

Legislative Council

(Continued.)
REPORT OF THE COMMISSION OF 1921.

To His Excellency Sir Charles Alexander Harris, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Honourable Order of the Bath, Commander of the Royal Victorian Order, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

Your Excellency—The members of the Royal Commission have the honour to return the Commission and to submit with it a statement of their findings and a list of their recommendations.

Its members held very many sessions in St. John's and also a number of sessions at Port Union during which they took very considerable evidence in the form of sworn testimony, answers to interrogatories and police records. They have considered and considered the Prohibition Act 1915 and the Amendments thereto; (1) the object, scope and defects thereof; (2) the Administration of the said Act; and (3) the evils which have arisen since the said Act became law.

The Commission itself sets out the representations contained in two petitions presented to the House of Assembly in the session of 1920; one petition praying for greater stringency in the enforcement of the said Act; and the other praying for the providing of facilities for obtaining alcoholic liquors as beverages under a system of control.

Your commissioners observe that both petitions point out the existence of certain abuses which have developed under the Prohibition Act.

- (1) Sale of "Dope"
- (2) Abuse of prescriptions
- (3) Manufacture of "Moonshine"
- (4) Increase in smuggling of liquors.

The enquiry has satisfied Your Commissioners of the existence of evils which call for adequate remedies.

One of the first evils which grew to considerable dimensions was the use of essences commonly called "Dope" for beverage purposes. The evil, which was apparently inappreciable before Prohibition, gradually grew in spite of partial blacklisting of particular essences until last summer, when sterner steps were taken to suppress it. Up to that time most of the convictions on the charge of being "drunk" and "disorderly" arose from the drinking of "dope". This is borne out by the police records of arrests of "drunks" and "drunks and disorderlies". The numbers are as follows:—

1917		87
1918		95
1919		228
1920		276

In 1917 and 1918, the police records do not show the number of drunks etc., due to "dope". But in 1919 and 1920, the evil has grown to such a proportion that the police began to keep a record of the cases. Such were leading to a marked increase in drunkenness and disorderlies.

In 1919 there were over 200 more arrests than there were in 1917 and 1918 together. This was due mainly to the drinking of "dope" of the 228 cases in 1919, 160 were due to "dope"; and of the 276 cases in 1920, 198 were due to "dope". The increase of nearly 25 per cent. over that of 1919.

The first four months of the present year show a marked decline of drunkenness from this cause. Out of 83 arrests reported by the police 14 were due to "dope" or an average of 3-1-2 monthly in 1919. This may be attributed partly to the steps taken last summer in blacklisting a large number of essences, the activity of the police and other causes. Last September, the police began to keep a record of the information they elicited from persons arrested for drunkenness as to what they had been drinking. This record points to liquor obtained by smuggling and on scripts as manifest causes of drunkenness.

Further the decline in the use of "dope" in St. John's has been another evil springing up, viz. the use of "moonshine". The police records show that during six months dating from and including Sept. 1920 to the end of February 1921 there were four arrests for "moonshine" in the last

two months, March and April—there were nine arrests for the same cause.

Another ugly feature shows itself by the comparison of the figures of 1916 and 1920. In 1916 less than one-third of those arrested were disorderly. In 1920 about half of those arrested were disorderly. This makes clear that the use of "dope" or "moonshine" creates far more disorder than the use of ordinary liquors.

Your Commissioners are satisfied that the use of moonshine is prevalent not only in St. John's but extends over the Island. Out of the 23 places from which evidence was gathered 19 reported the manufacture of moonshine; 43 reported no moonshine. Out of the 66 places giving evidence outside of the South West Coast 38 reported the manufacture of moonshine; 27 not any; of the 17 places on the South West Coast furnishing evidence only one reported "moonshine".

The close proximity of St. Pierre and the general preference for ordinary liquor to "moonshine" give the clue to the dissimilarity of the proportions.

Dr. Brehm expressed the opinion "that the fuel oil in moonshine has a definite poisonous effect. It is bad for the nerve centres, will sometimes cause blindness and in the case of women and children the effects would be more pronounced and especially in a child. It certainly would have a bad effect on the progeny of those addicted to it."

This evil calls for special remedial measures and a strong determination to enforce them. Your Commissioners are of opinion, 1st, that the possession of a still for the distillation of spirits should be a substantive offence, and that the possession itself should be presumptive evidence it is possessed for that purpose; 2nd, that possession, giving, selling or treating any person with moonshine should be a substantive offence; and that the penalties provided should be double of those provided for the illicit sale of liquor.

Your Commissioners are also of opinion that an educational campaign should be inaugurated to teach people the danger of the use of "moonshine" and "dope," and suggest that this campaign be conducted through the churches, the Sunday schools, public lectures, the press and by the distribution of leaflets and pamphlets.

The matter of "prescriptions" has received much attention and there can be no good purpose served in disguising the fact that a large proportion of the liquor obtained by prescriptions is used purely as a beverage and not for medicinal purposes, as the Act provided. This abuse has become quite clear to the police. Their records obtained as has already been indicated show that the liquor obtained by prescriptions has caused quite a number of arrests. For instance, out of 63 arrests for being "drunks" and "drunk and disorderly" from March up to and including May 12th of this year 8 were due to "dope," 9 to "moonshine," and 27 to liquor obtained by prescriptions. The following is illuminating.

Month	Arrests	Dope	Moonshine	Scripts—otherwise
January	21	7	9	5
February	11	1	3	7
March	26	3	6	10
April	25	3	3	10
May (12 days)	12	3	7	2

While your Commissioners are loth to attempt to suggest "regulations" which would unduly interfere with the exercise of the discretion of a medical practitioner who honestly prescribes "Liquors" for medicinal purposes, they find there is need of a strong check to stop the loose giving out of prescriptions. They consider it should take the form of a refusal for a period of time, to fill the prescriptions of any medical practitioner who gives out prescriptions loosely under the guise of preserving liquor for medicinal purposes.

In many parts of the Island, particularly where medical practitioners are not resident, there are no facilities for obtaining liquor for medicinal purposes, and even where medical men reside in places outside of St. John's, the cost of the prescription, the high cost of the liquor and the frequent loss on transportation through pilfering place the use for this purpose out of the reach of the poorer members of the community.

Your Commissioners consider that some quantity should be obtainable for a household without a prescription from a medical practitioner under as strict a safeguard as can be provided by rules and regulations, not to exceed the rate of:

- A. 24 oz. of Spirits, 24 oz. of Wine, 2 doz. 12 oz. bottles of beer or stout, or
- B. 24 oz. Spirits, 48 oz. of Wine or C. 24 oz. of Spirits, 4 doz. 12 oz. bottles of Beer or Stout

every three months, or the same proportion monthly or half yearly, as the Board may deem circumstances warrant.

Your Commissioners are of opinion that the method of distribution in the city and the outposts should be left to a Board of Control, under a system of identification of the applicant and the recording of the quantities obtained.

Your Commissioners find, further, that in the present Act there is no provision for the supply of liquor for the medical chest of steamers and vessels.

The question of smuggling has also

received attention. From the evidence gathered there is good reason to believe that St. Pierre liquor finds its way into not only the west coast and south coast, but also into St. John's and the Northern Bays. Liquor is smuggled from many other places than St. Pierre.

Your Commissioners are of opinion that in order to successfully grapple with it, the detective force should be augmented. Its present strength is too inadequate for the constant vigilance necessary to cope with liquor smuggling. Special rewards might be offered to police and customs officials to stimulate their vigilance.

Your Commissioners are convinced that the success of the administration of the Prohibition Law depends on the efficiency of the authority controlling the distribution of liquor.

They are of opinion that the present dual control should be abolished. Your Commissioners have considered the question of the purity of liquor and are of opinion that no liquor should be sent out which has not been analyzed and the analyst is satisfied as to its purity.

Your Commissioners have also considered the question of manufacturing of beer and stout locally and are of opinion that local manufacturers of beer should be allowed, provided manufacturers are allowed to sell only to the Board of Control herein after recommended.

Your Commissioners have considered carefully the matter of providing supplies of liquor for beverage purposes purely, in limited quantities and under strict supervision, but they have not found sufficient grounds to justify in going further than appears in this Report.

RECOMMENDATION.

1. The retention of the Department for the purchase, dispensing and distribution of liquor.
2. The abolition of the office of the Controller.
3. The placing of the sole control of the Department under a Board of three members; a Medical Practitioner, a Clergyman, and a Business Man, who shall retire in rotation, the medical practitioner at the end of the first year; the clergyman at the end of the second year; and the business man at the end of the third year. Retiring members to be eligible for reappointment. Appointments of original members and the filling of vacancies to be made by the Governor-in-Council.

4. Grants to be made to Board and the accounts to be audited by the Auditor General; net profits to be paid to Treasury.
5. The power of the Board to include terms of engagements of officials and servants and all financial arrangements to be in the Board.
6. A general manager to be appointed to take charge of the Department. The power of appointment, suspension, dismissal, and direction of the general manager and other officials and servants to be in the Board.

7. Rules and Regulations (including penalties) after approval by the Governor-in-Council and publication in the Royal Gazette, to have the force of law.
8. The Board to be given discretion to refuse to fill and prescription of any medical practitioner whom they find is not acting in accordance with the Act, with a right to appeal to the Supreme Court for any person aggrieved by the action of the Board.
9. To make it an offence for any person to obtain a prescription under false pretences.
10. Prescriptions to be filled in the City of St. John's only by the Department and the Department to be kept open at such hours on working days, Sundays and holidays as the Board may from time to time appoint.
11. The possession of a still for distillation of spirits to be an offence; and possession itself to be presumptive evidence of possession for distillation.
12. The manufacture, possession, sale, gift or the treating of any person to "moonshine" to be an offence with penalties double those provided for the illicit sale of liquors.
13. The right to search for and the indemnity in regard to search for illicit manufacture, importation and sale of

liquors, or of possession, manufacture, sale or gift of or treating persons to "moonshine," and or the possession of stills for distillation, to be similar to the provisions of the Licensing Act 1908.

14. The Board to be given authority to sell to the heads of households, and under rules and regulations, with penalties, certain quantities of liquors not to exceed the rate of:

- A. 24 oz. of Spirits, 24 oz. of Wine, 2 doz. 12 oz. bottles of Beer or Stout, or
- B. 24 oz. of Spirits, 48 oz. of Wine or C. 24 oz. of Spirits, 4 doz. 12 oz. bottles of Beer or Stout

every three months, or the same proportion monthly or half yearly, as the Board may deem circumstances warrant.

15. The Board to be given authority to supply under rules and regulations, with penalties, vessels, and steamers, going coast-wise or foreign, with liquor for medicinal purposes.

16. The Board to be given authority to supply under rules and regulations with penalties, manufacturers with liquors for manufacturing purposes, provided that where the manufacture is not of medicines, essences, food-stuffs, or aerated waters, it shall be made non-potable where it leaves the Department.

17. The onus of proof for offences under the Act to be on the accused.

18. Imprisonment without the option of a fine to be imposed for fourth and subsequent convictions from the date of new Act.

19. Special rewards to be offered to police officers and customs officers who show marked vigilance in enforcing the Act.

20. Detective force to be increased for the enforcement of the Act.

21. No liquor seized by the police to be sent out until its purity is ascertained by analysis.

22. Manufacturers to be authorized to sell to the Board of Control such beers and stout as the Board may order.

23. Provision to be made for carrying on an educational campaign on the detrimental effects of drinking "dopes" and moonshine."

24. The whole statute law as amended to be consolidated.

Respectfully submitted,
WILLIAM F. LLOYD,
Chairman.

L. CURTIS,
EDGAR JONES,
T. M. MITCHELL,
A. R. ANDERSON,
J. V. O'DEA,
GEO. F. GRIMES.

Hon. Mr. MUILEY—Mr. President, I rise to oppose the second reading of this Bill, and in doing it is not my intention to delay you with any lengthy remarks. I wish first of all to state that I have not been waited upon by any individuals, clerical or lay, asking that I take this stand, I am acting entirely upon my own convictions in this matter.

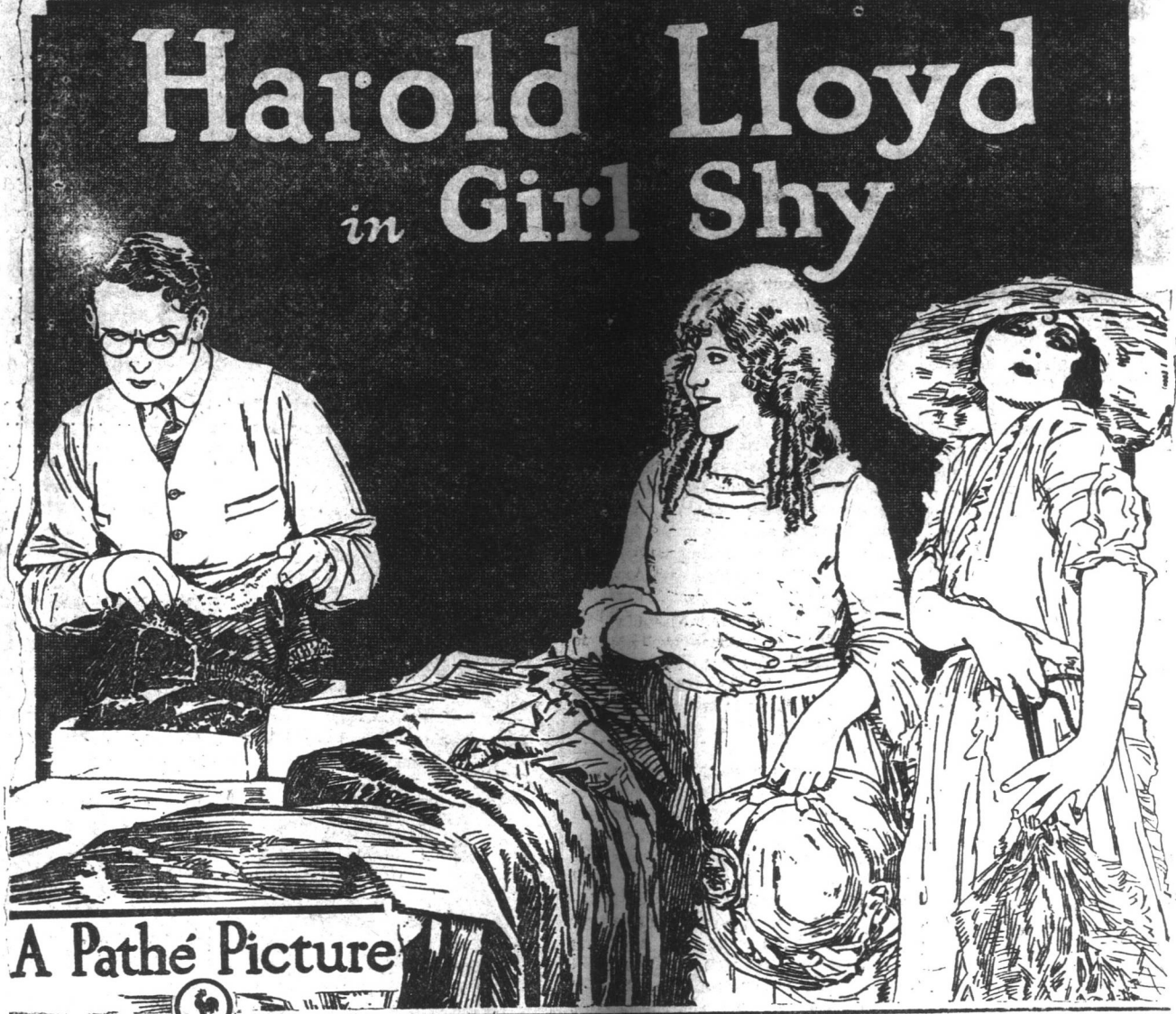
I have no desire at this time to discuss the law now upon Statute Books, or the one which is now before us, all I ask is that time be given to that all who wish may have an opportunity to give their views either for or against, or in favour of some other legislation, so that with all opinions before us we may be better able to bring into force an act which will, as far as possible, harmonise the many conflicting opinions which we are now up against.

Just one word here with regard to the act now in force, or to be more correct, that act not force. The Prime Minister stated in the Lower House, a day or two ago, if he is rightly reported, that no helpful suggestions had been offered by those opposing the passing of this new act. Well, I'll give you for what it is worth. It is a fact well known to all that the Controller's department—which is the department which has the responsibility of carrying out the Act—has been staffed by individuals who are known to be opposed to the very principles of it. In saying this I do not blame or criticise these men because of their opinions; but I do blame successive Governments for allowing them to occupy positions in which they are asked to carry out a law in which they do not believe. One of these very individuals has done more during his tenure of office to bring this country into disrepute in the eyes of the outside world, than all the rest of our civil servants put together a dozen times over. His opposition to the principles of the Act were well known to everybody, and I have very little hesitation in saying

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