

## Legislative Council

## OFFICIAL SYNOPSIS.

THURSDAY (Contd.)

Item A. B. Morine (contd.)—All prosecutions under the Bill are to be adjustable by the Board, before Stipendiary Magistrates, and penalties not less than ten dollars nor more than two hundred, for a first offence, with imprisonment in default of payment, and not less than two hundred dollars nor more than one thousand, for a second or subsequent offence, may be imposed. Appeals must be to the Supreme Court, but all remedies by writs of quarrantio, mandamus, injunction and certiorari to remove proceedings, are taken away, in the interest of speedy trial and prompt judgment.

## ONLY JUSTIFICATION FOR PROHIBITION.

Some people (a small minority, I think, of whom I am not and never was one) object to the drinking of alcoholic liquor of any kind, even in moderation, as a sin, and to these people any measure permitting its legal sale is anathema. A very large number of people (of whom I have been one and till am one), who were proved in 1915 to be a majority in this Colony, hold it proper to prohibit its sale as a beverage, even to moderate drinkers, for the purpose of ending the terrible curse to the community caused by drunkenness, if possible. The Prohibition Act was regarded by them as a justifiable interference with the individual liberty, even of moderate drinkers, but justifiable only if it ended or greatly modified drunkenness and its attendant wretchedness, and not justifiable if merely an annoying interference, not doing great good, but causing many evils, and alienating the sympathies of many estimable people with all forms of temperance endeavor, ranging them on the side of lawbreakers of many kinds and degrees. A very large part of the Colony's population were from the outset opposed to Prohibition, some, it is true, because they were "wets," but many because they were experienced and wise enough to foresee evils to which ardent prohibitionists were blind, evils which have undoubtedly followed. The first evils were adulterated intoxicants and wide-spread moonshining, then came bootlegging and smuggling, and then came government acquiescence and partnership in law evasion, and then wide-spread, almost universal law-breaking, not only concerning alcoholic liquors, but many other matters of daily life also, and if adulterating and moonshining have decreased of late, as I am inclined to think, it is largely because smuggling has been unchecked, and the Controller's office has, until recently, been wide open for consumers. The Colony's Government consented to become a partner with the rum brigade of America, and to aid the rum pirates and bootleggers of a continent to break the laws of sister states, similar in principle so that we had no unctuously adopted as our own. Well, Sir, this Bill is based on the proposition that the endeavor to prohibit alcoholic liquor as a beverage in this Colony has failed, has brought great evils in its train, and that it must be abandoned in an attempt to bring about better conditions in this respect that exist to-day. This Bill will not initiate the sale of liquor as a beverage, it will legalize it. We have failed to make practices conform with the law, and this Bill aims to make the law conform with better practices. We cannot prohibit, therefore we seek to regulate. We hope to enlist on the side of law enforcement that large body of moderate drinkers and thinkers who have been out of sympathy with prohibition, and with their aid to rigidly enforce a law which, while it provides reasonable facilities for moderate drinking, aims to make immoderate drinking impossible, and drunkenness a forgotten vice.

## NOTABLE PROVISIONS.

I wish to draw particular notice to the following provisions in this Bill: No person shall:—

(1) Possess a still or other implement of a kind commonly used for the manufacture of alcoholic liquor (except a person holding a permit of the Board to manufacture wine and beer), and the possession of such a still or implement shall be prima facie proof of a violation hereof, and unless the innocence of the accused is proved to the satisfaction of the Magistrate, he shall be held to be guilty of a violation of this section, and shall be liable to imprisonment, without the option of a fine, for three months for the first offence, and for six months for a second or subsequent offence; or

(2) Consume any alcoholic liquor in any public place; or

(3) Be in an intoxicated condition in any public place; or

(4) Sell any alcoholic liquor to any person apparently under the influence of alcoholic liquor; or

(5) Permit drunkenness to take place in any house or on any premises of which he is the owner, tenant or occupant; or

(6) Permit or suffer any person apparently under the influence of alcoholic liquor to consume any alcoholic liquor in any house or on any premises of which the first-named person is owner, tenant or occupant; or

(7) Give any alcoholic liquor to any person apparently under the influence of alcoholic liquor.

"Public Place" includes any place, building or conveyance to which the public has or is permitted to have access, and any place of public resort, including any shop or store in which any goods are exposed for sale, but not a hotel, club or banquet in respect of which a permit has been granted hereunder.

## JOINT SELECT COMMITTEE.

In the Joint Select Committee on this Bill, a repeal of the Prohibition Act, and the substitution of a measure allowing the sale of alcoholic liquor as a beverage, was adopted by a large majority, without any party distinction. On two succeeding days, opportunities to discuss the principle and details of the Bill were given. On the first occasion, one citizen only made helpful suggestions as to details, and on the occasion deputations were heard, who intemperately avoided all discussion of details, but made various suggestions as to why the Bill should not be proceeded with at this session. Some of the female speakers confined themselves to familiar arguments in favor of temperance, but not one of these attempted to show in any way how temperance could be advanced by prohibition, or how these conditions could be ended. The male speakers were only in agreement on the plea for delay, but were not unanimous in their objects in asking delay, and upon the whole it appeared as though they pleaded for delay not to improve the Bill, but to defeat any measure negating the principle of Prohibition. One, for instance, said that a mandate had been made by the law, and "British fair play" required that it should only be repealed by another mandate, but when asked if by this he meant that a referendum, costing perhaps one hundred thousand dollars, should be held to decide this question, his answer was inconclusive, and another prominent associated speaker said "Yes," and yet another said "No, not necessarily," and made the remark which implied that he wished that an opportunity should be afforded, by delay, to create a public agitation during which it could be decided whether a referendum should or should not be held; by which he really meant, I think, that he would favor a referendum if sure its results would be as he wanted, and oppose it if he thought the result would be in favor of repeal. The plea most strongly insisted on was for delay, upon the ground that the Premier's Manifesto had promised an "ample" opportunity to discuss the details of an alternative measure to Prohibition, and such an opportunity had not been afforded, to the outposts



especially. The Premier's reply was, that the opportunity already offered, and which would be extended, if need be, had not been availed of in the slightest degree by those present, or by others, to be helpful as to details, and it had not been argued that by any greater delay any really valuable suggestions could be hoped for. It was the intention to appoint a Commission of Inquiry after the Bill passed into law, and all suggestions worth while could be added to the law by way of amendment, with the advantage gained from experience of the working of the new law. He could not see that present lawless conditions should be allowed to continue, and felt that some attempt to regulate existing practices now lawless ought to be made without a delay which could do no real good. He had promised to repeal the Prohibition Act, had made that at least perfectly clear on every platform he had spoken from, and felt he was elected to "clear up," if he could, this distasteful of all offences in the Colony.

## NOT IN GOOD FAITH.

Upon the whole, I was impressed with this conviction, that the arguments for a referendum and for delay were not made in good faith, in this sense, that they were by people who had no thought whatever of supporting any Bill not strictly prohibitory in its nature, that what they really wanted was a measure making the Prohibition Act stricter, and more readily enforceable, and that nothing short of this would in any sense or degree meet their desires. They were, I thought, not asking a delay to make the details of this Bill more desirable, but to give an opportunity for emotional appeals against it, during which its details would be misrepresented, and rhetorical exaggerations would be made. In the course of my discussion, I put forward this proposition:—I said, "many of our population are uncompromisingly opposed to the principle of Prohibition, and regard it as an unjustifiable interference with personal liberty. They have no sympathy with its enforcement. Many who favored Prohibition are for various reasons now convinced that it is unenforceable. Composed as it is at present, a majority of members of the Assembly will not support any amendments of the Prohibition Act designed to make it stricter. As it is, it is a hopeless failure, a breeder of all forms of lawlessness. If it is not, then, preferable than an attempt would be made to pass a law regulating an existing traffic now lawless, in the hope that a reasonable measure of regulation may command the sympathy and support of the vast majority of our people, and so make the law enforceable, thereby at least decreasing lawlessness, decreasing moonshining, decreasing smuggling, and possibly also decreasing the consumption of spirits." That, Sir, is in brief the justification for this Bill, and is why I ask this House to pass it.

## AMUSING ASSERTIONS.

I was much amused by the remarks of one ardent speaker before the Joint Committee, who argued (1) in favor of the "old fashioned open saloon," as opposed to having a bottle under the still for private consumption, (2) that hotels would be more prosperous without the privilege of selling wines and beer to travellers at dining tables during meals, citing in support the great increase of hotels in American cities since Prohibition was made law, and (3) the complete absence of moonshining, smuggling, and "scraps" and the ease with which (in the near past, if not now) supplies could be got, even from the Controller's office, negating that argument. In so far as improvement is due to Prohibition, it is ascribable in the main to the closing of the open saloons, with the result that invitations to "go away" good fellows who went in to get a drink, treated and was treated, and remained there until his week's

pay was gone. Many people say with deep conviction that the closing of such saloons is the only good which has come from the Prohibition Act. As for the increase of hotels in great cities, it is due, of course, to increase of population, of business, and perhaps to restlessness since Prohibition, on the part of those who in the past stayed quietly at home, or were habitués of "good old fashioned saloons." Hotels in great cities, to which people must go, and hotels in far off places, to which people will only go for sport or health, or for a vacation, are very different propositions. There, they must exist, here they can only exist for special reasons. The tourists we wish to attract here are those who at home live luxuriously, who can eat and drink there the things they like, and who will not come to the comparatively limited food and accommodation we can now give them. Hotel operators have offered to come here to operate hotels if permitted to sell wine and beer to their guests, and have refused to come if not permitted, and these men are better authorities on these matters than the Reverend gentleman who misunderstood the significance of the hotel figures he quoted. As for Nova Scotia, I desire to say that I am not convinced of the completeness of Prohibition there, but that long before Prohibition was adopted, Nova Scotia, with its "wicked slopes," was the haven of temperance provinces of British North America, and has not greatly changed in this respect in the half century I can remember it.

## DEBATE IN ASSEMBLY.

The discussions amongst members of the Joint Select Committee, and the debates in the Assembly, presented certain notable, one might rather say, reasonable, features. Not one man said a word in defence of the Prohibition Act or its effects. Not one man, so far as I can recall, advocated its amendment and enforcement. Not one of the three men who refused to sign the Committee report in favour of this Bill proposed an amendment or an alternative in Committee, or in any way either criticized it favorably or unfavorably. In the debate in the Assembly, the opposition to the Bill has been confined to pleas for delay, but the pleaders even there indicated no wish which they thought the Bill could be made better, or suggested any better Bill. The majority of the advocates for delay had been delaying ever since 1921 over the report made by the Commission appointed by the Squires Government in that year. One was a member of governments that for seven years aided in the violation of the Prohibition Act, and others were supporters of those governments through all those years. The majority of the objectors took part or supported the scandalous misconduct of the Squires government. In this regard, from 1919 to its fall in 1923, and now their only contribution to the debates on this Bill is an appeal for delay.

## COMMISSION REPORT, 1921.

I propose to publish as an addendum to my speech the Report of the Royal Commission appointed in 1921 to inquire into the operation of the Prohibition Act. It is a remarkable document for many reasons. The Commission was unanimous in its findings. In the quality of its membership it was a strong Commission, professionally, intellectually, denominationally, and in breadth of view. I agree with its findings as to matters of fact, and in almost every one of its recommendations. It is a remarkable fact that I did not read the report until I had completed the draft of the Bill now before you, yet with few exceptions the recommendations in the report are reflected in the Bill, and more also. Dope, Moonshine, Smuggling—these followed one another, say the report, as results of the Prohibition Act, and finally the report recommended that every family, sick or well, should be allowed spirits, wine and beer every three months. No stronger temperance man than Dr. Levi Curtis and Dr. Jones were ever known in this Colony, yet their hands are to that report. The evils they deplored admittedly existed, the legislation they recommended was urgently needed, and yet the men who pious-holed that report, who suppressed its publication, and never attempted to carry it out, are posing to-day as temperance advocates, and pleading for delay. "Manana"—"tomorrow"—should be the badge of their party.

Up from Port Union has come upon this matter a voice as from one long

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politically dead. Sir Wm. Coaker has sent an incoherent cry for delay. He wants "a bottle twice a month, and light wines and beers for travellers," and he threatens dire things to the Government if it permits "any further departure from the principles of temperance." This from one who in 1920 agreed that his government should sell \$485,000 worth of liquor "for sickness." This from a man who kept Meany in office as Controller. This from one who aided the Colony to become a base for rum-running into the United States. This from a member of the Government which shelved the Curtis-Jones report. This from one who for many years arbitrarily controlled the government under which the Prohibition Act became a scandal and a reproach, the friend of moonshiners, and the partner of rum-runners. The hypocrisy of it all is not the least revolting part.

## PLEAS FOR DELAY.

Delay to permit the holding of a Referendum (if that be desirable) is a reasonable request, but we do not think a Referendum desirable. But delay to consider details is not reasonable, not desirable, and ought not to be granted. How can the complexity of this Bill be intelligently discussed before it has been enacted and published. Then it can be seen in working, and understood, and all desirable amendments be enacted.

I cannot agree, therefore, that there are any evils in the plea for delay, to discuss the details of this Bill. In the first place, the details are necessarily many and technical, and com-

petent criticism is only possible by experts, and by those enlightened by the actual working out of the Act. Popular discussion of the details would be a confusion. In the second place, the Commission of Inquiry which will be appointed will be a better tribunal for hearing criticism of details than this Legislature can possibly be. In the third place, the effort which has to be made to secure tourist traffic cannot abide delay. If hotels and motor roads are to be built, for any traffic even in 1925, they must be initiated now, and delaying this Bill means delaying a great enterprise, calculated to afford labor now, and a profitable industry, I may well call it afterwards. There are some narrow-minded people who speak of tourists as though they were all lost souls, people of the baser sort, with "guns" in their hands and flasks in their hip pockets, but the tourists we shall aim for, are sportsmen, lovers of fine scenery, capitalists with

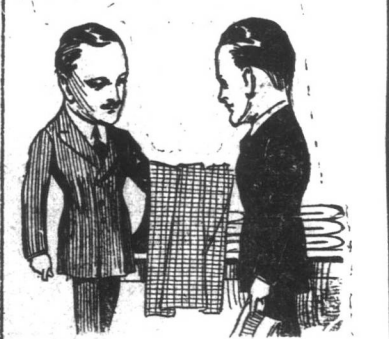
eyes open for investment, not mere trippers, but cultivated and capable citizens who have time, money and desire to see this fine little out of the way part of Paradise. Then, my fourth objection is this: Admittedly a state of almost universal lawlessness exist in this connection, and moonshining and smuggling are rampant. They bring other lawless practices in their train, especially disrespect for all law. The mandate to this Government, given by the people, as "Clean Up: Keep Clean," and to this end we ask you to make law of this Bill, and leave to us the enforcement of it, aided, as we shall be, by all good citizens. I confess I cannot understand, with the charity I wish to accord to them, the excited opposition of certain good people to this Bill, in defence of the bare bones of a measure falsely called Prohibitory, but which nobody obeys, nobody respects, nobody defends, and which "all the King's horses and all the King's men" could not make a vital, living law.

At the risk of worrying you, there are two more points in this connection that I feel I should speak to you about, and through you to the public; one is the incapacity displayed by Prohibitionists since the Prohibition Act was adopted, in 1915; and the other is the delusory and wholly absurd cry that an orgy of drunkenness will follow the enactment of this Bill.

## INACTIVE PROHIBITIONISTS.

When I speak of the inactivity of Prohibitionists, I shall be asked, "Is there any one who is not of that class, and how we can excite oursel-

ves from a share of the blame. I shall make no excuse for myself, except to say that my counsel and advice were always freely given to the advocates of Prohibition who sought it, from 1915 and upwards, and the only (continued on Page 9).



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