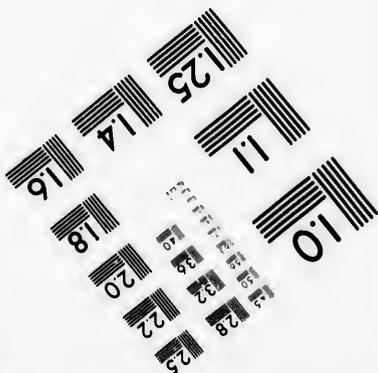
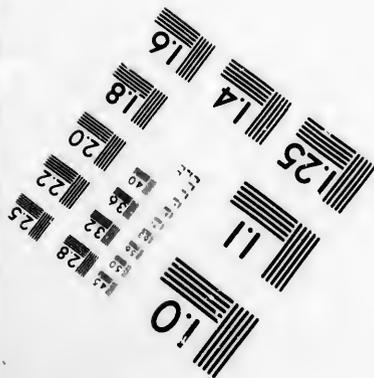
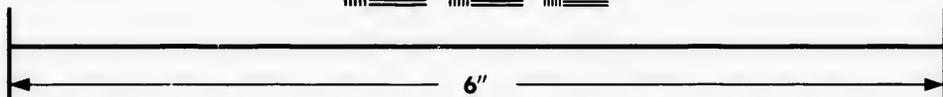
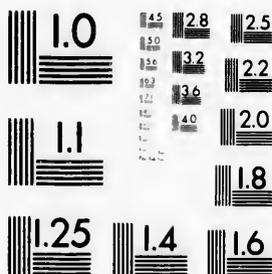


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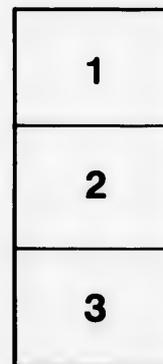
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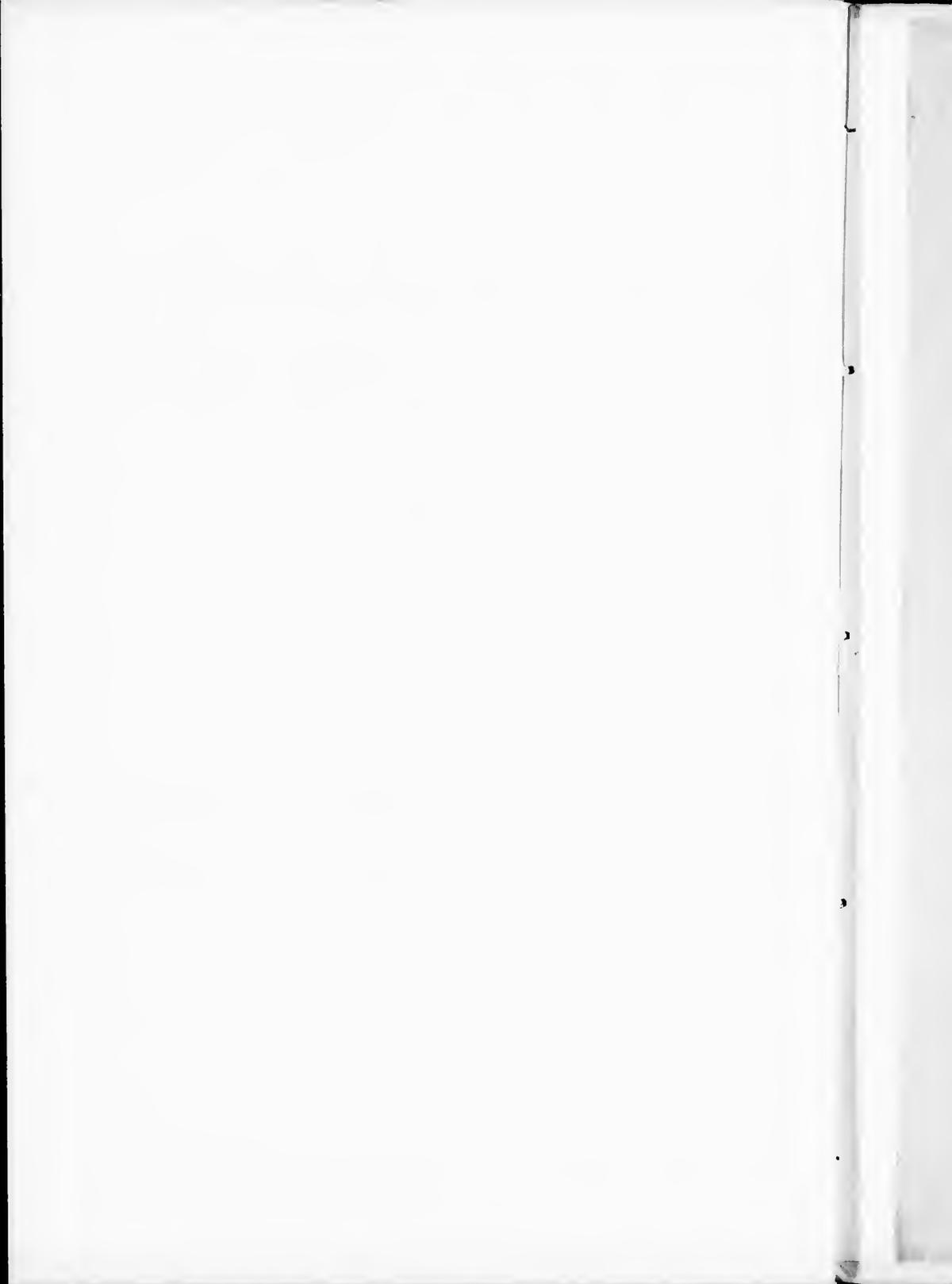
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Letters
on
Prohibition



BY

"TEMPERANCE"

1897

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1897(17)

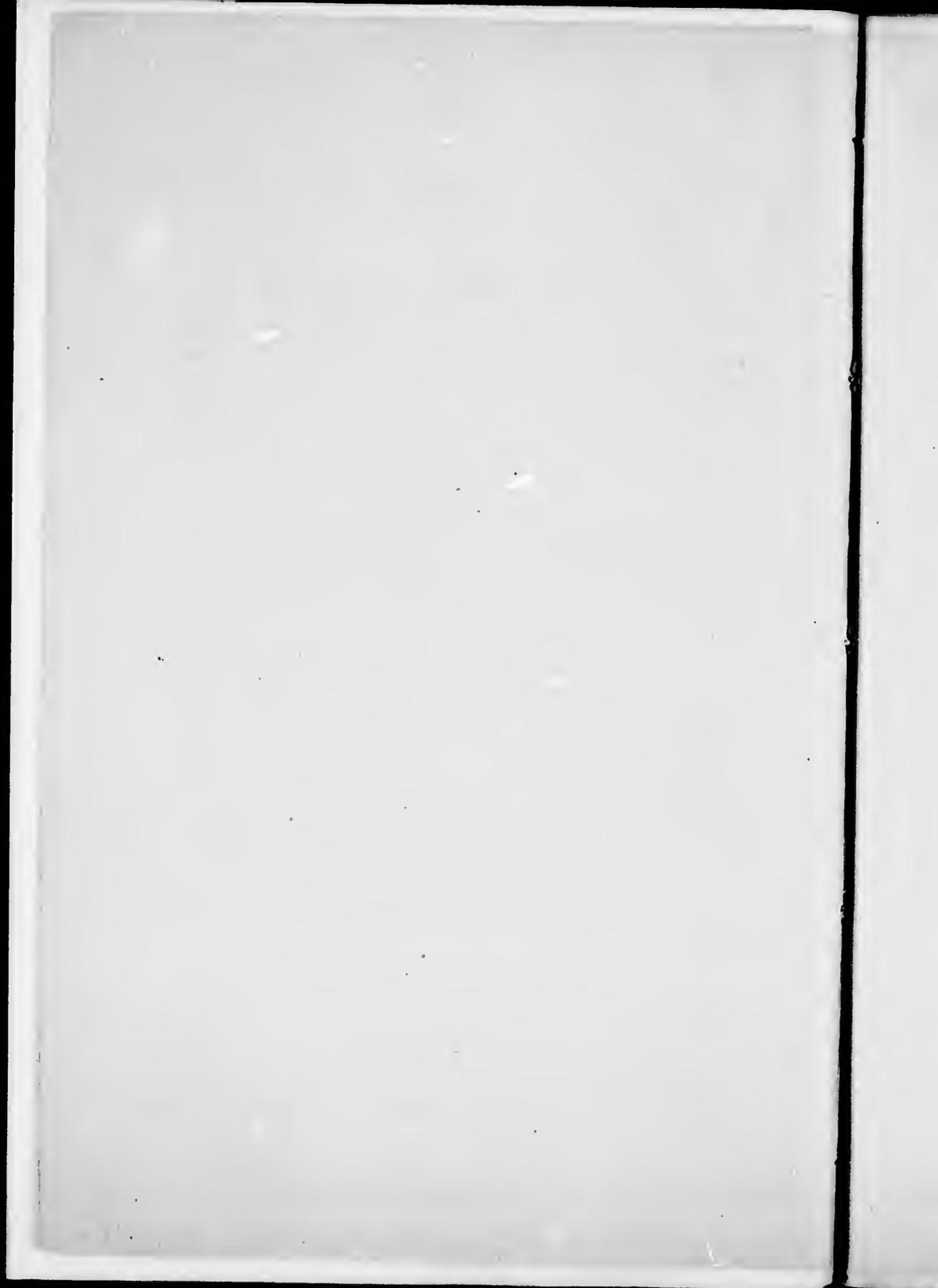
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PREFACE.

The following letters were published in the Spring of 1897 in the *Halifax Morning Chronicle and Herald*. They were written with a special view to the bill for a Provincial Prohibitory Law at that time before the Provincial Legislature, and with special reference to the probable results of such a measure in the City of Halifax; but they have been deemed of sufficient general importance to justify their re-production in pamphlet form, together with some additional matter.

HALIFAX, 1ST JUNE, 1897.

"TEMPERANCE."



I.—Provincial Prohibition.

SIR,—It appears probable that, acting upon a mistaken belief in the force and effect of the recent decision of the Privy Council upon the questions submitted to it respecting the power of the Provincial Legislatures to deal with the traffic in intoxicants, an attempt will be made at this session of the Legislature to pass some measure of provincial prohibition. The question is one of the most serious moment from a great many points of view, many of which do not always meet the consideration which they deserve.

It is the intention of the writer in this, and (with your permission) some succeeding letters, to ask the dispassionate attention of the general public to a few of these aspects of the case. It is a subject badly in need of calm consideration. Almost the only language heard in public upon it is the passionate and rhetorical appeals of the extreme prohibitionist wing of the temperance party—appeals in which the evils attending upon the traffic are painted in the most lurid colors, but in which one seldom meets calm and candid attempts to deal with such aspects of the case as the rights of the common citizen who is neither prohibitionist nor “rum-seller,” nor the rights of property, nor the question of revenue, nor the legal difficulties that surround the problem, nor the collateral effects of attempts at enforcement upon the general morality and regard for law of the communities in which such attempts have been made, nor what, in the light both of the abundant experience of other countries and of our own peculiar circumstances and surroundings, is the probability of any success in our own case of another such attempt.

It is not that such considerations are entirely ignored by the general public. One has only to mix in general conversation in any class of society, in this city, at any rate, to find out that these aspects of the case are thought of by the general public, and the prohibitionist's view of the problem is very far indeed from meeting with general acceptance. But the trouble is

that the other side of the case so seldom makes itself heard in public. The reason of this probably is the utter failure of the attempts thus far made in the way of prohibition to accomplish any practical results. In this Province we have had so far prohibition in theory only, and not at all in practice, and it is not human nature to concern itself much with theoretical troubles. The attempts at prohibition hitherto made have indeed caused much annoyance to many individuals engaged in the liquor traffic, especially to those of the humbler class; they have caused a great loss of revenue to the various municipalities, and put them to great expense in attempts at enforcement of the laws, and they have done much to demoralize the community, promote perjury, and bring all law into more or less disrepute. But when we come to look for the practical result which all prohibitory law aims at, and ask how many persons have been kept from obtaining liquor when they wanted it, the only answer possible to anyone who knows anything of the facts of the case is practically none at all. Speaking generally, there has never been a time, except for brief intervals, in the history of prohibition in any country in which it has been attempted, when any person who really wished to obtain liquor in any quantity, small or great, and for consumption in any manner or at any time that he preferred, has had any difficulty in procuring all that he wanted.

I have spoken of the history of "prohibition" in this Province, because we have had for years what, if there was any force of public opinion at the back of it, would be the stiffest kind of prohibition in the shape of the Scott Act in force in almost the whole of the Province outside of the City of Halifax, and in the city itself the present license law was intended to operate as a measure of prohibition, both by its requirements as to the obtaining of licenses and its prohibition of drinking at bars. So long as prohibition is thus destitute of practical effect upon the persons whom it is really intended to reach, it is only natural that the latter should give themselves very little concern about it.

But it is not right that the general public should treat the question with this indifference so long as their own toes are not trodden on. The question is too important, and its collateral effects on individuals, on trade, on the revenue and on general morality

and regard for law, are too serious to be ignored in this fashion. The threatened attempt to pass a provincial prohibition law will be a step further in this direction than we have yet gone, and though an enormous accumulation of experience forbids the belief that the attempt will be any more fruitful of success than its predecessors, the disastrous consequences will be so certain and so serious that the general public ought to take them into consideration, and it is with the hope that some portion of the public will give the matter a little more thought than usual that this is written.

It will be as well at the outset to ascertain just what the recent decision of the Privy Council, on which so much store is set, decides—because it is apparent that the most erroneous opinions prevail respecting it. It is often referred to as though it had completely and definitely decided the question of provincial prohibition in favor of the Provinces, including the questions not merely of the retail trade, but also of the wholesale, of manufacture, and even of importation. Nothing could be further from the truth. It is not an easy judgment to understand, and it is evident, as indeed their Lordships expressly stated, that the Court did not intend to be too precise or to bind itself too closely by the decision of a number of purely speculative questions. But on the whole its effect is pretty clear.

The questions which the Court were asked to answer were the following:—

- (1). "Has a Provincial Legislature jurisdiction to prohibit the sale within the Province of spirituous, fermented or other intoxicating liquors?"
- (2). "Or has the Legislature such jurisdiction regarding such portions of the Province as to which the Canada Temperance Act (the Scott Act) is not in operation?"
- (3). "Has a Provincial Legislature jurisdiction to prohibit the manufacture of such liquors within the Province?"
- (4). "Has a Provincial Legislature jurisdiction to prohibit the importation of such liquors into the Province?"
- (5). "If a Provincial Legislature has not jurisdiction to prohibit sales of such liquor, irrespective of quantity, has such Legislature jurisdiction to prohibit the sale by retail, according to the definition of a sale by retail either in statutes in force in the Province at the time of Confederation or any other definition thereof?"
- (6). "If a Provincial Legislature has a limited jurisdiction

only as regards the prohibition of sale, has the Legislature jurisdiction to prohibit sales subject to the limits provided by the several sub-sections of the 99th section of the Canada Temperance Act, or any of them.

(7). "Had the Ontario Legislature jurisdiction to enact the 18th section [of the Ontario License Act of 1890]."

The Court observed that the substantial, and in fact the only practical question before them, was the 7th,—that respecting the validity of the Ontario Act, which was as follows:—

After reciting that the Act about to be re-enacted was part of the municipal code of Upper Canada at the time of Confederation, it proceeded to re-enact the law reading as follows:—

"The Council of every township, city, town and incorporated village, may pass bye-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors in any tavern, inn or other house or place of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment; provided that the Bye-law before the final passing thereof has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of the Municipal Act; provided, further, that nothing in this section contained shall be construed into an exercise of jurisdiction by the Legislature of the Province of Ontario beyond the revival of provisions of law which were in force at the date of the passing of the British North America Act, and which the subsequent legislation of this Province purported to repeal."

The judgment of the Court is lengthy, but the important point of the whole is this: that the Ontario Act was sustained solely on the grounds, (1) that it was a re-enactment of a law existing previous to Confederation, and, (2) that it purported to deal with a "matter of merely private and local nature within the Province." What the Court meant by this they made plain. They say "the prohibitions which section 18 authorizes municipalities to impose within their respective limits, do not appear to their Lordships to affect any transactions in liquor which have not their beginning and their end within the Province of Ontario. The first branch of the prohibition enactment strikes against sales of liquor by retail in any tavern or other house or place of public entertainment. The second extends to sales in shops and places other than houses of public entertainment; but the context indicates that it is only to apply to retail transactions, and that intention is made plain by the terms of the explanatory Act, which fixes the line between whole-

sale and retail at one dozen of liquor in bottles and five gallons if sold in other receptacles. The importer or manufacturer can sell any quantity above that limit; and any retail trader may do the same, provided that he sells the liquor in the original packages in which it was received by him from the importer or manufacturer." With these provisions the Court contrasted those of the Scott Act as being much wider reaching and as "having an effect which may extend beyond the limits of a Province."

For the reason then of the wholly local character of the regulations, the Court pronounced the degree and extent of prohibition attempted by the Ontario Act to be within the competence of a Provincial Legislature, but no more than that.

The Court then proceeded in most cautious and general terms to answer the other questions.

The question as to importation they answer in the negative.

The answer to the question as to manufacture is as follows:—

"In the absence of conflicting Legislation by the Parliament of Canada, their Lordships are of the opinion that the Provincial Legislatures would have jurisdiction to that effect, [*i. e.*, to prohibit the manufacture], if it were shown that the manufacture was carried on under such circumstances and conditions as to make its prohibition a merely local matter in the Province."

An answer which, though affirmative in form, is practically a negative, because for both distilleries and breweries there exists, and so long as excise duties are continued, must exist the very strongest kind of conflicting legislation by the Parliament of Canada, and both are prevented from being merely "local matters with the Province" by the facts, first, that they are very large contributors to the general revenue of the Dominion; and second, that they all have extensive trade with Provinces other than that in which they are situated, and with countries outside of Canada. As to the wholesale trade the Court gave no express finding beyond what could be inferred from the mode in which they dealt with the other questions. But from these it may be gathered, that in the opinion of the Court, the Province could certainly not touch it so far as concerned importation and sale outside of the Province, and also probably so far as concerned sale within the Province, if really of a wholesale character. It should be added that this measure of prohibition, limited as it is, could only be applied to those portions

of the Province in which the Canada Temperance Act had not been brought in force. In this Province this would include the counties of Halifax, Colchester, Antigonish, Richmond and Victoria, and the City of Halifax. The counties, with the exception of one or two licenses in Halifax, are practically under a prohibitory law now in the Provincial License Act. So far as the law goes the Province can do no more for them than they now have, except give the lawyers a fresh set of conundrums wherewith to vex the souls of prosecuting officials, for which they will no doubt be grateful, seeing that several years of experience have worn those afforded by the Scott Act and the Provincial License Act somewhat threadbare. Practically, the only field for experiment is Halifax city. For this, putting the effect of the decision at its best, it would enable the passage of a law prohibiting retail sales; the breweries would continue, a distillery could be started if anyone chose, importation would go on without check, either from abroad or from the rest of Canada, the wholesalers would continue in business, and whether their sales even within the Province could be checked would not be determined without another appeal to the Privy Council—in short a sort of Scott Act for Halifax city, much modified and weakened, and without a popular vote. The question for the general public to consider is, what results of good or evil could be expected from such a measure?

II.—Nova Scotia's Experience of Prohibition.

SIR,—In the letter published by you on Tuesday last I endeavored to make plain just what, under the recent decision of the Privy Council, the Provincial Legislature has power to do in the way of controlling the Liquor Traffic; and I think I succeeded in showing that all any person could say with certainty was that it could prohibit retail sale in the City of Halifax. The question for consideration is this: Is there any prospect that the cause of temperance would be promoted by any act to that effect?

The prohibition that could be thus effected would be much the same in degree with that of the Scott Act. Fortunately this Province has had a tolerably extended experience of the working of

that Act, and we can judge from that what its effect would likely be if tried in Halifax. It was adopted with high hopes in almost every County of Nova Scotia by overwhelming majorities. From time to time the most strenuous efforts have been made to enforce it, but will anybody in a position to know anything of the facts assert that it has caused any real advance in temperance reform in any of our leading country towns? It may be a success in the rural districts—that is to say, it is said there is no liquor sold in them. I doubt if there would be much more sold if there was no Act prohibiting it at all. A half a century of temperance work of the genuine sort has trained up a country population which either does not want liquor at all or only on rare occasions and in moderate quantities. And the same is probably true of some of the smaller country towns that are little more than rural villages. Temperance sentiment is overwhelmingly strong in them, an offender is at once detected, and public opinion backs up the most prompt and vigorous enforcement of the law. It is possible that in such localities the Act may be a useful reinforcement to a public sentiment which would be almost strong enough to bring about the same result without an Act at all. But having conceded so much, I think I am fairly entitled to ask to be shown one of the more important country towns in which anything like success has been achieved. In these the Act has to meet a totally different set of conditions,—a prohibition sentiment, although in a majority, yet by no means overwhelming, a small minority opposed to prohibition entirely and on principle, a large minority in favor of it in the abstract but opposed to it in practice, that is to say, who will vote for the Scott Act to-day and to-morrow buy a glass of whiskey, social habits very different from those of the country, far greater facilities for concealment and evasion of the law, and a transient population more or less numerous. I have not included the people actually engaged in selling liquor in this enumeration, because I believe any candid person who thinks a moment must see that they are absolutely of no account at all. If the twenty or thirty people who are engaged in selling liquor in violation of the law in any one of our country towns were really, as some of our prohibitionist friends would have us believe, in the same position as other violators of the law, criminals, thieves, say, or forgers, they would be swept out of the community

in twenty-four hours, and if the community could not find law for doing so it would not be long in becoming a law unto itself. What the prohibitionists have to deal with, though they not very candidly or honestly evade that difficulty, is the rest of their fellow citizens who do not regard this question in the same way as themselves.

Well, in the face of the conditions presented by our larger country towns how has the Scott Act succeeded? Its history in one is its history in them all. Great enthusiasm at the outset, wonder and bewilderment at finding that the law did not produce immediate obedience, determined effort at enforcement resulting in a great harvest for the lawyers, some convictions resulting, when not upset, in some fines and now and then a "runseller" being put in gaol, inability on the part of the advocates of prohibition to keep up the strain and stand the expense, lethargy during which the bars open again, then spasms of enforcement followed by more lethargy, spasms becoming less frequent, lethargy longer and more complete. To-day in most of our leading country towns, no stranger would for one instant dream that he was in a place under prohibitory law. All the chief hotels have open bars, many of them beautifully and expensively fitted up, at which all kinds of liquor are sold without the slightest attempt at concealment. In addition to the hotel bars, any policeman or other person familiar with the town can name a dozen to a score of other places at which liquor is sold with greater or less degrees of respectability, from saloons almost as open as those of the hotels, down to the lowest dens where bad whiskey is doled out to boys through all hours of the night, and the rattle of the dice box and the poker chips goes on till daybreak. As to enforcement of the law at the present time, it is practically at an end. Occasionally when a den becomes too obnoxious to be longer tolerated it will be "raided" and broken up. At times a fresh "crusade" will be started by the ministers and the W. C. T. U., a few hundred dollars raised and hostilities opened with the announcement that this time they really mean to drive the "accursed traffic" out of the town. Then the open front doors of the bars close for a time, and the proprietors conduct their patrons through side entrances with an apology on account of the "temperance people kicking up a little racket just now," a few prosecutions are started in the Police Court and sputter along vigorously

after the usual fashion, with unwilling witnesses squirming and prevaricating, and in the last resort downright perjuring themselves, and counsel squabbling on the abstrusest technicalities, ending finally in certiorari proceedings that postpone the day of judgment indefinitely, until the enthusiasm and the money are both spent and the "crusade" dies a natural death and the bar doors swing open again, and everything goes on as before.

This is no fancy sketch, nor any account of what goes on elsewhere, even in Maine. It is an accurate picture of what is going on in a dozen of our country towns, and anybody can satisfy himself that such is the case by taking the train for half-a-day, or by a few minutes conversation with any commercial traveller.

Now, the question for the consideration of practical men is this: If these are the only fruits of such a prohibitory law as the Scott Act, after ten and fifteen years of it in our little country towns of five and six thousand people, what possible result for good can be expected by the enactment of a similar law, though less stringent, for the City of Halifax—a seaport with 45,000 people, an army and naval station? Such a law in this city would not have even the sanction which the Scott Act had in our country towns. They at least all voted in favor of it by sweeping majorities, and it was no unreasonable presumption at the outset that the people who voted for the act would for shame and consistency's sake make an effort to enforce it. But in Halifax it would be quite otherwise. It has been open at any time to take a vote on the Scott Act for the city. But the prohibitionists have never thought there was any prospect of it being carried. What some of the more extreme of that party apparently propose, is that the Provincial Legislature shall pass what would be in effect a weaker Scott Act for Halifax without reference to her citizens at all, and in defiance of what is believed to be the strong opinion of the majority of the people by whom it will have to be enforced. Do they suppose that this will add to its popularity?

Now, these are the considerations that ought to weight with practical, reasonable people at the present time, and yet with a certain class of the prohibitionists they are as completely ignored as though they did not exist. They seem to think that all that is required of them is the time-honored harangue against the evils of

the liquor traffic, the horrors of the drunkard's home, the thousands of men going down yearly to the drunkard's grave, the magnitude of the country's yearly "rum bill," the misery and vice and pauperism that "rum" produces. Well, it is very sad, and for a good part, at any rate, very true—not altogether true, because these good gentlemen and ladies are, like most enthusiasts, somewhat given to exaggeration. And there is another side of the case from the point of view of the moderate users of liquor, the really "temperate" people who outnumber those who use liquor to excess fifty or even a hundred to one; but we will put that aside for the moment. Supposing all that the extremists of prohibition say to be true, what has it got to do with the actual situation? It is just what John B. Gough and Neal Dow, and the other great apostles of prohibition said a half century ago. Since that day they have had their will in all the prohibitory law they could wish in a score of Legislatures, and in every case with the results entirely similar to or worse than those we see in our own country towns. Is this half a century of experience to count for nothing, and are we to go on in Halifax merely to add one more illustration of the utter inefficiency of all such laws?

If such laws were merely inefficacious, it would be bad enough, but the trouble is that they are effective enough, but not in the way in which their promoters wish. If we want to see what they can do we must look at the results of an attempt to enforce prohibition of the real kind—not the milk and water sort that alone is open to our Provincial Legislatures—in cities of the size of Halifax. Fortunately, we have in the six volumes of evidence collected by the Canadian Royal Commission an account of its workings, so complete that the only difficulty is that of selection. How utterly demoralizing to a community such as Halifax the attempt to enforce a prohibitory law can be and is in other cities is probably not realized even by those who realize that it would be inefficacious for good. But I must reserve illustrations for a future time.

III.—How it Worked in Charlottetown.

SIR,—I promised to give some of the experiences of cities under prohibition as detailed before the Canadian Commission. It may be just as well to say a word or two at the outset as to the comparative value of witnesses and evidence upon such a subject, for there is the greatest difference between them. Obviously, what is wanted is facts, not opinions. Opinions before the Commission, both favorable to prohibition and opposed to it, there were galore. But neither should have much, if any, weight attached to them. Then, in such a question as this, the character and profession of the witness, his likelihood of bias one way or the other, and his means of information, are all important. The evidence, for instance, of persons engaged in the liquor trade is obviously in danger of bias against prohibition. Ministers have, as a rule, an equally strong bias the other way, and these last are obviously in a position to know very little of the facts,—whether liquor is easily procured or not, what the character of the houses selling it is, and the like. The best witnesses are manifestly those whose daily life brings them most into contact with the general mass of the people, and especially those on whom the task of enforcing the law rests,—prosecuting attorneys, police magistrates, sheriffs, marshals and police officers. If these have any bias it would rather be in the way of exaggerating the success of their efforts at enforcing the law.

Charlottetown is a city whose experiences under prohibition are worth studying. In every way she is much more favorably situated for a successful trial of it than Halifax. She is very much smaller, her population being only 12,000, not much more than a fourth of that of Halifax at the present time. The sentiment in favor of prohibition was at least as strong as that in Halifax, and probably much stronger, seeing that the Scott Act was carried by a more than three to one majority, while in Halifax it is generally considered it would be impossible to carry it at all. The general character of the

population, their social and business habits, and means of livelihood, are practically identical with our own. It is not a military or naval station. For half the year it is practically closed to trade by the ice. The means of enforcing the law were identical—namely, the Summary Convictions Act before a Police Magistrate. And finally the whole island was under prohibition at the one time. Surely the advocates of prohibition could not ask a fairer or more promising field.

The Act was adopted in 1879 by the sweeping majority of 837 votes to 253. In 1884, on a petition for repeal, the Act was sustained, this time, however, the vote standing 755 for the Act, to 715 against. In 1887, a second attempt at repeal was defeated on a vote 689 for the Act to 669 against. In 1890 the repeal of the Act was carried by 700 votes against 686. So strong, however, was the feeling against the liquor traffic, even after the repeal of the Act, that the Legislature refused to pass a License Act, and the former License Act having been done away with by the adoption of the Scott Act, there was presented for a short time the curious spectacle of a Canadian city under "free rum." After a year of this an Act was passed regulating the traffic without licensing it. This was the condition of affairs at the time of the visit of the Commission in August, 1892. In 1894, the Act was again submitted, and was adopted by a vote of 734 to 712. I have no statistics available for the period since then. But from all the information which I can obtain from residents of the place and commercial travellers, the condition of affairs is identical with that prevailing under the former dispensation, and with what we are familiar with in the case of our own country towns. The sale of liquor goes on quite unchecked, and with scarcely even a pretence of concealment, and except for occasional spasms there is practically no attempt at enforcement—and less in fact than under the period of "regulation" between 1891 and 1894; and the evidence before the Commission is therefore quite as applicable to the condition of affairs prevailing to-day as it was then.

It will thus be seen that the experience of the capital of the "tight little island" has been unique, and ought to be most instructive. The Commissioners evidently thought so, for the investigation made by them was very thorough, no fewer than 32 witnesses being

examined, their evidence covering 144 large pages. Of course it would be impossible in the space at my disposal to attempt even a summary of this mass of testimony. But so far as facts, and not opinion, were concerned, this much was not only clear but undisputed: that the most vigorous and persistent efforts were made to enforce the law, that no *legal* difficulties were found in the way of so doing, that police officers, prosecuting officials and the police magistrate all did their duty fearlessly and zealously, and that the result of it all so far as the suppression of liquor-selling and liquor-drinking was concerned was absolutely nothing, while its results for bad in promoting lawlessness, perjury and general demoralization were so marked that after 9½ years of experience of the law the business elements of the community were almost unanimous in working hard for its repeal.

A few of the most significant and striking facts from the evidence is all I have room for.

Statistics as to convictions for drunkenness are apt to be misleading—a different magistrate with a varying view of what constitutes “drunkenness,” a hard-hearted or an easy-going chief of police may make all the difference. In Charlottetown, fortunately, the same police magistrate, Mr. Fitzgerald, occupied the position for some years before the adoption of the Scott Act, during the whole period in which it was in force, and at the time of the Commissioners’ visit, and both the Commissioners and Judge Hodgson concur in speaking of him as an exceptionally able, careful and conscientious official, as is indeed apparent from the manner in which he gave his evidence; and the statistics furnished by him are, therefore, of more than ordinary value. The cases of drunkenness coming before him for the years before the Scott Act, during the period in which it was in force, and for the time after its repeal, were as follows:

Year.	Total Cases in Court.	Cases of Drunkenness.
1876	1,290	676
1877	1,297	737
1878	745	357
1879	544	321
1880	491	256
1881	472	197
1882	404	218
1883	528	250
1884	481	229
1885	640	244
1886	592	299
1887	516	213
1888	598	262
1889	483	395
1890	510	239
1891	566	304

The witness added that the year 1882 was the first in which the Scott Act was really in operation, and he further explained the sudden drop in 1878 by the fact in that year there was a change in the constitution of the Court. Summarizing the cases of drunkenness, he stated that "for the nine Scott Act years the average was 22 and a fraction per month; during the 'free rum' period of 16 months, 22 11-18 per month, and for the short period of regulation 17 per month." It ought to be added that in a subsequent letter to the Commission he stated that the regulation did not work as well as it did first. Evidently, the Scott Act was not much of a success in preventing drunkenness in Charlottetown. It was not, however, for want of vigor of prosecution. During the time it was in force 364 convictions were made for offences against the Act, \$12,643 collected in fines and 123 persons sent to gaol. As to the number of people engaged in violating the law and their character, the following evidence of this magistrate ought to be enough:—

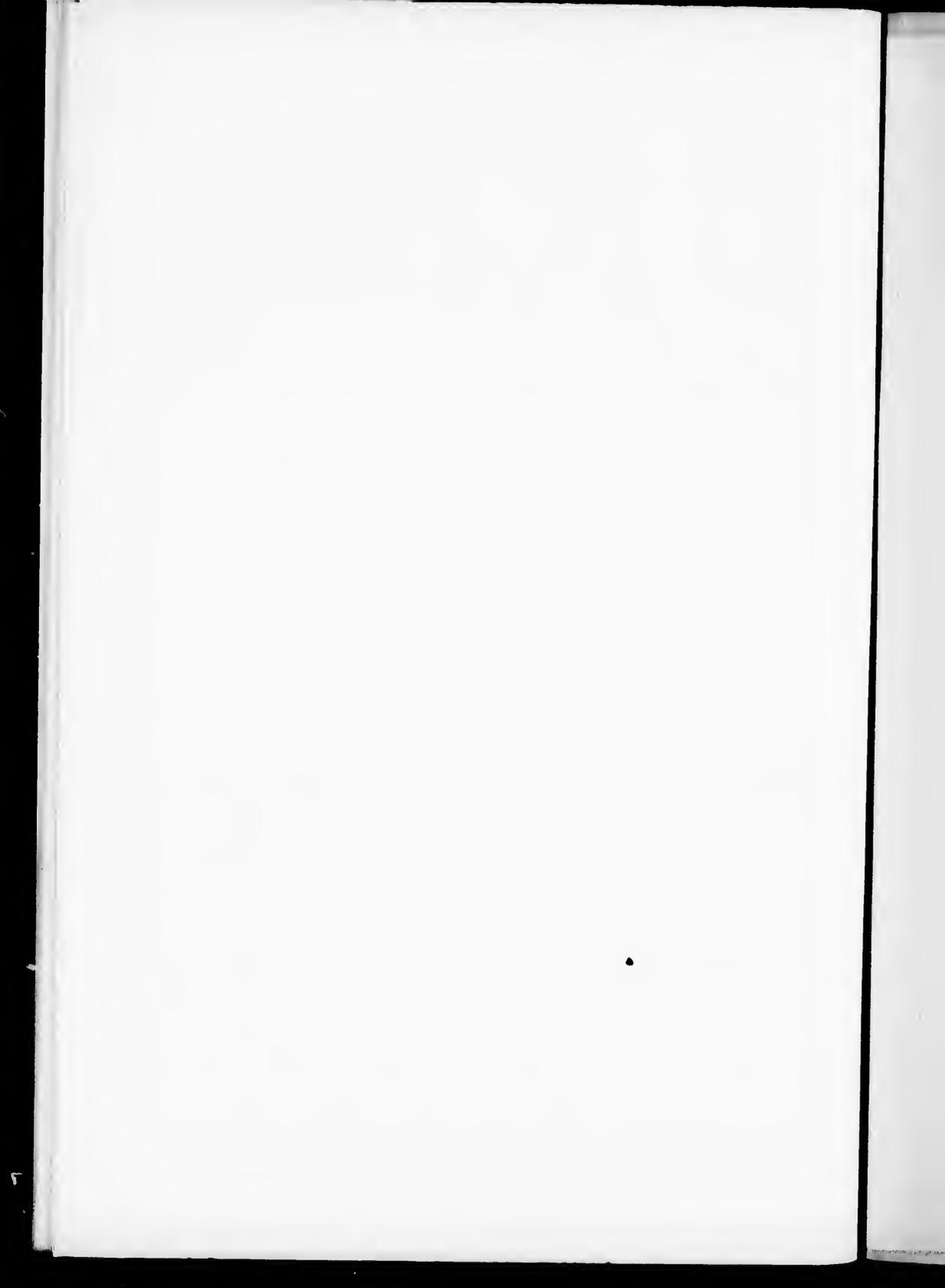
"Do you think there were 243 people engaged in illicit trade in Charlottetown?" "Yes, and a good many more."

"Looking at the matter generally, what were the classes of people engaged in conducting the illicit trade? Were they people who belonged to all classes?" "To all classes; there was no distinction of class."

"Did they include some of the people who formerly held licenses?" "Yes, wealthy men as well as the poorest."

"Are some of these people now carrying on free sale under police

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regulations?" "There are fewer houses than there were in those days. I think the sale of liquor has appreciably diminished under the present law."

The city marshal corroborated the magistrate on both of these points. From actual count he believed that nearly two hundred places were engaged in selling liquor during the Scott Act period, while after its repeal the number had fallen to about 75.

But it would be infinite to multiply quotations. There was no dispute that the Scott Act was an utter failure in Charlottetown, and that its only effects were to multiply secret drinking. It is its collateral effects for evil to which I wish to call particular attention.

In the first place the city lost the revenue it had been obtaining from licenses.

Next, so far as preventing the sale to minors, and the "educative effect of doing away with the open saloon," about which some of our prohibition friends are so earnest, the testimony of all the witnesses in a position to know was that the reverse was the case, and that there was far more drinking among the boys and young men and drinking of a worse kind in illicit places than there had been in the open bars. But on this point the report of the Grand Worthy Scribe of the Grand Division of the Sons of Temperance of P. E. Island, presented at the meeting of that body in October, 1891, nine years after the adoption of the Scott Act, ought to be pretty conclusive. In the report he said:—

"I think I am 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."

Then one point more: All the witnesses agree that one marked effect of the law was to enormously increase the crime of perjury. To take one piece of testimony out of scores, that of the man in the best position to know, the police magistrate.

"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. The uncertainty, beyond all question, conduces to a very large amount of perjury being committed. There appears to be a terrible temptation to perjury in connection with these cases."

And every other witness in a position to know says the same thing. To take an instance from another place—the police magistrate of Portland, Maine:—

“What effect on the morals of the community has all this law-breaking and secret selling of liquor in violation of the law?” “It has in one respect a very bad effect. It has a very strong tendency, and as a matter of fact has reduced the solemnity of an oath in court to a marvellous degree. It is astounding to think that a man whose word you would take in all other cases will in a liquor case commit the most rank perjury in the world. That has been so with people who are connected with the liquor cases. It has, in my judgment, gone further than that. It has affected other people in this respect. People see these persons commit perjury and get scott free, and in my opinion it has a tendency to increase the crime of perjury infinitely.”

Now, I submit the true consideration for people who are talking of a measure of provincial prohibition for Halifax is this: If prohibition of a similar kind, but stronger, had absolutely no effect in stopping the consumption of liquor in Charlottetown, but only caused these bad effects, what can they hope for in this city?

One question is sure to be asked: Why did Charlottetown with this experience go back to the Scott Act in 1894, if even by only 22 majority? I think two reasons may have had a good deal to do with it—one because there appears to be a certain class of prohibitionists whose zeal so far outruns their discretion, and who are so furious at the thought of the sale of liquor being tolerated that they would rather have on the statute book a prohibitory law, even though absolutely unworkable and productive of nothing but evil results, than the best of license acts. A second is to be found in the statement made before the commission by Judge Hodgson. It should be added that this witness had been for years one of the leading lawyers of the Island, and at that time a Judge of the Supreme Court, a prominent member of the Church of England, an experienced politician, a friend of prohibition in the abstract, and a warm advocate of it in Charlottetown, when the Act was first voted on, but, as a practical man of common sense, an equally strong advocate of its repeal after experience of its workings. He gave it as his experience as an active worker in the campaigns for the repeal of the Act, that the lower classes of liquor dealers combined with the

prohibitionists to defeat the repeal; and witnesses in Portland, Maine, testified that the same thing had happened in that city. The reason is obvious. A prohibitory law, with no overwhelming public sentiment to back it up, makes things infinitely more comfortable for the average liquor seller than a good license act, well backed up by public opinion and consequently enforced, does. There is no trouble about licenses, or hours, or shop-fittings, or localities, and everybody is on a par of illegality. I have no doubt that a few years' experience of prohibition as it would be in Halifax would make ardent prohibitionists out of four-fifths of the men selling liquor in the city.

IV.—The Experience of Kansas.

SIR,—“I think if the people desire to enact a statute to destroy the morals of the people, there is nothing that will do it as well as a prohibitory law. It has made more hypocrites and liars, and more perjurers and scoundrels of every kind than any other law that was ever enacted in Kansas.”

Such was the startling statement of the first witness called before the prohibition commission in the city of Leavenworth, Kansas, a witness who stated that he had yet to receive the first five cent piece from the liquor traffic, a newspaper man who had devoted much time to an impartial study of the working of prohibition in Kansas since its first enactment in 1881, and I make the statement without qualification that no one can read the evidence given before the commission by scores of witnesses—by lawyers, judges, doctors, bankers, business men of all sorts, police commissioners, sheriffs—men in the best position to know the facts and without any suspicion of a bias in favor of the liquor interest, without being satisfied that what the witness said was absolutely correct as to the operation of prohibition in the cities of both Kansas and Iowa.

Of course, there were opinions in plenty, especially from ministers not in a position to know the actual facts of the way in which the law was being disregarded, that prohibition had been a good thing for Kansas. But when asked for the grounds of their opinion they almost invariably pointed to the greatly improved

conditions of morals in the state as a whole since the adoption of prohibition. But as was pointed out by other witnesses, in the first place the improvement was not greater than had taken place in the same time in other adjoining states, such as Nebraska and Missouri, which had never been under prohibition, and in the second place in the period before prohibition Kansas had been a peculiarly lawless community, a frontier state, the state in which the war against slavery began, and a border state in the war between north and south. It was also admitted that in rural districts and some of the smaller towns in which the prohibition sentiment was overwhelming prohibition might be pronounced a success. But when it came to the facts as to the question now of importance to Halifax, namely, what had been the results of the law in the larger cities, there was only one answer. It had done absolutely nothing to prevent drinking, and had done an infinity of evil in the way of demoralizing the community.

If the law was not a success, it certainly was not for want of attempts to enforce it. In Leavenworth alone, a city of 23,000 people, they spent in one year \$50,000 in criminal prosecutions, they imposed fines as high as \$500, and filled the gaol with offenders, and all to no purpose. It filled the city with dives and "joints" and "boot-leggers" and drinking clubs, and boys and girls selling whisky on the streets, and spotters, blackmailers and perjurers galore. But not a witness in a position to know could be found to say that there was one whit less drinking. At last between the loss of the revenue that the saloons had been paying, and the enormous cost of the effort at enforcement, there was, in the language of the sheriff, "a perfect hue and cry" to stop, and stop it did in Leavenworth and in all the other larger towns of Kansas and Iowa which had been going through a similar experience.

At the time of the commissioners' visit, the law in the larger cities was not only absolutely disregarded, but, in a way that would have been ridiculous if it were not so fearfully demoralizing, it had been turned into an instrument for doing the very thing it was intended to prevent—that is, the establishment of a license system. So long as the saloons complied with certain requirements—unwritten, but none the less well understood, and paid a monthly fine,

they were allowed to sell in complete open defiance of the law. If they did not, then things were made unpleasant for them. Nothing could be more complete and systematic than the subversion of the law. The Rev. Jos. Dougherty, Pastor of the First Congregational Church in Kansas City (Kansas), a city of 40,000, just across the Missouri River from the Missouri city of the same name, described the process. It was all done in strict accordance with the law. Regularly every month a summons for illegal selling was made out and served on each saloon keeper. Then

“They pleaded guilty. In more than one-half of the cases the men do not appear at the trial. There is simply a brown envelope on which is written the man’s name, and a statement to this effect: ‘I hereby consent that there shall be entered against my name the plea of guilty to the charge of keeping a tippling shop; provided that I do not appear on such a date at such a time in the morning, and the contents of this envelope be used towards the payment of my fine and the costs of the cause.’ Into that envelope is put \$50 and \$1 for witness fees, and then it is sealed and sent to the police court.”

In this way Kansas City raises what is practically a license revenue of \$40,000 a year. In Leavenworth, Wichita, Atchison, and all the large cities of the state, and also in the cities of Iowa, the same thing was going on, with the exception of Topeka and Des Moines, where the trade was a little more secret, though scores of witnesses testified that liquor was just as easily obtainable there as in any of the other cities.

So much for the complete failure of prohibition to prohibit in the cities. Now, as to the mischief, I can only summarize what witness after witness told with the fullest detail and circumstance:

1.—It was training up a generation accustomed to see law broken, defied and made mockery of. Surely I need not expatiate on what an enormous mischief this is. It is practically, so far as it goes, an undoing of the greatest achievement of civilization, the training of a people to obey and respect the law.

2.—As to minors, and the “educative effect of doing away with the open saloon,” hear the evidence of one witness, a man without suspicion of bias in favor of the liquor interests.

“What do you think is the effect of joints on minors and young people?” “Very bad, because a boy can go into a joint and be hid-

den from those who would see him in an open saloon, and the joint keeper never asks the question whether he is of age or under age. He wants the young man's money, and he will let the young man stay there and drink all he wants until he is filled up. These joints make more drunkards than open saloons, and it is the general testimony of every one that they have a very bad effect on minors."

Quotations of evidence to the same effect given by witnesses in all cities of both Kansas and Iowa could be multiplied indefinitely.

3.—An enormous and shocking increase in perjury. Not only did scores of witnesses testify to this, but some of them, men apparently of excellent social positions, avowed that so outrageous did they deem the law and so scandalous did they consider the attempt to make a crime out of what they considered the perfectly innocent transaction of buying a glass of beer, that rather than aid by their evidence in securing a conviction, they would not hesitate to perjure themselves.

4.—The creation of an enormous amount of blackmailing. Naturally, when the cities went into what was virtually the business of blackmailing the saloons upon the systematic and gigantic scale above described, the example was not lost upon individuals. The police force in particular, according to the evidence of many witnesses, was badly demoralized in this way.

5.—From collecting a revenue for the cities by a system of fines at regular intervals for permitting an open violation of the law in one respect, the step was easy to collecting more revenue for permitting an infraction of the law in other respects. How well the community profited by the lesson can be gathered from the following bit of evidence—one out of scores to precisely the same effect from all the leading cities of Kansas and Iowa. It is that of the sheriff of Leavenworth County :—

Are there many places in Leavenworth where liquor is sold?—The report of the police commissioners states about 175.

And the population is what?—About 23,000.

Is there any attempt to regulate them?—The police commissioners fine them every month \$25, the same as they do bawdy houses and gambling houses.

Are bawdy houses and gambling houses fined in that way?—Yes, they pay a fine of so much a month.

Is that considered a kind of license fee?—Yes, it is done in lieu of a license.

Or this from the city marshal of Council Bluffs, Iowa, another "prohibition" town of 30,000 people, which was at the time of the commissioners' visit collecting \$46,000 a year by blackmailing the saloons :—

What about houses of ill-fame?—We collect a revenue from those.

How much?—The girls pay \$8.10 and the landlady \$12.10 per month.

Do you confine them to a certain section of the city?—Yes.

How do you find that system to work?—Very nicely, very little trouble.

You know where they all are?—Yes, they are all registered. If a girl comes to town the landlady has to report her to us.

What time of the month are their fines paid?—The 1st of the month.

Are they notified in the same way?—Yes.

And pay before the 10th?—Yes.

What is your income from them? Between \$200 and \$300 per month.

There is hardly an important city in the two prohibition states of Kansas and Iowa in which a similar condition of things was not reported, originated since the establishment of prohibition and in the reaction from desperate attempts to enforce it.

6.—I have no doubt that all enthusiastic prohibitionists will scoff at any suggestion respecting loss of trade in connection with such things as beer and whisky. But there may be some people not wholly depraved who will sympathize with the complaint preferred by scores of bankers and other business men in Kansas and Iowa, that while prohibition had completely failed, so far as the cities were concerned, in lessening the consumption of liquor, it was yearly causing a loss to her people of business amounting to hundreds of thousands of dollars. Prohibition had in great part closed the breweries and distilleries, and in consequence millions of bushels of corn and other grain were yearly sent out of Kansas and Iowa into Missouri and Nebraska, there turned into beer and whisky and sent back into Kansas and Iowa. Fortunes were being made yearly in the license states by supplying beer and whisky to the people of the prohibition states. Large dealers in Kansas City, Mo., traded exclusively with Kansas. One man had made half a million in ten years in this way. Another produced his order book before

the commissioners, showing a cash in advance trade with all parts of Kansas, aggregating a quarter of a million yearly. Nor was this all. Business men complained that other trade was drawn into the same channel, and anybody at all familiar with trade will say that such must inevitably be the case.

V. —The Lesson of Maine.

SIR,—The state of Maine has had by far the longest experience of prohibition of any country of the world. It passed a prohibitory law in 1851 and has been under prohibition ever since. No less than 43 amending acts have been passed, all in the direction of making the law more stringent. The penalties at one time were increased to such severity that it became practically impossible to enforce them. The prohibition was of a much more sweeping and thorough-going kind than would be possible in this province under the recent decision of the Privy Council, or even under the Scott Act, inasmuch as the powers of the state legislatures are in this respect, under the constitution of the United States, much wider than those of the provinces have been decided to be by the decision just referred to. The States have been able, so far as law goes, to close the breweries and distilleries and to prohibit entirely the wholesale trade. The population of Maine is very similar to our own. If prohibition is to be a success anywhere it ought to have been by this time in Maine.

I am aware that there are plenty of persons who say that it has been a success, and plenty of persons appeared before the commissioners to give their opinion in its favor. But when we come to look at the reasons for their opinion, and the grounds on which it was based, we find the same thing with which we have become so familiar elsewhere, because, in the first place, there had been a great improvement in the drinking habits of the state, as a whole, compared with the habits of half a century ago, an argument that would have some force, though not much, if it were not shown that an equal improvement has taken place in the same time in communities that had never been under prohibition, and in the second place because drinking had almost ceased in the villages and rural

districts. But when the matter came down to the real issue—how had prohibition fared in the cities of the state, and what were its effects on them for good or ill, and what were the actual facts respecting the amount of drinking, I venture the statement that no candid man with the evidence before him could draw any other conclusion than this, that prohibition did not prohibit drinking in any appreciable degree, and did produce a number of very mischievous consequences.

It is more than a little doubtful if even in the country districts of Maine prohibition has been so complete a success as many of the witnesses would seek to represent it. The trade was pretty well kept out of sight, and ministers and avowed prohibitionists going through the country might easily make the mistake because they saw no sign of the traffic that therefore it was non-existent. But one witness in a position to see and who did see, is worth in such a matter a score who did not see simply because they were not so circumstanced that they could see. Take for example this one, a gentleman engaged in the wholesale crockery and glassware business in Bangor, who travelled extensively through the state.

“Are liquors sold in the greater number of these villages?”
 “Wherever they have hotels they sell liquor. I think there is scarcely a hotel but what sells it. I have never been into a hotel in which they did not sell liquor, not openly of course as they do here, but you can get liquor in your room.”

“Do your travelling agents corroborate your statement as to what you say about the selling of liquor?” “Yes, in the business I am in we have a pretty good idea that they sell liquor, because I sell them beer tumblers and whisky tumblers.”

It is worth while to make one further quotation from the same witness just to give a further illustration of how easily good people may be deceived in such a matter as this, and how little value is to be attached to merely negative testimony.

“Two years ago there were special state constables appointed in this city (Bangor) for the purpose of preventing the importation of liquor. About two weeks after they were appointed a prominent member of the school board told me quite jubilantly that it was utterly impossible then to get liquor into the city. A friend of mine, a wholesale dealer in liquor, showed me in his office that very afternoon a statement of account, and I jokingly said to him that he must find it very difficult to get the liquor in now for such a big

order. He said, 'I will show you something,' and he showed me a cheque that he was sending away for \$5,000, the cost of 100 barrels of liquor, and those 100 barrels were taken from the cars that very afternoon between 3 and 6 o'clock,"—and similar quotations might be multiplied indefinitely.

In Bangor, said to be the most active and progressive city in the state, though not the largest, there was not the least dispute as to how the law worked. It was absolutely and completely ignored. In that city of 19,000 people, there were about 130 places (one witness said) engaged in selling liquor as openly as any bar in Halifax to-day. Several wholesale houses did a big business. The city was, as one witness put it, practically a separate community living apart in the midst of the state in open defiance of its law. It had an unwritten code of its own to which it exacted strict conformity. So long as the saloons closed (nominally at least) on Sundays and after ten at night, they went unmolested, if not they found things made unpleasant for them.

In Lewiston, a city of about 25,000, the sale of liquor was not quite so open as at Bangor, but according to the Deputy Marshal of the city, who ought to know, there was more liquor being sold than there ever was, that all told there were between 300 and 400 places selling, including a dozen wholesale houses, and although the police were very lenient in the matter of drunken men, there was an average of 300 arrests for drunkenness every year.

In Portland there has been a more determined effort at prohibition than in any other city of the state, and plenty of witnesses could be found to say that in their opinion the law had been more or less of a success. But, as usual when one comes to sift the evidence and separate undoubted facts from extremely doubtful opinions; and set the evidence of the men who were in a position to know, and did know, and gave positive evidence accordingly, against that of the men who were not in a position to know, and could only give negative evidence, the only conclusion possible is just this, that if this be success for prohibition, then we would like to know what failure would be.

Prohibition was being enforced with unusual vigor in Portland at the time of the commissioners' visit. The question had become, a dozen of witnesses testified, "the mere football of politics," and

the Republicans, who pretended to be its champions, and who generally had control of the state government, alternately enforced it with severity or allowed it to fall into "innocuous desuetude," according as they thought the prohibitionist or the liquor interest the better worth cultivating. At the time of the commissioners' visit the prohibitionists were having their innings and a new sheriff was "making things lively for the rumsellers." But about how much real good he was doing was easily gathered from a few facts.

In the opinion of the police force of the city there had been no decrease in the amount of drunkenness for ten years past. Notwithstanding extreme leniency and reluctance to punish for drunkenness, the number of cases for this offence coming before the police court each year had maintained a steady average during that period of between 850 and 1000.

Though there were at that time no open bars in the city, yet it was perfectly clear that there were abundant sources of supply and that nobody need go thirsty. Some of these were:—

1.—All the principal hotels had abundance of liquor, which was served with more or less secrecy.

2.—"Dives" and "rumholes" of greater or less respectability scattered in great profusion all over the town. One witness, an expressman, who handled large quantities of liquor for such places, and therefore ought to know if anybody should, said he could stand in the door of the hotel in which the commissioners were sitting and throw a stone into half-a-dozen such places.

3.—A swarm of "bootleggers," men, women, boys and even girls as young as ten going about the streets with the vilest kind of liquor, from which they peddled drinks in alleys and corners and stables.

4.—Clubs got up solely for drinking purposes. The expressman already quoted, said he knew of dozens of such in the city, the members of which were mostly young men, and from such opportunities of observation and comparison as he had had, he was satisfied that their influence in promoting drunkenness (to say nothing of gambling) among the young men, was much worse than that of open licensed saloons.

5.—A very large importation of liquor by both freight and

express, in small parcels, evidently intended for domestic consumption.

6.—The state liquor agency at which liquor was sold to anybody for mechanical or medicinal purposes. No further proof was required of its being required for “medicinal purposes” than the statement of the purchaser. Since the stricter enforcement of the law a most alarming increase of illness had taken place in the city, and the agency was at that time doing a roaring retail trade to the tune of \$90,000 a year.

In all these ways it is manifest that the good people of Portland were not going dry by any means. It is, in fact, possible to make a rough approximate to the amount they did consume. The expressman already quoted stated, that from his own business and what he knew of the business of the other four express agencies in the city, at least an average of 100 parcels of liquor were handled daily, of an average value of \$2.50, or, roughly speaking and omitting Sundays, about \$75,000 per year. He further stated that the amount handled by express was but “a drop in the bucket” compared to the amount coming as ordinary freight. Putting the amount coming by freight for home consumption at only double that coming by express, certainly a most moderate estimate, and adding the \$90,000 sold by the state agency, we have a total yearly consumption of \$315,000. The population of Portland was given at 36,000, of which the adult males would constitute about one-fourth, or 9,000. Assuming every one of these to use liquor, the amount consumed in the city would give them \$35 a year apiece, which is not bad for a city that had been forty years under prohibition. I doubt if Halifax can beat it.

I have forbore making any lengthy quotations, simply for want of space. But I must give one respecting Portland, because of the position of the man giving the evidence, his ample experience and consequent knowledge, and the clear and careful manner of statement. It is that of the Hon. Chas. F. Libbey, Counsellor-at-Law, ex-Mayor of Portland, Prosecuting Attorney for the State from 1873 to 1878. This is what he said :—

“I consider that the prohibitory law is a failure so far as the city of Portland is concerned. I consider that it has tended directly and indirectly to bring about a certain condition of affairs

which I consider is not favorable from a moral point of view. Now, I will give you my experience as Prosecuting Officer, and I am going to speak of some matters that are rather personal, so that you may fairly understand my attitude in the enforcement of this law. I received the nomination to the office, which was followed by my election as Attorney of the State over this County, without my knowledge or desire. I went into the office perfectly free. I went in there with the disposition, as I think every officer should have, to make no enquiry into the operation of the law, but as the law was on the statute book, to enforce it. I think I enforced that law impartially with all the vigor I could control, and I would be willing to let the judges and officers of the court speak on that question. I have had five years' experience with the enforcement of the prohibitory law. During that time I prosecuted nearly 1,000 indictments, and I collected in these five years, I think, over \$80,000 in fines in this county, and largely in the city of Portland. I had sentences passed in a month on liquor-sellers that aggregated fifty years. The liquor cases exceeded very largely all the other cases that I prosecuted. Cases of murder and capital offences were included in the crimes that came before me as prosecuting officer. I kept a careful record of every liquor-dealer that I had indicted or prosecuted before the courts, and I had a progressive system of fines and punishments. I kept a record of all these men and the number of times they came before me. * * * * I looked it all over to see what I had accomplished at the end of my time. I found that I had driven out of the business one set of men and another set of men had come in, and so far as I can judge from my experience the last set of men engaged in the business was worse than the first set who were out of the business and were in jail; according as they were driven out of the business they got other men to take their places. In addition to that I found, especially if the sheriff co-operated with me, and if the marshal of the city aided me, that when the law was very stringently enforced it created a demand for club-houses, and found the young men were establishing club rooms here in the city, and not only did they become places where drinking was carried on, but by supplying larger quantities than they generally have in their possession as a means of gratifying their appetite for drink, they were also getting to gambling and other vices, and I had to break up quite a number of these places. I found that, while I was driving the liquor out of the ordinary shops where it had been sold, I was driving it into the houses and kitchens where the children of the family, who up to that time never saw it, were accustomed then to see it dealt out in that surreptitious manner. The rigid enforcement of the law introduced the system of pocket-peddling, something which we never had in the city before. Not only that, but I found that perjury was becoming alarmingly com-

mon in the courts. The prohibitory law does not prohibit, it simply restricts; it does not do more than that, and I believe it does that badly. In our own city of Portland the law has become a foot-ball in politics, no more or less. It enters into state and municipal politics, and the variations in these figures [returns of arrests by the police] which you have before you, are due, in my judgment, more or less, to the efforts by some administrations to make it appear that there has been an improvement in one way or another, or, perhaps, they may think there is something to be gained by showing an increase in one year over the other. I am very sorry to say it, but it is true, that this liquor law opens up such an avenue for bribes that it tends greatly to corruption; the liquor-sellers are given immunity by officers on their beats, and that has been a large source of corruption. It is matter of history that our sheriffs and police force become corrupted. I therefore say that, to my mind, this prohibitory law has not been good to us as a whole, because it does not effect what its friends claim for it, claim in good faith."

Now, I just have two questions to ask. Does anyone think there could be a more vigorous enforcement than this of a prohibitory law in Halifax?

Does anyone honestly believe that any attempt at enforcement in Halifax would give us any other result than it had in Portland?

[Since the above letter appeared in print, the results of the investigation into the working of prohibitory laws in Maine and several other States in the Union, conducted under the direction of the Committee of Fifty, have been made public. This is a body of gentlemen in the United States of the very highest position,—college presidents, leaders in all the professions, etc., who have associated themselves together for the special purpose of investigating and discussing some of the most weighty and pressing social problems of the day. To a sub-committee of this body, composed of President Elliot, of Harvard University; Mr. Seth Low, the celebrated "Reform Mayor" of Brooklyn, N. Y.; and Mr. James C. Carter, one of the leaders of the New York Bar, and one of the Counsel for the United States before the Behring Sea Commission, was deputed the task of making a special study of the Liquor Problem. These gentlemen engaged Dr. Frederick H. Wines, of Springfield, Ill.; and Mr. John Koren, of Boston, to conduct a special investigation of the question. Mr. Koren began his work in Maine, in which State he spent three months in careful and

thorough study of the workings of the prohibitory law in every part of the state, both in the cities and rural districts. The results of the investigation are published, along with the results of the investigation of himself and that of Dr. Wines in other states, in a volume entitled "The Liquor Problem," published by the Riverside Press, Cambridge, Mass. The chapter devoted to Maine comprises 74 pages, and I would heartily recommend anybody wishing really to study the question to get the book and read it for himself. This inquiry and that conducted by the Canadian Royal Commission are the first and only attempts at a thorough and unprejudiced examination of the actual working of prohibition in Maine, and the correspondence in the results of the two investigations is striking. It is impossible to summarize Mr. Koren's essay. It is a summary of closely compacted facts in itself. In every particular it agrees with the results obtained by the Canadian Commission in demonstrating beyond question that prohibition does not in the slightest degree prohibit and is most fruitful of evil in the various directions which I have endeavoured to point out. In two respects indeed, Mr. Koren, as might be expected, working quietly and without the publicity of the Commission, was able to ascertain the facts respecting points on which their work was not so complete. He is able to show, in the first place, that prohibition has completely demoralized the police force in all the cities of the State; and in the second place he corroborates the surmise in my letter that the right kind of enquiry would disclose the fact that even in the rural districts and smaller villages the liquor business, though not so ostentatious as in the cities, was nevertheless in quite a flourishing condition].

VI.—The Application to Halifax.

SIR,—I have endeavored as briefly and succinctly as possible to lay before your readers some of the facts as to the actual working of a prohibitory law. I have only glanced at the subject, and many most instructive and interesting portions of it have not even been touched upon, such for instance as the experience of other Canadian cities and towns under the Scott Act,—Fredericton, Moncton and Portland, N. B., that of the Ontario counties, which

after adopting it by large majorities repealed it after a few years' experience, that of the cities of Massachusetts and Rhode Island, which, after trial of prohibition, both abandoned it. There is probably no subject of human experience on which there exists a greater amount of evidence, and it is all one way. Whatever may be the results of the law in small and scattered communities, the world has yet to see the first city of a size anywhere approaching that of Halifax, in which it has not been a complete and utter failure for any good, and fruitful of great evil. I am afraid no accumulation of evidence will have any weight with a certain class of prohibitionists; but I do submit that with the average good citizen, who is not a fanatic, the proper question to be considered is this: What possibility is there that the experience of Halifax will be something different from that of all the other cities in which the experiment has been tried?

Halifax has a population of not less than 45,000. She has among her own people very many of all classes of society who use liquor and who will not give it up, certainly not on compulsion, without a struggle, and who will not respect any law which seeks to coerce them into so doing. It is a seaport, a naval and military station; a more unlikely spot for prohibition to succeed could not possibly be discovered. The vested interests at stake are very large, so large in fact that they are of interest to the city as a whole. It is worth while to see how great they are, and how much the city would lose, supposing prohibition to be possible. A carefully compiled statement was handed to the commission at the time of their visit to Halifax, which, so far as I am aware, has never been questioned, and so far as can be judged, appears to be a moderate estimate. According to this, the capital invested in the liquor business or in businesses inseparably connected with liquor in Halifax is as follows:—

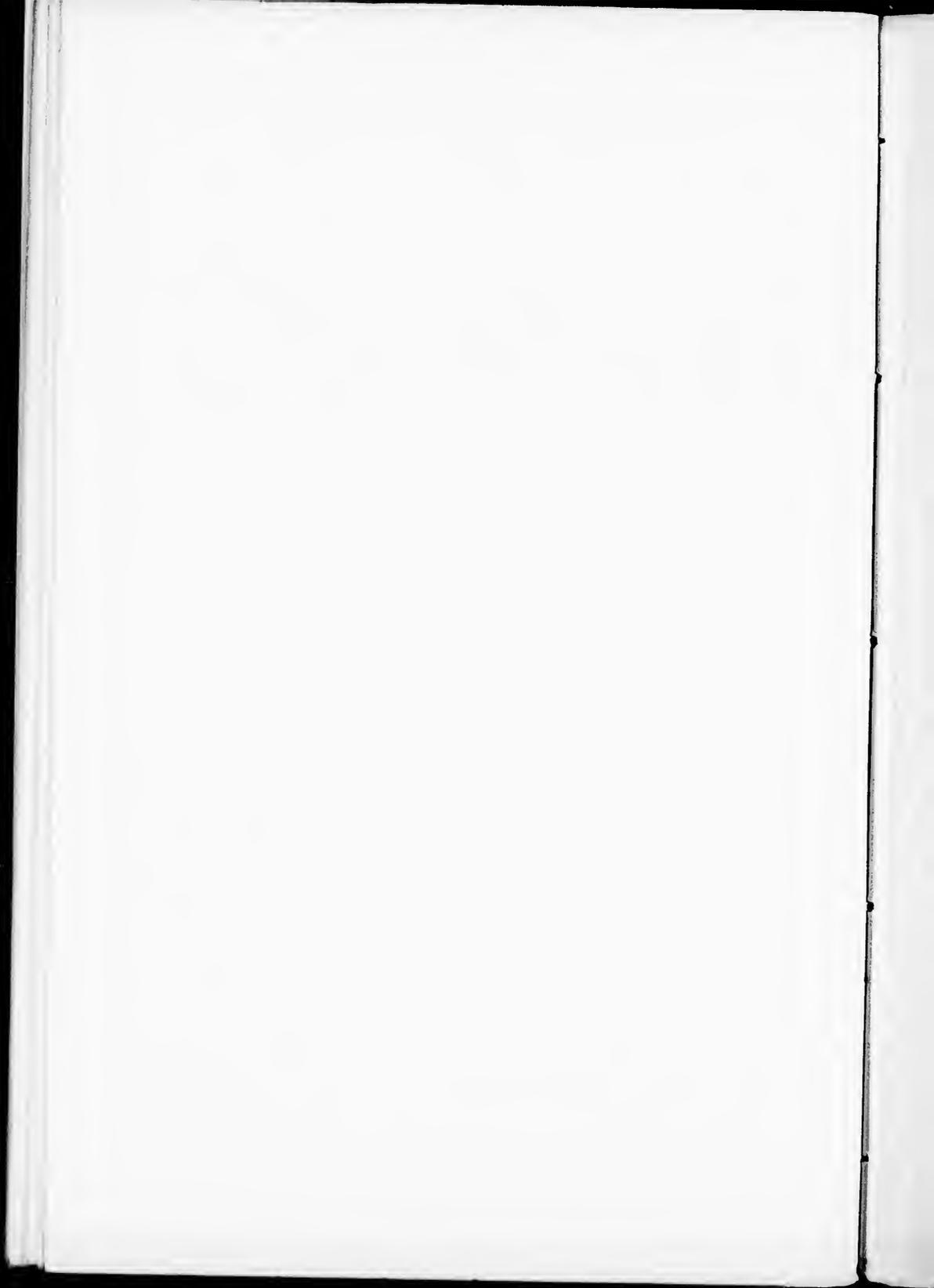
	Real Estate.
Hotels.....	\$698,100
Shops.....	366,760
Wholesale houses.....	375,000
Soda factories.....	25,000
Total.....	\$1,873,360

In the opinion of the owners of these properties they would in the event of prohibition be depreciated in value to an extent ex-

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ceeding one-third. Of course I am aware that the ardent prohibitionists will say such an increase of prosperity would follow upon the law that no depreciation, but the reverse, would follow. That is a matter of opinion on which I am content to take what I believe to be the judgment of the great majority of the people of Halifax, namely, that an effective enforcement of a prohibitory law, supposing such a thing possible, would leave most of the properties now engaged in the trade empty and profitless. Then as to employment, the number of persons employed in and about establishments in which liquor is sold was, in 1892, 692, receiving wages amounting to \$305,232, of whom a very considerable number at any rate would be thrown out of employment in the event of an effective measure of prohibition. In addition to these, the trade gave a large amount of employment to people not directly connected with the places in which it was carried on—freight by land and water, teamsters, insurance and the like. The taxes paid the city in respect of properties engaged in the trade amounted in 1892 to \$16,628, which, when added to the \$11,000 derived from licenses, made up over \$27,000 of revenue which the city stands a chance of losing in good part, and which would have to be made up from the other properties.

As to trade generally one fact is undoubted—that if the prohibitionists could succeed by a provincial law in stopping the wholesale trade of Halifax in liquors within the city and the province, it would simply mean a transference of that much trade to St. John and Montreal. Wholesale liquor houses in both these cities already do a large trade in many parts of Nova Scotia, and they would be only too ready to take advantage of our folly in cutting off our own trade. With this transfer of the trade in one branch of business it is inevitable that other trade would go as well. Halifax has enough difficulty as it is in meeting the competition of Montreal and St. John; she would have still more if our prohibition friends could have their way.

Halifax has already given an indication of what might be expected in the event of a law entirely prohibiting the retail trade in liquor. The license act of 1886 was intended to abolish altogether the "saloon." As everybody knows, it is in that respect as absolute a dead letter, as though it were not upon the statute book.

The licensed shops are all open saloons, with the exception of a few which never did anything except a bottle trade. There is no attempt at concealment, and with the exception of a few extreme prohibitionists nobody appears the least concerned over the manner in which the law is violated. The law has undoubtedly diminished the number of licensed houses, but to what purpose? As everybody in a position to know is aware, for every licensed house that was closed three or four unlicensed ones started up. Nobody is in a better position to know than Alderman O'Donnell, and he informed the committee of the House of Assembly that the city is simply swarming with them. It is impossible, at any rate without enormous expense and a system of spies and informers, to suppress them, and so general is the disgust with the present law and the arbitrary manner in which it was imposed upon the city against the known wishes of a majority of the citizens, that public opinion would not sanction any considerable expenditure for the purpose of enforcing it. The licensed dealers, who probably know better than anybody else the extent of the unlicensed selling, are not in a position to aid the enforcement of the law. This is a point worth making plain. It would naturally be supposed that the man who had paid for the privilege of selling liquor would concern himself to see that his neighbor should not sell without paying for it, and in some of the Western States which had adopted high license the licensees did materially aid in the enforcement of the law, and it is often made a reproach against the license holders in Halifax that they do not give similar aid. But the reasons are obvious, and are to be found in the law itself. In the first place the requirements of the law with respect to hours and not selling by the glass are such that it is impossible to conform to them and carry on business. The licensees are compelled to be law-breakers themselves, and to enforce the law against the illicit vendors would be simply to bring retaliation upon themselves. In the second place most of the unlicensed dealers are upon the list of names, three-fifths of whom must be obtained on the petition for license, and consequently the license-holder cannot afford to fall out with them. The three-fifths clause has another effect worth mentioning in this connection. No license-holder with any respect for his own reputation or that of his house, cares to sell to a notorious drunkard, for merely prudential reasons, if no other. Yet,

in many instances, the law actually forces them into doing so,—the man is on the list, names are precious, and they dare not offend him by refusing liquor.

Well, our prohibitionist friends have introduced their act. I do not suppose at this late hour of the session there is much prospect of it passing; but we must assume that its friends would pass it if they had time. I am glad that the view which I expressed at the outset of these letters of the powers of the Province under the recent decision of the Privy Council appears to have been pretty well concurred in by the draftsman of the act, except that he has gone further in dealing with the wholesale trade than can be gathered with certainty or clearness from the judgment. But apart from this the act is simply a Scott Act for the City of Halifax. Does anybody in the light of the mass of experience of which I have endeavored to give some faint outlines, suppose that such a law in Halifax will have the slightest operation for good, or doubt that it will be attended by some or all of the evil consequences which have been found to follow it in every other city of any size in which similar laws have been tried? If anybody has any such belief, I should like to hear it, and the grounds on which it is based. If not, then will anybody tell me what possible good the sponsors of this law propose to gain by its enactment. The act is nothing more than the Scott Act. It has been open at any time to the friends of and believers in prohibition of that kind to have put the Scott Act to a vote in Halifax. They have not done so because of a pretty general belief that it would not have the remotest chance of carrying. I would like to know if they think it will increase the chances of such a law being a success to have it passed thus over the heads and in defiance, as it were, of the very people by whom it will have to be enforced.

One thing more: This law, if passed, will be practically a law passed by the Province exclusively for the City of Halifax. Is the Province prepared to enforce it? It can hardly expect the city to do so. For the city it will mean at once and in any event a loss of over \$10,000 a year in licenses, and probably a considerable sum of ordinary taxation in addition by depreciation and idleness of some of the properties now used in connection with the trade. It can hardly expect the city to lose all this through a law to which the

majority of the citizens are opposed, and then spend another ten or fifteen thousand dollars in trying to enforce the law, knowing all the time from the experience of other cities that the more determined the effort at enforcement the more deplorable the results would be.

If Halifax is let alone in this matter, she is just as anxious to do what is right and improve herself as anyone can wish. She has improved very greatly in the past, but it has not been through laws forced upon her in advance of what is required. She knows what can be done and what cannot, and the friends of temperance reform can be perfectly assured of this—that to pass such a law as the one now before the Legislature will be in any event altogether useless as a measure of reform, and can hardly fail to be productive of very real mischief.

The following Essay, written by Lord Bramwell for the English Liberty and Property Defence League, has been thought worthy of re-publication. Its author was one of the most distinguished lawyers and judges of the century—a member of the Court of Exchequer from 1856 to 1876, after that a Lord Justice of the Court of Appeal until 1881, and from that date until his death in 1892 one of the Law Lords of the House of Lords and Privy Council. Though brief, it would be difficult to put the argument against prohibition more cogently or compactly than is here done :—

“There are some opinions entertained as honestly, as strongly, and after as much thought, as the opinions to the contrary; but which nevertheless are put forth in an apologetic way as though those who hold them were doing wrong and knew it, or at least doing something they were not sure about. And, doubtless, where the opinion is one of entire novelty, or where it is contrary to the principles, feelings, and practice of all mankind, one can understand this style in propounding it. If it is possible to suppose an honest and sensible man thinking infanticide or a community of women desirable institutions, one would make sure and think it reasonable that a man, so thinking, who put forth such ideas, would do it humbly and in the style of one asking pardon. But this apologetic style is not confined to such cases. It exists in some when the opinion entertained is righteous, just, moral, and in con-

formity with the practice of all mankind. It exists where those who hold the contrary say, and are permitted by their opponents to say,—“We are the righteous, the good, the virtuous, and you are wicked, bad, and vicious.” This is what the total abstainers and the like say of themselves, and those who do not agree with them. I am one who do not, and I am going to say why: and as I think my opinion as good and virtuous as theirs, with the additional merit of being right, I am going to state it without asking pardon for it or myself.

“Drink—yes, drink! I mean by that, drink which cheers and, if you take too much, inebriates. Drink as Mr. Justice Maule understood it, when he was asked by the bailiff, who had sworn to give the juryman “no meat or drink,” whether he might give a juryman some water. ‘Well,’ said the judge, ‘it is not meat, and I should not call it drink—yes, you may.’

“Drink! Yes, alcohol; of which if you take too much, ‘you put an enemy in your mouth to steal away your brains.’ Drink, which makes a man contemptible and ridiculous if under the influence of too much of it. Drink, which ruins the health and kills the unhappy wretch who persistently takes it to excess.

“Drink! Yes; I say it is a good thing, and I think the world would act very foolishly if it gave it up. Why, if it can do all the harm I have mentioned? For this reason—that it does an immense deal of good. I say outright that it does a deal more good, because it gives a vast deal of pleasure and enjoyment to those who take it with good sense and moderation. All over the world, with the exception of the followers of Mahomet, whom we hold wrong, wherever people have had the skill to make alcoholic drink, they have made and drunk it. Wine, where wine could be made. Where it could not, and sometimes where it could, beer and spirits have been produced and drunk.

“Is it not true that it is a source of great pleasure and enjoyment? See the thorough relish with which a tired man takes his glass of beer, the keen pleasure of the first glass of sherry at dinner to the man exhausted with the labour of his brain. But besides these keen enjoyments, take the more quiet and sober pleasure of the glass of beer at dinner and at supper, or with the pipe. This is a pleasure had in this country by millions daily—nay, twice daily, and if, instead of the glass of beer or wine, a small quantity of spirit with water is taken, the pleasure is the same and the practice as reasonable.

“I have as yet only mentioned the pleasure of drink, but there is more in its favour. I will not say that it is food, or supplies the place of food. I do not know. Opinions differ. But I will say what Sir James Paget tells me:—‘I would maintain this, and all that

can reasonably be deduced from it, namely, that the best and, in proportion to numbers, the largest quantity of brain work has been, and is still being, done by the people of those nations in which the use of alcoholic drinks has been and is habitual. Further, I would maintain that, so far as I can judge of the brain work of different persons, they have done the best and most who have habitually and temperately taken alcoholic drinks.' And, certainly, if we compare the brain work of the drinkers of 'drink' with the brain work of the Mahometan, we shall find a justification for this opinion.

"This is the case for 'Drink'; its pleasure and its utility. Now what is on the other side? A set of enthusiastic gentlemen, very honest, very much in earnest, with a very clever leader, have taken the matter in hand. They say that the world has been in error for all time, that drink is bad, that drinkers are wrong, and that those who do not agree with them are wrong, and not only wrong, but viciously wrong, ought to be ashamed of themselves, and their practice and advocacy of drink denounced and put an end to.

"This is hard upon us who think otherwise. A little more charity might be shown us. First of all we are the majority vastly here in this country. Out of it, or rather out of Anglo-Saxon influence, there is no minority even. Then we may say to our opponents—Your fathers drank, and your ancestors as far back as story goes; let us have time to think it out and see the error of our ways. And this, at least, we may say to our opponents without offence or irreverence. Those of them who are Christians should, in the Eucharist and the miracle of Cana, have found some excuse for those who think that drinking wine is not in itself wicked. But no! Down with them!—sinners, drunkards—shut up the shops, and so forth. Is this reasonable, is it fair, is it charitable, even if right?

"Now let us see what are the grounds of these opinions—no doubt honest. It is said that immense mischief is caused by excessive drink. I own at once that that is true. Disease is brought on, health is ruined, insanity and death caused by excessive drink. Further, the amount spent in drink is enormous, and a large part of it might be better expended, *i.e.*, in the production of more pleasure and enjoyment than are given by drink. Whether as much as £134,000,000 a year is spent on drink, as it is said, may be doubtful. But a good many millions may be taken off, and still a figure remain which is very lamentable—too much for health, too much for comfort, too much for enjoyment. But what does it prove? Not that all the 8,000,000 male adults of the kingdom are doing wrong and are drunkards, but that some are; that some have been drinking to excess, and have swollen the average. There is this, however, to be said, that if the sum is spent in that way, it shows the amount of enjoyment that must be derived from it,

"There is no doubt also that crime is caused by drink. It is certain that more is drunk on Saturdays, and more crime committed on that day than any other. The drunken man is more likely to commit a crime of violence or robbery than the sober. The drunken man, also, is more likely to have a crime committed on him in his helpless state, than is the sober man.

"This is the case against drink, and a very strong one. Now, what is to be done? It seems obvious to answer—let those who drink in moderation continue to do so, and let others leave it alone or learn to take it moderately. 'No,' says the total abstainers, or some of them, 'that can't be. If drink is to be had, some will take it in excess. Stop it altogether.' Now, I do not say that this is beyond the right of society to its members. I do not know what is. If society's right to interfere with individual liberty is limited to cases necessary to secure the object for which society exists, viz., security of person and property from external and internal attacks, then this prohibition of drink is not within the right of society. But, certainly, society does not limit itself in that way. It prohibits disorderly houses and gaming houses. Perhaps on similar considerations it may prohibit the making and sale of alcoholic drink. But if it is within its right, is it fair, is it just, is it reasonable, expedient, because some take it to excess, that it is to be denied to millions to whom it is a daily pleasure and enjoyment with no attendant harm? Does this seem fair? The glass of beer is taken from the whole of fifty men because one of them will take more than is good for him. And take even his case. He drinks and ruins his health. May he not say, 'What is that to you? It is my affair; it is my pleasure not to be as good as you. How do I harm you?' Of course, if he is drunk in public, or riotous, or his drinking injures the public, punish him; but it does seem hard that, instead of this, the sober man should be punished—punished, I say. For withholding a pleasure and inflicting a pain are equally punishment.

"In truth, these liquor laws are either to make men better who do not want to be made better, or to make men better who have not self-control, and in both cases at the expense of others. 'You shall not enjoy a glass of beer; because if you can get it, so can I, and I shall make a beast of myself.' Or, 'You shall not enjoy one glass of beer, because you take too many.' Is that just? Is it warrantable interference? Then see the mischief of such laws. The public conscience does not go with them. It is certain they will be broken. Everyone knows that stealing is wrong; disgrace follows conviction. But everyone knows that drinking a glass of beer is not wrong; no discredit attaches to it. It is done, and when done against the law, you have the usual mischiefs of law-breaking, smuggling, informations, oaths, perjury, shuffling, and

lies. Besides, as a matter of fact, it fails. Nothing can show this more strongly than the failure in Wales of the Sunday Closing Act. Further, what is to be done? Is the sale of drink to be suspended all over the United Kingdom? Impossible. In parts only? Then all the more will be sold elsewhere. On certain days only? Then provision will be made for a store of it, and the drunkard will sit himself at home with no eyes on him to check him. Consider, too, the practical unfairness on men, who having no cellar, trust to the public-house for what is a reasonable and wholesome enjoyment when not abused.

“Can nothing then be done by law to diminish the mischief caused by drink? I say ‘No.’ Whether it is desirable to limit the number of drink-shops is a matter as to which I have great doubt and difficulty. But grant that there is the right to forbid it wholly, or partially, in place or time, I say it is a right which should not be exercised. To do so is to interfere with the innocent enjoyment of millions in order to lessen the mischief arising from the folly or evil propensities, not of themselves, but of others. And, further, that such legislation is attended with the mischiefs which always follow from the creation of offences in law which are not so in conscience. Punish the mischievous drunkard—indeed, perhaps, even punish him for being drunk in public, and so a likely source of mischief. Punish, on the same principle, the man who sells drink to the drunken. But go no further. Trust to the good sense and improvement of mankind, and let charity be shown to those who would trust to them rather than to law.”

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