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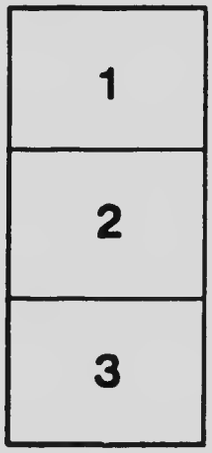


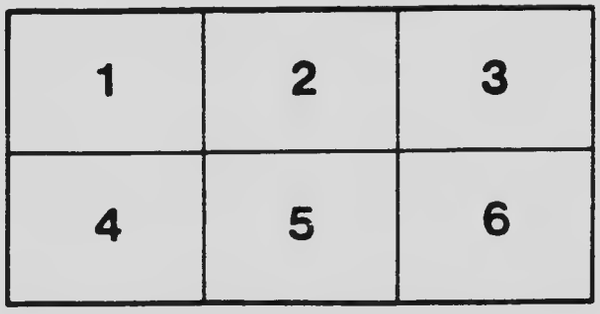

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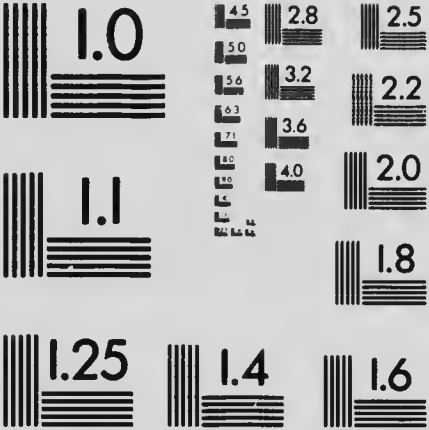


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Prohibition Act ?

# The Truth!

READ, THINK AND LEARN

NOT LISTED IN L.C

# "THE TRUTH"

## about the Prohibition Act.

In this book will be found (printed in black ink) the complete text of the B. C. Prohibition Act.

Printed in red ink will be found truthful explanation and criticism of the various sections.

By referendum vote, this Act may be adopted or rejected by the electors at the Provincial Elections, September 14th, 1916.

Those who favour bringing the Act into force will mark X after the word "Yes" (on the ballot paper); those who oppose the Act will mark X after the word "No." (*See Specimen Ballot, Page 48*)

If you read this book carefully you will have read the Prohibition Act, and will learn "The Truth" about it and be able to vote intelligently on the subject.

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# BILL.

No. **88.**] [1916.

An Act intituled the "British Columbia Prohibition Act."

WHEREAS it is expedient to suppress the liquor traffic in British Columbia by prohibiting Provincial transactions in liquor:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

*Short Title.*

1. This Act may be cited as the "British Columbia Prohibition Act."

ACT IS MISLEADINGLY NAMED

This Act is called "The British Columbia Prohibition Act." The name is a misnomer and a counterfeit in almost every respect. It does not prohibit the sale of liquor in the

Province, or the importation of liquor into the Province. It does prohibit the sale of liquor in the way it is sold at present, but it provides other methods of sale, purchase and place of consumption.

DOES NOT SUPPRESS THE LIQUOR TRAFFIC

Read the opening words (Preamble) which state, "It is expedient to suppress the liquor traffic." Why these words are put in are hard to explain, because by the provisions of this Act the sale and use of liquor is not suppressed. The effect of the Act will be to increase the sale and use of whisky, brandy, rum, etc., and decrease the use of beer and light wines. The present license holders and vendors of liquor are regulated out of business, and ample provision is made for the purchase and use of liquor within the Province.

The citizens and interested in the sale of liquor oppose this Act because if it become law their business will be taken from them and transferred to other people in and outside the Province.

Many leading and sincere Prohibitionists (their number increasing daily) oppose this Act because it will not prohibit the use and sale of liquor and will not better conditions in any respect. Clergymen, after intelligent investigation, are not be able to support this Act.

### *Interpretation.*

**2.** In this Act—

"Dentist" means a member of The College of Dental Surgeons of British Columbia who holds an unexpired annual certificate under the "Dentistry Act" and is lawfully and regularly engaged in the practice of his profession:

"Druggist" means a member of The Pharmaceutical Association of the Province of British Columbia who holds a valid certificate under the "Pharmacy Act" and is lawfully and regularly engaged in carrying on the business of a pharmaceutical chemist:

"Hospital" means and includes any bona-fide hospital or sanatorium, whether public or private, regularly conducted as such:

"Justice" means a Justice of the Peace, and shall include two or more Justices if two or more Justices act or have jurisdiction, and also a Stipendiary or Police Magistrate, or any person having the power or authority of two or more Justices of the Peace:

"Liquor" or "liquors" shall include all fermented, spirituous, and malt liquors, and all combinations of liquors, and all drinks and drinkable liquids which are intoxicating, and any liquids which contain more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating:

"Prescription" means a memorandum in writing containing the name and address of the physician by whom it is given, the name and address of the person to whom it is given, the nature and quantity of liquor prescribed, the date upon which the prescription is written, and directions for the use of the liquor so prescribed.

"Physician" means a member of The College of Physicians and Surgeons of Britsh Columbia who is registered under the "Medical Act" and who is lawfully and regularly engaged in the practice of his profession:

"Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act:

"Sale" shall include exchange, barter, and traffic:

"Superintendent" means the Superintendent of Provincial Police of the Province:

"Vendor" means a person appointed by the Lieutenant-Governor in Council under section 4:

"Veterinary" means a member of The Veterinary Association of British Columbia who is registered under the provisions of the "Veterinary Act" and who is lawfully and regularly engaged in the practice of his profession.

**3.** The expression "private dwelling-house" in this Act means a separate dwelling with a separate door for ingress, and egress, and actually and exclusively occupied and used as a private residence:

(a.) Without restricting the generality of the above definition of a private dwelling-house, the expression "private dwelling-house" shall not include or mean, and shall not be construed to include or mean, any house or building occupied or used or

partially occupied or used as an office, other than a duly registered physician's, dentist's, or veterinary surgeon's office, or as a shop or as a place of business, or as a factory, or as a workshop, or as a warehouse, or as a club-house or club-room, public hall or hall of any society or order, or as a boarding-house, or as a lodging-house where there are more than three lodgers other than the members of the family, or as a livery-stable, or as an inn, tavern, hotel, or other house or place of public entertainment, or any house or building the rooms or apartments in which are leased to different persons, or any buildings or house mentioned in section 38 of this Act, or any house or building where for money or other valuable consideration any goods or chattels are kept for sale or sold or meals given or lodging provided; nor shall it include or mean to be construed to include or mean any house or building connected by a doorway or covered passage or way of internal communication, except by telephone, with any place where liquor is authorized to be sold under this Act, or with any office except a duly registered physician's dentist's, or veterinary surgeon's office, or with any place of business, factory, warehouse, workshop, club-house, club-room, hall before mentioned, boarding-house or lodging-house as aforesaid, livery-stable, inn, tavern, hotel, or other house or place of public entertainment or resort, or with any house or building mentioned in section 38 of this Act:

(b.) Nothwithstanding the abov restrictions, "private dwelling-house" shall include also a suite of rooms in an apartment block, in a city, separated and closed off by walls from all other rooms in such block, and without any door or opening whereby communication may be had with any other room save doors opening into a main or common hall leading, with or without stairs, into a street or lane, and in which suite there are facilities for cooking and a family actually residing, cooking, sleeping, and taking their meals.

## WHAT IS A DWELLING HOUSE?

Section 3. The second criterion when is meant by a dwelling house in this Act. The reason is that by Section 37 (which will be discussed again later) any person may import [illegible] without the [illegible] any a quantity of liquor

and sell, use it, or give it to his friends, visitors, or anybody in his dwelling house.

What is a dwelling house?

Any separate dwelling, with separate door for entering and leaving premises and used exclusively as a private residence, in other words, a private home.

2. Any house or building of any description used, or partially used, as the office of a physician, dentist or veterinary surgeon.

3. Any lodging house. Dwelling there are not more than three lodgers [illegible] providing there are not more than [illegible] people lodging rooms, the place would be called a dwelling house. (Mere lodging only, cannot sell liquor.)

4. Rooms in a tenement house. Dwelling there are facilities for cooking, and people living therein.

## OFFICE BLOCK A DWELLING HOUSE

NOTE—(1) An office block, and building, of whatever description, is a dwelling house providing a doctor, dentist or veterinary surgeon has his office in some part of the building. Therefore liquor may be imported and consumed therein in any quantity. Imagine a fourteen story office building converted into a dwelling house, because a doctor or dentist has an office in such building. This is surely a wonderful provision to insert in what is described as a Prohibition Bill.

NOTE—(2) Houses of prostitution come under the definition of a dwelling house, therefore, liquor can be stored therein and consumed therein in any quantity. Every intelligent elector should seriously consider this point.

## PRIVATE HOME WITH A BOARDER

NOTE—(1) It is well to study the position of the householder, who may have a friend or other person living

### *Vendors of Liquor.*

**4.** The Lieutenant-Governor in Council shall have power—

**(a.)** To appoint from time to time fit and proper persons as vendors who shall keep for sale such liquors as are required for medicinal, mechanical, scientific, and sacramental purposes only, in accordance with and as permitted by this Act:

**(b.)** To fix the salary to be paid vendors and the price for which liquor shall be sold:

**(c.)** To make regulations, not inconsistent with this Act, prescribing the duties of vendors and the manner in which vendors may sell liquor under this Act, and to make such other regulations as may be deemed necessary for the proper administration and carrying into effect the provisions of this Act.

### GOVERNMENT JOBS SELLING WHISKY

Section 4. Here is a wide open door for political graft and preference. What a scramble for government jobs selling whisky, if this Act comes into force! It is well to remember the evils of a prohibition, government-controlled

**5.** No vendor shall have any interest in the liquor sold by him, nor shall he derive any profit therefrom, but the profits derived from such sale shall form part of the Consolidated Revenue Fund of the Province.

**6.** (1.) Every vendor and every person acting as the clerk, servant, or agent of or in any other capacity for a vendor who sells liquor in any other place, or at any other time, or in any other quantities, or otherwise than as authorized by this Act, shall be guilty of an offence against this Act.

(2.) Every vendor who violates any of the provisions of this Act shall be guilty of an offence against this Act.

(3.) Every vendor convicted of an offence against this Act shall, in addition to all other penalties herein provided, forfeit his right to be a vendor, and shall be disqualified from holding the position of vendor under this Act for a period of three years next succeeding the date of the conviction.

**7.** (1.) A vendor may sell liquor in the following cases only:—

(a.) To any person, for mechanical or scientific purposes, alcohol, not exceeding in quantity ten gallons at any one time:

(b.) To any druggist such liquor as a druggist is authorized to sell under this Act, not exceeding in quantity five gallons at any one time:

(c.) To any physician such liquor as a physician is entitled to have in his possession under this Act, not exceeding in quantity two quarts at any one time:

(d.) To any dentist such liquor as a dentist is entitled to have in his possession under this Act, not exceeding in quantity one pint at any one time:

(e.) To any veterinary such liquor as a veterinary is entitled to have in his possession under this Act, not exceeding in quantity one gallon at any one time:

(f.) To the person in charge of any hospital such liquor as may under this Act be lawfully kept in the hospital, not exceeding in quantity the amount fixed by the Superintendent in respect of such hospital:

(g.) To any minister of the gospel wine for sacramental purposes:

(h.) To any person liquor for strictly medicinal purposes.

(2.) A vendor shall sell for cash only.

(3) No sale of alcohol under clause (a) of subsection (1) shall be made except upon the affidavit of the person to whom the sale is made, duly signed and sworn, in the form prescribed in the regulations, and which shall set forth that the alcohol is required for mechanical or scientific purposes only, and state how and where the same is to be used, and that it is not intended to be used as a beverage or to be mixed with any other liquor for use as a beverage or to be sold or given away to any other person, and that it is intended only for the deponent's own use, and that the deponent is over twenty-one years of age. The affidavit shall also set forth the quantity of alcohol desired, and no more than one sale and one delivery shall be made on one affidavit.

(4.) No sale of liquor under clauses (b), (c), (d), (e), or (f) of subsection (1) shall be made except upon the affidavit of the person to whom the sale is made, duly signed and sworn, in the form prescribed in the regulations, and which shall set forth that the liquor is required only for purposes authorized by this Act, and state where and how it is to be kept and used, and that it is not intended as a beverage or to be mixed with any other liquid for use as a beverage, or to be sold or given away otherwise than as permitted by this Act. The affidavit shall set forth the kind and quantity of liquor required, and no more than one sale and one delivery shall be made on one affidavit.

(5.) No sale of wine under clause (g) of subsection (1) shall be made except upon the written request of the minister of the gospel to whom the sale is made, duly signed, and in the form prescribed in the regulations.

(6.) No sale of liquor under clause (h) of subsection (1) shall be made except upon a bona-fide prescription in writing signed by a physician, and no more than one sale and one delivery shall be made on any one prescription.

(7.) Every affidavit and every written request and every prescription upon which any liquor is sold under this section shall, before the delivery of the liquor, be filed with the vendor; and the vendor shall keep or cause to be kept in a book in the form provided in the regulations an accurate record of every sale made by him, or his clerk, servant, or agent, of any liquor, and such record shall be made before the delivery of the liquor, and shall show the time when and the name and address of the person to whom the same is sold, the name of the vendor, clerk, servant, or agent by whom the sale is made, and the kind and quantity of the liquor sold; and in default of any such sale being so placed on record the sale shall be deemed to be a sale of liquor in contravention of the provisions of this Act.

(8.) Such book, together with such affidavits and requests and prescriptions, shall be kept open to the inspection of the Superintendent, all Provincial and municipal constables and police officers, and of any person appointed by the Superintendent and producing his written authority in that behalf; and every vendor shall at the end of each month send to the Superintendent a return containing a copy of the record contained in such book for the preceding month, accompanied by all affidavits and requests and prescriptions upon which any sale of liquor referred to in such return was made, all of which shall be verified by the affidavit of the vendor in the form in the regulations, and the affidavit shall state that no sales or disposals of liquor were made during such month other than those mentioned in the return accompanying the affidavit.

## WIDE DISTRIBUTION OF LIQUOR.

Section 7. This section provides that certain people selected by the Government may sell liquor in the cases and in the manner [illegible]. Note that in every case there is no [illegible] one day a purchase [illegible] manufacturer or scientist the [illegible] and veterinary can buy hundreds of gallons of whisky, alcohol, brandy, etc., in one day.

Paragraph "H" of Subsection 1 provides for the sale to [illegible] for medicinal purposes.

Subsection [illegible] certain regulations for the sale [illegible] liquor by and from [illegible] that there is no provision for the [illegible] to be fixed. The whole section provides for the sale and distribution of enormous quantities of liquor among certain favoured people, and the evils resulting from such a method have been

apparent to a marked degree in every place where such a system has been tried. How can an Act be called prohibition which provides for such a wide-open distribution of liquor?

**8.** No vendor and no clerk, agent, or servant of a vendor shall allow any liquor so sold to be consumed or drunk within or upon the premises upon which the sale is made.

**9.** No sale or other disposal of liquors shall take place on, out of, or from any vendor's premises to any person or persons whomsoever, nor shall such licensed premises be open for such sale from or after the hour of five o'clock on Saturday night until seven o'clock on Monday morning thereafter, or from six o'clock at night until seven o'clock in the morning on the other nights of the week.

### *Prohibitions and Regulations.*

**10.** Except as provided by this Act, no person shall, within the Province, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretence, or upon any devise, sell or barter, or offer to sell or barter, or in consideration of the purchase or transfer of any property or thing, or for any other consideration, or at the time of the transfer of any property or thing, give to any other person any liquor.

**11.** Except as provided by this Act, no person, by himself, his clerk, servant, or agent, shall have or keep or give liquor in any place wheresoever, other than in the private dwelling-house in which he resides.

## THE HOME INTO THE BAR ROOM.

[illegible] which in its effect turns [illegible] ever that liquor [illegible] be con- [illegible] section [illegible]

**12.** Except as provided by this Act, no person shall use or consume liquor in the Province, purchased and received from any person within the Province, unless it be purchased and received from a vendor; but this section shall not apply to any person who within a private dwelling-house innocently uses or consumes liquor not thus purchased and received.

## [illegible]

[illegible] of liquor [illegible] from [illegible] received [illegible] means [illegible] left-

**13.** Nothing in this Act shall be construed to prohibit the manufacture, sale, or purchase, or the having, keeping, or giving, or the consumption of vinegar, sweet cider, unfermented fruit-juice, or denatured alcohol.

**14.** (1.) Any druggist may keep for sale and, subject to the further provisions of this section, may sell liquor for strictly medicinal purposes, but no liquor exceeding in quantity five gallons at any one time shall be so kept or stored in the premises of such druggist or elsewhere, and no such sale of liquor shall be made except upon a bona-fide prescription in writing signed by a physician, and no more than one sale and one delivery shall be made on any one prescription.

## [illegible] PAIL

[illegible] so much [illegible] when [illegible] liquor by [illegible] five gal- [illegible] prevent this [illegible] in one [illegible]

[illegible] Act), [illegible] amount [illegible]

## [illegible] FOR HEALTH

[illegible] is that [illegible] prescription, and

the only restriction upon the doctor is that he must deem liquor necessary for the health of the person to whom he gives the prescription. Does not this [illegible] provide the means of wholesale [illegible] of liquor, without any reasonable safeguard whatever? In Seattle, Washington, during the first month of a similar prohibition law, sixty-seven new drug stores were opened and in one month one drug store alone sold [illegible] and twenty-one barrels of whisky, besides [illegible] of gallons of brandy, rum and gin and all on doctors' prescriptions. At least eighty per cent of the people who [illegible] liquor do so because they deem it necessary for their health.

DEPARTMENT STORES AND STILL WHISKEY.

[illegible] All [illegible] challenge his [illegible] under the present [illegible] before him, [illegible] Mark this—[illegible] Sundays, in [illegible] drug store in the Province [illegible]

NOTE. Department stores have drug departments. This Act lets them into the liquor business. Mail a doctor's prescription from any place in the Province, and have a gallon shipped.

Also mark this—Some large department stores are contributors to prohibition campaign funds. Why?

**(2.) Any person in charge of any hospital may keep in such hospital liquor for the use of patients therein, but no liquor exceeding in quantity an amount to be fixed by the Superintendent shall be so kept therein at any one time; and no manager, matron, or other officer of the hospital, and no physician or nurse in attendance thereat, shall give any of the liquor so kept to any person other than a bona-fide patient in said hospital.**

PRIVATE HOSPITALS.

Section 4, [illegible] Page [illegible] Note again that while the amount that may be purchased at one time is fixed, according to discretion of the Superintendent of Police, there is no regulation as to the number of times in one day that this amount may be purchased.

(3.) Any physician who deems liquor necessary for the health of any patient of his who he has seen or visited professionally may give to such patient a written prescription therefor signed by the physician, or may administer the liquor himself, for which purpose he may have liquor in his possession when in the discharge of his professional duties, not exceeding in quantity two quarts at any one time; but no such prescription shall be given or liquor administered except to bona-fide patients in cases of actual need, and when in the judgment of such physician the use of liquor as medicine in the quantity prescribed or administered is necessary. Every physician who shall give such prescription or administer such liquors in evasion or violation of this Act, or who shall give to or write for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence under this Act.

(4.) Any dentist who deems it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative may himself administer to such patient the liquor thus needed, and for such purpose the dentist may keep in his office a quantity of liquor not exceeding one pint at any one time, but no liquor shall be administered by a dentist except in the case of actual need or be drunk or consumed by any person other than such patient, and every dentist who administers liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

(5.) Any veterinary who deems liquor necessary for the health of dumb animals may in the course of his practice administer or cause to be administered liquor to any dumb animal, and for that purpose he may have liquor in his possession not exceeding in quantity one gallon at any one time, but no person shall drink or consume any such liquor.

(6.) Every druggist, physician, dentist, and every veterinary shall keep or cause to be kept in a book to be kept for that purpose a complete and accurate record of every sale or other disposal made by him, his clerk, servants, or agents, of any liquor, and such record shall be made at the time of the sale or disposal of the liquor, and shall show the time when, the name and address of the person to whom, and be signed by the person by whom the sale or disposal of the liquor, and shall show the time when, the name and address of the person to whom, and be signed by the person by whom the sale or disposal is made, and the kind and quantity of liquor sold or disposed of, and in case of a sale upon prescription shall disclose and refer to the prescription in such a manner as to enable the same to be readily identified and inspected at the same time as the record; and in default of such record being made of any sale or disposal of liquor the same shall be deemed to be a sale of liquor in contravention of the provisions of this Act.

(7.) Every druggist, physician, dentist, and every veterinary shall keep a record of all liquor purchased or received by him, showing the date of purchase and name of the person from whom purchased; and shall from time to time, as required, by the request in writing of the Superintendent or by the regulations, send to the Superintendent a report containing a copy of such record and of the record kept under subsection (6), accompanied by an affidavit verifying the same, and stating that no purchases or sales of liquor were made during the period covered by such report save those mentioned therein.

(8.) Every druggist, physician, dentist, and every veterinary who fails to keep any record required by this section, or refuses or neglects upon request of the Superintendent or any constable, or of any person appointed by the Superintendent and producing his written authority in that behalf,

to produce the record and permit the same to be inspected, or who fails to make any report required under this section, shall be guilty of an offence against this Act.

**15.** (1.) Nothing in section 11 shall prevent any person engaged in mechanical business or in scientific pursuits from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not to exceed, exclusive of the alcohol used in the preservation of specimens for scientific purposes, ten gallons at any one time, or prevent any minister of the gospel from having in his possession wine for sacramental purposes or from giving or causing to be given such wine in connection with the celebration of any sacrament; but no such person or minister of the gospel shall permit any liquor so in his possession to be used or consumed as a beverage.

ALCOHOL BY THE BARREL

[illegible] This is another wide open section, permitting certain persons to have as much as ten gallons of alcohol in their possession, and buy such quantity [illegible] It [illegible] be possible to trace [illegible] Is any [illegible] so loosely [illegible] quantities be sold [illegible] prohibition?

(2.) Nothing in section 11 shall prevent a sick person from having in his possession the liquor prescribed for him by a physician under subsection (3) of section 14 of this Act, but no liquor so prescribed shall be given by the sick person or by his physician, nurse, or other attendant to any person other than the sick person for whom it has been so prescribed.

WHISKY IN POSSESSION

[illegible] This section permits a sick person [illegible] place on the [illegible] a nip or any-[illegible] unknown to [illegible] Is tooth ache, [illegible] Who decides this? Answer—The doctor. Who pays the doctor for the prescription? Answer—The patient.

Note, however, that the sick person must not give any liquor away. If a man is ill, is he responsible for his actions?

**16.** Nothing in this Act shall prevent any druggist from keeping or selling to any person any combination of alcohol with any drug made according to any formula of the British or United States pharmacopoeia.

## A DANGER MARK

[illegible] danger mark. Innocent [illegible] slightest restric- [illegible] procedure, [illegible] minor [illegible] any drug, [illegible] pharmacopoeia. [illegible] alcohol to as [illegible] prescrip- [illegible] will be [illegible] combination [illegible]

[illegible] follow the [illegible] which [illegible] and mark this, and [illegible] corporations are large con- [illegible] Agitation funds. Why?

**17.** Nothing in section 10 hereof contained shall apply to sales under execution or other judicial process to any vendor under this Act or to sales by assignees in bankruptcy or insolvency to such vendor, provided that the stock of liquor is not broken for the purpose of such sale; and nothing in section 11 contained shall prevent common carriers or other persons from carrying or conveying liquor from a place outside of the Province to a place where the same may be lawfully received and lawfully kept within the Province, or from a place where such liquor is lawfully kept and lawfully delivered within the Province to a place outside of the Province, or from a place where such liquor may be lawfully kept and lawfully delivered within the Province to another place within the Province where the same may be lawfully received and lawfully kept, or through the Province from one place outside of it to another place outside of it; but no person during the time such liquor is being carried or con-

veyed as aforesaid shall open or break or allow to be opened or broken any package or vessel containing the same, or sell, give, or otherwise dispose of any of said liquor to any person other than the consignee thereof.

**18.** Nothing in this Act shall prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented, or other liquors from keeping or having liquors manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any house or building mentioned in section 3, including clause (a) thereof, or from selling liquor therefrom to a person in another Province or in a foreign country or to a vendor under this Act.

BREWERIES AND DISTILLERIES CAN OPERATE.

Section 18 Permits breweries and distilleries to be operated in same as at present, and to store and keep stock within the Province, and to sell liquor to people outside the Province, or to government vendors in the Province. What kind of a Prohibition Act is this?

**19.** (1.) Nothing in this Act shall prevent any person from having liquor for export sale in his liquor warehouse, provided such liquor warehouse and the business carried on therein complies with requirements in subsection (2) mentioned, or from selling from such liquor warehouse to persons in other Provinces or in foreign countries, or to a vendor under this Act.

(2.) The liquor warehouse in this section mentioned shall be suitable for the said business, and shall be so constructed and equipped as not to facilitate any violation of this Act, and not connected by any internal way or communication with any other building or any other portion of the same building, and shall be a wareroom or building wherein no other commodity or goods than liquor for export from the Province are kept or sold to such vendor, and wherein no other business than keeping or selling liquor for export from the Province is carried on.

[illegible]

[illegible] have liquor warehouses [illegible] and to sell it to people outside the Province, or to government vendors within [illegible] Prohibition?

**20.** For the purpose of evidence, every brewer, distiller, or other person licensed by the Government of Canada, and mentioned in section 18, and every liquor exporter mentioned in section 19 who makes a sale of liquor in the Province shall immediately enter in a book to be kept for that purpose the date of such sale, the person to whom such sale was made, and the person or carrier to whom the same was delivered for carriage; and the failure of such person to make, keep, and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such a sale of liquor, be prima facie evidence against such person of having illegally sold such liquor.

**21.** No person shall consume any liquor in or upon any vendor's premises nor in any liquor warehouse mentioned in section 19, nor in any distillery or brewery mentioned in section 18, and no person shall purchase any liquor from any person who is not authorized to sell the same for consumption within the Province, and no person who purchases liquor shall drink or cause any one to drink or allow such liquor to be drunk upon the premises where the same is purchased.

**22.** Liquor shall not be given, sold, or otherwise supplied to any person apparently under the age of twenty-one years, but this shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the physician, parent, or guardian of such person, or by a vendor or druggist upon the prescription of a physician.

CHILDREN

Section 22. Note that by this section a child can buy liquor on a doctor's prescription. An attempt was made to amend this in the Legislative Assembly but the Prohibition Executive would allow no change in the Act of any description.

**23.** If any vendor harbours or entertains, or knowingly suffers to remain on his premises where such liquor is sold or kept for sale, any constable during any part of the time during which such constable ought to be on duty, unless for the purpose of keeping or restoring order or in the execution of his duty, or supplies any liquor or refreshment whatever, by way of gift or sale, to any constable on duty, he shall be guilty of an offence against this Act.

**24.** If any person permit drunkenness or any violent, quarrelsome, riotous, or disorderly conduct, arising from drunkenness, to take place in the house or on the premises of which he is owner, tenant, or occupant, or gives any liquor to any drunken person, or permit or suffer any drunken person to consume any liquor in said house or on said premises, or permit or suffer drunken persons or persons of bad character to assemble or meet in said house or on said premises, he shall be guilty of an offence against this Act, and, in addition to any other punishment provided by law, be liable to the penalty provided by this Act therefor.

DRUNKENNESS EXPECTED

Section 24. Under a real Prohibition Act it is claimed drunkenness will disappear but this Act certainly does not [illegible]. On the other hand it expects [illegible] in case particu[illegible] [illegible] it.

**25.** (1.) Every society, association, or club heretofore or hereafter formed or incorporated, and every unincorporated society, association, or club, and every member, officer, or servant thereof, or person resorting thereto, who sells or barters or therein gives liquor to any member thereof or to any other person, and every person who directly or indirectly keeps or maintains by himself or by associating or combining with any other or others, or who in any manner aids, assists, or abets in keeping liquor in any club-house, club, or

association, room, or hall or other place for the purpose of use, gift, barter, or sale as a beverage, or for distribution or division among the members of any society, club, or association by any means whatever, and every person who uses, barters, sells, or gives away or assists or abets another in bartering, selling, or giving away any liquor so received and kept, shall be held to have violated section 10, and shall incur the penalties provided for the unlawful sale of liquor.

(2.) The keeping or having any liquor in the house, hall, or building or in any room or place occupied or controlled by any such club, association, or society, or by any persons associating or combining together as aforesaid, shall be a violation of section 11.

(3.) Proof of consumption or intended consumption of liquor in such premises by any member of any such club, association, or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor by the officers thereof, and any liquor found on such premises shall be liable to seizure in the manner provided by this Act.

The whole section reads like a fairy tale, and only shows to what extent fanaticism can be carried.

Statute law should be based upon reason, prudence, common sense and justice to every class of the community. Exactly what this Act is not.

**26.** If the occupant of any private dwelling-house or of any part thereof is convicted of any offence against any of the provisions of this Act committed in or in respect of such house, the same shall cease to be a private dwelling-house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof.

**27.** Whenever any person has drunk liquor to excess, and while in a state of intoxication from such drinking has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and the amount which may be recovered as damages shall not be less than one hundred dollars nor more than fifteen hundred dollars. The provisions of sections 4, 5, and 6 of the "Families Compensation Act" shall apply to every action brought under this section.

INTOXICATION ANTICIPATED.

Section 27 is intended to provide for accidents resulting from the great amount of intoxication expected, should the Act come into force, but no provision is inserted.

Under a Prohibition Act we have been told, there would be no intoxication. Is this a Prohibition Act?

## *Penalties.*

**28.** (1.) Every person contravening or committing any breach of any of the provisions of section 10 shall, upon summary conviction thereof, be liable to imprisonment, with hard labour, for a term of not less than six months and not more than twelve months for a first offence; and for a second or subsequent offence, to imprisonment, with hard labour, for not less than twelve and not more than twenty-one months; and if the offender convicted under this subsection be a corporation, it shall be liable to a penalty of one thousand dollars.

Section 28. This is another section of the Act which indicates to a [illegible] that is, the unlimited extent to which a person intoxicated with liquor will press his insane conversation. It [illegible] a Statute that [illegible] a class of beer [illegible] a class of [illegible] imprisoned [illegible] six months. I'm [illegible] provision will be [illegible] knowing they can never be [illegible]

What [illegible] men would assist in a conviction [illegible]

[illegible] with great [illegible]

[illegible]

(2.) For every offence against this Act or any of the provisions thereof for which a penalty has not been specially provided, the person committing the offence shall be liable on summary conviction to a penalty for the first offence of not less than fifty dollars nor more than one hundred dollars, and, in default of immediate payment, to imprisonment for a period of not less than thirty days nor more than two months; and for the second offence, to imprisonment for a period of not less than two months and not more than four months, with or without hard labour, or to a penalty of not less than two hundred dollars nor more than five hundred dollars, and, in default of immediate payment, to imprisonment for a term of not less than two months nor more than four months; and for any subsequent offence, to imprisonment for a period of not less than three months nor more than six months, with or without hard labour, without the option of a fine; and if the offender convicted be a corporation, it shall be liable to a penalty of one thousand dollars.

(3.) In case of penalties in money recovered under this Act in respect of any conviction resulting from proceedings instituted and prosecuted by or at the instance of the Superintendent or any police constable under his jurisdiction, the penalties shall be paid into the Consolidated Revenue Fund of the Province; and in case of such penalties recovered in

respect of any conviction resulting from proceedings instituted and prosecuted by or at the instance of any constable or officer of any municipal police force, the penalties shall be paid into the treasury of the municipality.

### *Enforcement and Prosecutions.*

**29.** (1.) The duty of seeing that the provisions of this Act are complied with and of enforcing the same and of prosecuting persons offending against such provisions shall devolve upon the Superintendent and upon all constables and officers of every Provincial and of every municipal police force in the Province, and they shall severally have full authority to enforce all such provisions.

(2.) Every police constable or officer shall be deemed to be within the provisions of this Act; and, when any information is given to any such police constable or officer that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information and to enter complaint, in his own name, for the prosecution of such violation, without communicating the name of the person giving such information.

### ESPIONAGE AND BLACKMAIL.

Section 29. This provision contravenes every British principle of justice and fair treatment. It permits a man to be an informer, and his name not to be given to the person accused. It will lead to espionage and blackmail of the worst description. It is one of the most despicable sections ever introduced into any British law. It is reactionary, and carries us back to the dark ages.

**30.** Except so far as otherwise expressly provided by this Act, the penalties imposed by or under the authority of this Act shall be recoverable under the provisions of the "Summary Convictions Act."

**31.** In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or the consumption of liquor, in any

information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, simply without stating the name or kind of such liquor or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

**32.** The description of any offence under this Act in the words of this Act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

**33.** In any prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, or consumption of liquor, it shall not be necessary that any witness should depose to the precise description of the liquor sold, disposed of, kept, had, given, purchased, or consumed, or the precise consideration received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge, but the Justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence, convict him accordingly.

**34.** In proving the sale, disposal, gift, or purchase, gratuitous or otherwise, or consumption of liquor, it shall not be necessary in any prosecution to show that any money actually passed or any liquor was actually consumed, if the Justice hearing the case be satisfied that a transaction in the nature of a sale, disposal, gift, or purchase actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon,

shall be evidence that such liquor was sold or given to the person consuming or being about to consume, or carrying away the same, as against the occupant of the said premises.

**35.** In any prosecution or proceeding in which proof is required respecting any house, shop, room, or other place in which are proved to exist a bar, counter, beer-pumps, kegs, jars, decanters, tumblers, glasses, or other appliances or preparations similar to those usually found in taverns, saloons, and shops where liquor is accustomed to be sold or trafficked in, it shall be deemed to be a place in which liquor is kept or had for the purpose of being unlawfully sold, bartered, or traded in, unless the contrary is proved by the defendant in any prosecution: and the occupant of such house, shop, room, or other place shall be taken conclusively to be the person who has or keeps therein such liquor for sale, barter, or traffic therein.

**36.** The fact of any person, not being a vendor, keeping up any sign, writing, painting, or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce reasonable belief that liquor may be lawfully purchased in such house or premises, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the person residing therein, shall be deemed prima facie evidence of the unlawful keeping for sale of liquor by such person.

**37.** The Justice trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that the witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor.

**38.** The occupant of any house, shop, room, or other place in which any sale, barter, or traffic of liquor or any matter, act, or thing in contravention of any of the provisions of this Act has taken place shall be personally liable to the penalty and punishment prescribed in this Act, notwithstanding such sale, barter, traffic, matter, act, or thing be made by some other person who cannot be proved to have acted so under or by the directions of such occupant; and proof of the fact of such sale, barter, or traffic or other act, matter, or thing by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter, or traffic or other act, matter, or thing took place with the authority and by the direction of such occupant.

**39.** (1.) Every offence against the provisions of this Act committed by the employee, servant, agent, or workman of any person unlawfully selling liquor shall be deemed to be the offence of the person so unlawfully selling liquor, and such person shall be answerable for and shall be punished for such offence: Provided that nothing therein shall absolve the actual offender from guilt and punishment, but he shall be punished also.

(2.) Any contravention of any of the provisions of this Act by any servant, agent, or employee of a vendor shall be presumed to be the act of such vendor, but such presumption may be rebutted by proof of explicit instructions to the contrary by such vendor, and any such servant, agent, or employee contravening any of the provisions of this Act and disobeying any such explicit instructions shall be liable on summary conviction to imprisonment for not less than ten days or more than three months without the option of a fine.

(3.) In the event of an incorporated company contravening any of the provisions of this Act, the officer or agent of the company in charge of the particular premises upon which the offence is committed, as well as the said company, shall be liable to the penalties prescribed by this Act.

**40.** (1.) The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

(2.) The burden of proving that any prescription or administration of liquor is bona fide and for medicinal purposes only shall be upon the person who prescribes or administers such liquor, or causes such liquor to be administered, and the Justice trying a case shall have the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered.

**41.** If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, prima facie proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person prove that he did not commit the offence with which he is so charged, he may be convicted accordingly.

## MUST PROVE HIMSELF INNOCENT

[illegible]

**42.** The proceedings upon any information for an offence against any of the provisions of this Act, in a case where a previous conviction or convictions are charged, shall be as follows:—

(a.) The Justice shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question, the Justice shall then inquire concerning such previous conviction or convictions:

(b.) Such previous convictions may be proved prima facie by the production of a certificate purporting to be under the hand of the convicting Justice or the Clerk of the County Court to whose office the conviction has been returned, without proof of signature or official character:

(c.) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justice by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall there-

upon, upon proof of the due service of such summons if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been in the first instance:

(d.) In case any person who has been convicted of a contravention of any provision of any of the sections of this Act is afterwards convicted of an offence against any other provision of this Act, such conviction shall be deemed a conviction for a second offence within the meaning of this Act, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

**43.** One conviction for several offences, and providing a separate penalty for each, may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after information laid for a first offence.

**44.** (1.) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the Superintendent, constable, or police officer, as the case may be, shall prosecute as for a second or subsequent offence according to the fact.

(2.) The Superintendent or any constable or police officer who knowingly and wilfully contravenes the provisions of this section shall be guilty of an offence against this Act.

**45.** The Justice, on any conviction of any person for an offence against this Act, shall send forthwith to the Superintendent a certificate of such conviction, for which certificate he shall be entitled to charge a fee of fifty cents to be taxed as costs in the cause.

**46.** In all prosecutions, actions, or proceedings under the provisions of this Act against a corporation, every summons, warrant, order, writ, or other proceeding may, in addition to any other manner of service which may be provided or

authorized by law, be served on such corporation by delivering the same to any officer, attorney, or agent of the said corporation, or by leaving it at any place where it carries on any business: Provided that service in any other way shall be deemed sufficient if the Court, Justice by or before whom such summons, warrant, order, writ, or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ, or other proceeding to the notice of such corporation.

**47.** (1.) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the Justice by his conviction or order, after adjudging payment of such penalty, compensation, or sum of money with costs, may order and adjudge that, in default of payment of such penalty, compensation, or sum of money forthwith or within a limited time, such penalty, compensation, or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

(2.) In any such case, and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any Justice, or by the officer in whose custody the same is by law required to be kept, may be filed in any County Court, and such conviction or order shall thereupon become a judgment of said Court, and all proceedings may be thereupon taken and had as on any other judgment of said Court.

(3.) Nothing in this section contained shall be construed as in any way affecting, limiting, or restricting any proceedings which can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

## *Right to search for Liquor.*

**48.** (1.) The Superintendent and any police officer, policeman, or constable shall, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at any time have the right to enter into any and every part of any building or place wherein refreshments or liquors are sold or reputed to be sold, or where he believes liquor is

kept contrary to the provisions of this Act, and to make searches in every part thereof and of the premises connected therewith as he may think necessary for the purpose aforesaid; and for such purpose may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises or any part thereof, or of any closet, cupboard, box, or other receptacle which might contain liquor.

(2.) Every person being therein or having charge thereof who refuses or fails to admit any such Superintendent, police officer, policeman, or constable demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such Superintendent, police officer, policeman, or constable, or any such searches as aforesaid, shall be guilty of an offence against the provisions of this Act.

**49.** The Superintendent and any police officer, policeman, or constable, if he believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle on a public highway or elsewhere, or is concealed on the lands of any person, shall have power without warrant to search for such liquor wherever he may suspect it to be, and if need be by force, and may search the person himself, and may seize and remove any liquor found and the vessels in which the same is kept.

**50.** When the Superintendent or any police officer, policeman, or constable, in making or attempting to make any search under or in pursuance of the authority conferred by sections 48 and 49 of this Act, finds in any house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same and the vessels in which the same is kept; and upon the conviction of the occupants of such house or place or any other person for keeping the liquor for sale contrary to the provisions of this Act in such house or place, the Justice making such conviction may in and by the said conviction declare the said liquor and vessels or any part thereof to be forfeited to His Majesty.

**51.** (1.) Where the Superintendent or any police officer, policeman, or constable finds liquor in transit or in course of delivery upon the premises of any railway company or at any wharf, railway station, express office, warehouse, or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same and the vessels in which the liquor is kept.

(2.) When liquor is found on any premises or in any place in such quantities as to satisfy the Superintendent or any police officer, policeman, or constable after careful inquiry that such liquor is being kept for the purpose of unlawfully selling or disposing of the same, it shall be lawful for such Superintendent, police officer, policeman, or constable to seize and remove, by force if necessary, any liquor so found and the vessels in which the liquor is kept.

(3.) If within thirty days from the date of seizure no person claims to be the owner of such liquor, such liquor and any vessels containing the same shall be forfeited to His Majesty.

(4.) If within the said time any claimant appears, it shall be incumbent upon him to prove his claim and his right under the provisions of this Act to the possession of such liquor and vessels to the satisfaction of any Police or Stipendary Magistrate or any Justice of the Peace, and on failure to prove and establish his claim and right the liquor and vessels shall be forfeited to His Majesty.

**52.** If it is proved before any Police or Stipendiary Magistrate or two Justices of the Peace that any vessel, boat, canoe, or conveyance of any description, upon the sea-coast or upon any river, lake, or stream, is employed in carrying any liquor for the purpose of selling or disposal of the same illegally, such vessel, boat, canoe, or conveyance so employed may be seized and declared forfeited and sold, and the proceeds thereof paid into the Consolidated Revenue Fund or to the municipal treasurer, as the case may be.

## *Appeals.*

**53.** No writ of certiorari shall issue for the purpose of quashing any conviction for any violation or contravention of any of the provisions of this Act unless the party applying therefor shall produce to the Judge to whom the application is made an affidavit that he did not by himself or by his agent, servant, or employee, or by any other person with his knowledge or consent, commit the offence for which he has been convicted; and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant, or employee of the accused, or by any other person, with his knowledge or consent.

**54.** No appeal shall lie from a conviction for any violation or contravention of any of the provisions of this Act unless the party appealing shall within the time limited for giving notice of such appeal make an affidavit before the Justice who tried the cause that he did not by himself or by his agent, servant, or employee, or any other person, with his knowledge or consent, commit the offence charged in the information; and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant, or employee of the accused, or any other person, with his knowledge or consent; which affidavit shall be transmitted with the convictions to the Court to which the appeal is given.

**55.** A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form; and a conviction or order made by a Court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or any private person, into the Supreme Court.

## *General Provisions.*

**56.** The Superintendent shall from time to time make reports to the Attorney-General covering such matters in connection with the enforcement of this Act as may be required, and shall annually, as soon as possible after the thirty-first day of December, make a report which shall contain—

(a.) A statement of the nature and amount of the business transacted by each vendor under this Act during the year:

(b.) A list of all prosecutions for infractions of this Act, and the result of the same:

(c.) General information and remarks as to the working of the law within the Province:

(d.) Any other information asked for by the Attorney-General.

**57.** (1.) While this Act is intended to prohibit and shall prohibit transactions in liquor which take place wholly within the Province of British Columbia, except as specially provided by this Act, and to restrict the consumption of liquor within the limits of the Province of British Columbia, it shall not affect and is not intended to affect bona-fide transactions in liquor between a person in the Province of British Columbia and a person in another Province or in a foreign country, and the provisions of this Act shall be construed accordingly.

(2.) Nothing in this Act shall be construed to interfere—

(a.) With the right of any person to import from without the Province liquor for bona-fide use in his private dwelling-house:

(b.) With the right of any minister of the gospel to import from without the Province wine for sacramental purposes:

(c.) With the right of any two or more ministers of the gospel to purchase from a vendor, under the written request signed by any one of them, or to import from without the Province and to keep in

common stock in any place or places whatsoever, or to use, divide, or distribute between or among themselves, wine for sacramental purposes in such quantities and in such manner as they may think fit.

**58.** The "Liquor Licence Act," being chapter 142 of the "Revised Statutes of British Columbia, 1911," is hereby repealed.

**59.** (1.) The "Municipal Act," being chapter 52 of the Statutes of 1914, is hereby amended by striking out the definitions of the expressions 'liquor" and "liquor licence" where they occur in section 2 thereof.

(2.) The said "Municipal Act" is hereby further amended by striking out clause (11) of section 20, clauses (122) and (123) of section 54, subsections (1) to (6) of section 290, and Part IX., being sections 295 to 324, thereof.

## A SCRAP OF PAPER

[illegible]

[illegible]

[illegible]

[illegible] apparent. It is a [illegible]

if liquor control legislation of such far-reaching character had been in effect in any state of the United States nothing like prohibition would have been heard of. How many electors in Ontario would have read the [illegible] this [illegible]

**60.** (1.) The "Vancouver Incorporation Act, 1900," being chapter 54 of the Statutes of 1900, is hereby amended by striking out clause (119) of section 125 and sections 161 to 164 thereof.

(2.) The "Vancouver Incorporation Act, 1900, Amendment Act, 1913," being chapter 96 of the Statutes of 1913, is hereby amended by striking out section 11 thereof.

**61.** This Act shall come into force on the first day of July, 1917, on Proclamation of the Lieutenant-Governor in Council pursuant to the provisions of the "Prohibition and Woman Suffrage Referendum Act," being an Act of the present session.

**62.** In every case where a liquor licence is in force and unexpired at the date of the coming into force of this Act, a proportionate rebate shall be made in respect of all licence fees collected in advance therefor under any of the statutory provisions repealed by sections 58 to 60, and the amount of such rebate shall be paid to the holder of the licence.

# THIS PROHIBITION ACT IS A "GOLD BRICK."

## There is nothing like prohibition in the Bill, and every elector of the Province of British Columbia should read, think and learn before recording his vote.

# General Observations.

## COMPENSATION WILL BE PAID.

On May 25th, on the second reading of the Bill, Hon. W. J. Bowser, Prime Minister, said in part:

> "It seems only right and fair that if this Prohibition Act passes there should be an investigation into the claim for compensation of license holders who will be driven out of business. There are the questions of expensive fixtures, loss of profits, cancelled contracts, covenants in leases and depreciation on account of premises possibly lying idle when the license to sell liquor is cancelled. The government has, therefore, come to the conclusion that the fairest way to deal with these claims is to appoint a judicial commission, consisting of three judges, with two other members—one representing the liquor interests, and the other the Prohibition people. With this opportunity, both sides will have their evidence heard, and I believe no fair-minded person could oppose the appointment of the commission, and who will report its findings and recommendations to the Government."

## "GOLD-BRICK"

Mark this! If the Prohibition Bill is carried, compensation is inevitable. What a 'gold-brick" to the electors of British Columbia—millions of dollars for compensation, but nothing like prohibition obtained!

## NOT ONE WORD IN FAVOR.

A very peculiar feature in connection with the consideration of the British Columbia Prohibition Act by the Provincial Legislature is that during the many times that it was before the House for discussion, not one single word was uttered by any member of the Legislature in praise of the Act, or in defence of the principles enunciated by the measure. The Bill came up, as usual, for first, second and third readings, as well as lengthy discussion in committee stage. Yet not a member of the House, Conservative, Liberal, Socialist or Independent, advocated or described it as a Prohibition Act in any sense of the word or outlined in what way the legislation would be for the best interests of the Province. No one spoke in favor. Every speech or remark made in the Legislative Halls was against the Bill, its principles were denounced and ridiculed, every section criticised and declared ineffective to obtain the result pretended by its originators—the prohibition of the sale or use of liquor.

## EVERY AMENDMENT DEFEATED.

Every amendment offered in the House, all of which would have improved the Act, were defeated on the general ground that the Prohibition executive leaders, who had drawn the Bill, would permit no change whatever. A review of the statements made by members of the Legislature, with reference to the Bill, is interesting as showing their real opinion of the measure.

## HON W. J. BOWSER, K.C.

On second reading the Hon. W. J. Bowser, the Prime Minister, went over the history of hotel legislation in the Province, explaining the strict regulation of licensed premises according to the Liquor License Act (Bowser Act) and the Municipal Act, and closed his remarks with an outline of

the Prohibition Bill. So far as the principles of this measure were concerned he said not one word in its favor, nor did he utter a single word to the effect that he believed it to be a Prohibition Act in any sense whatever, or that such legislation would be beneficial to the Province.

### MR. H. C. BREWSTER, M.L.A. (Liberal).

Mr. H. C. Brewster, of Victoria (Leader of the Liberal Opposition), on second reading of the Bill, expressed surprise that the Prohibitionists had not brought in a Bill which would really prohibit.

In this connection he said:

> "I am surprised that we are not asked to pass an act that will actually prohibit; that is, that advantage has not been taken of the Dominion legislation giving power to the Province to prohibit the possession of liquor."

When discussing, in committee, Section 57 of the Act (the section which provides for uncontrolled, unrestricted and unregulated importation of liquor from outside points) Mr. Brewster repeated these observations and also severely criticised the Act in the following words:

> "I am surprised, indeed, that the Prohibition people have not taken advantage of the favorable position they now occupy, and submit an Act that will effectually prohibit. There are many features of this legislation, not in the best interests of our people. As an example I refer to the burden of proof which should not be on the accused, as in this Act, because this is wrong and an un-British principle."

### MR. PARKER WILIAMS, M.L.A. (Socialist).

Mr. Parker Williams, member for Newcastle, when discussing the Act in committee criticised the measure severely. Speaking from the work-

ingman's standpoint, he declared the Act to be class legislation of the rankest type, and said that the Bill was not a Prohibition measure in any particular. The words of Mr. Williams, in this connection (in part), were as follows:

> "It would look as if this Act was intended to remove the temptation of drink from wage earners by indirect methods, and is, therefore, another example of class legislation, the intention being that the workingman will be unable to send outside for his liquor, but the rich man will be able to have all he wants. I am surprised to hear that the Prohibitionists are satisfied with the terms of an Act which permits any man to import liquor into the Province by wholesale. I am willing to vote for Prohibition that will prohibit, but not for such a lop-sided, jug-handled imitation such as the present Bill."

## MR. H. B. THOMSON, M.L.A. (Conservative).

Mr. H. B. Thomson, Conservative member for Victoria, in speaking of the Act called attention to the fact that it was not a Government measure in any sense of the term. The Government was in no way responsible for the Bill, except for its drafting and preparation for the referendum vote. It was an Act prepared and demanded by certain members of the Prohibition Party Executive. He then analyzed the Bill, and gave it the name "Gold-Brick," a term by which the Act is now popularly known throughout the entire Province. Mr. Thomson's statements concerning the measure were frank, clear, concise and convincing, his words, in part, as follows:

> "Certain Prohibition leaders in this Province will require to have a larger supply of cant, hypocrisy and humbug than they have used in initiating this measure if they hope to succeed. It is a fake proposition. Its very name is counterfeit, and to the elector who may desire a real prohibitory measure, it is a "gold-brick" of the most pronounced type.

"Compensation to the citizen who is deprived of his capital, should this Act come into force, is only just, fair and honourable. Great Britain paid as compensation to slave-owners over one hundred million dollars when slavery was abolished. The sale of liquor has been a legal business and one in which the Province, therefore the people, has been a partner. How can we, as British people, with British blood in our veins, adopt the principle of confiscation without compensation?"

"On the other hand here is the 'gold-brick.' There is nothing like prohibition in the Bill. It will not diminish the consumption of alcoholic beverages, but will increase the purchase of strong liquor. It will turn the home into a saloon, and the drug store into a liquor shop, where subterfuge, deceit and false pretence will become common and open, in order to obtain liquor. It will take a standing army to enforce it, if indeed, twenty-five thousand extra provincial police could do so. It is un-British in principle; the right to search a man's home without a warrant being re-actionary and repugnant. The onus of proof on the accused will engender blackmail and espionage.

"Enormous sums of money will be sent out of the Province which would otherwise be spent in the Province taxation increased, great non-employment caused, and in no way, shape, or form will it benefit the State. It is class legislation of the rankest description, permitting the wealthy man to stock his home from roof to garret if he wishes, but the poor man must pay for a doctor's prescription, and a high price for the liquor at a drug store.

"It is freak, experimental legislation and no intelligent elector, Prohibitionist or otherwise, can possibly support it."

# Summary of the Act.

A brief description of the Prohibition Act, and some effects if it is carried:

( 1) The title "Prohibition" is a misnomer. It never was intended to prohibit, and will not prohibit the sale, distribution and use of liquor.

( 2) The question has been asked, "If no prohibition, why are the liquor trade opposing the Bill?" Because in its terms, the present license system will end. Therefore, the present license holders will not continue in business. Outside firms, drug stores, and Government appointees will sell and distribute liquor.

( 3) By Dominion legislation last session (Doherty Act, Number 66), Provincial Legislatures (therefore British Columbia Government) can prohibit the use of liquor, but the Prohibition Executive refused to ask for this legislation, which would have meant real prohibition.

( 4) This pretended Prohibition Act states, "It is expedient to suppress the liquor traffic," and then goes on to provide the means by which any citizen of any age can obtain liquor.

( 5) For mechanical or scientific purposes large quantities of alcohol may be purchased. How much will be consumed?

( 6) Any physician may purchase liquor up to one-half a gallon at any one time (no limit to the number of times in one day) and may distribute it for medicinal purposes. Who decides what are medicinal purposes? Answer: The doctor.

( 8) Veterinary surgeons, dentists and hospitals may all purchase liquor.

( 9) Any person may purchase liquor for medicinal purposes from a Government vendor or in a drug store, with a doctor's prescription.

(10) Certain affidavits, requests and prescriptions are necessary to obtain liquor from a Government vendor. How much liquor is consumed as a beverage for medicinal purposes? Who is able to draw a distinction between use as a beverage, and use medicinally?

(11) Every drug store in the Province will be able to sell liquor, practically any quantity, to any person of any age, presenting a doctor's prescription.

(12) Every physician in the Province will have the right to distribute prescriptions to obtain liquor with this only restriction, that he deem liquor necessary for the health of his patient. The standard price for a prescription in the State of Washington has been from one dollar to two dollars.

(13) Any physician may personally deliver the liquor himself, up to a quantity of one-half a gallon, to any person if he deem liquor necessary to health, and may have in his possession, his office, or his grip, liquor up to such an amount. No limit to the number of times in one day.

(14) Any person will be able to purchase in any quantity, or to any amount (barrels, cases, or jugs), store the same and pile it up in his home, and therein consume it or distribute it to his friends.

(15) It is class legislation of the rankest kind. The workingmen who consume alcoholic beverages are large purchasers of malt beverages, such as beer, ale, or stout, rather than strong liquors, such as whisky or brandy. Owing to the freight rate and long haul of five hundred miles the price of beer will be prohibitive to them, and instead of being able to purchase a glass of beer for five cents, or a large bottle for fifteen cents, as the case is now in the Coast cities, they will be forced to pay a prohibitive price if they wish this pure, health-giving commodity. They will, therefore, be compelled to use whisky and obtain it in a drug store and again will be at a disadvantage because they will have to pay for a doctor's prescription and the high price demanded by the drug store.

(16) It is an American importation, born of political intrigue, and internal disorder, following open violation of law and order, something not yet experienced in British Columbia. It is supported by anonymous outside corporations, who subsidize newspapers to agitate prohibition laws, such as this. These corporations enormously benefit from the increased sale of certain decoctions and proprietary articles.

(17) It makes every man a child in the eyes of the State, and uses the policeman's club, the sheriff and the prison cell to force a man not to do something which in the eye of God or man is not wrong.

(18) It makes it a crime, punishable by imprisonment, to do something which is neither immoral nor an interference with the rights of another.

(19) It will abrogate the large revenues now paid by license holders to the cities, municipalities and Provincial Government, and will, therefore, greatly increase taxation. On the other hand, no benefit will accrue to the Province.

(20) It will render worthless thousands of buildings, stores and premises throughout the Province, and thus increase taxation.

(21) It will cause great non-employment during a time of industrial depression and war, and provide no means of employment in other ways, except in the police department.

(22) It will injuriously affect practically every business in the Province, e.g., lumber mills, coopers, printers, painters, sign writers, newspapers, and practically every wholesale and retail trader.

(23) It will not reduce the expenditure for liquor within the Province, but will increase it.

(24) It will send large sums of money out of the Province without returning one dollar to the public revenues or for wages, supplies and materials purchased in the Province.

(25) It will drive out of business hundreds of splendid hotels in the suburban districts, as well as the cities, which are of absolute necessity to the tourist and travelling public.

(26) It will increase the cost of police protection and administration of law and order enormously, as it is doubtful if a standing army of police could enforce its ridiculous provisions.

(27) It will abolish the legitimate bar, but will establish the blind pig, and the bootlegger, with distribution of poisonous decoctions.

(28) It will cause dissension, discord and trouble at a time when citizens of every class or faction should unite in the common object to win the present war.

(29) It is causing the expenditure of large sums of money on account of its initiation, all of which should be devoted to Red Cross or patriotic purposes.

(30) It is inhospitable to the tourist, "to the stranger within our gates," in that it permits every person to consume liquor in his own home, but denies the right to the visitor without a home to have that which he may be accustomed to, and which does him no harm, and which he is prepared to pay for.

(31) It violates The Golden Rule—"Do unto others as you would they should do unto you."

(32) It will breed a race of liars, hypocrites, imposters and cheats, and will make criminals and perjurers of otherwise respectable citizens.

(33) It will debauch at least two hitherto honorable professions, because in order to compete with unscrupulous competitors, dishonorable methods become requisite.

(34) It will convert the dwelling house into the bar.

(35) It will permit any police constable to enter a man's home and break open doors and closets without a warrant, also

search by force a man's pockets, clothing, motor car, vehicle or grip, without a warrant.

(36) It will permit a man to become an informer without disclosing his identity to the person accused, and will put the onus of proof upon the accused—an un-British and reactionary step.

(37) It will not improve conditions in British Columbia, either morally or financially, but will cause chaotic conditions.

(38) It has been introduced for ulterior motives, not because it will improve existing conditions, and it is decidedly a long step in the wrong direction.

(39) It recognizes the principle that it is impossible to eliminate the natural appetite of man by Statute Law, but is a counterfeit on its face because it is called a Prohibition Act.

(40) It should be called the "Abolition of Liquor Control Act," because this is exactly what it does.

(41) It should begin by stating in the preamble the following: "Whereas it is expedient to transfer the sale of liquor from present vendors to Government vendors, drug stores, department stores, physicians, dentists, veterinary surgeons, and any firm doing business outside the Province, and to provide for increased consumption of liquor in the homes." This wording outlines exactly what the Prohibition Act does.

(42) It will cause the appointment of a Royal Commission and the payment of millions of dollars for compensation, without suppressing, eliminating or reducing the use and consumption of liquor in the slightest degree whatever.

# SPECIMEN BALLOT

*The form of the ballot on which the referendum vote on the B. C. Prohibition Act will be taken on September 14th, is as follows:*

| | | |
|---|---|---|
| Are you in favour of bringing the "British Columbia Prohibition Act" into Force? | Yes. | |
| | No. | X |

MARK YOUR BALLOT HERE

# VOTE "NO."

¶ The Prohibition Act is a "Gold Brick" and every elector should read and study its provisions.

¶ No intelligent man can vote for this unreasonable, unfair and counterfeit measure.

¶ If he believes in Prohibition, he should vote against this Act.

¶ If he believes in restriction, regulation and control, he should vote against this Act.

"A chain is no stronger than its weakest link."

**Read Section**

# 57

## Government Regulation and Control

*versus*

## Unregulated Importation and Distribution.

?