

THE VANGUARD.

JANUARY, 1895.

INFLUENCE OF INTEMPERANCE UPON CRIME.

The extent to which drink is a cause of crime is a subject that has received much attention. There still exists in reference to it a good deal of uncertainty. A great proportion of the business of courts is with offences that are manifestly the outcome of drinking. Apart from such offences as drunkenness and violations of liquor laws, there are very many other cases directly attributable to the liquor traffic. It is difficult, however, to obtain data sufficient for even a safe estimate as to the extent of such drink-caused crime.

The conditions and circumstances in different localities vary. A statement based upon knowledge that three-fourths of the crime in any particular place was caused by drink would not make it certain that exactly the same proportion existed in another locality. There would be variations. Roughly speaking, however, it might be assumed that the results of a thorough investigation of the conditions of an average community might be taken as a basis for calculations generally. That is, if we could accurately say how much crime in any place was the result of intemperance we would not be very far astray in using the ratio thus obtained in forming an estimate of liquor-caused crime generally.

In nearly every locality there may be obtained figures showing the extent of the crime with which the authorities are called to deal. There is a record of a remarkable inquiry conducted with the utmost care and thoroughness

under competent direction, showing approximately the proportion of intemperance-caused crime in one locality. The results of that inquiry are of incalculable value.

Those results are contained in the twelfth annual report of the Massachusetts Bureau of Statistics of Labor for 1881. The inquiry was made by Carroll D. Wright, chief of the bureau. It dealt with the county of Suffolk, Massachusetts, in which is situated the city of Boston. The investigation and its results are so important that a reproduction of them will, we believe, be generally appreciated by inquirers into social conditions. We reprint, therefore, below a large part of the report referred to, and a summary of the most important of the tables published in connection therewith. The report commences thus :—

“The following exhibits of the influence of intemperance in the commission of crime in the county of Suffolk are in fulfilment of a promise made in our last year’s report. It was then shown that 60 per cent. of all sentences for crime in the Commonwealth during the last twenty years were for distinctively rum offences, such as the various classes of drunkenness and liquor offences.

“For the purposes of comparison, and that the classification may be at hand, from which it was shown last year that 60 per cent. of all crime in this State during twenty years belonged to rum absolutely, we have prepared the following table from the various exhibits presented in the eleventh report. In this table the offences marked with an asterisk are those which constitute the 60 per cent. of all offences, the figures being: Total sentences in twenty years, 578,458; sentences for rum crimes, 340,814.”

At this point the report has a table giving a list of 64 different classes of crimes, with the number of offences occurring under each head, 30,263 being under the additional heading of “Other Offences.” Of the 64

enumerated crimes there are 6 coming under the head of what the report calls "Rum Crimes." These offences are : Common drunkard, drunkenness, liquor selling, liquor keeping, liquor carrying, liquor nuisance. Taken altogether they number 340,814. A great many of the other offences given in the catalogue are such as are most frequently committed by persons under the influence of liquor. The inquiry undertaken, however, did not consider the *prima facie* character of the offences, but carefully searched out their history. The method by which this was done and the results attained are given as follows :—

"There were no sources of information from which we could ascertain the weight of the influence of intemperance in the commission of all crimes other than those indicated by an asterisk in the foregoing table, and our means would not allow us to canvass all the courts in the Commonwealth, we therefore instituted an investigation for the year current from September 1, 1879, to September 1, 1880, with a view to discover what that influence is in the county of Suffolk during the above year.

"This investigation dealt exclusively with all sentences for offences other than the distinctive rum offences made during the year above mentioned.

"By this investigation, limited to one year, and one county of the Commonwealth, we did not expect to attain any certain knowledge as to the part intemperance played in the commission of the 40 per cent. balance of crime for the twenty years which were the subject of our last year's report on the statistics of crime. The result attained, however, by this investigation will supply an important basis for computation and conjecture as to its influence in the commission of this 40 per cent. balance of crime for the whole State.

“For years there have been among the temperance reformers of this country and Europe much argument and eloquence based upon the more or less casual and scattered observations of private individuals as to the nature and extent of the influence which intemperance exerts in the commission of crime. The logic which the temperance advocate stands most in need of is the solid strength of facts collected and collated in a thorough and systematic manner within limits circumscribed as to time and territory.

“This investigation was inaugurated and conducted in the interest of all who are a prey to the sin of intemperance, but more especially in the interest of the youth of our State, with the ardent hope of revealing to them, stripped of prejudice and sentiment, the naked proportions of an evil, prolific in poverty and prodigality, waste and want, the expense of which, while a burden to all classes, falls in a greater degree on the workers and chief consumers of society. Temperance and frugality will relieve them of the greater part of this burden.

“The total number of sentences for the year of our investigation—the distinctively rum offences included—was 16,897; 12,289 were directly due to rum causes; 12,221 being for sentences for the various grades of drunkenness, and 68 for liquor keeping and liquor selling without license, etc.

“Thus for the year, the sentences for rum causes alone constitute 72 + per cent. of the whole, leaving a small balance of 27 + per cent. Now, to discover what was the influence of intemperance in the commission of this balance, formed the object of this investigation.

“We sought to compass the object of our investigation by ascertaining the connection between rum and the criminal in five directions: 1. Whether the criminal was under the influence of liquor at the time the crime was

committed. 2. Whether the criminal was in liquor at the time he formed the intent to commit the crime. 3. Whether the intemperate habits of the criminal were such as to lead to a condition which induced the crime. 4. Whether the intemperate habits of others led the criminal to a condition which induced the crime. 5. What were the drinking habits of the criminal, whether total abstainer, moderate drinker, or excessive drinker? And, for the purpose of enabling us to make this investigation as thorough and accurate as possible, we endeavored, through our agents, to acquaint ourselves with each criminal, his history, his friends, his neighborhood, his real name, and the exact name and nature of his offence, his residence, his occupation, his age and birthplace.

“In each of the nine courts of criminal jurisdiction in the county of Suffolk we had an agent, paid to investigate each case that appeared in the same.

“It was the duty of these agents to interview each criminal separately, to hear his statements relative to the points of our inquiry; to follow the evidence offered in each case in open court, and to acquaint themselves, as far as practicable, with the circumstances connected with the past life of each criminal. The results of their several researches were transmitted at the end of each month to this office, where the returns were carefully canvassed. All those which were satisfactory were filed away for future use; those which were not complete were returned, with instruction that they be reinvestigated and corrected. All the cases of appeal, and those held to await the action of the grand jury, were put under the immediate care of one of our staff, who watched the disposition made in each case, either in the Superior Criminal Court or by the grand jury. In every case where the sentence in the lower court became vacated by reason of the death, acquittal, etc., of the

prisoner, or where the action of the grand jury was to discharge the prisoner, it was so noted on the case, and the same filed away by themselves, not to be used in this investigation.

“ Mr. A. H. Grimke, a member of the Suffolk bar, who had immediate charge of the court work, and his assistants received the most hearty encouragement and co-operation in their work from judges and clerks alike.

“ The facts thus gathered are presented in the following tabular statements: The number 4,608 represent the 27 + per cent. balance of crime during the year of our investigation.

“ Table 1 presents the gist of the investigation. It contains a schedule of all offences within the scope of this investigation, with the total number of sentences under each offence, and an analysis of the connection between rum and the criminal, with reference to the five directions pointed out as the lines this investigation has pursued.

“ It appears that 2,097 of the 4,608, which constitutes the 27 + per cent. balance of crime, were in liquor at the time of the commission of the various offences of which they have been found guilty. This number is equal to 45 + per cent. of the 27 + per cent. balance, or to 12 + per cent. of the sum of all offences for the year, the distinctively rum offences included; that 1,918 were in liquor at the time of the formation of the criminal intent; that the intemperate habits of 1,804 were such as to induce a moral condition favorable to crime; that 821 were led to a criminal condition through the contagion of intemperance; that of the 4,608 convictions the total abstainers numbered 1,158, the moderate drinkers 1,718, and the excessive drinkers 1,317.

“ The complicity of rum in the commission of offences contained in this table becomes more marked and flagrant

by a particular examination as to the condition of the criminals at the time of the commission in the assault and battery and the larceny cases. The sentences for assault and battery were 1,498, and those for larceny 1,115. The sum of these two offences alone is equal to 56 + per cent. of the total number of all offences which were the subject of investigation.

“ Now, at the time of the commission of these two offences, 1,275 of the criminals were in liquor, a number equivalent to 48 + per cent. of the total sentences for these two offences, or to 27 + per cent. of the aggregate of sentences under all offences contained in this table.

“ In the higher offences contained in this table, consisting of robbery, rape, felonious assault, and manslaughter, together comprising 28 convictions, 17 of the criminals were in liquor at the time the offences were committed ; and in the higher offences against property, consisting of breaking and entering and burglary (123 sentences), 33 of the criminals were in liquor at the time the offences were committed ; the number in liquor at the time of the commission of the higher crimes against the person being equal to 60 + per cent., and the number of those in liquor at the time of the commission of the higher offences against property, 26 + per cent. of their respective totals.

“ Again, the number in liquor at the time of the commissions of the lesser offences against the person contained in the schedule, viz., assault and battery, assault on officer, and assault with weapon, was 859 in a total of 1,534, a number equal to very nearly 56 per cent. of the whole ; while, on the other hand, the number in liquor at the time of the commission of the several offences of embezzlement, larceny, and malicious mischief, the minor offences against property, the number was 525 out of a sum of 1,294. This number is equal to 40 per cent. of the aggregate of sentences for

these three offences. There is something striking and significant in these sums and ratios.

“Again, in robbery, rape, felonious assault, and manslaughter, there were 1 total abstainer, 17 moderate drinkers, and 10 excessive drinkers. In assault and battery, assault on officer, and assault with weapon, there were 239 total abstainers, 715 moderate drinkers, and 489 excessive drinkers, the number of total abstainers being equal to 15 + per cent., and the number of excessive drinkers to 31 + per cent. of the whole number of sentences for these seven offences against the person.

“In breaking and entering and burglary there were 45 total abstainers, 45 moderate and 28 excessive drinkers; and in embezzlement, larceny and malicious mischief there were 384 total abstainers, 499 moderate and 347 excessive drinkers; the number of total abstainers being equal to 30 + per cent., and the number of excessive drinkers alone to 26 + per cent. of the sum of sentences for these five offences against property.

“And finally, in the grand total of sentences of all offences within the scope of this investigation, the whole number of total abstainers constitutes 25 + per cent., while that of the excessive drinkers alone is equal to 28 + per cent.”

The report contains the statement referred to as Table 1 in above quotations. It is an extensive setting out of the facts of every class of crime that have relation to the inquiry mentioned. Taking all the different classes of crime together, and the facts relating to them, the following table is obtained, which embodies the most important part of the information given. The question setting out each line of inquiry is as given, and the results obtained by the inquirers follow it.

Was the criminal under the influence of liquor at the time the crime was committed?

Influence of Intemperance upon Crime.

	YES.	No.	NOT ANS.	TOTAL.
Males	1,732	1,892	133	3,757
Females	365	426	60	851
Total	2,097	2,318	193	4,608

Was the criminal in liquor when the intent to commit the crime was formed ?

	YES.	No.	NOT ANS.	TOTAL.
Males	1,626	1,928	203	3,757
Females	292	486	73	851
Total	1,918	2,414	276	4,608

Did the intemperate habits of the criminal lead to a condition which induced the crime ?

	YES.	No.	NOT ANS.	TOTAL.
Males	1,495	2,092	170	3,757
Females	309	474	68	851
Total	1,804	2,566	238	4,608

Did the intemperate habits of others lead the criminal to a condition which induced the crime ?

	YES.	No.	NOT ANS.	TOTAL.
Males	611	2,860	286	3,757
Females	210	544	97	851
Total	821	3,404	383	4,608

What were the habits of the criminal as regards liquor drinking ?

	Total Abstainer.	Moderate Drinker.	Excessive Drinker.	Not Ans.	Total.
Males.....	940	1,611	1,047	159	3,757
Females.....	218	307	270	56	851
Total	1,158	1,918	1,317	215	4,608

The details above given are very instructive and will, as has been said, be of value for study, and as a basis of estimate in reference to the operation of drink as a crime

producer in other cases. Dr. Carroll Wright's report closes with the following significant and forcible paragraphs :—

“The above figures indicate the enormity of rum's share in the 27+per cent. balance of criminal cases in Suffolk county for the year of our investigation. They show that to the 72+per cent. for distinctively rum crimes must be added 12+per cent., representing the criminals who were in liquor at the time of committing other crimes, making a total of 84+per cent. of all criminal cases due directly or indirectly to the influence of liquor.

“These figures paint a picture, at once the most faithful and hideous, of the guilt and power of rum. Men and women, the young, the middle-aged, and the old, father and son, husband and wife, native and foreign born, the night-walker and manslayer, the thief and adulterer, all testify to its ramified and revolting tyranny.

“Therefore the result of this investigation, in view of the disproportionate magnitude of the exclusively rum offences, and considered in connection with the notorious tendency of liquor to inflame and enlarge the passions and appetites, to import chaos into the moral and physical life, to level the barriers of decency and self-respect, and to transport its victims into an abnormal and irresponsible state, destructive and degrading, calls for earnest and immediate attention at the bar of public opinion and the public conscience of Massachusetts.”

HOW MONEY IS USED AND WASTED.

There was published in the New York Voice of January 10th, an interesting and instructive diagram and table showing the annual expenditure of the United States on different articles for different purposes. The contrast between the outlay for foreign missions and that for strong drink is very startling. In explanation of the table the compiler says:—

The cost of liquors and tobacco at retail is based upon the internal-revenue reports for the fiscal year 1893, and the other items are estimated for the same year. The estimates for foreign missions and church work, consisting of the amount raised annually for all purposes, including ministers' salaries, buildings, repairs, general expenses, etc., are by Rev. H. K. Carroll, D.D., of *The Independent*, who was in charge of the church statistics in the census for 1890. The estimate for public education is based upon the latest returns of the commissioner of education.

The estimates of the cost of potatoes, sugar and molasses, and flour (used for bread) are based upon the reports of the secretary of agriculture for the year 1893. The cost of the annual consumption of meat is estimated from data given by Mulhall in his "Dictionary of Statistics." The estimates of the retail annual cost of brick, silk, woolen and cotton goods, furniture, boots and shoes, printing and publishing, sawed lumber, and iron and steel are based upon the reports of the census for 1890. To the aggregate product of these industries was added a fair percentage of the retail cost and the difference three years (to 1893) would make in

the production. The proper allowance was made in all cases where the exports or imports of any of the above articles affected their total consumption. No effort has been spared to make these estimates as accurate as possible in every particular."

The figures of the table are as follows :—

Foreign Missions	\$	5 millions
Brick	85	"
Potatoes	110	"
Churches	125	"
Public Education	165	"
Silk Goods	165	"
Furniture	175	"
Sugar and Molasses	225	"
Woollen Goods	250	"
Boots and Shoes	335	"
Flour	345	"
Printing and Publishing	370	"
Cotton Goods	380	"
Sawed Lumber	495	"
Tobacco	515	"
Iron and Steel	560	"
Meat	870	"
Liquors	1,080	"

LIFE INSURANCE AND TEMPERANCE.

Mr. Charles Smith wrote recently to the Alliance News giving the latest published report of the mortality experience of the United Kingdom Temperance and General Provident Institution. It refers to the year ending December 31st, 1893, and is as instructive as were the preceding reports. Mr. Smith says the actuary (Mr. R. P. Hardy) reports the mortality on whole-life policies to have been as follows: Expected claims in the Temperance section, 337 for £86,204; the actual claims were 228 for £68,115. In the general section the figures are 390 expected claims for £93,722; whereas the actual were 385 for £88,195. The record of the whole 28 years for which this experience has been chronicled may be briefly tabulated:—

TEMPERANCE SECTION.

	Expected claims.	Actual claims.	Percentage of expected.
25 years } 1866-90	4856	3423	70.5
3 years } 1891-3	985	708	71.8
Total 28 years	5841	4131	70.7

GENERAL SECTION.

	Expected claims.	Actual claims.	Percentage of expected.
25 years } 1866-90	7277	7034	96.9
3 years } 1891-3	1163	1232	105.9
Total 28 years	8440	8266	97.9

UNITED STATES LIQUOR STATISTICS FOR 1894.

The report of the United States International Revenue Commissioner for the fiscal year ending June 30th, 1894, has been issued. It contains, as usual, an interesting table setting out the number of liquor dealers of all classes in the different States, and also the amount of liquor ex-warehoused for consumption in the different revenue districts. The most important parts of this table are submitted.

The New York *Voice* calls special attention to the fact that a study of the column showing the number of population to one dealer shows that the Prohibition States (marked thus *) continue to hold their own high place of freedom from saloons. The best showing is made by some of the Southern States, largely prohibition by local option. In Mississippi, where only about six "wet" counties are left, there is but one dealer to 2,453 of population. Other notable States, all largely under local prohibition, are Arkansas, with one dealer to every 1,650 of population; North Carolina, with one dealer to every 1,426 of population; Alabama, with one dealer to every 1,361 of population, and Georgia, with one dealer to every 1,315 of population. Iowa was under prohibition at the beginning of the fiscal year, but during the following winter the legislature adopted a "mulct-tax" law similar to the Ohio law. South Carolina was under the dispensary law during several months of the year.

It will be seen that the amount of liquor consumed in 1894 is less than the quantity consumed in 1893. Various reasons are given for the falling off. The financial depression which has generally prevailed is suggested as a cause. It is also said that uncertainty in regard to internal revenue duties has tended to lessen the taking of spirits for consumption during the year.

In the table given the States marked (†) are largely under prohibition through local option. The States marked (*) are under statutory prohibition.

The letters *a* to *k* refer only to the last three columns of the table, where the facts are reported not by States, but by collection districts; *a*, joined with Nevada; *b*, with Wyoming; *c*, with Rhode Island; *d*, with Indian Territory and Oklahoma; *e*, with Mississippi; *f*, with Delaware, District of Columbia and two counties of Virginia; *g*, with Idaho and Utah; *h*, with North and South Dakota; *i*, with Maine and Vermont; *j*, with Arizona; *k*, with Washington and Alaska.

STATES AND TERRITORIES.	Population June 1, 1893, Officially Estimated. †	Number of Dealers in Liquors.	Number of Population to One Dealer.	LIQUORS UPON WHICH TAX WAS PAID		
				Distilled Liquors, Gallons.	Malt Liquors, Gallons.	Total Liquors, Gallons.
Alabama †.....	1,582,000	1,162	1,361	10,211	1,126,881	1,137,092
Alaska		7				
Arizona.....	61,000	716	89			
Arkansas †.....	1,222,000	740	1,650	76,129		76,129
California (<i>a</i>)...	1,317,000	13,930	95	273,311	22,386,650	22,659,961
Colorado (<i>b</i>)....	495,000	2,931	169	167	5,831,720	5,831,887
Connecticut (<i>c</i>)..	791,000	3,478	227	219,457	13,443,429	13,692,886
Delaware.....	175,000	460	380			
D. of Columbia..	269,000	1,382	195			
Florida †.....	437,000	470	930			
Georgia †.....	1,917,000	1,458	1,315	293,897	2,430,617	2,724,514
Idaho.....	108,000	687	157			
Illinois.....	4,119,000	21,119	195	27,739,519	102,614,154	130,353,703
Indiana.....	2,250,000	8,979	251	4,329,456	19,098,077	23,427,533

STATES AND TERRITORIES.	Population June 1, 1893, Officially Estimated. †	Number of Dealers in Liquors.	Number of Population to One Dealer.	LIQUORS UPON WHICH TAX WAS PAID.		
				Distilled Liquors Gallons.	Malt Liquors, Gallons.	Total Liquors, Gallons.
Indian Territory	195,000	1	.....	.....	.....	.....
Iowa *	1,982,000	5,651	351	.....	4,186,488	4,186,488
Kansas (d) *	1,516,000	2,626	577	.....	181,877	181,877
Kentucky.....	1,905,000	4,910	388	24,476,611	10,969,598	35,446,109
Louisiana (e)....	1,160,000	4,832	240	107,457	1,890,950	8,398,407
Maine *	661,000	1,198	554	.....	.....	.....
Maryland (f)....	1,069,000	4,813	222	3,113,869	25,438,228	27,552,097
Massachusetts..	2,462,000	5,916	416	853,837	38,698,757	39,552,594
Michigan.....	2,237,000	8,263	270	.....	20,322,980	20,322,980
Minnesota.....	1,498,000	4,561	328	1,740,953	12,099,393	13,840,346
Mississippi †....	1,332,000	543	2,453	.....	.....	.....
Missouri.....	2,845,000	8,960	318	2,114,354	67,653,191	69,767,545
Montana (g)....	179,000	1,669	107	.....	2,267,247	2,267,247
Nebraska (h)....	1,305,000	2,721	471	2,033,157	5,526,432	7,559,589
Nevada.....	46,000	547	84	.....	.....	.....
N. Hampshire (i)	385,000	1,972	195	18,791	11,293,052	11,311,843
New Jersey....	1,557,000	9,128	171	482,387	58,657,084	59,139,471
New Mexico (j)	165,000	594	278	.....	142,383	142,383
New York.....	6,311,000	47,299	133	3,790,144	302,797,770	306,587,914
Nth. Carolina †.	1,668,000	1,170	1,426	684,209	.....	684,209
North Dakota *	253,000	624	405	.....	.....	.....
Ohio.....	3,804,000	17,445	218	8,150,486	81,250,101	89,400,587
Oklahoma.....	130,000	727	179	.....	.....	.....
Oregon (k).....	373,000	1,602	233	801,209	5,391,055	6,192,264
Pennsylvania...	5,600,000	15,308	366	5,191,056	106,883,288	112,074,344
Rhode Island...	367,000	1,866	197	.....	.....	.....
South Carolina.	1,184,000	1,040	1,138	46,019	295,771	341,790
South Dakota *	430,000	1,370	314	.....	.....	.....
Tennessee †....	1,820,000	2,244	811	670,332	2,545,348	3,215,680
Texas.....	2,386,000	6,200	385	14,126	5,826,202	5,840,328
Utah.....	230,000	531	433	.....	.....	.....
Vermont *	333,000	687	485	.....	.....	.....
Virginia.....	1,696,000	3,166	536	139,056	2,357,860	2,496,916
Washington....	485,000	1,667	291	.....	.....	.....
West Virginia..	800,000	1,564	512	350,627	3,450,300	3,800,927
Wisconsin.....	1,826,000	9,997	183	1,058,161	89,921,390	90,979,551
Wyoming.....	77,000	485	159	.....	.....	.....
Totals for fiscal year ending June 30, 1894..	67,021,000	241,419	278	87,809,018	1,033,378,273	1,121,187,291
Totals for fiscal year ending June 30, 1893 ..	65,593,000	243,609	269	97,424,825	1,171,438,915	1,268,863,740

THE SUPREME COURT DECISION.

The question of the jurisdiction of Provincial Legislatures in relation to the liquor traffic was argued some time ago before the Supreme Court of Canada, and judgment thereon has just been given. The matter came before the court, as our readers are aware, in the form of a series of questions framed in the first place by the Ontario Government, and submitted to the court by the Dominion Government.

The decision of the court is practically to the effect that a legislature has no right to enact any prohibitory law relating to the liquor traffic. A minority of the judges constituting the court held that a legislature has a right to prohibit retail liquor selling. The court was unanimous in the view that prohibition of importation and manufacture was *ultra vires* of a Provincial Legislature.

It will be seen that the authority of a Legislative Assembly is still uncertain. The decision of the Supreme Court will doubtless be appealed to the Judicial Committee of the Privy Council of Great Britain. The decision of the Privy Council will be final. The questions submitted to the court 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 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 liquors, 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 sales, 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? (R.S.O., c. 109, s. 99.)

7. Had the Ontario Legislature jurisdiction to enact the 18th section of the Act passed by the Legislature of Ontario in the 53rd year of Her Majesty's reign, and entitled, "An Act to improve the Liquor License Acts," as the said section is explained by the Act passed by the said Legislature in the 54th year of Her Majesty's reign, and entitled, "An Act Respecting Local Option in the matter of Liquor Selling?"

The court agreed unanimously to answering the third and fourth questions in the negative. The first, second, fifth, sixth and seventh were answered negatively by Judges Gwynne, Sedgewick and King. Chief Justice Strong and Judge Fournier answered them affirmatively, so that the negative judgment is by a vote of three to two.

At the same time the court gave judgment upon an appeal case involving the question of the constitutionality of a Local Option by-law passed by the township of South Norwich. This prohibitory by-law had been enacted by the municipality under authority conferred by the Ontario Legislature. In this case the Local Option by-law was sustained, this decision being practically the opposite of the decision given by the same court in reply to the 7th question submitted.

The explanation of this contradiction is to be found in the fact that the five judges who acted in the South Norwich case are not the five judges who answered the questions. There are six judges in the Supreme Court. The judgment sustaining Local Option was also a judgment

of the court by three to two, five judges having acted in each case. Chief Justice Strong, and Judges Fournier and Taschereau were the majority sustaining the Local Option by-law. Judges Gwynne and Sedgwick dissented.

It will thus be seen that on the question of the right of Provincial Legislatures to prohibit the retail sale of liquor, the Supreme Court is evenly divided, three judges, including the chief justice, holding that the province has prohibitory power, and three judges holding the opposite view.

VOTING ON LICENSE IN MASSACHUSETTS.

The annual voting on the question of license or no license took place in the cities of Massachusetts last month. The voting resulted in majorities for license in twelve. Three cities, Pittsfield, Salem and Lynn, changed from prohibition to license. Two cities, Haverhill and Medford, changed from license to prohibition. One city, recently organized, Beverly, voted for prohibition. The number of license cities is therefore increased by one, while the number of prohibition cities remains unchanged. The total vote for the two years is given in the following table. It will be seen that on the whole a large majority of the electors voting were in favor of prohibition :—

CITY.	1893.		1894.	
	LIC.	PRO.	LIC	PRO.
Boston.....	30,145	20,556	35,532	23,733
Beverly.....	.....	.....	787	1,011
Brockton.....	2,110	2,952	2,162	3,320
Cambridge.....	4,539	5,329	4,500	5,099
Chelsea.....	2,118	2,325	2,287	2,493
Chicopee.....	1,305	668	1,282	597
Everett.....	759	1,339	712	1,508
Fall River.....	7,413	3,363	7,641	3,497
Fitchburg.....	1,576	1,755	1,457	1,893
Gloucester.....	1,478	1,372	1,547	1,437
Haverhill.....	2,414	2,317	2,043	2,569
Holyoke.....	2,947	1,828	2,835	1,163
Lawrence.....	3,932	3,390	3,857	3,423
Lowell.....	7,306	5,373	7,045	6,093
Lynn.....	4,709	4,975	5,508	4,006
Malden.....	1,109	2,310	1,608	2,276
Marlboro'.....	1,557	1,013	1,489	1,159
Medford.....	965	868	665	1,432
New Bedford...	3,642	2,198	3,148	1,877
Newburyport...	1,284	1,007	1,201	952
Newton.....	690	1,471	643	1,581
Northampton...	1,192	1,096	1,199	986
Pittsfield....	1,478	1,735	2,154	1,535
Quincy.....	1,060	1,886	1,054	1,867
Salem.....	2,469	2,644	2,722	2,605
Somerville.....	1,547	2,654	1,100	2,867
Springfield.....	3,722	3,070	4,374	2,710
Taunton.....	2,428	1,570	2,319	1,173
Waltham.....	1,598	1,494	1,614	1,583
Woburn.....	1,611	764	1,467	788
Worcester.....	7,427	6,476	7,471	5,329
Totals.....	106,530	89,798	113,365	92,562

The New York *Voice* calls attention to the fact that the number of registered voters in the 31 cities was 278,720. The number polled in the voting for mayors was 221,490. The number polled on the prohibition question was 207,537.