale or not. There are a great many illicit stills in this province, as there are more or less in every province of Canada. The tariff is so high as to conduce to that state of things.

1554. Do you believe under a license system the licensed liquor seller, even if he were under the control of the State, would assist in punishing violations of the law, illicit selling or illicit distilling?—In regard to illicit distilling, I am afraid the parties would get the liquor away; but so far as regards illicit selling, it is all illicit selling now outside of Halifax, because there are no licenses issued.

1555. If there was a good license law, do you think the licensed liquor seller would help the Government officials in punishing offenders?—Yes, if there was a good license law, that is to say a good license law that the people would work under, not such a license law as there is in Nova Scotia to-day, but one that would be a good license law, that would be workable and passed by a Legislature that had some common sense. I think the law then could be carried out and enforced.

1556. Do you think the liquor sellers would help the Government to punish offenders?—Yes, it would be the interest of every one to carry out the law.

*By Mr. Clarke :*

1557. Has the consumption of liquor increased or decreased in Halifax?—I think it remains about the same; of course, we have a large floating population. One thing that is forgotten is, that half of the liquor consumed is not consumed by the people of Halifax, I might say that more than half, but is consumed by the floating population.

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1558. Has your business increased or decreased in the provinces?—It is about the same. It depends on the general business of the country. It is not so good this year as it was last, I am sorry to say ; but business in general is not so good.

*By the Chairman :*

1559. Is it a fact that when business is good, the people drink more?—Business is not so good.

*By Mr. Clarke :*

1560. Do you send any of your manufactured products to Charlottetown?—We do.

1561. And to other parts of Prince Edward Island?—Yes.

1562. And also to New Brunswick?—Yes.

1563. As well as through this province of Nova Scotia?—Yes.

1564. I understand that there are only two licenses issued in this province outside of Halifax?—I do not think there are any. There are two in the county, but I am speaking of outside of the city and county.

1565. Then the consumption of liquor is not decreasing in the province so as to affect your business?—The greatest obstacle we have to contend against is smuggling.

1566. Are any steps being taken by the authorities to stop it?—They have not taken the steps they should have taken.

*By Judge McDonald :*

1567. From what point is the smuggling carried on?—From St. Pierre and the West Indies.

*By the Chairman :*

1568. And from the United States?—Liquors are taken from the United States to St. Pierre and are then smuggled in here—high wines.

1569. Is it your view that the spirituous liquors which are largely consumed in Halifax are five years old?—I think quite so.

1570. Are malt liquors used more or less than formerly?—I think there are more of the domestic manufactured goods consumed. The West India rum is gradually going out and the domestic manufactures are coming in.

1571. Are ale and beer largely consumed?—Yes ; ale, lager beer and porter, and so forth, and domestic whisky is taking the place largely of what we formerly consumed, West India rum. To my mind it is only a question of a few years before West India rum will be superseded altogether.

*By Rev. Dr. McLeod :*

1572. I understood you to say that the Government practically own the product of your establishment up to a certain time. Will you please explain this statement?—They have it under their control ; we cannot take it out ; it is under the lock and key of the officials, and the Government practically own it from the time the grain enters the distillery until it is finally shipped.

1573. You said there were three Government officers in charge?—Yes.

1574. Why?—To prevent the firm doing anything out of order.

1575. Does the Government place officers in charge of other manufacturing industries in Halifax and elsewhere?—Yes ; in tobacco factories.

1576. In woollen factories?—The Government does not raise a revenue from them.

1577. Clothing factories?—No.

1578. Then the officers are in charge lest something wrong be done?—It is to prevent anything wrong.

1579. The Government seem suspicious of the trade, somehow or other?—How would the Government know how many gallons of whisky were produced unless they had officers there?

1580. Would they not take your statement?—Supposing one million dollars were placed under your control, and you were left alone, there might be crookedness—I do not say there would be.

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1581. I understood you to say that you object to the present license law. Will you state as briefly and clearly as possible, what is your view of the bad features of the law?—One bad feature is that it compels a man to buy a pint of whisky when he only wants one-eighth part of it.

1582. Is that the only bad feature?—That is one. Another bad feature is that it compels a man to get two-thirds of the people to sign his petition for a license, when there are always one-sixth part of the people absent, and moreover there are many ministers and doctors and others who do not care to sign such petitions. So it is almost the whole number of the people the petitioner has to get.

1583. Is it because ministers are absent that they do not sign the petition? They do not generally sign, I believe?—I have known instances where they have signed.

1584. It is not an ordinary practice?—No. Doctors have done so, too.

1585. I notice that the statement has been made a number of times that there are only two licenses in Nova Scotia, outside of Halifax city. You sell a good deal throughout Nova Scotia, I believe?—Yes.

1586. You sell to unlicensed persons?—Of course, we have to do so.

1587. Do you sell to unlicensed persons in Halifax also?—No.

1588. Is that because there are licensed persons to whom you can sell?—Yes.

1589. Do you think it is objectionable to sell to unlicensed persons anywhere?—In Halifax it is different, because we recognize the license here as being valid, and so forth; but outside of the city we sell to nice, respectable people, to people as reputable as it is possible to be, who keep first-class houses. Some of them are worth a great deal of money.

1590. They are carrying on business against the law?—They do not consider so; it is not the law of the mass of the people.

1591. Is a matter of fact, are they not doing so?—The law is on the Statute-book but that is not the law of the mass of the people, that is quite sure.

1592. Do you think that every man should be a law unto himself?—I think the law of the community is that under which a man lives.

1593. Do you think the unlicensed men in Halifax who carry on illicit trade should be brought to book and punished?—Yes, because they can come into the regular licensed trade, if they care.

1594. But some who might desire regular licenses could not obtain them because they could not get the requisite three-fifths of the residents in the district?—Not two-fifths in the country, but two-thirds.

1595. Do you think that no man could get that large number of signatures?—In most cases they have never tried, because they feel it would be impossible to get five-sixth of the people; you could not get five-sixths of the people to vote for anything.

1596. Then they do not get the legal number of petitioners in the districts in the country?—I do not think any one in the country has attempted it.

1597. So people sell without having the authority of law?—Yes.

1598. Do you think these should be punished?—I do not think so, because they could get a majority, but to get five out of six is impossible. You could not get five men out of six to do anything in this country.

1599. Do you sell the products of your industry at Yarmouth or Colchester?—I have never done business at Yarmouth; I have at St. John.

1600. Do you sell in Prince Edward Island?—Yes.

1601. Do you sell at Digby?—No.

1602. Do you find any difficulty in making collections where the Canada Temperance Act is in force?—Not more than any other business; sometimes a man fails.

1603. If some man declines to pay, could you collect the account?—We never had any one object but one.

1604. Did you collect?—It was a case in Prince Edward Island. I am collecting the bill now: I am collecting it by legal process.

1605. Does the man live in Prince Edward Island?—Yes. I never had any other case of that kind.

1606. Are there times when the orders from Scott Act communities seem to fall off a little?—I question whether they do in volume, no. The orders become smaller some-

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times, because the people do not want to carry so many goods at one time. A man who would buy \$500 worth of our goods at one time, would at another perhaps buy only \$100 worth.

1607. You were in the same business in 1880?—I was.

1608. Was the sale as large in certain parts of the province then as now or was it larger?—I think it was about the same; I have not noticed very much difference.

1609. You spoke about the financial side of this question, that if licenses were issued all round they would produce considerable revenue?—S, they would.

1610. And you said this revenue could be devoted to the construction of roads and bridges. What proportion of the revenue from license fees is appropriated to roads and bridges in Nova Scotia?—There are no license fees here.

1611. If there were license fees?—In old-fashioned times when licenses were granted, all this money went to build roads and bridges.

1612. I was not aware that everything that accrued from liquor license fees was so appropriated?—I understand it was so in the old times.

*By the Chairman :*

1613. Do you mean that this money was specially applied for that purpose?—I believe so; that the money obtained from licenses was specially applied by the Councils. I am not speaking about Halifax, but of the country outside of the city.

*By Rev. Dr. McLeod :*

1614. Did the provincial authorities collect the license fees?—No, the Councils did. There was a meeting of magistrates held in each county town and the licenses were granted and the fees collected. It was always understood that this money was for road and bridge purposes.

1615. I noticed you said that you did not think prohibition could be enforced?—Yes.

1616. Why not?—You would have to arm the officials and line the coast.

1617. Why should liquor be sold?—Because the people will have it.

1618. You think the manufacturers have to supply the demand?—That is it.

1619. You do not think the manufacturers sometimes create a demand?—No, I do not.

1620. You think illicit sellers are not a good class in a community?—That depends in what community you have them.

1621. In Halifax?—I question whether there are any; I do not know of any.

1622. Do you think licensed saloons themselves are a good thing?—I think they are a necessary evil; I think they are a necessity as well as other things. If you eat too much of anything it is an evil.

1623. I suppose you understand that the saloons have some relation to the police court records and to drunkenness?—Suppose we had no saloons, there would still be drunkenness.

1624. You think there is drunkenness?—I think there is very little of it in the city, counting the population and the character of it.

1625. Do you think that the saloons can be relieved from responsibility in connection with that drunkenness and the crimes that grow out of it; have they any responsibility for it?—That is a very difficult question to answer, for this reason: I might go out and buy a case of whisky at a wholesale place, and I might drink the liquor and commit crime. I do not think the saloon would be responsible for it.

1626. Would the case of whisky have any thing to do with it?—Yes; if I committed a crime. It is too broad a question to answer conclusively; I would not care to answer it.

1627. As to the trade: is that too broad?—Crime is committed out of every thing, opium, tobacco and other things.

1628. I ask you this question particularly for the reason that I understood you to say that the saloon would promote temperance. Did you say that?—I do not think so.

1629. That the licensed trade would promote temperance?—Yes; I say so.

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1630. Whether by saloon or hotel bar or shop license, a license system would promote temperance?—I think so.

1631. Had it occurred to you that the saloon was in any way allied to intemperance, drunkenness and the like?—There is no true saloon-keeper who will ever make a man drunk. I never saw one.

1632. That is not what he keeps a saloon for?—No. It is as obnoxious to a man who sells whisky to have a man drunk on his premises as it is to the man who does not sell it, because it is not desirable.

1633. It never occurs to the saloon-keeper when a man has got drunk, that if he did not sell liquor, the man could not get drunk?—It is one of the luxuries of life, and people desire some luxury in this world.

1634. Do you think the saloon, the hotel bar, the licensed shop, in any form and in any way promotes the morality and the moral welfare of the community in which it is?—You are asking a very broad question.

1635. And it can be answered by a monosyllable?—You would scarcely ask me to answer such a question as that. I do not think I will attempt to answer it. To a certain extent it does, and to a certain extent it does not. Take the sale of beef in Halifax: whether it conduces to health or not depends upon the quality and quantity people eat. I can ask you a heap of questions you cannot answer. I could put you on the track of a lot of material that has been sold in Halifax, pork, hundreds of carcasses, and if any man should tell me that the sale of pork would conduce to the welfare of the people, I would say, no; but the people do not know it. I could not answer the question you ask, because it is too broad.

1636. You said something about the state of morals among the people. What proportion of your output is sold to the Garrison canteen?—Directly we sell nothing. Doing a wholesale business, we sell to jobbers.

1637. And the middlemen sell to the canteen?—I suppose so. We do not seek any trade of that kind.

1638. I understood you to say you import all the corn you use, that none is produced in Canada?—Some of it, a very small percentage. The corn generally speaking comes from the United States, but all our other grain we buy in Canada.

1639. Speaking of the barley, oats, rye and corn, which do you use in the largest quantity, corn?—About an equal proportion.

1640. What is the amount of corn imported by you annually?—Perhaps fifty per cent of the whole.

1641. And that is wholly imported?—Some is from western Ontario.

1642. What percentage is grown in Canada?—What we have received from Canada was as an experiment.

1643. Practically you are importing all your corn so far?—Yes; up to the present.

1644. But you are experimenting with Canadian corn?—Yes.

*By Mr. Clarke:*

1645. How has it turned out, very well?—Yes.

1646. Will you buy more this year?—Yes.

*By Judge McDonald:*

1647. Given the sale of beef and the sale of intoxicating liquor: which causes the greater injury to mankind?—If you take either one in moderation, it is splendid.

1648. Taking the sale of beef and the sale of intoxicating liquor, which causes the greater injury to mankind?—Beef stands at the head of everything.

1649. I will take pork?—I think pork does great harm. I think they run in about the same scale.

*By the Chairman:*

1650. The question has been put to you as to whether the saloon was really a benefit or an evil; and you did not answer the question directly. Now, is it your opinion that if the saloon and hotel did not exist, there would still be consumption of alcoholic liquor?—There would be.

## Liquor Traffic—Nova Scotia.

1651. The removal of the saloon and hotel would not remove the consumption of liquor?—It would not.

1652. Would it decrease the amount of drunkenness?—It would increase the amount of drunkenness decidedly, because there would then be consumption in a surreptitious manner.

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WILLIAM GORDON, of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman :*

1653. You are foreman in Mr. McDougall's establishment, I believe?—Yes.

1654. How long have you held that position?—Six or seven years.

1655. Are you a resident of Halifax?—Yes.

1656. How long have you been so?—Six years fully.

1657. Where did you reside before you came to live in this city?—In Scotland.

1658. Then you came to this country about six years ago?—Yes.

1659. Have you been in Mr. McDougall's employment the whole time?—Yes.

*By Mr. Gigault :*

1660. What is about the quantity of alcohol you produce yearly?—From one hundred and eighty thousand to two hundred thousand proof gallons is about our capacity.

1661. What machinery do you use in rectifying your alcohol?—We use what is known as Coffey's patent still.

1662. Before the alcohol is rectified, does it contain many impurities?—Yes.

1663. What length of time does it take to rectify about one hundred gallons of alcohol?—We rectify five thousand gallons in from six and a half to seven hours.

1664. What is the strength of your alcohol after it is rectified?—Sixty-five to sixty-seven over proof.

1665. When it is rectified, is it considered to be pure wine alcohol?—Pure, but not absolute alcohol.

1666. Could you make it absolutely pure?—Yes, by chemical process.

1667. Would it take a much longer time?—Yes; it is accordingly impracticable.

*By the Chairman :*

1668. By which you mean it would be too expensive?—Yes.

*By Mr. Gigault :*

1669. What is the percentage of impurities it contains when you deliver it for consumption?—I do not know.

1670. What percentage of impurities does your alcohol contain after it has been rectified?—It contains no impurities; it has only water in it, if you consider that an impurity.

*By Mr. Clarke :*

1671. I understand it is reduced from sixty-five over proof by the addition of water?—Yes, by the addition of distilled water.

*By Mr. Gigault :*

1672. As it is not absolutely pure, must it not contain some impurities?—I said it was not absolute alcohol—alcohol from which all water had been excluded.

1673. Is the alcohol which you obtain pure alcohol?—Yes.

1674. Do you know if there is a great deal of smuggling carried on around here? I could not say. The papers report cases now and then.

1675. Do you believe there is some difference as regards purity between liquors which are smuggled and the liquors you rectify yourself?—There is very liable to be a difference.

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*By the Chairman :*

1676. You have no personal knowledge on the subject?—No.

1677. In regard to the smuggled spirits?—That smuggled into the country would not be very pure.

1678. It would not be so pure as that sold through properly licensed distilleries?—No.

1679. And with regard to that which is smuggled into this country from St. Pierre, originally from the United States, what have you to say?—They have rectified and unrectified spirits, and it depends on which was bought. If they send in rectified, it is quite a good enough article.

1680. From your own knowledge, can you give any information about it?—No.

1681. You only speak from hearsay?—That is all.

*By Mr. Gigault :*

1682. Mr. McDougall has spoken of rum that was not rectified. Do you think that rum is very hurtful to health?—I do not know.

1683. Being unrectified, is it not liable to contain many impurities?—If it is not rectified, it will contain impurities.

*By the Chairman :*

1684. Can you tell the Commission anything of the effect upon persons of taking unrectified rum?—I am afraid it gives them a headache in the morning.

1685. Would the effect be to make the person intoxicated very rapidly?—It would make him sick.

1686. Would it affect his stability?—Yes; a small quantity would do so.

1687. Do I understand that a comparatively small quantity of unrectified spirits would be very pernicious?—Yes.

1688. Why is that?—It contains fusel-oil and other essential oils.

1689. Which are in themselves harmful?—They are considered unhealthy.

1690. Poisonous?—They are considered poisonous to a certain extent.

1691. Therefore, the supervision of the rectification of spirits is a very important matter?—Yes.

1692. How long does the spirit you manufacture in Mr. McDougall's distillery remain under the charge of the Government before it is vended to the public?—The law compels us to keep it two years; we may keep it as much longer as we like.

1693. During that time it is under the charge practically of representatives of the Government?—Yes.

1694. That is the reason why the Government officers are kept in your distillery?—Yes.

1695. And the duties are paid, when?—We can ship duty paid or ship in bond to licensed warehouses in town or elsewhere.

*By Rev. Dr. McLeod :*

1696. I understood you to say that fusel-oil and other essential oils are poisonous, and that the drinking of unrectified spirits would have a very quick and bad effect. Does any portion of the fusel-oil and other oils remain after the rectifying process has been completed?—Not if it is properly carried out.

*By the Chairman :*

1697. Is not the object of retaining the spirit two years in order that it may be purified?—It is mellowed and becomes more palatable.

*By Mr. Clarke :*

1698. Does any evaporation take place during those two years?—Yes.

1699. What evaporates?—It is a kind of oxygenization that goes on.

1700. Making it less injurious and more palatable at the end of two years?—Yes, that is my opinion.

The Commission adjourned.

# Liquor Traffic—Nova Scotia.

HALIFAX, July 27th, 1892.

The Commission met this day at 11 a.m., SIR JOSEPH HICKSON, Chairman, presiding.

*Present :*

JUDGE McDONALD.  
MR. E. F. CLARKE.

REV. DR. McLEOD.  
MR. G. A. GIGAULT.

ROBERT PICKFORD, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

1701. I understand you are the President of the Board of Trade ?—Yes.

1702. Are you a resident of Halifax ?—Yes.

1703. How long have you resided here ?—I was born here.

1704. Have you lived here all your life ?—Yes.

1705. What is your special profession or occupation ?—I am steam-boat owner and agent.

1706. How long have you been President of the Board of Trade ?—Two years ; this is my second year as President.

1707. Were you at any time previously President ?—I was Vice-President for twelve years before that.

1708. Have you any knowledge as to the amount of capital invested in the liquor business in this city ?—I have not.

1709. Have you any idea as to what proportion it bears to the total assessed value of property in the city ?—None whatever.

1710. Have you any information as to the number of people who are employed in the brewing establishments, distilleries and hotels ?—No.

1711. From your personal observation, is the law in regard to the sale of liquor observed in Halifax ?—Well, I think so, to a very large extent.

1712. Can you tell the Commission if drunkenness has increased or decreased in recent years ?—From my experience I should say most decidedly it has decreased, and that moral suasion has done more than any other remedy ever will do to reduce drunkenness.

1713. Have you at any time had any experience of the operation of what is known as the Scott Act, *i. e.*, the Canada Temperance Act ?—No, I have had no personal knowledge of the working of it.

1714. You have not lived in any district where it was in force ?—No.

1715. Have you ever visited any of the counties where the Act was in force ?—I have not been in the way of gaining any information in regard to it. I have never particularly interested myself in the matter.

1716. Would the entire prohibition of the liquor traffic, *viz.*, the importation, manufacture and sale affect the business interests of the city prejudicially or otherwise ?—Certain classes of business would certainly be affected, that is to say, those which are intimately connected with the product : but I do not see that it would affect any others.

1717. Then it would not affect, in your opinion, general business ?—I do not see that it could.

1718. Would it reduce the employment of, for what we call for want of a better term, the labouring classes ?—Most decidedly it would to some extent.

1719. And the owners of distilleries and liquor shops—I think that is the name here—of course contribute to the revenue of the city ?—Very materially.

1720. Have you any idea to what extent ?—I have not.

1721. We have been told that the amount paid for licenses is about \$10,000 a year : do you know definitely what proportion of the city revenue that would be ?—A very small proportion.

ROBERT PICKFORD.



1722. Five per cent?—Certainly not more, I think.

1723. Then you cannot tell what the taxes paid by those establishments amount to, or what proportion they form of the city revenue?—I cannot. As a matter of opinion, I do not think that should enter into the matter at all. If there is any good to be obtained by the abolition of the tax or the non-collection of the tax, certainly the amount collected from it is not worth considering.

1724. May I ask whether in your opinion a Dominion law prohibiting the manufacture, importation and sale of intoxicants, except such as may be required for medicinal and mechanical purposes, would be desirable?—No, most decidedly not.

1725. Please state your reason for entertaining that opinion?—I think more good is to be done by moral suasion. I have been connected with business enterprises and the employment of men since 1855, and I see so marked a difference in the condition of things during the last quarter of a century that I cannot help coming to the conclusion that as moral suasion has done so much, the best interests of the community would be served by continuing in that course in preference to prohibition.

1726. Is it your opinion that if such a prohibitory law were enacted, it could be efficiently enforced?—I feel confident it would not be enforced, that it would be absolutely impossible to enforce it in a country such as ours.

*By Rev. Dr. McLeod:*

1727. I understood you to say that, in your opinion, the change in the drinking habits of the people was due to moral suasion almost entirely?—I did.

1728. Do you think that legalizing the drink traffic interferes with the efforts of those who are using moral suasion?—No, I do not think so. I may say, so far as my opinion is concerned, that I think high license is by all odds the best mode of carrying on the liquor traffic. That is my personal opinion; at the same time I wish it understood that I have not studied the matter very much. I only know what the effect is among a number of men. I employ a large amount of labour, and the class of labour which is affected materially and perhaps more than any other class by the use of intoxicants.

1729. Do you find your business interfered with by the drinking habits of your employees?—Not at all; and in this respect matters are quite different from what they were a quarter of a century ago.

1730. There is a difference as regards men getting drunk?—We have no drunkards. I very seldom see an intoxicated man on our premises, among those we employ.

1731. So you do not suffer from the drinking habits of your men?—Not at all.

1732. You stated that you did think the prohibition of the liquor trade would not interfere with general business but only with the business of the trade itself, and you thought it would reduce the chance of employment for labouring men. Do you suppose those labouring men who are engaged in liquor manufacturing or in connection therewith would not be able to find employment elsewhere, if the liquor trade were prohibited?—I think so. I am only speaking from the point of view that there is a certain amount of work to be done and a certain number of men are doing it.

1733. Reference was made to the sum of \$10,000 being received as license fees from the trade in the city: could you form any estimate of the average receipts of the liquor establishments per day?—Not the slightest.

1734. Do you discriminate at all in employing men as between those who drink and those who abstain?—We would not have drinkers about us. I have been a quarter of a century in business, and during all that time I never had but one man whom we had to discharge for drunkenness, and he was a drinker before he came into my employ. Among our shipmasters I never had but one whom I had to discharge for that reason, and as regards our other employees I do not remember ever discharging one on that account.

1735. If you knew a man was a hard drinking man you would not employ him?—No.

1736. That would not be owing to your moral views on the question, but for purely business reasons?—It is a matter of business. The man who drinks is not so valuable to us.

## Liquor Traffic—Nova Scotia.

*By Judge McDonald :*

1737. What do you mean by a drinking man? Do you mean a man who takes a glass of wine once a week?—Certainly not. By a drinker I mean a man who drinks so that he is unfit to do his work and is under the influence of liquor.

*By Rev. Dr. McLeod :*

1738. Do you mean a man who is liable, by reason of his drinking habits, to practically lose control of himself, even at not very frequent intervals, but is liable to do so at some time, and he is therefore less trustworthy?—I would warn such a man once, but he would never need a second warning. I would not discharge such a man for the first offence, but I would for the second.

*By Judge McDonald :*

1739. Would you make it a condition of a man's employment that he should be a total abstainer?—No; I am not a total abstainer myself, and never was.

*By Rev. Dr. McLeod :*

1740. Yet you will not have a drinking man who is on that account untrustworthy?—That is just it.

*By Mr. Clarke :*

1741. Would you have any one else in your employ who was addicted to practices that rendered him unfit to do his work?—Certainly not.

1742. An opium eater for example?—No man who is not fit to do his work.

1743. So long as a man did his work you would not make particular inquiries as to his habits afterwards; so long as he came to his work promptly and in health to do his work every morning?—I think an employer's duty goes a little beyond that where he has a lot of young men about him. If an employer has reason to suppose that a young man in his employ is not spending his hours properly after the business portion of the day and is getting into the way of being drunk, I think it is his duty to check him. But so far as the work is concerned, if a man does his work that is all we are supposed to get out of him, that is what we contract for; at the same time a man who is constantly mis-spending his time after business hours will in a very short time be unable to attend to business.

*By Rev. Dr. McLeod :*

1744. Have you had any experience of the existence of a saloon or saloons in the vicinity of the places where your men are employed?—They are all round us; I think there are in that vicinity more than in any other part of the city. I do not think any of our employees frequent bars during business hours.

1745. They do not trouble you in that respect?—No. I have had no experience with drinking men, having discharged but one since I commenced business.

*By Mr. Gigault :*

1746. Do you think any smuggling of imported liquors is carried on?—I think whenever there are high duties imposed on any classes of imported goods, there is more or less smuggling.

1747. If we had a prohibitory law in force, do you think smuggling of liquors would increase?—Most decidedly. I think there would be almost as much liquor drank under a prohibitory law as there is to-day, because a lot of men then would drink from bravado.

1748. You have stated that, in your opinion, a prohibitory law could not be enforced and consequently would fail. Do you believe the constant violation of a law leads to the perversion of the moral sense of the people?—Most decidedly it does.

HERMAN M. HIRSCHBERG, of Toronto, commercial traveller, sworn.

Rev. Dr. McLEOD objected to this witness being heard at this time, on the following grounds:—Other witnesses, residents of Halifax, and who have been summoned to attend, are waiting to give evidence; and it is not right to take their time to hear one who has no knowledge of the province or the working of its laws, except such as he has gained by occasional hurried trips through the country. If he should appear before the Commission in the town or province where he resides, no objection would be made to hearing him.

Evidence of witness was then proceeded with.

*By Judge McDonald:*

1749. In the discharge of your duties as commercial traveller, where do you travel?—I travel in the Maritime Provinces and in Ontario.

1750. Do you travel through the Province of Nova Scotia?—Yes.

1751. Also through New Brunswick and Prince Edward Island?—Yes.

1752. Through what parts of Nova Scotia do you travel?—I take in nearly all the towns; I visit the Annapolis Valley, Halifax, Yarmouth, Digby, Amherst, and so on.

1753. Do you go to Cape Breton?—No; but outside of that, I take everywhere in the province.

1754. In travelling, where are you in the habit of stopping?—At hotels generally, in fact always.

1755. Have you had an opportunity of forming an opinion of the working of what is commonly called the Scott Act in the Province of Nova Scotia?—I have.

1756. Will you please state to the Commission what the result of the operation of that Act has been, so far as you have seen it, as to prohibiting or non-prohibiting the sale of intoxicating liquor?—I have never been in one town where the Scott Act was in force where, if I wanted it, I could not get a drink. I have never seen the Scott Act enforced in any town in the province of Nova Scotia where it was supposed to be in force.

1757. Is liquor sold openly?—In most places, yes. In other places, you have to sneak in through a hole in the wall or something of that style, but you can invariably get it.

1758. Can you say anything as to the quality of the liquor sold?—I do not think I am a very good judge, but I do not think the liquors are the best, from what I learn.

1759. Have you in any place where the Act was in force, seen liquors in bottles or cases exhibited in windows of shops?—I think I have in some places, but I could not designate them. Of course in some towns they have what is called a licensed vendor.

1760. Then from what you have seen you consider the prohibitory clauses of the Scott Act are not well carried out?—They are not.

1761. Are you able to express any opinion as to whether, in case a general prohibitory law for the Dominion of Canada were passed, a law to prohibit the manufacture, importation and sale of intoxicating liquors except for medicinal and mechanical purposes, it could be successfully carried out?—From my observation as a traveller, I think not, most decidedly.

1762. Would the evidence you have given in regard to the state of things in Nova Scotia apply to New Brunswick and Prince Edward Island?—Yes.

*By the Chairman:*

1763. What is your particular line of business?—I am in the cigar business.

1764. Are you a member of any temperance society?—No, and never have been.

1765. Are you a total abstainer?—No.

*By Rev. Dr. McLeod:*

1766. Will you please state why you give testimony here to-day?—I was talking to a member of the Commission about the Scott Act in Nova Scotia, and I happened to say that I considered it was a farce. That gentleman wanted to know how it was people would not go before the Commission and say so. I said I would go.

## Liquor Traffic—Nova Scotia.

1767. Were you requested?—No.

1768. You were subpoenaed?—No.

1769. You volunteered?—I volunteered to a member of the Commission.

1770. At the suggestion of a member of the Commission?—Not at his suggestion.

1771. I understood you to say so?—It was, why people would not go; it was not, why I would not go, for I had not had an opportunity.

1772. I understood you to say that you are not a total abstainer?—Yes.

1773. And that in towns and other places where the Scott Act is supposed to be in force, you have never found any difficulty in getting drink?—Not if I wanted it. I might modify what I have stated by saying that at one town some two years ago I wanted a little drink of something, and I could not get it. That was at Annapolis.

1774. In some of the towns in which you were, I understood you to say, drink was to be had openly, and in others, you had to creep through holes and corners, and people desiring drinks had to sneak through certain places. Have you been a party to that?—Yes.

1775. Have you done some of the sneaking?—Yes, I am sorry to say it was necessary.

1776. You have knowingly and deliberately been a party to the violation of the law?—I have.

1777. You knew that that person selling the liquor was selling it in opposition to the law and subjected himself to penalties?—Yes.

1778. And you were a party to that violation?—Yes.

1779. You were not at all deluded into it; but it was done of deliberate purpose?—Yes, of deliberate purpose.

1780. Do you think, therefore, you are in a position to give credible evidence as to the non-enforcement of the prohibitory law?—Yes.

1781. You say that in those places where the law is generally enforced, it is violated because some persons are determined to break the law, and some others are determined to assist them in breaking the law?—I did not say so.

1782. Will you please state what you said?—I say the law is a farce in a country where there are bars, and there are bars all over the Maritime Provinces and all over Canada. I should like to modify my statement to a certain extent as regards what you call breaking the law deliberately; my business is to a large extent with liquor sellers.

1783. You sell what?—I sell cigars.

1784. It takes you among illicit liquor sellers and others?—Yes, among taverns.

1785. Do you think because you sell to illicit sellers, you must help them to be such?—No, not necessarily; I do not say that.

1786. Did it ever occur to you that you were a violator of the law when you purchased from any illicit seller?—Yes.

1787. Did you have any compunction about it?—Yes, I have had.

1788. I am very glad to hear that.—I think it is the most demoralizing thing in the world for a man, if he wants a drink, to have to sneak behind a corner to get it.

1789. What is your idea of the success of a law, when is it a law?—When it is enforced.

1790. What do you mean by enforcement?—When it is lived up to by the people in the towns.

1791. Whom do you call the people in the towns?—I call the people in the towns the majority.

1792. Of course some people are determined to drink, law or no law. Do you conclude, therefore, that the people of the town are not living up to the law?—No, unless the people who want to drink are in the majority, and in my experience they are always in the majority.

1793. Then how does it come about that the majority of the people have adopted such a law as the Canada Temperance Act?—For the reason that you cannot get the people to come up, and say they want a drink, and say it publicly and openly.

1794. Do you suppose that people who want a drink vote to make their chance of getting drink illegal, and to make it illegal to sell the same?—They do not vote at all,

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they stay at home, and they let what are called the "cranks" pass a law and run the town to suit themselves.

1795. Do I understand you to mean that the men who want to prohibit the trade are the workers, and all other men are not workers?—No.

1796. So your idea of the enforcement of the law generally is as you have stated it?—I do not understand you.

1797. That is to say, that if there are persons who desire to violate it, and persist in attempting to do so, and see no danger in violating it, then such a law is not enforced?—If there is a law, it should be enforced.

1798. If there are failures to enforce the law, is the law therefore not enforced?—No.

1799. Do you say this concerning the liquor law?—I cannot say. I am not sufficiently versed to be able to say why it is so, but it is so. I have made a statement in regard to the liquor law from my experience, and I have never seen the Scott Act enforced either in the Maritime Provinces or in any part of Canada.

1800. But when some few people violate any other law, you do not say that law is not enforced?—The people have not the natural desire to break other laws.

1801. Is it because it is not a liquor law?—Very probably.

1802. Are you a total abstainer?—No, nor a drunkard either.

1803. Have you ever been in Fredericton?—Yes.

1804. Have you ever got drunk there?—All I wanted.

1805. Without any difficulty?—No difficulty.

1806. Do you think the law is enforced there?—No.

1807. You know all about it?—I know one man went to jail.

1808. Who was he?—Mr. Edwards.

1809. Any others?—I believe the proprietor of the Barker House.

1810. That is the extent of your knowledge of Fredericton?—No.

1811. You do not know that five others were in jail as well as Mr. Edwards?—Five years ago you could not stop there because everybody was in jail; we did not stop there because there were no places at which to sleep.

1812. You say everybody was in jail because six rum-sellers were there?—Everybody who kept hotel was in jail.

1813. You do take a drink?—I have had beer since I was five years old.

*By Judge McDonald:*

1814. One of the questions asked was, whether you are a drinking man, and I understand your answer to be that you are not a drinking man in the sense of being a man who drinks to the extent of injuring yourself?—That is it exactly. I am not a drinking man in the sense in which the majority of the temperance people use the term "a drinking man."

*By Rev. Dr. McLeod:*

1815. You do drink?—Yes; I was never drunk.

1816. Is that according to the definition of the temperance man, or according to your own definition?—According to any sound man's definition—according to the definition of any man who is able to judge whether a man is sober or drunk.

*By Mr. Gigault:*

1817. Have you been in Charlottetown, Prince Edward Island?—Yes, I have just come from there.

1818. Are liquors sold there?—Yes. A new law came into force there on 1st July, by which any one can sell liquor under certain conditions. The seller is obliged to have only one door to his premises, a front entrance, no screen in front of the door and no blind on the window, so that it is possible from the street to see any one drinking in the establishment. I believe that is the present law in Charlottetown.

1819. Were you in Charlottetown before 1st July?—A. Yes, in May last year.

1820. Was liquor sold there freely?—Yes.

## Liquor Traffic—Nova Scotia.

*By Rev. Dr. McLeod :*

1821. When you were there before 1st July and liquor was sold freely, what law was in operation?—I could not say ; I believe the Scott Act.

1822. You believe that when you were there in May last and liquor was sold freely, the Scott Act was in force?—Yes.

*By Mr. Clarke :*

1823. Are you interested in the liquor trade in any way?—No.

1824. You are only interested in it so far as it affects the sale of your cigars?—Yes.

1825. You have no further interest in it?—No.

1826. How long have you travelled in either of these provinces?—Off and on for about thirteen years.

1827. And your general experience in the counties and cities which you have visited, and where the Scott Act was in force, was, that there was very little difficulty, if any, in obtaining liquor, if you wanted it?—Yes.

*By the Chairman :*

1828. When you made the statement that every one in Fredericton was in jail, did you mean that all the hotel people to whom you sell cigars were in jail?—I believe that was the reason.

1829. Was that what you intended to say?—That was the intent of my answer.

*By Rev. Dr. McLeod :*

1830. How long ago was that?—I cannot say. I believe five or six years ago, several years ago, so far as I know, I was not there at the time, so I cannot say. I know that in the history of Fredericton the law was so pushed that there were no hotels for commercial travellers to stop at—I know that from hearsay. I also know that since then a customer of mine has been in jail.

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Right Rev. FREDERICK COURTNEY, D.D., Lord Bishop of Nova Scotia, Bishopthorpe, Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

1831. How long have you resided in Nova Scotia?—Four years and a little more.

1832. Have you during the whole of that time been Bishop of the diocese?—Yes.

1833. I understand that previous to that time you were in the United States?—I was in Boston.

1834. And originally you were from England, I believe?—Yes. I have also been in Chicago and in New York.

1835. Since your occupancy of the see of Nova Scotia, during four years, have you had opportunities of observing the habits of the people generally?—Yes, very fairly so. I have been all over the province, and also the province of Prince Edward Island, which is part of the jurisdiction.

1836. Have you found that the people appear to be of temperate habits?—On the whole, yes ; I should say so, certainly.

1837. Where intemperance prevails, or as a means of preventing intemperance, do you think that legalized prohibition would be an efficient remedy?—No.

1838. No?—No.

1839. Will you kindly state your reasons for holding that opinion?—The conscience of the people is not in a condition to enforce the law. It would enforce it in individual cases, but it would not enforce it practically, and as prohibitionists wish to see it enforced.

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1840. Would a Dominion law prohibiting the manufacture, importation and sale of intoxicants, except such as may be required for medicinal and mechanical purposes, be at present desirable?—No.

1841. In your opinion, if such a law were enacted, could it at present be effectively enforced?—No.

1842. As chief minister and pastor of the Church of England in this province and in Prince Edward Island, will you kindly state to the Commission what, in your view, would be the best means of preventing intemperance?—I am afraid I might possibly add to the list of those whom the previous witness called cranks. I do not think I am quite prepared to answer your question immediately. I did not know that such a question would be asked of me. That question seems to cover pretty well the whole ground intended to be covered, as I understand it, by the Commission, and the whole ground of the subject of the proper and reasonable control of what is called the liquor traffic. To answer that question would take very much longer time than either you or I have at our disposal this morning. I cannot profess to try this morning to sketch out what I think ought to be the law with respect to dealing with the liquor traffic. I may say, perhaps, this: that I do not know in what particular the law of the Dominion of Canada differs from the law of the United States with respect to the liquor traffic. But when I was in Boston I was a member of the Citizens Law and Order League, which was organized for the purpose of securing the enforcement of the present law. Their programme was not to get the law altered, but to get the provisions of the law enforced. That was not prohibition; it was regulation. There is a prohibition of sale to minors under any condition. A working man cannot send his child under age to buy liquor without the law being broken, and the publican who sells the liquor being liable to be proceeded against for a violation of the law. There were several other provisions of the law which we found were not enforced, and the League was set on foot for the sole purpose of enforcing the existing statutes, and even to-day that is found to be exceedingly difficult; but an enormous amount of good was done, and many provisions of the law that were practically dead letters up to that time are very living letters now. I do not know how far such an organization would be a desirable one to have here, because I do not know what differences or similarities may exist between the law in the United States and the law in the Dominion of Canada. But perhaps I may be allowed to say, in regard to prohibition, this, and to answer your question in the shortest way possible, by merely a monosyllable. I do not conceive it to be in the interests of the people that any law (I am not talking now of the liquor traffic) should be upon the statute-book which the conscience of the community will not endorse. It weakens the majesty of the law in the estimation of the whole population, and it is most desirable, perhaps I may say especially so in the present case, that the majesty of the law should in no sense be weakened, and in no particular be weakened, in the minds of the people. With respect to the liquor traffic itself and the possibility of a prohibitory law, it is notorious from what I have been told, even much more than what I have observed, because I have had opportunities of observing the operation of the Scott Act in many places, that it is, I will not say a dead letter, I will not say a failure, but it is not observed, and that breaches of it are shown in all sorts of directions, and that places which are supposed to be under the Scott Act are places where, as the previous witness stated, people can get liquor. I suppose that will be the case anywhere and under any circumstances, for some people in the community always will drink, and will always find means of getting it, even if they have to run the chance of being punished. It has been said with respect to the Maine liquor law, that prohibition does not prohibit. In one sense it is true; in another sense it is false. Prohibition does prohibit a great many people who otherwise would engage in the traffic, either in the way of selling or in the way of buying; but it does not prohibit in the sense of shutting liquor out from all the towns in Maine, so that people who go there, like the previous witness, who want drink, can not get it. They can get it in all sorts of ways. So it is just the same thing, as I understand it to be, if my information be correct, and if my information is incorrect my inference is also incorrect, in regard to the Scott Act. We have tried to solve this question in the United States, where I resided 12 years, and we tried to do so in all my three places of residence—New York,

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Chicago and Boston. Chicago was the first to lead the way, and the people there tried high license. The wine, spirit and beer license was placed at \$1,000 a year, and the beer license alone I think at \$500. I am almost sure I am right in my figures, and I am quite sure it went up to \$1,000. The idea was that by enacting such a high license law you would restrict the sale to the hands of proper people and they of reputable character, and that as they had to pay so high a license, they must of necessity respect themselves by giving all who want drink, and that does not mean drunkards—of course drunkards would demur more than any one else—the opportunity to come to their establishment, and they (the licensed dealers) would look to it that what are called illicit sellers would be prosecuted. It has not stopped illicit selling, and in this way it resembles in its practical working a prohibitory law, but it has reduced it tremendously.

1843. That answer shows the effect that the limitation of the number of licenses would have?—If you ask about limiting the number of licenses, I say that undoubtedly the number of licenses should be limited according to population: I say that without the slightest doubt. At one time in a street in Boston there was not less than twenty-four places for the sale of liquor within a very short distance. Sometimes there were two together or alongside of one another; and when I say a short distance, the length of a comparatively short street.

1844. Was that in Boston?—Yes, and that was one of the things the League was seeking to check. This large number of houses was in the neighbourhood of Milk street. It was seen near the Boston and Albany and the Old Colony depots. There was a very large number also between the Boston and Albany on the one side and the Boston and Providence on the other.

1845. Do you know anything of the Church of England Temperance Society, from your own experience?—Yes, we had a similar organization in the United States which dropped the name England and was called the Church Temperance Society. Three pledges were given. The first was for total abstinence, the second was a pledge of abstinence from certain kinds of liquors—I forget exactly whether wine or spirits, I think the drink was to be limited to wine and beer; and the third was a pledge of moderation in the use, that is to say restraint in the use of liquor. This plan was adopted in England, where it was originated by the Church of England Temperance Society, and it was intended to assist those who were in favour of self-control in the matter of drinking, whether they were total abstainers, or what were called moderate users. It has worked exceedingly well, except for this fact, that I think there is a general feeling that the total abstainers are more persistent in their endeavours to enforce total abstinence than the others are, I will not say to keep up temperance, because I do not believe that. Perhaps it would be better if I put it in this way: It is always so much easier to cut a Gordian knot than to untie it, and prohibition cuts it, while self control is the slow-untieing of a very hard and difficult knot. The majority of the people, if a cause is before them for a long time, at last get impatient and say: "Let us cut it." If you could educate the conscience of the people up to the level of prohibition, doubtless prohibition would be a grand thing.

*By the Chairman:*

1846. Do I understand that you consider the cutting would not be an entirely satisfactory process?—The cutting does not succeed. It simply makes it appear as if total abstinence were the only way of dealing with the liquor traffic, and then the knot that seemed to be cut as regards this question being settled, reappears and the question is as far as ever from being settled, because the community outside will not settle it. It is perfectly true, as the witness before me stated, that when the question of prohibition is up in a community a large number of those who are in favour not of drinking, but yet not in favour of prohibition of the liquor trade, will not take the trouble to vote upon the question, and when the law is inactive in many instances it cannot be enforced.

1847. Is it not a fact that on all questions on which voting takes place, or very nearly all, there are always a large number of people entitled to vote who do not vote?—Yes, always, or almost always, unless you get a burning question up, and then you may poll pretty nearly the whole of the community.

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*By Judge McDonald :*

1848. So your Lordship expresses the opinion that there is much more now of what may be called temperance teaching, moral suasion and so on, promoting the cause of total abstinence than there was years ago; that is to say, it has come more to the front as a living question?—I think in some respects that is the case, and if my memory serves me, there has been something more than merely an effort made to point out the evils of drunkenness, literally to teach them in the Normal schools of the United States, in some places at all events. I think a large number of people in the present day are engaged in what I would call the middle section of the Church of England Temperance Society work, and if they could not be total abstainers, they would do what they could in the interests of temperance; and therefore, instead of being merely a quiescent body, they have become an active body.

1849. Is it not the fact that temperance, in the sense of self-control, is now put prominently and effectively forward in all Church of England teaching?—I have no doubt about that. I might refer to such an individual example as that of the present Bishop of London, who is the most energetic advocate and member of the Church of England Temperance Society, in all its branches, and is himself a member of the first branch, that is total abstinence, as he has been almost all his life. He put himself on record first when Bishop of Oxford in 1869 or 1870, and he has been keeping himself on record all the time, and his position is supported by the action of the Bishops generally.

1850. By the Bishop of Newcastle, for example?—Yes, and his brother, Canon Wilberforce.

*By the Chairman :*

1851. Did your Lordship receive a circular from the Commission?—Yes. I answered it very briefly.

*By Rev. Dr. McLeod :*

1852. Have you been absent from Nova Scotia during any portion of the four years to which you referred?—Certainly. I have been out of Nova Scotia several times; I have been in Prince Edward Island a good deal. I have also been absent in England for thirteen months—prior to the last four months.

1853. I understood you to say that you did not think a prohibitory law was at present desirable, and further, that it could not be easily enforced. Do you think the time may come when prohibition may be desirable, and when it may be enforced?—Certainly.

1854. And to that end the conscience of the people needs to be helped very much?—Yes.

1855. Will you kindly state how you would have the conscience of the people helped, by what means?—I think by those means now in operation, by constantly speaking and writing on the subject. I do not think there is any other way.

1856. I understood you to express yourself in favour of high license, although you said you were not particularly familiar with the Canadian law touching the liquor traffic. Do you think that high license adds anything to the character of the trade?—Yes.

1857. It dignifies it somewhat?—Perhaps your idea and my idea of dignifying the trade may be different: I would not call it dignifying the trade. Perhaps I would say pretty much as I said before, that it ensures the trade being in the hands of reputable people. There is another remark which perhaps the Commission will allow me to make: I think there is another advantage gained by high license, and it is that probably you would have less adulteration of liquor under a high license system, which keeps the trade in the hands of reputable people, than you have at present. It has been said by some people, and I have no doubt it was true, that a great deal of the drunkenness would be very much mitigated, if not altogether abolished, if the liquor supplied was pure, instead of the adulterated stuff it very often is.

1858. Have you reason to believe a great deal of the liquor is adulterated?—I have not the slightest doubt about it.

1859. The trade being placed in the hands of more reputable people by high license, would that make the trade more reputable?—Yes.

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1860. Is it your opinion that the trade being made more reputable, the work of helping the conscience of the people by moral suasion would be assisted?—I do not exactly understand the line of your question.

1861. I know you are anxious, as we all are, that the conscience of the people should be helped concerning this matter?—Yes.

1862. You have stated that the conscience of the people should be helped by moral teaching, I suppose you mean from the platform and pulpit, and through the press by the circulation of suitable literature. What I ask is this: If by giving a monopoly of the trade to certain persons, giving it into the hands of people who are regarded as more reputable, and therefore making more reputable the trade, the work of the reformer will be made easier? Will the fact of the trade being of that more reputable character assist the moral reformer in his efforts to change the conscience of the people concerning the character and dangers of the trade?—It depends, of course, altogether how those in favour of a prohibitory law approach the subject with regard to educating the conscience of the community. The prohibitionist approaches the community in favouring of prohibition by asserting that drink itself is of the devil and to touch anything of it is wrong *per se*; and the making of the traffic more reputable by placing it in a few hands would not touch the question in the least.

1863. Do you think there is danger in high license, that establishing the trade as a monopoly, those engaged in it, owing to the large revenues derived from it, would be apt to keep up the system for the sake of the profit?—Yes, there might be, I dare say.

1864. Then does it occur to you that high license would more firmly establish the trade rather than have a tendency to weaken its grasp on the people, and eventually lead to its abolition?—You have put a problematical case before me. It might be that such a problematical case would turn out in the way you have queried. If it did turn out in the way you have suggested, of course there is no doubt what the effect would be.

*By the Chairman:*

1865. Would high license necessarily mean a large revenue and a monopoly?—Not necessarily. It generally does in a community like Chicago.

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ALEXANDER P. REID, M.D., of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman:*

1866. What is your profession?—Doctor of medicine.

1867. Are you in charge of the Hospital for the Insane?—Yes, and have been so for sixteen years. I was ten years in charge of the hospital in the city as the attending physician.

1868. How many inmates, on an average, have you in the hospital for the insane?—About 400.

1869. You made a return, I think, to the Department of Agriculture at Ottawa. Will you kindly look at this (document handed to witness) and say if it is a copy of it?—Yes; that is a copy of my report. There is no single cause of insanity, speaking generally; a man may be born an idiot. Insanity, as we find it, has no single cause.

1870. You attempt to classify the exciting causes, do you not?—Yes, and the predisposing.

1871. Have you been successful in doing that?—Fairly so. I will tell you why. There may be one thousand persons predisposed to insanity, and yet not one become insane. I think in this province there are quite a large number, one thousand is within the mark, having a predisposition to insanity; there is an hereditary taint. The nervous system is easily upset.

1872. I think you used the words exciting cause?—There are exciting or recent causes, but there is a predisposition. The exciting cause may be one of a great number:

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anything which upsets the ordinary even running of life ; anything affecting the passions, often ill-health ; but these and other exciting causes would not be likely to produce insanity, unless there was a predisposition existing behind them.

1873. I observe that you state in a note at the foot of the report, "in regard to intemperance as a cause, I find that prior to 1870 it was not noted, that subsequent to that time it appears ; but I consider the statistics quite unreliable, because the only means of filling up the return is from the statements obtained from the patients, the columns for which are often left blank, and 'unknown' is the most frequent entry." Again, you say, "a patient may be put down as a total abstainer, which condition may not have prevailed for a long time before he went in ; hence, I consider this table utterly unreliable." Do you desire, doctor, to make any addition to that statement ?—No ; I have no addition to make unless you desire any further explanation. I think that is the result of my experience.

1874. Then the classification is not a perfectly reliable one ?—No ; from the fact that we cannot classify, that we have not the means of classification.

1875. I mean the actual classification which has been sent in ?—We find out more about our patients after this classification is made than before. We find there has been a predisposition in a very great majority of cases when we come to investigate.

1876. Do you make an annual report ?—Yes.

1877. Will you send the Committee a copy of recent years reports ?—I will send one.

1878. Have you in your annual reports attempted to classify the patients ?—We have attempted to do so, but it has proved very ineffectual, from the fact that the history we get from the patients is not only inaccurate, but there is very little of it. We have cases without any correct history and without even the names.

1879. Can you state to the Commission the proportion of the total which you are able to classify ?—Reliably, we could not classify ten per cent. We assume that the statements we receive are correct, and we classify according to them ; but I feel morally certain they are incorrect.

1880. But following the papers which you get, what percentage of the cases coming into the asylum will be classified ?—Nearly all will be classified, such classification as it is.

1881. Are not a large number of cases put down as "unknown" ?—Not a very great number at present, not so many of late years as before. A great many have come in with causes put down as "unknown." I do not suppose 35 per cent of the causes are properly mentioned.

1882. You have a certain number classified under the head of drunkenness, that being given as the exciting cause ?—Yes.

1883. Is that a numerous class ?—It is not only numerous, but it is the most unreliable form of classification we have. It is all unreliable, but that part of it is more so than any other, from the fact that very frequently we find that drunkenness was not the cause but the result of the insanity. The first effect of insanity is to lower the moral tone of the individual, which shows itself on any of the moral lines, whether in the shape of drunkenness or other forms of moral drop. In fact insanity shows itself by a moral drop. The amount of the drop is, to some extent, measured by the height of the moral tone of the individual before he becomes insane. Very often we find a man's drinking is the result of insanity and not the cause ; and a very great number of those who come to us and who are presumed to be temperate are men who drink all the time, but their names never appear in such a list, never appear even indirectly in our papers. The only way we know is from previous personal knowledge of the man's habits. For that reason our statistics are absolutely unreliable, and I would not believe any conclusions drawn from them, from the fact that frequently when the cause is given as drunkenness, that drunkenness is the result of insanity, and those who become insane as the result of drinking are never mentioned. Hence I consider these statistics are very unreliable. But as the result of experience I would put the effect of drinking in the same class as any other disturbing agency, but no more so than any other disturbing agency. Take women : a leading cause with them covers the difficulties attending maternity ; among men, there are the difficulties connected with business. For instance, a man is trying to carry on a \$1,000 transaction with \$100, and if he has the predisposition to insanity,

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the chance is that he is going to become insane. Another man suffers an injury, falls on his head or is hurt and insanity results; but these are the exciting causes when he has a predisposition inclining him that way.

1884. Have you any other exciting causes that claim as many of your patients as intemperance?—I think we have. The greatest single exciting cause is, I think, connected with maternity in females. Of course by that term I mean to include a very long list of troubles prior to and subsequent to maternity.

1885. Do you make any calculations as to disappointment in love as a cause?—We have that as a cause.

1886. And domestic troubles?—We have that too.

1887. And religious excitement?—Yes; we have all these classified in the reports.

1888. Can you give us an idea of the proportion which these various causes bear to the whole?—I cannot, but I will send all the papers.

1889. Can you state whether any one of those causes exceeds the number due to intemperance?—The first largest class is the “unknown,” the second class, is ill-health from many causes, then all the others are straggling. Intemperance comes in with half a dozen others, and I do not think there is very much difference between them.

1890. Will you enumerate the half dozen?—If I had the report I could do so. There are so many different incidents in life that are liable to bring it about—sickness of various kinds, losses in business and family losses, grief and religious excitement (religious excitement shows a good many more than intemperance); I think religion would be the largest number of all.

1891. You refer to excitement on religious subjects?—Yes, it would show the largest number in the classification. As an exciting cause of insanity, I think religion is a long way ahead of any other.

*By Mr. Clarke :*

1892. What percentage is classed as “unknown”?—They amount to over 50 per cent.

*By the Chairman :*

1893. Did I understand you to say that of the classified causes the largest number of cases appeared under the head of maternity as the exciting cause?—The greatest predisposing cause is hereditary transmission—all the others are very trifling in comparison with the predisposing cause. Then the exciting causes are those which threw the person off his or her balance, and “unknown” ones form the largest number; the next very probably will be religion, and next ill-health, which is put down in different ways.

1894. Of the number of patients who come to the asylum, is it a fact that the largest proportion comes from the agricultural class?—I have been trying to work that up, and I do not think there is a great deal of difference supposing you take the relative proportions. There are many more received from the agricultural class than from any other; but the agricultural class and the sailors, or rather I should say the fishermen, and those living on the coast, constitute the largest number of the population. They are, however, not only the largest number of the population, but also in this country in particular there is the largest amount of hereditary tendency among them. When I was in Cape Breton a few years ago, a man told me of one thousand descendants from one individual, resident on that island, all of whom had an hereditary tendency to insanity, all of whom would be farmers. Hence it is not established by any means that farming has anything to do with insanity.

1895. The statement was made to me a short time ago by a gentleman who understood the subject that the largest proportion of inmates of our asylums, come from the agricultural class, and I ventured to ask you the question in order to obtain a corroboration or denial of the assertion?—It is a fact; but I should wish you to accept this explanation I have given, for the statement left by itself would go to show that agricultural operations had something to do with producing insanity, whereas, the cases are due largely to purely accidental conditions. It is the class of people who happen to be agriculturists who become insane; the agricultural operations do not make them insane.

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*By Rev. Dr. McLeod:*

1896. I understood you to say that you found it difficult to classify more than 10 per cent?—Yes. I would not like to put down the percentage on account of the uncertain and imperfect character of the information. I could give you two papers, both of which had been sworn to, which were very different. So I put very little trust in them.

1897. While intemperance causes numerous cases of insanity, you think even those statements are not reliable always?—Sometimes it is as much the cause as the result. Again, intemperance is a very active cause in some people, as any other cause which upsets a mental condition easily overdone.

1898. That is an exciting cause?—Yes.

1899. I understood you to say that intemperance indicated low moral tone?—No, not exactly that. What I say is, that one of the first indications of a drop in moral tone is a man becoming intemperate, when his general reputation has been that of being temperate. Take our ordinary business man—I am not talking now of a member of a temperance organization. He has been temperate, and I find a drop in his moral tone shown by intemperance; that is often the first indication of insanity, and that intemperance is sent to us as the cause of his insanity.

1900. I understood you to say that fully fifty per cent of those who come under your care are classed as “unknown” in regard to cause?—Yes.

1901. From your experience and observation, do you think a percentage of that 50 per cent is fairly traceable to drink?—I think quite a large number; but I could not give any information that would be of any value, because we can find out so little about the previous history of the people who come to us.

1902. Speaking of the tendency to insanity: there are some classed as insane on account of ill-health and disappointment in love and some other cause. Have you reason to believe that any proportion of those people have the tendency to insanity, and that if they had not been disappointed in love, some other cause would have arisen by which they would have become insane on account of the tendency?—I understand that you mean this: The person has a predisposition to insanity, which prevails among thousands of persons. Some trouble in his love affairs throws him off his balance. In another case failure in business will throw a man off his balance. It has about the same effect in each case.

1903. In those cases arising from disappointment in love and the like, there is the tendency?—There is a predisposition.

1904. And that disappointment is the exciting cause?—Yes. But if you did not have the predisposition, disappointment in love would not have any effect in unbalancing the mental condition.

1905. With respect to domestic trouble: Have you any means of forming an idea as to whether this cause covers a considerable proportion of insane cases?—I have no means of knowing as Superintendent of the hospital for the insane, but I have as a general practitioner.

1906. Do you think domestic trouble, in any proportion of cases, is attributable to intemperance on the part of the person who becomes insane?—I am confident of that. The experience of ten years in our general hospital shows me very clearly that though our statistics represented a very large percentage of sickness there as the result of intemperance, really if you figure out the wide influence it has, that percentage would come, I suppose, up to ninety. That is, taking the history of our institution for the ten years I had charge. A woman comes in with typhoid fever or pneumonia. The previous history shows that the woman was living under conditions with which intemperance had a great deal to do, that if the means which should have gone to support her had been used for that purpose instead of being used in drink, she would not have had typhoid fever or pneumonia. A man comes in with a broken leg, and very likely he has to have it amputated, and sometimes such cases never rally. Again, we find that a man drinks two or three glasses of whisky and runs in front of a car, which he would not have done if his head had been level. Another man comes in with inflammation of the lungs; and it appears he has been on a spree and caught cold, and this attack followed. The

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disease is not put down in our report as the result of intemperance, but simply as pneumonia. When I figure up the results of sickness, I come to the conclusion—I may be wrong, but I really think not—that if there were any means, by any possibility, of excluding the effects of alcohol on humanity, the hospitals would have to be closed, for no one would have to go there, because those who go there now would be able to pay their way, for accidents and a large proportion of the disease result from the use of liquor. As superintendent of the asylum I was very much astonished to find that liquor had a much smaller influence on insanity than on almost any other social question I am acquainted with.\*

1907. From your experience, to what extent do you think intemperance is a predisposing cause in either the patient or his progenitor?—That is a subject I should have mentioned when I spoke of hereditary transmission. You have first of all a tendency to epilepsy and to nervous diseases as a result of a lack of vigour. You take a family with nervous systems easily upset, and their children are predisposed to that condition, although they may pass their lives without difficulty. Take one of the insane and he has children: these children are insane, being thrown off by very trifling causes. Then again, take the children of drunkards, I will not say drunkards exactly, but take the children of those who have destroyed themselves through the influence of liquor, and it interferes with the nervous condition of the children. I think we have quite an amount of predisposition to nervous affections as the result of such defects.

1908. And those nervous affections take the form of insanity often?—Yes.

1909. You spoke about drunkards and then corrected yourself. From your observation and experience do you think habitual drinking, not to drunkenness, has an effect in producing that condition?—I will take the man who gets drunk and is sent to jail for it. He may live to seventy or eighty. He may not be able to take liquor long enough to cause it to make such change in his tissues as to destroy his life. But take the man who never drank at all, but at length commenced to use ordinarily distilled spirits, there is no question about it, as medical experience shows, that it interferes with the proper nutrition of the tissues. Its continued use unquestionably interferes with the nutrition of the tissues. I should say *à priori* that children begotten by parents who were themselves of defective physical structure would be to some extent influenced thereby, and I have no doubt whatever but that it does so. The amount of man's use of it must be measured to some extent by the constitution of the individual; one man who is born to live a hundred years may kill himself at seventy, and another born to live sixty years may live to seventy, owing to the way the man has managed his own physical constitution. As a depressing agent, I think alcohol in its various forms is surrounded with greater danger in insanity than in other diseases, as a means of lowering the general constitutional health of all who use it.

1910. From your official and professional experience, do you believe that total abstinence, if general, say under thoroughly enforced prohibition, would be of value in reducing insanity: by directly doing away with intemperance; by preventing predisposing causes of insanity; and by preventing many other occurrences or conditions that may be exciting causes?—Were it possible to absolutely exclude the use of alcohol, it would not only improve the morals but the health of the community. The next question is how can you do it? I believe it is absolutely impossible to exclude the use of alcohol from those who desire it, if you manufacture it. No doubt the manufacturer is going to sell, and he will adopt such measures as will enable him to sell. Hence if you cannot prevent the manufacture of alcohol in any of its various forms, it will be useless to attempt to prevent its use. It appears to me that the only practical way is to control its sale by imposing as much restriction on its sale as possible, but to prevent its sale altogether, if manufactured, experience shows to be impossible. The high license system does not fill the bill. The Scott Act does not fill the bill. You cannot lower the moral sense of those who sell liquor to such an extent as to interfere with the sale and financial profits. Hence after very careful consideration I think the Norwegian system fills the bill better than any other, from the fact it keeps in view that so long as liquor is made, it is going to be sold illegally if not legally. I understand the system to be this: The community appoint the men who control its sale, and those men, generally

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speaking are temperance men. It is sold in certain places and is sold at the lowest rate, according to the wish of the Commissioners, and all profits above five per cent go to the community; but those who deal in it and sell it are people who exercise all the moral influence they can bring to bear to prevent its use. In that way, so far as I am aware, the Norwegian system has done away with exhibitions, such as we have had this morning, of a man trying to break the law, of which there are thousands of cases, by not making it necessary to break the law and at the same time placing all the moral and financial restrictions on the system of liquor sale it can possibly bear. No man can make any money out of it; hence it has no financial status. It has no moral tone, because the men who manage it limit its sale as far as possible, and so it strikes me that the Norwegian system has certain advantages which no other system possesses, not only in preventing financial success arising out of the trade, and by preventing the breaking of the law, but also by tending to raise the moral tone of the community by lowering the moral status of the whole trade. If we could prevent the manufacture of alcoholic liquors, there would be no trouble about the matter.

1911. Do you think it is desirable to prevent its manufacture?—Alcohol is one of the best chemicals we have for an immense number of purposes, and as a chemical nothing can take its place. It should, however, be used as a chemical and as other chemicals are used.

1912. But not as a beverage, in your opinion?—It is valuable as a drug sometimes, but not nearly to the same extent as some people imagine. It should be used simply as a drug and chemical, for it has no other use in a civilized community.

1913. Do you think the liquor trade as carried on now, whether under the present law, or high license or local option, is not a good trade, productive of the moral well-being of the people or the health of the people?—I do not think it promotes either. All those systems have so far failed. That is why I have expressed the opinion that the Norwegian system overcomes many of the difficulties we find in the high license system. There are, of course, other means of attacking the trade, and which I have always regarded as desirable. There are two forms of alcohol, one is distilled and the other is simply fermented juice. If we were to supplant the imported distilled article by a home-made product, that would have a great tendency to restrict the undesirable use of alcohol.

*By the Chairman :*

1914. Do you mean to promote the use of beer and wine instead of distilled spirituous liquors?—I would not so much promote the use of those articles as I would seek to prevent the manufacture of distilled spirits, except for chemical purposes.

1915. That would be giving a preference?—Yes. I would put less burdens on those articles, but a man would be much better without any of them.

1916. That would be giving a preference to that variety of the article?—I would decidedly give a preference to it.

1917. Do you know whether the consumption of spirituous liquors has decreased in this province?—I could not say.

1918. Do you know if the consumption of beer has increased?—I could not say, I am not in the way of knowing; but I know that undistilled spirit has a different effect on the physical economy than distilled spirit.

1919. Do you give it as your opinion that the effects of malt liquor and wine are not so harmful as the effect of spirituous liquors?—I want you to specify what you mean by "wine."

1920. I mean the ordinary wine sold?—The ordinary wine sold is all diluted alcohol. There is not one of them an article such as I would mean by the term "wine." What I mean by wine is the juice of the grape, simply fermented, much in the same way as ale is. I do not believe there is an article of wine on this side of the Atlantic that is not largely mixed with distilled spirits in order to keep it from fermenting.

1921. I am speaking of things as they are, and wine as it is usually sold and consumed?—You spoke about two articles, one of which was wine.

## Liquor Traffic—Nova Scotia.

1922. I suggested beer and wine?—If you say wine which has never had any alcohol in it, which is simply a fermented juice, then I class it with beer; but if you refer to wine such as you buy in a store, I do not agree with that classification.

1923. Do you say that beer is less harmful than spirits?—I do not include wine as we find it.

1924. I understood that you did not put wine in the same position?—I put the *vin ordinaire* of France in the same position.

*By Judge McDonald :*

1925. What about our Canadian wines?—They are all treated with whisky,—that is the trouble.

*By Mr. Gigault :*

1926. What do you say of cider?—If you take normal cider without its having undergone any other change except fermentation, it is the same as beer. It is all right if it contains six or seven or three or four per cent of alcohol, but with some people unless it contains twenty-two or twenty-four per cent, it is not considered very drinkable. Here you see a reason for care in the classification.

*By Judge McDonald :*

1927. You had charge, I understand, of the General Hospital for a time?—Yes; I was one of the attending physicians, before I went to the Hospital for the Insane.

1928. Did you, for medical purposes, make use of alcohol?—Yes; I did make use of it for medicinal purposes, but I found every year I used less of it; and in the hospital for the insane, the amount of alcohol we use in the year is a very limited quantity, I do not think 50 or 60 cents worth per patient.

1929. You use as little of it as may be?—Yes; and each year we use less rather than more.

1930. Do you use it in connection with surgical cases?—Not very much in surgical cases. With regard to its use as a stimulant, we find that it can be very largely done without.

1931. Do you need that very much in the asylum?—Yes; to some extent.

1932. What do you use in lieu of it?—We prefer nutriments in various forms, beef tea, and milk, and a very limited amount of alcohol. You will find that each year we are using less rather than more. I used alcohol in the General Hospital (I like to be unprejudiced and to give everything its full value); I got the credit of using more liquor than any other attending physician. I used it very freely and studied its effects very carefully, and I came to the conclusion that its absence was about as beneficial as its presence, in the majority of cases. The result of my experience is, that we are gradually using less and less of it.

*By the Chairman :*

1933. Do you make this statement as a total abstainer? Are you a member of any temperance organization?—No. I was a member of the Sons of Temperance, but I have not been a member for a good many years.

*By Mr. Clarke :*

1934. Did we understand you to say that you thought a prohibitory law would be impracticable, so long as liquor was permitted to be manufactured in the Dominion?—Yes.

1935. Supposing that the manufacture of liquor were prohibited in the Dominion, what then?—Then you could enforce prohibition.

1936. What about smuggling? Would not liquor be brought in and smuggling carried on?—No doubt of it. So long as smuggling pays, it will be carried on.

1937. Would the quality of liquors brought in by smugglers be as good as that ordinarily sold now in licensed places?—I do not think it would be. In order to give an opinion in regard to the liquor, I may mention that I sent for a book some years ago,

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which set forth the means of manufacturing every form of liquor possible from water and ordinary alcohol and some few flavouring agents. I went over the book very carefully, and observed the quantities in which these agents were used, and I did not see one single agent mentioned in that book that could possibly do any harm to any one unless the alcohol. By means of flavouring agents, brandies could be produced that resembled those 50 or 60 years old. In regard to the manufacture of wines, there was no agent in quantity sufficient to produce poisonous effects, if you exclude the spirits. There was nothing else in the prescription that was at all dangerous. Hence, I do not think the quality of the imported article makes much difference. If a man can drink raw whisky, it is not the quality of the spirit that will harm him; and a man has drank from the still, and it has done him no more harm than if it had been kept for some years in the wood.

1938. Have you had any experience of the operation of the Canada Temperance Act in Nova Scotia?—No.

1939. You do not know whether it is observed or not?—No.

1940. So far as its deleterious effects are concerned, we understand from you that alcohol not rectified is no more injurious than that which is rectified?—I do not think it is. I belong to Ontario, and I recollect that it cost a York shilling a gallon, and it was just as it came from the still. I had a number of years' practice in Ontario where raw spirit was used very largely, and it has the same effect and produces no more injurious effect than the rectified spirit. I am talking of the article that came from the still, when it cost only a York shilling a gallon.

*By Judge McDonald:*

1941. Then, for a man who would drink fifty year old brandy and think it was particularly good, there must be good deal of sentiment about it?—It is in his mind, no doubt.

*By the Chairman:*

1942. By raw spirits, do you mean unrectified spirits?—Yes.

1943. Full of fusel-oil?—Just as it came from the still. I recollect when wheat was fifty cents a bushel in Middlesex county in Ontario and whisky was used as it came from the still, and I know barrels and barrels were used. I could count a thousand people who used the raw whisky as it came from the still, and I have not seen it produce any different effect from that produced by the refined whisky, and I am speaking as a physician. There is a difference in flavour and taste, but I do not think there is any difference physically.

1944. Do you read the productions of the British Medical Association?—Yes, very regularly.

1945. They had a report by a commission on the ages of so many people of different classes between four thousand and five thousand in number who had died. Do you remember the result of that classification. I refer to it because you spoke of the use of liquor shortening the lives of persons?—You have to take two elements into consideration—the character of the person and the quality of the liquor.

1946. I have not seen the document, but I have seen references to it, and I thought you could inform the Commission with respect to it. They employed commissioners and traced out between 4,000 and 5,000 cases of deaths, and classified them as total abstainers, moderate drinkers, drunkards and so on, I think. Have you seen that report?—Yes. If you take a larger number of people, you will find that a great number of those who are aged have been in the habit of drinking, but you will find that the quantity used has been very little indeed. Take a man who is hard at work in the open air, he may take one hundred times as much to affect him as you or I could.

1947. The occupation has something to do with it?—A very great deal.

1948. This report has four or five different heads or classifications?—I think a very large number of those who live to be old took their glass, but they were abstemious in eating and other things. In fact, long life is the result of abstemiousness in everything, in our passions as well as in other things.

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1949. There is such a report as I have spoken of?—Yes ; but there was a very illegitimate use made of it at the time. A portion of it was taken out and published all over the country. It is a very valuable report, which would largely fill the bill as to your inquiries. It was published in the *British Medical Journal*. But there are men who die at ninety years of age from drinking, who might live longer but for that habit.

*By Mr. Clarke :*

1950. Are there any cases on record where moderate drinking has prolonged life ? —Not that I am aware of, as a dietetic, but possibly as a medicine. The best case you can refer to is that of the late Cardinal Manning, who died at such a great age and absolutely refused to take liquor when he was lying sick.

*By Mr. Gigault :*

1951. You make no distinction between the different kinds of alcohol. There is one kind obtained from potatoes ?—The percentage obtained from potatoes is very little. Not more than one per cent of extraneous alcohol is obtained from potatoes, but I do not think the difference is very great. It is one variety of fusel-oil which is obtained from wheat and corn and malt. Those are the principal agents, but it is in small quantities.

1952. You do not think that rectification has the effect of eliminating agents which are injurious ?—I do not think it has.

*By the Chairman :*

1953. Then, the raw alcohol is no more injurious than its more refined neighbour ? —No, I think not.

*By Mr. Clarke :*

1954. Why do they rectify it ?—To improve the flavour.

*By Mr. Gigault :*

1955. You did not read the report of the Commission of 1837, in France, as to the consumption of liquors ?—I do not know that I did, but I find reports are often made to suit the views of the people who make the report. I do not think the fusel-oil has any offensive effect.

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WILLIAM MURRAY, governor of Halifax city prison, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

1956. How long have you been governor of the city prison ?—Since November, 1888.

1957. By what authority is the appointment made ?—The City Council of Halifax.

1958. Is the prison also the jail for the county of Halifax ?—No, only for the city.

1959. Are prisoners kept there waiting their trials ?—No, they are all sentenced prisoners.

1960. Are they prisoners who are sentenced for offences against the municipal laws ? —Yes.

1961. Are any of them there for offences against Dominion or Provincial laws ?—No.

1962. Simply for offences against the city ordinances and by-laws ?—Yes.

1963. How many officers have you in the jail, besides yourself ?—Five.

1964. Including the matron, I suppose ?—Yes.

1965. How many prisoners have you at present ?—Thirty-eight.

1966. Have you a system of classification so that you can keep juveniles apart from the older prisoners ?—We have no juveniles there. They are sent to industrial homes. We have nearly all adults.

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1967. So there is no necessity for a system of classification?—No; the only question is as to the safety of keeping them.

1968. But not with regard to the moral condition of the parties?—No.

1969. By whom are these persons committed?—By the stipendiary magistrate, Mr. Motton.

1970. Could you name the different offences for which they are committed?—Up to April, 1888, the total number of prisoners was 181, the number for drunkenness was 92 and for larceny 19, and in nearly every one of those cases drunkenness caused the larceny. For vagrancy there were 19, due to nothing but drunkenness. The drinking customs of the city caused the vagrancy. There is no man or woman picked up and sent to my prison but the trouble was caused by drunkenness. I have questioned them on this, and I make it a rule to do so. You will not find a man or woman in the city of Halifax disorderly except through liquor.

*By Rev. Dr. McLeod :*

1971. How many of those were there?—Eleven. For lewd conduct there were eight. Some of them were drunk. They did not know what they were guilty of. They were brought to the station in conveyances, and positively did not know until a day or two afterwards what they were to be tried for.

*By Judge McDonald :*

1972. Then, for twelve years you have been in charge of the criminal classes of the city of Halifax?—Of all those who are sent to the city prison, but a number are sent to the county jail. There were for profane language, four, for keeping disorderly houses, four, for assault, twenty-two. Those were all men, except one female. In questioning all these, I found every one was the worse for liquor.

*By Rev. Dr. McLeod :*

1973. To sum up your experience of twelve years : intoxicating liquor is the chief cause of these offences?—Yes.

1974. Have you had any reason, or have you made it a matter of interest, to see whether these people have families outside?—Many of them have, and we are frequently visited by the wives and children of prisoners.

1975. Have you conversed with them?—Yes; and the testimony of their wives is that they will work for a few days, but that if they get money they will drink.

1976. From your inquiries, do you find that a great deal of misery is caused to others besides the prisoners by their offences?—My experience in the city of Halifax in addition to that of the city prison is a long one with the working classes. I was a coachwright and wheelwright for 32 years. I belonged to the fire department for 13 years. I belonged to the Sons of Temperance, and was superintendent of a Band of Hope with 680 children, and my experience is that the whole trouble with our working classes here, and with our upper classes also, is the drinking custom. I firmly and honestly believe that no man without physical disability need be out of employment if he is sober. I believe we need have no city prison or poor asylum in Halifax if it were not for the drinking custom. I will take from Mullen's wharf up, and I say that rum has driven more young men out of the city than anything else, and more than the amount which is spent on immigration to bring people in is lost in consequence of rum.

*By Judge McDonald :*

1977. Then, intoxicating liquor has been the principal cause of the evil?—Yes.

1978. During the time you have been in charge of the prison, have any of the prisoners been committed for the illicit sale of liquor?—Very few, this year there were none.

1979. You have had such people?—Yes, for violation of the city license law.

1980. You knew the old license law, and you know the present license law?—Yes.

1981. What was the effect of the old license law as compared with the present license law; which would cause the least amount of drunkenness, or would there be any difference?—I think the present law has reduced the drinking custom, or the number that had been sent to me for drunkenness.

## Liquor Traffic—Nova Scotia.

1982. There is not so much crime?—No.

1983. Have you watched the effect of the present license law, as to whether it is observed in the city or not? We understand that its provisions are that no liquor may be sold by the glass to any person in an hotel, unless he is a guest, lodger or boarder, and in a shop not less than a pint, and that not to be drunk on the premises?—I do not think proper efforts are made to carry out the law.

1984. It is not carried out?—No.

1985. And the reason is that proper efforts are not made?—Certainly.

1986. Do you think it could be effectually carried out?—A great more than it is.

1987. What, in your opinion, is the difficulty in carrying it out effectually now?—I think if the officials were appointed by a Commission, they would be removed from the influences that now appoint the parties who execute the law. I have parties in the city prison who can be got out by paying a two dollar poll tax, and they can have a vote at a municipal election. If we had the police regulations properly enforced, we would have a better enforcement of the law.

1988. By whom are the officials now appointed?—By the City Council.

1989. Who are elected by the ratepayers?—Yes.

1990. It is the same body that appoints you?—Yes.

1991. You think if the officers wished it, if they chose to do their duty, they could enforce the law?—I think if all the authorities combined to execute the law, it could be executed.

1992. So the cause of the non-enforcement is the want of discharge of duty by those in authority?—Yes, because the people who violate the law make the Council, and the Council appoints the officers.

1993. Then the majority of the ratepapers would not be in favour of the violation of the law?—I believe the majority of the ratepayers of Nova Scotia would enforce the law, if it were passed,

1994. But I am speaking of the present law?—No, the franchise now puts powers in the wrong hands.

*By Mr. Clarke :*

1995. What is the franchise?—A very small tax or a poll tax.

*By Judge McDonald :*

1996. We are informed that it is necessary in order to get a license, that three-fifths of the residents in the section must sign the petition?—Yes.

1997. Can a man who is paying two dollars poll tax sign that petition?—Yes.

1998. Have you knowledge of the working of the Scott Act?—Not much. It has not been in force in the city.

1999. From your experience do you believe that a prohibitory law for the whole Dominion, a law prohibiting the manufacture, importation and sale of intoxicating liquors, except for medicinal and mechanical purposes, is desirable?—I do.

2000. Do you think it could be enforced?—In Nova Scotia, outside of Halifax, I think we could enforce it.

2001. You believe it could be enforced in the province of Nova Scotia?—Yes.

2002. Including the city of Halifax?—I think a good deal of attention would be required to enforce it here. There are more people interested than in other places. This is the Gibraltar of rum. The rum interest has more interests than any other, but the effect of the church and temperance societies has been so great that the people are more interested in the cause of temperance now than they were formerly in the city of Halifax.

2003. Then, in Halifax more education would be required to make such a law a success?—Yes.

2004. But for the province as a whole it would be a success?—Yes.

2005. Do you think a high license fee would be better?—No; I do not think it would raise the morality of the people. I think it is as degrading to pay \$1,000 as to pay 1,000 cents.

WILLIAM MURRAY.

*By the Chairman :*

2006. Do you think it would increase the consumption of liquor?—I do not know that it would.

2007. What is your opinion?—I do not think it would—if the license fee were raised.

2008. And probably thereby reduce the number of establishments?—My opinion is that to reduce the number of establishments is to reduce the temptation.

2009. And thereby reduce the quantity consumed?—A. Yes, and the temptation to drink on the part of those who would not drink otherwise.

*By Judge McDonald :*

2010. Have you any reason to believe that under the present license law, persons will combine to buy a bottle, and drink it elsewhere?—A. I think not in regard to the respectable drinkers. There is a class of drinkers who will get it anywhere and in anyway.

2011. Where do you suppose the respectable drinkers get it?—A. I might say to your secretary : “ Patrick, come in to have a drink, ” and he might say the same to me, although he never did. But I think the labouring man can go in and get a glass of rum when he wants it.

2012. You think the effect of this law preventing the sale by the glass has been beneficial to this class of people?—A. I think so.

*By the Chairman :*

2013. Has it reduced the consumption?—A. I think so.

*By Rev. Dr. McLeod :*

2014. Is the statement you made contained in your printed report, or is it simply a statement you prepared?—A. It is in print.

2015. Will you put it in evidence?—A. Yes. In 1890, there were 310 convictions, 144 for drinking ; in 1889, 201 convictions, 118 for drinking ; in 1884, 360 convictions, 208 for drinking ; in 1883, 381 convictions.

*By Mr. Clarke :*

2016. What was the population of Halifax in 1888?—A. 36,000.

2017. And in 1890?—A. 2,000 or 3,000 more.

2018. There were 144 drinks in 1890, and 92 in 1888 : is that correct? You said drunkenness had decreased as the result of the new law?—A. Yes.

2019. In 1888, there was a total of 181 convictions, and for drunkenness 92?—A. Yes.

2020. In 1890, the total number of persons convicted for drunkenness was 144?—A. Yes.

2021. How do you claim there has been less drunkenness in the latter year than in the former?—A. Is not that a smaller proportion to the total.

2022. I am speaking of those committed for drunkenness?—A. I am speaking in regard to the number in proportion.

2023. Only in proportion?—Yes.

2024. But there were sixty per cent more people sent in last year for drunkenness than in 1888?—A. Not in proportion.

2025. In 1888, there were 92, and in 1890, there were 144, 100 males and 44 females?—A. Yes.

2026. How, then, do you explain your statement that drunkenness has decreased?—A. There were 310 commitments in 1890, and only 144 of those were for drunkenness.

*By Judge McDonald :*

2027. Your answer to me was that the tendency of the new law was to decrease drunkenness?—A. It may not have done that, but it decreased the convictions.

## Liquor Traffic—Nova Scotia.

*By Mr. Clarke :*

2028. In this return of 1890, I see 49 sent in for vagrancy ?—A. Yes.

2029. In 1888, the number was 19 ?—Yes.

2030. Was this vagrancy in 1890 attributable to the same cause as in 1888 ?—Yes.

2031. And the cases of assault and disorderly conduct and larceny ?—Yes.

2032. And you explain the causes in 1890 as being the same as those in 1888 ?—Yes.

2033. There were 310 total commitments in 1890 and 181 in 1888 ?—Yes.

2034. There are more commitments for larceny in 1890 ?—Yes.

2035. You intimated that drink was at the bottom of almost all these troubles ?—  
So the prisoners say themselves.

2036. Was there any other reason for the increase in the commitments ?—There were more police in the city.

*By Rev. Dr. McLeod :*

2037. It has been stated by business men that times have been hard recently. Is the increase in commitments due to the fact that fewer men have been able to pay their fines ?—It may be that. Of course, the more there are who pay their fines, the less there are who come to me.

*By Mr. Clarke :*

2038. Under the operation of the license law, the people of Halifax could have prohibition if they desired it, by refusing to sign these petitions ?—Yes.

2039. And this is, therefore, an indication that they do not desire it ?—Yes ; but I have heard very many of them say that while you allow liquor to be imported, they will sign petitions for those who sell it.

2040. Has there been any agitation in favour of the Scott Act in the city ?—It was never tested in the city.

*By Rev. Dr. McLeod :*

2041. Halifax was under the operation of the present license law in 1890 and in 1888 ?—Yes.

2042. There is no comparison between the two license systems in those years ?—No ; 1884 should be compared with them.

*By Mr. Clarke :*

2043. You stated that you believe that but for the drink traffic in Halifax, there would be no occasion for the poor's asylum or the jail ?—Very little.

2044. Do you know any place where prohibition exists, where there are no jails or poor houses ?—I do not.

2045. In the state of Maine, are there any jails or poor houses ?—I do not know ; I have never been there.

*By Rev. Dr. McLeod :*

2046. Have you an intimate knowledge of Dartmouth, and do you know whether they have a poor asylum there ?—They have a poor farm for the county, but I do not think Dartmouth has any poor house.

*By Mr. Clarke :*

2047. How many inmates are there in the county poor house ?—I do not know—four or five.

2048. How many licenses are there in the county ?—Five or six, I think.

2049. Is there a county jail ?—It is in this city.

2050. Is it for prisoners convicted in the county ?—All prisoners who are to be tried in the Supreme Court are incarcerated there until their trial, and I think some come from the Supreme Court for short terms, and also from the County Court.

2051. Those are from the county ?—I think from the province.

WILLIAM MURRAY.

2052. There are only two or three licenses in the county?—Yes.

2053. And yet there is a jail and poor house in the county?—Yes.

*By Rev. Dr. McLeod :*

2154. There was a time when there were more licenses in the county?—Yes, I think so.

*By Mr. Clarke :*

2055. And notwithstanding the decrease in the licenses, according to these details, there were more people committed in 1890 than in 1888?—Yes.

*By Rev. Dr. McLeod :*

2056. Are many of those committed to your care total abstainers?—I never knew one, and I have asked the question a hundred times and more.

2057. I suppose sometimes people are committed to you for offences against children and women, and I suppose they are men who drink?—Yes.

2058. Have you had many violators of the liquor law in your charge?—Yes, I have, but they generally pay the fines.

2059. Do you know that prostitution goes on to any extent in this city?—Yes, from the number that are sent to prison. That is the only way I have of judging, and they attribute their downfall very largely to liquor.

2060. Do you find they are in all cases addicted to the drink habit?—I never knew one who was not.

*By the Chairman :*

2061. Is there any other cause?—Going out at night and disobeying their parents. I found a young man in the station shed and asked what he was there for, and he said : “ I am here because I did not take your advice sixteen years ago, to belong to the Band of Hope and Sunday school classes.”

*By Judge McDonald :*

2062. During the last year have there been such people in the prison?—Yes.

2063. How do you suppose they got liquor?—It is given to them in violation of the law. I have many Micmac Indian squaws and men. There is a law against giving them liquor, but I have two or three in the prison now, and they will not tell who gave them the liquor. I never knew an Indian who would tell, and yet they are picked up for being drunk.

*By Rev. Dr. McLeod :*

2064. Will you state in a general way your observation of the effects of the liquor trade and the drink habit on the citizens of Halifax?—As far back as 1844 I was an apprentice to John R. Croskill, the printer, in an establishment where 22 or 23 men were working. My experience, as a boy, was that whenever one was absent, whenever I was sent to get these men to work, they were home and it was drunkenness that kept them away. I left the business because it did not agree with me, and went to serve my apprenticeship to the wheelwright business, and my experience was that those men were ruined by drink. There was a man who was known by your Secretary who spent twenty-five years of his life in the poor house, supported by the citizens of Halifax, for no reason except drink. The best wheel-maker I knew, if he is not dead, is now in the poor house, and I could give his name. I know a man who did a good business in the city of Halifax as a mechanic. He was captain in charge of a volunteer company in the city of Halifax, and, if he is not dead, he is in the poor house in Halifax through drink and nothing else. I have seen young men go away, and it was drink that drove them away, and I have met them in the city of Boston very little better. I have clergymen in the city prison who have been committed for drunkenness and nothing else. I have picked up a clergyman in the street who was suffering from drunkenness, and have taken him home.

## Liquor Traffic—Nova Scotia.

2065. Your observation, then, is that the drink trade does not discriminate between classes?—It affects high and low.

2066. Have you known of merchants and sons of merchants who drink at home?—I know young men who have been completely wiped out by drink. I was standing by a young man in Halifax the day our volunteers went to the North-west, and I said: "Charlie, what has become of all the boys who went to the Grammar School?" He said: "You know the style of my father's sideboard, and the drinking custom has driven these boys out." My experience of workingmen, labouring men and mechanics is that drink has been their ruin.

2067. Have you any knowledge of promising business firms that have become insolvent and disappeared through the drink trade?—I will tell you of a merchant firm that owed me an account. The merchant said: "When Mr. So-and-so comes in, he will give it to you." He was too drunk to know that he was present, and he referred me to the third partner, and he was too drunk to know the other two were there. One of the members of that firm was Mayor of the city of Halifax, and he died so poor that his friends had to borrow money to bury him. I never drank a glass of liquor in my life.

*By Mr. Clarke :*

2068. Have those merchants who have been generally successful, been invariably total abstainers?—I do not think so; very few of them. Total abstinence was not very fashionable.

*By Rev. Dr. McLeod :*

2069. There was very little idea of total abstinence in those days?—Very little. I have been at a gathering of 159, and only one man did not drink. That was in 1846, and two years afterwards there were only three who did not drink, but afterwards I was there when they would not allow liquor on the table.

*By the Chairman :*

2070. Where was this?—In the city of Halifax.

2071. I understood you to say there was no poor house in Dartmouth?—There is a poor's farm for the county.

2072. But in the town?—I do not think it has any poor's house.

2073. What population is in the place?—I do not know. I think about 5,000.

2074. Are there any poor in it?—I do not know. I have many relatives in Dartmouth, and sisters married there, and I never heard them say there were any poor there—but I do not know. I am not aware that there is a pauper in Dartmouth.

2075. They have prohibition in Dartmouth?—I believe they grant no licenses.

2076. That is practical prohibition of the liquor traffic, is it not?—I do not know.

2077. If it is contrary to the law to sell liquor, is not that prohibition?—It is not sold there by law, but it may be taken into Dartmouth. I understand that prohibition would prevent my driving a team with liquor into Dartmouth.

2078. Why have you not prohibition of the same kind in Halifax?—I have said that I consider Halifax is the Gibraltar of the rum traffic, and the rum interest is so strong they will do anything to carry it out.

2079. Is it that the public feeling is so strong against prohibition?—They have an interest against it.

2080. They will not cease to apply for licenses?—I have talked frequently with people in the trade, and many of them have said to me: "Murray, get prohibition, and we will help you."

2081. But the people of Halifax have not adopted the same course as the people of Dartmouth?—No.

2082. Can you tell us the reason?—I cannot. I suppose they are not educated up to the same point.

2083. Is it that the majority of the people do not want it?—I would not give that as my judgment until it was tested by vote.

WILLIAM MURRAY.



2084. Then, can you explain why it is that Halifax has not got prohibition in that way?—Yes; because the liquor interests are so interested in the matter, and they use all means in their power, legitimate or illegitimate, to carry their point, while the people who are not interested do not exercise their influence in municipal matters. But they would vote for a prohibitory law.

*By Judge McDonald:*

2085. Has the Scott Act ever been submitted here?—No.

2086. Has an effort ever been made to get up a petition?—A meeting was held, but nothing was done.

*By the Chairman:*

2087. You have stated, and it has been stated before, that whilst the present law is not availed of to put an end to the sale of liquors within the city of Halifax, a Dominion law would be accepted and acted upon for that purpose. Are we to understand that the people have less respect in this community for a provincial law than for a Dominion law?—I would not say that; but there is such a strong rum interest in this city that they are more vigilant, they work harder, their interest lies there, while a large portion of the community think their interest is indirectly affected, and they say that while you allow A, B and C to bring liquor here, we do not see why D, E and F should not be allowed to sell it. I think prohibition would stand a better chance for a vote than the Scott Act. If the Dominion Government submitted the question of prohibition to a vote, I believe it would be carried.

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RODERICK MACDONALD, of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman:*

2088. Are you a native of Halifax?—Yes.

2088a. What is your present occupation or business?—I am a manufacturer.

2089. You are a manufacturer of what?—Of brass and copper goods, and steam and hot water engines.

2090. How long have you been a manufacturer?—I have been a member of the firm sixteen years; the firm has been longer in existence.

*By Rev. Dr. McLeod:*

2091. How many persons do you employ?—I might add that in addition to being manufacturers we are interested in steamers and in shipping and in other lines of business, and altogether we employ from 110 to 140 hands.

2092. Have you any preference in your choice of employees as regards the habits of the men, whether they are drinkers or not?—We have a decided preference in favour of abstainers.

2093. Why?—They are more regular at their work, they are more careful and more reliable in every way.

2094. If you have at any time employees who drink more or less do you have any trouble with them?—Not so much in later years as formerly.

2095. Do you think that the wage-earning power of the employee himself is as great if he be a drinker as if he be a total abstainer?—No, I think it is in favour of the abstainer.

2096. And the drinking man is not so valuable to you as an employee?—No.

2097. Do accidents sometimes occur in your works?—I am thankful to say there have been very few accidents.

2098. Sometimes employers assert that they lose by men being idle, while other men are drinking; they work a day or so and then go off, and they sometimes suffer from

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ill-health or are in a condition of not very good health brought about by drinking ; and they not only suffer loss in that way themselves, but that absence interferes with the work of others, machinery is left idle and one set of men being off certain machines may stop the whole gang. Do you ever have cases of that kind ?—That is true, but we have had less of those cases in late years on account of changing pay day.

2099. What change has been made ?—We have changed pay day from Saturday night, first to Monday night and then to Tuesday night. We compelled a man to be there on Monday with his time book, and we compelled him to be there on Tuesday, to show that he had received his pay. When our hands were paid on Saturday we found that if there was a rainy Sunday afternoon, some of the men spent their earnings in the liquor shops, and it would be even Wednesday before we would get into shape and our machinery into full operation.

2100. You have found the change made an improvement ?—The change has made a difference, and we have also weeded out those who were intemperate. We found we had to do so in our own interests.

2101. What effect do you think total national prohibition, well enforced, would have upon business interests generally, as you have observed them as a business man ?—As a student of political economy, I look upon all capital put into the liquor business as capital wasted.

2102. You think the capital put into the liquor business is wasted ?—I certainly do, because it gives no return.

2103. Are there other business interests that would be injuriously affected ?—I think there are, for this reason : the liquor traffic gives the least employment to labour and the least possible benefit to the community.

2104. You think, then, that the prohibition of the traffic would have a good effect on other industrial interests, in that it would transfer capital that is now, as you regard it, wasted, to other interests, and it would have a good effect on the wage-earning power of the population ?—I think it would, in this way : I have been accustomed to look into statistics regarding labour, and I have charged my mind with this fact, that, taking the labour interests of the United States, both as regards distilled and fermented liquors, \$1,000,000 worth of fermented or distilled liquors gives employment to only 176 hands, and the wages of those 176 hands to produce that \$1,000,000 worth of product are only \$82,750. On the other hand, the production of \$1,000,000 worth of useful articles, such as furniture and goods required in the household, would give employment to 690 hands, according to statistics at Washington, and the wages paid out would be \$237,000 for every \$1,000,000 worth produced.

2105. That is to say, then, that there is a vast difference between the employment given by the money invested in the liquor business and the same amount of money invested in other interests ?—Decidedly.

2106. There is the difference you are pointing out ?—Yes, as between \$82,750 and \$237,000 in wages, although I think the capital employed in the liquor business, for I cannot call it an industry, will be about as two to one—it requires more capital—that will be about \$800,000 against \$459,000.

2107. Have you an idea that if the distillers and brewers establishments were closed the capital would go begging for an investment ?—No, I have not.

2108. Have you an idea that men employed in those manufacturing establishments would remain unemployed because the establishments were closed ?—Not by any means ; I have no fear of that result. I think that if the capital were transferred to what I believe to be legitimate enterprises, the amount would give the farmer double the profit he now receives from his crops.

2109. Have you had licensed houses in the vicinity of your factory ?—We have had them.

2110. Have you noticed any good or evil effects, so far as your men are concerned ?—We do our best to keep them out of the vicinity.

2111. Have you had any trouble in doing so ?—Not directly with the shops ; I have had with other institutions.

2112. What?—About ten years ago, I was a director of the Sailors' Home. There was a liquor shop to the north, another liquor shop in front, and a man wanted to start a liquor shop to the south. We fought it. We presented a petition against it; I think it contained 54 names, representing an assessment of over \$1,250,000. That petition was practically ignored.

2113. By what body?—By the licensing committee of the Council. They heard us, but they heard us as though they heard us not.

2114. They met for what purpose?—They met to issue licenses. I attended, as others declined to come and did not want to come. I defied the Council to grant the license asked for. The other directors had given up the matter as hopeless.

2115. On that account the license was not granted?—Yes; it was not granted on that account.

2116. It was not granted because of the strength of your petition?—No, that was apparently not considered. I may say every other director gave the matter up and left it in my hands.

2117. You endeavoured, in common with the other directors, to prevent the locating in your neighbourhood of those objectionable places: was it done on purely moral grounds or was it largely a matter of business?—I do not think I understand you.

2118. As a director of the home, was the stand you took on this question taken on moral grounds?—Yes.

2118a. But the objection to the saloon in the vicinity of your industrial establishment is taken on what ground?—Because it does not pay to have one.

2119. So it was on business principles?—Certainly.

2120. Do you have an idea that the liquor law in Halifax is fairly enforced?—To the best of my knowledge and belief, it is not enforced at all.

2121. You believe that persons holding licenses violate the provisions of the license law?—They certainly do so. I cannot speak from personal knowledge, because I never enter a bar room; but it is well known that men who enter hotels are constantly asked to have a drink. They go to the bar, and they come out.

2122. Do you consider they buy a bottle of liquor?—Yes.

2123. They go to a bar?—Yes.

2124. Yet the law prohibits a bar in a hotel.—I believe so. I may say I have been in bars where I have seen liquor sold by the glass in Halifax, under the new law. I had to go there to get liquor for a sick man, and I saw liquor sold freely at an open bar.

2125. Do you think that if there were an earnest attempt made to enforce the provisions of the license law, it could be done?—By an inspector in sympathy with the Act, I think it could be done.

2126. The fact that it is not enforced would imply that the inspector is not in sympathy with the Act; at all events, would it not imply that he does not enforce it?—To the best of my knowledge and belief, he does not.

*By Judge McDonald:*

2127. Do you think that if you had an inspector in sympathy with the Act, it would be more efficiently enforced than it is at present?—It would make a wonderful difference.

2128. If that inspector had the whole of what you may call the respectable community of Halifax at his back helping him, he would be strengthened, encouraged and aided?—Certainly.

2129. On the occasion of which you have spoken, when you saw the law being broken, did you inform the inspector as to what you had seen?—Not in that case; I had seen the same in other cases. I have known other cases where men have frequented saloons, and it was known that they were ruining themselves and wasting their property. I have brought some of these cases to the attention of the inspector.

2130. What did he say?—He promised that he would look into the matter and act.

2131. Here was a case in which you were able to produce a witness, yourself; did you do so?—I did not.

2132. How many years have you been in business?—As an employer 16 years,

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2133. You now have a number of men in your employ, I understand : are they all total abstainers ?—No.

2134. Why not ? I understood you to say that you prefer employing total abstainers ?—We prefer them.

2135. I understood you to say that you prefer total abstainers to men who drink ?—Yes.

2136. Why do you not employ total abstainers altogether ?—They are not always obtainable. If two men come to us, one a total abstainer and one a drinking man, we prefer the total abstainer.

2137. As there appear to be so many opinions as to what constitutes a drinking man, I desire to ask whether you would prefer a total abstainer to one who drank liquor in the most moderate quantity ?—Certainly.

2138. But when you speak of a drinking man, I suppose you mean a man who is an habitual drinker in a saloon, and who drinks to excess, and you would not employ him at all ?—No.

2139. For economical reasons ?—He would be no good among machinery.

2140. Take a man who would occasionally take a glass of wine or ale, say once a week when it came in his way, and who therefore was not a total abstainer : would you raise any objection to employing him, if he was a man whose work suited you ?—We would prefer one who did not.

2141. If his work suited you, would you object to him as an employee ; and have you not such men in your employment now ?—We have. Our customers sometimes object, and brewers object to drinking men being sent into their establishments.

2142. The inspector himself, a public officer, has been sworn here, and has stated, as I recollect his evidence, that he does his utmost to have the law enforced, and that there is not only himself but six sergeants of police, who were furnished him as deputy inspectors, to assist him in enforcing the law. Other officials of the city have stated, as I recollect their testimony, that the inspector is an efficient officer and tries to do his duty, and further that he is a total abstainer and a member of two temperance societies. These facts having been proved here before this Commission and also sworn to, do you state again that he does not discharge his duties ?—I certainly do. I will give you the result of one information. I wanted a man's career stopped if possible, and I told the inspector just where he drank. I repeatedly gave the information, and three months after the inspector visited the place. He followed some men in, but he did not give them time, from what I learned from him, to have their glasses filled ; he found the glasses there and men standing round and the very man I had mentioned sitting there. He said he gave the proprietor a scolding, a great scolding. I said that if he had power to give a great scolding, he had power to arrest him.

2143. The inspector has told us that he sometimes sees people standing near licensed places, and when they see him coming round they enter the establishment and give warning to the people to look out for him. Have you known anything of that kind ?—No.

2144. You have stated your belief that if the inspector had the help of the respectable community, he could do better. Do you think that while the people take the view that drinking is an evil and charge the inspector with not doing his duty, they are apt to look upon the matter as being one which it is no one's business to attend to, and so they do not adopt effective means of backing him up ?—I think he is well backed by the moral sentiment of the community.

2145. How is it evident that he is so backed ?—They do everything so far as they can to help him.

2146. What do they do ?—They are willing to aid him in any way they can.

2147. How do they show their willingness ?—There have been cases brought up.

2148. Did he prosecute ?—I am only giving hearsay evidence to prove that they have given information and no prosecutions have followed.

2149. The law is well understood, I believe, and it is known that any person may prosecute. Is that true ?—I believe it is.

2150. Do you know whether people finding the inspector does not discharge his duty, have themselves attempted prosecutions ?—They did in one case.

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2151. With what result?—I think the party, in the first instance, was mulcted in damages and convicted of conspiracy. He was held by the County Judge to have been guilty of conspiracy. This judgment was afterwards reversed by a Bench of Judges.

2152. Were those local people?—They were.

2153. Was it a resident of the city who laid this information?—I do not know about the information, the principal mover was a merchant in this city.

2154. The inspector, we understand, is appointed by the City Council?—Yes.

2155. And the City Council is elected by the people?—Yes.

2156. Are they not presumed to reflect public sentiment, as the people have it in their own hands to say who shall or shall not be their representatives?—They have.

2157. Have the people, represented by the City Council, which employs the inspector, sent in complaints as to the manner in which he performs his duty?—I think they have done so on more than one occasion.

2158. How have these complaints been treated?—That, I cannot swear to, for I took no part in regard to them.

2159. You do not know what the result of the investigation was?—No.

2160. Do you think the strength of the community would be at the back of the inspector to help him?—I believe it would.

2161. Then would not the strength of the community, if he had failed to do his duty, have influenced his employers, the Council, to remove him?—When the political pot boils the scum sometimes comes to the top. There is just this about the matter: A corner liquor shop is far more active in an election, and can influence more voters than can a man of good moral standing—it has the very element at its command, free liquor. It is equally well known that they influence elections very strongly, and act as a unit when their interests are attacked. Their motto is to stick together for all they are worth.

2162. That being the case, is a similar amount of energy put forth by the temperance people?—I do not believe it is, because no one wants to run his head into a hornet's nest. I found it was a hornet's nest when I went into it.

2163. May that not account for the fact that these methods are not followed up?—Yes.

2164. I understood from the evidence given here that where signatures are put to these petitions for licenses, they have to be verified by the oath of the person who saw them signed?—That is the statement.

2165. In one case a name was found to have been forged?—It was only one of many.

2166. Do you know if any effort was made to punish the forger in that case?—No.

2167. Was any effort made to punish the man who swore that he saw the name signed?—No. In another case, out of some 55 names some 27 were forgeries. I think for 11 years I went over the petitions; 220 applications were made during that time, and in a great many cases the signatures were rubbed out with the hand, the paper had been rubbed until it was torn and no one could identify the signatures. In other cases the signatures had been cut out, and in other cases marked out with ink, so that it was impossible to recognize them. In fact those 220 applications were the most disreputable set of papers I ever knew. They could not be read by any one.

2168. You think under this law, with all these defects, that drunkenness has decreased?—I do, although we may see more of it in the streets, because now a man, if he has obtained his drink, has to get out of the bar-room. Under the old law he would be retained until his money was expended. That was the bad feature of the old law, and the feature to which I have just referred is a good feature of the new law.

2169. If the hotel-keeper in defiance of the law sells, why should he turn the man out?—Because he would be likely to be a witness against him.

2170. Why more so in one case than in the other?—The sooner he gets rid of his customers the better.

2171. Is not this license law, so far as it goes, intended to be in the direction of prohibition?—It is to abolish the saloons or abolish treating—the intention is to abolish treating.

2172. If under its operation the city is in the condition you have described, how do you expect, or have you considered the question, so as to be able to form an opinion in regard to it, that under a prohibitory law the city of Halifax would do better?—

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We have a class of people who are not with us now, who say that while the Government recognize and legalize the liquor traffic, they will not be a party to fettering the business of the city; but they say, if you press for prohibition, we will sign for it and assist you to obtain it. They look on it as persecuting a business so long as it is legalized by the Government, and being so legalized, they say it should not be meddled with.

2173. Would those people who now desire to have the license law enforced and who believe it could be enforced constitutionally, but will not take steps to enforce it in its prohibitive provisions, try to enforce a prohibitory law?—I think they would. They would go into it heartily.

2174. They do not appear to go into the enforcement of the Act heartily now?—I have not done so.

2175. Do you think you could get those people to take more energetic action?—Until we get better material in the City Council we can do very little with the inspector as regards the enforcement of the law.

2176. Do you suppose that if a prohibitory law for the whole Dominion, such as has been spoken of, were adopted, a different class of officers would be appointed to enforce it?—I think we would get a better class. They would not be subject to the little ring that influences the work in Halifax.

2177. Taking an interest in this matter, as you have done for many years, do you remember the working of the McCarthy Act when it was in force?—I do not remember it sufficiently to give any evidence in regard to it.

2178. Under that Act, you may remember, there were commissioners appointed, not by the municipality, but by the Government. You cannot say that the Act when in force worked well?—Mr. Naylor was Inspector. I know the liquor men were very desirous for its repeal.

2179. They must have been of the opinion that the McCarthy Act was of a more prohibitive character than some other Acts?—Yes, than anything that had preceded it.

2180. Then you think that if the controlling power, I might say the appointing power, was honestly in favour of the enforcement of the law, it could be enforced?—I do.

2181. Do you think if you had men in office as inspectors and otherwise for the enforcement of the Act who were honestly anxious to have the law observed, and if they applied to the temperance people, the temperance people would help them?—I think they would. All my experience goes to show they would. If they fell back on the temperance people they would be sustained.

2182. Do you think the community in general would sustain them?—I could hardly answer as to that.

2183. The class of people who do not think strongly one way or the other?—There is the feeling that it looks like persecution to take action against the dealers, while the Government derives a revenue from the traffic and legalizes it. I do not think the claim is a good one, for when an Act is passed, it should be enforced according to the evidence.

2184. There have been in connection with the Act cases of perjury and even of forgery: have there been prosecutions?—No.

2185. They would be cases in which the duty of prosecuting devolved on the officers charged with the administration of the criminal law. Why were these cases not followed up?—I do not know on whom the duty of prosecuting would devolve. There have been a good many cases of that sort, but there has never been one prosecuted.

*By the Chairman:*

2186. I think you said you do not exclude men from your employment who are not total abstainers?—No.

2187. I suppose you make particular inquiry about them, for you say you give a preference to total abstainers?—We, as a rule, know something of a man before we employ him.

2188. By inquiry?—Usually by inquiry, or sometimes we have seen him work elsewhere. I am speaking now also in my private capacity as a shipowner. I would not think of employing either as captain or engineer any one who drank even in moderation.

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2189. Then in fact you insist on their being total abstainers?—In that capacity I would do so.

2190. As ship captain?—Yes, or as engineer.

2191. Do you apply that rule to all the crew?—No.

2192. Are you yourself a total abstainer?—Yes, I am.

2193. Are you a member of any temperance organization?—No.

2194. You spoke about the capital employed in the liquor business, which means brewing, distilling, hotels and retail shops: can you give us any idea what the amount is of capital so invested in the Dominion?—I cannot.

2195. But you entertain the opinion that it would soon find profitable employment otherwise?—I hold that opinion from the statistics of other nations.

2196. Looking at the position in Canada, would \$20,000,000 of capital soon find employment in other businesses, profitable employment, do you think?—I think it would.

2197. I name \$20,000,000, without saying that it is the amount?—I do not know the amount, but I can readily see that you might ask me the same question regarding other matters. I look upon capital invested in the liquor business as wasted, leaving out the fruits of the industry.

2198. I am only asking for information, and because you expressed the opinion that such a large amount of capital would soon find profitable employment in other businesses, and that is a very important feature of this inquiry. You are a man of very great experience, and the Commission is glad to have your opinion on the subject?—A. If people did not purchase liquor they would have greater purchasing power.

2199. I am speaking of the capital employed: you think the capital employed would readily find employment elsewhere.—A. I do.

2200. In this country?—A. Yes.

2201. Can you give us an idea in what particular lines of business \$20,000,000 of capital could be profitably invested? I merely mention this figure for the purpose of illustration and to help you to answer the question?—I claim that if men did not waste their earnings on liquor, their purchasing power would be greater by a large percentage, and the capital would certainly flow into other channels and create a great power in other manufactures.

2202. How many men are employed in the manufacture and sale of liquor: Can you give the Commission any idea?—A. No, it does not concern me, but I know the number is very small in proportion to the capital employed.

2203. But I suppose they would have to find employment elsewhere?—A. Certainly.

2204. It is the earning power of employees you have been speaking of: but you have not yet told the Commission the particular branches in which these \$20,000,000 of capital could be profitably employed?—A. I think I have answered that question, that if the money did not go into liquor, it would be expended elsewhere. That expenditure would have a legitimate influence on all other branches of business and would give additional earning power to the men now employed. That is my belief.

2205. Then you think it would so increase the demand for other articles that more capital would be required to produce the supplies?—A. I certainly do.

2206. And to such an extent as I have mentioned, say \$20,000,000?—A. I think a reduction of one half of the expenditure on liquor would make a wonderful difference not only in this community but in the Dominion. I believe we expend more for liquor in Halifax than would pay the taxes.

2207. You spoke also of the effect on the agricultural class. I think you made the statement that the farmer would find an increased demand for his products, which would be more than compensation for the absence of demand for his grains for distilling and brewing purposes?—A. Yes, that is my belief.

2208. Have you any idea how much grain is now consumed in brewing and distilling?—A. No, for it does not affect the principle at all.

2209. You cannot give us any figures as to the quantity of barley?—A. No.

2210. Nor of corn or oats or rye or anything of that sort?—A. No. I only know that the liquor business reduces the purchasing power of the community. That is my experience.

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2211. Do you do any business with vendors of wines and liquors and owners of distilleries and breweries?—A. We do.

2212. Does their business form a considerable proportion of your total trade?—A. What would you call a considerable proportion?

2213. Would you say 10 per cent?—A. I do not think it would amount to that per annum, although it might do so. I might say this in justification of myself, that I never sold an order to a liquor merchant.

2214. Speaking with respect to loss of time by men who drink: Do you pay your men by the day, week, month or hour?—We pay them by the hour; we pay them by the day, but if they lose an hour it is deducted.

2215. Then, practically, you pay them by the hour?—Yes, it is really by the hour.

2216. Then the time lost is their time?—The time lost is certainly their loss, but the loss in regard to machinery is ours; if a man is not there the machinery may stand idle.

2217. Do you think there is any lack of capital at the present time for industrial purposes?—I think there is.

2218. Here in this Province of Nova Scotia?—I think so.

2219. You think if there was more capital at liberty, it could be beneficially employed and employed profitably?—Yes, I do.

2220. To what extent, do you think?—I will not venture a guess.

2221. Take the position in Halifax. You know something of the manufacturing establishments in the city, of course?—I do.

2222. Are they overcrowded at the present time with work?—They have a fair proportion of work.

2223. Do you think they have more work than they can do at the present time?—I should not say they have at the present time; it is about the slackest part of the year, I should consider.

2224. Can they promptly do all the work they have, and fill all the orders they have received?—Yes, at present.

2225. Is business slacker at present than formerly?—Yes, this is considered a very dull year.

2226. Are the manufacturing establishments producing much less?—I have only 80 hands now; at other seasons I have had 100 or 110.

2227. Will that be the case generally throughout the city?—Yes.

2228. What about your large sugar refining establishment here? Have you not one over the water at Darmouth as well?—We have two.

2229. Are they fully occupied at the present time?—I am a shareholder in one, but I cannot answer that question; I do not know.

2230. Could you give the Commission an idea of how the farmer would recoup his loss on the million and a half bushels of barley he sells every year for malting purposes? What would he produce instead of it? This demand for his barley having gone, what do you think he could possibly introduce as a substitute?—I should say at present that I do not think the ordinary man purchases enough butter. There would be an increase in that direction, and in eggs and all farm produce. There would be an increased demand for these articles if the money that is now, I consider, squandered in liquor was applied to their purchase.

2231. You mean there would be an increased demand for food?—Yes.

2232. Which the farmer would produce, you think?—Yes.

2233. To a large extent?—I think not only in farm produce, but for instance in beef and in farm produce of all kinds, including cheese.

2234. Then your theory is that the consuming classes really are not fully fed at the present time?—They are certainly not extravagantly fed.

2235. I want to know what your opinion is when you speak of increased consumption of food?—I think the people could and should fare much better, especially the labouring classes.

2236. That is your theory?—Yes, that is really it.

2237. With respect to your view regarding the prohibitory law: do you think that under a prohibitory law there would be much smuggling?—Under a prohibitory law I

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do not think there would be very much increase in smuggling as compared with that at present prevailing under the present revenue law. There is smuggling now, and there would be smuggling then.

2238. Do you think there is a good deal of smuggling now?—I cannot say that from my own knowledge. We know, from newspaper reports, there has been a great deal of smuggling going on in the St. Lawrence, and that large quantities of liquor have been captured.

2239. You think there would not be more smuggling under a prohibitory law than under the existing law. Is that your view?—It would simply depend, I should think, on the precautions taken to prevent smuggling.

2240. What interest would the Government have in preventing smuggling if they did not derive any revenue from the liquor traffic?—Smuggling would still go on with the United States.

2241. But that expenditure would probably not then be made for the purpose of preventing smuggling alone?—That is what the officers are appointed to do.

2241a. The service has also the object of preventing frauds on the revenue, I suppose?—Yes.

2242. The latter incentive would be taken away?—Certainly.

2243. Would there not then likely be a good deal more smuggling?—I do not know that that would follow. I think a good Government should protect its citizens. 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. I am a student of history.

2244. Do you express the opinion that under a prohibitory law there would probably be more smuggling than there is now?—I do not believe there would be more.

2245. With respect to prohibition, have you had any experience under the Scott Act?—I have had no such experience.

2246. Have you any knowledge of the prohibitory law in the State of Maine, and as to how it is operated?—I have no personal knowledge, only the information that I have gained by reading.

2247. Have you looked at the statistics of the consumption of liquor in the provinces where the Scott Act has been largely in force?—No.

2248. Take Prince Edward Island, for instance: The Scott Act was for years enforced over the whole Island. Can you tell the Commission if prohibition was effectively carried out?—No; I know nothing whatever of the working of the Scott Act.

2249. Have you not examined into the statistics of crime and drunkenness and the consumption of liquor throughout the Dominion?—No.

*By Mr. Clarke:*

2250. You referred to some statistics, to which you have had access, in forming an opinion as to employment given in the liquor business in proportion to the amount of money invested. To what statistics did you refer?—To statistics prepared by Chief Statistician Young, of Washington.

2251. What was the date of those statistics?—They were statistics for 1870.

2252. I think you expressed the opinion that if an honest attempt were made to enforce the Liquor License Act it could be successfully enforced?—I believe it could.

2253. Do you know anything about the condition of affairs across the channel, at Dartmouth?—Only by hearsay.

2254. Not from your own personal knowledge?—No, except that there are very few paupers there.

2255. Have you heard anything respecting the enforcement of the Scott Act throughout this province and other provinces; have you heard that it has been and is being successfully enforced?—I have heard it has been successfully enforced in one or two counties.

2256. In how many counties is the Scott Act in force at present in this Province?—I do not know.

## Liquor Traffic—Nova Scotia.

2257. You do not know whether it is enforced or not?—No. I have answered that question. I do not come here as an expert on the liquor business, but simply to give evidence respecting its effect on the labouring class.

*By Rev. Dr. McLeod :*

2258. You stated that you do not know the statistics as to the liquor consumption of Canada ; but have you an idea of the drink bill of Halifax ?—That will be made up, no doubt, by experts elsewhere.

2259. I think, as a rule, experts will hold that, taking this city as a whole, \$4,000 or \$5,000 will be the average gross sales of every licensed liquor dealer. Mr. Young, the chief statistician at Washington, claims \$4,000 as the amount ; other authorities place the gross receipts as high as \$5,000 per license. As there are 97 of these licenses, the receipts, according to that estimate, would reach \$338,000.—Yes, about that amount.

2260. Do you think that is the liquor consumption of Halifax ?—Say \$4,000 a year for each licensed house, and that would give a little over \$13 a day as the gross receipts of each liquor shop. That is not at all a large estimate. Taking the percentage of profit as claimed, 100 per cent, it would only give \$6.50 per day for each shop. That must cover cost, profit, rent, license, insurance and the necessary help. I believe that to be a low estimate.

2260a. Then your idea is this : if that money were not expended on liquor the people would buy more goods, including necessities ?—They would.

2261. Then as to the capital : the capital required now for the liquor business, you think would be needed in other industries in order to meet the increased demand for the necessities and comforts of life ?—Yes.

2262. Do you think that the drink manufacturing business benefits the community ?—No, no more than a fireworks factory would do.

2263. Speaking of smuggling : I suppose you believe that smuggling is not the desire of the majority of the people, but rather the willingness of certain men to violate the law for gain. Is smuggling so carried on now ?—Yes, it is done for the profit that is in smuggling.

2264. Do you think the moral tone of the people as regards smuggling would be lowered under prohibition ?—I think it would be higher under prohibition.

2265. Do you believe that the men who would conduct smuggling then would be the same kind of men as carry it on now ?—Yes.

2266. Would public sentiment be more or less in favour of smuggling under prohibition than at present ?—I think the moral sentiment would be against smuggling under prohibition.

*By Judge McDonald :*

2267. Do you suppose in either case that, unless there were people to buy what is smuggled, there would be demand for the smuggled goods ?—That is a point I would require to consider.

2268. In other words, if the demand ceased, would not smuggling cease ? Smuggling is not done for amusement ?—Certainly not.

2269. If the demand ceased, would not smuggling cease ?—Certainly it would.

2270. Do you believe under a prohibitory law the demand would cease, so that smuggling would cease ?—I have not said that smuggling would cease.

2271. Do you believe that under a prohibitory law, the demand would cease and smuggling would cease ?—I have not said so.

2272. Do you think it would cease ?—No.

*By the Chairman :*

2273. I think you stated that your opinion was that it would not increase ?—I think not.

2274. Do you think smuggling would increase under a prohibitory law ?—I do not think smuggling would increase under a prohibitory law more than at the present time. There is the possibility of a slight percentage of increase, but nothing material.

RODERICK MACDONALD.

*By Judge McDonald :*

2275. I read in one of the city journals this morning that an illicit still had been captured in a country part of the province. It thus appears that illicit stills exist under the present Provincial law. Do you think that under any state of law, prohibition, license or other law, that those stills would still exist?—I should think it would be easier to trace them, because the trail of the serpent would be seen.

2276. I asked you whether you thought they would still exist?—I think they will exist under any circumstances.

2277. But under that state of circumstances, do you think they would be more easily suppressed?—Yes, it would be harder for them to exist under prohibition.

*By Rev. Dr. McLeod :*

2278. I understand that there would be less demand for liquor under a system that does not provide for the sale of that liquor, than under a system which makes every provision for its sale?—It makes it easier to drink, of course.

2279. Concerning the men you employ: did I understand you to mean this, that if two men equally desirable in all other ways were to present themselves, you would prefer to engage the total abstainer?—Certainly.

2280. You consider that in such matters other things have to be considered besides abstinence or non-abstinence?—Certainly; what I meant was all other things being equal.

2281. While drinking in moderation would not bar a good man, that is if you had no other objection to him, yet it would do so if you could fill his place by an abstainer?—Yes.

2282. With respect to the inspector and the enforcement of the license law : You have expressed the opinion strongly that the law might be well enforced, and yet the fact remains that the City Council evidently is not in favour of strict enforcement, and the inspector, as you believe, is not faithful; and you do not lose sight of the fact that while the moral sentiment of the people is in favour of enforcement, yet the City Council is not strongly in its favour. Is it true that the franchise has something to do with the character of the City Council, that the franchise is so broad and general that really the strong, moral sentiment of the city does not dominate the composition of the Council?—I believe it has to do with it.

*By the Chairman :*

2283. Would all persons who vote for the election of members of the City Council vote if the question of the adoption of a prohibitory law were submitted?—I can hardly answer that question. The Dominion list of voters is not the same as the civic list. For instance, all freemen here have votes.

2284. Would the same classes be called upon to vote?—No. I do not think the same classes would be called on to vote as vote at Dominion elections.

2285. You have expressed yourself in favour of prohibition or of a prohibitory law, by which we understand a law that prohibits the manufacture, importation and sale of intoxicating beverages. Do you think such a law would prevent the consumption of intoxicating liquors in Canada; in other words, do you think it would be possible to entirely prohibit the consumption of alcoholic liquors in this country?—Not entirely.

2286. Your view is that the consumption would be lessened?—A prohibitory law would minimise the consumption.

2287. But not entirely prohibit?—Not entirely prohibit; it would do what could be done.

*By Mr. Clarke :*

2288. You spoke of the width of the franchise having some effect on the character of the gentlemen sent to represent the citizens in the Council. Do you think if the franchise were not so wide, a better class would be returned to the Council. May we infer that from your remarks?—Yes; if certain classes were eliminated, a better class of men would offer for the Council.

## Liquor Traffic—Nova Scotia.

2289. Is the franchise wider or narrower for the election of members of the Legislature as compared with the franchise for the City Council?—It is not so wide.

2290. What is the difference?—I could hardly say; but under our civic franchise every freeman has a vote.

2291. How many of these votes are there in the city?—Between 100 and 200. I do not know just what the law is, but at one time every man had a vote in every district in which he had property. When I looked over those 200 licensed petitions, I found one man's name seventy-one or ninety-one times, and I cannot vouch for the others. That system has, however, been changed under the new law.

2292. In voting for the representatives of this city in the Legislature, what would be the percentage of difference in the numbers of those entitled to vote for members of the Legislature and for representatives in the City Council, counting each man as one vote and one only?—I cannot answer that question, for I am not sufficiently posted.

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LEON T. BRIAND, Secretary of the Licensed Trade Association of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

2293. Are you a resident of Halifax?—Yes.

2294. How long have you been a resident of this city?—I have been a resident for twenty-two years.

2295. What is your business?—Licensed liquor seller.

2296. And I understand you are secretary of the association?—Yes.

2297. Can you tell the Commission the amount of capital invested in the business here in the city, that is in the brewing and distilling establishments and hotels and licensed liquor establishments?—Yes. Some time ago this association ascertained that a Commission had been appointed to take evidence as regards the feasibility of a prohibitory liquor law. Thereupon, certain schedules were sent out by our association to hotel-keepers and others connected with the trade, and we subsequently received them duly filled up. Out of thirty forms sent out we received twenty-four answered, each showing the valuation of the property and all details connected with the business, together with the depreciation in the value that would take place if a prohibitory law were adopted and put into force.

2298. Please state the total value?—The value, in round numbers, of the real estate is \$698,100.

2299. Is that the value of the property belonging to the whole of the persons from whom you received replies?—From the thirty persons.

2300. Please state now the value of the fixtures?—The value of the plant, fixtures and stock is \$89,250. The number of persons in the employment of the hotel-keepers who would be thrown out of employment would be 240. This would involve a loss of wages computed at \$83,610 annually, so far as the hotels are concerned. I will now take shop licenses proper, of which there are 67. 44 of these have sent in replies, and these give a very good average. The value of the real estate represented by the shop licenses is placed at the value of \$660,760. The fixtures, plant and stock are estimated at the value of \$146,730. The number of persons who would be thrown out of employment is placed at 207, and the loss of wages estimated at \$113,664 annually. We next come to the wholesale trade. The value of the property is placed at \$375,000, plant, fixtures and stock at \$200,000. Then we have the breweries and distilleries. The buildings are estimated at \$407,000, plant at \$180,000 and the employees number 142, the loss of wages being placed at \$60,080. I have also a statement respecting the soda water manufacturers of Halifax, 6 in number. The value of their property is placed at \$24,500.

RODERICK MACDONALD.

*By Mr. Clarke :*

2301. Would they not be benefited by the adoption of a prohibitory law?—They seem to think otherwise by their own statement. Their plant and fixtures are placed at the value of \$26,300.

*By the Chairman :*

2302. Have you a statement showing the total capital employed, the real estate, stock and fixtures?—These schedules which have been prepared for the Commission, I will submit as part of my evidence. They state, among other things the value of the real estate connected with the hotel property, which is \$698,100, while that of liquor shops is estimated at \$366,760. There is invested in property in the wholesale business \$375,000, and the real estate connected with the manufacturing of liquors, including breweries and distilleries, is estimated at the value of \$409,000. The capital invested in property for the manufacture of soda water is placed at \$24,500. These figures show a total amount invested in real estate in connection with the liquor business of \$1,873,360. In plant, stock and other necessary matters, the capital invested in hotels is \$89,250, in liquor shops \$146,730, in wholesale business \$200,000, in manufacturing establishments \$309,873 and in the manufacture of soda water \$43,000, or a total of \$788,853.

2303. Please give the Commission the number of employees?—The employees in the various establishments are as follows :—In hotels, 240 ; liquor shops, 270 ; wholesale houses, 75 ; manufacturing establishments, 142 ; soda water establishments, 28, or a total of 692. These would be thrown out of employment by the passage of a prohibitory law. The loss of wages is estimated as follows :—Employees in connection with hotels, \$83,610 ; liquor shops, \$113,364 ; wholesale houses, \$38,250 ; manufacturing establishments, \$60,080 ; soda water manufacturers, \$9,928, or a total of \$305,232 yearly.

2304. Is that supposed to be a statement of the wages at present paid?—Yes, these are figures that have been given to me. The return of the City Assessor shows the following :—\$1,116,000 is the assessed value of the liquor property which yielded to the municipality a revenue in taxes of \$16,628 ; licenses, \$11,200, or a total of \$27,828 to the municipal revenue ; to which must be added the amount derived from this property in the shape of water rates, which amount we have not been able to estimate, but which would be a very large sum.

2305. Do you desire to put in that statement as evidence?—Yes. There is a part of the statement I have not mentioned, and that is in connection with the depreciation in the values which would take place if we had a prohibitory liquor law passed in this country.

2306. That is the depreciation in the real estate?—The depreciation of property. In the estimate which I will submit it is stated that the owners of property place the depreciation at \$295,680. The liquor shop property it is estimated would depreciate to the extent of \$175,540, the manufacturing establishments to the extent of \$306,750, soda water manufacturing property to the extent of \$12,250, or a total depreciation in property connected with the manufacture of liquor in Halifax to the amount of \$790,220.

*By Mr. Clarke :*

2307. Do these figures include the fixtures?—No ; just the depreciation in the value of property.

*By Rev. Dr. McLeod :*

2308. Do you intend to put these statements in as evidence?—Yes.

2309. Do you swear as to their correctness?—So far as their correctness can be ascertained.

2310. Did you collect these figures?—With very few exceptions, I went and got them. In some cases probably they have been a little exaggerated, but in other cases they have been a little under-estimated, and I therefore consider them about as correct as possible.

2311. You show the estimated depreciation in the value of property?—I submit my statement.

## Liquor Traffic—Nova Scotia.

2312. You spoke about hotel real estate?—I have another paper from the assessors of the city, which I desire to put in. I now file the documents. [Appendix No. 2.]

*By the Chairman :*

2313. To the best of your knowledge and belief are these statements accurate?—Yes.

2314. Will you tell the Commission how they have been prepared?—They have been prepared by the persons themselves, and they have been given to us after those persons had been shown the necessity of these statements being made as accurate as possible. I conscientiously believe they are as correct as can be obtained.

2315. You addressed a circular to persons engaged in the trade, and these returns have been complied from the replies received from them?—Yes.

2316. By whom?—I went personally to those engaged in the trade.

2317. By whom were these statistics compiled?—They have been compiled by myself, Mr. Kribbs and his secretary.

2318. From the answers received from the owners of the property?—Yes.

2319. Are the valuations put on the property, the valuations of the owners?—Of the owners themselves.

2320. You are clear that the valuations are given by the owners of the property?—By the owners themselves.

2321. That statement applies also to the statistics in regard to wages paid, insurance, taxes and so on?—Yes, to everything.

2321a. Then we understand that these tables are compiled from answers received to circulars addressed to those interested in the trade?—Yes.

2322. The first statement shows the aggregate of capital invested in real estate and the amount is placed at \$1,873,360, and the depreciation in the value of the property is put down at \$79,220?—Yes.

2323. The stock and plant in the various establishments is stated to amount to the value of \$788,853. You state that nearly all of that would be annihilated by the passing of a prohibitory law. The number of employees of all kinds in hotels and liquor shops is stated at 692 persons, who would be thrown out of employment by the passing of a prohibitory law, with an aggregate yearly loss in wages of \$305,252?—Yes. Here is a note on this return, to this effect :

“In addition : the return from the city assessor shows an approximate of \$1,116,000 of assessed value of liquor properties, which yield a municipal revenue in taxes of \$16,628, from licenses \$11,200, or a total of \$27,828, to which must be added the amount derived from liquor properties in the shape of water rates, which amount I have not been able to estimate, but which would be very large.”

2324. That is your statement?—Yes. That is compiled from the returns.

2325. Do you desire to make any statement to the Commission with respect to these returns beyond what you have already made?—Nothing more than the property owners themselves have furnished.

*By Judge McDonald :*

2326. How long have you resided in Halifax?—Twenty-two years permanently.

2327. Are you a member of any total abstinence society?—No.

2328. Are you a member of any temperance organization?—No, not now.

2329. Have you been a member?—I was a member in my youth.

2330. Are you a total abstainer?—No.

2331. Are the contents of these schedules merely statements made to you by the owners of this property?—Yes.

2332. Then you have no knowledge of your own as to their truth and correctness?—To a certain extent.

2333. To what extent?—From knowing the parties so long and knowing the property they own.

2334. Did you yourself make a valuation in each particular case?—No, I took all from the statements they filed.

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2335. And from your knowledge of the property, you think the statement might be approximately accurate?—Yes.

2336. You could not say definitely?—No.

2337. Do you know, of your own knowledge, how many persons are employed in these establishments?—Yes.

2338. How?—I know about how many hands each place has, and looking at the number given in these forms, I know that the persons have given the figures correctly.

2339. How do you know the number?—I know the number as well as I can count five gentlemen on the Commission.

2340. You have counted the number of employes?—I know the number they have.

2341. How do you know the wages paid to them?—I do not swear to the figures in the document.

2342. The only figures you can positively swear to is the number of persons employed?—Yes.

2343. In regard to the hotels: the statement is made to you, which you think is approximately correct, that \$698,100 is the real value of the hotels?—Yes.

2344. Will you please state how many hotels there are in the city?—I think 32 altogether.

2345. These hotels, I suppose, are places for the entertainment of travellers?—More or less.

2346. They include offices, parlours, dining-rooms and bed-rooms?—Yes.

2347. I suppose in some places the bed-rooms run into the hundreds?—At some hotels.

2347a. Does the value of each of the hotels, as stated, simply include that portion of the hotel in which liquor is sold, or does it include a greater portion?—I should think it includes that part of the hotel where liquor is sold.

2348. Do you think it includes only that part?—I think it includes the whole property.

2349. And the land on which the property is built?—Yes.

2350. As regards fixtures and plant, the value of which is placed at \$89,250: do you include in that sum the value of furniture in the rooms and bed-rooms and so on?—I think it merely includes the liquors and plant.

2351. Then you think there are liquors in store, which, together with the bar fixtures in the 32 hotels, are of the value of \$89,250?—That is their statement. The amount is for fixtures, stock and plant. The intention is to convey value of the stock, fixtures and plant.

2352. According to the statement, there are 240 persons employed in the hotels. Are they all engaged in the sale of liquor, or are waiters and other persons in the employ of the hotel included?—They are employees in the hotel.

2353. The statement takes in the whole number?—Yes.

2354. Supposing the sale of liquor were abolished in those places, would not the hotel business be carried on, and would not the waiters be wanted?—No, according to their statement.

2355. They hold, therefore, that all these premises would be closed up, I suppose?—They say they could not provide meals or accommodation in the hotels at the same rate as at present, and I do not think they would require the same number of employees.

2356. Do you suppose if these hotels were closed, all travel to Halifax and from Halifax would cease?—No, I do not think it would.

2357. Would there not be houses of entertainment?—Yes.

2358. Would not these houses be used for that purpose?—To a certain extent.

2359. For the purpose of entertaining those who did come?—Yes.

2360. And would not the furniture and fixtures be used for the same purpose?—Yes.

2361. And would not waiters have to be employed?—Certainly.

2362. In calculating the total value of these hotels, you have taken into account not merely what may be considered as belonging to the bar, but the whole house?—They take in the hotel proper.

2363. Your statement is framed on this supposition, that if a prohibitory law were passed, then these hotel properties and the waiters and everything connected with them would disappear?—No.

## Liquor Traffic—Nova Scotia.

2364. Why not?—It shows that necessarily there would be a certain depreciation.

2365. The business would all disappear?—A certain amount of it.

2366. The use for which they are employed would disappear?—To a certain extent, there would be a depreciation.

2367. I observe that \$83,000 is entered as loss of wages?—It is a very moderate sum.

2368. You say there would be \$83,000 loss of wages?—That is the amount which would be lost, if a prohibitory law were passed.

2369. Do you believe for a moment that the sale of liquors alone in those hotels would do away with an expenditure of \$83,000 for wages?—I believe so.

2370. You think that \$83,000 are paid for wages in connection with the liquor business in those hotels?—Yes; it takes a very large proportion of the business of an hotel.

2371. How many bar-keepers are there in an hotel?—Four or five for some hotels.

2372. For what are they required?—To wait on those who have rooms in the establishment.

2373. Do they not run about for other people than those who want liquor?—Perhaps they do.

2374. Taking the 32 hotels, how many would be employed? Some hotels I suppose, would not require more than one?—It would be a very small hotel that would have only one bar-keeper. The poor man could not go to his meals.

2375. Then we will say two?—Yes, two.

2376. In those bars, as we understand the matter, the licensees are only allowed to sell by the bottle?—An hotel bar is allowed to sell by the glass.

2377. But not at the bar?—It would have to be taken in a room or at the table; and that, of course, takes a good many more employees.

2378. Supposing we put the number at two, and say that in some of the houses there are four or five: do you believe, on your oath, that the wages simply of those persons who have to do with the liquor business and whose earnings would be depreciated, would amount to \$83,000 a year?—I candidly believe they would. It does not take much time to consider that.

2379. What is the total amount of wages paid in these hotels now?—I have their return, which gives the number as 240 persons, who receive \$83,610. That is the total amount paid in wages in the hotels.

2380. But you have given us \$83,000 as the loss?—Yes. That is gathered from the schedule I prepared from information I received from those parties having the hotels and employing the people, and that is the loss they assume they would sustain.

2381. What is the aggregate wages they pay?—\$83,610.

2382. But that is the amount they pay to all their hands?—It is the amount paid to 240 persons.

2383. How much wages do they pay to each of them?—They pay them, I suppose, regular wages from \$15 down to \$7 per week.

2384. You still adhere to your statement, that you believe the loss on the liquor part alone would be \$83,000?—Yes, I personally believe so.

2385. Then there is the amount of \$295,680 depreciation of hotel property?—Yes.

2386. In other words, between one-third and one-half of the value would be represented in the depreciation?—In the neighbourhood of that.

2387. But I understood you to say that travellers would still come to the hotels, get board and meals there, and that the hotels would carry on all their business, except the sale of liquor. Do you believe there would be such a depreciation as you have stated upon the hotel property?—Yes, I candidly believe so.

2388. Then you think the value of the hotel properties would be diminished by nearly one-third?—Yes.

2389. Do you think travellers would come to Halifax?—From my personal knowledge of what the liquor business brings to hotels, I candidly believe prohibition, if passed, would depreciate the property one-third. I think a great many people would avoid Halifax.

2390. Do you believe people come here to get drink; and if they could not get drink, they would stay away?—They could get drink elsewhere, but it would be a large

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loss to the city. A great many, if they could not be accommodated with drink, would shun the city.

2391. There are travellers who would shun the city?—They would not have so many articles to sell.

2392. I am not speaking of commercial travellers?—Tourists?

2393. You think tourists would avoid the city?—I think a good many would.

2394. If it was under prohibition?—Yes; I have seen this in my own travels.

2395. What is the effect of the provincial license law?—It has a very good effect in some ways.

2396. Do you think it is a good law?—No.

2397. What is there about it that is not good?—The people are not in sympathy with it.

2398. Is it not lived up to?—I hardly believe it is. I am speaking now from an official point of view, as Secretary of the License Trade Association, not from a personal point of view. As a citizen, I believe the law is not what it ought to be.

2399. Do you think there is much illicit sale?—I think so.

2400. Do you think the law in the way it is framed makes it very difficult for a man who has a license to observe it?—Yes.

2401. Do you think there are licensees who are guilty of breaches of the license law?—I dare say there are. After all it may be just a personal idea of my own, but in my opinion the convictions in the Police Court show there have been very few holding licenses that have been committed since the inauguration of the Act.

2402. Do you know the inspector of licenses?—Yes.

2403. Do you consider him an efficient officer?—Yes.

2404. Do you consider that he does his duty faithfully?—Yes.

2405. Is he the man who appears to move about examining the places?—I think he is.

2406. Constantly looking up the liquor establishments?—Yes.

2407. He has deputies, we understand, some six sergeants of police?—Yes.

2408. Do they make visits, as well as the inspector?—From my knowledge, they have done so on several occasions.

2409. Do you remember the old license law?—Yes.

2410. This law has been in force about six years, I believe?—Yes.

2411. Do you believe that under the old law or under this law there has been more drunkenness?—There has been more, to my knowledge, under this law, than under any law we ever had in Halifax.

2412. Do you think this law has tended to increase drunkenness?—It has increased it largely.

2413. You think it has increased in Halifax as compared with what it was formerly?—It has been the means of inducing men, who never drank anything but ale and like drinks to now take what we call whisky straight and carry a pint bottle in their pockets. There are several persons to my own knowledge who previously would not be seen taking a glass in a liquor saloon, who now carry their pint of liquor in their pocket to their work; these men would take a glass of beer going to their dinner and probably one in the evening, they are respectable young men. I know this law has been the means of inducing them to drink whisky instead of ale, which they drank formerly.

2414. You told us that you knew there was a certain amount of illicit selling. Can you form any opinion of the character of the liquor sold in places of that kind, whether it is pure or likely to be adulterated?—I think it is adulterated very much in those illicit places, that is places where they sell illegally, without a license.

2415. What is the character of liquor, is it spirituous or malt liquors?—Spirits, as they occupy the smallest bulk.

2416. And what is the character of the liquor in licensed places, is it pure or adulterated?—I consider it is pure. All that has been analysed by the Dominion or local authorities has been pronounced pure.

2417. How do the officials obtain their samples for analysis?—They take them at any time.

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2418. Do you mean that they enter the houses and take samples, without giving any previous notice?—Yes.

2419. Is the sample taken in the presence of the proprietor?—Yes, and is carried away.

*By Rev. Dr. McLeod:*

2420. How long have you been secretary of the License Trade Association?—Five years.

2421. How is that association composed?—It is composed of 68 members at the present time, 46 of whom are shop license holders and 22 hotel license holders.

2422. What are the objects and purposes of the association?—To defend the trade against any obstruction from what we would call temperance cranks, or anything that would be in opposition to the trade being treated with justice in the city of Halifax.

2423. Is the trade frequently assailed?—Yes.

2424. In what way?—It has been assailed in several ways in Halifax since the inauguration of the present law, in 1886.

2425. Will you tell me one or two instances, how and why?—When I spoke about the temperance cranks, I referred to a certain class who are cranks. They are to be defined as those who are continually holding up the liquor dealers as rogues, murderers and assassins. These men are so intemperate in their language that they may be called temperance cranks, and are not worthy of notice. It is in order to prevent them having anything more to do with us than we can possibly help, that our association has been formed. For instance, last year they supposed that the law was continually broken, and they imported informers from a foreign country in order to have us brought up. They were making criminals of themselves by so doing. They brought informers, I say, from another country, and they were arrested and they just escaped by the skin of their teeth, and they were told by the Chief Justice that he would advise them to go into a more honourable vocation.

2426. Did the Chief Justice at the same time make any remarks concerning the men who sold the liquor to those persons?—Not at that time, not in that case, nor in any other case then.

2427. I suppose you refer to the detectives so-called?—Informers you mean.

2428. They induced the license men to sell to them?—Yes, that was their purpose, and they were paid for doing so.

2429. It is against those people that the association is formed, in order that the members may protect themselves?—It is against them or persons of the same kind.

2430. Does the association seek to protect the trade against illicit competition?—Yes, so far as lies in their power.

2431. Do the men who hold licenses lay information against illicit sellers?—No.

2432. Does the association do so?—No; it is not composed of informers.

2433. Then the trade does not protect itself against illicit selling?—Yes; it does so far as lies in its power.

2434. In what way?—In each and every way compatible with its own interests.

2435. But you have told us that they make no complaints against illicit sales?—Not in that way particularly. I have mentioned one way in which it seeks to protect itself, and that is against informers or people who are trying to hurt the trade in any shape or form and so far as their business is concerned. In regard to the association it was formed only for defending ourselves, and it had nothing to do with prosecuting illicit selling. According to one of the by-laws and the constitution of the association, it has nothing to do with abuses of the law such as Sunday selling and selling to minors. Every individual member who wishes to do any such work as that in his business is personally responsible and not responsible to the association.

2436. The association does not interfere?—It does not recognize any such acts of infringement of the law as I have mentioned.

2437. If a member of the association, who holds a license, does sell to minors or on the Sabbath day or after hours, the association takes no notice of it?—No notice of it whatever.

LEON T. BRIAND.

2438. Then the Association does not protect itself against the illicit trade?—No.

2439. At all events, it does not interfere with any illicit action on the part of its members?—No. The voice of the Association has been raised to try and get a proper law enacted for ourselves, under which to sell, and not to protect any illicit selling or breaking of the law, such as I have mentioned.

2440. Does the Association regard with favour the features of the law which prohibit Sabbath selling, which prohibit selling to minors and to drunken men and the like?—Yes.

2441. But if members of the Association violate these provisions, no notice is taken of the fact by the Association?—To a certain extent. The members do it on their own responsibility.

*By the Chairman :*

2442. Does the Association expel members who break the city by-laws or infringe the license law?—Yes, it is part of the by-laws and the constitution.

*By Rev. Dr. McLeod :*

2443. Does the Association expel a member who is known to the Association to sell on Sunday, after hours or to minors?—Yes.

2444. You told me you did not protect yourselves against those violations?—It is a protection.

2445. How many members of the Association have been expelled?—None have been convicted.

2446. Do you believe there is any member of the Association who does sell in violation of the provisions of the law?—I have not to speak of any one else at the present time; I have no knowledge whatever of any one doing so. I do not believe there is any one who does.

2447. You think there is no illicit sale by licensees?—I could not say about illicit selling.

2448. By men who hold licenses?—I will not swear there is.

2449. But there is no expulsion of members for that reason?—No, there have been no convictions.

2450. The law requires sale, in what quantities?—From one pint to two gallons.

2451. Do you mean not less than one pint and not more than two gallons?—Yes.

2452. Have you ever sold less than a pint?

The CHAIRMAN.—Witness, you are not obliged to answer that question.

WITNESS.—I am speaking now as a member of the Association and a citizen, and I refuse to answer any question of that sort.

*By Rev. Dr. McLeod :*

2453. You are not willing on your oath to say that you yourself as a licensed vendor have not violated the law?—I might be violating the law by taking a glass myself.

2454. Have you sold a glass to others than yourself?—I am not prepared to answer any such question at the present moment.

2455. You will not say whether you have violated the law?—Everybody violates the moral law.

2456. We are not talking about the moral law?—That is part of it.

2457. You told the Commission that the people are not in sympathy with the license law?—No.

2458. What people?—The people of Nova Scotia, and of Halifax particularly.

2459. You are sure of that?—I am positive of it.

2460. What reason have you for arriving at that conclusion?—The reason that we are required in Halifax to get three-fifths of the ratepayers of the district to sign each license petition. It is plain that when three-fifths of the ratepayers sign the license petitions all over the city the majority of the people are against the law.

## Liquor Traffic—Nova Scotia.

2461. Did you hear the evidence of the Inspector of Licenses, to whom you have given a certificate of character to-day as being a very faithful and efficient officer and so forth, that the assistance of the criminal class had to be sought and their names obtained to the petitions in order to procure a license?—I believe that when that assertion was made, there was an explanation given, which would be required to be stated as well in making that assertion.

2462. There was no explanation that weakened the force of the statement that the criminal classes had to be brought to assist the people in procuring three-fifths of the residents of the district to the petition in order to obtain a license. Did you hear this statement also, that every licensed house is a law-breaking house?—No.

2463. Did you hear him say it would be impossible to enforce provisions of the license law unless you kept men in every house to watch it?—I believe that.

2464. Therefore, you are on record as saying that you and other licensees are law-breakers, unless there is a special watch on you?—I do not say that.

2465. Did the Inspector make an explanation on oath?—Yes.

*By the Chairman :*

2466. Were you present in the room when the Inspector was examined?—What I have to say as regards signing by the criminal classes is this : I quite differ with any statement which may have been made here that such is the case. I have been getting a license signed every year since 1886, and I fail to see how ratepayers on the roll, men who are qualified to sign a license paper, can be criminals. I have not come across that class yet, and I believe that the explanation given by the License Inspector, so far as regards the maintenance of our reputation, will fully convince everybody that it was not his intention to indicate that it was the criminal class that signed the license petitions, for it is anything but that. We have the most respectable classes in the community, some of the most wealthy men in the city whom I could name to-day, signing these papers. When we had to go and ask for 181 names for a license petition, which has been the law since the Act was amended in 1886, we went to the best men in the city, and they said it was a great pity we were put to this trouble under the existing law. So it is not the disreputable or the criminal class that sign these petitions.

*By Rev. Dr. McLeod :*

2467. Did you hear the Inspector say that unless the holders of licenses violated the law they would have no sort of chance of having their licenses renewed?—No, I cannot say I did.

2468. That they had to violate the law in order to continue their licenses, that unless they were violators of the law there was no chance for them to have licenses?—No, I did not hear him say that.

2469. Do you think it is true?—No, that is not correct.

2470. Then you violated the law, not for the purpose of continuing to hold a license?—I committed no violation of the law.

2471. Do you say you have not violated the law?—I do not think it can be intended during the evidence taken here to obtain personal evidence from every man who comes before you.

2472. I gather from the statistics you have presented that there are six soda water factories in Halifax?—Yes.

2473. And their property is worth \$24,500?—Yes.

2474. And their plant is worth \$26,300?—Yes.

2475. Is that a liquor business, properly speaking?—One goes with the other apparently.

2476. In what way?—Some take drink one way and some another.

2477. Some take it with soda?—Yes.

*By the Chairman :*

2478. Do you mean that soda water is not generally taken as a beverage by itself?—Very seldom.

LEON T. BRIAND:

*By Rev. Dr. McLeod :*

2479. You think that the soda water business is dependent on the other?—Some people want plain soda in the morning.

2480. You mean those who have taken the other kind at night?—I am no judge.

2481. Is this a liquor business strictly speaking?—No, it is not a liquor business.

2482. You state there are 28 employees connected with those establishments?—Yes.

2483. Would all those soda water manufactories be wiped out and those employees discharged, if prohibition were adopted?—They seem to say it would be a big loss.

2484. Even in the same sense as the liquor business would suffer a great loss?—I will not say anything in regard to the soda water manufacturers. This is their statement I have put in.

2485. Admitting that prohibition would bring about the result you mention as regards your business, do you mean to say the soda water business is on the same footing?—I think it is in a large degree.

2486. Are you in favour of prohibition?—To a certain extent.

2487. In favour of a prohibitory law?—To a certain extent.

2488. To what extent?—If it could possibly be brought about with the sympathy of the country in its favour, it might be good.

2489. Will that time come?—Hardly.

2490. You think, however, if it could be brought about with the sympathy of the people, it would be a good thing?—I think it might.

2491. Why?—It would kill a good many farmers who would not require to grow so much grain. But it would also keep a good many hangers-on away from the Government, and in that way it might be a good thing for the country.

2492. Royal Commissioners?—Any Commissioner you may mention.

2493. Do you think the sympathy of the people can by any means be brought up to that point?—I think it might be conducted up to it by moral suasion, but never by force.

2494. Do you think the liquor business, being established, helps in the creation of that sympathy?—I think if it were well regulated and if liquor was sold under a proper license law, it would not diminish but would help. I know a great many worthy men in the liquor business, who actually help temperance work in many ways.

2495. You are in the shop liquor business, and 44 shops appear in your tables, with real estate of the value of \$366,700, that is \$9,000 each, and fixtures of the value of \$146,730, or a total of \$513,490. Do 44 shop licenses pay taxes on \$513,490?—I think the assessor in his statement says they pay more than that. I think we are a little short in our statement.

*By the Chairman :*

2496. Are the taxes in Halifax levied on real estate?—Yes.

2497. Are they levied on fixtures?—They are levied on real and personal property.

*By Rev. Dr. McLeod :*

2498. Why do you think the property would depreciate in value if the liquor business were abolished?—Because there would be nobody to occupy the premises.

2499. You think they would stand idle necessarily?—I think so.

2500. All of them?—The best part of them.

2501. And do you think that some or all of the hotels would be closed?—Nearly all.

2502. Therefore, you do not believe that prohibition in any degree would be beneficial?—It might be, if it came about in the proper way.

2503. By moral suasion?—Yes.

2504. Without the assistance of the trade?—With the assistance of the Government in a proper way.

2505. Your opinion is that you are quite disinterested?—Quite disinterested, because I would as soon be in any other business as in the liquor business. I was in a good business before I went into this business, and it was through force of circumstan-

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ces I got into the liquor business. I was in the dry goods, but on account of the condition of the trade I had to get out.

2506. You have no personal interest in your objection to prohibition?—None at all.

2507. It is purely a business objection?—Prohibition should come in a proper way, from the people themselves, and so be carried.

*By Mr. Clarke :*

2508. Are there as many licensed places in Halifax now as formerly?—Yes, I think there are more.

2509. Where liquor can be sold legally?—Yes.

2510. Are there, to your knowledge, places where liquor is sold illegally?—There are, they are well known.

2511. I think the statement has been made by some witness, that the persons who are legally authorized to sell liquor do not make any attempt to put down the illicit trade, because they are breakers of the law themselves and they are afraid the illicit sellers would secure convictions against those who sell legally. Is that a fact?—There may be something in that. Under our law we are privileged to sell from one pint to one gallon. You sell to a party, and you are supposed to ask that party if he is going to resell it, and if he intends to resell it, you are prohibited from selling it. The result is that when the question is put to any of the purchasers, they tell you, no; and very probably the very liquor you have sold to those parties by the bottle may be resold. Those may be some of the parties who are selling illicitly. How would it be possible to get information from a party interested in that way; it is a matter of impossibility. There are so many matters involved. But this law is impracticable in every shape and form. You cannot turn round, but you violate it, and you have to sit still if you want to keep within the bounds of it. That is one reason why those who violate the law are not interfered with by those who hold licenses.

*By the Chairman :*

2512. In the summary statement which you put in, and from which we have been quoting figures, did you include the following items: horses, harness, carriages, blacksmith's repairs, hay, oats, value of casks, cases and freight paid, which by the way I see you put down at \$34,000?—It is all included in the total.

2513. Are there any items not included in the summary statement?—There are only four.

2514. Read those that are not included in the summary?—Barley, hops, duties and excise.

2515. When you spoke about depreciation of hotel property, did you base your calculations upon the theory that hotels in some instances at least, if they were not permitted to sell liquor, would have to close up?—Yes.

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WILLIAM S. SAUNDERS, of Halifax, on being duly sworn, deposed as follows:—

*By the Chairman :*

2516. How long have you resided in the city?—About 45 years.

2517. What is your occupation or calling?—I am a bricklayer or mason by trade.

2518. Have you held any office in connection with any labour organization in this city?—Yes, I have held two or three.

2519. With what association are you connected?—I am secretary of some of the trade associations, and also of the order of the Sons of Temperance.

2520. Of what trade organizations?—I am secretary of the Amalgamated Trades Unions, secretary of the Bricklayers' Union, and president of the Plasterer's Union. I am grand scribe of the Sons of Temperance of Nova Scotia.

2521. Are you a total abstainer?—Yes.

LEON T. BRIAND,

2522. Have you always been ?—Yes, I have been a pledged abstainer for a great many years, and in fact all my life.

2523. Are you familiar with the working of the liquor law in the city of Halifax ?—I am not very familiar with it, but I have considerable knowledge of it.

2524. Do you think the law is efficiently enforced ?—Not at all.

2525. To what influence do you attribute non-enforcement ?—I think there is a want of intention or purpose on the part of the officers to carry out the law.

2526. Then, if the law is not carried out, you think it is the fault of the officers ?—Yes. I think so.

2527. Do you think public sentiment would support them ?—I think so.

2528. To what then do you attribute their laxity in that respect ?—To the moneyed interest in the city of Halifax.

2529. In what way do you think that moneyed influence makes itself felt ?—It makes itself felt through its influence on the public, in securing people to represent its interest in the City Council.

2530. In securing the election to the City Council of men who support the liquor interest ?—Yes.

2531. And are we to conclude from that, that there is an indisposition on the part of the City Council to enforce the law ?—I think there is.

2532. Do you think there is a good deal of illicit selling of liquor in this city ?—I know there is some. I do not know how much. I have no means of judging how much.

2533. Liquor is sold in places that have no license ?—Yes.

2534. But you do not know to what extent ?—No.

2535. Do you think the licensed traders observe the law ?—No, I do not.

2536. You think they break it ?—Yes.

2537. To what extent ?—Well, there is a law that nothing shall be sold in less quantity than a pint and that it shall not be drunk on the premises. I do not think one of them observes that law.

2538. They sell less than a pint ?—They sell by the glass continuously.

2539. And it is drank on the premises ?—I do not think one of them observes that law.

2540. Do you think that, since the present law came into force, drunkenness in the city has increased ?—I cannot see any great difference. It may have increased some, but I would not pass an opinion upon that. I have not observed much difference.

2541. How many members have you in the amalgamated trade unions ?—I think between 600 and 700. It is composed of the members of the different trades.

2542. You have not the records with you ?—No.

*By Mr. Clarke :*

2543. This amalgamated organization is a trades council or assembly, is it ?—Yes.

2544. In which representatives from each of the trades take part ?—Yes.

*By the Chairman :*

2545. It is a sort of congress ?—Yes.

2546. What is your position as to the bricklayers and masons ?—I am their secretary.

2547. Have you the records of that body ?—Yes.

2548. How many members have you ?—Sixty or seventy. I have access to the records.

2549. Are they working men or master bricklayers ?—Working men, journeymen.

2550. Have you any temperance organization in connection with that ?—No.

2551. But does the society itself labour to promote temperance ?—That is not its object.

2552. What is the object of the society ?—To advance the interests of the trade, that is to secure as good wages as possible, and to improve the condition of the members generally.

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2553. And the members pay a contribution?—They do.  
2554. Monthly?—Quarterly, I think.  
2555. Do you ballot them into the society?—We elect them, but not by ballot.  
2556. Have they to be possessed of any particular qualification?—They have.  
2557. Will you tell us what?—They have to be certified as qualified bricklayers or masons.  
2558. That they know their business?—Yes.  
2559. And the object of the society is to promote their interests and to secure good wages and to protect them against any unjust rules or regulations of employers?—Just so.  
2560. Does the society, through its officers, make any efforts to promote temperance?—They do personally, not as officers of the association.  
2561. It is not necessary to be a total abstainer to become a member of the association?—No.  
2562. Does drunkenness prevail amongst the members of the society?—To some extent.  
2563. Do you think they lose much time through drunkenness?—Some of them do.  
2564. Do you know anything of the state of matters in regard to the liquor business in Dartmouth?—I know only by hearsay. I have no personal knowledge of Dartmouth.  
2565. The Commissioners have been told that they have practically prohibition there under the existing license law?—Yes.  
2566. If you had that in Halifax, would it be beneficial to the members of your societies?—It would. I know a workingman in Halifax, who, a number of years ago, was always out of funds and in poverty and trouble. He was a good mechanic, but through drink and intemperance, he could not keep his head above water or maintain his family. He was sent to Maitland where he could not get any liquor, and he came back to Halifax with \$150 or \$200 in his pocket. In two or three days he had nothing, and he was sent away again with the same result. When he was away, he was in funds, but when he was here, he was without a cent in his pocket.  
2567. What is the reason you could not have the same prohibition here as in Dartmouth, seeing that both are working under the same law?—The law started under somewhat different influences in the beginning. There was a feeling in Halifax among some of the City Council that they should not have passed the law, and that created a prejudice against it.  
2568. I understand they have prohibition in Dartmouth simply because no one desiring to sell liquor can get the requisite number of signatures to his application?—Yes.  
2569. What do you think prevents that state of things prevailing here?—We have not the same sentiment here as they have in Dartmouth.

*By Mr. Clarke :*

2570. As a working man and an old resident of Halifax, what is your opinion of this license law?—I will give you the opinion of a liquor dealer.  
2571. I would rather have your own opinion?—It is the same. He had been selling before the law came into operation and he did not apply for a license under this law, and he explained that it would be impossible for the same number to carry on business if the new law was enforced.  
2572. Then, it is more difficult for dealers to make a living under the new law than under the old law?—Yes.  
2573. Do you think this law is rigidly enforced?—I know it is not.  
2574. And why is it not? Is it due to any dereliction of duty on the part of those who could enforce the law?—I judge so.  
2575. Is the union of the working men of Halifax generally, so far as they are represented by organized labour, in favour of the rigid enforcement of the law?—I have no opportunity of getting any opinions of the members. Some would be one way and some the other.  
2576. There is a difference of opinion?—Yes.

WILLIAM S. SAUNDERS.



2577. Can you suggest any alterations in the present law that would make it better enforced?—The first amendment would be that the inspector should be in sympathy with the Act.

2578. The law provides that the inspector shall be a member of a temperance organization and recommended by a temperance organization as a temperance man?—I do not think he must be recommended.

2579. Does the dereliction of duty apply to the six assistant inspectors as well as to the inspector?—I do not want to say anything in condemnation of the six assistant inspectors. They would have some delicacy in acting when there is an inspector over them who has the matter chiefly in his hands.

2580. Under this law, a person applying for a license must send a petition to the license inspector and to the Council, signed by three-fifths of the persons in the ward or district?—Yes.

2581. That is virtually local option?—Yes.

2582. If public opinion were strongly favourable to temperance, how could the applicants secure the signatures of three-fifths of those persons to their petitions?—Well, if the sentiment of the city was taken, apart from those interested directly or indirectly in the traffic, the sentiment of the city would be wholly in favour of prohibition.

2583. Do you think three-fifths are interested in that way?—I think seventy-five per cent of those three-fifths are interested directly or indirectly.

2584. Do you think a prohibitory law, prohibiting the sale absolutely, would work better than the present law?—I do.

2585. What makes you think so?—I think it would be much simpler. There is a prohibitory law in Dartmouth. If there is any drunkenness there, they say it is in consequence of liquor being sold in Halifax. If there were a prohibitory law in Halifax, it would be different.

2586. The testimony we have is that Dartmouth is a model place, and that the provisions of the law are strictly enforced?—I think it was stated that there were some cases of drunkenness there, and they were the results of liquor procured in Halifax.

2587. But the law is enforced there?—Yes.

2588. Is it because the public sentiment there is more strongly in accord with the Act?—Yes, and also because the Council and the authorities are in favour of the Act.

2589. How many members are there in the City Council of Halifax?—Eighteen.

2590. How many wards are there?—Six, three members from each ward.

2591. And under the present state of things, it is impossible for those who desire to see the License Act rigidly enforced to secure the return of a sufficient number of members pledged to its rigid enforcement?—I do not say that, but, if the moral portion of the people at Halifax chose to combine, they might do it. There are, however, many other issues that divide the public sentiment, so that we can not get a proper vote on this question.

2592. Then temperance people vote for candidates for the Council who are not temperance people, on other issues?—Yes, there may be other questions upon which the public attention is fixed, so that temperance is not considered.

2593. Have you any experience in communities where the Scott Act is in force?—No, I have no personal knowledge. I have some information as Grand Scribe of the Sons of Temperance from the reports received from different counties.

2594. Do you learn from those reports that the law is strictly enforced?—I learn that in the larger part of the country, the law is enforced, but there are two or three points where it is not. The amount of drunkenness is diminishing where it is enforced, but taking certain points and towns there may be at first perhaps an increase of drunkenness.

2595. Then, the Scott Act seems to be capable of enforcement in the rural districts, but not in the towns and villages?—Yes.

*By Judge McDonald:*

2596. Supposing the law, instead of requiring that three-fifths of the residents should sign the application for license, should require three-fifths of the ratepayers of that district, whether resident or non-resident, do you think the three-fifths could be

## Liquor Traffic—Nova Scotia.

obtained?—I have no positive knowledge, but I think it would be easier to get the three-fifths under those circumstances.

2597. In answer to Mr. Clarke, you have stated that the three-fifths is now obtained because three-fourths of the three-fifths are interested in the liquor traffic?—Directly or indirectly.

2598. Do you mean there would be a larger number interested if the non-residents were included?—If it were open to all ratepayers, many would be able to sign in the three or four districts, which they cannot do now.

2599. We have heard that there are non-resident business men, and so on. You say three-fourths are interested in the liquor traffic?—I say it would be easier, because the large amount of capital invested in property would enable them to sign in half a dozen different districts.

2600. I want to get at this : supposing men owned property in one district and boarded or lived somewhere else, would the applicant be able to get three-fifths as easily as now?—There might be one man of that kind.

2601. Supposing there are 400 ratepayers in the district, 300 of them resident and 100 non-resident : would it be easier to get the three-fifths of the 300 or the three-fifths of the 400 to sign the application?—I cannot answer that.

2602. Do you think if the non-residents were counted in, it would be less difficult to get the signatures?—I think so.

2603. To what do you attribute that? Do you mean that a larger proportion than three-fourths of those non-residents would be also interested in the liquor traffic directly or indirectly?—I am not prepared to say.

2604. Why, then, do you suppose it would be easier to get the petition signed?—I have not given the matter very great consideration, and I answered that question on the spur of the moment.

2605. Under the law as it was, the non-residents were allowed to sign?—Yes.

2606. Was it easier then to get the paper signed?—I can only give my impression : I think it was easier.

2607. If three-fourths of the three-fifths of the residents of each of those districts are interested directly or indirectly in the liquor traffic, and if a still larger proportion of the non-residents are interested therein, does it not show that something like three-fourths or more, a very large proportion at all events, of the inhabitants of Halifax are interested in the liquor traffic more or less?—Yes.

2608. And is that a fact?—I think it is.

2609. Do you think that that has the effect of preventing officers charged with the administration of the law from being kept up to the mark and doing their duty? Do you believe that these people who are directly interested in the liquor traffic make any effort to get the officer to do his duty?—I think they would act the other way.

2610. And, therefore it brings down to a comparatively small number those in Halifax who might reasonably be expected to aid the officer in enforcing the law?—There are some districts where there are no licenses.

2611. Are those residential districts chiefly?—Yes.

2612. But do you not think that, owing to the interest there is in the liquor traffic, it leads a comparatively small number of people to be counted on to back up the inspector?—The moral sentiment of the best portion of the citizens would back him up, and of the province also.

2613. But as to the number?—I think there would be quite a large number that would.

2614. Do you think the majority of the population?—Not in Halifax.

2615. You are brought a great deal in contact with labouring men?—Yes.

2616. Do you think that that class of mechanics, to any extent, aid this officer in the discharge of his duties?—I do not think they are called upon to do so.

2617. I am asking whether they do?—I do not think it ; I do not think they are called upon to do so.

2618. Why do you not think so?—Because the law provides for officers.

2619. Do you not think the law calls upon all good citizens to aid the officers?—I think they are called upon to render assistance when occasion requires.

WILLIAM S. SAUNDERS.

2620. You believe there is a great deal of drunkenness in Halifax?—Yes.

2621. Have you ever taken any steps to aid the inspector or the officer in the discharge of his duty in that way?—I have.

2622. In what way?—I have with others conveyed information of infringements of the law to the inspector.

2623. Did he act upon what you did?—Through influence on the part of their friends, he did not.

2624. What reason did he give?—He pretended that when the inspector called for evidence, the witnesses had disappeared.

2625. But did he go round to those places?—Yes.

2626. He acted on your information?—Yes.

2627. The inspector told the Commission that in order to have the law efficiently enforced, there would have to be an inspector in every licensed house in Halifax?—I think that is a nonsensical statement.

2628. How many inspectors do you think there should be?—One, with the assistance of the police.

2629. The Chief of police said he would not consent to one of his men going into one of these houses for fear it would be supposed he was going there to drink?—Yes.

2630. Are your statements made from actual knowledge of the facts, or from the ideas formed in your own mind?—From both.

2631. What knowledge have you of actual breaches of the law?—I have had knowledge on two occasions.

2632. In what way?—I stood in a bar-room for twenty minutes and saw a string of people going in and out.

2633. Did you communicate that to the inspector?—I did not.

*By Rev. Dr. McLeod :*

2634. Why not?—Because I went there under peculiar circumstances, and I would have violated confidence by doing so.

2635. You have said that the inspector does not discharge his duty. Do you believe he can, if he will?—I do.

2636. You think it is not the duty of a private citizen in the same degree as it is of a paid inspector to endeavour to enforce the law?—I think it is dangerous for a private citizen to do it.

2637. Is it the right of the private citizen to do so?—It is.

2638. As to the charges which were preferred against the inspector for neglect of duty: have you any knowledge of that matter?—I have some knowledge.

2639. Have you any knowledge as to whether the charges were sustained or were not sustained?—I think the committee on laws and privileges were divided. I think the majority were against the inspector.

2640. Did they report that the charges were sustained?—I am not positive.

2641. The report, when it came before the Council, was not adopted, I understand?—No.

2642. Is it a fact that the charges were sustained by the committee which investigated them?—They were not sustained by the Council.

2643. The Council did not accept the report of the majority of the committee? They did not.

2644. In what business was the inspector engaged before his appointment as inspector?—I have no personal knowledge, but I understand he was in the liquor business.

2645. Had he been a member of a temperance organization very long before his appointment as an inspector?—I cannot say.

2646. You do not know whether his membership of a temperance society was simply for the purpose of qualifying for the office?—I do not know.

2647. Do you think that law-abiding citizens would co-operate more with an officer in whose honesty they had confidence?—I am sure of it.

2648. You have intimate relations with mechanics, and have considerable knowledge of their habits. Do you know it to be a fact, that the mechanic who has the drink

## Liquor Traffic—Nova Scotia.

habit, the average, loses any portion of time during the year by reason of that habit?—I do not quite understand what you mean by the average.

2649. I mean a man who tipples every day, and perhaps has an occasional spree?—Such men do lose time.

2650. What would be the average time a man of that kind would lose in a year on account of his drinking? Could you approximate it? Would he lose one day or two days a month?—I think he would lose two days a month.

2651. He would lose at least two days a month, which he would not lose if he were not a drinker?—Some would lose more, but I think that would be an average.

*By the Chairman:*

2652. Do you refer to a man who goes on what has been termed a spree?—Yes.

2653. But would a man who takes his glass of beer once or twice a day lose that time?—Some men will not.

2654. I should think that a man who goes on a spree may be classed as a drunkard?—Yes.

2655. But there are some men who simply take a glass of beer or a glass of whisky, as it may be?—I think the number who do that is very small.

2656. Are they the class who lose two days in a month?—No.

*By Judge McDonald:*

2657. Do you think that class is small?—I do, very small.

2658. Who take a glass occasionally?—Yes.

2659. That is in Halifax?—Yes.

*By the Chairman:*

2660. Do you think it is a smaller number than those who go on a spree?—I think so.

2661. Those who drink a glass and do not over-indulge are smaller in number than those who go on a spree?—Yes.

2662. In Halifax?—Yes. Some trades are better than others. I am speaking principally of the trade I am intimate with, and that is the mason trade.

2663. Take the general class, do you think that the number of men who get drunk is greater than the number who simply take a glass of beer or liquor without getting drunk?—Taking all trades, I think those who take a moderate glass are in the majority.

2664. And those do not lose time through drinking?—Not to any great extent, unless it is when they go away to get a glass; they do not lose their own time.

2665. They do not lose their wages?—No.

2666. The inspector of licenses testified before us that he had been an abstainer all his life, that he was a member of two temperance societies, and was so prior to his becoming inspector. You have stated that you heard he was a liquor seller before he received the appointment of inspector. I would like to ask you how you heard that? What is your authority?—I have heard the gentleman discussed very often, and have heard it said by a number of people.

2667. Have you any authority for the statement?—No.

2668. Could you name any individual who has made that positive statement, that he was a liquor seller, or have you heard any one make that positive statement?—I cannot now, but I think I could recall names.

2669. Did you ever hear any one make the statement distinctly?—I have heard it several times, but I cannot recall the names.

2670. You have heard the positive assertion?—Yes.

2671. By persons in whose veracity you have perfect confidence?—Yes.

2672. I think, in reply to a question as to why a private citizen should not interfere and endeavour to have the law enforced, you said it would be dangerous for you to do so?—Yes.

2673. Why?—Because it would involve the sacrifice of time and money and the incurring of a certain amount of odium.

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2674. But that is not making it dangerous. It might be onerous, but the word "dangerous" would rather imply personal danger?—I do not mean that.

2675. It would be inconvenient and expensive?—Yes, it would be dangerous to the pocket.

*By Rev. Dr. McLeod :*

2676. Do you think that if one was especially active in his endeavours to prosecute offenders against the liquor law, he would be in any actual danger to his person or his property?—He would not in Halifax. That is my impression.

*By Mr. Clarke :*

2677. But he would incur a certain amount of odium in drawing the attention of the authorities to violations of the law and doing his duty?—Yes.

*By Judge McDonald :*

2678. Odium from whom?—A large class of citizens.

2679. What class of citizens?—Amongst the unthinking class.

*By the Chairman :*

2680. You gave us to understand that the difficulty in carrying out the liquor license law was the adverse influence of the City Council. Is that your opinion?—I think so.

2681. Notwithstanding that, you think the inspector could carry out the law if he was so disposed : do you mean, notwithstanding the adverse influence of the Council?—I do not think the Council would oppose him if he was disposed to do it, but they would not render him any active support.

2682. But, taking matters as they stand, do you think that the inspector, notwithstanding that the City Council is apathetic or adverse, could carry out the law if he liked?—Yes.

*By Judge McDonald :*

2683. The Mayor, the Stipendiary Magistrate, and the License Inspector all stated they were total abstainers, as well as the keeper of the city prison. Would not the fact of these men being what they are, and being connected with the administration of the law, have a strong effect in aiding in its enforcement?—If the inspector was in sympathy with the law, the others would aid him in it.

*By Rev. Dr. McLeod :*

2684. Given 100 mechanics in Halifax, taken at random, how many would be drinking men of the class to which reference was made, who would lose on an average two days a month?—It is somewhat difficult for me to form an opinion on that point, because I have not a great knowledge of some of the trades.

2685. Would it be half of them?—No.

2686. A quarter?—Yes, I think so.

2687. I am not speaking of men who drink and do not lose time, but of those who drink and do lose time?—I think about one-quarter.

*By the Chairman :*

2688. Your answer would indicate that you think about twenty-five per cent of the working classes of Halifax are drunkards?—I think they are.

*By Mr. Clarke :*

2689. What percentage are there who are not entitled to be placed in that category, who take a drink or so in a week, and do not lose these two days a month that you speak of?—I cannot give you an accurate statement. It is guess work.

2690. You said you thought the larger proportion did not lose time and yet drank a little. There are 25 per cent whom you class as drunkards, who lose time because they cannot get work. What percentage of the remainder are total abstainers?—I cannot answer that, because I cannot determine who are total abstainers.

2691. And yet you can determine who are drunkards?—I have a better opportunity to do so.

## Liquor Traffic—Nova Scotia.

HOWARD BLIGH, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

2692. How long have you resided in Halifax ?—Since 1864.

2693. Are you a native of Halifax ?—No, I was born in Cornwallis.

2694. What is your business or profession ?—Shipping master.

2695. Have you been in that business all the time ?—I have for three years, and I was deputy shipping master ten years before. I have been in the office since 1879.

2696. What does the term shipping master mean ?—The appointment comes from the Dominion Government. There is an office for the engagement of sailors, which I fill as shipping master.

2697. Your appointment is a Dominion one ?—Yes.

2698. And will you give the Commission some idea of what your duties are ?—We have an office for the purpose of engaging seamen when they are wanted by masters and owners of vessels, where they can come and sign articles to go on a ship.

2699. It is a register which you supervise ?—Yes, a public office.

*By Mr. Clarke :*

2700. Does the discharge of the duties of your profession bring you in contact with large numbers of sailors ?—Yes.

2701. Has drunkenness increased amongst the mariners, in your experience ?—No.

2702. Or decreased ?—I think it has decreased.

2703. To what do you attribute the beneficial change ?—I think the mind of the sailor has been changed.

2704. How ?—I think probably by the influence of good advice from different sources.

2705. There was a statement made, that a good deal of the drunkenness which exists in Halifax was amongst seamen and mariners ; but you notice an improvement in that respect ?—Yes.

2706. There is not so much drunkenness amongst them as formerly ?—No.

2707. Have you had any experience of the operation of the Scott Act in any of the counties of Nova Scotia ?—No.

2708. How do you think the liquor license law here is observed ?—Fairly well.

2709. Have you heard complaints made against the inspector ?—I have heard people speak against him.

2710. Do you think the charges are well founded ?—I do not know.

2711. Do you think public opinion, public sentiment is strongly in favour of the enforcement of the license law ?—I think it is.

2712. And if the law is not enforced, it must be either because it cannot be enforced, or because it is not enforced by the official ?—I think most of the people would like to see it enforced.

2713. Do you know any of the provisions of the law which are difficult of enforcement ?—I cannot tell you much about the operation of the law, but, from what I have known of it, I think it is rather hard to enforce it.

2714. Could you suggest any amendments which would make it more easy of enforcement and still make it an efficient measure ?—I do not know that I could.

2715. Do you think, if an Act were passed by the Dominion Parliament, prohibiting the manufacture and sale of liquor, it could be enforced in a sea port town like Halifax ?—I do not think it could.

2716. Is there much smuggling going on along the coast ?—I do not think a great deal.

2717. If the manufacture and sale of liquor were prohibited, do you think smuggling would increase or decrease ?—It would increase.

2718. Considerably ?—Yes. Certain parties will have liquor, if they can get it anywhere.

HOWARD BLIGH.

*By Judge McDonald :*

2719. You think that moral suasion and religious teaching and other influences have had their effect on sailors of late years?—I know that in 1869, sailors were very much worse than they are to-day.

2720. Are many of the sailors who come into this port lads who have been on training ships in England where they were placed under good influences?—Not many.

*By Rev. Dr. McLeod :*

2721. Do you think if there were fewer temptations in the shape of licensed drink shops, that fewer sailors would fall into drinking habits, but most would come under moral influences and refrain from drinking?—I think so. I have always found the sailor to be a man rather easily led.

2721a. With good impulses too?—Yes.

2722. What do you think would be the difficulties in the way of a prohibitory law, a law prohibiting the manufacture and importation as well as the sale?—I do not think it could be done. I believe some sailors would have liquor if they brought it from some other port in their boots or their hats.

2723. But is that a good reason why it should be provided for them in a licensed shop?—I think they would be better without it.

*By Mr. Clarke :*

2724. Testimony was given this afternoon by a shipowner that on no consideration would he employ as his engineer or captain, a person who drank at all. Do you find, as a rule, that the captain and engineer of ships are total abstainers, that is in the ships arriving in this port?—No. Some are.

2725. But the majority are not?—No.

2726. Are the total abstainers more skilful navigators?—I do not think so.

2727. Are they more careful men?—I think there is more confidence placed in such men as a rule. Those to whom I refer are men who may not be total abstainers but are not drunkards, men who may take a glass of beer or leave it alone.

2728. Are they less trustworthy than total abstainers?—I do not know that they are, but the general public look upon them in that light.

2729. If you were engaging a crew, would you accept a captain who was a total abstainer, or an engineer, rather than one who was a moderate drinker?—I think so; all other things being equal.

2730. But the majority are not total abstainers?—I think the majority are not.

JOHN T. BULMER, of Halifax, on being duly sworn, deposed as follows :—

*By the Chairman :*

2731. Where is your residence?—I have been here in Halifax for twenty-one years.

2732. What is your profession?—Barrister and solicitor.

*By Rev. Dr. McLeod :*

2733. As a barrister, you are familiar with the license laws of Nova Scotia?—Yes. I had the honour of drafting the Act of 1886.

2734. That is the law now in force?—Yes.

2735. What was the Act previous to that?—I also drafted the important parts of the Act of 1869.

2736. Wherein does the Act of 1886 differ from that of 1889 in its essential features?—The Act of 1889 was an Act for a simple community, that is for a state of matters entirely outgrown since. There were simple settlements throughout the country. Towns were in their infancy, and with the great increase in gold mining and coal mining in Nova Scotia, our simple habits were upset, and a new population came in on us so

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that our Act of 1869 became almost impossible of efficient enforcement. I was appointed a committee to see if we could amend the old Act. I found it impossible, and then launched into the new Act of 1886.

2737. The old Act failed after the introduction of the foreign population?—Our economic conditions as well as our population and our habits entirely changed, and we found that what would do for a simple community was outgrown.

2738. What did the old law provide?—The salient feature of the old law was that there must be two-thirds of the ratepayers in favour of a license, which must also be concurred in by two-thirds of the Grand Jury. But in the passage of the Act, the powerful liquor influences of the city slipped their neck out of the noose, and we had an exceptional state of affairs in the city. They threw over the two-thirds provision in the city, but gave it to us in the country. And the great fight came in 1874, to include Halifax in the general law of the province.

2739. What happened then?—Then, after a tremendous fight, we got them in.

2740. Was that the law from 1874 to 1886 without any amendment?—No, there were amendments from year to year; and many of them were made hostile, and some of them were made by persons who were hostile, to the former Act.

2741. Were these amendments, in the main, in the direction of more restriction?—Yes, more restriction and removing generalities. The former Acts were not severe enactments after the more recent Acts.

2742. What has been generally the effect of the Act of 1886, that is the present Act?—I believe when the Act of 1886 came into operation, the liquor people were under the impression that we were as good men as we seemed to be, and there was an expectation that the Act was going to be enforced with great vigour. The drastic nature of the Act and the general expectation of its enforcement, strange to say, almost enforced it for the first year without any one being behind it. The Marshal hits the matter very heavily in his report for 1885-86, when he says :

It must be a satisfaction to the citizens to know that affairs in this respect are in such a satisfactory condition.

He goes on to say that the sales of liquor illicitly have been wholly stopped, and that the number of offences has greatly diminished.

*By Mr. Clarke :*

2743. Who was the inspector that year?—Mr. Mackasey, but we had a most efficient mayor, Mayor McIntosh, and his administration was very different from that of Mr. O'Mullin, the brewer, who came in afterwards.

*By Rev. Dr. McLeod :*

2744. Then, you think the inspector is influenced somewhat by the attitude of the Mayor?—Of course. We knew everything in this Act depended on the officer we had as inspector, and we were "downed." The liquor people came in, and put their man in. I know Mr. Mackasey to have been a liquor seller, and I have been in his place, and can show his advertisement. If you look out of that window, although Mr. Mackasey's office is in this building, you will see two places that are paying no attention to the law.

*By the Chairman :*

2745. How long before his appointment as inspector was Mr. Mackasey a liquor seller?—It is a good many years ago, over 15 years ago.

2746. That would be nine or ten years before his appointment?—Yes; but the liquor people appointed the inspector.

*By Mr. Clarke :*

2747. Was Mr. Mackasey a total abstainer 15 years ago?—I never knew him to drink.



*By Rev. Dr. McLeod :*

2748. Your impression is that the license law is not well enforced in Halifax?—It is splendidly enforced! The inspector was appointed by the liquor sellers, and if any private individual attempts to enforce the law, he has the whole civic authority down on him. We had Mr. Mackasey out once, on the casting vote of the Mayor.

*By Judge McDonald :*

2749. How did you get him back again?—The liquor interest is a pressing interest always there, while the temperance people never seem to do anything but take a collection.

*By Rev. Dr. McLeod :*

2750. Do they take collections freely?—That is about all they do.

*By the Chairman :*

2751. Has Mr. Mackasey the concurrence of the Council?—Of the majority at the present time, and those who pretend to oppose him do not really do so. There is nobody in the Council who pretends to have any soul against the liquor business, or they would change the state of affairs. The Council sent up a committee to the Legislature, and the guiding and presiding genius took the ground that they would not enforce the law.

*By Mr. Clarke :*

2752. Why?—Because it was not acceptable to the 120 liquor dealers.

2753. But do the 120 liquor dealers control 35,000 people here?—There are a large body of sympathizers with the liquor dealers. This is a military town, and the old conservative influences dominate here.

2754. The military can get their liquor in the canteens, can they not?—They do not sell spirits.

2755. Do they only sell beer?—No, whiskey is sold in the canteens.

*By Rev. Dr. McLeod :*

2756. Do you understand that the military element largely influences the city?—Yes.

2757. In what way?—Perniciously. They come from a country where drinking customs are dominant, while most of our fathers have been here long enough to become respectable.

*By the Chairman :*

2758. Then they only become respectable by stopping here long enough? It seems to me this is trifling with the subject.—I mean to say that people come here with habits from England, and the natives here are injuriously affected by the European influences. The German element is largely opposed to prohibition. The general effect of the taste that our fathers brought from Europe is very bad.

*By Judge McDonald :*

2759. You think that the law is not enforced?—It is not enforced at all.

2760. Do you think a law could be passed that could be enforced in the city of Halifax at the present time?—There is nothing to hinder the enforcement of this law.

2761. Then any license law that would tend to the prevention of the free sale of intoxicating liquor, you think could not be enforced in Halifax in the present state of civic affairs?—I think a law could be well enforced.

2762. But would it be?—I think so.

2763. What kind of law?—I believe the present law could be enforced.

2764. But it is not. Why would any other license law be enforced?—The public conscience may wake up.

2765. In the present state of civic affairs?—No.

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2766. If the Dominion Parliament were to-morrow to pass a general prohibitory law to prevent the importation, manufacture and sale of intoxicating liquors, do you think that would be enforced in Halifax?—I do.

2767. In what way?—A license law, as you observe, is only good where it is prohibitory.

2768. I did not say that; but I said that every license law is to a certain extent prohibitory.—The object of passing the present Act was not to make a license law, but to frame a law as nearly prohibitory as possible, within the terms of the British North America Act.

2769. And that has been a complete failure, for the causes you state?—Not a complete failure.

2770. But it is not enforced?—No; but it has reduced the number of licenses about 100.

2771. And has it reduced drunkenness?—Yes, very much.

2772. It has done so much good?—For the first year, I said it almost enforced itself.

2773. But now?—Drunkenness is on the increase.

2774. And that is owing to the law not being enforced?—Nothing else in the world.

2775. And that is because the officials do not do their duty?—That is the reason.

2776. And those officials do not do their duty, because the civic authorities of Halifax are not at their back to induce them to do it?—If the Dominion Government passed a law of prohibition, they would have people to enforce it, as they enforce the revenue laws and hunt a man with dogs for having a still in the woods. If the majority of the Dominion was behind it, the effect of such a law would be something startling.

2777. You think, if the Dominion Parliament was at the back of it?—It would, in my opinion, destroy nineteen-twentieths of the liquor business in Halifax in the first year.

2778. Would it prevent people using liquor?—To that extent, there would be a diminution in the first year.

2779. Do you think, if a change were made under your present license law, by which the issuing of the licenses was committed to a commission, and the officers to enforce it were appointed by that commission, free from civic influences, that would prove a success?—I am inclined to answer that in the affirmative.

2780. Had you any experience of the McCarthy Act?—I had some experience.

2781. What did you think of it?—Our Act is substantially the McCarthy Act, with most of the radical features of the best Australian and American legislation incorporated into the basis of the McCarthy Act.

2782. Did you provide for the inspection of liquors?—No, because I was of the impression that nothing was worse than the pure whisky.

2783. That it was better to let adulteration take place?—That nothing would kill a man quicker than good Scotch whisky.

2784. Then, the management of the McCarthy Act was in the hands of the officials, a judicial officer, an officer appointed by the Government and one elected by the people?—Yes.

2785. Do you think that would be a good system?—I think that feature of the system would be good for us now, but only that feature of the system.

2786. Your idea is that any license law to be a success should be removed from the City Council?—I am sorry to say that this is about the only town in Nova Scotia where the municipal government is not very clean and pure and beautiful.

2787. But in Halifax, you think it should be removed from the City Council?—Yes.

*By Rev. Dr. McLeod:*

2788. Do you think it possible to change the character of the municipal government of this city?—Yes, I do.

2789. In what way?—If a number of us had wealth and could take our hands from our calling. All you want is a strong and powerful agitation, but it is impossible now

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to give the time to it. You would have to give years and years to it. You would have to secure a complete change of public opinion. If the liquor question were put to the vote to-morrow, the people would vote for total suppression.

2790. Why do they vote the other way now?—There are about 500 votes solid in the liquor interest, and there are two political organizations competing for that vote. There is not a daily paper in Halifax that dare propose to enforce the laws now on the statute-book. The political organizations are committed to that interest.

*By Mr. Clarke :*

2791. To what?—To saying nothing on the liquor question. It is well known that at the last election, the present Local Government was opposed by the whole liquor vote, and they never had a majority:

2792. Are there any papers supporting the Local Government?—Yes, but they cannot speak on the liquor question. If the Dominion Government, or if Mr. Laurier declared for it, it would be the same.

*By Rev. Dr. McLeod :*

2793. When the liquor agitation was started, what was the position of the Halifax representatives?—Two were hostile at first, but one was favourable.

2794. Were they hostile throughout?—No, when the Act came up next year, the vote was practically unanimous.

2795. What did the city do the next time?—They sent them back with 1,000 to 1,200 majority.

2796. Do you consider that an endorsement of their action?—No; but the farmer had his say, and the man who reads his paper and does not drink.

2797. That was in the country?—Yes, that is in the country.

2798. But what was the position of the city?—It was enormously in favour of the Local Government.

2799. In favour of the men who passed the Act of 1886?—Yes.

2800. Do you regard that as indicative of the views of the city?—I believe two-thirds of the people would be in favour of it, if they could vote at a box where no one would know how they voted; but in an election fight, we can find about fifty who will go into the work and a hundred who will give good sums of money, and two hundred who will go in pretty well and a thousand who will help, and the rest will keep away.

*By Judge McDonald :*

2801. The vote is by ballot now?—Yes.

2802. Then there is nothing to prevent the expression of opinion. Why do they not elect a man to carry out their views?—Because our civic government has a great many questions up in every contest, politics to a great extent.

2803. Under politics they voted by a large majority to put these men into the Legislature. Then, why would they not, with the ballot at their command, do the same with regard to the aldermen?—They would employ an organization for carrying civic elections.

*By Rev. Dr. McLeod :*

2804. Is the franchise different?—Yes. Firemen vote, and a man who pays a poll tax of \$2 is entitled to vote.

2805. What is the franchise in provincial elections?—We have a very low franchise on personal property. It is substantially a re-enactment of the Ontario Act.

*By Judge McDonald :*

2806. This is almost the same as the franchise for the Local Legislature?—I think perhaps the franchise for the Legislature is wider.

2807. The \$2 men probably have votes for the Legislature?—No, they have not.

2808. Why not?—They are only registered for municipal elections.

2809. But would not they come under the same qualification for the Local Legislature?—A very large number would.

2810. Then, there is practically no difference?—Quite so.

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*By Rev. Dr. McLeod :*

2811. It would be the same thing practically?—No, there are the firemen.

2812. They form quite a large number?—Yes, nearly 300.

2813. How many votes are there in the civic election which are not in the provincial election?—Our civic election votes have been small, because the people do not pay their taxes in time.

2814. How many do you think there are who vote in municipal elections and do not vote in Local Legislature elections?—I do not think 500.

*By Judge McDonald :*

2815. You had 1,000 to 1,200 men who supported the men who passed the License Act?—That is in the city and county.

*By the Chairman :*

2816. How much of that majority did the city give?—I think I am safe in saying over 500 majority.

2817. For the men who were in favour of the Act in the Local Legislature?—Yes.

2818. And yet the same constituency practically send men to the City Council who are opposed to the Act and neutralize its effect?—That is precisely the situation. The municipal authorities have determined that the law shall not be enforced.

2819. Do I understand that that is not the result of an absence of sympathy with the temperance cause or prohibition, but of a sort of terrorism exercised over a certain class of the community? Is that so?—Very largely.

2820. Would you define that, and give us some idea what it arises from? Have the liquor people such influence over the labouring classes and over business people as to prevent those people from exercising their independent franchise?—It is very difficult to get the issue squarely drawn in the city, exceedingly difficult. The reasons I have in part detailed. I think this large vote is about 500. Then, there is a large non-sympathizing element who have many sympathies in business relations. A large number deal with the liquor class, people who are tied to that class by all sorts of business relations. It is amazing how few men you can get to discharge a public duty and take the odium that comes from discharging it. There is no man who could step out and take a part in enforcing the law without being very much hated.

2821. Yet, he could vote for a municipal councillor without its being known for whom he voted?—Certainly.

2822. And yet, the influence of the liquor class is so great here that an independent vote for a city councillor cannot be obtained?—Take the civic elections. I am of the impression that in this city no man can get into the City Council now who takes a decided stand in favour of the enforcement of the liquor law.

2823. And yet you think the public sentiment is in favour of its enforcement?—Yes. If you let the citizens vote privately, they would vote two to one.

2824. But do they not vote privately—they vote by ballot? If the public sentiment is in favour of the enforcement of the liquor law and the elector can vote without his vote being known, why does he vote against the enforcement of the law?—Hitherto our franchise has been dependent on the taxes being paid. I do not know how many have been disfranchised in that way, but I should say over 1,000.

2825. Is there no disfranchisement of the voter in the local elections?—No, if his name is on the list.

*By Judge McDonald :*

2826. But would it not be supposed that the law-abiding section of the people, those who are in favour of total abstinence and temperance, would be more apt to have the money and pay their taxes than the class that have been referred to in certain of these statements who favour the traffic?—That would presuppose an amount of public spirit, which is not found in the average voter in Halifax.

JOHN T. BULMER.

2827. In your opinion, is it not a fact that the people in this city, though they hold this view you speak of in regard to the temperance sentiment, allow themselves to be governed by their political opinions in voting for candidates for the Local Legislature and by their business relations in voting for aldermen?—No.

2828. Then, what is it?—I think the chief reason is what I have given you.

2829. Do the people vote for candidates for the Local Legislature because they supported that Act, or on account of their political opinions?—I did not say they all supported the Act.

2830. The men who went in last supported it?—They did not support the amendment.

2831. Do you believe those men were returned to the Legislature on account of the temperance question at all, or on their general political opinions in regard to the affairs of the province as a whole?—I am quite confident that a large portion of their votes at the last election came from the fact that a brewer was running on the other side.

2832. And, therefore, it was done on temperance principles?—I would not say that.

2833. Why, then?—The radical men through the county said: We will lay you out.

2834. The interests of the traffic are such that the men who have votes for aldermen vote for men who will support the traffic; and the same men, when a brewer is a candidate for the Legislature, turn around and vote against him?—Yes.

2835. Is not that inconsistent?—No.

2836. Those men would return that brewer to the City Council, would they not?—He had been Mayor.

2837. And in that position he has to control the administration of the license law?—Yes.

2838. And yet they would not return him to the Legislature for fear he might repeal that law?—It would take a long story to explain that, and I would not like to go into certain details.

*By Mr. Clarke :*

2839. If two-thirds of the people are in favour of the enforcement of the law, when the ballot is placed in their hands, why do they not return people in favour of the law?—The civic franchise, under the present charter, has been exceedingly limited. It has had new elements which are not in the local franchise at all. It was run upon different questions and operated by different interests altogether, and the civic ratepayer here has never taken the question up as a question worth making a special fight for in city elections. While he does not wish the liquor interest any increased strength, he does not make it matter for a fight in municipal politics.

*By Judge McDonald :*

2840. Do you think it the duty of the temperance people either to sustain the inspector in enforcing the Act, or, if he will not do it, to represent it to the proper authorities?—I do. I believe it to be the duty of the citizens to insist on the proper enforcement of the law, but all those who have taken an interest in it have lost all confidence in Mr. Mackasey, and would render him no assistance whatever.

2841. With a majority of two to one in favour of prohibition and of the strict enforcement of the present license law, and with the opportunity afforded, as shown by yourself, of prosecuting two places right opposite his office that are violating the law, have you called attention to that fact?—I have not.

2842. Why?—Because it was not my business.

2843. Whose business is it? He has told the Commission that the law cannot be enforced unless there is an inspector in every one of those houses?—I do not believe it.

*By Mr. Clarke :*

2844. If you were told by a gentleman that there were two places close to the inspector's office violating the law, what would you think?—I would think it was a pretty bad state of things. I am unable to-night, if I were called to give the names, to name more than eight men who are keeping the law.

## Liquor Traffic—Nova Scotia.

2845. And how many licenses are there?—About 120.

2846. Is the public or moral sentiment in favour of the enforcement of the law at such a low ebb that no citizens can be found to enforce the law?—That is about the truth.

2847. You say you framed the provisions of the Act which is in force at the present time?—I was one of the solicitors.

2848. I understand that, as a License Act, and affording opportunities for prohibition, it is the best in existence in Canada, and if local sentiment is so much in favour of prohibition as you say, how is it that the people of Halifax do not take advantage of these excellent provisions?—I mean that if the people, by just throwing their ballot could do so, they would vote two to one for the enforcement of the law; but when you ask that same majority to show that the working of the Act is feasible, and to go into municipal organization, the two-thirds melt down to one-fourth.

2849. Within a short distance of Halifax, there is a community which is enforcing the License Act in its prohibitory provisions. If it is necessary to get three-fifths of the residents in these wards to sign a petition for a license before it can be granted, it will not require much effort to secure the same thing in Halifax?—The city of Dartmouth and the county of Halifax are having a most healthy effect on the city of Halifax.

2850. When did that healthy effect commence to make itself felt?—Conscience requires some time to be educated.

2851. Do you think that an Act of the Dominion Parliament would be more easy of enforcement than this law?—A License Act is more difficult to enforce.

2852. Is not the Scott Act a Dominion Act?—Yes.

2853. How is it enforced throughout the province?—I think it has cleared the liquor out of one-half of the districts in the province.

2854. In how many districts or counties of the province is the Scott Act in force?—It was in force in all the counties, except Halifax, Lunenburg, Antigonish, Richmond and Victoria. Then Gloucester became dissatisfied, and the temperance people there determined to repeal the Act, and go under what they believed to be a more effective law, the Provincial Act.

2855. Does the Scott Act absolutely prohibit the sale of liquor?—Not over ten gallons.

2856. But it prohibits the retailing of liquor in hotels and places of that kind?—Well, the Scott Act is a curious kind of prohibition; it does not prohibit the ten gallons. And then there was so much contest in the courts that the Act was nearly paralyzed.

2857. When was that contest brought to an end?—I think the last appeal to the Privy Council has pretty well cleared the field, but there are skirmishing outposts still engaged.

2858. Does the Scott Act prohibit the sale of liquor in the hotels?—It has not in Windsor, not much in Kemptville, Bridgetown and Annapolis, but in Digby, Shelburne and up through Queen's, it has done well; in about half the towns, I think it has not stopped the sale of liquor.

*By the Chairman:*

2859. Has it materially reduced it?—Very much. You might take Amherst, my own town.

*By Mr. Clarke:*

2860. What is the reason it has been successful in some counties and not in others?—In some counties it has had a very vigorous enforcement, because of the local sentiment, and they have happened to get hold of able inspectors.

2861. In order to carry out this local prohibitory law it is necessary to have a local sentiment in favour of it, and to have a good inspector—they are three requisites?—No; it would not be necessary to have a local sentiment here if we had a good inspector in this county. The Scott Act has cleaned liquor out of Nova Scotia, except in half the county towns. In New Glasgow there was a good inspector; but a lot of money was spent in the courts, and thus the Act was interfered with.

JOHN T. BULMER.

2862. Do you think the Scott Act generally prohibits the sale of liquor?—In the Maritime Provinces, generally, as a whole, it has had a magnificent effect.

*By the Chairman :*

2863. But it has not entirely prohibited the sale?—Not in half the large towns of Nova Scotia.

2864. But has it anywhere?—Certainly, in the counties.

*By Mr. Clarke :*

2865. Name any counties where it has prohibited the sale of liquor?—Yarmouth.

2866. Anywhere else?—I think a man who wanted to hunt for liquor could get a drink. I think it has been very nearly prohibited in Annapolis.

*By the Chairman :*

2867. Where else?—I think in Shelburne.

2868. You think that in these places the Scott Act has absolutely prohibited the sale of liquor?—I would not say absolutely.

*By Mr. Clarke :*

2869. Could you suggest any amendments from your experience to make the Scott Act more effective?—Yes, very many.

2870. What would they be?—I think it ought to have the effect of an injunction.

2871. What is that?—That the seller could be held under bonds of \$10,000.

2872. If he were deprived of his liberty at once, would it not be better?—The effect of that is to touch the man financially. Of course, the courts are not inclined to put a man in jail.

*By Rev. Dr. McLeod :*

2873. You have some knowledge of the feeling generally throughout Nova Scotia?—I have.

2874. Do you think the feeling is sufficiently strong to enforce a prohibitory law, if one were enacted with proper provisions?—I believe that if a prohibitory law were properly enacted and carried out, it would have the overwhelming support of the people of Nova Scotia.

2875. Town, country and all?—Yes.

*By the Chairman :*

2876. And would be efficiently carried out?—Yes.

2877. And would put an end to drinking, with this long coast line open to smugglers?—I think smuggling would increase.

*By Judge McDonald :*

2878. If you had not so many old country people, it could be carried out?—If we had not so large a number of English or German or Scotch or Irish population. That is the exceptional feature in Canada.

*By Rev. Dr. McLeod :*

2879. Have you had any opportunities of judging of the feeling throughout the Dominion at large?—Yes, I have.

2880. What is your opinion as to that?—I made inquiries some years ago about Quebec and some other provinces, and was assured that it was believed that a prohibitory law could be well enforced. I think a prohibitory law in the Dominion would reduce the liquor traffic over three-fourths in the first year.

2881. It would not absolutely prohibit?—No.

## Liquor Traffic—Nova Scotia.

*By Judge McDonald :*

2882. Not till the second year?—No. I made some inquiries as to the percentage of smuggling from Mr. Johnson, and he informed me that he had made careful inquiries as to that and he did not think the smuggling amounted to any appreciable quantity. That is Mr. Johnson, the late Deputy Minister of Customs.

*By the Chairman :*

2883. There is strong evidence of smuggling in the Gulf of St. Lawrence at present?—Yes. That is the great centre of smuggling.

2884. How do you account for the repeal of the Scott Act in so many places in the Dominion, if that prohibition sentiment prevails, and that only in one or two places in the Province of Quebec has it been put into force?—For this reason: that the people thought it was an Act for the suppression of the liquor traffic, but any sympathy they had was lost after there was so much litigation and dispute about this incompetent Act.

2885. Have you been through any of these counties?—All in Nova Scotia.

2886. In Western Canada?—Yes.

2887. Where it was put in force and then repealed by large majorities?—Yes.

2888. Were you in any county in Quebec where it was in force?—Not to remain in any of the counties, but just to pass through them.

2889. I think you said the number of licensed places at Halifax was about 120?—About that.

2890. And only yesterday you had occasion to prove that in only eight of them was the law observed?—I said I could only name eight persons who are keeping the law.

2891. And you think the other 112 are breaking it?—I am on my oath, and as far as my observation goes—and I have endeavoured to be accurate—there is not a bar room or shop keeper, except the eight I have mentioned, who is paying any attention to the Act.

2892. That is your opinion?—That is not my opinion, but my observation.

2893. What special means have you taken to ascertain the fact?—At one time we instituted a detective service and we laid our results before the City Council in reference to the charges against Mr. Mackasey. I made a careful examination of the whole city and that was the result of my observation.

2894. The conclusion you came to was that not more than 8 out of 120 were observing the law?—Some of these are wholesale houses. As to the hotels and shops, there are only eight, that I know of, observing the law.

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The Commission adjourned, to meet at North Sydney, on Friday, 29th instant, and to meet again in Halifax, on Monday, August 1st, at ten o'clock a.m.

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NORTH SYDNEY, N.S., July 29th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 o'clock a.m.,

JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. McLEOD.

MR. G. A. GIGAULT.

The commission having been read,

JUDGE McDONALD said : It is my duty to state that the Commissioners will now proceed to discharge the duties committed to them. Sir Joseph Hickson, chairman of the Commission, was with us at Halifax ; but for certain reasons he is not here to-day. We will now proceed to take the evidence of any witness who can give information in regard to the subject-matter before us. If the Mayor is present we will take his testimony first, owing to his official position.

WILLIAM PURVIS, of North Sydney, general merchant, ship-owner and member of the firm of Archibald & Co., Mayor of the town, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

2895. How long have you resided in North Sydney ?—I have resided here since 1857, 34 years.

2896. How long have you occupied your present position of Mayor ?—Since the incorporation of the town in 1884.

2897. Have you a Council for the municipality ?—We have a Town Council.

2898. Under what provisions of the law, if any, in regard to the liquor traffic is North Sydney ?—It is under the Canada Temperance Act at present, or what is commonly known as the Scott Act.

2899. In what county is North Sydney situated ?—In the county of Cape Breton.

2900. Has Cape Breton adopted the Canada Temperance Act or Scott Act ?—The county has done so.

2901. How long has it been in force here ?—I cannot tell the exact time ; I think quite a number of years.

2902. Was it in force at the time you were elected Mayor ?—Yes.

2903. And has it continued in force ever since ?—Yes.

2904. So during the whole term of your office, since 1884, it has been in force ?—I am not positive whether the Act was in force the first year. I am under the impression it has been in force all through my term of office.

2905. Can you give the Commission any information as to its operations and effects since it has been in force in this town ?—I do not think it has prevented the sale of liquor.

2906. Are you acquainted with its operations outside of the town ?—No, I could not state as to its working outside.

2907. As regards its operation in the town, what have you to say ?—I do not think the Act has done anything to suppress the sale of liquor.

2908. From your knowledge of its operations in the town, do you consider it a success in preventing intemperance ?—It has not decreased the number of houses that sell.

2909. Let me put the question in another shape : Has drunkenness or intemperance increased or decreased since the Act has been in operation. Drunkenness has decreased in the town materially.

## Liquor Traffic—Nova Scotia.

2910. To what do you attribute the decrease?—I attribute it principally to enlightened public opinion.

2911. Has the Act operated to bring about that opinion?—I do not think so.

2912. From your knowledge of the working of the Act, is it your opinion that, if a general prohibitory law were passed for the whole Dominion, it would have the effect of suppressing or diminishing intemperance?—I have no question about it, that if we had a general Act passed, it would have a great effect upon the sale and use of intoxicating liquors.

2913. Do you think it would diminish the sale?—It would diminish it.

2914. Do you think it would have an effect in North Sydney which the present Act has not?—I think a general prohibitory law would have a certain effect here, which the present Act has not.

2915. How do you think that effect would be produced by the one and not by the other?—It would then be a general measure, and the Dominion itself would take means to enforce prohibition, if there was a general Act.

2916. What is the cause of the failure to enforce the present Act in North Sydney?—The cause of the failure is the fact that people will sell in spite of the Act.

2917. Are any efforts made to stop them?—Yes, and in this town with greater success, I believe, than in any other place in the Dominion of Canada. I mean this: that the cases which have been before the court, have in every instance been given against the parties and in favour of the town.

2918. Have the prosecutions been made at the instance of the inspector or the police officer, or what official?—They were made at the instigation of the Town Council.

2919. How many police officers have you in the town?—We have two.

2920. Through what officer does the Town Council conduct the inspection of these houses, and lay informations and so on?—The police are the only parties.

2921. Do I understand that the police have done that work here to a great extent?—The police have done it all.

2922. Under the authority of the Council?—Under the action of the Council.

2923. The Council has, in other words, attempted to enforce the law?—The Council has enforced the law whenever it considered it possible to do so.

2924. And they have done so through their officers?—Yes.

2925. Before whom are offenders tried in this municipality?—They are tried before the Stipendiary Magistrate of the town for offences committed in the town; but every case of infringement of the Act brought before the Stipendiary has been appealed.

2926. May the Council be considered to have represented, in taking this action to make the Act effectual, the general consensus of public opinion?—I assume it would not be the consensus of public opinion, but the wish of a great number of people who are desirous of seeing the Act enforced.

2927. Would those people form a majority or minority of the population as a whole?—I think a minority.

2928. Then I understand that you have had a City Council favourable to the enforcement of the Act and that the council has directed its officers to see it enforced, and yet the Act has not been a success. In view of these facts, how would you expect a Dominion Act to be a greater success?—I would expect it to be a greater success as being an Act of the country at large, a Dominion Act, and the Dominion on passing such an Act, would take proper steps to enforce it, in a way the present Act is not enforced, I mean by preventing liquor from coming into the country.

2929. Then you think if the importation and manufacture of liquor were stopped, that would have the effect of reducing intemperance?—Undoubtedly.

2930. Can you form any opinion as to how the liquor that is sold in this town gets here? Have you any local distillery?—No.

2931. Have you any local brewery?—No.

2931*a*. From what quarter does the liquor come?—The principal importations come through Halifax, I think.

2932. Have you reason to believe that any liquor has been smuggled?—Undoubtedly there is smuggling to a certain extent, but I cannot say anything about it.

WILLIAM PURVIS.

2933. You do not know to what extent?—No.

2934. Is any liquor made in illicit stills in this section?—Not that I am aware of.

2935. You have spoken of breaches of the Act here, and of its non-observance. Is that non-observance of the Act secretly carried on or openly?—More or less openly.

2936. Are there any places in this town where liquor is exhibited openly for sale?—I think so; I am not very sure. But, as a general rule, they keep it out of their windows.

2937. Do you know of any case in which it is kept in the windows?—No, I do not.

2938. Is it kept on the shelves in the shops within sight?—I fancy so.

2939. Are bars kept open at any place?—There are several of them, but you could scarcely call them bars; they are more or less secret.

2940. Secret in what sense?—People do not go in at the front door and see a person serving behind a bar, as was the case formerly.

2941. Do you refer to the operations of the old license law?—Yes; that was before incorporation. I am not very familiar with it.

2942. Do you remember whether, under the operation of the license law, there was much drunkenness?—I think about the same as at present. The town has improved very much in that respect. The country people who came in here in former times invariably went home more or less intoxicated. It is very seldom that occurs now, and the principal part of the drinking done here is by foreigners, sailors and others who come here. The town itself is a very abstemious town.

2943. Have you circumstances here in connection with your town such as do not exist in other towns of the size, owing to your location, and owing to sailors and miners and other classes of people residing here?—Yes; we have a great many foreigners and sailors frequenting the port.

2944. So the conditions are different?—The conditions are different to those of many other towns.

2945. Have you any reason to believe that the adulteration of liquor prevails to any great extent?—It does not here, unless it is adulterated before it comes to the place.

*By Mr. Clarke :*

2946. I understood you to say that there is a strong public temperance sentiment in this community?—There is a very strong sentiment.

2947. But probably that sentiment was not, to use your own expression, in the majority?—I meant that probably the majority of the people, taking them as a whole, do not sympathize with that sentiment.

2948. But there is a strong sentiment, I suppose, in favour of the prohibition of the liquor traffic?—A very strong sentiment.

2949. I suppose that sentiment has found its way into the Town Council, and has prompted the members of the Council in the discharge of their duties, to make efforts for the suppression of this illicit traffic which obtains here?—That is so.

2950. Does that sentiment still exist here?—Yes.

2951. Does it make itself manifest in any way through the action of the Council in continuing the efforts to enforce the law?—The sentiment still exists, and the desire remains on the part of the Council to press this matter; but, as is well-known, the records of the Council show that this has been done, although the officials are as apt to lose a case as win one, yet they have been successful in winning every case hitherto. There has, however, been an appeal taken to the court above, which has given an immense amount of trouble in every case, and the result does not compensate for the annoyance.

2952. Then owing to the difficulties met with in enforcing the law, has the Council virtually abandoned the prosecution of the illicit sellers?—They are not pressing it as much as they did at one time. There is generally a raid made, and the attack may be successful; but, as a general rule, the desire to prosecute dies out.

2953. Could you suggest any alterations or amendments to the Scott Act which would cause it to run more easily and be more efficiently enforced?—No; the only way would be, as I have stated, to change the law from the Scott Act to prohibition all over

## Liquor Traffic—Nova Scotia.

the country, and in that case you might have some chance of enforcing it. With local option you have not the same weight as would attach to a general prohibitory Act.

2954. Do you think from what you know of the impossibility of enforcing the Scott Act, it would be possible to enforce a general prohibitory measure throughout the Dominion?—I do not say it would be possible to enforce it altogether. With St. Pierre in the immediate neighbourhood, from which liquor could be got and could be smuggled, it would be absolutely impossible to keep it out of the country *in toto*. If there was a general prohibitory Act, to prevent the importation of liquor into the Dominion, and the Dominion could take its own steps to see that there was neither liquor manufactured nor imported, it would certainly have an effect. But it would certainly be impossible to keep liquor out of these provinces altogether, in view of the short distance we are from places from which liquor could be smuggled, and in view of our long coast line it would be almost impossible to prevent liquor being smuggled. The great objection to a prohibitory Act would be, in my opinion, that it would induce a great deal of smuggling and breaches of the law in other directions.

2955. So you think that, so long as liquor is permitted to be manufactured in the Dominion, it will likely find its way all over the country?—Undoubtedly. So long as it is allowed to be imported under the law and distilled under the law, you will find it used in the country.

2956. At present there is general non-observance of the Scott Act in North Sydney, I understand you to say?—I do not speak from any practical knowledge. It is stated that the number of houses where liquor is sold at the present time is greater than it was at the time the parties sold by licenses. It is found in all corners of the town; but as I have stated, it is not so generally drunk, not so generally used.

2957. I understood you to say that it was largely used by people who are non-residents of North Sydney?—Yes.

2958. By people coming here as mariners and strangers?—Yes.

*By Rev. Dr. McLeod:*

2959. How many places are there in North Sydney in which liquor is sold?—I cannot tell you. There are 30 or 40.

2960. I understood you to say that there has not been any case lost when an attempt was made to prosecute?—The attempts made were all successful, so that we have now \$210 to the credit of the Canada Temperance Act, as the proceeds of fines collected. I am not quite sure about the amount.

2961. How long is it since any attempt has been made to enforce the Act?—The last attempt was made over four or five years ago.

2962. And how long is it since the attempt ceased?—I think the last case was finished about two years since. There has been no real attempt to enforce the Act since.

2963. During the time attempts were made to enforce the Act, was the number of places reduced, that is up to two or three years ago?—I do not think so. There may have been a little more secrecy about the drinking, but I do not think there was any diminution in the number of places.

2964. Nor in the quantity sold?—I do not know.

2965. But it made it more difficult to sell?—Yes, it made it a little more difficult to buy.

2966. I understood you to say that for a couple of years the Council have not insisted on the efficient enforcement of the law. Will you please state the reason for taking that course?—The Council will still take the cases in hand when presented. The Town Clerk is on hand to press any case so soon as satisfactory evidence is brought before him to justify him in supposing that he can secure the conviction of the party.

2967. Who are supposed to make complaints? Who made the complaints in the cases that were prosecuted?—Some gentlemen in connection with the temperance cause.

2968. Were they private citizens?—Yes.

2969. Do you know whether the Council has instructed the policemen to keep an eye on those places and make complaints?—The police are instructed, as a matter of course, to prevent an evasion of the law; but they do not do it.

WILLIAM PURVIS.

2970. Do you suppose the police are aware of these evasions of the law in this particular; they can hardly be ignorant of them, I suppose?—They are aware that there are evasions, but they do not feel they are in a position to get hold of sufficient evidence to bring the matter before the Town Clerk, so as to prosecute it to a conviction.

2971. Were the cases that were brought accompanied by sufficient evidence to institute prosecutions?—They were.

2972. Have you any idea why the police do not feel that now they could get equally good evidence?—As I have stated, I will not state it positively, but I think the evidence was brought before the Town Clerk, who prosecuted, by outside parties.

2973. Not by the police?—Not by the police, but by outsiders.

2974. So that the police have never made any complaints, so far as you know?—The police have made raids upon the places; they have gone visiting around seeing if anything was going wrong, but they very seldom could get the information they wanted.

2975. But you think there is about the same amount of drunkenness now as under license, that there has not been any material change in the number of places?—I think there are more places now under the Scott Act than there were under license.

2976. Have you a sufficiently clear recollection of the state of things under license to be able to say whether there were more illicit places than there are now?—No, I have not sufficient information.

2977. Do you remember how many licenses were issued here under the old system? No, I do not.

2978. You cannot say whether there were more illicit places than now?—No, I cannot. It may be only my impression, but I think there are more now, because every one is illicit.

2979. You have said the town has really improved in its drinking habits?—Yes, decidedly.

2980. Notwithstanding the large number of illicit places for the sale of liquor?—Yes, that is quite evident.

2981. But do you think the change is altogether in the people from the outside of the town, the country people?—The country people have changed their habits very materially too.

2982. What do you suppose has caused the change in the habits of the country people, have you any idea?—It used to be a sort of religion with those people from the country to get intoxicated. They did not do it very frequently; but it was a custom, a regular thing to do.

2983. The law is in force in the country places as well as in the towns?—Yes.

2984. Do you suppose the law has had anything to do with the change in the habits of the people in the country places?—No, I do not think so; I think the people are more enlightened and better educated now.

2985. Due to the moral suasionists?—Not so much that, as through the general concurrence of events, the evolution of temperance sentiment.

2986. Do you think that when the attempt was being made, a somewhat persistent attempt too, to enforce the law, the sale was equally open and as general as now?—It was as general, I do not say equally open.

2987. The effort made to enforce the law, however, was only temporary?—It was an effort made to see what could be done by the enforcement of the law and if it could be practically worked and enforced, and if it would have any effect.

2988. You think the conclusion was arrived at that it could not be enforced?—I do not say that. It is quite possible that action may be revived again at any time; but these things are more or less spasmodic.

2989. I understood you to say that there was no real difficulty in the way of enforcing it; that every case of appeal was quashed and conviction was sustained in every case. So there was no difficulty of that sort, I suppose?—No. But we had to thank for that the efficient official who undertook the prosecutions.

2990. But was there not some serious delay by the Judges in rendering judgment, a delay of a year or more?—More than that.

## Liquor Traffic—Nova Scotia.

2991. During that time did the people act though they were discouraged at those somewhat trying delays?—Yes. Some of them looked as if they were a little alarmed, but it did not discourage them much.

2992. I mean the temperance people: did they get discouraged at the delay?—I think they were discouraged in this way: That it became evident to them that to succeed in the course they had adopted would create a great deal of ill-feeling and a great deal of bad blood in the community, and the result would scarcely be worth the effort.

2993. You have spoken about bad blood and ill-feeling: what form did that take?—It took the form at one time that I think the Clerk's house was set on fire.

2994. Was that supposed to be attributable to the attempt made on his part to enforce the law?—I believe so; I am not personally aware of it, for I was away in California when that took place.

2995. Do you think that had any effect in creating a public opinion that it was better not to further attempt to enforce the law?—No. I think that attempt created a revulsion of feeling the other way; it made a greater majority of the people in favour of putting down the liquor sale, if they could.

2996. Was that followed by other attempts to enforce the law?—As I have already stated, the law will always be enforced if it is possible to get sufficient evidence to secure a conviction. But in this case there was a great deal of feeling aroused in the community against the rum sellers, for this action was attributed to them.

2997. I suppose correctly so?—I could not judge about that.

2998. Do you think any attempt was made to terrorize the people in any degree?—I do not think it frightened them.

2999. Would the timid feel that they must cease their action lest they should suffer in a like way?—I think those acts were not injurious to the cause of temperance, although they caused the people to feel alarmed; but they created the desire to press the law even more strongly.

3000. Is this the substance of what you said concerning the law: it has not succeeded better simply because it has not been enforced?—I do not want to give an opinion of that description.

*By Judge McDonald:*

3001. Have the answers you have given to the whole questions put to you been your answer as to the non-enforcement of the Act?—I think the answers I have given are an answer to the question.

*By Rev. Dr. McLeod:*

3002. I think some reference was made to a petition asking the Council to enforce the law. Do you remember how largely that was signed?—Pretty largely.

3003. By a majority of the people?—Not by a numerical majority.

3004. I understood you to say that you thought a prohibitory law, a law prohibiting the manufacture and importation of liquor, would have a good effect?—I think so.

3005. A better effect than local prohibition, such as prevails under the Canada Temperance Act, as it would keep the liquor out of the country?—That is my opinion.

*By Mr. Clarke:*

3006. As a result of the convictions of the court of first instance being sustained by the Supreme Court, did the temperance people renew their efforts to put down illicit selling?—I do not think they have taken as active efforts since the last cases were decided.

3007. Were all the fines that were imposed collected?—All, except one; I think one was not collected.

3008. What was the reason that one was not collected?—You are asking rather a difficult question to answer.

3009. The reason I ask the question is, that I have heard it stated that, notwithstanding the fact that the decisions of the Magistrate had been sustained on appeal, the fines he imposed were in some instances not collected. Why was it?—It was due to

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the action of the Council that one particular fine was not collected. I cannot recall exactly any vote taken in connection with the matter, but I think the Council dropped it.

3010. How long has this balance of \$210 been lying at the bank to the credit of the Scott Act fund?—Since the last collection was made, about two years ago.

3011. Will the Council place that money at the disposal of any responsible person to enforce the law, if any one desires to come forward and enforce it?—I do not know. That would have to be decided by vote, I presume. The money has been placed in the bank at that credit, but it is certainly at the disposal of the town. The money has not been used for any town purposes; we have the idea that if the Council should desire to vote it in any way in connection with this special matter, it is in their hands.

3012. If there is any general sentiment or desire on the part of the people, it will be reflected in the action of the Council in voting that some steps be taken to enforce the Act, and this money standing to the credit of the Act could be used for the purpose?—I have no doubt of it.

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CHARLES ARCHIBALD, of Cow Bay, Manager of the Gowrie coal mines, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

3013. How long have you resided in the county of Cape Breton?—More or less during the last 47 years.

3014. Practically all your life?—Yes, about all my life.

3015. Is the Canada Temperance Act, commonly called the Scott Act, enforced in the county?—Yes.

3016. Have you been a continuous resident in the county since the Act has been in force?—Yes, with the exception of being away a short time.

3017. Have you any knowledge of the working of the Act?—Yes, in the district where I live only.

3018. How are the police and municipal affairs of that district managed?—We have not any police there.

3019. Merely rural constables?—We have constables appointed by the County Council, men who act when they are called upon.

3020. No regular police?—No paid policemen.

3021. What is the population of Cow Bay?—The population is about 1,500.

3022. Have you reason to believe there is non-observance of the law there, that there are any breaches of the law in that section of the county?—Yes, there are some breaches of it; there are some attempts to commit breaches of it.

3023. Are there any hotels in the place?—Yes.

3024. Are there any refreshment places and restaurants?—Yes.

3025. Are there any merchants' shops?—Yes.

3026. And the general run of establishments in a place of that kind, I suppose?—Yes.

3027. Is the rest of the population composed of seafaring people?—Yes, and fishing people.

3028. There are miners there, of course?—Yes, we have a combination of people there; it is a shipping and mining place altogether.

3029. You have a very composite class of population, I suppose?—Yes.

3030. How are the provisions of the Scott Act observed there?—I think its provisions are enforced more stringently there than anywhere else in the county, so far as I have heard.

3031. What means are taken for its enforcement? Who look after it?—I think the Women's Christian Temperance Union are at the head of the enforcement of it, at all events they are to a large extent. They have a great many sympathizers in the work there. I know all the temperance people there are united in fighting the sellers of liquor—they are united in enforcing the Act.

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3032. How many temperance organizations are represented there besides the Women's Christian Temperance Union?—The Sons of Temperance, the League of the Cross, and I do not know what others.

3033. Do they make common cause in this work?—Yes.

3034. Do they employ any person as inspector, or is it all purely voluntary effort?—No; it is all voluntary.

3035. Can you give the Commission any information as to the way in which the prosecutions are instituted?—Not being directly engaged in the work, I am scarcely prepared to give it.

3036. Is there a Stipendiary Magistrate at Cow Bay?—No. The cases are generally brought before a Magistrate from Sydney.

3037. Does he come down to try the cases?—Yes; and in some cases they take the witnesses on and the cases are tried in Sydney.

3038. You do not know by whom the prosecutions are conducted?—No.

3039. Is there any solicitor or barrister who acts for the temperance people?—No; but they generally engage a solicitor for the cases. These matters are done pretty quietly; they occur and are over before any one not directly interested knows much about them.

3040. So far as you know, is there any open sale of liquor at Cow Bay?—There is no open sale.

3041. You do not see liquors or bottles exhibited in shop windows?—They exhibit bottles, but they take care that they are temperance drinks, or so mark them.

3042. Then there is nothing to excite suspicion?—No.

3043. Have you reason to believe there are places where there is secret sale?—There are places.

3044. In connection with people engaged in any particular business?—No. I think the only persons selling liquor, or attempting to sell liquor, in Cow Bay are Italians.

3045. In what other business are they engaged?—In the junk, or any other business. They keep stores and sell different things, and they will sell anything.

3046. How do you suppose the liquor is obtained by those people?—They import it from Halifax principally.

3047. Do you know if there is any smuggling carried on?—Probably there is, but I know nothing about it.

3048. Do I understand that vessels come from different ports to your port?—Yes; from everywhere. I have no doubt liquors are smuggled.

3049. Have you any communication with St. Pierre, the French island?—Yes. We are probably the nearest point to St. Pierre.

3050. Do you know if there has been any smuggling from there?—I believe there has been a good deal of smuggling from there. Vessels have been seized at Glace Bay, but no vessels have been seized at Cow Bay.

3051. From your experience of the working of the Scott Act, is it your opinion that if a general prohibitory law, prohibiting the manufacture, importation and sale of intoxicating liquors, were passed, it could be enforced?—I do not think I am prepared to express an opinion on that. I think there is no difficulty about enforcing the Scott Act, if they want to do so. If the people want to enforce it, they can do it.

3052. Do you think that if difficulty arises in regard to the enforcement of the Scott Act, the same difficulty would arise in regard to the enforcement of a Dominion Act?—The defect in the Scott Act was, in the first place, that the Dominion did not provide the machinery by which to carry it out. There were a great many failures, because it was so difficult frequently to ascertain how to work out the Act, and for years and years money was spent by the temperance people without being able to do anything. After they have learned to work the Act, as they have learned to work it now, it has been successful. It has been made quite simple; and if a general prohibitory law were passed, I think it would be more easily worked than the present Scott Act.

3053. Then it depends on the machinery?—Yes. The machinery of the Scott Act now is pretty perfect, where it is carried out.

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3054. Do you think there would be much smuggling if such a general law were passed? Do you think there would be an increase of smuggling?—That I think would be a natural consequence, but the extent of it would depend on the enforcement of the Act against smugglers.

3055. Have you considered the question in this way, that the prevention of smuggling now is designed in the interest of the revenue, and with the adoption of a prohibitory law, the Government would not have any interest in stopping smuggling. Do you think if efficient officers were appointed and they did their duty, a prohibitory law would be better than the present law in its operation?—Yes, generally it would.

3056. Do you know if there is any trouble in the way of adulteration of liquors in your section of the country?—No; but from the statements of some individuals I should imagine there would be adulteration of a deleterious kind. Captains of steamers complain that if a man takes a drink or two he is apt to be laid up for some time. This shows that the liquors must be adulterated.

3057. Do you know anything about the working of the old license law?—No, I do not know much about it.

3058. You are an employer of labour?—Yes.

3059. How many men do you employ?—From 300 to 400.

3060. Are your men mostly miners?—Miners and surface men in connection with the mines.

3061. As an employer of labour and brought in contact with a class of men of that kind, how do you find them as to sobriety?—We try to weed out the drunkards whenever we get the chance.

3062. Then you have largely a class of sober men?—Yes.

3063. I mean in the sense of men who do not get drunk?—That is, of course, brought about by the interest taken in temperance in the place to a large extent. It is as much owing to that influence as to my influence.

3064. Are the influences I refer to, the moral and religious influences, in force in Cow Bay of a healthy character?—Yes, owing to the efforts made by all the temperance societies to enforce the Scott Act. They keep a watch on the men, and those who drink are not in favour.

3065. Are many of your men members of those societies?—Yes.

*By Mr. Clarke :*

3066. What is the population of Cow Bay?—About 1,500.

3067. What is the population of North Sydney?—I do not know.

3068. The population of Cow Bay, I understand, consists largely of miners and seafaring men?—Yes, there are also some merchants, some fishermen and so on.

3069. Notwithstanding the different elements which go to make up your population, you think the Scott Act is fairly well enforced in Cow Bay?—Yes.

3070. Do you think it is a workable measure?—Yes.

3071. I understand from you that there is no local municipal government there?—No.

3072. And no constables?—We have appointed constables, but have no regularly paid constables.

3073. And you have no Stipendiary Magistrate?—No.

3074. Notwithstanding these disabilities under which your labour, the Scott Act is fairly well enforced there?—Yes.

3075. If liquor can be purchased it is in dens kept by foreigners?—Yes. I may say that the only open drinking we ever see is done by men from the ships. These men will get liquor on Sundays and in the night, and they occasionally get drunk. We cannot do anything with them. The vessels move away, and the men are sometimes left. The foreigners do not mind selling to these men.

3076. The Scott Act fairly prohibits the sale of liquor in Cow Bay?—Yes.

3077. Do you think the Act could be enforced in other places similarly situated throughout the Province as is Cow Bay, if an honest attempt were made to do so?—I think so.

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3078. Do you think its non-enforcement is due to the lack of effort and energy on the part of the other municipal authorities or temperance people?—I think so; that appears to be the trouble.

3079. If you were told there were places in North Sydney where liquor was seen on the shelves of the shops exposed for sale, would you think there was dereliction on the part of the authorities in not putting a stop to that condition of things?—I could not form any other opinion.

3080. You regard that Act as quite workable?—Yes.

3081. Could you suggest any changes in the Act that would render it more efficient as an instrument of prohibition?—That is a question that would require consideration. I have not, however, sufficient legal knowledge to answer that question.

3082. Are you a total abstainer yourself?—I am not.

3083. Are you in favour of the passage of a Dominion Act that would prohibit importation and sale of liquor throughout this country?—Yes.

3084. Do you think it could be enforced throughout the Province of Nova Scotia?—I am not prepared to say.

3085. Do you think it could be enforced in places where the Canada Temperance Act is a dead letter now?—I cannot say.

3086. Do you think it could be enforced where the moral sentiment of the community is not sufficiently strong to insist that the authorities enforce the plain provisions of the law?—I think it depends on the people to a large extent, it depends on the feeling in the place, unless the Government undertake to enforce it in an official way.

3087. Could you suggest any changes in the Scott Act, looking towards the appointment by the Government of special officers in each municipality to enforce the Act?—I can make a suggestion. This plan I adopted with other leading gentlemen in my county: We met: Father Quinan representing the Roman Catholics, Rev. John Moore and myself representing Cow Bay, and Mr. McLennan and Mr. Rigby representing some mines, and Mr. Kimber and others representing other mines, and we united on what we wanted to be done. We went before the County Council and asked the members to give us an opportunity of testing the Scott Act by securing its efficient enforcement. We asked them to appoint an inspector and a Magistrate to try the cases, because at that time we were labouring under difficulties, and we had no organization for collecting the fines. The complaint the County Council made was, first, in regard to the expenditure that would be incurred for those official salaries: and we could not satisfy the Council for some time on that point. At length we told them (I addressed them on the subject) that we would pay those men their salaries ourselves, if we were allowed to make the experiment for six months, and if we could not work out the Act after six months' trial we would try something else. They heard us, and appeared very much pleased. They would not, however, give us an answer then, but in the evening at their meeting they gave the proposition the three months hoist. That was the last time we were able to get the matter before them. I think that if the County Council had been willing to do what was requested, we would have made a success of the Scott Act, not only in one place but throughout the county.

3088. For how long a period are members of the Council elected?—For two or three years, for three years next term. We have tried it twice, but I am sorry to say we have not the temperance sentiment in the county.

3089. Did the electors generally know you were endeavouring to procure the co-operation and assistance of the County Council in your efforts to enforce the Scott Act?—Yes.

3090. Have elections taken place since your first appeal?—Yes, I think there was an election. I think the time is up this year, and an effort will be made at the next election to return men favourable to the Scott Act.

3091. And do you have to put the machinery into force for the more rigid enforcement of the Act?—Yes, to make it more rigid. Another trouble we experienced was, that when we had collected some fines the county brought action to recover the amount, and the case was taken to Halifax, which was rather discouraging. After

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fighting the liquor sellers, we had commenced to fight the county. Had the county allowed us the fines, we would have been in a better position.

3092. Then the sentiment of the County Council is not very strongly favourable to the enforcement of the Scott Act?—No.

3093. And yet the county councillors are elected by the popular vote?—Yes.

3093a. Do you think the views of the county councillors in regard to the enforcement of the Act represent the views of the people of the county to any extent?—I do not think it is a fair test, because there are some very small sections represented in the Council; insignificant sections so far as indicating the popular opinion one way or the other; and insignificant sections can out-vote counties which are more important in population and industries. I do not consider it any test at all.

3094. What is the population of Cape Breton, roughly speaking?—I am not prepared to say exactly.

3095. What part of the population resides in the rural districts, and what part in the towns and village, so that we may be able to ascertain the feelings of the people in the rural parts of this section?—I think about 20,000 or 30,000 in the rural districts.

*By Rev. Dr. McLeod:*

3096. I understood you to say there was some secret sale at Cow Bay?—I think it is understood there is secret sale of liquor.

3097. You do not regard it as a proof of the uselessness of the law?—No.

3098. I understood you to say that a good deal was done by the temperance societies, by the Women's Christian Temperance Union and by the Sons of Temperance, the League of the Cross and other societies to promote temperance sentiment among the people, and with good effect?—Yes.

3099. Do you think, from your observation and experience, that the enforcement of the law helps to keep men sober?—Certainly.

3100. It is an important influence?—Yes, or there would be nothing to work with.

3101. Are the temptations removed from them, and are they not so liable to fall into drinking habits as they otherwise would be?—Yes.

3102. I understand you are an employer of labour, employing 300 or 400 men, and of course you are concerned in the welfare of the men from the moral stand-point, and further you are concerned also in them as a business man. You have given some thought perhaps to the effect that drink has on the wage-earner. What is your opinion, based on your observation, of the effect of drink on the average drinker, as regards his wage-earning power? If a man is a habitual drinker, is his wage-earning power increased or lessened?—Lessened decidedly.

3103. Is the man who is a habitual drinker less valuable to you than if he were not a drinker?—He is, if we keep him.

3104. You do not keep a man if he drinks?—We generally get rid of him if he continues the habit.

3105. You try to prevent him continuing his habit of drinking, and if not, what happens?—We are as lenient as possible with them.

3106. There is the impression that the drink habit implies a certain amount of loss of time to the wage-earner, not to say anything of loss which may arise to his employer. Can you give us an idea of the number of days per month or per year which the average drinking man will lose because he is a drinking man?—At one time in Cow Bay, when there was no enforcement of the law and not much temperance sentiment or feeling, the loss was very great. When the men received their pay they would drink during two or three days.

3107. They are paid how often?—There is a fortnightly pay now. In districts where liquor is sold without any great restriction, there is a great deal of difficulty from men drinking during and after time, the men not returning to work for two or three days. Many of our men are not paid by the day but by the ton, and very often in order to avoid trouble and to prevent the impression being conveyed that they are neglecting this work, they will go down into the mine and come out again without doing anything. They will then go home sick and very often fail to do their work.

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3108. Take the average man, I will not say a man who is an excessive drinker or a man who takes only three glasses of beer a day, and who is very rarely if ever off his feet, but take the average man : have you an idea about how much time, representing so many days, the average drinking man would lose in the course of a year on account of his drinking ?—No, I could not tell you that exactly.

3109. Would he lose five days a month ?—I could not tell you. Do you mean a man who drinks occasionally ?

3110. Who sometimes has a spree on pay days ?—If a man has a spree he is bound to lose time.

3111. Do you suppose the loss of time would amount to five days a month ?—No, I would not be prepared to say that he would lose that time.

3112. Would he lose three days a month ?—He would not in our district ; no doubt in other districts he would.

3113. Would he lose one day a month ?—He might, if he thought he could do it quietly.

3114. Taking, then, the illicit selling that is carried on at Sydney, what length of time would he lose after pay day ?—I know that loss of time is made by men who drink ; but if you desire particulars, you must get them from the man who keeps the time.

3115. Your answer, then, is that you believe on account of the drinking habits of employees, there is a large loss of time ?—Yes.

3116. And, therefore, a considerable portion of wages is also lost ?—Exactly.

3117. Is it within your knowledge that a proportion of the accidents in your works or injuries of any kind which occur are attributable to intemperance, or has that been the case at any time ?—No doubt we had such cases previous to the enforcement of the Act. We had a great deal of loss from having men off work, drinking.

3118. That was an injury to your business ?—Yes. We have certain expenses going on all the time, and if our men are off work, it involves a loss to us.

3119. Then it is not only a loss of wages to them, but a loss to you as well ?—Yes, and a very severe one.

3120. I think you said that national prohibition, thoroughly enforced, would have a good effect upon the business interests of which you have control, and business interests generally. Did I understand you to say so ?—I think it would be better done.

3121. Can you say as to this : Your men earn certain wages, and some of them drink. The law is fairly well enforced. Can you tell me what the effect is on their families ? Does this enforcement of the law contribute to the welfare of the families of the men ?—I think, all things being equal, the temperance man who does not drink is decidedly the better off in his home life ; he has more comforts and is better off.

3122. He is more saving ?—More economical.

*By Judge McDonald :*

3123. Using the term drinkers in connection with the matter of losses, I suppose you refer to men who drink to such an extent as to be hurtful to them ? Take a man who is in the habit of using a couple of glasses of ale a day : is that a man such as you refer to when you speak of drinkers ?—No.

3124. Do you mean men who drink to such an extent as to unfit themselves for work ?—To men who drink so as to affect their health.

*By Rev. Dr. McLeod :*

3125. What extent of drink is harmful ?—I cannot answer that question ; it is all harmful, I suppose.

3126. Do you find that excessive drinkers were always excessive drinkers ?—No.

3127. Was there a time when they took a glass of ale per day ?—There must be a commencement somewhere, unless they were born drunkards.

3128. Do you think there is a risk of becoming an excessive drinker even if a man is moderate at one time ?—I have no doubt of it.

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*By Judge McDonald :*

3129. You have told us you are not a total abstainer?—I am not.

3130. You would consider two or three glasses of ale as being harmful?—No.

*By Mr. Clarke :*

3131. What proportion of the men in your employ are total abstainers?—I imagine a large majority ; but as to the exact proportion, I could not say.

3132. You have in your employ from 300 to 400 men?—Yes, I do not imagine we have one in six who drinks at all. This, of course, is largely owing to the fact that they cannot get any liquor to drink, or a good many of them would do so.

3133. You consider the present Scott Act is a workable measure and can be enforced?—Yes.

3134. How many miles is Cow Bay from North Sydney?—By water I suppose 25 miles, and by water and land about the same distance.

*By Rev. Dr. McLeod :*

3135. Do you think there would be a large proportion of total abstainers among your employees if there was not a law fairly well enforced?—No, there would not be so many, though I presume there would be the same efforts made in the direction of temperance.

*By Judge McDonald :*

3136. I understand from you that public sentiment in Cow Bay is favourable to the enforcement of that Act?—Yes, having an Act which we can work. When it was found that we could work the Act, the people started it.

3137. Then public sentiment is in its favour?—Yes.

JOHN N. ARMSTRONG, Town Clerk of North Sydney, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3138. By what authority are you appointed?—By the Town Council.

3139. How long have you resided in North Sydney?—All my life, except a few years I was away.

3140. How long have you been Town Clerk?—Some seven years since incorporation.

3141. Have you held the position continuously?—Yes.

3142. What is the population of North Sydney?—I think the last census gave us about 2,700, between 2,600 and 2,700.

3143. How many members compose the Municipal Council?—There are four wards and two members to each ward : eight councillors and a Mayor.

3144. Is the Mayor elected by the whole municipality?—Yes.

3145. Is the Canada Temperance Act, or what is commonly known as the Scott Act, in force in this community?—Yes.

3146. How long has it been in force?—Since 1880 or 1881.

3147. Then it has been in force over ten years?—Yes.

3148. Has any effort been made to repeal it?—There has not.

3149. So ever since it was brought into force, it has run without any vote taking place upon it?—Yes.

3150. Do you recollect the majority of votes by which it was brought into force?—I cannot say ; but it was a small vote.

3151. There was a large vote unpolled?—Yes.

3152. Have you had any experience of the working of this Act in North Sydney?—Yes, I have had some experience.

## Liquor Traffic—Nova Scotia.

3153. Since the Act came into force, has drunkenness increased or decreased ?—Drunkenness has decreased in the town very much.

3153a. Do you attribute the fact to the effect of the Act, or to any other reason, or to the Act and other reasons combined ?—I think it is not attributable to the Act.

3154. Do you attribute it to what are called moral and religious influences ?—To moral sentiment, and to the fact that the people are getting better, as we say.

3155. Do you believe the law is generally well observed in North Sydney ?—No.

3156. Is there any considerable sale of intoxicating liquors ?—Yes.

3157. Does this sale take place in few places or in many places ?—That is a matter of opinion. Some persons allege more than there are by a great many, and some allege less than there are.

3158. Do you think there are a good many places or few places ?—I have heard the evidence of the Mayor, who said there are about 30 places. There are more places than that number, but not more than 30 places that may be called shops.

3159. How many shops would you suppose there are ?—I should say there were not more than a dozen. I may not be counting all of them, but I am thoroughly well acquainted with the town, and one-half of 30 is the outside limit of those places.

3160. Of places where liquor is regularly sold ?—That is going to the outside limit. It is certainly not the case that there are anything like 60, as has been alleged by outsiders—there is nothing of the sort.

3161. From what places is the liquor obtained ?—I think it is mostly imported from dealers at Halifax.

3162. And does any come from outside of the Province ?—Yes.

3163. Is the liquor brought from there entered at the custom-house, or is it smuggled ?—I could not answer that question ; I presume some is entered, and I know some is smuggled.

3164. Do you know any illicit stills in this section ?—No, I do not.

3165. Are you able to form an opinion as to whether the liquors generally that are used are adulterated or not ?—I am not able to form an opinion except by the evidence of the results, by the fact that some men who do not take much liquor seem to be overcome by it.

3166. Does it have a paralyzing effect upon them ?—Men who come into our jail sometimes seem to be overcome, if their own stories are correct, by very small quantities.

3167. You have a lock-up and jail here ?—Yes.

3168. Have you been brought officially in connection with the enforcement of the Act as Town Clerk ?—Yes.

3169. In what way ?—The informations were laid by me.

3170. Are you Clerk of the police court ?—Yes.

3171. Is there a Stipendiary Magistrate here ?—Yes.

3172. And the informations laid by you charged certain parties with violations of the Act ?—Yes.

3173. Is it your duty to draw up the necessary papers and have them signed by the Magistrate ?—Yes.

3174. Do you attend the sittings of the court ?—Yes.

3175. Do you think there has been, on the part of the civic authorities in this municipality, an honest attempt made to enforce the Act ?—There certainly was in every case where informations were laid. There has not only been an honest attempt made, but a successful one in every case. Every case was prosecuted successfully both in our court here and proceedings on *certiorari* were in all cases quashed, and fines were collected in every instance, except the one which has been referred to.

3176. Were there any special circumstances which led to the fines being remitted ?—The fines were not remitted ; they simply were not collected.

3177. What were the special reasons for that course being followed ?—The matter was not pressed ; that is the execution and warrant for collecting the fines. There were two cases against one party in which the fines were not collected.

3178. Why ?—The execution was issued and placed in the hands of the constable. He returned it endorsed "no chattels or goods found." Then the next procedure was

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to issue a warrant of arrest. That was not done; the Council voted not to press the matter further.

3179. So you were not able to carry out the provisions of the law, owing to the action of the Council?—No.

3180. Do you know why they took that action?—It was not placed on record; they did not place any reason on record.

3181. You are brought in contact with the police force, I suppose?—Yes.

3182. Do you believe that so far as they are directed to do so, they honestly endeavour to enforce the law?—No informations were laid by the police at all.

3183. Have they been directed by the authorities to see that the Act was enforced?—The way in which it was in the first place carried out, was this: A petition was presented to the Council in 1887, when the Council voted that the officers of the town carry out the Scott Act. Those were the words “officers of the town,” which meant the Stipendiary Magistrate, myself and the police officers. As a matter of fact the police were therefore included, and were aware of that resolution.

3184. But I understood you to say that they never laid any information?—No.

3185. They are appointed by the Council?—Yes.

3186. From your observation of public affairs, do you think that the passage of a law by the Dominion Government, prohibiting the manufacture, importation and sale of alcoholic liquors, would be desirable?—Yes; undoubtedly it would be.

3187. Do you think it would be capable of efficient enforcement?—That is a question which it is difficult to answer, for it involves the method of enforcement and by whom enforced. If its enforcement were left to the municipal authorities, it is very doubtful.

3188. Why? We are told that an honest effort has been made by the municipal authorities to enforce the law, and you yourself do what you can to carry out the law?—My meaning is that every information laid before us was prosecuted to a successful issue, both in the lower and higher courts; but, of course, cases not brought before us are not pressed, and many are not brought before us.

3189. You are not informed of those violations?—Quite so.

3190. I understand that your Municipal Council has taken the stand to honestly enforce the Act?—I want to give you the history of that matter. The first action taken was in April, 1887, when a petition was presented. Then we pressed the Act at different times during the next two or three years. We secured convictions and won the cases taken on *certiorari* to the Supreme Court. It was not until 1889 that three or four cases in the Supreme Court were given in our favour, and it was not until 1891 that other four cases were decided in our favour. In the meantime the cases were hung up in the courts. We proceeded with the collection of the fines in the eight cases, a year ago this present month. That is the history of the situation.

3191. The Municipal Council instructed its officers in 1887 to see that the Act was enforced?—Yes. The matter of the enforcement of the Act was placed at different times before the Council, and they were made aware of every step taken.

3192. Do I understand that you and the Stipendiary Magistrate are appointed by the town?—A. Yes.

3193. You, he and the constables were the persons named by the Council?—Yes.

3194. Were the constables appointed by the Council?—Yes.

3195. Did the Council give them instructions?—Yes.

3196. So I understand you to say that, so far as you know, those policemen have taken no steps of themselves to interfere with the illicit traffic and have laid no information?—No.

3197. If officers are locally appointed with instructions to enforce the law, and they fail to do so, do you think that local officers appointed, but with the appointing power at a great distance, would be more likely to enforce the law?—The present officers are supposed to perform all their duties.

3198. I suppose your policemen have instructions if they see men committing breaches of the law on the street or elsewhere, to arrest them; do they discharge their duty?—Yes.

## Liquor Traffic—Nova Scotia.

3199. We will take an offence of a similar nature to that of a violation of the Scott Act: do you suppose that officers appointed to enforce this Act, receiving their appointment from local authority, with the supervising power at a distance, would do any better than purely local officers?—It is presumed that they would not be directly under the influence of the community when the appointing power was at a distance.

3200. The community, through its appointing power, have instructed you in regard to enforcing the Act, and have told the policemen to do their duty?—Yes; they, being appointed by the Town Council, and looking to the town for their appointment, are more distinctly under the influence of the appointing power, and are therefore afraid to annoy the appointing power. I do not fully understand the question.

3201. Does the Council which made those appointments and gave those instructions represent the public sentiment in North Sydney?—I think so.

3202. So the weight of public sentiment is in favour of the Act?—I might explain that matter at some length and still leave you where you are, for the reason that some people, who are personally in favour of the Scott Act and of seeing it carried out and enforced, prefer that this should be done by proxy. Their sentiment is in favour of the abolition of liquor drinking, but it is by proxy.

3203. Would those persons support the officers in doing their duty, and haul them over the coals if they failed?—They might in one way and might not in another; still, I presume, they would support them.

3204. Are there a good many people who support the Act by profession, and who in practice, do nothing?—Yes, there are people like that.

3205. They talk in its favour, but their action ends there?—Yes.

3206. Do they vote in its favour?—I do not know about voting; I could not say who voted for the Act.

3207. Was the majority in favour of the Act large?—It was a small vote that was polled, and I do not know the majority.

3208. How was the vote in North Sydney itself?—I could not say; it was then a part of the municipality.

3209. Then this was before it was incorporated as a town?—Yes.

*By Mr. Clarke :*

3210. You said that every honest attempt that had been made to enforce the law had resulted successfully?—That is a qualified statement.

3211. You said the attempts made were honest attempts and resulted successfully?—I referred to the fact that informations were laid before the proper officers, and that they were honestly and successfully pressed.

3212. I understood you to say that the balance of the appeals had been finally disposed of about 12 months ago?—Yes.

3213. Has any attempt been made during the past 12 months to enforce the law? I understood you to say that the Council in 1887 and 1888 had passed a resolution instructing the proper officers to do their duty?—Yes.

3214. Has that resolution been amended, and have different instructions been given since that time?—No, it is on the books.

3215. Then the duty devolved on the officers of the town to see that the law was enforced?—Yes, it does, so far as the resolution goes.

3216. Then why do the officers not do their duty?—I cannot give you the reason.

3217. The Mayor has mentioned that liquor is sold in a number of places, and if liquor is sold in any place under the Scott Act it is sold illegally. Can it be possible that such a condition of things obtains in a town with 2,700 people without the proper officers being aware of the fact?—It is not likely.

3218. To what do you attribute their dereliction in that respect?—It is a difficult question to answer.

3219. Did you hear the evidence given by Mr. Archibald?—Yes. The police officers evidently make up their mind that it is allowable for them not to enforce the Act.

3220. So in North Sydney the Scott Act is a dead letter?—At the present time it is.

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3221. You say you heard the evidence of Mr. Archibald respecting the condition of affairs at Cow Bay?—Yes.

3222. That gentleman stated that it is twenty-five miles distant from here?—Yes.

3223. And that the population consisted of the elements that would likely strain a point to get liquor if it could be easily obtained?—Yes.

3224. No doubt you heard him state that the Scott Act was workable, and was enforced at Cow Bay?—Yes.

3225. How do you account for the fact that a measure that is a dead letter here and pronounced unworkable has been found in practice to work so successfully at such a short distance from here, where the conditions are very fairly similar?—I do not know how it is; it is a difficult question to answer. One reason is perhaps the large number of seafaring men in this port. They are the people who do the drinking; my court records will show that.

3226. A large number of seafaring men visit Cow Bay, I understand?—Yes, there are a large number of seafaring men at Cow Bay, and, as Mr. Archibald stated, they are the persons who violate the law, when it is violated.

3227. But he said that the Scott Act in Cow Bay has fairly prohibited the sale?—Yes, that is correct.

3228. How, then, does it occur that the Scott Act does not prohibit here?—It may be because the sentiment in Cow Bay is stronger for temperance than here.

3229. They have no regularly appointed constables there?—No.

3230. No Stipendiary Magistrate? No.

3231. No municipal government?—No.

3232. And yet, as a result of the strong feeling in favour of the enforcement of the law, the people find no difficulty in carrying it out?—We have a very strong element in town who are opposed to the Scott Act.

3233. Do you think if the enforcement of the law were taken out of the hands of the local authorities and placed in the hands of others, not residents of North Sydney, or of this county, who should be appointed by the Dominion, that fact would change the sentiment of the people regarding the law or its enforcement? Supposing the constables and the Stipendiary Magistrate were appointed by the Dominion Government, instead of by the Council as at present, would the fact of the appointment being made at Ottawa, instead of North Sydney, alter the sentiment of the people with respect to the enforcement of the law?—I do not know about the sentiment of the people being altered.

3234. Do you not think that if there was a strong sentiment here in favour of the present law, it would likely not be so persistently violated as it is at present?—Certainly not.

3235. Do you think its non-enforcement is due to the lack of public sentiment?—Yes.

3236. Do you think the appointment of officers by some other power than the Town Council, whose members are elected directly by the people of North Sydney, and to whom they are responsible, would change the sentiment?—No, not change the sentiment of the people.

3237. Do you think public sentiment would be in favour of the law because it would be successfully enforced?—That is another point.

3238. The conditions as between North Sydney and Cow Bay, I understand, are similar?—The sentiment is stronger there.

3239. In regard to population, the places have a close resemblance?—Yes. The seafaring population is very much the same, but our local population is very different. This is a town which has a large number of travellers and people with different views on public matters. Cow Bay is a place of smaller dimensions.

3240. Are there many Europeans living here?—No, they are not prominent here.

3241. Do you find those people are less amenable to the law than people born here?—No. When they come here they are law-abiding citizens.

3242. Are you in favour of the enactment by the Dominion Parliament of a measure to prohibit the manufacture, importation and sale of liquor?—If it would be efficient, I would be in favour of it. If it would not be efficient, it would be no use having it.

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3243. How would public sentiment be created in favour of such a measure?—The people look generally to the fact that it would be enforced by Dominion Government officials.

3244. Suppose the majority of the people here winked at violations of the law and declined to give Dominion officials information, what would be the result?—They might be able to secure it themselves.

3245. Do you think the officials of the Dominion Government could succeed here under the present condition of things?—Yes.

3246. What would be the result so far as regard smuggling if a prohibitory law were passed?—It might prevail to some extent perhaps, and perhaps a little more than now.

3247. Would the same number of preventive officers be sufficient to enforce the regulations against smuggling?—Yes, so far as this town is concerned. However, that is a matter on which my opinion is not worth much.

3248. Do you think there has been less drinking in the town since the Act came into force?—There has been a great deal less drinking of late in the town.

3249. Would you prefer the continuance of the existing order of things rather than that there should be licenses given to disreputable places to vend liquors?—There is one thing in favour of a license system, and that is that the licensed people themselves would join hands in supporting restrictive measures and the enforcement of the law. If that were the case, the system might be desirable. Again, there is a moral side to the license question, whether it is desirable to license people at all. I think the sentiment here is very strongly against licenses. I file statistics in regard to arrests and fines. [Appendix No. 3.]

3250. There were licenses issued formerly?—Under the old Nova Scotia Act.

3251. How many were issued?—I do not know. That was before incorporation.

3252. The condition of things has improved since the Scott Act came into force?—I say it has improved during the last few years in that drunkenness has abated.

3253. Do you attribute the abatement or lessening of drunkenness to the operation of the Scott Act?—Not necessarily.

3254. The Scott Act is not very well enforced?—Oh, no.

3255. And it would be hardly logical to attribute it to that?—No. I do not think so.

3256. You repeat that to all intents and purposes, the Scott Act is a dead letter here?—It certainly is.

*By Mr. Gigault :*

3257. Have you a municipal report of the convictions for drunkenness and crimes?—Yes. I have not my books, but I can give a summary.

3258. Last year, how many convictions were there for drunkenness?—In 1891, the total convictions in the town police court were 82. I made an estimate that about five-sixths of the convictions in the whole seven years have been for drunk and disorderly, drunk and incapable, assault and battery arising out of drink and kindred matters.

3259. How many were there in 1890?—The total number was 63, and a very small percentage was attributable to anything except what I have mentioned. The reason why the numbers are larger in some years than in others is the number of the seafaring people who are here. The police pick up every one as a rule. Of course, some escape, but, as a rule, they pick up every one who is drunk or incapable or rioting, and a large number of these are of that kind. There is a very small proportion of the town or country people.

3260. When was the Scott Act adopted?—In 1880-81.

3261. Have you the convictions before that?—No, only since 1886. The incorporation was in the fall of 1885, and 1886 was the first year. In 1886, there were 108 convictions and \$369 was collected in fines. In 1887, there were 105 convictions and \$336 was collected. In 1888, there were 123 convictions and \$430 was collected. In 1889, there were 92 convictions and \$339 was collected. In 1890, the number of convictions was 63, and the amount collected \$269. In 1891, there were 83 convictions and the amount collected was \$288. The proportion of convictions for drunkenness and

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offences arising out of it is about five-sixths. As a matter of course we have no crime at all. I cannot find in the seven years half a dozen indictable offences committed in the town. We have no offences against women and children at all, no cases of prostitution before our courts, and no houses of ill-fame. This being a maritime town or sea-port, it is exceptional in that respect. During the present year, I looked over my book and saw there were about 37 cases in the court up to this time and the fines collected amounted to \$124; and since the first of the year, only three persons belonging to the town were in the list, and one of those is an incorrigible man whom we have had for three or four years on our hands, and the other two were exceptional cases.

*By Rev. Dr. McLeod :*

3262. You have said there has been and is an honest attempt made to enforce the law. Do you mean to say that?—I mean to say that the informations laid before us have every one been honestly carried to an issue.

3263. There was a time when the law was successfully enforced. Is there any attempt made to enforce the law now?—No.

3264. Are your policemen drinking men?—No, they are not.

3265. Do you know whether they have had any definite instructions as to the enforcement of the Canada Temperance Act?—Oh, yes.

3266. I mean definite instructions?—Yes. The prior policeman had definite instructions.

3267. Have they had any since July of last year?—I will not say that.

3268. I understand you to say that the last of your cases came back from the Supreme Court in July last year?—Yes.

3269. Since that time, have the policemen received definite instructions?—The resolution passed in 1887 has not been rescinded, but no definite instructions were issued afterwards.

3270. The policemen are supposed to bring up any infraction of the law?—Yes.

3271. I suppose they are as well aware of the existence of those drink places as citizens generally?—Quite so.

3272. Have they brought to the attention of the town officials any violations of the liquor law?—Not to my knowledge.

3273. Have they brought the violation of any other town law to the knowledge of the officials?—Yes.

3274. For some reason, then, they have refrained from making any mention as city constables of the violation of this town law, but have not refrained as to other town laws?—Yes.

3275. Do you think the police are as careful to pick up drinking men and boys who are townspeople and country people as they are to pick up sailors and the floating population?—As a general rule they are, but there are some exceptions. The number in the town who drink to excess is not very large proportionately.

3276. Were there as many places where drink was openly sold when an attempt was being made to enforce the law as there are now?—I cannot say as to the exact number.

3277. Do you suppose, from your knowledge, that there were so many places?—There may have been a few less.

3278. You thought the better enforcement of the law in Cow Bay was attributable to the stronger temperance sentiment there?—Yes.

3279. Do you think that the enforcement of the law there helps to strengthen still more the temperance sentiment?—That is possible.

3280. Do you think that an earnest attempt to enforce the law in North Sydney would have the effect of still further intensifying the temperance sentiment here and giving it courage and aggressiveness eventually?—As I said before, a great many want the Scott Act enforced by proxy.

3281. Is it the same in regard to other laws?—It may be.

3282. It is not peculiar to the Scott Act?—No.

3283. Will you make a summary statement of your figures and let us have it?—Yes.

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3284. And could you also, from your official knowledge, make a statement of the cost of the police court, the cost of the jail and of the police force?—I can give you those figures now. When the Act was being enforced, the cost of the two policemen was \$265, the stipendiary, \$260, the jailor, \$225, making \$1,100, and the jail loss for imprisoned parties who did not pay the fines about \$100 a year, which makes a total of about \$1,200 a year. It is a little less than that now.

*By Judge McDonald :*

3285. You said that nearly all the persons arrested for being drunk and incapable or drunk and disorderly are seafaring people, non-residents?—A large proportion are fishermen. In May and October, we have the American fishermen here, and these are the months in which we have the largest number of arrests.

3286. Do you suppose there are fifteen places here where liquor is sold?—Some of those are very small. In this town, we have not one large liquor establishment.

3287. Have you any establishments where liquor is openly exposed for sale?—There are bars.

3288. Are there places where people can see liquor when they are passing?—There are bottles in the windows, but I do not know what is in them.

3289. Are they of a suspicious appearance?—I do not know that.

3290. Would they lead people to believe that they contain intoxicating liquors?—I cannot say that.

3291. Do you see these places?—Yes.

3292. The policemen see them also?—Yes.

3293. They are able to see these foreign sailors and pick them up?—Yes.

3294. Would it not be a fair inference to conclude that there must be a certain amount of drinking on the part of the townspeople that does not result in their being drunk and incapable?—Yes.

3295. So these drinking places do not depend entirely upon the seafaring people for their customers?—No.

*By Rev. Dr. McLeod :*

3296. Is there any drinking among boys?—Looking over the police records, I cannot find any one under 16 brought up for drunkenness for some time.

3297. Do you think it is because the men who sell are unwilling to sell to boys, or because the boys are so well trained that they do not go to buy?—I do not know, but the boys here have been in the habit of getting liquor at one or two places, I think ; however, those places are not in existence at the present time.

3298. There are persons who will sell to boys?—There was one who was accused of selling, but was not brought up.

*By Judge McDonald :*

3299. But the boys are not buying now?—They may be, but there are no cases before our courts.

*By Rev. Dr. McLeod :*

3300. Do you suppose the policemen would refrain from arresting the boys if they were boys of the town?—I do not think so.

*By Mr. Clarke :*

3301. Residents of the town have equal facilities with those Yankee sailors who come over here in May or October to procure liquor?—Yes.

3302. The Act is not prohibitory as far as the townspeople are concerned?—No.

3303. They have facilities for getting liquor when they desire to get it?—Yes.

3304. So the operation of the Act has nothing to do with the sobriety of the townspeople?—Well, I presume not.

3305. I suppose it would be quite competent for any number of the Town Council at the next meeting to move that the officers should enforce the Scott Act?—Quite.

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3306. If there was any desire on the part of the people of North Sydney or any considerable number of them to have the law enforced, would that desire be likely to find expression by action on the part of the Town Council in giving instructions to enforce the law?—That is very difficult to say. The whole issue is involved in that. My previous statement in evidence is an answer to that question.

3307. Is it possible that of the six or eight or nine councillors, not one could be found who in deference to the temperance sentiment that does exist, would offer such a resolution to the Council?—The resolution has been on the books since 1887, and has never been repealed, and the fact has been brought out by me that the police officers do not lay informations, though they are still under instructions to do so.

3308. But there were no definite instructions?—I mean that last year, when the matter was up for settlement as to the collection of fines, the matter was laid aside and nothing particular was done to carry out the previous resolution; but it is still there.

3309. The constables know the resolution is there?—Yes.

3310. And they are appointed by the Council?—Yes.

3311. And that Council is elected by the people?—Yes.

3312. And, with the knowledge of the people and of the Council, the law is permitted to remain a dead letter?—Yes.

*By Rev. Dr. McLeod :*

3313. Then the resolution is like the law, a dead letter?—That is about it.

RICHARD H. BROWN, of Sydney Mines, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3314. What is your place of residence?—Sydney Mines, County of Cape Breton.

3315. How many miles from North Sydney?—Ten miles.

3316. What is your occupation?—Manager of a coal mine.

3317. What do you call the company?—The General Mining Association.

3318. How long have you resided there?—About 27 years. At least I have had the management for about that time.

3319. Is there any other class of population where the mines are, except mining people?—There are a few farmers, but they are principally miners and people connected with the mines, and a few shop-keepers and merchants.

3320. About how many are employed there?—About 620 men.

3321. Would a larger or smaller proportion of those men be total abstainers?—Much the larger portion, I should think.

3322. Is there among the mining population there what may be called a strong temperance sentiment?—Yes, there is.

3323. Are there any temperance organizations?—Yes, there are two : the Sons of Temperance and the League of the Cross, as well as the Women's Christian Temperance Union.

3324. Are there any places of worship at Sydney Mines?—Yes, Roman Catholic and Presbyterian.

3325. Then it is a settlement?—It is an incorporated town.

3326. With a Stipendiary Magistrate?—Yes, and a Council and two policemen.

3327. What is the population of the town?—About 2,500.

3328. And besides the people engaged in mining and the few farmers, there are people in other vocations of life?—There are merchants.

3329. Are there any hotels for the entertainment of travellers?—There are one or two boarding houses. It is so close to North Sydney that people come here for hotels. North Sydney is our shipping port.

3330. How do you reach it?—We have a colliery railway and we also drive by road.

3331. Sydney Mines is under the operation of the Scott Act?—Yes.

## Liquor Traffic—Nova Scotia.

3332. How is that Act carried out there?—Efficiently. It was not so up to this year. There was hardly sufficient public opinion in favour of it; but this year, those two temperance associations took great interest in it, and I think it was owing to them that the public sentiment in its favour increased. It is very difficult to get the Scott Act enforced in country places, because a man does not like to inform on his neighbour.

3333. Before last year it was not enforced?—No.

3334. Was liquor sold openly?—Not openly, but every one knew where it was sold.

3335. Did you ever see drunken people there?—Yes.

3336. The law was a dead letter?—Yes.

3337. Then there was an awakening of the temperance sentiment of the community in favour of the enforcement?—Yes.

3338. Was it found that there had been an increase of drunkenness?—There had been.

3339. It aroused public opinion, and that found its way to the representatives in the Council to see that the law was enforced?—Yes.

3340. What steps did the Council take?—They tried to get evidence of the sale of liquor.

3341. Did they pass a resolution and appoint officers?—I think they instructed the police.

3342. They instructed them to do their duty?—I think it was some individual in the community who got a man to come forward and swear he had got drink at a certain place, though every one knew it was sold there.

3343. The information was given and the trial was held?—Yes.

3344. And did conviction follow?—Yes, it did.

3345. Do you know of any other case?—That was the only case. The rum selling was reduced to that one establishment.

3346. So, the attempt being made to enforce the law, those people gave up their contraband work?—Yes.

3347. Was it a man who defied the law in this one case?—It was a woman whose husband was away, who was selling. The Women's Temperance Union asked her to give it up. She said she was doing it for a living, and they offered to help her in getting a living in another way.

3348. So the Act is now well enforced there?—Yes.

3349. Have you any reason to believe that the liquors sold at that time were pure liquors or were deleteriously adulterated?—I never tasted them, but from their effects on men, I should say they must have been adulterated by some poisonous stuff.

3350. They had a paralyzing effect?—They seemed to make men mad, almost to induce insanity.

3351. Is it your opinion that a general prohibitory law for the Dominion, prohibiting the importation, manufacture and sale of intoxicating liquor is desirable?—If it could be carried out, it would be.

3352. Do you think it is desirable?—I think it so.

3353. If it were passed, do you think it could be effectually carried out?—I do not think so. I think prohibition is impracticable.

3354. Why?—There are people who will have liquor, no matter what they pay for it. The experience in the North-west was that when liquor was prohibited, a man would pay five dollars a bottle for it.

3355. Where did the liquor come from that went to your town?—From Halifax and St. Pierre.

3356. Would that be smuggled?—I think so. I know a vessel was seized for smuggling at North Sydney, and the cargo was sold at auction.

3357. And do you know how that was brought in?—I presume it was brought in by rum-sellers here, but I do not know.

3358. Do you think that, if there was a prohibitory law, prohibiting the manufacture and importation of intoxicating liquor, there would be smuggling into the country?—I have no doubt there would be smuggling. It seems reasonable to suppose so.

RICHARD H. BROWN.

*By Mr. Clarke:*

3359. If the Government were deriving no revenue from liquor imported or manufactured, do you think they would be likely to redouble their efforts to prevent liquor being introduced by being smuggled into the country?—I have no idea what the Government would do about it. It would be good for the inhabitants if it were prohibited, but I do not think it is practicable. Now, in Sydney Mines the men are still getting liquor, because they come here to North Sydney and the Little Bras d'Or, buy it and get it in there.

3360. There is little or no trouble in enforcing the Scott Act at Sydney Mines?—It requires to be enforced all round.

3361. It is a workable measure?—Yes.

3362. Can you form any opinion as to the reason why the Act is not enforced here?—I would not care to say, as you have had the testimony of the Mayor and the Town Clerk.

3363. Public sentiment is the motor?—That is my opinion. It is all a matter of public sentiment. If public sentiment were not in favour of it at Sydney Mines, it would not be enforced.

3364. So, if public sentiment were in favour of it in North Sydney, it could be enforced?—I could not say.

3365. How many of your people are total abstainers?—I cannot say.

3366. Though the Scott Act is in force at Sydney Mines, yet the people get liquor in another place where the Scott Act is supposed to be in force?—Yes, they get it.

3367. What is the effect of their buying by the bottle instead of by the glass, under a rigid license law?—It is difficult for me to say, because drunkenness is very much reduced at Sydney Mines. If it were not that the public sentiment is in favour of temperance, I think drunkenness would be far worse in Sydney Mines, because instead of taking a glass, a man would take home a large quantity of liquor and drink at home.

3368. Has there been a large decrease of drunkenness since the place you spoke of was closed up?—I should say there has been.

3369. Then the effect of bringing liquor in bottles has not been so bad?—No.

3370. Have you had time to judge of the effect?—No, it is only since April that it has been enforced.

3371. Have you any idea of the consequences resulting from men coming down to North Sydney to get liquor by the bottle?—No. If they could not get it here, I presume they would not get it at all.

3372. You depend largely for carrying out the Act on the existence of the moral sentiment?—Yes.

3373. If the majority were in favour of it, it would be enforced, and if they were not, it would not be enforced?—Yes. There is a great deal of difficulty in North Sydney because of the large seafaring population.

3374. I think they have a seafaring population at Cow Bay, and the evidence of Mr. Archibald was that they could enforce the Act there, and he attributed it to public sentiment?—Public sentiment is everything. It is the same with regard to prohibition.

3375. Do you think if Dominion officers were appointed to enforce the Act, public sentiment being as it is, they would be more successful than local officers?—I do not say so, because if public sentiment were in favour of enforcing the law, the people would elect their representatives to carry it out; but you see what is now done. Possibly if the officers were appointed by the Government, they might do better.

3376. Notwithstanding that public sentiment was against it?—I could not say they could do much.

3377. You think there is no insurmountable obstacle to the enforcement of the Scott Act?—That is the experience of Sydney Mines and Cow Bay.

3378. What is your experience as to the enforcement of the law throughout the province?—I have no experience, and have not asked any questions about it.

3379. You heard Mr. Archibald's statement as to the City Council's action?—Yes.

3380. It was to the Town Council you appealed?—Yes.

## Liquor Traffic—Nova Scotia.

*By Mr. Gigault :*

3381. You spoke of the North-west. Did you ever stay there ?—No, but I saw it in the paper that any one could get \$5 for a bottle of liquor.

*By Rev. Dr. McLeod :*

3382. Do you think the condition of things in your town would be better if the Scott Act were enforced at North Sydney, so that your men could not get liquor here ?—Certainly.

3383. There is a belief more or less general that the drink habit does affect men to the disadvantage of the men themselves and more or less to the disadvantage of their employers. Have you given some thought to that ?—Of course, the employers suffer greatly from the reduced capacity of men for work. That is in the actual time a man loses.

3384. That is a disadvantage to the employer ?—A. Yes.

3385. Sometimes your work is hindered somewhat ?—A. Yes.

3386. Could you give me anything like an accurate statement as to the time a man, who is a drinking man, would lose in two or three months on account of drinking ?—A. I looked into it the other day, and I found that men who are steady drinkers probably lose one-sixth of their time ; that is, they are idle about one-sixth of the days when they might work.

*By Judge McDonald :*

3387. Which do you suppose, from your experience, would be the most effectual means of doing away with intemperance and promoting temperance, moral and religious efforts or a legislative enactment for prohibition ?—I have so little faith in the possibility of carrying out prohibition that I really think a high license would be more effective than prohibition.

3388. Or than the Scott Act ?—When the Scott Act is only applied locally, it amounts to nothing. If the Scott Act or prohibition could be carried out universally, it would be better.

3389. Which would be most promotive of temperance ?—Prohibition.

3390. But practically ?—I think high license.

3391. Then, which do you think would be most calculated to advance the cause of temperance and suppress intemperance, moral and religious means used with the people or high license ?—I would join the other thing with it. I would have education in the public schools brought to bear on the point.

3392. You would have the traffic regulated and have high license, and you would have the young educated in the principles of temperance and would use moral and religious means ?—Yes. Men who are grown up and are drinkers will continue so, and to meet their case I would have high license ; and then I would take every means to educate the rising generation to the evils of liquor, and would teach temperance in the public schools.

*By Rev. Dr. McLeod :*

3393. You have a good degree of prohibition in your town ?—Yes.

3394. You would not think a licensed place would be better there now than even the measure of prohibition you possess ?—I do not know that it would be any worse.

3395. Because the liquor is so near ?—Yes, within two miles of a man's home. My idea of high license would be, that you would have control of licensed places and would see that the liquor was pure. It would be better for a man to have pure liquor at his home than to get the poison he obtains outside.

3396. But it would be better if he could not get it at all ?—I have said that prohibition, if it could be enforced, would be better, but I do not think it could be enforced.

*By Mr. Clarke :*

3397. You think it is impracticable ?—A. Yes.

RICHARD H. BROWN.



JOHN WILLIAM McLEAN, M.D., of North Sydney, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3398. What is your place of residence?—North Sydney.

3399. Your occupation or calling?—Licensed physician and surgeon.

3400. How long have you resided here?—Six years.

3401. Are you a native of the Province of Nova Scotia?—Yes.

3402. Are you a graduate of one of the provincial colleges?—I am a graduate of McGill College of Montreal.

3403. During the six years you have resided here, have you been practising medicine?—Yes.

3404. Have you had many opportunities of observing the customs and ways of the people?—I think so.

3405. And of observing the manner in which the provisions of the Canada Temperance Act are carried out here?—I think so.

3406. How do you believe the Canada Temperance Act is observed in North Sydney?—I do not think it is observed at all now.

3407. Do you think there is any drunkenness in the place?—I do not know ; I do not see very much.

3408. Do you ever see liquors exposed for sale?—I never do for sale, because I do not go into those places ; but I see bottles in the windows and all evidences of their being on sale.

3409. In your opinion, would the passage of a general prohibitory Act against the manufacture, importation and sale of intoxicating liquors by the Dominion Parliament be desirable?—I do not know that it would do a great deal of harm, but I do not see what good it would do.

3410. You do not think it would be effectual?—I do not.

*By Mr. Clarke :*

3411. Did you hear the evidence of the mine managers?—I heard Mr. Brown.

3412. You heard them say that in Cow Bay and Sydney Mines, the Act is enforced?—I heard about Sydney Mines.

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FEB 11 1895 3413. The condition of affairs at Cow Bay is very similar in regard to the population to that in North Sydney?—Yes.

3414. Do you know any reason why the law is not enforced here?—We have not a sufficiently strong public sentiment here.

3415. It is because of the existence of that sentiment that the Act is enforced?—It is owing to the lack of it here that it is not.

*By Mr. Gigault :*

3416. Are you a total abstainer?—Yes.

3417. Do you think that wine, cider and beer are very injurious to the health?—I would not say that they are.

## Liquor Traffic—Nova Scotia.

CHARLES HENRY RIGBY, of Little Glace Bay, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

3418. What is your occupation?—Mine Manager.  
3419. And your residence?—Little Glace Bay, county of Cape Breton.  
3420. How far from North Sydney?—About 19 miles by the way we count.  
3421. Is it a separate municipality?—No, it is under the county.  
3422. Like Cow Bay?—Yes.  
3423. What kind of mines have you?—Coal mines.  
3424. How many men are employed as miners and otherwise?—About 300 men and boys.  
3425. Does the settlement or village also include people in business?—Yes, and farmers.  
3426. Any fishermen?—Some fishermen.  
3427. It is a seaport town?—Yes.  
3428. So you have also a seafaring population?—Yes.  
3429. Were you here when Mr. Archibald gave his evidence?—No.  
3430. It would be a good deal like Cow Bay in the nature of the settlement?—Yes, but not quite so large.  
3431. Did you hear Mr. Brown's evidence?—Yes.  
3432. The Canada Temperance Act is in force in your section of the county?—In the whole county.  
3433. Is it efficiently enforced in your section?—Not at all.  
3434. Why not?—I suppose because of public sentiment. We endeavoured at one time to enforce the Scott Act there. There was a Scott Act League formed in the county, some of the members coming from Cow Bay and Little Glace Bay, and I think some from Sydney and North Sydney. We endeavoured to put the Scott Act in force, and were partially successful, and I am of the opinion that we should have cleared the liquor out of our district altogether, that is out of the village of Glace Bay, had we received proper support from the public authorities.  
3435. Those public authorities being—what?—The County Council.  
3436. Was the councillor from your district favourable?—Partially.  
3437. Is liquor sold there now?—It is sold openly.  
3438. In many places?—Yes, in a large number of places for the size of the district.  
3439. Are you able to judge whether the liquor is pure or deleteriously adulterated?—I cannot say.  
3440. Can you judge by its effects?—Judging from the effects, it is very impure.  
3441. Where do you think that liquor is obtained?—Largely from Halifax.  
3442. Is it brought from any other section?—There is some smuggling from St. Pierre.  
3443. Are there any illicit stills?—No, there is nothing illicit in the shape of manufacture.  
3444. Do you think it would be desirable to pass a prohibitory law for the whole Dominion, prohibiting the manufacture, importation and sale of liquor?—Its effect ought to be good.  
3445. Do you think it could be enforced?—I cannot see why not.  
3446. How would you propose to secure its enforcement?—First and foremost, it would have to be done by the Dominion Government.  
3447. By officers appointed for the purpose?—Yes.  
3448. You think, if it were left to local management, it would not succeed?—No.  
3449. Local authorities would not enforce it?—No.  
3450. Why?—They would not have the support of the people of their districts.  
3451. Public sentiment would not be at their back?—I do not think so.

CHARLES HENRY RIGBY.

3452. You think, if the same sentiment could be got in your district as exists in Sydney Mines, it would have the same effect?—Certainly, and even now if we had the support of the public authorities.

3453. Do you find generally the public authorities reflect public sentiment?—They are elected by the public.

3454. Has drunkenness decreased in the last few years in Glace Bay?—Yes.

3455. To what do you attribute that?—Partly to the regulations of the authorities of the mines, and partly to the temperance societies and the clergy.

3456. You attribute it to moral and religious teaching and to the temperance organizations, and to the authority of the employers?—Yes, and if that authority were further extended to the Government itself, I should certainly think we ought to be a pretty peaceable country.

3457. At the present time, the administration of the Dominion criminal law is entrusted to local authorities?—It is to the policemen who are appointed by the Municipal Council.

3458. The Dominion passes a law stating that a man shall be punished for certain offences, but the administration of the law is in the hands of the local authorities?—Yes.

3459. Do you find that the local authorities do their duty in regard to the Dominion criminal laws?—Yes.

3460. Have you any regular policemen in Little Glace Bay?—Yes, there is a regular police constable appointed by the Council.

3461. Have you any Stipendiary Magistrate?—I am not sure whether there is one or not. We had one and he died, and I do not know whether another has been appointed.

3462. You have Justices of the Peace?—Yes.

3463. What is the population of your district?—It approaches 3,000. We have three collieries, and we lose a great deal of time and labour from drunkenness. I think two years ago we must have lost about ten per cent of our work. In other words, we would have given ten per cent more employment than we did, but for the effects of liquor. Within the last two years that has improved slightly.

3464. Is the work of other men affected by drunken men being off work?—The output of the men is affected.

*By Mr. Clarke :*

3465. Was there ever a license law at Glace Bay?—Yes, there was.

3466. What was the effect of that?—Then the liquor was restricted to the licensed places, and now it is free everywhere.

3467. There were not as many unlicensed places as there have been since?—No.

3468. Were there many?—Yes, but they were prosecuted and shut up.

3469. Was the character of the liquor which was sold at the licensed places better than the stuff sold in the unlicensed places?—Judging from the effects, it was about the same as now.

3470. Judge McDonald has pointed out that the enforcement of Dominion laws is entrusted to the local authorities. The Canada Temperance Act is a Dominion law, and you say it is not enforced as the other Dominion and Provincial laws are enforced?—No, it is not.

3471. To what do you attribute that fact?—To the influence of the liquor element. I cannot understand that there is any other influence at work, because our councillors are a sober set of people, and I should imagine that, if they were influenced by the liquor traffic, they would give their efforts to the suppression of the trade, because they do not use liquor, or at any rate do not abuse it.

3472. Do you mean to say that the nest of notorious law breakers, such as these liquor sellers must be in counties where the Scott Act prevails, has such an effect upon the people who compose the County Councils?—Upon the moderate drinkers.

3473. I understood you to say the councillors were sober men?—Yes, but they have to be elected.

3474. The influence of the illicit liquor sellers prevails?—In our district, yes.

## Liquor Traffic—Nova Scotia.

3475. Are the majority of your men total abstainers?—No. About twenty per cent would cover the total abstainers in our district, but the balance are not by any means drunkards. I think ten or twelve per cent of our population would cover all who are addicted to the unrestricted use of liquor.

3476. The others are moderate drinkers?—Yes.

3477. Are you a total abstainer?—No, but I have always been temperate.

3478. The condition of affairs at Glace Bay is very much the same as that which prevails at Cow Bay?—Very much the same, only our district embraces four collieries, and Cow Bay has only one. We are the outlet for the whole population, for the Inter-colonial, the Reserved, the Caledonia and the Little Glace Bay collieries.

3479. But the general condition of the population is the same?—Yes.

3480. Did you hear Mr. Archibald's testimony?—I did not.

3481. He spoke in a very satisfactory way as to the enforcement of the Scott Act at Cow Bay among the same class of people, and with him it has been a success, and with your people it has been a failure?—I have stated that we have spent a good deal of money of our own and employed the fines we collected in enforcing the law, but after six or eight months' trial the Municipal Council prosecuted us for those fines, though they had tacitly agreed that we should have them to enable us to enforce the law. We expended about \$1,000.

3482. The Scott Act is supposed to be in force in Little Glace Bay?—The law should be in accordance with the public sentiment, as it was passed by a large majority.

3483. The same people voted for the Council as voted for the Scott Act?—Yes.

3484. And yet they voted against the prosecutions?—Yes.

3485. Under such an order of things, do you think a general prohibitory measure could be satisfactorily enforced?—Not unless the officers were appointed by the general Government, otherwise I do not believe it could be enforced.

3486. And an exception would have to be made in favour of prohibition?—Yes.

3487. The other laws might be simply entrusted to the local authorities?—Yes. I am of opinion now that the Scott Act could be enforced by officers appointed by the general Government.

3488. Notwithstanding the public apathy?—Notwithstanding that.

*By Rev. Dr. McLeod :*

3489. What percentage of loss of time among your employees takes place on account of drink?—About ten per cent.

3490. There was a time when the Scott Act was fairly enforced in your district?—Yes.

3491. What was the effect on the home life and social condition of the people at that time?—It was restrictive of the use of liquor during that time.

3492. Did it continue so long there was any appreciable effect on the homes?—Of course it did. Even six months in that way would affect the home life of the people who used liquor, and the effects of the abuse of liquor by the parents at all the different collieries is quite visible. Where liquor is not abused, the people are thrifty and prosperous; in the other case, they are almost paupers.

3493. Do you think there is any growing temperance sentiment?—Yes, I think so.

3494. In spite of the difficulties of enforcement and all that?—Yes.

*By Mr. Clarke :*

3495. Has the existence of the Scott Act in this county had anything to do with the growth of public temperance sentiment?—I should say it has.

3496. Notwithstanding it is openly and flagrantly violated?—Yes.

3497. Do you think, if there were free trade in liquor, the temperance sentiment would be promoted?—No.

*By Mr. Gigault :*

3498. Is it not free trade now?—No.

CHARLES HENRY RIGBY.

*By Mr. Clarke :*

3499. Not even in Glace Bay?—No, because they are at the mercy of almost any one who chooses to prosecute them.

3500. Any one can step in and prosecute these unlicensed liquor people?—Yes.

3501. And anybody does it?—No, since the League has gone out of existence. They are too much afraid.

*By Rev. Dr. McLeod :*

3502. Can you form any estimate of the difference in the homes and the home life of those who are total abstainers and those who are drinkers?—Certainly, it is perceptible to every one who goes into the district. In the one case, the people are fairly prosperous with little places of their own, while the others never make ends meet.

*By Mr. Clarke :*

3503. How does that apply to those who take a glass occasionally, but are not total abstainers?—You find all those who are at all temperate are fairly prosperous.

3504. Prosperity is not confined to the total abstainers?—No, but it is more marked.

3505. Those who are absolutely total abstainers but who have in their houses and homes the advantages and blessings of total abstinence?—Yes.

3506. And yet the law is held in such contempt that it is not enforced at all?—A. That is the case. There is a feeling in all the different districts that the informer should be held in contempt and looked down upon. Perhaps that feeling has descended to them from their ancestors who came over here in former times. That prevents the liquor dealer being prosecuted, and, although we can pick up drunken men and take them before the magistrate, they either do not know where they got the liquor or will not tell.

3507. But the constable who enforces the law is not held in contempt?—No, but he is terrorized.

3508. Is he terrorized in other cases?—No, only under the liquor law.

3509. The people sustain him in everything else?—Yes.

3510. And not in this?—No.

*By Judge McDonald :*

3511. This is a matter of political economy to you?—Yes.

3512. In your district, the total abstainers are prosperous?—Yes.

3513. And those who only take a glass or two?—Yes.

3514. And only ten or twelve per cent are really degraded by drunkenness?—Yes.

3515. And they belong to the class which suffers from poverty, and so on?—They are.

3516. And yet that class is rushing and dominating and terrorizing the eighty per cent of the wealth and respectability of the community?—That is our experience.

*By Rev. Dr. McLeod :*

3517. Yet you believe the fear of prosecution does somewhat restrain the sellers?—It does to a considerable extent.

3518. And if there were an attempt to better enforce the law, they would be still further restrained?—Yes.

## Liquor Traffic—Nova Scotia.

JOHN JOHNSTON, of Bridgeport, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3519. What is your place of residence ?—Bridgeport, in the county of Cape Breton.  
3520. What is your occupation or calling ?—Mine manager.  
3521. How long have you been mine manager ?—Since 1st December last.  
3522. Were you in the employment of the company before that ?—Yes.  
3523. For how long ?—Since 1884.  
3524. How many men are employed there ?—From 300 to 400 men and boys.  
3525. In the coal mine ?—Yes.  
3526. Is it a town ?—No ; it is a mining village.  
3527. It is under the County Council ?—Yes.  
3528. The Scott Act is in force there ?—In the county, yes.  
3529. How is it observed ?—It is observed very quietly.  
3530. Is it prohibitive there, or is liquor sold ?—I understand there is some liquor sold.  
3531. Is it confined to one place, or is it sold in more than one ?—I can hardly tell you.  
3532. How do you think it is ?—I have heard it said that it is sold in two or three different houses. There is no regular drink shop.  
3533. Are there some merchants there ?—Yes.  
3534. There are two or three where it is sold ?—In the locality. It is a farming locality.  
3535. Is the liquor pure or adulterated ?—I do not know.  
3536. Are you a total abstainer ?—I have been so for years.  
3537. You know nothing about the purity of the liquor ?—I know there must be something wrong with it, because those who drink it are more fit for an asylum than anything else.  
3538. Is there much drunkenness there ?—Considerable at certain times.  
3539. At what times ?—Once a fortnight.  
3540. Why then ?—Because the men receive their wages then.  
3541. Has any attempt been made to enforce the Act by authority ?—There has been.  
3542. In what way ?—By prosecuting, by some one taking the responsibility of a public prosecutor and getting the evidence.  
3543. Was that found to be a success ?—Yes.  
3544. Were there many convictions ?—Three.  
3545. Were the fines paid ?—No, the men were imprisoned.  
3546. Are those men living there now ?—Yes.  
3547. Are they supposed to be in the traffic now ?—No, so far as I know.  
3548. They are not the people you have named as those who are supposed to sell now ?—No, they are not the people.  
3549. Have you churches there ?—Yes.  
3550. Have you temperance societies ?—Yes.  
3551. You have all the means which are usually used for the promotion of temperance ?—Yes, in a small way.  
3552. Why is it, do you think, those places are not closed up now ?—Because the people do not take the active part they ought to take. They do nothing. They know the liquor is sold, but they do not prosecute.

*By Mr. Clarke :*

3553. I understood you to say that the former efforts were successful, that you convicted your men and that in default of paying a fine, they were imprisoned, and that they are out of the business now ?—As far as I know.

3554. And how is it that is not kept up ?—Owing to the laxity of the people themselves.

3555. They do not desire to see the Scott Act enforced ?—Yes, and they do not like the liquor dealers and their friends to be down on them. The temperance side is

JOHN JOHNSTON.

very small. They have done everything to show that the Canada Temperance Act was workable, but when the people did not stand beside them, they could not continue.

3556. Your district sends representatives to the County Council?—Glacé Bay is part of the county.

3557. How can you explain that the people of this county will vote for the adoption of an Act to prohibit the sale of liquor and will make no organized efforts, either through the Council or otherwise, to enforce it?—My opinion is that politics have a great deal to do with it.

3558. Would not that have a great deal to do with having the Scott Act introduced?—No; because at that time the public sentiment was strongly in favour of it, for the liquor business had gone so far to demoralize the working people that the large majority were ready to adopt something to save our people from demoralization.

3559. Has the Scott Act been fairly successful, notwithstanding its defects?—In my district it has, when it has been fairly enforced.

3560. Is there less drunkenness there now than before the Scott Act was put in operation?—I was not there at that time.

3561. You think the Scott Act can be enforced?—I do.

*By Rev. Dr. McLeod:*

3562. Do you prefer abstainers to drinking men as employees?—Yes.

3563. Supposing they are not drunkards, but that they drink more or less?—We would not employ men if we knew they drank liquor, for we would lose work by doing so.

3564. Some drink liquor and do not lose work by it?—Oh, yes.

3565. Is it your experience that these men are inclined to drink liquor so that they will lose time?—No, my experience is that they drink on the sly and do not lose work. The law of the colliery is that they must not drink, and they will lose their positions if they do, and cannot get employed again. By taking drink, they discharge themselves.

*By Judge McDonald:*

3566. You do not discharge a man if he drinks without losing work?—No, but if they lose work through their drink.

*By Rev. Dr. McLeod:*

3567. In the case of a man who drinks regularly but does not lose his work, have you any knowledge of what percentage of such men come after a few years to lose work through drink?—No; my experience is not in that direction.

3568. Did you hear the statements of the witnesses this morning as to the percentage of loss of time?—I heard one of the witnesses.

3569. Is your experience the same?—I have to employ about ten per cent more labourers than is necessary to do the work on that account.

3570. Do you think a prohibitory law well enforced, would have a good effect upon your work and upon your employees?—That is my opinion.

3571. And upon business interests generally?—That is my own opinion, but I do not speak for others.

3572. The men would be more regular?—They would save their wages any way.

*By Mr. Clarke:*

3573. Do you think a prohibitory law could be enforced?—It entirely remains with the people. If there were proper machinery provided, there would be no reason why it could not be.

3574. You have demonstrated that you have the machinery?—I do not know that. I saw this demonstration, that the Scott Act was workable.

3575. You have demonstrated that the Act only required to have the machinery put into motion?—Yes.

*By Judge McDonald:*

3576. You say three men were driven out of the traffic?—Yes.

3577. And jailed?—Yes.

3578. And that settled them?—One was settled, but two are left.

## Liquor Traffic—Nova Scotia.

A. C. BERTRAM, of North Sydney, journalist and publisher of *North Sydney Herald*, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3579. How long have you resided in North Sydney ?—Since June, 1873.

3580. Have you known North Sydney under license and under Scott Act ?—Yes.

3581. From your knowledge of North Sydney, what is your opinion as to the manner in which the Scott Act is observed here: do you think it is enforced or non-enforced ?—It is not enforced.

3582. Do you think there is much sale of liquor in North Sydney ?—Considerable.

3583. Do you think there are many or few places in which it is sold ?—Many.

3584. Could you, from your observation or information, give the Commission any statement as to the quality of liquor sold, whether it is pure or of a deleterious character ?—I cannot very well speak as to that, but I think a good deal of it is adulterated.

3585. Being a journalist, you are an observer of public events and public matters in the community ?—To some extent.

3586. From that observation and also from your knowledge as a citizen, have there been any efforts made at any time during the time this Act has been in force to enforce it ?—I think on one or two occasions, when I was absent from the town. I have been away nearly every winter.

3586a. Then you merely heard of these efforts ?—Yes, I heard of attempts being made to enforce the Act, when I was absent.

3587. How many years has the Act been in force ?—About ten years, I think, in the county.

3588. Do you think that during that time the efforts to enforce the Act have been of a spasmodic character ?—Yes.

3589. To what do you attribute that ?—To a certain extent to a lack of temperance sentiment.

3590. There is not a strong sentiment at the back of the authorities ?—No.

3591. Either to aid them or to force them to discharge their duty ?—No.

3592. Do you think if such a sentiment existed, the authorities would be compelled to carry out the law ?—I think so. I believe the authorities are to blame to a certain extent for not enforcing the Act.

3593. You think that if there were a strong sentiment in favour of enforcing the Act, which would be pressing them forward, they would be compelled to do much more than they do ?—I do.

3594. Since the Act came into force, do you think drunkenness has increased or decreased ?—It has decreased.

3595. To what do you attribute that decrease ?—I attribute it to the fact that there are fewer sea-going vessels coming to this port than formerly. Formerly the carrying trade was done by sailing vessels, but this has not been the case for some time, and now it is done by steamers principally.

3596. Do you think there has been an increase during later years of the efforts of a religious and moral kind to stem the tide of intemperance, as compared with formerly ?—I do not think so in this section of the country.

3597. Has there been any other machinery in operation with a view to checking drunkenness, which may have proved of advantage ?—I know of none.

3598. Have there been any temperance organizations helping in that respect, by inducing men to become members of them ?—I cannot speak particularly on that point.

3599. You also have had experience of the License Act ?—Yes.

3600. Do you think that under the Act, when it was enforced, there were more or fewer places than now where liquor was sold ?—I think the law was right, but the machinery was defective.

3601. Do you think there was sale under it without license ?—Yes.

3602. Illicit sale, as we call it ?—Yes.

A. C. BERTRAM.



3603. Were there efforts made to enforce the Act when it was in operation?—Yes, there were.

3604. What amount of success attended those efforts?—They were not satisfactory at all.

3605. So far as your experience goes in regard to the condition of this community, have the efforts to regulate the liquor traffic been successful?—No.

3606. Your population, I believe, is of a varied kind?—Yes.

3607. It includes several nationalities?—Yes.

3608. Do the mining people resort here much?—Occasionally they visit the town in numbers, but not very often, and usually not in great numbers.

3609. Are there many manufactories here?—There are some.

3610. Of what kind?—There is a boot and shoe factory and others.

3611. Do you think there is a consumption of liquor in this community that could be called moderate drinking, that is people who drink liquor but who do not drink to excess?—Yes, I think so.

3612. And are there a certain number of persons who abstain altogether?—Yes, who abstain altogether from drink.

3613. Where do you think the liquor that is consumed here is obtained?—From various places, principally from Halifax and St. Pierre.

3614. Do you believe it would be to the benefit of the Dominion and of this community to have a prohibitory law, prohibiting the manufacture, importation and sale, passed by the Dominion Parliament?—I do not think so. I do not think the law could be enforced, and it would become a dead letter.

3615. You do not think it would be effective?—No.

3616. Do you think it would have the same difficulty to meet with as the present enactment has to encounter in the way of public sentiment?—I think the greatest danger would come from our trade connections with St. Pierre, which is in close proximity to this Island, and with such an extensive coast line and so many harbours, it would be utterly impossible to enforce the law.

*By Mr. Clarke :*

3617. Have you any knowledge of the operation of the Act throughout the province generally?—No, not outside of this island.

3618. You mean outside the Island of Cape Breton?—Yes.

3619. Is the Scott Act in force in all the four counties of this Island?—No, only in two counties. The provincial license law is in force in Richmond and Victoria; the Scott Act is in force in this county and in Inverness.

3620. Where the license law is in force, are licenses issued under it in those counties you have named?—No; I think only in one, in Richmond.

3621. What is the condition of affairs in Richmond under the license law?—I think the sale of liquor has been somewhat curtailed, and that it is confined to a few places.

3622. Are those licensed places?—Yes.

3623. There is not, then, as much illicit traffic in places in this Island where the provincial liquor law is taken advantage of and licenses issued under it?—I cannot speak positively, but I am under the impression that there is not.

3624. The Scott Act is practically a dead letter in the other three counties?—Yes; you can get liquor in any of the towns, at least in every town in which I have been.

3625. It has been thought by some of the witnesses that if the officers were appointed by the Dominion Government, instead of by the municipalities, to enforce the Canada Temperance Act, they would be more faithful, efficient and successful. Is that your opinion?—That is my opinion, because they would be responsible to the central Government for their conduct, and I think officials under the central Government would be more likely to discharge the duties of their office. There would also be proper machinery provided.

3626. Do you think an Act prohibiting the manufacture, importation and sale of liquor throughout the Dominion, could be enforced?—I cannot speak for other sections of the Dominion, but speaking for this section, I do not believe it could be enforced on this Island.

## Liquor Traffic—Nova Scotia.

3626a. Do you think that if there were a strong public sentiment in favour of the enforcement of the Scott Act, it would be a practicable measure, that is to say, it could be enforced?—In no places where they have attempted to enforce the Act have they been successful; but in some cases I think the enforcement of the Act caused a number of small dens to be opened in which liquor was sold, and this caused a greater evil effect in this community than the other places, because young men went there in the evening and drank.

3627. Has the decrease in drunkenness here been brought about by the existence of the Scott Act?—No, certainly not.

3628. What is the moral effect on this community of having a law like the Scott Act on the statute-book, which is openly and flagrantly violated?—I think when the Scott Act was first placed on the statute-book and came into force in this county, the liquor people were opposed to it; now, I believe the liquor people would uphold it.

3629. Why?—Because they find it a total failure and it can never be enforced here.

3630. There are no restrictions as to the sale of liquor?—No.

3631. And they can sell to all hands?—Yes.

3632. Is that a desirable state of affairs?—No. I think it is not a desirable state of things to have a law violated, for, in my opinion, a law should be observed.

3633. Then you hold that the moral effect of the continuous violation of the law is bad?—I am more strongly convinced that a prohibitory law could not be enforced from some experience I had out West. In Calgary I found liquor was openly sold.

3634. Do you mean in the North-west Territory?—Yes.

*By Mr. Gignault:*

3635. Did you travel through the North-west?—I was out through the North-west as far as the coast last spring.

3636. Was a prohibitory law in force then?—Yes, in the Territories.

3637. And yet liquor was sold?—Yes, over the bar.

3638. Do you know that the prohibitory law in the North-west was enacted by the Dominion Government?—Yes.

3639. And do you know that such a law, so enacted, has been tried to be enforced by the Federal Mounted Police and by officers of the Dominion Government?—Yes. At this particular place there was no restriction—at the Alberta hotel in Calgary.

3640. It has been contended before this Commission that if a prohibitory law were enacted by the Dominion Government and enforced by the officers of the Dominion Government, it could be effectively enforced. A prohibitory law has been enacted for the North-west by the Dominion Government and has been attempted to be enforced by the Dominion Police and Dominion government officers, and yet I understand you to say it was not enforced. Was that the case?—The fact that liquor was sold indiscriminately there, at that time, may have been owing to the fact that on 1st May, two weeks afterwards, there was to be a license law in operation, and the authorities came to the conclusion that it was no use endeavouring to enforce the existing law. I think there is a license law in force there now. Two weeks before that law came into force they sold liquor indiscriminately in Calgary.

3641. And the Dominion officers did not try to enforce the law?—I saw no attempts made; liquor was sold over every bar.

*By Mr. Clarke:*

3642. Did you have any experience of a Dominion prohibitory law previous to that?—I cannot speak except as to this, that I was told that in some of the new towns out there parties would go there and put up shanties and get a certain amount of liquor and adulterate it. In fact they would make liquor. They would put a certain proportion of beer into a cask and add some of Perry Davis' Pain Killer and Eno's Fruit Salt, and put some vitriol in and manufacture a compound which they would sell for twenty-five cents a glass in Calgary. Some respectable people, including Mr. McConnell, of Ontario, told me this.

A. C. BERTRAM.

3643. Are not the clergymen here putting forth efforts to promote temperance?—Yes. I think the Catholic clergy a year ago, or in the winter of 1890, did good service in this county by reading a pastoral letter from Bishop Cameron. It had a great effect in reducing the sale of liquor in this town for a short time.

3644. Have you any knowledge of the working of the Scott Act in other parts of Nova Scotia?—No, I have not; except that in all the towns that I have visited I have never seen one where you could not get liquor if you wanted it.

*By Rev. Dr. McLeod:*

3645. Have they any licenses in Calgary?—They had not then.

3646. When was that?—In April of this year.

3647. I have an idea that a year ago Calgary issued some fifteen licenses for the sale of drink?—I was told by a number of parties in Calgary that there were no licenses then, but that they were to have licenses issued from 1st May.

3648. And they were feeling pretty good over it?—I understood the prohibitory law covered the whole territory.

THOMAS C. HILL, of Sydney, barrister, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

3649. In what county is Sydney?—In the county of Cape Breton.

3650. What is its population? About 2,500.

3651. Has it a corporation of its own?—Yes.

3652. How many councillors are there?—Six.

3653. And a Mayor?—Yes.

3654. How many policemen have you?—One policeman.

3655. And a Town Clerk?—Yes.

3656. Do you remember when the town was under the license law?—Yes; but there were no licenses granted.

3657. You remember when the town came under the Scott Act?—Yes.

3658. Was that about ten years ago?—Yes.

3659. Do I understand you to say that when the town was under the License Act no licenses were granted?—Yes.

3660. Why?—Because they refused to grant them—the sessions.

3661. Do you mean the magistrates' sessions?—Yes.

3662. Corresponding to the Quarter Sessions in England?—Yes.

3663. What was the mode of granting licenses at that time?—The Grand Jury in sessions recommended the applicants, and they were appointed.

3664. And in regard to this town the sessions refused to grant any licenses?—Yes.

3665. So before the passage of the Scott Act, this town was under license?—Yes.

3666. At that time was there any sale of liquor?—Yes, liquor was sold freely.

3667. I understand you to say that licenses were not issued. Were attempts made to enforce the law against sellers?—Yes, spasmodically.

3668. What has been the effect of the Scott Act, has it prevented the sale of liquor?—There were no proceedings taken under the Scott Act for some years, until Sydney was incorporated. When it was incorporated, I was instructed to prosecute, and I did so.

3669. Were you instructed to prosecute by the Council?—Yes, in my official capacity of Town Clerk.

3670. With what effect?—I put an end to the sale of liquor in Sydney.

3671. You believe it ceased entirely?—I know it ceased entirely.

3672. Does that state of things exist now?—It does not.

3673. Why?—In the first place, there were very large expenses thrown on the prosecutors in consequence of the illegal proceedings of the County Court Judge, and the expenses grew to be so large that public sentiment was aroused against the Act by the

## Liquor Traffic—Nova Scotia.

friends of the liquor trade ; and temperance representatives were put out of the Council and the friends of the liquor dealers put in.

3674. How did that occur : were a majority of the electors favourable to the liquor party ?—I suppose so, and against the Scott Act ; they considered it was a failure on account of the very great expenses incurred—and all this was on account of the illegal decisions of the County Court Judge.

3675. It is not for me as Acting Chairman to protect the County Court Judge, but you profess to be a member of his profession and a barrister: do you not think you have used rather strong terms ?—It may be so, but they are none too strong. He often undertook to issue writs of certiorari, and we would have to apply to the Supreme Court.

3676. Was the effect on the people such that they came to the conclusion that it was too expensive and difficult to enforce the law ?—Yes.

3677. And they let it go ?—Yes.

3678. Is that the state of things now ?—Yes.

3679. With what result ?—With the result that the sale of liquor is free.

3680. Are there many places which sell ?—A great many.

3681. Have they decreased or increased within the last 10 years in the town ?—I do not think I am very well qualified to speak as to that matter, for I am never out late.

3682. Then you will not speak one way or another ?—No.

3683. What kind of a population have you at Sydney ?—A very respectable, quiet population.

3684. Do you have any floating population of sailors and people of that kind ?—No, we have not much shipping.

3685. Have you many people of the mining class in the town ?—No, nor of the manufacturing class.

3686. Is it like a town in the rural districts ?—Yes, we have very little manufacturing, mining or shipping.

3687. Have you many manufacturing industries ?—Yes, they are small.

3688. You say that the sale of liquor is what may be called widespread, that it is sold in a good many places. Have you had any opportunity of forming an opinion, from observation and knowledge, of the character of the liquor sold, whether it is much adulterated or not ?—No, I cannot say.

3689. Are there many arrests in your town ?—No, not many.

3690. Are there many of what are known as drunk and disorderly characters ?—There is not much drunkenness in Sydney.

3691. Is the drinking of a quiet and moderate character ?—Yes ; there is some drunkenness. When an English ship was in the other day, I saw a dozen or more sailors lying drunk on the bank at one time. That is very unusual. They were from a man of war.

*By Mr. Clarke :*

3692. What is the name of the ship ?—The “ Emerald,” I think, but I am not certain.

*By Judge McDonald :*

3693. Where is the liquor obtained that is sold there ?—I think principally from Halifax, but I know very little about that matter.

3694. Do you think any is brought in from St. Pierre ?—I hardly think any comes direct from St. Pierre to Sydney, it may go to North Sydney and from there to Sydney.

3695. Do you think that the passage by the Dominion Parliament of a prohibitory law, one that would prohibit the manufacture, importation and sale, would be desirable ?—I think it certainly would be.

3696. Do you think it would be likely to be enforced ?—I do not know anything about that. If it were carried out by the Dominion Government in the same manner in which they enforce the Inland Revenue Act, no doubt it would be enforced.

3697. You had no difficulty in Sydney in enforcing the Scott Act until it was made too costly and troublesome ?—Not the slightest.

THOMAS C. HILL.

3698. You found that there was a public sentiment in its favour?—If we had the fines now, I would undertake to enforce the Act all through the county. You cannot, however, have the Act enforced and have all the fines taken by those opposed to it.

3699. The Order in Council passed by the Dominion Government turns over the fines to the municipal body?—It is almost impossible to tell from the Order in Council where they should go. The County Council sued me for the fines and got judgment, which, however, they never had the courage to enforce.

3700. That order was passed for the purposes of the Act?—Yes.

3701. How did they use it?—To prevent the enforcement of the Act.

3702. How do you mean?—They turned out an official who would enforce the Act, and put in an official who would not do so; I refer to the County Council and the Town Council.

3703. When the change was made in the Town Council?—The friends of non-observance made it too hot for me as Town Clerk. They also turned out the constable who would enforce the Act.

3704. And put in men who were in sympathy with non-observance?—Yes.

3705. When the Town Council appointed you, was public sentiment in favour of the enforcement of the Act?—Not at that time.

3706. Is it now?—They think the Act was then as it is now, they do not know the difference.

3707. How large a vote was polled at the time the Act was adopted?—I think the majority was very large.

3708. Was a large majority of the whole vote polled?—I think not, I do not remember.

3709. Although there was a large majority in favour of the Act?—Yes.

3710. How do you account for the fact that although a large majority of the people of the county voted for it, the County Council was unfavourable to the Act?—I cannot tell you, for I do not know. There may have been other matters influencing the election of members of the County Council, I cannot tell you how that was.

3711. That is, however, the fact?—The County Council is equally divided except one vote; the casting vote at any time will turn the scale in the County Council.

3712. I suppose, as a lawyer, you know the present state of the law; that the Dominion Parliament passes the criminal laws and the Provincial Legislature and local authorities look after the enforcement of them. Suppose the Dominion made an enactment and left it to be administered by the local authorities, would it have a bad effect?—Yes, in Nova Scotia.

3713. Why?—Because the Nova Scotia Legislature is in favour of entire prohibitory legislation.

3714. So even with the present enforcement of the Act, and its removal from municipal influences, you think it would be a success?—Yes, I think so, in Nova Scotia.

*By Mr. Gigault :*

3715. Cannot you bring the Government to do so?—Do you mean at present?

3716. Yes?—The Government have no power at the present time.

3717. Cannot they enact such a law?—I think it would be all right if we could get an officer to do his duty.

*By Judge McDonald :*

3718. The question is whether the Provincial Legislature being favourable to the enforcement of the Act, cannot pass an Act to procure the enforcement of the law?—The Provincial Government cannot pass any prohibitory law for the Province.

3719. The Dominion Government has made an enactment by which the people of a province are able to adopt an Act locally?—The Provincial Government has no right to legislate in regard to constables. The Provincial Government could readily pass an Act providing that the Government might appoint officers to enforce the law.

3720. Have any efforts been made to get that legislation?—I do not think that legislation is necessary.

## Liquor Traffic—Nova Scotia.

3721. Do you find the Act broken for the lack of constables?—I do not say so. I say if we had the fines now we could enforce the Act.

3722. Do you mean through the ordinary officers of the law?—Yes. We do not do so because it is too expensive. We cannot pay the costs when the fines collected go to our enemies.

3723. We have been told that prosecutions have been instituted here and have been successful?—Yes, and they made money out of them.

3724. Suppose some of your constables were put forward and instituted prosecutions and obtained convictions: what then?—You cannot get constables to do that. The expense is too great.

3725. What is the expense of laying an information before the Magistrate?—Trifling.

3726. Would the case be carried further?—Yes.

3727. On what grounds?—I cannot tell you.

3728. On what grounds?—The principal ground has been that our Stipendiary Magistrate had no jurisdiction. There were fifty grounds put forward, and no sooner was one objection settled than another objection was set up.

3729. The cases were carried to the Supreme Court?—Yes, an enormous expenditure was entailed; we have spent thousands of dollars on the cases.

3730. Have those points been settled?—A great many have been settled, and a great many have not been settled, because they have not required to be settled.

3731. Suppose they are settled, how does the matter now stand?—I think the way in this county is clear.

3732. You mean if the people will take the matter up?—Yes; but the people will not take it up, because of the great expense.

3733. You think as the law now stands, there would be clear sailing?—I am certain of it.

*By Mr. Clarke:*

3734. Do you refer to this town in particular?—I refer particularly to Sydney.

3735. Your recollection carries you back beyond the time the Scott Act was adopted in this county?—Yes.

3736. What was the condition of affairs then?—Very much like now, not much difference.

3737. There were no licenses in North Sydney?—Yes.

3738. There was the provincial license law in existence. If the Scott Act were repealed now by the people, the liquor license law would come into force, I suppose?—Yes.

3739. Would it be a simpler and more efficient and less expensive method of bringing about prohibition to repeal the Scott Act and take advantage of the prohibitory clauses of the Liquor License Act of the province?—I do not think so.

3740. Would the enforcement of these prohibitory clauses of the Liquor License Act of this province result in the expenditure of as much money as is necessary under the Scott Act?—I am not much acquainted with the License Act; I have had no experience of it, but I have simply read it through. I know the Scott Act thoroughly.

3741. In your opinion is the Scott Act a workable measure?—Yes.

3742. Does a similar condition of things exist in Sydney to that which has been shown to exist here: a flagrant and constant violation of the Scott Act?—Liquor is sold freely in Sydney; it is sold openly by any one; it is upheld by the Town Council of Sydney.

3743. How long is it since the last attempt was made in Sydney or North Sydney to enforce the provisions of the Canada Temperance Act?—Something like two years.

3744. And the people have been alarmed at the expense which has been entailed, and they have dropped the prosecutions?—Yes.

3745. Could you suggest any law that might be framed which would carry out with less expense the prohibition of the sale of liquor?—No, except to make the law general. It would be easier if the whole Dominion were under a prohibitory law, than if one county were under it.

THOMAS C. HILL.

3746. What machinery would you suggest for the enforcement of a general prohibitory law?—I would suggest the same machinery as is used under the Inland Revenue Act.

3747. What authority should appoint the officers?—I do not know much about those matters.

3748. Are you speaking of the Inland Revenue law, without having had any experience in regard to it?—Yes, altogether.

3749. Is the public sentiment of the community in favour of the enforcement of the Inland Revenue law?—I cannot tell you that.

3750. Is the Inland Revenue law fairly well enforced?—I think so, so far as I know.

3751. How do you account for the fact that the Canada Temperance Act, notwithstanding the experience of your town in regard to its enforcement, is fairly well carried out in Cow Bay and at Sydney Mines?—I am aware of the fact.

3752. The evidence given by two gentlemen connected with the mines showed that the law is enforced at those places and the sale of liquor is practically prohibited?—If it is so, it is within the last month, I think. I know there were some prosecutions in Cow Bay a month ago.

3753. I understood you say that the expense entailed by the people of this jurisdiction has been largely incurred owing to the decisions of the County Judge?—Yes.

3754. Do the Judges in other counties of the Island and province take the same view with respect to these matters as that County Judge has taken?—No.

3755. Have you had any experience of the operations of the law in other counties?—Not much. I have followed the newspaper reports.

3756. What conclusion have you come to, from following the newspaper reports, as to the operation of the Canada Temperance Act throughout Nova Scotia generally?—I can hardly answer that question.

3757. You have not formed any opinion?—Hardly. I know they have had their difficulties in some places. I know that in Yarmouth the Act was well enforced, but it is only an impression on my mind. I know nothing about it.

3758. But I understand you to say that in Sydney and North Sydney it is not enforced?—No.

3759. It is practically a dead letter?—Yes.

*By Rev. Dr. McLeod :*

3760. You spoke of the County Court Judge taking an illegal course. I suppose that is not only your opinion, but you argue that from the fact that the Supreme Court prohibited him from doing those things to which you have referred, as that the measures were illegal?—I spoke of the judgment given by the Supreme Court with respect to his decisions.

3761. What was the expense incurred by the illegal course of the County Court Judge?—I imagine something like \$1,000.

3762. You think that discouraged the people and made them fear there might be a repetition of a like expense, and that has been the trouble?—Yes.

3763. From your experience of the Scott Act, and you have evidently had a thorough experience, would you favour its repeal?—No, I would not.

3764. Do you believe that if you now had an honest officer and the fines available for the purposes of the Act, it could be enforced in Sydney and North Sydney and in every part of the county?—Yes; there would be no trouble about it.

3765. Do you believe a well enforced law for total prohibition, a law prohibiting the manufacture, importation and sale of alcoholic liquors for beverage purposes, would benefit the country at large?—I do not think there can be any question about it.

3766. Morally as well as materially?—I do not see how any one can question it.

3767. Do you think a prohibitory law could be as well enforced as you believe the Scott Act could be enforced, if there were the available means?—Yes, and better.

3768. In that it would prevent the importation and manufacture as well as the sale?—Yes, and have efficient officers to enforce it.

## Liquor Traffic—Nova Scotia.

3769. The Scott Act, I understand you to say, is not well enforced in Sydney. Do you think that the Act, while it is not well enforced, has a good effect in the community?—I think so.

3770. In what way, and to what extent?—It renders the traffic disreputable; anything that is illegal must become disreputable.

3771. And in that way it creates a sentiment in favour of the Act?—I think so.

*By Judge McDonald:*

3772. How long have you been at the bar?—About twenty years.

3773. Do you believe that to have upon the statute-book a law which is flagrantly and openly violated in the presence of the community is less evil than to have the traffic itself made legal?—No.

3774. As a moral educator, which would have the worse effect?—I do not see the possibility of having the traffic licensed.

3775. Supposing the Scott Act were repealed and the Provincial License Act came into force, do you think there would be a moderate number of licenses issued?—I think not.

3776. So the people of Sydney would prefer to have the sale of liquor without any let or hindrance, and without having any licenses issued?—I presume so.

3777. What is the reason? Is it because they are opposed to a license law?—Yes.

3778. As a lawyer and a moral man, which do you think would be the better educator of the two? Do you think the Council would be willing to grant licenses if the people would sign for them?—Perhaps the people would sign for them.

3779. Which do you, as an educator, think would be the better state of things, to have a license law or a law on the statute book apparently in force but really openly broken?—I should prefer to have the law as at present; we can keep it up and enforce it when we please—we can hold it as a terror over them.

3780. What is the terror over the people?—They fear its enforcement.

3781. The evidence from Cow Bay showed a good state of things there and the evidence from Sydney Mines showed an admirable state of things?—We are hoping for that state of things every day in Sydney.

3782. What steps are you taking to realize the hope?—We are working among the electors so as to be able to change the Council.

3783. What steps are you taking?—We are taking steps very gradually.

3784. You are endeavouring to return a Council that will compel the law to be enforced?—Yes, we nearly get a majority every time.

*By Mr. Clarke:*

3785. Do you believe that the delegalization of the traffic produces a good moral effect, and that, in consequence, the people will not enter the liquor places and violate the law?—I think many people would not think of going there; but under a license law they might go there.

3786. I desire to ask you with respect to your experience before the Canada Temperance Act came into force?—I had very little experience.

3787. I think you said that the condition of things was better before prohibition than it is now?—I said that drunkenness had decreased.

3788. Has it decreased since the Scott Act came into force?—I cannot say; I think it has. Drunkenness has decreased considerably during the last year.

3789. Notwithstanding what amounts to free trade in liquor?—Yes.

3790. Would the throwing down of all opposition to the free sale of liquor continue to produce the effect it has produced during the past eight years, a decrease in drunkenness?—I think it would have the opposite effect.

3791. You think, then, the delegalization of the traffic and permitting liquor to be sold without any restriction produces temperance, causes less drunkenness, but to give free trade and legalize the traffic would increase drunkenness?—I think so.

THOMAS C. HILL.



*By Judge McDonald :*

3792. You think the traffic itself, whether licensed or unlicensed, is an evil?—I think so.

3793. From the beginning to the end?—I think so.

3794. You think a man who would sign a petition for a license under a license law is authorizing an evil?—I certainly would not sign a petition for a license.

3795. You think he would be helping on evil?—I think so. There is no question that an immense amount of evil is done by drinking liquor.

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ANDREW L. ANDERSON, of Cow Bay, underground manager at Gowrie Mines, on being duly sworn, deposed as follows :—

*By Judge McDonald :—*

3796. How long have you been at Gowrie Mines?—Twenty years.

3797. Have you been engaged in mining during all that time?—I have been twenty years underground manager of the mines.

3798. Have you been acquainted with the working of the old license law and the Scott Act?—I was there when the old license law was in operation.

3799. Are you brought largely in contact with miners?—A. Yes.

3800. In your opinion, has there been, during the twenty years you have been there, an increase in the sobriety of the men?—Yes.

3801. Has there been a marked increase?—Yes.

3802. Will that remark apply to the community as a whole?—Yes.

3803. Has there been, during that time, what I may call a multiplication of the moral and religious efforts on behalf of temperance?—Yes.

3804. These efforts have greatly increased?—A. Yes.

3805. Has there been an increase in the organizations, especially those for the promotion of temperance, such as the Sons of Temperance and others?—When I went to the place there was a division of the Sons of Temperance in existence. Since that time there has been an organization called the League of the Cross, and the Women's Christian Temperance Union established.

3806. So that formerly there was one society there and now there are three societies?—Yes.

3807. I suppose they all work in harmony, with the idea of helping on the cause of temperance and doing what they can to repress intemperance?—Yes, and suppress the liquor traffic.

3808. A few years ago, ten or twelve years, I understand the ratepayers adopted what is known as the Scott Act?—Yes, eight or ten years ago.

3809. They did this with a view to still further increase temperance?—Yes.

3810. From your observation, what has been the effect of the adoption of that Act in the locality with which you are acquainted?—During my time I think we have had at one time six or eight licensed shops in Cow Bay, and we have had as high as eleven or twelve illicit sellers, parties selling without a license, while at the same time the license law was in force. Now we have not any ; there are supposed not to be any. If we find any, we prosecute the parties.

3811. So far as you know, there are none?—No.

3812. You do not think a person could buy liquor at Cow Bay?—No. Some strangers might get it there, but the parties would not sell to inhabitants of Cow Bay.

3813. How has the observance of the law been brought about?—By the enforcement of the Scott Act.

3814. Has it been owing to the action of the people of the section?—Yes.

3815. Has public opinion been in favour of that enforcement?—Yes ; that was what produced it.

## Liquor Traffic—Nova Scotia.

3816. Has the moral sentiment of the community been so strong as to enable the people to carry it out?—Yes, to work out the Act in our locality. If a man came in and attempted to sell, we went to work ourselves and we got \$5 here and \$5 there, and when we had raised \$80 we prosecuted that individual.

3817. You take charge of the prosecutions yourselves?—We work the Act, but we have been foiled by the county. That did not, however, prevent us, for we went on and enforced the Act.

3818. The results have been very beneficial, I understand you to say?—The result has been that we have had the officer put out of office.

3819. This Act having been enforced, and intemperance having been practically suppressed, do I understand that you give credit for the sentiment prevailing in the community which has enabled you to do this to the moral and religious efforts that have been put forth?—Yes, and to the education of the people, especially the generation growing up.

3820. What effect has this had on the habits of the people, compared with their habits in former years?—It has made them more frugal and more moral, as temperance always produces. There is no longer drink to degrade our young.

3821. There is less drunkenness there?—We have not any.

3822. And I suppose there is more prosperity?—There is more prosperity and more happy homes.

3823. So that within the County of Cape Breton there is at least this one community where the Scott Act is a success, and where the results have been for good?—Yes.

3824. Where do the sailors get liquor?—We have not a large number of sailors there, we ship by steamer. Our sailors do not drink much.

3825. Do the sailors get it from the people in the locality?—They are strangers who do so. I do not see any drinking or anybody drunk.

3826. In Cow Bay you are thrown upon your own resources, I understand. Have you no Stipendiary Magistrate?—No Stipendiary Magistrate.

3827. Have you any paid policemen?—No.

*By Rev. Dr. McLeod:*

3828. Is there any degree of drunkenness in Cow Bay?—No.

3829. Did you hear Mr. Archibald's statement about the loss of wages to men who drink?—No.

3830. You do know that men who drink lose time and lose wages?—I have good cause to know all these things. As underground manager I have to deal with the men in that respect.

3831. Drinking men do lose time on account of drink?—Yes. Twenty years ago, or thirteen or fourteen years ago, men would lose as much as 15 per cent.

3832. Now that is changed?—Yes, it is changed. We have not had any of that for the last three or four years. Everybody is working and everybody is comfortable, and things seem to be all right.

3833. Because the rum is kept away?—Yes, because the rum is not there.

MARTIN J. FORAN of North Sydney, Special Officer of Customs, on being duly sworn, deposed as follows :—

*By Judge McDonald.*

3834. How long have you held your present office ?—Eleven years.

3835. Have you during all that time resided in North Sydney ?—Yes.

3836. As Preventive Officer, is it your duty to see that the revenue laws are observed and that all dutiable articles are entered at the Customs ?—Yes.

3837. Are you ever called upon to make seizures ?—Yes.

3838. Have you had occasion to make any seizures of liquors ?—Yes, several.

3839. What has been done with the liquors ?—They were sold, I think.

3840. Do you recollect by whom they were purchased, whether they were purchased by local people or by strangers ?—Some by local dealers and some by outsiders.

3841. Were they sold in bulk ?—They were sold in small quantities.

3842. I understand you to say that some were bought by local dealers. Were any bought for private consumption ?—Yes.

3843. And some were bought by outsiders ?—Yes, and for other parts of the Province.

3844. How many seizures during the 11 years have been made of liquors of that kind ?—I have made 10 or 11, I suppose, small and large, but I could not be positive about any more.

3845. Do you suppose liquors are smuggled, which you are not able to detect ?—Yes, that might be so.

3846. Cases in which you supposed smuggling to have occurred, but of which you could not get the required proofs ?—Cases that did not come under my observation.

3847. From what section would that smuggling take place.—From St. Pierre mostly.

3848. By vessels of any particular character, or by vessels of all characters ?—By vessels of all characters, but principally by a class of small vessels.

3849. Have you been able to form an opinion of the class of liquors that are smuggled ? Are they spirits ?—Yes.

3850. Not ales ?—No.

3851. You mean whisky and brandy ?—Whisky and brandy, rum and gin, and a small quantity of wines.

3852. Have you reason to believe that the Scott Act is well enforced in this municipality ?—I do not know.

3853. Do you think liquors are sold here ?—Yes.

3854. From your knowledge, do you believe that a prohibitory law for the Dominion, prohibiting the importation, manufacture and sale of liquors, if passed, could be enforced ?—I suppose if the Dominion Government were to put on a force of police around the coast and harbours, it might be enforced. I mean a force of river police might be able to enforce the Act.

3855. Without such a force, would there be smuggling ?—It would not be possible to do it with a local force.

3856. Do you think it could be done with the present officers ?—No, nor with twice as many.

*By Mr. Clarke :*

3857. Do you remember what was the average price per gallon obtained for the smuggled liquor when it was sold ?—It always went over the duty.

3858. Then the price would be much less than that at Halifax ?—If the competition was great, it would sometimes go as high nearly as the price payers would have to pay for it in regular trading, except the cost of freight.

3859. Then it would be a profitable transaction for people who wanted to sell, to buy smuggled liquor ?—I suppose they could not lose anything by it.

3860. Is it contrary to the provisions of the Scott Act for people to buy liquor under those circumstances and take it into their houses ?—I could not say.

## Liquor Traffic—Nova Scotia.

3861. Then smuggling could be carried on in this way for the purpose of securing supplies of liquors at less than they could be purchased at in a regular way at Halifax and brought here ?—At just about the same rates, I suppose, as they would cost at Halifax.

3862. In regard to the Scott Act, you have stated that it is not rigidly observed here ?—So far as I know, I do not think it is. There is liquor sold in the town.

*By Mr. Gigault :*

3863. Are the clergy making any efforts to promote temperance ?—Yes, all the clergymen are doing so I think.

3864. An allusion has been made to efforts put forth by Bishop Cameron. Had those efforts any effect ?—Yes, indeed they had a great effect.

3865. In decreasing intemperance ?—Yes, and in making a great many people total abstainers, great numbers of people.

*By Rev. Dr. McLeod :*

3866. I understood you to say the Customs law is violated sometimes ?—Not to my knowledge.

3867. I understood the law was violated and you seized the goods ?—Yes.

3868. Then the fact is that you did seize a certain quantity of liquors ?—Yes, and there is a lot of liquor in the warehouse now.

3869. Some people were disposed to violate the law, and you interfered with them ?—Yes.

3870. Do you think this portion of the law is demoralizing ?—I think so.

3871. Do you think it would be a good thing to repeal the Customs law because its violation is demoralizing ?—I do not think so.

*By Judge McDonald :*

3872. I suppose you believe that the Scott Act was passed with a view to aid the temperance community in producing good effects ?—I suppose so.

3873. And that the Customs Act was passed for the purpose of obtaining revenue ?—Yes, and to protect the revenue.

3874. So their objects are different ?—Yes, they are quite different.

*By Mr. Clarke :*

3875. It has been stated that the sentiment of the community is required to enable the public officers to discharge their duties. Is that so ?—I find the people with me in every case. I have also found the liquor sellers with me.

3876. They are all strongly favourable to the enforcement of the law in regard to smuggling ?—Yes.

3877. If there was the same feeling in regard to infractions of the Canada Temperance Act, would there be any difficulty in enforcing it ?—I suppose there would not ; I do not know much about it.

*By Rev. Dr. McLeod :*

3878. If the people were not with you, would you try to enforce the law ?—Certainly I would.

3879. Because it is your duty as an official ?—Yes.

*By Mr. Clarke :*

3880. Then if the Scott Act is not enforced and if public sentiment has nothing to do with it, the responsibility for its non-enforcement rests on the officials ?—I should think so.

3881. The Act is all right ?—I think if the Act were like the Customs Act it could be carried out.

DONALD MCAULAY, of Little Glace Bay, tailor, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3882. How long have you lived in Little Glace Bay ?—About 27 years.

3883. Have you during that time been closely connected with temperance work ?—Not all the time.

3884. Have you lately been so engaged ?—Yes.

3885. Little Glace Bay is, I believe, where Mr. Rigby lives ?—Yes.

3886. It is not an incorporated place, I understand ?—No.

3887. You have no Stipendiary Magistrate ?—Not this year.

3888. You have no Council of your own ?—No.

3889. You are governed by the County Council ?—Yes, by the County Council, which meets at Sydney.

3890. I understand that the Scott Act is in force in your community ?—Yes, it is supposed to be.

3891. So far as you have observed, is there free sale of liquor there ?—It is sold. The Scott Act is in force in the county. Liquor is freely sold in Little Glace Bay.

3892. In how many places is it sold ?—In 7 or 8 places.

3893. What is the population of the settlement ?—I cannot tell.

3894. Is it a village community ?—Yes, at the coal mines.

3895. I suppose some merchants' shops and the post office and some general stores go to make up the place ?—Yes.

3896. Is there much drunkenness there ?—Sometimes.

3897. What class of people get drunk, or do all classes ?—Not all classes. There are certain people who drink regularly and there are others who drink once in a while.

3898. There are some people who drink occasionally and some pretty frequently ?—Yes, and some pretty often.

3899. Then, some get drunk and some are total abstainers ?—Yes.

3900. You have several churches there, I suppose ?—Yes.

3901. Have you some temperance societies ?—We have the Sons of Temperance and the League of the Cross and another society, of which I cannot tell you the name.

3902. Is it the Women's Christian Temperance Union ?—No, it is something connected with the League of the Cross.

3903. These societies and the churches are using religious and moral efforts with a view to helping the cause of temperance, I suppose ?—Yes.

3904. Have you noticed that their efforts have been attended with any success ?—In some cases.

3905. They have been promotive of benefit ?—Yes.

3906. To what do you attribute the free sale of liquor in that community ?—It is because the people do not put the Scott Act in force.

3907. Did you hear the evidence given this afternoon by Mr. Anderson in regard to the state of affairs at Cow Bay ?—I did.

3908. Do you think that is a happy state of affairs ?—Yes.

3909. Why could you not have the same state of affairs at Little Glace Bay ?—They tried it there, but it failed. They got into trouble with cases at the Sydney County Court, and they became tired of the matter.

3910. Have you reason to suppose that the liquors sold there are of a pure character, or are injurious from adulteration ?—I do not think some of them are very good.

3911. You mean, judging from the effects, they are not good ?—Yes. You see a man walking in the street, and in less than half an hour you see him lying down. I was talking to a man three or four weeks ago who had had about one glass, and you could smell the liquor on him. In less than half an hour he was lying down.

3912. Do you know where such liquors are obtained ?—Yes.

3913. Where ?—In the liquor stores there.

3914. Do you think the people make those liquors, or import them ?—I think they import them. What they do with them afterwards, I do not know.

## Liquor Traffic—Nova Scotia.

*By Mr. Clarke :*

3915. You say the people found some difficulty with the County Court Judge in regard to appeal cases ?—Yes.

3916. Has any attempt been made to call the attention of the authorities to the condition of affairs which you have described, so that an investigation might be held ?—There were certain authorities appointed to do the work, but they tried to do it and failed. They had very nearly got through with it, when they gave it up.

3917. Do you think a prohibitory law for the whole Dominion could be successfully enforced, in view of your experience with the Scott Act ?—I think so, if the officers were ready to do it.

3918. You have no local municipal government in Little Glace Bay ?—No.

*By Rev. Dr. McLeod :*

3919. Do you represent any labouring men's society ?—No, the Sons of Temperance.

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JAMES R. McDONALD, of Cow Bay, miner, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3920. Were you here when Mr. Anderson gave his testimony ?—Yes.

3921. Do you agree with him in his opinion ?—Yes.

3922. Are you able to confirm what he said in regard to the state of affairs at Cow Bay ?—Yes.

*By Rev. Dr. McLeod :*

3923. Are you in charge of any workmen ?—No, I work among the crowd.

3924. Have you observed the effects of the drink habit among miners ?—Yes, very much.

3925. Give the Commission your impression of the effect upon the men and on their families, and on their wage-earning power ?—The effect, in the first place, is loss of time, and in some cases almost loss of life, although this has not happened in many cases. In Glace Bay not long ago a young man lost his life when he was under the influence of liquor. Poverty is another result, discord among families and other troubles too numerous to mention. All these occur through the liquor traffic and the use of liquor. It takes away their earnings and their time ; so there is quite a percentage of loss.

3926. You think the percentage was not overestimated by the manager ?—No. They lose time, which is quite an item in regard to their earnings for the support of themselves and their families.

3927. Out of their earnings they spend an amount for drink ?—Yes.

3928. You think their families, accordingly, suffer in many ways ?—I do. I think those who live sober lives are more comfortable, more happy and are worth more.

3929. Do you think the law is enforced at Cow Bay, and that it has helped to keep men sober who would not have been sober otherwise ?—I do.

*By Judge McDonald :*

3930. The evidence given by witnesses goes to show that the law is enforced at Cow Bay and has produced a happy state of affairs among the people ?—We are daily improving.

3930a. Do you find the efforts put forth, religious and moral efforts, by the different churches and by the different temperance societies are continued all the time ?—Yes.

3931. And their work is in harmony with the enforcement of the Act ; so that there is a general agreement as regards the sentiment of the community on this matter ?—Yes.

DONALD MCAULAY.

3932. And the results are beneficial?—Yes. I was at a meeting of the Workingmen's Association last night. They passed a resolution setting out that they wanted total prohibition.

*By Rev. Dr. McLeod :*

3933. Do you represent the Workingmen's Association?—I think if the Scott Act were carried out, it would be what we require.

*By Judge McDonald :*

3934. The wish of those people is, you say, that there should be a prohibitory law for the Dominion?—Yes.

3935. In your opinion, would such a law, a law prohibiting the manufacture, importation and sale of liquor, be successful?—I think so.

3936. Do you think it could be enforced?—Yes.

3937. You judge that from your own local experience?—Yes.

*By Mr. Clarke :*

3938. Do you think such an Act necessary for your district?—If there was such a law, it would be effective.

3939. I understood that such an effort had been made at Cow Bay that the sale of liquor had been fairly prohibited?—Yes, I think it is. That statement was nearly correct. I just mention this matter to show that the great majority of the workingmen want to be clear of liquor altogether.

3940. I understood you to say that they are clear of it now?—Yes. They do not want any licenses or anything that would allow it to be there.

3941. Do you think a prohibitory law could be more successfully operated and enforced than the Canada Temperance Act, which you have at Cow Bay?—I do not know. I am not very clear on that point; I have not had time to give it much consideration.

3942. You spoke of the young men and the good influences that were brought to bear on them?—Yes.

3943. Was there a determined effort made, immediately after the Scott Act was passed, to close up the drinking places?—Not to my knowledge; I could not say. I live five miles away.

3944. What is the average daily or weekly wages of miners under ordinary conditions, take a miner who does not use liquor at all and works the ordinary hours at the mine, and is a fair average workman?—I suppose it would be on an average about \$2 a day.

3945. For how many hours work?—For 8 or 9 hours.

3946. The earnings of men who are given to excessive use of liquor and who lose time in consequence, would be accordingly reduced?—Yes, there would be a reduction in time and a reduction in wages.

*By Judge McDonald :*

3947. Do you ever have any cases of drunkenness among your own men?—Scarcely ever.

3948. Where do they get liquor, if they do obtain it?—According to reports, and I have evidence of the fact, they get it from St. Pierre.

## Liquor Traffic—Nova Scotia.

GEORGE H. DOBSON, of North Sydney, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

3949. What is your calling or occupation ?—I am engaged in shipping coal.

3950. How long have you resided here ?—Twenty-one years.

3951. Have you been in business all that time ?—Yes.

3952. Have you had any knowledge of the operation of the Scott Act in this community ?—Yes, I have had some knowledge of it.

3953. Do you believe it is effectually enforced here ?—No.

3954. Do you think there is any sale of liquor in this community ?—Yes, there is some.

3955. To what do you attribute that ?—I think it is owing to the lack of interest to put the law in force.

3956. And have you any knowledge of the operation of the Act outside of the town ?—Only what I have heard from the different sections, Cow Bay and Sydney, and Sydney Mines.

*By Mr. Clarke :*

3957. Then the Act can be enforced, if the people desire it to be enforced ?—Yes

*By Rev. Dr. McLeod :*

3958. You are a business man ?—Yes.

3959. Wholesale or retail, or both ?—In the wholesale flour and grocery trade.

3960. You sell to whomsoever you can ? Would you prefer to sell to merchants in a town where the Scott Act is well enforced, or in a town where there is either the license law or the illicit sale ?—We decidedly prefer to sell to temperance men.

3961. Why ?—For different reasons. They are more attentive to business, and generally have more level heads and are safer to deal with.

3962. Take, for instance, a town where the drink trade is flourishing. The man to whom you sell is himself a total abstainer, or one who does not yet drink to excess, and his business is not therefore interfered with. Do the merchants in a town where the Act is well enforced and there is no drink trade except in a small and illicit way, or the merchants in a town where the trade is licensed and flourishing, buy the larger quantity ?—We sell mostly in country sections, to small merchants in different districts. I find the sections of the country where the people do not drink are those in which the merchants generally have better paying power.

3963. Because they have better success ?—They have a better class of customers.

3964. Customers who pay more regularly ?—I find that the sections where liquor is used by the people are poorer then where it is not.

3965. Take North Sydney as an illustration. Are there any considerable number of families, the heads of which are men who drink to excess ?—I am not perhaps sufficiently acquainted with many families to say, but there is considerable liquor used here.

3966. Have you sufficient knowledge to enable you to say whether the head of a family, who is a regular drinker, has a greater purchasing power than the head of a family who is not a drinker ?—As a rule, I find more poverty where strong drinks are used than where they are not.

3967. Take two families each earning \$1,000 a year. The head of one family drinks to excess and the other does not. Which buys the most groceries, potatoes, &c. ?—The man who does not use liquor.

3968. So the drink trade is injurious to other business in town ?—I think there is less paying power in consequence of it, and it therefore injures the merchants in collecting their bills. In travelling, I notice that the towns where no liquor is sold are wealthier and altogether better off than those where it is used. I make a tour in Nova Scotia once or twice a year, and I have been all over the Dominion.

3969. You agree with the statement that the law is not enforced in North Sydney ?—Yes.

GEORGE H. DOBSON.



3970. What do you think is the reason?—Perhaps one reason is that the temperance sentiment is not strong and firm enough to put it into force. One great hindrance to its enforcement is that some of the leading business houses in the town are against us in their sympathies.

3971. Why?—When we move in the matter we know where their sympathies are. To put the Scott Act in force needs subscriptions and assistance, and we know where the men are who desire the law to be put in force. I do not desire to particularize. When the example of prominent business men in this respect is followed by others, it creates a damp feeling on those who desire to have the Act put in force.

*By Mr. Clarke :*

3972. Are those prominent business men generally level-headed men in the conduct of their business?—I would not judge of that.

3973. Are they gentlemen who would take every legitimate means of advancing their interests?—I judge so, yes.

3974. They do not assist in enforcing the law?—No.

3975. Notwithstanding the fact that you say the enforcement of the law would advance their interests?—Yes.

3976. Did you ever have any knowledge of the enforcement of the law in the State of Maine?—I have been there, but I do not know anything about the enforcement of the law.

3977. In what towns in this province have you been?—Every town.

3978. Do you find that the provisions of the Canada Temperance Act are observed in all the towns where it is supposed to be enforced?—No.

3979. Where is it behind?—In Yarmouth.

3980. In any other places?—I often think there is more of progressive life, more active business people in places other than those where liquor is freely sold, and where the business men drink. In Yarmouth, the business men as a rule, do not drink.

3981. What is the population of Yarmouth?—I do not know, but I suppose from 5,000 to 8,000.

3982. Are there any towns in Nova Scotia where the Canada Temperance Act is enforced?—I have not followed closely the operations of the Canada Temperance Act, but I have noticed the habits of business men. Truro is a prosperous town. I do not know whether the Canada Temperance Act, or what Act is in force there, but the leading business men in Truro are on the temperance side of the question. I believe myself that the right law is prohibition.

3983. Do you think the Canada Temperance Act can be enforced?—The difficulty is about taking it into the courts and fighting it. It makes it expensive for the temperance people to put it in operation, and they cannot do it unless they are wealthy.

*By Rev. Dr. McLeod :*

3984. Do you think the expense that may be involved is one reason why it is not enforced here?—Yes.

*By Mr. Clarke :*

3985. Has any attempt been made to call the attention of the authorities to the judgments given in the County Court?—I do not know.

*By Judge McDonald :*

3986. With your large experience and strong opinion, have you attempted to convince these business men on this point?—We have talked the matter over.

3987. Do you realize that, if the evidence given to-day is true, this community occupies a very unenviable position as a law-abiding community?—I have not heard the evidence.

3988. The evidence is that there is sale of liquor open and untrammelled, that there are at least fifteen places in the town where the sale of liquor is open, that the civic authorities, although a resolution is on the records to have the law enforced, do not have it enforced, and that no steps are taken to enforce the law. Is that an enviable or an unenviable state of things?—I know nothing of that.

## Liquor Traffic—Nova Scotia.

3989. You are a business man, of large experience and have travelled a good deal. You have seen Yarmouth and Cow Bay and Sydney Mines?—Yes.

3990. What efforts have you made to have the law enforced here?—I have made efforts to get the regular policemen to inform, and have the matter put through.

3991. What has been the result?—Others could not see with me, and it has not been put in force.

3992. Is there a considerable number of those business men?—Many of them.

3993. As an elector, have you made efforts to bring influence on the Council to do here what the men in Sydney Mines have done?—I think most of our Town Council are temperance men, and in favour of temperance.

3994. How do they manifest their preference for temperance at the present time?—I suppose they are influenced somewhat by public opinion.

3995. And public opinion is not favourable in North Sydney to that which you say would add to the prosperity of the place?—I would not say the entire public opinion is one way, but it is divided, and probably the preponderance is on the side of the traffic.

3996. Is North Sydney as prosperous now as at any time of its existence, or less so?—Perhaps there is not that tide of prosperity now that there was in former years.

3997. Is that taking into consideration the general tide of prosperity all over the country, or local circumstances?—There are some local circumstances.

3998. Are they connected with the drink traffic?—I would not say that, because we have had a large quantity of liquor sold since I have been here. When I came here, the license law was in force.

3999. Given the same enforcement of the Scott Act as in Sydney Mines, do you think North Sydney would be a more prosperous place?—I think so.

4000. Are you willing to do your utmost to bring about that prosperity?—Yes; I think a proper policeman should be brought on to inform on the liquor sellers and bring them to justice. I have advocated that for five or six years.

4001. And with no result?—The committee has been somewhat divided.

*By Mr. Clarke :*

4002. Could you suggest any amendments to the Canada Temperance Act which would make it more workable and less expensive, any amendments which would simplify the Act and the procedure for enforcing it?—No; but I think our town has been more successful than most towns, and I think the authorities have won every case that has been appealed.

*By Judge McDonald :*

4003. Does it not seem strange under those circumstances, that they should let matters drop there, when there are \$200 in the bank to the credit of the Scott Act fund?—Perhaps exacting these fines influenced some of the friends of these people in the Council, possibly against their own will. Of course, the Council are elected by the people.

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Rev. ISAAC MURRAY, D.D., of North Sydney, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4004. With what Church are you connected?—I am the minister of St. Matthew's Presbyterian Church, North Sydney.

4005. How long have you resided in North Sydney?—Eight years next month.

4006. And before that, did you reside in Nova Scotia?—I resided for nearly thirty years in Prince Edward Island.

4007. And after that?—I came from New Glasgow, and then to North Sydney.

4008. You have been for many years a minister of the Presbyterian Church?—About forty-three years.

GEORGE H. DOBSON.

4009. Have you had an opportunity, since you came to North Sydney, to observe the effect of the Act commonly called the Scott Act, upon the people?—I have had an opportunity of seeing and judging on the temperance elements at work here.

4010. Did you receive a circular from the Commission?—Yes.

4011. Have you answered it?—Not yet, but I propose to do so.

4012. During the time you have been here, has the Scott Act been in force?—It has been on the statute-book, but it has not been enforced.

4013. To what reason do you attribute that?—In arriving at that conclusion, which is very important, I cannot put my finger on any one particular thing and say it is that or some other. We have to look at generalities. Hearing the evidence presented here to-day, I think the witnesses have confined themselves to local elements and have overlooked generalities. There have been references which might partially account for this, but which left my mind vacant as I have looked at it before to-day. We have to look at the general public sentiment all over the Dominion and all over the world. You go to Great Britain and find there is a strong feeling in the classes, in contradiction to the masses, in favour of drinking alcoholic liquor in some form or other, that there is an éclat about it and a respectability about it that it is considered a characteristic of an intellectual man, of a man who is raised above what is small, that if we do not take liquor we are not much, our intellect is defective, our social status perhaps is defective. We come to our legislators. In talking about law, you will ask me, as you have asked others, how the law would operate morally and otherwise.

*By Mr. Clarke :*

4014. Do you mean a prohibitory law, if enacted?—Any law whatsoever. The moral effect and the general effect of the law would arise very materially and powerfully from the source whence it was issued, and from the amount of the moral element, the intelligence and earnestness and sincerity which were found in that source of law. For instance, we are under God's law, because it is a transcript of His character. It is perfect and excellent. He gives forth an impression of His own mind, and there is no discrepancy between the law uttered and the source whence it comes. But looking at human laws, and particularly at this one, we find a law passed by the Dominion, and yet those who pass it do not care for it. They do it, not because they are convinced of it as men responsible to God as well as to us, but because the people desire it, and they want to please a few of the people, though they may view them as madcaps, and disturbers of the peace and as restless people. That is how many view them. We find that passing through all classes and conditions of life, leaders in society, here and elsewhere, sympathize with these general views I have indicated, and this all comes to a focus in a locality like this. And what do we see on the opposite side? That they are not the parties we have considered to be always and everywhere just the leaders of those who constitute the affirmative element of influence in society. Here, at once, the enforcement of a law in circumstances like these, is a source of, I will not say disreputable, but of not much moral element which constitutes the general stimulus which leads men to do their duty. The motives which lead men to do their duty are very different. And when you take all this into consideration, you find more adverse to the enforcement of this law decidedly than there are to enforce it. That is the one side. Then, take the other side. Here are disabilities and difficulties. A great many of those who would be disposed to enforce the Scott Act may not have the money to do so. Notice what I say. As a clergyman, I have no opportunity of informing myself whether this man or the other drinks. I am not allowed to go into a tavern and watch men who take a glass of liquor, and therefore I am not supposed to be able to inform. As to this town, it would look very suspicious and invidious on my part—because the greater part of those who sell liquor in this town do not belong to my stripe of the Church—for me to go into a place and ferret out those offenders who belong to another denomination of the Church of Christ. There are no Presbyterians and very few Protestants who sell liquor here; so I would have to put out money. No doubt what Mr. Hill has said in reference to the Judges is true. I do not believe he referred to the present County Judge, but I have only an idea as to the person to whom that reference was made. But there is the fact, and there is not only that Judge, but you know other delays have arisen in the prosecution of these

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matters. Appeals have been made, and they have laid over from year to year. We could get no response. And then the other difficulty came up. One Judge had his interpretation of the law and the other had another, and the general interpretation of this was—I know it was mine—that the Judges did not sympathize with the law. The law makers did not sympathize with them. It was a lack of sympathy all around, and we had to put our hands into our pockets to enforce the Act. Coming down to the legal difficulties, I might refer to one which is very material in the enforcement of the Scott Act. All these things stand in the way of its enforcement here or elsewhere. These elements may not be all just up to the same degree of power here as elsewhere; but less or more they exist. Those places which have been referred to here as being very fortunate are, after all, under different circumstances, which have not been brought out and may account for the different conditions. As to the Scott Act, the influence is local. You know the sympathy of numbers. One or two parties acting by themselves, standing alone, do not find it such an easy thing; but if the whole line moves, it is very easy. That is a difference between the Scott Act and a prohibitory Act. If we had a prohibitory Act all over the Dominion, all the Dominion would be in sympathy with us, and that Act would work in this county as well as elsewhere, and make us feel that we had the sympathy of the people from ocean to ocean, and from the sea to the end of the earth. That would strengthen us. And then a law which would take in all classes and the masses would undoubtedly, as a law on the statute-book, have far more influence than one which would have influence only in a particular locality, and which, perhaps, for men living in Ottawa or Toronto or other places, would have no influence. All these things combine in making an influence powerful for good or for evil. All history proclaims that, and every man who looks at the matter must see it. I wonder those who have preceded me have not shown one great difficulty in the enforcement of the Scott Act as compared with a prohibitory Act. The Scott Act allows liquor to be landed on our wharfs. Last winter I saw four or five casks of liquor at the door of one house, invading our rights as passengers on the street. A prohibitory law would not allow that; and people reason that there is a lack of logic when the law allows liquor to come in, and yet does not allow it to be sold. Whenever a law becomes illogical, logical men will resist it. All these things operate and co-operate, which shows that there is something missing in this Act, if it should be an Act generally operative. There is a missing link somewhere. As a Church, the General Assembly has pronounced on this question, and I will read its deliverance on temperance at the Assembly held in Kingston, in June, 1891:

“That this Assembly, reaffirming the opinion of past Assemblies regarding the nature of the general liquor traffic and its evil effects on individual, family and social life, and the necessity of the faithful preaching of the Gospel to eventually overcome these evils and build up a godly, temperate and prosperous nation, asserts its conviction that, in the matter of legislation, nothing short of prohibition, rigidly enforced by the proper authorities, should ever be accepted as final or satisfactory, and it is now the duty of the Dominion Parliament to enact such a law.”

We are a large and powerful body in the Dominion, and that is the utterance of the Presbyterian Church in Canada. I am heart and soul in accord with that, and believe it is the right thing. I know there are difficulties and I sympathize with the law-makers in this matter. I know the diversity of sentiment and the difficult position in which it puts the Government. Our principle is: Let justice be done, *ruat cælum*.” Then, you have asked again and again to-day as to the tax for revenue purposes, and whether it would be likely, when there was no revenue in consideration in the question, that the Government would enforce the Act as they might when there was a revenue derived from it.

*By Judge McDonald:*

4015. No question was asked in that way?—Reference was made to the way in which the prohibitory Act could be enforced.

4016. The question was put in this way: that the officers who collect the revenue are doing it for the purpose of meeting the expenses of the government of the country, their duty is to collect that which will meet the expense, and whether the efficiency

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of the officers would be the same in enforcing this regulation, when no revenue was to be derived from it?—I see an element of force in that.

4017. And then, whether if officers appointed to enforce this law at present do not do that duty when the appointment is local, would officers appointed by a distinct authority, that could not watch them so closely, be likely to do it?—The question arises whether there is more force to make a man do his duty when the Government wants to collect taxes or when moral influences are at work.

4018. There are many questions involved in that. There is the fact that the community stand at the back of the officer who collects the revenue, because the revenue is expended for their benefit. In view of such a state of facts, as has been sworn to here to-day, can you expect that the community would support those officers and give them the weight of their authority when they were appointed from a distinct source?—Then, you limit the question to the locality itself.

4019. It may apply to any locality?—Then you do not take it in from the standpoint of the Government.

4020. No, because we must assume that the Government, being satisfied that such and such a thing is for the benefit of the community as a whole, must enact it; and that would include the question whether it could be given effect to, because I presume you will see the ill-effect of having a law in force which could not be given effect to?—I suppose we all will accord that *salus populi suprema est lex*, and it is admitted on all hands that total abstinence would be for the benefit of the whole community,—that it would be *salus populi*.

4021. You have spoken of the *salus populi*. Must we not also consider the *vox populi* under our institutions?—You know how the apostles answered that, “Whether it be right to obey God or man, judge ye.”

4022. As to your own community for which you have spoken, is it not true that there is, if not a numerous, an influential minority in your communion differing from the views you have expressed?—No doubt of it.

4023. Not but that they would say that a law once passed should be observed, but they would say that is not the way of getting at the evil?—Yes.

4024. Principal Grant and Rev. D. J. Macdonell of Toronto look upon this as not being the proper way?—They do; but at the last General Assembly they rather receded from that position.

4025. Is it not true that a very large section in this community, one of whom is Bishop Cameron, who has made strong efforts for temperance, look upon the question as being a matter of religion?—I believe they do. I know the Council of Baltimore and other Councils have done what you say; but whether they would confine themselves to that or not, I cannot say.

4026. Recently, having had communications from different religious bodies, your own and others, a Bishop of the Roman Catholic Church informed me of the great efforts being made for total abstinence. During twenty-five years of his episcopacy, during which he had confirmed 45,000 young people, his rule had been to ask from each of them a pledge of total abstinence up to the age of 21 years; and he had followed the results and had found them eminently satisfactory. Do you think that is true to a large extent with regard to that communion?—I suppose so; but I do not see the reason why they would not join with us in this matter.

4027. Take again the large communion of the Church of England. Is it not the position of that church that the work of temperance and total abstinence should be the result of church work and gospel teaching or religion?—No doubt, but at the same time I cannot see that their theory should not be that the Church can aid the State and the State can aid the Church; there is a large class that believe that the law cannot operate.

4028. There is another very large communion, the Methodists, who almost to one man agree with the view you profess?—Yes.

4029. And the Baptists the same?—Yes.

4030. Then, the principle you have put forward cannot be regarded as the voice of the Christian Church at large?—Not unanimously, but as to the majority—and it is the majority which rules—I am not prepared to say they would not be in accord with it.

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4031. Is there not another question which enters into it with a large number of people, whether the promotion of total abstinence and temperance will be or will not be helped by this kind of legislation? Is not that one of the moot points discussed nowadays?—It is being discussed, but my judgment is that, if we get this Act passed, it would be certainly more powerful in arresting drunken habits than anything else.

4032. Do you believe that the proper course is to pass a law of a restrictive character, with a view of its having an educative effect, to bring about a moral result; or do you think that the state of morals should first be such as to have a law which will be acceptable to those who come under it and will receive their sympathy, I mean the people as a whole?—My view is very strong. Mere legislation in itself or legislation in advance of the sentiment of the people, I can have no faith in; but the very community which demands the law we are seeking for must be looked upon as intelligent, and in order that the law should be operative and effective, we must educate, and the law not only in its first enactment but in its execution must rest upon a strong moral sentiment favourable to the law. For no law can enforce itself; the people must enforce it. If the Government took it entirely in hand, the people would say it was tyranny. Therefore, we hold that the people must be educated. We have tried to educate them. I must say that the Protestant element of the church here and the work of the ministers here have been ignored. Credit has only been given to the Bishop for his educative work, and I must say that he has done well.

4033. Reference has been made to Cow Bay and other places in regard to the good work of the Protestant clergy and societies?—No reference has been made to that at North Sydney. All the ministers have been in favour of temperance. We have spoken from the pulpit and lectured upon it and made no uncertain sound. I bring this before you as having a historical status.

*By Mr. Clarke:*

4034. I understood you to say, generally, that this Canada Temperance Act had failed of enforcement, that the Parliament of Canada that passed it did not believe in it, but passed it to gratify the demands of certain sections, and also that the Judges did not sympathize with it?—Yes, though I do not stop there.

4035. Have you any reason to believe, if the Parliament of Canada passed an Act for the total prohibition of the liquor traffic, that Parliament would be more sincere or the Judges would entertain different views as to prohibitory legislation for the whole Dominion than they do as to the enforcement of the Scott Act?—Having respect to our governors as law-makers, I would think they would have a stronger motive in the general than in the particular.

4036. They are sincerely desirous, as far as we can gather, of giving the people prohibition in the different sections, if they desire it?—But in itself that has not been workable.

4037. Why?—I would only suggest the necessity of simplicity in the alteration of the Act.

4038. You have noticed that Mr. Hill thought the Act was perfectly workable; and other witnesses have stated that they have successfully worked it?—You will notice what the result has been, and men in other places do not care to go through such a schooling, so expensive and unsatisfactory.

4039. I understood that, when reference was made to the County Judge, the gentleman who now occupies the position was referred to, that the complications and expenses which were entailed in the appeals and in the cases being set aside were caused by this Judge?—I cannot say that. As far as I have heard, the present Judge has given no decisions.

4040. Then he cannot be any obstacle or barrier in the way of the enforcement of the Act?—No.

4041. Then no attempt has been made since his appointment to enforce the Act in regard to North Sydney?—I cannot tell.

4042. I agree with your view that people should not have obstacles thrown in their way by the Bench, and I understood that the people in North Sydney had become

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discouraged because of the decisions of the County Judge and the expense of having them set aside by the Supreme Court. Does that state of affairs still exist?—I do not think so. If they can use the money they have now in possession, there is no difficulty. We are not asked to make any contributions to put the Act in force.

4043. I understand that the Governor in Council has decided that the fines collected are to be handed over to the Municipal Councils for the enforcement of the Act?—How then do the Council do the very opposite.

4044. The county of Cape Breton votes to bring this Act into operation, and the Dominion Government says any fines that may be imposed for the violation of this Act shall be handed to the municipal body where these violations take place, to be used in instituting prosecutions and punishing violations of the law. Now, this community has decided largely in favour of the Scott Act, and the Dominion Government has provided for the use of the Municipal Councils whatever fines are imposed for violations. Can you understand why, with this in their hands, the people do not elect representatives who are in sympathy with the enforcement of the law, when the people have shown themselves so clearly in favour of the law?—I do not think it is very difficult to give an explanation, but it is the first time to-day that I have heard that this money that is to be collected is to be put in the hands of the Council for the purpose of putting the Act into force.

4045. One witness told us that there was \$216 in the bank to the credit of this fund, and Mr. Hill said the fines collected had been used to defeat the operation of the Act. That appears to be inexplicable?—Yes, I heard that; but up to to-day, I did not know that the law was as you have stated.

*By Judge McDonald:*

4046. In Ontario the fines were paid to the County Council. The Local Government, which grants druggists' licenses, had officers appointed who made requisitions upon the County Council, and this money had to be paid?—I do not understand how these gentlemen who had the matter in hand did not understand it as you did, because there was a league formed to raise funds to carry out the law. If they understood it in the light you mention, the Act would operate itself easily beyond controversy; so that part I cannot explain. The only judgment I can form is that men do not want to do their duty, if they do understand it. Then, you asked about why we put councillors in the Council who were not in sympathy with the Act. The councillors are appointed not for this specific object. There is very little agitation about temperance when councillors are elected. When this was in doubt, the question was not mentioned. Other subjects and other interests come in, and they lead the mind of the people, just as it is in politics.

*By Mr. Clarke:*

4047. In voting for councillors, this grand interest is kept out of sight, and that happens from year to year?—It takes a long time to work up sentiment and get people to do their duty.

4048. If public opinion and sentiment were strongly in favour of the enforcement of the law, there would be no difficulty in its enforcement, because they would place the funds in the hands of the proper people?—But the Judges are not appointed by the people.

4049. But they are appointed by the Dominion Government, and it is urged upon us that this law would be enforced if the officials were appointed by the Dominion Government, and yet the Judges are so appointed?—These circumstances are unexplainable.

4050. When do you think public opinion will be sufficiently ripe to enable the Dominion Parliament to pass and enforce a prohibitory law? Would it be well to pass a more stringent law than the present until public sentiment would enable it to be enforced from one end of the Dominion to the other?—I believe, if we cannot get public sentiment in favour of the law, it is of little value to have the law.

4051. Do you think public sentiment here is in favour of the Scott Act?—It might be aroused.

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4052. But now?—It is not; but I find the causes leading to that differ very widely, and I do not say it is the fault of North Sydney or of any particular locality.

4053. We want to ascertain the causes of that in order to make an intelligent report?—At the present moment I think undoubtedly the cause is lack of interest in prohibition in this place, and that is why the Act is not enforced.

4054. Then, what would be the effect of a prohibitory measure?—There is a difference in regard to that everywhere, but here particularly. You allow liquor to come in here, and we cannot stop it coming in. This is very strongly in favour of selling liquor. It is allowed to be here; and is not that a very long step in the direction of legalizing the sale of liquor? I told you before that, when an Act becomes illogical, logical minds will not support it.

4055. You think the Scott Act is an illogical measure?—I think it is.

4056. Is it class legislation?—I do not think so.

4057. Do you think it is class legislation to allow a man to buy ten gallons of liquor under the Scott Act, and not to allow a person who cannot afford to buy that quantity to purchase it in smaller quantities?—Every one can do that under the Scott Act.

4058. A law of this kind would be no prohibition, except to those who could not afford to buy ten gallons or a dozen bottles: and is not that class legislation?—I cannot say that this is class legislation.

4059. Do you not think that legislation which would give a vote to a man with a property qualification and no vote to a man without it, would be class legislation?—I do not think that bears on the subject.

4060. It does in this way, that, if you have not money enough to buy ten gallons or a dozen bottles at a time, you cannot get it; whereas if you have that money, you can get it?—In Sydney Mines they buy a flask.

4061. You think, if there was a total prohibitory measure, it could be enforced?—Do you mean absolutely?

4062. Absolutely?—Is there any law absolutely enforced? There is no law, human or divine, which is absolutely enforced. If you mean absolute enforcement, you had better pass no law.

*By Mr. Gigault :*

4063. Do you not think there is a difference between public and open violations of the law and secret violations of the law?—I am speaking of absolute enforcement and relative enforcement.

*By Mr. Clarke :*

4064. Do you think the Scott Act, as at present enforced, is a moral educator or is improving the morals of the community?—No, I think a law passed and not enforced is educating in the wrong direction. It is teaching us to disrespect law.

4065. You think, notwithstanding that, if a general prohibitory measure for the whole Dominion were passed, it could be enforced?—In that way, we have the sympathy of numbers instead of something which is merely sporadic. Then further, it is easier to keep liquor off the coasts than when it comes into a locality to prevent its being sold. Some people say here that the sale of liquor is confined to fifteen places, some say thirty, and some say sixty places. I believe you can get liquor here in sixty places though they may not be called taverns or hotels, but the general impression is that there are sixty places into which it gets and no one can follow it. This man has his friends and the other man has his friends, and where the carcase is, thither will the wolves be gathered together and they soon scent it out.

4066. Did you ever have any experience of the operation of the Canada Temperance Act in Prince Edward Island?—Yes.

4067. What was your experience?—I had considerable influence and took part in enforcing it in Charlottetown; but now I see by the papers that it is not in operation in Charlottetown. There was a time when it did operate and arrest the sale of liquor in Charlottetown.

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4067a. Was that immediately after its enactment ?—Yes, a little while afterwards. There was a feeling strongly in its favour, but there were some hitches. This Judge and that Judge did not know, and time was killed. You know you can get men to rush in to battle, but when they have to continue year after year in battle, they become wearied ; and when they find there is a playing with the law on the part of those whose duty it is to execute the law, it operates on the public mind as a deterring influence. That is an education which is exceedingly bad on the mind of the populace. If our judges and our leading men have no more respect for their laws which they make themselves, it has a very bad effect to find that, as the great Daniel O'Connell said, a coach and six can be driven through an Act. These are the causes why the law is not in operation now.

4068. Then the law was not in operation because of the expense of enforcing it and the action of the judges ?—These were two causes, and besides that, there has been ever since the days of Noah the strong desire in the minds of the people for liquor. There is no such strong desire in the minds of the people to take another man's life as there is to have a glass of liquor, and the desire increases and becomes stronger. The result is that men who take a moral view say : we must stop this. And we cannot expect those who are in favour of it to take an active part to carry it out or enforce it. But it has always been uneven. I have a strong opinion that the liquor sold should be denounced by law, and further that if the liquor trade is licensed, that should be the only liquor sold ; but it has never been so.

4069. You think it is adulterated ?—I am prepared with proof that it has been so from the days of Pliny ; and when the Gospels were written, we find that wine sellers always adulterated their liquor.

4070. You believe that if liquor is sold at all, it should be inspected, and that none but pure liquor should be sold ?—Decidedly, but I doubt if you can carry that out. In vine growing countries, I believe wine is adulterated before it leaves the establishment.

*By Mr. Gignault :*

4071. You desire a complete exclusion of alcohol ?—I do not know that. There is alcohol and alcohol, just as there is poison and poison. There are some poisons which are not as bad as arsenic and strychnine. There may be poison in our daily food, but we do restrict the use of arsenic and strychnine ; and so there is alcohol which is not intoxicating, or there is drink in which alcohol forms a part which is not intoxicating.

4072. Would you admit it into the country ?—It would be a choice of two evils. If we could be sure that no wine would come into this country except wine like that which I believe our Saviour made, which would not be intoxicating, I would not be objecting ; but you cannot guarantee that, and therefore I would exclude it altogether.

4073. Would you exclude wine for mechanical and medicinal purposes ?—No, I would not exclude arsenic or strychnine for those purposes.

4074. Then it should be sold for mechanical and medicinal purposes ?—Certainly, that is what we contend.

4075. The great difficulty is to find the means to prevent the evils of intemperance. They have tried prohibition in Maine, and have not succeeded, and we cannot find a country in the world where prohibition has put an end to the evils of intemperance ?—That is true.

4076. Do you think we shall succeed where others have failed, that we shall be wiser than all the other nations ?—Why not ? You know that in the United States and in Germany and in France, there is an immense amount of intoxication, and even Louis Philippe insisted that drunkenness was ruining France.

4077. But there they came to the conclusion to encourage the use of wine, cider and beer, and exclude as much as possible the use of alcoholic liquors, because I think in the 16th century alcohol did not exist or was used only for medicinal purposes ?—Alcohol was discovered in the 12th century, when the Moors used it, but it did not come into England until the 16th century. Still there was a mixture used before that. Perhaps you have read Joseph Addison's article upon the adulteration of wine in London nearly 200 years ago. We have proof that adulteration took place long before the time of Joseph Addison. We find in the second epistle to the Corinthians these words : " For we are not as many which corrupt the word of God." That word " corrupt "

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in the Greek is taken from the wine makers who adulterated the wine. It is *kapelos*—*kapeleontes*, who were corrupting the word as the wine makers adulterated their wine. That was in the days of the Apostle Paul. If we could do as you say, I would say it would be all right.

4078. We have to take men as they are and not as they should be, that is the great difficulty?—That is the difficulty.

4079. You will always have to meet that difficulty?—I think, if the Church and wise men all around, men we look up to, legislators and so forth, would give us good examples, if both Church and State, seeing the evils of intoxication not only on the soul but undoubtedly upon nations, and remembering that as generations go on the desire for strong drink goes on, for I believe it is a physiological fact that the children of those who drink have a tendency to drink themselves and have the curse which was pronounced to the third and fourth generation, the effect would be very different.

*By Judge McDonald:*

4080. Possibly you have spoken without thinking on one point, and I desire to give you an opportunity of explaining your meaning. You have spoken of the difficulty of enforcing the provisions of a law owing to the Judges being opposed to it in opinion?—That is one thing.

4081. Do you suppose, if the Judges were favourable to the law, it would lead them to decide in favour of it? Your statement and the inferences to be drawn from it are a terrible arraignment of the Judiciary?—I am not a lawyer.

4082. Therefore, you see how careful you ought to be in making such statements?—Excuse me. I am not here to receive lectures on morals or on my duty to the Legislatures or to the Judges.

4083. I am a Judge, and I feel deeply and keenly the arraignment you have made?—You know I have stated facts.

4084. I know nothing of the kind, when you say the Judges have been influenced in their decisions because they do not like the law?—I have said that there were appeals and hesitations and the decisions were not given immediately, and these constituted delays.

4085. The statement you made was that you had to meet the difficulty of dealing with Judges who were adverse to the law?—I mean the decisions. I meant to say that these men understood the law in that way.

4086. I would understand that if you had said that, owing to the judgments given by the Judges being adverse to the law, it was difficult to know what the law really was, but not when you said it was in consequence of the Judges themselves being adverse to the law?—I did not mean that. I cannot judge a Judge.

4087. If you knew the mind of a Judge, that the mind of an honest Judge makes him so afraid of any predisposition swaying him that it is almost apt to swing him around to the other side, you would not speak thus?—I am not going to judge Judges; but it is unfortunate when a law is passed and it is brought before a tribunal, the Judge says I cannot see this or that, and then it has to be referred to another Judge and then to a Bench of Judges.

4088. Have you not paraphrased the whole thing in quoting Daniel O'Connell's statement that it was possible to drive a coach and six through any Act of Parliament?—That may be, but the parties I was referring to cannot now judge as you do or as I may do, but they say, this has come before Judges, gentlemen in whom we have had and still have confidence, and they cannot say what the law is. I may have been hasty in not guarding my words, not knowing that a Judge was watching me.

4089. Then, the meaning you would convey is, not that you would question the integrity of the Judges in giving the decisions, but that the decisions given had the effect of disheartening the people as to the enforcement of the law?—That was the effect; but there might be a feeling after what Mr. Hill has said in one case.

*By Mr. Clarke:*

4090. That Judge is not on the bench now?—No, but what one man may do, another may do.

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4091. That Judge's decisions were overruled by the Supreme Court?—Yes. You have raised a question of Judges. Is it not singular that in Canada and the United States in matters political, when reference has been made to Judges, the Judges on this and that side of politics have sympathized with their own sides?

*By Judge McDonald :*

4092. I cannot speak for the United States, but in Canada, it is not my experience or the experience of either of the political parties?—Then there is no confidence to be placed in the press.

*By Mr. Clarke :*

4093. Is there any fear now of entailing expenses in prosecuting offenders against the Scott Act?—There ought not to be after what I have heard, but I do not know whether there is or not.

JOHN W. INGRAM, of North Sydney, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4094. What is your occupation?—General merchant.

4095. How long have you resided here?—Fourteen years during my last stay, but I have been here altogether perhaps thirty years of my life.

4096. Has the Scott Act been in force during part of the time of your last residence?—Yes.

4097. Is it effectually enforced?—It is not.

4098. Is there a strong sentiment in the community in favour of its enforcement?—There is a sentiment, but it is not as strong as it ought to be.

4099. It is not so strong as to have it carried out?—So it would seem.

4100. Do you believe a prohibitory law for the whole Dominion would be acceptable to the people?—I would be in favour of it myself.

4101. Do you think it could be carried out?—I think it would be worth trying.

*By Rev. Dr. McLeod :*

4102. You are in business?—I am.

4103. State your observation of the effect upon your business and upon business generally of the drink trade?—I think there can be almost only one mind on that. My own experience has been that people who use intoxicants to any extent have their paying power restricted, and if we are called upon to do anything in the way of charity, it is generally for people who have been brought to a poor condition by the use of intoxicants. If we have a brawl on the streets, it is generally among drunken men and not sober men. Any noise at night is generally the result of the use of liquors. As far as our Scott Act here goes and its enforcement, there has been quite a good deal to say. I have had something to do with that Act. One of the reasons why it is in abeyance now is because the Town Council do not do their duty.

4104. In what respect?—They should have pressed the collecting of all the fines that were imposed. The temperance people went to expense and annoyance to bring evidence before the court, and the Town Clerk carried forward to a successful issue nearly all the cases, and at the very close they dropped one case and allowed the man to go free—a man who had been fined \$150 or \$200,—and so they discouraged the temperance people.

4105. Why did they do that?—They were likely influenced, or were afraid.

4106. Afraid that he might retaliate?—That he might, or his friends might. That may not be the reason, but one man's barn was burnt down, another had a bomb thrown into his window, and his house might have been burnt down, and the inmates might have been injured. The people in opposition to us, that is the liquor people, were blamed for that. We believe it emanated from them.

## Liquor Traffic—Nova Scotia.

4107. Do you think these acts of violence had the effect of paralyzing people?—To some extent. Men may not be so timid, but women have that feeling, and they influence their husbands and families. I had some interest in the matter, and while I did not desist I felt more or less danger in connection with it, and I am not singular in that respect.

4108. About the time that this terrorism went on, was there any change in the rates of insurance for men interested in the temperance cause, or was there any intimation that there might be?—It seems to me there was something said about it, but I cannot say positively. It was not intimated to me.

4109. You think if the Town Council had insisted on the collection of that fine or the imprisonment of the man in default of paying the fine, the effect would have been very good?—I do, because we had been successful in our cases and we were discouraged considerably by having this case set aside by the Town Council.

4110. Have you any idea why the money now in the bank to the credit of the Temperance Act is not used for the purpose of prosecution?—I have an idea. The only prosecutions were brought on by private individuals.

4111. And they paid the bills?—No. The town paid the bills. In the sister town of Sydney, we on this side assisted the enforcement of the Act by our contributions, but there it was carried on by a League.

4112. Do you think it would be possible to get the money now in bank to further prosecute the offenders?—I do.

4113. What steps would need to be taken?—The town authorities are only custodians of that fund.

4114. And if some one would prosecute, the money would be probably forthcoming?—I think legally they are bound to pay the money, as it was collected for the purposes of the Act.

4115. What is your opinion as to the effect that national prohibition, if enforced, would have on business interests, good or bad?—Taking my view of it, that prohibition is a good thing and that we are better without liquor in the country, it would be a good thing. The evidence I have gathered in my short life is that we are better without liquor.

4116. Do you think the wage-earning population would have more money to spend in other ways?—Certainly.

4117. And business generally would not suffer?—I know myself, if I were taxed directly for the support of the Government, I would consider it better than to be taxed indirectly as I am for outside support and other things, and because of my customers failing to pay me on account of liquor. It would be better for me to pay directly to the Government than as it is now.

4118. Then, as a business man, you think it would be money in your till and better for you even if you were directly taxed, than to have to make up the losses resulting from the liquor traffic?—That is my view, because we would have less pauperism, less expense in connection with the town courts, and our people would pay us better.

4119. And if such a law were enacted with machinery for securing fairly good enforcement, you would not regard smuggling or an occasional violation of the law as proving that the law ought not to have been enacted?—I should not.

*By Judge McDonald:*

4120. Do you mean by fairly good enforcement, thorough enforcement?—Yes.

4121. Can any enforcement be good that is not thorough?—There are laws that are not thoroughly enforced.

*By Rev. Dr. McLeod:*

4122. Your definition is not absolute enforcement?—No law is absolutely enforced.

*By Judge McDonald:*

4123. Do you mean enforced as effectually as is possible with any law of that kind—Yes.

JOHN W. INGRAM.

4124. Do you think that such things as throwing a bomb and setting fire to houses might exist as much under a general law as under a local or particular law?—They might.

4125. Is there any way of reaching such acts, except through a thorough searching out by detectives and bringing to justice the persons guilty of such outrages?—That would be the proper course.

4126. Was any effort made here to do that?—I think so. The Town Council advertised and offered a reward for any evidence towards the conviction of the parties.

4127. Was such evidence ever obtained?—I think not.

*By Mr. Clarke :*

4128. Do you think the Town Council would stand in the way, if any person entered a prosecution against any one for illegal sale of liquor?—I do not think so.

4129. Any one can enter a prosecution?—Yes.

4130. You do not think the law is well enforced here?—No.

4131. The public sentiment is not sufficient to make the officers do their duty?—What is every body's business is nobody's business, and there is a good deal of work in getting up the evidence, and when we have our bread to earn, we cannot be always in the court. But if the Government gave us a public officer, appointed and paid by them, so that it would be his business, and he would have all the Government influence at his back, it would be better than any effort of a few individuals.

The Commission adjourned to meet in Halifax on Monday, August 1st.

## Liquor Traffic—Nova Scotia.

HALIFAX, August 1st, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

JAMES R. LITHGOW, of Halifax, Treasurer of the Glace Bay Mining Company, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4132. How long have you resided in Halifax ?—Ever since 1832.

4133. Have you ever resided at Glace Bay ?—No.

4134. Have you any knowledge of the state of affairs in that section of the country ?—Only from reports and from hearsay.

4135. Have you anything to do with the working of the License Act in Halifax ?—No.

*By Mr. Clarke :*

4136. Do you know how the Act is observed here ?—No more than I know generally that the law is not carried out. There is a great deal of illicit selling I believe, still I do not know anything personally. It is not a matter I take much interest in.

4137. Would you support a law prohibiting the manufacture, importation and sale of liquor throughout the Dominion ?—No ; I am opposed to prohibition.

4138. For what reason ?—I have been opposed to it for thirty odd years on what I consider are scriptural grounds. It has always seemed to me that Christian legislation or divine legislation ought to be enough for Canada, and I consider that divine legislation does not prohibit the use of intoxicating drinks.

4139. Do you think that if such an Act were passed, it could be enforced ?—I think it could be enforced with a great deal of difficulty, and with a great many officers to enforce it. I do not think the drinking of intoxicating liquors would be ended by legislation. I think it would be greatly increased, and there would be illicit traffic, which would tend to demoralize everybody. I believe thousands of people in this country will have their drink either legally or illegally, and that a prohibitory law would be attended with a great deal of evil. Prohibition would be a gross infringement of home liberty. There are thousands of people who desire to use what are called intoxicating liquors in moderation, and who believe them to be beneficial, and it would be a very great hardship to require those people to deny themselves by prohibiting the use of them.

4140. In the event of a prohibitory law being passed, that is a law prohibiting the importation, manufacture and sale of liquor, do you think the brewers and distillers and those engaged in the trade generally should be compensated by Parliament ?—I think it would be only fair that they should be compensated.

4141. Have you any experience of the operations of the Canada Temperance Act throughout the province of Nova Scotia ?—No.

4142. Do you know anything about its working ?—No.

4143. Can you give any reason why the license law should not be rigidly enforced in Halifax. We understand from the witnesses that there is a license inspector here with six deputies, who are sergeants of police, and that the inspector and those deputies have not been able to secure a reasonable observance of the Liquor License law ?—I am not sure ; I have not taken much interest in the matter.

4144. Do you know anything about the state of affairs ?—No.

JAMES R. LITHGOW.

4145. Do you know if there is much smuggling of liquors along the coast?—I do not know. I occasionally see that smuggled liquors have been seized, but I do not inquire particularly in regard to the matter.

*By Rev. Dr. McLeod :*

4146. I understand that your objection to prohibition is based on scriptural grounds partly or largely?—Yes.

4147. Do you think the licensing of the traffic is in accordance with scriptural teaching?—I believe that under the divine law liquor was sold as freely as anything else. I believe liquor should be sold as freely as anything else now.

4148. So license is an interference as well as is prohibition?—Yes.

4149. You think prohibition is an interference also with human liberty?—Yes; a license is an interference also with human liberty. I see in the Scriptures that wine and drinks were bought and sold under the divine law. The nation of Israel had a divine law, and under it wine and strong drinks were bought and sold as freely as anything else. I believe it would be a good thing if the same practice were followed in Canada.

4150. What would the effect be?—I do not think the effect would be any worse, if as bad, as at present, because I think the liquor would be of better quality and would be cheaper, and as it would not be forbidden, the people would not be so apt to crave for it.

4151. You think the people like what is forbidden?—Stolen fruits are the sweetest. What the people like is what they cannot get.

4152. Do I understand you to say that, in your opinion, prohibition would fail because there would be a great deal of illicit trade?—Yes, I believe it would be impossible to prevent the importation of liquor into this country.

4153. You believe there is more or less illicit trade under the license law?—Yes.

4154. Do you think there would be an increase of the illicit trade under prohibition?—I cannot say. I think it is very likely there would be.

4155. You object both to license and prohibition because they interfere with human liberty and are not scriptural?—Yes, I object to prohibition especially. I do not think there is the same objection to license, but I have very strong objection to prohibition. If I believe a glass of wine does me good, why should I be prohibited from taking it. I know of thousands of cases, among them some of my own friends, who have taken ale or wine, and who seem to have taken a new lease of life. I believe strong drink is as good in many cases as any other article we can take, but it may be abused.

4156. Perhaps you know some men who would not be in such good health if they had not taken certain other things, and yet perhaps those other things you would not have freely sold?—I do not know.

JAMES W. FLEMING, Superintendent of the Halifax Poor's Asylum, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

4157. Under what control is your asylum?—It is controlled by the City Council.

4158. Then it is a civic institution?—Yes.

4159. How long has it been in operation?—It has been under the city's control since the 1st of July, 1886.

4160. How long have you been manager of the asylum?—Between 12 and 13 years, 12 years from first of last April.

4161. How many inmates are there at present?—270; 140 men, 128 women and 12 children.

4162. What is the mode of admission? Do the people apply for admission, or are they sent there by some authority?—They generally apply to the chairman of the committee of six, or to the alderman on the roll of visitors for that month.

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4163. Is it a fact that indigent circumstances form the basis on which they are admitted?—Yes.

4164. Do you consider that the present number is an average for recent years?—The highest number was in 1891, when it was from 330 to 340. That would make a weekly average of probably 95. Some years the number has been 100, and even up to 300.

4165. Are some people there permanently?—Yes.

4166. And some are there temporarily?—Yes, a good many temporarily.

4167. Do I understand that the asylum is not a place to which people are sent by a police magistrate under warrant?—No, not under warrant.

4168. Are the inmates free to go as they please; do they discharge themselves?—Yes, if they are capable of taking care of themselves we let them go.

4169. Are they mostly people who have resided in Halifax, or are they people who have drifted in from other sections?—They drift in from elsewhere. There are more people there in the winter than in the summer, of course.

4170. Do you charge the province with the cost of those who come in from outside?—No. They come in, and we cannot get clear of them for a certain time.

4171. Have you any knowledge of the operations of the license law in Halifax?—Not much, only from hearsay.

4172. Are you able, from your knowledge, to speak of the working of that law?—No.

4173. Have you lived in any place where a prohibitory law has been enforced?—I have not.

*By Rev. Dr. McLeod:*

4174. About what proportion of the inmates of the asylum are strangers?—Probably 70.

4175. That would be a fair proportion of the inmates from year to year?—Yes, 60 or 70. Part of those have lived in the city for a good many years, but did not live five years in the city at one time, clear of the asylum, so as to gain a residence.

4176. Most of the time they were in the city but for a short period, less than five years?—Yes.

4177. How long have you been in charge of the asylum?—Twelve years past.

4178. During that time have you had an opportunity of observing quite closely the character of the people, and forming some estimate of the causes that brought them there? Please state your view to the Commission as to the causes that brought the people there?—There are a great many different causes. People are apt to say at first, and I would have said it some times, that liquor had brought three-fourths of them there. It is so generally considered, but when you come to consider the matter further, I should think not more than one-third had been brought there directly by liquor. Then there are other causes. Perhaps one third, but that is a matter of opinion, are brought there indirectly by liquor. They never drank.

4179. So you think one-third were brought there directly and another third indirectly by liquor?—Yes.

*By Mr. Clarke:*

4180. Do you find that the number fluctuates according to the times outside, that when the times are good in the general acceptance of the term there are fewer inmates than when the times are bad?—It makes a difference. If the times are good and work is plentiful, there are not so many inmates. When I went there the inmates numbered 480—that was in 1880. We have not had, I think, such hard times since then, and the inmates have been getting less in number.

4181. Do you attribute the decrease in the number to the improvement in the times?—Partly, and also partly to more attention being paid to getting infants out of the asylum. I always consider that a man is better if he is there only a week rather than a month.

4182. Do you take any means of ascertaining the previous life and habits of the inmates further than general inquiries made by yourself?—No.

4183. You have no machinery by which you can obtain that information?—No.

JAMES W. FLEMING.



W. H. STERNS, of Dartmouth, on being duly sworn, ~~deposed~~ as follows :—

*By Judge McDonald :*

4184. What is your occupation ?—I am a book-keeper.

4185. Do you occupy any official position in Dartmouth ?—No, not in Dartmouth.

4186. Do you occupy any official position elsewhere ?—No.

4187. How long have you resided in Dartmouth ?—I was born there and have lived there always.

4188. Then you have known Dartmouth, I suppose, under some license law ?—Yes.

4189. Do you remember it under the old license law ?—Yes, quite well.

4190. At that time, were there any licensed houses ?—There have been as many at one time as 20 probably.

4191. Since the new law was passed, have there been any licensed houses at any time ?—Not since the McCarthy Act came into force.

4192. And were there any under the McCarthy Act ?—There were three.

4193. Under the Provincial law have there been any ?—Yes.

4194. Has there been an increase or decrease of drunkenness in Dartmouth within your recollection, or within the last 10 years ?—I do not know. I fail to see any great difference so far as the law is concerned.

4195. Do you believe that the license law is efficiently enforced in Dartmouth ?—I think as well as it can be, as well as the machinery of the law will allow it to be enforced.

4196. What do you mean ?—Taking Dartmouth, with its close proximity to Halifax, where liquor is sold openly and from which place it can be carried across the harbour, the present law is not prohibitory so far as Dartmouth is concerned.

4197. Do you believe there is any illicit selling in Dartmouth itself ?—It can be bought anywhere almost.

4198. Have you any reason to form an opinion of the character of the liquor sold in those illicit places, whether it is pure or adulterated ?—So far as I can learn, it is adulterated. It is the worst kind of liquor.

4199. Do you judge from the effects ?—From what I have been told.

4200. It is your opinion that a general prohibitory enactment for the Dominion, prohibiting the importation, manufacture and sale of liquor, could be efficiently carried out ?—My own personal opinion is that it could not be. I think that a high license law would have a better effect.

*By Mr. Clarke :*

4201. What opportunity have you of ascertaining whether the liquor is sold illicitly or not in Dartmouth ?—My own knowledge. It is not a very large place, and I am pretty well acquainted with all the people. I have a very good idea as to where it is sold, and where it is not sold.

4202. The Commission have received the testimony of the license inspector. He was understood to say that the place was free, or comparatively free from licensed places, and there was virtually prohibition in Dartmouth ?—I do not mean to say there is not. The Act is enforced as far as it can be under the present machinery.

4203. But you think there are licensed dives there ?—I have no hesitation in saying so.

4204. How many ?—I could not say.

4205. Are there three ?—I think that liquor is sold in the town.

4206. In many places ?—I could not say, I do not know. The court records will prove that. There is a case of a man being summoned twice within a week for selling liquor in the town.

4207. How many cases have there been in court of persons being charged with selling liquor illicitly during the past three months ?—To my knowledge that is the only case within three months, and the party was brought up twice within 10 days for selling liquor in the town.

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*By Judge McDonald :*

4208. What was the result of the case ? Was the party acquitted or convicted ?—He was fined for the first offence, and the second offence is not settled, but is yet in court.

*By Rev. Dr. McLeod :*

4209. Does the fact that a man has been prosecuted indicate that the law is attempted to be enforced ?—I think so.

*By Mr. Clarke :*

4210. Do I understand that you have lived in Dartmouth all your life ?—I have.

4211. Are you well acquainted with Halifax ?—Yes.

4212. Do you know any good reason why the liquor license law should not be enforced in this city ?—I do not, but they do not seem to enforce it.

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Rev. JOSEPH SHAW COFFIN, of Windsor, Hants County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4213. You are a minister, I believe ?—I am a minister of the Methodist Church, and ex-President of the Conference of Nova Scotia.

4214. How long have you resided in Windsor ?—About a year and three months.

4215. And how long in Nova Scotia ?—Most of my life, with the exception of five years, I was in New Brunswick, and three years in Cape Breton. I have spent of my ministerial life 32 years in Nova Scotia.

4216. Have you during your residence in Nova Scotia resided in different counties ?—I have.

4217. Have you had any knowledge of the working of the old license law and the present law ?—I have had some knowledge of the old license law, but not much. I have resided in counties that have been under the Scott Act.

4218. Have you had any considerable acquaintance with the working of the Scott Act ?—Yes.

4219. That is so far as you have resided in places where it has been in force ?—Yes ; I have been quite actively engaged in the matter.

4220. Have you been engaged in connection with the passing of the Act and the enforcing of it ?—I was particularly engaged in the bringing of the Act into operation in the County of Cape Breton.

4221. In what part of Cape Breton did you reside at that time ?—In Sydney.

4222. Did you receive a circular from this Commission ?—I did.

4223. Have you answered it ?—I have.

*By Mr. Clarke :*

4224. Do you know anything of the operation of the law in the County of Cape Breton at the present time ?—Many years have elapsed since I left the county.

4225. How long has the Act been in force there ?—It was in force during my first term in Sydney. It was brought into operation about 12 years ago.

4226. Then it has been in operation about 11 years ?—Yes.

4227. How did it operate during your residence there ?—I lived in Sydney about a year after the Act came into operation, and when I left I got out of touch with the operation of the Act. During the first year or so after the Act was brought into operation, it certainly did very fine work in diminishing the number of liquor shops in the town of Sydney, where I resided. I was not in the habit of visiting those places personally, and I therefore cannot speak as a personal witness, but from the best know-

W. H. STERNS.

ledge we could secure during the first four months after the Act was put into operation, the number of liquor shops was reduced in Sydney from 25 to less than 7, and for some time there were not more than 3. Then litigation began. The Act was enforced merely through the instrumentality of private parties, they themselves providing the sinews of war. But, as I say, litigation began. Cases were appealed, and every hindrance was thrown in the way in that direction. These hindrances became exceedingly onerous at last, so that the private parties who had taken the matter under their charge became discouraged and threw it up.

4228. What is the condition of affairs in the other counties you have visited in the province where the Scott Act is in force?—In the County of Shelburne it has worked finely in the direction of suppressing the drink trade. To be sure there were periods during my residence in that county, for instance in the town of Shelburne, of which I was a resident, when it was very difficult indeed to prevent the sale of liquor, and I presume the knowing ones who were acquainted with those matters would find places where liquor could be obtained in Shelburne almost any day. But outside of that town at that time, in the beautiful town of Lockeport, for instance, the sale of liquor was practically excluded, and in other parts of the county liquor was not to be obtained. In the district of Barrington, where I was stationed three years, there was no liquor to be had for a distance of 40 miles.

4229. Did the Scott Act accomplish what its promoters contended it would accomplish?—It did most decidedly; and in any places throughout the province where it was not enforced, its non-enforcement was owing to the want of adequate machinery.

4230. What change would you suggest in the Act?—It seems to me there would be no difficulty whatever if, instead of the Scott Act being merely a local Act, it was a Dominion Act, and the Federal Government provided the necessary machinery to enforce it.

4231. Do they not provide the machinery now?—Its enforcement is dependent entirely upon the good-will of the people in the particular counties which adopt the Act.

4232. The Act is put into operation by the vote of the people, and the representatives are elected by a similar vote?—I am not aware of that fact.

4233. Could you suggest any changes that could be made in order to make the Act more easily workable and more effective? Would the appointment of Dominion officers be an improvement?—I think so most decidedly. If we had the weight of the Federal Government behind the Act, with the machinery that the Federal Government could employ to enforce the law, it would be all we would need to settle the matter at once.

4234. Then you think that, even if the Act has been fairly successful where it has been enforced, it would be more successful if, instead of having the local authorities administer the law, it should be administered by Dominion officials?—Decidedly.

*By Mr. Gigault :*

4235. Do you think it is a sin to take a glass of cider?—I think it would be a sin; but my conscience may not be your conscience. With my view of my responsibility to my fellowmen and the importance of example, it would be a sin for me to take a glass of cider. But I do not wish to put any one in the same category with myself in this matter.

*By Rev. Dr. McLeod :*

4236. You have had some experience, I understand, in regard to the enforcement of the Canada Temperance Act. Can you state the chief difficulties in the way of its enforcement?—There is very little difficulty that I have found in enforcing the Canada Temperance Act. I speak now from the stand-point of the localities where I have resided. There is no difficulty where we have the local authorities behind the Act, but failing that condition, when the entire responsibility of providing means to carry on the prosecutions is thrown on private parties, as we see is the case to-day in the County of Cape Breton with no possibility of the parties being recouped by the fines that may be collected, it is an exceedingly vexatious matter.

4237. Why is it that the money collected in fines is not appropriated to the enforcement?—It is collected. This proved the main difficulty in Cape Breton during the

## Liquor Traffic—Nova Scotia.

last campaign. An arrangement was made with the Town Council by which the money advanced by private parties in these cases was recouped out of the fines collected; afterwards action was taken against that course, and I believe a case was carried to the Supreme Court, and it was found to be illegal, it being held that the fines must go into the town treasury.

4238. For what purpose?—For whatever purpose they saw fit to appropriate it.

4239. That was the judgment of the Court?—The judgment was this: that the arrangement providing that those fines should be placed in the hands of the association, the Scott Act League, which was enforcing the law, was illegal, and the money must go into the town treasury.

4240. Do you understand there was objection made to those fines being used through the town officials for the enforcement of the Act?—There was, decidedly in Sydney.

4241. Were the funds appropriated to any purpose by the Town Council other than the enforcement of the Act?—I cannot say.

4242. But they were not appropriated to the enforcement of the Act?—They were not.

4243. Within the range of your observation and experience, have any difficulties of enforcement grown out of the delays and obstructions that arose in the Courts through appeals?—Very greatly so.

4244. You say that several appeals were taken: were they long delayed before judgment was given?—Yes, some were carried on for years.

4245. What was the effect of the long delay on the people?—They became very much discouraged.

4246. Do you think a prohibitory law would be better enforced than the Canada Temperance Act?—I think very much better.

4247. For what reason?—Because there would be all the difference as regards weight and influence between merely local enforcement and Federal enforcement, and there would be the weight of the general Government behind the law with the machinery which the Government could provide for enforcing their own law. I cannot see how it would be otherwise: it could be enforced with greater vigour and effect.

4248. Would there be any advantage in the fact that the law would prohibit the importation as well as the sale?—Decidedly so. It would make it much more workable, because the Scott Act at its best is only a half way measure.

4249. You think, however, the Canada Temperance Act, in spite of the many difficulties it has encountered, has been fairly well enforced in a great many places?—I do.

4250. And in your opinion it is preferable to a license law?—Decidedly.

4251. In your answers to the questions sent to you in our circular letter, as a minister, did you set forth with any particularity your belief, from your experience and observation, as to the responsibility of the drink trade for crime and immorality, poverty, domestic trouble, neglect of children and neglect of religion and the like?—The questions were answered as fully as possible.

4252. You answered the questions simply?—Yes.

4253. Have you had an opportunity of comparing the condition of communities under a license law, with the condition of communities under enforced prohibition in regard to crime, immorality, poverty, domestic trouble and the like?—I cannot say I have had an opportunity that would enable me to judge with any degree of accuracy as regards this matter, and to make any comparison between these two systems.

4254. What is your general impression as to the effect of a licensed drink system upon a community in regard to crime, immorality and poverty, as compared with the effect on a community of entire prohibition?—I have studied that matter with a considerable degree of care, although I have not fallen on communities where my actual observation would enable me to judge very accurately. But from very careful attention and study I have given to the collection of statistics and that kind of thing, I am thoroughly satisfied that prohibition decidedly reduces crime and all the evils connected with the drink traffic.

4255. Do you believe that laws against the evil have an effect on public opinion in regard to this matter?—I do, or I would not believe in the moral law. The effect is good. Law is an educator.

REV. JOSEPH SHAW COFFIN.

4256. What do you think is the best method of dealing with the liquor traffic with a view to lessen it? Do you believe the best method is to have local option with respect to it or to have entire prohibition?—National prohibition.

*By Mr. Clarke :*

4257. What is the moral effect on the community of having the Scott Act passed and supposed to be enforced in various parts of the province and yet is flagrantly violated, the law being more honoured in the breach than in the observance?—I am not prepared to take the ground that the moral effect is as disastrous as some claim. Take the ground that it is better to have the law, even if it is largely violated, than to have no law, inasmuch as I believe the law, even with partial enforcement, is one of the best educators we have along the line that the law is intended to follow.

4258. Do you know that the Government have made provision that the fines imposed on those who violate the Scott Act are placed at the disposal of the municipal bodies for the purpose of enforcing the law?—But if the municipal authorities refused to employ the fines, they being opposed to the enforcement of the law, what would happen?

4259. Do you know it is a fact that the Government have made that provision?—It is a fact.

4260. How do you account for the fact that communities, such as those in Cape Breton, will pass the Scott Act by substantial majorities, and the local organizations, so soon as the law is brought into force, in North Sydney, for example, make no attempt to have representatives of the people enforce the law?—It is difficult to account for it, I admit. When we get into elections many things happen that I am entirely unable to explain. In Sydney and North Sydney there are large numbers of people who are opposed to any such enactment, and they often carry things their own way. It is certainly so in North Sydney.

4261. Do you know the condition of affairs in the district of Cow Bay?—Yes.

4262. What kind of a population is it there?—I think generally a mining population.

4263. It consists of what?—It consists of miners largely.

4264. Also sailors?—Sailors, but not largely so.

4265. The evidence submitted to the Commission seems to show that the law is well observed there, and that the character of the population of Cow Bay is similar to that in the province?—The character of the population at Cow Bay is wholly different from that of Sydney, and North Sydney especially; they are more moral and more law-abiding people and entertain a stronger temperance sentiment.

4266. We understand that at Sydney Mines there is a local municipal government and the authorities seem to be in sympathy with the temperance people in enforcing the law and there is not much trouble. It is part and parcel of Cape Breton I understand, and the people adopted the Act by a large majority?—Yes, by a large majority.

4267. Then in regard to the action of the authorities, do I understand you cannot make a better explanation than you have made?—I cannot account for it.

*By Judge McDonald :*

4268. You have stated that in some sections of the country the Act is thoroughly enforced and in others not?—As thoroughly as any other criminal law.

4269. In those sections where it is enforced, is it not enforced by the local officers?—Yes.

4270. There is no Dominion law there?—Yes.

4271. Might not that be the case if the officers would do their duty in the other counties?—I think the fault is with the officers.

4272. You state that if you had Dominion machinery and Dominion officers you could enforce this law as well as the law is enforced against murder and other crimes. Do you find any section of the province of Nova Scotia where murder, burglary and other crimes are allowed to go unpunished because no one will do his duty?—I think not, so far as my experience goes.

4273. You have a case in which the Dominion has passed the legislation and it is carried out by local officers. The Dominion does not appoint the constables and

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the magistrates who carry out the criminal law, and yet we find it carried out. Do you think this has anything to do with it: that in the sections of Nova Scotia where you say the present Act is thoroughly enforced, they have the public sentiment and the weight of the community at their back, and where it is not enforced, it is for lack of that public sentiment?—Undoubtedly, if we could get the same weight of public sentiment against liquor and the liquor trade that we get against other crimes, the law would be enforced more vigorously than it is.

4274. Do you think there may be an explanation in the fact that where a wrong has been done to an individual, as in the case of theft or other crimes, he or his friends may put the law in force because the crime trenches upon his rights?—That may be so, but I do not attach much importance to that.

4275. Do you think that with a Dominion law against theft and other offences of that kind, and a Dominion law against the sale of liquor, there are many in the community who look upon the one as striking at what is an evil in itself, while they do not so regard the other, because they think it is no great evil in itself. Does that influence some people?—It may to some extent.

4276. All these matters may enter into consideration and may create difficulty in the enforcement of the law after it has been adopted?—I think that is correct.

*By Rev. Dr. McLeod:*

4277. Which do you think does the most wrong to the greatest number of individuals—theft or drink?—Oh, drink; there is no comparison between the two, hardly. So far as my experience goes drink has been almost the sole cause of crime and domestic misery, and I have seen a good deal of it, I am sorry to say.

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WILLIAM J. STAIRS, of Halifax, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

4278. Where is your residence?—Halifax.

4279. What is your occupation or calling?—I am a merchant.

4280. Have you always resided in Halifax?—Yes.

4281. Have you had any opportunity of observing the working of the license law in the city of Halifax?—No, I have very little knowledge of it.

4282. Are you in any position to state from personal observation whether during the last ten or fifteen years there has been an increase or a decrease of drunkenness in the community?—No. My opinion on that would just be nil.

4283. Have you any reason to know, or would your experience lead you to say anything as to the smuggling of liquor into the Province?—No; personally I know nothing about it. I only know what we gather from the published reports.

4284. Are you able to form an opinion as to whether a Dominion prohibitory law, prohibiting the importation, manufacture and sale of intoxicating beverages, could be effectually enforced?—I believe in the beginning that such a law would be against the public interest, against man's natural liberty. In other words, I take no interest in prohibition of things like wines and some things stronger than wines.

4285. You think as a starting point, such a law would not be a proper one?—Such a law would never have originated in my mind.

4286. If it were adopted, do you believe it could be carried out?—I believe if it is not based upon what is right, it will fail.

*By Mr. Clarke:*

4287. In the event of a prohibitory law being enacted by the Dominion Parliament, do you think those who have money invested in breweries and distilleries and who are otherwise interested in the trade, should be compensated?—The effect of the question is so great that I would hardly like to answer it. It is a very large

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question. To begin with, I think they have a right to make wines and to brew malt liquors, and to make the spirit for the poor man which is like the wine for the rich man ; and if they have gone into business largely, I would be sorry to say they had not a right to recompense. But it must be remembered that they went into that in the face of a very large opinion against the existence of the traffic, though I do not believe that opinion to be sound ; still there is an opinion, and if I were a judge, I would not like to give them a judgment on that.

4288. If the capital was withdrawn from this industry, could it find profitable investment in this city or in this province ?—I think so. There has never been a time within my knowledge when an active man has not had an opportunity of investment.

*By Rev. Dr. McLeod :*

4289. It seems to be generally conceded that the liquor trade must be dealt with in some way, restricted, regulated or prohibited : what is your view ?—My view may be singular. I would not regulate it at all. I would treat the use of wine as I would the use of milk, and no one, I think, would prohibit or regulate or place an impost upon the sale of good milk.

4290. Would you apply any regulations to the other articles sold by trade ?—As to the stronger drinks, I am hardly an expert. I know, though not by personal experience, that there are very many spurious things sold as wholesome liquor, and it is only fair that the State should deal with them. I think if I were in a position to judge as to them, I might judge adversely to them.

4291. It seems to be agreed that some evil arises from the drink habit and the drink trade. How would you minimize it ?—Here, again, I may be singular. I believe good and evil have been placed before man by his Maker. He has the choice of good and of evil as he will, and I would not interfere with the judgment of the man as to that.

4292. Would you interfere with those who minister to man's desire for evil things ?—That is a form of distinct disobedience to the law. We have all to do what is right by each other.

4293. Do you believe that the community has any right to interfere with the liquor trade in any way ?—An interference would never have originated in my own mind.

4294. You have been in the liquor importing business ?—Yes.

4295. You are not now ?—No. In olden time every merchant in Halifax was engaged in that business more or less. My father was a wholesale merchant and sometimes he would have cargoes of rum from the West Indies, as well as brandy and Bordeaux and large importations of wine. These were dealt with by him and by me as his young partner, very largely. I suppose at one time my firm handled as much goods of that kind as any firm in Halifax, but of choice we gave that up.

ANDREW M. BELL, of Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4296. What is your occupation or calling ?—Merchant.

4297. How long have you resided in Halifax ?—All my life.

4298. Have you had any acquaintance with the operation of a prohibitory law ?—No.

4299. Or of a license law ?—Yes.

4300. In the City of Halifax ?—Yes.

4301. With the old provincial law ?—I knew of it, but I did not come into immediate contact with it.

4302. Did you know anything of the McCarthy Act ?—By hearsay.

4303. You have had experience of the new license law ?—Yes, of that more particularly.

4304. Has that law tended to increase or decrease drunkenness ?—I do not feel prepared to say, because it has never been carried out.

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4305. The present license law has not been efficiently enforced in the City of Halifax?—No.

4306. Have you any reason to believe there is any unlicensed sale of liquors in Halifax?—I think there is.

4307. Do you think there is any breaking of the law in consequence of the terms of the license?—There is more in that respect than in the other.

4308. In what way?—Having bars in hotels and selling by the glass.

4309. Will that apply to both hotels and shops?—Yes.

4310. It is stated that you are President of the Law and Order League of Halifax?—Yes.

4311. For what purpose was that formed?—To do aggressive temperance work.

4312. Is it a voluntary association?—Yes.

4313. Composed of gentlemen of the community?—Yes.

4314. Does it employ officers to act under it, such as inspectors?—We have done so.

4315. Has any measure of success attended the efforts of the League?—In demonstrating that the law was being broken, and in demonstrating further that the law was capable of enforcement.

4316. Has the League made an effort to obtain the assistance of civic machinery, in the way of appointing a civic inspector and his deputies?—Yes.

4317. Have cases been laid before them for breaches of the law?—Yes.

4318. How has that information been acted upon when it has been given to these officers?—Not satisfactorily in my opinion.

4319. They have not manifested zeal in the enforcement of the license law?—That is true.

4320. Do you think that, if these officers, the inspector and his deputies, were to actively attempt to enforce the present license law, it could be carried out more effectively than it is at present?—Much more effectually than it is at present, certainly.

4321. Have you formed any opinion as to what is the motive for this neglect on his part and on the part of his deputies?—I have not.

4322. Do you know whether he has at his back the City Council pressing him on to enforce the law?—If you mean the sympathy of the majority of the Council, I hardly think he has.

4323. Have you formed any opinion as to the character of the liquor that is sold in Halifax?—No.

4324. Whether it is pure or adulterated?—No.

4325. The League has not dealt with that subject at all?—No.

*By Rev. Dr. McLeod :*

4326. Could you give us briefly a history of the Law and Order League?—The League itself originated at a time when Mr. Mackasey had been unanimously reported against by a committee of the Council, before whom he had been impeached by the Women's Christian Temperance Union. At some of these meetings the ladies had been grossly insulted, and the Law and Order League grew out of that. Those who were in sympathy with the ladies formed the League to act as a buffer between the ladies and any interference of that kind. They then undertook to prove that the law was being violated and was capable of enforcement. They employed men to do that, and I think they succeeded. Further, where there were apparent defects in the law, they went to the Local Legislature and asked for such amendments as they thought desirable. That has been, in the main, the work they have done.

4327. In carrying out your work, did you have to employ detective service at any time?—Yes.

4328. How did that succeed?—It succeeded in getting proof against nearly every licensed liquor seller in the city.

4329. What was the final outcome of that? Did the detectives and your League get into trouble?—Yes.

4330. What was the end of that?—In furtherance of that, we thought it desirable to have that proved evidence sifted before the Courts. We brought cases against those

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violators of the law, and convictions were obtained. When the licensed trade found that, they brought cases against those men, charging them with conspiracy. They were tried and acquitted. A case was brought against myself personally for malice. I was convicted before the County Court. I appealed to the Supreme Court, and the case was dismissed.

4331. That is malice in your endeavours to prosecute the illicit sellers?—Yes.

4332. And you were convicted?—Yes, before Judge Johnston.

4333. Was it an action for damages?—Yes.

4334. But on appeal to the Supreme Court, the judgment was reversed?—Yes.

4335. So that the Law and Order League, though it had sundry troubles, came out ahead?—Yes.

4336. Has the Law and Order League done anything since then to enforce the law?—No.

4337. For what reason?—There are many reasons. For one thing, we are trying to pay our debts.

4338. That is expense to yourselves personally?—Yes.

4339. It is your opinion that the gentleman who is the License Inspector is not attempting to enforce the law?—I do not know that I can say that. He is not doing it.

4340. He is not succeeding?—No.

4341. You think from the experience of the Law and Order League that he could succeed in a degree?—An inspector could; I would not say that Mr. Mackasey could.

*By Mr. Clarke :*

4342. Have the police anything to do with the enforcement of the law?—I have been informed that six sergeants have been detailed as assistants to the inspector.

4343. Can they visit places where liquor is being illegally sold, without consulting the License Inspector?—I do not know.

4344. As citizens and peace officers they could, if they were so disposed, enter these places and bring charges against those who are guilty of an infraction of the law?—I presume so.

4345. Can you account for the paralysis which seems to have settled down on the Inspector and his deputies?—If they acted, they would not be acting in accordance with the views of the majority of their employers in the City Council.

4346. And the gentlemen who comprise the City Council are elected by the people generally?—Yes.

4347. Do they reflect public opinion by winking at violations of the law?—I am not prepared to answer that.

*By Rev. Dr. McLeod :*

4348. You have referred to a series of charges made against Mr. Mackasey for non-discharge of his duties. Will you tell us what was the result of the committee's investigation?—The charges were sustained.

4349. The committee of the Common Council reported the charges sustained?—Yes.

4350. Would it be possible for us to get the record of the committee's finding?—I presume so.

4351. There is some difference of opinion about it?—The charges were sustained by the committee without a dissenting voice. They were brought before the Council, and a question arose as to what should be done, and finally Mr. Mackasey was retained by the casting vote of the Mayor.

*By Judge McDonald :*

4352. There was a motion to dismiss him, then?—Yes, and that was negatived by the casting vote of the Mayor.

*By Rev. Dr. McLeod :*

4353. The motion for dismissal was based on the finding of the committee which supported the charges made against him?—Yes.

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THOMAS MILSON, M.D., of Dartmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4354. Are you a physician and surgeon at Dartmouth ?—Yes.

4355. Did you receive a series of questions from the Commission ?—Yes.

4356. Did you answer them ?—Yes.

4357. How long have you resided in Dartmouth ?—About sixteen years.

4358. You have known Dartmouth under the old provincial license law, under the McCarthy Act and under the present License Law ?—Yes.

4359. Are you in a position to form an opinion whether the present license law is effectually carried out ?—I think so.

4360. Do you think it is or is not ?—I think it is perfect rot.

4361. Do you think there is any illicit sale of liquor in Dartmouth ?—I do.

4362. To a considerable extent ?—I do.

4363. Have you had any opportunity to form an opinion of the qualities of the liquors, whether they are pure or adulterated ?—I think the liquor is of a very poisonous nature, that it is adulterated very much.

4364. Is a reasonable effort made to enforce the Act ?—I think there is by the Inspector, and it is enforced as well as it is possible to do it.

*By Mr. Clarke :*

4365. The Inspector, who gave evidence, said the illicit liquor trade had been virtually stamped out there ?—That is not my opinion.

4366. What opportunities have you of knowing ?—I have seen them coming out of those places.

4367. How did you know they were places of illicit sale ?—I saw it in their hands, and I think it is what they had brought out of those places.

4368. The attempt to prohibit the sale of liquor in Dartmouth, in your opinion, has been a failure ?—An utter failure.

4369. Notwithstanding the testimony of the Inspector ?—I have no doubt he does as well as possible, but I think the other men are sharper than he is.

4370. Has the proximity of Dartmouth to Halifax anything to do with the non-enforcement of the law ?—I think a great many people come to town for their liquor. I see more people coming over from Halifax to Dartmouth drunk than ever I did.

4371. Are they residents of Dartmouth ?—Generally.

4372. The record shows that there are few arrests for drunkenness in Dartmouth ?—Ten or twelve years ago there were very few drunken people on the streets in Dartmouth, and I have occasion to be on the street most of the time.

4373. Would you favour the passing of a law prohibiting the manufacture and importation as well as the sale of liquors ?—Most assuredly not.

4374. Do you think such a law would be prohibitory ?—I do not think it would be any use to have any such law. I think prohibition is absurd, because it is impossible to carry it out even as we have it now. At present in Dartmouth the working of the law is perfectly absurd.

4375. Could you suggest any changes in the law which could bring about its better enforcement ?—I think early education is the only thing, teaching children the evils of liquor and so on. I do not think prohibition can work.

4376. Do you think national prohibition would work ?—I would not like to practice medicine where it was attempted.

4377. Under a prohibition law, you would not be prevented from having wine for medicinal purposes ?—I would not favour wine in any way.

*By Rev. Dr. McLeod :*

4378. Several years ago under the older license law, was there not much drunkenness ?—Very little for the size of the place.

4379. Is there much now ?—No, not much.

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4380. Has there been any increase?—I do not think so.

4381. Do you know, of your own knowledge, of this illegal sale?—I do.

4382. You have seen it?—No doubt.

4383. You know it is law breaking?—Of course.

4384. Have you done anything to inform the Inspector?—I am an Irishman. I would not be an informer under any consideration.

4385. If you know of a man having any designs against your neighbour's property, would you not inform?—I do not think I would.

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ROBERT MURRAY, of Halifax, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

4386. What is your occupation or calling?—Editor of the *Presbyterian Witness*.

4387. How long have you resided in Halifax?—Thirty-six years.

4388. Have you had any acquaintance with the working of any prohibitory enactment, such as the Scott Act?—I have a general knowledge of all the laws that have passed, but I am not under the necessity of knowing a great deal about their details. I have had a good deal of experience as to the working of the Scott Act.

4389. From personal acquaintance with the places where it is in force?—No, I have very little of that; but my position as a journalist makes it my duty to become acquainted with that.

4390. In what sections have you had experience of the working of the Act?—I knew it when it was in force in Gloucester county and several others counties, but I would not be an authority on any of those minutely.

4391. Have you any knowledge of the working of the old License law, the McCarthy Act and the present License Law in Halifax City?—Yes.

4392. Take the law as it formerly was, the old provincial law, and the present provincial law: which do you think has been the more effectual in stopping intemperance?—In effect they are very much the same. If the present law were enforced, it would be a great improvement on the old law; but it has not been enforced, and it just falls back to the level of the old law in my opinion.

4393. Then the present law is not efficiently enforced?—No.

4394. Do you think there is any unlicensed sale of liquor in Halifax?—Yes, an enormous amount.

4395. Do you think there is any breach of the law by those who are licensed?—Yes, constantly.

4396. In what way?—Selling by the glass at a bar.

4397. And do you believe the shop keepers sell only by the pint, or do they sell by the glass?—Yes, by the glass.

4398. Then are the enormous illicit sales and the breaches of the law by those who are licensed productive of much evil in the community?—Yes, a great deal of evil.

4399. Do you think any effort is being made by the officials to stamp out this evil?—It does not amount to a great deal, I am afraid.

4400. It is not a continuous effort?—No, nor a vigilant, nor a hearty effort.

4401. When it is done, is it done voluntarily, or is it forced upon them?—I do not think it is done voluntarily or cheerfully.

4402. We have been told that the officer who is charged with the enforcement of the law is and has always been a total abstainer, and is a member of two temperance associations?—I have not the pleasure of his acquaintance, except to a very limited extent, but when he was appointed, it came to my knowledge that he was a dealer in liquor.

4403. At the time of his appointment?—Before.

4404. How long previously?—Some considerable time before.

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4405. Was his appointment asked for by those persons who were promoting the cause of temperance in Halifax?—No.

4406. Has any effort been made to press him on to the discharge of his duty?—Yes, strenuous efforts have been made. I myself have done what I could.

4407. Have you found yourself able to move him?—No, I think not.

4408. He is appointed by the civic authorities?—Yes.

4409. He may not be removed at the present time without the consent of the Lieutenant-Governor in Council?—I believe so.

4410. Does the City Council press upon him the discharge of his duties in the enforcement of the license law?—I do not know.

4411. Can you form any opinion as to what causes his laxity?—Possibly he is not naturally able to do a great deal. He may not be a born officer. He may not have the force of character sufficient to enable him to do a great deal. But there is the other element, that the liquor law in Halifax is in advance of public opinion in the city as a whole, that is the voting power as a whole.

4412. You think the law has gone beyond public sentiment?—Yes, as that seldom is represented by the majority of available voters.

4413. In your opinion does that justify an officer in not doing his duty?—No. I am perfectly satisfied there are men who could enforce the law efficiently and beneficially.

*By Mr. Clarke :*

4414. Could you suggest any changes in the law to make it more easily enforced?—Taking the province as a whole, the law is not in advance of public opinion, but is in advance of public opinion in Halifax, counting by heads.

4415. Was this liquor license law intended to apply specially to the city of Halifax?—Yes.

4416. And it is in advance of the public sentiment of the majority of those who can be got at in the way of voting?—Yes.

4417. What is your experience of the working of the Canada Temperance Act in the province?—I have had no experience in regard to it. I know something by hearsay, but that is bad. The Presbyterian Assembly has always supported the Act and endorsed it, though I do not know whether our synod and presbyteries have always supported them in that.

4418. The License Inspector has six assistants in the shape of sergeants of police. Is it not their duty to prevent infractions of the liquor law?—Yes, certainly.

4419. How do you account for their lethargy? Are the men no better qualified to enforce the law than the inspector himself?—The same influence I suppose is at work in this case as in the case of the inspector with the other men.

4420. Do you think that, in the present state of public opinion, a law prohibiting the manufacture, importation and sale of intoxicating liquor could be enforced?—Yes, if the proper officers were appointed.

4421. What kind of officers, appointed by the Dominion or provincial authorities?—By the Dominion or provincial authorities. If they selected officers having the confidence of the temperance organizations, they could enforce the law.

4422. Would you favour an amendment to the Scott Act taking the appointment of officers out of the hands of the local and putting it in to the hands of the Dominion authorities?—Yes, that would be a move in the right direction.

4423. And placing the fines in the hands of those officers for the purpose of enforcing the law?—Yes, that would be a step in the right direction.

4424. Can you suggest any other amendment?—The only other amendment I can suggest is placing the enforcement of the law in the hands of faithful officers.

*By Mr. Gigault :*

4425. Do you favour a law prohibiting the sale of wine, cider and beer?—I am in favour of a total prohibitory law.

4426. Do you think it is a sin to take a glass of cider?—No.

4427. Do you think it would be right to pass a law which would consider as a reprehensible act that which is not a sin?—Yes; we have to prevent many things which are not in themselves sins, and this would be one of them, I suppose. Regarding

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the necessity for total abstinence, it would be better even to prevent the use of these things than to allow them.

*By Rev. Dr. McLeod :*

4428. Do you refer to public sentiment as it is represented in the civic voting list?—Yes, the available vote of the city.

4429. You do not refer to the moral sense of the more reputable part of the community?—Decidedly not.

4430. From your knowledge of the whole of Nova Scotia, what is your impression as to the feeling of the province as a whole toward a prohibitory law?—It would be strongly favourable, if it could be expressed.

4431. And sufficiently strong to secure the faithful enforcement of such a law?—I think so.

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WELLESLEY J. GATES, of Halifax, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

4432. What is your occupation or calling?—General Agent.

4433. How long have you resided here?—Nearly four years.

4434. Where did you reside before that?—In Truro, Colchester County, for about four years. Before that I lived in the County of Annapolis.

4435. For many years?—Three or four years it was my residence, but I was not very much at home, I was travelling. Previous to that Lunenburg County was where I spent most of my time.

4436. During your residence in Lunenburg, what law was in force?—The old license law of Nova Scotia.

4437. Had you any opportunity of judging of its operation there?—Yes.

4438. What was the state of affairs in reference to drunkenness?—Formerly drunkenness prevailed to a greater extent than latterly.

4439. Was there a growth of sentiment favourable to temperance?—Yes.

4440. You think that that had a good effect upon the people?—Yes.

4441. There were efforts made by the churches and the temperance societies?—Yes.

4442. Those organizations worked both upon moral and religious lines?—Yes, they seemed to do so.

4443. Perseveringly?—Yes.

4444. And the result of their efforts was a marked improvement in the habits of the community?—Yes.

4445. The people became more sober and temperate than before?—Yes.

4446. Has Lunenburg ever been under a prohibitory law?—I think not, not the Scott Act.

4447. So it is at present under the provincial License Law?—Yes.

4448. Have you had any experience of the working of the Scott Act?—Not much. I have not been very long in the counties where it has been in operation, because I have spent the greater part of my time in Lunenburg County, though I have resided in the other counties I mentioned.

4449. Do you know anything of the character of the liquors sold in those places, whether they are pure or adulterated?—I do not, because I have never had anything to do with them.

4450. Have you seen the effect of the use of them on others?—I have formerly.

4451. Would that lead you to believe they were pure or adulterated?—Adulterated I should say, especially many years ago.

*By Rev. Dr. McLeod :*

4452. Is Lunenburg a Scott Act county?—No.

4453. You referred to a time, a great many years ago, when there was a great deal of drunkenness?—Yes.

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4454. You had licenses then?—Yes.

4455. Have you licenses now?—No, it is a license county, but we have not licenses.

4456. The drunkenness was greater then than it is now?—The improvement is more owing to the better sentiment of the people and the education of the young than otherwise.

4457. Is there some drink sale now?—Yes, it is sold on the sly.

4458. By what class of people?—Generally by the poorer class, the criminal class of people; except some hotels that may have it for travellers.

4459. But the sale is very limited and somewhat secret?—Yes, and it is fought down by the societies and the Inspector.

4460. You have some difficulty, I suppose, in opposing the sale sometimes?—Yes.

4461. But you still succeed in a good degree?—Yes.

4462. You have lived in Lunenburg for twenty-five years?—Yes.

4463. You have a knowledge of the general feeling of the county?—Yes.

4464. Would the people like to have the traffic licensed or wiped out?—Wiped out.

4465. Do you think there is a feeling in the county in favour of the general prohibition of the manufacture and importation as well as the sale of intoxicating liquors?—I think so.

*By Judge McDonald :*

4466. Was the Scott Act ever submitted to the people in that county?—I do not think so.

4467. Not even when the old License Law was in force?—I do not think so.

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JOHN NAYLOR, of Halifax, real estate agent and secretary of the Society for the Prevention of Cruelty, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4468. How long have you resided in Halifax?—Seventeen years.

4469. Where did you reside before that time?—In England.

4470. So during the whole of your residence in Nova Scotia you have been a resident of Halifax?—Yes.

4471. Had you anything to do with the administration of the license law?—Yes.

4472. In what capacity?—I was Inspector under the McCarthy Act.

4473. What was your experience of the working of that Act?—That it was a very good Act.

4474. Did you try to do your duty under it?—I tried to do my duty.

4475. Did you find difficulty in doing so?—Yes; anything worth doing well has its difficulties, I do not care what it is.

4476. You did make an attempt to efficiently carry it out?—I did.

4477. Did you find yourself successful in doing so?—I did.

4478. Did you find the machinery of the law effective?—Yes.

4479. Do you know anything of the character of the provincial law, from your observation? Do you think there is at the present time any illicit sale of liquor?—Yes.

4480. Do you think there is much illicit sale?—There is four times as much liquor sold without license as with license.

4481. Do you think the provisions of the law are observed by those who have licenses?—No, they are not. I do not think you could get one licensed dealer to say they are observed.

4482. In what way?—In the way of selling liquor by the glass, the law is not observed at all. There are three or four who observe the law, but I am positive the law is not generally observed.

WELLESLEY J. GATES.

4483. Do you know whether any efforts are made to enforce it, I mean any efficient efforts?—Judging from what I have seen in the discussions in the City Council, I should think not; that is from the reported discussions in the City Council.

4484. You have stated you are secretary of the Society for the Prevention of Cruelty?—I am.

4485. In regard to that society, is it your duty to prosecute people who are guilty of cruelty to animals and to women and children? Do you find any difficulty in enforcing that law?—No. Laws to my mind are educational to a certain extent. When a law is first enforced, it is rather irksome to the people. After a time, however, they become educated up to it, they come to understand it, and then the public will help you. Take, for instance, the law relating to cruelty to animals, which was first enforced 16 years ago. At the outset the sympathy was altogether with the person accused. If I stopped a man beating his horse, the observations made by a bystander always were, "What have you got to do with it; is it not his own horse and his own property, and how have you any right to interfere?" Now, if I interfere, the sympathy is altogether with the poor horse.

4486. You find, then, that public sympathy is needed in enforcing the law against cruelty?—Yes, throughout the whole province. And I know the province very well, because I am over it almost every week.

4487. Do you believe the same sentiment exists in Halifax in regard to the enforcement of the license law among the people?—Among a certain number of the people, but there are some who are quite indifferent and careless.

4488. Do you believe that the officials charged with carrying out this Act do their duty efficiently?—I would rather not answer that question, because it would be simply an opinion.

4489. But for some reason or other the law is not carried out?—Yes; there is no doubt about that. I have my own ideas in regard to it, but I would rather not state them. I feel a hesitancy about answering the question, because when the law first came into force I was an applicant for the Chief Inspector's position and was not successful, and therefore I would rather not give any opinion on the way the present Inspector does his work.

4490. You say you have travelled through the province a great deal?—Yes, all over the province.

4491. In counties where the license law is in force?—Yes.

4492. And where the Scott Act is also in force?—Yes.

4493. Do you find the law is obeyed throughout the sections which you have visited: take first of all the license law?—I think the only place where the present license law is enforced is in Truro. They are doing better under it than they were doing under the Scott Act; but there was some doubt as to whether the Scott Act was in force or not.

4494. Now we understand they are working under the prohibitory clauses of the License Act, and are attempting to enforce its provisions?—Yes.

4495. In Scott Act counties how have you found that Act observed?—There has been open selling of liquor at bars. I was in Campbellton, in King's county, and the bars were open; there was no trouble about selling liquor. The same state of things prevailed not only there but in Sudbury, Pictou, New Glasgow and other places.

4496. To what do you attribute the failure to enforce the Act in those counties?—It must be on account of the inefficiency of the officers in whose hands the enforcement of the law is placed. I think instead of getting a man for the office, they get an office for the man. This is something like what Joe Howe said. When he was told that a political supporter had been appointed to a certain office, and he was asked how that appointment would do, Howe said: "It is not so much how the man will do, but as to whether the blackguard will be satisfied!"

4497. Do you believe if a prohibitory law, a law prohibiting the importation, manufacture and sale of intoxicating liquor, were passed by the Dominion, it could be efficiently enforced?—Yes; it is the only cure for it. It is no use having a Scott Act or a partial prohibitory law. Under such a system one county may have the Scott Act and another may have a prohibitory law, and Halifax or some other town may have a

## Liquor Traffic—Nova Scotia.

license law. The Scott Act counties are supplied with liquor from Halifax, from which it is sent in flour barrels, sugar barrels and all kinds of articles. The Dominion should prohibit the importation and manufacture.

4498. Do you think there would be smuggling?—Yes, there would be smuggling, as there is smuggling of silk dresses by ladies and other people almost every day. They smuggle all kinds of things on which duties are imposed.

4499. Suppose a prohibitory law were passed and the administration of it devolved, as it does under the Scott Act, on the counties: would you look upon it as more likely to be successful, or do you think it would be necessary to have Dominion officers appointed to give effect to it?—Yes. I would take it out of the hands of local officers and appoint Dominion officials who would be responsible only to the Dominion Government and not be subjected to local influences. I think the reason why the McCarthy Act, the Act of 1884, proved the best liquor license law we have ever had, was because its enforcement rested with the Dominion Government. I could not have done what I did in Halifax under the McCarthy Act had it not been that I was independent of all influences which could be brought to bear on me, and I simply told the people that if the Minister of Inland Revenue instructed me not to carry out the Act, I would follow out his instruction, but that my duty at present was to carry out the provisions of the statute; and if they wanted the statute not to be enforced, they must get the Minister of Inland Revenue, who was my superior and my employer, to inform me accordingly. If he did not do so, I would carry out the Act. Of course these people could not influence the Minister, and so I went on with my work.

4500. I suppose in those counties where the Act is not enforced, other laws are enforced by the local authorities?—No, they are not enforced. There are lots of laws on the statute-book that are as badly enforced as the Scott Act.

4501. What laws?—The law relating to cruelty to animals and the law relating to offences against women and children. They are not enforced at all. If they were enforced, our society would have no existence and its usefulness would be at an end. There are lots of such laws.

4502. Do you seek to enforce these laws to which you refer?—Yes; but they are violated, and this society is incorporated for the purpose of preventing violations.

4503. Do you think the appointment of different officials to conduct the prosecutions would make much difference?—No, I do not think so; but probably if there were public prosecutors, a great many more offenders would be brought to justice than are now.

4504. Take Halifax, where the license law is in the hands of municipal officers, and take the Scott Act: which law is the better enforced?—You ask me a very difficult question. I think neither of them is enforced. I desire to say that we have a very efficient police force and a very efficient City Marshal.

4505. If the police force discharge their duty efficiently in that respect, why is not the law enforced?—It is not their business.

4506. But the Inspector has the assistance of six sergeants, who are deputy inspectors?—No doubt they endeavour to enforce the law, but their action is nullified.

4507. You think there is something behind which nullifies their action?—Yes.

*By Mr. Clarke :*

4508. Would you urge the appointment of Dominion officials and the removal of all these matters out of the hands of the local authorities?—Yes, I think it would be better. I think we have on the statute-book now a provision for the appointment of police commissioners throughout the Dominion by the Federal Government.

4509. To what statute do you refer?—You will find it in the Criminal Code. The Dominion Government can appoint police commissioners in any province they like. I think perhaps this provision was intended mainly for the Territories, where there was not any Provincial Government, but you will find it in the Code. Under it, the Dominion can appoint police commissioners and police.

4510. Do you think the public sentiment of Nova Scotia is in favour of a prohibitory law?—I do, most decidedly.

JOHN NAYLOR.



4511. Has the Provincial Government the power to appoint officers to enforce the Scott Act?—I cannot tell you ; I do not know very much in regard to the working of the Scott Act.

4512. How has it worked generally throughout this province.—It is not working, it is enforced.

4513. How is it you approve of a law which after it has been adopted by a majority of the electors, is allowed to become a dead letter?—There are many reasons for that fact. For instance, the influence of a certain section of the people who are very prominent in politics, and in ward politics particularly. The vast majority of people do not approve of these measures ; they include people who do not come up and vote, and of course they are to be blamed for not doing so. Hence the minority of the people really rule. Take any church or any society you like, and you will always find that 30 or 40 or 45 run it.

4514. How is it that the people vote in favour of the Act, if the minority rule ? How is it that the minority appear to be able to obtain a sufficient number to enable them to carry the Act, and then allow it to become a dead letter?—That is a very large question ; it is a question that has troubled my mind. Take any town, and it is not always the best men who become aldermen. I am not saying that our present aldermen are not good men, for there are two very good men sitting in this room, and our City Council will compare favourably with that of any city in Canada. Nevertheless, there is certain influence brought to bear on aldermen, and they have to bow to the opinion that prevails among their constituents. Then, again, there are lots of people who have votes and who possess influence, and they must be considered in dealing with the Liquor Act or any other Act. Then again, there are lots of people who have no votes, and who are just as much interested in such an Act as the others. I believe in my own mind that if the question of prohibition were put to a vote in Nova Scotia, it would be carried by a large majority.

4515. Would it be enforced as well as the liquor law is enforced here?—Not if it were left to the local authorities.

*By Rev. Dr. McLeod :*

4516. I think you stated that the object of your society is the prevention not only of cruelty to animals, but also cruelty to women and children?—Yes.

4517. From your experience and the working of the law for the prevention of cruelty to women and children, are you able to form an opinion as to what proportion of the people with whom you come in contact are addicted to the drink habit?—About 80 per cent.

4518. You are a real estate man?—Yes.

4519. Do you think that property is depreciated in value by having a drink shop, licensed or unlicensed, in its immediate vicinity?—Very materially.

4520. To what extent would you say?—That would depend on the class of property. In the south end no resident will sign a petition for a license for a shop there. I may be doing business in the centre of the city and may live at the south end, but I will take care that I have no liquor shop in my locality. If a liquor shop should get there, that is among first class property, the property would depreciate 50 to 100 per cent.

4521. And other property in less proportion perhaps?—In other cases it would depreciate all the way from 20 to 50 per cent.

4522. If a first-class grocery or hardware store were placed in the locality, would it cause a similar depreciation in the value of property?—Not so much in the residential part.

*By Judge McDonald :*

4523. Perhaps there are some there?—Yes, there are, and there are some parts of the city where such stores would not depreciate property.

## Liquor Traffic—Nova Scotia.

*By Rev. Dr. McLeod :*

4524. Do you think the existence of a grocery or a meat shop would depreciate the value of property to the same extent as a liquor store?—No. People do not mind seeing a quarter of lamb going out to a family, but they do not like to see drunken men.

*By Judge McDonald :*

4525. Do you think in such a section of the city liquor stores would succeed?—No.

*By Mr. Clarke :*

4526. Would there be an improvement in the value of real estate if all hotels and places where liquor is sold were closed?—I do not think it would hurt the value of property to any extent.

4527. Would the property increase in value?—In many places it would, in other places it would not. There are some parts of the city where the value of property would not be depreciated by a liquor store. This would be the case in some places that are in my mind.

4528. What would be the effect if all the places where liquor is sold were closed?—What effect would it have on the value of real estate?—I think it would improve the value.

*By Mr. Gigault :*

4529. You said that no laws are enforced, yet you added that the Act in regard to cruelty to animals was enforced by your association. Would not temperance societies enforce the liquor law as well as you enforce the Act against cruelty?—They might.

4530. Why do they not?—That is a question I cannot answer. They have endeavoured to do so, but they have been handicapped in one way or another. I think they have adopted the best way. It must be remembered, however, that they have not been incorporated for that particular purpose.

4531. Yet you say a great majority of the people are in favour of a prohibitory law?—Yes.

4532. If so, cannot the temperance societies do the same work as you are doing, and enforce a prohibitory law as you enforce the Act against cruelty?—No, because the law relating to cruelty to animals and cruelty to women and children is on the statute-book in certain general Acts, which any person can enforce. The liquor license laws require certain officials to enforce them. There is a difference in that respect.

*By Judge McDonald :*

4533. Any person, I understand, can lay an information for cruelty?—Yes, but they do not do so.

*By Mr. Gigault :*

4534. Why?—Because they will not interfere with the police business. I will give you an instance. The wife of a wealthy man in Nova Scotia was abused by him. She wrote to the officers, saying that she did not like to take up her own case. She was a helpless woman and he was a wealthy man, and the officer did not want to arouse the ill-will of her husband, and accordingly I was asked to take action. Private individuals do not like to arouse the ill-will of those who are to be prosecuted, especially when it is none of their business. It is not my business or your particular business if we see a man breaking the law relating to the sale of liquor, to interfere with him and inform on him and lay an information against him, when there is some one else who is appointed to do it.

4535. Is there anything to prevent the appointment of an Inspector?—Yes, because they have no right to do so.

4536. What difference can it make? What *locus standi* have you in court?—An official has a great deal more authority and a better standing in court when he is appointed by a society than if he were a private individual.

JOHN NAYLOR.

4537. What more authority under the law have you as an officer than any citizen ?  
—I am a police officer.

4538. What authority have you any more than any other police officer ?—I have a right to interfere in any case relating to a child under 16 and in regard to women.

4539. Has not every individual the right to interfere under the license law ?—Yes.

4540. Then your right is no more by law than that of a private individual either in regard to cases of cruelty or to cases under the license law ?—Anybody has the right to give a man into custody or take him into custody in some instances, or at all events to lay an information against him ; but they do not do it.

4541. Supposing the temperance people of Halifax appointed you to see that the License Law was enforced, do you think you could do it ?—Yes, but I would not do it, all the same.

4542. Why ?—Because I have something else to do.

4543. Is there a difference between the enforcement of the Act against cruelty and the enforcement of a prohibitory law ; if so, is it not because the people think prevention of cruelty to animals is desirable, while prohibition of liquor is not desirable ?—There may be something in that point. We had strong opposition, 12 or 13 years ago, to the enforcement of the law respecting cruelty to animals. The people had to be educated up to it. At first all were in favour of the offender and not in favour of the animal. So I think it would be in regard to the use of liquor. To my mind our education with respect to it should begin with the young. The English Government have passed laws for the protection of the young until they arrive at years of discretion. These laws respecting public morals were enacted, although a great many people were not in favour of them. They were the outcome of an agitation commenced by the *Pall Mall Gazette* at the time. These laws were passed in order to protect the young people against themselves. The law in regard to liquor should stand in very much the same position, for we are looking to the young. No one supposes that an old toper is going to stop drinking.

*By Mr. Clarke :*

4544. What would be his position supposing a prohibitory law were passed ?—He would still get some drink ; but we want to prevent that army of drinkers being recruited.

4545. Had you been appointed at the time you applied for the position of Inspector, do you think you could have enforced the license law ?—Yes.

4546. Then, in your opinion, it is capable of enforcement ?—Yes. It enforced itself for the first six months, and there was no trouble about it. I had no difficulty with regard to the liquor dealers in Halifax. They are a very good lot of men, and everybody will obey the law if the matter is put before them properly ; but if a man who is licensed closes his place at the regular hours and finds half a dozen places on the same street selling all night, in self protection he will break the law, and he cannot help doing it.

4547. He is a good citizen, and yet he will break the law ?—The first law is that of self-preservation.

## Liquor Traffic—Nova Scotia.

HENRY TRENAMAN, City Clerk of Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4548. How long have you held the office of City Clerk ?—Only since last May.

4549. Are you in possession of the city records ?—I am.

4550. Have you in your possession as City Clerk a report of the City Council in regard to Inspector Mackasey ?—I have two of them.

4551. Will you kindly produce them ?—I have here the reports, and the record of action taken in connection with them. [Appendix No. 4.]

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W. F. PICKERING, of Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4552. You are a member of the City Council, I believe ?—Yes.

4553. One of the aldermen ?—Yes, representing ward No. 3.

4554. How long have you occupied that position ?—Five years and three months.

4555. Were you a member of the Council when Mr. Mackasey was appointed Inspector of licenses ?—I cannot say.

4556. Has he been Inspector during your term of office ?—Yes. I think he was appointed before.

4557. Has the Council taken any position, if so what, in regard to the enforcement of the license law ?—I do not know what position they could take in regard to the enforcement of the license law. I do not know that any special authority is vested in the Council.

4558. If any action had been taken by the Council, as a body, it would appear in the minutes, I suppose ? Have you in any way taken any action through the Inspector in regard to enforcing or non-enforcing the license law ?—I have taken action as alderman in the Council to strengthen the hands of the Inspector in enforcing the law. I moved a resolution to have six assistants appointed, which was adopted, in order to secure the better enforcement of the law.

4559. Do you believe the Inspector is faithful in the discharge of his duties ?—I have no reason to think otherwise. I think he has done the best he could under the circumstances.

4560. Do you know any serious difficulties in the way of discharging the duties ?—That is the whole reason why the Act has not been rigidly enforced.

4561. What do you think those difficulties arise from ?—From the fact that the people are not in sympathy with the License Act.

4562. You think the License Act itself is broken : do you think there is any illicit sale of liquor in the city ?—I could not perhaps prove there is, but I am strongly of the opinion that there is an amount of illicit selling which no one would believe.

4563. Do you think there are breaches of the license law ?—The fact that there are a number of convictions proves there are breaches.

4564. Do you look upon the non-enforcement of the law as being due to defects on the part of the official, or to the fact that it is an unworkable Act ?—I take it to be that it is due to this being an unworkable Act, without doubt.

4565. In what way is it unworkable ?—It interferes with the rights of the subject in many ways.

4566. Then it is owing to the stringency of its provisions ?—Yes, it attacks all men.

4567. Have you had any experience of the working of the Scott Act ?—No, not further than that I have been in a good many towns of the province where the Scott Act was supposed to be in force.

HENRY TRENAMAN.

4568. How did you find the Act work?—I found you could get more wine than you could get food. It was more difficult to get a meal than a drink, if I wanted it.

4569. In your opinion, if a Dominion law, prohibiting the importation, manufacture and sale of intoxicating liquor, were passed, could it be enforced?—I think to some extent, like any other Act.

*By Mr. Clarke :*

4570. In the event of the passage of a prohibitory law, closing up the breweries and distilleries, do you think the owners should be compensated?—Yes ; I think any man should be compensated for injury done to vested rights.

4571. In view of the state of public opinion here, do you think the passage of a stringent prohibitory law would be likely to be more successful in its operation than the present law?—I do not think it is possible. I know that when the people are not in sympathy with an Act, such an Act as the present one, a more stringent Act would have more opposition.

4572. Do you think that if Dominion officials were appointed, they would be able to secure a better enforcement of the Scott Act?—I think not. The people of Halifax would be more inclined to work under their own officials than under officials appointed by the Dominion Government ; they would have more respect for the local authorities than for officers brought from outside.

4573. The Local Legislature has power to appoint such special officials to enforce the Scott Act, or its own license law?—I do not know how, under the Scott Act, the officials are appointed.

4574. The officials whose special duty it is to see that the License Act is observed must have their appointment endorsed by the Provincial Government, we understand?—By the Governor in Council.

4575. And the present License Inspector's appointment was approved by the Provincial Government?—Yes, I believe it was ; if it was necessary, it would be.

4576. You believe he does his duty as well as he can do it?—Yes, as well as it is possible to do so.

4577. Yet you believe that there are both licensed and unlicensed places breaking the law?—I draw my conclusions from the convictions.

*By Mr. Gigault :*

4578. Have you had any experience of the working of the Maine prohibitory law?—I was at Bangor, about a year ago last July. It was my first experience under a prohibitory law. I could not get my supper, but I could get all the liquor I wanted. I reached the hotel at eight o'clock, and was then told I was too late for a meal, that the food was locked up, and I could not get anything until breakfast. But I could get what wines and drinks I required.

4579. Was that the only time you visited Maine?—I had passed through it at other times, but that was the only time I made any stay. I would have been satisfied with almost anything to eat, but I had to take drink, and not being a total abstainer, I took a bottle of beer.

*By Rev. Dr. McLeod :*

4580. Was that all your experience in Maine?—Yes.

4581. Do you think that was sufficient to enable you to form an estimate of the condition of Maine throughout in regard to the liquor traffic?—I presume Bangor is an important town in the State of Maine, and liquors are free everywhere there—they sell them very freely there over open bars.

4582. I understand you to say that you suppose the license law is violated in the city of Halifax?—I have no doubt of it from the convictions made.

4583. And the Canada Temperance Act is violated, you think, in places where it is supposed to be in force?—I have no hesitation in saying that it is.

4584. Have you any opinion in regard to any liquor law that could be enforced?—Yes. If there was a law enacted whereby the people could obtain what they want in moderation, free and open, and without having to resort to deception, it would have a

## Liquor Traffic—Nova Scotia.

greater moral affect on the community than the present law, under which people deceive themselves and their friends.

4585. You made some reference to interference with the rights of the subject. Taking Halifax or any other community, do you think the fact that a limited number of licenses is proposed to be issued, is an interference with the rights of those persons who desire to obtain licenses and do not get them?—I think the sale of liquor should be placed in as reputable hands as possible. There are disreputable people who could not be trusted, who would sell to minors and women, which would have a disastrous effect on the community.

4586. You think some do that?—I think it is our duty to take care that the licenses are placed in proper and safe hands. A safeguard is drawn around by the provision that the party applying for the license has to obtain the signatures of three-fifths of the ratepayers of the section in which he wishes to do business. I think I am right in saying that while this regulation has been complied with, our present Inspector has reported against the granting of licenses in some instances for certain reasons, which action I think has been sustained by the Council.

4587. The Inspector himself has told the Commission that the Council has sometimes disregarded his recommendations and granted licenses, when he had advised against such issues?—Yes, and very properly so too. Eighteen gentlemen should be equal in opinion to one man.

4588. You spoke about placing licenses in the hands of only reputable people. Is it safe to assume this, that in a district where three-fifths of the people petition in favour of granting a license to a certain party, those people would include a good many reputable people?—I presume so. I reside at the south end, in a district for which no license is asked, and I have no opportunity of signing petitions.

4589. I am now speaking of a district in which licenses are granted, and I ask if among the three-fifths who sign the petitions for licenses, there must not be a considerable number of reputable people?—Yes, if they reside in the district.

4590. Are there districts in which they do exist?—I should be very sorry to say that there are disreputable people in any of the districts.

4591. They are all perfectly reputable people?—Yes.

4592. You spoke about the liquor business being placed in the hands of men of responsibility and character, who would not violate the provisions of the law. If reputable people sign petitions for certain people, how does it happen that those who obtain licenses do violate the provisions of the law and sell to women and to minors?—I suppose we are all offenders of the law to some extent. We have confidence in those men who are given licenses, that they will respect the law. There are penal clauses which provide for any transgression, and offenders are judged accordingly.

4593. Taking your view, that the trade should be put in the hands of people of repute, who will regard the law, how is it that people of repute sign petitions for a license to a man who proves himself to be other than the kind of man desired, in that he violates the law?—I cannot say. Perhaps they could explain that matter themselves.

4594. Would you sign for a license for the section in which you reside?—It depends on the applicant.

4595. Would you sign the petition of any man in the section of the city where you reside?—I could not deny any man who was trying to comply with the law.

4596. Would you sign a petition for a man who desired to establish a liquor shop in the place where you reside?—I think so. It would depend upon the circumstances, the character of the man and the locality in which he desired to be. The section is a large one.

4597. Well, the district?—The district is a large one.

4598. However, there are not enough there who are willing to sign?—No, not at all. A majority of the people would sign a petition if the circumstances suited them, because there are gentlemen there who would not object to it, any more than they object to me as their representative.

Mrs. MAUD WHISTON, of Halifax, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4599. How long have you resided in Halifax ?—Thirteen years.

4600. Have you during that time been engaged in temperance work at all ?—I have for six years been a member of the Women's Christian Temperance Union, and am at present the President.

4601. Has that organization during the years of your membership of it made an effort to secure the enforcement of the license laws in Halifax ?—Yes ; but I may state that here there are two unions. It was the North-west Union that was most aggressive against the Inspector.

4602. What is your society called ?—The Halifax Union. It was the first union, and is incorporated.

4603. What is the state of matters in Halifax in regard to the traffic and intemperance ? Is there much intemperance ?—I noticed, even before I was in connection with our union, a great deal of the effects of intemperance in home life, as a visitor in connection with the church to which I belong. I have also been a member of the Seamen's Friends Society, and in working with that society I have seen a great deal of the effects of it on the home life, and on institutions.

4604. Have you any reason to believe that the provisions of the license laws in Halifax, such as they are, are observed or broken ?—Not having personal experience, I only know from reports, and these reports I know to be reliable, that the laws have not been enforced.

4605. Have you any suggestions to make to the Commission with reference to legislation which would have a bearing on one of the subjects, which is the social question ?—The doctrine of the W.C.T.U. is home protection, and nothing short of prohibition legislation will ever satisfy us.

4606. That is national prohibition for the whole Dominion ?—Yes.

4607. Have you considered the question of the feasibility of enforcing it ?—I have been much interested in the discussions before the Commission, and I agree with many of the witnesses, that if it was a federal law it could be enforced.

4608. Would you have federal officers or leave it to the local officers to enforce ?—That is a point I have not considered much ; but if we had a prohibitory law, it would be enforced, and would be very popular, for this reason : I think that throughout the Dominion there is no temperance organization that is doing such aggressive work as the W.C.T.U., and there has been in circulation for several years what is known as the World's petition and women are actively engaged in taking signatures for that petition. In Nova Scotia, according to the last report of the Maritime Union, the number of signatures obtained to that petition, from only twenty-five communities was eleven thousand, and here in the city of Halifax, two of our ladies went out one morning and before one o'clock they obtained one hundred signatures, some of them women who were holding licenses. When asked to sign, they said they would be very glad if not a drop of liquor could be obtained in Halifax or anywhere in the province.

*By Rev. Dr. McLeod :*

4609. Give the Commission your idea of public sentiment in Halifax touching this matter ?—During the last session of our Provincial Parliament, we had a lady who appeared before the Legislature on the necessity of having an Act placed on the statute-book making scientific temperance teaching in our schools compulsory. She addressed large gatherings in different places she visited, and at the close of her lecture she invariably put the question to her audience : "Do you not think it would be a good thing to have this Act making scientific temperance teaching in your schools compulsory, because it means prohibition in the end, as the young people growing up would know the evils of intoxicants and narcotics ?" And in all these audiences—I was present at two meetings myself—there were not more than half a dozen who did not rise in answer to that question. I think that was good evidence in favour of prohibition. If we do not get prohibition now, we will have it by and by.

## Liquor Traffic--Nova Scotia.

4610. This teaching is not supposed to take the place of legal enactment at all?—Not at all, but the Women Christian Temperance Union has become so discouraged with legal enactments that our hope now is in preventive work. Still we are all hopeful to see prohibition carried in this generation.

4611. What are the effects of the drink habit on home life, as you have observed them?—There is one instance that comes to my mind, and from which indeed I may date my conversion to the Women Christian Temperance Union, for before that I was not in favour of women's associations of any kind. This experience was as a Sabbath school teacher. There were children coming to the school, and I found that the husband in three months gave his wife seventy-five cents to support seven children besides the wife and the father. We have known those children to be sent out begging for clothing and money and food, and that the father has afterward taken this money and spent it in liquor. From my experience in working among such homes, I could only compare it to pouring water into a sea, and as far as the children were concerned, I found that all regard for truthfulness was gone. At one time they went out to collect money for the burial of a little child who had died, and they got it from two or three friends. Another thing I have noticed in visiting among the poor is that where liquor was the cause, it was the most hopeless kind of poverty. There comes a sort of despair, and it is almost impossible to lift them out of it. In cases of poverty that come from sickness or loss of employment, you can inspire a little hope, but in the drunkard's family it is nothing but a feeling of despair.

4611a. In homes where there is not excessive drinking, are there bad results from the drink habit and the drink trade?—Yes, and I have known of young men going to ruin in consequence of the wine being on the sideboard in their own homes.

4612. And you think prohibition would have some effect in checking these evils?—Yes, because I think a little always creates an appetite for more. If they could not get it at all, that appetite would not be created.

*By Judge McDonald :*

4613. I understand that the Women's Christian Temperance Union in all places enforces temperance where there are no other temperance organizations?—Yes, we work a great deal among the children.

4614. It has been stated that where the Scott Act was enforced in some sections, other temperance organizations have dropped, but the Women's Christian Temperance Unions have continued?—Yes.

The Commission adjourned to meet at Truro on August 2nd.



TRURO, August 2nd, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10.30 a.m.,  
JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

DAVID J. THOMAS, of Truro, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4615. I understand you are Mayor of this municipality?—Yes.

4616. Is Truro an incorporated town?—Yes.

4617. How long have you resided here?—Twenty-three years.

4618. How long have you been Mayor of this municipality?—This is my second year.

4619. Have you had any experience in municipal affairs, except during your term of office as Mayor? Have you occupied the position of Councillor or otherwise?—Yes. I was Councillor for two years, during 1885 and 1886.

4620. Have you held any other positions in the community in connection with the municipality, outside of the positions you have named?—No, I cannot say I have.

4621. What law is in force in the municipality of Truro at the present time in regard to the sale of intoxicating liquors?—We have the provincial law.

4622. Is that what is called the new Nova Scotia license law?—Yes.

4623. I suppose Truro was originally under the provisions of the old Nova Scotia license law?—The Scott Act was in force before this law.

4624. For some time before the Scott Act came into force?—Yes.

4625. You recollect the old license law being in force?—Yes.

4626. Then the Scott Act came into operation?—Yes.

4627. And then the provincial license law, at present in force?—Yes.

4628. What part of the Nova Scotia license law is in force in Truro? Are any licenses issued?—No.

4629. So it is under what may be called the prohibitory clauses of the present Nova Scotia license law?—Yes.

4630. Have you reason to believe there is any illicit sale of liquor in Truro?—Yes.

4631. To any extent?—Yes, to a large extent.

4632. Is that illicit sale conducted by many persons or by few?—By many.

4633. Have you had any reason to form an opinion as to the quality or character of the liquors sold, whether it is pure or adulterated?—No, I know nothing about the quality.

4634. Have you been able to judge as to their quality by the effect on persons who have partaken of them?—I should not like to say.

4635. Is there any drunkenness in the town?—Yes.

4636. You recollect, you say, the operation of the old provincial license law?—Yes.

4637. Were licenses issued in this town under that law?—There were a few licenses issued; I should not like to say in what year, about 12 or 15 years ago.

4638. That was previous to the coming into effect of the Scott Act?—Yes.

4639. Was the Scott Act carried by a large majority in this county?—Almost unanimously, I believe.

4640. Was a large proportion of the votes of the people polled?—I cannot recollect, but I think they did not bring the people out quite so largely as they would at a general election. The county was not canvassed to bring people out who were not interested in the matter.

## Liquor Traffic—Nova Scotia.

4641. In Truro itself, was there a majority of votes given in favour of the adoption of the Scott Act?—Yes.

4642. So that both in town and county there was a majority of the votes cast?—Yes.

4643. How was that Act observed while it was in force?—There was not very much attention paid to it when it was in force; it was not looked after properly.

4644. Can you state to the Commission why it was not looked after properly?—No, I cannot state that.

4645. Have you temperance societies in this town?—Yes, I believe so.

4646. And have you many religious bodies represented here by churches and ministers?—Yes.

4647. I suppose, then, this town enjoys all those means which are happily so prevalent now-a-days for endeavouring to stem the tide of evil in the way of drunkenness and otherwise?—Yes.

4648. Can you state to the Commission why the change came to be made from the Scott Act to the present License Law?—There was a little trouble in connection with the Scott Act, or at least there seemed to be, from the time it was voted to come into force. There was some objection to it, and of course the people thought it better to vote it out and have the new Act come into force.

4649. Then the persons favourable to the Scott Act, those who had been favourable to the passage of it, thought they would find the prohibitory clauses of the Nova Scotia License law more effective?—I think that was their expectation.

4650. Do you think they have been found more effective than the Scott Act?—Yes; it is getting to work more effectually.

4651. You have stated that the Scott Act did not appear to be enforced thoroughly after it had been adopted by this county: what were the difficulties met with?—There were some protests put in against the adoption of the Act at the time of the elections, I think.

4652. Do you mean that legal difficulties were raised against it?—Yes, there were supposed to be, but they were never tried out.

4653. Did the officers at any time act under it while it was supposed to be in force: were there ever prosecutions instituted under it?—I do not recollect.

4654. From your experience of the operation of the laws which have been enforced, do you think if a prohibitory law, prohibiting the manufacture, importation and sale of intoxicating liquors, were passed by the Dominion Parliament for the whole Dominion, it would be effectual?—I think it ought to be.

*By Rev. Dr. McLeod:*

4655. Do you think there is a large illicit sale of liquor just now in Truro?—Yes.

4656. Is it more or less than was the sale within the last six months?—I think it is a little less now than it was six months ago.

4657. Have there been any difficulties in regard to the enforcement of the license law?—There have been.

4658. What were they?—Legal questions.

4659. Appeals carried into the courts, I believe?—Yes.

4660. Have those difficulties been removed?—Mostly.

4661. And now enforcement of the law is better than it was?—Yes; with the amendments to the Act, it has seemed to work better during the present year.

*By Mr. Gigault:*

4662. Do you remember how many hotels and shops were licensed in Truro under the old license Act?—I could not say that I remember, but I think there were five or six hotels licensed; I do not know whether there was one shop or not. I am not certain about the number.

4663. How many places are selling liquor now?—From hearsay I understand that there are seven hotels, and I do not know how many little shops, may be half a dozen.

4664. No persons have licenses now to sell liquor?—No.

DAVID J. THOMAS.

4665. If the present license law is not enforced, and if it has been impossible to enforce the Scott Act, how do you arrive at the conclusion that a national prohibitory law could be enforced?—I do not know.

4666. I repeat the question : If the present license law is not enforced, and if it has been impossible to enforce the Scott Act, how do you come to the conclusion that a national prohibitory law could be enforced?—A general prohibitory law would be working in the right direction, because it would be a beginning, and there would be no distilleries and no breweries in operation : a general prohibitory law would be the right thing.

4667. Do you think it could be enforced?—I cannot see why it could not be.

4668. Why could you not enforce the Scott Act, and why cannot you enforce the present License Law? The law is behind you now, as well as it would be behind you if you had a prohibitory law?—A great many difficulties always seem to arise, some legal difficulties, so that the law cannot be enforced. But I think it is enforced fairly well here in the meantime, that is the law that we have.

*By Mr. Clarke :*

4669. What points of difference are there between this law that you are working under now, the prohibitory clauses of the Provincial Act, and the Scott Act, that render the present Act more easily enforced?—I think the Scott Act was quite easy to enforce, if we had not had some trouble in the election when it was brought into force. There was a protest put in against it, and it was a delicate thing to work until the matter was settled. I think the Scott Act is a good Act so far as I can learn in regard to its working in other counties. It is more direct than the present Act, because there is nothing in connection with licenses in the Scott Act at all.

4670. Would the appointment of officials by the Dominion Government to enforce the Scott Act enable the people to work it more effectively and efficiently?—I do not know ; it would, I suppose.

4671. In the event of a law being passed by the Dominion Parliament, prohibiting the sale, manufacture and importation of strong drink, do you think those engaged in the traffic, those having breweries and distilleries, should be compensated for the loss they would sustain?—I suppose there would be quite a loss.

4672. Do you think that if a prohibitory law were passed, those having large capital invested in the business, in breweries and distilleries, should be compensated, if by Act of Parliament their business was destroyed and terminated?—I do not think I should like to pass an opinion on that ; I should not like to say.

4673. Then, do you think that the difficulty of enforcing local prohibition is owing to the fact that the manufacture and importation of strong drink are permitted?—They should not be permitted.

4674. In your opinion, that is one of the reasons why local prohibitory measures cannot be enforced, because whisky, beer and wines are permitted to be manufactured and to be imported into the country?—Yes.

4675. Do you think if their importation and manufacture were prohibited, it would be much easier to enforce a general prohibitory law?—Of course.

4676. Your experience of the working of the Scott Act and of the Liquor License Law has been that neither the one nor the other can be efficiently enforced?—No.

4677. You say that the law under which this town is at present has been more efficiently enforced recently?—Yes, during the present year.

4678. What is the cause?—There have been some amendments to the Act, and the people have been trying to make it work.

4679. What amendments have there been?—I do not know ; there have been different amendments, but I cannot recollect them.

4680. What were the main features of the amendments asked for by the temperance people?—They have appointed an inspector. I do not know, I cannot recollect what they have done.

## Liquor Traffic—Nova Scotia.

GARDNER CLISH, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

4681. I understand you are President of the Board of Trade of Truro?—Yes.
4682. How long have you occupied that position?—About a year and a half or two years.
4683. How long have you resided here?—Twenty-seven years.
- 4683a. In what business are you engaged?—I am a manufacturer.
4684. Are there many manufactories here?—Quite a number.
4685. What is the population of the town?—About 5,000.
4686. Is it a prosperous town?—I think so.
4687. Have you had any opportunity of observing the working of the various laws that have been in force here in connection with the liquor traffic?—Yes.
4688. Do you remember the old Nova Scotia license law?—Yes.
4689. And then the Scott Act?—Yes.
4690. And then the present license law?—Yes.
4691. How did the old Nova Scotia license law work?—I do not think there has been any improvement on it yet.
4692. Were very many licenses issued under it in this town?—Not a great many, I think somewhere from six to ten.
4693. Were those houses of public entertainment?—Yes.
4694. Had you anything in the nature of what are called saloons licensed?—I am not sure.
4695. Then this license law was succeeded by the Scott Act?—Yes.
4696. And that Act was adopted by the vote of the people?—Yes.
4697. And was it put in force?—No.
4698. After it had been passed and before it was repealed, do you remember how long a period of time intervened?—I do not remember, probably two or three years.
4699. During those two or three years, what was the state of affairs: was liquor sold at all in the town?—Yes.
4700. To any extent?—Just the same as before, I think.
4701. Was it openly exhibited for sale?—Yes.
4702. The Commissioners have been informed by the Mayor that the people who carried the Scott Act took steps to get it repealed and bring the Nova Scotia license law into force, the present one. Is that the case?—Yes.
4703. That part of the law which constitutes the prohibitory clauses?—Yes.
4704. So that, we understand, no licenses have been issued in Truro for a good many years?—Yes.
4705. How do you find the present law work?—It is a little troublesome, I think.
4706. Is there any sale of liquor under it?—I think so.
4707. People break the law, then?—I suppose so.
4708. Since it came into force, has there been any open sale of liquor, or has the sale been of a secret character?—It has been open until very recently.
4709. Has there been a change recently?—Yes.
4710. How has that change been brought about?—By prosecutions, I think.
4711. You mean by vigorous efforts being made to enforce the law?—Yes.
4712. And these vigorous efforts have had the effect of reducing the sale of liquor that prevailed?—I think so.
4713. Is there much drunkenness in this town?—No.
4714. Do you consider it is a moral town, taking it as a whole?—Yes.
4715. And the population is a thrifty one?—Yes.
4716. Have you ever had reason to form an opinion from observation as to whether the liquors sold here are of a pure character or are deleterious and adulterated?—I think they are very much adulterated.
4717. Do you believe that if a prohibitory law were passed for the whole Dominion, a law which would prevent the manufacture, importation and sale of liquors, it would

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be desirable and would be efficient?—If it could be carried out, but I do not believe it could.

4718. Do you think it could not be enforced?—No.

4719. Why not?—They have it in the State of Maine, and it is not very well carried out there. I have seen it in operation there, and it is not very well carried out I know.

4720. Can you say as a manufacturer and as a gentleman occupying the high position you do on the Board of Trade, whether you are aware of any means which could be taken to make a local prohibitory law effective?—No.

*By Mr. Gigault:*

4721. What has been your experience as to the working of the Maine prohibitory law?—There was no trouble in getting liquor there when you wanted it, whenever I was there. I have not been there often.

4722. Have you been there lately?—I was there about eight months ago.

4723. To what place in Maine did you go?—I passed through Bangor.

4724. Do you know by how many persons liquors are sold in Truro?—No.

*By Mr. Clarke:*

4725. You have had experience, I understand, under the old Nova Scotia License law?—Yes.

4726. As well as under the Scott Act?—Yes.

4727. And also under the present provincial law?—Yes.

4728. Was there more drunkenness under the old Nova Scotia law and when the town was under license than when it was under the Scott Act, or at present?—I do not think there was more under license, not to my knowledge.

4729. We understand that on account of legal obstacles and difficulties, the Scott Act was not attempted to be enforced?—It was attempted, but it did not work very well.

4730. In regard to the vote on the Scott Act in Truro, it has been stated that the people of Truro voted in favour of the Act?—Perhaps so; I voted against it.

4731. Can you account for the fact that people will vote to bring in a measure like the Scott Act in favour of local prohibition, and then will not attempt to carry out its provisions?—I do not know why they do so, I am sure. Very often a good many of those who vote for it are as fond of a drink as anybody else.

4732. Do you think that if a prohibitory law were passed for the whole Dominion, those engaged in manufacturing liquors should be compensated by the State?—I am sure I do not know. That is a difficult question. They have been licensed and they should have some compensation, just the same as we should have compensation supposing the State undertook to shut up our business, or any other business that has been licensed.

4733. Do you think the appointment of officials by the Dominion Government to enforce the Scott Act throughout the various provinces and counties where it is in force, or supposed to be in force, would result in the law being more generally observed?—It might; I think the matter rests with the people themselves.

4734. The present law, I understand, has been more generally observed recently. Has that been owing to any action on the part of the authorities of the town, or on account of the action of the people taken outside in suppressing the liquor traffic, that is by people who have no official position in connection with the municipality?—It is on account of action taken by the authorities.

4735. It was the privilege of the authorities, if they had so decided, to have enforced the Scott Act?—Yes, they had that privilege. Legal questions, however, came up, as legal questions appear to come up with every Act.

4736. You have given it as your opinion that there was no more drunkenness during the time this town was under the operation of the old Nova Scotia license law than when the town was under the operation of the Scott Act, or at present?—I do not think there was.

## Liquor Traffic—Nova Scotia.

*By Rev. Dr. McLeod :*

4737. I understood you to say that an attempt was made to enforce the Canada Temperance Act?—Yes.

4738. But it did not succeed?—No.

4739. Do you know why it did not succeed? What were the difficulties connected with enforcing it?—Just legal questions.

4740. You mean cases of appeal before the courts?—Yes.

4741. And delays resulting therefrom?—Yes.

4742. It was not that the people were not disposed to enforce the Act, was it?—I do not know.

4743. Do you understand that when the people attempted to enforce the Act, they were in earnest and desired to do so?—Yes, if they could find some one to find the funds for them and pay the bills.

4744. But the cases were appealed to the Supreme Court, and difficulties arose, and enforcement was almost impossible: was that it?—Yes.

4745. So the repeal agitation was brought about. Do you think that when the people voted for the repeal of the Canada Temperance Act, they did so because they desired to have licenses issued in this community and throughout the country?—I do not think so; I do not know; I have no particular way of telling.

4746. Do you know that the people who promoted the repeal of the Scott Act did so because they were desirous of having licenses issued, believing that it would be better to have licenses than prohibition?—I could not say that.

4747. Do you believe that the people who voted for the repeal of the Act did so because they desired to have licenses issued in the county?—No.

4748. So that the repeal was not a protest against the prohibition of the trade?—I think they saw the Act could not be worked on account of difficulties, and they wanted something they thought they could work.

4749. They thought they could work prohibition better under the license law?—Yes.

4750. To what do you attribute the more vigorous enforcement of the law recently?—I do not know, except that they think under the present law they can prohibit the trade more, or control it.

4751. There have been difficulties in the way of this law, I believe?—Yes.

4752. And they have been removed?—I do not know.

4753. Some of them?—Some of them.

4754. So the authorities have been able to enforce the law better?—Yes.

4755. You express your belief that the liquors sold are largely adulterated. Upon what do you base that conclusion?—I base that conclusion on the effects of some liquor that two of our men got a short time ago.

4756. What effect did it have on them?—They looked pretty nearly dead for 10 or 12 hours: it made them stupid.

4757. Does unadulterated liquor have that effect?—I do not think so.

4758. Have you ever seen any person who has drunk liquor unadulterated and afterwards become paralyzed, so as to become unfit for work?—Yes.

4759. So that in the one case it unfits a man for work, and in the other case it unfits the man for work. What is the difference?—There is considerable difference, for a man under the influence of adulterated liquor remains under its influence for a long time and does not know anything.

4760. Does he get drunk quicker?—Yes, I think he does.

4761. It costs less to get drunk with adulterated liquor than with the other?—I have only known one case.

4762. Do you think that really you are an authority as to the enforcement of the prohibitory law in the State of Maine?—It does not prohibit there.

4763. On what do you make that statement?—Seeing so many drunkards there.

4764. How long have you lived there?—I never lived there.

4765. How many times have you been there?—Four times.

4766. How long have you stayed?—Just while the trains were made up.

4767. And you are an authority?—I did not say so.

GARDNER CLISH.

4768. Do you believe you are qualified to express a very positive opinion as to the enforcement or non-enforcement of the prohibitory law in the State of Maine from the fact that four times you passed through Maine, touched at certain points and remained while the trains were being made up?—It did not appear to be enforced there.

4769. Were you a party to the violation of the law?—No.

4770. But you saw others drinking?—No, not others drinking, but I saw them drunk.

4771. You really think that makes you an authority?—It makes me an authority to the extent of expressing my own opinion.

4772. I think you said that people who voted for prohibition were sometimes fond of a drink?—I said some of them.

4773. Any large number?—I do not know.

4774. Do you think that the trade ought to be interfered with at all?—I think it ought to be curtailed.

4775. How would you curtail it?—I would license a certain number of places under a strict license law.

4776. Do you think that if licenses were given to half a dozen places in Truro, there would be any illicit sale?—I think it would be kept down.

4777. Why, and by whom?—I think by the authorities.

4778. If the authorities do not keep down the illicit sale now, could the authorities keep down illicit sale then?—Yes, much better.

4779. Give your reasons for holding that opinion?—I believe they would have the sympathy of the general community.

4780. Have you had any experience of a place in which there is a license law in operation?—No, not now in operation.

4781. Have you known any place where licenses are issued? Do you know Halifax?—Yes.

4782. Perhaps you do not know that they issue 120 licenses in Halifax?—I do not know how many.

4783. Do you suppose there is any illicit sale in Halifax?—I could not tell you.

4784. The opinion has been put forward that the issue of a certain number of licenses would move the authorities to prevent illicit sale, but as a matter of fact it is said there are more than 200 illicit places, while there are 120 licensed places in Halifax. Have you reason to believe that if half a dozen licenses were issued in Truro the authorities would prevent any illicit sale?—I believe a certain number of people, travellers for instance, want liquor and will have it, and I think that if there were a certain number of places licensed, under a good strict license law, the other houses would be shut out.

4785. That is your opinion, without any experience or any other facts on which to base it?—Yes.

4786. You think that the prohibition of the sale would not stop the sale of liquor?—No, I do not think so.

4787. How do you think that a law which would prohibit everybody selling but six persons would stop all other people from selling?—Because there would be places where people could get it if they wanted it.

4788. Would it take away the desire of other people to sell liquor and gain the profits?—I think the authorities would have better control over the trade.

4789. You think a prohibitory law would not be a success?—I do not think it would.

4789a. Still you think a prohibitory law that applies to everybody but six persons would be a success?—I think it would make a great reduction in the liquor sold—it would control it much better. I do not believe you can stop it altogether.

4790. You have said that a prohibitory law would not stop the sale of liquor, and also that you would compensate the men in the liquor trade if a prohibitory law were adopted. If the law would not be a success, why should you compensate the men for not being interfered with in their business?—You would interfere with distillers to a certain extent, probably altogether.

4791. Then a prohibitory law would be a success?—I think you would have illicit selling and smuggling under it.

## Liquor Traffic—Nova Scotia.

4792. How many members compose the Board of Trade of this town?—Probably well on to 100.

4793. Have you regular meetings?—Yes.

4794. What are the purposes of the Board of Trade of Truro?—To discuss all matters in connection with the trade of the town.

4795. How frequently are meetings held?—They were held formerly each month, but they are now held only when the members are called together by the Secretary.

4796. Are you called together frequently?—I do not think the meetings have averaged one a month recently.

4797. Have the meetings been held once in three months?—Yes.

4798. I suppose you are not voicing the views of the Board of Trade, but simply your own personal views?—Yes, my own views.

4799. Did the Board of Trade ever discuss the question of prohibition?—I do not think so.

4800. You are a manufacturer, I understand?—Yes.

4801. Of what?—Of iron work, I am an iron founder.

4802. Do you employ many persons?—Yes, we employ 50 or 60, sometimes more.

4803. Are any of your employees drinking men?—Very few, one or two.

4804. Do any of them ever lose time on account of drink?—I think one does, very little.

4805. But your work is not practically interfered with by drinking?—No.

4806. If a man were an habitual drunkard and frequently lost time, would he remain in your employment?—No.

4807. Would you discharge him?—Yes.

*By Mr. Clarke :*

4808. When were any attempts commenced to enforce the liquor law, I refer to the present license law?—I suppose about two months ago; it was about that time.

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FIRMAN McCLURE, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

4809. What is your occupation?—I am a barrister and journalist.

4810. Are you engaged in the practice of law?—Not now.

4811. How long have you resided in Truro?—All my life.

4812. You remember the old Nova Scotia license law, I suppose?—I do.

4813. And I suppose you remember when the Scott Act was carried?—The Scott Act was voted on in May, 1881. The proclamation declaring it in force was issued in November, 1882.

4814. What was the reason of this interval being allowed to elapse?—A scrutiny of the votes was demanded, and an order was granted for the scrutiny. The Judge who granted the order afterwards declined to proceed with it, on the ground that he was a relation of the returning officer. Another Judge was called in. He declined to hear the scrutiny on the ground that he had no jurisdiction. No steps were taken to dispose of that order; but the returning officer made his return to Ottawa, and a proclamation was issued which set out all the facts and concluded by declaring the Act in force. The delay was caused by these proceedings connected with the scrutiny.

4815. Then the proclamation was issued, I understand, in November, 1882?—Yes.

4816. Under the old license law, at what time of the year were licenses granted?—At the beginning of the year, I think the civic year ended 31st of March, but I am not positive.

4817. There was some time in 1883 when licenses would terminate and they would cease to be any longer given?—There were no licenses at that time.

GARDNER CLISH.



4818. There were no licenses under the old Act?—The last year of licenses was 1878, before the adoption of the Scott Act.

4819. Between the time the last licenses had been granted under the old license law and the passage of the Scott Act, a period of two or three years intervened, I presume?—Yes.

4820. Then the Scott Act was passed by the people, but not enforced for a period of between one and two years: when was it proclaimed?—In November, 1882.

4821. Do you remember how long it remained in force before it was repealed?—It was repealed in May, 1889.

4822. Then for six or seven years it remained in force?—Nominally in force.

4823. It remained adopted?—Yes.

4824. Was the vote taken in May, 1889, for the repeal of the Act?—Some time before 1889; that was the date the proclamation was made.

4825. When the Scott Act was originally voted upon, what was the majority given in its favour?—A very large majority.

4826. Was a very large proportion of the vote of the county polled?—It was not.

4827. When the Act came to be repealed, or rather when measures were taken for its repeal, was that action taken at the instance of those who had previously favoured its introduction?—The same people who voted for the adoption of the Act applied for its repeal and voted for its repeal, so far as I know.

4828. Was that done with a view to bringing into effect what are called the prohibitory clauses of the new Provincial license law?—Yes.

4829. That was their motive?—Their motive was this, and as I prepared the petitions and saw them after they were signed, I know all the circumstances: If we attempted to enforce the Scott Act, we were met with doubts as to the validity of the proclamation. If we attempted to enforce the license law, the opposing party declared the Scott Act was in force, and we were thus always placed on the offensive. In order to remove all doubt we took proceedings to have the proclamation of the Scott Act repealed, in order that the prohibitory clauses of the license law might be enforced.

4830. After the proclamation had been issued, in 1882, were points of law still raised against the Act?—Yes. A number of cases were tried and the parties took them to the Supreme Court on appeal, and that court held that the Scott Act was not in force in this county.

4831. Did the court hold that the proclamation was not valid?—Yes. There were special objections in this county.

4832. Under the old license law, was there much sale of intoxicating liquor in Truro?—I cannot speak as to the year when licenses were in force; I do not remember.

4833. Between 1878 and the time the Scott Act was proclaimed, was there much liquor sold?—During one or two years such was the case, just prior to the adoption of the Scott Act. But previous to that, the old license law was faithfully enforced, and during two or three years there was very little drunkenness.

4834. Was the reason that licenses ceased to be granted under the old license law in 1878, the feeling on the part of the community against licenses being granted?—There was a strong agitation against the granting of licenses; petitions were presented to the Town Council, and the Council refused to grant licenses.

4835. After the Scott Act was proclaimed and came into force, in November, 1882, and up to the time of the passage, in May, 1889, of the new Nova Scotia license law, was there much sale of intoxicating liquor in Truro?—After the failure of the prosecutions to enforce the Scott Act, there was a great deal of drunkenness and very open sale of liquor, because it was decided that the Supreme Court having declared that the Scott Act was not in force, no attempt should be made to enforce either that Act or the license law.

4836. You consider there was considerable sale of intoxicating liquors?—I know there was.

4837. Do you think that the liquors sold had been adulterated?—I know nothing about the matter.

## Liquor Traffic—Nova Scotia.

4838. You have not seen any such effects from liquor as would lead you to believe one way or the other?—So far as I know, the effect of liquor is always the same, in the way of bringing hundreds to grief.

4839. Are compounds sold in the name of liquors, which have a paralyzing effect almost immediately?—I have seen men paralyzed, but I did not know what caused it.

4840. After the repeal of the Act and the coming into effect of the prohibitory clauses of the provincial license law, did drunkenness decrease?—There was less drunkenness than during the time the doubt prevailed as to the validity of the Scott Act. There is less drunkenness now than there was then.

4841. Has there been any sale of liquor since the license law came into effect?—Yes.

4842. And the sale of all intoxicating liquors for beverage purposes during that time would be illicit?—Yes.

4843. Has the sale been open?—Sometimes it has been so, when no effort has been made to enforce the law.

4844. Have you ever seen liquors exposed for sale in the windows?—I have.

4845. What have been the difficulties under the new license law, since it came into effect?—The constitutionality of the Act was disputed, in the first place. In the second place, there was difficulty in getting the local authorities to assume the costs of the prosecutions. The first difficulty has been removed by the decision of our Supreme Court, which has declared the Act constitutional. The second difficulty has been removed by an Act of the Local Legislature, which makes the municipalities liable for all costs.

*By Rev. Dr. McLeod :*

4846. Have you stated fully the difficulties that were in the way of the enforcement of the Canada Temperance Act? If not, will you kindly do so?—There were two classes of difficulties that were met with in endeavouring to enforce the Scott Act. In the first place, when we began prosecutions in this county in common with all other counties of the province, the objection was raised that the proclamations were bad, because the Act was declared to come into force on a date after a certain date after the expiration of the term of the licenses—and no licenses were in force. In this county another objection was taken, namely, that the returning officer had made his return before the scrutiny was disposed of, and his return was consequently bad, and a proclamation based on that return was also bad. The Supreme Court decided the first point, and declared that the Act was not in force; but the Court gave no decision in regard to the special objection raised in regard to this county. It therefore continued to hang as a doubt over our proclamation. The temperance people admitted that the proclamation in this county was not good, that it was illegal, and that to attempt to enforce the provisions of the Act would result disastrously, and they urged that it would be better to have the Act repealed and got out of the way so as to remove doubt in respect to the enforcement of the prohibitory clauses of the local license Act.

4847. Then all your attempts to enforce the law failed for those reasons?—Yes.

4848. If you obtained a conviction, it was quashed?—Yes.

4849. And the illicit sellers had their own way because of the technical difficulty?—Yes.

4850. Why was it that three years intervened between the granting of licenses and the adoption of the Scott Act?—During that time the town was under the prohibitory clauses of the old License Act, and the sale was illegal. No licenses were granted.

4851. Do you remember the time when licenses were granted in Truro?—I was going to school then, and I cannot speak with great certainty.

4852. Have you a sufficiently clear recollection to enable you to say whether there was any illicit sale when there were licenses in the town?—Yes.

4853. To what extent?—I could not say to what extent, but I know there was illicit sale to some extent, because I know parties were prosecuted.

4854. There was a sufficient extent of sale to demonstrate that though the principle of licensed places may be adopted, yet it does not necessarily prevent illicit sale?—It does in any place where we have licenses in Nova Scotia.

GARDNER CLISH.

4855. What are the weaknesses of the present Act from your experience here and your knowledge of the law?—In the first place, one element of weakness is that the Act is only local in its character, that while no liquor may be sold in one county, the sale of liquor may be legally carried on in adjoining counties. It is legal in Halifax, and it is very difficult for that reason to enforce the law in a place lying alongside of another where the traffic is legal. A second element of weakness is that the Act is only partial in its character. Liquor may be legally imported into this place. The bar room may be closed, but there may be liquor legally imported and men pecuniarily interested in its sale. Thirdly, the interpretation placed upon the law by the courts has to a certain extent interfered with its enforcement.

4856. Explain that?—I mean that a man convicted of selling intoxicating liquors will be by our Courts relieved from responsibility on grounds which would not be held to be valid in the case of any man violating another law.

4857. Why has there been an attempt made recently to enforce the law? Why was there not an attempt made six months ago to enforce the law, similar to that which is now made?—There had been an attempt made previous to that, and the Courts had decided many cases against the town.

4858. This is not the first attempt?—No.

4859. What interfered with the earlier attempt?—The adverse decisions of the Courts, and the refusal of the municipal authorities to pay the costs.

4860. And this has been overcome?—Yes, in the way I stated before.

4861. And the enforcement now is good?—I have no doubt there is illicit sale, but the open and public sale is practically suppressed.

4862. What is the prospect, that the illicit sale will be still further reduced?—No doubt, but it will never be totally suppressed as long as they are allowed legally to bring the liquor in here.

*By Mr. Clarke :*

4863. Has there been a marked decrease in drunkenness since these prosecutions commenced?—I think there has been some. The policemen tell me there has been some.

4864. Will the record of the Courts show the number of cases before the Courts since and previously?—I think the Town Clerk will be able to give you the figures. I do not know.

*By Judge McDonald :*

4865. Under the present License Law, where licenses are issued, is the sale of liquor at a bar forbidden?—Yes.

4866. Can guests in the house get it by the glass in their rooms?—They can have it in their rooms or at the table with their meals.

4867. And that sale is not limited to a pint but is by the glass?—I think so.

4868. I think you said that the Judges gave decisions on points in connection with this Act which would have been different if they had been in reference to any other law?—I do not say they would have been. I only say that men convicted on the clearest evidence of selling intoxicating liquors have escaped the payment of their fines on the ground of mere technical defects in the proceedings, whereas a man convicted of stealing would apply to the courts in vain on the ground of technical defects in the proceedings.

## Liquor Traffic—Nova Scotia.

WILLIAM CRAIG, of Truro, N. S., on being duly sworn, deposed as follows :—

*By Judge McDonald :*

4869. What is your occupation or calling ?—Hat manufacturer.

4870. How long have you resided in Truro ?—Since 1870, twenty-two years.

4871. How long have you been engaged in your present position ?—I worked as a workman when I came here first, and I have been a manufacturer since 1877, with others.

4872. Do you employ many men ?—About thirty-two men and women.

4873. Have you had any opportunity of observing the working of the law in regard to intoxicating liquors in Truro ?—Somewhat.

4874. What law was in force when you came ?—The old law of the province.

4875. Were there any licenses in existence then ?—Yes.

4876. Do you remember when the authorities ceased issuing them ?—I think the first petition I signed for a license was in 1876.

4877. Petitions had to be signed at that time also ?—Yes.

4878. Then the Scott Act was voted on and carried ?—Yes.

4879. And then there was the new license law ?—Yes.

4880. Under all these laws, has there been any drunkenness ?—I do not think any more than you would see in any other town of this size.

4881. During the time the town was without license, was there any sale of intoxicating liquor going on ?—Yes.

4882. In a number of places ?—I think about the same as under the old license law.

4883. Has the sale been open ?—Partially open, but not exposed very much.

*By Mr. Clarke :*

4884. Has there been less drunkenness in Truro than there would be, in your opinion, in towns of the same size where a license law would prevail and be fairly well enforced ?—I do not think so.

4885. You have experience extending over the old license law period, the Scott Act period and the present license law ?—Yes.

4886. During all that time, whether legally or illegally, liquor has been sold ?—Yes.

4887. Less openly during the prohibitory period than when the licenses were granted ?—I do not think I have seen very much difference except during a month or two at a time.

4888. Do you think if a prohibitory law were passed for the whole Dominion, it would be more effectively enforced than the Scott Act ?—I think it would take an army of officials to enforce it. Every river and every harbour would require to have ships and officers to prevent liquor being brought in.

4889. Can you suggest any amendments either to the Canada Temperance Act or to the license law, which would render either law more easily enforced ?—I have never studied it, and it would require a good deal of study.

4890. Do you think if a prohibitory law were passed, those who are interested in breweries and distilleries should be compensated ?—I think they should as much as the British Government compensated the slave holders.

4891. Was there less drunkenness when liquor was allowed to be sold under license than there is now ?—I do not think so. I do not see any difference.

4892. Has there been any diminution of drunkenness during the last six or eight weeks, since the attempts have been made to enforce the law ?—I think so.

4892a. The results have been beneficial, then ?—To a few, perhaps, but those who want it and are anxious to get it can get liquor.

4893. Have you any experience in any other part of the province ?—Not in this province, but I have in the State of Maine.

4894. What was your experience there ?—At the first station crossing the line of the Ste. Croix River, liquor is sold at an open bar.

WILLIAM CRAIG.

4895. Were you ever in Portland?—In 1869 I lived in Princeton for about four months.

4896. Was the prohibitory law in force then?—Yes.

4897. What it observed generally?—No. There were two hotels in the place and rooms were kept for the sale of liquor. It is a great lumbering place, and the lumbermen get it as they want it.

4898. Could residents get it?—Yes, if they knew enough to hold their tongues.

4899. There was a restriction?—Yes.

4900. More than there would have been if licenses had been granted?—Certainly.

4901. Was the result beneficial to the town?—I do not think so from my experience.

*By Rev. Dr. McLeod :*

4902. You employ thirty-two men?—Thirty-two men and women.

4903. Are any of them given to drink?—Once in a while I think a man will drink.

4904. Many of them?—No.

4905. Do you use any means to avoid employing drinking men : are you careful about that?—It is very hard to do that. Hatters as a rule are given to liquor, and you have to employ experienced men. I would rather have sober men.

4906. You remember the old law when licenses were issued here? Was there any illicit sale then?—I could not tell you, because I never was in any place of that kind.

4907. You are not a drinking man?—Not very much.

4908. Are you a total abstainer?—No ; I take a drink when I want it.

4909. You know there is illicit sale now, because any sale is illicit?—Yes.

4910. Do you know whether under the old license law they violated the law in any way?—I cannot say.

4911. For instance, the law prohibits selling during certain hours and selling to minors and so on. Do you think any of them violated that law?—I cannot speak from any knowledge.

4912. Do you think that the liquor trade should be interfered with in any way?—I think there should be an honest license law passed.

4913. What is your idea of an honest license law?—One which tells the holders whom they should not sell to as well as whom they should sell to.

4914. Then you would have a license to the drinker as well as to the seller?—I say a licensee has no right to sell to minors or to men who are very heavily addicted to drink.

4915. Do you think it is better to sell to a young man who is just beginning, or to one who is a habitual drunkard, who has lost hope and has lost all his friends?—It is difficult to find out and punish the man.

4916. Would it be a feature of an honest license law that the licensee should be allowed to sell to your boy or another's boy?—He has no right to sell to my boy until he is of age, and then he is a citizen and can judge for himself.

4917. You would have somebody licensed to sell to your boy?—When he is of age.

4918. Is there any interference with illicit sale in Truro?—I think so.

4919. By whom?—By the License Inspector, I presume.

4920. Are the citizens behind him at all?—I think a good many are, but public opinion is divided.

4921. Could you give us the proportion?—I could not.

4922. Do you think the citizens ought to stand by an official in the discharge of his duty, or ought they to antagonize him?—It depends very largely on the character of the law. A bad law is better not enforced. It depends whether the law is a good one.

4923. You regard this as a bad law?—I do.

4924. Why?—Because it is not honest.

4925. Why?—Because it gives the traveller the right to buy what he wants and not the citizen.

4926. Does it?—That is apparently the way it works.

4927. Are you sufficiently acquainted with it to say that?—I think that is it.

## Liquor Traffic—Nova Scotia.

4928. Why do you think it would take an army to enforce prohibition?—I notice there is a great deal of smuggling going on now from St. Pierre and Miquelon.

4929. Does that affect Truro particularly?—The liquor might find its way here.

4930. Would you object to a law prohibiting smuggling, because some persons would be interfered with?—No. It depends on how many persons would be injured and what business would be destroyed by the introduction of the law.

4931. Do you think your business would be affected by the introduction of a prohibitory law?—I cannot say. If they prohibited the wearing of hats, it would.

4932. But would a prohibitory liquor law prevent the wearing of hats?—It would if it prohibited the wearing of hats.

4933. Which would more encourage the wearing of hats?—I cannot say.

4934. Who pays best in your business, the man who drinks or the man who does not drink?—The men I have sold most hats to I have most often had a drink with.

4935. Did they invite you to drink, or did you invite them?—Both ways.

4936. Do you understand that the British Government did compensate the slave traders?—History says so.

4937-8. Do you know how the British Government treats slave traders to-day?—She considers them contraband.

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Rev. D. STILES FRASER, of Stewiacke, Colchester County, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

4939. What is your calling?—A Presbyterian clergyman.

4940. Have you any knowledge of the working of the Scott Act in the County of Colchester?—Not of the working of the Act. I came here a short time previous to the repeal movement, and I took part in that campaign.

4941. Have you any experience of the working of the present license law?—My experience has been in the County of Lunenburg under the old License Law, the McCarthy Act and the present License Law, and in this county for the last four years.

4942. Has the Scott Act been in force in the County of Lunenburg?—No.

4943. But the old License Law was?—Yes, until the McCarthy Act came into force. The old law was in doubt for some time before the McCarthy Act came into force. There were technical difficulties. When the McCarthy Act came into force it declared the existing laws valid from first January to first May until the McCarthy Act itself came into force. During those four months the old License Law was rigidly enforced. Three-fourths of the signatures in a district were required for a license. Three parties got the signatures, but others who had succeeded before did not get them.

4944. Granted that a license law is in force, would you prefer that its administration should be committed to a Board of Commissioners or to the ordinary municipal authorities?—I am not in favour of a license at all.

4945. But taking the city of Halifax, for instance: would you prefer that the granting of the licenses and the disposition of the matter should be in the hands of a Board of Commissioners or in the hands of an ordinary Municipal Council?—I have not had enough experience to say. We only had the McCarthy Act a few months, not long enough to get into the working of it. Under the present municipal system we were very successful in Lunenburg.

4946. Then in Lunenburg you have seen the prohibitory clauses of the law working?—Yes, for more than twenty years there have been no licenses granted.

4947. Was the law enforced by the authorities or by private citizens?—After the present law came into force we had an Alliance, and the Council appointed our nominee who began enforcing the law. At that time the feeling was against us, but within a year we had a change and the sympathy was with us.

4948. Your opinion is, that where the officials do their duty and the public sentiment is behind them, the law can be enforced?—It will reduce the sale to a minimum.

WILLIAM GRAIG.

There were thirty places in the county when we commenced, and a year and a half afterwards there were only six places in the whole county where there was any suspicion of liquor being sold, and they were under very strict watch. I cannot speak personally since 1888, but my opinion is that, where the officers will do their duty, they will be backed up by the sentiment of the people without any difficulty. I believe that, if the officer in Halifax would do his duty, he would be backed up by the sentiment of the people.

*By Mr. Gigault :*

4949. Do you favour the prohibition of all kinds of liquors?—Decidedly.

4950. Even wine?—All liquors that contain alcohol.

4951. Do you think the use of wine is injurious?—I think the moderate use of any liquor is injurious and leads to excess. We would have no excess if we had no moderation.

*By Rev. Dr. McLeod :*

4952. You are a pastor, of how long experience?—I was ordained in November, 1877.

4953. Can you state briefly some facts as to the effect of the drink habit in your observation?—I had a good deal of experience with it in my former pastorate in Lunenburg, where I was for eleven years. I noted in that time twenty-two persons who died very terrible deaths from the immediate effect of drink, and I also noted parties who had reformed, but before their reformation had the seeds of disease sown in them which soon carried them off, and these were most promising men. I have been a close observer of this matter wherever I have travelled and at home, and I have noted that where there is liquor in the family you cannot get the highest type of humanity or the highest class of society. My experience of fifteen years as a minister and before that as a teacher and student has been invariably adverse to the use of alcohol. I have seen many cases of families broken up and destroyed by it.

4954. You are convener of the Temperance Committee of the General Assembly of the Presbyterian Church in Canada?—Yes.

4955. Your committee has made a very exhaustive examination into this subject by questions addressed to the Churches?—Yes, our committee prepared questions to be sent to each session each year. The Sessions are composed of the Minister and Board of elders of each church. I have held my present position for three years.

4956. Will you furnish the Commission with a summary of your report on this subject?—Yes. [Appendix No. 5.]

4957. Aside from the statements you have from your Church, have you proved by observation the effects of the licensed traffic as compared with prohibition of the drink trade?—About the only instances of a licensed trade, outside of Halifax, of which I have had experience was as a boy at home, when between the town of Truro and the town of Pictou there were eight or nine places along the old coach road that were licensed. For a number of years liquor was sold there legally. Now from here to Pictou you cannot get a glass of liquor at all on the road. About twenty-five years ago when licenses ceased to be issued in most of the counties in Nova Scotia, you could get liquor at almost all the cross roads or stopping places. Now you could count on your fingers all the places outside of towns and villages in Nova Scotia where you could get any drink. I could take you through the valley for a week without meeting any liquor outside of towns and villages.

4958. Then do you think the feeling in Nova Scotia is in favour of prohibition?—I think we would go ahead of Manitoba, if we had the opportunity, and carry it by four to one.

4959. Do you think that feeling would be active in the enforcement of the law?—I think it would be more active than it is now, for this reason: that importation is allowed now, and the wholesale men of Halifax and the distillers push their trade in the prohibited districts by all manner of means and make the enforcement of the law very difficult. We cannot prevent vessels or railways carrying the liquor. At Lunenburg, if we could have fined the captain of a vessel even a small fine for bringing the

## Liquor Traffic—Nova Scotia.

liquor in, we would have had absolute perfection. Since the passage of the Scott Act there has been some doubt and difficulty as to the operation of the law, and the people have been worried until the sentiment in favour of prohibition has been almost worn out because of the incessant toil and bother involved. If a prohibitory law were passed, the people would suppose that there would be a sufficient enforcing power instead of its enforcement being left to private individuals. That was the weakness of the Scott Act. It left the enforcement of the law to private individuals and the cost to private subscription. The law should be enforced by those who make it. If the law were enforced by the Government which makes it, as the Customs law is, there would be no difficulty.

4960. What about the effects of the law in this county outside of Truro?—All the liquor we see through the country in the eastern district comes from Truro. We see no liquor there except some one from Truro brings a little home with him.

4961. Do you attribute that good condition of things in any degree to the existence of the prohibitive features of the license law?—Most certainly; in the country districts it is a success. We really have prohibition in the country, for the opportunities of carrying on the trade are not so great as they are in a town and you can deal with them better.

4962. If licenses houses were established throughout the county, under a high license, with a view to give standing to the trade and to make it reputable, what do you think would be the effect?—Very disastrous. If we had a license law in our place now, there would be a great deal of drunkenness in a few years.

4963. Notwithstanding all your platform and pulpit teaching?—Yes. There are many people who will drink when liquor is to be had. Many of those who signed the petitions to Parliament, said, "We drink, but we would be glad to have the liquor out of our reach."

4964. What is your view of the high license system as applied to the drink trade?—I think it is one of the best friends of the liquor traffic that it has.

4965. For what reasons?—From my own observation and from what I have read in these books. In the first place, high license adds an additional moneyed interest in the community, which has a strong effect. Many people cannot see past a dollar. Then it increases the desire of the traffic to make the trade more attractive, to draw in customers to make a profit after paying their high fees, and from my personal knowledge in Montreal lately, and from information I have received from inquiry last year, they had less licenses because of the high fee, but they had more drunkenness. In the United States wherever any observation has gone high licenses have utterly failed, and our General Assembly has pronounced this year that so far as the license system goes, it has failed to meet the difficulties and to suppress the evils of the traffic. If there is to be a license system at all, I believe it would be better to have no fees, because then there is no moneyed interest in the community which is interested.

4966. You do not believe in a license law of that sort?—I do not believe in a license law of any sort, but I think that is the best sort. As to high license, I am strongly of opinion that it would never be a success. The largest liquor dealers in the United States have said it is their best friend, and the best weapon with which to fight prohibition.

*By Mr. Clarke :*

4967. Have copies of the deliverances of the Assembly to which you have referred been sent to the Legislatures of the various Provinces and to Parliament?—They will be in a short time.

4968. Have any been sent?—Not yet. I have only lately received the copies of those of this year, and I am authorized to communicate with the different Governments.

4969. Do you mean to declare that there is a higher moral standard in the families of total abstainers than in the families where liquor is used in moderation?—Yes; the moral sense is blinded on many questions by the use of liquor.

4970. Have you heard any of the evidence given at any meetings of the Commission?—No; I have read reports of it.

REV. D. STILES FRASER.



*By Mr. Gigault :*

4971. Is there not in your Church a minority which does not favour prohibition ?—There is a very small minority in doubt on the question, but this year that minority is gradually disappearing, and we carried the deliverance without opposition.

4972. Do you know of any country where a prohibitory law is satisfactorily enforced ?—I know of no country where they have such a prohibitory law as we would have in Canada. In Maine the importation and the storage is allowed ; and even in Maine the testimony as far as I have been able to read it, is that outside of a few centres, in the country districts there are young men who have grown to manhood without seeing drink and without seeing a drunken man. I believe that in Maine and in Kansas prohibition has been largely a success. It has reduced the taxation in Kansas. It is local option for the State, and I believe it is as successful as such a law can be. But I believe a general law for the whole country would be more successful.

4973. Do you mean to say that the prohibitory law is enforced in the State of Maine ?—I have had no experience.

4974. It has been proved before this Commission that it is not ?—It has been stated, but not proved.

4975. The witnesses were under oath ?—They only spoke of certain places.

4976. Do you think it is desirable to have a law enacted which is not generally observed ?—The law in regard to theft is not generally observed, but we would not repeal it for that reason.

4977. Do you think it desirable to have a law which is not observed ?—I think it desirable to have a right law.

4978. But one which is not observed ?—The fact of a law not being observed in every place does not affect its rightness.

4979. Have you known of any country where such a general prohibitory law has been enforced ?—We have not such a law.

4980. Or where a partial prohibitory law is really enforced ?—We have a partial prohibitory law in Nova Scotia.

4981. According to the evidence in Truro, Halifax, North Sydney and other places, the Scott Act and the License Law are not only not enforced but are a perfect farce. You say that they are not enforced in towns and villages ?—The reason is that the manufacture and importation and carriage and wholesale dealing are allowed. We have only prohibition of the retail dealing.

4982. Even if you had total prohibition, would not alcohol be still manufactured in the country or imported for medicinal, sacramental and mechanical purposes ?—That may be, but keep it within those limits.

4983. But the object of a license law is to keep the trade within its limits ?—We want it kept within further limits. We want it prohibited. We believe this prohibitory law can be enforced as well as any other prohibitory law.

*By Judge McDonald :*

4984. When you state that the adoption of the resolutions in the General Assembly was unanimous, do you mean that every one voted, or that no dissent was expressed ?—There was no opposition expressed.

4985. Do you think that the Rev. Principal Grant or the Rev. D. J. Macdonell accept your views ?—No, they do not.

4986. Are they members of the General Assembly ?—They are, and they carry a very small minority with them.

4987. You have spoken in reference to the opinion of the community as to theft. Do you put theft and the drinking of intoxicating liquor upon the same basis ?—I put theft and the selling of intoxicating liquors in this community on the same basis, because they are both against the law.

4988. Is theft a sin *per se* ?—Yes.

4989. Is the selling of intoxicating liquor a sin *per se* ?—When it is sold in violation of the law.

4990. But under license ?—I think it is.

## Liquor Traffic—Nova Scotia.

4991. Then you put the selling of intoxicating liquor and theft on the same footing?—I do.

4992. Have you not the unanimous sentiment of the community with you in the prosecution of theft, except of course the thief himself?—Yes.

4993. But you have not that unanimous sentiment as to the prosecution for the sale of liquor?—Not yet.

4994. Must there not, therefore, be a difference of sentiment in the community in reference to the two things?—Yes.

4995. Could you state anything as to the minority in the Assembly which held a different view from yours?—The minority in a very large Assembly was only twenty-seven.

*By Mr. Clarke :*

4996. That deliverance was not unanimous, then?—Not at that time.

*By Rev. Dr McLeod :*

4997. What year was that?—In 1890.

4998. That is, there was a recorded minority of twenty-seven then?—Yes.

4999. There was no minority last year?—There was no vote against it last year.

5000. Is the selling of a book a sin *per se*?—Not unless it is obscene.

5001. Is the selling of an obscene book a sin?—I think it is.

5002. Why?—Because it tends to corrupt morals.

5003. You think the selling of liquor is a sin, for what reason?—Because it is the cause of death, destruction, poverty and all the other catalogue of evils that follow it, and I think any one who is a party to causing these evils for gain is doing wrong.

5004. You have heard evidence this morning that the prohibitory law in Maine is a failure. Have you heard or read evidence of reputable people to the contrary?—I have frequently—very decided evidence.

*By Judge McDonald :*

5005. Do you mean to put the reading of an obscene book and the taking of a glass of wine in the same category?—I do not think I need answer that question.

*By Mr. Clarke :*

5006. Is the sale of opium and laudanum and other poisons in itself a sin?—If it is sold for medical purposes, I think it is all right. I think alcohol for certain medical or mechanical purposes may be sold properly.

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JAMES E. BIGELOW, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

5007. What is your occupation?—I am a manufacturer.

5008. In what line of manufacture are you engaged?—Aerated waters and syrups.

5009. How long have you resided in Truro?—I have resided in Truro about 10 years, and probably during 20 years my parents lived here.

5010. Have you had some opportunity of observing the working of the laws in regard to the sale of intoxicating liquors in Truro?—I have.

5011. Under the old license law?—I remember sale under the old license law.

5012. Then there was the Scott Act, and now there is the Provincial License Act in force, I mean the new law?—Yes, under the three laws.

5013. Under the old license law, were licenses granted when you first knew it?—I think there were licenses.

5014. And under the law recently in force, has the sale of intoxicating liquors for beverage purposes taken place?—Yes.

REV. D. STILES FRASER.

5015. Openly or secretly?—Sometimes it has been pretty openly sold and sometimes a little secretly.

5016. How many persons are engaged in your business?—I am the only manufacturer here.

5017. Do you employ any hands?—About ten hands.

5018. Do you find a large demand for your product?—There is a fair demand.

*By Mr. Clarke :*

5019. Has the demand increased since the rigid enforcement of the provisions of the present law?—I do not think it has.

5020. Did the demand decrease when the law was not observed?—Among a certain line of my customers it did.

5021. Then the result of the enforcement of the liquor law was to diminish the sale of these non-intoxicants?—It was.

5022. The result of non-observance of the law is to increase the sale of intoxicants?—It seemed that way to me. When the law is put in force dealers do not want to have bulky goods on their premises.

5023. Has drunkenness increased during the last few months?—It strikes me it is about the same. Truro never had very much drunkenness, I consider. The town records will, of course, show that. I am about a good deal and see a good many people, and I have never noticed very much drunkenness here.

5024. Have you had any experience of the operation of the Scott Act in any other part of Nova Scotia?—Yes, my business extends throughout Nova Scotia and Cape Breton, and somewhat in New Brunswick.

5025. What has been your experience respecting the operation of the Scott Act and the enforcement of it?—I never could see where the enforcement of the Scott Act took place, where they even made honest efforts to carry it out, where it really did any good. It has, to my knowledge, driven the traffic out of respectable hands into lower and meaner hands. I think I noticed last week some indication of that in Truro, where certain people could not get liquor in hotels and places where they had previously got it, and they afterwards got it out on the streets. I have heard of that, and I believe it is so from what I have seen.

5026. Is it your experience throughout this province, where you do business, and in New Brunswick, that the Scott Act, where it is in force is not observed, but is generally violated?—It has been violated. My opinion is that it has been seriously violated, and to the injury of the community.

5027. Do you mean that it is flagrantly and openly violated?—In many places, yes.

5028. Could you make any suggestions with a view to make the Scott Act more workable and to enable the local authorities to enforce it more efficiently than at present?—I could not say. From reading the law, it seems to be strong enough, if it had the sentiment of the community at the back of it.

5029. Would the appointment of Dominion officials to enforce the law be an improvement on the present methods?—I could not say ; I do not know how that would work.

5030. Has drunkenness increased or decreased since the present prohibitory law has been in force? There have been three periods named in the evidence—a period under the old Nova Scotia law, a period of free sale, and a period since the prohibitory law was in force : Has there been much decrease in drunkenness since the present law has been in force?—I have never noticed very much drunkenness in Truro anyway.

5031. Has there been a marked improvement during the last two or three years?—It seems to be about the same.

5032. Were you ever in the State of Maine?—Yes, I have been there several times.

5033. Have you ever resided there?—No, but I have spent some days there every year.

5034. Where?—I generally go to Boston and New York ; I go to Portland and stop a day, and then go on to Boston.

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5035. Then I suppose your experience of the operation of the law in the State of Maine has merely been as a traveller passing through?—That is about it; I have been there a day or two. I take a glass of liquor once in a while, and I never had any trouble in getting it there. At Portland a man in the hotel asked me if I was looking for liquor.

5036. Then I suppose the prohibitory law does not prohibit in Portland?—It does not seem to do so.

*By Rev. Dr. McLeod:*

5037. You have spoken about the law being an injury to the community. Will you say in what respect?—I think the Act has a tendency to make people disrespect law, which we all should respect. People look upon this as an unjust law, as one interfering with their rights and liberties, and one which they have a right to disregard. I have noticed this.

5038. Who are the people who disregard and disrespect the law?—They are fair-minded people, business people whom I know in this town. I know how it is. There are a number of people who, if they saw me violating any other law on the statute-book, such as the law regarding theft, would be the first to upbraid me and make it known; but they would be almost ready to help a man who violated the liquor law.

5039. The people engaged in the illicit trade, of course, disregard the law?—I look upon it in a peculiar light. It seems to me that it is the man who buys who induces the man to sell.

5040. Do you include those in the people who disrespect the law, the illicit sellers?—Certainly, they should be included.

5041. You said you thought fair-minded people also disregarded the law: are we to understand that all the fair-minded people of the community are in sympathy with those who are engaged in illicit selling?—I could not say.

5042. Do you think a majority are?—A large majority of the people are.

5043. In sympathy with the illicit liquor sellers?—It would appear so to me; of course, I may be wrong.

5044. You spoke about the law driving the trade out of the hands of respectable people?—Yes.

5045. Will you please explain how the law has driven the trade out of the hands of reputable people in Truro, and how it comes about that all the reputable people, the fair-minded people of Truro, are sympathizing with those who are not reputable people and who are engaged in an illicit trade?—You do not quite understand me. The law in Truro up to the present time has never been so seriously put in force as to drive the trade out of the hands of reputable people. It has not accomplished that yet.

5046. I understand that you lived in Truro when licenses were granted. In what year was that?—I think it was 1887. I think licenses were granted that year when I was here.

5047. Is your business in any way regulated by the liquor business?—Not more than the fact that people who are in the liquor business to a certain extent handle aerated waters.

5047a. They buy your goods?—Yes, and they buy cigars. I am a wholesale cigar merchant as well.

5048. Are you interested in any way in the liquor traffic; do you own an hotel?—Yes, I own the real estate of an hotel.

5049. Do you know if any conviction has been made for illegally selling liquor in that hotel?—Yes, I have heard so.

5050. Do you know that liquor has been sold there?—Yes.

5051. Do you know whether any person in any place has ever been prosecuted for selling drink made by you or in your factory?—Not successfully that I know of.

5052. Have parties been prosecuted?—One or two have been; then the cases have been dismissed. I do not make any intoxicating liquors.

5053. Has any customer ever sought your help to defend himself in a prosecution for selling goods of your manufacture?—Yes.

5054. Have you given the support he asked?—Yes.

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5055. And the prosecutions were for selling your goods, because they were regarded as being of the character of intoxicating liquor?—Yes, I suppose so.

5056. You say the prosecutions have not, so far, been successful?—Not that I know of.

5057. Your business is related to the liquor trade in that the men in the liquor trade handle your goods?—That is principally the case.

5058. Then you do not regard yourself as being quite a disinterested party on this question?—Not altogether disinterested. I have a good deal of capital in my business, and everything that tends to injure my business I have to look at.

5059. And any interference with the liquor trade would interfere with your trade?—Yes, it might.

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W. H. ROGERS, of Amherst, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5060. What is your occupation?—I am a retired Dominion official. In the summer time I am engaged in Nova Scotia in constructing fishways.

5061. How long have you resided in Amherst?—I have resided in the county of Cumberland a little over 70 years ; in Amherst 27 years.

5062. Under what law respecting the sale of liquor is Amherst?—It is under the Scott Act.

5063. How long has it been under that Act?—Several years ; I forget the year it was adopted.

5064. How has the law been observed there?—For a long time it was rather unsuccessful. Our efforts to enforce it in the county were hampered on account of legal points and technical questions brought up in the courts. A long time was occupied in obtaining the decision of the courts on these technicalities. At present it is a workable Act.

5065. Do you think it is a success?—Yes.

5066. To what do you attribute its success in that community?—To the enforcement of the law by the officers, and to the fact that the legal disabilities have been removed by the courts.

5067. The legal disabilities having been removed, do you think the law is enforced because the public officers do their duty?—Yes.

5068. Have they a healthy public sentiment behind them?—Yes ; but I do not attach very much importance to public sentiment to enforce a law of that kind.

5069. Do the officers show that they can enforce the law?—I believe that when a law is enacted and put on the statute-book the Government should enforce it.

5070. But you are aware, no doubt, that the Government does not enforce the Scott Act, but that it is done by local officers?—Yes.

5071. Do you find it efficiently carried out?—It does well.

5072. Is there any sale of liquor in Amherst?—Yes, there is some.

5073. Is it open or secret?—In the town of Amherst it is not as secret at present as it was some time ago, because the liquor men have leased their bars to parties living in New Brunswick, and when the officer brought the cases before the county officials, he ruled that those licenses were legal, and that the parties who were selling liquor in Amherst could not consequently be punished. That gives us another hitch so far as the town is concerned. In the county, however, the Act is being enforced everywhere at present.

5074. How were you employed when you were in actual business?—I was Inspector of Fisheries for Nova Scotia, during 20 years. My business led me to travel all over the province.

5075. Have you found a marked improvement as time has gone on in the customs of the people in regard to drinking?—Decidedly so in Nova Scotia. In my younger days I travelled a good deal, being engaged in another kind of business, and liquor was sold generally pretty freely until the old Nova Scotia License law began to take effect,

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and we got from our Legislature from time to time, through the aid of Sir Charles Tupper and others, who were favourable to our movement, amendments which brought the consumption of liquors down (before the Scott Act was enacted) to less than \$4 per head of the population, at retail prices. The Scott Act rather let up on it, until it was decided by the English Court that the Act was *intra vires*, there being a question as to the constitutionality of the Act. During all that time the matter was in confusion, and the law was not properly enforced and liquor was pretty freely sold. After the constitutionality of the Act was settled, we decided to adopt it in Cumberland; we did so with 1,400 majority, and at present the law is working very well. We would as soon have had the old law—it is no improvement on the old Nova Scotia law.

5076. Under the old law, I understand, no licenses were issued until a certain number of people made a request?—Yes.

5077. Under that law men could not get licenses, except the people chose to grant them?—Yes.

5078. Have you found during your long experience in the province that there has been a healthy growth in public opinion on the whole question of temperance?—Decidedly.

5079. Has there been an effort put forth both by religious and moral means?—Decidedly.

5080. The general trend, then, has been for good?—Yes.

5081. Do you believe that it is increasing?—Yes, and it is mainly attributable to the small portion of prohibition we have been able to get from the politicians.

5082. Do you give no credit to the ministers of religion?—Yes, certainly.

5083. Or the Churches?—Yes.

5084. And the temperance societies?—I have done a good deal of work myself on the platform and in the press.

5085. You have strong temperance societies in Nova Scotia, I believe?—Yes; but I go for law.

5086. Do you think that if a Dominion law were passed, prohibiting the importation, manufacture and sale of liquor, it could be effectually enforced?—I will illustrate my idea in this way. A nigger was worth one thousand dollars south of Mason and Dixon's line in the slavery times. When the sixteenth amendment was passed, a nigger was not worth a cent as a commercial article. You place a prohibitory law on the statute-book of Canada, a law prohibiting the importation, manufacture and sale of liquor, and a puncheon of rum is as worthless as a nigger. No man would buy it, because he would get punished for having it in his possession; there would be no market in which to sell it. No man would smuggle it, because there would be no duty to collect on it, and you could not sell it to retail dealers, because they dare not have it in their possession. Therefore, a puncheon of rum would be as valueless as a nigger after the sixteenth amendment was passed in the United States. If not, why not?

*By Rev. Dr. McLeod:*

5087. About this licensing arrangement in Amherst: has there been any test case as to its validity yet? I think not; I have not been actively engaged in the matter.

5088. I understand that you are not wedded to any particular law, but you want that which gives the most complete prohibition?—Yes. I should like to be asked some questions in regard to revenue and imports.

5089. Will you please state your views?—I believe a violation of the Divine law is a *sin per se*. I believe that our first parents were guilty of a *sin per se* in eating the fruit. I believe that slavery is a *sin per se*, because it violated the Divine law as to labour. I believe that polygamy is a *sin per se*, because it violates God's law as to the sexes. I believe to manufacture man's God-given meat into a poison is a *sin per se*, because it violates God's primeval law, as recorded in the 28th and 29th verse, of the first chapter of Genesis. I have never yet found a man who could controvert that position successfully. It is a *sin per se* to make it, hence it is a *sin per se* to sell it, a *sin per se* on the part of the Government to license it, and a *sin per se* all along the line. The trouble all the time has been that human law cannot regulate it, for you cannot regulate sin by human legislation.

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5090. Then you think that human law should be in accordance with Divine law and prohibit the traffic?—That is the only law.

5091. Will you kindly state your views on the revenue part of the question?—The question of revenue has been fought over by the best political economists of the time. The practical results are matters of history. In the times of famine in Ireland brewing and distilling were prohibited, because it was necessary to keep the grain to prevent the people starving. During those years the imports of coffee, tea, chocolate and other articles, necessities of life, increased by £16,000,000. During the Father Matthews's movement in Ireland, when he by his mighty influence induced 5,000,000 of the Irish people to sign the pledge and stop drinking, the liquor business became practically bankrupt. There was a decrease in the consumption of liquor to the extent of about nearly six hundred thousand gallons, and a consequent falling off in the revenue. But the revenue collected in Ireland during those years was £60,000 above the average of the previous ten years. Why? It was because the people spent the money which they formerly spent on whisky in purchasing legitimate articles that paid duty, and consequently the duty collections were larger than before. You will find the same results exactly in Maine to-day. The trouble with the commercial world is under-consumption and not over-production. Half of the people are half starved, half clothed, half housed and half-paid, because they drink so much whisky. Pass a prohibitory law, and there will be scarcely any poor, and the wheels of commerce will scarcely be able to turn fast enough to supply the demand.

*By Mr. Clarke :*

5092. Are there any poor houses in Maine?—Yes, but they are pretty well empty.

5093. Are there any jails?—They are getting pretty empty.

5094. Are there less people in the jails in Maine than there were five years ago?—I think so, but I am not quite sure about the figures.

5095. Is the prohibitory law well observed in the State of Maine?—I take it that average people in Maine have as much common sense as people anywhere else. Having that common sense, they should be the best judges as to what is best for themselves. My opinion is, from reading the declarations of the Governor of the State at the opening of the Legislature, and also the declarations of bankers, wholesale merchants and educated men and the clergy and leading people who reside in Maine, that there is no law on the statute-book better observed than is the Maine law. They will tell you there is a saving of \$20,000,000 a year, by the present prohibitory law. After thirty years of trial, they asked the Legislature to allow them to make the law a constitutional law for ever, and the Senate voted yes, by 22 to 2, and the House of Representatives voted yes, by 98 to 30, and the people declared yes by 50,000 majority, the largest majority ever given in the State.

5096. Do you believe that prohibition is well enforced?—Yes, just as is the law against stealing.

5097. Are the people of Maine more prosperous than the people in the adjoining States?—The latest bulletin from Washington as to the financial condition of Maine for the last ten years, shows \$72,000,000 of personal property, about \$16,000,000 public debt, and that the public debt has decreased about one-third. It is one of the most interesting documents you can peruse, and it shows that the financial state of Maine to-day cannot be surpassed by any other body of 660,000 people anywhere else.

5098. Then as a result of the prohibitory law, have the people of Maine made greater strides towards the accumulation of wealth during the past ten years than the people of any other State in New England?—Yes.

5099. You have said, I believe, that drunkenness has decreased in Nova Scotia?—Decidedly.

5100. Has there been any marked decrease during the past decade?—The people of all Canada drink about \$10 per head of the population, while Nova Scotia drink less than \$4.

5101. Has there been any marked decrease in drunkenness during the past ten years in Nova Scotia?—I think so.

5102. Do you know it as a fact?—I could not tell you as regards the whole province, but that is my opinion.

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*By Rev. Dr. McLeod :*

5103. You were not able to answer the question as to changes that had taken place in Maine during the past five years ; but what is your belief concerning the changes in Maine, as to its crime, its poverty and its wealth within twenty years ?—It is simply wonderful. Thirty years ago Maine was poor. Her property was mortgaged, nineteen out of twenty of her farmers carried mortgages, her business in every way was in a most deplorable condition. To-day she is one of the most prosperous States in the Union. Her people have in the savings banks over \$50,000,000 deposited by 150,000 persons, or nearly one-third of the whole balance on deposit in the savings banks. The people of Maine, those who lead in the State, will tell you with united voice that the Maine law is the best law on the statute-book in the people's interest, and it is a law that will never be repealed while the world stands.

5104. Do you know what would be the value of the liquor consumed in Maine, if Maine consumed any liquor, taking as a basis the quantity consumed in Nova Scotia ?—About \$13,000,000 or \$14,000,000.

5105. What is the value of the liquor actually consumed in Maine under the prohibitory law ?—The best estimate they can make places the value at less than \$100,000 ; that is for scientific and all other purposes.

5106. Then do you think the saving presented by the difference between what Maine would consume, if the people drank liquor in the same proportion as the people of Nova Scotia drink, and the quantity the people do consume, is attributable to the prohibitory law ?—Certainly. With respect to high license : the first place where high license was adopted on this continent, was at Omaha, Nebraska.

*By Judge McDonald :*

5107. Have you any personal knowledge of that ?—I have from reading about it. I have been giving you what I know from reading, right along.

5108. Have you had any personal experience in regard to it ?—I have had none.

5109. Witnesses have submitted books to the Commission, and if you have quotations from authorities to present, we shall be glad to receive them ?—I shall be happy to furnish them to your Secretary, including the Encyclopædia of Prohibition and Temperance recently published, which contains all the facts with respect to Ireland, and also figures from the reports of the House of Commons in England.

*By Rev. Dr. McLeod :*

5110. Have you been in a city where a high license system prevailed ?—I have been in Chicago. The fee is \$500 for a license.

5111. Have you ever been in Minnesota ?—Yes.

5112. In Philadelphia ?—Yes.

5113. Had they high licenses there ?—They tried the system there, and became disgusted with it.

5114. So you have been in certain places where the high license system has been tried, and your observation of its working and effect is what ?—It is disastrous on every side. It works this way. The man who pays a high license fixes up his bar on the same principle as the spider fixes his web for the flies. He fixes it up in great style, and goes to great expense to beautify the rooms to make them attractive, so as to draw in the human flies. In Omaha—

*By Judge McDonald :*

5115. Have you been there ?—I have been in Chicago.

5116. Are there those places there ?—Yes.

5117. We must confine you to what you have seen ?—Very well.

*By Rev. Dr. McLeod :*

5118. What is your view, judging from your observation in the places which you have visited, of the effects which a high license system produce ?—That people get drunk there. The whisky and alcohol sold under high license make people drunk as soon as

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whisky and alcohol sold under low license, and everybody who wants it can get it where there is high license. The licensed houses were crowded with people drinking.

5119. Do you believe those who habitually drink learned to drink in the illicit places and the so-called low dives and graduated up towards high license, or did they learn to drink in attractive places, such as those you have described under high license, and graduated down?—The average young man has some pride and self-respect and goes among respectable people, and as he intends to keep as respectable as he can, he commences drinking in the splendid places, of course. After he is manufactured completely, he goes into places in the lower streets, where he would not previously have been seen, and he graduates downward. Everybody connected with drink graduates downward and towards the dens. When a policeman wants to find a man on a charge of theft or other criminal offence he goes right to those dens. Respecting the condition of Ireland at the time to which I refer, when breweries and distilleries were prohibited operating, I have prepared a statement. [Appendix No. 6.]

JOHN HECTOR McKAY, M.D., of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

5120. How long have you resided in Truro?—Nearly all my life.

5121. Have you practised medicine for a number of years?—For the last 20 years in Truro.

5122. Do you remember the old Nova Scotia license law?—Yes.

5123. Were you here all the time?—I was absent during five or six years.

5124. Where were you during that period?—I was at college most of the time, in Edinburgh and Paris.

5125. From your observation as a citizen of Truro, has there been, during the last few years, any diminution in the sale of intoxicating drink?—I cannot see much difference during the last few years. There has been an influx of population from outside that would make a little more of that sort of thing than formerly.

5126. Did you answer the questions sent to you by the Commission?—No.

5127. Have you noticed whether drunkenness has increased or decreased during the last few years?—I cannot see much difference; sometimes we have a good deal of it, again for a length of time there is not much. It appears to be diminishing a good deal. I think outside influence has had a good deal to do with; when something is going on I see a little drunkenness, but in ordinary daily life we have very little of it, that is so far as I can judge. I think as a rule our citizens are a pretty quiet going sort of people; there are, of course, one or two exceptions in every community.

*By Mr. Gigault:*

5128. Do you think that a general prohibitory law for the whole Dominion could be enforced?—It might be enforced the way it is in Maine, I suppose. It could be enforced to that extent probably, but I do not see it is possible to enforce it to any great extent from what I see of the liquor traffic, and from what I have seen of it in Maine and other places.

5129. Have you ever been in Maine?—Yes; I have been there many times in fact.

5130. Is the prohibitory law observed there?—In a way it is enforced. Of course there are places in every town where you can go and get liquor if you need it, if you want it. That is so far as my experience goes. I was in Bangor for a week or two. It was during the Bangor Fair, and there was naturally more of it than at other times, but you could see open bars, the same as they have at any other place where a license law is in force. It might not be so at other times—I cannot say as to that.

5131. Do you believe it is as bad to make moderate use of wine or beer as it is to make use of other alcoholic liquors?—I do not see any harm myself in either wine or beer taken in moderation as a beverage. I think if strong liquors were prohibited

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altogether and people were allowed wines and light beers, the people would be a good deal better off. That is my opinion about the matter ; of course it is only a personal opinion. I think you have to allow a certain amount of light beverages, something to drink, and the lighter the beverage is the better ; and then if in addition to permitting the use of these, you prohibit the strong liquors, such as whisky and brandy, the people will be better off. That is the way in France, for instance. They drink light wines as a beverage at every meal, very much as English people do beer. In Paris, where I lived for some time, I think I saw less drunkenness than I would see anywhere else in a city of proportionate size. Wine there is almost as cheap as water, at least it was so the years I was there, and you could dine and have a bottle of light wine for a franc or two. I do not think the fact that this light wine is taken increases drunkenness, but quite the contrary. That is my notion of it.

5132. There has been a Commission sitting in France on the question of alcohol, and it appears to have arrived at the same conclusion?—I did not read that opinion as given by any authority, but it was the result of my own observation at the time, and the result of my thinking the matter over since. I feel that the people should be allowed light wines and beer ; that whether they need it or not, they should have it.

5133. Do you think that the people generally do not favour the enforcement of a prohibitory law, because it goes too far and prohibits the sale even of wines and beer?—Yes.

5134. Because they consider it as not a rational measure?—They consider it goes too far. If you prohibited strong liquors such as whisky and brandy, having a high percentage of alcohol, you would secure very much greater success. Everybody knows the difficulty there is in obtaining a light, palatable drink, and how difficult it is to find a suitable one on a hot day. Even light soda water will disagree with a great many people, and the light wines such as they use in France, would be a very light beverage and not intoxicating. It is very much the same with light lager. I never saw any man intoxicated with lager. It contains a certain percentage of alcohol, but it is very trifling. If we encouraged the consumption of lager and prohibited stronger drinks we would be all right. That, of course, is only my personal opinion.

*By Rev. Dr. McLeod :*

5135. Generally speaking, Truro has a sober population?—It has ; I will say that for it. They are very sober going people, and I do not know any people more so.

5136. Do you think the people are more sober than the people of some licensed towns of which you have knowledge?—They are quite equal in that respect ; in fact, I could go further without finding them more so.

5137. You as a physician have more or less knowledge of the country around Truro, I suppose?—Yes, a good deal.

5138. Are the people a sober people all around about?—They are particularly so.

5139. Do you think it would be well to establish licensed houses among them?—If they required them ; but I do not think they need them.

5140. Would their sobriety be increased if they had licensed houses established there?—If they are sober going people, the licensed houses would be of no use to them. It is the demand that causes a request to be made for licenses, and I think if there was no demand, there would not be a request for a license.

5141. Evidently Truro, as a whole, does not desire license?—No, I could not say that. I do not know but that Truro would be better off with a license.

5142. What makes you hold that opinion?—The sale goes on here every year and we do not get any revenue—but the sale goes on just the same.

5143. Speaking about revenue : do you think the town treasury should be replenished by money derived from licenses?—No ; but I think we should control the traffic and get a revenue to help the authorities, and in fact we could control it better in that way.

5144. Do you think the liquor trade is capable of being controlled?—I do.

5145. I understood you to say that in Bangor it was not controlled?—I said to a certain extent. The fact that the fair was in progress and thousands of strangers were in the town might account for that.

JOHN HECTOR MCKAY.

5146. Do you think Bangor under those circumstances was fairly representative of the State of Maine?—Not in a case of that kind—no, I should not judge it would be. Neither would Truro be an example of the province if we had 10,000 strangers in it: it would not represent the province.

5147. You have spoken about the use of wine and beer, have you any knowledge of the wine of commerce in this country, and do you know it is pure?—No.

5148. Do you think it would make people drunk and paralyze them?—It is too feeble to do that.

5149. Is that on account of its feebleness or strength?—If it was the right kind of strength it would be all right, but it does not possess the right kind of strength.

5150. What is your idea of strength in wine?—Free from impurity outside of a certain percentage of alcohol. There is a certain amount of impurity in all wines and beers.

5151. Do you suppose that if there was a law prohibiting the sale of whisky and rum and of all strong alcoholic liquors, and permitting the sale of wines, there would be any attempt made to sell other than pure wines, such as are in your mind?—The wines I have in my mind, are pure wines. All the wines we get, nearly all, except some from Ontario, are really fermented juice of the grape; outside of all those, the wines are made up from decoctions, anything put together.

5152. You admit that the control of the trade is very difficult?—Certainly.

5153. You think the sale of pure wines would be an advantage as compared with the licensed sale of strong liquors?—I do.

5154. Do you think it would be possible to control the trade, so as to limit it to the selling of pure wines?—It would be much more possible and much more easily accomplished than to control the sale of strong liquors.

5155. How do you think the sellers of wines could be compelled to sell only pure wines?—If you are going to make a law to regulate the sale of liquor, you should make a law to regulate the quality of liquor also.

5156. Suppose you make a law to regulate the quality, would it be observed any more than a law respecting the sale?—I cannot say it would. But as in the case of the Act respecting weight and measures, you can impose a penalty, and this is the case also in regard to the law respecting the adulteration of food. I believe wines and liquors should be examined the same as is food, in order to prevent adulteration.

5157. I believe you are aware that there is a law bearing on that subject, and that once in a while an analysis is made here and there of liquors?—It does not at present prevent people getting bad liquor.

5158. Do you suppose the trade in pure wines would be an honest trade, and that the sale of liquors would be prevented, any more than the trade is now regulated?—Yes; I do not think it would require as much regulating.

5159. Why?—Those who drink strong liquors do not hanker after wines and lager beer, and even if they did, they would not be so apt to get full on it.

5160. Then there is a class of the community who hanker after whisky and the like? Is there not a likelihood that the man licensed to sell pure wine would also cater to the tastes of the people who want whisky?—No, I do not think there is danger of that.

5161. What would prevent it?—If he were licensed to sell the one and not licensed to sell the other, he should lose his license on violating the law, and under those circumstances he would not care to cater to that class of people.

5162. Do you think the people carrying on an illicit trade would exist, or would they and their kidney be exterminated? Would that class of men still exist and still cater to those tastes which you do not provide for under your wine license?—There is a certain amount of trouble there.

5163. There would be the same difficulty as now?—Yes.

5164. You spoke about the moderate use of wine and beer, mentioning light lager beer such as is sold in the United States, as being an exceedingly desirable thing?—I do not say exceedingly desirable, but it would be preferable to allowing the strong liquors to be imported and sold as at present.

## Liquor Traffic—Nova Scotia.

5165. Do you think the drinkers of wine and beer and other alcoholic liquors in moderation continue to be drinkers in moderation, or is there a tendency to go to excess?—The tendency, to be sure, is towards excess.

5166. And therefore is dangerous?—Yes, there is no doubt about that.

*By Mr. Clarke :*

5167. You have had experience in Paris, I believe?—Yes, a few years ago.

5168. Are the Parisians considered to be a drinking people?—No.

5169. Do they drink to excess?—Not so far as my experience goes.

5170. I understand that they drink largely of light wines?—Yes.

5171. Do the French people become sots?—No.

5172. And go down the grave as drunkards from excessive drinking of light wines?—No.

5173. Do they continue to drink in moderation?—The French people live out of doors and go to restaurants to their meals. They take their families and their children, and generally they all have wine. They never think of getting drunk.

5174. Is the appetite for alcohol created by the use of light wines?—I do not think it.

5175. Are they injurious?—I think a great deal of the appetite created is of an hereditary character. I should think there is very much more appetite acquired through drinking strong brandy and whisky and liquors of that kind than from drinking wines.

5176. Have you had any experience of the operation of the Canada Temperance Act in Nova Scotia generally?—No; I do not know very much about it. We were supposed to have it in force here at one time.

5177. Is the machinery of the present provincial law effective?—In a way it is; but the Act does not seem to be making much headway.

5178. Is there less drinking under the prohibitory clauses of the Canada Temperance Act than there was when the old Nova Scotia License Act was in force, and when the people were permitted to sell legally?—I could not say that. Perhaps it is a step in advance in that way, I think it may be. Of course, the law is really prohibitory so far as a community like this is concerned; we might just as well have the Maine State law here, it would be the same thing. All liquor that is sold is sold contrary to law, and so we have prohibition to all intents and purposes. If you want to know how prohibition works, you will find that it works just as the law works here now.

5179. Have you had experience in any other place than Bangor, in the State of Maine?—I have been in other places, in Portland.

5180. How does the law operate there?—I could not tell you much about it, for I was not there sufficiently long to know exactly how it worked.

*By Mr. Gigault :*

5181. If there is smuggling in liquor now, do you not think that smuggling on a more extensive scale would occur if we had a general prohibitory law?—That is a difficult question to answer. There is smuggling now, and liquors are brought in without paying duty, and I do not see how it would make very much difference. I suppose it would tend to increase smuggling. As liquor could not be obtained openly, I suppose a great number of people would want to get it without paying any duty. It is hard to tell how it would work. I do not think that the Dominion Government should take a revenue from an article and confiscate it after people have bought it. I think the Government are taking people's money when they confiscate liquor.

*By Rev. Dr. McLeod :*

5182. Do you think it more consistent to prohibit its importation than its sale alone?—Yes. I think if a person goes to Halifax and buys a cask of liquor and pays the Dominion Government so much duty, a little more than the liquor costs him, he should be protected, and the Government should protect the purchaser of the liquor. That is only a personal opinion.

JOHN HECTOR MCKAY.

*By Mr. Clarke :*

5183. Do the prohibitory clauses of this license law prevent people ordering liquors from Halifax for their own use?—No.

5184. What do you mean when you think it is hardly fair for the Dominion Government to impose a duty and exact a fee?—I mean if a man has a right to buy it, he has a right to sell it. In some cases although he has paid the duty to the revenue and has the liquor on sale, the Government confiscate it.

*By Judge McDonald :*

5185. But the man, knowing that is the law, need not go and buy it, I suppose?—That is true, but the Dominion Government should not take his money.

*By Mr. Clarke :*

5186. How do you account for the fact that the people of a county will vote in favour of the adoption of the Scott Act, and carry it by a large majority, and subsequently allow the Act to become a dead letter?—They are not sincere, a lot of them.

5187. Do you think if they desired to enforce the law, it could be enforced as well as prohibitory laws elsewhere?—I would not say that altogether ; but it is a question of what is every man's business is nobody's business, that what the whole community has to look after, no one attends to.

5188. But the law so made by the Dominion, and the provinces, and the municipalities, is enforced by the local officers largely. Why do not those local officers, if public sentiment is back of them, enforce the law against the sale of liquor?—The sentiment is not unanimous by any means, and while a great many people vote in public for the adoption of the Act, they will not help to carry it out in private.

5189. Would the feeling be more unanimous in favour of a general prohibitory law?—If the sentiment of the people were obtained, the majority would not be in favour of prohibition ; that is if their private opinions were obtained.

5190. How do you account for the fact that the law is a dead letter ; how is it that the local officers do not enforce it?—I do not know whether the machinery is sufficient or not ; it is a difficult problem.

5191. There are prohibitory clauses in the Nova Scotia license law, and we understand that these prohibitory clauses are in force here?—I believe this law is good as a prohibitory law, and there is prohibition in every place outside of Halifax, and one or two other places where licenses are granted. I have been in Halifax a good deal, but the license law there is not complied with in any single one of the houses I saw.

5192. In the present law there are prohibitory clauses, which I understand are in force here?—I believe this law is as good a law as prohibition in every place outside of Halifax. I think it is only in Halifax and one or two other places where licenses are granted, and the law is not carried out.

*By Rev. Dr. McLeod :*

5193. Suppose a man brings a lot of liquor into Truro, and the Government confiscates the liquor on which the duties have been paid, do you think it would be consistent in them to accept the duties and prevent the man selling the liquor?—I suppose the Government would say he ought not to have bought it.

5194. You have spoken of the use of wines in France. Do you know that of recent years there has been a great increase in the consumption of alcoholic drink in France?—I do not know.

5195. As to Germany, which is cited as a beer drinking country : are you aware that there has been a large increase in the use of alcohol?—I do not know ; but if they stuck to beer, I think they would be all right.

*By Mr. Clarke :*

5196. Do you know that the vines in France from which they make their wines have to a great extent been killed by the phylloxera?—I am aware of that, and I am also aware that a great deal of the wine which is supposed to come from France never saw France.

## Liquor Traffic—Nova Scotia.

EDWARD FULTON of Bass River, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5197. What is your occupation ?—Manufacturer of furniture and chairs.

5198. What number of men are in your employment ?—We vary from fifty to seventy-five.

5199. In what county are you living ?—In the County of Colchester.

5200. How far from Truro ?—Twenty-eight miles.

5201. What is the population of your place ?—From 400 to 500.

5202. You have some merchants' shops and manufactories and residences and so on there ?—Yes.

*By Rev. Dr. McLeod :*

5203. Have you any preference as to the drinking habits of those you employ, or do you consider in the selection of your employees their drinking habits ?—Always.

5204. Have you a preference for those who are not drinkers ?—Always.

5205. For what reason ?—On account of the men being steadier at their work. In employing drinking people we find so much of their wages is lost that it is hard not to lose money by them.

5206. Do you find that a drinking man loses a considerable portion of his time by reason of drink ?—Yes, when there was an opportunity ; but that has passed away very largely now.

5207. Had you any experience when your business was carried on in a license district ?—No, we had no licenses near us, but we had the unlicensed sale of liquor.

5208. Has that illicit sale been prevented now ?—It is almost entirely gone.

5209. By what means ?—It was driven out entirely by the force of law.

5210. By the law put into operation by officials ?—Very largely by private prosecutions in our case.

5211. Did you find the law possible of enforcement ?—Oh, yes. Even before the Scott Act came in, we had no sale within eight or ten miles of us.

5212. You enforced the law under the old Act ?—Yes.

5213. Under the Canada Temperance Act you sought to do the same ?—We had no trouble within six or eight miles.

5214. And you have succeeded in enforcing it under the present law ?—Yes, but at present there is no private prosecution ; it is in the hands of the Inspector for the county.

5215. The Inspector is equal to the work ?—Yes, he has been successful in all districts east of Acadia Mines, which is the only place where there is any considerable violation of the law.

5216. Do you find the drink habit affects the wage-earning power of mechanics ?—In our experience liquor was easily obtained in a neighbouring village and considerable was drunk, and the business we now have was a failure, though the output was larger and the business done was larger.

5217. Do you attribute that to any extent to the fact that liquor was easily obtained ?—To a large degree I do.

5218. And now you attribute the success to the fact that there is no drink ?—Yes.

5219. You attribute the success of the business now in part at least to the difficulty in getting liquor ?—In part certainly, but very noticeably.

5220. In what way does the drink habit affect the value of employees to you as an employer ?—I would not be much at home on that subject, because we have not got men who drink. Occasionally we get one, and we get rid of him as soon as we can. Our help are nearly all abstainers.

5221. In regard to a man who drinks regularly but not excessively, have you had any experience as to whether his tendency is to become an excessive drinker and so to become of less value to you ?—Yes, we have.

5222. You find it necessary to watch such a man ?—We have so found it.

EDWARD FULTON.

5223. Do you find that the employment of a percentage of drinking men has its effect on the other employees?—Very noticeably.

5224. Does it interfere with your work?—It does.

5225. Injurious?—We are very much inclined to dismiss a man who is given that way, particularly among the younger men.

5226. In the case of a man in your employ who has the drink habit, what number of days in the year would you be likely to lose on account of his drinking?—I am not so situated as to be able to say, because we do not have with us such men sufficiently long to form an idea.

5227. It what respects would a law prohibiting the importation and manufacture as well as the sale of intoxicating liquor be preferable to the present law?—In the first place, it would settle the question of jurisdiction, which has been so troublesome to us in this county. There has been a dispute almost ever since confederation over the validity of this and that law, and as it is established that prohibition is within the jurisdiction of the Dominion Parliament, that question would be settled. We have been very much hampered as to whether the law was *ultra vires* or *intra vires*. The second reason would be, that a law of that nature would cut off the manufacture and importation, in which the chief strength of the liquor system lies, because the vested interests in it are so great. It would also cut off the respectability of the drink trade and would secure the enforcement of the law by the Government, whereas now we only have local officers and private prosecutions and the efforts of Municipal Councils, which are not often equal to the task.

5228. You are in favour of a general prohibitory law?—Provided you will attach Government enforcement to it.

5229. You are in favour of it if thoroughly enforced?—Certainly.

5230. Can you state the effect on your business of the drinking customs of the public generally?—They have the effect of lessening the purchasing power of the people.

*By Mr. Clarke :*

5231. Where was your business carried on before?—At Port au Pique.

5232. What was the law there?—The same.

5233. The Provincial Liquor Law?—Yes.

5234. It was not enforced there?—No, not at that time.

5235. Was it because of the non-enforcement of the law there that you removed your factory to Bass River?—No, it was not owned by us then. It was another concern.

5236. I inferred from what you said that owing to the condition of affairs in regard to the liquor law in Port au Pique, the factory was removed to Bass River, and was successfully carried on there because the liquor law is successfully carried out there?—That is so.

5237. The non-enforcement of the law was the reason of the failure at Port au Pique?—Largely.

5238. Do your men work by the piece?—Yes.

5239. Did you find it impossible to secure sober men at Port au Pique?—We were not the owners of the concern at that place.

5240. Do you know whether the former proprietors found it impossible to get sober men at that place?—I knew they had a great deal of drinking among their men, and could not supply their help at short notice even if men were ever so plentiful. The skilled labour could not be replaced without a long training.

5241. Both places were under the same law; in one it was enforced and in the other it was disregarded. What was the cause of its being disregarded in the other place?—In those days the law was generally carried out by local enterprise.

5242. Has it been carried out by an Inspector?—It is carried out and enforced now in that same place.

5243. Have you any experience in the Province generally as to the operation of the Scott Act?—I have been an observer in this county, and have had some work in connection with it.

5244. But outside of this county?—Only as an observer.

## Liquor Traffic—Nova Scotia.

5245. Is it enforced outside of this county?—I have known very little about it except in Cumberland County, and that is pretty much hearsay, but I have understood it is pretty well enforced.

5246. Do you think the people who are interested in distilleries and breweries should be compensated if a prohibitory law were enacted?—I do not think they should.

5247. Do you think a prohibitory law could be enforced throughout the Dominion?—It could be enforced as well as the law against smuggling and illicit manufacture can be enforced. Give us the same law, and we can enforce it.

5248. Then the appointment of Dominion officers would be a benefit?—That is what we want. We want officials the same as in the Customs Service, and the same as those who prosecute for illicit distilling. It is only a question of extending the prohibition. It is prohibited now. There are a few licensed distillers now, but all others are prohibited.

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CHAS. B. ARCHIBALD, of Truro, affirmed and deposed as follows :—

*By Judge McDonald :*

5249. What is your calling or occupation?—I am living on my means.

5250. Were you ever engaged in business, or have you occupied any Municipal office?—No.

5251. You have never been Councillor or Mayor?—I was Mail Contractor, and Mayor of Truro for five years.

5252. How long since you were Mayor?—Six or seven years.

5253. What law in reference to licenses was in force during your Mayoralty?—When I was first elected the law was such that we could grant licenses, and the Town Council then granted licenses for two years. After that the law was changed, and there have been no licenses since.

5254. Were many places licensed in those days?—I think we licensed three or four places, all hotels.

5255. Had you reason then to believe that there was much illicit sale of liquor, unlicensed?—Considerable. We granted licenses for the sake of shutting up the saloons of the day.

5256. How did you find that work?—It worked very well. It gave us a revenue for the town and it gave us control of the traffic. We could send our policemen into the hotels and see that the restrictions were carried out.

5257. Did it close up these places of which you have spoken, to any extent?—I think so, to some extent.

5258. After that, licenses ceased to be given?—Yes.

5259. Did intoxicating drinks cease to be sold?—No, it has gone right along.

5260. Different laws have been in force since then?—Yes.

5261. The Scott Act for a time and now the Nova Scotia License Law?—Yes.

5262. Has the same state of things continued?—I think so. I do not think there was any more liquor sold or drank during the two years we granted licenses than in any years since.

5263. How long have you been acquainted with the town?—All my life.

5264. During your knowledge of the town, has there been an increase or decrease in drunkenness, or has it been the same?—For the last thirty years the drinking has been dying out. There is not half the drinking now that there was thirty years ago. As moral suasion is used, people get educated and they cease to drink. It is hard to convince them by law, but law and moral suasion go well together sometimes.

*By Mr. Gigault :*

5265. Do you think if a general prohibitory law were enacted, it would be enforced?—I could not say. It would be an experiment anyway.

EDWARD FULTON.



5266. Do you know if lately many places have been selling liquor in Truro?—I do not, because I have come to the conclusion for some time that it pays me better to attend to my own business than to look after those who may be selling liquor.

5267. But you have heard that liquors were sold?—Certainly, and places have been pointed out to me where liquor was sold.

5268. Do you believe there are more places now where liquors are sold than when licenses were granted by the Council?—Three times as many.

*By Mr. Clarke :*

5269. Are you in favour of a prohibitory law?—I cannot say.

5270. A law prohibiting the manufacture and importation, as well as the sale of liquor?—I cannot say. I do not know how it would work.

5271. Have you had any experience throughout the province generally since the Scott Act has been in force?—None whatever.

5272. Do you think those who have interests in the way of distilleries or breweries should be compensated, if the Parliament of Canada should pass a prohibitory law?—It might be, but that is a question I have never looked into.

5273. Has the decrease in drunkenness which you say has taken place in the last thirty years been due to the operation of the Scott Act or the License Law?—I think largely to the people being educated up to the evils of the traffic.

5274. And there have been more places selling liquor since than there were under the license system?—Oh, yes. We licensed three or four hotels. I have no doubt there are now a dozen places selling liquor. Any man who can buy a gallon of brandy now can open up a shop.

4275. What would be the effect if the town were to return to the system of licensing hotels? Would it be beneficial or the reverse?—I do not think it would increase the amount of drinking.

5276. Would it increase or decrease the number of places where illicit sale takes place?—That is hard to answer.

*By Rev. Dr. McLeod :*

5277. You have referred to the good effects of moral suasion as regards reducing drunkenness: do you think that has had anything to do with the refusal of the people to grant licenses?—I think very likely.

5278. There were licenses granted during your term of office?—During two years.

5279. Was the law practically then what it is now?—No.

5280. What was it then?—I can hardly explain, but the law gave the Town Council the power of granting licenses.

5281. Has the Town Council the power now?—No.

5282. If a petition is signed by two-fifths of the ratepayers in a polling district, would the Town Council have power to issue a license on that petition?—I think they would, but the people will never sign a petition.

5283. Is it not a fact that the law is the same, but public sentiment has changed?—The law has changed somewhat since we granted licenses.

5284. Had the Town Council, during the time you referred to, the power to grant licenses without reference to the will of the people?—No; they had to get the petition signed.

5285. Now if one can get two-thirds of the ratepayers to sign a petition, the Town Council can grant a license?—Yes.

5286. Then the change is not really in the law, but in the public sentiment?—That may be.

5287. You do not know anything particularly about the illegal sale in those days?—I do not.

5288. Then how much do you know, for you say there is three times as much sale now as there was then?—I know five places where it is supposed to be for sale.

5289. That is by common report?—Yes.

5290. To what period do you refer, when there was less sale than now?—In 1875 when we were incorporated.

## Liquor Traffic—Nova Scotia.

5291. Has the population of Truro increased since 1875?—Largely.

5292. Has it increased three-fold?—It might. It has doubled any way.

5293. So that the number of places in which the sale is, even if it be three times as many as it was then, would not indicate that the town has gone wrong in that respect?—I do not say there is three times as much drinking. I do not believe that. I do not believe there is as much drinking as there was fifteen years ago, but there are more places.

5294. Referring to the places that sold during your term as Mayor: they were legalized?—Yes, they were hotels.

5295. Were there some illegal places, then?—Oh, yes.

5296. Do you think, taking the legal and the illicit places then, they numbered as many as the illegal places now?—I do not think it.

5297. As to the increase of temperance habits among the people, has there been a steady gain?—Yes, I think so.

5298. And has that been going on for ten years?—Yes.

5299. And it has been going on under a prohibition of the traffic?—Yes, I attribute it to moral suasion.

5300. Not at all to the prohibition of the traffic?—No.

5301. Do you think the determination of the people to prohibit the traffic has any effect upon it?—To a large extent.

5302. So the same efforts that make the people sober tend to make them delegalize the trade?—Yes. It used to be the fashion for every one to drink; now it is the few who drink.

5303. Does the character of the illegal sellers to-day compare with that of the legal sellers of before?—Not at all, not by any means.

5304. Do you suppose that these people who are in the illicit trade would be applicants for license?—Very likely.

5305. And they are less reputable people?—We licensed the respectable hotels, which gave us control of their houses, and we could send the police into their houses.

5306. Could a policeman be sent into any of these illegal places now?—I do not think so. Perhaps the liquor license Inspector might; the law has been changed.

5307. What is your opinion of the drink trade in Truro?—I think it is a trade not much needed.

5308. What are its effects upon the morals of the community?—I think upon a certain class they are not good.

5309. What are its effects upon the business of the community?—I do not think it affects the community. The drinking done is largely done by those outside, who generally go home with a pretty good supply.

5310. And the people in Truro do not drink?—As a rule, they do not.

5311. Do you not think it would be better to have places convenient to these people rather than to have them here?—It would be better for Truro.

*By Mr. Clarke:*

5312. You refer to the country districts?—Yes, of this county or any other county.

BENJAMIN D. ROGERS, of Stellarton, Pictou County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5313. What is your calling or occupation ?—Merchant, and Inspector under the Canada Temperance Act.

5314. The Canada Temperance Act is in force in Pictou county ?—Yes.

5315. How large a place is Stellarton ?—About 3,000 population.

5316. What is the principal business ?—The mining of coal.

5317. Is it a law-abiding place ?—I think so, generally.

5318. How long has the Act been in force ?—I could not say positively, I think about thirteen years.

5319. Have you found its effects to be beneficial ?—Latterly we have.

5320. The Act is well enforced ?—Not all the time.

5321. Is it done by occasional efforts ? Is there occasionally a break ?—During the first part of its history in our county, there were so many technical points raised in the Courts, that during the time those were being considered, the Act was not enforced as rigidly as it is at present.

5322. Is it well enforced now ?—Yes.

5323. What part do you take in enforcing it under the law ?—Laying the information and seeing that the case is conducted.

5324. I suppose you keep your eye about in the community to detect if there are any signs of the law being broken ?—That is my duty.

5325. Have you any officials under you to aid you ?—No, none under me.

5326. Do you avail yourself of the assistance of the police ?—They are under the Stipendiary.

5327. Is Stellarton an incorporated town ?—Yes.

5328. Is liquor sold there now ?—I think in three or four places.

*By Rev. Dr. McLeod :*

5329. What difficulties do you find in the way of the enforcement of the law ?—The first difficulty we have is in getting clear evidence of the violation of the law.

5330. You cannot get witnesses ?—As a general thing, we think the witnesses do not give a clear and impartial statement.

5331. There are some witnesses on whose evidence you dare not rely ?—Yes. In the second place, the law is so hard to understand. The fact of securing a conviction does not give us the assurance that the law will be enforced, after the conviction is obtained. For instance, a man may get a *certiorari* and take it to the Bench of Judges, and have the conviction set aside on a technical ground, on a mere informality in the proceeding.

5332. What is your experience, as an official, in the cases that have been appealed ; have you had to wait long for the Judges ?—I have been only officially in connection with the enforcement of the Act since 1st April. We have had five cases of *certiorari*, and none of them have been decided yet ; in fact, we do not expect to get them decided until next February.

5333. Were the appeals on mere technicalities ?—Yes.

5334. Have you any knowledge as to any cases against dealers for selling preparations manufactured by the establishment with which Mr. Bigelow is connected ?—We obtained a conviction against one man, who said he only sold Bigelow's beer.

5335. Was there a conviction in that case ?—We obtained a conviction in that case.

*By Mr. Clarke :*

5336. You obtained a conviction for selling Bigelow's beer ?—He gave a confession of judgment, and judgment was entered accordingly.

5337. Is Bigelow's beer intoxicating ?—It would seem so by that.

5338. Do you know Mr. Bigelow ?—Not personally.

5339. Did you hear his evidence ?—I did.

## Liquor Traffic—Nova Scotia.

5340. You heard his testimony in regard to the liquor that he sold?—I do not think I noted it particularly.

5341. Did you hear him swear that the liquor he made was non-intoxicating?—I did not.

5342. Were you here all the time he was in the room?—Yes.

5343. You did not hear him give that evidence?—Not to my knowledge.

5344. Do you think he would be capable of swearing what was not true?—I cannot say that.

5345. Do you think it is sufficient to discredit his testimony to tell us that some body said he sold Mr. Bigelow's liquor?—I was asked the question and had to answer it.

5346. Who appointed you an official?—The Town Council.

5347. Is the Act fairly well observed, considering the difficulties?—I think so.

5348. The Act is an Act that can be enforced, then?—Yes, with proper officers.

5349. And if the Councils of the various municipalities appointed proper officers, would there be any difficulty in enforcing it?—There might be difficulty in carrying the cases through the higher courts.

*By Rev. Dr. McLeod :*

5350. Will you state, from your observation and experience, the condition of things previous to the law coming into force?—Previous to that time we had virtually free rum, free liquors, and the mining population, especially, indulged very largely.

5351. You have a large mining population?—Yes, that is the principal industry. Since the Act has been in force, and especially during the last two or three years, we have had very little drunkenness in the town.

5352. And you attribute that in part at any rate to the operation of the Act?—Yes. Previous to the enforcement of the Act, we had from twenty to thirty liquor shops; up to six months ago we had from twenty down to fourteen; at present, we have not more than four.

5353. During the time you had the large number of liquor stores, what was the effect upon the population; was there much drunkenness?—A very great amount, it was very demoralizing.

5354. Did it interfere with their work considerably?—Yes. We had in the principal streets in the town such drunken brawls fifteen years ago, that it would be unsafe for ordinary people to walk the streets on pay day.

5355. That state of things has changed?—Yes, so that we hardly see a drunken man on the streets, only an occasional one on pay day.

*By Mr. Clarke :*

5356. What was the condition of affairs from fifteen to sixteen years ago?—From fifteen to twenty years ago it was very bad.

5357. Was any public work going on then?—Yes.

5358. Was any railway being constructed?—That was before.

5359. As to the Bigelow beer business: did this man plead guilty to the violation of the law for having sold Bigelow's beer?—Having sold intoxicating drinks.

5360. Was it admitted that he sold intoxicating drinks in selling Bigelow's beer?—No, but he said he sold nothing else but Bigelow's beer.

5361. Was there any evidence to show that he sold nothing else?—There was no necessity.

5362. Had you any evidence to show that?—No.

5363. And you rested the case upon your belief that you could prove that Bigelow's beer was intoxicating?—I would very much rather have all that in reference to the beer excluded.

5364. I understand there was a charge preferred of selling intoxicating liquors?—Yes.

5365. Was any evidence produced to show that he had sold anything except Bigelow's beer?—No, there was no evidence produced in court.

BENJAMIN D. ROGERS.

5366. I understand that was because he pleaded guilty. Would you have rested your case on the proof that he had sold Bigelow's beer?—Not unless it was intoxicating. If the evidence showed he bought Bigelow's beer, and it intoxicated him, it would have got a conviction.

5367. But the person pleaded guilty, and paid the fine?—Yes.

*By Judge McDonald :*

5368. You charged the man with selling intoxicating drinks, and he said he sold only Bigelow's beer ; then there was an adjournment, and before that came up again he pleaded guilty?—Yes.

*By Rev. Dr. McLeod :*

5369. Did the man charged make any statement?—He made a statement to me.

5370. Any statement under oath?—I do not know that.

5371. He pleaded guilty to selling intoxicating liquor?—Yes.

*By Judge McDonald :*

5372. The man first was charged with selling intoxicating drink. He denied his guilt and said he sold only Bigelow's beer. There was an adjournment to see whether what he sold was intoxicating, and then he pleaded guilty, not to selling Bigelow's beer, but to selling intoxicating drink?—Yes.

*By Rev. Dr. McLeod :*

5373. Why was the adjournment made?—He wanted to get Mr. Bigelow there to conduct the case for him.

5374. Did he get Mr. Bigelow?—No.

5375. Did he see Mr. Bigelow?—I do not know, but he told me personally he had written to Mr. Bigelow.

5376. He wrote to Mr. Bigelow, and returned and pleaded guilty?—That is so.

*By Judge McDonald :*

5377. Was there any evidence, beyond the man's statement, that the intoxicating liquor was Bigelow's beer?—There was no evidence whatever, except the conviction.

5378. The impression on my mind, from your evidence, was that the man made out he had sold what was commonly considered to be a temperance drink, and that he would bring the man to show that fact. In the meantime he pleaded guilty, but there was no proof that what he sold was the man's manufacture, except his own statement?—That was all.

5379. And that was to clear himself?—It was commonly reported that it was nothing but beer he was selling, and the witnesses we had were men, who, as far as we knew, drank nothing else but beer on his premises.

*By Rev. Dr. McLeod :*

5380. They purchased there?—We did not bring them on the stand.

*By Judge McDonald :*

5381. Give the name of the man?—Will you not allow the whole thing to be erased, in the interests of Mr. Bigelow and all concerned?

5382. No?—The name of the man was James Murray.

*By Rev. Dr. McLeod :*

5383. Was the man charged on oath when he made the statement about Mr. Bigelow?—I think not.

## Liquor Traffic—Nova Scotia.

J. E. BIGELOW, recalled.

*By Judge McDonald :*

5384. Do you know this man to whom reference has been made?—Yes.

5385. Did you sell him any intoxicating drinks?—No, I do not make any intoxicating drinks.

5386. Was any statement made that he had obtained drinks from you that caused intoxication?—It would be untrue.

*By Mr. Clarke :*

5387. Did you advise this man to settle and pay the fine?—What Mr. Rogers has said is pretty nearly the first I have heard of it. I am often away from the office. I saw Mr. Murray's son, yesterday. When I came home, one time, my partner brought up a letter; I supposed the case was dismissed. When Mr. Murray's son saw me yesterday, I asked him what became of the case, and he said it was settled; and I supposed there was no fine at all.

5388. You did not pay the fine?—I did not know that there was a fine.

5389. Your beer is not intoxicating?—Certainly not.

*By Rev. Dr. McLeod :*

5390. You did not then have any communication with Mr. Murray?—Not to my knowledge.

5391. Or advise him in any way?—No.

5392. Is there alcohol in your beer?—In the beer I manufacture, as far as I know, there is none. It is hard to get a beverage in which there is none. It is not done by fermentation which creates alcohol, but the aerated waters I manufacture, as far as I know, do not contain alcohol. I have other beers, and my opinion is if they contain any alcohol, it is an extremely small proportion, so small that it is almost impossible to keep them in this weather.

5393. What are they known as?—The beer is a tonic.

5394. That is the malt?—No, it has nothing to do with this.

*By Mr. Clarke :*

5395. You are selling that beer to these people now?—Yes.

5396. And the inspector knows it is sold?—He ought to do so.

5397. And the fact of its being alcoholic must have been within his knowledge?—It must have been, if so.

5398. You are trying to sell your beer through the province?—I am.

5399. And if there are intoxicants sold through the province, these officers are not doing their duty?—That is so.

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C. E. STANFORD, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

5400. What is your occupation?—I am a woollen manufacturer.

5401. How long have you resided in Truro?—A little over 23 years.

5402. How long have you been engaged in manufacturing?—During all that time.

5403. How many men do you employ?—At present only four or five.

5404. Do you know anything of the operation of the Liquor Act in Truro?—I do not.

5405. Do you know if any liquor is sold in Truro?—I cannot say personally that I do. I have heard that it is sold.

BENJAMIN D. ROGERS.

*By Mr. Clarke :*

5406. Would you favour the passage by the Dominion Parliament of a general prohibitory Act?—I have thought of that matter sometimes, but I could never come to any decision.

5407. Do you know Mr. Bigelow, who has been examined here to-day?—I know him by sight.

5408. What character does he bear? Is he considered a respectable and responsible man?—I never heard anything against him.

*By Rev. Dr. McLeod :*

5409. You are a manufacturer?—Certainly.

5410. How many hands do you employ?—Only four or five, mostly girls.

5411. Then your employees would not be affected by the drink habit?—There is no drinking to my knowledge.

HARVEY GRAHAM, of Feron, New Glasgow, Pictou County, N.S., on being duly sworn, deposed as follows:—

*By Judge McDonald :*

5412. What is your occupation?—I am an iron manufacturer.

5413. How long have you resided at Feron?—I have lived in New Glasgow all my life.

5414. We have been informed that the Scott Act is in force there?—Yes.

5415. Is it successful in its operation in your neighbourhood?—In the neighbourhood of the works it is.

5416. Have you reason to believe that it is successful in the county as a whole?—Yes, outside of the towns.

5417. How many towns are there in Pictou County in addition to New Glasgow?—There are Stellarton and Westville and Woodburn.

5418. I suppose in those places there is more or less sale of liquor?—I think there is.

5419. How is the state of affairs in your own immediate neighbourhood?—There is no drinking in the country districts in Pictou County.

5420. There is then general sobriety among the people?—Yes.

*By Rev. Dr. McLeod :*

5421. How many men do you employ?—I had over 400 on the roll last month.

5422. Do you prefer total abstainers to drinking men?—Certainly.

5423. Is that your opinion from the moral point of view, or from a purely business standpoint?—As a matter of business.

5424. What is your rule, if you have any, with respect to drinking employees?—To get rid of them as quickly as possible.

5425. I suppose your pay roll is large. What is your annual payment for wages?—Our pay roll last month was \$9,000 and a few hundred dollars over.

5426. Will you kindly state to the Commission how the drink habit affects your employees: first, as to their wage-earning power, and their value to you?—They are not able to earn so much, for they lose time.

5427. About what percentage of time would a drinking man lose in a year?—That would depend on his drinking habits.

5428. Take the average drinker, not a man who drinks very little or a man who drinks excessively, but try and strike an average, and state the time that an average drinker would lose?—Some men will drink and not lose any time, while other men who would not drink nearly as much will lose time. It is almost impossible to give an average: one or two days a month would not be an excessive estimate.

5428a. Speaking generally, then, drinking on the part of employees is not only disadvantageous and a loss to them, but a detriment to your business?—Certainly.

## Liquor Traffic—Nova Scotia.

5429. The existence of the drink trade in the vicinity of your industry is, I suppose, an interference with you?—Yes.

5430. Have you had any special experience as to the effects of drink on men?—Yes, I have had.

5431. Kindly state what your experience has been?—Previous to my present connection I was connected with manufacturing of a different sort.

5432. What was that?—For six or seven years I was connected with a Nova Scotia Glass Company, for two years as secretary and treasurer, and three or four years as manager. I was brought into personal and close connection with the drinking habits of working men.

5433. Had you any other experience in connection with that growing out of drink?—Yes, I have had frequent experiences.

5434. What were they?—With respect to the average loss of time, some men would lose one day a week, a larger proportion of time perhaps than any other class of workmen.

5435. To what did you attribute that loss: was it due to the character of the employment?—I do not think so; not necessarily at all events. I suppose the associations and habits of the class of workmen had more to do with it than anything else.

5436. There were more habitual drinkers?—Yes.

5437. Have you had to discharge any number of men on account of drinking?—Yes.

5438. Do you find the habits of the employees better than formerly?—Yes.

5439. Do you attribute that partly to the effects of teaching, and partly to the enforcement of the Liquor Law?—Partly. The difficulty of securing drink is an educator in itself, I think.

5440. So if there were drinking places in the vicinity of your industry, you would have more trouble?—I would have trouble with the drinking places to begin with, and with the men in the second place.

5441. Speaking of drinking men with whom you have had to do, and some of whom you have had to discharge, what kind of liquor did the men drink, whisky or rum, or what?—Glass blowers are largely beer drinkers.

5442. Were they Englishmen?—I had two classes of men, English-speaking men and foreigners.

5443. Did you find their beer-drinking was really a serious interference with your work?—Yes.

5444. What effect did it have on the men?—It made them drunk.

5445. Sometimes it is claimed before the Commission that beer does not make men drunk?—My experience has been that men do not care to drink beer that will not make them drunk. The beer that has no alcohol in it men do not take much stock in, to use a common phrase.

5446. So beer-drinking among your employees has had the same effect as if they drank whisky?—I think the effect has been worse, if anything, for they seem to stay drunk longer on beer than on whisky.

*By Mr. Clarke :*

5447. The town in which you reside is situated, I believe, in the County of Pictou?—Yes.

5448. Is the Scott Act in force in the towns there?—It is in force in the county.

5449. How is it enforced?—In the towns to some extent. It is enforced well in some places, and not as well in others.

5450. What difficulties are there in towns that do not exist in the country?—The vested interests of the men engaged in the business in the towns much stronger, and there are many more difficulties to overcome.

5451. If there were officers appointed by the Dominion Government, or by the Provincial authorities, whose business it would be to ferret out those places where liquor is sold illegally, would the Scott Act be thoroughly enforced in those towns?—There would be practical prohibition.

5452. Do you think a general law of the Dominion prohibiting the sale of liquor could be operated?—I think so.

HARVEY GRAHAM.



5453. Do you think the people engaged in the trade should be recompensed in any way for the amount of money they have sunk in their distilleries and breweries?—I do not.

*By Rev. Dr. McLeod :*

5454. What effect do you think total prohibition, well enforced, would have on the business interests of the country, and also on the condition of the wage-earning people of the country?—I think it would have a good effect.

5455. You think it would not damage business?—It seems to me that question is answered by the asking.

5456. It would have a good effect on the wage-earning population, in your opinion?—Yes, if men worked six hours instead of five hours they would earn more wages. I should like to make an explanation in regard to the use of beer by workmen. When the glass works were started, we imported a lot of men from the United States, who were in the habit of drinking lager beer, which they imported; and those importations of lager beer were the first, I may say, that we had in New Glasgow. It was found to have a most injurious effect upon the workmen. Latterly, again, we had a class of Bohemian glass blowers, and they insisted on having what they called their light wines from Hungary. Those were as injurious almost as the lager beer.

5457. So your experience of the beer and wine was that they were not preferable to the ordinary intoxicating drinks?—Not a particle preferable. My present difficulty is with another kind of beer.

5458. What is that?—I do not know that it is safe to mention it here. It is with a light beer made in the neighbourhood of the works.

5459. Has it any name?—It is known as "Bigelow's beer."

5460. What effect does that have on the men?—The men tell me it makes them drunk. I do not know whether that is so or not, but that is the common report.

*By Judge McDonald :*

5461. Where were those wines of which you spoke got?—They were said to be obtained from Hungary. They were imported, I believe, in the original packages.

5462. From what section were they received into the neighbourhood?—They came to the port of Pictou or Halifax, I forget which.

C. E. BENTLEY of Truro, being duly sworn, deposed as follows:—

*By Judge McDonald :*

5463. What is your occupation?—I am a merchant.

5464. How long have you resided in Truro?—A little over ten years.

5465. During all that time, have you been in business?—Yes.

5466. What are the habits of the people in this place in the matter of drunkenness?—There is very little indeed here.

5467. It is a sober town?—Yes.

5468. Are there many places in the town where liquor is sold?—I have no idea how many. I should think there are a good many.

5469. Is the sale comparatively open or secret?—I think it has not been so open lately as in formerly was.

5470. To what do you attribute that change?—I think perhaps the law has been more vigorously carried out lately.

5471. Is Truro in a prosperous state?—I think fairly so.

## Liquor Traffic—Nova Scotia.

HENRY RITCHIE of New Glasgow, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5472. What is your occupation ?—I am cashier of the Nova Scotia Steel Works.  
5473. How long have you resided in New Glasgow ?—I have been there 16 years.  
5474. In what county is Ferona, where the works are situated ?—In Pictou County.  
5475. Is it a village ?—Yes.  
5476. What is the population ?—About a thousand.  
5477. How far is it from New Glasgow ?—A mile or a mile and a half.  
5478. The business is carried on in Ferona, I understand ?—Yes, the manufacturing of steel.  
5479. How many men do you employ ?—Between 400 and 500.  
5480. How is the Scott Act enforced at Ferona ?—I think at present very well.  
5481. How is it enforced in New Glasgow ?—Not so well. I think there is a good deal of liquor sold there.  
5482. Do you find during the time you have been acquainted with those two places that drunkenness has increased or decreased ?—I think during the last six months there has been a decrease in Ferona. I think it goes on as usual in New Glasgow.  
5483. Do you think any liquor is sold at Ferona ?—I do not know any place at present, nor have I known any during the last six months.  
5484. Is Ferona outside of the limits of New Glasgow ?—Yes.  
5485. Is it under the county government ?—Yes.  
5486. I suppose you have no regular police force ?—Not so far as I know of.  
5487. Take the length of time you have been acquainted with that section of the country, has there been an increase of sobriety on the part of the inhabitants generally ?—I cannot say that I see very much difference, taking the whole district.

*By Rev. Dr. McLeod :*

5488. You spoke about improvement : can you tell us how the saloons were closed, how it was brought about ?—The saloons in Ferona were closed principally by one man, the Rev. H. R. Grant. He took it in hand himself and saw that the law was enforced. If it had not been for Mr. Grant, liquor would have been sold there just the same as formerly.  
5489. Has he had the cooperation of other people there ?—Yes, he has had the public sentiment at his back.  
5490. What has been the general effect on the working men of the closing of the saloons ?—I think there is a decided improvement in the men. I believe at the present moment there is no liquor sold in Ferona, but of course, I may be wrong.  
5491. Then you think the beneficial effects are apparent ?—Yes.

*By Mr. Clarke :*

5492. Are you a total abstainer ?—I am.  
5493. Do the men work by the piece or by the hour ?—Both.  
5494. Have you had any experience, outside of Pictou County, of the operation of the Scott Act ?—No, I have not.  
5495. Is the condition of things which exists in other towns similar to that which exists in New Glasgow in regard to the illicit sale of liquor ?—I am not sure that I can answer that question correctly.  
5496. Do you think a prohibitory law, if passed by the Dominion Parliament, could be enforced in centres of population like New Glasgow ?—I think it could be ; I think the trouble is in the enforcing of it.  
5497. We understand it is the right of any citizen to lay an information against any one for infraction of the Scott Act. Mr. Grant, of Ferona, has, we understand, been largely instrumental in suppressing the sale there. Is there any public sentiment in New Glasgow in favor of suppressing the traffic ?—They have occasionally hauled up people for selling there. They have a public prosecutor.

HENRY RITCHIE.

*By Rev. Dr. McLeod :*

5498. You have had some experience in Feronia of the closing of saloons, and the effect seemed to be beneficial. What do you believe would be the effect of total prohibition, well enforced, on the business interests of the country, and the condition of the employees in the various industries?—I think it would be an advancement.

JOSEPH J. SNOOK, of Truro, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5499. What is your occupation?—I am a merchant.

5500. How long have you resided here?—All my life.

5501. How long have you been in business here?—About 25 years.

5502. During that time, has there been an increase or decrease in drunkenness, or has it been about stationary?—I do not know much about it.

5503. Do you think there is much drinking in the community now?—I do not know that there is.

5504. Then you are not prepared to say whether there is an increase or decrease of drunkenness here?—No.

5505. Does the sale of liquor go on in this community?—I think so.

5506. Is the place in a good condition as a business centre?—Yes, so far as I know.

*By Mr. Clarke :*

5507. Has the sale of liquor decreased or increased since the present Act has been in force?—I can hardly say.

ALEXANDER GRANT, of Stellarton, being duly sworn, deposed as follows :—

*By Judge McDonald :*

5508. What is your occupation?—I am a merchant.

5509. I believe you are a member of the Legislative Assembly of the Province of Nova Scotia?—Yes.

5510. For what county?—For Pictou County.

5511. Have you occupied any municipal office in Stellarton as Councillor or Mayor?—I was councillor for two or three years, and was Mayor for two and a half years.

5512. Stellarton is under the Scott Act?—Yes.

5513. What is the population of the town?—About 2,400.

5514. Have you reason to suppose that the Act is violated there at all?—It is.

5515. During the last few years has there been any increase or decrease of drunkenness?—There has been quite a decrease, and very much so during the last few months.

5516. To what do you attribute that decrease?—To the enforcement of the Scott Act, and to the fact that the people take more interest in it, and public sentiment is very much in favour of it.

5517. Do you think there has been any improvement in what may be called the moral and religious condition of the population as years have gone by?—So far as temperance goes, there is no room for doubt.

5518. Have you temperance societies?—Yes.

5519. Then you have the influence of religious teaching and the effect of prohibition. Do you think all these influences work together to bring about this result in the community?—Yes.

## Liquor Traffic—Nova Scotia.

*By Rev. Dr. McLeod :*

5520. You are a merchant, I believe?—Yes.

5521. Have you any opinion as to the relative status as customers of those who are drinkers and those who are non-drinkers?—I can give a very decided opinion on that point.

5522. Please give it?—Those who are in the habit of drinking habitually do not pay their bills, and very often leave the country when they get into debt, if they can.

5523. So it is necessary to be a little careful of that class of people?—I have learned to be very careful now, and I do not take them as customers at all.

5524. Have you any views as to what effect the prohibition of the drink trade would have on business?—In Stellarton it would help us very much, this being a mining district. I do not know any place that it would help more.

5525. You say there may be some liquor sold here?—Just now there are only four places.

5526. I understand you to say that there is some liquor sale in Stellarton; but I will ask you whether that liquor sale is the same as it would be if the trade were licensed?—No, the liquor is sold under a good deal of difficulty to those who sell it.

5527. Do you believe from your observation and experience that the law, even with its varied defects, can be enforced by efficient officers?—I think so.

5528. Do you believe a general prohibitory law, prohibiting the importation and manufacture, as well as the sale of liquor, could be as well or better enforced than this local law?—I should suppose decidedly better.

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GEORGE CAMPBELL, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

5529. What is your occupation?—I am a barrister.

5530. How long have you resided in Truro?—About 40 years.

5531. How long have you been practising law?—About 35 years.

5532. Have you held any municipal office, such as Mayor or Councillor?—I was stipendiary magistrate for a short time when the town was first incorporated; I was Recorder of the town.

5533. Have you had any knowledge of the working of the license laws in Truro?—I have had nothing whatever to do with them since the time I was Recorder of the town; I have not been engaged in any matters connected with them.

5534. Are you able to form an opinion as to how the law is enforced in this community, whether there is any sale of liquor?—I have no personal knowledge, but I have no doubt at all that liquors are being sold in the town.

5535. From your observation, has there been any increase or decrease of drunkenness during the last few years?—So far as I can judge personally, I must say that I very seldom see any person drunk, and therefore I cannot say whether there is any drunkenness in the town or not. I am not in a position to give an opinion. I live at this end of the town away from the railway station, and I am seldom out of my house in the evening.

5536. You have not noticed any decrease or increase?—So far as I am personally concerned, I do not know of any increase.

*By Mr. Gigault :*

5537. When the Scott Act was in force in this county, did it work satisfactorily?—I think not. I think it was very difficult to get a conviction under it. I do not remember whether there were any convictions obtained.

5538. Have you had any experience as to the working of a prohibitory law elsewhere than in Truro?—None whatever.

W. DOUGLAS McCALLUM, of Truro, Town Clerk and Treasurer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5539. How long have you held your present position ?—Ten years in November last.

5540. Are you Clerk of the Police Court ?—Yes.

5541. Have you any duties of a special kind to discharge in connection with that court ?—I keep the records.

5542. Do you make out informations against parties ?—Yes, but I have no power to take affidavits.

5543. Warrants are directed to be issued by the Stipendiary Magistrate, I suppose :—In regard to civil matters I have to sign the papers and take affidavits, but not in the police court.

5544. Have you any statement to show the number of convictions in the courts during the last few years ?—Yes, I have a statement of the convictions from the time of the incorporation of the town down to the close of 1891. The town was incorporated in 1875, and the first return is for only part of a year. There were 85 convictions of all kinds : drunk and disorderly, 44 ; drunk and incapable, 6 ; breach of by-laws, 7 ; assaults, 7 ; abusive language, 7 ; larceny, 2 ; liquor selling on Sundays, 2 ; fighting on streets, 7 ; selling liquors to Indians, 1 ; profane language, 2.

5545. Please give the Commission the figures for 1885, ten years later ?—There were 50 cases only, as follows : drunk and disorderly, 27 ; drunk and incapable, 3 ; assaults, 7 ; fighting on streets, 2 ; obstructing sidewalks, 1 ; beating child, 1 ; burglary, 1 ; larceny, 1 ; indecent assault, 1 ; felony, 1 ; frequenting house of ill-fame, 1 ; disturbing religious meetings, 4.

5546. Please give the figures for 1890 ?—The total number is 91, as follows : drunk and disorderly, 47 ; drunk and incapable, 10, disturbing religious meetings, 2 ; fighting on streets, 4 ; assaults, 9 ; larceny, 2 ; throwing stones, 1 ; breaking door, 4 ; abusive language, 3 ; profane language, 1 ; resisting arrest, 1 ; refusing to assist a policeman, 1 ; violation of Health Act, 2 ; vagrant, 1 ; violation of by-law, 2 ; disturbance on streets, 1.

5547. Please give the figures for 1891 ?—The total number was 60 as follows : drunk and disorderly, 25 ; drunk and incapable, 14 ; assaults, 9 ; provoking language, 1 ; keeping house of ill-fame, 4, disturbing the peace in the Y. M. C. A. reading room, 7.

The following is a full statement since the incorporation of the town. [Appendix No. 7.]

*By Rev. Dr. McLeod :*

5548. What increase has taken place in the population of Truro from the time of its incorporation down to 1881, when the census was taken ?—I think the population increased probably from 3,500 to 4,500, or an increase of 1,000, and there has been an increase of 1,500 from that year to the present time. I can give the Commission the figures exactly if needed.

5549. Can you tell the Commission generally speaking what proportion of offences, of which you have given a statement, were not for drunkenness alone, but for offences which drink would be most likely to cause, in other words what proportion are traceable either to drunkenness or to drinking ?—Those which are classified as drunk and disorderly, drunk and incapable, or simply drunk, as in the earlier records where there are entries of drunk, without any other explanation. These three classes of cases will cover I suppose fifty per cent of the whole.

5550. What proportion of the others would be traceable to drink, directly or indirectly ?—A good many of the assaults, cases of provoking language, fighting on the streets and so on are traceable directly to liquor.

5551. What about cases of disturbance of religious services ?—In one or two convictions I call to mind the people were drunk at the time.

5552. Have you reason to believe that statement to be correct ?—Yes, from my knowledge of the men.

## Liquor Traffic—Nova Scotia.

5553. I think you mentioned keeping houses of ill-fame ; do you know whether drink is sold in these places or not ?—I think not. The two cases I call to mind were these : one was a stranger who came here from Halifax, and had not any money whatever I think with which to get liquor. The place was raided and broken up, and the party put in jail. The other place was closed up, and in that place no liquor was found.

5554. Those establishments were very soon broken up ?—Yes, they were here hardly any time at all.

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WILLIAM F. GREENE, of Truro, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5555. How long have you been a member of the police force ?—A little over eight years.

5556. Are you the chief constable of this town ?—No, there is another man ahead of me.

5557. What are your duties ; do you control the town ?—Yes.

5558. You see that Her Majesty's peace is kept in this community ?—Yes.

5559. Do you find your duties in Truro onerous, or is it a quiet, law-abiding town ?—They are not very heavy.

5560. Are you ever brought in contact with the question of the sale of intoxicating liquors ?—Yes, sometimes.

5561. Are there any intoxicating liquors sold in this town ?—Sometimes, I think.

5562. Are they sold in more places than one ?—I think so.

5563. Is there much drunkenness here ?—Not very much.

5564. Then it is an orderly place ?—It is an orderly place.

*By Rev. Dr. McLeod :*

5565. Is your duty in the day time ?—I come on after dinner and stay till twelve at night.

5566. Is there a fairly orderly condition of things about the streets ?—Yes, as a general rule.

5567. Have you noticed any improvement lately ?—During the last two months the streets have been quieter.

5568. Do you mean quieter than before ?—Yes.

5569. To what do you attribute the improvement ?—I think the way the law has been enforced is one cause of it.

5570. Then do you think the better enforcement of the law is manifested in an improved condition of the town ?—Yes.

5571. You do not have many drunken people to pick up ?—Not very many.

5572. Do I understand there are only two policemen in the town ?—Yes.

*By Mr. Gigault :*

5573. Is it your duty to prosecute any violations of the liquor law ?—No, I am not called to do that, except to serve the papers.

5574. But if you believe liquors are sold in a house, is it not your duty to ascertain whether such is the case or not ?—Not that I know of. I have never been instructed to interfere with them.

5575. Is it not the duty of a policeman to enforce all laws ?—Not under our law.

5576. What law have you to enforce as a policeman ?—I have no more business in a house to look after liquor than any one else has, unless I am sent in.

5577. Have you not the right to enter any house in which you suppose liquor to be sold ?—No, not without I have the papers.

*By Mr. Clarke :*

5578. By whom are cases of the infraction of the liquor law brought ?—By the license inspector generally.

5579. You have a license inspector in Truro then ?—Yes.

W. DOUGLAS MCCALLUM.

JAMES McCURDY, of Clifton, being duly sworn, deposed as follows:—

*By Judge McDonald:*

5580. What is your occupation?—I am a farmer.
5581. Do you hold any office in the municipality?—Yes, I hold two or three.
5582. What are they?—I am license inspector for the county of Colchester.
5583. Do you hold any other office?—I am sub-collector of customs.
5584. At what place?—At Clifton.
5585. How large a place is Clifton, and what is the population?—Its population is 1,100 or 1,200.
5586. Is it under the operation of the Provincial License Law?—Yes.
5587. Are there any licenses issued there?—None.
5588. Is there any sale of liquor going on there?—Not in that district.
5589. What distance would you have to travel before you came across any sale of liquor?—I think you would have to go to Truro.
5590. How far is that?—About seven miles.
5591. What kind of population have you at Clifton: are there any manufactories there?—No.
5592. Is it what you generally call a rural population?—Yes.
5593. With some merchants, I suppose?—One or two.
5594. Are they a sober and industrious people there?—Yes.
5595. And are the morals of the community in a good state?—I think they are up to the average.
5596. Have you temperance societies established there?—Yes.
5597. And I suppose you have churches?—Yes.
5598. How long have you been license inspector?—Between two and three years.
5599. Have you had any cases under the Act during that time?—Yes.
5600. Have you had many cases?—I think about 70 or 75.
5601. Does that statement take in the whole of the county?—Yes.
5602. Outside of the town of Truro?—Yes.
5603. Are there any other towns in the county?—No.
5604. Where have those cases generally arisen: in the country districts or in villages?—In both.
5605. Have you had any of the class of cases in which people have sold liquor to parties who have carried it about with them?—Yes.
5606. And other cases where liquor has been sold in houses?—That is it.
5607. Out of the total number of cases, what percentage of convictions have you secured?—I consider about 80 per cent.
5608. In other words, in the larger proportion of cases you succeeded in obtaining convictions?—Yes.
5609. Have you attempted honestly to enforce the law since you have been inspector?—Yes, to the best of my ability.
5610. And you have been successful in doing so?—Comparatively successful.
5611. Do you know of cases that you have not been able to get hold of?—Yes.
5612. And I suppose in some of the cases, having got hold of them, you were unable to secure evidence sufficient to convict?—Yes.
5613. Have you had any difficulty in getting officers to act with you, or under you?—Some difficulty.
5614. Why?—On account of their sympathy with the liquor interest.
5615. Would they excuse themselves from acting?—They declined to act.
5616. Have you the power of a constable yourself while acting as inspector?—To a certain extent.
5617. You may serve papers and lay informations I suppose?—Yes.
5618. In case of conviction have you power to levy distress?—No.
5619. That has to be done by a constable?—Yes.
5620. Have you any power to enter houses on suspicion?—Yes.
5621. With or without information?—Both.

## Liquor Traffic—Nova Scotia.

5622. Would there have to be a sworn information first or could you on suspicion go into a house and make an examination?—I could go in during the day time.

5623. Have you ever acted under that part of the law?—Yes.

5624. I suppose not very extensively?—No.

5625. You only do it in cases where you have grounds to suspect a breach of the law?—Yes.

*By Rev. Dr. McLeod:*

5626. You have stated that in some places, where there is rigid enforcement of prohibition, persons disposed to violate the law carry liquor around with them. Have you found such cases?—Yes.

5627. Have you found many of them?—Not very many,

5628. Have you succeeded in getting convictions in those cases?—Yes.

5629. In how many?—I consider in about half a dozen.

5630. So you succeeded in reaching even those pedlars?—Yes.

5631. Having been fairly successful in your prosecutions for violations under the license law, do you think if there were a general prohibitory law you could enforce it as well or better?—I think I could do as well.

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HENRY T. LAWRENCE, of Truro, License Inspector for the town of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

5632. Do you hold any other office than that of License Inspector for the town of Truro?—Not at present.

5633. Do you find the duties of your office occupy your time pretty well?—Yes, I think there is occupation enough.

5634. Do you have any licenses to inspect?—No.

5635. I suppose you keep an eye on the illicit traffic, is that it?—Yes.

5636. How long have you held the office?—I was appointed in 1883, I think.

5637. Since that time have you found an increase or decrease in the sale of liquor?—At times there has been an increase, and at other times there has been a decrease, according to how the Act was enforced. At times there was nothing done.

5638. Have you, so far as you can, honestly attempted to enforce the Act since you were appointed?—Not at all times, I cannot say that I have, I had also the trouble of fighting the Council of the town and the liquor sellers as well, and I could not fight them both at once successfully.

5639. What was the trouble with the Council?—I got involved in costs in prosecuting liquor cases which were decided against us.

5640. Were you personally responsible?—Yes, a lawsuit was pending in the Supreme Court to recover costs.

5641. Did the Council refuse to pay them?—No.

5642. Did you ever get them?—I have got judgment, and there has been notice of appeal. That had the effect of stopping prosecutions for a year or more.

5643. Were there any changes made in the law?—There were amendments to the law.

5644. Do you now get your costs? I have got no costs directly from the Council since. I have obtained some authority to pay some of the costs out of the fines I have collected during the last few months.

5645. The Council has given you authority?—To pay a certain bill of costs, but nothing further so far.

5646. Have you recently been put in for any costs yourself?—Not recently.

5647. Has the law been enforced more thoroughly of late?—Yes, I think so.

JAMES McCURDY.



5648. To what do you attribute that?—To more activity in conducting prosecutions.

5649. On your part, or on the part of others?—On my part, and with the backing of certain citizens.

5650. In other words, you latterly have had behind you the support of the citizens?—I have had the support of some of the citizens.

5651. That has strengthened you in the discharge of your duties?—Yes, and the law has been made more clear by the decisions of the Supreme Court.

5652. You find now no difficulty in enforcing the law, I suppose?—Yes, I have had a number of cases sent up to the judges of the courts, who held that the Act was *ultra vires* and that the petition was bad.

5653. You have now no difficulty, I suppose?—There is no difficulty of that kind now.

5654. How long has elapsed since those difficulties were removed?—Pretty nearly a year.

5655. From that time there has been a more active enforcement of the law, I suppose?—Not a very active enforcement; only during the last two or three months. There was trouble in regard to different matters.

5656. Do you believe there are any places in Truro in which intoxicating liquors are sold to-day?—I think there are.

5657. Are they sold openly, or secretly, or both?—Largely secretly, although perhaps partly openly.

5658. Are there many such places?—I am not prepared to say how many, but there are five or six perhaps.

5659. With you, of course, it must be a matter of suspicion, for if you know them you would have them suppressed?—I would enforce the law so far as I could get evidence. Not being thoroughly backed up in regard to the payment of my costs by the Council, I do not feel so bold as I otherwise would to make seizures, when the cases might be appealed and I might be thrown in for a bill of costs. Often we have had to pay our own costs, and that is more than the fines amount to.

5660. Have you, in the discharge of your duty, honestly done it without regard to whether the offenders were male or female, or their position in society, or any other reason of that kind?—I think I have, although we have commenced more especially with the saloons rather than with the hotels.

5661. By the saloons you mean places where nothing but liquor is sold?—Yes; largely so.

5662. Have you succeeded in getting rid of the saloon element?—Not altogether.

5663. Supposing liquors are to be allowed to be sold by law, do you think it would be better, in the interests of the community, that they should be sold in a hotel or place where nothing but drink is sold?—I think it would be as well to have it sold just where liquor is drank.

5664. And not in the hotels?—I think so.

5665. You think it better to have liquor sold in what is called the saloon rather than the hotel?—I have no very decided opinion about it, but I think it would perhaps be better.

5666. You have spoken of the difficulties you have had and the aid you have had from persons in the community. Have you had any sentiment appealing the other way?—I think there is a sentiment, though it is not shown. It is not very active.

5667. There are two sets of persons in the community; one that wants the Act to go on, and the other that desires it to be stopped?—Yes.

5668. Have you been between two fires at any time?—Yes.

5669. Have you a right to enter a house on suspicion?—Under the law, yes.

## Liquor Traffic—Nova Scotia.

Rev. A. L. GEGGIE, of Truro, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5670. What is your occupation ?—Clergyman of the Presbyterian Church.

5671. How long have you resided here ?—Going on five years.

5672. During that time it has been as a Minister ?—Yes, of one congregation.

5673. Where did you reside before this ?—In Scotland, in Edinburgh.

5674. So your knowledge of Nova Scotia has been confined to Truro ?—Yes.

*By Rev. Dr. McLeod :*

5675. What were you before you came to Nova Scotia ?—I was a missionary.

5676. You were engaged in ministerial work ?—Yes.

5677. Where ?—In the slums of Edinburgh.

5678. And you saw a good deal of the result of the drinking habit there ?—I did.

5679. Give us briefly the results of your experience ?—I do not know that I could give briefly my experience, but it was of the very worst and most degrading character.

5680. You found the effect of the drink habit entirely evil ?—Certainly. I found men in the slums who once occupied the Christian pulpit, listening to my ministration as a missionary.

5681. You saw there what the free sale of drink did, and you have seen here what the somewhat restricted sale of drink did ?—My experience is that the people of Nova Scotia are far ahead in sentiment and practice of the people of Scotland.

5682. That being so, are there beneficial effects manifest here ?—I give the advantage to the sentiment of this country.

5683. What are the effects compared with the less advanced sentiment in the old country ?—As to the drinking habits of the people, I was associated with St. Johns, Edinburgh. We have very little discipline there. The discipline in our Church for intemperance is very slight. If they were as particular in the old country as they are here, we would never be done with disciplining people. For instance, what I consider an advantage as far as this country is concerned is this : We are in the habit of having wine and spirit merchants elders in the Presbyterian Church in Scotland ; that would not be tolerated here, in our membership.

5684. State your knowledge of the endeavours made here in Truro to enforce prohibition, the difficulties in the way of it, and your knowledge of the success of those attempts ?—For the first two years I felt to a great extent at sea. I did not know the run of the law or the sentiment of the people, and therefore I could not say very much as to the difficulties in the way ; because, whilst I was interested in the general work of temperance, I did not get down to the particular work of enforcing the law. But since the agitation for the repeal of the Scott Act, and the bringing in force of the local Act, I have been largely interested in the work in our town, and generally I have aided the temperance party in this town. As far as I see the difficulty is in enforcing the law, because it is a sort of local or limited prohibition, and a man does not feel that he is under any obligation to give evidence, when he comes face to face with a breach of the law. So men from other towns and from country places can come in and see the law broken, as far as the sale of liquor is concerned, and they are not held responsible as they would be if they had been witnesses to incendiarism or theft. There is another difficulty I see, and that is to secure evidence and to secure the names of parties who are selling.

5685. What does that arise from ?—I cannot speak from my own authority, but from what I have heard. There is a system of shifting bar-tenders from town to town, and even the Inspector cannot lay his finger on the offender.

5686. Has it been attempted to secure the description of the offender without the name ?—No.

5687. Did you receive a circular letter from the Commission ?—Yes.

5688. Did you answer it ?—Not yet, but I intend to do so.

REV. A. L. GEGGIE.

5689. In your experience as a pastor, do you find in your contact with the people that the drink habit and the drink trade, as far as they prevail here, have somewhat similar effects to what they have in Edinburgh?—In what sense?

5690. Do they do evil?—Certainly.

5691. You find the drink habit has not a better effect here than there?—No, with this exception, that I do not think it has as great a hold of the people here as it has there. It is not so respectable in this country as it is at home.

5692. But the effects are the same in character?—Yes.

*By Mr. Clarke :*

5693. Do you deny or deprive people who are not total abstainers of the privileges of membership in your Church?—Certainly not.

5694. Are all the members of your congregation total abstainers?—I would not like to say so.

5695. Are all the members of your Church total abstainers?—I would not like to say so; they are not in the habit of abusing themselves.

5696. Does the same state of affairs exist throughout Scotland as in Edinburgh?—I am a native of the border counties, and that is the condition and there is the same difficulty.

*By Judge McDonald :*

5697. There was a great reformation through the late Dr. Jeffrey, was there not?—I was a missionary there at that time.

5698. You say there is a difficulty in this community in obtaining evidence, when in common criminal cases there would be no difficulty, as in cases of law suits?—Certainly.

5699. To what do you attribute that?—To the law.

5700. In what way?—Looking at it from a layman's point of view, if I were guilty of incendiarism or theft, and an individual did not inform against me, he would be put in the criminal box.

5701. Oh, no?—But if it leaked out, he would.

5702. Unless he was known to be *particeps criminis*, when it might be the duty of the officials to arrest him. What I ask you is this: There is no difficulty as a general thing in the community in getting witnesses, for instance to incendiarism?—There is no difficulty.

5703. The people come willingly?—I do not know.

5704. Do you not find the people unwilling to give evidence in liquor cases, for some reason or other?—Yes.

5705. You heard Mr. Lawrence's evidence, that there are some who aid him and some who are not in favour of the enforcement of the law?—Yes.

5706. Do you think that that side of the sentiment which is unfavourable to prohibition, has an effect in keeping temperance witnesses back, who might give testimony; that owing to their sentiments on the subjects, they do not care to be witnesses?—I think to a large extent. My opinion is that whatever sentiment is in the town of Truro against the enforcing of the law, and prohibiting the liquor business, it is not so much that they are in favour of the business, but that the people are sick and tired of the difficulties in the way of prosecuting the liquor sellers, and we do not know when in the see-saw of events the liquor party will be up and the temperance people down. I think that is owing to the difficulties in the path in the enforcing of the law.

5707. You must have some other class in the town, besides these peripatetic bar-tenders; they are not the only people connected with the business in the place?—I understand the liquor sellers have given a statement that they will not sell any more.

5708. Where do these people sell?—I understand they bring it in and sell it.

5709. Where; in the room at the hotel?—I do not know. My opinion can go for what it is worth, but it is that they have a bar-room in the hotel.

5710. Do you think the law should be amended to reach such people?—Yes, and to destroy the sale in the town, and not only that but the importation into the town.

## Liquor Traffic—Nova Scotia.

5711. And that, you think, a general prohibitory law would do?—Certainly.

5712. Would you believe that there should be a law making a man having intoxicating liquor in his possession, in the town, an offence?—It depends altogether on the reason why he had it in his possession.

5713. Would you accept always the one reason that would be given?—I do not suppose so.

5714. You would not want to prevent the use of liquor for medicinal, sacramental or mechanical purposes?—I think the church can do without it for sacramental purposes.

5715. I understand that some use unfermented wine, but there are a number who think fermented wine should be used for the sacrament, and you would not wish to interfere with them?—No.

5716. So you would allow it for that purpose?—Yes, according to my personal knowledge.

5717. Otherwise you would prevent its being in the possession of anybody?—Yes, to be sold as a beverage?

5718. Or drunk as a beverage?—Yes.

*By Rev. Dr. McLeod :*

5719. Do you think the unwillingness of the witnesses to give evidence is largely due to the fact that the witnesses themselves were parties to the offence?—I think that may be given as a reason for the unwillingness of some, and a reason for the unwillingness of others is that the best of the people think the liquor business is disreputable, and these people do not desire to be in any way connected with it.

*By Mr. Clarke :*

5820. When were the difficulties in connection with the enforcement of the liquor license law discovered?—As far as my memory serves me, when the Scott Act was adopted, or rather when the temperance people decided to make use of the prohibitory clauses of the license law there was a difficulty mooted by men, I will not say friendly to the business, but men who occupied the same position towards it as some of our fellow-citizens did, as to a difference between the Stipendiary Magistrate and the License Inspector. Mr. F. Lawrence was the Stipendiary, and Mr. H. T. Lawrence was the License Inspector, and the relationship was mooted as likely to create difficulty. Mr. McCallum, the Town Clerk, carried on some cases with the knowledge of the Town Council. Cases of *certiorari* were then brought. There were three Judges on the bench, two of whom said the law was unconstitutional, and one said the law was constitutional; and these cases went against us.

5721. How long ago?—Two years ago.

5722. Have the temperance people tried to make amendments in the law?—These cases being decided against us, the ministers banded themselves together, and two Christian gentlemen associated themselves with them, and we petitioned the Local Government. The Town Council contested a case by which we understood the constitutionality of the law would be determined; and now, with some amendments, the License Inspector sees his way clear to carry on a prosecution.

5723. And everything now is going on fairly well?—Yes, perhaps so.

5724. The difficulties are removed, and there is no reason for not carrying out the law?—The first case under the present law under *certiorari* has been as to the appointment of the local Magistrate, and now the question is as to the person who sold the liquor.

WILLIAM GODIN BEACH, of New Glasgow, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5725. What is your residence ?—New Glasgow.

5726. What is your calling or occupation ?—Manufacturer of glassware, tableware, tumblers, dishes, &c.

5727. How long have you been in the business ?—In New Glasgow, about 11 years.

5728. What is the population of New Glasgow ?—Between 4,000 and 5000,

5729. Is it a prosperous place ?—Yes.

5730. It is in the County of Pictou ?—Yes.

5731. That is under the Scott Act ?—Under some Act of that kind.

5732. It is under a prohibition Act ?—Yes.

5733. There are no licenses there ?—No.

5734. Is there any sale of liquor ?—There is.

5735. What efforts are made to enforce the law, or have you any knowledge of that matter ?—Not so much in New Glasgow as in Trenton, where my factory is.

5736. We heard of that from Mr. Ritchie ?—Probably he has given you all the information.

*By Rev. Dr. McLeod :*

5737. You employ a good many men ?—Yes, probably for that county.

5738. Mr. Ritchie gave evidence of the ill-effects of the drink trade on his workmen. Do you endorse that evidence ?—I did not hear his evidence ; I do not think Mr. Ritchie would give any evidence I could not endorse.

5739. He stated that the drink trade was a serious interference with the workmen, that they lost time and wages by it, and that it was also an interference with the industry in which they were at work, and that the restriction and prohibition of the trade had beneficial effects ?—I can endorse all that, looking at it from a purely selfish point of view.

5740. From a business point of view ?—Yes.

*By Judge McDonald :*

5741. Is the sale of liquor of which you have spoken, open, or is it secret ?—I presume it is secret.

5742. You do not see it yourself ?—No ; we have a vigilance committee in Trenton, and try to prevent it. I cannot say personally whether it is sold now or not.

*By Mr. Clarke :*

5743. Do you think a prohibitory law passed by the Dominion Parliament could be carried out ?—I am not prepared to give an opinion.

5744. Would you favour such a law yourself ?—Under certain conditions, I would.

5745. Under what conditions ?—I believe that every member of a community should help every other member of a community.

5746. You are not prepared to say under what conditions ?—I think if all the members of the community would deny themselves a certain amount of what they might call pleasure or indulgence, it would be the best thing for the whole.

5747. Except they do that, do you think such a law could be operated ?—I do not think we could carry it out by law.

5748. Would you be in favour of compensating the people who are engaged in the manufacture of spirits and beer, the brewers and distillers, if a prohibitory law were passed ?—I am not prepared to give an opinion on that, except that, if a man is licensed to do a business, he should be compensated for the cancelling of that license, which deprives him of doing that business, whatever it may be.

5749. Have you any experience of the operation of the prohibitory law in Maine ?—No, except by hearsay.

5750. Or in other counties than Pictou in Nova Scotia ?—Not, except by hearsay.

## Liquor Traffic—Nova Scotia.

5751. I think Mr. Horsey said the Rev. Mr. Grant had been successful in the enforcement of the law?—Yes, I endorse that.

5752. Do you know whether the company you represent recognized his efforts in any way?—They did.

5753. In what way?—Financially and morally, both.

5754. They thought that benefits to their employees and their work had arisen from his active efforts?—Yes.

5755. That was a recognition of business as well as moral benefits?—It was put to him on that principle.

5756. Do your men work by the piece?—Generally, they do.

5757. If they do not work, do your company lose the labour?—We work by gangs, and if one man is idle, he throws out the whole gang.

5758. There is a loss in the output and so the company lose?—Yes.

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THOMAS G. McMULLEN, of Truro, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

5759. What is your calling or occupation?—Lumberman.

5760. How long have you resided here?—Thirty-five years.

5761. And you have been in business for a considerable portion of that time?—I have been in the lumber business for twenty years.

5762. Do you hold any municipal office?—No.

5763. Have you been Mayor or Councillor?—No.

5764. Have you any acquaintance with the working of the liquor laws?—No, except from hearsay.

*By Rev. Dr. McLeod:*

5765. You employ a large number of men?—Yes.

5766. Have you had occasion to observe the drinking habits of your men?—Yes.

5767. Do you find any proportion of them are drinking men?—I think probably from eighty to ninety per cent of lumbermen are men who drink liquor.

5768. They are in the woods for several months?—Yes.

5769. Are they supplied with drink during that time?—No, it is only when they come out. Of course a great many are employed outside and come in on Saturday.

5770. Do the teams carry liquor in to them?—They tried that, but we tried to prevent it.

5771. Why do you try to prevent that?—A man who is on a tear in the night is not fit to work at all the next day.

5772. You would prefer to employ total abstainers?—Certainly. If we could get sober men, who did not drink liquor at all, they would be worth twenty per cent more to us.

5773. They all drink, more or less?—Better leave the less out and say they drink the more.

5774. Can you form an estimate about the time per month a man loses on account of drinking?—I think I would place that at about one day to the week, as a general thing. Some men will lose more, and others not so much, but that on the average.

5775. They lose that in wages?—Yes.

5776. And you lose the work?—Yes.

5777. So you think the drink habit among the lumbermen is a bad thing?—A very disastrous affair to lumbermen.

5778. Do you succeed in keeping the drink away from them during the winter?—We do not do badly in the winter, when they are in the woods; when they get out it is different.

WILLIAM GODIN BEACH.

5779. Suppose you did not use any efforts to keep drink from them, what would be the effect?—If they got all the liquor they wanted, they would not work at all. The whole thing would come to a standstill.

5780. Have you any idea that some accidents have occurred owing to drink?—I think probably three-fourths of the accidents. When a man has three drinks in he feels much more reckless than when he has not had any, and he will venture further than when he has had no liquor, and hence the accidents.

5781. You think, then, it is well to prohibit the drink trade?—I do.

5782. Do you think a general prohibitory law would injure your business or anyone else's business?—No.

5783. Do you think it could be enforced?—I do.

5784. As well as you enforce prohibition on your men?—Yes.

*By Judge McDonald :*

5785. How long have you been in the lumbering business?—Twenty years.

5786. Did this same state of things exist when you went into it?—Yes.

5787. During that time you have had young men who have come in?—Yes.

5788. How do you account for their getting into those habits?—Lumbermen are noted for drinking.

5789. Is it not a fact that raftsmen can stand a good deal more drink than some other people, without it affecting them?—It depends. If they drank it with water, they could, I suppose.

5790. Then it seems to be an incident that attaches to this particular business?—Yes.

*By Mr. Clarke :*

5791. You think a general prohibitory law could be successfully enforced, as successfully enforced as you have succeeded in stamping out this habit among your own men?—Yes, I think so.

5792. And you say about eighty per cent of your employees drink liquor?—Yes.

5793. Do you think if eighty per cent of the population drink liquor, a prohibitory law would be a successful measure?—I do not say that I prohibit my men from drinking liquor, but I do what I can to curtail it.

*By Rev. Dr. McLeod :*

5794. How many men do you employ in the year?—Probably from 400 to 600.

5795. What is about the value of the yearly output of your business?—Perhaps about \$200,000.

5796. What wages do you pay?—I could hardly tell you.

5797. Do you think your men would drink less if you established licensed places around your works?—I think they would drink more.

5798. What is the ultimate effect of all this drinking on your men?—They break down; they are short-livers as a general thing. I have men who have worked with me fifteen or sixteen years who are totally broken down; when they went there first they were active, strong young men.

5799. Do you think the wrecking of these lives is traceable in a good degree to their drinking habits?—Yes.

5800. It is not their work that kills them?—No.

*By Mr. Clarke :*

5801. How many hours a day do they work?—Ten hours generally.

5802. And do eighty per cent of your men become wrecks?—Yes.

## Liquor Traffic—Nova Scotia.

ROBERT S. C. HAMILTON, of Valley Station, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

5803. What is your occupation?—I am a bridge builder and contractor.

5804. In what county is Valley Station situated?—In the County of Colchester.

5805. Is it under the operations of the Nova Scotia license law?—Yes.

5806. Are the provisions of the law well observed in that section of country?—There is no drinking there.

5807. Are there saloons open to the people?—When the people come to Truro they sometimes get a shot in.

5808. Do they take any liquor home with them?—I cannot say.

*By Rev. Dr. McLeod :*

5809. You have heard the evidence of the previous witness in regard to the effect of the liquor habit on workmen. Are you an employer of labour?—Yes, I work for the Government of Nova Scotia.

5810. Do you agree with the previous witness as to the injurious effect of the drink habit on workmen?—I do not employ drinking men at all.

5811. Why do you not employ them?—Because the Government does not allow me to do so. Section 144 of the specification and conditions of construction of bridges, under the Nova Scotia Bridge Act, prevents my doing so.

5812. This is an Act of the Local Legislature?—A. Yes. [Copy of Nova Scotia Bridge Act filed.]

*By Judge McDonald :*

5813. I observe that section 144 of this Act reads as follows:—

“No spirituous or intoxicating liquors shall be allowed to be sold or used on the works, and the contractor shall be bound to prevent, by every means in his power, the use of such by his men.”

I understand that is a provision in any contract signed with the Provincial Government?—It is in any contract I sign, and I am in duty bound to see that it is enforced when I am carrying out work by the day.

5814. Why do you think the Local Government prohibits the sale of liquor on public works and forbids the men employed from drinking spirituous liquors?—It is not safe to have drinking men employed on the work.

5815. Do you mean because injury may be done by them to the work?—The works we carry out are largely bridges over streams, and of course it is not safe to have drinking men about such work, for they are liable to injure others as well as themselves.

5816. Do you think from your experience, which is somewhat extensive I suppose in bridge building for the Local Government, that this is a wise provision to be inserted in any contract made with the Local Government?—Certainly.

*By Mr. Clarke :*

5817. What do you understand by the term drinking man?—A man who indulges in spirituous liquors.

5818. Do you consider that a man who takes one glass of beer a day is a drinking man?—I do not know anything else you could call him; I would not have him.

5819. Are all the men employed by the Provincial Government total abstainers?—I will not keep any one who indulges in drink.

5820. May you not run across some men with whose habits you are not acquainted?—I can generally find out before I employ him.

5821. If you find out that the man drinks even in moderation, do you dismiss him?—Yes.

*By Judge McDonald :*

5822. You are yourself, I suppose, a total abstainer?—No.

The Commission adjourned to meet at Yarmouth on August 4th.

WILLIAM GODIN BEACH.



YARMOUTH, August 4th, 1892.

The Royal Commission on the Liquor Traffic met here this day, at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. McLEOD.

MR. G. A. GIGAULT.

JAMES BURRILL, Mayor of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5823. What is your residence ?—Yarmouth.

5824. What is your occupation or calling ?—I am a merchant.

5825. How long have you been Mayor ?—Since last February.

5826. Have you had experience in municipal offices before that, as Councillor or otherwise ?—Yes.

5827. For how long a time ?—Municipal Councillor nine years, and Town Councillor a little over a year.

5828. What is the difference between the two positions ?—They are very similar.

5829. Is Municipal Councillor for the district outside the town ?—Within the town.

5830. Are both offices elective ?—Yes.

5831. Is the Mayor elective ?—Yes.

5832. What is the population of Yarmouth ?—Between 6,000 and 6,100.

5833. Is it an incorporated town ?—Yes.

5834. Under the provisions of the Provincial law ?—Under the towns' incorporation law.

5835. Is it divided into wards ?—No, it is one ward.

5836. How many Councillors are elected ?—Six.

5837. And these with the Mayor constitute the Municipal Council ?—They constitute the Board.

5838. How many years have you resided in the town ?—Always.

5839. You are a native of the town ?—Yes.

5840. Have you a Stipendiary Magistrate for the town ?—Yes.

5841. And a police force ?—Yes.

5842. How many members constitute the force ?—Four.

5843. With whom does the appointment of Stipendiary rest ?—It rests nominally with the Town Council, but you might say it rests with the Government. He is a Stipendiary Magistrate during good behaviour.

5844. He is appointed by the Government ?—Appointed by the Council.

5845. Any interference with the appointment would be made by the Government ?—It is made by the Town Council and sanctioned by the Government by Act.

5846. And is the salary paid by the town ?—By the town.

5847. By what authority are the policemen appointed ?—By the town.

5848. You have a Town Clerk ?—Yes.

5849. Does he act as Clerk of the Police Court ?—Yes.

5850. He has charge of the records of the municipality ?—Yes.

5851. How long has Yarmouth been incorporated ?—Two years.

5852. Before that was it under county government ?—Under municipal government.

5853. Of what character ?—The County is divided into municipalities, the Municipality of Yarmouth and a Municipality of Argyle.

## Liquor Traffic—Nova Scotia.

5854. Under what law is the town of Yarmouth at present in reference to the sale of intoxicating liquors?—Under the Canada Temperance Act.

5855. Commonly called the Scott Act?—Yes.

5856. And the whole county is under that?—Yes.

5857. For how many years has that been in force?—I think since 1884.

5858. Has there ever been any effort to repeal it?—No.

5859. Was it carried by a large majority?—A very large majority.

5860. Was a heavy vote polled?—Perhaps not as heavy as has been polled, but it was carried by a very large majority.

5861. You think the vote was a fair expression of the views of the county?—Certainly.

5862. Can you give the Commission any information as to whether the Act has been efficiently enforced in this town?—Yes, it has been enforced so far as it can be enforced.

5863. Are the police officers charged with the enforcement of it?—The Chief of Police is the Inspector.

5864. Who appoints him as Inspector?—The Town Council.

5865. Has he the assistance of other officers in the discharge of that duty?—I presume he has.

5866. They are allowed to assist him?—Yes.

5867. Has there been any other system adopted by the Town Council with a view to the enforcement of the Act?—No; that is the only one.

5868. Have there been many prosecutions under it?—Quite a few.

5869. Any recently?—Yes, I think quite recently.

5870. Do you find that the enforcement works right along, or that at certain periods it is more vigorous than at other times?—I think it has worked right along now for two or three years, but there were times previous to that when they would get a little slack.

5871. There would be no enforcement?—Yes.

5872. In your opinion, has it had the effect of banishing the sale of intoxicating liquor from Yarmouth?—As far as possible under the Act and under the machinery employed.

5873. Are there any places in Yarmouth licensed under the Act for what are called druggists' licenses?—No; no licenses are granted at all.

5874. So there is no place in Yarmouth in which intoxicating drinks can be lawfully sold?—Not now.

5875. Any sale would be illicit?—Yes.

*By Mr. Clarke :*

5876. What do you mean by saying the Act has been enforced as far as it can be?—So far as the machinery of the law will allow it to be enforced. Of course, you can only enforce it by means of the Inspector.

5877. Can you suggest any amendments to the Act which would enable it to be more efficiently enforced?—If you placed the law in the same position as the Revenue Law, and allowed the officers to be appointed by the Government, it would be more properly enforced than at present.

5878. You would favour an amendment to place the appointment of the officers to enforce the law in the hands of the Dominion Government?—Yes.

5879. Is there any reason why the Provincial Government should not appoint the officers to enforce it?—No. Probably that would be the better plan.

5880. Has any representation been made to the Provincial Government as to appointing officers for the more efficient enforcement of the Scott Act throughout the Province?—I am not aware of any.

5881. The Town Council, I understand, nominate the Chief Constable to be the Inspector of Licenses?—Yes.

5882. And acting under your instructions, he enforces the law, aided by his staff of constables?—Yes.

5883. Do you think the adoption of the Scott Act has completely stopped the sale of liquor in Yarmouth?—I do not think so.

5884. Do you know how much liquor is brought in here every year?—I do not.

JAMES BURRILL.

5885. Is there any Board of Trade for Yarmouth?—No.

5886. Would you favour the enactment of a Dominion law providing for the prohibition of the importation, manufacture and sale of liquor?—I would.

5887. Do you think that could be efficiently enforced?—I think it could.

5888. Would you favour the payment of compensation to those engaged in distilling and brewing in such a case?—No.

5889. Is there any reason you know of why Municipal Councils throughout the Province should not appoint officers for the enforcement of the law?—I know no reason why they should not.

5890. If there is no special effort made to enforce the law in other municipalities, is it due to apathy, neglect or negligence?—I suppose it is due to the laxity of the parties in power.

5891. They are elected by the people generally?—Yes.

5892. Would you take it that it is due to the apathetic public feeling in regard to the matter?—I think so, in some municipalities.

5893. You think that apathy would be overcome as to the enforcement of the law generally if Dominion Government officers were appointed?—I think so.

*By Mr. Gigault :*

5894. Do you know about how many places sell liquor in this town?—I do not.

5895. Is there much drunkenness here?—Very little.

5896. Are there no places where liquor can be sold for medicinal purposes in this town?—I think not, except the druggists, who are allowed to sell certain quantities under the law. There are none appointed by the Council to do it.

*By Rev. Dr. McLeod :*

5897. You are a business man?—Yes.

5898. Do you employ many men?—No.

5899. Have you done so at any time?—No.

5900. Have you had means of observing the effects of the drink trade and drink habit upon working men and upon employees?—No, very little. I have not come in contact with many of them.

5901. So you are not prepared to express an opinion from observation or experience as to the effect of the drink habit upon employees?—No, because there has not been enough of it.

5902. There is a good deal of shipping in Yarmouth?—Yes.

5903. A good many seamen come in here?—Yes, in the coasting trade.

5904. Have you been able to observe their drinking habits, whether the drink habit among them is general?—I do not think the opportunities are afforded them, but the habit amounts to almost nothing.

5905. Are the seamen who come here for the most part Nova Scotians?—Yes, largely. They are employed in the coasting trade.

5906. It is said that a large proportion of sailors are very much addicted to drinking when in port. Do you think the fact that there is no legalized sale in Yarmouth is a benefit to them, as they have no opportunities of drinking?—Certainly.

5907. You said the Canada Temperance Act had not completely stopped the drink trade, and there is more or less illicit sale. Do you think because there may be more or less violation of the law, that the law is a failure?—No, the law is not a failure by any means.

5908. Is it your opinion, all things considered, that prohibition, such as Yarmouth has, is a benefit to Yarmouth?—It certainly is.

5909. What do you think is the effect of the drink habit, so far as it prevails, upon business generally?—We have not enough of it to enable me to say. Our business men are not men who drink very much liquor.

5910. What effect do you think total prohibition, thoroughly enforced, would have upon the business interests of this country and on the country generally?—I think a very beneficial effect.

## Liquor Traffic—Nova Scotia.

5911. How many seamen come into Yarmouth in the course of a year?—In sailing vessels about 6,000 persons, in steamers about the same number arriving and departing, say, about 12,000 come in and go away in the year,

5912. And there is very little drunkenness?—Very little indeed.

5913. Do you think there would be a great deal more if you had the traffic licensed in the community?—Yes.

*By Judge McDonald :*

5914. You have spoken of a certain amount of illicit sale. Where do you suppose the liquor is got from?—It comes by steam-boats and by rail, principally from Halifax and St. John.

5915. And in such a way that it may be known?—No. I have seen packages come, and you could not tell the parties for whom they were intended. They would be addressed X Y Z and so on.

5916. Would the packages themselves indicate what was in them?—No. The fact that they were marked in that way would show it was not a legitimate trade, not legitimate effects that were being brought in.

5917. Do you suppose liquor comes in packages which would not disclose the contents if addressed in the ordinary way?—I dare say.

5918. Are you troubled, or have you been at any time troubled since the Act came into force by what is known as the walking saloon—people carry bottles round with them?—That is the trouble. "Bottle pedlars" we call them here.

5919. Does that practice prevail to any extent?—Not to any very large extent.

5920. Is it carried on pretty carefully?—I think the majority of the convictions are of that class of people.

5921. Is it carried on with an attempt at secrecy?—Certainly.

5922. Have you had an opportunity of forming an opinion from observation of the kind of liquor that is sold in that way, whether it is pure or adulterated?—No, I do not know anything about it.

5923. Have you observed the effects upon people who have taken it?—No; I know very little about that.

5924. Have you ever had licenses in Yarmouth?—Not within my memory.

*By Mr. Clarke :*

5925. Has drunkenness increased or decreased in Yarmouth in the last ten years?—I do not think it amounts to very much any way.

5926. Do you think it has decreased within the last three years?—I think so.

5927. You say there are 6,000 sailors who come here?—12,000 in and out.

5928. And you have had no difficulty in enforcing the law, notwithstanding the presence of sailors?—No.

5929. These are all coasting vessels?—Yes.

5930. Your experience has been that notwithstanding the large number of sailors coming into port and going out, there is no serious or insurmountable difficulty in enforcing the law?—No.

5931. Do you think the same condition of affairs, under similar circumstances, would prevail in other seaport towns throughout the province?—I think so. I do not see any reason why it should not where there are no licenses granted.

5932. I mean towns similarly situated to this, where no licenses are granted?—I see no reason why the law should not be enforced.

5933. And if it is not enforced, it is due to the apathy of the people and the authorities?—Certainly.

*By Judge McDonald :*

5934. Is this bottle peddling that goes on done mostly by strangers or by people in the town?—By natives of the town.

NATHAN HILTON, Stipendiary Magistrate of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

5935. What is the extent of the district you take in as Stipendiary Magistrate?—The town of Yarmouth and also the municipality of Yarmouth, and then my writs run over the whole county of Yarmouth as Stipendiary Magistrate for the municipality.

5936. How long have you held the office?—For the town during about one year and a half, since the town was first incorporated.

5937. Before that for the County?—For perhaps a dozen years. I have been a Magistrate for 40 years.

5938. Justice of the Peace?—Yes.

5939. You were appointed by what body?—I was appointed by the Town Council for the town, by the Municipal Council for the municipality; but the Government of Nova Scotia, since I was appointed by the town, has taken over the right to appoint the Stipendiary Magistrates themselves.

5940. You hold office during good behaviour?—Yes; I mean to behave myself pretty well.

5941. Are you the person before whom charges for the infraction of the Scott Act are tried?—Yes.

5942. Will you be good enough to state the manner of procedure, and by whom the information is laid?—The informations are laid in this town, and the prosecutions are principally confined to the town; very few come from the country at all, though now and then there may be a case. The informations are laid by the Inspector appointed by the Town Council to enforce the Scott Act.

5943. Do private individuals ever lay these informations?—I do not remember one.

5944. Then after the information is laid, a summons or warrant is issued and the cases are heard?—Yes.

5945. Have you many of these cases?—From 20 to 30 a year.

5946. Do you find any increase or decrease in them within the last few years?—Some years there are more and some years there are less. I am not quite sure about the increase or decrease, but there have not been many this year or last year. I had not time to look over my papers further back than last year.

5947. Are persons who are brought before you generally residents or strangers, or some of both? They are generally residents, but I am glad to say not natives.

5948. Are they persons ostensibly engaged in other business?—Some keep hotels, some keep a kind of boarding house, some keep holes around.

5949. In which you think there is not much business except this traffic carried on?—I do not think so.

5950. Have you any of these bottle pedlars of whom the Mayor spoke, convicted before you?—Yes, quite a number, but they are getting a little sick of it.

5951. You are interested in enforcing the law?—I am intimately in line with it.

5952. Do you find your officers aid you in that matter?—The present officer, I think, is a whole-souled man. He is doing his best, and has expressed his determination to put down the sale of intoxicating liquors.

5953. What is his name?—D. R. Cumming.

5954. Have you behind all that the sentiment of the community in the discharge of your duties in enforcing this Act?—There are some in the community who do not like it at all.

5955. But what is the sentiment of the community as a whole?—I think the sentiment of the community is very largely in favour of it; there are some of them who are a little sleepy.

5956. Some are more vigorous and some are less?—Yes.

5957. Has the enforcement of the law here in the manner you have spoken of had the effect of diminishing the sale of intoxicating liquors?—The fact is there always have been persons who would evade the law if possible, any law which is like the license law. Formerly there were suits, prosecutions and convictions, and we kept the sale

## Liquor Traffic—Nova Scotia.

down as well as we could keep it down. I may say that in the County of Yarmouth, outside of the town itself, there is very little selling of liquor. I do not know of any, and the people are largely teetotallers.

5958. How is it as to the people in the town : are there many total abstainers ?—Many are, probably the majority.

5959. Then there is what you would consider a healthy sentiment in this town in favour of the enforcement of the law ?—Yes.

5960. Are the convictions of which you have spoken for drunkenness or for breaches of the liquor law ?—For the sale of liquor.

5961. Do you have many offenders before you for drunkenness ?—Yes, some.

5962. How are these offences created ? We have heard in some places of “drunk and disorderly” and “drunk and incapable.” Does not your law make a distinction ?—I do not think the law does, and I do not much.

5963. How do you deal with them ?—All the drunken people in the public streets I call drunk and disorderly. I do not think they are orderly, and I fine them and send them to jail.

5964. Have you many of these cases ?—Yes. If I remember aright, there were about 30 cases during last year. There were 150 odd summary convictions, and I think thirty or forty were charged with being drunk and disorderly in the street.

5965. Then how many were charged with illicit sale ?—There were something like thirty, and then as many more cases perhaps, that I could see that liquor was at the bottom of.

5966. Cases of what nature : assault and battery ?—Yes, and larcenies even. People steal under the influence of liquor, who would not steal if they were not under the influence.

5967. Have you had any persons convicted before you under the Scott Act for a second and a third offence ?—Yes.

5968. Have you followed up the provisions of the law with regard to them ?—Yes.

5969. How many during the last two years have gone to jail ?—Only one.

5970. So that there has been only one convicted for a third offence ?—No. But you are aware that the Act provides for a good many first convictions under certain circumstances : a certain person has been convicted, perhaps, more than three or four times without being charged with a third offence.

5971. Judging from the persons brought before you charged with drunkenness, have you formed any opinion as to the character of the liquor sold ?—I know nothing as to the character of the liquor they sell, but I am told that they sell bad stuff. A man who was trading in liquor, and was beaten down by the law, had to give it up—in fact he professed to be converted to temperance principles—told me after that, that the stuff they sold generally cost them 75 cents a gallon ; they made the rest of it.

*By Rev. Dr. McLeod :*

5972. As to the number of drunken persons : you said the number was 30 or 40 ?—Yes.

5973. Were any of those that are known as repeaters ? Were some of those before you more than once ?—Once or twice or three times or four times or five times. I fined one yesterday who has been before me so many times I could not undertake to say the number, and he had the sense to leave.

5974. If there were 30 or 40 separate individuals, that would be less than one a week. And if there were 30 or 40 repeaters the number of drunken individuals is still less ? How many drunken individuals would you say that number would represent ?—It is a guess, but I would say about 20.

5975. About 20 different persons have been before you for drunkenness in the course of a year ?—Yes.

5976. You stated that the offences other than drunkenness were, some of them at least, traceable to drink ?—Yes.

5977. Can you tell about what percentage, or are there a few ?—I think about the same number as were charged with being drunk, say 30. I am within the number, I am quite certain.

NATHAN HILTON.

5978. You have had some experience under the old license law?—Yes.

5979. Was there any difficulty in enforcing the license law?—The same difficulty that there is in enforcing the present law.

5980. Yarmouth was under the prohibitive provisions of that law?—There has never been a license in Yarmouth. I am told there have been two or three, but I remember nearly 70 years and I have been on the Bench of Sessions for 40 years, and in the other ruling bodies in the county, and I never knew a license in Yarmouth.

5981. You said concerning public sentiment that in the main it was behind you; that, however, public feeling was somewhat asleep at times. Supposing public sentiment were not behind you, would you do differently from what you do?—Just what I do.

5982. The discharge of your duty is not dependent, then, on public sentiment?—Not that I know of.

*By Mr. Clarke :*

5983. If the local authorities in other parts of Nova Scotia acted as you have done, it would make no difference whether public opinion were strongly in favour of the enforcement of the law or not?—I do not say that.

5984. What do we understand?—I do not know what you understand.

5985. You do not say that the reason why the law is not enforced in other places is that public sentiment is not at the back of the officers?—I do not know.

5986. How many hotel keepers have been before you for infraction of the law during the last three years?—Two anyway, and I think some smaller ones.

5987. What percentage of the people are in favour of the enforcement of the law here?—Say 75 per cent.

5988. What percentage are apathetic or sleepy?—The whole community are sleepy about it sometimes.

5989. And what percentage are hostile to the enforcement of the law?—I do not know. I do not think there are 25 per cent in favour of rumselling. I do not think 20 per cent.

5990. How many cases came before you, roughly speaking, in your Court last year?—154.

5991. How many of these were for drunkenness?—About thirty for violation of the Canada Temperance Act, fifty-two other offences, cases occasioned by liquor twenty-six.

5992. About half of the whole number arose directly or indirectly from the use of liquor?—Yes, I think so.

5993. Has there been any decrease under your administration?—I do not know. We have always been fighting the rumsellers.

5994. Have more vigorous efforts been made during the last three years to enforce the law?—I do not think so. I do not believe there was as vigorous effort made last year as formerly.

5995. So the greater number of offences—drunkenness and other offences—were on account of the laxity?—I do not think it was scarcely perceptible. I do not think the difference is so much that without great observation and marking down, one would notice it.

5996. There were no licenses issued in Yarmouth for many years?—No, not for forty years sure, and I do not remember any.

5997. Has drunkenness been steadily decreasing during that period?—Why, when I was a boy the old temperance reformation commenced here and the people went into it, and they brought up the young people generally to be temperance people. The temperance principle is very strong in the County of Yarmouth. When I was a boy I remember very many people got drunk—very respectable people. Almost all the people were drunk at times; but the temperance sentiment has been so pushed into the people and the children, that is a generation now that do not drink or favour drinking, much less the illicit buying or selling of liquor, and drunkenness was never very prevalent for forty years in Yarmouth, except now and then when there is a kind of wave.

5998. Have you any special difficulty in dealing with the sailors who come into Yarmouth?—I do not have many sailors before me except for running away.

## Liquor Traffic—Nova Scotia.

5999. You have no special difficulty in dealing with them on account of drunkenness?—No.

6000. When hotel keepers or keepers of houses are fined, what becomes of the fines?—The fines go into the town treasury.

6001. Do you know how much money has been paid into the town treasury on that account during the last twelve years?—I do not know; it was paid to the Inspector. It may have been \$700 or \$800.

*By Judge McDonald :*

6002. Do you find that the same people come before you frequently charged with the sale of intoxicating liquors?—Yes frequently, repeatedly.

6003. So that the cases of the thirty or forty convictions for illicit sale would not affect thirty or forty people?—No.

6004. Just as you have referred to the drunkards themselves?—Yes.

6005. Could you form any opinion how many there are selling illicitly, allowing for these people who are convicted so many times over?—That would be a guess, but I would say about half.

6006. So that there would not be more than twenty distinct individuals?—I do not think there are so many as that.

6007. Do these people generally pay their fine?—Some of them do not.

6008. They go to jail?—Go to jail.

6009. Have you had any who have been fined more than once or twice who have paid their fine?—Yes.

6010. Would you be inclined to believe that those people are selling a good deal one way or another?—Yes, considerable.

6011. It makes with them a kind of high license illegally?—It is not so high as I wish it was.

6012. Do you think there are any persons in Yarmouth who make their living principally by the sale of liquor?—Yes, I do.

6013. Are they of this class you speak of, who keep the hotels?—There are a few of them that I suppose do not make a great deal of money, but they tell me they bring it in in trucks from St. John to Halifax, and by the cars.

6014. Are there any of those who are what might be called of higher standing that you think make the whole or principal part of their living from the sale of liquor?—I am told there are one or two, but I do not know. I am told one or two of the hotel keepers do it.

6015. Of the cases of drunkenness, can you say that the majority are from this bottle peddling?—Well, the bottle peddling here, I am told, is in this way. They have what they call "runners." It is said that the larger houses that keep liquor employ one or two of these men to carry it around the town in bottles, and they are pretty successful, and cunning, to see that they do not employ men who will tell too much of the truth.

6016. Have you any difficulty with people coming in, making a sale and then passing away again?—Very few that I know of.

6017. Have you known of any seizure, and sale, or destruction of liquor here?—Yes, I have.

6018. To any extent?—There was one, I think, where the liquor was valued at \$400.

6019. What did they do with it?—Destroyed it, poured it into the gutter and broke the bottles.

6020. Do you know of more than one?—That is last year, but in previous years I do.

6021. You have spoken of your long residence, and the temperance feeling there was from your boyhood's days. Had you temperance societies in those days?—Yes.

6022. I suppose they exercised an excellent influence on the minds of the community, and especially of those who were growing up?—I know that was so.

6023. Has the religious influence of the community been in favour of the cause of temperance during these years?—Yes.

NATHAN HILTON.



6024. Progressively so?—Yes.

6025. And both these influences have done good?—Yes.

6026. How is it as to the temperance societies since the Act itself came into force? Are they carried on in the same old line?—The old temperance societies are almost all defunct, and such societies as the “Sons of Temperance,” “The Good Templars” and the like have taken their places.

6027. Are they well represented?—Yes.

6028. And they carry on an active work?—Yes.

6029. And you have also the W. C. T. U?—Yes, they came on at the right time.

6030. Do you find the young people join these societies?—Yes.

6031. Have you any reason to believe from your experience in any of the cases brought before you for selling liquor illicitly, that there has been any perjury?—I do not want to be cross-examined on that. I have not any doubt of it; there would be no difficulty in stamping out the liquor trade in Yarmouth in a month, but for that.

6032. Is that at all on the part of the people who are charged, or is it by the witnesses?—The people who are charged, generally speaking, do not go on the stand.

6033. Then it is done by persons who are called as witnesses?—Yes. They have not any memory in most cases. There was a young man before me yesterday who could remember everything better than I could about anything else, but when he came to the liquor in a matter within two or three weeks, he could not remember whether he had got a bottle or not, or whether he got it from a certain individual or not. We could not bring facts to his memory at all.

6034. Have any persons been arrested for perjury?—Yes, one.

6035. Since you were Stipendiary Magistrate?—There were a few years ago, but not since I have been Stipendiary for the Town of Yarmouth.

6036. Taking all the cases that have come before you, for all the different offences, would the proportion of these cases for perjury be greater in these liquor cases than in others?—I have good reason to believe that there are people who will lie in all kinds of cases.

6037. What do you think is the proportion between the cases for illicit sale of liquor and the other summary cases; do you think the proportion in the liquor cases would be less or greater?—I think it occurs more often in liquor cases.

6038. Have you ever had any persons before you who have held what are called druggists' licenses?—None that I know of. The druggists have certain privileges under the Canada Temperance Act; they can sell a certain quantity, and I do not think the druggists here have sold further than that.

6039. You think they have observed the law?—I do not say that.

6040. Do you think they have?—I do not wish to answer.

6041. Have you any knowledge in the way of convictions before you of these people?—I would rather not answer anything about that. One of the druggists was convicted.

6042. Since the time you have held a magisterial position, has drunkenness increased or decreased?—Of course the town has grown remarkably since that time, and there are people who come in from other places and other countries. As to the natives themselves in this country, drunkenness has not increased.

6043. Do you think it has decreased?—The whole county, when I was a young man, was deeply imbued with temperance sentiments, and there was very little drunkenness in the county.

6044. And that state of things has continued?—Yes.

*By Rev. Dr. McLeod:*

6045. You think the law has helped to continue that state of things?—Certainly. You could not get along without it.

6046. Do you think the enforcement of the law has the effect of strengthening the public sentiment?—Certainly, and the public sentiment strengthens the law.

6047. Do you allow men after they have been fined or imprisoned for offences twice, certain liberties in selling? Do they go on selling because there have been fines imposed?—Oh, no. I must express surprise at such a question being asked.

## Liquor Traffic—Nova Scotia.

6048. The fine or imprisonment you impose is not regarded by you as a license to them to continue the sale?—No, nor by them either.

6049. Neither high nor low license?—No.

6050. The punishment is designed to prohibit?—Yes. Sometimes this is done: a person has been fined whose family would be placed in distress if the fine were enforced or if he were put in jail, and upon his promise that he would refrain from engaging in the trade hereafter, the conviction has been held over him, and he has been told "If you engage in it again, the fine will be collected, or you will be imprisoned."

6051. Do you find that these promises are kept?—Sometimes they are and sometimes they are not.

6052. You think there are one or two persons who make most of their living by selling liquor. You do not for that reason refrain from enforcing the law?—I do not think the present prosecutor at any rate will avoid prosecuting every case he is aware of, and I do not hesitate to issue a writ in every case.

6053. As to the character of the violators of the law, are they reputable citizens?—A good many of them are not.

6054. Does the law make perjurers, or is it the breaking of the law that makes perjurers?—I suppose it is the same in regard to stealing. There has been a law against stealing, and yet there are thieves, but the law does not make them thieves.

6055. Are those who perjure themselves in these cases, themselves parties to the violation of the law?—I suppose they are as a rule.

6056. And is their perjury committed to screen themselves?—I suppose the perjury is committed by persons who want to go to the same place and get some more liquor, and if they were to convict a party by their evidence, they could get no more liquor there.

6057. It is your belief that the same persons, for the most part, would perjure themselves if their interests were at stake?—Any time they were squeezed.

6058. Not that the law makes them perjurers?—I do not think the law does.

*By Mr. Clarke :*

6059. Have there been any prosecutions for perjury under these liquor selling cases since you have been Stipendiary Magistrate?—Some years ago, I think there were.

6060. But since you have been Stipendiary for the town?—No, not for the town. It is found to be very difficult to convict the perjurer anyway.

6061. Do you keep a record of the number of times individuals are before you?—I keep a record of all the cases and mark first, second or third offence.

6062. Are there special circumstances here that enable you to enforce the Act vigorously?—I do not know, unless it be that the temperance sentiment has more influence on the officers than they are aware of.

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STEPHEN B. MURRAY, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6063. What is your occupation or calling?—Barrister.

6064. Are you Clerk of the Municipality?—Yes.

6065. How long have you held that position?—A year and a half last January. I am not Clerk of the town.

6066. Will you explain the law in that regard?—The town is incorporated with separate offices, and a separate treasury. Then we have the Municipality, which for certain purposes includes the town, but it consists of the rural districts.

6067. Then the rural part of the County of Yarmouth is divided into two municipalities?—Yes, Argyle and Yarmouth.

6068. Has each of these its own Municipal Council?—Yes, there are two Municipal Councils.

NATHAN HILTON.

6069. Then in the limits of the county there would be three Municipal Councils : one for the town, one for the municipality of Yarmouth, and one for the municipality of Argyle ?—Yes.

6070. And has each of these separate officers ?—Yes.

6071. And you are Clerk of the municipality of Yarmouth ?—Yes ; I have nothing to do with Argyle or Yarmouth town.

6072. Have you anything to do with the enforcement of the temperance law ?—We have an inspector appointed by the Municipal Council at their annual meeting, whose duty it is to look after infringements of the Act ; but since I have been in office, we have had no cases before us.

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DUNCAN R. CUMMINGS, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6073. What is your calling or occupation ?—Chief of Police and Inspector under the Scott Act.

6074. How long have you resided in Yarmouth ?—About three months.

6075. Where did you reside before that ?—At Liverpool, Queen's County, N.S.

6076. What law is in force there ?—The Scott Act.

6077. How is it observed in that section of the country ?—I was appointed Police Constable there in March, 1891. The people could not enforce the Act without a police constable, and I was appointed for that purpose, to keep order and serve the papers. They could not get a constable to serve the papers.

6078. Why not ?—They were not paid yearly.

6079. They were ordinary constables ?—Yes.

6080. How did you find the situation after you were appointed ?—There were a number of warrants that could not be served, and commitments, when I went there. I had about eleven of them ; they formed my first work, and I went through the whole of them.

6081. You were able to find the people ?—Yes, I found them, and those who did not pay were committed to jail.

6082. From that time were you engaged in the duties of a police constable ?—Yes.

6083. Did you find any difficulty in enforcing the law there ?—Not much ; I was able to serve the papers and collect the fines, or imprison the parties.

6084. What is the population of Liverpool ?—2,000 or 3,000.

6085. What kind of business is followed there ?—It is a seaport town.

6086. Are there a great many fishermen there ?—Yes, and sailors.

6087. Outside of them, is there a farming population ?—Yes.

6088. Were there many persons engaged in the sale of liquor there, or only a few ?—It was reported that there were 24 selling when I went there.

6089. Had that all ceased before you left ?—When I left there was only one that we could notice, and that was done by an agent going outside with a bottle. There were no bar-rooms to my knowledge.

6090. Did you notice a decrease of drunkenness during that time ?—Yes.

6091. Do you know how it is now ?—I cannot say.

6092. By whom were you appointed police constable ?—By the Municipal Council.

6093. Is it an incorporated town ?—No.

6094. Had you the aid of the Municipal authorities in the discharge of your duty ?—Yes.

6095. They backed you up ?—Yes, every time.

6096. So that, in your opinion, in that section of Queen's County of which you speak, that was the reason why the Act was fairly enforced while you were there ?—Yes.

6097. It was owing to your doing your duty ?—The Inspector and the policemen.

6098. There was an Inspector besides ?—Yes.

## Liquor Traffic—Nova Scotia.

6099. And you both did your duty?—Yes.  
6100. And it had that effect?—Yes.  
6101. You have been Chief Constable here for three months and also Inspector?—  
Yes.  
6102. Were you brought here for the purpose of being appointed Chief of Police?—  
Yes.  
6103. Have you found any sale of liquor going on here?—Yes.  
6104. Have you made an honest effort to suppress it?—Yes.  
6105. Have you been successful in doing that?—I think so.  
6106. Do you think there is less sale of liquor here now than when you came?—  
Yes, I am sure there is.  
6107. It has diminished during your three months' term of office?—Yes.  
6108. Is it your duty to lay the informations?—Yes.  
6109. And you keep a quick eye on what is going on?—Yes.  
6110. Does your duty require you to be patrolling the town?—Yes.  
6111. All the time you can, I suppose?—Yes.  
6112. Has the selling been done secretly or openly? Have you ever been able to  
make up your mind at once that certain people were engaged in selling?—They were  
doing it secretly, but I found them out.  
6113. Have you any trouble with bottle pedlars?—Yes.  
6114. Do they sell openly on the street or in retired corners?—In retired corners.  
6115. How do the people who buy know of them?—I cannot say.  
6116. Those who wish to deal with them find them out somehow, and get into  
corners to buy from them?—Yes.  
6117. Is there any sale of liquor in Yarmouth now?—Yes.  
6118. Is it of a secret character?—Yes.  
6119. If not, you would soon lay your hand upon it, I suppose?—Yes.  
6120. Were you personally acquainted with this community before?—I was never  
here before.  
6121. So you do not know what the character of these people has been before this  
time?—No.

*By Rev. Dr. McLeod:*

6122. What class of people buy of the bottle pedlars?—What you would call the  
poor class.  
6123. Men who have the drink habit anyway?—Yes.  
6124. Which do you think the more dangerous, the bottle sellers or the hotel bars?  
—The bottle sellers.  
6125. They do more harm in the community?—Yes.  
6126. Would they be more likely to attract young men who have not contracted  
the drink habit than the hotel bars?—I could not answer that. I never saw much of  
the bottle business till I came here.  
6127. Do you think that people who have not yet learned to drink find out the  
bottle sellers and buy from them?—No.  
6128. Or are they for the most part men who are drinkers and determined to get  
drink?—There are men in this town who are bound to drink, and they get it in this  
way, because they cannot get it in the hotels.

*By Judge McDonald:*

6129. Do you think liquor cannot be obtained in the hotels?—I think it can be.  
6130. Do you say these people can get it?—I do not think that class can get it.

*By Rev. Dr. McLeod:*

6131. If the trade were licensed do you think this bottle selling would go on?—I  
do not think so.  
6132. Do you think it would be well to license these bottle sellers?—I do not.  
DUNCAN R. CUMMINGS.

*By Mr. Clarke :*

6133. Do you say the bottle sellers would ply their trade if there was a license trade ?—I do not think so.

6134. Before your appointment as Constable for Liverpool, was there a License Inspector there ?—Yes.

6135. Did he hold office concurrently with you ?—He could not get his work done for want of a constable.

6136. Notwithstanding there being a License Inspector there, there were 20 odd places where liquor was sold in Liverpool ?—Yes.

6137. And upon your appointment you were able to serve the papers, execute the warrants and break up the traffic ?—Yes.

6138. And you have been equally successful here ?—Yes.

6139. How do you account for the fact that notwithstanding there was an officer appointed by the proper authorities in Liverpool, he was not successful ?—He could not get his papers served by the county constables as they were not salaried.

6140. If officers were appointed by Provincial or Dominion Government through the Province, do you think the law would be more efficiently enforced ?—Not if I had to enforce it.

6141. Generally, are local influences brought to bear on the local officers ?—Yes, influences were brought to bear on the Inspector. Politics sometimes come in to hinder the Inspector.

6142. Would not politics come in if the appointments were made by the Dominion or Provincial authorities ?—I think they would.

6143. Then you think the appointment by them would not do any good ?—It might in some cases, but in others it might hinder the work of the officials.

6144. If the people who elect the Town Councillors and the Mayor were extremely desirous of having the law enforced, would they permit politics to interfere in elections, and men to be returned to the Council who would not be particular whether the law was enforced or not ?—It has been so in Queen's County. Politics have interfered with the prosecutions.

6145. And other matters have been considered of greater importance than the enforcement of the liquor law ?—Yes.

*By Mr. Gigault :*

6146. Were you appointed Chief of police because the old policeman died ?—He resigned.

6147. Were the Council satisfied with the previous Chief Constable ?—I understood they were not satisfied.

6148. Were liquors sold in many places in this town when you arrived here ?—I could not say, except that there were bottlers, they were all strangers to me, and therefore it was harder for me to find them out. As I got acquainted, I was able to detect the business.

6149. Have you a right to enter houses where you suspect liquor to be sold ?—I could not answer that question very well.

*By Judge McDonald :*

6150. How many officers have you under you in the police force ?—Three policemen.

6151. Give us their names ?—John W. Holmes, sergeant, James McMillan, Alexander Shaw.

*By Rev. Dr. McLeod :*

6152. They are not on duty in the day time ?—Not unless called ; we are all out at night.

## Liquor Traffic—Nova Scotia.

HIRAM GOUDY, Town Clerk of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6153. Do you as Town Clerk also act as Clerk of the Police Court?—No, but as Clerk of the Municipal Court, and I have some business with the Police Court.

6154. Do you keep the records?—The Stipendiary keeps the records. He reports his doings to the Council.

6155. Are you Town Treasurer?—Yes.

6156. Are the fines which are collected for infringement of the Canada Temperance Act paid to you?—Yes.

6157. Can you state how much has been paid during the last year?—About \$400, as far as I can remember.

6158. And the year before that?—I cannot tell that ; it was under the Municipal Government.

*By Rev. Dr. McLeod :*

6159. Is that \$400 the whole amount of the fines collected in that court during that year?—That is about the total amount.

6160. What proportion of that is made up of fines for drunkenness?—It is principally made up by fines for drunkenness and violations of the liquor laws. That is very nearly the whole amount.

6161. Would the records show how much there is for drunkenness, and how much for violation of the liquor laws?—I think so.

*By Judge McDonald :*

6162. Do you issue a printed statement each year showing the different people who are brought before you, and the offences with which they are charged?—We have not yet.

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SANDFORD H. PELTON, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6163. What is your occupation or calling?—Barrister and Queen's Counsel.

6164. How long have you resided in Yarmouth?—Twenty-five years next November.

6165. Have you had any connection with the administration of the Canada Temperance Act?—I have been acting as attorney for prosecutions ever since the Canada Temperance Act was brought into force in the county of Yarmouth.

6166. How long ago?—In May or August, 1884, the proclamation was made.

6167. You have had the conduct of cases before the Stipendiary Magistrate?—Yes.

6168. Who does the county business?—It is the same Stipendiary for the town and the municipality.

6169. Do your duties carry you to the Argyle district?—Yes, nearly all the prosecutions go before the same Magistrate, who has jurisdiction over the whole county under a special Act.

6170. So you are official prosecutor for the whole county?—Yes.

6171. How long have you held that position?—For over twenty-four years. I conducted the liquor prosecutions under the old License Act also.

6172. There were no licenses under that Act?—None.

6173. Have you found that the law is efficiently enforced in the County of Yarmouth?—I think it is quite efficiently enforced.

HIRAM GOUDY.

6174. As efficiently as it can reasonably be?—Yes, with its present provisions.

6175. Are there any amendments that you would suggest to the Act?—Yes, I think the imprisonment is not commensurate with the fine. That is for the second offence the fine is \$100, and the imprisonment is only two months. I think it should be longer.

6176. How long do you think?—I would double it at least. I have found that very many persons who have been convicted would rather go to jail and spend two months there than pay the \$100 fine, especially as no hard labour is imposed.

6177. Would you add hard labour?—Yes.

6178. I suppose hard labour in the jails is nominal at any rate?—It is not in Yarmouth. Some noted criminals who have been in jail in Yarmouth have said they would rather be in the penitentiary.

6179. Are there any other amendments you would suggest?—Yes. There is difficulty in proving a second offence, in this way: that by the decision of our Supreme Court, you cannot convict the defendant of a second offence unless he is present to be asked whether he has been convicted of the previous offence or not, and when he is summoned and does not attend, it is difficult to prove it. I would have some identification of course, but I think it is an unnecessary provision.

6180. Are you aware that the gentleman who represents this county in the Dominion Parliament introduced some amendments at the last session?—Yes; but they did not touch this question.

6181. Are there any other amendments you would suggest?—These are the principal ones I think of.

6182. Are there any in regard to the appointment of the officers who would enforce the Act? Would you prefer that being left to the local authorities, as the administration of other laws is left, or would you have this specially administered?—Speaking for Yarmouth town and county, I would prefer the appointment by the local municipal authorities from our experience.

6183. Taking the county as a whole, you think there has been an efficient enforcement of the Act?—Yes, a very efficient enforcement of temperance legislation for the last twenty-four years.

6184. Have you had the temperance sentiment of the community with you?—I think so.

6185. Is that a very valuable aid to an officer in the discharge of his duties?—No doubt it is. It encourages the officer and deters people from violating the law.

6186. From your experience, do you think in any county in Nova Scotia where the Act is in force, it can be efficiently enforced, if the authorities do their duty?—I think so in any county in the province.

6187. You do not think there are local reasons in Yarmouth that would not exist in other counties?—I do not say that. I think local sentiment helps the enforcement here, but notwithstanding that, I think the Scott Act could be efficiently enforced in any county.

6188. Have you any knowledge to enable you to account for the non-enforcement in other counties?—No; I can only account for it by want of vigorous prosecution of the Act.

6189. You heard a witness speak of the difficulty in the county in which he lived, that municipal politics helped to prevent the Act being enforced?—Yes.

6190. Do you think that difficulty may exist in other sections?—Yes, there may be a very prominent supporter of one party or the other who deals in liquor. I cannot say of my own knowledge. It does not exist in Yarmouth.

6191. And in Yarmouth we have had evidence as far back almost as the memory of living man can go, that temperance has been the sentiment and total abstainers have been the majority of the people, and that the temperance societies were existing from the earliest days?—Yes.

6192. And is your experience that the temperance societies keep up their work?—Yes.

6193. They are not allowed to lag behind because the Act is in force?—I think sometimes they are more active than at other times.

## Liquor Traffic—Nova Scotia.

6194. And are the young people taking part in this work?—Yes, they are joining the societies. I might state that while there have been a number of attempts made to set aside the convictions during the enforcement of the Scott Act, only one conviction has been set aside out of all we obtained here, and that was because the Supreme Court took a different view of the evidence from that taken by the Stipendiary Magistrate.

6195. Will you give in writing any other suggestions as to amendment of the Act?—There might be some amendments to simplify the procedure and do away with technical objections which are often taken. I am also what you would call in Ontario the County Crown Attorney, and my experience is that it is harder to frame a charge under the Summary Conviction Act than to bring an indictment for a more serious offence.

*By Mr. Clarke :*

6196. Did I understand you to say you would not favour the appointment of officials by Provincial or Dominion authorities?—So far as Yarmouth is concerned, I would personally favour the appointment by the local authorities.

6197. Do you know circumstances in other parts of the province which would render the appointment of officials by the local authorities not as satisfactory as in Yarmouth?—I do not know very much about the practice in other counties.

6198. A good deal of evidence has been given, and many of the witnesses examined have given their opinion, that if Provincial or Dominion officials were appointed they would be free from those local influences which are now said to interfere with the enforcement of the law?—I think political considerations would be more apt to interfere with appointments by the Provincial or Dominion Governments.

6199. You think it would be better to leave the appointments to the municipal authorities?—That is my opinion.

*By Rev. Dr. McLeod :*

6200. What is your belief as to a general prohibitory law, a law prohibiting the manufacture and importation as well as the sale of intoxicating liquors? Could it be as easily enforced as the local law?—I believe it could be more easily enforced to-day than the Canada Temperance Act.

6201. What are your reasons for saying so?—It is much more difficult for the officers to prevent the sale and distribution of liquor after it gets into the community than it would be to prevent its being brought in.

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ANGUS J. McALLUM, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6202. What is your occupation or calling?—Druggist.

6203. How long have you resided in Yarmouth?—Between six and seven years.

6204. Have you any license under the Scott Act for the sale of liquors?—Merely the privilege given under the Act to druggists to sell for medicinal and mechanical purposes.

6205. And for sacramental purposes?—Yes.

6206. Do you know anything about the operation of the Scott Act here?—From observation, just as others would know.

6207. Have you any personal knowledge of it?—Yes.

6208. In what way?—I was indicted 3 or 4 years ago.

6209. For what?—For selling illegally.

6210. You need not state with what result?—The result was a conviction. When I appeared in court I found a man giving evidence on the stand whom I never saw before, and I never heard of his being in town, and I did not know he was in existence.

SANDFORD H. PELTON.



He swore that on two occasions he bought a bottle of rum and paid a dollar for it each time in my store. I contradicted it. In fact I had not any rum, and had not had any kind of liquors in my store for some time. I had him arrested for perjury, and on the trial he acknowledged he had been tampered with. In fact he had been offered \$10 to give this evidence, and he stated he had never been in my store but once and that was to get a newspaper.

6211. What was the result of his trial?—It was tampered with and brought so that it never came to much. It was carried to the Supreme Court. He was used I believe as a “stop witness” at the time. He had evidently been there three or four times before. In the first indictment there was a slight mistake in the papers, enough to throw it out, a mistake of a date, a mistake of a month.

6212. What was the result?—The result was that he got clear.

6213. How long have you been a druggist?—Eighteen or twenty years.

6214. Do you know whether people who use intoxicants ever resort to anything else than alcoholic liquors or fermented liquors?—I believe so, in some cases.

6215. Have you any personal knowledge of it?—I have only a suspicion.

6216. What suspicion?—From buying and hearing of their doing so, and in one case a man said to me he preferred bay rum to whisky.

6217. Do you know of chloral or any other substance of that kind being used in this community?—I would have no way of knowing that particularly?—In making up a prescription, that would be the end of it with me.

6218. Is chloral used in making up prescriptions?—Frequently.

*By Mr. Clarke :*

6219. Is bay rum used in that way?—Only for external use, in baths and so on.

*By Rev. Dr. McLeod :*

6220. Your case was appealed to the Supreme Court?—Yes.

6221. Was it sustained?—Yes, without evidence.

6222. In the case of the man who was indicted for perjury, did the trial proceed to an end?—Yes.

6223. Was he acquitted or convicted?—Yes, to the extent that it was thrown out in these two ways.

6224. Was he tried?—I think he never was tried.

*By Mr. Gigault :*

6225. Do you believe there is a good deal of illicit selling in Yarmouth?—I think there is probably considerable of it.

6226. Has it increased or decreased in late years?—I do not see much difference. I am not much about the streets, but I am generally in my place of business.

6227. Is there a good deal of drunkenness in Yarmouth?—Not very much.

6228. Is there any increase or decrease in the drunkenness?—I do not imagine there is much one way or other, from my observation.

6229. When you sell liquors for medicinal purposes do you sell on a physician's certificate?—Certainly.

6230. Do you sell them often?—Yes. Sometimes a day or two will go by without any, and sometimes there are two or three prescriptions in a day.

## Liquor Traffic—Nova Scotia.

THOMAS DANE, of Port Maitland, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6231. What is your occupation or calling?—Gentleman.  
6232. How long have you resided there?—About 2 years.  
6233. Where did you reside before that?—In Yarmouth, which is my native place.  
6234. Have you had any experience of the working of the Scott Act further than as a citizen?—As a citizen.  
6235. In no official character?—No.

*By Rev. Dr. McLeod :*

6236. You have a somewhat extended recollection of Yarmouth town and county?—I have.  
6237. For how many years?—Nearly 70 years. I am 81 years old, and my sight is as good as when I was a boy. I have never used glasses, and I have not a gray hair in my head.  
6238. Will you give us a statement, briefly, of the condition of things as to the drink habit 65 or 70 years ago and now?—Sixty-five years ago I joined the Temperance Society, the first one that was formed in the province.  
6239. Was the drink habit very general 65 years ago?—It was.  
6240. Did all classes of people drink?—Not quite so much as in years previous to that. There has been a decline in that habit since 70 years ago, right along.  
6241. There has been a steady decline?—Yes, and more particularly after the temperance organization was formed in this county.  
6242. From your observation of the people of the county in these late years, what can you say as to their drinking habits?—They have vastly improved; there is scarcely any percentage of the drinking habits that existed years and years ago.  
6243. Is there one-tenth?—No, not a tenth.  
6244. And you attribute the change, to what?—To the force of the temperance institutions of different kinds?  
6245. To temperance teaching?—Yes.  
6246. Do you attribute it in any degree to temperance laws: have they helped in any degree?—Yes; lately, I think, the Scott Act has been quite an assistance.  
6247. Do you think the effects of temperance teaching would have been as marked had there not been temperance laws to help?—I hardly think so.

*By Mr. Clarke :*

6248. Has there been a marked decrease in drunkenness in the last 10 years?—Marked, but not remarkable. I have taken considerable interest in the temperance reform movement, and there has been considerable advance under the Scott Act.  
6249. I do not think an examination of the statistics will show a very marked decrease during the last 10 years?—No, because there is no necessity to show it.  
6250. Has the decrease been confined to those countries where there has been prohibition largely and prohibitory legislation in force?—I think it has.  
6251. Drunkenness is not so fashionable as it was 50 or 60 years ago?—No, there is scarcely a professional drunkard in the country.  
6252. But the Scott Act has been only 10 or 12 years in force?—Yes, but it has given authority to the temperance people for their associations.  
6253. Have you had any experience, outside of Yarmouth, as to the enforcement of the law?—No.  
6254. You do not know how it is enforced in the other parts of the province?—No, except through the medium of the newspapers and the reports.

*By Judge McDonald :*

6255. In 1874 when the Act was passed, and for years before that, had there been a strong temperance sentiment in this community?—Very strong.

THOMAS DANE.

6256. So that no licenses were issued? Are there any temperance societies in Port Maitland?—Yes.

6257. You did not allow the passing of the Scott Act to influence the stand taken by the temperance societies?—No, they are just the same as ever.

6258. What is the population of Port Maitland?—300 or 400; but that was the nucleus of the temperance organization. The first total abstinence pledge was framed and formed there, and the temperance sentiment is the more marked there because then it was the most drunken place you could conceive. It was in the most awful condition. There is now a man there, 60 or 70 years old, who does not know the taste of liquor. Within 22 miles of that place there could not be found a drinker or a drop of rum.

6259. The movement in the locality where you live commenced 60 or 70 years ago by the voluntary action of the people of the community themselves?—Yes.

6260. Some of whom had been?—Terrible drunkards. Everybody drank at that time.

6261. Who became convinced of the evils of drunkenness and banded themselves together with their neighbours to put a stop to it?—Yes.

6262. And the sentiment has grown since?—Yes. Then temperance societies have been formed, and the Sons of Temperance and the Good Templars have come in, and the Women's Christian Temperance Union and other societies. The people in this county are rather poor, but they are very industrious, temperate and sober, and you will find their houses are neatly furnished. They all have horses and carriages, but their income seems to be so remarkably small that this can hardly be understood; it is merely through their temperance habits. They are also remarkably moral. I have travelled over half the world, through the cities of Europe and the States, and I have not found a people such as they are in this country. They are the most moral and temperate I have found.

6263. In the county of Yarmouth?—Yes.

6264. And in Port Maitland?—They could not be bought.

*By Rev. Dr. McLeod :*

6265. From your knowledge of the people of Yarmouth County, what is your belief as to the public sentiment concerning a general prohibitory law, which would prevent the importation and manufacture as well as the sale of intoxicating liquors?—I think they are well informed on that question, and they are very largely in favour of such a law.

CHARLES C. RICHARDS, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6266. What is your residence?—Yarmouth.

6267. What is your occupation or calling?—Druggist.

6268. How long have you resided in Yarmouth?—I was born here, and I have lived here.

6269. How long have you been a druggist?—I have been 15 years in business.

6270. Under the authority of the Scott Act, are you called upon to sell alcoholic mixtures at all?—Yes, under the Flint amendment, which was passed last session, I can sell liquors.

6271. In your business, is there any sale to any extent of medicinal preparations that could be used as intoxicants?—There could be if we put them out.

6272. A lawful sale?—No.

6273. Are there medicines or preparations sold as such which contain intoxicants and which would not come under a prohibitory law?—Yes.

6274. If druggists chose to sell them?—Yes, lots of them.

6275. From your knowledge as a druggist, do you know of any drugs being used instead of intoxicating liquors?—Yes.

## Liquor Traffic—Nova Scotia.

6276. What kind of drugs?—I have known opium being used in place of liquor.

6277. Anything else?—No.

6278. One gentleman spoke of bay rum?—Yes, I have known that used in this county.

6279. Have you known of eau de Cologne being used?—Never to my knowledge.

*By Mr. Gigault :*

6280. Have temperance societies done a great deal here towards promoting temperance?—No doubt of it.

6281. Do you believe the Scott Act here is well enforced?—Yes.

6282. Is there any illicit selling of liquors in Yarmouth?—I think so.

6283. Do you think there is any smuggling of imported liquors?—I should say not. I think not.

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HEMAN GARDNER, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6284. What is your occupation or calling?—Formerly I was a carpenter. I retired from that trade and I have nothing special now, but I kept a boarding house until a few months ago.

6285. Did you at any time hold an official position?—Yes.

6286. What was it?—It was in 1873 that I commenced as Clerk of Licenses.

6287. How long did you continue?—Until 1882.

6288. Were any licenses issued during that time?—No.

6289. What were your duties?—To prosecute offenders against the License Law. There have been no licenses here for nearly 50 years. The Magistrates at one time refused to grant licenses, and my duty was to prosecute those who violated the license law.

6290. Had you much to do?—I had a good deal.

6291. How many convictions did you secure?—I cannot tell you the number. I suppose the record of the Court would show that.

6292. Who would have that?—Mr. Hilton.

6293. Was it before him they were tried?—Many were tried before him, and many before he came into the town.

6294. Many were fined?—Yes.

6295. Did many go to jail?—Yes.

*By Rev. Dr. McLeod :*

6296. How old are you?—On 23rd of next month I will be 84.

6297. Did you have some difficulty in enforcing the law?—I had.

6298. Did you suffer anything in consequence of enforcing the law?—I did.

6299. In what way?—My property was burnt, my windows were broken and I was personally assaulted on the street.

6300. All because of your enforcement of the law?—Altogether. I knew of no persecution before that.

6301. Were you able to trace it to the guilty parties?—I was.

6302. Were they prosecuted?—Yes.

6303. And punished?—And punished.

EPHRAIM C. SIMONSON, of Tusket, Yarmouth County, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6304. What is your occupation or calling?—Shipsmith.

6305. How long have you resided at Tusket?—Twenty-eight or thirty years.

6306. How large a place is it? A very small village.

6307. What is the population?—From 100 to 200.

6308. Are any particular industries carried on there?—Ship-building principally.

6309. What is the character of the inhabitants? Are they sober and industrious?—Yes, they are sober. I would not say much about their industry.

6310. Do you know anything about the operation of what is commonly called the Scott Act in that district?—We have had very little to do with enforcing the Canada Temperance Act, but we have had very little occasion for it.

6311. There have not been many breaches of it?—Very few. What breaches there have been, have been tried in Yarmouth town by the Stipendiary Magistrate.

6312. Is the Act enforced, or does it enforce itself?—There is very little illicit selling in our municipality.

6313. The feeling of your people is strongly in favour of it?—I do not know that, but it is sufficiently strong to see the law is enforced.

6314. Is there any drinking going on there?—There is some. People come into town, and when they get liquor some of them will drink.

6315. Do any of them ever get drunk so as to be troublesome?—Yes.

*By Rev. Dr. McLeod:*

6316. What officials are appointed for the enforcement of the law?—We have no official at present. Under the old license law we had a Clerk of Licenses, but we have none now.

6317. Who enforces the law now?—It is enforced by private individuals. There are certain individuals in the place who will not allow liquor to be sold if they can prevent it.

6318. Have you any official position in the municipality?—I am a Councillor.

6319. Did you at any time hold any other official position?—I have had petty offices. I was Clerk of Licenses for a number of years.

6320. That was prior to the adoption of the Canada Temperance Act?—Yes.

6321. Did you find any difficulty practically in enforcing prohibition?—I did not. Of course there was a certain amount of opposition to it, but there was a determination on the part of the people to enforce the law. Of course it was left to a very few, as in most places.

6322. And now that the enforcement is left to private individuals they still prohibit the drink?—Yes. I may say that when I was appointed, there was liquor sold in the village in quite a number of places, and quite an amount of trouble was caused by illicit selling. Many people thought it could not be prevented. Others thought it could be, if a proper man was appointed to enforce the law. The result was that it was enforced and the liquor selling was stopped. Since then no one has been able to sell liquor there.

6323. Has there been considerable ship-building at Tusket?—Yes.

6324. During the years that the illicit selling went on, was it found that employees around the ship-yards were affected by it?—Yes, there was considerable drunkenness and loss of time.

6325. And interference with their work?—Yes.

6326. As soon as that was prohibited, was there an improvement?—Yes, a marked improvement.

6327. From your knowledge of the municipality of Argyle, do you think the sentiment of the people is in favour of a general prohibitory law?—I think any one who has given the matter thought, or has had anything to do with the preventing of the illicit sale of liquor, would think that a prohibitory law would be the most effective means of preventing the sale.

## Liquor Traffic--Nova Scotia.

6328. It would be better than the present law?—Yes; the present law is partially good, but it is not as good as it might be.

6329. You think the prohibition of the importation and manufacture as well as the sale would be preferable?—I think all people of sense who have anything to do with the traffic would agree with that.

6330. Do you think the temperance sentiment now in favour of the Canada Temperance Act would express itself in favour of a general prohibitory law?—I do. Perhaps the one exception is the class of moderate drinkers. I am only arguing from what I consider to be the ground they would take. Probably their appetites would lead them to go against the prohibitory law, if it would shut off their liquor.

*By Mr. Clarke :*

6331. You think the moderate drinkers in the community would object to the passage of a prohibitory law?—I think they would not be in favour of it, if they want to have liquor. It would prevent them getting it; consequently they would go against anything which would prevent them getting their supply in their houses.

6332. Have you any moderate drinkers at Tusket?—I do not know that there are very many. There are some who will take a glass if it comes in their way.

6333. You do not know if there are any moderate drinkers now?—Yes, among the inhabitants there are a number of French people, and generally they will take a glass of liquor when they can get it, when it is in their way, especially when they do not have to pay for it.

6334. Where do they get this liquor now?—They send a post office order to Halifax, to have liquor come in by the boats or by stage coaches, or by mail, and by different ways. Perhaps half a dozen or a dozen, who club together, get about ten gallons brought in.

6335. Of the 100 or 200 people in Tusket, how many are engaged in ship-building?—Most of them. Some of them go fishing.

6336. How many are there?—I have known as many as eight full rigged ships there.

6337. How long ago?—Eight or ten years.

6338. Have ships been built there?—Not during the last four years.

6339. Is there any ship-building going on there now?—No.

*By Judge McDonald :*

6340. You think most of the moderate drinkers get their liquor from Halifax by sending for it?—Yes.

6341. How do the other class get it?—By coming into town.

*By Mr. Clarke :*

6342. Into this town?—Yes, this town,

6343. Where do they get it here: have you any idea?—I have an idea. At the hotels.

JOHN WILLIAM HOLMES, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6344. What is your calling or occupation ?—Sergeant of Police.  
6345. Have you a civil occupation besides ?—I have been ship master.  
6346. How long have you been a policeman ?—Nineteen months.  
6347. During that time, have you been the sergeant of the force ?—All except about a fortnight.  
6348. How long have you resided in Yarmouth ?—Nearly all my life.  
6349. Have you had anything to do with the enforcement of the Scott Act ?—Yes, a little.  
6350. In what way ?—My duty is to report to the Chief of Police about drinking, or where it is suspected liquor is being sold.  
6351. If you have reason to believe that the Act is being broken, you report to the Chief of Police ?—Yes.  
6352. Have you had occasion to report any cases to him ?—Yes.  
6353. Were there any cases for selling in public houses ?—No.  
6354. Were there any cases for what is called the bottle peddling ?—Yes.  
6355. Have you yourself seen people engaged in this bottle peddling ?—Yes.  
6356. How is it carried out ?—They generally get some one to go for the liquor. They go and get it, and then they chip in and they sell it to these people. Two or three of the “boys” will subscribe, and they get some one to get it for them.  
6357. Have there been many convictions for this ?—Quite a number.  
6358. Have there been many of these cases that you did not see ?—Yes, plenty.  
6359. Have you been able to come to a conclusion as to where these men, entrusted with the money subscribed for the purpose, went to get the bottles ?—We have good reason to believe we know.  
6360. You have no personal knowledge ?—No, certain knowledge.

*By Mr. Clarke :*

6361. Do the rules laid down for the guidance of the police require them to arrest people who are drunk on the streets, but not disorderly when they are proceeding home ?—I do not know. Some say it is our duty and others say it is not.  
6362. What rule do you yourself observe if you see a person, who is drunk but not disorderly, and proceeding home : do you arrest him ?—No, I would order him home. If I thought he was likely to disturb any one, I would order him off the street.  
6363. But you would not arrest him ?—No.  
6364. Do you meet many such cases every year ?—Yes, at any time, nearly every Saturday night.  
6365. And would not the numbers of those who were able to go home be more than those arrested for drunkenness ?—Oh, yes ; a great deal more.

## Liquor Traffic—Nova Scotia.

ALEXANDER SHAW, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6366. What is your calling or occupation ?—Policeman.

6367. Have you any other business ?—I was a fisherman.

6368. How long have you been a policeman ?—Two years within a few days.

6369. Did you hear the evidence of Mr. Holmes ?—Yes.

6370. Do you concur in it ?—Yes.

6371. Do you wish to add anything to it ?—I do not know that I could.

6372. Do you in the discharge of your duty take the same course that he does ?—  
Yes.

*By Mr. Clarke :*

6373. Has drunkenness increased or decreased within your knowledge ?—I think it is about the same. It was increased for a time when we had no prosecutor, and since we have had one, I think it has decreased very much.

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WILLIAM CORNING, of Checoggin, Yarmouth County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6374. What is your calling or occupation ?—Farmer.

6375. Have you had anything to do officially in connection with the enforcement of the Scott Act ?—I have been a member of the Municipal Council.

6376. In what district ?—In district No. 6 of the County of Yarmouth, in the Municipal division of Yarmouth.

6377. How near do you reside to Yarmouth ?—About two and a half miles.

6378. What has been your experience as a Councillor in connection with the administration of the Act ? What experience have you had in administering it ?—In appointing officers and passing by-laws.

6379. Officers have been appointed to enforce the law ?—Yes.

6380. How many ?—The Inspector only.

6381. Is there any drunkenness in your community ?—Very little.

6382. Is there any sale of intoxicating drinks ?—None at all in our community.

6383. How do you account for the drunkenness ?—It comes from the town of Yarmouth, from people coming in and out from the town, but very little is ever seen in our town.

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ALBERT PERRIN, M.D., of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6384. What is your calling or occupation ?—Physician.

6385. How long have you resided in Yarmouth ?—Fifteen years.

6386. Have you been engaged in the practice of medicine all that time ?—Yes.

6387. Do you know anything of the operation of what is commonly called the Scott Act ?—Yes, I have the knowledge that every one has in the town. I have no particular knowledge of it.

6388. You have no knowledge of a professional character in regard to it ?—No.

6389. You have simply the same knowledge that any other citizen has ?—Yes.

6390. Is the law well enforced ?—It is attempted to be well enforced, but I do not think it is.

ALEXANDER SHAW.



6391. What is the difficulty?—I think the difficulty is that it is almost impossible to enforce it.

6392. Why?—There are some defects in the law in carrying it out.

6393. Do you ever see any people drunk?—Occasionally.

6394. Do you ever see any people drinking?—Yes.

6395. As a physician, have you reason to believe that persons resort to the use of anything instead of intoxicating liquors?—Yes, I have the knowledge to a large extent.

6396. What is made use of?—Chloral, opium and essence of peppermint and bay rum. They will drink alcohol and essence of peppermint, or bay rum, but in place of alcohol some will use morphia or chloral as a stimulant.

6397. Have you any reason to believe there is a drink habit among minors in this town?—No, not in the town.

*By Rev. Dr. McLeod :*

6398. You say the law is not enforced?—They have not stopped rumselling.

6399. Then why need these people resort to the use of drugs?—If a man has taken a pledge and you prevent him from drinking any more liquor, he will resort to the substitute.

6400. He has the conscience as to the stimulant, but not as to the drug?—Yes, he is not breaking his pledge.

6401. One of the questions sent to you as a physician, which you have answered, asks if it is your custom to prescribe alcohol for sick persons. What was your answer?—Yes.

6402. And if persons are in health, what was your answer?—No.

6403. Do you ever give certificates to persons in health to get alcohol?—I never do.

6404. You have never given certificates to persons in health to get alcohol?—No.

*By Mr. Gigault :*

6405. Do you believe there is a good deal of illicit selling of liquors?—I do.

6406. Have temperance societies done a good deal here towards promoting temperance?—On the outside, yes.

6407. Do you think they do more towards promoting temperance than legislation does?—Yes, I think they do.

6408. Is there any increase or decrease of drunkenness in Yarmouth?—When I first came to Yarmouth the old Nova Scotia Act was in force, and there was very little drunkenness, and in fact there were times when there was no liquor to be had here at all. Of late years that has not been the case under the Scott Act ; there has been plenty of rum all over the town.

*By Mr. Clarke :*

6409. We have had testimony as to the efficiency of the Chief Constable and his assistants. Do you think they do all they can to suppress the illicit sale of liquor?—I think so.

6410. And notwithstanding that, there is still a large sale of liquor?—Yes ; and the officers are largely backed up by public opinion.

6411. Still there is a large quantity of liquor being sold?—Yes.

6412. Would a general prohibitory law be more successfully operated?—I do not think it could be. If the Government would prohibit the importation and sale of alcoholic liquors and allow beers and light wines to be sold, it would have more effect.

6413. What kind of effect?—A temperance effect. There would be less drunkenness.

6414. Have you any experience of the operation of the law in the State of Maine?—None.

6415. Or in any other States where prohibition is supposed to exist?—None at all.

6416. Has there been any drinking in rooms by young people getting together and buying a bottle of whisky and finishing it up?—That is the habit. Two or three men will get together and chip in a quarter. One of these men will buy a bottle and they will go to a barn and drink it without water, and the result is they will get drunk. I have seen them do that myself.

## Liquor Traffic—Nova Scotia.

*By Judge McDonald :*

6417. Have you had an opportunity of examining any liquor that is used so as to form an opinion as to whether it is adulterated or pure?—I think the greater part is impure.

*By Rev. Dr. McLeod :*

6418. You made a reference to beer and wine. Do you think the use of beer and wine is promotive of temperance?—I think that would take the place of strong liquors, that is, wine containing not more than 5 per cent of alcohol.

6419. Have you observed that the use of beer and wine leads to excess in any degree?—I know that German and French people drink beer and wines and do not want alcohol.

6420. How would you control the percentage of alcohol? How would you keep persons who deal in beers or wines from selling other liquors than the kind you speak of?—I cannot say.

6421. Do you think there should be more restriction than you speak of?—I do not.

6422. You think there should be free sale?—Yes; and then men could not get drunk on five per cent wine.

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GEORGE W. T. FARRISH, M.D., of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6423. What is your calling or occupation?—Physician.

6424. How long have you practised?—Three years.

6425. Have you heard the evidence of the last witness?—Partly.

6426. Have you any reason to believe that intoxicating liquors are used in this town to any extent?—To some extent, I know.

6427. Do you know in what way, in public or private or both?—I do not know.

6428. Did you ever see any drunkenness?—Occasionally, yes.

6429. Do you think any articles are used as substitutes for alcoholic liquor by people here?—Probably, slightly.

6430. What would be used?—Opium, I think, in the main.

6431. Have you had an opportunity of observing whether there is drinking among the young people in the community, or is it confined to the older people?—I should say it is about equally divided.

6432. Do you know whether chloral or bay rum is used?—I have heard of bay rum being used, but I do not know.

*By Rev. Dr. McLeod :*

6433. Speaking of persons who resort to chloral or opium, are they for the most part persons who have formed the alcoholic habit?—I think so.

*By Mr. Clarke :*

6434. Is there less drunkenness than when you commenced practice three years ago?—I could not say. I think it is much about the same. In three years there would be hardly any difference.

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EDGAR K. KELLY, M.D., of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6435. Where do you reside ?—At Yarmouth.

6436. What is your occupation or calling ?—Physician and surgeon.

6437. How long have you practised here ?—Twenty-seven years.

6438. You have heard the evidence of the other two medical gentlemen ?—Pretty nearly.

6439. So far as you heard it, do you concur with them in your experience ?—In some measure. I do not think I would concur in the opinion that the consumption of light wines and beer would promote temperance.

6440. But as to the fact ?—Yes, I think I would generally concur with them.

6441. Then as to wine and beers, what is your opinion ?—I think they would rather tend to increase the appetite for something stronger in those who have a tendency that way. I do not think it would decrease the use of strong alcoholic liquors.

*By Mr. Clarke :*

6442. Is that the effect produced in the countries where these light wines and beers are used, France and Germany ; do the people crave for stronger drinks towards the close of their lives in those countries ?—I do not know about those countries, but here the only safety for a person addicted to the use of liquors at all seems to be to leave it off altogether.

*By Rev. Dr. McLeod :*

6443. As to matters twenty-seven years ago and now, what change has taken place ?—I think there has been some increase in the town generally in drinking, especially when strangers come in.

6444. Has the increase kept pace with, or increased more rapidly than the population ?—I do not think it has.

6445. Do you think the prohibitory laws here have had any effect in restraining the drinking habit ?—I think so.

ALBERT FULLER, M.D., of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6446. Where do you reside ?—Yarmouth.

6447. What is your occupation or calling ?—Physician.

6448. How long have you practised here ?—Three years.

6449. You have heard the evidence of the other gentlemen of your profession. So far as the facts are concerned, do you concur with them as to the state of affairs in the community ?—Yes, largely. I think the Canada Temperance Act is pretty well enforced, better than I ever saw it enforced elsewhere.

6450. Have you been where it was in force ?—I think I was in Colchester a year when it was in force.

6451. What year ?—In 1880.

6452. We have been at Truro, and were told that there were some local difficulties about the law, as to whether it was properly passed ?—I do not remember that.

6453. How was the law observed there then ?—I think there was a good deal of drinking there in comparison with Yarmouth.

6454. You think it is much better observed in Yarmouth ?—I do.

*By Rev. Dr. McLeod :*

6455. What is your view about the use of wines and beer ?—I think it would tend to increase drinking decidedly.

## Liquor Traffic—Nova Scotia.

6456. Have you any experience as a surgeon in hospitals?—I spent nearly a year in Halifax hospital.

6457. Had you many cases of injury by accident?—Yes.

6458. Do you find any difference in the rapidity of recovery between men who have the drink habit and those who have not?—Yes.

6459. What is the difference?—I think in the case of a man who has the habit of drinking, if you take the stimulant away from him, you decrease his chances very much.

*By Mr. Clarke :*

6460. Do you give stimulants in case of illness to carry the patient over the crisis?—Yes.

6461. How do you account for the better enforcement of the law here than in Truro?—Public sentiment is more in favour of it, and the men in charge take it more in hand.

6462. Would you attribute the defect in Truro to the lack of public sentiment?—I do not know, but there was a good deal of drinking there.

6463. The law was not observed?—Not as it is here.

6464. Have you had any other experience?—In Windsor, in the county of Hants.

6465. Is there any drinking there?—A great deal.

6466. When were you in Windsor last?—Last summer, but only for a short time.

6467. Were there evidences of disregard for the law then?—I saw plenty of drinking then.

6468. Is Windsor an incorporated town?—I think it is now, but when I lived in its neighbourhood it was not.

6469. If they desired to enforce the law there the people would do as they do here, appoint a strong and efficient officer to secure its enforcement?—I suppose so.

6470. The Town Council appoints the Chief Constable here?—I think so.

6471. So in appointing an efficient officer they are only reflecting the public sentiment?—I think our town councillors are strongly opposed to the liquor traffic, and they are enforcing it through conviction as well as public sentiment.

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J. N. BARNABY, M.D., of Ohio, Yarmouth county, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6472. What is your occupation or calling?—Physician.

6473. How far from Yarmouth do you live?—Seven miles.

6474. How long have you practised there?—Since last spring.

6475. Where before that?—At Mill Village, Queen's county, nine miles from Old Liverpool.

6476. At Ohio is the law enforced?—First rately ; we have no drinking there, there is nothing to drink.

6477. You think there are no persons in that community who take any liquor?—I think not.

6478. What is the population?—800 persons.

6479. Are they all total abstainers?—I think so, so far as I know.

*By Rev. Dr. McLeod :*

6480. Have you had experience in other counties?—I have, at Liverpool, in Queen's county, and at Bridgetown, Annapolis county.

6481. What was your observation of the working of the temperance law in those places?—With the work of the temperance societies and the Scott Act, the tendency has been to keep in check this great evil, which is spreading over the province.

ALBERT FULLER.

6482. Is it checked?—It is in Bridgetown and Liverpool to a certain extent. Even when the Scott Act was in force in Liverpool, there was a good deal of drinking clandestinely. Liquor was got into rooms, and there was drinking by the young and the old. Even parties who were prosecuted and subsequently removed their bars, kept them going privately.

6483. Did it occur to you that it would be better to legalize them?—It did not. I do not think that is the way to get rid of the evil.

6484. Do you think that, all things considered, the law with all its defects and imperfect enforcement, has done good?—I cannot but say it has so far as it has been a check to this evil; but it does not remove it as long as we permit the manufacture and importation.

*By Mr. Clarke :*

6485. Is the evil spreading over the province?—I cannot say so far as the province generally is concerned.

6486. Has it increased in those places you spoke of?—I cannot say.

6487. Has it decreased?—I do not know. I think it remains about as it was.

6488. For about how long?—For the last two or three years.

6489. How long have these places adopted the Scott Act?—Queen's County adopted the Scott Act at the time of the elections, and so did Annapolis County.

6490. More than three years ago?—Yes.

6491. And notwithstanding that the Scott Act has been in force for three years or more, there has been as much drunkenness as before?—I cannot say that there is anything like open drunkenness, but there is a good deal of moderate drinking.

6492. Could you suggest any amendments to the Scott Act to improve it?—I have never thought sufficiently of it to do that.

6493. Do you think the appointment of officers by the Dominion or Provincial Governments would result more satisfactorily?—I think so, if the officers had it in their power to give us a prohibitory law.

6494. Then the Scott Act is not a prohibitory law in your experience?—It has been as well carried out in Annapolis County as any I have any knowledge of; it has checked the evil.

6495. It has not stopped the sale?—No.

*By Rev. Dr. McLeod :*

6496. Do you suppose that if the restrictions which do operate by reason of this law were removed, the evil of which you speak would be likely to increase?—I do.

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WILLIAM A. C. RANDALL, M.D., of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6497. Where do you reside?—Yarmouth.

6498. What is your occupation or calling?—Physician.

6499. How long have you practised here?—Twenty years in this county.

6500. How long in the town of Yarmouth?—Twenty years.

6501. You have heard the evidence of your brother physicians who live in the town of Yarmouth?—Most of it.

6502. Do you concur in it as to the state of affairs in this town?—Yes, largely.

6503. Have you reason to suppose there is no sale of liquor going on among young people and minors?—I have no knowledge.

6504. Have you any knowledge of the character of the liquor that is sold in the community, whether it is pure or adulterated?—There is very little of it that I call pure; it is very seldom I see any of the liquors drunk or used. Medically they are not pure and are unfit to be used for medicine.

## Liquor Traffic—Nova Scotia.

6505. You think, apart from the intoxicating effects of these liquors, there are substances used for purposes of adulteration in them?—I think so.

6506. Have you reason to suppose that the use of opium or chloral exists to any extent in the community?—I have no personal knowledge as to that matter.

*By Rev. Dr. McLeod :*

6507. Has the whole of your professional life been spent in Yarmouth?—No.

6508. Where else?—In Lunenburg county, principally, for fifteen years.

6509. That is an agricultural district?—Agricultural and lumbering combined.

6510. What has been your observation, not only in Yarmouth but generally, of the effects of laws which are designed to prohibit the trade : were the effects good or bad?—Good when the laws are properly in operation.

6511. Will you state your view of the character and effects of the drink trade as such?—The character of the traffic morally is demoralizing and injures the morals not only of those who drink but of the community, and it destroys physically those who use it.

6512. What effect has it on business, do you think?—I should think it would retard and interfere with business very much, especially if the employees were addicted to the use of it, as it would incapacitate them for the work they had to do.

6513. It is said that if the liquor manufacturers did not provide a market for barley and corn and other materials, the farmers would be badly off?—I think it would make bread very much cheaper if grains were used for legitimate purposes instead of being manufactured into alcoholic liquors. That is one of the effects it would have at first.

*By Mr. Clarke :*

6514. Do you mean that it would lower the price of barley and corn and wheat? Would that be to the advantage of the farmers?—Would it not be an advantage to the public generally?

6515. What would be the effect upon the farmer?—I do not know that it would be particularly to his advantage to cheapen the price of bread, but I think it would be an advantage to the community generally.

6516. What is the effect upon the community when these prohibitory laws are not observed and are flagrantly violated?—There is an increase in drinking, and evil is the result.

*By Judge McDonald :*

6517. What is the effect upon the community of a law adopted and not observed : is it beneficial or the contrary?—I should think it would have an evil effect upon the public.

*By Rev. Dr. McLeod :*

6518. If the thing is regarded as bad and injurious and evil, and the law against it is violated in some respects, do you think that it is better to have a law against it rather than that it should be legalized?—I think it is better to have the law against it. I do not believe in the legalizing of evil in any way. If it is wrong, it is wrong, and you cannot make it right by legalizing it.

JACOB KELLEY HATFIELD, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6519. What is your occupation or calling ?—Shipmaster.

6520. How long have you resided in Yarmouth ?—I am a native of Yarmouth, but I have resided here for last ten years. Being a sailor, I have been mostly sailing out of England to the West Indies and Australia.

6521. Are you in active nautical employment now ?—No, I am lying off now, and have been for these ten years.

6522. Have you during that time had an opportunity of observing the working of the liquor laws in this community ?—I have lived in the town and been about and have observed, though not particularly.

6523. Is there any special circumstance in connection with the trade that you have noted ?—I am perfectly satisfied there is a large amount of liquor sold and drunk in the town.

6524. Have you had any opportunity of forming an opinion as to the kind of liquor, whether it is adulterated or pure ?—Occasionally I take a drink myself, and I always find it is good.

*By Mr. Clarke :*

6525. Did you ever live in any country where total prohibition existed ?—I have been for three or four months at a time in the West Indies, Calcutta, in Australia and in other countries, but such an idea as prohibition never occurred to any one there. I never heard them talk about it.

6526. And notwithstanding the vigilant enforcement of the Act here, you think there is a good deal of liquor purchased and drunk ?—Yes, I am satisfied of that.

6527. Do you attribute that consumption to sailors who visit this port ?—There are very few sailors who come to this port. Ships are built and go away. They do not get their crew here. There are a few occasionally. Last evening I saw five or six drunken sailors on Main street.

6528. Do they bring the liquor with them, or do they procure it here ?—I cannot say, but I saw them staggering up Main street, and I turned and looked after them.

6529. Have you had any experience in the State of Maine ?—No.

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HUGH M. IRVINE, of Grenville Ferry, Annapolis County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6530. What is your occupation or calling ?—I am a merchant and postmaster at Grenville Ferry, Annapolis County.

6531. Do you occupy any position in connection with the liquor laws ?—I am inspector for the whole county of Annapolis.

6532. So you are actively engaged in connection with the Act ?—Yes.

6533. How do you find the Act working there ?—Very well.

6534. Is the county under the Scott Act ?—Yes.

6535. Do you find yourself able to enforce it ?—Yes, sometimes, when I can get efficient constables under me.

6536. Is there any drinking there ?—A little.

6537. You honestly endeavour to enforce the law ?—Yes.

6538. Have you the weight of public sentiment in your favour ?—Yes.

6539. The people are honestly endeavouring to carry it out ?—Yes ; I have been six years at it.

## Liquor Traffic—Nova Scotia.

6540. Have you had any opportunity of observing, in the case of prosecution, whether the liquor sold is pure or adulterated?—I never tried any of it, but from what they say, it is adulterated; sometimes the witnesses say they cannot tell what it is.

6541. Do you suppose that is because it is adulterated, or because the witnesses are not willing to give testimony?—No.

6542. Do you think the witnesses come out entirely with the truth?—It is pretty hard to get them sometimes.

6543. Is that done with a view of preventing conviction?—Yes.

6544. Is that motive in favour of persons prosecuted?—Yes, and to shield the rumsellers.

*By Rev. Dr. McLeod:*

6545. Have you many cases of prosecution?—27 last year, and 17 the year before.

6546. In how many cases did you succeed in securing convictions?—Last year 17 out of 27, and 11 out of 17 the previous year.

6547. Was much money collected in fines?—Between \$500 and \$600 last year, and about \$500 remained uncollected, which was collected this year.

6548. And the year before?—We collected all the fines.

6549. You receive a salary, I suppose?—Yes, paid by the Council.

6550. The fines are for that purpose?—They go to the Council, and they pay me out of the fines.

6551. Have there been any cases of imprisonment?—Yes, two.

6552. In the course of last year?—Yes.

6553. For what period?—One since June—the person has just got out of jail—and one last year.

6554. Have you succeeded to any good degree in the suppression of the illicit sale of liquor?—Yes; when I commenced there were from ten to twelve open places in Annapolis, and to-day there is no liquor sold openly there. That is in Annapolis town.

6555. Where is the greatest difficulty: in the town?—No, at the upper end of the county, the village of Middleton.

6556. You think the illicit selling is reduced to a minimum?—Yes, of course there is some bottle selling; and where the cars and vessels are coming in every day, it is almost impossible to drive it out entirely.

6557. Are the effects of prohibition manifest in the county?—Yes.

6558. In what way?—By greater sobriety.

6559. Do you think they are also manifest in the better condition of homes and more regular working of employees?—Yes. I was talking to a grocery man, who said that now he could get his money and before he could not. Before there was a rum shop alongside of his place.

6560. Do you find great difficulty in enforcing the law?—No, sometimes I have not an efficient constable, and if he does not do it, I do it myself.

6561. Do you believe that efficient officers of the law can enforce a prohibitory law as well as any law against petty offences?—Yes. The only difference I would make would be to destroy the liquor whenever I come across it.

6562. From your knowledge as Inspector, what is your belief as to the feeling of the people about general prohibition, which would touch the manufacture and importation as well as the sale?—That would carry unanimously, if we had a chance to vote for it.

*By Mr. Clarke:*

6563. You do not mean the vote would be unanimous?—The other party would be so ashamed that they would not go to the polls and vote. They did not on the Scott Act.

6564. Did the people vote unanimously on the Scott Act?—There were very few on the other side.

6565. And yet you have 27 cases after six years' service?—Yes.

6566. What do you mean by saying "if you have efficient officers?"—They sometimes do not appoint them.

6567. Who appoints the constables?—The Council.

HUGH M. IRVINE.



6568. The same body that appoints you?—Yes.

6569. And yet the same officers do not assist you?—Some of them do not.

6570. Do you report them to the Council?—No, I change about; if I am tired of one, I take another one. I have here a resolution adopted by the Lodge of Good Templars. [Appendix No. 8.]

*By Judge McDonald:*

6571. There is a strong temperance sentiment in Annapolis?—Yes.

6572. Are there many temperance societies?—Yes.

6573. How long has that state of things existed?—It has been growing of late years.

6574. The people have not dropped all their old temperance organizations because of the adoption of the Act?—No, we keep them all.

6575. And you find the influence of the general law is in the same direction?—Yes.

6576. What towns are there besides Annapolis and Middleton in the county?—Bridgetown.

6577. Are some of these places on the line of railway?—Yes.

SAMUEL M. RYERSON, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6578. What is your occupation or calling?—I am a farmer, but I live in town.

6579. How long have you lived here?—I lived in the country about eight years, until two years ago. I have been here altogether about 45 years, and have lived 37 years in the town.

6580. Have you been Mayor here?—No; I have been a merchant and ship owner here.

6581. Have you been a Magistrate?—Yes.

6582. Have you had any experience of the working of what is commonly known as the Scott Act?—No.

6583. As a citizen, have you observed how it has been enforced in the community, whether there has been any drinking of liquor?—I think the Act has been very well enforced; how much drinking there is, I do not know.

6584. Have you seen any drunkenness?—Yes, some, but not much.

6585. Is there an increase or a decrease as compared with previous years?—A slight decrease considering the increase of population, which has been fully 100 per cent.

*By Mr. Gigault:*

6586. Have you had any experience as to the working of the Maine prohibitory law?—No.

6587. Did you ever travel through the State of Maine?—Yes, many times.

6588. Were there any liquors sold?—I never found any difficulty in getting what I wanted.

6589. So liquors were sold?—I think so, years ago. I was in many towns in the State of Maine 15 or 20 years ago. Liquors were always sold at the hotels when I stopped there.

6590. Are the physicians very careful here in giving certificates to persons to obtain liquor?—I think so.

## Liquor Traffic—Nova Scotia.

GEORGE W. JOHNSON, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6591. What is your calling or occupation?—I have been engaged in manufacturing generally since I have been here.

6592. How long have you lived in Yarmouth?—About thirty-four years.

6593. Have you held any position here as Councillor or Mayor?—As Councillor.

6594. Are you a Councillor at the present time?—No.

6595. Have you been able to form an opinion on the working of the Scott Act in this community?—I have not given it much thought or study.

6596. From observation of the working of the Act, do you think it is efficiently enforced?—Fairly so ; I think more so than in any other town I am acquainted with in Nova Scotia.

*By Rev. Dr. McLeod :*

6597. In what kind of manufacturing are you engaged?—In the iron business principally.

6598. You employ a considerable number of men?—Yes.

6599. You have been engaged in that business for a number of years?—All my life.

6600. Have you observed the effects of the drinking habit on your employees?—Yes, and I have felt it.

6601. What effect has it on their wage-earning power?—It lessens ; it has only one effect, and that is evil.

6602. What effect has in on your work?—The same.

6603. Does it interfere with and injure your work?—It does.

6604. Then from a business point of view, do you believe that prohibition of the trade would be an advantage?—Certainly. It is so in the State of Maine. I am a native of the State of Maine.

6605. How long did you live there?—Until I was twelve years of age, and I have since been there frequently. I spent a year in Portland some years ago.

6606. You have observed the working of the prohibition law in Maine?—I have.

6607. Will you state your view of the operation and effects of the Maine liquor law?—It is very difficult in the State of Maine even now for a native of that State or a native of a border town to get liquor in that State. Strangers might get it, that is the case everywhere. I do not know where to get a bottle or a glass of liquor in this town, but several of my friends from the States have been here and have no difficulty in getting a bottle of liquor.

6608. Is that because they are here to-day and off to-morrow?—Because they do not stay to give evidence against the sellers of liquor.

6609. Do you believe that the law against the liquor traffic in Maine is as well enforced as are the laws in the State against other offences?—I do not know so much now, but I think in years past it was so. I witnessed a riot in Portland, when the ruffians attempted to storm the City Hall. I saw some shooting down there. They were strongly opposed, of course, to Mr. Dow, who was Mayor at the time, and while he was in office the liquor interests were aroused to put forth all their strength. They even attempted to storm the City Hall, and take the liquors from a liquor store.

6610. Is it your belief that the liquor law is workable and has good effects?—I do believe it has had a beneficial effect.

6611. Are you acquainted with the rural districts of the State of Maine?—Very little. I am acquainted with the people of Bangor and Portland chiefly.

*By Mr. Clarke :*

6612. How long is it since you have been in Portland?—About six or seven years.

6613. And the law was rigidly enforced then?—Strangers would find very little difficulty in getting liquor.

6614. Does the same rule obtain here?—I think so.

GEORGE W. JOHNSON.

6615. The liquor sold in Yarmouth is sold to strangers?—I think more to them than to the citizens of the place.

6616. Are they strangers who were brought up in the police court for drunkenness?—I think so frequently.

6617. Do you know the percentage?—I cannot say; I have seen many strangers drunk about the streets, very few citizens.

6618. You say that many of those brought up for drunkenness in the police court are strangers?—I do not go to the police court, but I have heard of many being taken there.

6619. And as a resident of Yarmouth, you do not know where to go to get any liquor in Yarmouth?—I do not know by personal knowledge.

6620. Do you know by hearsay?—I hear of places.

6621. In what other towns in Nova Scotia have you had experience?—I have a knowledge of most towns in Nova Scotia, Cape Breton and Prince Edward Island.

6622. Is the law better enforced here than in the other towns?—Yes.

6623. Is not the law as well enforced in other towns?—I think the improvement is much less marked.

6624. Since when?—In 30 years, the improvement here has been steady.

6625. How many men do you employ?—We have had as many as 300 at one time. I have nothing to do with the business now.

6626. Were all your men total abstainers?—No.

6627. How many of the moderate drinkers lost time?—Very few; we would not employ any but temperate men.

*By Judge McDonald:*

6628. Do you mean men who do not get drunk, or total abstainers?—Total abstainers, but we have employed moderate drinkers, not knowing what they were at the time.

6629. But you employed none but total abstainers when you could get them?—No.

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THOMAS B. CROSBY of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6630. What is your calling or occupation?—Manager of an Insurance Company at present, formerly Municipal Clerk, and in business.

6631. How long have you resided in Yarmouth?—It is my native county. I have lived in Yarmouth all my life except 13 years, when I lived at the neighbouring village of Tusket.

6632. How long is it since you were Municipal Clerk?—Four years.

6633. Have you heard the evidence given here this afternoon by your fellow citizens?—Yes.

6634. Do you concur in the remarks made by them, or any of them?—In part of them.

6635. Are there any particulars upon which you differ with them?—I want to make a historical statement. Prior to 1828 there were no temperance societies here. Prior to 1844 licenses were granted. In 1844 the Sessions refused to grant licenses, and no licenses have been granted since.

6636. At that time the old Nova Scotia license law was in force?—It is beyond my memory. We have never had a prohibitory law in the Province. My earliest recollection was when we had the license law in the Province for 25 years.

6637. Then the Scott Act took its place?—Yes.

6638. With experience of both, which have you found the more effectual?—In the first place, the laws for the suppression of the sale of intoxicating liquors were the best the rum element would allow us to have.

6639. Your opinion is that all legislation up to this time has been controlled by the rum element?—Yes.

## Liquor Traffic—Nova Scotia.

6640. You do not think the legislation we have had in the past has been of a character to bring about prohibition?—No.

6641. And therefore it would be an advantage to the community to have a prohibitory law for the whole Dominion, a law preventing the manufacture, importation and sale of liquor?—Yes.

6642. And you think it could be efficiently enforced?—I think so in the Province of Nova Scotia.

6643. Would you propose to have it enforced by officers appointed by the Provincial or Dominion Government, or would you let every county look after that itself?—I would have them appointed by the Dominion Government, but named by the temperance sentiment of the counties, so as to have honest, faithful men in sympathy with the law to put down the evil.

6644. Have you had reason to believe that since the passage of the Scott Act there has been drinking at all in the community?—Yes.

6645. To any extent?—To a small extent.

6646. How do you suppose the liquor is obtained?—A large quantity of it is brought in in small packages for consumers. Other quantities are imported, some of them in the original packages and some of them in a secret way and sold illegally.

6647. Have you had occasion to see whether drunkenness existed at any time?—I go up and down the streets every day.

6648. Do you see drunken men on the streets?—Very seldom, I do not think I have seen ten in a year on the streets.

6649. Have you made it a point to see where the people get the liquor?—Yes; they get it from people who are accused of selling it, but against whom it is almost impossible to obtain proof. I have been actively identified with committees who were endeavouring to ascertain where liquors were got, and the parties who were violating the law. I have been in the Police Court, where witnesses were summoned who I knew had purchased a bottle of liquor the night before and entrusted it to some person, and yet the witness has stood up and sworn he did not get it.

6650. He was guilty of deliberate perjury?—Yes, and if he had stayed in the county twenty-four hours he would have been sent to Dorchester.

6651. Did these people run away?—Yes, to be supplemented by a new crop.

6652. Are these strangers or natives?—Some or both.

6653. Have you any experience of these circulating bars?—We had them in the past. Sometimes a man would import some one and put him in charge for a time only.

*By Rev. Dr. McLeod:*

6654. Did you receive a circular from the Commission?—No.

6655. Does your company make any difference in taking risks between total abstainers and drinking men?—Yes, by qualifying the word "drinking."

6656. What is the qualification?—The question is asked, "What is your habit in life as to the use of intoxicating liquor?" If the applicant drinks occasionally, we ascertain from people who know him what he means by stating "occasionally." If he is a man who takes a glass of liquor three or four times a year we accept him; but if he got drunk when he went into town, we would not.

*By Judge McDonald:*

6657. If he took a glass of wine every day with his dinner?—If he had done it for a number of years we would accept him.

*By Rev. Dr. McLeod:*

6658. That is if he showed he was able to do it?—Certainly.

6659. Does your company make any exception for persons who keep a hotel, or are bar-tenders?—We do not take any one who vends intoxicating liquors.

6660. Then your company believes it is a hazardous business?—Yes.

6661. Is that a moral sentiment, or business?—It is business.

THOMAS B. CROSBY.

6662. It is a matter of dollars and cents and dividends?—No, it is a matter of protection to other persons.

6663. Some confiscated liquors have been sold at auction in Scott Act towns, liquors that had been purchased and sold illicitly?—Yes.

6664. Has Yarmouth had any such case?—No.

6665. Has there been any confiscation of liquor here?—Yes.

6666. What was done with it?—In 1887 or 1888 the temperance workers of this town and county thought we had been permitting this thing long enough, and determined to do aggressive work. We were under the old license law of Nova Scotia, which had got to be a very effective weapon, because it had been fought through the courts for twenty years or more, and the decisions of the judges had made the unwritten law better than the written law, and did not require a *certiorari* every time there was a conviction. There were four or five shops in this town then where liquor was sold almost openly. Attempts were made to close the shops. Some were closed, and we carried the people to the county jail and locked them up until the inquest was held. The others who kept their bars closed had a demand made upon them to open. They capitulated and asked for terms. The result was the goods were shipped back to St. John. Still four times more liquor could have been found at sale than there is to-day, and at no time since has there been so large an amount. Since then there has been an attempt to smuggle from St. Peter's. There were twenty kegs of ten gallons each brought in. I guess it was pretty bad stuff, for it would hardly burn. It was seized and offered for sale. The temperance people bought it for \$700, and it was taken up to the public square and burnt rather than have it sent to St. John or any other place to add to the misery in the country.

6667. The question arises sometimes as to whether a hotel or saloon license is preferable. If you had to have either in Yarmouth, which do you think would be the less prolific of evil?—The less prolific of evil would be the saloon. If you opened a saloon here, comparatively few would enter it. The moral sentiment of the town would condemn it. Society would ostracise the man who went into a rum shop, where nothing but liquor was kept, to purchase it. In hotels, of course, where the general travelling public go, there is less difficulty in getting it. The greatest difficulty we have is with commercial travellers and other people addicted to drink, who invite in our young men and give them drink, and spend hours with them.

*By Mr. Clarke :*

6668. What insurance company are you connected with?—The Mutual Relief Society of Nova Scotia.

6669. You say there are large quantities of small packages brought in for consumers?—Yes, compared with what is sold otherwise.

6670. Is there as large a quantity brought in now under the more rigid enforcement of the law?—I think so, because when liquor could be got more conveniently they would get it, but now they have to send it in.

6671. When political excitement runs high, is there any laxity in the enforcement of the law?—I do not think in that respect. While some committees might possibly use liquor to some extent, it is given away and not sold.

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CHARLES H. BRYANT, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6672. What is your occupation or calling?—Secretary of the Jackson Iron Company.

6673. Have you had any official connection with the enforcement of the Scott Act?—No.

6674. Are you a member of any Temperance Society?—No, not at present.

## Liquor Traffic--Nova Scotia.

6675. You have heard the evidence of other citizens given here?—No, except a short part of the evidence given by the last witness.

6676. Do you believe the Scott Act is fairly enforced?—Yes, fairly enforced.

6677. You think the officers are efficient in the discharge of their duty?—Yes, I do.

*By Rev. Dr. McLeod :*

6678. Do you employ a large number of men?—Quite a large number.

6679. From your observation and experience, do you believe that the drink habit has an injurious or beneficial effect upon employees?—Very injurious.

6680. In what way?—By loss of time.

6681. Have you a rule which you follow?—We have a rule forbidding intoxicating liquors being brought on the premises, and any one found intoxicated is discharged at once.

6682. And in hiring men do you give the preference to temperance men?—Yes, always.

6683. And that is on business principles?—Yes, that is the idea.

6684. Do you find in your work, or have you observed that the drinking of one man or two men interferes with the work of others?—That is so to quite an extent.

6685. So that the prohibition of the drink trade would be an advantage from a business point of view to such industry as you carry on, and to the men employed therein?—It all depends on the men. If it is a labouring man drinking, it is easy to replace him ; but if it is a skilled man, it makes a very great difference when others are dependent on him.

*By Mr. Clarke :*

6686. Are all your employees total abstainers?—I cannot say, but we think so. There may be one or two drinking men.

6687. How many have you? About seventy.

6688. Do you think sixty-five are total abstainers?—There may be, I do not know. If we knew, we would not have drinking men there a very great while.

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AUGUSTUS F. STONEMAN, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6689. What is your occupation or calling?—Merchant.

6690. How long have you been a merchant in Yarmouth?—Over thirty years.

6691. You have heard the evidence of previous witnesses as to the state of matters here?—A part of it.

6692. Do you concur with their evidence as to the state of affairs locally?—Generally speaking, yes.

6693. You agree with them in the opinion as to the effects of the Scott Act here?—Yes.

*By Rev. Dr. McLeod :*

6694. Have you had any experience to enable you to say whether the drink trade and the drink habit have any injurious effect upon business generally?—I do not know that it has generally. Temperance principles are general throughout the community.

6695. Do you find that the people who drink habitually are less profitable customers for business men than those who do not?—I do not know that we have to any great extent men who drink habitually.

6696. Do you think that national prohibition, thoroughly well enforced, that is prohibition of the manufacture, importation and sale of strong drink, would injuriously affect business interests generally?—No, I think it would be beneficial to Yarmouth.

CHARLES H. BRYANT.

6697. You are a member of the Town Council?—Yes.

6698. You believe that the enforcement of the Canada Temperance Act is beneficial to the community?—I do, as far as it is enforced. I do not think it is enforced as well as it might be, if there were certain amendments made to the law.

6699. What would you suggest in the way of amendments?—I am not prepared to answer that question, but I know that very often cases are brought up where the parties get clear on some little deficiency in the law.

6700. You think the law is defective?—I do.

JOSEPH BURRILL, Jr., of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6701. What is your occupation or calling?—Farmer.

6702. Do you hold any official position?—Constable and Inspector under the Scott Act for the municipality of Yarmouth.

6703. Outside the town?—Yes.

6704. How long have you held that position?—Two years.

6705. Has your duty been to see that the Scott Act is enforced?—Yes.

6706. Have you used your best endeavours in that direction?—I have.

6707. With success?—There have been no prosecutions outside the town.

6708. Do you believe there is any sale at all in the municipality outside the town?—There is a little, not a great deal.

6709. Is there any drinking?—Yes.

6710. Where do the people get their drink?—Chiefly in Yarmouth.

6711. Is there much of it or little?—Considerable.

6712. Is any of it to what you call excess, or is it moderate?—They are apt to get drunk when they come into town.

6713. Do they go home in that state?—If they do not live too far away.

6714. What do you mean by that?—If they live 20 or 30 miles away they are apt to get sober before they get home.

6715. Is your municipality large enough for that?—Yes, it is 45 miles long.

*By Mr. Clarke:*

6716. Yarmouth seems to be a source of supply for quite a large territory?—We can go about 50 miles to Pubnico, along the shore 14 miles, and to the eastward about 30 miles.

6717. There is very little liquor in your Municipality?—Yes.

6718. And your people get it in Yarmouth for all that territory?—Yes.

*By Rev. Dr. McLeod:*

6719. Why do they not get it on their way home?—There is no open sale.

Rev. EDWIN CROWELL, of Barrington, Shelburne county, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6720. You are a minister of the Gospel?—Yes, of the Free Baptist Church.

6721. How long have you resided at Barrington?—It is my native place; I have lived there for 30 years.

6722. You have been a minister there, how long?—Nearly 4 years.

6723. What law has been in force there in that time?—The Scott Act.

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6724. How does it work?—It is fairly well enforced.
6725. Is Barrington incorporated?—The township is incorporated.
6726. Have you a Stipendiary Magistrate?—No.
6727. You have the ordinary Magistrates?—Yes.
6728. Have you a Police Constable or County Constables?—Both I think.
6729. Has there been any attempt to enforce the Act?—It has been in force in the county for 10 years.
6730. Has there been any violation of it?—Very little.
6731. Do you see any drunkenness?—I do not think I ever did in the village. There are parts of the municipality where drunkenness is seen sometimes.
6732. Among what class of people?—Seafaring or fishing people generally.
6733. Where do they get their liquor?—From steamers that come in.
6734. Is Barrington inland?—No, it is a seaport.
6735. Do steamers get in there?—It is obtained from coasting steamers generally. It is brought from Halifax on orders, but there is very little indeed.
6736. How far are you from Yarmouth?—45 miles.
6737. You have no railway, I think?—No, only the steamship connection.
6738. What is the population?—The Municipality represents about half the county and would take in about 8,000 people, but the village would have about 2,000 people or less.
6739. Aside from your pastoral office and observation of families as a minister, have you had any opportunity as a citizen of observing the effects morally and socially of the drink traffic?—As compared with other places if you speak of Barrington, I think it is a place where sobriety and thrift are quite remarkable. I do not think you would find amongst those 2,000 people perhaps a dozen who had mortgages on their property. They own their own buildings and vessels and so on.
6740. And you attribute that mainly to the sobriety of the people?—Yes.
6741. Do you think the laws for the restriction of the trade have had any effect on that?—Yes; not so much because there have been actions taken, as that the few that have occurred have deterred people from engaging in the traffic.
6742. You say few attempts at enforcement have occurred. You do not mean to say the law has not been enforced?—No. But there is no particular reason for enforcement. Drunkenness is not seen.
6743. When there has been a violation of the law, the law's machinery has been put into force?—That attempt was successful whether conviction was secured or not. The sentiment of the community was such as to break up illicit trade.
6744. And has that had the effect of deterring others who, if there had been laxity, would have engaged in the trade?—To some extent. Some years ago we were troubled with the proximity of a smuggling den, and the facility for getting liquor had a bad effect. The public sentiment of the municipality has not been quite restored yet.
6745. Was that at Argyle?—Yes; but that was broken up under the operation of the Scott Act, I think.

*By Mr. Clarke:*

6746. During your absence from Barrington, where did you reside?—Six years as pastor of a church here, and I was a year in Maine.
6747. Did you have an opportunity of observing the operation of the Maine liquor law?—I was there as a student supplying different villages, with Lewiston as a centre. I had some opportunity.
6748. How was the law enforced?—In the villages it was fairly well enforced.
6749. In the larger towns?—There was not much open sale. The work was evidently confined to small shebeens.
6750. And in the cities?—In the cities it depended upon which party gained power. If one party gained power, they put in officers who would not enforce the law. If the temperance people were in power, they put in officers who would enforce it, and they did.
6751. The Maine law was a failure if the prohibition party were not in power?—but it was not a success.

REV. EDWIN CROWELL.



ALBERT GAYTON, of Yarmouth, on being duly sworn, deposed at follows :—

*By Judge McDonald :*

6752. What is your occupation or calling ?—Registrar of Deeds.

6753. Have you had anything to do with the enforcement of the Scott Act ?—Nothing specially with that.

6754. Anything in connection with the license law ?—In years past.

6755. In what respect ?—As Justice of the Peace in the municipality of Argyle, where I was residing.

6756. Was the Scott Act in force at that time ?—No, it was twenty years ago under the old Nova Scotia law.

6757. How did you find it work ?—It was pretty effective in suppressing the traffic.

6758. You had no licenses ?—No.

6759. You found the prohibitory clauses of that law could be well enforced ?—Yes. I think the penalties were small ; still the law was effective. I know of cases that were brought before me, and the parties ceased to sell.

6760. Have you been a member of the Legislature ?—I have been a member for the County of Yarmouth in the Provincial Legislature.

6761. Are you now ?—No.

6762. Are you well acquainted with the new Provincial License Law ?—Yes, of 1886.

6763. Placing it and the Scott Act side by side, have you formed an opinion as to which would be stronger in enforcing prohibition ?—I have never given it very particular attention as to comparison, but I am of opinion just now that the Scott Act would be more effective than the prohibitory clauses of the License Act.

*By Rev. Dr. McLeod :*

6764. How many years did you represent Yarmouth ?—A little short of 20 years.

6765. What do you think Yarmouth County would do if it had to determine as to a general prohibitory law ?—I think it would go strongly in favour of it.

6766. What do you believe the feeling of Nova Scotia is ?—I believe the feeling of Nova Scotia is largely in favour of the suppression of the liquor traffic through a law which will prohibit the manufacture, importation and sale.

6767. On what do you base that opinion ?—On my association with the public men of Nova Scotia for 20 years.

*By Mr. Clarke :*

6768. How do you account for the fact, then, that the law is much better enforced in some parts of the Province than in others, and that in some parts it is almost a dead letter ?—I think in some parts public sentiment is not as strong as in others, and in some parts the officers are not as capable and vigilant as they are in others.

6769. Do you think it would render the Act more perfectly and easily enforced if the officers were appointed by the Provincial or Dominion Government ?—I think very much more : as Mr. Crosby said, I do not know that it is very material who appoints the officers, but it depends upon the officers themselves. I think if the Dominion had a prohibitory law, they would probably appoint the officers recommended by the counties where they were to act.

## Liquor Traffic—Nova Scotia.

Rev. EBENEZER D. MILLER, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6770. What is your calling or occupation?—Minister of the Gospel.

6771. Of what religious body?—Presbyterian.

6772. How long have you resided in Yarmouth?—About fourteen months.

6773. Have you been brought into contact with the working of the Scott Act?—No, not in Yarmouth.

6774. Were you in any part of Nova Scotia?—Not much in connection with the Scott Act, but I resided for eleven months in Lunenburg, where we had three different states of law. We had the old Nova Scotia license law, which was supposed to be superseded by the McCarthy Act in 1885 to 1886, then we reverted to the new Nova Scotia license law about 1887.

6775. Of these, which did you find worked the most effectually?—I think I can say very decidedly the present Nova Scotia Act.

6776. Taking your experience of that law in Lunenburg, and your experience here of the Scott Act, which of the two would you prefer?—I would have to answer that with a slight reservation. I think in many respects the license law is fully equal to the Scott Act, but a few of its points have to be decided.

6777. That is as to the practical working of it?—Yes.

6778. Taking the two Acts, which would you prefer?—I do not think there is much to choose between the two, because in enforcing the law the method is much the same. Inspectors are appointed, and the work is carried on in the same way.

6779. Has any attempt been made to carry the Scott Act in Lunenburg?—No. There was a commencement of an attempt, but very many preferred the old license law, and in order not to defeat the temperance sentiment, those who favoured the Scott Act abandoned the attempt, and it was not brought to a vote.

*By Rev. Dr. McLeod:*

6780. Did you live at any time where licenses were issued?—I did as a boy and a young man.

6781. Did you observe the effect which licenses had upon the illicit selling of liquor?—I remember that we boys knew of illicit places close to licensed houses: that was in the county of Pictou.

6782. Do you think a license system, with a high license fee, would prevent illicit sale?—I do not think it would have any effect in restricting the sale of liquor, because men go into the business of selling liquor in order to make money. If they pay \$1,000 for a license, they must recuperate themselves either by increasing the price or by increasing the quantity. I think the liquor seller would push the business rather than increase the price.

6783. How far do you think the lack of public opinion interferes with the operation of a law like the Canada Temperance Act?—I would discriminate between different phases of public opinion. I think most of the middle class of Nova Scotians are strongly in favour of the Act, but in the lower and in the higher portion of the community many are opposed to it, and to any measure of that kind, and I find that the efforts of the temperance people of Shelburne, Lunenburg and Pictou are frustrated by the few people in the centres where liquor is being sold. They are not very solid in their views, they have no personality, but the efforts of the temperance people are thwarted by a few persons who have wires in their hands which they pull.

6784. Do you think the law would be still better enforced if there were officials appointed either by the Federal Government or the Local Government?—If the Federal Government were really sound in favour of prohibition, I would say let them appoint the officers; but where they are not, I think it would be better for the Municipal authorities to appoint, where they are thoroughly in favour of it. I think the statement of a previous witness as to the feeling of the people in Halifax, and as to the action of the Legislature, is correct.

REV. EBENEZER D. MILLER

6785. What is your belief as to the possibility of enforcing general prohibition?—As far as I know Nova Scotia, and chiefly the western part of it, I think a prohibitory law with suitable machinery could be pretty thoroughly enforced, because the sale of liquor would be greatly restricted in St. John, Halifax, and in other places. We would watch it on the wharfs, and could catch it there better than in the holes and corners. A prohibitory law would also have a general educative effect on the whole province. When the licenses were shut off in Pictou, we heard the same statement we hear now as to the impossibility of enforcing the law; but four or five years afterwards, liquor disappeared from country towns.

6786. Do you think the law has an educating effect?—I do.

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EDWARD FRANKLIN CLEMENTS, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6787. What is your occupation or calling?—Manager of companies since 1866.

6788. Have you had any opportunity of noticing the working of the Scott Act in Yarmouth?—I have been a resident here nearly all my life time.

6789. You have heard the evidence given by other witnesses?—I have.

6790. Do you concur in it?—Partly.

6791. In what way do you differ with it?—As to the effect of temperance organizations generally.

6792. What is your opinion generally on that subject?—I think they are governed by politics generally, and are made part of the political machinery of the county.

6793. Do you mean locally or generally?—Both.

6794. They are made part of the political machinery, in what sense?—Strictly in a party political sense.

6795. Does that interfere with the enforcement of the Act?—I think not. Those who have in hand the enforcement of the law are not governed by the politics of either party.

6796. Then they do their duty, you think?—I should judge so.

*By Mr. Gigault:*

6797. Have you any experience as to the working of the prohibitory law in the State of Maine?—Since I entered the transportation business it became my duty to travel a great deal through Maine and Nova Scotia and New Brunswick, and while I am a strict teetotaller myself, I have always mingled with those who use intoxicants, and if it came to my turn to treat any person, I did it willingly. In the few hotels I used in the State of Maine I have yet to find out there was any prohibition.

6798. Have you been many times in the State of Maine?—Up to 1888 I was there several times in each month, that is, from 1880 to 1888. One of the head officers of the Company was in Portland.

6799. What has been your experience as to the enforcement of the Scott Act generally in New Brunswick and Nova Scotia?—My opinion is that no prohibitory Act prohibits the use of liquor. I tried to prohibit it on the steamers I had, but in all companies those men who are capable of taking command of vessels are moderate drinkers, and it would be cutting the throats of the companies to do away with them by threatening dismissal. I found that the case here.

*By Mr. Clarke:*

6800. You think, then, the enforcement of these prohibitory laws runs much upon political lines here and elsewhere?—I do.

6801. Did you hear the evidence of the witness who said that if the prohibition party were successful, the law was enforced in Maine, and if they were not successful, it was not enforced? Your experience was not exactly the same, but you thought that

## Liquor Traffic—Nova Scotia.

whatever party was in power you found no difficulty in securing liquors?—I thought that was in reference to the local authorities, and that they did all they could to prevent the improper sale of liquor.

6802. You think the temperance organizations are political?—Yes.

6803. Is the law so far as the State of Maine is concerned, a dead letter?—As far as I observed.

6804. Your experience elsewhere than in Yarmouth, is what?—In the province of Nova Scotia, in New Brunswick and in Prince Edward Island.

6805. Is there any selling of liquor in Yarmouth?—I should judge so. I do not know where to buy any liquor if I wanted it. When I want it, I send away and get it elsewhere.

6806. What companies do you represent?—The Clements Line, and the Nova Scotia Steamship line, up to 1868, and lately the Electric Light Company. I have always had connection with companies since I was a youngster.

6807. You would not insist on your officials being total abstainers?—I did away with bars on the boats, and provided that the officers should be total abstainers; but I found that it did not work. I found that officers would sacrifice their salaries rather than submit to any sumptuary law which I might make, and I presume it would be the same with regard to any law the Government might make.

*By Rev. Dr. McLeod :*

6808. You do not belong to a temperance society?—No.

6809. You are a total abstainer?—I am, and have been for quite a while.

6810. You attempted to enforce total prohibition on the steamers of which you had control?—Yes.

6811. Why did you do that?—I recognized the fact that rum indiscriminately used is a nuisance, particularly if firemen on board of a steamer can get access to it.

6812. You did not succeed in enforcing the prohibition?—We did not.

6813. Not even against the firemen?—Not against any of the employees.

6814. You gave it up?—Yes.

6815. You let them have it as they liked?—No, doing away with the bars would allow less access to them, but they used to bring it on board with them.

6816. There was no return of the system?—No.

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Rev. WILLIAM McINTOSH, of Yarmouth, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

6817. What is your calling or occupation?—Clergyman of the Congregational Church.

6818. Are you a pastor in Yarmouth?—Yes.

6819. And have been so, for how long a time?—Nearly 9 years.

6820. Have you been brought at all into contact with the working of the Scott Act?—Not officially.

6821. But as a citizen?—I have seen something of its working.

6822. Have you heard the evidence given here by the other witnesses to-day?—Yes.

6823. Do you concur with it?—Very largely.

6824. Do you know any provisions of the law to which you would suggest amendments, or have you made a study of it?—Not particularly. With respect to the matter referred to here this morning, that the licenses are not sufficiently high, I agree with the idea that they should be increased.

EDWARD FRANKLIN CLEMENTS.

*By Rev. Dr. McLeod :*

6825. Have you had an opportunity of comparing the condition of communities under license with that of communities under local prohibition?—Not in Nova Scotia.

6826. Can you compare two such communities, one in Nova Scotia and one elsewhere?—Yes. I lived in Ontario until about 20 years ago in a community where a license law was enforced. I lived in the Province of Quebec for about 12 years before coming here, where I saw the Dunkin Act of 1864 enforced, and I marked the very beneficial results of that measure on the community in the County of Richmond.

6827. You were in a licensed community in Ontario and under the Dunkin Act in Quebec: what was the difference in the condition of the communities?—I was in a licensed community in Ontario, and also in Quebec; but during my residence in the latter province the Dunkin Act was brought into force, and fairly well enforced after a few years, and the results as to the decrease of drinkers were very marked.

6828. Was there a decrease of anything else that was undesirable, and an increase of that which was desirable?—So far as business was concerned, I was not there long enough to mark any great change in that way.

6829. As to poverty or petty crime or the condition of the homes?—No, I do not think I could say anything about that, because it was only about two years before I left that the Dunkin Act was enforced.

6830. Having in your mind the condition of affairs under the license law in Ontario and in Quebec, and having a knowledge of the condition of things in Yarmouth under the Canada Temperance Act, what was the difference?—Very much to the advantage of Yarmouth. I know Ontario very well, and I know Quebec fairly well, and I must say that the inhabitants of Yarmouth County compare very favourably with any part of Ontario or Quebec that I have visited, and I have visited nearly all parts of those provinces.

6831. Of course you attribute this condition of thing as to sobriety to a certain extent to moral and religious teaching? Do you give such laws as have been in operation in Yarmouth any credit for this better condition of things?—I always give law the credit of being an additional force.

6832. What effect do you think laws have on public opinion in shaping it in reference to evils of this kind?—They have a large effect. Law, I take it, is always an educator, and that is why law was first given to people and countries where public opinion was not equal to it, and it governed and formed public opinion.

6833. Then you think that a law against an admitted evil, even if it is violated sometimes, is better on the statute-book than off the statute-book?—Decidedly.

6834. Because of the educative effect it has?—Yes.

6835. What do you believe to be the best mode, in the public interest, of dealing with the liquor traffic, license, local option, or total general prohibition of the manufacture, importation and sale?—The latter by all means.

6836. Do you think a law allowing the importation of beer, wine and cider only would be beneficial or harmful?—Very harmful, because it would engender the taste in families that would not begin with alcoholic liquor at first.

6837. Have you observed that those who indulge moderately with the intention of never doing anything else have become anything more than moderate drinkers, or any percentage of them?—Yes, in my experience as a pastor, I have to say that, while there are very many excellent persons who continue all their lifetime to take alcoholic drinks moderately, a very large percentage of their families become addicted to the excessive use of alcoholic liquors.

6838. What is the position of your denomination as such towards the liquor traffic?—Almost totally in favour of its prohibition. I might have brought the resolution which was passed at the two last annual meetings calling for the complete prohibition of the liquor traffic.

6839. What is the attitude of your congregation?—Almost entirely against it. There might be one or two exceptions.

6840. What is your opinion of the temperance societies of Yarmouth; do politics govern them?—I have not seen it at all.

## Liquor Traffic—Nova Scotia.

*By Mr. Clarke :*

6841. In what part of the province of Ontario have you had experience?—I was brought up in the county of Simcoe. I went to school in the town of Barrie.

6842. Was your home in Barrie?—A little north of Barrie. I lived for four years in the town of Orillia before coming to the province of Quebec.

6843. And was there a better condition of things under the Dunkin Act in Quebec than existed in Simcoe county under a License Act?—Yes.

6844. There was less drunkenness?—Yes.

6845. Has it been the experience of countries where light wines and beers are used entirely that they engender a taste for strong drinks?—You mean France and Germany. Not having lived there, I can hardly give you an intelligent answer to the question.

6846. And yet you say you believe that light wines and beer would engender a taste for strong drinks?—Yes.

6847. In those two countries where light wines and beer are the drinks which the people use, has that been the result?—I cannot speak from experience, but I am very intimate with some people who have lived there, and they assure me that the common people in these countries indulge more freely than we do here in wines not light and beers somewhat heavy.

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GEORGE ALLEN EWAN, of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6848. What is your calling or occupation?—Manager of the Yarmouth Woollen Mill Company.

6849. Have you any knowledge officially of the working of the liquor laws?—Not officially.

6850. As a citizen?—Yes.

6851. As such, do you concur in the evidence you have heard?—Yes.

*By Rev. Dr. McLeod :*

6852. Did you hear the evidence given by Mr. Johnston?—I did not.

6853. By Mr. Bryant?—I was not in at the time.

6854. How many men do you employ?—We have from 50 to 60. Our last pay roll was 49, and of these 18 were men.

6855. Have you had any opportunity of observing the effects of the drink trade and the drink habit on your employees?—There are only 4 out of the 18 who use liquor at all, and owing to the stringent measures taken against it in Yarmouth they are scarcely able to get it. As long as I have been there, I do not think we have had any effects at all.

6856. Do you employ men who are non-drinkers if you can get abstainers?—We give abstainers the preference.

6857. Is that because abstainers are more regular at their work?—Yes.

6858. And more trustworthy?—Yes, as far as my experience has gone.

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Rev. GEORGE N. WHITE of Yarmouth, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6859. What is your calling or occupation ?—A Baptist Clergyman.

6860. Did you hear the evidence of the Rev. Mr. McIntosh ?—I did.

6861. Do you concur with what he said as to the state of things in Yarmouth ?—  
I do.

*By Rev. Dr. McLeod :*

6862. Have you had any opportunity of observing the condition of things in a community under license, and then in a community under prohibition ; and if you have, what is the difference ?—In my boyhood days I was in a community under license, and lived in later days under the Scott Act. In the days of license it was almost free rum. Eight or nine taverns were in a small community of 2,000 inhabitants, and after the Scott Act came into force, the traffic was simply driven out of sight. I think, of course, that liquor was sold in secret places, but there was great advantage from the adoption of the Scott Act.

6863. So there was a change in the condition of the community ?—Yes, in respect to drinking.

6864. Did the change from license to prohibition under the Scott Act bring out a better or worse condition as to the homes and business of the community ?—Better.

6865. How long have you been in Yarmouth ?—A little over four years.

6866. Are you connected with any temperance societies ?—I am not.

6867. Have you been identified with their work ?—I have in the past.

6868. Do you think they are political organizations ?—I do not.

*By Judge McDonald :*

6869. What community was it you spoke of in which the Act was well enforced ?  
—St. Martin's in St. John's County, New Brunswick.

*By Mr. Clarke :*

6870. How long is it since there were eight or nine taverns in that community of 2,000 people ?—About 1870.

The Commission adjourned, to meet in St. John, New Brunswick, on August 8th.





## MINUTES OF EVIDENCE.

## NEW BRUNSWICK.

ST. JOHN, N.B., August 8th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., Judge McDONALD, presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. McLEOD.

MR. G. A. GIGAULT.

The Secretary read the commission.

JUDGE McDONALD, in opening the proceedings, said : Her Majesty's commission having been read, the Commissioners are prepared to proceed to discharge the duties referred to them, so far as this province is concerned. Before the Commissioners proceed to take evidence, it may be well to state, that Sir Joseph Hickson, Chairman of the Commission, is not with us. I may also state, in order to prevent apprehension, and to place the matter in its proper light, that the Commissioners are not engaged in making an examination into what may be called the evils of drunkenness. It is admitted, conceded, and agreed that drunkenness is a very great evil, and that very great evils result from it. From the terms of the commission it will be apparent that the Commissioners are charged with the duty of inquiring as to certain matters of a practical character, and it is in regard to those they are here to take evidence. Following the usual custom adopted in places where we have hitherto sat, we desire to hear, first, witnesses who from their position as municipal officers in connection with the municipal government are supposed to be in a position to give testimony that will prove of special value to the Commission.

JAMES A. HARDING, Sheriff of the city and county of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6871. How long have you held the office of Sheriff of the city and county of St. John ?—Since 1858.

6872. Had you resided in St. John before that time ?—I have been a resident of St. John since 1824.

6873. Were you ever in public life, in the Legislature ?—Yes.

6874. Will you make a short statement to the Commission as to the laws that have been in operation in regard to the sale of liquor in New Brunswick within your recollection. Take the earliest stage at which you can recollect ; was there a license law in force ?—There was a license law in force in the city of St. John from my earliest recollection up to 1855, I think. I have not looked at the date, but I recollect that 1855 or

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thereabouts was the time when a prohibitory law was passed by our Legislature and became law throughout the province. That was the so-called prohibitory law.

6875. Do you know whether it was based on any enactment in force elsewhere?—I do not know of any other similar enactment. I will speak only of New Brunswick, if you please.

6876. I desire to ask whether that Act originated here, or whether an Act in force in another country was adopted as the basis of your provincial Act?—I think all these legislative measures are gathered from other countries, as a rule; but that Act originated I think, with the present Governor of our province and representatives of the people by whom he was surrounded.

6877. Can you give the Commission particulars of the history of it?—It came into operation, I think, at that time, and was nominally in operation or really in operation for a year and a half, or a year, at all events. Then it became, I may say, a living and burning question throughout the province, so much so that the Governor of the province at that time, Mr. Manners Sutton, took upon himself to dissolve the Legislature and dismiss the Government and bring another Government into existence. An election took place, and at the meeting of the Legislature after the general election, the prohibitory law was repealed.

6878. Was the license law then renewed?—Another license law was enacted.

6879. Has there since then been any other prohibitory law passed as regards the city of St. John?—No. When you speak of a prohibitory law being passed, it should be stated that we have the Scott Act in force in portions of this province.

6880. Was it carried in the city of St. John?—No. The city of St. John was different then to what it is to-day.

6881. In those days in the county of St. John, was there another city called Portland?—Yes.

6882. Was the Scott Act carried there?—Yes.

6883. Was it carried in the county of St. John?—Yes.

6884. Was Portland subsequently incorporated with St. John?—Yes, it became part of the city, and is now part of the city of St. John.

6885. What law is in force at present in the city?—A license law.

6886. What law is in force in the county?—A license law.

6887. Then the Scott Act has been repealed in the county?—The Scott Act has been repealed in the county.

6888. Does your recollection enable you to state whether the prohibitory law was enforced during the period it was in force. I mean the prohibitory law which the Legislature passed?—You mean the Act of 1855-6.

6889. Yes?—It was carried into active operation by all the powers then in existence in the city.

6890. Did it succeed in doing away with the sale of intoxicating liquors?—From my own personal observation, I could not say, for I did not sell any liquor myself and I almost forget whether I bought any. However, I do not think it had the effect of stopping drinking; the drinking habits of our people were not benefited much by that law, if at all.

6891. You spoke of the Governor dissolving the Legislature on the question?—Yes, on that question.

6892. And I understand that the people returned a majority of representatives in favour of repealing that law?—The law was repealed.

6893. Within your recollection, has there been an increase or decrease of drunkenness in the city and county of St. John?—According to the population, I think there has been a decrease. In fact, I know that in our province the feeling of the people is decidedly towards temperance, as compared with the feeling that prevailed when I was a young man.

6894. From your experience, are you favourable to the enactment of a prohibitory law for the whole Dominion, a law prohibiting the importation, manufacture and sale, and do you think it could be effectually enforced?—That is a very difficult question to answer. From the experience I had of the effects of the prohibitory law while it

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was in force, and of the Scott Act while it was in operation in the outlying parts of this county, and of the effects in some of the neighbouring counties of which I have some knowledge, I should doubt very much whether the fact of the law being in operation had much to do with improving the sobriety of the people.

6895. To what do you attribute the increased sobriety of which you have spoken?—To the better education in every way of the people and the higher moral standard of the people.

6896. I suppose in this community as in others, both religious and moral efforts have been put forth in regard to temperance?—Yes, and temperance has made immense strides.

*By Rev. Dr. McLeod :*

6897. How long was the prohibitory law of 1855-6 in operation?—I could not tell you exactly without referring to dates, but I think not much over a year, if at all over a year; I think the elections followed rapidly.

6898. Was the law one year in operation?—I could not answer that very definitely.

6899. Were the elections which followed the dissolution of the Legislature by the then Governor, run exclusively on the question of the prohibitory law, or did other questions enter into the contest?—The only other question which arose outside of the prohibitory law, and it was in connection with the prohibitory law, was as to the constitutionality of the dissolution. The Governor took upon himself to dismiss his advisers, although they were supported by a large majority of the Legislature, and that question, mixed up with the prohibition question, was before the people. You could not keep the two separate.

6900. Then there was another question mixed up with prohibition at the elections?—Those were the two living questions. The question of constitutionality, of course, arose out of the question of prohibition.

6901. The Government which the Governor dismissed had at the time the confidence of the House, I presume?—The Government at the time of their dismissal, had the confidence of the House.

6902. That made it a very exciting question when it came before the people, I suppose?—Yes.

6903. I think you said there has been a very marked change in the drink habits of the people since that time, during your recollection?—I cannot express in terms sufficiently strong the immense strides temperance has made. I do not wish to make a speech, but it strikes me in this way: In my younger days, say from 1835 to 1840, you could not go from one end of the province to the other by any public highway and visit houses without finding liquor placed upon the table as a matter of hospitality. To-day you can go the length and breadth of our province and it is the exception if liquor is offered to you, or if you find it in the houses of the people.

6904. You have attributed the change largely, and I think very properly, to the religious and moral teaching that has gone on throughout these years?—I do, entirely. When I say "entirely," I do not mean to detract from the benefits accomplished by the different temperance organizations working within themselves.

6905. Have the existing laws passed from time to time for the restricting of the trade helped in any way the moral and religious teaching of those years?—I should have great doubt about that, but I would not like to answer the question.

6906. Do you think that the laws passed from time to time increasing the restrictions on the trade have been, in any degree, the outcome of the strong temperance sentiment resulting from that teaching?—The laws so enacted have arisen entirely from the promulgation of temperance principles and the action of temperance organizations.

6907. I suppose your official position brings you into direct contact with offenders against the law?—I see them; I do not, from my position, meet them personally very often. I go into the prison and I see thirty, fifty or sixty people there; they are, as a rule, well behaved and there is no insubordination. Of course, occasionally a man comes in there who is a rowdy, but it is the exception to the rule. In meeting them, I do not find them much worse than people of the same class outside or anywhere.

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6908. Of course you have some official connection, perhaps not a particularly direct one, with those people. Have you any means of forming an opinion as to whether any considerable number of those who are in prison are there for offences chargeable to the drink habit and the drink trade?—I have directed my deputy officer to make up a statement, as accurately as possible, of the offences for which they are incarcerated. That statement has not been completed yet, but my deputy will, at an early day, be able to give you those figures as nearly correct and reliable as the books can make them. In a general way I may answer that last year there were over 1,000 persons in prison for some sort of crime, that 90 per cent of those were there either for drunkenness or for offences consequent on drunkenness.

6909. Are you able to state to what extent juvenile crime is the result of intemperance, either intemperance on the part of the young people or intemperance on the part of their parents?—The police could answer the question better than I am in a position to do; but I will answer it from my stand-point, which is that of a citizen, as much as that of Sheriff, and my reply is, that the bad boys of our town, as a rule, are bad boys in consequence of the careless habits of their parents, which are very often due to drunkenness.

6910. You have expressed the opinion that you think a general prohibitory law would be somewhat difficult of enforcement?—I have found it to be so in the past.

6911. That is substantially your answer?—That a prohibitory law has been found difficult to put into operation.

6912. Have you observed, with sufficient clearness to be able to express an opinion, whether a license law is difficult of enforcement?—People are very apt to stick to old ideas. I was educated under the old license law, and until prohibition was advocated in our community as being a beneficial measure, we accepted the license law. Liquor was sold broadcast. It is now sold with some restraint. There are more restraints under our present license law than there were in times past.

6913. Have you any reason to believe that the prohibitory provisions of the license law are violated?—I think so.

6914. So that it is somewhat difficult to enforce even the restrictive features of a license law?—Yes. Just in this way: The license law perhaps requires the place of business to be shut up at certain hours and on certain days. There will be people, even under a license law, as well as under a prohibitory law, who will violate it. The license law does not offer the same field for breaking the law as does a prohibitory law, for, under the license law if a man wants to buy liquor he can go to a place where a man wishes to sell liquor, and only during certain hours and on a certain day in the week, which are times prohibited by the license law for making sales, can a man break the license law.

6915. Have you reason to believe that the law is broken on the Sabbath and that selling takes place during prohibited hours?—When I take up the newspaper in the morning and find the police have raided a shop or a certain place, I presume the law has been broken.

6916. The law provides that licensed places shall be closed on election day?—Yes.

6917. Is that provision well observed?—So far as my personal observation is concerned, it has been well observed; I do not mean to say that perhaps it has not been departed from, but I do not know it. I have not entered a liquor shop for a great many years, and I therefore know little or nothing of the trade.

6918. From your observation you think it is very well observed. What is the effect of the observance of that prohibition on the order and sobriety of the community during election day?—The people as a mass are well behaved and well conducted on election day.

6919. Do you think the prohibition of the drink traffic on that day contributes to good order?—I think it does.

*By Mr. Clarke:*

6920. Is there not unusual excitement on election day, and are not people very anxious to secure the return of their particular candidate?—You can hardly compare election day 25 years ago with election day now, or even compare elections, as they are

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now conducted so differently. A polling district does not exceed 300 voters, while in times gone by we had electoral districts of 5,000, 6,000 and 7,000.

6921. The polling places are now more numerous?—Yes.

6922. Do you remember when the prohibitory law, to which reference has been made, was enacted: were a large majority of members of the Legislature favourable to its enactment?—With the elections which took place in 1854 the prohibition question had very little concern. Members were elected for their own individual worth more than on their views with respect to the question of prohibition, and even the politics of the day had not a foothold.

6923. Did not the judgment of the House sustain the Government in passing a prohibitory measure in 1855-6?—The House sustained the Government in passing a prohibitory measure. When I say the Government it must be remembered that the Government did not introduce it, that it was not a Government measure. A member of the Government acting as a private member introduced it. I know that was the case, because I was a colleague of the hon. gentleman who introduced the measure at the time, and we did not agree as to the propriety of its introduction.

6924. It was introduced and became law?—Yes.

6925. And it was on the statute-book for a year or a year and a half?—Yes.

6926. Was it a pretty high-handed proceeding on the part of the Governor to dissolve the House and dismiss his Ministry, when it had the support of a majority in the House?—The answer sent from England was, as near as I can give it, that if the Governor was sustained, it was all right, and if he was not sustained, he would be recalled. It was a very high-handed act.

6927. When the Legislature was dissolved, and subsequently elections took place, what was the result of the struggle, as regards the constitutionality of the act of the Governor?—The Governor's action was sustained by almost the universal vote of the whole province.

6928. Is that the only experience which New Brunswick has had of a prohibitory law covering the whole province?—Yes.

6929. What has been your experience as regards the operation of the Scott Act?—The Scott Act never had a fair trial.

6930. Why?—Because there have been so many questions raised as to its constitutionality. I could hardly tell you the points lawyers have raised, for they have been so many.

6931. But those questions, we understand, have been pretty well disposed of?—Still there is a doubt hanging around the Act, which makes it very unpleasant for men to endeavour to enforce it.

6932. Could you suggest any amendments to the Act that would render it more easy of enforcement?—I could not.

6933. Have you had an opportunity of witnessing the operation of the Scott Act in the town of Portland and the county of St. John, and also of witnessing the operation of the License Act? How do they work respectively?—The mass of the people accept the license law as a constitutional law. A great many people have not accepted the Scott Act as a constitutional enactment, they have not yielded to it and have not given it their moral support.

6934. But do not a great many electors support the Act when it is submitted to them?—When elections were held the number of votes cast was not equal to the number cast at political elections.

6935. Do you mean there is not as much interest taken in Scott Act elections as in political elections?—Yes.

6936. If the law is a dead letter, because of the difficulties that stand in the way, how is it that in some parts of the province we have found it fairly well observed? Have these difficulties been overcome there?—The law is fairly well observed. I do not want to detract from the statement of any one else, but the statement I have made covers that ground and shows that the people have improved. The reason I give for so small a vote being cast is, that very few people care to say they will vote against a prohibitory law, but they will let it go; they will say, "We are doubtful as to the benefit and as to the success of it, but we will not array ourselves as opponents to it." That is in my opinion why so small a vote has been cast on the question.

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6937. Do you think the vote is not as large and as representative as the vote cast at parliamentary elections?—No.

6938. Would you favour the passage of a Dominion prohibitory law, a law providing for the entire prohibition of alcoholic liquors, in preference to the enforcement of a stringent license law?—I sometimes doubt whether it would be possible to put a prohibitory Act into force. If by any act of mine I could destroy the use of liquor for drinking purposes throughout the whole Dominion, I would only be too happy to do so.

6939. Do you think a prohibitory law is practicable at present and could be enforced?—I have grave doubts of it.

6940. Do you think in the event of the Dominion Parliament passing a national prohibitory measure, those engaged in the trade of brewing and distilling should be compensated?—No; I do not think that if the measure was passed for the general good, a particular set of individuals should be compensated. You have brought up a question which has not struck me very strongly, but there might be cases where a brewer, for instance, who had invested his capital and the toil of a lifetime in the business, might have his business destroyed by the passage of a law for the general good. I do not know but that it would be quite legitimate that he should be compensated. But there is a great difference between men of that class and men who are in the business to-day and out of it next year.

6941. Do you think that manufacturers who have large plant and who have been engaged in manufacturing for years stand in a somewhat different position from vendors who are licensed yearly?—Yes.

6942. Would you favour the compensation of brewers and distillers?—My common sense says, yes.

6943. When the Scott Act was in force in the county of St. John and city of Portland, was it fairly well observed?—Outwardly it was, but when there are a number of people who crave for liquor, and whose appetites are not gratified by one set of people, another set of men will pander to them.

6944. Did it have the effect of lessening the quantity of liquor sold and of reducing drinking in the localities where it was in force?—I have not lived in those localities, except in Portland. I doubt whether it would reduce the general drunkenness at all, or if it did so, it would be very slightly.

6945. Do you consider that the city of St. John, under the license law, taking its population and situation, compares favourably with Portland and the surrounding country under the Scott Act?—It does.

JOSEPH ALLISON, of St. John, dry goods merchant, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

6946. How long have you been in business in the city of St. John?—26 years.

6947. If there is any statement you desire to make in regard to matters submitted to this Commission, we shall be glad to hear you. Has a license law been in force in this country during your recollection?—I think there has been a license in force, I do not know.

6948. Do you know anything about Portland?—No.

6949. You live in this city, I suppose, and your knowledge is confined to this city?—Yes.

6950. Have you reason to believe, from your observation, that during the time you have been in business here drunkenness has increased or decreased?—I have no knowledge whether it has increased or decreased.

6951. You could not form any opinion on the matter?—No. My opinion from casual observation would be that drunkenness is not on the increase.

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6952. Have you had any connection particularly with the working of the license law?—No.

6953. Have you held any municipal office?—No, not in any way whatever.

*By Rev. Dr. McLeod :*

6954. I understand you are in the dry goods business?—Yes.

6955. You employ a number of hands, I suppose?—Yes.

6956. Have you any rule in your establishment with respect to their drinking habits?—Yes.

6957. You give preference to total abstainers?—We do.

6958. For what reason?—Because we believe they are better able to attend to their business.

6959. You think they are most trustworthy?—Yes; we do not employ drunken men at all in our business.

6960. Is this your practice because of your moral view of the question, or because you find it to your business advantage?—I think it is probably both.

6961. Have you any means of forming, and can you express an opinion as to the loss of time and the decrease of wage-earning power that occur on account of drinking?—No, I do not know anything of the statistics.

6962. You have simply the rule in your own business that you do not employ drinking men?—Yes.

*By Judge McDonald :*

6963. Do you mean that you only employ total abstainers?—No, we do not draw that line. We will not, however, employ any man that drinks during working hours or comes to business at all under the influence of liquor, or shows any indication of liquor. That is a distinct understanding when we make engagements with our young men.

*By Mr. Clarke :*

6964. Are all your men total abstainers?—I cannot say they are.

6965. Do you mean that a man who takes a glass of ale or wine is not employed by you?—A man who has indications of liquor about him, on his breath or anywhere else during business hours, is liable to dismissal.

6966. If you learn of any of your employees drinking after hours, what do you do?—If they conduct themselves properly, and do not get into trouble, we do not concern ourselves about it.

*By Mr. Gigault :*

6967. Have you had any experience as to the working and enforcement of the Scott Act in other counties of the province?—I have no knowledge of the working of the Act except what I read in the newspapers.

*By Rev. Dr. McLeod :*

6968. Have you observed whether the moderate use of drink by employees tends to excess in any percentage of cases?—My opinion is that it does.

6969. And if employees were known to drink more or less out of hours, do you think that the average business man would be inclined to observe them more closely as to the effect on their business powers? If it came to your knowledge that certain of your employees out of business hours were given more or less to drink, would you be likely to have an eye upon them?—We would not employ them at all, if we knew they were in the habit of drinking.

*By Judge McDonald :*

6970. Do you mean in the habit of drinking?—I mean in the habit of drinking so that it would become noticeable.

*By Rev. Dr. McLeod :*

6971. Have you had means of determining whether the drink trade as carried on has any effect, injurious or beneficial, on business generally?—My opinion would be that it has an injurious effect.

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AMOS W. ALLEN, of St. John, manufacturer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

6972. How long have you been a manufacturer in St. John?—Fifteen years in St. John.

6973. And where before that?—About the same number of years in Nova Scotia.

6974. In what line of manufacture are you engaged?—Planing mills, sash and door manufacture.

6975. Have you had any practical experience in connection with the enforcement of the license laws or prohibitory laws?—None whatever.

6976. You have not held any municipal office?—None whatever.

*By Rev. Dr. McLeod :*

6977. How many men do you employ?—From twenty-five to thirty.

6978. Have you any rule in the employment of men that bars drinking men?—I have.

6979. What is it?—I do not want them.

6980. For what reason?—Because they drink rum.

6981. What effect does that have on them?—It incapacitates the man from giving you his best services.

6982. It is an injury, then, to your business?—Most assuredly it is. If he is a hard drinking man, if he gets drunk on Saturday, he is to a certain extent incapacitated for his work for two or three days.

6983. On Monday morning, if he comes to his work, he is not fitted for the best work?—I do not mean that.

6984. Does his incapacity for doing his work interfere with other men?—It does.

6985. It interferes with their own wage-earning power, and also with your industry?—It does certainly.

6986. Have you an estimate of the number of days lost in the month by a drinking man on account of his drinking habits?—That depends on the amount of rum he drinks.

6987. Take the average drinker?—The average drinker will probably lose from one-eighth to one-fourth of his time; that is, he will break that percentage of his time.

6988. When you have such men employed, what percentage of interference with your business would their drinking habits produce?—I could hardly give a fair answer to that question, because I do not employ those people when I know it, and I have a great antipathy to them and do not want them. What effect it would have if they kept moderately sober, I do not know, I never thought of it.

6989. What is your belief as to the effect that the prohibition of the manufacture and importation, as well as the sale of intoxicating liquors, would have upon your business and business generally; good or bad?—In my estimation it could not be anything else but good.

6990. Why?—Because it would keep men sober and keep them attending to their business.

6991. The men could work more and earn more?—Yes, and whatever the man earned he could save.

*By Mr. Clarke :*

6992. You said the time a man would lose is from one-eighth to one-quarter of his time?—I think so. I have had some experience with men who drink, and I think that is somewhere in the vicinity of being right. Some men will drink more or less every day, and perhaps the drinking will not interfere, or will interfere very little, with their work or your business, and other men will take a week or a fortnight to get over a spree, and will not come near you during the interval.

6993. Then your statements are in reference to hard drinkers?—To the hard drinkers who drink to excess.

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6994. You do not refer to moderate drinkers?—No, I mean drinking men.

6995. And by that you mean a man who gets drunk?—Certainly.

6996. You have had no experience of the operation of the Scott Act?—Only a general knowledge through the press.

6997. From your general knowledge, what conclusions have you come to as to its operation?—That it is no good, from this fact: that there is no executive authority to enforce it. How could any one expect it to be any good.

6998. Is there any obstacle in the way of the municipal authorities appointing people to enforce it?—The parties who made the law should appoint officers to execute it.

6999. Then you think the Scott Act has failed because it was nobody's business to enforce it?—Exactly.

7000. Would you favour the appointment of officers by the Dominion Government or the Provincial authorities?—The powers that make the law should appoint the officers to enforce it.

7001. Does not the law contemplate that?—The appointees can work against the local authorities.

7002. Is there anything to prevent the local bodies appointing a police officer or Marshal to enforce the law?—Not that I know of.

7003. Is the local opinion so lax that it cannot carry out this law?—It requires money to carry it out.

7004. The law provides for the handing over of the fines to the local authorities?—But it is for the man who gets hold of the fines to do that.

7005. If the people of a county adopt the Scott Act, is that an evidence that they desire to see it enforced?—I suppose so.

7006. How do you account for the fact that the Act is adopted in so many counties and afterwards no pressure is brought to bear on the local authorities to enforce it, and the local councils do not appoint officers to enforce it? Is the public sentiment not sufficiently strong?—In the first instance the temperance people demand that such a law should be put on the statute-book. There is no provision made, as far as I am aware, to enforce that law by any official that I know of.

*By Judge McDonald:*

7007. Are not the fines paid to the Municipal Council to be used for the purpose of enforcing the Act?—I am not in a position to say who is to use the fines.

7008. Then the Council receiving that money would desire officers and constables or inspectors appointed, and the fines collected would pay the expense of the officers?—Very true, but who is to do it? Am I to inform on the rumseller?

7009. If public sentiment is sufficiently strong to carry the Act, should not public sentiment result in the Council appointing these officers?—Exactly. I do not see why it should not be done, but it has not been done.

*By Mr. Clarke:*

7010. Is any effort made at the election of local bodies to bring the question of the appointment of officers to enforce the Act prominently forward?—Not that I am aware of.

7011. It is incomprehensible that the Act is carried by such overwhelming majorities and is not enforced?—That is true.

7012. You think it would be better to have Dominion officers appointed to enforce the Act?—Certainly. All our other laws are enforced by officers appointed by the authority that passes the law.

7013. There is no reason why the local officials should not appoint officers to enforce the law, as they do to enforce the laws against theft and forgery and other offences? Do you know any reason why they do not do it?—I do not.

7014. Do you think it is owing to the lack of public sentiment in favour of it?—It is for the lack of something that the law evidently becomes of no effect.

7015. Do you think a general prohibitory law could be enforced if the same state of feeling existed?—I do, if any of our criminal laws can be enforced.

## Liquor Traffic—New Brunswick.

7016. You cannot account for the non-enforcement of the Scott Act, except that no one is appointed to enforce it?—No.

*By Judge McDonald :*

7017. Do you think that a general prohibitory law could be enforced if there were officers appointed to enforce it?—I do.

*By Rev. Dr. McLeod :*

7018. You have not lived in any Scott Act town, I understand?—No.

7019. You have no personal knowledge of the attempt made to enforce it?—Only what I have gleaned from the newspapers.

7020. So it is only from reading?—I am not speaking from actual knowledge at all.

7021. You have no experience?—None.

OSCAR B. WHITE, of St. John, manufacturer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7022. In what line of manufacture are you engaged?—Marine machinery.

7023. How long have you been engaged in this business?—In the present business about two years.

7024. How long have you resided in St. John?—All my life.

7025. Have you had any experience of the operation of the Temperance Act or any other law of that kind?—None whatever.

*By Mr. Gigault :*

7026. Have you had any experience as to the working of the Scott Act in the different counties in this Province?—No.

*By Mr. Clarke :*

7027. You do not know anything about the operation of the Scott Act?—No, except through the papers, and by hearsay.

7028. Have you any personal knowledge of the operation of this Act over in Portland?—Only from hearsay.

7029. Was it observed there?—It was not considered to be so.

7030. Was it as well observed as the license law here?—I think not.

7031. How many men do you employ?—Sixty to sixty-five.

7032. Are they all total abstainers?—No.

7033. How many of them are total abstainers?—I could not answer that question as to any more than 25 per cent, who would probably be total abstainers.

7034. Do you make any distinction in the employment of men who are total abstainers and those who are not?—We have no fixed rule, but, other things being equal, we give the preference to total abstainers.

7035. Do you ask every man whether he is a total abstainer or not?—No.

7036. If he attends to his work, you do not discharge him because he is not a total abstainer?—No, unless there are other things to cause it.

7037. But if he does his work properly?—Sometimes there are people who come to dun him, and so on.

7038. But you employ people who attend to their duties?—We do not employ others, if we can avoid it.

*By Rev. Dr. McLeod :*

7039. Has your piece-work ever been interfered with by the drinking habits of men?—Yes.

AMOS W. ALLEN.

7040. To what extent?—In the majority of shops the men are dependent on one man, and if he fails to show up, it is a serious inconvenience to the rest. It would make no difference in the case of a labourer.

7041. But in regard to a skilled mechanic, it would?—Yes, in some positions.

7042. And that is one reason why you are more or less careful to have men who are not drinkers?—That would be one reason.

7043. Is the drink trade established in the vicinity of your works?—A. Yes, there are quite a number of places.

7044. Do those places give facilities for men to drink on their way home?—Yes; there are very good men who would not drink for months and months unless for the sociabilities they meet with, and as they meet with their friends, they drop in.

7045. Do you think it would be an advantage, first to your employees, and then to you and to your business, if these drink places were not in the vicinity of your industry?—Yes. But not so much if they could get it somewhere else.

7046. Do you think it would be an advantage if liquor was not within reach at all?—Yes.

7047. About how much time does a drinking man lose per month, because he is a drinking man?—It differs much in different cases, but they lose a good deal of time.

7048. Would he lose one day a month?—Some would lose more, and others would lose no time at all, though they would drink, and it would be an injury to them.

7049. Would they average two days a month?—Yes, at least that.

7050. That is not considering the interference with your work?—No.

*By Mr. Clarke :*

7051. Do you say that every person in your employment who drinks—and there are seventy-five per cent in that category according to your statement—loses from one to two days a month?—No.

7052. You do not refer to those who drink in moderation?—They may drink to moderation sometimes.

7053. We have to distinguish between men who drink to get drunk and those who drink to moderation, and these statistics refer to men who drink to excess?—Yes.

7054. You have men who are moderate drinkers, who do not lose a day a month?—Yes; we have men who are hard drinkers, who do not lose that.

GEORGE A. DAVIS, of St. John, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7055. Are you a member of the Municipal Council of the city?—Yes; councillor and alderman both.

7056. How long have you been in that position?—This is my third term.

7057. Have you been brought into contact with the working of the License Act?—I have a good deal.

7058. Have you seen the workings of the law in other parts of the province besides this city?—Yes.

7059. In places where the Scott Act is in force?—Yes.

7060. And where the license law is in force?—Yes.

7061. Taking the city, do you find that the license law is effectively enforced?—I think it is as well enforced as in any city I have ever visited.

7062. Has there been in your recollection an increase or a decrease of drunkenness in this city?—There has been a large decrease, I think, in the last four years.

7063. Have you any amendments to suggest as to the license law?—Yes; I would like to see a high license and a good Inspector to look after the quality of the liquor.

## Liquor Traffic—New Brunswick.

7064. Have you reason to believe that the liquors that are sold are adulterated?—Very much so.

7065. And injuriously so?—Injuriously so.

7066. Then in reference to the working of the Scott Act in the counties where it is in force, do you find it is enforced there?—No, it is not enforced.

*•By Rev. Dr. McLeod:*

7067. Have you lived in any Scott Act county?—No, but I have been in those counties.

7068. And you have observed that the law is not enforced there?—Yes, I have been present time and time again when these cases have been brought before the Judges, and all kinds of exceptions have been taken to them.

7069. Have you any knowledge of the difficulties which have existed?—I have in my own county of St. John.

7070. What was the difficulty?—The difficulty was that public opinion was not in favour of an Act of that kind, but strongly against it.

7071. How has it come about that public opinion has adopted the law?—I suppose that women and mothers have induced men to vote, and afterwards they have found the law was impracticable and they could not enforce it.

7072. Do you think that women and mothers are responsible for the adoption of the law?—I certainly do.

7073. You think that women generally and the mothers induce the voters to do very bad things?—No, Dr. McLeod. You ought not to ask me such a question. I presume I have some intelligence; but in their eagerness and over zealousness they overstep the mark, like some other people.

7074. Have you known of any difficulties in the courts?—I think our Judges are inclined to treat the law very fairly.

7075. Have you any knowledge, as a barrister familiar with the courts, of any difficulties that are altogether independent of public sentiment, whether it be strong or weak, in the courts growing out of appeal cases that have hindered the enforcement of the law?—I think in the Scott Act there are so many points in reference to the proceedings from the issue of the summons down to the final judgment and execution, that so many chances of technical mistakes are afforded that the law cannot be properly enforced.

7076. Has not St. John a high license law?—No; it has not a high enough license.

7077. And have you not a good Inspector?—No, I mean a chemist to inspect the liquor; and I would like to see the license fee put up to \$500.

7078. What makes you think there is adulteration?—I know there is.

7079. Do we understand you have personal knowledge of this?—I have a little.

7080. What is your knowledge?—I see the effect on men about the streets, and sometimes I have to take them home.

7081. Men who are intoxicated?—Yes. Instead of being drunk in the ordinary way and feeling good, they are practically insane, and that is the effect of adulterated liquor. The man who drinks it in the low grogeries kept by men who ought not have any license, cannot obtain liquor in a decent place; and if those places were put in the hands of competent men, the evil would be lessened in my opinion.

7082. By whom is the adulteration made?—I cannot say.

7083. Have you any idea?—I suppose there is a good deal of liquor that does not come from the United States.

7084. Do you suppose any is manufactured in St. John?—I do not suppose there is any such liquor made here; I have heard rumours about that.

7085. You have no direct information about that?—I have no definite information; I may have an opinion.

7086. You said you believed the license law in St. John was as well enforced as in any city of which you have knowledge?—Yes, and the court is very strict. It is hard to get any one clear, if there is any case against him at all.

GEORGE A. DAVIS.

7087. Have you any knowledge or belief of the violation of the Saturday night closing law in this city?—I have never gone round and peered into people's business, but I do not see drunken men about on Saturday night.

7088. At what hour does the law require these places to close on Saturday night?—At 7 o'clock.

7089. Do you suppose they sell after 7 o'clock?—I do not suppose anything about it.

7090. You have expressed an opinion?—I think the large majority do not sell.

7091. But some do?—I think that decent respectable men could get liquor after hours, but I do not think a drunken man could.

7092. Could he at any time?—From some of them, unfortunately, he could. Some will sell liquor. That is what I say in regard to the character of people who get licenses.

7093. Do you think the Sabbath law is violated?—I do not think it is to any extent. I think the law is generally well observed. It was an awful sight when the Scott Act was enforced in Portland. They did not fear any law there, human or divine. It was a case of being open at all hours of the day, Sundays and every other day.

7094. What was the reason of that?—The people were not prepared to enforce the law, and the drinking places were open, and there were all kinds of disgraceful scenes, fighting and so on.

7095. Was that by reason of the law, or by reason of the violation of the law?—By reason of the violation, of course.

7096. So you do not charge that to the law?—By reason of the lack of public sentiment. I do not think the people were prepared for anything of that kind, and it was a misfortune the Act was ever placed on the statute-book.

7097. It was repealed in St. John county?—Yes, and a good thing it was.

7098. Are you a member of the County Council as well as of the City Council?—I am.

7099. Did the County Council take steps to bring about that repeal?—It had nothing to do with it.

7100. Did it employ a man to get up petitions, and pay him for the work?—I do not think so.

7101. Perhaps you were not a member of the Council at that time?—Perhaps not, but I do not think the Municipal Council would do anything so wild as that.

7102. Do you know whether the Council of Portland interfered with the enforcement of the law?—I do not see how they did. I know a good many of the councillors were against the Act, but I do not know of any interference.

*By Mr. Clarke :*

7103. Whose duty is it here to enforce the law in St. John?—The Chief Inspector.

7104. Is he appointed by the Provincial Government?—Yes, by the Provincial Government, and the Mayor of St. John fixes his salary.

7105. Who is the Chief Inspector?—The Chief of Police, a gentleman of the name of Clarke, I think.

7106. If drinking has substantially decreased in the last three or four years, to what do you attribute the decrease?—I think largely to the efforts of the Church and the medical profession, and the moral training, through the different efforts of the temperance societies. I think they have done a great deal of good.

7107. Has the population of St. John increased or decreased much during the past four years?—I think it has decreased, unfortunately.

7108. If the percentage of convictions for drunkenness has increased fifty per cent in the last four years, that would be outside of this city?—I think so, though they look sharply after the drunkards here. If any one is a little under the influence, they march him up to the police station and impose heavy fines, which I think is very wrong.

7109. Have you had any experience of the operation of the Scott Act?—Yes.

7110. And what is your opinion of it?—I think it has been poorly enforced.

7111. And you attribute that to the lack of public sentiment?—I do.

7112. Could you suggest any amendments to the Scott Act, which would make it more efficiently enforced?—I could not. I am a firm believer in high license.

## Liquor Traffic--New Brunswick.

7113. Do you think if these opportunities to raise technical questions were removed, the law would even then be enforced?—I do not think so, because it is too much in the nature of informing, and that raises disputes.

7114. Is there any reason why municipal bodies should not enforce the law or appoint officers to enforce it?—They can appoint them, but afterwards there seems to be a desire almost to disregard the officials altogether, and get them into traps and bribe them, which they would not attempt with other officers.

7115. Is there any reason why the Chief Constable or the Chief Marshal in the various municipalities should not be appointed the License Inspector?—I think, according to the state of feeling now, if you appointed the Chief of Police to enforce the Scott Act there would be anarchy.

7116. You think it would be better to have an officer appointed by the Dominion Government?—I think so certainly.

7117. And that would be more satisfactory?—It might be tried.

7118. Did drunkenness increase or decrease in the county of St. John, while the Scott Act was in force?—It largely increased, and the worst kind of liquor was sold.

7119. The law was not enforced?—It was not.

7120. Did it affect the liquor business in this city?—I do not think it had any effect. I think, if anything, it decreased it.

7121. Was drunkenness more prevalent in Portland than it was here?—Largely so. There was more drunkenness in the City of Portland than in the City of St. John, greatly more to my personal knowledge.

7122. Did the people of Portland vote in conjunction with the county or as a separate municipality?—As a separate city.

7123. Was there a large majority in Portland in favour of the Scott Act?—I am not prepared to say exactly, but it was in the vicinity of 300 or 400 or 500.

7124. But it was notwithstanding that majority, a dead letter?—A dead letter. Drinking places were open all night and all day, and Sundays and all times.

7125. Did the Municipal Council intend to enforce it?—I cannot say.

7126. Do you know St. Martin's?—Yes.

7127. Is it a separate municipality?—No. It is a parish of the county of St. John.

*By Rev. Dr. McLeod :*

7128. What ward do you represent?—Brook's.

7129. That is on the west side?—Yes.

7130. Have they any licenses there?—No.

7131. Why?—Because people do not want any.

7132. What is the feeling there?—Well, the opinion is very strong there in reference to liquor, and a man cannot get liquor there except for medicinal purposes.

7133. Is there any illicit sale there?—I am not prepared to say ; I do not know of any. The police there are very careful in regard to selling and do not give them the chance to sell at all, and the class of people who live there do not want it.

7134. Do you think that section of the city is better or worse in consequence of the absence of licenses?—I do not know. Men will come across on a Saturday night and get liquor in the city. I think that section of the town is benefited, because if they go on Saturday night and get intoxicated and start on Monday morning, there is no place where they can get liquor and continue their spree.

7135. It shortens the spree?—I think so.

7136. The police enforce the law there?—Yes.

7137. Do they generally throughout the city?—I think we have a good police force, as a whole.

7138. The chief officer is very careful to look after these cases?—He has good officers under him. That is all I am prepared so say.

ISAAC ALLEN JACK, Recorder of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7139. You are the Recorder of St. John, I believe?—Yes.

7140. Where is your residence?—In the city.

7141. How long have you been Recorder?—Seven years on the 1st of April last.

7142. What are the duties of Recorder?—The duties at present are those of a city solicitor. I advise the city on all matters of litigation and attend to all the litigation of the city.

7143. You prosecute infringements of the city by-laws?—No, I do not. By an arrangement with the Clerk of the police court he attends to all prosecutions before the Police Magistrate, and it is only when a case come before the higher courts by *certiorari* or something of that sort that I have anything to do with it. But I have had to do with infringements of different Acts since I have been Recorder.

7144. You have some knowledge, then, of the operation of the license law in the city?—Not much. My knowledge is not much more than that of any other citizen, though I may exercise my observation more than others as a civic official.

7145. Have you any knowledge of the working of the law outside of the city of St. John?—Yes. I resided in a portion of the city which was formerly the city of Portland; the two cities were united in 1889.

7146. Did you reside in Portland when the Scott Act was in force?—I resided when it was proposed to be in force.

7147. Have you any knowledge of the working of the Scott Act outside of these two cities?—Only in Fredericton.

7148. In the old city of St. John, how did the license law operate?—The license law was framed in 1877. I think it came into force in 1878. At first there was considerable difficulty in consequence of one of the members of the bench having a strong opinion that the Act was *ultra vires*, and therefore for some time the liquor dealers set the authorities entirely at defiance or nearly so, and both in St. John and Portland at that time, there was no enforcement of the law. In the one case the Canada Temperance Act was supposed to be in force and in the other the License Act; but afterwards the validity of the License Act was entirely established before the courts, and since then I think it has been faithfully enforced.

7149. Do you think drunkenness has increased or decreased in the city of St. John proper during the seven years you have been Recorder?—I would not like to state that there has been any marked change one way or the other. I cannot help feeling that the moral influence of the different organizations is having its effect, but it does not produce immediate results.

7150. This is a seaport town?—Yes.

7151. You have occasionally here people who are not residents?—I think considering the character of our floating population during the summer months, it is a very well conducted town, but my experience is not large.

7152. In Portland, how was the Scott Act enforced?—Unfortunately, immediately after the adoption of that Act in Portland, some very serious objections were raised of a technical character, which really tied the hands of the authorities. There was some question in reference to the manner in which the vote was taken, whether Portland formed a distinct organization, or whether it formed a portion of the City of St. John. As a matter of fact it was held that Portland was a city. I think that was the principal difficulty, though I was not concerned in the litigation. The result was that the hands of the authorities were tied, but my impression is that there was not a strong opinion in favour of the Act amongst those who were in the City Council at that time, but a pretty strong feeling against the Act.

7153. Was it subsequently repealed?—Yes.

7154. Before the union of Portland and St. John?—I forget the date. It must have been just about the time of the adoption of the Union Act.

7155. In 1890, I am told?—That would be after the Union.

## Liquor Traffic—New Brunswick.

7156. So it was carried in 1886 and repealed in 1890?—As to the result of the Act, I think I have evaded the question. I have shown the influences at work, but certainly the result was very unsatisfactory. I never saw so much drunkenness in Portland as I did then, and I have resided there all my life. I know in almost every house they were selling liquor, and it was sold at night, and even in the day time you encountered persons under the influence of liquor. It was about as bad as one can conceive. In my section and from my observation, I think it was very bad.

*By Rev. Dr. McLeod :*

7157. Do you think that the free sale in Portland was chargeable to the Act, or to the difficulties that arose out of these questions to which you have referred?—The free sale would be chargeable to the non-enforcement of the Act, and that would be due to the difficulties in the way to some extent, and to some extent to the want of desire to enforce the Act.

7158. Is it possible to form an opinion as to how far the law would have been enforced if those difficulties had been removed?—That would be a matter of conjecture. For myself, I have always rather believed that that Act could be enforced.

*By Mr. Clarke :*

7159. Could you make any suggestions as to amendments to the law that would make it run more smoothly?—I suppose the ideas of an individual who does not set up to be a moral reformer are not of great value, but my ideas are not entirely in consonance with that Act. If you desire my opinion, I will give you my ideas. My ideas are more in consonance with what is known as the Gothenburg Act. I am disposed to think it is very difficult, if not impossible, to enforce prohibition, unless you have a very strong moral sentiment on the part of the community. We may arrive at that in time, but I do not think we have it now; and in the absence of that sentiment, I think there are some elements which are always to be observed. First of all, there should be an inspection of all liquors. Then I think the leading principle in the Gothenburg system, that of having liquor sold in places where food is always given with it, is the proper one. A very large percentage of drunkenness is due to the fact of men drinking bad liquor on empty stomachs.

7160. Would you favour the granting of licenses for the sale of light wine and beer?—I would. I think if we could only teach our people to drink light wines and beers in preference to spirits, it would be a great advantage. I would put the lowest license on wine, the higher on beer and the highest on spirits.

7161. You spoke of having some experience in Fredericton?—Yes.

7162. How is the law observed in Fredericton?—For some time it was not very well observed, but subsequently an effort was made to enforce it, and I am disposed to think a pretty successful effort. My experience would be simply as a barrister attending the courts there.

7163. By whom were the efforts made in Fredericton?—I believe by the temperance organizations.

7164. Did the Privy Council take any action?—I do not speak positively. The action, I imagined, had to be taken through the Privy Council, but I understand that it was largely through the agency of the total abstainers that it was taken.

7165. Have there been any obstacles in the way of the appointment by the local authorities of License Inspectors to enforce the Act, owing to public sentiment not being in favour of it?—I think not, unless it is the opinion very commonly entertained, rightly or wrongly, that one exercising such duties as have to be exercised by such an official is not considered very popular.

7166. Would you favour the appointment of Dominion officials to enforce the Scott Act? Do you think they would be more successful?—I have never considered this very fully, but my impression is that it would be a better course. I give that opinion subject to the possibility of changing it.

7167. Where is St. Martin?—A. It is in the county of St. John.

7168. Is it a separate municipality?—No, it forms part of the county.

ISAAC ALLEN JACK.



7169. Do you know anything of the operation of the law in St. Martin?—I do not know, except from Inspectors' reports.

7170. When the Act was repealed in the county, it ceased to be in operation in St. Martin, I suppose?—There is a very strong total abstinence feeling in St. Martin.

7171. Did St. Martin give a majority in favour of the repeal of the Act?—I do not remember, but I should feel quite satisfied that the majority there would be in favour of sustaining the Act.

7172. From your knowledge and experience, would you favour the passage by the Dominion Parliament of a general prohibitory law?—No.

7173. Do you think if such a law were passed in the present state of public opinion it could be enforced?—I do not think it could.

7174. Do you think, if such a law were passed, brewers and distillers should be compensated by the province of Canada for their business which would then be destroyed?—That is an old question which has been discussed by wiser men than myself, and I cannot say I have ever thought it out very fully; but my idea, in the event of prohibition being adopted, would be to postpone its enactment a sufficient time to enable persons in the trade to get rid of their stock-in-trade as fast as possible.

7175. That would be a partial recognition of their interests?—Yes

*By Rev. Dr. McLeod :*

7176. Were you connected with the Portland Council?—I was not.

7177. Have you any knowledge as to whether the Council instructed its officers not to enforce the law?—I had no connection with the management of Portland affairs. I do not think there was a very strong feeling in the Council in favour of the Act.

7178. Do you know that the Council instructed the policemen not to enforce the law?—No.

7179. Do you know if there were any convictions for violation of the Scott Act in Portland?—I cannot state positively, but I think there must have been some informations laid—a limited number. Then, I think, the question came at once before the Council, and if my memory is correct, the points raised on behalf of the dealers were decided in their favour.

7180. You have not personal knowledge?—No, but I could ascertain that within half an hour.

7181. I understand you were connected with the Council?—No. My father was.

*By Mr. Gigault :*

7182. Have you ever been in the State of Maine?—Not to any extent. I was in Portland at the Centennial celebration.

7183. Did you observe if there was any drunkenness there, or if the prohibitory law of the State of Maine was observed?—I have reason to believe it was not observed in the city of Portland, but I do not know that its non-observance was very marked.

7184. Is there less drunkenness now in St. John than there was in the county of St. John under the Scott Act?—Very much less.

*By Judge McDonald :*

7185. The Dominion Government passed an Order in Council appropriating fines under the Scott Act to be used by the County Council for the purposes of the enforcement of that Act. I presume that applied here as well as in the other provinces?—I think so.

7186. Do you know what became of those fines? Were they used for that purpose?—A. I do not know. I am not in a position to answer.

7187. Speaking of the provincial authorities enforcing the law: who issued the licenses here under the Act, what are called druggists' licenses?—I have really forgotten.

7188. The provincial authorities?—As regards druggists' licenses that are issued under the Canada Temperance Act, I have forgotten exactly the provisions in regard to them.

7189. The Privy Council held otherwise, and gave the power of issuing those licenses to the provincial authorities?—Yes.

## Liquor Traffic—New Brunswick.

7190. Do you know any legislation here in connection with them?—I do not think there was any, but I will not speak positively, for I have not had my attention turned to it.

7191. In Ontario the Provincial Government, even under the Scott Act, appointed a Board of Commissioners and an Inspector, who issued the licenses to druggists, and those authorities looked after the enforcement of the Act and made the County Council provide them with funds for doing so, they being Scott Act fines. Is there any such system prevailing here?—I cannot say. My experience has been entirely under our provincial license system, except so far as Portland is concerned, and I am not in any way connected with the management of the city.

*By Mr. Clarke :*

7192. Is any Inspector appointed to enforce the Scott Act?—I think not.

7193. To what do you attribute the non-appointment of such an officer? We find the Act carried by very large majorities in some counties, and yet the municipalities take no steps to enforce it. Are they reflecting public opinion by their non-action, or are they flying in the face of public opinion?—It is difficult to say.

7194. We have endeavoured to ascertain the cause of the non-enforcement of the Act?—You may find a member of Parliament making a speech on the floor of the House that may be very inconsistent with his conduct on the same night in the hotel, and I suppose the same rule may apply so far as the County Council is concerned.

7195. Will that rule apply to the electors?—I am speaking now rather on general principles, because I have not turned my attention to any particular instances.

7196. You cannot account for the non-enforcement of the Act after its adoption by a very large vote of the ratepayers?—No, it is a difficult matter; it has puzzled me more than once.

7197. If there was a strong public sentiment in favour of the enforcement of the Act, would not the County Council of necessity reflect that opinion?—Yes, I should think so.

GEORGE A. HENDERSON, of St. John, Clerk to the City Police Court, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

7198. How long have you resided in St. John?—Since 1869.

7199. And how long have you held the position of Clerk of the Court?—Since 1877.

7200. I understood from the last witness, the Recorder, that some arrangement was in force by which you prosecuted in what may be called the statutory cases, which go to the police court?—I have acted in that capacity.

7201. Are you brought in contact with the administration of the License Act?—I am constantly.

7202. And also with charges of infraction of the city by-law against drunkenness and disorderly conduct?—Yes.

7203. Have you any report that will give statistics in regard to these matters?—I have prepared a statement which is taken from the annual report submitted to the Common Council. This statement runs back to 1871. It shows the whole number of arrests during each year and the number of arrests for drunkenness. [Appendix No. 9.]

7204. Do those figures cover cases of persons charged with selling illicitly?—Yes.

7205. Then you have such cases occasionally?—Yes. In connection with the statement I have made, I may say I have brought with me two reports, one for 1875 and one for 1884, which I selected at random. The ages of the persons arrested in 1875 were as follows: Under 10 years, 4; between 10 and 15 years, 36; between 15

ISAAC ALLEN JACK.

and 20 years, 168; between 20 and 30 years, 612; between 30 and 40 years, 337; between 40 and 50 years, 214; between 50 and 60 years, 136; between 60 and 70 years, 42; between 70 and 90 years, 7. The report of 1884 shows similar statistics all the way through. The report for that year also shows the number of persons arrested once and over, as follows;—957 arrested one time; 98 arrested two times; 21 arrested three times; 8 arrested four times; 3 arrested five times; 4 arrested six times; 1 arrested seven times.

*By Rev. Dr. McLeod:*

7206. The arrests for drunkenness are shown in your statement, I believe. For instance, in 1891 there were 1,678 arrests, of which 1,038 were for drunkenness. Is it possible to make anything like a correct statement, showing how many of the arrests other than for drunkenness were simply for offences occasioned by drink?—That would be a matter of approximation, I think, but I can safely say that fully one-half would be indirectly due to liquor.

7207. Do you think that would be within the mark?—Yes.

7208. For offences other than those of drunkenness, offences traceable to drink?—Yes, including assaults, fighting and such offences.

7209. Of the petty thefts and like crimes that come before you, what percentage are caused either by the drinking habit of the person charged or the drink habit of their parents?—In cases of theft I think offenders, as a rule, are people of intemperate habits.

7209a. Of the offences by juveniles, how many of them, do you think, are chargeable to drink on the part of their parents or guardians?—I should think there are very few cases in which the parents were not addicted to drink.

7210. Is that your observation?—Yes.

7211. And you have been Clerk of the court since 1877?—Yes.

7212. Is it possible to prepare a statement of the cost per annum of arresting, trying and punishing those offenders, together with the other costs of the police court?—You will find that information, I think, in the Chamberlain's report.

7213. That is the cost of the police establishment?—Yes.

7214. I think you stated, in answer to a question, that you had frequently before the court violations of the license law; is the license law violated to any great extent?—Yes, it is; you mean by that the illicit sales, of course.

7215. Do holders of licenses violate the prohibitory provisions of the license law; that is, do they sell during the hours prohibited and on the day prohibited?—It is not infrequent to have a person charged with that offence.

7216. Are the cases very frequent?—I could not say they were very frequent, considering the number of licensed houses.

7217. How many licensed houses have you in the city?—In the vicinity of 100.

7218. Is there much illicit sale by persons who hold no licenses?—That is a matter which it is very difficult to determine. I should judge that, so far as the saloons are concerned, the law is fairly well respected; but my belief is that, as regards the hotels, it is not as well respected.

7219. Are there many persons who are not licensed sellers; does that come under your observation?—Yes.

7220. Do the holders of licenses assist in preventing illicit sale?—So far as I know, they do not.

7221. Taking the license law as a whole, do you think it works fairly well in St. John?—As a license law, I think it does.

7222. Do you think, to any appreciable extent, it licenses the drink sale?—I should judge that it did, in my opinion.

7223. You were Clerk of the court in 1877?—A. Yes.

7224. Was that the year of the fire?—It was the year immediately after the fire,

7225. Do you remember that during the time of the fire, or the days that followed the fire, there was a public meeting of citizens, at which resolutions were passed closing the licensed liquor stores for a time?—Yes, that was the fact.

## Liquor Traffic—New Brunswick.

7226. Do you know who were the parties who moved in that matter?—My impression is that Judge Palmer made the motion. I think he was supported by some people in the liquor business; Mr. Furlong, for instance, supported him.

7227. It was a meeting of citizens simply?—That is my impression.

7228. What was the effect of that resolution: did it close the places for the time suggested?—As I was not connected with the court at that time, I do not know whether people were prosecuted or not for violations of the liquor law then to any great extent.

7229. Do you know why not only the illicit places, but the licensed liquor shops should have been closed at that time for a number of days?—I suppose it was a question of morality, and that it was done in the general interests of the community.

7230. You have expressed your belief that saloon licensees fairly well observe the law, and that the hotels do not so well observe the law. From your long experience in the police court in dealing with these matters, have you formed an opinion as to which, supposing one or other must be licensed, it would be better to license, saloons or hotels?—I think they might be placed on the same footing. It would be better if the liquor selling in hotels was open to the street, where it would be under observation. As a rule bar-rooms in hotels are in very out of the way places and liquor laws in regard to them cannot be so well enforced for that reason.

7231. Do you think hotels should be placed on the same footing as saloons?—Yes.

7232. If they are to be authorized at all?—Yes.

*By Mr. Clarke:*

7233. Then if it was determined by the proper authorities to suppress either the hotels or saloons, so far as the selling of liquor is concerned, do I understand that you prefer that the hotels should be prohibited from selling?—I do not wish to be so understood.

7234. Do you wish both to be placed on the same footing in regard to the location of their bars?—That is my theory.

7235. Are the places which provide accommodation for travellers in the same position as drinking shops, which give no accommodation?—What I mean is, that the officers of the law should have the same authority to enforce the law. These saloons are on the public streets, but hotel bars are, as a rule, placed in out of the way places, and the police cannot enforce the law for that reason.

*By Judge McDonald:*

7236. Is it required that the saloons shall be on the street, or open to the street?—It is due to the force of circumstances—the saloons are always on the street.

7237. But there is no law regulating the matter?—No.

*By Mr. Clarke:*

7238. And there is no law, I suppose, providing that hotel bars shall be on the front street?—No.

7239. Having resided in St. John for a long time, you must have some knowledge of the manner in which the Scott Act was enforced in the county and in Portland?—Yes.

7240. How was it observed, was it observed at all?—I think it was not observed at all, while it was supposed to be in force in Portland. The matter was before the courts for some time and the cases were hung up. At the time of the union of the city an effort was made under the new regulations to enforce the law, that is of St. John itself, in Portland. The attempt was made. A number of persons were prosecuted and fines were imposed. The cases were taken on appeal, and the convictions were affirmed. Shortly afterwards the law was repealed, and the license law was made to apply to both cities.

7241. Do you think the Scott Act is a workable measure and that it can be enforced?—It depends upon the administration and the persons who are appointed to execute the law, in my opinion.

GEORGE A. HENDERSON.

7342. Would you favour the appointment by the Dominion Government of persons to enforce the law?—I should favour the appointment of the persons who were most competent, whether appointed by the Dominion authorities or the Local Legislature. As to the source from which the officer gets his appointment, I do not see why that should help the enforcement of the law.

7243. Are the officers appointed by the local authorities to enforce the law generally efficient officers who understand the law they have to deal with?—Not always.

7244. Are there any barriers in the way of the local authorities appointing officers to enforce the Scott Act?—I know of none.

7245. If officers are not appointed, notwithstanding the fact that the Act was carried by a large majority, to what do you attribute the non-enforcement of the law?—I should say it was indifference on the part of the councillors.

7246. Could that indifference exist among members of the Council if they were backed by public sentiment?—I think that if there was a strong public sentiment behind them urging them to make a proper appointment, it would be made.

7247. Can you suggest any amendments to the Scott Act that would make it a more efficient weapon?—I have had so little to do with the enforcement of the law under the Scott Act, I am not sufficiently familiar with it to make any suggestions.

7248. The citizens at the time of the fire, I understand, passed a resolution requesting all hotels and saloons to be closed?—I remember that as a fact. I should not like to speak very definitely in regard to that matter, as it is a matter of history, to which I have not had my attention called until now; but it was a fact that the bar-rooms were closed for several days.

7249. Do you know why the people desired the bar-rooms closed on that special occasion?—It was a time of general disorganization and people were flocking into the city from all quarters.

7250. Was it a period of great excitement?—Yes. The bar-rooms had been destroyed to a great extent, and I suppose it was felt that little shanties might be erected and liquor sold generally.

7251. That was due to the general disorganization?—Yes, to the state of affairs at that time.

ROBERT J. RITCHIE, Police Magistrate of the city of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

7252. Have you practised law in St. John?—Yes.

7253. How long have you been Police Magistrate of the city?—Three years since last May.

7254. Does it come within your province to try cases of infractions of the license law in the city?—Yes.

7255. And also prosecutions for breaches of the city by-laws, cases of drunkenness, and so forth?—Yes.

7256. Have you ever had anything to do with the enforcement of the Scott Act?—Not officially.

7257. Have you lived in any section of the country where that Act was in force?—When I was in the Legislature, I was in Fredericton a good deal.

7258. Was the Act in force there at that time?—Yes.

7259. Was it enforced?—It was not.

7260. In what year would that be?—I was in the Legislature from 1879 to 1889.

7261. Were you a member of the Government?—I was Solicitor-General in the Government.

7262. What county did you represent?—The city and county of St. John.

7263. Mr. Henderson, as Clerk of your court, has furnished the Commission with statistics?—Yes; he is of course more familiar with them than I am.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

7264. Were you a resident in the city of St. John when the Scott Act was in force in Portland and St. John county?—Yes.

7265. Was it enforced?—Not at all.

7266. What is the moral effect on a community of having an Act on the statute book that is totally disregarded?—Very bad.

7267. Would you favour the passage by the Dominion Parliament of a general prohibitory law?—If public opinion would back it up.

7268. In the present state of public opinion?—From the experience we had with a prohibitory law, because the Scott Act is local prohibition, I should think not.

7269. It has been pointed out that there would be this advantage, that, while under the Scott Act people in the country parishes can import liquor for their own use, under a general prohibitory law they would be debarred from doing so, except for medicinal purposes?—That would make a difference.

7270. And the manufacture of liquors would be prohibited. In the state of public opinion in this section of the Dominion, do you think at present, if a prohibitory law were passed, it could be enforced?—I have not given the matter sufficient attention to speak with regard to it. I can see a difference between a general prohibitory law and the Scott Act, the latter being enforced in only one or two counties and liquor being sold in other counties, and being imported and being also manufactured in the province.

7271. But is not the general non-observance of local prohibition an indication that public opinion is not ripe for the enforcement of the measure?—It may to some extent be attributed to the officers not doing their duty.

7272. If the persons who appoint the officers were amenable to public opinion, would they not compel them to do their duty, if public opinion were sufficiently strong?—No doubt.

7273. And where the Act was carried by a large majority, and is now more honoured in the breach than in the observance, is it not an indication that while the people vote for its adoption, they do not care to enforce it?—I am more familiar with the way in which it was violated in Portland,—and there it was openly violated. In a case of that kind, one would naturally suppose the authorities would endeavour to see that the law was not violated, as it was the law, whether they were in favour of it or not.

7273a. Do you think that if a prohibitory law were passed, those engaged in the trade, the distillers and brewers, should be compensated by the State?—I should think with respect to the brewers that, if they have built up a trade and have a large amount of capital invested in the business, it would be fair for the Government to consider the propriety of recompensing them.

7274. Could you suggest any amendments to the Scott Act that would make it more easily and efficiently enforced?—I could not.

7275. Would you favour the appointment of Dominion officials to enforce the Scott Act?—I have not considered the question whether it would make much difference or not.

7276. In some places where we have taken testimony the opinion has been expressed that the appointment of Dominion officials would be a move in the right direction, and in other places the opinion expressed was not favourable to the appointment of such officers?—I suppose unless faithful men were appointed and did their duty, it would not make much difference what the appointing power was.

7277. And I suppose if there was a strong public opinion behind them, they would not permit the law to be flagrantly violated?—No.

*By Mr. Gigault :*

7278. Have you had any experience of the working of the prohibitory law in the State of Maine?—No.

7279. Do you believe that if a general prohibitory law were enacted, there would be a great deal of smuggling of imported liquors?—That could only be a conjecture. I suppose it would be very difficult to stop smuggling.

ROBERT J. RITCHIE.

*By Rev. Dr. McLeod :*

7280. I understood you to say that the Canada Temperance Act was not enforced in Fredericton?—I thought it was not enforced when I was there.

7281. Do you think it is enforced in any degree?—Yes, because persons are prosecuted again and again and imprisoned.

7282. Do you believe that the number of sellers has been reduced?—It would only be a suggestion: I should suppose the number certainly would be reduced.

7283. You base your belief on your observation in the hotels?—Largely, because I could not say how many persons were authorized before the Scott Act came into force, and outside of the names of persons I have seen brought before the court, I know nothing.

7284. Have you had any means of forming an opinion as to why the Act is not enforced in Fredericton in a greater degree?—I could not say; of course, I could go on supposing, but I have no knowledge.

7285. Do you know anything of the difficulties in the way of enforcement?—From reading our reports as lawyers, I see that every conceivable objection has been taken in some counties, notably in Charlotte, to convictions made under the Act.

7286. Do you believe those objections have had the effect of making the enforcement less effective?—I should think so.

7287. You spoke about Portland, and the law being a dead letter there. How long after Portland and St. John were united was it before the law was repealed, so far as Portland was concerned?—I think about a year.

7288. Some months, at all events?—Yes.

7289. Were there any complaints of illicit sale in the city then known as Portland after the union, but prior to the repeal of the law, laid in your court?—I do not remember any Scott Act cases being brought before me.

7290. Do you know whether the Council of the united city instructed the police officers not to enforce the law in Portland?—I do not know.

7281. During the time the Scott Act was in force?—I do not know.

7292. You heard the statement of the Clerk of your court; I presume the statistics are all right?—He will give you correct statistics.

7293. What is your rule in dealing with men arrested simply for drunkenness: do you fine or imprison or caution them?—Very rarely do they escape without some fine, \$2, \$4, \$6, or \$8.

7294. There was formerly, I believe, an \$8 rule on Monday morning?—It is not an \$8 rule for Monday morning particularly, but it applies to persons who are drunk on Sunday. If they are arrested on Saturday night they are fined \$4 each, as some were this morning; if drunk on Sunday they are fined \$8.

7295. When a man is arrested for being drunk on Sunday, it is a fair inference that he purchased liquor then. Is any attempt made to ascertain who were the sellers and who violated the law by selling on Sunday?—That is the duty of the Inspector of licenses. He is Chief of police, and very often following cases of that kind, there are complaints made against sellers, and the person so fined is usually the witness.

7296. Then cases for violation of the license law do often follow cases of drunkenness on Sunday?—I do not know how many cases the Chief Inspector looks into or examines, but I know that cases are brought before me in which persons who have been fined by me, have been used as witnesses against persons charged with violation of the license law.

7296a. Is it possible from your records to show what proportion of the total amount of fines collected in the course of a year is made up of fines collected for drunkenness and offences that grow out of drunkenness?—I do not know that we could furnish that statement, but the books certainly would show the facts, because there is an entry made of every person tried and the fines levied for drunkenness.

7297. A certain amount of money is collected in your court for fines. What proportion is made up of fines for drunkenness?—I can give you that amount exactly for each month; but if there be a certain number of persons shown, it will not be a correct conclusion to arrive at that those were different individuals, for a great many of the

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offenders, or at all events some of them, are continually before the courts. They may during the year represent thirty persons.

7298. Is there any way of distinguishing those individuals in your records?—I think the Police Clerk is familiar with the names.

7299. If you would separate the "repeats" it would help the accuracy of the statement?—Yes.

7300. Is it difficult to enforce the license law in St. John?—Of course, it requires some vigilance.

7301. Do you find many infractions of the law?—I find considerable, but generally it is fairly well observed.

7302. Is there prohibition to any extent in St. John, that is so far as matters come under your notice in your official capacity?—Nearly every one brought before me is fined, as you will see from the report. They are brought before me for keeping houses of ill-fame, or for being inmates of such houses, or under the Vagrancy Act. These appear in the report.

7303. Do you find this from the cases which come before you, that there is illicit sale of liquor in those houses all the time?—Yes.

7304. Have you reason to believe from the cases that come before you that the use of intoxicants is general in those places, not only by the regular occupants but by the frequenters?—I think I might say this, that from the cases that come before me, liquor is sold in those houses. I suppose it is used by the frequenters as well as by the inmates.

7305. Do you think that prohibition would have any effect in diminishing the social evil?—I am not in a position to say. To do that, I should have to come to the conclusion that none are guilty of it but those who drink.

*By Mr. Clarke :*

7306. And you would not be likely to come to that conclusion?—I should not be likely.

*By Rev. Dr. McLeod :*

7307. I want to ascertain whether drink is invariably or almost invariably connected with cases that come before you?—I certainly should think so.

7308. Mr. Davis told us no licenses were issued in Carleton. Have you many cases of drunkenness and petty offences from Carleton?—Yes; but I think from the evidence adduced that perhaps the people get the liquor on this side. There have been very few cases of persons charged with selling without license, I think a few widows. I cannot now recollect any man who has been charged with selling liquor unlawfully in Carleton.

7309. How many wards are there?—There were three, now there are two.

7310. How do they compare with two wards, similar in character as regards business and residences, on this side of the harbour, as to general good conduct and order?—As I have said, the persons who have been arrested in Carleton for drunkenness got liquor on this side and went over on the ferry.

7311. That implies that there is no illicit sale in that city?—Very rarely. The officers are very vigilant over there.

7312. Do you think the absence of licenses on the west side indicates a higher moral tone than prevails in any two wards on this side?—I do not think I could answer the question by making a comparison, but I think the state of things is better in Carleton since they have not been selling liquor.

7313. Do you think the absence of licenses there improves the moral tone?—Yes.

7314. Is there any other part of the city where they do not grant licenses?—I think even in Sheffield Street, where there are a number of houses of ill-fame, there are licenses granted; there is certainly one, not granted to a house of ill-fame but to a licensed tavern-keeper.

7315. Do many cases of violation of the license law come to you from that section of the city?—A good many.

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7316. That would support the answer that while those places existed, there also existed illegal sale of liquor?—Yes. There are a good many convictions and a good many cases in which convictions cannot be secured, and in which there is a good deal of swearing from the class of people who come from that locality.

7317. They are disposed to swear with very little regard to the truth?—Yes, in regard to the way in which they account for the liquor.

*By Mr. Gigault :*

7318. Do you believe that religious training does more to promote temperance than legislation contributes to that end?—I have always been an advocate of moral suasion with respect to temperance. Religious training should go with it.

*By Judge McDonald :*

7319. At the time the Scott Act was in force in Portland, we understand the License Act was in force in St. John, and there was only an imaginary line between the two places. Can you explain how people who could come to hotels at St. John and buy at regular places, purchased at illicit places at Portland, and further how those persons could carry on that illicit business?—Many of the people were in the business when licenses were granted, and they may have continued in their houses in some instances. It certainly had the effect of creating a public opinion here to some extent in favour of a License Act rather than the Scott Act. The Scott Act did not get a fair show in Portland. I do not know who was to blame, but it was plain that the Act was flagrantly and openly violated.

*By Rev. Dr. McLeod :*

7320. You have expressed your belief in moral suasion efforts. Do you think that the existing laws for the restriction and prohibition of the trade during certain hours and days are in any degree the result of those moral suasion efforts?—I think so.

7321. Do you think the efforts of the moral suasionists are expressed in such laws?—Yes.

7322. Do you believe that those laws help the moral efforts?—I do not mean to say you can depend altogether on moral suasion. I do not know but that, if I go on feeling as I do, I may become quite a prohibitionist after a while.

7323. You think the laws are the outcome of the moral efforts, and that the laws do not hinder but rather help the moral efforts?—Yes.

*By Mr. Clarke :*

7324. What effect has the non-enforcement of the law, the flagrant violation of the law, on the morals of the community?—I think very bad.

7325. You spoke about the difficulty of enforcing the Scott Act on account of the legal quibbles and technicalities raised respecting many of its provisions. Have not these objections been now pretty well disposed of by the courts?—Yes.

7326. Do you not think the list of objections to the Act, and which interfered with its enforcement, has been pretty well exhausted?—I think they are pretty well exhausted; but I have never had a Scott Act case before me.

7327. Do you think that if public sentiment were now very strongly in favour of the Act, it could be enforced without difficulty?—Yes, if they had public opinion behind them; but it is very difficult to enforce an Act, if there is not public opinion behind it.

7328. You spoke about fines imposed for drunkenness on Sunday. Do the officers attempt to find out whether the liquor was purchased on Sunday or on Saturday with which the individual got drunk on Sunday?—No effort is made by me. There is a Chief Inspector, and sometimes the outcome of cases for drunkenness is the bringing of a case for infraction of the license law.

7329. You do not know whether the majority of those drunkards purchase the liquor on Saturday or on Sunday?—I do not know.

7330. Have you any means of knowing the number of persons visiting unlicensed houses?—No, I have only to do with the cases brought before me.

7330a. Have you any knowledge as to whether when a prohibitory measure is voted on, the number of those places referred to decreases?—I could not speak as to that.

## Liquor Traffic—New Brunswick.

JAMES HARGRAVES, of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

7331. What is your occupation or calling?—Superintendent of cotton mills.  
7332. How long have you held that position?—Seven years.  
7333. How many men are employed at the mills?—I suppose about 110.  
7334. Have you had, an official connection with the administration of the license law as Inspector or Councillor?—No.  
7335. Nor with the management of the Scott Act in any part of the province?—No.

*By Rev. Dr. McLeod:*

7336. How many employees have you under your control?—Three hundred and twenty-five.  
7337. How many men employed?—About one-third of that number.  
7338. Are they affected at all by the drink traffic?—Very little.  
7339. Have you any rule as to the employment of men in that connection?—Of course, if a man addicted to drink came to me, I would rather have a sober man.  
7340. You have some who are addicted to drinking moderately?—Some.  
7341. Some who drink to excess?—Perhaps one or two per cent.  
7342. Have you any preference?—Of course there are some good workers among the moderate drinkers.

*By Judge McDonald:*

7343. You do not draw a distinction between the moderate drinker and the sober man?—No.  
7344. What do you mean by a moderate drinker?—I mean a man whose drink does not interfere with his work.

*By Rev. Dr. McLeod:*

7345. You prefer abstainers, because they are more attentive and more reliable?—Yes.  
7346. Has your work suffered on account of drinking among your employees?—Very little.  
7347. Have you had any opportunity to determine what interference with your industry the drinking of your employees has had?—We have had to discharge men who got drunk and neglected their work.  
7348. It was a loss not only to them of their wages, but also to you, because they interfered with others, I suppose?—Yes.  
7349. Do you think the prohibition of the drink trade in the vicinity of your industry would be an advantage?—I think if they could not get it, they would be so much the more sober.  
7350. You think there are some men who if they have no facilities for getting drink, will not drink?—I think so.  
7351. And if there are drink places within their reach, they will drink?—Yes.

WILLIAM A. SKILLEN, of St. Martin's, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7352. What is your occupation or calling ?—I am a notary public.

7353. Do you hold any official position ?—Parish Court Commissioner of St. Martin's.

7354. How long have you resided at St. Martin's ?—About 34 years.

7355. In what county is it ?—St. John.

7356. How far from the city ?—About 30 miles.

7357. Have you had anything to do with the administration of what is commonly called the Scott Act ?—A little.

7358. In what capacity ?—As a Justice of the court.

7359. How long was the law in force in that county ?—I think about four years.

7360. Was it thoroughly enforced while in operation ?—No.

*By Rev. Dr. McLeod :*

7361. What interfered with the thorough enforcement of the Act ?—I cannot understand what interfered with it. I think I had the first case in the county that was tried as a test case of the Scott Act for the county. That case has been before the Supreme Court of New Brunswick ever since, and is not yet settled. That is probably part of the difficulty.

7362. Have you in subsequent cases been met with the difficulty that that case was still unsettled ?—Just previous to the election recently held for the repeal of the Act, I tried three cases, and in all three convictions were given ; and in one case the man went to jail, and in the others the cases were appealed, and they are still before the court.

7363. Have you reason to believe that, but for the difficulty you have stated, the enforcement of the law could have been much easier and more effective ?—I think it could have been more effective if it had been easier of operation.

7364. And it was not easier of operation, for what reason ?—It was too expensive and there was too much machinery.

7365. Is there more machinery than there is in the ordinary law ?—I think so.

7366. How many years ago was it that the cases went before the Supreme Court ?—Four years ago.

7367. Do you know of any reason why they are still before the Supreme Court ?—I do not know. Last fall, I understand, the lawyers tried to make a compromise. One case had gone so far that I had fined the man, the fine had been paid, and the costs paid to the Sheriff, subject to the decision of the Supreme Court, and they are still held by him. The lawyers applied to the Sheriff to have the money paid over to them and divided amongst them.

7368. What is the difference between the License Law and the Scott Act ?—It is very much in favour of the License Law.

7369. For what reason ?—Because it is more easily enforced, and there are local officers who come under the control of somebody.

7370. Who has the control ?—The Municipal Council.

7371. What officers do they appoint ?—The Inspector.

7372. That is since the Canada Temperance Act was in force ?—Yes.

7373. There was no one to enforce the Canada Temperance Act ?—No.

7374. Are any licenses existing in St. Martin's ?—One.

7375. Is there any illicit sale there ?—I have heard there might be some.

7376. Is there any more than there was before the license was issued ?—Not more, and I think less since the Inspector took hold of it.

7377. The Inspector is succeeding in enforcing the law ?—I think so.

7378. He is succeeding better than before ?—Very much better.

7379. Is it easier to get convictions ?—I think so.

## Liquor Traffic--New Brunswick.

7380. Is it easier to get evidence?—It was easy enough to get evidence. I have had to summon witnesses under the License Act, which I did not have to do under the other law. There is very little difference.

7381. Who is the holder of the license there now?—Mrs. Nugent is the only one.

7382. Was she an illicit seller before?—She was convicted once.

7383. Have you any idea that she will observe the provisions of the License Act?—I cannot say.

*By Mr. Clarke :*

7384. How did she obtain her license?—By petition. I think it is necessary that one-third of the ratepayers in the sub-polling district should sign.

7385. Notwithstanding that she was a law breaker, one-third of the residents petitioned?—Yes. I had no doubt she would get it in that district.

7386. Was there ever a time in your residence in St. Martin's when there were nine or ten licensed places there?—No. Never beyond seven to my knowledge.

7387. How many places were there where liquor was sold when the Scott Act was in force? Was the number greater or less than when the liquor license law was in force?—About the same or less. Seven or eight places existed when there were large ship-building operations going on there and a large transient population. There have never been beyond four of late years under license.

7388. Did drunkenness increase or decrease when the Scott Act was in force?—There was no great difference.

7389. No marked difference?—No.

7390. No marked increase or decrease?—No. It simply kept on the even tenor of its way.

7391. You would have noticed any change?—Certainly.

7392. Did the Scott Act introduce a better condition of things than before it?—No, because no Act can do that unless it is put in operation. The mere passage of an Act will not do anything.

7393. Whose duty is it to enforce the law?—Thomas W. Mosher, the Town Clerk, is the Deputy Inspector.

7394. Appointed by whom?—By the Municipal Council.

7395. And the difficulty in the Scott Act was that no one was appointed to enforce it?—Yes, the Municipal Council did not appoint any one.

7396. The temperance sentiment is very strong there?—Yes.

7397. Was there any legal obstacle in the way of the Council appointing an Inspector?—No.

7398. Did the Council reflect the sentiment of St. Martin's in declining to enforce the law?—They did not. If they had reflected the feeling of the people of St. Martin's, they would have enforced prohibition. That parish is largely for temperance and prohibition.

7399. Since the Scott Act has been repealed and the license law has been in force and a license has been issued, has drunkenness increased or decreased?—I think it has decreased, if anything. There is a certain amount of influence exercised over those who are selling illicitly by the Deputy Inspector, who has notified them not to sell, and I do not think there is much liquor sold there.

7400. From your experience generally, do you think that public opinion is ripe for the passage of a general prohibitory law?—So far as St. Martin's is concerned, I think the people want a prohibitory law, but I do not know as to the Province at large.

7401. What is your own opinion?—I think that a prohibitory law would be very hard to operate, unless importation was prohibited.

7402. A general law would prohibit the importation as well as the sale? Do you think such a law could be enforced?—It would, I imagine, be very difficult.

7403. Is it less easy to enforce the prohibitory clauses of the Provincial Law than the clauses of the Scott Act?—I think so. We judicially find it easier to get over the conditions of the License Law than the Scott Act.

WILLIAM A. SKILLEN.

7404. It would be better, then, to repeal the Scott Act and adopt the prohibitory clauses of the Provincial law?—I think so. They have really the same provisions under the License Act, as they have under the Scott Act, and they are much more easy, because the municipality is bound to enforce the Act.

7405. And the granting of licenses rests with the people?—With the people themselves. I think the Provincial Law is one of the best in existence.

7406. Do you think, if the Scott Act was enforced by officials appointed by the Dominion Government, it would be better enforced?—I think, probably, it would be. It would be more easily operated in that way.

7407. Could you make any suggestions as to the simplification of the Act itself?—No. I suppose the ruling of the Supreme Court will do that.

7408. Have you any experience, outside of your county, in the Province or in Nova Scotia or in Prince Edward Island, as to the operation of the law?—I had some experience in Nova Scotia.

7409. What did you find to be the results of the operation there, when the Act was supposed to be in force?—For two or three years I had a contract from the Government for a steamer between Windsor and Parrsboro', on the Bay of Minas. No license was issued in Parrsboro', but there were seventeen rum-shops there, and nine-tenths of our freight, of all the freight we carried from Windsor to Parrsboro', was liquor. These liquors were not addressed to the parties for whom they were intended, but to the Customs officer in bond, although they were not in bond and were supposed to go through to Amherst; but to my knowledge, the liquors never left Parrsboro', but were delivered there to the parties who went for them.

7410. In what county is that place?—In Cumberland.

7411. Is the Scott Act in force in Cumberland now?—I do not know.

7412. Did you have any experience in any other parts of the Province?—No.

7413. What is the population of Parrsboro'?—I think, from 1,700 to 2,000.

7414. Was there a liquor license law there at any time?—I do not know.

7415. There was some prohibitory measure on the statute-book?—Yes, and an officer was appointed by the Government, a man named Broddy, I think.

7416. There were seventeen unlicensed places there?—Yes, to my knowledge.

BEVERLEY A. McAULEY, of St. John, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7417. What is your calling or occupation?—Dry goods merchant.

7418. Have you had to do as councillor or otherwise with the enforcement of the license laws?—Nothing whatever.

7419. How long have you resided in St. John?—All my life, forty years.

7420. Have you noticed whether there has been an increase or a decrease in drunkenness in the community?—I cannot say.

*By Rev. Dr. McLeod :*

7421. Have you formed any opinion as to the effect that the drinking customs have on the public interests?—I have not.

7422. Have you any rule that you enforce as to the employment of the clerks in your employ?—No. We find we never have any difficulty in getting sober men.

7423. Do you desire to have sober men?—We never have to ask the question.

7424. You have none except sober men?—I do not remember.

7425. Some business men say that the drink habit by lessening the wage-earning power of the man lessens his power, that is, he has less to spend in dry goods and other matters, debts are contracted and there is general suffering?—I have never gone into that so deeply as to give an opinion upon it.

## Liquor Traffic—New Brunswick.

*By Mr. Gigault :*

7426. Have you had any experience as to the working of the Sott Act?—None whatever.

*By Mr. Clarke :*

7427. You were a resident of St. John when the Scott Act was the law in Portland?—Yes.

7428. How was it observed over there?—I could not say. I have no knowledge of it.

7429. Do you ask applicants for employment whether they are total abstainers or not?—I do not think I ever asked the question.

7430. And if they are abstainers during business hours, that is all you require?—I should think it would be impossible to watch them beyond that. That is my experience.

7431. You have had no knowledge of the operation of the Scott Act through this Province or elsewhere?—I have no knowledge of it whatever.

7432. Would you favour a general prohibitory law?—That would require more attention than I have ever thought of giving it.

7433. If it was passed, would it be proper or improper to compensate brewers and distillers?—That I cannot say. If the matter were before the country, I would drop my ballot as I would on every other matter that came before the country.

7434. Has drunkenness increased or decreased within your experience?—I have not watched the police reports.

*By Judge McDonald :*

7435. But from your observation as a citizen on the street?—Sometimes I see a drunken man and sometimes I do not see one for months.

*By Mr. Clarke :*

7436. Do you know what percentage of your employees are total abstainers?—I do not.

REV. EDWARD J. GRANT, of Sussex, King's County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7437. What is your calling?—A minister of the gospel, a Baptist.

7438. How long have you resided in King's County?—Nearly three years.

7439. What law is in force there?—The Scott Act.

7440. Was it in force when you went there?—Yes.

7441. Have you had any opportunity to observe how it is worked?—Yes.

7442. How is it enforced?—It is being enforced at present vigorously, more vigorously than at any other time.

7443. By what officers?—I have been the prosecutor in Sussex for the last two years.

7444. Have you a Stipendiary or a local Justice of the peace?—Both.

7445. Have you taken action in more than one district?—I have not. Only in the parish of Sussex.

7446. How many convictions have you obtained in the last two years?—I do not remember, but in the vicinity of fifteen or eighteen.

7447. Have you laid any information in cases where you have not been successful?—Two or three cases, through some informality in the papers.

7448. Not from lack of evidence?—No.

7449. Witnesses were sworn in those cases?—Yes.

BEVERLEY A. MCAULEY.

7450. And proved the transgression of the law?—Yes, but there was some technicality in the papers.

7451. Have you attended at the trial?—I have.

7452. Had you reason to believe the witnesses gave their evidence candidly and truthfully?—There may be many cases in which I believe they intended to do so; but they could not remember.

7453. Was that as to the denial of getting the liquor, or of not knowing that the liquor was sold?—It was lack of memory as to not getting it.

7454. Does the Magistrate do his duty fearlessly?—We tried cases before the Stipendiary Magistrate for a year and then abandoned him, and had cases tried before two Justices of the peace.

7455. The same two Justices of the peace?—Yes.

7456. Are there many Justices of the peace?—Yes.

7457. Why did you abandon the Stipendiary?—The temperance people were not satisfied.

7458. Had he this kind of cases before him?—He had both kinds; but where we failed, he had evidence sufficient to convict, but did not convict.

7459. Had you any cases where they pleaded guilty?—No.

7460. Do you think there are any liquors sold illicitly there now?—The men we have been prosecuting for two years are still selling. We know that.

7461. Are there many?—There are two in the village of Sussex and probably others in the parish.

7462. Do they keep houses of public entertainment?—No; they keep open saloons, selling nothing but liquor, and we have been prosecuting them.

7463. Are they old residents or strangers?—Old residents.

7464. Are you troubled with strangers, who come in and then disappear?—No. These are old residents.

7465. These are old residents?—Yes, who have been there all their lives.

7466. Have you had any cases of second or third offences?—No, not so far.

7467. What is the reason? Is it that you have not cared to press them, or that the Justices of the Peace have not taken them up?—I do not know the reason. I have spoken several times to the attorney who was prosecuting them to do that, but he has preferred to go on with the first offence.

7468. Is he under your control?—Yes.

7469. Then you have not pressed it upon him?—I have not, for reasons which seem to me justifiable, but I intend to do so when the proper time appears to me.

7470. In any of these considerations, has there been a consideration for the families of the parties who were charged and against whom a more lenient course was pursued?—No.

7471. How, then, do you explain it?—I do not please to give any explanation, except that the attorney was not willing at that time.

7472. But you are the prosecutor, and take all the trouble and bear all the opprobrium, if any?—Yes.

7473. Still this has not been done?—No.

7474. Have you had any difficulty as to the disposal of the fines collected, the Dominion Government having passed an Order in Council by which the Scott Act fines are to be applied to the expenses of the enforcement of the law?—I am using the fines for that purpose.

7475. The Magistrates pay them over to you?—Yes.

7476. Did the Stipendiary do so?—There were no fines collected during his time. He could not collect them.

7477. Have the police been used in this matter?—Yes. The fines have been collected, and I have used them.

7478. You have succeeded in enforcing the law as far as it could be enforced?—Yes.

7479. Have the County Council given you any aid?—I think a year ago last June they appointed a Scott Act Inspector for the county. There is some question as to whether they have power to appoint or not. Shortly afterwards, the case was

## Liquor Traffic—New Brunswick.

appealed to the Supreme Court of New Brunswick, and then I think it was decided that the Council had power to appoint. They appealed to the Supreme Court of Canada, but the case never reached there. I think the reason was that it involved a heavy law suit for the Municipal Council.

7480. The decision of the Supreme Court of the Province was in their favour?—It was in favour of the temperance people.

7481. And therefore in favour of the Council?—Yes.

7482. Have you a surplus on hand from these fines?—No.

7483. How are these expenses incurred?—Payments to the attorney and the Magistrate and the constable.

7484. But the Magistrate and constable levy their fees in addition?—No. The legal fees allowed by the Scott Act do not nearly cover the expenses of trying cases. I think the legal fees would not be more than \$4 or \$5 in each case, and each case will cost not less than \$20 or \$25.

7485. Do the Magistrates attempt to collect any more fees than are allowed by law?—No.

7486. Do the constables?—They do. We have to pay them whatever they ask.

7487. Do you think you would be in a better position, if officers appointed by either the Provincial or the Dominion Government were appointed to enforce the law?—I have no doubt if officers were appointed by the Dominion Government, we would have no difficulty.

7488. You would be able to send out these two illicit sellers you have now?—Yes. We intend to send them out anyway. We intend to enforce the Act and to close them up. We have cases going on this week.

7489. Then you have the public sentiment of that community at your back?—Yes.

*By Rev. Dr. McLeod :*

7490. Have you had the public sentiment at your back all the way through?—Yes, sufficiently to subscribe the amount of money required to enforce the Act.

7491. And that was true when the Act was not enforced?—Yes. Unless there had been some person to go on and lead in the matter, and organize, you could not have enforced the Act.

7492. During the time that no one went forward and the law was openly violated, do you believe public sentiment was favourable to the enforcement of the Act?—Yes, I know it was.

7493. So what has been done in enforcement since, under the leadership of yourself and others, is not because the public sentiment is different from what it was before?—No, I do not think so.

7494. Can you explain how it is that the illicit sellers, notwithstanding the prosecution and the penalties, persist in selling?—Yes. They persist in selling, because they think in a little while we will get tired of it and give it up.

7495. They think they will weary you?—That they will wear us out.

7496. Are they men of means?—Yes, because they have made a small fortune in selling rum.

7497. Do you know how much they have paid in fines since you took hold of it?—A little over \$500.

7498. Has any arrangement been made with them by which these fines may be regarded as a license fee practically, and they may go on and sell?—No. We are now prosecuting all those we can.

7499. Is the sale in Sussex confined to the two men to whom you refer?—It is said there is a small place that sells, but the sale is so small that it is hardly worth mentioning.

7500. Was there any time when there were more sellers than these two or three?—No, I think not.

7501. Have you any idea of the extent of illicit sale in other parts of the county?—I think it has been quite general, but within the last six months at all the principal centres of the county they have commenced to enforce the Act.

REV. EDWARD J. GRANT.



7502. Why this desire for the enforcement of the Act, and why is it successful?—They are encouraged by the success in Sussex, and they are encouraged in other parts of the county.

7503. The success came, when? Before or after you had succeeded in removing the obstructions which obtained in the courts at that time?—Our difficulty has been this, or we think so, that a certain Judge in the city gave certain orders that we think he ought not to have given, as there was not sufficient reason for giving them.

7504. Has that hindered your work?—It has in this way: that it has encouraged these men to fight and resist the law, and they have resisted for nearly two years.

7505. The convictions have been sustained?—Yes, except one where there was some irregularity.

7506. You think the law is enforceable?—Certainly, and it is better now than it was before, because every technical point has been settled by the courts.

7507. Is that because the law is pushed, and not because the public sentiment is behind it?—It is enforceable because some person takes the trouble to enforce it. If the public sentiment were behind it still, it could not be enforced if there was no one to enforce it.

7508. What amendment would you suggest to the law?—That the officers be appointed by the Dominion Government, and that they have authority to go in and search where they believe liquors are kept for sale, and they should be indemnified, and then there would be no difficulty in enforcing the law.

7509. At present the burthen is on the private citizen?—Yes. And if we seize liquors they replevy. It means for the temperance people a heavy lawsuit, and if they decide against us at Ottawa, we have heavy costs to pay.

7510. What effect has the enforcement of the law had on business in Sussex? Has it injuriously affected it?—Many of the business men there say that the drink trade is injurious, as the drinkers are not, as a rule, prepared to pay their bills.

7511. Have the business men shown their opinion practically?—Yes, nearly all the business men did.

7512. Because of their moral feeling in the matter?—Yes.

7513. Because they are interested in their own business?—No; I think the moral feeling weighed with them most. They wanted to see the evil removed from their neighbours, as well as themselves.

7514. Have you seen beneficial effects from it?—Yes.

7515. Morally?—I suppose I might say so.

7516. Socially?—Well; it is too short a time to observe any development in the social status of the community. We had the military camp in the county last year and also this year. Last year we had it a very short time, and the troops were fierce in resisting the law, and the drunkenness among the soldiers was marked. This year I saw not one of the soldiers drunk, and I was around the streets this year the same as last year.

7517. And you attribute that to the fact that the illicit sellers did not dare to sell as they did before?—Not as much, but they would sell some liquor, because they were, no doubt, afraid of these men being brought as witnesses.

*By Mr. Clarke:*

7518. You have cases against these two persons in Sussex?—Yes, two in Sussex. One of the same we have been prosecuting for some time, and another we have not prosecuted in another part of the Province.

7519. Are you prosecuting this old offender for a first offence?—Yes.

7520. How many times has he been fined?—Five times.

7521. And you are proceeding against him for the sixth time for the first offence?—Yes.

7522. What is the population of Sussex?—I suppose, in the parish about 1,500.

7523. In the village?—Not more than 700 or 800.

7524. Your experience, then, has been that the Canada Temperance Act can be enforced, if any one is disposed to enforce it?—Yes.

7525. Have you a Parish Council or Town Council?—No.

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7526. Only the County Council?—Yes, and they appointed an Inspector ; but an injunction was put upon him, and, as it meant a heavy lawsuit, they dropped it, and we, as private citizens, had to take it up.

7527. Do you think the law can be enforced where there is a disposition on the part of any private citizen or individual to enforce it?—Yes, but I do not think it is fair that the burden should be placed on private citizens to enforce it. I think it should be a Dominion official and that the expense should be public.

*By Judge McDonald :*

7528. Do they do their drinking in these places, or do they take the liquor home?—Both.

7529. Are they people of the farming class?—Yes.

*By Mr. Clarke :*

7530. Where did you reside before you went to Sussex?—At Woodstock, in Carleton county.

7531. How was the law observed there?—They were enforcing the Act when I was there, with more or less success.

7532. How long was it in force there before they commenced these measures?—I cannot say.

7533. Had you any experience anywhere else?—I had under the license system in Dartmouth, Nova Scotia. I was there for three years, during which time the town had eight licensed saloons, and five years afterwards the saloons were closed up. There is no doubt in my mind that the change in the morals and general conduct of the people was marked during the five years. A short time before I left the Chief of Police told me on the street that the number of arrests for drunkenness and offences committed under the influence of strong drink had decreased more than fifty per cent in the years subsequent to the closing up of the saloons.

7534. Is there less difficulty in enforcing the prohibitory clauses of the Provincial Act than in enforcing the Scott Act?—I have had no experience of the efforts to enforce the prohibitory clauses of the License Act, having been opposed to a License Act in any form, and I have never endeavoured to enforce any of its provisions.

THOMAS H. STREET, of St. John, wholesale liquor merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7535. How long have you resided in St. John?—A little over two years.

7536. Have you resided at any other place in the province?—Yes, at St. Andrew's.

7537. During that time, from your observation, has there been an increase or decrease in drinking in this city?—I have been here so short a time I could hardly judge.

7538. How long were you in St. Andrew's?—I was in the liquor business there during fourteen years.

7539. Was the Scott Act in operation there?—Yes.

7540. Was it carried by a large or by a small majority?—By a pretty good majority.

7541. Was a heavy vote polled?—An ordinary vote ; not a very heavy one.

7542. Was the Scott Act observed in St. Andrew's?—It was never observed at all, that is to any extent.

7543. Was there free sale of liquor?—Yes, comparatively so.

7544. Were any prosecutions instituted?—Yes, once in a while.

7545. How was the Act observed in the county outside?—In some parts of the county it was more strictly observed than in others.

7546. Was it more strictly observed in the rural districts than in the towns?—Yes.

REV. E. J. GRANT.

7547. How far is St. Andrew's from the State of Maine?—Two or three miles, across the river.

7548. What river is that?—The St. Croix, or rather it is at the mouth of the river, and at the end of Passamaquoddy Bay.

*By Mr. Gigault :*

7549. What is your experience as to the working of the prohibitory law in the State of Maine?—I have a good many customers there, and I have always had them.

7550. Do you sell a good deal of liquor to them?—Yes.

7551. Did you ever travel through the State of Maine?—I have not been in the interior, simply in the border towns.

7552. Do you know that liquor is sold there?—I know it.

7553. So you have determined that the prohibitory law of the State of Maine is not observed?—To a certain extent, it is observed.

7554. Where is it observed?—I do not know any place where it is rigidly observed. I believe at any time liquor can be obtained in Maine; I have always succeeded in obtaining it.

7555. Do you sell to the people living in the cities?—Yes.

7556. And to the people living in the rural districts?—Not to any extent to private customers.

*By Rev. Dr. McLeod :*

7557. How many years did you say you were in business in St. Andrew's?—I think about fifteen years.

7558. During how many years of that period was the Scott Act in force?—About ten years.

7559. You had a license as a wholesale merchant?—Part of the time I had and part of the time I had not. They gave us a license at one time and they refused to give us a license afterwards, but it did not make any material difference.

7560. You still went on selling?—It did not make any material difference.

7561. You did not regard the law?—No; it was a dead letter so far as we were concerned.

7562. You sold without any obstruction?—Yes.

7563. You did not attempt any concealment?—No.

7564. Never?—No. At one time, in the height of the excitement, the bottles were taken from the shelves in the store; that was all, the casks and everything else were left as they always were.

7565. Where did you chiefly sell—to parties in St. Andrew's?—Yes, and through the county, and in the counties of Charlotte and York; from one end of the province to the other, and also in Maine.

7566. You were aware, I suppose, that you were selling illegally?—I was aware that sale was illegal.

7567. And you still continued to sell?—Yes.

7568. Did it ever occur to you that this was not a proper thing to do?—Never.

7569. Do you generally disregard law?—No, but some laws you have to disregard.

7570. What law do you have to disregard?—This law was a sort of law that the community, as a rule, did not observe. A small part of the community looked upon it as proper, and another part of the community looked upon it as improper—it was a sort of vexed question.

7571. Do you think law should be interpreted according to a man's own notions?—No, I do not.

7572. Do you think law should be observed or disregarded according to a man's own notions?—I do not.

7573. You have stated that you sold liquor in Maine also?—Yes.

7574. You sold, I suppose, to private parties for their own consumption?—Yes, and also to hotel-keepers and druggists.

7575. For them to sell at retail?—Yes.

7576. You knew their business was illicit?—I did.

## Liquor Traffic—New Brunswick.

7577. Then you were a party to their illicit sales?—I did not go into that question; they paid for the goods.

7578. You stopped at a certain point?—Yes.

7579. And you think you are quite a disinterested witness in this matter?—Perhaps I am not.

*By Mr. Clarke :*

7580. You are perfectly satisfied that you stated the truth when you said that you had sold liquors in St. Andrew's and the county of Charlotte, and in other counties in the province?—Yes, I can prove it.

7581. How can you prove it?—By my books, if necessary.

7582. That you sold liquor during the time the Scott Act was in force?—Yes.

7583. And that you did business at St. Andrew's and in various places in this province, and also in Maine?—Yes.

7584. Did you ever sell any liquor in Fredericton?—Yes.

7585. Was the Scott Act in force when you commenced business in St. Andrew's?—No, it was not.

7586. How long were you in business before the Scott Act was voted on?—About four years; I cannot tell you the date.

7587. Did drunkenness increase or decrease as a result of the passage of the Scott Act?—It had no effect in St. Andrew's; I do not think it made any difference in that community whatever.

7588. No attempt was made to enforce the law?—There were certain attempts made, but they did not succeed. Instead of going to a bar-room, they got bottles and drank in other ways.

*By Rev. Dr. McLeod :*

7589. You regard the Scott Act as a failure?—Certainly; it is a failure in one way. It has hampered and bothered business; but from a temperance point of view, I regard it as a failure.

7590. You regard it as a failure from a temperance point of view, because it did not prevent you selling liquor?—That is to the best of my observation.

7591. Did you sell as much before the Scott Act as afterwards?—Yes, as much afterwards as before.

7592. Did your sales increase or decrease, or did they remain about the same?—In some places I sold less, and in other places I sold more.

7593. You answered Mr. Clarke by stating that you did not think there was any difference as regards drunkenness in St. Andrew's?—I think not. If anything, I think it was worse after the Scott Act.

7594. You do not think there was any decrease in the sales under the Scott Act?—In some places there was, but in St. Andrew's there was not.

7595. Do you understand that there is any relation between the trade and drunkenness?—In what way?

7596. Is the trade in any way related to drunkenness—is drunkenness contingent on the trade?—If a man buys whisky, he does not necessarily get drunk.

7597. Were you ever prosecuted for violation of the Scott Act—that is you or your son?—No; I think at the very start we were once prosecuted, that was all.

7598. How did the case result?—All the cases were appealed at that time.

7599. Were you affected?—No.

7600. Then the charges were not pressed?—There was some technical point in regard to summoning the witnesses.

7601. Then it was not for lack of evidence?—It was really regarding the procuring of witnesses.

7602. Why did you come to St. John?—For business reasons. This is a better point from which to do business with outside parties than St. Andrew's.

THOMAS H. STREET.

7603. Did you find yourself hampered by the Scott Act?—Not to any extent. My business was not only in St. Andrew's but through the whole province. St. Andrew's is a small place and a small community.

7604. Were you connected with the Campobello business?—I sold in Campobello.

7605. Did you have prosecutions there?—That was before I was in business.

JOHN F. GREGORY, of St. John, accountant, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

7606. Have you anything to do with the license law or the Scott Act in this province?—No.

*By Rev. Dr. McLeod:*

7607. You have had to do with workmen, I believe?—Yes, considerable; our firm employs from 90 to 115 hands.

7608. Do you find them affected by the drink trade?—I do.

7609. Injurious or beneficially?—Injurious.

7610. To what extent?—When we find a man is continually drinking or is a man we cannot reform, we discharge him, and we do not allow such men to interfere with our business, any more than we can possibly avoid.

7611. The employers of labour sometimes complain that they lose by men being idle?—We do.

7612. Idle when they are drunk, or owing to sickness resulting from drink?—Both on account of men being drunk and losing time in that way; also by their coming to work more or less under the influence of liquor and not doing as much work as they otherwise would do. In any and every way a man taking liquor affects his working capacity.

7613. When you speak of a man taking liquor, do you mean a man taking a little in the morning, another little at noon and again when he has done work at night; or do you mean a man drinking to excess, even to drunkenness?—I do not mean necessarily drinking to excess. The men who do not drink are better men in our employ.

7614. They are the most regular at work?—Yes, and they are the most reliable in every way.

7615. Have you any idea of the percentage of time lost by workmen through drink?—Anywhere from 10 per cent to 25 per cent. We pay once a fortnight, and twelve days is the maximum pay, sometimes the men draw for ten or eleven, and drinkers are apt to lose a day after pay day, and a day after a picnic, if one happens to occur.

7616. Do you find that the men who lose time are only those who get on a spree?—Yes, those are the men who lose time.

7617. Do you find the tendency of moderate drinkers is to excessive drinking?—The man who is a moderate drinker cannot be relied on positively; we never feel absolutely sure that there is not a time coming when he will be the worse for it. There is no man in our employ who takes liquor in whom we have implicit trust.

7618. For the positions of clerks or bookkeepers, do you employ drinking men?—No; that is the very first question we ask.

*By Mr. Clarke:*

7619. What is the business of the firm with which you are connected?—Lumber merchants.

7620. How many men in your employ are total abstainers?—We do not keep any pledge lists, but when we find any man drinking so as to interfere with his work, we discharge him. You must remember that the labour employed at the mills is generally

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labour of the poorest class—that is to say mentally. The men do not come under the same head as employees in a cotton factory or a shoe factory. They are not tradesmen, but labourers. As regards your question about how many total abstainers we have, I might say that probably 20 per cent of the men in our mill are total abstainers—that is about the average. The employers at our mill are making every effort to obtain total abstainers, and they are even going so far as to import outside men.

7621. Then you have only 20 per cent of the men in whom you place implicit confidence? Where do you draw the line when you say a man shall not remain in your employment any longer?—That is a matter of personal judgment.

7622. Have you any time-sheets to show how many men have lost time, and how much time has been lost as a result of using an excessive quantity of liquor?—The time-sheets will show how many days a man has been away, and I can form a pretty shrewd estimate as to the number that were affected by liquor. If a man stays away because he is sick, or his wife is ill, he will send word by some one, or if it is a prolonged illness, we will fill his place at once.

7623. Your time-sheet will not show how much time was lost by men drinking?—Not of the time lost by drinking, but having a personal acquaintance with the men, and knowing their habits fairly well, I can make a pretty shrewd guess.

7624. Do you ask the men who work at your establishment if they are total abstainers?—That is the very first question we ask.

7625. Notwithstanding that, you have only been able to secure 20 per cent of total abstainers?—Yes, but we are working with the most illiterate class, mere labourers. I do not pretend to say that if we were working a shoe factory or a manufacturing concern where tradesmen would be employed, we would not get a larger percentage.

7626. This labour is all unskilled?—Very largely so.

*By Rev. Dr. McLeod:*

7627. This rule to which you have referred is purely a business one?—Yes, for our own protection.

7628. Do your men live in the vicinity of the mill?—Some do, and some do not.

7629. Have you observed the effect of drink upon the homes and families of the men?—Yes.

7630. How do the homes and families of those who drink compare with the homes and families of those who do not?—The man who works at a saw-mill eight months in the year will average more in wages than any tradesman, such as carpenter or painter about this town, and the sum is sufficient to enable him to take care of his family comfortably. The families of those who drink are not clothed, and when the winter time comes and they are four months out of work, we have to advance money to them. Those who do not drink can take care of themselves, but those who drink we have to take care of, as a matter of charity.

7631. Has your business ever suffered by accident or otherwise through drinking men?—I do not think any drinking man has ever fallen into a piece of machinery at the mill, because the moment a man is drunk, he is put out; and if he does not stay out, we give him in charge of the police, or we throw him into a lockup we have and afterwards hand him over to the police.

7632. Has your business ever suffered on account of the drinking habits of the men?—Certainly; we have raised steam and the crew have not come to work, simply because the men had got drunk.

7633. Then that was a loss to you?—Yes, and an interference with work.

7634. Is the drink trade established in the vicinity of your mill?—Yes, there are two or three saloons within eight hundred or nine hundred yards of it.

7635. Do you find it a benefit to have these drinking places there, or are they a temptation to men who otherwise would not drink?—They are a temptation to men who otherwise would not drink, and we have to keep a pretty sharp look out to prevent liquor being smuggled into the mill.

7636. Would it be a benefit to your business as well as to the men, if these places were not there?—Certainly.

JOHN F. GREGORY.

*By Judge McDonald :*

7637. Why do you employ any but total abstinence hands?—We do not employ any but total abstinence men except where we cannot avoid it. The supply of labour is sometimes scarce, there is a scarcity of men in the community. That has not been the case this year, nor was it the case last year, but the year previous it was the case.

7638. Why do you, therefore, employ any but total abstinence hands?—This year we employ some men, who I know are not total abstinence men.

7639. Why?—The only reason is that they are more experienced, that is to say they have been with us so long they are more capable of doing the work than strangers would be; but at the same time, if we could get men to fill their places, we would not keep them.

7640. Are any of the men you have men you could easily dispense with and easily replace?—As regards the men engaged in the mill, who are all strong able-bodied men, we could probably fill their places with others.

7641. Why do you not do so?—We are replacing them continually, and as rapidly as we can. When a man is asked, "Do you drink liquor," he will reply "No, I never did." We discover, however, two or three weeks afterwards that he does drink; and then out he goes.

7642. You expect in the course of time to have none but total abstinence men employed at your mill?—We hope that we will have a model mill crew some day.

7643. Do you employ total abstainers at higher wages than the other men?—No; there is a standard for every job in the mill. Of course we have strikes and that sort of thing, as do other manufacturers, but there is a standard price and we put the men on at the standard price. Some of the men have had experience, and they may get an addition of ten cents or five cents a day in the fall. We say to them, "You work steadily until the fall and we will give you fifteen or twenty-five dollars."

7644. Did any men ever tell you they were not total abstainers when you asked the question?—Yes.

7645. Have you had any men say that they were moderate drinkers?—Yes.

7646. You never had men tell you they were drunkards?—I can make a pretty shrewd guess from a man's countenance.

7647. If a man told you he was a moderate drinker, would you say that you paid one rate of wages to total abstainers and another to moderate drinkers?—I have never said so; but I always say to a man who comes to work, "If you behave yourself, I will see that you are advanced."

*By Rev. Dr. McLeod :*

7648. You speak about hoping that some time you may have a model mill crew?—Yes.

7649. Do you think the licensed drink sale interferes with your getting that?—Certainly it does.

7650. Speaking about total abstinence: do you think saloons in the vicinity of your mill and elsewhere sometimes lead away men who otherwise would be total abstainers?—I think they do, to my personal knowledge they do. The men are apt to congregate there on rainy nights. It must be remembered that probably not more than one-third of the men can read and write. Some might be able to sign their own names, but simply from having practised it, and copied the name, but without having any intelligent idea of what they are writing. They congregate in places such as low drinking saloons to hear the newspaper read by somebody who is a little more intelligent than the others, and then they discuss labour problems.

*By Judge McDonald :*

7651. Has your firm established coffee houses or recreation rooms for the men?—No.

*By Mr. Clarke :*

7652. Do you think their illiteracy points to the general use of liquor by men, for example, who are not able to read and write?—Yes.

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7653. If these men were educated, the temptation would not be so great?—No.

7654. You say you carried these men through the winter, until the time for commencing work again?—Yes.

7655. Have you made it a habit to do so during past years?—We have done so every year, and I have been in the employ of the firm eleven years.

7656. You have done this simply as a matter of charity?—Yes; when I say charity, I mean they repay us by their work next summer.

7657. Then you have not done so because they were expert workmen?—We would prefer to get rid of them during the winter, and then we would not see their misery.

7658. What is the pay of an ordinary labourer?—Do you mean by that a mill-man.

7659. What do you call a mill-man?—A man with some little experience receives \$1.80 a day; the lowest pay is \$1.25 and it runs up to \$2.

7660. Then one-half of your men get \$1.80 and the other half \$1.25?—The wages would go down from \$1.80 to \$1.25; \$1.60 would be the average for the labouring hands: that rate is exclusive of the engineers, mill-wrights and machinists.

7661. Are they employed all the year round?—Yes, these men come under a different head altogether. I refer to mill-wrights, fitters and engineers.

7662. But for the other class the highest wages is \$1.80 per day?—Yes.

7663. And they have eight months' work during the year?—Yes.

*By Rev. Dr. McLeod:*

7664. Is your mill in Fairville?—On this side of the bridge.

7665. Can you give any information as to whether the present law is better than the Scott Act?—I do not know anything about Fairville.

THOMAS WALKER, M.D., of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

7666. How long have you resided in St. John?—I have resided here since 1863.

7667. Have you been practising all that time?—Yes.

7668. Have you held any municipal position, as Mayor or City Councillor?—No. I am one of the Commissioners of the General Public Hospital; that is all the position I hold in a public way.

7669. Have you observed whether there has been an increase or decrease of drunkenness in this city?—I should say, looking at the matter generally, there has been a decrease. That is, however, my own individual opinion.

7670. Had you any experience with the working of the prohibitory law in Portland while it was in force there?—Yes, I was in Portland every day and very often in the evening.

7671. Did you find the Act prohibited the sale of liquor?—No, not in the slightest degree; I think it rather increased it.

7672. Have you lived in any place where a prohibitory law was in force?—I was living here when the prohibitory law was in force, as far back as 1855 or 1856.

7673. Do you remember if the effect of that law was to prohibit the sale of liquor?—I was young at the time, fifteen or sixteen years of age, but I recollect it perfectly well.

7674. That law did not prohibit it?—No, not at all.

7675. Have you had any opportunity of forming an opinion in regard to a prohibitory law?—I have been in the State of Maine, where there is a prohibitory law.

*By Mr. Gigault:*

7676. What did you discover in the State of Maine as to the enforcement of the prohibitory law?—I discovered that it was as easy to get a drink in Maine as in Massachusetts.

JOHN F. GREGORY.



7677. So the law was not observed?—It did not appear to me to be observed at all.

7678. As a physician, do you prescribe wine for your patients sometimes?—When it is needed.

7679. Do you think it is needed sometimes?—Yes, in certain cases.

7680. Do you think it would be well to enact a general prohibitive law, which would prohibit the sale of wine?—Of course you ask yourself whether it would be possible to carry out such an Act. I do not think it would be possible to carry it out, from my observation of the working of the Scott Act and prohibition in the State of Maine.

*By Rev. Dr. McLeod:*

7681. Did you live in Maine?—No, I have been there every year on a visit.

7682. Passing through it?—Yes.

7683. Have you been through most parts of Maine?—I have been in Bangor, Portland and some of the rural parts of Maine.

7684. Did you find any open sale of drink in those places, in saloons and hotel bars?—Yes. I have seen them, in Portland—it was so.

7685. Do you think your knowledge of Maine is sufficiently intimate to enable you to form a correct opinion as to whether the law is really a failure or a success?—I can only say this, that I have seen more drunken men in Portland than I ever saw in the streets of Boston in the same space of time.

7686. Do you think there would have been fewer drunken men if there had been no prohibitory law?—When you go to one town where high license is in force and you go to another town where prohibition is in force, and you see more drunken men in the streets of the town under prohibition, you are fairly entitled to say that high license is the better Act of the two. That is a fair inference.

7687. Where the sale of liquor is prohibited, men will drink more?—There seems to be a sort of perversity in human nature that way, I am sorry to say.

7688. You spoke about the Scott Act being an utter failure in Portland. Do you think it was the fault of the law, or was it something else, or somebody else that was responsible; do you know why the law was not enforced?—No, but I know it was not enforced; I know liquor was sold openly and unblushingly. Why the law was not enforced, I do not know.

7689. You do not know that there was a question as to whether the law had been rightly brought into force or not?—No; I am not a lawyer.

7690. You do not know there was that question raised?—No.

7691. All you know is that the law was not enforced?—Yes.

7692. You spoke about Bangor and Portland. Were you there at the time of the State Fair?—No. The last time I was in Portland, and I was there three or four days, was when the Maine State Medical Association met.

7693. You saw these violations of the law in Maine of which you have spoken; were you at the time a party to that violation?—Yes, I took a drink in Maine. I did not buy it, nor did I pay for it.

7694. Somebody did, I presume?—I presume so.

7695. You spoke of the old prohibitory law of New Brunswick in 1855 or 1856 as being a failure. Do you know how long it was in operation?—I think it was in operation a little over a year, but I could not say positively.

7696. You think it was a failure?—Yes, I know that the country taverns—and I was living in the country at the time—where liquor was sold before were all kept going the same as usual, from the time the law was supposed to be in force.

7697. Did you receive a circular letter from the Commissioners with a series of questions?—Yes.

7698. Will you answer those questions?—Yes.

7699. As a physician, you come into contact with the home life of the people. Have you observed whether the drink habit has an injurious effect on home life?—Where it is indulged in to excess, certainly it has.

7700. Have you observed that where it is indulged in moderately, it has any injurious effects?—There are certain number of people who are moderate drinkers and

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who appear to be able to go on and drink moderately through the whole course of their lives, and on such people I do not think the drinking of liquor has any injurious effects, either on themselves or on their families.

7701. Is there any proportion of those who drink moderately who are not able to keep on as moderate drinkers until the end of life?—There are some.

7702. Is it a large or small proportion? Is the number of those who are unable to continue moderate drinkers larger than those who do continue?—I think it is smaller. I think the number of those who become immoderate is smaller than the number of those who go on and drink moderately. I think heredity has a great deal to do with it. There are some people so situated that they never continue moderate drinkers. Then there are those who drink in an erratic sort of a way. A man will go three, four or six months without taking anything, and then he will appear to be seized with a species of insanity and go on a regular howling spree and get *delirium tremens*, or drink until he is able to drink no more. Then the attack is over, and he again goes on five or six months without taking any liquor,

7703. A father and perhaps a mother are both able to drink in moderation throughout their whole lives. Have you noticed whether their children, being accustomed to moderate drinking and being perhaps indulged in it at home, continue to be moderate drinkers?—Yes. There is the case of my own family. My father was a moderate drinker, and he was eighty-seven years of age when he died. I know that not one of his sons is in the slightest danger of becoming an immoderate drinker.

7704. Is there any percentage of those who fail to continue moderate drinkers, who may be regarded as excessive drinkers, because they inherit the tendency to drink?—There are people who become immoderate drinkers whose fathers and mothers never drank at all to my knowledge, but whose sons became immoderate drinkers. Then there are others whose fathers, more especially, were moderate drinkers, and the sons became total abstainers.

7705. How do you account for heredity?—I account for it in the same way as insanity is supposed to be hereditary.

*By Mr. Clarke :*

7706. Speaking of the State of Maine. You did not require any particular legal knowledge to enable you to see that liquor was being sold illegally, because you saw the effects of it?—Yes.

7707. You did not pay a “flying visit” to the State of Maine, an hour here and a half a day there, but you remained some time?—I was in Portland three days at the time I spoke of.

7708. And your experience, I understand, was that under the prohibitory law, there was much drunkenness?—I saw more drunken men there than in Boston or here in the same space of time.

7709. Were there any exhibitions of any kind going on?—No.

7710. Was there anything in the shape of horseracing or base ball or other amusement likely to bring many people into the city?—No.

7711. Going back to the law of 1855 or '56, of which we heard something this morning: it appears that the law was passed by the House of Assembly in New Brunswick and that Governor Manners Sutton took the very high handed course of dismissing his Ministers, notwithstanding the fact that they had the confidence of the House when they passed that prohibitory measure. Then there was an appeal to the people, and a general election. What was that election held on?—It was a direct appeal to the people on the question of prohibition.

7712. What was the result of the election?—Only one member was returned, if I recollect rightly, one or two. I recollect that election perfectly well, because it was the first one in which I ever took a hand.

7713. What was the effect of the enactment of a prohibitory law at that time on the temperance cause in New Brunswick: did it promote temperance or not?—I think it rather retarded it.

THOMAS WALKER.

7714. The public were not ready for it?—No, there was no public sentiment, apparently, in favour of it. So far as I recollect there was never any attempt made to enforce the law.

7715. It was passed by the Legislature and became a dead letter; and then, what happened?—It was repealed, after an appeal had been made to the people.

7716. In your practice, do you visit other parts of the Province in consultation or otherwise?—Not to any very great extent.

7717. You do not know about the operation of the Scott Act in Nova Scotia or in other parts of New Brunswick or in Prince Edward Island?—I am in Fredericton and in St. Stephen sometimes.

7718. How is the law observed in those places?—It does not appear to be observed there. They sell liquor in the hotels, but I do not know about any other places.

7719. Is there any difficulty in getting liquor in the hotels?—No, not in the slightest.

7720. Do you think the passage of a prohibitory law, prohibiting the manufacture, importation and sale of liquor, would be a wise measure, if passed by the Dominion Parliament?—I cannot say. I think it would be, but I do not think at present it could be put in force.

JAMES REDDY, of Fairville, St. John county, lager beer brewer, on being sworn, deposed as follows:—

*By Judge McDonald:*

7721. How long have you carried on business?—About 30 years.

7722. Have you always carried on business at the same place?—Yes.

7723. How many men do you employ?—The number varies, 18 to 20 and sometimes 25.

7724. What is your output in the year?—I could not tell you.

*By Mr. Clarke:*

7725. How far is Fairville from St. John city?—About one mile across the river.

7726. Do you do business generally throughout the province?—Yes.

7727. Has your business declined since the Scott Act came into operation?—No; I think it has rather increased.

7728. It might increase in St. John, where there is a license law; but has it increased or decreased in the counties where the Scott Act has been in force?—In some of the counties it has increased, and in some it has decreased.

7729. Then, I suppose, the Scott Act, in the counties where your sales have increased, has been a dead letter?—I suppose so.

7730. Do you supply much for home consumption in counties where the Scott Act is in force?—Considerable.

7731. And to places where they re-sell it, hotels and such places?—Yes.

7732. Has the sale to families for home consumption increased since the Scott Act came into force?—I think it has increased.

7733. Do you sell more from the brewery direct to the families in kegs of 10 or 20 gallons?—Yes.

7734. Do you sell by the bottle, a number of bottles?—Yes.

7735. Do you sell more kegs for family use now than you did before the Scott Act came into force?—Yes.

*By Rev. Dr. McLeod:*

7736. I understood you to say your business has increased since the Scott Act came into force?—Yes.

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7737. Then why did you oppose the Scott Act and seek to have it repealed?—I do not believe in the Scott Act; I believe a man should be at liberty to use liquor if he pleases, and I do not believe in a man being obliged to go round to back doors to get liquor instead of being able to go to respectable places.

7738. You stated that your business has increased even in Scott Act counties, and yet you sought to have the Scott Act repealed?—I have other business.

7739. What is it?—Soda water.

7740. Does the Scott Act interfere with the sale of soda water?—Yes, it seems to do so.

7741. How is that?—I do not know, but it is so.

7742. Is that the ordinary soda water?—Yes, I make soda water of all the different kinds.

7743. And the Scott Act interferes with the sale of it?—Yes.

7744. Then, is it part of the liquor business?—Yes, soda water is used at all the hotels.

7745. If the Scott Act interferes with the sale, how has your business increased under the Scott Act?—My opinion is this: I do not think people drink so much hard liquor as formerly, and they want something soft. There is an increase year after year in soft liquors, and there is more ale and lager beer used.

7746. Is lager beer a soft drink?—Yes, and ale.

7747. Does lager intoxicate?—I could not say.

7748. So we have the statement that under the Scott Act your business has increased, and your further statement that under the Scott Act, the sale of your soda water is interfered with; and yet you regard the Scott Act as an interference with your business. Please reconcile these statements?—In Scott Act towns there is very little soda water sold—the people do not drink it, they take hard liquors. In a great many places they use hard liquors.

7749. Do they use lager?—It does not hurt the sale of lager in those towns.

7750. Then it does not interfere with your business?—Not with the lager.

7751. What as regards the soda water?—Yes, as regards the soda water it hurts it. In Woodstock and St. Stephen, where I previously received \$600 a month from each, I have not taken so much; I have not taken a dollar for soda water in Woodstock for the last 12 months.

7752. I suppose you do not believe in the prohibition of the drink trade?—No, I do not think it is natural.

7753. You have not any personal interest in opposing prohibition, but you object to prohibition on broad philanthropic principles?—Yes, probably so.

ALFRED A. STOCKTON, M.P.P., of St. John, barrister, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

7754. Have you been professionally or otherwise engaged in connection with the license law or the Canada Temperance Act?—I have as a legislator, to a certain extent.

7755. You are a member of the Legislature?—Yes.

7756. For what district?—For the city and county of St. John.

7757. And as a legislator, have you had to do with the License Act?—Yes, in regard to the passage of the License Act.

7758. Has any action ever been proposed in the Legislature with a view to the appointment of officers to enforce the Scott Act?—There have been inspectors appointed throughout different counties.

7759. The law will permit that appointment by the county authorities?—Yes.

JAMES REDDY.

7760. Was such a law passed?—I cannot remember whether it was in Scott Act or license law counties that Inspectors were appointed. The proposal was opposed very vigorously.

7761. Have you lived in any counties where the Scott Act is in force?—No, I have not, except in the county of St. John.

7762. Have you seen anything of its working?—Yes.

7763. In Portland?—I have.

7764. Was the law observed?—The law was not observed in Portland, in consequence of doubt existing as to whether it was in force there or not.

7765. How about counties outside of Portland?—Enforced in what way?

7766. Were there any sales?—I think there were sales.

7767. Were the offenders punished?—There were prosecutions, I understand, in the eastern part of the county.

7768. How long have you been in the Legislature?—Nine years.

7769. Do you think if a prohibitory law for the whole Dominion, a law prohibiting the importation, manufacture and sale, were passed, it could be enforced?—Of course the enforcement of any law depends upon the public opinion behind it, and unless there is a public opinion in Canada to support a prohibitory law, I think it would be a failure. I am not prepared to say what the public opinion in certain provinces of Canada is upon that question.

7770. What is your opinion of a law of a prohibitory character placed on the statute-book, and allowed to become a dead letter?—I think the placing of any law on the statute-book and allowing it to be violated is an injury to any community.

7771. Do you mean that it injures the moral sense of the community?—Yes, and the unchallenged violation of the law must necessarily be an injury.

7772. Have you considered the question which has been put to other witnesses to-day and which you are specially qualified to answer, as to whether if a general prohibitory law for the Dominion were passed, which would have the effect of prohibiting the manufacture of liquor, remuneration should be made to the manufacturers, to the distillers and brewers, for the loss of their business and plant?—My opinion is, that if a man goes into a business, he, on entering it, takes his chance with respect to the legislation of the country that may be passed afterwards. If a man goes into manufacturing of any kind and a change takes place in the tariff which ruins that business, it has not been the habit to recoup the manufacturer for any loss he might sustain; and I certainly would not be in favour of recouping the men in the liquor business.

7773. Even distillers and brewers?—Yes.

7774. Do you make any distinction between them and the licensees from year to year?—No, I would make no distinction.

7775. Have you had any experience which would enable you to suggest amendments to the Canada Temperance Act?—I think the Canada Temperance Act has been one of the best pieces of temperance legislation we ever had in Canada. In many places it has been a failure, not in consequence of the principle of the law, but in consequence of lack of machinery to punish offenders.

7776. What do you mean by "machinery"?—The prosecutions are left entirely, or generally so, to private individuals.

7777. You think that has hampered the enforcement of the Act?—I think that has hampered the carrying out of the law.

7778. Would you have officers specially appointed whose duty it would be to enforce the Act?—I would.

7779. Would you have them paid by the Dominion authorities or by the local authorities?—Of course it might involve an expenditure of public money, and I should think it should be borne by the Dominion; but that is a matter on which I have not formed a definite opinion.

7780. The Dominion Government passed an Order in Council, providing that the fines shall be paid over to the county officials to be used in enforcing the Act. Do you know whether that order has been acted on in New Brunswick?—I do not think it has been acted on; it may have been, but I am not aware that it has been acted on with us.

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7781. How is it in regard to licenses to persons permitted to sell?—Owing to the decision of the Privy Council in the McCarthy Act, the fees received were to be vested in the Provincial Legislatures.

7781a. Was any provision made for the issuing of druggists' licenses in Scott Act Counties?—They are issued by the Local Government.

7782. Is there anything charged or only a nominal fee?—It must be nominal.

7783. Who looks after those sellers to see that they observe their license and do not sell illicitly? Is there any Government Inspector?—I am not aware of any such officer.

7784. Is it true that no revenue goes into the provincial exchequer of New Brunswick from the liquor business?—There is a law authorizing the municipal authorities to appoint an Inspector, but they also have the privilege of naming the remuneration to be paid to the Inspector. In the majority of cases the remuneration is not very large, and probably the inefficiency of the inspection is due to a considerable extent to that circumstance.

7785. Do you know what they do with those fines? Do they use them for general purposes?—I do not know.

7786. Do you know what they do with these fines?—I do not.

7787. They amounted to a considerable sum in Ontario, more than was required to put the Act into operation?—Yes, possibly; but here they were not enough to carry on the operations of the Act.

7788. As far as you are aware, is the sentiment of the community favourable to a suppression of intemperance and drunkenness and the passing of a prohibitory law? As a legislator, do you think there is a sentiment in this province in favour of prohibition?—I am inclined to think there is, but in discussing the question of intemperance we have to look at it from a practical stand-point, not as we want it, but as it is; and there might be many who might be enthusiastic in bringing in a prohibitory law, in putting it into operation, but who might not be so enthusiastic afterwards in carrying it out and preventing its becoming a dead letter. I think the majority in New Brunswick would be in favour of passing a prohibitory law.

7789. Do you know whether after the passage of the Scott Act the old temperance societies were kept up, or were they allowed to drop because they thought the law would do the work?—I think the temperance sentiment has been the same and the societies have been kept up, and if in some places they have decreased, that would be made up in other places.

*By Rev. Dr. McLeod:*

7790. Do you think it is the duty of the people to enforce the law?—No, I think it is the duty of the Government.

7791. Do you think the enforcement of the law depends upon the earnestness and honesty of the officials?—I think so largely.

7792. Do you think that popular opinion is in favour of the law?—Yes.

7793. Is it possible for public opinion to be in favour of the law and still the law not be well enforced?—If the officials were not efficient, it would not be enforced.

7394. Do you think that remark applies in the Province of New Brunswick to the enforcement of the Canada Temperance Act?—I think so.

7395. What was the chief difficulty in the enforcement of the law? Was it the lack of public sentiment or the inefficiency of the officials?—I think largely the difficulties were in the law courts.

7396. What is your belief about a general prohibitory law, a law prohibiting the manufacture and importation as well as the sale of intoxicating liquor? Do you think that if such a law were well enforced, it would be good or bad in its effect?—I am in favour of it.

7397. Have you noticed in any part of the Province any benefits to have resulted from the Scott Act?—I think where the Scott Act is brought into operation, it has had a very beneficial effect in the country districts, more than in the centres of population. It is unnecessary to explain why, but in the country districts so far as my experience goes, it has had the effect of restricting the use of intoxicating liquors. I am aware there are

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others who hold different opinions, but I think the Scott Act has a restrictive effect in the centres of population.

7398. Even where violated?—Yes. I have some knowledge of Fredericton and spent my winters there during the sitting of the Legislature. I know there is a violation of the law there, but there is not as much liquor consumed in Fredericton under the Scott Act as there was before. At least that is my opinion.

7399. Do you believe that the Scott Act or any other measure, though violated more or less, is in any degree an educator?—I think it is injurious if a law is on the statute-book and it is not enforced.

7400. Enforced in what degree?—If the violations of it are not punished.

7401. Do you mean all violations of it?—Every law on the statute-book is violated sometimes.

7402. Do you believe that a law, if violated occasionally, though it is on the statute-book, has a good effect?—I believe so.

7403. Have you had any experience in the State of Maine?—I have been in the State of Maine.

7404. Have you resided there?—No, but I have friends and relatives there.

7405. You have been there a number of times?—I have stopped a week or ten days at a time in the City of Portland.

7406. Have you observed the effects of the prohibitory law in the State of Maine?—I never saw any indication of the sale of intoxicating liquors in Portland. I never saw any one under the influence of liquor in Portland.

7807. Did you see any open saloons?—No.

7808. Did you see any hotel bars?—No. I have been in Bangor. I did see a saloon there in connection with one of the hotels, but you had to go in by a back door to get there.

7809. Did the existence of that law establish in your mind the idea that it was a failure?—I thought the law was a restriction. I went there for the purpose of observation. I wanted to see how the law worked, and I went into this saloon in Bangor with that view, four or five years ago. There were not many people there, and I saw some of them drinking, but I saw no person under the influence of liquor. Of course I would not like to put it forward that that observation on my part would authorize me to give an opinion or to form a judgment as to the state of affairs in the State of Maine.

*By Mr. Clarke :*

7810. Have you made inquiries as to whether there were drink shops in Portland?—I have.

7811. Were you advised that there were none?—I was told that there were some, but they were run under difficulty.

7812. Did you stay at a hotel in Portland?—I have stayed at hotels in Portland, but chiefly of later years I have stayed at private houses.

7813. You would not be likely to be told of the existence of those places so much as if you were staying at a hotel?—No. My information would be only from inquiry.

7814. And you made inquiries at different times as to the operation of the law?—Yes.

7815. And you found the effect was to restrict the sales?—That was the opinion of those with whom I conversed. If I met others, the result might have been different.

7816. Is there any difficulty in the appointment of officials by the local authorities to enforce the law here?—The municipalities have the right to appoint Inspectors.

7817. If they do not do that, in view of the fact that the Legislature has enabled them to overcome a grave difficulty in that way, to what do you attribute their not doing so?—I have said it is for the people to put the proper men in the Council to see to that.

7818. And if the people do not put the proper people in the Council, to what do you attribute that lethargy?—It would appear there was not a sufficient public sentiment in the municipality to elect men to appoint the Inspector, but those who have run elections know that an election is not always run on one point, and that the liquor

## Liquor Traffic—New Brunswick.

question might be only one of many, and that the temperance people might vote on other considerations than the appointment of an inspector.

7819. Would these persons regard those other considerations as of greater consequence than the enforcement of the Scott Act?—I think they would forget the temperance question and would think the other questions of greater importance.

7820. We find the Act is in force in almost every county in Nova Scotia and in many counties in this province, and that it has been adopted by large majorities, and yet officials have not been appointed to carry it out. We want to reconcile the large majorities which have been recorded in favour of the Act with the lethargy that has been shown in putting in officials, Mayor and councillors and aldermen to enforce it?—I think people generally are very sensitive on the question of taxation, and if it is supposed that the appointment of an official of that kind is going to increase the taxes, that view may be very potent with the Council as to why he should not be appointed. For that reason I think it would be better to have the appointment put in the hands of the Provincial or the Dominion Government.

7821. But the Act provides for heavy fines, and if energetic means were taken to prosecute the people who sell illegally, the fines would be sufficient to maintain the officers?—You would suppose so, but it has not been the case in this province, and my experience is that private individuals have in numbers of cases to undertake the work. I do not know how it is in other provinces, but with us almost every conviction is contested in the courts, and you can readily understand that deters private individuals from undertaking to act as prosecutors.

7822. What do you think is the moral effect upon the community of having a law in existence which is observed as the Scott Act was in Portland?—I think the moral effect of witnessing the unpunished violation of any law is bad on the community. If it is understood that a law on the statute-book can be violated with impunity, I think it is a bad example.

7823. And there is nothing you know of to prevent the Council appointing officials to enforce the law, except this fear of taxation?—No.

7824. Is that sufficient to deter them from enforcing the law?—I think they have in many cases appointed Inspectors, but the litigation that has been brought about under the Act has interfered with their action. If you were in this province and saw the calendar of the Supreme Court, you would see that probably half the cases arise out of the Canada Temperance Act. As soon as there is a conviction, proceedings are taken to have it quashed and, until recently, those proceedings have taken two or three years.

7825. These technical objections have been mostly disposed of, have they not?—One would think so; but still the crop does not fail. I think they are practically and really all disposed of, and if the province took charge of the administration of the law from this out, I think there would be no difficulty in enforcing the Scott Act in the Province of New Brunswick.

7826. Has drunkenness increased or decreased in the last ten or fifteen years?—I think it has decreased. There is a stronger feeling on the temperance question in New Brunswick to-day than there was twenty years ago.

*By Judge McDonald:*

7827. Are these men who sell liquor illicitly men of means, so that they can carry on these appeals?—Probably they are.



JOHN R. MARSHALL, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7828. What is your occupation or calling?—I am retired.

7829. Were you in business?—Yes ; but I was latterly Chief of Police.

7830. For how long?—I was appointed in 1862.

7831. And retained office until when?—Until 1890.

7832. You were in office for twenty-eight years?—Yes.

7833. How large a force had you under you during the last five years of your term?—About 25 or 30 men.

7834. Had you anything to do with the enforcement of the license law?—I was appointed Chief Inspector of the license law in the city of St. John.

7835. When?—About four years ago.

7836. And you continued Inspector until you resigned?—Yes.

7837. You gave up both that office and that of Chief of Police?—Yes.

7838. During the time you were Inspector, did you try to enforce the law?—I did.

7839. And did you find yourself reasonably successful in doing so?—I did.

7840. From your experience, are there any amendments you could suggest in that law to make it more workable?—There is one point in that law to which I may call attention, and that is the location of the bar in the premises. I think if it was the law that the bar should front on the street, and have only one door, and it should be the only door and the only means of communication, it would be a very great improvement in the law. There should be, as in Boston, no screens or shades inside.

7841. You would make the bar open to the street?—Yes ; the great difficulty is to get access to the bar when the bar is in a back part of the building.

7842. Did you get convictions of people for illicit sale, that is, of people who were not licensed?—Yes.

7843. Had you occasion to prosecute people who were licensed for breaking the law?—Yes, as far as we could ; but it is exceedingly difficult to get at that owing to the precautions taken by the party who holds the license, and the great difficulty in getting persons to come forward and testify against the violators of the law. Many persons would say to me that the law was being violated ; but they would not come to the court.

7844. Had you reason to believe that impure liquors were sold?—I will mention one case. A policeman told me that a man was in the cells who wanted to see me. There was a respectable citizen, a mechanic. I said : “ How does it happen you are here ? ” He said : “ I was on board a vessel working ; I was tired and wet, and I got a glass of liquor.” He got that and drank it, and he came out of the place, and he did not recollect anything from the time he came out of the building until he found himself in the cells the next morning.

7845. You have reason to believe that adulterated compounds are sold?—I have no doubt of it at all.

7846. The effects of which are evil?—Yes.

7847. Have they a paralyzing effect on the people who drink them?—I should judge so.

7848. Have you had any experience of the working of the Scott Act?—I have not, except during one year from the time of the union of the cities of St. John and Portland, till the abolition of the Act. I find in the report book a large number of persons reported for violations of the Scott Act. We did not proceed against them because there was some technicality ; cases were appealed to the Judges, and the question was hung up in the court.

7849. Then the Act was repealed?—Yes.

*By Mr. Clarke :*

7850. How long was the Act in force in Portland when it was a separate municipality?—I cannot tell you.

7851. Was it a year in force?—Several years.

## Liquor Traffic—New Brunswick.

7852. As Chief Constable, you must have had some experience of the working of it ?—It was very badly worked indeed. It was not carried out properly.

7853. Did it have any injurious effect on the city of St. John ?—After 10 o'clock at night and on Sundays I believe many people went across to Portland to get liquor.

7854. When they could not get it in St. John under the license law ?—When they could not get it here.

*By Rev. Dr. McLeod :*

7855. Have you made any observations to enable you to say whether a large proportion of the arrests when you were Chief of Police were of persons who were given to drink ?—Yes, a large proportion.

7856. Was there any considerable percentage of those arrested who were total abstainers ?—Very few.

7857. Were many offenders 16 years of age and under ?—Quite a number.

7858. Were they for the most part boys who drank themselves, or the children of drinking parents who neglected them ?—They were principally children of the lower class of people.

7859. To what extent do you believe that crime amongst children is attributable to intemperance amongst parents ?—In a large proportion of cases. Boys would come to me and say "I want to stop out all night." I would say, "Why?" They would tell me, "Because I will be beaten if I go home without anything to take to them." Then I would take charge of them.

7860. Did you find it difficult to enforce the license law ?—There were many difficulties around it.

7861. What were they ?—There was the one I referred to, inducing persons to testify, and the other as to the location of the bars.

7862. About getting people to come and testify : was that difficulty because those who could give testimony had themselves been parties to the violation of the law ?—No ; some of my friends who were favourable to the enforcement of the law did not want to come into court.

7863. They were unwilling to offend their friends ?—Yes.

7864. Is the license law generally well obeyed, or is it violated freely and generally ?—The present license law is a very good law, with the exception of the difficulties I have named, but I think the Scott Act is the best law we ever had in this country.

7865. Which do you think, from your observation and experience, could be more easily enforced, a license law or a prohibitory law ?—I do not think there would be any difficulty in enforcing a prohibitory law. I think it could be enforced as effectually as the laws against any crimes committed in the country. The laws against robbery and larceny do not totally prevent these crimes, and I do not think the Scott Act, if thoroughly carried out, would completely prevent the sale of intoxicating liquors, but it could be carried out as well as any other law on the statute-book.

7866. Did you notice what proportion of the crimes against persons, such as assaults, more or less serious, were traceable to drink ?—A large proportion.

7867. And the crimes against property ?—A large proportion is to be attributed to drink.

7868. Can you say what proportion of the crimes against women and children is traceable to drink ?—A very large proportion.

*By Mr. Clarke :*

7869. Would you favour the hotel bars being on the main street ?—The same as the others. I would not have any distinction between a hotel and a common tavern.

7870. Notwithstanding the fact that the hotel proprietor has to provide accommodation for guests ?—I would make no distinction whatever.

7871. Which is the more injurious to the youth of the community, the hotel bar or the saloon ?—They are about equal ; but I think, if there is any difference, the hotel bar is the worst, because there is a great deal of late drinking and Sunday drinking.

JOHN R. MARSHALL.

7872. Then from your experience, you think the saloon is less injurious than the hotel bar?—Yes, I do as to drinking.

*By Judge McDonald:*

7873. What would you think of a law that would prevent any sale in hotels to the general public, but would confine the sale to the guests?—I could not give an opinion as to that. I think where a man has a bar and sells according to the terms of his license, he is right to sell to whom he chooses.

7874. Then you think it is right to let him do so?—Yes, but the great trouble is confining them to the proper hours. Although when they apply for a license it is granted under certain restrictions, they are not satisfied with that; they are not satisfied to enjoy all the privileges they paid for, but they want more.

7875. Do you think there are exceptions to the rule, or is it universal?—I think there are very few exceptions. A woman came to me one day, and asked me to go and see a man who keeps a tavern, and to tell him not to sell liquor to her husband. She was married and had five children, and the man who kept this tavern allowed her husband to go there on Monday and commence running a bill. His earnings were from \$10 to \$13 or \$14 a week. The first thing on Saturday night that the man did was to go and pay the bar bill so that he would bring home only \$4 or \$5 a week. I said: "My good woman, I do not know any one who would have more influence with the liquor seller than you would." The dealer said: "I buy the rum and pay \$50 a year for the license, and I will sell liquor to your husband or any other man who will pay for it."

*By Mr. Clarke:*

7876. Do you find that the trade generally is in the hands of men of that character?—No; I merely state that as an instance.

7877. And if either the hotel bar or the saloon bar had to be abolished, you would prefer to abolish the hotel bar?—There are some localities in which the saloon bars are doing a vast amount of injury.

7878. More than the hotel bars?—Yes, perhaps in some localities; but I think the influence of the hotels is greater than that of the saloons.

7879. Did you hear the evidence of Mr. Gregory, confidential book-keeper for one of your lumbermen, who said that probably eighty per cent of the men in the employment of his firm, that is labouring men, were not total abstainers? Do they go to saloons or to hotels, as a general thing?—Saloons.

7880. You think it would be well to keep the saloons in preference to the hotels?—Yes; they would not allow them to go into the hotels.

7881. You think it would be better to close up the hotels, where they would not be allowed to go, than to close up the saloons where they would be allowed to go?—Yes.

*By Rev. Dr. McLeod:*

7882. Where do most of the young men go?—Many of them go to the hotels.

*By Judge McDonald:*

7883. You do not mean to say that you are in favour of these men who are employed by Mr. Gregory going to the saloons?—No.

7884. You would desire to have it put out of their way altogether?—Certainly.

## Liquor Traffic—New Brunswick.

GEORGE D. BAIN, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7885. What is your occupation or calling ?—Liquor merchant.

7886. How long have you been engaged in that occupation ?—Eight years.

7887. During that time have you found your business increase or decrease ?—Increase.

7888. What class of liquor do you sell ; all the different grades ?—Yes.

7889. Is your trade confined to St. John, or do you sell elsewhere ?—All over the province.

7890. Do you sell anywhere outside of the province ?—In Nova Scotia as well as in New Brunswick.

7891. And all classes of liquor ?—Yes.

7892. Do any of those liquors go into counties where the Scott Act is in force ?—Yes.

7893. And others into licensed counties ?—Yes.

7894. Are you a wholesale dealer ?—Yes.

7895. And do you sell mostly in original packages ?—Yes.

*By Rev. Dr. McLeod :*

7896. Do you find any difficulty in collecting accounts in Scott Act counties ?—Yes ; we cannot collect by law in Scott Act counties, though we do not find any difficulty. Generally the persons we sell to pay.

7897. You do not have to resort to legal process ?—Nothing to speak of.

7898. Do you sell as low a quantity as a pint ?—Yes.

7899. Over the counter ?—Yes. We have a retail license.

7900. Is yours chiefly a wholesale or a retail business ?—Chiefly wholesale.

7901. To outside dealers ?—Yes.

7902. Can you sell liquor to be drunk on the premises ?—Yes ; in the retail sense.

7903. To be drunk on the premises ?—That is the only way it can be sold under the retail license.

7904. You can sell down to a glass ?—Yes.

7905. You are under the license law ?—Yes.

7906. There are certain hours when you are not allowed to sell ?—We are not allowed to sell after seven o'clock on Saturday night, or on holidays, and not after ten o'clock on ordinary days, and we can only open at seven o'clock in the morning.

7907. In your retail business, are you required to have a door on the main street, and only one door ?—Yes.

7908. Have you another door ?—We have, but it goes into the wholesale part of the establishment.

7909. Are you allowed to use that for the retail business ?—We have to use it, because it goes into our bonded warehouse.

7910. Do your retail customers use it ?—I think they do sometimes.

7911. Is that a violation of the law ?—I do not think so.

7912. Are you contemplating going out of the business ?—Yes.

7913. Why ?—I do not fancy the business.

7914. Is it because you do not find it profitable ?—Not altogether that.

7915. State why ?—I believe the traffic is just as legal as anything else as long as it is allowed by the Government, but there is a strong feeling among the people against the business.

7916. Is that strong feeling influencing your determination somewhat to go out of the business ?—Well, I think it is. While I do not think prohibition would be any benefit, and while I believe that just as much liquor would be drunk under prohibition as under the present system, still I think there is a great deal of harm and poverty caused by the use of liquor.

7917. Has that somewhat influenced your mind ?—Yes.

7918. And has moved you to feel so that you would get out of it ?—Yes.

GEORGE D. BAIN.

BOYLE TRAVERS, M.D., of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7919. How long have you practised in St. John ?—Forty years or more,

7920. Have you held any municipal office as Councillor or Mayor ?—No.

7921. Have you observed the operation of the license law in the city ?—I have, to some extent.

7922. Have you found it apparently effectually carried out ?—I think the present license law is a very good one.

7923. Did you see anything of the working of the Scott Act in Portland ?—Yes.

7924. Was it efficient there ?—It was violated in every point.

7925. Have you any reason to believe that liquors are drunk in these times which are not pure and which have a bad effect on people, owing to the composition of the liquor itself ?—Take it on the whole, I think there is better liquor sold than there was some years ago, but I think there is very bad liquor sold in low dens. I do not think we have so much *delirium tremens* now as we had some years ago.

7926. Do you think a general law preventing the manufacture, sale and importation of liquor could be effectually carried out ?—I do not think so. I think it would encourage smuggling from outside. In a town or city like St. John, I do not think you could prevent liquor from being sold, but it would encourage the sale of liquor by lower and debasing means.

7927. Do you ever prescribe alcohol medicinally ? I consider alcohol as one of the greatest benefits, in fact the right hand of the profession. We could not do without it.

7928. Would you encourage the drinking of wines and beers ?—I think one trouble is the expense of light wines and light beer. When I was in France, the custom was to put a decanter of light wine before every guest. I drank one every day at dinner and found no bad effects. It is the custom of the country, and I saw no drunkenness. I contrasted that with the countries where they have stronger drinks. I believe the working man would be benefited by a tumbler of light beer or light wine after his work.

7929. Did you receive a series of questions from the Commission to answer ?—No, I have not seen the paper.

*By Rev. Dr. McLeod :*

7930. You said you did not think prohibition would do much good ?—I think liquor would be brought from abroad and smuggled in various ways. There are a certain number who will have liquor as being part of their rights. I think moral suasion and the influence of society in general are too powerful at the present day to allow this to reach any great extent, but there is an apparent love of drink among our people generally, although less than there was in other days. In social circles it is almost excluded now.

7931. You think it would be a good thing if there was less drinking ?—I do, but I would not prevent a man taking a glass of wine when he felt he needed it.

7932. Do you think if prohibition were enforced, it would do good ?—No, I do not, because there would be places open that would not now be dreamed of.

7933. Do you think moral suasion is helped by the legalization of the trade ? I think at the present time the ordinary young people are more observant of the law and have more intelligence than strong drinkers in the old days, and I think that strong drinks are not produced at parties and assemblies of that kind to the extent they were formerly. Of course there are certain parties at which gentlemen produce strong drink, but I think the young people are more abstemious than in the past.

7934. What has brought that about ?—I think moral training, and in consequence of that, the opinions of society in general have changed. I do not think prohibition or anything of that sort is feasible, but the influence on young people of the conviction that sobriety is preferable to drunkenness has had the effect.

7935. Do you think that has been brought about by the influence of the license trade or in spite of it ?—I think it is the influence of the public generally.

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7936. Do you think the license trade has interfered with that?—No ; but I think the license trade curtails a good deal of underhand selling in many places.

*By Mr. Clarke :*

7937. Do you remember the prohibition law of 1856?—Yes.

7938. What was the effect of that?—It was passed, and it got into disrepute, and it had to be repealed within two months, and the government were got out of power.

7939. What was the effect of such a law?—I think it demoralizes a man who wants a glass of wine to have to sneak round the corner or into a den in order to get it. To break a law in order to do what a man does not think is a sin leads him to commit other acts contrary to honour or moral feeling.

7940. The discharge of your duties I suppose called you to Portland when the Scott Act was in force there?—Yes. I have a large practice there.

7941. How was it observed there?—Not at all. It was broken by parties who would never think of breaking any other law. Liquor was sold by dozens and places were open, which never would have been open, or where it never would have been sold at all if it had not been for that Act.

7942. Then the Scott Act did not prohibit there?—It was a dead letter, and then parties took advantage to sell wherever they liked.

The Commission adjourned.

St. JOHN, N.B., August 9th, 1892.

The Royal Commission met this day at 10 a.m., JUDGE McDONALD, presiding.

*Present :*

Mr. E. F. CLARKE.

REV. DR. McLEOD.

Mr. G. A. GIGAULT.

AUGUSTUS H. HANNINGTON, of St. John, barrister-at-law, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

7943. Have you held any official position at any time in connection with the administration of the License Law ?—Yes, I was Chief Inspector under the McCarthy Act.

7944. For what district ?—For the city of St. John.

7945. How did you find that Act work ?—I found it work very well when we made it work, until the appeal was taken.

7946. While it was in force ?—Yes, it worked very well indeed.

7947. Have you had any experience in regard to the License Law ?—No ; outside of the McCarthy Act I have not, except living in a city where a License Law is in force.

7948. Did you consider the McCarthy Act was what may be called a workable Act ?—Yes, I considered it a workable Act ; but I think any Act in regard to the liquor business can be worked if the officials see fit to work it.

7949. While it was in force and there was no question before the Courts as to its validity, were you able to enforce it ?—Yes.

*By Mr. Clarke :*

7950. Do you think the Scott Act is a workable Act ?—I do, certainly.

7951. And if it is not worked, what is the cause of the laxity ?—Because the officials do not want to work it, in most cases.

7952. Suppose the county, or the municipal, or the Town Council do not appoint anybody to work it, what then ?—If they do not appoint any officer to work it, the duty is thrown on private individuals, and it is very unfair.

7953. To what do you attribute the laxity or lack of interest on the part of municipal bodies ?—I attribute it in some cases to the fact that the municipal bodies are elected annually, and they never carry out any law in connection with the liquor business.

7954. Is there any laxity in enforcing the law respecting the liquor business here ?—Yes, even in the city of St. John.

7955. How can you account for that, in view of the general temperance sentiment prevailing throughout the province ?—We have the temperance sentiment.

7956. How do you account for this laxity ?—After the Scott Act is adopted, the members of the Council elected immediately afterwards are probably all temperance men ; but in the course of a year or two the members are elected more by local influence than anything else and the elections are controlled by persons who are opposed to temperance, and the temperance people simply allow the matter to drop out of their hands. During the excitement of the first elections after the adoption of the Act, the Council is almost sure to be favourable to its enforcement ; but in the course of a year or two they allow the matter to drop back again into its old position, because the men who secure office

## Liquor Traffic--New Brunswick.

are not temperance men, and are probably men who take an active part in ward politics, or at all events are not temperance men ; consequently they control the elections and elect a majority of the Council that is really opposed to the temperance people. I will take the County of King's, which was referred to yesterday, in regard to the question of paying an Inspector. In that county a resolution was submitted and almost carried under which the people who had actually borne the expense were to be recouped out of the fines ; I believe it was defeated only by a very slim majority. The temperance people are undoubtedly hampered by the Council.

7957. Was the Scott Act carried by a large majority ?—Yes.

7958. What proportion of the population of the whole County of King's live in cities and towns ?—There are no cities in the county.

7959. What proportion live in towns and villages ?—There are no incorporated towns.

7960. What proportion live in villages ?—A very small proportion ; I cannot tell you the number.

7961. Then the great majority live in the rural districts ?—Yes.

7962. Do the people at municipal elections in the rural districts favour the liquor traffic ?—I do not know personally. I have not been through the rural districts very much in King's, but I think that so far as the villages are concerned, they do.

7963. If a small proportion only of the inhabitants of King's reside in towns and villages, and the Scott Act was carried by a large majority, how do you account for the laxity of the temperance people in permitting their opponents year after year to maintain control of the County Council and permit the Scott Act to become a dead letter ?—Because the temperance question is not an issue during the parish elections every year, that is the reason. If it was an issue, the people would come forward and vote for temperance men.

7964. Are there any obstacles, after all these technical objections have been disposed of by the Supreme Court, or nearly all, I presume, to officials being appointed by the Municipal Council ?—There is no obstacle at all in the way. If they appoint a man, they should pay him a proper salary. In several counties they appoint men and give them no salaries, or such small ones that no man can attend to the duties.

7965. If the Dominion Government amended the Scott Act, and made provision for the enforcement of the Act by efficient officers, would the Dominion Parliament have power to compel municipalities to provide funds for the payment of the officers so appointed : could they compel the Municipal Councils to pay the salaries of the officers who might be authorized to enforce the Act ?—That is a legal question that requires some consideration. I would have grave doubts of their power to compel the municipal officers to pay the salaries.

5966. If the Dominion Government appointed officers, where would they procure the requisite money to enforce the Act in those localities ?—They would have to provide it out of the public treasury, unless some arrangement were made for the fines to be appropriated for the purpose, as under the McCarthy Act.

7967. There is a provision made under the Canada Temperance Act whereby the fines imposed are placed at the disposal of Municipal Councils for the purpose of enforcing the Act : could you suggest any better arrangement whereby the Act could be more rigidly and efficiently enforced ?—Yes ; if those fines were taken from the Municipal Councils and placed in the hands of an independent Commission to enforce the Act.

7968. The Municipal Council is supposed to reflect public opinion, and especially in places where the Act has been carried by large majorities ; and under these circumstances it is unaccountable how these representative bodies, in view of the fact that the temperance sentiment is so strong in the district they represent, ignore that sentiment from year to year and do nothing to enforce the Act ?—It is only done, in my judgment, for the reason I have told you. Then the question drops out of sight for the next year or two after the election has taken place and the Act has been adopted, but for a hundred different reasons a great many people are opposed to the Canada Temperance Act, and when it comes to a vote on the question of the appointment of an Inspector and the payment of his salary, they will not do anything.

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7969. If advantage is to be gained by the rigid enforcement of the Canada Temperance Act and the stamping out of the liquor traffic in those communities, must not the Act be rigorously enforced?—If it comes to a question of temperance, they will vote and elect temperance men.

7970. Has there been anywhere a movement in favour of the enforcement of the Act, and the return of Municipal Councils that would insist on the enforcement of the Act, and the appointment of officials?—I think, probably in some parishes, but there has not been a general movement throughout the counties. When the Act was first carried in Kings, they appointed an Inspector, and for a while he enforced it. In Queen's County it was enforced very well for some time, but I do not know how it is enforced now. There they appointed an Inspector, and he did the work.

7971. Did they keep on paying him?—I do not know; at one time he was very active. I should think that the Act is probably fairly well enforced in Queen's now.

7972. Were the fines sufficient to pay the salary of the Inspector?—I should think so, if they were collected.

7973. If the inspector was appointed and he discharged the duties efficiently, how was it that the prosecutions dropped off; did the Inspector, in consequence, become weary of the work?—I did not say that the prosecutions did drop off. I think the Act was very well enforced, and very little liquor was sold. There are no large cities in Queen's County: Gagetown is the largest village.

7974. Are the people aware of the advantages which flow from the enforcement of the Act?—I should think so: they are very temperate people there.

7975. Yet they do not persist in making their representatives perform their duty?—I am speaking now from ordinary report. I think the Act in Queen's is very fairly enforced even yet.

7976. What has been your experience generally in this province?—That the Act has been generally beneficial.

7977. There are special difficulties in the way of enforcing it?—Not if the officials do their duty.

7978. And the appointment of officials rests with the body of the people?—Yes, but I think it should not do so. I think the only reason why the McCarthy Act was enforced was because it was framed entirely independent of any political or representative body of the people. The Judge of the criminal court was the chairman, and the Mayor of the city was another member, and another member was appointed by the Government direct, as Commissioners.

7979. Do you think the law would be better enforced without reference to the people?—Much better. After the Act is adopted, it should be enforced outside of the councils altogether.

7980. Do you think the people competent to judge in regard to the enforcement of the Act, if, after having carried it by a large majority, they permit it to become a dead letter?—I do not think it should be the duty of the citizens to elect the men to carry it out.

7981. Is it not the duty of the citizens to appoint officers to enforce the law?—We do not think our representatives always act as efficiently as they might do.

7982. They are elected from time to time and the weight of temperance sentiment may be made known?—Yes; if the election is made a temperance question every year, it is all right, but it is impossible to do it. The way the Councils are elected is by arrangements between parties in the villages and parishes, and the consequence is that the temperance people lose control.

7983. Is there any reason why the provincial authorities should not appoint officials, as is done in Ontario?—No. I do not think it would be good policy for the Dominion Parliament to pay officials.

7984. That is the arrangement now?—But I think the Commission I have suggested should either be Dominion or Provincial, and should be an independent Commission.

7985. Where would this Commission get the money to pay the officers?—They would take it out of the fines that would be collected.

7986. Fees in connection with the issue of licenses?—Under the license system they would obtain fees from the licensees.

7987. Would there be any fees from druggists' licenses?—No.

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7988. If the fines were not sufficient to meet the expenses in connection with the enforcement of the Act, where would the Commissioners get the money requisite?—I think it should be paid out of the ordinary revenue either of the Dominion or Provincial Legislatures, but I rather think out of the provincial funds.

7989. Suppose the Act to be in force in only one-half of a province, would it be fair to levy on the other half its proportion of the cost necessary to enforce the Act when it was only approved by one-half of the province?—I do not think it would be more unfair than is the enforcement now of any other law, but if it was thought to be unfair, the proportion could easily be arranged.

7990. Would it be unjust that the people who asked for the Scott Act should be required to provide any sum necessary in addition to the fines in order to enforce the Act?—No.

7991. Do you think if the Dominion Government appointed officials, it should be with the understanding that if there was any deficit in the Commissioners' accounts, the counties adopting the Scott Act would recoup the sum?—Yes, if it was left in the discretion of the County Councils, I think there would be difficulty.

7992. They would not provide the amount required?—Not if it was left in the discretion of the County Councils, judging by their action in connection with the Canada Temperance Act hitherto.

7993. So one of the difficulties in connection with enforcing the Act is the imposition of any additional taxation whatever in order to meet the necessary expense for enforcing it?—No; I do not think it would be a difficulty, if it was left to the Municipal Councils to do so, but it could be collected in some other way.

7994. Could you make any suggestion so as to amend the Act in a manner that would render it more easily workable?—No; there might be some little amendment in regard to details, but the general principles of the Act are good.

*By Mr. Gigault :*

7995. Under the McCarthy Act, did you institute any prosecutions for its violation?—Yes, a great number.

7996. Did you obtain convictions?—It was only in force two or three months when an appeal was taken. We continued, however, to prosecute and had fines imposed, but we did not pretend to collect them.

7997. Did you obtain many convictions?—Yes.

7998. How many?—I cannot tell you, for it was a long time ago; it was in 1883. But we had a great many convictions, as I could show you from the reports.

*By Rev. Dr. McLeod :*

7999. And then the appeal was taken?—Yes.

8000. Did you go on prosecuting while the appeal was pending?—We did during the summer of 1884.

8001. And secured convictions?—Yes, but we did not collect the fines.

8002. And the appeal having been sustained, the whole measure went right by the board?—Yes.

8003. From your experience and your observation as well, did you find it very difficult to enforce that license law?—No, I did not.

8004. Nor any other license law?—No.

8005. Is there any difference between the enforcement of a liquor law and any other law?—Perhaps there is a little difference, because there are many people who would wink at violations of a liquor law who would not wink at violations of other laws; so you have to combat with prejudice to some extent. I think any law can be enforced with officials who will undertake to enforce it.

8006. If there is non-enforcement of a liquor law, do you think that the constant violations cause the people after a time to have a different feeling in regard to it?—Yes.

8007. Do you know whether the Canada Temperance Act, taking the province all through, is fairly well enforced?—I do not know, but it appears to be pretty well enforced in Fredericton, and in parts of Cumberland it has done a great deal of good,

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and judging from the reports in King's, which county I do not know so well, it has been of great benefit there. I have friends in Queen's, and I am informed that it has been of great benefit there.

8008. Did I understand you to say that the difficulties in regard to enforcement had arisen largely from obstructions in the courts?—I have not been asked in regard to obstructions in the courts. During the first year of the existence of the Scott Act the courts were occupied half their time with Scott Act cases, and great difficulties were thrown in the way of the enforcement of the Act. In some cases counties appointed Inspectors and paid them immediately after adopting the Act, but subsequently they became utterly disheartened on account of the number of appeals taken to the Supreme Court, and the expenses in connection with these suits became very large. Then, the Councils, in the course of two or three years, dropped into the hands of people who did not care to enforce the Act, and they had a very good excuse for not doing so. In many cases the fault rested with the temperance people, but errors were also made in regard to the manner in which the cases were conducted. Now, take the town of St. Stephen. The Act was carried by an enormous majority there, and at one time it was thoroughly enforced, but I cannot say how it is enforced now. There the dealers got into the habit of bringing men over from the United States who were utterly unknown to the temperance people, and these men were placed behind the bars, and they had to be prosecuted as unknown persons, for no names could be obtained. Several such cases in which prosecutions were carried on against unknown persons were taken before the Supreme Court. They carried on the business in that way, and as soon as the name was ascertained they again went across the border.

8009. Do you know whether persons were convicted simply on description?—I understand they were.

8010. Do you consider that the prosecution of such persons was an evidence of the earnest purpose of the friends of the law?—Yes, they were determined in St. Stephen to enforce the law, and it was done at a great deal of trouble.

8011. Those prosecutions were a manifestation of public sentiment in regard to the liquor business?—I think they were. These cases took place right on the Maine border, and St. Stephen has been in a much better condition ever since.

8012. Then do you consider that the difficulty of enforcement is not the lack of public sentiment, but rather the inefficiency of officials?—I would say that was the chief reason. Maine being a prohibitory State there were no saloons in sight, but as soon as ever you crossed the bridge at St. Stephen, there was a row of them.

*By Mr. Clarke :*

8013. On which side was the row of saloons?—On our side, previous to the passing of the Canada Temperance Act.

*By Rev. Dr. McLeod :*

8014. You have been asked if public sentiment is strongly in favour of the Scott Act, and if the Councils of the municipalities or representatives of the people, and therefore of public sentiment, are in favour of the Act, how is it that the Municipal Councils are indisposed to enforce the Act?—I think that the Councils elected for the first year or two after the Act is voted on are generally quite willing to enforce the law as temperance men. As I have said before, I think in this province they attempted to do so, but appeals were taken to the Supreme Court, which were attended with great expense. After two or three years the question drags along somewhat, and the people who are elected as the representatives are not elected with regard to that question, but with regard to different local issues, and are not really temperance men. There may be a large number of temperance men in the Council, but the majority are not anxious to enforce the Act, and therefore they refuse to appoint an Inspector.

8015. You do not mean that temperance sentiment is weakened, but that other local questions put the temperance question aside for the time being?—Yes ; you take the people in the country parishes, and you cannot get them to come out and vote unless there is some very special question in issue. If the temperance question is on they will come out, but unless there is something very prominent brought forward in regard

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to temperance many of them will not vote, and they are controlled by people in some of the thickly settled places.

8016. You, as a professional man, are in touch with the business of this city, the chief city of the province. Now, from your observation, do you believe that the drink trade affects business generally?—I think it hurts business very seriously. I consider it destroys the capabilities of a great many men to perform their duties in all branches of trade, and in that way affects business. You see a great many business failures which are entirely due to the fact that the principals had contracted the habit of taking intoxicating drink, and a great many business failures are directly due to the drinking habits of people so engaged.

8017. Do you believe from your knowledge of these matters that the prohibition of the drink trade—that is, the prohibition of the importation, manufacture and sale of intoxicants—would have a beneficial effect on business at large?—I should think it ought to have. I have had no experience, but I think it ought to have such influence.

8018. You had experience of the enforcement of a license law; do you believe the enforcement of a prohibitory law would be more difficult than the enforcement of the prohibitory provisions of the license law?—No, I do not; but they will never be enforced any more than the Canada Temperance Act or any other law under municipal authorities. That is my judgment.

8019. Therefore, if a general prohibitory law were enacted, it would be necessary for Parliament to provide officials for its enforcement?—I think whether the Dominion Parliament passed the law or not, it would have to make some provision for the appointment of independent officials.

8020. You mean officials independent of local influence?—I think men who would not have to depend on the people for election a great deal, but men who would feel independent of the influences which would be thrown around them.

8021. You have an intimate knowledge of the province. Are you able to form an opinion as to the sentiment of the province as to the drink trade, and as to what ought to be done with it?—I should think that the counties of Charlotte, York, Queen's, King's and St. John county, outside of the city, and Westmoreland, Albert and Kent—I do not know so much about Northumberland, Restigouche or Victoria, although they might perhaps be cast with those I have mentioned—would be very strongly in favour of prohibition.

8022. In the event of a prohibitory law being adopted, have you any view as to whether the men engaged in the trade should be compensated?—I cannot see why they should be compensated. I have never yet heard any good reason advanced for the proposition.

*By Judge McDonald:*

8023. You have given a long list of counties in the province in which you say there is a very strong prohibition sentiment?—I should think so.

8024. The people who hold that sentiment, I suppose, constitute a large majority of the electors?—Yes, I think so.

8025. I suppose there are people of weight in the communities of equal magnitude who might be opposed to them?—Yes.

8026. But the temperance people have carried the Scott Act by large majorities?—In many cases, but sometimes by not very large majorities. At the last election in York there was a very small majority.

8027. These people control the appointment of the Council, which ought to enforce the Act?—Yes.

8028. For a year or two, you say, they will elect men to carry it out?—They will elect men who took an active part in the election.

8029. You say that after a year or two some other matters of a local character will spring up, and these people will allow others to be elected?—Yes.

8030. Why should not these temperance people find persons holding their views on prohibition as well as on these local questions?—I cannot answer that question. Take the case of a Dominion election: the temperance men split up and some support one side and some another.

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8031. Of course, the Dominion elections are run on national questions?—These parish questions are as important in the eyes of other people.

8032. On these local questions, will there not be differences of sentiment among people who do not care for the enforcement of the Scott Act?—We generally find them pretty close together on one side.

8033. By their sticking together, and those favouring prohibition becoming divided, we understand that men are elected who do not consider it a matter of consequence that the Act should be enforced?—Yes.

8034. Do you think that in those Councils there is a dread of making any expenditure for the purpose of enforcing the Act?—I do not know there is any temperance county in which they dread it at all. In some cases they appear to dread it and make it an excuse, but in those cases the supporters of the liquor trade are generally in power.

8035. Then this is due to a want of inclination?—Yes.

8036. We have been told that in a great many cases brought forward steps were taken to obtain writs of *certiorari*, and that the cases were dismissed on technicalities. Were not these cases brought before the Supreme Court on matters of substance?—Yes, but there were objections that were simply technical ones, and the case was sometimes not heard on its merits because some trifling proceeding had been omitted; but in the large majority of cases, they were finally decided in favour of the prosecution.

8037. So the way is now clear for action?—Yes.

8038. We have had evidence before us with respect to prosecutions in King's. We find that a gentleman has had charges made against him, and convictions for first offences have been secured in five or six cases. Do you not think that in these cases the law should have been put in force and prosecutions should have been instituted for a first offence, second offence and third offence, with imprisonment in connection with the last?—Yes, I think so, because a very good effect was secured by obtaining convictions for the third offence in Fredericton, and sending the offenders to jail.

8039. Do you know that men have been convicted six times, and on each occasion for a first offence?—I know there is a strong feeling against sending men to jail for this offence. It is a very foolish feeling, because when the McCarthy Act was in force the punishment for a first offence was an endorsement on the license, and in the case of a second offence the man lost his license and was sent to jail. We endorsed the license regularly, and we would have had the parties in jail. I think it is a very foolish feeling that prevails among some persons, that these offenders should not be sent to jail. When two or three hotel proprietors were sent to jail at Fredericton there was a great commotion raised. The hotels were closed up for some time, and the friends of the parties visited them in jail and a great spread was made as if some great benefit had been conferred by them on the human race, for which they had been sent to prison. They succeeded in making themselves appear as martyrs. I do not know any reason why such offenders should not be sent to jail, and I think it is the proper course to pursue, if the law is to be carried out.

*By Mr. Clarke :*

8040. Were there any fines imposed?—There were fines in the first place, but they would not worry the parties. In St. Stephen and in Fredericton large amounts have been subscribed and expended by business men to enforce the Act.

8041. Why, then, should not the temperance people unite together in one camp and elect Councils favourable to the appointment of officers to carry out the law?—I do not know.

8042. Are the officers appointed from year to year, or on good behaviour?—The officers are generally appointed every year.

8043. Is that the case generally throughout the towns?—My impression is that that is the case, but I am not very positive about it. They generally re-elect the old officers, but they are all appointed annually.

8044. I mean the officers of local municipalities?—Yes, I think the constables and all that class of officers are appointed annually.

8045. And the clerks of Municipal Councils?—Yes.

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8046. And the Town Marshal of Moncton for example?—I do not think so, as Moncton is a city.

8047. The Town Marshal of Woodstock?—Woodstock is a town.

8048. Is the Town Marshal appointed every year?—I cannot tell you. I am not certain.

8049. The appointment of these officers from year to year is not apparently in the public interest, because they depend on the new Council for their reappointment?—Yes.

8050. Has any representation been made to the Provincial Government with a view to having the law amended, so that these officers can hold their positions during good behaviour?—Yes.

8051. Is there difficulty in the way of enforcing the Scott Act?—Yes, and of enforcing all laws. I think the officers are generally kept in office, but there is always the chance of their being turned out.

*By Rev. Dr. McLeod :*

8052. In regard to this matter of repeated charges for a first offence, do you think it would be well to make the penalty for such offences optional with the court, as to whether it should be a first offence in every case or not? What do you think the effect would be?—I do not see why there should be any objection to it, but I have never thought of it in that way. I would carry out the Act.

8053. There is a question as to whether cases have been dismissed by the court on technicalities. Do you know of any cases where convictions were quashed by the Supreme Court, not on their merits, but on informalities in the proceedings?—I think there were some cases that were quashed because the evidence was not clear.

8054. Were the majority of cases dismissed on mere irregularities?—Yes, I think the majority of cases were dismissed on irregularities, and not perhaps on what you might call technicalities. There were irregularities as to the manner in which the cases were prosecuted. The larger number of cases were decided against the appellants and in favour of the prosecution.

8055. With regard to Fredericton and the imprisonment of certain hotel-keepers, and the demonstrations of sympathy made with respect to them, do you know that the people for the most part who made those demonstrations were people who had opposed the adoption of the Canada Temperance Act?—Yes, so far as I could judge by the names mentioned in the newspapers.

8056. Those favourable to the Canada Temperance Act did not express sympathy with the prisoners?—No, and they went on with the prosecutions.

8057. So, it was not an exhibition of any change in public sentiment?—No.

*By Mr. Clarke :*

8058. Were you here when the Act was submitted to the people?—Yes.

8059. Did the keepers of shebeens and low class places vote in favour of or against the Act?—They all voted against the Act, and they did everything they could to oppose it.

GEORGE ROBERTSON, of St. John, grocer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8060. I understand you are President of the Board of Trade of St. John ?—Yes.

8061. How long have you done business in this city ?—Over a quarter of a century.

8062. How long have you been President of the Board of Trade in St. John ?—This is my second year.

8063. We understand that St. John has always been under a license law, except for a short time thirty or forty years ago ?—So I believe.

8064. Is the business of this city in a good condition ?—In a very fair condition.

8065. Is this a sober and temperate community ?—Very.

8066. Have you been brought in contact with the working of the license law officially ?—No, not officially.

*By Rev. Dr. McLeod :*

8067. Some business men complain that the drink trade by lessening the working power of the wage-earner lessens also his purchasing power, and in that way affects business. Have you made any observation in regard to the matter ?—Not specially. My opinion would be that if a man was unable to work through drink, he would make himself a poorer man, and he would earn less money. That is a plain proposition.

8068. He would have less money to spend on dry goods and groceries, &c. ?—Yes.

8069. From your general observation as a business man, do you believe that the drink habit of the people, encouraged by the drink trade, has a marked effect on business generally ?—What business do you refer to ? Do you refer to the general business of the city ? It might improve the liquor business by enabling them to sell more.

8070. Do you believe that the drink trade does encourage the drink habit ?—I think it does unquestionably.

8071. Do you believe that the drink habit as it prevails affects injuriously the general business of trades people by working people not being able to purchase as largely as they otherwise would ?—I suppose it does to a certain extent. That is taking it indirectly in the way that you refer to. If it decreases the earning power of the population, it would naturally decrease the purchasing power.

8072. Do you believe that this drink trade, thoroughly prohibited, would have the effect either of helping or injuring general business ?—I do not know that I am prepared to answer that question. To answer it briefly, I would say that it would be beneficial to general business.

8073. If there were prohibition of the manufacture, importation and sale of liquor, thoroughly enforced, would that affect general business beneficially or injuriously ?—I think it would affect the general business most injuriously and drop off the manufacturing business of the country.

8074. I am referring to other branches of business, leaving that out ?—I think other branches of business would probably be improved.

*By Mr. Clarke :*

8075. If one-half the manufacturing industries of the country were stopped, how would the other half be improved through the operation of a prohibitory law ?—I am wrong in that. I divided the question up into two parts. I was asked to give an opinion, if I understood it rightly, as to nearly all those manufacturing industries or a very large portion of them that depend on the sale of alcohol in some shape or form. Alcohol is in all the drugs and compounds which are used and all the manufactures we have, and in a variety of ways this substance is one of the necessities of our existence, until some other substance takes its place.

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*By Rev. Dr. McLeod :*

8076. The reference was to the prohibition of the manufacture, importation and sale of liquors for beverage purposes, and not as to the sale of alcohol as it is used in medicine and so on?—That would be different altogether.

*By Mr. Clarke :*

8077. Are you, then, in favour of the passage by the Dominion Parliament of such a law? I am not prepared to say, or to answer that question at present.

8078. Have you had any experience in the general operation of the Canada Temperance Act or the local prohibitory measure in force in many of the counties of this province?—None.

8079. You do not know whether it is observed or ignored?—My opinion would not be of any value.

8080. What is the general opinion regarding it?—I should say that the laws I speak of now generally are about as well carried out as we could expect with our weak human nature, to carry them out. That applies to all. The Acts of Parliament, as far as I can judge, are better in many cases attended to than the Acts of God Almighty, as He has laid them down in the Scriptures.

8081. There would not be occasion for so many Acts of Parliament if the other laws were observed?—I do not think there would be.

8082. Do you think if an Act were passed by the Dominion Parliament prohibiting the manufacture, importation and sale of liquors in the Dominion, in the present state of public feeling and opinion, it could be thoroughly enforced? I doubt it.

8083. In case of such an Act being passed, would you favour compensation being made to those who are interested in breweries, and distilleries, and who have large plant and machinery?—I would favour anything that would be equitable. If it could be shown that any property belonging to men or the means of livelihood of men were destroyed, I think, in the interests of the whole people, the individual should be protected.

8084. Were you a resident of St. John when the Canada Temperance Act was law in Portland?—Yes.

8085. What was the condition of affairs over there?—I should say it was pretty much the same as it is there now. I do not come in contact with the buying or selling of liquor to any extent, and my opinion in some respects is not particularly valuable. I might be permitted to say, speaking as President of the Board of Trade and as a merchant, that I believe the mercantile community, that is the gentlemen I am in the habit of meeting every day, and know particularly well, are extremely temperate, in fact, 90 per cent if not total abstainers are nearly total abstainers. I suppose they would take a glass of brandy if it were prescribed by the doctor, but as a rule, the community is exceedingly temperate, and in that way, a great many of these questions do not come under our observation practically, just as if you asked a man who did not transgress the law particulars which he could not say much about it.

8086. Do you know anything about the operation of the law in the State of Maine?—Nothing.

*By Mr. Gigault :*

8087. You say there is a good deal of temperance here. Was that temperance promoted by religious training or by legislation?—From a variety of causes. I would say more largely by religious training.

*By Rev. Dr. McLeod :*

8088. Do you think that the law has been a helper of the religious and moral efforts?—All moral laws are.

*By Mr. Clarke :*

8089. What was the effect on the morals of the community in Portland of having a law which was flagrantly and persistently violated?—I think the tendency would be to make moral men probably more earnest in doing right.

GEORGE ROBERTSON.



8090. But as to people generally. If they saw a law persistently, flagrantly and shamelessly violated, would it tend to increase their respect for the law generally?—I do not know that it would.

*By Rev. Dr. McLeod :*

8091. If the non-enforcement of the law was attributable to defects in the law or to obstructions of the law in the courts, would the prejudices of the people be against the law or against the obstructionists?—Against the obstructionists, I should think.

MICHAEL A. FINN, of St. John, wine and spirit merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8092. How long have you been in business?—Twenty-two years.

8093. Have you been in St. John all the time?—Yes.

8094. Have you had anything to do with the municipal offices as Mayor or Councillor?—No.

8095. You have not been brought into contact with the enforcement of the law officially?—No.

8096. How does the license law work in St. John? Is it efficiently enforced?—Fairly well.

8097. Is this a sober, law-abiding community?—Very much so.

8098. You have a floating population of sailors and others who come in here?—Yes.

8099. Is your business over the whole province?—Yes.

8100. At the time you commenced business, was there any prohibitory law in force?—No.

8101. There may have been some counties where licenses were not granted under the license law?—I think not then.

8102. You think all were under license?—Yes.

8103. Since then the Scott Act has been brought into force in several counties?—Yes.

8104. Has your business increased or decreased, or has it been at a standstill?—It has increased.

8105. Do you carry on business outside the province?—Yes, in Nova Scotia and in Maine.

8106. You sell in both provinces?—Yes.

8107. Do you find any sale in counties in which the Scott Act is in force?—Yes.

8108. Do you find any difference in counties in which this Act is in force as to the kind of liquors which are sold, from what are used under the license laws?—In Scott Act counties there is a greater demand for cheap liquors than in other places.

*By Mr. Clarke :*

8109. Do you mean beer?—No, spirits. The object is to get spirits as cheap as possible, the quality not being so much considered.

8110. Were you in business in this city before the Scott Act became the law in many of the counties?—Yes.

8111. Has your business in those counties increased or decreased since?—It has increased.

8112. And you sell a cheaper liquor than formerly?—I do not, but the demand is for a cheaper liquor.

8113. A more deleterious liquor?—What they want is quantity and strength for the money. They are not particular about the quality ; many people there like to get it cheap.

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8114. And the stuff strongest and cheapest is the stuff they like best in those counties?—Yes, in very many of them.

8115. Do you do business in the State of Maine?—Yes.

8116. Notwithstanding the existence of a prohibitory law there?—Oh, yes.

8117. And your books will show that your business in these Scott Act counties has increased since the adoption of the Act there?—Yes.

8118. Has the sale of beer increased or decreased?—It has decreased.

8119. Has the sale of soda water increased or decreased?—Decreased.

8120. And the sale of these vile compounds, cheap and strong, has increased?—I do not know anything about vile compounds.

8121. I understood you to say that the prime requisite was strength?—With very many of them there is a demand for cheap liquors. We, our firm, never call on any one except the principal men in any town, because we know only two or three people will pay the price that we ask.

8122. You confine your business to those people?—Yes.

8123. Have you found that the greater number of packages are sent direct to the families in the homes since the Scott Act has been introduced?—As long as an attempt is made to enforce the law rigidly, that kind of orders increases, and then we have custom of that kind.

8124. Speaking of your experience, is the law enforced in these counties, or is it disregarded?—In some places it is enforced rather rigidly at times, and then it becomes lax.

8125. Then the machinery of the law is sufficient to enable those who desire to enforce it to carry out the law?—I cannot say as to that. My visits to these counties are very short.

8126. Do you know why these spasmodic efforts are made to enforce the law at times?—I have heard reasons given, but I do not know of my own knowledge.

8127. But there is no steady effort to enforce the law?—I think not.

8128. How is the law enforced in Fredericton?—I sell more goods in Fredericton than in any other place, except in the city of St. John.

8129. Do you sell more liquor now in Fredericton than you did before the Scott Act came into force?—Very much more. Before that there were more wholesale men.

8130. The wholesale business has been destroyed by the Scott Act, but the retail business flourishes?—Yes.

*By Rev. Dr. McLeod :*

8131. Do you find any difficulty in collecting in Scott Act counties where you sell?—We have lost very little, only a few hundred dollars in the last ten years. In Fredericton alone we have sold from \$70,000 to \$100,000 worth of goods. We take as little risk as possible, and only deal with men of good character or that we think honest and willing to pay.

8132. So that your losses in Fredericton and in Scott Act counties have been small?—Very small.

8133. I think I understood you to say that the Scott Act is a failure?—I did not use those words.

8134. What is your view?—A failure in what respect? In regard to its enforcement?

8135. Yes.—At times it is enforced fairly well.

8136. You think it does not accomplish what it was designed to accomplish?—My opinion about the Scott Act is, that it does not accomplish what it was designed to accomplish, and degrades the moral tone of the community in many ways.

8137. You think that in Scott Act communities the moral tone has gone down?—In many ways.

8138. In what way?—It makes them sneaks.

8139. In what way?—Instead of going and buying what they want in an open way, they have to do it by subterfuge.

8140. You think, then, that in Fredericton and other places they have to do it by subterfuge?—Yes.

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8141. Is the law responsible for that?—To some extent, yes.

8142. Has it ever occurred to you that the sneaking disposition may be in the men who do it, and that the law simply affords them the opportunity?—The law brings it out. Their sneaking disposition might remain dormant if it were not for that.

8143. Have you been interested in any Scott Act repeal matters?—Yes.

8144. Have you given assistance in repeal votes in any way?—Yes.

8145. Why?—Because I wished it repealed.

8146. Why did you wish it repealed?—Because I do not believe in the law.

8147. I understood you to say your business had increased in Fredericton and elsewhere where the Scott Act is in force?—Yes.

8148. And I presume your business has been enlarged in consequence?—Yes.

8149. Can you explain why you desire to see that Act repealed when it has increased your business?—I do not believe in it on principle, and I think it should be repealed.

8150. Even though it should decrease your business?—I will take my chances of that.

8151. Did you oppose the attempt in St. John to adopt the Scott Act?—I did.

8152. Why?—Because I object to it as a matter of principle, and do not desire to be compelled to do business in such a way as that indicated by the law.

8153. If the people in St. John had voted in favour of the Act, would you have continued in business?—I am not prepared to answer that question.

8154. Do you justify those who, in Scott Act counties, persist in carrying on the drink trade?

MR. GIGAULT objected to the question.

MR. CLARKE said he thought the witness need not answer that question.

JUDGE McDONALD (to witness): You can answer that question or not, as you like.

*By Rev. Dr. McLeod:*

8155. Is the license law observed in St. John?—It is fairly well observed, I think.

8156. Do you think it is violated at all?—Yes.

8157. By many of the licensees?—Not by many. I think the majority observe it.

8158. Do those who observe the law, in your belief, seek to bring to book those who do not observe the law?—I think not.

8159. They do not interfere in any way?—No, because I have no doubt they would think it dishonourable to turn informers.

8160. You do not think it is honourable to complain of a law breaker; or is it only when a law breaker is in your trade?—I do not think you have a right to put that construction upon what I have said. I think it would be dishonourable for a licensee to endeavour to get information to use against another.

8161. If it comes to his knowledge that another licensee is violating the provisions of the law, do you think it would be dishonourable to correct that violation?—I would expect it to be a very flagrant violation.

8162. Do you think in the case of any other law, the same consideration would have effect with you?—In some circumstances.

8163. Do you think it is honourable to make a complaint of any kind against a law breaker?—I could not answer that question satisfactorily.

8164. Do you think, then, your traffic benefits the community?—In some ways, yes.

8165. In what ways?—It might take some time to answer that. I might answer by saying that it is wonderful that many centuries have passed before it was discovered that this trade was such an injury to the public.

8166. That is not an answer. But if you can state the ways in which it is a benefit to the public, I should like to hear them?—If I thought my business was doing any injury more than any other business, or to any extent beyond my means of protection, I would not remain in it, because I think my moral strength is just as strong as the average. I do not want to do an injury to anybody.

8167. Did you hear the evidence of Mr. Bain yesterday?—I did not.

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8168. He said he desired to get out of the business because of the evil effects of it?—My only reason, if I had any idea of getting out of it, would be because an opportunity is afforded people to make them think that they are better than I am; but I have good reasons for doubting it. I think many men who seem to think they are much better than many people in the trade are mistaken. I do not think they are justified in their idea.

8169. Was the fact of your business ever a bar to your being a city official?—I do not know that it was. It was made an excuse I think, but not otherwise.

*By Mr. Clarke :*

8170. Is any difficulty experienced by the ordinary traveller in Fredericton in getting liquor at the hotel, if he asks for it?—I think not.

CHARLES H. FAIRWEATHER, of St. John, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8171. How long have you been a merchant in St. John?—For thirty-eight years.

8172. In what line of business are you engaged?—Wholesale grocery.

8173. Have you been President of the Board of Trade?—Yes.

8174. Have you held any municipal office as Mayor or Councillor?—No.

8175. Is the business of St. John in a fairly prosperous condition?—Yes, fairly prosperous.

8176. Is the city sober and law abiding comparatively?—It is a little difficult to answer that question, but I should judge it might be answered in the affirmative.

8177. Have you had anything to do with the liquor trade in any way?—Not in the way of business at all.

8178. Have you had any acquaintance with the working of a prohibitory law?—Not of recent years. During the past thirty years I have been very much interested in procuring the enactment of a prohibitory law; I have taken an active part in that movement.

8179. Were you in the Legislature?—Never.

8180. Was that the kind of law which led to a constitutional crisis about 1855 or 1856 or 1857?—It was a long while ago. That was the law.

8181. You took an interest in that?—Yes. I desired its enactment.

8182. It was passed by the Legislature?—Yes.

8183. Afterwards there was an election virtually upon that question?—It was repealed at all events.

8184. By a new House of Assembly?—I am under that impression.

8185. Do you remember how long that law was in force?—My impression is it was in force for a very short time, I should say less than a year, but I do not charge myself with the date.

8186. Do you recollect what led to the repeal sentiment?—My impression is that it was seeing the difficulty of its enforcement and also its practical non-enforcement. I think these were the reasons.

8187. Did you know anything of Portland when it was under the Scott Act?—I really did not, except just casually or casual information that the newspapers gave. I am not in Portland at all, and really know next to nothing about the Scott Act legislation and its working. As a reader of the papers I see what happens, but I have no personal knowledge. I am a busy man and occupied with business.

8188. Have you formed an opinion as to the effect of the traffic, as a whole, on business interests?—I can scarcely say that I have considered its bearing upon trade and business. It must have a bearing upon it, but, like the weather, or like a cyclone, we take it for granted that we must submit to it, and I am not prepared to say that I have given any consideration to it.

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8189. Have you considered the effect prohibition of the manufacture, importation and sale of alcoholic liquors would have on the business community?—Without any question, it would have a very damaging influence on business; the ramifications of the traffic are so numerous.

8190. In case of the enactment of such a law, have you any opinion as to the propriety of making compensation to brewers and distillers, whose business would be taken away from them?—It would strike me that their business having grown up under the sanction of law, they should be entitled to a measure of compensation. It would seem to me to be an act of justice.

*By Mr. Gigault :*

8191. You have had no experience of the working of the Scott Act in the counties where it is in force?—I have not.

*By Mr. Clarke :*

8192. Do you recollect the legislation of 1856, which enacted a prohibitory law for this province something similar to the Maine law?—Yes.

8193. Was any machinery provided in that Act for its enforcement?—I cannot say, but I should take it for granted that there was; I cannot say, of my own recollection.

8194. Do you recollect if the Act met with the approval of the large majority of the members of the Legislature?—I am not able to remember the majorities that were given on the vote.

8195. Was it not a pretty high-handed proceeding of the Governor at that time to dismiss his Ministry, which had the confidence of the House?—Yes, I think it was so.

8196. Do you recollect what led to his taking action?—I do not.

8197. Did he receive petitions and remonstrances from various parts of the province, protesting against the measure?—I am not able to say. It is so long ago that I do not remember.

8198. He dismissed his Ministers and called in others, and dissolved the Legislature and appealed to the country?—The law was certainly repealed, and there was a moderate-sized riot in St. John.

8199. Over the repeal or over the enactment?—Over the enactment of the law. Parties in favour of the law were assaulted; but a busy life obliterates the recollection of many of these matters.

8200. Was the cause of temperance retarded or not by the adoption of the Act and its subsequent repeal?—I never believed the cause of temperance was injured by it. I think the passage of that law was a sort of educational thing, a sort of protest against an evil, which had no effect upon the people who really desired to promote total abstinence.

8201. What effect did it have on the community generally, whose views on temperance were not very strong, to see the law flagrantly violated while it was nominally enforced?—I suppose the effect on the community was something like the effect on my own mind, that it was a question of doubt and hesitation whether any law that is not sustained by having behind it a strong public opinion, is available for the object for which it is enacted.

8202. Do you think the enactment of a prohibitory law at present, that is a law prohibiting the manufacture and sale and importation of liquor, would find a sufficiently strong public sentiment at its back to enable it to be efficiently and vigorously enforced throughout the whole Dominion?—I am sorry to say I do not think it would be. I am a firm believer in Legislatures leading in good and moral objects. I believe the enactment of a prohibitory law would be of benefit in setting a seal upon the traffic as being of evil to the community; but that it would be observed, I have very grave and serious doubts.

8203. And the moral effect of the non observance of the law, what would that be?—It would be in its effect like smuggling, which is supposed to deteriorate the whole moral tone of the community.

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*By Rev. Dr. McLeod :*

8204. Do you think that the existence of a distillery or a brewery in a community adds to the material prosperity or the moral prosperity of the community?—I do not think it does.

JAMES P. STEEVES, M.D., on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8205. What is your residence?—Lancaster, in the County of St. John.

8206. What is your calling or occupation?—Superintendent of the Insane Asylum.

8207. How long have you been Superintendent of the Asylum?—Since May, 1876.

8208. Is it a provincial institution?—Yes.

8209. Would you tell the Commission the average number of patients in the asylum during the last five years?—About 450.

8210. What proportion of males and of females?—There are a few more males, perhaps about 25, than there are females.

8211. Did you receive printed questions from the Commission some time ago?—I cannot say. I have been away in Europe for the last few months.

8212. Do you make inquiry when patients are brought in, or do you obtain information as to what has caused insanity?—Yes, in every instance.

8213. Are there printed forms that are filled up?—I make the inquiry myself. I have a form.

8214. Is that sent to the authorities or relatives and friends to be filled up?—Yes.

8215. Have you any lunatics who are committed by the local authorities?—They are all committed through the process of law.

8216. But some come in on medical certificates, I presume, after examination by doctors who have examined them, without having anything to do with the officers of the law?—Very few.

8217. Are they generally committed lunatics?—Yes. It is necessary with us to have no more than the certificate of one physician. From that physician we have our questions filled. We receive a certain number of patients without magisterial interference, on the certificate of the physicians only.

8218. Can you state how large a proportion of the patients in your asylum have been placed there in whose cases the cause has been drunkenness or the use of intoxicating liquor?—I think, according to our statistics, about one-eighth of the patients' cases are due directly to the use of intoxicating liquor.

8219. Are you able to give any information as to whether any of them are lunatics indirectly in consequence of the use of liquor?—There is a considerable number where the cause may be attributed to the indirect effects of alcoholic stimulants.

8220. Have you statistics to show the proportion of those?—I have not very exact statistics. I have not information to enable me to work out statistics of that kind very often, but in an off-hand way I should say as many more. At least another eighth.

8221. How is it in reference to those persons who are recovering their reason. Are there many who recover their reason?—Of those in whom the supposed cause has been intemperance, very many get well.

8222. Do you ever get them back again?—Yes, frequently.

8223. And they relapse afterwards?—Yes.

*By Rev. Dr. McLeod :*

8224. You say the insanity of about one-eighth of your patients is due directly to intemperance and about one-eighth indirectly?—Yes ; I say that our statistics show about that. I do not know whether they accord exactly with similar institutions or not. Very likely they differ. Statistics are very uncertain things. When persons are engaged to

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establish a certain conclusion they are very apt to get their statistics warped considerably to suit preconceived notions, and where statistics are simply entered without any notion as to what their effect may be, they are likely to be quite different. I say that because our statistics may not agree with others.

8225. Your statistics are made up on the latter plan, without any preconceived notion?—Entirely so.

8226. And are they more accurate on that account?—I do not know but that that is the fact.

8227. To what extent would you say that intemperance has been the predisposing cause, in either the patient or his progenitors, of insanity? I do not mean the exciting cause but the predisposing cause?—Do you mean as compared with other causes?

8228. Yes; that will answer the question.—Intoxication or intemperance stands as the leading cause of insanity. It stands pre-eminently above any other cause. That is admitted on all hands.

8229. Are idiots sent to your asylum?—Yes.

8230. Have you found intemperance among their parents to any extent, and to what extent?—I think it is a notorious fact that copulation by drunken persons damages almost surely the offspring, and I have no doubt, in fact I know, that a number of these idiotic and imbecile patients are so because of dissipation or drunkenness in one or other of the parents.

8231. Have you observed whether in the cases of idiotic people, they are the descendants of people not habitually drunken but habitual drinkers. Do you find that habitual drinking though it has not reached the point of actual drunkenness, has an effect on the children?—I have no doubt it has.

8232. Do your published reports show the cost of the institution?—Yes.

8233. And also the amount contributed by paying patients?—Yes.

8234. Take the matter of family troubles in the classification: can you say whether any proportion of those arise from drink?—I do not know what proportion, but certainly a good many of them do.

*By Mr. Gigault:*

8235. Have you any statistics to show whether insanity is increasing or decreasing in this province?—Yes.

8236. What do these statistics demonstrate?—They demonstrate that there is a small increase in the occurring cases, and that the accumulation of the insane has very widely increased.

8237. Can you say what increase has taken place in proportion to the population?—No; not exactly.

8238. Can you furnish those statistics to this Commission?—No; I can furnish my reports.

*By Mr. Clarke:*

8239. You say that insanity is increasing in the province?—I said that the accumulation of the insane in the institutions has very largely increased, and that has led people to imagine there is a large increase in the occurring cases, which is not the fact.

8240. Then there is not an increase in the province?—I do not say that.

8241. Is there a larger number or a smaller?—There are more under the cognizance of the authorities, because more persons are sent to the institutions now than were in former times. People are allowed to visit the institutions now and to see that the patients are well cared for. Formerly they thought they were kept there out of spite, because the authorities did not wish them to be seen, and this exerted an influence on persons in not sending their patients to the asylum; so the accumulations have increased very greatly. But there has been an erroneous opinion as to the increase over the increase in population, though, perhaps, there is a small increase, yet it is not much out of proportion to the population. I think it is admitted that there is a small increase everywhere.

8242. Is that increase due to the increased consumption of liquor and to the drinking habits of the province? I understood you to say that the majority of cases were

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due to the consumption of liquor?—Certainly, I did not say that. I said directly and indirectly about one-fourth.

8243. What are the other causes?—Dissipation of all sorts, troubles, anxiety, and sorrow, and so on.

8244. Do you obtain the information from the relatives of the people who are committed?—Yes.

8245. Do you find it generally reliable?—In some measure it is so.

8246. What proportion of the inmates are classed as incarcerated for unknown causes?—I cannot give you those figures, but I can give you them as published in my report; but there is quite a large number.

8247. One-half?—No, probably one sixteenth.

*By Rev. Dr. McLeod:*

8248. What do you believe the effects upon the mental health of the people generally would be eventually if a prohibitory law were in force?—I think it would be of immense value.

*By Mr. Clarke:*

8249. Dr. Reid, the Superintendent of the Nova Scotia asylum for the insane, writes me as follows: "In regard to intemperance as a cause, I find prior to 1870 it was not noted; subsequent to that time it appears, but I consider it quite unreliable, because our only ground of following it out is from the statement accompanying the patient, which is often left blank, and unknown causes are the most numerous. Again, a patient may be put down as a total abstainer, which may not have been the case for a considerable time before his incarceration; so that those figures are utterly unreliable." Do you agree or do you not with that?—I do not agree with it, though I stated that statistics are things that have to be taken with some discount. I do not think they are utterly unreliable by any means; but so far as the other remarks are concerned, they are the opinions of Dr. Reid, and they are not entirely in accord with my experience, and I have nothing to say to them.

REV. WILLIAM O. RAYMOND, of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

8250. You are a clergyman?—A clergyman of the Church of England.

8251. How long have you resided in St. John?—Over eight years.

8252. Have you during that time been engaged in clerical work?—I have.

8253. Do you hold any official position as Chaplain or otherwise in connection with the public institutions of the city?—I am the Protestant Chaplain of the almshouse.

8254. Is that a city institution?—City and county.

8255. How many inmates are there?—I am not positive as to the exact number, I think from 200 upwards.

8256. Would 200 inmates be the minimum?—In certain seasons there might be fewer.

8257. Part male and part female?—Yes.

8258. Which preponderates?—I should think the number of males was the larger.

8259. Have you made any inquiries as to the causes which led to the people going to the almshouse?—Not systematically.

8260. In what way?—In conversation the causes have often come up, and I have a fairly good idea.

8261. Do you know if statistics are kept in reference to that matter by the officers of the institution?—I am not certain if the cause is always put down. My impression is that it is.

8262. Is the Superintendent here?—The Superintendent, Mr. Wetmore, is present.

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8263. Are you able to state as to the habits of these people, whether they are intemperate people, or the contrary?—I should say that the majority of the men there have been intemperate, and quite a proportion of the women also.

8264. Do they show it visibly in their appearance?—The recently admitted ones I think show it visibly; the others are in many cases in broken down health, which might be caused by intemperance or other causes.

8265. Have you had anything to do in connection with the Scott Act?—No.

8266. Have you been in any county in which it has been in force?—I am acquainted more or less intimately with three counties: Carleton, York and St. John. I was in York five years while it was in force.

8267. How did you find it carried out?—In Stanley, one of the most considerable villages, where I lived for five years, it was enforced spasmodically, but there was no persistent effort to secure enforcement.

8268. What is the population of that place?—The population of the parish is 200 or 300.

8268a. Is there a village?—Yes, a fairly sized village.

8269. Do you know the population of the village?—I should estimate about forty families.

8270. Two or three hundred people?—Not more.

8271. Was the sale that did take place in the village or the rural parts, or both?—In both, largely in the village.

8272. Can you state what difficulties there were in the way of enforcement?—Difficulties that prevail everywhere. Apathy on the part of people and difficulties that hinder the enforcement of anything of that kind.

8273. How long have you been in holy orders?—Since 1878, fourteen years.

8274. During that time, have you discharged extra duties?—Yes.

8275. Have you had an opportunity of observing whether there has been a growth of temperance sentiment among the people during that time?—I should say so.

8276. I suppose the different religious communions work, as far as they can, to promote that state of things?—Yes.

8277. Have Temperance associations and organizations been in active operation in New Brunswick?—Yes.

8278. Have you noticed whether in counties where the Scott Act has been carried, those societies have still kept up their work or dropped it, trusting to the law to do the work?—I am scarcely prepared to say whether that has been the case or not. I have noticed regarding those movements that in each case it is like the ebbing and flowing of the tide. Sometimes there is a good deal of activity manifested, but the efforts seem to flag; whether the flagging has been coincident with the adoption of the Scott Act, I can hardly tell.

8279. Are you able from your own knowledge and experience to suggest any amendments to the Scott Act?—The enforcement of the Scott Act depends on the official whose duty it is to enforce it. As regards this matter, everything depends upon the fidelity of the officer and his being above the reach of bribes or intimidation. I have thought out this matter in all its details and I could give my ideas on the subject, but I do not know that they would be of any great value to the Commissioners.

8280. We shall be very glad to obtain your ideas, as we desire to gather suggestions from those who have thought out the question?—My idea is that there will always be more difficulty in enforcing a prohibitory law than any other law that can be enacted, because a large percentage of the population will desire to violate that law more than any other law that can be placed on the statute-book. I take that position at the outset. The classes that will be included under that proportion of the population are, first, those who are the slaves to the appetite for strong drink. They will always crave it and be disposed to violate any law that restrains them. The second class is composed of those interested in the business itself, and whose livelihood for the time being depends upon the maintenance of that business. The third class is composed of those who claim that liquor drinking within moderate limits is perfectly legitimate and who look upon any prohibitive legislation as an interference with their personal liberty. These three classes are all combined practically against the enforcement of a prohibitory

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liquor law. Now, the influences that would uphold a law of that kind are to some extent, supporters merely on the question of principle, while the great class of humanity is always controlled by motives of self interest. The power that seeks to break down a prohibitory liquor law is a constantly operating force. It is a constantly operating force, because so long as men live there will be a certain number of men who want to drink, and their appetites will sustain them in their desire to break down a prohibitory liquor law. It is a constantly operating force in regard to those engaged in the business, and whose pecuniary interest it is day by day to sustain or maintain that trade. It is to some extent a constantly operating force on the part of those who contend that drinking in moderation is legitimate, and who, of course, so long as they hold that opinion, desire to indulge to that extent. So we must expect that the forces brought to bear against the prohibitory Act will be in constant operation. To maintain that Act there must also be a constantly operating sentiment among the people in its favour, I take it, and the great difficulty always seems to be to maintain that sentiment, for the reason that there is a very large percentage of the population not very directly interested in it. They are the descendants of temperance parents. They are not themselves in any way injured by the existence of the traffic, and until they become personally interested their interest in it is lax. I may give an illustration before I pass from that point: You may reason in vain with a man who does not use any influence to enforce the Act against an unlicensed dealer until perhaps he finds his son frequenting the place and becoming a victim to intemperance. Then he has a personal interest, and he goes to the man and tells him that if he sells to his son—and he may go further—he will enforce the Act against him. In such cases there are motives of self-interest which come in, but with the great mass of people there is this lacking and the matter does not come home personally to them, unless their interest in the general welfare of humanity is sufficiently strong to stir them up on behalf of others who are not specially interested, and they are apt to become dispirited and lukewarm. Then again the influence that should be brought to bear should be exercised by the officer appointed to enforce the Act. An officer might be so conscientious in the discharge of his duty that he would take the position that the Rev. Mr. Grant has taken in Sussex, and press the law for the sake of humanity and take up, what is certainly a very unpleasant position, in order that he might succeed in maintaining the law. But the great majority of those persons who enforce the law will have to be paid for it. With them it is a question of self interest. Nearly all work done is done by persons who are paid for doing it. If you have highly moral men holding those positions they will be above bribes, otherwise there will be no security that the persons appointed to carry out the law may not receive higher pecuniary consideration for ignoring the law and causing it to become practically a dead letter. I have looked at the question from a judicial point of view, and have dwelt upon some of the obstacles in the way of the enforcement of the law. One other point I might touch upon is this: It has been said that we have power under the law placed upon the statute-book to have prohibition in certain localities and that until the temperance people show their power to enforce prohibition through the local working of the law within a certain ward or part of a city, there is no indication of the existence of sufficient public sentiment to warrant a prohibitory law. I think, however, that that argument is very much weakened by the fact that you cannot have this question considered without personal interests being drawn into it as regards the signing of a petition to prohibit the sale of liquor within the ward. An individual may say: I am prepared to vote for prohibition, and I think the city should appoint officers to enforce it. But he may say: I am not prepared to have my good customers come to me and say: you have signed this petition, and therefore we withdraw our trade from your shop. The Commissioners will see the point I desire to make, namely, that there are local questions which may be brought to bear with respect to limited areas which would not apply in the same way to larger areas. I am on the whole in favour of the appointment of Dominion officials, and I hold that every safeguard possible should be thrown around the appointment of those officers in order to make them men who would carry out faithfully the duties which they are appointed to perform.

REV. WILLIAM O. RAYMOND.

*By Rev. Dr. McLeod :*

8281. Have you had any opportunity to compare the condition of communities under license law with the condition of communities under enforced prohibition?—No, I have not. I have occasionally visited the State of Maine, but I am not in a position to draw any inference from it.

8282. Do you believe well enforced prohibition would in any degree benefit the country at large?—Certainly, if prohibition were enforced, the general result on the community would be for the good of the community.

8283. Do you believe that laws against admitted evils have any effect in shaping public opinion in regard to those evils?—That depends whether the laws are enforced or not.

8284. What do you understand by “enforced”?—If a certain percentage, if 75 per cent, speaking off-hand, of the transgressors of the law receive due punishment for the transgression, I should say that the law worked fairly well.

8285. Do you regard a law as a failure if, there being an attempt made to enforce it, it is for a length of time obstructed by appeals to the Law Courts?—Not necessarily, if ultimately the law is established as workable.

8286. Would you charge that non-enforcement to the law or to the lack of public sentiment, or would you hold responsible the obstruction and obstructionists?—I would hold responsible both the obstruction and obstructionists and also the framers of the law.

8287. You would not hold responsible the principle that is in the law?—Certainly not.

8288. You are Protestant Chaplain of the Almshouse, I understand. About what proportion, approximately, of the inmates of the Almshouse, both men and women, are so because of the drink trade and drink habit? I may explain that when I speak of the drink habit, I mean the drink habit not only on the part of the alcoholics, but on the part of those on whom they were previously dependent?—The only data I have from which to arrive at any conclusion would be the information gathered from them. I think I may fairly say that with very few exceptions, they have been people who have been intemperate, and I also know that it is with the greatest difficulty the inmates obtain leave from the Superintendent to go into town, because they are so liable to return in a state of intoxication, if they have sufficient money to get drink.

8289. Some of the women have also, I suppose, become intemperate?—The older women usually become so; I will not say altogether they are so, because there are a few who have been compelled to go there from causes beyond their own control, but there are quite a large number of intemperate women.

8290. Are there quite a large number of children in the Almshouse?—Yes, about forty children.

8291. As to those women and as to the children, has any proportion of them been brought into the Almshouse because of the intemperance of others?—I could hardly give you an answer to that question.

8292. Are those children of drunken parents who are now living or deceased?—I have only an impression that in most cases the fathers have been drinking men.

8293. Are some of the women, wives or widows of men who wasted their substance and lives by drinking?—Very few.

8294. What is the avowed position on the liquor question of the religious denomination to which you belong?—I thought perhaps that question might be asked and I have brought here copies of the resolutions that will be found on the journals of the Synod. Only three resolutions have been passed, as far as I am aware.

8295. Is the feeling of your denomination in opposition to the drink trade increasing, or is at a standstill, or is it decreasing?—I should say that as against the evils of drunkenness the feeling is constantly increasing.

8296. Aside from that, is the feeling not only against the evils of drunkenness but against legalizing the drink trade, corresponding to the action taken by the Synod?—I should suppose there would be a stronger feeling in that direction than formerly.

8297. Does it find expression in the utterance of the Synod?—Yes, the resolutions are very short.

*By Judge McDonald :*

8298. Will you please read them?—Yes. [Appendix No. 10.]

## Liquor Traffic—New Brunswick.

JOHN KELLY, of St. John, carriage maker, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

8299. How long have you resided in St. John?—About thirty-five or thirty-six years.

8300. How long have you been an Alderman of this city?—About nine years. Eleven years have elapsed since I was elected, but I was out two years.

8301. Have you had an opportunity of observing the working of the license law in St. John?—Yes, for the last nineteen years

8302. Do you consider it has been beneficially enforced?—I do, as regards the present law.

8303. Do you know anything about the operation of the Scott Act in New Brunswick?—We had the Scott Act for a number of years in Portland.

8304. Did you reside in Portland?—Yes.

8305. How did you find the Act work there?—It seemed to work very unsatisfactorily to my mind. We had a great many places selling liquor without any consideration as regards quality, or the class of persons who disposed of it.

8306. Do you know anything of the working of the Act in the rural districts outside of St. John?—I do not know much about it, any more than when in those districts I wanted a drink I could always get it.

8307. You have visited those sections of the province?—Yes.

8308. And you found sale of liquor there?—I never found a place yet where I could not get it, if I wanted it, either in these Scott Act towns or parishes. I am not a drinking man, but yet I have always been in the habit of using liquor.

8309. Can you suggest any legislation that would make the Act more efficient?—I think the Act at present is about the best one we could have.

8310. Is it the Scott Act or the license law?—I mean the present license law.

8311. It appears, then, that the Scott Act was not observed in the rural districts of Portland; what was the cause in Portland of the Act not working?—I do not think that any Act will work satisfactorily where you prohibit.

8312. You do not think any amendment of the Act would make it workable?—None that I can see, where you prohibit people from getting what they wish.

*By Rev. Dr. McLeod:*

8313. Why did the Scott Act not work in Portland satisfactorily; state what the trouble was there?—I should say in regard to that matter that I do not think an Act of that kind could possibly be enforced.

8314. That is not an answer to the question. There must be some reason or reasons why the Canada Temperance Act in Portland did not operate. What were the reasons; are you aware of them?—I do not know any reason more than that the people will have what they want, and what they are willing to pay for.

8315. That is your knowledge of the matter?—Yes.

8316. You have expressed yourself as satisfied with the present license law?—Yes. I think there are some few restrictions. Perhaps it is the best law we could possibly have.

8317. What features of the present license law do you approve?—I approve of local option through and through. I believe in the restricting of licenses to as few persons as possible, to make the licenses fairly high, and to get the best people you can possibly get into the business. In that way you adopt the best measures.

8318. You think the law has that effect?—Yes.

8319. Do you approve of the restrictive features of the present license law?—I do.

8320. The provision that prohibits the sale on Sabbath?—I do.

8321. And after a certain hour each day, and before a certain hour each morning?—I do not think there should be any prohibition of the sale of liquor from Monday morning at six o'clock till Saturday night at seven o'clock, and between those times liquor should be sold as freely as other articles.

JOHN KELLY.

8322. Do you believe there should be prohibition as regards the Sabbath?—Yes, I would enforce that.

8323. Then you object to the features of prohibiting the sale before certain hours in the morning, and after certain hours at night?—There are other sections I object to.

8324. What are they? I believe that when once a person has been granted a license he should retain his license until he breaks the law, or does some act that is in opposition to the law, without being compelled to go round with a petition and ask for the signatures of a certain number of persons in his ward.

8325. You believe that he should have a license in perpetuity, unless he violates the law?—Yes; and the moment he breaks the law, it should be taken from him.

8326. Do you think that any licensee does violate the law?—I notice sometimes in the newspapers that they are fined.

8327. You think the license law is good because it places the trade in the hands of a better class of people?—Yes.

8328. I presume you have your idea as to which is the better class of men. Do you know if this better class of men violate any provision of the license law, hotel keepers for instance?—I do not think I should answer that question.

8329. Do you have reason to believe so?—I have no reason.

8330. The better class of men would be under the necessity of going round for signatures from year to year because they are violators of the law?—To some extent it is true, but you are aware that respectable persons can get what they require in hotels, or elsewhere, when they are willing to pay for it.

8331. I find you object to the license law not in regard to its authority to sell, but in regard to its prohibitory provisions, or at least to some of them?—Yes.

8332. Would you have the sale more free than it is?—Not more free than it is. I would have a person who is in a legitimate business—and it must be legitimate when it is allowed by statute—allowed to dispose of his goods the same as any ordinary trader is allowed to do.

8333. Then you would not have any licenses?—I certainly would have licenses, but I would also restrict the number of persons who should have the right to sell liquor.

8334. You said you would not have the parties interfered with?—That is, when you have appointed a certain number of persons and given them licenses in respective districts.

8335. Why limit the number of sellers of liquor and not limit the number of carriage makers?—It has always been a business that to some extent has been watched, the world over. My experience in regard to the Scott Act was this: We had 120 or 130 places selling liquor at the north end, with a population of about 15,000, whereas now the number is in the vicinity of 35. We find a difference in that respect. Years ago, long before the present Act came into force, when I was a boy, it was common to see people drunk in the part of the city to which I belong; now it is very rare to see such an occurrence.

8336. You are a carriage maker, I believe; do you employ many men?—Yes.

8337. How many?—12, 16 or 18.

8338. Do you find the drink trade affect your men at all?—No.

8339. Are they drinking men?—No. So far as drink is concerned, some do drink, but not to excess.

8340. In employing skilled workmen, do you give preference to men who do not drink?—No, I never did. There are not many mechanics so devoid of self-respect as to be continually drunk.

8341. You do not come in contact with that class of mechanics?—No.

8342. Have you ever had any trouble with men on account of drinking?—No.

8343. Did you ever discharge any man on account of drunkenness?—Yes, one man during my lifetime.

8344. Do you believe the drink habit and the drink trade affect in any way your business injuriously?—Not to my knowledge.

*By Mr. Clarke :*

8345. Have you had any experience of the prohibitory law in the State of Maine?—I have been in Maine quite often. I have had liquor there when I wanted it.

## Liquor Traffic—New Brunswick.

8346. Have the people not prohibition there?—Not for any person who wants liquor, for he can get it.

8347. During the time the Scott Act was the law in Portland, was it largely disregarded?—Entirely so.

8348. How many places were selling liquor?—Under the present license law there are about 120 selling at the north end, and there must have been at least that number or more selling under the Scott Act.

8349. It has been stated in evidence that the non-enforcement of the law was owing to legal difficulties and obstacles that were overruled on the cases being brought before the Supreme Court: did that condition exist during the whole time the law was on the statute-book?—No.

8350. Have you visited the different parts of the province?—Almost all the counties where the Scott Act was in force.

8351. How have you found it to be observed?—I do not know what they call observing the Act, but I could get whatever I asked for.

8352. Is liquor sold without any restriction?—I think so.

8353. Are the temperance people now living under legal difficulties?—It is somewhat that way, but there need be no difficulties.

8354. But the evidence goes to show that the law in some places is pretty well enforced, they having got rid of legal difficulties?—Where the law is in force liquor can always be got.

8355. Do you know anything of the operation of the Scott Act in Nova Scotia?—I have been there.

8356. How is the Scott Act observed there?—I do not think it is any better observed there than here.

8357. Do you ever go over to Fredericton?—Yes, quite often.

8358. How is it observed there?—There is not much difficulty in getting liquor.

8359. Commercial travellers at the hotels have not much difficulty in getting liquor, I suppose?—No, nor mechanics either.

8360. Is it kept for sale at the hotels?—I would rather not answer that question.

EDWIN J. WETMORE, of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

8361. You are Secretary of the Almshouse Commissioners, I understand?—Yes.

8362. Have you any records with you regarding the inmates of the institution?—I have statistics here as to the numbers.

8363. Please state the numbers?—At this season of the year we always have fewer inmates than in the winter season, when they will run as high as 200. We have now 162; 64 men, 69 women and 29 children.

8364. Have you any statistics showing the previous habits of those people?—We have only the form of information obtained from them. We have a schedule which is filled up.

8365. How are they admitted; is it by an order of a Justice of the Peace?—They are admitted on the order of a Commissioner.

8366. What is the length of stay; is it during pleasure?—A person may be admitted on account of not being in good health, and when he recovers he goes out.

8367. What is the annual cost of the institution?—Between \$12,000 and \$13,000.

8368. By what authority is it paid?—It is paid by the Municipal Council of the city and the county—it is paid by taxation.

8369. Is it part of the municipal machinery?—Yes.

JOHN KELLY.

*By Rev. Dr. McLeod :*

8370. Did you hear the statement of Rev. Mr. Raymond ?—Yes.

8371. Do you concur in his statement with respect to the percentage of the inmates who are there because of intemperance, directly or indirectly ?—From my knowledge of the matter I should think there is a large percentage due to the use of intoxicating drink, the use of drink being the real cause of their coming to the institution.

8372. Have you anything to do with outdoor pauperism ?—Yes. The Commissioners devote a certain sum annually to that object.

8373. Do you find any percentage of that outdoor pauperism to be traceable to drink ?—A large percentage of it is traceable to drink.

8374. We understand you are also Secretary of the Society of the Prevention of Cruelty to Animals : does your work in that society authorize you also to prevent cruelty to women and children ?—It does.

8375. Have you much of that work to do ?—Not so much as the society in Halifax, because our laws do not cover that completely.

8376. I noticed that the Agent there had a good deal to do in that direction ?—We have a provincial law, but it does not cover so much ground as the law in Halifax.

8377. Have you had enough to do with the law to enable you to say whether any considerable percentage of the cases of cruelty in homes, cruelty to wives and children is traceable to the drink habit ?—It is a large percentage.

8378. How large ?—Fully 75 per cent.

8379. Have you stated what percentage of the pauperism is traceable to drink ?—I think it would be fully 60 per cent.

*By Mr. Clarke :*

8380. You say there are a larger number of inmates in the winter than in the summer ?—Yes, as the cold weather comes on the number increases. They make it a home for the winter.

8381. Is there abundant employment in the winter months ?—We give them all the employment we can.

8382. I mean outside of your house. Is there abundant employment during the winter for the working classes ?—I cannot say ; I think there is a scarcity of employment.

8383. Is employment more difficult to obtain in winter than in summer ?—Yes.

8384. Do you attribute the increased number of inmates to lack of employment ?—In some cases.

8385. If there was abundant employment during the winter, would there be as many inmates ?—They state that they cannot get employment.

8386. Are they forced, then, to go into the almshouse because they cannot find employment ?—Yes.

8387. Have you any reason to believe they are stating what is not the fact when they make that assertion ?—I think in a great many cases it is their own fault.

8388. That it is on account of their intemperate habits ?—Yes.

8389. Do your statistics show the number of inmates there on account of intemperate habits ?—No ; we can only judge from the information obtained from them at the time they are admitted.

8390. Do you attempt to classify that information and make it available in the annual report ?—No. We did attempt to get it, but we found it a very difficult matter.

8391. What proportion of the inmates come from the county of St. John ?—The proportion from the county is small.

8392. What is the population, roughly speaking, of the city of St. John ?—I think it is 45,000.

8393. What is the population of the county, apart from the city ?—I cannot say from memory. I file copy of my report.

## Liquor Traffic—New Brunswick.

HON. THOMAS R. JONES, of St. John, commission merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8394. I understand you are a member of the Legislative Council of the province ?  
—Yes.

8395. Have you in any way been connected with the administration either of the license law or the Scott Act ?—Not with the administration of the Scott Act, but with the administration of the license law.

8396. In what capacity ?—As sitting Police Magistrate.

8397. Of the city ?—Yes.

8398. How did you find the old license law work ? Was it efficiently enforced ?—I have been over twenty years sitting Police Magistrate. The old law was very difficult to carry out.

8399. And the present law ; do you find it an efficient law ?—It is a very good law. The present law is virtually a copy verbatim of the Canada License Act, which was declared *ultra vires* by the casting vote of Lord Coleridge in London.

8400. Do you find there has been an increase or decrease of drunkenness in the city, judging from the cases that appear before you ?—There has been a large decrease since the present Act has been in force. The Dominion License Act was in force under Commissioners for two or three years. That worked very well indeed, and we were very sorry indeed when it was declared to be *ultra vires*. However, the Legislature afterwards passed an Act as nearly as possible a copy of that Act, and we have had no fault to find with the working of it so far since its adoption.

*By Mr. Clarke :*

8401. Have you had any experience of the operation of the Scott Act ?—Not officially, but from my personal observation I have.

8402. To what conclusion did your observation lead you ?—In my opinion it does about as much harm as good, for the reason that I believe it is evaded to a great extent. This is likely to be the case when people observe that a law is not carried out, and it has not been carried out in any county within my knowledge. Then there is another portion of the community who do not care to have any legislative statute setting out what they shall eat and what they shall drink, and they will violate the law. I believe the law is violated to a large extent through the people looking at it from that standpoint.

8403. Do you think if a prohibitory law were enacted by the Dominion Parliament, in the present state of public opinion, it could be enforced ?—I do not, and I will give my reasons. In the first place, if you do away with the importation and manufacture of liquor, how are you going to prevent smuggling all along our borders ? At the present time, in the Lower St. Lawrence, a very large quantity of liquor is being smuggled from St. Pierre into our northern counties. So far as regards making up the amount of loss to the Inland Revenue caused by prohibiting importation, say \$8,000,000, I do not consider that would be a great difficulty for the Dominion Government to cope with, as I believe the amount could be replaced. But the difficulty would be to keep liquor out of our borders. I believe it would take more than eight millions a year to do it, and then it would not be effectually done.

8404. On account of the length of our coast line ?—Yes, especially when you take the Pacific Coast along British Columbia, and also the boundary line between the United States and Canada. I believe myself that temperance should be encouraged in the schools, and that it should be taught the children by means of text books, and thus the young people would be brought up with temperance principles. Then let the ladies work in the cause as they do now, and also the clergymen, and I believe the clergymen of all denominations now are endeavouring to suppress drunkenness as much as possible. I believe it would be far better for the Dominion to regulate the sale of liquor by means of a general law, and then chain down the liquor traffic as much as possible year after

HON. THOMAS R. JONES.



year. That would remedy the evil, I think, more effectually than can be done in any other way.

8405. As to the non-enforcement of the Scott Act: do the legal obstacles which have been raised stand in the way of its enforcement?—I do not think there has ever been a majority of the votes polled at any Scott Act election. I am certain that in some counties only one-half of the vote has been polled, and it has been made up of extreme temperance men on the one side and liquor dealers on the other, the other people remaining indifferent. They said: So far as we are concerned it does not affect us in any way. There really has never been a majority yet who wished to put the Scott Act in force. It should not be placed on the statute book unless a majority of the regular voters have cast their votes in favour of the adoption of the Act.

8406. When you say that a great many argue that the Act did not affect them, do you mean that under it they could procure any liquor they might want?—From my observation of counties in which I have been, I have never yet seen any trouble in regard to people getting liquor.

8407. Then the law does not prohibit?—It does not, according to my observation.

8408. Have you visited various cities of the province? Have you been in Fredericton?—I have been there on business a short time.

8409. Does that condition of things obtain in those places?—I should judge it did from appearances; also in York and Charlotte.

8410. It has been established in evidence that where the people desire, they can reasonably well enforce the Act, and where apathy prevails, it is on account of the lack of public sentiment in favor of the Act?—I have always laid it down to the lack of public sentiment.

8411. Is there any barrier in the way of the different municipal bodies of the Town and County Councils appointing officers to enforce the law?—I believe they try to enforce the law, and in some of the municipalities officers have been appointed. The temperance associations have also appointed officers. Legal gentlemen have come before the Judges in cases under the law, and these cases have gone from court to court. I may say that, in my opinion, there has been in carrying out the law an immense amount of perjury committed. Certain evidence has been given on the one side, and other witnesses have sworn directly the opposite.

8412. Do you think it would be an improvement on the present condition of affairs if the Dominion Government were to appoint officers to enforce the law?—Do you mean under the Scott Act?

8413. Yes.—It might be an improvement, provided they were well paid and they looked to holding their positions and to carrying out the law.

8414. Do you think County Councils would provide funds necessary to pay those officers?—I doubt it.

8415. What changes would you suggest, or what amendments would you propose in regard to the Scott Act, or what additional machinery would you provide for the enforcement of it?—The amendment I suggest is, that, if possible, the British North America Act be altered and a general license law, a stringent license law for the whole Dominion, should be enacted and carried out effectually, and the Scott Act repealed.

8416. Is there not the same license law in New-Brunswick and Nova Scotia?—In St. John we do not complain; we have the liquor interest in thorough control at the present time.

8417. Do you consider the state of matters under license here is better than the state of affairs in other cities under the Scott Act?—A great deal better.

*By Rev. Dr. McLeod:*

8418. In what way is the condition of things in St. John under license better than it is in other places where the Scott Act is in force?—For the reason that licensed houses here cannot open before seven o'clock in the morning, and they have to close at ten o'clock at night and at seven o'clock on Saturday night and all day on the Sabbath, which is a very good provision in the law. Then on election days, both for the Dominion and the Province, they are obliged to close.

## Liquor Traffic—New Brunswick.

8419. Are they not in all places obliged to close on election day? Does that apply only to St. John?—Only to St. John under the License Act.

8420. Does it not apply to every part of Canada, and is it not a provision in the election law?—I am not positive about it, because a case of that kind has never come before me. Our license law has only been in operation three years.

8421. You say the license law is better as operated in St. John than the Canada Temperance Act is as operated elsewhere, because your Act prohibits the sale before certain hours in the morning and after certain hours at night and also on the Sabbath. Does it prevent sale at those times?—I think it does.

8422. You think that the license law has diminished drunkenness?—I think it has, judging by my experience in the court here. We have very little drunkenness in St. John, and the parties principally brought up before the Magistrate and myself are strangers who come here. Of course there are always a number of steady drinkers who are put in jail for being drunk, and as soon as they get out and obtain some more money they get drunk again and are sent back. But that class comprises a very small number.

8423. The large bulk of the cases that come before you for drunkenness, then, are composed of the floating population?—Yes.

8424. Do we understand you to say that because the trade is licensed in St. John, therefore the people do not drink, and because there is a prohibitory law in other places the people there do drink?—I do not. In order to obtain licenses here, the applicants must be of good character, because if they keep disorderly houses and sell to drunken people, or commit any offences of that kind their cases are liable to be reported to the Mayor, and there are always twenty people ready to take a man's license. The licensee is very careful as to what kind of a house he keeps, because there are plenty of men waiting to get his license.

8425. Why do you say that the men who get licenses must be men of good character when they are in the liquor business?—There are some very respectable men in the liquor business.

8426. Why did you make that qualification?—I have no reason for it; many of the men in the liquor business are very respectable men.

8427. I understood you to say that the Scott Act had done harm. In what way has the Scott Act done harm?—In being the means of leading to violation of the law. I look upon the matter in this way, and I have been a legislator for a long time: an Act that cannot be effectually carried out, leads to laxity in the enforcement of other Acts.

8428. Do you think there is laxity in regard to other laws where the Scott Act is attempted to be enforced?—That is a fine point; but if a man will violate a law at one time he will be likely to violate another law at another time, if it suits his convenience.

8429. Are those acts due to the law, or are the men guilty of them responsible?—I do not believe the Scott Act can be carried out effectually, even by Dominion officials. We have no trouble with the License Act in St. John. In other towns I believe the houses sell every hour in the twenty-four, Sunday and Monday all the same—that is, towns under the Scott Act.

8430. You spoke of Fredericton. Your observation of Fredericton was in the hotels, I suppose?—I stop at one of the hotels every session. But I do not like to answer that question, and I have no right to answer it. I do not come here as an informer.

8431. I thought it possible that your observation would be limited to the hotels?—No. Any time there is a public fete or gala day at Fredericton, I see any amount of drunkenness on the streets. I know that all the parties do not get their liquor in the hotels.

8432. Did you discover open liquor stores in Fredericton?—No; I hear of a large number of them, but I do not go into them.

8433. Do you know whether the Act has succeeded in checking the trade in any degree in Fredericton?—I think there is more, or as much drunkenness now as when there was the License Act in force some years ago.

8434. Have you any facts on which you base that statement?—I have only my observation and what I have seen there, especially when an agricultural fete or races were going on, or anything of that kind.

HON. THOMAS R. JONES.

8435. I understood you to say that you would be favourable to a general License Act being enacted by the Dominion Parliament, and you would like to have the trade chained down as much as possible. Why?—For the very reason that this can be done by a License Act. I do not hesitate to say this, that I would give a vote to-morrow to suppress the liquor traffic throughout the world.

8436. Do you believe that the prohibition of the importation, manufacture and sale, thoroughly enforced, would be a good thing?—Yes, if it was thoroughly enforced; but I think that cannot be done.

*By Mr. Clarke :*

8437. You have no doubt about the impracticability of its enforcement?—I have no doubt; it could not be enforced.

*By Rev. Dr. McLeod :*

8438. You think there would be a great deal of smuggling?—There would be any amount of smuggling.

8439. Are the revenue laws fairly well enforced?—They are here, there is no doubt about that.

8440. Yet there is smuggling?—Yes, and it is going on all the time.

8441. Would you suggest the repeal of the revenue laws because there is smuggling such as you have referred to?—No, I would enforce the revenue laws all I could.

8442. You have stated that the difficulty of enforcing the Act would arise from the impossibility of keeping liquor out of the country?—If it could be kept out effectually and there was not a pint brought into the Dominion.

8443. Suppose there was a pint, or some small quantity brought in, would it be well to keep out the rest?—I do not know.

8444. You are a business man, I believe. How many years have you been in business in St. John?—Forty years.

8445. And I suppose you have done a large business?—Yes.

8446. Some business men have an idea that the drink trade, by lessening the working power, and the wage-earning power of men generally, lessens also their purchasing power, and in this way business is seriously interfered with. What is your observation?—That is, so far as regards people who spend their money in drink instead of spending it in groceries and clothing, &c.

8447. That is an interference with business?—I think it is, to a certain extent. It is an interference with business, but it might not be so from a liquor dealer's stand-point.

8448. It is an interference with other businesses than the liquor business?—Yes, if people spend their money by reason of the drink trade.

8449. It is an interference with the dry goods men and grocery men, &c.?—Yes, I admit that.

8450. Do you know whether the drink trade and the drink habit have interfered with business men so that they have become incapacitated for their business? Have any insolvencies resulted from the drink trade and the drink habit?—If a man neglects his business instead of attending to it, and if he allows his name to be bandied about as a drunkard, his credit is diminished to a certain extent.

8451. That is when a man has come to be known as a drunkard. Do you think any number of dealers who have not been known as habitual drunkards, have yet by reason of the drink habit, neglected their business and acquired expensive habits because of their drinking, and have got into business difficulties and into insolvency on that account?—I do not know. Probably in all my time I might remember a few, but very few, a very small percentage. Business men generally keep their heads pretty level.

8452. Do you mean that successful business men are not drinking men?—They do not drink to excess.

8453. From your observation, covering I understand forty years, do you think there is a change in the drinking habits of business men? Do fewer business men drink now?—I think there is a change.

8454. Is that a benefit or an injury?—It is a benefit to the community.

## Liquor Traffic—New Brunswick.

8455. Also to them in their business?—A man in business forty years ago is not likely to be in business to-day.

8456. Is it a benefit to business generally, and to the men who are in business, that fewer business men to-day drink than drank forty years ago?—Certainly, I think so.

*By Mr. Clarke :*

8457. Are there a greater number of failures in business, or a smaller number than there were forty years ago?—There are a great many more, and I will tell you the reason. It is not on account of the drink habit, but it is on account of the looseness of the laws regarding the collection of debts. I do not think the drink habit has anything to do with it. I know a great many men who have drank moderately all their lives, and they are now as lively as they were years ago.

8458. Some of these men, I suppose, have spent their money on driving fast horses?—Yes, and they have neglected their business, and yet they are not great drinkers.

8459. Have there been less insolvencies in Scott Act counties than in counties where that Act is not in force?—I do not think it makes the slightest difference. I look upon the failures during the last ten years as being to a great extent due to the laxity of our laws in regard to the collection of debts, and because there is no attachment law. A man can buy a bill of goods, and if he chooses to pay he can do so, and if not, he need not pay.

8460. Have you any recollection of the old prohibitory law of 1856?—The law of 1854 you refer to, I suppose. It was repealed in 1856.

8461. It was an Act intended to prohibit?—It prohibited the importation, manufacture and sale throughout the entire province.

8462. And it was repealed in 1856?—Yes.

8463. Did the fact of this prohibitory measure being repealed in a short time have any beneficial effect on temperance legislation?—No, I think it put temperance back ten years, because it led to a great deal of ill-feeling, and there was more liquor sold in St. John during the interim between the enactment and repeal of the law than there ever was before in any one year.

8464. Did the Act provide machinery for its enforcement?—The advocates of the Act did so, but they could not enforce it.

8465. Public opinion was not ripe for a prohibitory measure?—Not at all ripe, for the people were decidedly against it.

*By Rev. Dr. McLeod :*

8466. Do you think temperance sentiment is stronger now than it was in 1856?—I do.

8467. Was it easier to do business forty years ago than it is now?—Yes, a great deal easier to do business, because business was done differently.

8468. There were different laws for the collection of debts?—Yes.

8469. Was there less competition forty years ago than there is to-day?—Yes, there was less competition, and there were no such facilities for travelling. The system is different altogether.

8470. I suppose competition is so keen now that the chances of success are fewer?—Yes, competition is keener and the chances of success are fewer, and we have the worst laws for the collection of debts of any country in the world.

G. A. B. ADDY, M.D., of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

8471. What is your residence?—St. John. I am the medical officer of the county hospital.

8472. Are you a general practitioner in addition?—No.

8473. How long have you been medical officer of the hospital?—Nine months.

8474. Have you had experience as practising physician?—Yes; about nine months in St. John.

8475. Have you at any time lived where the Act commonly known as the Scott Act was in force?—Yes; I was nine months in Portland a year ago, when I imagine the law was in force.

8476. Have you had any official connection with the administration of the license law?—No.

8477. As Alderman or Councillor or anything in that way?—No.

8478. Have you many patients in the general hospital?—Yes; it is a general public hospital.

8479. What would be the average number at one time?—About fifty or sixty is the average, though it runs much higher occasionally.

8480. Have you reason to believe that any proportion of the persons there have needed hospital treatment owing to the use of intoxicating drinks?—Yes, there are some.

8481. A large proportion or small?—Comparatively small in proportion; 17 cases went in for alcoholism last year and 720 cases were the whole admissions.

8482. Is alcohol prescribed in the hospital medicinally?—Yes.

8483. With beneficial results?—Yes.

*By Rev. Dr. McLeod:*

8484. Are there any other cases which come under your notice in the hospital than those of alcoholism, traceable to the use of intoxicants?—Yes.

8485. What proportion?—We do not keep any statistics to that effect, so I cannot speak as to that.

8486. Can you approximately state your belief, from your observation and practice?—I do not think I could give the percentage, because there are many cases that come with some trouble that could be produced by alcoholism or by some other cause.

8487. Do you think a considerable number?—I think quite a number.

8488. Do you think total abstinence is compatible with the best health?—Yes.

8489. Is habitual moderate drinking harmless or useful or hurtful?—It depends on what you drink, I think, and what you call the limit of moderation; but I do not see that any bodily harm is done by taking alcohol in moderation.

8490. You think the term "moderation" needs defining?—Yes.

8491. Do you think abstainers have a better expectation of life than moderate drinkers, other things being equal?—Yes.

8492. In sickness or accident, has a total abstainer a better chance than a habitual drinker?—Much better.

8493. Have you observed that the children of moderate drinkers are more liable to cases of brain disease and other diseases than other people?—I would not say that exactly; it would depend largely on the physique of the father and the mother.

8494. In the case of a good physique, it would not have any effect?—In the case of moderate drinking, I do not think it would.

8495. In the case of a poor physique, would it have a marked effect?—A. I think there would be an effect; I do not know how marked.

8496. Has intemperance in a parent direct effect on the offspring?—It is supposed there is some hereditary taint.

8497. Did you get a circular of questions from the Commission?—Yes.

8498. Have you answered them?—No.

## Liquor Traffic—New Brunswick.

8499. What would be the general effect, in your opinion, on the health of the community, if the prohibition of the drink trade, as to the importation and manufacture and sale for beverage purposes, were carried into effect?—It would be good, certainly.

*By Mr. Gigault :*

8500. Do you believe that a general prohibitory measure could be enforced?—No, I do not think it could.

8501. What are your reasons for not believing that such a law could be enforced?—I think it is possible that if alcohol cannot be got openly, a lot of subterranean dives will be opened, and they will brew their own Scotch, and so on, which will be more injurious to health than the liquors we get at present.

8502. What do you say of the moderate drinking of wine?—I think drinking wine in moderation, that is, a glass or so a day, does no possible harm.

8503. Is it useful sometimes?—Yes.

CHARLES W. WELDON, of St. John, barrister, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

8504. How long have you been practising as a barrister?—Forty years.

8505. Your recollection goes back, then, to what we have heard of the passing of a prohibitory law by the Provincial Legislature?—Yes.

8506. What year was that?—1853.

8507. Were you in public life then?—No.

8508. You were practising law in the city?—Yes.

8509. Was that measure initiated by the Government or by a private member?—I think it was not by the Government, but by a private member; but I cannot say positively.

8510. It came into force, when?—On 1st January, 1856.

8511. Did the sale of liquor still go on?—In the city for a short time the shops were shut up, but by March they were all open again.

8512. Were there more or less than under a license law?—I do not think there was much difference.

8513. The same old places?—Yes.

8514. Selling without license?—Yes.

8515. What followed next?—Of course there was a good deal of excitement. The law was attempted to be put in force, and parties were taken up and liquors were seized; and that continued until the summer. Then Mr. Manners Sutton, the Governor, called the attention of his Government to the effect the law was having, that it was being ignored, and that he would either call upon the Government to enforce the law or appeal to the people, in order that such steps should be taken as he thought it was important to take. He considered it was improper to have a law on the statute-book which was not enforced. The Government declined to take steps in the matter, and correspondence took place between his Government and himself. The Government of the day consisted of Sir Leonard Tilley, Sir Albert Smith, Mr. Johnson, the Hon. Charles Fisher, the late Judge, and some others. Correspondence took place, and finally the Governor said he would take the responsibility on himself and have a dissolution and an election, and he requested the Government to prepare a proclamation to that effect. The result was the Government declined, and he said that if they would make way he would call a Government who would do so. They resigned, and he called the late Mr. Justice Gray of British Columbia, and Mr. R. D. Wilmot to become members of the Government, and the House was dissolved.

G. A. B. ADDY.

8516. What was the result of the election?—There was a very large majority returned in favour of repeal.

8517. And the Act was repealed?—It was repealed that year.

8518. How was the new House in regard to supporting the new government?—On that question there was a large majority in favour of the repeal of the Act. After that was repealed, either that session or the next, they came to a dead-lock, and the Government was only sustained by the casting vote of the Speaker. Another election took place, and the Gray-Wilmot government was defeated.

8519. And the Tilley government came back?—Yes.

8520. And then New Brunswick continued under a license law?—Until the Canada Temperance Act was passed.

8521. And that has been adopted in some counties?—Yes.

8522. Have you seen it in operation in counties in the province?—Yes.

8523. In Portland?—Not much in Portland.

8524. In what counties outside?—I have visited several counties in the course of my professional business.

8525. Did you find it enforced?—No; perpetually broken, as far as I could ascertain.

8526. Do you know anything of the Act itself, so that you could make any suggestions as to amendments to it?—No; I have looked at it very little from a legal point of view.

*By Mr. Clarke :*

8527. To what do you attribute the general non-enforcement of the Act?—I do not think public opinion was in favour of it.

8528. Have you not prohibitory clauses in the license law?—I do not know. I have never looked into the present license law.

8529. Your experience, as far as you had opportunity of judging, was that the Act was not enforced?—Yes.

8530. Do you think that the appointment by the Dominion authorities of the officials to enforce the Act, would be a movement in the right direction, and would it result in putting the Act more generally in force?—It might.

8531. Are there any obstacles at present in the way of the appointment by the Municipal Councils throughout the province of officials to enforce the law?—I do not think there are. I think the Court decided in the King's county case that they had the right.

8532. There have been a good many legal barriers interposed?—There has been a good deal of litigation, and it blocked the business of the Supreme Court for a while.

8533. Those difficulties have been mostly removed?—Yes; there have been decisions, and the matter has been pretty well argued out before the Courts.

8534. And now there is no obstacle that you are aware of to the appointment of officers whose duty it would be to enforce the Act?—Not that I am aware of.

*By Rev. Dr. McLeod :*

8535. Do you recall whether any other question than the question of repeal entered into the election of 1855 or 1856?—My impression is generally that it was only on the question of repeal. I know positively as to the city and county. I was returning officer in one of the districts.

8536. How many months was the law in operation?—I think it was practically enforced for the whole of 1856, that is it was on the statute-book as an Act, but I do not think that the practical enforcement of it lasted beyond the spring.

8537. Do you think the few months it was in practical operation was a sufficient time to show whether it could be enforced or not?—As far as the city is concerned, it certainly showed it was a failure.

8538. Do you know anything about the lack of public sentiment that has interfered with the enforcement of the Scott Act?—That, and the difficulty of enforcing the Act.

## Liquor Traffic--New Brunswick.

8539. That has arisen, from what?—I think that the temptation to break the law would be so great it would be very difficult to enforce such a law, especially in view of the extent of the Dominion.

8540. Is the temptation to break that law greater than the temptation to break other laws that we have?—I think so, undoubtedly.

8541. Do you know if the delays in cases that have gone to appeal have had anything to do with the non-enforcement of the law?—Naturally they would have.

8542. Do you know if any difficulties are still unsettled which would interfere with the enforcement of the law?—Not that I know of, but I have no personal knowledge.

8543. Are there any cases before the Courts unsettled?—I do not know; I think a great many were disposed of last session.

8544. Do you believe the law has not in any degree restricted the trade?—That I could hardly say. From information that I have, it seems to me there is a great deal of drinking going on in the Scott Act counties.

8545. You cannot judge whether it was more before than now?—No, except I have heard there is no more now than before.

8546. Do you think the enforcement of law always depends on public sentiment?—Not always; but I think public opinion in laws of this kind would always have a great effect; in a law of this nature I think public opinion would have great weight.

8547. Is public opinion at all expressed by the adoption of a local option law?—Of course it is by the voting for the law, but I am afraid too many vote for it who do not carry it out afterwards.

8548. Can you account for that?—Many say they do not like to vote against it, though they do not believe in it.

8549. Why is it they are unwilling to vote against it?—I do not know, but persons have said to me that they did not like to vote against it, though they would be practically opposed to it afterwards.

8550. Do you think any responsibility for the non-enforcement should rest on officials, or is it all to be charged to public sentiment?—I could not speak as to officials and as to their duty, because I have no opportunity of judging.

8551. Do you think earnest, honest officials could enforce the law, whether public sentiment is with them or not?—I doubt it very much in regard to a law of this character, a sumptuary law.

CHARLES HOLDEN, M.D., of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

8552. Are you in general practice or are you a specialist?—I am in general practice.

8553. Have you had an opportunity of observing the state of affairs in the city since you have been in practice?—In my private capacity only.

8554. Have you found it to be a sober, law-abiding place?—I think fairly so.

8555. How long have you been in practice?—Since 1869.

8556. You have nothing to do with the hospital?—No.

*By Rev. Dr. McLeod:*

8557. Did you receive a circular-letter from the Commission?—Yes.

8558. Did you answer the questions?—Not yet.

8559. You intend to do so?—Yes.

8560. Were you present when Dr. Addy was examined?—Yes.

8561. Do you recall his answers to certain questions?—Yes.

8562. Do you concur in his opinions?—Yes, in the main.

CHARLES W. WELDON.



8563. If in any respect you differ from the opinions expressed by Dr. Addy, would you set forth the difference?—I cannot recall any particularly.

8564. He said, for instance, that an abstainer had a better chance of recovery in case of accident or sickness than a drinker?—I would qualify that statement. I should say that the drinker has a worse chance, but I mean a man who drinks to excess.

*By Mr. Clarke :*

8565. You think a moderate drinker has as good a chance under these circumstances as a total abstainer?—Yes, if he is really a moderate drinker.

*By Rev. Dr. McLeod :*

8566. Is the habitual, moderate use of intoxicating drinks harmless or harmful?—Yes.

8567. What is your definition of the moderate use of liquor?—That is a matter for the individual ; it is a matter of individuality.

8568. Have you noticed whether the tendency of moderate drinkers is towards excess in any degree?—I have known cases of people who commenced as moderate drinkers and ended as drunkards.

8569. Is it true in any large degree?—I think not ; of course every drinker must begin moderately.

*By Mr. Clarke :*

8570. I suppose they commence as total abstainers?—Yes.

*By Rev. Dr. McLeod :*

8571. Are all children born total abstainers?—They are unless the nurse is in the habit of feeding them from the very first in that way.

*By Mr. Clarke :*

8572. Did you hear anything of Dr. Walker's evidence or Dr. Travers?—No.

8573. Do you think in the present state of public feeling, a prohibitory law could be enforced in this and the surrounding counties?—No, I should judge not, because although over the whole province at the present moment there might be a small majority one way or the other, it would not be fair to expect a law of such a kind could be properly enforced, and the experience of the law in the neighbouring republic shows that.

8574. Have you had any experience outside of St. John in regard to a prohibitory law?—No ; I know nothing except from hearsay and from the papers.

*By Rev. Dr. McLeod :*

8575. Can you say why a prohibitory law could not be enforced?—Because you cannot say you have public opinion in its favour when you have only a little more than one-half in favour of one side or the other.

8576. But if a prohibitory law affecting the importation, manufacture and sale of strong drinks were enacted, why do you think it could not be enforced?—Just from the experience of the State of Maine, and from the way in which the Scott Act is carried out.

8577. You think the law has been a failure in Maine?—As far as I can judge.

8578. The Scott Act differs from a general prohibitory Act in being local and touching only the sale?—I understand that.

8579. Do you think a prohibitory law would have any effect on the general health, and if so, would it be good or bad?—If thoroughly enforced, and if it were not possible for a drinker to get it at all, it would do good and would not do moderate drinkers any harm.

8580. The effect would be more good than bad?—I think it would.

*By Mr. Clarke :*

8581. Did you hear Dr. Addy's remarks on liquor coming into the country in any shape?—Yes, and I thoroughly agree with him.

8582. And that the character of the liquor would be such as to do more harm than good?—Yes.

## Liquor Traffic—New Brunswick.

REV. ROBERT WILSON, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8583. With what Church are you connected ?—The Methodist Church of Canada.

8584. How long have you resided in St. John ?—A little over seven years.

8585. Where were you before that ?—Since 1859 I have been in different parts of New Brunswick.

8586. Have you resided in any part of the province where the Scott Act was in force ?—Yes, for a short time.

8587. Where ?—In Albert.

8588. How was it enforced there ?—It was so short a time in force, I could hardly say. I was there for two terms. I was there first from 1863 to 1868, when no licenses were granted in the county, and in a certain sense it was a prohibition county at that time. The second term was from 1877 to 1880.

8589. What law was in force then ?—Just before I left, the Scott Act.

8590. Before the Scott Act passed, were any licenses granted ?—I think not.

8591. So it was under the prohibitory clauses of the License Law ?—I think so.

8592. Were they a temperate, sober people there ?—I think so.

8593. The non-granting of the licenses was an evidence of their desire to have no license there ?—I think so.

8594. What do you know of the working of the License Act in St. John city ?—Not a great deal, not having any knowledge of the practical working of it.

8595. Have you answered the circular from the Commissioners ?—Yes.

*By Rev. Dr. McLeod :*

8596. How many years does your ministry cover ?—Nearly forty.

8597. In this province ?—In Prince Edward Island. I was there from 1853 to 1859, in Prince Edward Island, and continuously in New Brunswick since.

8598. Have you held leading positions in your Conference ?—I have had all the leading positions that the Conference could give, and I have officially or otherwise visited every circuit of our Conference, which I think numbers 89, with the exception of 6.

8599. From your experience in your pastoral and official duties, do you believe the drink traffic is responsible in any degree, and if so, in what degree, for immorality, poverty and domestic trouble ?—As far as my personal observation has led me to form conclusions, they have been that the drink traffic is responsible in its various phases for a very large proportion of the poverty, crime and ignorance that prevail throughout the land.

8600. Do you believe that laws which restrict the trade or prohibit it in localities have any effect in reducing these evils ?—I think so, if I compare them with those under no such restricted influence.

8601. Have you compared the condition of things in communities where licenses obtain and those where the trade is prohibited ?—Yes ; for instance, I resided four years in Marysville in the County of York. The will of one man there is supreme, for he owns the entire village, and his law is that no liquor shall be sold ; and there is no more orderly or well conducted community, considering the character of the population.

8602. What is the character of the population ?—The ordinary labouring class that spend a large portion of the time in the woods in the winter and in the summer driving timber and working in the mills.

8603. But the law of the one man to whom you refer succeeded in enforcing itself with effect ?—So far as I know, no liquors are sold in the village.

8604. Have you lived any time where license prevailed ?—I have lived in St. John.

8605. How does the condition of things under license compare with the condition of a community under prohibition ?—Certainly under prohibition it is better. I think license is only one form of evil.

8606. You have noticed that there are difficulties in the enforcement of what is known as the Scott Act ?—Certainly.

REV. ROBERT WILSON.

8607. Are you able to state whether, notwithstanding those difficulties, benefits have resulted?—During the past year it has been my duty to visit the town of McAdam, in the county of York. The Scott Act is in force in that county, and a large number of persons live in that town and village. It was my duty to be there from Saturday till Monday of each week, and generally speaking I was there sometimes also in the week. I have not seen a drunken man in McAdam during the twelve months. They say liquor is sold there; but though I frequently stayed in the hotel, because the town was so crowded that many of the men had to sleep in the cars, yet I can say that if liquor was sold, it was sold so slyly that I could not see it.

8608. Do you attribute that to the law?—Certainly.

8609. Do you believe that national prohibition would be a benefit and could be enforced?—I think it, certainly. In the first place, if it were possible to be enforced, it would decidedly be a great benefit; and in the second place, I see no reason why, if we had honest officers and they were placed in a position where they would not come into contact with local prejudices and local interests, it could not be enforced.

8610. Have you observed the operation of the license law in St. John, whether the law is well enforced here or not?—I know so little about the habits of those who frequent the hotels and about the hotels themselves, I can hardly answer that question with any degree of intelligence.

8611. Can you give an opinion from observation as to this: would it be better that liquor selling should be separated from hotel keeping and kept to places where nothing else is sold?—Most decidedly.

8612. Why?—First, to remove temptations from those who have to go to the hotels, and then to allow the world to know the character of those who resort to those places.

8613. You think the hotels are dangerous?—Yes.

8614. What is the difficulty?—There is a false idea of respectability. Many a man would be ashamed to go to the low grogeries who would go to the hotels with comfort and ease.

8615. As a pastor, have you had any opportunity to observe the effect of moderate drinking on human life?—One case will illustrate many. I have before my mind's eye a family moving in the very best circles of the city. The father was a moderate drinker and so was the mother. The habit grew, the mother became intemperate; so much so that when absent from his home, the husband had to lock up the liquors from her. The mother has gone to her home now, the husband still lives; he never developed into a drunkard, and is a man of high respectability.

8616. Did it affect his children?—No.

8617. Have you official connection with the Methodist Conference now?—I have. At the last Conference a general committee was formed, divided into four sections: Ontario, Quebec, Eastern and Western groups, and in order to facilitate the work of the committee we were divided into these groups, and I happen to be the convener of the eastern group, including Nova Scotia, New Brunswick and Prince Edward Island.

8618. Will you put before us the voice of the church as recorded?—Yes. I have also the deliverances of the General Conference held two years ago in Montreal, and that conference was composed of about 300, equally divided between ministers and laymen, from the whole Dominion and Newfoundland, and there was not a dissenting voice. I have also the deliverances of Prince Edward Island, New Brunswick and Nova Scotia. [Appendix No. 11.]

*By Rev. Dr. McLeod:*

8619. What is your view as to public opinion on this question?—I have no hesitation in saying that I think public opinion is overwhelmingly in favour of the enactment of a law for the prohibition of the manufacture, importation and sale of all that can intoxicate. Many vote against the Scott Act simply because it does not go far enough, and they would support a law with a more general bearing. I have heard it said that it is unjust to allow liquors to be made and brought into the country, and then to say to the people: You shall not sell them.

## Liquor Traffic—New Brunswick.

*By Mr. Gigault :*

8620. In what county in Prince Edward Island did you reside ?—In Queen's and in Prince.

8621. What law was in force with reference to the liquor traffic ?—The license law happened to be in force at the time.

8622. Is there not a prohibitory law there ?—The Scott Act has been enacted, I think, all over the Island of recent years, but it has been repealed in Charlottetown ; and I heard it stated when I was at our Conference in July, of the present year, that the advocates of free rum had every reason to be ashamed of themselves, as the amount of drunkenness in Charlottetown this year had far exceeded what it was under the Scott Act.

8623. When you were there, were liquor dealers licensed to sell ?—They were.

*By Mr. Clarke :*

8624. What is the population of McAdam ?—It is a small population, about eighty families.

8625. A population of 300 or 400 ?—About that.

8626. Do you say there was no liquor sold there, as far as you were aware ?—Not as far as I was aware.

8627. Have you not heard there was sale ?—Yes.

8628. Notwithstanding that the place is very small ?—Yes.

8629. What is the population of Marysville ?—When I was there, I suppose about 500 or 600.

8630. Does one man own the land and the buildings there ?—Yes, except one or two, which are owned by members of his family.

8631. And the place is occupied by his employees ?—Yes.

8632. Is he a total abstainer ?—Yes, since his boyhood.

8633. Have you any experience in other places ?—Not much, except in travelling. I have passed through different counties and have heard the opinions of those affected, who have been for and those who have been against the Act.

8634. Do you think the consumption of liquor in the province is increasing or decreasing since the Scott Act came into force ?—I cannot say, but I think there is less drunkenness in the country than ever before.

8635. Less consumption of liquor ?—I judge so by what I see.

8636. Do you think the proportion of commitments or convictions for drunkenness has increased or decreased since the Scott Act came into force ?—As far as I can see, it must have decreased.

GEORGE D. GILBERT of Rothsay, King's county, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8637. What is your residence ?—Rothsay, but I am in the city every day. Rothsay is in King's County.

8638. What is your occupation ?—Barrister-at-law, practising in the city.

8639. Have you been brought officially into connection with the operation of the Scott Act or License Law ?—Not officially.

8640. Have you seen the operation of it ?—I have in Fredericton, Northumberland, King's and other counties.

8641. In Fredericton did you find the Act was enforced ?—My remembrance is that when first put in force it was partially observed, but of late years drinking is quite free at the hotels.

8642. In Northumberland ?—There is no difficulty in getting a drink whenever you desire it.

REV. ROBERT WILSON.

8643. In King's?—At Hampton I have seen plenty of drinking.

8644. What other counties have you visited?—I have been a little in Westmoreland county.

8645. Is the Act enforced there?—You can get a drink at the hotels in Moncton if you want it.

8646. Have you been there when the License Law was in force?—I think when first I went to Northumberland the Scott Act was in force, but I do not know whether there was a License Law there.

*By Mr. Clarke :*

8647. Your experience has been that the Scott Act does not prohibit the sale of liquor?—It has not prohibited it. It is claimed by those in favour of it in Fredericton that it has decreased it, and by the opponents that it has not ; but I have not sufficient personal knowledge to say.

8648. To what do you attribute the lack of enforcement of the law?—It is because eight out of ten people throughout the country do not believe there is a moral wrong in drinking, or in selling drink. If it was a theft, they would regard it differently.

8649. Would they think there was a greater wrong if the Dominion passed a prohibitory law?—No doubt any breach of the law is a wrong, but people distinguish between a sumptuary law or a customs law and a law which goes against what is considered as a crime.

8650. Would the appointment of officials by some other authority than the municipal authorities be attended with a better enforcement of the law?—I could not give an opinion, because that must be tried.

8651. Is there any obstacle in the way of appointing local officers by the Municipal Councils?—Yes, they object to the expense involved.

8652. How do they expect the law to be enforced, if they do not appoint officers to enforce it?—I do not think most of them want it to be enforced or care about it.

8653. Do they reflect the feelings of their constituents in pursuing that course?—I presume so. There is great complaint all through the country against expense for municipal officers.

8654. Would not the fines go a long way towards recouping the municipal authorities?—I presume so, but the expenses have been very great.

8655. Can you suggest any amendments which would render the law less expensively operated?—No. My idea would be, if you want to enforce it strictly, you would require extra officials and to pay high for them.

8656. And the Municipal Councils will not go to that expense?—So I am informed.

8657. If they did appoint earnest, honest officials, would they stamp out the traffic?—Not altogether, but it would assist.

*By Rev. Dr. McLeod :*

8658. Do you think that two-fifths of the people do not regard it as a moral wrong to either sell or drink?—That is my opinion. One difficulty is that a great many people who take a drink vote for the Scott Act. I have heard them tell me that when they were at home in the act of taking a drink.

8659. Why did they vote for it?—Some to please their wives, some to please their clergymen, and some, while they get as much drink as they like themselves, will try to prevent the other classes getting it.

8660. You have not been in favour of the Act at any time, have you?—At first I was rather disposed to be in favour of it, but latterly I have not.

8661. Were you really in favour of it?—At first I was, because I thought it would have the effect of preventing a great deal of intemperance.

8662. Did you help to secure its adoption?—I think I did, but I did not vote anywhere for it. I had no vote for it when it was brought forward in York County ; it was when it was brought up in this county that I had a vote.

8663. Has it restrained the sale in any place?—In the more rural districts I think it has, but not in the villages.

## Liquor Traffic—New Brunswick.

8664. As to Fredericton does your knowledge of the violations extend beyond the hotels?—Only in one or two instances.

8665. But, generally speaking, your knowledge is confined to your observation in the hotels?—Certainly.

8666. So you are not able to say that it has not restricted the sale outside of the hotels?—No, and temperance people claim that it has.

8667. You know nothing of that yourself?—I have not sufficient knowledge in regard to that.

*By Mr. Clarke :*

8668. Do you think that commercial travellers would have any difficulty in getting drink?—I do not know.

8669. Do you think a commercial traveller stopping at a hotel in Fredericton could get drink at the hotel without any difficulty?—I think so.

8670. After having seen the operation of the Act and its effects, are you more favourable to it now than you were formerly?—I am not.

8671. Are you less favourable?—Rather.

*By Rev. Dr. McLeod :*

8672. Do you know that there was ever any time when neither a commercial traveller nor anybody else could get drink at the hotels at Fredericton?—I will answer that question in this way: there has been no time within my knowledge when drink could not be obtained at the hotels in Fredericton, but during the earlier period of the Scott Act it was more difficult to get it by certain people, and certain people could not get it.

8673. Do you not know any time even in recent years when neither a commercial traveller nor anybody else could get drink at the hotels in Fredericton?—I have heard it, but I have no knowledge that at any one time there was difficulty in getting it.

8674. Do you think that difficulty was attributable to the law?—I think it was attributable to the fact that strong efforts were made at that time by the temperance people, and a great number of the hotel-keepers were proceeded against.

8675. Then it must have been successful at that time?—It may have had some little effect.

8676. Would it indicate that the law is enforceable, or is the Scott Act like all other laws, one that cannot be enforced completely?—You cannot stop selling, but the Act can be enforced to a certain extent.

8676a. Do you think a law enforced to a fair extent, is a failure?—No.

*By Mr. Clarke :*

8677. Do you think the Scott Act is enforced in a fair degree in the townships throughout this province where it is the law?—No, I do not think it is enforced; and I do not think it is enforced on account of public sentiment, or that it can be enforced. It could be enforced to some extent if public sentiment was behind it.

JOHN L. CARLETON, of St. John, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8678. Have you had any experience in regard to the operation of the Canada Temperance Act?—No.

8679. Have you been in counties where it has been in force?—I have.

8680. Are you able to state whether it is effectually enforced or not?—I have never been in any place where it has been effectually enforced.

8681. Where liquor could not be obtained?—It could be obtained in any place I ever was in, except one place, Anagance, in the County of King's.

8682. How do you find the License Act operate in St. John?—It is effectually enforced. Of course there are breaches of it, and persons are brought up and fined, but it is as well enforced as any law within my time.

*By Mr. Clarke :*

8683. Were you a resident of St. John when the Scott Act was the law in Portland?—Yes.

8684. How was it observed there?—It was not observed. Liquor was sold openly in all the public places along the streets and in private houses, too.

8685. Have you had experience in visiting different cities and towns throughout this and the adjoining province where the Act is in force, and has your experience been that the Act is not generally enforced?—It is not generally observed.

8686. Is there any difficulty in the way of the appointment by the Municipal Councils of officers to enforce the law in counties or districts where the Scott Act is the law?—I cannot speak from personal knowledge.

8687. To what do you attribute the lack of zeal and energy on the part of the local Councils?—I attribute the apathy altogether to want of public sentiment.

8688. You have mentioned one place where the law was observed—where is it?—It is Anagance, a small place on the Intercolonial Railway.

8689. In what county is it?—I think it is in the County of King's.

8690. What is its population?—It is a small village, with a couple of hundred people at the outside.

8691. To what do you attribute the enforcement of the law there?—I do not know.

8692. Do you know whether officers are appointed by the Council to enforce it?—Previous to the time of which I spoke (I happened to find this out when I was there), two or three evenings before, some residents had broken into an Intercolonial Railway car, and had stolen a large portion of the liquor that was there.

8693. You did not see it?—No. The way it came to my knowledge was this : I and a party with whom I was in company were under compliment to a man who had assisted us, and one of the party wished to treat the crowd. We were informed that liquor could not be obtained in Anagance, and that it was the only place where the Scott Act was enforced.

8694. Generally speaking, then, the Scott Act is not enforced in the province?—Not in any place where I have been.

*By Rev. Dr. McLeod :*

8695. You have said that the law was a dead letter in Portland?—Yes.

8696. Have you heard the statement of other witnesses as to the cause of that?—No.

8697. Have you any view as to the cause?—I have no doubt that, so far as Portland is concerned, there was hardly any effort made to insist on the enforcement of the law.

8698. Do you know why?—I do not know why, but I think the public sentiment of the community was against it.

8699. Then how did the community come to adopt the Act?—I cannot tell you that. The vote, although I cannot remember the figures, was a very small one at the time the adoption of the Act was carried.

## Liquor Traffic—New Brunswick.

8700. Do you know whether the reason given by several witnesses is correct, namely, that the Scott Act was not enforced there because there was a question as to whether the Act was really in force?—I know that to be a fact, because at the time an effort was made to bring the law into operation I was retained as counsel in the matter.

8701. You have personal knowledge?—Yes, of that fact, that there were grave doubts as to whether the law was in force in Portland, because at the time it was part of the county of St. John.

8702. Do you know that that fact hampered the enforcement of the law?—I presume it did.

8703. Then would you attribute the non-enforcement of the law to lack of public sentiment, or to doubts as to whether the law was in force?—I think it was largely due to lack of public sentiment, and I do not think any effort was made to prosecute in Portland. One or two liquor sellers were brought up, preliminary objections were taken and the cases were allowed to be hung up, and they were never proceeded with to argument or decision.

8704. Do you think any strength of public sentiment would have enforced the Scott Act in Portland while the question as to whether the Act was legally in force there remained unsettled?—I think it would.

8705. You think that public sentiment could have overruled the question before the courts?—I do not put it that way. Had there been public sentiment in Portland at the time the law was in force, then the parties conducting the prosecutions would have pushed the cases forward to trial and determination.

8706. Do you think public sentiment would have pushed the matter to a determination in the courts, even if the courts for any reason delayed judgment?—Well, of course, if a court decided otherwise, I do not think any sentiment could push the matter.

8707. Do you think there have been any convictions under the Scott Act in New Brunswick?—Yes, there have been convictions, I think. That is a matter of notoriety.

8708. I asked you, because you endeavour to make it appear that wherever it is supposed to be enforced it is not enforced?—I did not mean that there had been no convictions.

8709. The fact that drunkenness prevailed made it appear to your mind that the law was being broken?—Yes.

8710. Does the fact that convictions have been secured make it as clear that the law is enforced to some extent?—No.

8711. You think that convictions do not prove enforcement?—No.

8712. But you think illegal sales prove violations?—Not always; but when you see illegal sales everywhere about you, and when you see men drunk in the streets, all this is pretty strong evidence that the Act is not enforced, especially when it is supposed to be a prohibitory law.

8713. You have told us a little incident that occurred at Anazance in regard to stealing liquor from an Intercolonial Railway car: was that a violation of the law?—It was a violation both of the moral and civil law.

8714. Do you think that the moral and civil laws should be repealed because they are violated?—No.

8715. Does that justify a condemnation of the law?—No, certainly not.



AGNES D. COWAN of St. John, Salvation Army Rescue Officer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8716. How long have you been in St. John ?—Since last October.

8717. During that time, have you been engaged in the rescue work of the Salvation Army ?—Yes.

8718. Please state what your work is ?—We visit the police court and endeavour to get hold of any fallen women. We also visit houses of ill-fame, and endeavour in that way to reach the women and bring them to our Home.

8719. Then it is a work of rescue ?—Yes.

8720. Do you try to get any of those discharged from the jail ?—Yes, we have even gone to the jail to meet them coming out.

8721. I suppose you sometimes pick them up on the street ?—Not very often.

8722. Is the Home regularly conducted under the charge of the Salvation Army ?—Yes, I have charge of it.

8723. How many inmates are there ?—There are 6 women at present and 5 children.

8724. Will you tell the Commission in regard to the inmates. Take the grown up persons first. Are they people of temperate or intemperate habits ?—I have been looking the books through, and I find that out of 32 persons there were 14 liquor cases—14 girls given to drinking.

8725. Had they been convicted of drunkenness ?—In some cases they had.

8726. Take the cases of the children : how do they come to you ; are they children of drunken parents ?—I may explain that in visiting houses, especially those of the lower classes, we scarcely ever do so without finding most of the inmates under the influence of liquor.

8727. So that a great part of your rescue work is really caused by the intemperate habits of the people whom you visit ?—Yes, I think 50 per cent of it.

8728. Do you find that the influences you bring to bear about them in the Home are beneficial to the inmates ?—Yes, generally speaking.

8729. I suppose those influences are of a religious kind ?—Principally so. We also train the inmates in all branches of house work and sewing, so that when they go out they can earn their living respectably. Many of them get situations, and we visit them after they are in them.

8730. I suppose you do everything afterwards to encourage them in maintaining their self-respect ?—Yes.

8731. Do you find any lapses occur ?—We have a few.

8732. I suppose you consider these inevitable ?—Yes. Sometimes there is very little will-power on the part of the people, and when old companions meet them they occasionally give way to temptation. We do not, however, have very many of those cases.

8733. Sometimes they yield to temptation afterwards ?—I do not think there have been more than 3 cases out of 26.

8734. Then you find the influences you throw around them conduce to their benefit, morally and socially ?—Yes, usually.

8735. I suppose you are not content with placing before them merely the physical evils that come from their conduct, but also the spiritual wrong done to themselves ?—The physical evils are only too apparent to themselves. Then we usually endeavour to help them to be converted, and very frequently after they leave the Home they become members of our establishment, and our principles include these of total abstinence.

8736. Then you throw about them in the work the good habits that have been inculcated in the Home ?—Yes.

8737. Is there any statement beyond the questions I have asked you and the answers you have given, which you desire to make to the Commission ?—I was engaged in the rescue work in Toronto over two and a half years, and I was also in London for a year.

## Liquor Traffic—New Brunswick.

8738. How did you find the work at those two cities?—I found Toronto much more immoral; but, of course, it is a much larger city.

8739. Your work was carried on there, I suppose, on a large scale?—On a very much larger scale than here.

8740. Have you more than one Home in Toronto?—We have one very large home that will accommodate about fifty girls, while our accommodation here is only for ten or fifteen.

8741. All this is part of the work of the Salvation Army, I suppose?—Yes. Over four years ago this special branch was organized in Canada. I was, however, engaged in the work of the Army some years previous to that.

8742. Do you mean in the old country?—No, I have only been engaged in Canada.

8743. Was Toronto the first place in which you were engaged in this work?—Yes, in the rescue work.

8744. Were the conditions in London such as they are here?—There were not so many houses of prostitution.

8745. I suppose a seaport town is more fitted for work of this kind than an inland town?—There were quite a number of girls at London, thirty or thirty-five passed through our Home in a year, and we have had them from the age of sixteen years.

8746. Has the result of your inquiries been to show that liquor has been the cause of their fall in many instances?—Yes, in a great many cases.

8747. And this habit has accompanied them in life afterwards?—Yes, they have told us they could not keep up that life without the use of liquor.

8748. Have you followed these cases up?—Yes, we took all the records in writing.

8749. Have you ever had any cases of prostitutes who have been total abstainers?—A few young girls who had just fallen.

8750. You mean girls who have been tempted and have fallen?—Those cases are not always attributable to liquor, but nearly half of them are due to that in St. John and more than that proportion in Toronto.

*By Rev. Dr. McLeod :*

8751. As to drink being the cause of the fall in those cases, have you learned from those unhappy people, in any number of cases, that the excitement caused by drink in other persons than themselves was the cause of their fall?—I could hardly say clearly as to that. I think that a great many of the girls would not be in the position they are, if it were not for the fact that they had been led away by other company.

8752. You mean drinking associates?—Evil companions in a great many cases.

8753. Do you find the existence of grog-shops a danger to the inmates of your rescue home, and a harm to your work?—Yes, especially with any of those who have that natural tendency.

8754. Do you think the removal of these liquor places would render your work easier, and the reform of the girls more permanent?—Yes, I think so.

8755. Do you believe the prohibition of the drink would reduce your work because there would be fewer persons of the fallen class?—Yes.

*By Mr. Clarke :*

8756. Do you know Staff-Inspector Archibald of Toronto?—No.

8757. When did you leave Toronto?—Four years ago last March.

8758. Did you find Toronto in a worse condition than London or St. John?—Yes; but, of course, the city is very much larger.

8759. Do you speak in proportion to the population and size of the community; do you mean there are more individual cases on account of the increased population of Toronto?—Yes, I think so. When we first opened our rescue work in that city, there was not so much effort made to suppress the evil as there is at present.

8760. How do you account for the lack of effort then and the increased effort now? Are you not aware that Staff-Inspector Archibald organized the morality department? Was that previous to your leaving the Toronto Home?—I was there two and a half years, and in London one year, then I came to St. John.

AGNES D. COWAN.

8761. Are you aware that the work conducted by Inspector Archibald has been in existence for more than five years?—It has not, I think. It was organized I believe after our rescue work, which was started by Inspector Archibald raiding those houses and bringing the girls before the Magistrates. We often got sentences suspended, and instead of the girls being committed to jail, they were placed with us.

8762. Do you read Inspector Archibald's report from year to year?—No.

8763. You are still under the idea that Inspector Archibald's department was not in existence before you left Toronto?—Yes.

8764. As a matter of fact, I may say Inspector Archibald's department has been in existence more than five years.—I was not aware of it.

8765. That is a fact, and I have reports presenting a much brighter picture than you have given of the state of affairs in Toronto. Do you know that five or six years ago special efforts were made to stop all these evils?—No; I was not engaged in the work five years ago.

8766. Because it might be possible that the steps taken led to the results you experienced when you commenced this work?—Yes. I have been in smaller cities since then. Toronto looked very much worse than any city I have been in.

THOMAS P. RAYMOND of St. John, hotel-keeper, on being duly sworn, deposed as follows :—

*By Judge McDonald:*

8767. How long have you lived in St. John?—I was born here.

8768. How long have you kept a hotel?—I have been keeping hotel for a long time; this hotel ever since 1881.

8769. Do you recollect the time spoken of when a prohibitory law was passed by the Legislature?—I do.

8770. Were you engaged in the hotel business then?—No.

8771. Since you have been in the hotel business, has the trade always been under a license law?—Yes.

8772. Did you know Portland personally when the Scott Act was in force there?—I knew of it.

8773. Had you personal knowledge of the way the law was observed?—I knew from hearing about it, but I did not see it myself.

8774. As a hotel-keeper you have been under the terms of the license law; have you found yourself able to observe the requirements of the law?—Yes.

8775. Do you think the city is a peaceful and sober one?—I should certainly say so, as much so as any city I know of.

8776. The population is diverse?—Yes; still it is a very orderly place.

8777. Do you know anything of the counties outside of St. John city?—No; I have been in them, but I could give no information in regard to them.

8778. With your experience as a hotel-keeper, will you state your views as to whether the licensed bar in connection with a hotel could well be dispensed with?—I could not keep my hotel open without it.

8779. Your guests are desirous, or many of them are, that such a place should be in existence?—Yes.

8780. And is the income derived beneficial in the way of helping to pay the expenses of the hotel?—Yes; I do not make anything by feeding people.

8781. Is that the usual condition as regards hotel-keepers?—I presume so.

8782. Is that so far as your knowledge goes?—So far as I know. I could not keep my hotel open without a bar.

8783. There are witnesses who have been here and have stated they considered there is more evil done by the licensed hotel than there is by what is called the licensed

## Liquor Traffic—New Brunswick.

saloon, where nothing but drink is sold?—They do not know what they are talking about; that is my opinion.

8784. It has been put forward by a witness who was here yesterday, I think he was the ex-chief of police or ex-inspector, that it would be an advantage if the bar of a hotel were a front room exposed to the street, without shades or anything of that kind, and with no communication at the rear. I think he stated that that was the law in regard to saloons.—In my case I would have no entrance to the hotel, if I did that.

8785. Your guests would all have to pass through the bar then?—Yes.

*By Rev. Dr. McLeod :*

8786. I think I understood you to say that you could not keep hotel without keeping a bar?—I could not.

8787. And that you did not make money out of feeding people?—Very little, if any.

8788. Do you mean to say that you make the people who drink help to feed the people who do not drink?—I do not mean to say that, but in a business like mine I have to strike an average.

8789. Do you keep separate accounts for the bar and hotel?—I keep them in a way so that I know how much goes out.

8790. You know the receipts from the guests—the boarders and lodgers; do you keep the hotel bills separate from the receipts from the bar?—I do not. I may say that when temperance people come along they have great appetites.

8791. That is your observation?—That is my experience. A man who does not drink anything makes it up in eating.

8792. Do you sell liquor to others than guests?—Yes, I sell to anybody who buys; that is, not everybody, because I do not allow everybody in. We have to keep up a certain standard, or we cannot get on.

8793. What standard?—Respectable and sober people.

8794. Do you always turn them out sober?—Yes, they are not allowed to get drunk there.

8795. Are we to understand, then, that you make profits out of the guests who drink in order to help you to feed the people who are not drinkers?—Yes.

8796. So that the people who do not drink do not really pay for what they get at your hotel?—I do not say that is always the case, because there are many people who do not drink and will not drink.

8797. They do not pay for what they get in the way of board and lodging?—They get it cheaper than a person who gets a glass of grog.

8798. So, has not the person who takes a glass of grog to help pay to feed men who do not drink?—We strike the average, and we have to do it. You can put your own construction on it.

8799. You have a license to sell liquor?—Yes.

8800. I think, in answer to a question, you said that you endeavoured to observe it; did you make that statement?—Yes.

8801. Do you mean to say that the law has not been broken in your hotel on Saturdays or Sundays?—I am not prepared to answer that question.

8802. Why do you object to answer it?—Because I do not recollect. I could not answer the question properly.

8803. Can you give a negative to that question?—No.

8804. And you do not care to give an affirmative answer?—No.

8805. I suppose you object to anything other than a license law, and that you would object to a prohibitory law so far as St. John is concerned?—I would.

8806. Why?—I would have to shut up the hotel and go out of business.

8807. So your objection is a personal one?—Exactly.

8808. Do you know anything about St. John county?—No.

8809. Did you keep an hotel at Loch Lomond?—Yes.

8810. Did you keep hotel there when the Scott Act was supposed to be in force in the county?—I forget now. I do not think we knew anything about it being in force in the county.

THOMAS P. RAYMOND.

8811. So if the Scott Act was in force, you disregarded it?—I do not mean to say that.

8812. But you did not know it was in force?—It was not known out there.

8813. Did you have a bar at Loch Lomond Hotel?—I did not keep the hotel.

8814. Did the person who represented you have a bar?—I rented the hotel.

8815. Were you the renting party?—No.

8816. I thought you kept hotel there at one time, and that you were responsible for it?—No.

*By Mr. Clarke :*

8817. Has the Act been repealed in the county since that time, or is it still in force?—It is still in force I believe in King's county.

8818. Is it enforced in St. John county?—No.

8819. It has been repealed?—Yes.

8820. Has drunkenness increased in the county since its repeal?—I do not think so.

8821. It was more harmful when in force than the present law?—Probably. I do not think it made much difference.

8822. You did not know anything about the operation of the law in Portland when the Scott Act was in force?—Ten miles out is a good distance, and people got into the habit of doing as they liked.

8823. Do you know of any hotel in this or any other city where a bar-room is the principal feature of the hotel proper?—I never heard of such a thing.

8824. You are supposed, I believe, under your license, to provide accommodation for the travelling public in the way of meals and rooms?—Yes, to meet the approbation of the Inspector.

8825. Is the saloon-keeper obliged to have a certain number of rooms for travellers, and be able to supply meals?—I do not think so.

8826. Is he obliged by law to have the bar-room in the front of his house?—I never heard of it. I know the saloon-keepers are on the front street.

8827. Is his whole stock-in-trade in the bar-room?—Yes.

8828. Did you ever know of a man having a saloon in the back of the premises?—No, I never did.

8829. You do not know anything about the increase or decrease of drunkenness in St. John?—I know that the city, and I go about a little every day, is very orderly. I can recall its condition a great many years ago, when it was not so.

8830. To what do you attribute the improvement?—There was more trade then, and more ships were coming here.

8831. Then the increased drunkenness was attributable to the greater floating population?—Yes, to a population of that description. But the people have now changed from what they were some years ago. They seem to be more respectable.

8832. Drunkenness is not so general?—No.

*By Judge McDonald :*

8833. Do you find a very great difference in the people as a whole in this respect?—Yes.

8834. What difference is there between the hotel and the saloon license as to the amount of fee charged?—I could not tell you that.

8835. Speaking for yourself, you endeavour, I suppose, to keep a thoroughly respectable, well-conducted house?—Yes, that is my aim.

8836. You believe you succeed in doing so under a license law?—Yes; I do not allow any improper person about the premises.

*By Mr. Clarke :*

8837. Do you think you would be successful in keeping a first-class hotel if the bar were the principal room in the front of your house?—No, it would be impossible.

8838. You do not classify your guests; you take total abstainers and others?—Yes, of course, and I have lots of them. I do not ask anybody whether they drink or do not drink. If he pays his bill, when he goes away, that is all I know about him.

## Liquor Traffic—New Brunswick.

8839. Do you think the plan of having a bar-room where the office now is, and having all the guests pass through that bar-room in order to get to the hotel, would be acceptable?—That would simply be ridiculous ; a hotel could not be run that way ; the bar has to be kept in a convenient place out of the way.

*By Rev. Dr. McLeod :*

8840. Why out of the way?—It is more convenient.

8841. Are things convenient always when they are out of the way?—Yes, sometimes.

*By Mr. Clarke :*

8842. The total abstainers who are guests need not see the bar in your house, I believe?—Not unless they like. It is out of their sight entirely, and they need never see it.

8843. If the bar-room was placed, as is contended in front of the hotel, would they not have to pass through it in order to get to the hotel?—Yes.

*By Judge McDonald :*

8844. Have you travelled abroad?—Yes.

8845. Have you been in France?—Yes.

8846. How did you find the state of affairs there as regard the people?—It was the custom there for persons to sit down in a restaurant and order anything they wanted, including brandy and coffee, and they obtained it.

8847. Did you notice what they drank at the table?—They had wine at the table, or anything else they required.

8848. It is the custom of the country, I suppose?—Yes.

8849. How did the French compare as being a sober people?—They ordered what they wanted, generally light wines, but I have seen some taking pretty strong stuff, but they were always respectful and did not forget themselves at all.

8850. Has the consumption in the community of light beer and light wines increased of late years?—It is not so large as it was some few years ago, still there is considerable used.

8851. And as to aerated waters?—Yes, they are used too, and I keep them. You can get temperance drinks there the same as anything else.

*By Mr. Clarke :*

8852. Do you know anything about the operation of the Maine liquor law?—I think it has always been a failure.

*By Rev. Dr. McLeod :*

8853. How do you know that?—I have been there and seen it.

8854. How often have you been there?—I have been there frequently. I have been there I suppose twenty-five times anyway.

8855. What have you seen there that leads you to believe the law is a failure?—You can go and get anything you want there.

8856. You base your statement that the law is a failure on that fact. What part of the State have you been in?—I was in Boston.

8857. What other part of Maine have you been in?—In Portland. I now remember that Boston is not in Maine. I have also been at Eastport and a great many small towns, and there was lots of rum all the way through.

8858. Everywhere the law was a failure?—I suppose so ; because the Maine Liquor Law means prohibition, and liquor is kept in hotels and there is no scarcity about it in that place.

8859. Are there open bars there?—Yes.

8860. Where?—In the eastern part more particularly.

8861. In Boston too?—In Boston too,

8862. That is proof that the Maine Law is a failure?—Yes, you can take it so, if you wish.

THOMAS P. RAYMOND.

*By Mr. Clarke :*

8863. Have you ever been in Manchester, N.H., or Portsmouth?—No, I never was there.

JOHN BOND, of St. John, City Marshal, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8864. What are the duties of the City Marshal?—Collecting back taxes.

8865. How long have you held the position?—Going on three years.

8866. Are you unable to gather in all the taxes?—Yes, in some cases.

8867. In such cases does the Council remit them, or do you levy?—In some cases we levy, and sometimes we place parties who do not pay in jail.

8868. Do you sometimes find people who have nothing to seize?—Yes.

8869. And that represents so much revenue of the City which cannot be collected?—Yes.

8870. You put people in jail for the non-payment of taxes?—Yes.

8871. For the non-payment of municipal taxes?—For any back taxes. If they refuse to pay and do not pay, they go to jail.

8872. But if there are any goods, you levy on them, I suppose?—Yes.

8873. Who decides their ability to pay : do you do so?—No.

8874. Does the Magistrate?—No. We go into a house and make an inspection, and if we find that the people are able to pay, we insist on payment.

8875. If a man does not pay, is he brought before a Magistrate?—No, we have the power to arrest him there and then.

8876. And put him in jail, for how long?—I think the rate is 40 cents a day.

8877. Until the total amount of the taxes is made up?—Yes.

8878. What does the man do in jail?—I could not tell you.

8879. Is he earning anything for the city?—Not that I am aware of.

8880. And the city is maintaining him there?—Yes.

*By Rev. Dr. McLeod :*

8881. Have you had anything to do with the enforcement of the Scott Act?—I have had nothing to do with its enforcement, but I had to do with it in Portland.

8882. In what way?—I was one of the representatives at the poll. I represented the Temperance party at that time.

8883. Were you at any time an Inspector or an applicant for the office of Inspector, in Portland?—No, I was not. I was recommended as Inspector at one time, but the Council refused to make an appointment.

8884. Do you know anything about the Council having instructed, or intimated in some way to the policemen that they need not enforce the law in Portland?—Yes. I remember at the time it was announced that the Scott Act was in force—which was right after its adoption—the bar-rooms in Portland closed up, for the Marshal began at Indiantown.

8885. Then what happened : why did they not stay closed?—The Chief of the department at that time, Captain Rollin, found that the bar-keepers had closed up their bars when the announcement appeared that the Scott Act was in force.

8886. Did they continue closed?—No, they did not.

8887. Why did they feel bold enough to open again?—I was informed that the officers were instructed to go no further in the matter, that there was some little defect in the law ; and a short time after that the bars were all open.

8888. Who gave those instructions?—I understood the Committee of the Town Council.

## Liquor Traffic—New Brunswick.

8889. Do you know whether any resolution was passed?—If my memory serves me, I think the daily papers announced that the City Council would take no further action in the matter.

8890. Do you know that there was no action taken?—Yes.

8891. And the liquor stores were after that, open?—Yes.

8892. And they were not interfered with in selling?—Not to my knowledge.

*By Mr. Clarke :*

8893. Have you observed the working of the Scott Act in the County of St. John and other places?—Yes; I was District Chief of the Independent Order of Good Templars, and I travelled over the province.

8894. What do you know about the working of the Act?—In some places I found that the Act worked very well.

8895. And in some other places what did you find?—I may say that I have heard some of the evidence in regard to Fredericton given before this Commission. I visited Fredericton while the Scott Act was in force, at the time of the Firemen's Tournament there. Being a temperance man, I thought I would go and see how easy it was to get liquor, as I had heard so much about the Act being violated. I remember on one occasion there were three of us together, and we found that liquor could not be got so easily there as some people made out.

8896. How did you get it on that occasion?—I do not know how many places we tried before we got a glass of liquor. At all events we tried several different places where it was supposed to be sold, and at the seventh place we were successful.

8897. Was it a bar-room?—Not altogether a bar-room.

8898. What was it?—We were led through a stable.

8899. That was an out of the way place?—Yes. After that we were taken from the stable by a back entrance, into a large tenement house. After reaching the second floor, we were taken through two or three rooms and then went down stairs. We were taken to a little place not much bigger than the place in which we are now sitting. There was a small window cut out, and you stood outside. There was a lady behind, and she handed out the liquor, and each man paid ten cents for a glass. You then stepped outside the door; and that was the end of it.

8900. There was considerable secrecy observed?—A great deal.

8901. Do you consider they did a flourishing trade in a bar-room of that kind?—No, I do not think so.

8902. Do you regard that as an indication of the failure of the law?—No, I think they were kind of scared of the law.

8903. Is that the only place in Fredericton where liquors are sold?—No, I found there was liquor sold in one of the principal hotels there.

8904. Was there much difficulty in obtaining liquors there?—There was considerable difficulty, for I think the party who was with me on that occasion waited three-quarters of an hour, while other parties were admitted by the back door.

8905. Were they doing a rushing business?—They were very busy.

8906. You spoke about your official position in the Good Templars Order, and mentioned that you had visited many places. You said that in some places the Act was effective, while it was not observed in other places?—It is like other laws, there are a great many infringements of it.

8907. You find that in some places the Act is infringed?—Yes.

8908. And in others very fairly observed?—Yes.

8909. To what do you attribute the non-observance of the law by the trade?—The failure in Portland at that time was greatly due to the carelessness of the temperance party themselves.

8910. And how is it in regard to other places?—In the out districts the enforcement of the law would not be watched closely, because the houses were more spread than in the city of Portland.

8911. You blame the non-enforcement in some degree on the temperance people?—To a certain extent I do.

JOHN BOND.



8912. In what were they to blame?—When the Scott Act came into force, and when they had the law in their own hands, they did not go to work as they might have done as temperance men. They did not show their colours as plainly as they ought to have done.

8913. And the result of their apathy was that liquor was sold pretty freely?—Yes, pretty freely.

8914. Are they apathetic in other parts of the province where the Scott Act is not observed?—I do not know. In travelling through the Province I have found St. Martin's to be a very temperate place indeed. I assisted at meetings in St. Martin's in the course of my temperance work, and I do not think I met six drunken men all the time I was there.

8915. Can you attribute the non-enforcement of the Act to any other cause except the apathy of the people?—Yes, I do.

8916. What else?—There are not so many people, of course, in St. Martin's as there are in a large city; you would not come in contact with so many people, and find so many drunken people among them.

8917. Then is the law more readily enforced in small populations?—Yes.

8918. To what do you attribute the non-enforcement in the outside districts?—Because there are no officers to enforce it and they have not the funds.

8919. Who?—The officers.

8920. Has not the Council the right to appoint officers?—They do not do it.

8921. Have they not the right?—Yes.

8922. And why do they not enforce the law?—I do not know.

8923. Can it be enforced?—If the Scott Act had been left alone when the bar-rooms were closed in Portland, and if the temperance people had gone to the front, as they should have done, and enforced the law, I say it would be enforced to-day, and that part of the city, the north end, would not have a rum shop in it.

*By Judge McDonald :*

8924. Suppose you were appointed by the Government to-morrow to the position of Inspector, with power to enforce the law, do you think you could enforce it throughout the province?—I would make a very good attempt.

8925. Do you think you would be successful?—I do.

8926. I understand that in Portland the adoption of the Scott Act was carried by a majority of 147 and was repealed by a majority of 424. Do you think the Act was discredited by its non-observance?—Yes.

*By Mr. Clarke :*

8927. Did you ever find that anybody voted against the Act because it did not go far enough?—Yes.

8928. Were they endeavouring to enforce the law, or were they lukewarm?—The reason why the Act is not enforced is, because they put their hands in their pockets and do not feel inclined to pay the expenses of its enforcement.

8929. Does the Council reflect the public feeling in not taking action?—They do, to a certain extent.

*By Rev. Dr. McLeod :*

8930. You collect unpaid taxes?—Yes.

8931. And you come into contact with considerable poverty, I suppose?—Yes.

8932. Do you find any of the inability to pay taxes is attributable to the people wasting their money in drink?—I certainly say so.

8933. Many cases?—A great many cases.

8934. Have you ever known cases in which the wives and children had struggled to get sufficient money to pay the taxes while the husband wasted his time and money in drinking?—I have. I have now four cases of that kind right under my eye. There is one case in particular that I might speak of, a case in which a lady told me herself that on account of the amount of money squandered by her husband in liquor, she was compelled to devote her earnings to pay the taxes to keep herself out of jail.

## Liquor Traffic—New Brunswick.

JOHN MCGOLDRICK, St. John, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8935. Where do you live ?—At the north end, which was formerly Portland.

8936. Did you live there when the Scott Act was in force ?—Yes.

8937. Were you an Alderman at that time ?—Yes.

8938. Was any attempt made to enforce the Act ?—Very little.

8939. Why was that ?—Previous to the Scott Act we had a Local Act, passed by the Legislature, which was one and the same as our Police Act. Then the Dominion Act came into force. We were led to believe by our Solicitor that the Dominion Act was not in force in our city. Shortly afterwards the Scott Act came into force, and we were again led to believe by our Solicitor that we had no right to interfere. We took little or no action whatever.

8940. Did you take any action as a Council to prevent the enforcement of any of those laws ?—No.

*By Rev. Dr. McLeod :*

8941. You are a merchant ?—Yes.

8942. In what business ?—In the junk business.

RICHARD RAWLINGS, of St. John, Captain of Police, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8943. Are you Chief of Police of the city ?—No, I am Captain of the southern division.

8944. Would that be the Portland division ?—No ; it is part of the old site of the city.

8945. Do you live within it or in Portland ?—In Portland.

8946. Were you Chief of Police in Portland ?—Yes, until the union of the two cities in 1887.

8947. Do you remember the Scott Act being in force in Portland ?—Yes.

8948. Was any attempt made to enforce it ?—Some slight attempt.

8949. Was it successful ?—It was not.

8950. Did the people sell liquor freely ?—Nothing more than they had done before.

8951. You do not think liquor was sold in more places than formerly ?—I do not think so.

8952. Nor in any larger quantities ?—No.

8953. Was there more drunkenness ?—No.

8954. Then you kept the same state of things prevailing ?—Yes, about the same as under the license law.

8955. Did the people close their bars on Sunday ?—Some did.

8956. Did they close on Saturday night, as provided by the old license law ?—Yes.

8957. Did you as Chief of Police attempt to enforce the Scott Act ?—I did at the beginning.

8958. Why did you cease doing so ?—Because I was not backed up.

8959. By whom ?—By the Council. The Council did not recognize the Act.

8960. Did the Council instruct you not to enforce the Act ?—I do not remember exactly whether they did not, but they refused to appoint an Inspector.

8961. You do not recollect any instructions given to you one way or the other, but you say you found that you were not backed up, and no Inspector was appointed ?—Yes.

JOHN MCGOLDRICK.

*By Rev. Dr. McLeod :*

8962. Did you, after the Act was proclaimed to be in force, see the liquor dealers, and did they, after you had seen them, close up for a time?—On the first of that year, a Monday, I visited the whole of the bar-rooms from one end of the city of Portland to the other, and I notified them that the Scott Act was in force and they would have to close up. On Tuesday, I went through the city again, and I saw that the whole of the bar-rooms were closed. If I mistake not, on Wednesday night there was a meeting of the Council held, and the Town Solicitor, Mr. Gregory, gave it as his opinion that the law was *ultra vires* in the locality, on account of the city of Portland having a license Act embodied with its Police Act. From that date there was nothing done.

8963. Owing to that opinion given by the town solicitor, I suppose the liquor dealers felt free afterwards to sell?—Yes. If I mistake not, I reported three or four, and the cases were tried before the Police Magistrate, but there were no convictions made. The town solicitor, who acted for the defendants, appealed, and the cases rested there.

8964. Do you say that the town solicitor was counsel for the defendants?—Yes.

8965. And were the fines never collected?—The cases went to appeal and rested there.

8966. Did that condition of affairs continue until the repeal of the law took place?—Yes. After the union of Portland with St. John I handed in between fifty and sixty reports to the gentleman who was then Chief of Police, and the matter rested there.

8967. They did not go any further?—No.

8968. From your knowledge of Portland and the enforcement of the law there, do you believe that but for that uncertainty as to whether the law was in force or not, the Scott Act could have been enforced there?—I think that if I had had proper backing up from the very commencement, I could have done so ; but later on, I could not have done it.

8969. You mean backing up by the Council?—Yes, or by the temperance party. I was at a meeting of the temperance party one night, and I told them I could not afford to carry on the prosecutions, and they absolutely refused to assist me in the shape of funds with which to carry them on.

8970. Was that because there was an uncertainty as to the law being in force?—I could not say what their ideas were.

*By Mr. Clarke :*

8971. The Act had been carried, I believe, by a considerable majority?—I think it was carried by rather a small majority.

8972. Did the Council instruct you not to proceed against those places after you had made your first attempt to enforce the Act?—I do not think they did ; but, at the same time, the majority of the Council were opposed to it. I was under the instructions and guidance of the Council.

8973. You say they did not instruct you. Now, would it be your duty to enforce the law unless you received instructions to the contrary?—Before the Scott Act came into force I addressed a letter to the Council, asking instructions relative to that matter, and I never received a reply to my letter.

8974. That puts a different phase on it. They did not think it worth while to reply to your communication?—Yes.

8975. And you brought up some cases, and they were not gone on with?—Yes.

8976. Was there any increase in drunkenness after that?—No, in fact there was a slight decrease.

8977. Though there was free rum?—From 1877 it seemed to dwindle down.

8978. During the time the Scott Act was in force it dwindled?—Yes, I think so.

8979. Has it gone up again since licenses have been given there?—I do not think so.

8980. Has there been a steady decrease since the licenses have been given?—I think the same state of things exists.

8981. But during the Scott Act it decreased?—I think it decreased, but it varies.

8982. Has the condition of trade anything to do with the increase?—Certainly.

8983. If the public authorities had supported you, would you have been able to enforce the Act?—I think so.

## Liquor Traffic—New Brunswick.

JAMES G. TAYLOR, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

8984. What is your occupation or calling ?—Banker.

8985. Manager ?—Manager of the Halifax Banking Company.

8986. How long have you been a resident of St. John ?—Ten years.

8987. During that time you have been Manager of the bank ?—Yes.

8988. How do you find the state of affairs in the city of St. John ; on a good, solid basis ?—Yes.

8989. Have you been brought at all in connection with the operation of the Scott Act ?—Not in any case.

8990. Nor the license law ?—No.

8991. Are you in a position to speak as to whether the banking business is affected one way or the other by the liquor trade ?—No, I am not.

8992. You are not swayed by that ?—I do not think so.

*By Mr. Gigault :*

8993. What are your views as to the prohibitory liquor law ?—I have no decided views. I have thought nothing about it until I was summoned before this Commission. I do not think the time is ripe for prohibition.

8994. Do you think a general prohibition law could be enforced ? ———

*By Mr. Clarke :*

8995. What would be the effect of the passage of a prohibitory liquor law on the banking and monetary institutions of the country ?—I do not know. I do not think it would affect them at all.

8996. Do you think brewers and distillers who have money invested in the business should be compensated if a prohibitory law was passed ?—Certainly.

*By Rev. Dr. McLeod :*

8997. Why ?—They have invested money in the business, which is now a lawful business, and so they should be compensated if it were destroyed by the action of Parliament.

8998. Would you apply that principle to other branches of business ?—I think so.

8999. Is it not a fact that the people who are engaged in that branch of business know that public opinion is against it, and accordingly take the risk ?—I dare say they take the risk.

9000. Take the case of a brewer or distiller in St. John. Supposing the trade was prohibited, what would be the loss of money invested ?—A considerable proportion of it ; of course his brewery would be of no use.

9001. From your observation, do you find that capital goes begging for investment ?—I do not think so.

9002. In this country, is it not true that about every dollar that seeks investment finds it ?—Yes ; but it is more difficult now than before to get good investments.

9003. And if that capital was taken out of the brewery or distillery, it would find investment elsewhere ?—It is doubtful if it could find another business.

9004. Would the capitalist be incapable of engaging in another business ?—Suppose a man was in that business all his life, he would be better suited to that business and more capable of earning money in that business than in another.

9005. But would he find profitable investment for his capital ?—That I cannot tell you.

9006. You think the country is not yet ripe for prohibition ?—That is a thing I am not quite prepared to say.

9007. Did you say that you believe the prohibition of the traffic would not seriously affect business one way or the other ?—I do not think it would.

JAMES G. TAYLOR.

*By Judge McDonald :*

9008. Speaking of the capital of the brewer or distiller : would not a large amount be invested in buildings and plant that could not be easily put into other business?—It could not be withdrawn very readily ; it would not be easily put into other businesses.

*By Rev. Dr. McLeod :*

9009. A gas company has buildings and plant : supposing electricity was introduced, should the gas company be compensated?—I think that is hardly the same thing.

*By Mr. Clarke :*

9010. The gas company are not prevented from manufacturing gas still?—No, it is quite different.

JOSEPH O'BRIEN, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9011. What is your occupation or calling?—Harbour Inspector and Fishery Overseer.

9012. Have you had anything to do with the enforcement of the license law or the Scott Act?—No.

*By Rev. Dr. McLeod :*

9013. Have you some official position?—Yes ; I am required to enforce the fishery and harbour laws.

9014. You are a Dominion official?—Yes.

9015. Do you find it difficult to enforce these laws?—Some cases are difficult and some are not.

9016. What are your duties?—To prevent fishing during the close season, and to carry out the Fishery Act.

9017. Do you find it difficult to enforce the law during the close season?—Do you mean under general prohibition or under partial prohibition?

9018. What do you regard as partial and what as general prohibition?—Some provisions of the law say that no man shall catch or sell or have in his possession during the close season.

9019. Is there any difficulty there?—There is none in enforcing that.

9020. What is partial?—When the law says you must not catch salmon after the first August. That I cannot enforce. Where I can seize the fish, I have no trouble.

9021. Do you reason from that, that there may be difficulties in the enforcement of general prohibition?—I think there would be no difficulty whatever.

9022. Because it would prevent importation as well as sale?—Yes ; there would be no difficulty, if you appointed proper officials.

*By Judge McDonald :*

9023. You would prevent the sale and the smuggling, by officials of the Dominion Government?—Yes, there would be no difficulty in that.

## Liquor Traffic—New Brunswick.

ARCALDY JONES, of St. John, brewer, on being duly sworn, deposed as follows :

*By Judge McDonald :*

9024-5. How long have you been in the business of brewing?—Since 1882.

9026. Is your output a large one?—Considerable.

9027. Has your business fairly increased since you commenced?—Yes, largely ; it has been holding its own of late years.

9028. Where do you do business?—In New Brunswick, Nova Scotia and Prince Edward Island.

9029. Do you send any out of the country?—No.

9030. You have not found a decrease in those provinces?—No ; there has been an increase since I went in to it.

*By Rev. Dr. McLeod :*

9031. Have you a statement of the number of your employees?—We employ 16 men.

9032. And the wages that are paid?—They average about \$8 a week each.

9033. Has your business increased as regards sales in St. John City?—They are not going behind, but we do not keep an account of any one part, simply the general sales.

9034. Do you carry on any other branch of business?—No.

9035. You are not importers?—No.

9036. Have you been importers at any time?—Not since I have been in the firm.

9037. The firm did import at one time?—Years ago, yes ; but it is quite a number of years since they have done so.

9038. Have you any intention of getting out of the business?—Not unless we are driven out.

9039. Would you object to be driven out?—I would, yes.

*By Mr. Clarke :*

9040. From present appearance, you are not likely to be driven out. Is the sale diminishing in the counties surrounding?—It is increasing, but it is changing. In Scott Act counties, before the Scott Act, it was draught ale, while now it is bottled ale.

9041. Is bottled ale more easily handled by hotelkeepers, or is that the popular form in which it is consumed now?—It is more easily handled.

9042. Does it go to the hotelkeepers or to private families?—It goes into families.

9043. Did you notice any particular variations in the different counties, and did the sales fall off, when spasmodic efforts were made to enforce the Scott Act?—Yes. The desire for enforcement comes up stronger than ever, and then it falls back to the same thing.

9044. Then the Scott Act has the result of reducing the sale of beer, when enforced?—Yes, of ale ; but it increases the sale of whisky.

9045. You do not sell whisky?—No ; but I know that much.

9046. Notwithstanding that the Act has been in force in most of the counties in these Provinces, your sale of ale has not decreased?—No.

9047. Have you any reason to believe that the sale of the products of other breweries has decreased?—There are only two breweries in this province, and Mr. Reddy only started last year.

*By Rev. Dr. McLeod :*

9048. Mr. Reddy said he had been in the business 30 years?—Only the lager beer business.

*By Mr. Gigault :*

9049. Do you sell large quantities to persons in Scott Act counties?—A large quantity.

9050. And to persons who retail that beer?—Yes.

ARCALDY JONES.

*By Rev. Dr. McLeod :*

9051. Do you collect easily from those persons?—It is generally cash in advance.

9052. Do your sales to hotelkeepers increase or decrease?—They are about the same.

9053. You spoke about the sales of whisky increasing; how do you get at that result?—I have had access to the books of several people who deal in it. We do not handle it at all.

9054. How long is it since your firm went out of the importation of whisky, and so on?—I do not know. I went into the firm in 1882, and they had been out of it some years then.

GEORGE A. KNODEL of St. John, printer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9055. Do you hold an official position in connection with the Almshouse Committee?—Yes.

9056. What position?—Chairman of the Committee.

9057. We had the Chaplain here, Rev. Mr. Raymond; were you present then?—No.

9058. Have you any statistics or reports that would show the causes that have led to persons being brought there for relief?—No; but from my observation, in most of the cases that have come before me, I think intemperance was one of the causes.

9059. Are you able to say in what proportion of cases?—I should say two-thirds.

9060. Both men and women?—No, not all women; women come there from other causes.

9061. How many are there now?—The average is about 175, men, women and children.

*By Rev. Dr. McLeod :*

9062. Your statements agree, in the main, with the statements made by the Secretary and by Mr. Raymond?—There can be only one set of statements. It must not be imagined that all these people belong to the City and County of St. John. While there is a law which compels a residence of over a year, we are bound to take them in, no matter from whence they come. There are many females from the north shore, who get a residence, and we have to put them there.

9063. When they are in need you take care of them?—Yes.

9064. You have been an Alderman, I believe?—Yes.

9065. And been engaged more or less in public life?—Yes.

9066. Have you definite views concerning the prohibition of the drink traffic?—As far as I am personally concerned, I should like to see prohibition, but I think it is only a matter of theory. I think you might as well try to prevent the raising of potatoes as to try to suppress or kill the liquor traffic, because I believe there is not a farm in the country but would have a still. While I would be happy to see the law carried and would be willing to submit to a reasonable tax to make up the deficiency in the revenue, I am confident it would take an army of officials to carry out the law; and it would only be the Scott Act repeated on a larger scale.

9067. Do you think a prohibitory law would not be an improvement on the Scott Act?—No; I think there would be the defects of the Scott Act on a larger scale.

9068. Do you think a prohibitory law, thoroughly enforced, would do good?—Certainly, I do.

9069. You are doubtful about its enforcement?—I am not doubtful in the slightest; I feel positive it could not be thoroughly enforced.

## Liquor Traffic—New Brunswick.

*By Judge McDonald :*

9070. Why?—Because I believe that officials never could be maintained by the general Government to suppress the illicit stills; and besides, the necessity of manufacturing alcohol for chemical and medicinal purposes would lead to alcohol being used far in excess of that needed for legitimate purposes.

ALEXANDER C. JARDINE, of St. John, grocer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9071. How long have you lived in St. John?—I was born here.

9072. And have always lived here?—Yes.

9073. How long have you been engaged as a grocer?—About 20 years or a little over.

9074. Have you seen the operation of the license law in this city?—I have.

9075. How did you find it work?—I think it is a sober place as compared with any city of the size.

9076. You have a seafaring population at times?—Yes.

9077. That sometimes makes a place more disorderly than an inland place?—Of course, sailors are apt to be that.

9078. Have you seen the working of the Scott Act?—I have been in places where the Scott Act was in operation.

9079. In this province?—Yes.

9080. How did you find it work?—Not satisfactorily at all.

9081. Liquor was sold in those places?—Yes.

9082. Could you form an opinion as to whether the liquor sold in those places was adulterated or not?—It is of pretty fair quality in some places.

9083. Are you engaged in the trade yourself?—No.

9084. Have you had any experience of the operation of a prohibitory law in Nova Scotia or elsewhere?—They had the Scott Act in Nova Scotia. I have been in places where the Scott Act was in operation there.

9085. Was liquor sold there?—Yes, it is sold in Kentville, where I was the other day.

*By Rev. Dr. McLeod :*

9086. Is your belief that the Scott Act is a failure based on your observation, or what you have read in the papers or heard from others?—Partly from the papers and partly from personal observation.

9087. Has it restricted the trade, or been an absolute failure?—I think all the efforts to restrain drinking and drunkenness have their effect.

9088. Even the efforts made by law have their effect?—They seem to have some effect.

9089. As a grocer, have you observed whether the drink trade has any effect on your business?—In what way?

9090. In that the patrons of the drink trade purchase less largely and are not so good pay?—I never noticed that.

9091. Do you believe that if a man by his drink habits earns less, and has less purchasing power, therefore your business and the general business may be interfered with?—I have never observed it. Of course if he has less money and cannot pay his bills, it is bad for his business.

9092. Has it ever occurred to you that the money which goes into the drink trade is so much money that would otherwise pass into the other branches of trade?—There is no doubt about that.

GEORGE A. KNODEL.



9093. Therefore, it is injurious to other branches of trade?—If it were not spent in that it could be spent in other branches of trade.

*By Mr. Clarke :*

9094. What do you think of the moral effect on the community of having a law on the statute-book which is so flagrantly violated as the law is in Kingsville?—I do not consider it good.

9095. Have you been in Yarmouth?—Yes, many years.

9096. You have observed the way in which the law is enforced there?—I think it is better observed there than in many places.

9097. Have you been in Digby?—Yes.

9098. How is it observed?—Liquor is sold there.

9099. The Scott Act is in force there?—Yes, I believe so.

9100. Have you had experience in the State of Maine?—I have not.

9101. Does the same state of affairs prevail all over New Brunswick as to carrying out the law?—In some cases it is carried out more than in others.

9102. To what do you attribute the activity in carrying out the laws in some places?—To the public interest taken by the people.

9103. And the non-enforcement you attribute to the laxity of public opinion?—I think so.

9104. You think if the public were in earnest in these counties, the law could be enforced?—If the public were in earnest, the law could be enforced.

9105. And you attribute the non-enforcement of the law to the lack of interest on the part of the people?—I think so.

9106. Do you think a general prohibitory law could be enforced?—I do not think it could be, except in small places.

9107. Could it be in cities?—It could not be enforced at all in cities.

9108. The Scott Act is more effective in rural places than in cities?—Yes, where the vast majority of the people are temperate.

*By Rev. Dr. McLeod :*

9109. Your business is in groceries exclusively?—Yes.

9110. Sometimes small traders in country places send to their traders in town and ask for small pieces of dry goods and so on to be forwarded to them?—Yes.

9111. Are you asked to send liquor in that way?—Sometimes.

9112. Have you sent such a package with your goods into Scott Act counties?—We frequently send liquor of various kinds to people out of the city.

9113. And in the Scott Act counties?—I presume so, though I do not remember now.

*By Mr. Clarke :*

9114. Are they sent to be resold or for consumption at home?—For consumption. We do not send except for their own use.

9115. One of the results is to send packages inclosed in other goods?—Not necessarily.

9116. Do these people resell it?—I do not think we send any liquor to people who resell it; they get it for their own use.

## Liquor Traffic—New Brunswick.

WILLIAM R. ROBINSON, of Newcastle, Northumberland County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9117. What is your occupation or calling?—Travelling Secretary for the Good Templars, during the last two years.

9118. In the discharge of your duties, do you go through the Province of New Brunswick?—Yes.

9119. And Nova Scotia?—No, New Brunswick and the Islands of Campobello and Grand Manan.

9120. Do you find any sale of liquor in counties where the prohibitory law is in force?—In some sections of counties.

9121. What are your duties?—To organize Good Templars Lodges and lecture on the principles of the Order.

9122. Do you deliver public lectures at villages and towns?—Yes.

9123. Have you had anything to do with the enforcement of the law?—I have.

9124. As Inspector?—No, as one of a committee and as a citizen.

9125. In what counties?—In Northumberland, Albert, and I have visited other counties.

9126. Take the County of Northumberland: have you been able to suppress the traffic there?—We have.

9127. So it is stamped out?—Not entirely.

9128. In parts?—Yes, in Rogersville, North Esk and South Esk, in those three parishes I am sure no liquor can be obtained. I am not sure about any other parishes, but I know of sections where it cannot be obtained.

9129. How many parishes are there in Northumberland?—Thirteen.

9130. Can you name any parishes in Albert County where no liquor can be obtained?—I do not know that I could name the parishes, but I might the villages. There is Harvey, for one, where no liquor can be obtained.

*By Mr. Clarke :*

9131. What is the population?—Probably 500 people or more.

9132. What other towns are there in Albert county?—There is a place called Albert. There is one place there where they are selling it.

9133. Only one?—Yes.

9134. How large is that?—I should judge as large as Harvey. There is Riverside and Albert, and the bar-room is run on a marsh by a cripple. They were selling liquor in the hotel; but the last time I was there they understood the law would be enforced, and it was closed up.

9135. Then you are able to enforce the law when you set about it?—Yes, most decidedly.

9136-37. How is it that in the other parts the law is not enforced?—In some places the officials will not enforce it, and another trouble is the local Magistrates will not enforce it. I have had difficulty with the Magistrates.

9138. Difficulty in getting Justices to do right?—Yes. Whenever we have had a Magistrate prepared to issue summonses to witnesses, and as constable, an honest man who would do his duty, we have had no difficulty.

9139. Do you mean to say the Magistrates throughout the country are not faithful in enforcing the law?—No, I will not say that; but some, not being lawyers, are timid about it.

9140. Cannot you bring pressure to bear on the local authorities to appoint Inspectors?—The Municipal Councils appoint them.

9141. Cannot you get that done?—In some places we have succeeded.

9142. If they do not act, to what do you attribute their inaction?—To the apathy on the part of the electors, not to the law itself.

WILLIAM R. ROBINSON.

9143. Have you mentioned the names of the largest towns and villages in Albert?—There is the village of Hillsborough.

9144. What are the towns in Northumberland?—Newcastle, Chatham.

9145. Are they violating the law there?—To some extent, but not to such an extent as under the license law.

9146. Has drunkenness decreased?—Largely, I have been in Newcastle when it required four policemen to keep order, and the night watchman will do the work now.

9147. Is the population of Newcastle increasing or decreasing?—It is about the same.

9148. Is there as much shipping there as formerly?—Very nearly.

9149. The same condition of affairs exists as when four policemen were there?—Yes.

9150. Do you think that drunkenness is decreasing in the province?—Yes.

9151. Are you aware that statistics do not bear that out?—I am informed they do not. In old election days there were riots. I attended the last nomination in Albert County, and there were eight hundred or one thousand people there, and only one person was under the influence of alcohol and he was not a resident. I have attended large gatherings in other places and have seen the same results.

9152. Then the law can be enforced, if proper officials can be obtained?—Yes.

9153. Can you explain why the officials are not procured?—It is the false impression that more taxes would be needed.

9154. Does your Order show the people that it will reduce the taxes?—Yes. In Carleton County, after we had a thousand people enlisted under the banner of our Order, they had an official appointed.

9155. Is the law enforced in Albert County?—Very creditably since last March; so much so that the people in favour of the liquor traffic have put a movement on foot to repeal the Act. Some of those engaged in this business acknowledged there was no money in it the way they were pushed, and the only salvation is to prevail on the people to repeal it.

9156. Have you had any person imprisoned for offences?—Yes.

*By Rev. Dr. McLeod:*

9157. You have travelled all over the province?—I have.

9158. And have a very good idea of the strength of prohibition sentiment?—I claim to have.

9159. Do you think the sentiment of the province is sufficiently strong, if it were asked to express itself in favour of a prohibitory law, and its enforcement, to stand by its enforcement?—I believe the people of New Brunswick, to a large extent, would stand by a prohibitory law and its enforcement.

9160. Do you think there would be greater difficulties in the way of a general prohibitory law than in the way of the Canada Temperance Act?—I do not think so.

9161. Do you think it would be easier to enforce a law prohibiting the importation and manufacture as well as the sale, than it is to enforce a law prohibiting only the sale?—I believe it would be easier to enforce a general prohibitory law, because you could see the liquors at the station. Under the Scott Act you must prove the sale, or that the people are keeping a bar.

9162. Now the selling of liquor in Northumberland is made very difficult and unprofitable?—Yes.

9163. And that is the reason the sellers are agitating for the repeal of the Act?—Yes.

9164. How long have the Good Templars been in existence in New Brunswick?—Twenty-two years.

9165. How many have you initiated?—Over 60,000.

9166. What is the present membership?—6,833.

9167. Of that difference between 6,000 and 60,000, what percentage do you believe remain temperance men?—I think I am safe in placing it at 29,000.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

9168. How do you know that?—By travelling. I meet many persons who cannot attend the lodge meetings, or where the lodge has no hall, and if there is an adverse board of school trustees they will not allow them to meet in the school-house. But, of course, that would not be a test of the temperance sentiment of the community. They are just as good temperance people as when they took the pledge, but they are deprived, by objection being raised by one or two people, from holding their meetings.

9169. You believe the 6,000 do not represent that state of the temperance sentiment created and encouraged by Good Templars?—Not by any means.

9170. I understand you have made it so hot for the liquor dealers that they are agitating for the repeal of the Scott Act?—Yes.

9171. Does the acquiescence of the liquor dealers in other counties where the Scott Act is in force show that they are satisfied with the Act, and with being permitted to do very much as they please?—In some counties where it is not enforced they are satisfied, in other counties the public sentiment is in favour of the Act, such as in Albert, or King's, or Queen's or Carleton. In Charlotte the liquor dealers were defeated by nearly 1,000 majority.

9172. Is the law well observed in Charlotte County?—Yes, well observed. In the Island of Campobello, last November, there were three rum shops. I have a letter at home from a gentleman there, and I find that two of the proprietors of those shops had to clear to the United States to escape imprisonment, and the other party was before the Supreme Court.

*By Rev. Dr. McLeod :*

9173. Are the people engaged in this illicit trade in the Scott Act counties at ease, or do they agitate for repeal?—That is the effect.

9174. In how many cases has repeal succeeded in New Brunswick?—The only cases I know of are this county and Portland.

9175. Does your report contain the platform of your principles and the expression of your views?—I have our platform here :—

### GOOD TEMPLARS' PLATFORM.

1. Total abstinence from all intoxicating liquors as a beverage.
2. No licenses in any form, under any circumstances, for the sale of liquors to be used as a beverage.
3. The absolute prohibition of the manufacture, importation and sale of intoxicating liquors for such purposes ; prohibition by the will of the people, expressed in due form of law, with the penalties deserved for a crime of such enormity.
4. The creation of a healthy public opinion upon the subject by the active dissemination of the truth in all the modes known to enlightened philanthropy.
5. The election of good, honest men to administer the laws.
6. Persistence in efforts to save individuals and communities from so dreadful a scourge, against all forms of opposition and difficulties, until our success is complete and universal.

*By Judge McDonald :*

9176. Have you heard the evidence given by some gentlemen here to-day?—Yes.

9177. Take any one of those gentlemen reaching the place as an ordinary traveller, and you reaching the same place as the organizer of the Good Templars and the lecturer, who would be in the best position to see whether liquor was sold or not?—Directly, they would ; indirectly, I would. I would find out the fact from parties living there all the time. They might stay at a leading hotel, where they would make a deliberate attempt to violate the law, and they would come away with the view that that represents the whole county ; but it is not so.

9178. How do you know that when they gave their testimony they confined their test to one particular place?—I have heard them mention it.

9179. Take Mr. Jardine, who travels largely ; he has not confined himself to any particular town. Do you think the other witnesses are mistaken?—I do.

9180. There are three places you say in Northumberland county in which liquors are not sold. If witnesses appear and say that liquors are sold there, would you say

WILLIAM R. ROBINSON.

they are stating what is not true?—In Rogersville, North Esk and South Esk, I believe there is no liquor sold.

9181. You stated it positively?—I could not say positively that they would say what was not true.

9182. Then do you wish to state that it is your belief that no liquor is sold in those places?—Yes.

*By Rev. Dr. McLeod :*

9183. What means have you had of getting knowledge of those places?—I have been travelling myself, and from leading people there I have had information. I mean from the clergymen and priests in charge of those parishes.

9184. Have you had reason to observe that hotel keepers and other illicit dealers in Scott Act counties sell more largely to transients than to residents?—Yes, much more readily.

9185. Do you believe that that accounts for the impression of travellers that the sale is free, because they get it freely?—Very likely that is so. I know that residents at Newcastle, where liquor was sold, proved that they could not get it, while transients could get it.

*By Mr. Clarke :*

9186. Where would a traveller go to procure liquor?—I have met some who have asked me.

*By Mr. Gigault :*

9187. Give me the names of any priests who told you no liquor was sold?—In Rogersville, Father Richard told a friend of mine.

9188. He did not tell you?—No.

9189. You did not get the information yourself?—No.

*By Judge McDonald :*

9190. Are not the convictions for drunkenness large, showing that there has been an increase?—Not in Newcastle.

9191. We had information that in St. John city there has not been an increase ; if that is so and there has been an increase in the province, it must have taken place outside the city?—There are other counties where there are licenses : Restigouche, Gloucester, Kent, Victoria and Madawaska.

9192. Do you say that accounts for the increase?—I would not say.

*By Rev. Dr. McLeod :*

9193. Have you examined the official papers of statistics as to these provinces and the increase of crime, drunkenness and the like?—No.

The Commission adjourned.

## Liquor Traffic—New Brunswick.

ST. JOHN, August 10th, 1892.

The Royal Commission on the Liquor Traffic met this day at 10 a.m., JUDGE • McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

A. CHIPMAN SMITH, Director of Public Works in the city of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9194. What are the duties of your office?—I have charge of all works in connection with the city streets, water and sewage.

9195. And you keep the corporation works in good order?—Yes.

9196. In the discharge of your duties, are you about the city very much?—Yes, all the time.

9197. What is your experience as to the sobriety of the people of this city? Do you consider they are a sober, well-conducted community?—I think so.

9198. Have you been brought in connection with the working of the license law, or the Scott Act officially?—I have with the license law. I was Mayor of the city for three years, and we granted licenses during that time.

9199. When was that?—In 1874, 1875 and 1876.

9200. Was the provincial law in force then?—No, we had a license law.

9201. Under the license law of those days had the Mayor discretion as regards the granting of licenses, or was he guided by information that was laid before him?—The Mayor had discretion under the law in granting licenses.

9202. Had the parties to present petitions for licenses?—No, they had simply to make application.

9203. Then, I suppose, the Mayor would investigate the matter, and if he thought the applicant was a proper person and the premises were suitable, he would grant a license?—Yes.

9204. How was that law found to work?—I think it worked well at that time.

9205. You are able to say, from the fact that you gave supervision to the matter, that it produced good results?—Yes.

9206. Had you a good class of people holding licenses?—A very good class of people. My idea was to grant as many licenses as possible, and I thought it advantageous to the city to have all places where liquor was sold under license.

9207. Did you think that system would be a means of preventing illicit sale?—Yes. The police had very much more control over licensed establishments than over other places, for they had the right to enter.

9208. I understand you to say that you have no official connection with the administration of the Scott Act?—No.

9209. Have you seen anything as to its working?—Yes, a good deal in St. John County, and while it was in force in Portland.

9210. How was the Act observed?—It was not observed apparently.

9211. Was there any liquor sold?—I should think as much as under the license law, in Portland especially.

A. CHIPMAN SMITH.

*By Rev. Dr. McLeod :*

9212. Do you think there is as much illicit sale now as there was during the time you held the office of Mayor?—I would hardly be prepared to swear as to that, but I can say from my own knowledge there is a great deal of illicit sale even now.

9213. Do you remember how many licenses there were during your term of office?—No. I could scarcely remember the number. The license fee was small at that time. At first when I was Mayor it was \$30, and then we had the law altered, and the license fee made \$50. At that time there were about 200 licenses granted, if not more; that was in the old city of St. John.

9214. Do you know how many licenses are granted now within the limits of the old city?—I do not know.

9215. Do you think there are less than 200?—Yes, I do not think there are as many.

9216. Do you think there was illicit sale during the time 200 licenses were granted?—Yes.

9217. Do you think there is more illicit sale with fewer licenses?—Yes.

9218. Have you any means of knowing whether the licensees sell illicitly, during prohibited hours?—No; not to my knowledge.

9219. Do you think they did so under your rule?—I think not. The hours were not so short at that time as they are now. The hours of closing were every night, except Saturday, at eleven o'clock, while it is ten o'clock under the present law, and seven o'clock on Saturday.

9220. Do I understand it is your belief that a larger number of licenses produce a better state of affairs?—I think so.

9221. Is that because it makes less illicit selling?—I think it makes less illicit selling, because it gives the police more control of the sale, they knowing where the sale is taking place.

9222. Do the police have a better control with a larger number of licensed houses than a smaller number?—No, I do not think they have better control.

9223. Do you think there are fewer illicit places for them to look after?—Yes.

*By Mr. Clarke :*

9224. I suppose you have the employment of a large number of men connected with the corporation works?—Yes, quite a number of men.

9225. What is the character of the men? Do you find a large majority of them addicted to liquor, and being brought before the Magistrates on charges of drunkenness?—I have very little trouble of that kind.

9226. It has been stated that as many as 80 per cent of a certain body of working-men were addicted to drink; has that been your experience?—No; we have about 400 men in our employ, and I would not say that more than 5 per cent come within that category.

9227. Do your men lose much time through drunkenness?—No, very little time.

9228. Were you an Almshouse Commissioner?—Yes, I was.

9229. What was your experience in connection with administering the affairs of that institution; did you find a majority of those sent in there addicted to drink, and to have gone there on account of drunkenness or dissipation?—No.

9230. What was your experience?—Most of them went to the almshouse because they were old people; it was more from age than anything of that kind.

9231. Incapacity to work?—Yes. As regards the women, many of them were young women, but a great many of them had illegitimate children.

9232. Has drunkenness decreased substantially in the city since your term of office as Mayor expired?—I think it has to some extent.

9233. To what you attribute the decrease?—I attribute it, to some extent, to the falling off in our floating population. Our floating population is not quite as large as it was during those years. Our floating population sometimes would be nearly equal 50 per cent of our ordinary population. I am speaking particularly of sailors.

9234. And as there has been a decrease in the floating population so there has been a decrease in drunkenness?—Yes.

## Liquor Traffic—New Brunswick.

9235. Have you had any experience in regard to the Maine Liquor Law in its operation?—I have visited a good many towns in Maine.

9236. Recently?—Within the last two years.

9237. What was your experience of those towns? Did you see liquor sold there?—Yes, just as freely as in St. John.

9238. In what towns did you see it sold?—In Bangor, Eastport, Lewiston, Augusta and Portland.

9239. Have you had an opportunity of witnessing the operation of the Scott Act in counties in this province in which it is in force?—No, not very much in this province outside of St. John County.

9240. Was it a complete failure in Portland when it was the law?—Yes, and it was a complete failure in St. John County.

9241. To what do you attribute its failure?—I do not think the people ever attempted to carry it out.

9242. To what do you attribute the apathy on the part of the local authorities?—I think the people would not be coerced by an Act of that kind.

9243. If the people did not desire to be coerced, would they not repeal the Act after a given time? Was not the Act carried by a substantial majority in St. John County?—Not by a very large majority; and there was, moreover, very great doubt about the legality of the Act, which made the people very apathetic at that time.

9244. I understand it was carried by 43 majority. After it was carried, I suppose it became the law?—Yes.

9245. I think the law makes provision for the appointment by the Council of inspectors to enforce the law. Was any attempt made by the Council to put the machinery of the law into operation?—I do not think any Inspector was ever appointed.

9246. If there had been an Inspector appointed, do you think in the state of public opinion he would have been able to enforce the law?—I do not think so.

9247. Your experience in connection with the operation of the Scott Act is limited?—Yes, it is very limited.

9248. But as regards your experience of the Act, your opinion is that it has been to a large degree a failure?—Yes.

*By Mr. Gigault :*

9249. Have you many temperance societies in this city?—There are a great many in the city.

9250. Are they doing a good work towards promoting temperance?—I know there are a very great many temperance societies in the City of St. John.

9251. Are they doing a great deal towards promoting temperance?—I think they are doing a great deal of good work.

*By Rev. Dr. McLeod :*

9252. You have said that the Canada Temperance Act, so far as you have observed, is not enforced: do you know whether it has had the effect in any degree of restricting the trade in places where it has been in operation?—I do not know.

9253. You do not know from your own observation?—Not from my own observation.

9254. I think you said that one reason why the law was not enforced was that the people decidedly object to being coerced: what people do you mean?—The general public I speak of.

9255. Was that the real reason why the law was not enforced in Portland, which you said came more closely under your observation?—I should say so.

9256. Are you aware there was serious doubt as to whether the law was in operation there or not?—I know there was a question as to whether the law was in force in the County of St. John at the time the vote was taken.

9257. Do you think that had some effect in interfering with the enforcement of the Act?—I could not say so.

9258. Do you think if there was that doubt, there would be any attempt made to enforce it?—Yes.

A. CHIPMAN SMITH.



9259. That is a matter of opinion, I suppose?—Yes.

9260. What class of men are employed mostly by you as Director of public works of the city: are they skilled men, or ordinary labourers?—I have a large number of skilled men, but the majority are ordinary labourers.

9261. Among the skilled labourers, is the drink habit prevalent?—No, not at all prevalent.

9262. Do you make any difference in employing men as to whether they are drinkers or not?—We will not employ a man whom we know to be an habitual drunkard.

9263. Not on any work requiring skilled labour?—Not in ordinary labour, because we would not have confidence in such a man.

9264. You mean he would be irregular in his work?—Yes.

9265. Is it a fact that a number of those who are engaged in your department are people who pay their taxes by doing corporation labour?—A great many have to pay their taxes out of the labour they do.

9266. Are there not a number of people who would not pay taxes except they get the chance of doing corporation labour in your department?—I think to some extent our street work is done more by charitable associations than anything else. It is a means of keeping a number of the old people out of the poorhouse.

9267. Of that class of people, are a number of them in that condition because of the drink habit?—Not that I know of.

9268. None of them?—I do not think I could mention one of them.

Miss SARAH C. FROST, matron of the Protestant Orphan Asylum, St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

9269. How long have you been in charge of the Protestant Orphan Asylum of this city?—Twenty years.

9270. How many inmates are there?—Thirty-five at present.

9271. How many boys?—Fourteen.

9272. How many girls?—Twenty-one.

9273. How are the children admitted there: on what authority?—Mr. Turnbull is our President, and they are admitted on the authority of the Board.

9274. What are the requirements? Are children who have parents living admitted?—If one parent. A child is considered by the law not an orphan if his father is living. A child is considered an orphan if his father is dead. Some funds were received by the institution at the breaking up of the ragged school, on condition that we would take in children who were left destitute. We find from our experience that there are many more men who have trouble in that way than women, because the men have to go to their work and neglect the children; whereas a woman might live poorly, but would take care of her children. So now we take a child if the mother is dead.

9275. Do you have some children who are really orphans?—No, not many of them. I think at present there are not more than four or five such in the institution.

9276. And the others have one parent living?—Yes.

9277. Have you made any examination into the causes of the children being in your institution?—Indeed I have.

9278. Is it owing to poverty on the part of the parent who is living?—During twenty years there have not been twenty cases in which drunkenness did not bring the children here.

9279. Then the first cause is poverty, and that poverty is caused by drunkenness?—Yes, sometimes the mother and sometimes the father.

9280. Is a large proportion of cases caused in that way?—It is very seldom otherwise.

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9281. How long do the children remain with you?—They remain with us until they are 15 years of age. We do not adopt them at present.

9282. Are the parents allowed access to them?—Yes, once a month if they behave themselves. They often come there under the influence of liquor. Still, we do as well as we can with them.

9283. I suppose the children while there are taught religious principles and are given lessons on temperance?—Yes. A boy who went out of our institution the other day came to me and said: "I am never going to drink any liquor." Some of our children have turned out well, and I do not know any one who has gone out from us who has been a drunkard afterwards.

9284. Then the results of the training in your institution have been beneficial?—Yes.

*By Mr. Clarke :*

9285. You say you do not know in your experience of one case where an inmate has turned out badly?—I can only think of one, and he was a little boy who went from the institution. I have been told that he has been seen on the streets under the influence of liquor.

9286. Notwithstanding the fact that the parents were in nearly every instance addicted to drink, the children who have resided in your home have turned out well?—Yes. I am strongly opposed to liquor, and I will not allow it in the institution.

9287. Have there been more applicants within the last year or two than formerly?—We have now thirty-five; we have had thirty-six until this week. We have never exceeded thirty-three before, and seldom came up to that number.

9288. Can you account for the increase in the number of inmates?—No.

9289. Do you attribute it to the increased drunkenness or increased poverty?—Drunkenness was at the bottom of it either directly or indirectly.

*By Rev. Dr. McLeod :*

9290. I think you said you have been in charge twenty years?—Yes.

9291. Are you able to say how many children have been under your charge during those twenty years?—I counted them up the other night.

9292. Have you had an average of twenty per year?—I think so.

9293. How is the institution supported?—Voluntarily. We have a sinking fund of about \$20,000 from which we draw interest.

9294. Have you any grant by the city?—No, the institution is supported by voluntary contributions.

9295. Does the expenditure come within the receipts?—Yes.

HENRY L. STURDEE of St. John, barrister-at-law, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

9296. Have you at any time held an official position in this city?—I was for three years an Alderman for the upper part of Portland, and I was Mayor of that City during two years. I was also Warden of this county for two years.

9297. Were you in office during the time the Scott Act was in force?—Yes.

9298. And also when the license law was in force?—Yes. The Scott Act came into force immediately after I was elected.

9299. Have you known the operation both of the license law and the Scott Act in Portland?—Yes, I suppose so, although my duties did not bring me very much into contact with that part of the law.

9300. Was the Scott Act observed?—No, it was not.

MISS SARAH C. FROST.

9301. How was it observed in the county?—It was not in force in the county while I was Mayor of the Municipal Council, but I understand that afterwards it was not enforced.

9302. The whole of the city is now under the license law I believe, St. John, including Portland?—Yes.

*By Mr. Clarke :*

9303. Is the condition of things better under the license law than under the Scott Act in Portland?—I think it is much better under the license law than it was under the Scott Act.

9304. Were you Warden when the Act came into force in the county?—I think I was Warden from 1884 to 1886, and Mayor during 1886 and 1887. But the Scott Act was not in force in the county while I was Mayor of the Municipal Council.

9305. How was it enforced while it was law in the county?—It was not enforced in the county at the time I was a member of the board.

9306. Were there any legal disabilities in the way of its enforcement?—I do not know of my own knowledge.

9307. It has been pointed out that the reason of the non-enforcement of the Act in Portland was owing to some legal question being raised as to the validity of the vote: was there any such difficulty in the county?—I do not know.

9308. Did the County Council appoint an officer to enforce the Act?—I am not aware that it did; I do not think it did. I was not in the Municipal Council while the law was in force in the county. In Portland there were several legal difficulties raised, one being as to whether Portland was part of the county or not. One reason why the law was not enforced, was that it was generally thought that the sympathies of the people were not with it.

9309. Is it not a fact that the majority of the people voted in favor of the adoption of the Act?—Yes, but I do not think a majority of the voters voted for it, or voted at all. I cannot, however, recollect the figures.

9310. How do you account for the apathy of the electors in regard to a matter of such importance?—I hardly know how to account for it. One class objected to the principle of legislation, another declared that if the Act was going to do any good they would vote for it, and another class honestly thought it would be a good thing. There are a number of people who do not bother their heads about the matter. There was a small vote cast. There was difficulty in Portland, for there was no Inspector appointed, and the Council refused to appoint one. The matter was discussed, and it was felt by a majority of the board that there was no obligation cast upon them to appoint an Inspector, and if they did so they might, owing to legal difficulties, perhaps involve the community in costs for litigation. Accordingly, no Inspector was appointed.

9311. The Chief Constable of Portland was before the Commission yesterday, and he stated that he wrote to the Council in regard to the enforcement of the law and asking instructions, and he mentioned that the Council did not even answer his communication?—I cannot remember that, but I know the matter was discussed. I do not remember the fact of the Chief Constable sending a communication; but if he did so, it was read to the Council.

9312. Do you think if an Inspector had been appointed, he could have enforced the law?—No, because the very first case would have been tied up by litigation, as was done in other places, and then the municipal body could not have gone on with any further prosecutions until the legal points had been settled.

9313. Have you had an opportunity of observing the operation of the law in other places besides St. John?—I have been in other counties where the Scott Act was supposed to be in force. My experience everywhere was the same as in Portland. I never found any difficulty or saw any difference.

9314. The law was generally not observed?—Yes, so far as my experience goes; that is to say, the sale of liquor was not stopped. Of course there were some who did cease selling.

9315. The present law makes provision for the appointment of an Inspector by those municipalities in which the people had voted for the adoption of the Act and where

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it had become the law. To what do you attribute the inaction of the municipality in not appointing an Inspector?—Do you mean an Inspector under the Scott Act?

9316. Yes, I mean under the Scott Act.—I cannot speak from my recollection of what took place; in Portland it was on account of the difficulties in the way.

9317. Do you think the same condition of things exists throughout the province?—I cannot answer from my personal knowledge, but my impression is that it does. There is an immense amount of litigation under the Act, as every one knows.

9318. Can you suggest any amendment to, or change in the Act that would render it more easily workable, and simplify its operations?—I am not sufficiently familiar with the Act to make any suggestions. My own private opinion is that it is a mistake, and I do not think it will carry out the intention of the promoters. My opinion is that a proper license law is the best measure for the community at large.

9319. From your experience of the operation of the Scott Act, do you think a general prohibitory Act could be enforced?—I do not.

9320. Have you had any opportunities of observing the working of the Maine Liquor Law?—I have in one or two places in the State of Maine, in Bangor and Portland, and I could see no difficulty in obtaining liquor. I have seen the bar-rooms as open there as here. I cannot give any information as to what the effect of the law is, as to whether it has reduced the sale of liquor or not.

9321. Certainly it has not prohibited it?—Not so far as I have seen.

*By Rev. Dr. McLeod:*

9322. You have said that the Scott Act in Portland was a dead letter. Do you believe that was attributable entirely to the lack of public feeling in favour of the law, or attributable in part to the uncertainty as to whether the law was really in operation or not?—I should say for both reasons.

9323. Which chiefly?—It would be very difficult to answer that question. I know that the City Council and myself felt that we would not place the city in a position where it might be involved in very heavy law costs.

9324. Was that not one of the reasons why the City Council did not take steps to enforce the law?—Yes. They also felt that there was no duty cast upon them as a Council to interfere in regard to it.

9325. But they dreaded involving the city in law expenses?—That was one of the reasons, because of the uncertainty of the legal position.

9326. You have spoken of the Scott Act being a failure in other places you have visited, in that it does not prohibit the sale of liquor, do you mean that it has not absolutely prohibited the sale?—Yes, it has not.

9327. Do you believe it has prohibited the sale in any degree?—So far as I could judge, perhaps the number of places that were open to the public was not so great as before, but I think there were a great many dens in holes and corners where people could step in and get something to drink, and the vilest stuff. That has been one effect of it.

9328. Is that true of Portland alone, or places you have visited?—I cannot speak in regard to my personal experience, I am only giving my opinion from what I have heard.

9329. Not from your own knowledge?—No.

9330. In the statements you have made regarding other places than Portland, have you simply stated what you have heard?—Yes.

9331. Has what you have heard come from interested parties, or from parties who took a fair and impartial view of the matter?—From general conversation, and from people expressing their opinions.

9332. Then with respect to Maine: do you think your observation of Maine has been sufficiently general and sufficiently close to enable you to express an opinion as to the success or failure of the prohibitory law there?—Not from my own personal knowledge. I have stated all I have seen.

9333. Your visits have been hurried, I suppose?—Yes, not very lengthy.

HENRY L. STURDEE.

9334. And frequent, I suppose?—Not very frequent. I have been several times in Portland and in Bangor. I may say that for two years I was Receiver of the Grand Southern Railway, and I had occasion to visit Calais every month, but I never saw any sale of liquor there.

9335. And that is in Maine?—Yes. I did not look for it.

9336. Not as you would under a license system?—I did not observe it; I never thought of it.

9337. You have also said you think the condition of affairs is better under license than under the Canada Temperance Act. Will you state why you hold that opinion?—Because I think that the feeling of the people, of the large majority of the people, is not in favour of a law such as the Canada Temperance Act is, or a prohibitory law would be. A strict license law, under proper supervision, would be more easily and readily enforced, and would deal more effectually with the trade than could be done by attempting to prevent the sale of liquor, as the Canada Temperance Act does.

9338. Do you think a prohibitory law, thoroughly well enforced, would have a good effect, or ill effect?—I cannot imagine such a state of things. I cannot imagine a prohibitory law enforced. I have a recollection of the prohibitory law of 1856, and I know that was a dead letter.

9339. You must have been quite a lad then?—Yes, but I have a distinct recollection of it, and I remember it well.

9340. Do you think temperance sentiment has grown stronger since 1856?—When you speak of temperance, what do you mean?

9341. I mean temperance sentiment, and a feeling in favour of prohibition?—I cannot say whether there has been a stronger feeling in favour of prohibition. The temperance sentiment and the sentiment in regard to moderate drinking have increased, but not as to prohibition.

9342. How do you account for the steadily increasing restrictive legislation as to the trade since 1856? You know that all legislation since 1856 has grown stronger and more restrictive, placing more limitations on the trade. How has this occurred if the feeling in favour of prohibition has not grown?—I think there is a feeling throughout every community in favour of having police regulations in regard to any trade or business that should be controlled; but I have no personal knowledge of the matter.

9343. Do you object to stating why you think the liquor trade should be controlled?—It seems to be the general opinion that this is one of the best means of raising a revenue. That is one of the reasons why licenses were originally issued. Beyond that, I cannot say.

9344. You have no other reason?—I have no opinion about it. I never gave it a thought.

9345. Then, it is from revenue considerations you think the liquor trade should be controlled?—I do.

9346. For what reason?—I think the trade should be controlled in this way: there should be a proper inspection of the articles sold; the trade should be in the hands of respectable people, and it should be controlled by the municipal authorities.

9347. You say, controlled as to the articles sold. Have you the idea that there is a good deal of adulteration?—I understand there is.

9348. And you think there should be a close inspection as to the quality of the article sold?—I think so. I think there should be an officer appointed, who would have the power to inspect.

9349. Besides revenue purposes and the inspection of the quality of the article, is there any other reason why the trade should be controlled?—Not except what I have stated. I think it should be in the hands of respectable and reliable people, and that liquor should not be allowed to be sold indiscriminately to people, and sold by people, who, perhaps for the sake of making money, would sell an adulterated article.

9350. You are an observing man and have held official positions: Have you observed whether the drink trade affects the social condition and business of the city injuriously?—I cannot say that I have noticed it.

9351. You have been Receiver, you say, of the Grand Southern Railway?—Yes.

9352. Did you have anything to do with the employees of the road?—Yes.

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9353. Did you find that the drink habit had any effect on the employees of the road?—There were very few who ever drank at all.

9354. If men were drinkers, were they less valuable?—Certainly. If I had under my control a man who had the habit of drinking, that is to say, who became incapacitated and was not able to work, I would at once discharge him.

9355. Because he would not be so valuable to you?—Not only not so valuable, but as he would have charge of life and property, he would be less trustworthy on that account. I have had no such case in my experience.

9356–57. You have not had such men?—No.

9358. But if you had such men in your employ, you would get rid of them because they would not be trustworthy. Do you understand the drink trade has any relation to the drink habit, and to the untrustworthiness of those men?—I cannot say; I do not know how I could answer that question. I suppose if there was no drink to be had, they could not get it.

9359. Would it be a good thing or a bad thing for them?—You speak as if people could not control themselves and should be controlled in some way. I could hardly express any further opinion on the subject.

*By Mr. Clarke :*

9360. You recollect the prohibitory legislation of 1856?—Yes.

9361. It was a complete failure, and the Act was repealed I understand?—The Act came into force on the 1st of January, 1856, and it was repealed during the following July or August. I remember when the House was dissolved, and there was an election run on that issue. I think it was in July.

9362. Was the growth of the temperance sentiment aided or retarded by the passage of that Act?—I was too young at the time to be able to offer an opinion on that point.

9363. You cannot say?—No, I do not know.

9364. The Provincial Government has, in its liquor law, made provision for the appointment of an Inspector, and has given authority to the local municipalities to appoint Inspectors when the Scott Act is in force, and the Dominion Government have provided that the fines from violations of the Scott Act shall be placed at the disposal of the Municipal Councils to aid them in the enforcement of the law. Could you suggest any further machinery that would enable the Scott Act to be enforced after it had been adopted?—No. I have never given the matter any thought. My own opinion is, that the Scott Act is a mistake, and all the machinery you could get would not make it as effectual, as it was originally intended to be.

G. R. J. CRAWFORD, M. D., of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

9365. Do you hold any official position?—No. At present I am oculist to the St. John general hospital. I was formerly house surgeon in the hospital.

9366. Were you present yesterday when the evidence was given by the present house surgeon?—No.

*By Rev. Dr. McLeod :*

9367. Do you regard total abstinence as compatible with the best health?—I do.

9368. Is habitual moderate drinking compatible with the best health?—That depends on circumstances.

9369. Will you state those circumstances?—I think it depends on what moderation might be considered.

HENRY L. STURDEE.

9370. How would you define moderation?—I do not think I can answer that question satisfactorily. I might answer it from knowledge gained by reading, if that would be satisfactory.

9371. From knowledge gained by your reading and from practice?—I can from reading.

*By Mr. Clarke :*

9372. Then you have no opinion of your own?—No, because I have not had sufficient experience with such class of cases.

*By Rev. Dr. McLeod :*

9373. Is the habit of moderate drinking harmless or hurtful?—I would be inclined to say it would be harmful, but to what extent I would not be prepared to say.

9374. Other things being equal, has the abstainer any better expectation of life than an habitual moderate drinker?—I should rather say he had.

9375. Has a total abstainer a better chance than a drinking man to recover in case of sickness or accident?—That is a rather difficult question to answer. It depends altogether on what you regard as moderation. If a man had drank such a small quantity and at such long intervals that I should not consider his system affected, then I would say his chance of recovery was equally as good as that of the abstainer. I do not think the fact of not being an entire total abstainer would affect his recovery one way or the other.

9376. At what point does the habitual use of drink affect a man in this regard, that it makes his chance of recovery less than it would be if he had not drank?—When it had gone so far as to impair his digestion and interfere with the nutrient properties of his food. That condition would seriously interfere with his recovery.

9377. The time that would occur would depend to some extent on the physique of the man?—Yes. That would have something to do with it.

9378. Other things being equal, are the children of habitual drinkers more likely than the children of abstainers to be liable to brain or heart disease, or of any kind of physical weakness or defect?—That is a rather difficult question to answer. I should be inclined to answer it in this way: If intemperate habits had debilitated the patient in any shape, probably that weakness might be transmitted in some way to the offspring.

9379. Do intemperate habits debilitate the parents?—Yes.

9380. What do you mean by intemperate habits?—I should say a man who is taking constantly large quantities of alcohol, so that it impairs his digestion, or interferes with the ordinary business transactions of life, or the social relations of life, is intemperate.

9381. Do you mean that he will necessarily drink more or less frequently?—No, I do not say that.

9382. What do you think the effect would be upon the health of the community of a total abstinence law, a prohibitory law, thoroughly well enforced?—I think it would be beneficial.

*By Mr. Gigault :*

9383. Is the moderate use of wine sometimes useful to patients?—Yes, I think so, if they are suffering from illness, and it is prescribed by a physician. He is supposed to know when it is indicated.

*By Mr. Clarke :*

9384. Do you use alcohol as a stimulant in case of sickness?—Yes.

9385. What do you understand by the term habitual moderate drinker used in answering the question propounded by Rev. Dr. McLeod?—I suppose that an habitual moderate drinker is a man who drinks several glasses each day.

9386. Your answer must be qualified then, according to your understanding of that term?—Yes.

9387. If a man takes a glass of wine or ale at his dinner, do you consider his health will be impaired if he persists in that practice?—I could not say.

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9388. Do you ever in your practice know cases of impaired digestion to occur among total abstainers?—Yes.

*By Rev. Dr. McLeod :*

9389. Did you hear the evidence of the house physician at the hospital?—No.

9390. You were house physician during a certain period?—Yes, three years.

9391. Will you state what proportion of cases, whether accidents or sickness under your charge, might be traced directly or indirectly to drink?—Expecting to be a witness, I ran over the records, and I may explain that we were not very particular at that time in taking the histories of cases. In regard to the cases I may say that we endeavoured to make a diagnosis: that the disease was due to intemperance, or there was *delirium tremens* or something of that kind, or there were cases of liver or kidney diseases, which were pretty certain to have resulted from intemperance, or perhaps we could not find out what was the cause so as to be able to give an accurate account; but running over the cases, I found that during the three years I was at the hospital there were thing over 4,000 patients, and of that number I should think there were 36 cases of intemperance. Of course that is an approximate number.

9392. That is 36 cases of alcoholism?—Yes, and some few of the diseases I should say resulted from intemperate habits directly.

9393. Can you form any opinion as to how many of the other cases than those of alcoholism were either traceable to, or aggravated by the drink habit?—No, I could not answer that question.

9394. Did you have many cases of accident?—Quite a number.

9395. How many of them were traceable to drink?—I could not say, but the proportion would be rather small, that is, so far as my recollection goes.

*By Mr. Clarke :*

9396. Were the cases of accident included in the number?—Yes, I think they were included.

*By Rev. Dr. McLeod :*

9397. I understand they were not included in the 36 cases of alcoholism?—No, they would not be covered, because I think we had one or two cases where the patients were burnt to death. In one of these cases, at least, it was traced to alcoholism. That would not appear; and, at all events, I think the percentage of accidents traceable to drink is not very large. I have no doubt of it.

JAMES HANNAY, of St. John, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

9398. What is your occupation or calling?—Assistant Editor of *The Telegraph*.

9399. How long have you lived in St. John?—I have lived in St. John since 1862, but I have been away eight or nine or ten years. I have been here twenty years.

9400. How long have you been in the province?—I was born here, and have lived here all the time except three or four years.

9401. Do you remember the legislation of 1854, 1855 and 1856?—I do to the extent a boy of fourteen would do. I remember standing on Prince William street when that law came into force, and thinking when the bell rung we had a prohibitory law enacted, and I remember the fight for its enforcement, and the dissolution of the Legislature by Governor Manners Sutton. I took a lively interest in the election as a boy and in the repeal of the Act.

9402. Do you recollect whether that Act had the effect, while it was in force, of prohibiting the sale of liquor?—Not at all. I understand it was continually violated

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and there were a number of cases in court all the time ; and it was found to a considerable extent the same as the Scott Act was afterwards.

9403. Have you known anything of the operation of the Scott Act?—I have seen it in Westmoreland County and in Cumberland County, Nova Scotia.

9404. How have you found it observed?—I never saw it observed at all. I think as much liquor sale has taken place under the Scott Act as without it. In Springhill and in Parrsboro' there are seven hotels, and six of them serve liquor, and there are nine or ten other places where it is sold in a small place of 2,000 inhabitants.

9405. How is it in Cumberland?—It is also sold in Moncton and in Shediac, and a few days ago it was sold in Hampton.

9406. You have been a public journalist?—For twenty-nine years.

9407. You have had an opportunity during that time of gauging public opinion?—A pretty fair opportunity.

9408. And the outcome of public opinion?—Yes.

9409. Do you think that in case a general prohibitory law, preventing the manufacture, importation and sale of intoxicating liquor, were passed, it could be carried out?—I do not think it possibly could be carried out.

9410. What would be the difficulty?—Perhaps half the population are interested in violating the law. With an ordinary law, not more than one man in a hundred or a thousand wants to violate it, but in this case they think it is an interference with personal liberty, and they do not think one person in fifty has the right to say what the other forty-nine shall eat or drink.

9411. As to smuggling?—I think smuggling could not be prevented. Even now, it is very difficult to keep smugglers out of the St. Lawrence, and then every one who wanted a drink would be interested in smuggling.

9412. Do you think there would be illicit stills in operation?—I think the operation of a prohibitory law would demoralize the revenue. There would be as much liquor drunk as ever. There would be two years of anarchy, and then we would come back to the license system.

9413. You think in regard to this matter there is a difference?—Yes ; it is an artificial crime. It is a crime created by law. No one thinks it a crime to drink a glass of liquor or to sell it, but when you make a crime by law it is not like theft or murder, and a violation of that law is not looked upon as a violation of the moral law.

9414. You think that the state of public sentiment in regard to it must be considered?—Certainly.

*By Rev. Dr. McLeod :*

9415. Do you object to other laws which interfere with what men regard as their rights?—It would depend upon what the laws were.

9416. I suppose the city of St. John has fire limits. A man is not allowed to build a house of a certain kind within certain limits. Is not that an interference with his rights?—All laws are an interference to a certain extent, but that is to prevent a certain neighbourhood from being burnt down.

9417. What is the interference with the drink traffic?—It is to prevent a man who takes a drink from taking it when he wants it.

9418. Is that your view?—Yes ; I think those who do not drink themselves want to prevent others from taking it.

9419. Or is it from a persuasion that the drink trade is a menace to the community, and that therefore it is desirable to minimize the evil?—No doubt a good many hold that opinion.

9420. Do you think it is a menace?—I would be content if there were no drinking. I have no interest in it, but I do not think these are proper kinds of laws to enact.

9421. Do you think the laws as they exist in any way express public sentiment?—They do in a rough fashion.

9422. Is it not a fact that all laws express public sentiment somewhat?—They do in some way. The prohibitory law was passed by a Legislature which did not intend to pass it. There were many men who voted for that law who were toppers themselves,

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who would hardly be satisfied if they could not get a drink, and who thought the Legislative Council would throw it out ; but they did not, and cast the responsibility on the other House.

9423. Are there not laws that have not the support of public sentiment ?—I do not recollect any ; but perhaps you refer to the Scott Act ; that has been passed owing to the cowards and the timid people amongst the members of Parliament. They are afraid of the extreme temperance element in their constituencies. We have a member for Cumberland who is not a total abstainer, but who pledged himself to vote for total prohibition because he could not be elected otherwise.

9424. Because the majority are in favour of it ?—No ; but because two or three hundred people might vote Liberal though they are Conservatives.

*By Mr. Clarke :*

9425. You recollect this celebrated Act of 1855 ?—Yes ; it ran for about six months.

9426. It only remained on the statute-book until a new election could be held ?—Yes ; the House was dissolved in May or June, and the House was called together immediately afterwards.

9427. It was disregarded ?—It was totally disregarded.

9428. Was there machinery for enforcing it ?—There was machinery.

9429. And it was a dead letter ?—Yes.

9430. As regards the Scott Act : do you think there is machinery provided for the enforcement of it ?—I think there is too much. I think it has gone to an outrageous length in favour of prosecutions. You can be convicted without evidence, and cannot obtain a review.

9431. A review of the evidence ?—Of the evidence.

9432. The Provincial Legislature has provided for the payment of officials ?—Yes.

9433. Can you account for the non-appointment of officials ?—I think the expense has been the great trouble. Our people, and especially the country people, are very much afraid of taxation and do not like to increase the assessment by \$100 a year.

9434. But the Act provides the salary of the Inspector shall not be over \$500 ?—In some of our counties if you proposed to appoint a salaried officer at \$500, they would think they were ruined.

9435. Do you mean Scott Act counties ?—Yes.

9436. Do you think the people of the country would be demoralized if a general prohibitory law were passed ?—We would lose the revenue from the liquor traffic, a great many people would be engaged in smuggling, and I do not know of any means of obtaining the revenue otherwise.

9437. Have you been in Maine ?—Yes, in four towns, Calais, Eastport, Bangor and Portland.

9438. Have you observed any marked evidence of the observance of the law ?—In Eastport, liquid has always been sold at Maybee's hotel. I have not been in Calais for many years, but when I was there it was freely sold. In Portland I have seen open bars, and in Bangor, with half the population of St. John, the town consumes as much liquor as we do. Once I went there with a friend, and was invited up to the house ; he sent to the drug store and bought a dozen of ale as openly and freely as you could here. He had it sent to the house for the entertainment of his friends.

9439. Do you know anything as to whether the Scott Act is enforced in Nova Scotia or not ?—I have been in Amherst, Springhill and Cumberland.

9440. What is the moral effect on a community of enacting a law like the prohibitory law in Maine, or the prohibitory law here, and not having it enforced ?—The effect is very bad. In Parrsboro', 60 or 80 years ago, as in other communities, you could not raise a barn or anything else without rum. Thirty years ago, I suppose you could not get five gallons of liquor within any reasonable distance of Parrsboro'. The Scott Act came in force, and the sale of liquor in Parrsboro' village took place. Instead of being able to take a drink in a bar, however, as a rule the young men bought a flask or a bottle, and they went off and drank from the bottle without water, and I saw more drunkenness on 1st July, 1888, in Parrsboro' than I would see in St. John in a month.

JAMES HANNAY.

9441. Is the Scott Act in force there?—Yes; it is enforced spasmodically. Sometimes the people are fined \$50 and sometimes they are put in jail.

9442. Under the License Act, was there more drinking than now?—There were 250 licenses in this city and Portland, probably. There were 150 retail licenses. There were 23 wholesale licenses, and in Portland there were 57 retail licenses.

9443-44. Has the reduction promoted the cause of temperance?—I think it has. I know there is nothing like the quantity of liquor consumed in St. John that there was twenty-five or thirty years ago, and it is not simply because of the floating population, but the young men in St. John do not drink as they did.

9445. Because of the increased restrictions on the traffic?—I think there is a gradual temperance sentiment growing up. It is not considered as respectable to drink to any extent as it was formerly.

9446. What are your views as to the government of the trade generally?—I would have a high license, so that the trade would be in the hands of respectable people; and I believe that these people would see if they paid a heavy license that the law was not infringed upon by outsiders. If a man paid \$500 for a license, he would not be inclined to let people next door sell liquor without paying for a license.

9447. Would you charge as much for light wines and beer licenses as for spirits?—I do not think it is possible to make a distinction.

9448. As a journalist, with an experience of 25 or 30 years, and with experience of the working of the Scott Act, what is your opinion in regard to it?—I think it is a complete failure. I do not think it has stopped one man from getting a drink.

9449. Do you visit Fredericton?—Frequently.

9450. How is it observed there?—I saw a steady procession into the bar-rooms there; for myself, I have not taken any there for ten years.

9451. Do strangers find any difficulty in obtaining liquor?—Not the slightest. I think you could have a barrel of liquor taken up to your room without difficulty.

*By Rev. Dr. McLeod:*

9452. Has the law been enforced at all in Fredericton?—I presume it has, because some people have been in jail, but it has not been effectively enforced.

9453. Outside of the hotels, is it enforced?—I do not know, because I have never been in a bar there.

9454. You have been in the hotels altogether?—Yes.

9455. Have you ever been in Fredericton when there were not open bars in the hotels?—I do not think so. The only exception, I think, was when the proprietors were in jail and the hotels were closed; but still liquor was sold.

9456. Has the population of Parrsboro' increased?—Largely.

9457. There are more strangers there?—Yes.

9458. Do you think that accounts for the increase in the sale of liquor?—Partly, but there is a more demoralized state of feeling there. The people are not a drinking people, but a young man who has been working gets a drink when he gets to town, and he may not see drink for a year again.

9459. The evidence is that the Act is enforced in Cumberland?—It is not in Amherst. I was there last April, and certainly it is not enforced in Springhill.

9460. Do you think the prohibition of the trade makes men drink, while the license law has the effect of deterring them?—I think many a man resents being dictated to by the law saying he shall not drink.

9461. You think he makes his protest against that by taking a drink?—I think so.

9462. Do you think that temptation would be removed by making the trade free?—I would not make it very free, I would have a high license.

9463. Why?—Because you would have better people engaged in it, and more control over them.

9464. Have you observed any community where high licenses existed?—Not particularly. I have no personal knowledge of it, but I have read a good deal about the high license business in the west, in Dakota and some other States.

9465. Do you think that the licensees would see that the delinquents would be brought to book?—They would have an interest in it.

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9466. Did you hear the statement of some witnesses, yesterday, that they would not inform on the illicit sellers?—If there were a high license, I think probably they would.

9467. You say it is not so respectable to drink now as it used to be. To what do you attribute that fact?—To the growth of temperance sentiment, and the work of temperance societies.

9468. You think that sentiment has grown?—Certainly.

9469. Has it found expression in the way of temperance laws?—It has made the temperance people more aggressive and more determined to have their own way.

9470. Has it become more the habit of the people at large?—I think where there are two political parties, they are apt to have their own way to a certain extent.

9471. Do you think that the number of those who think that prohibition is desirable, whether feasible or not, is increasing?—I do not think it is. I think if you were to poll the temperance bodies of this town you would not find them unanimous on the subject of prohibition.

9472. Has there been any change in the status of the trade?—I do not know that there has. I think there are a good many people in the trade now who were in it thirty years ago.

9473. But if drinking is less respectable, the trade might be affected in the same way?—The bars are not so much frequented. Every generation is less tempted to bar-room drinking.

9474. Has every Scott Act county in the province appointed an Inspector?—I think King's County has, but I only know from hearing of it.

*By Judge McDonald :*

9475. Do you think that compensation should be given to brewers and distillers if a prohibitory law were enacted?—That is a very debatable point.

*By Mr. Clarke :*

9476. Do you think the saloon bar is more injurious than the hotel bar?—I do not think there is any particular difference.

9477. Do you think the hotel bar is a greater evil, from a temperance stand-point, than the saloon bar?—I do not think so. There is no difference. There is no food provided, they are just sample bars.

*By Rev. Dr. McLeod :*

9478. Is either bar disastrous?—I think if you had a community that had no bars, it might be better.

9479. If a prohibitory law were enacted, with thorough means of enforcement, do you think it would have a good or evil effect?—I do not think unless you had 90 per cent of the people in favour of prohibition, it would succeed, because as long as you had a strong element determined to resist the law, it would create demoralization.

9480. But if 90 per cent were in favour of it, and it were enforced, would the effect be beneficial to business and to social life?—I think if no liquor were consumed, it would be better.

9481. You think it would be beneficial to have no liquor?—I contend that none should be used at all.

THOMAS W. PETERS, Mayor of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9482. What is your residence ?—St. John.

9483. What is your occupation or calling ?—Barrister.

9484. You are at present Mayor of the city ?—Yes, for the second year.

9485. Under the provisions of the present Liquor License Law in force in this city, have you special duties regarding the issue of licenses ?—Yes. The Mayor has to determine who the licensee shall be. The law determines the number of licensees in the different wards, and requires signatures for the applicants for licenses, and the Mayor determines from the list of applicants who shall be the licensees.

9486. The word "Council" in regard to licenses means the Mayor ?—Yes.

9487. You have issued the licenses ?—During one year. The previous Mayor issued them for the first year of my incumbency I issued them for this year.

9488. Had you more applicants than there were licenses issued ?—More in several wards.

9489. And you had to determine the licensees. In several of the wards there had to be a decrease, and in some few, an increase in the number I suppose ?—Yes.

9490. Then you have a report from the Inspector as to the premises ?—The law requires the Inspector to make a report as to the places and the applicants, and to give full information as to their character, and as to the capabilities of the premises, and also as to the fines which have been imposed during previous years under those licenses.

9491. So the machinery, in the first place, requires the Inspector to make a thorough examination, and report to the Mayor ?—Yes, the first thing is the filing of a petition with the Inspector in the Dominion polling district, signed by one-third of the residents. He reports to the Mayor, and he holds a public meeting where the parties are heard, and grants the license.

9492. Then under certain circumstances the person may apply to a judge of the Supreme Court, or other court, to see whether there has been fraud ?—Yes, fraud or partiality in the way of fraud.

9493. This is in order to provide proper persons and places ?—Yes.

9494. How does it affect the community ?—The people are particularly sober in St. John, considering that it is a large seaport city and has a considerable floating population.

9495. Can you suggest any improvement in the license law ?—I have always been in favour of high license ; and I think the working of the law would be better if a higher fee were charged, and if the number of licenses granted rested altogether in the discretion of a Commission. I think it is far preferable that the granting of licenses should be in the hands of free citizens, and not in the hands of an official elected by the people. I do not say necessarily that the election would enter into the matter, but it might, and it would be preferable to have the duty placed in the hands of a Commission, with a high license fee and the number restricted, so that the houses licensed should be confined, as far as possible, to the business parts, and should not be allowed in the residential parts of the city. I think the evils that flow from bars are much greater in residential than in business quarters. The value of property is affected to some extent, because residents object to being in the neighbourhood of a bar. It is a trade carried on in places where it is not usually carried on, and it may have evil results upon residents and especially to women and children.

9496. Then when you speak of the number not being restricted, would your view be that Commissioners should not be limited, but might increase or decrease the number ?—Yes, they should exercise their discretion.

9497. So that in some localities they would not give any licenses ?—Yes. I do not say the aggregate number would be increased, it might or it might not ; but I think that duty should be in the hands of a Commission separate and apart from political influence of any description.

9498. Have you had any experience of the McCarthy Act ?—Yes.

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9499. There, one of the Commissioners was the County Judge, the other was appointed by the Government, and the Mayor was the third?—I think that was the most admirable method that could be adopted. From my experience the McCarthy Act was as nearly perfect as an Act can be, and if it had been declared *intra vires* it would have increased the good effect of the license law, and the temperance results would have been very great if that law had been enforced.

9500. In case of a license law administered by a Commission, would the Inspector be appointed by the Commission or by the Council?—I have not considered much about that, but I think it would probably be better for the Commission to appoint them, as the Commission would be less open to influence.

9501. Do you know anything of the working of the Scott Act?—Yes; in Portland, in St. John county, and I have been in Maine and Fredericton,

9502. What is your experience in regard to that Act?—In reference to the prohibition, as shown under the Scott Act, I can only express an opinion. The result on my mind has been that it has been largely ineffectual in its results.

9503. Sales have taken place under it?—Very largely, notwithstanding the Act. Through the State of Maine my experience was that liquor was sold very largely and freely, and was easily obtained; it resulted in a quantity of liquor being sold that was very inferior, and in the trade being placed in the hands of a number of irresponsible and inferior people, and temperance was not obtained. I do not say that the Act was a dead letter altogether, but it was very largely so.

9504. Suppose a general prohibitory law were passed, could it be enforced in this city?—In my opinion public sentiment, as far as I know, is not such as would enable a prohibitory law, if passed, to be carried out in its entirety. I think it would not accomplish what its best friends think it should accomplish.

9505. Has there been a growth of temperance sentiment in this community?—In the last fifteen years, I think so, an immense growth, due largely to the temperance societies, the W. C. T. U., and more or less temperance education in our public schools, and a development of temperance sentiment in the general body.

9506. And the religious influence?—Yes, the religious denominations have largely entered into this result. The class of liquor drank has largely changed here in late years. The quantity of spirits consumed is much less than formerly. Very much more lighter drinks are taken, such as ales and light wines.

9507. Have you considered the feasibility of promoting the drinking of lager beer, ales and light wines?—I have, and I think if any feasible method could be adopted that would bring about the opening of establishments where these light drinks would be sold, it would be good. I have not considered whether it is practicable in respect to its being carried out; but if it could be carried out, I think it would be very beneficial.

9508. Have you considered the question of granting remuneration to the distilleries and breweries in case of the adoption of prohibition?—That is a matter upon which it is very difficult to give an answer, without knowing certain conditions. If a brewer or distiller or liquor dealer, were able to show a loss in his business, which was created legally under the law of the country, and he could show an absolute loss of property or loss in the shape of profits, I think it would be a reasonable matter for the Government to consider, and they ought to receive remuneration to that extent. My view largely is, that a great deal more can be accomplished throughout the Dominion by the way of temperance societies, education, particularly in the schools, and in the growth of a temperance sentiment, providing every effort is made with the young people. The result would be reached better than by absolute prohibition, in the present state of public sentiment.

*By Rev. Dr. McLeod:*

9509. Do you think prohibition is desirable?—As a principle, I think it is.

9510. But you think it is not feasible?—As circumstances are to-day, I think it is not feasible. For instance, I am inclined to think, if a prohibitory law were enforced now, throughout the Dominion of Canada, you might find it enforced, effectually, in certain portions, in some portions, not at all, and in others barely enforced, and so it

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would grade according to the public sentiment in the different localities. The general sentiment of the Dominion is not of sufficient growth, and I do not think it is at present sufficient to carry it into effect.

9511. Do you think that the general sentiment is tending in this direction?—I think the result of all those organizations and the present inquiry will tend in that direction.

9512. Does the License Act give the City Council the power to limit the number of licenses?—No. The law states that in wards, for the first thousand population, there shall be one license, and one for each five hundred, afterwards.

9513. Is it "shall be"?—I think it is "shall be." The practical result, at all events, is that it shall be, and then there is one for every 500 above the first thousand.

9514. Must that number be granted in each ward?—It would depend on the number of petitions, and whether the applicants were satisfactory to the Mayor or not; but the Court would compel the Mayor, if there was nothing against it, to grant a license. Then, the Mayor cannot refuse without good reason.

9515. The law says the number shall not be in excess of that?—Yes.

9516. Is it possible under that clause to decline to issue any license?—If you do not comply with the other clauses. Last year there were 84 taverns and 19 wholesale licenses granted, the result being a revenue of \$18,320. In 1892-93, when I granted the licenses, there were 84 retail and 22 wholesale, resulting in a financial return of \$18,600 to the City Treasurer.

9517. The petition has to be renewed each year?—Yes. I think I would venture an opinion on that point, for I feel it very strongly. I think it is a disadvantage in the present law that applications have to be made to the licensing body by those petitions each and every year. I think if a person obtains a signature one year and conducts his business without any objection, it is not reasonable to call upon him again to have the endorsement of those electors. I think it results in a very bad system as to the manner of obtaining those signatures. I know, as a fact, that a number of electors will not sign unless they are paid, and unless they receive certain considerations during the year, and it leads to a system which is objectionable.

9518. Do you think that some residents are unwilling to sign without consideration?—I think there are certain individuals who get tired of signing, and it results in others being obtained easily who will receive considerations; but this is a mere personal opinion of my own, I do not know whether it rests upon any sure foundation or not. I am inclined to think that if the signatures are given in one year, it is an unreasonable burden to lay upon the individual, if there is no objection to him or to his mode of conducting the business, to ask him to get the signatures again.

9519. Do you know if any considerable number of licensees violate the provisions of the license law?—Not to any great extent. Naturally there will be violation in hotels of the closing clauses. Rightly or wrongly, no hotel can be conducted with financial profit without bars, and the persons naturally look there to obtain liquors after hours, but they do not begin to have the ill effects upon the community that open bars on the streets would have.

9520. Do you think frequenters of hotel bars, after hours, and on Sundays, are altogether guests of the hotels?—No, they are guests and citizens; but they are not the class to whom the ill effects of drinking generally come, the working classes. Closing on Sunday is a great benefit to the working classes. After receiving their wages they find that legally the bars are closed to them, though there may be exceptions.

9521. Do you think, from your observation, that a larger proportion of ill effects come to the labouring classes than to other classes?—Certainly, there is no doubt about it. I do not say that the ill effects do not come to those in all walks of life; they do, certainly, but more practically they come to the labouring classes, and they come harder on them and their families, because they are the people who are always arrested and fined, and the fines come out of their wages. I think the community is more dependent upon the labouring class than upon any other; and therefore it affects the whole community.

9522. What do you think would be the effect of a prohibitory law, well enforced, on the business interests of the community, other than the liquor business?—I think a prohibitory law that did prohibit actually and successfully, and specifically, would result

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in individuals being better able to attend to business, and, as a result of that, the business interests would be advanced.

*By Mr. Gigault :*

9523. What do you know of the enforcement of the law in the State of Maine?—I have been in Portland and Eastport and Bangor, and have travelled through the country districts.

9524. What do you know of the enforcement of the law there?—My experience was that it was practically not enforced at all, except very spasmodically, and then it did not stop illegal selling to any extent. It rendered it more difficult to accomplish the sale in out of the way places, but liquor was sold where people would be safe from an information being laid.

9525. You spoke of Fredericton : what do you know of the enforcement of the law there?—In Fredericton, I judge it has not been a success ; the drinking in the hotels did not decrease. I think it increased. As the result of the Scott Act, the hotels sold a large quantity in the shape of bottles to individuals who came and obtained it. I think a larger number of places existed outside of the hotels, but they are very carefully watched by the proprietors, and are in the hands of a class of people who are not desirable for the sale of any liquor. I think women sell liquor there to a class of people that is not desirable. The class of liquor is very inferior. The law has accomplished something, and is not a dead letter, but it has not begun to accomplish what some of its friends think it should, and think it has accomplished.

*By Rev. Dr. McLeod :*

9526. Are these statements in regard to Fredericton, from your own knowledge?—No, not altogether, partly from my own knowledge. I was adviser to Mr. Furlong, a liquor dealer here, some years ago, who was selling in Fredericton, and a suit was brought which established that bills for liquor in a Scott Act county could not be recovered. Still he sold large quantities of liquor there, and he did not keep a hotel.

9527. That was several years ago?—Yes.

9528. Was the law handicapped by the appeals to the courts during those years?—There were some appeals.

9529. Do you know the Russells were practically driven out of the town?—They may have been, but there are several, I am confident, selling outside of the hotels now.

9530. From what you have heard?—And from what I know. I do not say to so large an extent as some witnesses have stated, but still to a large extent there is a sale.

9531. Do you think the Scott Act has restricted the trade at all, as to the quantity of liquor sold, or the number of places selling?—In the number of places selling, yes ; but I think comparatively little as to the quantity sold.

9532. Do you think that the law has had any effect upon the moral condition of the community?—I think all temperance efforts have some result on the community, but I think the ineffectual carrying out of any law has a bad effect upon the community. If any law could be carried out which would restrain the sale of liquor, it would be an advantage, but the law which attempts to do so results in evils.

9533. Do you mean fails to absolutely prohibit?—I mean fails to prohibit to such an extent as to show the good results of the law. I think the proportionate results would be rather against the Scott Act than in favour of it.

*By Mr. Clarke :*

9534. Can you suggest any amendments to the Scott Act?—I do not know that I can. The Scott Act is one that I have not studied particularly, I have seen its results in its working. I studied the McCarthy Act fully, and I think it was as complete as a law could possibly be, and from its working here I am confident it would have done more in regard to the temperance habits of the citizens of St. John than any law I have known.

9535. The liquor laws of the different provinces were amended largely after that Act?—I think so.

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9536. You have a provision in your law by which the Council can pass a by-law prohibiting the sale of liquor?—Yes, in a locality.

9536a. In the whole city?—That is a legal question, as to whether it would not be *ultra vires*.

9537. You pointed out some objections you entertain regarding the signing of these petitions every year. Do you think that such a practice places the license holder in some degree at the mercy of the people who sign for him?—I think it almost absolutely does; the mere fact of his having to obtain it places him at the mercy of those from whom he has to obtain the favour. I think if he is called upon to have a petition when first he enters upon the business, there is no difficulty in his obtaining the necessary number of signatures afterwards. But I think the result of a continual application to persons who may have more or less feeling of the effect upon them in the community or the locality is bad. The temperance people offer more or less objection to the signing of those petitions, and those who sign after a time get bored and do not care whether they sign or not.

9538. Would you favour the appointment of partisan Commissioners, by one party or the other?—I think the appointment should be as under the McCarthy Act: the County Court Judge, the Mayor of the city, as representing the citizens, and another Commissioner by the Government, and that would accomplish the result very admirably.

9539. Is the non-enforcement of the Scott Act due to the lack of public sentiment or to the lack of machinery?—I think lately it is due to the lack of public sentiment; I think the people in many communities conscientiously adopted the Scott Act, because they were desirous of having its advantages tried, and the general result where it has been enacted has been that in its results on the community generally, there has not been confidence shown in it, and therefore there is lack of enforcement.

9540. Provision is made under the Provincial Act for the appointment of local inspectors?—Yes.

9541. And the salary even is fixed?—I think so.

9542. So the people know what expense they will be put to as far as the Inspector is concerned?—Yes. Take the Municipal Council of the City and County of St. John, when the Act was in force; the matter was more or less canvassed and brought before the Council, and there never existed but a small majority who favoured the appointment of an Inspector. The feeling was even against us.

9543. Do you know cases of pronounced prohibitionists who voted against the Scott Act, because it did not go far enough?—I do not think so.

9544. In the county?—I do not. In the county the Scott Act was not carried out to any extent. The sale of liquor was practically as large during its continuance as it is now it has been repealed and licenses have been granted.

9545. So, no beneficial results arose during its continuance?—Not that I saw as to the operations of the Act.

9546. Have you been in St. Martin's?—There is a strong temperance element there. If it were left with the local officers there, I think anything that would go to the extent of absolute prohibition would meet with the endorsement of St. Martin's; but that feeling does not exist all over the county.

9547. Is that part of the county for municipal purposes?—Yes.

9548. They have no municipal government of their own?—No.

9549. Is the enforcement of the Scott Act never made an issue in the elections?—Not to any appreciable extent. In St. Martin's, I think, it was. I think St. Martin's has largely elected those who were supposed to be in sympathy with temperance efforts.

9550. But it has not sufficient influence in the Council to secure the appointment of officers?—No.

9551. You have prohibitory clauses in the License Act?—Yes.

9552. And also in the Nova Scotia Act?—The present license law can be improved in many particulars.

9553. Do you think at present a law prohibiting the manufacture and importation, as well as the sale of liquor, could be thoroughly enforced in the Dominion?—I do not think so.

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9554. Do you think the gradual decline of the drinking custom has been due to the Scott Act, or rather to the influence of Christian men and women?—Almost always to the influence of Christian men and women, those who are engaged in elevating the temperance sentiment of the communities, and I think that is on the increase, and if pursued in a reasonable way, it will accomplish great results.

9555. And is the moral effect produced by seeing the Scott Act persistently and openly violated an aid to the work of Christian people?—I should think it would be rather detrimental in its effect, to what extent I am not prepared to say; but with a high license law, with proper provisions, and the efforts of temperance societies, and the educational efforts of common schools and Sunday schools, and all such organizations, the temperance principles of the whole community of Canada would be very largely developed.

*By Rev. Dr. McLeod :*

9556. Do you think the legalization of the trade helps the moral and religious efforts?—If the law is effectual it is a help, if it is ineffectual it is a hindrance.

9557. The establishment of the trade is a help to the efforts made to diminish drinking?—If the license system is effectual and carried out with proper provisions, I think it is a great help to the moral principle; and if it is ineffectually carried out, it has a detrimental effect.

9558. You have said you are in favour of a licensee holding his license from year to year if he is clear of objections?—Yes, unless he has violated the law, or the district has changed.

9559. Does not the population change in the district?—Yes, but that does not matter. We have to grant licenses according to the census.

9560. Suppose the people change in their views, do you think they should be debarred from the right of expressing their opinion?—Then they can come under other clauses, where they can prevent the granting of a license in their district.

9561. If there has been a change of 25 per cent of the population, do you think those people should be debarred from petitioning or from declining to petition?—I do not think that would enter into it, because I do not think the population would so change.

*By Judge McDonald :*

9562. It requires now one-third to sign for a license?—Yes.

9563. How would it do to allow it to be that two-thirds must petition against it?—Yes, or a provision might be made to obtain the license by the petition one year, and it should continue good for five years without any change of circumstances.

9564. Or if he had to get one-third to sign for him in one year, he might be deprived if one-third signed against him the next year, or he should be compelled to take some other steps?—That would require some consideration.

W. WALKER CLARKE, of St. John, Chief of Police, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9565. You are Chief of Police and also Inspector of Licenses, I believe?—Yes.

9566. How long have you held that office?—From 23rd May, 1890.

9567. Is your duty, under the License Act, to inspect the premises of persons who are making application for licenses?—Yes.

9568. And to make a report to the Mayor?—Yes, to the Mayor and Council.

9569. Have you found any difficulty in carrying out the provisions of the Act?—No.

9570. Have you endeavoured efficiently to carry them out?—I have.

9571. Have you any suggestions to offer to this Commission in regard to amending the Act?—No, I cannot say that I have any.

THOMAS W. PETERS.

9572. I thought perhaps that some particular points might strike you in regard to the working of the Act?—I do not think of any, except this, that perhaps the petition required from a licensee every year might be done away with.

9573. You heard the evidence of the Mayor, I suppose?—I heard part of it.

9574. In regard to the licenses granted, do you confirm what is said?—Yes.

9575. What is the number of licenses in this city?—83 retail and 20 wholesale.

*By Mr. Clarke :*

9576. Do you concur generally in the opinions expressed and the conclusions arrived at by the Mayor, with regard to the operation of the Scott Act and of the license law?—I do.

*By Rev. Dr. McLeod :*

9577. As Inspector under the license law, do you think the license law is fairly well observed?—Yes, fairly well.

9578. Is there much illicit sale, I mean sale by persons not licensed?—I think there is considerable.

9579. Do you seek to ferret out offenders?—I do. I think last year there were 100 cases of illicit selling; there were more than that number the year previous.

9580. Do you think there is much illegal sale by men holding licenses?—No, I do not think there is.

9581. Take the hotels, for instance?—There is, I think, more or less of it.

9582. Sale after hours?—Yes.

9583. And on the Sabbath?—Yes.

9584. Have you made efforts to bring the offenders to book?—Yes.

9585. Have you succeeded in any number of cases?—Yes, in quite a number.

9586. Do you give your men instructions in regard to the matter, or do you act independently?—No, they all have instructions.

9587. Have you power to enter?—Yes.

9588. Have your men the like power?—They have the same power.

9589. Do you believe your men make all efforts possible to close up those places during illegal hours?—Yes; of course there are some who do not violate the law and there are others who do. Some have lost their licenses.

9590. You mean they forfeited their licenses on account of violating the law?—Yes.

9591. How many cases?—One case.

9592. Was it a hotel or a saloon?—An hotel.

9593. Will you state which class of licensee most frequently violates the provisions of the license law, hotel keepers or saloon keepers?—I do not know. There are more retail licenses than wholesale.

9594. Do you mean there are more saloon licenses than hotel licenses?—We do not know it as a saloon license; we have a tavern license and a wholesale license.

9595. The tavern license is that held by the hotel and held also by the saloon?—No, an hotel can hold a tavern license.

9596. What kind of license do you call it, which a man having a place on the corner in which he does not sell anything but liquor by the glass, holds?—A retail tavern license.

9597. So the hotel license is a retail tavern license?—Exactly.

9598. Do the hotels violate the provisions of the license law more than those other people who do not sell anything but liquor?—No.

9599. Are there more violations of the Sabbath law in the hotels than in the saloons?—That I do not know.

9600. Have you no means of ascertaining?—No. Of course if there is a violation of the hotel license law, we endeavour to bring the people up. It is, however, pretty hard for either myself or my men to catch them; some one else might know of violations of the law.

9601. Do you ever employ detectives?—No, not specially. Our men go in plain clothes sometimes.

9602. That is a sort of detective service, I suppose?—Yes.

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9603. Do you visit the places and look after sale after hours, and see if the law is observed?—Yes.

9604. Do you ever detect any infractions of the law?—Yes, sometimes. But as regards some of the saloons, it is impossible for an officer to get in.

9605. In which do you think it is more difficult to detect violations of the law, the hotels or the saloons?—I do not think there is any difference.

9606. A saloon does nothing but sell liquor, and is supposed to have only one door?—It can have as many doors as the proprietor pleases.

9607. The hotels, besides selling liquor, board people?—Yes.

9608. Do you think the difficulties in the way of your enforcement of the law against hotel keepers are greater than those against saloon keepers?—I should not say so.

9609. You have no means of knowing, I suppose, whether the hotels are more frequent violators of the law than are other people holding licenses?—No; not so far as my knowledge goes, or that of my officers.

9610. You spoke about one man losing his license: was that a retail license?—Yes.

9611. Have you ever known a case of a person losing his license for violations of the law and next year obtaining a wholesale license?—I think there was a case of that kind; I am speaking of it from memory.

*By Mr. Clarke :*

9612. Do you do your best to enforce the law?—I do.

9613. And do you instruct your men to prosecute all violators of the law who come under your notice?—I think the law is very well enforced.

9614. Have any charges been made against you for non-performance of duty?—No.

9615. You do your part to the best of your ability, and your men do all they are capable of doing?—Yes.

REV. CANON F. H. J. BRIGSTOCKE, of St. John, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9616. How long have you resided in St. John?—About nineteen years. I came to St. John on September 28th, 1873.

9617. Have you had an opportunity during your residence here of observing what may be called the social condition of the city?—I presume I have.

9618. How has it been; is it a sober, orderly city?—I should say very much so.

9619. Have you seen anything of the operations of the prohibitory law in the province?—Nothing whatever.

9620. Your knowledge has been confined to the city of St. John?—Yes.

9621. Do you know anything as to the state of affairs that prevailed in Portland while the Scott Act was in force?—Nothing whatever.

9622. Have you had any connection with the work of moral reform in the way of temperance?—Not directly.

9623. How indirectly?—I was going on to say, except by what I would call the ordinary machinery of our church, by using the influences of the means of grace and Bible teaching upon the heart and conscience, which I believe have had the greatest possible effect.

9624. You think those influences have had the effect of promoting temperance in the community?—Decidedly.

9625. Do you think that temperance is growing and increasing?—I think so. Certainly if I look over years in my survey, I should say it has increased.

W. WALKER CLARKE.

9626. Do you know anything of the work of the Church of England Temperance Society?—No, not here.

9627. Or in England or elsewhere?—No.

9628. In Halifax we had evidence in regard to the working of the Association?—I have not instituted a branch in connection with my own work, and I am not aware of any branch having been instituted.

9629. Have you given any consideration to the question of prohibition?—I did in connection with the Scott Act, when the vote was to be taken as to its adoption or otherwise in this city.

9630. What was the result of your investigation?—It led me to be decidedly against the adoption of the Scott Act.

9631. Say on what ground or grounds?—On the information as to its operation in other communities where it has been adopted. I could only use my best judgment in regard to the matter, and according to my judgment and the information I could obtain, and I took the trouble to read all I could in regard to the matter, I came to the conclusion that it would not be for the good of the community to adopt the Act in St. John.

9632. As regards religion and morals, what, in your opinion, is the effect on a community of a law remaining on the statute-book which is not observed?—The effect is very injurious.

9633. You do not consider it a good educator?—Not at all. Legislation in advance of public opinion is very injurious to the morals of the people.

9634. I understand, then, from what you say, that in your opinion the true remedy for intemperance is the operation of religious instruction, the teaching of gospel truths, and the effect of moral influences on the hearts of individuals?—I think they have the most powerful influences. Of course these require to be supported by legislation.

9635. In what way would you frame that legislation?—To answer the question in a general way, which is the only way I can answer it, I may say that all legislation should be capable of being efficiently enforced by the public officers; that we should not have laws on the statute-book which we know, almost to a certainty, will not be obeyed. For instance, the Scott Act is an individual example of this—it is not obeyed.

*By Mr. Clarke:*

9636. Do you think a general prohibitory law would be better obeyed than the Scott Act is obeyed now?—I have no means of judging.

9637. In the present state of public opinion, would it be more likely to be efficiently enforced and generally regarded and obeyed?—I should say it would all depend upon how it was enforced.

9638. Do you think it could be enforced?—I think if there were Dominion officials in sufficient number, it might be enforced.

9639. Do you think if Dominion officials were appointed to enforce the Scott Act, it could be enforced at present?—Not entirely.

9640. Do you think a general prohibitory law could be enforced?—I think it would be more general; it would be a more drastic measure altogether.

9641. Do you think that a more drastic measure could probably be enforced than a less drastic one, the Scott Act?—I do.

*By Rev. Dr. McLeod:*

9642. Do you believe laws against evils have any effect in shaping public opinion in regard to those evils?—Perhaps to some extent.

9643. Did you receive a circular letter from this Commission with certain questions appended?—Yes.

9644. Have you answered the questions?—I answered two or three, I forget how many.

9645. Did you find it difficult to answer some of them?—Certainly.

9646. Could you state in a general way, and briefly, from your long experience and observation, as a Christian pastor, to what extent you believe the drink trade and the drink habit are the causes of crime, of immorality, poverty, domestic trouble and

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neglect of children, and neglect of religion? Do you think to any considerable extent the drink trade and the drink habit are responsible for those troubles?—Certainly.

9647. Have you had at any time an opportunity of comparing the condition of communities under a license system, with communities under enforced prohibition of the trade?—No.

9648. What is the position of your religious denomination on the question of the drink trade?—I do not think I am in a position to answer a question like that. The Church of England has always taken a foremost place, and does take a foremost place in promoting the well-being of the community, and she is always ready to adopt any effectual measures that will conduce to that end. I have nothing to say against any measure that may be adopted to secure that result. At the same time, I do not think I am in a position to answer your question.

*By Judge McDonald:*

9649. The journals of the Synod have been put in evidence. They show the resolutions which have been passed, and I suppose they really answer the question?—Yes.

JOHN RANKINE, of St. John, Deputy Sheriff of the City and County of St. John, and Governor of the Jail for the City and County, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

9650. How long have you been Deputy Sheriff?—Over 27 years.

9651. How long have you been Governor of the jail?—Over 27 years.

9652. Do these offices run together?—Yes.

9653. I suppose you have a large number of people passing through your hands every year in the jail?—Yes, a good many.

9654. Do you find drunkenness a potent cause of their being placed in jail?—Yes.

9655. Both males and females?—Yes.

9656. Have you any information or statistics which will show what proportion of the persons committed to jail are committed for intemperate habits?—That would be very easily calculated.

9657. Have you any statements that will show that?—I have the printed reports for the last three years. The report of the Sheriff of the number of persons committed to jail during the year ending 31st December, 1891, shows: For large debts 15, small debts 97, taxes 15; total 127; committed from police office, 1,089; number remaining in jail, 31st December, 1891, 41; number days confined, 15,408; number days supported, 14,817.

9658. Have you had anything to do officially with the enforcement of the license law?—Nothing.

9659. Do you consider that a large proportion of those were committed owing to intemperant habits or for crimes which arise from them?—Yes.

9660. Have you some inmates who are in the jail almost constantly?—Yes.

9661. And some who come in once, and I suppose, you never see again?—Some we never see again.

9662. This being a seaport town, you have, of course, quite a floating population, persons who are here to-day and away to-morrow?—Yes.

9663. Do you occasionally get people of that kind committed?—Not very often.

9664. You are not in a position to state the number of persons who committed offences and paid their fines?—No, that record will be found in the police office.

REV. CANON F. H. J. BRIGSTOCKE.

*By Rev. Dr. McLeod :*

9665. How many, say during three years, have you had in your custody charged with crime?—In 1889 there were 15,413; in 1890, 15,957.

9666. And county prisoners?—I could only give you the number for last year. There were committed to the police office last year 1,089. There remained in jail for the summer of 1891, 41 prisoners; number of days confined 15,408.

9667. And in 1890?—I do not know.

9668. Does that record show the percentage of the 1,089 who were there because of drink, either on their part or on the part of somebody else: have you any statement or report in regard to that matter?—Very nearly the whole of them.

9669. How nearly?—The commitments for drunkenness were 605.

*By Mr. Clarke :*

9670. Where is that record to be found?—In the jail book.

9671. Is it in your annual report?—Yes, the total is there. Arrests for safe-keeping 459. These are parties who are brought in on Sunday morning and who go to the Police Court on Monday morning. Then, there are vagrants 15, larcenies 10. The total number is 1,089.

*By Judge McDonald :*

9672. Would any of the 400 be afterwards included in the 600? What becomes of those arrested for safe-keeping, on Monday morning?—Some pay fines.

9673. Then, some of the 400 might be included in the 600?—Yes.

*By Rev. Dr. McLeod :*

9674. The 400 that come to you on Saturday night to stay until Monday morning have been arrested by the police for drunkenness?—Yes.

9675. And they have been placed in your custody because they would be safer there than elsewhere?—We keep them over Sunday.

9676. They come before the Court, and are either acquitted or convicted, and fined or imprisoned, as the case may be?—Yes.

9677. Do you find any proportion of the cases of thefts attributable to drink?—Pretty much all—pretty much all kinds that come into jail.

9678. Do you have many young people in charge?—We have not had so many during the last year or two as we had formerly.

9679. Do you find those young people or vagrants guilty of petty crimes because of the drinking habits of their parents or guardians?—In some cases.

9680. In any considerable proportion of cases?—We have not had a great many.

9681. I understand you have lived in St. John all your life?—Yes, certainly.

9682. How many years?—Since 1836.

9683. So you were here 20 years before there was a prohibitory law?—Yes.

9684. Have you any recollection of the prohibitory law?—It is not very distinct.

9685. The law was a failure?—Yes, it was abandoned by those who wanted to have it upheld.

9686. Will you explain the matter?—I remember very well the first case taken before the Police Magistrate of St. John, and I know the party who brought the charge. The Magistrate, after a little humbugging, discharged the case at about two or three o'clock in the afternoon, without going into the trial of it.

9687. Were the Magistrates afraid of the people?—That might have had something to do with it. There was a pretty good crowd there. At all events the case was dismissed.

9688. Was there a mob?—Yes.

9689. What was the attitude of the mob?—They were howling, declaring that they were inclined to kill the temperance men. They had some rum in court, and they carted it through the streets after the case was dismissed.

9690. Did you think the attitude taken by the mob had any effect in regard to the case before the court?—That I could not tell you; it was dismissed at all events; but I could not tell what was in the mind of the Magistrate.

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9691. But could you form a pretty good opinion of the influences which interfered with the enforcement of the law?—I could hardly give an answer to that question.

9692. You said that the case was humbugged in the court: what do you mean by that?—I mean it was never tried. It was dismissed without trial.

9693. Have you any means of knowing why it was dismissed without trial?—No.

9694. You have no opinion about it?—No.

9695. How long was the law actually in force?—That I could hardly say.

9696. Was it in force 12 months?—I could not say; I got so disgusted I gave up all hope.

9697. Did you get disgusted with the law or the condition of things?—With the condition of things.

9698. Do you think if the law had obtained what you would call a fair chance, it would have worked fairly well?—I believe it would, and I believe there would be a different state of affairs to-day.

*By Judge McDonald:*

9699. I think you stated that you do not know what was in the mind of the Judge who dismissed the case, as to whether there was a question as to the constitutionality of the law?—No. The Judge did not go into any question.

9700. You do not know what was in his mind, but you do know that he dismissed the case?—Yes.

9701. Was the Act enforced through the whole province?—Yes.

9702. And a general election was held after the dissolution of the Legislature?—Yes.

9703. Was a majority of the members returned in favour of maintaining the law or of repealing it?—For repealing it.

9704. Were those members who supported the repeal of the Act only elected from St. John, or were they returned from some other constituencies?—From the whole province.

9705. Therefore, the province as a whole declared against the law?—Yes.

9706. And it was repealed?—I remember one of the members stating on the platform of the old court-house that he voted for the prohibitory law for the purpose of upsetting the Government.

9707. The people repealed the law?—Yes.

9708. And by a very large majority?—I could not tell you how many.

9709. Were there not a very large majority of the members returned in favour of repealing the Act?—Yes.

9710. You spoke of a remark you heard made by a member of the Legislature. Do you recollect this as the state of the facts: that the Government were turned out on the question, and a new Government formed?—Yes.

9711. And the members who came back to the new Parliament swept away the Act and repealed it?—Yes.

9712. And did they not sweep away the new Government too?—Yes.

9713. And the old political party came back to power, but with the supporters who advised the repeal of the prohibitory law. Was not the fact this, that the people returned men who advocated the repeal of the law, but who were political supporters of the Administration that had been turned out, and was not that Administration again brought back to power?—Some of them.

9714. They were called back within a year to again take office?—I think so.

*By Mr. Clarke:*

9715. You have stated that the Magistrate without hearing the case you have referred to, dismissed the charge; what was the result of that action?—The result was that everything was upset.

9716. Because of that single decision?—I know it to my sorrow.

9717. You have said that the condition of affairs which existed under the law made you disgusted—that was under the prohibitory law passed in 1885-86. What was that condition?—I do not understand you.

JOHN RANKINE.



9718. You have given the Commission some information about the prohibitory law passed 35 or 40 years ago, and you recited the particulars respecting a case before the police court, and you told us that the condition of things which existed during the time the Act was in force disgusted you. What condition of things existed?—From the way the people acted.

9719. Do you mean the people in St. John or the people generally?—Yes.

9720. How did they act?—Very badly. You know how a mob would act.

9721. Were the people of the province in sympathy with the mob?—They were not here, only the people of St. John.

9722. You do not know how the people outside the province acted?—No.

9723. You think that at the election a year afterwards only two or three members were returned to the Legislature who were in favour of prohibition?—Only two, Mr. McLelan and Mr. Gillmor.

9724. How long was it after the passage of the Act before the election took place?—I could not tell you.

*By Rev. Dr. McLeod :*

9725. You have people in jail other than those in for drunkenness and larceny and the like?—Yes.

9726. You have people there for the non-payment of taxes?—Yes.

9727. Are you able to form any opinion as to what proportion of those in prison for non-payment of taxes or debtors are in that condition because of drink?—I should say the largest proportion of them.

9728. What was your business before you were appointed Deputy Sheriff?—I was a carpenter.

9729. Had you many men in your employment?—I had some men employed.

9730. Did you find the drink trade and the drink habit affect them at all?—Yes. I had men who were in the habit of drinking, but I did not keep them very long.

9731. Why did you not keep them long?—Because I could not depend upon them.

9732. I think you said that everything was upset by that action with respect to the prohibitory law, that is the dismissal of the case by the magistrates, and you know it to your sorrow?—My pocket felt it. I happened to be one of the Secret League.

9733. What was that league?—It was merely to see that everything was done rightly,—the same as an election committee.

9734. You were involved in expenses?—We were all involved in expenses.

REV. JOHN C. TITCOMBE, of Fairville, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9735. You are a clergyman of the Church of England, I believe?—Yes.

9736. How long have you resided at Fairville?—About 7 years.

9737. In what county is it?—In the County of St. John.

9738. Have you been at any other station?—I was in Canterbury for a year.

9739. In what county is that?—In the County of York.

9740. Is the section of the county where you were under the operation of the Scott Act?—Yes, at Canterbury. Fairville was not under the Act at first, but it was afterwards ; I am thankful to say it is not under it now.

9741. Why are you thankful?—Because I think the Scott Act has been a curse wherever I have seen it in force.

9742. In what way?—Drink is blamed for a great deal, but I think the Scott Act has opened a way to, I was going to say, hatred, malice and all uncharitableness ; it has bred deceit and has increased the sale to children and women, and people take liquor now to satisfy their taste, and every man's hand is turned against his neighbour. That

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has been my experience in Canterbury and in Fairville : others may have had better experience in regard to the Act. People who were friendly now pass each other by, and no man dare call his soul his own. That is my experience of the Scott Act ; it has been an utter failure in every place where I have seen it.

9743. Did you hear the evidence of Canon Brigstocke ?—Only partially.

9744. Did you hear his views in regard to religious teaching and its relation to temperance ?—I did not hear what he said about that subject.

9745. What is your view ?—Previous to coming to this country I was actively engaged in temperance work in London. I believe in treating a man as a man, and in taking for granted that he has reason and mind as well as I have myself. You have no right to try to level him down, and to endeavour to make him swallow your opinion, whether he wishes to do so or not. If you treat him as a man, you can persuade and influence him. If the people who run about trying to enforce the Scott Act and other laws would spend the time in drawing the children to them, and teaching them, and obtaining a personal intimate connection with them, and making them feel you are one with them, they could teach the young and lead them by moral suasion. It is human nature that if you tell a child not to do a thing, it will do it in spite of you. A prohibitory law has the same tendency. While I would engage in practical work in the cause of temperance, I would be the first to rise against a prohibitory measure. We are taught in England that a colony is a place where there is more freedom of action and more freedom of speech, but I think it is going from the frying pan into the fire. It is no use trying to force an individual to see as you see and do as you do. I heard a little while ago that a temperance worker declared last summer that I was not worth anything because I did not vote in favour of the Scott Act. Surely I had the right to exercise my judgment and vote as a free man in a free country, and vote against the Scott Act because in my judgment it was a failure. I do not say why it was a failure, but I say it was so.

9746. Is this the result of your experience both as a clergyman and a member of the community : that the operation of the Scott Act is not beneficial ?—I think it is not ; honestly, I think it is not beneficial.

*By Rev. Dr. McLeod :*

9747. You did not say what made the Scott Act a failure. Do you object to stating the reason ?—There are many reasons for it. I have stated that it is a failure, and I will give my reasons so far as I know them. Its operation always seems to be uncertain, for no two Judges ever decide alike. One decides that it is legal, and the other decides that the Act is unconstitutional. While a great many people will talk and will try to thrust the Scott Act down your throat, when it comes to enforcing it or backing it up with money they are found wanting. The friends of the Scott Act are the greatest enemies it has, because while they talk about the law, they are found wanting when it comes to action.

9748. Did the friends of the Act obstruct its enforcement ; did they originate the obstruction ?—I think so, by the way they went about to enforce it.

9749. Were there any prosecutions under the Scott Act ?—Do you mean cases that came under my notice ?

9750. Yes ?—There were several.

9751. Were they originated by friends of the Scott Act, or by some other persons ?—By friends of the Act.

9752. Do you think by making those charges against violators of the law, they brought the law into disrespect ?—I think so, by the way it was done.

9753. It was not that the persons charged defended themselves, that did not bring the law into disrespect ?—I think not. Every man has a right to defend himself if he is charged with crime.

9754. Did the friends of the law take the cases before the Courts on appeal ?—Yes, some cases were taken on appeal.

9755. So that the friends of the law by seeking to enforce the law, brought the law into contempt ?—I do not say that.

REV. JOHN C. TITCOMBE.

9756. Please explain?—I referred to the means they adopted to enforce it.

9757. What were the means?—I am opposed to the Scott Act, and yet I think it is wrong for a man to sell liquor, but I would not pay a man to buy liquor for the purpose of setting a man against his fellow. It brings the law into discredit, and it opens wide the door for one evil after another.

*By Mr. Clarke :*

9758. Is that the case now?—I think so.

*By Rev. Dr. McLeod :*

9759. Do you think it would have been better if the friends of the Scott Act had permitted violations of the law to go on without attempting to prosecute the violators of the law?—I think the community would have been decidedly better, because we have more liquor sold now than then, and while before the adoption of the Scott Act we had three liquor stores, liquor was sold in almost every house afterwards.

9760. Do you think the violators of the law were in any degree responsible for the bad state of affairs of which you have complained?—That is a difficult question to answer, because I would have, first, to find out who sold the liquor that made the people drunk. No one can decide that, because when the Scott Act was in force in Portland, and even when it was in force in Fairville, all a person had to do was to take a little exercise and cross the bridge, and he could get as much liquor as he pleased. I do not know whether you can properly blame Fairville for that.

9761. You said the friends of the Scott Act were responsible for all the evils that resulted from it there. Were not the violators of the Act in any way responsible for this condition of affairs?—I do not think I said they were responsible for all the violations of the law. I think the friends of the Act were responsible for the condition of affairs existing now. I do not think they enforce the Act.

9762. Do you object to the attempt made to enforce it?—No, but to the mode of enforcing it.

9763. What was the mode?—I have given you an example.

9764. Was that the one and only method?—No, there were several others no doubt, but that was one: following people up and tracking them, and putting temptations in their way.

9765. Do you know whether there was any attempt made to enforce the law without resorting to what you call disreputable methods?—I do not know of any, but there may have been some, because, as I told you at the outset, I was opposed to the Scott Act from what I had seen of it.

9766. You were not interested in its enforcement?—No. But I am interested in temperance work, although as I became acquainted with temperance work here, my interest in it waned. Previously I carried on work in London among the mariners, but so soon as I came here my interest flagged at once.

9767. Do you believe it is better to leave the drink trade unrestricted?—I think the present way is a failure, because in Fairville I know men have paid \$50 or \$60 in fines to retail, and a man can make that amount on a Sunday or holiday; you can sell enough liquor on a Sunday or holiday to pay for a license.

9768. Do they sell enough to do so?—I do not know.

9769. Neither from observation nor from the common talk of the community do you know whether there are any violations of the license law?—No.

9770. But you do know there were violations of the Scott Act?—Yes. That was apparent, for whisky was sold openly.

9771. You have said that the Scott Act has had a bad effect in arraying neighbour against neighbour, and disturbing the harmony of the community?—Yes.

9772. Do you think the drink trade makes peace in the community?—I do not say it does.

9773. You have also said this, that it is human nature to want to do the thing you are forbidden to do?—Yes.

9774. Do you think the Commandments are a mistake because they cannot be fully observed?—I do not set myself up on a pinnacle to judge.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

9775. Generally, your experience is that the Scott Act has been a failure ?—That is my opinion.

9776. You have expressed that opinion after having had opportunities of observing the operation of the Act ?—Yes.

9777. In Fairville, when the Scott Act was the law, you say there was more drunkenness and more places where whiskey could be sold than under license ?—There were more places where whiskey was sold.

9778. You do not know whether there was any more drunkenness ?—I do not know. I am engaged every hour of the day, and I am not walking about the streets to find those matters out.

At the conclusion of the testimony,

REV. DR. McLEOD objected to the adjournment. He said : There are two gentlemen present, H.A. McKeown, M.P.P., Grand Worthy Patriarch of the Grand Division, Sons of Temperance, of New Brunswick, and C. A. Baker, mill owner and a large employer of labour—who have been asked to appear before the Commission. Mr. Baker was present yesterday, but could not then be heard. He was told by the Acting-Chairman and myself that if he could be present to-day, he would be heard. According to that arrangement he is here, having left his business and come several miles to give evidence and he should be heard. I desire him to be called now. There is ample time to hear both these gentlemen ; and I protest against adjournment till they are heard.

JUDGE McDONALD said : The hour having now arrived when the sessions of the Commission, as announced, would close, I declare the sittings of the Commission in this city now closed.

The Commission adjourned.

ST. STEPHEN, N.B., Aug. 11th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., Judge McDONALD presiding.

*Present :*

MR. E. F. CLARKE,

REV. DR. McLEOD,

MR. G. A. GIGAULT.

The Secretary having read the commission,

JUDGE McDONALD said : Her Majesty's commission having been read, the sitting of the Commission is now open for the despatch of business. I may state that the Chairman of the Commission, Sir Joseph Hickson, is not with us. He was present at Halifax, but he has not come to the Province of New Brunswick. I may state for the information of those whom it may concern that, so far as drunkenness being an evil is concerned, the Commission decided unanimously before leaving home that there was no need of taking testimony on that point : it is conceded and admitted on all hands. Gentlemen present, having heard the commission read, and having learned of the matters committed to the Commission for investigation, may now come forward, if they so desire, and give testimony. Following the usual custom, the Commission will proceed by calling, in the first instance, gentlemen occupying official positions.

HENRY GRAHAM, of St. Stephen, Collector of Customs, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9779. How long have you held the position of Collector of Customs ?—About eleven months.

9780. Were you connected with the Customs Department before that time ?—I was not.

9781. This is a town bordering on the State of Maine ?—Yes.

9782. There is only the River Ste. Croix between St. Stephen and that State, I believe ?—Yes. There is only a small stream between here and Calais.

9783. State generally the size and population of Calais ?—It has a population of between 6,000 and 7,000.

9784. And what is the population of St. Stephen ?—St. Stephen and Milltown together have about 5,000 people, each having about 2,500.

9785. Is this a prosperous community ?—A very prosperous community.

9786. What is the general line of business carried on here ; is it manufacturing ?—It is manufacturing and the shipping of lumber.

9787. Do any sea-going vessels come up here ?—Very few from foreign ports come up as far as St. Stephen. There are a great many small vessels, vessels trading between here and the British and Spanish West Indies, and they come up largely to the mills. There are a great many coasting vessels running between here and the islands and other parts of Charlotte County.

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9788. Do you refer to Campobello?—To Campobello, Grand Manan, Deer Island and West Isles.

9789. How many officers of Customs have you here?—I think there are ten officers.

9790. Yourself and nine others?—Yes.

9791. There is a bridge between the two towns —There are several bridges over the river.

9792. Is there any railway bridge, or are they all passenger bridges?—The railway comes into the Dominion about five miles above, by a bridge, but it is not a passenger bridge. I think it comes into the Dominion at Milltown. It has no station on this side.

9793. How many of these passenger and vehicle bridges are there?—There are five bridges within five miles.

9794. Are these all under your supervision?—Yes, under the supervision of the Customs.

9795. As to the stream itself, is there much boating between the two countries? —There is a good deal at high water.

9796. Are small boats used?—They are small boats, row boats.

9797. There is quite a tide here, I believe?—Yes, a very heavy tide. It rises from 20 to 26 feet, I think.

9798. Then the access between the State of Maine and the Province of New Brunswick is very easy?—Yes, very easy indeed.

9799. Have you reason to apprehend that there is smuggling to any extent?—No; not to any extent.

9800. I suppose you exercise a very close supervision?—We keep a very close supervision, and there are not many attempts at smuggling made.

9801. Are seizures ever made?—Yes.

9802. Have you reason to believe there is any quantity of liquor brought into this province from the United States?—There must be more or less, for we seize certain quantities.

9803. What disposal is made of it?—Some we have on hand, and some we dispose of.

9804. Are auction sales held?—Sometimes we dispose of it by auction sale and sometimes at private sale.

9805. What kind of liquors is it generally—spirituous or malt?—Spirituous liquor.

9806. Whisky and brandy, I suppose?—I have now a barrel of whisky in charge that was seized a short time ago. We have here also a special officer who does not report to the Collector here, but reports to the special department in Toronto.

9807. To what department does he report?—To the official Inspector; that may be called the detective branch of the Customs service in Toronto. There are special officers, and there are two of them here. One is partially under my supervision, and the other is not at all under me. They do not report to me, or they do so only at their own option.

9808. It is a special department of the Customs of a detective nature?—Yes.

9809. Do those officers confine themselves to any particular line of seizures?—No, nor to any particular place.

9810. Then they move about to different places?—Yes.

9811. They seize any kind of goods, I suppose?—Any kind of goods that are contraband goods.

9812. Their duties will sometimes be of a special character for the purpose of making investigations?—To a certain extent they will be.

9813. Have you any opportunity of knowing whether they have made seizures?—I know they have.

9814. And in those cases are the goods sold by auction?—I do not know what disposal is made of them.

9815. You spoke of a barrel of whisky as having been seized by you; have you had any liquors come in in bottles that have been seized?—No, we have not had any to any extent—only two packages since I have been here.

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9816. The liquors you have seized have been as a rule in wooden packages?—The last package we seized was at Milltown. It was in a sugar barrel, headed up.

9817. Do you ship for export from here?—No.

9818. Then you are not in a position to say whether intoxicating liquors are exported, for the documents would not come before you?—No.

9819. How long have you resided here?—Twenty-one years I have made it my home. During four years I spent a large portion of my time in Maine, and I went pretty well through the interior of the State.

9820. You spoke of this being a prosperous community; I suppose it is a temperate community, too?—Yes, I always considered it a very temperate community.

9821. Have you temperance organizations in the community?—Yes.

9822. Do they keep up active work?—They appear to do so.

9823. Has there been a growth of temperance sentiment going on through the years you have known this place?—I cannot say exactly. I am not a member of any temperance association, but the people have always been very active in temperance work.

*By Rev. Dr. McLeod:*

9824. Have you reason to believe there is much liquor smuggled here?—I do not think there is much smuggled here; at all events, not from the United States. We watch the importations very closely. They may get over more or less.

9825. Then you think they may avoid your officers sometimes?—No doubt they do, but I do not think to any extent, because liquor is easily obtained in the province, and it would be a good deal of trouble to get it from the United States.

9826. Have you reason to believe that what smuggling is done is for local consumption, or for forwarding elsewhere?—I cannot tell you exactly, but I have very good reason to believe it is for local consumption.

9827. But is it a matter of conjecture with you?—Entirely so.

*By Mr. Clarke:*

9828. If it were not for the local consumption, where would the liquor be sent?—I do not think there would be any object in smuggling the liquor here for consumption except in that way. That has been my idea always about smuggling liquor. If they could get it in from the United States smuggled, no one would know they had it, and they could sell it more easily in other places than this. The class of whisky brought in is very poor, and if they wanted to bring in liquor for consumption, it would have to come in in the way of ordinary business, and the people enforcing the Scott Act might get on to it. I think the people can buy in the Dominion as good or better liquor for the same money than they can in the United States.

9829. Do you think the stuff smuggled is consumed here?—Yes.

9830. Where does it come from?—It comes from Boston. The mark of Boston is on the ends of the barrels.

9831. Does any come from the State of Maine? Is there any liquor manufactured in that State?—No. They get all their liquor, or nearly all of it, from Boston. The State agent buys his liquor in Boston.

9832. Then the State agent can sell liquor legally?—Yes, all through the State.

9833. Is the Scott Act the law here?—Yes, but we do not consider it is in force.

9834. How long has the Scott Act been the law here?—I could not say exactly, 12 or 14 years, or at all events a long time.

9835. Has there been a steady decline in drunkenness and crime since the Scott Act came into force?—I do not think there has been.

9836. Has there been any marked decline?—I should not say there had been.

9837. Do you think there has been any decline at all?—I cannot see that there is much decrease in the drinking habits of the people now as compared with the period before the Scott Act. We have tried to enforce it here. I was Mayor for two years.

9838. How long ago was that?—I was Mayor in 1886 and 1887.

9839. You tried then to enforce the Act?—We did our utmost. We had as good a Police Committee as there ever was in town, and the members did their very best to

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enforce it ; but when there was the least let up in the precautions under the Act, the people took advantage of it. I do not think we ever thoroughly stamped out liquor, or that we ever could.

9840. Were you partially successful in stamping it out ?—Yes, partially so.

9841. To what do you attribute your incomplete success ?—You cannot keep people up to that pitch all the time. It is only an enforced enforcement, that is all it is.

9842. Have you as much difficulty in enforcing the law against smuggling as you had during your term of office as Mayor in enforcing the law against theft ?—No ; I think it is entirely different.

9843. What is the difference ?—The difference is that the sentiment of the whole people is against theft. The sentiment of a large majority is against smuggling, but as regards the enforcement of the Scott Act and the selling of liquor the sentiment is very much divided. It is a different matter altogether.

9844. The people do not look upon the drinking of liquor as a crime in the same light as theft ?—No, of course they do not.

9845. That is one of the reasons why your efforts have not been more successful, I suppose ?—I think so.

9846. Did you appoint an Inspector ?—I forget how the law was then. Whatever the law was then we enforced it and endeavoured to carry it out.

9847. I think the provincial statute authorizes the appointment of an Inspector by the municipality, and authorizes the Council of the municipality to raise the necessary amount to pay his salary ?—There was some difference about it at the time. When I was Mayor the Local Government made this change ; but I was also Warden of the county at the time, and we made an agreement with the municipality that they should give us the fines and we should pay the costs of prosecutions under the Act.

9848. The Dominion Government have passed an Order in Council appropriating the fines for the purpose of the enforcement of the Act and handing them over to the local authorities ?—There seemed to be some question about it at that time.

9849. Has the law been better enforced since you left the Mayor's chair than it was during your term of office ?—I do not think so.

9850. Could you suggest any change that the Commissioners could recommend to Parliament in regard to the Scott Act which would render it more easy of enforcement ?—No, I could not recommend any change as regards the enforcement of the Scott Act. I believe in high license. I believe the trade can be better regulated under high license than under the Scott Act.

9851. What would be the special advantage of high license ?—To the town of St. Stephen there would be, in the first place, a monetary advantage.

9852. The municipality would derive a monetary advantage ?—We have lost that—but, of course, this is a matter of opinion—and I think as much liquor is sold now as there was under license.

9853. Do you think the liquor sold illegally is of as good a quality and less adulterated than if it were sold in properly licensed houses and hotels where liquor could be purchased openly ?—My experience in the State of Maine—and I had a good deal of experience there—was that the foulest trash is sold. It is really supplied by Maine agencies and liquor agents in the different towns, and it is the foulest trash a man could possibly drink.

9854. That is the result of prohibition as it exists in Maine ?—Entirely so.

9855. Do you think if there was a high license, these foul liquors would be sold to a great extent ?—I do not think we have as bad liquor here as they have there.

9856. They have total prohibition, and you have only local prohibition ?—They are supposed to have total prohibition, but they have not any at all.

9857. Do you think if there were licenses, there would be as foul liquor legally sold as is sold now illegally ?—No.

9858. It would not be as poor ?—I think the same people who sell this stuff now, if they had an opportunity, would not want to sell anything good ; but under a license law a better class of people would engage in the traffic, and it would be better for the community that reputable persons should be engaged in it rather than the people who

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are now in it. The trade would certainly be more easily controlled. We could control it here, while we cannot do so now.

9859. This imported liquor is not very expensive?—It is brought over here at a very cheap rate. Two years ago, Mr. Phillips, of Franklin County, Maine, told me he paid \$1.80 per gallon for the whisky he gets there.

9860. Do you state that you believe the introduction and enforcement, or attempted enforcement of the Scott Act has resulted in the introduction of worse liquor into the province?—I think there are more low dives selling liquor, and selling a poor class of it, than there would be if the trade was properly regulated, and if respectable people had licenses.

9861. Can you suggest any changes in the law that would render the Scott Act more easy of enforcement?—I cannot imagine any way that we could carry out the Scott Act more fully.

9862. Do you favour as a means of protecting the general well-being of the community the granting of licenses, and the charging of a high license fee?—That is my idea, or the control of the trade, as is done in Sweden, by the Government themselves, no profit from the sale of liquor to accrue to any one except the Government. I believe that system would be very successful indeed.

9863. You have had experience, you say, in the State of Maine?—Yes.

9864. There is a prohibitory law in the State now?—Yes.

9865. Is that prohibitory law generally observed by the people, and does it prohibit the sale of liquor in the State?—It does not at all. It does spasmodically. Sometimes politics enter into the matter. In Bangor and Portland parties are very evenly divided, Republican and Democrat, and this question is used as a political engine by one party or the other. Accordingly, they sometimes shut up the drinking places for three or six months, but they are opened again.

9866. As a matter of fact, they cannot shut them up except by a determined effort: Can they stop the sale of liquor?—They do sometimes for quite awhile. In Portland last year it was very difficult to get it, although I do not think the places were absolutely shut up. In Portland and Bangor they run as openly sometimes as they do in St. John. You can go along the streets of Bangor and find as little concealment as regards the trade as you find in St. John, and you can go into the hotels at Bangor and you will find them mostly open and no concealment. At Penobscot it has not been enforced, except spasmodically. The bars were as open there as in St. John, and it was the same at other places.

9867. Then the law is practically a dead letter as regards the towns?—I should say so. I have been in almost every county of the State, and I have lived there from time to time in four different counties for four years up to about a year ago, when I came home.

9868. Then we understand that your experience was that in all these places there was no difficulty in obtaining liquor?—I never found the slightest difficulty.

9869. And the character of the liquor was worse than the illicit stuff sold here?—A great deal worse. I do not mean to say that they do not keep good liquor in Maine.

9870. Do they keep it for leading politicians?—For any one who wants to buy it.

9871. Then you can buy good liquor there?—Yes; the better class of hotels furnish it to people with money, but there is a great deal that is sold to workingmen and men of that class that is very poor indeed. The town has a liquor agency, and if a person wants a dose of liquor there is no trouble for any one to get it, but what he gets is this very cheap stuff.

9872. I suppose the better hotels keep better liquor, and it is gradually graded down to the low dives?—The town pays a man so much to run the liquor agency, and he has to keep the books, and the town gets the benefit of the profits.

9873. That is, on a small scale, the Gothenburg system, because in Gothenburg they would sell very good liquors of every kind, but it appears in Maine it is only money they are after?—Yes.

9874. Do you think they make as much money out of it as under the license system?—Liquor is supposed to be sold only under doctor's prescriptions. The State is supposed to be under prohibition, and is not supposed to be under free sale.

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9875. But is not the sale virtually free?—Of course my figures may not be accurate, but I am speaking in regard to statistics merely from memory.

9876. You have had an opportunity from personal observation and residence in Maine of seeing how the law is generally operated and worked?—Yes; I have no doubt in Maine the United States authorities enforce thoroughly their part of the business. There are two authorities in the liquor business in the United States, and unless a person pays his fee to the United States the Marshal at Portland will soon be down upon him. But the State does not appear to be so anxious to enforce the law, as does the United States Government to enforce its laws in regard to the traffic.

9877. And the people themselves are responsible for the existence of the prohibitory law?—Yes.

9878. The United States Marshal enforces the law as a matter of revenue protection, I suppose?—Exactly.

9879. Do you think if the Scott Act were placed in the hands of Dominion officials, that is, in the hands of officials appointed by the Dominion Government, it would be more efficiently enforced than it is by spasmodic efforts made from time to time by the local authorities?—I think not; I think you have to get the sentiment first before you can enforce it.

9880. You think the failure of enforcement is due largely to the lack of public sentiment?—I do, certainly; nobody disputes that.

9881. Have you had experience of the operation of the Scott Act in other parts of the province?—No; I have lived here ever since it was passed by the Dominion. I have been through the provinces where it was supposed to be in force, and also through Prince Edward Island.

9882. In those places you visited in those provinces, and in Prince Edward Island, where the law was supposed to be in force, was there any difficulty in obtaining liquor?—No, not any.

9883. Would you have thought the law was in force, unless you had been told?—I would.

9884. How would you have known?—Because there was secrecy about selling.

9885. Had the law a restricting influence?—No doubt it had.

9886. But it fails to prohibit, you think?—I think so.

9887. Do you think the failure to prohibit is due to public sentiment failing to back up and support the measure?—Yes.

9888. Do you visit Calais?—Not a great deal now. I was employed in Calais for 16 years.

9889. Was that during the time the Maine law was in force?—Yes.

9890. Did you see much drinking there then?—Yes.

9891. Have you any reason to believe that the liquor sold in Calais was taken over from New Brunswick?—No, I do not think anything about it.

9892. You saw people drunk there?—Yes.

9893. Is drunkenness increasing or decreasing in Calais?—I cannot tell you, I do not know.

9894. Do you know if liquor is sold in Calais?—No, I have not been there much for a long time.

9895. Was it an unusual thing during your residence in Calais to see drunken people?—I do not see any difference between Calais and St. Stephen, to any extent.

9896. Have you ever seen drunken people here?—Very seldom indeed.

*By Rev. Dr. McLeod:*

9897. You say the Scott Act is not enforced in St. Stephen. Will you say why?—That is a matter of opinion.

9898. What is your view of it?—I think liquor is sold here.

9899. Are there any causes that interfere with the enforcement of the Act?—There is no cause except public sentiment.

9900. I think I understood you to say that during the time you were Mayor you endeavoured earnestly to enforce the law. Can you say why your endeavour was a failure?—For the same reason, I suppose, that still continues to a certain extent.

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9901. Was it simply lack of public sentiment?—I think so.

9902. Were there any difficulties in the courts?—There were then, but we got them pretty well removed.

9903. How long did it take to have them settled?—I cannot tell you. The Police Committee endeavoured to enforce the Act.

9904. Still, as Mayor you would have knowledge of what was going on?—Yes.

9905. Do you know whether the difficulties before the courts continued for years?—Yes, my recollection is that they did.

9906. Do you suppose those difficulties interfered with the enforcement of the law somewhat?—They appeared to prosecute just the same.

9907. And get convictions?—And get convictions.

9908. Could they enforce the convictions?—I do not know of any that were not enforced.

9909. Were they enforced immediately, or was their enforcement delayed sometimes months or years?—I think some cases are now dragging on.

9910. So the difficulties that arise are yet in the courts?—They appear to be in some cases.

9911. Do you attribute anything of the lack of enforcement to the fact that those difficulties did arise in the courts?—I think about 1886 or 1887 most of the trouble was settled.

9912. You have said there are still cases of that sort?—Yes, but these cases very seldom occur. They ought to have no trouble now.

9913. Did public sentiment have anything to do with those difficulties that occurred in the courts, of appeals from convictions?—I think not. I do not know.

9914–5. So the non-enforcement of the Act is not entirely attributable to lack of public sentiment?—It is very largely the cause. The difficulties have now disappeared.

9916. I understood you to say that some of the difficulties remained?—I think they were pretty well removed six years ago.

9917. Can you account for this, that after several years of failure to enforce the law, the people of St. Stephen and the people of Charlotte County revoted confidence in the law, by increased majorities?—I can account for it quite easily. There is a very large temperance sentiment on the Islands, and the people there vote almost to a man in favour of the Act. There is large influence used, and a great many men are influenced not by what they think, but by their wives and children. There is no doubt about that. They think it best to vote for the Act; but they do not support it, although they openly say they voted for it. We have had a majority of about a thousand in favour of it.

9918. You have spoken about the Islands: in how many places in the county did the petition for repeal have a majority?—I cannot tell you. I think in three or four places.

9919. How was it in St. Stephen?—The middle ward was about even, and the other two wards were for the enforcement of the law.

9920. Then St. Stephen gave a majority in favour of the law?—Yes, but not so large as the Islands gave, for they gave an increased majority.

9921. Does the fact that St. Stephen gave a majority for the retention of the Act indicate public sentiment here?—It does not, in my opinion.

9922. Do you mean to say that the people who vote do not mean what they say when they vote?—I believe a great many people who voted for the Scott Act, if they thought they could not get liquor, would not have voted for it.

9923. You say they were influenced by their wives and children?—Yes. It is a strange thing that in the State of Maine you see a strong prohibitionist vote given, and yet if the people were in earnest, they would do more than they do to enforce the Act.

9924. You were employed in Maine, I believe, and lived there?—Yes.

9925. Were there any particular circumstances that seemed to cause the free use of bad liquor at that time? Were any large works going on of any kind that brought in a class of men which made a demand for inferior grades of liquor?—A. There were none. In some towns, immense quantities of very poor liquor were taken in, which were intended especially for the workingmen.

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9926. You spoke about town agencies, and intimated that they sold to everybody?—They appear to do so. They are not allowed to sell except on prescriptions, but men never find any difficulty in getting what they want.

9927. But they are authorized to sell only on prescriptions, and accordingly the fault really lies with the State agents?—I think so.

9928. Is any attempt made to bring them to book for their offences?—There was not any, in my knowledge.

9929. Not within your observation?—No.

9930. Do you find it difficult to enforce the revenue law in regard to smuggling and the like?—No; we find violations of it occasionally.

9931. Does the enforcement of the revenue law depend on public sentiment?—Undoubtedly it does. The people are willing that the law should be enforced.

9932. Would you attempt to enforce the laws if public sentiment was not in favour of them?—Certainly, so long as I was paid for it.

9933. Do you think it is the duty of the officials of the Dominion to enforce the laws of the country, even though it may appear that public sentiment is not in favour of them?—I do not know whose particular duty it is to enforce the Scott Act. The law says the Internal Revenue Collector shall do it, but he never does it. When the Act was passed, that duty certainly devolved on the Internal Revenue officer.

9934. Is there any Inspector in Charlotte County?—Yes.

9935. Does he attempt to enforce the law?—I understand he does.

9936. With any success?—With more or less success.

9937. Suppose there were a prohibitory law on this side of the line, other than the Scott Act, a law that prohibited the importation and manufacture, as well as the sale of alcoholic liquors, a law such as there is on the other side of the line, what would be the effect?—We would go to Quebec and get what liquor we wanted.

9938. You think the people would be bound to get liquor?—Yes, certainly.

9939. Even if there was a prohibitory law for the whole Dominion?—Then you would have to make one for the whole world, because men would go across a country for it.

9940. Then so long as the whole world is not under a prohibitory law, such a law in any part of the world would be a failure?—Certainly.

9941. You have expressed yourself as favourable to high license, and I think you said you thought the trade would be better regulated. Have you had any experience of high license?—Not actually, but I have seen its operation in Ontario—in Toronto.

9942. Have you had any experience of the license law at all?—Yes.

9943. Does your observation lead you to believe that it regulates the trade?—I would rather see the trade in the hands of such people as would get licenses than those who are in the trade now in St. Stephen.

9944. Do you think any injury to any of the interests of the community arise from the drink trade? Do you think any injury arises to the business community, to its social life, and to the morals of the community from the drink trade?—Undoubtedly there is some.

9945. Do you think those evils would be lessened by the establishment of the trade under license?—Yes, they would be reduced. You could regulate them better; because there is reason to believe that people who sell liquor under a license would not sell it to certain parties who now get it; but where there is no license, they do not dare refuse for fear of being informed against.

9946. Do you know of licensees refusing drink when they were authorized to sell?—It is so long ago, I could not tell.

9947. Have you any knowledge as to whether there was any illicit sale when there was a licensed sale?—I have no doubt there was some, but it would be more easily and better regulated, and you could control it then.

9948. Do you remember if there was more or less illicit sale when there was a licensed sale than there is now?—No.

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9949. Since, however, there is some illicit sale where there is a licensed system, do you think the license system does not quite regulate?—It is the same way as it is with the Customs. I have no doubt there is some smuggling now, but we try to restrain it, and it would be no argument for relaxing our efforts because there is still some smuggling.

9950. Do you urge that because there is illicit sale under the Scott Act, there should be a relaxation of vigour in enforcing the Act?—No, but I believe in a different way of controlling it. I believe it could be controlled better than it is. You cannot make people do right altogether, but you can induce them to do as nearly right as possible.

9951. Does the Scott Act make them do right in any degree?—As it puts one man out of the business and places another man in, it makes no difference.

9952. And what about the license law?—Respectable men would engage in the traffic who would not do so when the traffic was illicit and illegal.

9953. Do you think the drink trade should have the same chance as any other trade?—I do.

9954. Then why license it and regulate it?—Because an evil which is admitted should be regulated.

9955. In that respect it differs from other trades?—Yes.

9956. You think the way to restrict the evil and lessen the evil effects of the trade is to license it?—I think so. I want you to understand that I do not believe if the whole thing could be wiped out from the earth, it would not be better; but so long as it is with us, we ought to do the best we can with it.

9957. Do you think prohibition, thoroughly enforced, is desirable?—Just exactly, as desirable as to keep away any other sin we commit, or anything else that is wrong. If the Almighty could wipe it away, it would be better for the people of this earth, but He has not thought fit to do so, and I do not think we can do so either.

9958. You think if prohibition could be thoroughly enforced, it would be desirable?—No doubt it would be better for the earth.

9959. You doubt as to the possibility of enforcing it?—I do, certainly.

9960. Do you think the temperance and prohibition sentiment is growing in strength?—I do not. I think it is about as high here as I have seen it, and there has not been much difference during the years. I have been a resident here.

*By Mr. Clarke :*

9961. Have you any doubt as to the enforcement of a prohibitory law?—I do not think it could be enforced, unless you prevented the manufacture.

9962. There is a prohibitory law in Maine?—There is.

9963. Which prohibits the manufacture, importation and sale in that State, except under these special provisions?—Yes; and a man cannot import a bottle from outside, as I understand.

9964. And yet it does not prohibit there?—No.

9965. Do you prefer a license law, because you can regulate the trade?—That is my opinion.

9966. The bars are open only at certain hours?—I like the system in Toronto. We have a splendid license law in New Brunswick.

9967. But under this system the illicit places are open all the time?—Yes, we understand they are.

*By Judge McDonald :*

9968. Do you say there are no infractions of the license law?—I believe there are infractions of the license law or would be, as there would be of a Custom law.

9969. Have you lived under a license law?—Here.

9970. Were infractions charged against people?—I do not know of any, but I believe there would be.

9971. You have spoken of there being a universal sentiment against stealing, a strong sentiment against smuggling, so that the law can be enforced; but such a divided feeling in regard to the Scott Act that it cannot be enforced?—Yes.

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9972. Is there any feeling in the community in favour of prohibiting illicit sale under a license law?—I should say the sentiment of the community would not be in favour of illicit sale under a license law.

9973. Then there is a different sentiment regarding enforcing the Scott Act and punishing infractions of a license law?—Yes.

*By Rev. Dr. McLeod :*

9974. Do you mean to say that public feeling is against illicit sale when the trade is licensed, but that there is none when the sale is prohibited?—The public would be reaping benefit by prohibiting illicit sale under license. When you touch a man's pocket you touch him, and he would be interested in seeing the law observed.

9975. Do you think people regard illicit sale when there is a license as worse than illicit sale when the sale is altogether prohibited?—Certainly.

9976. And that is because they are getting a profit?—Which they have a right to have.

9977. You believe the people made money out of licensing the trade?—I think we would be better off by \$15,000 or \$20,000 under a license law than under the Scott Act.

9978. Do you think that in the event of prohibition, even though violated, enough liquor could be smuggled to establish a large and remunerative trade?—Yes, I do, judging from the State of Maine.

9979. If the revenue laws were enforced, as you enforce them, would that be the case?—I know of liquor going into Lewiston and Waterville in Maine by the car load. It has been known that it has gone in in such quantities that a whole car load has been seized there.

9980. Do you know whether more effort was made where a license law prevailed to prevent illicit sale than has been made in Scott Act counties to prevent illicit sale?—I do not know. At the time we had a license law it was not talked about or thought about, and people did not observe the results as much as they do under the Scott Act.

9981. Was any effort made under the license law to prevent illicit sale?—I do not know. I was not engaged in it.

9982. If there had been an earnest effort to prevent illicit sale, you would have observed it?—I never said there was illicit sale.

9983. You think there would be?—I think the law would likely be evaded.

9984. Do you think there was any illicit sale?—I do not know. It is only what I imagine as to what would take place.

9985. Then you have no knowledge of any effort to prevent illicit sale?—No.

9986. But you know there has been that effort under the Scott Act?—Yes.

*By Mr. Clarke :*

9987. All the liquor sold in this town now is illicitly sold, except that sold for medicinal and other similar purposes?—Of course.

9988. Is there such a temptation to sell illicitly when there is a proper license law in existence?—I should think not.

9989. I understood you to say that the Scott Act in this county was carried by a thousand majority?—I think so.

9990. And notwithstanding that majority, the efforts made to enforce the law are spasmodic. If the people are really in earnest, would they not enforce the law?—If the sentiment of the whole community was in favour of its enforcement, it would be enforced.

9991. Do any liquors come in in bond?—Not any.

*By Mr. Gigault :*

9992. Do any liquors pass through your office now?—Very seldom.

JAMES VROOM, of St. Stephen, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

9993. What is your calling or occupation ?—I am manager of the Ste. Croix Printing and Publishing Company.

9994. Do you hold any official position ?—I am Town Clerk.

9995. How long have you been Town Clerk ?—Four years, or nearly five.

9996. Are you Clerk of the Police Court ?—No.

9997. Who acts as Clerk of the Police Court ?—The Police Magistrate is his own secretary.

9998. Are any of the records filed with you ?—No, except the monthly report of the Magistrate of the cases tried.

9999. Have you any of these reports with you ?—No.

10000. Are they printed from year to year ?—They only contain statements of the monthly sum received for fines, and the amounts ; they are not distinguished as coming from different sources.

10001. Have you anything to do with the enforcement of the Scott Act ?—Nothing whatever.

*By Rev. Dr. McLeod :*

10002. Do you know as Town Clerk anything about attempts made to enforce it ?—I know the Council from time to time has passed orders to have the Scott Act enforced.

10003. Have those orders been obeyed ?—They have sometimes, as far as the officers were able to do it.

10004. How has the Act been enforced ?—At times it has been almost impossible for a stranger to obtain liquor in town.

10005. At other times ?—It has been very easy.

10006. What has made it difficult at some times and easy at others ?—The earnestness of the attempt to enforce the law.

10007. On the part of the officials or of the public ?—The officials.

10008. Did the earnestness of the officials depend at all upon public sentiment ?—I am not prepared to say it did, for I have not noticed any variation in public sentiment.

10008a. What is your opinion of the public sentiment in St. Stephen ?—That it is strongly in favour of the enforcement of the Scott Act.

10009. That the people are not displeased when it is enforced ?—That they are pleased when it is enforced.

10010. And how do they feel when it is not enforced ?—I think they feel that the officials are not doing their duty.

10011. Can you say what has been the effect from first to last of the Scott Act upon the community, I mean considering the times when it has been well enforced and the times when it has not been well enforced ?—I am not prepared to say that it has been either good or bad. I cannot judge of any effect upon the community of the enforcement of the Scott Act.

10012. Has it lessened the drink sale ?—I have strong reason to believe it has.

10013. Has it lessened drunkenness ?—I think it has.

10014. Has it had any effect upon the moral tone of the community ?—I am not prepared to say.

10015. Has the moral tone been lowered by reason of the violations of the Act ?—I do not think it has.

10016. Has it had any effect upon the business of the community, has business been better or worse ?—I do not think it has affected business.

10017. Has it injured it ?—Not that I am aware of.

10018. Has it benefited business ?—It may have done so, by enabling men who would be inclined to drink to attend to their work.

10019. Have you to do with the men in the employment of your company ?—I have.

10020. Do you employ and pay them ?—Yes.

10021. Are you able to form an opinion of the effect of the drink trade and the drink habit upon those men ?—Since my connection with the company we have had no men under our employ who were addicted to drink.

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10022. How is that?—It is owing to the selection of the men.

10023. Do you object to drinking men?—Strongly.

10024. Why?—Because we cannot depend upon them when they are wanted to do their work.

10025. Do you think the law has had any effect in lessening the opportunities of men to drink, who would otherwise drink, more or less?—It has undoubtedly had some effect.

10026. In that, do you think it has been beneficial?—I do.

10027. Do you think the same state of things prevails with reference to employees in other establishments?—I do.

10028. What are your views as to the weak points of the Canada Temperance Act?—I think the one weak point in it is, that there is not a Dominion official whose business it is to enforce it, for although it is a Dominion law its enforcement is left to local authorities.

10029. Do you regard the fact that the people of St. Stephen, by a large majority, a few months ago re-declared their desire to have the Scott Act, as an indication of the people's approval of the law, despite the difficulties of enforcement?—I regard it as an indication that the people approve of some law for the abolition of the liquor trade.

10030. Why did they approve of the Scott Act?—Because it was the only available law for the prohibition of the trade.

10031. Do you think that the feeling for a general prohibitory law would be stronger than that for the Scott Act?—I do.

10032. Do you think a general prohibitory law, prohibiting the importation and manufacture as well as the sale of intoxicating liquor, would be more easily worked than the Scott Act?—I think that would depend entirely upon the machinery for enforcing it.

10033. Supposing officials, such as are appointed under the revenue law, were appointed, would it be more easily enforced than the Scott Act?—More easily enforced, because there would be no neighbouring community having the free sale of liquor.

10034. Do you know anything of Calais?—I have lived in proximity to it for a time, and I have lived there for a time.

10035. Is there any sale there?—There is a sale I understand, but not much.

10036. Is it secret or open?—It is secret.

10037. Do you think the sale is so general as to declare a failure of the prohibitory law of the State of Maine?—No.

10038. Do you think the proximity of Calais to St. Stephen makes it easier to sell liquor in Calais?—No, I think otherwise.

10039. Do you think the proximity of Calais to St. Stephen makes more easy the sale of liquor in St. Stephen?—I know that to be the case.

10040. Do you think if there were a prohibitory law in Canada of the character of the prohibitory law in the State of Maine, there would be as much illicit sale in either place as there is now?—I am not prepared to answer that question.

10041. Do you remember St. Stephen under license?—I do.

10042. From your knowledge of St. Stephen under license and St. Stephen under the Scott Act, do you think liquor is as freely sold under the Scott Act as it was under license?—No, it is not.

10043. Do you know whether there was any illicit sale when a license system prevailed here?—I do know that there was.

10044. Was it extensive?—Not as extensive as the illicit sale now, but generally illicit sale was going on.

10045. Was any attempt made to interfere with it?—Occasionally some one was fined for illicit sale.

10046. Was the action taken by the town authorities or the licensees?—I think by the town authorities.

10047. Do you know of any cases where the licensees interfered with the illicit sellers?—I do not.

JAMES VROOM.



10048. Do you know of any cases where the licensees supplied the illicit sellers?—I have no knowledge, but I believe they were in the habit of supplying the illicit sellers, and therefore were interested in their business.

10049. Comparing the condition of the town as to business, moral tone, social life, under license, and the town under the Scott Act, is there any difference in the conditions of the town as to those things, and if any difference, what is it?—The town is better to-day than it was under the license system, but I would not say it is wholly due to the Scott Act.

10050. Is it partly due to it?—I think so, partially.

10051. Do you think the prohibition of the trade helps the moral and religious efforts to improve the town?—I do.

10052. All things considered, are you of the opinion that St. Stephen under the Scott Act, is improved over St. Stephen under license?—I think St. Stephen is better, but I am not sure that the Scott Act is the cause of its being better.

10053. Has the Scott Act contributed at all towards that result?—I am not prepared to say it has.

10054. Has the Scott Act interfered with the improvement of St. Stephen?—I should think not.

10055. If a license system had continued, do you suppose improvement in the same degree would have gone on?—I cannot say as to that.

*By Mr. Clarke :*

10056. Do you think the effect of the religious teaching and moral influences would have been less in St. Stephen than they are under the Scott Act?—I am not prepared to say.

10057. Do you think the effects of these influences would have been less under a license law than under the Scott Act?—I do not see any grounds upon which I could form an opinion.

10058. How do you form an opinion as to the impotence of those efforts under the Scott Act?—I do not think I have expressed an opinion upon that.

10059. In what way have the improvements been manifested since the Scott Act became law?—There are more organizations for moral and social reform than there were before that time, and they seem to be carried on more harmoniously and more enthusiastically. There are more church buildings than there were at that time, and I think that Sunday schools and church organization are prosperous. There is more business going on. I am not prepared to say that part of that is due to the Scott Act.

10060. Has the population increased?—It has somewhat.

10061. Does that necessarily cause increased business and increased Sunday school and church attendance?—It does, unless we are putting the cause for the effect.

10062. Has the adoption of the Scott Act increased the population in any way?—I am not prepared to say it has.

10063. What do you think is the effect on the morals of the community of having a law on the statute-book which is continuously violated?—I think the effect is bad.

10064. Do you know of your own knowledge of cases where licensed dealers, who paid a sum of money for the privilege of vending liquor, would sell or give to unlicensed people who paid nothing for the privilege, liquor to sell?—That depends on what I should regard as being within my own knowledge. It was a matter of common report in town years ago that there were certain unlicensed vendors in the town who obtained their liquors from the licensed vendors here. I know nothing of my own knowledge.

10065. Do you mean the retailers?—Yes.

10066. Not the wholesale dealers?—Not wholesalers; I am speaking from recollection of what occurred many years ago under the license law.

10067. Were there any cases in court that brought this evidence out?—Not that I remember.

10068. You said that at times it was impossible for a stranger to obtain a drink?—Yes.

10069. Was it impossible during those times for a resident to obtain a drink?—A respectable resident, I think, would have found it impossible.

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10070. Why?—Because the people were afraid to sell openly, and would only sell to those to whom it was safe to sell.

10071. And it was not safe to sell to a respectable resident?—No.

10072. Is there an Inspector now employed?—There is.

10073. Who is he?—The Town Marshal.

10074. Have you reason to believe he does not do his duty to the best of his ability?—He does his duty to the best of his ability.

10075. Are the efforts to enforce the law less vigorous than they were when Mr. Graham was Mayor?—I do not think they are less vigorous, but I do not think there is any difference.

10076. Did you hear what he said as to the efforts he put forth and those with him in the Council?—I did.

10077. Do you recollect the answers he gave as to the possibility of prohibiting under the Scott Act?—I do.

10078. Do you agree with those answers?—I do not.

10079. Do you think the Scott Act can be enforced?—I think it can be, and has been at times enforced here, and much better than the revenue laws.

10080. When there is a laxity or lethargy in enforcing the law, to what do you attribute it?—I do not know that I have ever traced it to a source, but I should suppose that it is largely due to the fact that one cannot enforce any law of that kind without making enemies.

10081. A law of what kind?—Laws against smuggled goods or the sale of liquor, and I think the unwillingness of men to make enemies is the main reason.

10082. The officers of the law make enemies every day by the enforcement of the law against theft and other things. That ought not to make them afraid to enforce the law. Do people in this community regard it as an offence similar to stealing to take a glass of liquor?—No.

10083. Was there a very large vote polled on the question of bringing the Scott Act into force?—I cannot say the proportion, but the majority was greater than on any question ever before the county.

10084. When was the last vote taken?—About a year ago.

10085. With such an immense majority in favour of the Act, would there be any difficulty in enforcing it?—No, but the majority in this town was light.

10086. Do you think any of those voted for the Act, knowing that it would not debar them from obtaining liquor?—I should think not.

10087. Do you know anything of the quantity of liquor that comes in for the use of families?—I do not.

10088. Do you know if the quantity of liquor consumed has been decreased?—Sometimes there has been apparently a decrease, judging by the number of drunken men on the streets, and the convictions for drunkenness.

10089. Have those steadily declined?—Not steadily, because sometimes the Act has not been enforced.

10090. Could we get the figures as to that?—I think the Police Magistrate has the records.

10091. Showing how the Scott Act has affected drunkenness in the town?—No, it would be difficult to show that, because the town records were destroyed by fire just before the introduction of the Scott Act.

10092. Did you say that the proximity of Calais to this place made it more easy to obtain liquor?—It rendered the illicit sale of liquor in St. Stephen more easy, for this reason: The enforcement of the Scott Act here depends largely upon getting the evidence of men who have obtained liquor, and there are a number of places suspected and often proved to be places for the sale of liquor. Their customers who come from Calais, enter these places and escape again to Calais, without falling into the hands of our officers.

10093. Do they drink to excess frequently?—Many people do.

10094. Are they arrested in Calais, for drunkenness?—They are, often.

10095. Is it necessary for people to come over from Calais to get liquor?—I do not think it is.

JAMES VROOM.

10096. Is it sold there?—Yes; people have been known to carry it from here over there and have been arrested for doing it.

10097. Do you know there are places there where it is sold?—I do not.

10098. Do you know there are not?—I think there are.

10099. You think if Dominion officers were appointed, the Scott Act could be more efficiently enforced?—Yes.

10100. Could you make any other suggestion that would make the Act more easily worked?—I do not know that I could.

10101. You think that taking the enforcement out of the hands of the Town Marshals and putting it into the hands of Dominion officials would result beneficially?—That would be my opinion.

*By Mr. Gigault :*

10102. How many temperance societies have you?—There are two of men and one of women: the Sons of Temperance, the Independent Order of Good Templars and the Women's Christian Temperance Union.

10103. Can you give me the amount of fines collected by the town?—Not at present; I have not got it with me.

10104. Could you give that amount for a few years past?—I think the Police Magistrate has such a statement, which could be got for the Commission.

10105. But he placed in your hands a statement of the amount of fines?—For all purposes. He files with me, as Town Clerk, once a month, a statement of all the moneys he pays into the hands of the Town Treasurer, whether received from fines or other sources.

10106. And there is not a distinction made between the fines from the Scott Act and other sources?—There is a distinction in his report, but it has not been tabulated.

DANIEL CRILLEY, of St. Stephen, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

10107. What is your calling or occupation?—I act as Police Magistrate and Commissioner of the parish of St. Stephen Circuit Court.

10108. How long have you been Police Magistrate?—It was in 1886 I was gazetted.

10109. By the Provincial Government?—Yes.

10110. And you have continued in office since?—Yes.

10111. Is it your duty to try infractions of the Scott Act?—Yes; either as Police Magistrate or Commissioner of the parish court; but it is chiefly as Police Magistrate.

10112. As Commissioner of the parish court, from what authority did you get your appointment?—From the Local Government.

10113. And you have had that for the same length of time?—I had that earlier.

10114. How long?—I think it was in 1883.

10115. You act as secretary of your own court?—Yes.

10116. Do you keep records?—I do.

10117. Do you keep records which will show the proportion of cases tried before you for drunkenness?—Yes.

10118. And for infractions of the Scott Act?—Yes.

10119. Have you got them here?—I can give for every month since March, 1886, the number that were convicted before me as Police Magistrate, and also the number convicted for drunkenness.

10120. Do you make any distinction between drunk, and drunk and disorderly, and drunk and incapable?—No, I have no law for more than the one offence.

10121. In Nova Scotia they seem to make a distinction between drunk and disorderly, and drunk, and drunk and incapable?—They do. They can try them for being

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drunk and put them on trial again for resisting or for being disorderly, but we cannot make a distinction in that way.

10122. Will you give the total number arrested for drunkenness?—From March, 1886, to the end of the year, 162 were convicted. From the time at my disposal I have taken these figures out with the greatest care, still I do not swear to one or two of a difference, but the statement is to the best of my knowledge.

10123. How many of these were for drunkenness?—125; the others were for offences such as loitering on the street, and perhaps causing a little disturbance, and immoderate driving on the street. In 1887 there were 93 convicted in the whole year, 78 being for drunkenness; in 1888 the total convictions were 112, 104 being for drunkenness; in 1889 the number convicted was 103, and 82 were for drunkenness; in 1890 the total number convicted was 128, and for drunkenness 112; in 1891 the total number convicted was 126, and for drunkenness 100. I took these out in view of the questions I thought would be asked.

10124. What questions do you refer to which you thought you would be asked?—The questions I saw in the printed form.

10125. Have you got the printed form with you?—No; and I am not prepared to answer all of them, for I have not had the time.

*By Mr. Clarke :*

10126. Will you file that printed list of questions with the Secretary?—Yes; I got it from a friend.

*By Judge McDonald :*

10127. Does that list show how many infractions of the Scott Act have been tried before you in each of those years?—It shows the number of convictions, but not all the informations laid before me.

10128. There were not convictions in every case?—They were not.

10129. For want of evidence?—Yes; in a few cases, and there were other cases where the service of the warrant or summons could not be effected on the defendants.

*By Rev. Dr. McLeod :*

10130. Your observation brings you into direct contact with offenders against law?—Yes.

10131. How many of the other offences that have been before you, other than those of drunkenness, have been connected with drink or possibly traceable to drink?—I could not tell you the number.

10132. Have you an idea that any considerable proportion of them would be?—There might be probably 5 per cent. I think in cases of immoderate driving there were a few, but not many; not more than 5 per cent that could be traceable to drinking.

10133. Is it possible for you to give a statement of the amount of fines collected in your court?—Yes.

10134. Will your records also show the proportion of those fines that were for drunkenness and for offences traceable to drink?—Yes; the records give the fines for immoderate driving or drunkenness, and the fines are carried out with each name.

10135. Do you make a return to the Town Clerk in detail?—Yes.

10136. Each case is set forth?—Yes, I set out the offence, the penalty and the costs.

10137. What is your rule in dealing with those who are drunk and not disorderly; do you caution them and send them home?—No, I generally impose the lowest fine, if it is a first offence; and in case they have not the amount to pay the fine, sometimes we let it hang over them, and sometimes let them go. That is where it is a first offence, and the person has been civil in other respects.

10138. In regard to offenders under 16 years of age?—There are very few.

10139. Are you able to form an opinion as to how much juvenile crime could be traced to drink?—No.

DANIEL CRILLEY.

10140. To drinking either of their parents or others?—I am not able to form an opinion.

10141. Have you cases of cruelty to wife and children by the father?—Not many against women; we have had three or four of them. In regard to children, we have had some complaints, but we have had no convictions in regard to any children, except for the graver offences.

10142. Have you any cases of offences against women and children by fathers, brothers or others?—I do not know that I have against women.

*By Mr. Clarke :*

10143. Here is a rough statement you have prepared?—Yes. It might differ a little from the returns made.

10144. For 1886, according to this statement, the total convictions made by you numbered 162.—Yes.

10145. And of those the total for drunkenness was 125?—It seems so.

10146. For 1887 the total was 93, and of that number 78 were for drunkenness?—Yes.

10147. In 1888 the total convictions were 112, and of these 104 were for drunkenness?—Yes.

10148. In 1889 the total offences were 103, of which 82 were for drunkenness. In 1890 the total offences were 126, of which 113 were for drunkenness; in 1891 the total number of offences was 126, of which 100 were for drunkenness; and up to 1st August, 1892, the total number of cases was 41, of which 33 were for drunkenness. Is that correct?—It seems to be.

10149. In other words, the total number of convictions obtained by you since March, 1886, up to 1st August this year, numbered 763, of which 634 have been for drunkenness?—It seems so.

10150. Could you give the Commission a statement showing the number of people who have been brought before you during that time for violations of the Scott Act, and what disposal was made of the cases?—Yes. I can give all that were committed, but a few of the convictions were not ratified. I will give you the number of convictions.

10151. Will you state the convictions under the Scott Act from March, 1880?—The number is 203, up to 1st August, inclusive.

10152. Do you know anything about the operation of the law in the State of Maine?—I recollect the time the law came into force there, and I have been there often since. I always considered that the State of Maine, at all events so far as Calais is concerned, to be a sober community, but I do not know now. Lately I have heard there have been as many arrests there as here, or even somewhat more; but I do not know whether these arrests have been altogether for drunkenness or not.

10153. Have you had any experience in the State generally?—No; I have only made my statements from hearsay.

10154. You do not know anything about it yourself?—No.

*By Rev. Dr. McLeod :*

10155. About the enforcement of the Scott Act: so far as your knowledge goes, has there been any particular difficulty in the way of its enforcement?—Yes, there have been a great many difficulties.

10156. What have they been?—It has been difficult to procure witnesses to come up to court, and they have disobeyed the summonses, and we had have to issue warrants for them. When they have been brought into court, about four-fifths of them, although they frequent the houses where liquor is sold, do not seem to know whether liquor is sold there or not.

10157. They have very defective memories, I suppose?—They seem to have.

10158. There has been trouble, I understand, also in the higher courts in regard to appeals and the like?—I never had any. Every conceivable objection was taken before me, but I have yet to learn of any convictions of mine being set aside on legal or technical objections. Perhaps there may have been such cases, but I have not heard of them. My convictions have all been sustained.

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10159. Were the cases, as a rule, delayed in the higher courts?—Yes. Not so many are sent there now as formerly. Formerly a *capias* was issued, and the rule was granted and other proceedings followed.

10160. You spoke about some people disobeying your summonses; did they go across the line?—I could not say where they went.

10161. What did you do in case of parties refusing to answer a summons?—I took the deposition of the constable who served the summons on the witnesses, that he served them on such a day and at such a place. On the strength of that I issued warrants for their arrest.

10162. Sometimes you got the party I suppose and sometimes he disappeared?—Sometimes we got him. We have always acted as leniently as possible with such witnesses. If they got word and attempted to disappear, and we knew it, we might lock them up.

10163. From your intimate connection with the enforcement of the Scott Act, do you believe, in spite of all the difficulties, the Act is fairly well enforced?—I think fairly well.

10164. Do you think it has had a good effect?—I think there is some improvement. At first they appeared to think the Act was imposed on them by their neighbours and not by a statute passed by Parliament. The witnesses seemed to hardly respect the law, and they declared they did not know such a law as that on which they were called to give evidence.

10165. Do you think that if the law provided that Dominion officials should enforce it, the law would be better enforced?—They ought to be more independent than officers appointed by local authorities, in my opinion, and if they were the right kind of men I should think they would probably enforce the law more effectively; but I could not say that even if the Dominion appointed officers, they would do better than the present officers.

10166. You think the present officers are efficient and do their best?—So far as I know. They might be able to do a little better, but I am not certain they could do so. I think they are doing their very best in many instances. Whether they could do better, I cannot say. I know they do their very best in the cases they report.

*By Judge McDonald:*

10167. You investigate other cases besides the infringements of the Scott Act?—Yes.

10168. Do you find the witnesses in those other cases as much troubled with loss of memory as in the Scott Act cases?—I do not think they are. It seems a relief when I examine witnesses in other cases, either on preliminary examination or otherwise.

*By Mr. Clarke:*

10169. To what do you attribute this loss of memory in Scott Act cases? Is it to the effects of the stuff the people get in these places?—They might not be so well treated in those houses, or other parties might not treat them so well afterwards if their memories were any better.

10170. So the enforcement of the law gives rise probably to a lot of perjury?—I could not say that; but it appears strange that while these people frequent certain houses from month to month and day to day, they appear to have seen nothing but soft drinks and light beers.

10171. Then the moral tone of the community is not improved?—Independent of the Scott Act, I think the moral tone of those who swear that way is not very good.

*By Mr. Gigault:*

10172. Judging by the number of convictions, how many places are selling liquor here now?—I could not be certain that there are more than six or seven that I can learn of. Some of those six or seven have been lately convicted, and sometimes while they have been convicted they have been selling in a quiet way. There might be more or less.

DANIEL CRILLEY.

JOHN S. DEWOLFE CHIPMAN, of St. Stephen, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10173. I believe you are Mayor of the Town?—Yes.

10174. How long have you held the office of Mayor?—Since the fourth Monday of March, 1892.

10175. Is this your first term of office as Mayor?—It is my second term as Mayor. I was Mayor in 1888.

10176. Have you been a Councillor?—Yes.

10177. Do you take charge of the police court in any way?—Only in the absence of the Police Magistrate; I have only once done so this year.

10178. How long have you resided in town?—Ever since I was born.

10179. This a manufacturing and milling community, I believe; is the town prosperous in business?—Fairly so.

10180. What is the population?—The last census gave 2,800 to the town of St. Stephen.

10181. We have been told there is a town Milltown near here?—That is above.

10182. How far away?—It joins St. Stephen.

10183. Has it a separate corporation?—Yes.

10184. Has it a Mayor and Councillors?—Yes.

10185. Is 2,800 the population of this town?—Yes, it is the population of St. Stephen proper.

10186. Do you know anything of the operation of the Scott Act?—We have had some experience with it, both in 1888 and this year.

10187. In endeavouring to enforce it?—Yes.

10188. Have you an Inspector?—We have. I do not know that you could call him an Inspector now; he now occupies the position of Marshal and is under the instructions of the Police Committee. I think the Legislature passed an Act setting forth that the town should not appoint an Inspector. He is not appointed as Inspector for the Municipality, but he is instructed to do this work.

10189. Have you reason to believe he does his duty faithfully?—Yes, I think he does it pretty faithfully.

10190. His superiors have instructed him to do it, I suppose?—He gets his instructions from the Police Committee, and they have instructed him very fully on the point, to show no favouritism but prosecute the Act to its fullest extent.

10191. Have resolutions from time to time been passed by the Board?—Yes. The present Council are in favour of enforcing the Act to the fullest possible extent.

10192. Have you reason to believe that infringements of the Act occur in the town?—Yes.

10193. The Police Magistrate has told us that he thought there were six or seven places in the town selling liquor?—I do not know how many places there are, but there are infringements of the Act; there is no question about that.

10194. Have you had experience of a license law?—Not while I was in the Chair.

10195. Do you remember the operation of the license law in former years?—I was not very old then, but I remember it distinctly.

10196. So far as your recollection goes, has there been under the Scott Act a decrease of drunkenness in the town?—I should think so.

10197. An increase of sobriety?—Yes.

10198. Do you think there is less liquor sold now than previously?—I think that within the last two years there has been less liquor sold, that is while they have been trying to enforce the Act.

10199. Have you reason to believe that liquor is brought in from other communities for family consumption?—Not to any great extent. I think in some cases, but not, as I say, to any great extent.

10200. They could get it from St. John?—Yes, from St. John or Montreal.

## Liquor Traffic—New Brunswick.

10201. Have you reason to believe that many people come across the river, owing to the easy access, and get drink?—Yes, a great many do.

10202. They know where to get it?—Yes.

10203. Are you troubled here at all with the “walking saloon,” or, as in Yarmouth, with “bottle pedlars,” men who go about with small quantities of liquor about their persons, selling it?—They have done that here, but they have not done it—very recently.

10204. Most of the liquor obtained here, then, is obtained in the houses?—Yes.

10205. Can you make any suggestions as to amendments to the Scott Act in order to make it more operative?—No, I do not think that I could do so without thinking the matter over a little.

10206. Have you any opinion as to whether any change in the mode of appointing officials would render it more effective?—I think, perhaps, it would be beneficial in the interests of the Act if the Dominion Government were to appoint officials, because where officials are appointed in the town there is naturally a great deal of feeling aroused against them, and in carrying out their duty they, of course, do not desire to arouse that ill-feeling.

10207. Can you give any reason why there is that feeling in regard to the enforcement of this law and not in regard to other laws?—I do not know any other reason except that if a man wants to drink, he may think it is an infringement on his rights to try and stop him.

10208. So, to that extent, there is a different sentiment in regard to this law than there is to other laws?—That seems to be true.

10209. Would you have the officials appointed by the Dominion paid by the local authorities or by the Dominion?—I think it would be advisable to pay them from the Dominion funds.

10210. And make them entirely independent?—Yes, from local control in any way.

10211. Are there, under the Scott Act, License Inspectors appointed by the County Council?—We have a County Inspector.

10212. Does he do any duty in the town?—No; he confines himself to the country parishes.

*By Rev. Dr. McLeod:*

10213. Speaking of the feeling against officials: by whom is that feeling entertained? Is it entertained by the citizens generally, or by a certain class?—By a certain class, not by the citizens generally. The citizens generally wish to see the Act enforced, and of course, it is manifested by those who come directly against the Act—the men who are in the drink business and men who are favourable to it.

10214. Do you think, taking the Act from first to last, it has been fairly well enforced here?—I think so; we have tried, at all events, to enforce it throughout the different years it has been in force; those who were in authority have tried to enforce the Act.

10215. And they have succeeded fairly well?—I think so.

10216. Do you think with good effects or ill effects?—I think it has been the means of sending some out of the business who were formerly in it, and I do not think there has been as much drunkenness as formerly.

*By Mr. Clarke:*

10217. Is there any special police regulation respecting the arrest of drunken men? If a man is drunk and walking along the street and likely to get home, is he arrested?—The usual course here is to leave it to the judgment of the officer. If a man is going along, even under the influence of liquor, and is not noisy but is going home, the officer uses his judgment in regard to arresting him. Sometimes the man is taken up simply on the ground of drunkenness.

10218. Do you know anything about the operation of the law in the State of Maine?—I am not very familiar with it.

JOHN S. DEWOLFE CHIPMAN.



10219. What conclusion have you come to respecting it?—From all I can learn, although it is a prohibition State, people can get liquor in almost any place when they want to do so.

10220. Is it your experience, notwithstanding the fact that the Scott Act is in force here, that people can get liquor?—Yes.

10221. Do you know anything about the counties of the province elsewhere, where the Scott Act is the law?—No, I am not familiar with them.

10222. Would you favour the passage of a prohibitory law, a law to prohibit the manufacture, importation and sale of liquor?—I believe you would have to educate the people up to it, if such a law were passed, before it would meet really the requirements of the law. I believe people would have to be educated up to it first.

10223. Do you believe that in the present state of public opinion, such a law could be enforced?—I do not think so, to the extent that its promoters would like to see it enforced, because the people are not educated sufficiently to enforce such a law.

10224. Did you hear the evidence of the Police Magistrate respecting lapses of memory on the part of witnesses in court?—No.

10225. What is the moral effect of having on the statute-book a law that is so flagrantly and constantly violated as is the Scott Act?—I can hardly say about that. The people who are taken up as witnesses in connection with Scott Act cases are a class of men, or at least some of them are, from whom you would not expect anything more than the evidence that they give.

10226. Do you think the town is better under Scott Act than it would be under the Provincial License Law, efficiently enforced?—The difference of course between the Scott Act and the license law is, that the authorities would under a license law have perhaps greater control than they have at the present time, because under the Scott Act a man may try to sell in an underhand way to avoid the law, and it makes it pretty hard to get evidence against him; whereas, under license the authorities would have fuller control of the trade.

10227. Would that be a better state of things than exists at present?—It might in one way, and perhaps in another it might not.

10228. In what way would it be better, and in what way would it be worse?—In regard to principle: if it is wrong to license, it would be wrong to create a license law; but, on the other hand, it would perhaps give the authorities more control than they have now.

10229. Would it be to the public advantage and benefit that the authorities should have more control than they have at present?—I do not know that it would, if the Act were enforced right up.

10230. Is the Act enforced right up?—We try to enforce it. We do the best we can, and instructions are given to enforce the Act in every possible way; but great difficulty is experienced here in obtaining witnesses to secure convictions.

10231. Have you the same difficulty in regard to cases for infractions of other laws?—No.

10232. Is it the lack of public sentiment in support of the law which causes the difficulty of which you have spoken?—Public sentiment is all in favour of the Act. This town gives a large majority in favour of the Act; there is also a majority given all through the county.

10233. Is the law better observed in the country districts than in the town?—I could not say.

10234. Did you ever know of a case under the License Law in which a licensed dealer gave or sold whisky to an unlicensed dealer to re-sell?—No, I am not in a position to answer that question, because I am not sufficiently familiar with the License Law. Previous to the Scott Act I was away from home at college and engaged in business, and so I am really not in a position to give correct information on such points.

10235. Do many people come from Calais to get liquor here?—I think so.

10236. Do many people go from here to Calais to get liquor?—I do not think so.

10237. They do not need to go over to Calais?—They might possibly be over there with some friends and get liquor, but they do not as a general rule go over there for that purpose.

## Liquor Traffic--New Brunswick.

10238. So the supply that comes here is to meet in some degree the demand created by Calais customers?—I do not think you could put it on that ground. I think you would be able to get liquor in Calais if you wanted it, but we have a good many Calais people come over here. They are the common classes of the people, the better classes do not come over. I am speaking now of the common class.

10239. Do you think that if a law were passed prohibiting the importation, manufacture and sale of liquor in the country, those who have capital invested in breweries and distilleries should be compensated by the Dominion Parliament?—I think so.

10240. You cannot suggest, I think you said, any changes in the Scott Act, with the exception of the appointment of Dominion officers, that would render it more easily and efficiently worked. The law now gives the fines imposed to the municipal authorities to aid in enforcing the Act. Can you suggest any other changes in the machinery that would simplify the operation of the Act and render it more easily and efficiently worked? Would imprisonment instead of fines be an improvement; should heavier penalties be imposed?—I think imprisonment would be beneficial, because, as a rule, men in business would not like to go to prison.

10241. I think for the first offence the penalty is \$50; is that the sum?—\$50 and costs.

10242. If imprisonment for three or six months were added, would that be beneficial?—I think it would.

10243. Are there any other changes which you could suggest?—No; I have not thought of any others.

10244. Do you find now much difficulty in enforcing the law on account of legal obstacles?—Not so much as formerly. The Act is running more smoothly, and it works better as regards enforcement.

*By Mr. Gigault :*

10245. In regard to temperance associations; are those societies doing good work?—Yes, they are creating a better sentiment among the people in favour of temperance.

10246. The effect of their work is to decrease drunkenness, I suppose?—I think it has helped to do so.

*By Rev. Dr. McLeod :*

10247. I think you said that the enforcement of the Scott Act is less popular than the enforcement of some other laws, such as the law against theft. Is that because there are more people who violate the Scott Act than the law against theft?—I think there are.

10248. You spoke about the difficulty of getting witnesses to tell enough of the truth to convict. Would that indicate that the class of people who violate the law by purchasing from illicit sellers are not the most reputable people in the community?—In that connection in regard to witnesses, I should think so.

10249. Are not a good many of the witnesses called in such cases a little unwilling to tell the truth about the sale? Do we understand, then, that the witnesses are made up of the less reputable class of the people?—In a great many instances.

10250. One would infer, I suppose, that the purchasers from those illicit sellers are for the most part the less reputable portion of the community? Is that the fact?—The majority of them, I should say, were; but there are some of the better class who no doubt purchase too.

10251. Do you think there is any discrimination in the selection of witnesses, an unwillingness to call certain men who have been parties to a violation, but who are more reputable than the majority of them?—I think there have been cases of that kind.

10252. How many places for illicit sale do you suppose there are in the town?—I could not really say without figuring up the number.

10253. Are there six or seven in the town: is that under the mark?—I should judge there are as many as that.

10254. Have you reason to believe that the hotel-keepers are illicit sellers?—From information I have received, I think they are.

JOHN S. DEWOLFE CHIPMAN.

10255. Have some of the hotel proprietors been convicted of selling illicitly?—They have.

10256. Do you believe illicit sale in the hotels is as dangerous or more dangerous than illicit sale in less conspicuous places?—Perhaps as regards a certain class it is more dangerous, because the hotels are considered more respectable, and they would rather go into an hotel than into a common bar-room.

10257. Do you think the hotels sell chiefly to travellers or guests, or indiscriminately, as far as they dare?—I think so far as one hotel is concerned, it now sells principally to travellers and guests. I think as regards the Windsor Hotel, it sells at the present time, and has been for a considerable time selling principally to travellers and guests, supplying them, and not making outside sales.

10258. Is that by reason of the instructions of the owners?—No, they have received no instructions from the owners. So far as the owners are concerned, we simply told the lessee that the Scott Act was in force, that we could give him no protection to sell liquors in any shape or form, that if he came here he would have to abide by the laws of the town, and so far as the owners are concerned we could give him no permission to have liquor in the house and sell it, that he would have to use his own judgment.

10259. He has been convicted?—I think he has been convicted; he has not been convicted this year.

10260. Do you know whether the stockholders remonstrated with him after conviction?

JUDGE McDONALD.—That is not a question, witness, which you are obliged to answer.

WITNESS.—I am a stockholder in the company, but I do not propose to answer the question.

JUDGE McDONALD.—The Commission is not of an inquisitorial character.

WITNESS.—I am willing to give all information in regard to questions put to me, but I will use my own discretion in answering them.

REV. DR. MCLEOD.—I have not asked the witness a single question personal to himself.

WITNESS.—Not except one—in regard to my being a shareholder in the Windsor Hotel.

JUDGE McDONALD.—I consider an investigation into the matters of the Windsor Hotel, in any shape or form, as to the manager or shareholders, does not come within the scope of the investigation committed to the Commission by the Government, and the question will not be permitted.

REV. DR. MCLEOD.—As one Commissioner, having equal authority and responsibility with each and every other Commissioner, I have asked the question, and propose to elicit the truth concerning the enforcement of the Canada Temperance Act, which is the matter under investigation just now, in the town of St. Stephen. In doing so I exercise my own judgment, and, notwithstanding the dissent of my colleagues, I still believe the question to be eminently proper. Mr. Chipman may exercise his own judgment in regard to answering the question. I take exception to the Commissioners interfering and preventing the answering of a question which I think a proper one to put.

MR. CLARKE.—I have no objection to the witness answering the question. I cannot conceive how any resolution, or action, or by-law that the company of gentlemen who own the Windsor Hotel may pass or agree to, can have any influence or effect on the investigation as to whether there is sale of liquor or not in this place. I think the witness can please himself in answering the question, because I do not think it germane to the matter.

MR. GIGAULT.—I support the ruling given by the Chair.

## Liquor Traffic—New Brunswick.

*By Rev. Dr. McLeod :*

10261. Do you know whether the stockholders remonstrated with him after conviction?—We gave the proprietor no permission to sell in any way. The stockholders did not give their consent in any shape or form to his selling. We simply told him (the Committee did so), that the Scott Act was in force here, and if he sold, it would be at his own risk.

10262. You did not intend to be parties to any violation?—No. We told him that if he sold it would be entirely at his own risk, and he would have to take the consequences.

10263. Is this on record?—I do not think it is a matter of record or resolution. Some private individuals of the corporation have remonstrated with him, but not in the form of a resolution of the board of directors. That will be a reply to your question: that individual shareholders have remonstrated with him, but not by a resolution of the board.

*By Mr. Clarke :*

10264. Your position as a stockholder is, that if the gentleman who leases the hotel breaks the law, he takes the responsibility and consequences?—Yes.

10265. I understood you to say that you believe the proprietor of the Windsor kept liquor there for the accommodation of travellers and guests?—Yes.

10266. Has he permission under the Scott Act?—I do not think so under the Scott Act.

10267. As a business man, do you not think it would be better that the proprietor should be permitted to have a license and supply these guests and the travelling public, rather than keep up the present system and supply them illegally?—I think it would be a benefit to him to have the privilege of supplying his guests.

10268. Do you think it would be a detriment or loss to the town in any way?—I do not think it would.

JOSEPH R. McCLURE, of St. Stephen, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10269. What is your occupation or calling?—Town Marshal.

10270. How long have you held office as Marshal?—Since April, 1889.

10271. Are your duties those of Chief Constable of the town?—Yes.

10272. Have you any officers to assist you?—Yes, I have one other officer.

10273. Is it your duty to keep a general supervision of the police force of the town?—Yes.

10274. To see that there is sobriety in conduct and prevent disorders?—Yes.

10275. Have you any duties assigned to you in connection with seeing to the enforcement of the Scott Act?—Yes.

10276. What are your duties in that respect?—To search out and prosecute any violators of the Canada Temperance Act.

10277. Have you done what you reasonably could to discharge those duties properly?—I have.

10278. Have you found need for much vigilance?—Yes, a very great deal of vigilance.

10279. Do you find many attempts are made to sell intoxicating liquor?—Yes.

10280. Wherever you have had the opportunity, have you brought the parties to justice?—Yes.

10281. Do you think there are cases that you have been unable to ferret out?—I do.

JOHN S. DEWOLFE CHIPMAN.

10282. Have you much drunkenness in the community?—I do not think there is a great deal at present.

10283. The Police Magistrate has given us statistics of the convictions, that there were 126 altogether in 1891, and 100 of those were for drunkenness?—Yes.

10284. How many of those persons were persons convicted repeatedly?—Several of them.

10285. It would not mean 100 separate people who were convicted?—No.

10286. Are any of those parties committed to jail?—Yes.

10287. For non-payment of fines?—Yes, quite a number.

10288. Is the jail here?—No, at St. Andrew's.

10289. Can you tell us how many prosecutions you have had within the last twelve months for violations of the Scott Act?—I cannot tell you now, but I could by referring to the book.

10290. Have you in that matter had the same people over and over again?—A number of them.

10291. Some have been convicted, and you have not had cases against them again?—Some.

10292. Have you had any cases against those who have been convicted a second time, or oftener, where the offence was prosecuted as a second or a third offence?—Quite a number.

10293. Have you succeeded in establishing the offence as a second or third offence?—Yes.

10294. And the penalty has been imposed?—Yes.

10295. And some offenders have been imprisoned?—Yes, for a third offence, and some for a second, and some for a first, for non-payment of fine.

10296. So the Magistrate and yourself have been thorough in enforcing the Act?—Yes; we have done the best we could.

10297. Have you found any difficulty in obtaining testimony in these cases?—A great deal of difficulty.

10298. In what way, or are there more ways than one?—In more ways than one.

10299. What are they?—For instance, there are several saloons near the end of the bridge which leads across the line into Calais, Maine, and many come, and, we suppose, buy their liquor in St. Stephen; and when the offender is summoned to answer to the charge, we find it difficult to get those persons to state where they got the liquor.

10300. They will not come across?—They will not until the case is dismissed, or the person is convicted by other evidence. Then when we think we have a case prepared, some one tells us he has seen persons buy liquor in the saloon. We summon that man, and he swears he did not buy any liquor but beer, and then he will bring it down to ginger beer, and so there is no conviction.

10301. Do you find people who do not recollect?—Very frequently, and also difficulties as to the dates, whether the sale was before or after the action commenced.

10302. Are there any other difficulties?—Yes. Another difficulty we have is that when a man is prosecuted here for a first offence, he generally seems to have gone out of business, and some stranger has come in whose name we do not know, and we have to prosecute him. Then we find his bar-room locked up, and we cannot get in there for several days.

10303. Do these unknown people disappear, or remain permanently in the town?—Some disappear, and quite a number we have got at, and have prosecuted.

10304. And sent to jail?—Either fined or sent to jail.

10305. And that as a person unknown or without a name?—Of some we got the names and others paid the fine, but refused to give their names.

10306. Were they complete strangers to you?—They were.

10307. Have you reason to believe that any persons engaged in the illicit trade sell to persons living in the town?—Yes; some of them, I think, do and some do not.

10308. Some confine themselves to people from the States?—Yes.

10309. Do any of your people here go to the State of Maine to get liquor?—I cannot say as to that.

## Liquor Traffic—New Brunswick.

10310. We understand from one of the witnesses to-day, that within a distance of, I think, five miles, there are a great many bridges?—Yes, up the river.

10311. You are not able to watch all those bridges?—There is only one bridge in my jurisdiction.

10312. Have you known of any cases of persons who have not sold in any houses, but have carried bottles about with them, and peddled the liquor?—I believe we have never been able to prosecute any one for that. We have had suspicion that such was the case, but we have not had any proof.

*By Mr. Giguault :*

10313. Do you arrest all persons you see under the influence of liquor?—No, we see some persons under the influence of liquor whom we do not arrest.

10314. Do you see, almost every day, some person under the influence of liquor here?—No, there are many days when I do not see any person under the influence of liquor.

*By Mr. Clarke :*

10315. Have you any regulation respecting the arrest of people under the influence of liquor? If people are drunk and not disorderly and are making their way home, do you arrest them?—If they are not very drunk, and are capable of taking care of themselves, and are not taking too much of the sidewalk, we let them go home. If there is no possibility of their injuring themselves or others, and if they are not in the habit of molesting other persons, we let them go home.

10316. Then the number of cases of drunkenness in the police court every year is not an indication of the number of people who are drunk in the town, but only of those whom you arrest?—Only those we arrest.

10317. Is drunkenness increasing or decreasing, so far as you can form an opinion or conclusion from your experience as Chief Constable?—From the time I came here till now, I should think there has been a slight decrease.

10318. Is any difficulty experienced by residents of the town or strangers in obtaining liquor either here, or at Calais if they go over there? Is the sale of liquor so slight here, and also as far as you know in Calais, as to render it very difficult for strangers or residents to get a drink if they desire it?—I think most people can get a drink if they want to do so.

10319. Can you suggest any changes in the provisions of the Scott Act, which would render it less difficult to enforce? Would the addition of imprisonment to the fine for the first offence aid you in any way, or would heavier penalties assist in any way?—One change, I think, would be profitable, and that is in regard to seizures. If you could go in and seize liquor and destroy it, the fact of its being found on the premises being an evidence of liquor being kept for sale, it would be an improvement. Now in order to make a seizure, we have to substantiate the fact before we can issue a warrant. For instance, a man has to go this morning and buy liquor, and I will have to lay an information the same day for a search warrant to be issued and then make the seizure. If the liquor was bought yesterday, we could not issue the warrant to-day, or if it was issued to-day and we made the seizure to-morrow, the Judges would not allow it to stand the test, as the liquor kept there might not be the same as that from which they were selling yesterday. The liquor must be sold on the day the seizure is made, in order to show that it was sold on that day.

10320. You think that if the finding of liquor was accepted as *prima facie* evidence it would be an advantage?—It would be a great improvement to the Scott Act.

10321. You have that provision in connection with the Provincial License Act, I think?—I do not know the working of that Act.

10322. Is there any other change you could suggest?—I do not know that there is. I think if we had such a law here as I speak of, the Scott Act would be much more easily worked.

10323. Do you think the fact of your being made Chief Constable and appointed by the local authorities interferes in any way with the discharge of your duty as License Inspector?—Yes, I do.

JOSEPH R. McCLURE.

10324. Do you think if officers were appointed by the Provincial or Dominion Government they would meet with less difficulty?—I think they would be more proper persons to enforce the Act than the town constable.

10325. Then you think that would be a good recommendation to make?—Yes.

10326. Would you suggest any other change?—I do not think of any now.

10327. Do you know anything of the operation of the law on the other side?—Not very much.

10328. Did you ever travel through Maine or reside in it?—Very little.

10329. While there, have you seen liquor sold, notwithstanding the prohibitory law?—Yes.

10330. Does the fact that a prohibitory law exist in Maine lead to increased consumption on this side, owing to the difficulties over there?—I think it does in this town.

10331. You think the prohibitory law works better than the Scott Act?—I think it does. I think if there were the same energy used in enforcing the prohibitory law that has been used in trying to enforce the Scott Act in this town, it would be a greater success.

10332. Is the prohibitory law disregarded largely in Maine?—I think it is in some towns.

10333. Has any increase been made in the police force of late years, or any decrease here?—I cannot answer that question, because I was not living in this town before my appointment, four years ago.

10334. Are there any legal quibbles and technical objections raised now in these Scott Act cases, or have they been largely disposed of?—I think they had been largely disposed of.

10335. There are not as many difficulties now as in former years?—I think not.

*By Rev. Dr. McLeod :*

10336. Is the Scott Act sometimes better enforced than at other times?—I could not say that it is.

10337. I do not mean do you make more efforts at one time than another ; but is there more success at some times than at others?—Yes.

10338. Why? What interferes with the success sometimes?—Sometimes we get quite a number of prosecutions, and the defendants procure stay of proceedings, and after we have been stopped in several cases, we generally hear from these cases that they are all right ; but while we are waiting for the Judges' decision, the dealers generally start selling again.

10339. Have the Judges' decisions been delayed in some cases?—Yes.

10340. And while waiting you could not very well go on with the other prosecutions?—No.

WESTON McALLISTER, of Calais, Maine, U.S.A., deposed as follows :—

*By Judge McDonald :*

10341. What is your occupation or calling?—I keep a store in Calais.

10342. How long have you been in mercantile business there?—About 16 years.

10343. And have resided there how long?—Twenty-six years. I have been working there for 32 years.

*By Rev. Dr. McLeod :*

10344. You have knowledge, I presume, of the working and effects of the prohibitory law in Maine?—I have.

10345. How does it work in Calais?—We consider the law a good law, and it works well when the officers do their duty.

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10346. Sometimes the officers are not as diligent as at other times?—Generally so; generally officers do not do their duty without some organization behind them to push them up to their work.

10347. How do you account for that?—From political influence.

10348. The agitation and competition between the parties?—Yes.

10349. What sort of organizations do you have behind the officers?—We have a Law and Order League and the W.C.T.U. They are very effective in Calais, and are prosecuting their work well.

10350. How do they bring pressure upon the officers?—By finding the witnesses and swearing out the warrants.

10351. Then the officers go on with the prosecutions?—Yes.

10352. What relation have the municipal authorities to the officials; do they appoint them?—Yes; they appoint the Marshal and the County elects the Sheriff.

10353. Does the Council give instructions to its officers to enforce the law?—I think they do in a general way, but not in a special way.

10354. No specific instructions?—No specific instructions.

10355. How is the law worked?—At present there are a large number of prosecutions being carried on by the W.C.T.U.

10356. Are prosecutions generally successful?—I think generally they are.

10357. Is there any open and public sale of liquor?—No.

10358. It is illicit and secret?—Yes.

10359. What class of men are engaged in the sale?—We term them our lowest class in the city.

10360. Have you knowledge of the prohibitory law throughout the State?—I have a general knowledge, but very little from observation.

10361. What is your belief as to the operation of the law, taking the State through?—My personal belief is that the law has been very beneficial, not as much as we could hope or wish for, but very beneficial indeed.

10362. In what way?—It has wiped out, with few exceptions, the liquor shops in our towns; completely wiped out all the distilleries, and stopped the importation of liquors from the West Indies.

10363. You have no distilleries?—None in the State of Maine.

10364. Is the sale carried on chiefly by hotels?—There are three hotels in the city, and it is generally understood there is no liquor sold in any of them.

10365. In some of the towns and cities, I suppose it is?—Yes, in the largest cities, such as Bangor, Portland, Lewiston, Bath and Rockland, it is more or less.

10366. Do you think that national prohibition would be better than State prohibition?—I do, by all means.

10367-68. For what reason?—We have prohibition in Maine, and it is like local option. People can go to Massachusetts and buy liquor, and if it were stopped in Massachusetts it would be bought in New York; and to-day any one can get a United States license to sell liquor for \$20, and the law protects him. We have a law in the State of Maine that the possession of a United States license is an evidence that the man is selling liquor. The Government orders that the certificate must be posted up, but it does not protect him in selling the liquor against the State authorities, except partially. It does not give him authority to sell, but if the Federal Government gives him that license, and if it finds a man selling who does not possess that license, it takes him to Portland and tries him.

10369. John Brown, living in Maine, gets from the United States Government a license for \$20; what is the good of it to him?—It protects him against the United States Government, but not against the State.

10370. But if one has not that license, does the United States Government do anything?—Yes, it stops any sale.

10371. Otherwise, the State authorities must do it?—Yes.

10372. Do you know this: In Massachusetts, where they have licenses, has a licensee to get authority from the United States Government?—Yes, in the form of an Internal Revenue license.

WESTON MCALLISTER.



10373. Do you know if there are many of those held in the State of Maine?—I am informed there are quite a number.

10374. But they are difficult to find?—Yes.

10375. Because the finding of one is *prima facie* evidence of violation of the Maine law?—Yes.

10376. You think national prohibition would be beneficial in this: Maine being surrounded by States where there is not the same law, there is difficulty in enforcing this law?—That is my reason.

10377. The Federal license is a tax for raising revenue for the Federal Government?—Yes, I understand so.

10378. And the license is a receipt for the payment of the tax?—Yes; we have a tobacco license on the same principle.

*By Mr. Clarke:*

10379. Do I understand that the illicit liquor vendor in the State of Maine has to run the gauntlet of the United States officials as well as the State officials?—He does, unless he has this license.

10380. And this internal revenue license protects him against the Federal authorities, but not against the State authorities?—It is no protection whatever against the State.

10381. What privilege does this internal revenue receipt give him; does it give him permission to sell by wholesale, or retail, or both?—There is a retail dealer's license of \$20 and a wholesale dealer's, also—I forget the amount.

10382. The people who attempt to sell are under the ban of the United States law, if they have not the United States license, and under the ban of the State law whether they have that license or not?—Yes.

10383. You think that a national prohibitory law would be more easily enforced, because the people in Maine would not have the facilities for getting liquor from the neighbouring States, such as Massachusetts?—Yes, that is one reason.

10384. Would that be effective along the border if there is not a prohibitory law here also?—No. I think there is all the necessity of having it in Canada also. It has been a detriment to us in Calais, that our citizens could come over here and get liquor; and one of the positions our liquor men have taken is, that all the money spent in rum is expended in St. Stephen, while it might as well be spent in Calais.

10385. Do you think much is spent in St. Stephen by Calais men for rum?—I think a good deal.

10386. Do they go back in a state of intoxication?—Not much. The liquor they drink here does not seem to have much effect until they get across; they take it back in bottles.

10387. Are the arrests from drunkenness increasing or decreasing in Calais?—I cannot say. The Judge of the court can tell that.

10388. Do you require these adventitious aids, such as the Law and Order League and Women's Christian Temperance Union, to enforce the other laws of your State?—No.

10389. Only the prohibitory law?—Yes.

10390. How do you account for the fact that the prohibitory law requires this special aid and assistance to secure its partial enforcement?—In two ways. This temperance law has been a law of gradual growth. It is only 30 or 40 years since prohibition was started in the State of Maine. People are gradually learning that temperance is the better thing. It is not a law like that against stealing, a crime against the decalogue, but a law that man has made. So the thing is of gradual growth, and it is a question in the minds of many men whether they are going too far. Then, in the second place, a great trouble is the political matter. If there was a party behind this law, we have not a doubt the law would be carried out quite fully.

10391. Do the members of the Law and Order League belong to both political parties?—They do.

10392. Is it not a political machine itself?—Not at all.

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10393. Does it exercise its influence in the municipal elections to secure the election of gentlemen who will aid in the enforcement of the law?—Not as a body, but as individuals they do.

10394. If there are two candidates say for the position of Mayor, are the elections run on political lines?—Yes.

10395. How do the Law and Order League exercise any influence if they do not drop party and vote for the man who is most likely to enforce the law?—The Democrats and Republicans vote each for their own party, and the prohibitionists vote for the prohibitionist candidate.

10396. Do the Law and Order League vote for the prohibitionist candidate?—No; according to their political views.

10397. And afterwards they drop them in order to enforce the law?—Yes.

10398. Are you a member of the Law and Order League?—No.

10399. Of any temperance organization?—No, I am a third party man.

10400. Is that what you call a “Mugwump”?—No; it is a prohibitionist. A “Mugwump” is a man who votes which ever way he wants.

10401. Is it more difficult to get liquor in Portland or Old Orchard and other places than it was five or ten years ago?—I do not think there is any more rigid enforcement. There has been some enforcement in Portland and in that county.

10402. That is because of some local reason?—Electing a temperance Sheriff.

10403. Was he elected on the prohibition ticket?—No, by the Republicans.

10404. Do you know anything about New Hampshire?—I do not.

10405. Is there a prohibition Act there?—I am positive there is.

10406. Is the sale of liquor prohibited under the law?—Yes.

10407. And the manufacture?—Beer is manufactured.

10408. And is it sold?—I think not.

10409. Is there a distillery there?—There is a brewery that belongs to Frank Jones, the President of the Boston and Maine Railway.

10410. Is all the beer there manufactured by him?—I do not know.

10411. Are there any saloons in Manchester?—I do not know, but I do not doubt there are.

10412. So the prohibitory law in New Hampshire did not prohibit there?—Not thoroughly.

10413. Have the police records exhibited a better condition of things gradually from year to year in Calais owing to the growth of this temperance sentiment and the State education of the younger people in temperance principles?—I could not tell you that.

*By Mr. Giguault :*

10414. Do druggists sell liquor in Calais?—They are not allowed to do so, and I think they do not.

10415. Are not liquors used for medicinal purposes?—Druggists are allowed to use them for compounding medicines, but not to be sold separately.

10416. Do not physicians use liquors for medicinal purposes?—They do.

10417. Are they allowed to sell them?—They are not.

10418. Then how can they use them?—From Calais we come over here to St. Stephen and get them.

10419. Where do they get them?—From the licensed drug stores.

10420. Is there a brewery in the State of Maine?—There is not.

10421. Are you sure there is not?—I am sure there is not, as well as I can be sure of anything. I have no doubt of it.

10422. Do you see very often persons under the influence of liquor in Calais?—I do.

10423. Every day?—I should say not. I saw one yesterday. I have not seen any to-day. Occasionally I see them.

10424. Is there not more drunkenness on the eve of elections?—There is.

10425. Is drunkenness favoured by political parties?—The law is very lax about that time.

WESTON McALLISTER.

*By Judge McDonald:*

10426. In order to obtain national prohibition you have to get the Federal Legislature and Executive both favourable to it?—Yes.

10427. But the State of Maine by about three-fourths to one-fourth carried the constitutional amendment?—Yes, three to one.

10428. When the State of Maine has the opportunity at the election to vote for a prohibitionist candidate for President, does the Prohibitionist party carry its man for the electoral college?—No.

10429. It has not done so at any time?—No.

10430. Then the three-fourths having been in favour of prohibition, the inference is that they must allow their party views to interfere with their voting for prohibitionist candidates?—Yes, that is the practical outcome of the vote.

10431. The same thing occurs in your local elections?—Just the same.

10432. Has that always been the way?—The Prohibition party is a new party, starting in 1876 with 5,000 votes in the whole of the United States, and it had about a quarter of a million votes at the last election.

10433. Is there anything to prevent the people with strong temperance and prohibition sentiments adhering to their own party, seeing that both parties put up prohibitionists as candidates?—I do not know of anything, and I wonder they do not.

10434. It is inexplicable to you that they do not?—Yes, it is.

*By Rev. Dr. McLeod:*

10435. Are the majority of Republican and Democratic candidates avowedly opposed to prohibition, or only to the third party movement?—I think only to the third party movement. The Republicans are in a large majority in the State, but they fear the third party movement will weaken that majority.

10436. If all the candidates of the Republican and Democratic parties were avowedly against prohibition, would they be elected?—They would not, in my judgment.

10437. They claim to be in favour of prohibition?—They do.

10438. But they object to the third party, and say that hinders instead of forwards the prohibition movement?—That is so.

10439. The reason why the prohibition candidates are not successful ought not to be understood as showing the feeling of the people against prohibition?—The Republican party claim to be the prohibition party in the State of Maine, and hold that there should be no third party; and the third party say: You have given us the laws, but you do not carry them out.

*By Judge McDonald:*

10440. As men of both parties pledge themselves in this way and do not carry out the laws, are they thrown out the next time?—No.

10441. Why not?—In Calais we elected a whole temperance ticket. They appoint officers, and say this law must be carried out. You ask an officer why he does not carry it out, and he says: Show me where they sell rum and I will carry it out. So we have to go there and get the witnesses, and then it is difficult to get the officers to carry it out.

10442. Do you find the same difficulty with your officers in regard to the ordinary laws?—We do not.

10443. Is it the same there as here, that it is looked upon as a separate question?—That is one reason, and another is, that the liquor men are united, and their friends who drink are united, and it is money in their pockets.

10444. They stand solid without regard to party?—Yes, unless there is a majority, say, of the Republican party; then they vote for the party in power, because they think they will have a little pull.

10445. Could the Republican party in Calais obtain the return of their candidate without the aid of these people?—Without any difficulty.

10446. And could not the Prohibitionist party support the Republican party in this way?—Yes.

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10447. In Maine, what was the vote for the Prohibitionist candidate?—3,000 or 4,000.

10448. What was the total vote?—I do not remember.

*By Rev. Dr. McLeod :*

10449. You do not understand that as the strength of the Prohibition people?—It is the third party.

*By Mr. Clarke :*

10450. If the Republican party is the temperance party, are you not taking away from their strength by forming this third party? Would not you find it better to identify yourselves with one of the parties in the State, instead of holding aloof and polling 3,000 or 4,000 votes in the whole State?—The temperance people of the United States have tried that for thirty or forty years, and from time to time they thought that the Republican party were the temperance party of the nation, and would do what they wished. But the Republican party found that the liquor men, the brewers, and that body of men were the greater body and power and they would do better with their influence. In the meantime the temperance men had been gradually voting with them until they found it was no use; and that in order to make this law a successful law, in order to make the temperance movement properly successful, there must be a party behind it, just as the Republican party was founded on the anti-slavery cry, and it gradually grew until it carried the country. Then followed the war. We claim we must have a party behind these laws that will wipe out the Government tax of 90 cents on every gallon of whisky and prevent its importation, and we then shall be able to carry out a prohibitory measure successfully throughout the country.

10451. Are the claims of the prohibition party presented to the country generally?—The party will not elect a candidate within 10 or 15 years, I hope. We claim that we are educating the people; that is really what we are doing.

10452. Have you ever been the candidate of the Third Party for any office?—Yes.

10453. In Calais?—Yes.

*By Judge McDonald :*

10454. I suppose there is fear on the part of many that action on the part of the prohibition party might not secure their own success, but that of their opponents?—That is the position the Republicans take in the south and the Democrats take the same position in the north.

CHARLES B. ROUNDS, of Calais, Maine, U.S.A., Judge of the Municipal Court of Calais, deposed as follows :—

*By Judge McDonald :*

10455. Are you a member of the legal profession?—Yes.

10456. How long have you been Judge of the Municipal Court of Calais?—Seven years.

10457. What is the jurisdiction of that Court?—It has a special jurisdiction given to it by the Act creating the Court. It has concurrent jurisdiction with the Supreme Court of the State. In civil matters it has the same jurisdiction as Justices in the county, and concurrent jurisdiction with the Supreme Court in regard to cases from \$20 to \$100.

10458. I suppose you have jurisdiction over offences against the municipality?—I have exclusive jurisdiction over offences against the by-laws and ordinances of the city.

WESTON McALLISTER.

10459. The Maine law, which is a prohibitory law, is in force in Calais, I understand?—It is the law of the State, and is the same throughout the State. No city of the State has any exception in regard to the liquor question; the whole State is under the Maine law.

10460. There are no local laws?—No local laws or ordinances touching it.

10461. Is Calais a city?—Yes.

10462. What is the population?—About 7,000.

10463. Is there a Mayor and also a Council?—There is a Mayor and a Board of Aldermen.

10464. Are they elected by wards or for the whole city?—The aldermen are elected by wards, one for each ward.

10465. Are cases of infringement of the Maine liquor law tried by you?—Yes.

10466. And also cases of drunkenness and disorderly conduct?—All of those cases are tried before me. All crimes are tried before me originally, but the parties have the right to appeal to the Supreme Judicial Court.

10467. Do you take the investigation in cases that are returned for trial to the higher court?—I am forbidden by the Court to appear in cases that go from me.

10468. Would a case of murder be tried by you?—It would originally be tried, or rather it would be investigated, not tried.

10469. There would be a preliminary investigation as to whether the party should be put on trial?—Yes.

10470. Have you much drunkenness in Calais?—Considerable.

10471. Are there many persons convicted?—Nearly all who are tried are convicted.

10472. Are some people who are drunk allowed to go home?—The general understanding between myself and the officer is, that if a man is pointing homeward, is going towards his home, and is not likely to do any damage, he is allowed to go; but if he is in such a condition that he is likely to do damage, he is arrested and subsequently tried.

10473. And later he has the option of paying a fine or going to prison?—Fine or imprisonment at my discretion.

10474. Have you any means of knowing where the person so convicted of drunkenness got the liquor on which he got drunk?—I have no absolute means of knowing. Everybody tried before me says he got it at St. Stephen.

10475. Have you many persons who are frequently convicted of drunkenness?—We have quite a number. I have a list of them, and I put them under bonds to keep the peace, in addition to the other punishment, and that has had the effect of lessening the number. I add that to the other punishment, and if a man cannot get the bonds, he has to go to prison to serve out the punishment.

10476. Then you have in your court also the trial of cases under what is known as the Maine liquor law?—Yes, all in Calais, and I have jurisdiction throughout Washington County.

*By Mr. Giguault:*

10477. Will you be kind enough to explain to the Commissioners the chief features of the Maine prohibitory law?—There are four common crimes that come up, one about as often as the other. There is search and seizure. That class of cases is where we think liquors may be kept in secret. We issue a warrant to search and seize. If they are found, and found under circumstances that would indicate that they are for illicit sale—the penalty in each case is \$100 fine, and in addition sixty days' imprisonment. If the party fails to pay the fine, there are sixty days' additional imprisonment. Then if it is a second offence, I think it is about double, but I forget the exact terms. A warrant has to be sworn out, charging it as a second offence, when the charge is made. Then we have single sale. Single sale is where any kind of liquor is sold in any quantity or at any place under circumstances stated. That includes distilled spirits, ale, porter, wine and strong beer of any kind. The penalty for that offence is a fine of not less than \$50 and costs, and thirty days' imprisonment in addition. If the party fails

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to pay the fine and costs, thirty days' imprisonment are added. Then we have another crime that is called drinking house and tipping shop. Drinking house and tipping shop is where a quantity of liquor is bought and drank on the premises. One glass is sufficient, and one sale is sufficient to convict. If it is drank on the premises, that is sufficient to make a drinking house and tipping shop offence. The fine is \$100 and costs and sixty days' imprisonment. If the party fails to pay, there are sixty days' imprisonment more; and the penalty is nearly double for the second offence. Then we have in addition, common seller of intoxicating liquors. These are all technical phrases, but they have distinct meanings under our law and by decisions. Common seller is where he sells—the law says, commonly; but it has been determined that two or more sales are sufficient to make a common seller, and anywhere, no matter where, if a party has sold twice or more times, he is chargeable with this offence. The penalty is about the same as for drinking house and tipping shop, \$100 fine and costs and sixty days imprisonment, and if there is a failure to pay the fine, sixty days in addition. The above is doubled on a second offence. These are the four common crimes: single sale, drinking house and tipping shop, common seller and search and seizure. Of course we have penalties against the manufacture, and in that respect I think the law has absolutely accomplished its purpose; I do not think there is any manufacture of liquor in the State of Maine.

*By Judge McDonald:*

10478. Do you suppose there are in the rural districts any illicit stills?—I do not think there is one in the State of Maine. In the State of Maine it is too difficult to get into the forest to make liquor there. I do not believe there are any distilleries in the State of Maine; I do not think there have been any for a long time. The law provides for an agency in each town, where liquor is sold for medicinal and mechanical purposes.

10479. What authority gives the license for the sale for medicinal and mechanical purposes?—The Agent is put under heavy bonds, and he must sell only for medicinal or for mechanical purposes.

10480. Who authorizes him?—The town and city authorities, the municipal officers of the different localities.

10481. Is he restricted as to the quantity he can have on hand at any one time?—That is furnished by the State Agent. The State Agent supplies the different town agents. He also is under heavy bonds, and the liquors must be properly analysed to ascertain they are what they purport to be.

10482. That they are pure?—Yes.

10483. From your experience, are you able to state whether the liquors that are consumed by those people who get drunk are of an adulterated character, and bad?—I only hear in court the general expression that the liquors are bad.

10484. We have had some evidence before this Commission to the effect that instead of men becoming drunk, they often become paralyzed with liquor?—I also hear that statement. I do not know the fact, but I hear it alleged that the liquors are bad.

10485. When a man goes to the local Agent, does he take any authority with him from a Magistrate or anybody else?—No.

10486. Has he the right to judge whether he should have the liquor or not?—No. A great many people in those cases carry a certificate from a doctor when they want it. If the party is known, the Agent lets him have it without any question.

10487. Is he restricted as to the quantity he sells to the party?—Not at all, not in a general way. If a man should ask for two or three gallons, the Agent would know he wanted it for some other purpose.

10488. Do you observe in the prosecution of cases which come before you for breaches of the law, what has been spoken of to-day as want of memory on the part of witnesses?—There is a great absence of memory. It is difficult to get witnesses who will remember the facts, and their memories seem to be very poor.

10489. As to times and as to what they take?—Yes.

10490. Do you find a greater degree of that failure of memory in liquor cases than in other cases you have tried?—I think there is more loss of memory in liquor cases than in other cases.

CHARLES B. ROUNDS.

10491. Are many evasions resorted to by persons to get around the law, according to proofs that come before you?—Every device is used to avoid being known. The penalty of liquor selling is imprisonment for even the first offence, in our State, and sellers use every means known to hide their places, and I think they use every means they can in dealing with the witnesses. All the arts men of that kind can use, they use.

10492. Are you troubled with strangers, who are unknown in the place, coming in and selling?—Not many.

10493. Police officers have stated before this Commission that in some towns on this side of the border strangers have come in and acted as bar-keepers, whose names have been unknown, and who have had to be prosecuted without a name?—We have had a few of such cases; but the parties are pretty well known.

10494. Do you find intermediaries are used in regard to sales?—I think that has been done, but not very generally in our town. This plan is more followed: If a stranger comes into town, he will inquire from some person as to where he can get liquor, and he will probably be told.

10495. Have you reason to believe that much liquor goes from St. Stephen in packages to Calais?—I think there is more or less purchased in bottles and taken over. The trouble here is, and I presume it is the same at St. Stephen, that they sell more freely to people from Calais, knowing that they are going right across the line and cannot be used as witnesses. I presume sellers here are not free in that way.

10496. Under our present local prohibitory law in the county the penalty for the first offence is \$50 fine, for the second offence \$100 fine, and for the third offence imprisonment without option of a fine. From your experience in the administration of the Maine law, do you think adding imprisonment as a penalty to the first and second offence in addition to the fine would make the Act more workable?—I think it has not been so thoroughly enforced under imprisonment for the first offence as it was before. I talked the matter over with two of the Judges of the Supreme Court. They told me they found difficulty with juries in regard to obtaining convictions for first offences, the juries now finding excuses to let off the parties, which they did not do before.

10496a. Is that because of the penalty or imprisonment?—It is said to be because there is now imprisonment for the first offence, and the juries thought it too severe. To the common mind that penalty is too severe for the first offence. Judge Libby, one of the Judges of our Supreme Bench, said he found considerable difficulty, and that whereas he could get convictions without any difficulty formerly, he now found juries hesitated about rendering them in cases of first offence.

10497. Taking your experience as a whole, allowing for this lack of memory on the part of witnesses and so on, do you think the law is well enforced with you?—The law is well enforced whenever they choose to enforce it, when either officers or people choose to do so.

10498. Have you Inspectors besides police officers?—We have no Inspectors.

10499. Does the enforcement of the law rest with the ordinary police?—The law of our State is, that the municipal officers are bound to enforce it, under their oath.

10500. What do you mean by municipal officers?—They are select-men in the towns; under the old system of Maine there are select-men for the towns. Then in the cities, the Board of Aldermen, with the Mayor, become the municipal officers. The old law was that the select-men of the towns and the Mayor and Aldermen of the cities should enforce the law, with the constables and Marshals. That law remains to-day in force. Then there has been a special law that the Sheriff and deputies should personally enforce that law, that the duty should be a special one with them.

10501. Are there any difficulties in the way of those officers doing the work the law intends them to perform; do you find they do their duty in these matters?—They do not make it a special duty, as the strict temperance men ask. For instance, as regards the Mayor and Aldermen, they make this law the same as any other law. They say to the Marshal: You must enforce this law; if complaints come, you must enforce the law. I have been Judge of the Court for about eight years, and I do not know that the city government has ever made a complaint; the Marshal and his deputies have made them. The Law and Order League has made the most effectual raids on the sellers.

10502. Is that a voluntary body?—Yes.

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10503. How do they meet their own expenses?—They raise a fund themselves.

10504. Their work is done by voluntary effort?—They raise the money they require by subscription.

10505. Is the Women's Christian Temperance Union a potent agency?—It has only been organized about six months in Calais, but its members are now making complaints and enforcing the law. We have several complaints on hand now.

10506. Do you find, in regard to other laws, that outside agencies have to be employed, a Law and Order League and ladies taking it upon themselves to see that the law is enforced?—No, it is not so in other cases.

10507. As a professional man and a learned Judge of experience, may I ask you, to what do you attribute the difference between this law and other laws?—There is the appetite that calls for gratification in some persons, and there is the strong desire for gain in those who sell. Moreover, they sell secretly; they keep out of the way and seek to evade the law. One of the Law and Order League told me yesterday that on this river—I will not speak of St. Stephen, but of Calais—there are quite a number of persons who do some smuggling, and these offenders are threatened by the League.

10508. Is your law such that if a citizen chooses to go to Boston and buy a cask of wine, or a box of bottles of ale for home consumption, he can do so?—Our law does not touch the personal use of intoxicating liquors. A man can go to Boston and purchase a case of liquor and bring it to Calais, and take it to his home and use it at his own table. There is nothing in our law to interfere with it.

10509. Practically, has it not this effect, that the man who is wealthy and can afford to buy wine in Montreal or Boston, is placed in a position of advantage over the man of small means, who cannot do so?—He has the advantage that wealth always gives. I think that, practically, the wealthy do not get as much liquor as the poor.

10510. Perhaps the wealthy are the parties who are really anxious to have the law enforced?—My idea is that the wealthy in this State, as a rule, do not use liquor; it is more largely used by men of small means.

10511. Do you know whether the fact that there is a prohibitory law forbidding the sale of liquor, is an inducement to some people to seek to obtain it?—That may be the case to some extent. There is no doubt in my mind that a man less strongly desires anything for which he has a strong appetite, such as liquor, if it is placed beyond his reach; his desire for it is much less when it is out of his way. A member of the temperance society, who had been a drinker at Calais, told me that during the time he was a drinker, if liquor was in his cellar, his appetite was strongly urging him to the cellar. If liquor was out of the way, he did not think about it. The general opinion of people of this State is, that if liquor was absolutely out of the way, and those who have an appetite for it could not find it, their thoughts would run on something else.

10512. So you think there is an advantage in prohibition, in that it removes temptation?—I have no doubt that the prohibitory law has a wonderful influence in that way, because even if it failed to some extent as regards enforcement in some cities, there is no longer the bar in front of the hotel, and if liquor is sold, it is in the back, and some out-of-the-way place.

10513. The Commissioners have been told that in Portland it is sold openly?—I do not think it is openly sold in Maine, that there are bars where a person can get liquor, or that in any places you can see bars. It is sold secretly, and in some back, out-of-the-way place.

10514. If it is sold more freely in some towns than in others, to what do you attribute that difference?—To the fact that the people have acquiesced. For instance, at Bangor, the Republican Sheriff, some years ago, enforced the law strictly. At the next election a Democratic Sheriff was elected, and the tendency of that change was to allow the men to sell, and the law not to be enforced. Both parties were somewhat afraid to lose votes on the question. Perhaps, as has been said regarding some political questions here, in the State of Maine both political parties for the last fifteen years, until I think this year, have in the resolutions adopted at their State Conventions endorsed, or if they have not endorsed, they have not opposed the Maine liquor law. There were too many in both parties who were temperance men, for the parties to

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do anything else ; there was a large body in the Democratic party, and a large body in the Republican party who would not vote for the party if it opposed the prohibitory principle in our State. I think this year the Democratic party has placed in its platform a resolution for what they call a re-submission of the constitutional amendment prohibiting the sale.

*By Rev. Dr. McLeod :*

10515. Had the law, when it was originally enacted, the several provisions you have mentioned, with the penalties as they exist now?—The law has been in force over thirty years and has been constantly what they call improved ; I think there have been as many as twenty changes. At first the provisions were not the same as they are now, and there has been a gradual growth in the direction of restriction.

10516. Have those changes been in the direction of greater severity?—Yes, of greater severity as regards punishment of the crime.

10517. Have the provisions been changed so as to render convictions more easily obtained?—Yes, until the last amendment making the punishment imprisonment for the first offence.

10518. Do you remember Calais under a license law?—I do not. When I went there the prohibition law was in force.

10519. Have you lived at any time where license prevailed?—At Auburn, in Maine where I came from. I do not remember exactly what law was in force, but I think it was a license law ; at all events, liquor was sold and used freely.

10520. You have no distinct recollection of living in a community where the trade was licensed?—It was licensed there, or at all events liquor was sold freely at every grocery store, and it was used at every raising and among friends, and at all meetings among different persons.

10521. What was the condition of that place compared with that of Calais under the prohibitory law, as you enforce it?—The condition of Calais is a great deal better.

10522. Do you think that is attributable to the enforcement of the law?—Yes. No doubt this law has made a wonderful improvement in the State of Maine. You can hear loud talk to the effect there is as much rum drank as there ever was drank in Maine. You will hear that right through the State. I do not believe there is one-quarter of the liquor drank in Maine there was formerly ; I mean in proportion to the quantity under the free sale of liquor, and such it would be to-day if the State were under license.

10523. Have you had any experience as a prosecuting officer?—I was seven years prosecuting officer for Washington County.

10524. Did you find particular difficulty then in prosecuting violators of the prohibitory law?—We found some difficulty, the same difficulty as we would find in prosecuting cases for smuggling.

10525. Did you find that any proportion of the cases of crime were attributable to such drink as was had in an illicit way?—A large proportion of the crime was connected with the sale of liquor.

10526. Did you find that in proportion as the law was thoroughly well enforced, certain crimes diminished?—I found that as prosecuting attorney, and I find it now. We find it right here on the river. When every liquor shop in Calais and St. Stephen is closed up there will then be not one-quarter of the crime, not one-quarter of the cases that come before my court now.

10527. You spoke about the City Agent and others in communities who sold liquor purchased from the State Agent. Do you believe these officials observe the law?—The City Agents frequently violate the law.

10528. Are they prosecuted?—Sometimes they are prosecuted. I recollect there was an amendment made in the law in that regard, when I was in office. These Agents go behind the law to some extent, but it is better than free sale.

10529. Are these Agents sometimes removed because they have violated the law?—Yes, they are sometimes.

10530. Are you an elected officer?—I am appointed by the Governor of the State.

10531. Are your police also appointed?—The police are elected by the Board of Aldermen ; you might call it an appointment, although they are elected by the Board.

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10532. If the composition of the Board changes, the police change sometimes?—Yes, sometimes. Our Marshal has been three or four years in office, I think.

10533. Have you any opinion as to whether officials appointed independently of local and political influences would better discharge this duty?—No, I do not think so. When responsibility is placed on regular officers and they do not carry out their duties, they are subject to removal. I think one set of officers to enforce the law is better than two sets or more.

10534. If the officers for the enforcement of the law were appointed independently of the struggle between two or three parties in the locality, do you think they would be more disposed, being free from local influences, to enforce the law?—It might be so. But the law has to be carried out by men who know the town and the secret places in the town, it must be carried out by men who live there. Any stranger coming to Calais would stand a very poor chance to find out anything. The regular officer would go to places where a stranger would not.

10535. Is the State very prosperous?—I should say it was.

10536. Does it compare favourably with its sister States?—I should say so.

10537. Do you attribute that prosperity and the degree of peace that prevails throughout its borders in any degree to the prohibitory law?—I think it has had an influence for the advantage of the State.

10538. The law is, of course, violated, as all laws are violated; but do you think, in spite of the violation, the law is having any marked effect upon the rising generation?—I think so. I think the moral sentiment of the State is a great deal superior to what it was 30 years ago.

10539. Do you think the prohibitory law has been a factor in the education of the people?—I think so.

10540. Because there are breaches of the law, is it, therefore, a failure?—It is broken no more than many other laws, such as the Inland Revenue law and any other law.

10541. Do you think the repeal of the law would improve the condition of the city and the State as to drunkenness and other crimes that are more or less prevalent?—I think the repeal of the law would be very injurious to the moral sentiment and to the prosperity of the State.

10542. Even though there were substituted for it a very rigid high license law?—I do not think a high license would be an improvement on the present law.

10543. Have you any means of knowing the feeling of the people at large concerning the law?—I think the people at large are divided into parties, but the majority of the people of the State of Maine would be in favour to-day of holding to the prohibitory law. We got the largest vote, in my judgment, ever recorded on a constitutional amendment.

10544. What was the majority?—I think it was 66,000.

10545. Was that a vote independent of party?—Yes, independent of party, of men who believed in the law; and it was the most severe test ever taken in the State. They came up without regard to party, having that question presented to them, without any candidates, and gave that vote. I think it was very much larger than the vote recorded in favour of any constitutional amendment ever passed in the State of Maine.

11546. You think that vote expressed directly the feeling of the people of Maine as to the prohibitory law, after they had had an experience of it during 30 years?—I do.

*By Mr. Clarke :*

11547. How long did you say the prohibitory law has been in force in the State?—From 30 and 40 years.

11548. Has there been a steady and marked decrease in the serious crimes and offences during that time?—No, I do not think so. But I think you would have to look at other causes. In other communities various matters come in and contribute to crime; but I think crime has diminished in Maine, and that the prohibitory law has diminished crime.

11549. Does Maine in regard to the more serious offences against the moral law and against the laws of the country generally exhibit a more favourable showing than do

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States where prohibition is not the law?—I think that the moral sentiment is better in the State of Maine than in many of the States where a license law is in force.

11550. Where the average conditions are about the same?—I think so.

11551. Will your criminal returns show that?—I do not know. Take the insurance companies of the country, and they will insure life cheaper in Maine than in almost any State in the Union.

11552. Have the great companies, such as the Mutual Reserve and the Equitable of New York and the New York Life, special tables for the State of Maine?—I do not know in regard to those companies, but there are companies that make special rates for Maine and New Hampshire.

11553. Do you know the name of any such companies?—I do not.

11554. Are they national companies?—They take risks throughout the country.

11555. I should like to be furnished with the rates of any such companies?—Agents have called on me with that statement respecting the companies. I have not the statistics now.

11556. You do not know, as a matter of fact, any insurance company that gives special rates to people living in the State of Maine?—I think there are companies in Maine, which do not go out of Maine or more than across the line into New Brunswick, perhaps, but do not go south, that do so.

11557. You do not know that yourself as a matter of fact?—No, I think there are such companies. They may include possibly some of the other States, but only those States that are within the same range as the State of Maine, but neither south nor far west.

11558. Are the number of serious offences, murders, robberies, and forgeries less per thousand or ten thousand to the population in Maine than in some of the sister States where licenses exist?—I have not kept statistics in regard to that matter; I do not know.

11559. Say as to larcenies per thousand or ten thousand of population?—I am not certain in regard to that matter; I have not any statistics. Statistics will, of course, show it.

11560. To what do you attribute the action of one of the great political parties of the State in making the re-submission of this question of prohibition or the continuance of this law a plank in its platform, if the results, as has been stated, have been beneficial during the past 30 years, and in view further of the splendid majority by which the law was sustained in that vote you spoke of a few minutes ago, when there was a majority of 66,000 in favour of the law?—It was a question of thinking they might gain votes by it.

10561. Surely, if there was such an overwhelming sentiment in favour of the continuance of the existing order of things, the party managers, being shrewd men, must be either making a great mistake, or that vote did not gauge public sentiment accurately?—Suppose the Republican party passes a resolution in favour of the enforcement of the law or in favour of the law, those opposed to it, if they could see any advantage to be gained, would naturally go to the other party. In that way a party gains some votes.

10562. You think it was from a desire to conciliate and gain the liquor party or the liquor interests that the Democratic party put that plank in its platform?—Yes, I think so.

10563. Would not that estrange a large part of its supporters who are temperance people?—I have no doubt it would. They have not said exactly, in so many terms, that they are opposed to the prohibitory law; they evade doing so, and call their proposal a resubmission. I do not think that in convention they could place a plank in their platform that was absolutely opposed to the prohibitory law.

10564. Is it as a practical joke that this plank is inserted in the platform?—No, I do not think so. If the question were submitted squarely to the people of Maine, there would be as large a vote as was given before in favour of prohibition.

10565. I think you said that a great many of those offenders, if not a majority, who come before you charged with drunkenness, allege they got the liquor over here?—They do.

10566. Did you hear the evidence of the previous witness, or any part of it, in regard to this matter?—I heard part of it.

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10567. There must be a great many persons who do not come before you and who get liquor over here? They get a class of liquor, but which does not prevent them from reaching home?—No doubt, a large number do so.

10568. Is there any difficulty in obtaining liquor at the hotels in Calais?—If it is sold at the hotels, it is sold secretly, not openly. My idea is that there is not a large quantity sold at the hotels. I do not think they keep bars.

10569. Have you had any experience in New Hampshire?—No, I have never stopped in the State; I only have been in it, passing through to Boston.

10570. Does the law of the State prohibit the manufacture of liquor within the State?—I think not. I believe they have a large distillery in New Hampshire.

10571. Will Calais, a city of 6,000 or 8,000 inhabitants, show a markedly favourable comparison with cities of the same population in States where a prohibitory law is not in force, so far as crimes against the State are concerned?—I think, in Calais, when the law has been enforced, there has been less crime than in similar cities where liquor was sold freely.

10572. Or cities under stringent license regulations. I may say there is a city in the Dominion where no license is required; but I now refer to cities where there are rigid license laws, fairly well enforced: would statistics show the condition of such cities to be much worse than that of Calais?—I do not know. I would have to submit that matter to the test of statistics; but my experience has been, wherever I have gone, that under a license law, high or low, men get all the liquor they want. High license compels men to pay a little more, low license enables them to get liquor a little cheaper and therefore a little more of it, and my experience is that licensed dealers look pretty actively to see that others do not sell, but that liquor is very free to the people. The prohibitory law points directly against the saloon, and its work is against the saloon. High license is an attempt to regulate the saloon. Prohibition says that the saloon is not needed, that nobody in health needs alcoholic liquor, and that it is not required in any way for the welfare of the people. License says that it is required and the people must have it, and they proceed to adopt measures for licensing the sale. It declares against all sumptuary laws and declares that a man has a right to eat and drink what he thinks proper. Prohibition declares that licenses shall not be given for the traffic, that a liquor shop is not necessary to our civilization. That makes the great difference between license and prohibition.

10573. Then the general prohibition spoken of is not prohibition such as you have in Maine?—The prohibitory law, so far as I know, has never interfered with people getting liquor into their own houses and using it at their own tables.

10574. What do you understand by a general prohibitory law?—It would be prohibition absolutely.

10575. Would you favour an enactment of that kind, to prevent people obtaining liquor, if they desire it for their own family?—No, I think not. The general understanding is that liquor is needed for medicine and in mechanical pursuits, and I think it is necessary that it should be used for those purposes.

10576. And for those purposes only?—I do not think it does any man any good when he uses it as a beverage.

10577. Would you favour the passage of a law that would prevent people purchasing liquor for their use at home?—No; I think it would be better to get along without it.

10578. If such a law was presented to the people of the State of Maine, would they support it, that is a law to prohibit the people taking liquor into their homes?—I do not think it would be passed.

10579. Is it necessary for people who desire to procure liquor for medicine to get a certificate and come across here, or are they prohibited by your law from coming over here and obtaining it?—No.

10580. I believe one of the witnesses has stated that a great many people from Calais come across the river to druggists?—It is your law here that requires a certificate to obtain liquor at the apothecary shops.

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10581. But I understood from your evidence that there are official salesmen, and if people brought a doctor's certificate to those persons who are authorized to sell, they could get your liquor.—Do you mean an agency in our town?

10582. Yes.—That would be the case; but we have no agency in Calais.

10583. Do you mean no agency for the vending of liquor for medicinal purposes?—No; the city government of Calais for fifteen years has not appointed any agency.

10584. People, then, have to come across the river, in case of sickness, to purchase liquor from our drug stores?—I presume they obtain liquor that is necessary from the apothecaries on your side as well as on our side.

10585. As a certificate is necessary to procure liquor, would they purchase the liquor on your side or come here?—They would probably come here, or they might purchase it on our side.

*By Judge McDonald:*

10586. Might they not go to the State Agent?—Yes.

*By Mr. Gigault:*

10587. In view of the position of the Democratic party on the prohibition question, do you arrive at the conclusion that they do not endorse the prohibitory law?—I do not think in different parts of the State they do endorse it; they leave it entirely to the officers elected. I do not think it was made an issue between the Democrats and Republicans as to its enforcement.

*By Rev. Dr. McLeod:*

10588. As regards the Democrats in Maine, are they in rather a hopeless, almost a desperate state?—They carried the State some years ago, but they are in a minority now.

10589. Perhaps as they have not much hope of carrying the State, and as they know the prohibition question is settled and would remain so, this re-submission idea was presented with a view to catch the vote of the people against the prohibitory law?—They knew the Republican party had inserted in their platform a plank in regard to prohibition, and the Democratic party therefore, taking the opposition view, determined to insert this resolution in favour of the re-submission of the constitutional amendment.

10590. Do you think it would be a good thing if the United States had national prohibition of the liquor trade for beverage uses: would it make prohibition in Maine easier of enforcement, if there were prohibition in all the other States?—I do not think it would have much effect. The sale of liquor is a police regulation as regards each city.

10591. If all the States enacted prohibition, would it make it easier of enforcement in the State of Maine?—It would make it a little less difficult for Maine, that is all the difference. It might be that the moral sentiment would be stronger throughout the country.

*By Judge McDonald:*

10592. What is the object of taking out one of the \$20 United States licenses in the State of Maine?—It is generally spoken of as a license; it is not strictly a license, but a tax. If they sell, this is a receipt.

10593. Does the State salesman and other salesmen in municipalities have to take out that license?—A man who sells liquor in Maine must have it or he violates the Internal Revenue Act, and the United States officers would look after him; whereas as regards the Maine law, the State officer takes charge of it.

10594. What object would be gained by any man, not being one of the authorized salesmen, taking out one of those licenses?—Frequently he thinks perhaps he can sell liquor and not be caught by the Maine officials, but he might be found out by the United States officials. The penalty is very severe under the United States law.

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*By Mr. Clarke :*

10595. In every State do the people who sell liquor procure local licenses as well as United States licenses?—Where the license law exists, as it does in a great many of the States, people have to obtain United States licenses. The United States will not yield anything to a State; the people must have a United States license, and then they can obtain a license from the State. They have to pay the United States tax, and then they pay so much to the State or to the municipality.

10596. Those people who are selling liquor without internal revenue protection, the United States officers have to deal with, as well as local officers; they are liable to be arrested by the United States officers as well as by Maine officers?—Yes. They have to run the gauntlet of both sets of officers.

10597. I presume many who are not known have United States licenses, and they do not happen to be prosecuted under the State law?—Their license gives them no right to sell in the State. It is a tax, and the courts of the United States have determined that fact, and also that there is no authority to sell in a State because the parties have paid their tax; they must submit to the police regulations of each State.

DANIEL T. DWYER, of St. Stephen, boot and shoe merchant, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

10598. I understand you carry on business in Calais. How long have you done business there?—Since November, 1886.

10599. How long have you resided in St. Stephen?—Since 1875.

10600. Did you do business in St. Stephen?—Formerly I was in the liquor business in St. Stephen.

10601. I need hardly ask whether you are in the liquor business at Calais?—No.

10602. Are you in Calais every day on business?—Yes.

10603. Then you are acquainted with the operation of the law in Calais as well as in St. Stephen?—Yes.

10604. Do you ever see any drunkenness in Calais?—Occasionally.

10605. Do you ever see any in St. Stephen?—Sometimes.

10606. Do you know whether sale of liquor goes on in Calais to any extent?—No, I could not say.

10607. Do you know whether there is any in St. Stephen?—No, not personally.

*By Mr. Clarke :*

10608. Where do those people get the liquor to make them drunk?—They must get it in other places.

10609. You do not know in what places?—No.

10610. You do not know how the law, either here or in Calais, is observed?—The fact of seeing men drunk in the streets proves to me conclusively that there must be some sale.

10611. Have you no idea where the liquor is purchased?—No.

10612. Have you ever had any experience in other parts of Maine respecting the enforcement of the prohibitory law?—No, excepting a visit to Bangor in June last. I know there were open bars there.

10613. What is the population of Bangor?—I think somewhere between 20,000 and 30,000.

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10614. Was there any difficulty in getting into those bars?—No.

10615. Had you to be known by the proprietors or people?—I believe it might be different with a stranger as compared with a person belonging to the town.

10616. Did you see any people prohibited for any reason?—No.

10617. Do you recollect the name of the place where the bar was, the hotel or building?—That I do not think it would be right for me to name.

10618. Not if it was an open public bar?—Supposing I should be subpoenaed to appear against those parties, it would not be right to give away the place now.

10619. I understand you to say there were open public bars in Bangor; and did we understand you to say that without any restriction they sold whatever was required and paid for?—Yes, I saw parties drinking.

10620. How do you know they were drinking intoxicating liquor?—Because I heard them inquire for it. I could not swear they got it.

10621. Have you had any experience elsewhere than in Bangor?—Something over two years ago I was at Portland.

10622. How did you find things there?—About the same. I was not so much surprised in Portland as in Bangor, for I did not see so many buyers of liquor; but in the hotel where I was staying I saw an open bar. What I mean by an open bar is a place where bottles are on the shelves and where people are drinking at a bar.

10623. You saw bottles of spirituous liquors?—I should suppose so.

10624. And you saw the liquor business going on?—The same as I have seen it under a license system in St. Stephen.

10625. There was no restriction?—I would not say there was not any restriction.

10626. There was a permanent bar there evidently?—Yes.

10627. Did you see any drunken people in Bangor?—I do not remember.

10628. Or in Portland?—I do not remember.

10629. You have seen drunken people occasionally in Calais, where there are no fixed bars?—There may be fixed bars there for all I know; I have never been in those houses, and therefore I cannot say.

10630. Is drunkenness decreasing in St. Stephen and Calais?—I could not say.

DAVID G. DICKEY, of St. David, Charlotte County, farmer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10631. How far is St. David from here?—Ten or twelve miles.

*By Rev. Dr. McLeod :*

10632. I suppose you have observed the working of the Canada Temperance Act in Charlotte County?—Yes.

10633. Especially in your own parish?—Yes.

10634. Does it work well in your parish?—I think so.

10635. Has it lessened drunkenness?—I think it has.

10636. Are there any places for illicit sale?—I do not think so in St. David.

10637. Do you remember when there was a license Act?—Yes.

10638. Was there any licensed place in St. David?—Yes.

10639. Was there any illicit sale?—I think there were places where liquor was sold.

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10640. And they have been all removed since?—Yes, as far as that parish is concerned.

10641. Have you observed the working of the law in other parts of the county?—Somewhat. In the Parish of Dumbarton, there is a place where it is sold now. That adjoins St. David.

10642. Do you think, generally speaking, the law has a good effect?—I think it has.

10643. Has it had any effect in reducing the pauperism of the county?—I should judge it had, from the fact that in 1868, the parish of St. David purchased an Almshouse for the poor, and within four or five years after that twelve paupers came on the parish, and to my certain knowledge they came there from the effects of spirituous liquors—all of them. They all died within ten or twelve years after they came there.

10644. Have you any paupers there now?—No. There were a number of years when we did not have any, until last year, 1891, when two old people came in, but they died the same year, and we have none now.

10645. Have you been a member of the County Council?—Yes, for two years.

10646. Are you able to say whether the effect of the Canada Temperance Act has been to reduce pauperism throughout the county?—I am clear it has.

10647. Have you any figures in reference to that?—No, but my general impression is to that effect.

*By Mr. Clarke :*

10648. Are there any almshouses on the other side of the line? In Calais?—Yes.

10649. And generally through the State of Maine?—I do not know for certain about that, but I think so.

10650. Are there any inmates?—I know they have one in Milton.

10651. When did this prohibitory law come into force?—In 1863 or 1864.

10652. I mean the Scott Act. When did it come into operation here in Charlotte county?—In 1879.

10653. What law was in force before?—The License Law.

10654. How many licenses were there in St. David?—There were not any.

10655. For how many years before 1879?—I cannot recollect when there was any license.

10656. How long do you recollect the affairs of St. David?—I have always been a resident there, with the exception of a few years, and I do not recollect of any licenses being granted for St. David, but I remember several places where they sold liquor.

10657. Were those places in the parish of St. David?—Yes.

10658. Was it because of the sale in those illicit places that the almshouse was purchased?—It was to put the poor in.

10659. The almshouse was purchased in 1868, and after four or five years there were people sent there through the use of liquor?—Yes.

10660. Is there any illicit sale of liquor now?—I think not.

10661. You think the Scott Act is so well enforced that there is no illicit sale of liquor?—Not that I know of.

10662. Do you occupy any official position?—Not at present.

10663. Did you ever?—I have been Almshouse Commissioner.

10664. And there was a spurt when there were ten or twelve occupants of the almshouse, and then there were none for many years, until recently, when there were two old people. —Yes.

10665. Did the ten or twelve die, or were they cured?—They all died.

10666. Would you take it as evidence of the total suppression of the liquor traffic, that ten or twelve people were there from that cause?—I am satisfied that liquor brought them there.

10667. Is it a proof that no liquor was sold illicitly that the almshouse had no occupants?—The almshouse had nothing to do with that.

10668-69. But the occupants had?—That is where the parish put them.

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10670. Did they belong to the parish?—Yes.

10671. Do you know anything of the operations of the Scott Act in any other county?—Not particularly.

10672. Do you know anything about it in this town?—That is where those paupers got their liquor, that is what reduced them to pauperism.

10673. That was when the license system was in operation?—Yes, here and elsewhere probably.

JAMES WILLIAM KELLY, M. D., of St. Stephen, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10674. How long have you lived here?—About four years.

10675. Have you been in practice all that time?—Yes.

*By Mr. Clarke :*

10676. Has drunkenness increased or decreased during that time?—I could not say. I have had few cases under my attention.

10677. You have had opportunities of judging whether on the streets it was more noticeable or more prevalent?—I have seen more cases of drunkenness on the streets than I have seen in some towns.

10677a. Have you any reason to believe that liquor is sold here?—Yes.

10678. Of course it is sold illegally?—I presume so.

10679. Do you know anything of the position of affairs on the other side of the river?—I have seen cases of drunkenness on the other side.

10680. Have you any reason to believe that liquor is sold there?—I do not know, but I have recognized Calais people on this side under the influence of liquor.

10681. And St. Stephen people over there under the influence of liquor?—Yes.

10682. Do you think strangers coming in here experience any difficulty in getting any liquors they require at the hotels?—I have seen strangers leaving town under the influence of liquor. I do not know whether they experience any difficulty or not in getting it.

10683. Did you see whether they were under the influence in coming into the town or not?—I did not notice them.

10684. But you saw them leaving?—Yes.

*By Mr. Gigault :*

10685. Do the druggists sell a good deal of liquor?—On prescriptions.

10686. Only?—Only.

10687. Have you known doctors to give prescriptions to druggists for the sale of liquor?—Yes, especially in the summer time, when there are many cases of cholera.

10688. Do you know anything of the enforcement of the Maine prohibitory law elsewhere than in Calais?—No.

## Liquor Traffic—New Brunswick.

JOHN DEWAR, of St. George, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10689. Do you hold any official position ?—Justice of the Peace.

10690. That is of a parish in the County of Charlotte ?—Yes.

*By Rev. Dr. McLeod :*

10691. Have you been an observer of the operation of the Canada Temperance Act in St. George ?—I have.

10692. How large a place is it ?—The village has about 1,000 people.

10693. Do you live in the village ?—About a quarter of a mile out, but I do business in the village.

10694. What is the effect of the Canada Temperance Act in St. George ?—It has driven the sale of liquor out of it almost entirely.

10695. Is there any illicit sale ?—There may be. I may suspect, but I do not know of a place where it is sold. I believe it is brought in on the railway occasionally and may be sold, but no one makes a business of it.

10696. In the vicinity there are quarries ?—Yes.

10697. And a large number of men are employed ?—Yes.

10698. Do you know of any place near the quarries where it is sold ?—No ; there was a place, but the parties were brought up and fined and that stopped them.

10699. During the time that place was in operation, was there any marked effect upon the men ?—Yes ; the Manager complained again and again about it.

10700. They were brought before you as County Court Commissioner ?—Yes.

10701. And that has been stopped ?—Yes.

10702. Has there been any improvement amongst the men since ?—There have been no complaints.

10703. Are you yourself an employer of labour ?—Yes.

10704. Have you observed whether the existence of a place for the sale of drink makes your men irregular in their work or otherwise affects them injuriously ?—Since I have been an employer of labour, there has been very little liquor sold. Years ago I had to discharge men who drank, but recently there has been no difficulty.

10705. Do you remember St. George under the license system ?—Yes.

10706. What was its condition ?—You can imagine when ten or twelve places were selling openly all the time.

10707. Were they licensed ?—I understood that only two were licensed. There was no difference between the two classes.

10708. And there was no interference ?—I only heard of one fine, and no one heard of it except the man who paid it and the man who received it.

10709. Was there much drunkenness then ?—Yes.

10710. And now ?—It is very rare to see a drunken man. It is a remarkable thing to see a drunken man now.

10711. Has the Canada Temperance Act helped moral and religious teaching ?—It has done so.

10712. Do you think if the moral and religious teachings had gone on, and the trade had still been authorized in the community, drinking would have gone on ?—Yes.

10713. Have you had any opportunity of observing the effects generally of the law which prohibits the drinking trade ?—It has practically driven the trade out of Charlotte County.

10714. Of course you believe there is some illicit sales ?—Yes. It has driven Mr. Street, who was before you in St. John, out of the county.

*By Mr. Clarke :*

10715. Has crime of all kinds steadily decreased since the Scott Act has been in force ?—There has never been a criminal court in our place.

JOHN DEWAR.

10716. Was there not a criminal court during the licensed period?—No. Before 1879 I do not know so much about it, but crime has decreased—the laws were not strictly enforced. A man would carry on and fight and so on and the law was not enforced.

10717. To what do you attribute that condition of affairs?—I cannot say.

10718. How many men were employed in the quarries when complaints reached you, and you prosecuted those men who were selling the liquor?—About the same number as now. About thirty or forty men and more are employed at the works in the village. There are hundreds altogether.

10719. You refer to the stopping of the liquor to those thirty or forty men?—That particular place was away from the village.

10720. But the beneficent effects of the suppression of that drinking shop were not confined to the quarry?—No. People would go there on Sundays particularly, and ministers have had difficulty in going to their places by being run into by teams containing drunken men. That was under the license law.

10721. Were there no officers appointed?—No, none. There are constables.

10722. And constables did not stop people from insulting ministers until the Scott Act came into operation?—There might not be any constables within miles.

10723. Do you think the illicit sale of liquor has been stamped out throughout this county by the operation of the Scott Act?—Very largely so, I think. I understood in our place that out of ten or twelve places only two places were licensed. All those who had respect for the law went out of the business and others were driven out.

10724. And no liquor is sold?—I know of two cases where men took a bottle and sold out on the street.

10725. But there are no places where it is sold?—I do not know of any.

10726. Would you be likely to know?—Yes.

10727. Is none sold?—I saw a person last night who said he had got some liquor and I could not think at what place he could have got it. Some one might bring it out in a jug, and others might know where it was likely to be got.

*By Judge McDonald:*

10728. Before the Scott Act came into force, this dreadful state of things was in existence?—I do not know that it was dreadful, but it was the normal state.

10729. What officer was appointed under the Scott Act?—None until three years ago, when an inspector was appointed.

10730. What prosecutions have taken place under the Scott Act?—None, until this inspector was appointed.

10731. Did the morals of the people improve immediately after the Scott Act was adopted?—Yes.

10732. That was a case of the law enforcing itself?—The liquor dealers left and closed up their places.

10733. I understood you to say that you gave the whole credit to the Scott Act and none to religious and moral influences?—I do not think the people are any better in other ways.

## Liquor Traffic—New Brunswick.

JAMES M. CLARKE, of St. Stephen, merchant, on being duly sworn, deposed as follows :—

*By Mr. Clarke :*

10734. What business are you engaged in ?—Crockery business.

10735. How long have you been a resident of St. Stephen ?—Thirty-one years.

10736. Do you know anything about the condition of affairs in St. George thirty years ago ?—No.

10737. Twenty years ago ?—Yes.

10738. What was the condition of affairs twenty or twenty-five years ago ?—At that time they were doing a large lumbering business and were much more prosperous than they are now, except in regard to the current industries. I think as to the liquor business there has been an improvement since.

10739. Do you attribute the improvement to the passage of the Canada Temperance Act ?—I cannot attribute it to anything.

10740. There are fewer lumbermen employed now ?—Yes.

10741. There has been a general advance all along the line in temperance matters ?—Yes.

10742. Do you attribute the improvement to the moral and religious influences exercised during the last twenty years ?—I should think they would have a great effect upon the people in bettering their condition.

10743. Do you think the sale of liquor has been stamped out in St. George by the Scott Act ?—I think the inspector of the Scott Act for the county, living there, has something to do with it.

10744. Does the same happy condition of affairs exist elsewhere ?—My impression is that the liquor business has been stamped out more in St. George than anywhere else.

10745. There are more or less sales in other parts of the county ?—I think so.

10746. As to St. Stephen, what is your impression of the operation of the Canada Temperance Act ?—I think, under the Scott Act, there is less liquor sold than before it. Perhaps the moral and religious sentiment may have had a great deal to do with it. I am not in a position to measure that ; there are fewer places selling.

10747. There are fewer places ?—I was Mayor of St. Stephen in 1874, when there were thirty licenses issued, but I think the town was well governed, and I do not think there was much more drunkenness then than there is now.

10748. What number of places have been substantially closed since then ?—I think there is less liquor consumed by the people in the country districts. I am only giving my opinion.

10749. They can procure supplies from here and elsewhere, I suppose ?—I think so.

10750. Is there much liquor sold here to residents of the neighbouring city of Calais ?—I think so.

10751. Is there much liquor purchased in Calais by residents of St. Stephen ?—I do not know.

10752. Do you know if there is any ?—Well, in my life time, for medicinal purposes, I know of some having been bought in Calais as well as Bourbon whisky. I know that in my own family.

10753. Do strangers have any difficulty in getting liquor in their own rooms ?—I do not know ; I have no personal knowledge.

CHARLES H. VROOM, of St. Stephen, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10754. What is your calling or occupation ?—Manufacturer and wholesale merchant.

*By Rev. Dr. McLeod :*

10755. How long have you lived in St. Stephen ?—All my life.

10756. You have filled an official position ?—Yes ; I was Mayor of the town last year.

10757. Were you previously a member of the Town Council ?—No ; I was Town Clerk for nearly six years.

10758. Had you some knowledge of the Act previously ?—Yes ; I have been considerably interested in temperance work since 1875.

10759. Do you recall the state of things in St. Stephen and the county generally under the license law ?—I do in St. Stephen.

10760. Were there as many licenses as Mr. Clarke stated ?—There were more.

10761. Was the population more then ?—No ; it has been increasing since then. In 1876 the number of licenses was 36 or 37 ; in 1877, 19 ; in 1881, 18 ; in 1879, 15.

10762. That was the last year under license ?—Yes.

10763. There have been no licenses issued since ?—Yes, wholesale licenses.

10764. How many ?—Three or four in the county, at St. Andrew's, Campobello, and I am under the impression that a wholesale license was issued by the County Council for the town of St. Stephen, which the Town Council fought in the courts and succeeded in upsetting.

10765. Was the vote on the Scott Act in 1879 a large vote ?—It was a small vote ; the majority was about six to one, on a very small vote.

10766. Would the total vote be half the registered vote ?—No ; I think about 700 votes all together. The opponents of the Scott Act did not come out against it.

10767. How many votes were polled against it ?—Something over 100.

10768. Then the number of votes was in the vicinity of 700 altogether ?—Yes.

10769. What were the proportions last year ?—I have the figures here : 1,785 for, and 855 against, leaving a majority of 930, more than two to one.

10770. That total vote was a fair vote ?—Yes.

10771. How was St. Stephen ?—St. Stephen gave a majority of 55 in favour of the Act.

10772. How many places in the county gave a vote against the Act ?—Five.

10773. Was the majority against it considerable in those places ?—Very small. The largest vote against it was in St. Andrew's, where it was 44. Other majorities were, 6, 10, 14, and 6.

10774. Do you remember the character of the town in regard to its crime, poverty, and so on, before and since the Act was adopted ?—As to the town, I have some figures I have taken from the records.

10775. Can you get the records ?—I have some figures here showing the record from 1875.

*By Mr. Clarke :*

10776. We were told the records were burnt ?—They were burnt in 1877. The others are in the hands of the Town Clerk.

10777. The Town Clerk said they were destroyed ?—Those of 1875, 1876 and 1877 I got from the records that were burnt ; I got them when I was Town Clerk.

10778. Can you produce the record from which the abstract was made ?—I made it years ago, and I have had it in my possession for years.

## Liquor Traffic—New Brunswick.

*By Judge McDonald :*

10779. If the witness states he made this memoranda from records which were in his possession, it is the best evidence we can get.—The amount we paid for the support of the police, after deducting the amount of the fines, was as follows :—

1875 .....	36 licenses.	Expense, Police....	\$1,059 91
1876 .....	27 do	do do ....	1,084 93
1877 .....	19 do	do do ....	828 22
1878 .....	17 do	do do ....	733 05
1879 .....	16 do	do do ....	711 92

1880, the first year of the Scott Act, No licenses ; expense, \$612.94.

1881, no licenses ; expense, \$731.21.

I might state that in the latter part of that year prosecutions began to be hung up by the Supreme Court. In 1882, when the prosecutions were hung up, there were about 30 rum shops in operation and the expense for police was \$1,006.89. I have a statement showing that in 1879, the last year under license, the fines amounted to \$396.30. In 1880, the first year under the Scott Act, they amounted to \$109.25. In 1881, they had increased somewhat as regards the last two months of that year. But in 1889, they were not so large, amounting to \$288.80. The Scott Act was adopted in 1879, and it came into force on the expiration of the licenses in 1880. The first prosecution was on the 1st of May, 1880. An appeal was taken from some cause in March, 1881, but no decision was given until April 20th, 1883, the case being two years before the court. Nothing was going on in the way of prosecution, because it was considered not safe to proceed until these cases were settled. From May 1st to December 31st, 1879, the town was under license. During the same period, from May 1st to December 31st, 1880, there were four arrests for drunkenness, thirteen prosecutions and nine convictions. The total number, in 1880, from January 1st to the last of December, was twelve ; while in 1881 it was forty-one. In January, there were no convictions ; in February, one ; in March, four ; April, three ; May, five ; June, none ; July, three ; August, two ; September, five ; October, three, and then when the prosecutions were hung up in November, seven ; and December, eight. In 1882, when no prosecutions took place, the number of arrests for drunkenness was 129, against 12 in 1889. In 1883, the arrests were 103. I have some figures here as to the support of the poor in the town.

*By Rev. Dr. McLeod :*

10780. Can you state anything as to the poverty and forms of crime other than drunkenness ?—As to the support of the poor, I could give statistics from 1875 to 1881, and they were years in which the same Commissioner of the poor was in office, which shows that the administration of the poor should have cost about the same. From 1875 to 1879 we were under a license law, and from 1880 to 1881 under the Canada Temperance Act. In 1875, there were 36 licenses and the support of the poor cost \$676.94. In 1876, there were 27 licenses, and the support of the poor cost \$664.81. In 1877, there were 19 licenses, and the support of the poor cost \$1,040.40. I might explain that the large increase was due to the fire, which burnt out the lower part of the town and rendered many families homeless. In 1878, there were 17 licenses, and the support of the poor cost \$825.28. In 1879, there were 15 licenses, and the support of the poor cost \$825.28. In 1880, under the Scott Act, the support of the poor cost \$562.43 ; and in 1881, \$645.52. It was lower in those two years than in the previous years.

*By Judge McDonald :*

10781. Will you prepare an account for the rest of the years ?—I have not prepared one. In 1882 and 1883 the law was not enforced.

*By Rev. Dr. McLeod :*

10782. You could give us a supplementary statement ?—Yes. I consider that in 1880 and 1881 the Scott Act was better enforced than it has been in any year since.

CHARLES H. VROOM.

10783. What were the difficulties in the way of enforcement of the law, and how soon and in what manner did you get over those difficulties?—There was an appeal taken in March, 1881, which was the first case of appeal to the Supreme Court, and it was hung up there for two years. Appeals were also taken as to the constitutionality of the Act, which were taken to the Privy Council in England. It is only within the last three or four years that the Scott Act has been fairly cleared of these obstacles.

10784. And there are some difficulties yet?—Yes.

10785. Are there any cases before the Court?—I do not think so.

10786. Is the Act well enforced?—Not as well as it ought to be; it is in many places in the county, but not in St. Stephen.

10787. To what do you attribute that?—I do not think the officer does his duty as he ought to do; and there are difficulties. We should have power of search, and the power of seizure should be better defined than it is.

10788. You are an employer of labour. Have you observed that labouring men are beneficially affected by even a partial prohibition of the trade?—I have.

10789. In what way?—Because they do not drink as much. I have had difficulty with men under the influence of liquor. Sometimes men would be half drunk for some days, and put us behind with our work.

10790. Do you find the prohibition of the trade saves the men somewhat from that?—Very largely, I think.

10791. What has been your observation of the operation of the law in the county?—I know it has been very beneficial.

10792. And from the vote of November last you think that the people were more favourable to the law than they were at first?—I do.

10793. And that in spite of the difficulties in the way of its enforcement?—Yes. I think the law has been the greatest educator we have had. It has outlawed the liquor traffic and made people look down upon it, instead of its being looked upon as a respectable trade.

10794. Is that so in Calais, in Bangor, and in Portland?—Yes; I have been there, and I think so.

10795. What is your observation?—In Calais it is sometimes difficult to enforce, and sometimes it is laxly enforced. I think in Bangor it is less enforced than in any other place, and in Portland it is supplied in the lower places, but I never saw anything there such as prevailed under a license law. I never saw anything on the outside of the buildings to lead the people to believe that liquors were sold.

10796. Then the places are not invitations to people, but there may be places where persons who are searching for liquor may get it?—Yes. It is not like going into New York, for instance.

10797. Charlotte County has a large coast-line, and I suppose there is damage to vessels sometimes?—Yes.

10798. Have you any knowledge as to how far such cases can be traced to drink?—Only from inquiries, not from personal knowledge. I have inquired in regard to these things. A resident of Grand Manan, who resided there all his life, told me he thought nearly all the last wrecks, with loss of life, there were due to liquor.

*By Mr. Clarke:*

10799. Have you any personal knowledge of that?—Yes.

10800. How many policemen were employed in St. Stephen in 1872?—I think two.

10801. How many were there before?—I think the same number.

10802. The operation of the Scott Act has not reduced the number?—There has been a time when there was a Marshal and two policemen.

10803. Since the Scott Act was in operation?—Yes; it has been contended that it should be one of the duties of the policemen to watch against fires, and one man cannot perfectly attend to that matter.

10804. Will you complete the return you have made by going down to 1891?—Yes.

10805. You said, about six to one voted in favour of the Act the first time?—Yes.

10806. And the last time about two to one?—Yes.

## Liquor Traffic—New Brunswick.

10807. Was the vote polled the last time as large as it was at the parliamentary election?—No.

10808. What was the difference?—I do not think there was as large a vote as ordinarily, because it was a very stormy day and the people from the Islands could not get to the polling places.

10809. The vote was a small vote?—Not a small vote. It was large on a question of that kind, but not as large as is generally polled at a parliamentary election.

10810. Was it a very large vote?—It was about 2,600, and in a Dominion election 3,500 votes, I think.

10811. Have you any reason to doubt the accuracy of the statement made by the Stipendiary Magistrate?—No.

10812. Do you believe it is a correct statement?—I think so.

PHILIP BREEN, of St. Stephen, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

10813. What is your profession or occupation?—I am a played-out trader.

10814. How long have you been engaged in that business?—Forty years.

*By Mr. Clarke:*

10815. Have you been doing nothing for 40 years?—I was in the public-house business for 25 years, part of the time for myself and part for others.

10816. Have you any statement you wish to make to the Commission?—No, I have no statement; I am ready to answer any question. I have had a good deal of experience in the liquor business. I was here when we had the prohibitory law of 1856.

*By Mr. Gigault:*

10817. Do you know anything about the enforcement of the Scott Act?—I know there has been a good deal of trouble about it.

10818. Are liquors sold now?—They are supposed to be, and there have been a great many trials about it and a great many fines made.

W. W. GRAHAM, of Milltown, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

10819. What is your profession or occupation?—I am foreman of a lumbering firm.

*By Rev. Dr. McLeod:*

10820. Have you a good many men in your employ?—At present about 100.

10821. Have you any rule in the selection and engaging of your men as to their drinking habits? Do you employ drinking men?—I have to employ them; I prefer not to do so; I have a decided preference for men who do not drink.

10822. Why?—They are better men, they work more steadily, there is no risk of having to employ men to take their places every morning.

10823. Are you able to form an opinion as to the number of days a man would lose in the month on account of his drinking habits?—They vary to a certain extent; they generally lose from one to three days at the first of the month after pay-day.

10824. And would they lose other two days in the month?—I think they would.

CHARLES H. VROOM.



10825. Do you think the principle of total abstinence is being more largely adopted by labouring men?—I think so, because it is now more difficult to get liquor. I have a great many men who would not drink for several months if liquor was out of their way.

10826. Is the Scott Act in force in Milltown?—Yes.

10827. Is there much illicit sale?—Very little at present.

10828. When you find there is considerable illicit sale, do you find your men are more irregular at their work?—Decidedly.

10829. When the enforcement of the law is carried out effectually, do you notice any beneficial change in your men?—I do. I will say in regard to liquor being sold, that there is considerable liquor sold. There are only three places in our town—I should say there are only two places, for one has been closed to-day, and the proprietor has left for the land of the free—where liquor is sold, and that is sold to American customers almost wholly.

10830. Have you a corporation at Milltown?—Yes.

10831. Whose duty is it to enforce the law?—It is my duty.

10832. Then you are an official?—Yes.

10833. Are you appointed for the purpose of enforcing the law?—Yes. I was appointed by the Town Council of Milltown.

10834. Do you find much difficulty in enforcing the law?—A great deal of difficulty.

10835. What is the nature of the difficulty?—The difficulty is in getting evidence. We are situated on the border, and if you summon a man to attend, he simply steps across the line and remains there until the trial is over. Another difficulty is that when you get a witness into the box he is liable to take a false oath. There is a defect in the law in regard to search and seizure: the finding of liquor should be made *prima facie* evidence.

10836. You think if the law was amended in that respect it would help its enforcement?—I certainly do.

10837. Were you Mayor at one time?—I was Mayor for six years, and I was in the Council for seven years in succession.

10838. Is the Council composed of members favourable to the enforcement of the law?—It is.

10839. And it is in accord with the sentiment of the town?—The sentiment is strongly in favour of the enforcement of the law, although we have a certain element opposed to it.

10840. Looking at the years the law has been in operation, do you think it has been fairly well enforced, and has had a beneficial effect on the community?—It has had a beneficial effect during the last two or three years—that is, since we have got the cases out of the Supreme Court. I have had cases there for three years without a decision being given. During the interval we did not press the law much because of these circumstances.

*By Mr. Clarke :*

10841. What is the population of Milltown?—Two thousand one hundred.

10842. How many unlicensed places are there now?—Two, to my knowledge.

10843. How many are licensed?—We never had any licenses granted in Milltown since I went there, forty years ago this fall.

10844. Has liquor been sold illicitly?—Yes, to a certain extent.

The Commission adjourned to meet at Fredericton on 12th inst.

## Liquor Traffic—New Brunswick.

FREDERICTON, 12th August, 1892.

The Royal Commission on the Liquor Traffic met in this city, this day, JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. McLEOD.

MR. G. A. GIGAULT.

HIS HONOUR SIR LEONARD TILLEY, Lieutenant Governor of New Brunswick, attended by invitation.

JUDGE McDONALD.—As we have been making certain investigations with respect to the passing of a prohibitory law some years ago in New Brunswick, when Sir Leonard Tilley was in charge of the House and had charge of the Bill, and as Sir Leonard has kindly consented to make a statement, the Commissioners have thought it well to hold an informal meeting and to hear that statement to-day, as he will not be here to-morrow.

SIR LEONARD TILLEY, at the request of the Acting Chairman, then made a statement. He said: I do not know that I can give you much important information, but if there should be any discrepancy as to the dates and circumstances, it is owing to the fact that I have not refreshed my memory. I have the leading points in my mind, and, if it will be of any interest to the Commission, I can give them.

JUDGE McDONALD.—The Commission will be pleased to hear an account of the matter given in your own way.

SIR LEONARD TILLEY.—The agitation for a prohibitory law was commenced and was prosecuted somewhat vigorously for three years before the Bill passed. We used the press and lecture platform to bring this subject before the people of New Brunswick. Petitions were presented in 1854, and, I think, a Bill was presented by Mr. Scoullar during the spring of 1854. I was not in the House then. It did not become law at that time, but the petitions that were presented were very numerous; they were rolled in the size of rolls of carpet, on the floor of the House, we had so many of them, and there was a very general opinion prevailing in the country that there was at that time a majority in favour of prohibition. In 1855 I was in the Legislature and a member of the Government, but the Bill that had been prepared by friends of temperance, was placed in my hands as a private member and was not introduced as a Government measure.

MR. CLARKE.—It was a private Bill.

JUDGE McDONALD.—It was a public Bill introduced by a private member.

SIR LEONARD TILLEY.—Yes, it was not a Government measure. Of course, nowadays, when a Government's responsibility is more clearly defined, no doubt the House would insist on a Bill affecting the revenue being introduced by the Government, but then it was not exacted, and I introduced the Bill as a private member. The advocates of the measure submitted to the House evidence they had accumulated during three years with reference to the effect of intemperance in producing crime and lunacy and the deaths that had been occasioned by drink, and the record presented had a very great effect, not only upon the country, but upon the members of the House; members who at first objected to the measure, subsequently voted for it, when it was under consideration, and it resulted in the Bill being passed by three-fifths of the members in both branches.

MR. CLARKE.—Was there a larger proportion in the Upper than in the Lower House?

SIR LEONARD TILLEY.

SIR LEONARD TILLEY.—I think it was a little larger in the Upper House (which was not expected) than it was in the Lower House, but taking the two branches together, we had about three-fifths of the members of the two Houses supporting the Bill. The provisions of the Bill were that there should be no intoxicating beverages imported, manufactured or sold in the Province of New Brunswick after the first day of January, 1856, except for medicinal, mechanical or sacramental purposes. The assent was given to the Bill at the close of the session. On the first day of January, 1856, it became law. I may add that during all our discussion and when the Bill was under consideration of the Legislature, the opponents of the measure made no move of any consequence in opposition. They held no meetings in opposition to it. The temperance men had the discussion all to themselves. The petitions and arguments were all on one side, and no active steps were taken, even when the measure was under consideration in the House. The reason probably was that the Opposition believed it would not become law. When it did become law, things changed and a very strong opposition was manifested by the opponents of the Bill. When the law came into force, on the 1st of January, 1856, it was enforced with considerable vigour. When persons were found violating the law, complaints were lodged before some of the magistrates, principally in the City and County of St. John, and convictions obtained. Appeals from the decisions of these magistrates were frequently taken to the Supreme Court, on the ground of irregularity or improper proceedings on the part of Justices of the peace. None of them being legal men, you can quite understand that errors in proceedings might occur, and the results were, that when appeals were brought before the Judges on account of these irregularities, their decisions were set aside, and they were mulcted in costs amounting to \$300 or \$400 each. You can quite understand the effect that would have. It struck rather a panic among the Justices of the peace, and the result was that many of them declined to take further proceedings. Many of the cases before the Judges were not decided, but were held in abeyance for some time. This created a kind of backwater in the whole matter. Men who were very zealous in favour of the law said, the whole thing is going to be a failure; they got disheartened at once and became discouraged and did not carry on prosecutions any further. Of course, that resulted at once in the men who were engaged in the traffic, finding a sort of panic existing, commencing to sell. For about six weeks, the law was pretty generally enforced, but after that the parties began to sell. Some were proceeded against and fined. Others sold openly without any action being taken, for the reasons I have mentioned.

When the House rose, the end of April or the first of May, 1856, the Governor, Mr. Manners-Sutton, who had been opposed to the measure throughout, and had very strong feelings upon the subject and looked upon the Bill as a very tyrannical one, his objection being known to most of those he came in contact with, arrived at the conclusion that we should appeal to the country on the question. He stated that the question had not been fully discussed at the general election of 1854. I may say that it was discussed at very many of the polls, and I myself with another gentleman, who lost his election, were selected as prohibition candidates. I was elected, though not solely on prohibition grounds, Mr. Lawrence and myself being the temperance candidates. The same thing occurred in other counties. The present Judge Steadman was elected as a temperance candidate in Westmoreland County and so on. While the question was discussed, it was not the leading question at the election. There were, perhaps, some party questions more prominent; but still, this was a prominent question in several constituencies, and many temperance men came into the House in 1854 to sustain prohibition.

The Governor addressed a communication to the Council, stating that he thought the House should be dissolved and the country appealed to on this question; and among other things, he stated, if I recollect his remarks, that "when justice ceases to be even-handed, it ceases to be justice." That had reference to the fact that some persons were proceeded against and fined, while others sold without being proceeded against. They were not always equally dealt with, that is the offenders against the law. He stated very distinctly that, in the public interest, he thought the House should be dissolved and the country appealed to. Although two or three of the members of the Government did not vote for the prohibitory law, still when he sent this memo-

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random to the Council there was no difference of opinion. The ground they took was that the law had been in force only three or four months; that the time was inopportune to appeal to the country with all these legal questions pending and with all the uncertainty about them. The Council stated they thought the law should have a twelve-months' trial, or until the next meeting of the Legislature in 1857. He did not agree with us on that point, and he sent down an order to me as Provincial Secretary and Clerk of the Crown to prepare a proclamation dissolving the House and calling a general election. I declined, as Provincial Secretary, to act upon his request, and the Government then sent in their resignation. We said we differed with him as to the course to be pursued and declined to continue to be his advisers. He accepted our resignation, and called to his Council men who advised him to dissolve the House, and he acted upon their advice. The result was that a large number of the men who had signed the petition for prohibition, and some who had taken an active part in its support went into opposition to the measure, supported the candidates who favoured the Governor's action, and the election resulted in only two or three members out of the whole 41 being returned in favour of prohibition.

If the opponents of prohibition were idle in 1854 and 1855, they were particularly energetic during that contest, and in the city of St. John, which is, perhaps, one of the strongest localities in the Province of New Brunswick in opposition to prohibition, I was less than 100 votes behind. Only two or three members were returned to the House who had pledged themselves to vote for prohibition. The House was summoned to meet in July, 1856, and the vote in favour of repeal was almost unanimous, only two or three voting against it. The law was repealed, and the Legislature was prorogued. I may say here that the law was practically in force only for four months, because after the Governor had accepted our resignation and it was understood an appeal was to be made to the people, everything was chaos. No effort was made to enforce the law, and practically it was only enforced from the first of January to the first of May. I have since then counselled our friends in moving in the direction of prohibition or legislation for the suppression of the traffic to be quite sure that the public sentiment was strong enough to enforce the law if enacted.

10845. REV. DR. MCLEOD.—What do you think would have been the effect if you had had the year your Government asked for in which to enforce the law?

SIR LEONARD TILLEY.—We would have been in a better position than we were; but I doubt if we would have been able to sustain it, because, as I said, I found that persons who were most earnest in petitioning and speaking in favour of the measure, whenever there was any opportunity to secure its enforcement, became discouraged, and therefore I cannot help concluding that, although we had, as we thought, sufficient reason for believing that a considerable majority of the people were in its favour, our Legislature was at that time in advance of public sentiment. There had been no opposition of any kind, and we imagined we were carrying everything before us. Now it is different. We find a considerable agitation against prohibitory legislation, whereas then we saw everything in the brightest light.

10846. MR. CLARKE.—What was the effect on the temperance movement?

SIR LEONARD TILLEY.—It was not beneficial at that time, because a great number of people got discouraged and disheartened. It put back prohibition sentiment somewhat, but it did not after a year or two discourage the temperance people in the advocacy of the cause of temperance. It was rather a shock, a disappointment at the time.

10847. JUDGE McDONALD.—Although this question turned out the Government and a new Government came in with a majority to repeal it, politically the situation was not changed in the Province?

SIR LEONARD TILLEY.—It was a remarkable thing that while nearly every man, with the exception of two or three, was elected in opposition to prohibition, it turned out that there were 20 members opposed to the Government as then constituted and 21 in favour of it, so that they could never get a vote except by the casting vote of the Speaker, his election leaving the House 20 to 20. After the House had been in session for about 40 days and things were almost at a deadlock, it was found that one of the members supporting the new Government was weakening, and the Government

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hearing of this, took the bull by the horns and dissolved the House. In another day they would have had a vote of want of confidence, and another party would have had a majority. The previous Government came back from the elections supported by two-thirds of the House.

10848. MR. CLARKE.—Did they come back on the question of prohibition?

SIR LEONARD TILLEY.—No, on other questions; and the same men came back 12 months afterwards and resumed office.

10849. JUDGE McDONALD.—And went with your general policy?

SIR LEONARD TILLEY.—Yes.

10850. MR. CLARKE.—If the Legislature had been permitted to live out its usual term, would the appeal to the country have been as straight and direct upon the subject of the continuance on the statute-book of that prohibition law as it was in consequence of the action of the Lieutenant Governor?

SIR LEONARD TILLEY.—I do not think it likely that it would. But still, if prohibition had been fought out for four years and we had then gone to the country, there is no doubt that would have been the leading issue, because we had few important questions that divided the two parties, and this would have over-ridden the others. Still, I do not think it would have been quite as direct or straight.

10851. JUDGE McDONALD.—This was not a party political question?

SIR LEONARD TILLEY.—No; as I told you, there were 20 to 21 members of the two parties who were elected to the new House; but some of our friends, who were in favour of prohibition, said the Governor was right and sustained him, in fact made it a constitutional question.

10852. REV. DR. McLEOD.—You say the majority against you was less than 100. Were the majorities generally large or small?

SIR LEONARD TILLEY.—They were in most cases large.

10853. MR. CLARKE.—Did the constitutional question generally enter into the fight between the retiring members and their friends and the Governor?

SIR LEONARD TILLEY.—It did, to some extent. Our party, as a party, or many of the leading men, took the ground that it was an unconstitutional act on the part of the Governor. On the other hand, there were some men who declared that they were not in favour of the repeal of the law, but they would stand by the Governor in support of his constitutional right; so in that way we lost about as much on one side as we gained on the other between the parties. The law was practically in force only four months.

10854. REV. DR. McLEOD.—Really the law was not enforced from the time it came into operation?

SIR LEONARD TILLEY.—It came into operation in January and it was repealed in July.

10855. JUDGE McDONALD.—We have had the statement made that it was in force for a year and a half; but that would mean that it was on the statute-book for a year and a half after it was passed.

SIR LEONARD TILLEY.—That must have been what the parties meant. I see you have been obtaining somewhat the same kind of evidence in St. John with reference to police matters and lunacy, etc., that we did in 1855. We had carefully during three years treasured up every record and evidence throughout the province as to the extent of poverty, crime and lunacy resulting from intemperance, and I well recollect that when these facts were presented to the House there were members who while at the outset they said they would oppose the Bill, became satisfied it should have a trial.

10856. REV. DR. McLEOD.—Nearly 40 years have passed since then, and you have been observing the country very closely?

SIR LEONARD TILLEY.—Yes.

10857. REV. DR. McLEOD.—Do you see any signs of marked growth of temperance and prohibition feeling since then?

SIR LEONARD TILLEY.—There is no doubt of the growth of temperance and prohibition sentiment in the country since then.

10858. MR. CLARKE.—Is that confined to any one province or country?

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SIR LEONARD TILLEY.—I know my own province best, and I know that 50 years ago New Brunswick consumed five times as much Jamaica spirits alone per head of the population as we consume now of intoxicating beverages generally.

10859. MR. CLARKE.—What was the principal trade of the province at that time?

SIR LEONARD TILLEY.—It was Jamaica spirits that was principally used at that time. We imported largely from the West Indies and shipped to England, and the difference between the imports and exports shows the amount consumed.

10860. JUDGE McDONALD.—Is that what accounts for the large amount of the exports?

SIR LEONARD TILLEY.—In 1852 the exports were large, for the reason stated. We were doing a large business with the West Indies, and we would send fish and lumber to them and bring back rum and sugar, and ship the rum largely to the old country.

10861. MR. CLARKE.—Is there as much direct trade with the West Indies now as there was then?

SIR LEONARD TILLEY.—No. Any one who has lived to my age can see a very great difference in the public sentiment on the question of temperance.

10862. MR. CLARKE.—To what do you attribute the improved condition of things and the improved feeling in regard to temperance?

SIR LEONARD TILLEY.—I attribute it largely to the agitation on that subject—to the general information which has been given to the public through the press, from the platform, the pulpit and through church organizations. I think these have had a great deal to do with the change of public sentiment on that question, and also the books that have been introduced into our schools have had a good effect. The stringent laws that have been enacted in the province and by the Dominion Parliament have been the result of that enlightened public opinion. For myself, I have never changed my opinion as to the beneficial results that would follow from prohibition of the importation and manufacture and sale of intoxicating beverages, except to have it strengthened; but with the experience I have had I am very anxious that when we again take the fort, we should hold it. The value of the enactment of a prohibitory law will be in its enforcement. To secure this, I have counselled the friends of prohibition to continue the education of the people on the subject, to increase the number of practical teetotalers, and, when ready, to strike for freedom, and not till then.

10863. MR. CLARKE.—You are preparing the way by those means you have mentioned?

SIR LEONARD TILLEY.—Yes; and I have been 55 years a teetotaler, and pretty actively identified with the whole movement; and everybody who has watched the effect of it must see the deleterious effects the traffic has morally, socially, physically and in every other way, upon the people.

10864. REV. DR. McLEOD.—In the event of a prohibitory law being adopted, public sentiment warranting it and ensuring its enforcement, what do you think would be the effect upon the varied business interests of the country?

SIR LEONARD TILLEY.—I think there can be but one opinion about that. Of course it would throw a good many people out of the employment which they are in; but it does not necessarily follow that a man cannot obtain other employment. When we consider the expenditure that takes place for intoxicating beverages and what should also be considered, the loss of time and other losses indirectly connected with it, the effect upon the human system in weakening and destroying it, and also in the production of crime and poverty, the consideration of the business results is one of secondary importance. We had certain branches of business which we have unfortunately nearly lost in the Maritime Provinces. Take ship-building, for instance. New Brunswick lost by the construction of iron ships. We formerly averaged an expenditure of two and a half millions a year, and in some years we had ship-building to the value of \$4,000,000, a most valuable industry. The loss was very great, but the men had to turn their attention to something else, and other industries have been found to take the place of ship-building; and so it would be if the liquor trade was destroyed. Of course

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men would be thrown out of employment, and some parties would experience loss, but the effect upon the whole country could not be otherwise than highly beneficial.

10865. JUDGE McDONALD.—That raises incidentally another question. The changes you have spoken of have, of course, been the result of commercial and business and trade relations; but supposing a law of the land had been passed to prevent ship-building in New Brunswick, what would have been the result? If a law were passed, doing away with the manufacture and importation and sale of liquor, would it be your opinion that an allowance should be made to the owners of the property which would thus be destroyed, apart altogether from the question of the workmen?

SIR LEONARD TILLEY.—I would only take our legislation in the past as a guide to what should be done in the future. We passed laws affecting our industries by our tariff, for instance. We might by our tariff destroy an industry or cripple it materially.

10866. JUDGE McDONALD.—You do not do that directly; but if you passed a law saying, for instance, that cotton should not be manufactured in Canada, would that be in a different position from the incidental effect of a tariff law?

SIR LEONARD TILLEY.—I cannot well see the difference. A property or business may be as effectually destroyed by tariff legislation as by direct prohibition; change of tariffs at times causes losses to importers, but Parliament has never, as far as I remember, given compensation for such losses.

10867. JUDGE McDONALD.—In that case the man would still go on with his business; but where a man has to put up certain buildings of stone and brick and has to put in machinery, etc., because the law requires him to do that, and the Government turns round and says he shall not use that property, would that be a different case?

SIR LEONARD TILLEY.—It would simply be that he could not use that property as a distillery or brewery, and there might be a depreciation of property. The nearest case I know of is what we did in the case of tea that had paid the duty, before tea was made free. We refunded the duty that had been paid, when the duty was removed. Of course what you are coming at is the question of compensation.

10868. JUDGE McDONALD.—Yes, and simply in regard to men in the position of manufacturers.

SIR LEONARD TILLEY.—I see great difficulties in a Government undertaking to compensate parties for any losses that may be sustained by legislation passed in the general interest of the country. If you do it in one case, I do not see where the line is to be drawn. Of course one is more direct than the other, but the practical effect is the same financially, and the difficulty is to draw the line between one class of losers and another.

10869. MR. CLARKE.—The importation of goods by a dry goods merchant or a grocer, for instance, is a voluntary act.

SIR LEONARD TILLEY.—It is a voluntary act on the part of the distiller or brewer to engage in his business.

10870. MR. CLARKE.—That is true, but you do not stamp out the business of the other dealers.

SIR LEONARD TILLEY.—You do practically in some cases, in the way I have referred to.

10871. JUDGE McDONALD.—Of course where licenses are granted from year to year only, as in the case of saloons, they are on a different footing.

SIR LEONARD TILLEY.—I cannot imagine such a thing as compensating them.

10872. JUDGE McDONALD.—Although Mr. Joseph Chamberlain has stated and others have said, it would be a crying evil to the publican to wipe out his business without compensation?

SIR LEONARD TILLEY.—There is a difference between England and Canada in that respect. There are properties there which have become valuable by the license. If a license is granted in England, it is considered a permanent thing and properties are increased in value as the consequence, and if these persons are to be affected by law, they say you should compensate us; but this claim has not been recognized in England. There is a stronger claim there than in the case of a man who is simply licensed from

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year to year. The man who has invested his money in a brewery or distillery as a permanent thing is in a different position from the man who has a yearly license. But I have always seen difficulty on the part of the Government in drawing the line between losses sustained by legislation of different kinds.

10873. JUDGE McDONALD.—Would a class of voters whose votes it would be desirable to get for prohibition but who thought this remuneration should be made for the loss of business, be likely to vote for such a thing?

SIR LEONARD TILLEY.—You mean they would support prohibition if these men were compensated and not otherwise?

10874. JUDGE McDONALD.—Yes. I mean that men, not perhaps with very strong views on prohibition, but who would otherwise support it, would say that there would be an injustice, unless the law passing it made provision for those who were engaged in the manufacture.

SIR LEONARD TILLEY.—I have no doubt there are a good many men who would support a prohibition movement if compensation were given, and not without; but there are a good many men who would oppose the measure if compensation were given. I think there are some who have such strong views on that subject that if compensation were to be given, they would refuse to accept prohibition on such terms, while there are other temperance men, who, if that would make it permanently acceptable, would be willing to give compensation. There are some of the friends of prohibition who would go so far as that. There are others, again, who would object very strongly to any compensation at all, and who would reject prohibition if that condition was attached.

10875. MR. CLARKE.—What do you understand by prohibition?

SIR LEONARD TILLEY.—Prohibition as we had it here. Prohibition of the manufacture, the importation and the sale for purposes of beverage.

10876. MR. CLARKE.—Did that prevent householders and residents here from procuring liquor from outside the province for their own table use?

SIR LEONARD TILLEY.—How are you going to get it into the country if importation is prohibited?

10877. MR. CLARKE.—The prohibition you would advocate would be the prohibition of liquor coming into the country at all, except for medicinal, mechanical or sacramental purposes?

SIR LEONARD TILLEY.—Yes.

10878. MR. CLARKE.—Do you know of any country where there is a law of that kind?

SIR LEONARD TILLEY.—No, except the law we had for four months. A good many persons express the opinion that a prohibitory law could be carried and enforced more easily than the Scott Act. Many persons have stated to me—men who were not very strong temperance men—that they would vote for that in preference to the Scott Act. My experience is, that it would be found much more difficult to enforce prohibition than to enforce the Scott Act, and I am therefore the more anxious that we should have the public sentiment and the temperance sentiment of the country strongly in that direction when the time comes for its enactment. There are men using intoxicating beverages who support and vote for the Scott Act because it closes saloons and removes temptations to young men and others, but who would oppose strongly a law that would prevent the importation of liquor. It will require a stronger public sentiment to sustain a prohibitory law than a Scott Act or permissive law.

10879. REV. DR. McLEOD.—Do you think the Scott Act is educating the people up to a more general prohibitory law?

SIR LEONARD TILLEY.—I favoured the Scott Act, because I thought it was a step in that direction; but the education would have been more effective and complete if they had adopted it in localities where they could enforce it.

10880. MR. CLARKE.—What has been the effect on the general mind of the people in having this Scott Act in localities where it is not enforced?

SIR LEONARD TILLEY.—Not favourable. In some localities it is fairly well enforced, and in New Brunswick where appeals have been made to the people to repeal

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its operation, they have voted to retain it. The people generally have not gone back on it.

10881. MR. CLARKE.—Do you think it is fairly well enforced in those portions of New Brunswick where it is the law?

SIR LEONARD TILLEY.—There are portions where it is, and there are portions where it is not.

10882. MR. CLARKE.—To what do you attribute that non-enforcement?

SIR LEONARD TILLEY.—You will find it well enforced in one part of a county and not in another part, where the sentiment of that district is against it and the majority of the people are opposed to it.

10883. JUDGE McDONALD.—It comes back to your view with regard to public sentiment?

SIR LEONARD TILLEY.—Yes.

10884. REV. DR. McLEOD.—Then the Scott Act had in earlier years the same trouble which the prohibitory law had—it had to run the gauntlet of the courts?

SIR LEONARD TILLEY.—Yes. There was a question whether it was constitutional or not, and while it was being argued before the Judicial Committee of the Privy Council and in the Canadian courts, sales became more general.

10885. MR. CLARKE.—Do you think public sentiment is sufficiently strong now to justify the passing of a prohibitory measure for Canada?

SIR LEONARD TILLEY.—My opinion as to the advantage of prohibition has never changed, except to become stronger, if it can be enforced. The strength of a chain is established by the weakest link, and we have two weak links in the Dominion of Canada. One of them is the Province of Quebec; the other is at the further extremity, British Columbia. In these the sentiment is not as strong as in the other provinces. In the Province of Quebec there is a growing temperance sentiment, which I think will come to be a prohibition sentiment. The prohibition sentiment requires to be cultivated in the Province of Quebec, and we want the generation now growing up educated as to the evils of alcohol on the human system. With these and other influences, the time will come—it may not be during my time—when the public sentiment will be such that prohibition may not only be enacted but enforced, and from my experience in the past I would say: “Don’t be in a hurry—that is, have ammunition, your guns and everything ready for the engagement when it comes, and don’t run the risk of a defeat by premature action; but when you have enacted the law, make it a success by its enforcement.” That is the advice I give our people. I do not think the whole Dominion is quite ripe at this time for prohibition legislation. I may be in error and may not have gauged public sentiment correctly.

10886. MR. CLARKE.—Who has as good an opportunity as you of gauging the public sentiment?

SIR LEONARD TILLEY.—Of late years I have not been brought so closely in contact with the public sentiment on this question as formerly; but I think that if you were to take the Provinces of New Brunswick and Nova Scotia, the overwhelming majority in these two provinces are in favour of prohibition, and I think it might be enforced in them. I am not so sanguine in regard to the other provinces and the sentiment there, but to have it a success it would not do to have one province allowing the liquor to come in and the law to be violated. It would lead to reaction and repeal. But the temperance sentiment in the Province of Quebec has increased and is growing in a manner that has astonished me. The way in which the clergy have taken hold of the matter is remarkable of late years. They have not espoused prohibition yet, but they are labouring to curtail and limit the sale in every way.

10887. MR. CLARKE.—The dissemination of information generally has led people in every walk of life away from drink?

SIR LEONARD TILLEY.—Yes, and this work is steadily going on. At no period in the history of Canada was this as effective as at present, preparing the way for more effective legislation for the suppression of the traffic.

The Commission adjourned.

## Liquor Traffic—New Brunswick.

FREDERICTON, August 13th, 1892.

The Royal Commission met this day at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV DR. McLEOD.

MR. G. A. GIGAULT.

The commission having been read,

JUDGE McDONALD said: The commission having been read, the Commission is now open to receive evidence. I may explain that the Chairman, Sir Joseph Hickson, is not with us. He was with us in Halifax, but he did not get down further. I may state further, that in entering upon their duties the Commissioners arrived unanimously at the opinion that, as drunkenness is an admitted evil, there was no necessity of evidence being produced to establish it. We now desire to proceed on the lines of the commission directing this inquiry to be made. Our usual course is to first call the Chief Magistrate and other official witnesses.

HARRY BECKWITH, of Fredericton, Land Commissioner, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

10888. I believe you are the Mayor of the city of Fredericton?—Yes.

10889. How long have you been Mayor?—Since last January; I was elected last January.

10890. Did you hold the office of Alderman, before your election as Mayor?—Yes.

10891. For how long?—Nearly a couple of years.

10892. What is the population of Fredericton?—Between 6,000 and 7,000.

10893. Are any manufactures carried on here?—There are a few, in the shape of tanneries.

10894. I believe it is the seat of Government for the Province?—Yes.

10895. In what county is the city?—In York County.

10896. Is it the county town of York County?—Yes.

10897. Is it under the provisions of what is commonly called the Scott Act?—It is.

10898. How long has it been in force?—I think about 10 years; I forget the date when it was carried.

10899. Has the Act been voted on more than once here?—Three times.

10900. And each time it has been supported?—Yes, it has been supported.

10901. Previous to the Scott Act being carried, what was the law in force?—There was a License Act.

10902. The License Act of the province?—Not of the province, it was a city License Act. Each city has its own License Act.

10903. Under its charter?—Yes.

10904. Do you remember what were the provisions of the license law? What authority gave the license?—It was signed by the Mayor and City Clerk.

10905. But who decided as to the parties who should have licenses?—The City Council.

HARRY BECKWITH.

10906. Had the City Council power to limit the number?—It had power to give any number it liked, and to limit the number.

10907. That applied, I suppose, both to tavern, shop and wholesale?—Both to wholesale and retail.

10908. Do you know whether under the Scott Act there are in Fredericton what are known as druggists' licenses, by which parties are allowed to sell under the terms of the Act?—I do not know whether there are or not; I presume there are one or two appointed under the Act, but I cannot say who they are.

10909. Have you an Inspector of licenses for the city under the New Brunswick Act?—No, we have not.

10910. Who acts in that capacity for the city?—It is left in the hands of the police force.

10911. What police force have you?—We have a Police Magistrate and three policemen—a sergeant and two policemen; and then there is the City Marshal besides to assist the police.

10912. Has he any specific duties to discharge, besides police duties?—Yes. He has specific duties in connection with the city, delivering notices and doing other constables' business that the Council may call upon him to do.

10913. How many wards have you in the city?—Five wards.

10914. How many aldermen for each ward?—Two, or ten aldermen in all, and the Mayor and City Clerk.

10915. Are you in a position to speak of the manner in which the Scott Act is carried out in Fredericton?—I will speak of it to the best of my knowledge and ability. The Act has been in force for a number of years, ten or twelve years. I believe the police have enforced it to the best of their ability, but I do not think the Act is operative. There are a number of places in the city selling liquor, although there are no licenses; the police are trying to suppress them, but it is impossible to enforce the Act.

10916. To what do you attribute that?—Because the feeling of the people is not in favour of the law.

10917. Do the police find the same difficulty in enforcing other laws as they do this law?—I suppose they find the same difficulty in enforcing some other laws; there is no law that can be thoroughly enforced. Criminals, I think, will escape under every law, more or less, a murderer or any other criminal.

10918. But you believe the police try to do their duty?—I believe they try to do their duty.

10919. Are you able to express an opinion as to the number of places in the city in which liquor is sold?—No, I could not tell you.

10920. Do you know more than two?—There are half a dozen or more.

10921. Have you in this city temperance organizations and societies?—There are several temperance societies.

10922. Have you any suggestions to offer to the Commission as to the way in which the Scott Act could be made more effectual?—No, I have not.

10923. Have you any amendments to suggest?—No, I have none at all to suggest.

*By Mr. Clarke:*

10924. Would the enforcement of the law by the Dominion officials be productive of better results?—I do not think it would. We had a Dominion official here at one time, and I did not find that the Act was better enforced than it is now; in fact, I do not think it was quite as well enforced as it is now.

10925. So it would be no improvement on the present situation if the Dominion Government, or the Provincial Government were to appoint officers whose special duty it would be to enforce the Canada Temperance Act?—I am very doubtful whether it would be an improvement.

10926. Has the Council given any special instructions to the police force as to the enforcement of the law?—Yes, the Council has given directions to the police to enforce the law to the utmost extent.

## Liquor Traffic—New Brunswick.

10927. Have you any reason to believe that the police have in any degree disregarded the orders of the Council?—No, I have reason to believe they are as diligent as they can be.

10928. Still you are of the opinion that the law is not very successfully operated?—No, it is not.

10929. Do you attribute that condition to the lack of public sentiment in enforcing and backing up the law?—Yes, although it has been carried when voting has taken place, still a large number, I know, of those who vote for it are really not in favour of it.

10930. Why do they vote in favour of it when they are really not in favour of it?—That is something I cannot answer.

10931. Do you think the people vote for the Act believing that it will be practically a dead letter, and under it they can get all the liquor they require?—I do.

10932. You think, then, if a measure was presented to the people of this city which would prohibit every one from obtaining any liquor, except for medicinal purposes, it would carry?—Yes, I think it would be carried, because the Scott Act really amounts to that.

10933. But it does not prevent any person in the city purchasing liquor in St. John and bringing it in for personal and family use?—No.

10934. If a law were presented to the people that would absolutely prohibit the bringing in of liquor, it would be adopted?—No, I am very doubtful whether it would carry.

10935. Do you think a general prohibitory law, under which the manufacture, importation and sale of liquor would be stopped, would be a good thing for the country?—I do not know but that it would be a good thing for the country. I think it would be, if it could be enforced and carried out.

10936. Do you think it could be enforced and carried out in the present state of public opinion?—No, I am in doubt of it. I think the feeling in York would be so strong against it that it would be almost impossible to carry it out.

10937. Do you know anything of the operation of the Scott Act elsewhere than in this city?—I do not.

10938. Do you know anything about it in other parts of the province?—I do not.

10939. Do you think that under the Scott Act, liquor is being sold in at least half a dozen places in this city?—Yes, I think so.

10940. Notwithstanding the vigilant and persistent efforts of your police force?—Notwithstanding their efforts.

10941. What effects have those efforts had?—Several people have been imprisoned already for that offence, but they go on selling.

10942. Were their representatives selling during the time the principals were in prison?—I cannot answer that question.

10943. Was the sale of liquor stopped in the hotels belonging to those people who were imprisoned?—There were two of the hotels closed up altogether, but whether liquor was sold there or not I could not say.

10944. But as regards the accommodation of the public and travellers, the places were closed up?—Yes.

10945. Guests and travellers were not admitted?—No, they were not admitted during the time the men were imprisoned.

10946. Have you any idea of the number of convictions secured against those people during the year?—No, I have not.

10947. Are there more than two of such places?—Yes.

10948. Has one of them been fined more than once or twice?—Yes; plenty of them have been fined twice during the year.

10949. Do you mean fined for the first offence?—Yes.

10950. What about the third offence?—I believe the penalty is imprisonment.

10951. In how many cases since the Act has been in force, has imprisonment for third offence convictions been secured against hotel proprietors?—There have been two or three; but there have been appeals to the courts, and I think some of those cases are in the courts yet.

HARRY BECKWITH.

10952. From year to year people are brought up twice or three times for violating the law. How is it they are not tried for the third offence and sent to jail?—That I cannot tell you. I suppose the cases are entered as first or second offence. The Mayor does not take those cases, but they come before the Police Magistrate.

10953. You do not know of any reason why those cases are not entered as third offence cases, and the people at least threatened with imprisonment?—No, I do not know.

10954. Are those fines collected; is there any limit to the number of convictions that may be secured for first or second offences?—The fines are collected right along.

10955. Would it not be better to proceed against those people so as to have them imprisoned and the sale stopped?—I do not know that it would be more effectual. If you can get at their pockets, it is a more efficient process than to lock them up.

10956. The sale of liquor would go on just the same?—Yes.

10957. What is the effect on the morals of the people of this flagrant, continuous and open violation of the law?—I may say this, that I think there has been as much drinking since the Scott Act has come into force as there was before the adoption of the Act; but it is done more quietly, and you will see young fellows with flasks in their pockets and bottles, going behind corners to drink, who were never seen doing that before.

10958. Is that a happy condition of things?—No.

10959. If there were regularly licensed houses, under strict police surveillance and with regulations respecting opening and closing, do you think that a condition of things would exist similar to that which exists to-day?—No.

10960. You think a rigorous license law, enforced by your police, would be better than the present state of things?—I do.

10961. In the event of a prohibitory law being passed by the Dominion Parliament, do you think those engaged in the manufacture of beer and whisky should be compensated?—I think those who have a large amount of capital invested should be compensated.

10962. Where would you draw the line in the matter of compensation; would you compensate the individual for capital invested from \$500,000 to \$10,000?—Anything from \$10,000 up.

10963. You would not compensate the rumsellers or the hotelkeepers or the saloon-keepers?—No.

10964. Only those who have large sums invested in manufacturing establishments?—Yes.

*By Mr. Gigault :*

10965. Was the License Act generally called the McCarthy Act, in force in this city?—No; the McCarthy Act was never in force here.

10966. When there was a license law in this city, how many hotels and saloons were licensed?—I could not say, because I was not then in the Council or engaged in civic matters, and therefore I did not keep any record of it. So it would be impossible for me to say how many places were licensed.

10967. Could you say whether there was more or less drunkenness under the License Act than there is now?—There was no more.

10968. How is the Scott Act enforced in the rural portions of this county?—In this county the Scott Act is supposed to be enforced, and in some portions it is enforced pretty strictly, and in other portions it is almost a dead letter.

*By Rev. Dr. McLeod :*

10969. You have said the Act is inoperative, and I think you attributed that fact to the lack of public sentiment. Do you know any other reason why it has been less effectually enforced than the alleged lack of public sentiment?—I do not.

10970. Do you know of any special difficulties that have been in the way of the enforcement of the Act?—I believe there have been some difficulties in the way of its enforcement, in the shape of appeals to the higher courts from convictions.

10971. Do you think those cases that have been appealed have in any degree interfered, for any length of time, with the enforcement of the Act?—I do not know but that they have done so.

## Liquor Traffic—New Brunswick.

10972. Do you know for how long a time?—I do not know for what length of time, because they were brought up and fined while the appeal was before the courts.

10973. Do you know how long any case of appeal was proceeding before the court before it was settled?—No ; I never kept run of it, but I think some cases have been as long as three years.

10974. Do you know whether those repeated appeals, with the delays attending them, had the effect of discouraging people and weakening public sentiment in favour of the Act for the time being?—They may for the time being ; I could not speak from my own personal knowledge.

10975. I understood you to say that the feeling of the people is not in favour of the law : do you mean the feeling of the majority of the people?—I mean the feeling of the majority of the people.

10976. How has that feeling been expressed?—I have seen it expressed by people who have voted for the Act. There are a number of people who voted for the Act, whom I know, and who go into bar-rooms right along.

10977. Do you think any considerable number of those who supported the Act nevertheless violate it?—Plenty of them.

10978. You judge from that fact that the feeling of the majority of the people is not in favour of the law?—I base my judgment on that fact, that the feeling is not in favour of the Act.

10979. Some reference has been made to first offences, and that repeated charges are made for first offences. Do you know why the charge for first offence has been repeatedly made instead of the charge for third offence and subsequent offence?—I do not.

10980. You do not know any reason why that may have been necessary?—I know of no reason except it may be in case of appeal.

10981. Do you know whether there have been appeals for convictions for third offence?—Yes.

10982. I think you said that some appeals were continued over a period of two years or more?—That is a moderate estimate, but I never looked sufficiently into the cases to be able to say.

10983. The fact, then, that those appeal cases continued so long before the court would necessitate the resorting to first offences, or laying no charge whatever?—I do not know whether it would be so or not. I suppose it would make it necessary not to go further than a second offence.

10984. Do you know whether more than one charge for second offence can be laid?—I do not know ; I have not gone enough into the matter to know.

10985. Do you know if more than one case for third offence can be charged?—I think there are third and fourth offences.

10986. Are there any such cases before the courts now?—There are one or two.

10987. Do you know how long they have been before the courts?—I do not.

10988. You spoke about the license law ; does it come within your recollection? This is your native town, I believe?—It is my native town. I was away for eight years.

10989. You have then known the old license law : how many licenses were in force under it?—I do not know.

10990. Do you remember whether there was illicit sale when there were licensed houses in the town?—No, I do not remember, but I believe there were some places.

10991. Do you suppose there were as many as six or seven?—I could not say.

10992. I think you said there had been six or seven places selling liquor?—I think so.

10993. You do not remember whether there were as many as six or seven places where illicit sale took place when there was a license law?—No, I do not.

10994. Your impression is that there was illicit sale?—My impression is there was.

10995. Do you remember about the licensees, whether they observed the license law or not?—I could not say.

10996. The prohibitory provisions as to the hours and the Sabbath?—I think they observed the law pretty closely. There may have been one or two cases of violation, but my impression is that the law was observed pretty closely.

HARRY BECKWITH.

10997. I think you stated as one reason why the law was a failure, that there were frequent convictions. While convictions do establish the fact that the law has been violated, do they prove anything else?—They prove that the authorities are trying to enforce the law.

10998. They prove there is an attempt to enforce the law?—Yes.

10999. Are there any other city regulations or laws that are not enforced?—Yes, of course there are, as I have stated; I do not think there is any law on the statute-book that can be thoroughly enforced.

11000. Is the market law enforced?—Strict orders were given to enforce the market law, and it would have been enforced if it had not been for the county's action against the city.

11001. The county interfered?—Yes.

11002. Did it succeed in preventing the enforcement of the market law?—Yes, to a certain extent.

11003. Is the law to prevent obstructions on the street, also to prevent cattle running at large, enforced?—It is pretty well enforced.

11004. Are there violations?—Yes.

11005. Do the violations establish the failure of the law?—No, they do not.

11006. I think you said there is not any less drinking now than under the license law. Do you think the condition of the city has improved: if so, by what means, in any respect, say within the last 15 years?—No, I do not.

11007. Not in moral tone, and in business?—As regards business, I do not think it has improved a bit; I do not think there is as much business done here as there was 15 years ago.

11008. Do you think there is as much drinking as there was 15 years ago?—I think there is.

11009. Is there as much drunkenness?—I could not say there was more, nor could I say there was less,

11010. Is there as much pauperism?—Yes, I think there is quite as much.

11011. Is there as much petty crime?—I could not say positively.

11012. You have expressed an opinion as to compensation: have you given considerable thought to the question of compensation being given to liquor dealers in case of a prohibitory law being passed?—No, I have not given a great deal of attention to it. I was under the impression that if a man had a large amount of money invested, and his business should be cut off, he should be compensated.

11013. I thought so from the fact that you stated you would give compensation, say for \$10,000 capital and up?—The question was asked me, and I said that was my feeling.

11014. What about \$8,000 capital and \$5,000?—That was just my feeling; I have never given the matter a great deal of thought.

*By Mr. Clarke:*

11015. Do you attribute any improvement that has taken place in the city since 1880, or since the time this Act became the law, to the beneficial operation of the Act?—No, I do not altogether.

11016. The police records will show the number of cases of convictions for drunkenness during the past ten or twenty years?—No doubt they will.

11017. Would you declare your belief that there are not more than five or six places in the city where liquor is sold?—No, I would not declare that there were not more, but I say there are all of that number; I do not know from my personal knowledge how many there are.

## Liquor Traffic—New Brunswick.

CHARLES W. BECKWITH, of Fredericton, City Clerk, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11018. How long have you been Clerk of the city?—Going on 21 years.

11019. What are the duties of the City Clerk?—The duties of the City Clerk are to keep the records of the City Council and to act as legal adviser to the city.

11020. Are returns made to you by the Police Magistrate of cases tried before him?—No returns are made. The police department is almost entirely separate from the civil department of the city.

11021. How are the processes enforced, does the Magistrate issue warrants?—Yes.

11022. Are fines paid to him?—Yes, and the amount of fines is returned monthly, under oath, to the City Treasurer, with the names of the people recorded.

11023. Are the offences also stated?—Yes ; both of the Scott Act and all other offences.

11024. Are you brought officially into connection with the enforcement of the Scott Act?—No, I am not.

*By Mr. Gigault :*

11025. Could you state to the Commission how many hotels and saloons were licensed under the License Act?—I heard the Mayor's statement, and he was a little wrong about the old license law. At first when I was City Clerk, and for a number of years, the town was under a special Act of the Legislature. At first the city was not limited in regard to the number of licenses to be issued. Retail and wholesale licenses at that time were issued by the Council. The license fee at first when I was City Clerk was \$20 for retail and \$50 for wholesale. That continued I think until 1873 or 1874. Then an Act of the Legislature was passed by which licenses could be issued only in the proportion of 1 to every 500 of the population. I am speaking now entirely from memory, but I think the proportion was 1 to every 500. This law brought the number of licenses down to about twenty retail and four or five wholesale—four, I think, at that time.

11026. What is your opinion as to the enforcement of the Scott Act in this city, at the present time?—I think it is not thoroughly enforced, not anything like thoroughly enforced.

11027. How many places do you believe are retailing liquor?—In speaking of that matter, I am only speaking from hearsay as to the number. I hear the number placed as high as twenty and as low as six or seven.

11028. Is there more or less drunkenness now than there was under the License Act?—I cannot answer the question with exactness. I should say there was less drunkenness ; but the Act has nothing to do with it, for public opinion is more against the drinking habit than it was at that time.

11029. Have you any temperance societies in this city?—Yes, a number of them.

11030. Are they doing good work?—I believe they are doing good work in the direction I speak of, the education of the sentiment of the people against drunkenness.

11031. Are the different churches doing also a good work to promote temperance?—Every church in the city has its temperance organization.

11032. Do you believe those temperance organizations have a good effect?—I believe they have.

11033. Do you believe they have a better effect than legislative enactment?—I do. My opinion is that if the sentiment is with the law, it can be enforced ; if not, it cannot be enforced.

11034. How is the law enforced in the rural districts of the country?—My opinion is that in the absolutely rural districts there is no liquor sold. In the villages in the rural districts I think it is sold generally.

CHARLES W. BECKWITH.



*By Rev. Dr. McLeod :*

11035. I think you said that the law is not now very well enforced ; has it been at any time very well enforced ?—I think in 1879, when the Act was first adopted, it was pretty closely enforced for a short time.

11036. Not since ?—No, I do not think so since ; it has been getting less effectively enforced all the time.

11037. Has there been any time, since the first year or two, when the law was fairly well enforced ?—Yes, I think it was so after one of the Scott Act elections ; it was then enforced somewhat better, but it has never been so well enforced as it was immediately after it was first passed.

*By Mr. Clarke :*

11038. You mean there have been spasmodic efforts made to enforce the law, and then there has been a lessening of vigilance ?—Yes.

11039. To what do you attribute that lessening of vigilance—to instructions given to the police not to be stringent ?—No, I think not. I think the police are under the charge and direction of the Police Magistrate, and they are instructed to exercise vigilance at all times, but the efforts made to enforce the law slacken once in a while. Just after an election there is a general stir up, and the law is more rigidly enforced for a time.

11040. Do you think the law can be enforced if there is a strong public sentiment behind it ?—If the public sentiment was with the enforcement of the Act, I believe it might be enforced, but I think public sentiment is not with it. A great many of those who vote for the Act, I have heard, do not make any effort to see it enforced. Another reason is, that the churches sometimes induce them to vote for the Act when they hardly appear to know anything about the provisions and restrictions of the Act.

11041. Do you think that if an attempt were made to pass a law which would prohibit people from importing liquor from St. John, or elsewhere, not under a prohibitory law, and use it for family purposes, it would be carried by the popular vote ?—I do not think that would carry.

11042. Has there been any special effort made by the Council recently to secure a more vigorous enforcement of the Act ? Has any resolution been passed ?—There is an Act of the Assembly providing that the Council may at any time, by vote, employ an officer to be called an Inspector, to enforce the Act. Under certain restrictions they have to pay all bills for the work of that Inspector. That has never been acted upon. There has never been a resolution of that kind moved in the Council to appoint an Inspector, but there have been resolutions adopted asking that the police department should more effectually enforce the law.

11043. Have you any reason to believe the police department has been derelict in its duty ?—I do not think so. I think the department has been doing everything that could be reasonably expected from it, within the limits of its power.

11044. The present license law, then, gives the Council power and authority to appoint an officer to enforce the Canada Temperance Act ?—Yes.

11045. And the law makes provision for the payment of that officer ; it authorizes the Council to levy a sum sufficient to pay the salary ?—Not only the salary, but all legal expenses in connection with the matter.

11046. Does not the Order in Council of the Dominion Government make provision for handing over the fines to the municipality for the purpose of aiding them in enforcing this law ?—Yes.

11047. Could you, as a professional man, make any suggestions as to amendments that might be made to the Scott Act, which would render it more workable and more efficient ?—I have not made a study of that matter, and I should hardly like to give an opinion upon it.

11048. You do not know whether it could be amended in any direction to make it more workable ?—I am not prepared to say.

11049. Has drunkenness increased or decreased ?—It has slightly increased, it has never decreased. The floating population has considerably increased.

11050. Has drunkenness, on the whole, slightly decreased ?—I rather think so.

## Liquor Traffic—New Brunswick.

11051. Do you attribute that decrease to the moral influence of the Scott Act, or rather to the persistent efforts of church and temperance organizations?—I attribute it to the latter.

11052. You mean to the churches and temperance organizations?—Yes.

11053. Have you reason to believe that the law here has been persistently violated, notwithstanding the efforts of the police?—I believe liquor is continually sold, in violation of the Act, which, I believe, is persistently violated.

11054. Do you think it would be a matter of difficulty for persons coming into this city and putting up at any of the hotels, to obtain liquor?—I do not think there would be any difficulty, from what I understand.

11055. There has been a great improvement, I believe, in the drinking customs of the city during the last 20 years?—So far as I can see; not only in Fredericton but wherever I go in the province, I see that improvement.

11056. The diminution of drunkenness, I understand, is in your opinion not due in any measure to the operation of the Scott Act?—No, not to the Scott Act at all.

11057. Do you know anything of the operation of the law in rural districts?—Only from being about the county, and travelling around in the county and in the County of Sunbury.

11058. What has been your general experience regarding the enforcement of the law in those places you have visited?—In this county, I think to a certain extent it is enforced in the country districts; in the neighbouring County of Sunbury, I do not think it is enforced, but it is a dead letter.

11059. You are of the opinion that it is a dead letter in Sunbury?—Yes.

11060. Have the Municipal Council taken no steps there to appoint officers to enforce the law?—I do not think so.

11061. Was the Act carried by a large majority?—It was carried by a large majority, but I am not prepared to state the vote cast. There was a small vote, I believe; but out of those who did vote there was a large majority in favour of the Act.

11062. Can you give the Commission a satisfactory explanation of the reason why, if there is so much apathy at election time, and so many abstain from voting, and the adoption of the Act is carried by a large majority, nevertheless no attempt is made to enforce it?—My opinion is that the Act having the name of a Temperance Act, and public sentiment being now largely against the drinking habit, and the evils connected with it being recognized, all the temperance men record their votes in favour of the Act, while a great many who do not like to go to the poll and record their votes against it, stay away.

11063. Do you mean that many of them go and record their votes in favour of the Act and yet do not observe its provisions?—I think that is the case in the city to a large extent.

*By Judge McDonald:*

11064. Do you know what is done with the Scott Act fines in the city?—Yes. They are paid into the revenue of the city, into the fund called the administration of justice fund, out of which fund the Police Magistrate and the policemen are paid. The regulations governing the police force are drawn up in this way: they are prepared by the Police Magistrate and are sent to the City Council, which simply approves or disapproves them. The first regulation is, that it shall be the duty of the police force to give all possible attention to prosecutions under the Canada Temperance Act, and the fines are devoted to the payment of policemen. Whatever sum is short is made up by assessment on the citizens at large.

11065. One of the by-laws, at page 92, is to this effect: Every man who shall be intoxicated or appear to be intoxicated in any public square or plot of ground, or at any public meeting or place of public resort, if the allegations be proved, shall be liable to a penalty not exceeding \$20. That regulation appears as No. 3 of the by-laws to prevent breaches of the peace and drunkenness. Is that by-law still in force?—Yes, and it is very well enforced too.

CHARLES W. BECKWITH.

*By Rev. Dr. McLeod :*

11066. Do you think it is the duty of the citizens to enforce the Canada Temperance Act?—I think any citizen who voted for the Act should certainly see it was his duty to do whatever he possibly could do to enforce the Act.

11067. Do you think it is the duty of private citizens to enforce other city laws?—It is their duty to assist in the enforcement of them.

11068. If private citizens fail to take active steps for the enforcement of the Canada Temperance Act or any other laws, are officials justified in neglecting to see that they are enforced?—The officials whose duty it is to look after the enforcement of the Scott Act are not justified in failing to enforce it.

11069. Then it is the duty of the officials, independent of public sentiment and of the action of private citizens, to keep on seeking to enforce the law?—Yes, it is their duty under their oath.

11070. Was there any attempt made to repeal the Scott Act in York?—Yes.

11071. Was it successful?—No.

11072. Was the Act supported by a larger majority than at the outset?—My memory is that it was, but I am not clear about it.

11073. Would you regard that as an indication that public sentiment is in favour of the law?—It was to a certain extent a test, but hardly a full one, because the vote was not commensurate with the general vote of the whole county.

11074. Had the Act been repealed, would that have been an indication of public sentiment?—No, not unless there was a large vote of the county polled.

*By Mr. Gigault :*

11075. Do you know any law that is as openly and flagrantly violated here, as is the Scott Act?—No, I cannot say that I do.

*By Mr. Clarke :*

11076. Would the majority given indicate the fact that after the people had had an experience of three or six years of the operation of the Scott Act in York, the electors came to the conclusion that it was no barrier to getting any liquor they wanted?—I would not be afraid to say that that would influence some of them, but whether to the extent of a majority, I could not say.

11077. The Act is no barrier to any family getting liquor from outside for domestic use?—No.

*By Rev. Dr. McLeod :*

11078. Is there open liquor sale in Fredericton?—I can hardly say that; I think there is. I am speaking now of what I hear in my office about the sale of liquor here and elsewhere. If it is true there are twenty places selling liquor, the law is openly violated.

11079. You are not speaking from your own knowledge?—No, I cannot speak from my own knowledge.

11080. Do you believe the sale of liquor is carried on openly and flagrantly, or is it more or less secretly carried on, with safeguards?—I think it is carried on both ways; I think there are places which sell secretly and places that sell openly.

11081. That is what you hear?—Yes.

*By Mr. Clarke :*

11082. Have you any doubt as to the fact?—No, I cannot say I have; it is so publicly known that I do not think there is any doubt about it.

*By Judge McDonald :*

11083. Allowing that many other laws are broken, do you think they are as continuously and persistently violated as the Scott Act?—No, I do not; I cannot think of any law that is so persistently violated. It may be that my opinion is influenced by this law being constantly before me, and I may on consideration be able to think of some other law that is as regularly violated.

## Liquor Traffic--New Brunswick.

EDWARD B. WINSLOW, Fredericton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11084. How long have you resided in Fredericton?—Thirty years.

11085. Have you been engaged in your profession during all that time?—Yes, nearly all that time.

11086. Did you reside in Fredericton under the license law?—Yes.

11087. And you have known it under the present Scott Act?—Yes.

11088. Are you able to express an opinion as to whether there was more drunkenness under one than under the other ; and if so, under which?—I can see very little difference, so far as my experience goes.

11089. Have you reason to believe there is sale of intoxicating liquors for beverage purposes going on in the city?—Certainly, unquestionably.

11090. Can you form an opinion as to whether such sale is going on in few or many places?—I should say not in so many places as before, but in a considerable number. I suppose there would be half a dozen or a dozen, six, eight or ten places where it is sold, outside, probably, of the druggists ; but the quantity of liquor sold, I think, is quite as large as it was, when the city was under license.

11091. The Act has been voted on here three or four times, we understand?—Yes.

11092. And each time it has been carried?—Yes.

11093. Do you think there has been a growth, during the time you have been in Fredericton, of what may be called the temperance sentiment of the country?—I should be inclined to think there had been.

11094. You have temperance societies in operation here, I suppose?—Yes.

11095. Have the influences of religious teaching been promotive of temperance?—Yes, certainly.

11096. Do you think they have been beneficial in this respect?—I do not think they have done very much harm. I think they may have done some little good.

11097. Do you attribute the growth of temperance sentiment in the minds of the people to those influences, or to the operation of the Scott Act?—To those influences entirely.

11098. You know that under the Scott Act persons may bring in intoxicating liquors for beverage purposes from other communities. Do you suppose that if a law were passed prohibiting the bringing in of liquors in any way, even when they were to be used for beverage purposes in the home, it would receive the support of a majority of the people of this community?—No, I do not.

11099. Have you any suggestions to offer to the Commission, as a professional man of experience, in regard to any amendments by which the law could be made more workable and efficient?—No ; I should say abolish it altogether.

11100. Do you consider the Act itself is unwise?—I think it is an unnecessary interference.

11101. You do not think it is a good law?—I do not think it is a good law, and in accord with the sentiments of the people. The people are against it.

11102. Do you think the fact that its prohibition is ineffective in this community is owing to the sentiment of the community being against it?—Yes.

11103. Do you think if the sentiment was with the law, it might be enforced?—Certainly.

11104. That, then, is the weakness?—That is the trouble, I think.

11105. Then it is not the question of the Act itself being bad, but a lack of sentiment to support it?—Quite so.

*By Mr. Clarke :*

11106. We have heard a good deal since this investigation commenced of legal difficulties operating to such an extent as to paralyze, in some instances, the hands of the local officers in prosecuting the law. Is that a fact?—There have been a great many legal difficulties in the way.

EDWARD B. WINSLOW.

11107. Have they not been pretty well disposed of during the last 10 or 12 years ?  
—I should think so, but some new point is always turning up. I think myself they are pretty well disposed of, but something new may turn up any day.

11108. Then the difficulties are not so great as they were some years ago ?—Certainly not.

11109. Can any good reason be advanced for the apathy which exists in many places now in regard to the enforcement of the Act, except the fact that there is no public sentiment behind it ?—That, I think, is the real difficulty in working out the Act, public sentiment is not behind it.

11110. The legal difficulties are disposed of ?—Yes.

11111. I understand that the legal doubts have been removed ?—It is very much easier to get a conviction now than formerly ; that is to say, the legal difficulties have, to a large extent, disappeared.

11112. Do you know anything of the operation of the law elsewhere than in this city and in the county of York ?—I cannot say I know very much about it.

11113. You do not know anything of the operation of the law outside of the city ?  
—Not very much.

11114. Do you know anything about the operation of the law in the county ?—I think very little liquor is sold in the County ; its consumption is more confined to the city.

11115. Does that apply to the villages of the county ?—Yes. My experience is rather limited, because I travel very little about the county, but so far as my judgment goes, I think there is very little liquor sold outside of the city.

11116. If the city were under the operation of a provincial license law, would the authorities issue as many licenses as they did under the old law ?—I think it would make very little difference.

11117. Would the number of licenses be limited by the law in the city, or by the wish of the Council ?—I have forgotten about the old arrangement ; I fancy almost any respectable person who wished a license could have got it in the old time.

11118. From what you have seen of the operation of the Canada Temperance Act, do you think this city is better at present than it would be, so far as the sale of liquor is concerned, if there was a license law in force ?—No, I do not think it is a bit better.

11119. Do you think it would be any worse if there was a license law ?—I do not think so.

11120. Do you think it would be better for the community generally to have a certain number of places licensed ?—I think so. Boys can get liquor now at almost any time. There is hardly a day, or certainly a Saturday night, when you cannot see boys at corners with bottles to their lips. That never occurred under the old license law. It probably does not make much difference where they get it, but the fact remains that they do get it. Young fellows may be seen about the streets carrying bottles ; this is not at all infrequent, especially on Saturday.

11121. Are the police authorities negligent in performing their duties ?—I think they do their duties as well as police generally do.

11122. Is there any obstacle to the appointment of a special officer to enforce the law ?—I do not think so.

11123. Have steps been taken to that end ?—Yes, I think several times, but it has been voted down.

11124. By the Council ?—I think so. I do not like to speak positively, but that is as I remember it. It is a matter of record.

11125. Do you think the law is as well observed here as it can be ?—I think so, considering public sentiment.

11126. If it is not thoroughly enforced, is it, in your opinion, due to lack of public sentiment ?—That is my idea of it.

*By Mr. Gigault :*

11127. Have you been in any foreign country where a prohibitory law is in force ?  
—No, I have not. I remember the prohibitory law here when it was in force.

## Liquor Traffic—New Brunswick.

11128. How did it work?—My recollection is rather short about it; I simply remember the fact that it was in force in 1855. I remember having heard that everybody had his cellar pretty well stocked. That would show to my mind that the sentiment was rather against it.

*By Rev. Dr. McLeod:*

11129. Do we understand you to say that boys are every day drinking?—Yes particularly on Saturday, when they can be seen round corners.

11130. Have you any idea where they get the liquor?—Not the slightest.

11131. Do you think there would be less sold if the trade were licensed?—I do not know, probably there would, because now they seem to sneak round in different ways and appear determined to get it. I think if respectable people were licensed, they would not give it to boys.

11132. If there were a license law, do you think the people who are now selling illicitly would have licenses?—I think some would.

11133. If those parties who are now selling illicitly, had licenses, would they stop selling to boys?—No. I have seen, particularly on Saturday, boys go down to the bank of the river, and I have watched them right along the bank.

*By Mr. Clarke:*

11134. Did you ever know such a state of things to exist under the operation of the license law?—I dare say the same thing may have occurred, but I do not remember. I dare say to a certain extent it occurred.

JOHN M. WILEY, of Fredericton, druggist, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

11135. I understand you are President of the Board of Trade?—Yes.

11136. How long have you held that position?—About a year and a half.

11137. Have you a druggist's license under the Scott Act?—Yes.

11138. How many of those licenses are there in the city?—Two, I believe.

11139. You have authority to sell under the provisions of the Act?—Yes.

11140. Have you reason to believe there is any sale of intoxicating liquor for beverage purposes in the city?—I think there is.

11141. Do you ever see drunken people?—Yes.

*By Mr. Clarke:*

11142. How long have you resided in Fredericton?—All my life.

11143. Has there been a general improvement in the drinking habits of the people from your earliest recollection?—Yes, very much so; there is a very great improvement.

11144. To what do you attribute the improvement?—Probably the greatest portion of the improvement has been due to moral influences.

11145. Do you think the Scott Act can be credited with being a factor in improving the morals of the people as regards drinking habits?—Yes, I think so.

11146. To what extent?—That is a pretty hard question to answer; but I think it has been to a considerable extent.

11147. Has there been a great improvement in business; have there been less failures since the Scott Act came into operation here?—I should judge the Scott Act has not any particular effect on business.

11148. Neither to injure it, nor to improve it?—I should judge not.

11149. You are pretty familiar, I suppose, with the provisions of the Canada Temperance Act?—Pretty familiar.

EDWARD B. WINSLOW.

11150. I understood you to say that you believe liquor is sold in the city?—Yes.

11151. Have you any idea to what extent it is sold, or in how many places?—No.

11152. Are there half a dozen places where liquor is sold?—Yes; I should think at least half a dozen.

11153. Have you any reason to believe the authorities are neglectful of their duty to the people as regards enforcing the Act against the sale of liquor?—It might be better enforced if an Inspector were appointed.

11154. Is there any legal difficulty or obstacle in the way of the appointment of an Inspector? The present Act, I believe, gives power to the City Council to appoint one?—I think there is no difficulty in regard to appointing an Inspector, I should judge not.

11155. Are the members of the Council opposing public opinion in not enforcing the Act and not making provision for the appointment of an Inspector to enforce it? Does public opinion justify their non-appointment of an Inspector?—I should think public opinion must be against it; but public opinion carried the law, and it should certainly be willing to have an Inspector appointed.

11156. Has there been any movement made on the part of those who voted for the Act to have the Council appoint an Inspector?—It seems to me there was some proposition before the Council some time ago. I do not remember exactly what it was in regard to that matter.

11157. It is a fact that there is no Inspector, at all events?—No Inspector I know of.

11158. And the duty of enforcing the law depends on the police force?—Yes.

11159. Would the law be more effectually enforced if an Inspector were appointed whose special duty it would be to look after it?—I think it would be.

11160. Has this been made a test question at municipal elections, the enforcement or non-enforcement of the Scott Act?—No; I think not.

11161. Is it not a matter that has been brought very prominently forward as an issue?—No; I do not think it has this last year or two.

11162. Do you think people vote for the Scott Act who do not observe its provisions after it has become the law?—I do not know about that.

11163. It has been stated that probably the passing of the Act in some places is due to the fact that people vote for it, and do not observe it afterwards, and are not total abstainers. Is that the case in this city?—I do not think so, not to my knowledge.

11164. Do you think if there were vigorous efforts made on the part of the municipal authorities they could enforce the law more rigidly than it is enforced at present?—I think it might be enforced a little more strictly than at present.

11165. Is the fact that it is not stringently and rigorously enforced due to public apathy?—I think it is.

11166. Do you know anything of the operation of the Scott Act outside of this city?—Nothing more than some little I know about it in the county.

11167. How is it observed in the county?—I think it is very well observed.

11168. Do you know anything of its operation in other counties?—No.

11169. Could you suggest any amendment that would make the Act more workable and efficient? Do you think the imposition of fines for first and second offence is the proper course to pursue, or would it be better to have imprisonment in case of conviction for every offence under the Act?—I do not think it would be better.

11170. Do you think the appointment of officers by the Provincial or Dominion authorities would be better than the appointment of officers by local authorities?—I think it would be.

11171. Have you any further suggestions that you can offer?—No; not in regard to the Scott Act.

*By Mr. Gigault :*

11172. What is the amount of your liquor sales yearly?—They are to the value of \$200 or \$300 probably.

## Liquor Traffic—New Brunswick.

ALFRED G. EDGECOMB, of Fredericton, carriage manufacturer on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11173. How long have you resided in Fredericton?—All my life.

11174. How long have you carried on business here?—I have been in business about 24 years.

*By Rev. Dr. McLeod :*

11175. How many men do you employ?—Between 50 and 60.

11176. Is your output quite large?—Yes.

11177. And I suppose your pay-roll must be large?—Yes.

11178. Employing 50 or 60 men, you must have a number of skilled workmen among them in your industry?—Yes, we have quite a number.

11179. As a manufacturer and business man, do you find the drink trade and the drink habit affect in any way your business?—Yes, considerably.

11180. In what way?—It takes our men away just at the time we want them most.

11181. You mean that those who drink are irregular?—Yes.

11182. Have you any rule in regard to employing men; do you prefer abstainers?—We prefer abstainers in every case.

11183. When you can obtain them, do you give them the preference?—Yes, at any time.

11184. I suppose you have not very many men who do drink particularly?—No, not a great number.

11185. Take the average drinking man: how much time, say per month, would he lose on account of drinking, one or two or three days?—He would average perhaps, the worst of them, three days a month.

11186. And others would average one day?—Yes.

11187. Would the general average be, say, two days a month?—Yes, I should say about that.

11188. Do you find that the closing of licensed liquor stores is a benefit to drinking men in that there are not so many facilities for drinking?—Yes, I should say it is a great benefit to them.

11189. You remember Fredericton under the old license law?—I do.

11190. Was drinking more general then amongst workingmen, and was drunkenness more general then than now?—Much more.

*By Mr. Gigault :*

11191. Is the law well enforced in this city?—As far as I know, fairly well, but not as well as it might be.

11192. Is there much less drunkenness now than there was under the License Act?—A great deal less in my estimation.

11193. To what do you attribute the decrease?—To the Scott Act.

11194. Only to the Scott Act?—That is as far as I know.

11195. The temperance societies have nothing to do with promoting temperance?—They have a great deal to do with it. They educate the people to less intemperance.

*By Mr. Clarke :*

11196. The influence of the churches, I suppose, is seen and felt?—I should say the churches and the temperance societies have something to do with it.

11197. Have you very much difficulty in procuring sober, steady employees?—Yes; generally they are the best men who drink most.

11198. Have you many first-class men in your employment who are drinking men?—Not a great many.

11199. What percentage of your employees are total abstainers?—I could not say.

ALFRED G. EDGECOMB.



11200. Have you any idea?—No, I have no idea.
11201. Where do you think these men, who are not total abstainers, procure their liquor? Do they bring it in from St. John or some other place where there is a License Act in force, or do they get it here?—I suppose they get it here somewhere.
11202. Have you any doubt that liquor is steadily and continuously and persistently sold here?—I know it is sold here.
11203. Although there is a law prohibiting its sale?—Yes.
11204. What do you think is the moral effect of that state of things on the community generally?—As it is, I think it is doing a great deal of good.
11205. To have a law on the statute-book flagrantly violated, is that good?—Yes.
11206. There has been a general improvement during the last thirty years all along the line in the drinking habits and customs of the people, I understand?—Yes, there has been a great change.
11207. That has not been confined to the working or operative class, but extends to all classes?—I think so.
11208. You think the Scott Act has done a great deal of good?—I do.
11209. Could you suggest any change in the law by which it would do more good? Would you favour the imprisonment of people who have been convicted for a first offence?—I would more favour a high license or a high fine.
11210. We have been told that there are a good many prosecutions for violations of the Act, but they are first or second offence prosecutions, which do not carry imprisonment with them. Would it not be better to imprison the people who violate the law persistently?—I do not know. It has been done here.
11211. Is there any understanding between the illicit vendors and the authorities that they shall be brought up for first offence only?—Yes, there is.
11212. Then they pay a fine for first offence for selling liquor amounting to fifty dollars?—I have understood so.
11213. Would it not be better to give those people a license and make them pay double the amount they now pay in fines?—No, I would not favour that.
11214. You think it is better as it is now?—Yes.
11215. Do you know anything of the proceedings in the City Council as to the enforcement of the law?—Yes, they are divided as to appointing an Inspector.
11216. Would it be better if there were an Inspector?—I think it would be better.
11217. Is there any obstacle in the way of the Council appointing one?—I think there is.
11218. That is, a majority of the Council are opposed to it?—I think so.
11219. Do they reflect the opinion of the city in opposing it?—I think it is with themselves, and not with public opinion.
11220. Is the question of the enforcement of the Scott Act ever made an issue in the municipal elections?—Yes, the city elections have been carried on to a certain extent, but not very vigorously, upon that issue.
11221. Is the result of the elections a mark or evidence of public opinion?—I think it is not.
11222. Would the appointment of Dominion or Provincial officials be better than the present method of delegating the enforcement of the Act to your police authorities?—I think it would.
11223. Can you suggest any other amendment or any different plan that would result more advantageously or successfully than the present method or plan of doing business?—I think if the city officials had more power, and paid more attention to the law, it would be worked differently.
11224. Can you suggest any change by which that could be brought about? The Order in Council makes provision for handing over the fines to the municipal authorities for the purpose of enforcing the Act, and the Municipal Council can appoint an Inspector?—I think a higher authority would give them more power to sustain their ruling.
11225. Do you mean there should be no appeal from the Police Magistrate or local authority?—No; but if the appeal was not worked so much, the Act would be better worked.

## Liquor Traffic—New Brunswick.

11226. Would you favour the passage of a prohibitory law, prohibiting the manufacture, importation and sale of intoxicating liquor?—I would.

11227. You think it could be enforced?—I think it could to a certain extent.

11228. Could it be enforced as well as the Scott Act is enforced in this city?—I think so, if the Dominion Government would look after it.

11229. Do you know anything of the Scott Act outside of this city?—No.

11230. Or of the Maine Act?—No.

11231. Do you know of any country in the world where such a law is in force?—No, except in Maine.

11232. The Maine law permits citizens to bring in liquor for the use of their families?—Yes.

*By Judge McDonald:*

11233. Do you think it would be well if the law compelled the Council to appoint an Inspector?—I think so.

11234. Are you yourself opposed on principle to a license law?—Not on principle.

11235. You do not see anything objectionable in a license law of itself, but you prefer prohibition?—Yes, I prefer the present law.

ALFRED F. STREET, of Fredericton, Collector of Customs, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

11236. How long have you been Collector of Customs?—About 20 years. I was appointed in January, 1873.

11237. Is this a port of entry?—Yes.

11238. And bonded goods can be brought in?—Yes, but there are no bonded warehouses now, since the present law was passed.

11239. Have you, as Collector of Customs, had knowledge of the importation of liquor?—Yes.

11240. Since the Scott Act has been in force?—Yes.

11241. By persons who are licensed under the Act or others?—Not by people licensed under the Act.

11242. By druggists?—Yes, but outside of that.

11243. Have any seizures of liquor been made?—No.

11244. There would not be much smuggling here, inland?—Not very much.

11245. Where does the imported liquor come from?—It is removed in bond ex warehouse from St. John, and sometimes there is a direct importation from England and France. I had one here the other day from France.

11246. Can you give the Commissioners an idea of the quantity so imported?—Last year would be a fair average. I think about \$800 was collected on liquors last year ending 30th June.

11247. What character of liquor?—Whisky, gin and brandy.

11248. Any wines?—I think not.

11249. Any ales or porters?—No, none imported. There might have been some, but it would be in small quantities.

11250. But on what liquors was this \$800 duty paid?—All on spirits.

11251. What would that represent in value?—The value would not amount to very much. The duty is \$2.00 a gallon and 12½ per cent, so the value is insignificant.

11252. The duty is very high?—Whisky would probably cost five shillings a gallon and the duty is \$2.00 and 12½ per cent. The importation is very small.

ALFRED G. EDGECOMB.

*By Mr. Clarke :*

11253. Do you know anything of the operation of the Scott Act?—Yes, some things come under my notice.

11254. Elsewhere than in Fredericton?—Yes.

11255. How does it operate here and elsewhere, where you have had an opportunity of seeing it in force?—As it is enforced, it does not operate well at all, because it is not enforced. If it were enforced, it might be beneficial.

11256. What are the difficulties in the way of its enforcement?—I think public opinion is not sufficiently in favour of it.

11257. Opportunities are given to the people to express their opinion from time to time?—That is true, and it has been carried always by a small majority, not of the rate-payers, but of the people voting. I doubt whether a majority of the ratepayers have voted in favour of it, though they may have done so, but a great many people do not vote.

11258. I think the evidence shows that the voting is not very heavy in Scott Act elections?—And a great many people vote for the Act who are really opposed to it. I know of some who signed the petition and then voted against it, and others who signed the petition for the repeal of the Act and then voted to sustain it.

11259. How do you account for that?—I think a great deal of influence is brought to bear by the ladies of the different societies; they have influenced the voters. No doubt they thought they were doing right.

11260. Is the non enforcement of the law due to any special and particular obstacles or difficulties in the way of technical objections that are raised?—I could hardly say.

11261. It has been stated here that people become discouraged in attempting to enforce the law because legal objections are interposed in the higher Courts and cases have been hung up there for some years?—I think there is a good deal in that opinion, because it is not a pleasant duty to undertake and many do not attempt it on that account.

11262. What is the reason that the City Council do not appoint an officer?—I could not answer that question.

11263. Is there any reason?—I could not tell.

11264. Do they reflect public opinion in not appointing an officer?—I presume so, or they would do it.

11265. Do you recollect the condition of things under the license law?—I do.

11266. Do you think the present condition of things is as good as it was then?—I do not think so. I do not think it is as good.

11267. Has drunkenness increased or decreased since the Scott Act was adopted?—I do not think it has increased.

11268. If there has been any decrease, do you attribute that to the operation of the Scott Act?—I would presume it would have some effect upon it.

11269. Do you think it is possible for the authorities here to enforce the law more rigorously than at present?—I should think they could.

11270. Are there continuous and flagrant violations of the law?—I think so. I do not think if a man wants a drink he would have much difficulty in getting it.

11271. Do you think a stranger coming into Fredericton, and staying at one of the hotels, would have much difficulty?—I would not give the hotels away. If you like to try it, you probably have an answer.

11272. If there were penalties attached, of imprisonment for first convictions instead of a fine, would that improve the state of things? Some of your leading hotel keepers were imprisoned, I believe?—They were in jail.

11273. Was there a better state of things in consequence?—No, I did not notice any.

11274. It would not make any difference, then?—I did not notice any.

11275. It would make a difference as regards the sale of liquor?—Not much I think.

11276. Would any amendments to this Act be better?—No, I would abolish it.

11277. Would it not be better to enforce it?—No, I think public opinion in Fredericton is not in favour of its enforcement.

11278. You think the more thorough enforcement of it is not carried out because of public sentiment?—Yes.

## Liquor Traffic—New Brunswick.

11279. It is spasmodic?—Yes. There is a rush once in a while, and some gentleman is asked to contribute \$50 to the city treasury.

11280. They pay a high license then?—Yes.

11281. Would it be better to give them licenses?—My opinion is that a high license would be better. If licenses were granted to only a few who were compelled to act within the law and to keep good respectable places, it would be better for the city.

11282. Do you think if a number of licenses were issued, the license holders would aid the authorities in ferreting out the unlicensed places?—I think it would be to their interest to do so. The great trouble is the low groceries.

11283. Are there many of those places here?—It is reported so; I am not aware myself.

11284. There are other places than those where liquor is sold?—Yes.

11285. There must be quite a number of places in the city where liquor is sold?—Yes.

11286. How many do you think?—I could not say.

11287. Half a dozen?—I should say more than half a dozen.

11288. Would the appointment of officers by the Dominion Government be an improvement?—I presume it would have a beneficial effect upon the working of the law.

11289. Do you think they could enforce it better than it is being enforced now?—I think so.

11290. You would not favour any amendment to the law, taking away the fine as the penalty for the first offence?—I do not know what effect that would have.

11291. Is there much drunkenness in Fredericton?—I do not think there is much drunkenness here. You see occasionally a drunken man. One thing which I think the Act has a tendency to do, is to induce flask drinking. I often go out in the country at night and meet young men carrying flasks.

11292. Did that exist under the license law?—I do not think to such an extent, because there was not such a necessity for it then.

11293. You think it would be better to license a certain number of places?—That is my opinion. A great many people think differently, and every one has a right to his own opinion.

*By Rev. Dr. McLeod:*

11294. The Scott Act does not interfere with the importation of liquors at all?—It is not intended to do so.

11295. So the fact that there have been importations does not show any violations?—Not at all.

11296. You said the Scott Act was not enforced. Will you explain what you mean by that?—I think you can go into nearly any place and get a drink, if you want it.

11297. Do you mean that the sale of liquor is not absolutely prevented, or is not prevented at all?—No doubt, it is prevented to some degree.

11298. You think the law is enforced to some degree?—I do.

11299. Have there been times when it has been generally enforced in the city?—I think there have been times when it has been pretty hard to get a drink.

11300. There are other times when it is not so difficult?—Exactly.

11301. Do you know anything of the difficulties in the way of enforcement at times?—I do.

11302. What are they?—Legal objections and the want of any assistance in enforcing the Act.

11303. Would any strength of public sentiment have affected the legal obstacles?—No, I do not see how it could. Public sentiment could not affect that.

11304. If for two or three years there were obstructions growing out of appealing cases, the non-enforcement would be chargeable to legal difficulties rather than to lack of public sentiment?—I think partly to both.

11305. In what do you think a license law would be preferable to the present law?—I think it would be preferable because if a few licenses were issued and were in the

ALFRED F. STREET.

hands of respectable people, they would be acting under the law and they would keep respectable places; low grogeries would be shut up, and they would assist in ferreting out these low places, because it would be to their interest to do so.

11306. Do you remember whether there was any illicit sale at Fredericton under the license law?—I do not know, of my own knowledge.

11307. You do not know whether there were any of those low places?—Yes, I think there were; the license was not high enough.

11308. Do you think if the license fee was high enough, the licensees would assist to keep down these illicit sellers?—I think so.

11309. Do you think they might supply them?—I never thought of that. You mean a sort of branch store? Perhaps they might.

11310. Do you think that the people who now violate the law would, if they had a license, refrain from violating any provisions of that license, and if so, what reasons have you for thinking so?—I did not say I did.

11311. Men violate the law now?—Yes.

11312. I suppose those same men have licenses, and there are provisions preventing the sale at certain hours and on the Sabbath day. Is there any reason for believing those who violate the present law would not violate that law?—None at all.

11313. So there would be violations?—There will be always some. The only question is whether such would be preferable or not.

11314. Do you think if public sentiment were up to the point of not only adopting, but enforcing a general prohibitory law, such a prohibitory law would be desirable?—I would not like to say it would not be, if public sentiment was so much in favour of it, and it could be enforced, because we all know intemperance is a great evil. I am not in favour of a prohibitory law all the same.

11315. Do you believe a prohibitory law, that is a law prohibiting the manufacture and importation as well as the sale of intoxicating liquors, if thoroughly enforced, would be beneficial?—I suppose it would, to a certain extent. Still I am not favourable to it. You will say I am not in favour of something which would do good.

11316. But if public sentiment enacted it and was sufficiently strong to thoroughly enforce it, do you think it would do good?—I do.

*By Mr. Clarke :*

11317. Have you any recollection of the prohibitory law of 1854 and 1855?—I was only a boy then; I remember it, but I could not give any information about it.

11318. What was the effect on the temperance community generally?—I do not know, but I heard it said it put prohibition back ten years.

11319. What is the effect on the community of having a law which is not enforced?—Very bad in every way, and it causes a good deal of underhand work.

*By Mr. Gigault :*

11320. Under a general prohibitory law, do you think it would be difficult to prevent the smuggling of liquors?—There would be a good deal of difficulty. I do not think liquor could be prevented from being brought in.

11321. Have you been in any foreign country where there is a general prohibitory law?—I have been in Maine.

11322. How does the prohibitory law work in the State of Maine?—It worked very well with me; if I wanted anything, I could get it.

11323. So liquors were sold in the State of Maine?—I have seen a hotel in Bangor with as fine a bar room as you could want to see, right in the hotel. That is three or four years ago.

11324. Seeing that, have you come to the conclusion that a prohibitory law does not prohibit?—I do not think it was enforced that year I was in Portland.

*By Mr. Clarke :*

11325. Have the legal difficulties generally been disposed of?—I think all that have been raised have been disposed of.

## Liquor Traffic—New Brunswick.

*By Rev. Dr. McLeod :*

11326. Do you know of any case now pending before the courts?—I think there are some, I think I saw it stated in the paper; I do not know anything about it.

BLANCHARD SEWELL, of Springhill, farmer, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

11327. How long have you resided in the County of York?—About four years.

11328. Have you resided all that time at Springhill?—Yes.

11329. How large a place is it?—It is a very small place, a small village with about 200 inhabitants.

11330. Is it under the operation of the Scott Act?—Yes.

11331. How is the Act observed there?—Pretty well.

11332. Is the sale of intoxicating liquor going on there?—I suppose there is more or less of it.

*By Mr. Clarke :*

11333. Do you know anything of the operation of the law elsewhere than at Springhill?—I do not know much; I think it is observed pretty well throughout the county.

11334. Do you know anything about the operation of the Act in the city: has the law been successfully enforced here?—I think it is fairly well enforced.

11335. Do you think it is as well enforced as it can be, owing to the difficulties in a legal aspect that are supposed to exist?—Yes.

11336. Can you suggest any amendment to the Act whereby it may be more efficiently enforced?—I could not, but I think the people could enforce it better than they do.

11337. Do you think a prohibitory law, preventing manufacture, importation and sale of liquor, could be enforced, if it were enacted?—No, I do not think it could be enforced strictly.

11338. Do you think it could be as well enforced as the Scott Act is enforced here?—Yes, I think it could be.

11339. Have you had any experience of the Maine liquor law?—Yes, I have been there.

11340. How was it observed?—You could get anything you wanted anywhere you liked.

11341. Then there was no difficulty in getting liquor?—No.

11342. Do you think a stranger coming to Fredericton would experience difficulty in getting liquor at the hotels?—No, I do not think he would.

11343. Has drunkenness increased or decreased during the four years you have been a resident at Springhill?—I have never seen a great deal, very little of it at Springhill.

11344. Have you noticed a marked decrease of drunkenness in the city?—I have never noticed much drunkenness in the city, and I do not know whether it has increased or decreased.

11345. Is there any great difference?—It is just about the same I think.

11346. Would you favour the passage of a prohibitory law?—No, certainly not.

11347. Do you think that if such a law were passed, the brewers and distillers should be compensated for their loss of plant?—I think so.

JAMES W. MCCREADY, of Fredericton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11348. How long have you resided at Fredericton ?—I came here in 1877 as a student at the University, and I have been here, more or less, ever since ; for the last ten years permanently.

11349. Have you practised here for ten years ?—No.

11350. How long have you practised ?—Since 1883 or 1884.

11351. Have you held any official position as a councillor or alderman ?—I was two years on the Board of Aldermen.

11352. Are you there now ?—No.

11353. Have you been brought in contact with the enforcement of the Scott Act ?—Yes.

11354. In what way ?—I think since the latter part of 1889, I have prosecuted a good many cases against offenders.

11355. Are you the official prosecutor appointed by the Government ?—No.

11356. Or by the City Council ?—No.

11357. But you are employed by persons anxious to see the Act enforced ?—Yes.

11358. And we understand you have been so employed since 1889 ?—Yes, since the fall of 1889.

11359. How are you employed now ?—When there is a case to be prosecuted, I am called in.

11360. Could you suggest any improvement in the present Act that would make it more workable and efficient ?—I think the enforcement of the Act should be placed in the hands either of Provincial or Dominion Prohibition Commissioners.

11361. How many would you have appointed ? One or more officers ?—That would depend upon the extent of the district.

11362. Take a city like this, for example, would you have one or more here ?—Yes, and their duty would be to enforce the Act.

11363. Would you arrange so that they could command the assistance of the local officers ?—Yes.

11364. Would you have their appointment removed entirely from municipal influences ?—I think so.

11365. Are there any other suggestions you can offer ?—I do not know of any. I do not think it would be wise to tamper much with the Act, for it is pretty well settled now.

11366. You have had many cases before the courts, I believe ?—Yes.

11367. And the points are pretty well settled ?—The points that have been up are getting settled.

11368. Are there many new questions arising ?—I cannot tell ; there never is a case but there is something new.

11369. You think it is better not to tamper with the Act for difficulties might be caused from new points being raised for litigation ?—Yes, I think so.

*By Rev. Dr. McLeod :*

11370. Will you state generally what have been the difficulties and what are the difficulties in the way of the better enforcement of the Act ?—Your question is too broad.

11371. Can you say whether in any year since the Act came into operation there has been such a condition of things by reason of appeals taken that it was next to impossible to enforce the Act ?—The effect of hanging up convictions on appeal has been, as regards enforcing the Act, to discourage the officers, in fact to paralyze the enforcement of the Act, because the officers are discharging a difficult duty. That is how that works. Of course they can go on making convictions, but the same objections are liable to be raised and the end is no nearer. That is the view the police officers take.

11372. The statement has been made that a good many first offences are charged even now, and the question has been asked, why old offenders are not charged with third

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or fourth offences. Can you say why in many cases it is impossible, if impossible it is, to lay offences for subsequent cases, say for third or fourth offences?—In regard to subsequent offences it is very much more difficult to establish proof before a court than it is for the first offence. That is the first objection. It is a very material objection when you come to work it out.

*By Judge McDonald :*

11373. How?—It is very difficult to get the evidence. Many of the witnesses endeavour to evade the subpoenas (that is my experience), and sometimes the prosecution is delayed for two or three weeks and by the time we get the witnesses on the stand there is a new turn in the state of affairs, and the memories of the witnesses become bad or something else happens. But to establish a first offence, I never met with any difficulty like that. There appears to be a difference when a man is called on to plead to an indictment when he knows that the punishment is imprisonment. The purchasers of liquor naturally do not want to give evidence against those from whom they buy. That is natural, and that sentiment goes into the witness-box.

*By Mr. Clarke :*

11374. Can you suggest any amendment or alteration in prosecutions for second offence?—No.

*By Rev. Dr. McLeod :*

11375. What other difficulties have you met with in regard to securing evidence? Why are first offences charged in certain cases now, when subsequent offences might be charged?—There are three cases in appeal to the Privy Council in England, direct from our Supreme Court, and they are for a third and subsequent offences. Any future cases for third and subsequent offences now brought before our Police Court will be subject to a like fate with those cases. Of course there is no objection to bringing such cases, but I would not advise cases for third and subsequent offences to be brought until those cases are decided, because the same objection will be raised and the cases will be hung up.

11376. How long is it since those cases were commenced and convictions obtained?—I think in the winter of 1890. Two cases were decided in March, 1890; they were tried at the Police Court and were taken on appeal to the Easter term of the Supreme Court. The decision was given by the Court in April or June, I forget the date.

11377. Of this year?—I forget which term, February or April, of this year.

11378. The cases went before the Police Court in March, 1890, and judgment was given early in this year?—Yes, on the motion for the rule.

11379. Then the case has gone direct from the Supreme Court to the Privy Council?—Yes.

11380. Questions have been asked about public sentiment. Can you explain why, if public sentiment in Fredericton is in favour of the Scott Act and in favour of its enforcement, it is difficult sometimes to have a City Council elected expressing and representing that sentiment?—A great many local issues enter into the elections. The question of the appointment of an Inspector has never been made an issue at the polls, to my knowledge. I think the principal objection the city has to appointing an Inspector under our local Act is the responsibility the corporation would assume in appointing such an officer.

11381. Financial responsibility you mean?—Yes; I think under the Act the appointment is permanent, unless the officer sees fit to resign.

11382. I think you said the appointment of an Inspector was never made an issue at the elections; was it ever a question before the Council?—I do not remember the direct question coming up, that is, the appointment of an Inspector.

11383. Do you know whether the people who are in favour of the law are at one in their desire for the appointment of an Inspector, or is there any difference of opinion?—I think there is difference of opinion respecting the appointment of an Inspector.

11384. The question has never come to an issue?—I know when I was an alderman I looked at the law, and I was in doubt about the advisability of appointing an Inspector under the Act.

JAMES W. MCCREADY.



11385. You have been an alderman and a resident in the city for a dozen years. Have you been able to observe whether there has been an increase or decrease in drunkenness and in the drinking habits of the people?—That is a pretty difficult question to answer. I have never seen very much drunkenness in Fredericton since I have been here. It has been the same since I came to the city under this law.

11386. Speaking in a general way, has the law done good or harm?—I should say it has largely done good. I know that the number of places where liquor can be obtained has been largely reduced and a great many dealers have been driven out of the traffic and have stopped selling. I do not think very many new ones have taken it up.

11387. Have you given some thought to the subject of a general prohibitory law, a law prohibiting manufacture, importation and sale of liquor? If you have, may I ask you whether there are advantages in such a law which the Scott Act does not possess?—It has occurred to me something like this: Liquor may be brought in here, and then you have to find out the man who buys it in order to punish the man who sells it. It would be much easier to stop it coming in than to be compelled to go to this trouble, it would take away that much machinery at all events.

*By Mr. Clarke :*

11388. Preventing the manufacture would make it much more difficult to procure liquor, the liquor would have to be imported?—Yes.

11389. Would you repeal that provision of the Act which permits the purchase of liquors for family and private use and as medicines?—I think so.

11390. What majority had the Scott Act in this city when the vote was last taken?—About 68 votes.

11391. Did you hear the evidence to the effect that people vote for the Act who do not observe its provisions?—I did hear it.

11392. What do you think of it?—That may be true.

11393. Do you think people should vote to prevent people obtaining liquor and then disregard the provisions of the Act themselves?—I think if they do one thing they should do the other.

11394. So you think that an Act that would absolutely prohibit the procuring of liquor would be supported by the people here?—They would look at the matter in this way: that it would be such a good thing to vote for the Act, they would run the chance of getting a drink if they wished it.

11395. Do they run much chance now?—It depends on who you are.

11396. They seem to think it is a good thing to stop some one else getting liquor and to vote for the Scott Act, but not to prevent themselves getting any, if they are on the right side? Do you think the appointment of Dominion officials would be an improvement on the present method?—Yes.

11397. Would the legal obstacles now raised disappear if the enforcement of the law were handed over to Dominion officials?—No, that would not be effected.

11398. The people would have to contend with the same legal obstacles?—Yes; a license law has to go through its course.

11399. This law is going through its course, I suppose?—Yes.

11400. Are the difficulties of enforcement as great as when they started three years ago to prosecute?—There have been a number of points and cases decided since that time. In all the cases here I do not think there have been more than three dismissed; they have all been sustained by the courts, with two or three exceptions.

11401. How many prosecutions have been successful during the last three years?—A good many in the county and city together.

11402. The objections have not been sustained?—Yes; I think only two cases to my knowledge were dismissed during that time.

11403. How many places were there in the city where liquor was sold illegally when you came here?—I could not tell you.

11404. You say the number has been largely reduced?—I think so.

11405. How many were there then?—I could not tell you.

11406. How many are there now?—I heard a witness here say there are six

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11407. You do not know?—No. I will assume there are about six outside of the drug stores, which have authority to sell legally.

11408. Are the violations continuous and persistent in those six places?—They are persistent.

11409. What is the moral effect on the community of having a law persistently, flagrantly and continuously violated?—It would be no worse than having a license law that was flagrantly violated.

11410. What is the difference?—It would just be the same.

11411. Then would it not be better to permit the sale of liquor legally?—Not in my opinion.

11412. You think it is better to leave them to continue to violate the law?—I believe it is a bad thing. Let them sell illegally if they will.

11413. You think that is the better condition of things?—It would please me better.

11414. Has there been a steady decrease and diminution in the number of prosecutions under the Act?—I could not say.

11415. Have you noticed anything in the public appearance of the streets that would lead you to that belief?—The fact of drunken men being on the street is something to look at.

11416. Is it a revelation?—It is not very common. Men are arrested.

11417. Have you any reason to believe there is any degree of drunkenness just now in the city?—I have no reason to believe it. I assume that the parties who are endeavouring to sell will continue to endeavour to sell as much as they can while this Commission is here. I think it is a matter of policy on their part to do so.

11418. Are the authorities taking any special precautions to bring these people up for violating the law?—Not to my knowledge; I have nothing to do with it.

11419. Do you remember the hotel proprietors to have been in jail?—There were six of them there.

11420. You must have been able to overcome all their objections?—In those cases we did.

11421. Was the condition of the city better when those men were in jail, so far as the illicit sale of liquor was concerned?—I do not think I could tell you that.

11422. You did not notice any change?—Only what people said; I did not try to get any liquor while they were in jail.

11423. Is the objection of the Council to appoint an Inspector a financial objection?—I think that would be the principal objection.

11424. Does not the law limit the salary of the Inspector to \$500 a year?—It is not the salary I refer to, but to the responsibility the city would take in assuming his actions.

11425. Who now takes the responsibility of conducting prosecutions?—The city does; but it would be different.

11426. What would be the difference?—There would be a different prosecutor. I do not think I could explain, but there would be a difference in the responsibility now and that under an Inspector.

11427. The responsibility of the city, you think, would be greater than at present?—It might be; it would depend on the Inspector's actions.

11428. If his authority were limited the city might run no risk?—It might be greater, it would depend on circumstances.

11429. Evidence has been given by the Mayor and some witnesses that the police are instructed to prosecute offenders. Does the city run any risk owing to those instructions having been issued to the police officers?—No. The responsibility would come in where attempts were made to put certain clauses of the Act into force by the Inspector, I think; that is taking the responsibility for his actions in any suits brought against him for seizing liquor.

11430. Do you think it would be better not to appoint an Inspector?—I would not prefer an Inspector under the local Act; I prefer one largely of another kind.

11431. Then you would take the chance of the city being mulcted in damages?—I prefer one appointed by the Government.

JAMES W. MCCREADY.

*By Judge McDonald:*

11432. Supposing that you could not get an Inspector appointed by the Government, would you prefer that the city should appoint one?—I do not know about that, I could not express an opinion.

11433. Acting as prosecutor, as you have stated you have acted, have you secured convictions in the county?—Yes.

11434. Have there been many or few suits?—I have never had very many cases. I think probably the effect of the Act in the county is more beneficial than in the city.

11435. Do you think there are people in the county who visit the city and procure liquor and take it to their homes?—There may be some, but throughout the county there are very few people in whose homes you will find liquor, and very few places where liquor is for sale, that is through the river counties.

11436. Are you a temperance man on principle?—Yes.

11437. Do you look upon the license law as an evil?—I could not prefer a license law.

11438. If the Scott Act was not in force, would you go for the next best thing, a license law? We are told that in parts of Prince Edward Island there is neither Scott Act nor license law?—Quite so.

11439. As a prosecuting officer, can you tell the Commission how many convictions you secured last year?—No, I forget.

11440. Did you secure 20?—There must have been more than that number.

11441. Do you think there were 20 cases in which fines were paid?—All were paid, unless the parties were allowed to go outside the province.

11442. Have there been 30 cases?—There have been a great many cases. I think the fines last year in the city amounted about to \$700 or \$800. There were also a number of subsequent offences.

11443. The Dominion Government, by Order in Council, decided to place the Scott Act fines at the disposal of the municipality for the purpose of enforcing the Act, not for the purpose of enabling the municipality to run its ordinary machinery. Has the Council devoted the fines to the purpose of enforcing the Act? When the sum has been set aside by Order in Council for a special service, should it not be devoted to paying the expenses and salary of an Inspector?—The amount might go towards the salary; but under a rigid enforcement these fines ought to be decreased.

11444. Otherwise the purpose of the law is not carried out?—Yes.

11445. You mean to say that the Inspector would so completely stamp out selling that he would not get any fines and have no prosecutions?—That might occur.

11446. Would that not bring about the result intended by the Act?—Yes.

11447. And the result that the people of Fredericton intended to secure when they adopted the Act?—Yes.

11448. So the thing moves in a circle?—Yes.

11449. When there are plenty of fines secured by enforcing the Act, it is not being a success in the sense of actually suppressing liquor selling. If it did actually suppress it, there would be no income of course from the fines for liquor selling, and then a tax would be necessary on the ratepayers?—Yes. As it is now, the fines are paid into the contingent fund of the city and are used for that purpose.

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GEORGE F. GREGORY, of Fredericton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11450. How long have you lived in Fredericton?—I was born here and have lived here all my life, with the exception of two years I was absent when a lad.

11451. How long have you practised your profession here?—Since 1863.

11452. Have you held office in the municipality in any form?—I have been Mayor of the City for eight years ; I think, five years at one time and three years at another time.

11453. How long ago?—At first in 1869 and five years forward, and next in 1878 and three years forward.

11454. You were Mayor at one time when the Scott Act was in operation?—Both when it was and when it was not, I think.

11455. Had you any opportunity of forming a judgment as to how the Act was carried out while you were Mayor?—No, I do not remember what impression was made on my mind. I think 1880 was my last year of being Mayor, and I do not remember the working of the Act.

11456. Are you able to form an opinion now of the way in which it is observed in the county, whether it is effectually enforced?—I do not think it is effectually enforced.

11457. Have you formed any opinion as to what the reasons may be or what difficulties may be in the way?—There are a great many reasons, I think. In the higher sense, there is the severity of the Act, the imprisonment for the third offence, and the large fine for the second offence—all these create some little sympathy and feeling for the accused ; and then there is the disinclination on the part of officers for that active discharge of duty which one would expect from them.

11458. We can understand the officers being disinclined to do their duty ; but how can it alter the fact of witnesses being called and required to give evidence?—I heard one of the witnesses say that their memories failed them or appeared to fail them. I am a little afraid there is some little prevarication on the part of witnesses in these cases.

11459. In examining a Judge of the State of Maine, who appeared before the Commission, I asked him whether he thought it was well that imprisonment should be attached to the first offence here, as on the other side of the line, and he said that difficulty had occurred in consequence of sympathy being aroused for the accused. Do you think some feeling of that kind influences witnesses here?—I think so. I concur in what that Judge said.

11460. So you are not in favour of making imprisonment the penalty of a first offence under the Scott Act?—I think it might be left optional with the court, but that is as far as I would go. There are cases, I can readily understand, in which nothing but imprisonment would be effectual, but those people are, generally speaking, pretty well known to the police in any community.

11461. Judging from your observation, both as a citizen and as an office-holder, do you think there has been any increase or decrease of drunkenness in the city within the last fifteen years?—My impression is that there has been rather a decrease, but still I do not think it is so very marked that we should call the former condition a drunken condition and the present condition a sober condition.

11462. To what do you attribute the decrease as far as it exists?—I think, principally to the fact that the trade has had to hide its head, has had to get out of sight a little. That is the chief reason to which I would attribute it. People will not go so boldly in for liquor, nor do I think the places at which they can get it are anything like so numerous.

11463. Then to that extent you think the Act has been beneficial to the community?—To that extent I think the Act has been a benefit.

11464. Do you think an Act which would prohibit persons from bringing in, as they are able to do under the Scott Act, liquors for private consumption from other countries, would be carried by the community, and could be enforced?—I doubt whether it would. I think the community would be likely to be evenly divided. I do not think

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it would be overwhelmingly defeated, nor would it be carried by a large majority. The community would be pretty much divided, as I have said. There is one statement I should like to make, because I have heard a good many questions about it. I would venture this remark about the present Act and the delays that have taken place in enforcing convictions. I have had a good deal to do as counsel in upholding convictions, and I have also had something to do in defeating convictions before the courts. The Act is somewhat obscure, and it is difficult for uneducated men, such as our Magistrates in the country generally are, to understand the forms, and this gives rise to questions which, I think, sometimes are pretty technically viewed by the courts. I do not think I have ever detected any inclination on the part of the Judges to destroy a conviction, but I have sometimes thought they were not liberal in their interpretation of the Act so as to uphold the conviction—in other words, they are pretty strict. The delay that occurs in giving judgments is common to all cases and all matters of litigation. I cannot say I have seen any more delay in delivering judgment in these matters than in others, although in some cases the delay appears to have been unnecessary, but it appears also] to have been unnecessary in common cases between parties. I think the Act would be more effective if the provision for reviewing Magistrates' decisions was entirely changed, and instead of forcing people to go by writ of *certiorari* to the courts, there should be an ordinary appeal to the Judge of the County Court or the Supreme Court within a limited number of days, the appellant being obliged to pay in the amount of the fines before obtaining a summons for a hearing. A decision on its merits would then be given by the Judge, as he may do in such a case, immediately, and the cost attending this review should be made to depend either upon the result or at the discretion of the Judge. As it is now, if a party is convicted, and he seeks to set aside the conviction, he can do it without paying costs to the other side, although, of course, he has to pay his own costs. If he fails, he is not obliged to pay costs to the other side—that is the way in our courts, but not in Ontario. Here there are no costs awarded to the other side on *certiorari* proceedings. It is a very tedious process. There is, first, what is called a motion *nisi* for a writ of *certiorari*, which is argued and afterwards made absolute; and then there is a rule *nisi* upon the motion to quash, which is open to a second argument. If these proceedings are terminated within nine months the parties are doing pretty well. I think, therefore, that it would be well to have the present proceedings in regard to *certiorari* abolished, and provision made for a speedy review before a single Judge, the costs to be awarded against the losing party.

11465. So that when an appeal is made to the Judge of the County Court or to the Supreme Court, the decision will be final?—Yes.

11466. With power given to him to amend errors in matters of form and make the case complete?—Decidedly so. We have such a provision in regard to civil matters, and it is found to work very well.

11467. Do your courts on *certiorari* review the testimony?—No; they have lately concluded that they will not review the testimony.

11468. Merely points of law?—Yes.

11469. A legal gentleman in St. John told the Commission that the ordinary business of the Supreme Court was blocked for one term under the Scott Act?—It would not be correct to say so at the present time, but it was so three years ago. During the last two or three terms the court finished its whole business before the statutory time expired.

11470. In regard to the order in which these cases are taken up in the Supreme Court: are they taken up in their order with the other cases?—The court business is divided into classes. There is a paper called the Crown paper, another paper called the special paper, and then there is the motion paper. These cases go on what is called the Crown paper. The Crown paper is disposed of first, the special paper next, and afterwards motions. So in one sense it is true that they take their place with other cases, but they are called with the Crown cases and they have preference.

11471. So they are in a better position than the other cases; they are called first?—Yes. If there is any business left over from the previous term, the court goes through the different remanent papers and disposes of them. So you can scarcely say there is any advantage in that respect. The Scott Act cases are usually called first.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

11472. Are there any other changes which you would suggest? Some witnesses have spoken of the advisability of officers being appointed by the Dominion authorities, or by the Provincial authorities. Do you think the appointment of Dominion officials would be a move in the right direction?—I have not thought of it, and I would not like to express an opinion on that subject.

11473. Have you any reason to believe that the police officers here are neglectful as regards the discharge of their duty?—No, I have no reason to believe it further than the conclusion one must draw from the fact that it seems to be understood that liquor is to be sold, and we do not hear of fines being imposed every day.

11474. There is a tacit understanding that people shall be fined occasionally, but continue to sell all the time?—I have no knowledge, information or belief on such subject.

11475. Do you think public opinion in the city backs up the officers, and approves of the present method?—I do not think there is any disapproval when the officers do their duty. I do not think there is a very great amount of heartiness in urging and supporting the Act. I think that, setting aside the really honest and true temperance people, of whom we have a good number in the town, there is another stratum of supposed temperance people who are not very sincere, and whose temperance is largely a profession. But we have a large number of very excellent and sincere temperance people, who heartily approve and uphold anything like a proper discharge of duty by the officers.

11476. The present procedure is approved of by the people generally. What we do not understand is, if violations of the law are proceeding steadily and persistently, why there should not be a continuous warfare against those violations and why offenders should not be fined every day, week or month. Is there any reason why the officers should not bring up offenders every day or every week?—I do not know any reason. I am unable to give any information in regard to that point. I do not know they are on the watch.

11477. In these trials for offences against the Canada Temperance Act, do you believe there is a good deal of prevarication?—I think there is prevarication.

11478. What a layman would call perjury?—I know nothing about the cases except those in which I have been actually engaged.

11479. More prevarication in this class of cases than in others?—I have heard witnesses give evidence in which it was pretty hard for me to think they were giving strictly truthful testimony. Many a man of sharp intelligence cannot catch a question, and he endeavours to answer it so as not to give anything away. You can understand how a man can satisfy his own mind by using certain language, when if he had given a frank answer, the presentation of the facts would have been very different.

11480. Would you favour the passage of a general prohibitory law, a law prohibiting the importation as well as the manufacture and sale of liquor?—Personally, I do not think I would vote for it, for the reason that I would naturally vote according to my feelings and my surroundings, and so far as myself and my own surroundings go, I have not come into contact with evil influences from liquor. In judging of this sort of question, I take it to be a man's duty to vote from his own standpoint, not to vote for what may be best for other people. That is the way I think you could get the opinion of the majority: a man should vote according to his own circumstances and opinions.

11481. Do you think, if such an Act were law, it could be better enforced than the Scott Act, with the present public sentiment?—It would be easier to enforce a law for general prohibition, so that liquor could not be brought into the country.

11482. One of the principal difficulties put forward by advocates of the Scott Act is that liquor is manufactured and sold within a few miles of a county where the Scott Act is in force?—Yes.

11483. Do you think a general prohibitory law, which would prohibit the manufacture, importation and sale, could be enforced in Canada?—I do not see any reason why it could not.

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11484. Would you favour the granting of compensation to distillers and brewers in the event of the passage of such an Act?—I do not think I would. I think any man who goes into any kind of business should take into account the possibility and probability of a change of public sentiment by which he may be shut out, and if he sees public sentiment is gradually tending to shutting him out, he should set his house in order and be prepared for the emergency. If he has made his money by this means of existence and the public conclude to stop the business, it is not a very great hardship on him to say: you have made a hundred thousand dollars, you have enjoyed fifty thousand, and have fifty thousand left.

11485. You would not favour the compensation of those manufacturers?—I could not say that I would.

*By Rev. Dr. McLeod:*

11486. Do you think a prohibitory law, prohibiting the importation, manufacture as well as the sale, thoroughly well enforced, would do good or harm, taking the country at large?—I am a believer in the fact that there is a certain amount of evil in human character, and if it does not break out in one form, it is very apt to break out in another. I cannot help but think that suppression of the use of liquor would do to many individuals very much good—it would save a great deal of misery, no doubt. While the aggregate effect of it would be to promote morality, I would not like to express too decided and positive an opinion. I think very many men, if they could not get liquor, would be benefited; it would be a blessing to them if they were prevented from getting it; but I have not experienced that myself, nor have my sons experienced it. I have not reached that point yet that leads me to say that ninety-nine men, if they are doing no harm, should submit to discipline for the sake of the hundredth man.

11487. Do you think such a prohibitory law would injuriously affect the general business of the country, outside of the drink traffic?—I am not a man in trade, but I cannot see how it would injuriously affect it, because I do not think that any benefit is got out of the use of liquor, and it seems to be a species of a waste of money to some extent. It is one of the luxuries of life. It seems to do a great deal of harm to some and no harm to others; but from the trade point of view, so far as my limited knowledge goes, I do not see how a prohibitory law could prejudicially affect the country. No doubt the money now spent in liquor would be spent in some other form, either on necessities or on luxuries and enjoyment.

*By Mr. Clarke:*

11488. Would the same answer apply with respect to the question of tobacco?—I am about as strong an anti-tobacconist as an anti-liquor man, and I am not a very strong man either way.

11489. Do you think it would be much better to pass an Act to prohibit the importation and use of tobacco?—It has not been one of the subjects agitated.

11490. What would be the result of the passage of such an Act? Would it be provocative of evil?—No, I do not say that it would, only on the principle that if the people's desires are suppressed in that matter, they will take up something else, I suppose. I think money is wasted and nerves are destroyed by the use of tobacco in the same way, although perhaps not to the same extent, as by the use of liquor.

## Liquor Traffic—New Brunswick.

ALEXANDER GIBSON, of Marysville, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11491. What is your calling or occupation?—Lumberer and manufacturer.

11492. How long have you been in business at Marysville?—Nearly 30 years.

11493. In what county is Marysville?—York County.

11494. Is it under the provisions of the Scott Act?—I presume it is.

11495. There are no licenses there?—No.

11496. Have you reason to suppose there is any sale of liquor in Marysville?—I think not.

11497. Will you state the circumstances connected with business there?—There have never been any licenses issued in Marysville, and we have never been troubled much with liquor. Now and then a person, one of our employees perhaps, would go down to Fredericton and take a little too much liquor. If he continues that practice, we get rid of him and replace him with a sober man.

11498. If he drinks so as to incapacitate him for his work?—Yes.

11499. Are you troubled with men of that kind?—No; I have been able to put total abstainers in all positions of responsibility connected with the cotton mill, lumbering and stores.

11500. Take the lumbering: how do you find your workmen who go into the woods?—I do not know so much about them; I do not hire the men who go into the woods. I give so much a thousand for the logs hauled on the bank, and the men who do the hauling employ their own men.

11501. Your men are chiefly mill hands?—Yes.

11502. So temperance is the rule among your people?—Yes, we try to make that the rule.

11503. With very satisfactory results to you?—I think so.

11504. Have you been in business where people had facilities to drink?—I did business in Lepreaux, in Charlotte County, for ten years, where there were runsellers who gave us some trouble.

11505. How long ago?—Twenty-eight or thirty years ago.

11506. Were there licenses there or not?—I do not know, but they sold liquor.

11507. Have you found in your experience quite a change of sentiment in the community as to the use of intoxicating drinks as beverages?—I can only speak judging from our own little town. I think the sentiment there is against the use of liquor in any shape.

11508. Taking the county or the province, do you think there is a marked difference from what there was years ago?—Yes, I think there is a marked change. On the river when I came here, I think many of the men who hauled logs were addicted to liquor, but there is a great change and men are not so much addicted to the use of strong drink as they were; and I think that is true all over.

11509. Have you temperance societies in Marysville?—Yes.

11510. And religious communions?—Yes, we have any amount of religion up there.

11511. Do you suppose the influence of religious and temperance societies has been beneficial in educating a temperance sentiment?—Perhaps to some extent, but I am not prepared to say as to that. I am afraid that in spite of all the religious influences, and they are very good there, if we had not some other way of preventing it, there would be liquor sold there.

11512. Can you, from your own experience, suggest to the Commission any amendments to the Scott Act which you think would be of benefit?—I am not acquainted with the Scott Act very much. I think any law enacted by the Dominion should be enforced by the Dominion authorities; the Scott Act has not had a fair chance, it appears to be nobody's business.

11513. Would you be favourable to Dominion officers being appointed to enforce it?—Yes.

ALEXANDER GIBSON.



*By Rev. Dr. McLeod :*

11514. How many persons do you employ?—As that is a question which I supposed you would ask me, I noted it down. In the spring and summer we employ about 1,200, and the winter about 2,400.

11515. You have a preference for total abstainers?—Yes, every time.

11516. Why?—Because they are steady and more reliable.

11517. And do you have a rule in regard to employing them?—Yes; when we get a person who is addicted to drinking and cannot reform him, we get rid of him as soon as we can.

11518. Do you object to stating the value of your buildings, fittings and affairs connected with your business?—About \$4,200,000.

11519. What is the annual output of your business?—About \$900,000.

11520. How much do you pay for wages yearly?—About \$250,000.

11521. How does the drink habit affect employees as to their wage-earning power?—Not to any great extent, for the reason I have given, that we try not to have drinking men.

11522. They are not so valuable to you?—I think not.

11523. Since you do not employ them, you have not suffered any loss on account of that?—No.

11524. Some employers claim they lose by employees being drunk, and by a bad state of health that results from drinking?—I do not suffer much from that, for the reason I have stated.

11525. Does your business suffer from the drinking habits of the public generally, aside from your own employees?—I cannot say it has.

11526. Do you think the prohibition of the trade, as you yourself have prohibited it, has had a good effect on your employees?—I certainly think it has. In all the 30 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.

11527. You were there before the Scott Act was there?—Yes.

11528. And you have been a prohibitory law yourself?—Well, yes, in a way.

11529. You have tried to keep liquor out?—Yes, I have.

11530. Do you think the prohibition of the manufacture and importation as well as the sale of liquor would be good for the country at large?—I think a prohibitory law would be beneficial, and that if the whole revenue of Canada were expended in enforcing a prohibitory law, it would be a good thing.

11531. Then, as a business man and one of large operations and observation, you have no thought that a prohibitory law would injuriously affect the business interests of this country?—I think not.

11532. You think it would be beneficial?—Certainly.

11533. In what ways?—Men would be steadier. There would be less money spent, less hungry children, less wretched women, less men in the ditch; money which is now spent on liquor would be more profitably expended, and they would not lose their time, but their money would be spent on those they are bound to take care of.

11534. It is suggested that if prohibition took place, there are large sums invested in breweries and distilleries, in buildings and plant, and it would be difficult to carry it out. Do you think capital in this country goes begging for investment?—I think not. We have not enough of it.

11535. As to men engaged in breweries and saloons and so on, would they be likely to go without work if this business were taken away?—I think not. I think every one in this country can be profitably employed.

*By Mr. Clarke :*

11536. Do you know anything of the operation of the Scott Act in this city, or in any other part of the province?—No.

11537. You said there was no one to enforce the Act?—I mean it is everybody's business, and no one in particular cares to look after it.

11538. Whose duty is it to enforce other Acts passed by the Provincial Parliament or the Provincial Government?—It is the duty of the Provincial or Local Government.

## Liquor Traffic—New Brunswick.

11539. The law against theft, for instance ; whose duty is it to enforce it here ?—When the Dominion makes a law against stealing, or any other law, they provide for the law to be carried out.

11540. Who is appointed in this city to carry out the law against theft ?—I do not know.

11541. Do not the local officers do the work ?—I do not know. We have only one policeman there.

11542. Do you own the land at Marysville ?—Yes.

11543. Do you think if you did not, you would be able to enforce prohibition ?—I think not.

11544. Do you think a prohibitory law, if passed by the Dominion Parliament in the present state of public opinion, could be enforced throughout the Dominion ?—I am not prepared to say.

11545. The people are given an opportunity in a municipality or county to express their opinion as to the advisability of putting the Scott Act into operation. That opportunity has been afforded them, and by large majorities they have decided to bring the Act into force. Can you account for the fact that in many of these localities the law is almost a dead letter ?—I suppose it arises from the apathy of the people on the subject.

11546. An Order in Council has been passed handing over to the local authorities the fines imposed, and I believe the provincial laws of this province give authority to the municipal councillors to appoint special officers to enforce the law ?—Yes.

11547. Do you think it is owing to public apathy, where the law is in operation, that these officers are not employed ?—I think that is the reason.

SIR JOHN C. ALLEN, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11548. You are the Chief Justice of the Supreme Court of the Province ?—Yes.

11549. How long have you been on the Bench ?—Since September, 1865.

11550. How long have you resided in Fredericton ?—Nearly all my life, except about five years.

11551. It has been intimated to the Commission that since the Scott Act came into force a great deal of litigation has come before the Supreme Court brought up by *certiorari* ?—Yes ; it is by *certiorari* almost entirely.

11552. And it has been intimated that owing to the long time that has elapsed without decisions being given, the law has remained at a deadlock as to its enforcement ?—The Scott Act cases take their turn with other cases before the court ; they are never put off intentionally. I think I remember one case that was overlooked and stood for some time, but all other cases were taken in their turn. Judges do not always agree, and sometimes cases take some time to decide.

11553. We were told there were Crown lists and other lists, and that the Scott Act cases stand on the Crown lists ?—Yes, that is correct.

11554. From the number of those cases which have been before the Supreme Court, are there any suggestions you can make to the Commission as to amendments to the Act, to simplify it and make it more efficient ?—I have not thought about it, and I am not prepared to say.

11555. Have the cases before the court been on points of law ?—Altogether on points of law. We do not interfere with matters of fact at all.

11556. Has there been any attempt made to go into any matters except as to points of law ?—I do not remember any, because the practice is well understood that in reviews from summary convictions, the court will not go into matters of fact.

11557. Then these cases are treated as any other cases ?—Exactly, I should say.

ALEXANDER GIBSON.

11558. As a citizen of Fredericton, have you had any opportunity of observing the working of the Scott Act practically?—I have not. I was never at a trial of a Scott Act case, and know nothing of it.

11559. Have you ever since the Act came into force seen persons on the street who appeared to be under the influence of liquor?—Very rarely, I think. I do not spend much of my time on the street.

*By Mr. Gigault :*

11560. Do you know anything of the prohibitory law of 1855?—I cannot say that I remember it now, but I did at the time.

11561. That is the law enacted by the Legislature of New Brunswick?—I know there was such a law, but it did not last long, and was very soon repealed ; there was some litigation about that. It did not last long, and therefore I cannot say much about it.

*By Mr. Clarke :*

11562. Would you favour the passage of an Act by the Dominion Parliament, prohibiting the importation, manufacture and sale of liquors?—No, I would not, because I think the country is not prepared for it now.

*By Rev. Dr. McLeod :*

11563. If public opinion were shown to be strongly in favour of such a law, do you think it would be desirable?—With some people it would do a great deal of good, I know. I have no doubt there are a great many people who never should taste liquor, because they do not know when to stop.

*By Judge McDonald :*

11564. Then, if such a law had public sentiment behind it, it would be beneficial?—I am not prepared to say it would not be beneficial, though many people would be opposed to it and think it would be an important interference with their rights.

HON. JOHN JAMES FRASER, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11565. What is your residence?—Fredericton.

11566. You are one of the Justices of the Supreme Court?—Yes.

11567. How long have you been on the Supreme Court Bench?—Nine years last December.

11568. And before that you were a resident of Fredericton, I believe?—Yes, for over forty years.

11569. Practising your profession here?—Yes.

11570. And you have known it under the license law and under the Scott Act?—Yes, under both.

11571. From your acquaintance with Fredericton, have you found there has been an increase or a decrease in the temperate habits or the intemperate habits of the people?—I think there has been an increase in the temperate habits of the people.

11572. Have you found that the sentiment in favour of temperance has grown in the province?—It has.

11573. Do you think there have been influences that produced an effect of that kind at work in the Province and elsewhere?—I think so ; the drinking customs of the country have entirely changed.

11574. In fact we may believe that in all classes of society there has been a great change for the better?—Yes, in all classes.

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11575. Have you had any opportunity of forming an opinion as to the working of the Scott Act?—Anything I could say would be merely from hearsay.

11576. You have heard the evidence of the Chief Justice as to the working of the cases in court?—Yes.

11577. Does your opinion coincide with his?—Entirely so. I may say since I have been on the Bench the block in the business of the court, which existed some years ago, arose from the number of Scott Act cases, which were almost innumerable, and the points of law involved would require as much consideration as those in a case which might involve thousands of dollars. Of course the court had to consider other cases that came up, and there was an entire block for some years; and no doubt some gentlemen who were connected with the enforcement of the Scott Act thought cases were not decided as soon as they might have been, but the court could not give up every other case in order to decide the Scott Act cases.

11578. Then a great many points have been decided, and the law is settled as to them?—I think it will require a good deal of ingenuity on the part of counsel to raise fresh points now. We thought two or three years ago we had heard the last of them, but still some ingenious counsel have raised points since, but very few.

11579. Can you suggest any amendments to the Act?—I think perhaps many cases come before the court from the inefficiency or want of knowledge of the Justices who make the convictions in observing the formalities of law; and I think also that there was some legislation of the Dominion Parliament in prescribing a form of conviction in the 51st Victoria, which led to, I think, something like 40 or 50 cases from Woodstock coming before us, through the officer there. Mr. Dibble is a most efficient officer, but owing to the enactment of that form, these cases came before us, the form being misleading to say the least of it.

11580. There appears to be in the minds of gentlemen who are not members of the legal profession an idea that these points which were taken were what they call technical. If you could briefly do it, it would be well to make a statement of what those were?—If they were mere technicalities we would not have power to deal with them, because they must be matters affecting the jurisdiction of the court, either want of jurisdiction or excess of jurisdiction.

11581. They are what may be called matters of substance?—Matters of substance and matters of law. One case we decided which covered a very large ground indeed, and they think the Supreme Court went a very long way in giving the decision, was the case of the Queen against Daly, where there was want of evidence really to convict; but the court thought, as there was some scintilla of evidence, and the Justice had decided upon that, he must determine what was evidence and what was the effect of that evidence. I think we have been very careful, and I know that all the Judges have been very particular in deciding these cases as promptly as they could and giving the utmost attention to the disposal of the various objections, so that they might not come up again. Any cases which we could dispose of, where there were points not essential perhaps to the particular case, but which might in the interests of the Act be disposed of, we have given judgment on.

11582. Do you think that a general prohibitory law for the whole Dominion, prohibiting the manufacture, importation and sale of intoxicating liquor for beverage purposes, could be efficiently enforced at the present time?—My own individual opinion is that it could not be enforced. There is no doubt a sentiment, I am free to confess, in favour of prohibition, and in this city and county perhaps it prevails to a considerable extent, but not sufficiently so as to carry out such a law. In regard to the Scott Act: the Act has been carried in Fredericton on more than one occasion, and has been carried in the county, and there have been efforts made to repeal it, but it has been carried again by very large majorities. A large number of the voters do not attend the polls, and one reason is this, they say: "I am not in favour of the Act, but I will not vote against what may be considered an improvement in the direction of improving the morals of the community. I should say the larger number of those who abstain from voting would be those who were opposed to the Scott Act."

*By Mr. Clarke :*

11583. Do you think that many of those who abstain from voting at Scott Act elections would vote for a measure prohibiting entirely the importation and sale of liquor throughout the whole Dominion?—I could not answer that, because they might not believe in the Scott Act, but might think a prohibitory law, if enforced, would be beneficial.

11584. I ask the question because some have said that many have voted against the Scott Act, who would vote for a prohibitory measure?—That might be. I know some who voted against the Scott Act because they did not think it was sufficiently enforced.

11585. The difficulties in the early days are now nearly all removed?—There are scarcely any left; if the information is laid, there is no reason for not getting a conviction. There may be a difficulty in getting witnesses, but the law provides for that.

11586. Is there any obstacle in getting efficient officers to enforce the law?—The most serious obstacle is that County Councillors are generally afraid of the expense of it.

11587. In some cases the Act has been carried by very large majorities. Do the County Councillors reflect public opinion in declining to pay \$500 or \$1,000 a year to an efficient officer?—I cannot recall the carrying of the Act by very large majorities, but in any case that is the practical operation of it. They will not vote a sufficient sum to secure an efficient officer, although there are provisions, made by the Local Legislature, I think, authorizing County Councils to engage officers.

11588. And also making provision for the payment of the officers?—I think so.

11589. If there were a very strong public feeling in favour of enforcing the Act, would the financial difficulties stand in the way?—They ought not.

*By Rev. Dr. McLeod :*

11590. Do you think similar points of uncertainty would be likely to arise under any new law such as arose under the Canada Temperance Act?—I do not know that so many difficulties would arise. I should think not a tithe of them, but some would.

11591. Are there some points undecided yet?—That I could not tell you.

11592. I mean so far as they have come to the attention of the Supreme Court?—I am not aware that there is a Scott Act case standing for judgment now.

11593. Are you aware that some points decided by your Court are still undecided, because they have gone further?—You mean appeals. I have heard that some cases have been appealed to the Judicial Committee of the Privy Council.

11594. Do you think the fact that so many points arose occupying time in the settling of them, in any degree interfered, during that time of uncertainty, with the more efficient enforcement of the law?—I have not a doubt it did.

11595. And I suppose the fact that some points are now undecided may affect in some degree the enforcement of the law?—It might in some degree. No doubt for some years, and particularly in regard to Acts of the class of the Scott Act, every point will be contested.

11596. Why in regard to an Act like the Scott Act more than in regard to other laws?—I suppose the people feel they have large interests at stake.

11597. For the most part, have the points before the Court affected the merits of the cases, that is, as to the proof of violations of the law, or have they been legal points, pure and simple?—Legal points, pure and simple. As the Chief Justice has stated, the Court never interferes with the Justice as to points of fact.

11598. You think a prohibitory law could not be enforced in the present state of public sentiment?—That is my view. I think you would require to have a very much larger public sentiment than there is now. That sentiment may be produced; but one of the chief ways of producing it, in my mind, would be to educate the youth of the country in the principles of total abstinence and the injurious effects of alcohol. Once you do that, as these boys come to manhood, you will have worked up that sentiment. It may be worked up; I do not say it will not.

11599. Do you believe that in the education of public sentiment it is well to have enactments corresponding with the sentiment as it is created?—I think so. That is

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the way with all great reforms. They work in accordance with public sentiment, and any Act passed in advance of public sentiment is almost invariably a failure.

11600. Do you think public sentiment in that direction is growing?—As I said, I think there is a very much larger sentiment in the country in favour of total abstinence than there was, because at one time there was none at all.

11601. If public sentiment warranted it, and a prohibitory law touching the manufacture, importation and sale of liquor were enacted and thoroughly enforced, do you think the effect would be injurious or beneficial?—If by thoroughly enforced prohibition you make a people a sober people, make every man in the community a sober man, of course it would enhance the prosperity of the country.

11602. But the larger portion?—Yes.

11603. Is the enforcement of law generally dependent upon public sentiment?—I think a law of this class is so. A question was asked about laws against theft. As to laws of a criminal nature, every man in the community is interested in having such laws enforced, and if you could get every man in the community interested in having a prohibitory law enforced, it would have a similar result.

11604. There is a small class in every community interested in not having the law against theft enforced?—I suppose you mean the thief? I suppose he would object to it.

11605. When a law is on the statute-book, is it not the duty of the officers to enforce it without reference to public sentiment?—If the law is such that it ought to be enforced by the municipality, then of course it would be their duty, but I suppose it is the duty of every man in the community to see that a law is enforced.

11606. It is the privilege of every man to assist in the enforcement, but it must be the duty of some persons to enforce the law?—Yes.

11607. And is that duty contingent on public sentiment?—No.

11608. The difficulties would be few if the law were more in accord with public sentiment?—Yes; that is my view of it.

THE RIGHT REV. HOLLINGWORTH TOLLEY KINGDON, Coadjutor Bishop of Fredericton, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

11609. What is your residence?—Fredericton.

11610. You are the Bishop Coadjutor of the diocese of Fredericton?—Yes.

11611. How long have you been Coadjutor?—A little over 11 years.

11612. During that time have you resided in Fredericton?—Yes.

11613. Have you had any opportunity of observing the effects in this community of the Act commonly known as the Scott Act?—Not very much. Like the Chief Justice, I am a student, and in my room more than in the streets.

11614. You received certain questions which were sent out by the Commission?—Yes.

11615. Have you answered them yet?—No; it is somewhat difficult for me to answer them, because I have no parochial charge here.

11616. Have you had some experience in the mother country?—Yes.

11617. In what may be called temperance work, in promoting sobriety among the people?—As far as I possibly could, certainly.

11618. Was that work at all upon the line of legislation?—Not at all.

11619. Of a prohibitory Act?—Oh no.

11620. Was it on the lines of the Church of which you are a member?—In a great measure.

11621. Will you state what those lines were, and are?—I never joined any particular temperance organization, because I thought the Church was the chief organization that was required. I never advised anybody to take the pledge unless by way of

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protection to himself, and then only for a limited period. In my experience I have always found it better, if the man could not restrain himself, that he should be helped by taking a pledge for a limited time, and that it was much more likely to be kept than if he took it for life.

11622. What were the results?—Morally good. Thirty-two years ago I was working in a parish in England, and somebody came there full of enthusiasm and got the boys to take the pledge for life, and the next day they all broke out; and I thought their moral conscience had been so much harmed by it that I was very indignant. They took it for fun; but I saw it harmed their consciences.

11623. Taking your experience in England and in this country, do you think of late years there has been a great increase in the temperance and sobriety of the people?—Most certainly.

11624. To what do you attribute that?—I should hope to the influence of religion in a great measure.

11625. That influence has been for good?—Unquestionably. Soon after I was ordained some years ago, passing through a certain district in London where I was born and brought up, I could scarcely pass without being insulted because of my dress. I was out of London over 5 or 6 years, and when I passed through the same district afterwards, I was received with respect.

11626. There has been a great Gospel Mission work, and so on, carried on in London of late years to bring the people from inebriety to sobriety?—Quite so.

11627. As a matter of principle, do you favour the enactment of a prohibitory law, prohibiting the manufacture, importation and sale of drink? Judging from your knowledge of human nature, gained from your experiences as a clergyman, do you think it would have the effect intended, of promoting sobriety?—No, I do not.

*By Mr. Clarke :*

11628. What is the effect of having on the statute-book such a law as the Scott Act which is flagrantly and continuously violated?—I should think the effect would be rather harmful. I think no law can be on the statute-book and not kept, without doing harm.

*By Rev. Dr. McLeod :*

11629. Do you think that laws against evils have any effect in shaping public opinion in reference to those evils?—I have never thought of that. I should think probably not.

11630. A thing is an admitted evil and there is a law against it. Do you think it helps form public opinion?—Public opinion must have been formed, if it is an admitted evil.

11631. But does it assist that feeling?—I have not thought of it, but I should think not.

HON. JAMES STEADMAN, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11632. You are Judge of the County Court?—Yes.

11633. How many counties are in your jurisdiction—Three; York, Sunbury and Queen's.

11634. That is the County Court District?—Yes.

11635. How long have you been Judge?—Since June, 1867.

11636. Did you reside in Fredericton before that?—Since December, 1866, permanently.

11637. Have you had anything to do with the administration of the Scott Act, in any shape?—No.

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11638. Have you, as a member of the community, observed at all the operations of the Act?—Yes, I have somewhat, more or less.

11639. Have you reason to believe it has put an end to the sale of intoxicating liquors for beverages?—I think it has, largely.

11640. Do you think there is any sale?—There must be, because people are fined frequently for selling contrary to law.

11641. Do you think that a prohibitory law, preventing the manufacture, importation and sale of liquor for the whole Dominion, would be beneficial?—I do.

11642. Do you think it could be enforced?—I do.

11643. By what machinery?—By the machinery they have in the Act now.

11644. Are there any improvements you could suggest to the present Act?—No. It would be somewhat singular if some improvement could not be found; but I cannot suggest any.

11645. The enforcement of the Act is now committed to the ordinary police officers?—Yes.

11646. Do you think it would be any benefit, if it were committed to Provincial or Dominion officials?—I think it would in the country districts. In the cities, I think, the police officers are the proper persons, but in the country districts, unless an officer is specially appointed, there is no one to carry out the Act.

11647. The Provincial Legislature of New Brunswick has made provision for the appointment of County Inspectors?—Yes.

11648. Do you know where one was appointed?—I think, in King's County; but there was some question raised in the court as to the legality of his appointment, before Judge Palmer.

MR. JUSTICE FRASER (addressing the Commissioners).—In Charlotte, the County appointed an Inspector, and the Town of St. Stephen also appointed one. The matter was brought up before the Supreme Court, and the Supreme Court decided that the County of Charlotte was the only authority to appoint officers for all the towns.

11649. WITNESS.—There is one for York, and also one for Westmoreland.

11650. Why are they not appointed in all the counties?—I cannot say.

11651. Is it from the fear of expense?—I should think so.

11652. The County Council has given to it by Order in Council all the Scott Act fines to be used for the purposes of the Act?—Yes.

11653. Would not those fines form a sufficient fund for the payment of the Inspector?—In most of the counties I should think they would.

11654. Are there any other suggestions, except in regard to the appointment of officials, that you could make to simplify the law?—I do not know of any.

11655. You think the appointment of officers by the Dominion or Provincial Government to enforce the law would result in its being very efficiently enforced?—I think so.

*By Rev. Dr. McLeod:*

11656. You have some knowledge of the law of 1856?—1855.

11657. Which was repealed in 1856?—Yes, I was in the fight.

11658. Were you a member of the Government at that time?—I was a member of the Legislature, not of the Government.

11659. Did you come back to the Legislature as one of the two or three supporters of the Act who were returned?—No, I was defeated on that.

11660. Do you think that if the prohibitory law had had at that time a year or so to run, the efficiency of it as a means of dealing with the traffic would have been demonstrated?—I think so. In my view public opinion was at that time strongly in favour of it.

11661. How came it that in view of that state of public feeling, its defeat was brought about?—We always attributed it to the cry being raised to defend the Governor—that the representative of the Government should be supported. The other question was entirely forgotten.

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*By Mr. Clarke :*

11662. Support the Governor, in what?—As regards the dissolution.

11663. What dissolution?—The dissolution of the Legislature.

11664. For what reason did he dissolve the Legislature?—The reason he gave was that it was to give the people an opportunity of expressing their opinion in regard to the Act.

11665. Was the Act in force after January, when it became the law?—There were attempts made to enforce it.

11666. Did the Governor act on the advice of his Ministers as regards the enforcing or the repealing of the Act?—I do not know what he said in regard to his executive advisers.

11667. Was an attempt made to enforce the Act?—At the session of the Legislature in 1855, held just after the Act came into force, the subject was again brought up, and a Bill was introduced by Mr. Raine to repeal the Act, which had then been in force for six weeks or two months. That Bill was defeated by quite a large majority in the Legislature of that time. Subsequently the Legislature was prorogued, and a very short time afterwards the Governor called upon his Council for some purpose or other—at all events, he took it upon himself to dissolve the House, and he sent down his proclamation for that purpose. The members of the Government at that time sent in their resignations, and the Governor called in another Government and issued a proclamation.

11668. When dissolution took place, were the elections held on the question of prohibition, of maintaining the Prohibitory Act; or was it on the question of standing by the Governor, right or wrong?—It was on the question of standing by the Governor, right or wrong. This is my impression, and having been in the contest, I had an opportunity of knowing. The cry was, "Sustain the Governor;" the question of prohibition was not considered.

11669. He was sustained, I believe?—Yes.

11670. What effect on the temperance movement had the passing of that Prohibitory Act?—A bad effect, after it was repealed; but if it had been left on the statute-book I am satisfied it would have been a success. Apart from the cry of "Sustain the Governor," public sentiment at that time was strongly in favour of prohibition in this province, and if the question had been left to the vote of the people at that time, it would have been carried by an overwhelming majority. Still, I may be mistaken, and be over-sanguine in regard to it; but that was not done.

11671. Do you consider the Scott Act is working satisfactorily in the Counties of Queen's, York and Sunbury?—Fairly so, as well as could reasonably be expected. When we talk about enforcing an Act, and speak as to whether it is well or badly enforced, that is of course a matter of opinion, as it depends on what you consider to be the enforcement of an Act. 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.

11672. Has there been a steady decrease in the number of persons committed for drunkenness in those counties since the Scott Act came into force?—In Queen's and Sunbury, I do not know of many convictions, in fact there have been very few. There is scarcely any liquor sold; there may be some occasionally, but very little.

11673. Has there been a steady decrease in this city?—I think so; there has been a large decrease. Taking my observation, extending back some years before the Canada Temperance Act was brought into force, for I was living here for some time before that, and taking my observation since and comparing the two, my impression is that it has largely decreased.

## Liquor Traffic—New Brunswick.

*By Mr. Gigault :*

11674. It has been declared that in many counties the Scott Act is openly and flagrantly violated. Do you believe if the Scott Act is thus violated, a prohibitory law would not be equally violated?—Any law will be violated. I do not think a prohibitory law will be an exception to any other law; every law on the statute-book is more or less violated.

11675. Do you not make a distinction between occasional violation and open and flagrant violation of a law?—That may be possible.

11676. Do you not make any distinction between an occasional violation of a law and open violation?—I do not know of any open violation of the Scott Act; that is, there are no open sales of liquor anywhere.

11677. But it has been proved to-day that there are six places selling liquor continuously here: do you think that is not an open and flagrant violation of the Scott Act?—No, I do not think so, because if there are such places in Fredericton selling liquor all the time, the police will get evidence of that state of things and the parties will be prosecuted. I think the police here do their duty very well, but if they cannot get the evidence, no matter how open the sale may be, they cannot secure convictions. They must have sufficient evidence, and the very difficulty in dealing with these cases is to secure evidence, because those who buy liquor from people who are selling contrary to law are sometimes the only persons who can give information, and they will not give evidence if they can possibly avoid doing so. Therefore, while the police may be satisfied in their own minds that this and the other man are selling liquor, the difficulty is to get the testimony to prove it, and those very people who say there are six places now in Fredericton where liquor is sold, if they were brought before the Police Magistrate, would say, in all probability, they did not know anything about it. They speak from rumour.

11678. Do you say that they would not tell the truth on their oath?—I do not say so; I think they do not know.

11679. They have said so under oath to-day?—Did they give the names?

11680. No.—Quite so.

*By Judge McDonald :*

11681. You do not suppose the Commission would allow such inquiries to be made?—No; it is not your purpose, I suppose.

*By Mr. Gigault :*

11682. You have spoken of the prohibitory law of 1855, and you have stated that it was repealed, because the people wished to respect the will of the Governor. Is that not what you stated?—Yes, that is what I said.

11683. You added your opinion that if the law had been retained on the statute-book, it would have worked well?—I think so.

11684. If the people of New Brunswick were really in favour of the prohibitory law, why did they not re-enact it?—After that contest I think public sentiment was turned the other way, because of the result of that contest.

11685. Does this not prove that when a prohibitory law is enacted and not enforced, its very enactment has a very injurious effect on the moral sense of the people?—I do not think it proves that; it may have more or less such effect, but I do not consider the circumstances furnish strong proof of it. It may have had that influence to some extent, but I do not think to any material extent. It was not submitted to the people in the form of a question as to the propriety of passing a prohibitory law.

*By Rev. Dr. McLeod :*

11686. From your observation, has the prohibition sentiment grown to any extent since 1856 in this country?—It has grown very much, I think.

11687. You remember Fredericton under license, I suppose?—I do not think the prohibition sentiment in this province has ever been any stronger than it was in 1855, and at this time the law was passed. But after the fight had taken place and it was

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repealed, and after the row had been made in regard to the Governor, I think that public sentiment in regard to prohibition waned and went down; and so I do not think it could have been re-enacted after the law had once been repealed.

11688. Was that because of the discouragement of the people, growing out of difficulties attending the enforcement of the law?—There may have been difficulties, but this condition was due to the quarrel with the Governor.

11689. You remember Fredericton under license, I believe?—Yes.

11690. Remembering Fredericton under license and knowing Fredericton now, are you able to state whether there is any difference in the condition of the city under the Scott Act from the condition of the city under license, and whether it is a beneficial or an injurious change?—There is a very great change for the better. I do not think there is anything like the drunkenness in Fredericton now or since prohibition has been in force that there was in years before, nothing to compare with it previously; that is my observation.

11691. You remember Regent street and the region round there, twenty years ago?—Very well.

11692. How does the condition then compare with the condition now?—I have noticed this: In passing through Regent street before the prohibitory law was brought into force, I have seen more drunkenness in one week than I have seen there in a month since the prohibitory law came in force.

11693. Reference has been made to the illicit sale of liquor, and no one doubts that there is illicit sale. Was there illicit sale when Fredericton had twenty or thirty licensed stores?—I could only answer that question as I would answer the same question now. We hear a great deal about illicit selling, and I have no reason to doubt there is a good deal of it on account of the number of convictions made. But I could give the same answer as regards the time the license law was in operation. There was a like number of illicit places selling liquor then, according to the returns, and my only knowledge is from the public returns. There was then the same outcry about people selling contrary to the license law as there is now in regard to persons selling against the Canada Temperance Act.

11694. You do not think there is any sale of liquor openly, like groceries and dry goods, as there was sale of liquor under a license law?—No, not at all, we saw it every day then, and it is not so at all now.

11695. Your official position, I suppose, brings you into contact as a Judge with offenders against the law?—No, they only appear before me.

11696. You have criminal cases before you for trial, I presume?—Yes.

11697. About what proportion of the criminal offences that come before you are, in your opinion, traceable directly or indirectly to the drink trade and drink habit?—That is one of the questions that I answered in the circular forwarded to me. My reply was that I should say at least two-thirds of all criminal cases that had come before me had their origin in the liquor drinking habits of the people.

*By Judge McDonald:*

11698. Do any of these cases come from Sunbury, Queen's and York Counties?—Yes.

11699. Is there not, then, effect without cause, if there is no liquor sold there?—There have not been very many criminal cases from there of late.

11700. How long has this criminal jurisdiction existed?—Twenty-five years.

11701. Then there is a change for the better in that respect?—Yes.

*By Rev. Dr. McLeod:*

11702. Take Queen's County: for instance, do you have many criminal cases from there?—Not many.

11703. Is the Scott Act well observed in Queen's County?—So far as I know, it is.

11704. Have you noticed a change in the criminal calendar of Queen's County, taking a term of years?—All kinds of court business have decreased in the three counties, including criminal business. Very seldom are there criminal cases in Sunbury or Queen's.

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*By Judge McDonald :*

11705. You have spoken of the state of affairs in 1855 and 1856, when Sir Leonard Tilley was a member of the Government?—Yes; he was Provincial Secretary.

11706. Do you think that Sir Leonard Tilley's memory of the occurrences of that time might be considered very good?—Yes.

11707. As good as the memory of any man living?—Yes.

11708. Do you recollect this fact, that after the elections only two candidates were returned to the Legislature, who were favourable to the Prohibition Act, Mr. Gillmor and Mr. McLellan?—There were two returned, and I think they were all.

11709. You say there was a general feeling in favour of sustaining the Governor's position?—Yes.

11710. Was there not a strong feeling that the position taken by the Governor was a direct blow at responsible government, in the fact that he dismissed his Council on a question on which the representatives of the people had declared in a certain way?—Yes.

11711. Was it a fact that in the new House all the members, except two, were opposed to the principle of prohibition, and that the House on other issues was so evenly divided that it stood, excluding the Speaker, 20 and 21?—I do not think that occurred just at that time, but I am not sure about it. When the Legislature met next it was at a special session, called for the purpose of repealing the Prohibitory Act, and it was repealed. When the Legislature met at the winter session, it turned out that during the session the Government had only a majority of one.

11712. Then I believe the Government went out, and the old Government returned to power?—Yes; and was sustained by a very good majority.

11713. But the question of prohibition was not brought up again?—No.

11714. Do you think the reason that it was not brought up was that the people were so discouraged over this and other matters, the Government did not care to introduce it again?—It could not have been carried.

*By Mr. Clarke :*

11715. Has not a change occurred in regard to the people generally in the counties to which you have referred; do you attribute the improved conditions of things here to the existence of the Scott Act?—Partly to that and partly to public sentiment throughout the country.

*By Judge McDonald :*

11716. You have spoken of a change in the condition of Fredericton, and referred to a time when there was much drunkenness in a certain locality. Has the class of people who come here changed; did lumbermen come here in large numbers in those days?—Yes.

11717. Do as many come here now as came here then?—There are a great many working round here.

11718. Do you think as many lumbermen resort to Fredericton now as did then for purposes of receiving payment of wages and so forth?—I could not say.

WILLIAM T. HOWE, of Stanley, County of York, farmer, on being duly sworn, deposed as follows :—

*By Judge McDonald:*

11719. What is your calling or occupation?—I am a farmer; I am also in the military line.

11720. Are you an officer?—I am captain of one of the companies of the Seventy-first Battalion of Volunteers.

11721. How long have you been in the volunteers?—Eighteen or nineteen years.

11722. Have you been at many of the military camps?—I have been at every military camp at which my company was drilled.

11723. You have moved about a good deal throughout the community, I suppose?—Yes.

11724. Have you observed during the years you recollect down to the present time a marked improvement in the temperance sentiment of the community and the habits of the people?—I think I am safe in saying I have.

11725. You have observed a growth of that sentiment?—Yes.

11726. Do you find intoxicating liquors less used than formerly at social gatherings and meetings?—More particularly in the section of country where I live, there is a marked difference in that respect. I am safe in saying that not one-tenth of the quantity is used now at social gatherings that was used under the license system.

11727. You have the Scott Act in force in your county, I believe?—Yes, we have the Scott Act.

11728. Is it effectually enforced where you live?—It is not as effectually enforced as I should like to see it.

11729. Are sales openly made?—They are not openly made. I have never yet seen one glass sold.

11730. How do you know it is sold?—The only way I know it is sold is from parties who themselves have been in company of others who have bought it.

11731. Is that the way it has leaked out?—Yes.

11732. Are you favoured in that section with what are known as “walking saloons” and “bottle pedlars,” men who carry liquor with them?—Not much, I think occasionally there are such.

11733. Do you think any of your people, instead of getting liquor in the locality, go to some town or city to get it?—I have reason to believe that is frequently the case. They find it difficult to purchase it in their locality and they buy it elsewhere and bring it home.

11734. Yet you have found a great increase in the sobriety of the people?—Most decidedly.

11735. Have you any temperance societies in your section?—At present we have one small temperance society.

11736. What is it?—Royal Templars.

11737. You have the usual religious influences at work?—Yes.

*By Rev. Dr. McLeod:*

11738. You have spoken about decrease in drinking and increased sobriety. Was there at any time a great deal of drinking in Stanley?—There was when I first went to Stanley. I may say there was scarcely a gathering of any kind at which liquor was not openly sold; there were no public occasions and few private gatherings at which it was not openly drank by a very large proportion of the community.

11739. That state of things has changed?—It has changed, until the use of liquor at public gatherings, at least, is the exception to the rule.

11740. Has the population increased or decreased during that time?—According to the last census, it has increased in our vicinity by nearly 200.

11741. Notwithstanding the increase of population, there has been a decrease of drinking?—There has been most decidedly. At least that is the result of my own per-

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sonal observation, and I have talked about it with friends of temperance, and those opposed to it, and all acknowledge the fact.

11742. You have been at camp from year to year when your battalion was under canvas. Do you know anything about the canteens at the camp?—The canteen of the camp under the license system, I do not speak of. The canteen of the camp under the Scott Act, I do not know anything about.

11743. What about the canteens under the license system?—Liquor was pretty generally and openly sold.

11744. What was the effect on the men?—It was very injurious indeed; I think the records of our battalion will show it.

11745. When a battalion is in camp there is a canteen, I suppose?—I cannot speak from experience; there is a canteen certainly.

11746. What is the condition of the men of late years as regards drinking during camp time?—There are still cases of drunkenness, but nothing in comparison to what there were formerly. There is an occasional case. In my company, since the Scott Act, I have never had to have one man brought up for drunkenness.

11747. Do you attribute that to the legal restriction entirely, or partly to the legal restriction and partly to the change due by reason of the pulpit, the platform and the press?—I presume to both. From my standpoint, temperance legislation in regard to prohibitory measures does not tend so much to create public sentiment as to support and maintain it, and therefore, I think the increased sobriety of the men has been, perhaps, due to public sentiment, increased by the moral suasion that has been used.

11748. You are a Justice of the Peace, I believe?—I am.

11749. You hold court at Stanley?—Sometimes, very seldom.

11750. Have you been a member of the County Council?—Yes, and Warden.

11751. Have you been a member several years?—I was a member three years.

11752. Why is it that the County Council do not take steps to appoint an official to enforce the Scott Act?—I can only speak from my own experience while I was a member of the County Council. I was appointed Scott Act Inspector. I cannot say that my appointment as Inspector has been as much of a success as I should have liked it to have been; but I do not attribute that altogether, or as much, to failure of the law as I do to outside influences. In the first place, I was appointed under false colours. The temperance party showed their weakness to their enemies, which in any battle is decidedly bad policy on the part of a general or a party. They said that unless the law was self-sustaining, they would not appoint an Inspector. The Council was then nearly evenly divided in regard to the appointment, the vote being 12 to 11. The ground of the opposition to the appointment of Inspector was, that owing to the technicalities of the law, owing to the fact that points yet unseen were likely to be brought up, unlimited capital would be used by the opponents of the Act before the courts; and the appointment of an Inspector was more than likely to involve the county in expensive lawsuits, which would eventually have the effect of throwing those men out of power who had appointed an Inspector. The temperance party, believing the Act would be sustained, and would be beneficial, appointed an Inspector, on condition that the law would be self-sustaining.

*By Judge McDonald:*

11753. What do you mean by that?—That the fines collected should meet all the expenses of the County Council in regard to the matter, and that the County Council should not be called upon to pay one cent towards the enforcement of the law.

*By Rev. Dr. McLeod:*

11754. Was there any fear that the county would have to be taxed?—Yes, more particularly on account of expensive lawsuits which were likely to arise on account of the unsettled state of the law at that time.

11755. From your experience and observation, have you any opinion as to the desirability of casting the duties of conducting prosecutions on Government officials?—I have most decidedly.

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11756. What would be the advantages?—I think the advantages would be these: In the first place, the officers would not be local men and not affected by local feelings, but would be independent, even more independent than the constables employed, or even the Scott Act Inspector. These officers would be appointed by the Government and be dependent on the Government for their pay, and they could go into a county not dependent on the financial views of the County Council, and every one who knows a municipality is aware that the Council is affected in every instance by the financial question. So, if Dominion officials were appointed, that great objection would be overcome.

11757. You think that they, being free from local influences, would prove more efficient?—Decidedly so. Another difficulty I have found in supporting the law is due to the territorial extent of this country. One Scott Act Inspector is not sufficient to go over the ground. I have found great difficulty in enforcing the Act in York County because I could scarcely find any Justices who were properly posted in the law, and who were able to conduct the cases, and so I had to bring all the cases to Fredericton. The cases were accordingly delayed. Witnesses were brought from one end of the county to the other, and then it was almost impossible to get them sober.

11758. From your experience, do you believe a more general prohibitory law, one prohibiting the importation, manufacture, as well as sale, could be more easily enforced than the Scott Act, which is only partial prohibition?—Most emphatically. It seems to me the weak point of this Scott Act is that parties are allowed to keep liquor and give it away indiscriminately to any one they please. Then I never could be sure when I saw parties under the influence of liquor as to the part of the county from which the liquor came. If I entered a complaint against certain individuals in the parish of Stanley, I did not know but that the liquor came from the city of Fredericton. So, if we had total prohibition of the importation, manufacture and sale, it seems to me the great difficulty in the way of securing convictions would be overcome.

11759. From your knowledge of the feeling in the county, do you think that it is so strongly in favour of such general prohibition that the officials would be sustained in the enforcement of the law?—That is a difficult question to answer.

11760. Is it a matter of opinion?—It is a matter of opinion among individuals. All I am prepared to say is, that all the individuals I have met in my tours as a Scott Act Inspector, and in life as a military man, in camp and in different sections of the country, who were in favour of the Scott Act, have openly declared that if the country obtained a good prohibitory law they would use their influence to enforce it, and they were strongly in favour of it. I could mention the names of 30 or 40 leading men who have opposed the Scott Act, and who have said they would be prepared to support general prohibition, if such a law were enacted.

*By Judge McDonald:*

11761. You have stated to us that you had trouble with witnesses whom you brought here, because they got drunk?—Yes.

11762. Was Fredericton under the Scott Act at that time?—Yes.

11763. From whom did they get liquor?—Probably they had it at home and brought it with them.

11764. Do you think men gave them liquor and got them drunk on the way?—Yes, there have been several instances of that.

11765. So when they got here, they were drunk and could not appear as witnesses?—Yes. The Magistrate in some cases refused to swear them, because they were under the influence of liquor.

11766. Did you find any other obstructions in enforcing the Act?—I found that a great difficulty in the way of enforcing it

11767. As to the time and what they drank?—Yes, and whether they paid for it or not.

11768. Have you found loss of memory on the part of witnesses in cases under the Scott Act?—I cannot say I have to any great extent

11769. In regard to your suggestion as to the appointment of Dominion officials to enforce the Act: take the Scott Act adopted by the County of York, and suppose Dominion officials were appointed to enforce it, do you think they would do it more effectually?

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ally than local officers?—I am sure they would do it more effectually than officers appointed by the local authorities.

11770. Or officers appointed by the Local Government?—I do not know whether they would.

11771. As this is a local Act, adopted by the locality, do you consider the county should be asked to pay the officers?—That is a question. I think if the Provincial Legislature were to appoint the officers and pay them, that would strengthen the enforcement of the Act.

11772. You think that if the people in the county were relieved from any expenditure in connection with enforcing the Act, they would be willing to have the Act enforced?—Yes, I think so.

*By Mr. Clarke :*

11773. Do you think they are not willing to have the Act enforced if it costs them anything?—I believe that if you were to take the questions separately, and place the question before the Council (my views are peculiar on this point): Are you willing as individuals to pay something towards the enforcement of the Scott Act? it would be answered in the affirmative. But if you put that in connection, as is done at the present time, with the election of county councillors, and with other local issues, it would affect their candidature to such an extent that they could not get elected, and we would not have sufficient members to carry it.

11774. So if the question of the enforcement or non-enforcement of the law were submitted to the people at the municipal elections, the opponents of the enforcement of the law would win?—I believe so in York County.

11775. Do you think it would be equitable to ask the Provincial Government to provide funds to enforce the Act in your county, when the people of the county cannot desire the enforcement of the law?—If they wish to enforce it, the fines would be sufficient to enforce the law.

11776. The Dominion authorities now hand the money obtained from convictions over to the County Council to be used as a fund for the enforcement of the law. I understand from you that your appointment was to be only so long as you did not draw on the county exchequer, and when the receipts and expenditure did not balance and there was a deficit, the appointment dropped?—It must be remembered that it was not so much in regard to a deficit as a fear of expensive lawsuits.

11777. In what way?—A case is brought, and perhaps it is decided in favour of the prosecution. It goes to the Supreme Court; an expensive lawsuit follows and perhaps the county loses the case. The costs might be very heavy, and the county would be compelled to pay them.

11778. Do you think if the people had been aware of those difficulties when the Act was presented for adoption, they would have voted for it?—If the parties had known exactly the technical points that would be brought up, and that the whole matter was likely to result in the way it has resulted, it would have materially altered the vote.

11779. Have any representations been made to the Lieutenant-Governor respecting the Justices, of whom you have complained?—There have not been any representations made. The majority of them are not acquainted with the technicalities of the law, and it must be remembered that an almost infinite number of objections are made to this law that are not made to other laws.

11780. Have not those objections been pretty well disposed of?—Yes; I am not insinuating that injustice has been done. What I say is, that the technicalities have been availed of by the opponents of the law.

11781. You mean that they have raised almost every conceivable objection?—Yes.

11782. But have they not been disposed of by the Supreme Court?—No.

11783. There are, at all events, not so many appeals as there were some years ago?—No.

11784. Who is enforcing the law under this improved condition of things?—So far as I know, private parties more than the public officers.

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11785. And they are not afraid to assume responsibility, even although the county seems to be afraid?—Private parties have to put their hands in their own pockets.

11786. Would it not be better for the people of the county generally, as represented by the County Council, to take steps to enforce the law?—Yes.

11787. Would you attribute the inaction of the County Council to public apathy?—Yes, more or less; the real fact is the people are scared of taxation.

11788. Increased taxation is an important weapon to use?—Five cents is more out of the public treasury than \$5 out of the private pocket.

11789. Is Stanley a town or village?—It is a parish.

11790. What is the name of the village?—Stanley.

11791. What is the population of the village?—We have never taken a census. The inhabitants of the village would not number more than 100 or 150.

11792. Are there many places where liquor is sold?—There are two suspected places, but I would not, from my own personal knowledge, say whether they sell liquor or not.

11793. Do you know anything about the operation of the law in this city?—I have been here, more or less.

11794. How is it enforced here?—That really is a question I scarcely know how to answer.

11795. Is liquor sold here?—I must say that I certainly believe it is.

11796. Do strangers coming to the town find any difficulty in obtaining it?—It depends on just what kind of a man he is.

11797. Take an ordinary traveller: would he have much difficulty?—If that man is a stranger from the country, who has been in the habit of taking a little, he can get it.

11798. How many places were there in Stanley under the License Act where liquor was sold?—Do you mean houses that had town licenses?

11799. How many places were legally permitted to sell liquor under the license law?—In the village of Stanley I do not remember at any time of more than two who were licensed, but I know personally that during that time there were, right in the vicinity of the village, three other places that sold it. Out in the surrounding country there were at least four or five houses, the majority of which, I am sure, were not licensed.

11800. Those outside have been suppressed, I believe, and you think there are two places still where liquor is sold?—There are two places where I have reason to believe liquor is sold.

11801. Is the Scott Act better enforced in the rural districts than in villages, towns and cities?—I think it is.

11802. You have stated that the principal difficulty in the way of enforcement of the Act is the fear of increased taxation on the county?—Yes, that is the great difficulty.

11803. Would it be well if the Legislature should compel the County Council to provide money for the payment of the officials?—I do not think it would be well for the Legislature to force anything contrary to the wishes of the County Council.

11804. The County Council, I suppose, are elected by the same people who decide whether the Act should be brought into force?—The same people.

11805. Do you think the people who were willing to bring the Act into force are unwilling to provide money to enforce it?—That has been the result that has followed, so far as I can see. I can only tell you the feeling of the County Council when the question came up.

*By Rev. Dr. McLeod:*

11806. Do I understand you to say that if the question of the cost of enforcement were put to the people directly, you think they would vote to have the law enforced?—Yes; if the question was submitted outside of party or other questions.

11807. But if it were mixed up with other questions entering into municipal elections, what would be the result?—Other questions largely affect the result. I think even in York County the repeal of the first prohibitory law was very largely effected by the standing and popularity of the candidate, even more than by the question at issue.

## Liquor Traffic—New Brunswick.

11808. In regard to the question about Stanley. Do you think the sale in the places in Stanley is as large as was the illicit sale under the old license system?—No; certainly it would not be, because if it were, there would not be an improvement in Stanley.

11809. So when there were two licenses in Stanley, there were in the village and parish of Stanley two or three times as many illicit places as are suspected to now exist?—I am safe in saying that.

11810. Was there any interference with the illicit places at that time?—No, they were not interfered with. They were supplied by the license vendors. The licensed vendors supplied the unlicensed ones with liquor very largely, and they sold it.

11811. The two parties that held licenses in Stanley, you say, really supplied the illicit sellers there?—Very largely.

11812. So under the two licenses liquor was sold in several places?—I do not think I could state it in that way.

*By Mr. Clarke :*

11813. Did the licensed people have to pay a fee for selling liquor?—I presume so.

11814. What was the fee?—It varied more or less; I do not remember exactly what it was.

11815. Did the same people who kept the unlicensed places keep the licensed places?—No, they were different people altogether.

11816. Do I understand you to say that the licensed places sold liquor to be sold by unlicensed persons?—The unlicensed parties, when they got out of liquor, went to the licensed parties and bought from them and retailed it.

*By Judge McDonald :*

11817. You say you believe if a direct vote were taken in the election of the County Council the only issue being the maintenance of the Act, the temperance men would be elected, but owing to other issues coming in, you get a divided vote?—I am not prepared to say that.

11818. If the people were favourable to a County Council that would appoint an Inspector to enforce the Act, and even if other issues were introduced, why should not the temperance candidate be elected?—People when it comes to a political question at an election use the patent lever, which is taxation. When the temperance question is brought up it is mixed with other issues, and the parties come forward and say: The parties are pretty evenly divided, and we are personal friends, let temperance men be out of the question and not be considered, and it will be a pretty even fight as to which of us will be elected. But let the question come up in another way. Here is a man who is a temperance man, but he is going to tax you for the maintenance of the Scott Act. When the election comes forward other issues are introduced, and they are sufficient, owing to the divided state of public opinion, and probably owing to the popularity of the candidate on the opposition side, to turn the scale in favour of the opponents of the Act.

11819. Then the dread of taxation influences a sufficient number of voters to return a County Council not in favour of enforcing the Act?—I think so.

11820. Take 20 counties in this province. Suppose 10 adopt the Scott Act and 10 reject it, do you think it would be right that the 10 that reject the Act should have to pay for the maintenance of officials to enforce the Act in the 10 counties where it was adopted?—I shall have to think awhile over that question. Perhaps if you look at it from that standpoint, it would not be exactly justice.

11821. Suppose 10 counties in this province adopt the Scott Act, and the Provincial or the Dominion Government appoint officials, do you think it would be right that the people of Quebec or Manitoba should be called upon to pay for the enforcement of the Act in those counties in this province that adopted it, or should the people of the counties pay for the enforcement?—I think the cases would not be exactly parallel. Where a municipality has to support its own institutions, of course a majority of the people should rule; but if you come to ask whether Quebec should pay for New Brunswick, I am not prepared to say. It is a question that requires a great deal of thought and consideration.

WILLIAM T. HOWE.

11822. It is not a matter of policy, but is a practical point. It has been put forward that if the Provincial or Dominion Governments appointed the officials the Act would be better enforced; but supposing the Act were so amended as to require the provinces or Dominion to appoint officials, the question would arise as to who should pay them. Supposing they were appointed by either of those bodies, would people in the counties be willing to pay them?—The ground I take is this, that if the officials were appointed by the provinces or by the Dominion, they could enforce the Act so well as to make it self-sustaining.

11823. How self-sustaining?—Because they could enforce it so much better and with so much less difficulty than local officers, that, while at present they could not secure convictions enough to make it self-sustaining, with the fines collected and placed at their disposal, it would be very largely self-sustaining.

11824. In other words, they would stamp out the liquor traffic?—No.

11825. Almost?—I do not know even almost, but very largely.

11826. Then how is the community being benefited, if the trade is not stamped out?—We were talking from a financial standpoint. Under present circumstances the local officers are not able to make the Act a financial success, but it is my opinion that competent officers appointed, entirely independent of the people in the district where they are working, and appointed by the Dominion Government, could make it self-sustaining.

11827. You think, therefore, there is a large quantity of liquor sold in your own county?—I do.

11828. You think there is enough sold to produce a sufficient amount in fines to support such officers if they were appointed?—There would be enough convictions to make the law self-sustaining.

11829. And therefore a large amount in fines would be collected?—I think so.

11830. Besides, there would be people who would not be caught?—There might be.

11831. Then there must be a good deal of illicit sale going on?—Yes.

11832. There is this practical difficulty, that if those officers were appointed by the Provincial or Dominion Government and gave all their time to the work, and they did it so effectually that they stamped out the traffic, the fines from which they were paid would cease, and the men themselves would either have to enter into some other employment or the public would have to pay them? If, on the other hand, the Dominion or Provincial Government appointed officers, but required counties adopting the Act to make provision for their payment, would that not be the most effectual method?—It would perhaps have a different effect on temperance legislation, that so soon as it was found that a law was passed compelling a County Council to do what it might not have an inclination to do, every man would get his back up and not do it.

11833. So after that the Scott Act would be repealed?—Even that would have a tendency to repeal it.

11834. In other words, the pocket is at the bottom of the whole thing?—Partly that and partly not.

11835. If the Dominion appointed the officials and they enforced the Scott Act sufficiently well to be able to make it a financial success and pay expenses, would it not have a tendency to stop the sale, and accordingly there would be no fines coming in, and yet the officers would have to be paid?—But the expenses would become less as the violations became less. Besides, I believe if the fact were once established that Dominion officials had been appointed and the law was being efficiently carried out, almost every Council would be willing to sustain the law.

11836. By their taxation?—Yes, after it had been proved that the law could be enforced.

11837. Do you think it has not been a success so far?—I say it has been a financial success.

11838. It has not been successful in stamping out the traffic?—No, but it has stamped out a very large amount of it.

11839. A good many people who were licensed are out of it?—Yes, a very large number.

## Liquor Traffic—New Brunswick.

REV. FINLOW ALEXANDER, of Fredericton, Clerk in Holy Orders, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11840. How long have you resided in Fredericton ?—I have been here 17 years.

11841. Are you engaged in active ministerial work in the city ?—Yes, I am attached to the Cathedral.

11842. Have you had an opportunity of observing the operation of the Scott Act ?—I have had very little opportunity of doing so.

11843. You do not know whether it has banished the sale of intoxicating liquors as beverages ?—I could not say for certain. I have heard a good deal about the Act. I have heard that it has been the means of establishing a good many illicit places ; but I cannot say with respect to the Scott Act whether it has been a success or not.

11844. During your residence in Fredericton, have you found there has been a growth of temperance sentiment in the community ?—Decidedly.

11845. To what do you attribute that ?—To divine influence, I do not know anything else.

11846. To your knowledge, has that been the case in the Province as a whole ?—I should think so, as far as I know.

11847. Do you think that a prohibitory law passed for the whole Dominion, prohibiting the manufacture, sale and importation of intoxicating liquors for beverages, would have a beneficial effect ?—I do not think it would.

*By Rev. Dr. McLeod :*

11848. Will you state why not ?—I think it would arouse a great deal of feeling of an opposite kind. I do not think it would be considered a righteous law, and I think people would rebel against it.

11849. That is some of the people ?—A large proportion.

11850. Do you believe that if public sentiment, by an expressed strong majority, were in favour of a prohibitory law, in that case it would have a bad effect ?—I cannot consider that what would be considered an unrighteous law would have a good effect.

11851. Why do you consider it unrighteous ?—Because it is a law which, as far as I understand it, contravenes the law of God, which allows the temperate use of liquor.

11852. Then you think an interference with the drink traffic would contravene the law of God ?—No, I do not. I think it may be regulated, so as not to be uneven in its operation.

11853. How would you regulate it ?—My own opinion is that a Government monopoly would be a good way.

11854. Something after the Gothenburg system ?—Yes.

11855. Did you receive a series of questions from the Commission ?—Yes.

11856. Have you answered them ?—Not yet.

11857. You have had a number of years' experience in the pastoral office and work. Have you observed to what extent the drink trade and the drink habit may be regarded as responsible for crime and poverty, domestic troubles, neglect of wives and neglect of children ?—I am not at all sure that the drink traffic is responsible for them. My own impression is that before a man sins by drink, he is very far gone. I do not think that drink is responsible for his sin, but that the sin leads him to drink.

11858. You think the sin leads him to drink ?—I think so in many cases.

11859. Do you think that in many of these cases these things are traceable to the drink habit ?—I cannot say how far.

11860. Do you understand that the drink habit and the drink trade are in any way related ? Is the drink trade in any way responsible for the drink habit, or is the drink habit responsible for the drink trade ?—I cannot answer that.

*By Mr. Clarke :*

11861. The Church of England has temperance organizations in connection with its work, has it not ?—Yes.

11862. And it inculcates temperance ?—Most undoubtedly.

REV. FINLOW ALEXANDER.

MARTIN LEMONT, of Fredericton, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

11863. How long have you been in business in Fredericton?—As a clerk and as a proprietor, for 25 years.

*By Rev. Dr. McLeod :*

11864. You have lived in Fredericton all your life?—Yes.

11865. Do you remember Fredericton under the license law?—Yes.

11866. And you know it under the Canada Temperance Act?—Yes.

11867. State your impressions as to comparison between the two?—I think there is a marked improvement under the Canada Temperance Act.

11868. In what way?—In regard to drunkenness, especially as we see it. As a boy and young man I saw a great deal more drunkenness than I do at the present time.

11869. And you attribute the less drunkenness to the Canada Temperance Act somewhat, do you?—I do to a large extent.

11870. You do not ignore the fact that there has been great moral agitation, and that religious influences have been at work?—Of course, that has had a good deal to do with it.

11871. Do you understand that the Canada Temperance Act expresses in any way the stronger temperance sentiment which has been created by the moral and religious influences?—That would be my opinion.

11872. Is the law enforced?—Not as well as I would like to see it, but it is enforced. I have never seen any open violations of the law since it came into force.

11873. You never saw any open sale?—Never.

11874. You did under the license system?—Certainly, all along the front street.

11875. Do you think that whatever sale there is is secret, and that it is preferable to the sale being open?—Very much I think.

11876. For what reason?—I am very much opposed to the liquor traffic, and I think the influence on the young growing up is very much better than to have the liquor traffic licensed, and we see nothing along the street. We do not see the liquor, though I believe it is sold, but I could not say positively that liquor is sold in Fredericton.

11877. Do you believe the law is an educator?—I do.

11878. Do you think there was illicit sale under the old license law as there is now? Just as I said now. It was said then that more people were selling without license than with. I believe it was so, but I do not know from experience. I have been a teetotaller all my life.

11879. Some business men state that the drink habit by lessening the earning power of the people lessens their purchasing power; that the drinker therefore has less money to spend, and mis-spends what he has, and buys less for his family, of groceries, dry goods, furniture, crockery and so forth, than he otherwise would. Do you believe that to be true?—I believe that to be true.

11880. Have you found that men who are addicted to excessive drinking are less liable to pay debts? Are you a little chary of them?—I would be much more likely to trust a poor man if I knew he was a sober man than if he was drinking. My experience has been that I have had more trouble with the poor man who drinks than with the poor man who is sober.

11881. Of course you have customers who drink and pay in time?—Certainly they pay their bills.

11882. But if a man has the drink habit, though he does not drink to excess often, has he less to spend for comforts and necessities and the like?—Certainly.

11883. Do you think a national prohibitory law, well enforced, would have a good or a bad effect upon the business of the community at large?—I think it would have a very good effect.

## Liquor Traffic—New Brunswick.

11884. What do you think of the idea suggested of making compensation to brewers and distillers in the event of the prohibition of the manufacture and sale of liquor?—I would be opposed to it.

11885. On what grounds?—They have gone into this business as people go into any other business, and have to take their chances. That would be my idea. I look upon the liquor business as different from any other business, as a license is granted to that business which is not granted to others. The brewers and distillers understand this, and understand that prohibition may come; and if they invest money in this way and have these facts in view, I do not see as a country that we should pay for that sort of thing.

11886. You are an importer?—Yes.

11887. You import goods on which you pay duty?—Yes.

11888. If at the end of this year you import a lot of goods on which you pay duty, and next year Parliament removes the duty, do you think Parliament ought to reimburse you, or is it a business venture?—It is a business venture.

11889. And a man in a brewery or a distillery must take his chances like other business men?—Yes.

11890. Would the capital lie idle?—No; there is plenty of opportunity in Canada for the employment of capital.

*By Mr. Clarke :*

11891. Do you know as a fact that the Parliament of Canada has refunded the duty under such circumstances?—I never received any.

11892. Is it a fact?—I never heard of it.

11893. Has there been any improvement in the drinking habits of the people here?—A marked improvement.

11894. Is that due to the Scott Act?—Partially.

11895. Is the evidence of less drinking generally found in less drunkenness?—Yes; and the drinking has grown less.

11896. Has that been confined to the places where the Scott Act is in force?—I do not know that it has.

11897. It has been general through the country?—I do not know, but I think the drinking habit is growing less.

11898. Do you think the law could be better enforced by the local officers than it is? I think so. I think there is a strong ground for the possibility of better enforcement.

11899. Is the Council standing in the way of the enforcement of the law?—I cannot say where the difficulty is, but I think it might be better enforced.

11900. Is it due to the legal difficulties which have been raised?—It has been due to them.

11901. Is it now?—Yes; there is a very important case in appeal before the Privy Council now, which is in the way of the enforcement of the Act at present.

11902. Would it be more efficiently enforced if there were an Inspector for the city?—It would depend upon circumstances.

11903. What circumstances?—Whether the official did his duty or not. I have a case in mind where an Inspector might be appointed, and it might not be enforced as well as at the present time.

11904. Do you think liquor is sold here at this time?—I believe so.

11905. What is the effect on this community and the public generally of having a law on the statute-book which is persistently violated?—I think every law is violated in the same way.

11906. Do you think every other law is as flagrantly violated as the Scott Act?—Probably not.

11907. Do you think the appointment of Dominion officials would be an improvement?—Really, that is a matter I would not like to pass an opinion on.

11908. Would you say whether provincial officers should be appointed?—I have not thought enough on that to give an opinion.

MARTIN LEMONT.

11909. Do you think that a prohibitory law could be efficiently enforced in the present state of public opinion?—I think if the whole province were under prohibition, it could be carried out successfully; not that the sale of liquor would be entirely stopped, for I do not think any law could do that, but I do not consider the Scott Act has been a failure in Fredericton. I did not expect it was going to stop the sale of liquor entirely. I think it has been a success, though not the success I would like it to have been.

11910. Do you know anything of the prohibitory law in Maine?—No.

JOHN A. MORRISON, Jun., of Fredericton, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

11911. What is your occupation or calling?—Manager of a lumbering business.

11912. Where is this carried on?—In Fredericton and the United States.

11913. How long have you been engaged in it?—Sixteen years.

11914. How long have you resided in Fredericton?—Thirty-two years.

11915. Have you had occasion to observe the operation of the Scott Act in Fredericton?—I have.

11916. Have you observed the effect of it?—A perfect farce.

*By Mr. Clarke:*

11917. How many men are employed in your mill?—One hundred.

11918. Have you had much difficulty with these men on account of their drinking habits?—Very little.

11919. Have you many who drink?—Ninety-five drink and five do not.

11920. Do the men who drink lose time?—No.

11921. Would you keep them if they did?—No. We have found more loss of time by men not having proper diet than by drink.

11922. Why do you consider the Scott Act a farce?—It has not stopped drinking; it may have reduced beer drinking, but it has increased whiskey drinking.

11923. Do you think the hotels and other places sell liquor?—I think there are places in town that sell liquor.

11924. Are the police as vigilant as can be expected?—I think so.

11925. What is the reason the law is not enforced?—The people are not in favour of it.

11926. But the people do not vote against it?—There are lots of people who vote for the Scott Act who drink,

11927. You have had experience in Maine?—Yes; we lumber there.

11928. There is a prohibitory law in force there?—Yes, I believe so; but I never saw it enforced.

11929. Is not the Act enforced?—You can always get a drink in Bangor.

11930. Have you had experience in any other places in the State?—Yes, in Holton, Calais, Portland, St. Francis and other places.

11931. And there is no prohibition there?—Not that I saw. A man received three Winchester bullets in him last winter for trying to enforce it in St. Francis.

11932. Was that an officer?—Yes, the Deputy Marshal.

11933. Was it evident that the sentiment of the people was not in favour of it?—They who shot him were against it.

11934. But this law has been submitted to the people and they reaffirmed it by 50,000 or 60,000 majority?—They are like our Scott Act people. They vote for prohibition, but they drink.

11935. How many places do you think there are in this city where liquor is sold?—About 15.

## Liquor Traffic—New Brunswick.

11936. How many were there under the License Act?—The last year there were 20.

11937. Would you favour a stringent license law in preference to the present law?—I would.

11938. Do you think it would be better for your men?—I do.

11939. And the community generally?—I do.

11940. Do you think this Act has a beneficial influence on the morals of the community?—I think not.

11941. Do you think it is beneficial to the young men to see this constant violation of the law?—I think it is harmful to the young men.

11942. Are you in favour of high license?—Yes.

11943. Do you think the licensees would aid the authorities in suppressing the illicit places?—I do not know, but I would be in favour of high license. We did not have anything like as much drinking among our men under the license law as we have to-day, because there is so much home drinking.

11944. You have no trouble on account of the drinking habits of your men?—Very little. We have a case once in a while, but it is not often, though our men nearly all drink; there are no restrictions put on that.

11945. You do not demand that they shall abstain from the use of liquor?—We never think of such a thing.

11946. Has drunkenness increased of late years?—I do not think it has increased or decreased.

11947. Has the population increased?—Very little.

*By Rev. Dr. McLeod:*

11948. Why do you prefer a high license?—I think we would get better liquor for one thing.

11949. There is a difference in the quality of the liquor?—I think so.

11950. Is there some adulteration of liquor?—I think some is home manufactured.

11951. Is that more injurious than the other?—Yes, I should think it would be.

11952. For what other reason would you prefer a high license?—I think you could enforce the law better. Under the old license law if a young man drank to excess, a family could go round to the dens and publish him. I never saw a boy from ten to fifteen years old drink under the license law, but I have seen lots of them under the Scott Act.

11953. You think the boys did not drink under the license law and do under the Scott Act?—I do.

11954. Do you think the licensees did not sell to minors at all?—They might, but not to a boy ten, or twelve, or fourteen years old.

11955. Do you suppose the ninety-five men you speak of would drink more or less than they do if there were licensed places?—I think if there were a high license they would not drink so much, because now they bring a bottle home, especially for Sunday.

11956. If there were licensed places in the vicinity of the mill, would they drink more?—I do not think so.

11957. You think they would drink less if they could get it nearer than they do now?—I think so.

11958. You did not answer the question whether they sold liquor in the hotels?—I did not. You have the same privilege that I have to find that out.

JUDGE McDONALD.—That is a very improper way of answering; that is very flippant. This is Her Majesty's Commission, and questions must not be answered in that way. The Rev. Dr. McLeod must receive the respect which is due to the Commission.

WITNESS.—I did not intend any disrespect, but I say he has the same opportunity as I have.

JUDGE McDONALD.—That is not an answer to the question.

WITNESS.—I decline to answer the question.

JOHN A. MORRISON, Junr.



*By Rev. Dr. McLeod :*

11959. What percentage lose any time by drinking?—I do not know.

11960. How much time do they lose?—Very little.

11961. You spoke about drinking in Maine. Have you any knowledge of the condition of things in Maine in the more rural districts, not in cities, and along the border?—They drink in all the rural districts.

11962. You spoke of a man being shot for attempting to enforce the law?—Yes.

11963. Who shot him?—George Nadon.

11964. Was he an offender against the law?—Yes.

11965. Is that the class of men who are against prohibition in Maine?—Men of George Nadon's type? No.

11966. Did the people of Maine approve of that mode of resisting the enforcement of the law?—No, they did not; I only spoke of that as my experience of the liquor traffic there.

11967. Do you think it is the Scott Act that makes your men drink?—No.

11968. They would drink without the Scott Act?—Yes.

11969. They drink not because of the Scott Act, but in spite of it?—Yes, and they would under prohibition, I believe.

11970. Do you think it is bad for them to drink?—No, if they drink in moderation.

11971. Is it bad for them to lose time?—Yes.

11972. They lose wages?—Yes.

11973. Does it interfere with your work?—Not much.

11974. Would it in some degree?—In some it would.

11975. Would they lose more time if the facilities for drinking were near at hand and made attractive to them?—No, I do not think they would drink as much.

11976. If there were a licensed place close there, would they drink more?—No, I do not think they would drink as much. They would take a drink instead of a bottle full.

*By Judge McDonald :*

11977. How many years have you been here?—Sixteen.

11978. Has there been any change in the number of lumbering men who come here?—A great deal. There are not nearly as many men now.

11979. There is not so much lumber floated?—No.

11980. Do you know the Counties of York, Queen's and Sunbury?—I know the law is violated in Sunbury. It is a farce, as much as in this city.

11981. Do you know anything of Queen's?—No.

11982. Anything about York, outside of the city?—Not a great deal, but I know the law is violated.

*By Mr. Clarke :*

11983. Do you think, from your experience, that a general measure prohibiting the manufacture and importation as well as the sale of intoxicating liquor in the whole Dominion, could be operated?—I do not.

*By Rev. Dr. McLeod :*

11984. You have a large number of men in the woods in the winter?—Yes.

11985. How many?—300.

11986. Are they far in the woods or in the vicinity of towns or villages?—They are away in the woods.

11987. Is there any liquor there?—No. Sometimes it is smuggled in the teams.

11988. Do you attempt to prevent liquor going in?—No.

11989. Do you encourage it going in?—No.

11990. Have you found any injurious effects on the men when it is smuggled in?—I have never found it, though I have heard of some injurious effects.

11991. Has any considerable amount been smuggled into your camps?—No.

11992. Do you think if the drink sale were established in your camps, it would make any difference to your men?—I think they might eat more.

## Liquor Traffic—New Brunswick.

11993. It would sharpen up their appetites?—Yes.

11994. Would it improve their skill?—They might take less medicine.

11995. Do you think it would interfere with their work?—I do not. Of course, if you have 300 men, and a tavern near, they might get under the influence of liquor.

11996. Take that number of men, some of them more disposed to drink than others : do you think it would be a benefit to your operations and to the men to have a tavern there?—I do not think it would hurt me much.

11997. And would it be a benefit to them?—I do not think it would hurt them.

11998. Would they have less wages to bring home?—Yes, they might.

11999. Would that affect their families?—I do not think so.

12000. If they come to Grand Falls or Edmundston, where there is drink sale, do many of them spend much time in what they call a spring spree?—Not many, but some do. I think 4 or 5 men out of 350 who came down the river.

12001. You do not regard that as good for them?—It is not our business.

12002. You do not regard it as good?—If I could take the money away from them, and keep it, I would.

12003. They would go home with their money?—It is generally single men who do that.

12004. Have you found in the last few years much change in the drinking habits of men who work in the woods?—I think they drink as much as ever they did.

12005. And you think the multiplication of the places would not increase their drinking?—I do not.

12006. And the reduction would not reduce it?—I do not.

*By Mr. Clarke :*

12007. Has the sale of patent medicines increased much in this province, of late years?—I think so. I know we sell more out of our mill store and more in the woods every year.

*By Rev. Dr. McLeod :*

12008. Is it because the patent medicines take the place of beverages, that they are taking them?—I think many who take Johnston's Liniment would rather take whisky in the woods. They do not feel right and they take Johnston's Liniment.

*By Mr. Clarke :*

12009. Do you think the whisky does as much harm as Johnston's Liniment?—I think the whisky would do them more good.

HERMAN H. PITTS, of Fredericton, newspaper publisher, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12010. How long have you been a resident of Fredericton?—All my lifetime.

12011. How long have you been in the publishing business?—Twelve or fifteen years publishing a newspaper.

12012. What is the name of the paper?—The Reporter.

12013. Have you had any opportunity of observing the operation of the Scott Act in Fredericton?—I have.

12014. How has it operated?—I have found a great difference as compared with the License Act we had previously.

12015. Do you think there is less liquor sold?—Very much less.

12016. Do you think there is any liquor sold?—Yes, there is.

12017. Can you say where the places are where it is sold?—No, except from hearsay.

JOHN A. MORRISON, junr.

12018. And you cannot say whether large quantities are sold?—Judging from my opportunities as a newspaper man, there is much less drinking than before.

12019. And less drunkenness?—Much less.

12020. Do you think the police enforce the law?—Not as they reasonably might.

12021. You think they could do better?—If, as was stated here to-day, there are six places where liquor is openly sold, the police could ferret them out.

12022. Your observation of the operation of the law of Fredericton is favourable? Yes, I base it on practical results.

*By Rev. Dr. McLeod:*

12023. What was the state of things under the old license system?—At that time I was clerking near Regent street, which was a great resort then for the lumbermen who came down the river. Nearly every other place on Regent street was a rum tavern, and most of them were unlicensed, and along the principal streets there were twenty of those taverns. The best business stands were occupied by the drink traffic, while now they are occupied by grocery, drygoods stores, and so on.

12024. When there were so many licensed places and unlicensed places at the same time, what was the condition of things among the lumbermen and others?—The condition of things was that this being the headquarters then for paying off the lumbermen, they went into brothels on Regent street and spent their money. The lumbermen went into the lower part of the town, where the low grogeries were kept.

12025. Was there much drunkenness?—While you might notice one under the Scott Act being taken to jail, it was common to see two or three, five or six, eight or ten being taken to jail under the License Act. People took it for granted, and did not pay so much attention to it as they do now, because now people think drinking should be prohibited under the Act.

12026. What do you think as between the Scott Act and a high license law?—I think the Scott Act is preferable to any high license law. I am rather strongly opposed to license. I do not believe in licensing a traffic that even a Commission is pleased to say is a disadvantage to the community.

12027. Do you think general prohibition would work better than the present prohibition under the Scott Act?—Judging from the way the Scott Act was adopted. When the Scott Act was adopted, the argument was that it would be the same as prohibition; it was thorough local option.

12028. That was in the first election?—Yes, and we carried that by a very large majority; but when the technicalities came up, and people were selling, they discouraged the temperance people, and they said: This is not the prohibition we expected. Afterwards the majority of the temperance people was not so large in favour of the Act.

12029. So you think if there was total prohibition, the people would be more favourable to it, and it would be easier of enforcement?—I think if a vote was taken to-day, two thirds of the people of Fredericton would vote for it, and eight-tenths in the county of York. From travelling around, looking after the interests of my paper, I have had experience of the whole county, and except Stanley, where there are one or two places, and the other side of the river, where some parties who were driven out of Fredericton, went across the bridge and sold, there are no places in York County.

*By Mr. Clarke:*

12030. Did you hear the statement of Captain Howe as to the financial difficulty he found in his county?—I did. I have attended as a reporter all the meetings of the County Council, and have had experience of the difficulties he refers to.

12031. Do the members of the County Council reflect the feeling of the people generally as to the appointment of an Inspector?—No, not in that, but the election never turns in the county on the question of temperance.

12032. Is that not an important issue?—It is the object of councillors not to make that an issue.

12033. How do you account for that? If there is a strong temperance sentiment in the county, would they not be likely to have the support and assistance of the temperance people and would not the appointment of an Inspector to enforce the Scott Act

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be a proper pledge to make?—Yes, but municipal matters are not so interesting in the county as Provincial or Dominion matters.

12034. But the Scott Act is a municipal matter?—Not now, because there is little disposition to violate the law outside of the City, and they are quite temperate throughout the whole county. What little is got is got in town and carried out.

12035. Will the criminal returns bear out that statement?—I think when the Magistrate comes you will find they do.

12036. And how about the rural parts of the other counties?—I think it is generally conceded that the Scott Act is a complete success in the rural districts.

12037. But what is it in the towns and cities?—It is a partial success, and it depends on the energy and enthusiasm put into it by the officials.

12038. If public opinion is at the back of the officials will that enthusiasm be put in?—Public opinion, as shown in the majority vote, is at the back of the officials, but there are complications and circumstances which surround the matter and affect it to such an extent that the officials do not put the amount of energy into that we would like to see.

12039. The legal difficulties are pretty well cleared away now?—I think so.

12040. The matter of expensive litigation cannot be as important and prominent now as it was some years ago. Why do not parties here enforce the Act more vigorously?—The very point which is most important to the temperance people is now hung up by the Courts. All cases brought under a first or a second offence can be and are dealt with, but they cannot go further than the Police Magistrate. The question now is whether there may be another offence, and that question is before the Privy Council, and the temperance people cannot enforce that now.

12041. If the decision of the Supreme Court is sustained, will that be another obstacle less?—I think so.

12042. Can you suggest any changes in the law which would improve it?—I think it should be looked after by Dominion officials. The Dominion Government get the revenue from drink and should appoint the officials. That is my idea of where the money should come from.

12043. The Dominion Government have nothing to do with putting the Act in force; that is voluntary on the part of the people of the community?—That is so.

12044. If the receipts fell short of the expenses where the Scott Act has been locally adopted, should the people of the country generally be called upon to support it?—I think so; but I am in favour of a general prohibitory law.

12045. But under the Scott Act?—I think the people will supply the expense if if they have an opportunity to decide it, but I am in favour of the appointment of a Dominion official.

12046. What stands in the way of the people having an opportunity to appoint an official? I understood you to say that they will not take enough interest in municipal elections to have an officer appointed?—There are local issues that come up.

12047. How would you suggest that they should vote?—I would suggest that they should have an opportunity of voting straight on the question without any hampering of local issues.

12048. And an amendment to that effect would be a good thing?—Yes.

12049. Are all the lumbermen paid off in Fredericton now?—No.

12050. Where are they paid?—I think where the drives come out, but I am not positive.

12051. I understood you to say a great deal of this drunkenness in Regent street and other streets was after the lumbermen got their pay?—Yes.

12052. Is the decrease there in drunkenness due to the less number of lumbermen?—Perhaps, to some extent.

12053. Are as many lumbermen paid off here now as when that state of affairs you depicted existed?—No.

12054. Is the decrease in drunkenness due to that?—Not to that extent. One effect of the Temperance Act is that it does away with treating. It does away altogether with the treating habit, though it may increase the flask habit.

HERMAN H. PITTS.

12055. A man would rather buy a bottle and take it out?—Yes, rather than have a friend implicated in it.

12056. Do you think it would be better to have a prohibitory law passed?—I do, from our experience of the adoption of the Scott Act at first. A prohibitory law would be carried.

12057. But would it be enforced?—Yes, because there would be the incentive to enforce it; and the temptations under a local option law, where we are surrounded by people anxious to push their liquor trade, would be removed.

12058. Would you favour granting compensation to brewers and distillers, if a prohibitory law was enacted?—I would not. It stands on a different footing from a perfectly legitimate business, and the man who goes into it takes his risk.

12059. What is the difference?—No man would invest his money in liquor business, knowing he was going to get the same percentage of profit as he would in a cotton mill or in ordinary business, but he knows that with a small capital he can get 300 or 400 per cent profit out of it.

12060. That would be a justification to the Dominion Government not to compensate these men?—I say there is a large profit, but the business is of such a kind that Parliament should not recognize it.

*By Judge McDonald:*

12061. You think there is little or no selling in the county outside the city?—Yes.

12062. Captain Howe said he thought a Dominion official appointed out there would get so many convictions that it would pay the expense of the official. You think he is mistaken?—I think if the official were appointed, the very knowledge that he was appointed would close down the traffic.

12063. You said there was virtually no liquor selling in the county?—Very little.

12064. He says the fines would bring such a handsome revenue as to pay the official?—I think Captain Howe would have the best idea of Stanley, and I would of the county generally. Besides, I think when you appoint a Dominion official the revenue from fines would cease, because one or two fines would close it all out.

12065. He could not have been referring to Stanley only, because the fines from one or two men there would not pay this official?—I think he forgets that, as soon as the Dominion official was appointed, the fines would stop.

12066. Then what would become of the official?—He would have to be paid from some other source.

12067. Would you pay him for doing nothing?—It would be better to pay him for doing nothing than not to have him.

12068. Would you have him paid by the municipality or by the Dominion?—I think it would be well to pay the man under the Scott Act by the municipality.

The Commission adjourned.

## Liquor Traffic—New Brunswick.

FREDERICTON, August 15th, 1892.

The Royal Commission met this day at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

JAMES ALFRED VANWART, of Fredericton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12069. How long have you been practising in Fredericton ?—Nearly nineteen years.

12070. All that time in the city ?—Yes.

12071. Have you had anything to do with the Scott Act in any way, professionally or otherwise ?—I assisted to bring it in force, and I have been engaged at different times prosecuting and at times defending since.

12072. You have had then opportunities, in the course of your professional career, of observing its operation ?—Yes.

12073. And also as a citizen ?—I think so.

12074. The Commission will be very glad to hear, first, whether you can make any suggestions as to amendments to the Act to make it more effectual ?—Do you mean in regard to the provisions of the Act or its machinery ?

12075. In regard to making the Act more workable, and as to whether you have noticed defects in the machinery that could be remedied ?—The prosecutions are conducted under the general Summary Convictions Act, which is applicable to all summary convictions. In my opinion the machinery is very simple indeed. Persons with any experience ought to be able to get convictions so far as the law is concerned. The only question is that of evidence ; but if the evidence is forthcoming, there should be no trouble in getting convictions. I have never found any.

12076. So nothing strikes you to suggest in the way of change ?—No.

*By Mr. Clarke :*

12077. How is the Act operating in the city ?—My opinion could only be based on my observation of the streets and information I might gather in the way of conversation. I know nothing of the sale of liquor personally, neither before nor since the adoption of the Scott Act.

*By Judge McDonald :*

12078. Are you a total abstainer ?—Yes.

*By Mr. Clarke :*

12079. What is your opinion in regard to the operation of the Act from your observation ?—From my observation in the city, drunkenness in the public streets has decreased ; but, in my opinion, it is not so much due to the Scott Act as it is to the changed condition of society. Up to the time just before the coming into force of the Act here, there was a very much greater floating population than there is now, and a large percentage of them were victims of the drinking habit, particularly the lumbermen. During two or three months we had a great deal of drunkenness here. It seemed that

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the central point for this was Regent street. Of late years, since a change has taken place in the driving of lumber on the river and the means of getting out of the city quickly has improved, this class has ceased to come here to any large extent or remain any length of time. That has had a large effect, in my judgment, in reducing drunkenness on the streets. Among the citizens themselves I think there has been some decrease, but not to a very large extent. The drinking habits of the people have not decreased, that is of the citizens proper, so much as people think ; still there has been a decrease.

12080. Is there any more drinking in the family by people who do not desire to break the Act, bringing in liquor from places where the Scott Act is not in force?—Any opinion on that matter would be only one obtained from conversation. I have not been in the houses and have not seen it.

12081. What is your opinion as regards the county?—I could have no opinion except as regards York and Sunbury.

12082. How is the condition there?—As regards the Act in York, there has been little or no prosecution under it.

12083. Is it because there are no violations of it?—I will not say that, but I think the number of selling places has to a very great extent decreased, and that is, in my judgment, attributable to this reason : heretofore the mode of communication throughout the county was almost exclusively by stage, and the public were accommodated by wayside inns and stopping-places, where liquor was sold. With the increased railway accommodation these lines of travel are practically abandoned, and the travelling public, of course, no longer obtain liquor there. Again, there is another element : the increased temperance sentiment of the people has contributed to the result. I should say that, excepting one or two localities in the county, the Act has had little effect, as an Act, in diminishing the drinking habits of the people. That is due to education and the changed condition ; but I think the Act has been useful in strengthening and backing up public sentiment by making it illegal to sell liquor. It has had a good effect in that way ; but in regard to diminishing the drinking habits, it, as a law, has not done much.

12084. Do you consider that the delegalization of the traffic has rendered the traffic not only illegal but disreputable?—We did not consider it so ; the traffic is not legal now.

12085. Taking the composition of the Council for the present year, is there a majority of the Council in favour of the enforcement of the Scott Act?—In regard to the Council for the present year, I am not prepared to speak. Generally speaking, the Council is composed of friends of temperance very largely, but I think the difficulty about the Council has been the question of taxation.

12086. Is that the only difficulty in the way of the appointment of an officer to devote his whole time to the enforcement of the law?—In my judgment, the appointment of an officer to devote his whole time to the enforcement of the law would not help matters very much.

12087. Would it help in any degree?—It is not a mere opinion, but it is a conclusion drawn from what I have seen and known of the operations of the Act under an Inspector who was appointed for a time in York. I conducted the prosecutions for him, and I think such an appointment would be of very doubtful advantage ; it may be a small, but certainly not a very great advantage.

12088. Are the present means as effective as they can possibly be made for suppressing the sale?—I think the law is all that one can reasonably ask, and it can be worked out without any trouble.

12089. Is the Act flagrantly disregarded in this city?—It is a mere matter of opinion. I know there are violations, because there are prosecutions ; but my experience has been that if you talk with persons opposed to the Scott Act you will probably get an exaggerated view as to drinking in the city, and if you talk with persons who have very strong temperance sentiments and are very much in favour of the Act, you get a pretty biased opinion the other way. Thus you will get the extremes, but I have no personal opinion of the matter.

12090. Is there much perjury in these prosecutions?—I cannot know of perjury being committed. Personally I would not put a witness on the stand if I thought he would tell an untruth, or if in the course of his examination I thought other people

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believed he was perjuring himself. But if I am allowed to form an opinion on what I have seen, I think the percentage of cases of perjury in prosecutions under the Scott Act is no larger than it is in the ordinary administration of justice.

12091. It is not difficult, then, to get convictions because of the disinclination of witnesses to tell the truth in Scott Act cases?—I will not say it is more difficult to get convictions, for there are prosecutions for bribery at elections. I do not know of any law on the statute-book to be compared with the Scott Act as regards enforcement. In enforcing the Act, the interested parties, as a rule, are not the parties who are prosecuting; whenever they are, there is no trouble in getting a conviction, because the evidence is given straightforwardly. The difficulty in getting evidence is in securing witnesses who either know of or participated in the sale.

12092. Would the condition of things be any better if the city were under the prohibitory clauses of the Provincial License Act?—Probably. I would not be a very good witness to express an opinion, because I am opposed to licenses.

12093. Under the prohibitory clauses, would there be any more vigorous attempt made to compel those who deal in liquor to observe the provisions of the Provincial License Law than there is to compel them to observe the provisions of the Canada Temperance Act?—My answer would be simply a guess; I do not know.

12094. You are opposed to license altogether? Would you prefer matters remaining as they are?—I believe the temperance sentiment would resist any backward step in the way of legislation, as stoutly as people persist in opposing the enforcement of the present law.

12095. Do you believe the people of the Dominion are ripe for a prohibitory law, a law prohibiting the manufacture, importation and sale of liquor?—My opinion would not be based on any knowledge, except such as I have gathered from reading.

12096. Would the appointment of Inspectors or officials by the Dominion Government be an improvement?—I do not think so.

12097. Or by the Provincial Government?—I do not think so.

12098. Are there any obstacles in the way of the appointment of an Inspector by the ratepayers of each county where the Act is now in force?—Not as I understand the law; the governing body can make the appointment.

12099. The difficulty is not so great in enforcing the law now as it was some years ago, when legal objections were raised to the Act?—I have never been able to see why there is so much importance attached by the public to these objections being raised, because, in the great majority of cases, they were simply objections arising out of the cases themselves. The same objections that have been raised in one case have been defeated in another, the lawyer having the case in charge availing himself of the points raised; but, as regards any general obstruction of the law or the prevention of its enforcement, I have never seen it in these cases.

12100. It would be impossible to prevent the same objection being raised or the same legal points being taken?—If I may be allowed to state my judgment as to the defects in the law, I say there are two defects. First, the authorities are clothed with power to enforce the Act, but they have no knowledge of the law themselves. They may be intelligent and fair-minded men, but they have not sufficient knowledge of the law to enable them to look after the cases. The second objection is, that many persons are employed to prosecute who either do not know what is actually necessary to secure, or are careless in obtaining convictions, regardless as to whether they will stand fire afterwards or not. But any person who carefully looks into the law, can get convictions under the Scott Act.

12101. Can you suggest any amendments to the Act in the shape of appointment of officials to carry out the Act; would you favour the appointment of special officers, barristers, to prosecute? I may mention to you that we have had certain officers appointed in counties in Ontario?—I have seen excellent prosecutions conducted in the Police Court before the Stipendiary Magistrate, by the police officers, resulting in the defendant having to pay fines.

12102. Would the adoption of an amendment which would make it discretionary with the Justices or Magistrates to either fine or imprison for any offence, be an ad-

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vantage?—They have that discretion in regard to the first and second offence now. The penalty for the first offence is \$50 fine or three months' imprisonment, and for the second offence, \$100 fine or three months' imprisonment, and for the third offence, two months' imprisonment.

12103. You say there is discretion resting with the Magistrates now?—Yes, for a first or second offence they can imprison, as well as for the third offence.

12104. Have you any further suggestions to offer?—Not unless you undertake to change the whole Confederation Act.

12105. Would you favour a prohibitory law for the whole Dominion?—I would, if I believed the country was ripe for prohibition; but I think it would be most disastrous to pass such a measure unless public sentiment was sufficiently strong to enforce it, because any law passed and not enforced, but violated without compunction, is bad for the community.

12106. Do you know anything about the operation of the prohibitory law in the State of Maine?—I have travelled somewhat in Maine, and from my observation people always seemed to be able to get all the liquor they want. I have seen it sold as openly there as in Fredericton under a license law, but it is only occasionally.

12107. You have seen it sold as openly in Maine as here under a license law?—Yes. At hotels I have seen people drinking it and I have seen it brought to their rooms.

12108. Is permission given to citizens to bring in liquor from outside for their family use?—I could not say.

*By Mr. Gigault:*

12109. From common report, what is the number of places where liquor is sold in this town?—From common report, I should say probably about 20.

12110. Is there any canteen where liquor is sold?—It is so reported, but I do not know. I understand there is one in connection with the military department, but I do not know it.

12111. Do you know any law violated in Fredericton as openly as is the Scott Act?—Yes, I think there is one violated more openly.

12112. Which one?—The law against bribery and corruption at elections.

12113. How is the Scott Act enforced in the County of Sunbury?—I should think probably there have not been since the law was adopted, on an average, to speak within limits, two prosecutions in a year. In places where liquor was formerly sold openly, no doubt liquor can be obtained now, but from all I have heard of the county, it is a very temperate county, and there are very few places where liquor is sold. The Act at all events limits the sale.

*By Rev. Dr. McLeod:*

12114. I understand you to say that the machinery of the Scott Act is very simple?—I think so.

12115. Can you say what kind of difficulties arise in enforcing it?—Mistakes in the prosecutions. I never had a conviction under the Scott Act set aside.

12116. The mistakes have not been that the offences have not been proven?—I do not call that a mistake. If there is no evidence that is not the fault of any one.

12117. Do you refer to irregularities and informalities?—To matters affecting substance or jurisdiction.

12118. Is it your opinion that that has been true of the majority of the cases that have been defeated or delayed?—I receive a great many cases in which I have to support the Scott Act in different parts of the province. The cases I have defended and set aside have been on the ground of defect, not in the law but in the prosecution, mistakes in the prosecution. That is my judgment in regard to nearly every case. Some cases have been set aside on the ground of the unconstitutionality of the law. That objection would not apply now.

12119. I understand you to say that you are quite clear that there is less drinking, somewhat less drinking and less drink selling than under license. Do you attribute anything of that to the Act?—I do not think I have said that.

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12120. Do you say there is less drinking now?—I said there were less persons seen on the streets drunk.

12121. Not less drinking?—I do not say that.

12122. Do you think there is less drinking than there was under a license law?—My opinion has changed a great many times one way and another—sometimes I think there is and sometimes I think there is not. I do not know whether there is or not. Any opinion I could give would be based exclusively on the appearance of the public streets, or in connection with information obtained from some other person.

12123. You have no means of knowing whether drunkenness is increasing or not?—I do not know.

12124. Do you think there is less drink sale under the Scott Act than there was under the License Act?—In the city?

12125. Yes?—I think so.

12126. You think under the Scott Act there is less sale of drink than there was under the license law?—I do not say it that way. I think there is less drinking in Fredericton than there was before the Scott Act came into force, but how much is due to the changed condition of the city, I would not be prepared to say.

12127. Is the lessened sale of drink attributable in any degree to the operation of the Scott Act?—In my judgment, to some extent it is.

12128. About to what extent, or could you not form an opinion?—I could not form an opinion; I have no data on which to base an intelligent opinion.

12129. You remember Fredericton under the license system?—Very well.

12130. You know Fredericton under the Scott Act?—I do.

12131. Can you compare the condition of things under the license system with the condition under the Scott Act, and say whether there has been any change and whether that has been good or bad?—I think during the last 14 years there has been a change in the city. How much of this is due to the increased temperance sentiment or to the dying out of a great many persons who were in the habit of drinking and to other changed conditions in the country, I am not prepared to say. In my judgment, I may be wrong, I think that the change in temperance sentiment is due almost exclusively to young men growing up with temperance ideas and habits, and to the passing away of older persons who were accustomed to drink, and not so much to the law as a law. At the same time I think the law is beneficial in strengthening and backing up temperance sentiment, and as an educator.

12132. Does the law help moral teaching and strengthen the temperance sentiment among young people?—I have always thought so.

12133. You think if the law were repealed, you would not be favourable to license?—I am not favourable to licensing any wrong. I believe the sale of liquor is wrong, and therefore I would not support a license law.

12134. Do you think that, if the law were repealed, there would be less strength of temperance sentiment than now?—I do not think so.

12135. Do you think if a license law were in operation for a number of years it would have the effect of weakening the temperance sentiment, as you believe the Scott Act has strengthened the temperance sentiment?—I do not think it would have any effect on grown-up persons, but as regards the effect on the rising generation, my judgment would be, after having seen the Scott Act in operation in the city, that it would be harder to inculcate temperance principles into the young than it would be under a law prohibiting the sale of liquor.

12136. That is to say that the legalization of the traffic would have an effect on the young people in their attitude towards the drink trade and in their opinions about drink, as the Scott Act has an effect in strengthening temperance sentiment by delegating the trade?—I think it would, but I do not think it would to any like extent to which some people believe.

12137. To some extent?—To some extent.

12138. Do you think there is open sale of liquor in Fredericton?—If you mean by that expression, that you can walk along the street and see it, no; but that it is open to any person to go in and see what is going on, I say, yes.

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12139. But that is not from your own knowledge?—No. I do not visit those places on business or any other way.

12140. You have mentioned one law that is as openly or more openly violated than it is alleged the Scott Act is, the law against bribery and corruption at elections. Do you think because of the flagrant violation of that law, it would be well to repeal it?—I would not care to express an opinion about that; I have a very strong opinion, but I would rather not express it.

12141. You have expressed yourself in favour of the Scott Act. As public sentiment now exists, do you think prohibition would be better than the Scott Act, say in Fredericton?—I do not think a bit.

12142. If a prohibitory law, touching the manufacture, importation as well as the sale, were enacted, do you think that difficulties similar to those which have arisen under the Scott Act would arise in prosecutions under a prohibitory law?—If they changed the wording of the Act and made it different to what it is now, difficulties would arise.

12143. You think ingenious counsel would be likely to find some difficulties?—They generally find some hole.

12144. If public sentiment were sufficiently strong to warrant the enactment of a prohibitory law, do you believe that a general prohibitory law would be of benefit to the business, social and moral interests of the country?—How far it would affect business, I would not be prepared to say; from the other stand-point I should say, yes. There is a great difference of opinion as to the effect of a prohibitory law on business.

12145. About the canteen: you said you know nothing about it yourself, but you understood there was a canteen?—Yes, I understand so.

12146. Do you think that the sale of drink in that canteen is a violation of the Scott Act?—That is a question I would rather be paid for giving an opinion on.

12147. That is whether the Infantry School of this city, has, under the law, the right to sell liquor at its canteen?—If the Commission say I must answer the question, I will do so; but I will not, unless I am pressed.

12148. Do you think the vote polled at the last Scott Act election was a fairly good vote?—I was not in Fredericton at the time, and I do not know what the vote was. If I had the figures, I could give you my judgment on it.

12149. Do you believe the temperance sentiment in Fredericton is, in the main, in favour of the enforcement of the law?—I cannot answer that by “yes” or “no.”

12150. Will you please answer the question?—I think the sentiment of the people is in favour of the enforcement of the law as regards fines or alternative imprisonment, but my judgment is that the sentiment of the citizens is against the enforcement of the law by imprisonment without the alternative of a fine.

12151. In case of first offence, the Police Magistrate imprisons only when the fine is not paid?—Yes.

12152. But there is not an alternative in cases of third offences and subsequent offences?—No.

12153. You think public sentiment is not in favour of imprisonment without the alternative of fine?—Yes.

12154. On what do you base that judgment?—I base it largely on conversation with persons who, I have every reason to believe, support the Scott Act, and who say they do so. It is not based in any way whatever on the opinions of those who support the liquor interest or are opposed to the Scott Act, but it is based on conversations with temperance people and a great many supporters of the Act, and they say that.

12155. In some places we have had an expression of opinion quite strongly to the effect, as regards one witness at least, that the Act or rather the penalties under the Act are not sufficiently severe?—I am not giving you my view, for you are asking for the sentiment of the town. I did not give you my idea.

12156. Do you think the enforcement of any Act generally is contingent on public sentiment?—The successful enforcement of any law is dependent on public sentiment, almost wholly, to be effectual.

12157. You believe from conversations you have had with temperance people and others, that the sentiment of temperance people is in favour of the Act and in favour

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of its enforcement, aside from the objection about the severity of the penalties?—It is a pretty hard matter to judge public sentiment on a question of that kind. At a certain time the public mind appears to be strongly in favour of the enforcement of the Act, but a year rolls round and a great many people who voted for the Act become lukewarm about its enforcement, and public opinion changes when the excitement ceases. At the same time, temperance people generally keep on working for the enforcement of the law, while there is a strong feeling among others against its enforcement, but the controlling vote of the city will be found to be in that lukewarm state.

12158. Speaking about the enthusiasm aroused in the contest, is that not true of almost every campaign on every question?—Yes.

12159. Do you think that this indifference has been caused in any degree by delays that have occurred in prosecutions by reason of appeals; do you think a feeling of discouragement came over any portion of the people that made them indifferent?—I do not know about that; but if you say that appeals of themselves have had the effect of discouraging the people, I do not know why it should be so, because for years there has been nothing in the way of obtaining convictions.

12160. Does it not have an effect on the people when prosecutions are blocked, as they express it, and they think it is no use trying further; is not public courage rather weakened in that way? Do you think that has any effect on public sentiment as regards the enforcement?—As regards the enforcement of the law by the regular police authorities, it has no effect whatever. It has no deterring effect on the police authorities, who will go on the same as ever. But you spoke about the effect on the outside public; no doubt if there is delay it has a different effect on them. The machinery of the law is, however, ample to enforce the Act and secure convictions.

12161. Do you think that the change in public sentiment is due to any extent to delays in the prosecutions?—The officials have been proceeding with prosecutions during all these years, whether any efforts have been made by outside parties or not.

12162. Do you know if at the time when public sentiment was exceedingly strong, the police were more energetic?—I have heard that asserted, but in my judgment it is not correct.

12163. How do you account for the varying activity of the police in regard to the enforcement of the law?—Outside of the efforts made independent of the police, I do not think it has been very varying.

12164. You think the police made persistent effort?—It has been about normal.

12165. You think the police effort has been unvarying?—I will not say unvarying.

12166. But the same one month as another?—One year as another.

12167. You think that sometimes private citizens have manifested a greater interest, and then the enforcement has been with a little more diligence?—Not on the part of the police officers.

12168. Entirely on the part of the people?—There were those extra prosecutions going on.

12169. Have citizens not made complaints for the most part through the police?—I do not call that police effort. If a person goes to the police and gives the name of a person selling liquor and furnishes the witnesses required, that would not be police effort.

12170. You say the efficient enforcement of any law is dependent on the public sentiment?—That is my judgment.

12171. Do you mean that officials do not as a rule enforce laws unless public sentiment is strongly in favour of them?—I do not think there is much difference. If there are violations, the police prosecute the parties.

12172. How about public sentiment when it is not strongly in favour of prosecuting?—If there are violations, the police prosecute. I do not know how they could escape doing so.

12173. So if public sentiment were not strongly in favour of a given law, they would not seek for violations, but if violations came under their notice, they would prosecute?—I will not say that. I think the police charged with the enforcement of the law are

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as diligent in enforcing the Scott Act as any other law. I am speaking now of what I know in Fredericton.

12174. And yet when public sentiment is aroused (it is assumed that public sentiment prevails at the time, and expresses itself) there are more prosecutions instituted by citizens, but not more by the police?—When I say the enforcement of any law depends upon the sentiment of the public, I mean this: That if a wrong is recognized by the public as a wrong, no man hesitates to prosecute; but until public sentiment recognizes that, I do not think the law is backed up by a sufficiently strong sentiment to secure its enforcement. If an assault is committed in the street, no man would hesitate to go to court to give his evidence. In Scott Act cases there are persons who are supposed to be warm supporters of the Act—I know this from my observation and information obtained in conducting prosecutions in Fredericton—who are loud in talking about the Scott Act, who speak on public platforms and give secret information to the police officers, but who will not have their names mixed up with any prosecutions, stating that such would hurt their business or giving some other excuse. That is not a proper sentiment to enforce the law, and that prevails in Fredericton.

12175. If that feeling prevails to any extent it has a weakening effect, you think?—Yes.

12176. Have you ever known that same feeling to prevail in cases of assault or other offences, perhaps not in the same degree but to some extent?—I have known one or two cases in which it prevailed; but as regards assault cases, persons are willing to prosecute and identify themselves with the cases.

12177. But you have known cases where persons do not care to give evidence as regards assaults?—Yes, sometimes for personal or other reasons, but such a case is very exceptional.

12178. In cases under the Scott Act, I suppose people are unwilling, because of business or social relations or perhaps even closer relations, to connect themselves with the prosecutions?—From my personal knowledge I would say that feeling was quite general about the Scott Act, but there are exceptions among the great body of the people.

12179. Do you think the same feeling would prevail in the case of instituting prosecutions for violation of the license law?—On the part of temperance people, I think the same feeling might prevail.

12180. You think there might be unwillingness to prosecute a man if there was a license law in force, for violations of the provisions of the Act?—It was so under the old license law.

12181. If the prosecution of an illicit seller under the license law was commenced by a person also holding a license, there would be the same difficulty?—I think there might be the same difficulty in regard to the sentiment.

12182. Do you believe, as public sentiment is becoming stronger, there is less of that difficulty now than there was ten years ago; or is it tending the other way?—I can only give you my judgment; I do not think it has very much changed.

*By Mr. Clarke:*

12183. Has the corporation a legal adviser?—Yes.

12184. Is there any reason why that legal adviser should not revise informations laid by the police for infringement of the Scott Act, in order to see that in form and other particulars they are correctly drawn and can be confidently carried to the Supreme Court?—The informations in Fredericton are as a rule drawn correctly. The Stipendiary Magistrate is a very efficient officer on matters of summary convictions.

12185. What is the effect on the young people of having an Act on the statute-book that is being persistently and continuously violated?—That is a matter of opinion. There are some persons who from being under the influence or in the atmosphere of opposition to the Scott Act would magnify that as being very much against it, and another class, being under the influence of temperance sentiment, would declare it had the opposite effect. So that depends very much on the training of the child and the influences by which it is surrounded. If the influence is in favour of temperance, the child is very apt to grow up holding temperance principles; if it is under another influence, it is likely to grow up with other ideas. If you even take a strong man, you will find him liable to magnify difficulties on one side and minimize them on the other.

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12186. Are there many cases brought against drunkards for violation of the law?—They are very exceptional.

*By Judge McDonald :*

12187. You have mentioned the law as to bribery. Have not all civilized nations laws against bribery and corruption?—So far as I know, they have.

12188. Is not the sentiment of all civilized communities upon a solid basis in regard to bribery being an evil?—The very best sentiment.

12189. Taking your own community with the sentiment as to bribery, is there the same consensus of sentiment in regard to the sale of liquor, or a greater division?—There is a greater consensus in favour of bribery than in favour of the Scott Act.

12190. Do you mean to say that public sentiment is different towards bribery than towards the law respecting the sale of liquor?—Yes, unquestionably.

12191. Do you mean to say that bribery is looked upon as a thing that is not wrong in Fredericton, by a large section of the community?—Yes, that is what I mean to say. I think you will find a large number of people will not differ in their views about it.

12192. Supposing there was submitted to the people of Fredericton, as the Scott Act has been submitted, a proposal to remove the Act against bribery at elections from the statute-book, do you think it could be carried?—I do not say that; it would depend upon the agitation.

JOHN L. MARSH, of Fredericton, Police Magistrate, and Judge of the Civil Court, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

12193. You are a barrister, I presume?—A barrister of the Supreme Court.

12194. How long have you held the office of Police Magistrate?—Twenty-one years and upwards.

12195. Under the old license law, and under the Scott Act?—Yes, some few years under the license law and the remainder under the Scott Act.

12196. Have you noticed during your time of office and experienced a diminution of crime in Fredericton?—I might say I have been thoroughly acquainted with the drinking customs of Fredericton during 40 years. Do you wish me to go back, or to take the time of the Scott Act?

12197. For the time you have been Police Magistrate, which would include both license and Scott Act?—I think there has been a large diminution of drinking in Fredericton.

12198. And a diminution of crime?—What crimes do you refer to—minor crimes?

12199. Such crimes as are tried before you in your criminal court?—Some years they have increased and some years decreased. For the last two years there has been very little crime.

12200. Did you answer the questions sent you by the Commission?—No, I did not.

12201. Are you prepared to say what proportion of the crime that comes before you may be attributed to drunkenness?—I should say fully ninety per cent.

12202. A large proportion is drunkenness itself, I suppose?—A large proportion of it is drunkenness.

12203. And another portion includes cases, I suppose, in which drink has been the immediate cause?—Yes, in many cases.

12204. I suppose you take examinations in cases returned for trial before the Supreme Court?—Yes.

12205. Do you find a proportion of those cases are also attributable to drunkenness, or offences committed while under the influence of liquor?—I should think half and half. A large number come from the country, where at the time the offences are committed the parties are under the influence of liquor, but there is not a large number of them on the whole.

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12206. I suppose there are offences of a certain character with which liquor has nothing to do?—Yes; land disputes and assaults owing to land disputes, and so on.

12207. I suppose there are offences that are in their nature what may be called commercial offences?—I do not remember ever having had any of them.

12208. In the city court, what is your jurisdiction?—Up to \$80.

12209. Taking your experience as a Judge of that court, do you see any cases that come before it in which you have reason to believe drunkenness has had to do with the litigation and as to the parties being unable to pay?—I should not like to say there were.

12210. You did not get far enough into those cases to ascertain it?—No; I never investigated them.

12211. Have you here a judgment summons law, such as there is in the English County Court, where a man is summoned before the court if a judgment is not paid, and he is examined as to his means?—I hold those examinations as Commissioner for the County of York, outside of my position as Judge of the Civil Court.

12212. How do you find that people brought before you for examination as to their means, have disposed of their property?—I have never attributed it to drunkenness. I think it is more extravagance than anything else in a great many cases.

12213. You have been a citizen of Fredericton all these years?—Yes.

12214. Has your experience as a citizen led you to the conclusion that there has been a diminution in drunkenness?—I think there has.

12215. Have you formed any opinion as to the causes to which to attribute it, or do you attribute it to one or more causes?—It may be attributed to two or three causes. It can be attributed to the moral effect of the churches, to the work of temperance organizations and to a great extent to the fact of the sale of liquor being illegal.

12216. Have you found a marked improvement in what may be called the social habits of the people in regard to drinking, within your memory?—Yes; I travelled round a great deal, and I found that the bottle was on every man's table; you could not go to a party without taking liquor.

12217. That was your experience?—Yes.

12218. Coming back to your official duties: are the cases of infraction of the liquor law tried before you?—All of them.

12219. Will you be kind enough to tell the Commission what the procedure is. First, who lays the information?—In almost all cases the parties who make the complaints to me are the police; the sergeant of police generally makes the complaint.

12220. Who draws the information?—I do, and sign it, and he swears it before me, if necessary. It is not necessary in all cases, only where we issue a warrant.

12221. You issue summons without it?—Yes.

12222. Do you take the information in writing?—Yes.

12223. So you have it in writing before you?—Yes. I would explain that the general custom with us is this: We have what we call a crime book. If the police have informations to lay, they generally enter them in that book. When I come to the office I see those reports there, and I then proceed to make out the informations in accordance with them, when it is necessary to issue summonses. Then they are signed by the policemen, and the summonses are issued.

12224. In case of warrant, I suppose, the police swear to the information, and a warrant is issued?—No. Under the decision of our court a party has to be examined before me before a warrant can issue, and the state of facts as to a sale having taken place, must be established. That point has been decided by the court. The mere fact of swearing out an information would not justify us, under the ruling of the court, in issuing a warrant.

12225. You have to question the party personally?—Yes; in fact to swear him and question him personally.

12226. Then the summons and warrant having been issued, a party is brought before you and his testimony is heard in the usual way?—Yes.

12227. Have you had many cases for second and third offences?—Yes; we almost always have parties brought up the second time.

12228. You have many parties, then, brought up the second time?—Quite a number.

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12229. And some for the third offence?—Quite a number.

12230. The last witness who was before the Commission stated that so far as your informations had been concerned, they had generally been in proper form?—Only three have been set aside.

12231. Have you gone right on with the administration of the law as cases have come before you?—Yes, both for the county and city. When a person comes in and offers me an information, I take it; if there is not sufficient evidence, I dismiss the case.

12232. With your large experience, you should be in a position to make suggestions to the Commission as to any points in the Act you think should be amended.—There is a strong point I can bring before the Commission, although I do not know that many will agree with me. I hold that the enforcement of these Acts can never be fully carried out until the purchaser is made equally responsible with the seller.

12233. That in Ontario has been made the law. A party who buys after hours at a licensed house on Saturday night or Sunday is equally guilty with the seller. Do you think that such legislation would be beneficial in connection with the Scott Act?—I think it would; but not on the theory that you would not have a seller if you did not have a purchaser. I do not see why the purchaser is not an accessory to the fact of the crime.

12234. Have you any other suggestions to offer?—I do not think of any other.

12235. What is your experience, then, in regard to witnesses telling the truth in Scott Act cases as compared with others?—I do not know. I should not like to say that witnesses do not tell the truth, but they have very poor memories. It is very hard to get evidence in Scott Act cases, especially in third offence cases, because the witnesses will equivocate in every manner possible.

12236. Is that specially the case because of the penalty imposed in third offence cases?—No. I find it far easier to get evidence, however, in first and second offence cases where there is a fine imposed, than I do in third, fourth and fifth offence cases, where the punishment is only by imprisonment.

12237. Is a feeling of sympathy elicited in third offence cases?—Yes, to a great extent.

12238. Have you reason to believe that the officers of the police force do their duty with faithfulness?—I believe they do.

12239. So in connection with the administration of justice, sentiment may produce an effect in the community in regard to the administration of laws?—It will have a certain effect, no doubt quite a large effect; that is to say, if public sentiment were strongly in favour of enforcing the law, I think the officers would enforce it more strictly.

12240. You think they do their duty reasonably?—They do their duty reasonably. We have only three officers, two night men and one day man; and the whole duty generally falls on the same man to collect the evidence in Scott Act cases. It is generally his duty, and he has also to attend to all the other duties in connection with his office.

12241. Does the City Council give him any special authority in regard to Scott Act cases?—No.

12242. Has the City Council passed any resolution authorizing him to act as Inspector?—No. Under the law the officers are appointed by me; and in regard to the duties I wish them to perform, I prepare an order, which must be approved by the City Council. That order is for all the policemen. I prepare a code of rules, and I submit them for the approval of the City Council; and they must be approved by the Council before they go into force.

12243. Has that been done?—It has.

12244. Do those rules include matters connected with the Scott Act enforcement?—I submit a copy of the rules and regulations. [Appendix 12.]

*By Rev. Dr. McLeod:*

12245. You think that the Canada Temperance Act, all things considered, has been a success?—It has been so to a large extent.

12246. You believe its effect, in the main, has been good?—I think its effect has been good in the main, as an educator.

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12247. You attribute the decrease in drunkenness, in a degree, to moral and religious influences, and to the fact that the sale has been made illegal. Do you think the decrease has been at all because it is more difficult to get liquor than it was previously?—I think there are many people who were in the habit of visiting those places who do not visit them now. That is, they do not go into taverns to drink.

12248. Is it more difficult to get drunk than it was under the license law?—I should think so.

12249. Does that account, in any degree, for the diminution of drunkenness?—A good deal of it would be accounted for by the fact that we have not so many men who are in the habit of getting drunk.

12250. Why?—Many have been driven out of the city by the police during the last twenty years, and the moral influence has had an effect in reducing a large number of country drinkers. I remember years ago, under the license law, that on Christmas eve, if you walked through the city of Fredericton, you would hardly find a countryman without a jug to put liquor in, and now that is very rare.

12251. Do you think it is more difficult for the countryman to get the jug full now than it was under the license system?—Far more difficult, because under the old license system there was no trouble at all; it was the custom.

12252. Has the fact that it is somewhat more difficult to get the drink than it was had anything to do with the decrease of drunkenness?—I can only give you an opinion. My opinion is that it has not, because if a man is bound to have rum he will get it, notwithstanding the difficulties in his way.

12253. Do you believe there are any people who, if there were legalized invitations to drink, would drink, but in the absence of those, do not drink?—I suppose there are many of that kind.

12254. Do you think that class of people have drunk less because of the greater difficulty?—That class of people hardly care.

12255. Do you think the law has helped the moral influence?—I think it has.

12256. And has not hindered it?—No, but I think it would increase it, making it illegal to sell liquor.

12257. Before you were appointed Police Magistrate you were City Clerk?—Yes, during eight or nine years.

12258. That was during the license system?—Yes.

12259. About how many licenses were issued at that time?—Between 40 and 50, I think, as an average. I could give you a memorandum of the number of licenses issued during the last few years. In 1873 there were 42 tavern licenses; in 1874, 43 and 2 wholesale; in 1875, 43 and 1 wholesale; in 1876, 28 and 2 wholesale; in 1877, 20 tavern licenses. In 1877 they came under the new law, a special Liquor Act for the City of Fredericton alone, by which the number of tavern licenses was reduced to 20 and 6 wholesale. In 1878 there were 17 tavern licenses and 4 wholesale.

12260. And there have been none since?—Only the druggists' licenses.

12261. But no tavern licenses?—No.

12262. Or wholesale licenses?—There was one issued under the Canada Temperance Act, but the authorities discovered afterwards they had no right to issue it, and it was not carried on.

12263. There was an average, you think, of 40 licensed drink shops in Fredericton for a number of years?—Yes.

12264. Do you think there has been an average of 40 unlicensed drink shops for the last ten years?—I do not think so.

12265. Do you know when so many licensed places were established, whether there was any illicit sale?—I think there was some.

12266. Was there much?—There was quite a good deal, and there was a good deal of Sunday selling.

12267. By the licensees?—Yes.

12268. So that even when there were licenses, there was still illicit sale and violation of the law by the licensees?—What we called jug taverns.

12269. Have you any idea how many jug taverns there are to-day?—I do not know of any.

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12270. Have you a persuasion, from information, that there are none?—I do not know of any, and I have no information to justify me in saying that there are any.

12271. How many places do you think are selling illicitly in Fredericton?—Outside of the druggists, as far as my information goes up to Saturday night, there were only six.

12272. The druggists' sale is not an illicit sale?—Well, they have amended the druggists' law so that you are hardly able to tell what is illicit and what is not; and I understand there is another amendment made this year. I have not seen the amendment, and am rather doubtful in regard to carrying out the law until I see it.

12273. Your information is that there are six illicit places in the city?—That is my information from the police.

12274. Do you know of any open and flagrant sale in this city?—I have no reason to know of any.

12275. Do you think your policemen know of it?—No. They laid four informations last week.

12276. Were there convictions?—Yes; they very seldom fail in getting a conviction, because they are sure of their evidence.

12277. Has the danger come from jug taverns or from another class of illicit sellers?—Not from jug taverns, but from other illicit sellers. In the last ten years the police have driven out of the trade at least fifty persons.

12278. You regard that as a success?—Yes; I could give their names.

12279. Have the hotels been the chief offenders?—Certainly they have.

12280. Comparing the condition of the city under license, and since licenses were refused, has the city grown better or worse?—I think as far as liquor is concerned, or intoxication, it has improved.

12281. Do you attribute that in any degree to the enforcement, even though but partially, of the Canada Temperance Act?—I do attribute a measure of it.

12282. What has been the financial result of the Canada Temperance Act?—I have a statement for the last ten years. In 1882, the Scott Act fines amounted to \$1,000. There were difficulties in carrying out the law until it was finally decided by the Privy Council.

*By Mr. Clarke :*

12283. Does that statement include the fines prior to 1882, and after the Act came into force?—No, only from 1882 to the last year.

12284. There were fines in 1879, 1880 and 1881 besides, I suppose?—That was a very small amount. The Act was first put in force in Fredericton, and all the appeals were taken from here, and the law was a dead letter while the appeals were being taken.

12285. What became of the fines then?—There were only two or three test cases taken.

12286. Were there any fines?—Yes, there were.

12287. Are they included in this statement?—No; I am only taking it from the time the present policemen have been in office.

*By Judge McDonald :*

12288. Does this give the Scott Act fines?—The Scott Act fines, fines for other cases and the total.

*By Mr. Clarke :*

12289. Have you the fines for drunkenness as well?—Yes.

12290. Have you separated them?—No.

12291. Could you go back five years before the Act came into force, and take five years since, and show the fines for drunkenness?—I could go back to the first case I tried. The convictions for drunkenness were such that you could hardly make a comparison.

12292. We will do that, if you will hand in the list of convictions?—We now arrest three men where we would not arrest one before.

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12293. Why?—Because under the old liquor law, if a man went along quietly he was not arrested, though he might be intoxicated. Now, if he is intoxicated and staggering, he is arrested.

*By Judge McDonald :*

12294. Give the totals that you have?—In 1882 the Scott Act fines amounted to \$1,000 out of a total of \$1,748.66. In 1883, Scott Act fines, \$1,500; other cases, \$769.10, total, \$2,269.10. In 1884, that is the time the Liquor License Act of 1883 came into operation.

12295. The McCarthy Act?—We never had the McCarthy Act, but we called it a Liquor License Act. I think there is some difference in that.

*By Mr. Clarke :*

12296. Was it a provincial measure?—No, it was a Dominion Act.

12297. That is the McCarthy Act?—I was not aware. In 1884 the fines amounted to \$683.34 under the License Act, \$698.34 in other cases, making a total of \$1,381.68. In 1885 there were no fines at all. The whole arrangement was then under an Inspector and a committee appointed by the Dominion, of which Judge Steadman was chairman. There was a License Inspector appointed, and the complaints were made by the Inspector, and when the law was declared *ultra vires*, it was all wiped from the book. I might have got \$1 or \$2, but it was so small I did not put it down. Also in 1884 I paid \$683.34 fines into the treasury, but I also paid the Inspector \$166.66. In 1886 the Scott Act fines amounted to \$1,650. That might have included a few cases which occurred during the time the Liquor License Act was in operation. In 1887 the Scott Act fines were \$900 out of a total of \$1,399.95. In 1888 the Scott Act fines were \$1,050 out of a total of \$2,117.55. In 1889 they were \$1,250, fines in other cases \$751.50, making a total of \$2,001.50. In 1890 the Scott Act fines amounted to \$800, out of a total of \$1,427.50, and in 1891 the Scott Act fines were \$700 out of a total of \$1,168.80. The totals for the ten years are:—Scott Act fines \$9,533.34, other cases \$6,872.25, total \$16,405.59, to which may be added the amount paid Inspectors \$166.66, making a total of \$16,572.25.

*By Rev. Dr. McLeod :*

12298. Will you get the additional information as to the fines for drunkenness?—Yes.

12299. Also a statement for 10 years previous to the Scott Act, showing the amount received for license fees, to compare with the receipts for fines in the 10 years following the Scott Act?—Yes.

12300. A statement has been made by more than one person, that there is an arrangement between the police officials, or an understanding between them and the offenders against the law, that if they pay a certain number of fines, it is a sort of equivalent for a license fee. Do you know anything of such an arrangement?—I know nothing of such an arrangement, or of any arrangement being made with the liquor dealers in any shape, manner or form; and I do not believe the men belonging to the police force would be guilty of making such an arrangement. Men who have very small minds might judge that way.

12301. Do you regard the canteen as within your jurisdiction, as well as every other institution in your city?—I do, if it can be proved that they sell to outsiders.

12302. If the parties in charge of the canteen sell to any persons other than members of the Infantry School, they would be liable as any other illicit seller?—I think so. I have very little faith in their right to sell anyway.

12303. Do you think in a place where the Scott Act is in force, a military force can grant authority to sell liquor?—That would be a legal question upon which there would be a difference of opinion. I have been told that the opinion of the Crown officers has been taken, and they think they are right; but I would have a different opinion, even under the Queen's Regulations. Under our law the school is governed by the Army Act and the Queen's Regulations, and rights reserved under the Army Act and under the Queen's Regulations are, under our Militia Act reserved to the militia; so it would be merely a matter of opinion.

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12304. You are clear that if they sell to others than members of the military school they are liable?—Yes.

12305. Have any charges been preferred against the canteen?—None.

12306. Have you found that cases of petty theft which have come before you on the part of either younger or older persons are traceable in any degree to the drink habit and the drink trade?—Some would be and some would not be.

12307. I suppose officially you have no knowledge of the pauperism of the city?—I have always understood that there are few paupers here.

12308. Has pauperism increased or decreased of late years?—I do not know.

12309. Have you much to do with juvenile offenders?—Very little indeed.

12310. Has there been a change in that respect in the last fifteen or twenty years? I never had many of them, except for violation of the city by-laws, swimming in the river, or assaulting one another, or throwing snow balls, but never anything serious.

*By Mr. Clarke :*

12311. What was the license fee when the license law was in force?—\$50, but two licenses were issued for \$30.

12312. What is the license fee now imposed where a city is under the Provincial License Law?—I do not know.

12313. There has been an increase?—I think so.

12314. Has the number of convictions for drunkenness increased or decreased?—It has decreased the last year.

12315. Within fifteen or twenty years?—In the city of Fredericton proper I think it has decreased.

12316. In the county surrounding?—Our police limits only extend to the bridge. There are liquor dealers in St. Mary's so called, and also at Gibson, but not at Marysville. Gibson is where the Miramichi Railway Co. have their buildings. Marysville is three miles back.

12317. Is that under the Scott Act?—Yes, all the County of York is under the Scott Act.

12318. Is drunkenness in the county increasing or decreasing?—Decreasing, I think, to a large extent.

12319. The general convictions for the city and county do not show a decrease?—I have very few from the county.

12320. You do not know of any other places where liquor is sold than six?—Outside of the druggists, only six.

12321. And there are no flagrant violations of the law here?—No, except the hotels, which I believe have bar rooms; but I do not know.

12322. Are there bar rooms in other places than the hotels where there are persons standing behind the bar and selling liquor to customers?—There is a billiard room. They profess only to sell beer, but we have caught them selling hard stuff and fined them.

12323. Do you know of any other places?—There are said to be two others, but I do not know.

12324. Are there any other places where liquor is sold flagrantly, say on Saturday last?—I do not think so. I think the sale has been more since the Commission arrived than it was before. So I am informed by the policemen.

12325. Have the policemen been watching these bar rooms?—We have lost our leading man, who resigned on Thursday night.

*By Rev. Dr. McLeod :*

12326. You do not intend to reflect on the Commission; but you mean that an exhibition is being made for the benefit of the Commission?—I am too careful a man to reflect on a court before which I am giving evidence.

*By Mr. Clarke :*

12327. Do you think the law is as well enforced here as it is in other places in New Brunswick?—I think quite as well as in other places in New Brunswick, or in places where there is a license law. The police do their duty.

JOHN L. MARSH.

12328. Is there any difficulty in the appointment of an Inspector by the Council?  
—Yes, the majority are opposed to it.

12329. Are the majority this year in favour of the enforcement of the Scott Act or opposed to it?—I would not like to say. I do not think the majority care much about it.

12330. There is no legal obstacle to the appointment of an Inspector?—None.

12331. To what do you attribute the non-appointment?—To the opinion of the Council being against it, as they think the police are quite sufficient.

12332. Do you think the majority of the people also think that the police are sufficient?—I think the majority do.

12333. Has the enforcement of the Scott Act been made an issue at the municipal elections?—Not lately.

12334. Would it be better to have an Inspector to enforce the Act?—Well, our experience with the Inspectors has been so bad that I would not like to say. We had two Inspectors, one in the county and one in the city under the Liquor License Act, and I do not think they did much.

12335. You have not had any to enforce the Scott Act?—Not in the city.

12336. Provision is made in the Provincial law for the appointment of an Inspector?  
—Yes.

12337. Do you think the Council reflect the opinion of the people in not appointing one?—The majority are against it, and the majority of the people are against it. They prefer the fines to go into the treasury rather than to pay an Inspector.

*By Rev. Dr. McLeod :*

12338. Do you know if the majority of the friends of the law desire the appointment of an inspector?—I cannot say, but I know a large number of them do not desire it.

12339. Therefore, it has not been an issue in the Council or in the city?—No, I do not think it has been brought before the Council of late years.

12340. So the non-appointment of an inspector is not an expression of public sentiment against the enforcement of the Act?—No, not at all.

*By Mr. Clarke :*

12341. What about the county?—There was an Inspector, but the payment was found to be too high.

12342. Who enforces the law in the county now?—Any one who lays a complaint before me.

12343. There is no official appointed?—No. My rule is that if any man makes a complaint, I am prepared to receive it.

12344. Does that exist in other counties?—I do not know.

12345. In what counties does it exist, that it is anybody's business, or nobody's business?—I think they have Inspectors in some counties.

12346. In what counties?—York has no Inspector.

12347. Has Sunbury?—No ; and Queen's has no Inspector. I think Carleton has.

*By Judge McDonald :*

12348. That is the county in which Woodstock is situated?—Yes. I think Charlotte has an Inspector.

*By Mr. Clarke :*

12349. But York, Queen's and Sunbury have no Inspectors?—No

12350. And the enforcement is left in the hands of whoever likes to enforce the law?—I do not know how they do in Sunbury and Queen's.

12351. But in York?—Sometimes some members of the temperance party come and make a complaint before me.

## Liquor Traffic—New Brunswick.

ALEXANDER A. STERLING, of Fredericton, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

12352. You are High Sheriff of the County of York?—Yes.

12353. How long have you held the position?—Nearly 10 years.

12354. You have charge of the administration of criminal law—the executive part of it—in the county, I suppose? Is the jail under your charge?—Yes.

12355. You have a jailer and keeper of it?—I have the appointment of the jailer, and he is under my supervision.

12356. You have the execution of civil process for the recovery of debts?—Yes.

12357. Have you had any official connection with the enforcement of the Scott Act?—Only to hold elections.

12358. Are you in a position to state whether any portion of the prisoners who are committed to the common jail of the County of York are persons charged with infringement of the Scott Act?—I can give you the information as to the number of commitments for the violation of the Scott Act during the last year or two.

12359. How many would you say?—In 1890 there were 6 committed for infringement of the Scott Act, and there have not been any since.

12360. How many were committed in the same year for drunkenness?—Twenty-six.

12361. What was the total number of committals?—Fifty for that year.

12362. Can you say whether any part of the duties cast upon you under the civil administration can be attributable to drunkenness, or is that too remote a thing for you to know?—I would scarcely think that processes on account of actions for debt have any close or direct connection with drunkenness at all.

12363. How many committals were there in 1891?—There were 20 for drunkenness, and the total was 61.

12364. Have you only put down for the two years?—And for the present year.

12365. You have not gone back to 1890?—No.

12366. Do you know if the books of the jail will show the committals for 5 years before the Scott Act came into force and for 5 years after?—No; we have not the books. The administration is quite different now, and I do not know what has become of the books.

*By Mr. Clarke :*

12367. Would it not be possible to ascertain where that book is?—Perhaps Ex-Sheriff Temple could tell. The previous jailer is not in the province now, and the one before I think is dead.

12368. Mr. Temple was your predecessor?—Yes.

*By Mr. Gigault :*

12369. Is no return made to the Government every year?—No.

*By Rev. Dr. McLeod :*

12370. Do you remember whether the vote on the Scott Act was a fairly strong vote?—I think it was a fair vote.

12371. In the Dominion Election of 1887, do you know how many votes were polled in Fredericton?—I do.

12372. How many were polled?—768.

12373. How many were polled in the Scott Act election of 1889 in the city?—680.

12374. How many were polled in the Dominion election of 1891?—691.

12375. So that it was about the same substantially in those three elections?—Yes, there was a fair average vote at each election.

12376. How many years have you resided in the city?—25 years.

12377. You remember the city under license?—I do.

ALEXANDER A. STERLING.

12378. What is your impression of the condition of things then, compared with the condition of things now?—I think there is not anything like the drunkenness now that there was previous to the passage of the Scott Act.

12379. Do you think the Scott Act is to be credited with any degree of that change?—I think with a considerable degree, because 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.

12380. Do you think the Act has been fairly well enforced, considering the various difficulties that have surrounded it?—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. For instance, if an attempt were made to enforce certain principles where the Act is confined to local operation and has not the same effect outside, of course that would be enforcing the Act under a very great strain. In other words, if you undertook to say that stealing, or any other crime, should be punished here in Fredericton and licensed in St. John, the tendency of public sentiment would be to create the same state of affairs here as in St. John, and that would operate against the enforcement of the Act.

12381. The difficulties would be multiplied?—Certainly.

12382. And the fact that the people three times in succession have affirmed their desire to have the Scott Act, is an argument in its favour, notwithstanding that very strong difficulties confronted it?—Yes, very strong difficulties.

*By Mr. Gigault :*

12383. What are the other statements you have?—The returns of the different elections for which I gave the figures, 1887, 1889 and 1891; and the numbers confined in jail, and the misdemeanours with which they were charged in 1890 and 1891, and the portion of the present year that has passed.

*By Mr. Clarke :*

12384. Is the condition of affairs which exists here the same as that which existed 12 or 15 or 20 years ago as to the floating population? It has been stated that 15 or 20 years ago there was a great deal of rumselling on Regent Street, but it was stated that that was largely to lumbermen, and there are not so many visiting the city?—That is the case.

12385. Do you attribute the decrease of drunkenness to the small floating population?—That would have some influence.

12386. There has been a general decrease over the country in the drinking habits of the people, has there not?—My observation does not show me much change in outside cities that I visit.

12387. In families?—I do not speak of families. I visit other places where they have open bar-rooms, and I do not see that they are less frequented now than they were 15 or 20 years ago.

12388. What cities?—Halifax, Montreal and St. John.

12389. Have you visited the cities in Maine?—I have been in Maine.

12390. What was your impression there?—I have not had an opportunity of observing much in regard to the condition of Maine before the Maine law was put in force. I have been there several times of late years, and I am not in the way perhaps to get information as many would be, but in Portland I think the law was fairly well enforced; in Bangor, where I have been during agricultural fairs and so on, it would appear to me that the law was not well enforced.

12391. Was there open and flagrant violation of the law?—I should say so in Bangor.

12392. What is the nearest place to this city where liquor can be sold legally under license?—St. John.

12393. How far is it away?—Sixty miles.

12394. Do you think the law is enforced in the counties surrounding Fredericton?—I think it is remarkably well enforced in York.

## Liquor Traffic—New Brunswick.

12395. And in Sunbury?—I think so. Sunbury was noted as a sober county before the law came into force.

12396. And it has continued sober notwithstanding the law?—Yes, notwithstanding the law.

12397. And Queen's?—I am not so well acquainted with Queen's.

12398. You think the law has been productive of a great deal of good?—I think of considerable good.

12399. It has not suppressed the sale, but has rendered it disreputable?—It has stopped the open sale.

12400. Have you any recollection of the condition of things under the license law?—I have.

12401. Was there more drinking done in the hotels than in the drinking shops then?—I think so. The hotels had open bars, and there were taverns that were not hotels, which had open bars.

12402. The difference being that hotels had to have meals and beds, and so on?—Yes.

12403. Is a place where there is only a drinking bar more or less injurious than a hotel?—I do not know as to that.

12404. It has been urged that the hotel is the more dangerous of the two, and the saloon the less dangerous?—I have never thought of it from that standpoint.

12405. Do you attribute the improved condition of things, as far as drunkenness is concerned, largely to the operation of the Scott Act here?—I think it has had a very beneficial effect in this town.

12406. Has the number of business failures been substantially reduced since the Scott Act came into operation?—I know just at the time the Scott Act came into operation the Insolvent Debtors Act was in operation, and that Act was very largely used by many, both in the city and county. The failures in this town in the last two years have been very light indeed.

12407. There is a great improvement then?—The failures between 1880 and 1890 were certainly very much less than those between 1870 and 1880.

12408. Has the number of prisoners in the jail been reduced?—I cannot answer, because I do not know the number previous to the Act being adopted.

12409. Has there been a steady decrease during the last 10 years?—I think there are less now than there were 10 years ago.

12410. You attribute the improved condition of affairs largely to the operation of the Scott Act?—Yes.

*By Judge McDonald:*

12411. I understood you to say, by way of illustrating the effect of a local option law, that if the selling were prohibited here, it would have certain effects. Do you put stealing and the sale of liquor on the same footing?—No.

12412. Is that, then, a fair illustration?—All I wanted to illustrate was that I considered the enforcement of the local option law very much more difficult than if the law were a general one.

12413. So the illustration was used not as to the relative gravity of the two offences, but simply as to the effect of a local option law in any case?—Yes.

*By Mr. Clarke:*

12414. Would you favour the passage of a prohibitory law?—I should judge if the sentiment of the Dominion were the same as the river counties in this province, the passage of a Dominion law would be considered beneficial. Whether it would be so or not, I do not pretend to say. But if you take the river counties of this province, Charlotte, York, Sunbury, Queen's, King's and Carleton, and the issue were directly made, I think these counties would carry a prohibitory law. That is my opinion.



JOHN B. HAWTHORNE, of Fredericton, Deputy Sheriff and Jailer, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

12415. How long have you been keeper of the common jail?—Nine years on 1st November.

12416. And how long have you been Deputy Sheriff?—Nine years last May.

12417. Did you hear the evidence given by the Sheriff?—I heard part of it.

12418. Have you any statement you wish to add to what evidence you heard him give?—I do not think I have.

*By Mr. Clarke:*

12419. How is the Scott Act observed in the city?—In what way? As to its enforcement rigorously?

12420. Yes?—There is no trouble in getting anything to drink.

12421. Do you know any places where liquors are sold illegally in the city?—I think there are between 15 and 20.

12422. Do you believe the police are derelict in their duty in enforcing the law, or do they do their duty to the best of their ability?—I think they do.

12423. Notwithstanding their desire to enforce this law, do you believe there are 15 or 20 places here where liquor is sold illegally?—I think there are.

12424. Are the commitments to jail for drunkenness increasing or decreasing?—What length of time do you wish to cover?

12425. I mean the commitments for non-payment of fines?—Last year, or one year lately, we had only 20 or 21; it was either last year or the year before that. I have not the statement at hand, and I forget the number exactly.

12426. Is there an increase or decrease in the commitments?—I think there are 26 this year, so far.

12427. Do you attribute the increase to the rigorous way in which the police have arrested people who were drunk, but who were not raising any row? It has been given in evidence that the police are more rigorous and more vigilant in arresting drunken men: that, if they see a man drunk, they arrest him. Does that account for the increased number of commitments to the jail?—I do not think it does; but I could not answer that question.

12428. Do you know anything about the surrounding country?—Yes.

12429. Is the Scott Act enforced in the county?—In some places.

12430. How do you mean by some places?—In some parishes I do not think there is any liquor sold.

12431. And in other parishes, how is it?—There is some sold.

12432. To what do you attribute the laxity of the law in some parishes and the enforcement of the law in others?—There are never many actions taken in the county. There have never been any active people in the county to make complaint.

12433. There being no person appointed to enforce the law, it is disregarded in some localities?—It is.

*By Mr. Gigault:*

12434. Do you think all persons under the influence of liquor are now arrested by the constables?—No, I do not think they are.

*By Rev. Dr. McLeod:*

12435. Did I understand you to say that you know of 15 or 20 places that sell liquor?—I think I could name at least 15.

12436. Do you know them from your own knowledge?—I never drank anything myself; I could not swear to them.

12437. Do you know of these from seeing them?—I will answer if you desire me to answer.

JUDGE McDONALD.—You need not answer.

WITNESS.—I decline to answer the question.

## Liquor Traffic—New Brunswick.

*By Rev. Dr. McLeod :*

12438. How many places do you know of, from your own knowledge?—I think 15.

12439. Of your own knowledge, you know of 15?—I would not swear positively that they sold liquor, because I have not bought it, and I do not drink it.

12440. Do you mean you know, of your own knowledge, of the existence of 15 such places?—I am satisfied in my own mind there are 15 places that sell it.

12441. From your own knowledge, or from having heard of it?—From having heard of it.

12442. From your own knowledge?—I could not swear from my own knowledge, unless I had bought liquor there and paid for it and drank it.

12443. Do you know, of your own knowledge, whether there are 15 places where liquor is sold, although you have not bought it?—I am satisfied I do.

12444. You are an official ; have you made any complaints?—No, I have not.

12445. Are you under obligation, by reason of your official position and oath, to see that the laws are enforced when you know they are violated?—I have not any oath to take.

12446. Not as Deputy Sheriff?—No.

*By Mr. Clarke :*

12447. You have no hesitation in saying there are at least 15 places where liquor is sold?—I think there are.

12448. Are there any open places, any places in the neighbourhood or outskirts of the city where there is a public bar and you can see the selling of liquor while passing along the street?—No, there is not.

HENRY B. RAINSFORD, of Fredericton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12449. Do you hold any official position?—I am Clerk of the Peace, Registrar of births, marriages and deaths, and Clerk of the House of Assembly.

12450. What are your duties as Clerk of the Peace?—To advise the Justices in civil cases and in cases of bastardy, and in criminal matters.

*By Mr. Clarke :*

12451. How long have you resided here?—All my life, here and in the vicinity, over 50 years.

12452. Before the Scott Act was in force?—Yes.

12453. Has there been a marked improvement in the moral condition of the people generally since the Scott Act became law?—I fail to see it. I think there is a marked improvement in temperance sentiment in the country generally—there has been a marked advance.

12454. Is it owing to the Scott Act?—I do not think so, I cannot say that.

12455. Then to what do you attribute it?—To education as one cause. Formerly people had liquor in their houses, and it was used at all parties, at supper and during the evening ; now all that is done away with. On New Year's day it was the habit to furnish liquor, and there was a general feeling that people should drink. That practice has, however, been abolished, and the habits of the people have changed and improved.

12456. Then the strengthening of temperance sentiment and not the Scott Act has caused that change?—Yes ; but there is a great deal of drinking on the quiet.

12457. Do you think the enactment of the Canada Temperance Act has resulted in an increased amount of drinking in families and in bringing in liquor by the bottle?—In some families I think so. I have found young men who are in the habit of what

JOHN B. HAWTHORNE.

they call hip-drinking—they carry a flask in their hip pocket. There is a great deal of that done. There is no difficulty in getting liquor, if you want it in Fredericton, or in some places in the county.

12458. Do you think the police officers are vigilant?—I hardly like to answer that question. They are a good set of men; but they are subject to instructions. It is very difficult for policemen to ascertain where liquor is sold, for the people will not sell when the police are about. They can only judge of the place by suspicion. When a man comes out of the place, they may imagine what he was in to get. They are not allowed to go in, and therefore it is very difficult to make arrests. The police are very fine men and try to do their duty.

12459. Would it be better to appoint an Inspector to enforce the Scott Act?—I do not think it would be an improvement, for if you drive it out from one place, it will appear at another.

12460. Then the Scott Act does not prohibit?—I do not think so.

12461. Does it restrict?—I do not think so. There is as much drinking as ever, but the temperance sentiment has greatly improved. The Scott Act has caused a great deal of perjury and deceit, according to my own knowledge. I had a good deal to do with the Act when it first came into operation, and I was convinced that people came into court and swore directly and wilfully that which was contrary to the truth.

12462. Are there many places in which liquor is sold illegally?—A good many.

12463. Do you think there are six?—There are more than six; I could not say how many more. They get it brought from St. John. There is no difficulty in getting it in by train or boat for everybody who wants it.

12464. Do you think the counties here are ripe for a general prohibitory law, a law prohibiting the importation, manufacture as well as the sale of liquor?—It is very hard to say. I would be rather inclined to think that if a vote were taken on prohibition in a great many counties, it would carry.

12465. Do you think general prohibition would be any better enforced than the Scott Act?—It would be no improvement, but it would be worse.

12466. Do you think people vote against the Scott Act at elections when the question of putting the Act into operation is submitted, because it does not go far enough in the direction of prohibition?—No, I do not think so.

12467. Do you think a large vote would be polled to prevent private persons bringing in liquor for their own use in their own homes?—I think so, I do not think there would be much difference. A great many voted, I think, in a great many of the counties believing that the prohibitory law would carry.

12468. In regard to the operation of the law outside of the city; is the Act well enforced?—There is very little drinking outside in the county. There is not so much since railways have been built. Formerly there was a stage road and houses where travellers put up, and liquor was drank there. The condition of things has, however, changed, and the sentiment has changed.

12469. You attribute the decrease of drinking to the changed conditions?—Largely.

12470. Do you attribute it in any degree to the Scott Act?—I think it may have done good in some places, but injury in others. I think boys get drunk. The sellers are afraid to refuse to supply it. If we had a good license law, they would not get it. They do all this very quietly.

12471. Young people under 21 years?—Yes, even 12 years.

12472. Then you think the operation of the Scott Act during 14 years has not had a very beneficial effect on the young people?—I think not. A great many people passing along the street may not notice it, but there are people whose observation will bear me out, who see and know the parties.

12473. Would the appointment of Provincial officers to enforce the Act be an improvement?—I could hardly say.

12474. Or Dominion officers?—If Dominion officers were appointed, there would be a better chance to enforce the law.

12475. Is there reluctance in counties to appoint officers to enforce the Act?—I think so.

## Liquor Traffic—New Brunswick.

12476. Do you think the people of the counties surrounding this town would sustain their representatives if they incurred the expense of appointing officers to enforce the Act?—No; I think they are getting tired of it. I think the results of its operations show that it is not a good thing, and a great many people do not wish to see it in force. They have had experience of it, and they have come to the conclusion that it works disadvantageously.

12477. Do you attribute its non-enforcement to lack of public sentiment?—A good deal. It is not so, however, in a great many places in the river counties.

12478. You have said that the sale of liquor is not so large in Fredericton as it was years ago?—A change has taken place in the lumbering operations, and the men now go up in winter and do not come down.

12479. A large number of lumbermen formerly met here in the spring, and there was a good deal of drinking, I believe?—Yes; they stayed here two months, spent their money and then went home. Now they go home by train and do not stop here.

12480. Would you favour the continuance of the Scott Act or its substitution by a license law?—I have never been in favour of the Scott Act. I should prefer a good license law, with rigid inspection. I think an immense quantity of poisonous liquor is sold. I am sure of it.

12481. You would favour the appointment of an Inspector to detect adulteration?—Yes, and to enforce the Act. I do not know about adopting high license; but we want a good, strict license law, and the general sentiment of the people would sustain it.

12482. In the present state of public opinion, would a prohibitory law, if passed, be enforced?—No, and I think there would be immense trouble from smuggling and deceit.

12483. Has the attempt to enforce the Scott Act given rise to a good deal of perjury in the cases tried before the court?—That has been my experience, and I had a good deal to do with the Act at first. When I have heard people swear that they did not get liquor at a certain house, I have felt certain that they had got liquor there. I have had people come and ask me if it would be wrong to swear so and so. There has been a great deal of perjury committed.

12484. Have you found people who voted to maintain the Scott Act afterwards unwilling to have it enforced?—Yes, they vote for it, but do not sustain it when it comes to be enforced.

*By Mr. Gigault:*

12485. Have you ever been in a country where a prohibitory law was enforced?—I have been in Maine.

12486. How is the law enforced there?—So far as I saw, liquor is sold openly in the hotels. I was not round at other places, except the hotels.

12487. In what places in Maine have you been?—I was in Bangor lately.

12488. Was liquor sold there?—They are selling there.

12489. Have you been at any other places?—Not for some time. I have been at Calais, but that is some time ago. I have also been at Vanceboro.

12490. Is any liquor sold in Vanceboro?—Yes.

EDWARD JACK, of Fredericton, land surveyor, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12491. How long have you resided in Fredericton?—I have been here for a number of years, I do not know exactly how long.

12492. As a surveyor, your duties must call you elsewhere than in the city?—Yes, everywhere.

12493. Throughout the province?—Unfortunately into the rum shops sometimes.

12494. How does that happen?—I was not always, as I am now, a teetotaler.

12495. That would not apply to the present time?—No, I am a teetotaler now.

12496. Have you anything to do officially with the enforcement of the Scott Act?—Nothing.

12497. You are not connected with the Council?—No.

*By Rev. Dr. McLeod :*

12498. You have lived in Fredericton a good many years?—Yes, I was in Alexander Gibson's employ before I came here; I was his explorer.

12499. Having lived in Fredericton a number of years, have you noticed any change in the condition of things here?—In what respect?

12500. I mean in the matter of drunkenness and crime and the like?—I have noticed an improvement.

12501. Have you noticed an improvement since the Scott Act came into operation?—Yes, I have.

12502. Do you attribute that improvement in any degree to the operation of the Scott Act?—I do. My reasons are simply these: My own observation led me to notice cases of drunkenness, and I asked Mr. Ritchie, who had been in the liquor business, if he considered that the Scott Act had reduced the sale of liquor, and he told me he thought the Act had reduced it about 30 per cent.

*By Mr. Clarke :*

12503. Do you think that was about the right proportion?—I could not say, that was his opinion; I was quite willing to take it as that of an unprejudiced man.

*By Rev. Dr. McLeod :*

12504. You would regard that as a conservative opinion?—Yes.

12505. You have known times when there was quite a faithful enforcement of the law; do you remember when the hotels were closed?—Yes.

12506. Did you observe whether less liquor was sold than before they were closed?—I went to the police office and prepared a statement, which I have here. [Appendix 13.]

*By Mr. Clarke :*

12507. When was it prepared?—At the time mentioned, when the hotel keepers were in jail.

*By Rev. Dr. McLeod :*

12508. Did that show an improvement in the city?—A very marked improvement.

12509. Was the statement taken from the Police Court records?—Yes, it is here.

12510. Did you publish it at the time?—Yes, in one of the newspapers at the time.

12511. Did you compare two months in 1890 with two months in 1891?—I went to the police court records and made that comparison.

*By Mr. Clarke :*

12512. I notice your comparison is for two months?—I took that time because there were peculiar circumstances existing.

## Liquor Traffic--New Brunswick.

*By Rev. Dr. McLeod :*

12513. You remember Fredericton for several years before the Scott Act was in force?—Yes, I think so.

12514. You remember it previous to 1879?—I remember it when there was a good deal of drunkenness.

12515. There were a good many licenses then?—Drinking was very general; now a respectable man does not think about it.

12516. There is a different view held concerning drinking?—Yes.

12517. The status of the drink trade has changed?—Yes, of course it has changed.

12518. Do you attribute that, in any part, to the fact that the trade has been delegalized during these years?—Certainly.

12519. Has it educated the people somewhat in that direction?—They are being educated in that direction.

12520. Do you think the Scott Act, notwithstanding the difficulty of enforcement and occasional violations of the law, has been, all things considered, a success?—If by success, you mean a perfect success, I do not think it has.

12521. Not absolutely successful, but has it been fairly successful?—I suppose it has been as successful as it could be under the circumstances.

12522. What are the circumstances?—The circumstances are these: The ponderous machinery of the law works so slowly that it is not a terror to evil-doers.

12523. You think the delays in the courts and otherwise have had the effect of discouraging temperance people?—I undoubtedly think so.

12524. And the enforcement is less rigorous than it would otherwise be?—Yes.

*By Mr. Clarke :*

12525. The jailing of the hotelkeepers struck terror into the people?—Yes, into the evil-doers.

12526. When the hotelkeepers were placed in jail, why were they not treated as ordinary prisoners?—I do not know how they were treated; I never went into the jail.

12527. From common report, how were they treated during their incarceration?—I think very well. I noticed they were visited by their friends and all that sort of thing.

12528. Did many people visit them?—Yes.

12529. Hundreds?—I daresay there were.

12530. Thousands?—I do not know.

12531. Do you believe there were thousands of people who visited them during those two months?—The records will tell.

12532. You will not say there were not a thousand?—I do not know.

12533. Were you led to believe that their imprisonment was a little more than a farce, that thousands of people went to see them, that they had telephones put in, and their own meals supplied? Do you think that imprisonment under such circumstances would strike terror into the community?—Yes, it did; it was not a farce to the poor people who were in jail.

12534. Were they treated in jail as common felons?—I do not know.

12535. Did the fact that they were, after two or three convictions, sent to jail and treated rather as gentlemen, allowed to have their meals sent in and have telephones put in, cause terror?—I never was in the jail, and so I do not know how they were treated.

12536. Do you know anything about their treatment in jail?—Yes.

12537. How were they treated?—They were well treated, according to public report.

12538. Do you think the fact that specially favourable treatment was extended to men who had flagrantly violated the law and had been repeatedly convicted, would tend to strike terror into the people?—No; but the fact of their liberty being restrained would do so.

12539. Do you think such treatment being extended to people who had flagrantly and repeatedly violated the law would tend to bring the law into disrespect and contempt?

EDWARD JACK.

—I say the restraint of liberty would carry terror into the people. We do not like to be restrained from our freedom as prisoners.

12540. Do you think they were entitled to better treatment than ordinary prisoners?—No.

12541. I understand that one of the hotel-keepers was permitted to put a telephone in the jail and to use it to transact his business in town; I understand further, that the hotel-keepers were permitted to bring their own furniture into jail. Was that so?—I heard it.

12542. Is that treatment of offenders against the Canada Temperance Act more likely to bring the law into contempt than respect?—It will not bring the law but those whose duty it was to execute it, into contempt.

12543. If a man was found guilty two or three times of house-breaking and committed to jail for 60 days, would he be given a carpeted room and be permitted to put in a telephone and have special meals served to him? Do you think if a prisoner was so treated, the people would have their respect for the law increased?—No, I do not think so.

12544. Do you know of any reason why the hotel-keepers should not have been treated as common felons when committed to jail for 60 days?—I do not know; I cannot tell you how common felons are treated.

12545. They are treated to jail diet and jail clothing?—I do not know any special reason.

12546. Do you think it was evidence of public sympathy that caused hundreds and thousands to visit them?—I think their imprisonment awakened sympathy.

12547. Does the imprisonment of a thief create general sympathy for him?—I am not prepared to say. Crimes vary in magnitude.

12548. Is it a fact that people do not look on the violation of the Scott Act in as serious a light as they do other crimes?—No, certainly not.

12549. During the time the hotels were closed, was less liquor sold in the city?—I do not know and cannot say, but I presume there would be.

12550. Was the law as rigidly enforced during the time those men were in jail and afterwards, as it was before?—No, I do not think it has been as rigidly enforced, but I cannot speak with certainty.

12551. Why?—Because I have seen more drunken people since they ceased to enforce the law.

12552. To what do you attribute the laxity since?—To the extreme slowness of the machinery of justice.

12553. Does it not move slowly in all other matters? Have you not heard the opinions of the Judges?—No.

12554. A Judge of the Supreme Court said they expedited business as much as possible?—Indeed.

*By Judge McDonald:*

12555. The Police Magistrate said this morning that the cases were disposed of promptly?—That is against what I read.

*By Mr. Clarke:*

12556. There appears to be no delay on the part of the Judges in the disposal of cases?—The facts are on record. You can ascertain the time when the suits began and when they ended. That will tell the story as to whether justice was fast or slow.

12557. You cannot say whether there was less drinking in Fredericton during the time the hotel-keepers were in jail?—I do not know; I am a teetotaler, I quit bad company.

12558. Are there evidences that the law is being fairly well enforced now?—No, I do not think there are.

12559. To what do you attribute the lack of enforcement?—To the ponderous machinery of the law.

12560. There is not, I suppose, a great deal of ponderous machinery in a constable laying an information?—Constables may lay informations, but you will not know when the cases will be determined.

## Liquor Traffic—New Brunswick.

12561. Can you suggest any changes to make the operations of the law less ponderous?—I might suggest that there should be a provision requiring a case to be wound up within three months. That is time enough to allow an appeal to be made, and no appeal should be allowed after that date. Everything connected with a case should be wound up inside of three months.

12562. Do you think the appointment of Dominion or Provincial officials to enforce the law would be better than the present system?—I think municipal officers are better.

12563. Do you think that if they fail in their duty in bringing forward cases day after day and week after week, there should be a change?—There should be a change.

12564. Mr. VanWart has expressed the opinion that the cases were dealt with with due rapidity?—My opinion is that the whole cases are carried on frightfully slowly.

12565. To what do you attribute the delay?—To the whole machinery of justice.

12566. Do you think drunkenness is on the decrease in Fredericton?—It is since I first knew it.

12567. How many years?—A number of years ago.

12568. How many years?—I suppose I have been in Fredericton about 15 or 20 years.

12569. And there has been a decrease during that period?—Yes.

12570. And there is still a decrease going on?—Yes.

12571. Do you know anything of the operations of the Maine law?—I know about the Maine law only from report, the same as you know.

12572. Have you been in Maine several times?—Yes.

12573. Have you been at Bangor?—Yes.

12574. How was the law observed there?—Not well there, but better in the country districts.

12575. Have you been in Portland?—It is in the country districts where the law is better observed.

12576. Are the people prohibited from bringing in liquor?—I do not know what the prohibition is. The temptation is not so great in the country, and people will not run such risk to obtain liquor.

12577. Do they sell as good liquor in the country as in the town?—When I was a drinker, I did not indulge in any country liquor. I bought my liquor in town.

12578. The statement has been made that a large quantity of the liquor so sold is adulterated?—I think it would be.

12579. On account of the risk of seizure?—Yes.

12580. Would you favour the enactment of a prohibitory law for the whole Dominion?—I would vote for it.

12581. Do you think such a law could be enforced in the present state of public opinion?—I do not look upon it as any more difficult of enforcement than is the Scott Act. If we cannot enforce the Scott Act, we cannot enforce a Dominion prohibitory law.

12582. You think you can enforce the Scott Act?—I think we can. At Gibson, where there are from 1,500 to 2,000 people, no liquor has ever been sold. If Gibson were attached to Fredericton, there would be no liquor sold here.

12583. Mr. Gibson stated before the Commission that he would not be able to enforce the Scott Act if he did not own the municipality. Do you think it is necessary for one person to be owner of the municipality before the Act can be enforced?—I think one man should own the whole, or at least you want a master mind, a man of great determination like Mr. Gibson.

12584. That was necessary before the Act could be enforced?—It was necessary to have determination, because it was a very difficult matter to control, and you had the whole passions of mankind to fight.

12585. Do you think brewers and distillers should be compensated if a Dominion Act were passed by Parliament?—I do; it is a legalized business.

12586. Do you think the rum-sellers themselves, those who are selling under license, should be compensated?—Some of them.

EDWARD JACK.



12587. Do you think the State should do this?—The State might buy their rum possibly, and empty it on the street.

12588. Do you think the Act in the country districts is fairly well observed?—I think it is. I notice in the different places a great decrease in drinking. At Stanley and Boiestown sometimes there is no rum to be had. Then some old woman will bring in a lot of poison and sell it to some unfortunate person.

12589. Did you hear the evidence this morning of the changed condition of affairs since the Scott Act was passed?—I did not.

12590. Do you consider there has been a steady decrease in drunkenness?—Yes.

12591. Has there been a general improvement in the drinking customs?—In former times no one could travel without a flask of liquor, and that is almost unknown to-day.

12592. Has that change been confined to the counties where the Scott Act is enforced, or is it general throughout the country?—I do not know, I think it is general throughout the country. The general feeling is in favour of teetotalism as part of the progress of the human race, absolute teetotalism.

*By Judge McDonald :*

12593. You spoke of the fact that while liquor was sold in the rural districts, people would prefer to get it in town?—I preferred to get it in town.

12594. You said that the liquor sold in the rural districts was generally of poor quality?—Yes.

12595. Do you believe liquors are adulterated?—Yes, I think adulteration is general; both in the town and country there is a vast amount of adulteration going on.

12596. There is an opinion in the country that where places are licensed the liquor is not good?—Liquor is generally poor in the country.

*By Rev. Dr. McLeod :*

12597. Reference has been made to the time of the imprisonment of certain hotel-keepers, and the fact that a great many persons visited them in jail. Do you think that the persons who visited them in jail were persons who had always opposed the Scott Act?—I do not know much about it. I think they were persons who were opposed to the Scott Act, but who were afraid to put their names on the petition asking for its repeal.

12598. They opposed the Scott Act, and when violators of the Scott Act were in prison, they expressed sympathy with the violators of the law which they themselves had opposed?—There may have been others.

12599. A few others; but were they such individuals in the main?—I think there were others.

REV. HENRY MONTGOMERY, of Springhill, County of York, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

12600. You are a clerk in holy orders in the Church of England, I believe?—Yes.

12601. How far is Springhill from Fredericton?—About four and a half miles.

12602. Is it reached by railway?—No.

12603. Is the Scott Act in force in the county?—Yes.

12604. How is it observed in your section of it?—I am Rector of Kingsclear, and I have another charge in Northumberland County, Ludlow and Blissfield. Springhill is in the parish of Kingsclear.

12605. Take the County of York: how is the Scott Act carried out there?—So far as I have observed, in the parish of Kingsclear, I do not think it has been fully enforced; that is from all I can learn and from any observations I have been able to make.

## Liquor Traffic—New Brunswick.

12606. How about the operation of the Act in Northumberland County?—In Blissfield, I think the law has been enforced, so far as I know, especially in the village of Doaktown, and in an important village in the parish of Ludlow. I cannot say whether it has completely abolished the sale of liquor there or not. I think in Doaktown no liquor is sold, but I understand that it is due largely to the temperance sentiment of the people, and to the vigorous efforts of the temperance society there.

12607. Take the section of the country with which you are acquainted, and say how the Act is enforced?—I am just acquainted in Knigsclair.

12608. How long have you been there?—Nearly ten years.

12609. During those ten years have you found there has been an improvement in temperance sentiment?—Yes, I believe there has been.

12610. Are there temperance organizations there?—There is a temperance society there.

12611. And religious influences have been brought to bear on the community?—Yes.

12612. Do you think those have had an effect in moulding public sentiment?—Yes, I think they have had a very decided effect.

12613. Can you form an opinion as to whether the Scott Act has had a similar effect?—So far as I have observed, I do not think it has had. I know several cases of men who were in the habit of drinking excessively, especially men about Springhill, who do not drink now, and this result has been brought about principally by moral influence and moral suasion.

12614. The other charge you have not had so long, I believe?—No; I only get there once a month, it is just a mission.

*By Mr. Gigault :*

12615. Do you believe that the Divine law forbids the moderate use of wine?—I do not believe that it does. It certainly forbids the excessive use of wine—no one can doubt that for a moment—but it does not say that a man shall totally abstain from it.

*By Rev. Dr. McLeod :*

12616. How about the question of prohibition? Have you considered the question of a general prohibitory enactment?—I have in some degree. Only the other day I came across a Message sent by the Governor of the State of Maine to the Legislature in 1891. That Message has largely influenced my mind with regard to a prohibitory law. Governor Burleigh said :—

“ It cannot be denied that the law for the suppression of the liquor traffic is often violated, and that officials charged with its enforcement are frequently derelict in duty. But it is undoubtedly true that this condition of affairs is mostly confined to our cities and large villages. In other places the law seems to be faithfully and successfully administered.”

I believe the same result would follow here if a prohibitory law were enacted, that although there might be a majority in favour of it, and probably it might be carried, yet it would be very difficult to enforce it in the cities and large towns. It might, however, be enforced in the country districts.

12617. What is your opinion as to the Divine law, in regard to the passing of a prohibitory enactment, such as the Scott Act?—I believe a prohibitory law that would decrease drunkenness and excess in drinking would certainly be in accord with the Divine law.

12618. You think that, in so far as that is concerned, there is no variance between the law of God and such a law as the Scott Act, if the law is to carry out a purpose of that kind?—I think there is no variance.

12619. Your opinion is, that there are practical difficulties in the way of enforcing a prohibitory law?—Yes.

ALFRED ROWLEY, of Marysville, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12620. What is your occupation or calling?—Bookkeeper for Mr. Gibson at Marysville.

12621. Were you here when Mr. Gibson gave his evidence?—No.

12622. What is the population of Marysville?—About 2,000.

12623. Is Mr. Gibson the proprietor of the place?—Yes, principally.

12624. Are there persons who own houses, apart from Mr. Gibson?—I think there are a few within the limits of the town.

12625. Are they persons in his employment?—Some of them, and there are a few farmers.

12626. Is it an incorporated town?—Yes.

12627. Has it a Mayor?—Yes.

12628. Has it a Police Magistrate?—No.

12629. Has it a police force?—One policeman.

12630. Are there any churches there?—Yes.

12631. How many?—There are five churches.

12632. Are there any temperance societies?—Yes, one ; the Sons of Temperance.

12633. The W.C.T.U.?—A. I think not.

12634. From the character we got of the place, it appears to be a thoroughly law-abiding community?—Yes, that is so. We have one policeman, and he has very little to do, except at night.

12635. The town is in a county which is under the Scott Act?—Yes.

12636. Is the Act well observed there?—Yes, I guess it is, because there are no places where liquor is sold.

12637. Have you reason to suppose there is any sale there at all?—I have not any reason.

12638. It is a sober community?—Yes.

*By Rev. Dr. McLeod :*

12639. You are a Town Councillor?—Yes.

12640. How many rum shops have you?—None.

12641. Have you any pauperism in Marysville?—None that I am aware of.

12642. Has not the town assessed itself for the poor?—Yes, \$100 this year. None last year, as we did not require anything from it.

12643. Do you attribute this absence of pauperism somewhat to the enforcement of the prohibitory law there?—I think it is very largely attributable to that, for the reason the people are all employed and there is no occasion for pauperism.

12644. If there were a licensed drink trade there, do you think one policeman could keep order in the town?—I should think not.

12645. How many years have you been there?—More than 26 years.

12646. That was prior to the incorporation of the town?—Yes.

12647. You have witnessed almost entirely the building up of the town?—Yes.

12648. It was quite a small place when you went there?—A few rickety buildings and an old mill.

12649. You have experience up and down the valley of the Nashwauk, where lumbering operations are carried on?—Yes, all the time.

12650. What is your impression as to the drinking habits of the people generally 25 years ago?—Twenty or twenty-five years ago there was a great deal of liquor sold and used in the valley of the Nashwauk, and the condition of the people was not as good as it is to-day.

12651. Were there any licensed places?—Between Fredericton and Stanley there were 18 or 19 places, some licensed and some I presume not, in 25 miles.

12652. How many are there now?—Report says there might be possibly 5 or 6. I do not know that there are any.

## Liquor Traffic—New Brunswick.

12653. Do you attribute the lessening of the number of the drink places in any degree to the Scott Act?—Partly, and partly to a strong growth of temperance sentiment from temperance organizations.

12654. Do you think the Scott Act has helped the growth of that temperance sentiment?—I do, most decidedly.

12655. You have knowledge of the views of the people in Stanley, Douglas and St. Marys, in which your operations are carried on. You were Warden of the County for some time?—I was.

12656. And you were a County Councillor?—I am still.

12657. Do you think in those parishes of which I speak, the prohibitory sentiment is strong?—I do.

12658. Is it favourable to the enforcement of the Canada Temperance Act?—I think in those sections there is a large majority in favour of its enforcement.

12659. Do you believe there is a feeling as strongly in favour of a general prohibitory law as there is in favour of the Canada Temperance Act?—From conversations with different parties, I think it is stronger.

12660. What is your observation, from being in contact with representative men, of the feeling throughout the County?—I think the feeling throughout the county generally would be in favour of prohibition.

*By Mr. Clarke :*

12661. I think Mr. Gibson stated the Scott Act could not be enforced if he were not largely the owner of the municipality. Do you concur in that opinion?—He is a great help to it, but I could not answer whether it could or could not be enforced without him.

12662. Do you attribute the sobriety of the place to the existence of the Scott Act or to the efforts of Mr. Gibson?—I would not entirely attribute it to the Scott Act, but I think it has had much to do with it, backed up by Mr. Gibson.

12663. What was the population when you went there?—Probably 200 or 300.

12664. What period elapsed before you had a policeman?—From just after the incorporation, five or six years ago.

12665. Were any police there before?—No.

12666. How long has the town been under the operation of the Canada Temperance Act?—Since the adoption of it in the county.

12667. Was liquor sold there before?—I think it was in two or three places.

12668. Under licenses?—I am not sure. I think perhaps they were.

12669. So there has been prohibition there longer than the operation of the Scott Act?—Yes, there has been practical prohibition since Mr. Gibson took hold.

12670. Did you have any pauperism before?—The first year we assessed \$150 for the poor, and \$150 the next year, and in the first two years we nearly used that amount. Last year we required nothing, and this year we have \$100 for contingencies, but we have used nothing of it.

12671. Are the assessments made every year?—Yes. The end of the year is in January.

*By Rev. Dr. McLeod :*

12672. What is your observation of the condition of the lumbermen who live along the valley of the Nashwaak?—Very much improved as to buildings and so on.

12673. To what do you attribute that?—Very largely to the temperate habits of the people.

12674. Their buildings are better?—Yes.

12675. And there are more signs of thrift?—Yes, especially in Stanley.

12676. Was Stanley a place where there was a great deal of drinking in former years?—Yes, I am informed so.

12677. And that is greatly changed?—Very materially changed.

ALFRED ROWLEY.

*By Mr. Clarke :*

12678. The condition of things has changed in the country generally?—That is my impression.

12679. There were a lot of wayside inns when the stage coaches were running, which have been done away with largely since the railways came in?—I think some in that section were done away with previous to that, but possibly it has had something to do with it.

SAMUEL B. TOWNSEND, of Montreal, was duly sworn.

REV. DR. McLEOD.—I protest against the hearing of any witness or witnesses who are not residents of the town or county or province, when there are witnesses resident in the city or province who are waiting for an opportunity to be heard, or who have been suborned.

JUDGE McDONALD.—There has been considerable difficulty at times in regard to witnesses. We have called over the lists of our official witnesses, and now we are in position when gentlemen who represent certain interests here hand in their names alternately. The last name handed in was Mr. Rowley, and now it is the turn of the other gentleman, who handed in this name; and we cannot inquire further into that matter.

REV. DR. McLEOD.—The same question arose at Halifax.

JUDGE McDONALD.—The same mode of procedure had not arisen at Halifax.

The examination of the witness was proceeded with.

*By Judge McDonald :*

12680. Where is your residence?—Montreal.

12681. What is your occupation or calling?—Commission merchant and commercial traveller.

12682. How long have you been a commercial traveller?—Five years.

12683. Where have you travelled during that time?—Principally in the Maritime Provinces, but at times as far as the Detroit River.

12684. You have travelled in the Maritime Provinces?—Yes.

12685. In what line of business are you engaged?—In the wine business principally.

12686. You are travelling for a wine house?—Yes.

12687. Have you had any opportunity of forming an opinion as to how the Scott Act is observed?—My business has brought me almost exclusively in the larger cities, to the wholesale houses. I have visited almost every town of 1,000 inhabitants, and I have yet to find a town where liquor was not to be had for beverage purposes, if any one wanted it.

12688. As to the province of New Brunswick?—I do not know one town where I could not find liquor.

12689. Name some of the towns where you have been?—Sussex, Moncton, Sackville, Newcastle, Chatham, Woodstock, Fredericton, McAdam Junction, Fredericton Junction.

12690. These are all places where you have been able to find intoxicating liquor for beverage purposes?—Yes.

12691. At any of these are sales made by your firm?—In three places only.

12692. How about Nova Scotia?—In Nova Scotia I have visited Sidney, North Sydney, Antigonish, New Glasgow, Pictou, Truro, Amherst, Lunenburg—which is under the Nova Scotia local law, but is not a licensed town—Bridgewater, Mahone Bay, Liverpool, Yarmouth, Windsor, Annapolis, Digby, Weymouth.

12693. In all these places intoxicating liquors are sold for beverage purposes?—Yes.

## Liquor Traffic—New Brunswick.

12694. How about Prince Edward Island?—In Charlottetown the Scott Act has been repealed; but I know of Summerside, Souris, Georgetown and Alberton, where there is sale.

12695. Are you able to say anything as to the State of Maine?—Only in regard to Houlton and Calais from recent knowledge, but from two to five years ago I could speak of Old Orchard, Portland and Bangor.

12696. How did you find the Maine law enforced?—I found no difficulty at all. It was the same as if there were no law. In some cases they might be a little more particular, but there was no difficulty.

12697. You have spoken of some towns that we have not visited, such as Newcastle and Woodstock?—Yes.

12698. How large is Newcastle?—From 2,000 to 3,000 people.

12699. And Woodstock?—About 3,000.

12700. And Chatham?—Chatham is larger.

12701. How are they in proportion to the others?—About the same, or, I think, Chatham would show larger than other towns I have mentioned.

12702. What about the quality of liquor?—From my experience as representing a house doing one of the largest businesses in Canada, dealing almost entirely in imported goods, the classes of liquors in Scott Act towns are of inferior quality. We do not sell there any fine qualities of wines and whiskies; what there are sold are very small quantities proportionately in these places.

12703. What kinds of liquors are principally used?—Scotch whiskies are used very largely in this province.

12704. Are malt liquors sold?—There is considerable malt liquor sold, but nothing like the quantity in the other provinces, because malt liquors represent a great bulk, and people are afraid of selling what is very noticeable.

12705. Have you formed any opinion as to the character of the liquors as they are retailed?—They are very poor in the majority of places.

12706. Are they adulterated?—They are sold by the wholesale merchant very largely as they are retailed, but they are sold as common goods.

12707. Are you in a position to say as to the amount of goods imported by your firm into these provinces?—I could not say very well, because we do considerable in goods duty paid, and others in bond on the ship in Europe, and sometimes duty paid represents three times the amount of the goods in bond.

12708. Do you know how far they are taken out of bond?—They are taken out of bond when they arrive here. We sell a great deal here, and we pay the duty, but a large quantity is sold practically in Europe, and they pay the duty when the goods arrive.

12709. The Collector of Customs said the Customs duties would exceed the value of the goods?—I called on the Collector of Customs in Woodstock, and he gave me a statement signed and sealed, and he stated something to the same effect. This is the statement he gave me:

CUSTOMS, CANADA, WOODSTOCK, N.B., 12th August, 1892,

Statement of spirituous liquors entered for consumption at the Customs-house in the district of the Port of Woodstock, N.B., which comprises the counties of Carleton, Victoria and Madawaska, N.B., for three years ending 30th June, 1892.

				Value.
For year ending 30th June, 1890—	5,855	gallons.....		\$ 3,997
do do 1891—	4,140	do .....		2,830
do do 1892—	4,660	do .....		3,843
<hr/> Total .....				<hr/> \$ 10,670

The duty on the above would increase the value by about \$29,000. The above figures represent about one-half the trade in this district, as a large number of traders buy duty paid in St. John. There is very little wine, and no ale, beer or porter included in the above figures, it all, or nearly all, being bought duty paid.

D. F. MERRITT,  
*Collector of Customs.*

I may state that the Customs tariff demands the return in proof gallons. Liquors are sold 25 per cent under proof, so that represents 25 per cent more than the quantity of liquor.

SAMUEL B. TOWNSEND.

12710. That includes the counties of Carleton, Victoria and Madawaska?—Yes.

12711. Carleton is under the Scott Act?—I think all three counties are under the Scott Act. I also have a return from the Collector of Inland Revenue at Woodstock of the amount of Canadian whisky on which duty was paid, which I produce.

INLAND REVENUE, WOODSTOCK, N.B., 12th August, 1892.

Memorandum of amount of spirits on which duty was paid at the local office of Woodstock, in the Inland Revenue Division of St. John, N.B., during the year 1891 and part of year 1892 up to date.

1891—1,391 96	proof gallons, duty paid	\$2,031 46
1892— 584 60	do do	876 98

WILLIAM DIBBLE,

*Deputy Collector Inland Revenue.*

12712. Does the same remark apply as to the 25 per cent?—Yes.

12713. Your experience is that liquors are freely sold for beverage purposes in these three Maritime Provinces, and that on the whole they are of an inferior quality?—Yes.

12714. You said something about knowing the Province of Quebec?—Yes.

12715. How do you find matters there?—Of course we do a very large business there, but we sell a better quality of goods there. I do not mean to say there is no good liquor sold in these Provinces, for there is; but there is a very large demand for an inferior quality.

12716. Do you know if any persons in these Provinces send to Montreal or other Provinces to get liquor for their own consumption?—Yes, that is the difficulty we have to contend with. Under the Canada Temperance Act you cannot recover accounts in Scott Act counties. We have had persons send to us, and particularly one firm in St. Stephen, who in 1890 got \$1,800 worth of goods and paid \$700, and we never got any more, as if they went into business for the purpose of selling the goods, and refusing to pay the persons from whom they bought them.

*By Mr. Clarke:*

12717. Do the liquors enumerated above include all the liquors sold in those places?—Not by any means. The Inland Revenue return in Woodstock is all in reference to one man.

12718. If you sold any there would that be included?—Not unless I sold in Europe. If I sold from Montreal the goods would not appear there.

12719. If travellers from St. John sold liquors there, would they be included?—No, they would not.

12720. How long have you been travelling in these Provinces?—Steadily for these two years.

12721. What has been your experience as to the enforcement of the Scott Act?—That it is not enforced; that it is just the same as if there was no law.

12722. You say there is fear as to the use of beer?—It is in this way. If the trade became too noticeable, there might be some notice taken of it; and malt liquor runs only from 6 to 8 per cent of spirit whereas whisky runs from 75 to 80 per cent.

12723. There is no trouble for a man to get liquor if he wants it?—None.

12724. The quality of liquor is deteriorating?—Yes, and the reason is that people say if a seizure is made and they carry a cheaper liquor, it will not be so much loss as if they carried a superior article.

12725. Have you noticed any less number of drunken people on the streets since the adoption of the Scott Act?—No, there does not appear to be any change, so far as I can judge.

*By Rev. Dr. McLeod:*

12726. What firm do you represent?—Lawrence A. Wilson & Co. of Montreal.

12727. Speaking of the statement of the Collector of Customs in Woodstock, do you know as to Victoria and Madawaska being under the Scott Act?—I never gave it a thought until I saw the names entered in the Collector's report.

12728. Do you know what proportion of liquors mentioned in that statement go into Madawaska and Victoria, and what proportion into Carleton?—I do not, but I know that a very large proportion is used in Carleton.

## Liquor Traffic—New Brunswick.

12729. How do you know?—I know, because I have seen a large proportion of the goods I have sold used in Carleton County.

12730. You do not know what proportion goes into the two license counties, and what proportion goes into the Scott Act county?—I do not.

12731. Do you know whether the quantity which went in prior to the Scott Act was greater or less than that which has gone in since?—No; I have no knowledge, except within the last two or three years.

12732. Have you any difficulty in collecting in Scott Act counties?—Only that one case in St. Stephen, because we do not deal with small houses.

12733. Not with hotels?—No.

12734. Do you know that there is a Sabbath law in those places?—I presume so, but I do not know.

12735. Is there a violation of it in those places?—I think there is a violation of it.

12736. You think the Sabbath law is a failure?—Under the existing state of things I think it is, because the trade in liquors under the present condition of things has been driven into the hands of unscrupulous people in many instances. There are many respectable people in it, but I think you will find that the people who defy the Sabbath law are not scrupulous people.

12737. It is scarcely worth while to ask you if you believe in a prohibitory law?—I do not.

12738. If there were one touching the importation and manufacture as well as the sale, would your firm continue to effect sales as far as possible?—I could not speak for my firm.

12739. Well, for yourself?—It would be a pretty serious thing for me. I have been brought up in the liquor business since I left school, and my services would not be as valuable to me under those circumstances.

12740. The prohibitory law would affect your business?—Yes.

12741. Do you mean that your business does not particularly observe law?—No, I do not say that; I think my firm might not continue to do business. It is largely a matter of circumstance. It is such an improbable matter that I never gave it a thought.

12742. Is your business better in Quebec than in the Maritime Provinces?—I do not think it is. It is a different business. In Quebec it is mostly a wine business, and here it is difficult to sell wines.

12743. Are sales easier in Quebec than in the Maritime Provinces?—There are more large wholesale houses doing business. Here, there are a number of small jobbing houses, whereas in Montreal we have a number of customers who do business throughout the whole province.

12744. You are selling under license?—Yes.

12745. But your sales in Scott Act counties, are they under license?—We consider them perfectly legitimate. We pay duty on the goods we sell and pay a license, and we are justified in doing business where we can.

12746. Altogether regardless of the will of the community?—We do not pay much attention to that.

12747. Do you sell these inferior goods you speak of?—We do.

12748. Does that impress you that the Scott Act affects your business?—It does.

12749. Then you mean to say the Scott Act affects your business?—It does in that way. We sell quite as much, but of a lower quality.

12750. You would prefer the repeal of the Scott Act?—Yes; we would prefer to sell goods which were a credit to us, and not goods which we are ashamed of owning.

12751. You do sell goods you are ashamed of owning?—Yes, because the trade demands it.

12752. You spoke of the trade being driven by the law into the hands of disreputable people. Do you know if they are of that class in Madawaska or Victoria?—I have never been there.

12753. Is liquor sold at Andover, Grand Falls and Edmundston?—I have never been further north than Woodstock.

12754. But you know your goods go to Madawaska?—I do not. I know they go to Carleton County.

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12755. Woodstock is the port of entry for Madawaska?—Yes.

12756. And you know from the statement of the Collector that the goods go there?—No, because he only speaks generally on the entries; he would not know they went into those counties.

12757. You have not seen any diminution of drunkenness?—That is within two years?

12758. You have observed no change?—No, not in that time.

12759. And your business has not changed?—No.

12760. Is there any relation between the two things?—No, there is not.

12761. Do you suppose if the business you represent fell off, drunkenness would diminish?—No; competition might account for that, another firm might come in.

12762. If the quantity of liquor sold fell off, do you suppose drunkenness would diminish?—Yes, I think it would.

12763. Then there is a relation between the drink sale and the drunkenness?—Yes, in that way I think there is.

*By Mr. Clarke:*

12764. Is it illegal for you to sell to people in Scott Act counties?—No, it is not.

12765. You do not break the law then?—No.

12766. The Scott Act permits people who reside in the County to bring in packages of liquor for their own use?—Yes.

*By Judge McDonald:*

12767. You have spoken of the State of Maine, and of knowing Calais and Houlton recently?—In Houlton, which is 12 or 13 miles from Woodstock, there are three open bars.

12768. What character of liquors is sold there?—There was ~~gan~~ brandy and whisky. There may have been other liquors, but those are what I noticed.

12769. Have they any license?—I believe they pay the United States tax.

12770. In the places you spoke of, did many people seem to be going in and out?—In one place they seemed to be a little cautious, but in the others there did not seem to be any care taken.

12771. When was this?—Last Friday. And last March I observed the same thing.

12772. Have you recently observed any sale in Calais?—Yes.

12773. What is the character of the sale in Calais?—It was not an open bar, but from what the proprietor of the place told us I think he was a little suspicious, owing to the visit of the Commission to St. Stephen.

*By Rev. Dr. McLeod:*

12774. When you were in St. Stephen, did you take orders?—From only one man.

12775. Was that legal?—I believe so, I do not see any reason why we should not.

12776. Does the law forbid the sale of liquors in a Scott Act county?—I have no knowledge that it does, and we pay our license.

12777. Have you taken orders in Fredericton?—I have.

12778. Do you observe a very general open sale in Scott Act counties?—In bars? Yes, I do.

12779. You would be likely, being in the business, to know when others would not?—No; because I know very few of the retail dealers.

12780. In licensed places are there fewer or more open bars than in Scott Act places?—There is a difference in different places.

12781. How many bars are there in Fredericton?—I know of about half a dozen, but I am told there are about twenty-two.

12782. Do you find the same condition of publicity in St. John?—Just about the same thing.

12783. In St. John you see the sign for licensed tavern?—Yes, but here you do not see the sign.

12784. Do you see any sign in Fredericton on the main street?—No, I cannot say you do.

## Liquor Traffic—New Brunswick.

12785. Do you find the door opening off the street?—Not right into the room where the liquor is sold.

12786. How many bars, fitted up as bars, do you know in the city of Fredericton?—I know three.

12787. You said six?—I said six places where liquors are sold.

12788. Will you say whether those places are hotels?—I decline to answer.

12789. Do you sell to drug stores?—Yes; but they are more particular as to the quality of liquor they buy.

REV. GEORGE G. ROBERTS, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12790. You are a Clerk in Holy Orders in the Church of England?—Yes.

12791. How long have you resided in Fredericton?—Nineteen years as Rector.

12792. You were residing here when the old license law was in force?—Yes.

12793. What is your experience, in the first place, of the state of sobriety in Fredericton since you first knew it? Has there been an increase in sobriety?—I think there has.

12794. There is less drunkenness than there used to be?—I think there is.

12795. Do you think there is less consumption of intoxicating beverages in a social way than in the old days?—Certainly.

12796. There is a marked change?—A very decided change.

12797. Do you find that change elsewhere in the Province?—To some extent certainly everywhere, but not to so great an extent as in Fredericton.

12798. Do you think the Scott Act has been beneficial here?—I do.

12799. It has affected an improvement in the sobriety of the people?—That is my conviction.

12800. Do you think it has led to the sale of liquor in a less number of places than formerly?—That would be my opinion and belief.

12801. Are there temperance societies in the city?—Yes, there are.

12802. And the usual religious influences that would exist in such a city?—Yes.

12803. These all have their effect also?—They have, I think.

12804. So you think the Scott Act and these influences have been of benefit in producing this improved state of affairs?—That is my opinion.

12805. You have had nothing to do, I suppose, with the enforcement of the Act in any way?—Nothing at all.

12806. And could not make any suggestions as to improvements in the law?—I am connected with temperance organizations, and that is the only way in which I attempt to enforce the Act, by using my influence.

12807. Have you had any opportunity to observe the working of the Act in the rural districts outside of the city?—I have not had very much opportunity.

12808. Have you reason to believe it has been beneficial there?—I have some reason to think so.

*By Mr. Clarke :*

12809. Do you think the law is fairly well enforced here?—Not so well as I wish it was.

12810. What are the difficulties in the way of the better enforcement? Are the police derelict in their duty?—I should be sorry to say so. I do not think they are.

12811. What suggestion could you make that would lead to a better enforcement in this city?—If there were some official whose special duty it was to enforce it, I think it might be better enforced—some Dominion official.

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12812. The Provincial Legislature has given the City Council power to appoint an official to enforce the law, and the Dominion Government has given permission to hand over the fines to pay the official enforcing the law. Is there any obstacle in the way of appointing an official to enforce the law?—I really do not know.

12813. Has an effort been made by the temperance people to obtain the appointment of a special officer or Inspector by the Council?—I think that that is the desire of the temperance people, as far as I know.

12814. Have they ever made their desire known to the Council?—I am sorry to say I am not in a position to say how far they have tried to enforce it.

12815. Do you think the appointment of an officer by the Provincial Government or the Dominion Government would be productive of better results?—I think so.

*By Rev. Dr. McLeod :*

12816. Did you receive a circular letter from the Commission?—I did.

12817. Have you answered it?—I have, at least I have written the answers, but I have not mailed them yet.

12818. I believe you were some years in the ministerial office before coming to Fredericton. From your experience in your pastoral duties, which bring you in very close connection with families, do you believe that, to any extent, the drink trade and the drink habit are the cause of crime, immorality, poverty, domestic trouble, neglect of children and neglect of religion?—I think so decidedly.

12819. To a considerable extent?—To a considerable extent undoubtedly. I know a great number of instances in which the unhappiness in families has been caused by drink, and that was the result of the drink traffic.

*By Mr. Gigault :*

12820. Do you believe the Divine law forbids the moderate use of wine?—I do not.

12821. Would you favour the adoption of a law which would prohibit the sale of wine?—I strongly favour the Scott Act in Fredericton, which is prohibitory as regards the traffic in wine in this city; but whether I would be in favour of a prohibitory law for the whole country is quite another matter. I have not made up my mind on that subject; it would depend on the provisions of the law. For the present I prefer the local Act as it exists here, and I have not made up my mind as to the advisability or practicability of a general prohibitory law.

*By Mr. Clarke :*

12822. Do you know any country where the importation, manufacture and sale of liquor is prohibited?—I think it is in some portions of the United States.

12823. Have you ever been in Maine?—Yes, frequently.

12824. What was the result of your observation there?—I am not very likely to find out bar-rooms or places where drinking is carried on, and I would have no opportunity of knowing; I never go to them.

12825. Did you observe drunkenness in any town in Maine?—No.

12826. Or any evidence of drinking in the hotels?—No; I have stayed at some of the leading hotels in Portland and Bangor at different times.

12827. Did you see no evidence there of the sale of liquor?—I saw none. I was not looking for any, but I certainly did not notice any.

12828. Some evidence is not far to seek?—I do not remember seeing any case of drunkenness either in Bangor or Portland. I have no recollection of any.

## Liquor Traffic—New Brunswick.

WILLIAM QUEEN, of Woodstock, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12829. You are a Justice of the Peace, I believe?—Yes, for Carleton County.

12830. Were you appointed by the Government of New Brunswick to that position?—Yes.

12831. How long have you been a Justice of the Peace?—It will soon be three years.

12832. Is the Scott Act in force in Carleton County?—Yes.

12833. Is it in force in Woodstock?—Yes, the Scott Act is law there.

12834. Then there are no licenses issued for selling liquor for beverage purposes?—No.

12835. Do you know other sections of the country beyond the County of Carleton?—Yes, I have been in other places ; I have been in the County of Victoria.

12836. And any other counties?—I have not been further up than Victoria.

12837. Are you in a position to say whether the Scott Act is well observed in the County of Carleton?—I think it is not.

12838. How is it observed in the town of Woodstock : is there any sale of liquor there for beverage purposes?—I think so.

12839. Have you as a Justice of the Peace had any such cases before you?—Such a case would not come before me, but before the Police Magistrate of Woodstock.

12840. Have you any knowledge of any such cases having been tried?—Yes, a number of them.

12841. Could you form an opinion as to the number of places in Woodstock in which intoxicating beverages are sold?—From latest reports I could gather there were at least 25.

12842. What is the population of the town?—About 3,000 according to the last census.

12843. Have any of those places an open bar?—I do not know, I do not go into them much.

12844. Do you ever see drunken people there?—Yes, numbers of them. I observed four passing my window on Saturday night in about one hour.

12845. Were they drunk?—What I should call drunk, they were staggering and were not able to walk straight.

12846. How many members of the police force are there?—Two, one for day and one for night duty.

12847. How far are you from the Maine border?—About 12 miles.

12848. Have you any knowledge of the character of the liquor sold in those places?—No ; I never drank any of it, and I know nothing of its quality.

*By Mr. Clarke :*

12849. Do you travel pretty extensively through the County of Carleton?—Sometimes my business leads me to different parts of the county.

12850. How is the Scott Act observed outside of Woodstock?—From the reports I hear it is not observed any better than in the town.

12851. Did you see any evidence of non-enforcement in other parts besides Woodstock?—Yes, I have seen evidence of it.

12852. Is there a Scott Act Inspector?—There is a Scott Act Inspector at Woodstock.

12853. Does his jurisdiction extend over the county?—Woodstock is a separate municipality, but his jurisdiction extends over the whole county, including the town.

12854. Is any attempt made to enforce the Act in Woodstock?—Yes, there have been several very strong attempts made to enforce it.

12855. Have they been fairly successful?—They have been successful in securing convictions in Woodstock, but not in carrying them through.

12856. How long has the county been under the operation of the Canada Temperance Act?—That I could not tell you. It was in force when I went there to live.

WILLIAM QUEEN.

12857. How many years have you lived there?—Four years next May.

12858. Are the efforts for enforcement more vigorous than when you went there three or four years ago?—Not any, I think.

12859. Have there been any special obstacles or difficulties in the way?—I have not seen any effort made to enforce the Act since last winter.

12860. Have there been any special obstacles in the way of the enforcement of the Act there?—Not that I know of.

12861. Is one Inspector sufficient to enforce the Act in a whole county?—He does not enforce the Act in a whole county, as we suppose it ought to be done to make it a success, because the Act is not a success in that county.

12862. Do you know if the Town Council has given instructions to the police to enforce the Act there?—They have given instructions to the Inspector, but I do not know anything about them. The police force is not under the jurisdiction of the County Council, but of the Town Council.

12863. Do you think the Town Council expect the policemen there to enforce the Act?—I could not say whether they expect them to enforce it or not.

12864. Is the Act persistently and continuously violated there?—Yes, openly in every way; I do not see anything in the way at all. I see people going into places after they come from work to get drink.

12865. Do you know anything about the County of Victoria?—Not further up than Andover.

12866. How has the law been observed there?—The Scott Act is not in force there.

12867. Is there more drunkenness in the County of Victoria, where a license law is in force, than in parts of Carleton County, where the Scott Act is in force?—I was not long ago in the parish of Perth and Andover. There is a village on one side and another village on the other. I did not see any sign of drunkenness or a drunken man there that day.

12868. Is the license law in force on both sides of the river and in both of those villages?—No licenses are granted in Andover, but in Perth there are licenses granted, on the opposite side of the river. The Council there had, I think, the option of granting licenses in the different parishes. I heard that the Council of Andover granted no licenses for that parish last session. I have also lived in Queen's County, where the Scott Act is in force.

12869. How is the law enforced there?—I never heard of a successful conviction in the county.

12870. Is the law violated there?—The number of liquor places, to the best of my knowledge, is about the same as before the Act was adopted. I think there is no difference.

12871. Do you speak generally of the county?—I speak of the western part of the county, generally; I do not know the eastern part. There were no licenses granted in that county previous to the adoption of the Scott Act, either in the western or eastern part.

12872. Do you think the Scott Act tends to reduce drinking and drunkenness?—So far as my observation in Woodstock goes, it has not done so.

12873. Have you had any experience of the operation of the Maine liquor law: do you know how it is working?—No, not particularly. I was in company with Mr. Sleeper, of Lewiston, this morning, and I asked him at how many places liquor was sold in his town, and he told him it was sold at forty places.

12874. What is the population of Lewiston?—I do not know. Of course that is hearsay evidence. He is a native of Lewiston and has lived there all his life, and he told me liquor was sold at 40 places.

12875. Would you favour a more stringent measure than the Scott Act?—I would be in favour of a prohibitory law, if it would prohibit; but if it were no better than the Scott Act, I would not be in favour of it.

*By Rev. Dr. McLeod:*

12876. Do you know whether the Scott Act has ever been enforced in Woodstock?—You mean to stop drinking? My answer to that is, not since I went there.

12877. Has it stopped the trade at all, even temporarily?—I do not think it has.

## Liquor Traffic—New Brunswick.

12878. You have spoken of persons from various parts of the county being brought into Woodstock for trial for violations of the law?—Yes.

12879. Would the fact that they have been brought to Woodstock for trial indicate to you that there was an attempt to enforce the law?—Yes, that would be an attempt at the time to enforce the law.

12880. For such time as that, even for a short time, was the law enforced?—You mean that the law was put into force sufficient to stop liquor selling? No, I think not.

12881. You do not think that even for one week the sale of liquor has been stopped to any extent?—No.

12882. Not even lessened?—Not even lessened, because I have not seen any diminution of drunkenness in town.

12883. Is there a good deal of drunkenness?—A good deal of it in the town, more than there should be and more than is good for the town.

12884. Do you think there would be less drunkenness if the trade were licensed?—I think the liquor traffic would not do as much injury as it does now.

12885. Do you mean that the men, if authorized to sell, would not sell as much as now?—I do not think there would be any more sale, if the trade were licensed.

12886. You do not know 25 places selling, of your own knowledge?—No.

12887. That opinion is just hearsay?—That is what I was told.

12888. You were told there were 25?—Yes, this morning.

12889. What was your source of information?—The statement came from an hotel keeper.

12890. Do you know whether he is a seller himself?—I think he is.

12891. You think the law is not a success?—I think the law is not a success.

12892. Do you know why it is not a success?—Yes; because they fail to enforce it.

12893. Who fails to enforce it?—Those who have authority over it.

12894. You mean the Inspector?—I do.

12895. Do you know that he has made a great many complaints?—Yes, I do.

12896. Do you know that he has prosecuted a good many complaints to conviction?—Yes, in the Justices Court, but not outside of that.

12897. Has he secured convictions in the Police Magistrate's Court in Woodstock?—Yes.

12898. In a considerable number of cases?—Yes.

12899. Would it appear to you that he was making an attempt, at all events, to discharge his duty?—He has made several attempts to discharge his duty.

12900. And he has secured how many convictions?—I think 30 last winter.

12901. What became of those convictions?—I could not answer that question except by saying that they came before a Judge in Fredericton and were held there.

12902. They were held there for what reason; was it because the cases were not proven?—I could not answer that question, because the machinery of the law when it goes that far is beyond my knowledge.

12903. When the cases came before the court at Fredericton, were the convictions quashed because the evidence was insufficient?—I could not tell whether they were quashed or not.

12904. Do you understand that those appeals are still pending?—Yes.

12904a. What impression would the enforcement of the law and the action of the Inspector convey in regard to public sentiment and the views of the people in regard to the law?—I think probably the appeals would tend to discourage the Inspector for a time, because they tended to put the county at considerable expense, which the people did not realize, in consequence of the operation of the law.

12905. Had you anything to do with the prosecutions at that time?—No.

12906. Have you had anything to do with the incidents of the prosecutions? For instance, there was a charge against the Inspector, brought before your court?—No, there was a charge brought against him, but not on that ground.

12907. Was there a charge made which had the effect of staying the proceedings for a time?—No, they went on with their business all the same.

12908. Was it because the order of your court was disregarded?—The order of my court was obeyed at that time.

WILLIAM QUEEN.

12909. And the party to the prosecutions was imprisoned?—Yes, he was imprisoned for violation of the county law.

12910. That is to say that the party to the prosecutions was brought before your court and imprisoned?—He was summoned before me on a charge of breaking the county law, and he was proven guilty and fined.

12911. He was charged with a violation of the law that forbids a commercial traveller or pedlar from selling without a license?—Yes, that was the charge.

12912. And he was put in jail?—Yes.

12913. Do you know whether that charge was designed to prevent prosecutions at that time?—I do not think so.

12914. Have you any opinion about that?—Not any. The charges were made before me under oath, and I took cognizance of them.

12915. He was very soon released?—Yes, he was released.

12916. Not by any order of your court?—He was released by paying a fine.

12917. The order of your court was fine or imprisonment?—Yes, fine, and in default, imprisonment.

12918. And on the fine being paid he was released?—Yes.

12919. Was the fine paid to you?—Yes, I received the fine.

12920. Did you order his release?—When they paid the jailer, the jailer released him.

12921. The fine was not paid to you?—No, to the jailer.

12922. I want to bring out the fact whether the proceeding of the court was an interference with the enforcement of the law?—They went on with those cases just the same, and they were carried to conviction.

12923. Have those convictions been quashed on appeal, based on irregularity of proceedings?—That I could not tell you.

12924. Do you know whether the appeal was based on the declaration that the evidence was not sufficient to convict?—I could not tell you that either; I do not know what the lawyer's plea was.

12925. In what part of Queen's did you live?—In the western part.

12926. In what town or village?—I did not live in any village, but in the parish of Petersville.

12927. Do you think liquor selling goes on under the Scott Act?—Just the same as when I lived there.

12928. Do you know anything about Queen's County, eastern side of the river?—No.

12929. You do not know whether the law had any effect there or not?—I do not know whether there was any selling before the law came into force.

12930. You know the country chiefly about Petersville?—Yes. There never was much liquor selling in that district.

12931. How long were you in Perth?—The principal part of a day.

12932. Do you know if there was any liquor selling there?—No.

12933. Do you know if there are any licensed places there or not?—I think I saw one licensed place during the time I was there.

12934. You do not know anything about Carleton County prior to the Scott Act, for you have lived there only four years?—No.

12935. So you are not able to compare Carleton County under the license law with the county under the Scott Act?—No.

*By Mr. Clarke :*

12936. Can you compare Woodstock under the Scott Act with any town under a license law?—No, I cannot.

12937. You spoke about 30 convictions. Were they people who were selling liquor in Woodstock or in the county generally?—They were located throughout the county.

12938. How many were in the county?—About 7 or 8.

12939. How many in the town?—About 22.

12940. Do you know, as a matter of fact, that 22 people were up at one time for selling illegally at Woodstock?—Of the 22 people some had three or four convictions at one time against them.

## Liquor Traffic—New Brunswick.

12941. Had any been placed on trial for a third offence?—Not that I know of.

12942. In regard to this person brought before the court: I suppose the usual penalty was imposed?—The usual penalty for breach of the law.

12943. That was a fine?—Yes, the fine which the law lays down.

12944. He would not have been jailed, if he had paid the fine?—No.

*By Judge McDonald :*

12945. He did not appeal from your conviction to a higher court?—Not at the time.

12946. Did he afterwards?—Yes.

12947. What became of the appeal?—The appeal was successful.

12948. And your conviction was quashed?—Yes.

12949. He got back his fine?—No; it was paid over to the County Treasurer. I do not think he got it back; I never heard of it.

*By Rev. Dr. McLeod :*

12950. Do you understand that the quashing of your conviction was a rebuke to you for the course pursued?—No, I think not.

12951. Do you know whether at that time there were a considerable number of persons who petitioned against your action and petitioned for the cancellation of your writ as a Justice of the Peace?

MR. GIGAULT.—The witness surely is not bound to answer that question. We have no interest whatever in inquiring into such personal matters.

REV. DR. MCLEOD.—Witness, do you decline to answer the question? I submit that this question has to do with the investigation, for this reason: there was an attempt to interfere with the prosecution, and it is believed that Mr. Queen was used to further that action.

JUDGE McDONALD.—You state that as a matter of fact. You, witness, are one of Her Majesty's Justices of the Peace for Carleton. The charge has been made against you that your writ was used for such and such a purpose; you are at full liberty to make whatsoever statement you please?

WITNESS.—It is not the fact, to my knowledge; I did not so use it.

REV. DR. MCLEOD.—That is not an answer to my question. I asked the question: Do you know whether at that time a considerable number of persons protested against your action and petitioned for the cancellation of your commission as a Justice of the Peace?

WITNESS.—I never saw any such petition.

12952. Do you know anything of such petition?—I do not; I have heard of it, that is all.

*By Judge McDonald :*

12953. You retained your office?—Yes.

12954. So, if such action were taken, it met with no success, so far as you were concerned?—So far as I am concerned, it met with no success.

*By Mr. Clarke :*

12955. When was the petition in circulation?—Last winter.

12956. Are you still acting as a Justice of the Peace?—Yes.

12957. The petition was not entertained by Her Majesty's representative in the province?—No. I considered the matter in this light, that when a party came in and swore out a complaint, it was my duty to act on it, and I did so.

*By Judge McDonald :*

12958. Everything in law is presumed to be done rightly and legally?—I presumed I was doing my duty, unbiassed in any way.

*By Mr. Clarke :*

12959. Did the petition set out the facts?—I could not tell you what it set out. It was got up by the prosecuting attorney who was employed by the County Council, and I understood it was done from personal enmity, on account of business matters.

WILLIAM QUEEN.



HUGH O'BRIEN, of Fredericton, clerk, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

12960. How long have you resided in Fredericton ?—All my life.

12961. Have you held any official position ?—No.

12962. Have you had anything to do with the administration of the Scott Act ?—No, nothing more than that I did what I could to secure the passage of the Act.

12963. Do you think the law has worked well ?—Yes.

12964. Do you desire it should continue in force ?—Yes.

12965. Do you consider that it has had a good effect on the community ?—Yes.

12966. Do you think it has put a stop to drinking, or decreased it materially ?—I think it has lessened drinking at least one-half.

12967. Do you think there is less drunkenness than formerly ?—I know it.

12968. Do you think the moral condition of the city as a whole has improved for some time past ?—Yes.

*By Rev. Dr. McLeod :*

12969. Do you remember the time before the Scott Act went into operation ?—I do.

12970. When licenses were issued, were licensed drinking shops all about the town ?—Yes.

12971. What is your impression as to the difference between that time and the present ? What state of things prevailed then ?—I remember when there were 21 licensed taverns and I knew of over 15 jug shops, as we called them, where you could get liquor any time, day or night. I do not say that everybody could get it, but a great many could.

12972. So there were nearly as many illicit places as licensed places ?—Yes, very nearly as many.

12973. Do you know whether any attempt was made to shut up those unlicensed places ?—Very seldom.

12974. Do you know whether the men who held licenses interfered with the men who did not hold licenses ?—I think they bought their liquor from the parties who held the licenses.

12975. So the licensees supplied the illicit men ?—Yes.

12976. And did not interfere with their trade ?—No.

12977. Was there a good deal of drunkenness at that time in the city, say twenty years ago ?—Yes. Twenty years ago on Saturday nights I have seen it so that you could hardly pass through Regent street for drunkenness and fighting and all kinds of disturbances.

12978. Were all the people lumbermen or were there others ?—Part were lumbermen and part citizens. The young men of Fredericton at that time all drank, and if there was a fire the whole engine company would be drunk, some of them for a week. That was my experience.

12979. Is the state of things different now ?—Yes, it is different.

12980. Do you think the Scott Act has contributed in any degree to bring about this different state of things ?—I think the Scott Act has done wonderful good in Fredericton and has lessened drinking.

12981. In what way has the Scott Act affected the drink habits ?—A great many of the young men growing up do not see bottles in the windows. There are no card rooms, very few billiard tables and bowling alleys and other amusements that formerly prevailed.

12982. You think the absence of those attractions has lessened the drinking habits of young men ?—I do.

12983. How many places selling liquor, including jug shops as you call them, do you suppose are now in Fredericton ?—I do not know but one, outside of the hotels.

12984. You think the hotels sell ?—I think so.

12985. You do not know that of your own knowledge ?—I do not.

12986. How many places do you suppose are selling liquor in Fredericton now ?—I think there are about seven.

## Liquor Traffic—New Brunswick.

12987. There are not as many as were selling without licenses when there were 21 licenses issued?—No.

12988. Do you think the law has been pretty well enforced?—I think with three policemen it has.

12989. What is in the way of the better enforcement of the law, in your view?—I think that if there was an officer appointed by the Dominion to look after the enforcement all the time, the law would be still better enforced than now. I am supposing that this officer would also have the assistance of the police, and he was an officer who had nothing else to do.

*By Mr. Clarke :*

12990. Would it make any difference if the officer were appointed by the Provincial Government?—I do not think it would, provided they got a suitable man.

12991. Would it be possible for the City Council to select a suitable man and appoint him?—I do not think they could get as good a man as either the Dominion or Provincial Government could obtain.

12992. Do you think an effort has been made by the City Council to employ an officer whose entire time would be taken up in endeavouring to enforce the Act?—I have never heard of it.

12993. Is there any difficulty in the way, except the expense?—I do not know of any difficulty, except a difficulty lies in the Council itself. I think the members of the Council are pretty evenly divided.

12994. As to the wisdom of such an appointment?—As to temperance men and “antis.”

12995. So the non-appointment of an Inspector is due to the lack of strength on the part of the temperance people in the Council, numerical strength?—No, I do not think it.

12996. To what, then, is it due?—I think if the question came up at a Council election the temperance men would be strong enough at the Board to elect a man right off.

12997. If the appointment of an officer whose whole time should be given to the enforcement of the law should be placed before the people, would it not be made a question of the more thorough enforcement of the Act?—There is a great deal of favour shown in making such appointments. Owing to influence, they might appoint a man who was not fit for the position, and he might have more influence with the Council than a more worthy man.

12998. If public opinion is strongly in favour of the Act, that public opinion will be reflected by returning to the Council members who will insist on having an inspector appointed favourable to the Act, I suppose?—I do not know how that would be.

12999. No effort has been made, we understand, by the temperance people to elect men with instructions to appoint such an officer?—No, I do not think any special effort has been made.

13000. Do you think it would be a good thing to make such an attempt?—I think so.

13001. Has the Council been petitioned by the temperance people to appoint such an officer?—No.

13002. You say there has been a marked improvement in the town?—Yes.

13003. Do you speak in regard to the general interests of the town or in regard to the drink traffic?—I spoke of the people of the town as a whole—there is less drunkenness.

13004. Are all classes of business better?—All classes of the people live better. The families who were very poorly clothed and fed have now good homes, and are more comfortable now than before.

13005. You think there has been a great improvement in the homes of the mass of the people?—Yes, a great improvement without any doubt.

13006. Is there less poverty?—There is less poverty.

13007. Are there fewer inmates of the jail on account of drunkenness?—Yes, I think there are.

13008. As regards this Regent street. That street, we have been told in evidence, was the resort of the lumbermen who came down in the spring, and the drunkenness was owing to their presence. Do you think the lumbermen come to Fredericton now

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as they did formerly?—No, not so many come down on drives, but we have been 400 and 500 right at hand connected with the booms.

13009. Were there more than 400 or 500 twenty years ago?—Those men would come down and be paid off on the banks of the river, or wherever their bosses would pay them. Having money right in their pockets and nothing else to do, they got drunk and made it lively for a week.

13010. Do you think the same number of men come here and are paid off, and have they any difficulty in procuring liquor in the city?—I think so.

13011. More difficulty than before?—Yes, more difficulty than before.

13012. How many hotels are there in the city?—Five, I think.

13013. Do you think liquor is sold in all of them?—No.

13014. Do you think it is sold in any of them?—I do.

13015. It is sold in how many?—In three.

13016. And no liquor is sold in two of the hotels?—Yes.

13017. Altogether, I understood you to say, there are four places here where liquor is sold?—There are other places I have heard of.

13018. As a matter of fact, you do not know how many places are selling liquor, except from hearsay?—Not myself.

13019. Would you favour the adoption of a general prohibitory law for the whole Dominion?—Yes, I would favour a prohibitory law, to prohibit the importation, manufacture and sale of liquor all over this Dominion.

13020. Do you think it could be enforced?—I think so.

13021. Do you know anything of the operations of the law in Maine?—It is a long time since I was there.

13022. How many years since you were there?—Twenty years.

13023. The prohibitory law was in force there then?—Yes.

13024. How was it observed there?—I found it pretty hard to get a drink myself.

13025. Were you residing there, or just passing through?—I was passing through. I got a drink in a Bangor house, but it was not an open bar at that time.

WILLIAM QUEEN, of Woodstock, re-called.

WITNESS: I desire to make a statement concerning the petition to which reference has been made. On hearing there was a petition out against me, I made inquiry as to the number of names on it, and I was told—I have no personal knowledge, only what I have been told—there were about forty, including men, women and children. A few friends of mine got up a counter petition, and in the town of Woodstock, they had in two days 600 names on it, and in the county a sufficient number to make over 950, within a few days afterwards. This petition was against the other petition.

*By Rev. Dr. McLeod;*

13026. Then you did know this charge was made against you?—I do not know what was charged in their petition. I heard there was a lot of scandalous matter in it that did not refer to the liquor sellers, and that it was personal.

13027. Do you know it was charged that your court was used for that purpose?—My court was not used for that purpose.

13028. Do you know it was charged that it was?—The Prosecuting Attorney said so, I heard.

*By Mr. Clarke:*

13029. Was the Prosecuting Attorney the person who got up the petition?—Yes, he was the person who got the petition up.

## Liquor Traffic—New Brunswick.

JOHN P. HUDSON, of Brooklyn, New York State, U.S.A., lawyer, deposed as follows :—

*By Judge McDonald :*

13030. Have you any knowledge of Fredericton?—I have spent a month here every summer for the last 25 years, and I lived here previously.

13031. How long have you been here on this visit?—I came in August.

13032. Have you had any opportunity of observing the operation of the Scott Act during the last four years?—I have.

13033. Do you find it to be observed?—I find it has not been observed.

13034. Was there free sale?—There was free sale of liquor in several places.

13035. Have you had an opportunity of forming an opinion as to how many places?—There are at least 15 places where it is sold.

13036. From time to time during your visits have you found an improved state of the community as regards temperance?—Yes. Some years ago there was the Blue Ribbon movement inaugurated, and a great many people were converted to temperance principles. The different churches have taken the matter up, and I think they have conduced to temperance more than the Scott Act.

13037. Was this the Blue Ribbon movement to which you refer?—Yes. Some of the greatest drunkards at that time became great temperance people.

13038. You think in that way there has been benefit done?—Yes, great benefit; and the Salvation Army have reached a certain class.

13039. Do you know anything of the working of the license law or prohibition in the United States?—In Maine, somewhat.

13040. How about Maine: is the law enforced there?—In Calais the law is not enforced, as also in Bangor, Waterville, Portland, Brunswick and several other towns.

13041. Liquor is sold in those places?—Yes; strangers have no difficulty in getting it.

13042. Did you know anything of the operation of the license or other laws in other States? Have they a license law in operation in Brooklyn?—Yes, and it applies to the State of New York.

13043. The Commission has been informed that high license prevails in some parts of the United States. Have you any knowledge of the operation of high license?—Yes, in Philadelphia; I go there a great deal.

13044. How does it operate there?—Two years ago the people passed high license, and since that time the number of saloons has been reduced in the proportion of four to one. You cannot get a drink after certain hours, the saloons are closed completely on Sunday, and there is a better class of liquor kept, and there is a better class of places in which it is sold. I think it does more for temperance than Scott Act or prohibition.

*By Mr. Clarke :*

13045. Do you know anything about Lewiston, Maine?—I was there only twice.

13046. What is the population?—3,000 or 4,000.

13047. Have you any idea whether liquor is sold there?—I know liquor has been sold there—that was during the time of the fire.

13048. You do not know in how many places it was sold?—I do not.

13049. You say that you have visited this city every year for many years, staying a month every year?—Yes.

13050. Were you here about the time the Scott Act became law?—I was.

13051. Has there been a marked improvement since that time?—There has not been so much liquor sold, for the reason that the railways have diverted the travel. This town was frequented by people from all the upper river counties, and from Woodstock and other places; but since the railway has gone into operation, travel has been diverted and trade has gone to St. John, St. Stephen and other directions.

13052. There is not so large a floating population now, I suppose?—No; a great many young men have left here and gone to the Western States.

13053. Have you during your annual visit noticed any marked improvement in the city?—It seems to me that business is more straitened than it ever has been.

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13054. That is not due to the operation of the Scott Act, I suppose?—I do not know. The question is whether the restriction of any trade does not injure the country.

13055. Do you know anything of the operation of the law here now ; have you gained any information during this visit?—Yes ; anybody can get liquor who wants it, unless he is in police uniform, and probably he could not get it then.

13056. Are you a native of Fredericton?—I am a native of St. Andrew's. I lived here from 1850 to 1867.

13057. The Scott Act was not in operation then?—No, a License Act was in force then.

*By Rev. Dr. McLeod :*

13058. You remember Fredericton very well under a license Act?—Yes, very well.

13059. Do you think as much or more liquor is sold now?—I do not think there is the opportunity to sell it, because you cannot sell it throughout the country, up at Woodstock and in that direction.

13060. Do you think there is as much sold now?—No ; I do not think there are as many people to whom to sell it.

13061. Do you think there are as many people here as there were in 1867?—Not of the male population.

13062. Do you know whether the census has shown an increase or decrease?—I could not tell whether there is an increase or decrease, but there are not as many males as were here at that time. I think there are three females to every male in the town.

13063. That is the result of your observation?—Yes.

13064. But as regards the population of Fredericton, you do not know whether it has increased or decreased?—I do not ; it will stand about the same, I presume.

13065. Do you think there is, so far as your observation among residents goes, as much liquor sold as there was prior to 1867?—No ; I do not think there is as much liquor sold now. A great many of the people here to-day buy their liquor at St. John, and bring it here in cases and drink it in their offices.

13066. Do you think that is more objectionable than bar drinking?—I think it is a great deal more objectionable. If you get a person drinking quietly in his office, you may put it down that he will be a drunkard sooner or later.

13067. Do you think home consumption is more objectionable than bar drinking?—Home drinking is not as objectionable as office drinking.

13068. Have you reason to believe there is a great deal of office drinking in Fredericton?—Yes ; I have seen a good deal of it.

13069. You think it tends more to drunkenness than bar drinking?—I do.

13070. Do you think there is more drunkenness in Fredericton than there was five years ago?—I have not seen a great deal. Last Saturday week six persons were arrested for drunkenness.

13071. Do you think there are many places in Fredericton selling liquor?—There are at least fifteen.

13072. Openly?—Not all openly.

13073. Some of them?—Some of them openly.

13074. Do you know this from hearsay or from your own knowledge?—I am pretty sure about it.

13075. Do you know it of your own knowledge?—Not altogether.

13076. How many places are selling, from your own knowledge?—About nine.

13077. You know that of your own knowledge?—Yes.

13078. Do you think that the restriction of the drink trade interferes with other business?—I do, to a certain extent.

13079. In what way?—The public think the people are narrow-minded when they pass such a law as the Scott Act. It takes away a certain amount of trade.

13080. What people think so?—Business men outside of Fredericton.

13081. You think the adoption of the Scott Act has really lessened the volume of other business in Fredericton?—I think it has helped.

## Liquor Traffic—New Brunswick.

13082. Do you think that has sent the young men west?—No, not altogether; want of employment has sent a great many away. I think the railways have changed the business of the city a great deal.

13083. Has it been changed by the Scott Act?—No, not altogether.

13084. Do you think the repeal of the Scott Act would bring those people back?—No.

13085. Nor find employment for them?—No.

13086. You spoke about Philadelphia and said that the high license had reduced the number of saloons. Do you know whether it has reduced the amount of drinking?—No, I do not. I could not tell as to that; but you get better liquor.

13087. You do not know if it has done anything else than give a monopoly to a certain number of sellers?—It has done more than that.

13088. It has improved the quality of the liquor?—Yes.

13089. Has it increased the prices of liquor?—It has not.

13090. And Philadelphia is under high license?—I think the cost of a license is \$1,000 a year.

13091. You say the people get a better quality of liquor in those large places?—Yes, because they have a better trade.

13092. They have a monopoly?—Yes, to a certain extent.

13093. Do you know whether there is any illicit sale in Philadelphia?—I do not.

13094. Do you think there is no illicit sale in Philadelphia?—I do not. It is too large a city to know that.

13095. Have you had any means of forming an opinion as to whether there is illicit sale where there is high license?—No, I have not; but I know one thing, that it is impossible to get a drink there on Sunday.

13096. You think that it is utterly impossible?—Yes. Nobody can get a drink on Sunday, either in hotels or other places.

13097. Not even guests at hotels?—No.

13098. I have no doubt you believe it?—I have tried it pretty often.

13099. Then your opinion is formed on your personal knowledge?—Partly.

13100. You have tried it?—I have stopped at the Hotel Lafayette continually.

13101. Do you suppose none of the licensees under that system will furnish a guest or old friend or a visitor on the Sabbath or after hours, with liquor?—No, they are afraid to do so; the license would be revoked.

13102. You have said you do not know whether there is illicit sale there?—No.

13103. Do you think if there were illicit sale, the licensees would interfere with the illicit sellers?—I could not answer that question.

13104. You believe that each licensee pays \$1,000 for his license, that he sells better liquors and that there is no increase in price?—Yes, and no increase in price.

13105. Who pays the license fee?—The person who drinks, I suppose, eventually pays it.

13106. So where there is a high license, it is the drinker who pays the high license?—They can afford to do so then.

13107. How?—It does not realize anything more for the city at large.

13108. How can the drinker afford to pay for this high license?—Because he gets better liquor.

13109. Does that better liquor have a different effect upon him?—It would not do much injury to him.

13110. You think adulterations are injurious?—Yes.

13111. Do you know whether there are any liquors not adulterated?—Yes, I think there are lots of them, pretty much all the rye whisky, for example.

13112. What is your opinion of the liquor sold in Fredericton?—I have not much opinion of what is sold here now. There was a time when there were very fine liquors in this city.

13113. Under the Scott Act?—They were very poor then.

13114. Not so good as under a license law?—No, because they cannot afford to keep so much on hand; the man has to buy it in small quantities. That interferes with the trade and with the people who drink it; they have a right to demand better liquor.

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13115. You say it is an interference with the trade and with those who purchase?—Yes.

13116. Is that the reason it is a bad law?—No, I do not think that is the only reason why it is a bad law.

13117. What is the reason?—I do not think public sentiment is in favour of it.

13118. Then how did the Act come to be adopted?—I know several people who drink very often and yet voted for the Act, and they would vote for it again.

13119. Do you understand why they did it?—They say they can get liquor, and know where to get it, and in order to please their wives they vote for the Act.

13120. Do you think that it is in harmony with the judgment of their wives?—I presume they want to keep peace at home.

13121. Do you think it discreditable to those men that they should act on the judgment of their wives?—It shows that a man has not much independence.

13122. You think that he should have more independence?—Yes, if he has an opinion of his own.

13123. Why do the wives and mothers demand a law like this?—I do not know. There are a great many ladies, including members of the Women's Temperance Union, who interest themselves in this matter. I do not know whether they do so on account of drunkenness that has prevailed in their own families or not. If it is on account of the drunkenness among us, why do they not get their husbands to join them?

13124. Has it occurred to you why the wives and mothers desire a law that interferes with the free sale of liquor?—I do not know what reason they have. They get talked into it at the churches.

13125. Do you suppose the drink trade and the drink habit interfere with the harmony of home: does any such reason influence them?—No. I think the people who drink have as much harmony at home as prevails in the homes of those who do not drink. They hear a great deal of talk about the trade, and they belong to certain societies in the town. In fact there are certain people who are all the time hammering into the liquor trade, and they want to rule the town. There are certain classes here who want to rule the rest.

*By Mr. Clarke:*

13126. You say that the result of your experience has been that where the Scott Act is in force there is more adulteration practised and more injurious and adulterated liquors are sold?—Yes, and a cheaper and lower grade of liquor.

13127. Does the adulteration consist of increasing the quantity of water?—Not altogether.

13128. What is the adulteration?—Some kinds of essences are used. Last summer you could get a drink anywhere in Yarmouth; you could not get any good quality of liquor, but you could get plenty of bad liquor.

13129. You say you know many people who vote for the Scott Act and then go and break it?—Yes.

13130. That is by not obeying its provisions after it has become the law?—I know several in Fredericton.

## Liquor Traffic—New Brunswick.

DOWE VANDYNE, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13131. What is your occupation?—I am landing waiter in the Customs.  
13132. How long have you held your present position?—About four days.  
13133. What position did you hold before that time?—I was police constable.  
13134. Were you Chief of Police?—I was Sergaant of Police.  
13135. Is there a chief officer besides yourself?—The Magistrate is the Chief of Police.  
13136. You were an officer?—Yes.  
13137. The Magistrate gives directions, I suppose?—He is Magistrate and Chief of Police.  
13138. During the time you held office as a Sergeant of Police, had you to do with the carrying out of the Scott Act?—Yes, I had all to do with it.  
13139. Did you try to enforce the Act?—Yes.  
13140. Did you endeavour faithfully to do so?—Yes.  
13141. Had you satisfactory results?—I had.  
13142. Had you many prosecutions?—Yes.  
13143. Had you many convictions?—Yes, many.  
13144. Do you believe the law was well enforced?—Yes.  
13145. Do you believe there is any illicit sale in Fredericton?—Do you mean in violation of the Scott Act?  
13146. Yes?—Yes, I think there is.  
13147. Do you know to what extent?—I can tell you very nearly ; there are about six places.  
13148. Do you know whether they sell much liquor or not?—I do not know beyond what they tell me—that is all I know. They say they do not sell enough to pay their fines. That is what they have told me.  
13149. Has more than one told you that?—Yes.  
13150. Do they keep on selling?—I think they do.  
13151. Were you a police officer when they made those statements to you?—Yes.  
13152. And you kept on prosecuting?—Yes.  
13153. And they kept on selling?—Yes.  
13154. Do you believe they sell to-day?—Yes.

*By Mr. Gigault :*

13155. Did you arrest all persons whom you found under the influence of liquor?—Yes, all persons who came under our notice.  
13156. Do you know whether there were many persons under the influence of liquor who were not arrested?—No, I do not know of many under the Scott Act. We had strict orders to arrest all persons found drunk, and we did so.  
13157. Then how is it that although you say you enforced the law, six persons kept selling all the time?—They would violate the law.  
13158. So the law is not working effectively?—The law is working well. About 50 persons have been driven out of the business during the last ten years.

*By Rev. Dr. McLeod :*

13159. During what period did you say?—Those who sold for five days or for five minutes were fined and had to leave the town.  
13160. Have several persons, who were persistent violators of the law, been driven out of town?—Yes, and are out to-day.  
13161. Have you noticed that as regards the cases of petty offences, like theft and the like, disorderly conduct and so on, there has been a steady decrease during late years?—Yes.  
13162. Do you think that is attributable to the enforcement of the Scott Act?—I do.

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13163. You have made a statement as to the number of illicit places, which agrees with the statements made by the Magistrate and several other gentlemen, although some have said there is a larger number than you have mentioned. Now, what have been the chief difficulties in the way of the enforcement of the Act?—The chief difficulty is to get at them, because when an officer visits a place where liquor is sold, the proprietor rings a bell, and we are thus shut out. All we can do then is to wait, and when a person comes out who has been drinking liquor, secure him as a witness in the case.

13164. Do you often have a long list of witnesses?—Yes, 20 at a time against one person.

13165. And have you had cases in which the witnesses have dropped out until there have been very few left?—I have had 16 witnesses in a case and only one that I could rely on. I have always had some to rely on, one whom I knew would tell the truth.

13166. The fact that bells were rung when an officer approached and doors were shut upon him indicated, I suppose, that the people were not selling openly?—Yes.

13167. Is there any open sale, such as there was under license?—I think there is not.

13168. I suppose the men are always on the watch for police officers?—Yes, even if a police officer is passing through the street, you will generally see parties at their doors watching.

13169. That is one of the difficulties—the people are on the watch?—That is so.

13170. Have you found that the proprietors change their bartenders?—Yes.

13171. Do you find that some of them have not even names?—Yes; it will be months before we will find out the names.

13172. Have you had to make arrests by description?—Yes, we arrest them sometimes by warrant on description, or even by their Christian names.

13173. Do you secure convictions in those cases?—Yes.

13174. And are penalties imposed?—Yes, they are either fined or sent to jail.

13175. Which are the more difficult to deal with, the taverns or the hotels?—The hotels, I think, are the most difficult.

13176. Has there been difficulty experienced also because of the uncertainty as to the proprietorship in many cases?—Yes.

13177. Has there been difficulty experienced growing out of illegal leases?—Yes.

13178. Has there been difficulty experienced arising out of frequent appeals from convictions, and has that hindered the enforcement of the Act?—Probably it has as regards offenders charged with more than a second offence.

13179. That is to say, when there was an appeal from a conviction for a second or third offence?—As regards a second offence, such was probably not the case; men were fined for a second offence.

13180. When there have been appeals from convictions for third offences, there were no further prosecutions for subsequent offences, but the prosecutions were made again for a first offence until the appeal was settled: Was that the case?—Some cases are under appeal now.

13181. Are there some present convictions that have not been executed?—Yes.

13182. For what offence?—The second, fourth or fifth, I am not certain of the fourth.

13183. Do you believe that delays arising out of these appeals have the effect of hindering in any way the enforcement of the law?—I do not think so, if you go back to the first offence.

13184. Do you believe from 10 years' experience as an officer of police, that the Scott Act has been fairly well enforced?—I believe so.

13185. And that it has had a good effect?—Yes.

13186. And is having a better effect to-day than before?—Better to-day than it has ever been.

*By Mr. Clarke :*

13187. What is the difficulty in getting the third offence conviction?—The first and second offences are payable by fines, but on the third they go to prison.

## Liquor Traffic—New Brunswick.

13188. Do you find it impossible to get convictions for third offences?—Quite so.

13189. Would you suggest any amendments which would make conviction of third offences less difficult than at present?—I do not know about that.

13190. You say the number of places is about six?—Yes, unless some have started out very lately.

13191. You have been on the force until recently?—Yes, until I was taken sick on the 12th July last.

13192. Your instructions from the Police Magistrate were to arrest people who were drunk, even though not disorderly?—Yes, under the Scott Act he thought that was correct. Under the license law if ten men went down the street perhaps two would be arrested, and under the Scott Act eight would be arrested.

13193. I understand you to say that any man drunk, whether he is peaceful or not, you were to arrest?—Every man who was drunk, because we considered he was an aider and abettor in the violation of the law.

13194. Did you arrest every one who was drunk?—No.

13195. Because some would get away from you?—Yes.

13196. When did you understand a person to be drunk?—When he was staggering on the sidewalk.

13197. Do you know of any other city where people staggering on the sidewalk are arrested when they are not disorderly?—In St. John they are not without being disorderly.

13198. Do you know of any other place where they are arrested for being simply drunk?—Yes, I think very often in St. John; but they are not so stringent as we are here.

*By Judge McDonald:*

13199. I suppose you know it makes no difference as to the liability of a man to arrest for drunkenness whether the Scott Act is in force or not?—The police would receive instructions. In St. John if a man is drunk and not disorderly, he is not arrested. Those are the local instructions. I know that.

*By Mr. Clarke:*

13200. What are the instructions here?—The Police Magistrate here instructed us to arrest men who were drunk on the street.

*By Judge McDonald:*

13201. As aiders or abettors, of what?—Of those who sell liquor.

13202. But that man may have got liquor from St. John and used it?—Yes, that is true.

13203. Have you reason to believe that witnesses in Scott Act cases commit perjury?—Some.

13204. And there are others whose memory is very bad?—Yes, and so in other cases, but not more than in an ordinary \$10 case.

13205. You have had many Scott Act convictions?—Yes, hundreds of them.

13206. And have found the Scott Act work well and smoothly?—Yes.

13207. You got your convictions?—Yes.

13208. And your experience is that there is no more perjury in the Scott Act cases than in other cases before the courts?—Not one iota; not more than in civil cases involving \$10. One will swear that the defendant owes the money, and others that he does not. Out of 100 cases I would get 90 convictions.

13209. And as to shortness of memory, is it the same in Scott Act cases as in others?—Just the same.

*By Mr. Clarke:*

13210. And men are being fined on first offences?—Yes.

13211. Are any cases of conviction on third offences on appeal?—I think three out of the six, and one is a woman who was in jail for the first offence.

13212. Were the other three fined for the first offence?—One was in jail.

DOWE VANDYNE.

*By Judge McDonald :*

13213. Have you any reason to suppose that people sell on the street, peddling from bottles ?—No, I do not think so ; there is very little of that.

13214. You have no reason to suppose that ?—I never had reason to bring a man up for selling on the street.

13215. It is all in houses ?—Yes.

DANIEL F. GEORGE, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13216. What is your calling or occupation ?—I am a lumber dealer and shipper.

13217. How long have you been engaged in business in Fredericton ?—21 years.

13218. Have you known Fredericton ever since it has been under the operation of the Scott Act ?—Yes.

13219. Do you think there has been an improvement ?—I think so.

13220. In the sobriety of the people ?—Yes.

13221. And in the observance of law and order generally ?—Yes, I think so.

13222. So that you think it is beneficial to keep the law in force ?—I think so.

13223. Have you been brought into contact with it officially ?—Not officially.

13224. Have you observed its operations ?—Yes.

13225. Can you make any suggestions as to the improvement of the Act ?—None, but that some man should be employed to look after the enforcement of the law.

13226. Has there been any attempt at any time to get such an officer appointed here ?—I do not know that there has been.

13227. Do you know of the working of the Act in the county ?—I am acquainted through the county.

13228. Do you think it is observed ?—I think it is fairly well observed.

13229. Do you believe there has been a growth of temperance sentiment in the community during the last few years ?—Yes.

13230. The work of the temperance societies and the different religious bodies has been on these lines, too ?—Yes.

13231. You think there has been a great improvement in Fredericton from the time when you first knew it ?—Yes.

*By Rev. Dr. McLeod :*

13232. You employ a considerable number of men in the shipping and forwarding business ?—Yes.

13233. Have you any rule in the employment of those men that relates to total abstinents ?—Do you prefer total abstinents to drinking men ?—Yes.

13234. Do you succeed in getting them all the time ?—We have done so.

13235. Have you any difficulty growing from the employment of drinking men ?—I have had in years past.

13236. But you have few drinking men now ?—Yes.

13237. And does the Scott Act make it more difficult for them to get drink ?—Yes.

13238. What was the condition of Fredericton under the license law as compared to the Scott Act ?—I do not think there is nearly as much drunkenness as there was 15 years ago.

13239. Do you suppose there is as much drinking ?—I do not.

13240. Are there as many labouring men who drink now as formerly ?—No.

13241. Are there as many young men who drink now as did ?—No.

13242. Do you think the Scott Act has had anything to do with the lessening of the drinking ?—I think so.

## Liquor Traffic—New Brunswick.

13243. It is admitted that there have been difficulties in the enforcement of the law. Do you believe notwithstanding them, that the effect generally has been beneficial to the community?—I do.

13244. Have you in your business ever had any loss or accident or interference of a serious character that could be traceable to a drinking employee or employees?—Not perhaps to a very large amount, but I have had rafts get loose on account of a man getting drunk.

13245. Have you found such men irregular in their work?—Yes.

13246. You have extensive business relations throughout the county?—Yes.

13247. Is there much drinking throughout the county?—I think very little.

13248. Has it lessened instead of increased?—I am satisfied it has lessened in the last few years.

13249. Is that attributable to the fact that there is no licensed drink sale in these districts?—I think it is partly attributable to that.

13250. Do you think that the liquor sold in the six or seven or more illicit places in Fredericton is as extensive as when we had twenty or twenty-five licensed places, and a lot of illicit places besides?—No, I do not think there is a quarter of the liquor sold in Fredericton that was sold 25 years ago.

13251. Do you think the fact that the trade is delegalized has an effect on the growing boys or girls of the town?—Certainly.

13252. Is it educating them?—Undoubtedly.

13253. You have some interests in Maine?—Yes, in Worcester County.

13254. What are your impressions of the Maine prohibitory law? Is it a success or a failure?—I think it is a success in the rural districts and small towns.

13255. What about cities like Bangor and Portland?—I think in Bangor at certain times they take no notice of the law.

13256. What is the reason?—I think it is owing to the municipal government.

13257. Do the contentions between the political parties affect that?—Very much.

13258. Do you think there is more violation of the law prior to Presidential elections than at other times?—Yes, and it depends very much whether the city is under Democratic rule or some other rule.

13259. You think under Democratic rule it is less enforced?—I do.

13260. Do you believe that in Maine the prohibitory law is fairly well enforced and has a good effect?—Yes.

*By Mr. Clarke :*

13261. What opportunities had you in Maine of examining into the operations of the liquor law?—I have been interested in milling in Maine for 15 years, and have been there 8 or 10 times a year.

13262. Where is the mill situated?—In Blaine; not in the town, but perhaps a mile or a mile and a quarter from the town of Blaine.

13263. Is there any illicit sale in Blaine?—Not that I know of, except in the case of a man who came across the border and had a bottle or two with him.

13264. In the other places, the villages you visited, did you find the same condition existed?—Yes. Blaine has a population of 400 or 500.

13265. But in larger places like Bangor, owing to political influences, the law was not so well observed?—There are times when any man who understands the ropes can get liquor there, but I do not think there is any open selling there.

13266. Is there a Law and Order League in Bangor?—Yes.

13267. What is it supposed to do?—At one time they were supposed to look after illicit rumsellers.

13268. Did the Law and Order League cease to exist when this other party was in power?—I cannot say.

13269. Does the Law and Order League devote its attention to securing the observance of the prohibitory law?—I think so.

13270. Anything else?—I think so.

13271. Then the local authorities are not sufficiently strong to enforce the law?—I do not know. I think the League assists them.

DANIEL F. GEORGE.

13272. Is the League composed of gentlemen of one party or both?—I could not say, but I should judge of both parties.

13273. When an election comes on, do they separate or unite?—I presume they separate.

13274. And after the election they unite again and aid the authorities in enforcing the law?—I do not know.

13275. Do you know that there is a prohibitory party in Maine?—I do not.

13276. Was there a candidate in the prohibition interest in the last Presidential campaign?—There was, but that applied to the whole United States and not to Maine itself. There was a man, but he carried no electoral vote.

13277. Do you know how many votes he carried from Maine?—I do not know.

13278. Do you know why an officer should not be appointed to enforce the law here?—I think the Council think they save money by not appointing an officer.

13279. Have not the people something to say about that?—Yes; but after the election they have not much to say.

13280. It has not been made an issue?—No.

13281. And the temperance people have not urged the appointment of an officer?—No, not to any extent.

ALBERT D. THOMAS, of Fredericton, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

13282. What is your calling or occupation?—At present Almshouse keeper for the city.

13283. How long have you held that position?—Since 1st November, 1888.

13284. How many inmates are there?—At present only 21.

13285. How many of those are males?—About 9 males and the rest females.

13286. Any children?—None except an infant.

13287. How is the institution maintained?—There is an appropriation made by the City Council for the support of it.

13288. Does that cover the salary of the keeper and the maintenance of the inmates?—Yes.

13289. Are the inmates maintained by you at so much a head?—No; the city issues tenders for groceries, wood and so on.

13290. Whatever is needed, you can draw for at certain specified rates?—Yes.

13291. Take the people who are in there: what is the chief contributing cause of the persons coming to that home?—I had better tell it in my own way. I went over the books, and looking at the books I find there have been 63 names altogether, and in that list there would be about 29 permanent ones, who are supposed to be there till they die. The rest came in for different causes. There is quite a percentage of unfortunate women, who have been taken sick and cannot go out again. I think 15 of them have been brought there directly through drink. Some of the rest have been good citizens, who have been unfortunate from other causes, and some are entirely incapacitated from earning their living.

13292. Fifteen of the permanent ones are in the Home owing to drunkenness?—Yes, I have no hesitation in saying that.

13293. Are they divided between males and females?—The majority are males.

13294. How are they admitted?—They apply to the Commissioner appointed by the city, and if he admits them, he sends an order to me to admit them there.

13295. How many were there when you went there, who are still there?—I think about 14.

13296. Of these 14, how many are there from drunkenness?—It is hard to tell. I think about 6 out of that number at present.

## Liquor Traffic—New Brunswick.

13297. Do any come from the county?—From three of the outlying parishes they can be admitted by paying the regular price laid down by the Council.

13298. How many of those are there?—At the present time I think there are 3.

*By Rev. Dr. McLeod :*

13299. Of the other 14, did any come through drink indirectly?—I could not say whether that is the case or not. Among the other 14, there are 4 who were mentally incapacitated from the earliest childhood and have not drunk liquor at all.

13300. But there are others there through the drinking habits of parents or husbands or wives?—I am not sufficiently acquainted with the cases to say. They are very old people, principally old women, and I do not think their own drinking has anything to do with it.

13301. Do you think the drinking of their families has made them a charge?—I do not know, but possibly it may have in some cases.

13302. You say that of the 63, 29 are regarded as permanent. Of the other 34, do you know whether they are there through the drinking habits of themselves or of others?—I think there are four or five in regard to whom drink was the cause of bringing them there, but I am not prepared to say anything about the rest.

13303. Do you know whether there has been any reduction in the number of those who are there through drink, of late years?—I could scarcely answer that. There has been a reduction in the number admitted.

13304. Has there been a steady reduction?—Taking 12 years from 1879 to 1891, and then 12 years before that, taking the amount as made up at the end of the fiscal year and adding it together, I think there is a difference of 45 less in the last 12 years as compared with the 12 years before.

13305. That is a reduction under the Canada Temperance Act as compared with 12 years before?—Yes.

*By Mr. Clarke :*

13306. That reduction is scattered over the 12 years?—Yes.

13307. Do you attribute that to the Scott Act?—I have never given that much thought.

13308. There has been a decrease of 4 each year?—Yes.

13309. You do not know whether or not it was owing to the Scott Act being in force?—I should say to a certain extent it is. I think there is more prosperity here.

13310. Where is it exhibited, in the stores?—I think in all classes, in the labouring men and others.

13311. There is more prosperity here now than there was before?—I think so.

13312. How long have you been here?—All my lifetime.

13313. Where did these people come from in the past three years who have been compelled to seek support in the almshouse?—Not as a general thing from the city, but from all parts. The law is that any one residing in the City of Fredericton for one year can claim support from the city.

13314. How many of these have come from the city, that is, of those who are victims of the drink traffic?—Quite a large proportion of them have been residents here during all their lifetime.

13315. Was it the evil effect of the traffic previous to the adoption of the Scott Act that caused them to come into the almshouse?—It must be before that, because some of them have been there for 25 years.

JOHN McCORMACK, of Woodstock, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13316. What is your occupation or calling?—Tanner and currier.

13317. How long have you resided in Woodstock?—Some 30 years.

13318. Do you hold any official position there as Councillor or Alderman, or any thing of that kind?—No. I am a member of the Board of School Trustees, and also principal Assessor.

13319. Is the Scott Act in force there?—Yes.

13320. How is it observed?—Well, lately it has been very little observed.

13321. Is there any open sale of liquor?—The places where it is sold are open. The people go in and out freely.

13322. Do you know how many there are?—I do not, but I have seen three or four.

13323. Do you see any drunken men about there?—Yes; often.

13324. Is Woodstock a prosperous place?—Fairly so, I think.

13325. Do you know anything of the operation of the Scott Act in the County of Carleton, outside of Woodstock?—Nothing, except what I hear.

*By Mr. Gigault :*

13326. Was there a License Act in force there previous to the Scott Act?—I believe so.

13327. Were some licenses granted?—Quite a number.

13328. Is there less drunkenness now than there was then?—I think there is in the main, partly I think from the efforts of the Scott Act and partly that the tone and feeling of society has set in for temperance and against liquor.

13329. Are there some temperance societies there?—There are.

13330. Are they doing a good deal to promote temperance?—I do not know that I could say a good deal. I suppose they do something, but I am not in a position to say they do a good deal.

*By Rev. Dr. McLeod :*

13331. What do you think has set the public feeling towards temperance?—I suppose it began with the stirring up of the temperance question leading to the formation of these temperance societies, and lately by people beginning to observe the bad effects of liquor.

13332. I thought you said the temperance societies did not do much?—I mean now, I do not think they are doing much now.

13333. Do you think the law has helped?—I do not think the Scott Act is nearly as effective now as it was at first.

13334. Do you know the reason?—I think the difficulties of putting the law in force. Some people say what is false, and others have not much regard for an oath, and some very decent people otherwise, I have known to swear what was not true. I was not present, but I have been told that by a number of persons.

13335. Do you think that would be the fault of the Scott Act, or of the violation of the Scott Act, or the fault of the men themselves?—I suppose there is fault all round. It seems to be a little hard to force a man to give evidence to make another man a criminal when he is a party to the crime himself, and they shirk it on that account.

13336. Have you lived in Woodstock many years?—Thirty years.

13337. You remember Woodstock under license?—Very well.

13338. How does the condition of Woodstock under the Scott Act compare with its condition under a license law?—There is more drinking among the young men now.

13339. That is because the law is not well enforced?—I think it arises to a great extent from that.

13340. But Woodstock under the Scott Act, well enforced, is better than Woodstock under a license law?—I think so.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

13341. Did you hear the evidence of the ex-Sergeant of Police?—A portion of it.

13342. Do you know if there is any difficulty in getting the law enforced?—The difficulty is in getting people to give evidence.

13343. Where there is a flagrant violation of the law?—I think they all sell right along now. I do not see any exhibition of liquor in windows, but I am satisfied people go in and buy.

13344. Do you think the effect of this persistent, flagrant violation of the law is beneficial to the young people of the town?—I certainly think not.

13345. The County Council has appointed an Inspector to enforce the law?—Yes.

13346. What difficulties are in the way of enforcing the law now?—I am not in a position to tell you.

13347. Is the Inspector bringing up offenders for first offences, right along?—I think many are construed to be first offences which are really fourth and fifth.

13348. Do you think it would be an improvement if the person who drinks the liquor were held equally responsible with the person who sells it?—It would be difficult under the British law to make a man convict himself.

13349. But if these people who were seen drinking were made equally culpable with the man who sold, would it be better?—I never thought of that.

13350. Can you suggest any plan by which the law would be more easily workable?—I do not think of anything to improve the law. I would suggest total prohibition, if that could be done.

*By Rev. Dr. McLeod :*

13351. You believe in total prohibition?—I think so. If liquor is to be sold, the Government should take charge of it, and hire a man to sell it, pay him a salary and put him under bond. The license law is an inducement to a man to make money in selling rum.

*By Mr. Clarke :*

13352. Do you know anything of the Maine law?—Not now. I did some thirty-five years ago, when I lived in Portland, Maine. I was there about a year under the Maine law, and I saw only one drunken man during the whole year, and he came from Boston on board of a boat. A little afterwards I went to New Hampshire, across the line, where the rum shops were open, and I was not there an hour before I saw half a dozen drunken persons about.

*By Judge McDonald :*

13353. Do you know any of those persons who were called as witnesses?—Yes.

13354. You say you know they swore to what was not true?—Yes.

13355. Are there others whose memories get very bad in those trials?—Yes.

13356. Do you find that the same difficulty occurs in regard to other cases in the courts, in regard to the recovery of debts, and so on?—Not to anything like the same extent.



JOSEPH C. RISTEEN, of Fredericton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13357. What is your occupation or calling ?—Manager of a planing mill and sash and door factory.

13358. How long have you been in business here ?—Twenty-two years.

13359. And how long have you been manager of the planing mill ?—For that length of time.

13360. How many men are employed there ?—From 15 to 25.

13361. Have you found the operation of the Scott Act in Fredericton beneficial ?—Yes, it has been beneficial to my business.

13362. There is more sobriety among young men than when it came into force ?—Yes.

13363. You think it beneficial to the community ?—I do.

13364. Do you believe it is well enforced ?—Not as well as I would like to see it.

13365. Can you suggest to the Commission any improvement that might be made in the law ?—So far as the law is concerned, I am not conversant with it. I have thought if officials were appointed outside of local influences, the change would tend to the more effective enforcement of the law.

13366. Would you have the appointment made by the Dominion or Provincial Government ?—Yes.

13367. Or by the City Council, without possibility of removal, except for cause ?—Yes, that might answer.

13368. I think your license law provides that in Scott Act counties the Council may appoint an officer, who cannot be removed except by the Lieutenant Governor ?—I understand so.

13369. Would that be beneficial ?—I think if he were appointed outside of city influences, it would be better.

13370. Would you bring in a stranger without local ties ?—Yes.

*By Rev. Dr. McLeod :*

13371. You remember the license law ?—Yes.

13372. Do you remember whether your men were more irregular at work then, or not ?—Yes, when I started the factory. Then in the nature of my business I have to employ temperance men who do not tamper with liquor at all, because it would be ruinous to have men who take liquor ; and in the beginning of my business, when I had some difficulty, I held that over them, that unless they remained sober they could not remain employed. In some cases, and for a while, some of them would take a spree of two or three weeks and come back again—promise good behaviour and sign the pledge, and do better perhaps for a year. I think the absence of places of sale in the upper end of the city, where I reside, tends towards temperance. There are some men still in our employ, who stated they did not want to trust themselves to go down town for fear they might get into liquor. They want a prohibitory law.

13373. They want to be protected against their appetites ?—Yes.

13374. They lost their wages for the time they were away ?—Yes.

13375. Did it interfere with their work ?—Sometimes in the way of time.

13376. Does the absence of one man interfere with the work of others ?—Not much in my business, because I give charge to those I can rely on, and the absence of one man does not make much difference.

13377. You think there was more drunkenness under the license law than now ?—I am certain of it.

13378. Is there any open sale of liquor now ?—I do not know of my own knowledge.

13379. You do not see it ?—No.

13380. You did under the license law ?—Certainly.

13381. What do you think would be the effect on the industries of the country generally of a prohibitory law, that is a law prohibiting the importation, manufacture and sale, well enforced ?—I believe it would be undoubtedly very beneficial to the community.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

13382. Do you know of any reason why the Council do not appoint an Inspector? —There is the way in which our city is divided. Practically one half elect temperance men every year, and the other half do not. I will not say in every case, but it is largely so ; and I attribute it to the influence of the parties who sell liquor at the other end of the town, that their influence is such as to elect men who will defeat the appointment of an Inspector.

*By Judge McDonald :*

13383. Do you think the fear of taxation has anything to do with it?—I think so, perhaps even with some temperance men who think the machinery should be carried out by the police, and that we should not have an additional officer appointed at the expense of the city.

The Commission adjourned, to meet in Moncton on August 17th.

MONCTON, August 17th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., Judge McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. McLEOD.

MR. G. A. GIGAULT.

JUDGE McDONALD, in opening the proceedings, said : In opening the proceedings of this Commission for the dispatch of business, I desire to explain, in the first place, that the Chairman, Sir Joseph Hickson, is unavoidably absent. In the second place, I desire to mention that the Commissioners agreed unanimously on entering upon this investigation, that there was no necessity to hear evidence for the purpose of convincing the Commission that drunkenness is an evil. The Commissioners started out in their investigation with that as an admitted fact. We, therefore, desire to obtain the testimony of gentlemen who will be able to give us practical information on the subject-matters which have been referred to Her Majesty's Commission. The usual custom is to call, first, gentlemen connected with the management of the municipal affairs of the community and the administration of justice, and afterwards to hear the testimony of other witnesses.

I. W. BINNEY, of Moncton, Collector of Customs, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13384. How long have you held the position of Collector of Her Majesty's Customs here ?—About 9 years.

13385. Are you in a position to inform the Commission as to what law has been in force in regard to the use of intoxicating liquors as beverages during that time ?—No.

13386. As to whether the Scott Act or a license law has been in force ?—I am not posted about that matter.

13387. What is the law now : is it a license law or the Scott Act ?—The Scott Act, I think.

13388. Is there importation of intoxicating liquors into the place ?—Yes, but I can hardly give you returns for a number of years. I can give you a return for last year. The figures are for the period since the 1st July, 1891, 2,624 gallons spirituous liquors imported.

13389. On which duty has been paid at this place ?—Yes.

13390. Can you state, in round figures, the amount of the duty paid ?—Not exactly, but it was about \$4,000, \$4,100 or \$4,300.

13391. What was the class of liquor on which the duty was paid ?—Chiefly whisky.

13392. Do you remember the countries from which it was imported ?—It was principally imported from Scotland. It was Scotch whisky.

13393. Was there any wine imported during that time ?—I think not ; I do not think we imported a gallon of wine. There was, however, a small quantity of brandy.

## Liquor Traffic—New Brunswick.

13394. Any ale?—I think probably about 800 gallons.

13395. In casks?—In 50-gallon casks, none in bottles.

13396. English ale?—Yes.

13397. Have you anything to do with the Inland Revenue Branch of the service?—Yes; I am Deputy Collector.

13398. How long have you resided in Moncton?—About 47 years since I first came here.

13399. During part of that time the license law was in force, I suppose? Was that before the Scott Act was passed?—Yes.

13400. Are you in a position to inform the Commission whether the Scott Act is thoroughly enforced in the community?—I think it is fairly well carried out in Moncton.

13401. Do you think there is any sale of liquor for beverage purposes in the county?—Yes, I think quite a large quantity, and there are quite a number of places where they sell it; not less than 10 or 12 in the city.

*By Mr. Clarke :*

13402. Do I understand you to say that the Scott Act is fairly well carried out?—Yes.

13403. Notwithstanding the fact that there are 10 or 12 places where liquor is sold?—Yes; there are fully that number, including hotels.

13404. Is it sold secretly or publicly?—I have not visited a bar-room for twenty years, but I should imagine that it is almost openly sold.

13405. Do you think the Scott Act is capable of efficient enforcement, and capable of being the means of preventing open sale?—The law is pretty well carried out, as I have stated before, but it is a difficult matter to watch the people as they come out of the bar-rooms. Some, of course, do not show any indication of having taken too much liquor.

13406. Has there been any improvement in the condition of Moncton since the Scott Act came into force?—Very much so compared with the condition under the old license system.

13407. How many licensed places were there under the old system?—There were a large number. I could not tell you the number. Of course, the number of places was not so large as at present, but at least there were 10 or 15. I recollect, for I was a Magistrate at that time, that a large number of people once came before us and made application for licenses.

13408. There were ten or a dozen licensed places at that time?—Yes.

13409. How many unlicensed places are there now?—I should think there are at least a dozen.

13410. Is the Scott Act in force in the country surrounding Moncton?—I am not exactly prepared to state, but, I think, in some places it is, and in others it is not in force. It is not a very difficult matter in the country to get liquor—not difficult at all.

13411. Do you think that the provisions of the existing law are fairly well enforced in the country districts?—I should say not.

13412. Is the law better enforced in Moncton than in the country districts?—Very much better.

13413. To what do you attribute the difficulty in enforcing the law in the country districts?—I should think it is on account of the officers not attending to their duties.

13414. By whom are the officers appointed to enforce the law?—I do not really know.

13415. Has the County Council the appointment of officers to enforce the law in the county?—I think there is an Inspector appointed by the Municipal Council.

13416. Do you not mean by the County Council?—Yes.

13417. Has there been an officer appointed by the City Council to enforce the law here?—I am not aware of any person being appointed, unless it be the same officer who is performing the duty in the city and also in the county.

13418. You do not know, as a matter of fact, whether the jurisdiction of the officer appointed by the County Council extends over the city?—I do not know.

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13419. Have the police anything to do with the enforcement of the law here?—There is a general understanding that they have to look after all places.

13420. Have they received instructions from the Council or party in control of the police, to enforce the law?—I am not prepared to make a statement on that matter.

13421. Do you think, if the City Council appointed an Inspector, whose special duty it would be to look after the law-breakers, those ten or twelve places would still continue open?—I should think not; but such is the case at present.

13422. To what do you attribute the apathy of the local authorities in not appointing an officer, so as to have the law faithfully enforced here?—I should think there would be no trouble in carrying out the law, provided the authorities performed their duty, both the Inspector and the police.

13423. Who appoint the police?—The Town Council.

13424. Are the members of the Council aware that the police do not do their duty?—That I cannot say.

13425. What do you think?—I should think so, but they must speak for themselves.

13426. Are the Council reflecting public opinion in permitting officers to remain on the force who fail to perform their duty regarding the enforcement of the law against illicit rumsellers?—There has been a great improvement during the past year, and therefore they are not so severe on their officers as they have been.

13427. How has the improvement been manifested during the past year?—I think the improvement is due chiefly to the officers performing their duty and fulfilling the provisions of the law.

13428. Have there been any places suppressed; have any people been driven out of the trade during the past year?—Not that I am aware of.

13429. Are there as many places selling liquor now under the improved condition of affairs?—About the same.

13430. In what way, then, is the improvement manifest? Is there less drunkenness now than formerly?—Yes. You very seldom see a drunken person now; there may be now and then one at night, but not during the day.

13431. Do the police arrest people if drunk and not disorderly?—They are very strict in regard to that matter.

13432. Are they more strict now, and have they been more strict during the last twelve months than they were previously?—I think so.

13433. If the same number of places are openly selling liquor as were selling twelve months ago, how do you account for the decrease in drunkenness?—It is not so apparent, at all events. If people get drunk it is on the sly, and they get out of the way and are not noticed by the officers.

13434. The quantity of liquor imported since the 1st July, 1891, has been stated by you as 2,624 gallons. Would that be the total quantity of liquor brought to Moncton during that time?—Not at all.

13435. That would be the quantity coming through the custom-house?—Yes. The railway authorities will also be able to give you figures in regard to the quantity they brought in.

13436. Are liquors brought in also by express?—I think a large quantity comes in in that way.

13437. For whom?—For different parties and for private individuals.

13438. Has the quantity brought in by express for the use of families and private individuals increased since the Scott Act came in force?—I am unable to answer that question.

13439. Do you think there are any hip-drinking people, carrying flasks in their pockets and drinking at street corners?—Not that I am aware of.

13440. From what I understand you to say, the Act is fairly well enforced in Moncton?—Yes, I have so stated.

13441. And it is much better enforced here than in the country?—Much better.

13442. Do you think if the temperance people are favourable to the enforcement of the law, they should be able to bring public opinion to bear on the City Council to secure the appointment of an officer to enforce the law?—I rather think they have done so; they have made several strong efforts.

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13443. Have they failed in those efforts?—That I am unable to state.

13444. There is no special officer appointed by the City Council?—No, except the Marshal, who has general supervision over the police.

13445. Would the appointment of an officer by the Provincial or Dominion Government be an improvement over the present condition of affairs?—I do not think it would be. I think the local authorities had better retain control over their own affairs and over officers whom they may appoint.

13446. You think it would be better to leave the enforcement of the law in the hands of the local authorities?—Yes.

13447. You think it would be better than the appointment by the Dominion of a special officer?—Yes, and the Council would have more control over the person appointed.

13448. Does the lack of public sentiment respecting the enforcement of the law account for the fact that ten or a dozen places continue to sell liquor?—Yes, it has a good deal to do with it.

13449. Was the adoption of the Scott Act carried by a large majority?—Do you mean over the whole county?

13450. Was the vote taken for the whole county including the city?—Yes.

13451. Do you remember how the city stood on the vote?—I do not recollect. I think the majority in favour of the Act was large in the city.

13452. Was there a large majority in the city and the county?—Yes, but I do not recollect the exact figures.

13453. Notwithstanding the fact that there was a large majority both in the city and county, in favour of the adoption of the Scott Act, there are ten or twelve places in the city where liquor is continuously sold. And yet you say the condition of affairs is much better in the city than it is in the county?—Much better.

*By Mr. Gigault :*

13454. Was the liquor mentioned in your statement bought for the use of persons in this town or elsewhere?—For persons residing in the city.

13455. Do you know if temperance doctrines are taught in the schools here?—I do not know.

13456. Are there many temperance societies in this town?—There are a large number.

13457. Are they doing good work toward the promotion of temperance?—I think they are.

13458. Do you know how long the Scott Act has been in force in this town?—I do not recollect exactly the date, it came into force, but it was five or six years ago.

13459. Do you know how the Scott Act is enforced in Queen's County?—I do not.

13460. Or in Albert County?—I am not prepared to make a statement in regard to that matter.

13461. From common report, how is it observed?—I think it is fairly well carried out in Albert County. That appears to be a temperate county, much more so than Westmoreland.

13462. Do you know if liquor is sold in the drug stores here?—I cannot make a statement as to that, from my own personal knowledge. There is no trouble, however, in getting it for medicinal purposes.

13463. Only for medicinal purposes?—I decline to make a statement in regard to this matter. I never purchased any myself. The druggists refused to sell me alcohol for official purposes, even for the use of the Inland Revenue Department.

13464. Is there less drinking now in this town than there was under the License Act?—Yes, seventy-five per cent less.

13465. To what do you attribute that decrease in drunkenness, to the efforts of the temperance societies or to the operation of the Scott Act?—I think it is more on account of public opinion. The people themselves are temperate and are of a good class. Then there is the fact that at the public works established here, if a man gets drunk he is immediately discharged, and that conduces to the temperance of the people.

13466. What is the population of the town?—Between 8,000 and 9,000, perhaps 8,700.

I. W. BINNEY.

13467. Have you ever been in any country where a prohibitory law was in force?—No more than passing through them.

13468. Where have you been?—In different parts of the States and in Nova Scotia.

13469. I mean in foreign countries? Have you been in the State of Maine?—Merely passing through it on a journey.

13470. When you passed through Maine, did you notice that the prohibitory law was well enforced?—I did not take any particular notice, and I am not able to make a statement respecting it.

*By Mr. Clarke :*

13471. In regard to the quantity of liquor imported, 2,624 gallons, during the year from the 1st July, 1891, was it in excess of, or a smaller quantity than was imported within the same time during any of the previous 12 years?—There was a larger quantity in previous years.

13472. So that it shows a diminution?—A much less quantity.

CHARLES FOSTER, of Moncton, City Marshal, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13473. How long have you held your present office?—I was appointed two years ago last March.

13474. By whom were you appointed?—By the aldermen of this city.

13475. By the Council of the city?—Yes.

13476. Is your appointment from year to year, or how is it regulated?—It is at the pleasure of the Council.

13477. So the appointment is not renewed from year to year?—It is renewed every year.

13478. Then it is from year to year, but may be terminated at any time at the pleasure of the Council?—Yes.

13479. Have you anything to do with the enforcement of the Scott Act here?—I have.

13480. Is that by direction of the Council?—By direction of the chairman of the Police Committee.

13481. Has he instructed you to see that the Act is enforced?—Yes.

13482. How long is it since you received those instructions? Was it when you were first appointed?—I received them when I was first appointed, and I have received them under each Council. The chairman of the Police Committee gives me instructions in writing.

13483. Have you endeavoured to carry out those instructions?—Yes, so far as I could.

13484. So far as you reasonably were able to do so?—I have done all I could.

13485. Have you been successful in putting a stop altogether to the sale of liquor here?—No.

13486. Have you succeeded to a considerable extent?—To a good extent.

13487. Can you tell us how many cases you have had, year by year, during your term of office—how many complaints and convictions?—I have had such short notice from the Commission that I am scarcely able to tell you how much money has been collected. In 1885 there was \$40, in 1886, nil, 1887, \$950, 1888, \$1,050, 1889, \$2,000, 1890, \$1,800, 1891, \$1,650.

*By Mr. Clarke :*

13488. Up to the present time in 1892, how much has been collected?—Thirty-five fines have been imposed, and some cases have been dismissed. The fines amount to about \$1,900.

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*By Judge McDonald:*

13489. That is in 1892 up to the present time?—Yes, but only \$600 has been collected, and the remainder is outstanding. Some of the parties have appealed, and some have left the country, and there are a few yet from whom money is to be collected.

13490. As regards the figures you gave for the previous years, has the amount you state been collected?—Yes. This year there has been collected so far, \$600.

13491. Out of \$1,900?—Yes.

13492. In those previous years would the amount that the people were fined and the amount collected bear about the same proportion as this year, or were the fines better collected?—They did not appeal, but they paid up.

13493. Did any people leave the place during those previous years?—Some young men did.

13494. Have you a statement showing the amount of fines collected during the previous years?—No.

13495. Do you make an annual statement to the Council of the amount of fines collected?—I keep a cash book and the statement is printed each year. The statement for last year, 1891, I think was not printed, although the list was made up.

13496. Will you be able to furnish the Commission with printed copies of the statements that were printed?—I can give you printed copies for 1889 and 1890.

13497. You have spoken about persons leaving here. Have you had any trouble in the way of strangers coming in and selling liquor?—No.

13498. Have you not had strangers come in and act as bar-keepers?—Yes.

13499. Did they disappear?—Some of them did.

13500. That is, when you came to deal with them?—Some have left this year, an odd person or so.

13501. In some cases you did not even know the name of the person?—I generally could get the name.

13502. In other cities the Commission have met cases where sometimes a warrant had to be issued to a person whose full name was unknown?—Some parties have gone away; I could not give the names.

13503. Will these books of which you have spoken show the total amount of fines collected in connection with the Scott Act?—They will show all the fines collected and what was paid in in connection with the Scott Act as far back as 1890, since I have been Marshal.

13504. Have any of the parties in the cases of which you have spoken been fined more than once?—Yes.

13505. Have you known, of your own knowledge, since you have been Marshal, of persons having been fined more than once during one year, say 1891?—Yes; some were fined three times, and some, I think, four times.

13506. Were any of those persons convicted of a second offence?—We have had some convicted for a second offence, but I do not think there were any last year.

13507. And yet some of the parties were fined as often as four times?—Three times anyway.

13508. Did they pay the fines?—Last year and the year before they did not fight, but they paid up. This year they do not do so, but are appealing.

13509. To what court are they appealing, is it to the Supreme Court?—Yes.

13510. Was it in 1890 and 1891 they paid up?—Yes.

13511. And no questions in regard to law were raised?—We were very seldom troubled to call witnesses.

13512. They would come in and plead guilty?—Yes.

13513. And pay the fines and costs?—Yes. There was an odd one, however, who would fight.

13514. Do you find, in your conduct of those cases, that continually difficulty arises as to the memory of witnesses?—Yes, I believe so. I know all about that trouble.

13515. Have you trouble in that way?—The witnesses appear to forget what they got.

13516. And do they forget how long it is since they got it?—Yes.

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13517. Their memory, both as to the time and the substance, is very poor in some cases?—They have all very bad memories.

13518. Have you reason to believe that in some of the cases perjury is committed, or is it simply lapse of memory?—I would not like to say that. I believe there has been more perjury in these cases than in any other cases that have been brought forward since I came to Moncton.

13519. You mean in this particular class of cases?—Yes.

13520. In regard to arresting people for drunkenness: what are your instructions and what is your practice?—If a man is not able to take care of himself, and we are afraid that something may happen to him, we arrest him; and we also arrest a man when he becomes a nuisance on the streets.

13521. If a man is quietly making his way home and is no trouble to any one, what course do you adopt?—If he is a man we know, and we believe he is all right and is going home, we leave him alone; but if he is a man of whom we are suspicious, and one who is liable to kick up a fuss, we arrest him.

13522. Is the character of your town for sobriety good?—Our town has been very good of late. A fortnight ago, however, we had some trouble.

13523. We have read in the public press some circumstances of an extraordinary nature that occurred here lately?—Yes, but we have a very good city here.

13524. Is it true that a good many strangers of the tramp character have been troubling you lately?—Most of our trouble has been with strangers. There is very little trouble with our townspeople.

13525. Are they orderly and well-behaved?—They are orderly and well-behaved.

13526. How large is your police force?—There are two policemen besides myself. Those two are on duty at night. I do day duty and serve the greater part of the Scott Act papers.

13527. Do you do any other town business, such as collecting moneys or anything of that kind?—No more than collecting the money for licenses.

13528. You refer to pedlars' licenses and transient traders' licenses?—Yes, I look after that kind of business, and there is a lot of other business to do.

*By Mr. Gigault:*

13529. Can you furnish the Commission with a statement showing the number of convictions for drunkenness and crime generally during the ten years before the adoption of the Scott Act?—No, but I can go back to 1885.

13530. I mean before the Scott Act came into force?—I can only go back to 1885.

13531. And since the Scott Act was in force?—I could not say. I can give you the number of arrests back to 1885.

13532. Please read the statement?—In 1885 there were 335 arrests; 1886, 311; 1887, 205; 1888, 206; 1889, 309; 1890, 278; 1891, 263; 1892, 123, up to last July. Taking the average of arrests from 1885 to 1891, I find that two-thirds of them were for drunkenness.

*By Mr. Clarke:*

13533. Do you think the same remark would apply to the numbers for other years?—Yes.

*By Mr. Gigault:*

13534. Do you believe drunkenness is increasing or decreasing in the town?—This year we have not had as many drunken men in the streets as in previous years. I do not think there is as much drunkenness this year.

13535. Were you here when the town was under the license system?—No.

13536. Are crimes generally decreasing or increasing in this town?—I think they are decreasing. There is not as much crime as formerly.

13537. Are there any houses of ill-fame in this town?—We have none we can prove to be such, but I believe there are some.

13538. How many?—I could not exactly say. I could not swear there was one, but there are places reported to be such.

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*By Mr. Clarke :*

13539. How many are reported ?—Not more than two or three, but there are some places that have a hard name. I cannot say they are houses of ill-fame, for I do not know and could not swear it.

*By Mr. Giguault :*

13540. From common report, what is the number of places selling liquor regularly in this town ?—I could not swear definitely except as regards the number of places that have been fined. That is all the basis from which I take my information.

13541. Is it not a notorious fact that liquor is being sold every day in this town ?—Yes.

13542. If it is a notorious fact that liquor is sold every day here, are you able to state how many places sell it, according to common report ?—I think about twelve.

13543. How is the law enforced in the rural districts of this county ?—Do you mean in the outside districts ?

13544. Yes. Is liquor sold there ?—Yes ; although I have never been into any of those places, I think it is sold.

13545. Do you know when the Scott Act was adopted here ?—I could not say, but I think about ten years ago ; it must be all of ten years since it was first started.

13546. Do you think drug stores sell liquor here ?—Not to my knowledge now ; I know it can be obtained on doctors' prescriptions, but I do not know of any being sold by druggists except in that way.

*By Judge McDonald :*

13547. In making up the number twelve, which you say you think is the number of places selling illegally, do you make that number from the number of persons in the town who have been fined from time to time ?—Yes.

13548. Then there may be others of whom you are ignorant ?—Yes. We have had some cases against parties that have been dismissed.

13549. If you know of any other places, of course, you would endeavour to suppress them ?—Yes.

13550. Do you find in those cases where the witnesses have bad memories, of which you have spoken, both as to time and place, that the witnesses are strangers, or are they people in the locality ?—They are people right in the city.

*By Rev. Dr. McLeod :*

13551. Does the public report of which you have spoken give the cost of the police force in Moncton ?—Yes.

13552. I understand from your statement that there has been a steady decrease in the number of arrests for drunkenness from 1885 down to 1891 ?—Yes.

13553. What was the number in 1885 ?—335.

13554. What was the number in 1891 ?—263.

*By Mr. Clarke :*

13555. What was the number in 1877 ?—205.

13556. What was the number in 1889 ?—309.

*By Rev. Dr. McLeod :*

13557. There was a decrease between 1889 and 1891 ?—Yes.

13558. Have you found this, that as prosecutions under the Scott Act were carried on and violators of the Act were punished and fines imposed, the arrests for drunkenness increased ?—Yes.

13559. That is to say, that the law had an effect on illicit places in the way of reducing the number of drunkards ?—If there is as much drunkenness as formerly, the people keep out of the way.

13560. They do not come under your notice ?—No.

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13561. Do you know whether any number of those arrested for drunkenness were persons not belonging to Moncton, but who perhaps get drunk elsewhere and came in here on the Intercolonial Railway?—There are lots of those cases.

13562. So all the drunkards are not really chargeable to the town of Moncton?—No.

13563. I think you said two-thirds of the arrests were for drunkenness, generally speaking?—I hurriedly made it up.

13564. Speaking roughly, about two-thirds?—Yes.

13565. Can you say what proportion of the other one-third arrests are for offences that are traceable to drink and the drink habit?—I could not say how many. There is no doubt a proportion of them.

13566. Half of them?—No.

13567. A quarter of them?—I do not think so. We have a good many petty thefts by boys.

13568. Have you noticed what proportion of the petty thefts and the like by boys are traceable to drink, not by the boys but by their parents or guardians?—I could not say. There are some cases traceable to that cause no doubt.

13569. You have stated that this year about \$600 of the penalties imposed for violations of the Scott Act have been paid, and that some of the persons fined have left the town, and some have appealed their cases?—Yes.

13570. Are there any convictions for Scott Act offences which have not been appealed, the persons have not gone away, and yet the penalties have not been collected?—Yes.

13571. Why?—I have returned some distress warrants and have not got a commitment.

13572. What is the usual course to pursue in such cases?—You first get a distress warrant, and if you cannot find any chattels, you return it and get a commitment to take the party to jail.

13573. Is the commitment issued by the Police Magistrate?—It should come from him, but I think it now comes from the Town Solicitor.

13574. And in some of those cases a commitment has not been issued?—Quite so.

13575. Therefore the penalties remain unexact?—Yes.

13576. From your observation and experience as Town Marshal, what have been the chief difficulties in the way of a better enforcement of the law?—I have had no help.

13577. No help from whom?—I have had very little from anybody. One of my policemen is shut off; he has to sign all the complaints.

13578. And, therefore, he cannot serve the papers?—He cannot serve papers.

13579. I do not mean to review your attempts to enforce the law, and I judge you did your very best; but what difficulties did you meet with in the way of securing a more complete enforcement of the Act?—That is all the difficulty there is—I have not sufficient help.

13580. Have these cases of appeal had the effect of checking the enforcement of the Act and making it more difficult? For instance, when a man is convicted and fined \$100, or sentenced to jail, and he appeals the case, and the appeal is delayed for six months or twelve months or two or three years, does that fact have a discouraging effect?—The cases do not lie over that way here. We get them cleared up as quickly as we can.

13581. How long do they lie?—Some lie two or three months, but of late years we have only had one case laid over, and that man was away.

13582. Take the years before that, you have had four years' experience?—I have had only two years' experience.

13583. This statement is made in some places, whether the police of Moncton are aware of it or not I do not know: that there is a sort of understanding between the violators of the law and some of the officials (I do not think it has been said with respect to the police officers themselves) that if the parties are fined three, four or five times in the course of a year, nothing more is to be done, but these payments are to be regarded as a kind of license fee. Is there any understanding of that kind in Moncton?—I do not know of any. All I can state is, that I have written instructions from the Chair-

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man of the Police Committee this year, and he told me he expected me to suppress the illicit traffic.

13584. Have you endeavoured to carry out those instructions?—Yes, to the best of my ability.

13585. And you have succeeded in obtaining the imposition of penalties amounting to \$1,900 this year?—Yes. I will tell you another fact. I have had as many as 24 subpoenas in one case, and I have even then lost it, the case being dismissed.

13586. Why was it dismissed?—Because there were no reliable witnesses. I remember one case which was adjourned two or three times, in which I summoned 22 witnesses, and yet we lost the case.

13587. Was it because the witnesses did not know whether they got drink at a certain time?—It was suggested that they did not get anything.

13588. Or was it doubtful whether they paid for drink?—They did not know anything about the matter. If I had known that the case was coming up in that way, I would have had a list of all the subpoenas served.

13589. Then you are inclined to think that there has been a good deal of perjury committed under the Scott Act?—I do not hesitate to say so.

13590. Do you believe the Scott Act is responsible for the perjury, or that the perjury is in the grain of the man, and the Scott Act brings it out?—I could not say that. I will tell you what I think, but I will not swear to it—I believe a man does not want to hurt his neighbour.

13591. And, therefore, he does not tell the truth? Has there been at any time any official notice given to illicit sellers in the town to close their bars at a given time? I ask this question because I have seen something to that effect in the newspapers?—I did so, acting on instructions from the Mayor in regard to 12th July. I will tell you why we did it. We thought that every little beer saloon would be selling largely on that day, and that if we issued this notice it would have a tendency to stop them. We have a very small police force here, and we thought the issuing of this notice would stop drinking.

13592. What was the character of the instructions given—what were the instructions?—The notice that we inserted in the papers was that the people must close their bar-rooms on that day.

13593. Would that seem to give the impression that bar-rooms were an institution of the city and were selling openly?—There are bar-rooms in the city, because we receive fines from them.

13594. Why did you ask them to close their bar-rooms on that day, especially when the law required them to be closed every day in the year?—That was the way in which the notice was put.

13595. Did that order come from the Mayor?—Yes, from the Mayor. We talked about it, and he said “yes” to it.

13596. What was the effect of the notice?—We had very little drunkenness that day.

13597. And do you suppose if no such order had been issued, there would have been a great deal of drunkenness?—I think there would have been.

13598. You did this by direction of the Mayor?—I do not know whether this order prevented drunkenness or not, but there was very little drunkenness that day.

13599. Did you have any special police force that day?—We had four special constables.

*By Mr. Clarke :*

13600. Did the Mayor suggest that you should insert that notice in the newspapers, or did you suggest it to the Mayor, and he acted on your advice?—We were talking about it, but I could not say who suggested it. I think I spoke about it.

13601. You suggested it to the Mayor?—I would not be sure of that, but I think I did.

13602. Did you suggest that it would be a good thing to call upon the rumsellers to close up their bars?—We talked it over, and that was the way we put it.

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13603. Who prepared the manuscript copy of the advertisement for the newspapers?—I walked over to the *Times* office, and I told them the effect of the Mayor's order.

13604. Did you tell them what you wanted inserted?—I just stated it.

13605. Did they carry out your instructions in regard to the advertisement that was inserted?—Yes.

13606. And the advertisement states correctly what the Mayor and yourself wished to be done?—It did not mention the Mayor.

13607. The advertisement was published?—It was published the following day.

13608. It carried out the wishes of the Mayor and yourself?—Yes.

13609. In how many places did you say, you believe liquor is sold now?—I am of the opinion that there are twelve places. Of course, there may be more.

13610. You know of twelve places. Is liquor sold in those places continuously from day to day?—I think it is.

13611. You have also said you have done your best to enforce the law?—I have done all I could.

13612. You spoke of not having sufficient assistance to enforce the law. You yourself do all the work during the day, and the two constables look after the peace of the city at night. Have you ever reported this fact to the Mayor, or the Police Committee, or the Council, that you have not sufficient help to enable you to enforce the Scott Act?—I have never reported it to them, but I have done so to the City Solicitor. He knows exactly how the work has been carried on.

13613. Is it your custom, in the discharge of your duties respecting the enforcement of the various laws, to report to the Solicitor, or to the Council, or to the Police Committee?—The report I have to make is to the Chairman of the Police Committee.

13614. Have you ever reported to him that you have not been able to enforce the Scott Act satisfactorily?—I think I have reported to him that my men did not assist me very much in enforcing the Act.

13615. Are they not on duty at night?—Yes.

13616. Do they have better opportunities of enforcing the law from the fact that they are on duty at night, rather than on duty in the day time? Have they better opportunities of observing breaches of the law at night?—I should think they would have.

13617. Have you reported and complained that your officers did not assist you in the enforcement of the Scott Act?—One officer is shut off. In regard to the other one, I do not want to speak of him at all. One man has to sign all the complaints, and the other man, I say I do not wish to speak of, and I would rather not do so.

13618. Why?—He is dead and gone.

13619. He lost his life doing his duty?—Yes, he was a good man.

13620. Is the forgetfulness of Scott Act witnesses due to the bad quality of the liquor they get in these dives or places, or is it a desire to shelter the people who have committed breaches of the law?—I could not say so.

13621. Do you think they are sometimes paralyzed by the quality of the liquor they get in those places?—I could not say; I have only to say that they have very bad memories.

13622. Would you consider these people in all cases to be responsible and reliable witnesses?—Yes, I would look upon them as such.

13623. But in Scott Act cases, is it impossible to get a continuous story from them so as to secure convictions?—It is.

13624. To what do you attribute their lapse of memory in these cases? Do you attribute it solely to a desire to screen the offenders?—There is something to that effect. I cannot swear distinctly what is the reason, but they certainly have bad memories.

13625. Have you had any people who have persistently and flagrantly violated the law, placed in jail for third offence convictions?—No.

13626. Why is that?—I could not say.

13627. Does not the law make provision for the imprisonment of those convicted for third offences?—The law makes provision in regard to first, second and third offences.

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13628. Why were not proceedings taken against ten or twelve of those people for third offences, and have them jailed?—When I get a complaint, I take it to the City Solicitor and he acts on it. When the papers are made out, I serve them.

13629. It appears to be a very hard matter to secure a conviction for second or third offences. Is that because of the severity of the penalty imposed, or is it because it is more difficult to secure convictions from lapse of memory on the part of witnesses in the second and third offences?—They object to give evidence of second offences. I never remember having a third offence case here; there has not been one since I have been Marshal.

13630. Have the people escaped by paying fines occasionally, and then kept on continually violating the law?—Yes.

13631. What is the effect on the public morals of such a state of affairs existing, and the law being persistently and flagrantly violated?—During the last two years the people have not been satisfied.

13632. You have said that you have reported that your force was insufficient to enforce the law. If the force was not sufficient, why did not your opinion find reflection in the action of the Council, or the Police Committee?—I have done my duty in every way I could. In fact I have worked too hard, and I have injured my health in so doing.

13633. In looking after the law and endeavouring to carry it out?—I have worked from early in the morning until 11 o'clock at night.

13634. When appeals are taken—and I am not now speaking of the difficulties in the way of enforcing the law—do you take steps to secure conviction for the first offence, and do you afterwards go right along and proceed against offenders?—When I can get a case, we go right along. There are some men in the town who have been up on both first and second offences.

13635. And are such people still in the business?—I think so.

13636. You have not relaxed your efforts to secure convictions for first offences?—In regard to the person to whom I specially refer, we had an action against him last week, and he was fined. We never stop taking action when we are able to do so. We endeavour to make out a case every time.

13637. Has any public presentation of your difficulty been made to the Council by the citizens, that is, have they endeavoured to sustain you and back you up in asking for additional assistance; have they represented to their representatives, the Mayor and Aldermen, that the law is being steadily violated, and that one officer cannot enforce it better than it is being enforced?—Yes, there are always complaints.

13638. Do they reach the Council?—I cannot say about that; I hear them.

13639. The papers, no doubt, give publicity to these complaints. To what do you attribute the apathy of the Council; is it due to the apathy of the public?—This Council, I think, is willing to assist in every way, that is, the Chairman of the Police Committee and others.

13640. Has there been any reduction in the police force since the Scott Act became the law here?—No. In 1889 and 1890, I think, there were three men; there were that number in 1890, anyway.

13641. And that number has been reduced since?—Yes, there are only two now.

13642. Why was that reduction made: was it because there was no necessity for more than two? It was very quiet at that time. There was not much doing, but in 1891 we had a day policeman, perhaps for three months.

13643. Were his services dispensed with?—He was only put on temporarily, and he left, and this man was put on afterwards.

13644. Are there as many policemen required now as were required formerly?—I think we would be better with one more man.

13645. Do you think you could enforce the law more efficiently if you had more day men?—I think we would be better with his assistance at night.

13646. You do not want any assistance in the daytime?—This man could work, to some extent, in the day.

13647. You say a large number of those arrested for drunkenness are strangers, not belonging to the town?—Part of them.

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13648. What percentage ; 25 per cent?—There would be about one-fourth of them strangers.

13649. Do they procure their liquor before they come here, and come into the town and raise a row?—I have known some of them to do that, but there are quite a number who come in here drunk. They come in on the train. We have had some places outside the city where they got the liquor at windows, but not now.

13650. Notwithstanding the fact that probably a quarter of those arrested procure their liquor elsewhere than in Moncton, the other 75 per cent are supplied with liquor here?—Yes.

13651. Those ten or twelve places are able to pay their fines and keep right along selling?—There are quite twelve.

13652. Can you suggest any change in the law that would render it more readily workable and more efficient?—I do not know that I could.

13653. Would the appointment of officials by the Dominion or Provincial Government be an improvement?—I think it would.

13654. Did you hear the evidence of Mr. Binney?—I only speak from what I think myself. I think it would assist a good deal.

13655. The New Brunswick law makes provision for the appointment by the City Council or County Council of a special officer to enforce the Scott Act, does it not?—I do not know.

13656. Is there any reason you know of why the City Council does not appoint such an officer?—I do not know whether they have power or not, I think the Police Committee would do anything in their power to enforce the Scott Act.

13657. There is no obstacle in the way of the City Council appointing an officer to aid you?—I think it would be a great help, but I do not know whether they have that power or not.

*By Judge McDonald :*

13658. Are you troubled at all here with people who carry flasks and bottles about their persons?—A great many we arrested had bottles on them.

13659. Have you ever been informed of any cases where people sell rum bottles?—I have not.

13660. But you have found persons whom you have arrested, with bottles or flasks in their possession?—One out of every five will have a bottle on him.

13661. Did you say when you and the Mayor spoke of putting this notice in the newspaper as to the closing of bar-rooms, you had it in your mind that every little beer shop would have its bottle with intoxicating beverages?—I mean behind the counter.

13662. What do you mean by beer saloons?—Some of them do not sell liquor.

13663. You mean places where temperance beverages are sold, would be getting intoxicating liquors to sell?—Yes. We did it to try to keep peace and order in the city that day.

13664. And you think it did good?—I do.

13665. Was it an order or a request?—It was a notice.

13666. They paid attention to it, you think?—There was very little drunkenness, not as much as on some Saturday nights.

13667. How long ago was this?—On 12th of July last.

*By Rev. Dr. McLeod :*

13668. Do you think that a similar request would have a good effect on any day in any week?—I could not say.

13669. If not, why not?—I could not say.

13670. If the people will refrain from selling drink on the request of the Mayor and the Marshal, and will not refrain when they are prohibited by the law, would it not be well to make the request?—I cannot swear that they did, but there were very few people intoxicated on that day.

13671. Do you think your having four additional constables on that day had any effect?—I do not think those places sold any ; I do not think they would.

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13672. Which places do you find the chief offenders, the hotels, or saloons, or the jug places, as they call them?—The small places are the worst.

13673. Which offend the most frequently?—The small places.

13674. That is they are most frequently charged with the offence?—No, but they are open later. The hotels shut up.

13675. Do the hotels sell on Sunday?—I do not know, but we have some drunks on Sunday.

13676. Did ever hotel keepers put up a notice that they would not sell on Sunday?—I know they did last year. I do not know this year.

13677. You do not know whether the sale goes on regularly on Sunday or not?—Not regularly, but I think they do sell some.

*By Mr. Clarke :*

13678. Do you think their giving that notice as to Sunday was equivalent to their saying they would sell and did sell on other days?—I thought so.

13679. Do you think the present state of things better than would be a system by which those places would be licensed and placed under your surveillance and observation?—I do not know. I have not been here when licenses were issued.

13680. But in other places?—Yes.

13681. How does the condition of affairs where a license system is enforced compare with the present condition of affairs here?—We have the quietest city for its size that I was ever in. I have been in small places where there was twice as much trouble.

13682. Do you prefer the present condition of affairs to a license system which would permit those people legally to sell?—I could not say.

*By Rev. Dr. McLeod :*

13683. In that case, after notice, there would be no sale of liquor on Sunday. Have you any reason to believe there was any understanding between the liquor seller and any of the officials that, if he would not sell on Sunday, he would not be interfered with to any extent at other times?—I do not know. I never knew that there was any understanding with the officials.

13684. And with the violators?—Not to my knowledge.

*By Mr. Clarke :*

13685. What is done with the Scott Act fines?—They are placed in the city treasury.

13686. And for what purpose is the money used by the Council?—I cannot say, but it is paid in there.

13687. If I have added these figures correctly : in the last eight years, there have been fines imposed amounting to \$9,390, and \$8,090 have been collected from 1885 up to 31st July. That is about \$1,012 a year. How much is expended by the Council every year in endeavouring to enforce the Act? Is the money collected in fines for violations of the Act expended by the Council in endeavouring to enforce the Scott Act?—It must be, because there is the cost of a lawyer and there is the cost of sending for witnesses. Sometimes we have to hire a horse and go out of town, and the expense is all paid.

13688. You think all the money collected from fines is expended in endeavouring to enforce the Act?—All that is wanted, but I have nothing to do with it.

13689. The Solicitor has no difficulty in getting the money to carry on prosecutions?—I know his bills are always paid.

13690. There are ten places in this city where liquor is sold?—More than that.

13691. That means a tax of about \$100 a year?—More than that.

13692. Some of them have been fined more frequently?—There are some years when no fines were collected. In 1886 there was nothing collected, and 1885 only \$40.

13693. But taking the average of the eight years, would it be possible under your present system and with your present assistance to secure a more rigorous enforcement of the law?—Not as far as I am concerned. I could not do more.

13694. And the present condition of affairs will continue unless you get more assistance?—I would have to get more help.

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JACOB WORTMAN, of Moncton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13695. What is your calling or occupation ?—I am Police and Stipendiary Magistrate for the city of Moncton, Westmoreland County.

13696. How long have you held office ?—I am now in my seventeenth year.

13697. By what board or authority are you appointed ?—By the Provincial Government.

13698. As Police Magistrate, are you charged with the trial of cases under the Scott Act ?—Yes, the principal part of them come before me.

13699. You have had considerable experience in trying cases under that Act ?—Yes. I tried the first cases in the County of Westmoreland.

13700. Your Chief Marshal has shown there have been a good many cases before the court ?—Yes.

13701. From your own experience, could you make any suggestions to the Commission of amendments to the Act, which would make it more effective ?—I think possibly I could by studying the matter up.

13702. Have you had any difficulty in cases tried before you in reference to the memory of the witness being bad ?—A very great deal of it.

13703. Do you find any difference in that respect between Scott Act cases and other cases ?—Very much indeed.

13704. Memory seems more defective in Scott Act cases than in ordinary cases ?—Very much so.

13705. Does it add to the difficulty of enforcing the Act ?—Altogether.

13706. Have you had any cases of second or third offences tried before you ?—Both.

13707. Have you found that lack of memory more prevalent in any one class of case than in another ?—I do not think so.

13708. In some places it has been stated that there is more difficulty in third offences ?—It might be so where there is imprisonment. The apparent loss of memory is so very prevalent here in the first as well as in the second and third offences that I could hardly distinguish them.

13709. Who first lays the information ?—One of our policemen.

13710. Then there is either a summons or a warrant issued ?—I issue summonses as a rule. I have issued very few warrants.

13711. Where people were about to get out of the way, you would issue a warrant ?—Yes.

13712. Did you have any pleas of “guilty” ?—Quite a number this season and last season, and some before.

13713. In case of the infliction of a fine, is it paid to you in the first instance or to the city officials ?—It is supposed to be paid to me ; sometimes it is, and sometimes it is paid to the Marshal. I usually send the fines immediately to our City Clerk, and he sends a receipt for them.

13714. Do you make a return of the number of cases tried before you each year ?—I make no return to the City Clerk, but I keep a complete account in a book of all fines paid. The business here may be different from that in other places. I have no regular clerk, and the city has always an attorney employed and in the liquor cases he acts both as Attorney and Clerk. As regards any other business I look after it myself, but the liquor cases are run on a different basis, that is, they employ an attorney to prosecute and he acts as clerk and attorney also. As a matter of course I make my own notes, but he makes out the papers. I take the minutes of evidence myself. Here is a parish case which I tried myself, and here is the conviction and the papers.

13715. You have all the papers on file together ?—That is out of the city, but in the city I let the attorney take the papers to his office and keep them. So if we want any other papers, commitments and so on, he has them there.

13716. In county cases, to whom do you make returns ?—I pay the money generally to the man who has charge of the prosecutions.

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13717. Are your papers returned to the proper auditor or do you keep them yourself?—Sometimes I have them myself. In this case I have the money banked, and they have not called for it yet.

13718. All cases of breach of city ordinances and so on come before you?—Yes.

13719. It is the general criminal court?—I make a return of them once a month.

13720. Have you many cases of drunkenness before you?—Yes, quite a number.

13721. And other cases besides?—In these other cases a certain percentage can be traced to drunkenness on the part of people; I was studying it up, and it would be a great job to get exactly the different returns; we could go over our books. Our criminal business is kept in a book by itself, so as to send the depositions away, and I keep a memorandum of it in the same book.

13722. To whom are they sent?—To the Attorney General or to the Clerk of the County Court.

13723. In those cases that come before you, in which you have spoken of the great shortness of memory on the part of witnesses, do you ever have cases of that kind in which you have reason to believe the witnesses are swearing falsely?—I am sorry to say that there is scarcely a case tried but I have numbers of them. I feel as positive as if I saw it myself.

13724. Have any efforts been made to convict these people of perjury?—I think an effort was made once, but I think it failed.

13725. You have had no case laid before you to be followed up by a criminal prosecution for perjury?—I do not recollect any.

13726. The Marshal has given the Commission the number of cases of drunkenness for some years?—He talked to me about it, and we agreed as to the proportion, I think two-thirds, as near as you can get at the proportion.

13727. In case of parties charged with drunkenness, are many of those the same people over and over again?—It is quite usual.

13728. You expect to see them every now and then?—Every two or three days.

13729. That does not represent the number of people, but the number of cases?—Yes.

13730. As to persons who are brought up for breaches of the Scott Act: do you find that the same persons are up again and again?—Yes, there is just one line of parties.

13731. They are up again and again?—Yes, occasionally a new one drops in and opens up the business, but they are the same parties time after time, as a rule.

13732. Could you form any opinion, from your recollection, as to how many persons are engaged in this illicit sale in this city, in round numbers?—I should say not more than a dozen or fifteen.

13733. That is judging from the cases that come before you?—Yes.

13734. May there be other cases where there is illicit sale?—Yes, I think from what I hear, there are small places about which not much has been said or complaint made, but I should judge they exist. I might be wrong in saying fifteen.

*By Rev. Dr. McLeod:*

13735. Do you think the Scott Act is well enforced in Moncton?—I think it could be much better enforced.

13736. What would help to the better enforcement?—It would help by being well backed up by those who say they are friends of temperance.

13737. They do not back it well?—They talk in favour of it, as a matter of course, but I do not think they take so active a part in the matter as to prosecute it and carry it out as they might.

13738. What would you have them do?—Possibly it would not be fair for me to make propositions, as I have to preside over those cases. For me to suggest the *modus operandi* to punish the people would hardly be fair.

13739. Do you think it is the duty of citizens to enforce the law?—I do not like to say much about my opinion in this matter, having to preside and settle these cases. I take possibly a different view of the Scott Act and its working from others. The Scott Act, of course, has been got up by the friends of temperance, with a view to its

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enforcement by those people. Some say it is the duty of myself and the officers of the town to look after the Act, to see and hunt out those offenders especially ; but I think a great deal of the duty depends on the friends of the Act who succeeded in getting the Act passed, and they should assist. I do not hold it is like a man stealing an ox, or a sheep. The man who loses it lays an information, and then I feel it my duty to assist in carrying out the law, and even sometimes I travel outside of the exact field which I occupy as Police Magistrate. But in the Scott Act cases, I do not feel it is my exact duty to do that. I am very willing to carry out what is laid before me and do my best to make convictions.

13740. You say if some one comes to you with a complaint, after an ox has been stolen, you co-operate with him and help to punish the offender?—Yes.

13741. If one comes to you with a charge against a man for selling liquor?—I feel it my duty to lay on a fine and do everything of that kind, but I do not see it is my duty to go outside of that. I will do my part as magistrate, but that is all.

13742. And in the other case you do more than your part?—Yes. I have been a long time in the executive business, since I was about twenty-one or twenty-two, as jailer and constable and an officer of that kind.

13743. There is a difference between the stealing of an ox and the stealing of liquor?—Possibly it is so.

13744. From your experience, what are the difficulties chiefly, aside from this lack of co-operation on the part of temperance people, in the way of the better enforcement of the law?—I do not want it understood that I attach any blame to the temperance people ; but, as this law has been made at their suggestion and at their wish, they might do more than they really do. They are very lax in coming forward, and doing what they could to make it a success.

13745. Is there anything more which might be done that would help to make the law better enforced?—I have observed the difficulties existing in the carrying out of the law, as a matter of course, but there does not seem to be the same interest taken in it as in other matters. The man losing his ox is personally interested, and goes right into the prosecution. This law is made to carry out certain views of the temperance people, and a lot of other people who are not exactly temperance people. The man who loses his ox goes right into it and prosecutes, and puts his shoulder to the wheel ; and the temperance people, to make this a success, must to do the same thing.

13746. Have they done anything?—I suppose they have done something. They stand behind, I suppose, and find fault with those who are trying to do something.

13747. If a woman came to you and charged that a man had sold liquor to her son, would you feel it your duty to go out of your way to enforce the law against the violator?—I would take the name and hand it to the City Marshal.

13748. Not as in the case of the ox?—No, I would make out the information myself ; but they have an attorney to do that. He really has charge. The City Solicitor has instructions, as I understand and learn from conversation with some of the Police Committee and the Solicitor himself, to make out informations and send them to me to be sworn by one of our policemen.

13749. Has any one instructions in reference to the other cases, such as the stolen ox?—No, they come direct to me.

13750. No one else has any authority?—They may have authority, but I do it all the same. They rarely employ an attorney, though sometimes they do ; but if it is a poor man, I issue the warrant.

13751. I want to get at the difficulties in the way of the better enforcement of the law, other than the lack of effort you charge on the part of the temperance people. Are there any difficulties in getting witnesses?—I think the law as to getting witnesses is quite sufficient ; there is no difficulty as far as the law is concerned.

13752. Do you find it difficult to get convictions when cases are laid before you?—I have had a dozen or fifteen witnesses and could not get a conviction out of the whole ; and I have no doubt half of them, if they told the truth, could tell all about it.

13753. Do you think those same men would be as careful of the truth in other cases?—There seems to be some difference. Witnesses in Scott Act cases come before me and they take peculiar views in this matter. I think they have built themselves up

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with the idea that they are taking a living from the man selling the liquor ; others are touching some particular friends ; others are going to turn a man out of some public work or employment, and they have themselves worked up that idea ; so that it seems to be a current opinion through the town that those people who give evidence seem to get educated up to forgetting everything necessary to convict a man.

13754. Do you think those men, who are called as witnesses, have been parties to the violation of the law, and desire to screen themselves as well as the violators ?—Sometimes it operates both ways. People seem to be getting more hardened as witnesses. It is harder to get people to tell the truth than at the outset.

13755. Do you think the Scott Act makes the perjurers ?—I think that is a hard question to answer.

13756. Or does it simply give them the occasion ?—It gives the occasion, and they build up the conscience principally in their own minds that they are doing right. It is difficult to say.

13757. You think this perjury is conscientious on their part ?—I think it is false conscientiousness, but they think so.

13758. You were here when a license system was in force ?—Yes, I had a license myself. I am in my 77th year ; twenty years out of that I took liquor, but I have not for forty years taken alcoholic liquor.

13759. Has there been an improvement in the condition of the town under the Scott Act ?—It is a pretty hard answer to get at ; it is not a thing that a man can positively aver.

13760. What is your belief ?—You mean has it diminished drunkenness ?

13761. Do you believe the Scott Act has had the effect of diminishing drunkenness ? It possibly might to a certain extent, but it is pretty hard to tell.

*By Judge McDonald :*

13762. How long is it since you sold liquor ?—Nearly 40 years ago.

13763. How long have you been a total abstainer ?—About that time.

*By Rev. Dr. McLeod :*

13764. Do you think the condition of the town, morally, has improved since the days of license ?—There would be different points to take hold of in that regard. A great many hard drinkers of late have died off. A great many hard drinkers, through their drunkenness and their conduct generally, have had to leave the country, and there are far less of that class of people in the town now than there were a few years ago.

13765. You think the hard drinkers of the olden times are not being succeeded by a similar class of hard drinkers ?—I should think they were not.

13766. Do you think the restrictive legislation of the kind of the Scott Act has had anything to do with lessening the number of hard drinkers ?—It would apply one certain check, at all events. It has made them do it more on the quiet ; they do not do it so publicly ; they keep it hidden better. We have sometimes ways of knowing that ; if they get a drink they get out of the back door, and if they get drunk they are taken care of.

13767. Do you believe the drink habit is less reputable now than it was 40 years ago ?—It is not so respectable.

13768. Is the drink trade regarded in the same way to-day as it was 40 years ago, when you had a license ?—I do not think it is.

13769. Do you think the Scott Act has had anything to do with making that change in the drink habit, and the drink trade ?—I think possibly it has.

13770. Do you think that that change in the views of the people has taken place ?—I would not like to say it is a bad thing.

13771. Do you believe, from your observation as Police Magistrate, that crime has decreased, allowing for the increase of population ?—A few years ago there was a class of what we might call "pups" and hard characters, that we have managed to drive out of the place.

13772. Have others grown up in the community to take their places ?—I do not think they are filled up ; but there are quite a number of youngsters who are pretty bright, and we find it hard to keep them under control.

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13773. Amongst these youngsters, are there any drinking young fellows?—There are some instances. Lately, I have found there are quite a number of young lads who send and get bottles and drink from them. They buy bottles from the different hotels and drink.

13774. Do you find any proportion of this petty crime among young fellows is traceable to the drink habit of their parents or guardians who should have taken care of them, but have neglected them?—I do; I think it is traceable to quite an extent, and for that reason I have often spoken to them and to our officers to get boys off the street. If I am out till eight or nine o'clock, I see the street full of little urchins that the police ought to take care of. I think a great many of those children are going to the bad, and that is largely traceable to the examples set by parents, or to their not having sufficient guard over them to see that they are in at nights and properly looked after.

13775. About two-thirds of the cases are for drunkenness. Do you know if any proportion of the other third consists of persons who have committed offences against the city by-laws, thefts or the like, in consequence of drink?—There might be cases of that kind; sometimes assault cases arise out of drink.

13776. In those cases of violation of the Canada Temperance Act, which are the most persistent violators of the law, the people who keep saloons or those who keep hotels?—I do not think I can discriminate between them.

13777. Are they equally persistent?—Yes, I think so. I do not think it would be possible to discriminate between them.

*By Judge McDonald :*

13778. Do you think the Chief of Police is well qualified to make a discrimination of that kind, from his personal observation?—Yes, the police department would be able to do so.

*By Mr. Clarke :*

13779. Have you now the power to fine or imprison, as you may think best, on conviction of charges on first offence against the Scott Act; is it discretionary with you to fine or imprison, or can you only fine for first offence?—I could impose a fine.

13780. Could you imprison in case of a person being proved guilty of a first offence?—No.

13781. Would it be an improvement if discretionary power were given to you to fine or imprison?—I think it would be an improvement if it was left discretionary.

13782. You think it would be an improvement if power were given to the Magistrate to fine or imprison?—I think that would be an improvement.

13783. Is that an amendment you would recommend to the Act?—Yes.

13784. Are there any other amendments you could suggest?—I do not think of any, because as regards other criminal laws with which I have had more to deal, the work has been done by solicitors, and therefore there has not been so much responsibility cast upon me. I simply sit as Judge. Hence I have not given as much thought to the Scott Act as to other criminal matters.

13785. There is a special officer, a solicitor, appointed to prosecute in Scott Act cases, is there not?—Yes.

13786. Would the appointment of an officer by the Dominion Government or by the Provincial Government, to enforce the Act be an improvement?—I should think it would be a great improvement; but I should not like to give an opinion off-hand.

13787. But your impression is that it would be a great improvement?—Yes, in the working of the Act.

13788. Do you think the lack of enforcement of the Act is due to apathy on the part of the public generally?—The majority vote for the Act and it is sustained at the elections; but in my opinion the friends of the cause should do more, and could do more to secure its enforcement.

13789. You feel that they do not do as much as they should do and could do?—They do not do as much to carry it out as they should do; they could adopt ways and means to see that it was carried out.

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13790. So it is due to public apathy that the law is not better enforced?—I think so.

13791. The Chief of Police evidently endeavours to enforce the law, yet he admits that there are 10 or 12 places at least where liquor is being continuously sold?—Quite so.

13792. Is the non-enforcement of the law due to the lack of assistance given to the officers, or the apathy of the public?—If I was endeavouring to carry out the law and was responsible for its enforcement, I should urge that other men be appointed besides the present police force. Our Chief of Police has plenty to do without looking after the enforcement of the Scott Act.

13793. If public opinion were very strongly in favour of the enforcement of the Act, would not that public opinion make itself manifest in petitions to the Council?—I think so.

13794. Does the Council from year to year reflect public opinion by giving instructions to the Chief of Police to enforce the Act?—I think they give bald instructions to carry out the law, and there the matter rests.

13795. Has your experience as Police Magistrate been that in prosecutions for offences against the Canada Temperance Act there is a great loss of memory on the part of the people and a good deal of perjury?—It is terrible, and it is getting worse right along.

13796. Then the attempt to enforce the Scott Act gives rise to any quantity of perjury?—Yes.

13797. Is such a condition of things likely to promote public morality? Is the existence of a law on the statute-book, such as the Scott Act, which has been brought into operation by the votes of the people, and which is persistently and flagrantly violated, likely to promote the morals of this community?—I will not speak as to morals generally.

13798. Is it not demoralizing so far as witnesses are concerned?—I will not go further than that.

13799. Is the fact that the law is flagrantly broken generally known, especially among the rising members of the community, the young people; and if so, do you think that tends to strengthen their respect for the law?—No, it cannot possibly be good.

13800. Do you attribute the improvement in the condition of things generally to the existence of the Scott Act on the statute-book? I understood you to say that there was a great improvement in the city; do you attribute that improvement to the Scott Act?—Not particularly, I think.

13801. Have moral and religious influences and the influence of temperance organizations had anything to do with the improvement in the condition of things?—I think those organizations have a great tendency to improve the condition of the community.

13802. I understood you to say, as one good effect of the existence of the Scott Act, that liquor was drunk more secretly now?—I think so.

13803. Do you think any stranger coming into the city and desiring to obtain liquor would have any difficulty in procuring it?—No, not in the slightest.

13804. Your experience many years ago under the license law should enable you to answer this question: do you think the present persistent and flagrant violation of the Scott Act and the illicit sale of liquor are preferable to legal sale of it under license?—As a temperance man myself, I should hardly like to say.

13805. As a public official, what do you say?—As a temperance man I would hardly like to go back to license.

13806. You prefer the present order of things?—I have been so disappointed in regard to the enforcement of the Act that I have frequently said that whenever it came up again, I would vote against it; but my heart always fails.

13807. You prefer the present order of things?—I could hardly vote against the Act, notwithstanding all these drawbacks.

13808. Then, making the traffic illegal has, on the whole, been a good thing?—I think so. I sometimes feel pretty sore, as a temperance man, to think that the parties who ought to give great assistance in carrying out the law, fail to do so, but leave its enforcement in the hands of some persons whose hands require strengthening. As a

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Magistrate, I simply sit and decide the cases, but as an individual and a temperance man I am now speaking.

*By Mr. Gigault :*

13809. Can you furnish the Commission with a statement showing the number of convictions for drunkenness by you before and after the introduction of the Scott Act?—I could not easily do so ; it would be a great job to go so far back. I would have to overhaul the books. I keep no clerk, but do my own work.

13810. Do you know if temperance in the use of drink is taught in the public schools here?—I understand it is taught to a certain extent, but I do not know much about it.

13811. Do you think that teaching would do any good?—Yes. I have sometimes in years gone by spoken at public meetings, and I have always dwelt especially upon the fact that children should be taught temperance. The probability is that I would not be a temperance man to-day if I had not been brought up by temperance people and taught temperance in my youth. Even when I sold liquor myself, I have handed a bottle of liquor to a man and advised him to keep his money and take it home to his family. I have been told that I was the strangest man that ever sold liquor, and that if I did not get the money somebody else would. I attribute the position I took to my early teaching, and hence eventually I put my foot down and said : This will not do, I will not sell any more drink. I attribute my action to my early teaching.

13812. Do you think that teaching and religious training will do more towards promoting temperance than any law?—I do not say that. I think possibly there should be co-operation and we should have a law too. I speak from experience on this point ; I might not go the length I do, if it had not been for my early teaching.

13813. Do you say it is morally wrong to take a glass of cider or ale or light wine?—A man could take a glass of cider or light wine without serious harm, but it is the example he sets to others. Drinking creates a thirst ; if the man stopped at light wine and took it in moderation, it could do no great injury, but the effect of drinking it is to lead to something worse. That is my view of the question, and it is my experience from day to day.

13814. How is the Scott Act observed in the rural portions of this county?—Fairly well. I had a few cases from the rural districts before me when trouble arose. My jurisdiction as Police Magistrate extends all over the county, and cases have been brought before me from the country districts. I think the law has been fairly well observed in many parts of the rural districts, and it has been carried out by Mr. McCullagh.

*By Mr. Clarke :*

13815. Who is he?—He is doing work outside. I have tried one or two cases for him ; one was at Shediac a few days ago, when I fined a party \$50 for a first offence. Doubts were raised there as to the jurisdiction of the Police Magistrate there, and the case was brought before me.

## Liquor Traffic—New Brunswick.

JOHN McKENZIE, of Moncton, secretary and accountant, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

13816. How long have you resided in Moncton?—I have resided here since I was born, sixty-seven years ago.

13817. How long have you held the position you now occupy as secretary of the Sugar Refining Co. of Moncton?—Eleven years.

13818. How long have the works been carried on? Were they carried on some years before you became connected with the Company?—I was connected with the Company from its inception and incorporation.

13819. How many persons are employed by your Company?—About 300 hands, sometimes more, sometimes less.

13820. Are they all connected with the Company?—Yes.

13821. Males or females?—They are all males employed in the sugar refinery. There are also six or seven clerks employed in the office.

13822. Are intoxicating liquors used at all in connection with the manufacture?—No.

13823. Have you anything to do with the enforcement of the Scott Act?—Not now.

13824. Have you had at any time?—I was at one time Mayor of the city for three years.

13825. How long ago?—Three years ago.

13826. What had you to do with the enforcement of the law?—The appointment of the Police Committee and giving directions to the officials to enforce the Act, and giving directions to the officers whenever required to do so.

13827. The Scott Act was in force then?—Yes.

13828. We have heard that the City Marshal was in office less than three years?—The City Marshal came in after I went out.

13829. In your time was any important step taken by the authorities towards enforcing the Act?—The same as is done at the present time.

13830. Were the officers directed to enforce the Act?—The police officers were instructed to enforce the Act with all vigilance possible.

13831. Do you know whether they did so or not? Do you think they did their best to enforce it?—I do not think they did. I think there was a laxity on the part of every individual in connection with the enforcement of the Scott Act.

13832. Do you refer to everybody in office?—Everybody in office. They tried to avoid giving offence to those engaged in the traffic.

13833. Was the traffic carried on openly?—Very nearly openly. A stranger coming here would not know that this was a Scott Act town, because he could see the bar-rooms with the doors open, and he would naturally suppose that business was being done under license. The same state of things prevails to-day. I can show liquor stores with the doors open, and I believe the liquor is there for sale. There is no trouble in procuring liquor.

13834. Do you mean to say that there is a laxity of enforcement on the part of the police?—Yes.

13835. Have they been instructed to do their duty?—Yes. They appear to endeavour to do their duty; still it is a very easy matter to profess to perform their duty, and at the same time to avoid doing so to a certain extent.

13836. When that condition of things to which you have referred, namely, open bars and open selling, prevailed, did those who were in authority above the constables take steps to prevent it?—You refer to the Police Committee.

13837. Did the Police Committee take any steps to enforce the law?—They gave instructions from time to time to the police and endeavoured to get them to carry out the law with greater vigilance.

13838. How?—They told them to enforce the law.

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13839. Did they see that they enforced the law?—Yes. They had the police arraigned from time to time and investigations made with respect to the non-performance of duty.

13840. Were any policemen dismissed?—I am not prepared to say there were. I think a change took place. This was the case in regard to our Marshal at that time. There was an investigation held regarding dereliction of duty on his part in connection with the administration of the Scott Act. He went out of office, and the present Marshal was appointed.

13841. Under your law here, the Mayor, as the chief magistrate of the town, is charged with the general supervision of the community?—He is Chairman of the Board of Aldermen.

13842. Is he charged with the general supervision of public affairs? Has he power to enact and enforce laws?—He merely presides at the Board as Mayor.

13843. Has he any executive duties to perform outside?—Yes. If Chairman of a committee, he may call that committee together and preside over its deliberations.

13844. Do you mean as Mayor?—There is no power given him in that regard.

*By Mr. Gigault :*

13845. From common report, how many places are selling liquor at this time?—I cannot speak from my own knowledge ; from report, I should judge 15.

13846. Is it a notorious fact that liquor is sold freely in this town?—Yes ; it is a notorious fact. There is no difficulty at all in purchasing liquor in this town.

13847. How many of the men employed by your Company are total abstainers : I refer to the men employed in the sugar refinery?—I could not tell you. We will not employ a man who is addicted to drink.

13848. But how is it in regard to a man who makes moderate use of liquor?—If a man takes a glass and is qualified for duty, and does not go to his work under the influence of liquor, he is employed by the Company ; but if a man is addicted to drink and becomes incapacitated for work, we will not entertain the idea of having him at work at all. That is one of the results growing out of the temperance movement in this community and throughout this province. If a man seeks a position in which he assumes responsibility, if he is known to be a man addicted to drink, he cannot obtain the position.

13849. Do you attribute that improvement in the temperance sentiment to the religious training of the people, or to the efforts of the temperance societies, or to the influence of the Scott Act?—I attribute it to a variety of causes. I think moral suasion has had a great deal to do with it. I think the demoralizing influences of liquor among the people have had their effect, and they have produced a reformation in the morals of the community. These causes have resulted in men uniting themselves together for the purpose of their own protection—as self-protection is the first law of nature—and the result has been that men have abstained from the use of liquor, and by inculcating the sentiments which they hold in others, a beneficial effect has been produced. That is my view of the question. There is no doubt that a great change has taken place in the drinking habits of the people ; of that, I have not the slightest doubt, and in fact it is apparent to everybody.

13850. How is the Scott Act enforced in the rural districts of this county?—I think, very well. The habits of the people in regard to drinking are peculiar. When they are at home they are strictly temperate, but when they come to town some of them take liquor. When they return home their habits are temperate again, and there are really very few places in the rural districts where liquor is found, and consequently they are free from the vice.

13851. Were you living in this town when the license system was in vogue?—I was.

13852. Is there a good deal of difference between the state of things which exists to-day and that which existed under the license system?—I think there is less drinking to-day in proportion to the population than there was then ; and the same difficulty which exists here in regard to the Scott Act, to a large measure prevailed under the license system, and, to my mind, will always exist, that the memory of the witnesses will prove short.

## Liquor Traffic—New Brunswick.

13853. Do you know how the Scott Act is enforced in Queen's County?—No.

13854. Do you know now it is enforced in King's County?—I do not.

13855. Do you know how it is enforced in Kent? Do you know if there is a good deal of drunkenness there?—I do not know.

*By Rev. Dr. McLeod:*

13856. I think you said there was difficulty in enforcing the license law as in enforcing the present law?—I said the same lack of memory would exist in cases under a license law as under the Scott Act.

13857. Do you remember whether there was any illicit sale when there was a license law in force here?—Yes.

13858. Much illicit sale?—Yes, a great deal.

13859. Were there violations of the license law by the licensees?—I think there were with respect to the hours and selling on the Sabbath.

13860. Was any attempt made to punish them for those violations of the law?—Yes.

13861. Was there any difficulty experienced in punishing them, as there is difficulty experienced now in punishing violators of the Scott Act?—It would not be so apparent, as the cases are wide apart.

13862. Was any attempt made to punish illicit sellers at that time?—Yes, but the punishing was largely a farce.

13863. Was there any persistent attempt made to punish them?—No, I think not.

13864. Do you remember how many licenses were issued during the last year of the operation of the license system?—No, I do not; but there was no difficulty, if you had the money, to get a license.

13865. Do you remember whether the number of illicit places was nearly as great as the number of licensed places?—I am not prepared to speak about that.

13866. You say there were a number of illicit places?—Yes, there were illicit places.

13867. Do you think there were as many illicit places then as there are now?—No, I think not.

13868. I mean in proportion to population.—Quite so.

13869. Do you think there were quite as many?—Yes. I think if the Scott Act had been in existence when the License Law was in operation, with the population, then, as compared with now, it could have been admirably enforced.

13870. Do you think some of the difficulty in enforcing this law now is attributable to the floating character of the population?—Yes, to some extent. Another reason is that the surroundings of the Scott Act are such that it is almost impossible to enforce it. People entertain the idea that because the Government allows the importation of strong drink, and receive duty on account of such importations, the people are not to be excluded from the right of selling it. There are no conscientious scruples entertained in regard to the matter at all.

13871. Do you think if there was a prohibitory law which touched the importation and manufacture, as well as the sale, it could be better enforced than the Scott Act?—I do. I think the Scott Act is a step in that direction.

13872. Do you think it is educating the people in that direction?—I do. I think the people are pretty well educated about prohibition now.

13873. From your knowledge of Moncton, having been Chief Magistrate of the town for some time, what do you believe is the feeling of the people with respect to the drink trade?—I think if you were to ask the mothers of this country, their answer would be: "Give us a prohibitory law," and then great power and influence would be placed in their hands. If the question was submitted to the people at a plebiscite taken at a general election, a prohibitory law would undoubtedly be carried.

13874. What do you think the fathers and sons would say?—They would say so too.

13875. Do you think such a law could be fairly well enforced?—I do. We had a prohibitory law in this province before Confederation was adopted. The methods taken to evade the law were amazing. Liquors were hidden in all sorts of places, and were

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stored outside of bar-rooms. Of course the result of all this action was that the law was repealed. It was repealed more on account of political influences than otherwise, not because it was inefficient. There were certain influences operating in political circles adversely to the law, and in favour of its repeal. But I hold that that prohibitory law could have been carried out; and I believe if a prohibitory law were enacted to-day it could be effectually carried out. I do not say that in all cases the law would be absolutely observed, because I do not hold that because there are some breaches of the law it is inoperative; nor do I believe that because there are some breaches of the law it should therefore be repealed: on the other hand, I hold that this is a good reason for seeking more strictly to enforce it.

13876. If there were such a prohibitory law as we speak of, well enforced, do you believe the benefit would be great to the community?—I do. I will give my opinion frankly on this question. One of the Commissioners has asked if temperance is taught in our schools. It is, and it will be more fully introduced. If a prohibitory law were now enacted, and even only partially carried out, the present generation, when they arrived at manhood and fill the positions we now occupy, would be so earnest in regard to their temperance sentiments that the law would be successfully administered and carried out. We cannot carry out such a radical change in a moment. There are lots of men to-day, who advocate prohibition, who formerly loved their drink and would visit bar-rooms. It is our duty now to remove those difficulties that stand in the way, and assist the people to avoid temptation.

*By Mr. Clarke:*

13877. Is the law as well enforced now as it was during the time you were Mayor?—I think it is.

13878. And notwithstanding the fact that it so well enforced, and that it is as well enforced as in your time, there are twelve or fifteen places where liquor is being sold?—Yes, and there is no difficulty in getting liquor in the town.

13879. To what do you attribute the difficulty in having those places closed up?—A desire on the part of the persons occupying official positions to avoid giving offence to those engaged in the business.

13880. Do I understand you to say that they prefer to please those illicit vendors than to do their duty towards those who appointed them, the citizens generally?—I do.

13881. Do the Police Committee and the Council know that this is the condition of affairs existing?—They must be aware of the fact.

13882. Are they reflecting public opinion in not discharging the officers who will so disregard the performance of their duty?—They do not reflect public opinion.

13883. How often are members of the Council and the Mayor elected?—Once a year.

13884. Does public opinion make itself felt in those elections?—There are other influences outside. In our general elections other influences are brought to bear, that sink the principle at stake.

13885. You refer to the enforcement of the Scott Act?—Yes. Some of those people go against their own convictions.

13886. Is there a sufficient number of officers to enforce the Act?—I think the police force are overtaxed.

13887. It is due to the fact that there is not a sufficient number of police force that the law is not well enforced?—Yes, I think it is for lack of funds, and a disposition on the part of the people and the county to be economical. There is a disposition on the part of the people to find fault if there is any over-expenditure.

13888. Do a large majority of the people of the city do so?—A large majority.

13889. Would any considerable proportion of the people object to an expenditure for a thorough enforcement of the Act?—I could not say about that. There is a general fear existing with respect to the expenditure.

13890. What about your statement in regard to a desire on the part of the officers to protect the liquor sellers?—I do not say they have a desire to protect the liquor sellers, but they do not want to come into collision with them.

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13891. Do you think the feeling that prompts them not to come into collision with the liquor sellers would prompt them to act carefully?—My remedy would be to appoint a man whose sole business it would be to supervise the carrying out of the Scott Act.

13892. Is there any difficulty standing in the way of the appointment of such an officer by the county, or is the expense the only obstacle?—There is no provision for such an appointment in the Act.

13893. Yes; the Act gives the county power to appoint an Inspector?—Quite so.

13894. Is there any obstacle in regard to the appointment of an officer except that of taxation?—I am not prepared to say that the people would really object.

13895. Could not a proposition of this kind be brought up at the next meeting of the Council?—Yes.

13896. Would it not result in a more efficient enforcement of the Act?—Yes. I would enter into such a movement. There would be no trouble in inaugurating such a movement at the next meeting of the Council.

13897. Do you know what caused the dissolution of the Legislature immediately after the enactment of the prohibitory measure in 1855?—No.

13898. You remember there was a crisis at that time?—It had no connection with the Prohibitory Act.

13899. Why was the Prohibitory Act repealed?—It was a political dodge.

13900. Do you think Sir Leonard Tilley would be a pretty good authority in regard to that matter?—Yes.

13901. Do you think anything he might say in regard to the circumstances connected with the passage of the law might be taken for granted as correct?—Yes.

*By Judge McDonald:*

13902. You say that if the Council knew they had the power to appoint an Inspector, you think they would appoint one?—I think they would.

13903. Have they not had power to increase the police force?—They have been limited as regards funds. Economy has had to be exercised in regard to the police force and expenditures on streets, &c., and the head of the department of finance has become very unpopular if unable to keep within the appropriations. Hence a disposition not to exceed the appropriation, and the impossibility of appointing an efficient police force.

13904. I am only now discussing the question of law. There is no question of law to prevent the appointment of a more efficient police force?—No.

13905. It is a question of finance only?—Yes.

13906. Do you not think it would be worth while for the aldermen to risk unpopularity in order to have the Scott Act more effectually enforced?—I think so.

13907. Even if they were afterwards defeated?—Yes.

13908. Is it not worth a man's while to even lose his position as alderman in order to secure right and justice to the constituents by whom he was elected?—Yes.

13909. Do you not believe that, in the long run, benefit would be found to result from such efforts, and the alderman would be able to retain his office?—Yes.

13910. In regard to the financial part of the subject: No doubt you are aware that by an Order in Council, passed by the Dominion Government, all Scott Act fines are placed at the disposal of the municipality for the purpose of enforcing the Act?—Yes.

13911. It appears that during the current year \$600 collected on account of Scott Act fines have been paid into the treasury, and last year the sum amounted to \$1,650. Do you think the Council employed that money for the purpose for which it was given by the Dominion Government?—I think they did.

13912. Do you think they expended in enforcing the Scott Act last year \$1,650?—The average is about \$1,000.

13913. Do you think they expended that sum for the purpose of enforcing the Scott Act, apart from other police matters?—I think that if the Scott Act were not in existence, the expenditure on the police force would be \$1,000 less than it is.

13914. Have they added to the strength of the police force in order to enforce the Scott Act?—Yes, they added one officer.

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13915. Since the Scott Act came into force?—They have added three.

13916. You believe that this increase was by reason of the Scott Act?—Yes.

13917. How would it work to appoint an officer who would have no other duties to perform except to enforce the Scott Act, and let the amount received in fines be put aside to pay that officer?—I approve of that proposal.

13918. Now the fines go into the general treasury?—Yes.

13919. And out of the general treasury the expenses are paid?—No; the question arose in regard to the right of the municipality to receive the fines. They have never been paid into the funds of the municipality as a corporation. The town appropriates \$3,000 for the maintenance of its police force, and then the funds derived from the fines pass into the treasury of the town and offset the expenditure.

13920. Do not the fines go into the general treasury indirectly in that way?—Yes.

13921. But it would be for Scott Act purposes?—There is no distinct division made.

13922. But the Dominion Government have given the municipality the fines for that express purpose?—Yes.

13923. Do you think that if the fines were kept separate and devoted expressly to the maintenance of an officer to enforce the Scott Act, the work would be more efficiently performed?—It would be more efficiently done.

*By Mr. Gigault :*

13924. You know that a prohibitory law was enacted for the North-west, and that in order to enforce that law the Dominion Government employed a body of Mounted Police and had officials in the territory. If that law did not prohibit and was not found to be workable, what would you say?—I should say it stood on the same basis as the law against murder occupies. There is a law prohibiting murder, and yet murders are committed out there; and it is the same in regard to burglaries.

*By Judge McDonald :*

13925. Do you put murder and burglary on the same footing as the sale of liquor?—I am a believer in prohibition. The evil should be prohibited, and a law having been passed prohibiting the evil, it should be maintained, even though inoperative.

*By Mr. Clarke :*

13926. Do you think that if the importation of wine and beer were prohibited, the Scott Act could be more easily enforced, that is if the law were made of a more general prohibitory character? Under the Scott Act, you are aware, liquor can be brought in for domestic use. Do you think if the people were prohibited from doing so, the Scott Act could be more easy of enforcement?—We would not require the Scott Act if we had a law prohibiting the importation of liquor.

13927. I am speaking of importation by private individuals for their own use?—It would not make any improvement whatever. The wholesale dealers would import it, and private parties need not then import it.

13928. Then you think it would make no difference if people were prevented from importing liquor for their domestic use?—No. I think no half measure is any use.

13929. Do you think the Scott Act is a half measure?—I do.

13930. Have you had any experience of the state of things existing under the Maine liquor law?—Yes.

13931. Have you had any personal experience?—I went down to Maine from the Philadelphia Exhibition.

13932. How many years ago?—It was in 1876. I was in the habit of taking a little liquor. I came down to Boston and on to St. John that night. The train came as far as Bangor. I put up at the hotel. I thought I would like a glass of something to drink, and I inquired where I could get it. After a great deal of trouble I was taken up four flights of stairs into a bedroom and a demijohn was produced, and I had some liquor, for which I was charged \$1.50. I thought the prohibitory law was pretty effectual there. That was my experience of a prohibitory law in the State of Maine.

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13933. Does the Maine prohibitory law prevent people obtaining liquor for their own use?—That is the only knowledge I have of it. It was the first and only time I had liquor in the State.

13934. You know nothing about the law itself?—No. I only judge from that fact that it was pretty operative.

13935. It was a pretty high price?—Yes.

13936. You think there would be no difficulty here, under the operation of the Scott Act, in strangers procuring liquor if they desired it?—Not the slightest.

*By Judge McDonald :*

13937. Have you yourself taken any steps to lay informations against those people who are selling liquor openly?—No. I have the same objection as other people to becoming an informer.

*By Mr. Gigault :*

13938. Would not the same sentiment exist in that respect if a general prohibitory law were enacted?—No, because the difficulty would be removed.

13939. How?—Then the Government would enforce the law.

13940. The Government endeavoured to enforce the law in the North-west Territories?—That may have been so. The difficulties may have been greater in a sparsely settled country. The force may have been wholly inoperative and unable to meet the emergency.

*By Rev. Dr. McLeod :*

13941. Of course you know that the permit system obtained in the North-west, and that opened the way, as it was alleged, to a great deal of disregard for the law?—I was not aware of that.

*By Mr. Clarke :*

13942. Do you know of any country where the manufacture and sale as well as the importation of liquor is prohibited?—No. But I know that slavery existed years ago, and at a large expense the British Government prohibited it.

13943. Do you think the Government of Canada should follow the example set by the British Government, which compensated the slave owners, and, if a prohibitory law were adopted, compensate the brewers and distillers and the trade generally?—No, I do not think they have a right to compensation. If a man invests his capital in property connected with the business, which is in direct violation of principles of righteousness, he has no right to receive compensation if that business is wiped out.

13944. Then those slave holders had no right to be compensated?—No, I do not think they had.

*By Judge McDonald :*

13945. Referring to your view of prohibition : I understand you to take the ground that where there is a Prohibitory Act in operation, all parties carrying on illicit sale of liquor ought to be prosecuted and punished?—Yes.

13946. You think it is the duty of the country and of the citizen, to carry out the law?—Yes.

13947. I asked you as to whether you had given information to the police, and you said you were not an informer?—I did not say I would not, but I had an anti-path to being an informer.

13948. If you saw a man committing a murder, would you not inform?—Yes.

13949. What is the difference?—It is a matter of education.

13950. You think you are wrong in not informing, but you would decline to do so on account of public feeling?—Yes. I think the liquor traffic is deadly in its operations, although it is not so immediate in bringing about its results as the murderer's pistol.

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13951. If you saw a man commit a murder, you say you would give information?—Yes.

13952. Is there not a different sentiment in regard to the action which it would be your duty to take in a case of murder from that respecting giving information in regard to the sale of liquor?—Yes.

*By Rev. Dr. McLeod :*

13953. Do you think that is due to the fact that for generations the trade has been legalized?—I do.

13954. Do you think the persistent delegalization of the trade would change eventually that sentiment?—Yes. Men to-day are ashamed of the traffic, and those who have amassed fortunes comparatively speaking, when they go out of the business, do not want to be reminded that they were ever in the liquor trade. There is something about it that is quite disreputable.

*By Mr. Clarke :*

13955. Are there not quite a number who persist in remaining in the trade and carrying it on?—They have not amassed money enough.

13956. Is it not profitable under the Scott Act to sell?—Yes, because the liquor is alcohol mixed with poison.

13657. Has the attempted observance of the Scott Act resulted in the adulteration of liquor?—I am satisfied that the liquor sold to-day cannot compare at all with the liquor sold 40 years ago.

13658. You mean under a license law?—Yes. The liquor was comparatively pure then, but now, and it is from my own knowledge I speak, colouring matter and various materials are put into liquor to raise a head and give it colour. I have seen men paralyzed not by an overdose but by the extraordinary strength of the compound.

13959. Do you think there should be rigid inspection of the liquor sold?—I think there should be a law against the adulteration of liquor, as there is a law against the adulteration of food.

13960. Then you think there should be a rigid law against adulteration?—Yes. If the Government does not take action to grant prohibition, it is its duty to see that we should have as pure liquors as can be obtained.

*By Judge McDonald :*

13961. When did you see this compounding?—At different times in my experience not recently.

*By Mr. Clarke :*

13962. How many years ago?—Six or seven years.

*By Judge McDonald :*

13963. Was it when the Scott Act was in force?—Yes.

13964. What kind of liquor was it you obtained in Maine, for which you were charged \$1.50?—It did not compare favourably with the liquor I was accustomed to drink. It professed to be brandy. I did not find that the liquors in the States compared with ours; I could not find good liquor.

## Liquor Traffic—New Brunswick.

WALTER CAHILL, Stipendiary Magistrate of Sackville, Westmoreland County, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

13965. How long have you held the position of Stipendiary Magistrate of Sackville?—I have held the position of Stipendiary Magistrate for five years. Previous to that, for a period of ten years I was Commissioner of the Parish of Sackville Civil Court, which gave me the same jurisdiction in regard to Scott Act matters as I now possess.

13966. Is the position of Commissioner something like that of a Justice of the Peace?—It is more, for under the Scott Act a Commissioner of a Parish Court in New Brunswick is invested with the same power as is possessed by a Stipendiary Magistrate.

13967. Have you been brought into contact with the working of the Scott Act?—Yes.

13968. Have you had many cases brought before you?—Yes, a good many.

13969. Have you any statement of the number with you?—No. I did not receive notice from the Commission sufficiently early to enable me to prepare any statement.

*By Mr. Clarke :*

13970. From whom did you get the invitation?—I do not know.

13971. Did you receive a printed list of questions some time ago?—Only with the subpoena I received.

13972. You have been subpoenaed here, and you received a printed list of questions with the subpoena?—Yes.

*By Judge McDonald :*

13973. Did you receive a list of questions from the Commission?—No.

*By Mr. Clarke :*

13974. Have you with you the list of questions you received?—No, I left the questions at home.

*By Judge McDonald :*

13975. Have you had many Scott Act cases before you?—Yes. I have had a great many cases before me since the law came into force on 1st January, 1881, and I have had cases every year, and almost every month.

13976. What is the population of Sackville in round figures?—About 6,000.

13977. Is it a manufacturing town?—Yes, to a certain extent.

13978. Is that the town itself or the parish?—The university town.

13979. And it is a manufacturing town as well?—Yes.

13980. Are there any large manufacturing establishments there now?—Yes.

13981. Of what nature?—There are two foundries and some small factories.

13982. Is the population partly of the manufacturing class?—Yes, partly so.

13983. Then there is the ordinary business population of a community of that size?—Yes.

13984. Do you find in your administration of the law any difficulty arises from the defective memories of witnesses in Scott Act cases?—Yes.

13985. Imperfect memories as to time, and as to what liquor they took?—Yes, great lapses of memory.

13986. Have you reason to believe that in any cases that have come before you perjury has been committed?—I have.

13987. You believe that in some cases this lapse of memory is assumed?—Yes.

13988. Do you find that this lapse of memory exists in these cases to a greater extent than in other cases that come before you for trial?—I think it does.

13989. Have you, with your experience, any doubt as to what causes this difference in these cases as compared with others?—In some cases it is owing to a desire to screen the party charged, and in other cases I think the witnesses themselves think it rather

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degrading to be brought forward to give evidence. In such cases they take means to screen themselves as well.

13990. Do you think there exists in regard to this matter a sentiment in the community which looks upon infractions of the Scott Act as being different from violations of other laws?—I think there is.

13991. Do you think that may influence the people at the time?—Yes.

13992. Is it a kind of spirit of resistance to the law?—Yes.

13993. Can you suggest any amendment to the law that will make it more workable?—One difficulty we have experienced is the frequency of proceedings before the Supreme Court by *certiorari*. There should be some more simple way of dealing with the matter, such as by bringing it before a County Court Judge. Parties often attempt to remove the cases for the sake of gaining time, and, perhaps, before the matter is decided, they will be out of the country. That is one objection, I think, to the present law.

13994. Do you think an appeal to the County Court Judge in Chambers would be a more expeditious and satisfactory system?—Yes. I have known cases that have been for a year or a year and a half before the Supreme Court of New Brunswick.

13995. We have heard that the difficulties connected with delays in the Supreme Court in connection with legal points had pretty well ceased and the legal points had been cleared up?—I think such is the case, although there have been a great many cases before the Supreme Court during the last year from different parts of the province.

13996. Have there been a number from Woodstock on special grounds?—Yes.

13997. Is that amendment the only one you could suggest?—I think the Act might be made more workable. Even as regards the issuing of a distress warrant, discretion might be given to the court. In some cases the fact that the defendant has no property is known to the officers, and the party convicted gain time by a distress warrant being issued and returned before a warrant for imprisonment is issued.

13998. You desire that a change should be made in the Scott Act, so that where a Magistrate has reason to apprehend that the defendant has no effects, he shall at once be at liberty to take other steps?—There should be discretionary power given to the court, so that if it is satisfied that there are no goods or chattels to seize under distress warrant, a warrant looking to imprisonment might be issued. Another objection is that persons have often secreted themselves, if they knew they were to be served with summonses; they have fastened themselves in their rooms and in that way evaded service for many days. If there was a provision made authorizing a constable to enter a house, the law could be more efficiently carried out.

13999. Are there any other points you could suggest to the Commission?—I do not think of any at this moment.

14000. I need scarcely say to you that it is desirable that any and all these points should be brought forward so that recommendations may be made by the Commission to the Dominion Legislature?—I hold that under the present law the witnesses should be paid. It is a great hardship and injustice as the law remains at present, and I think witnesses should be paid.

*By Mr. Gigault:*

14001. How is the Scott Act enforced in the county of Westmoreland?—In the parish of Sackville it has been pretty well enforced.

14002. And how has it been enforced elsewhere?—I have had complaints laid before me from the eastern part of the County, that is to say from the parishes of Westmoreland and Botsford. It has been shown that during the last two or three years the Act has been pretty well enforced and has brought about quite a change, so far as my knowledge goes, as regards the sale of liquor in those two parishes.

14003. Are there some places where liquor is sold continuously?—Yes, I think there are.

14004. In what places?—I think in all the parishes, that is in those parishes I have mentioned, Sackville, Westmoreland and Botsford. I speak only of those three parishes.

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14005. Are there many places selling liquor there?—I do not know what you call “many.” In the parish of Sackville there are six or seven places, more or less; but most of them are only selling in a small way, they do not sell very much, although they sell a little.

14006. And what is your opinion in regard to the sale of liquor in the other parishes?—I do not know about the other parishes, but there is some illicit selling in the other parishes no doubt.

14007. Is drunkenness increasing or decreasing, in your opinion, in the county?—In the parish of Sackville it is decreasing to my knowledge.

14008. To what do you attribute that decrease in drunkenness?—I think the enforcement of the Scott Act is one cause, and probably there may be some change in the sentiment of the people with respect to the use of liquor.

14009. Before the Scott Act was in force at Sackville, how many licensed places were there in existence?—Some years there were more licensed places and other years less; the number would average about three or four I think, but there were a number of illicit sellers during that time.

14010. How many illicit sellers do you think there were at that time?—Five or six, probably the same number as are now selling in violation of the Scott Act.

*By Rev. Dr. McLeod :*

14011. Have you any knowledge of Albert County?—No.

14012. Do you think that not only in Sackville but in the adjoining parishes, there has been a marked decrease in the drinking habits of the people?—I think there has been.

14013. Has there been any decrease in the illicit sale of liquor?—I think there has been.

14014. Is that decrease in the illicit sale attributable to the enforcement of the Canada Temperance Act?—I think it is, at least in part, attributable to it.

14015. Of course you attribute to a certain extent the changes that have taken place to the moral and religious teaching which has prevailed. Do you think the Scott Act itself is a help in carrying on and making effective this moral and religious teaching?—I believe it is.

14016. What was your experience of the license system: were you a Magistrate at the time?—Yes.

14017. Was it your experience that an earnest attempt was made to prevent illicit sale when licenses to sell liquor were issued in Sackville?—Not very earnest attempts. There was a spasmodic attempt made occasionally to enforce the law in regard to selling without license, but the parties still kept on selling.

14018. Did you ever find that licensees were associated to prevent illicit sale?—No, I always found their sympathies were with those people against whom proceedings were instituted for carrying on illicit sale.

14019. Did you find that the licensees violated any of the provisions of the license law, such as Sunday sale and sale after hours?—They were charged with doing so, I think; I had some charges before me for that offence.

14020. I think you have stated that there are not as many illicit places selling now as there were at that time?—There are about the same number.

14021. Do you think the illicit places that are now selling liquor sell as freely and as much as was sold under the license law?—I could not answer that question.

14022. Do you believe the illicit places of to-day sell as much liquor as the licensed and illicit places sold under the license law?—I do not.

14023. Has there been any change in the feeling of the people of Sackville towards the drink trade?—I think there has been no change. The law has been three times before the people of Westmoreland and each time it has been sustained. In the first place the Scott Act was before the people when it was originally adopted, and it has been twice before the people since. Each time an attempt was made to have the Act repealed, but the attempt to repeal it was lost on each occasion.

14024. Do you remember whether the vote in favour of the law was substantially the same on each occasion, or whether it was increased or diminished?—The last vote was much larger than any previously taken.

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14025. So the last vote would indicate the feeling of the people more emphatically than at any other time in favour of the delegalization of the trade?—Yes.

14026. From your experience of the enforcement of the Canada Temperance Act and the difficulties that arise under it, have you arrived at any opinion as to whether a general prohibitory law, which would prohibit the importation and manufacture as well as the sale of intoxicating liquor, would be as easily or more easily enforced than the Scott Act?—There would be more difficulties in connection with the carrying out of a general prohibitory law; but if the Government determined to enforce such a law, I do not see why it could not be enforced the same as any other law. The law would be violated, of course.

14027. If there were officials appointed to carry out the law, as there are officials to carry out the Inland Revenue law, do you think a prohibitory law could be enforced in as great a degree as the present Inland Revenue laws?—Yes.

14028. I think you have said you have special knowledge of certain parishes in your section of the county?—Yes.

14029. How many parishes would your special knowledge include?—Botsford, Westmoreland and Sackville.

14030. From your knowledge of those three parishes, do you believe that the feeling in favour of a prohibitory law is very strong?—Judging from the result of the Scott Act election, I should think that the people of those parishes would favour the adoption of a prohibitory law, especially when it is remembered that many people who object to the Scott Act on the ground that it allows liquor to come into the country, would favour a general prohibitory law. They express themselves as favourable to a general prohibitory law rather than the Scott Act; I should judge that such is their opinion from their conversation.

14031. Do you believe that, above all, the people who now favour the Scott Act would even more strongly favour a measure for general prohibition?—I think that generally the people who favour the adoption of the Scott Act would favour the enactment of a general prohibitory law.

14032. Would those people, also, who are inclined to look upon the Scott Act as a partial measure, favour a general prohibitory law?—They say so.

*By Mr. Clarke :*

14033. Then the effect of the adoption of the Scott Act has been, so far as the number of places selling liquor is concerned, to shut up licensed places and at the same time allow an equal number of unlicensed places to exist?—Yes.

*By Rev. Dr. McLeod :*

14034. Does the law allow an equal number of unlicensed places or any number of unlicensed places to exist, or do they exist in spite of the law?—They exist in spite of the law.

*By Mr. Clarke :*

14035. Has not the effect of the adoption of the Scott Act been to establish as many unlicensed places as there were formerly licensed places under the License Act?—There are as many people selling now in violation of the Scott Act as there were people selling in violation of the License Law when it was in force.

*By Judge McDonald :*

14036. You think there are three or four of them?—Yes.

*By Rev. Dr. McLeod :*

14037. As you remember the illicit places under the license system, do you remember whether they sold more openly and with less fear of interference than the illicit places do now?—I think they did, because the fines were much lighter, and the very fact of their being liable to heavy fines under the Canada Temperance Act induces them to be more cautious about their sales.

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14038. Do you find that the class of people engaged in the illicit sale liquor to-day is a different class from that engaged in the sale at illicit places under the License Act?—No, it is about the same class.

14039. Is this true, that those who had licenses under the license system are illicit sellers to-day?—Yes, it is true to some extent. The same individuals do not in all cases, as when the license system was in force. Eleven years has made a change. Some of the individuals who sold liquor under licenses are now selling in violation of the Canada Temperance Act.

14040. Have the attempts made to enforce the Canada Temperance Act succeeded in completely stopping some persons who carried on the traffic illicitly and in driving a number of them out of the place?—Yes, a number of them have been driven out.

14041. But I suppose some others spring up in their places?—Yes, sometimes.

14042. Does the fact that you have driven some out of the place have the effect of making those who succeed them in carrying on illicit sales, more careful in their operations?—It has that effect.

*By Mr. Clarke :*

14043. Are the old hotel keepers there?—In Sackville there is one.

14044. Have the other two been driven out on account of the imposition of fines and imprisonment?—No, I think not.

14045. By what have they been driven out?—I do not know that they have been driven out. Changes have been made of course.

14046. Then they have not been driven out?—No.

REV. CHARLES STEWART, D.D., of Sackville, Dean of Mount Allison University, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14047. To what religious community do you belong?—To the Methodist Church of Canada.

14048. What degree do you hold?—Doctor of Divinity.

14049. How long have you been at Sackville?—I have been there twenty-two years.

14050. Have you been connected all that time with the University as a professor?—Yes.

14051. Have you had occasion in Sackville to see the operation of the Scott Act, as a citizen?—Yes.

14052. Have you found its effects to be beneficial?—Decidedly so.

14053. During the twenty-two years you have resided there, I suppose the town has been part of the time under a license law?—Yes.

14054. Do you believe the operations of the Scott Act have been beneficial?—Yes.

14055. Have you reason to know whether illicit sales of liquor have gone on?—There have been prosecutions instituted.

14056. I suppose you only judge from information received?—Yes.

14057. You have not been connected with cases personally?—No.

14058. Had you at any time exercised the pastoral office before you became a professor?—Yes.

14059. Have you receive a circular from this Commission, and have you answered the questions?—I will answer them.

14060. As a professor of many years standing in the University, what have you found to be the habits of the young men, speaking generally?—Orderly and very excellent. There are, of course, occasional exceptions.

14061. Did you find when there was a license law in force that there was any difference in the conduct of the young men at the college as compared with their con-

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duct since the Scott Act has been in force?—I think there is a growing conviction among the students from year to year of the great importance of the Scott Act or of a general prohibitory law.

14062. Have you had any more difficulty of a practical kind with the young men as to their habits under license as compared with under the Scott Act?—Our difficulties have been few, and necessarily so, because ordinarily the young men who come to us enter the college to work, and therefore we consider they are sober men. At the same time I think that there is no doubt of this, that there were temptations to young men under the license system which do not exist now, and consequently there were failures in regard to sobriety among the young men to a greater extent than there are now.

14063. What is your view of prohibition as a matter of principle?—I think it is the right principle.

14064. Do you think it would be wise that there should be enacted by the Dominion Parliament a general prohibitory law, prohibiting the manufacture, importation as well as sale of alcoholic liquors?—That is my deliberate conviction.

14065. That is for beverage purposes?—Certainly.

14066. I suppose you know nothing of the practical working of the law, so as to make any suggestions to the Commission in the direction of improving the machinery of the present law?—I do not think I could suggest any details. We sometimes come into contact with matters that seem to indicate a weakness about the way.

14067. In what way?—I have long been under the conviction that the Scott Act should be enforced as other laws are, and not left to the men who have worked hard to arouse the temperance sentiment in the community. Those men are sometimes regarded by a certain class of persons as meddling individuals, as individuals who have taken in hand matters with which they have no business, even although they may have acted from the purest considerations.

14068. Would you favour the appointment by some central authority of officials on whom would be cast the duty and responsibility of carrying out the Scott Act?—That has been my opinion for years.

14069. Would you have those officers appointed by the Dominion Government, by the Provincial Government or by the Municipal Council?—I think by the Dominion Government, for such appointment would remove the position from all local influences.

14070. What is your department of teaching in the University?—My department is theology and other cognate subjects; I teach moral philosophy.

14071. At present the enforcement of this law ordinarily is the same as the enforcement of other laws, that is to say it is left with the local police and the Inspector who is in some cases appointed. The Commission have been told that the great difficulty in the way of the employment of those officers is the expense, which the County Council know the ratepayers will not be willing to pay, of employing an Inspector to carry out the provisions of the Scott Act. Do you think that if such officers were appointed, the expenses should be placed on the people of the locality as a body?—I think the expenses should be borne by the national exchequer.

14071a. Take this Province: suppose there are 40 counties in it, and 20 of them adopt the Scott Act and 20 reject it; would it be right to tax the 20 counties which reject it to pay the salaries of officers in the 20 counties which adopted it?—I think it would, if those have the right to enact the law. If the law is enacted by the supreme authorities, those supreme authorities should meet the expenses.

14072. Do you think that the 20 counties which reject the Scott Act should call upon the other 20 counties to contribute towards the expenses of carrying out the license law?—If the license law is a Dominion Act.

14073. It is Provincial in a certain sense. At the present time the Dominion having passed the Scott Act, leaves the people to carry it into effect or not as they please. They carry it in a certain place. The Provincial license law says that an Inspector shall be appointed at a salary of not more than \$500 a year, to be appointed by the Council. If that law is in force, and 20 counties adopt license and 20 counties adopt the Scott Act, and there is a staff of officers appointed, is it not evident that if the people in the 20 counties who reject the Scott Act have to contribute towards the carrying out of that Act in the other 20 counties in the Province, the people in those 20 Scott Act counties

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should likewise be required to pay for the enforcement of the license law in the other 20 counties?—Yes.

14074. You would put them on an equal footing?—Yes. My idea is that whatever law is enacted by the Dominion Government should be carried out by the officers appointed to enforce it.

14075. And so in regard to laws passed by the Legislature of a Province?—Yes.

14076. Then the position you take is this: Officials should be appointed whose duty it would be to carry out the law; if national prohibition were enacted by the Dominion Parliament, the Dominion Government should pay for the enforcement of the law; if a local Act, like the Scott Act, were adopted, the expenses should be paid by the particular provinces or counties that adopt the Acts respectively. Suppose Quebec rejects prohibition and adopts a license law, suppose New Brunswick adopts prohibition, would you consider that the people of Quebec, who had to maintain a license law, should also pay for the maintenance of a prohibitory law in New Brunswick?—No; but the central Government should pay for the carrying out of the law, whatever the law may be in any particular province.

14077. If it is a provincial enactment, you would let the province bear the cost of the enforcement?—Yes.

14078. And make that even all round?—Yes.

*By Mr. Clarke:*

14079. You believe in the proper authorities enforcing the law?—Yes.

*By Rev. Dr. McLeod:*

14080. Have you had anything to do with the enforcement of the Scott Act at Sackville?—No, except I have occasionally gone to the court and been present when trials have been conducted.

14081. Have you had any opportunity during your many years as a pastor to compare the condition of communities under a license law with the condition of communities under prohibition, well enforced; and if so, what is the difference?—I think the difference is very much in favour of the latter. I have been in Sackville 22 years. When I first came here, it was a very common thing to have people making hideous noises through the night, I mean drunken persons. You might meet such persons any day. Now it is a rare thing, perhaps it may occur once in six months, to meet a drunken person on the streets of Sackville. My observation, therefore, has been that the present law has been of very great service.

14081a. Do you feel as an instructor having responsibility in connection with your school, that Sackville is a better and safer place for young people to live in for a number of years while they are attending school, under the operation of the Scott Act than it was formerly under license?—Most decidedly.

14082. Do you think that may have an effect on the minds of parents when they come to determine in regard to sending children to school?—I do not know what it has done, but I know what it ought to have done.

14083. Do you and the other professors feel the law is a help to you in restraining the students from hurtful influences?—That is my conviction and that of the other professors.

14084. As a pastor, you have had the opportunity of observing the effect of the drink habit and the drink trade upon the community; what has been the effect as to crime, immorality, poverty and neglect of religion?—It is a very sad vision of the past that comes up when I think of that question; when I think of the broken hearts, and the beggared homes, and the multiplied griefs, of even young men who have been slain by this evil. I recoil with horror from the traffic when I think on my past personal experience, not among members of the church, but among the community.

14085. In the event of a prohibitory law being passed, do you believe that distillers and brewers and others, who have money in the trade, should be compensated?—No.

REV. CHARLES STEWART.

*By Mr. Clarke :*

14086. Do you know of any country in the world where the manufacture, importation and sale of intoxicating liquor are prohibited?—The Fiji Islands is the only place that I remember at present.

14086a. Have the general effects of the adoption of the Scott Act led to increased membership and increased congregations in Sackville?—I do not know that I could say that.

14087. Is there as much lumbering done there now, or as much of a floating population?—There is not much floating population. People from the country come in occasionally with their goods and lumber, and I think now very often they go home sober and take money with them, while, under the License Act, they drank their money away.

14088. You think they drank that away in licensed places?—Yes, I suppose so.

14089. You heard the statements that there were unlicensed saloons there?—Yes.

*By Judge McDonald :*

14090. Was Sackville a great lumbering and ship-building place at one time?—I believe thirty or forty years ago, there was a good deal of ship-building done; there has been some since I have been there, and I think there is one vessel on the stocks now.

14090a. Has it a shifting population now, or is it a steady population?—A great many of the young people go out of the country.

*By Mr. Gigault :*

14091. Would you favour the adoption of a general prohibitory law, which would prohibit the sale and importation of all kinds of wines?—Of all kinds?

14092. Fermented or unfermented?—I would not call unfermented liquor, wine; that would be grape juice.

14093. So you would favour a law which would prevent the importation of fermented wine?—Yes.

14094. You would not allow the use of it for sacramental purposes?—We do not.

14095. You would vote for a law that would not allow it?—I would.

14096. For sacramental purposes, what kind of wine should be used?—I presume the pure juice of the grape, with which I believe the sacrament was originated by our Blessed Saviour Himself.

14097. Do you believe, when the Saviour turned water into wine, it was fermented or unfermented wine?—I have no evidence that it was fermented.

14098. Do you believe that the Divine law forbids the moderate use of fermented wine?—Yes, under certain circumstances.

*By Judge McDonald :*

14099. Under what circumstances?—I can quite conceive of persons who are ill being benefited by wine that is wine; and of a state of society in which it would not be evil to take a little wine that is fermented; but in the present state of society, and where it is next to impossible to get wine, if not almost impossible to get wine, I think for the sake of the influence on the individual as well as the community, it is morally wrong.

*By Mr. Clarke :*

14100. You would favour an Act which would absolutely prohibit the importation of wine for sacramental purpose?—Yes.

14101. Would you not allow Christians of other denominations to decide for themselves, whether they were observing the tenets of their faith better in one way than the other?—I think there might be exceptions made in such cases.

14102. Then you would not prohibit the importation of wine for sacramental purposes?—If in these exceptional cases it was used.

14103. You would allow the other churches to use fermented wine?—Certainly.

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*By Mr. Gigault :*

14104. But you yourself would vote for the prohibition of the importation and sale of fermented wines ?—Yes.

14105. And you would favour such a law ?—Yes.

14106. So, if the majority of the electors were of your opinion, such a law would be adopted ?—Certainly.

REV. HENRY A. MEAHAN, of Moncton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14107. You are Parish Priest of St. Bernard's Church here, I believe ?—Yes.

14108. How long have you resided here ?—About ten years.

14109. Have you, during the whole of that time, been in charge of the same congregation ?—Yes.

14110. Have you seen anything of the operation of the Scott Act ?—More or less.

14111. Have you reason to believe that liquors have been sold for beverage purposes in Moncton since the Scott Act came into force ?—Yes.

14112. You could not say to what extent ?—No, not exactly.

14113. Have you considered the question of prohibition, in its moral and religious aspects ?—It would depend upon the extent of it.

14114. Did you receive some questions from the Commission ?—I did.

14115. Did you answer them ?—No ; I do not think I will be able to answer them. I think they are too difficult for a priest to answer. You would require to give a great deal of thought and to have had experience to furnish a reasonable answer to them.

14116. What is your own position in regard to prohibition ?—In the ordinary way, I am in favour of temperance ; that the people should be temperate ; that we should make use of all the gifts of God, with thanksgiving.

14117. Do you mean self-control ?—Yes, not violating any of God's laws : for instance, the law which forbids us to get drunk.

14118. Do you consider the moderate use of wine a sin ?—No.

14119. Do you, in your own church, make it a point to teach temperance to the people ?—Yes, as often as possible, the same as all the other virtues ; we take all the means that are legitimate to encourage temperance.

14120. Have you any reason to suppose those have been beneficial ?—The same as the Gospel being preached generally.

14121. Do you think there is an improvement going on all along the line in this respect ?—Yes, as the clergy increase.

14122. Do you know whether young children are asked to take the pledge when they are confirmed ?—That would depend upon the locality, but we generally ask them to take the pledge at that time.

14123. The most solemn moment of their lives ?—Yes.

*By Rev. Dr. McLeod :*

14124. You would like to see the existing law thoroughly enforced ?—I would.

14125. Do you believe the law in Moncton is even fairly well enforced ?—I do not believe it is enforced at all ; I believe it is perfectly disregarded, as far as I can see.

14126. Do you think it would be beneficial to the community if it were enforced ?—I think it would be a great blessing.

14127. In your duties, and in your life as a pastor, you come in contact with people very largely. Have you observed whether in any considerable degree the drink habit is responsible for the domestic troubles, petty crimes and neglect of religion that prevail ?—Yes, I think you can trace them to drunkenness.

REV. CHARLES STEWART.



14128. Do you at stated periods ask your people to take the total abstinence pledge?—Frequently.

14129. And a good many of them do so?—A good many.

14130. And do you find that has a beneficial effect?—Certainly.

14131. Do a large percentage of those who take the pledge remain true to it?—Nearly all.

*By Mr. Clarke :*

14132. Do I understand you to say that you believe that the Scott Act is disregarded here, largely?—I think that is the public opinion.

14133. To what do you attribute that condition of affairs?—It depends upon the nature of the law itself. I think they have doubts of the nature of the law. I do not mix myself up much in the way of enforcing it, except to advise the people to observe the law, as the law of the land must be God's law.

14134. There is no difficulty in getting liquors here?—None.

14135. What is the effect upon the members of your congregation and other congregations of having a law on the statute-book so completely ignored as the Scott Act appears to be here, and to be steadily and frequently violated?—I do not think it makes the people respect the law or the law makers.

14136. You took a prominent part in securing the passage of the Scott Act, did you not?—I did, I worked for it.

14137. How many years experience of it have you had?—Here, in Moncton, since it has been in force.

14138. And you have no hesitation in saying it has not worked well?—I think there is no doubt about that; every man can testify to that.

14139. Is there any difficulty in the way? Are the authorities here securing the necessary officers and assistance to carry it out; why is it not enforced here; what is the trouble?—I cannot certainly answer that. I think it depends on the conception men have of the law. These men are bound in conscience to have the law enforced; they are bound to do so by the law of God and by society. If they think the law is not sanctioned, I suppose it is because their conscience tells them it is not the law, that they do not enforce it.

14140. Are the police constables to be the judges of whether it should be enforced or not, or are they acting under the authority of those who appoint them?—A man might believe a law was law and that he must enforce it, but if he thought it was not, he would not feel bound to enforce it.

14141. The evidence is that the Police Committee give instructions to enforce the law. The evidence is that there are at least twelve or fifteen places here where liquor is sold. Are the officers doing their duty in neglecting to enforce the law, or are they acting in accordance with public opinion?—That is a theological question. Were I in a policeman's position, I would enforce the law, being a policeman and paid for the work. But whether he is bound to enforce it or not, is a bigger question.

14142. Would the appointment of more officers do it?—I do not see the necessity of any more officers in regard to this law than in regard to any other. If it is law, they are bound to enforce it. They may act in good faith or they may be in bad faith; they themselves are the judges of that.

14143. Could you suggest any recommendations the Commissioners could make to Parliament, rendering the law more easy of enforcement. Would the appointment of Dominion or Provincial officers be better?—No, I think not.

14144. After your experience of the Scott Act, what is your present opinion?—I think it is a farce; and though I was in favour of it, and supported it, and though the law is good in itself, still I would repeal it now.

14145. Or enforce it?—One of the two.

14146. Would the appointment of an Inspector by the city, whose sole duty it would be to enforce the law, be an improvement?—I do not see how it would be, as these men are bound by their oaths of office.

14147. Have you any experience through the county and the province?—No.

## Liquor Traffic—New Brunswick.

14148. Do you know anything about the operation of the law in Maine?—Nothing but hearsay.

*By Mr. Gigault :*

14149. What kind of wine must be used for sacramental purposes in the Catholic church?—Fermented. There is no wine but what is fermented, as Dr. Stewart said.

14150. Would you favour a law which would prevent the use of fermented wine for sacramental purposes?—Not unless we went against the teachings of the church, and the law of Christ.

14151. Do you think a portion of the people have the right to enact such a law?—If a man believes that he is right, he may act according to his belief.

14152. Do you think it would be reasonable?—As a Catholic, I think it would not.

*By Mr. Clarke :*

14153. Do you think it would be a just law which would meet with the views of a majority against the views and conscientious scruples of a minority?—I do not see how a majority could pass such an Act, having regard for religious freedom. I believe every religious community has a right to its own views.

*By Rev. Dr. McLeod :*

14154. If the law could be enforced, would you prefer its enforcement to its repeal?—Yes.

REV. WALTER B. HINSON, of Moncton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14155. What is your occupation or calling?—I am pastor of the First Baptist church.

14156. How long have you been pastor of that church?—Since 1885.

14157. Did you receive a series of questions from the Commission?—Yes.

14158. Have you answered them?—I am answering them.

*By Rev. Dr. McLeod :*

14159. You have had opportunity of observing the working of the Scott Act?—Yes.

14160. What are the results of your observation of the enforcement of the law in Moncton, and the effects of that enforcement?—I helped to bring the law into operation in this county, and I should re-double my efforts now. Such is my verdict regarding the working of the Scott Act.

14161. It has been stated in evidence by a number of gentlemen that the law is in a considerable degree a failure. Do I understand from what you say that in spite of the difficulties that beset the law and in spite of the degree of failure of enforcement, it has had a good effect?—I do mean that.

14162. In what respect?—It has made drinking more disreputable. It has in my own congregation ; therefore, my own experience is that it has lessened drunkenness. And while there may have been a failure or a partial failure regarding the enforcement of the law, I believe the law in itself to be a good one.

14263. To what do you attribute the failure to enforce it?—Perhaps, in the first place, to the fact that the people have one opinion respecting the enforcement of almost every other law, and a decidedly different opinion as to the enforcement of the temperance law.

REV. HENRY A. MEAHAN.

14364. What is the difference?—Every one considers the enforcement of the law against theft to be proper and right. All people do not consider the enforcement of other statutes, for instance the Scott Act, to be necessary.

14365. Why do you think people regard the violation of the Scott Act as different from the violation of any other law?—If another law were being violated as the Scott Act is, there would be a demand from quarters outside for the enforcement of the law. That also touches the question of witnesses, and perjury in Court.

14366. As to perjury in cases under the Scott Act, have you any opinion as to that?—I think it exists.

14367. To a great extent?—I am not prepared to say as to the extent.

14368. How do you account for it? Do you think there is more perjury by witnesses called in cases of violation of the Scott Act than in ordinary cases?—I think people who commit perjury in connection with the Scott Act would probably commit it in connection with any other Act.

14369. Then you do not make the Scott Act responsible for the perjury?—No. I notice in England they put a ferret in a hole with a colony of rats, and instantly a great number of rats appear from their holes. The ferret does not create the other rats, but simply makes them appear.

14370. Have the cases of appeal had the effect of making the enforcement less effective?—Certainly.

14371. Have there been serious delays in Moncton cases?—Very serious delays.

14372. How lengthy delays sometimes? I can scarcely answer that question.

14372a. Has there been serious and vexatious litigation on more than one occasion?—Yes.

14373. And you have remarked that that has weakened the efforts to enforce the law?—I have.

14374. That it has weakened the determination of the people?—Yes.

14375. Have the people of Moncton interested in observance of the law, done little, or done much, or done nothing to help to enforce it?—The opinion of the Magistrate is—it is not mine—that the people have done nothing.

14176. What have the people done?—The people, in the first place, proved by their vote in 1888 that they were in favour of retaining the Scott Act; and as the Scott Act was being enforced at that time, they also proved by their increased majority that they were favourable to the enforcement of it. In addition to that, if public opinion in the shape of public meetings is an indication, the temperance people have not been backward in evidencing their sympathy.

14177. Has there been a Committee of citizens at any time?—Yes.

14178. Were they active?—I think they were.

14179. Was money subscribed and expended?—Yes.

14180. And these things were done in order that the Act might be better enforced?—Yes.

14181. Was the Act better enforced during that activity?—Yes, better than any time since.

14182. Or previously?—In some things it was. Whether there was an increased amount of revenue derived from the enforcement of the Act, I am not prepared to say. The Secretary of that Committee can give you that information; therefore, I need not guess at it.

14183. Have you observed that when the Act has been well enforced, there has been a manifest decrease of drunkenness, and other improvements?—I see less drunkenness in Moncton to-day than I did during the earliest months of my pastorate.

14184. The Scott Act was in force when you came here?—Yes.

14185. You have had no experience of Moncton under license?—No; I have only had that experience in England.

14186. From your experience of license in England, and your experience here under prohibition, which is the better?—I think decidedly the community under the Scott Act.

14187. What is the attitude of your church towards this question of the prohibition of the traffic—that is your own local church?—We should expel from membership a man who sold rum.

## Liquor Traffic—New Brunswick.

14188. Does your church covenant require abstinence?—Yes.

14189. Have you any means of knowing whether your church members hold strong views as to the prohibition of the trade?—The church I represent would overwhelmingly carry prohibition to-night—that is the local church.

14190. What is its strength?—The last Year Book gives it as nearly 900.

14191. In your congregation or in the membership?—The membership. The statistics of the last Year Book give the membership as 878.

14192. What is the attitude of your denomination, say in New Brunswick?—I can give you that from the report of the denomination in reference to temperance. I happened to be a member of that committee, and the report is in the Year Book. It is very brief, but it is very expressive. (Appendix 14.)

14193. That is the report of your Convention?—Yes.

14194. And that represents three provinces?—Yes.

14195. What is the membership?—About 50,000 actual communicants; adherents, 200,000.

14196. I understand, then, that your congregation is strongly in favour of a general prohibitory law?—Certainly.

14197. Have you thought it would be a proper thing to compensate men who have capital invested in the business?—The idea has always impressed me as peculiar, that people should be compensated for violating the law now on the statute-book.

14198. But where brewers and distillers are doing what is now a legal business, if a prohibitory law destroyed that business, would you compensate them?—I would not.

*By Mr. Gigault :*

14199. Would you favour the adoption of a prohibitory law, prohibiting the importation of fermented wine?—As a member of the denomination which passed a report which excludes the importation, except for sacramental, medicinal and other purposes, I decline to answer the question, as I would not be in line with my denomination unless I stated what they have themselves declared.

14200. Would you vote for that?—I certainly would vote for that law.

14201. You would not allow the introduction for sacramental purposes?—I would vote for that law.

*By Mr. Clarke :*

14202. Do you bar from membership people who are not total abstainers?—I am not aware of a single member of the church who is not a total abstainer.

14203. Is total abstinence a pre-requisite to membership?—It is supposed to be.

14204. And as to the adherents?—As far as I know.

14205. The Baptists of these three provinces are all total abstainers?—That is my opinion.

14206. Where did the compiler of the statistics get his information as to the number of members?—From the Clerk of the church.

14207. Is the law being enforced now to the same extent as it has been since it was voted upon and adopted?—I think there were some evidences of stricter enforcement during the time the committee of private citizens had it in charge.

14208. Do you think there are a sufficient number of officers appointed by the municipality to enforce the law, or that those who have been appointed policemen are derelict in their duty?—I have always favoured the appointment of a special officer for the enforcement of the Scott Act in the city.

14209. Do you think the police are derelict in their duty?—Out of respect for the police, I would prefer not to answer.

14210. Were any resolutions passed by the meetings you refer to, in order to secure the appointment of an officer to enforce the Act?—I know it was mentioned frequently at the public meetings.

14211. Was any resolution specially passed?—I do not know of any.

14212. Do you know any obstacle in the way of the appointment of a special officer by the City Council to enforce the law?—No.

REV. WALTER B. HINSON.

14213. Is there any reason why it should not be brought forward at the next meeting of the Council, if the rules permit?—No, not that I am aware of.

14214. Did you hear the evidence of the Marshal as to the number of places where liquor is sold?—Yes.

14215. Did you hear what he said as to the appeals from the Stipendiary, that he prosecutes and goes on prosecuting?—Yes.

14216. Then in what way have appeals interfered with the enforcement of the law?—During the time some of those appeals were pending, it was impossible to proceed with the enforcement of the law against those particular persons; and further, it tended to weaken the opinion of the public who favoured the Scott Act.

14217. But the officer said he proceeded against them on first offences?—I have to say that as a member of that committee of private citizens, we often found ourselves hampered by an appeal having been taken. I do not reflect on the Marshal's statement, but that is my experience.

14218. What was the plan of action adopted by your committee?—The procuring of evidence, and the laying of a complaint.

14219. How did you procure evidence?—That I cannot tell. Sometimes I think it was voluntary.

14220. Was it voluntary at all times?—No, I think at one time we had a person employed.

14221. To secure evidence and obtain convictions?—I think so.

14222. Could you suggest any other amendments to the law or make any practical suggestions that your observations may lead you to believe would tend to the better enforcement of the law?—No.

14223. As to the appointment of Dominion or Provincial officials?—No, I have no suggestion to offer.

14224. Do you think the law can be fairly well enforced?—I think so.

14225. And if it is not enforced, do you attribute the lack of enforcement to a weakening or apathy in the public mind and public sentiment?—Very partially. I should place more stress on the interference and lack of activity on the part of the officials.

14226. The officials are appointed by the City Council?—Yes.

14227. Does the City Council generally reflect the views of the citizens?—I would not care to answer that question.

14228. If it was a notorious fact that the officials did not discharge their duty, if there was a strong public opinion in favour of the enforcement of the law, would that find expression in the discharge of the officers and the appointment of others?—It did in one case.

14229. When was that?—Did the Marshal tell you how long he had been in office?

14230. Two or three years?—Then it was two or three years ago.

14231. Are things better now in those respects since the present Marshal was appointed?—I am of the opinion that they are better.

14232. You did not hear in his evidence a statement as to the number of places that he believes now exist where liquor is sold?—About a dozen, he said.

14233. Have you any reason to doubt the accuracy of that statement?—I could neither deny it, nor affirm it. I know liquor is sold; but as to the number of places, I could not answer that question.

*By Rev. Dr. McLeod :*

14234. Do you know anything of the enforcement of the law in the county, outside of Moncton?—Very little.

14235. Do you know anything about it in Albert County?—Very little, indeed.

14236. You are not able to say whether it is well or poorly enforced there?—No.

14237. Do you know anything of the general opinion in the county as to the usefulness of the law?—I know it came into force in this county in 1884 by a majority in favour of it between 70 and 80; and in the voting for the repeal in 1888, over 700 of a majority were in favour of continuing the Act. The majority for the Act in Moncton in 1884 was about 100, and the majority in 1888 was between 400 and 500.

## Liquor Traffic—New Brunswick.

14238. You would regard that as an indication of a growing favourable opinion?—Yes, that would be my opinion.

*By Mr. Clarke :*

14239. How do you account for the fact that notwithstanding this large majority, vigorous measures are not taken to secure the punishment of evil doers in the way of those who persistently break the law?—I have never tried to account for the fact. I simply state the fact.

DAVID POTTINGER, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

14240. What is your residence?—Moncton.

14241. You are the Chief Superintendent of the Intercolonial Railway?—Yes.

14242. How long have you held that position?—Since February, 1879.

14243. Can you give us, in round figures, the number of employees?—About 3,500.

14244. How many of those would probably make their homes in Moncton?—About 1,050.

14245. Some of those are on the road a good deal?—About 150 are train men, and the others are in the workshops.

14246. About nine hundred are permanent residents here?—Yes, about that number.

14247. Is there any rule as to whether the men shall partake of intoxicating beverages or not?—There is no rule except that they shall not do it to excess.

14248. You have no rule as to total abstainers or moderate drinkers, but simply as to a man injuring his working powers?—I have the circulars issued by order of the Department in reference to that. I produce the circulars of the Department. [Appendix 15.] It has always been the rule of the railway to dismiss for intemperance, and the rule was strictly enforced after 1883.

14249. How do you find those rules observed? Are they carried out?—Very generally. We have a very good lot of men.

14250. The rules work well?—I think that rule has worked well.

14251. Have you any refreshment rooms in connection with the railway in other than Scott Act counties?—Yes.

14252. Are any licenses attached to them?—No, we do not allow them to sell any intoxicating liquor, not even ale.

14253. Do you find the effect of that rule beneficial? Have you been troubled by people in the neighbourhood starting up the sale?—I do not know that you can call it starting up, but at several points on the line there are liquor shops near where our chief locomotive stations are, and they have always been there, more or less.

14254. We understood on one railway that after the abolition of station bars, places of that kind started up which were troublesome to the railway?—We have no such experience.

14255. Most of your places are where the Scott Act is in force?—We have one refreshment room at Truro, one at Amherst, and one here; one at St. John, which is not under the Scott Act, and one at Trois Pistoles, in the County of Temiscouata, and one at Lévis, in the County of Lévis.

14256. Were you ever troubled before these rules were adopted with men who were given to drinking to excess?—There always was, and I suppose always will be that trouble. But we have had less trouble since these rules were adopted, mainly because they have been strictly enforced, and when a man is dismissed for breaking them, he is not again employed. Formerly men dismissed for being intoxicated were sometimes re-employed out of pity for themselves or their families, but this did no good as they went back before long to their old habit.

REV. WALTER B. HINSON.

14257. So it has been found to work well?—It has been found to work well.

14258. Have you known anything of the working of the Scott Act in any way?—No; I know very little about it.

*By Mr. Clarke :*

14259. You reside in Moncton?—Yes.

14260. Do you know anything of its operations here?—Not personally. I know very little about the town, only from hearsay.

14261. What is the general opinion?—It is not enforced, that is very evident.

14262. You do not know anything about it personally?—No.

14263. Do you know of any railway company or large corporation employing hundreds of men, as the Intercolonial Railway does, who have not taken steps in the direction of temperance by threatening dismissal in case of intemperance, or in case of not being fit for duty when called upon?—No, that is the general rule; but we have gone further than most other railways, for, if our men are the worse for liquor even when they are not on duty, we dismiss them. That is further than others have gone.

14264. That rigid policy meets the approval of the Government?—I believe so, it was ordered by the Minister of Railways and Canals.

14265. Are all railway refreshment rooms conducted on the same rule as yours?—Not all, I think.

14266. Are those on the Canadian Pacific Railway and the Grand Trunk?—I cannot state positively.

14267. Have you noticed any marked increase in drunkenness in this city since the Scott Act came into force?—There has been a decrease generally everywhere, I think, and so here.

14268. To what do you attribute that?—To moral suasion, and the influence of churches and societies.

14269. Do you think the Scott Act was a factor to a great extent?—Not to any extent, I think.

14270. What do you think is the moral effect on the community of having a law like the Scott Act on the statute-book which is not enforced?—My personal opinion is that it would not be good.

14271. I suppose you could not make suggestions as to how the Act could be more easily enforced?—I have never considered that matter.

14272. Do you know of any town of about the same population as Moncton, where there is a license law, with which you could compare with Moncton as to general sobriety?—I do not.

*By Mr. Gigault :*

14273. Do you know if a large quantity of liquor comes here by your railway for persons residing in Moncton?—A considerable quantity comes here, but I do not know how much.

*By Rev. Dr. McLeod :*

14274. I think your rules mention the frequenting of drink shops. Are men dismissed if they show any signs of being subject to the drink habit?—They are. In regard to these circulars generally—we have great difficulty in enforcing them because the people think they are so severe—and in regard to that point of frequenting, it is difficult to draw the line, as in some cases it would debar an employé from boarding at a hotel.

14275. But if he is known to frequent a drink shop other than an hotel where he might board, would he be put under suspension?—He would be subject to dismissal.

14276. Not because he is under the influence of liquor, but because he is less trustworthy because of the frequent visits to that drink shop?—Yes; he would not be likely to be there without drinking.

14277. Do you attribute the decrease in the drinking habits of your employees to the enforcement of your rules?—Largely, and to the general improvement in the habits of the people of the country.

## Liquor Traffic—New Brunswick.

14278. But if your rules were repealed, have you any reason to believe there would be more drinking amongst your men?—No doubt there would be.

14279. So those rules are a prohibition so far as they go, and their enforcement has a good effect?—I do not know how you make it a prohibition. It is a prohibition from getting drunk.

14280. But it is a prohibition from getting drinks?—Yes.

14281. And it has a good effect, according to your account, on your men?—Yes.

14282. Have any accidents on your road at any time been traceable to drinking employees?—At the present moment I cannot remember any one in particular.

*By Mr. Clarke :*

14283. Do you think the fact that the Scott Act is the law here prevents any of your men getting liquor here if they choose to do so?—Not in the least.

*By Judge McDonald :*

14284. And you do not prevent your employees having liquor in their houses for domestic use, so long as they do not get intoxicated? Not in the least.

GEORGE J. ROBB, of Moncton, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14285-86. What is your calling or occupation?—City Clerk and Treasurer, and Receiver of Taxes, of Moncton.

14287. How long have you held those positions?—Since May, 1891.

14288. You receive the fines from the Police Magistrate?—Yes, monthly, except Scott Act fines. I get them as they are paid in. The Marshal generally brings them to me as they are paid.

14289. Do you pay the salaries of officers?—I do.

14290. Do you keep track of the expenditure of the city generally?—Yes.

14291. In the returns of the Police Magistrate, does he give the number of convictions and the offences for which they are made?—The returns embrace the names of and amount paid by the persons fined, except for Scott Act convictions, which are separate. In the ordinary fines the name and the amount only are given.

14292. Do not the returns show whether the conviction is for drunkenness or breach of city by-law, or anything of that kind?—No.

14293. Did you hear the statement of the Chief Marshal as to the number of fines?—Yes, I have just about the same statement he had. There is little difference, except in his reading. In 1888 there were 216 arrests, I think. He read 206. In 1889, the Scott Act fines collected, he read \$2,000. It should be \$2,100. [Appendix 16.]

*By Mr. Clarke :*

14294. Are these the total arrests made in a year?—Yes, according to the police records.

14295. Would it be difficult to prepare a statement showing the number out of these total arrests which were for drunkenness?—About two-thirds of these were for drunkenness.

14296. Have you noticed a decrease in drunkenness since the appointment of the present Chief Marshal?—I am not in a position to know. I am not round the streets very much, I am in the office or the house.

14297. But you go home to your meals?—Yes.

14298. But you have not an opportunity of judging?—Not sufficient to give an opinion.

14299. Do you know anything about the operation of the law?—I do not know.

14300. Has any attempt been made in the last few years to appoint an Inspector?—No.

14301. Is there any obstacle in the way?—No.

DAVID POTTINGER.



FRANK E. McCULLY, of Moncton, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

14302. What is your calling or occupation?—Barrister.

14303. Do you hold any official position in connection with the Scott Act?—I am Prosecuting Attorney for the County of Westmoreland outside of the city.

14304. Appointed by whom?—By the City Council.

14305. Endorsed by the Government?—I think not.

14306. You are not Inspector of Licenses?—Quasi-Inspector, appointed more particularly with a view to conducting the cases after the information is placed in my hands.

14307. Have you any difficulty in enforcing the law?—Considerable difficulty.

14308. Can you make any suggestions as to the amendment of the law?—One decided obstacle is that witnesses have to be brought from long distances and they are paid nothing, no witness fees, or mileage or anything for the day; and to place the Scott Act on any fair basis as to enforcement, the witnesses should be treated more fairly and should be paid their mileage and for the day as in civil suits. The witnesses claim that it is very unfair to be dragged away from their work on matters in which they have no concern; and it seems to be very unjust.

14309. Is there anything else?—Also as to the appointment of Magistrates. I think in the Province of Ontario, the Stipendiary Magistrates all have stipends. The Police Magistrates are paid by stipends, and I think there was some misunderstanding when the present schedule of fees was arranged. The fee of each Magistrate was arranged as for one having a salary and conducting official work. The Magistrates in Westmoreland have no salary but are paid by fees; and the Magistrate often has to try these Scott Act cases for five or six or more days, and he only gets about \$2 a case as his fee, and that does not in any way recompense him for the time spent in trying the cases. The result is that Magistrates are often averse to trying cases.

14310. Would you recommend an increase of fees?—I say that the Magistrates should be paid, as they are in civil cases, so much per folio; then there would be no difficulty.

14311. What, then, would you suggest in cases of dismissal of offenders or non-collection? How would you recommend the fees should be paid in that case: by the County?—In all cases they should be paid by the County.

14312. Do you think it would be well that there should be special officers appointed by some central authority?—I think it is the only way in which the Act can be fairly enforced.

14313. Now the County Council may appoint an official for that purpose?—Yes.

14314. Would you suggest that the Dominion Government or the Provincial Government should appoint, or that the Provincial Government should compel the County Council to appoint, leaving them to make the appointment?—In the present condition of the Municipal Councils, taking into consideration the fact that public opinion is somewhat divided, and somewhat differently and not fairly represented in the Councils, that they are not unanimous on this subject, I think it would be better for the Dominion Government to appoint and pay the officials.

14315. Or would you propose that they should get the fines?—That would be another consideration.

14316. If the Dominion Government said: as long as you make provision for payment, we will pay; they might do so. The Provincial Government would have no difficulty in saying: You must pay. But I do not know any machinery that the Dominion Government could adopt to make the County Council pay?—The machinery of the Scott Act would have to be re-modelled to bring that about.

14317. Would carrying out the present Order in Council, appropriating fines, raise a sufficient sum to remunerate the officer?—Sometimes it would, and sometimes it would not. There are many cases in the county, and particularly in the rural districts, where large costs are incurred in prosecuting the offender, and he is worthless. He goes to jail, and that throws costs on the community, in addition to the costs of prosecution, and the ratepayers complain.

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14318. No difficulty would be found if the officer so acted as to stamp out offenders ; but his occupation would be gone?—Yes, unless he was paid a fixed salary.

14319. Do you think the Dominion Government should appoint the official and pay a fixed salary?—Yes, that is the logical way.

14320. Are there any other suggestions you could make? How should your Magistrates be paid?—By fees.

14321. By whom?—They should all be paid by the Dominion Government, as are the other officials.

14322. What about the prosecuting counsel ; would you let him take his chances?—He should be made safe. You cannot get any one to undertake prosecutions unless he is paid for it.

14323. You would prefer, in the first place, the Dominion Government to appoint all the officers and pay them?—I would.

14324. Would you suggest that the Dominion Government should appoint Magistrates specially to enforce the Act?—No. I think the Commissioners of the City Courts or the Justices of the Peace should do that.

14325. You would have them appoint Inspectors and pay the fees of the Inspector, the non-collectable fees of the Magistrate, and the fees of the prosecutor?—Yes.

14326. And, in the next place, if that were not done, you think the Provincial or Dominion Governments should appoint them?—Yes, and compel the Municipal authorities to act as in the case of the Board of Health, where fees are levied. Under the Scott Act it is optional with the Council whether they will appoint officials or not. That is one of the great difficulties in the enforcement of the Act. The officers are not paid enough.

14327. Have you any other suggestion?—There might be some advantage in taking away the right of *certiorari*, and having a speedy trial before the County Judge. The appeal to the Supreme Court, necessitating a delay of perhaps two or three terms, very much hampers the enforcement of the Canada Temperance Act, and appeals are generally taken, I think, for the purpose of delay, not on any *bona fide* objection the parties may present.

14328. As to the general working of the law : is it generally well observed in the county outside of the city?—In some parts it is, and in others it is not. In Sackville and Westmoreland, and Botsford I think the Scott Act has effected considerable good in suppressing the sale of liquor, and also in the parish of Salisbury.

14329. Does anything depend on the character of the people of the parish?—Very largely.

14330. Upon their sympathies and their habits?—At least the method in which the Scott Act is being enforced in this county very largely depends upon the local communities, as to how they work up the cases, and the interest they take in them.

14331. Is that spasmodic?—Yes, quite so.

14332. In conducting those cases before the Magistrate, have you had reason to suppose there has been any perjury?—I have. I think there has been considerable perjury in connection with Scott Act cases.

14333. Do you find there is more perjury in Scott Act cases than in ordinary cases before the court?—My opinion is that any man who will perjure himself in a Scott Act case will perjure himself in any other case.

14334. That is not the question. Is it your experience that there is more perjury in Scott Act cases than in any other cases in the Civil Court?—There are a great many more cases of this kind tried.

14335. I am asking you whether in civil cases tried, there is as much perjury as in these cases, in proportion to the number?—I cannot say.

*By Rev. Dr. McLeod :*

14336. How long have you been prosecuting attorney?—Three years I think.

14337. Has there been an improvement in the enforcement of the law in those three years?—I think so.

14338. What has been the effect of the increased enforcement?—I think that the increased restriction has restrained the sale of liquor through the county as a whole.

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14339. Have you reason to believe there is much illicit sale in the county outside of Moncton?—Well, in Petitcodiac there is one place at least. In Salisbury, I am informed there is one, and in Shediac I think a number of places. In Sackville there are two places where liquor has been sold; but I do not think there is any open bar such as we understand by the general term. For instance, a short time ago there was a fair there. A large number of people came in from the surrounding district and the bars were entirely closed, and no liquor was sold on that day. That was entirely due to the enforcement of the Scott Act. A number of people have been driven out of business in the county, but very often their places have been supplied. In Botsford and Westmoreland several parties have been driven out by the Scott Act.

14340. So you think the Scott Act has had a good effect?—I think it has in restricting the sale of liquor.

14341. Where the illicit sale goes on, does it go on openly?—In some places it does.

14342. Is it in many places?—Well, the bars are not in the front of the hotels or any thing like that. They are not advertised, and they are not so much frequented. The doors are kept barred, except when people seek to get admission for drink.

14343. Is the illicit sale in the county mostly in the hotels, wayside hotels and the like?—The majority of them pretend to have accommodation for travellers.

14344. And the drink sale is in those places chiefly?—Yes. One fine, or two, pretty generally suppresses an ordinary jug-man in the country.

*By Judge McDonald :*

14345. What do you call a jug-man?—A man who buys perhaps a jug or half a dozen bottles from a larger dealer, and retails the liquor in his house.

*By Rev. Dr. McLeod :*

14346. What have been the chief difficulties in the way of the enforcement of the Act?—I think those I have mentioned. The chief is the payment of witnesses.

14347. Besides that, have you found it difficult to get witnesses?—Yes.

14348. Have you found an unwillingness to testify?—There is a very general disposition not to do so. Very few witnesses come forward of their own accord.

14349. Those men are parties who have purchased at those illicit places?—Yes.

14350. Have the delays in the Court obstructed the enforcement in any degree in the county?—Yes, very considerably.

14351. Take Petitcodiac for instance: cases of violation have been appealed there, and delays have been caused. Have they caused difficulty in the enforcement there?—Yes, I believe they have.

14352. Have all these difficulties been overcome?—Apparently not. There are to-day, I think, in the County of Westmoreland, outside of Moncton, sixteen or eighteen appeals since January, and they will be pending up 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. And nothing can be done in collecting the fines in connection with these suits.

14353. Do you find it difficult to go on with other parties while these cases are pending?—It 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 become discouraged in a way, and let the whole thing go.

14354. Have you found that very generally the obstructions and delays have had a very discouraging effect upon those who desire the enforcement of the law?—I think appeals, generally, have a discouraging effect.

14355. Is it your opinion and experience that if these obstacles were removed, the enforcement of the law would have a better effect than it has yet had?—I have no doubt of it.

14356. Do you suppose the illicit sale could be practically destroyed?—I think, in sections where the sentiment is fairly well supporting the Act, it could be.

14357. Taking the county through, outside of Moncton, is the sentiment fairly strong in favour of the Act?—In certain localities it is quite strong, in others it is not.

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14358. Are there more localities in which it is strong than localities in which it is weak?—I think the general sentiment of the county is very strongly in favour of the Act.

14359. And would approve of the rigorous enforcement of it?—They approve of rigorous enforcement, but take no steps themselves towards the enforcement. The great majority of the ratepayers of the county favour the enforcement of the Act.

*By Judge McDonald:*

14360. Are you aware that when the Act was adopted by counties in Ontario, special officers were appointed by the County Council to carry out the law. Have any steps been taken by the temperance people of this province to cause the Provincial Government to appoint officers to enforce the law?—I do not know.

14361. Has any attempt been made to show the Provincial Government, and the Members of the Legislature in their legislative capacity, that this Act is not being thoroughly enforced on account of the difficulties which have been pointed out, and further, that the remedy rests in their hands, in the form of appointing special officers to enforce the law?—I do not know that those specific objections to which I have referred have ever been submitted to them.

14362. Has any application been made for the appointment of Inspectors in the different counties in which the Scott Act has been carried?—Not that I know of.

14363. Would it not be a step in advance if the Provincial Government would take measures to compel the counties where the Scott Act has been passed to provide means to enforce it?—I think it would be.

14364. Will any steps be taken to bring this matter forward at an early date?—I cannot say.

14365. Do you consider it would be reasonable and fair to expect the Dominion Government to push these prosecutions? They have already provided that all fines shall go to the municipalities and be devoted by them to the enforcement of the law: would it be reasonable to ask the people who have expressed their disapprobation of the Scott Act to contribute towards the enforcement of the Act in counties where it has become the law?—Inasmuch as the Dominion receives the duties levied on liquors, I think it would be.

14366. Do you think it would be fair?—Yes. I think the Dominion Government receive by far the largest proportion of the revenue from the liquor traffic, and as such, they are under more obligation to enforce the Scott Act than are either the provincial or municipal authorities.

14367. You think, then, it would be unfair to ask either the provincial or the municipal authorities to enforce the Scott Act?—I did not say it would be unfair.

14368. Do you think it would be fair to ask the people of Canada to enforce a law in sections of the country where it is approved by the people?—I think it would be better.

14369. Do you think it would be more fair than to have the counties which voted to adopt the Act pay the expense of enforcing it?—There is no question of fairness; the Dominion Government should enforce the Act.

14370. And provide money for enforcing it?—Yes.

14371. Do you know anything about the operation of the law in this city?—Somewhat.

14372. How is the law working?—Well, I do not know that the sale of liquor has been stopped in this city.

14373. Is there any objection to the City Council appointing an officer to see that the law is enforced, or do you think the Dominion Government should appoint an officer to assist in enforcing the law here?—I see no objection to the City Council appointing an officer.

14374. Do you think it would be more fair for the Dominion Government to appoint such an officer than for the City Council to do so?—The Dominion Government receive a large amount of revenue from the duties levied.

14375. But you are going to take those duties from the Dominion Government: you are going to prevent the admission of any liquors into your province or into any counties, as the case may be. Then you are proposing to place the responsibility of

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paying officials on the provinces, say even in the Province of Quebec and the Western Provinces, which did not adopt the Act?—The people in this county say they do not want liquor sold here. The Dominion Government permits the importation of liquor into all the surrounding counties, and it is almost impossible for the people of the County of Westmoreland, with contiguous counties under license, to prevent the sale of intoxicating liquors within our own county. In the County of Kent they have a License Law, and even if you had the Scott Act fairly well enforced in this County of Westmoreland, it would be very difficult to suppress the drinking habits of the people owing to the fact that the License Law is in force in Kent, the adjoining county. Frequently when the Scott Act is faithfully enforced in a county, liquor dealers on the border do a very thriving business.

14376. A certain County in New Brunswick may adopt the Scott Act and need officials for its enforcement, and the people may call on the Dominion Government to pay the expense. At the same time the Dominion Government are losing the duties that were formerly collected on liquors sold in those counties. Further, do you take into account the fact that the other provinces would have to be at the expense of maintaining their own laws in regard to the liquor traffic, and they might be paying the salaries of their officers appointed to carry out their own local system?—I would apply that principle also to a license law.

14377. But you desire the Dominion Government to do this work, although it was provided for in the McCarthy Act with a view of dealing with the whole traffic, and the Act was declared *ultra vires*. So now this is a provincial matter, and it is in the hands of your own Local Legislature to make the necessary enactments respecting it. How many members do you return for this county to the Local Legislature?—Four members.

14378. Is the influence of those four members exercised in the direction of securing such legislation from the Provincial Assembly as is necessary to enforce the Scott Act here, where the sentiment is so strongly in its favour?—I could not say.

*By Mr. Clarke :*

14379. Did you ever ask them to secure such legislation?—No ; I did not.

14380. Do you suppose the people in the rural districts purchase liquor in the city here, and take it out with them?—I do not know.

14381. When they are in the city on other business? Have you any reason to believe that this takes place?—I have not from personal knowledge ; probably they do so. I dare say there may be quite a wholesale trade carried on between this city and the surrounding parishes.

*By Rev. Dr. McLeod :*

14388. Kent County has been mentioned : have you any knowledge of it?—Yes ; I have been in different part of Kent under the License Law.

14389. Have you been there on business connected with the enforcement of the Act there?—I have been at hotels there where they have been licensed.

14390. The license system prevails there?—Yes ; throughout Kent.

14391. Comparing the condition of Kent with the condition of Westmoreland, which is the better law?—I should consider that the condition of Westmoreland is better than that of Kent under license law.

14392. Do you attribute that better state of things to the fact that Westmoreland is under the Scott Act rather than under license?—I do.

14393. Do you think that if Westmoreland were under license, it would be like Kent under license?—I think it would be largely so.

14394. What is the condition of Kent where license prevails ; is drunkenness prevalent?—In all the hotels you visit, you find the chief living room is the bar room, and nearly everybody will naturally drift there, whether they want to go there to drink or not. The smell of liquor is throughout the whole house ; you are brought face to face with the drink everywhere, and you frequently see drunken men about the hotel, which you never see at hotels in the county of Westmoreland. If a man is drunk, he is looked

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after and put out of sight. You do not often see the effects of liquor on men in Westmoreland, but you do in Kent. That is my experience.

14395. Are many licenses issued in Kent County?—I think pretty generally in all the small towns. I have been in Richibucto and Buctouche and Welford, and in all those towns there are a number of licensed places.

14396. Do you know if there is much illicit sale?—I believe there has been some smuggling there recently. The only smuggling I know of has been through Kent County.

14397. Is it a fact that a license law does not prevent illicit sale and smuggling?—I do not think it does.

14398. Does it diminish drunkenness?—Not at all. My experience of 10 years under the Scott Act and 10 years under license, is that during the 10 years under the Scott Act temperance sentiment was far in advance of 10 years under license.

14399. Do you believe the Scott Act is an educator?—I do.

14400. Do you believe the License Law is also an educator?—I do, in a way the Scott Act is not.

14401. Do they educate in the same direction?—I do not think they do, but in opposite directions.

*By Mr. Clarke :*

14402. What is the population of Kent County?—I do not know.

14403. What is the population of Westmoreland County?—About 45,000.

14404. Have you any statistics showing the number of convictions in Kent County for drunkenness, as compared with Westmoreland?—No.

14405. Do you think the statistics for drunkenness will show a favourable condition in Westmoreland as compared with Kent?—I think a man would be very apt to be convicted for drunkenness in Westmoreland while he might go free in Kent.

14406. Do you think there are different laws carried out by the Stipendiary Magistrates?—It is a matter of more common occurrence in Kent than in Westmoreland.

14407. But you do not know whether there are more convictions?—Not from my personal knowledge.

14408. You do not know anything about the number of convictions?—As to the official convictions I know nothing.

14409. How long has the Scott Act been in force here?—About 10 years I think.

14410. And the result of 10 years' trial in this city is to be seen here to-day?—I think that during 4, 5 or 6 years the Act was almost inoperative, owing to legal difficulties surrounding it. Only during the last three or four years have these difficulties been cleared away; in fact, they arise in different parts of the county at the present time in the shape of difficulties as to the jurisdiction of certain Magistrates. Appeals are now pending before the Supreme Court from three different sections as to the jurisdiction of the Magistrates who tried the cases, and in two sections there were three different cases tried before three Magistrates.

14411. If the example of Ontario were followed in the appointment of Magistrates, would there be any objection of that kind raised in regard to jurisdiction?—No.

*By Judge McDonald :*

14412. The Chief of Police told us to-day that up to July this year there have been fines to the amount of \$900 imposed in connection with Scott Act cases, and \$600 have been collected?—There have been fines to the amount of \$1,800 imposed in the county since January.

14413. Take the amount of \$1,800, from March till the end of July this year, a period of 7 months. Is that not evidence that so far as the Magistrate of this city is concerned, the law is being efficiently carried out and convictions are being secured?—There may be a difference between city and county cases as to the question of jurisdiction.

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*By Mr. Clarke :*

14414. You have referred to delays: could you not go forward with cases, even though convictions had been carried on appeal to the Supreme Court?—Yes, but there is sometimes difficulty in getting evidence. If there is uncertainty as to jurisdiction, that causes a feeling of uncertainty as to the result of the case.

14415. Has not that matter been settled yet?—No. The temperance people do not feel like risking cases when there is uncertainty as to results. There have been fines to the amount of \$1,800 imposed since January in the county, outside of the city.

G. P. THOMAS, of Moncton, barrister, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

14416. Do you practice law in Moncton?—Yes.

14417. How long have you practised law?—Fourteen years.

14418. Have you had anything to do with cases under the Scott Act?—Yes, I have had considerable to do with these cases.

14419. In what way?—I have defended persons charged under the Act, and also on one occasion I have prosecuted.

14420. In the city?—Yes, and elsewhere.

14421. Where, outside the city?—In Nova Scotia and Prince Edward Island; and in almost all the counties of the province where the Scott Act has been in force I have had more or less to do with cases under it.

14422. And generally defending people accused of violating it?—Yes, and I have often been sent for to come and defend them.

14423. Taking this city first. Is it your experience that the Act is effectively enforced here?—I think not.

14424. In what way is it a failure?—I think it is impossible to enforce it.

14425. Do you think it is enforced by the police officers as well as they can reasonably do it?—I think so.

14426. Did you hear the evidence given by the Chief of Police to-day? Did you know him previously?—Yes.

14427. Have you been able to observe the way in which he has discharged his duties since he has been in office?—Yes.

14428. Do you think he has done all that could reasonably be expected from him?—Yes, I think he has done all that he possibly could.

14429. To what do you attribute the failure to enforce the Act?—The failure has been in regard to getting witnesses.

14430. Why is that?—They have no means of knowing who will prove good and reliable witnesses. The witnesses are subpoenaed, but the police have no knowledge as to whether they will swear that they bought liquor or not.

14431. Can you suggest any better system of securing testimony?—I think not.

14432. Have the police done their best to get testimony?—I think so.

14433. What is the difficulty?—I do not know.

14434. Do you think it is impossible to get such testimony as is required?—I think it is.

14435. We were told that the Magistrate is satisfied there is a great deal of perjury committed?—I differ from him; I think not.

14436. It is said that there are witnesses who, when called to the stand, cannot remember what liquor they took or whether they took any?—I think they do not recollect, and if the City Marshal and Stipendiary Magistrate are prepared to state that witnesses have committed perjury, they should be further prepared to secure convictions against them for perjury on their own evidence. I think the witnesses generally tell the truth; but I am also of the opinion that there has been perjury committed, but not on that line.

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14437. How has there been perjury committed?—The perjury, I think, has been committed by vendors. The Act makes it competent for the defendant to give evidence on his own behalf. In many of the cases the prosecution relied on the defendant proving the case against himself. There was then a disposition manifested not to present the exact truth. Those were the cases in which perjury occurred: rather than commit himself, a man would tell an untruth.

14438. What has been your experience in regard to other sections of the Province of New Brunswick; have you found the Act has been well enforced?—Not at all.

14439. Is there much sale of liquor going on?—I am very well acquainted with all the sections where the Act is in force, and there is really more liquor sold, or at least more places open to-day than at any time since the Act went into operation.

14440. Are there more than when there was a license law?—Decidedly more, even according to the population here.

14441. Do you mean in the city and county?—Both in the city and county. All the old parties who had licensed saloons are represented to-day, and there are additional saloons. A great many of them have grown rich from the sale of liquor, more particularly under the license system, because, I think, it was more profitable then than it is now. Competition is very keen now, there are so many people in this business in the county, and I do not think it is so lucrative as it was under the license law.

14442. Are you in a position to say anything in regard to the quality of the liquor sold now, as compared with the quality sold previously?—Generally, I do not think the quality is as good.

14437. Do you think there is more adulteration or worse liquor or what?—I do not know.

14438. There has been a witness before the Commission who swore that certain spirituous liquor was nothing but a certain article added to high wines. Do you know anything of such methods being resorted to?—I have no knowledge of that.

14439. You spoke of Nova Scotia. What do you say in regard to the enforcement of the Scott Act in that Province?—I see no difference there.

14440. How about its enforcement in Prince Edward Island?—It is about the same.

14441. Your general experience is the same as you have stated in regard to this county?—Yes, about the same elsewhere.

14442. Can you suggest to the Commission any amendments to the law which will make it more workable?—Yes, a very good one.

14443. What is it?—Repeal the Act, because it cannot be enforced—wipe it out altogether.

14444. Taking the Act as it is, and not repealing it, did you hear the suggestions made to the Commission by some of the witnesses. One suggestion was as to the payment of witnesses?—I do not think that would be any use.

14445. Would it not be fairer to the witnesses?—Yes, but it would not give any more power to secure the attendance of the witness. It is scarcely an obstacle to the enforcement of the Act.

14446. Would it be fairer to the witnesses that they should be paid?—It would be fairer.

14447. Then it is proposed to do away with appeals to the Supreme Court and give an appeal to a County Court Judge in chambers, thereby obtaining judgments more speedily. What do you think of that suggestion?—I do not see that anything would be gained by it, because the *certiorari* is now taken away, and ground has to be shown before the Supreme Court that the Magistrate acted outside of his jurisdiction. Everything is done to make the decision of the Magistrates final; and so far as that is concerned, everything is in favour of the Act. It is difficult to remove a case.

14448. You have made the suggestion to repeal the Act. Are there any suggestions in regard to the Act itself, if it remained on the statute-book, you can make?—No; I do not think it can ever possibly be enforced.

*By Rev. Dr. McLeod:*

14449. You have said that the Act is not effectually enforced, that it cannot be, that it is impossible. State why you think it is impossible to enforce it?—There are so

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many people who like a drink and take it ; and then there is the fact that those who sell it dare not tell and will not tell anything connected with its sale, that it is impossible to find out where liquor is sold.

14450. Do you think as many people want a drink now as was the case 25 years ago?—I think so.

14451. Do you think there has been any change in the temperance sentiment of the country?—The temperance sentiment, if it has changed at all, has changed for the worse.

14452. Is there more temperance sentiment than there was 20 years ago?—I do not know that there is.

14453. You say that there is more liquor sold under the Scott Act in the County of Westmoreland than there was under license?—I scarcely say that ; but there are more people doing business in the county to-day than there were under license.

14454. Do you mean doing liquor business?—Yes.

14455. Are they doing as large a business?—I could not tell you, but I think some of them are doing a very much larger business.

14456. You really think there are more people now selling liquor in the County of Westmoreland than there were when licenses were issued?—I am positive there are.

14457. How can you show it?—I know that the last time licenses were granted in the town of Moncton there were fourteen granted ; the population has not increased very much since then.

14458. How long ago was that?—About 10 or 11 years ago.

14459. Has not the population increased in 10 years?—Not very much.

14460. Has not the population multiplied by three during the last dozen years?—No, it has not.

14461. I have an impression of that kind?—It is not so.

14462. What are the last census figures?—I do not know.

14463. Was there an increase in the last ten years?—There has been an increase, a steady increase, but the great increase took place prior to that.

14464. You say that there were fourteen licenses issued ten years ago?—Yes.

14465. Were there any illicit places then?—Very few, if any. Once in a while there would be one of those grog shops that has been spoken of.

14466. How many places are there now in Moncton where liquor is sold?—I do not know exactly.

14467. What is your impression?—Twice the number there were formerly, I think.

14468. Twice fourteen?—Yes.

14469. Is that of your own personal knowledge, or from hearsay?—I know that as a matter of fact.

14470. Moncton in 1881 had a population of 5,032, Moncton in 1891 according to the census, had a population of 8,765, or an increase of nearly 4,000 people in ten years?—That is not double. I am speaking about ten years.

14471. You said you did not think there had been very much increase in population during the last ten years. Did you also say this, that when the licenses were last issued there were fourteen granted and that was about ten years ago?—Ten or eleven years.

14472. And did you not say there had not been much increase in population since then? The records show that there is a difference as between 8,765 and 5,032, which means 3,733?—Yes.

14473. The population has not quite doubled?—You asked me if they were three times as many people here now. I told you that the population was certainly increasing, but I did not think it had increased so much.

14474. You think there are double the number of places now selling illicitly as there were selling under license?—Yes.

14475. Do you think there were any illicit places then?—There may have been some instances perhaps of illicit sale.

14476. Do you suppose there were a dozen illicit places then?—No.

14477. Or half a dozen?—It would be possible ; there were no convictions.

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14478. It has been given in evidence that there were a considerable number of places selling when the license law was in force?—I have no doubt that was given in evidence.

14479. You say there are now twenty-eight places where illicit sale is carried on in this town. Do you speak from street rumour or from your own knowledge?—From my own knowledge. I have knowledge of over twice fourteen.

14480. Of over twice fourteen in Moncton where the sale of liquor goes on regularly?—Yes, and known to almost every inhabitant of the town.

14481. Is any sort of effort made to prevent this illicit sale?—I do not know what you call an effort.

14482. Is an attempt made to prevent it?—I have not tried to enforce the law.

14483. Does any body try?—I do not know.

14484. You say that you, as a lawyer, have defended violators of the Act?—I did not say they were violators.

14485. What did you call them?—Persons charged.

14486. Alleged violators?—Yes.

14487. Does the fact that persons have been charged with violations show there has been an attempt made to enforce the law?—I suppose that would follow.

14488. Then from your knowledge, there has been an attempt made to enforce the law?—It might and might not. It might not be a voluntary act on the part of the person who made complaint. It might be compulsory on his part, in order to prevent his dismissal.

14489. Has that been the state of things in the town?—It might be.

14490. Is it a possibility?—It is quite probable; I think it is a little more than probable.

14491. It is more than probable that an officer made complaint in order to prevent his dismissal. Who would bring that pressure to bear on him?—The Council, or the Police Committee.

14492. Do the Police Committee, in insisting on an officer laying complaints, represent the feeling of the town?—I do not think it.

14493. Why should they do that?—There is an element of the population who think it is necessary to prosecute the people who are supposed to sell liquor under the Act, as well as to bring persons forward to give evidence, supposing them to have got drunk there, when neither supposition is true.

14494. It is a very nice point if the Police Committee insist on complaints being made unless they know they have foundation, and unless they are satisfied that public opinion requires this action from them?—The members of the Committee in many instances have pledged themselves to some of their constituents that they would enforce the Scott Act.

14495. Why did the constituents exact that pledge from them; did the constituents want the Scott Act enforced?—I presume so.

14496. Does that mean there is a desire on the part of the people to secure the enforcement of the Act?—I do not think they desire the enforcement of the Canada Temperance Act, but I believe they desire some means whereby to abolish the sale of liquor.

14497. They want to make a show of enforcement?—No, I think it would be for the purpose of abolishing the use of liquor in the town.

14498. Then the feeling of the people is in favour of abolishing the sale?—I think so.

14499. That even had its effect on the Police Committee, and they brought pressure to bear on the officer, who did not want to make charges, but he did make them lest he should be dismissed?—I think that is the way in which it was brought about.

14500. Does the fact that fines to the amount of \$1,900 have been imposed, indicate that there has been any attempt made to enforce the Act?—Yes, there has been an enforcement.

14501. You said that there had not been any attempt made?—I apprehend there is a difference between an attempt being made and enforcing the Act by securing convictions occasionally.

G. P. THOMAS.

14502. Could there be enforcement without an attempt being made?—It is the actual consummation of that which you regard as an attempt.

14503. Conviction is the consummation of the attempt?—I presume so.

14504. Would not conviction prove the attempt?—Yes.

14505. And conviction has been obtained in many cases, and fines to the amount of \$1,900 have been imposed and \$600 collected during seven months of the year?—I do not know that.

14506. That is in evidence, at all events, and I suppose you will accept that as proof that at least an attempt was made to enforce the law. Yet you say there is a great deal more liquor sold now under the Scott Act than there was formerly under license?—The Scott Act has not stopped the sale of it, nor the use of it.

14507. Has it stopped the sale in any degree?—I do not see how it possibly could.

14508. Has it restricted the sale?—I do not see how it could restrict it. The same persons are engaged in the traffic and their doors are open to the public.

14509. Have any persons been forced to leave the town on that account?—I do not know of any.

14510. Have any persons been compelled to sell less openly?—I think at one time perhaps they did get up a system of partitions so as to shut off the bar. That was some years ago, but they got over that scare and took down the boards.

14511. You have said there are people who have grown rich from the traffic? Do you know any persons who are getting rich to-day from the traffic?—I do.

14512. Are there many?—I know that almost all those engaged in the traffic are making money.

14513. Do you know if any persons are getting poor as these illicit dealers are getting rich?—I suppose if any one is foolish enough to expend his wealth on them, he will not have as much money at the end of the year as he had at the beginning.

14514. You think it is foolish to spend money in that way?—Yes.

14515. You think there are men in the Council who are carrying on the illicit trade and are accumulating riches?—I think so.

14516. Do you think they are doing it to the same extent as under license?—I think perhaps not so much; they are not making money so rapidly. In my opinion, competition is more keen now than it was under the license system, and there are more selling and that reduces the profits.

14517. Do you think the enforcement of the law, even in an imperfect way, interferes in any degree with the profits of the trade?—Not very much.

14518. Take the fines imposed. Have you reason to believe, as has been suggested to the Commission at some places, that there is collusion between illicit sellers and the officials to this effect: that after the sellers have paid a certain number of fines, they will not be punished further, and the amount so paid stands as a high license fee?—I have heard that rumoured, but I do not think it would be possible for that state of affairs to exist without my knowing it.

14519. You do not believe the Scott Act can be enforced, and you favour its repeal?—I have known it tried in almost every locality where it has been carried, but I have never known the Act to be enforced.

14520. Do you mean absolutely enforced?—I mean so that parties charged with violations of the Act are closed up, and not only those parties but other parties that might endeavour to continue the sale. I call that closing up the places, but I have never known it to be done.

14521. Would you regard anything less than the absolute prevention of the sale of liquor as enforcement?—No, because if the Act was enforced to the letter, there would be no liquor sold.

14522. So if 20 men were in the trade and 19 of them were driven out and one man continued to do business with more or less success, you would not call that successful enforcement?—There are other avenues by which persons can get all the liquor they desire without buying it from persons who are, as you say, illicitly selling it.

14523. Then you believe the Canada Temperance Act cannot be enforced?—I do not think it is possible with one set of officials.

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14524. Do you believe a general prohibitory law could be enforced?—You would have the same difficulty, if not greater difficulty, than you have now.

14525. What greater difficulty?—The desire on the part of the person who sold to sell it to individuals whom he knew would not tell, a desire on his part to continue in the trade if he were sure the persons purchasing would not give evidence against him.

14526. Would not the risk be greater under a general prohibitory law than under a provincial law?—That would be equalized by the profits being large.

14527. Then you do not think a prohibitory law could be enforced?—I have had experience of many liquor laws with that result.

14528. What is your experience?—I know that they have not been enforced.

14529. Have you lived in the State of Maine?—No.

14530. Have you visited there?—Yes.

14531. For any length of time?—I have been in the State two or three weeks at a time.

14532. In different parts of the State?—In several parts of the State.

14533. Did you find any enforcement of the Maine law at all?—I saw several persons pretty well filled with liquor, and I know people were selling in some places. I know that I have been at the Bangor House for several years, and I have never been there that the bar-room was not open to any one who wished to go in; but instead of going up stairs, as at Moncton, you went down stairs into the cellar. The bar was fitted up with rows of barrels on each side. I was there not a year ago.

14534. Do you believe that your observation and experience of Maine are sufficient to warrant you in stating that the prohibitory law is a failure?—I am positive it is a failure, unless you mean that selling liquor in bar-rooms, where they have no license to sell, is not a violation of the prohibitory law.

14535. Do you believe your experience is such as to warrant the statement that the law is a failure?—It is a failure. You can buy liquor in any one of those towns in Maine.

*By Mr. Clarke:*

14536. Have you had experience in the Maritime Provinces generally of the operations of the Scott Act since it came into force?—Yes.

14537. General experience throughout the three Provinces?—Yes.

14538. For about ten years?—Yes. It was adopted in this County almost at once after the passage of the Act—next to Fredericton, I think.

14539. And you have had an opportunity of seeing the effects of the Act generally throughout these three Provinces?—I have defended over 700 cases.

14540. And at what conclusion have you arrived?—That there are more places selling to-day than when I first started; they are selling in the very localities where I defended their cases.

14541. Did I understand you to state that there are more places selling liquor now illegally than were selling both legally and illegally before the Scott Act became the law?—I did. There are more places selling liquor in Moncton and the villages in the county than there were selling by license, and by illicit sale under the License Act. No doubt that is the condition in this County to-day.

14542. To what do you attribute this deplorable state of affairs?—To the impossibility of enforcing the Scott Act.

14543. Would it make much difference whether the city appointed special officers to enforce the Act, or the county appointed officers or whether officers were appointed by some other authority?—They cannot carry out the law in the county. Mr. McCully is employed by the year, but he is one of the men who is not admitted into bar-rooms, while a gentleman of my calibre will be admitted at once.

14544. Then the Act is restrictive so far as Mr. McCully is concerned—it does not admit him?—Yes.

14545. Do you think if Mr. McCully were not the prosecutor, he would gain admission?—I do not think he goes to bar-rooms.

14546. Do you think he could do so, if he wanted to do so, if he were not the prosecutor?—Yes.

G. P. THOMAS.

14547. What do you think of the proposition that the Parliament of Canada should appoint officers to enforce the Scott Act?—It would be very unfair, unless the fines went to the Dominion.

14548. They would, I suppose. But would it be fair, if the fines were not found sufficient for the purpose, to tax people elsewhere than in these places where the Act is the law, to pay the expenses of compelling the observance of the Act here?—I think it would be very unfair.

14549. Do you know anything of the observance of the Scott Act at Sackville?—I do.

14550. How has it been observed there?—There has not been much difference for about 20 years.

14551. How is it observed in Sussex?—I was there last week and defended Whealen.

14552. How is the Act observed there?—I do not know as to the quality of liquor sold, but there is plenty of it.

14553. How is it at Amherst?—That is in Cumberland County, Nova Scotia. There is the same difficulty there as exists in every section of the Province where the Act is in force. They have complaints made and charges preferred and convictions and imprisonments. In Springhill I know of one man who is now going through the farce of third offence charges being made against him every week, and the authorities cannot catch him.

14554. He must "work the tiger"?—Yes.

14555. They do not require a "tiger" in Moncton?—Not at all; sale is quite open.

14556. Would a stranger know that the sale of liquor was prohibited, unless he had been previously told?—Everything connected with the bar is more respectable now than it was under license. There is more liquor sold and there are more opportunities for selling it than under license.

14557. The City Marshal has stated that during the last eight years there have been fines imposed in the neighbourhood of \$9,000, which would not be more than \$100 fine for each person per annum?—No.

14558. It would not be \$50 each, if there were as many unlicensed places as you say?—Yes.

14559. Then in your opinion, the law has been very loosely observed, and is even a dead letter here and elsewhere throughout these provinces?—Yes.

14560. And especially so in the towns?—Yes, but more so here than in Northumberland or any other place. I remember in Albert the Act came into force; the authorities would not grant licenses and there was absolute prohibition. But this did not continue long after the Act was in force, and five or six months afterwards my principal was sent to defend people charged with violations of the Scott Act, and that in a county where the people were so strongly in favour of prohibition they would not grant licenses. Immediately after the Scott Act was brought into force, the people were not satisfied with the condition of things; dealers began to sell liquor and they are selling it now.

14561. Then, you think it is impossible to enforce the Scott efficiently?—I think, if you take places where liquor has never been sold, but where the Scott Act has been put in force, you must consider it peculiar that people have been induced to commence the sale of liquor there. I know that the people in Kent, where there is license, come to this county generally to get their liquor supplies.

14562. Is that the county which Commissioner McLeod has had compared with Westmoreland?—I do not know any more orderly people in any county in this Province. I will say this for Kent, and I will be corroborated, if necessary, by the whole people, that there is no more orderly county in the Province than is Kent, and there is less drinking there than in any one of the counties where the Scott Act is in force.

14563. How do the convictions for drunkenness in Kent compare with the convictions in Westmoreland?—I do not know any cases, except two, where people were fined for drunkenness.

14564. Are the people fined for drunkenness in the rural districts?—I know of no cases.

14565. Do you consider that Kent, under the License Act, compares favourably with Westmoreland under the Scott Act?—The Act itself is more prohibitive.

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14566. Do you mean the License Act?—Yes. The Act itself gives absolute prohibition in any county where the parties choose to vote for it.

14567. You now refer to the prohibitive clauses of the License Act of the Province?—If the Municipal Council wish, they can vote to have no licenses issued.

14568. Is the county under license?—Yes.

14569. How does it compare under license with counties under the Scott Act?—There is not as much liquor sold according to the population. There are whole villages, with quite a number of people, where no liquor is sold at all.

14570. The Commission can obtain a criminal return of the convictions for drunkenness?—I never knew one in the county outside of the incorporated towns.

*By Mr. Gigault :*

14571. What about the 12th of July? Is it true that the City Marshal published a notice calling upon all bars to close on that day. Here is the advertisement in the *Moncton Times* of the 11th :

“CAUTION.—All proprietors of bar rooms are notified to close their respective places of business on Tuesday, July 12th.—CHARLES FOSTER, *Police Marshal*.”

—Yes. It is quite customary for places where liquor is sold to have a notice put up, to this effect : “This bar is closed on Sunday.” This was the custom in all these places some time ago.

JUDGE McDONALD announced that a communication had been handed in to the Commissioners, and they would retire to consider it.

The Commissioners withdrew.

On returning to the chamber,

JUDGE McDONALD said : It was announced to-day that the Commission would not sit longer than six o'clock this evening. An application has been made to have the evidence of a certain number of additional witnesses taken, and the Commissioners, having considered the matter fully, have resolved to adopt this course : We will sit another hour now, so as to give more time for witnesses to be called, and we still take the same course we have adopted elsewhere, and go on with the witnesses in regular order. In regard to the question as to the appointment of the dates for holding the sittings of the Commission, I may state that only one of the Commissioners possessed any knowledge of this province, and he, acting as we believe on the very best information that he possessed, named this day for the purpose of holding the sitting here. His brother Commissioners concurred with him, and therefore this day was fixed. The Commissioners have decided to give an additional hour in order to secure further testimony.

MR. CLARKE.—It is desirable to state that the dates, places and length of sittings were all arranged by the gentlemen connected with the Commission who represent the Maritime Provinces, and the Commissioners concurred in the recommendations. That is the position of affairs.

JUDGE McDONALD.—I may state further that, so far, we have found the places named and the times allotted have been satisfactory for our purpose. The Commissioners will now hear the next witness.

JOHN T. HAWKE, of Moncton, journalist, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14572. How long have you been a journalist at Moncton ?—Five years.

14573. Has the Scott Act been in force all that time ?—Yes.

14574. Have you had an opportunity of observing the working of it ?—I have.

14575. What do you think of its working ?—Its operation has been fairly successful.

14576. The Commissioners desire to be as brief with you as we consistently may, and at the same time allow you to give full evidence. No doubt you have heard the evidence given by witnesses as to the number of places in which liquor is now sold. Do you think those statements are correct ?—I think the statement is correct in regard to the number of places where liquor is sold ; but the Scott Act is as fairly well enforced as is the law against stealing or any other law.

14577. We are told there are twelve places engaged in illicit selling. Do you think as many people are engaged in the business of stealing ?—More.

14578. With whom it is a regular business ?—As much a business with them as it is with those people selling liquor.

14579. Have you had any connection with the enforcement of the law, either as a citizen or officially ?—Not with the enforcement, but with the adoption of the Act.

14580. Do you think the officers have done their duty ?—I think the officers have done as instructed by the Council.

14581. You have heard the evidence given, and the statement of the Chief of Police, that instructions were given to him each year by the Chairman of the Police Committee, directing him to see that the law was enforced. Do you think that the Chief Marshal has done his best, as far as could be reasonably expected of him, to enforce the Act ?—I think the present Marshal has done as much as could reasonably be expected. I think that in preceding years the Act was not well enforced, with one exception, and that was about 1888, when the repeal movement was defeated.

14582. Then the Act was more stringently enforced ?—Yes, for awhile.

14583. Have you found from your experience that the enforcement is, to a certain extent, spasmodic ?—Yes.

14584. I suppose the same remark applies to other sections of the country ?—It applies to the other laws : to the law against tramps, for example, at the present time.

14585. Is there at present a very vigorous effort being made to enforce the law in this section of the country ?—Yes.

14586. Have you any suggestions to offer to the Commissioners in the shape of amendments to this Act, with a view to making it more workable ?—I favour very strongly the suggestion made by a Judge in Fredericton, that we should have some expeditious plan of dealing with appeals. There is no question that the operation of the Scott Act in the Maritime Provinces has been blocked very largely by the apparent hostility of the Judges, as represented by their decisions, and by their granting stay of proceedings. I find in the *St. John Telegraph* of July 26 this paragraph :

“ IN CHAMBERS.—Mr. A. I. Trueman applied to Judge Palmer, yesterday, for an order *certiorari* in the case of *ex parte* Brownell and *ex parte* Fillimore. These cases were Sackville Scott Act convictions made by Stipendiary Magistrate Cahill, the parties being Mr. Fred. W. Brownell and Mr. George Fillimore of the Intercolonial Hotel. The first was convicted for keeping liquor for sale, and the latter for that, and for selling by his bartender. Mr. Trueman held that two persons could not be fined for keeping the same liquor for sale at the same time, and that Mr. Fillimore should not be convicted of selling by his bartender when he had been summoned on a personal charge. His Honour said that he did not think he could set aside the convictions against Mr. Fillimore at all, and that if both had been convicted for the same offence during the same period of time he would not have granted the order at all. But he said he would grant the orders in each and let them all go up to the Supreme Court together.”

There are cases where Judges think a certain application should be denied, but they practically grant an order for a stay of proceedings. The experience of the temperance people in this and other counties of New Brunswick has been that the Judges,

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especially Judge Palmer, have ordered stay of proceedings again and again, apparently on the most trivial grounds, and the effect of that course has been to discourage the temperance people.

14587. Do you think it desirable to adopt the course suggested to-day, of having an appeal from the Magistrate direct to the County Court Judge in chambers, who should try the case and dispose of it?—The difficulty has been that many of the appeals have taken two years and even longer before decisions have been arrived at. In the meantime the parties in connection with the cases may die or leave the country. There is another aspect of the question, and it is this: bearing in mind the whole circumstances connected with the enforcement of the law, it must be remembered that the temperance people have not that direct monetary interest in the enforcement of the law which people interested in the liquor traffic possess; and while the funds in connection with appeals have to be provided out of the pockets of the temperance people, who have no direct pecuniary interest in opposing the traffic, the funds for blocking proceedings for the enforcement of the Act are supplied by people who have a direct interest in preventing its enforcement. That has been the way all through. Another difficulty found in this province, so far as the Judges are concerned, has been this, that the personal habits of some of the Judges, as manifested in the courts, have been such as to cause them no longer to enjoy the confidence of the people. We have had cases of intoxication on the part of Judges in this county, while discharging their duties on the Bench.

14588. Do you mean in Scott Act cases?—In cases generally. This is a notorious fact; and the effect has been, as regards a large number of the temperance people, to destroy their confidence in the Judges. It is a very unpleasant state of affairs. In the case of Judge Fraser, he was intoxicated at a court held by himself in this county.

JUDGE McDONALD.—Pardon me, Mr. Hawke. I felt great difficulty, when you made a general statement as regards the Judges, in even permitting you to go that far; but I was restrained by a feeling of delicacy on my part as a Commissioner in interfering. I may say, however, that the Commission cannot and will not allow a statement of that kind to be made regarding an individual Judge, particularly in regard to a matter that is not immediately connected with the administration of the Scott Act cases, without expressing their entire dissent from it. You will understand the position of the Commission.

WITNESS.—I understand the position exactly.

JUDGE McDONALD.—We will not allow such statements to be made. We have found it necessary in all cases not even to allow names to come in the evidence, much less the name of a Judge of the Supreme Court of New Brunswick.

WITNESS.—I understand the ground you take. I understand also that I have to give full evidence, and state the reasons why we have experienced difficulty in this province in enforcing the Scott Act; and I desire, whether rightly or wrongly, fully recognizing the importance of the oath I have taken, to do this; and I have recognized that one of the difficulties in connection with the enforcement of the Act is with respect to one of the Judges of the Supreme Court.

JUDGE McDONALD.—The gentleman whose name you have mentioned occupies a very high position as a Judge of the Supreme Court of this province, and he occupies a very high position otherwise; and I must only charitably suppose that you are labouring under a mistake in regard to the state of facts to which you have referred.

WITNESS.—I have made the statement under oath, and I am liable to be prosecuted for it.

JUDGE McDONALD.—Do you make it under oath now?

WITNESS.—I take the opportunity of making it under oath, so that I may be prosecuted for it.

JUDGE McDONALD.—Have you taken any steps to bring this matter before the attention of the Dominion Government?

WITNESS.—I made the charge previously in my newspaper.

JUDGE McDONALD.—The same charge you have made here?

WITNESS.—The same charge. I have made it on an affidavit or declaration before the Supreme Court, but the Judges ordered it to be struck out, and would not investigate it.

JOHN T. HAWKE.



JUDGE McDONALD.—Do you make it with the view of having an investigation held.

WITNESS.—With the view of having an investigation.

JUDGE McDONALD.—It is not germane to the investigation, and a statement of this character, made against a Judge occupying a high position, cannot be allowed to pass. I will have an official copy of your statement, made under oath, forwarded to Judge Fraser.

MR. CLARKE.—I think it is time the people should know all about this charge.

JUDGE McDONALD.—I shall consider it my duty to have this statement, and the remarks made upon it extended, and a copy sent to Judge Fraser. If you, Mr. Hawke, wish to have a copy, it shall be given to you.

WITNESS.—I have no objection.

MR. CLARKE.—This is the same Judge with whom you had trouble, before, Mr. Hawke?

WITNESS.—Yes; the charge was not investigated.

JUDGE McDONALD.—I may state from my own personal knowledge of Judge Fraser that you, Mr. Hawke, must be labouring under an error in regard to this matter. I do not dispute what you say.

WITNESS.—I think it has a bearing on the subject that is being investigated. I understand the investigation is a privileged one under any circumstances, and that evidence given and statements made are privileged.

MR. CLARKE.—You do not ask to be exonerated from responsibility?

WITNESS.—No, not at all.

JUDGE McDONALD.—I may state to you that no statement made here by any witness is privileged; but if any witness is called upon to answer any question he thinks would have an injurious effect on himself, he may claim the protection of the Commission, and that would be extended to him.

WITNESS.—What I meant by privileged was, that if I made statements here, they were privileged statements.

MR. CLARKE.—I object to the withdrawal of the statement.

JUDGE McDONALD.—The responsibility remains on any one, just as if the statement were made anywhere else. We will now proceed with your evidence, Mr. Hawke.

[Examination resumed.]

14589. Are there any other amendments you could suggest to the Scott Act?—I think the Act would be better enforced by the appointment of special officers to see to its enforcement.

14590. How would you have that officer or officers appointed?—I am not strongly in favour of either Dominion or Provincial appointments, but an appointment by either Government would be preferable to an appointment by the County Council.

14591. How do you propose to meet the expense?—I think it should be provided out of the general funds, and it should be provided by the appointing power.

*By Mr. Clarke :*

14592. You know the Ontario Act, I presume?—Yes.

14593. Is not that a better course to adopt, that is so say, the Government to appoint an officer and call on the municipalities to provide the funds?—Yes, that was the way it was done. It must be remembered, however, that in these Maritime Provinces the conditions are different from those prevailing in Ontario. In this province the people are accustomed to look to the local Government, whereas in Ontario municipalities are more independent. For instance, our roads are maintained out of the general funds, whereas in Ontario the municipalities maintain them. The conditions of the province are different.

14594. What bodies erect the county buildings and jails?—The counties.

*By Judge McDonald :*

14595. You have a knowledge of the condition of things generally, I suppose. Would it be an unreasonable burden to impose on a community which votes in favour

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of the Scott Act that it shall provide whatever sum may be required, in addition to the funds derived from convictions, to thoroughly enforce the Act?—No more than that the counties should be asked to provide for the enforcement of any law. I do not see any difference in the case.

*By Rev. Dr. McLeod :*

14596. You are a newspaper publisher, I believe?—Yes. I publish the *Transcript* in this city.

14597. How many persons do you employ in your establishment?—The average is from 10 to 18.

14598. You have a regular printing office?—Yes.

14599. What is your rule in regard to employment of hands, as to their being total abstainers?—We have no rules, but I give preference to total abstainers always.

14600. Is that because they are safer employees?—They are more steady in their employment and are more reliable in every way.

14601. In regard to working your machinery and presses: do you think total abstainers are better hands?—I think there is no comparison between the two.

14602. Have you had any trouble with your men?—Yes, I have had difficulties, like all other employers, with drinking men.

14603. How does the drink habit effect men as employers?—It is very prejudicial to business men, causing loss both directly and indirectly.

14604. As a newspaper man, have you a very good idea of the public sentiment on this question throughout your constituency?—Yes; as regards Westmoreland and Albert especially.

14605. Also in regard to Cumberland?—Somewhat in that county.

14606. What is your idea of the sentiment of the people in respect to prohibition?—The overwhelming sentiment in Westmoreland and Albert is in favour of total prohibition, and the sentiment is much stronger in favour of total prohibition than it is in favour of the Scott Act.

14607. How do you account for that circumstance?—I find men like the last witness and also hotel-keepers who tell me they are in favour of prohibition, but are opposed to the Scott Act.

14608. So they think prohibition more easily enforced?—They think it a more logical law, for some reason or other, than the Scott Act.

14609. Are you able to compare the Scott Act, as you have observed it in Moncton and Westmoreland and Albert, with the license law?—Yes. I lived in Ontario a great many years, and especially in Toronto, and as a journalist in those cities I had opportunities of learning much in regard to the enforcement of the license law. My opinion is that the Scott Act is as well enforced in Moncton as what you may call the restrictive clauses of the license law are enforced in Ontario, in Toronto or other cities or towns of the province. I also lived in England for many years, and I think if anything the enforcement of the Scott Act is superior to the enforcement of the restrictive clauses of the license laws in England.

14610. Do you believe that well enforced national prohibition of the manufacture, importation and sale of intoxicating liquor would benefit the country in its business interests and social life?—I think it would benefit the country financially, commercially and morally.

14611. What effect would it have on the commercial interests of the country?—I think the effect on the commercial interests would be most beneficial, because the liquor traffic is a business which destroys other businesses. It causes loss of time and labour; it causes men to cease to earn, and in the aggregate a country with a very large drinking population would not earn as much from industry as a country with a much less drinking population or community.

14612. Supposing the manufacture and sale of intoxicating liquor should be prohibited, what would occur as regards the capital invested in it?—The same as occurred in regard to capital invested by slave-holders in slaves—they would have to lose it.

JOHN T. HAWKE.

14613. Do you think the capital invested in distilleries and breweries would find other and profitable employment?—I think there would be a temporary loss, as there is in any industrial change; but compensation would occur. I was in former years in favour of granting compensation; but I have since then arrived at a more mature conclusion on the question, and I am now opposed to granting compensation. I think that, logically, a strong case cannot be made out.

14614. So you prefer, as between the several modes suggested of dealing with the liquor question, that of enacting a general prohibitory measure?—I believe in total prohibition. I think that the State ought not to license, and that it is immoral to license an immoral traffic.

14615. Take the law here and elsewhere which prohibits the sale, and then admit that violations occur, how do you suppose the law is affecting the community?—I do not think it affects the community to any appreciable extent.

14616. Do you think that laws for the restriction of evils do anything towards creating public sentiment against those evils, even though those laws are violated?—I certainly think they educate public sentiment in favour of restriction.

14617. Do you think the effect of the Scott Act has been such in Moncton, in spite of violations of the law?—In spite of violations, the tendency has been to make not only the drink habit but the drink traffic disreputable.

14618. What leads you to believe that the people are more favourable to the Scott Act now than they were at the outset?—Because of the increasing number of votes given in its favour, as shown at the different elections in Westmoreland.

14619. How many elections have there been?—Three. The original vote was taken in 1879. There were 1,082 votes given for the Scott Act and 279 against. In 1884 there was a vote taken for the repeal of the Act. There were 1,774 votes for the Act and 1,701 against it. In 1888 a second repeal election was held. There were 2,446 votes for the Act and only 1,698 against it, an actual reduction in the number of votes polled against it during four years. I find on comparing the returns of the Scott Act election in 1888 with the returns of the Dominion general election in 1887—the two elections taking place on the same list, the only difference being that the list when used for the Scott Act was one year older than that used for the Dominion election, and therefore there must have been an increase of the number of absentees or dead names on the list—the following results:—The number of votes polled at the general election of 1887 was 6,043 out of 7,377, while at the Scott Act election in 1888 there were polled 4,162 votes out of 7,377 nominally on the list.

14620. You think that is a fair expression of public opinion?—Yes. I think if we allow for the natural increase and the number of dead names on the list, there was not a vote of an actual *bona fide* voter polled on the Scott Act less than was polled at the general election of 1887. I find, moreover, that the candidate at the Dominion elections in 1887 was elected by 542 majority, and I have never yet heard any one object to that as being an unsatisfactory expression of public opinion. In 1888 the Scott Act was sustained by a majority of 782 votes.

14621. Then the Scott Act had a greater majority than the member of Parliament?—Yes, than the member for the Dominion Parliament secured in 1887.

14622. The Scott Act won?—Yes, there was a much larger majority, although a somewhat smaller vote was polled.

*By Mr. Clarke :*

14623. Did I understand you to say that the Scott Act is as well enforced in Moncton as the law against stealing?—Yes.

14624. Do you know there are from 12 to 28 places where liquor is being sold here?—I have heard the testimony to that effect. I compare the difference between 14 and 28, or say 10, as the difference between 10 regular thieves and 10 boys who go into an orchard and steal apples.

14625. Are there 10 people who day after day steal in this city, and who are known to the public as doing so, and yet no attempt is made to arrest them and stop their proceedings?—There are attempts made to put a stop to thefts, because there are almost every week arrests for theft.

## Liquor Traffic—New Brunswick.

14626. The same persons day after day?—Not day after day. I do not know that the same people are brought up day after day for violations of the Scott Act.

14627. But you think the law in regard to stealing is being flagrantly violated every day—perhaps flagrantly would be a wrong word to use?—I say I believe the Scott Act is as fairly well enforced in Moncton as is the law against stealing.

*By Mr. Gigault :*

14628. What was the majority in Moncton when the Scott Act was adopted?—I do not know the returns at the first election ; I have not the whole returns. I can tell you what the majority was in 1888.

JUDGE McDONALD.—I wish to say to you, Mr. Hawke, that as your statement respecting one of the Judges may have been made in a moment of excitement, if you wish now to withdraw it, we shall have the whole of that part of the evidence struck from the record.

WITNESS.—I could not withdraw it, in justice to myself.

MR. CLARKE.—I object to the statement being withdrawn.

JUDGE McDONALD.—Do you, Mr. Hawke, still decline to withdraw the statement you have made?

WITNESS. I believe the statement to be true.

ROBERT A. BORDEN, of Moncton, barrister, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14629. How long have you practised law in Moncton?—Nearly twenty years.

14630. Then you have known Moncton both under the Scott Act and under the license law?—Yes.

14631. Have you had anything to do officially with the enforcement of the Act as prosecuting Counsel?—No.

14632. Have you had anything to do with the operation of the Act as a barrister, professionally?—No, very little.

14633. Then you have neither prosecuted nor defended many cases?—No.

14634. Have you had any opportunity of observing the working of the Act in this community?—Only as a general observer.

14635. How have you found it to work?—I cannot say that, so far as my observation goes, it has effected anything in the way of suppressing the sale of liquor. There is liquor sold now, as there has been under any other circumstances.

14636. Do you think it is sold in as many places?—Yes.

14637. There was a statement made here by the Chief Marshal of the town, that there were ten or twelve places where liquor was regularly sold. Do you think that is correct?—I should think so, and even more places.

14638. Do you know anything of the operation of the Scott Act in the county?—Only in passing through. I have been in a number of places, Dorchester, Shediac and others.

14639. How do you find it working in those places?—The bar-rooms in the hotels are always open. I have never been at any places where it was not so.

14640. Has there seemed to be any difficulty on the part of the people in obtaining intoxicating beverages at those places?—No, the bar-room is open for general use.

14641. Dorchester is the county town, I believe?—Yes.

14642. And the Assize Court is held there?—Yes.

14643. Are there any amendments you could suggest to the law to make it more workable?—No. I possess hardly sufficient familiarity with the procedure to suggest any amendments.

JOHN T. HAWKE.

14644. From your knowledge of the law, would there be any difficulties in the way of the authorities appointing an Inspector to enforce the law, if they wished to do so?—No; there would be no difficulty in doing so. It would be largely a question of finance.

*By Mr. Clarke :*

14645. How long have you resided here?—Nearly twenty years.

14646. Then you were here before the Scott Act became law?—Yes.

14647. Do you remember how many licensed places there were at that time?—They were some ten or twelve licenses granted.

14648. Do you recollect sufficiently clearly to be able to make a comparison between the existing state of things and the conditions which existed under the license system?—I do not notice any material difference.

14649. You do not notice any material difference between the present condition and the condition under license?—Not in regard to the consumption of liquor or the facilities for obtaining it.

14650. As a resident of Moncton, have you any hesitation in declaring that the law is continuously violated?—It is.

14651-52. Have persons coming into the city any difficulty in procuring liquor if they wish it?—They have no difficulty.

14653. There are open bars?—I have seen them open in a number of places.

14654. Are offences against the Canada Temperance Act more or less flagrant than offences against the laws relating to taking other people's goods, stealing, for instance?—Most decidedly.

14655. Is the law against stealing as flagrantly violated as the law against selling liquor?—No, we very seldom hear of cases of stealing; that is in comparison. In fact, I do not know that we have more than one or two cases of theft a week or even a month.

14656. It would not be possible for ten, twelve or more people to be steadily, continuously and flagrantly violating the law regarding theft by taking other people's articles of property; but, I understand you to say, that numbers of hotel-keepers sell liquor contrary to law, and are not brought up before the courts and punished?—Quite so.

14657. Do you think it possible to enforce the Scott Act?—I am not prepared to give an opinion on that point. I can only judge from past results, and it does not appear to me that it can be done, unless some better means are devised for enforcing it.

14658. Can you suggest any better means which could be taken?—I do not know of any.

14659. Would the appointment of an official by the Dominion, charged with the enforcement of the Act, be an improvement?—It would depend a good deal on the kind of man who was appointed, and in fact I do not know that it would make very much difference. It might be an improvement if an individual was appointed whose sole business it was to look after the enforcement of the Act, for he might be able to do this more closely than is done now.

14660. Is the sentiment of the city overwhelmingly or strongly in favour of the enforcement of the Act?—There are a large number of people in the city who are strongly in favour of the enforcement of the Act, and there are a large number who are indifferent about it and do not take any active part in it one way or the other. I would not say there was an overwhelming majority of the people in favour of the Act.

14661. Is there a majority of the people of the city in favour of the Act?—I am not prepared to say.

14662. Are there any legal obstacles in the way of the City Council appointing special policemen or inspectors to enforce the Act?—There are no legal difficulties in the way.

14663. Do the Council reflect the opinion of the citizens in not appointing a special officer?—I think it is a financial question. The question comes up under the vote for supplies at the annual meeting of the Town Council. The Council vote a certain appropriation for police purposes, and of course the City Council have only a certain amount of money with which to pay the police.

## Liquor Traffic—New Brunswick.

14664. Do not the Council prepare the estimates?—Yes; they prepare the estimates. We have, however, a town-meeting; a statement is prepared of how much money is required, and the electors decide how much money shall be voted for expenses during the year for each particular purpose.

14665. So there is a vote taken for the police appropriation?—Yes. There is so much voted for the police each year by the electors.

*By Judge McDonald:*

14666. Suppose there is an estimate submitted, showing that \$2,000 are required for the police, how would the expression of the feeling of the electors be obtained in regard to that?—There would be motions made, and no doubt an elector would move that an appropriation of \$1,000 be made, or \$1,500 for the police. The matter is decided at a public meeting.

14667. Is the amount voted decided by a show of hands?—Usually by a show of hands, unless some one wants a division taken, and then the meeting divides.

14668. So there is an opportunity given every ratepayer every year to propose that money be voted for the appointment of an officer to enforce the Scott Act?—Yes.

14669. Has such a movement yet been made?—I have never heard it specially mentioned. There is always an appropriation made for police purposes.

14670. As an old resident of Moncton, do you think the police force is sufficient for all the purposes in the town?—I do not think it is, if the people expect the Scott Act to be enforced.

14671. Did you hear the evidence given by the City Marshal this morning?—Yes.

14672. He said he was the only officer on duty in the day time?—Yes.

14673. Surely he cannot be expected by the people to look after the prosecutions under the Scott Act and do the general business of superintending the force in the performance of other duties, and all kinds of business?—I do not see how he can do it.

14674. Are people generally aware that he is the only officer doing duty during the day?—Yes.

14675. In the popular desire to have the Scott Act enforced, has any attempt been made to give him sufficient assistance to enforce the law, or to appoint a special officer whose duty it would be to look after the enforcement of the law?—Not that I am aware of.

14676. Do you attribute this fact to apathy, or to what?—It is due to economy, I think.

14677. Do you think the majority of the people prefer that the Act should be enforced as at present, rather than money should be raised for the purpose of efficiently enforcing it?—It is just in this position: When the appropriation comes up at the annual meeting, the people manifest their desire for economy, and they wish to cut down the appropriations as much as possible, so that the amount of taxes shall be as light as possible. When that is all over, and they come to think about enforcing the Scott Act, they remember that they have not sufficient money to attempt to carry it out.

14678. So the more rigid enforcement of the Act forbidding the sale of liquor is put to one side?—It is not thought of; I never heard it particularly discussed.

14679. Is there any reason why notice of motion should not be given at the next meeting of the City Council looking to the appointment of an officer to enforce the Scott Act?—The Council would have no money for the purpose of paying such an officer, at all events at present, and until they obtain an appropriation from the electors at the next annual meeting.

14680. When the estimates for the police are being considered and voted at the annual meeting of the ratepayers, is a certain sum estimated as that which will be derived from convictions for breaches of the law?—I suppose so.

14681. Then the sum necessary to pay the salaries of the police is not voted by the ratepayers; but it is only the sum required in addition to the fines that may be imposed for infringement of the Scott Act?—Those fines form a kind of general fund, and are devoted to miscellaneous expenses. A good deal of that kind of expenditure is supposed to come out of the general funds.

14682. The expenditure is made under the head of miscellaneous or necessary expenditure: and are not Scott Act fines put into that fund?—I do not say they are.

ROBERT A. BORDEN.

14683. How are they appropriated?—I do not know how those particular fines are appropriated.

14684. It would be possible to appropriate those fines for payment of another policeman?—They might be so appropriated.

14685. There has been no effort made, by the appointment of additional police or of an Inspector, to secure the more rigid observance of the Canada Temperance Act?—Not that I am aware of.

14686. And your experience as far as the city is concerned and the province where you have been is, that the law is not enforced?—Unless you call fining people enforcing it.

14687. Any one who desires liquor can procure it?—Yes.

*By Judge McDonald :*

14688. If, at one of the town meetings, the electors favourable to the Act petitioned the Council to submit an estimate for the payment of an Inspector, would they not do it?—I have not learned anything of that, I think it would be in the hands of the town.

14689. If a petition had been presented to the Council, would they have done it?—They have done nothing that I have heard.

14690. In what month is this town meeting held?—February.

14691. Is the Mayor elected at the same time?—No, in March.

14692. A new Council comes in and handles these estimates?—Yes.

14693. You have stated your view as to the fact that the amount of permitted stealing or theft in a city is not at all to be placed on the same footing with the permitted sale of intoxicating liquor?—Quite so.

14694. Suppose there were opened in this city, ten shops for the receiving of stolen goods, would public opinion permit them to go on?—No, I think they would not succeed.

14695. You think public opinion would require them to be closed?—Yes, certainly.

*By Rev. Dr. McLeod :*

14696. Do you think if the Scott Act or some general prohibitory law were well enforced, it would have a beneficial effect?—I think so.

REV. W. B. WIGGINS, of Moncton, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

14697. What is your calling or occupation?—Clergyman of the Reformed Baptist Church.

14698. You are pastor of a church in Moncton?—Yes.

14699. How long have you been pastor of that church?—Only a few years; but I have been a pastor working in the town for about seven years.

14700. But of that particular congregation?—Only three years.

14701. Have you observed the operation of the Scott Act in this community?—Yes. As secretary of a Citizens' Committee who were enforcing it at one time, I kept a record, and I have it with me; and I made some notes while I held office.

14702. How long did you hold office?—We were at it nearly two years, during the years 1886 to 1888.

14703. Did that body do what it reasonably could to have the Act enforced as far as possible?—Yes.

14704. Do you know whether that body at any time asked the Council to submit at the Town's meeting an estimate for the expense of an Inspector or other officer to carry out this Act?—I do not remember whether there was anything definite done or not. I know there was talk of appointing an Inspector, and a public meeting was called in regard to some such action; but I do not think anything was done.

## Liquor Traffic—New Brunswick.

14705. You do not think there was any requisition to the Council to have that done?—I do not think so.

14706. Was any movement made to have an estimate prepared for the purpose?—I do not know.

14707. Taking the two years of which you speak, how many complaints were made?—I have notes here of statistics of Moncton under license and Moncton under the Scott Act.

14708. From what sources have you gathered them?—From residents.

*By Mr. Clarke :*

14709. Can you get a statement from official sources?—I have tried, but I never could. From 1886 to 1888, a little more than a year and a half, or a little more than that, because we began sometime in September 1886 and ran on till September in 1888, the results were 161 prosecutions, 112 convictions, 49 cases dismissed; rum sellers' fines to the amount of \$2000 were collected; supplied by friends \$400. We paid out to lawyers, constables and other expenses \$1765. We promised to refund contributions to the friends who had subscribed, and we did so.

*By Judge McDonald :*

14710. You mean the fines were enough to enable you to pay the expenses?—Yes. Some said there were 65 and some 78 places where liquor could be obtained, but those who knew better said there were 25, and the Marshal said there were not more than 12. The liquor party tried to repeal the Act, and the vote stood 1,698 to 2,464, or a majority of 766 for the Act. The vote in the town stood 204 for repeal and 600 against repeal. Instead of liquor being publicly exposed for sale, as it was when we began, when we could walk down the street and see the bottles in the windows, so soon as we began work, the bottles were taken away from the windows and the blinds were closed, and those who sold liquor were at their wit's ends to know how they might sell. They resorted to dodges, such as a succession of clerks. For instance, one clerk would be here now and would clear out, and another would come in his place. There were places where you could get the liquor, pay your money and not see by whom it was supplied, or dealt out to you. These were the results of our actions. Some of these people had to leave the country.

14711. Are there any amendments to the Scott Act you could suggest from your experience?—Yes. One I would suggest is, that instead of having a second offence, the law should provide that there should be no such thing, but that after a first offence the next should be what is now called the third. I think that would make the law very effective. The difficulty has been to secure the second and third offences. I need not say why; but, as has been correctly stated, most of the convictions are for first offences. I think the law is a little weak in permitting that to go on, and I think some provision might be made to aid in that respect.

*By Mr. Clarke :*

14712. You would favour one first offence, and one second and all the others third?—Yes.

*By Rev. Dr. McLeod :*

14713. The fines in your time were sufficient to pay the expenses?—Yes.

14714. And what did you do with the balance?—There were several cases hung up. There were seven replevin cases on hand.

*By Mr. Clarke :*

14715. You expended the balance in sustaining convictions?—Yes.

*By Rev. Dr. McLeod :*

14716. In enforcing the law?—Yes.

REV. W. B. WIGGINS.



14717. Your Committee was in force two years, you had a guarantee fund, but got enough money in fines to enforce the law ; the Committee demonstrated the practicality of enforcing the law and then stopped ?—Yes ; closed up the public sale and then stopped.

14718. What is the attitude of your denomination on that subject ?—I have it stated here.

14719. You have the latest expression of your body ?—No, there is a later one ; but this is the view of the denomination, unanimously adopted by them at the meeting of the convention. [Appendix 17.]

*By Judge McDonald :*

14720. Is there anything further you desire to say ?—Nothing, except to express the opinion that I think the people feel that prohibition is what we need now.

14721. That is, that they feel a prohibitory law is needed ?—Yes, that feeling is increasing now.

*By Rev. Dr. McLeod :*

14722. You think the people are more in favour of that than of the Scott Act ?—I think so, because it would be more prohibitory.

The Commission adjourned, to meet at Charlottetown, Prince Edward Island, on Friday, August 19th.



## MINUTES OF EVIDENCE.

## PRINCE EDWARD ISLAND.

CHARLOTTETOWN, P.E.I., August 19th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAUT.

The commission having been read,

JUDGE McDONALD said : Her Majesty's commission having been read, the sitting of the Commission is now open for the despatch of business. It may be necessary, in the first place, to explain that the Chairman of the Commission, Sir Joseph Hickson, is absent. I may repeat the announcement, made on other occasions, that the Commissioners entered on the discharge of their duties by accepting the evils of drunkenness as admitted, and accordingly there is no need for any evidence being produced to prove those evils. It is the desire of the members of the Commission that the evidence submitted shall be such as will come fairly within the scope of the commission which has been directed to them.

HON. THOMAS C. HAVILAND, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

14723. What is your occupation or calling ?—By profession I am a Barrister-at-law ; I am a Queen's Counsel. I am also a member of the Dominion Senate.

14724. I believe you are also Mayor of the city ?—I am at present.

14725. How long have you held that position ?—Since September, 1886, I have been continuously Mayor.

14726. Mayor of the city of Charlottetown ?—Yes.

14727. What is the population of the city ?—In round numbers, 12,000.

14728. Is it a manufacturing city : are manufactures carried on here ?—There is a boot and shoe factory and a woollen factory, but it is not what is generally called a manufacturing city.

14729. Have you a fishing population ?—We have in the Island ; but we have not a fishing population in the city, although there may be a few fishermen here.

14730. The business of the city is of the kind usually found in a city of this size elsewhere ?—Yes. There are gentlemen in business here who are large purchasers of the agricultural products of the country, which they export.

## Liquor Traffic—New Brunswick.

14731. Is the city in a prosperous condition, as business goes?—There are two opinions about that.

14732. I mean as business prosperity goes?—As times go, I think it is. The city has very few paupers, and I do not know that we have any real paupers; or at all events, there are very few in the city. I think our people in the city are independent.

14733. Have you a large amount of crime in the city?—No, not a great deal of serious crime.

14734. You have a certain amount of floating population—sailors I suppose?—Very few; our navigation is not open all the year round. Our shipping is not so great as it was years ago. We have steamers coming here from other ports, and a few of our own.

14735. Is there any law in force at present in regard to the sale of intoxicating liquors for beverage purposes?—There is no law authorizing the issue of licenses in the city of Charlottetown.

14736. Is there any law to prevent their issue?—There is a law regulating the manner in which the retail sale of liquor shall take place.

14737. There is no law, you say, to prevent the issue of licenses?—There are no licenses.

14738. Then there is no law at all?—There is merely a law of regulation. There is free trade in liquor, provided you have the premises in which it is sold constructed in a particular way, with certain doors opening in a particular way, and windows without blinds and certain other arrangements.

14739. Is that a matter of municipal regulation or legislative enactment?—It is legislative; it is an Act passed in the last session of the Legislature. Previous to that, and since the Scott Act was repealed, there has been free trade altogether in every shape and form.

14740. When did it come into force?—To the best of my memory, on 1st July.

14741. Have you ever had a License Act in force in Charlottetown?—Yes, for years. We were governed by license up to 1880. In 1880 I think the Scott Act was passed in Charlottetown.

14742. How long did the Scott Act remain in force?—Up to either January, 1890 or 1891.

14743. So you have known Charlottetown under the license system, under the Scott Act, and under free trade in liquor?—Yes, I have.

14744. We will go back to the time of the License Law. How did the License Law work in this city? Was there much drunkenness?—Yes, there was, to the best of my memory.

14745. Did you find an improvement when the Scott Act was in force?—When the Scott Act first came into force, I did not take much interest in civic matters. In 1880, I was Lieutenant-Governor of the province, and I held that position from 1880 to 1884, and I did not take much interest in the matter.

14746. When you did take interest, how did you find it work?—The Scott Act, I honestly believe, is a good Act, as a moderate measure.

14747. Do you think it was a benefit to the city?—I do. I believe there was more sobriety in the city under the Scott Act than under the old license law—decidedly so.

14748. Did that sobriety continue?—Towards the end of the Scott Act period—at least during the last year of it or so—it was not rigidly enforced as it was during the early and middle part of its existence. For this reason (and I must tell the truth about it), we had a majority of the City Council who were not in favour of the Act.

14749. To what do you attribute the circumstance that a majority were against the Act? You have stated that sobriety increased under the Act?—It was subsequently not so rigidly enforced officially.

14750. The question suggests itself, that if the sobriety of the people was increased by the Scott Act, and therefore of course there was an improvement in the city, why did the people not keep up that improvement by having the Act enforced?—Because there was a majority of the Council in strong sympathy with the liquor interest.

14751. Were they not elected by the ratepayers as a whole?—Yes; but our city is divided into five wards. At that time, in what are called the three lower wards of the

HON. THOMAS C. HAVILAND.

city, (there were ten councillors altogether) the liquor influence was stronger than the Scott Act influence, and the two upper wards, which were larger in population and were strongly in sympathy with the Scott Act, only returned four members out of the ten.

14752. At that time was the whole province under the Scott Act?—Yes, the whole province.

14753. You have spoken of the liquor interest being so strong. How did it come to be so strong in a province which is prohibitionist as a whole?—That is a problem I cannot explain.

14754. Was liquor sold here at that time?—Yes, and it was imported to a large extent.

14755. The people went on using it?—Yes, to some extent, and especially in Charlottetown.

14756. And the liquor interest was sufficiently strong to secure a majority of the members of the Council opposed to the Scott Act?—Yes.

14757. How did that opposition manifest itself in the Council? Did they give directions not to have the Act enforced?—They did not do that.

14758. How was it done?—The city officials connected with the enforcing of the Act held their offices not during good behaviour, but during the pleasure of the Council, and they thought that, under those circumstances, if they were very rigid in conducting prosecutions under the Scott Act, they would be very apt to be superseded.

14759. Did that make them lax in the administration of the law?—Yes. A man does not like to be too rigid in enforcing the law when his wife and children would lose their bread and butter if he did it.

14760. Were steps taken to have a special officer appointed?—Yes; at one times during my incumbency of the office there was a special Scott Act prosecutor appointed by the City Council. That was a time when there was a majority of the Board in favour of the Scott Act. When a majority was obtained adverse to the Scott Act, they dismissed this active Scott Act prosecutor and transferred the duties, with a nominal salary, to the City Marshal for the time being, or at all events to the City Marshal and his officers.

14761. Under the Dominion Order in Council, the Scott Act fines can be appropriated for the purpose of enforcing the Act?—Yes.

14762. What disposition was made of them in Charlottetown?—They were evidently, or a large proportion of them, utilized in paying expenses connected with the Scott Act. But it was like a dentist drawing teeth, to get the money.

14763. To what do you attribute the repeal of the Act?—As you are aware, under the working of the Act a petition was got up with a certain number of signatures attached—the number which the law requires—and the petition was presented to the Dominion Government, and an Order-in-Council was passed for an election to take place.

14764. Why did the people repeal the Act?—Because, I am sorry to say, in Charlottetown, whenever an election takes place the liquor interest exercises its terrible influence.

14765. Over the whole people?—Over the whole city; but notwithstanding that, I think the repeal was carried by 17 votes only, or 14 votes, after all that was said and done.

14766. What was the majority in favour of the Act the last time it was voted on?—The last time it was voted on, the Act was sustained by 17.

14767. And on this occasion there was a majority of 14 against it?—Yes.

14768. So it appears to be generally a pretty even vote?—Yes, pretty even.

14769. You think that to the strength of the liquor trade may be attributed the fact of a good deal of liquor being consumed one way or another?—Yes.

14770. The repeal of the Scott Act was the cause of bringing on this new system, I suppose?—Yes. We were about one year under free trade.

14771. How did that work?—It did not work well.

14772. Was it worse than the Scott Act?—Yes, because it not only demoralized our own people, but it demoralized a lot of people who came in from the country districts on market days.

## Liquor Traffic—New Brunswick.

14773. Was the condition of things worse than during the time of the license law?—No, I do not think it was. I think there were two or three years under the old license law when Charlottetown was in a terrible condition. The Commission will get that evidence from the Stipendiary Magistrate. At one time it was so bad he applied to the City Council to largely increase the police force, on account of the demoralized condition of the city.

14774. Speaking of the change that has taken place from the old time under the license law, you have said the condition of things was better under free trade than under the license law. Has there been a change in the habits and conditions of the people since then?—I take the eight years of the Scott Act as a period during which the people have been educated to some extent.

14775. Do you attribute the improvement altogether to the Scott Act?—Yes.

14776. Not to the work of religious bodies or temperance societies?—I would be very sorry to say so. I attribute the improvement to the united forces of religion and temperance societies, but I consider that the Scott Act proved a strong lever.

14777. The influences of religion and of the temperance societies, and also the beneficial effect of the Scott Act, have, in your opinion, caused this improved condition?—Yes.

14778. To what do you attribute the state of mind of the people which would lead the electors to repeal the Scott Act?—There are a certain number of the people of the city whom you could never make temperance men. Then, again, I attribute the repeal of the Act to this fact, that a great many men who should have been in the battle on the side of the maintenance of the Scott Act, stood aloof.

14779. You could never yourself believe that the influences of which you have spoken as being unfavourable to sobriety, could, in a prosperous city like Charlottetown, be really in a majority?—No.

14780. You think the repeal was partly due to the people standing aloof?—Yes, I believe a large number stood aloof; I have no doubt of it.

14781. Do you think the fact that so many people stood aloof was at all attributable to the fact that they could have liquor in their own houses for their private consumption and they did not trouble themselves one way or the other about the law?—Yes, that may have worked also.

14782. Have you, from your knowledge of the Scott Act yourself, any suggestions to offer to the Commission with a view to its improvement and in order to make it more workable?—No, I have not. I believe the Scott Act is a Dominion measure. We had got the Act in splendid working order in Charlottetown when it was repealed.

14783. With the officials you then had?—The Stipendiary Magistrate, I believe, acted fearlessly and independently in doing all he could to enforce the Act; but, of course, the sympathy of the majority of the Council at that time, together with the liquor interest, permeated the executive of his court, the police department, entrusted with the enforcement of the Act, and they were lukewarm. They knew that, if they were very rigid, they would receive black looks from at least the majority of the Council, and several of the councillors—I do not wish to mention names—were liquor dealers in the city. They were not merely sympathizers, but their pockets were influenced.

14784. Do you think it would be an advantage in carrying out the Scott Act to have the officials appointed by the Dominion Government, or the Provincial Government, instead of by the local municipality?—I would be strongly in favour of that amendment. Those officials should be independent and outside of all local influences altogether.

14785. Then you favour the appointment of officials, either by the Provincial or Dominion Government?—Yes, and I would prefer officials appointed by the Dominion Government.

14786. What provision would you make for their payment?—I would go to the big purse of the Dominion.

14787. You are a legislator yourself, I believe?—Yes, I am a member of the Senate, and I was a member of the Local Legislature over twenty years.

14788. Supposing the whole of the Island adopted the Scott Act or any other prohibitory law, and the whole of the rest of Canada rejected it, should the rest of Cana-

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da pay for your local officers to enforce your local prohibitory law ; or would it not be more equitable to let the Island provide for the payment of its own officers?—That is a theoretical, philosophical question. There are difficulties there, of course. When I was speaking, I was taking it for granted that the whole Dominion had the law.

14789. Take it now as a local matter?—Under those circumstances I think the province should provide for the payment of the officials, that is if the Island alone, or any province separately, has either a prohibitory law or the Scott Act.

14790. I understand you have no license law in force in the Island at present?—None at all. In the city we have merely an Act for the regulation of stores or places where liquor is sold.

14791. A police regulation?—Yes, a police regulation as regards the size of the room, the window, the door and other matters of that sort. Any one who likes can sell liquor, and he has not to ask the privilege, he has simply to report that the building in which he is conducting the business fulfills the conditions required.

14792. Do you believe if a law were passed prohibiting the manufacture, importation and sale of intoxicating liquors for beverage purposes throughout the whole of the Dominion, it could be enforced?—I should say it could.

14793. Do you think it would be beneficial?—Yes, I think it would be beneficial ; and mark you, I am not a fanatic ; I belong to no temperance society and no organization connected with it. I am a free lance. I believe as regards the country and the people, it would be far better if we never saw the sight of liquor. I believe if the people had the law, machinery could certainly be found to ensure the working of the Act.

14794. You are not in a position to explain how the liquor interest in a province which was entirely under a prohibitory liquor law became sufficiently strong to control it?—No ; but there is simply the fact that it did.

*By Mr. Clarke :*

14795. How many years was the Scott Act in force?—From 1880, to the best of my memory, till 1890, in round numbers 10 years.

14796. By what majority was the Act carried in 1880?—That I cannot fix in my memory. At that time I was Lieutenant-Governor of the province, and I did not take interest in civic matters. It strikes me it was a question of 300 or 400.

14797. Was it not carried by a majority of 40?—I was under the impression that it was a question of hundreds. I cannot say positively now, but I think it was a large majority comparatively.

14798. You think it was carried by a majority of 300 or 400?—That is my impression.

14799. Was it carried by the same influences when it was first voted on?—Yes.

14800. Do you believe during the time it was in operation, or during the time it was the law, it proved an educator of the people?—I do.

14801. And you say it was in force ten years?—To the best of my recollection it was in force from 1880 to 1890.

14802. After an experience of ten years, during which the people were being educated, they voted it out?—Yes, by a small majority.

14803. Did the population increase very much during that period?—No, I do not think it did.

14804. But I understood you to say that, during a portion of those ten years, the law was very well enforced?—Yes.

14805. And the influences arising from it were beneficial?—Yes.

14806. At what period of time, during which the law was in force, did those rum-sellers get into the Council?—It strikes me there were some there always, even before the Scott Act was adopted. I will not call them rum-sellers, as it is rather an ugly expression, but I will use the term liquor-dealers.

14807. They were engaged where?—In Charlottetown.

14808. Was not the whole island under prohibition?—Yes ; but each county had its separate election under prohibition.

14809. But the whole of the counties had voted in favour of the Scott Act?—Yes.

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14810. And the whole island was consequently an island where no liquor could be sold legally?—Yes, except by druggists for mechanical, medicinal and sacramental purposes.

14811. Were those liquor-dealers engaged in selling liquor exclusively for manufacturing, medicinal and sacramental purposes?—I should say not.

14812. To whom did they sell liquor?—I presume they sold or supplied those who were illegally selling it by retail.

14813. Through the city and the island?—Among the people. That, however, is only my imagination, for I cannot speak from my own knowledge as regards the people to whom they sold it, or where they sold it. I simply know there were liquor dealers, and some in the liquor business were in the City Council in Charlottetown.

14814. And you have said that their influence dominated the Council?—Yes, I can say so.

14815. And prevented the officers doing their duty?—My idea is that that prevented the officers doing their duty.

14816. How many liquor dealers were in the Council at one time, or at any time?—I have known four. I can charge my memory with four at one time in the City Council engaged in the liquor business.

14817. Do you say that they were selling liquor illegally, that they were engaged in an illegal traffic?—The Scott Act was in force.

14818. Were there four Councillors who were engaged at one time in an illegal traffic, selling liquor contrary to law during the time the Scott Act was in force, sitting at the Council board?—The illegality, I think, is a self-evident proposition.

14819. I ask you if they were engaged in selling liquor illegally?—That is a matter of opinion, I suppose. I will say fairly and squarely that I consider they were selling illegally.

14820. Then two-fifths of the Council during a portion of the time when the Scott Act was the law, were engaged in an illegal liquor traffic?—I believe they were.

14821. Was it a proof of the beneficial influence the Scott Act was having on the morals of the community, that two-fifths of the entire Council were engaged in an illegal liquor traffic?—There are exceptions to all rules.

14822. That was an exception?—It certainly was an exception, because I believe the Scott Act was a good Act, and I believe the people were more sober under it than they were under the old license law.

14823. Notwithstanding the fact that two-fifths of the representatives were engaged at one time in an illegal liquor traffic?—Yes, notwithstanding that block in the way.

14824. Has any attempt been made to arrange the wards so as to give proper representation to the population?—Yes. A Statute of the present Legislature was passed during the session before last, that was in 1891, making a new arrangement, giving eight Councillors instead of ten, and giving to the lower wards one each, to the fourth ward two Councillors, and to the fifth ward, which had only two before, three representatives. That law was a conditional law. It embodied rather a radical principle, but was put in operation fairly and squarely by the Legislature. It was declared, however, that it should be law only after a plebiscite had been taken. That was taken, and there was a majority of 300 or 400 in favour of the law. It came into operation last February. This law also altered the constitution, so that the Mayor and Council will be elected biennially instead of annually. The elections took place last February under the law.

14825. You say the Act worked very well?—Very well for the time.

14826. At what period did this influence in the Council of which you have spoken make itself apparent?—I cannot tax my memory with dates, but I can with facts. When this influence became strong, the Scott Act prosecutor was dismissed, although his sole duty was to enforce the Act, and his duties were transferred to the City Marshal.

14827. How long is it since the Scott Act prosecutor was dismissed?—I am under the impression that when he was dismissed there were still two or three years of the Scott Act to run. I cannot speak more definitely without the record before me.

14828. The law was not as well enforced after the dismissal as before?—No. That is my opinion.

14829. Did drunkenness increase then?—I am under the impression that it did.

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14830. Did the arrests and convictions for drunkenness increase during that period?—I cannot tell you that. You will get all that from the Stipendiary with his records. When a man gets up in years it is hard to remember all dates and figures.

14831. In what way was the beneficial effect of the Scott Act made manifest other than in lessening the drinking habit and drunkenness? Have there been less business failures here?—That is more than I can answer. I do not know.

14832. Was there less pauperism during the period the Scott Act was in force?—That I cannot tell you.

14833. Was the attendance at the churches larger?—I will leave that to the clergymen, except as regards the church I have attended, where I have never noticed the attendance affected.

14834. During the time the Act was in force, was there less drunkenness?—That I believe honestly.

14835. Do you recollect if the votes polled in each of those counties were a full average, as many votes as during a parliamentary election?—I do not think so, because a great many people, for reasons best known to themselves, stayed aloof and did not go to the polls.

14836. Was that the case in the first election?—I took no interest in that. I neither voted nor attended meetings.

14837. Do you recollect how many licenses were granted in Charlottetown before the Scott Act became law?—No, I do not know.

14837a. Have you any idea how many places were selling liquor illegally during the time the Scott Act was the law?—I have not any idea of the number, but I know there were a great many of them. I have seen people coming out of houses the worse for liquor, and I presume they got the liquor in them.

14838. When the Act was in force, was there any difficulty in procuring liquor in the city?—I do not know, for I never bought a gill of rum or whisky in the city while the Act was in force, and I do not know what my neighbours did.

14839. As Chief Magistrate, do you know whether there was any difficulty experienced by strangers in procuring liquor, if they desired?—I believe there were holes and corners where liquor was sold.

14840. Was there any open sale?—Not to my knowledge.

14841. No open bars?—Not to my knowledge.

14842. The trade was driven into less respectable hands?—That is my idea. If any respectable places existed, they carried on the trade in back rooms; but I know nothing about it.

14843. You have had practically free sale since the Scott Act has been repealed: how is the present plan working?—It has been in operation only since July 1, and this is only August 19. I see people now going boldly into some of those places who at other times would sneak around the back yard.

14844. They would slink in, however?—Some of them would.

14845. Did you say that free trade in liquor has been as injurious to the city as the license system?—No, you misunderstood me.

14846. Did you say there was more drunkenness under the license system than under the free trade?—The license system referred to the whole Island. Under the old system, country people on a market day would come in, and you would see carts and wagons going home and those who were driving them lying drunk. Under the Scott Act you did not see that. I was comparing the Scott Act with the old liquor system. In years gone by there was a great deal of drunkenness in Charlottetown on Saturday evenings. I am speaking from experience, and respectable farmers on going home, in many cases were not fit to attend church on Sunday. In consequence of that state of things, the ministers of religion banded themselves together and caused the market day to be altered from Saturday to Friday, and the reason why the market day is on Friday is that the people should be at home with their proper senses about them for worship on Sunday.

14847. Do as many farmers come into town now as came in before the railway was constructed?—Yes, certainly. If you went into the upper market to-day, you could scarcely get into it.

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14848. Has the representation changed since the present system came in?—In February last the new law came into force.

14849. Has the liquor interest as much representation in the present Council as before?—No.

14850. That has been beneficial?—That has been my opinion.

*By Mr. Gigault :*

14851. Is there a good deal of drunkenness in this city at present?—I think there is, more than there ought to be.

14852. Is there more than there was under the Scott Act?—Yes, at present.

14853. Is there more than there was under the license law?—I could not tell you. This law has been in operation only six weeks.

14854. I want to know the general effect of the law?—In six weeks you cannot test the effect of any law.

14855. Is there a good deal of drunkenness?—Yes, a great deal of drunkenness.

14856. Are there many convictions?—I cannot tell you. The Mayor of this city is in a peculiar position. He is merely the Executive Officer of the city ; he is totally debarred from having anything to do with the administration of justice. Under the old system he sat in Court with the Recorder, as his adviser. At present the Mayor is not even a Magistrate.

14857. Is there no report made to the Mayor?—There is an annual report.

14858. Is the number of convictions mentioned in that report?—Yes ; you can get it in black and white.

14859. For many years?—Ever since we had a Stipendiary Magistrate, and that is since about 1877, when Mr. Fournier was Minister of Justice. Since 1877 both the civil and criminal jurisdiction of the city has been in the hands of a Stipendiary Magistrate. The officials send in their returns at the end of the year to be published in the annual report.

14860. The Stipendiary Magistrate reports to the City Council?—Yes.

14861. And not to the Local Government?—No ; he is paid by the City Council, but is appointed by the Local Government.

14862. Who can give us the number of persons licensed under the old License Act in Charlottetown?—They will be in these reports, I take it, because the licenses were granted within the city by the Mayor and Council at one time, and afterwards there were three Commissioners appointed by statute, in order to have an independent board to grant licenses.

14863. They were appointed by whom?—They were elected under a Provincial statute regulating civic matters. They were termed License Commissioners, and they were in existence up to the passage of the Scott Act.

14864. Did they report to the Council?—I am under the impression that they did.

14865. You said that the persons who sell liquors make a report to the Council now as to their premises?—No. There is a law defining how an establishment shall be constructed, and nothing shall be sold there except liquor, cigars and oysters.

14866. They make no report?—No. I could start one of those establishments to-morrow. The City Marshal goes into these places and sees whether the conditions of the law are complied with, and if not, he reports to the Stipendiary Magistrate's court, and a summons is issued for a breach of the new law. Several cases have taken place and several fines have been enforced since July.

14867. Can the City Marshal give the Commission the number of persons selling liquor now?—I think he can, a great number of them. The law now provides that if a person sells liquor, he shall do it in a certain way ; and the City Marshal visits every place in which he believes liquor is being sold, and reports to the court.

*By Judge McDonald :*

14868. Did the Legislature pass the regulation or authorize the City Council to make such a regulation?—The Legislature did it all. The City Council have nothing to do with it. It is an Act of the Legislature passed last session.

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14869. Does it refer only to Charlottetown?—Yes.

14870. The Legislature did not leave it to the city?—The Stipendiary Magistrate is enforcing a Provincial statute.

*By Mr. Clarke :*

14871. Did the Legislature refuse to pass a License Law for Charlottetown?—I do not know. They were never asked. The majority in Charlottetown were opposed to a license law.

*By Mr. Gigault :*

14872. Is temperance in drink taught in the public schools in this Province?—Not yet, but the Legislature intend to have temperance taught. A lady was here this spring, a great advocate of the teaching of temperance in schools, Mrs. Hunt, and she was heard by the Legislature, and I believe a statute was passed to regulate in some measure the teaching of temperance to the rising generation ; but, I think, the law is not yet in force.

14873. The last year the Scott Act was in force, how many persons, from common report, were selling liquor in this city?—I cannot tell you.

14874. Are the clergymen and the temperance societies doing a great deal towards promoting temperance in this city?—The temperance societies meet, and I imagine they do all they can ; I have nothing to do with any society. I know the clergymen from their pulpits preach temperance, and I presume it is taught under their surveillance in the Sunday schools. I believe the majority of the clergy of all denominations in this island are in favour of temperance.

14875. How is the Scott Act enforced in the other counties in this island?—I do not know, but I see sometimes in the newspapers records of convictions in Prince and King's Counties. I believe they are doing all they can to enforce the law. There are certain sections where I believe the habits of the people have reformed altogether under the Scott Act.

14876. Is the improvement due altogether to the Scott Act, or is it due to the temperance societies?—I think it is owing to the action of both. I believe the Scott Act has done a great deal. We have a strong organization of the Women's Christian Temperance Union, and I think they work night and day.

14877. If the Scott Act was educating the people, why was it repealed?—Because while it did all it could to educate the people, unfortunately the liquor influence was stronger than the Scott Act in Charlottetown by nine or ten votes.

14878. But if sobriety had been growing, how was it the majority of the ratepayers repealed the Act?—I have already stated that the liquor influence was strong, and a large number of voters did not go to the polls.

14879. Was it not because they knew the Scott Act was not working?—I cannot tell that ; but I believe that many men who stood aloof when the Act was repealed, six months afterwards would have voted with both hands to have it re-enacted.

*By Rev. Dr. McLeod :*

14880. Speaking of the three wards that elected four illicit liquor sellers ; do you understand the liquor interest was hived in those wards?—I believe in proportion there were more liquor drinkers there than elsewhere.

14881. Is it a fact that while those were elected there, the city as a whole elected you as Mayor?—Yes ; I do not belong to any temperance society. For years I have never tasted anything in the shape of spirits. I do take now and then a glass of wine. I was elected first in the fall of 1886. The Hon. Mr. Baird died, and I was elected in September, 1886, by a majority of 150. I was opposed then, of course. The term ceased in January, and I was elected the second time by 350 odd. The next election I was elected by 800, I think. The next election I was elected by acclamation. I have always been opposed by the liquor interest. We have a woman franchise, and I was opposed by that. The next election I was elected by 450 or 500, and this year under the new law I was returned by acclamation.

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14882. Do you regard your election under those circumstances as showing that the people, as a whole, are in favour of temperance legislation?—I do not know; but I know every one in the liquor interest would have crushed me, if possible.

14883. Do you mean simply those engaged in the illicit trade, or do you include the drinking people and those who favour drinking?—I include the whole box and dice of them. The liquor dealers are of very little account unless there are those who absorb liquor.

14884. Yet it came about that in 1891 or previously, the Scott Act was repealed. You have said many people held aloof?—Yes.

14885. Do you understand that people held aloof because they were discouraged by the non-enforcement of the law?—A great many people said the law was not properly enforced, and therefore they would not vote for it.

14886. Do you suppose any considerable number of those people were really interested in temperance legislation?—I cannot imagine that their hearts could have been very strongly in it, because I believe if they had put their shoulders to the wheel, we would have had the law enforced more rigidly.

14887. But they did not vote for the repeal of the law?—No, they stood aloof.

14888. Do you think the laxity of the officials had the effect of disheartening any number of those people?—I think it had.

14889. Do you believe that the people would have been more interested in, and more ready to support a general prohibitory law, that is one that touches the manufacture and importation, as well as the sale, than in the Scott Act?—That is more than I can answer.

14890. Do you believe that any of the difficulties of enforcing the Scott Act were the result of there being no interference with the importation?—Yes; they look upon it as a one sided thing. They look upon it that men who have means can import and fill their own cellars, if they choose.

14891. I think you said that the improvement under the Scott Act was marked?—Yes, I honestly believe it.

14892. From January, 1891, up to July of this year, was the condition of things morally worse than under the Scott Act?—Yes; I am under the impression it was, and particularly on the Sabbath Day. The drunkenness on the Sabbath Day during the last year has been simply frightful.

14893. Do you remember whether there were many illicit places when there was a license law?—I cannot say.

14894. Were licenses very generally issued?—Yes.

14895. Were the fees high?—I do not think so, but I cannot say. At one time when the license jurisdiction was in charge of the Mayor and Council, almost every one who applied obtained a license, and the number of licensed houses was very large. In consequence, an amendment to the law was passed. It was considered that when an application was received for a license, a Councillor would think that if he refused that man a license, he would have his opposition and his family's opposition at the election, and therefore it was better to let him have a license. The places were innumerable. The amendment transferred the jurisdiction from the Mayor and Council to three Commissioners, who were elected, and that was the way the system was worked up to the time of the Scott Act.

14896. Do you think in the vote for the repeal of the Scott Act, the liquor interest polled its full strength?—Yes. I think every vote they could command went to the polls.

14897. Do you think the temperance people polled their full strength?—The out and out temperance people did, but there were some who did not go to the polls. They would not go one way or the other.

14898. How is the Act working outside of Charlottetown?—Very well, I understand. In some places there is a revolution for the better in the habits of the people.

14899. Do you believe that the diminished drinking now is at all attributable to the educating power of the Scott Act during the ten years it was in operation?—Yes, I do. The working of the Scott Act reformed the habits of many members of society, and the result is that the rising generation are brought up with better examples before them.

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14900. Was any action taken by the citizens to have this police regulation carried last year?—Certain citizens did take action; it did not emanate from the Council.

14901. There was a deputation of citizens?—Yes, asking for the regulations.

14902. They were not in favour of licenses?—No.

14903. Is there a strong feeling in that direction?—A large number are not in favour of licenses.

14904. What is their objection to licenses?—They look upon the liquor business as an immoral business, and their idea is that if they consent to an Act being passed to legalize it, they make it a legal trade, and that is contrary to their conscience.

14905. Is that feeling strong?—I think it is. I have heard it expressed by many citizens, good members of society, that they would rather let the responsibility rest upon the shoulders of others.

14906. Do you think a general prohibitory law would affect the business of the Island beneficially or otherwise?—It would crush out the liquor business, but would not affect the other business one iota. It would be better, if anything, because it would make men sober, and more able to attend to their business.

14907. If Prince Edward Island were under a prohibitory law and the other Provinces were selling liquor, would it be difficult to enforce the law?—It would be very difficult. Being an island and having a large sea coast, there would be a great deal of smuggling. It would require a strong coastguard.

14908. Do you think the Dominion Government should help you to enforce the prohibition of the sale?—I think unless it were a Dominion law altogether, the Province should do it. If it were a law for the whole Dominion, it would be the duty of the Dominion Government to find the means to enforce it; but if it were only for one Province, the Province should find the means to enforce the law.

14909. What do you think of the question of making compensation to brewers and distillers, if the business were prohibited: Do you think it would be right to compensate them?—No, I do not think it would. Every business must take its chances. If you once start compensation, I do not see how any Government could work. I do not see that that special trade should be protected more than any other.

*By Mr. Clarke:*

14910. Has business been steadily improving in the Island since the Scott Act became the law?—If you will take one side of politics, the Island is going to the dogs; and if you take the other, we were never so flourishing.

14911. What is your opinion as an old resident: Has business been improving?—I do not think the Scott Act affected the dry goods business *pro* or *con*.

14912. Did it affect any other business, except the liquor business?—No; I do not think the Scott Act made a person buy one way or the other.

14913. You said that in earlier years the Mayor and Council issued the licenses?—Yes.

14914. And was there virtually free trade in licenses on account of the political or municipal influences?—It was not political, but it was municipal. My opinion is, that when the licenses were issued by the Mayor and Council, if a petition came for a license from a ward, the member for the ward, unless it was a case where the man was of very bad moral character, was rather afraid to refuse the application. I am not referring to politics in any shape or form.

14915. But if the applicant was of reputable character, he had no difficulty in getting a license?—Yes. The town had too many licenses altogether in proportion to the population.

14916. Then recourse was had to Commissioners?—Yes; it was thought they would be independent.

14917. Were they elected?—Yes.

14918. How did the change work?—It decreased the number.

14919. You could not charge your memory with the reduction made by the Commissioners?—No.

14920. Was it a substantial reduction?—Yes; I think so.

14921. Did it work well?—Yes; it diminished the number of taverns.

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14922. It worked better than the old plan?—Yes.

14923. Do you say that a large number of the people desire that there should be free trade in the sale of liquor rather than that it should be licensed?—Yes; a number of the people are opposed to licenses and look upon the drink traffic as an immoral trade. It is against their conscience to have a license law.

14924. Were the representatives of the city of that opinion?—I never could find out their individual views.

14925. Was there any vote in the House?—I do not remember the question coming up fair and square in the election. It was not even touched. A large number of members of the Legislature of both branches are opposed to the license system.

14926. They prefer free sale under this police regulation to a license system?—Yes.

14927. On account of the immorality of the trade?—Yes.

14928. Do you prefer the present system to a license law?—I am opposed to a license law; I prefer the Scott Act.

14929. Do you prefer the present law?—I cannot say on a six weeks' experiment how it will work.

14930. You prefer the Scott Act to either of them?—Yes.

14931. And you say, on the whole, the Scott Act has been beneficial, and you prefer it to a license law or to the present system?—Yes.

14932. Would you suggest imprisonment instead of the imposition of a fine for first offences?—The law worked very well as it was, but the machinery was not good.

14933. Was any attempt made to secure legislation from the Provincial House making it compulsory for this Municipality to appoint and pay officials to enforce the Scott Act?—I cannot say about the County, but there was no official document from the City Council.

14934. In Ontario, provision was made to enforce the law by the appointment of Stipendiary Magistrates and Inspectors. The Government bore part of the expense and the Municipalities were compelled to bear the balance; was any such action taken here?—I do not remember any.

14935. Did you say the Act was working splendidly at the time it was repealed?—No, I did not mean that. That would be inconsistent with my evidence. At one time it was, but latterly it did not work well, from the time the prosecutor was dismissed.

14936. You attribute the repeal of the Act to both causes, partly because those who were in favour of the Act did not think it worth while to go to the poll?—Yes; there was apathy.

14937. Do you think any of those were actuated by the view that the Act was not well enforced?—I dare say some of them thought so, and if so they were to blame for it greatly, for they took no interest in the Municipal elections to see that proper Councillors were elected.

14938. Were the temperance people anxious always to have a Council in favour of enforcing the Act?—I think so.

*By Judge McDonald :*

14939. When this Provincial law was passed, you were not consulted?—No.

14940. Was the Council consulted?—No.

14941. Was anything said about giving the people a vote upon this regulation?—I cannot say.

14942. How did it come to be made?—The citizens have a right to go to the Legislature, because some reform may be required to which the City Council may be opposed, and the citizens prefer to go themselves instead of sending their representative.

14943. Do you think a license law a sinful law or an immoral law?—I am not going to say. I do not approve of a license law. I prefer the Scott Act, and I would prefer a law for the whole country if we could have it. I am not a member of any society, though I am a temperance man and have not taken liquor for years except a glass of good wine when I feel a little weak; but sometimes I will not touch it for a month. I would vote with both hands for all liquor being put into the Red Sea.

14944. You were able to get that wine when the Scott Act was in force?—Yes.

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14945. Were all your citizens able to get it?—I do not know. I happened to have that wine in my cellar, imported from Montreal, before the Scott Act came into force.

14946. The man of means may import his wine, and the poor man has no chance to get his glass of ale?—That is why I would rather have prohibition.

14947. You think the Scott Act better than the present system or the license system?—Yes.

14948. Do you approve of the present system of free sale?—No, because I do not want it sold at all.

14949. Would you rather have free sale or a license law?—I am opposed to the trade being regulated by law at all.

14950. Would you rather have free sale or a license law?—Free sale, and leave the responsibility on those who buy it and use it.

*By Mr. Gigault :*

14951. I understood you to say that a general prohibitory law would make every man sober?—Yes, if it were enforced.

14952. Would it be enforced?—That depends on the machinery.

14953. Would it be desirable to enact such a law if it would not be enforced?—Of course not. It would be of no use if it were not enforced.

14954. You are in favour of the Scott Act?—Yes, as I think that half a loaf is better than no bread.

14955. But you say it was not enforced?—It was for a time ; but when the liquor influence predominated in the Council, it was not.

14956. Was it not better to repeal it than to have a law on the Statute-book that was not enforced?—No. It would have been better for the citizens to have exercised greater power over the governing body.

14957. If your Legislature could make police provision for the regulation of the free sale, could it not have made a police regulation for the enforcement of the Scott Act?—Of course, it could.

14958. Was any effort made to get it?—I cannot tell you.

14959. In New Brunswick and in Ontario there was a law providing for the appointment of Inspectors. Was there any such law here?—No.

14960. Was any attempt made to get it?—I do not know whether there were any private or public meetings of gentlemen connected with the temperance societies or not.

14961. Was there any petition to the Legislature?—None that I can tax my memory with.

*By Rev. Dr. McLeod :*

14962. When you speak of enforcement, you do not mean absolute enforcement, so that there is no violation of the law?—That is impossible. I do not know of any law that ever was absolutely enforced.

14963. Because there are violations of any law, does it follow that the law is a failure?—No. You cannot name any law without some breaches.

14964. You consider the Canada Temperance Act was successful in a degree, notwithstanding some violations?—I do, taken as a whole.

14965. Do I understand that you believe the liquor trade is immoral and productive of great evil effects?—I do.

14966. And is that why you decline to favour the licensing of that trade?—Yes. It would be very inconsistent to favour the licensing of the trade and next day to sign a petition for a prohibitory law. It would be blowing hot and cold.

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ROWAN R. FITZGERALD, of Charlottetown, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

14967. What is your calling or occupation?—Barrister.

14968. And you are a Magistrate?—Stipendiary Magistrate.

14969. Under what authority are you appointed?—Under an Act of the Provincial Legislature.

14970. And by the Provincial Government?—Yes.

14971. How long have you held the office?—Since June, 1875.

14972. Then you were Stipendiary Magistrate during the existence of the License Law, the Scott Act and the present system of things?—Yes, I was.

14973. Was it your duty to try cases of parties charged with drunkenness and disorderly conduct?—Yes; all city cases.

14974. And to take preliminary evidence in them?—I had sole jurisdiction in the city; the jurisdiction of all other Magistrates was ousted by statute.

14975. And outside of the city?—I had jurisdiction for the whole province.

14976. Ex-officio?—No, by statute.

14977. You try provincial cases?—Occasionally.

14978. And can do what is done by the Justices of the Peace outside?—Yes.

14979. In the city have you found a diminution in the number of cases of drunkenness?—I can give you the figures. For the year 1875 I have no record. In 1876 there were 676 cases of drunkenness, out of a total of 1,290. In 1877 the total was 1,297, and there were 737 drunks. In 1878 the total was 745, and the cases of drunkenness 357. In 1879 the total was 544, and the drunks 321. In 1880 the total was 491, and the cases of drunkenness 256. In 1881 the total was 472, and the cases of drunkenness 197. The Scott Act came into operation here in August, 1881, and 1882 was the first year that the Act was really in operation. In 1882 the total number of cases was 404, and of drunkenness 218. In 1883 the total 526, drunkenness 250. In 1884, total 481, drunkenness 229; in 1885, total 640, drunkenness 284; in 1886, total 592, drunkenness 299; in 1887, total 516, drunkenness 213; in 1888, total 598, drunkenness 262; in 1889, total 483, drunkenness 395; in 1890, total 510, drunkenness 239; in 1891, total 566, drunkenness 304.

14980. About 1877 there was quite a drop?—I will explain it in this way: previous to my appointment at all events, it was generally considered that the criminal business of the city was not well managed, owing to the constitution of the court. It was not managed properly, for the Judges were not legal men, but were aldermen, who took in turn the trial of all criminal cases. The number dropped off after my appointment, and during two years it dropped from 1,200 to 745, and from that time it has still decreased until it now averages about 400 or 500, and it remains at that number right along.

14981. Do you remember when the change was made by which the licensing power was removed from the municipal board to commissioners? Had the number of licenses decreased before or after you were appointed?—It was while I was Magistrate that the system of issuing licenses by Commissioners was in operation, before the Scott Act was in force.

14982. Some time after you were appointed Magistrate the issuing of licenses went to a different body, and the number was diminished: is that the case?—Yes, I think so.

14982a. Do you think the effect was that the number of cases of drunkenness brought before you decreased? Did you find any diminution after that change was made, as compared with the previous period? Take, in the first instance, the figures for drunkenness for 1876?—In 1876 and 1877 the returns of the number of cases of drunkenness were not published, before a regular Stipendiary was appointed.

14983. You occupied the position of Stipendiary Magistrate in 1876 and 1877?—Yes.

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14984. What was the number in 1876 ?—600, and 700 in 1877. In 1878 it dropped to 357.

14985. Was that the time when the change was made?—My own impression is that no licensing power had any effect on that. The reduction was due to the fact that crime was being punished, and people came to understand it.

14986. You say in 1876 there were about 600, and in 1877 there was a slight increase?—Yes.

14987. And then the number dropped one-half in 1878?—I had a very large police force on duty in 1876 ; I had 19 policemen.

14988. Was the population any larger than it is now?—No ; but there was a great deal of crime, and there were a large number of assault cases. There were 60 or 70 cases of larceny every year, and 87 cases of assault.

14989. Had you more of a floating population : Was railway building going on?—The railway was built in 1874.

14990. The Island, I believe, went into Confederation in 1875?—Yes. The railway was built before Confederation, and we handed the railway over.

14991. Had you more of a floating people during those two years, 1876 and 1877?—There was more shipping here then than there is now.

14992. You think that because of your enforcement of the law, the number dropped from 700 to 300 ?—The convictions dropped, and there were also fewer cases brought forward. I think when a Magistrate receives notes of hand for \$4,000 as representing fines, there is not very much punishment.

14993. Were those fines never collected?—I was handed over \$4,000 in notes to collect. They were never collected.

14994. Under your regime the persons convicted have to pay?—Yes, it is cash or jail. That is the only proper way in which a Police Court can be conducted. Taking an average of the nine years I have been endeavouring to get at some estimate, if possible, of what the effect was of the different systems, license, Scott Act and free rum, as regards the number of cases of intoxication. I find that for the nine years during which the Scott Act was in force the average was 22 and a fraction per month ; during the free rum period of 16 months, which the Commission will notice is not a very long test, the average was  $22\frac{1}{8}$ , and the average under the new regulation Act, which has only been in force since 30th June, has been 17, or even less.

*By Mr. Clarke :*

14995. Is that low percentage on account of the new police regulations?—Yes, and it is under the new licensing system of the city with the police regulations.

14996. Have you statistics of the old license period—the period when the duty or privilege of issuing licenses was taken away from the Mayor and Aldermen and handed over to Commissioners?—That system was in existence up to 1881.

14997. Have you statistics covering that period?—You mean from 1876 to 1881?

14998. Yes. What would be the percentage per month?—I could not give you the figures at the moment.

14999. Will you kindly furnish them?—Yes.

*By Judge McDonald :*

15000-1. When you came into office, what system was in force?—I will tell you afterwards, for I do not remember at the moment.

15002. Taking the Scott Act years, 1887, 1888, 1889 and 1890, can you form any opinion as to the difference in the number of cases of drunkenness during those years and the license period?—My opinion, so far as the drunkenness of this city is concerned, is that the License Law or the Scott Act has very little effect on drunkards one way or another.

15003. The Commission wish to be informed of all the facts and to ascertain the experience of officials and others which may prove valuable, especially men in such a position as you occupy. We desire to obtain facts and opinions ; but we do not wish to obtain mere theories not based on experience?—Leaving out all question of the effectiveness of the liquor law in dealing with drunkenness, I will say that I believe the volume

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of drunkenness is largely dependent upon a small number of people—25 or 30 ruffians, who get drunk whenever they can get the liquor, and who are constantly coming before me. This number may be placed at 20 or 30, and they will make up to a very large extent the volume of the drunken cases before me. Occasionally men from the country get drunk, even men of sober habits, or industrious mechanics; but their numbers are comparatively small. The ruffian element makes up largely the drunkenness of the city.

15004. So you have men who repeat the offence?—They are a class of men that neither license nor prohibition will reach.

15005. They will get the liquor in some way?—If any men will get it, they will.

15006. Are they men working in the city?—They are largely "wharf rats."

15007. Have you been able to bring them to task?—I constantly give them 90 days' imprisonment; but the only difference is, that I do not see them so frequently as previously.

15008. In your experience of the working of the new system—the free liquor system—do you find drunkenness decreasing in the community?—So far as the police records show in regard to drunkenness, there is no question about it. To-day we have a law that regulates the sale of liquor and causes it to be conducted decently and in order, and in the opinion of the Marshal it has had an appreciable effect on the drunkenness of the people. It has not only reduced drunkenness, but it has been the means of closing the houses earlier at night and during unseemly seasons. The houses close at ten o'clock at night and on Saturday at seven o'clock.

15009. And I suppose they close on Sunday?—Yes.

15010. Do you find an improvement?—Yes; a marked improvement. I have been enforcing an old Act of Charles I., by which the Legislature put the fine up to \$25, when formerly it was \$1.62. A good many have been fined under that Act for Sunday selling.

15011. Have you found any difficulty in enforcing the Scott Act?—I found it very difficult.

15012. Can you suggest any improvement in the machinery of the Act itself?—I can give you statistics in regard to the operation of the Scott Act in this city. You will find probably as large a number of convictions in this city as in any other. I can give you statistics of the cases under the Scott Act, that is the Canada Temperance Act. I may say at present, that all that information is contained in my report to the Mayor in 1890, and I will give the Commissioners a copy of that report. The whole amount collected in fines during the 9½ years the Scott Act was in existence was \$12,643.

15013. Do you know the number of persons convicted?—The total number of convictions was 364.

15014. Some of those, I suppose, would be the same persons repeated?—Yes.

15015. So there were 364 cases?—Actual convictions, 243 for the first offence; 65 for the second offence, and 51 for the third offence.

15016. Of the 51 for the third offence, did all go to jail?—123 of the whole number were actually imprisoned. Of course persons convicted for third offences were imprisoned. Of the 123, 46 were sentenced to one month, and 77 to two months' imprisonment. During the portion of 1881, in which the Act remained in force, there were 19 convictions. The Act was repealed in December of that year.

15017. Did you find that the number of prosecutions diminished year by year?—I could not answer that question from memory. The number of prosecutions largely depends, of course, on the vigour with which the Act is enforced.

15018. When the Act came into force, what assistance had you?—When the Act came into force there was at first a Temperance Alliance League, and prosecutions were carried on by them; the members of the Alliance laid quite a number of informations during the first couple of years. After that, of course, the members found that it interfered with their private business, and the work was gradually dropped, and at last left entirely to the police force. Occasionally private individuals would lay informations, but the work was practically done by the police force after two or two and a half years, I think; but, of course, I speak from memory.

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15019. What amendments would you suggest to the Act?—The most desirable amendments have been made. The framers of the Act made an actual muddle of it, and the gentlemen who drew up its provisions were evidently not familiar with the "Summary Procedure Act." They have now made it workable. The great difficulty was in regard to securing the attendance of witnesses; for a witness could not be arrested, although he was leaving the jurisdiction. That, however, has been amended, and the Act, on the whole, has been made very workable. I may mention that every decision given by me was sustained by the Supreme Court.

15020. Have you had any difficulty in regard to securing the attendance of witnesses in Scott Act cases?—Yes, it is a troublesome sort of measure, as are all liquor cases. The uncertainty, beyond all question, conduces to a very large amount of perjury being committed.

15021. Even within the limits of charity, you cannot attribute it to mere lapse of memory?—It is unquestionably perjury. This does not occur particularly in Scott Act cases, but in all liquor cases, and it occurred in the same way under the old license law. I sent a man to the Supreme Court for perjury, and he was convicted; that was a liquor case. There appears to be a terrible temptation to perjury, I think, in connection with these cases.

*By Mr. Clarke :*

15022. Do you know how many places were reputed to be selling liquor during the time the Scott Act was the law?—I could not tell you; I would only be repeating information I obtained from the Marshal.

15023. Do you know how many premises were permitted to sell liquor when the Commissioners granted the licenses?—I will get the information for the Commission.

15024. Also the number of places under the present regulations where liquor is sold?—Yes, I can get that from the police books.

15025. You say there was no marked diminution of convictions for drunkenness during the time the Scott Act was the law?—No, you will find the average about the same. You can draw no conclusion from the figures as regards drunkenness.

15026. Was the Act educational in regard to promoting temperance sentiment among the people?—That is a matter of opinion.

15027. What is your opinion?—It is very hard to give an opinion on that matter—an opinion that would satisfy my own mind. The Act was not educational in many respects. It was not an educator in the sense of being a statute on the statute-book that was being observed, to which as a lawyer and a Magistrate I always attach great importance. I think a statute on the statute-book which is deliberately broken is the worst class of educator you can possibly have, and that it can never be called an educator.

15028. You refer to the moral effect of a law being continuously and flagrantly violated?—I could not conscientiously call that an educator. There are many senses beyond question in which the Scott Act might be called an educator, in that it prepares people for total prohibition; and in certain sections where the people wish to secure a measure as near prohibition as possible, I think that reasonably it can be called an educator. It is an educator in the sense that men who are total prohibitionists themselves, and who wish to see all liquor business made as disreputable as possible, may secure a measure in that direction; and in that sense it may assist in prohibiting the sale of liquor under any circumstances, and thus be a beginning to prohibition.

15029. It may be paving the way up to that point. But what do you think of the present condition of things?—If I were asked that question, I would say perhaps that in my humble opinion, the really right way of attacking the evil of intemperance is as I will indicate. You have total prohibition on the one hand, you have a license system on the other, you have also the Scott Act and free sale with police regulations. With total prohibition you go to the root of the trouble, and prevent the importation of liquor as much as possible, and endeavour to enforce the law to prevent it. With regulation, as you have it here, you simply to a certain extent seek to control the liquor trade, and to see that any liquor sold is sold decently and in order. The Scott Act is neither one thing nor the other, because it permits liquor to be imported into the country, and it then attempts to prevent its sale. I unhesitatingly say this, that the Scott Act is a

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workable Act, and one that could be enforced in my judgment, especially if all the fines were paid into the treasury and used for the purpose of enforcing the Act. But, if I were asked, as you have asked me, to state my preference, I would say that so far as wishing to see temperance the rule in the land, I would unhesitatingly express my preference, in the interest of temperance, for prohibition.

15030. That is, between the present order of things and the previous condition?—It makes no particular difference. The present law is simply a regulation to go with the License Act.

15031. Did the Commissioners, appointed in the later years of the License Law, have power to issue as many licenses as they pleased or was there any restriction as regards the number, having regard to population?—Yes; it was a kind of plebiscite. The applicant had to get the consent of a certain number of ratepayers in the district before a license was issued.

15032. Do you remember anything in regard to the votes polled on the Canada Temperance Act at its adoption, and at its repeal?—It was carried by a majority of 400, as I understand, at first. Then it was sustained by a small majority, and it was defeated by a small majority.

15033. Do you know about the number of votes recorded?—Did they constitute an average number of the votes on the roll?—I have never looked closely into the matter. I am rather inclined to think it was a small vote.

15034. Would it be difficult to obtain the numbers polled?—It was a small vote I think.

*By Rev. Dr. McLeod:*

15035. What were the chief difficulties in the way of the enforcement of the Scott Act?—The general apathy of the people, who threw all the responsibility on the Magistrate and the police force, and did nothing. That was one difficulty. My life was a burden unto me personally.

*By Mr. Clarke:*

15036. Because of the apathy of the people?—No; but because of the feeling of many good temperance people that the Magistrate could possibly have done more than he did.

*By Rev. Dr. McLeod:*

15037. Did any difficulty grow out of the cases on appeal?—No. Our Supreme Court sustained every judgment, except one.

15038. Were there any delays?—No; our court is prompt as a rule. There were many cases of *certiorari*, but the court here sustained the Act practically.

15039. Do you think the police were more careful to make arrests for drunkenness during any of the years the Scott Act was in force, than they were previously?—No; I do not think it.

15040. I ask that question because in some places there has been this difficulty experienced, that policemen were more careful in making arrests for drunkenness under the Scott Act, and thus the number appeared apparently greater than it otherwise would have been?—I have not the least suspicion of that occurring here. I do not think that was the fact.

15041. Do the city reports contain the cost of the police department?—Yes; and the cost is about the same every year.

15042. Take 1890, for instance. The total number of arrests was 510, and the number of arrests for drunkenness 239; is that the number of convictions for drunkenness, or the number of arrests?—The number of convictions.

15043. And 510 convictions for all offences?—Yes.

15044. Of the difference between 239 and 510, which is 271, have you any means of knowing if any proportion, and if any proportion what proportion, of that number were before you because of offences that were traceable to drink, or the drink trade in any way?—I could say generally, in answer to that question, that in regard to that year

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and other years they were largely cases of assault traceable directly to drink, also cases of larceny to a certain extent, and perhaps to an appreciable extent. Cases of vagrancy and breaches of the city by-laws were also due largely to drink.

15045. Is it your belief, from your official experience and observation, that a considerable proportion of the offences, other than drunkenness, are traceable to drink and the drink trade?—I do not think any Magistrate living could answer the question in any other way than that it is unquestionably so.

15046. Are there many juvenile offenders?—I suppose 10 or 15, running from 14 to 16 or 17 years.

15047. In the juveniles who come before you, do you find any considerable number of them have given way to crime because of the drinking habits of their parents, which have caused the neglect of their children?—Yes, largely from the neglect of parents; in fact, in almost every case.

15048. Is that neglect attributable to drink habits on the part of the parents?—Yes, I think so.

15049. The Mayor told us that a certain number of members of the City Council were also liquor sellers, and illicit liquor sellers. Were any of those before you at any time for illicit selling?—Yes.

15050. Were any of them convicted?—Yes.

15051. And fined?—Imprisoned for the third offence.

15052. While members of the Council?—Yes.

15053. You have said that the Scott Act was a workable law, and you did not find serious difficulty in enforcing it?—No.

15054. Do you believe a general prohibitory law, prohibiting the manufacture, importation and sale of liquor, could be as easily or more easily worked?—I should say more easily. When I say that, it is rather a queer remark to make, because I have had no experience of the difficulties of enforcing total prohibition in the way of smuggling and matters of that class. I mean in regard to prohibiting the sale; in that respect it could be made to work more easily than the Scott Act.

15055. You think the fact that liquor is permitted to come into the country, and its sale is permitted in different parts of the country, creates difficulties?—Great difficulty beyond question.

15056. Have you found that petty crimes—larceny and the like—have been diminishing of late years?—Yes.

15057. To what do you attribute that?—To law and order being better observed. In the first place, there is a knowledge that prompt and quick punishment will follow. In the next place, the children are being better educated. There is certainly a very much smaller class of ruffians in the city than there was when I came into office in 1875. There is a vast improvement. We very rarely have assaults on females; in fact there have only been two cases of assaults on females in a year. Beyond question there is a diminution in crime.

15058. Of course, in your opinion, much of this is attributable to moral and religious teaching?—Largely so; I should have put that in the first rank. The different churches are largely working on that line, and they are extending their influence to young men outside.

15059. Do you think the law is any help in this moral and religious effort?—Certainly.

15060. I notice in the statement you put in that the average convictions for drunkenness during the Scott Act period was 22 per cent per month and some fraction; during the free rum period 22 $\frac{1}{3}$ , and during the month or six weeks of police regulation 17. The Scott Act came into operation in 1881. I find the arrests during the five years of license, from 1876 to 1880, average per month 37 $\frac{1}{3}$ : is that figure about correct?—Yes.

15061. It would appear, then, that drunkenness under license was decidedly greater than under either the Scott Act or free rum, or police regulations?—I could not consistently draw that conclusion, because I largely attribute the volume of drunkenness as well as increase in crime to want of proper punishment by the courts.

15062. When did you take charge?—In 1875.

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15063. These figures are those during the period of your own term of office?—Yes, that is all from that time.

15064. I take from 1876 to 1880, five years, and I find that the arrests for drunkenness per month during that time, and that was a period of license, was  $37\frac{1}{3}$ ?—I dare say those figures are correct.

15065. From your observation you say you do not see any great difference in regard to drunkenness?—I do not think an argument of any very great value can be drawn in regard to drunkenness as regards the working of the Scott Act or any other measure. There are several men, 20 or 30, who will always get drunk if it is possible.

15066. Do you think that number is decreasing?—Yes, they are dying out, and the younger men are not taking their places in that respect.

15067. Of those parties who were charged with violation of the Scott Act: of the convictions, 364, can you tell approximately how many persons were repeaters? Were there half, or more?—Yes, you can make a calculation that the number is 50 or 60, or thereabouts; 243 of that number were first offences.

15068. Were all those separate individuals?—Yes, with few exceptions. At the time of the McCarthy Act the Commissioners under that Act insisted on prosecutions for first offences alone. I declined at first to take those prosecutions, and I called upon them to lay charges for a second offence. They saw the difficulty of conducting prosecutions on that charge. After a time the law was declared to be *ultra vires*, and we went back to the other state of affairs.

15069. Do you think there were 243 people engaged in illicit trade in Charlotte-town?—Yes, and a good many more.

15070. That was during the nine years?—There were 243 offenders no doubt.

15071. Were any of them offenders all the time?—Yes, lots of them.

15072. Were some out of the city?—Yes.

15073. Looking at the matter generally, what were the classes of people who were engaged in conducting the illicit trade? Were they people who belonged to all classes?—To all classes: there was no distinction of class.

15074. Did they include some of the people who formerly held licenses?—Yes; wealthy men, as well as the poorest.

15075. Were the wealthy men engaged in the retail trade?—The most wealthy man in the Island was convicted by me for offences under the Scott Act. There was no distinction of class.

15076. Are some of these people now carrying on free sale under police regulation?—There are fewer houses than there were in those days. I think the sale of liquor has appreciably diminished under the present law.

*By Mr. Clarke :*

15077. You think there are fewer people selling liquor now than under the Scott Act?—I think so.

*By Rev. Dr. McLeod :*

15078. You scarcely think one month sufficient time to determine what the effect of the new law will be?—Certainly.

*By Mr. Gigault :*

15079. Do you know how many persons are selling liquor now?—I cannot tell you from my personal knowledge, only from the report made to me by the Chief of Police. He has gone over the city within the last month in relation to the new Act, and has carefully surveyed and taken a description of every house in the city where liquor is ostensibly sold. Under the new law it has to be sold in premises with large windows without blinds, and only one door, &c. He has a list, and I will have it submitted to the Commission. There is very little inducement for a person to sell illicitly now. It is not worth his while, because there are so many open places which will take all the ordinary custom.

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*By Mr. Clarke :*

15080. There is no inducement to sell illicitly now, you say ?—None.

15081. And there is no desire to obtain liquor secretly ?—No. They can all get it openly.

15082. You have said that for the last five years under license the percentage was 30 odd. Do you attribute that to the fact that liquor places were licensed, or that the law against drunkenness was not enforced ?—I attribute it largely to the fact that the law against drunkenness was not enforced.

15083. You think it would be hardly fair to hold the Scott Act responsible for the fact that in 1889, when it was the law, there were 483 convictions, of which 295 were for drunkenness. For that reason, I took the years 1879, 1880 and 1881, which show respectively 231, 256 and 197 as convictions for drunkenness, and that average is practically the same for all the years under the Scott Act ?—With the exception of 1876 and 1877, when the people were not educated as to what punishment meant.

15084. Was the police force reduced in consequence of the Scott Act becoming the law ?—No.

15085. There was as large a police force under the Scott Act as before ?—The same.

15086. Has the number of inmates of the almshouses been reduced ?—I cannot tell.

*By Rev. Dr McLeod :*

15087. You have spoken of one year when you had a very large police force ; when was that ?—It was in the year 1877.

15088. Was that before the Scott Act came into force ?—Yes.

15089. You had a large force in some of the years preceding the adoption of the Scott Act ?—I had in 1877, I think, when I had a large volume of crime.

15090. So the police force was larger then ?—Yes ; but the police force remained the same for quite a number of years.

15091. Do you remember when under the license law there was considerable illicit sale of liquor ?—There was a little illicit sale, not a very great deal.

15092. Was any attempt made to prevent and punish those engaged in the illicit sale ?—Yes, I constantly fined them.

15093. Did you find the licensees object to the illicit sale ?—They did.

15094. Did they take steps to have the persons brought before you ?—They assisted in an indirect way.

15095. Was there any violation of the license law by the licensees ?—Yes.

15096. They violated the provisions of the Act ?—They violated the ordinary provisions of the license law as regards sale to minors and keeping open after hours.

15097. So from your observation, there are violations of the law, whether it is license or prohibition, wherever there is an opportunity ?—Such is human nature.

15098. Were there some periods during the Scott Act when the law was not as well enforced as in other years ?—Yes. In certain years there would be greater vigilance exercised than in other years. The temperance element during the first two years succeeded in enforcing the Act very well indeed. They assisted in the prosecutions.

15099. Then their efforts slackened ?—Yes. They evidently came to the conclusion that the police could do the work, and they left it for them to do. While they did the work they secured quite a number of convictions.

15100. The Mayor has told the Commission something of the composition of the Council, and has intimated that it had some effect on the police officers. Have you observed that ?—I should hardly like to say that very strongly. I find that the members of the ordinary police force are not men trained or educated for the purpose of enforcing a law like the Scott Act. You require, in my judgment, the very best class of men to enforce such a law, and the ordinary policeman is not a man suitable to enforce it. I find that some members of the force who have brighter intelligence than the ordinary policeman very useful, while the others were useless and incompetent to perform the duty.

15101. Do you think they were influenced by the circumstance that they might be removed from their positions : Did it follow that because some of their pay-masters were opposed to the Act, their influence would have some effect on them ?—I would not like to say so.

## Liquor Traffic—New Brunswick.

15102. That is human nature too?—Yes.

15103. Do you think the appointment of officials by either the Provincial or Dominion Governments would secure a better enforcement of the law?—Unquestionably.

*By Mr. Gigault :*

15104. Can you tell the Commission how many persons were licensed under the old License Act?—I cannot tell you the number. The City Clerk will have that information. I have nothing to do with the issuing of licenses.

15105. When Commissioners were appointed to grant licenses, how many licenses were issued?—I cannot give you that information. It can be obtained from the City Clerk. All licenses were granted by the Commissioners, and they made a return, which will be found in the annual report of the City Council.

15106. By whom were the Commissioners appointed?—They were appointed by the body of citizens. There were three Commissioners.

15107. By virtue of the Provincial Act?—Yes.

15108. How is the Scott Act enforced in other counties of this Island?—I do not know.

15109. You have jurisdiction, I believe?—I have, but it is only jurisdiction in the sense that I send up for trial certain cases to the Government or the Attorney General, and I act in special cases in other parts of the Island.

15110. According to common report, how is the Scott Act enforced in these counties?—From common report, it is not enforced in some sections, and it is enforced in other sections. It is enforced in this province spasmodically, and it depends largely on whether the temperance people desire to have it enforced.

15111. It depends on the will of the people?—Yes.

15112. Is temperance taught in the schools here?—I think it is now being about to be taught, and books are being introduced.

15113. Do you think that religious training has more to do with promoting temperance than legislative enactment?—Religious training is undoubtedly a very large factor, but I should hardly like to make that comparison; in fact, I do not know that I would make it. I say that religious training has a great deal to do with it. I know constantly, in my practice as Police Magistrate, that when a priest takes hold of an unfortunate, he has much greater influence with him than I have. My punishment does not reach him as well as personal admonition. In some way, Mr. Brewer, who has taken an interest in the drunkards of this city, has succeeded in reforming very many of that class of unfortunates who came before me; and that is a more practical way than all the legislation that ever was placed on the statute-book.

15114. Can you give the Commission a statement showing the number of fines collected every year?—Yes.

*By Rev. Dr. McLeod :*

15115. And please distinguish those for drunkenness?—Yes.

15116. What is the number of police officers in this city now?—Six officers and a Marshal.

15117. Appointed by whom?—By the City Council.

15118. They are liable to be dismissed, by whom?—I have the power of dismissal, under the statute.

15119. You spoke of the enforcement of the Act, and wished the Scott Act fines were devoted to that purpose. Is it not a fact that under the Order in Council the fines were to be used for that purpose?—They were not. They were put into the funds of the municipality, \$12,640, and they were not devoted particularly to enforcing the Scott Act. A small sum was so devoted, if any amount; but I cannot remember if any money was spent for that purpose.

15120. Do you think, in a community where on one vote the Scott Act was sustained by a majority under 20, and later was repealed by a majority under 20, showing that the community were pretty evenly divided on the question, it is more difficult to enforce the Act than if there was a larger preponderance of public sentiment in its favour?—It is unquestionably more difficult.

ROWAN R. FITZGERALD.



*By Mr. Clarke :*

15121. There was a majority of 400 in its favour, I believe, when it was first submitted?—I think so, speaking from memory.

15122. Was it more easily enforced then, it being free from legal difficulties?—When I answer the question in that way, by saying unquestionably, I believe that every law is more easily enforced by the police force, where it is actually in sympathy with the people. I think that was particularly true in relation to the Scott Act, because the police in many cases where they expected assistance, obtained none.

*By Judge McDonald :*

15123. Speaking of the reduction in crime from thorough enforcement of the law, does that apply also to the prosecution by the police force in the discharge of their duties, and the upholding of the majesty of the law? Have there been assaults on police officers?—I have imposed very heavy fines. However, I think I have not had one case a year of that class. I repeat that I have inflicted very heavy fines, and in fact I sent one offender to jail for three months. It was not a very great interference, but still it was an interference with the majesty of the law, and, although a petition was received for the release of the offender, he is still in jail.

*By Mr. Clarke :*

15124. Was there a special officer appointed to enforce the Scott Act?—Yes, there was.

15125. Do you know anything of the circumstances which led to his being retired from the office?—Members of the City Council can give you better information in regard to that matter. They voted him out; or, in other words, they changed the man.

15126. We understand they no longer desired to have a special officer and handed over his duties to the City Marshal?—Yes.

15127. Did you find that the change was attended with benefit. Did you find that prosecutions were, after that change, dropped by the police?—That depended largely on the man. Mr. Henderson was the prosecutor, and after the appointment of Mr. Passmore there was a falling off in the number of prosecutions, because one was an efficient man and the other was an idiot.

15128. Do you understand how, when the law had been in force for some years, the influence of the liquor party, or the liquor interest, could be exercised to such a degree as to be able to oust an officer from his position and allow the liquor trade to flourish, if the influence of the temperance party was as strong as one would imagine it must have been, in view of the large majority of 400 given in favour of the adoption of the Scott Act? Can you account for the fact that this illegal trade should exercise such an influence, notwithstanding that the Canada Temperance Act had been the law for some years? Is it not a fact that the illegal trade must have been thriving at that time?—I do not think I can answer that question very easily, as it would entail a long discussion on the matter.

15129. We want to get at the bottom facts, which it is very hard to do in this matter?—I do not think I can answer the question.

WITNESS, at a subsequent stage, came forward and said: I desire to say that at the last election Mr. Haviland was opposed by one of the strongest temperance advocates, a life-long temperance advocate.

*By Rev. Dr. McLeod :*

15130. Was that since the repeal of the Scott Act?—No, I think not. He was a life-long temperance man, and a temperance orator, and one of the strongest and most able advocates of temperance in the island.

*By Mr. Clarke :*

15131. Did the other gentleman run on the temperance ticket?—He ran on all the tickets.

15132. You would not take the defeat of that gentleman as a vote against temperance?—No. Mr. Haviland's position is such that the people will vote for him.

## Liquor Traffic—New Brunswick.

WITNESS, at a later stage of the proceedings, said : Indirectly some small portion of the money obtained from fines was used. The Women's Christian Temperance Union, after the official inspector was removed, employed Mr. Fenson, and he worked for them. They sent their account to the City Council and asked to be recouped the amount ; and after the matter had been postponed from time to time, it was repaid to the Women's Christian Temperance Union ; so, practically, no portion of the \$12,000 went for the purpose of enforcing the Act.

*By Judge McDonald :*

15133. Do you think, if you had had the use of that money, you could have broken up the illicit trade in liquor ?—I do not say that I could have broken it up, but a man with \$12,000 could do much better with it than without it.

*By Mr. Clarke :*

15134. Do I understand you to say that after the dismissal of the officer, he was re-employed ? If so, the temperance people would have had the advantage of his services as well as those of the City Marshal, in enforcing the law ?—Yes, he was employed at least by them.

15135. And the City Marshal, also, was aiding in the enforcement of the law ?—No. I want to draw a distinction. The present officer is enforcing the law as well as a City Marshal can enforce it in the city.

HON. EDWARD J. HODGSON, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15136. What is your official position ?—Master of the Rolls.

15137. How long have you been Master of the Rolls ?—About eighteen months.

15138. Before that, you were practising law here, for how long ?—I have been in practice since 1861.

15139. During all that time did you reside in Charlottetown ?—Yes.

15140. You knew Charlottetown under the license law ?—Yes.

15141. Under the Scott Act ?—Yes.

15142. And under the free sale of liquor ?—Yes.

15143. When at the Bar, had you anything to do with the conduct of Scott Act cases ?—Yes, I had a great deal to do with it, chiefly in Queen's County. I acted for what may be known as the Liquor Dealers' Association, defending people and advising them. In King's and Prince counties I acted generally for the Temperance Alliance. So I saw the two sides.

15144. Have you had any special experience since you have been on the Bench, from cases coming before you officially ?—I have seen pretty much what I saw when I was at the Bar, that is, the same class of cases. Down at King's County, last July, I think, there were eleven cases ; there were ten, at all events. I confirmed all the appeals and convicted the persons selling in all cases, except one.

15145. Are these appeals taken by *certiorari* ?—That is only where there is defective jurisdiction. The only cases that can come up from the Stipendiary Magistrate, from whom there is no appeal, are only those on defective jurisdiction.

15146. But the others were from Justices of the Peace ?—Yes.

15147. From your experience of the Act itself and its working, are you in a position to suggest to the Commission any amendments that would make the Canada Temperance Act more workable ?—First, I may be permitted to say that the result of my experience in Charlottetown has been that it has been an unmixed evil.

ROWAN R. FITZGERALD.

15148. The law itself?—Yes. Drinking has increased to a very much greater extent, and it has increased perjury to an inordinate extent; and it has also produced a class of blackmailers. This class of people has increased to a very great extent. But in the counties where it is supported by public opinion, the Act has done a great deal of good. In Queen's County, I think, it is hardly possible to estimate the advantages which have accrued from the Canada Temperance Act. Liquor selling has been placed on its proper degraded level. It is looked upon as a disreputable business, and public opinion supporting the Act permits very little drinking, and very little liquor is sold. In Prince County, I think liquor has decreased, owing to the working of the Act. In Summerside it is not so efficacious, because in the towns the Act is not so well supported. In King's County it is the same way. In Montague and the better parts there has been a marked decrease in drinking, and the trade has fallen into the hands of very disreputable people. Generally, if there is a conviction there, the person is put in prison or runs away. To the east, where Souris is situated, the drinking is unlimited. There is as much liquor as they want. At a picnic in Souris they had a case of liquor and sixty gallons of beer, and all the young fellows in the neighbourhood got drunk. The matter was brought before me, but the man who was charged denied that he sold to the young men, who said he did so. I upheld the Magistrate's decision, and the man went away and got out of the road altogether.

15149. Are we to understand that the state of public sentiment may have a good deal to do with the efficiency of the Act?—A vast deal to do with it. In Charlottetown, I think, there is chargeable to the Scott Act a great increase in the number of drunkards. Before the Act was adopted a man went into a tavern and took a glass of whisky—though I believe he would be better without it. Under the Canada Temperance Act he bought a bottle. It largely increased office drinking and bed-room drinking, and many and many a drunkard has been trained in that way.

15150. Could you suggest any amendment in the procedure which would improve the Act in any way?—No, unless you make it a crime to purchase, because where liquor is allowed to be imported by the law it will be sold, and there is a great difficulty in finding out the people who sell it. People object to appear as witnesses, and they will prevaricate.

15151. The Stipendiary Magistrate, who appears to be a thoroughly efficient officer, has stated that he seems to be able to enforce the Act, and the Supreme Court has upheld his decisions?—We have no appeals from him; but I have no doubt that his decisions would be sustained, because he is very careful.

15152. In the country do you find that most of these appeals from country Magistrates are sustained?—I think since I have been on the Bench I have only dismissed three. In one case the Magistrate was related to the prosecutor.

15153. It was not on the merits?—There was only one case that I dismissed of any account. The Attorney General would not press it. The offence was committed by the man's son, who received a good thrashing from his father, and a member of the Legislature, who was in the court, saw the son selling liquor from a bottle over a game of cards, and as he had had a good sound thrashing, I dismissed the case.

15154. Do you think there is a difference between the urban and the rural populations?—A vast difference. When I was at the Bar I was so thoroughly convinced of the evils of the Canada Temperance Act that I voted against it, and spoke against it; but I was prepared in the country to vote for it and speak in favour of it, if occasion arose. That is my opinion, independent of the profession, and as a member of the community simply.

15155. Is there any statement you would like to make in reference to the law?—Regarding the law now in force in Charlottetown: it has not been in force long enough to allow me to express my opinion in regard to it. It has only been in force about six weeks. The evils of it seems to be this, that while the Corporation of Charlottetown give unlimited permission to any body, no matter what his character may be, to sell liquor during certain hours, they take no means to ascertain the quality of liquor which is sold or to test it. You must have open windows and your counters must not be too high, and you must close at certain hours, but they take no steps to see the kind of liquor which is sold.

## Liquor Traffic—New Brunswick.

15156. Do you think it would be better if a system were enforced for the proper examination of liquors?—I think so.

15157. We have heard that some very vile compounds are sold as liquors?—Unquestionably, and I have information from a person who knew it from his own observation, that an inordinate quantity of blue stone and caustic was sold under the Scott Act to make some of these compounds, and these were allowed to be retailed at every street corner.

15158. You think an examination of liquor should be made?—Yes.

15159. Do you think it would be better in Charlottetown if they had a license law with these police requirements, or is the present system preferable; free sale with police regulations?—I think it would be much better to have a license law.

15160. And the number of places limited?—Yes, with inspection and large domiciliary powers for the police, and heavy bonds to be given by the licensee, making him responsible for all people who are made drunk on his premises. I know there are difficulties in regard to that, but it is a check.

15161. Would you favour the granting of licenses by the municipal authorities or by a Board of Commissioners?—If there was a local option as well, I think I would rather have the consent of the parties of the locality where the saloon is to be placed, and I would prefer then the local authorities. Before the Canada Temperance Act there was local option, and my brother, the Rev. G. W. Hodgson, thought that was sufficient if there were proper machinery for enforcing it, which there was not under our local laws.

*By Rev. Dr. McLeod:*

15162. How do you account for the increase of perjury under the Scott Act?—Because there are people who will have liquor, and they simply will not tell the truth. I have seen and known cases. I have heard the Magistrate on the bench state that he knew of cases where there was perjury. It was evident to any one, any reasonable man could see that the witness was perjurying himself.

15163. Do you think, from your experience that the same persons would be likely to perjure themselves in a civil case where they had any considerable interest at stake?—I think so probably. A man who would tell a lie would swear to a lie, if he thought he would not be held. Here our Supreme Court holds that a man who sold liquor is not bound to answer a question if it would criminate himself. I believe it is different in Ontario; but that question was raised when a Magistrate committed a man to jail for refusing to answer. He was brought up on *habeas corpus*, and the Supreme Court unanimously released the man, and decided that he could not be compelled to answer. So the evidence was practically to be supplied by the man who got the liquor, and that was looked upon as disreputable; at all events, there was a good deal of perjury in connection with the evidence.

15164. Do you think the Scott Act makes men commit perjury, or would they commit perjury under some other law if their personal interests were at stake?—These people have very few civil rights to contest before a Court. They are generally people who have very little means and not much at stake; they drink at places not of very good repute; they are sent to buy liquor and they resort to all sorts of subterfuges. It is slipped into their pockets and the money is left on the counter; and I have known where men had tried to return the money paid, so as to be able to swear they had not got it.

15165. What about the blackmailers?—They go and say: I have known you have been selling liquor, and if you do not give me money, I will bring you before the Court.

15166. Has it come before the Court in that way?—No, but I know of it. I believe the best way would be to have prohibition; but unfortunately it would not be possible to enforce it.

15167. What would be the difficulties in the way of enforcing it?—In the first place, smuggling. In this Island there is scarcely a place four miles from a creek, and with St. Pierre, where liquor is free, so near, there would be a vast quantity of it smuggled.

15168. Is there much smuggling now?—I do not know, but I dare say there is.

15169. Of liquor and other articles?—Now they can import it under the law, and so it is not worth while having a vessel seized for smuggling; but if it were prohibited altogether, I am afraid there would be a vast amount of smuggling.

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15170. Do you think the smuggling is lessened now because there is an opportunity of legal importation, or because there is a revenue law, and officials to prevent smuggling?—Of course they have to run the gauntlet of the revenue officers, but the difference is not so very great as to make it much of an object to risk very much. The liquors they import are of the lowest kind, and mixing it as they do with drugs, makes it not worth while to embark very much in smuggling; but if there were prohibition, I think it would be very different.

15171. You think a prohibitory law, well enforced, would be a benefit?—I think so, if you could enforce it. I do not believe liquor of itself is an ill. That is only a recrudescence of the old Manichean heresy, but I believe that the evils and misery and wretchedness resulting from it would justify prohibition, if it could be enforced.

15172. You do not think it could be done?—I am positive it could not be done.

15173. Do you remember the license law prior to the Scott Act in this Province?—Yes.

15174. How did that operate?—I had not much experience of it.

15175. You do not remember whether it restricted the sale or not?—It was thirteen years ago, and I had not much business in connection with it.

15176. You do not remember whether there was much illicit sale at that time?—I should not care to express an opinion. It did not come within my observation at all.

*By Mr. Clarke :*

15177. Is it your judgment, then, that the Canada Temperance Act has failed of enforcement in the cities and towns?—Yes. I have a strong opinion on that.

15178. What is your opinion as regards the rural districts?—It has been of great benefit.

15179. Do you attribute the laxity of enforcement to the lack of public sentiment?—Yes.

15180. How do you account for the fact that the Act was passed by 400 majority?—I was one of those most enthusiastically in favour of it. I spoke in favour of it. It came up shortly after Mr. Banks Mackenzie, a temperance reformer, was here; and it was decided to give it a trial. Then came the appeal in the Fredericton case, and the prosecutors were afraid to go on, because if the Act were declared *ultra vires*, all these actions would be upset and they would be in the wrong. Then it could not be properly enforced.

15181. Do you think it could be more effectually enforced in the city if those appeals had not taken place to the Privy Council?—I cannot say, because it was stopped for two years. There were two or three elections afterwards, when the Act was continued by a vote of about 17. A majority of 17 was gained by the temperance people and the lowest kind of rumsellers uniting together.

15182. Extremes met?—Of course, when voting by ballot takes place, you cannot say this man or the other has voted in that way; but any one who has anything to do with elections can tell by districts and wards how things are going, and I am sure that the Canada Temperance Act in 1883 was carried by the extreme temperance people and the most objectionable people who sold liquor.

15183. Why should they unite?—Because those sellers were afraid there would be a license law, under which they would have to pay \$100 or \$200 a year, when they could sell liquor for nothing under the Scott Act.

15184. Did they sell liquor freely?—Yes. Sometimes they were prosecuted and sometimes they were fined and went to jail, and then there would be medical certificates that their wives were going to be confined, or there was diphtheria in the family or something else. I was told the Department of Justice found that all the people in delicate health were sent to jail. Public opinion did not support the authorities. The very people who supported the Canada Temperance Act by their votes signed petitions for the release of those people.

*By Rev. Dr. McLeod :*

15185. Did the petitions succeed?—Sometimes they did and sometimes they did not.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

15186. Was a more depraved class selling liquor under the Canada Temperance Act than under the License Act?—Far more. They would get a gallon of whisky and sell it on a market day, and when it was exhausted they would get another. I remember a person who was employed to go through the town to get signatures to ask to have a new election, which required the signatures of one-third of the community, (he was acting under my direction as Notary Public,) told me that he saw places where liquor was sold numbering something like 146 in Charlottetown, where there was supposed to be no liquor sold at all. That was under the Canada Temperance Act.

15187. Can you state whether during the license period there were 146 licensed and unlicensed places?—That is 13 years ago, and I was not brought into contact with them.

*By Rev. Dr. McLeod :*

15188. Do you believe there were 146 places?—Yes ; he had no reason for misleading me.

15189. You had no knowledge yourself?—No ; but he had no object in misleading me.

*By Mr. Clarke :*

15190. Did the last vote by which the Act was repealed carry, notwithstanding the efforts of these low people to retain it on the Statute Book?—Yes. I think the common sense of the town saw that something must be done, and I think it was carried by the people having it forced home to them that things were in a deplorable state, that drinking was increasing and perjury and lawlessness. The respectable portion of the community repealed the Act, and against them there were the extreme temperance people and the most objectionable people, who sold liquor without license.

15191. In what degree was the repeal of the Act due to the apathy of the friends of good order and good government abstaining from the polls altogether?—I do not know that there was any abstaining. I think they exerted themselves to the utmost. Nearly every clergyman was engaged as an electioneering agent, taking people to the polls. They got a distinguished gentleman from Ontario to address meetings here. I do not think there was any apathy. I remember going round the streets here, and during the most hotly contested Dominion and Provincial elections I never saw so much energy or enthusiasm. I cannot speak of individuals as A, B, C, or D, but I say, knowing the wards and districts, that that is the case.

15192. You think the repeal of the Act was brought about by the sober, settled conviction of the majority of the people of Charlottetown, who had given the matter consideration, and looked with feelings of regret on the condition of things created by the Act?—That is my opinion.

15193. As to its enforcement here : has any effort been made by the temperance people to secure from the Legislature the necessary measures to compel the corporation of this city and the Councils of counties to employ officers to enforce the Act?—I think the Provincial Government has appointed an Inspector for Queen's County, who seems to be a man who does his business efficiently and well, as far as I have seen. He seems to be a man who is desirous of doing what is right in enforcing the law, but I do not know about the other counties.

15194. In this city?—I have not seen the statute, but I understand that it is left to the City Council to enforce it.

15195. The evidence of His Worship the Mayor this morning was that the Council of its own volition some time ago did appoint an Inspector, and he served very efficiently for some time, but he was dismissed because the liquor sellers were in the ascendant. Was any course taken to get the Legislature to appoint an Inspector?—After that the Women's Christian Temperance Union took up the prosecutions, and with the best intentions, they did the best they could, but I do not think it was very much.

15196. Were the police derelict in their duty?—Not that I know of.

HON. EDWARD J. HODGSON.

15197. Were any complaints made by the Women's Christian Temperance Union, or any other bodies of citizens that the police were derelict in enforcing the law after the dismissal of this official?—I used to hear complaints, and I know the Women's Temperance Union expended a good deal of money, which they wanted to get back again. They got at loggerheads with the City Council. They accused the Council of keeping money belonging to them, and the relations were strained between the ladies and the Council. I think the officers were always taunted. It was very difficult to get a conviction, and the Magistrate would not allow a prosecution unless it was probable a conviction would be obtained. Those ladies thought because a man was known to sell liquor, he could always be proved to have sold it.

15198. So notwithstanding the efforts to enforce the law, it was a failure?—A perfect and complete failure.

15199. And because of that, it was repealed?—I think it was the honest, conscientious, thoughtful view of the community that it should be repealed.

15200. Failing national prohibition, what would be the best regulation, in your judgment, for cities such as this?—In the rural districts I am satisfied with the present law, and if that were not enforced, I would have in the towns local option. In the cities I think high license would be desirable, with very stringent powers given to the police, and heavy bonds given by the liquor dealers, making them responsible in damages for injury to persons in getting drunk. If a man was intoxicated and broke a leg, or committed a grievous assault, I would try the liquor dealer as an accessory before the fact, and he should give heavy bonds for payment of fine, and on the third conviction I would cancel the license altogether.

15201. Do you think there should be a rigid inspection of liquors in connection with high license?—Yes, and I think that is the great defect in the present license law. It allows a man to sell the vilest decoctions.

15202. From what you know of public opinion in this city, do you think the provinces of the Dominion are ripe for national prohibition?—No. I am positive they are not. I am positive such a law could not be enforced. While the Canada Temperance Act was in force there were some men selling liquor who were very objectionable people having no accommodation, and people who would not be permitted to do it under a license system; but when they were attacked every one in the business felt themselves attacked too, and they were all banded together, and these men were supported openly or secretly by them. If there were licenses issued these objectionable people would be dropped off and not supported by any one.

15203. Do you know of any persons under a license law aiding and abetting unlicensed dealers?—I never heard of such a thing being done.

15204. Selling liquor to enter into competition with themselves?—No. It is very unlikely.

15205. Do you know of any country where total prohibition is the law?—No, except in Maine.

15206. As I understand the law, any citizen in Maine can bring in liquors for his own consumption if he desires, and agents sell on Doctor's certificates?—I do not know. One cause of dissatisfaction with the Canada Temperance Act was, that people who were better off could import liquor from abroad, and have as much as they liked, whereas a poor person who made quite as good use of it no doubt could not get it, and that created a great deal of dissatisfaction.

15207. It was class legislation?—Yes.

15208. Bed room and home drinking increased?—To an inordinate degree. Before the Canada Temperance Act there was nothing of the kind, and I attribute that to the Scott Act.

*By Rev. Dr. McLeod:*

15209. Did the appeals and delays discourage the people interested in the enforcement of the law?—The only appeal I referred to, was the appeal in the case of the Mayor of Fredericton. The only appeals here are to the Supreme Court, and there is no delay there.

## Liquor Traffic—New Brunswick.

15210. But that appeal from Fredericton had something to do with Charlottetown?—Yes. My brother was the leading man in the Dominion Temperance Alliance, and writs went out in his name; and I pointed out to him that if that Act was held to be *ultra vires*, he and the Magistrate would get into serious trouble.

15211. Did that have a serious effect on the prosecutions?—Certainly.

15212. And how long did it last?—About a year.

15213. Did the law ever really recover from the shock it received by reason of that delay?—I believe that public opinion never did carry out the working of the Canada Temperance Act. A series of meetings would be held, and there would be a spurt and houses would be closed up, and two or three weeks afterwards the state of affairs would be the same as ever.

15214. If the City Council had been differently constituted, do you think the law would have been better enforced?—No. The Council elected by the people fairly represented the people.

*By Mr. Clarke:*

15215. Are they elected by ballot?—No. By open voting.

*By Rev. Dr. McLeod:*

15216. Did the City Council represent fairly the people of Charlottetown?—It represented all those who chose to take an interest.

15217. Does the Mayor fairly represent the people?—He is a very distinguished citizen. He has held high office in the Senate, he was the representative of the Queen's Majesty in this Province as Lieut.-Governor, he has been Attorney General, Solicitor General, Speaker of the House of Assembly, Member of the Legislative Council, and has had a long and varied experience, and is perhaps one of the most distinguished men in this Province. I do not mean to say that Mr. Haviland represents all the electors. He is a man of very high position and standing. Many representatives may be elected, and you cannot hold the electors responsible for every one of their views.

15218. Did the election of the Mayor express the feelings of the citizens on the temperance question, or did the election of the Council express their feelings, or did neither of those elections express their opinion?—I do not know that I can answer that question. I am not aware that the election was ever run upon temperance issues.

15219. Do you mean the election of Mayor?—Of course a person like Mr. Haviland would find very few people to come out and oppose him. The people would be glad to have him as Mayor. He has only the casting vote when the Council is divided.

15220. I was asking whether public sentiment was expressed in the election of the Mayor, who is favourable to the enforcement of the law, or the Councillors, many of whom were opposed to it?—There are many side issues in elections, whether this street is to be macadamized or whether sidewalks are to be constructed and so on.

15221. Do you think that these side issues covered up the main issue, and that the vote did not express the opinion of the municipality?—Personal popularity has a great deal to do with it. A man who will shake hands with every one and kiss the babies, and chuck them under the chin has a great chance. In ward No. 2 the late Hunter Connolly, Agent of the Merchant's Bank of Halifax, who did an enormous business, was defeated over and over again by a young man who was employed in the establishment, but who was a skilful canvasser.

15222. Do you mean the Mayor is a skilful canvasser?—No. I never knew of his canvassing at all. In the Scott Act contest I worked and spoke against the Scott Act as doing a vast amount of harm, and yet I was the first to vote for Mr. Haviland, and induced every one I could to do so.

15223. We understood from him that all those in the illicit liquor trade, and those in sympathy with them were opposed to him, and that he always ran his elections as an avowed supporter of the Canada Temperance Act?—Mr. Haviland was a man of position and was very popular in Charlottetown, and the Mayor has no power to do anything in regard to the Canada Temperance Act.

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15224. The City Council have nothing to do with it, except as they appoint officials?—That is all. Some of the Councillors went to jail themselves for selling without a license, but they were elected all the same. The elections were never run on the question of temperance.

15225. But those men who went to jail represented Charlottetown, or some section of Charlottetown?—Some section, some ward.

*By Mr. Clarke :*

15226. The Mayor by his election represents all sections?—Yes. Every one in the ward can vote as many times for Mayor as he has votes in the city. I have votes in five wards and would give five votes for Mr. Haviland.

15227. Do you know if the liquor men tried to defeat Mr. Haviland because he was known to be an opponent?—He is known to be an opponent, but I do not know if they united to defeat him. Many who thought the Canada Temperance Act was a well meant effort, but had failed, voted for him. I have mentioned my own case, and there were ten or twelve of my clerks who voted for him; although we entirely disapproved of the Canada Temperance Act, we voted for Mr. Haviland notwithstanding.

*By Mr. Gigault :*

15228. As a Judge would you say that the open, continuous and flagrant violation of the law leads to a perversion of the moral sense of the people?—Yes, of that I am quite sure; and it is for that reason I know the evils of the Canada Temperance Act are very far-reaching, and we have not seen the end of them yet. I have seen, unfortunately, a weakened sense of respect for the law, and I have been very sorry indeed to see it.

*By Rev. Dr. McLeod :*

15229. Do you believe a law for the restriction and prohibition of an evil has any effect in creating and strengthening public sentiment against that evil?—It ought to have.

15230. Does it not have, from your own observation?—Of course, every law-abiding citizen thinks the law should be upheld, no matter what his views in regard to it may be. But there is another class, and especially the young, who do not hold that view. Take a child, and tell it not to do anything, and it will forthwith endeavour to do the act. Young men are grown-up children. The very idea of defying the law seems to give a zest to the action.

15231. You say the liquor traffic is an evil?—Yes. I have noticed further than that, even from my earliest childhood, that those who have had to do with the liquor traffic almost always seem to have ended in poverty. It seems as if the curse of God was on the trade.

15232. You hold strongly that it is an evil. Is it better under those circumstances to remove the law that restricts and in any degree prohibits, and go for abolition?—In the first place, how is this to be done? The laws restricting the sale of liquor are prohibitory so far as they go. If I say there shall only be four places in Charlottetown where liquors are to be sold, there is a prohibition except as regards those four places. Now, if I surround those four places with every safeguard, which experience shows me can be used to mitigate the evil, that course is better than simply attempting to abolish them altogether, well knowing, as I do from my experience, that the attempted abolition must prove a failure.

*By Mr. Clarke :*

15233. Do you consider that the moderate use of liquor in itself is an evil?—I do not think that liquor in itself is wrong, is an evil or bad. I think, if it were possible to have prohibition, it would be the duty of every one to give up what would be harmful to them.

15234. Would that not be practicable?—Yes, by a stringent law.

## Liquor Traffic—New Brunswick.

*By Judge McDonald :*

15235. You have been asked whether there is any country under prohibition, and you have mentioned one in the world. It has been explained before the Commission that under the Canada Temperance Act, and under the Maine law, a person can purchase liquor in Boston, Montreal, or elsewhere, and bring it in, so long as it is for his own use and not for sale. So that is not prohibition. We have been told by a gentleman who has made the subject a special study, that the only country in the world where there is total prohibition is the Fiji Islands?—Yes, or Turkey, where it is against the law of the Koran.

15236. That brings up another question. Evidence has been adduced as to the use of fermented wine by religious bodies for sacramental purposes, and as to its prohibition for such purposes. In any remarks you have made, you have not judged the question from that point of view?—In that point of view it would be the duty of every person to violate a law of that sort.

15237. That is, a law that prohibits?—Yes, because wine has to be used at the Holy Eucharist. To prohibit it is simply to prohibit the Christian religion. Every man is bound by a higher law than that of any Parliament, to violate that law in any country. That is not a question of opinion; it is a matter that goes deeper than any opinion; it is the law of God, which no Legislature has power whatever to question. In speaking of total prohibition, I have done so simply as regards the use of liquors for beverage purposes. I should be very sorry to say that, in the celebration of the Holy Eucharist, wine should be prohibited, for such would be to strike a blow at the law of God. The idea of unfermented wine is a contradiction of terms. There is no such thing.

15238. Referring to the difficulties about smuggling and matters of a cognate character, you spoke of how adulteration is carried on. Do you think there might be difficulty, in the event of total prohibition, from illicit stills being opened up and manufacturing spirits?—I think they are very easily detected. There have been one or two in the eastern part of the island. They continue for a time, but they are soon detected.

15239. So you think that need not be considered as involving a practical difficulty?—No, that difficulty does not amount to much. When the ship "Phoenix" was cast ashore, some enterprising individual got the copper coil out of the water closet and made a still, and brewed whisky for awhile. I was agent for the Minister of Justice for twelve years, and during that time we had only two instances of illicit stills being in operation.

15240. So you do not apprehend that to be a difficulty?—No; I remember a case where a man desired to violate the law in this respect, but found it was not worth his while.

H. M. DAVISON, Treasurer and City Clerk, of Charlottetown, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

15241. I understand you are City Clerk and also Treasurer of this City?—There is only officially a Treasurer and City Clerk.

15242. You fill that office?—Yes.

15243. How long have you held that position?—Since December, 1890, not quite two years.

15244. Are returns made to you of the fines collected?—No, to the Clerk of the City Court.

15245. Do you not receive them?—He takes them, and at the end of the month I get his deposit receipts.

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15246. You do not know what they are?—Not except the total amount at the end of each month.

15247. Do all the amounts that come in from the court go into the common city funds, or has a separate account been kept of the Scott Act fines?—Yes, they are entered in different books, but not in my books.

15248. So far as the City Treasury is concerned there is no particular record of Scott Act fines?—No.

12249. You have no means of ascertaining from your books the amount of such fines?—No.

15250. All those go into the general return of fines for city purposes?—Yes.

15251. Have you any documents in your possession which would show how many licenses were issued at the time the old license law was in force?—I tried to find out from the books to-day, but I could not ascertain the number; that was many years ago, and the books appear to be mislaid and not in my possession.

15252. Have you any duties cast on you in connection with the new police regulations respecting the sale of liquor?—No, none whatever.

15253. Was the Scott Act in force when you first came into office?—No.

*By Mr. Gigault :*

15254. Did the Mayor instruct you to furnish the Commission with printed reports?—I have the reports in question from 1885, and we could not obtain copies earlier. I have not seen any city reports prior to 1880.

15255. Can you give the total amount of fines collected by the city?—I cannot give you the amount exactly.

15256. Can you give a statement showing the amount received year by year?—I can get it from Mr. Palmer.

*By Mr. Clarke :*

15257. Do you know anything about the operation of the Scott Act during your residence in Charlottetown?—Very little.

15258. What do you know about it?—It was in force.

15259. Was it observed generally, or was any sale going on under it?—There were some sales, because lots of people were fined for selling.

15260. Was there a larger number of places selling illicitly when the Scott Act was in force than when the city was under a license law previously?—I could not tell you; I do not remember the old license law.

15261. I thought from your position as City Clerk you might know from the records about this matter?—No. I was not in the town when the license law was in force. I came here a short time before the Scott Act came into force.

15262. What has been the condition of things since the Scott Act was repealed? Has it been better or worse since free sale was permitted?—It is difficult to say. Some people say it is a little worse, and some people say it is not worse.

15263. What do you say?—I could not tell you; I do not see any more liquor sold.

## Liquor Traffic—New Brunswick.

CHARLES CAMERON, City Marshal, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15264. How long have you held your present office ?—A little over two years.

15265. Was the Scott Act in force when you came into office, or had it been repealed ?—I think it remained in force for a short time after, only a few months.

15266. Had you any prosecutions under it ?—I could not answer that question.

15267. If the law was in force during your term of office, did you do all you could under it to secure its enforcement ?—I did.

15268. Had you reason at that time to believe there were people engaged in the illicit sale of intoxicating liquors in this city ?—Certainly. I am not too bold when I say I was on the force at the time, for I took charge on 13th January, 1890. I forget the time of the year when the Scott Act was repealed.

15269. You have said that if the Scott Act was not repealed, you did what you could to have it enforced ?—I did my duty.

*By Mr. Clarke :*

15270. When was the Scott Act repealed ?—I believe it was repealed in February, 1891.

*By Judge McDonald :*

15271. During that time you did what you could to have it enforced ?—I did.

15272. You had reason to believe, you say, that the sale of liquor was going on in the city ?—Yes. I have good reason for saying so.

15273. Was it difficult to detect the places ?—Yes, it was pretty difficult.

15274. Do you remember when the free sale of liquor came into force ?—Yes.

15275. Did many places open for business ?—I do not think the number decreased.

15276. Do you think the same people kept on selling ?—About the same people.

15277. There is, however, a law that has been in force six weeks whereby certain police regulations are placed on those who sell liquor ?—Yes.

15278. Has it been your duty to see that these regulations are carried out ; that is to say, to the reasonable extent of your power ?—Yes.

15279. Do you think you have done so with success ?—I do.

15280. Do you think it has had the effect of diminishing the number of places where liquor is sold ?—That regulation as regards the sale of liquor has done away with certain places which formerly sold it ; that is to say, in the back parts of houses. They have now to come to the front, and it has done away with a certain number of back places where they sold behind grocers' shops. The law has had the effect of doing away with them.

15281. Do you think the total number of places where sales take place is less ?—Yes, it is less.

15282. Have you ever had any opportunity of forming an opinion as to the character of the liquor sold in those places : as to whether it is pure or adulterated ?—No.

15283. Have you ever noticed the effects of liquor on people who have been addicted to drink, as to whether they become merely drunk, or become paralyzed ?—They appear to be stupid, quite a number of them.

15284. Do you have the assistance of the police officers in carrying out the law ?—Yes.

15285. From your experience are there any suggestions you could make to the Commission as to improvements in the Scott Act, in order to make it more workable ? Do you recollect about it ?—Yes ; I recollect all about it.

15286. I now refer to any difficulties you found in the way, and as to whether you can make any suggestions with a view to those difficulties being removed ?—We found a good many difficulties in doing our duty. We had no power to break into premises. If we had had the power to burst in, we could have got along more efficiently.

CHARLES CAMERON.

15287. You mean, to make a search?—Yes.

15288. Have you any other amendment you can suggest?—I do not know of any.

15289. Do you think that a police force, constituted as yours is, can carry out the law and see that it is enforced; or would it be necessary to have special officers for the purpose?—It could be carried out as well by special officers.

*By Mr. Clarke :*

15290. Do you think special officers should be appointed to carry out the Scott Act?—A special officer could not do it any better than any other man, if he tried to do, and was urged to do his duty.

15291. You say you tried to do your duty all the time, and you were Marshal when the Act was in force. Did you have any obstacles thrown in your way by the Mayor or by members of the Council, to prevent the enforcement of the Act?—I had no obstacles thrown in my way.

15292. Were you afraid to do your duty because of the personnel of the Council?—The Council was composed of two sides, one the temperance body and the other the opposition; and when the opposition was in power the officers always governed themselves accordingly, and when the temperance party was in power they likewise governed themselves accordingly.

15293. How long have you been a resident of Charlottetown?—Twenty years.

15294. In what calling or profession were you engaged before you were appointed City Marshal?—I was driver of the inland mail.

15295. Through different parts of the island?—From here to Baddeck.

15296. What counties did you pass through?—Queen's and Prince.

15297. Is the Scott Act in force in both of those counties?—It was not then. I have been here 20 years.

15298. What were you doing in Charlottetown before you were appointed Chief Marshal?—I was on the force.

15299. You had experience on the force before the Scott Act came into operation?—Yes.

15300. Did the Scott Act decrease drunkenness as compared with the License Law, which obtained previously?—It did among a certain class of people, and among another class it did not.

15301. On the whole was there any marked decrease in drunkenness?—Yes.

15302. And amongst what class was that decrease the more marked?—Among the better living class of people, who would not go into a house on account of the danger of being subpoenaed before a police court as a witness, and were obliged to keep out of the way.

15303. Where did they get their liquor to sell?—I do not know if they got it at all; if so, they got it from outside.

15304. Did drunkenness increase during the period of the Scott Act?—I could not say.

15305. Did it come to your notice that drinking in offices and bedrooms increased after the Scott Act came into force?—I have no doubt it did, but I could not answer the question.

15306. Was liquor sold in the grocery stores during the time the Scott Act was the law?—Yes.

15307. It was sold secretly, I suppose?—It was supposed to be sold on a doctor's certificate.

15308. Do you mean sold on a doctor's certificate in a grocery store?—Yes. Probably they might have sold some liquor without the certificate. I think a couple of them were fined for selling.

15309. Do you remember the time the police force was increased to 17 men?—I do.

15310. What was the cause of the increase?—The cause was this: there were a lot of ships in the harbour, and the sailors were very plentiful and very disorderly on the streets, and liquor was being sold to a very great extent. The force before that consisted only of 8 men, and it was increased to 16.

## Liquor Traffic—New Brunswick.

15311. Then there were special circumstances that necessitated an increase of the force?—Yes.

15312. When these circumstances disappeared, was the force reduced?—Yes.

15313. Has the Scott Act had anything to do with the reduction of the force: I mean the Scott Act being made the law here?—I do not know that it has.

15314. You required as many men during the Scott Act period as previously?—Our number was so small before that it could not stand much reduction. It only numbered three policemen and myself on duty at one time. It could not be reduced much smaller.

15315. Have you not had an opportunity of being able to form an opinion as to how the new law—this law that has been placed by the Legislature upon the statute-book, and the regulations under which liquor shall be sold—will operate?—It is working well.

15316. Has it decreased drunkenness?—It is steadily falling off. The places close up on Saturday at six o'clock, and there seems to be no trouble about it so far as I can judge, and of course, that makes a very great difference.

15317. It makes your duty easier as a police officer?—Yes. The places close very nicely on Saturday now. On other nights of the week they close at ten o'clock.

15318. Would a license law, with equally severe restrictions, be an improvement on this free sale?—I do not think that it would make much difference.

15319. Are there more places selling now than there were under the Scott Act?—I think there were more under the Scott Act.

15320. Then, so far it has been an improvement on the Scott Act, as it has reduced the number of places where liquor is sold?—Under the Scott Act there were a lower class of people selling. A lower class of people went into the business, for a man who had money would not risk very much. The others who had no money would be doing all they could, while he would be doing very little. At the time the Scott Act was in force if a man was run out and put into jail, his wife took charge, and if she was imprisoned, the son took charge, and then the servant, and it went right down in rotation. Three or four of them would be running the house one after another.

15321. And I suppose they resorted to all kinds of evasion?—Yes.

15322. There is not that difficulty now?—No. The bar is open and the store faces the street. The rich and the poor sell alike now.

15323. You think the number of places has decreased, and drunkenness has decreased?—I think so.

*By Judge McDonald:*

15324. You say that the effect of the Scott Act coming into force after the License Act was a decrease of drinking among one class and an increase among another. You have told us where the decrease was; where was the increase?—The way the increase came about was this: We have an average of perhaps from 20 to 30 lads who will go anywhere and get a quarter's worth of whisky. One of them would do this; and he would go in on the following day and tell the bar-tender that he wanted another quarter's worth. He did not offer any money in payment, but the bar-tender had to give it to him, for the lad would tell him if he did not give it to him he would have him in jail. That class has got more liquor—that is the lower class. If they were subpoenaed before a court, they would tell more or less of the truth as it pleased them: that is, the greater part of them would do so.

15325. Do you believe a great amount of perjury was committed under the Scott Act?—I have heard men after they have left the stand say that they got liquor, but they would not swear that they got it. They have told me that themselves.

*By Mr. Gigault:*

15326. How many places are selling liquor now?—About 75 places in the town; there might be one or two more. I went round some little time ago and took the number of the places with the exception of two or three which were not occupied, but which, I understand, are occupied now. I have ran over the number, and I find there are 75 or 76 places.

CHARLES CAMERON.

15327. As regards this Island, do you think there has been a general improvement as to drunkenness and intemperance during the last 20 years?—So far as regards the Island, I could not answer the question.

15328. So far as Charlottetown is concerned?—They do not drink as much liquor here as they did 20 years ago. They have not got the money to buy it with. There was a lot of shipping here 20 years ago and money was very flush here then.

*By Rev. Dr. McLeod :*

15329. You spoke about carrying the mails; how many years ago was that?—Twenty years ago.

15330. You went through Prince, and what other county, did you say?—I went through Prince and Queen's.

15331. Those counties were then under a license law. Do you remember the condition of things under that law, whether there was much drinking or drunkenness taking place when you drove through?—I have seen considerable.

15332. Have you any knowledge of those districts in later years?—I have not.

15333. No knowledge of them during the last ten years?—I have only been through part of them probably once in two years. I have some friends out there, and I have visited them some times, but not very often.

15334. Do you know whether there is as much drunkenness now as there was then?—I do not.

15335. You say there was a good deal of drunkenness under license?—At that time there was shipping here in the fall of the year.

15336. You have said that there are 75 or 76 places in Charlottetown selling liquor?—Yes.

15337. Do you know how many places there were under the Scott Act?—I went round several times. I could hardly answer that question, for this reason: I believe several people would be running one house. One after another, we would have the husband and the wife and the servant girl up before the court.

15338. Were there seventy-five regular places?—Yes, over a hundred, and in all probability nearer two hundred. I do not give that, however, as a distinct statement.

15339. Were they low places?—They were often in the rear of the houses and in back yards.

15340. Did they have a stock of liquor?—No, they would get in a few bottles in a basket.

15341. Did they have bars fitted up in the manner of the people doing business now?—I have seen an old packing box used for a bar, and a table and different articles like that.

15342. So the places were not of the same character, and fitted up in the same style as places now?—No. They are now fitted up with bars and with windows facing the street, and a large number of bottles and decanters.

15343. They are fitted up well now, and are all exposed and open to the street, I believe?—Yes.

15344. You have spoken about the time when there was a larger police force than there is now?—Yes.

15345. You say that was because there was a larger number of sailors here, and and there was a great deal of drinking and disorderly conduct going on. Did that occur under the license law or the Scott Act?—Under the license law, as nearly as I can recollect.

15346. While there are not so many places selling now as there were under the Scott Act, do you believe the repeal of the law has reduced the quantity of liquor sold in Charlottetown? Do you believe there is less liquor sold now than there was two years ago? Do you suppose those people who have places sell less liquor than the places selling under the Scott Act sold, or more liquor?—It would be hard for me to answer that question. There is one way I might answer it, and it is this, that the hours of selling are shorter now than when we had free rum. Again, when the Scott Act was in force, those parties who could go and get liquor in the places—and there were a great many of them—would not go on to the streets at all afterwards, but sleep there.

## Liquor Traffic—New Brunswick.

15347. Was that from fear of being arrested?—Certainly.

15348. What has been your custom in arresting drunken men? Do you arrest every man you find drunk on the street, even if he is going on quietly and heading homeward: do you let them go, or do you arrest them?—It is according to how drunk the man is. If he has had some liquor, and the officer knows him, and is at the same time heading homeward the officer lets him pass. If he is a rough and quarrelsome man, and the officer thinks he would do harm, he pulls him in. There is considerable discretion used.

15349. Your system, then, is that if a man is going along peaceably, and the officer believes he can let him go along with safety, he lets him go home?—If we know him to be a decent fellow who would not do any harm, and is not likely to interfere with any one on the sidewalk, we let him go.

15350. But if he is utterly incapable and disorderly, I suppose you arrest him?—The officer has no option then, but to take him in.

15351. Do you act differently in this regard now than you did under the Scott Act? Were your men more careful to arrest people who were drunk under the Scott Act than they are under free liquor?—No, it is just the same.

15352. You use your own discretion as to the condition of the man at the time?—If the officer can swear that the man was drunk and interfering with foot-passengers, he, of course, arrests him. That is a strict order. The man may be lurching, but if he is going quietly along, and getting along, he is allowed to go. We might notice liquor in a man, but if a man is not incapable, we do not interfere with him.

*By Mr. Giguault :*

15353. Has that always been the rule?—Yes.

*By Rev. Dr. McLeod :*

15354. Of the arrests for all offences, is there any considerable proportion of the parties total abstainers?—I never saw any.

JOHN ALLEN, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15355. We understand you are keeper of the Alms house?—Yes.

15356. How long have you been keeper of the institution?—Twenty-three years.

15357. How many persons are inmates of it at present?—Forty-six.

15358. How many of them are male, and how many female?—Thirty-one males and fifteen females.

15359. Any children?—No. There are some inmates about 14 years old.

15360. How do the persons obtain admission there? Is it on the order of a Magistrate, or on whose order?—Sometimes they may be taken up as vagrants. More frequently they are persons from the country, in either one of the three counties recognized by the Commissioners of the Poorhouse, or the Chairman.

15361. Then they are admitted?—Yes, if there is room.

15362. Have you any who have resided there for a long time?—Yes. I have one who has been there from 1870.

15363. And have you others who have been there for long terms?—Yes, for long terms, 14 or 15 years.

15364. Have you had an opportunity of forming a conclusion as to whether any of those people have been brought there from drinking habits?—It has been said that that was the principal cause.

15365. Do you say so?—I do not believe it. I believe infirmity and old age have brought them there.

CHARLES CAMERON.



15366. Do you think that infirmity had been caused by an excess of the drink habit ?  
—I do not think so. There may be an exception or two out of the large number we had.

15367. You say you have children there about 14 years old ?—Yes. I have one there about 14.

15368. Only one child ?—Yes, that is all.

*By Rev. Dr. McLeod :*

15369. Have you examined into any of the cases to ascertain the cause of their pauperism ?—It is not my duty. I am there to receive them.

15370. You have never made an examination ?—I get an order to take them in, and I do so.

15371. And you take care of them after you get them, I suppose ?—Yes.

15372. You do not think many are paupers because either they themselves wasted their money in drink, or those on whom they were at one time dependent ?—The inmates we have in the poor's house are principally cripples, and it is not drink which would make them cripples, I believe. Rheumatism generally does it. I know that myself. I can take a glass of grog as well as any one, and it will not make me helpless.

15373. You do not think drink has had anything to do with the people you have charge of ?—No.

15374. Have you at any time had any drinking people under your charge ?—Yes. There have been during the 20 years I have been in charge of the institution people admitted with whom drink was the cause of their being sent to the institute.

15375. But you have not any of that kind now ?—No.

15376. Have these people come to you because they are old ?—We have one man there who is 101 years, four who are each 94, six who are each over 82, and a large number up to 78 years.

15377. Have these very old people been there long ?—Yes, a good many years.

15378. They are old inmates then ?—They have been there over 10 or 12 years.

15379. Then they were old when they came in ?—Yes.

15380. Do you know whether they had been drinking people during their earlier life ?—One or two had been. Some were old sailors, and when sailors are at sea they like a glass, and they take it ; but taking the general run of the people, they are very steady.

15381. Do you know whether any of the old people have sons and daughters living about the place ?—Yes, they have sons and daughters.

15382. Why is it that those sons and daughters are not taking care of the old people ?—That is a question. They will visit the old people sometimes. Nowadays we have not proper feelings towards our forefathers. We have got hardened, and I think this is the failing of the present generation.

15383. You think the children have not right feelings towards their fathers and mothers ?—Yes.

15384. Do you know whether the children of those old people who live about here could take care of them, or are they drinking people ?—That I could not answer. They may be.

15385. You do not know anything about them ?—No.

15386. Do they come and see the old people ?—They do very often.

15387. Do you not think they should take care of their parents ?—Yes ; but perhaps they are not able to do so.

15388. What I desire now to find out is whether their inability is attributable to their own drinking habits or not ?—I cannot say. They are not so fond of drinking as you might imagine. I am a temperate man myself, and a Scott Act man too, but I can assure you that drinking is going out of fashion in Charlottetown.

15389. It is getting less ?—Yes.

15390. Is that owing to the poverty of the population ?—I have never seen a poor person in Charlottetown yet.

15391. What about the people who are in your institution ?—They are very full of rheumatism and pains.

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15392. You mean they are disabled?—Yes, they are entirely worked out, like an old war-horse.

15393. Have you a less number of inmates now than you had ten years ago?—I have. Our average has never gone above 44, and we have kept it at that.

15394-5. You have maintained it at that figure right along?—Yes; sometimes we have gone from 44 up to 50.

15396. Do you mean during 23 years?—Yes. I can show you that by my books, which I have here.

15397. You took charge of the institution in 1869, I believe?—Yes.

15398. You have the records from that time?—Taking the numbers from year to year they are about the same. At the opening of the poor's house we had, of course, a less number; but really we have no poor's house here, that is to say, there is no acknowledged poor's house. We are simply put in possession of a portion of the Victoria barracks, for which we pay a dollar a year rent, and by the good grace of the Dominion Government they allow us to remain there. Many of the old people, male and female, who cannot work or go round, are allowed to go in there; and so soon as any of them are able to go out, they are discharged.

15399. Those people come from all over the island, I suppose?—Yes, and from Newfoundland and the United States.

15400. Is this the only home for old people and paupers in the island?—Yes; it is no proper poor's house, for they never yet built a poor's house here.

15401. According to your observation and experience during 23 years, there is very little poverty on the island?—I think there is very little poverty. I have been in some of the houses of the poor in the different localities, and I have found children running about by the dozen. I was in a locality the other day, in the Lone Neck, and I saw a woman, and I asked her how many children she had, and she said nine. I saw another woman, and I asked her how many she had, and she said fourteen; and another told me she had sixteen. Every child I saw there had rosy cheeks, and there were no signs of starvation.

*By Judge McDonald:*

15402. This happy state of things you have described, and this absence of poverty in the island, have prevailed during the 22 years of which you have spoken?—Yes.

15403. How long had you resided in the island before that time?—I was a military man. I have been 23 years in charge of the poor's house.

REV. JAMES SIMPSON, Priest—Incumbent of St. Peter's Church, and Head Master of St. Peter's School, Charlottetown, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

15404. How long have you resided in Charlottetown?—Five years and nine months.

15405. When you came here, was the Scott Act in force?—Yes.

15406. Had you occasion to see anything of its working?—Yes, a good deal.

15407. Do you believe intoxicating liquor was sold while it was in force?—Yes, quite freely.

15408. Were you able to form an opinion as to whether there was an increase or decrease of the sale while it remained in force, or do you think the sale remained about the same?—I think, if anything, there was an increase during the last year.

15409. Then the Act was repealed and a new system came in, the system of free sale?—Yes.

15410. Did you see any difference then?—No, nothing notable.

15411. What about the last change that took place about six weeks ago: have you been able to form an opinion as to how it has worked?—There has been a very short time in which to form an opinion.

JOHN ALLEN.

15412. Did you receive a series of questions from the Commission?—Yes.

15413. Did you answer them?—Yes.

15414. As Rector of your church, you are brought into close contact with a section of the people of the city, I suppose?—Yes.

15415. From your experience, do you find there is much drunkenness? Have you come in contact with much drunkenness?—Compared with other cities of the size, I do not think there is very much.

15416. As a cure for drunkenness, do you consider a prohibitory law would be a successful agent? Tell the Commission what you consider to be the true cure?—It is with drunkenness the same as with any other sin: it requires a personal contact with the sinner. It is the same in every case. It is no use to preach temperance in the pulpit and then go to the drunkard and simply tell him to do better. The same plan has to be followed with a woman or a child. Teach temperance to the children.

15417. Then, you believe the cure is the influence of religion in the true sense, directed to the individual, and that it must be a matter of grace with him?—Yes, with each individual. If a man wants to get drunk, he will get drunk no matter what the law is.

15418. Do you use at all the system of getting people to take a pledge, even a temporary pledge?—Yes, I have a good deal to do with that.

15419. How do you find that succeed?—It depends a good deal on the class of people. I have a good deal to do with some of the hardest drinkers in the city, people working on the wharfs, and truckmen, and men of that class, and it is a very difficult matter to get them to keep a pledge for any length of time. The only successful way, I find, is to give them a short pledge, and before the time is up—a few days, for example—call on them and get them to take it for another month or two months. Sometimes this plan is successful, and sometimes it is not. But if you give a man who is a hard drinker a pledge for a year, I suppose there are ninety-nine chances out of a hundred he will not keep it. It is altogether too long a period, and when he gets thirsty he breaks it. If the pledge is only for a month, he will withstand the temptation.

15420. How long have you held your position as Principal of the school?—Four years.

15421. You have boys under your charge?—Yes.

15422. Up to what age?—18 and 19.

15423. Have you been able to keep these boys altogether from the use of intoxicating drinks?—Whilst they were at school there was no difficulty. When they have grown up to young men they have taken drink.

15424. In the City?—Yes.

15425. When the Scott Act was in force?—Yes.

15426. So they were able to get access to liquor in some way?—Yes.

*By Mr. Clarke :*

15427. From the opportunities you have had of observing the operation of the Scott Act, would you support its re-enactment in the City?—No.

15428. What system would you prefer, apart from total prohibition—the present system, or a license law, or the Scott Act?—I think the present system, with a few amendments would be just as effective as anything we could get.

15429. Did you hear the evidence of the Master of the Rolls as to the condition of affairs created and kept alive by the Scott Act?—Yes.

15430. Do you agree with him on those points?—With most of them, I do.

15431. After having had an experience of its operation, you would not like to see the Scott Act again enacted?—No.

*By Judge McDonald :*

15432. As to the question of wine for sacramental purposes. There has been evidence given at other places as to the non-use of fermented wine for sacramental purposes. Will you state the views of the Church of England in reference to that?—The Church of England hold that wine is to be used at Holy Communion. At the last meeting of the Anglican Synod, held I think in 1888 or 1889, on the question as to whether it was legal to use any unfermented juices, it was decided that it was not legal.

## Liquor Traffic—New Brunswick.

The same question was brought up at our Provincial Synod. I was not there, but I believe it was decided there too.

15433. What is your own opinion?—It is that it would not be Holy Communion if wine is not used.

15434. Then as to whether you would call it wine if it were not fermented?—I should not.

15435. You mean by wine the fermented juice of the grape?—With this exception. The pure juice of the grape squeezed out of the cluster—that is held by the Church to be legal for Holy Communion, because it is capable of becoming wine. Unfermented liquor is not capable of becoming wine, and therefore it is not right to use it.

*By Mr. Clarke :*

15436. Would you favour the passage of a general prohibitory law for the whole Dominion?—Not unless it could be acted on.

15437. Could it be acted on?—Not in this Island: there would be so much smuggling. If you look at the map you will see how many bays and harbours there are, and immediately there would be trade with St. Pierre and Newfoundland, and it would be impossible to keep liquor out of the Island.

*By Rev. Dr. McLeod :*

15438. You said from your experience and observation of the Scott Act, you would not feel inclined to have it re-enacted. What, from your view, are the defects of the Scott Act?—That it does not prevent drinking at all. If any one wants drink he gets it, whether under the Scott Act or under free rum, and it encourages a great deal of sneaking, hypocrisy, and mean ways. I have had experience in Port Hope, as well as here of the Scott Act, and it encourages all kinds of underhand ways, people will take in order to get liquor. As an instance, in Port Hope, Ontario, a lady went to a grocer's shop for a bottle of wine to make jelly. He said he could not sell it as the place was under the Scott Act. "How am I to get it," she asked. He said, "If you buy a bottle for your friend, Mrs. Brown in Toronto, just two counties off, we can sell it, for we cannot tell who takes it from the county." It was made up and put on the counter, and the lady walked off with it.

15439. You think that is a sample of the working of the Scott Act?—That was a regular thing.

15440. Were those transactions or the like chargeable to the Act or to the non-enforcement of the Act?—In a case like that, it was not chargeable to the non-enforcement of it, because you are allowed to sell to any one two counties off.

15441. Is that the provision?—I do not know if it has been amended since then.

15442. Is it not that you are not allowed to sell in a Scott Act county at all, but there can be a sale of ten gallons not to be consumed in that county or in any other Scott Act county?—Not in that county or any adjoining county.

15443. That is if the adjoining county is a Scott Act county?—I do not know.

15444. Do you know if that gentleman had a wholesale license or not?—I think so. He was a licensed vendor.

15445. That is for medicinal purposes?—Yes.

15446. He was violating the law when he sold bottles?—Yes.

15447. Do you believe that a general prohibitory law, that is a law which prohibits the manufacture and importation, as well as the sale of intoxicating liquor, if well and thoroughly enforced, would be a benefit?—If public opinion could be educated up to such a point, it would be a benefit.

15448. You think public opinion is not up to such a point?—I am sure it is not.

15449. You think because public opinion is not up to that point, it would not be well to have a general prohibitory law?—It would be disastrous.

15450. Have you given any thought to the question of providing facilities for getting drink, and so promoting drunkenness: is it wise to provide places for getting drink?—I think as matters are now, people will have drink, and the only way is to provide places which can be supervised.

REV. JAMES SIMPSON.

15451. Have you had experience of places where a license law is in operation?—Yes.

15452. Have you observed whether it is observed or not?—I think in towns it is generally observed.

15453. Do you think that licensees observe the provisions of the license law as to Sabbath selling and selling after hours?—I think in some cases they do.

15454. Do you think, as a rule, the licensee observes the conditions of his license? Does he not sell before or after certain hours, or on the Sabbath Day, or to minors or drunken people?—That depends very much upon the licensee, and what class of trade he does.

15455. Do you think well enforced prohibition would help you in the moral influence you bring to bear on the pupils in the school?—In removing temptation from their way.

15456. You would not like to have a licensed shop in the vicinity of your school?—There are shops about there.

15457. Do you think it would make your work more difficult?—I do not think it makes any difference with the boys in school, because the boys would not go there. If a boy did go, he probably would not go to the school any more.

15458. That is because of your authority?—Yes.

*By Mr. Gigault :*

15459. Do you believe the Divine law forbids the moderate use of wine?—No.

15460. If so, how is it that some people consider the traffic in liquor to be an evil, even if there is moderate use?—I cannot account for other people's opinions, or why they hold such opinions.

REV. GEORGE W. FISHER, of Pownal, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

15461. Of what religious communion are you a minister?—Methodist.

15462. In what county?—Queen's County, about seven miles from Charlottetown.

15463. How long have you been there?—A little over two years.

15464. Were you in the Island before that?—Yes.

15465. In what part?—Alberton, in the western part of the Island.

15466. In what county is that?—Prince County.

15467. Have you had an opportunity of seeing anything of the working of the Scott Act?—I have.

15468. Have you found it successful?—I have.

15469. In both those places?—Yes.

15470. Have you any officers in those places for enforcing the Act?—Yes, there are the county officers.

15471. What are they called? Are they called Inspectors?—I think that is the name.

15472. By what authority are they appointed?—By the Government.

15473. How large a place is Pownall?—Just a small scattered village, a country place.

15474. What would be the population in round numbers?—I cannot say. It is just a scattered farming community.

15475. Alberton is larger, I suppose?—Yes, a village.

15476. What is the population?—500 or 600 or more.

15477. Did you know any part of the Island when it was under a license system?—I did not.

15478. You cannot form an opinion comparatively?—I cannot.

## Liquor Traffic—New Brunswick.

15479. Did you receive a series of questions from the Commission?—Yes. I have sent the answers in.

15480. The Rev. Dr. Stewart, of Sackville, gave evidence as to the position of your communion on the use of wines. Is it a rule of your church that fermented liquor may not be used?—It is a rule of the Church.

*By Rev. Dr. McLeod :*

15481. What is your observation of the operation of the Scott Act in the part of the country where you labour, and at Alberton where you laboured before; has it done good or evil?—I regard it as having done good.

15482. In what respect?—In preventing a great amount of drinking.

15483. Has it prevented drinking?—I believe it has.

15484. Entirely?—Not entirely.

15485. Has it reduced the drink sale in a great degree?—Yes, it has. I am speaking now more especially of Alberton. It made it there wholly unrespectable to drink or to be seen drinking.

15486. Was there some illicit sale?—Yes, but that was put down, though I believe one or two still exist in out of the way places.

15487. Do you believe that still continues?—The last time I was there, I was told there was none sold whatever, that the last house had been closed. How it may be now, I cannot say.

15488. How about Pownal and the vicinity?—There has been liquor sold in the vicinity of Pownal, though not in Pownal itself, but at what is called the "Five Mile House." But latterly the officers have been very faithful and the law has been put in force, and I know of some places that have been closed down recently.

15489. Is there much illicit sale now?—I do not think there is much.

15490. How far is that from Charlottetown?—Seven miles.

15491. And the "Five Mile House," I suppose, was the place where travellers stopped?—Yes. I do not know if any is sold there now. They have been recently fined and have been in jail also.

15492. Have you observed elsewhere than in Prince Edward Island, the operation of the Scott Act?—Yes, in Albert County, N.B.

15493. What was your observation of it there?—I do not think the Scott Act was in force there, but no licenses were issued by the Council.

15494. How long ago was that?—About eight or nine years ago. I think since then the Scott Act has been adopted.

15495. During the time no licenses were issued, was the sale prevented very well?—Very well, indeed.

15496. There was, I suppose, some illicit sale?—There was some.

15497. And there was prosecution of the illicit sellers?—There was.

15498. Have you had any opportunity of comparing a community under license, with a community under enforced prohibition?—I have.

15499. What is the result of that comparison?—In favour of the Scott Act. I have now in mind Campbellton, N.B. That was under license.

15500. What was the condition of things there in regard to drinking, drunkenness, poverty and those other things that are supposed to attend upon drink?—Very bad. In that little town I think there were 14 or 15 licensed houses.

15501. Do you remember whether there were illicit places in Campbellton at the same time?—I think there were.

15502. Do you remember what was the population of Campbellton?—I should judge about 2,000 people.

15503. With 14 licenses and some illicit places?—There were some illicit places.

15504. You have had an opportunity of living in, and observing a community under the Scott Act. Do you observe a better state of things where there is enforced prohibition?—Certainly.

15505. And do you attribute that to even the partial prohibition of the Scott Act?—Yes; and more than that: there was breaking of the license laws in regard to selling out of licensed hours and on the Sabbath day.

REV. GEORGE W. FISHER.

15506. In Campbellton, was there a steady effort for moral reform and activity among the churches as in other places?—Yes, and temperance societies; but we found it difficult to keep them in operation.

15507. Did you find the licensed trade antagonize your moral and religious efforts in the churches and in the societies?—The selling of the liquor did. Whether it is to be attributed to the trade or not, I cannot say.

15508. In your experience as a pastor, have you observed to what extent the poverty and crime and ignorance, and neglect of children, and neglect of religion, are traceable to the drink trade and the drink habit?—I have seen a good deal that might be traced to that, of the poverty and crime, too.

15509. You think a percentage of it is traceable to that?—Certainly.

15510. A considerable percentage, or a small percentage?—I can scarcely say. I consider that a good deal of it might be traced to that.

15511. From your experience and study of this matter, and I presume like every other citizen interested in the matter you have given study to it, what is your belief as to the best manner of dealing with the drink trade—to license it, or try to control it by such a partial prohibition as there is in the Scott Act, or to prohibit it by the prohibition of the importation and manufacture as well as the sale?—National prohibition.

15512. Do you think that national prohibition could be as well enforced as the Scott Act?—I think it could. I think public sentiment is rising in favour of it.

15513. You think public sentiment in Prince Edward Island is in favour of a general prohibitory law?—I think it is, from what I hear of it in the Sons of Temperance, and so on.

15514. Are you officially connected with the Sons of Temperance?—I am.

15515. In what position?—Grand Worthy Patriarch of the Grand Division of Prince Edward Island.

15516. Are they numerous in Prince Edward Island?—They are in Prince and Queen's Counties. We have not many divisions in King's County. The other temperance organization has its work there.

15517. Is the body aggressive?—Yes, we are slowly making progress.

15518. Is the view of the society strong on the subject of prohibition?—It is.

*By Mr. Gigault :*

15519. Would you vote for a general prohibitory law, which would prevent the manufacture and importation of fermented wine?—I would.

15520. Even for sacramental purposes?—Yes, because we use unfermented wine for our sacramental purposes.

15521. Do you think it is easy in winter to get that unfermented wine?—We get what we suppose is unfermented wine. We have to keep it from freezing.

15522. Does it not become sour?—It will after it is opened, but we have a bottle sufficiently large and we use it all at the one time.

15523. If you had a general prohibitory law, worked as well as the Scott Act has worked in Charlottetown, would you vote for it?—Yes, I would.

15524. Even if it did not prohibit?—Yes.

15525. Why do you wish for the enactment of a law which will not fulfil the object for which you want it?—If it is not carried out, it will not fulfil the object.

15526. Certainly, in Charlottetown, it was not carried out.—I might ask the question: Why was it not carried out?

15527. It is desirable to have a law which will work, I suppose?—Certainly.

15528. If you have a prohibitory law, you want one that will prohibit?—I have seen the Scott Act carried out.

15529. Do you think it a sin to take a glass of cider?—I regard it as such.

15530. And a glass of wine?—I regard it as such.

*By Mr. Clarke :*

15531. Is your Order making much progress in the province?—It is.

15532. Has there been much increase in membership in five years?—I cannot answer that question without the statistics.

## Liquor Traffic—New Brunswick.

15533. How long have you occupied the position of Patriarch?—Since last October. It is an annual election.

15534. Have you had any increase of membership?—Yes. We have had some new divisions.

15535. To any marked degree?—No.

15536. What is the membership in the Island?—I could not say from memory.

15537. With what did you compare Campbellton with 2,000 people?—The town of Alberton, I think, with about 1,000, or it might be less.

15538. Is Alberton a railway divisional point?—Not as Campbellton is. We have only the one here in Charlottetown.

15539. Did you hear any evidence regarding the number of places in which liquor was sold illegally in Charlottetown during the Scott Act period, compared with the number selling now, and the number selling during the license period?—Yes.

15540. And did I understand you to say you would favour a prohibitory law enforced, even as the law was enforced in Charlottetown?—Yes; I would. Probably there would be less difficulty in enforcing a general prohibitory law than a partial one.

15541. What is the moral effect upon the community of having a law on the statute-book which is totally disregarded, or largely disregarded?—The effect is bad on the community where any law is not carried out.

15542. To what do you attribute the non-enforcement of the law in Charlottetown?—Not being a resident, I do not know.

15543. Your experience has been confined to Alberton and Pownal?—On the Island.

15544. And elsewhere?—In Gibson and Campbelltown and Hillsboro'.

15545. How long since you were in Gibson?—I think about 13 years.

15546. Do you think the fact that from 100 to 150 unlicensed places existed here during the Scott Act, interfered with moral and religious influences that were at work in Charlottetown?—I cannot speak from experience, but only from observation.

15547. Do you think it had that effect?—I think it had.

15548. Do you think the influences of seventy-five places where liquor would be sold legally would be more deleterious to moral and religious influences, than the illegal selling under the Scott Act; that the efforts towards moral reform would be retarded more in that way than by the knowledge of 150 unlicensed places selling under the Scott Act?—It would give the thing a respectability which otherwise it would not have.

15549. Would it interfere with religious and moral influences by giving this respectability to it?—I cannot say from experience. I think that giving it the respectability would allow people to go into these places and take the liquor, and they would not feel retarded as they otherwise would be, and it would have a demoralizing effect.

15550. You think it was less demoralizing under the Scott Act?—In one sense of the word I think it would be.

15551. In what sense?—In the other case no one of any respectability would care to be seen going into those places where it was sold against the law.

15552. And you think the other order of things was better than the present one? I think it would be, if the Scott Act were carried out.

15553. Do you prefer the old order of things to the present order of things?—I think the evidence I heard this morning is sustained by my observation.

15554. Would you prohibit the use of wine for sacramental purposes in a general prohibitory measure?—I was asked about fermented wine. It does not touch me, because we use the unfermented wine.

15555. Would you prevent the members of other churches from importing fermented wine?—I would allow every man to be fully persuaded in his own mind.

15556. Would you prohibit him?—I do not see how he could get it.

15557. Would you prohibit him?—I would not prevent those who had conscientious scruples.

*By Rev. Dr. McLeod:*

15558. Is your idea of a prohibitory law a law to prohibit the importation, manufacture and sale of liquor for beverage purposes?—That is what I understand throughout.

REV. GEORGE W. FISHER.



JAMES H. REDDIN, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15559. What is your occupation or calling ?—Barrister.

15560. How long have you practised law in Charlottetown ?—Seven years.

15561. Were you a resident before that ?—Yes.

15562. Have you had any opportunity of seeing the operation of the Scott Act ?—Yes, ever since its introduction.

15563. Did you consider its operation here advantageous to the community ?—Not in Charlottetown.

15564. What was the difficulty : in what way was it not advantageous ?—Those who wanted drink could get as much as they wanted all the time. It was no prohibition of the drink traffic.

15565. Do you know anything of the character of liquor that was sold ?—I suppose in some places it would be pretty good, and in other places not so good.

15566. Have you had an opportunity of observing the state of affairs after the law was repealed ?—Yes.

15567. And up to the time the new police regulation came into force ?—Yes.

15568. Which do you think was the preferable state ?—I think under the new police regulation.

15569. But in the interim ?—I do not think there was any appreciable increase in the amount of drunkenness.

15570. Things went on as they had been going, but liquors were sold more openly ?—Certainly.

15571. But you have been able to observe a good effect from the new police regulation ?—I think so.

15572. Taking the police regulation, with its beneficial effects, do you think it would be better in its present shape, or connected with a license ?—I think a license system properly carried out would be the best of all.

*By Rev. Dr. McLeod :*

15573. Why do you prefer license ?—Because the whole of the liquor traffic would be put under proper police supervision, which it cannot be now.

15574. Is it not under police supervision now ?—To a certain extent.

15575. Would it be to a greater extent under a license system ?—I think it would be.

15576. In what respects ?—The City Council would have the granting of licenses and could make regulations.

15577. I understand the police regulation limits the hours in the morning and at night and from Saturday night to Monday morning. Would a license system be likely to restrict the trade more than that ?—It would depend upon the character of the license system.

15578. Is it desirable to restrict the trade more than that ?—I think that is restriction enough.

15579. Then the license system, from your point of view, would not be advantageous ?—I think that is restriction enough. I think that is as much restriction as is carried on under ordinary circumstances anywhere.

15580. So no more restrictions are needed around the trade than are put now, the present police regulations are enough ?—Well, there is the shortening of hours.

15581. What is the advantage of shortening the hours ?—I suppose that a less quantity would be drunk in the course of a day.

15582. Is it desirable that a less quantity should be drunk ?—As far as Charlottetown is concerned, I do not think there is much drunkenness, and it compares very favourably with other cities in the Dominion.

15583. Do you think there would be more or less drunkenness if there were more restrictions ?—I think the more restrictions you have, the less drunkenness.

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15584. If more restrictions were adopted, would there be less drunkenness?—That depends. Those that drink might want to drink a greater quantity in a shorter time.

15585. The restrictions of the Scott Act did not prevent the drinking?—I do not think any legal restrictions will prevent it, except total prohibition.

*By Mr. Clarke :*

15586. How long have you lived here?—Thirty-five years.

15587. Do you recollect anything about the time before the Scott Act?—Yes.

15588. Do you recollect whether under the old license law there was more drinking in Charlottetown?—I think there was more than there is now.

15589. Do you recollect when licenses were issued by a Commission, after the old license period?—I scarcely remember the time to which you refer.

15590. Do you recollect clearly the Scott Act period?—Yes.

15591. Was the law generally regarded or generally disregarded by the people?—I think it was generally disregarded.

15592. You think a license law would be better than the present system?—Yes, if properly carried out.

15593. There would be a reduction in the number of places, and more surveillance over the trade?—Exactly.

15594. Was the repeal of the Scott Act due to apathy on the part of the people, or to the experience of the years that it had been in operation?—I think it was due to the experience of the people of its working for 10 or 12 years, and they had come to the conclusion that any other system would be preferable.

15595. Even free sale?—Even free rum, as far as Charlottetown is concerned.

15596. Do you know anything about other parts of the Island?—I have travelled extensively through the Island, and attended the County Court during the last three or four years.

15597. What is your experience?—I do not think there is much drunkenness in the country districts.

15598. Your experience is that the Scott Act is more easily worked in the country districts?—Yes.

15599. What about Summerside?—I do not know much about that.

15600. What places do you know about?—Georgetown, and Souris, and Alberton.

15601. What about Alberton?—There was not much drunkenness in Alberton.

15602. Was the law fairly well enforced there?—It is about two years since I was there.

15603. What was the condition of affairs two years ago?—I do not think there was much drunkenness.

15604. Was there any place where liquor was sold?—I do not know.

15605. What about Georgetown?—About the same state of affairs.

15606. Are there any unlicensed places in those towns?—There is no such thing as license in the Island. There was liquor sold in those places, I was given to understand. The last time I was in Georgetown I was told so.

15607. You were not engaged to defend anybody?—No, I was not then.

15608. You do not know yourself whether liquor was sold. You have only been told so?—I have been told so. I know there was a prosecution there for selling liquor.

*By Mr. Gigault :*

15609. You believe, as to Charlottetown, that the present system favours temperance more than the Scott Act did?—I think it favours the cause of temperance more than the Scott Act did.

*By Rev. Dr. McLeod :*

15610. Does the Scott Act do good where it is enforced?—I think it does.

15611. Do you think that a prohibitory law, if it were well enforced, would do good?—I think it would.

JAMES H. REDDIN.

*By Mr. Clarke :*

15612. Having the experience of Charlottetown, do you think a general prohibitory law could be enforced in Charlottetown?—I do not think it would be possible.

15613. Or in St. John, or in Halifax?—I do not think a general prohibitory law could be enforced in any of those places.

15614. It might in the rural districts?—It might.

*By Judge McDonald :*

15615. From your knowledge of the Island, do the people of those districts go to the towns and villages to get liquor, and carry it home with them?—They go there because it is their market town.

15616. Do they get liquor and carry it home with them?—I suppose some of them do.

15617. Has the construction of the railway had anything to do with the disappearance of those post road houses?—It would to a considerable extent, because the traffic has no occasion to pass those houses.

15618. Have you heard of any cases where licensed liquor houses aided unlicensed sellers by supplying them with liquor to sell illegally?—I never did.

ROBERT ANGUS, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15619. What is your occupation or calling?—Manager of the Telephone Company.

15620. How long have you resided in Charlottetown?—I have been permanently here since 1882. I was first acquainted with the Island in 1880.

15621. Do you travel much through the Island?—Yes.

15622. Was the Scott Act in force in 1880?—It did not come in force till 1881.

15623. Have you seen the operation of the Scott Act in Charlottetown and the country districts?—Yes.

15624. How have you found it succeed?—I think it has done away with drinking in the rural districts almost altogether.

15625. Have you any reason to believe that the people in the rural districts procure liquor in the towns and villages?—They will no doubt in the towns.

15626. And carry it home with them?—They may.

15627. Have you seen an increase in the sobriety of the people?—Yes, I have.

15628. Is there any other organization of a temperance character than the Sons of Temperance?—Yes, the Good Templars, who occupy King's County principally.

15629. In Charlottetown, how did you find the Act observed?—The Act was observed for a short time. It has been observed more or less. Sometimes the Council would be in favour of its being observed, and the drinking would decrease, and the diminish. At other times the Council or the authorities would not favour it, and the liquor business would expand.

15630. The Chief of Police said there were up to 200 persons selling liquor during the Scott Act?—There was a Council elected in 1878 or 1879 in favour of the enforcement of the Scott Act. They appointed an official prosecutor, and the Act was well enforced. The next year he was dismissed, and a prosecutor was appointed at \$10 per annum, and for a year after that the law was not enforced at all. Very little attempt was made to enforce it. Then private individuals subscribed and obtained a prosecutor, after which it was fairly enforced.

15631. Did you hear the evidence of the Stipendiary Magistrate?—Yes.

15632. He said that when there were 243 convictions there were probably not that number selling in the city?—I did not think the Stipendiary said that. Those were first offences extending over nine years.

## Liquor Traffic—New Brunswick.

15633. Did you understand the Chief of Police to say that upwards of 200 were selling?—I was not in when he gave his evidence.

15634. We were told to-day that a count has been made and 75 will cover the number of places under the police regulations?—I do not know what places have gone out of the business. I think probably that would be about the number.

15635. Do you know any?—I do not know, although I have kept track of the liquor business.

15636. Do you think 75 places can be needed to supply the wishes of those who use liquor?—I do not think they can be required.

15637. Do you prefer the present system to the Scott Act?—No.

15638. You would rather have the Scott Act as it was in Charlottetown, than the present system?—When it was properly enforced.

15639. But when it was not enforced: would you rather have that or the present system?—The present system enforced to the Scott Act not enforced?

15640. Would you prefer the present regulation or a license system, when the number of places would be limited, say to 20?—I would not consent to a license system at any time.

15641. Would you prefer Charlottetown, as it was under the Scott Act or under the present system, to a license law?—I would.

15642. As a matter of principle?—Yes. I would not like to see the State take money for the sale of liquor. I think when the State becomes interested in the business, it will continue in the business.

15643. Suppose the State did not ask for the license fee; if it said: You may sell, but you must sell with open windows and doors and with counters of a certain height, and you must not sell to minors. Suppose the State said: We will not ask any income, but you must take a license, and there must be only 20 licenses in Charlottetown?—I would rather there were only twenty selling.

15644. Would you rather that the State or the Municipality should license the 20 under the police regulation, or that the State should be entirely free from it?—That is without accepting any license fee. The present law does not license the traffic, but says, if you are going to sell, you must sell under certain regulations.

15645. It regulates the trade?—It does not say you may sell.

15646. It protects it by saying if you do so and so you may sell, and if you do not you must not sell?—Yes.

15647. If it did that and limited the number, would you support that system in preference to the present system?—Yes, I would.

15648. Even though it meant a license?—Yes, so long as there was no revenue derived from it.

*By Mr. Clarke:*

15649. Do you think, then, it is better for the ratepayers to pay the sum necessary to maintain the police force than to get a license and pay the police from that fund?—I think it better not to take money from the parties selling the liquor.

15650-51. Better to leave it as it is?—Yes. I think the other has a demoralizing effect on the community.

15652. Has this a better effect than the Scott Act?—I would prefer the Scott Act enforced, that is as far as we can have it enforced.

15653. In what years was it enforced?—I do not remember. When we had a paid prosecutor for three or four years, it was very well enforced.

15654. Do you remember what years those were?—Part of 1890.

15655. Part of 1889?—I think there was very little enforcement then, but I am not sure about the date.

15656. Was there any enforcement in 1891?—In 1891 the law was repealed, and there was free liquor.

15657. Did you hear the evidence of the Chief Constable as to the number of places selling under the Scott Act?—I was not in.

15658. Did you hear the evidence of the Stipendiary Magistrate?—Yes.

ROBERT ANGUS.

15659. And notwithstanding the condition of affairs then, you prefer that condition to a license system?—I do not think there was that condition of affairs. If there were 200 people selling, they must have sold much less each. I drive a good deal over the country and come in during the evening often, and in the last eight or nine years you have been pretty safe not to meet drunken people driving out. In the first two years I was here you would meet lots of them, and I notice now they are becoming very frequent again. Under the Scott Act you would find very little of that; very few drunken people going home on market days for instance.

*By Rev. Dr. McLeod:*

15660. Has the Scott Act done any good in Charlottetown?—I believe it has.

15661. In what way?—That it has educated the people to take a step further for prohibition.

15662. Was the difference as to people going home from market drunk caused by the Scott Act?—I think so. The country people were afraid to go into those places.

15663. What prevented the better and steadier enforcement of the Scott Act?—It depended upon the City Council, who had the control of the prosecutor. If they wanted the law enforced, it was enforced. If they did not, it was not.

15664. As the composition of the Council changed, so did the enforcement of the Act?—Yes.

15665. But you think that the law, when enforced, as it was possible to enforce it, did good?—I think so, certainly.

15666. Have you thought of a more general prohibition, say the prohibition of the manufacture and importation? If you have, do you believe it would be better than the Scott Act?—I believe so. A great many who do not believe in the Scott Act say, Keep liquor out of the country, and it will be all right.

15667. They believe that the Scott Act is only partial and object to that, but would not object to the prohibition of the importation of liquor?—They would not object. They say so.

15668. Suppose there were a general prohibitory law, have you thought whether or not brewers and distillers ought to be compensated for any loss they might be supposed to sustain by prohibition?—I would hardly like to answer that question. We have all got to take the effects of the law. Any of our businesses may be affected by the law.

15669. You do not think they should be compensated?—I do not think I would object to pay my share to get rid of them.

15670. You think the people of late years got less liquor in town in consequence of the Scott Act. Was it more difficult for people in the country to buy liquor here from illicit sellers under the Scott Act than it was for people around the town?—I think it was a great deal more difficult for people around town to buy it also; people did not care about going into those places, because they were liable to be subpoenaed and called upon to tell the truth.

15671. Were they careful about selling to people who would tell the truth?—Very careful.

*By Mr. Clarke:*

15672. Do you know anything about office drinking and bedroom drinking?—I do not.

15673. Whether it increased during the Scott Act period or not?—I do not know.

15674. You said the Scott Act was an educator, and that was a step forward?—Yes, I think so.

15675. Do you think repealing the Act was a step forward or backward?—I think a great many people who were dissatisfied, either refrained from voting or voted against it, they being of the opinion that the Act had not been enforced and could not be enforced.

15676. The Legislature gave authority for the appointment of Inspectors outside of the city?—Yes; I know they have appointed prosecutors under the Act.

## Liquor Traffic—New Brunswick.

15677. Why did they not do so for the city of Charlottetown?—They thought the city, being, with Summerside, the only separate municipalities, could do it themselves. Everything is under the Provincial Government except those two municipalities.

15678. Was any effort made by the temperance people to get an Inspector appointed? Was it shown to the Legislature that during some years the anti-Scott Act party were in power and some years the Scott Act party were in power, and that efforts to enforce the Act were spasmodic, but that if the Legislature insisted on the appointment being made, the law could be enforced?—The Local Legislature were not appealed to in that way.

15679. Do you know the reason why?—I do not know if they had jurisdiction. I think it was part of the duty of the civic government to pay the police authorities.

15680. I am speaking not of the police authorities, but I am speaking of the official Inspector.—I do not know of any steps having been taken. I do not think that they took any measures.

15681. I want to know why that condition of affairs was not pointed out to the Government, and why the representatives of the people did not seek legislation in order to enforce the Act?—I think there might have been more done in that direction than was done.

*By Judge McDonald:*

15682. Have you ever been in any community when the Scott Act was submitted to the people?—It was voted on here.

15683. Were you here when that occurred?—Yes.

15684. Were there people here who would not vote for it, but who would vote for a prohibitory law?—Yes.

15685. Why, then, will not the people vote for local prohibition when a measure is submitted, if that is the general sentiment?—I think some parties are sincere in that; but when a man in liquor tells you he will go for prohibition, you are apt to think it is not exactly the case.

The Commission adjourned.

CHARLOTTETOWN, August 20th, 1892.

The Royal Commission met this day at 10 a.m., JUDGE McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

BENJAMIN DAVIES, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15686. What is your business or calling ?—I am a retired merchant. I was formerly connected with the Prince Edward Island Railway for many years.

15687. Have you always lived in Charlottetown ?—Yes.

15688. Then you have known Charlottetown under license law, under Scott Act, and under what is known as free sale of liquor ?—I have, and I knew the town before that time.

15689. Have there been any changes in the customs of the people within your memory in regard to their drinking habits ?—I do not think there has been any very great change.

15690. Do you think there is as much drinking now as there was 25 years ago ?—I do not think there is in proportion to the population : I am sure of it. The population at that time was not much more than half what it is now.

15691. To what do you attribute the decrease of drunkenness ?—I think to the temperance societies, the moral suasion of the clergy, and moreover the intelligence and education of the people have materially improved.

15692. The social customs have changed to a considerable extent ?—Yes.

15693. Can you speak in regard to the operation of the Scott Act while it was in force ? Did it suppress drunkenness ?—I do not think it did.

15694. Do you think it had any marked effect first, within the city ?—I do not think so.

15695. Did it in the rural districts ?—It did in the rural districts.

15696. I suppose, from your connection with the railway, you would be acquainted with the rural districts ?—Yes.

15697. What do you think of the present arrangement, by which liquors are allowed to be sold, but certain restrictions are placed upon the people who sell—I refer to the new law ?—I think it seems to work pretty well. I do not see any difference.

15698. Would you prefer it to the Scott Act ?—The Scott Act would be very good, if carried out, but I believe it can never be carried out. This law works very well now.

15699. Do you prefer it to the Scott Act ?—I think I do.

15700. Which would you rather have, the present system or a license law, limiting the number of persons, and with certain restrictions that this new law possesses, placed upon them ?—I think a limitation of the number of licenses would be an advantage, and there should be a good high license fee.

*By Rev. Dr. McLeod :*

15701. You have been a merchant, I believe ?—I have been a merchant for about 50 years.

## Liquor Traffic—New Brunswick.

15702. Have you noticed how the liquor traffic affects general business, whether beneficially or injuriously?—I cannot say. I do not think it has affected other business largely.

15703. Neither for good nor for ill?—No.

15704. Have you noticed how it affects the farming interest?—It had no effect on the farming interest, except that the farmers were allowed to say whether they would have a public house in the district or not.

15705. What did they say?—They decided against them and shut them up.

15706. That law was superseded by the Scott Act, and afterwards the houses were opened again?—Yes.

15707. Would it beneficially affect the interests of merchants if the liquor trade were closed up; in the city, for instance?—I do not think it would.

15708. Would it injuriously affect them?—I should not think so.

15709. Would it affect the merchants either way?—I do not think so. It would affect the liquor sellers, of course.

15710. Do you think that if the liquor business was closed up, it would interfere with the trade of the merchants at all?—I do not think it would.

*By Mr. Clarke :*

15711. Was there a marked decrease in drunkenness during the time the Scott Act was the law?—I cannot say there was; I do not think there was. There was a decrease in the country, but not in the town.

15712. The Act, then, seems to have worked fairly well in the country districts, but not in the cities?—Quite so.

15713. Could you suggest any amendments to the Act with a view to making it more workable in the cities?—I do not think so. I think the law causes a great deal of false swearing. Where the people are prohibited from taking what they desire, they take too much of it, when they have the chance to get it. That is the way the effect is bad. When people do not take liquor for three months and they get a bottle, they want to see the bottom of it; and so they go home drunk.

15714. Was that the effect on the country people?—Yes, on the country people who came into the city.

15715. They came into the city and got a bottle?—Yes, and this was during the Scott Act time.

15716. Or at other times?—Yes, at any time at all.

15717. Have you noticed any increase in drunkenness during the free rum era?—I have not.

15718. You think the present arrangement will work well; that is, the police supervision and regulation?—I cannot say.

15719. Would you prefer a license system?—I think a license system would be better.

15720. Would you favour a prohibitory law for the whole Dominion?—I would favour it if I thought it would be carried out.

15721. Do you think it could be carried out?—I do not think it could.

*By Mr. Gigault :*

15722. Under the Scott Act, was liquor sold freely in this town?—Yes.

15723. As freely as now, or more freely?—Quite as freely, if not more so. When you saw a cabbage at the door and a bottle in the window, you could get a glass of whisky there when you wanted it.

15724. So it was a notorious fact that liquors were sold freely in this town under the Scott Act?—It was.

15725. From the results obtained, does the present system favour the cause of temperance more than the Scott Act?—I cannot say that it does.

*By Rev. Dr. McLeod :*

15726. You have said that the Act had a better effect in the country than in the town?—The Scott Act had.

BENJAMIN DAVIES.



15727. Was that because it was better enforced in the country?—I do not know; I can hardly say. It had a better effect in the country; there is no doubt about that.

15728. Do you think it was better enforced in the country?—Yes. I think there is a better class of people aiding the Act there than in the town.

15729. Do you think if the Act had been as well enforced in the town, it would have done some good?—I do not know.

15730. I mean the same as it was enforced in the country?—It was as well enforced for a short time.

15731. What makes the difference between its enforcement in the town and the country?—The difference is this: I believe a better class of people in the country aided the clergy in enforcing the Act, and in shutting up the houses that sold liquor. The Magistrates did so.

15732. Did the better class of people in the town favour the Act?—They did not take a very active part in it. I did not for one.

15733. What class of people in the town were in favour of the Act?—Some of the politicians favoured it a little for the sake of votes when elections came on. And the temperance men favoured it, and a great many good men who believed it was going to do good. They favoured it, and they would have enforced it if they could. They would not allow any one to drink anything if they could avoid it, because it would injure a man's system, and all that.

15734. What do you think about it?—It is a very foolish idea. I do not believe in prohibiting a man from taking a drink if he wants it. Sometimes they want it in cold weather. From my experience, if a man has got cold and wet and is not near a house at the time, a glass of liquor may save his life.

15735. You think the people get cold and wet in winter?—Travellers do.

15736. Then if the Scott Act was enforced in the country, was it not a bad thing instead of a good thing?—No doubt, liquor is good, if not taken to excess. Every one is satisfied as to that.

15737. Do you believe a prohibitory law, if well enforced, would do some good, taking the province all over?—Of course, if you could carry it out, a prohibitory law on the whole might do some good. I would hesitate to give an opinion as to whether it would do good or not. I believe liquor moderately used is beneficial. If I said a prohibitory law would do good, I would not be speaking my sentiments.

15738. You do not think it would do good?—No, it could not be carried out.

15739. Yet you say the prohibition under the Scott Act did some good in the country?—Yes.

15740. Do you think the people in the country need more protection against the drink trade than people in the cities?—Yes. When the people come in from the country, they generally drink pretty freely; that is, so far as my observation has gone.

*By Judge McDonald:*

15741. Do you suppose they ever take liquor back with them to their homes in the country when leaving town?—Of course, some people will take home a bottle or two. But the people are generally very temperate class on the Island, and I do not believe there are more temperate people in the world.

*By Mr. Clarke:*

15742. Do you know anything about the quality of the liquor sold during the time of the Scott Act?—I do not. I believe the quality was not good.

15743. Was there poorer liquor before the Scott Act was in force than during that time?—It was better than it is now, that is, before the Scott Act.

15744. Has there been any improvement since the era of free rum?—I cannot say, I am not aware of any.

## Liquor Traffic—New Brunswick.

SAMUEL C. NASH, of Charlottetown, Collector of Inland Revenue, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

15745. How long have you held the position of Collector of Inland Revenue at this port?—Since July, 1873.

15746. Then you came in with Confederation?—I came in with Confederation, from Halifax.

15747. In the discharge of your duties, have you anything to do with liquors?—We have all to do with domestic liquors sent here in bond, or duty paid.

15748. Are there any sent that way?—Yes.

15749. A large quantity?—Yes. The quantity varies in different years.

15750. Where does it principally come from?—From Toronto, Halifax, Belleville, Windsor and St. John.

15751. That from Windsor, I suppose, is from the Walker distillery?—Yes.

15752. And that from Belleville from Corby's distillery?—Yes.

15753. And that from Toronto from Gooderham & Worts's distillery?—Yes.

15754. And that from Halifax from McDougall's, and that from St. John from Jones's?—Yes.

15755. And do you obtain any from Montreal?—No. From no Montreal distillery, but some from the wholesale dealers occasionally.

15756. Does any come here from Europe?—We would not have anything to do with that. It would go into the Customs.

15757. You say some liquors come to you from Montreal from wholesale men?—Yes.

15758. Can you give the Commission a statement of the quantity year by year for some years, and the quantities that have been brought in?—Yes; but not separately. I can give you a statement showing the amount of proof gallons for each year received at Charlottetown, in bond or duty paid, but I could not tell you the distilleries it came from. The record I have here is imperfect, because all our records between 1873 and 1884 were burnt in a fire that consumed our public buildings, and I could only take the first two years of that period from records I had. The other figures are taken from the official books. [Appendix No. 18.]

*By Mr. Clarke:*

15759. There was a large increase in 1891?—The duty went up in 1891, and anticipating that rise, large quantities of liquors were removed here. That, of course, would lessen the quantity for 1892.

15760. You mean a large quantity was removed from bond?—Yes.

15761. What kinds of liquors were those?—Principally rye whisky.

*By Mr. Gigault:*

15762. There are no wines in this statement?—No wines.

15763. No ales?—We have nothing to do with ale, except ale made here. There is no ale removed in bond. Whatever ale comes here from other divisions is just sold. There is no duty on it. The duty is on the malt from which the ale is made, or on other material.

15764. Is there a brewery here?—Yes.

15765. When was that brewery established?—It was established before I came here.

15766. Did it run while the Scott Act was in force?—It has run ever since it was established.

15767. In this city?—It is outside of the city.

15768. Is it in the county?—It is in my own division.

15769. In a county where the Scott Act was in force?—Yes. I am not sure but that it is within the city limits.

SAMUEL C. NASH.

15770. Could you give the Commission the quantity of ale or beer that was manufactured in that brewery?—Yes.

15771. Have you a statement with respect to that?—Yes.

15772. Will you please read it?—It commences with 1884. [Appendix No. 19.]

*By Mr. Gigault :*

15773. Do you think the increase or decrease in duty on beer had any effect on the consumption?—There is no duty on beer, except on the malt from which it is made. It does not seem to have lessened the quantity manufactured.

*By Mr. Clarke :*

15774. In making a Scott Act average, what years did you take?—All the years previous to 1890.

15775. And did you include in the year's average the year 1891?—Yes.

15776. In that year, on account of the rise in duty, there was six times as much taken out of bond as in 1890?—Very likely. There was a large quantity taken out in anticipation of the rise.

15777. Do you recollect whether the quantity taken out of bond during the Scott Act years was greater or less?—I do not recollect.

15778. Where is this liquor sold?—In Charlottetown. It all comes here, and I presume the largest quantity is sold here.

15779. Does much liquor come into the Customs from the old country and other places?—I could only make a guess at that.

15780. What do you think?—I think a large quantity comes in.

15781. As a citizen of Charlottetown, what is your opinion as to the effect of the operation of the Scott Act? Did it reduce drunkenness and drinking?—From observation I have only this to state, that during the years the Scott Act was in operation at Charlottetown, I lived out of the city on a very quiet road, and, of course, I saw nothing of drunkenness. There are no liquor shops in the country in that direction. During the last two years I have lived in the town, and on one of the most public thoroughfares, and I fail to see any difference in regard to the travelling public. They are steady, sober people. The only drunken people are some strangers and roughs about town.

15782. Then, in your opinion, the great majority of the people are temperate?—I think so from my observation.

15783. You cannot see any difference between the condition of the people between the two periods?—No. On a fair day, or some special day on which there is something extra, there is a little more license and liberty.

15784. Was there any difficulty in procuring liquor during the time the Scott Act was in force?—I do not think those who wanted to drink had any trouble in getting it.

15785. Do you believe the law was violated and that there was dereliction of duty on the part of the authorities?—They found themselves unsupported by public opinion, and they thought the people would be better pleased if they did not carry out the law too strictly. The main reason why they did not carry out the law was that they got nothing for it.

15786. Were they not paid by the municipality to enforce the law properly?—The law was not supported by public opinion. However, I am only giving an opinion on the matter, and I do not pretend to know.

15787. The law now in force is a special enactment for Charlottetown, I believe? Are the police officers specially bound to enforce the law?—Yes.

15788. Do you think a law of this kind can be enforced?—Do you mean that it would prevent drunkenness?

15789. Yes?—No.

*By Rev. Dr. McLeod :*

15790. You have said you did not think a prohibitory law could be enforced; please say why?—So long as liquor is allowed in the country, you cannot certainly prohibit the drinking of it.

## Liquor Traffic—New Brunswick.

15791. Suppose there was a law prohibiting the importation and manufacture of liquor for beverage purposes, could not that law be enforced?—Publicly I believe it could, privately I believe it would be violated.

15792. What do you mean by that answer?—There would be illicit distilling and manufacturing would go on. There is now that business, without a prohibitory law.

15793. Is there illicit distilling?—Yes, in every province in the Dominion.

15794. Is there any on this Island?—Yes.

15795. That comes under your supervision as an Inland Revenue officer, does it not?—Yes, and we have arrested five or six illicit distillers at various times.

15796. Do you succeed in breaking up the business?—When I find a man, I have him put in jail.

15797. Does that check the business?—It does for a time.

15798. Suppose you made no attempt to break up the illicit distilleries, do you think they would continue?—Certainly.

15799. Then the fact that you do enforce the law against illicit distillers keeps them in check?—Only while the fear of the law lasts.

15800. Do you believe the fear of the law has a good effect?—It has a good effect at the time of punishment. It has no permanent effect.

15801. Do you think if it has no permanent effect, it would be well to repeal that part of the law?—Yes.

15802. And leave everybody to distil as they pleased?—Yes, I certainly think so. It is a useless law that cannot be enforced, and is continually violated.

15803. So, because there is illicit distilling in violation of the law, would you remove the law against illicit distilling and let everybody proceed with it?—That is hardly the position I take. My view is this: if you want to stop drinking, you will have to stop distilling. If a man can get drink, and is inclined to take it, he will certainly drink. If he cannot get it from a licensed distiller, he will take it from an unlicensed one.

15804. You say you cannot stop drinking without stopping the distilling?—I think not.

15805. You cannot stop distilling except you can check it?—You can check it. We do regulate it as far as we can. Whenever we have information of an illicit still, we go and break it up.

15806. Do those illicit stills spring up again?—They do.

15807. Would you for that reason think it well to repeal the law that interferes with them?—No, I would not repeal the law.

15808. Do you think it is a good thing to keep on the statute-book a law against illicit distilling?—There are very few of them, but still there are sufficient to require the law to operate against them.

15809. If there was no law against them, would there be many more illicit stills?—If every man were free to distil as he pleased, very likely there would be more.

15810. If there was a multiplication of distillers, would there be an increase of drinking?—Very likely.

15811. You think that a prohibitory law could not be enforced because there are people who are determined to buy liquor?—I think so.

15812. Do you think that is a reason why there should be no prohibitory law, because there are people who are determined to violate it?—I think a law that cannot be enforced had better be abrogated.

15813. You have said that the law against distilling is not enforced absolutely?—It is enforced.

15814. You have said there is illicit distilling in violation of the law?—Yes.

15815. Admitting that there would be illicit sale and illicit distilling under a prohibitory law, is that a reason why there should be no prohibitory law?—I did not say there should be no prohibitory law. The idea was, that a prohibitory law, so long as liquor can be had, will not prevent drinking.

15816. Is that a reason why a prohibitory law would be a failure, because there would be some violations of the law?—If violations of a law make a law a failure, that establishes the failure of the law.

SAMUEL C. NASH.

15817. Is the law against distilling a failure?—There is no law against distilling ; only against illicit distilling.

15818. Because there are illicit stills in the Island, and there is a law declaring that there shall be no illicit distilling here, is the law in that regard a failure?—It is a failure so far as suppressing them entirely.

15819. Is a law a failure because it does not suppress entirely anything against which it is enacted?—No, it is not.

15820. Would a prohibitory law be a failure if it did not absolutely prohibit the drink trade?—I think it would.

15821. That is to say, the law against illicit distilling is not a failure, although it is violated ; but a law against the drink traffic as a whole would be a failure if it were violated?—Yes, that is my opinion.

15822. Violated in any degree?—Yes.

15823. Does most of the liquor imported come in bond?—Seven-eighths of it comes in bond.

15824. Does your district cover the whole of the Island?—Yes.

*By Judge McDonald :*

15825. You have spoken of illicit stills ; have you reason to believe that if licensed distilleries were closed, and the manufacture prohibited, there would be more of those illicit stills?—I think there would be ; it is reasonable to suppose so. If they could hope to operate without being found, I think the number would increase.

15826. Do you believe there would be smuggling?—Smuggling does not come within our province. It is under the Customs. I believe there is a great deal of smuggling as it is.

*By Mr. Clarke :*

15827. Do you know anything about the quantity of liquor that comes in by express?—I hardly understand the term “express.”

15828. Have you any knowledge whether, during the time the Scott Act was in force, quantities of liquor came in packages from Halifax and St. John for family and domestic use?—All I know about it is what I learned from reports.

15829. What have you heard by report in that regard?—Nothing but what I have learned from evidence given before the court. I think during the duration of the Scott Act quantities of single packages of spirits came here for various parties, the duty on which was collected under what was called duty-paid permits.

15830. Can you give the Commission any information respecting those packages?—No, I could not.

15831. Does this statement include them?—Yes, but not all of them ; only the permits which have reached my hand. Some get astray, and some are never handed in, and some are suppressed.

15832. When was the Scott Act repealed?—I think in the fall of 1890.

15833. This enormous quantity taken out in 1891, after the Scott Act was repealed, was, you say, in anticipation of higher duties?—Yes, the duty was raised in June, 1890.

15834. That accounts for the large quantity, 7,783 gallons?—Yes.

*By Mr. Gigault :*

15835. You spoke of the revenue laws, which are sometimes violated. They are only violated occasionally, I believe, on the Island?—During 20 years we have had, I think, only three violations.

15836. When the Scott Act was in force, was it openly, continuously and flagrantly violated?—I believe it was.

15837. Is there not any distinction to be made between a law which is openly, continuously and flagrantly violated, and a law which is violated only occasionally?—Certainly, I should say so. If public opinion had supported the Scott Act, it would not have been so flagrantly violated.

## Liquor Traffic—New Brunswick.

*By Mr. Clarke :*

15838. Would you prefer a license law to the present free trade, or to the Scott Act?—If liquor must be had and must be sold, the better way would be to regulate the sale of it.

15839. You think it would be better regulated under a license law than in any other way?—I have thought so.

*By Rev. Dr. McLeod :*

15840. Do you remember the license law on the Island?—I cannot say that I do. I had nothing to do with it officially.

15841. Then you do not remember the state of things under the license law, whether there was more or less drinking than there is now?—No, I cannot say that I do. I lived out of town in those years, and I do not know that I ever took particular notice one way or the other.

15842. Do you know the population of the Island?—It is something over 104,000. 15843. I think you said that 26,094 gallons of spirits have been brought in, and that seven-eighths of it all came in bond?—I think about that quantity.

15844. So that adding one-eighth to the amount would show the total quantity used on the Island?—No. The 26,094 gallons is the quantity on which duty was paid.

15845. Do you think that is about seven-eighths of all that came in?—No.

15846. Will you please state it over again?—I think the quantity put down in the average statement is about seven-eighths of all I got information about. There is a quantity that comes in of which I know nothing.

15847. Have you any idea of that quantity?—No. Perhaps two or three casks, say 200 or 300 gallons a year, but I really do not know : that is only a guess.

15848. You do not know what is the average quantity of spirits, per head, used in the Island during a year?—I could have given you that information if I had known you wanted it, for it is published in our annual report.

*By Mr. Clarke :*

15849. During how many years was the Scott Act the law in the Island?—During three terms, or a total period of nine years.

15850. Was the Scott Act in force over the rest of the Island?—Yes.

15851. Then there was virtually prohibition in the whole of the province?—Yes, in regard to the selling of liquor. Under the law there was what were called vendors.

15852. They sold, I suppose, for medicinal, mechanical and sacramental purposes?—Yes.

15853. And, notwithstanding the fact that there was a law prohibiting the sale, except for medicinal purposes, the quantities you have stated were sold during those years in the Island?—Those quantities came in. I do not know about the sale. I only know they were removed here in bond.

15854. Would it be probable they would be taken from bond and sold somewhere else outside of the Island?—I have never known it to happen except once.

*By Rev. Dr. McLeod :*

15855. You understand that the Scott Act does not prohibit the importation of liquor?—Yes.

15856. It only prohibits the sale?—Yes.

15857. It prohibits neither importation nor manufacture?—No.

15858. It does not prohibit the brewery located here?—No.

15859. It does not prohibit the manufacture going on?—No.

15860. Is it not a fact that the brewery continuing does not prove that the Scott was not enforced, and it is not also true that the fact that all these liquors were imported does not prove that the Scott Act was not enforced, for the Scott Act deals only with the sale?—Yes.

SAMUEL C. NASH.

*By Mr. Clarke :*

15861. What was done with all the liquor imported and taken out of bond?—I think the majority went down the red lane.

15862. In other words, it was consumed?—Yes.

15863. And on the island?—I think so.

15864. What became of the beer manufactured here?—I never knew it to be sent away, not officially.

15865. Would you conclude, from your knowledge, that the beer and spirits were consumed on the Island?—I do not know it, but I think so. There was no beer sent away through the office, and there was only one lot of spirits sent through the office in my time.

*By Mr. Gigault :*

15866. The liquors sent through your office were directed to people on the Island?—They were.

*By Rev. Dr. McLeod :*

15867. The annual quantity of 35,693 gallons is mentioned in the statement. The population of the Island is about 108,000; that gives an average of about one-third of a gallon per head of the population. Do you know whether that is an increase or decrease, comparing ten years with ten years previously?—That cannot be correct. There is more beer than that drunk by the inhabitants of the Island. It is nearer two gallons per head than one-third of a gallon.

15868. Does the beer made here come under your supervision?—Yes, entirely.

15869. Is all the beer that appears in that statement manufactured in the other provinces of Canada and here?—The only beer that I know about is the beer made here, but I know that more beer comes in here than is made here.

15870. Then all you know officially is what is made here, and that is 35,693 gallons?—Yes. Hundreds of casks come in here during the summer months.

*By Mr. Clarke :*

15871. All for consumption in the Island?—Yes. Most of it comes from Montreal, but some comes from Halifax.

*By Rev. Dr. McLeod :*

15872. Do you know how much comes here?—I only know that the year before last a complete statement was obtained of the ships' entries, and the quantities received exceeded the quantity made here. It was a statement I made up for one of the newspapers here, and I think it was correct.

15873. If as much is imported as is made here, the consumption would be two-thirds of a gallon per head?—Yes.

15874. And if more, it might run up to one gallon per head of the population. As a matter of fact, the average consumption of the Dominion per head is three gallons. So the Island consumption is considerably less than the average?—I do not know further about the matter except from the report I have here.

*By Judge McDonald :*

15875. You do not mention in your statement that there is other ale?—English ale comes in. The quantity I give is the quantity made on the Island.

15876. Therefore the statement is not warranted that the Island uses less than other places?—I made no such statement.

*By Mr. Gigault :*

15877. You have spoken of a statement you published in a newspaper?—Yes.

15878. Could you supply the Commission with that statement?—No, I do not think I could. It was published in the interests of the Scott Act party.

## Liquor Traffic—New Brunswick.

15879. What was the statement?—It was a statement of quantities of liquor imported at the Inland Revenue Office during the Scott Act years, and the quantities taken out for consumption during the same years. It was published during one of the Scott Act elections, I do not remember which.

*By Mr. Clarke :*

15880. Can people purchase liquor for their own use in St. John and Halifax and bring it in here without the Customs department or the Inland Revenue department being aware of the fact?—Yes, if is out of bond.

15881. Have you any means of ascertaining how much would be brought in in that way?—We would have, because every cask is supposed to be accompanied by a permit.

15881a. Official statistics would not be any indication of the quantity purchased by the people of the Island for domestic use?—Only if in bond.

*By Judge McDonald :*

15882. Do we understand that in case of a person sending an order from here to a Halifax wine merchant for wines and ales for domestic consumption delivered, the delivery would be known only to the person in charge?—If he desired it to be so.

15883. So there is nothing to prevent the goods from being brought in by any carrier?—No, and there is a steamer running between here and Halifax, and also two or three different lines between here and ports in Nova Scotia.

*By Rev. Dr. McLeod :*

15884-85. As a rule, does liquor come in here in bond, or duty-paid?—Seven-eighths of the liquor that comes to my office comes in bond.

EDWIN S. BLANCHARD, M.D., Superintendent of the Hospital for the Insane, Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15886. How long have you held the position of Superintendent of the Asylum?—Eighteen years.

15867. Have you many lunatics in charge at present?—We have about 140.

15888. What are the proportions, male and female?—They are about evenly divided.

15889. Are you in a position to state the causes that produce the lunacy?—I have my own statistics, but I would not declare them to be in any way exact.

15890. What is the total percentage of cases in which the cause is drunkenness?—A very small percentage. I should not suppose much over 5 per cent, if that.

15891. Have you any knowledge as to whether any of the cases are indirectly caused by drunkenness, but still to such an extent that it can be traced?—It is difficult to do that here. I have no doubt there are quite a number of cases caused indirectly by drink ; more, in fact, than are caused directly, probably.

*By Mr. Clarke :*

15892. Has there been an increase in the number of patients treated by you during the past ten or fifteen years?—Yes.

15893. To what do you attribute the increase?—We have increased hospital accommodation. I think that is really the reason.

15894. The change in drinking habits has nothing to do with it?—It would not be perceptible with us.

15895. Would it in one way or the other?—I think not.

15896. Did you see the statement of Dr. Reid, of Halifax, N.S.?—I think I may have seen it in one of the Halifax newspapers.

SAMUEL C. NASH.



15897. Do you know anything about the operation of the Scott Act?—No, only by hearsay.

15898. What is the general opinion respecting it here?—The general opinion here is that it was very ineffective.

15899. To what was its inefficiency attributable?—I could not say. There seems to have been no trouble about getting anything wanted in the shape of liquor.

15900. Do you, as a medical practitioner, know anything about the quality of liquor sold, as to its effects on those who drank it?—No, I cannot say that I do.

15901. Do you not know anything about it?—Liquors ordered by medical men from druggists are, as a rule, pretty good.

15902. Much better than those sold at other places?—Very much better.

15903. Did you notice, as a citizen or resident of Charlottetown, a decrease of drunkenness on the streets during the time the Scott Act prevailed?—No, I do not think I observed any difference.

15904. Have you noticed any increase in drunkenness since the Scott Act was abolished?—I really think I have.

15905. Do you attribute that to the relaxation since the Scott Act period?—I do not know to what to attribute it; but for a good many months, and certainly during the summer, there has been a great deal more drinking than previously.

15906. Do you attribute that to free rum?—Yes. It was virtually free rum during the Scott Act.

15907. Then the increase is not due to the abolition of the Scott Act?—No; it only just happened during the summer. I certainly saw a great deal of it during the summer months.

15908. Do you approve of the present plan of restriction by police surveillance only?—Not altogether.

15909. What would you favour, the re-enactment of the Scott Act, or the present system, or the enforcement of a rigid license law?—I would rather have a rigid license law than either the Scott Act or free sale.

15910. You have had experience of the Scott Act and of free rum, and you prefer the license law?—I do.

15911. From your experience as to the operation of the Scott Act here, do you think a general prohibitory law could be enforced?—I think it would be very difficult to enforce a prohibitory law in the Island, probably more difficult than in any other province.

15912. Why?—The smuggling all along the coast it would be almost impossible to prevent.

15913. Was there more smuggling when the whole Island was under the Scott Act?—I have no idea at all.

15914. In regard to the statements which you obtain from relatives or friends of those who are to be admitted as inmates of an institution, are the replies always reliable?—Very often not.

15915. Dr. Reid, the Superintendent of the Nova Scotia Hospital, says that those statements as to drunkenness, &c., are utterly unreliable?—The statistics are unreliable.

*By Rev. Dr. McLeod:*

15916. You agree with others that alcoholism is the exciting cause in only a small percentage of cases?—That is, the immediate exciting cause.

15917. Do you know to what extent the use of alcohol is the predisposing cause?—I do not know. I have no personal knowledge, but I can only judge from reading. There is no question that the children of drinkers, so it is said, are very subject to nervous diseases of different forms.

15918. You think the drinking habits of parents have the effect of predisposing their children to insanity?—Yes, different forms of nervous disease; insanity to a very great extent.

15919. Do you think the prohibition of the drink trade and the drink habit would ultimately have a good effect on the health, mentally and physically, of the people?—True prohibition would be of immense benefit.

## Liquor Traffic—New Brunswick.

15920. As to the difficulty in Prince Edward Island, is it because you have so much coast line?—Yes.

15921. Do you believe that a prohibitory law, that is the prohibition for beverage purposes of the manufacture and importation as well as the sale, would be as well enforced as the partial prohibition we have had under the Scott Act?—I should think it would be better enforced.

15922. There are difficulties in preventing the sale when the manufacture and importation are permitted, which would not occur if they were prohibited?—Yes.

*By Mr. Gigault :*

15923. Do you, as a physician, consider the use of wine useful?—In the treatment of certain diseases, yes.

15924. Is alcohol useful?—Yes, more so than wine.

*By Mr. Clarke :*

15925. Is there less insanity in Maine, where there is prohibition, than in other States where there is none?—I should say there is no difference. The question is whether the system has so long and so faithfully worked as to bring about a different state of things.

15926. It is very much like the Scott Act?—I think the manufacture is prohibited in Maine. There are different parts where the proportion of insanity is greater than in others. In the Eastern States the percentage is very high.

15927. Do you think it would be possible to enforce a prohibitory law in the whole Dominion?—I could not answer that question. I do not think it would be possible to enforce it in the Island.

15928. Does the moderate use of liquor interfere with or prejudice the health of a person?—I think after a man reaches a certain age, the moderate use of wine is beneficial; when a man has reached the time of life when he is going down hill.

15929. Take the workman who drinks two glasses of ale a day, or people who take a glass of wine at dinner, who have not reached that age, say from twenty-two up, does that injure men ordinarily?—No: I do not think two or three glasses of beer or of wine would injure any ordinarily strong man at all. The trouble is to keep them to it.

15930. Is the use of tobacco injurious?—In certain cases, yes; in certain cases, no.

15931. Would you answer the same question in regard to liquor in the same way?—It would not be quite the same answer that I would give.

15932. Would it be advantageous if the use of tobacco were prohibited?—Yes, I think so.

MARK H. WRIGHT, of Charlottetown, manufacturer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

15933. How long have you resided in Charlottetown?—Twenty-five years.

15934. How long have you been manufacturing here?—About 20 years.

15935. What branch of manufacture?—Furniture.

15936. Do you employ many men?—Forty-five to fifty.

15937. Have you found your business interfered with by drinking habits of employees?—To a limited extent.

15938. You have been in Charlottetown under the license law, under the Scott Act, and under free liquor?—Yes.

15939. Under which of these systems had you the least trouble?—The last system has not been long enough in force for me to say.

15940. But I mean before the new police regulation?—Yes, there was free sale for one year.

EDWIN S. BLANCHARD.

15941. Taking the three systems relatively for the length of time, under which had you the most trouble?—My experience with workmen has been that they have been better the last few years. I saw no difference when liquor was free. They are gradually getting better.

15942. Taking that state of things and what preceded it, would you rather have the restraint on the traffic by the police regulation, or the practical free sale of liquor?—I do not approve of either.

15943. As a choice between the two?—I would sooner have the latter.

15944. Would you be willing to have that restraint further increased by licenses being given to the people selling?—No.

15945. Are you opposed to license?—Yes.

15946. As a principle?—Yes.

15947. Because there is a revenue derived from it, or do you mean you would oppose any dealing by the State with the traffic?—I think the State ought to prohibit it.

15948. The people have declared against prohibition at present, and the city has made regulations without a license. Would you rather have a license, or have it as it is?—I would rather have it as it is.

15949. Can you say whether liquor was sold when the Scott Act was in force?—I believe it was.

15950. Have you any knowledge whether it was of bad quality?—I have no knowledge.

*By Rev. Dr. McLeod :*

15951. Do you understand that, when the people of Charlottetown repealed the Scott Act, they declared against prohibition?—I do not think so.

15952. Did they simply declare against a law that was not very well enforced?—I think so.

15953. As a manufacturer and employer of labour, do you have any preference for total abstainers among your men?—Decidedly.

15954. Why do you prefer them?—They are more reliable, more competent at their work, and better workmen.

15955. Have you had any trouble with men on account of drinking?—Nothing serious. We usually try to get rid of excessive drinkers.

15956. Men you would gladly have retained if you could?—Good men in every other way.

15957. But their drinking made them unreliable?—Yes.

15958. Of course their drinking habits interfered with their power to earn wages?—Yes.

15959. Do you find that the drinking habits of men not only lose you their time, but interfere with other men who should be working?—Certainly.

15960. Sometimes men work in a gang, and one man's absence from drink interferes with other men. Have you had that trouble?—Yes.

15961. How much time in the course of a month, do you think the drinking man will lose because he drinks?—I am not prepared to say.

15962. Would he lose three days a month?—I think he would. It depends on how much drinking he does.

15963. But the average?—Three days a month would be a low estimate I think for a drinker.

15964. Do you remember Charlottetown under the old license law?—Yes.

15965. Would you prefer Charlottetown under the old license law or Charlottetown now?—Charlottetown to-day.

15966. You think it is better now than it was then?—Yes.

15967. Was there much drinking under that old system?—Yes.

15968. Was there much illicit sale while there were licenses?—I have no means of knowing.

15969. Do you believe, as a manufacturer and employer of labour, that prohibition, well enforced, would be of benefit to your interests and to other industries?—Great benefit.

## Liquor Traffic—New Brunswick.

*By Mr. Gigault :*

15970. When the Scott Act was in force, were liquors sold?—I believe so.

15971. Were they sold freely?—Not as freely as under a license law.

15972. As freely as now?—Perhaps as freely. But you had to be posted where to go and how to get in.

15973. They were sold every day?—I think so.

15974. In many places?—Yes.

15975. As many as to-day?—I cannot say.

*By Mr. Clarke :*

15976. Do you say Charlottetown under free liquor to-day is better than under the license law?—I think it is.

15977. Would that be an argument to abolish licenses and have free rum all over the country?—No.

15978. Do you prefer free rum to license law?—Yes.

15979. Why?—Because it is wrong to license the trade.

15980. Is it wrong to sell liquor under free trade?—Yes, it is in those who sell.

15981. Under license there is some supervision as to accommodation and the time to sell: is that good or bad? Is it better to have inspection and restriction?—The restrictions were never enforced under license.

15982. Was the trade prohibited under the Scott Act?—At times very largely.

15983. You prefer free trade in liquor to a licensed sale of liquor?—Yes.

15984. Was the vote an expression of opinion against the Scott Act?—Probably against the Scott Act, but not against prohibition and the sale of liquor.

15985. What obstacles were there in the way of the enforcement of the Scott Act?—They were very numerous.

15986. Had the public sentiment anything to do with the non-enforcement of the Act?—Yes, something. The first few years the Scott Act was in force it was largely hung up in the Courts, waiting for the Judges' decision in regard to technicalities.

15987. Was there any other difficulty?—Another difficulty was in getting people to testify to the breach of the law. They were very unwilling.

15988. Can you suggest any amendment to the law which would make it more operative?—If they had a first-class prosecutor in all cases, the law would be workable.

15989. Could not the Council be trusted with the appointment of a first-class prosecutor?—It would depend entirely upon the sentiment of the Council. It was independent at one time, but at a later date the Council was under the control largely of the liquor element, and the prosecutor was dismissed.

15990. The *personnel* of the Council was under the control of those who elected it, was it not?—I suppose so.

15991. Was the city divided on the subject?—Yes, one portion was in favour of it and the other opposed to it.

15992. Are all your men total abstainers?—No, not all. They are largely temperate.

15993. Are they largely total abstainers?—Yes.

15994. What proportion are moderate users of liquors?—Probably ten per cent.

15995. Do these men lose on an average three days a month on account of the moderate use of liquor?—No, we would not keep them if they did.

15996. Do you know any firm here or anywhere else that will keep men who are habitually drunk and lose time?—Only when they are compelled. In a slack time those would be the first men dismissed.

15997. Did the temperance people favour the repeal of the Scott Act because it was not a workable Act?—No, I believe they are in favour of the Scott Act properly enforced.

15998. Was it properly enforced while it was the law?—Only during limited times.

15999. Was the Legislature ever asked to appoint a thoroughly efficient officer to enforce it?—I do not know.

MARK H. WRIGHT.

*By Judge McDonald :*

16000. Do you know if any of the temperance people voted for the repeal of the Act?—I am not prepared to say.

16001. Do you think they generally voted to keep the Act in force?—Yes, largely. Some were not satisfied with it.

*By Rev. Dr. McLeod :*

16002. Were things better when the Act was enforced than when it was more lax?—Yes, I think so.

16003. What made the difference between the enforcement and the non-enforcement?—There was not so much selling. People who had liquor were afraid to sell it.

16004. Was it the constitution of the City Council that brought about the better enforcement?—I think so.

16005. Did you observe that when the City Council was, what you would regard, rightly constituted, the law was fairly well enforced?—Yes.

16006. Is it now a temperance Council?—I think the majority is that way.

16007. Is the Council now attempting to enforce the police regulation?—Very much better than they did the Scott Act.

16008. Do you suppose, if the Council was constituted as before, with four illicit liquor sellers in it, that body would attempt to enforce the police regulation?—I do not think so.

16009. Did you hear Judge Hodgson's testimony yesterday?—No.

16010. He said that a question as to the constitutionality of the Act in Fredericton had caused long delay?—Yes, that is what made a great difficulty.

*By Mr. Clarke :*

16011. How long was that appeal pending: five years?—I cannot say.

16012. Three years?—I cannot say.

16013. What was the obstacle afterwards?—I do not know. It depended on the Council.

16014-15. If the people here were in favour of the sale of rum, why did they not return every year a Council to support the action of the officers. Was it owing to a change in public opinion?—I do not think so. On one occasion the elections were run entirely on temperance principles; then the temperance people won. At other times the temperance question was out of sight.

16016. And the result was a rum Council?—Largely that way.

*By Judge McDonald :*

16017. Are you prepared to say that during any one year the Scott Act was in force, there was a decrease of drunkenness in this city?—No, I am not prepared to say.

16018. Or less convictions for drunkenness in any one of these years than in any other?—No, I am not prepared to say that.

16019. Then, how can you state that there were times when there was a better enforcement of the Scott Act, as to results, when you cannot say that?—I think, while the Act was enforced I saw less drunkenness.

## Liquor Traffic—New Brunswick.

HON. JOSEPH HENSLEY, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16020. What position do you occupy ?—Judge of the Supreme Court.

16021. How long have you been a Justice of the Supreme Court ?—Upwards of 23 years.

16022. Do you remember Charlottetown under the license law ?—Yes, under license law, Scott Act and everything up to the present time.

16023. Have you answered the questions sent out by the Commission ?—Yes, I sent a report to the Commission.

16024. Attention has been called to the legal delay caused. For how long a time was there delay ?—The only delay that took place was when the Act first got under way, and the question was raised as to its constitutionality ; and the court suspended giving decisions on cases until that was decided. It was carried home to England for about one year and a half, I think : but that was many years ago.

16025. The law was in force here for nine years, so that for the last seven years of the Scott Act here that difficulty was out of the way ?—Yes, I think the Scott Act was in force for more than nine years. There were some other legal delays as to whether a place was a city or a town, and whether an election had been properly carried on, and those difficulties held the Act for another twelve months probably.

16026-7. But for six or seven years there were none of those difficulties ?—Yes.

16028. And the enforcement of the Act in the court was vigorous ?—Yes, I think so. There was a large number of cases came up before the court on *certiorari*, but they were disposed of one after the other.

16029. Have there been any recently ?—Yes, but they have been disposed of much more quickly, because the decision is vested entirely in the Judges now ; but then there were juries, and in King's County juries would not convict, and it was impossible to carry out the appeals for a time.

16030. Were you able to observe the operation of the Act in the city ?—To a certain extent. I think in the country generally, that is in Queen's County and Charlottetown, after the Act passed, it appeared to me there was less drunkenness than under the old license law.

16031. Since the Scott Act was repealed, what has been your observation ?—I do not see much difference. It appears to be about the same sort of thing. I think public sentiment has been so strongly in favour of temperance of late years, and it has been taken up so largely by societies, such as the Women's Christian Temperance Union, and the family view has been urged so strongly, that there has been as much good done in that way as by the operation of the statute.

16032. Do you find a great change in the habits of the people ?—Yes ; in the last 25 or 30 years, and a feeling has got into all respectable families and people against the free use of wine and liquors.

*By Mr. Clarke :*

16033. Do you think that the operation of the Scott Act tended to reduce drunkenness and drinking while it was the law ?—I think drunkenness was less, but the Scott Act, if it had been properly supported, would have been more efficient than it was. Although it was carried at the election, I think there was a lack of public sentiment at the back of it, and so it was not as successful as the promoters hoped it would be ; and I have often told the Grand Juries in the country that it seemed to be very strange that they got their legislature to pass the law, and they adopted it, and then failed to enforce it.

16034. There was no obstacle in the way except the law's delay and the lack of public sympathy ?—There appeared to be a lack of assistance and sympathy in getting it operated. It gave the idea that though the majority carried the Act, yet they were not so strongly in favour of it as appeared. That struck us very forcibly.

HON. JOSEPH HENSLEY.

*By Rev. Dr. McLeod :*

16035. Do you think that the delay which occurred when the Act first came into force and the subsequent shorter delays, had the effect of disheartening those who were interested in the Act?—I do not think that at all. It was after the constitutionality was established, and I do not think that had any effect.

16036. It required a year and a half to establish the constitutionality, and during that time there was practically free sale. Would that have the effect of disheartening the people who were interested in its enforcement?—It might have.

*By Mr. Clarke :*

16037. Was there free sale?—I do not know.

*By Rev. Dr. McLeod :*

16038. What has been the effect of the law throughout the province?—I think it has been beneficial on the whole.

16039. You remember very well the old license system. How did that operate ; was it restrictive at all?—It was restrictive, of course ; but there was a great deal of drunkenness existing at the time, as there always is. I think there is less since the Scott Act has ceased to be operated.

16040. Do you remember whether there was much illicit sale when there were licenses?—There was a good deal of illicit sale, but nothing like the illicit sale under the Scott Act. Although I have no personal knowledge of the houses, it has been reported, and not contradicted, that there were so many places where liquor was sold that I must come to the conclusion there were a great many more selling than before the Scott Act ; but I cannot tell except from rumour and the newspapers, and I am afraid there is a good deal of truth in it too.

16041. Do you believe that the prohibition of the manufacture, importation and sale for beverage purposes, well enforced, would be of benefit to the country at large?—Yes, if it could be enforced, but I very much doubt if it could be.

16042. What would be the difficulty?—A very strong public sentiment and a large majority were needed at its back ; a mere majority would not be enough ; a large majority must back it up by a strong public sentiment.

16043. Is public sentiment growing in that direction?—It is, in favour of temperance ; but as to carrying it out, people have very different opinions.

16044. You have not observed whether there is a growing feeling in favour of the prohibition of the traffic?—I can hardly say whether there is or not.

16045. Do you think that steps taken to increase the restrictive laws are an expression of opinion in favour of prohibition?—If the Scott Act is adopted it should be an indication in favour, and if it is thrown out it should be an indication against ; but if it is adopted by a small majority and does not meet with the support of the people afterwards, it is a difficult question to say how the matter works.

16046. Do you think that the increasing restriction is an expression of the increasing sentiment of the people against the drink traffic?—Certainly. I think the feeling of the people in favour of keeping the drink traffic down as much as possible, is increasing. I was in the Legislature many years ago, and I brought in some license bills, one in particular about local option in school districts. My friend the Mayor will recollect the occasion. It provided for the adoption of prohibition when it was carried by two-thirds of the people within a small radius. Then you are sure of public sympathy. I thought that operated very well while it was in force. It is a sort of a small Scott Act ; but when you have two-thirds of the people pledged, who live in sight of each other, you must have sympathetic support.

16047. Take such a district, where the people have resolved not to permit the drink sale, and suppose the adjoining district not of that mind : would it make the prohibition more difficult?—Of course it would. People who wanted drink would go over the border.

16048. That is the objection?—Yes, to that, because it is simply confined to a small radius.

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16049. Do you think law helps public sentiment?—No. I think it is the result of public sentiment. Such a law as the Scott Act is the result of public sentiment. It is called for by public sentiment.

16050. Then does that law, being enforced, strengthen public sentiment still more?—That depends on whether it is successfully enforced or not. I think that public sentiment acts in this way. Seeing the great evils of intemperance and what harm it causes, the public sentiment is in favour of lessening the evils and putting the trade out of sight. That is why one measure after another is adopted, the local option and the Scott Act and so on, in the hope of lessening the evil; but there is a wide difference of opinion as to what mode of dealing with it would be the most efficient. There is a great difference as to the Scott Act and as to licensing. I think there is a very erroneous idea about licensing. If it were called restriction instead, it would be more correct, because under license the law is restrictive.

16051. Do you observe whether under a license law the restrictive features are observed?—They are observed, because the parties are known and the police can visit them. They know who they are, and rules and regulations are adopted, as in Charlottetown now. My opinion is that license is better than the present system. It is rather restriction. The licensees pay a fee and obey certain regulations, or their houses are shut up.

16052. If there were such a restrictive law, and it was found that the holders of licenses were violating the prohibitive sections, such as those in regard to the Sabbath and selling after hours, would you regard that law as a failure?—No, because they could be prosecuted.

16053. If they were not prosecuted?—Of course every law would be a failure that was not enforced.

16054. Will you state why you think this restrictive law, generally called a license law, would be better than the present system?—Because I think it is more easily enforced to begin with, and it has also at the back of it, aiding its enforcement, the very people who obtain licenses. They get a sort of interest in the matter, and they are likely to look after the enforcement of the law against outside people who have no qualification to sell. Then the number of licenses can be controlled and kept within bounds.

16055. When there was a license law, were the licensees prosecuted for the violation of the law, or were the illicit sellers prosecuted to any extent?—I recollect a good many prosecutions of the illicit sellers. I cannot call to my mind any against the parties holding licenses, but I have no doubt there were some who broke the regulations. But in old times under the license law, at every Supreme Court the Grand Jury were especially instructed to bring before the Supreme Court cases of improper selling, and the Judges sent the list to the Magistrate, and they were prosecuted.

*By Mr. Gigault :*

16056. What would you say as to the effect of a law which is openly and flagrantly violated every day?—It is a very scandalous state of things.

16057. Do you think it is wise to maintain a law which is openly violated every day?—I think it brings about a very immoral state of public feeling to see a law openly and constantly violated, and though enforced now and then, not sufficiently to be thoroughly enforced. Under the Scott Act there were constant prosecutions and appeals, yet, notwithstanding that, it was said the number of places where liquor was sold was unlimited. That is not a satisfactory state of law. It showed either the law was not efficient, or that it was not being efficiently enforced.

16058. Do you make a distinction between a law constantly violated, and a law occasionally violated?—Of course, every law is occasionally violated: but where the results are constantly of that character, it does not seem as if the law fulfilled its end.

16059. Does it not tend to bring into contempt all laws, and to induce lawlessness?—The principal lawlessness is the fearful amount of perjury in these cases, notorious and evident perjury, and that is most demoralizing and causes the most painful feeling. It does a great deal of harm to moral feeling when evidence is so constantly given in such a way as it has been in my own experience in Scott Act cases. I recollect on more than one occasion in King's County a most respectable woman taking the stand to

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clear her husband, and swearing in such a way that I had to order her down and say I would not hear her any more. Otherwise, apparently, she was a most respectable person.

16060. Do you think sumptuary laws are more difficult to enforce than other laws?—Certainly they are, because any restriction of a person in respect to what he eats or drinks or does, is of such a character that a great many people rebel against that sort of thing and resist it.

*By Rev. Dr. McLeod :*

16061. Do you regard the Scott Act as a sumptuary law?—Yes.

16062. Do you think the law responsible for the perjury of people?—It ought, if passed by a majority of the people, to be a sumptuary law capable of being enforced ; but the trouble is that after it is passed, there seems to be a lack of public sentiment to back it up.

*By Mr. Clarke :*

16063. Is it not, after all, a species of class legislation? Some people would be able to bring in liquor in quantity, while others would be prohibited, simply because they could not afford to purchase it in quantity?—That is a part of the Act which causes a good deal of feeling, and it is an unfair part. I think prohibition would be better than that, because, I think, if parties are not able to get liquor from abroad and cannot get it at all, and at the same time the more wealthy are obtaining liquor, it is an unfair position, and the rule should apply generally, and liquor should not be imported.

16064. What kind of prohibitory measure would be more easily enforced?—Prohibition would be more easily enforced on that account, because of its fairness all round.

16065. Do you think, if such a measure were submitted to the people of Charlottetown it would be adopted?—I think it would be a fair basis to carry out the principle of temperance.

16066. Will you please explain how, in counties where the Scott Act was carried by a large majority in some instances, it has not been enforced?—I have frequently commented on that fact in my charges to the Grand Jury.

16067. Do you know anything about unlicensed vendors in connection with the sale of liquor?—No.

16068. Do you know whether licensed vendors endeavoured to protect themselves by securing the punishment of unlicensed sellers?—I cannot call to mind particular cases, but abuses resulted.

16069. Was the repeal of the Scott Act, by the vote which took place recently, an indication of the opinion of the people?—I cannot undertake to say what the reason of the repeal of the Scott Act was, but I do not question it was from a lack of temperance feeling in the community. It was brought about in this way. The Act seemed to be incapable of being enforced properly, it brought about many unpleasant prosecutions, and a great deal of perjury was committed, which was discreditable, and the parties in favour of the Scott Act became dispirited and thought it was no use pressing it further. Something of that kind occurred, but I do not think that true temperance feeling was any the less strong, rather that the friends of the Act became tired, and did not desire to continue the prosecutions.

16070. Do you think, with the present state of public opinion, a prohibitory law could be enforced?—If it was backed up by a large and very heavy vote, say two-thirds, perhaps it might be ; but it would require a very heavy vote to enable it to be enforced.

16071. Do you favour the enactment of such a law?—I cannot say that I do.

*By Judge McDonald :*

16072. Speaking in regard to your judicial experience : do you think drink has the effect of promoting crime?—I sent a report to the Commission the other day, in which I entered pretty fully into the cases that had come before me for trial. I referred particularly to some five or six of the most serious murder cases I have tried, and I find one-third, or two out of the six of the cases were brought about by the use

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of intoxicating liquors ; and in other cases about the same proportion. Four out of the six cases were not mixed up with drink, but two out of six were the consequences of drinking. [Appendix 20.]

16073. Do you know whether in any of the other four cases, the parties were addicted to drink in any degree?—No.

16074. Nor connected in any way with drink?—In two of the cases the people who were killed were drunk at the time. I went fully into those cases, and pointed out the circumstances.

*By Mr. Clarke :*

16075. The six cases to which you have referred were all cases of murder?—Yes. I may say this, that there is a tremendous majority—a strong body in the community—who, I may say, are yearning for a better state of things with respect to temperance than exists, and they are casting about, and desiring to get hold of the best possible scheme to promote temperance. One thinks the Scott Act will do this, and another a license law, and another thinks it will be better to leave the traffic as it is ; but there is a strong feeling in the community, and an increasing feeling in favour of temperance, and a desire to find out some way of promoting it ; although there are differences of opinion as to the best method, and as to which plan will be most successful.

16076. Would not those people be more likely to impress the community with their views if they faithfully endeavoured to enforce the Scott Act?—Yes.

16077. How can they expect to influence people in other parts of the Dominion with their views if, when the Scott Act is adopted, they display apathy as regards its enforcement? How can they expect the people of other provinces, under those circumstances, to endorse their views in regard to the practicability of a measure of prohibition?—Such laws as are promotive of temperance are being enforced very well now. I refer to such laws as regards the observance of the Sabbath, and laws of that class. They are being enforced with a good deal of vigour now, and very successfully. I do not altogether approve of the present Act for the regulation of the liquor traffic, especially in regard to open bars, for, in my opinion, they will by and bye operate very badly. Although they are intended no doubt to act beneficially by causing people who desire to go in and drink to do so publicly, yet, as I have said, I am much afraid that by and bye that feeling of repugnance to entering open bars will pass away, and they will do more harm than good.

16078. Have you any knowledge of the operation of the law in New Brunswick, or Nova Scotia?—No, I have not.

*By Judge McDonald :*

16079. Have you considered what is called the Gothenburg system, under which the State takes charge of the sale of liquor, and allows no profit to be made out of it, except such as passes into the public treasury?—No. I know nothing about it.

ARTHUR NEWBERY, of Charlottetown, Assistant Provincial Secretary, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16080. Are returns made to your office by what are called licensed vendors under the Scott Act?—No returns have been made to me. I do not know that the law requires it, and it has never been done.

16081. Do you know how many licensed vendors there are in the Province?—At present there are only two in the Province.

16082. Then, people hold what are known to the community as druggists' licenses?—They are vendors under the Canada Temperance Act.

16083. What is the fee paid by them?—\$40 and \$50 respectively; \$40 is charged for the rural districts and \$50 for towns.

16084. Are both the licensed vendors in the rural districts?—One is in Summerside and the other on the county line between Queen's and Prince.

16085. Have you any return made to your office of any kind in connection with the Scott Act or other liquor law?—No. The returns made by the License Inspectors are sent to the Attorney-General, and he has all the documents. They do not come to me.

16086. Have you made any return, in answer to the questions sent by the Commission?—I have filled up the form submitted.

*By Mr. Clarke :*

16087. Do you know anything of the operation of the Canada Temperance Act in Charlottetown?—I do not think it has worked very satisfactorily.

16088. Do you think the reason is a lack of temperance feeling on the part of the public?—Not a lack of temperance feeling, but a feeling against the Act.

16089. Have you noticed an increase or decrease in drunkenness since the repeal of the Scott Act?—No, not yet.

16090. Was there a decrease in drunkenness during the time the Scott Act was the law?—I think there was.

16091. Was there any difficulty in procuring liquor during the time it was the law?—Yes, to those uninitiated.

16092. But the initiated had no difficulty?—No.

16093. Do you prefer the present free sale system to the license system?—I believe, if a license law were properly carried out, I would favour it.

*By Rev. Dr. McLeod :*

16094. Would you prefer prohibition, well enforced, to a license law?—I believe, if it were properly carried out, it would have a better effect.

16095. Have the vendors under the Canada Temperance Act ever been complained of, within your knowledge, in this respect, that they were selling to others than those to whom they were authorized to sell?—Yes, repeatedly.

16096. Has the Provincial Government changed the vendors at any time?—Some of the licenses have been cancelled.

16097. Were there at any time more vendors than there are now?—Yes, a good many more. There have been eight or nine in one year throughout the Island. The number has gradually been reduced to two. Of course, the Canada Temperance Act is not in force in Charlottetown, and there were five of those vendors here.

16098. There is, of course, no necessity for them here now that everybody can sell?—No necessity for them in Charlottetown.

16099. And you say two only have licenses now, both outside of Charlottetown?—Yes, they are outside of Charlottetown. I file the following statement respecting vendors' licenses. [Appendix 21.]

## Liquor Traffic—New Brunswick.

WILLIAM E. DAWSON, of Charlottetown, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16100. How long have you resided in Charlottetown ?—40 years.

16101. Have you been a merchant here all your life ?—I have been in business all that time.

16102. Then you have known Charlottetown under license law, the Scott Act, free sale and police regulations ?—Yes.

16103. In the first place, what opinion have you of the working of the Scott Act ?—I thought it was not enforced.

16104. Did you see much drunkenness at that time ?—Not any more than usual, so far as my observation went.

16105. Have you any knowledge of the rural districts ?—Not outside of one mile : I reside one mile out of town.

16106. Have you observed the working of the present system ?—Somewhat ; not much.

16107. As a business man, from your experience, which would you prefer, a license law or the Scott Act ?—The Scott Act first and license law next, and not the present law at all. That is to say, I would prefer the Scott Act if it were properly enforced, not otherwise. I think otherwise it is a farce.

16108. Take the Scott Act as it was enforced here ?—I would prefer a license law. I arrive at that opinion from my experience as Chairman of the Commission on Licenses.

16109. If total prohibition were enforced, would you prefer that to all other systems ?—Yes, by all means.

16110. Do you think it could be enforced ?—It would require public sentiment at the back of it, of course, and a very intense public sentiment.

16111. Have you ever considered the question of what may be called inter-provincial sentiment, that is, not the sentiment merely of one or two provinces overwhelmingly for one or the other system, but a consensus of sentiment throughout all the provinces ?—No. But this thought has come to my mind, that we have a law against smuggling, notwithstanding our immense coastline and seaboard ; and it has struck me occasionally, (I have not formed any decided opinion on it) that if smuggling can be prevented, why not have a prohibitory law in regard to liquor.

16112. You think that if there was the same sentiment in favour of prohibition that prevails in favour of the enforcement of the revenue laws, prohibition might be successful ?—If there was, I think so, not otherwise.

16113. You have said you were Chairman of the License Commissioners under the old law ?—Yes, that was in 1878, 1879 and 1880, before the Scott Act came into force. The Scott Act was inaugurated by a proclamation of my own as Mayor.

16114. Mayor of the City, and also Chairman of the License Commissioners ?—Yes.

16115. How did you find the license law work in those days, when you were Chairman of the Commissioners ?—We were obliged to work under an old law of the Island, which confined us to a very small amount as a license fee. I think \$32 and some cents. We were also limited to very small fines.

16116. Were you limited to the number of people to whom licenses might be given ?—No, we had liberty to give a license to every one we thought proper. We had an option law, and as Commissioners we were authorized to carry that law out. The town was divided into blocks, and the Clerk visited every householder in a block, and the question was asked : are you in favour of a liquor license or not ? If the answer was yes, he signed a requisition. My impression is that the majority either gave or refused licenses ; I am not sure that the majority was two-thirds. At all events, it depended upon the majority vote at least, of the inhabitants of the block, as to whether there should be a license in that block or not.

16117. Or more than one license ?—The Commissioners even then had the right of refusal, provided the number would be more than sufficient for public requirements.

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16118. Do you think the small license fee was a bad thing?—We devoted a good deal of time, with the assistance of the then Recorder, who is now Stipendiary Magistrate, to the preparation of a by-law, by which we intended to change the system somewhat, and increase the license fee to, I think, \$300. We had three kinds of licenses: tavern, store and saloon. I think the fee for the saloon was placed at \$300, for tavern \$200, and I think \$100 for the store license, speaking from memory. We found, however, the law would not permit us to make the change: we were, therefore confined to the old law. Our fines would have been proportionately heavy.

16119. Suppose license law were enacted, would you be prepared to favour a very high fee?—I am not prepared to give an opinion on that point.

16120. If a license law were in force, would you favour a high license fee?—Yes, and a limitation of the number of licenses.

16121. Would you favour the inspection of liquors that are sold?—Most decidedly.

16122. With a view to analysing the liquors?—Most decidedly; and I think the liquor sellers would prefer that, so far as my experience goes.

16123. Would you favour, in case of a license law being re-enacted, a change of the law by which in cases of repeated offences there would be a withdrawal of the license from the premises in question?—Our intention was to impose a fine of a certain amount, I think the cost of the license, for the first offence; and the penalty for the second offence was imprisonment; and for the third offence withdrawal of license.

16124. You have explained that owing to the state of the law, you were unable to carry that out?—Yes.

16125. These may be taken as your mature opinions on this point?—That is my opinion to-day in regard to carrying out a license law. Certainly, withdraw the license in cases of repeated offences. I should like to say just here, if I may be permitted, that my experience at that time was this: we enforced the license law very rigidly, and there are many in the court who know it, and drunkenness decreased very largely. When the license law lapsed, by the adoption of the Scott Act, the convictions for drunkenness increased every year for some years. I state no reason why, I am simply mentioning the fact. While I was Chairman of the Commissioners, I was also Mayor, and I paid very special attention to the enforcement of the License Act, and I saw that it was enforced. For instance, take the tavern license. The applicant for the license was compelled to have a certain number of rooms, a certain number of beds, the rooms of a certain size, and no room less than a certain number of feet square, with more than one bed, and the house must have a certain number of bedrooms over and above the rooms and beds occupied by the family. I visited almost every house as Chairman of the Commissioners. I remember one case, however, I did not visit. Circumstances came to my knowledge in regard to this case, that the papers were improperly signed; and I refused to grant a license, and the Commissioners did not grant a license.

*By Rev. Dr. McLeod:*

16126. Do you recollect whether there were many violations of the restrictive clauses of the license law during that time?—My experience for a good many years previous to that as Councillor under the old regime, (before the Stipendiary was appointed, and the judicial business was presided over by the Mayor and the Councillors week and week about, taking it in turn to pre-side) was this, that, during this period when the Act was much more strictly carried out, there was a less number of violations by liquor sellers.

16127. How long was that?—The law was in operation four years, but I retired at the expiration of the second year. I did not go back again for election.

16128. Do you think if there had been some deliberate effort, such as was made by yourself, made to enforce the Scott Act, it would have been successful?—I think so. That is why there is so much dissatisfaction expressed.

16129. Do you believe if the Scott Act had been as rigidly enforced as the present police regulation has been during the past six weeks, it would have been as effective?—I cannot give an opinion on that, because I have not watched the present police regulation, and, besides, it has been such a short time in operation. "A new broom sweeps clean."

## Liquor Traffic—New Brunswick.

16130. In what years were you Mayor?—I was Mayor in 1877, 1878, 1879 and 1880—4½ years.

16131. Was it during the time of what is known as Mackenzie's movement, or the Blue Ribbon movement, that the Act was brought in force here?—I think just previous to that.

16132. Had that any effect in lessening drunkenness?—I do not know about that. It had an effect on the public sentiment: whether it lessened drunkenness or not is a question.

16133. Did drinking men sign the pledge?—Yes, and kept it for a short time. I have in my hand a return of convictions for 1887, 1888 and 1889 (1880 I could not find) and 1881. I was elected in 1877, and the year was pretty well through. In 1877 there were 729 convictions for drunkenness. In 1878, the first year of the license law, the number was 357. In 1879 the number was 231. In 1881, I think the third year of license, the number was 193. They commenced to go up at that time, and have increased to the present. I merely state these as facts. The number for the following years was as follows:—

1882 .....	218
1883 .....	250
1884 .....	229
1885 .....	284
1886 .....	299
1888 .....	262
1889 .....	306

16134. Do you believe that the temperance agitation had any effect whatever in lessening drunkenness?—I think it strengthened the Commissioners' hands very much. Permit me to say, without reflecting on any one, that after a certain time the public sentiment did not have its effect on certain Commissioners, and they became very lax.

16135. Do you believe that if the Scott Act had had the same attention given to it as was given by yourself and the other Commissioners to the enforcement of the License Law, it would have been as well enforced as the license law was?—Just as well; but I may be mistaken as to that.

16136. Supposing the Scott Act to be as well enforced as was the license law, which would you prefer?—I would take the Scott Act in the interests of temperance and the well-being of society; but failing that, I say give us license.

*By Mr. Clarke:*

16137. Taking your experience as a License Commissioner, knowing how the license law was enforced during your term of office, and taking the Scott Act during the time it was the law, which would you prefer, license law or Scott Act?—I would take the Scott Act, provided it was enforced.

16138. I think everybody would prefer the Scott Act, if it was rigidly enforced; but taking your experience of the way in which it was enforced, and taking the license law during your term, which would you prefer?—I think I would take the license law. Understand me distinctly, that that is with the strict control such as I gave it, and not placing it in the hands of some folk.

16139. You have given us some statistics showing that after the Scott Act came into force, the convictions for drunkenness, which had been decreasing steadily from the introduction of your efforts as Commissioners to administer the license law, commenced to increase. Was that owing to the fact that the Scott Act was not enforced?—I should suppose there must have been something in that line.

16140. Was there a deliberate effort made to enforce it?—So far as I know there was, but bearing in mind the evidence I heard yesterday, it would appear that influences were at work at the back of it. I could not say there were or were not. I had no official connection with the city at that time.

16141. Your position as Chief Magistrate at Charlottetown for years, and the fact that you were elected and re-elected, is evidence that public opinion and public sentiment were behind you?—I think so.

16142. Do you think the public endorsed a rigid enforcement of the license law?—I am sure they did.

WILLIAM E. DAWSON.

16143. Do you think because public opinion did not sustain your successors in the Mayor's chair, that that was why the Scott Act was not enforced?—I am afraid public opinion was not with the Act, that is to say, not as it ought to have been. Of course, it was to a certain extent.

16144. What is the moral effect of the public not backing up a law?—The effect must be the same in regard to this as any other law; it must be bad.

16145. You believe in regard to the license law, that public opinion was at the back of it, and that it could be enforced better than the Scott Act has been enforced here?—I think so.

16146. Do you know any reason why the Scott Act was not enforced, except the lack of public opinion behind it?—I do not know any other reason.

16147. Can you account for the non-enforcement of the Act here and elsewhere in places where it has received a majority of the votes of the ratepayers?—I have sometimes thought, with all deference to my friend the Stipendiary Magistrate, from reading in the newspapers certain names of parties who have been summoned before him time and time again, that instead of making them first and second offences, they should be made third offences, and the parties sent to jail. I am speaking without any desire to reflect on any one. I am simply stating the facts. I would have sent more persons to prison than the Stipendiary Magistrate did, if I had been in his place. Let it be understood that I am not reflecting on any one, for the Stipendiary and myself are personal friends, and I have already told him my opinion of the matter. We have been on the most intimate terms from the time I was Mayor up to the present time. I repeat, that I would have made many of these second and third offences. I would have carried out the law strictly.

16148. Would it have been better if the law had left it optional with the Magistrate to give imprisonment for a first offence?—Yes. I think considerable discretion should be left in the hands of the Stipendiary, provided you have a man like Mr. Fitzgerald.

16149. Would the appointment of officers to enforce the Act be an improvement?—I think so.

16150. Or officers appointed by the Dominion Government?—I think they should be appointed by the Dominion Government. When the Dominion Government passes a law it should not decline to put it in force, or leave it unenforced on account of their inaction.

16151. Has the City and the Council expressed an opinion in favour of the Scott Act?—They appoint no machinery to carry it out.

16152. The evidence of the Magistrate shows the Act was not enforced?—We provide the machinery here to enforce it.

16153. Does the statute make provision for the appointment of an officer by the city?—The City Council assumed that power at one time. The objection raised on the part of very many was this, (I am not prepared to say whether it was right or wrong, for I never read the Act through) that the Government having passed a law of this kind, giving certain communities power to put in force a prohibitory law, should provide machinery to carry it into force. Instead of doing so, the Dominion Government left the Local Government, or the Local Councils to provide that machinery.

16154. Does the Dominion Government provide machinery for the enforcement of the criminal laws in this city?—They provide machinery for enforcing laws in the interests of the community.

16155. Do they pay the police for looking after thieves?—They provide all the machinery in the interests of the revenue tariff.

16156. I thought the Provincial Government provided the machinery?—Not for collecting the revenue.

16157. For breaches of the law in regard to theft?—I think that is done by the Local Government.

16158. During the years the Scott Act was in force, the Stipendiary Magistrate collected fines to the amount of \$12,643?—I do not doubt it.

16159. The Order in Council passed by the Dominion Government provided that the money should go into the municipal treasury for the purpose of enforcing the Act. Was that sufficient to pay for the machinery?—Perhaps they did not use it for that purpose.

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16160. The Order in Council provided that the money should be expended for that purpose. The Stipendiary Magistrate showed that during 9½ years of the Scott Act regime the fines amounted to \$12,643, and these were collected?—No doubt he is right.

16161. How was it that the money was not appropriated and applied solely to the prosecution of offences under the Act, as the Order in Council provided?—I cannot inform you.

16162. Why did not the people, after the passage of the Act, take the money and amounts at their disposal to enforce it?—If I had been in the place of the Stipendiary, I would have found out why.

16163. Explain how it is that there is so much difficulty in enforcing this Act, notwithstanding the fact that in some cases public opinion seems to be overwhelmingly in its favour?—I think there is a feeling on the part of all communities against laying informations in regard to this business.

16164. Public opinion does not sustain the Act?—I think not.

16165. Would you favour a general prohibitory law?—I would.

16166. Do you think, with your experience of the Scott Act, it could be enforced throughout the whole of the Dominion?—As I said just now, in reply to Judge McDonald, I gave my opinion simply on the matter of tariff. Here we have a tariff and a law against smuggling. We occasionally find men smuggling, and we arrest them and have them punished; and I cannot conceive why this law is not enforced.

16167. And there is a very heavy duty on liquor now; whereas if there were absolute prohibition, there would be no duty?—Yes.

16168. You believe public opinion sustains the law against smuggling?—Yes, and very properly so.

16169. Does it sustain the enforcement of the Scott Act?—I am afraid it does not.

16170. Would it sustain the enforcement of the law against prohibition, unless it were found that the public were overwhelmingly in favour of it?—My opinion is that the public are not in favour of it just now. They are not sufficiently educated to vote for it; at the same time, I would vote for it.

16171. What is the best way of educating the people up to prohibition? Is it by passing the Scott Act, or by educating them by moral suasion?—I would give them an education through the Scott Act, and if they did not afterwards want it, all right. But I would blot out free rum. If I had power to do so, I would add some amendments to the Act we have to-day. I am like Judge Hensley, not in favour of license, but of regulation and restriction, and I believe in the people voting for it.

16172. So you think it better that the people should pay for the privilege than have it free as they have it now?—The Act we have now, when properly enforced, is a very good one.

16173. Did the Legislature refuse to give a license law to Charlottetown?—I think it was not asked for.

*By Rev. Dr. McLeod:*

16174. When you were License Commissioner, did you find the licensees give you any assistance in your efforts to prosecute the illegal sellers?—No, never.

16175. That is, the licensees did not interfere against the illicit sellers?—Information did not come to me, but to the Stipendiary; but I never heard of any cases. I may say this, that under the old regime, before the Stipendiary Magistrate came into office, the Mayor and Councillors in turn presided over the criminal business of the city, and I fined a City Councillor on one occasion for selling on the Sabbath Day.

16176. Had he a license?—Yes, and was a City Councillor; but I fined him, and I made him pay.

16177. Did you find that licensees at that time frequently violated the provisions of the law in regard to the Sabbath and hours for selling?—Yes, I did.

16178. So the fact that a man has a license does not make him a law observer?—I would not go so far as that.

16179. Was that your experience as a License Commissioner?—I believe there are men who obtain licenses, and who strictly obey the provisions of the law in its four

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corners. I will give you my personal experience here. I had sickness in my family during the time of the Scott Act, and I was ordered by the physician to get a bottle of brandy. I sent out for it, and we could not get it without a medical certificate. After this had been procured, we got some poison in place of brandy; but we could not get any proper brandy, even for a case of sickness.

16180. While there may be some dealers, as you say, who keep themselves within the four corners of their licenses, is it the fact that licensees generally do that, or do they more frequently fail to fulfil the provisions of the Act?—I have no evidence in regard to that, except one or two cases that have come under my knowledge.

*By Mr. Clarke :*

16181. Did you ever know of licensed people aiding unlicensed people in the trade? —I never knew of that.

*By Rev. Dr. McLeod :*

16182. Do you know of licensed people supplying unlicensed people?—I suppose they do. I do not know anything about it.

*By Judge McDonald :*

16183. It has been intimated on several occasions that the licensed people employ unlicensed people as sub-agents to sell for them. Have you had any experience of that? —No, I have not.

*By Mr. Gigault :*

16184. How many licenses were granted in 1877, 1878 and 1879?—In 1877, when the Commissioners took office, there were 42 licenses. We issued 38 the following year, and the following year 39. In 1877 there were 23 tavern, 11 saloon and 8 store licenses; in 1878 there were 21 tavern, 8 saloon and 9 store licenses. In 1879, 23 tavern, 8 saloon and 8 store licenses. In that year the convictions for drunkenness were 231, whereas in 1877 the convictions were 729.

16185. Did the license system, as enforced while you were Mayor, favour the cause of temperance more than the Scott Act, as it was enforced in Charlottetown?—I do not understand your question when you use the word "favour."

16185a. I asked this question: Did the license system, as enforced while you were Mayor, favour the cause of temperance more than the Scott Act, as it was enforced in Charlottetown?—I think so. There was a very large amount of illicit drinking, there is no question about that. I have no means of knowing about illicit drinking, except by moving about and using my own observation; but, so far as my observation goes, there were a large number of houses selling during the time of the Scott Act.

*By Mr. Clarke :*

16186. Then, according to your statement, there were all told 42 licenses in 1877, 38 in 1878, and 39 in 1879? Did you hear the evidence of the Town Marshal respecting the number of places where liquor was sold while the Scott Act was in force?—My ears may have deceived me, but I think he said 230 odd. I cannot conceive there were so many places selling.

16187. In how many places do you think liquor was sold?—I have no means of knowing, but I should suppose that the figures he gave were a little too large: that is my opinion.

16188. Have you any doubt that there were more than 39?—I have no doubt there were four times that number.

16189. Then there were at least 156 places selling under the Scott Act, as against 39 under license?—Yes, to take my own figures. Two houses out of every three were selling liquor during the Scott Act time, I am sorry to say it; whereas under license there was only one in the block.

16190. The City Marshal said yesterday there were 75 or 76. He would not swear to 75, but he thought 75 was the number that are now selling.—I do not think that he is right.

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16191. You think yourself there were at least 156 selling under the Scott Act?—I have no means of knowing, but I am quite certain there were more than double the number to-day.

16192. You say there were 39 licenses in 1879. How many unlicensed houses were there in 1879?—No doubt there were some, but very few. They were all very sharply looked after.

16193. So the licensed and unlicensed places in 1879 would not amount to the number under free rum now, and would not be one-half of the number under the Scott Act?—I think not. Take the block in which my store is. There must be six or seven there, and we had only one under the license law.

16194. Public sentiment sustained you in the enforcement of the license law?—Yes. I am satisfied that a large number of the men who sold liquor were satisfied, and sustained the Commissioners.

*By Rev. Dr. McLeod :*

16195. Do you think the illicit sellers under the Scott Act were as sharply looked after as illicit sellers under the license law?—I have no doubt of it.

16196. Would public sentiment have endorsed a better enforcement of the Scott Act?—I think it would. I think the non-enforcement of the Act was the great defect.

16197. Which, in your opinion, would the temperance people most favour, a license law or the Scott Act, well enforced?—I would be disposed, placing both on the same level as regards enforcement, to vote for the Scott Act.

*By Judge McDonald :*

16198. Do you believe they could be both enforced in this city, so as to place them on the same level?—No.

16199. But you have said you have found a sentiment existing for the enforcement of the license law ; the license law was well enforced with the public sentiment behind it?—Yes.

16200. Can you account for the non-enforcement of the other law?—Yes.

16201. How?—By taking the utterances of the City Marshal in his evidence. I do not say they are correct. I have always held the view that the City Council has no control whatever over the license law of the city.

16202. You have said that the license law was well enforced?—Yes. I have always held the view, and I hold it still, and I carried it into force when I was Mayor, that the Council has no say in the matter. I simply gave orders to the Clerk (and let me here say that an efficient clerk goes a long way in executing the law, as well as does an efficient City Marshal and Police), as Chairman of the Commissioners, and my orders would be carried out. If not I would ask the reason why, and endeavour to find out the reason why. If they were not carried out I would punish the offender ; and I did so in one case, as is very well known. I claimed the right to dismiss the man, and I dismissed him instantly.

16203. You heard the evidence of the Stipendiary and the Chief Marshal?—I heard portions of their evidence.

16204. As I understood them, they stated that they had enforced the law so far as they reasonably could do so?—Nothing more is to be expected. The remark of the Marshal that he had an eye upon the Council, as constituted, struck me very much.

16205. In regard to that statement you think the word “reasonably” must be removed?—I repeat that the Council never offered to interfere with me in the performance of these duties, and I would not have permitted them to do so if they had attempted. I found a negative support from the Council in place of the reverse. There were just as many rumsellers then as now, or as there were last year. They never opposed me in that matter.

16206. Do you think that if the Council had been thoroughly in favour of the Scott Act, it could have been enforced?—Had I been Stipendiary, I would not have asked the opinion of the Council, and I would not have permitted them to interfere.

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16207. They left the matter in your hands as an officer who fearlessly does his duty and understands his duty?—I would support the Scott Act, if the proper officer was left alone.

*By Mr. Clarke :*

16208. How do you mean, left alone?—I mean left without being interfered with.

16209. You want the officer left alone?—Yes, so far as outside interference is concerned. I think the Stipendiary would do his duty.

16210. Is it the duty of the Mayor to see that the officials of the Corporation do their duty?—He is not altogether under the Mayor.

16211. He is under the influence of the Mayor, I suppose?—To a certain extent.

16212. I suppose the Mayor is Chief Executive Officer of the corporation?—To a certain extent. The City Council cannot dismiss the police. Their dismissal is in the hands of the Stipendiary. It is a strange anomaly that their appointment is in the hands of the Council, but their dismissal is in the hands of the Stipendiary.

16213. And you would place in the hands of the Stipendiary the enforcement of the Scott Act?—Yes. I could not understand therefore the idea that has been put forward, that the complexion of the Council had any effect on the enforcement of the law, and, therefore, had I been the Stipendiary, I would have dismissed the man and got another one in his place. I claim that when you are put in the position charged with the duty of carrying out the law, you should do so rigidly, and the people then will sustain you. If a man will not do it, I would then dismiss him.

R. R. FITZGERALD recalled.

I have prepared the following statement, which I submit to the Commission :  
[Appendix 22.]

When I came into office there was no enforcement of the law, because a great many members of the City Council were themselves in the trade. The Liquor License Commissioners came into office at the end of 1877. The City Council issued 33 licenses, and the License Commissioner, Mr. Dawson, being chairman, issued 9. From that time on, all licenses were issued by the License Commissioners. In 1880 the Commissioners desired to make all the licenses end in August, and 39 were issued, mostly to the same people.

*By Mr. Clarke :*

16214. So when the Scott Act came into force there were 39 licenses?—Yes.

16215. The number decreased from 42 in 1877 to 39?—Yes. The Canada Temperance Act came into force in 1881, and subsequently there were tried before me about one thousand cases. There is one point in my evidence which I desire to correct. The Rev. Dr. McLeod asked me a question as to the number of persons actually convicted. I have investigated the returns, and find 144 persons were actually convicted for offences under the Scott Act during nine years. I observe in the *Guardian* that I am reported as having stated that there were 335 places open for the sale of liquor in the city. That is wholly an erroneous statement. I should like to say that I think I was correct in saying that there were probably 243 persons engaged in the trade in the nine years, because we convicted 144, and there were certainly others we did not reach.

*By Mr. Gigault :*

16216. Do you mean every year?—No; I find that 144 persons were convicted during the whole nine years.

*By Mr. Clarke :*

16217. Different persons?—Yes.

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*By Mr. Gigault :*

16218. Were those 144 persons all selling at one time?—Yes ; I should say, that speaking generally, there were between that number and 150 illicit places selling.

*By Rev. Dr. McLeod :*

16219. In existence at one time?—Yes ; I give this number, however, simply as a matter of judgment. I have no statistics to bear it out.

*By Mr. Clarke :*

16220. Who could be a better judge than yourself—you having these cases before you? Would any person be able to give a more accurate judgment on these matters than yourself?—Those figures are accurate. The number of persons actually convicted is accurate, as I have given it ; but when I give an estimate of the number of people selling in the city, that is only an estimate given according to my judgment. Speaking of the non-enforcement of the Act, and I observe that several witnesses have spoken of the non-enforcement of the Act, I may say this : while the Scott Act was in operation, although drunkenness appears to have been about the same, and although there may have been 100 or 150 people selling, I believe there were times in this city when it was almost impossible to get a glass of ginger ale. I know this, that many men during the Scott Act time made money by selling liquor ; but I also know that, when the law was rigidly enforced, it was most difficult for a man to get liquor, and a man had almost to lose his self-respect, to descend to trickery, before he could get liquor.

*By Mr. Gigault :*

16221. During the last two years of its existence, how was the Act enforced?—It was fairly well enforced. There were 54 convictions ; \$1,200 were received in fines, this being actual cash received. The Commissioners have asked me whether I could suggest any improvements as regards the working of the Scott Act. One point I would unhesitatingly suggest as the result of my experience, and it is : that the fines imposed are altogether inadequate to enforce the law. The amount of fines imposed and the imprisonment provided are altogether inadequate. I will give four or five reasons for holding this opinion. I have taken, haphazard, the persons convicted. One man was convicted seven times and paid \$300 fines and went to jail twice ; another paid three fines and then went to jail ; another was fined nine times and paid \$550 and went to jail three times ; another was fined seven times, \$300, went to jail three times : another was fined 15 times, \$730, and went to jail twice ; another was fined 11 times, \$350, and went to jail four times ; another was fined six times, \$350, and went to jail once ; another was fined seven times, \$500, and went to jail once ; another was fined nine times, \$400, and went to jail three times ; another was fined seven times, \$350, and went to jail once ; another was fined 20 times, \$750, and went to jail nine times. Some of the men who paid these fines made nearly a fortune during the Scott Act time.

*By Mr. Clarke :*

16222. Then these men must have been able to sell liquor right along?—Yes, they deliberately defied the law and made large profits, and went to jail for the third offence. Mr. Dawson was in error. The police never laid an information, with my knowledge, except for first, second or third offence, and those offences had to be established by proof. I never would allow the police to lay an information any other way.

16223. How were the people who went to jail treated ; had they special treatment accorded them?—They were treated better than ordinary prisoners, in this sense, that while the rules of the jail provides that no provisions, except the jail allowances should go into the jail, except on a doctor's certificate, and the ordinary criminal could not get that certificate, the Scott Act offender, whatever his health was, always got the doctor's certificate and consequently nearly always got additional provisions. He got no better accommodation, but he got additional provisions.

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16224. Was he permitted to have telegraph or telephone communication with his store or elsewhere?—No. He occupied a similar cell to the ordinary prisoner, but he did obtain additional provisions, because he always got a doctor's certificate.

16225. On account of the state of his health?—No, his health might be as good as mine.

*By Rev. Dr. McLeod :*

16226. I suppose the doctor's certificate stated that he needed the additional food?—Yes.

*By Mr. Clarke :*

16227. Was he living better than the ordinary felon?—There were cases, in my judgment, in which he had no right to a doctor's certificate.

16228. What would be the effect on the people generally of Scott Act offenders, or those who were serving their term, being treated differently from other prisoners? What right had they to any immunity from the prison rules?—That was the only immunity they got, and it was only given on a doctor's certificate.

*By Rev. Dr. McLeod :*

16229. Have you ever known prisoners charged with other offences to get the same immunity?—No. At the time we had no medical man connected with the jail, and certificates were granted when they should not have been given.

*By Judge McDonald :*

16230. Have you ever known a case in which a man who was put into jail for a breach of the Scott Act furnished his own room, in which there were no bars to the windows, and where he had practically the same privileges as the jailer's family, and where everything he wanted was supplied, and where he could hold a levee?—I may say that I was personally responsible, as Chairman of the Jail Commission, and no such thing happened.

*By Rev. Dr. McLeod :*

16231. Would you have permitted such a state of things to exist?—No.

16232. If you had been in sympathy with the offenders, could you as Chairman of the Jail Commission have permitted such occurrences to take place, notwithstanding the fact that public sentiment might have been against your action?—With the greatest of ease.

*By Mr. Gigault :*

16233. Are the licenses distinct, saloon, hotel and wholesale?—Yes; saloon, tavern and store; these are the only three kinds.

*By Mr. Clarke :*

16234. Does the saloon bar or the hotel bar give you most trouble?—Practically, we have no hotel bars here.

16235. From your experience, would you prefer the saloon or hotel bar, if one or the other had to be licensed?—My experience in regard to hotel bars for a great many years is such that I would prefer the hotel bar, because I believe it would be better conducted than the saloon.

*By Judge McDonald :*

16236. Have you ever known a case in which a man holding a license to sell employed an illicit dealer to sell for him?—No, I never did. I made another mistake, which I desire to correct. In speaking of the city accounts last year, and in answering the Rev. Dr. McLeod, I said there was not one cent spent in endeavouring to enforce the Act. Mr. Henderson was prosecutor for two years, and he was paid \$40 a month and some law expenses too. The total sum expended was \$2,000.

16237. And other \$10,000 was devoted to the ordinary municipal taxation?—The Scott Act fines have always been quite distinct, and have been paid into the city treasury in separate form, and they are so entered in every civic statement of account from 1887.

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*By Mr. Clarke :*

16238. Have these moneys been misappropriated?—No, they have been spent in the ordinary way.

16239. Does not the Order in Council make provision that they shall be expended for the purpose of enforcing the Scott Act?—Application was made to the Council several times, under the Order in Council, for the fines, but the application was refused.

*By Judge McDonald :*

16240. In some places we have visited, it has been stated that the ordinary police enforced the Scott Act, and that therefore the fines, as the city pay the policemen, are appropriated for that purpose. Has this question ever come up here?—No, the city simply pocketed the fines. This depended on the complexion of the Council.

*By Rev. Dr. McLeod :*

16241. Which is the more mischievous, the hotel bar or the saloon bar?—Really, I am not competent to answer that question. In my younger days there were hotel bars, but for many years there have been no hotel bars—I refer now to my experience when travelling through the United States and Canada. I would sooner go to an hotel bar if I wanted a drink, than to a saloon, thinking the former more decent ; but my little experience here scarcely enables me to judge. I am only answering generally when I say—we have only two or three hotels here—the hotel bars are more respectable than the saloons. I dislike saloons very much.

16242. Which would be the more mischievous?—That would be a question which I could not answer, because I have not had very much experience in regard to them.

*By Mr. Clarke :*

16243. You think that if licenses have to be granted, they should be given to the less mischievous, and refused to the more hurtful?—I certainly think so.

HON. ANGUS B. MACKENZIE, of Charlottetown, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16244. How long have you been in business in Charlottetown?—Twenty-five years.

16245. Are you in any public or official position?—I am a member of the Legislative Council of Prince Edward Island.

16246. How long have you been a member of the Council?—Over 16 years.

16247. Were you a member of the Assembly before that?—Yes.

16248. Have you seen the working of the Scott Act in Charlottetown?—Yes.

16249. Was it a success?—A partial success.

16250. To what extent?—I should judge to the extent of making the rum traffic kind of disreputable.

16251. Do you think it decreased the number of places where intoxicating liquors were sold as beverages?—I could not say.

16252. Could you suggest to the Commission any amendments to the law that would make it more efficient?—I have not been closely identified with the working of the Scott Act, but there are some amendments which might improve it.

16253. What are they?—I think that if there was a prosecutor appointed by the Government, which put that law on the statute-book, the working of it would be more operative ; that is one thing.

16254. Anything else?—I do not know of any other.

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16255. Would you prefer to have the Scott Act in force, or a license law?—I would infinitely prefer the Scott Act.

16256. Even as it was?—Yes.

16257. Do you prefer the Scott Act to the present state of things?—Yes; even in its worst stage.

16258. Why?—As it is now, of course, with the restrictions that surround the vending at present, I believe in certain cases it works well. For instance, on Saturday evenings the public houses are closed at six o'clock, whereas under the Scott Act and under the other Act Saturday night was the worst night of the whole week, because the workingmen received their wages and spent them. Under the present regulations the rum shops are supposed, and I believe are compelled, to put up their shutters at six o'clock, and during the time that this system has been in existence, I have seen very little drunkenness on Saturday evening.

16259. We were told by the Chief Marshal that he found 75 places that sell under this regulation. Would you prefer that, or a licensed law with, say, 20 places with the same restrictions?—I would prefer to have it as is now rather than have half a dozen places, because I believe the more you have of these places the more traffic you have; and the more you make the trade respectable, the more temptation is thrown in the way of young boys, when they see respectable men going into these places.

16260. You would rather have 75 as the law is now than have 6 that would appear to be more respectable?—I would.

16261. Are you opposed to license on principle?—I am positively so.

16262. So you could not, under any circumstances, be satisfied with a license law?—I do not see my way at present.

16263. Would you favour total prohibition?—I would.

16264. Of manufacture, importation and sale of liquor for beverage purposes?—Under all circumstances, except for medicinal purposes.

16265. Do you suppose it could be enforced if carried?—I suppose there would be some difficulty, but I do not see any insuperable difficulty.

16266. National prohibition means prohibition from the Atlantic to the Pacific, taking in Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba and British Columbia. Have you considered the line of the sea coast on the Atlantic and Pacific, and the long line of boundary between the United States and Canada?—I understand the difficulties in that direction.

16267. Have you considered that matter?—I have not given it much consideration, but I do not see that it would be more difficult to put prohibition in effective operation than to carry out the revenue laws.

16268. Which has been more effectively enforced in Charlottetown, the revenue law or the Scott Act?—Most decidedly the revenue law, because the power behind the revenue law was such that they were bound to put it in operation.

16269. The Scott Act has the same power behind it, the power of law?—I am not sure it is the same power.

16270. Any law has the power of law behind it?—I think the Dominion Government has more power than a Municipal Government here, which is a rope of sand as we have it here on that question.

16271. The Dominion Government has made provision by turning over the fines to the Municipality for the payment of the cost of enforcing the law in this city for, say, seven years, because for two years the Scott Act was ineffective, during that time some \$12,000 of fines have been handed over to Charlottetown saying, "There is that money, enforce that Act," but it has not been used for the purpose.

16271a. Whose fault is that?—I am not positive, but from hearsay I believe the authorities of the City, the City Government, retained that money against the law, and if that money had been appropriated for the purpose for which it was intended to be spent, I believe the Scott Act would have been carried out more effectively in Charlottetown than it has been.

16272. You have here a Supreme Court and all the machinery of justice to compel the Municipality of Charlottetown to do its duty. In regard to the Dominion Government appointing this officer, do you think they should be at the expense of main-

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taining the Scott Act?—I should say, they should, but at the same time they should get all the fines connected with it, because they made the machinery, and are the most effective body to put it into execution.

16273. But it is left to yourselves to adopt it. If they paid the expenses they would have to pay them out of the general treasury?—The law makers cannot foresee all the contingencies that might arise. When the Act came into operation and afterwards, the City was in a very peculiar position. In 1854 the City was divided into five wards, each of which had two Councillors. The first three wards, running parallel with the water, formed, as I recollect, the most densely populated part of the City, whereas the upper wards were very sparsely populated at that time; but in process of time the population extended northwards, and more particularly Ward 5 embraced, I think, nearly double the number it did previously. The two upper wards represented more people than the three lower wards, and these lower wards during the time of the Scott Act were, as I understand, the part of the City where the greater portion of liquor was sold; and the liquor interests were identified with these wards, and the liquor people could at any time, with the power behind their back, swamp the other wards altogether, because they had one of a majority at all times. And so it was the interest of those Councillors to try to make the Scott Act a farce, and it became a farce under their administration.

16274. Your Legislature here has changed that law and made a new division into wards?—Yes.

16275. Not at the request of the Council, but of some of the people of Charlottetown?—I am not sure, but it was done.

16276. The Provincial Government also has made police regulations for Charlottetown, so as to control the sale of liquor as much as possible?—Yes.

16277. But the Legislature is also opposed to the granting of a license law?—I am not positive as to that. There was no application that I know of.

16278. They did not grant one?—No, and I am very doubtful whether under present circumstances it would become law.

16279. Owing to the feeling in the Island?—Yes.

16280. The Island Legislature has all power to appoint Inspectors and officers for the good administration of the law. Would it be reasonable for the Provincial Legislature to make provision for the appointment of an Inspector?—I am not sure about that.

16281. It has taken upon itself to change the wards and to provide a special police regulation?—I am not sure that it has, except at the request of some representatives of Charlottetown.

16282. At whose request was the police regulation made?—I think it was some years ago.

16283. I thought it was only four months ago?—Yes.

16284. The Legislature has taken control of the manner in which liquor shall be sold in Charlottetown, in what houses, and at what hours, the height of the counters, and so on?—Yes.

16285. Have they not regulated the sale?—They have, to some extent.

16286. Why should they not have appointed officers to carry out the Scott Act?—I do not know.

16287. Do you think the expense of these officers has had anything to do with the question of taxes?—I do not think so.

16288. You do not know why the Legislature never appointed officers to carry out the Scott Act?—They were never requested.

16289. Did the temperance people never request them to do so?—I do not think so.

16290. Why not?—The town of Charlottetown had its own government.

16291. Did the government of Charlottetown ask police regulation?—No, but some individuals did.

16292. Could they not have asked for the appointment of Inspectors?—I do not know; they might. A bill originates in the House of Assembly, and goes to the Legislative Council. The Councillors can veto the bill; and the question was asked of them whether, if such a license bill came up, they would pass it, and from what I understand, at least eight out of the thirteen gave a negative answer.

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16293-4. So it could not have carried?—It could not have carried. In the House of Assembly I cannot say.

16295. Do you think if the Scott Act was submitted to the Island again to-morrow, outside of Charlottetown, it would carry?—I cannot say outside. I represent eleven townships, the most populous western half of this county, and I do not hear any complaints against the Scott Act, and so far as I know, there is not an illicit house in the whole of that County.

16296. You think the temperance sentiment is very strong in that district?—I do.

16297. Do you think it is strong in the Island outside of Charlottetown?—I do. I think the moral sentiment of the people has changed in the last forty years very much. We have a free school system, which is unique, and we pay over forty per cent of our entire revenue for education; there are over 400 teachers on the Island, and they are almost missionaries wherever they go. As people from the British Islands died out here and the social customs they introduced died out, the temperance sentiment in the most enlightened part of the Island advanced wonderfully.

16298. It is agreed by observers that you are an industrious and temperate people; but that being the case, why did not that feeling find vent in the appointment of proper officers in Charlottetown?—They took the machinery at their disposal. I cannot give any reason; I suppose the law was good enough if the parties who had the carrying out of it here had the moral courage or the will to do it. The first three months it was in operation Mr. Curtis was looking after it, and you could not get a glass of liquor that I know of. The shutters were down.

16299. How long did that state of things continue?—Till the objections were raised, of which you have heard.

16300. You are a member of the Legislature; do you know of any reason why one or more Inspectors should not have been appointed to carry out this Act?—I do not see that they had any right to do it because the City Government had their own men. The Government appointed men in the country districts.

16301. The Legislature did not leave it to the City Government to say men must have their counters so high, or must use such rooms in their houses. They took it into their hands. The puzzle is why they did not appoint officers to enforce the Scott Act?—They did that when they found the Scott Act could not be carried out. In Queen's County I think the Scott Act could be carried out in time and particularly in Charlottetown. If the citizens of Charlottetown had the opportunity to-morrow presented to them of voting for the Scott Act, we could carry a majority in Charlottetown.

16302. A good decided majority?—Yes.

16303. That is the first time we have heard that?—I believe that during the last two months of the Scott Act it was working better than for some time previous to that, but unfortunately—I suppose I may refer to it as a politician—you may think I am one-sided in this matter, but I am not. I want to throw away all these things—but unfortunately politicians run their heads against one another and very often hurt their own interests. When the electoral lists were being made out here in 1890 the two parties were busy trying to get their respective names on the list. Committees were appointed on both sides and if any objections were made, there was a certain time to put in the protest, but so keen were both parties to leave the names to about the eleventh hour that when one side of the political wing came to the post office and found seventy or eighty names that were deprived of the privilege of a protest, their names were knocked off the electoral list by some parties and they had not a chance of putting themselves in a proper position, because the time had elapsed by a fluke. I was one of the unfortunate victims, and the Master of the Rolls was one of the lawyers, and we fought for two or three days trying to get our names on; and I believe that the rumsellers took the opportunity of petitioning for the repeal when they found these names off, because the majority I have no doubt were men who would have voted for the Scott Act.

16304. When was this revision?—In 1890.

16305. The revision commenced in June, 1891?—1889.

16306. In the revision of 1889, you say a number of temperance people's votes were struck off?—That was the cause of the defeat of the Scott Act.

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*By Mr. Clarke :*

16307. What was ?—Because there were a sufficient number of votes struck off that would have carried the Scott Act.

*By Judge McDonald :*

16308. Who had all voted for it ?—I believe the majority had.

16309. Your deliberate opinion is that if the Scott Act were submitted to the people to-morrow, it would be re-enacted ?—It is.

*By Mr. Gigault :*

16310. Under the Scott Act were liquors sold in this town ?—Those who drink say so. I think the police records will say there were.

16311. Were these 70 votes on the list at the previous election, when the Act was only carried by a majority of 14 ?—I am not sure of that. Some of them, I suppose, grew up in time and secured votes.

16312. In the rural districts, how is the Scott Act enforced ?—As far as my observation goes, in Queen's County I think it is well carried out.

*By Rev. Dr. McLeod :*

16313. You do not wish to be understood as saying that the votes were struck off because they were in favour of the Canada Temperance Act ?—Not at all. It was on political party grounds.

16314. Because there was some informality ?—Yes.

16315. Your statement is that these votes, which were unfortunately struck off, were, or at all events the majority of them, parties who would have voted for the Scott Act ?—That is my belief.

16316. And you believe that the opponents of the Scott Act took advantage of the situation to bring on the vote ?—That is my belief, though I cannot say for certain.

16317. Speaking of the present police regulation being obeyed : have you any reason to believe that the present law, which has been in force for about six weeks, is obeyed because the present City Council enforces obedience ?—I believe they are anxious that the regulation shall be enforced.

16318. Do you believe that if the City Council had been as anxious to enforce the Canada Temperance Act, it could have been as well enforced as the provisions of this regulation are enforced ?—I believe if they had been anxious to carry it out, it could have been carried out.

16319. Do you know any reason why the Dominion Parliament did not appoint an officer to enforce the law ?—I am not aware.

16320. You say a prohibitory law could be as well enforced as the revenue law, if the same power was at the back of it ? The Dominion Government send officers to enforce the revenue law ?—Yes.

16321. And an armed force when and where necessary ?—Yes.

16322. And they do not adopt similar measures in order to enforce the Scott Act ?—No.

16323. And you mean that there is not the same persistent attempt to enforce the Scott Act as to enforce the revenue law ?—That is what I mean.

16324. If there were a general prohibitory law, applying to the manufacture, importation and sale throughout the Dominion, the Government would necessarily appoint officers to enforce it ?—They would have to do so, or it would be a dead letter.

16325. Would it then be as efficiently enforced as is the revenue law ?—I would not say that altogether, because some people think drinking liquor or distilling liquor is not so bad as any other offence.

16326. Do you think that sentiment is changing ?—I do.

16327. Do you think a law in conformity with that changing sentiment would still further change it ?—I do.

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16328. Do you think a prohibitory law would be of benefit to the business interests of the country?—I do, because listening to the statements made here to-day, and judging from my own belief, and I am not a scientific man, I believe in my heart that all the money that is expended in liquor, outside of what is used for medicinal purposes, is money thrown away, and might as well be thrown into the sea. That money which is diverted to useless purposes would eventually come into the hands of the merchant, and trader and mechanic; so that I believe liquor works disastrously in every way, and more particularly to the poorer classes.

*By Mr. Clarke :*

16329. Were the business interests of Charlottetown in a better position under the Scott Act than before or since?—The philosophers at the time of the Scott Act, that is, those who were agitating for the repeal of the Scott Act, would maintain that if we had a license law business would be booming; but I do not see any difference. I consider now that business is worse, so far as I am concerned than for many years past.

16330. Do you attribute that to the repeal of the Scott Act?—Nothing of the kind.

16331. In any way to the repeal of the Scott Act?—Not in any way.

16332. Was there any marked improvement in business while the Scott Act was in force?—I may say there was, from my experience. I am in the most public corner in Charlottetown, and see a great number of people passing from the market to the country. I always observed that when there were large gatherings here during the Scott Act period, when we would have exhibitions, it was a rare thing to see a drunken man on the streets. Previous to the Scott Act, I might go around the licensed taverns and see scores of carts and trucks and wagons till all hours; people became drunk and after they got home would be useless the next day. There was nothing of the kind under the Scott Act. I think it was an admirable Act, because it put rumsellers in the very awkward position, no one who had any regard for his character would be seen going into those places.

16333. How, then, do you account for the figures handed in by Mr. Fitzgerald?—I cannot account for them. I think the question should be asked, whether a lot of this whisky or rum or whatever was drunk was shipped off to the northern border of Nova Scotia or New Brunswick.

16334. It could not be that which would injure the people of Charlottetown?—I am not sure that it was drunk here at all. I am under the impression that some of that liquor imported from Montreal and other places went over to Nova Scotia and New Brunswick.

16335. Would it be a good business plan to bring liquor here from Halifax and St. John and send it away to Nova Scotia and New Brunswick?—It might have been before the Short Line was built.

16336. But as to those who were found drunk on the streets and continued drunk, where did they get the liquor?—I suppose they got it at those dens. When they went into those places, the men would look around and see that no one was watching them, and if they got drunk they would stay there until they got sober.

16337. So the number of persons arrested for drunkenness did not at all represent the number who got drunk?—I cannot say.

16338. But if those people remained in those dives they would not be seen or arrested when they got sober?—I cannot say.

16339. You say you saw less drunkenness on the streets during that period than before?—If it was such a profitable business to the rumsellers, why was it they were so anxious to get a license law? It often struck me there was something wrong in their system. They say: Give us a license law or give us prohibition.

16340. We have evidence that the low class of sellers united with the temperance people to secure the repeal of the Scott Act, and the witness said he based that statement on the returns of the votes?—I cannot say anything about that.

16341. The convictions for drunkenness were on the increase. They had dropped from 737 in 1877 to 197 in 1881, and had gone up to 304 in 1891, and there were 395 in 1889. If, as you say, people remained in those holes, or dives, got drunk and remained there till they were sober, they were not included in the number arrested?—I cannot account for this. I have heard people say, when they got into one of these

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places, that a man might get his dram and go out, and when he got dry again, come back ; but if they ran the risk of detection they would take three at a time and would get drunk.

16342. Then the present is a better plan?—I think it is. Of course, you should have no such places under the Scott Act.

16343. This is a better plan, to have wide open places?—Not at all, if the Canada Temperance Act was properly carried out.

16344. But you heard the statement of the Stipendiary that for the first month of the present system the percentage of drunkenness was 17, against 22 during the Scott Act period, and 23 during the free rum period?—Yes.

16345. When did you come to realize that these three wards were detrimental to the enforcement of the Act?—I could not tell you.

16346. When did that fact commence to dawn on the people who favoured the Act?—Ever since the Scott Act was adopted.

16347. When did they first go to the Legislature to get the city redivided?—I think they went several times,

16348. When was the first attempt made?—Two or three years ago.

16349. But then the Scott Act had been in force six or seven years. If it was patent to the people of Charlottetown that there was a district which had more representation in the Council than its population allowed, and this was hostile to the Scott Act, how was it that this was left alone and no remedy sought from the Legislature?—I will not swear to this ; but drawing on my memory, I may say that the representatives of the city at that time drew their supporters in a great measure from those men who were opposed to the Scott Act, and no Bill could be introduced or carried successfully through the Legislative Assembly without the assistance of those men, more particularly when they were in the Government themselves or had the ear of the Government.

16350. The fault rested with the Government?—In a great measure it did.

16351. But the rural districts were represented?—They had the Scott Act.

16352. Were the rural districts hostile to giving the people here a fair chance to enforce the law?—From my memory and the observation of many members from the country, they have very little interest in the welfare of Charlottetown. They leave it to the representatives for the city.

16353. Are the representatives in the Legislature chosen by the city as a whole?—Yes.

16354. But if the people of the city as a whole were in favour of a division of the wards, would they not vote in that direction?—The trouble is that very often in election times the strongest temperance men sink their temperance principles and fall in with their party, and in consequence the opponents carry the day.

16355. You say the liquor men took advantage of the disfranchisement of 1889?—That was the fact.

16356. The Act came into force in 1881?—Yes.

16357. Was there an attempt made in 1884 to repeal it?—Yes.

16358. In 1887?—I am not sure, but I think so.

16359. Did the rum sellers and their friends lose any opportunity, after the three years had elapsed, to test public opinion as to its repeal?—I am not sure.

16360. At the end of three years they made an attempt?—I think so.

16361. In 1887 they made an attempt?—I think so.

16362. And the last attempt was made, when?—In 1891.

16363. Did you say the Government appointed officers to enforce the law in the rural districts?—Yes.

16364. Who pays for that?—The Government.

16365. As what?—As prosecutors.

16366. No attempt has been made here, except spasmodically, to enforce the law?—None at all. I believe they had a man of their own, a very good man ; but they put another man in his place at a nominal fee, and it became a farce.

16367. Did you say the repeal of the Scott Act was owing to the disfranchisement of those 70 or 80 people?—I speak for myself ; self and partner were both struck out.

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16368. Was it because you were a Scott Act man?—No; it was because I was a Grit.

16369. Your sympathies with the Scott Act had nothing to do with your disfranchisement?—Not at all; and I can assure you that from the very humble statements they made to me when the Scott Act came around, they were very sorry for depriving me of my vote. We fought the thing out in the courts here, and on technical grounds we lost it.

16370. Then your sympathy for or against the Scott Act had nothing to do with your disfranchisement?—No.

16371. Was the repeal of the Scott Act due to the appeal to the people, or to the disfranchisement?—They were getting discouraged.

16372. Who were?—A great many of those who were otherwise inclined to be favourable to the Scott Act, when they saw it was not being carried out properly, became a little apathetic. But when it came to the test most of them did come out.

16373. Was the vote smaller than on a previous occasion?—I am not very sure.

16374. Was it not just three votes smaller than on a previous occasion?—It was just about the same.

16375. Was there any apathy on previous occasions?—I think not. We had a very strong temperance sentiment at that time, very strong indeed; and we had a very able man from Ontario, who stirred up the dormant sentiment of the temperance men among us.

16376. What was that man's name?—Mr. Spence. He was a good worker, and did good service while he was here.

16377. You think the people grew apathetic and became discouraged, because the Act was not well enforced?—Well, I dare say they did.

16378. Do you think if imprisonment were substituted for fine as a penalty for the first and second offences, it would have an important influence in carrying out the Act?—Yes, and hard labour with it.

16379. Have you any sympathy with extra comforts being afforded to Scott Act offenders when imprisoned?—I do not believe in it at all.

16380. You believe that the effect is to bring the Act into disrepute?—I think that is the effect.

16381. After the Scott Act was repealed, did the Legislature refuse, or were they asked to give a license law?—They were not asked, that I am aware of.

16382. Did the temperance people prefer free trade rather than a license law?—I will tell you the way I have heard it explained, and it is my idea very much. They considered that those men were making it appear that rumselling was a profitable and good business. We considered those men, who were not protectionists in other affairs, but were free traders, should have free trade in this business, because we did not consider it was proper to bolster up half a dozen men and make the trade respectable, and throw the strong arm of the law around them; but that other people, who were also trying to get a living, should also have power to sell under certain restrictions.

16383. Then there was a species of political bias in not securing a license law?—I am not talking in regard to my own opinion, that is my experience in regard to free trade. I do not think that a monopoly should be given to half a dozen liquor dealers, and in this way they should be allowed to become rich, while others could not sell.

16384. What is the effect on the community of having 50 places selling rum instead of 20?—The effect would be about the same, if they were under proper restrictions. I do not see why it should be otherwise.

16385. Then you believe it is better to have 50 than 20?—I cannot see any difference. If there are 20 reputable places in a small city like Charlottetown, and they were made as attractive as possible, I think there would be more liquor sold.

16386. Did you hear the statement of the Town Marshal as to the number of places in which liquor is now sold?—No.

16387. He said the number was 75, he thought. Did you hear the statement of the Stipendiary Magistrate as to the number that sold under the Scott Act?—I heard him make a statement, but I do not know how many he mentioned.

16388. He said over double that number?—Yes.

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16389. Do you think it an improvement to have 150 places selling liquor instead of 20?—I cannot say. I think it would amount to the same thing.

*By Rev. Dr. McLeod :*

16390. I understand that you object to placing a monopoly in the hands of a few men?—I do.

16391. And giving them a monopoly, with all the influence that comes from it?—Yes.

16392. Speaking about the change in the wards: was there any agitation in the city for a change in the wards?—I am not very positive. I think there was.

16393. Did it find expression at any time at a Provincial election, an election for a member of the Legislature?—I think so.

16394. Do you remember whether members sent to the Legislature were instructed to secure that change?—I am not very sure, but I think they were.

16395. The agitation, however, such as it was, seemed to indicate that they desired a change in the arrangements of the wards?—Yes.

16396. You have said, I believe, that during the first three months or thereabouts, the law was well enforced; that the places were all closed up, and there was great difficulty in getting drink?—Yes.

16397. Do you remember if for one year or year and a half the law was inoperative, and there was practically free trade in liquor?—There was practically free trade.

16398. That was owing to the question of the constitutionality of the law having been raised?—Quite so.

16399. Do you believe that the long delays, in consequence of legal and other matters, had a disheartening effect on the people?—Very likely; I think so.

*By Mr. Clarke :*

16400. What year was it, in which there were these appeals, which virtually stopped prosecutions under the Scott Act?—I could not tell you.

16401. We are trying to reconcile these statements with the statistics presented by the Stipendiary Magistrate?—I cannot tell you, as I kept no record.

16402. We are trying to reconcile these statements with the statistics, and we are endeavouring to ascertain whether free trade really promoted temperance or not, according to the number of convictions for drunkenness?—I cannot give you any further information.

*By Rev. Dr. McLeod :*

16403. Was the Scott Act repealed in February, 1891?—Yes.

16404. Then the arrests for drunkenness for 1891 could scarcely be chargeable to the Scott Act?—The Scott Act was not in force in 1891, I think. There was a question asked as to whether we sent a member to rectify the ward system. My attention has been called to the fact that Dr. Jenkins, who was a member for the city, was elected.

16405. You know that to be true?—I believe that to be a fact.

*By Mr. Clarke :*

16406. Was he elected?—He was elected two years ago.

16407. You have laboured long under a disadvantage of that kind?—Yes; because we could not put in a man to represent the city, and carry through a bill of that kind.

16408. For how many years are members elected?—For two years.

16409. When was the last election?—Two years ago.

16410. But you were labouring under this disadvantage six years ago. Was an attempt made to return for the city a member who would give you fair play, and redress the city?—I do not know much about city politics.

16411. Were you one of the eight Legislative Councillors who declared they would not give a license law to Charlottetown?—I was.

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*By Rev. Dr. McLeod:*

16412. Have you any reason to believe that the temperance people of the city and the runselling people of the city united in favour of the Canada Temperance Act on the occasion of the last repeal vote?—The idea never came into my mind that they did. So far as my knowledge goes, the temperance people of the city are far above doing anything of that kind.

16413. It is suggested that the extreme temperance people, on the one hand, and the extreme liquor people, on the other hand, were both against repeal?—No.

*By Mr. Clarke:*

16414. The statement is not that they united, but that the vote was carried by the more disreputable class of the grog-sellers voting against the repeal of the Act. Have you any reason to doubt that statement?—I cannot tell you.

*By Rev. Dr. McLeod:*

16415. Had you any reason to believe it was so?—No, I have no reason whatever. I scarcely believe it.

*By Mr. Gigault:*

16416. You spoke of the Scott Act, and said that during the first years there was free trade?—I did not say free trade.

16417. Did you not say that in consequence of appeals having been taken, the Act was not enforced from the time it first went into force?—Yes.

16418. And there was almost free selling?—Yes.

16419. You said that you consider the Scott Act worked well when there was free selling, and you pronounced yourself in favour of free trade in liquor?—I did not say there was free selling, except from the statements I heard made; I do not know whether it was freely sold or not. I have yet to learn that, because, in walking around the streets, there was nothing to show that such was the case. There were no bottles or other insignia of selling, so I do not believe there was free trade.

16420. When the Scott Act was working well, was it during a period when a great many were selling, or when liquor was sold in few places?—I could not say who were selling liquor and who were not.

16421. Was the Scott Act working well in the cause of temperance when many places were selling liquor, or when few places were selling liquor?—I could not tell who were selling and who were not, whether there were 100 or 200. I suppose there were some selling.

16422. According to the principle you have laid down, the Scott Act must have been doing good: was that when there were many places selling or few places selling?—I did not say so.

16423. According to the principle you have laid down, it appears as if the Act was doing more good when more places were selling liquor?—Not at all. I made no statement of the kind, and I do not want you to draw such an inference. What I say is this, and it is my own belief at this moment, that if you put 20 or 40, many or few, so-called respectable licensed places and let them sell, the more respectable those houses are, and the more you put the strong arm of the law around them to protect them, the larger will be the quantity of liquor drank in them; and the quantity would not be any less than would be drank if there were 200 places in Charlottetown. That is my view, and I will stand by it.

16424. Being in favour of temperance, is your object to promote temperance or to make the liquor trade disreputable?—Both, because I am in favour of temperance in every way; and, at the same time I say, that if temperance is a good thing, the less temptation we throw in the way of the unwary the better.

16425. In your desire to place less temptation in the way, should you not reduce the number of places selling liquor?—In large cities like Quebec, Montreal or Toronto, it might act differently, but in a small place like Charlottetown, it makes no difference whether there are two places or ten of twenty.

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HON. THOMAS W. DODDS, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16426. You are a member of the Legislative Council, I believe—Yes.

16427. Have you held any official position in it?—I am member for the county, representing the town and Royalty.

16428. How long have you been a member of the Legislative Council?—Either eighteen or twenty years.

16429. Have you been during all that time a resident of Charlottetown?—Yes.

16430. So you have known Charlottetown under License, Scott Act, Free Sale, and Police Regulation?—Yes.

16431. Do you think, in all these years there has been a decrease of drunkenness in the city?—There have been many schemes tried.

16432. Do you think, taking the Island as a whole, there has been a decrease in the drinking habits of the people?—I think, in the country there was a decrease at the time the Scott Act was in vogue, but I do not think that was the case in regard to the town.

16433. Then, you think the Scott Act did not diminish drunkenness in Charlottetown?—I do not think it did.

16434. Do you think there was much sale of liquor going on?—I know there was, and that liquor could be got. People determined to get liquor, usually got it.

16435. Do you think a law prohibiting the manufacture, importation and sale of liquor in the Dominion could be effectually enforced?—I do not think it could be carried out in this country, unless you had so many officials along the coast that the expense would exceed the whole revenue.

16436. You are aware that the revenue laws are enforced?—Yes.

16437. The Government appoint officers to enforce the revenue laws for the purpose of obtaining revenue?—Yes.

16438. Would you put such a law on the same footing as a prohibitory measure dealing with the drinking customs of the people?—I think smuggling would increase to a very great extent, and a great many officers would be required to prevent smuggling. The Island is very advantageous for that purpose.

16439. Do you think the sentiment of the community is the same in regard to the collection of revenue as it is in favour of enacting and enforcing a prohibitory law?—I do not know about that altogether. I can hardly answer that question.

16440. Do you think there is not a sufficiently strong sentiment in favour of a prohibitory law to make it a success?—I do not think there is.

16441. Can you tell the Commission whether any legislation was sought or was attempted to be enacted, with a view to the appointment of officials in Charlottetown to enforce the Scott Act?—No. I do not know that there was.

16442. The Commission have been told that there were Inspectors for the rural districts appointed by the Legislature?—That matter was left to the police and Police Magistrate in the city, and there were Inspectors appointed in the country.

16443. Then it was intended that the Stipendiary Magistrates and the police should enforce the law in the city?—That is the way I understood it.

16444. Do you know whether any action, so far as you know, has been taken in regard to the rearrangement of the different wards of the city?—Yes; that was a change in accordance with the voice of the people.

16445. How long ago was it carried out?—I think two years ago.

16446. Was it at any time previous to that asked for and refused?—I do not recollect it.

16447. Then as soon as it was asked for, it was granted?—It had been talked about for a short time, that it would have been better.

HON. THOMAS W. DODDS.



*By Rev. Dr. McLeod :*

16448. Was there ever a time when the law against smuggling was regarded with less favour than during late years?—I think fifty years ago there was a great deal more smuggling than there is now.

16449. The people did not object to it?—Smuggling was not looked after so well.

16450. Is the feeling of the people now generally in favour of the enforcement of the revenue laws?—The revenue laws are enforced by the Government, and the Government look after their enforcement.

16451. Is the feeling of the people in favour of that enforcement?—I think so. They know these laws raise a revenue which will be beneficial to the country, and of course the laws are carried out by the Government officials.

16452. Is that feeling more general now than it was fifty years ago?—I think it is.

16453. Did the Government wait until the feeling was almost universally in favour of collecting a revenue in this way, before they began to enforce the revenue law?—I could not answer that question.

16454. Is this a fact that the enforcement of the revenue laws has created, in some degree at least, public opinion in favour of their enforcement?—The strictness of the law has made the people know they cannot violate it with impunity.

16455. You are a merchant, and have been in business a good many years, I believe?—Yes.

16456. You have observed commercial matters: have you observed whether the drink trade affects other businesses injuriously or beneficially?—Of course, all men who get drunk and are incapable of working, affect the parties who employ them, and such individuals become poor people. It is the drunkard who is poor in this country, and not the industrious.

16457. Then you think the drink trade does affect injuriously the other business interests?—Where manufacturing is going on, the business is affected in that way.

16458. Have you observed whether the drink trade affects the agriculturists of the country?—Yes; but, as I observed when speaking about the Scott Act a few moments ago, I believe the Scott Act was a benefit to the country people. They were in the habit of coming to Charlottetown, and many farmers of good habits would visit those places and get too much liquor. When they found that, if seen drinking liquor, they might be brought before the Stipendiary Magistrate, and called upon to give evidence in regard to selling of liquor, they were deterred from doing so, and a great many of them would not enter such places. They bought liquor and took it home, if they wanted it.

16459. Then the liquor business in the city was not so largely patronized by the country people?—No. I noticed, from my place of business, that on market days there were not as many drunken people about the town, or entering the stores. I also know that a great many of those men would not degrade themselves by going into low places to get grog. They had too much good sense and respect for themselves.

16460. Do you think it was a good thing to restrict the business so that the people felt themselves degraded when they entered such places?—Yes, to a certain extent it was beneficial, but the whole thing was not carried out properly. I refer now to the Scott Act.

16461. Do you believe, if the Scott Act had been better enforced, it would have accomplished more good?—Yes. Still, I think the authorities might have better enforced it. Of course, all these things take time.

16462. You have expressed yourself in regard to the difficulties of a prohibitory law. Do you believe a general prohibitory law, well enforced, would have a good effect on the business and industrial interests of the country, and the social condition of the people?—Perhaps it might, if you could carry it out. I am only speaking of it as if it were well enforced.

*By Mr. Clarke :*

16463. Do you think it could be well enforced with the public opinion now?—I do not know. General prohibition would mean prohibition all over Canada; or could you have a local prohibition?

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16464. We have local prohibition now in counties, by the Scott Act. But I refer to a general prohibitory law, which would be much more sweeping, for it would prohibit the importation as well as the manufacture. Do you think such a law could be worked?—I do not. I am very doubtful of it.

16465. Are you able to tell the Commission anything about the difficulties under which the people suffered in regard to the ward divisions of the city. It has been claimed that the efforts of the friends of the Scott Act to enforce the law were greatly blocked at the time on account of the representatives sent to the City Council from two or three wards. Was any attempt made to present that condition of affairs to the Legislature, and obtain a redivision of the City?—I never understood so. There seemed to be a number of people in favour of ward changes, and giving an additional number to ward 5. I did not understand there was anything underhand about it.

16466. As soon as the case was presented to the Legislature, was not a redivision made?—Yes.

16467. Was the failure to secure a redivision earlier due to hostility on the part of the Government, or any of its members?—I could not blame the Government for it.

16468. It has been claimed that the Scott Act was not successfully operated, because at the time the rum element had a majority in the Council, and that majority was owing to the fact that the divisions of the city were not made according to population, so that three divisions returned six members, while two divisions, having a larger population, returned only four members? Were the Government, or was any member of it arrayed in opposition when the presentation of the case was made for fresh legislation?—Not that I know of.

16469. Then, if the people had asked earlier for legislation in regard to the re-division of the city, they would no doubt have obtained it?—I think so.

16470. If so, would the Scott Act have been better observed?—It might and it might not.

16471. Could you suggest any amendment to the Act to make it more workable, here and elsewhere?—No.

16472. Do you think the officers did their duty and enforced the Act during the time it was law?—Yes, to the best of their ability; but it was a new law and they had to get into the way of working it. It was evaded as much as possible, the people in the business taking advantage of the defects in the law.

16473. Did the officers acquire during eight or nine years the knowledge necessary to enforce it?—I think they got on better.

16474. And the condition of affairs described continued to exist, notwithstanding the fact that the officers were efficiently discharging their duties?—Yes. You did not ask me the question as to whether I was in favour of the Scott Act or in favour of a License Act. I am in favour of a sound License Act, and I supported it in the Council when we had it before us, because I think the Scott Act is unreliable and unreasonable. A man is allowed to import as much liquor as he pleases and take it home. The Government collect duty on that liquor, but afterwards, if they find a man selling, he is punished. This action is very unreasonable to my mind. On the other hand, I think if we had a good sound License Act and a certain number of licensed houses in the city, it would be very much better for all concerned. There would be less litigation and law-suits, if that were the case.

*By Rev. Dr. McLeod :*

16475. Do you think there is less drunkenness under a license law?—Perhaps there would, and perhaps there would not be. I do not think there would be any more drunkenness.

16476. Speaking of the fact that the Dominion Government obtains a revenue from all liquor that comes in here, do you think that fact makes it the duty of the Dominion Government to help the people here in enforcing the law?—I think if they want to carry out the Scott Act properly, as it ought to be carried out, they ought to pay men to look after it.

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16477. The Government get the revenue?—Yes. They ought to pay men to look after it. Small pay has been given to men to look after and carry out the Act—men who were not at all adequate to the work.

16478. You have spoken in favour of a license law: would you prefer a license law to a prohibitory law, well enforced?—No, I do not think I would to a prohibitory law well enforced; but I am of the opinion that you could not enforce it.

16479. But if a prohibitory law were well enforced, would you prefer it?—I could not say. I am satisfied you could not carry it out.

*By Mr. Clarke:*

16480. The fines amounted to \$12,643 during the time the Scott Act was in operation, according to the statement of the Stipendiary Magistrate. If that money had been expended as the Order in Council passed by the Dominion Government intended, in enforcing the Scott Act, what would have been the result?—Did the Dominion Government get the money?

16481. No, the municipality got it; but only \$2,000 of the amount was devoted to enforcing the Act, the remaining amount going to reduce general taxation. If those \$10,000 had been expended during those years in enforcing the Act, would the result have been different? Would not the Council have been able to have paid the officers better for looking after the Act; was there any difficulty in expending it in the proper direction?—I do not know that there was.

CHARLES C. GARDNER, of Charlottetown, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

16482. How long have you resided in Charlottetown?—I have been in the city for 15 years. I first came here in 1854, and remained several years, and went away and came back again 20 years ago. I lived 5 years in the Royalty, and then I came to Charlottetown, and have lived here during the last 15 years.

16483. Have you held any official position during that time?—No.

*By Rev. Dr. McLeod:*

16484. That takes you back to the time when the license law was in operation?—Yes, I was here during that time.

16485. Do you recollect the condition of the city under license?—I know a good deal about it under license.

16486. What was the condition of the city under license? Was liquor sold very generally, and was there much drunkenness?—The conditions under the license law were altogether different from what they are now. I will commence with myself, and the Commissioners will perhaps excuse me for being egotistical. I never was a temperance man, and I never belonged to any temperance organization. In those days, under license, it was the habit in meeting gentlemen farmers and other people, to invite each other to go in and take a drink. I would have a drink, and the individuals would treat each other you know, so that, at least, I would have four or five drinks, I think.

16487. At what point did they generally stop?—There was no stopping point; a man stopped only when the treating had gone round once or twice. It was a respectable thing to do. There was another thing in those days: if a man living in the country was going to the city on a market day, or in the evening, it was very necessary to get in before sundown or dark, to avoid drunken men in carts. Those men you would meet driving out at a fast rate, and there was danger of being run down. They were people going out of town intoxicated on market days, and it was unsafe to be on the road. When I lived in Summerside, I recollect one time particularly when I was coming here, as I did quite frequently. It was a dark night in the fall of the year.

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I was approaching town, and it was very dark, and I heard people coming. I jumped into the bush and had to remain there an hour until they passed. It was not safe to be on the road at all, owing to the danger of being run down. When I lived outside here, the people were in the habit of staying in town much later than they are now, and they became intoxicated. I made it a rule to get in before night-fall. Once I was late and a man ran over me. He broke my sleigh, and came very nearly injuring me, striking me on the shoulder. He slipped away, and I could not say who he was. A man ran a great deal of risk in those days.

16488. Have things changed since then?—The Scott Act entirely changed things. There is a great change, which was brought about by the Scott Act, and there were other features distinguishing temperance from intemperance.

16489. The Scott Act had a beneficial effect in this way: that, whereas formerly people who visited the town went home drunk, under the Act they went home sober?—Yes. I think ten men went home drunk under the license law, to one man going home drunk under the Scott Act. There were two or three reasons. One reason was that the people who bought liquor ran a good deal of risk, because they did not want to go into saloons and afterwards be in danger of being called as witnesses and perjuring themselves. Another reason was that farmers, who were not so well acquainted with the houses as the townspeople, had greater trouble in getting it. The bars were not always open, and there was a great deal of trouble. They had to go in by the back way, and there were altogether a great many more difficulties than when a license law was in force.

16490. So, in spite of rather poor enforcement of the Scott Act, you believe it did good in these cases?—So far as the country people were concerned, it did a great deal of good.

16491. Did it do any good among the townspeople?—I think in one way it did good, and in another way it did not. Take the lower class; they got liquor more easily under the Scott Act than now.

16492. How do you account for that?—A man could go and get a drink and pay for it. Of course, it was his business to take advantage of anything that was in the way of getting liquor. The next day he went to the same place for liquor, without having any money. He told the seller: If you do not want me to inform against you, you must give me some liquor. By using threats in this way, they usually obtained it.

16493. What do you think was the principal difficulty in the way of the better enforcement of the law?—I think one of the chief difficulties was, that the officers who had the enforcement of the law in their hands, did not receive sufficient pay. It was not worth while to do the work, for there was nothing to be obtained for it. It was extra duty for the policemen and for all concerned. There was a very efficient prosecutor brought in, and his pay was a mere pittance for the work he was called upon to do, and I imagine that was one of the principal reasons why the law was not properly enforced. A man will not do his duty without being well paid for it, nowadays.

16494. Do you think the repeal was brought about because the people were dissatisfied with the Act and desired a stricter form of prohibition?—I think various causes had a tendency to bring about the repeal of the Act. One cause was that the Act was not properly enforced, and I think a great many people got tired of voting and waiting for that change to come which they desired when they first supported the Act. A great many occupied that position. Another cause was this: There was a long fight during ten or twelve years, and people who had not any member of the family addicted to drink, thought they had nothing very directly to go on fighting for; while, on the other hand, the liquor dealers had everything to fight for. The supporters of the Act thought it was right that the law should be enforced, and it had not been.

16495. Do you think that when the people voted for the repeal of the Act, they did it with the belief and hope that it would promote prohibition?—Most certainly; because, if I recollect rightly, at the time of the first Scott Act election, the adoption of the Act was carried by an overwhelming majority, which went to show that the people hoped that the liquor traffic would be done away with.

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16496. So when the people found it difficult to enforce the Act, and further found that it was a law only to prohibit the sale and not to prohibit the importation and manufacture, they grew disheartened?—Yes, I think they did.

16497. Did you understand the vote in favour of repeal, to be a vote against general prohibition?—Not at all.

16498. Have you any reason to believe that the temperance men and the liquor dealers co-operated in any way to retain the law?—No, I do not think there was any co-operation between them in any way. Once in a while a man, who was a temperate man, but drank little, might have had something to do with this; but with regard to the temperance people generally, there is no sentiment in one that belongs to the other.

16499. What is your belief as to the effects of the drink traffic on the business interests and social conditions of the community?—I think it is most disastrous to both.

*By Mr. Clarke :*

16500. Have you any reason to doubt the statement that the returns of the vote on the question of the repeal of the Act would show that in the very lowest places, the rum-sellers who were pursuing their trade in holes and corners, threw a large vote in favour of the retention of the Act?—I do not so understand it.

16501. The statement was made here yesterday that the lowest class of rum-sellers voted to sustain the Act?—I do not think so, I do not think one of them did.

16502. Have you examined the returns in order to ascertain in what parts of the city the majority was given for the repeal of the Act?—No, but I do not believe one of them voted for the retention of the Act.

16503. Have you examined the returns to ascertain the locality in which the largest vote was given?—No, but my own personal belief is as I have stated it.

16504. You were speaking about disorder. Was that confined to farmers at that time—14 or 15 years ago?—Yes, it was confined to people who came into town on business. I do not say all the people were addicted to drinking in those days, but there were very few temperance people, or people who did not take a glass. When treating, many a man got more than he intended, and he became helpless.

16505. Did you hear the statement of Mr. McKenzie in regard to the plan of operations adopted in certain places whereby people visited places where liquor was sold during the Scott Act period, and remained there?—I did not hear Mr. McKenzie's testimony.

16506. Did you hear the statement of Mr. Dawson?—I think I did most of it.

16507. Regarding the operation of the license law during the time he held the office of License Commissioner and Mayor?—I heard what he said.

16508. Do you think that the license law, as it was then administered, was successful?—Yes, but I do not believe in a license law in any shape or manner. No license law in any way for me.

16509. You prefer the present condition of things?—I prefer anything to license. I think a man licensed is so much interested in the business that if any harm arises to any one, he is responsible.

16510. You think that if a municipality adopts a licensing system, it virtually becomes a partner in the trade?—Yes.

16511. Do you believe in the present condition rather than the condition of things before the Scott Act came into force?—Yes. It is better in some respects, and perhaps not so good in others.

16512. In what way is it better?—It is better for the man who sells liquor, for he has no license to pay; but as the case stands now, it is better also for him, because he is not responsible for the evils that may follow.

16513. Do you believe there is no responsibility attached to the municipality?—No.

16514. Do you know anything about the redistribution of the city wards?—Yes.

16515. What was the difficulty in regard to obtaining legislation?—In the first place, application was to be made to the Legislature to elect representatives of the city by a general vote. Our representatives backed up the scheme, as it was thought a good one, but on the members consulting their constituencies they found it would not be

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good policy, and they went back on it, and they would not consent to bring it forward. We then did the next best thing, and the result is what we have at present.

16516. That is what you were looking for in the first place?—No. We were desiring a general vote, and to abolish the wards.

16517. Do you mean a redistribution of the city?—Yes.

16518. I understood you to say that the representatives of the city thought the scheme would not be very good policy. Did they support the redistribution of the city into wards?—They were not in the Government and had not much to say about it. The Government in power then was the same Government as in power now. The present Government redivided the wards. The other Government refused to do so.

16519. They refused to divide the city?—They refused to do away with the wards, and to give us what we wanted.

16520. Did you ask the Provincial Government to do away with the wards?—No.

16521. You asked the old Government to redistribute the city?—Yes.

16522. And they refused?—Yes; not to redistribute the city, but to give us a representation of the whole city.

16523. You did not ask the present Government to do that?—I was not here, and I do not know how it was brought about.

16524. The difficulty in the way of the enforcement of the Scott Act was due largely we are told, to the existence of three wards with a comparatively small population, which returned six members to the Council, while the other two wards containing a much larger population, returned only four members. Did you ask the late Government to redivide the city into wards according to population?—I was not here, but it was done.

16525. By whom?—It was done by the Legislature. The Legislature was asked to make a redivision.

16526. By whom were they asked?—By the citizens, but, as I have said, I was not here at the time.

16527. How long ago was that?—Two years ago.

16528. But the difficulties under which you were labouring had been apparent for ten years, I believe. The Scott Act only came into operation in 1881, and there was a period in which it was not enforced on account of appeals, and the question of jurisdiction arising.

16528a. It has been established that there was apathy in enforcing the law on account of appeals, and there was difficulty on account of these three wards that have been mentioned. The difficulty made itself apparent as soon as the appeal business was over, we understand. Were no steps taken from 1881 to get the city redivided, in order to enable the temperance people to overcome this difficulty?—I do not know. I never took any active part in the temperance movement; I am no enthusiast.

*By Rev. Dr. McLeod:*

16529. Which ward in the city is the stronghold of the liquor traffic?—I think the lower wards, 1 and 2.

16530. Do you know whether these wards gave a majority for the repeal of the Act?—I think large majorities.

16531. Then it would appear that they were not in favour of retaining the Act?—Yes.

JOHN KELLY, of Charlottetown, commission merchant, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

16532. How long have you resided in Charlottetown?—Seventeen years.

16533. Have you been in business all that time?—Yes.

16534. Have you ever held any official position?—Nothing more than being a representative of the city in the Council two terms.

16535. What ward did you represent?—I represented ward 2 when I was in the Council.

16536. Are you in the Council now?—No. I am a Water Commissioner.

16537. By whom are the Water Commissioners appointed?—They are elected by the city as a whole.

16538. Do you know anything of the operation of the Scott Act in this city?—Yes.

16539. Have you reason to believe it was successfully enforced here?—It was enforced about as well as it is in other provinces.

16540. Do you think the sale of liquor was prevented?—No, I do not think it was.

16541. Have you heard the evidence given as to the number of places where liquor was sold when the Scott Act was in force?—Yes.

16542. Do you agree in what the witnesses said?—I cannot say that I know myself a number of places, but I know there were a very large number, and I have no reason to think the witnesses stated anything but what was true.

16543. What do you think of the present arrangement—no license, but a police regulation?—I think it is no worse.

16544. Would you prefer it to a limited number of licenses being issued?—I would prefer a good license law.

16545. And the number of licenses limited?—Yes.

16546. Would you favour a high fee or a small one?—It is not so much the fee I would advocate, as it is having a good license.

16547. A limited number of people and a good license?—Yes.

*By Rev. Dr. McLeod:*

16548. What do you mean by a good license?—A license having proper restrictions.

16549. What restrictions do you think would be proper?—I think, for a license law to be a success, you must deal with the persons who drink as well as the persons who sell.

16550. How would you deal with the seller and buyer?—I would have the Magistrate give a monthly report from his court of all persons who were becoming habitual drunkards, and I would have the persons in the trade, holding licenses, fined very heavily for giving liquor to such persons afterwards.

16551. You would allow the licensee to have authority to sell until a man became an habitual drunkard?—Until he was reported on.

16552. Then you would have him stopped?—Yes, when he showed the slightest appearance of becoming an habitual drunkard.

16553. Are there any other provisions you would suggest?—I would have restriction as to parties who should receive licenses, in order to see that the licenses were placed in the hands of proper men.

16554. What would you regard as the proper qualifications for a licensee?—The most important would be that the man was an honest man.

16555. You mean that he would observe all the provisions of the license law?—Yes, the provisions of the law.

16556. And not sell to persons after they were reported as becoming habitual drunkards?—Who would not commit breaches of the law at all.

16557. What other provisions would you have in the law? Would you have provisions as regards hours and days, and so on?—I would have the places closed not later than 9 o'clock at night.

16558. How early would you open them in the morning?—About 7 o'clock.

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16559. Would you close at an earlier hour on Saturday night?—Yes, I would close earlier on Saturday.

16560. Why earlier on Saturday?—Because it would take away temptation from the workmen, who draw their pay then.

16561. You think the drink shop, then, is a temptation to workmen?—Yes, there is no doubt of it.

16562. You would not have the places open on Sunday, I suppose?—No, not until Monday morning.

16563. Do you remember the old license law in Charlottetown?—I do.

16564. How did it work?—At the time it was considered a very fair law, but then the same sentiment was not prevailing among the people that prevails at present.

16565. There is a stronger temperance sentiment now?—There was really a stronger temperance sentiment at the time the Scott Act came into force.

16566. Did that strong temperance sentiment arise in any degree from the temperance reform at that time, the Blue-ribbon movement, &c.?—Yes; just before the Scott Act was voted on there was a very strong wave all over the Island, the movement being supported by all the churches and temperance societies in all parts of the Island.

16567. That was immediately before the introduction of the Scott Act?—Yes, it was before the introduction of the Act.

16568. Just before that temperance wave, and during the operation of the license law, you say the temperance sentiment was strong?—Yes.

16569. What were the provisions of that license law?—It was pretty much a local option law. The licenses were granted by the City Council; but before they were granted to the applicant, he had to get a majority vote of the block in which the proposed license was to be granted.

16570. Then what did he pay?—He paid for a hotel license, that is, where accommodation was given to the public, by stabling and beds, and such like, I think either \$35 or \$40.

16571. What was the price of a saloon license?—It was \$80.

16572. Was there any other kind of license granted?—There was a store license, which I think was about \$50, but I am not sure.

16573. What were the restrictions around the license under that license law? Were there any limitations?—Yes. The hours of closing were fixed.

16574. Do you remember whether the restrictions were observed by the men holding the license?—So far as I know, they were.

16575. Did those houses sell after hours?—They might have sold after hours.

16576. Did they sell on the Sabbath?—They might sell without my knowing it.

16577. And did they sell to minors?—I do not think the law was very strictly enforced.

16578. I believe you held a license. I do not now ask whether you violated the law or not; but do you know whether licensees violated the provisions of the law when they had a chance to do so?—I think, as a general rule, the provisions of the law were fairly well observed.

16579. Did you know of much illicit sale?—Not that I know of.

16580. Do you know whether licensees kept a sharp eye on illicit sellers and brought them to book?—I never knew of that.

16581. Do you know whether any licensee sold to an illicit seller?—As I never knew an illicit seller, I could not tell you.

16582. As soon as the Scott Act went into force, you went out of business and did not violate the law. Do you prefer a license law to the Scott Act, if the Scott Act was well enforced?—I prefer a license system to the Scott Act, as we had it.

16583. It was not well enforced?—It had a very bad effect, I thought, on the community.

16584. In what way?—It brought the observance of the law into disrepute among the people.

16585. Was the law responsible for the perjury committed?—Yes, to a great extent.

JOHN KELLY.



16586. Was it responsible for the perjury, or did it furnish occasion for the perjury?—Those people would not do it, I think; and they certainly would not in other cases. They were not known to do it.

16587. Do you think responsible men in the community perjured themselves, or were these people members of the class whom the Magistrate referred to as “bums,” or something like that?—Men, who would at first evade and try to get clear of the question, would, later on in the history of the Scott Act, no longer do so.

16588. They would swear straight?—Yes.

16589. And you think the law was a bad one in that regard?—I think so.

16590. Was the perjury in the minds of the men, and did the law provide the occasion to bring it out?—I do not know. I have only to take it as I find it.

16591. Do you think the law had any effect in making the drink trade less reputable? You went out of the trade because it was illegal?—As a business it was not considered so reputable as when it was regulated by law.

16592. Would you prefer a license law to a prohibitory law?—Provided a prohibitory law could be enforced, I think I would prefer a prohibitory law.

16593. I am supposing a time when public sentiment would be strong enough to stand by the enforcement of a prohibitory law: do you believe a prohibitory law would have a better effect on the community than the licensed drink trade?—Yes, when the time arrives, but it will be some time.

*By Mr. Gigault:*

16594. Under the Scott Act, what was the condition of things here in Charlottetown; was there considerable drunkenness?—Yes, considerable.

16595. Were there as many places selling liquor then as now, or more or less, from common report?—Common report says there are not so many now.

16596. How is the Scott Act enforced in the other portions of the Island, if you know anything about it?—I do not know very much about it outside of Charlottetown.

16597. Is there a general improvement as to temperance in the Island within the last few years?—There was a considerable temperance sentiment about the time the Scott Act was first voted upon.

16598. Had the working of the Scott Act the effect of destroying that sentiment?—I could not say that, but I think it was not a matured sentiment, but more a sentiment aroused by excitement at that time, because it fell away very soon. You used to find persons from country districts voting for the Scott Act and afterwards drinking: that would lead me to believe that it was not a sentiment properly matured.

16599. Are the clergy doing a good deal to promote temperance?—I think so.

16600. Are there some temperance societies in this town?—Yes.

16601. Are they doing good?—I think so, but there are not so many temperance societies as there were before the inception of the Scott Act.

*By Mr. Clarke:*

16602. Did people generally, recognizing the evils of intemperance, join together and vote for the Scott Act to lessen those evils?—That was the intention.

16603. And after ten years, when they voted the Act out, what was the conclusion come to?—I came to the conclusion that it was no improvement.

16604. Was the Act fairly, well enforced, or was an attempt made to enforce it fairly well?—There was. The officers of the city court tried to enforce it, and then there was a prosecutor for some time, and the Temperance Alliance took a very active part in enforcing it. I think all through it was not very well enforced, but it was as well enforced as it is generally.

16605. Do you know anything of its operations in the other provinces?—Not except from my acquaintance with people in the other provinces.

16606. What was their experience?—Those I have talked to from the other side thought they had done as much to enforce it as in other parts.

16607. But you received \$12,000 here in the last ten years to enforce it, and you spent only \$2,000. We have evidence that some \$10,000 went into the treasury, instead

## Liquor Traffic—New Brunswick.

of being expended to prosecute those violators, so the municipality could not have done its duty?—There is a considerable difference of opinion as to that fund.

16608. Was it not set apart for that purpose?—Some held that the city of Charlottetown was guaranteed, at the time of incorporation, as part of its revenue, all fines and penalties from the city court.

16609. But there was a provision made respecting the Scott Act fines?—But everybody did not hold the same opinion.

16610. You determined that the Scott Act should not get the benefit of the doubt?—In the Council I always opposed placing those fines to the credit of the Scott Act.

16611. Why?—Because it was part of the city revenue.

16612. It was for the Scott Act?—But it was provided that all fines became part of the city revenue.

16613. Was that the view of the gentlemen in support of the Scott Act?—I do not think they entertained that view, but I always did.

16614. Do you think that if that money had been expended for the appointment of efficient officers to enforce the law, a better showing would have been made?—No; I think it would have been very difficult to enforce the law, because there was no sentiment behind it. I think it was a law in defiance of public opinion.

16615. You say it was lack of public sentiment which caused the non-enforcement of the Act?—I think that was a great deal against it; it was an Act in defiance of public opinion.

16616. Do you think it would be practicable or possible to enforce a general prohibitory law throughout the whole Dominion?—I think if public opinion was educated up to it, it would be as practicable as any other law.

16617. Is public opinion educated up to it now?—No, I think not.

*By Rev. Dr. McLeod:*

16618. You said there was a large number of people selling liquor illicitly under the Scott Act. Do you know any persons who were selling under the Scott Act who are not selling now?—No, I do not.

16619. Then there are as many selling now as under the Scott Act?—I think probably as many, though I do not think the number is known. I think the account given by the Marshal is correct as to the number he has found.

16620. You think there are others?—I think it is probable, but I do not know it myself.

16621. That is your belief?—I think there are probably more than he gave an account of.

FREDERICK H. BEER, of Charlottetown, grocer, on being duly sworn, deposed as follows:—

*By Mr. Gigault:*

16622. When the Scott Act was in force here, how was it enforced?—There were times when it was fairly well enforced, and times when it was not.

16623. Did it stop the selling of liquor?—In my opinion, when it was fairly well enforced, there was not as much liquor sold as at other times when it was not enforced.

16624. Do you know how many places, from common report, were selling liquor?—I am not prepared to say.

16625. Do you think as many places then as now?—I cannot give you an opinion. I have not been in the habit of going into them lately.

16626. Do you know what caused the repeal of the Scott Act?—The vote of the citizens of Charlottetown.

16627. But what brought about a change of opinion?—I think it was largely owing to the non-enforcement of the Act.

JOHN KELLY.

16628. Was it because the Scott Act did not produce the good effect which they expected?—To a certain extent, it was. Had the Act been enforced, as it should have been, it would have produced a good effect, but there was a strong feeling raised against the Act not only by the liquor dealers themselves but by some of our newspapers writing against it. A man could not be arrested for drunkenness, but the Act was held up to disrepute, and a good many of the community got disgusted. The City Council would not enforce it and would not appoint a prosecutor. The last City Council dismissed the one appointed by the Council before, and the prosecutor was nominally the City Marshal. The W. C. T. U. took hold of it to see what they could make out of the matter. The Marshal did good work, but he could not be supposed to do what a man would do who was appointed by the representatives of the city, and he was hampered in every way.

16629. So it did not work well?—It did not work well.

16630. They became disgusted because the Act was not enforced?—Because it was not enforced as it should have been.

*By Mr. Clarke :*

16631. Are you a member of the Council?—Yes.

16632. How long have you been so?—This is my second year.

16633. Has the liquor party been in the majority during the whole time the Scott Act was in force?—No.

16634. In what years were they in the minority?—I cannot say. I was elected in 1891. That was the first year, for one year; and 1892 for two years.

16635. Do you recollect if the liquor party were in the minority in the Council?—They were.

16636. Can you tax your memory as to the year?—I cannot remember.

16637. Would it be five years ago?—About that.

16638. Did the temperance party then make any effort to appropriate the Scott Act fines that had accumulated, to the enforcement of the Act?—No, they made an effort to appoint a prosecutor and pay him some \$40 a month.

16639. What is the population of the city?—About 12,000.

16640. The fines have amounted to over \$1,000 a year?—Yes.

16641. Do you think if an efficient officer had been appointed and fairly well paid, the law would be better enforced?—Yes, I do. In fact, and I was told not very long ago by a gentleman in this town, who is in the habit of taking a little liquor, that during the time that Council was in power, it got down so fine at one time that he came from New York and crossed the straits and came down town after tea and wanted a drink and had to try four different places before he could get it, while before he went away he could get it easily; and he said that at the last place he had to get in by the back door to get the liquor. So there was a time when the Scott Act was fairly well enforced.

16642. That was some years ago?—Yes.

16643. Was it owing to the hostility of the liquor party that those fines were not appropriated?—Not in the Council.

16644. Was the dismissal of that officer and the appointment of another at \$10 a year, owing to the liquor party?—It was, the liquor party in the Council.

*By Rev. Dr. McLeod :*

16645. Do you know why that sum of \$12,000 was not appropriated for the purposes of the Act?—I suppose the Council was only too glad to have what revenue it could get for the general fund, for the sidewalks and streets. The revenue is small now, and I have no doubt that when the prosecutor was dismissed and \$40 a month was saved, that was done to aid the prosecution of the Scott Act.

16646. That was done by a Council antagonistic to the Act?—Yes.

16647. But when there was a Council not antagonistic to the Act, why did the Council refuse or refrain from appropriating that money to the purposes of the law? Was it a question as to whether it was right under the law or optional with them?—I never heard of it until to-day. It never came up before the Council. We understood that the organization appropriated this for that purpose. If we had the Scott Act, we

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would use every dollar they could get in fines for the enforcement of the Act. The fines here have been paid into the Stipendiary Magistrate's Court.

16648. You think that if the Scott Act was in force, the present City Council would see that it was enforced. Do you believe that if a Council, constituted as this is, had been in existence when the old law was in force, the law would have been better enforced?—I believe that it would have been better enforced and the Scott Act would be in force to-day.

16649. Were there times when the law was enforced better, and was that due to the composition of the City Council?—I believe there were.

16650. How about the wards and the part they played in this loose method: were those wards able to dominate the Council?—Always.

16651. And were they the minority of the citizens?—Yes.

16652. And has that changed?—Yes.

16653. You think in future it will be different?—The last election showed it, but it is pretty close still.

16654. You have always lived here?—Yes.

16655. Do you remember the old license law?—Yes, something of it.

16656. Do you remember the social condition and business condition of things under the old license law?—I was twenty years a clerk in my brother's store, and it was a regular thing on a market night to have ten or a dozen drunken men come in, and we had to send for the police to put them out.

16657. Was drunkenness then particularly noticeable; did the people look upon it as extraordinary?—Yes.

16658. Is there a change since?—A moral change.

16659. To what do you attribute that?—To the Scott Act, especially in the country districts.

16660. You think the Scott Act has been a great factor?—Certainly. I could give the names of countrymen who have stated—one especially, to a friend of mine—that before the Scott Act came into force, he used to go home drunk every market night, but afterwards he went home sober. He would not go into those places.

16661. That is representative of other cases?—Yes.

16662. Do you mean that farmers, who previously got drunk and went home drunk, would not descend to the means of getting drunk?—That was the statement of this man.

16663. Do we understand that it was more or less difficult to get liquor in those illicit places?—I know it was, from my own experience.

16664. Did they flaunt themselves as those places now do throughout the town?—Not at all; you had to crawl in through the back door.

16665. So it was difficult for people to get liquor?—Very difficult.

16666. What class of people in this community made earnest attempts to enforce the law?—The temperance people.

16667. Were they reputable people?—The best citizens, a large majority of the best citizens wished to have the law enforced.

16668. Who were the leaders in opposition to the law?—The liquor party.

16669. Were they the most reputable people, the most public spirited?—I am not going to say anything about a man's private business.

16670. Who formed the active, avowed opposition to the Scott Act?—I think the liquor sellers who fought the Canada Temperance Act in the last election, and succeeded at last in defeating it.

16671. Is it a fact that after two or three months at the outset, when the law seemed to operate well for about a year and a half there was practically open sale?—I remember the whole thing was hung up for some time, and there was a good deal of litigation over it.

16672. Do you believe that in spite of the difficulties, the law had a good effect as an educator?—I think it has had a very good effect through the country districts, more so than in Charlottetown.

16673. In Charlottetown its good effects have been less?—Simply because it was not enforced.

FREDERICK H. BEER.

16674. Have you any views as a business man as to the effect of the liquor trade on other businesses, whether it is good or bad?—I do not see how it can be anything but very injurious. If a man gets paid his wages on Saturday night and cannot get liquor, he goes home and gives the money to his wife, and I will get more money out of him; but if he spends money in liquor, he will not have so much to spend with other dealers.

16675. That is, the money spent in the liquor shop comes out of the pockets of others?—That is my opinion.

16676. Do you believe that total prohibition of the manufacture and importation of liquor would have more effect than the partial prohibition under the Scott Act?—If such a thing as total prohibition could be brought about, and the law could be enforced, it would be a grand thing for the Dominion of Canada.

16677. Do you think it would be more difficult to enforce a prohibitory law than to enforce a partial one like the Scott Act?—I do not think it would be anything like as difficult as some people make it out.

16678. Do you believe it would be more difficult to enforce total prohibition than to enforce the Scott Act?—I am certain it would be easier, because there would be two laws broken, one getting it in, and the other selling it. Now it is allowed to be brought in.

16679. Have you heard people say they do not believe that it is fair to allow liquor to come in when it is not allowed to be sold?—Lots of them.

16680. And to say they would vote for total prohibition?—Lots of them.

16681. Do you think the sentiment is as strong or stronger for total prohibition than in favour of the Scott Act?—I believe it is much stronger for prohibition than for the Scott Act.

*By Mr. Clarke :*

16682. You say it was the liquor sellers who succeeded in defeating the Scott Act?—That is my opinion.

16683. They must have quite an influence in this city and must have exercised that throughout the Canada Temperance Act period?—Yes, I suppose so.

*By Rev. Dr. McLeod :*

16684. My question was who were the leaders in the agitation, and you said the liquor dealers?—Yes.

*By Mr. Clarke :*

16685. Were the majority of the people the followers of the liquor dealers who voted against the Canada Temperance Act?—I believe so. They organized it.

16686. Those who voted fell behind those leaders and voted against it?—There might be some who voted against it who would not like to be counted as followers of the liquor dealers.

16687. Were there many except the followers of the rumsellers?—Not many.

16688. The majority of those were followers of the rumsellers?—Yes, I think so. As to the change in the wards before the present Government came into power, I was one of a committee that waited on the representatives of the city in the old Government to ask them to give us a straight vote of the city for City Councils. This they could not do, for reasons of their own.

*By Rev. Dr. McLeod :*

16689. That is, the vote of the whole city?—Yes, as our Mayor is elected. We then tried to get our representatives to redivide the town and make it more representative by population, and we had a very large deputation to wait on them and we went to the House of Assembly and tried to get that bill through; but at the last the representatives of the city refused to have anything to do with it and threw it out.

*By Mr. Clarke :*

16690. When was that?—Four or five years ago.

16691. Do you remember the year?—No.

## Liquor Traffic—New Brunswick.

16692. Was it 1886 or 1887?—I would not say exactly in what year.

16693. Did you stop there?—We could not get any change in the city representation.

16694. Did the whole House approve of that?—We did not go to the whole House but to our representatives from the city, because the country members as a rule are guided in the Legislative Assembly by the representatives of the city in regard to city matters.

16695. Were the country members guided by the wishes of the representatives of the city in declining to give a License Act after the Scott Act was repealed?—I never heard there was a License Act proposed.

16696. The matter was not of such importance as to the re-division of the wards to have a vote of the House?—We saw we could not carry it. We went to two members of the Government. It was a Conservative Government.

16697. Is there any politics in this?—Lots of it.

• 16698. Has that anything to do with the working of the Scott Act?—I do not think it.

16699. But it had to do with refusing to allow you to enforce it here?—I think if our representatives had allowed us to redistribute the votes of the city, we could have got a Council to enforce the Act.

16700. So politics had something to do with it?—I believe so.

16701. Do you know of any city in the world where a Council is elected by the whole body of citizens?—I cannot say I do, but it is being agitated for.

16702. Where?—In Summerside they are elected by the whole city.

16703. What is its population?—4,000 or 5,000.

16704. Were any public meetings held as to the redistribution of the city?—I think so.

16705. And what was the result of the public meetings?—I think it was voted down, as it naturally would be.

16706. Was that political?—It was voted down by a class of citizens who always go to those meetings.

16707. Is there anything else on this subject you can tell us. You do not tell us that the representatives had a resolution passed at a public meeting in favour of declining to redistribute?—They had a majority at the meeting.

16708. Was there another meeting held?—Not that I know of.

16709. That, then, might be taken as an expression of the opinion of the people of Charlottetown?—It was not.

16710. Was any attempt made to get an honest expression of the people of Charlottetown?—No.

16711. It ended with that meeting?—Yes.

• • *By Rev. Dr. McLeod:*

16712. In the event of a prohibitory law being passed, do you think the people who have breweries and distilleries and the like should receive compensation for their business closed by a prohibitory law?—If the majority of the people thought it was a very injurious business and were to vote to crush it out and stop it, I do not see why they should be compensated. I do not think a man should be compensated for anything which is not right.

16713. Do you think that the temperance people made an earnest effort to have the change made in the ward representation, and that they were prevented?—We made a very earnest effort to do it.

16714. At last you succeeded?—At last, by getting different representatives for the city to the House of Assembly.

16715. Did you send new representatives instructed to do this?—There was one who was sent there pledged to carry this Bill; that was Mr. Jenkins. Mr. Blake, the former member, resigned to run for Ottawa. He was defeated by Mr. Davies and Mr. Welsh, and when he came back to the Local House he was asked whether he would support this Bill. I do not belong to that side of politics; but I understand that he did not know very well whether he could do it or not, and then Mr. Jenkins was found, and he was elected and pledged to carry this reform, and it was carried out.

FREDERICK H. BEER.

*By Mr. Clarke :*

16716. That was in what year?—At the last election, two years ago. .

16717. That was in 1890, and the Act had been in force since 1881?—I do not know what year the Scott Act came in.

16718. Was it after the Act was repealed, that this amendment was made in the law?—I think it was after that. I think it was only a year ago last December.

16719. And the redivision of the city was made when?—We had our first election under that last February.

16720. And the Act was wiped out before you got this remedy in the way of re-division?—Yes.

*By Judge McDonald :*

16721. Was the Act of redistribution passed?—I think two years ago.

16722. And the Scott Act was repealed a year ago last February?—Or January, and we had our first election for the City Council last February under the new Act.

16723. When was that Act passed?—I cannot say.

16724. Was it after the repeal of the Scott Act?—I do not know— I cannot tell you exactly.

16725. If this gentleman ran at the general election for the Dominion, that was in March, 1891?—It was a year ago last June that the Bill was passed.

The Commission adjourned.

## Liquor Traffic—New Brunswick.

CHARLOTTETOWN, August 22nd, 1892.

The Royal Commission met this day at 10 a.m., Judge McDONALD presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

JAMES CURRIE, of Charlottetown, Collector of Customs, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

16726. How long have you been Collector of Customs?—Nearly thirteen years.

16727. Are there any other ports on the Island but Charlottetown?—There are twelve outports on the Island under Charlottetown, but there are also outports under Summerside.

16728. How many outports are there then under Summerside?—Four or five.

16729. Are you able to give information to the Commission as to the quantities of liquor that have been imported into the Island during the last few years?—I have figures for a year and a half since the Scott Act went out of operation, and I have some figures for the corresponding year and a half previous.

16730. Will you please submit these statements?—I hold these statements in my hand. The Commissioners will notice that the statements give the quantity imported, and also the quantity entered for home consumption, that is for the year and a half previous to the Scott Act going into operation; and then, on the other side, they will observe the quantities entered for home consumption, and also the quantities imported, but not actually entered for consumption. Taking the first table, I find as follows:—Ales 7,570 gallons; entered for consumption, 7,978. Spirits 24,858 gallons imported; 34,292 entered for consumption. Wines 1,407 gallons imported, 1,743 entered for consumption. The total value of those imported was \$33,654; total value entered for home consumption \$38,213. The total quantity for the year and a half of all those liquors, ales, spirits and wines, imported before the repeal of the Scott Act, was \$33,835 gallons, and entered for consumption 43,012 gallons. During the year and a half after the Scott Act was repealed the quantities imported were as follows:—Ales 5,551 gallons, entered for consumption 5,655. Spirits imported 32,592, entered for consumption 35,572 gallons. Wines imported 2,389 gallons, entered for consumption 2,143 gallons; making a total imported of 40,532 gallons, entered for consumption 43,370 gallons. The total value imported was \$42,122. The value entered for consumption was \$40,972.

16731. What is the difference between those liquors imported and those entered for consumption?—The imports are not of so much consequence to settle the temperance question. The quantities and values entered for consumption represent what was actually consumed in the country. What is imported may lie for years in a bonded warehouse before it is put into consumption. Sometimes the quantities entered for consumption for a particular year exceed the quantities imported, by reason that they drew on the warehouse.

16732. I notice here that some years the quantity entered for consumption is greater than appears to have been used by the people?—Yes.

16733. I see the total quantity entered for consumption during the year and a half of the Scott Act was 43,012 gallons?—I consider the imports have very little to do with the question.

JAMES CURRIE.



16734. The quantity entered for consumption was 43,012 gallons?—Yes.

16735. Taking the figures for the two periods I find, for example, during the first period: ales, 7,978 gallons entered for consumption; for the second period, 5,655; so there is quite a diminution in the quantity consumed during the second period. There is an increase of over 1,000 gallons in spirits, and also quite an increase in wines during the first period?—Yes.

16736. Would those figures for the first period agree generally with figures previous to that for some years?—I think so. I have a statement of what was actually consumed during the fiscal years 1887, 1888, 1889 and 1890, both of spirits, wines and ales.

16737. Have you that statement with you?—Yes. The statement shows as follows:—For the fiscal year ending 1888 there were 33,623 gallons imported, of the value of \$26,701, the duty collected being \$46,899. This was under the Scott Act, and was the amount entered for home consumption. For the fiscal year ending 1889, the total quantity imported was 30,357 gallons, of the value of \$24,234, on which a duty was collected of \$34,705. For the fiscal year ending 1890, the quantity entered was 30,124 gallons, of the value of \$25,750, on which a duty was collected of \$38,389. I may explain that, in this instance, I did not take the quantity imported, but only the quantity entered for home consumption, which it is more material to have.

16738. Could you give the Commission the quantities for the three years before the Scott Act came into force?—I intended to give the Commission a fair comparison, but it would be a work of great difficulty. In 1884 our Custom-house was burnt down and many of our returns were destroyed, and we could never get them together in the same order; and, as I have said, the preparation of such a return would be attended with great difficulty.

16739. I suppose the information can be obtained at Ottawa?—I think so. That is, for the three years previous to the Scott Act coming into operation in this province. The return for the three years under a license system can be obtained by consulting the Trade Returns.

16740. To make the statement complete for the Island, I suppose we need to obtain the return for Summerside?—Summerside is an independent port, and you would require their figures.

16741-2. Then your figures and their figures would make up the statement for the whole province?—Yes. Charlottetown includes King's and Queen's Counties, and Summerside includes Prince County. The statements I file are as follows. (Appendix No. 23.)

*By Mr. Gigault:*

16743. How long have you resided in Charlottetown?—I have resided at Charlottetown fifty odd years.

16744. How was the Scott Act enforced while it was in force here, were liquors sold?—It was very badly enforced. It would have proved a good law, and I think it would have been better enforced, but for the insincerity of a great many of its friends.

16745. Were liquors sold almost freely while the Scott Act was in force?—No, they were not sold freely. They were sold under general restrictions, but, nevertheless, they were sold.

16746. According to your returns a large quantity was sold?—A considerable quantity. You must not run away with the idea, however, that that quantity was consumed in Charlottetown.

16747. Where was it consumed?—Probably all over the Island. Principally, I should think, in King's and Queen's Counties, but some of it found its way, no doubt, to Prince County.

16748. How was the Scott Act enforced in the rural districts?—I cannot say so much about the rural districts.

16749. But you have said those liquors were consumed?—From common report, the Scott Act was not enforced as strictly as it should have been.

16750. But if a large quantity of those liquors was consumed in the rural districts, then the Scott Act was not stopping the use of liquor?—I cannot tell what quantity was consumed in the rural districts.

## Liquor Traffic—Prince Edward Island.

16751. But you have said a large portion was consumed there, instead of being consumed in Charlottetown?—I said you must not run away with the idea that it is all consumed in Charlottetown, for a considerable quantity, of course, found its way to the rural districts. What quantity got there, I am unable to say.

*By Mr. Clarke :*

16752. Are these proof gallons?—Yes.

16753. Is liquor sold retail proof?—I suppose it is reduced. We take the returns in proof gallons, and these are proof gallons.

16754. It is not generally sold retail up to the strength of proof, I believe?—I think the common practice with liquor dealers is to reduce it with water after they purchase it.

16755. At what strength below proof is it generally retailed?—I cannot tell you. It may vary according to the honesty of the man who retails it, and he may sometimes reduce it to a very weak state, and thus serve the temperance cause.

16756. It is not usually sold as proof?—No.

16757. From the returns you have laid before the Commission, it appears that the quantity entered for consumption for the year and a half ending 31st December, 1890, was 43,012 gallons. That was from 1st July, 1889, to 31st December, 1890, I suppose?—Yes, it was the year and a half previous to 31st December.

16758. That would be 1st July, 1889?—Yes.

16759. Then the quantity entered for consumption from 1st July, 1889, to 31st December, 1890, was 43,012 proof gallons?—Yes.

16760. During that period was the Scott Act the law?—Yes. The Scott Act went out of operation in 1890. That statement is for the year and a half previous. The Act went out of operation at the first of the year, and our return is made up to 31st December.

16761. The quantity entered for consumption since the repeal of the Act, up to 30th June last past, was 43,370 gallons? That was proof spirit too?—Yes.

16762. The Scott Act was not in force during that period?—No.

16763. There was free rum during all that time?—Yes, free rum.

16764. No restriction even?—Not at all, until we got this new local law carried through.

16765. When did that law come into force?—It came into force here two or three months ago.

16766. Was it 1st July?—Yes.

16767. This return is up to 30th June, 1892, I believe?—Yes.

16768. So the period of one year and a half from 31st December, 1890, was a free rum period?—Yes.

16769. Is that the way you show it in your report?—I show the quantity consumed and the quantity entered for consumption up to 30th June, 1892.

16770. The period from 31st December, 1890, to 30th June, 1892, was the free rum period, I believe?—From that date you can fix the time of the free rum period. Up to 30th June, 1892, I do not think the late Act was in operation.

16771. Then there was free rum, and no restriction as to sale?—I do not believe there was any restriction.

16772. Have you any doubt on that point?—No, I have no doubt.

16773. Then there was an increase, according to your figures, of 358 gallons entered for consumption in the year and a half of free rum, as compared with the last year and a half of the Scott Act?—Yes, according to that return; and if it be according to that return, there was that increase.

16774. There were 43,012 gallons entered for consumption for the year and a half ending 31st December, 1890, and there were 43,370 gallons entered for consumption for the year and a half ending 30th June, 1892?—That would be 358 gallons of difference in the year and a half.

16775. How do you account for the fact that there was so little increase in the quantity of spirits entered for home consumption during the period of free rum, as it is

JAMES CURRIE.

called, compared with the period during which the Scott Act was in force?—I cannot account for it in any other way except that the people are beginning to see, or at all events a great many who were in the habit of drinking, are beginning to see, that excessive drinking is to their injury. Of course there are some twenty or thirty roughs in the city who drink the usual quantity, and will do so, I suppose, so long as they last. But there are moderate drinkers, and I believe they see that excessive indulgence in drink is not beneficial.

16776. You think they commenced to taper off after the Scott Act was repealed?—Yes, with the exception of the out-and-out drunkards. The moderate drinkers do not drink nearly so much.

16777. That is the way you account for the slight difference between the consumption during the period of free rum and during the last year and a half of the Scott Act?—I do not know how to account for it in any other way, because the restrictions put on it are not a sufficient bar to prevent a man drinking. He will go on drinking if he desires liquor.

16778. How do you account for the consumption during the Scott Act period. Was there not difficulty in getting liquor during that period? I think you have so stated?—They got it illegally, and they sold it illegally.

16779. That was during the time the Act was law. Did the fact that it was illegal to buy liquor and illegal to sell liquor quicken the appetite of any portion of the population?—The law was not enforced.

16780. I think you said that the law was not enforced as strictly as it should have been?—Yes.

16781. Will you explain that answer more fully?—I cannot explain it in any other way than as I am going to state. We have in this community really hard temperance workers, men who are honest in their belief, and who desire the blessing of God on their efforts; but we have others who profess to be temperance men, who are not really temperance men, and when a man is not sincere in advocating a cause, it is better that the man should have nothing to do with it.

16782. Do those insincere people vote for the Scott Act?—They do. I believe you could not get four out of every ten supporters of the Scott Act who had not drank while the Scott Act was in operation, under some excuse or other.

16783. Do you mean to say that they procured liquor illegally?—No; they could procure it by a doctor's certificate. I have known men (I am not going to give any instances), temperance men, who drank under one excuse or other.

16784. If they were not ill, it would be illegal and unfair to obtain a doctor's certificate with which to procure liquor from the druggist?—I do not know anything about that.

16785. These men would be quite sincere if they voted for the Canada Temperance Act, then only procured liquor when they were ill, or required it for medical purposes. Do you refer to that class?—Yes; but it appears they have been ill very frequently, and if the information obtained from druggists and also from doctors is correct—of course I cannot give away anything confided to me in confidence—I think there has been a lot of insincerity about it.

16786. You think the illness was chronic in some cases?—It may have been honest enough in some cases.

16787. And it may have been chronic?—I cannot tell whether it was chronic or temporary.

16788. What portion of those insincere people would there be in the community? Do you say four out of every ten?—I said you cannot get four out of every ten of those who professed to be friends of the Scott Act who had not been drinking during the time it was in operation, and I maintain that statement.

16789. Do you know whether, after the Scott Act became the law, there were larger quantities of liquor brought in by express or in small packages for private domestic consumption and office consumption, and so on? That is, liquor purchased at Halifax and St. John, on which duty had been collected there, purchased from the wholesale dealer? Have you any means of knowing that?—I have no idea of what quantity was brought in that way. I have no idea, I say, of the quantity; but I

## Liquor Traffic—Prince Edward Island.

believe there was a very large quantity brought in duty-paid from Halifax and St. John, and I think also from Montreal.

16790. You would have no record of that?—No; we have no record of that.

16791. That should be added to the quantity shown in your statement?—It should be added to the quantity shown in the statement.

16792. The same rule would apply to quantities that might have been consumed since the Scott Act was defeated or set aside?—I cannot say as to what quantity was consumed.

16793. Would you favour a re-enactment of the Scott Act, if it could be efficiently enforced?—I think we have a very good Act now, and if made a little stricter and enforced with all the strictness with which it is possible to enforce it, I think, under the present circumstances, it will be better than the Scott Act, because those who thirst after liquor can now go and get it, while those who thirsted for liquor before would have to act as sneaks in order to get it. Now they do not divest themselves of their manhood if they want a drink, for they can go and get it, but before they would sneak in through a back door. Looking around Charlottetown, I may say that the particular clause in the Act closing up the houses at six o'clock on Saturday evening is an excellent one. Any one who has been residing in Charlottetown for a length of time as I have, and who has seen the conduct of the men who drank under the Scott Act and under the License Act and now under the present Act, must say that this is a most excellent Act. I have noticed, since this Act came into operation, that a den in Charlottetown, which I believe is one of the worst places in the province, or even in the Dominion, and which during the time the Scott Act was in force was a complete pandemonium, has been very much improved. That den, I believe, is owned by a reverend gentleman who has allowed his sub-tenants to go to the devil while he himself has gone somewhere else to make converts to the gospel. I have been taking notice of the behaviour of those unfortunate people during the last month, and their conduct is admirable.

16794. Is this due to the absence of the reverend gentleman or to the repeal of the Scott Act?—That has happened since the present law came into operation. I can prove what I am stating.

16795. There has been a marked improvement in the character of the place, you say?—I do not care for the laughter that is occasioned here, for I came here to tell the truth. If anything I have stated, or am about stating displeases some of my friends here, I cannot help it. In regard to this particular place, the reverend gentleman has had to take notice of it and ventilate it through the press.

16796. There has been a marked improvement in the conduct of those who frequent that dive since the repeal of the Scott Act?—I cannot tell you about those who frequent it. There is peace and quietness and apparent sobriety, and the people appear to be more decent and seem to be more inclined to be industrious.

16797. Do you think that has been owing in any degree to the new law regulating the sale of liquor?—I think so, because when the taverns were allowed to be open till ten o'clock and even later, young men would purchase liquor and go to such dives and have a regular saturnalia there during the whole of Saturday night and Sunday morning.

16798. You attribute the quietness of the place, comparatively speaking, to the fact that there are not the same class of people going there?—I cannot tell about that, but they have not got the liquor.

16799. And liquor is sold freely throughout the city?—A working man, if he is engaged at work until six o'clock in the evening, has not an opportunity to purchase liquor, for these places are all shut up sharp at six o'clock on Saturday, and therefore he has to go without it.

16800. Did they have an opportunity of purchasing liquor after six o'clock during the Scott Act period?—They had no opportunity, except illegally.

16801. Of course, all sales were illegal, except those by druggists; but did they procure liquor under the Scott Act?—It was patent to every one that they procured liquor without a great deal of difficulty.

JAMES CURRIE.

16802. Is it more difficult to purchase it now?—You cannot purchase it now after six o'clock on Saturday evening.

16803. You have had experience of the operation of this free sale under certain police restrictions, and an opportunity of seeing the operation of the Scott Act. Would you favour a rigid license law in preference to either a law that would reduce the number of places, say from 75 to 25, and make the hours during which liquor should be sold as short as possible?—Prohibition is the law we want and require, but we are not prepared for complete prohibition. If the temperance lecturers are active, and if the industrious and temperate people work hard, perhaps in the course of 10 years the people may be more ripe for prohibition than they are to-day. But in regard to favouring the Scott Act in preference to this law, I think this law is better, because under the Scott Act, until a change comes over the sentiment of the drinking people, they are determined to have liquor, and now they can get it without resorting to the expedients they have had to resort to under the Scott Act, in breaking the law and the regulations as they did. Prohibition in this province—I am speaking especially of this province, and I am referring to no other part of Canada—from its unusual position, would be very hard to carry out. There would be smuggling; there would be illicit stills, and to carry out prohibition, it would be almost necessary to have the co-operation of other places: that is to say, if prohibition existed in other places this province could not get its supplies from any other country; but so long as it can get its supplies from any other country, a prohibitory law would be evaded and broken, just as the Scott Act was.

16804. Then you think that a prohibitory law to be enforced, would have to extend over the whole Dominion and countries contiguous to this Island?—There are foreign countries, such as St. Pierre and Newfoundland and the West Indies, where our people could obtain their supplies.

16805. Then you think, unless prohibition prevailed in those countries as well, it would be impossible to enforce such a law here?—I think so.

16806. Do you know anything about the country districts of the Island?—Not a great deal, that is, in regard to the drinking habits of the people.

16807. What is your knowledge in regard to them?—I think some of them obtained liquor and drank liquor during the operation of the Scott Act.

16808. Did they get it here or bring it here from New Brunswick, Nova Scotia, Halifax or St. John?—Those engaged in the sale of it in the country districts, I think were in the habit of getting a good deal in Charlottetown, and perhaps more from Halifax.

16809. Was the law fairly well enforced?—In fact they were in the habit of getting it wherever they could.

16810. Do you think the law was fairly well enforced in the country districts?—I do not think it was. I know I have often been driving in Charlottetown in my wagon, and I would have to haul into the ditch or against the fence to save myself from being capsized and the wagon broken, because the country people were coming home pretty drunk.

16811. Did that condition of things exist lately during the Scott Act period?—Yes. It was the Scott Act period of which I spoke. During the Scott Act the habit was to go into some place and purchase a bottle, and then they would drink all of the bottle, and they would not be sober when they commenced to drive home.

16812. During the Scott Act travellers to the city were obliged to get out of the road on account of people under the influence of liquor going home from Charlottetown? Was that the case?—Yes.

16813. Have you found any diminution in the number of such cases since the Scott Act was repealed?—I cannot say. I have found a great many drunken people going home since the Scott Act went out of operation.

16814. There was a witness the other day who gave evidence, and said that he was obstructed in getting into the city before the Scott Act period, but not since?—Before the Scott Act period in 1880, of course, there was a great deal of drunkenness, and a great many unruly people driving home out of the city. There is no doubt about that, and it cannot be denied. That, I say, was in 1880, previous to the Scott Act.

16815. Has there been any improvement since?—I think there has been a little.

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16816. As a resident of Charlottetown, and as a person who has resided here for many years, have you noticed a decrease in drunkenness during the past 15 or 20 years—I think during the last 8 or 9 years, (I will not go so far back as 15 years) there has been a decrease. I account for it in this way: During 1880 and up to 1890 the drunkards were better behaved. They were getting drink at the hotels, but they were frightened to get into the hands of the police, for they would have to explain where they got the liquor; and in that way they were a little better behaved, although they drank a good deal, probably as much as they did before 1890.

16817. Then the number of arrests and convictions for drunkenness is not a fair indication of the drunkenness which existed during the Scott Act period?—It is not a fair indication of the drinking, although it may be a fair indication of the drunkenness.

16818. I think you said they kept out of the way of the police?—Yes; out of the way of the police, but many of them got drunk nevertheless. They were not so free in exposing themselves to the officers of the law.

16819. Were they more likely to be arrested during the Scott Act period, it being illegal to purchase liquor, than under the present law?—The law is being enforced so far pretty well.

16820. Are they more likely to fall into the hands of the police now, if they are drunk, not having to sneak into back places, lest they should be called upon to give evidence as to where they got the liquor?—A man does not, unless he is excessively drunk and deprived of his reason, want at any time to fall into the hands of the police. But I think under a license law they are not so much on guard. They were more on their guard under the Scott Act, and, I repeat, not so much on guard under the license law; and many men who are careless of their reputation think that the worst punishment that can overtake them is a fine. Sometimes our fines are very small, and the people do not care much for them, and accordingly they are careless whether they fall into the hands of the police or not. That is one point I wish to mention, that our fines for drunkenness are too small. They should be increased one hundred per cent; and the term of imprisonment should also be increased, and drunkenness should be invested with the terrors of the law as much as any other crime. It is not quite so now.

16821. Do you think under the Scott Act, when the people got into those dives and places, they frequently drank to excess; they got drunk and remained there until they became sober, so as not to be arrested by the police?—I have not known them to do that.

16822. There was a witness yesterday before the Commission who stated that there was a good deal of that kind of drinking going on, that people who got into those illegal places and took too much liquor remained there until they got sober lest they should fall into the hands of the police. Do you know anything about that condition of affairs?—Nothing, but by common report.

16823. What was it?—That they remained under cover, as you state; but I have no personal knowledge of it.

16824. You do not know anything about the character of the liquor sold?—The character is villainous I think. I have noticed a man go into a place to get liquor—a man who was talking to me on the market square, an acquaintance from the country, and not a drinking man by any means or one who drinks to excess, and I saw him some time afterwards, it was not one hour, and the man was useless, and apparently deprived of his natural powers.

16825. Was he paralyzed?—He was paralyzed.

16826. Do you attribute that condition to the quality of the drink he got?—There was no doubt about it, to my mind.

16827. Do you think if the penalties for the infringement of the Canada Temperance Act were made more severe; if the lowest penalty was imprisonment without the option of a fine for the first offence, the Act could be better worked? Or could you make any suggestions to the Commission as to amendments to the Act, either respecting the Act itself, or penalties for infringements of it, or any other matters in order to make it more workable here and elsewhere?—I think it is impossible to legislate a man to be a temperance man any more than you can legislate a man who belongs to the Catholic church to be a Baptist, or a man who belongs to the Presbyterian church to be a Catholic. I believe that the power of the law will not make a temperance man.

JAMES CURRIE.

You must touch his moral sensibility ; you must convince him that liquor is an injury to him, and that he is hurting himself by taking it ; but the greater the restriction you throw around the trade, the more eager he is to get liquor. The pulpit and the temperance lecturer can do far more than legislation to make real temperance men, sincere temperance men, and men who will stick to their temperance principles.

16828. Are not the various temperance associations and Women's Christian Temperance Union promoting the cause?—Yes, and they are doing a great deal of good.

16829. More than is done by restrictive laws?—I think so.

16830. Do you attribute any of the decrease in drunkenness to the existence of the Scott Act?—I think that any decrease that has taken place in drinking is more to be attributed to the good advice drinkers get from the lecturer and from the preacher than to anything else.

*By Rev. Dr. McLeod :*

16831. According to your figures, there was a slight decrease of the liquor entered for consumption in the year and a half prior to the repeal of the Scott Act, as compared with the year and a half subsequent. Do you attribute that in any degree to the working of the Scott Act?—I think the quantity is so very slight and the difference is so very small, I hardly know to what to attribute it.

16832. Would it be possible to compare any other year and a half of the Scott Act with a year and a half since the repeal of the Act?—We could get it were it not for the misfortune that our custom-house was burned a few years ago. I could get for the Commission the quantities of liquor imported three years prior to the Scott Act. I regret very much that I am not at present able to produce these figures before the Commission, but these returns, of course, can be obtained from the Dominion Trade Returns.

16833. Are you able to say whether during any year and a half of the Scott Act there was a considerably less quantity entered for consumption than in the year and a half you have quoted, or in the year and a half subsequent to the repeal?—I could not tell you that from memory.

16834. Do you think it would be possible to obtain such a statement, say for the first year and a half of the Scott Act, or a year and a half midway?—There might be less. Some years, under any Act or any law, there is less drunkenness than in other years ; but I could not answer that question from memory.

16835. Did you notice at any time, during the operation of the Scott Act, any year or half year when the consumption of liquor in Charlottetown was evidently less than in any other like period?—I have noticed at times, during the Scott Act, months, and perhaps several months at a time, during which there might be less drinking and less drunkenness than there was under the old License Law.

REV. G. W. FISHER recalled.

*By Mr. Clarke :*

16836. Is the book now shown to you the Journal of proceedings of the Grand Division of the Sons of Temperance of Prince Edward Island, at the session held at Hamilton, October 28th, 1891?—It is.

16836a. In the report of the Grand Scribe presented at such session of the Grand Division appears the following :—

"I think I am quite safe in saying that not, for many years, has there been so much drinking among the young. Hundreds, yes, thousands of our boys—boys yet in their teens, many of them belonging to Christian homes and Christian parents—are fast going the way that leadeth down to death, dragged down by the drink curse."

The report was, on motion of Rev. G. W. Fisher, referred to the Committee on Finance and State of the Order. [Pages 13 and 14.]

In the report of said Committee appears the following :—

"We agree with your Grand Scribe that the present is a critical time in the history of our order and of the temperance cause in this Province. The repeal of the Scott Act in Charlottetown has emboldened the liquor party. From Charlottetown liquor is being distributed throughout the country. Tippling and drunkenness are on the increase. There is great need for a long pull, a strong pull, and a pull all together on the part of temperance workers." [Page 20.]

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MICHAEL P. HOGAN, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16837. What is your business or occupation?—I am a lumber dealer and have resided here seventeen years, excepting two years in Ohio, Yarmouth County, during the Scott Act period. I think the Scott Act was enforced as far as it was possible; but it was not well enforced, because one-half the community did not back it up.

16837*a*. But the Act was voted on two or three times and sustained by the people. How can you account for that?—The majorities were very much reduced. Those who voted for its introduction first, and its reintroduction the second time, voted against it the third time.

16838. Do you consider the last vote was an honest expression of the people of Charlottetown against the Scott Act?—No doubt, even as regards some of the temperance people. As I heard a witness state here, even men, presumably temperance men, have used the means of liquor to get certain parties to vote for the Act.

16839. What do you mean by “used the means of liquor to get parties to vote for the Act?”—Some parties, in order to get voters in the city to support the introduction of the Act would get parties I knew to vote with them, who, if left to their own ideas, would have voted against the Act.

16840. By what argument did they induce them to vote?—There are several persons in the city, men addicted to drink, who would vote whichever way a man wished them to vote, if he gave them a bottle of liquor.

16841. You think the people were given liquor to induce them to vote for the Scott Act?—I do.

16842. Do you know any instance of people being given liquor to induce them to vote for the Scott Act?—I do.

16843. Were any attempts made during the period the Act was in force to provide accommodation for farmers by opening houses where they could get equal accommodation and comforts as those obtained during the license period in licensed houses?—Not to my knowledge. There might have been.

16844. And no attempt was made to provide such accommodation?—Not to my knowledge. I have heard that some parties undertook to provide temporary houses, but they could not support them with the trade they obtained, without selling liquor.

16845. Was liquor sold generally during the Scott Act period?—I could not say that. I am not a drinking man, and never was drunk in my life; and during all the time of the Scott Act, unless my business took me into one of those houses, I never visited them.

16846. Was there a marked decrease in drunkenness as seen on the public streets? I think not.

16847. Would you favour a re-enactment of the Scott Act?—I would not.

16848. Why?—Because I believe it had a great tendency to perjury.

16849. Is that the only reason?—That would be my principal reason.

16850. You say that attempts to enforce the law led to perjury?—Yes, and I think it very materially interferes with the social condition of the community.

16851. Drinking, as a social custom, is dying out very fast. You made a reference to persons enjoying themselves at social gatherings?—Yes.

16852. Do you think that some people could not enjoy themselves without being supplied with liquor?—Some could not. I still believe the large majority of the community take liquor.

16853. You mean that some of those who voted for the Act take liquor, as well as all who voted against it?—I do.

16854. That would account for a good deal of the difficulty. Were the police diligent?—So far as I know, they were.

16855. Were they interfered with and blocked and prevented from discharging their duty by the Council changing its complexion from year to year?—I have no doubt they were.

MICHAEL P. HOGAN.



16856. Then the officers were not to blame if the persons who appointed them did not want the Act enforced?—I can not say.

16857. Would the appointment of special officers by the Dominion or Provincial Governments to enforce the Act, have proved more beneficial?—I think it would.

16858. Local influences were at work detrimental to the enforcement of the Act?—Yes.

16859. Would the imposition of heavier penalties for violation of the Act render it more workable, such, for instance, as imprisonment instead of the imposition of a fine?—The object desired to be attained could never be attained by the Act whatever penalties might be imposed.

16860. Can you suggest any remedy for the difficulties in connection with the Act?—I thought the Act was not constitutional.

16861. Would you favour a general prohibitory law, a law that would prohibit the manufacture, importation and sale of liquor?—No, I would not.

16862. Permitting, of course, the sale of liquor for manufacturing, medicinal and sacramental purposes?—I would not favour it.

16863. Why?—Because, I believe, such a law never could be enforced.

16864. Do you know any country where such a law is in force?—I do not know of any.

16865. Have you had any experience in the State of Maine?—No.

16866. Do you know anything about the prohibitory law in force there?—No.

16867. You cannot suggest any change in the Act to improve its machinery and make it workable?—The only improvement, I think, would be the enactment of a stringent license law.

16868. You would prefer that to the present free sale under police regulations?—I do not approve of the present system.

16869. Do you think it would be better to have a rigid license law?—Yes.

16870. Restricting the number of places?—Certainly.

16871. Is there at present a better condition of things than there was under the Scott Act?—I have the idea that it is a very bad example to the community to see bar-rooms at every corner.

16872. You think it would be better to close them up?—Yes, by all means.

16873. But you think that cannot be done?—That cannot be done.

16874. As that would not be practicable, would you favour a license law?—Yes.

16875. To reduce the number of places?—Yes, and impose very heavy penalties. Then the community would get the benefit of the high license; and more than that, accommodation would be provided for the community, which they require and desire. If the parties failed to fulfil the conditions of the license, then let the license be taken away from them.

16876. Do you think a saloon is preferable to an hotel bar: by a saloon, I mean a place where nothing else is sold except whisky?—I think that might be abolished entirely.

16877. You prefer of the two to have the hotel licensed and the saloon cut off?—Yes.

*By Mr. Gigault :*

16878. Were you a supporter of the Scott Act when it was first submitted?—I supported it, but it was not altogether on my own convictions.

16879. For what reason do you not support it now?—Because I found it made enemies of neighbours socially, and I have seen considerable perjury on that account; what I considered was actual perjury.

16880. Do you think it favoured temperance?—I could not say that it did, because I saw as much drinking in the town during the time of the Scott Act as there was previous to it. No doubt the conditions have very much changed. When I came to the Island, 17 years ago, there was a very large amount of shipping in the port, and trade was generally pretty good. The young men of the town had plenty of money. This was just after the building of the railway, and there was a large amount of employment offered. Ship-building was going on, and ships came to the port. Money, I say,

## Liquor Traffic—Prince Edward Island.

was plentiful, and liquor cheap. Liquor was manufactured on the Island at that time, and there was a great deal more drinking then from those causes. At the present time the inhabitants have not the money with which to drink, and there is no employment for the young men of the country, and they are obliged to go abroad, and they continue to go abroad. I repeat, that they have not the money with which to get liquor to the same extent now as they had previously.

16881. Have temperance lecturers and clergymen had a good deal to do with bringing about the strong temperance sentiment on the Island?—They have.

16882. Have temperance societies done a good deal?—They have done what they could, but they have not worked as strongly as they did about the time of the introduction of the Act.

16883-4. Was the introduction of the Act a result of the efforts of the temperance societies and the strong temperance sentiment prevailing?—To my mind it was.

16885. A good many people voted for the Scott Act because they favoured temperance?—Yes.

16886. Were they deceived as to the results?—They were.

16887. Have you lived in the United States at any time?—Yes.

16888. What law with respect to the liquor traffic was in force in the State where you lived?—I do not remember. I did not inquire how it was in Baltimore, but I did particularly in Sandusky, Ohio, when I was there. They had a very high license, the license for a hotel costing \$200 or \$300. The cost of license here was a trifle.

16889. How did the high license system work?—The high license system worked very well.

16890. Did it decrease drunkenness?—I had very little experience, but I think it decreased drunkenness. The principal inhabitants, of course, were educated people, and you very seldom saw people intoxicated.

16891. While the Scott Act was in force in Charlottetown, was it a notorious fact that liquor could be procured?—I think it could be procured everywhere, and it appears to me there was more drinking going on then. As a witness here remarked, the people became careless. They expected to be able to get liquor in the old places, and sometimes they did, and sometimes they did not. On account of the restrictions of the Scott Act, when they did get into a place selling liquor, they took liquor away with them in bottles and jars, &c., and they took too much, which they would not have done if the business had been conducted as at present.

*By Rev. Dr. McLeod :*

16892. You have said that the friends of the Scott Act used liquor in their canvass. Do you know that of your own knowledge, or is it mere rumour?—I was present and saw it.

16893. You saw friends of the Scott Act use liquor in their canvass to get votes in favour of the Act?—I did.

16894. In how many cases did you see it?—I did not pay much attention. I remember, however, one particular occasion.

16895. On one particular occasion you saw a temperance man give liquor to get a vote for the Scott Act?—I did.

REV. DR. McLEOD.—I hope we may know the name of the person at some time.  
JUDGE McDONALD.—Certainly not.

*By Rev. Dr. McLeod :*

16896-7. You do not know of any other case?—I saw a great deal of want of sincerity in the matter.

16898. Do you employ, as a lumber dealer, many hands?—Not a great many, four or five. Sometimes when I am building, I employ more men.

16899. Are you a lumber dealer or a builder?—A lumber dealer.

16900. Some years you employ more than the number you have mentioned?—Some years when I am building.

MICHAEL P. HOGAN.

16901. Have you found the drink trade affect your employees at all?—It never did affect my employees. I would not employ a man addicted to drink.

16902. Because they are not as valuable to you?—They are not so.

16903. It is on business principles that you do not employ drinking men?—I do not employ a man that I know to be addicted to drink.

16904. Do you believe that the drink trade does make men less valuable labourers?—Undoubtedly.

REV. W. W. BREWER, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

16905. I understand you are a clergyman of the Methodist Church?—Yes.

16906. How long have you resided in Charlottetown?—Three years ; but I lived in the vicinity four years, from 1870 to 1874. This is my second residence here.

16907. Then you have lived on the Island all the time?—No. I have also lived in the States, in St. John and Fredericton, and in other places in the adjoining provinces.

*By Rev. Dr. McLeod :*

16908. You know something of the operation of the Scott Act in Charlottetown?—I do.

16909. What was the effect?—So far as my knowledge goes, good.

16910. I suppose you have heard and read the statement that the law was not very well enforced at that time ; do you agree with that statement?—I do in part.

16911. Will you state your views about the enforcement, whether the Act was worked?—During the twelve months of my residence in the city during the enforcement of the Act, when it was not enforced it was owing to local causes, and perhaps, to some extent owing to the apathy of some temperance people. In my part of the city—and my residence was in the upper end of the city—I did not know of more than one place in which liquor was reported as being sold. My work largely laid then in that part of the city, and I was not then, as now, as well acquainted with the lower part, but I can speak positively as to the upper part of the city. Liquor was not sold, so far as my knowledge goes, in any but one or two places.

16912. You believe, notwithstanding the difficulty of enforcement, there were good results produced by the Act?—I am very positive about that.

16913. As a teacher of morals and religion, do you find the law in any degree an assistance to you and other moral teachers?—Most certainly, I do.

16914. You are interested in moral reform in the city in some special way I believe?—Yes. I have been so interested, especially during my second pastorate in the First Methodist Church.

16915. Will you state the character of your work?—It was work enterprised specially on behalf of working men and men who were out of employment during the winter months. We had a membership of about 480. We did social purity work and temperance work. About 150 during the winter and early spring months took the pledge and kept it : that is to say, 75 per cent of those who took the pledge kept it. I shall be very glad to answer any question put to me by the Commission concerning this work.

16916. Were these working men, shore men?—Yes.

16917. And men who go to sea sometimes?—Yes, a great many of them were sailors during the summer days.

16918. Men who were not in the habit of attending church very regularly?—Seventy-five per cent of them did not attend any place of worship.

16919. I suppose they belonged to all denominations?—Fully 50 per cent belonged to the Roman Catholic Church. It was run altogether on undenominational lines. My

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church had no official connection whatever with the movement. Another enterprise was social reform, and it too had no church connection whatever. We did social work and temperance work.

16920. Were any proportion of those with whom you had to do young men who had thrown off all moral restraint, and were somewhat reckless as to their conduct?—Largely so, although, undoubtedly, there were some well-behaved young men.

16921. Did you find that the drink habit in any considerable degree was responsible for that reckless and uncared for condition?—Altogether.

16922. And do you believe the drink trade, as established, had any relation to that drink habit?—I have no doubt of it.

16923. Did you find that the law, even though not as well enforced as you and others would desire, helped you in your endeavours to promote sobriety among those men?—I had not enterprised those undertakings in Scott Act days.

16924. Since?—During the time of free rum.

16925. A witness has described to the Commission a place that was most wretched under the Scott Act and possibly under free trade in liquor. Do you know anything about that place, having had to do with the men you have described?—I know a good deal about it. I did not know anything about it during the Scott Act period, but I have known a good deal of it during free rum.

16926. Was liquor openly sold there during the days you speak of, subsequent to the Scott Act?—Yes.

16927. Was it a menace to your work?—It was a menace not only to my work, but to all Christian work and morals in the city.

16928. Did you find your men, after having signed the pledge, liable to be led away by that establishment?—Yes, but not specially, however, by any one place where liquor was sold. There were places into which liquor was taken in small quantities, not specially the place to which reference has been made; in fact, not more to that place than to other places of a like character in the city.

16929. You have said you know a good deal about that place. Did you know anything specially about it that you did not know about other places?—We have no place like it in the city. It stands alone. But there has been quite an improvement during the past few months. I attribute the improvement in the moral and sanitary condition of the place to the police, to police activity backed up by Christian effort; especially to police activity. As soon as the facts of the case were made known to the police, they at once addressed themselves, with myself, to the moral reformation of the place. It has been closed up, and I do not think liquor is sold within its precincts to-day.

16930. You have observed the working of the Scott Act elsewhere?—I have in Fredericton.

16931. What has been the result of your observation? By the way, do you know anything of the license law in Fredericton?—Yes.

16932. What was the result of your observation of the license law in Fredericton, and the city under the Scott Act?—During the Scott Act period there was an improvement all round in the city.

16933. You know Marysville?—Yes.

16934. You were pastor there, I believe?—Yes, for three years.

16935. Is the condition of Marysville good?—It was greatly improved under the Scott Act.

16936. No drink is sold there at all?—There is no drink sale within the limits of what was then known as Marysville, and is now known as part of the city.

16937. From your general observation of the attempted prohibition, though partial, do you believe that prohibition is a help to moral and religious efforts?—I believe it is.

16938. That the restriction of the sale, even though there may be violations, helps a good many people, who otherwise might fall into drinking habits?—I have no doubt of it, and especially the classes to whom reference has been made, and who are reached by my own "Harbour Light," the institution to which I have referred.

16939. As an observing man, have you noticed the effect of the drink trade?—I have.

16940. What is the effect?—It is bad.

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16941. I suppose you know of cases that illustrate your statement?—Yes, unfortunately.

16942. Have you noticed that in Charlottetown the illicit drink trade, prior to the repeal of the Scott Act, and the drink trade when the License Act prevailed, had an effect on the social condition and the home life of the people?—Yes, a bad effect.

16943. Have you noticed how it affects the industrial, business and agricultural interests?—I am not prepared to give a definite answer as to its effect on mercantile and industrial matters.

16944. Have you noticed the effect on employees in manufacturing establishments, the effect among artisans?—I have.

16945. What is the effect among artisans?—Its effects, so far as I have been able to observe them within my sphere of observation during the past winter, have been very bad indeed. Again and again I have had appeals for help, and I have traced, in almost every instance, the destitution to excessive drinking. One case, if I might be allowed to mention it, which came under my observation last winter is a very striking one. I have not met with another one just as bad. The wages earned by the man were \$1.40 or \$1.50 per day, and he was employed on the railway. I found the family in a state of utter destitution. I inquired the reason. This man was earning \$1.40 or \$1.50 per day, and was in steady employment, and I thought that he and his family should not be in such a destitute state. His wife handed me a bill for one month's liquor. I obtained the bill and I took it to the Stipendiary Magistrate, after having made a correct copy, and asked him to certify as to its correctness. I have that bill, if it will be of any use to the Commission.

16946. How much did it amount to?—\$16.42. I will remove the name of the buyer and the seller and then hand it in as part of my evidence. [Appendix 24.]

16947. Was the man working every day?—Yes.

16948. He was not drinking so as to be incapacitated for work?—No.

16949. This was his bill, and he was able to keep at work every day?—Yes. This is an exceptional case, although I have met with cases almost as bad as this.

16950. Do you believe the man would be able to get liquor in this way under the Scott Act?—I do not.

16951. Would the liquor dealer be able to collect his bill under the Scott Act?—He would not.

16952. Do you know of cases of men who have drank more or less freely when the sale has been legal, to return to drink, to any extent, when the sale was illegal?—I do. I have an instance in my present church, but not in the Second Methodist Church.

16953. From your observation and your contact with men, do you believe there is a growing feeling in favour of the prohibition of the trade?—I do. I think the public conscience is being educated, and has taken higher ground this year and during the past years than ever before.

16954. Do you believe the legalization of the trade under any form of license would help the public conscience?—I do not.

*By Mr. Clarke :*

16955. Do you prefer the present system of free sale to a rigid license system?—Certainly. I would not in any way sanction license.

16956. Do you prefer the present system to a rigid license system?—Yes. If I were restricted to the two systems, I would favour the present system rather than license. My church has pronounced against license in any form, and as a minister of the Methodist Church, I must take that position.

16957. So you prefer the free sale of rum in Charlottetown to the sale under license restriction, by which the number of licensed places would be reduced probably one-third?—You make me say what I do not want to say.

16958. What do you want?—I want prohibition.

16959. If your choice should lie between Scott Act and license and free sale, which would you prefer?—I should prefer prohibition. I will accept the Scott Act if we cannot have prohibition, and if we cannot have the Scott Act I will take the present law, having had something to do with making the present law.

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16960. You prefer the present free sale to a license system?—Yes.

16961. There is no misunderstanding with regard to that?—No.

16962. Are there liquor places now in that part of the city where you live?—Yes. Not exactly in the vicinity of my parsonage, but within a block or two.

16963. How many?—I do not know, I am sure, how many liquor places there are in the city at present.

16964. I am only asking you in regard to the locality in which you live?—There is no place within the locality in which I live; but I am fairly well acquainted with the entire city, and the lower part of it, and I suppose there are 60 or 70 places in which liquor is sold at the present time.

16965. You do not know anything about the upper part of the city?—Yes. There are some places, though so far as I know there are only three or four places, where liquor is being sold.

16966. You have said there was one place in the upper part of the city where liquor was sold during the Scott Act period?—One or two suspected houses.

16967. How many are there now, in which liquor is sold openly?—I should say three or four.

16968. Then the effect, so far as that part of the city is concerned, has been to increase the number of places from one or two suspected to three or four open?—Yes, so far as my knowledge goes.

16969. Did I understand you to say that the improvement in the condition and surroundings of the rum hole referred to was due to the action of the police largely?—To the police and to Christian effort along special lines.

16970. What part did the police take?—I may say I became acquainted with the "Palace" from being called to visit some very poor people who were sick. I at once reported the sanitary condition of the "Palace" to the police, and sought their aid in finding the number of liquor places and number of bad houses, etc. The police at once came to my help, and we worked together in the matter.

16971. Do you think if the attention of the police had been drawn to this place previously, they would have been as energetic in doing their duty?—I have found the police always quick to answer when information was given them.

16972. How long had that place carried on its notorious trade?—I had no knowledge of the place until my pastoral duties called me to that part of the city.

16973. So soon as the attention of the police was drawn to it, they co-operated with you?—Yes, directly.

16974. Do you know anything about Fredericton?—Yes, I was pastor of a church there for three years.

16975. Was that at the time the rumsellers were sent to jail?—No.

16976. Do you know anything about their imprisonment?—No.

16977. You did not hear how they were treated when they were in jail?—I know how they were treated in jail.

16978. Well, how were they treated?—I think they were treated very well.

16979. What was the effect on the community of having men convicted for the third offence and sent to jail to be treated as they were treated, being permitted liquor and not being attired in prison clothing, or having prison food, or having the strict discipline of the jail? What was the effect of those offenders being treated in the way they were?—I do not know. I never thought of the matter particularly. It came to me in this way: that perhaps, as their offence was not exactly a criminal offence, they were treated as debtors might be treated when taken to jail. That was my idea of the matter. And I supposed that perhaps if they were taken to jail again, they would be treated with greater rigour. I have noticed men in our jail who were sent there for violation of the Scott Act, and they were treated as other prisoners, but were not required to do hard labour.

16980. Did they get the same food?—Yes, the same food.

16981. Are other prisoners permitted to procure their own food to meet their own wishes?—Only by permission of the Jail Commissioner.

16982. How long is it since this man was dismissed—this man whose bill you have put in?—He has not been dismissed, and is still in the employ of the railway authorities.

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16983. This is one month's bill?—Yes. It is an exceptional bill, but I have another instance almost as bad among the artisan class in the city. I do not think there is a man engaged in the liquor trade, except this man, who would have sold that quantity of liquor to an artisan, and done such an iniquitous thing. I know the men engaged in the liquor business very well, and I am able to take a fair estimate of them, and I do not think there is another man who would have done that, except this man.

16984. I observe there is an item for fish?—There is \$1.50 for fish.

16985. Is that another way of entering liquor?—I believe it was for fish.

16986. There is an item also for tea?—Yes, tea and pickles. I judge it is an honest statement taken from the man's books.

*By Judge McDonald:*

16987. You did well to call the attention of the Commission to such a bill as this. It is a most iniquitous transaction and one which will throw a flood of light on this business. Part of the charges, I observe, are for games; I suppose they are for games of chance?—Yes.

16988. The law does not allow such games?—There was no law at that time. Since the date of this bill we have a law, or rather we have a restrictive measure.

16989. A man now must have a license for a billiard table, and the room must be in a separate part of the building?—Such a state of things could not happen in the city to-day.

*By Mr. Gigault:*

16990. Would you favour the adoption of a law prohibiting the importation of fermented wine?—I would, with the exception of the conditions spoken of this morning, for medicinal, mechanical and sacramental purposes.

16991. Do you believe the Divine Law forbids the moderate use of wine?—I do.

16992. Here in the Bible I find the following words:—"Drink no longer water, but use a little wine for thy stomach's sake and for thine oft infirmities." Do you think these words are not intended to allow the moderate use of wine?—My exegesis and yours would probably be widely different, that is to say, my interpretation and yours. I follow the declaration of my church, and my church will not allow its ministers to use fermented wine. I will give the Commission the law of our church concerning this matter.

16993. I think that is no answer to my question?—My explanation would be that your interpretation of the passage would be different from mine, and I am not here to enter into a theological discussion. I am giving you the views of my church, which will not permit me to use alcoholic wine.

16994. But it must be in conformity with the law of God, I suppose?—We believe it is, and if any of the Commissioners believe otherwise, I am not here to interfere with their liberty of conscience, nor will the Commission seek to interfere with my liberty of conscience in this matter. If a church pleases to use alcoholic wine, believing it to be in accord with the Scriptures, let it do so. If the Methodist Church determines that it is not in accord with that law and with God's Word, I think the Commissioners will protect me from any question that will be an infringement on my liberty as a minister of that church.

16995. But this Commission has to prepare a report with respect to prohibition. In the Scott Act there is a special provision as to wine used for sacramental purposes; and we want to know what liquor should be imported and what should not be imported, if a prohibitory law is to be enacted?—As I have said, I would admit liquor for sacramental purposes, to be used by churches which believe they ought to use fermented wine. My voting for prohibition would be according to the exceptions given this morning by the Commission.

*By Judge McDonald:*

16996. Can you furnish the Commission with a copy of the Discipline of the Methodist Church, containing the views of the church in regard to the use of wine for sacramental purposes?—I have here the Discipline of the Methodist Church for 1890, and I

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have also the Journals of the last General Conference, with the findings of our legislative body concerning prohibition, &c. The last deliverance of our church on the subject of prohibition is as follows. [Appendix 25.]

*By Mr. Gigault:*

16997. You do not answer my question as to the interpretation of this portion of the Bible. Do you think this portion of the Bible does not allow the use of wine?—I do not.

16998. Is not the word “wine” used there, and does not the record say “use a little wine for thy stomach’s sake?”—We would get at once into an endless discussion as to scriptural words, and as to whether alcoholic wines were meant, if we entered upon a discussion. The Bible will not allow men to use that which is both destructive to physical health and morals as well.

16999. So you would favour the adoption of a law that would allow the importation of fermented wines for other religious bodies?—Certainly; and I would want the same liberty for myself that I accord to others.

*By Rev. Dr. McLeod:*

17000. Your idea of prohibition is a law that prohibits the importation of intoxicants for beverage purposes?—That is all. I would not go any further under any consideration.

*By Mr. Clarke:*

17001. With the condition of things existing did you favour the restrictions which the Legislature and the Council placed on the sale of liquor recently?—I not only favoured it, but I worked with the committee that prepared the bill for the Legislature, the Stipendiary and others who worked as well on this matter.

17002. The bill enacted was prepared by a committee of citizens, then?—It was prepared by the Stipendiary Magistrate, aided to some extent by a committee of citizens.

17003. Was that to take the place of a license law?—No, it was intended to restrict the traffic.

17004. Then you favour the restriction of the traffic as at present?—Yes, I do. I would favour its further restriction.

17005. Did you hear the Stipendiary Magistrate compare the condition of things since the passage of the restrictive measure with the condition of things formerly?—No, I was not in the city at the time.

*By Judge McDonald:*

17006. I should like to obtain a statement from you with respect to the wine used by your church. Will you kindly tell the Commission how it is made?—We receive a guarantee with the wine that it is a wine specially prepared for sacramental use and guaranteed to be free from alcohol.

17007. Do you know where it is made?—I think that which we have been using is manufactured in Montreal. I may say, however, that I recently received a letter from a gentleman in Summerside who offered to supply our church with guaranteed unfermented wine specially prepared for sacramental use. His name is Mr. Morris, and while in Summerside the Commission might obtain information on this subject.

17008. How is it possible to keep such wine for any length of time?—I do not think the wine will keep after its first using. When a bottle is opened, it must be used within a very short time.

*By Rev. Dr. McLeod:*

17009. Do you believe a general prohibitory law, looking to the prohibition of the importation, manufacture and sale, would be as easily or more easily enforced than partial prohibition under the Scott Act?—I think so.

REV. W. W. BREWER.



*By Judge McDonald :*

17010. In the Discipline I find it is stated that in the public administration of the Lord's Supper, non-alcoholic wines shall be used wherever possible?—That is the discipline for the guidance of the ministers throughout the Dominion.

REV. ALEXANDER MCAULAY, of Charlottetown, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

17011. You are a Roman Catholic priest, I believe?—Yes.

17012. How long have been a priest?—About two and a half years.

17013. Have you resided all that time in Charlottetown?—I resided here before that time, but I have been here that long as a priest.

17014. How long have you been in Charlottetown?—I have been off and on in Charlottetown for the last ten years.

*By Mr. Gigault :*

17015. The Scott Act has been in force in the city, we understand? Can you say how it was enforced, and whether it had the effect of stopping the use of liquors?—I do not think so. In my opinion, it was not enforced here at all. What is more, I think it was not enforced because at least a majority of the people considered the Scott Act an irrational law, that restricted their natural rights, and consequently they could not be educated up to the point of supporting a law which they considered restricted those rights. When the public sentiment of the people was not with the law, it could not be enforced, no matter how the officers tried to enforce it. Besides, I do not consider the officers did much to enforce the law.

17016. Do you think the Scott Act had the effect of promoting temperance in this town?—I do not think it did. I cannot make any comparison between the Scott Act time and the periods of sale of liquor under high license or the license law ; but, comparing the amount of drunkenness during the free rum period, in the interval between the abolition of the Act and the adoption of the present system, I do not think it showed increased temperance at all. Besides, I believe the Scott Act fostered many other abuses.

17017. What other abuses?—It fostered perjury to a great extent, and also deceit, and perhaps some other abuses of a worse kind, such as immorality. In the first place, the trade went into the hands of low people, who had no moral responsibility. They were not obliged to pay any license for selling liquor. Then with most of the people the sale of liquor was removed from the public part of the house into the back part, and in those places many other abuses crept in besides drunkenness. That was my experience under the Scott Act.

17018. Do you think that open and flagrant violation of a law has a bad effect on a community?—I should think so. I think the habitual violation of one law will lead people to violate others as well. Their conscience becomes more lax when they habitually violate a law, so that they will not observe other laws, at least so well.

17019. Do you think the temperance societies and religion may do more towards promoting temperance than any law?—My idea of the matter would be to have good legislation and temperance societies working together. Temperance societies can certainly do a great deal, and before the adoption of the Scott Act here a great temperance wave had just passed over the Island, and I consider that was one of the principal causes of the adoption of the Scott Act at the time. I know myself, in the parish where I was born, there were perhaps six or seven liquor stores in it, and the pastor who had charge of the parish interested himself in the temperance societies, with the result of doing away with all the liquor stores that were in the place. For a couple of years between

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that time and the adoption of the Scott Act there was no rum, but some years after the adoption of the Scott Act two parties went there and sold on the sly.

17020. Do you think a strong temperance sentiment has more to do with the enforcement of the Scott Act than officials?—Most certainly. Where there is not a strong sentiment, and where the sentiment of the people is not in touch with the law, the law cannot be enforced. It needs the moral sentiment of the people to back it.

17021. Do you believe the Divine law forbids the moderate use of wine?—By no means. I consider the Divine law cannot forbid the moderate use of any of God's works whatever, that is, so long as they are used moderately and according to God's law. Of course, wine, or any other beverage is one of God's works, and consequently may be moderately used. The divine law looks upon drunkenness as the sin of the drunkard not of the drink, as the abuse of one of God's works.

17022. Do you believe it is the abuse, not the moderate use, which should be combatted?—I believe so.

17023. Some persons go so far as to say that the traffic in liquor should not be licensed, because drink is considered to be an evil. If liquor can be moderately used, do you consider that the traffic in liquor is an evil?—I do not consider it is an evil. If alcohol was essentially evil, certainly it would be evil to license it, for we cannot license what is essentially evil. But I do not consider that alcohol or any beverage containing alcohol is essentially evil. I do not consider God has created anything that is essentially evil. It is not my doctrine in regard to the question, at least, so I consider that the traffic in itself is not evil. Certain evils may follow the traffic, but the traffic in itself is not an evil.

17023a. So if you do not consider it an evil, do you think it should be controlled and licensed, so that the traffic should be only for the moderate use, and restricted to the legitimate wants of the people?—Most certainly. I think that is just what is wanted. Of course, the abuse of liquor is a great evil, and we see it around us every day we see liquor sold. Alcoholic beverages have been sold in every period of the world's history, and will continue to be sold. History shows that the experience of the world from the very beginning has been the adoption of means of restriction, and if alcohol must be sold, then let it be sold with the most restrictive laws we can place around it, laws that will restrict the use, or rather the abuse of it. I consider that is the most efficient law for the government of the liquor traffic—a strict license law.

*By Rev. Dr. McLeod :*

17024. Do you think that the liquor of commerce is God's creature?—I consider it is a combination of God's creatures.

17025. You do not think God is responsible for the combination?—The combination is made from His creatures, and two creatures that are essentially good cannot possibly produce a creature that is essentially evil.

17026. Observing the drink trade as a priest, do you believe that the results, in the main, of the drink trade are good or evil?—In regard to the drink trade, I agree that drinking is not good. A man may take a glass of liquor or some beverage of that kind, and the best men do it, without evil to themselves or to other people; but when there is no law governing the sale of liquor, there is very apt to be an abuse of it, and that opens it to a great evil.

17027. Speaking aside from the statement that a great many men may drink a glass of liquor without injury to themselves, I ask about the drink trade, as it has been established and protected, this question: Do you believe the effects of the drink trade, in the main, have been good or bad?—I believe, in the main, they have been bad, that many evil results have flowed from it; but, of course, I mean this is the abuse of an article that may be good in itself.

17028. Have you noticed this, that in any degree the moderate and what at times appears the safe use of intoxicants may run into the excessive use, or has a tendency that way?—I do not consider that it has. I have known people who have all their lives been accustomed to some beverage, such as wine, and never became drunkards. What is more, there are countries where wine is used as a common table beverage, and there we seldom find drunkards.

REV. ALEXANDER MCAULAY.

17029. Speaking of this country, do you know some people who commenced as moderate drinkers and did not remain moderate drinkers?—I cannot say that I do.

17030. You spoke about the way to manage the trade, and suggested a high license system. Do you think it is better to have the trade put into what may be regarded as more reputable hands? You spoke about the low class of people: do you think placing the trade in more reputable hands makes the trade more reputable?—I consider it renders it safer, at all events; that is, placing the trade in more reputable hands and making those people responsible to the public, and at the same time placing their houses open for inspection, so that the police can exercise such restriction over the traffic that very few evils need flow from it.

17031. You think, then, that by placing the trade in reputable hands, the evil results would be reduced?—They would be reduced, that is my opinion.

17032. But the trade in other hands, is productive of evil?—It is productive of evil.

17033. Do you believe that prohibition, well enforced, would be good?—No. I do not believe so, because I do not believe it can be enforced.

17034. I was supposing a case. Suppose such an Act were enforced, would it do good?—I do not think, from my way of looking at the matter, that such a supposition is possible; in fact, I consider that supposition impossible. I do not think it has any practical bearing on the question.

17035. You think the Act could not be well enforced?—I do not think it is possible.

17036. Why?—Because it is an irrational law. I consider it an irrational law to deprive a man of certain natural rights he possesses, of making use of a glass of wine when he requires it as a beverage. A law that deprives a man of that right, I consider irrational.

17037. Would you consider it an irrational law which would deprive a drunkard of drink, when by it he injures himself and his family?—Not at all. I should not consider that irrational. There you are restricting not the use of a beverage, but the abuse of it.

17038. You think it well to restrict the abuse?—Yes, the abuse.

17039. You think it is not well to prohibit the trade, but you would restrict the trade?—Most certainly I would restrict it.

17040. That is prohibition in part?—I think some kind of strict license law would cover it.

17041. You have told us, I think, about a brother priest in the parish where you were born, who exercised his influence to such an extent that he closed up the liquor stores. Do you think that was good at that time?—Certainly; it was not an evil, at least. I consider it was good. If the people can be educated up to the point, if moral suasion can educate them to such a degree as to voluntarily adopt such a law as that, or to impose it on themselves, that is all right. The more temperance we have the better.

17042. Do you think it was a desirable thing when two places for drink sale were placed in that community afterwards?—The way I look upon it is this, that the Scott Act did not produce the results which those interested in it had in view at the time. The people during the time the agitation was in force had a good healthy temperance tone, and public sentiment was against places that were opened.

17043. Do such places create a trade for themselves?—No, I think not. When such places are closed up for a while and reopened they do not make much.

17044. Do you believe that the prohibition which was largely brought about through the influence of the pastor you have mentioned, was good for that community?—Certainly it was. The people were not bad. It was a condition that they voluntarily imposed on themselves. They were not bound to keep it, except so long as they wished. They broke no law if they thought fit to take a glass of wine or some other beverage.

17045. You think that voluntary prohibition in itself is good?—Yes.

17046. Do you believe the sentiment of the people of the country, if it reached the point that they would demand and sustain the enforcement of a general prohibitory law, would be good to that extent?—We can never get the people up to that mark, and to

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force a law upon them which they would be continually violating, certainly would tend to demoralize the people, and it would lead them to break other laws as well.

17047. Your brother pastor got his people up to that point, and you have said it was good for them?—He did so by moral suasion.

17048. Do you think there is a possibility that other pastors may at some time bring their people up to the same point?—I think we can hardly ever get it to be general.

17049. But if it could be done, would it be good everywhere as well as there?—If they would reach that point by their own free will, certainly it would be a good state of affairs.

17050. You said you thought moral teaching and a good law must go hand in hand in influencing the people?—That is my opinion.

17051. Do you believe laws for the restriction of an evil have any effect in forming and strengthening public opinion against that evil?—It depends altogether on the nature of the law. If the people do not consider that the law restricts or takes away from them their natural rights, then we will find that public sentiment will go with the law, as we find is the case in regard to the enforcement of the criminal laws. But when the people consider the law takes away from them the right to use something which they consider they have a perfect right to use, then it is very difficult to keep public sentiment in touch with that law.

17052. Are there not certain people who object to certain laws? Should we refrain from passing those laws because a small percentage of the people are opposed to them?—I consider the percentage opposed to a prohibitory law would always be too large. You would require to have strong public sentiment in order to enforce a prohibitory law, and you would require at least four-fifths of the people to support it; and I do not think we can ever get so large a percentage of our people in favour of it.

17053. Take your case. Suppose we had four-fifths in favour of a prohibitory law, do you think then a prohibitory law being enacted, it would help those four-fifths to create a public sentiment in the other one-fifth against the evil thing?—No. I do not think, no matter how many agencies you might bring to bear, that you would ever get more than four-fifths or that proportion. We have found it to be so in the case of the Scott Act, which was to a certain extent a prohibitory law, and if we could not get public sentiment in favour of the Scott Act, which was only partially prohibitory, certainly we would not get it in favour of total prohibition.

17054. Do you believe there would be more people in favour of a general prohibitory law than in favour of a partial prohibitory law?—I do not think so.

*By Mr. Clarke :*

17055. The Scott Act permitted people to bring in liquor for use at home, to bring it from Halifax, St. John and abroad? Was not that the case?—That was one of the reasons why public sentiment was against the Act, because it favoured the rich man, who could get all the liquor he needed, while the poor man could not get his beverage at all.

17056. In that respect was it not class legislation?—Yes.

17057. Do you look on the moderate use of liquor as an evil, and something that should be stamped out by legislative enactment?—Not at all. I do not look on the moderate use of liquor as an evil.

17058. You recognize the disastrous results that follow from the excessive use of liquor, of course?—Yes, from the excessive use. I believe liquor must be surrounded by some kind of legislation to restrict the abuse of it.

17059. What was the effect, so far as the character of those engaged in the trade in this city is concerned, of the passage of the Scott Act?—It was mostly to drive the trade into the hands of many disreputable persons. There were many persons who would not pay a license when there was free rum, which it practically was under the Scott Act, such persons got into the trade.

17060. Was it better in regard to public morals that the trade should be driven into disreputable hands?—Certainly not.

REV. ALEXANDER MCAULAY.

17061. From your experience, would you favour the re-enactment of the Scott Act?—No, I would not.

17062. How many years have you been here while it was in force?—I have been here off and on ten years. I was here two or three months every year; I was attending college.

17063. You had opportunities of seeing its operation?—Yes.

17064. Do you know anything about the Scott Act elsewhere than in this city?—More or less in the country.

17065. How was it enforced in the country?—It may have been probably enforced a little better in the country than in the city. I think probably it was; but I do not think that depends so much on the efficacy of an Act as on the public sentiment of the people, which sentiment is better in the country, no doubt owing to education and the progress being made every year. It is no doubt enforced better in the rural districts than in the towns, and of course it is easier to enforce.

17066. It is more difficult to enforce in the towns and cities than in the country?—Yes.

17067. Can you make any suggestion in regard to amending the Scott Act, or do you approve of the Act?—I do not know of any suggestions I can offer. I have always looked upon the Act as having something radically wrong about it. It was supposed to be prohibition to a certain extent, but it allows a man to obtain as much liquor as he pleases. It virtually gives the liquor to the rich man and deprives the poor of it.

17068. They had to go to disreputable places to get it?—Yes.

17069. Is the present plan an improvement?—It is certainly an improvement on the Scott Act.

17070. Why is it an improvement?—Because the sale is to a certain extent restricted and limited now. For instance, on Saturday evening the shops must close up early, and they cannot open till 7 o'clock on Monday morning. Besides, a dealer cannot sell anything else in his shop. It must be a liquor shop and an open shop. It must also be on the front of the street, while previously the selling places were in the back part of the house, and I know in one case which came under my own observation, this plan of going into the back room caused a great deal of mischief.

17071. Taking this present system altogether then it has been a benefit?—I think so.

S. W. CRABBE, of Charlottetown, on being duly sworn, deposed as follows:—

17072. I have been in business twenty years. I think the Scott Act did good; it was poorly enforced at times and well enforced at others. The enforcement depended on whether the City Council was for or against the Act. The way our Council was elected often gave a majority against the Act—not that there was a majority of the people against it. I was a member of the Council and a License Commissioner under the old law. I do not know of cases of violation of the license law, but believe they sold on Sundays and after hours. I do not think people bought less liquor under the Scott Act. The Act was repealed on account of votes being left off the list at the time of revision. The Liberal party had a number of votes left off which were for the Act. This I believe was the cause of the Act being defeated. The vote does not show there was a great revolution in public opinion. During free rum, the condition of affairs was fairly good, except at exhibition time. During the exhibition in Scott Act times the city was much more quiet and orderly. I think the present state of things is very good. The liquor dealers seem to comply with the law. I think a prohibitory law, well enforced, would be good. There was no attempt made by the Council to let the fines collected to pay for the enforcement of the Scott Act. The Council appointed a prosecutor, who was paid off when the composition of the Council again changed. I prefer the present system to a license law.

## Liquor Traffic—Prince Edward Island.

THOMAS MORRIS, of Charlottetown Royalty, on being duly sworn, deposed as follows :—

17073. I have been in business about forty years, as partner in a brewery. I am also engaged in the liquor business. I was selling wholesale during Scott Act times. The Scott Act did not affect the business much, but we had to be more careful to whom we sold. We sold as much beer during Scott Act times as we do now. A quantity of beer comes here from other provinces. I do not think the sales of other liquors increased after the Scott Act was defeated. Last year we bought over 4,000 bushels of barley ; we buy about the same every year. I was a member of the City Council for eighteen years. I sold to any one I thought proper. I would violate any tyrannical act. I do not think a prohibitory law could be enforced. We changed the character of our beer to avoid the law ; perhaps it is a little stronger now ; we called it hop beer.

HON. JAMES ROSS, of Mount Stewart, on being duly sworn, deposed as follows :—

17074. I am a merchant, and reside at Mount Stewart. The Scott Act has been in force there ten or twelve years, since adopted. When the prosecutor was spurred on, he did his duty. It has worked well for the past six months. We have temperance societies. The license law we had previous to the Scott Act did not work very well. There was ship building there at that time and quite a lot of drinking. I think the Scott Act has had a beneficial effect on business all round, also, morally. I believe total prohibition would be a benefit, and could be enforced as well as the Scott Act. I prefer the present arrangement to a license law.

EWAN McDOUGALL, of Charlottetown, liquor dealer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

17075. How long have you been engaged in business as a liquor dealer ?—About 20 years.

17076. Have you been all that time in Charlottetown ?—Pretty much all that time, with the exception of a few months.

17077. Were you engaged in the business during the time of the Scott Act ?—Pretty much all the time.

17078. Had you an opportunity of seeing the operation of the Act ?—Yes.

17079. Was it a success in the community ? Did it put a stop to the drinking of intoxicating liquor ?—No.

*By Mr. Clarke :*

17080. How would your business compare now with the business done during the time of the Scott Act ?—My business has increased since the Scott Act was repealed.

17081. Then the repeal of the Act has been a benefit to you ?—It has been a benefit to me in this way, that I sell more liquor.

17082. Have you any idea why the Act could not be enforced, or only partially enforced, during the time it was in operation ?—It was due to the apathy of the people.

17083. Would the appetites of the people have anything to do with it ?—The appetites of the people had a good deal to do with it. I stopped the sale of liquor when the Scott Act came into force ; but I found my customers wanted the class of liquor I sold, and I opened up again.

THOMAS MORRIS.

17084. And you sold right along?—Yes.

17085. Did you have any other business in connection with your liquor business?—Yes, I kept groceries also. I conducted a business with groceries and liquors combined.

17086. After the Scott Act became law, you stopped the sale of liquor for a certain length of time, but commenced again?—In fact, I closed my store altogether, and stopped the sale of groceries as well as the sale of liquor, because I did not want to offend my customers. I knew what they wanted.

17087. They importuned you and induced you to start again?—That was the case.

17088. Has the repeal of the Act been a benefit to you, and have you sold more liquor since?—Yes. But I never made any money except when the Scott Act was in force.

17089. You are selling more liquor now?—Yes, but the profits were greater under the Scott Act, and I sold a good deal then.

17090. You say the profits were greater. Have you to pay more for the liquor now?—Under the license law there was sharp competition and the profits were small. Under the Scott Act, of course, the prices went up. As the people demanded the liquor, they would give any price for it.

17091. Any price, do you say?—Pretty much so.

17092. Did the quality go down as the price went up?—I cannot speak as to that. I sold the same quality right along.

17093. Did you charge more for it?—Yes.

17094. Was there greater risk?—Yes, at some times.

17095. How do you account for the risk being greater at some times than at other times?—Public opinion. I gauged public opinion, and when I found it was pretty strong against the sale of liquor I shut down, and when public sentiment ran the other way I was open and selling.

17096. Were there times when the officers were very much alive to the enforcement of the Act?—There were. They acted according to the way public sentiment changed. I endeavoured to gauge public sentiment, and that is the way I conducted my business.

17097. Then the officers reflected public sentiment by their conduct, and were at times more vigilant and at times less vigilant?—Yes.

17098. And you gauged your operations according to public sentiment?—Yes.

17099. Have you any idea how many places were selling liquor during the Scott Act period?—I have no idea, except what I gathered from the officers.

17100. When did you gather that information?—During the time of the elections.

17101. What information did you gather?—I gathered that there were very many more selling under the Scott Act than under license. I think that is clear to me from looking over the town. Under license in the eastern half of Charlottetown, and it is a great church street where I live, there were only three places under license where liquor was sold. That was during the last year of the License Act, when licenses were granted by License Commissioners. We had previous to that the licenses granted by the Mayor and Council, and things were not in such a good state then. But the License Commissioners placed the trade on a better system as regards the public, and at that time, as I have said, there were only three places in that district. After that Act was repealed, there were ten places in one block in the eastern half of the city where you could buy liquor.

17102. So you conclude there were more places selling liquor during the Scott Act period than there were during the last year of license?—Very many more.

17103. Including unlicensed as well as licensed?—I cannot say they were selling as much, but you could purchase the liquor in those places.

17104. Do you think there is more liquor sold now since free trade has been established than there was during the license period, or during the Scott Act period?—I have no way of knowing exactly, only that I am selling more myself.

17105. Did you notice any drunkenness during the Scott Act period?—I think so. It was like this: when there was no license required, people came in and took charge of the place, and they thought they had the right to run it as they liked. Under license, I sold by the bottle and not anything by the glass. Under license, means were taken of keeping down the number of the places, so that drinking was not so heavy.

## Liquor Traffic—Prince Edward Island.

17106. Was there as much drinking done?—Yes, I rather think so.

17107. Was there as much drinking then as there has been since?—Yes. The reason why my business has increased is on account of my premises opening on the street. During the Scott Act time I was not open to the street, and the business was done in a round about way. My importations were done in a curious fashion. The liquors did not come in my own name, but duty was paid on them principally in Halifax, and they came to me to the shipper's order, with an endorsed bill of lading, and so no person knew to whom they came. I did that, so that no one would know we did the business we were doing.

17108. If the liquor had been sent in bond, it would have been more public?—Yes. It would have come through the Customs, and would have been more publicly known.

17109. So the liquor you sold during the Scott Act period did not come through the customs here?—No, very little duty was paid on it here. It was the same with the Inland Revenue goods, they came in duty-paid.

17110. So the revenue—the returns of the Customs here—did not include duty on your liquors?—The returns at Halifax would show the entries, and they would be credited there.

17111. They did not appear on the Customs or Inland Revenue returns for the Island?—No.

*By Mr. Gigault :*

17112. How long did you cease selling?—About six months, I think. That was after the coming into force of the Scott Act.

17113. What was about the amount of your yearly sales?—I cannot tell you just now. Do you mean during the Scott Act period?

17114. Yes?—I cannot answer that question.

17115. Would they amount to many thousands of dollars?—Sometimes more and sometimes less. Some years they were pretty considerable.

*By Rev. Dr. McLeod :*

17116. I think you said the law was better enforced at some times than at other times?—Yes, indeed.

17117. Do you attribute that to the difference in public sentiment?—Yes.

17118. Did you help to create public sentiment?—How?

17119. As a seller of liquor?—I cannot understand that question.

17120. Did you help to create public sentiment in favour of or against the Act?—My business was to sell liquor, and of course I sold it to any person to whom I could sell it, carefully, of course.

17121. I think you said you made more money under the Scott Act, and you gave as a reason that there was a sharp competition under the license law?—Yes.

17122. Was there as sharp a competition under the Scott Act as there was under license?—It was in this way. It was not a legitimate business, and the people when they got into a place would give almost anything for liquor, and of course we charged a high figure.

17123. The buyer would be obliged to give what was asked?—Not at all.

17124. Could you charge a high price?—Yes, of course.

17125. Do you not think there was a sharper competition really under the Scott Act than there was under license?—Not at all.

17126. How do you account for the statement made two or three times that there were as many selling under the Scott Act as under license?—There was, in fact, no competition. The sale was all secret, and each person had his own resort.

17127. You said you did not think drunkenness increased under the Scott Act. I understand from what you say that there are a certain number of people who must drink. Under license there will be perhaps thirty people selling, whereas under the Scott Act there may be one hundred. Is not competition keener when one hundred people are in the trade than it is when only thirty are selling?—The competition is not legitimate.

EWAN McDougall.



17128. It is not a question as to whether it is legitimate or illegitimate. If there are a certain number of customers and a certain number of vendors, is not competition keener when one hundred people are supplying the same number of customers as when there are only thirty?—It is just like this. In my business I had a certain class of customers who would come to my place and not go anywhere else. If they went to another place they were strangers. That was the reason prices held up. The competition was not legitimate and the people were charged more.

17129. Then it was not the fact that there was less competition, but there was a higher charge?—There was a higher charge. The people had their resorts. They had their places where they knew they could get liquor, and if they went to other places they perhaps could not get it.

17130. Have you noticed whether the drink trade affects other business, whether it affects the dry goods business, and the shoemaker and the butcher and the baker?—People have a certain amount of money to spend in different ways. They have a certain amount of money to spend on necessities, and a certain amount for luxuries, and a certain amount for groceries and other things.

17131. Does the drink trade influence what they would spend on other articles?—On some articles.

17132. Have you noticed whether in proportion as the drink trade is affected injuriously, other trades are benefited?—I have not noticed that.

17133. I think you agree that the Scott Act did some good in some ways: Is that your impression?—The Scott Act, I think, has done this, it has made people more careful about appearing drunk.

17134. Does it make them more careful about getting drunk?—It makes them more careful about being found out, if that is what you mean.

17135. Have you noticed whether the Scott Act, during the nine or ten years it was in force, affected the standing of the liquor trade in the community?—I really do not know; I did not notice that.

17136. Do you prefer the Scott Act to a license law?—I prefer a license law by all means.

17137. If you made more money under the Scott Act, why do you prefer a license law?—Because I am a good citizen.

17138. And you do not want to violate the law?—I will not violate the law, if I am not pressed to do so by men whom I think better than myself.

17139. That was your reason for selling?—Yes.

17140. You remember the license period: you had a license?—Yes. I had one for about ten years.

17141. Do you remember whether there was illicit sale when there was a license law?—I knew of one or two places in this city where liquor was sold illegally, not very largely it is true, because they were very soon stopped.

17142. Who stopped them?—The police.

17143. Did the licensees complain of them?—I could not say that, I know I did not.

17144. Do you know whether, when there were licenses, the licensees observed all the provisions of the license law?—Many of them did. We had licenses granted by the Mayor and City Council at one time, and they granted licenses rather indiscriminately. We had then a Licensing Board, and I think the Rev. Father Hodgson was the means of bringing that Board into existence and getting the necessary measure through the Legislature. It was an excellent plan. The license Board was elected by the collective vote of the city, and they could refuse a license to any man they pleased; in fact, they could have shut out the whole of the liquor trade from the city if they had wished. I think they had that power. If they granted leave to sell, then the applicant had to get the majority of the people of the block in which he lived in his favour, and if the block said "no," he could not get a license. In that way licenses were granted.

17145. You think the majority of the licensees observed the restrictive clauses of the license law?—I have every reason to believe so.

17146. So they did not sell during prohibited hours?—I think they did very fairly indeed.

## Liquor Traffic—Prince Edward Island.

17147. I presume some violated the law?—I have no reason to doubt that some did at some time. It is very hard when a man comes in and says he wants a bottle of liquor for sickness, and makes a very poor mouth about it, to refuse him.

17148. Even the seller does not believe it is for sickness?—So far as I am concerned, if I believe a man is telling a lie, I sit on him. But what makes me think the class of people who held licenses under the Licensing Board were a fairly good class is, because during our "free rum" period, as it was called, the only restrictive law we had was the Sunday Law, and I do not know of one man who held a license who was brought up for violating the Sunday Law. So I think they were a fairly good class of people.

17149. Do you know whether the men generally who held licenses did, after the Scott Act came into force, continue to sell against the law?—Nearly every one. I know of one man who went out of it.

17150. Are they still selling?—Some of them are.

17151. Do you believe that under this police regulation there is illicit sale, and there are persons who are not complying with the present law?—I cannot say that. I believe myself there are some very unscrupulous people selling to-day who, if they had the opportunity, would violate the law.

17152. Do you yourself believe in a high license system, which would reduce the number of licensed places and increase the price of the license? Would you prefer that to the present arrangement?—I think the only proper way to regulate the sale of liquor is by placing it the hands of good people, men who will respect themselves at least.

17153. Do you think that a high license, which would limit the number of licenses and increase the price, would produce that result?—It would certainly have that effect; that is, if you limit the number of licenses and place the trade only in the hands of respectable people.

17154. Why do you think the trade needs to be restricted and regulated at all?—I think if we were properly educated we would require no restriction, but you know there are some people who are not properly educated, and they are ignorant of the bad effects of liquor. I think myself that when the people are properly educated, they will not need any restriction.

17155. How will the educating process go on?—It is going on now.

17156. By what means?—We have the pulpit, and we have temperance lecturers. I believe in temperance myself.

17157. You think, then, that these means are educating the people?—And the schools, of course, that is education.

17158. Up to the point when no restriction will be needed for the drink trade?—Certainly.

17159. Because it will regulate itself?—It will regulate itself.

17160. Do you think the drink trade, as it exists, whether illicit or legalized, is helping on that educational work?—I think that if the drink trade, as you call it, the liquor traffic were placed in proper hands, everything would be all right.

17161. Do you think the liquor trade where it exists, whether illicit or legalized, is helping on that educational work?—I think myself, if the trade was placed in proper hands it would have the effect of helping on that education, because any good conscientious man, and there are good and conscientious men selling liquor as well as engaged in other business, will not see a man debased by liquor.

17162. Have you violated the law?—Yes, I have violated it. When you know that the law is not upheld by public sentiment, when the very best classes of the community ask you to violate it, and will offer you money as an inducement to break a law, when magistrates, justices of the peace, clergymen and that class, the very class we respect and are bound to respect, ask you to break a law, you must come to the conclusion that the law is an iniquitous one.

17163. Do many of the class of people to whom you refer, including clergymen, ask men to violate the law?—They have asked me.

17164. Many clergymen?—Not a great many clergymen, but what I have said I have sworn to.

EWAN McDougall.

17165. Do you believe a prohibitory law, a law prohibiting the manufacture as well as the sale, if well enforced, would have a good effect?—We cannot have total prohibition.

17166. Why?—The churches require wine.

17167. I am not talking about that. I refer to a prohibitory law that prohibits the importation, manufacture and sale of intoxicating liquor for beverage purposes. Do you believe such a law, if well enforced, would do good?—I think it is a hard problem to solve.

17168. The Commissioners would like to have your answer.—There are so many people, and so many good people whom I am bound to respect, who require drink, who have their social glass, that I am not quite sure whether it would be better for them to be kept without it.

17169. Do you know a large class that would be better without it?—I know a class that would be better without it. There is a class that does not require it. I do not require it, because I am not a thinker. The thinking men, the men of the better class of the community, take their social glass, and they tell me it does them good, and I think it does. You will find that is the general opinion. The liquor sharpens the brain.

17170. Do you know of any way by which it could be kept from the class to which it is dangerous?—Yes, I have told you.

17171. How would you do it?—By placing the trade in the hands of reputable people.

17172. You think they would not sell to such people?—I think they would not.

17173. Would they require to possess power to discriminate between the different classes?—I think it would be better to have a law, a restrictive law, because it backs up the man who sells. For instance, if a certain man was restricted from getting liquor, if he was proclaimed by the police and notice given to me, the law would be something to back me up, and I could easily refuse to sell to such a man. Such restrictions would help a man selling.

17174. Do you not see the difficulty of imposing such restrictions?—There would be a difficulty. There is difficulty at present.

17175. And difficulty all round?—Yes. We are surrounded by difficulties of all kinds.

*By Mr. Clarke :*

17176. Were you ever convicted during the period you were selling liquor under the Scott Act?—Yes.

17177. How often?—Once.

17178. You were convicted once during how many years?—Between nine and ten years.

17179. The Scott Act did good to you in that it increased the price of liquor during the period it was the law?—Yes.

17180. And you could not buy as much liquor for a given sum under the Scott Act as now?—No. Under the Scott Act we had no license fee to pay, and of course liquor was not so expensive to us. The price went up as soon as the Scott Act came into force. Since then the duties have been increased, and we have not lowered the price.

17181. So that a man will get as much as during the Scott Act?—No, but we do not receive the same price.

17182. I think you said you charged more?—Yes, more than under the former license law.

17183. But you charge the same price now as under the Scott Act?—Yes.

*By Rev. Dr. McLeod :*

17184. You say you were once convicted. Was any one else convicted in your place?—I do not care to answer that question.

## Liquor Traffic—Prince Edward Island.

*By Mr. Clarke :*

17185. Did you ever employ unlicensed people to sell liquor for you during the time you had a license?—No.

17186. Did you ever hear of anybody in the trade licensed to sell, employing unlicensed people to dispose of liquor for them?—I never heard of it.

*By Rev. Dr. McLeod :*

17187. Did you ever know of illicit sales being carried on by licensed people?—No, I cannot say that I do.

SIMON W. CRABBE recalled.

17188. I have the figures of the Canada Temperance Act elections showing the vote polled. In 1879, 837 votes were polled for the Act and 253 against ; in 1884, 755 for the Act and 715 against ; in 1887, 689 for the Act and 669 against ; in 1890, 686 for the Act and 700 against. The other day I was asked in regard to the arrests in 1887. Remarks were made in regard to the convictions for 1889, numbering 395. In looking over the records of the police books since I was here, I find that Mr. Hudson was appointed prosecutor by the City Council. The first complaint he made for violation of the Scott Act was in April 16th, 1887. During that year he was prosecutor and all during the year 1888, and he was dismissed in February, 1889.

*By Rev. Dr. McLeod :*

17189. The police took charge in 1890?—Yes.

17190. And continued until the end of the Scott Act period?—Yes.

*By Mr. Clarke :*

17191. When was Mr. Hudson dismissed?—In February, 1889. On February 8, 1889, he laid his last information. He was dismissed at the end of February.

17192. Did the ladies take hold immediately afterwards?—There was no prosecutor during that year.

*By Rev. Dr. McLeod :*

17193. The arrests ran up to 395 as compared with 262 for the year previous?—Yes. Then the ladies took hold in 1890, and brought the number down to 239.

*By Mr. Clarke :*

17194. Before Mr. Hudson's appointment, who had charge?—The work was done partly by Mr. Hudson and partly by the Dominion Alliance, and for a while there was no prosecutor at all.

17195. The reason I ask is, that in 1886 there were 300 convictions for drunkenness?—Probably there was no one then.

*By Rev. Dr. McLeod :*

17196. There has been a good deal said about people from the country drinking. Do you know whether the arrests of country people for drunkenness have been greater since the repeal of the Scott Act than before?—They have been greater.

17197. Where do you get that information?—From the Stipendiary Magistrate's records.

17198. What are the figures?—I went over the books with the Magistrate or the Marshal and the Stipendiary Magistrate's Clerk. Taking 16 months of the time we have had what is called free rum, and also 16 months previous during the time the Scott

EWAN McDUGALL.

Act was in operation, I find that from October 1889 to February, 1891 there were only 90 countrymen arrested.

17199. Under what system?—Under the Scott Act, and during the last period it ran up to 176.

17200. Country men?—Non-residents.

17201. That was under free rum?—Yes.

*By Mr. Clarke :*

17202. During the whole period?—During the period from October 1889 to February 1891, when the Scott Act went out, there were only 90 arrests. From February 1891 to June 1892, a period of 16 months, there were 176 arrests for drunkenness.

17203. What deduction do you make from these figures?—That it was very much easier for countrymen to procure liquor under the present system than under the Scott Act.

17204. What kind of educator has the Scott Act been to those countrymen, if they had no chance to get liquor in the country for eight or ten years and since they have got the chance they have drank double?—It appears not to have educated them very much in that way.

*By Rev. Dr. McLeod :*

17205. The statement was made by the Stipendiary Magistrate that there were 143 separate persons convicted during the Scott Act years for violations of the Act?—Yes.

17206. Do you know whether there were 143 at one time in the business, or how is that number made up?—I do not think there were.

17207. Do you mean so many different parties, or were they different parties at different times?—I heard the Magistrate make the statement that there were 143 persons convicted. That statement was correct; but I have gone over the books, not very carefully it is true, and I have found that 43 of those convictions were represented by 16 houses. That is to say the keeper of the house was changed. The man himself was convicted first, then his wife, then his servant girl or the boy, but the business was kept along. The returns, therefore, do not represent 143 different places where liquor was sold.

*By Mr. Clarke :*

17208. Do you remember what the Stipendiary Magistrate said in regard to the number of persons engaged in the business at one time? Do you think he may be considered by the Commission as a pretty good authority?—I think he is over the mark. I will tell the Commissioners the reason why I think so. The Police Marshal stated the other day that he had found 75 or 76 places in the city that were fitted up according to the requirements of the law. He knew those 76 places were selling liquor. Under the Scott Act there were quite a number of places where beer was sold. There was a judgment of the Supreme Court rendered by one of the Judges that beer was not intoxicating under the meaning of the Canada Temperance Act, and the result was that after that judgment was given, a large number of people went into selling what they called "Hop Beer." All those places were classed as rum shops under the Scott Act. Really they were only selling beer declared to be non-intoxicating.

17209. Did they sell only beer there?—Yes, a great many of them did.

17210. How do you know?—When they were brought before the Court, all their witnesses swore to that.

17211. Do you know the truth of the testimony given, for you are no doubt aware that the memories of witnesses failed them in those cases?—Some are in existence still. The probabilities are that if the men wished to violate the law, they would do it. Although 76 places are admitted to be selling now, there is quite a number more.

17212. You tell us that in regard to these 43 convictions, there were only 16 houses. And during the Scott Act period the Stipendiary Magistrate made out 364 convictions. His calculation showed there were 145 different persons. So, according to these figures, he is not very far out?—It was extended over a period of 9½ years.

## Liquor Traffic—Prince Edward Island.

No doubt a number of people went into the business and went out of it ; they were continually coming in and going out. Several parties have started in since this regulation Act was adopted.

17213. Then applying the same rule, there would be 140 individuals ?—Yes.

*By Rev. Dr. McLeod :*

17214. Did you go over the whole list ?—I ran over it in a careless kind of way.

17215. You went over the whole list ?—Yes ; I ran over it.

*By Mr. Clarke :*

17216. Do you think the testimony of the Magistrate was testimony given by running over a list hurriedly ?—No.

*By Rev. Dr. McLeod :*

17217. Did not the Magistrate mention that it was only an estimate ?—Yes.

17218. As near as he could get it ?—Yes.

REV. JAMES SIMPSON recalled.

17219. I wish to place before the Commission a letter on the Gothenburg System. In 1885 I was in Sweden, and inquired into the working of the Gothenburg System and its results, and after I returned home I wrote to the clergyman of the Church of England at Gothenburg and got him to write down his statement of the working of the system, and what its results had been so far. I have the statement here in a letter, which I will hand in to the Commissioners, and I certify that the information contained in it was obtained by me in the year 1887 from the clergyman to whom I have referred, who was in charge of the Church of England at Gothenburg.

*By Mr. Clarke :*

17220. Will you please state what the results were ?—I found the system worked exceedingly well, and reduced the amount of drunkenness. I have the same testimony from this clergyman, who said that, during a period of 6 or 8 years, drunkenness had decreased in those districts about 50 per cent. That fact is stated in the letter. Another point in this connection, which perhaps may be of use to the Commission, is that the Swedes are considered in Europe to be one of the great drinking nations. They consume more liquor proportionately than any other.

17221. Has the climate anything to do with that ?—No, I think not. It is much the same climate as that of Canada. But the remarkable thing is, that there is, I believe, no poverty in Sweden, and they are a most honest nation. It astonished me very much when I was there, and I have heard it spoken of since at different times, to find that they are so exceedingly honest and thrifty, and yet at the same time there is such great drunkenness. There is one day in the year there, May 1st, when, until two years ago, everybody was allowed to get drunk without any arrests being made, from the King down to the common working man. Sunday is also a great day for drinking there. To give an instance of their honesty, I may say that the letters for small districts are placed by the postman in a pine box by the road side. Different people from the adjoining houses look at the letters, and perhaps take one out, and put the others back. You could leave your coat hanging on the fence by the road side and no one would take it. I may mention an incident I had with the cabmen there. I did not understand the language very well and I asked the cabman what his fare was, and I at the same time handed him 3 kreuners, about 3s., and he returned one, saying that his fare was 2 kreuners. I do not think you would find an English or Canadian cabman, no matter how temperate he might be, who would be as honest as that.

SIMON B. CRABBE.

*By Rev. Dr. McLeod :*

17221a. Would you attribute the absence of poverty and the general honesty to the free sale of liquors?—That question has pressed itself on my attention, and I have seen it noticed elsewhere, that while drink does in this country bring poverty and dishonesty, it does not appear to do so in Sweden.

17222. You do not know to what to attribute that fact?—No. If I may be allowed to make one or two further statements, I will do so. With respect to the amount of drinking in the year that we had free rum in Charlottetown, there were 304 convictions, compared with 239 for the previous year. I do not think it has been brought out that in that year we had six elections.

17223. What year was that?—In 1891. We had a Scott Act election, an election for Mayor and City Councillors, an election for water commissioners, the general Dominion election, a bye election for the Local House in Charlottetown, and the plebiscite concerning the redivision of wards. Evidence was also brought forward to show there was very much more drunkenness at the exhibition the year we had free rum than during the previous year. But it was not stated that on the great day of the exhibition last year, 1891, the year of free rum, it was a pouring wet day, and all the country people who came into the town had to stay in taverns; and of course the temptation to drink was very strong, and in the evening there was undoubtedly a great deal of drunkenness. I believe, however, the weather was the cause of the drunkenness more than anything else.

17224. Do you know that the sale of liquor is prohibited on election day?—I do.

17225. Do you think that would have any effect?—I do not think it has any effect. I think we will find on election day, especially towards the evening, that liquor is obtained somehow or other. I desire now to file with the Commission the letter to which I have referred. [Appendix 26.]

ALEXANDER McKINNON, of Charlottetown, iron founder and merchant, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

17226. How long have you carried on business in Charlottetown?—Twenty years.

17227. Then you have known Charlottetown under the license law and the Scott Act?—Yes, somewhat.

17228. And also under free sale?—Yes.

*By Mr. Gigault :*

17229. How was the Scott Act enforced while it was in force?—Sometimes vigorously and sometimes indifferently.

17230. When it was enforced vigorously, to what did you attribute that effort?—When it was enforced vigorously we had very little drunkenness.

17231. To what do you attribute that vigorous enforcement?—To spasmodic efforts on the part of the citizens sometimes; at other times to the efforts on the part of our women.

17232. Was it due to other influences besides the officials?—Yes, it was due to the action of the citizens, from their feelings being aroused.

17233. Was there not an association formed in order to enforce the Act?—Not that I am aware of. There might have been.

*By Rev. Dr. McLeod :*

17234. How many persons do you employ?—Thirty or thirty-five.

17235. Have you any rule in regard to the employment of men; do you make any discrimination between drinkers and non-drinkers?—The first question I ask a man when he seeks employment is, are you a drinking man?

17236. And if he says he is, what happens?—Unless we are compelled to hire him, we do not take him.

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17237. Why is it you prefer men who are not drinking men?—Because we can depend upon them.

17238. That is true, especially, in cases where you need skilled labour, I suppose?—Yes.

17239. And it is true in all branches of your work?—Yes.

17240. I suppose a percentage of your men are drinking men, more or less?—Not at present, that I know of.

17241. Do you find drinking men are less reliable?—Exactly.

17242. They are less regular at their work?—Exactly.

17243. Of course, it goes without saying that a man who spends his money in drink must waste some time. Have you noticed about what proportion of time a man will lose from the drink habit?—I do not think I have ever made a record of it; but I know this, that a workman who is drunk on Saturday night and all day on Sunday is not fit to work on Monday, and therefore we keep clear of them as much as possible. There may have been times when we could not do it, previous to the Scott Act. All the men drank at that time, it appears to me.

17244. Do you think the Scott Act had a good effect in changing the habits of the men?—Something made a change. I do not know whether to attribute it to the Scott Act or not.

17245. Some part of it?—Certainly.

17246. And also some to religious influences, I suppose?—Yes. The views of the men have changed with respect to the drinking habit.

17247. Do you think the Scott Act helped to bring about the change?—I think it helped, particularly with the young. Those who were boys when the Scott Act came in and are men now, have not the same inclination to seek bar-rooms as they would have had if bar-rooms had been open right along.

17248. Do you think they have a different idea about the character of the business?—I think they have.

17249. But these working men not only lose time themselves, but I suppose they lose the valuable time of other men?—I could not say exactly. I have had workmen who are first class men, who drank. You very often find that.

17250. Have you often had this experience, that a working man, on account of his irregularity, interfered with the work of other men in your shop?—Yes, we have had that experience. We had that in regard to machinery and in regard to gangs of men, who depended upon a man to lead them. Of course, we suffered in that respect.

17251. Does your rule discriminate against men not known to be excessive drinkers? Do you prefer a total abstainer to a moderate drinker?—A total abstainer every day in the week, if I can get him.

17252. You have already said the Scott Act has produced some good effect, in spite of the difficulties connected with its enforcement. Do you believe a general prohibitory law would have a good effect on the business interests of the country at large?—Yes, if it were well enforced.

17253. Have you observed whether drink affects injuriously other business interests?—I have all my life regarded it as the greatest curse of the country in that respect. Of course, if the head of a family is earning wages and spends them in drink, his family suffers, and by that family suffering the whole community suffers. The children are not educated, and they are brought up in poverty.

17254. Do you believe the money consumed in drink is so much taken out of the money that would otherwise run through other business channels?—Most undoubtedly.

17255. And in that way it affects business injuriously?—Yes.

*By Mr. Clarke :*

17256. Do you prefer the present system to a license system, or have you conscientious scruples against licensing the liquor trade?—I have.

17257. Would you prefer the present system to license?—Yes, most undoubtedly.

17258. Even though the license system might reduce the number of licensed places one-half?—I do not care how small you reduce the number, it will have the same effect in the community if you license at all.

ALEXANDER MCKINNON.



17259. Then you prefer to have 78 or 80 places selling liquor and no control over them by legislation rather than half the number licensed?—Exactly.

*By Rev. Dr. McLeod :*

17260. In the event of a prohibitory law being enacted, have you thought of the matter sufficiently to express an opinion in regard to granting compensation to men engaged in the trade?—I cannot say that I have.

17261. Do you believe that a general prohibitory law, touching the importation and manufacture as well as the sale, could be more easily enforced than the Scott Act, or partial prohibition?—I think it could. I think the day is not far distant when the sentiment of the people will support a law with regard to prohibition, and secure its enforcement.

17262. You think that the sentiment is growing?—I do. When I came here 20 years ago this was one of the worst places on the face of earth for liquor.

17263. It was then under license?—Yes, it was under license.

17264. You say there was a great deal of drinking then?—There was.

17265. Was drinking regarded as almost necessary?—It was practised universally.

17266. It did not excite surprise?—Not at all. Young men would gather into the bar-rooms on those streets 20 years ago, when I came here, and the treating system was then in vogue, and Jack treated Tom, and Tom treated Jack, and all hands treated one another, and by the time they had gone round, they were all drunk. Next morning the same thing was repeated. All that, however, has been changed since the Scott Act came into force.

17267. You think the Scott Act had something to do with the change?—I think it had.

17268. Notwithstanding there were difficulties regarding the enforcement, the legislation in regard to the trade had an effect?—Yes. Men did not want to have their names brought up in the police court as witnesses in a raid against the rumsellers, and therefore they either took liquor at home or left it alone.

JOHN QUIRK, of Charlottetown, baker, on being duly sworn, deposed as follows :

*By Judge McDonald :*

17269. How long have you carried on the liquor business in Charlottetown?—Thirty-five years.

17270. Have you at any time held any official position here?—Yes, I was on the city License Board.

17271. How long ago was that?—In 1870.

17272. How long were you on the Board?—I was on it for three years.

17273. From 1870 to 1873?—Yes.

*By Rev. Dr. McLeod :*

17274. You are a baker, I believe?—Yes.

17275. How many men do you employ?—I formerly employed eight, I now employ six.

17276. Have you any rule in regard to employing your men? Do you prefer total abstainers?—Certainly.

17277. Why is that?—Because they can do their work better.

17278. Have you noticed, as a baker and supplier of bread to the people, that as the drink trade flourishes, the people have less power to purchase bread?—I do not think I ever took very much notice of that.

17279. They buy bread all the same?—They do, but they will buy the liquor all the same. Of course they must have bread.

## Liquor Traffic—Prince Edward Island.

17280. Speaking of the Scott Act, have you noticed its operation, and found good effects?—I think so.

17281. In what respect?—When the Act first went into operation the people were afraid to buy liquor, or at all events to do so openly. They would get around into back places and enter by side-doors and get it. They were bound to have it, but they did not seek it as much as they did when the license law was in force.

17282. Did that feeling wear off a little, after a while?—After a while, they got used to it.

17283. And I suppose they knew how to get it?—Yes.

17284. Yet you think the law did good?—I think so.

17285. Do you suppose it lessened drunkenness in the town?—There was not as much public drunkenness.

17286. Do you think there was as much drinking?—Yes, I think there was just as much.

17287. You remember the town under license?—Yes.

17288. Was that better than the Scott Act period, or worse?—I would rather have the Scott Act.

17289. Even though it was violated a good deal?—Yes.

17290. Did you notice that the Scott Act was better enforced at some times than at other times?—Yes.

17291. And when the Scott Act was better enforced, was there a marked improvement in the condition of the city as regards drunkenness?—You would not see as many going around with signs of liquor on them.

17292. Did you notice, when the Scott Act was better enforced, that the people wasted as much money?—I could not say as to that.

17293. Have you noticed how the city is getting along under the present regulation?—I think it is doing very well.

17294. Do you think the present system is as good as the Scott Act?—I think it is better.

17295. The Scott Act is better than license, and this system is better than the Scott Act?—Yes, I think so.

17296. There was a year between the time the Scott Act was repealed and this law came into force: what law was then in force?—I did not see much difference.

17297. The condition was about the same?—About the same.

17298. So you think everybody is satisfied for the present with these restrictions?—The present law seems to work very well. On Saturday the houses are compelled to close up early, and they have to shut up at ten o'clock on other nights.

17299. This is a "new broom," and I suppose it "sweeps clean"?—Yes, and the Scott Act was the same at first. We had a very good license law before the Scott Act came into force. When we got it working, even the trade was satisfied, and the houses had to close up at seven o'clock in the evening on Saturday and nine o'clock on any other night.

17300. Do you believe that a general prohibitory law, well enforced, would do good?—If it was well enforced, it would certainly do good, but the point is to get it enforced; that is the difficulty.

17301. But you think, if it were well enforced, it would do good?—I do.

*By Mr. Clarke:*

17302. What was your experience under the Scott Act: was the Act enforced, or only supposed to be enforced?—It was no surprise that they could not enforce it. At times they would get very hot over it, and then they would cool down. There were several matters I did not like in regard to the Scott Act. Among other things, it was educating the people to be perjurers right straight through. There is no doubt about it.

17303. Anything else?—There may be something else.

17304. Do you think the Scott Act could be enforced?—I think it could if there were proper officers to enforce it.

17305. Would you prefer local officers, or Provincial or Dominion officers?—Local officers would do it better, because the people would have an eye on them.

JOHN QUIRK.

*By Mr. Gigault :*

17306. Do you believe the present system favours temperance more than the Scott Act did?—I think so.

17307. You think there are better regulations?—People cannot stop all night in the houses, as they used to do under the Scott Act.

*By Rev. Dr. McLeod :*

17308. Do you think the law made a man perjure himself?—I do not know whether the law made him do so, but it was done ; that I am confident of.

17309. Do you think that the law being repealed, the man will never perjure himself again?—I think they are pretty well educated up to it.

17310. There seems to have been a lessening of drunkenness during the operation of the new regulations? Is that one of the reasons why you prefer them?—No, it is not. I do not know whether there is any less drunkenness, but the people have to get out of the houses at proper hours and go home. On Saturday night they do not go home drunk, as they formerly did.

17311. Do you know whether it is the fact that there is less drunkenness at this time of the year, from July on, because the sailors are away?—That has a good deal to do with it.

17312. A good many men are away?—That has a good deal to do with it. During the license law there was a lot of shipping here, and sailors gave a lot of trouble, and the town had to get special police in order to keep things straight.

*By Mr. Clarke :*

17313. The absence of sailors from the port has something to do with it?—Yes.

*By Rev. Dr. McLeod :*

17314. And the absence of fishermen?—Yes.

17315. And men being out on farms?—Yes.

The Commission adjourned, to meet at Summerside on Wednesday, August 24th.

## Liquor Traffic—Prince Edward Island.

SUMMERSIDE, August 24th, 1892.

The Royal Commission on the Liquor Traffic met here this day at 10 a.m., JUDGE McDONALD, presiding.

*Present :*

MR. E. F. CLARKE.

REV. DR. MCLEOD.

MR. G. A. GIGAULT.

JUDGE McDONALD in opening the proceedings, said : I desire to state that the Chairman of the Commission, Sir Joseph Hickson, is not present. I may further intimate, as I have stated at the different places which we have visited, that the Commission is unanimously of the opinion that drunkenness is an evil, and we do not think it necessary to take evidence in regard to it, as the point is conceded on all hands. But we wish to obtain evidence dealing with the different practical points covered by the Commission. The Commissioners will sit here one day ; but at the same time it may be mentioned that they have already taken evidence during three days in Charlottetown, the testimony covering not only that city, but other places on the Island.

RICHARD HUNT, of Summerside, on being duly sworn, deposed as follows :

*By Judge McDonald :*

17316. How long have you resided here ?—I am a native of the place.

17317. Do you occupy the position of Mayor ?—I am not Mayor, but Chairman of the Council. I have held that position 5 years, in October.

17318. What is the population of Summerside ?—A little less than 3,000, 2,900 I think, by the last census.

17319. What is the mode of civic government here ?—The town is governed by a Council of six members and the Chairman of the Council.

17320. Will you state whether the vote is taken for the whole town or by wards ?—For the whole town.

17321. How are the members elected ?—By the votes of the people, taken in February of each year.

17322. Have they charge of the expenditure of the town for civic purposes ?—Yes, altogether.

17323. The expenditure is decided by them ?—Yes.

17324. It is not decided by a town's meeting of the ratepayers ?—No. Everything is in the hands of the Council, composed, as I have said, of one executive officer and six councillors.

17325. Has the Mayor more than a casting vote ?—Only a casting vote.

17326. How are the policemen appointed ?—They are appointed by the Council.

17327. Have you a Stipendiary Magistrate ?—Yes, appointed by the Local Government.

17328. Is the salary paid by the town or by the people ?—The town pays the salary.

17329. How large is the police force ?—There are two regular men on duty, and we get additional men if the occasion requires, special constables.

RICHARD HUNT.

17330. What law is in force with regard to the sale of intoxicating liquors?—The Scott Act is supposed to be in force.

17331. How long is it since it went into operation?—It has been in force regularly since 1881.

17332. It has been voted on more than once, I suppose?—Yes, and on each occasion it has been sustained.

17333. Do you remember whether it was carried by a large majority?—The town does not vote separately; the county votes as a whole.

17334. How was the vote in the town?—I do not recollect. I took very little interest in town affairs.

17335. Do you find that a force of two policemen is sufficient to maintain order and keep the peace here?—Quite sufficient.

17336. And this is a seaport town?—Yes.

17337. Is there much of a seafaring population?—Not much; there formerly was.

17338. Then there is not so much as there formerly was?—No. Ship-building has gone out largely, and with that the sailors have gone away.

17339. Do you remember the town under the old license law of the province?—Yes.

17340. Were licenses granted here under it?—Licenses were granted by the Provincial Government. I do not remember how they were granted.

17341. But licenses were granted?—Yes.

17342. Were there many licenses here in Summerside?—Yes, quite a number.

17343. In those days ship-building was going on?—Yes.

17344. That industry, we understand, has declined?—Yes, and gone out altogether. There are no vessels building here now.

17345. Are there manufactures going on?—None to speak of.

17346. What is the principal business of the place?—General stores and the business of an ordinary country town.

17347. This is a port of entry, I believe?—Yes.

17348. With a Collector of Customs?—Yes.

*By Mr. Clarke:*

17349. You say the Scott Act is the law here?—It is.

17350. Is it enforced by the police?—Yes.

17351. Are there any officers of the force specially detailed to see after infractions of the law, and prosecute offenders?—We have two officers, and one is charged especially with prosecutions in connection with the Scott Act.

17352-53. Have the efforts of the authorities been successful in suppressing the sale of liquor here?—There is liquor sold here.

17354. Is it sold openly, in violation of the law?—I may say that it is.

17355. To what do you attribute the fact that people flagrantly violate the law. Is it owing to the apathy of the people as a whole, and do the police do their duty to the best of their ability?—They appear to do so.

17356. Then there is no fault to find with the manner in which they discharge their duty?—When I say there is sale openly, I mean the sellers are under some restraint. I do not suppose they will sell to a man who is likely to go and give evidence against them.

17357. Is there any difficulty in obtaining liquor?—I could scarcely say there is or there is not.

17358. There is more restraint now than under a license law?—Yes, than when there were open bars.

17359. Do you attribute that to the existence of the Scott Act?—There is certainly less liquor sold now than was sold formerly. You rarely see a drunken man on the streets.

17360. Do you attribute that to the existence of the Scott Act?—I suppose the Scott Act is entitled to some credit, but the social conditions have greatly changed during the last 20 or 25 years.

17361. So the changed condition of the town and the change in the social habits of the people unitedly, have had to do with the decrease in drunkenness?—I think so.

## Liquor Traffic—Prince Edward Island.

17362. Would a stranger coming here have any difficulty in procuring liquor?—I should suppose he would.

17363. And that difficulty would be owing to the fact that the Scott Act is the law?—I suppose the people in the business (I am not in their confidence) would be naturally afraid of laying themselves open to a fine.

17364. How many places where liquor is sold are known to the police?—They know of probably half a dozen, perhaps more, but at all events half a dozen. Other places no doubt sell, but they amount to very little; but the places here—I do not want to name them—are two or three where the principal business is done. I suppose those two sell three or more times what all the rest do put together. That is, independent of the vendors. There is a legalized vendor appointed by the Government under the Scott Act.

17365. Does the legalized vendor sell much liquor?—I could not say.

17366. Do you not know?—I do not know, but I should suppose he does sell a good deal.

17367. Those two places of which you have spoken, where a considerable quantity of liquor is sold, still exist, I suppose? Has not a special effort been made to root them out?—The people are arrested and fined occasionally.

17368. How often? Has every one been fined this year?—I have no memorandum about that. I do not know the number of times they have been fined.

17369. Are they fined frequently for violations of the law?—Yes, they are I consider. I suppose they are fined frequently.

17370. Half a dozen times in a year?—I should think five or six times.

17371. Are they fined for each conviction? Do they plead guilty and are fined regularly by the Magistrate?—Sometimes they contest the case, and sometimes they acknowledge the accusation.

17372. How much does the fine imposed amount to generally?—Fifty dollars generally, sometimes \$100.

17373. Would the \$50 fine be for the first offence?—Yes.

17374. And the \$100 for what?—For the second offence.

17375. Has any attempt been made during the past year to bring them up?—I think not during the past year.

17376. How do you account for it. I do not know the places. Last year there was an Inspector appointed.

17377. Appointed by whom?—By the Town Council. This year there is no Inspector.

17378. What was the name of the Inspector appointed by the Town Council?—Mr. McCaul was the Inspector appointed by the Temperance Alliance, and he acted for a number of years.

17379. Was he appointed by the Council before last year?—Yes.

17380. He was acting for a number of years under instructions, and endeavouring with the aid of the citizens to enforce the Act?—I think so.

17381. He is not in office this year?—He is on as a policeman this year.

17382. So you have the advantage of his services?—The Council thought he did very little as a Scott Act prosecutor, and they told him that if he chose to serve as a policeman and continue to perform his duties as Scott Act prosecutor, they would retain him, and we have still retained his services. The other policeman is instructed to assist him in the discharge of his duties under the Act.

17383. So both members of the force are instructed to regularly prosecute offenders against the Scott Act?—I could not say as to that. There is a good deal of division in this town as to the way the Scott Act should be carried out.

17384. What is your view as to how it should be carried out?—My personal view is that the law should be carried out in its integrity, as was the intention of the Act.

17385. What is the moral effect in the community of having offenders violating the law for years and being only treated as first offenders, so far as the penalties of the Scott Act are concerned?—Judging from the good order of the town, I should suppose that the people are satisfied with it, or that the majority of the people are satisfied.

RICHARD HUNT.

17386. The Commission are anxious to obtain information on all points and sides of the question?—At elections the temperance people put forth their full strength, and there are two sides to the question. At the last election I very unwillingly consented to run, and I should be very glad not to be here. When questioned at public meetings, which were largely attended, I was asked what I would do in regard to the Scott Act, and I said that I would do practically what was done last year. That was at the time of my re-election.

17387. What did you mean by that expression?—That the town possessed a Stipendiary Magistrate, who was a public officer in sympathy with the Act, and two policemen, who were also in sympathy with the Act, and thus provided all the machinery of the law. We have an excellent Stipendiary Magistrate, and I do not think we could have a better one. We provided all the machinery necessary, and I said to them. I will collect the money if I see an open violation of the Act. Those men shall be fined for the first, or subsequent offences, and in extreme cases be dealt with for third offences; but if our Council, having provided all the proper machinery, does not see fit to prosecute cases, I do not feel like labouring hard to carry out the Act any further.

17388. Have the police any instructions not to proceed against people for third offences?—I do not think they have any instructions not to proceed, but if they are going to take action for third offences, they would consult me about it.

17389. Have they ever consulted you?—No.

17390. Did the Inspector enjoy the confidence of the townspeople?—I think he did.

17391. Does he enjoy that confidence still?—Yes. I think he has been subpoenaed. I think he is a member of the Alliance.

17392. Has he laid third offence informations?—I think not any this year to my knowledge, in fact I know of none.

17393. Have any rumsellers been driven out of the business?—Only the small ones have gone out. There was a larger number of houses here some years ago than there is now. They would be afraid to have to pay their fines.

17394. Do you think these houses are selling rum largely?—Yes, and others to a small extent.

17395. You were speaking about your election last year: were you opposed?—Yes.

17396. Were you elected as the candidate of the temperance people? Did they support you, or were you holding too strong an opinion on the other side as to the manner in which the Scott Act was enforced?—I think a large number of the temperance people supported me.

17397. Were not the temperance people divided?—Yes, I think so.

17398. Did the temperance people elect you on the understanding that the Act would be enforced, or partially so?—I think the majority of the people are satisfied with the way the Scott Act is administered at present. I am not saying whether I am myself or not.

17399. Are the majority of the people aware of those two places where a large quantity of liquor is regularly sold?—Yes.

17400. Are they satisfied with that condition of things?—Everybody would prefer to see them shut up, but perhaps they are better satisfied than to have the traffic carried on to a larger extent, with probably worse results.

17401. You think it better to leave things as they are than to have them worse?—Yes.

17402. How many wards have you?—Six.

17403. The Councillors are elected by a popular vote for the same territory as yourself, I suppose?—Precisely the same qualifications for both.

17404. Do the majority of the members of the Council sympathize with you in your view of the enforcement of the Act?—Five of the Councillors were on my ticket and were returned, and one member of the other ticket.

17405. Then your ticket was very successful, for five out of the six were on your ticket?—Yes, if numbers mean success.

17406. You take it as an indication of public sentiment that the people were satisfied with the way in which you enforced the law?—I think so.

17407. How long is it since one of the sellers has been indicted for a third offence?—I have no memorandum.

## Liquor Traffic—Prince Edward Island.

17408. This year?—No.
17409. Last year?—I am not certain about last year.
17410. Do you recollect if any were indicted last year for the third offence?—I do not recollect; I think not.
17411. Did the elections take place in February last?—Yes, in February last.
17412. You declared you would continue to enforce the Act as it had been enforced during the previous year, and on that pledge you were re-elected?—Exactly.
17413. What are the duties of the Stipendiary Magistrate?—He has to try all cases in reference to any breaches of the law, breaches of the peace, breaches of the Scott Act, or any other criminal business, and his jurisdiction in the matter of debt extends up to \$100.
17414. Does he prepare informations for the constables, or do they prepare informations themselves, or have they the Town Solicitor to assist them?—We have a Town Clerk who prepares the papers. I might also say that if any reputable citizen goes to his office to lay a complaint against any one for violating the Scott Act, his instructions are to issue the papers whether the costs are paid or not.
17415. Facilities are given to any person, in addition to the officer whose duty it is to perform this work, to prosecute offenders against the Scott Act?—Certainly.
17416. The public generally are aware of the fact, I suppose, that citizens can go to the Town Clerk and have informations prepared?—They know it.
17417. And all the requisite machinery is placed at the disposal of the people who prosecute?—Quite so.
17418. With regard to the fines: what is done with them?—They go into the general revenue of the town.
17419. They are not devoted entirely to the prosecution of offenders against the Act?—No. We keep no separate account for that, but we feel that the Scott Act is responsible for the extra police force necessary, and other expenditures in connection with it.
17420. What was the total amount received in one year from fines for infractions of the Canada Temperance Act?—For the year ending 31st January last they amounted to \$600.
17421. That amount would represent twelve first offence convictions?—I think I may explain that last year we changed our financial year so as to close on 31st December, instead of 31st August, and consequently in this year there will be only eight months' fines.
17422. How many fines have been imposed and collected so far during the present year?—I cannot say at the moment.
17423. I suppose the Town Clerk will be able to furnish the Commission with that information?—Yes. I have a memorandum however. While I am on that subject I may tell the Commission the amount of crime, and the expense in connection with it. For the year previous, the fines amounted to \$1,038.49. But that year may be said to have extended over a period of 16 months. What I specially desire to refer to is the return of the convictions for 1890. For 1891 you will find the arrests for drunkenness were 51, while for the previous years they averaged about 30. For 1887, 30; 1888, 46; 1889, 45; 1890, 24. The year 1891 was that in which it may be said there were 16 months, and that will explain the large number. So far this year there have been 12 arrests for drunkenness. This, I may say, is a memorandum I obtained from the Town Clerk.
17424. This, undoubtedly, is a very low average considering the population of Summerside is about 3,000?—It is a very orderly town, and I do not know a more orderly town anywhere for its size.
17425. Speaking of the revenue: do you think \$800 is required for the employment of an officer to discharge the duties of Inspector? If you had not the work of enforcing the Scott Act on hand, would you be able to dispense with the services of one of the constables?—Yes, if there was no rum sold. I think we require an extra constable in consequence of the prosecutions under the Scott Act.
17426. So you think you are complying with the Order in Council by taking the fines imposed on rum-sellers and putting them into the general treasury for paying the services of the town policemen?—That is the course we adopt.

RICHARD HUNT.



17427. Has the force been increased since the Scott Act became the law, or has it been decreased?—When I came into charge of the town there was but one policeman, and I thought another policeman was necessary.

17428. The other officer's duties are mainly to preserve order and enforce the law?—They work together in all matters.

17429. Do you recollect how many policemen there were before the Scott Act period?—I do not.

17430. Were there more than two?—I think not.

17431. Were the services of one of the officers dispensed with in view of the better condition of affairs caused by the enforcement of the Canada Temperance Act?—I think not.

17432. Has the enforcement of the Scott Act been productive of good in lessening the number of drinking places? Have you noticed the extent of drunkenness before the Scott Act and since?—I have a memorandum here on the subject. The Scott Act came into force in 1881, and I may say this statement goes five years back of that period. [Appendix No. 27.]

17433. Can you make any explanation as to the fluctuation in the number of convictions for drunkenness in any of those years?—I cannot. Something may depend on the degree of the enforcement of the law. Now I do not think any drunken man escapes. If he is drunk on the streets he is arrested. Personally the policemen are good officers, and, of course, a good deal depends on the police.

17434. Was the law really enforced prior to the Scott Act; were people who were drunk on the streets arrested then?—I cannot say. I took very little interest in town affairs until I got full charge of them.

17435. Do you think the law against drunkenness is more rigidly carried out now than it was formerly?—I do not want to express an opinion as to what was done formerly. Now the law is well carried out.

17436. Has the changed condition of affairs in the town had anything to do with the reduction, if any, of the convictions for drunkenness? I understood you to say there was ship-building carried on here formerly, and sailors in the port?—Certainly, when there were ships building and a large addition to our population, sailors and men of that class, there would naturally be more drunkenness.

17437. Do you attribute the decrease in drunkenness, in any manner, to the changed condition of things—less shipping, and less ship-building, &c.?—I think the Scott Act has restricted the consumption of liquor.

17438. Would you favour a general prohibitory law?—As an elector I would vote for it; but I question whether it would be more successfully carried out than the Scott Act is.

17439. The importation and manufacture under a prohibitory law would be prohibited?—I am aware of that.

17440. Of course, liquor would be admitted for mechanical, medicinal and sacramental purposes?—I think that I would make the law so severe as to exclude everything. It would be easier and more certain if liquor were excluded for all purposes.

17441. Do you think public opinion is ripe for the passage of such an Act?—There are a great many who feel that they would vote for it and let the law take its chance afterwards.

17442. Are you satisfied with the present method of enforcing the Scott Act?—I did not say I was satisfied with it at present.

17443. You are not satisfied? I understood you to say that the election last year was upon the platform of the enforcement of the law for the coming year being identical with its enforcement last year?—I am satisfied with the statement on that basis, but personally I do not express an opinion with regard to the working of it. I think all laws should be carried out rigidly.

17444. Do you know anything about the operation of the law in other parts of the Island?—I have a pretty general knowledge of the country.

17445. How is the Act enforced throughout the Island?—I think it is enforced, with the exception of a few small towns.

17446. What towns are the exceptions to this general rule?—You refer to this county specially, I suppose?

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17447. To this and other counties. You spoke of certain towns. I think in Alberton, Tignish and some such places, there is a good deal of rum sold. I do not remember any other places in this county. In Alberton just now I think they have the trade pretty well suppressed, but still liquor is sold there.

17448. How about Tignish?—That is a smaller place, and there is not so much of it used there.

17449. What is the population of Alberton?—It is not an incorporated town, but a village with 800 or 1,000 people.

17450. Is the law very well enforced now?—I have not been there for six or eight months, but I understand that lately it has been better enforced than before. Some of the men doing the largest amount have gone out of the business, and it is now in the hands of other dealers.

17451. Has this occurred during the last six months?—It has occurred within the last year.

17452. What was the position before that?—Before that I think there was a great deal of liquor sold there. I have been there on days when there were special gatherings, and I saw more drunkenness there than in Summerside.

17453. Is it your experience that in the country districts the Scott Act is better enforced than it is in the towns and cities?—I think so. We had, previous to the adoption of the Scott Act, a license law here, which worked very well. It shut up nearly all the country taverns and wayside inns.

17454. Had the construction of the railway anything to do with the changed condition of things in regard to wayside inns?—Yes. Naturally the people travel by railway, and there is no business for wayside inns now to do.

17455. Had that any effect in reducing the sale of liquor in the country inns?—Yes. In regard to the law passed by the Local Legislature, the people themselves voted on the question as to whether they would have it apply to their respective school districts.

17456. Did they favour local option?—I think it worked well.

17457. Do you think it worked better than the Scott Act?—Yes. They decided as to this, and worked it or enforced it themselves.

17458. You say you think it worked better than the Scott Act?—As regards the country districts I will not say that, because the Scott Act has been successful in the country districts.

17459. Was it successful in Alberton and Tignish?—No, not there.

17460. Is there greater difficulty in enforcing the law in towns and villages than in the country districts?—Yes, naturally so. Where people congregate there will be, of course, more difficulty.

17461. We understand that the Provincial Government appointed Inspectors for several counties to enforce the Scott Act. Was an Inspector appointed for this county in which Summerside, which is evidently a growing town, is situated?—Yes.

17462. Does the Inspector visit the town frequently and discharge also his duties as County Inspector?—He lives here.

17463. Has he concurrent jurisdiction in enforcing the Scott Act here with your police?—Quite so. He can go and lay an information before our two Justices the same as any one else.

17464. Has he information as to the six places you have mentioned?—I suppose so.

17465. Does he know of them as notorious places, where a great quantity of liquor is sold?—Yes, he must know of them.

17466. Is he at liberty to lay information for third offences?—I have no control over him.

17467. But he has concurrent jurisdiction with your police in enforcing the law here, as well as throughout the county?—Quite so.

17468. And the condition of things which exists here prevails notwithstanding the efforts of the County Inspector and your police?—Yes.

*By Mr. Giguault:*

17469. Can you tell the Commission how many places were licensed to sell liquor under the License Act?—I cannot. I have no memorandum.

RICHARD HUNT.

17470. Who can give the Commission that information?—I think the Town Clerk probably; he would be likely to have it.

17471. Have the citizens of this town done anything to enforce the Scott Act?—I think so.

17472. What have they done?—They have held meetings, and they have temperance societies. I do not know what the result has been.

17473. Have they formed any association for the enforcement of the Act?—I do not know what the work of their society is, but it is composed of prominent temperance men.

17474. Is there any branch of the Temperance Alliance here?—Yes, there is a branch here.

17475. Has it done anything to enforce the Scott Act?—I think it has probably helped to stimulate the temperance sentiment among the people, but I do not think it has done anything more than that.

17476. Has the society done anything to punish open violators of the law?—I think not.

17477. Who can give the Commission the number of convictions for violation of the Scott Act?—I have it myself, but if you summon the Town Clerk he will bring the books here. I may say that I have the convictions since 1880. There were convictions for violation of the law, as follows: 1880, 5 convictions for violation of the license law; 1881, 6 for violation of the Scott Act; 1882, 20; 1883, 7; 1884, 17; 1885, 19; 1886, 12; 1887, 14; 1888, 12; 1889, 17; 1890, 25; 1891, 17, and this year so far there have been 9.

17478. At the contested election last year, when you were again elected Chairman of the Council, what was the policy of your opponent as to the enforcement of the Scott Act?—He advocated a more rigid enforcement of the Scott Act.

17479. What was your majority over your opponent?—I do not remember the number, but it was between 30 and 40.

17480. Do you know how many votes were polled?—Between 550 and 560, I think.

17481. Do as many persons visit Summerside now as did so under the License Act?—I think so.

17482. And you think the Scott Act has done good in the rural districts of the Island?—I think so.

*By Rev. Dr. McLeod:*

17483. Do you believe the Scott Act has done any good in Summerside as well as in the rural districts?—There is less drunkenness here than formerly. Whether you should attribute it to the Scott Act or not, I do not know.

17484. Has the population in Summerside increased since 1878?—In 1881 the census was taken and also in 1891, and I think nothing before that.

17485. The census shows a very slight increase between 1881 and 1891?—Yes.

17486. Do you know whether there was an increase between 1871 and 1881?—I have not any memoranda. We had no Dominion census in 1871. We did not go into Confederation until 1873.

17487. You do not know from general knowledge whether there was in those ten years an increase of population?—I could not give an opinion.

17488. I think you said that the Scott Act came into operation in 1881. My recollection was that it was voted on in 1878 and came into operation in 1879?—You may be right: I only speak from memory. I said I thought it was 1881.

17489. My recollection is that it was voted on in 1878 and came into operation in 1879. I did not know when you spoke of 1881, but that you might have dropped out the years 1879 and 1880, because for the first year or two there were large issues raised as to the constitutionality of the Act?—I had no reason for that. I asked the Town Clerk: he gave me a memorandum of the time the Scott Act commenced, and I supposed that was the time. Probably that was the time when it went into operation first. Or was it not worked in a different way with Commissioners?

17490. No. The Commissioners came in under the McCarthy Act. You remember the old license days; and you have said there was a great deal more drinking then than

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there has been under the Scott Act. I think you said you did not remember how many licenses were issued at that time?—No, I have no knowledge.

17491. Do you remember whether, when licenses were issued, there was any illicit sale?—No, I do not remember.

17492. Was there an earnest and persistent attempt to enforce the provisions of the license law, to enforce the penalties against licensees for violating the provisions of the license law, such as selling during prohibited hours?—I have no knowledge.

17493. Were you not an official at that time?—No. I took very little interest in town affairs until latterly.

17494. Do you think on a day like this, when there are a large number of people in town and there are races and the like, there is likely to be more drinking than on ordinary days?—I think so. Where there are a large number of people, the men who want drink are determined to get it; but there is very little drunkenness here during these gatherings.

17495. Is it because there is likely to be more drunkenness on a day like this that there is an increased police force?—That is one reason. Orders are given to preserve the peace generally, and to arrest people for drunkenness or any other violation of the law.

17496. Comparing the condition of the town under the old license law with the condition of the town during the last ten years under the Scott Act, do you notice any marked improvement in the social condition of the community?—I think there is very little difference in that way.

17497. There is, however, very much less drinking, and part of that improvement is to be credited to the Scott Act?—I think so.

17498. And in that respect the Scott Act has done good, according to your view. Are there any special instructions given to the police with respect to the enforcement of the Act—any specific instructions?—They have instructions in this way, if they find a greater amount of drunkenness among the people, they have instructions to punish it at once.

17499. Do you know whether there is this rule with the police, that if they find a man drunk but heading home he is allowed to go, or do they always pull him in?—They have no special instructions in regard to that. If a man is going home quietly, they will not interfere with him.

17500. About third offences, of which you have spoken: is it understood that there shall be no complaints laid for third offences without consulting you?—No.

17501. You have said you believe the law is fairly well enforced. Do you think it is possible to better enforce the law by more vigorous efforts being put forward by or on the part of the officials?—I think it could be enforced in such a way that it would be next to impossible for the men in the business to continue.

17502. Then would it not be possible to enforce the law against the others?—Yes, if you begin again, I suppose.

17503. Since the enforcement of the law has driven certain people out of the business and diminished the number of those who were engaged in the illicit trade, would a similar persistent effort drive the others out of the business?—As I have just stated, I suppose it would be possible to do it.

17504. Is it desirable to do it?—I do not think the community would suffer if those people were called up.

17505. Do you think the community would sanction such an effort?—I think they would be indifferent about it.

17506. Do you believe the community is anxious to have the law enforced up to a certain point?—If you take the decision of the people at the last election, I should say they are satisfied with the condition of affairs we have now.

17507. Was no other question involved at the election except the Scott Act?—No. That was the main issue. There was no other leading question submitted to the people.

17508. Was it the pure and simple question as to the enforcement of the Scott Act?—That was the only subject on which there was any question.

RICHARD HUNT.

17509. You think the decision of the election was in fact this: we want the law enforced up to a certain point, but not enforced beyond that?—I do not think that we voted for it just in that way. That is, however, a reasonable inference to draw from the vote.

17510. What was the platform of the opposition party?—A more rigorous enforcement of the Scott Act, particularly in regard to third offences.

17511. Everybody wanted to enforce it, but the other party at the same time desired a little more rigid enforcement of it?—Yes. I think in one county it threw the places open.

17512. Your party was satisfied with moderate enforcement?—I do not know exactly what you mean by that; but after the question had been before the people, they voted on it.

17513. What is the duty of the Inspector in this matter of violations of the law: is he supposed to lay complaints?—He is supposed to lay complaints; he is not restrained.

17514. Is he supposed to act independently of the county officials?—Yes. He is not restrained by the officials, but I think the reverse.

17515. Does he lay complaints?—Yes.

17516. In Summerside?—Yes. You speak of our officials?

17517. Of the County Inspector.—We have nothing to do with him.

17518. Has he anything to do with Summerside?—As a county officer he has to lay complaints in regard to violations of the law, the same as our own men.

17519. Has the County Inspector jurisdiction within the town?—Yes.

17520. Does he lay complaints in the town against offenders of the law?—He has done so.

17521. Does he consider it his duty to lay charges outside of the town limits?—I know nothing about it.

17522. Is it probable that since one of the policemen is also specifically charged with the enforcement of the law, the County Inspector may feel he is not responsible?—I cannot form any opinion on what he thinks.

17523. Judging from his actions?—I never spoke to the man on the subject.

17524. Speaking of the town's vote again: are you able to form an opinion as to whether, if the question of the enforcement of the Act were the bare issue before the people, what the result would be?—I think any day the vote would be the same as it was the last time.

17525. Now leave your own personality out of the question, and answer the question broadly?—I do not lay claim to any special personality in the matter.

*By Judge McDonald:*

17526. I understood you to say it would make no difference?—I think the elections when run upon the same principles as the last election, would result in the same way.

*By Rev. Dr. McLeod:*

17527. I have this in mind, and I desire to put the question without any individuals being concerned: do you believe the violation of the law, as far as regards the rigorous enforcement of the law, shows that there is only a partial enforcement of the law?—I could not give you a clear opinion upon that point.

17528. I think you expressed yourself as ready to vote for prohibition, and let it take its chance afterwards. Do you think that total prohibition of the traffic, that is, prohibition of the importation and manufacture as well as the sale, would be desirable, if it could be enforced?—I think, if it could be enforced, it would be desirable.

17529. Do you think there would be practical difficulties in the way of enforcement?—I think there would be the difficulty of getting the people to fall in with the law, and I would leave it for two years. There are people who vote for the Scott Act who are willing to let it take its chance. The bulk of the people and the majority are, however, in favour of the Act.

17530. As an official, you do not let it take its chance?—I am speaking personally as an elector. If the people voted for a prohibitory law and did not take more interest in such a law than they take in the Scott Act, I do not think it would entirely keep

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out liquor ; but it would certainly have the effect of lessening the quantity which would be used.

17531. Do you think a prohibitory law that would prohibit the importation and sale could be more easily enforced than the Scott Act ?—It would be much more difficult, for while the people in the country have money, there are always men who will take the chance of selling.

17532. You think quantities of liquor would get in and be sold ?—I do think so.

17533. Do you consider that the law is violated because there are some infractions of it ?—No, but I would not call it a success.

17534. Would you call it a success if enforced in any degree below an absolute enforcement ?—Certainly I would.

17535. For instance there is a close season for lobsters under the law : Is not that violated ?—Yes.

17536 I suppose people get lobsters in the close season, which is now ?—Yes.

17537. Does that prove the inefficiency of the law ?—By no means ; both these laws are very necessary and essential.

17538. And offenders are prosecuted ?—Yes.

17539. As you have said in regard to the Scott Act, that although it was imperfectly enforced, it has done good, I suppose you believe if it were still more rigorously enforced, it would do still more good ?—Yes.

17540. As a business man, have you observed whether the drink trade has any effect on the commercial interests of the community, injuriously or beneficially ?—I do not see how it could be beneficial.

17541. Or upon the industrial interests or manufacturing interests of the community ?—We have no manufacturing interests that would be benefited by it.

17542. Have you noticed that when the drink trade flourishes, it affects business interests and the like injuriously or beneficially ?—It affects them injuriously—that is, the use of drink, the money for which should go to the support of their families.

*By Mr. Clarke :*

17543. Respecting the duties of the County Inspector ; does he enjoy the confidence of the temperance people ?—I do not know, but I think so. He is, not, however, under our control.

17544. He is no more under your control than your own officers are under their control ?—I think he takes his instructions from the county authorities.

17545. Were your officers told not to take their instructions from them ?—Yes. There was a good deal of feeling after the last election, and the authorities said that the officers should not be interfered with.

17546. The Council said that so long as the officers did their duty, they should not be interfered with ?—Yes.

17547. So the County Inspector enjoys the confidence of the citizens who want the law rigidly enforced, because I understand from you that he has jurisdiction in the town as well as throughout the county ?—I do not know to what extent he enjoys the confidence of the people.

17548. Have you ever heard complaints made against him ?—No.

17549. Not by temperance people ?—No.

17550. We understand that he has jurisdiction with your officers in the town. I presume he is well informed as to the condition of affairs in the town, as well as elsewhere ?—He ought to be.

17551. Is there any reason why he should not enforce the law more rigidly, if it can be enforced ?—Not that I am aware of.

17552. There is no reason why he should not enforce the law more rigidly than your own officer, if it can be enforced ?—I know of no reason. He can lay complaints the same as any other individual, or our own officer.

17553. In answer to a question submitted to you some time ago in regard to arrests for drunkenness, did you say that when men were very drunk and incapable, they were arrested ?—I did not wish to say that. I meant to say that the general instructions were to maintain good order in the town, and if there was much drinking, to arrest the parties.

RICHARD HUNT.

17554. Did you say anything about bringing up people who were simply drunk?  
—Yes; but I would go further, and fine the parties who sold the drink.

17555. In cases of that kind, are charges laid against those people who are selling?  
—Frequently the police make a special raid of that kind.

17556. When people get drunk they are arrested, I suppose, and then your officers bring up the people who sold the drink. What I want to ascertain is, if the enforcement of the law is contingent on the quantity of drunkenness seen in the streets; that is to say, if the people are not incompetent to take care of themselves they are not arrested, but if they are liable to create trouble they are arrested?—Our rule is to arrest a man under the influence of liquor, and he is arrested as a general drunk.

17557. Do you proceed against those people only when the arrests of drunken people call attention to the fact that people are selling liquor, and selling liquor in excess?—No, I do not say that; but if the town were flooded with drunken people, the whole traffic would have a very short run. So far as the town authorities and police are concerned, we would not tolerate drunkenness in the town to any extent.

17558. Do you get information that enables you to prefer charges against those people who sell liquor to drunken men?—I do not know, but I have my own opinion on those cases.

17559. Would public opinion sustain a more rigid enforcement of the Act in this town?—If circumstances arose such as I have spoken of, it certainly would do so.

17560. Do you think public opinion would justify such a procedure at present?—I think so.

*By Rev. Dr. McLeod:*

17561. Have you any almshouse here?—No, we have no poor's house. We have very little poverty here—that is, such poverty as will fall on the Corporation to relieve.

17562. In a country like this, is it not a fact that there should be very little poverty, as people can find employment?—We have very little poverty here.

17563. Is the poverty you have attributable in any degree to intemperance?—What comes before our notice officially is not so attributable. There has been very little of it.

17564. Does the town make much expenditure for the care of paupers?—Very little. I think not \$25 in five years. We have relieved special cases when they have been brought up, but I think \$25 would cover the whole outlay. In a country such as this there are not very many rich, but there need be no poor.

*By Judge McDonald:*

17565. I understood you to say that when people were found drunk the police were instructed to arrest them and have them fined?—Yes.

*By Rev. Dr. McLeod:*

17566. Have there been any cases of convictions based upon information received from persons arrested for drunkenness?—I think not. If the police see a man drunk they endeavour to find out the place where he obtained the liquor, and then push the case.

17567. Do you get information from the drunkards?—I suppose the police do get information from them.

## Liquor Traffic—Prince Edward Island.

C. D. SAUNDERS, of Summerside, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

17568. What is your business or occupation?—I am licensed vendor, for the sale of liquors, under the Scott Act, for the County of Prince.

17569. Does that include Summerside?—Yes.

17570. Is there any other licensed vendor?—Not that I know of.

17571. Are you a druggist?—No, I am not a druggist.

17572. How long have you held office of vendor of liquors under the Scott Act?—Six or seven years last spring.

17573. By whom were you appointed?—I was appointed here first, under the McCarthy Act, by the License Commissioners.

17574. You were an Inspector under that Act?—I was a vendor under that Act.

17575. The Scott Act was in force, and the McCarthy Act also?—Yes.

17576. From whom did you get your last appointment?—From the Government of Prince Edward Island.

17577. Do you keep a stock of liquors on hand?—I do.

17578. Spirits?—I do.

17579. Fermented and unfermented liquors?—Yes.

17580. Vinous liquors?—Yes.

17581. Fermented and unfermented?—Yes.

17582. Do you import those liquors?—I do.

17583. Do you pay duty on them here?—I pay duty on the greater part of them here.

17584. And those on which you do not pay duty here, where do they come from? Do they come from New Brunswick?—They come from St. John and Halifax..

17585. Do you get any from Montreal?—A little, not much.

17586. Do you get any from any other places?—I get some from Glasgow, Scotland.

17587. And any other places?—Those are all the places I know of.

17588. Can you tell the Commission the amount of your sales, on an average, for the six years you have been Inspector?—I could not tell the Commissioners.

17589. What were your sales for the last year, in round figures?—I will say as near as I can, for I am not going to say anything but what is accurate.

17590. State the sales in round figures for 1891?—I suppose about \$8,000 worth.

17591. And what is the amount of sales up to this time in 1892?—I have some liquors on hand yet, that are not sold.

17592. What value have sold, in round figures?—Probably, \$2,000 or \$3,000 worth. I could not say.

17593. Upon what authority, do you sell liquors?—I sell them under doctors' prescriptions.

17594. On anything else?—That is all.

17595. Under doctors' prescriptions, you sold \$8,000 worth in round figures in 1891?—I rather think so.

17596. Has there been much sickness in this community?—I could not tell about that. I get the orders—the prescriptions come in, and the liquors go out.

17597. Can you tell the Commission what value of stock you have on hand now?—I suppose I have a thousand dollars' worth. Liquors run up to a lot of money. In the winter and the fall of the year, of course, I get as much again—perhaps three times as much as I do in the spring of the year.

17598. Is there more sickness in the country in the winter?—No, but I have to lay in a sufficient stock to carry me to the May following.

17599. So that, in case of great sickness in the community, you will be well prepared?—Yes.

17600. I suppose the prescription does not indicate what the disease is, under which the patient is labouring?—I do not know anything about that.

17601. Are your sales confined to Prince County?—Pretty much so.

C. D. SAUNDERS.



17602. Do you sell much in Summerside?—No, not a great deal.

17603. Most in the rural districts?—Yes, out in the country, in the villages.

17604. Can you tell the Commission whether the bulk of your sales consists of spirits or ales?—I think spirits. There is some ale too.

17605. I suppose occasionally some wine?—There is a good deal of wine.

17606. Does it go out by bottle or by the cask?—I do not sell by the cask at all.

17607. Do any of the prescriptions reach that quantity?—No. Most of the wines are sold for sacramental purposes.

17608. It is in bottles, I suppose?—No.

17609. How is it then?—It is on draught.

17610. From the cask?—Yes.

17611. You were served with a subpoena to produce your books and prescriptions. Have you them with you?—The prescriptions will be here in a few minutes.

17612. Who is going to bring them?—My son. [Prescriptions produced.]

17613. I observe a prescription here dated 18-4-92, bottle of brandy for medicinal use. Here is a patient that requires one gallon of rye whisky. Was the gallon supplied?—Probably not the whole of it. Half a gallon would be supplied.

17614. And three pints afterwards?—I presume so.

17615. Did you not think that a gallon was a rather large prescription?—I am not there all the time.

17616. At all events, he did not get the whole of it at one time?—No.

17617. Here is another patient who required a bottle of whisky for medicinal use, and there is an authority for you to supply the same?—Yes.

*By Mr. Clarke :*

17618. There is a prescription here on an official printed form, it reads: "requires 10 bottles of liquor for medicinal purposes." Are many of these prescriptions for such large quantities?—Not that I know of.

*By Judge McDonald :*

17619. Here is one; "June 25th, 1890, 4 bottles whisky, for medicinal use only." Here is another: "8 bottles spirits for medicinal use;" and another: "1 gallon whisky for medicinal use." Here is one: "10 gallons ale for medicinal use."—I do not know anything about it.

*By Mr. Clarke :*

17620. Here is another one for 8 bottles of brandy?—Yes.

*By Judge McDonald :*

17621. Were those 10 gallons of ale for medicinal use? These are fair samples of the others, I suppose?—Yes.

17622. Here is one for 5 bottles whisky. Do you ever receive any prescriptions ordering bottled spirits or whisky?—Yes.

17623. Have you never received one without a quantity filled in?—There was always a quantity.

17624. Is the order not sometimes brought into your place and not filled up until the party arrives there?—I would not allow that.

17625. You say the law is strictly enforced?—I do my best.

17626. Do you think that is your best?—People come in while I am not there.

*By Mr. Clarke :*

17627. You do not sell any without an order?—I do not.

17628. These are samples: in one place I see, "eight bottles brandy, for medicinal purposes?"—Yes; perhaps the person was a long distance away in the country and did not want to come here often.

17629. It must have been a chronic case?—I do not know.

## Liquor Traffic—Prince Edward Island.

*By Judge McDonald :*

17630. Have you ever reported the quantities of liquor ordered in these prescriptions, to the Provincial Government at Charlottetown?—No.

17631. Did you ever make a return to the Government of the quantity sold by you?—No.

17632. Is any check whatever kept on your sales?—No.

17633. You are your own master entirely, subject to the requisition on the prescription?—I have to fill the prescription.

17634. And sell all that is prescribed?—Yes.

17635. Here is a case where one gallon of ale and one bottle of spirits are called for at the same time?—It is very little.

*By Mr. Clarke :*

17636. It was perhaps a complicated case?—I do not know what it was required for.

*By Judge McDonald :*

17637. It would be for a sick man, and not for members of the family who were in good health?—No.

17638. Does a man ever come to you with the prescription?—I suppose in some cases he does.

*By Mr. Clarke :*

17639. Is it a wholesale license you take out?—No.

17640. Here is a rather different order: For medicinal use—half gallon best port wine, one bottle whisky and one quart of best brandy?—Yes.

*By Judge McDonald :*

17641. Here is an order on a scrap of newspaper: "Give Mr. ——— a quart of ale on my certificate." I see you put in one pint. Did he get a pint?—Yes.

17642. On 26th March, 1892, there is a certificate that Mr. ——— requires "four pints of whiskey, for medicinal use?—Yes.

*By Mr. Clarke :*

17643. Here is an order for a number of bottles, four and six bottles and four pints?—Yes.

*By Judge McDonald :*

17644. Here is an order for three quarts of spirits. The word "spirits" has been struck out and the word "ale" inserted. Was the change made before the order came to you?—Yes.

17645. Here is an order for two gallons of ale and a bottle of wine?—Yes.

17646. You have told the Commission that your name is printed on these orders: are they issued to the doctors so that they can fill them up?—I have to furnish the doctors with the printed forms, and they fill them up and give them to patients.

17647. Are you required to have printed forms sent in to you?—The doctors want them.

17648. There is no legal regulation in regard to the matter?—I have to have printed forms.

17649. If so, how do you happen to have this order on a slip of newspaper?—I cannot tell you.

*By Mr. Clarke :*

17650. Are all these prescriptions signed by medical practitioners?—I presume so.

*By Judge McDonald :*

17651. Here is a prescription for a gallon of rye whisky?—Yes. All I know is that what I do is according to the orders I get.

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*By Mr. Clarke :*

17652. You fill up the doctors' orders?—Yes.

17653. Are you authorized by law to furnish such large quantities as are called for in these prescriptions?—I do not know; I am aware that I cannot furnish less than one pint.

17654. Are you authorized to sell six or eight bottles of brandy on a certificate?—The law does not say; the law says that I cannot sell less than one point, but it does not specify the quantity I can sell.

*By Judge McDonald :*

17655. Have you, as the official under this Act, honestly endeavoured to carry out its provisions?—I have tried to do my best.

17656. Have you the book which I called upon you to bring before the Commission, by subpoena?—What kind of a book?

17657. Any book in which there are entries of your sales. Where is your register?—I have not one.

17658. Have you never kept one?—No.

17659. Are these prescriptions all the records you have?—Yes.

*By Mr. Clarke :*

17660. Do they represent all your sales for the periods over which they extend?—Yes.

*By Judge McDonald :*

17661. Here is an order for a pint of whisky and a pint of gin at the same time?—That may be correct.

17662. On March 23rd, there are four prescriptions, and one pint of brandy and a pint of gin are called for?—That may be correct.

17663. No doubt it is correct, for you seem to have furnished it?—I have not the least doubt about it. I wish to give the Commissioners all information, honestly and squarely.

17664. What period do these prescriptions cover?—The bundle I have here covers last year.

17665. How many orders were there last year, two thousand?—More.

17666. Five thousand?—More than that, I could not tell you.

17667. You think there were more than 5,000?—Yes. On thinking over the matter this bundle, I believe, is for two years.

17668. Have you heard that during those years any special malady prevailed throughout the community, more than during any other year?—There have been a good many cases of sickness.

17669. What kind of sickness?—Some sorts of fever and diphtheria, and one thing and another.

17670. How much diphtheria was there?—It would be hard for me to say. There was a good deal of sickness one way or another.

*By Mr. Clarke :*

17671. Was there much la grippe?—I think there was some of it; I heard of a good many cases, but I could not say how many.

*By Judge McDonald :*

17672. You have spoken of what you call unfermented liquor?—I said that I had had some of it.

17673. What kind?—It was manufactured at Niagara Falls.

17674. What is it called?—It is called unfermented wine.

17675. Is it used for sacramental purposes?—Yes.

17676. You do not require a permit to sell that, I suppose?—No.

17677. Have you any of it on hand now?—I think I have two or three cases; I did not get much of it. I gave up selling it about a year ago.

## Liquor Traffic—Prince Edward Island.

17678. Do you remember the name of the manufacturer?—Not at present.

17678a. Was it the Niagara Falls Wine Company?—Yes.

*By Mr. Clarke :*

17679. Was the greater quantity of liquor intended for the rural districts of the county?—It was for the whole county.

17680. Have you any knowledge as to whether much was consumed in the town?—There might be some, but the greater quantity goes to the country.

17681. Disease is more prevalent in the country, I suppose?—I do not know; there is more goes to the country than is used in the town.

17682. What is the population of the County of Prince?—I could not tell you; I suppose 30,000, between 25,000 and 30,000.

17683. Is not the population 36,000?—I do not exactly know.

17684. You think this supply circulates throughout the whole county?—It goes through the whole county.

17685. There is not much sold in the town, as far as you know?—There is some.

17686. Do you know anything about the enforcement of the Scott Act in the town?—I know a little, I suppose.

17687. What do you know?—I know I have to carry out the law so far as I can.

17688. And what else do you know in regard to the Scott Act and its enforcement?—Supposing I made a sale to any one without a prescription, I would be hauled up before the Stipendiary Magistrate and fined for it.

17689. It is the Scott Act I am speaking about: how is it enforced?—I do not know, I can hardly tell you how they enforce it; but I know I do not like to do anything wrong because I would expect to be hauled up.

17690. Can you tell the Commission what proportion of the liquor you vend on medical certificates is distributed in the town and required by the population of the town?—No, it is impossible.

17691. Do you know if sales of liquor in the town are going on in other places than in your establishment?—I presume so.

17692. Do you know?—No, I could not say, because I do not go into any of those places, but I understand there is selling. I know nothing further—I could not prove anything, because I do not go into those places.

17693. Does the existence of such places interfere with your business?—Yes.

17694. Have you ever complained to the authorities?—No, they know it as well as I do.

17695. Who do?—The authorities.

17696. They know what?—That the people are selling illicitly, and they have no right to do it.

17697. I believe no person has a legal right to sell except yourself?—That is all.

17698. Does that sale interfere with you to a certain extent?—To a certain extent it does.

17699. Have you ever complained to the authorities?—I have spoken about it several times.

17700. To whom? Did your remonstrance or report have any effect?—Not that I know of.

17701. Are you satisfied with the business you are doing in the town and county?—If it was not for the others selling, I would do a very much larger business.

17702. Do they do considerable business?—I suppose they make a living out of it.

17703. They, of course, have no certificates to depend on for protection?—No.

17704. Regarding the liquor you import, you have said that some of it has come through the Customs here?—Yes.

17705. Does your liquor come from New Brunswick and Nova Scotia?—It does in the fall of the year.

17706. And I suppose you take it out as needed?—Yes.

17707. But do your supplies during the summer come in duty paid?—I only get a very small quantity in during the summer, probably ten cases or sometimes twenty.

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17708. From where?—From Halifax or St. John.

17709. What quantity did you get in last fall, did you get in a ship load?—I should say not.

17710. How many cases?—I suppose over 100 cases.

17711. What quantity of liquor was in each case?—I suppose a little over one gallon and a half.

17712. That would be 150 gallons. That would not last long for these prescriptions. What else did you get? Did you get ale in hogsheads?—We did.

17713. How many hogsheads?—I had 25 in all.

17714. Twenty-five hogsheads and 150 gallons?—That was all.

17715. Have you not sold more than 25 hogsheads and 150 gallons?—I have a lot of liquor in bond yet, which had not been taken out. I do not take it out until I require it for use.

17716. How much liquor did you get from St. John and Halifax during the last twelve months?—I suppose a little over \$2,000 worth or perhaps \$3,000 worth.

17717. You are speaking from memory?—Yes.

17718. Do the public generally know that prescriptions are given for such large quantities of liquor?—I do not know.

*By Rev. Dr. McLeod:*

17719. Are these prescriptions the only record you keep?—Yes.

17720. How do you make an annual return to the proper official of the Government?—I have not made one.

17721. Why have you not made one?—I did not know the law required it.

17722. Have you ever read the law?—I read the law lately.

17723. How lately?—I got the law yesterday.

17724. Did you find the law required anything from you in the shape of a return?—I found out yesterday I had to keep a register.

17725. And you are now of the opinion that you have to keep a register?—Yes.

17726. And what else?—And make a return to a certain officer in Ottawa, once a year.

17727. You have ascertained that it is your duty to make a return to the Inland Revenue Department once a year?—Yes.

17728. And you have never done it up to this time?—No. All I thought I had to do was to keep everything on file.

17729. Do you now suppose it is your duty to make a transcript of all these prescriptions and orders and furnish a return to the Inland Revenue officer?—I can do it now.

17730. Is it not your duty to do it?—If the Commission think I should do so, I will do it.

17731. It is not a matter of Commission direction, but of law requirements?—I could do that.

17732. You have here an order for one bottle or six bottles or one gallon or three or four gallons, and sometimes orders for two or three varieties of liquors; and on the back of the orders I notice sometimes marked one bottle as received on a certain date, two bottles on another date and so on. What are we to understand by these endorsements?—I mark the order according to the sale.

17733. So a man may come with an order for five gallons of whisky and get a couple of bottles, and you endorse those two bottles on the order?—Yes.

17734. And he can come back a week afterwards and get another bottle?—He can come a month afterwards and get it.

17735. So you issue the supply in instalments?—I only give it as it is required.

17736. Why does a doctor give an order to a man for five gallons?—I do not know anything about that.

17737. Would it excite suspicion if a man brought you an order for five gallons when all he wanted was a bottle of whisky; would you think there was something wrong about that?—I am not there all the time, I am not there a quarter of the time.

## Liquor Traffic—Prince Edward Island.

17738. Have you been there when a man has come with an order for a dozen bottles, and you have given him one bottle, and endorsed it on his order?—I suppose I have.

17739. Did it occur to you that there was something irregular about that transaction?—No, it did not.

17740. It never occurred to you that when a man came with an order for ten bottles of any kind of liquor for medicinal purposes and said he only wanted one bottle at that time, there was something wrong either on the part of the man or the doctor?—As I say, I did not give it consideration.

17741. Is it your duty to exercise a little discretion in the matter?—I do my best in that way.

17742. Do you exercise any particular judgment in the matter, or do you simply take the order without hesitation and fill it, by instalments in some cases?—The man does not hold the order, I hold the order.

17743. Is the man who brings the order the sick man?—So soon as I make a sale I endorse it on the back of the order, and fill it as he requires it.

17744. When I was in your place I saw a lot of little files, a dozen of them I suppose?—There were 24 of them.

17745. Is one for each doctor?—No, one for each letter of the alphabet. When people come back for another supply of liquor under their orders, it took so long to look their orders up that we now have them alphabetically arranged.

17746. You put Smith under the letter "S" and all orders under that letter on one file?—Yes.

17747. So when John Smith brings you an order for five gallons and receives only one bottle on that day, you endorse the entry and file the order?—Yes.

17748. Next week John Smith wants another bottle; then you can go to the file and turn up his order, and if it has not been completely filled you supply him with another bottle and take pay for it. Is that your plan?—Yes.

17749. By and bye, when the whole order is filled, what happens?—He gets no more.

17750. Then you put that order away on another file?—Yes.

17751. Then does John bring you another order?—Sometimes he does and sometimes he does not.

17752. Do you find that John Smith has an order right along, that he gets his order duplicated or repeated?—I could not say.

17753. You think, then, that it is not your business to discriminate in this matter? Has it ever occurred that doctors have given orders for liquor for other than medicinal purposes?—They may have done so, I have not the least doubt of it.

17754. Do you believe it is your duty or your privilege to raise a question about that matter?—I have not done it so far.

17755. For instance, when a man comes with an order for a gallon and says he will take one pint to-day: has it ever been consumed on the premises?—I never allow that to be done.

17756. You never allow liquor to be consumed on the premises?—No.

17757. Did you prepare these blank forms yourself?—I give the doctors the printed forms.

17758. You distribute them amongst the doctors?—Yes.

17759. The doctors sign them?—Yes.

17760. I believe you have already said that you never got them in blank signed by doctors?—No.

17761. Did you ever get one in blank?—The quantities, so far as I know, are always filled in.

17762. Have you any reason to believe that those orders for liquors are often for beverage purposes, not for medicinal purposes? Has that ever occurred to you?—Sometimes they are.

17763. If those prescriptions were for beverage purposes rather than for medicinal purposes, did it occur to you that you were violating the law in selling liquor for beverage purposes?—No, it did not.

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17764. Did you think you should make an investigation in regard to that matter?—No.

17765. Have you ever catechised any of the doctors who sent those orders for large quantities of liquor for medicinal purposes?—I never said anything to them.

17766. You felt it was your business simply to import large quantities of liquor and sell, so long as the doctors sent prescriptions?—I presume so.

17767. No matter whether the orders were reasonable or unreasonable?—They never give very big quantities at one time.

17768. Do you not think ten gallons or eight bottles is not an enormous quantity?—This would not all be given out at one time probably.

17769. But do you not think ten gallons of whisky in 12 months is an enormous quantity to be prescribed for one family for medicinal purpose?—I do not know who used that much.

17770. There are orders here for 10 gallons, more than one of them. Here for instance is an order: "Mr. ——— four pints of brandy and one gallon of ale." On the back there is this endorsement: "One bottle brandy and two bottles ale, March 29th; one bottle brandy, March 29;" and then he got one and a half pints of something in July. The order was kept a long time, from March to July. So it is all through the whole list. For instance, there is an order for six bottles, and two pints are endorsed on the back of the order. Here is another order for two pints of spirits for medicinal use. The man got one pint at one time. Then there is an order for five quarts of ale, and he got four pints only. He appears to have got that on July 25th of this year, but he evidently has to come back and get the balance of the five quarts yet. Is that the way you have been doing business?—I admit that is the way I have been doing it.

17771. Do you think that way is irregular or is perfectly proper?—I do not know, I thought it was according to law.

17772. You have never given any consideration to the question as to whether it was a violation of the law or not?—No.

17773. Do you know whether doctors issue certificates for a consideration, whether doctors get paid for issuing certificates to persons for liquor for purely beverage purposes?—I do not know.

17774. Do you not suspect that this is done?—I do not know; it would be hard for me to say; they bring prescriptions from the doctors.

17775. You are sure there is no liquor consumed on your premises?—I am sure of that.

*By Judge McDonald:*

17776. Is Emerald in your district?—I think so.

17777. Was there ever a vendor placed there?—Not that I know of.

17778. Any one by the name of Hughes?—There was one at Emerald I think.

17779. Was he in this county?—No, not in this county.

17780. Was he probably in the County of Queen's?—Yes.

17781. I see his name is struck out of an order here, and your name inserted?—Probably the doctor had no prescription form of mine, and so he struck out the name and put my name instead.

17782. Why should the doctor there be sending orders to you unless the place was in your district?—Somebody might not like to travel far.

17783. Here is an order on 14th August, 1891, to this person for a gallon of liquor for medicinal use. He appears to have received two pints on August 15th, the next day, then one pint on April 20th, 1892, eight months afterwards?—That might be.

17784. You honoured the order eight months afterwards?—Yes.

17785. I suppose the order is not filled yet?—The order was given in August, 1891, but the prescription has not yet been completed?—I suppose not.

17786. Do you intend to complete it?—I have not filed it away as completed.

17787. Do you mean to say that you intend not to complete that order, if the person comes for the liquor?—I might not be there.

17788. Do you intend to have the order completed?—What time was the order given?

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17789. In August, 1891?—I should take it that the order would not be completed. I think the time too long.

17790. Then do you think the time from August, 1891, to April, 1892, eight months, is too long?—No.

17791. You think eight months is not too long a period, but a year would be?—Yes.

*By Rev. Dr. McLeod :*

17792. Are you familiar with the signatures of the doctors in the county?—I know them pretty well now, I did not know them at the start.

17793. Do you think the doctors in every case sign the prescriptions?—I do not know of any prescriptions except those signed by the doctors themselves.

17794. Have you orders from men whose names are not those of doctors in this county?—Not that I know of.

17795. Are you always careful in examining as to this point?—We do.

17796. Or do you simply say that it is a proper order, look as to the quantity and supply it? Has ever an order come to you in regard to which you have said : "Well, that does not look like the signature of the doctor," and have examined into the matter?—If I detect anything like that, I tell the man, "That is not the doctor's signature, and you had better take the order away."

17797. Did you ever have an order to which a name was attached that you knew was not the name of any doctor in the county?—Yes, I have.

17798. Did you fill the order?—I have had some such orders from Queen's.

17799. I mean an order signed by some man, who was not a doctor in this county; and you filled it?—Not that I know of.

17800. Have you ever had an order that you did not fill?—Plenty.

17801. Orders that you have refused to fill?—Plenty.

17802. When the orders came on your forms and signed by men whom you knew to be doctors, you refused to fill some such orders?—Yes, when I doubted the doctor's signature.

17803. Have you refused to fill the orders in such cases?—Yes, in several of them.

17804. So you have been careful?—Yes, I have tried to be so.

*By Mr. Clarke :*

17805. By what means do you identify people coming in for second or third supplies on one order?—I have a check, and take care to be sure that they are the same people.

17806. You are sometimes liable to error, I suppose?—No.

17807. Is it possible for one man to get an order and have it filled on six occasions, and you remember the man?—Yes.

17808. How do you recognize him?—We know him.

17809. If there is an interval from August to April in completing an order, and if you do not happen to have been in the store when the first supply was given on an order, how do you recognize the man?—If I am not positive, I do not fill the order until my man comes in, the one who took the order in the first place.

17810. Then either your man or yourself knows everybody who comes in?—We know them pretty well.

17811. Regarding your appointment some six years ago last spring : we understand that you have occupied the position of Licensed Vendor since that time?—Yes, I think so.

17812. We understand the appointment is one in the gift of the Provincial Government?—It is.

17813. Have the people of the district anything to say in regard to the appointment?—No.

17814. Were you supported by the people generally?—I presume so at the start.

*By Mr. Gigault :*

17815. Did you favour the adoption of the Scott Act?—I voted for it, that is all I know.

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17816. Would you favour the adoption of a general prohibitory law?—That is a question I am not prepared to answer.

17817. Were you a member of any temperance society at the time you were appointed Licensed Vendor?—I was.

17818. What society?—I belonged to two societies.

17819. What are the names?—I belonged to what they call Good Templars, and I belonged to a Division of the Sons of Temperance.

*By Rev. Dr. McLeod :*

17820. Do you belong to any of them now?—Well, I do not ; they expelled me.

*By Mr. Gigault :*

17821. Were you recommended by those temperance societies for the office you now hold?—Partly by them and partly by others.

*By Rev. Dr. McLeod :*

17822. Did the societies as such recommend you?—I suppose they did me no injury ; they helped me to get the appointment at the start under the McCarthy Act.

17823. Did the societies as such recommend you for the appointment of Licensed Vendor?—Not that I know of as societies ; they did so as individuals.

*By Mr. Gigault :*

17824. When you were appointed Licensed Vendor, were you a member of those societies?—Yes.

17825. You were only expelled afterwards?—Yes, afterwards.

*By Judge McDonald :*

17826. You say your name is Charles. I find this order, without date, “Dan, give bearer one bottle good whisky. He pays.” Who is Dan?—Dan is the clerk, I suppose.

17827. So here is an order, not on a printed form, not addressed to you and not having a date, how was that honoured? Where is your endorsement?—I could not tell you ; I do not know anything about that order.

17828. There is no M.D. after the name. Look at this paper, and tell me if the man who signed it is a doctor?—No, he is not.

17829. What is his occupation?—He is a merchant.

17830. Look at the name appended, and see if the liquor is for a relation?—He is, I suppose, a brother. I suppose he had a prescription and sent his order on his prescription.

17831. You think this man had obtained a prescription from a doctor?—I think he had.

17832. And sent the order on that prescription, and got it filled?—Yes.

17833. What do these words mean : “He pays.” Do they not mean not to charge the man who signs the order?—I never saw it.

17834. You were not to charge him, I suppose?—I suppose so.

17835. There is no date, but there is a post mark, Summerside, 1891?—Yes, I think so.

17836. In some places it is the rule where medical men give orders on apothecaries that a certain commission should go to the medical man. Is that the case in regard to the prescriptions under this Act?—I do not pay them, that is all I know.

17837. No commission comes from you?—No.

*By Mr. Clarke :*

17838. Does any commission go to anybody else?—Not that I know of.

17839. Nor from any person from you?—No.

*By Judge McDonald :*

17840. Here is an order in 1890 for a person whose name is not given, “one bottle brandy, for medicinal use ;” and at the bottom there is the word “repeat.” What does that mean?—I cannot tell you, because I never saw it.

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*By Mr. Clarke :*

17841. I suppose a great many orders come in when you are not at your place of business?—Yes.

17842. Do you consider that to be a proper way of doing business?—I presume the doctors send in their prescriptions.

17843. Would it not be better that no order be honoured, unless it is written on a proper printed form?—All the orders are given in that way, I suppose.

*By Judge McDonald :*

17844. Look at this prescription (prescription handed to witness) and tell me whether a medical man signed it?—No, a medical man did not sign it.

17845. Then how do you account for that order being on file?—That man would have a doctor's prescription.

17846. That is, the man who gave that order to the other man had a doctor's certificate?—Yes; the man who gave the order would have a doctor's prescription.

*By Mr. Clarke :*

17847. Would there be an order on file, and would that order be a portion of the prescription?—Yes, that is the way it would be.

*By Judge McDonald :*

17848. Here is an order: "March 1st, 1890, Mr. ——— requires gallon brandy and half gallon whisky for medicinal use." So he gets half a gallon of brandy in March and half a gallon in July, and one bottle on May 14th. Is that right?—Yes, it is right.

17849. This is a sample prescription:—

S. SIDE, March 1st, 1890.

C. B. SAUNDERS, Vendor.

I certify that ——— reqs. 1 gl. brandy, and half gl. whisky for med. use.

(Sgd.)

P. B., M. D.

—Yes.

*By Mr. Clarke :*

17850. You make it a rule to file the prescriptions as sent in?—That is all.

17851. Have you any reason to doubt that the physicians are not acting in good faith?—I have not.

17852. This is a sample of the way business is done here?—This is the way I have done it, at all events.

17853. Would you vote to sustain the Scott Act?—I should almost say that I would.

17854. And under the Scott Act this condition of things exists here?—Yes.

17855. The law is being constantly and flagrantly violated; do you think that a happy condition of affairs?—I could not tell you.

*By Judge McDonald :*

17855a. You have stated that your sales are comparatively small in the town, and are mostly in the rural districts?—They are.

17856. Have you any reason to believe that the Act is well enforced in the town, or do you believe liquors are sold pretty freely in the town?—There is a good deal of liquor sold.

17856a. Do you think there are a good many people in the business?—I suppose there are.

17857. Do you think the Act, as you have noticed its working in the province, including this town, has had the effect of promoting temperance?—I could not say.

*By Mr. Clarke :*

17858. Do you think that the system of getting liquor on prescriptions in this way promotes temperance?—I do not know that it does.

C. D. SAUNDERS.

NEIL McQUARRIE, of Summerside, Stipendiary Magistrate, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

17859. How long have you held the position of Stipendiary Magistrate of the Town of Summerside?—I was appointed in 1885, in August, I think.

17860. Was it an incorporated town at that time?—Yes, the town was incorporated in 1875 or 1877.

17861. Was the Scott Act in force when you took office?—My recollection is that the Scott Act came into force in 1881; I may be wrong in regard to that date, but I think it was that year.

17862. Are cases of offences against the Scott Act tried before you?—All offences committed within the limits of the town are tried before me.

17863. Are any tried in the rural districts?—No. I am not a Justice of the Peace, and never was so appointed; in fact, I preferred not to be so appointed, as I am so busy, that duties outside of the town would trouble me more than duties in the town.

17864. You also, I suppose, take the preliminary examinations in criminal cases sent to trial?—Yes, for all offences committed within the limits of the town.

17865. During your term of office, have you found that drunkenness has increased or decreased?—I should say it was on the decrease.

17866. In regard to offences against the Scott Act, how have you found them as regards numbers?—The numbers of convictions have varied. I have here a list of the convictions, prepared by the Clerk of the court.

17867. Will you kindly read it to the Commission?—Since I was appointed, there has been a good deal of similarity as regards the number of convictions each year: In 1885, the number was 19; in 1886, 12; in 1887, 14; in 1888, 12; in 1889, 17; in 1890, 25; in 1891, this return being for one year and a quarter, 17; 1892, up to date, 9. It strikes me that the figures for 1890 and 1891 should be reversed and should stand: 1890, 17; 1891, 25.

17868. Do you find the enforcement of the Act is regularly carried out, or spasmodically?—It has been spasmodically carried out in times gone by. During the last few years it has been left pretty much to the officials, I think.

17869. Have you anything to do with the carrying out of the Act, except trying cases under it?—I have nothing to do with it, except hearing cases that come under it.

17870. Are the police of the town under your control?—They are in a manner, but not to any great degree, although I have the right to give them instructions.

17871. Their appointment is not in your hands?—No, nor their dismissal.

17872. Have you the power of suspension?—No, it is vested in the Council.

17873. Have you to report to the Council if you find difficulties existing?—Yes; but the police always carry out my instructions.

17874. Have any of the cases brought before you been for second offences?—I have here a list of convictions. It is as follows:—In 1885, no second offences, all first offences; 1886, all first offences; 1887, one second offence; 1888, all first offences; 1889, all first offences; 1890, 16 first offences, 5 second offences and 4 third offences; 1891, 15 cases. I think these two years have been muddled. During the present year there have been 8 first offences and 1 second offence.

17875. In the case of each of the convictions for second offence, was the full amount of the penalty imposed?—As regards that, I do not know.

17876. In the cases of convictions for third offences, were the parties sent to jail?—I presume so, in some cases.

17877. Did you not issue the warrants?—Yes, if they were brought to me by the prosecutor.

17878. You do not know whether the warrants were enforced?—Those that were signed were enforced.

17879. Did you sign them in all those cases?—I cannot tell you.

17880. From your memory, can you say whether you have had before you a second time any persons who were charged for a first offence?—At different times parties have

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been charged several times for a first offence. This has been frequently done. I may say that prior to 1885 I acted as counsel for the Temperance Alliance for a year or two in conducting prosecutions. At the same time I acted as counsel for the other side in another part of the county. So I have a knowledge of both sides as regards the working of the Act.

17881. Taking the county as a whole: how did you find the Act to work, from your personal knowledge?—When the Act first came into force in the county there were a good many small places selling. I think at the present time most of them have gone out of the business. The sellers in this county are now pretty much limited to the village of Tignish. In Alberton there was a quantity sold, but there is not so much sold there now as formerly.

17882. Did you hear the evidence of the last witness?—Yes.

17883. From your acquaintance with the county, have you knowledge of any excess of disease in the community which caused a large quantity of liquor to be sold?—I do not think there has been any epidemic in the county for a number of years. I do not know to what particular use the liquor was put. I am aware that there has been a little of la grippe, and that some consider rum is an antidote. That is the only disease in the shape of an epidemic that has prevailed.

17884. Was it not rather a long time for la grippe to continue, from August to April?—Yes, but they say it is difficult to get rid of when once it comes.

17885. Are there any suggestions you can make to the Commission in the direction of amending the Scott Act to make it more complete or its enforcement efficient?—I think the Act has within itself an inherent defect, and it is this: the Act says, that a man shall not sell, and that if he does so, he is liable to a fine of \$50 or \$100 or three months in jail; but the party who buys gets off perfectly free. I do not think that is an honest and straightforward law, because, morally speaking, the buyer must be equally guilty with the seller, but the law says such is not the case; and I do not think in that respect it is in harmony with the moral sentiment of the people.

17886. Would you make the purchaser also liable?—Yes. Morally he is as liable as the seller, and therefore he should be so legally. If this law is to be carried out, it must deal with all the people fairly and squarely. If the people are not ready for the law adjusted in this way and made fair and square, they are not ready for anything. In so far as regards legislation respecting temperance or any other subject, the law should do right, because it has often been said that those who sell are engaged in a not strictly moral business. If there is anything in that contention, they should not be surrounded with temptation. I did not consider the Act carefully until it became my duty to pronounce judgment in cases brought before me under it. I have found that sometimes witnesses have induced parties to sell liquor for the purpose of securing conviction against them. That, however, occurs very seldom now.

17887. By what means?—In my experience I have found that parties have been induced to sell by persons who sought to obtain convictions against them. This does not occur now, because I have expressed myself very strongly in regard to that way of obtaining convictions.

*By Mr. Clarke:*

17888. Persons have been induced to break the law and have then been proceeded against for violation of it?—Yes; but this has not occurred for some years, to my knowledge.

*By Judge McDonald:*

17889. You frowned down such a course of procedure?—I intimated that it was a very immoral proceeding.

17890. How do you find the machinery of the Act to work? Do you find it satisfactory, taking for example the mode of procedure?—As regards the machinery of the Act, I may say this: the forms for proceedings for a first, second and third offence I settled, and any one reasonably qualified can fill them up properly.

17891. Are the informations generally filled up by the Clerk?—Yes. I settled the forms some time ago, they are printed and may be filled up by almost any one.

NEIL McQUARRIE.

17892. Do you find any difficulty in these cases, as to the manner in which evidence is given by witnesses?—For some years there was considerable trouble. Stuff was being sold that was called Schenck beer and hop beer. Witnesses who were brought forward were not able to say whether it was intoxicating or not, but finally it was satisfactorily settled that it was intoxicating, and now there is no more dispute on that point. During the last few years this point has not come before me at all.

17893. Are you also troubled with Peruvian beer?—I deal with those beers in this way: When a case is brought against a party for having sold intoxicating liquor, the fact has to be proved, otherwise I cannot convict.

17894. Have you had reason to suppose from evidence given in these cases that the names just mentioned covered intoxicating liquors?—I have had a suspicion in some cases that these beers were really what might be called ale; still, I had not legal proof.

17895. Have you had reason to believe that there was perjury committed in these cases to any extent more than in other cases?—I should not like to say that witnesses deliberately perjured themselves. Perhaps they took such drink and did not actually know whether it was intoxicating or not. I have no right to say otherwise. There are some witnesses who give evidence honestly and endeavour faithfully to state what is correct. The general view is that the Act has given rise to perjury, but I do not think that that is invariably the case. Of course there may be some men who are rather defective in regard to morals, but beyond that I do not think I am prepared to go.

17896. Do you find in any other cases that come before you for trial, apart from drunkenness, the cause may be attributed to the use of intoxicating liquors?—The criminal list in Summerside is very limited and would hardly form a basis on which to arrive at an opinion. Speaking from recollection of the cases coming before me, those for petty larceny, for example, are not due to liquor; and I cannot say, outside of the convictions for drunkenness, that liquor is an element in the criminal calendar. The only cases flowing from drunkenness that I can recollect just now is a case or two of assault. One case of grievous assault was the result of being drunk. The party is now in jail and serving his term. It was an assault on a police officer.

*By Rev. Dr. McLeod:*

17897. Besides the drunks who come before you, are there many other offenders?—No; leaving out violations of the Scott Act and drunks, there are not many offences committed in this town.

17898. Have you observed that any proportion of petty offences tried before you are attributable to drink, petty thefts, disorders and the like?—No, I cannot say that such is the case. I do not think drinking had anything to do with them. Of the larceny cases that come before me, I do not think the prisoners drank at all.

17899. You do not think the parties were drunk. But do you know whether the juveniles who have been guilty of petty offences had drinking parents who neglected them, and this way their crime might be traced to drink?—I do not think their parents were addicted to drink; in fact I think their parents were addicted to the other habit, that of larceny.

17900. Do you find that the criminal cases have diminished within the last 10 or 15 years or during your term of office?—The number is hardly sufficient to form a basis. Some years there will be a few petty cases and other years none.

17901. Is there a very small amount of that kind of crime?—Very small.

17902. Speaking of violations of the Scott Act, you say you have had convictions for first and second offences. Have there been commitments to jail in default of payment of fines?—There have been.

17903. Have the fines in every case been paid or the parties committed to jail?—I have not a record of the payment of fines here; I think in every case where the fines were not collected, there were steps taken to have the parties committed.

17904. Where was the difficulty in regard to making collections?—In some instances the party did not have anything. Perhaps he had a family depending on his exertions for support, and he honestly intended not to sell any more.

17905. There was no agreement made that he should not sell?—There was no agreement; I have heard that they intended not to sell.

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17906. Then there have been parties who have been fined, and although they made default, they have not been sent to jail?—There have been cases in which parties have been fined, and although they did not pay, they have not been sent to jail.

17907. What was the reason?—The reason given sometimes has been that the person had a family of children to support, and if sent to jail, he would not be able to support them. These persons have had interviews with myself. I have afterwards mentioned these circumstances to the police officer, and have told him it was a matter which he had better carefully consider. The person, who has sometimes been a woman, has not been sent to jail.

17908. Have there not been cases sent to jail in Summerside?—Yes, in some cases when parties have been fined for the first offence, they have preferred to go to jail rather than pay. In the practical working of the Act we find that the imposition of fines for a first offence is perhaps more effective than imprisonment for a third offence. The penalty for the third offence is imprisonment, and the evidence must be positive, while charges laid for the first or second offence can be proved more readily and convictions more easily obtained.

17909–10. And money is thus secured for the town treasury?—Or any other purpose. As I have intimated already, a number of fines were imposed under charges for the first offence, and rather than pay the parties went to jail.

17911. More money was thus received into the treasury?—Yes, by imposing fines rather than by sentencing offenders charged with the third offence to two months imprisonment.

17912. There have been convictions for third offences, I suppose?—Yes, there have been.

17913. Is there any reason why convictions for third offences are not more numerous, if third offences are committed?—The only reason existing is what I have given, that the practical working of the Act can be more efficiently carried out by imposing fines. Why should you proceed for third offences when you can lay charges for half a dozen first or second offences with the same effect? Moreover, less trouble is required, and less machinery is needed to enforce the penalties. I do not think any liquor seller can stand these repeated fines.

17914. Do you believe the imposition of penalties for first offence is as effective in preventing the sale of liquor as imprisonment for third offence?—Yes, and the practical working of the Act in this town proves it. Any one who considers the history of the Act as worked in this town will not hesitate to support my opinion. Certain offenders violate the law so frequently as to get themselves into jail. Then they have their families selling, or they will keep on selling in some other way.

17915. You said that some complaints were made respecting parties who had made purchases for the purpose of getting a case?—Yes.

17916. Was that regarded as voluntary detective service?—I do not know what manner of service it would be called. I remember one person who came before me went about endeavouring to secure cases against sellers by purchasing from them. I think there was some detective service outside of that, but it never came before me.

17917. Take the case of a person who is charged with violating the law by some person who has made a purchase with that object in view. Might not this purchase have been made because difficulty was experienced in detecting the sale of liquor by a party who had been regularly selling it?—Nothing of that kind came before me.

17918. Do you think the person would not have sold except for the inducement then held out?—I do not think that was detective service in the ordinary sense of the word. You are now speaking of other matters that have never come before me. I think there were parties going round who were buying liquor for the purpose of securing the conviction of the sellers; but nothing of the kind has been carried on since I have been appointed.

17919. I understood you to say that purchases had been made with no other object in view than that of getting a case of violation against the sellers?—In the particular case to which I referred, which came before me, the liquor was sought to be bought for a party who was sick. The person refused to sell it at first, but was induced afterwards to do so, for it was for a certain person who was ill.

NEIL MCQUARRIE.

17920. Was the party who made the sale believed to be a person who was regularly conducting an illicit business?—No, he was not in the illicit business, he was supposed to be selling within the law.

*By Mr. Clarke :*

17921. You disapprove of that kind of business?—Yes.

*By Rev. Dr. McLeod :*

17922. Were you in Summerside during the license period?—I came in 1879. I do not think the Scott Act came into force till 1881, but my recollection may be wrong. I think after I came to Summerside liquor was sold over the county in open bars. When the Scott Act came into force, that sale ceased.

17923. So you have not any recollection of any period under license?—No, excepting prior to my coming to Summerside.

17924. You cannot compare Summerside under license with it under the Scott Act?—No.

17925. Can you compare any community under license with a community under the Scott Act?—The southern part of King's County was under a license system, but no licenses were issued.

17926. The prohibitory features of the license law were in operation?—Local option was in force.

17927. The people took advantage of the prohibitory clauses of the license law and no licenses were issued?—Yes.

*By Mr. Gigault :*

17928. Could you furnish the Commission with a statement showing the convictions for crime, year by year?—I have not a statement of the crime in general. The statement I have is limited to convictions under the Canada Temperance Act and convictions for drunkenness.

17929. Have the citizens endeavoured to enforce the Scott Act while you have been Police Magistrate?—I cannot say to what extent the citizens have done so. I do not know to what extent the citizens have assisted me, but I think they have made more efforts at some times than at others to enforce the Act. The members of the temperance societies should know more about that matter than I do, because the informations are laid and the cases are brought before me by them, sometimes more frequently and sometimes with more force than at other times. I suppose they assist the officials in gathering information.

17930. Do you know if the clergy and the temperance organizations have done a good deal here towards promoting temperance?—I think so. I believe the temperance sentiment is growing here. I think there is far less drinking done than formerly. I do not hold that the number of convictions for drunkenness is a true index of the drinking that is taking place, but I believe the people are coming to recognize that it is necessary to abstain and cease to be beasts. I think that general sentiment is tending to temperance, and of course temperance societies and the clergy are at the present day doing a great deal in this direction. I have no doubt in regard to that matter.

*By Mr. Clarke :*

17931. You have said there is a great deal of similarity in the number of convictions made by you each year?—Yes.

17932. How do you account for that?—I have not the slightest idea how it happens.

17933. Is there a given number of persons in the business, and is each brought before you a number of times yearly?—There are two places in the town that are principally supposed to sell liquor, and they are convicted more frequently.

17934. Are they convicted more frequently and sell more?—Yes.

17935. And the smaller fry get off?—That seems to have been the case, more particularly of late years; prior to that, there were quite a number selling. Away back, when I was endeavouring to enforce the Act, I found this difficulty occurred, that the parties would stop the prosecutions for a time, and the trade would fall into the hands

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of some low dens that would be very difficult to get at. They seem to have dropped out. I do not think there are many small, low places selling now, not nearly as many as formerly.

17936. Then the effect of the rigid enforcement of the Act would be to cause the better class of sellers to drop out and the trade to fall into the hands of the more disreputable people?—That is what occurred.

17937. That has been your experience?—Yes; but whether that would repeat itself, I do not know. Possibly those people have ceased to do business, and will never go into it again.

17938. If the law were more rigidly enforced here, would that be the effect?—My opinion is that persons once out of it would hardly go into it again.

17939. Would the places of those dealers driven out of the trade be taken by less reputable people?—I do not think any reputable people would come now and take hold.

17940. The trade is now in the hands of disreputable people?—The trade is in the hands of people who always deal in liquor—I will not say they are disreputable—and they are dealing in it still, I presume.

17941. Have you any doubt that those people are selling liquor: is there any reasonable doubt that liquor has been sold by them?—My opinion is that they are selling.

17942. Could you tell the Commission anything in regard to the duties of the County Inspector? We understood from the Mayor that the County Inspector had jurisdiction over Summerside, which belongs to Prince County. Is there any obstacle to the Inspector aiding the police in the more vigorous enforcement of the law?—There is no obstacle.

17943. Is the law as well enforced as it should be?—I presume there could be more fines imposed.

17944. Would public opinion sustain a more vigorous enforcement of the law?—It is important to endeavour to improve the machinery.

17945. But you have the County Inspector and the constables of the town to enforce the Act?—Yes.

17946. What other machinery is needed for the enforcement of the Act?—That is machinery.

17947. Is there anything wrong with the machinery?—There is nothing wrong. I say that whether public opinion would support them or not, if they chose to go ahead, they would have a right to do so.

17948. Do you think they do their duty?—I am really not in a position to say. I do not know what difficulties they have to meet in getting evidence.

17949. Have complaints reached you that they have been derelict in the discharge of their duties under the Act?—I do not think any one ever complained to me.

17950. Have you noticed reports in the newspapers, or have meetings been held to protest against the conduct of the officers?—Not against the officers.

17951. Then they have done their duty fairly well?—There have been meetings held at election times, the effects of which passed off after a moment.

17952. But the officers are doing their duty fairly well?—Yes. The only thing I know is this: I am not in a position to give instructions that any prosecutions may be instituted, because I am supposed to act independently on cases brought before me and on which I give judgment; I have given general instructions, that if there was drinking going on, the people who drank, as well as those who sold the liquor, should be prosecuted. I must say that the police never hesitated to do what they could.

*By Mr. Gigault:*

17953. You spoke of two places selling liquor. I suppose those parties are in addition to the licensed vendor?—Yes. The licensed vendor has not been before me for years. He was before me the first year or so he was appointed, and he was charged with irregularities as to certificates. I think he was once convicted, indeed I know that he was convicted once.

NEIL McQUARRIE.



17954. For selling irregularly?—The conviction was on the charge that he allowed parties to drink on the premises. The question arose as to what constituted the premises. I held that the liquor had been drank on the premises, and I convicted him.

*By Mr. Clarke:*

17955. Is the County Inspector appointed by the Provincial Government?—Yes.

17956. And the police are appointed by the town?—Yes.

17957. Is he, an officer of the Provincial Government, together with the police appointed by the town, authorized to enforce the Act here?—Yes. You have spoken about jurisdiction: there is no limit to the jurisdiction as regards the enforcement of the Act. Any person can try to enforce it in any place.

17958. The Commission have been trying to ascertain whether the appointment of officials by the Dominion Government would be more effective than appointments made by the local authorities, but in this town the question is more settled than in most places by having a county officer, who has jurisdiction as well as the local officers. Would the appointment of Dominion officers be an improvement, in your opinion?—I do not think so. I believe the officers appointed are as good men as can be selected, both the officers appointed by the Local Government and by the town.

17959. And the present condition prevails, notwithstanding the honest, reasonable and persistent efforts made to enforce the law?—A. Yes. The efforts to enforce the law were, in former times, spasmodic. A strong effort would be made to enforce the Act; then the people would become satisfied with the existing state of affairs, and by and by selling would be resumed. Then another spasmodic effort would be made. So in looking back at our experience, viewing it from a common sense standpoint, I have to say this: that I think liquor selling has been curtailed, that there is less drinking now in the town, and that there is a gradual tendency in that direction.

17960. Do you know anything about the quantity of liquor imported for family use?—I do not know very much in regard to that matter.

17961. Have you any knowledge as to how much has been imported?—I have not.

17962. Do you know anything about the sale of patent medicines? Do you know if the sale of patent medicines has increased during the last five or six years out of all proportion to the population?—Patent medicines are sold by druggists, I cannot say to what extent.

17963. It has been alleged that, in some instances, they contain considerable quantities of alcohol?—I do not know about that.

17964. In regard to third offence convictions: is the law administered and enforced under the present system as regards first and second as well as third convictions?—It is. I fail to see the necessity of a vigorous enforcement of the law as regards third offences.

17965-6. If the officials were persistent in pressing third offences might they not be the means of driving the people out of the trade?—The trouble has been that they were too fond of going to jail rather than paying up their fines.

17967. But they must pay up their fines, we understand?—If they have nothing to seize we cannot obtain anything, and the people will go to jail.

17968. Are they treated there as ordinary felons?—No, the offence is not a felony, but a misdemeanour.

17969. Are they treated as ordinary drunks, who are committed in default of paying a fine?—I presume so.

17970. Have they the same food supplied to them?—Their friends, of course, supply them with food.

17971. Can the friends of ordinary drunks supply the prisoners with food?—Yes.

17972. Subject to the same discipline?—Yes. Similar treatment should be extended to the party who drinks as the party who sells liquor; that is the right way.

17973. They are treated the same as other prisoners?—I think they are subjected to more discipline than are persons imprisoned for debt.

17974. I ask this question, because in another place the persons imprisoned for Scott Act offences were treated more like guests than prisoners; they were not treated as ordinary prisoners at all. You say that these offenders on being convicted here are

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treated as ordinary prisoners?—They may be treated somewhat better, but as regards the officials of the jail, these men are treated the same.

17975. Additional food is not allowed to be conveyed to persons convicted under the Scott Act?—No.

17976. So, on the whole, you think the law is fairly well enforced here?—I do not think I can say that. There is this about living here: the Scott Act is in force, and yet liquor is being sold, and it is being sold contrary to the law. That does not show a good moral tone, that is a feature I do not like.

17977. You think that the moral effect of having a law on the statute-book that is repeatedly and flagrantly violated, is bad?—Yes. I do not think that the people so understand it, but it is not a healthy condition of things, and I do not approve of that kind of thing. The law should be such a law that it can be enforced. If the people are not ready to enforce the law, it should not be attempted to be applied here. That is the weak feature of the Scott Act. The people are getting on very well under it, but there is that unfortunate feature about it, and it does not look well.

17978. Do you attribute the partial enforcement of the law to the strong public opinion behind it?—Very strong efforts have been made in times gone by to enforce the Act, and with partial success. I have often wondered why the Act is not more efficient. When private individuals take hold of it, they soon find that their efforts interfere with their regular business, and they drop them. No private individual will face that fact and persistently endeavour to carry out the Act. The officials are left to do this work, and they experience considerably more difficulty in getting evidence than do private individuals. There are many reasons for this. I do not know exactly what the chief reason is. My own private opinion is that the weakness lies in the law itself, in fact that as it must be equally wrong to buy as to sell, the law should say so.

17979. Do you consider that the Scott Act is in any degree class legislation?—I think that is the trouble, I think the State has no right to pass class legislation.

17980. And do you think this is class legislation?—Yes. As one class is supposed to be weaker than another so there is the greater reason why the State should protect its members and not place them under the temptation of violating the law, because frequent violation of the law tends to degrade the people. The people who made the law should know that the law will be carried out, and that they are making a class of offences which can be prosecuted and punished.

*By Rev. Dr. McLeod:*

18981. Is not the same thing true of other laws? At all events, is not the same thing true of any other law of this nature?—No other law occurs to me at the moment. Quite independent of the question of law, I would denounce this state of things as wrong because after all it is a municipal regulation, and if a municipal regulation reflects the honesty of the voters, then that law must have a certain amount of morality about it.

17982. You have spoken of the law as class legislation. What do you mean by that?—What I mean is this: A certain class of people have been liquor sellers, they were so at the time the law was passed; they had their customers, and they made their living by their trade, and a good many have continued to do so since. This law said to them: You shall not sell. But the customers came, and said: Here is our money, sell to us, for no one will know anything about it. In that way these dealers have been surrounded by temptation to make money, which is the great wish of every man.

17983. If that defect were removed, would the law be remedied as regards class legislation?—It would take away the only point in the law which is against morality. I say that we have gone off at a tangent and must come back to the point of junction, and then go right ahead. The only way to proceed in regard to prohibition is to go straight.

*By Mr. Clarke:*

17984. Is it not class legislation when a law prohibits the open sale of liquor in a Scott Act district and at the same time permits well-to-do people to bring in liquor for family use?—No, I cannot say that, for some men have luxuries because they can afford them,

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while other men have to do without them ; yet there is no law forbidding persons obtaining them. The law simply says, you shall not sell liquor ; if it said, you shall not buy liquor, there would be no class legislation about it.

*By Mr. Gigault :*

17985. Do you know any law that is violated as openly in Summerside as the Scott Act ?—No, I do not think there is any law. Of course there may be ; the Scott Act is more spoken about than are other laws, but speaking off-hand, I do not know any law that is as openly violated.

THOMAS GOFF, of Summerside, police officer, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

17986. What office do you hold ?—I am senior policeman of the town.

17987. Who is the other policeman ?—John McAull.

17988. Do you act in connection with the Scott Act cases ?—Yes.

17989. How long have you been constable ?—About six years.

17990. Has the Scott Act been in force all that time ?—Yes.

17991. Have you reason to believe the Act is thoroughly enforced in the town, or do you believe any liquor is being sold here ?—Yes.

17992. Is much being sold ?—I should say considerable.

17993. Is it being sold in many places ?—In half a dozen at least, but in how many more I do not know.

17994. Are those parties occasionally fined ?—Yes.

17995. Do you find that the provisions of the law are sometimes more vigorously enforced than at other times ?—Yes.

17996. What are your instructions from the Council or the Mayor of the town ?—They have not given me very many instructions.

17997. Have they told you to see that the law is enforced ?—Yes.

17998. Have you as far as you could reasonably do so, carried out those instructions ?—Yes, we have. I believe we could enforce it more vigorously, I do not think there is the slightest doubt about that.

17999. What assistance would you require to enable you to do so ?—I should suppose we would want the public sentiment behind us. If we should lose the confidence of the people, we would be likely to lose our places. The people are represented in the City Council. We are governed to a certain extent in all our movements by the wishes of the majority of the people.

18000. Do you think the majority of the people are not in favour of a more vigorous enforcement of the law than there is at present ?—They have said so by the votes of the Council at meetings.

18001. Is that your guide ?—Yes, to a certain extent. It is only lately that I have been connected with the enforcement of the law. Before that time, up to last winter, there was a paid prosecutor. Now we do the work jointly as it suits ourselves, each officer having the same power.

18002. You have not much drunkenness, I suppose ?—Not a great deal.

18003. Who are the people who get drunk : are they townspeople or people who come in from a distance ?—A few live in the town who are habitual drunkards.

18004. Do they appear before the Court over and over again ?—Yes.

18005. And strangers come in and get drunk sometimes ?—Yes, sometimes. But as a rule they are more sober or better able to drink, and do not get drunk. I think the peaceable condition of the town is, in a great degree, to be credited to the Scott Act, in this way, that if we find there has been a quarrel or a drunken brawl in any

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of the houses, we make a vigorous effort to discover the place, and we fine the proprietor \$50.

18006. You compel those people to be careful not to allow drunkenness in their houses?—They are very careful in that way.

18007. They are careful to sell in moderation?—They try to keep men from getting drunk.

18008. The Mayor has told us that the police were instructed to make arrests if they found cases of drunkenness?—Our instructions are to keep order. I have never had many instructions; we are supposed to know our duty, and we do it. We, like every one else, move with the public sentiment behind us, and we move in this way as fast as possible.

18009. You have occasionally a gala day like this, when there are many strangers in the town?—Yes.

18010. Do you find much increase in drunkenness on such days?—Not much.

18011. Is there more drunkenness on the day like this than on an ordinary day?—Yes, because there are more people.

18012. And a certain amount of excitement?—Yes.

18013. Have you found that, comparing the old time with the present, there is an improvement now?—Yes.

18014. Do you find that improvement in the people generally?—I believe that the law is educational in that way.

18015. You think the law on the whole is beneficial?—Yes, very much so.

18016. Do you know anything about its working in the rural districts?—A little.

18017. How does it work there?—So far, it is working very well. I do not know any place selling liquor in the County of Prince—they sell beer—I mean outside of the towns of Alberton and Tignish.

18018. How large is Alberton?—It contains 700 or 800 people.

18019. Is it a fishing village?—Yes, and a railroad terminus.

18020. Is there a farming community there?—Yes, round it. Tignish is the same.

18021. Are they centres of population?—Yes.

*By Mr. Gigault :*

18022. You have said that the Act was sometimes more vigorously enforced than at other times?—Yes.

18023. When it was enforced more vigorously, to what did you attribute it?—To something that happened in the town. Perhaps a man lost his life through drink. Then the people would wake up, the temperance people would rally and an effort would be made to enforce the law more vigorously. For instance, in the fall of 1890, as you can see by turning up the accounts in the newspapers, we had a case where a man lost his life by drink. The people bound themselves together in the league, and in that year we had 25 convictions for first offence, besides other cases that were brought, in which we did not secure convictions. We had five charges for second offence and four for third offence. During the year previous we had 17 convictions for first offence and none for second or third offence. The year after it, we had 15 convictions for first offence and two for second.

18024. Were you in this town when it was under a License Act?—Yes, I have been here nearly 31 years.

18025. Do you know how many places were licensed to sell liquor?—I think there were 17 places licensed when the Scott Act came into force. We first operated the Scott Act in 1880. In that year there were five convictions.

18026. There were 17 places you say?—Yes, there were 17 licensed houses. I looked up the number not very long ago. There was a good deal of trouble to keep the law in force.

18027. Was there any illicit selling going on?—Yes, we proved it several times.

18028. Was illicit selling going on in many places?—I should say in four or five places at least. Then, of course, there were the 17 licensed houses.

THOMAS GOFF.

18029. Was any shipbuilding going on here when the license law was in force?—Yes, there was shipbuilding. We had 17 or 18 vessels building along the shore each year for a number of years. I followed that business myself and built ships here a good while.

18030. Have the temperance organizations here done a great deal towards promoting temperance?—I think they have. The proof of it is, that when they are a little vigorous, the law is better enforced. The doors of the places were kept closed for about three years, and it was impossible for an officer to enter unless he stole a march on them.

*By Rev. Dr. McLeod:*

18031. Referring to the license period, you have said that there was always some illicit sale. Are you aware that the men who held licenses violated the provisions of the license law?—Yes, they did.

18032. Did they sell after hours and on Sunday, and were they fined for doing so?—Yes.

18033. Did they sell to minors and drunken men?—Yes.

18034. Was there a good deal of difficulty experienced in keeping them within the limits of the license?—There was nearly as much sold during part of the time as since the Scott Act came into force.

18035. Do you think that if you and your fellow officer did your very best to more rigidly enforce the Act, the present Council would dismiss you?—No, I do not think they would. I do not know anything about that, but I do not think so. We have, I presume, the public at our back so long as we do right.

18036. Do you remember exhibition days and other holidays under the old license system?—There was no treating at that time.

18037. Did they have races?—Yes, there were sometime races on the track.

18038. I refer to days when there were a good many people in the town. Would the condition of things then be like what it is here to-day?—I do not think so good; but I do not visit those places very much.

18039. You were not at the place to see what occurred?—No. I was in the town, but at the exhibition they had a good deal of drunkenness.

18040. Do you believe that even with the present enforcement of the Scott Act, it has had a good effect on the town?—Yes, I believe it is having a good effect now.

*By Mr. Clarke:*

18041. What assistance do you get from the County Inspector?—He took up one case, but he did not get a conviction.

18042. To what period are you referring?—This was in the town.

18043. During what length of time?—About one year.

18044. In one year he took up one case in the town and failed to secure conviction?—Yes.

18045. Is that the only assistance he has rendered you?—Yes.

18046. Is there any obstacle to prevent you driving out these places where liquor is sold?—Nothing that I know of.

18047. Could you enforce the Scott Act more rigorously?—I believe we could, perhaps.

18048. Why do you not enforce it more rigidly?—The other man was at the business for some time as prosecutor in the town. Then coming on as a policeman, six months afterwards, I preferred that he should take over the cases, and I promised to render him every assistance that I could. I also told him that if he did not care to take up the cases, I would do so. There is difficulty in getting evidence.

18049. Has the lack of public sentiment anything to do with the less rigorous enforcement of the law?—Yes.

18050. If public sentiment was strong and vigorous in favour of the enforcement of the law, would you be compelled to act more rigorously than you do?—Yes. They could not make it too strong for me.

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*By Rev. Dr. McLeod :*

18051. Are the relations between the County Inspector and the town officers harmonious?—Yes, so far as I know.

18052. Or do the town officers think the County Inspector should not interfere?—For my part, I should like him to assist.

18053. Do private citizens lay informations against violators of the law?—Not lately.

18054. When they act, are the informations laid by you, or do they consult the Mayor?—We take any papers signed by the Magistrate and execute them.

18055. If private parties come to you or your fellow policeman with information, what do you do?—We take the information to the Clerk of the town. If any party will come to me with information regarding illicit sales and give me the proofs, I will take up the case.

18056. Does the Clerk always act on that information?—Always. He may be a little slow perhaps, but he will attend to them some time.

18057. Mention was made of instructions given to you. Has the Council instructed you particularly to enforce the Scott Act, the same as every other law?—They have not told us not to do it.

18058. Have they told you to do it?—They have not told us to go any faster than we are going.

*By Mr. Clarke :*

18059. Is there a tacit understanding that you are to go a certain distance?—I do not know a certain distance. There is an understanding that we shall not secure convictions for third offence unless there are extreme cases.

18060. The Stipendiary Magistrate has said that the charge of third offence was not a matter of such vital moment, because, if the sellers were repeatedly fined, they would be driven out of the business, or they would have to go to jail if they did not pay the fine?—It is the policy of the friends of the liquor traffic not to have third offences.

18061. Are you carrying that plan out?—Yes.

*By Rev. Dr. McLeod :*

18062. Do you find it very difficult to get witnesses in Scott Act cases?—We have found it pretty difficult lately. We get no assistance from the temperance people; at all events, we have not done so for a good while.

18063. Have you worked on your own responsibility?—Yes, we have got no assistance from the temperance societies. Whatever information we get, obtained by ourselves.

18064. Do you have more difficulty in securing convictions for third offence than for first or second offence?—I suppose so.

18065. What is the greatest difficulty?—If the charge is for first offence, the party pays the fine, for he considers it cheaper to do so than to fight the case.

18066. Do you find the people more ready to give testimony on first offence rather than on second or third offence charges?—Yes.

*By Mr. Gigault :*

18067. When the Scott Act was adopted, were there any licensed places in the rural districts?—There were a good many throughout the Island. There were places at St. Eleanor and Miscouche.

18068. Are you sure there were some places selling before the Scott Act was adopted?—Yes, I think liquor was sold in Miscouche.

18069. According to information I have, there was none sold.—I have seen liquor sold there; in fact, to my own knowledge, a man was fined more than once for selling liquor there.

18070. He was not licensed?—No, but McGillis had a license there to sell liquor. I have been travelling the road.

THOMAS GOFF.

18071. Any other place?—Yes, away up on the Western Road, there was Murray, Wellington and McKnight. I should suppose the building of the railway had something to do with lessening the number of licensed houses on the post road.

18072. Had not the number of licensed places been decreased under the local option clauses of the License Act?—A. I think so, in a few instances, after the railway had been commenced.

JAMES GOURLIE, Town Clerk of Summerside, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

18073. How long have you been Town Clerk?—15 or 16 years.

*By Mr. Clarke:*

18074. Do you remember the condition of affairs which existed before the passage of the Scott Act?—I do not know that I do much.

18075. There was a liquor license law before the Scott Act?—Yes.

18076. What was the condition of affairs that existed then?—I do not know. Not very bad I think.

18077. Has there been an improvement since?—I think there has.

18078. To what do you attribute it?—To the Canada Temperance Act.

18079. As to the business carried on and the floating population, are the conditions in the town similar to those which existed 15 or 16 years ago?—There was a good deal of ship building carried on then, a considerable floating population. There is not that now.

18080. Was drinking indulged in by the floating population and to a large extent, or by the men engaged in ship-building?—I guess labouring men were in the habit of drinking.

18081. Is the Canada Temperance Act well enforced?—As well as in any place I know; I think it is.

18082. Do you keep the records of the Town Council?—Yes.

18083. Has the Council given instructions, by the passage of a resolution, to the police to enforce the Act?—Not by resolution.

18084. By any other means?—I do not think it; not more than that there is the Act. We have an Inspector to lay complaints for offences against the Act, and he does so.

18085. Is he on the police force?—This man did nothing else for two or three years until last year, and he is now one of the police officers, and they both do the duty.

18086. Do you complain of the way they do their duty?—No, I think they do it as well as they can.

18087. Do you receive any assistance from the County Inspector?—We have no County Inspector that I know of. He has no jurisdiction over the town that I know of. He never does anything in the town. There is a man of the name of Thomas appointed by the Government to do these things, but he generally takes the country and leaves the town to take care of itself.

18088. Mr. Goff said he had made one prosecution in twelve months?—I do not think so in the town. I do not remember it.

18089. Has the police force been increased or decreased since the Canada Temperance Act was passed?—No; the same two men constitute the force.

18090. Have you a record of the convictions for drunkenness?—Yes. It is the same as I gave to the Mayor, extending from 1876. The Canada Temperance Act did not come into force till 2nd August, 1880. The first prosecutions commenced in November.

18091. And have you a return of the arrests for drunkenness?—Yes, they are the same as I gave to the Mayor.

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18092. Do you know anything as to the enforcement of the Act outside the town?  
—No, I do not. I have tried several cases myself as a Magistrate.

18093. In the County?—Yes.

18094. Where?—Some on Lot 15, some out at Alberton, and others in different parts of the county.

18095. Is the law fairly well enforced in the county?—I think so.

18096. And in the town also?—I do not think in the town we could do any better.

18097. Do you know anything of the last election contest which took place when the Mayor and the present members of the Council were elected?—There was a great deal of opposition.

18098. Upon what was it based?—Upon temperance, I presume.

18099. Was the temperance party successful?—No.

18100. What was the principal contention?—I suppose they thought, perhaps, that the Council did not carry out the Act as they wished. I do not know. I did not meddle with them at all.

18101. You think the Act is fairly well carried out?—I do not think it could be carried out any better.

18102. Would you favour a Dominion Prohibitory Act?—I would favour any Act which would put down drinking of liquor.

18103. And you think the Canada Temperance Act has done a great deal to put down drinking liquor?—Yes.

18104. How many places sell liquor here besides the licensed vendor?—I do not know.

18105. You are satisfied with the present officials?—I am.

18106. Would the appointment of Dominion officials tend to the better enforcement of the Act?

18107. The County Inspector is appointed by the Provincial Government?—Yes.

18108. And the police by the town?—Yes.

18109. Do you think Dominion officials would be better?—I do not know.

*By Mr. Gigault :*

18110. Have you any statement showing the number of convictions for crimes year by year?—Only the same figures as are contained in the statement given you by the Mayor. There are 180 convictions from 1880 up to now.

18111. For violations of the Scott Act?—Yes.

18112. You have no statements respecting other crimes?—I was not asked to get the particulars of others. There are such as assault and battery.

CHARLES W. STRONG, of Summerside, Collector of Customs, on being duly sworn, deposed as follows:—

*By Judge McDonald :*

18113. How long have you held the position of Collector of Customs?—Nearly 20 years.

18114. In what year were you appointed?—In 1873.

18115. How many outports have you?—Four.

18116. What are their names?—Malpeque, Port Hill, Alberton and Tignish.

18117. They report to you?—Yes.

*By Rev. Dr. McLeod :*

18118. Have you been a resident of Summerside longer than that?—Yes.

18119. You have a good idea of the history of the town, covering how long?—About 27 years.

JAMES GOURLIE.



18120. Do you remember the city under the old license system?—I do.

18121. Has the condition of the city improved since then?—Very much.

18122. Do you attribute any of that improvement to the prohibition provided for in the Scott Act?—I do.

18123. It is in evidence that there are violations of that law, and yet you think, in spite of the violations, the law has had a beneficial effect?—It has.

18124. Speaking of this matter of public sentiment, have you any means of knowing whether the citizens generally desire the rigorous enforcement of the law?—I could hardly say as regards the majority of them, but I know that a great number of those to whom I have spoken desire the rigorous enforcement of the law.

18125. It has been said that there are five, or six, or seven places selling liquor in the town. Do you know if they are selling openly or secretly?—I do not move round amongst those places at all, and I am not in a position to say how much they sell, or whether they sell at all. It is common report that they do.

18126. Can you give the Commission any figures respecting the importation of liquors at Summerside?—I hurriedly prepared a few figures from 1878. Summerside was not made an independent port until 1878. These figures commence in June, 1878. The total quantity of brandy, gin, whisky and so on imported was in 1878—that is from June to the 31st of December—1857 gallons, value \$1,496. In 1879, 228 gallons imported, value \$275; entered for consumption, 384 gallons, value \$448. In 1880, 76 gallons imported, value \$94; entered for consumption, 232 gallons, value \$209. In 1881, 276 gallons imported, value \$301; entered for consumption 246 gallons, value \$258. In 1882, 574 gallons imported, value \$529; entered for consumption 348 gallons, value, \$321. In 1883, 411 gallons imported, value \$374; entered for consumption 553 gallons, value \$481. I will now give the figures for 1888.

*By Mr. Clarke :*

18127. What were the quantities between 1883 and 1888?—Just about the same, but I had not the time to take them out. In 1888, 934 gallons imported, value, \$1,201; entered for consumption 932 gallons, value \$1,254. In 1889, parties that usually imported did not keep a bonded warehouse, and they bought their liquor duty paid in Halifax, St. John and elsewhere, and consequently there were only two or three gallons imported. In 1889, I collected no duty except \$4 or \$5, and it was the same with regard to goods entered for consumption, the duty was paid at Halifax. In 1890, however, a bonded warehouse was again established, and 589 gallons were imported, value \$779; entered for consumption 296 gallons, value \$375. In 1891, 1,795 gallons imported, value \$1,989; entered for consumption 1,351½ gallons, value \$1,487. That is the last record I have. A part of that importation remains on hand in the warehouse yet.

*By Rev. Dr. McLeod :*

18128. Has there been a steady increase in the quantity imported?—Yes, there is an increase in this last year, but you see it is not all disposed of. This was an importation most of which was made in December, and most of it is carried now. From the commencement of this year till the present time there is very little increase.

18129. In 1888 there were 934 gallons imported, and in 1891, 1,795 gallons, nearly double. Has there been that increase in the consumption of spirits in Summerside, and the places surrounding it?—It looks like it, but I cannot tell. I would not be disposed to think so, because, as you remember, the Vendor said this morning he bought considerably more than he paid duty on here.

*By Mr. Clarke :*

18130. What do you understand by that?—For instance, in 1889, he probably had a stock as large as in 1888, but he paid the duty in Halifax. He bought it duty paid.

*By Rev. Dr. McLeod :*

18131. Then when the amount entered here for consumption in 1890 appears as 296 gallons, do you believe there was a large quantity purchased in Halifax duty paid?—I believe it.

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18132. So the difference between the quantity in 1890 and in 1891 is not the difference between what came here and what was consumed here?—No.

18133. Have you any means of showing what quantity was imported here, the duty on which was paid elsewhere?—I do not think so, because it is rather difficult, the base of supplies being so far away. Before we entered into Confederation there was a good deal of smuggling, because any old schooner could run across to Nova Scotia or New Brunswick and get liquor, and if the man lost his vessel he did not mind much; but now it requires a better class of vessels because they have to go a long distance, to French St. Pierre, and men do not like to run the risk.

18134. In the event of the enactment of a law prohibiting the importation of liquors, do you think then it would be very difficult to prevent smuggling?—I do not think it would be any more difficult than it is now.

18135. Do you think the same laws, with the same provisions for enforcement, would be successful in preventing smuggling in violation of a prohibitory law?—Yes.

*By Mr. Clarke :*

18136. How many persons other than the licensed Vendor, who are reputed to sell liquor in this town, bring in their liquor in bond?—None, I think.

18137. So the liquor brought in in bond has been brought in for the Vendor?—Yes.

18138. If liquor is sold elsewhere, they do not pass that through the customs here?—No.

18139. It is purchased somewhere else?—Yes.

18140. For what other purpose than for consumption would these liquors be brought in: Do you know of any other, mechanical or scientific purpose?—I think not; I do not know of any.

18141. Have you any idea where these other sellers procure their liquor?—I think they buy in Halifax and St. John.

18142. Then these returns do not show anything connected with their business?—No.

18143. In 1878 there were 1857 gallons brought into the port of the value of \$1,496. You do not say how much of that quantity was entered for consumption?—Entered for consumption, 1,104 gallons; value, \$1,074.

18144. That was a half year?—Yes, seven months.

18145. When was it the Scott Act came into force?—In 1881.

18146. In 1879, 228 gallons were imported, and 384 entered for consumption?—Yes. You see it was considered a risk to import then, because there was an agitation before the Scott Act was passed.

18147. The amount entered for consumption has fluctuated from 232 gallons to 246, 348, 553, 932, and dropped even to 2 gallons, and then there is 296, and in 1891 there is 1,351½?—Yes.

18148. You can offer no explanation of the fluctuation?—Yes, I did in reference to 1889.

18149. You said the liquor was bought elsewhere by the Vendor, duty paid?—Yes.

18150. You have no other explanation?—No.

18151. Do you know anything of the enforcement of the Scott Act?—Not much.

18152. Do you know anything about it outside of the town?—No, I do not.

18153. You said the condition of affairs had improved since the license period?—Yes.

18154. Was the floating population of that time larger or smaller than the present floating population?—I think for a few years, when the ship-building was going on, probably there was more of a floating population.

18155. Did that larger floating population have anything to do with the increased consumption of liquors?—Yes, to a small extent perhaps. I would not say positively.

18156. But since then, there has been a general improvement?—Yes.

*By Mr. Gigault :*

18157. Can you tell the Commission what quantity of liquors is in bond now?—No, not exactly; I could have told by examination.

18158. Is there a large quantity?—Probably about 800 gallons.

CHARLES W. STRONG.

*By Rev. Dr. McLeod :*

18159. In the event of a prohibitory law being passed, do you think there should be compensation given to the men in the trade, brewers and distillers and other dealers?—No. I have not thought very much about it, but I do not think it would be necessary, certainly not here, where men are not supposed to sell.

18160. I mean where there are breweries and distilleries and wholesale dealers who have large buildings and whose business would be abolished?—I do not think so. They probably started that business with these contingencies in view.

18161. They took the risk?—Yes. Very often a man will start a business and things turn up so that the business will leave him altogether, but I do not think he should be compensated.

18162. As Collector of Customs for 20 years, I presume you have observed the business of the town. Have you observed whether the drink trade affects injuriously or beneficially the other businesses of the community?—I think it is only reasonable to suppose that if a man saves what he would expend in drink, and expends it usefully in articles of clothing and so on, as far as that is concerned trade would be benefited, and I think I have noticed that.

18163. You think, then, that the total prohibition of trade in intoxicating beverages would not injuriously affect the business interests of the country?—No.

*By Mr. Clarke :*

18164. Has business improved here since the Scott Act became the law?—I think it is more healthy.

18165. Are there less failures?—Less failures. I was talking not long since with a man, who represents a large establishment in St. John, and he told me that the credit of Summerside stood number one with them. He has done business with Summerside for a great number of years, and there was only one firm they had lost anything by.

18166. Do you know anything about the feeling of these three provinces: do you think they are largely in favour of a general prohibitory measure?—I cannot say.

18167. Do you think the feeling of this province is?—I think so.

*By Mr. Gigault :*

18168. Before Prince Edward Island entered Confederation, was there a good deal of smuggling here?—A great deal.

18169. Was the duty on spirits very high?—No, not half as high as now.

18170. Were spirits cheaper in New Brunswick than here?—Yes.

18171. Was there a great difference?—I cannot say; they not only smuggled liquor, but other goods besides.

CHARLES B. SAUNDERS recalled.

I said this morning, in giving my evidence, that I was expelled from the Division. But it was not for violation of my pledge.

*By Judge McDonald :*

18172. Why were you expelled?—I suppose it was because I was selling liquor. I was expelled without having been notified. If I had been notified I would have attended. Up to that time I had not violated my obligation, nor did I for 18 months after. I was not expelled for violation of my pledge.

18173. And you did not violate it till after your expulsion?—No.

18174. What office did you hold when you were expelled?—I was not in office. I was in a subordinate Division at that time.

18175. Did you hold any office at any time?—I did.

18176. What office?—Almost every office in the Lodge.

## Liquor Traffic—Prince Edward Island.

18177. Tyler?—Yes, and all the way up to Worshipful Master.

18178. Were you Worthy Patriarch?—I was.

18179. Had you ever been Grand Worthy Patriarch?—Yes, I was.

18180. In Prince Edward Island?—Yes, I was.

18181. How long ago?—I cannot tell you now. I was Grand Worthy Patriarch up to the time I was expelled.

18182. Were you ever Grand Scribe?—No.

18183. When you were appointed to this position as Vendor of Liquors, was any provision made to pay you a salary for the work you were to do?—None.

18184. Then you were left to make a living out of the sale of liquor?—Yes, out of selling the goods, and I have to pay rent and taxes and all expenses.

*By Mr. Clarke :*

18185. Would it be a better plan if the province were to take the sale into its own hands and have a salaried officer?—I would prefer it any way.

18186. Do you know if such a law exists?—No.

18187. The only profit is the profit on the liquor you sell?—Yes.

18188. What is the tendency ; do you sell as much as you can?—I want to make a living.

18189. Would it not be better if you had no interest in the sale?—Certainly, if the Government were to pay a salary and buy the liquor, and send it to me.

*By Judge McDonald :*

18190. Can you give the Commission any further information as to the quantity you have on hand?—I cannot as to qualities.

18191. How many hogsheads have you on hand?—I do not know how much there is in the bonded warehouse.

18192. How much is there in your own building?—It does not amount to anything.

18193. How many hogsheads have you in?—Not one whole one. Perhaps four or five partly out.

18194. How many bottles?—Bottled ale.

18195. And bottled whisky on your shelves?—I have twenty cases.

*By Mr. Clarke :*

18196. I notice that you sell a lot of whisky for medicinal purposes. I thought brandy and wine were the liquors generally used for medicinal purposes?—That is not my work.

*By Rev. Dr. McLeod :*

18197. You give them whatever they send for?—I give them whatever the doctor orders.

18198. Do you know whether orders have been given on your establishment for liquor by a good many people around town, who are not doctors, for cash?—Not to my knowledge.

18199. So those two or three cases we found this morning do not represent many cases?—Some of those might be done without my knowledge.

18200. Do you think a great deal is done without your knowledge?—There would be a prescription fyled and this order would be fyled with it.

18201. Do you believe you have a right to accept an order from another person than a doctor, even though he had a prescription from a doctor?—Suppose you have an order for half a gallon. You are lying sick in bed. You have the prescription there, but you must send the order to have the liquor supplied.

*By Mr. Clarke :*

18202. You charge it against the prescription?—Yes.

CHARLES B. SAUNDERS.

*By Judge McDonald :*

18203. Is it entered in a book ?—It is entered on the back of the prescription. I do not keep books.

*By Rev. Dr. McLeod :*

18204. Do you do any credit business ?—If there is any, a memorandum is put on a little paper which is put in a box.

18205. Do you know that a considerable quantity of liquor is sent out of your establishment without your knowledge of it at the time ?—Not without a doctor's order at the time.

18206. On any other person's order ?—Only if there were a person who had a prescription.

*By Judge McDonald :*

18207. If any one were to give evidence to the effect Dr. McLeod speaks of, would he be mistaken ?—That is my opinion.

*By Mr. Gigault :*

18208. What were you doing before you were licensed Vendor ?—I was in the harness business.

18209. Are you making your living now wholly out of the liquor business ?—That is all.

*By Judge McDonald :*

18210. Do you employ a clerk ?—I do.

18211. Your son was here ; does he help you ?—No.

18212. You have to pay all your expenses, including rent ?—Yes.

18213. Taxes ?—Yes, and license and all.

18214. And to recoup yourself out of the sales ?—Yes, and at the end of the year I do not put much in my pocket.

WILLIAM G. STRONG, of Summerside, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

18215. You are High Sheriff of Prince County, I understand ?—Yes.

18216. How long have you been Sheriff ?—About 12 years.

18217. I suppose under the law the jailor is under your orders : you are the chief executive officer of the County ?—Yes, he is appointed by the Sheriff.

18218. Have you many prisoners at the present time in the jail ?—There are about six persons in the jail.

18219. Is that what may be called the normal number ?—Sometimes there are more.

18220. To what would the highest number run ?—Sometimes twelve.

18221. And sometimes lower than six ?—Sometimes our rooms are entirely empty.

18222. Are you able to state what is the principal cause that brings prisoners into the jail ?—The principal cause is breach of the Temperance Act, either by persons selling or by persons being intoxicated or drinking.

18223. Committed for drunkenness ?—Yes.

18224. Do you find in your experience that among persons committed for other offences, drinking has been the cause of their committing the offence ?—Yes, there are several instances. I suppose during the last 12 years there have been 6 or 8 persons sent to Dorchester penitentiary ; but none of those crimes were committed under the influence of liquor.

## Liquor Traffic—Prince Edward Island.

18225. But are there other crimes committed under the influence of liquor?—Yes, of a petty character.

18226. Such as common assaults?—Yes. There is one person in now for aggravated assault on a policeman. He has been sentenced to twelve months' imprisonment; he has been there about nine months.

18227. Do you know anything officially of the operation of the Scott Act?—A. Yes.

18228. In regard to the Act itself can you, in your official capacity, suggest any amendments that would make it more workable?—I think perhaps all the amendments that would be of any service have been made.

18229. The Stipendiary Magistrate this morning suggested an amendment that the law should make provision for the punishment of the purchaser, as well as the seller, under the Scott Act?—I think that would be just and have a wholesome effect.

18230. Do you think it would add at all to the difficulty of obtaining convictions? Or would you suggest a provision, in cases where such parties were required as witnesses, to free them from the penalty of conviction?—I think that would be an improvement.

18231. As a citizen, how have you found the Act to operate. Has it been beneficial to the community?—Undoubtedly.

18232. In Summerside and throughout the country?—In both.

18233. Where is it most beneficial?—In the country parts.

18234. To what do you attribute that?—There is a tendency to come to the town.

18235. You think the removal of the wayside places removes the temptation from the people?—It certainly does.

18236. And these people, when they do get liquor, get it in town?—Certainly.

18237. Do you know Alberton or Tignish?—Yes, and there are a great many convictions in that quarter. I suppose the greater number of the convictions are from the western part of the Island.

18238. To what do you attribute that?—There is a large floating population there, engaged in the fisheries. There are many idle persons, and there is a temptation among people engaged in fishing to take liquor.

*By Mr. Gigault :*

18239. From common report, how many places are selling liquor here?—From common report, I suppose there may be half a dozen.

18240. Is there an increase or decrease in crime, according to the number of convictions?—A decrease.

*By Mr. Clarke :*

18241. Is the floating population of the county as large now as it was fifteen or twenty years ago?—Not nearly as large.

18242. Do you attribute any of the decrease in crime and drunkenness to that fact?—Yes, I suppose so. There used to be a great many vessels built here. I have seen 14 or 15 keels along that shore at one time, and the class of people engaged in that work are inclined to take liquor.

18243. The decline of ship-building and the decrease in floating population have had an effect on the drinking?—Yes.

18244. Is the law enforced in Summerside?—Not as well enforced as advocates of temperance would desire.

18245. What do you say yourself, occupying an official position and being an old resident of the county?—It is difficult to say why it is not better enforced, because there is a very strong temperance feeling in this community; why the traffic is not rooted out, I am not able to say.

18246. Is there more difficulty in enforcing this law than almost any other?—That is the general opinion.

18247. To what do you attribute the difficulty of enforcement?—It is difficult to obtain evidence. The parties who go into houses where liquor is sold will not state so, if they can avoid it, and that is the class from which the evidence must come. They will not inform, and although they may be seen coming out of places where liquor is sold, yet when they are summoned, they are not prepared to give straightforward evidence.

WILLIAM G. STRONG.

18248. Has it been your experience that the attempt to enforce the law has given rise in most cases to loss of memory and perjury?—You would think from the evidence the memory was very short.

18249. Have you any doubt of the shortness of the memory, from listening to the evidence?—I have not any doubt.

18250. It has been stated elsewhere that these trials have given rise to a great deal of perjury?—That is the testimony of our Judges. I have heard Judges of our Supreme Court and other Judges state that fact, and they are in a better position to judge than I am.

18251. The temperance sentiment being as strong as it is, the difficulty of procuring evidence is the chief difficulty in the way of the Act being enforced?—I think that is the principal difficulty.

18252. Can you suggest any method by which that difficulty could be overcome?—I could not.

*By Rev. Dr. McLeod:*

18253. Do you think the perjury in these cases is really attributable to the law, or that the disposition to perjure themselves is in the men, and the law simply furnishes the occasion?—I think that is it.

18254. You do not think because the law is in operation, it creates perjury?—No, not at all.

18255. Has the doing away of the wayside inns been beneficial?—I think so.

18256. It was a good thing to have them abolished?—Undoubtedly.

18257. You say the abolition of the wayside places has made it necessary for persons who are determined to drink, to drink in town? Does that increase the volume of drinking in town, which is not properly chargeable to the townspeople?—Yes.

18258. So the amount of drinking in the town is not at all chargeable to the people who live in the town?—By no means.

18259. Do you think the drinking customs of the people in Summerside have decreased in ten or twenty years?—Wonderfully.

18260. I suppose you attribute that partly to the moral and religious influences in operation?—I do.

18261. Do you believe the law has helped to bring about that result?—I do.

18262. Do you believe a general prohibitory law, one to prohibit the manufacture and importation as well as the sale of intoxicating liquors, if well enforced, would be a benefit to the community, to its business interests and to its social relations?—I do.

18263. Do you believe it would be more difficult to enforce a general prohibitory law than to enforce the Scott Act?—I believe it would be more easily enforced than the Scott Act.

18264. For what reason?—Because there would not be so many different views of the law taken by lawyers and Judges, but it would be a straightforward, common sense thing, understood by everybody.

18265. Do you think it would be more easy to control the trade if the law put its hands on it, on the importation and manufacture, instead of permitting it, and then trying to control the sale?—I think it is unreasonable to permit the importation, and to expect liquor will not find its way into our families and into the community, and produce the effects it does produce.

18266. Have you observed whether the drink trade, as it formerly flourished under license and may flourish by illicit means, has any injurious effect upon the business community?—Of course it has.

*By Mr. Clarke:*

18267. Do you think a prohibitory law could be enforced now?—I certainly do. I think the country is ripe for such a law.

18268. What part of the country?—Prince Edward Island in particular.

18269. Do you know anything about New Brunswick and Nova Scotia?—I do. I have often been there.

## Liquor Traffic—Prince Edward Island.

18270. Do you think they are equally ripe?—They are not as far advanced as we are.

18271. The facilities for travelling were different formerly from what they are now?—They were.

18272. For what purpose were those wayside places used?—They had to provide beds for travellers and accommodation for horses. They were not saloons, they were taverns for the accommodation of travellers.

18273. Were they a necessity?—They were at that time, and it was thought unless they sold liquors, the business could not be made profitable.

18274. But since the railway has been built the situation has changed?—There has not been the same necessity.

18275. And there is not enough trade now to keep them up?—Not enough.

HON. BENJAMIN ROGERS, of Alberton, merchant, on being duly sworn, deposed as follows :—

*By Judge McDonald :*

18276. Are you a member of the Legislative Council of Prince Edward Island?—Yes.

18277. How long have you been a member of the Council?—Since the fall of 1878.

18278. How long have you been a merchant at Alberton?—Nearly 34 years.

*By Mr. Gigault :*

18279. How is the Scott Act observed in Alberton?—It is not very well observed, except under compulsion. One or two people are selling in violation of the Act, one at least and possibly two.

18280. Do you remember when the license law was in force?—Yes, I remember it.

18281. How many places were selling liquor then?—The number varied at the time. I have known as many as 6 or 7, or at least 5 or 6 licensed places, and as many more unlicensed.

18282. When the Scott Act came into force, how many places were selling liquor?—I could not exactly say. The Act was voted on in 1878, but it did not come into force until some time in 1880. I think there were probably four or five places selling liquor at that time.

18283. How is the Scott Act observed in the rural districts of your country?—Very well indeed. We have no places we know of anywhere in the immediate neighbourhood of Alberton, outside of the villages, that are selling at present; but under license there were several places at the different corners where the roads divide, where parties were selling illicitly.

18284. But they were not under license?—No.

18285. Have the clergy and the temperance societies done good in the way of promoting temperance?—There is no doubt about it.

*By Rev. Dr. McLeod :*

18286. You have said that your town was formerly under the Scott Act. What is the difference in the condition of the town under the Scott Act and under license? I am not referring to the drinking habits of the people and the general condition of the town as regards its social condition and the prevalence of petty crime?—I think there is a very great change for the better.

18287. Do you attribute that improvement to the Scott Act to some extent?—Largely.

18288. Of course you give some credit to moral and religious influences? Do you think that moral and religious influences without the Scott Act would have brought about the improved condition, which you state exist?—Not to the same extent.

WILLIAM G. STRONG.



18289. Do you find it difficult to enforce the Scott Act?—It is difficult.

18290. What are the defects in the law that make it difficult?—The great difficulty seems to be in regard to the matter of appeals. Cases are tried, outside the municipality, before an ordinary Justice of the Peace. From that decision there is an appeal to the Supreme Court. Generally by the time the Supreme Court is in session the witnesses are out of the way. In addition to that difficulty regarding appeals, the rulings of the courts have been very much against the endorsement of convictions; technicalities have been raised, and the decisions have generally been in favour of the liquor dealers.

18291. Do these difficulties grow out of informalities and irregularities in the proceedings?—No, not very much so. For instance, hitherto the Supreme Court has required the attendance of the Magistrates who made the convictions; but at the last sitting of the court it was decided that this was not necessary. Sometimes the constable, who was an important witness, could not be found and would be out of the way, and consequently many appeals fell to the ground. There are difficulties now, but the way is clear.

18292. Have those appeals and delays been vexatious and disheartening to the people?—Very much so.

18293. Do you think they have made the enforcement of the law more difficult?—Yes, because there is very great risk involved in undertaking sales in consequence of those appeals.

18294. You refer to the risk of expense?—Yes, and trouble and time.

18295. Do you refer to the difficulties in regard to enforcing the license law?—Yes.

18296. Was it about as difficult as enforcing the Scott Act?—Perhaps not so difficult, simply because the amount of the fines was lower and the persons were not so likely to appeal, and the cases were more likely to be settled after the decision of the Magistrate had been given. Under the Scott Act, nearly every case is appealed from the judgment of the Magistrate.

18297. While there are some illicit places now, because all places that exist now are illicit, do you remember whether there were illicit places when the license system was in operation?—There were a great many; there were fully as many illicit places as places licensed in our neighbourhood.

18298. Were they seriously interfered with?—No.

18299. They were allowed to go on?—Quite so.

18300. Do you remember whether the licensees themselves violated the provisions of the license law?—It was generally thought so.

18301. Were they interfered with particularly?—No, there was very little use in interfering with them, the people thought. When they had a license the parties thought they could do pretty much as they liked.

18302. It is charged against the Scott Act that it is violated. Does not the same charge lie against the license law, that it was violated?—Undoubtedly.

18303. From your observation and experience, which do you believe was the system that was well observed, the license law or the prohibitory law?—Speaking from experience of the license law, I can say that it was not well observed, but it is altogether a matter of results as regards total prohibition.

18304. Which is the more easily enforced, license law or Scott Act?—License law.

18305. Why?—For the reasons I have already stated, that great difficulty exists in regard to finally proving cases under the Scott Act, in consequence of the appeals that may be taken. The fines are heavy, and the party convicted nearly always appeals to the Supreme Court. It is there failure occurs, between the two courts.

18306. Which law has the better effect on the community, license law or Scott Act?—Scott Act.

18307. Do you believe a prohibitory law would be better than either Scott Act or license?—I do.

18308. For what reason?—I think a general prohibitory law would be better enforced; at any rate, it could be more easily enforced than the Scott Act, for that Scott Act is a very difficult law to carry out.

## Liquor Traffic—Prince Edward Island.

18309. It is difficult to enforce on account of the appeals?—Yes, in the country.

18310. Is it difficult also because it is only partial prohibition to sell and not total prohibition?—Yes, liquor may be brought in from an adjoining county, as it is now. It is brought in from Charlottetown and distributed into counties where the Scott Act is in force. It may also be imported direct and manufactured there.

18311. In the election law there is a clause prohibiting the sale of liquor on election day. Have you noticed whether that prohibition does good or not?—I do not think it has been generally observed. People now engaged in the liquor business sell every day, contrary to law, and they would scarcely make an exception of an election day.

18312. Do you think they are not very well looked after?—If the law were observed, it would have a very good effect on people on election day. If it were carried out, they would be in a better condition to cast their vote, and there would be less disturbance than when the people are gathered together.

18313. Sometimes we have been met with this statement: that it would be much more profitable to supporters of the Scott Act, which has failed more or less, if there were a high license law enacted, reducing the number of persons who should have the right to sell, and providing heavy fines for those who sold illicitly. Have you thought of that matter, so as to be able to give an opinion as regards high license?—I have.

18314. What is your view?—I think the principle of license as applied to liquor is entirely out of place.

18315. Why?—I can see no object in licensing the sale of liquor. I can understand licensing a man to perform any public service, such as a tutor or teacher, because it is then in the public interest and for the public benefit, but I have not been able yet to see any advantage whatever arising out of the liquor traffic. To my mind it is an unmixed evil, and therefore I cannot see that any benefit accrues from it under license.

18316. You have not seen any good arising out of the liquor traffic?—I have not.

18317. Have you noticed that evils result from it?—To my mind the traffic is an unmixed evil.

18318. As a man in public life, have you noticed that the traffic injuriously affects public business?—As to that question, it is perhaps not easy to determine the exact injury the traffic will cause, except inferentially. Look, in the first place, at the amount the liquor costs. If you can arrive at that sum, it is that amount actually wasted, and anything which leads to a very material waste of the earnings of the people must injure other business. The people as a rule purchase up to their earnings, up to what they can produce, and their purchases are regulated by the amount they can produce. They spend of their earnings perhaps 15 per cent or 20 per cent on liquor, and there is that much lost to other trades.

18319. Have you noticed that an expenditure of money on liquor means so much less money expended on groceries and dry goods?—I have known in the old times when I started business that men would have a few shillings to spend for liquor and would spend it, and then they would come to the store and buy half a pound of sugar or tea on credit. That indicated to me that the liquor traffic was injurious to my business.

18320. Then on business principles, outside of moral considerations, the prohibition of the liquor traffic would be beneficial to the community?—I undoubtedly think so.

18321. Are you an employer of labour?—Not largely; I do a general business and employ 7 or 8 clerks and warehousemen.

18322. Have you a preference for non-drinkers in your employ?—I have, indeed.

18323. Why?—I occasionally employ a man who drinks, and I can never depend on him. He may come to work in the morning, and I may not find him afterwards. You never can tell where the man, who is an habitual drinker, can be found; and you never can depend on the man being at his post.

18324. Suppose he is not a man who gets drunk, but is a man who drinks regularly, is he less valuable to you than a total abstainer?—Very much less.

18325. Why, if he does not get drunk?—A man who drinks habitually, perhaps even in small quantities, impairs his intelligence as well as his physical powers, and unfits himself for work.

HON. BENJAMIN ROGERS.

18326. Does that habit lead to excess in after years?—Yes.

18327. Is the drinking man, because of his irregular habits, a loss to himself and also an injury to your business or employment?—I think so.

18328. Do you think the Scott Act would be better enforced if officials were appointed by the Federal or the Provincial authorities rather than by the local authorities?—I cannot say there would be very much difference. A great deal depends on the fitness of the man appointed; sometimes you get a good man, and at other times you get a man not fitted for the work. It depends largely on that matter, almost entirely on it.

18329. You think, then, that high license would not have the effect of restraining the trade at all?—I do not think so, because there would be illicit selling even if there were high license. The illicit traffic would still go on as it did under the old license system; and while high license would simply reduce the number of licensees, it would increase the business of each of those persons who had obtained a license.

18330. Do you think that because a man pays a high license, he would therefore feel anxious to increase his business?—Undoubtedly, in order to get his money out of it.

*By Mr. Clarke :*

18331. Do you know why it is the rule to license the liquor trade?—The reason given for licensing in old times, when I held a license some years ago, was that taverns might be established for the accommodation of the travelling public. That was the reason given by those who advocated the license system.

18332. Was it not a condition in connection with the sale of liquor that the persons holding the license should provide accommodation in the shape of beds and meals?—Yes.

18333. I believe it is not so necessary now that beds and meals should be provided?—No.

18334. Do you prefer free trade in rum to license?—I do not like free trade in liquors, nor do I like a license. I think that if liquor has to be sold, it is better being sold illegally than legally, for this reason, that the responsibility for wrong-doing would rest on one party's shoulders, while under the license, it would rest on the whole community. Besides, the business would be more disreputable when it was not protected by the sanction of the law, and a great many people who would go to a tavern to drink, if the tavern were legally established, would not go into places that were selling contrary to the law. That is one effect of the Scott Act, that when liquor is sold contrary to law, respectable people do not care to buy it in that way, and consequently they do not buy it.

18335. They can obtain it from outside, if they desire to obtain it legally?—There is a question about that. I am not posted on the Act. It strikes me that the clause which prohibits the sale of liquor in places where the Act is in force, also applies to liquor being brought in from outside.

18336. Do you mean for family use?—I am not sure about that.

18337. Cannot it be brought in legally from outside?—Probably.

18338. Were you one of the members of the Legislative Council who objected to giving Charlottetown a license law?—I was.

18339. You preferred that no license law should be given after the Scott Act had been defeated?—Yes. There was no license law applied for.

18340. A majority of the Legislative Council wrote that they would not support a license law?—I was one of them.

18341. You preferred that liquor should be sold without license: did you favour the restrictions imposed by the Legislature?—I did.

18342. Did those restrictions recognize the trade in any way?—We could not help recognizing the trade, that it existed, because it went without saying that everybody knew that the trade was there.

18343. Still, you were prepared to regulate it, by compelling people who sold liquor to have a certain kind of place in which to sell it?—We simply passed a law to reduce the sale.

18344. What law was it?—The law for the Town of Charlottetown.

18345. Evidence has been adduced to show that a great many more places are selling liquor under the Scott Act, than were selling under the old license law? I think

## Liquor Traffic—Prince Edward Island.

the Stipendiary Magistrate said that 142 places were selling at one time under the Scott Act?—I think he corrected that statement afterwards.

18346. No; I think he reiterated it?—I was under the impression that the number was 50 or 60.

18347. There are now 70 selling under the present restrictions, but there were 140 under the Scott Act. Is it better that 70 should be selling under the present restrictions, than 39 or 40 selling under the old license law with restrictions?—Yes, but the restrictions were different.

18348. They were nearly the same: what is the difference?—One restriction now imposed is, that the windows must be open to the street. There is no furniture allowed, so that no one can sit down and spend the evening there. Under the old law a place might be closed up with blinds, and there would be furniture in the place so that visitors could sit down and play cards.

18349. They would have to close up their places at certain hours?—There were certain hours for closing.

18350. Were not those hours very much the same as now?—Yes, very much the same.

18351. Is not the advantage largely in regard to closing on Saturday?—The difference is this: that the Government does not give any authority whatever to sell, it simply says that these parties shall not sell except under certain conditions, and in this way they wash their hands of the responsibility.

18352. Do you prefer that system to a license system?—I do.

18353. Even if under license the number of places, conducted under similar regulations, was reduced one-half or one-third?—I think so, for one reason amongst others, that even if the number of places was less, that does not necessarily reduce the quantity of liquor sold. It simply places the trade in the hands of fewer individuals.

18354. You think that would be the result?—Yes.

18355. Do you know anything of the feeling of the people generally as to prohibition?—I do in this county.

18356. What is the feeling of the people in this county?—The feeling in the county, outside of the town, is almost entirely in favour of prohibition.

18357. What is the feeling in the town itself?—The feeling in the town is perhaps rather different.

18358. To what do you attribute this different feeling in the town?—I do not know that I can give you the reason.

18359. But there is a difference in the feeling existing?—Yes. There is a different class of people in the town. A larger proportion of them occasionally drink than is the case with country people, and I suppose they would like to have liquor convenient.

18360. Do you think they have liquor convenient now in the town?—They have it in the town of Charlottetown.

18361. What is the position in the other towns? Charlottetown I believe, is not in this county?—No, but if they have it here, it is contrary to law.

18362. Is it convenient in the town? No doubt they can get it in Charlottetown.

18363. I am speaking of this county?—I do not know, I never tried to get it. I believe people do get it.

18364. Is Alberton in a more prosperous state now than formerly, I mean since the Scott Act became law?—I think so.

18365. Was there ship-building carried on there?—Very little. There was ship-building about two miles from the town; perhaps one vessel was built there a year.

18366. Do you notice whether those engaged in ship-building are more addicted to the use of liquor than townspeople?—I do not think there is very much difference.

18367. Do you know anything of the state of public feeling on this question outside of the Island altogether?—I do not.

18368. In the country districts of the Island you think there is generally a strong feeling in favour of prohibition?—I am sure of it.

18369. Do you think that the feeling which you say exists in this town prevails in the towns in other parts of the province?—I do not know, but it is very likely.

HON. BENJAMIN ROGERS.

*By Judge McDonald :*

18370. I understood you to say that where there are two places or half a dozen places licensed, they will sell as much as 20 places licensed?—I think so, in a town.

18371. Do you think the same principle would apply with regard to two places in Alberton? Do you think they would sell as much liquor as if there were a great many places selling?—I think one or two places at Alberton sell quite as much as several licensed places would do.

18372. Would two illicit places sell as much as half a dozen illicit places?—Yes; there are a certain number of people who will have liquor if it can be had at all.

18373. You have stated your view as to Charlottetown, that the Legislature felt they could not recognize a license system, and therefore they would place a police regulation on the people of that town. Supposing the case of Charlottetown were the case of Alberton, where you reside: would you rather that there should be a limited number of places selling under license to free liquor with police regulation?—I would rather have free liquor.

18374. In your own place?—Yes.

18375. Rather than recognize the principle of license?—Yes, because a great many people who call themselves respectable will go to a licensed tavern and drink, but will not go to an illicit place.

18376. Does a place which is under police regulation cease to be illicit?—Yes, in Charlottetown.

18377. I was asking you whether in your own place you would rather have free liquor than license?—I would rather have it in Charlottetown than the old license law. Of course, this would depend on the provisions of the license law.

18378. If you are opposed to a license law in principle, why should the details make any difference?—I am speaking as to the actual working of the law.

18379. I was speaking of it as a question of principle. You were legislating for the people of Charlottetown. We come down to your own home at Alberton, and I ask you if you had to make choice between a license law to restrict the sale to half a dozen people with all the difficulties thrown in the way of selling, as is the case in Charlottetown, or the free sale of liquor, you would adopt license, or allow everybody to sell?—I would not hesitate to do the same as was done in regard to Charlottetown.

18380. So with you it is a matter of opposition to license?—Yes; to the principle of license. I think the principle of license, applied to the sale of liquor, is altogether out of place.

18381. Therefore the Legislature must not license at all?—That is my opinion.

18382. You look upon it as objectionable in principle?—Yes.

18383. As an objectionable procedure to which you will not be a party?—Yes.

18384. You believe that the best measure of all would be prohibition?—I do.

18385. I was reading yesterday as to certain remedies proposed in connection with the liquor traffic. General Neil Dow believes prohibition is the only remedy; but he speaks of certain other remedies put forward by temperance people, I presume, in the United States. One proposal was that the Government should purchase a large tract of land and devote it to the cultivation of the grape, making wine so plentiful and cheap as to become the national beverage. Another proposal was to found a large number of asylums, in which persons addicted to excessive drinking should be kept, these asylums to be maintained by taxes levied upon saloon keepers. Still another proposal was to make drunkenness a greater crime in the eye of the law than it is at present. General Dow was opposed to these propositions, and looked upon prohibition as the only remedy. Failing the adoption of prohibition, would any one of these plans recommend itself to you—making drunkenness a greater crime, founding inebriate asylums, or taking steps to make light wine so plentiful as to become the national beverage, and thus get rid of ardent spirits; or do you think any one of these propositions would be practicable?—I certainly do not believe in putting the country to the expense of producing wine for people to drink. That is altogether unnecessary, as I cannot see any advantage that would result from it.

## Liquor Traffic—Prince Edward Island.

18386. What as regards asylums, and the proposition to make saloon keepers pay for their maintenance?—I would rather, if I did build asylums, put the saloon keepers in them and keep them out of harm's way, instead of consigning the poor drunkards to them.

18387. You would rather have the saloon keepers imprisoned?—I would rather have them out of the way. I look upon men addicted to drink more as objects of pity than as objects for punishment. They contract the habit of drinking gradually. I entirely differ with the Stipendiary Magistrate, who thought that men who buy liquor should be punished as well as men who sell it. I do not think the guilt of the purchaser at all equals the guilt of the vendor. The bulk of the people who buy do so to satisfy their depraved appetites, and they do it almost as a matter of necessity at the time; and, therefore, we should be willing to adopt almost any expedient to get rid of the liquor. The sellers deliberately carry on the traffic.

18388. What do you think of the proposition to make drunkenness a greater crime in the eye of the law? We understand that Charlottetown has increased very much the punishment for drunkenness, and the Stipendiary Magistrate imposes heavier penalties than in old times?—That has not been done by the Legislature.

18389. Perhaps it is a city ordinance?—A man might drink any quantity of liquor in those days as long as he was not disorderly on the street.

18390. The Stipendiary Magistrate stated before the Commission that when he first took office punishment was merely nominal so far as regarded drunkenness. Owing to some legislation that has taken place and changes in prison management, that punishment has been increased?—I am not sure whether there was a special penalty fixed by the Legislature.

18391. Do you think an increase of the punishment would be an advantage?—Possibly it would.

*By Mr. Clarke :*

18392. Persons convicted of drunkenness are now fined large sums?—Only in the town; I think it is a by-law adopted by the town.

*By Judge McDonald :*

18393. Did you hear the evidence of the licensed Vendor here?—I did.

18394. You heard the large quantities he sold. Did you hear him say that not much of that liquor was sold in the town, but that most of it was sent to the country districts? Do you think that may account for the reduction in the sales in the rural districts?—Possibly to some extent.

18395. People come to town and buy?—It may, so far as the country directly surrounding the town is concerned, but the greater part of this country, a distance from 50 to 75 miles, is away from the town.

18396. Do you think the people there must get their liquor at those illegal places in Alberton?—Yes, almost altogether.

18397. It would be too far to come here for liquor?—It is 55 miles away.

18398. How about Tignish?—It is 13 or 14 miles further.

18399. Do you know anything about the state of affairs there?—I think there is only one place there where any liquor is sold; formerly there were quite a number of places.

*By Rev. Dr. McLeod :*

18400. Do you remember whether Summerside gave a majority in favour of the Scott Act?—I do not remember. There was no separate vote taken. I think Summerside gave a majority in favour of the Act, but I am not sure.

18401. You have stated that you have no doubt that there would be an overwhelmingly strong majority in the rural districts of the county in favour of prohibition. Do you believe that even in the towns, there is now a majority of the people in favour of prohibition?—I should regard the vote on the Scott Act as a vote very much in favour of prohibition, although a vote on prohibition itself would probably be a stronger one.

HON. BENJAMIN ROGERS.

There are some people who contend that the Scott Act is ineffectual, and at the same time they would vote for prohibition. The question is whether, if they were put to the test, they would do so or not, but I believe prohibition would be carried even in the towns.

18402. As a business man do you believe that, in the event of a general prohibitory law being adopted, it would be necessary and proper to compensate brewers and distillers, and dealers for any loss they might sustain by reason of the adoption of such vote?—I do not know on what ground they could claim it. I think the Legislature does not generally recognize the principle of compensation when men in business suffer from particular legislation being adopted. I remember that two years ago Parliament passed a law prohibiting the use of purse-seines in fishing. A large number of our people on the north side of the island owned quantities of those seines, which they were no longer allowed to use; they simply lost the value of them, and there was no question of compensation raised. In regard to the liquor business, the licensees have really no guarantee under the law that their business can be continued more than one year. The licenses given are the only guarantee the liquor trade possess, and they are granted for a limited time, and no assurance is given that these licenses will be renewed or extended. Distillers and brewers manufacture under a license.

18403. You think their trade is contingent on a renewal of the license?—Yes.

*By Judge McDonald:*

18404. Is there any authorized Vendor in your section?—No.

*By Mr. Clarke:*

18405. How many licensed Vendors are there for the province?—Two.

*By Judge McDonald:*

18406. Is there any licensed Vendor in King's?—No.

*By Mr. Clarke:*

18407. Where do the people get liquor in King's?—Where other people get it for medicinal purposes.

18408. Are you acquainted in King's?—I am not much acquainted there.

DAVID ROGERS, M.P.P., of Summerside, storekeeper, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

18409. Do you hold any official position?—I am a member of the Local Legislature.

18410. For what district?—For this town and district.

18411. How long have you been a member of the Legislature?—Since 1889.

18412. And how long have you done business in this district?—I have done business in this district for 33 or 34 years.

18413. Have you known Summerside under a license law and under the Scott Act?—Yes.

*By Mr. Clarke:*

18414. Which do you prefer, Summerside as it is, or as it was?—I do not favour a license law.

18415. Are you opposed to a license law?—I am altogether opposed to the principle of license.

18416. You heard the evidence of Hon. Mr. Rogers respecting the immorality of recognizing the principle of license. Do you concur with him?—I believe the principle is bad.

## Liquor Traffic—Prince Edward Island.

18417. What would you favour? In a city like Charlottetown, where the Scott Act has been repealed by the vote of the people, what would you substitute for it?—The Scott Act contains the principle of license.

18418. Suppose the Scott Act were repealed, what would you substitute?—I would not recognize the traffic in any way.

18419. Would you pass any police restrictions; would you recognize it so far as to make regulations or restrictions respecting it?—I would restrict the sale of liquor as far as possible, without sanctioning the sale of it.

18420. Suppose you passed a law to reduce the number of places selling to thirty, instead of allowing every person who complies with the police regulations to sell, would that be restriction?—I would not do it.

18421. Would you follow the system now prevailing in Charlottetown?—Yes. I think it is the best thing, next to prohibition. Make the law as strict as possible to prevent the dealers doing any more harm than possible.

18422. Do you think it makes any difference as regards the number of places selling?—I think it does not make much difference.

18423. You have heard the evidence of Hon. Mr. Rogers respecting license. Do you take the same view as he does?—In the main, I do.

18424. How do you find the Scott Act enforced here?—It is fairly well enforced; it is a very difficult thing to enforce it.

18425. How is that?—There are many reasons. The difficulty of getting evidence is one very strong reason.

18426. Is there any other reason?—The Inspector is sometimes restrained for some cause. For instance, he does not like to make himself too officious in the community, who are his friends. That has an influence on the Inspector at times.

18427. Does that operate on the police, too?—It may, to a certain extent.

18428. They do not like to make themselves too officious?—Yes, I think that has a certain influence. I do not know whether it has great influence or not, but it has some influence on him. Why I say so is, because I know the Inspector has been subjected to outrage and indignity on account of pressing too strongly the enforcement of the Act.

18429. Who offered him this outrage and indignity?—I cannot tell you.

18430. Were they citizens of the town?—I cannot tell you. All I know is that there have been cases of that kind, not very many.

18431. Of the officer being subjected to outrage and indignity because he did his duty?—I think cases of that kind have occurred in the town and in the country, too.

18432. Very recently?—No, not very recently.

18433. Do you know anything about the municipal elections?—Yes, I was here at the time.

18434. What was the main issue in the electoral contest?—I think the temperance body considered that the Council did not enforce the law as rigidly as they thought it might be enforced.

18435. Did they put up a ticket?—They thought a change would be better.

18436. Did they make up a ticket?—They did.

18437. What was the result of the election?—The old Board was elected, with one exception.

18438. Was the ticket composed of men who favoured a more rigid enforcement of the Canada Temperance Act, with one exception, defeated?—A. Yes.

18439. To what do you attribute that defeat?—To several causes.

18440. Was it evident that the people were satisfied with the law as it was then enforced?—I do not think so, altogether. There are many circumstances that enter into an election, outside of the main issue, particularly in closely contested constituencies, and in these cases very small side issues will decide a contest.

18441. Did those who favour a more rigid enforcement of the Canada Temperance Act support the ticket put up by the temperance people?—Not strictly; I do not think they did.

DAVID ROGERS.



18442. You think that some who voted for the winning ticket, favour a more rigid enforcement of the law?—It was thought so. I do not think they did so generally; in my opinion, there were probably several causes for the defeat.

18443. The vote was taken by ballot?—Yes.

18444. How many places, according to general repute, are selling liquor contrary to law in this town?—I really do not know, I cannot say exactly.

18445. Is there any difficulty now experienced in purchasing liquor here?—I do not think there is any.

18446. Do you attribute that state of things to the lax enforcement of the law?—It appears to me it would not make much difference how strictly the law was enforced, for there would still be no difficulty in obtaining liquor.

18447. Would you favour a general prohibitory law?—I would.

18448. Do you think it could be enforced here?—I think it would be far more effectual than any law that has been passed.

18449. Do you know anything of the feeling of the people of the Province generally on this question?—My opinion is that a prohibitory law would be acceptable to a majority of the people of the county.

18450. Might the same be said of the people in other counties of the province?—I do not know, but I imagine it could be. I think Queen's would favour it; King's I do not know so much about; but, generally speaking, I think the people of the Province would accept a prohibitory law, that is to say that they would agree to accept a general prohibitory law. I do not think a Provincial prohibitory law would be worth a cent.

18451. Do you know anything about the feeling of the people in the other Provinces of the Dominion?—I do not.

18452. Has business in Summerside been better since the enactment of the Scott Act?—It is very hard to tell. Business changes very much from many causes; different circumstances occur that change business, and so it is hard to tell.

18453. Has there been a marked decrease in drunkenness under the Scott Act?—I think so.

18454. Do you attribute that improved condition to the Act?—Partly.

18455. And partly to what else?—To the working of the temperance societies, the W.C.T.U., and to the agitation that has taken place. The platform, the press and the temperance societies have done as much as the Scott Act in making drinking not respectable, and in bringing about changes in the drinking customs. Now drinking is looked upon as not creditable to a man. The influences exercised by the churches, by the temperance organizations and by the press have brought this about, in connection with the Scott Act: all these agencies have been the means of reducing drinking very much.

REV. JOHN A. McDONALD, of Miscouche, on being duly sworn, deposed as follows:—

*By Judge McDonald:*

18456. You are the Parish Priest of the Roman Catholic church at Miscouche, I believe?—Yes, of Miscouche and Wellington.

18457. How long have you been there?—I have been there three years past.

*By Mr. Gigault:*

18458. How is the Scott Act observed in your parish?—It is well observed; there is no liquor sold in the parish.

18459. Were you living in Miscouche when the Scott Act was passed and came into force?—No, it was in force when I came there.

18460. Do you know what was the state of things when the Scott Act came into force?—At the time the Scott Act came into force, there were temperance societies in operation and the people were temperate. As regards license, I was not there at that time.

## Liquor Traffic—Prince Edward Island.

18461. So, if the people are temperate now, it is not on account of that Act, because they were temperate before the Scott Act came into force?—Yes.

18462. Do you believe that moral suasion has more effect in promoting temperance than legislation?—I believe the two combined are required. You require moral suasion, and I consider moral suasion to be the chief element in promoting temperance, and legislation is also desirable to back up these efforts and restrict the sale.

18463. I suppose you favour total abstinence?—I favour total abstinence.

18464. Do you believe that the Divine law forbids the moderate use of wine?—No.

18465. Do you believe it is a sin to take a glass of wine or a glass of cider?—No.

18466. It has been established that the Scott Act is not well enforced in Summerside. To what do you attribute the non-enforcement of the Scott Act?—It is difficult to say, but I think public sentiment is, to a large extent, opposed to it; at all events it is not supported by public sentiment.

18467. So you believe that public sentiment is necessary for the enforcement of the Scott Act?—I think it is required. If the temperance sentiment were very strong in this city, if it were as strong as it is in the country districts, the Act here would be very much more easily enforced.

18468. As a clergyman, have you worked to any considerable extent to promote temperance?—Yes, I have worked to promote temperance. One of the difficulties, of course, is the fact that this district is near Summerside, and although liquor may not be sold in our locality, the people may come into Summerside and obtain it freely. The other missions have assisted in closing down some places where it was sold.

18469. In the neighbouring districts is the Scott Act well observed?—In the neighbouring districts it is pretty well observed. Sometimes it is sold for a short time before the fact is noticed, but after a time the parties are discovered and the places are closed. Sometimes there are places, even in the vicinity of Miscouche itself and in neighbouring places, where liquor is sold for a time.

18470. Do you believe that the prohibitory or restrictive clauses of the License Act work as well for the promotion of temperance as does the Scott Act?—I have had very little knowledge of the working of the License Law. I was young at the time it was in force, but I think, with the public sentiment that prevails in the country, that a local option Act could be enforced as easily as the Scott Act. Of course the authorities would refuse licenses where there was a strong public sentiment opposed to granting them.

18471. So under a License Act, it would be as easy to prevent the sale of liquor as it is under the Scott Act?—I think so, with the present opinion of the people. There is a great difference in the state of the town from what it was in olden times; the people are better educated, and they see the evils of intemperance. I think that even now they would enforce more strictly a license law than it has been enforced during past years.

18472. To what do you attribute this better education of the people?—To moral teaching and to moral suasion to a great extent.

18473. So drunkenness has decreased a great deal?—I think drunkenness has decreased a great deal in the country places.

*By Mr. Clarke :*

18474. What is the moral effect of having a law on the statute-book that is flagrantly and regularly violated?—The effect must be bad.

18475. Do you attribute the partial enforcement only of the law in such centres as Summerside to a lack of public sentiment?—It is due to a lack of public sentiment, and also to a lack of adequate machinery with which to carry out the Act.

18476. What does the Act require for its enforcement?—A public prosecutor whose duty it would be to carry out the law. I have found that in Wellington the Inspector was too far away, and it was stated within the last year that the parties living in the vicinity would have to act as prosecutors.

18477. Is there any obstacle in the way of having additional Inspectors: cannot the people petition the Government to furnish such additional Inspectors; or does the question of expense stand in the way?—I do not know.

REV. JOHN A. McDONALD.

18478. What is the length of the county in which this town is situated?—I think it is nearly 70 miles from Tignish to this town.

18479. At some points, I suppose it is nearly the same number of miles in width?—Yes, it is impossible for one Inspector to cover the territory.

18480. Is there any obstacle in the way of the people who desire a more rigid enforcement of the Scott Act, having more Inspectors appointed?—I do not think the people are unanimous in having the Act so strictly enforced.

18481. Then it is due to lack of public sentiment behind the Act?—It is due to a lack of public sentiment.

18482. Do you think the way in which the law is enforced in this town reflects the public sentiment of the town in regard to the Act?—Yes, to a great extent.

18483. Do you think this was evidenced in the contest which took place at the last municipal elections?—I have not very great knowledge in regard to that matter, although I have read the reports.

18484. Did you hear the evidence given by the Mayor this morning?—I was not present at the time.

18485. Did you hear the evidence of Mr. Rogers as to the position taken by the temperance people?—No.

18486. It appears that there was a general desire on their part, at all events in the town of Summerside, to secure a more rigid enforcement of the Scott Act?—Yes.

18487. And the election of Mayor was run largely on that issue, with the result that the advocates of the present method of enforcement carried the day. Do you think a considerable percentage of the people in the rural districts are not in favour of the Scott Act?—A great many are in favour of having a law on the statute-book to prevent the sale of liquor in those places; I do not know whether they favour the Scott Act more than any other restrictive law.

18488. I suppose the better observance of the law in the country districts is due to the fact that there is a larger proportion of the people favourable to its enforcement?—Yes, and it is more easy to detect those who sell illicitly.

18489. Would you favour the passage of a general prohibitory law for the whole Dominion?—No.

18490. Why not?—I should not consider it was just towards those persons who differ from me in opinion, moderate drinkers, to advocate such a measure.

18491. Do you think the passage of a general prohibitory law or the passage of a local prohibitory law would be an interference with the natural rights of those individuals who drink in moderation?—I think so.

18492. Then you would not favour the passage of a prohibitory law for the whole Dominion?—Not total prohibition.

18493. Would you support local option and a measure for prohibition in school districts, so far as the people favoured it?—Yes.

*By Rev. Dr. McLeod:*

18494. If public opinion in those localities were sufficiently strong to oppose the manufacture and importation of liquor, except for sacramental, mechanical and medicinal purposes, would that fact remove some of the difficulties with which we have to contend in dealing with this question?—Of course, if the people were all pledged to support temperance, extreme measures would not be necessary.

18495. For instance, in a locality such as Miscouche: If a strong majority of the people favoured prohibition in that locality, would you think it desirable?—Yes.

18496. If a like proportion of the people throughout the whole Dominion favoured prohibition for the whole country, except wine and liquors for sacramental and medicinal purposes, would that also be good and desirable?—If they agreed to the principle of total abstinence from conviction, if they all agree to be total abstainers, I should consider it was all right; if the great majority were total abstainers on principle, I should much prefer that method of arriving at the result than efforts being made to make them such by legislation.

18497. Are there in the community to which you refer, some persons who are not from conviction total abstainers?—There are.

## Liquor Traffic—Prince Edward Island.

18498. Is it fair to them that the large majority of the people should vote for prohibition?—Those persons can obtain liquor for medicinal purposes through the Vendors.

18499. I do not mean any prohibition which closes the sale for medicinal or sacramental purposes. Of course, any proposition excludes the sale of liquor for medicinal or sacramental purposes. Now, excluding those two requirements, do you think if a strong majority of the people were in favour of the prohibition of the sale of liquor for beverage purposes, it should be agreed to?—I think it would not be just to those persons who use liquor in moderation. I think it would be an unjust interference with them. I would have the trade so restricted that no abuse would flow from it, and even if the minority wished to have liquor in moderation they could do so.

18500. You have prohibition in Miscouche?—Not prohibition.

18501. There is no sale there?—No, but it is only five miles from Summerside.

18502. You think the Act gives a monopoly to an adjoining town?—It gives a monopoly.

18503. Do you think it would be better for those people if they could not obtain liquor at Summerside?—It would be better for some of those who use it if there were some houses where it would be generally known that liquor was sold and where the people could get it. For example, if there were two or three places established where liquor would be sold, and if Inspectors were appointed to look closely after those who sold liquor, and then if people visited those houses and the law was violated, and liquor was given to persons when the sellers had been notified not to sell to them, of course those persons should be punished.

*By Mr. Clarke :*

18504. You prefer a rigid license law to free sale of liquor. If other communities were similarly situated to Charlottetown, would you favour a rigid license law?—I would have the sale restricted in regard to numbers selling, in addition to other restrictions.

18505. There have been a number of restrictions provided in Charlottetown. There must be only one entrance; there must be no blinds; the counter must be a certain height; there must be no seats, and there are other restrictions. Do you favour the indiscriminate sale with those restrictions?—No.

18506. You favour a license law instead?—Yes.

18507. Restricting the number of sellers also?—Yes.

JOHN F. GILLIS, M.D., of Summerside, on being duly sworn, deposed as follows :

*By Judge McDonald :*

18508. How long have you lived in Summerside?—About 14 years.

18509. Have you practised here all that time?—Yes.

18510. Was the license law in force when you first came here?—I think it was, but I almost forget.

18511. The Scott Act came into force shortly afterwards?—Yes.

*By Mr. Clarke :*

18512. Do you know much about the operation of the Scott Act?—I do not know much about it.

18513. Is it fairly well enforced?—I think as fairly as it could be. I think it would be better if it were left under the jurisdiction of the Dominion Government instead of the local authorities.

18514. What would be the advantage?—Those who would have to put the Act into force would have their appointment from an authority further away from where the offence is committed.

REV. JOHN A. McDONALD.

18515. But the Act is put into force by the votes of the people of this county?—Yes, but there are no officials to enforce it.

18516. There is an Inspector appointed?—If that Inspector were appointed by the Dominion, he would enforce the law better.

18517. Why?—Because the authority appointing him is further away from the place where the offence is committed, so there could not be as much influence brought to bear.

18518. Is there influence brought to bear on the official?—Of course there is.

18519. By whom?—By the community.

18520. Do the people who favour the Scott Act and its enforcement bring influence to bear?—In some cases they do.

18521. And those who oppose the Scott Act are not anxious to see it enforced?—Of course, all those who oppose the Scott Act are not anxious to see it enforced. Of course, all those who oppose the Scott Act are not in favour of temperance.

18522. Are all those who support the Scott Act in favor of temperance?—I do not think they are. The records do not show it.

18523. Do you think the officers here enforce the law as well as local officers can?—I think so.

18524. Have they succeeded in putting a stop to the sale of liquor to a large extent?—I do not think the Scott Act has curtailed the sale of liquor in Summerside at all; there are other factors. The occupation of the people has changed. When I came here, there were a number of vessels built here, and a large floating population paid off at times, and after being paid off they liked to have a bit of a time. That element has all gone now.

18525. Were there sailors here?—There are not as many sailors now as there were then. They used to come here then to man those vessels, but there are other ways of carrying freight now.

18526. You think the changed condition of affairs has had everything to do with the change of condition?—I think to a large extent.

18527. Is there any difficulty in obtaining liquor here now?—I cannot say, but I do not think there is.

18528. Are many places selling liquor?—I do not know.

18529. Would you favour the passage of a general prohibitory law?—No.

18530. Why?—I do not think the people would observe it; or if a law were passed they would take to other drinks perhaps more injurious than alcohol.

18531. Has the sale of patent medicines increased or decreased?—I think it has increased.

18532. Because of the bad health of the people?—No, I think not.

18533. Why?—Because of the alcohol there is in them.

18534. Is not that a compliment to the Scott Act, showing that it is being enforced pretty well, and that the people cannot get alcohol as a beverage?—I do not think the people who buy patent medicines are aware what they contain, but they sow the seed and give the appetite for drink.

18535. Could you suggest any amendments to the Scott Act, which would make it more workable?—I think it would work well if the officials were appointed by the central government.

18536. Do you think the municipalities would pay them?—I do not think so. I do not think public opinion is sufficiently strong for that.

18537. How would the Dominion pay those officers?—Like other officers, out of the general fund.

18538. Provision has been made by the Dominion for handing over the fines imposed for violating the Scott Act to the Municipal Councils, to enable them to enforce the Scott Act. Is there anything in the way of people in Summerside or in the county appointing additional officers, and paying them out of the fines from enforcing the Act?—I do not know; but I have heard it said that there are only about a dozen people in Summerside who drink to excess, and the other people say they should not be taxed for those people to keep within temperate limits.

## Liquor Traffic—Prince Edward Island.

18539. Are those half dozen people who are said to sell liquor, besides the licensed Vendor, making enough money to be fined occasionally and still make a profit?—I do not know anything about that.

18540. You do not know where those people you speak of get their liquor?—No.

*By Rev. Dr. McLeod :*

18541. Did you receive a circular from the Commission?—Yes.

18542. Did you answer it?—I have not sent it in yet, but I intend to do so.

18543. Do you think that total abstinence is compatible with the best health?—In some cases.

18544. In the majority of cases?—I daresay in the majority of cases of people who have taken it from infancy we could cure them without alcohol, but if you take the race of mankind as we have it, it would not be always successful.

18545. You prescribe liquors only medicinally?—Yes.

18546. And moderately?—Yes, moderately and well diluted.

18547. Do you prescribe liquors to persons in health?—No.

18548. Were you here when the licensed Vendor was being examined?—No, I have been here only a little while.

18549. Is it your custom to prescribe liquors, in sickness, in large quantities?—No, tablespoonful doses.

18550. In giving orders on the licensed Vendor, is it your custom to give large orders?—Usually a bottle.

18551. Do you ever give an order for a variety of liquors at the same time?—Sometimes.

18552. How much does a bottle hold?—An imperial quart holds 24 ounces.

18553. If a person ordered 6 or 8 pints, would you think that extraordinary?—No, I would not.

18554. What condition of illness would you think required that?—Those who are continually taking it and require it.

18555. Would you think it extraordinary for a doctor to order 8 pints, to be taken only a tablespoonful at a time and well diluted?—No.

18556. How long would that last?—It is a matter of calculation.

18557. We find orders for wholesale quantities: would you think there was anything extraordinary in that?—The circumstances may change.

18558. Do you think there is anything extraordinary in the state of affairs shown?—No.

18559. Last year the Vendor sold \$8,000 worth?—I know nothing about that.

18560. You think there is nothing extraordinary in the ordering of four bottles at a time?—No.

18561. If a man were living in Summerside?—I would order a bottle. I believe you cannot get less than a pint.

18562. That would last long enough for the man to get well or die probably?—That would depend on the acuteness of the disease.

18563. Do you think that a total abstainer has a better chance of recovering than a drinking man?—That would depend upon how much he drinks.

18564. A man who drinks every day?—That depends upon the temperament. If he is a man who makes any adipose tissue, I do not think he has as good a chance; but otherwise I think he has quite as good a chance, that is a moderate drinker with his liquor well diluted.

18565. Do you think the children of moderate drinkers are more liable to brain and nervous diseases than others?—I do not think so.

18566. Do you think doctors' orders should be given without examination?—I never give a man an order, unless he says he wants it for medicine.

18567. Do you leave that to him?—Yes.

18568. Do you not diagnose his case?—No, because sometimes there are medicines required for persons whom you do not see at all, for a patient who is at home, and you have to take the word of the man for it.

JOHN F. GILLIS.

18569. And you give an order for a quantity?—A bottle. Doctors do not want to be annoyed every day by patients of that stamp, and they very often give orders for a larger quantity, so as not to have them come again.

18570. In that case might not the balance of the six or eight pints be used for other purposes than medicine?—It might be. I do not know it would be more so than in regard to any other drug. I prescribe alcohol and tell the patient how to use it, and if there is any danger of his using it irregularly, he is responsible and not I.

18571. Do you think the use of alcohol by the medical profession is increasing or decreasing?—I do not think it is increasing, but I do not think it is decreasing. I do not think there are half as many people call on me for orders as did two or three years ago; nor a quarter as many as did eight years ago.

*By Mr. Gigault :*

18572. Is the moderate use of wine sometimes useful to persons, even in good health?—I do not think it does any injury, but I do not know that it is of any use to persons in good health.

18573. Is not wine considered food for some persons?—Yes, it is for some persons.

18574. And if it is a food, is it not useful?—I think there are foods which could take its place.

18575. In France it is generally used?—I think it is there, and it does contain some nourishment, but in this country I do not think a healthy man requires any alcohol.

18576. Is the healthful use of cider injurious to any one?—No, I think it is beneficial to some.

18577. Do you think the majority of the people in this country favour total prohibition for the whole Dominion?—I do not think so.

*By Judge McDonald :*

18578. Look at that prescription stating that a person requires two gallons of liquor for medicinal use?—Sometimes the country people manufacture a kind of medicine of their own, which they make out of blue berries and spirits. They call it shrub.

18579. As a medicine?—They use it as a medicine.

18580. Do you think it is a compliance with law, or professional practice, for a medical man to give an order for two gallons of liquor, which might be anything?—Of course one pint is the smallest quantity.

*By Mr. Clarke :*

18581. What is meant by the word liquor there?—I do not know.

18582. Does it mean whisky, or brandy, or gin?—It may be anything, it may be water.

*By Judge McDonald :*

18583. What is meant by spirits?—I understand Jamaica rum.

18584. Here is a prescription for eight bottles, and on it is marked 1 pint March 16th, 1 on April 8th, 1 on July 8th, 1 on July 11th. How do you account for that?—That is a chronic case, I suppose.

18585. You said that people will go to a medical man and ask for these prescriptions, and that to save being bothered, the medical man gives them a good large order. Do you deliberately make that statement?—Not in every case.

18586. In any case?—They do in some cases.

18587. Would a medical man give more than is really needed in that case?—There are persons who come to doctors for people who are taking alcohol continually in some form, whisky or gin, or brandy or wine, and you may as well order three or four bottles at once.

18588. Are those persons taking it as a beverage?—As a medicine. As a beverage if you like. Let us put a case. We know when we have a patient and examine him whether the malady will last. He finds the treatment is of some benefit to him.

## Liquor Traffic—Prince Edward Island.

18589. Do you think there is any danger of a man using the liquor all up when he gets so much?—There is the same danger with one bottle.

18590. Do you follow the same course in cases of consumption?—No, we do not.

*By Rev. Dr. McLeod :*

18591. You said that persons live a long distance from the Vendor and cannot come back every time for a new supply ; but here are cases where 10 pints are ordered, and a man only gets a pint at a time and makes a journey once in a while for that. Why is that? Is it because he has only enough money to pay for a pint at a time?—I do not know about that.

18592. Do you understand that it does not save him the journey if he gets it in instalments of a pint at a time?—It saves him the expense of coming to the doctor.

18593. Is it the custom of the doctors to charge a fee with these orders on the Vendor?—I do not know what is the custom of other doctors, I only know what is my own.

*By Mr. Gigault :*

18594. Do you not think that these physicians' certificates are frauds in a good many cases?—Some of them are, I have no doubt.

18595. And the means of favouring drunkenness?—I do not know that. I do not think the physicians intend that.

18596. Do you think all the liquor obtained by these physicians' certificates has been really employed for medicinal purposes?—I do not know.

18597. It seems extraordinary to have orders for such large quantities?—I only know that if a man comes to me and asks for a recipe to get some gin, I ask him if it is for sickness, and if he says no, he does not get the order ; but if he says yes, he does.

18598. Do you not think you are often deceived?—I do not think that I am ; I do not see how I can help it.

18599. You must be deceived very often?—I do not think so now.

18600. I think you must be deceived?—The countrymen carry this home and call it medicine.

*By Rev. Dr. McLeod :*

18601. Do you not think it is an injudicious thing on the part of the profession to give these wholesale orders?—In some cases I think it would be right.

18602. But the great mass of orders appear to cover almost enough drink for a month?—Well, if they take it for medicine, it is the same thing.

18603. Is it the custom of the doctors when a man comes to them and claims to be sick, to charge for that consultation?—No, at least not with me.

18604. Is it the custom of the doctors to give orders for this so-called medicine to other than their regular patients?—Yes, I do sometimes to fellows who come in from the country.

18605. To anyone who says he wants it?—Not unless he says he wants it for medicinal use.

18606. Do you do that every time?—I do.

18607. Do you think that professional?—I do not think I have any right to doubt him.

18608. Is it not your duty to diagnose his case?—It may not be his case, but his wife, or his mother, or his grandmother.

18609. Do you not think you should use a little discrimination in a case like that?—That is the way I discriminate.

18610. Then you give him the order without charge?—Yes ; mostly.

*By Mr. Gigault :*

18611. Do you think there would be as many prescriptions of physicians for large quantities if the Scott Act was not in force?—I suppose there would be none, because they would not have to come to a physician. They prescribe their own medicine mostly in that case.

JOHN F. GILLIS.



*By Judge McDonald :*

18612. What do you think of this certificate :—"1 bottle of brandy for medicinal use. (Repeat.)" What does that mean ?—I do not know.

18613. Do you think it is surprising that such a prescription should be sent out ?  
—I do not know what that "repeat" means.

18614. How do you think the vendor would take it ?—I do not know.

18615. Do you not think he would take it as a license to supply a bottle of brandy frequently ?—I do not know.

The Commission adjourned, to meet in Quebec on Tuesday, September 6.



APPENDICES

APPENDIX No. 1.

Copy of Petition submitted by J. A. Mackasey of Halifax.

TO THE COUNCIL OF THE CITY OF HALIFAX :

We the undersigned ratepayers of Polling District Number.....of Ward.....of the City of Halifax, wherein are situate the premises.....in respect of which.....is applying for a license for the ensuing year, do hereby certify that.....the applicant for the said license, is a fit and proper person to be licensed to sell liquors, and to keep a licensed.....; and that the premises in which the said.....proposes to carry on the business for which he seeks a license, are in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally, and we have hereunto appended our names and places of residence :

Signatures.	No. of Residence.	Distance of Residence of Signer from Premises sought to be licensed.
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APPENDIX No. 2.

Statement submitted by L. T. Briand of Halifax.

HALIFAX LICENSED VICTUALLERS' ASSOCIATION.

E. J. QUIRK,  
President.

L. T. BRIAND,  
Secretary.

HALIFAX, 18th June, 1892.

DEAR SIR,—The Committee having in charge the collection of industrial statistics relative to the liquor trade, to be presented before the Prohibition Commission recently appointed by the Dominion Government, have requested me to ask you for the following information, which you are earnestly requested to furnish me before the end of the present week. The Prohibitionists are extremely active, and it is very desirable to fully show the loss that would ensue if their aim—the total abolition of the liquor traffic—were carried into effect. This information will be treated as strictly confidential. It is as follows :—

- (1) Value of your hotel property.....\$
- (2) Would the enforcement of a prohibitive law decrease the value of your hotel property, and probably how much.....\$
- (3) Value of plant, wine-room and stock.....\$
- (4) Number of persons who would be thrown out of employment in your establishment were a prohibitive law enforced.....
- (5) Amount in wages that would thus be lost.....\$
- (6) Could you furnish same accommodation in meals and beds at the same price if the bar business were taken from you ?.....

I have the honour to be, sir, respectfully yours,

To.....  
21—61½

# Liquor Traffic—Appendices.

## STATEMENT REGARDING THE HOTEL TRADE OF THE CITY OF HALIFAX, N.S.

No.	Value of Hotel Property.	Depreciation in value of Property.	Value of Plant, Bar Fixtures, etc.	No. of persons thrown out of Employment.	Loss in Wages.	Could same accommodation be provided.
	\$	\$	\$		\$	
1	200,000	100,000	10,000	30	9,000	No.
2	175,000	43,750	8,000	25	6,000	No.
3	6,000	3,000	4,005	7	2,000	No.
4	10,000	5,000	1,500	4	2,000	No.
5	14,000	6,000	1,800	8	2,000	No.
6	5,000	3,000	1,000	3	1,200	No.
7	6,000	3,600	3,000	4	1,560	No.
8	7,000	3,500	4,000	6	2,000	No.
9	13,000	6,500	4,000	10	1,276	No.
10	3,000	1,500	1,500	3	1,500	No.
11	5,000	3,000	1,500	4	2,800	No.
12	8,000	5,000	2,000	8	3,000	No.
13	20,000	10,000	10,000	8	4,068	No.
14	8,000	4,000	1,500	10	3,000	No.
15	4,000	2,000	600	5	2,500	No.
16	10,000	6,000	2,000	11	5,000	No.
17	3,000	1,500	1,500	4	3,000	No.
18	10,000	5,000	5,000	5	2,500	No.
19	2,500	1,700	500	5	750	No.
20	6,000	3,000	1,500	6	2,500	No.
21	7,000	3,500	2,000	7	3,000	No.
22	12,000	4,000	2,500	15	2,700	No.
23	12,000	6,000	1,000	7	1,456	No.
24	12,000	6,000	1,000	12	2,100	No.
	\$558,500	\$236,550	\$71,400	207	\$66,910	
Average..	\$23,270	\$9,856	\$2,975	8	\$2,787	

There are in Halifax thirty hotels.

Remarks—Making a total for the thirty hotels as follows :

Value of property.....	\$698,100
Depreciation in property.....	\$295,680
Value of plant, bar fixtures, etc.....	\$ 89,250
No. of persons thrown out of employment.....	240
Loss in wages.....	\$ 83,610

## HALIFAX LICENSED VICTUALLERS' ASSOCIATION.

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- (1) Value of your liquor shop property..... \$
- (2) Would the enforcement of a prohibitive law decrease the value of your liquor shop property, and probably how much..... \$
- (3) Value of fixtures and stock..... \$
- (4) Number of persons who would then be thrown out of employment in your establishment were a prohibitive law enforced..... \$
- (5) Amount in wages that would thus be lost..... \$

I have the honour to be, sir, respectfully yours,

To.....

STATEMENT REGARDING THE LIQUOR SHOP TRADE OF THE CITY OF HALIFAX, N.S.

Number.	Value of Liquor Shop Property.	Depreciation in Value of Property.	Value of Plant, Bar Fixtures, &c.	No. of Persons thrown out of Employ- ment.	Loss in Wages.
	\$	\$	\$		\$
1.....	5,000	2,000	3,000	3	1,200
2.....	3,000	1,500	1,000	3	1,500
3.....	10,000	6,000	3,000	3	1,500
4.....	5,000	2,500	1,500	4	2,000
5.....	5,000	3,000	3,000	3	2,000
6.....	4,000	2,000	1,500	2	1,500
7.....	3,000	1,500	1,000	3	1,300
8.....	7,000	3,000	2,000	2	1,000
9.....	6,000	3,000	2,000	4	1,000
10.....	10,000	5,000	1,500	3	1,500
11.....	3,500	2,000	1,500	3	1,800
12.....	4,000	2,000	1,500	4	2,400
13.....	2,000	1,200	2,000	3	2,000
14.....	2,500	1,500	3,000	4	1,600
15.....	3,000	750	1,500	2	800
16.....	10,000	5,000	2,000	5	3,000
17.....	5,000	2,000	4,000	4	3,000
18.....	10,000	4,000	4,000	6	3,000
19.....	3,700	1,000	1,700	3	2,100
20.....	10,000	5,000	1,500	3	1,500
21.....	4,000	2,500	1,500	4	2,000
22.....	5,000	2,000	100	2	1,050
23.....	3,000	1,500	2,000	2	1,000
24.....	4,000	2,000	2,000	3	1,500
25.....	5,000	2,500	2,000	3	1,500
26.....	5,000	2,000	2,000	2	1,000
27.....	2,500	1,500	900	3	1,200
28.....	5,000	3,000	2,000	4	2,500
29.....	5,000	2,000	1,000	6	1,200
30.....	4,000	2,000	1,200	3	1,200
31.....	5,000	2,500	1,500	3	1,500
32.....	4,000	2,000	1,000	2	1,200
33.....	3,000	1,500	1,075	3	1,500
34.....	2,000	2,500	1,000	3	1,800
35.....	4,000	2,000	1,000	2	1,200
36.....	10,000	5,000	2,000	4	2,500
37.....	4,500	2,750	1,200	3	1,800
38.....	7,000	3,500	3,000	3	1,500
39.....	6,000	1,500	700	4	2,500
40.....	8,000	4,000	1,000	2	800
41.....	10,000	3,000	17,000	13	3,500
42.....	4,000	2,000	5,000	3	1,500
43.....	2,000	1,000	1,000	3	1,300
44.....	10,000	700	3,000	2	900
	\$236,700	\$115,200	\$96,375	149	\$74,450
Average.....	\$ 5,380	\$ 2,620	\$ 2,190	3 <sup>11</sup> / <sub>11</sub>	\$ 1,692

Making a total for the 67 liquor shops in the city as follows :

Value of liquor shop property.....	\$366,760
Depreciation in value of property.....	\$175,540
Value of plant, bar fixtures, &c.....	\$146,730
Number of persons thrown out of employment.....	207
Loss in wages.....	\$113,364

# Liquor Traffic—Appendices.

## SCHEDULE.

FOR WHOLESALE, COMMISSION, ETC., LIQUOR DEALERS.

NOTE.—This information will be held strictly confidential.

What is the value, including capital, of that portion of your property used in the liquor trade? .....\$  
 What is the value of your stock, plant and fixtures?.....\$  
 The yearly amount paid in premiums on insurance?.....\$  
 The yearly amount paid in freight?.....\$  
 The number of employees whose services would be dispensed with in the event of the passage of a prohibition law?.....\$  
 The amount of their yearly salaries?.....\$

To.....  
 .....

## STATEMENT REGARDING THE WHOLESALE LIQUOR TRADE IN THE CITY OF HALIFAX, N.S.

No.	Value of Property.	Value of Stock.	Premiums on Insurance.	Freight.	Em- ployees.	Salaries.
	\$	\$	\$	\$		\$
1	8,000	9,000	650	800	2	650
2	110,000	40,000	3,000	6,000	11	6,000
3	60,000	45,000	315	22,500	10	6,500
4	2,000	3,000	20	200	.....	.....
5	40,000	5,000	80	150	4	2,800
6	5,000	18,000	900	2,800	18	7,000
6	\$225,000	\$120,000	\$4,965	\$32,450	45	\$22,950
Average..	\$37,500	\$20,000	\$827	\$5,408	7½	\$3,825

Making a total for the ten wholesale liquor shops as follows :—

Value of property .....\$375,000  
 Value of stock .....\$200,000  
 Premiums on insurance.....\$ 8,270  
 Employees.....75  
 Yearly wages.....\$ 38,250  
 Freights.....\$ 32,450

Remarks—Fire and Marine.

## SCHEDULE.

## FOR THE BREWING AND DISTILLING TRADE.

\* Year commencing 1st July, 1891, ending 30th June, 1892.

NOTE.—To be held as confidential if so desired.

Barley used for the manufacture of ale, porter and lager.....	bush.....	\$
Hops purchased.....	lbs.....	\$
Duties paid—Excise.....		\$
Licenses.....		\$
Value of property :		
Buildings.....		\$
Plant.....		\$
Horses.....		\$
Harness.....		\$
Wagons and other vehicles.....		\$
Expenses for the year in repairing harness, wagons, etc.....		\$
Blacksmith's account.....		\$
Hay, oats and other fodder.....		\$
Value of casks.....		\$
do cases.....		\$
Amount of freight paid.....		\$
do insurance.....		\$
Amount paid for ice.....		\$
do taxes, water and gas.....		\$
do fuel.....		\$
do labels.....		\$
do corks.....		\$
do capsules.....		\$
do bottles.....		\$
do tin foil.....		\$
do wire.....		\$
Amount of wages paid.....		\$
Grains sold for feeding of cattle.....	bush.....	\$
Estimated number of cattle fed.....		\$
Number of men employed.....		\$
Maintenance of office :		
Printing.....		\$
Advertising.....		\$
Show cards.....		\$
Sundries.....		\$

# Liquor Traffic—Appendices.

## STATEMENT REGARDING THE BREWING AND DISTILLING

No. of Schedule.	Barley.		Hops.		Duties.		Building.	Plant.	Horses.	Harness.	Wagons and other Vehicles.	Blacksmith's Account.	Repairing Harness, Wagons, &c.	Hay, Oats and other Fodder.	Value of Casks.	Cases.
	Bush.	Value.	Lbs.	Value	Ex-cise.	Li-cense										
		\$		\$	\$	%	%	%		%	%	%	%	%	%	%
1	25,000	40,000	37,600	11,280	18,000	150	75,000	25,000	800	300	500	90	92	1,008	27,000	...
2	12,000	18,000	4,553	3,400	8,640	60	150,000	48,000	1,000	400	600	200	500	1,000	7,000	....
3	6,000	6,000	3,600	1,800	4,000	50	35,000	20,000	375	75	500	75	50	450	7,250	100
4	11,000	8,250	20,000	8,000	7,920	50	8,000	7,000	600	200	600	100	300	550	4,000	....
5	28,929	21,697	27,000	20,000	15,000	200	55,000	25,000	1,000	270	1,046	140	624	1,587	10,000	....
6	70,800	56,390	1,400	400	3,534	...	86,000	55,000	1,300	.....	.....	.....	.....	.....	6,000	300
	153,729	150,337	94,153	52,880	57,094	510	409,000	180,000	5,075	1,245	3,246	605	1,566	4,595	.....	.....



TRADE IN THE CITY OF HALIFAX, N.S. :—

Freight Paid.	Insurance.	Ice.	Taxes, Water and Gas.	Fuel.	Labels.	Corks.	Capsules.	Bottles.	Tinfoil.	Wire.	Wages Paid.	Grains Sold. Bush. Value	Men Employed.	Printing.	Advertising.	Show Cards.	Sundries.
%	%	%	%	%	%	%	%	%	%	%	%	%		%	%	%	%
3,200	590	300	1,800	2,000	75	1,800	1,250	9,000	...	60	14,600	24,440	4,880	24	75	150	350
3,000	1,200	200	500	1,200	500	400	800	3,000	200	100	10,480	.....	2,500	30	300	500	800
600	500	600	940	1,120	250	600	250	2,000	50	10	5,200	.....	500	20	400	150	75
2,500	200	300	600	800	100	280	150	500	..	50	4,000	.....	1,500	12	150	300	150
10,000	1,581	500	2,500	2,000	500	801	840	3,000	...	500	11,000	....	2,500	25	300	200	50
1,4794	3,800	150	4,000	7,475	.....	50	40	900	....	...	14,800	....	6,000	31	500	.....	..
.....	.....	.....	.....	.....	.....	.....	3 290	18,400	250	720	60,000	24,440	17,880	142	1,725	1,300	1,425
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

## Liquor Traffic—Appendices.

### STATEMENT REGARDING THE SODA WATER MANUFACTURE OF THE CITY OF HALIFAX.

No. of Schedule.	Value of Property.	Amount of Depreciation in Property.	Value of Plant.	Effect of Prohibitory law.	No. People thrown out of Employment.	Amount of Wages Lost.	Amount paid in Duty.	Annual Expenditure for Bottles, Corks, Sugar Essences.
	\$ cts.	\$ cts.	\$ cts.			\$ cts.	\$ cts.	\$ cts.
1	6,000 00	3,000 00	1,200 00	Total loss...	10	3,900 00	500 00	4,000 00
2	5,000 00	2,500 00	5,000 00	do ...	8	3,000 00	500 00	3,700 00
3	2,500 00	1,250 00	600 00	do ...	2	8,320 90	.....	1,000 90
4	2,500 00	1,250 00	1,700 00	25 per cent..	1	350 00	150 00	500 00
5	6,000 00	3,000 00	4,000 00	50 do ..	2	858 00	500 00	5,000 00
6	2,500 00	1,250 00	3,000 00	Total loss...	5	1,500 00	400 00	2,500 00
	24,500 00	12,250 00	26,300 00	.....	28	9,928 00	2,050 00	16,700 00

These statistics show for Halifax :

#### REAL ESTATE.

That there is in real estate capital invested :

In Hotel properties to the amount of.....	\$ 698,100
Liquor shops, estimated at.....	366,760
That there is invested in property in the wholesale business, estimated at.....	375,000
That there is capital invested in the manufacture of soda water, &c., estimated at.....	25,000

Showing an investment in real estate in liquor properties in Halifax to the amount of.....	\$1,873 360
--	-------------

#### DEPRECIATION OF PROPERTY.

That in the estimation of the holders of this property, the hotel property would depreciate to the extent of.....	295,680
The liquor shop property would depreciate to the extent of.....	175,540
The manufacturing establishments would decrease in value to the extent of.....	306,750
The soda water manufacturing property would depreciate to the extent of.....	12,250

Or a total depreciation of property interested in the manufacture of liquor in Halifax, to the extent of.....	\$790,290
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#### AMOUNT OF STOCK, &c.

There is carried in these various businesses, in stock, plant and other necessary matters, capital to the amount of :

In hotels.....	\$ 89,250
Liquor shops.....	146,730
Wholesale houses.....	200,000
Manufacturing establishments.....	309,873
Manufacture of soda water.....	43,000

Or a total of.....	\$ 788,853
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Nearly all of which would be annihilated by the passage of a Prohibitory Law.

*ERRATUM.*

Appendix No. 2, page 970, paragraph "REAL ESTATE" should read :—

That there is in real estate invested :—

In hotel properties to the amount of .....	\$698,100
In liquor shops, estimated at .....	366,760
Invested in property in the wholesale business, estimated at .....	375,000
Invested in manufacturing, estimate at .....	409,000
Invested in the manufacture of soda water, etc., estimated at .....	24,500

Showing investments in real estate in liquor properties in Halifax to the amount of .....	\$1,873,360
--	-------------

No. of EMPLOYEES.

Then, leaving aside the question of insurance premiums, freights paid, duties paid, and other matters fully set forth in the accompanying statements, there are employed in the various establishments :—

In hotels.....	240	persons.
Liquor shops.....	207	do
Liquor wholesale houses.....	75	do
Manufacturing houses.....	142	do
Soda water establishments.....	28	do

Making a total of..... 692 persons

who would be thrown out of employment by the passage of a prohibitory law, with an aggregate yearly loss of wages of :—

In hotels.....	\$	83,610
Liquor shops.....		113,364
Wholesale houses.....		38,250
Manufacturing.....		60,080
Soda water manufacturing.....		9,928

Or a total of..... \$ 305,232

of wages that would each year be lost to the dealers and producers of the community.

LOSS OF MUNICIPAL REVENUE.

□ In addition, the return from the city assessor shows an approximate estimate of \$1,116,000 which yield a municipal revenue in taxes of \$16,628, to which must be added the amount derived from liquor properties in the shape of water rates, which amount I have not been able to estimate, but which would be very large.

APPENDIX No. 3.

*Statement submitted by John N. Armstrong of North Sydney.*

Number arrested, in the Police Court, town of North Sydney, during the following years (since incorporation of town) :—

1886.....	108
1887.....	106
1888.....	123
1889.....	92
1890.....	63
1891.....	82

About five-sixths of said cases, either drunk and disorderly or arising from causes connected with drink.

Fines collected in said court during the years mentioned :—

1886.....	\$369
1887.....	336
1888.....	430
1889.....	339
1890.....	269
1891.....	288

About five-sixths from drunk and disorderly and cases arising from causes connected with drink. Costs annually to town :—

Police.....	\$ 625
Court.....	250
Jail.....	325

Total..... \$ 1,200

Proportion of fines for drunkenness to whole amount received :—

Whole amount.		For drunkenness.	
1888-89.....	\$1,760	.50 p.c.....	\$ 880 00
1889-90.....	2,077	.55 p.c.....	1,142 00
1890-91.....	2,060	.50 p.c.....	1,032 90

## Liquor Traffic—Appendices.

### APPENDIX No. 4.

*Statement submitted by Henry Trenaman, City Clerk, Halifax.*

COMMITTEE ROOM, 22nd April, 1880.

A meeting of the Committee of Laws and Privileges, was held this evening to consider the complaint of Mr. Jas. Potter against the Inspector of Licenses, made on the 6th day of April last and referred to the Committee by the Council.

(1) Mr. Potter and Mr. Mackasey were both notified by the City Clerk to attend the meeting, but Mr. Potter was unable to attend, as appears by his letter to the City Clerk, herewith annexed.

(2) This letter was read by the Inspector, who attended before the Committee, and in reply thereto, he made the statement to the Committee signed by him, which is also hereto annexed.

(3) The contradictions between the parties are so direct and positive that this is simply a question of veracity as to which of the two is telling the truth.

(4) Without expressing any opinion on that point, the Committee would recommend that a copy of Mr. Mackasey's statement be sent Mr. Potter, with an instruction that any further communications he may have with the Inspector had better be in writing, and that the Council cannot be expected to decide whether a verbal communication was made or not after an interval of three months from the time it was alleged to have been made, when the official complained of does not admit it.

The report of the Committee on Laws and Privileges on the complaint of Mr. Jas. Potter against Mr. John Mackasey, License Inspector, with the correspondence and evidence before said Committee was read.

On motion of Ald. Lyons, seconded by Ald. Hamilton, the said report is received and adopted.

While the majority of the Committee regret to have to report that the License Inspector has not, in their opinion, done his duty as an Inspector should, and that he is in a great measure to blame for the evils complained of, the Committee are unable to agree to any recommendation to the Council in regard to the Inspector.

The Chairman and Ald. Mosher are of the opinion that Mr. Mackasey is altogether unfit for the office and should be removed. Aldermen Hamilton and Ruggles, while not prepared to recommend his removal, are of the opinion that his salary should be reduced one half, to \$500, and an assistant inspector be appointed at \$500, and that Mr. Mackasey be continued for another year on these terms to see if the law can be better enforced. Ald. Hesselden, while not holding the Inspector blameless in the matter, is of the opinion that the law itself is more to blame for the present state of affairs than the Inspector, and considers that the Council should apply to the Legislature to have a law passed making a high license say from \$300 to \$500, and limiting the number of saloons, and making any violation of the law work a forfeiture of the license.

The Committee are agreed in recommending that the city undertake the prosecution of any person selling or supplying liquors to minors and that the Council grant no license to any person found guilty of that offence. For this purpose the Committee recommend that the Clerk of the Court report to His Worship the Mayor, the name of any boy brought before the police court for drunkenness, with the particulars of the case on the day he is brought up, and that His Worship in every case instruct the city detective to find out from whom the liquor was obtained, and to have the detective report what evidence he can find to the Recorder, and that His Honour direct a prosecution in every case when he deems the evidence sufficient, and report the result to the Council.

DECEMBER 24th.

Read report from Committee on Laws and Privileges on the memorial from the Women's Christian Temperance Union, on violation of Liquor License Act, 1886.

A resolution introduced by Ald. Lyons, seconded by Ald. Dennis, was ruled out of order by the Mayor.

After considerable debate a resolution was introduced by Ald. Keefe, as follows:—

“Resolved, That the consideration of the report of the Committee on Laws and Privileges in reference to the License Inspector be deferred until Thursday, January 2nd, at 5 p.m., and that a special meeting of the City Council be called to take up and act upon said report, said meeting to be called specially for the purpose, and that Mr. Mackasey be notified to attend.”

The resolution was passed.

JANUARY 2nd.

Read report from Committee on Laws and Privileges on the memorial from the Women's Christian Temperance Union in reference to dismissal of the License Inspector.

Read memorial of the St. Mary's Young Men's Total Abstinence and Benevolent Society against the dismissal of the Inspector from office.

On motion of Ald. Pickering, seconded by Ald. Davison, the several papers submitted to the Council in this matter are directed to be read.

Read memorial from H. W. A. Conrad, Steward of the Board of Brunswick Street Methodist Church on the subject of the dismissal of License Inspector.

Read resolution of City Council, April 20th, 1886, in reference to a law being passed by the Legislature for license to sell spirituous liquors in city of Halifax.

Mr. Mackasey addressed the Council, when the following resolution (No. 2) was introduced :

"Resolved, That the report of the Laws and Privileges Committee be received and adopted and that Mr. Mackasey be dismissed from his office of License Inspector, and that a copy of the report and the memorial of the W. C. T. U. referred to in the report be transmitted to the Lieut.-Governor in Council with a copy of the resolution and showing the Council's reasons for his dismissal.

"Be it further resolved that Mr. H. S. Rhind, the Clerk of License, be appointed as an assistant to the License Inspector, and to act as License Inspector *pro tem* in his absence pending the approval of the Lieut.-Governor in Council of the foregoing resolution and until such time as another License Inspector is appointed by the Council. Moved by Ald. Lyons, seconded by Ald. Mosher to which the amendment is introduced :

"Whereas the Committee on Laws and Privileges have had under consideration the subject of the memorial of the W. C. T. U. in reference to the Liquor License Act and the manner in which the same has been carried out by the Chief Inspector of Licenses, Mr. John A. Mackasey, and, whereas, the said Committee has been unable to make any recommendation to the Council for the better enforcement of the law, and whereas, the Inspector has given as one of his reasons for his inability to carry out the law any better, the large amount of office work he had to perform, and whereas, it is desirable that the Inspector should have every chance to test his ability to enforce the same ;

"Therefore resolved, that His Worship the Mayor be instructed to get the necessary office help for the Inspector for the ensuing year, and thereby test if it is in his power to enforce the present law.

Moved by Ald. Keefe, seconded by Ald. Roche, which amendment on being put is lost, eight voting for the same, eight against it, His Worship the Mayor giving his casting vote against the amendment.

The following second amendment is then introduced :

"Resolved, that a special Committee be appointed to consider and report to the next meeting of the Council what change they think is necessary in the license law to make it practicable of successful operation. In the meantime the further consideration of the report of the Committee on Laws and Privileges in relation to the dismissal of the Inspector of Licenses be deferred until the said Committee report to the Council. Moved by Ald. Pickering, seconded by Ald. Hamilton, which amendment (No. 2) on being put is lost, seven voting for the same and nine against it.

The original resolution was then put and lost, eight voting for the same, eight against it, His Worship the Mayor giving his casting vote against the resolution.

## APPENDIX No. 5.

*Statement submitted by Rev. D. S. Fraser, of Stewiacke, N.S.*

Summary of findings, &c., of the General Assembly of the Presbyterian Church in Canada, by Rev. D. Stiles Fraser, Convener of Committee on Temperance.

I shall give a general summary of the effects of strong drink, as gathered from the reports on temperance presented to the General Assembly of the Presbyterian Church in Canada. This summary is based on replies received from hundreds of the sessions of the church, in answer to questions sent down by the Assembly. Over six hundred sessions reported last year. From the Assembly records for 1890, app. 36, pages 2 and 3, I take the following :—Question 2—"In what forms are the evils of intemperance more especially manifested ?"

The answers to this question, although they profess to specify only some of the forms, and do not therefore reveal the whole truth, are full enough and terrible enough to show that the liquor traffic, judged by its fruits, fully justify the earnest cry, heard on every side, that it be rooted up. Your committee, to secure brevity and clearness, has classified the information received from all parts of the Dominion, showing approximately at least the forms in which, according to the reports, the evils manifest themselves.

1. In the individual.—Formation of depraved appetites and vicious habits ; idleness ; waste of strength, time and talent ; ruin of business ; discontent ; obliteration of the moral powers and the loss of manliness ; hardness of heart ; untruthfulness ; in hurting the character ; unchastity ; loss of health and life ; loss of the soul.

2. In the family.—Neglect of parental duties ; domestic strife ; wretchedness, misery, want, suffering and death ; cruel ill-treatment of wives and children ; degradation of family life.

3. In society.—Drunkenness ; the use of profane and obscene language ; neglect of social duties ; frequent accidents and injuries to property and life ; demoralization and ruin of promising young men ; paralysis of business ; brawls in the streets ; rowdyism on public highways ; cruelty to

## Liquor Traffic—Appendices.

animals; theft; rioting; gambling; lowering of public morality; poverty; increasing the number of the 'lapsed masses'; perjury in courts of justice by liquor sellers and liquor drinkers; intensifying the social evil; the reckless use of firearms; assaults; murders.

4. In the church.—Indifference towards spiritual things; blunting of the religious feeling; the young are estranged from the church; indifference to the Gospel call; neglect of the house of God and the means of grace; disregard for religion; Sabbath desecration in its worst forms; antagonism to the church on the part of the liquor drinkers and liquor sellers.

These are dismal facts, furnished by sessions of our church in all parts of this great country. They are presented without comment and are left to do their work; to touch the heart and arouse the conscience of the church to a keener sense of her duty towards this terrible evil that is confronting her at every turn and hindering her work in every department.

Based on these and other facts brought out by the reports, the Assembly adopted the following "deliverance":—

This Assembly believe that the general traffic in intoxicating liquors is a source of terrible and enormous evils; that it blights the prospects, destroys the health and character, and ruins the soul of the individual; that it mars the happiness, wastes the resources and degrades the life of the family; that it lowers the moral sentiment and endangers the peace and safety of society; that it greatly increases the number of "lapsed masses," intensifying that evil; that it is a most fruitful source of crime; that it not only hinders most seriously, and in many ways, but antagonizes the church in her work of uplifting the race and winning souls for Christ, and that it is contrary to the teaching of Scripture and the spirit of the Christian religion.

Resolutions 6 and 7, adopted by the same Assembly, are as follows:—

6. That, inasmuch as many are, through the influence of the liquor traffic, hardened to the appeals of the Gospel and the arguments of the moral suasion, and are made indifferent to the true interests of their fellowmen, or the welfare of their country, it is necessary, in order to protect the young, the weak, the unwary, from temptation and ruin, and to restrain the lawless, to invoke the aid of the law, so as to reduce, and, if possible, extinguish these evils by wise legislation.

7. That whilst the restrictive and prohibitory features of existing liquor laws are gradually acknowledged and should be persistently utilized, it is the conviction of this Assembly that no legislation short of prohibition, rigidly enforced by the proper civil authorities, will ever be sufficient to free our land from the terrible evils of intemperance, and that it is the duty of the Dominion Parliament to enact such a law. (See Assembly Minutes, 1890, page 55.)

From the Assembly Records for 1891, I take the following (app. 33, page 3), which particularly emphasizes the evils of moderate drinking as seen in the church: Question 6—In what forms do the evils of intemperance manifest themselves, (1) in your congregation, (2) in your community?

The evils of intemperance are only too familiar, yet the painful facts remains that our people are slow to realize them, so that the true nature of the liquor traffic may be disclosed.

(1) In the congregation.—As a rule our church membership is very largely free from the direct effects of intemperance. Our congregations, with few exceptions, report very little drinking among their members. Moderate drinking, however, though decreasing, still prevails to a considerable extent, resulting in occasional intemperance, producing such effects as indifference in religion, forsaking the means of grace, being hardened against the Gospel, trouble in the session, scandal to religion.

2. In the community.—The state of matters in the community is less gratifying. The evil effects are reported as many and varied, and differ little from the dark list given in last year's report. Then following the list as already quoted.

Resolution 1, adopted last year, is—(Minutes, 1891, p. 45). That this assembly, reaffirming the opinion of past assemblies regarding the nature of the general liquor traffic, and its evil effects on industrial, family and social life, and the necessity of the faithful preaching of the Gospel to effectually overcome these evils, and build up a godly, temperate and prosperous nation, asserts its conviction that in the matter of legislation, nothing short of prohibition, rigidly enforced by the proper authorities, should ever be accepted as final or satisfactory, and that it is now the duty of the Dominion Parliament to enact such a law.

From the Assembly records for 1892, I take the following:—

Question 3. What effects have you found the presence of the saloon or dram shop to have in the general life of your community?

The replies to the second question clearly show that there are still hundreds of saloons or dram shops, both licensed and unlicensed, in nearly all the cities and many of the towns and villages of this Dominion. If these are good institutions, then let us uphold them; but if they are known to be decidedly evil in their influence, then as patriots and Christians we are in duty bound to banish them from the land. They have been long on trial, and the testimony of the sessions of this great Church should be conclusive as to their character and influence. Let us hear what they have to say, and let us remember, too, that their testimony has been endorsed by the Presbyterians and Synods. Here it is:—

One unbroken wail of "bad, evil, and only evil, and that continually" comes rolling up from ocean to ocean. Some sections, happily, do not know much about the saloon from experience, but wherever it exists, there are not two opinions concerning it. Not a syllable is heard from any part of the land, from hundreds of our ministers and thousands of our elders who have had the question before them, favouring it in the slightest degree, or even attempting to excuse its existence.

Its baneful influences are described in such language as the following:—Universally the most fruitful source of vice and crime, leading to the violation of almost every law of the decalogue, depreciates the value of property, and hurts trade; it is a snare to the innocent; a source of terrible temptation to youth and men who have fallen, but would fain do better; decoys from

religious meetings and influences ; it is injurious to the religious life of the individual, family and community ; a menace to the Church and a hindrance to the Gospel ; it organizes other evil attractions to increase its traffic ; it fosters loose habits ; idleness, prodigality, licentiousness and gambling ; it scoops in the money that should go to support suffering families, and pay debts ; it is a moral pest, a canker in the moral life, a blight and a curse, almost burning the fruitful field into a barren desert ; it is injurious and ruinous for time and eternity ; and much more in the same strain ; and who will question the truth of it all. Oh ! what an awful indictment against the saloon, given by a jury consisting of thousands of the best and most reliable men of our fair Dominion ! Oh ! What a universal wail of sin, sorrow and suffering ; of desolation, destruction and death has come to our ears ! Shall it not reach our hearts ? Shall we tolerate in this great land such an acknowledged source of terrible evils, and imminent danger to our national welfare ?

Resolutions 1 and 2 adopted by the assembly that lately met in Montreal, are as follows :—

1. That this Assembly, having learned 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 increasing 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.

2. 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 numbers that are reported as plying the demoralization 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 the proper authorities, should ever be accepted as final or satisfactory.

I attach to this statement a copy of the report received by the Assembly this year, and I have marked portions of it on pages 7, 8 and 9, which I wish to be regarded as parts of the statement, as they help to show the mind of the Church, and fully express my own view regarding the license system in its effects on drinking and drunkenness, and its relation to prohibition.

Nova Scotia.—Only 113 licenses are granted, and these are all shop and hotel licenses. Of these 112 are in the city of Halifax, and are in proportion of 1 to 357 of population.

The other license is in Halifax county, and within six miles of the city. It may be said that liquor is not sold at all in the rural districts throughout the whole province ; so few and insignificant are the exceptions, and in many districts none has been sold for more than a score of years. The inspector of the schools of Halifax county, in his last report, says :—“ In Musquodoboit, side by side in ten sections stands the school-house and the temperance hall. Perhaps it would be difficult to find in Nova Scotia or the Dominion of Canada a district of twenty-three sections, stretching along for twenty-five or thirty miles, a more sober or industrious people. Not a grog-shop from one end of Musquodoboit to the other can live.” The same may be said of the valley of the Stewiacke, only a few miles distant, and of many other places of Nova Scotia.

The only places that report no decrease of illicit sale are Windsor, Truro, Baddeck, two places not named, in Sydney Presbytery, and one in Wallace Presbytery, and the city of Halifax, with all its licenses.

In all other places where illicit sale is reported, it has decreased, the most marked cases being the Presbytery of Victoria and Richmond, where about half a dozen in Port Hastings gave up the traffic within the year.

Prince Edward Island.—There are no licenses. The whole province, except Charlottetown, is under the Canada Temperance Act, which is uniformly commended as a restrictive measure, but since its repeal in that city, about two years ago, the sale has been free and open. At the last session of the Provincial Legislature an Act was passed which greatly limits it. It grants no licenses, but is similar to the license laws of other provinces in its restrictive features. The experiment is an important one, and will be watched with interest.

Reports regarding the illicit sale are varied—several places having none, and others very little, while in others it is more defined ; but “ judging from the reports the illicit traffic seems to be kept pretty well in check.” For a number of years the Island has occupied the first place in the Dominion, as far as temperance is concerned, the amount per head of liquor consumed being less than in any other province.

New Brunswick has the most of its counties and its capital, Fredericton, under the Canada Temperance Act. The following places are reported as having licenses : St. John, 1 to 700 of population ; Campbellton 12, or one to 125 ; Richibucto 7, or 1 to 300 ; Dalhousie 5, or 1 to 500 ; Bathurst 5 ; Welford 2, or 1 to 600. The Presbytery of Miramichi reports Northumberland, within its bounds, under the Canada Temperance Act. In its four sessions report that there is no illicit sale, and four that it had decreased. In only two places where licenses are granted has there been such decrease, while the quantity of liquor used has not decreased. The results of licenses are invariably reported as unfavourable.

Quebec.—Within the Presbytery of Quebec five sessions report no licenses. In the city of Quebec there are only two groceries, so far as known to the session reporting, that do not sell liquor by license. Licensed places average 1 to 280 of population, and in Lévis, 1 to 230. Illicit sale is rapidly disappearing outside of the city of Quebec, resulting mainly from the vigorous enforcement of the law. In Richmond county, during the last five years, twenty thousand dollars have been taken from liquor dealers in fines and expenses.



## Liquor Traffic—Appendices.

Within the bounds of Montreal Presbytery some districts report no license, and some a marked decrease of illicit sale. Selling on the Sabbath is falling off to some extent. The following figures give the number of licenses for the city of Montreal: For 1890—hotels, 165; restaurants, 322; shops, groceries, 597—total, 1,084. In 1891—hotels, 153; restaurants, 477; shops, groceries, 304—total, 924. In 1890—arrests for drunkenness, 8,868; in 1891, 9,349. "The reduction in number of licenses was on account of the increase in the license fee; the amount of drunkenness was not diminished."

This is but an example of what is reported from almost all places where licenses are granted. To reduce the number of licenses does not lessen the amount of liquor sold, nor the amount of drunkenness resulting from it. To raise the license fee only makes it necessary to sell more to meet the additional expense; and to sell more attractions and temptations to lead men and youth to drink are made all the more alluring and dangerous. The testimony of P. E. Iler, President of the Great Willow Springs Distilling Company, Nebraska, fully confirms this. In writing to the trade, he says: "High license has not hurt our business; on the contrary, it has been a great benefit to it. I believe that high license acts as a bar against prohibition. I do not think that high license lessens the quantity of liquor used." If called to vote for no license, or high license, he believes that the liquor dealers would almost unanimously go for high license. After all his long experience in different States previous to high license and since, he says: "I believe that high license is one of the grandest laws for the liquor traffic, and for men interested, as well as for the people at large, there is." The only real remedy is the abolition of the saloon. To get rid of its evil influences it must be more than limited, or lessened in numbers, or highly taxed; it must disappear.

Synod of Toronto and Kingston.—Bristol is under local option. There are no licenses. The law is well sustained by the Municipal Council and the popular sentiment, and the results are said to be satisfactory.

The proportion in 9 centres ranges from 1 to 160 to 1,000, averaging 1 to 540. One place reports that there are none, "the last of the race having vanished from the steady march of Christian civilization. The illicit sale has decreased all around so far as known."

Manitoba.—Meadow Leaf, Springfield, and Kildonan report that there is no sale, but the nearness of the high two to Winnipeg largely counteracts the benefits that should otherwise be enjoyed. There has been a great revival of interest in temperance work in Manitoba during the year, with a great convention at Winnipeg; all resulting in an Act being passed at the last session of the Legislature providing for a popular vote on prohibition at the Provincial Elections this summer. This experiment, like the one being tried in Prince Edward Island, is an important one, and the outcome of it will be watched with much interest.

The Territories.—Some sessions in Regina Presbytery furnish us with an illustration of the Irish wit on the prairies. "All sale is illicit but four per cent, and that being more than four per cent is illicit too." Illicit sale has increased since the introduction of the four per cent beer, and hotels selling strong drink in defiance of the law. The License Law lately passed is said not to be the wish of the majority of the people. It has been secured principally by three classes, who are active in working for it; those who have the appetite, those who want to make money by it and those who through it seek political advantages. Medicine Hat is the only place that reports liquor sold by license. It has two licenses, 1 to 300. Medicine Hat, Lethbridge and Pincher Creek report marked decrease in illicit sale. Davisburg has three places and Red Deer twelve more, where liquor is sold illegally, and they state that the permit system has increased the drinking custom and illicit sale. The prohibition law, which did much good, and was fitted to do very much greater good, had it been fairly dealt with, was over-ridden and made largely ineffective by the introduction and abuse of the permit system and four per cent beer. They make the enforcement of the law very difficult, and foster drinking customs.

British Columbia.—Proportion of licensed places to population ranges from 1 to 50 to 1 to 390, or 1 to 216, in communities reporting. All but one session report decrease of the illicit sale.

With reference to the illicit sale throughout the whole Dominion, while a few report no change or increase, the general testimony is that it is decreased, especially where there are no licenses. On the contrary, the statement comes from several places where there are licenses, that the illicit sale has not decreased. And a few of the Presbyterians say that even some of those who have licenses overstep the law and sell illegally. A considerable number of sessions, particularly in the rural districts, state that there is no sale within the bounds. To sum up we find (1) But a few villages and towns are free from the presence and influences of the saloon or dram shop, hundreds of which are licensed, showing us that, even at this late date, the third question is not superfluous. It is too plain that multitudes do not yet see the saloon in the true character. (2) The rural districts are largely free from this curse, though it is also true that we cannot in all cases judge of the comparative sobriety of country or town or city by the presence or absence of the dram shop, for from these centres it sends its polluted streams far out into the country. (3) The illicit sale still continues in greater or less proportion, especially in villages, towns and cities. (4) The granting of licenses is not found to be favourable to the reduction of illicit selling, but rather the contrary, as they tend to increase the amount of drinking and drunkenness; and (5) The illicit sale is steadily decreasing in almost all parts of the Dominion.

## APPENDIX No. 6.

*Statement submitted by W. H. Rogers, of Amherst, N.S.*

## TABLE OF IMPORTS.

Extracted and averaged from returns made in Parliament 1822. See the 4th and 5th Reports of Commissioner of Inquiry.

Famine Years, 1800-10-13-14.		Years of Plenty, 1811-12-15 and 17.	
Haberdashery .....	£140,936 value.	£110,936	£30,000 decrease.
Drapery (new and old).....	3,778,514 yds.	£2,422,444	£1,356,070 "
Iron, hardware and pots.....	£467,109 value.	£337,458	£129,651 "
Blankets.....	60,004 No.	26,613	33,401 "
Cotton goods.....	£197,198 value.	£104,198	£93,000 "
Black Tea.....	3,530,643 lbs.	3,189,132	341,511 "
Muscovado Sugar....	381,278 cwt.	306,954	74,324 "

The years 1800-13 and 14 were those of famine in Ireland, when to keep the people from starving, the Government prohibited the brewing and distilling of liquors to save the grain for the people; who during the period drank little or no gin, but paid their money for the necessaries and comforts of life.

The years 1811-12-15 and 17 were those of plenty of grain and the breweries were in full blast, and the people spent their earnings for gin, then families had to go with short supplies. Hence the falling off in the imports as above. In addition therefore to the saving of disorder, crime, disease, and pauperism, and all their cost, it is clear that even the excise was greatly benefited by the increased consumption of other exciseable articles.

What was true of Ireland in particular must be true of any other country. This may be illustrated from the fact that while the actual decrease in the consumption of spirits, wine and beer in the year 1850 as compared with 1836, was 524,932 gallons, the increase in the consumption of coffee, tea and cocoa in 1850 over 1836, was 26,735,914 lbs. Hence what is lost to the excise in one way is made up in another. This is confirmed by the fact, that in the year of Father Mathew's greatest temperance triumphs in Ireland, while the revenue from whisky was vastly reduced, the total revenue had increased £90,000 above its average, besides saving much cost of collection.

# Liquor Traffic—Appendices.

## APPENDIX No. 7.

Statement submitted by W. D. McCallum, Town Clerk, Truro.

1875.		1878.	
Truro, August 11th, commencement of record to end of year.		Drunk and disorderly.....	42
Drunk and disorderly.....	44	do and incapable.....	15
do and incapable.....	6	do.....	3
Breach of by-laws.....	7	Assault.....	28
Assault.....	7	Disorderly conduct on streets.....	3
Abusive language.....	7	Larceny.....	13
Larceny.....	2	Stabbing.....	1
Selling liquor on Sundays.....	2	Threatening language.....	5
Fighting on streets.....	7	Throwing stones.....	2
Selling liquor to Indians.....	1	Breaking glass.....	4
Profane language.....	2	Obstructing sidewalk.....	3
Total.....	85	Bastardy.....	1
		Total.....	120
1891.		1879.	
Drunk and disorderly.....	25	Drunk and disorderly.....	34
do and incapable.....	14	do and incapable.....	7
Assault.....	9	Assault.....	18
Provoking language.....	1	House breaking.....	3
Keeping house of ill-fame.....	4	Throwing stones.....	2
Disturbing peace.....	7	Drunk.....	1
Total.....	60	Abusive and profane language.....	2
		Cruelty to animals.....	4
1876.		Larceny.....	4
Drunk and disorderly.....	92	Perjury.....	2
do and incapable.....	20	Obstructing sidewalk.....	1
do.....	23	Issuing and passing counterfeit bills.....	1
Assault.....	13	Total.....	79
Threatening to shoot.....	1	1880.	
Disorderly conduct.....	3	Drunk and disorderly.....	28
Larceny.....	10	do and incapable.....	7
Resisting police.....	1	Assault.....	13
Disorderly driving.....	1	Drunk.....	3
Vagrancy.....	3	Throwing stones.....	5
Abusive language.....	5	Threatening and abusive language.....	3
Breaking windows.....	7	Larceny.....	3
Breach of by-laws.....	5	Malicious injury to property.....	3
Fighting on streets.....	3	Disorderly conduct on streets.....	3
Selling liquor to Indians.....	1	Breach of by-laws.....	3
do on Sundays.....	1	Total.....	71
Profane language.....	2	1881.	
Total.....	191	Drunk and disorderly.....	33
1877.		do and incapable.....	7
Drunk and disorderly.....	35	Assault.....	13
do and incapable.....	18	Malicious injury to property.....	15
do.....	8	Obstructing sidewalk.....	4
Larceny.....	4	Profane and obscene language.....	1
Assault.....	11	Larceny.....	4
Fighting on streets.....	1	Fighting on streets.....	1
Firing pistol on streets.....	1	Loud conduct.....	1
Disorderly driving.....	1	Perjury.....	1
Breaking windows.....	3	Interfering with police affairs.....	1
Abusive language.....	4	Disorderly on streets.....	1
Profane do.....	3	Total.....	82
Threatening to shoot.....	1		
Total.....	90		

Statement submitted by W. D. McCallum, Town Clerk, Truro—Continued.

1882.		1887.	
Drunk and disorderly.....	22	Drunk and disorderly.....	16
do incapable.....	21	Assault.....	16
Assault.....	26	Drunk and incapable.....	3
Malicious injury to property.....	25	Disturbing religious meeting.....	3
Larceny.....	14	Breaking glass.....	2
Disorderly conduct on streets.....	7	Stealing.....	2
Abusive and obscene language.....	9	Profane language.....	1
Fast driving.....	5	Abusive language.....	2
Burglary.....	1	Interfering with police.....	1
Obstructing sidewalk.....	2	Fighting on streets.....	2
Wife beating.....	1	Shooting.....	1
Indecent exposure.....	1		
Total.....	135	Total.....	49
1883.		1888.	
Drunk and disorderly.....	24	Drunk and disorderly.....	20
do incapable.....	12	do incapable.....	1
Assault.....	16	Assault.....	18
Profane language.....	5	Disturbing religious meeting.....	10
Drunk and disorderly and resisting police.....	2	Fast driving.....	1
Throwing stones.....	5	Larceny.....	3
Shop breaking and felony.....	4	Bastardy.....	1
Disturbance on street.....	2	Neglecting to provide w. closet.....	1
Destroying plants.....	1	Profane language.....	1
do clothing.....	2	Throwing stones.....	1
Larceny.....	1	Fighting on street.....	1
Breaking glass.....	6	Vagrancy.....	1
Total.....	80	Obstructing sidewalk.....	1
1884.		Total.....	60
Drunk and disorderly.....	22	1889.	
do incapable.....	11	Drunk and disorderly.....	41
Assault.....	23	do incapable.....	5
Other offences, such as felony, larceny, break- ing into shops, abusive language, &c.....	50	Assault.....	19
Total.....	108	Felony.....	3
1885.		Passing counterfeit money.....	1
Drunk and disorderly.....	27	Abusive language.....	5
do incapable.....	3	Larceny.....	2
Assault.....	7	Selling rum to Indians.....	1
Fighting on streets.....	2	Fighting on streets.....	3
Obstructing sidewalk.....	1	Disturbing Salvation Army.....	2
Beating child.....	1	Breaking door.....	5
Burglary.....	1	Interfering with police.....	1
Larceny.....	1	Resisting police.....	2
Indecent assault.....	1	Total.....	90
Felony.....	1	1890.	
Frequenting houses of ill-fame.....	1	Drunk and disorderly.....	47
Disturbing religious meeting.....	4	do incapable.....	10
Total.....	50	Disturbing religious meeting.....	2
1886.		Fighting on streets.....	4
Drunk and disorderly.....	20	Assault.....	9
do incapable.....	2	Larceny.....	2
Assault.....	14	Throwing stones.....	1
Larceny.....	4	Breaking door.....	4
Abusive language.....	7	Abusive language.....	3
Breaking glass.....	3	Profane do.....	1
Disturbing religious meeting.....	5	Resisting arrest.....	1
Disorderly conduct.....	1	Refusing to assist policeman.....	1
Shooting.....	2	Violation of Health Act.....	2
Destroying property.....	9	Vagrant.....	1
Total.....	67	Violation of By-law 18.....	2
		Disturbance on streets.....	1
		Total.....	91

# Liquor Traffic—Appendices.

## TOWN OF TRURO.

Licenses were granted in the following years :—

1875-6 for all the time.

1876-7 do do

1877-8 at first and some refused in latter part of the year.

\$88 collected in fines from illegal sellers. No licenses since.

Fines paid in Police Court—Town of Truro.		Police expenses—Town of Truro.	
1875-76 (short year).....	\$ 331 59	1876 .....	\$ 455 32
1876-77 .....	410 32	1877 .....	856 97
1877-78 .....	168 53	1878 .....	639 12
1878-79 .....	163 25	1879 .....	899 95
1879-80 .....	153 85	1880 .....	744 89
1880-81 .....	161 00	1881 .....	449 50
1881-82 .....	350 02	1882 .....	513 69
1882-83 .....	238 85	1883 .....	400 00
1883-84 .....	138 82	1884 .....	494 00
1884-85 .....	95 00	1885 .....	773 87
1885-86 .....	113 00	1886 .....	895 20
1886-87 .....	139 05	1887 .....	910 30
1887-88 .....	102 25	1888 .....	1,242 77
1888 (short year).....	163 24	1889 .....	903 07
1889 .....	299 70	1890 .....	1,119 26
1890 .....	180 29	1891 .....	894 16
1891 .....	52 75		

## APPENDIX No. 8.

*Statement submitted by H. M. Irvine, of Yarmouth.*

### RESOLUTION.

At a crisis so important in moral reform as the present, and desiring to avail ourselves of every means offering to promote the welfare of the State, we, the members of the Port Royal Lodge, No. 100, I. O. G. T., situated in the town of Annapolis, respectfully submit to the gentlemen composing the Royal Commission on the Liquor Traffic, the following proposition :—

1st. In former years' regime of the licensed traffic in intoxicants the communities of this country and town of Annapolis have suffered incalculable injury and loss, morally, socially and financially, directly traceable to this cause.

2nd. More recently and within the limits of the period in which the Scott Act has been in operation, particularly when the provisions of the Act have been sustained by public opinion and vigorously enforced, a very marked change for the better has become apparent, specially marked in the moral elevation of the community, the diminution of crime, and the promotion of every interest both public and private.

3rd. Based on such facts as the foregoing, which we believed to be essentially sustained all over the land, we respectfully submit that the public interests of the Dominion demand, at the earliest possible opportunity such legislative enactment, universal in scope, simple and definite, and unambiguous in its language and spirit, as will speedily emancipate society from the thralldom of strong drink and the traffic in intoxicants.

4th. Also,—that the impartial and effective enforcement of such legislation can be better accomplished by the employment of officers appointed and paid by the Dominion Government, the same as in the Customs Department or any other branch of the Civil Service.

## APPENDIX No. 9.

*Statement submitted by G. A. Henderson, Clerk, Police Court, St. John, N.B.*

Year.	Whole No. of Arrests.	Arrests for Drunkenness.	Fines paid into Police Court.
			\$ •
1871.....	1,451	906	4,493
1872.....	1,819	1,001	6,175
1873.....	1,891	1,117	6,026
1874.....	2,145	1,282	6,654
1875.....	1,304	666	3,923
1876.....	1,440	894	4,388
1877.....	2,092	1,509	6,035
1878.....	1,972	1,474	4,867
1879.....	1,232	744	2,501
1880.....	1,053	606	2,046
1881.....	1,224	738	3,248
1882.....	1,414	840	3,697
1883.....	1,272	783	3,954
1884.....	1,294	776	2,773
1885.....	1,030	591	2,428
1886.....	977	562	2,959
1887.....	889	495	3,117
1888.....	735	445	2,848
1889.....	1,187	883	4,892
1890.....	1,725	1,041	9,483
1891.....	1,678	1,030	7,201
	29,824	18,381	\$93,700

## APPENDIX No. 10.

*Copies of Resolutions submitted by Rev. W. O. Raymond of St. John, N.B.*

1885.

On motion of Mr. C. N. Vroom, the order of business was suspended to admit of a resolution on temperance.

Moved by Mr. C. N. Vroom, seconded by Rev. G. O. Troop,

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.

Carried.

1886.

Moved by Mr. C. N. Vroom, seconded by Rev. G. O. Troop,

That this Synod desires to reaffirm the resolution on temperance adopted at the last annual meeting, and to urge on clergy and laity renewed exertions against the evil of intemperance and the present system of drinking saloons, by which the evil is fostered.

Carried.

1890.

Moved by Rev. F. Pember, seconded by Rev. Canon Roberts,

That this Synod recognizes the traffic in intoxicating liquors as a great evil, causing a large proportion of the poverty, suffering, disorder and crime in this Dominion, and hindering the work of the Church.

Resolved therefore, That all legislation on the subject of the liquor traffic should tend towards the restriction of the same.

## Liquor Traffic—Appendices.

Moved in amendment by Mr. C. N. Vroom, seconded by Rev. W. S. Covert, that the following words be added to the resolution :—

Further resolved, That the most complete restrictive legislation is a law prohibiting the importation, manufacture and sale of all alcoholic liquors, except for use in mechanical and medicinal and sacramental purposes, and that we believe that the Dominion Parliament should enact such a law, and make provisions for its strict enforcement.

Moved in amendment to the amendment by Mr. H. L. Sturdee, seconded by Rev. J. Roy Campbell,

That all the words of the original resolution after the word “ that ” be struck out, and the following words substituted therefor, “ While this Synod deplores most deeply the evils arising from the intemperate use of spirituous liquors, the experience of the past is not such as to lead the Synod to declare that the prohibition of all sale of such liquors by law is the only, or even the best way of dealing with such evils.”

After some discussion, on motion of Dr. C. W. Weldon, the debate was adjourned.

On reassembling Dr. Weldon took the floor and moved, seconded by Rev. L. A. Hoyt :

That this Synod deplores the evils caused by intemperance and excessive indulgence in intoxicating liquors, a fruitful source of poverty, suffering, disorder and crime in the Dominion and hindering the Church ;

Therefore resolved, That it is the duty of the Church and of every member of the Church, to use every effort to promote the principles of temperance and sobriety, and to use every legitimate method to check this great evil.

On the question being put to the Synod, the substitute for the whole matter was carried.

## APPENDIX No. 11.

*Copies of Resolutions submitted by Rev. Robert Wilson, of St. John.*

Extracts from report of Standing Committee on Temperance, adopted at Methodist General Conference, 1890.

As the wave of prohibition sentiment had swept over the Dominion with irresistible force in 1884 and 1885, so in 1887 and 1888 the repeal movement carried nearly all the same counties. The supporters of the license system asserted that the success of the repeal movement proved the unwillingness of the people to bow to sumptuary laws, while, on the other hand, the advocates of prohibition affirmed that the secret of the success of the movement was to be found chiefly in the want of proper enforcement of the prohibitory clauses of the Act. This, your Committee feel bound by evidence to accept as the true explanation of an apparent surprising change in public opinion. We affirm it as our strong conviction that, if the same energy had been displayed in enforcing the provisions of the Scott Act as in the administration of our Customs laws and the laws against illicit stills, the possibility of suppressing the traffic of intoxicants by legal enforcement would before this have been fully and clearly demonstrated.

It is execrated in homes and denounced in halls ; from the judicial bench, it is charged with being the source of nine-tenths of the crimes which cause our land to mourn, and which paralyze our civilization. Every form of iniquity, from the heritage of ignorance imposed on the child to the crimes which are expiated on the gallows, finds its parentage in this most prolific mother of evil. The press of our land has thundered against it, and day by day has held up faithfully before a Christian civilization scenes of such horror as appeal to senses not blunted by continual wrong-doing. The pulpits of our land have borne testimony against it, and have held up the fierce denunciation of Almighty God against the drunkard-maker. The traffic bears the curses of suffering humanity. The utter hopelessness of removing its evils by legalizing the principle, which is admittedly a moral wrong, and of rendering it harmless by hedging it with partial safeguards, is confessed by all who have thoroughly studied the matter without personal interest or prejudice.

The adoption of the Act has taught us several valuable lessons, which we do well to profit by :—

1. We have learned that the abolition of the license system has not been followed by commercial disaster, as the liquor advocates everywhere declared it would be.

2. That municipal government may be carried on without the local revenue derived from the licensing of intoxicating liquors, and that without the imposition of new and burdensome taxes upon the people.

3. That the law has proved a valuable educator of public opinion.

4. That where the law is even moderately well enforced the mischievous and wicked treating customs are largely destroyed.

5. That the consumption of intoxicants is decreasing in our Dominion in a degree corresponding with the extent to which the Act is adopted.

6. That the reduction of poverty, drunkenness and crime is more and more manifest.

7. That our hope of ultimate and complete victory over this great enemy of all righteousness lies in total prohibition. We must not stop short of this. We cannot, if we would conserve what we have already secured.

#### NO REPEAL.

That these advantages as well as others may have the fullest effect, let us oppose—with all our might of work, prayer, faith and vote—the repeal of the Act whenever and wherever an attempt is made in that direction. Let the name of no member of the Methodist Church be found upon a repeal petition, much less, let no one co-operate directly or indirectly with those who seek to reclothe with the garment of respectability and legality a traffic which the Act has made disreputable and illegal. Utterly refuse to have any partnership in a business whose policy is that of the Anarchists in the use of the dynamite bomb, violence and terrorism. Let it be known to all that a vote to repeal the Act is a vote against prohibition, and every vote to sustain the Act is a vote for prohibition. Then, in the fear of God, let us endeavour to repeat the repeal agitation all along the line, and prohibition will soon be gained.

#### THE DUTY OF THE HOUR.

The present situation defines the duties of Christian electors in unequivocal terms. We would not ignore, or in any way depreciate, the value of the subordinate forces in the struggle for deliverance from a great national bane. We rejoice in the power of moral suasion, in the good work wrought by the numerous temperance organizations of our land, in the influence of the religious and political press, that is ever becoming more potent for prohibitory legislation. Still, it is evident, even to the superficial observer, that the mightiest weapon in this conflict is the ballot, and that the great decisive battles of the temperance movement must be fought at the polls. The issue is fairly before the country now. The attitude and *personnel* of our enemies were never so clearly defined. The temperance men of Canada have the opportunity of striking a blow for the complete and final suppression of the liquor traffic such as they never had before. May they prove equal to the duties and responsibilities of this hour."

Extract from Temperance Report, adopted at N. B. and P. E. I. Conference, 1891 :—

The feeling specially expressed in the committee was,—

1st. That the traditional policy of Methodism regarding this important question should be strictly adhered to, and the fact emphasized that the Methodist church has always set its face against the traffic in and use of intoxicating drink. Our Sabbath schools have incorporated in their constitution a distinct and emphatic pledge, which we would specially urge upon the attention of the officers and teachers of our schools that they may use their best endeavours to induce every scholar in this important department of our work to take. And we also urge that the quarterly temperance meetings provided for in our Sabbath schools be made as interesting and as instructive as possible, that so the children of our people may have an intelligent appreciation of the benefits of total abstinence and a proportionate knowledge of the evils of intoxicating drink.

2nd. That as our church occupies one of the strongest and foremost positions among the churches of this Dominion, its power as an educating influence along the lines of temperance can scarcely be over-estimated, and as this question is one of the most important connected with our work, our ministers and members should use increased zeal in disseminating temperance principles, and restraining men from doing evil in our land by the sale of that which intoxicates.

3rd. That the work of the W. C. T. Union, whose chief executive of the Dominion met this year in our Province, is recognized by us as one of the principle factors in the education of our people in the matter of temperance, and while we urge our brethren to work in our Sabbath schools and on the public platforms, we urge the women of our church likewise to identify themselves as far as possible with every institution which has for its object the salvation of our entire Dominion from any connection with the evil of the sale, use, or manufacture of strong drink.

We hail with much pleasure the fact that the Presbyterian church has in its General Assembly declared itself for three successive years on the side of total prohibition, and as we have so much in common with this great church in other respects we are glad to join our hands with our brethren of that church in this important matter also. The Baptist church likewise takes the same ground. And with the various organizations of our day and land we make prohibition our aim and watchword, and to arouse our people afresh to the benefits to be derived from legislation which can undoubtedly be obtained if determined and united effort is made in favour of such an object.



## Liquor Traffic—Appendices.

### APPENDIX No. 12.

*Paper submitted by J. L. Marsh, Police Magistrate, Fredericton.*

#### RULES AND REGULATIONS GOVERNING THE CITY OF FREDERICTON POLICE FORCE.

Submitted to City Council by John L. Marsh, Esq., Police Magistrate, on the 7th July, A.D., 1887, under Act of Assembly, 34 Victoria, Chap. 1, and approved of by said Council at monthly meeting held same day.

CHAS. W. BECKWITH, *City Clerk.*

(1). The police force shall consist of three men, one of whom shall act as day policeman and two as night policemen, and their hours of duty shall be as follows:—

The day policeman shall go on duty at 7 o'clock a.m. each day throughout the year, and go off duty at 6 o'clock p.m.

The night policemen to go on duty at 6 o'clock p.m., and to go off duty (from the first of May to the 1st of November) at 4 o'clock a.m., and (from the 1st of November to the 1st of May) at 5 o'clock a.m.

Any policeman at any time, whether on duty or otherwise, shall preserve the peace or infraction of any Criminal Act, or of any City By-law, and report the same to the Police Magistrate, and assist (if required) in the prosecution of the same.

(2). The day policeman shall attend the Police Magistrate's Court, when in session on criminal business, for the purpose of maintaining order, guarding prisoners, and, in case of any information laid by him under his duties as policeman, in assisting in the prosecution.

(3). It shall be the duty of the several policemen generally under these Regulations and the Acts relating to the Fredericton Police Force, to devote their time exclusively while on duty, or during their hours of duty, to the enforcement of the Canada Temperance Act, Dominion and Local Acts, and the City By-laws now in force, or that may hereafter be enacted, and the general preservation of peace and good order throughout the City.

(4). The day policeman shall, without extra remuneration, act as Sergeant of Police and have a general supervision over the conduct and requirements of the Police Force, reporting any delinquencies of duties or other special matters to the Police Magistrate without delay, provided, however, that when ordered by the Police Magistrate, in case of the sickness of a night policeman, the day policeman shall take his place.

(5). The distribution of the men, their inspection, the description of arms, accoutrements, or other necessities to be used by them, shall be in the discretion of the Police Magistrate, who may report to the Police Committee of the City Council any requirements for the Force that should be supplied by the City.

(6). All arms, accoutrements, uniforms, handcuffs, or other appliances furnished or otherwise possessed by the Corporation, shall be and remain the property of the Mayor, Aldermen and Commonalty of the City of Fredericton, and if any such shall be in the possession of any member of the Police who is dismissed or retires from office, the same shall, before he is paid off, be handed over to the Police Magistrate, and, in case such property be not handed over, the value thereof to be estimated, by the Police Magistrate, will be deducted from any wages due, or, if there be no wages due, to be recovered by action-at-law.

(7). These Regulations shall be read over to the Police Force by the Sergeant of Police on the first day of May in each year; and a copy thereof shall be entered in the Information Book and signed by the Policemen.

### APPENDIX No. 13.

*Statement submitted by Edward Jack, of Fredericton.*

#### EXTRACTS FROM THE POLICE RECORD BOOK.

The number of arrests on the public streets for the months of May and June, 1889, were thirty-four persons.

The number of arrests on the public streets for the months of May and June, 1890, were thirteen persons. Those were the two months the hotel proprietors were committed to jail.

DOW VANDINE.

*Sergt. of Police.*

## APPENDIX No. 14.

*Paper submitted by Rev. W. B. Hinson, Moncton.*

Your Committee on Temperance beg leave to report that they have examined the circular sent to this body from the General Assembly of the Presbyterian Church of Canada, endorsed by the General Conference of the Methodist Church of Canada, asking co-operation of the Churches of this Convention in petitioning the Dominion Parliament to give the country a law prohibiting the importation, manufacture and sale of intoxicating liquors. Your Committee recommend that this convention heartily commit itself to such co-operation, by adopting the resolution passed by the above bodies, which is but a reaffirmation of the resolution passed by this convention last year at Fredericton, the wording only being different, namely,—that 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 mechanical, medicinal, 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.

Baptist Year Book of the Maritime Provinces of Canada for the year 1890.

## APPENDIX No. 15.

*Copies of circulars submitted by Superintendent Pottinger, Intercolonial Railway.*

INTERCOLONIAL RAILWAY,  
CHIEF SUPERINTENDENT'S OFFICE,  
MONCTON, N.B., 23rd February, 1883.

[Circular, No. 62.]

*To all Officers and Employees:*

It is of the utmost importance that only men of known sober habits shall be employed in any position affecting the movements of trains. It is therefore ordered that any person belonging to any of the following named classes of employees who is known to be intoxicated, whether on duty or not, shall be peremptorily dismissed from the service.

The classes of employees referred to are train despatchers, station masters, assistant station masters, conductors, telegraph operators, engine drivers, firemen, brakemen and switchmen.

All officers and employees are required to aid in carrying out this order, and they will be held responsible for any neglect or concealment.

D. POTTINGER, *Chief Superintendent.*

INTERCOLONIAL RAILWAY,  
CHIEF SUPERINTENDENT'S OFFICE,  
MONCTON, N.B., 5th April, 1883.

(Circular No. 64.)

*To all Officers and Employees:*

The Honourable Minister of Railways and Canals attaches so much importance to sobriety among the employees of the Railway, and to the example set by those in higher grades of the service to the men employed under them, that it is ordered that the regulation contained in Circular No. 62 shall be extended to all officers and employees without exception.

And, hereafter, any officer or employee who is known to be intoxicated, whether on duty or not, will be at once dismissed from the service.

D. POTTINGER, *Chief Superintendent.*

# Liquor Traffic—Appendices.

INTERCOLONIAL RAILWAY,  
CHIEF SUPERINTENDENT'S OFFICE,  
MONCTON, N.B., January 20th, 1887.

(Circular No. 119.)

*To all Officers and Employees :*

The Honourable Minister of Railways and Canals considers the practice of sobriety by all the officers and employees of the railway to be of so much importance that he has given orders that their attention shall be again called to the subject, and that the orders already issued shall be repeated and made more stringent.

Rules Nos. 59, 60 and 61, of the Time Table, Circular No. 61, dated February 23rd, 1883, and Circular No. 64, dated April 5th, 1883, will be strictly enforced.

The use of intoxicating liquor when on duty is prohibited.

Persons who are not of sober habits, or who frequent taverns, or similar places, or who give evidence of the use of intoxicating liquors, will not be employed or retained in the service.

Any person who is intoxicated, either when on duty or when off duty, will be at once dismissed from the service.

All persons in charge in any capacity, including the foremen in workshops, will be held responsible for the sober character of the men employed under them, and they must report at once any violation of these rules. It is to be noted that the making of such reports will be a matter of duty, the neglect of which will be punished by dismissal from the service.

As the observance of these rules will not only increase the comfort and safety of the public, but also promote your own welfare, it is confidently expected that you will cheerfully comply with them.

D. POTTINGER, *Chief Superintendent.*

## COPY OF TIME TABLE RULES.

No. 59.—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.

No. 60. 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.

No. 61. The mechanical foremen in charge of engine houses, train despatchers, station masters, telegraph operators, conductors, engine drivers and all other persons who occupy places of trust, must report promptly any violation of the above rules, 59 and 60. Any failure to report at once will be severely punished.

## APPENDIX No. 16.

*Statement submitted by George J. Robb, City Clerk, Moncton.*

LIST of arrests and fines from 1885 to 1892 filed as follows :—

### *Arrests.*

1885.....	335
1886.....	311
1887.....	205
1888.....	216
1889.....	309
1890.....	278
1891.....	263
1892 to end of July.....	123

About two-thirds of the above arrests were for drunkenness.

### *Fines.*

1885.....	\$40 00
1886.....	None.
1887.....	950 00
1888.....	1,050 00
1889.....	2,100 00
1890.....	1,800 00
1891.....	1,650 00
1892 to end of July.....	600 00

\$8,190 00

APPENDIX No. 17.

*Copy of Resolutions submitted by Rev. W. D. Wiggins, Moncton, N.B.*

REPORT ON TEMPERANCE:—

Circumstances were such that your committee was not able to co-operate in all the work that it was intended it should. However, the work has been accomplished, and it is my duty to lay before you the results, and offer a suggestion. The petitions were circulated, signed, forwarded to Ottawa and had some effect. This is familiar to all.

There were over 900,000 signatures to the petitions as a whole, from the various churches throughout the Dominion. The chairman of the union committee in his communication to me says, "The petitions have had a decided influence at Ottawa, and ministers of the crown admitted to the deputation, on 27th May, that they must do something—that the matter could no longer be ignored. A great point has been gained in getting the government to recognize it at all, and it will be our own fault, as temperance people, if it does not come to something good. Let us keep up the pressure."

The General Assembly of the Presbyterian church of Canada resolved, "to authorize its committee on Temperance to continue to co-operate with other churches in such ways as may be found expedient to keep up the agitation for prohibition begun in connection with the petition movement." Your committee would recommend that this body authorize its committee on Temperance to co-operate as desired. As a result of the petitions, parliament resolved to appoint a Royal Commission to examine and report on the whole question. As this commission has not yet been appointed, and as it is desirable that all parts of the Dominion should be represented and great care taken in making selections, your committee would suggest that this body recommend one or more as their choice to take a place on this commission.

APPENDIX No. 18.

*Paper submitted by S. C. Nash, Inland Revenue, Charlottetown P.E.I.*

SPIRIT STATEMENT—DOMESTIC MANUFACTURE.

Year.	Gallons in bond.	Gallons duty paid.	Total.
			\$ cts.
1882.....	250 83	Unknown .....	250 83
1883.....	1,600 18	do .....	1,600 18
1884.....	1,535 85	do .....	1,535 85
1885.....	943 12	do .....	943 12
1886.....	4,667 42	431 13	5,098 55
1887.....	2,381 97	167 34	2,549 31
1888.....	1,519 40	483 36	2,032 76
1889.....	3,432 44	950 03	4,382 47
1890.....	1,160 68	134 98	1,295 66
1891.....	6,358 32	1,425 70	7,784 02
1892.....	5,497 69	810 42	6,308 11
	29,377 90	4,402 96	33,780 86

Gallons.  
Yearly average 11 years ..... 3,070 98  
Scott Act average 9 years..... 2,187 63

# Liquor Traffic—Appendices.

## APPENDIX No. 19.

*Paper submitted by S. C. Nash, Inland Revenue, Charlottetown, P.E.I.*

### STATEMENT, BEER MANUFACTURED IN CHARLOTTETOWN.

Year.	Gallons.
1885.....	24,150
1886.....	26,550
1887.....	38,300
1888.....	32,400
1889.....	56,400
1890.....	31,700
1891.....	44,400
1892.....	31,650
Total.....	285,550
Yearly average.....	35,693
Scott Act year's average.....	34,916

## APPENDIX No. 20.

*Statement submitted by Hon. Jos. Hensley, Judge of Supreme Court, Charlottetown, P.E.I.*

CHARLOTTETOWN, PRINCE EDWARD ISLAND,  
20th July, 1893.

SIR,—I have been on the Bench of the Supreme Court of Prince Edward Island for upwards of 23 years.

Just before my elevation to the Bench in June, 1869, I had been Attorney General from February, 1867 to that date; also on previous occasions, 1853, 1858.

I am glad to be able to report that the criminal cases tried in Prince Edward Island have, for a large number of years past, been few in number, both before the Scott Act was generally in force throughout the Province and since that Act prevailed here, since the year 1878, or thereabouts.

As Attorney General I prosecuted two charges of murder.

1st (1856.) The Queen, *vs.* Roderick du Neill for the murder of one Lane.

No question arose in this case as to the crime being attributable to the use of intoxicating beverages.

Prisoner convicted, sentenced to death; sentence commuted to imprisonment for life.

2nd (1869.) The Queen *vs.* George Dowery.

Defendant convicted and sentenced. It did not appear that the defendant committed the act under influence of liquor, but the person murdered was in a state of intoxication, and by his acts in that state precipitated the unfortunate result.

Since I have been on the Bench I have tried nearly all the charges of murder which have occurred here.

3rd. The Queen *vs.* Johnson & Millner. Acquitted (1879). No question of I. B.

4th. The Queen *vs.* Alexander Gillis (1885) murder of I. Callaghan. Prisoner convicted and sentenced to be hung, but commuted to life imprisonment. A very savage and brutal murder, but no question respecting the use of intoxicating liquors appeared in it.

5th. The Queen *vs.* John Welsh (1887) convicted of manslaughter. The accused not under the influence of liquor, but no doubt the offensive conduct of the deceased, or murdered man, was caused by his having taken too much liquor, and the foolish irritation he thereby caused to the accused brought about the catastrophe. In this case I report that the use of intoxicating liquor brought about the crime, although the accused was not under its influence.

6th. The Queen *vs.* William Millman, tried in 1888, for murder of a young girl 17 years of age, the accused himself being about 19 years old.

A very sad case, but the use of intoxicating liquors had nothing to do with it. The accused was convicted and sentenced.

Thus two out of six, or one-third of these very serious cases may fairly be reported as having been brought about by the use of intoxicating liquors.

I estimate that in cases of less serious crimes which have come before me, the same proportion, about one-third, were due to the use of intoxicating liquors.

I have already stated that, on the whole, criminal cases tried here during many years past have been but few. I cannot observe that the Scott Act materially reduced the proportionate number of serious criminal offences which came before the Supreme Court since it commenced operation, or made any sensible difference in that respect.

I fear that a prohibitory law, if enacted, would not be likely to be successfully carried out or effective. I believe, as the result of my observation on the Bench, as regards the working of the Scott Act, that a prohibitory Act would not meet with that sympathetic support of the majority of the people which I hold to be essential and necessary to ensure the successful enforcement of such a measure.

I must leave to the Justices of the Peace and the Stipendiary Magistrates (who have more cognizance in this case) to state whether the Licensing and Local Option Laws have been successful in reducing drunkenness.

7th. I consider a local option law, with suitable provisions, to be the measure best calculated to produce satisfactory results. When I was in the Legislature a great many years ago, I introduced it in this Province and considered that it worked well and to great benefit in the various localities. When adopted within a small radius, it is the result of a sort of domestic desire for restriction. Adopted at small meetings of neighbours and friends, the real personal desire for it is more early developed and the necessary sympathetic support pledged. So it has been, in my opinion, and is likely to be more successful in the result than any other measure as yet adopted or proposed.

8th. I approve highly of the dissemination of facts and information, showing the evils and bad effects of intemperance. Whether a prohibitory or local option law is passed or not, still I think this to be very desirable. In fact, I think that instilling in the youthful mind the evils and dangerous results of intemperance is the remedy most important and the best calculated to secure permanent and practically beneficial results; yet I would say, let this too be supplemented by a good and practical Local Option Law.

Your obedient servant,

JOSEPH HENSLEY,

*Assistant Judge Supreme Court and Vice-Chancellor in Chancery, Prince Edward Island.*

## APPENDIX No. 21.

*Statement submitted by Arthur Newbery, Assistant Prov. Secy., P.E.I.*

MEMO. of the number of vendors' licenses issued under the Canada Temperance Act by the Provincial Government and the amount of fees received therefor, from 1st July, 1880, to 31st December, 1891.

Year 1880,	7	licenses	\$10	\$	70
1881,	3	do	50—150		
1881,	6	do	10—60		210
1882,	2	do	10		20
1883,	1	do	10		10
1884,	7	do	40		280
1885,	6	do	40		240
1886,	4	do	50—200		
1886,	1	do	40—40		200
1887,	4	do	50—200		
1887,	1	do	45—45		
1888,	4	do	50—200		
1888,	3	do	40—120		345
1888,	1	do	25—25		
1889,	4	do	50—200		
1889,	2	do	40—80		280
1890,	1	do	40		
1890,	1	do	50		90
1891,	2	do	50—100		
1891,	1	do	40—40		140
Totals....	61	Licenses		\$2,170	

### Summary.

22	Licenses	at	\$50	\$	110
1	do	at	45		45
21	do	at	40		840
1	do	at	25		22
16	do	at	10		160
61				\$2,170	

# Liquor Traffic—Appendices.

## APPENDIX No. 22.

*Statement submitted by Stipendiary Magistrate Fitzgerald, Charlottetown, P.E.I.*

STATISTICAL STATEMENT FOR YEARS 1870 TO 1891 INCLUSIVE.

### POLICE DEPARTMENT.

Year.	Number of Men.	Cost of Department.	Number of persons con- victed of drunkenness.	Number charged with breach of license laws.	Total number of offenders charged.	Receipts of Courts.
		\$ cts.				\$ cts.
1870.....		2,614 87				1,122 77
1871.....		3,147 98				1,510 86
1872.....		2,847 05				2,177 10
1873.....		3,846 58				1,233 57
1874.....	8	3,463 92				1,325 48
1875.....	12	4,672 77				2,011 07
1876.....	16	5,853 09	676		1,290	3,369 90
1877.....		8,039 11	737	42	1,297	2,817 94
1878.....	10	8,099 32	357	48	745	1,662 74
1879.....	6	6,194 99	231	5	544	831 41
1880.....	6	5,643 77	256	8	491	862 83
1881.....	6	5,378 17	197	9	472	1,644 99
1882.....	6	5,318 55	218		404	1,772 31
1883.....	6	5,458 23	250		526	1,272 07
1884.....	6	5,409 51	229		481	3,587 73
1885.....	6	5,440 92	284		640	2,633 25
1886.....	6	5,369 85	299		592	1,980 48
1887.....	6	5,196 80	213		516	2,489 84
1888.....	6	5,117 15	262		598	1,939 50
1889.....	6	5,028 33	306		483	2,048 42
1890.....	6	4,834 84	239		510	2,170 45
1891.....	6	4,832 76	304		566	1,187 80

### LIQUOR LICENSES.

Year.	Number of Tavern.	Number of Saloon.	Number of Store.	Total Licenses.	By whom granted.	Total License Fees.
						\$ cts.
1870.....						904 39
1871.....						951 03
1872.....						1,590 46
1873.....						1,816 72
1874.....						1,914 01
1875.....						1,816 71
1876.....					33 C. C.	2,051 81
1877.....	23	11	8	42	9 L. B.	1,866 01
1878.....	22	8	9	39	L. B.	2,070 67
1879.....	23	8	8	39	L. B.	1,937 11
1880.....	*14	3	6	33	L. B.	424 58
1880.....	*17	9	9	35	L. B.	1,947 84
1881.....	1	1	1	3	L. B.	64 38

\* For partial year ending August, 1880.

Statement submitted by Stipendiary Magistrate Fitzgerald, Charlottetown, P.E.I.—Continued.

CANADA TEMPERANCE ACT.				LORD'S DAY ACT—BREACH OF SELLING INTOXICANTS.			
Year.	No. of Informations.	No. of Convictions.	Amount Collected.	Actually in Fees.	No. of Informations.	No. of Convictions.	Remarks.
			\$ cts.	\$ cts.			
1875.							Stipendiary Magistrate appointed in June of this year. C. T. Act came in Aug. '81. Licenses all made to end in August, but practically to same number of persons.
1880.							
1881.	30	19	808 00				
1882.	42	15	963 42				
1883.	18	7	450 00				
1884.	114	49	2,500 00				
1885.	63	30	1,450 00				
1886.	66	34	350 90				
1887.	164	58	1,950 00				
1888.	228	60	1,389 30				
1889.	80	27	1,000 00				
1890.	143	34	1,000 00		2	2	
1891.	17	5	Went out, Feb. 1891.		30	39	Of these convictions there were for 1st offences, 245; 2nd offence, 65, and 3rd offence, 51. Imprisoned 1st month, 40; 2nd month, 17. No. of persons actually convicted, 144.
	1,065	364	12,643 68		32	41	

## APPENDIX No. 23.

Statement submitted by James Currie, Collector of Customs, Charlottetown, P.E.I.

SPIRITS, &c., imported and entered for consumption at the Port of Charlottetown (Queen's and King's Counties) for 1½ years ending 31st December, 1890.

Goods.	IMPORTED.		ENTERED FOR CONSUMPTION.	
	Quantity.	Value.	Quantity.	Value.
	Galls.	\$	Galls.	\$
Ale. ....	7,570	4,340	7,978	4,467
Spirits ....	24,858	26,919	34,292	31,185
Wines. ....	1,407	2,595	1,742	2,541
Total. ....	33,835	33,654	43,012	38,213



## Liquor Traffic—Appendices.

*Statement submitted by James Currie, Collector of Customs, Charlottetown, P.E.I.—Continued.*

SPIRITS, &c., imported and entered for consumption at the Port of Charlottetown (King's and Queen's Counties) for 1½ years ending 30th June, 1892.

Goods.	IMPORTED.		ENTERED FOR CONSUMPTION.	
	Quantity.	Value.	Quantity.	Value.
	Galls.	\$	Galls.	\$
Ale.....	5,551	5,532	5,655	3,613
Spirits.....	32,592	35,999	35,572	34,822
Wines.....	2,389	2,591	2,143	2,337
Total.....	40,532	42,122	43,370	40,972

SPIRITS, Wines and Ales entered for home consumption at the Port of Charlottetown during the following years.

Fiscal Year.	Quantity.	Value.	Duty.
	Galls.	\$	\$ cts.
1887-88.....	33,625	26,701	45,899 38
1888-89.....	30,357	24,234	34,705 81
1889-90.....	30,124	23,760	38,388 71

CUSTOM HOUSE, CHARLOTTETOWN, P.E.I., 22nd August, 1892.

## APPENDIX No. 24.

*Copy of a Liquor account submitted by Rev. W. W. Brewer, Charlottetown, P.E.I.*

March	1—To drinks 15 cts., (2) drinks 25.....	\$ 40
	2—“ “ 45 (3) “ 25.....	70
	3—“ “ 25 Two bottles Porter 50.....	75
	4—“ Gin 25 Drinks 25.....	50
	3—“ drinks 25 do 25, apples 10.....	60
	3—“ one game of pool 15, (4) drinks 35.....	40
	5—“ game 15, drinks 35, drinks 35.....	70
	8—“ 1 box fish 1.50, (14) 2 flasks whisky 1.00.....	1.00
	14—“ drinks 20, drinks 20.....	40
	16—“ 1 game pool 10, (17) drinks 30.....	40
	18—“ 1 quart beer 12, 1 bottle brandy 1.00, pickles 20.....	1.32
	18—“ ½ flask whisky 25, 1 bottle brandy 1.00.....	1.25
	21—“ drinks 30, drinks 25, drinks 40.....	95
	21—“ 1 canister tea 35, (22) drinks 25.....	60
	22—“ drinks 25, ½ flask whisky 25.....	50
	22—“ 1 game pool 10, 1 flask whisky 50.....	60
	24—“ drinks 25, drinks 25, drinks 15.....	65
	25—“ drinks 10, (26) 1 plug tobacco 5.....	15
	26—“ drinks 25, drink and game 40.....	65
	26—“ drinks 25, drinks 50, (28) drink 10.....	85
	28—“ sundries 25, sundries 10.....	35
	30—“ whisky 10, (31) sundries 25, ½ flask 25.....	65

Total..... \$16.42

## APPENDIX No. 25.

*Paper submitted by Rev. W. W. Brewer, Charlottetown, P.E.I.*

The Committee on temperance have carefully considered the resolution of the Rev. D. L. Brethour, and the memorial of the Douglas Church Official Board, touching the attitude of our Church toward the liquor traffic, and present the following for adoption by the Conference, viz. :—

That John Wesley, under God, the founder of Methodism, in a letter to the Right Hon. Wm. Pitt, Prime Minister of England, and dated September 6th, 1784, declared, that though the spirits distilled that year brought an excise revenue to the Government of twenty thousand pounds, they cost twenty thousand lives to His Majesty's liege subjects, thereby vilely bartering for this money the blood of these men, not to say anything of the enormous wickedness occasioned thereby, and the ruin in many other ways coming to the peace and happiness of the commonwealth. Rising to unwonted vehemence and indignation, he exclaims: "All who sell the liquor to any that will buy are poisoners general. They murder His Majesty's subjects by wholesale, neither do they even pity or spare."

(2.) That the attitude of the Methodist Church has ever been one of antagonism to the traffic in strong drinks.

(3.) 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.

(4.) 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.

(5.) That the efforts put forth by the Governments to restrain, by license laws, this cyclone of destruction, have failed of their purpose; be it therefore,

Resolved, (1.) That we are unalterably opposed to all efforts to regulate the liquor traffic by taxation of license, high or low. These afford no protection from its ravages, but on the other hand entrench it in 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 legal 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 Christian men are obligated by their profession to rise above all considerations 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.

Therefore to this end, this General Conference

(1.) Endorses the proposal of the Dominion Alliance to secure election to the House of Commons of Prohibitionists, irrespective of party, charged with the responsibility of representing the temperance electorate in the House of Commons, compelling the attention of the House and of the country to the great question of prohibition, and dividing the House of Commons on all suitable occasions on this issue; and it is strongly recommended that wherever such candidates are presented, they be given the earnest and undivided support of the members and adherents of the Methodist Church.

(2.) This conference further recommends, that in every constituency, sincere efforts be made in the party conventions and at the polls to secure the election to Parliament of men of sterling temperance principles; and it is specially urged that those who in the House of Commons, sustain prohibitory resolutions and offer themselves for re-election, be supported by our people, irrespective of party consideration, as against candidates acceptable to the liquor interest; and it is our strong conviction that members of Parliament who have voted against such prohibitory resolutions should on no account, receive the support of the electors of our Church. It is only by thus showing ourselves independent of party influence on this supreme moral question that we can secure for our convictions the consideration they deserve, and force the early solution of this prohibitory question.

(4.) That in accordance with the memorials by the New Brunswick and Prince Edward Island Conference to the Rev. D. L. Brethour, this General Conference, under its seal, petition the Dominion Parliament for the enactment of a General Prohibitory Liquor Law.

# Liquor Traffic—Appendices.

## APPENDIX No. 26.

*Paper submitted by the Rev. Jas. Simpson, Charlottetown, P.E.I.*

ST. PETER'S CATHEDRAL,  
CHARLOTTETOWN, P.E.I.,  
August 22nd, 1892.

I certify that the information contained in the accompanying letter, signed Anglicanus, was obtained by me in the year of our Lord 1887, from the priest in charge of the English church at Gothenburg, Sweden.

JAMES SIMPSON,  
*Priest, St. Peter's Cathedral.*

### LETTERS TO THE EDITOR.

#### THE GOTHENBURG SYSTEM.

SIR,—In view of the near approach of a Scott Act election for the city, and the foregone conclusion, almost unanimously held, that the Act is doomed, the question is forced upon our consideration, what system of controlling the sale of spirituous liquor should be adopted?

I have taken some pains to learn the details of the "Gothenburg System," which may not be uninteresting to your readers.

The System began in Gothenburg, but is now in use throughout the whole of Sweden; and though to the outside world known as the "Gothenburg System," the name is practically unknown in the country itself.

A certain number of shareholders form a joint stock company and subscribe the requisite capital. At present in Gothenburg, the rate of interest is fixed at 6 per cent and is paid annually on these shares, and can neither be increased nor lessened (so long as the funds permit). The company obtains the necessary power from the crown for its proceedings, and sets about the task of buying the right to sell spirits from all the present holders of licenses, for it is with spirits only that this system deals.

This step is the most difficult part of the whole matter; therest is simple. Having obtained their monopoly for the district for which they hold authority, and being a company, probably unique in this respect that they are anxious not to make profits, they aim at controlling and rectifying the consumption of spirituous liquors instead of stopping it—which they may not do.

First, they close all the unprofitable public houses, such as cellars, etc., and proceed gradually to utilize larger and more airy and respectable buildings, where the surroundings are healthier—as their profits increase they erect buildings themselves.

When the company is in full working order there are three classes of depots:

1. Places for the sale of spirits which may not be consumed upon the premises. Of these there is one in each large district of the town—perhaps five or six in all.

The manager is paid a certain fixed sum and makes not one cent by his sales. Out of the allowance he has to pay for all assistance he may need, for all loss by leakage or evaporation, and so on. In such places and in the case of the few wine merchants (who all hold licenses from the company), not less than two gallons may be sold.

2. Shops.—Here the spirit may be consumed on the premises. As before, no one is interested in the sale of the liquors. With each glass is served a small tray with a few pieces of broken "hard bread," to be eaten with the spirit. Here a man may have as many drams as he wishes, but the manager knows that if he serves to a man who has had too much, he will lose his place, and, as he has no interest in the world in the sale, he is quick to refuse.

3. Restaurants.—With almost, indeed, I think, all the last, is associated a restaurant. The manager receives the whole of the profits of any food he sells, so that the energies of the establishment are directed to this side of the account. The company regulates the maximum charges for the different classes of food and the discretion of the manager fixes the minimum. The rates vary according to the position and class of the establishments, from a mere "labourer's public" to a first-class restaurant where all the delicacies of the season may be procured. A correspondent informs me that at one near the harbour, a large plate of capitally cooked fish and six or eight large potatoes can be had for six cents. In this same place is a better room where a superior kind of dinner can be had—two courses—for 20 cents of our currency. This price included as much of a very light brown thin beer called "drick" as the guest cared to take, and also bread and butter. Adjoining is another room used as a café, where beer, coffee, etc., is sold.

4. Extra licenses.—The company has power to sell spirits. Consequently wine merchants, hotels, gardens, restaurants, &c., are all under their direct supervision, and any misconduct risks the withdrawal of the license.

It is to be noticed in all this that all powers of the company are confined strictly to spirits, and do not, in the least degree, reach wine, beer, &c., which are sold as household commodities very freely and in every sort of place, and that the company's efforts are all directed toward lessening the sale of spirit.

It remains but to say a word on two subjects :

1. District.—The Gothenburg Company hold control of a very large district of country, and, within its limits, no spirits at all can be procured for a distance of something like fifteen or twenty miles from Gothenburg, while in the other direction a fisherman might sail for twenty miles before he could find a dram shop among the islands.

2. Results.—The company has with its profits conferred an immense boon upon the population. Originally they voted sums of money out of its profits for such purposes as they saw fit, but now their profits are thus regulated ; (a) 6 per cent to the shareholders ; (b) a certain percentage to the revenue of the country ; (c) the balance to aid the town rates and the country district rates in certain proportions ; so that, by this method, the drink consumers pay directly for the police, the asylums, poorhouses and prisons, for which they to a large extent furnish the inmates.

Moral results.—Proceeding on the sound basis of a gradual reform they have but these results to show. However, even in the last ten or twelve years, a reduction of about fifty per cent in the consumption per head of the population has been realized, I believe. People of experience say that the result in the diminution of the drunkenness of the population is very evident and striking.

Further, I may say that the company supports many free reading rooms, where papers and magazines are supplied, and where tea, coffee and light refreshments can be had at a small charge ; and it still aims, when popular opinion is riper, to gain control of the wine and beer selling trade also.

Yours truly,

ANGLICANUS.

July 23, 1887.

## APPENDIX No. 27.

*Statement submitted by Richard Hunt, Chairman of the Council, Summerside, P.E.I.*

In 1876 there were 29 cases of drunkenness.

1877	do	54	do
1878	do	60	do
1879	do	31	do
1880	do	16	do
1881	do	35	do
1882	do	11	do
1883	do	10	do
1884	do	22	do
1885	do	37	do
1886	do	30	do
1887	do	30	do
1888	do	46	do
1889	do	43	do
1890	do	24	do
1891	do	51	do

(First year of Scott Act.)

(That is the year that I have explained covered 16 months.)

1892, up to the present time, there were 12 cases of drunkenness.



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### NOVA SCOTIA, NEW BRUNSWICK AND PRINCE EDWARD ISLAND.

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- BULMER, JOHN T., Halifax, N. S., Barrister.....Page **151**  
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- COFFIN, REV. J. S. (Methodist), Windsor, N. S.....Page **226**  
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- COTTER, GARRETT, Halifax, N.S., City Marshal and Chief of Police. ....Page **20**  
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### COTTER, GARRETT—*Continued.*

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### DENNIS, WILLIAM, Halifax, N.S., Journalist. . . . . Page **31**

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### KEEFE, MICHAEL E., Mayor of Halifax, N.S. . . . . Page **59**

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MACKASEY, JOHN A., Halifax, N.S., License Inspector . . . . . Page **43**

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McKENZIE, WILLIAM, Dartmouth, N.S., License Inspector and Chief of Police, Page **28**

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- MURRAY, ROBERT, Halifax, N.S., Editor Presbyterian *Witness*..... Page 235**  
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- MURRAY, W., Halifax, N.S., Governor of City Prison..... Page 114**  
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- NAYLOR, J., Halifax, N.S., Secretary of Society for Prevention of Cruelty, Page 238**  
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- PICKFORD, ROBERT, Halifax, N.S., President Board of Trade..... Page 96**  
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REID, D. W. B., Halifax, N.S., License Inspector, Municipality of Halifax. . Page **15**

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TRENAMAN, HENRY, Halifax, N.S., City Clerk. . . . . Page **244**

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 Scott Act well enforced at Feron (5480); not so well at New Glasgow (5481); saloons at Feron closed by Rev. H. R. Grant (5488-91); general prohibition would be a further advancement (5498).
- ROGERS, B. D., Stellarton, N.S., Merchant.**..... Page **283**  
 Inspector under Scott Act for Pictou County (5313); difficulties in enforcing Act (5329-35); Prosecutions for selling Bigelow's beer (5334, 5345, 5359, 5383); Scott Act produced excellent results (5350-56).
- ROGERS, W. H., Amherst, N.S., Retired Dominion Official.**..... Page **269**  
 Enforcement of Scott Act in Amherst hampered by legal difficulties (5062-64); recently Act has proved workable and successful (5065-71); difficulties arising from strangers selling (5072-73); improvement in drinking habits (5075); general prohibitory law desirable and practicable of enforcement (5086); revenue and import (5091); Maine law enforced (5095-5103-06); high license disastrous (5110-17); statistics respecting Ireland (5119).
- SNOOK, J. J., Truro, N.S., Merchant.**..... Page **291**  
 Not much change in drinking habits in Truro during recent years (5502-07).
- STANFORD, C. E., Truro, N.S., Manufacturer.**..... Page **286**  
 Could never come to a decision respecting question of enactment of general prohibitory law (5406).
- THOMAS, D. J., Mayor of Truro, N.S.**..... Page **249**  
 Provincial license law in force at Truro, but no license issued (4628); large illicit sale (4630-31); Scott Act previously in operation (4638); carried almost unanimously (4639); Act not enforced and repealed (4643-44); Act repealed because its friends deemed prohibitory clauses of License Act would prove more efficient (4649); such has proved to be the case (4650); general prohibitory law desirable and practicable (4654, 4665-68, 4671-75).

## YARMOUTH, N.S., AUGUST 4.

- BARNABY, J. N., M.D., Ohio, Yarmouth County, N.S.**..... Page **332**  
 Scott Act well enforced at Ohio, where people are practically total abstainers (6474-76); Act has checked evil in Bridgetown and Liverpool; considerable moderate drinking in Queens and Annapolis counties (6487-89).
- BRYANT, C. H., Yarmouth, N.S., Secretary, Jackson Iron Co.**..... Page **341**  
 Scott Act fairly well enforced at Yarmouth (6676); prefers temperance men (6686).
- BURRILL, JOSEPH, JR., Yarmouth, N.S.**..... Page **343**  
 Inspector for Scott Act in Yarmouth County: enforced Act, but no prosecutions; not much drinking; liquor obtained at Yarmouth (5901-15).
- BURRILL, JAMES, Mayor of Yarmouth, N.S.**..... Page **305**  
 Town under Scott Act since 1884; carried by large majority; no attempt to repeal (5854-61); Act enforced (5862); liquor sale not entirely suppressed (5886); prohibition could be enforced (5811, 5887); would not grant compensation to brewers and distillers (5888); notwithstanding large number of sailors visiting port, Scott Act can be enforced (5930).

- CLEMENTS, E. F., Yarmouth, N.S.**.....Page **347**  
 Temperance organizations are part of political machinery of country (6792-94); but those charged with enforcement of law are not governed by politics (6795); experience of Maine law (6797-6801); did not find prohibition there (6797); Scott Act in Nova Scotia and New Brunswick—its working (6799); no prohibitory law prohibits (6799); witness tried prohibition on his steamship line but could not enforce it (6799, 6816).
- CORNING, W., Chegoggin, Yarmouth County, N.S.**.....Page **328**  
 Very little drunkenness in county; no sale in his locality (5581-83).
- CROSBY, T. B., Yarmouth, N.S.**.....Page **339**  
 Liquor legislation in Yarmouth (6634); general prohibitory law would prove advantageous (6640); capable of enforcement in Nova Scotia (6642); officers should be appointed by Dominion Government, but named by temperance people of counties (6643); confiscation of liquor (6663-64).
- CROWELL, REV. E. (Free Baptist), Barrington, N.S.**.....Page **343**  
 Scott Act fairly well enforced in Barrington (6724); very few violations; liquor obtained from Halifax steamers (6735-37); Barrington people distinguished by sobriety and thrift (6739); drunkenness not seen (6742); observed the working of Maine law (6747), at Lewiston (6747); fairly well enforced in villages and not much open sale in larger towns (6749-50); in cities enforcement depends on whether temperance people are in power (6751).
- CUMMINGS, D. R., Yarmouth, N.S., Scott Act Inspector**.....Page **315**  
 Resided three months in Yarmouth; previously at Liverpool; abolished bar-rooms there (6089); was supported by municipal authorities (6094); is endeavouring to suppress sale at Yarmouth and has diminished it (6104-16); secret sale still prevails (6118).
- DANE, T., Port Maitland, N.S.**.....Page **322**  
 Joined first Temperance Society in Province 65 years ago (6238); improvement in drinking customs (6242-46); due to temperance teaching (6247-65).
- EWAN, G. A., Yarmouth, N.S., Yarmouth Woollen Co.**.....Page **350**  
 Gives preference to total abstainers (6855-56).
- FARRISH, G. W. T., M.D., Yarmouth, N.S.**.....Page **330**  
 Occasionally sees drunkenness in Yarmouth (6428); drugs slightly used as substitutes for alcoholic liquors (6429-33).
- FULLER, A., M.D., Yarmouth, N.S.**.....Page **331**  
 Scott Act better enforced in Yarmouth than elsewhere; considerable drinking in Windsor (6465-70).
- GARDNER, H., Yarmouth, N. S.**.....Page **324**  
 Formerly clerk of licenses and prosecutor of cases under license law; prosecuted cases (6286); his property was burned and he was personally assaulted (6299).
- GAYTON, A., Yarmouth, N. S., Registrar of Deeds**.....Page **345**  
 Prefers Scott Act to prohibitory clauses of license law (6763); favours general prohibitory law (6765-66); People of Yarmouth County strongly favour a prohibitory law; Nova Scotia support measures to suppress liquor traffic (6765-6); effectiveness of enforcement of Scott Act varies with public sentiment (6768).
- GOUDY, H., Town Clerk, Yarmouth, N. S.**.....Page **318**  
 \$400 fines paid last year, principally for drunkenness and violation of liquor laws (6159).



## Index and Analysis of Evidence.

- HATFIELD, J. K., Yarmouth, N. S., Shipmaster.....Page 335**  
 Large quantities of liquor sold and drunk in Yarmouth (6523).
- HILTON, N., Yarmouth, N.S., Stipendiary Magistrate.....Page 309**  
 General sentiment favourable to enforcement of Scott Act (5959); thirty cases of drunkenness last year (5964); no license in Yarmouth for half a century (5980); drink habit steadily decreasing (5997); illicit sales (6002-06); temperance efforts (6020-29).
- HOLMES, J. W., Yarmouth, N.S., Police Sergeant.....Page 327**  
 Has reported cases of bottle pedlars (6354); number of convictions (6357); orders drunken men home, if quiet, and does not arrest them; arrests only disorderly drunkards (6361-65).
- IRVINE, H. M., Grenville Valley, Annapolis County, N. S.....Page 335**  
 Scott Act Inspector for Annapolis County; able to enforce law with efficient officers—Act is working well (6533-41); twenty-seven prosecutions last year (6546); no liquor sold openly (6554); general prohibition would be carried (6661); submits resolution of Good Templars' Lodge (6570).
- JOHNSON, G. W., Yarmouth, N. S.....Page 338**  
 Scott Act efficiently enforced in Yarmouth (6596); prohibition an advantage in Maine (6604); operation of prohibitory law (6606-12).
- KELLY, E. K., M.D., Yarmouth, N.S.....Page 331**  
 Considers beer or wine unsafe for drinkers, whose safety depends on total abstinence; favours local prohibition (5639-43).
- McCALLUM, A. J., Yarmouth, N. S., Druggist.....Page 320**  
 No druggist license necessary to sell liquor (6204); was indicted for selling illegally (6208-12); drugs used in lieu of alcoholic liquors (6214-18).
- McINTOSH, Rev. W. (Congregational), Yarmouth, N. S.....Page 348**  
 Beneficial results followed the adoption of the Dunkin Act in Richmond, P. Q. (6826); Scott Act in Yarmouth more effective; favours general prohibition (6839); Congregational church almost entirely in favour of prohibition (6839).
- MILLER, Rev. E. D. (Presbyterian), Yarmouth, N.S.....Page 346**  
 Not much to choose between Scott Act and prohibitory clauses of the License Law; license system will not prevent illicit sale (6775); general prohibition desirable and enforcement practicable (6778).
- MURRAY, S. B., Yarmouth, N. S., Barrister.....Page 314**  
 Is clerk of municipality of Yarmouth, which is under Scott Act; no prosecutions since witness took office (6072).
- PELTON, S. H., Yarmouth, N.S., Barrister.....Page 318**  
 Prosecuted cases under Scott Act since 1884; also under old license law during 24 years; Scott Act efficiently enforced in county (6173-74); suggests longer period of imprisonment in default of fines (6175-77); also amendment regarding second offence (6178); Scott Act could be efficiently enforced in any county (6186); fails for lack of vigorous prosecution (6189); temperance efforts (6192-95); general prohibitory law could be more easily enforced (6200-01).
- PERRIN, A., M. D., Yarmouth, N.S.....Page 328**  
 Scott Act is attempted to be enforced in Yarmouth, but its enforcement is impossible (6391-92); people drink (6394); drugs are used instead of alcoholic liquors (6396); considerable illicit sale (6405); recently plenty of rum over town (6408); general prohibitory law would not be successful, but strong liquor should be prohibited and light wines and beer permitted (6412).

- RANDALL, W. C., M.D., Yarmouth, N.S. .... Page **333**  
Effects of local prohibitory law beneficial, when enforced (6510-6516-18).
- RICHARDS, C. C., Yarmouth, N.S., Druggist. .... Page **323**  
Drugs used instead of intoxicating liquors (6275-79); Scott Act well enforced in Yarmouth County, but some illicit sale (6281-83).
- RYERSON, S. M., Yarmouth, N.S. .... Page **337**  
Scott Act well enforced in Yarmouth, not much drunkenness (6583-84).
- SHAW, A., Yarmouth, N. S., Police Officer. .... Page **328**  
Some drunkenness has prevailed in the town recently (6373).
- SIMONSON, E. C., Tusket, Yarmouth County, N. S. .... Page **325**  
Very few breaches of Scott Act in Yarmouth county; law strongly sustained by the people; few illicit sales (6311-12); general prohibition desirable and would prove effective (6327-30).
- STONEMAN, A. F., Yarmouth, N.S., Merchant. .... Page **342**  
Temperance principles prevail through community (6694); National prohibition would be beneficial (6696).
- WHITE, REV. G. N. (Baptist), Yarmouth, N.S. .... Page **351**  
Scott Act works well in Yarmouth (6862); well enforced at St. Martin's, N.B. (6869).

## ST. JOHN, N.B., AUGUST 8, 9 and 10.

- ADDY, G.A.B., M.D., St. John, Medical Officer, County Hospital. .... Page **437**  
Few cases of alcoholism in institution (8480-81); no harm from alcohol used in moderation (8489); total abstainers have better expectation of life (8491-95); general prohibition would have good effect on health (8499), but could not be enforced (8500-01).
- ALLEN, A. W., St. John, N.B., Owner of Planing Mill. .... Page **360**  
Opposed to employment of drinking men (6777-95); Scott Act no good, because no executive to enforce it (6997-7016); general prohibitory law could be enforced with proper officers (7017).
- ALLISON, JOSEPH, St. John, N.B., Dry Goods Merchant. .... Page **358**  
Drunkenness in city not increased (6951); prefers total abstainers as employees (6958-66); the drink trade has injurious effect on business generally (6971).
- BAIN, GEORGE D., St. John, N. B., Liquor Merchant. .... Page **404**  
Eight years in business; sells all kinds of liquor over Province; business increased; sales are in both Scott Act and license counties (7886); also sells retail; contemplates leaving business, because strong feeling against it (7901-7912); great harm and poverty caused by intemperance, but as much liquor would be consumed under prohibition (7916).
- BOND, JOHN, St. John, N.B. .... Page **455**  
City Marshal during three years; collects arrears of taxes; attempted to enforce Scott Act in Portland (8881-84); travelled over province as officer of Good Templars (8893); in some places Act worked well (8894); sales at Fredericton attended with difficulty (8895); other places Act infringed (8896); reason for present enforcement (8909, 8923); capable of enforcement (8923, 8925).

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- BRIGSTOCKE, REV. CANON F. H. J.** (Church of England), St. John, N.B....Page **492**  
 Temperance feeling increasing (9624-25) ; opposed to adoption of Scott Act in St. John (9629-31) ; true remedy for intemperance, religious instruction and moral influence supported by legislation (9632-35) ; but the law must be capable of enforcement (9635) ; Scott Act not obeyed (9635) ; general prohibitory law would depend on efficient enforcement—might be enforced by sufficient number of officials (9636-41).
- CARLETON, J. L.**, St. John, N. B., Barrister.....Page **447**  
 License Law in force in St. John ; effectually carried out (8682) ; visited counties where Scott Act in force—it was never effectually enforced (8679-81, 8710-5) ; Anagance, King's County, an exception (8682-88, 8691-4, 8713) ; not observed in Portland (8683-84, 8695, 8700-05).
- CLARKE, W. W.**, St. John, N.B., Chief of Police and Inspector of Licenses...Page **490**  
 Suggests amendment to License Act to continue licenses from year to year (9572) ; law fairly well enforced, but considerable illicit sale (9577-78) ; difficulties in enforcing law (9608-9).
- COWAN, AGNES D.**, St. John, N.B., Salvation Army Rescue Officer.....Page **449**  
 Described work of Rescue Division (8718-8751) ; work in St. John, London and Toronto (8737-8766).
- CRAWFORD, G. R. J., M.D.**, St. John, N.B.....Page **478**  
 Use of alcohol : total abstainer no better chance of recovery than moderate drinker (9375) ; general prohibition would be beneficial (9382) ; very small percentage of alcoholism among hospital patients (9391-92) ; percentage of accidents from drunkenness small (9394-96).
- DAVIS, G. A.**, St. John, N.B., Barrister.....Page **363**  
 License law in city well enforced (7061) ; large decrease in drunkenness during last four years (7062) ; law should provide for the inspection of liquors (7063-65) ; injurious adulterations (7078-85) ; Scott Act not enforced where adopted (7066-93, 7109-12) ; failure in Portland (7093-96, 7102) ; enforcement of Scott Act by Dominion Government might be tried (7116) ; licenses not granted on west side of St. John, and locality is benefited (7129).
- FAIRWEATHER, CHARLES H.**, St. John, N.B., Merchant.....Page **420**  
 Advocated Provincial prohibitory law in 1855 (8180-7, 8194, 8201) ; repeal due to difficulty of enforcement and practical non-enforcement (8186) ; general prohibitory law would seriously damage business (8189) ; if enacted, brewers and distillers should receive compensation (8190) ; cause of temperance not injured by provincial prohibitory law and its repeal (8200-04) ; public sentiment not adequate to enforce general prohibition (8203) ; but such enactment would set seal on traffic as an evil (8203).
- FINN, M. A.**, St. John, N.B., Wine and Spirit Merchant.....Page **417**  
 License Law fairly well enforced ; sober and law abiding community ; sells liquor in New Brunswick, Nova Scotia and Maine, and business increasing (8105-7) ; sells in Scott Act counties, where the demand is for cheap spirits (8108-15) ; sales of beer and soda water decreased (8119-20) ; family package trade increased with enforcement of Act (8123) ; sales in Fredericton increased under Act (8128-30, 8170) ; failure of Act (8133-42) ; favours its repeal (8144-45) ; liquor sales in Maine (8115).
- FROST, Miss SARAH C.**, St. John, N.B., Matron Protestant Orphan Asylum.  
Page **473**  
 Conditions of admission to institution (9274-84) ; children turn out well (9283-87) ; increase of inmates due to drunkenness of parents (9289).

GILBERT, GEORGE D., Rothsay, Queen's County, N. B., Barrister, . . . . . Page **444**  
 Observed operation of Scott Act in Fredericton, Northumberland, King's and Westmoreland Counties; liquor sold in all of them (8640-47); due to feeling that liquor trade is not wrong (8648-8658-77); Scott Act not enforced (8677).

GRANT, Rev. E. J. (Baptist), Sussex, King's County, N. B. . . . . Page **382**  
 Scott Act vigorously enforced in King's County (7439-53); open saloons in Sussex village being prosecuted (7462-75); law efficiently enforced by fines; favours appointment of Dominion officials (7487); technical and legal questions settled and Act now enforced (7504-09); illicit sale almost abolished and improved order among militia when in camp (7516-17); Scott Act capable of enforcement (7524-27); is being enforced at Woodstock (7530-32); large decrease in arrests for drunkenness at Dartmouth after closing of saloons (7533).

GREGORY, J. F., St. John, N. B., Accountant. . . . . Page **389**  
 Favours total abstainers as employees, as working men lose time through intemperance (7620-26); mill hands who drink unable to provide for family during winter (7630-32); injury done by proximity of saloons to mills (7650).

HANNAY, JAMES, St. John, N.B., Journalist. . . . . Page **480**  
 Remembers enactment of Provincial prohibitory law of 1855 (9401, 9422, 9425, 9429); law continually violated (9402); Scott Act not enforced in Westmoreland and Cumberland Counties (9403-4); machinery for enforcing Scott Act (9430-5); general prohibition impossible of enforcement (9409, 9436, 9479); would cause smuggling, illicit stills, loss of revenue with no diminished sale—two years anarchy (9410-14); sales in Maine (9437-8); consumption of liquor in St. John diminished by growing temperance sentiment (9443-45); favours high license system (9446-47); violations of Scott Act in Fredericton (9448-55).

HANNINGTON, A. H., St. John, Barrister. . . . . Page **407**  
 Acted as chief inspector for city under McCarthy Act, which worked well (7945); Scott Act is a workable law; laxity of enforcement due to neglect of officials (7951-52); Council do not take action because temperance people diminish their efforts (7956-63); Scott Act enforced in Queen's, with beneficial results (7970-76); law should be enforced by independent Commission (7984, 7989-91); Scott Act pretty well enforced in Fredericton; beneficial in Cumberland, King's and Queen's (8007); difficulties of enforcement (8008); drink trade injuriously affects business (8016); prohibition should have beneficial influence (8018); if general prohibition adopted, provision must be made for independent officials (8019); no reason for compensation being granted to brewers and distillers; New Brunswick would support general prohibitory law (8021-24).

HARDING, JAMES A., St. John, N. B., Sheriff of City and County. . . . . Page **353**  
 License law in operation in St. John. License in force in city before 1885, followed by New Brunswick prohibitory law (6874); History of the Provincial prohibitory law (6876-78, 6897-6913, 6922-28, 6888-89); did not suppress drinking (6890); repeal of prohibitory and enactment of license law (6878); Scott Act adopted in St. John County, but repealed (6887-88); Scott Act also adopted in Portland, which since amalgamation with St. John has been under license (6884-85); doubts whether prohibitory law or Scott Act contributed to sobriety (6894); due to education and higher moral standing (6896); temperance movement made immense stride (6896); change in drinking habits (6903); offences chargeable to drink habit and drink trade (6908); large percentage of prisoners jailed for drunkenness or offences consequent thereon (6908); juvenile crime often due to intemperance of parents (6909); prohibitory laws difficult of enforcement (6910-11); even difficult to enforce license law (6912);

## Index and Analysis of Evidence.

**HARDING, JAMES A.**—*Continued.*

doubts practicability of enforcement of general prohibitory law, but favours abolition of liquor for beverage purposes (6937-39); favours compensation to brewers and distillers in event of enactment of general prohibition (6941).

**HARGRAVES, JAMES, St. John, N.B., Superintendent of Cotton Mill.**... Page **378**

Factory employees little affected by drink habit; prefers total abstainers; favours prohibition of traffic in vicinity of mills, (7339).

**HENDERSON, GEORGE A., St. John, N.B., City Clerk and Police Court Clerk.**

Page **370**

Submits statement of total arrests, and arrests for drunkenness (7203-5); offences very largely due to intemperance (7206-11); license law well respected by saloons, not by hotels (7218-20); law works well (7221); liquor stores closed after the fire (7224-29, 7248-51); Scott Act not enforced in Portland; cases appealed; non-enforcement due to apathy of local authorities (7240-47).

**HOLDEN, CHARLES, M.D., St. John, N.B.**..... Page **440**

Use of alcohol: moderate drinker as good expectation of life as total abstainer (8464-65); general prohibition could not be enforced; proved by results of Maine law and Scott Act (8573-80).

**JACK, I. A., St. John, N. B., Recorder.**..... Page **367**

License system in city well enforced (7144); difficulties in way of Scott Act enforcement in Portland (7148); results unsatisfactory, and Act repealed (7142-4); Council not favourable to enforcement (7177-79); Scott Act in Fredericton (7161-63); enforcement in St. Martin's (7167-71); opposed to general prohibitory law (7172); not possible of enforcement (7173); if prohibition adopted, postpone enactment to let trade get rid of stock (7174); less drunkenness in Portland under license than in St. John County under Scott Act (7184).

**JARDINE, A. C., St. John, N. B., Grocer.**..... Page **464**

Scott Act not enforced to satisfy the Province (9078-81, 9086); law better observed in Yarmouth, N. S. (9096); liquor sold in Digby (9098); non-enforcement due to lack of public interest (9102-3).

**JONES, Hon. T. R., St. John, N.B., Member of Legislative Council.**..... Page **432**

Connected with administration of license law as sitting Police Magistrate for city; present law satisfactory; large decrease of drunkenness (8400); Scott Act largely evaded (8402, 8406-10, 8428-29); general prohibitory law could not be enforced; impossible to prevent smuggling (8403-04, 8407-11, 8429); favours temperance teaching and moral suasion (8404); suggests stringent license law for Dominion and repeal of Scott Act (8415); License law and Scott Act contrasted (8418); illicit sales in Fredericton (8430-4); effect of drink habit on business (8446-56); increased number of failures, not due to intemperance but defective debt laws (8457-59); enactment and repeal of New Brunswick prohibitory law of 1855 (8460-3); put back temperance ten years (8463).

**JONES, ARCALDY, St. John, N.B., Brewer.**..... Page **462**

Increased demand for malt liquors in New Brunswick, Nova Scotia and Prince Edward Island; in Scott Act counties demand changed from ale in bulk to bottled ale (9040); enforcement of Scott Act diminishes ale sales but increases spirit sales (9044-47, 9053-54); large sales in Scott Act counties (9049).

- KELLY, JOHN**, St. John, Carriage-maker . . . . . Page **428**  
 License law works well in city (8302); Scott Act failed in Portland (8305, 8314-16, 8350-2); liquor sold in surrounding Scott Act towns and parishes (8308); disapproves of restricting sale hours and renewing licenses (8323-27); experience in Maine: sales in the State (8345-46); visited Scott Act counties of province; liquor sold with restrictions (8350-4); also visited similar counties in Nova Scotia: Act not better observed there (8355); sales at Fredericton (8358).
- KNODEL, G. A.**, St. John, N.B., Chairman of Alms-house Committee . . . . . Page **463**  
 Statistics of institution (9059-62); general prohibition is a theory (9066); army of officials would be required to enforce it, and then only Scott Act results repeated (9066); such law might do good, but impossible of enforcement (9068-9); almost every farmer would have a private still (9066).
- MARSHALL, J. R.**, St. John, N. B., ex-Chief of City Police . . . . . Page **401**  
 Acted as Chief from 1862 to 1890, during last four years also as Inspector under license law. License law should be amended so that bars should front on street, with one door only, and without screens or shades (7838-40); was able to reasonably enforce the law (7837-39); sale of adulterated liquor (7844-47); Scott Act not carried out in Portland (7848-52); large proportion of arrests comprise drunkards (7855); very few total abstainers (7856); considerable number of boys on lower class (7858); difficulties in enforcing license law including absence of witnesses and location of bars in rear of premises (7860-63); present license law good, but Scott Act best law (7864); general prohibitory law could be enforced as effectually as laws against crime (7865); hotel bar more injurious than saloon bar (7871-2).
- McAULEY, B. A.**, St. John, N.B., Merchant . . . . . Page **381**  
 Not watched public affairs—and can give no opinion respecting general or local prohibition (7420).
- McGOLDRICK, JOHN**, St. John . . . . . Page **458**  
 Described operation of Scott Act in Portland (8936).
- O'BRIEN, JOSEPH**, St. John, N.B., Harbour Inspector . . . . . Page **461**  
 Favours general prohibitory law, which could be enforced without difficulty by proper officials (9022).
- PETERS, THOMAS W.**, St. John, N. B., Mayor . . . . . Page **485**  
 Described working of license law of city: the law determines the number of licenses in each ward, and Mayor appoints licensees (9484); machinery of the law (9491-97); law works admirably (9499); Scott Act largely ineffectual in Portland and St. John County (9501-02); also in Fredericton (9525-32); sales in Maine (9501-03, 9523-24); general prohibitory law not capable of enforcement (9504-53); such law if enforced would benefit business (9522); great advance in temperance sentiment (6505); due to religious and temperance influences (9505-6); number of licenses issued in St. John (9516-17); licensee should hold licenses from year to year (9518); temperance feeling at St. Martin's (9546-52).
- RAYMOND, REV. W. O.** (Church of England) St. John, N.B., President and Chaplain of Alms-house . . . . . Page **424**  
 Majority of male and proportion of female inmates of alms-house have been intemperate (8263-4, 8288-93); Scott Act in Carleton, York and St. John Counties (8266-72); enforced spasmodically at Stanley; enforcement difficult owing to public apathy, growth of temperance sentiment (8275); enforcement of prohibitory law specially difficult because proportion of population will violate it; these classes comprise slaves to the alcohol habit; those interested in liquor

## Index and Analysis of Evidence.

RAYMOND, REV. W. O.—*Continued.*

business and those who defend moderate drinking and oppose prohibitory legislation as interference with personal liberty ; influences that would uphold prohibitory law are largely supporters on question of principle ; accordingly, forces against such law are constantly operating ; to maintain Act there must be constantly operating sentiment in its favour ; great difficulty arises from large percentage of people not being personally interested in its maintenance ; officers to enforce Act should be moral men, above receiving bribes, and they must be paid : they should be Dominion officials (8279-80) ; prohibition, if it were enforced, would benefit the community (8282-4) ; submits resolution of Synod (8294).

RAYMOND, T. P., St. John, N.B., Hotel-keeper. . . . . Page **451**

Present license law works satisfactorily ; hotels need bars ; criticises proposal of ex-Chief of city police respecting position of bar, screens, etc. (8774-79, 8839-42) ; Loch Lomond hotel, leased by witness to another party, was run in ignorance of the Scott Act being in force (8809-16) ; travelled in France (8845) ; and observed the use of light wines (8847) ; Maine law a failure (8852).

RANKINE, JOHN, St. John, Deputy Sheriff and Governor of Jail. . . . . Page **494**

Intemperance responsible for large percentage of commitments (9656-66) ; remembers Provincial prohibitory law of 1855 (9684) ; its failure ; cases dismissed by court ; mob threats (9676-80 9685-90) ; law had not a fair chance (9698) ; its repeal (9703-15) ; the Secret League (9732-33).

REDDY, JAMES, Fairville, St. John County, N.B., Lager Beer Brewer. . . Page **395**

Carried on business for 30 years ; since adoption of Scott Act, business increased in some counties and decreased in others (7727-28) ; sells to private families and dealers—increased demand for kegs (7730-35) ; also engaged in soda water business ; interfered with by Scott Act (7738-45) ; tendency to use of light liquors increasing (7745-50) ; opposed to Scott Act, as an unfair measure (7736) ; prohibition of drink trade not necessary (7752).

RITCHIE, ROBERT J., St. John, N.B., Police Magistrate. . . . . Page **373**

License law in city fairly well observed (7301-3) ; occupied present office three years ; non-enforcement of Scott Act in Fredericton (7257-61, 7281-84) ; legal objections (7285-87) ; does not favour general prohibition with present public opinion (7267-70) ; cannot decide as to practicability of enforcement (7271) ; brewers should receive compensation (7273a) ; if general prohibition enacted difficult to stop smuggling (7279) ; mode of dealing with drunkards (7293-99) ; relation of drinking to the social evil (7302, 7307) ; advocates moral suasion and religious training as remedies for intemperance (7318) ; may not be able to depend altogether upon moral suasion (7322-23).

ROBERTSON, GEORGE, St. John, N.B., President Board of Trade. . . . . Page **415**

Drink trade in relation to wage-earning power (8067) ; effect on general business (8072) ; declined to express opinion regarding general prohibition (8080) ; mercantile community remarkably temperate (8085).

RAWLINGS, RICHARD, St. John, N.B., Captain of City Police. . . . . Page **458**

Was Chief of Police in Portland until union with St. John ; condition of Portland under Scott Act similar to that under license (8946-54) ; attempted enforcement at first, then ceased efforts ; police force not being backed up by Council (8955-69) ; majority of Council opposed to Act (8972) ; if supported by authorities police could have then enforced Act (8968).

ROBINSON, W. R., Newcastle, Northumberland County, N.B., Travelling  
Secretary of Good Templars . . . . . Page **466**

Found liquor sales in sections of Scott Act counties (9120); sale suppressed over portion of Northumberland and Albert (9126-34); Act capable of enforcement (9135); movement for repeal in Albert (9155); people of New Brunswick would support general prohibitory law and its enforcement (9158-61, 9175); statistics of Good Templars organization (9164-69); platform (9175); public sentiment in Albert, King's, Queen's, Carleton and Charlotte counties favourable to Scott Act; Act only repealed in New Brunswick in St. John County and Portland (9171-78).

SKILLEN, W. A., St. Martin's, N.B., Parish Court Commissioner . . . . . Page **379**

As a Justice administered the Scott Act, which was in operation four years, but not thoroughly enforced (7358-60); appeals interfered with enforcement (7361-3); operation too expensive and too much machinery (7364-6); one license issued at St. Martin's (7374-79); no improvement in drunkenness under Scott Act (7388); parish strongly for temperance and prohibition (7398); under license drunkenness decreased (7399); St. Martin's favours prohibition, but province doubtful (7400); general prohibition would be difficult to enforce (7401-2); approves of prohibitory clauses of License Act, more easily enforced than Scott Act (7403-04); experience of Parrsboro', N.S., under Scott Act; nine-tenths of a steamer's freight was liquor, although no license was granted (7146).

SMITH, A. CHIPMAN, St. John, N.B., Director of the City Public Works. Page **470**

Was Mayor of city during 1874-5-6, under license law; discretion as to granting licenses then rested with the Mayor (9201-03); law worked well (9204); good class of licenses—no restrictions as to number (9206-7); Scott Act not enforced in St. John County and Portland (9210-12); large illicit sale now (9212); more illicit sale with fewer licenses (9217); men employed on public works usually of sober class (9224-27); as alms-house commissioner found majority of inmates admitted owing to physical incapacity, not drunkenness (9229-31); temperance societies doing good work (9249-51) liquor sold freely in Maine cities (9235-38).

STREET, T. H., St. John, N.B., Wholesale Liquor Merchant . . . . . Page **386**

Carried on business two years in city and fourteen years at St. Andrew's. Scott Act in force at St. Andrews, but not observed (7536-42); better observed in rural districts (7546); sold liquor to customers in Maine, and travelled in border towns (7549-52); Maine law not rigidly enforced—liquor can always be obtained (7552-56); Scott Act in force at St. Andrew's during ten years: witness sold as wholesale merchant both with and without license, freely and openly (7557-60); sold liquors throughout New Brunswick and in Maine to private customers, druggists and hotels against Scott Act and prohibitory law: books proved the sale; sold liquor in Fredericton (7584); Scott Act a failure; under it sales sometimes increased and sometimes decreased (7592); but sold as much under Act as before (7591); was prosecuted once at St. Andrew's; removed to St. John for business reasons (7597, 7605).

STOCKTON, A. A., M.P.P., St. John, N.B., Barrister . . . . . Page **396**

Connected with framing and adoption of Provincial license law (7754); Scott Act not observed in Portland (7764); doubts arose as to its legality (7764); prosecutions in St. John County (7767); general prohibitory law must depend for enforcement on public opinion (7769); unless so backed, must prove a failure (7769); majority of New Brunswick favourable to prohibitory law (7788); personally favours such a measure (7796); would not compensate brewers and distillers (7772); Scott Act an excellent piece of temperance legislation (7775); enforcement hampered by prosecutions being left to private individuals (7776-7); also legal difficulties and inefficient officials (7790-95); Act had very beneficial



## Index and Analysis of Evidence.

STOCKTON, A. A.—*Continued.*

effect, in country districts especially (7797); restricted use of liquor (7797-98); visited Portland, Me., but never saw sale of liquor or drunkenness (7803-07, 7810-15); observed saloons at Bangor but no drunkenness (7808-9).

STEEVES, J. P., M.D., St. John, N.B., Superintendent Insane Asylum... Page **422**

One-eighth of total cases admitted due directly to intemperance (8219); another eighth indirectly due (8220); intemperance, leading cause of insanity (8228-34); increase of insanity in Province (8236-43); general prohibition would benefit people (8249).

STURDEE, HENRY L., St. John, N.B., Barrister..... Page **474**

Scott Act not enforced in Portland (9299-300), or in St. John County (9301-3); difficulties of enforcement (9306-12, 9315-17); elsewhere sale not stopped when under Scott Act (9313); Act a failure and proper license law best measure (9318); general prohibitory law could not be enforced (9338); provincial prohibitory law of 1855 was a dead letter (9338-42); sales in Bangor and Portland, Maine (9320-21, 9332-35).

TAYLOR, JAMES G., St. John N.B., Manager Halifax Banking Co..... Page **460**

Times not ripe for general prohibition (8993-95); brewers and distillers should be compensated in event of general prohibition (8986).

TITCOMBE, REV. J. C. (Church of England), Fairville, York County, N. B.

Page **497**

Fairville formerly under Scott Act, but Act repealed, (9740); a curse wherever in force (9741); bred deceit, increased sale to children and women and caused social disturbance (9742, 9775-78); reasons of failure of Act (9747-59); opposed to prohibitory measures (9745).

TRAVERS, BOYLE, M. D.; St. John, N.B..... Page **405**

License law efficiently carried out in St. John (7922); better liquor sold than formerly, except in low dens; Scott Act in Portland violated in every point (7924); general prohibitory law could not be efficiently carried out (7926-32); would not prevent sale, but encourage low and debasing means of getting liquor and stimulate smuggling (7926); use of light wines in France (7928); improved habits of people (7933-35); effect of prohibitory law of 1855 (7938); such laws are demoralizing (7939); Scott Act a dead letter in Portland (7940-42).

WALKER, THOMAS, M.D., St. John, N.B..... Page **392**

General decrease of drunkenness in St. John (7669); Scott Act in Portland rather increased liquor sale (7671); prohibitory law of New Brunswick did not prohibit (7673-4, 7695-6, 7711-15); Maine law not observed; drink as easily obtained as in Massachusetts (7675-77, 7706-10); sales in saloons and hotels bars in Portland (7684); more drunken men in Portland than in Boston (7685); liquor sold in hotels at Fredericton and St. Stephen contrary to the Scott Act (7717-19); use of liquor as a beverage (7699-7704); favours higher license (7686); general prohibition might be a good measure, but impossible of enforcement (7680-7720).

WELDON, C. W., St. John, N.B., Barrister..... Page **438**

Recital of circumstances connected with adoption and repeal of New Brunswick prohibitory law of 1855 (8510-21); failure of law in the city (8511); has visited many Scott Act counties; law perpetually broken (8525-29, 8539-41); difficulties of enforcement (8542-50); such a sumptuary law incapable of enforcement (8551).

- WETMORE, E. J., St. John, N.B., Farmer..... Page **430**  
 Secretary of Alms-house Commissioners ; large percentage of pauperism due to intemperance (8371-73) ; may be estimated at 60 per cent (8379, 8386-89).
- WHITE, O. B., St. John, N.B., Manufacturer..... Page **362**  
 Prefers to employ total abstainers, and one-fourth of his employees are such (7033) ; saloons should not be allowed in vicinity of workshops (7043-46) ; loss of time by mechanics through drinking (7047-54).
- WILSON, REV. ROBERT (Methodist), St. John, N.B..... Page **442**  
 Experience in Albert County under Scott Act and license law (8586-88) ; responsibility of drink traffic for poverty and crime (8599) ; these reduced by restrictive and prohibitive laws (8600) ; prosperity of Marysville under prohibition (8601-3, 8629-32) ; good results in McAdam, York County (8607-8, 8624-28) ; general prohibition desirable and capable of enforcement (8609-19) ; recommends separation of bar from hotel proper (8611-14) ; submits deliverances of Methodist General Conference (8617-18) ; reduced drunkenness in country districts and people in favour of prohibition (8619, 8634).

## ST. STEPHEN, N.B., AUGUST 11.

- BREEN, PHILIP, St. Stephen, N.B., Formerly publican..... Page **552**  
 Liquors sold and fines imposed at St. Stephen (1015-8).
- CHIPMAN, J. S. DeWOLFE, St. Stephen, N. B., Mayor..... Page **519**  
 Town under Scott Act. Town Council favourable to enforcement of Act (10191) ; fairly well enforced (10214) ; infringements (10192-3, 10109-200) ; favours appointment of Dominion officials (10206-10) ; also imprisonment of offenders (10240-42) ; general prohibitory law incapable of enforcement (10222-23) ; compensation should be made to brewers and distillers in event of a general prohibitory law (10239) ; Maine law not effective (10218-19) ; sales to Calais people (10235-8).
- CLARKE, JAMES M., St. George, N.B., Merchant..... Page **548**  
 Scott Act enforced ; caused great improvement in community, especially well enforced at St. George (10744) ; liquor sales reduced in St. Stephen (10746) ; considerable sales to Calais people (10751).
- CRILLEY, DANIEL, St. Stephen, N.B., Police Magistrate..... Page **515**  
 Scott Act fairly well enforced in town (10163-66) ; illicit selling (10172) ; statistics of arrests for drunkenness (10122-23, 10143-49) ; Scott Act convictions (10150-51) ; difficulties of enforcing Act (10155-63).
- DEWAR, JOHN, St. George, Charlotte County, N.B., Merchant..... Page **546**  
 Scott Act well enforced, but some illicit sale (10691-95) ; Act has helped moral and religious people (10694-705) ; much drunkenness previously (10709-10).
- DICKEY, DAVID G., St. David, Charlotte County, N.B., Farmer..... Page **543**  
 Scott Act worked well in County ; drunkenness diminished (10634-35) ; no illicit sale in St. David (10636) ; no paupers in County (10643-44) ; reduction due to Scott Act (10646).

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- DWYER, D. T., St. Stephen, N.B., Merchant.....Page **542**  
Carries on business in Calais, Maine; Liquor sales in St. Stephen (10605-11); open bars in Bangor and Portland, Me. (10612, 10622).
- GRAHAM, HENRY, St. Stephen, N. B., Collector of Customs.....Page **501**  
Difficulties connected with enforcement of Customs regulations on border; seizures of American spirits from Boston (9799-9826,9831). Scott Act in operation in St. Stephen, but not enforced (9833, 9897-900,9916); in force many years, but no marked decline in drunkenness and crime (9834-37); as Mayor, tried enforcement, but only partially successful (9837-40); different sentiment towards drinking compared with crime (9844-45); prefers high license law to Scott Act (9850-51, 9941-56); foul liquors sold in Maine (9853-54). Maine law not effective (9854,9863-78); sales in Calais (9888-95); Scott Act in N. B. led to sale of impure liquor (9860); Act in N. S. and P. E. I. (9881-86); favours Swedish system, Government control of traffic (9862); general prohibition impracticable (9937-40, 9958-64).
- GRAHAM, W. W., Milltown, N. B., Foreman for Lumbering Firm.....Page **552**  
Scott Act in force in Milltown: very little illicit sale (10826-27); acted as Scott Act Inspector, and finds difficulty in enforcing the law (10833-36); Act fairly well enforced, with beneficial results (10840).
- KELLY, JAMES W., M.D., St. Stephen, N.B.....Page **545**  
Liquor sold in violation of Scott Act, and drunkenness sometimes on streets (10677-79); drunkenness at Calais (10680); strangers visit St. Stephen and leave intoxicated (10682-84).
- McALLISTER, WESTON, Calais, Maine, Storekeeper.....Page **527**  
Operation of Maine law (10344-401); works well when officers do their duty (10345); political influences affect enforcement (10346-47); sales illicit and secret (10357-8); beneficial effects (10361-62); adventitious aids (10388); sales in large cities (10365); favours national prohibition (10366-68, 10376); United States certificates, (10367 10377-80); prohibition in New Hampshire (10404-08); brewery in operation (10409-10).
- McCLURE, JOSEPH, R., St. Stephen, N.B., Town Marshal.....Page **524**  
Difficulties of enforcement of Scott Act at St. Stephen (10297-302); amendments needed respecting seizures (10319); Inspectors should be Government officers (10324); sales in Maine (10329-32).
- ROUNDS, CHARLES B., Calais, Maine, Judge of Municipal Court.....Page **532**  
The Maine Law (10459-60); chief features (10477); sales by authorized agents (10478-86); machinery to enforce law (10499-501); liquor importation for private use permitted (10508-10); United States licenses or certificates (10595-97); law well enforced (10497); more stringent enforcement recently (10514); tries cases under prohibitory law and also cases of drunkenness (10465-66); considerable drunkenness in Calais (10470-76); liquor smuggling from Canada (10495,10507); imprisonment for first offence for drunkenness deemed too severe (10496-97); sales secret (10512); crime diminished with enforcement of prohibitory law (10526); prosperity of State (10535-41); vote on constitutional amendment (10543-45); proposed re-submission of prohibition (11560-64,10587-89); favourable position of Calais respecting crime (10571); high license low license and prohibition defined (10572); would not favour absolute prohibition (10573-75); such law could not be applied to Maine; National prohibition would make Maine's position more difficult (10590-91).

VROOM, CHARLES H., St. Stephen, N.B., ex-Mayor and formerly Town Clerk. Page **549**

The Scott Act vote at elections (10765-79); fines under license law and Scott Act (10779); difficulties of enforcement, appeals to the courts (10783); Scott Act well enforced in county generally, but not in St. Stephen (10786); a great educator and produces beneficial results (10793-94); liquor secretly sold at Calais, Bangor and Portland (10794-5).

VROOM, JAMES, St. Stephen, N.B., Town Clerk. . . . . Page **511**

Scott Act spasmodically enforced in town (10002-16); Act should be carried out by Dominion officials (10028); Act capable of enforcement (10079-81); liquor sales in St. Stephen and Calais (10092-97).

### FREDERICTON, N.B., AUGUST 12, 13 and 15.

ALLEN, SIR JOHN C., Fredericton, N.B., Chief Justice, Supreme Court. . . Page **594**

Scott Act cases heard before Court in regular order (11552-53); only law points considered (11555); opposed to a general prohibitory law (11562); country not prepared for it (11562); no doubt it would benefit some people (11563-64).

ALEXANDER, REV. FINLOW (Church of England), Fredericton, N.B.. Page **612**

Advance of temperance sentiment in Fredericton (11844); due to Divine influence (11845); opposed to general prohibitory law (11847); an unrighteous law (11848-52); favours Government control of trade, after the Gothenburg system (11853-4).

BECKWITH, CHARLES W., Fredericton, N.B., City Clerk. . . . . Page **568**

Described working of old license law (11025); City under Scott Act, but not enforced (11026); enforced when first adopted, and also after each election (11035-37); public sentiment not favourable to Act (11040); Police have endeavoured to enforce Act (11043); Act persistently violated (11053-54); people would not adopt amendment to prevent liquor coming in for private use (11041); illicit sales (11027, 11078); less drunkenness, but not due to Act (11028, 11056); change in drinking habits (11028); temperance efforts (11029-33); in rural districts Act enforced; in villages liquor sold (11034, 11058-60).

BECKWITH, HARRY, Mayor, Fredericton, N.B. . . . . Page **562**

Scott Act in force; three times voted on and carried; enforced to best of police ability, but not operative (10899-915); people not in favour of the Act (10916); illicit sale (10920, 10939, 10957, 11017); Dominion officials would be incapable of securing better enforcement (10924-25); mode of drinking changed since Scott Act adopted (10957-59); favours License Law (10960); compensation should be given to brewers and distillers if general prohibitory law were enacted (10961, 11013-14); no more drinking under old license law than under Scott Act (10989-98, 11008-009); in some rural districts Scott Act still enforced and in others dead letter (10968); difficulties of Scott Act enforcement; appeals (10970-74, 10979-83).

EDGEComb, A. G., Fredericton, N.B., Manufacturer. . . . . Page **576**

Drink habit among workingmen (11179); favours employment of total abstainers (11182); decreased drunkenness attributed to Scott Act (11193-95, 11208); favours Dominion prohibitory law (11226); capable of enforcement (11228); prefers Scott Act to license law (11235).

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- GEORGE, DANIEL F.,** Fredericton, N. B., Lumber Dealer. . . . . Page **675**  
 Scott Act in Fredericton beneficial and fairly well observed (13218-28); employees only total abstainers (13233-34); general decrease in drinking, partially due to Scott Act (13237-42); little drinking throughout country districts (13246-49); Maine law successful in rural districts and small towns (13253-54, 13260-75); sales in Portland and Bangor (13255-57); generally Maine law fairly well enforced and beneficial (13260).
- GIBSON ALEX.,** Marysville, York County, N. B., Manufacturer. . . . . Page **592**  
 Marysville under Scott Act, which is efficiently enforced; places total abstainers in leading positions in cotton factory, saw mills and stores; general improvement in temperance sentiment (11497-502); advocates appointment of Dominion Officials to enforce Act (11512-13); favours general prohibitory law (11530-31); beneficial results would follow (11532-3); capital and hands employed in breweries and distilleries would obtain employment elsewhere (11534-5); owns Marysville, otherwise could not enforce Scott Act (11542-43); non-enforcement of Scott Act generally due to apathy of people (11545-47)
- GREGORY, GEORGE F.,** Fredericton, N. B., Barrister. . . . . Page **588**  
 Scott Act not efficiently enforced in Fredericton (11456); difficulties of enforcement (11457-60); decrease in drunkenness (11461); partially due to Act (11462-63). Suggests amendments to Act (11464-72); opposed to general prohibitory law (11480-86-87); no reason why it could not be enforced (11483); not favourable to compensation to brewers and distillers in event of general prohibitory law (11484-85); prohibition of tobacco (11488-90).
- HAWTHORNE, JOHN B.,** Fredericton, N.B., Deputy Sheriff and Jailer. . Page **641**  
 City under Scott Act, but no difficulty in getting liquor—sold in many places, (12419-23, 12435-45); Act generally observed in country districts, (12429-32).
- HOWE, WILLIAM T.,** Stanley, York County, N.B., Farmer. . . . . Page **605**  
 York County under Scott Act; drinking diminished (11726, 11746); Act enforced to a certain extent (11728); no open sale (11729); acted as Scott Act Inspector for county (11752); Dominion Inspectors necessary to enforce Act (11756-57, 11769-71, 11822-35); general prohibitory law desirable, but enforcement doubtful (11758-60); people afraid of taxation for enforcement of Scott Act (11785-88, 11802-05).
- HUDSON, JOHN P.,** Brooklyn, U.S.A., Lawyer . . . . . Page **668**  
 Native of New Brunswick and has visited Fredericton annually for 25 years; Scott Act not observed in Fredericton; free sale in many places (13033-36); improved temperance sentiment, due to religious and temperance efforts (13036); in Maine, sales in Bangor, Waterville, Portland, Brunswick and Lewiston (13039-41); high license in Philadelphia (13043-44, 13090); number of saloons reduced one-fourth; closed on Sunday; better places; superior liquor (13088-95); favours high license. Condition of Fredericton, under a license law (13058-63); office drinking now prevalent (13065-69); Scott Act leads to inferior and adulterated liquor (13126-28); illicit sales in Yarmouth (13128).
- JACK, EDWARD,** Fredericton, N. B., Land Surveyor. . . . . Page **645**  
 Improved condition of City under Scott Act (12501-06); Act works fairly well (12520-25); imprisonment of city hotel people, closing of hotels, treatment of hotel-keepers in jail (12507, 12526-45); Act not strictly enforced (12550-52);

JACK, EDWARD—*Continued.*

Maine law observed in rural districts (12574); favours general prohibition (12580); could be enforced equally with Scott Act (12581); is enforced at Gibson (12582); brewers, distillers and some sellers should be compensated in event of enactment of general prohibitory law (12585-86); decrease in drunkenness (12590); general advance towards teetotalism (12592).

KINGDON, RT. REV. H. T., Coadjutor Bishop of Fredericton, N.B. . . . . Page **598**

Engaged in temperance work on Church of England lines (11620-21); pledges for a limited period (1621); gospel mission work in England and increased temperance (11622-26); opposed to a general prohibitory law (11627).

LEMONT, M., Fredericton, N.B., Merchant . . . . . Page **613**

Remembers Fredericton under license law and Scott Act; marked improvement under latter system; law enforced; no open sale (11873); favours general prohibitory law (11883); opposed to compensation to brewers and distillers (11884-5); Scott Act fairly successful in city; general prohibition could also be enforced (11909); illicit sales in Fredericton (11909).

MARSH, J. L., Fredericton, N. B., Police Magistrate. . . . . Page **630**

City under Scott Act shows very little crime: 90 per cent attributable to drunkenness (12198-201); reduced sale of liquor: due to religious and temperance efforts and prohibitory law (12214-15); procedure in Scott Act cases (12219-33); purchasers should be made equally responsible with seller (12233-34); Act beneficial to large extent (12245); an educator (12246-56); former license system (12258-68, 12311-13); violations (12264-70); illicit sales in Fredericton under Scott Act (12271-78, 12317-22); condition of City improved (12280-1); Scott Act fines (12294-97); drunkenness in York county decreasing (12317-18).

McCORMICK, JOHN, Woodstock, N.B., Tanner. . . . . Page **679**

Scott Act in force in Carleton County; not much observed lately and open sale prevails (13319-22); more drinking among young men (13338); difficulties of enforcing Act (13334-5); prefers Scott Act, well enforced, to license law (13340); favours general prohibition; if possible, liquor sale should be placed under Government control (13351); sobriety in Portland, Maine; drunkenness in New Hampshire (13352).

McCREADY, J. W., Fredericton, N.B., Barrister. . . . . Page **588**

Prosecutes infringements of Scott Act (11354); enforcement should be placed with Dominion or Provincial Commissioners (11360-74); difficulties regarding enforcement (11370-79); appointment of Inspector (11380-84); Scott Act operates beneficially (11385-86); Dominion prohibitory law would prove advantageous (11387); would render it more difficult to procure liquor (11388); favours repeal of clause permitting liquor importations for family use (11389); favours general prohibition, but feels it could not be enforced (11394); license system objectionable (11437); temperance sentiment in River counties (11435).

MORRISON, JOHN A., jr., Fredericton, N.B., Manager of Lumber Firm. . Page **615**

Scott Act in Fredericton a perfect farce (11915-16); sales continued; beer decreased, whisky increased (11922-26); Maine law not enforced (11928); sales at Bangor, Calais, Portland, St. Francis (11929-34, 11961-66); favours high license law (11942-43, 11948-53); Scott Act violations in Sunbury (11980) and York (11982); general prohibitory law incapable of enforcement (11983); increased sale of patent medicines (12007-009).

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 Scott Act in force in York ; has charge at Kingsclear, Ludlow and Blissfield ; Act not enforced at Kingsclear, but enforced at Blissfield (12606) ; improved temperance sentiment, due to moral suasion, not to prohibition (12609-13) ; general prohibition might be carried, but it could only be enforced in country districts (12616-19).
- O'BRIEN, HUGH**, Fredericton, N.B., Clerk Page **665**  
 Scott Act worked well in city ; decreased drinking one-half (12962-77, 13003) ; Act well enforced (12987-89) ; small illicit sales (13014-17) ; Dominion officers would secure better enforcement (12987) ; drunkenness and illicit sale during license period (12967-80) ; favours general prohibitory law (13918) ; could be enforced (13020).
- PITTS, H. H.**, Fredericton, N.B., Newspaper Publisher Page **618**  
 Drunkenness diminished under Scott Act now in force, but liquor still sold (12013-22) ; Disorderly state of city under license system (12023-25, 12051-55) ; Scott Act preferable to high license (12026) ; favours general prohibitory law (12027) ; would be carried in York County (12029) ; could be enforced (12057) ; no compensation to brewers and distillers (12058-60) ; Dominion officials should enforce Scott Act (12062-7).
- QUEEN, WILLIAM**, Woodstock, Carleton County, N.B. Page **660**  
 Re-called Page **667**  
 Scott Act in force in county ; not well observed (12832-37, 12844-48, 12872) ; much illicit sale in Woodstock (12838, 12851-54) ; open sales (12864) ; Act not enforced in Queen's county (12868-69) ; sales at Lewiston, Maine (12873) ; would favour general prohibition, if it would prohibit, not otherwise (12875) ; Scott Act not enforced in Woodstock (12876-82) ; convictions (12896-901, 12937-40) ; liquor selling in Queen's under Act (12926).
- RAINSFORD, H. B.**, Fredericton, N.B., Barrister Page **642**  
 Condition of city not improved by Scott Act, and Act not enforced (12453-55) ; illicit sale (12461-63) ; increased temperance, due to change in social customs and improved temperance sentiment (12455-56) ; increased flask drinking (12457) ; general prohibitory law might be carried in New Brunswick (12464) ; would be a worse measure than Scott Act (12465) ; could not be enforced (12476) ; little drinking in rural districts (12468) ; juvenile drinking (12470-72) ; favours license law with rigid inspection (12480) ; Maine law : open sale at hotels (12487).
- RISTEEN, JOSEPH C.**, Fredericton, N.B., Manager of Planing Mill Page **681**  
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- ROBERTS, REV. GEORGE G.** (Church of England), Fredericton, N. B. Page **658**  
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- ROWLEY, ALFRED**, Marysville, N. B., Book-keeper Page **651**  
 Village under Scott Act, which is well enforced (12636-38) ; little crime, no paupers (12641-44) ; York County would carry general prohibition (12660).

**SEWELL, B.**, Spring Hill, York County, N. B., Farmer . . . . . Page **582**

County under Scott Act which is well observed ; little drunkenness (11330-36) ; general prohibitory law could not be strictly enforced (11337-38, 11346) ; compensation should be made to brewers and distillers (11347) ; Maine law not enforced (11339-41).

**STEADMAN, Hon. JAMES**, Fredericton, N.B., Judge of County Court . . . Page **599**

District includes York, Sunbury and Queen's Counties. Scott Act largely reduced liquor sales in those counties (11639) ; general prohibitory law would be beneficial (11641) ; could be enforced (11642) ; Provincial or Dominion officials necessary in country districts to enforce the Scott Act (11646-11655) ; was member of Legislature during prohibitory struggle of 1855 (11658-60) ; events of that period (11661-69, 11705-14) ; repeal of prohibitory law had bad effect ; people then were strongly favourable to prohibition (11670, 11684-85, 11,686-88) ; Scott Act working reasonably well in Queen's, York and Sunbury counties (11671-73, 11702-4) ; illicit sales in Fredericton (11677-80) ; marked improvement of city under Scott Act compared with license (11690-94).

**STERLING, A. A.**, York County, N.B., High Sheriff . . . . . Page **638**

Submits a statement of commitments under Scott Act (12359), and also for drunkenness (12360-66) ; also of votes at Scott Act election (12371-74) ; diminished drunkenness in Fredericton largely due to Act (12378, 12399) ; few business failures (12406) ; Scott Act enforced in York and Sunbury (12394-95) ; prohibition would be carried in Charlotte, York, Sunbury, Queen's, King's and Carleton Counties ; could not say whether it would prove beneficial (12414) ; Maine law : well enforced in Portland (12389-90) ; not enforced in Bangor (12391).

**STREET, ALFRED F.**, Fredericton, N.B., Collector of Customs . . . . . Page **578**

Scott Act not enforced in city (11255, 11297-300) ; public opinion not sufficiently in its favour (11256) ; people vote for its adoption and oppose its enforcement (11257-66) ; condition not so good as under license law (11267-8) ; Act should be repealed (11276-77), and high license system adopted (11280-82) ; illicit sales (11283-87) ; not much drunkenness (11291) ; difficulties in enforcing Act (11301-04) ; statement of liquor importations at Fredericton (11245-52) ; opposed to general prohibitory law (11315-18) ; smuggling would follow prohibition (11320) ; liquor sales at Bangor and Portland (11322-23).

**THOMAS, ALBERT D.**, Fredericton, N. B., Keeper of Alms-house . . . . . Page **677**

Large proportion of admissions due to intemperance : number of admissions reduced during recent years, partly due to Scott Act (13287-309).

**TILLEY, SIR LEONARD**, Lt.-Governor of New Brunswick . . . . . Page **554**

Historical sketch of New Brunswick prohibitory measure of 1855 ; three years' agitation, enormous petitions presented ; introduction of bill of 1885 by Sir Leonard as a private member ; evidence submitted to show evils of intemperance ; bill carried by three-fifths of both branches of Legislature ; no intoxicating beverages to be imported, manufactured or sold in Province, except for medicinal, mechanical or sacramental purposes ; Bill assented to ; no opposition to Bill while before Legislature ; on becoming law strong opposition manifested ; law enforced with considerable vigour ; complaints lodged and convictions obtained ; appeals taken to Supreme Court ; Justices of Peace mulcted in costs, and then they often declined to hear further cases ; advocates of law became disheartened ; liquor selling commenced after six weeks enforcement, soon became open ; at close of session of 1856, Governor Manssington decided that Government should appeal to people on the question ; Council asked twelve months trial of law, until Legislature met in 1857 ; the Governor dissented, and ordered issue of proclamation ; resignation of Government ; resignation accepted and new Government formed ; dissolution



## Index and Analysis of Evidence.

### TILLEY, SIR LEONARD—*Continued.*

of the Legislature ; activity of the opponents of prohibition ; only two pledged prohibitionists returned at elections. Act almost unanimously repealed : practically in force only four months. Prohibitionists should be quite sure public sentiment would enforce any law before enacting it. If request for longer trial had been conceded, Government would have occupied stronger position, but could not have enforced the law. The legislation was in advance of public sentiment (10845) ; it put back prohibition (10846). Legislative deadlock next session ; appeals to the people ; defeat of Government, and return to power of former Government, but not on prohibition issue (10847) ; growth of temperance and prohibition sentiment since (10856) ; due to agitation along different lines and to temperance teaching (10862) ; beneficial effects of prohibition ; its value lies in its enforcement (10862-4) ; compensation to vested interests not necessary (10865-74) ; general prohibition would prove more difficult of enforcement than Scott Act (10878) ; educational process under Scott Act hampered by frequent non-enforcement (10879-80) ; Dominion not quite ripe for prohibitory legislation (10885-6).

### TOWNSEND, S.B., Montreal, P.Q., Agent for Wholesale Liquor House . . . Page **653**

Travelled two years in Maritime Provinces ; visited cities in all three Provinces ; illicit sales under Scott Act in New Brunswick ; sales at Sussex, Moncton, Sackville, Newcastle, Chatham, Woodstock, Fredericton, McAdam Junction, Fredericton Junction (12689) ; in Nova Scotia sales at North Sydney, Antigonish, New Glasgow, Pictou, Truro, Amherst, Lunenburg, Bridgewater, Mahone Bay, Liverpool, Yarmouth, Windsor, Annapolis, Digby and Weymouth (12692) ; in Prince Edward Island, sales at Summerside, Souris, Georgetown and Alberton (12694) ; sales in Maine at Houghton, Calais, Old Orchard, Portland and Bangor (12695, 12767-73) ; failure of Scott Act ; sales in these counties comprise largely inferior spirits (12713-15) ; customs entries at Woodstock, N. B. (12709-12, 12727) ; under Scott Act ; better qualities of liquor sold in Quebec Province (12715) ; Scott Act affects liquor business, as the people demand lower qualities of liquor (12748-51) ; sales at open bars (12780) ; at Fredericton (12781-88) ; opposed to general prohibitory law (12737).

### VANDYNE, DOWE, Fredericton, N.B., ex-Police Sergeant . . . . . Page **672**

Scott Act enforced in city ; little illicit sale (13138-54, 13184-86) ; many people driven out of the liquor trade (13158) ; difficulty in entering premises (13163-69) ; more strict regulations respecting arrest of drunkards (13192-201) ; witness secured hundreds of Scott Act convictions (13205-7).

### VANWART, J. A., Fredericton, N.B., Barrister . . . . . Page **622**

Assisted in bringing Scott Act into force in city and largely employed in cases since ; Act is easily and satisfactorily carried out (12071-75, 12082, 12099) ; drunkenness in city decreased, mainly due to changed social conditions (12079, 12131-32) ; failure to convict in Scott Act cases due to defective prosecution (12115) ; enforcement may be effective (12157) ; little sale in York County, owing to closing of wayside inns (12083) ; well enforced in Sunbury (12113) ; illicit sales in Fredericton (12109) ; opposed to a license law (12094, 12133-36) ; prohibition desirable, if country ripe for it ; if not, disastrous (12105) ; liquor sold openly in Maine (12106-07) ; prohibition not preferable to Scott Act (12141-44) ; public opinion adverse to imprisonment without option of fine in liquor cases (12153-54) ; public opinion respecting bribery at elections (12187-92).

### WILEY, M. JOHN, Fredericton, N.B., Druggist, President Board of Trade . . Page **574**

Two druggist licenses in city ; some illicit sale and drunkenness under Scott Act (11140, 11151-4) ; but general improvement observable, due to moral influence and prohibitory law (11143-48).

WINSLOW, EDWARD B., Fredericton, N.B., Barrister..... Page **572**

Liquor sale under Scott Act as large as under license (11090); little change as regards drunkenness (11089); any improvement due to growth of temperance sentiment (11093-96); people would not favour amendment of law preventing importations for private use (11098); favours repeal of Scott Act (11099); is opposed to popular sentiment and ineffective (11101-5, 11110-19); little sale in rural districts (11114); drinking by boys (11120-30, 11133); advocates adoption of license law, (11120): the prohibitory law of 1855 (11127).

### MONCTON, AUGUST 17.

BINNEY, J. W., Moncton, Collector of Customs..... Page **683**

City under Scott Act; details of liquor importations last year (13388-96, 13434-38, 13454); Act fairly well carried out, but large quantities of liquor sold in a number of places (13400-1); almost open sale (13403-4); not difficult to get liquor in country districts (13410); less apparent drunkenness (13430-33); Scott Act fairly well enforced in Albert County (13461).

BORDEN, ROBERT A., Moncton, N.B., Barrister..... Page **748**

City under Scott Act; no decrease of liquor sales under Scott Act (14634-36); sold in as many places as under license law (14636); open sales in Dorchester and Shediac (14638-39); not much difference between present condition and that under license (14648); open bars in Moncton (14651-53); doubtful whether Scott Act capable of enforcement (14657), and whether majority of people favour it (14660); appointment of special officers a financial question (14663); not appointed from motives of economy (14676-79); sales of liquor throughout the province (14686-87); Scott Act or general prohibition law, if enforced, would have beneficial effect (14696).

CAHILL, WALTER, Sackville, N. B., Stipendiary Magistrate..... Page **712**

Scott Act in force in Westmoreland County; pretty well enforced in Sackville parish (14001); illicit sales in Sackville, Westmoreland and Botsford (14004); temperance increased and illicit sales reduced (14012); Scott Act assisted (14014-15); Act three times carried (14023-24); has tried many Scott Act cases (13975); appeal should only be allowed to County Court Judge (13993-94); Court should have discretionary power regarding distress warrants (13997-98); payment of witnesses desirable (14000); favours general prohibitory law—would be fairly enforced (14026-32).

FOSTER, CHARLES, Moncton, N.B., City Marshal..... Page **687**

Scott Act in force in City: enforced with considerable success (13479-86); fines collected (13487-90); convictions for drunkenness (13529-32, 13552-57); illicit sales (13540-42, 13546-60); sales in rural districts (13543-44); published notice calling on liquor sellers to close on 12th July (13591-608, 13667); difficulties of enforcing Scott Act; perjury by witnesses and weakness of police force (13612-22, 13631-32, 13639-45.)

HAWKE, JOHN T., Moncton, N.B., Journalist..... Page **743**

Scott Act fairly successful in Moncton (14573-75); stringently enforced in 1888 (14581-82); vigorous effort now made to enforce it (14585); operation of Act largely blocked by apparent hostility of Judges (14586); expeditious plan of dealing with appeals desirable (14586); special officers necessary to enforce Act (14589-91); prefers to employ total abstainers (14599-603); Westmore-

## Index and Analysis of Evidence.

**HAWKE, JOHN T.**—*Continued.*

land and Albert Counties favour total prohibition (14606); general prohibitory law desirable (14610); advantageous to commercial interests (14611-15); Scott Act votes in Moncton (14617-20).

**HINSON, REV. W. B. (Baptist), Moncton, N.B.**.....Page **722**

Scott Act produced good results in Moncton (14160-62); reduced drunkenness and made drinking disreputable (14162); enforcement a partial failure (14162-3), due to public sentiment, difficulty of procuring witnesses and perjury (14162-69); vexatious litigation (14370-72, 14215-17); efforts of citizens to sustain and enforce Act (14373-83, 14217-21); Canada better under Scott Act than England under license (14186); The Baptist church favours general prohibition (14187-96, 14199-205); no compensation to brewers or distillers (14197-98); votes polled on Scott Act (14237-39).

**MCCULLY, FRANK E., Moncton, N. B., Barrister.**.....Page **729**

Prosecuting attorney for Westmoreland County, outside of Moncton. Considerable difficulty experienced in enforcing Scott Act, the obstacles including non-payment of witness fees or mileage and low remuneration to Magistrates (14308-10); Dominion officials should enforce Act (14314-26); speedy trial before County Judge should be provided in appeal cases (14327); legal difficulties (14346-52); illicit sales in county (14339); secret (14340-45); general opinion favours enforcement of Act: Westmoreland under Scott Act better than Kent under license (14388-92); smuggling in Kent (14396).

**MCKENZIE, JOHN, Moncton, N.B., Secretary Sugar Refining Company.**..Page **704**

Was Mayor of Moncton for three years under Scott Act. Laxity of enforcement (13824-31); investigation and removal of the Town Marshal (13840); no difficulty in purchasing liquor now (13845-6); improved temperance sentiment, due to moral suasion (13849); Scott Act well enforced in rural districts (13850); much illicit sale under old license law (13856-58, 13873); violations by licensees (13859-61); favours general prohibitory law; could be enforced (13875-76); illicit sale now due to inaction of officials (13879-81); repeal of Provincial Prohibitory Act of 1855 (13897-99); secret sale at Bangor (13931); prohibition in the North-west Territories (13940-43); gross liquor adulterations under Scott Act (13657-61); if total prohibition not enacted, pure liquor should be ensured (13960); opposed to granting compensation to brewers and distillers in event of total prohibition (13943).

**MEAHAN, REV. H. A. (Roman Catholic), Moncton, N. B.**.....Page **720**

The Church inculcates temperance with other virtues (14113-19); Scott Act in Moncton perfectly disregarded (14125); no difficulty in obtaining liquor, (14132-34); would be a blessing, if enforced (14126); worked for adoption of Act (14136); which has not worked well (14137-42); favours repeal of Act, as it is now a farce (14144); or the Act should be strictly enforced (14145, 14154).

**POTTINGER, DAVID, Moncton, N.B., Chief Supt. Intercolonial Ry.**.....Page **726**

Railway Department has no rule respecting total abstainers or moderate drinkers, but men must not drink to excess (14247); submits official circulars issued on the subject, the rules are generally well observed and work well, employees are dismissed for intemperance (14248); alcoholic liquors not sold at refreshment rooms on railway (14251-2); employees intoxicated when off duty are dismissed (14263); decrease in drunkenness generally observed (14267); due to moral suasion and influence of church and society (14268); considerable quantities of liquor reach Moncton by Intercolonial (14273); Scott Act does not prevent employees getting liquor (14283).

ROBB, GEORGE J., Moncton, N. B., City Clerk and Treasurer..... Page **728**  
 Submits statement of arrests and fines from 1885 to 1892; two-thirds of arrests were for drunkenness (14293).

STEWART, REV. CHARLES, D.D. (Methodist), Sackville, N.B., Mount Allison University..... Page **716**

Scott Act in Sackville produced beneficial results (14052); growing feeling amongst students for prohibition (14061); favours general prohibitory measure (14063-5, 14091); no compensation to brewers and distillers in the event of general prohibition (14085); absolute prohibition only found in Fiji Islands (14086); improved order in Sackville under Scott Act (14081-84); Government officials should be appointed to carry out the Act (14069-79).

THOMAS, G. P., Moncton, N. B., Barrister..... Page **735**

Largely employed to defend offenders against Scott Act: Act not enforced (14423); impossible to enforce it (14424); police faithfully endeavoured to enforce it (14425); failure arose from difficulty in procuring witnesses (14429-30); Scott Act not enforced in New Brunswick (14438); more places selling than at any previous period under Act (14439); more selling illicitly now than under license (14440-41, 14456-59, 14513, 14541-46); inferior quality of liquor (14442); Scott Act not better enforced in Nova Scotia; in Prince Edward Island Act not enforced (14439-40); Scott Act should be repealed, (14443, 14448); twice as many places selling in Moncton as under license (14467-73); general prohibitory law could not be enforced (14524-28); Maine law a failure (14533); non-observance at Sackville, Sussex, Amherst, Spring Hill (14549-53); also in Northumberland and Albert (14560).

WIGGINS, REV. W. B. (Reformed Baptist), Moncton, N.B..... Page **751**

Acted as Secretary of Citizens' Committee to enforce Scott Act in city (14701-03); statistics of city crime under license and under Scott Act (14707-09); vote of city in favour of Act (14710); beneficial results secured by Citizens' Committee (14711); closed public sale of liquor, and then ceased operations (14711); submits resolutions of Baptist Church in convention in favour of a general prohibitory law (14719); popular feeling favourable to prohibition (14720-22).

WORTMAN, JACOB, Moncton, N.B., Stipendiary Magistrate..... Page **697**

Scott Act could be much better enforced in city than at present (13735-42); temperance people very lax in their efforts (13744-47); illicit sales (13732-34); perjury in Scott Act cases (13723-25, 13754-57); drinking now less reputable; Scott Act made it more secret (13764-70); juvenile drinking—often due to parents (13772-74); Magistrate should have discretion to fine or imprisonment for first offence (13779-83); Government inspector should be appointed (13786-7); apathy of temperance people (13788-90); police force inadequate to enforce Act (13791-92); strangers have no difficulty in procuring liquor (13803); disappointed with Scott Act, but could not return to license (13804-8); Scott Act fairly well enforced in rural districts (13814).

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### CHARLOTTETOWN, P.E.I., AUGUST 19, 20 and 22.

- ALLEN, JOHN**, Charlottetown, P.E.I., Keeper of Alms-house . . . . . Page **792**  
Inmates largely suffering from infirmity and old age (15372-79); little poverty in Island (15401-02).
- ANGUS, ROBT.**, Charlottetown, P.E.I., Manager of Telephone Co. . . . . Page **803**  
Scott Act in Charlottetown and county parts successful; no doubt visitors procured liquor and took it home; Act diminished drunkenness (15623-26); increased general sobriety, due largely to temperance efforts (15627-15659); opposed to a license system and prefers present law (15638-45); working of present law (15644-46); prefers Scott Act to license law (15647-58); attempted enforcement of Scott Act (15663-65); favours general prohibition (15666-15684-85), with compensation to brewers and distillers (15668-69).
- BEER, F. H.**, Charlottetown, P.E.I. . . . . Page **858**  
City under Free Trade liquor system, with police regulations; Scott Act was previously enforced spasmodically (16622-23, 16641-50); non-enforcement of Act led to its repeal (16627); operation of old license law, drunkenness prevalent (16655-57); moral improvement due to Scott Act (16658-61); legal difficulties of enforcement (16671-72); general prohibition desirable (16676-7); enforcement easier than that of Scott Act (16678); feeling stronger for prohibition than for Scott Act (16681); compensation should not be granted brewers and distillers in event of enactment of general prohibitory law (16172).
- BLANCHARD, E. S., M.D.**, Charlottetown, P.E.I., Supt. Insane Asylum. . Page **816**  
Cases of insanity caused by drunkenness, very small (15890-91, 15916-18); increased number of patients (15892-95); Scott Act proved very ineffective (15898-99); favours license law (15909); enforcement of general prohibition more difficult in Prince Edward Island than elsewhere (15911); impossible to prevent smuggling (15912); true prohibition beneficial, but difficult to enforce (15919); impossible on Island (15920-27); use of tobacco injurious, thinks prohibition would be beneficial (15930-32).
- BREWER, Rev. W. W. (Methodist)**, Charlottetown, P.E.I. . . . . Page **875**  
Scott Act produced good effects in Charlottetown (16909); when not enforced, due to local causes and apathy of temperance people (16911); specially interested in temperance and social purity work (16915), among workmen in winter (16915); improved conditions from police activity, backed by Christian efforts (16929-32); Scott Act worked well at Fredericton and Marysville (16930-36, 16974-81); prohibition assists moral and religious efforts (16937); injurious effects of license law (16940-45); a month's drink bill (16945-51, 16983-90); growing feeling for prohibition (16953); public conscience being educated (16953); prefers free sale to license (16955-57, 16960-67); desires general prohibition (16958); or Scott Act (16959); the Divine laws and moderate use of wine (16991-95); discipline of Methodist church in regard to wine for Sacramental purposes (16996-90, 17006-10); worked with Committee that framed the present Charlottetown law (17001-3).
- CAMERON, CHARLES**, Charlottetown, P. E. I., City Marshal. . . . . Page **788**  
New law gives free liquor sale under police supervision—in force six weeks (15277-78); abolished back-room sale, reduced number of places selling (15280-81); earlier closing (15316-17). Scott Act reduced drunkenness (15300-01, 15324);

CAMERON, CHARLES—*Continued.*

enforcement of Act : powers of search (15286-7); sales under Act (15272-3); more places sold during Scott Act than now (15319, 15346); lower class then selling (15320-21).

CRABBE, S. W., Charlottetown, P.E.I. . . . . Page **885**

Recalled . . . . . **892**

Scott Act enforced spasmodically; depended on complexion of City Council; was Commissioner under license law; some licensees sold on Sunday and after hours; Act was repealed because names of some supporters were left off voters' list; present law satisfactory and preferable to license; general prohibition, well enforced, would do good (17072).

Recalled: Votes polled at Scott Act elections (17188); increased arrests of country drunkards under free rum (17195-202); sales under Scott Act (17206-14); alleged "hop beer" (17208-15).

CURRIE, JAMES, Charlottetown, P.E.I., Collector of Customs . . . . . Page **864**

Been Collector 13 years; 12 outports under Charlottetown and four under Summerside; submits comparison of liquor importations for periods under Scott Act and after its repeal (16726-32, 16735-37, 16757-66); consumption of liquor during 1887-88-89-90 (16736-37); during free rum period (16768-75); Scott Act very inefficiently enforced (16744-16809); from insincerity of its friends (16744-49); liquor consumption during Scott Act period (16778-92); large importations and express shipments (16778-79, 16793). Present law is very good (16793); early closing and less personal debasement (16793-802). Prohibition is desirable, but people not prepared for it (16803); present law preferable to Scott Act (16803); prohibition would result in smuggling and illicit distilling, and would be evaded and violated (16803); prohibition in St. Pierre, Newfoundland and West Indies would also be necessary (16804-06); severe punishment necessary for drunkenness (16820); cannot legislate to compel temperance (16827); at odd periods under Scott Act drunkenness might have been less than under license law (16835).

DAVIES, BENJ., Charlottetown, P.E.I., Gentleman . . . . . Page **807**

Present liquor law, free trade with police regulations, works pretty well; preferable to Scott Act (15698-700, 15718-20); general decrease of drunkenness, due to moral suasion, temperance efforts and improved education (15691-93); Scott Act not effective in city, but beneficial in country (15694-95, 15711-12, 15726-36); Act led to perjury and excessive drinking (15713); large illicit sales (16722-24); favours high license (15700, 15719); general prohibition desirable (15720, 15737); but would not be enforced (15721, 15738).

DAVISON, H. M., Charlottetown, P.E.I., City Clerk and Treasurer . . . . . Page **786**

Submitted copies of city reports (15242-63).

DAWSON, WILLIAM E., Charlottetown, P.E.I., Merchant . . . . . Page **828**

Was formerly Chairman of Commission on Licenses (16108); has observed working of license, Scott Act and present system; Scott Act not enforced (16103, 16142); could only be enforced by Dominion officials (16150-64); experience with old license law (16113-27, 16191-97, 16202); number of licenses issued (16184-86); desirable features of license law (16116-19); increased drunkenness followed adoption of Scott Act (16125-26); the Blue Ribbon movement (16131-34); favours Scott Act or license law, but not present system (16107, 16135-6-7-8); general prohibition desirable, if capable of enforcement (16109, 16171); would require intense public sentiment behind it (18110-12); people not yet sufficiently educated for prohibition (16170).

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- DODDS, HON. T. W.,** Charlottetown, P. E. I., Merchant and Member of Legislative Council..... Page **848**  
 Scott Act did not diminish drunkenness in Charlottetown, but did so outside (16432-34); beneficial to country people (16458-61); Act unreliable and unreasonable (16474-79); officers should be appointed by the Government (16476); favours license law (16474); doubtful whether general prohibition could be enforced (16461-63); not sufficient favourable sentiment to make it successful (16440); smuggling would increase under it (16438).
- FISHER, REV. C. G. (Methodist),** Pownal, Queen's County, P.E.I..... Page **797**  
 Recalled..... Page **871**  
 Scott Act successful in Queen's and Prince Counties (15468-82); produced beneficial results (15487); drunkenness in Campbellton, N.B., under license (15499); favours national prohibition (15512-13, 15519-28, 15540, 15554-8); is Grand Worthy Patriarch, Sons of Temperance, P.E.I. (15515); position and strength of order (15531-36).  
 Recalled: Produced journals of proceedings of Grand Lodge, Sons of Temperance for 1891 (16836).
- FITZGERALD, ROWAN R.,** Charlottetown, P.E.I., Stipendiary Magistrate..... Page **768**  
 Recalled..... Page **835**  
 Acted as Stipendiary Magistrate under license law, Scott Act and present law (14972); statistics of drunkenness under respective systems (14979); averages (14980, 15060, 15064, 15067-70); drunkenness not affected either by license law or Scott Act (15002), but by ruffianly element in community (15003-6); present free liquor system, with police control, working well; has reduced drunkenness and secured early closing (15008-9); difficulties in enforcing Scott Act (15011, 15019-21, 15035-38, 15098-102); statement of convictions and fines (15012, 15119); Scott Act now a workable measure—but prefers general prohibition, (15028-29); Government officials should be appointed to enforce Scott Act (15103); City Councillors as illicit sellers (15049-52); fewer sellers now than during Scott Act (15079); elsewhere in Island, Scott Act enforced spasmodically (15108-9); statistical statement, including police returns (15079).  
 Recalled: Law not enforced, licenses issued in 1877 (16214); Convictions (16215-21); illicit selling (16218-20); treatment of offenders in jail (16223-32); pre-fers hotel bars to saloon bars (16235-41).
- GARDNER, CHARLES C.,** Charlottetown, P. E. I..... Page **851**  
 Under license law, drinking largely indulged in (16486); condition of city under license (16486-87); enforcement of law (16507-12); enforcement of Scott Act (16490); liquor easily obtained (16491-2); causes of repeal of Act (16494-96).
- HAVILAND, HON. THOMAS C.** Charlottetown, P.E.I., Senator and Mayor..... Page **755**  
 City under special Provincial Act, providing free liquor sale with police regulations (14735-38); city orderly, few paupers, little crime, small floating population (14731-34); license law, followed by Scott Act, and by present free trade law (14741-43); drunkenness under license system (14744-45); increased sobriety (14747, 14822); later, majority of City Council opposed it (14748-58); some members were liquor dealers (14783, 14813-21); repeal of Act (14763-68); free trade followed (14770-71, 14790; condition worse than under Scott Act (14772); better than under license law (14773); general improvement due to religious influences, temperance societies and Scott Act (14774-78; Government officials should enforce Scott Act (14784-89); favours general prohibitory law, could be enforced (14792-93, 14951-55); ten years of Scott Act (14795-808, 14899-901); the whole Island under prohibition (14808-12);

HAVILAND, HON. THOMAS C.—*Continued.*

much drunkenness under present law (14851-56); brewers and distillers not entitled to compensation in the event of general prohibition (14909); opposed to license law, prefers Scott Act (14928-31, 14954-56), or free sale, to license (14949).

HENSLEY, HON. JOSEPH, Charlottetown, P.E.I., Judge, Supreme Court..... Page **822**

During six years no legal difficulties have surrounded Scott Act cases (16026), and Act has been vigorously enforced (16028); in city and in Queen's County drunkenness reduced (16030); Act not effective when supported by popular sentiment (16033-36); Act throughout province beneficial (16038); illicit sales (16040); general reduction in drinking habits (16032-33); much drunkenness under license law (16039); license law preferable to present system; defective features of present liquor law (16077); difficulty of enforcing sumptuary laws (16060-62); general prohibition more equitable than Scott Act (16063-65); general prohibition may be desirable; not favourable to such a law; could be enforced only if backed by heavy vote and strong public sentiment (16041-50, 16070-71); witness introduced into Legislative Local Option Act for school districts in Island (16046-50).

HODGSON, HON. E. J., Charlottetown, P.E.I., Master of the Rolls..... Page **778**

Known city under license law, Scott Act and present system; formerly acted in Queen's County for liquor trade, and in King's and Prince Counties for temperance interest in liquor cases; in Charlottetown, Scott Act was an unmixed evil (15147); increased drinking, perjury, and produced blackmailers (15148-49); in counties where backed by public opinion Act proved very beneficial (15148), as in King's and Queen's; drunkenness in Souris (15148); personally opposes Scott Act in urban, but supports it in rural districts (15154, 15177-79); present Charlottetown system should provide for inspection of liquors (15155-58); prefers license laws (15159-61); general prohibition best method, but impossible to enforce (15171 to 15202); public opinion not ripe for it (15202); prohibition countries, Fiji Islands and Turkey (15235); Scott Act deliberately repealed (15190-92); much illicit sale under it (15187-89); a complete failure (15198-99); favours local option in country districts and high license in towns (15200-01).

HOGAN, M.P., Charlottetown, P.E.I., Lumber Dealer..... Page **872**

Scott Act not well enforced in Charlottetown, because opposed by half the community (16837); liquor given for votes in favour of Scott Act (16838-42, 16892-97); drunkenness not decreased under Act, and would not favour re-enactment (16846-47, 16890); attempts to enforce law led to perjury (16848); Government officials might have proved more efficient, but thorough enforcement impossible (16857); opposed to general prohibitory law as impossible of enforcement (16861-63); favours stringent license law (16867, 16869-70); opposed to present system (16868); supported Scott Act when first submitted (16878), but not from conviction (16868-79); less drinking because less money in Island (16880); temperance societies and churches aided temperance sentiment (16881-82); lived at Sandusky, Ohio, where high license worked well (16888-90); drink trade has not affected his employees (16901-4).

KELLY, JOHN, Charlottetown, P.E.I., Commission Merchant..... Page **855**

Enforcement of Scott Act did not abolish liquor sale (16540); illicit sale (16542); present system no worse than license (16543); prefers license law (16544-16564); working of old license law (16564); Scott Act works injuriously (16582-90); increased drunkenness and more places selling (16594-604); public opinion against Act (16615-21); would prefer general prohibition, if it could be enforced (16592); but enforcement will not arrive early (16593).



## Index and Analysis of Evidence.

**MACKENZIE, HON. A. B., Charlottetown, P.E.I., Member of Provincial Legislative Council . . . . . Page 838**

Scott Act made trade disreputable (16249-50); preferable to present law (16257, 16329-43); present law in some respects works well (16258-60); feeling in favour of Scott Act (16286-96); question of enforcement (16269-71); might be adopted advantageously (16301); opposed to license on principle (16261-2); favours total prohibition—would prove difficult of enforcement, but not so more than revenue laws (16263-67, 16320, 16324-28); described action leading to adoption of present system (16382-83); declined with other Legislative Councillors, to give Charlottetown a license law (16411).

**MCAULAY, REV. ALEX. (Roman Catholic), Charlottetown, P.E.I. . . . . Page 881**

Scott Act was not enforced in Charlottetown (17015); because majority considered it an irrational law (17015); officers did little to enforce it (17015); Act did not promote temperance (17016, 17055-60); compares Scott Act with free rum period (17016); the Act fostered many abuses (17016), including perjury, deceit and immorality (17017); trade passed into hands of low people (17017); one cause of Scott Act being adopted was a temperance wave (17019); efforts of temperance societies (17019-20); Act requires moral sentiment of people behind it (17020); moderate use of alcoholic liquors not an evil, only their abuse evil (17021); favours strict license law, (17023a, 17030-2); effects of the drink trade (17026-29); general prohibition could not be productive of good; could not be enforced and would be an irrational law (17033-40, 17045-50); voluntary prohibition, if reached by moral suasion, beneficial (17041-54); opposed to re-enactment of Scott Act (17061-63, 17067-8); Act better enforced in rural districts (17065); present system better than Scott Act and has proved beneficial (17069-70).

**MCDUGALL, E., Charlottetown, P.E.I., Liquor Dealer . . . . . Page 886**

Engaged 20 years in liquor business. Scott Act did not suppress liquor sales, but they have increased since Act's repeal (17077-81); non-enforcement due to public apathy (17082); closed his grocery and liquor establishment when Act came into force (17083, 17112); subsequently reopened, being importuned by customers, and sold liquor (17085-87, 17162-63); gauged public opinion: when strong against the sale, shut down and afterwards opened (17096-98); very many more places selling during Scott Act period than under license (17101-03); more drinking than under license (17105-07); brought in his liquors duty paid, and they were not included in Island return (17107-11, 17113-15); prefers a license law (17136, 17152-53); working of license law and action of licensing board (17144); no trade restrictions required when people are educated (17153-61); cannot have total prohibition (17165).

**McKINNON, ALEX., Charlottetown, P.E.I., Iron Founder . . . . . Page 895**

Scott Act enforced vigorously and indifferently, according to efforts of citizens (17229-33); prefers to employ total abstainers (17234-43); improvement in drinking habits partially due to Scott Act (17244-52); general prohibition would produce good effects, if well enforced (17252); could be enforced (17261-62); the drink trade a curse (17253-54); drunkenness under license (17263-68); opposed to license system; prefers present law (17156-59).

**MORRIS, THOMAS, Charlottetown Royalty, P.E.I. . . . . Page 886**

Is partner in brewery and engaged in liquor business; sold liquor wholesale during Scott Act period, and as much beer as now; liquor sales not increased since repeal of Scott Act; formerly called his beer "hop beer"; now makes it a little stronger; general prohibition could not be enforced (17073).

NASH, SAMUEL C., Charlottetown, P. E. I., Collector of Inland Revenue. Page **810**

Submits statement of importation of spirits (15758); also statement of product of brewery on Island (15764-72); people are steady and sober; Scott Act did not change drinking habits (15777-82); illicit sale because authorities are unsupported by people (15784-85); general prohibitory law could not be enforced (15790-91); there would be illicit manufacturing and sale (15792-811); also smuggling (15826); flagrant and open violations of Scott Act (15836-37); prohibition over the Island (15849-66); consumption of liquor in province (15867-85); favours license law (15838).

NEWBERRY, ARTHUR, Charlottetown, P.E.I., Assistant Provincial Secretary.

Page **827**

Two license vendors under Scott Act (16081-4); Act did not work satisfactorily in Charlottetown (16087); due to public feeling against it (16088); decrease in drunkenness under Act, but initiated customers could obtain liquor (16090-2); would favour license law if carried out (16093); would prefer general prohibition, if thoroughly enforced (16094); submits statement of vendors' licenses (16099).

QUIRK, JOHN, Charlottetown, P.E.I., Baker. Page **897**

Formerly member of City Licensing Board. Scott Act has produced good results; diminished public drunkenness, but not drinking (17280-94); educated people to be perjurers (17309); prefers Scott Act to license law, but present system is still better (17295-307); general prohibition would be beneficial, but difficult of enforcement (17300-01).

REDDIN, JAMES H., Charlottetown, P.E.I., Barrister. Page **801**

Favours present system, free trade with police regulation (15572-74, 15577); more conducive to temperance than Scott Act (15609); Scott Act in city was no prohibition to drink traffic (15564-69, 15591); license system desirable (15592); not much drunkenness in Charlottetown (15388-89); little drunkenness in country districts (15597); total prohibition alone would only prove effective (13611-12); could not be enforced in cities, only in rural sections (15613-14).

ROSS, HON. JAMES, Mount Stewart, P.E.I. Page **886**

Scott Act in force at Mount Stewart for ten years; worked well during past six months; beneficial, materially and morally; prefers present law to license; general prohibitory law would be a benefit, and could be as well enforced as Scott Act (17074).

SIMPSON, REV. JAMES (Church of England), Charlottetown, P.E.I. Page **794**

Recalled. Page **894**

Liquor sold freely under Scott Act in Charlottetown (15407); not much drunkenness in city (15415); true remedy for intemperance is religious influence on individual (15417), combined with pledges for short periods (15418-19); opposed to re-enactment of Scott Act (15427, 15439); present system, with few amendments, would prove effective (15438); wine for sacramental purposes (15432-35); does not favour general prohibition, unless it could be enforced (15436); could not be enforced (15437, 15447-49, 16455). Recalled. Visited Sweden and inquired into working of Gothenburg system (17219); it worked exceedingly well and reduced drunkenness; submits copy of letter written by "Anglicanus" an English Clergyman, describing system, filed (17220-21, 17225); increased drinking in Charlottetown under free rum, compared with previous year under Scott Act, due to six elections being held (17222-25).

## Index and Analysis of Evidence.

WRIGHT, M. H., Charlottetown, P.E.I., Manufacturer.....Page **818**

Workingmen's habits steadily improving ; no more drunkenness under free sale than under Scott Act (15941) ; present system better than old license law (15942-43) ; opposed to license on principle (15945-6, 15977-81) ; the State should prohibit the liquor traffic (15947) ; prefers total abstainers as employees (15953-63, 15992-96) ; large illicit sales under Scott Act (15970-75) ; difficulties of enforcement (15985-91) ; only enforced for limited time (15998-99, 16003-04, 16017-19).

## SUMMERSIDE, P.E.I., AUGUST 24.

HUNT, RICHARD, Mayor of Summerside, P.E.I.....Page **900**

Scott Act in force : carried and since endorsed by people ; law not in force ; open illicit sales (17349-54), in several places (17557-64) ; drunkenness rare (17359) ; conditions changed and improvement in drinking habits (17360-61) ; sales by legalized vendors under Scott Act (17365) ; no prosecutions during present year (17375) ; late Inspector under Act now on police force (17378-83) ; the enforcement question before the electors (17386-87, 17395-97) ; people satisfied with present degree of enforcement (17398-412, 17502-11, 17524-26) ; statement of fines (17406-23) ; submits statement of five years operation of Act (17432) ; restricted liquor sale (17437) ; favours general prohibition (17438-41, 17528-29) ; Scott Act enforced except in two towns (17445) ; sales at Alberton and Tignish (17447) ; results of the old license system (17340) ; law worked well (17753) ; local option clause was enforced (17755) ; very little poverty in community (17562).

GILLIS, JOHN F., M. D., Summerside, P. E. I.,.....Page **956**

Scott Act fairly well enforced at Summerside (18513) ; should be enforced by Dominion Officials (18516-18537-38) ; less drinking, but due to change of social conditions, not to Act (18524-27) ; opposed to general prohibitory law (18530) ; could not be enforced (18530) ; people would use other stimulants (18531) ; consumption of patent medicines increased (18531) ; quantities of liquor prescribed (18545-64, 18578-95).

GOFF, THOMAS, Summerside, P.E.I., Police Constable.....Page **931**

Acted as constable during six years in town, under Scott Act ; much liquor sold in many places (17986-93) ; more stringent enforcement possible if public sentiment behind Act (17997-99 18047-50) ; peaceable condition of town largely due to Act (18002-6) ; good effects (18013) ; worked well in rural districts, sales in Prince County confined to Alberton and Tignish (18017-21). Summerside under license (18024-39) ; sales in country districts before Scott Act adopted (18068).

GOURLEY JAMES, Summerside, P.E. I., Town Clerk.....Page **935**

Scott Act well enforced in town (18081-95) ; favours any law to suppress drinking (18102).

MCDONALD, REV. JOHN (Roman Catholic), Miscouche and Wellington, P.E.I.  
Page **953**

Scott Act well enforced, no liquor sold in parish (18458-60) ; advocates moral suasion backed by restrictive legislation (18462) ; favours total abstinence, (18463) ; Scott Act not enforced at Summerside, (18466) ; not supported by public sentiment (18467) ; strong sentiment in country districts favourable to Act

McDONALD, REV. JOHN—*Continued.*

(18467-70.); local option as easily enforced as Scott Act (18470-71); lack of enforcement due to public sentiment failing to sustain Act and ineffective machinery, (18475-82); opposed to general prohibitory law (14489-93, 18495-500); but supports local option (18493); favours rigid license law (18504).

McQUARRIE, NEIL, Summerside, P.E.I., Stipendiary Magistrate..... Page **923**

Filled present position since 1885; hears all Scott Act cases; submits statement of convictions (17862-69); drunkenness decreased (17865); liquor sale curtailed (17959); previously acted as counsel in Scott Act cases; most illicit dealers driven out of business; illicit sales limited almost to Tignish and Alberton (17880-81); buyers as well as sellers should be prosecuted under the Scott Act (17885-86); prosecutions for selling Schenck and hop beers (17892-93); fines more effective than imprisonment (17906-11, 17965-69); religious and temperance efforts (17929-30); illicit selling in Summerside (17931-41); attempted enforcement by officers (17943-52, 17976-78); charges against the licensed vendor (17953-54); Scott Act is class legislation (17979-80); no other law so openly violated (18981).

ROGERS, DAVID, M. P. P., Summerside, P.E.I..... Page **951**

Opposed to licensing the liquor trade (18415-16); Scott Act fairly well enforced (18424); difficulties of enforcement (18425-32); town ticket for more stringent enforcement defeated at municipal elections (18435-43); favours general prohibition (18447-9); decreased drunkenness (18453); due to Scott Act and temperance efforts (18454-5).

ROGERS, BENJ., Alberton, P.E.I., Merchant, Member of Legislative Council.

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Scott Act not well observed at Alberton (18279-82); well observed in rural districts generally (18283); improved condition of people due to Act (18286-87); difficulties of enforcement (18296-99); license law more easily enforced (18304-5); but Scott Act produces better results (18306); favours general prohibition (18307, 18384, 18387, 18401); could be enforced (18308-10); no compensation to brewers and distillers (18402-03); opposed to license system (18314-15, 18334-41); liquor traffic affects general trade injuriously (18316-23); high license not successful (18329-30); general feeling in country districts favourable to prohibition (18368); could not accept license principle and would prefer free liquor (18373-84); sale by licensed vendors in rural districts (18394-99).

SAUNDERS, C. D., Summerside, P.E.I., Licensed Vendor for Prince County, Page **912**

Recalled..... Page **939**

Prince County under Scott Act; held office six years; formerly vendor under McCarthy Act; received present appointment from Provincial Government; keeps stock of alcoholic liquors; imports from St. John, Halifax, Montreal and Glasgow (17586); statement of sales for 1891 and 1892 (17590-95); present stock on hand (17597); sales mainly in country villages (17603); bulk of sales comprise spirits (17604-7); submitted prescriptions for sales (17612); samples of prescriptions (17613-26, 17640-53); no report of sales made to Provincial Government (17630-32); law fixes quantity as minimum sale, but not maximum (17653-54); prescriptions exceeded five thousand in two years (17667); illicit sales interfere with vendor's profits (17693-98); importations last fall (17709-20); keeps no register or books (17719-30); endorses on prescription quantity supplied and files order until it is completely filled (17732-49); some orders for beverage purposes (17762-63); cover enormous quantities; received many bogus orders, but refused to fill them (17765-808); voted for Scott Act

## Index and Analysis of Evidence.

SAUNDERS, C. D.—*Continued.*

when adopted (17815); would repeat the vote (17874); when appointed licensed vendor belonged to two temperance societies (17817-20); the societies helped him to get position under McCarthy Act, and individual members aided him in securing present appointment (17822); was afterwards expelled from societies (17820-25); fills orders from men holding prescriptions, but who do not send them to vendors (17826-35, 17844-7); some prescriptions marked "repeat" (17840); present system not promoting temperance (17858).

Recalled.—Personal explanation of cause of expulsion from temperance society (18172-83).

STRONG, CHARLES W., Summerside, P.E.I., Collector of Customs . . . . . Page **936**

Marked improvement in town under Scott Act as compared with license (18121-23, 18164-65); illicit sale (18125); statement of liquor importations (18126-33, 18143-47); measures against smuggling (18134-35); general prohibitory law favoured by province (18166-67); would not injure general business (18162); no compensation to brewers and distillers in the event of general prohibition (18159).

STRONG, WILLIAM G., Prince County, P.E.I., High Sheriff . . . . . Page **941**

Largest number of prisoners in jail for breaches of Scott Act (18223); advocates amendment to make purchaser equally liable with seller (18229); greater number of convictions from Alberton and Tignish (18237); illicit sales in Summerside (18244-45); general prohibitory law desirable (18262); could be enforced (18263-4).