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# SESSIONAL PAPERS

VOLUME 16

FOURTH SESSION OF THE SEVENTH PARLIAMENT

OF THE

DOMINION OF CANADA

SESSION 1894



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VOLUME XXVII.



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2. Public Accounts of Canada, for the fiscal year ended 30th June, 1893. Presented 20th March, 1894, by Hon. G. E. Foster. 2a. Estimates for the fiscal year ending 30th June, 1895; presented 20th March, 1894. 2b. Supplementary estimates for the financial year ending 30th June, 1894; presented 20th June, 1894. 2c. Supplementary Estimates for the year ending 30th June, 1895; presented 12th July, 1895..... *Printed for both distribution and sessional papers.*
3. Lists of Shareholders in the Chartered Banks of Canada, as on 31st December, 1893. Presented 20th April, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*
- 3a. Report of dividends remaining unpaid and unclaimed balances in the chartered banks of Canada, for five years and upwards, prior to 31st December, 1893. Presented 11th June, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*

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4. Report of the Superintendent of Insurance for the year ending 31st December, 1893. *Printed for both distribution and sessional papers.*
- 4a. Preliminary abstract of the business of Canadian life insurance companies for the year ending 31st December, 1893. Presented 20th March, 1894, by Hon. G. E. Foster. *Printed for both distribution and sessional papers.*
- 4b. Abstract of statements of Insurance Companies in Canada for the year ending 31st December, 1893. Presented 7th May, 1894, by Sir John Thompson *Printed for both distribution and sessional papers.*

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5. Report of the Department of Trade and Commerce, for the year ended 30th June, 1893. Presented 17th May, 1894, by Sir John Thompson.....*Printed for both distribution and sessional papers.*
- 5a. Report of the Mission to Australia, by the Minister of Trade and Commerce. Presented 4th July, 1894, by Sir John Thompson..... *Printed for both distribution and sessional papers.*
- 5b. The Colonial Conference, held at Ottawa, 1894.....*Printed for both distribution and sessional papers.*

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6. Tables of the Trade and Navigation of Canada for the fiscal year ended 30th June, 1893. Presented 27th March, 1894, by Hon. N. C. Wallace .....*Printed for both distribution and sessional papers.*
7. Inland Revenues of Canada. Part I., Excise, etc., for the fiscal year ended 30th June, 1893. Presented 20th March, 1894, by Hon. J. F. Wood...*Printed for both distribution and sessional papers.*
- 7a. Inland Revenues of Canada. Part II., Adulteration of Food, 1893. Presented 14th June, 1894, by Hon. J. F. Wood.....*Printed for both distribution and sessional papers.*
- 7b. Inland Revenues of Canada. Part III., Inspection of Weights and Measures and Gas. Presented 6th July, 1894, by Hon. J. F. Wood... ..*Printed for both distribution and sessional papers.*

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8. Report of the Minister of Agriculture for Canada for the calendar year 1893. Presented 12th June, 1894, by Sir John Thompson..... *Printed for both distribution and sessional papers.*
- 8a. Report on Canadian Archives, 1893. Presented 12th June, 1894, by Sir John Thompson.  
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- 8b. Third Annual Report of the Dairy Commissioner of Canada for 1892-93. Presented 18th May, 1894, by Hon. T. M. Daly..... *Printed for both distribution and sessional papers.*
- 8c. Report of the Director and Officers of the Experimental Farms for the year 1893. Presented 20th April, 1894, by Hon. G. E. Foster..... *Printed for both distribution and sessional papers.*

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- 8d. The Scheduling of Cattle in England—the Canadian Case. Presented 4th May, 1894, by Hon. T. M. Daly.....*Printed for both distribution and sessional papers.*
- 8e. Special Report of the Executive Commissioner on Awards on Agricultural Implements at Chicago, 1893. Presented 7th May, 1894, by Hon. T. M. Daly.  
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- 8f. Criminal Statistics for the year 1893..... *Printed for both distribution and sessional papers.*
- 8g. Report of the Executive Commissioner on the World's Columbian Exposition.  
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- 8h. Special Report on the production of and markets for Butter and Cheese.  
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9. Annual Report of the Minister of Public Works, for the fiscal year ended 30th June, 1893. Presented 10th April, 1894, by Hon. J. A. Ouimet.....*Printed for both distribution and sessional papers.*
10. Annual Report of the Minister of Railways and Canals, for the past fiscal year, from the 1st July, 1892, to the 30th June, 1893. Presented 27th March, 1894, by Hon. J. Haggart.  
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- 11.** Annual Report of the Department of Marine and Fisheries, 1893—Marine. Presented 1st May, 1894, by Sir Charles Hibbert Tupper. . . . . *Printed for both distribution and sessional papers.*
- 11\*.** Annual Report of the Department of Marine and Fisheries, for the fiscal year ended 30th June, 1893—Fisheries. Presented 11th April, 1894, by Sir Charles Hibbert Tupper. . . . .  
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- 11a.** Report of the Chairman of the Board of Steamboat Inspection, etc., for calendar year ended 31st December, 1893. . . . . *Printed for both distribution and sessional papers.*

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- 12.** Report of the Postmaster General, for the year ended 30th June, 1893. Presented 9th April, 1894, by Sir Adolphe Caron. . . . . *Printed for both distribution and sessional papers.*
- 13.** Annual Report of the Department of the Interior, for the year 1893. Presented 21st March, 1894, by Hon. T. M. Daly . . . . . *Printed for both distribution and sessional papers.*
- 13a.** Summary Report of the Geological Survey Department, for the year 1893. Presented 20th March, 1894, by Hon. T. M. Daly . . . . . *Printed for both distribution and sessional papers.*
- 14.** Annual Report of the Department of Indian Affairs, for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. T. M. Daly . . . . *Printed for both distribution and sessional papers.*

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- 15.** Report of the Commissioner of the North-west Mounted Police Force, 1893. Presented 13th April, 1894, by Hon. W. B. Ives. . . . . *Printed for both distribution and sessional papers.*
- 16.** Report of the Secretary of State of Canada, for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 16a.** Civil Service List of Canada, 1893. Presented 20th March, 1894, by Hon. J. Costigan. . . . .  
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- 16b.** Report of the Board of Civil Service Examiners, for the year ended 31st December, 1893. Presented 30th March, 1894, by Hon. J. Costigan. . . . . *Printed for both distribution and sessional papers.*
- 16c.** Annual Report of the Department of Public Printing and Stationery of Canada, for the year ending 30th June, 1893, with a partial report for services during six months ending 31st December, 1893. Presented 23rd May, 1894, by Hon. J. Costigan. . . . .  
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- 17.** Report of the Joint Librarians of Parliament for the year 1893. Presented 15th March, 1894, by Hon. Mr. Speaker . . . . . *Printed for sessional papers only.*
- 18.** Report of the Minister of Justice as to Penitentiaries in Canada, for the year ended 30th June, 1893. Presented 20th March, 1894, by Sir John Thompson. . . . .  
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- 19.** Report of the Department of Militia and Defence of Canada, for the year ended 30th June, 1893. Presented 19th April, 1894, by Hon. J. C. Patterson. . . . .  
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- 19a.** Establishment Lists of the Active Militia for the financial year, 1894-95. Presented 20th July, 1894, by Hon. J. C. Patterson . . . . . *Printed for both distribution and sessional papers.*
- 20.** Statement of the affairs of the Canadian Loan and Investment Company, on the 31st December, 1893. Presented 20th July, 1894, by Hon. Mr. Speaker . . . . . *Not printed.*

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21. Royal Commission on the Liquor Traffic. Minutes of evidence taken in the provinces of Manitoba, North-west Territories and British Columbia....*Printed for both distribution and sessional papers.*

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21. Royal Commission on the Liquor Traffic. Minutes of evidence taken in the United States.  
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22. Report of the Commissioner, Dominion Police, for the year 1893, under Revised Statutes of Canada, chapter 184, section 5. Presented 20th March, 1894, by Sir John Thompson..... *Not printed.*
23. Return to an order of the House of Commons, dated 15th March, 1893, for a return showing the number of employees dismissed from the Prince Edward Island Railway since the 1st day of March, 1892, the name of each employee dismissed, the date of each dismissal, the reasons for such dismissals; also the names of employees reinstated, if any. Presented 20th March, 1894.—*Mr. Perry*..... *Not printed.*
24. Return to an order of the House of Commons, dated 20th March, 1893, for copies of all documents, claims, petitions, correspondence, reports of the superintendent of the Chambly canal, reports of experts and others, plans, agreements, proposals and decisions of the government in relation to the claim of Joseph Lacouture, of the parish of St. Luc, for damages caused to his property by the waters of the Chambly canal. Presented 20th March, 1894.—*Mr. Lavergne*... *Not printed.*
25. Statement of all superannuations and retiring allowances in the civil service, giving the name and rank of each person superannuated or retired, his salary, age and length of service; his allowance and cause of retirement, whether vacancy has been filled by promotion or new appointment, &c., for the year ended 31st December, 1893. Presented 20th March, 1894, by Hon. G. E. Foster.  
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- 25a. Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the number of permanent civil servants in each department, inside and outside service, who contribute to the superannuation fund, and the gross amount of wages paid. Presented 25th April, 1894.—*Mr. McMullen*..... *Not printed.*
26. Statement of expenditure on account of miscellaneous unforeseen expenses, from 1st July, 1893, to date. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
27. Statement of Governor General's Warrants issued since last session of parliament, on account of the fiscal years 1892-93 and 1893-94, in accordance with the Consolidated Revenue and Audit Act, section 32, subsection b. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
28. Papers and correspondence relative to the payment to the Canadian Pacific Railway Company of amounts deducted from their subsidy in the year 1883. Presented 20th March, 1894, by Hon. G. E. Foster..... *Not printed.*
29. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for copies of papers and correspondence relating to charges made against Mr. Justice Palmer, or to his resignation and acceptance thereof. Presented 20th March, 1894.—*Mr. Davies*.  
*Not printed.*

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- 30.** Return of applications for registration under the provisions of chapter 131, Revised Statutes of Canada, "An Act respecting Trade Unions." Presented 20th March, 1894, by Hon. J. Costigan. *Not printed.*
- 31.** List of public officers to whom commissions have issued under chapter 19 of the Revised Statutes of Canada, during the year 1893. Presented 20th March, 1894, by Hon. J. Costigan. *Printed in No. 16.*
- 32.** Order establishing certain rules in respect of matters therein mentioned, in the Exchequer Court of Canada. Presented 20th March, 1894, by Hon. J. Costigan. *Not printed.*
- 33.** Copy of an order in council of the 17th January, 1894, continuing for the current year the issue of licenses to United States fishing vessels to enter any ports on the Atlantic coast for the purchase of bait, etc. Presented 21st March, 1894, by Sir Charles Hibbert Tupper. *Not printed.*
- 33a.** Return to an address of the House of Commons to his excellency the Governor General, dated 16th April, 1894, for: 1. Copy of order in council appointing Théophile Sabourin fishery overseer for the division of the Lake of Two Mountains and Isle Perrot. 2. Of the order in council appointing Julien Montpetit fishery overseer for the same division. 3. Of all instructions and orders issued by the fisheries department to the said overseers. 4. Of the reports of the two said overseers for the years 1891, 1892. Presented 5th June, 1894.—*Mr. Harwood*. *Not printed.*
- 33b.** Return to an address of the House of Commons to his excellency the Governor General, dated 26th April, 1894, for copies of all telegrams, letters, petitions, orders in council, and all correspondence relating to the dismissal of Timothy McQueen as fishery overseer in the county of Kent, Ontario. Presented 8th May, 1894.—*Mr. Campbell*. *Not printed.*
- 33c.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all papers, letters, petitions and reports sent to the minister of marine and fisheries, from 1st October, 1893, to this date, respecting the dismissal of I. B. Chevalier, of Iberville, from the post of fishery overseer; and of any communication sent from the government to the said I. B. Chevalier. Presented 11th May, 1894.—*Mr. Béchard*. *Not printed.*
- 33d.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for a return of all papers, correspondence, telegrams, reports to and orders in council, together with all departmental orders relating to the discharge from office as superintendent of St. Paul's island and keeper of Ingonish island, of Mr. Samuel Campbell, or relating to his superannuation allowance. Presented 23rd May, 1894.—*Mr. Davies*. *Not printed.*
- 33e.** Return to an order of the House of Commons, dated 14th May, 1894, for copies of all correspondence since 1st January, 1892, to the present time, from fishery officers and others from the western counties of Nova Scotia and the county of Charlotte in New Brunswick, as regards the taking of lobsters and of the limitation of size, and of all recommendations in regard to the same. Also a copy of all correspondence between the minister of marine and fisheries and his officials and all other persons as regards the close season for the herring fishing at Two Island harbour, Grand Manan, and of the weirs at that place. Presented 11th June, 1894.—*Mr. Bowers*. *Not printed.*
- 33f.** Return to an address of the House of Commons to his excellency the Governor General, dated 26th April, 1894, for copies of all orders in council and departmental orders now in force in the province of Ontario, concerning fisheries therein, and of all petitions received by the department with regard to the same. Presented 21st June, 1894.—*Mr. McGregor*. *Not printed.*
- 34.** List of all lands sold by the Canadian Pacific Railway Company from the 1st October, 1892, to the 1st October, 1893. Presented 21st March, 1894, by Hon. T. M. Daly. *Not printed.*
- 34a.** Return under resolution of the 20th February, 1882, in so far as the same is furnished by the department of the interior, respecting the Canadian Pacific Railway Company. Presented 28th March, 1894, by Hon. T. M. Daly. *Not printed.*
- 34b.** Return to an order of the House of Commons, dated 15th March, 1893, for copies of all documents, memorials and correspondence between the government and the Sorel board of trade and others, in relation to the granting of a subsidy to the Canadian Pacific Railway Company, for the rebuilding of a bridge at St. Michel d'Yamaska. Presented 10th April, 1894.—*Mr. Bruneau*. *Not printed.*

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- 34c.** Return to an address of the Senate to his excellency the Governor General, dated 5th April, 1894, for a schedule of the passenger and freight rates of the Canadian Pacific Railway Company, including the rates from St. Paul and Minneapolis to the seaboard, now in force. Presented 30th April, 1894.—*Hon. Mr. Boulton* ..... *Not printed.*
- 34d.** Return to an address of the Senate to his excellency the Governor General, dated 17th May, 1894, for a schedule of the passenger and freight rates of the Intercolonial Railway; and the revenue derived by the Canadian Pacific Railway Company on its western division, between Port Arthur and Calgary, for the financial years ending 1892 and 1893. Presented 6th June, 1894.—*Hon. Mr. Boulton.*  
*Not printed.*
- 35.** Return of orders in council, in accordance with subsection (*d.*) of section 38 of the regulations for the survey, administration, disposal and management of Dominion lands within the 40-mile railway belt in the province of British Columbia. Presented 27th March, 1894, by Hon. T. M. Daly.  
*Not printed.*
- 35a.** Return of orders in council of 1893 relating to the department of the interior, in accordance with clause 91 of the Dominion Lands Act, chapter 54, Revised Statutes of Canada. Presented 27th March, 1894, by Hon. T. M. Daly ..... *Not printed.*
- 35b.** Statement in reference to fishing bounty payments for 1892-93, required by chapter 96 of the Revised Statutes of Canada. Presented 28th March, 1894, by Sir Charles Hibbert Tupper.... *Not printed.*
- 36.** Return to an order of the House of Commons, dated 1st March, 1893, for copies of all reports, documents, maps, manuscripts and correspondence in relation to exploring expeditions heretofore made to James Bay and Hudson Bay. Presented 27th March, 1894.—*Mr. Jones* .. *Not printed.*
- 37.** Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for a return showing copies of all petitions or communications to the government or to any member thereof, or to his excellency, asking for any interference with the sentence passed by his lordship the Hon. Mr. Justice Rose on Messrs. McGreevy and Connolly, of all replies thereto and all correspondence between any member of the government and any other person on the subject of commutation of such sentence; of all medical reports made in regard to either said McGreevy or Connolly, whilst undergoing such sentence; of all reports or recommendations on the said subject, by any member of the government to his excellency, and of all replies thereto and of all orders in council in anywise bearing upon the subject of the commutation of said sentences. Presented 29th March, 1894.—*Mr. Mulock*..... *Not printed.*
- 38.** Detailed statement of all bonds and securities registered in the department of the secretary of state of Canada, since last return, 1893, submitted to the parliament of Canada under section 23, chapter 19, of the Revised Statutes of Canada. Presented 29th March, 1894, by Hon. J. Costigan.  
*Not printed.*
- 39.** Return to an order of the House of Commons, dated 20th March, 1894, for a return showing the dates in each year since May 5th, 1887, when the Public Accounts, the Appropriation Accounts, and the Trade and Navigation Returns of Canada, for the next preceding fiscal year, have been published and ready for distribution; and when the said accounts and returns have been issued to the senators and members of the House of Commons of Canada in each of the years aforesaid. Presented 30th March, 1894.—*Mr. Charlton*..... *Not printed.*
- 40.** Return to an order of the House of Commons, dated 13th March, 1893, for a return showing the number of school teachers engaged in teaching in the North-west Territories, and the length of time each was engaged during the past year, with the salary received; also the number of pupils attending each school, and all sources of revenue for the maintenance of schools. Presented 2nd April, 1894.—*Mr. Semple*..... *Not printed.*
- 40a.** Supplementary return to an address of the Senate to his excellency the Governor General, dated 3rd February, 1893, for: 1. A copy of the deliberations, resolutions and ordinances of the former council of Assiniboia, relating to educational matters within its jurisdiction as it existed on the banks of the Red river before the creation of the province of Manitoba. 2. A statement of the amounts paid by the said council of Assiniboia for the maintenance of schools, showing the persons to whom such payments were made, the schools for which such amounts were paid, and the religious denomination to which such schools belonged. 3. A statement of the amounts paid by

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- the Hudson Bay Company, or by its agents, to the schools then existing in the territories forming to-day the province of Manitoba. 4. A copy of all memoranda and instructions serving as basis for the negotiations as a result of which Manitoba became one of the provinces of the confederation; together with a copy of the minutes of the deliberation of the persons charged on both parts to settle the conditions of the creation of the province of Manitoba and of its entrance into the confederation; and also a copy of all memoranda, returns and orders in council, establishing such conditions of entrance, or serving as a basis for the preparation of "The Manitoba Act."
5. A copy of the despatches and instructions from the imperial government to the government of Canada on the subject of the entrance of the province of Manitoba into the confederation, comprising therein the recommendations of the imperial government concerning the rights and privileges of the population of the Territories, and the guarantees of protection to be accorded to the acquired rights, to the property, to the customs and to the institutions of that population by the government of Canada, in the settlement of the difficulties which marked that period of the history of the Canadian West. 6. A copy of the acts passed by the legislature of Manitoba relating to education in that province and especially of the first act passed on this subject after the entrance of the said province of Manitoba into the confederation, and of the laws existing upon the same subject in the said province immediately before the passing of the acts of 1890, relating to the public schools and relating to the department of education. 7. A copy of all regulations with respect to schools passed by the government of Manitoba or by the advisory board, in virtue of the laws passed in 1890 by the legislature of Manitoba relating to public schools and the department of education. 8. A copy of all correspondence, petitions, memoranda, resolutions, briefs, factums, judgments (as well of first instance as in all stages of appeal), relating to the school laws of the said province of Manitoba, since the 1st June, 1890, or to the claims of catholics on this subject; and also a copy of all reports to the privy council and of all orders in council relating to the same subject since the same date. Presented 21st March, 1894.—*Hon. Mr. Bernier*. . . . . *Printed for both distribution and sessional papers.*
- 40b.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all papers, petitions, letters, reports, minutes and orders in council respecting the school law of Prince Edward Island, intitled "The Public Schools Act, 1877." Presented 23rd April, 1894.—*Mr. Leclair*. . . . . *Printed for both distribution and sessional papers.*
- 40c.** Return to an address of the Senate to his excellency the Governor General, dated 9th April, 1894, for copies of all school ordinances, school regulations and amendments thereto, adopted by the legislative assembly, the executive, and any board or council of education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885. Also for copies of all petitions, memorials and correspondence in reference thereto. Also for copies of all orders in council, reports to the governor general in council, and all communications and representations to the authorities in the North-west Territories. Presented 30th April, 1894.—*Hon. Mr. Bernier*. . . . . *Printed for both distribution and sessional papers.*
- 40d.** Return to an address of the House of Commons to his excellency the Governor General, dated 21st March, 1894, for copies of all petitions, memorials and correspondence, in reference to the appeal made in the name of the Roman catholic minority of the province of Manitoba, in reference to the school laws of that province; also copies of reports to and orders in council in reference to the same; also copies of the case submitted to the supreme court of Canada respecting aforesaid appeal, and including factums and all materials in connection therewith, and copies of all judgments rendered and answers given by said court on or to the questions referred to them. Presented 27th June, 1894.—*Mr. LaRivière*. . . . . *Printed for sessional papers only.*
- 41.** Return to an address of the Senate to his excellency the Governor General, dated 20th March, 1893, for a copy of all documents in relation to the demand of Michel Gosselin, Half-breed, living at Roseberry, Manitoba, and claiming indemnity for losses sustained during the troubles in the North-west in 1869 and 1870. Also a copy of all correspondence exchanged between the Dominion government and the said Michel Gosselin in relation to the said claim. Presented 21st March, 1894.—*Hon. Mr. Bellerose*. . . . . *Not printed.*
- 42.** Return to an address of the Senate to his excellency the Governor General, dated 21st February, 1893, for a copy of all the changes that have been made in the tariff since the national policy became law in 1879, giving the name of each article, showing the original duty imposed thereon, the amount of increase or reduction subsequently made, or placed upon the free list, together with the date of all such alterations in the tariff. Presented 2nd April, 1894.—*Hon. Mr. McMillan*. . . . . *Not printed.*

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43. Return to an order of the House of Commons, dated 30th March, 1894, for a complete list of the revising officers under the Franchise Act, giving their names, their electoral divisions, and when appointed. Presented 5th April, 1894.—*Sir Hector Langevin*. . . . . *Not printed.*
44. Return to an order of the House of Commons, dated 20th March, 1894, for return of all rates, general or special, charged on the Intercolonial Railway on through freight from Lévis to Halifax; with the dates when such existing general or special rates came into force, and in cases where such rates have been altered, specifying the alteration. Presented 6th April, 1894.—*Mr. Davies*.  
*Not printed.*
- 44a. Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for all papers, correspondence, telegrams, reports to, or orders in council, or departmental orders not already brought down to parliament, relative to the purchase of the Harris property in St. John for the Intercolonial Railway, or the payment of the purchase moneys therefor or relative to the uses or purposes to which that property has since been applied. Also for a list of all the claimants to the title of said property or any interest therein, together with the amounts paid to them respectively, and a summary or abstract of all deeds or agreements taken from the claimants respectively. Also for a statement of all moneys since laid out upon such property, and its total cost up to date. Presented 19th June, 1894.—*Mr. Davies*. . . . . *Not printed.*
45. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1893, for copies of all correspondence between the government of British Columbia and the minister of the interior, relating to the boundary of the railway belt in the province of British Columbia. Presented 9th April, 1894.—*Mr. Mara*. . . . . *Not printed.*
46. Return to an order of the House of Commons, dated 30th March, 1894, for a statement showing the various amounts paid by way of bounty on pig iron produced in Canada, the quantities produced, and the parties to whom the bounty was paid, and the province in which their works are situated, since the date of the last return. Presented 10th April, 1894.—*Mr. Edgar*.  
*Printed for sessional papers only.*
47. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing (by provinces) the value of mining machinery admitted free of duty since the year 1890. Presented 10th April, 1894.—*Mr. Mara*. . . . . *Not printed.*
48. Return to an order of the House of Commons, dated 29th March, 1894, for a return of: 1. The number of students who have graduated from the royal military college since its establishment. 2. Number of these graduates who are now in the public service of Canada and number in the service of the imperial government. 3. Amount expended on capital account and on income since the college was established. 4. Number of students graduated in 1893. 5. Number of students now in attendance. 6. Total amount of salaries paid each year, to the different persons employed in connection with the college. 7. Name of the commandant of the college: his salary, perquisites, if any, in the way of free residence, maintenance thereof, supplies, servants, &c. 8. The cost of the residence for use of commandant, if purchased, and the amount expended thereon by the government since the purchase. Presented 12th April, 1894.—*Mr. Mulock*.  
*Printed for sessional papers only.*
- 48a. Supplementary return to no. 48. Presented 11th May, 1894.—*Mr. Mulock*.  
*Printed for sessional papers only.*
49. Return to an order of the House of Commons, dated 30th March, 1894, for a return of the sentence imposed by the supreme court of the province of New Brunswick upon John V. Ellis, editor of the *St. John Globe*, in the past year, for an alleged contempt of court; together with the names of the judges composing the court at the time the sentence was imposed. Presented 12th April, 1894.—*Mr. Davies*. . . . . *Not printed.*
50. Return to an address of the House of Commons to his excellency the Governor General, dated 20th March, 1894, for the production of all correspondence and other papers relating to the copyright question which have not already been brought down. Presented 13th April, 1894.—*Mr. Edgar*.  
*Printed for sessional papers only.*

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- 51.** Return to an order of the House of Commons, dated 30th March, 1894, for a statement showing the working of the civil service insurance, how many civil servants have insured their lives in such insurance, and for what amounts respectively, without giving their names. Presented 13th April, 1894.—*Sir Hector Langevin*. . . . . *Not printed.*
- 52.** Return to an order of the House of Commons, dated 16th April, 1894, for a return of the receipts and expenditures to dates of 10th April, 1894, and 10th April, 1893. Presented 16th April, 1894. *Sir Richard Cartwright*. . . . . *Not printed.*
- 52a.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing the total amount of receipts and expenditures chargeable to consolidated fund from 1st July, 1893, to 1st May, 1894, and also for same period from 1st July, 1892, to 1st May, 1893. Presented 11th May, 1894.—*Sir Richard Cartwright*. . . . . *Not printed.*
- 53.** Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all correspondence between Mr. L. Vankoughnet and the government, or any member, or department, relating to his superannuation, and of all communications or reports to council or the treasury board or any member of the government, relating to such superannuation, and of any orders in council dealing with the same. Presented 17th April, 1894.—*Mr. Mulock*. . . . . *Not printed.*
- 54.** Return to an order of the House of Commons, dated 1st March, 1893, for a return of any correspondence which may have taken place between the government and any of the railway companies which have received public lands in aid of railway construction, in reference to the prices at which these lands are held and as to the steps taken by these companies to fulfil their trust by securing the early settlement of the lands so granted. Presented 18th April, 1894.—*Mr. Mills, Bothwell*. . . . . *Not printed.*
- 55.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the names of officials employed in connection with the Canadian exhibit at the Columbian exposition from the province of Nova Scotia, showing their official position, amount of salaries paid and dates at which such employment ceased. Presented 20th April, 1894.—*Mr. Patterson, Colchester*. . . . . *Not printed.*
- 56.** Return to an order of the House of Commons, dated 10th April, 1894, for a statement in the form of Table C in the blue-book already published on the French treaty, for the years ending 30th June, 1892 and 1893. Presented 20th April, 1894.—*Mr. Laurier*. . . . . *Printed for sessional papers only.*
- 56a.** Supplementary return to an order of the House of Commons, dated 10th April, 1894, containing correspondence and other matter relating to the French treaty. Presented 3rd July, 1894.—*Mr. Laurier*. . . . . *Printed for sessional papers only.*
- 57.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all correspondence between the government and George Goodwin in connection with the transfer of his contracts or any of his contracts on the Soulanges canal. Presented 23rd April, 1894.—*Mr. Charlton*. . . . . *Not printed.*
- 57a.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all communications in the form of letters, petitions and reports, from 1st April, 1887, to 1st March, 1894, between the government and Mr. J. B. Many, or the municipal council of St. Luc, in the county of St. Jean, in relation to the construction of a swing bridge on the Chambly canal, opposite the south-east end of Ste. Thérèse island, in the Richelieu river. Presented 4th June, 1894.—*Mr. Béchard*. . . . . *Not printed.*
- 57b.** Return to an address of the House of Commons to his excellency the Governor General, dated 28th May, 1894, for : 1. Copies of all the reports of the engineers recommending that certain changes be made in the original contract, both in the materials and the nature of the works entering into the construction of the locks and other masonry on sections 1 and 2 of the Soulanges canal, giving the reasons why such changes should be made and the names of the engineers who recommended such changes. 2. Copies of all the correspondence exchanged between the engineers, the department of railways and canals, the contractor and other persons in connection with those changes, and copies of all orders in council in relation thereto. Presented 6th June, 1894.—*Mr. Tarte*. . . . . *Not printed.*

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- 57c.** Return to an order of the House of Commons, dated 16th April, 1894, for copies of all advertisements inviting tenders for the construction of sections 1 and 2 of the Soulanges canal; also copies of specifications connected with said work, copies of extensions of said specifications and tenders with estimated quantities and work to be done according to engineer's estimate; also copies of all tenders, copies of contracts let, of correspondence which took place between the contractors tendering for this work and the contractor to whom the contracts were awarded and the department of railways and canals in this matter, copies of all reports of engineers since the letting of the contract. Presented 14th June, 1894.—*Mr. Tarte* ..... *Not printed.*
- 57d.** Return to an order of the House of Commons, dated 14th May, 1894, for: 1. Copies of all correspondence between the department of railways, the minister of public works and any other persons in relation to sections 12 and 13 of the Soulanges canal. 2. Copies of the call for tenders and of all tenders received. 3. Copies of contracts awarded. Presented 14th July, 1894.—*Mr. Tarte* ..... *Not printed.*
- 58.** Return to an order of the House of Commons, dated 27th July, 1891, for copies of all correspondence relating to application for increase of salary of Judge Johnstone, county court judge for Halifax county, Nova Scotia. Presented 25th April, 1894.—*Mr. Fraser* ..... *Not printed.*
- 59.** Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the names of all prisoners who have died in penitentiaries in Canada during the last ten years, with the cause of death and the length of their last sickness in each case. Presented 25th April, 1894.—*Mr. Martin* ..... *Not printed.*
- 59a.** Return to an address of the House of Commons to his excellency the Governor General of the 10th April, 1894, for a statement showing amount of receipts each month for gate money at Kingston penitentiary between 1st January, 1887, and 1st January, 1894. Statement showing disposition of these moneys, including statement showing the amount of those moneys deposited in any banks, with the names of such banks and particulars as to whose credit such deposits were made. Presented 26th April, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59b.** Return to an address of the House of Commons to his excellency the Governor General, dated 13th March, 1893, for a statement showing: (a.) Amount of money received as visitors' entrance fees at the Kingston penitentiary during each year from 31st January, 1885, to 1st February, 1893. (b.) Payments out of said moneys to the receiver general, and disposition of such funds. (c.) Particulars of goods manufactured and work done at said institution for any of its officers, showing who supplied the material for such goods, what sums were charged to said officers for said goods, and what sums have been actually paid during each of said years for said goods. (d.) Quantities of coal oil and gas supplied such officers, amount paid therefor, and when. (e.) Amount of laundry work done at said institution during said dates, for whom done, amount charged and paid therefor, with dates of such payments and names of persons making such payments. Presented 26th April, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59c.** Return (in part) to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all charges brought to the attention of the government or any department since 1891 in regard to any matters connected with the Kingston penitentiary, and the British Columbia penitentiary; of all appointment of persons to make investigations into any such charges, including their instructions; of all correspondence between any of such persons and any member of the government or department; of all evidence taken on any such inquiries; of all reports thereon, including any schedules in connection with such reports; and of all other documents and papers relating to any alleged irregularities in connection with the management of said institutions since 1891. Presented 1st May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59d.** Supplementary return to no. 59c. Presented 15th May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 59e.** Further supplementary return to no. 59c. Presented 15th May, 1894.—*Mr. Mulock* ..... *Not printed.*
- 60.** Return to an order of the House of Commons, dated 1st March, 1893, for a return of the report or reports of plans and surveys of the Galops Rapids channel, made by Mr. Kennedy. Presented 26th April, 1894.—*Mr. Reid* ..... *Not printed.*



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- 61.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all reports made to the department of the interior or to the superintendent general of Indian affairs as to the value of the Thousand Islands and any offers received for the purchase of the same. Presented 26th April, 1894.—*Mr. Mills (Bothwell)*.  
*Printed for distribution only.*
- 62.** Return to an order of the House of Commons, dated 16th April, 1894, for copies of report of engineer who inspected river Aux-Roseaux, river Aux-Rats and river La-Seine, in the electoral district of Provencher. Presented 1st May, 1894. *Mr. LaRivière*.....*Not printed.*
- 63.** Return to an order of the House of Commons, dated 30th March, 1894, for a return of all papers and correspondence relative to a claim for compensation for railway damages made by one Charles Coffin, of Midgell, Prince Edward Island, in the railway department of the government. Presented 1st May, 1894.—*Mr. Davies*.....*Not printed.*
- 64.** Return to an order of the House of Commons, dated 23rd April, 1894, for the report of the commission appointed to inquire into all matters concerning the Trent Valley canal. Presented 1st May, 1894.—*Mr. Hughes*.....*Not printed.*
- 65.** Return to an order of the House of Commons, dated 25th April, 1894, for a return giving the amount paid out of the Six Nation Indians' fund (by way of gift or loan) to individual members from the year 1886 to date, stating in each case: The name of the person, the fact of whether gift or loan, the date when paid, the amount, the reason for the gift or loan, the authority for such gift or loan, the conditions on which such loan was made, the provision for repayment, the amount repaid.—Presented 2nd May, 1894.—*Mr. Paterson (Brant)*.....*Not printed.*
- 65a.** Return to an order of the House of Commons, dated 16th April, 1894, for a return showing the amount of money that has been paid out of the funds of the Six Nation Indians for the payment of debts incurred by individual members thereof since the year 1886, and giving: 1. The names of the several persons who incurred the debts, with the separate amounts, the date or dates when incurred, and the proportion thereof that has been paid. 2. The names of the creditors to whom the payments were made, the dates when paid, with the total sum paid to each of such creditors; and stating in each case the authority given for incurring the debt, the authority for payment of the same, and whether such amounts have been repaid to the fund in whole or in part out of the annuities of the individuals on whose account the payments were made, and whether such was the condition on which such payments were authorized. Presented 14th May, 1894.—*Mr. Paterson (Brant)*.....*Not printed.*
- 65b.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for copies of all petitions from the Indians of the Saugeen reserve claiming the exclusive right of fishing in French bay, lake Huron, of all answers to the same, and of all departmental orders in reference to that subject. Presented 16th May, 1894.—*Mr. Laurier*.....*Not printed.*
- 65c.** Supplementary return to no. 65b. Presented 23rd July, 1894.—*Mr. Laurier*.....*Not printed.*
- 65d.** Return to an address of the Senate to his excellency the Governor General, dated 10th April, 1894, for copies of all petitions or communications to the governor general, or the government, or any member thereof, asking for interference with the death sentence passed by Mr. Justice Harrison upon the two Chehalis Indians, Peter and Jack, in November, 1893, for the murder of the late Albert Edward Pittendrigh, in New Westminster, British Columbia, on the 27th October, 1892; of all replies thereto, and all correspondence between any member of the government and any other person on the subject of commutation of such sentence; of all reports or recommendations on the said subject by any member of the government to his excellency, and of all replies thereto, and of all orders in council in anywise bearing upon the subject of the commutation of said death sentence to imprisonment for life. Presented 14th May, 1894.—*Hon. Mr. MacInnes*.....*Not printed.*
- 66.** Return to an order of the House of Commons, dated 30th March, 1894, for all papers and correspondence in connection with the establishment of a government cattle ranche near Fort Macleod, North-west Territories, including the purchase of cattle for said ranche; the disposal of said cattle, and the management and disposition made of said ranche. Also a statement showing the amount of moneys paid for cattle placed upon said ranche, and for all other expenses incurred in connection with the same, also the total amount of moneys received for the sale of cattle from said ranche, and all other sources in connection with the same; which statement shall show the balance

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- to the credit or debit of said ranche on the first day of January last, and shall further give the names of all parties indebted to said ranche account for cattle purchased or for any other property or material, with the amount due from each of said parties, if any. Presented 2nd May, 1894.—*Mr. Charlton*..... *Not printed.*
67. Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the amount paid to railways or steamship companies, as a bonus for bringing settlers to Manitoba or the Territories, in 1891, 1892 and 1893, and a list of settlers so brought, showing their names and locations. Presented 11th May, 1894.—*Mr. Martin*.....*Not printed.*
68. Return to an order of the House of Commons, dated 30th April, 1894, for copies of all communications received by the minister of agriculture in relation to the establishment of the bureau of labour statistics for the Dominion. Presented 14th May, 1894.—*Mr. Lépine*.....*Not printed.*
69. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the quantity of butter manufactured at the experimental creameries, established at Elgin and Woodstock, in the province of Ontario, from the time they were established up to the 1st of January, 1894; the number of sales made; where sold, and the amounts realized. Copies of all letters, reports, or other correspondence, especially the report of Clement & Son, of Glasgow, relating to the prices realized, and the condition of the goods when put upon the market. The amounts of money spent, and the different purposes for which the money was used. Presented 14th May, 1894.—*Mr. McMillan*.....*Not printed.*
70. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the number of homesteads taken up in Manitoba during the years 1892 and 1893, and the number of homesteads cancelled in Manitoba during said years, in each case showing the municipalities in which the homesteads were located. Presented 18th May, 1894.—*Mr. Martin*.... *Not printed.*
71. Return to an order of the House of Commons, dated 25th April, 1894, for a return showing: 1. The total number of depositors in the Dominion and post office savings banks. 2. The number of said depositors having deposits of \$1,000 or upwards and the total amount held by them. 3. The number having deposits of \$500 and over, not exceeding \$1,000, and the total amount held by them. 4. The number of depositors having deposits of less than \$500 and the total amount held by them. 5. The number of depositors not residing in Canada and the total amount held by them. Presented 18th May, 1894.—*Sir Richard Cartwright*..... *Not printed.*
72. Return to an address of the House of Commons to his excellency the Governor General, dated 7th May, 1894, for a copy of the order in council authorizing the sale of lot 16, concession 12, township of Luther, in the county of Wellington, for \$800 to John McNab and John Gallagher. Presented 22nd May, 1894.—*Mr. McMullen*.....*Not printed.*
- 72a. Supplementary return to no. 72. Presented 14th June, 1894.—*Mr. McMullen*.....*Not printed.*
73. Return to an order of the House of Commons, dated 30th March, 1894, for a return showing the sums of money paid to Mr. A. F. Wood, government valuator, for services, maintenance and transport during the years 1891-1892-1893, and the particular pieces of land or other property valued during those years. Presented 23rd May, 1894.—*Mr. McMullen*..... *Not printed.*
74. Return to an address of the House of Commons to his excellency the Governor General, dated 16th April, 1894, for copies of all orders in council in force in Canada (provinces of Lower Canada and Upper Canada) in 1858, concerning any drawback or bounty with respect to the building of Canadian ships, barques and other vessels; and also all orders in council amending the same, or concerning the same from 1858 up to the beginning of the confederation. Presented 23rd May, 1894.—*Mr. Amyot*..... *Not printed.*
- 74a. Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all orders in council from the origin of confederation up to the year 1879, inclusive, respecting any drawback or bounty with respect to the building of Canadian ships, barques or other vessels. Presented 30th May, 1894.—*Mr. Amyot*..... *Not printed.*
75. Return to an order of the House of Commons, dated 7th May, 1894, for copies of all calls for tenders, tenders received, contracts made, correspondence, telegrams, letters and papers relative to the public work (wharf or breakwater) at Grand Etang, Cape Breton; together with a statement of all moneys advanced or paid on such contract, with dates of payment. Presented 29th May, 1894.—*Mr. Davies*..... *Not printed.*

VOLUME 17—*Continued.*

- 75a.** Return to an order of the House of Commons, dated 6th February, 1893, for copies of all letters, petitions, surveys and reports in the possession of the government, relating to the threatened destruction of, and claims for, repairs on the breakwater at Sandford, in the county of Yarmouth, N.S. Presented 29th May, 1894.—*Mr. Flint* ..... *Not printed.*
- 75b.** Return to an order of the House of Commons, dated 6th February, 1893, for copy of the report of government surveys on Wood island breakwater, P.E.I. Presented 29th May, 1894.—*Mr. Welsh* ..... *Not printed.*
- 75c.** Return to an order of the House of Commons, dated 15th March, 1893, for copies of all reports, correspondence or other documents, not already brought down, relating to the state of repair of the breakwater at Rustico, P.E.I. Presented 29th May, 1894.—*Mr. Davics* ..... *Not printed.*
- 75d.** Return to an order of the House of Commons, dated 1st March, 1893, for a statement showing : 1. What is the total sum spent by the government since confederation in each province of the Dominion on the public works classified as (1) harbours, piers and breakwaters, (2) improvements of rivers, and (3) dredging and dredges. 2. How much of the sum so spent in the province of Quebec was expended on works within the harbour of Montreal. 3. (1) How much money the government has loaned to the harbour commissioners of Quebec towards the construction of the new harbour works in that city ; and (2) what amount of interest, derived from the revenues of the said works, have the harbour commissioners paid to the government in respect of the interest due on the said loans ; and (3) how many years' interest, if any, are in arrears. 4. (1) How much money the government has lent to the harbour commissioners of Montreal towards the construction of harbour works in that city ; and (2) how much interest is due thereon. Presented 12th July, 1894.—*Mr. Lépine* ..... *Not printed.*
- 75e.** Return (in part) to an order of the House of Commons, dated 30th March, 1894, for a return giving the total cost of the Cockburn island wharf and dock (lake Huron) ; the name of the contractor or contractors ; the date of its completion ; the number of sailing vessels that have called ; the quantity of freight imported and exported since its completion ; the number of steamers that made during the season regular calls at the wharf since its completion. Presented 12th July, 1894.—*Mr. McMullen* ..... *Not printed.*
- 76.** Return to an order of the House of Commons, dated 14th May, 1894, for copies of all letters, reports of engineers or other papers in the hands of the government relating to the condition of the Pickets pier and the non-expenditure thereon of the sum voted last year for the purpose of repairing said pier. Presented 29th May, 1894.—*Mr. Borden* ..... *Not printed.*
- 77.** Return to an order of the House of Commons, dated 18th April, 1894, for a statement of all sums paid by the government for the construction of the river Yamaska dam, under the first contract and subsequently thereto up to this date. Presented 29th May, 1894.—*Mr. Laurier* ..... *Not printed.*
- 77a.** Return to an order of the House of Commons, dated 2nd May 1892, for copies of report of any inquiry held under the authority of the department of public works with a view to estimate the losses inflicted on proprietors of the commune of Yamaska, by the erection of a dam in the Yamaska river. Presented 4th June, 1894.—*Mr. Laurier* ..... *Not printed.*
- 77b.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all letters, papers and statements in connection with awarding contract to William H. Davis & Sons for constructing a dam at Sheik's island, in connection with the Cornwall canal. Presented 5th June, 1894.—*Mr. Charlton* ..... *Not printed.*
- 77c.** Supplementary return to no. 77b. Presented 15th June, 1894.—*Mr. Charlton* ..... *Not printed.*
- 78.** Return to an address of the House of Commons to his excellency the Governor General, dated 10th April, 1894, for copies of all petitions, letters, plans, deeds and other documents respecting the claim of the Hurons of Lorette in relation to the seigniori of Sillery. Presented 29th May, 1894.—*Mr. Frémont* ..... *Not printed.*
- 79.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the amount of timber dues collected at Quebec for each year for the last ten years. The quantity of timber culled each year, and the wages paid to cullers and staff. Presented 30th May, 1894.—*Mr. McMullen* ..... *Not printed.*

VOLUME 17—*Continued.*

- 79a.** Return to an order of the House of Commons, dated 10th April, 1894, for a return showing the quantity of timber that passed through the cullers' hands and was culled each year at Montreal, for the last ten years. The amount of fees collected for each year during the same period, and the amount of wages paid to the cullers and staff at Montreal for the same time. Presented 30th May, 1894.—*Mr. McMullen* . . . . . *Not printed.*
- 79b.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing: 1. How much timber has been disposed of in townships 1, 2, 3 and 4, in ranges 14, 15, 16 and 17, east of the 1st principal meridian, and also on the Whitemouth river. 2. To whom said timber has been disposed of. 3. In what way said timber has been disposed of. 4. Prices realized for same. 5. Copies of all advertisements in connection with same, with names of newspapers in which same appeared and dates of insertion. 6. How much timber still remains undisposed of in said townships. Presented 29th June, 1894.—*Mr. Martin* . . . . . *Not printed.*
- 79c.** Return to an order of the House of Commons, dated 25th April, 1894, for a statement of all timber licenses granted since January 1st, 1887, showing the date of each grant, the location, the area of the same, the name of the grantee, the bonus, if any, paid upon the same, whether disposed of: (a) At public auction duly advertised, where the public were invited to compete. (b) At auction where only applicants for the berth or limit were invited to bid. (c) By private application. (d) If in neither of the ways above mentioned, then stating in what way disposal and grant was made. (e) Length of public notice in each case when limits were sold either at public auction or by other form of public competition. Also a summary statement giving total area granted and total amount of bonuses received. Presented 12th July, 1894.—*Mr. Charlton* . . . . . *Not printed.*
- 80.** Return to an order of the House of Commons, dated 28th May, 1894, for copies of all correspondence between D. J. Hughes, Esq., county judge of Elgin, Ont., and the officials of the government printing office, in regard to the printing of the last revised voters' list for Elgin. Presented 4th June, 1894.—*Mr. Casey* . . . . . *Not printed.*
- 81.** Return to an order of House of the Commons, dated 14th May, 1894, for a return showing the amount and value of crucible steel imported into Canada free of duty in each year since 1885, under the provisions of order in council of 6th November, 1885. Also amount and value of lastings and mohair cloth imported into Canada free of duty in each year since 1885, under the provisions of order in council of 6th November, 1885. Presented 4th June, 1894.—*Mr. Charlton*.  
*Not printed.*
- 81a.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the amount and value of hatters' bands, bindings, tips, and sides and linings, both tips and sides, imported into Canada in each year since 1885, under provisions of order in council of 5th July, 1886. Also amount and value of steel strip for buckthorns and plain strip fencing imported into Canada free of duty since 1885, under provisions of order in council of 17th July, 1886. Also amount and value of wire rope imported into Canada free of duty since 1885, under provisions of order in council of 17th July, 1886. Also amount and value of twisted brass and copper wire imported into Canada free of duty since 1885, under provisions of order in council of 20th July, 1886. Also amount and value of yarn spun from the hair of the alpaca or angora goat, imported into Canada free of duty since 1885, under provisions of order in council of 18th November, 1886. Presented 4th June, 1894.—*Mr. Charlton* . . . . . *Not printed.*
- 81b.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the quantity and value of felloes of hickory wood imported into Canada in each year free of duty since 1887, under provisions of order in council of 16th November, 1888. Also quantity and value of homo spring steel wire, smaller than no. 9 and not smaller than no. 15, imported into Canada free of duty in each year since 1837, for the use of manufacturers of mattresses, under provisions of order in council of 6th December, 1888. Presented 4th June, 1894.—*Mr. Charlton* . . . . . *Not printed.*
- 81c.** Return to an order of the House of Commons, dated 14th May, 1894, for a return showing the value of sweat leathers imported into Canada free of duty in each year since 1886, under provisions of order in council of 1st July, 1887. Also the value of square reeds, rawhide centres, textile leather or rubber heads, thumbs and tips, and steel, iron or nickel caps for whip ends imported into Canada free of duty in each year since 1886, under provisions of order in council of July 2nd, 1887. Also value of copper rollers for use in calico printing imported into Canada free of duty in each year since 1886, under provisions of order in council of 22nd November, 1887. Also quantity and

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- value of steel of no. 12 gauge and down to no. 30 gauge imported into Canada free of duty in each year since 1887, under provisions of order in council of 11th July, 1888. Also quantity and value of yarns, of wool and worsted, imported into Canada free of duty for use of manufacturers in each year since 1887, under provisions of order in council of 11th July, 1888. Also quantity and value of jute yarn, cotton yarn finer than no. 40; and wire of iron or steel, galvanized or tinned, or coppered, or not, of no. 16 gauge or smaller, imported into Canada free of duty in each year since 1887, under provisions of order in council of 11th July, 1888. Presented 4th June, 1894.—*Mr. Charlton*.....*Not printed.*
- 82.** Return to an order of the House of Commons, dated 25th April, 1894, for copies of all complaints made by one Etienne Tremblay, since 1st November, 1893, against Joseph Placide Rocheleau, postmaster of Pauline, in the county of Rouville, P.Q.; and of the report of the post office inspector who inquired into said complaint, or of any other official charged with such inquiry. Presented 5th June, 1894.—*Mr. Fréchette*.....*Not printed.*
- 83.** Return to an order of the House of Commons, dated 2<sup>nd</sup> May, 1894, for a return giving the names of the junior judges in the province of Ontario and dates when appointed, the name and population of the county to which appointed, also the salary and allowance of each of such judges. Presented 5th June, 1894.—*Mr. Lister*.....*Not printed.*
- 84.** Return to an address of the House of Commons to his excellency the Governor General, dated 7th May, 1894, for copies of all letters, proposals, cablegrams and correspondence since the 1st of January, 1890, between the government and any member thereof and any person, firm or company in relation to establishing a fast Atlantic steamship line between Canada and Great Britain, and also a line between Canada and France, and in relation to the subsidies for such services asked for or proposed to be given by the government, and any draft or completed contracts for such steamship service. Presented 6th June, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 84a.** Supplementary return to no. 84. Presented 29th June, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 84b.** Further supplementary return to no. 84. Presented 5th July, 1894.—*Mr. Mulock*.....*Printed for distribution only.*
- 85.** Return to an address of the House of Commons to his excellency the Governor General, dated 6th February, 1893, for copies of all correspondence, papers and documents, not already laid before the house, in reference to negotiations and communications between the government and the United States, in reference to reciprocity, canal tolls and wrecking and towing. Presented 11th June, 1894.—*Mr. Tisdale*.....*Not printed.*
- 86.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for copies of all correspondence, instructions, orders in council and reports about the boundary line between Alaska and British Columbia not already laid before this house. Presented 11th June, 1894.—*Sir Hector Langevin*.....*Not printed.*
- 87.** Return to an order of the House of Commons, dated 7th May, 1894, for a return showing in detail all sums of money in the hands of the government held as security for the performance of contracts completed, the name of each contractor who deposited the money, date of each such deposit, and amount of interest accrued on each deposit. Presented 11th June, 1894.—*Mr. Lister*.....*Not printed.*
- 88.** Return to an address of the House of Commons to his excellency the Governor General, dated 30th March, 1894, for a return of all correspondence, telegrams, reports to council, orders in council, or departmental orders or instructions relative to the employment of certified captains or mates on steamers plying in the waters or ferries of the Dominion, or to the running of such steamers or ferries without such captains or mates. Presented 19th June, 1894.—*Mr. Davies*.....*Not printed.*
- 89.** Return to an address of the House of Commons to his excellency the Governor General, dated 14th May, 1894, for copies of all correspondence between the minister of railways and the Rev. A. E. Burke and others having reference to the moving of the flag station from Mill river, on the Prince Edward Island Railway, to Howlan road, and all telegrams and documents having reference to the same, as well as all petitions, etc., against the removal of said flag station. Presented 19th June, 1894.—*Mr. Perry*.....*Not printed.*

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90. Return to an address of the House of Commons to his excellency the Governor General, dated May, 1894, for copies of all correspondence between J. B. Wright, M.D., V.S., and the government, or any member, department or officer of the government, and of all correspondence between the Grand Trunk Railway and the government, or any member, department or officer of the government, and of all correspondence between Mr. A. Brush and the government, or any member, department or officer of the government, and of all correspondence between the imperial authorities, or any one on their behalf, and the government of Canada, or any member, department or officer thereof, from, and including, the year 1882 until, and including, the year 1891, regarding the inspection of cattle passing through Canada from the United States. Presented 21st June, 1894.—*Mr. Mulock* ..... *Printed for sessional papers only.*
91. Return to an order of the House of Commons, dated 16th April, 1894, for a return showing all lands allotted to Half-breeds in Manitoba for which patents have not been issued, giving along with a description of the land, the name of the allottee and the reasons why the patent has not been issued. Presented 21st June, 1894.—*Mr. Martin* ..... *Not printed.*
92. Return to an order of the House of Commons, dated 21st May, 1894, for a return of the order, minute or direction authorizing the collector of customs at Woodstock, Ont., to admit free of duty certain goods consisting of vestments or other church articles for the use of the Roman catholic church at Woodstock, consigned to the Reverend Father Brady, of Woodstock, in the month of February, 1894. 1. The decision upon which the collector acted in admitting such goods free of duty. 2. All correspondence between the controller of customs or other person in the department of customs relating thereto. 3. Copies of the letters and correspondence which passed between the Rev. J. C. Farthing, of Woodstock, and the controller of customs, with reference to the admission of such goods and the alleged unfairness with which Mr. Farthing had been treated on the importation by him of a similar class of goods for the use of the Anglican church at Woodstock, of which he is rector. 4. And if duty has since been exacted upon the said articles, or any of them, a copy of the entry or minute in respect thereto and the amount of duty paid thereon. Presented 29th June, 1894.—*Mr. McCarthy* ..... *Not printed.*
93. Return to an order of the House of Commons, dated 7th May, 1894, for a return showing the names of all persons appointed to act as what are known as return-men, in connection with immigration work, the period during which each worked, the amount of money paid to each, the names of the settlers brought to Canada by each return-man, and the places in which such settlers were located. Also statement showing what arrangements are made with these return-men. Presented 29th June, 1894.—*Mr. Martin*..... *Not printed.*
94. Return to an order of the House of Commons, dated 28th May, 1894, for a return showing the date on which the steamer "Stanley" commenced running between Charlottetown, P.E.I. and Pictou, N.S.; the date said steamer commenced running between Georgetown, P.E.I. and Pictou; how many trips were made; the date of each trip; how many mail bags were carried each trip; the date at which said steamer stopped carrying mails; the number of passengers and the amount of freight carried to and from Prince Edward Island; the amount of expenses and revenue for the winter 1893-94, in connection with said service. Presented 29th June, 1894.—*Mr. Perry*.  
*Not printed.*
- 94a. Return to an address of the Senate to his excellency the Governor General, dated the 14th June, 1894, for a statement giving in detail the days, during the month of January, February, March and April last, on which the steamer "Stanley" crossed between Prince Edward Island and the mainland, such statement to show separately the days on which the said steamer made single and return trips, and also the ports of departure from either side. Also for a statement covering the same period, giving in detail the days on which the government ice-boats crossed between Cape Traverse and Cape Tormentine, such statement to show separately the days on which single and return trips were made. Also for a statement giving in detail the days during the same period on which no mails were conveyed from the mainland to Prince Edward Island, and from Prince Edward Island to the mainland. Presented 6th July, 1894.—*Hon. Mr. Ferguson (Queen's, P.E.I.)*  
*Not printed.*
95. Return to an address of the Senate to his excellency the Governor General, dated 19th June, 1894, for a copy of the report made on the 5th May, 1891, by Sir Douglas Fox, regarding the proposed tunnel under the Straits of Northumberland, without the plans. Also copies of reports on the same subject by Mr. Francis Bain, dated the 9th and 18th of December, 1890, and the 14th March, 1891. Presented 5th July, 1894.—*Hon. Mr. Ferguson (Queen's, P.E.I.)*  
*Printed for sessional papers only.*

VOLUME 17—*Continued.*

- 96.** Return to an address of the House of Commons to his excellency the Governor General, dated 27th April, 1892, for copies of all correspondence, memorials, departmental orders and orders in council, respecting or in any way relating to the removal of the export duty from saw-logs and other un-manufactured lumber exported from Canada to the United States. Presented 9th July, 1894.—*Mr. Rider*..... *Not printed.*
- 97.** Return to an order of the House of Commons, dated 9th May, 1892, for a copy of the report of the inspector of customs, Nova Scotia, in reference to the establishment of a port of entry at Whycomagh, in the county of Inverness. Presented 9th July, 1894.—*Mr. Cameron*..... *Not printed.*
- 97a.** Return to an order of the House of Commons, dated 9th May, 1892, for a copy of the report of the inspector of customs, Nova Scotia, in reference to the establishment of a port of entry at West Bay, in the county of Inverness. Presented 14th July, 1894.—*Mr. Cameron*..... *Not printed.*
- 98.** Return to an address of the House of Commons to his excellency the Governor General, dated 18th June, 1894, for a return of all charges, complaints, letters, telegrams, correspondence, reports or orders relative to the dismissal or removal of John McLeod as inspector of the repairs of the Broad Cove Marsh pier, Cape Breton. Presented 12th July, 1894.—*Mr. Davies*..... *Not printed.*
- 99.** Return to an address of the House of Commons to his excellency the Governor General, dated 25th April, 1894, for the production of all orders in council, correspondence, instructions to officers of the department of public works, and reports of such officers respecting the improvement of St. Andrew's rapids in the Red river of the North. Presented 12th July, 1894.—*Mr. Martin*..... *Not printed.*
- 100.** Return to an address of the House of Commons to his excellency the Governor General, dated 6th February, 1893, for copies of all orders in council now in force regulating the slaughtering of swine for exportation in bond, passed under authority of an act respecting customs, cap. 32, Revised Statutes, sec. 93; and for a copy of the quarantine regulations governing the importation of such swine into Canada for the purpose of slaughtering in bond. Presented 14th July, 1894.—*Mr. Smith (Ontario)*..... *Not printed.*
- 101.** Return to an order of the House of Commons, dated 28th May, 1894, for a detailed report showing the prizes awarded by the judges or jury at the Chicago Columbian exposition for the work of pupils of primary and special schools of every kind and degree, and also to pupils of secondary educational institutions of each of the provinces of Canada. Presented 14th July, 1894.—*Mr. Lachapelle*..... *Printed for sessional papers only.*
- 102.** Return to an order of the House of Commons, dated 21st May, 1894, for list of persons in Manitoba who have not as yet repaid the loans made to them, in or about the year 1876, for seed-grain, etc., with statement of the amount owing by each person and the interest claimed, up to 1st January, 1894, on each such amount. Also a list, showing the amounts of mortgages received as collateral security for each loan, with description of land mortgaged, with name of proprietor and name of borrower if he be another person. Presented 18th July, 1894.—*Mr. LaRivière*..... *Not printed.*
- 103.** Return to an order of the House of Commons, dated 28th May, 1894, for: 1. A statement showing the quantities of distilled and fermented liquors, under the different names as given in the trade returns, imported into and taken for consumption in Canada, from 1883 to 1893, both years included, computed in imperial gallons; the value of the same, and the duty paid thereon. 2. The quantity of distilled and fermented liquors, under the different names given in the inland revenue returns, manufactured in Canada and taken for consumption therein; the value of the same, and the duty paid thereon for the same years. 3. The amount of materials used in brewing and distilling alcoholic liquors in the several provinces of Canada during the same years. Presented 19th July, 1894.—*Mr. Flint*..... *Not printed.*
- 104.** Return to an order of the House of Commons, dated 28th May, 1894, for a statement showing the number of breweries, distilleries and maltsters' establishments in Canada in the year 1891; the amount of capital invested therein; the value of the output; the amount of wages paid; number of employees, and the revenue derived therefrom. Presented 19th July, 1894.—*Mr. Flint*..... *Not printed.*
- 105.** General statements and returns of baptisms, marriages and burials in the districts of Bellechasse, Chicoutimi, Gaspé, Kamouraska, L'Islet, Montmagny, Ottawa, and Saguenay. Presented 20th July, 1894, by Hon. Mr. Speaker..... *Not printed.*
- 106.** Return to an address of the House of Commons to his excellency the Governor General, dated 4th June, 1894, for copies of all correspondence, petitions and memorials in relation to the reduction or abolition of the duties on Canadian tobacco, or in relation to any possible changes in the inland revenue laws in that behalf. Presented 23rd July, 1894.—*Mr. Brodeur*..... *Not printed.*

# ROYAL COMMISSION

ON

# THE LIQUOR TRAFFIC

## MINUTES OF EVIDENCE

### VOLUME V.

### THE UNITED STATES

*PRINTED BY ORDER OF PARLIAMENT*



OTTAWA

PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY

1895

[No. 21—1894.]





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## ROYAL COMMISSION

ON THE

## LIQUOR TRAFFIC.

## MINUTES OF EVIDENCE.

## CALIFORNIA.

RIVERSIDE, CALIFORNIA, U. S. A., December 2nd, 1892.

His Honour JUDGE McDONALD and REV. DR. McLEOD, members of the Royal Commission on the Liquor Traffic, visited this town this day and obtained statements in regard to the law regulating the liquor traffic.

H. B. EVEREST, proprietor of the Arlington Hotel, Riverside, examined.

*By Judge McDonald :*

1b. I understand you are an hotel proprietor?—Yes. I opened this hotel four years ago. At that time there was a prohibitory law in force.

2b. How long have you resided here?—Ten years.

*By Rev. Dr. McLeod :*

3b. How long was a prohibitory law in force?—There was prohibition in force here about three years. Before the prohibitory law, there was one saloon here, which paid \$4,000 a year as a license.

4b. Was that the only place in which liquor was sold for beverage purpose?—Yes.

5b. Was it sold wholesale?—No, it was sold in bottles.

6b. Was it the only place where a man could get a drink?—There was only one place for about four years, and the proprietor kept a respectable establishment.

*By Judge McDonald :*

7b. Was there any clandestine sale carried on here?—No, he would not permit it. He paid too high a license.

8b. Did he have to prosecute cases?—No. Rather than prohibition should come into force, he offered to pay \$6,000 a year as a license. The prohibitionists, however, would not agree to that, for there was a very strong prohibitionist sentiment here. Of course they elected prohibitionist trustees, and the Board immediately passed an ordinance prohibiting the sale of alcoholic liquor, except on a doctor's prescription. By going to a physician, you might obtain a prescription, and then go to a drug store and get whatever the physician ordered. Several physicians were low enough to give prescriptions for a small consideration for whatever the person wanted. There were

## Liquor Traffic—California.

Frenchmen and Mexicans who were in the habit of drinking, and as a result more drinking places were started. The prohibition feeling was very strong in the town at that time ; the Board of Trustees was composed altogether of prohibitionists, with one exception, and they had it their own way for two or three years. They raised money by subscription to the extent of \$1,800, and they spent the town's money to the extent of \$2,000 trying to prevent the clandestine sale of liquor and shut up those places in which it was sold. At the time high license came into force, there were no less than thirteen of those places where people were able to get liquor.

*By Rev. Dr. McLeod :*

9b. Were those people prosecuted?—Yes, several times, and they paid their fines. The prohibitionists even hired detectives to go there and get liquor, in order that they might prosecute the parties. They expended no less than \$3,800 of subscriptions and city money to try and do away with the business, but it was like trying to put out a fire with oil. It started on the other side, and simply went to another place, for the demand for liquor had to be met.

*By Judge McDonald :*

10b. What was the population of the town at that time?—At that time the population was between 4,000 and 4,500 ; according to the census of 1890, there was a population of nearly 5,000. A good many of the prohibitionists after spending this money and trying as hard as possible to get things put right, weakened, so that a high license board was elected. The board determined to grant a license at \$500 a quarter, payable in advance, and to compel the parties taking out a license to file a bond and give security for \$5,000 that they would not sell to any minor or to any woman or to an habitual drunkard, when he was notified by the man's wife not to do so, or to sell liquor on Sunday or after 10 o'clock at night on week days. That method of carrying on the trade has been going on for 2½ years.

*By Rev. Dr. McLeod :*

11b. How many licenses are granted?—Two.

12b. How about the hotels : do they have a license?—No. The Board allows any one keeping an hotel with 40 rooms, to furnish liquor to guests at meals during meal time and only at that time.

13b. And to keep no bar?—No.

*By Judge McDonald :*

14b. Is there any limitation as to the kinds of liquor sold?—No.

*By Rev. Dr. McLeod :*

15b. Was that under prohibition?—No. That is a point to which a good many people turned their attention. We have a great many tourists visiting here, and in fact this is a great tourist town, as many as 5,000 people visiting here and remaining here during winter. A large percentage of them want their wine.

16b. Were any of the hotels among those places that sold clandestinely?—No ; the hotel men are temperance men. We furnish liquor in this hotel merely as a matter of necessity. When it was prohibited, it was not furnished. The men in the hotel business were all above breaking the law ; all of them are so now. There was never an ounce of liquor sold in hotels during that time. Only low places violate the law.

*By Judge McDonald :*

17b. When that ordinance was in force, prohibiting the sale of liquor, was there anything to prohibit a man bringing in liquor for his own use and keeping it in his house?—No. They could send their order to San Bernardino or Los Angeles, and it would come in by express and be delivered at the man's house.

18b. Then it could be brought in without any trouble?—Yes, but a man could not get it and bring it to my public table. I would put his liquor on his own table.

H. B. EVEREST.

19b. Then the law did not interfere with a man's personal liberty?—Not at all.

20b. You have said that the prohibitionists spent about \$3,800 in endeavouring to enforce the law. Then, in your opinion, they made an honest effort to try and enforce the law, I suppose?—Yes. Since the high license law, as we call it, has prevailed, there has been no further movement in the direction of trying to stop sale. Still, I think there are more strong prohibitionists here to-day than there were formerly, and you will doubtless meet with them. They will tell you the same as I have told you. Of course, I am giving facts as I know them.

*By Rev. Dr. McLeod :*

21b. Do you think there are any places now selling without a license?—There may be, but I do not think so, because these two parties who are running the saloons pay \$2,000 a year to the city, \$300 a year to the county, and \$25 to the Federal Government, making a total of \$2,325 a year each.

22b. Then they must be doing a very heavy business?—They have been able to do so over two years. A third party wanted to go into the business, but he could not give the necessary bonds and so was refused.

23b. The board are not obliged to give licenses to other parties, even if they secure the bonds?—No. Some members of the board think that two is the proper number to have, as it gives competition and a better class of liquor is thereby obtained.

24b. You have stated that the man carrying on business here at one time paid \$4,000 and was willing to pay \$6,000 a year?—Yes.

25b. He had the monopoly I suppose?—Yes, he charged 15 cents a drink. Now you can get beer for 5 cents, and that is the result of competition.

26b. Of which do they sell the larger quantity, whisky or beer?—There is more beer sold than anything else, there is also wine sold, but not much whisky. You very seldom see a drunken man here. When there is such a man, he is arrested.

*By Judge McDonald :*

27b. It is lager beer, I suppose?—It is named Milwaukee beer, and is put up under different brands. The cheapest brands are made in California.

28b. Then that is California beer?—Yes.

*By Rev. Dr. McLeod :*

29b. Have you a Mayor here?—We have a Board of Trustees, one of whom is chairman. He is Mr. Keefe, President of the Riverside Banking Co., and he has practically retired from business.

30b. Have you a board of trustees here?—We have an excuse for one.

31b. Did you find it more difficult to run your hotel before than since the license system?—I had a great many complaints before. Gentlemen who had travelled all over the world came here and at meal times would call for their wine, and when they found out they could not get it, they would go away by the next train.

32b. Still you could run the hotel, of course, and make it profitable?—I will give you an instance. The state of things was very discouraging sometimes. I had a party from New York; their names were Wall, they being descendants of the Wall from whom Wall Street is named. They were wealthy people; there were five or six of them and they all had their secretaries and waiters with them, and had about a car-load of baggage, and on taking their rooms they seemed perfectly satisfied. They went down to dinner in the evening and called for the wine list. Of course we had to tell them that we were not allowed to sell wine or anything else. They were all up at 5 o'clock the next morning and away by the first train. That is just a sample case. A good many people know this is a temperance town, and they ask for beer. If you cannot supply it they get mad, and swear that this is the worst town they ever saw. I never had a great deal of sympathy with them, but I always like to furnish people with what they want. I have always been a temperance man and have no need of liquor, and I discourage young men buying it. When men like Mr. Grace of New York, and Senator Edmunds of Maine come here with their families and find they cannot get wine, they go away the next day.

## Liquor Traffic—California.

33*b*. Do all the hotels furnish wine?—No, there is one that does not. You might go and see Mrs. Davies, who runs the Rowell House. She is one of the principal Women's Christian Temperance Union women. I could run this hotel without any liquors, but it is unsatisfactory to a great many people and creates a great deal of talk. There was no other town round here at that time where there was prohibition in force. I think Pasadena adopted prohibition a little while afterwards.

34*b*. Is Pasadena prohibitionist now?—No. I do not think any of those places are prohibitionist now. It is hard to run prohibition in one town when all the other towns sell liquor and the people can go to them and get liquor.

*By Judge McDonald :*

35*b*. I suppose the people there can send to other towns and get liquor and keep it in their own cellars?—Yes. Mr. Bedson made money by going to San Bernardino and buying and distributing liquor. He would take orders and go and obtain the liquor for different people.

36*b*. Travellers are troubled by prohibition?—Yes, men like yourselves, who come here and find that they can not get all the liquor they want.

37*b*. What class of people bought liquor in unlicensed places when the parties were continually being prosecuted?—Workingmen mostly, and some clerks.

38*b*. People who could not afford to bring in liquor themselves would get liquor in those places?—Yes. Take the better class, they would go to the drug store. There were two or three physicians who, for sufficient remuneration, would have the prescriptions put in the book, and they could get all the liquor they wanted.

39*b*. Taking the three systems : the granting of only one license, the granting of none at all, and the granting of two, which system is preferable?—I think the granting of two licenses is the best, because you are not so likely to get bad whisky, and there is greater competition.

*By Rev. Dr. McLeod :*

40*b*. Is there much drinking in the town?—Not that I can see. Saloons are not permitted any where near a church, school-house or the post office.

41*b*. How far are the saloons from the churches and school-houses?—They are not within two blocks of a church, and they are not allowed within a hundred feet of the post office.

42*b*. Are they a good distance from the school-houses?—Yes, they are not in a position to contaminate the young. Of course, every young man has his own opinion on this matter. Our population is a mixed one, and the people have come here from the South, and a great many from foreign countries, and there are a great many Canadians here. Most of the Canadians I know have a little liquor in the house, and they are quite free with their money. Perhaps you will get a little different story from some one else.

43*b*. Do you carry on any other business besides this hotel business?—Yes, I have an orange grove.

A. H. NAFTZGER, President of the First National Bank, Riverside, examined.

*By Judge McDonald :*

44b. How long have you resided here?—Between seven and eight years.

45b. When you first came here was a license system or prohibition in force?—There was free whisky.

46b. What was the law?—There was a county liquor law or ordinance, if I remember rightly.

*By Rev. Dr. McLeod :*

47b. Were there a great many places selling at that time?—Yes, but there was not a great number of saloons. The liquor was very vile. There were French Mexicans who carried on dives here at that time.

48b. The population, of course, was smaller at that time than now?—Yes, probably from 2,000 to 3,000.

49b. How long did that state of things continue?—About two years. I believe there was a tax of \$50. Three or four years ago we elected an anti-saloon board of trustees, and that board abolished the traffic.

*By Judge McDonald :*

50b. How many saloons were running at the time they were abolished?—Three, I believe.

*By Rev. Dr. McLeod :*

51b. Was there illicit sale afterwards?—There were said to be several places running, and there was a good deal of drinking.

52b. How long were the saloons abolished?—Two years.

53b. With what effect?—With the best effect; drunkenness and that sort of thing were reduced.

54b. I suppose there was some illicit sale all the time?—Yes, and especially towards the end of the period. As the time for the next election came round these multiplied, of course.

55b. We understand that the election went against prohibition?—Yes.

56b. How was that brought about?—In our system all that was necessary for a man to do was to have his name put on the register of the county, and then he was entitled to vote. He might not have been living long enough within the city limits, but all he had to do was to say that he lived at a certain place.

57b. Was the vote strongly against prohibition?—No, there was a majority of 34 against.

58b. Are we to understand that the collusion of the voters was generally responsible for the defeat?—Yes. I think if there had been none, they would not have come within 75 of our vote.

59b. Now you have the license system here?—Yes, we have two saloons that pay \$2,300 each.

60b. Are there any illicit places?—Yes.

61b. Are there as many now as there were before?—No, probably not.

62b. Were the illicit sellers prosecuted?—Yes, as far as possible.

63b. Are there now any prosecutions of illicit sellers?—Very seldom, once in a while there is a case.

64b. It has been said that they did not sell because the saloons would bring them to book if they did?—They did nothing of the kind. They are in partnership, nearly always, with the illicit sellers. There is no doubt but that the illicit place opposite the saloon is in partnership with the saloon, and that there is an understanding between the two places.

65b. What do you think the police record shows for the present period as compared with the prohibition period?—I think the police record has been taken care of, but there is no doubt in my mind as to the result. There has been a little less crime I

## Liquor Traffic—California.

think. During the first months there was more drunkenness, but during the last two months there has been less I think.

66*b*. What police force have you in this town?—We have only two regular day officers and no night officers. There are some extra officers, three or four.

67*b*. What has been your observation, as a citizen, of the effects of the drink habit and the effects of drunkenness as between the two periods?—Drinking was vastly less under prohibition.

68*b*. The licensees must be doing a great business to enable them to pay \$2,300 a year license?—Yes. I know one of them made \$400 or \$500 a month at one period.

69*b*. As a business man and as president of a bank, what was your observation as to the effect of prohibition on the business interests of the community?—I presume I was prejudiced in regard to this matter, for I never had any use for the liquor traffic and was never interested in it in any way; but I know that some of the leading business men, who were in favour of the licensing of the trade, said that the saloons added to the money of the people.

70*b*. How often do you vote on the question?—Once in two years.

71*b*. When is the period up?—In April.

72*b*. I suppose you will make it a test question again?—Yes, we will have the same fight over again.

*By Judge McDonald :*

73*b*. I judge from your statement that you are a prohibitionist?—Yes.

74*b*. Are you opposed to the license law?—No, only as I want the license law to be superseded by prohibition.

75*b*. Failing prohibition, you would prefer the license law?—I favour the law that will prohibit licenses, but failing that, I want a high license law rather than none at all, and I look upon high license and prohibition as being in the same line.

76*b*. What about national prohibition?—I think it is to be reached through local prohibition.

77*b*. When the local prohibition law was in force here, was liquor allowed to be brought in?—Oh, yes.

78*b*. Was any liquor brought in?—Yes, some.

79*b*. From what direction?—From neighbouring towns.

80*b*. The people would bring it in and keep it in their own cellars, I suppose?—Yes, there was nothing to prevent them.

81*b*. Was much trade done by dealers who brought it in?—Very little. One of those dealers is now in the saloon business. He would bring in a barrel of beer bottles and would peddle them round, but after awhile the authorities made it too hot for him.

82*b*. But under the law, I suppose, he could bring liquor in for people on their orders?—He pretended to take their orders, but it did not work.

83*b*. When the people did get liquor it was sent by express, I suppose?—I suppose so, unless they carried it with them.

84*b*. I suppose such sellers were fined?—Yes, but there was not much vigilance exercised.

85*b*. What amount was expended when prohibition was in force to stop illicit trade?—I am unable to say. The city appropriated very little.

86*b*. We understand that the people in favour of prohibition subscribed a large amount out of their own pockets, \$1,800, for that purpose?—About that sum was expended by the anti-saloon men, part of which was for suppressing the illicit sale and part for campaign expenses to carry on the elections.

87*b*. How large a vote was polled?—I think our vote on that question at the last election was about 900.

88*b*. I think you stated that the majority was 34?—Yes.

89*b*. And that 75 of the votes cast in favour of prohibition were illegal votes?—Yes.

90*b*. Take it in this way: throw out the 75 votes and deduct the 34 majority and there would remain 44 in favour of prohibition. Take a community as evenly divided :

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is there difficulty in carrying out the law?—Yes. Most of the men employed about the streets were in favour of license, and that was another difficulty. Those people who voted against it were from the orange groves and ranches.

91*b*. Are there any persons about here who make wine themselves?—No. The wine grapes are raised some distance away from here; there is a little wine made here, but it does not amount to anything.

92*b*. Was the vote at the last election taken on the question, whether the Board of Supervisors should be composed of men in favour of prohibition or license?—Yes.

*By Rev. Dr. McLeod :*

93*b*. Was that the sole issue?—Yes. In 1888 we were defeated, in 1890 we defeated them.

*By Judge McDonald :*

94*b*. What was the majority the first time?—About 75. I do not think we had more than 350 votes given against closing the saloon.

*By Rev. Dr. McLeod :*

95*b*. You had a smaller population then than now?—Yes.

*By Judge McDonald :*

96*b*. Were you one of the supervisors?—No, I never have been one.

97*b*. Have you held any position in regard to prohibition?—Yes, I was chairman of the anti-saloon committee.

*By Rev. Dr. McLeod :*

98*b*. That \$1,000 you spoke of was to carry on prosecutions against illicit sellers?—Yes.

99*b*. What was the amount of the fines imposed?—They ranged from \$50 to \$250, I think.

100*b*. At the discretion of the court?—Yes. There was a statement published in the newspapers, and I have no doubt but that Mr. Pierson, the publisher of the newspaper, will furnish a copy to the Commission.

101*b*. With results such as you found, and with those results known to the community, to what do you attribute the change?—I attribute the change mostly to the fact that the License Board ran in a lot of votes.

102*b*. It does not appear to be claimed that the respectable part of the people voted in favour of license?—No.

103*b*. Why was it?—In the first place, although this is not an eastern community exactly, a great many of the people are from New England and other eastern countries. Still, we have an element of the old California idea, which is that every man should drink, and that in regard to every man who does not drink, there is no stability about him. We have, of course, a great many Mexicans.

104*b*. Do they vote?—They all vote for the saloon, unless they are paid. Of course the floating population is in favour of saloons, too.

*By Judge McDonald :*

105*b*. Are the supervisors business men?—Yes, a few of the Board are business men.

*By Rev. Dr. McLeod :*

106*b*. Are the licensees permitted to sell on Sunday, or after 10 o'clock on week days?—No.

107*b*. Do they carry out those provisions of the law?—I do not know. Our saloons are quiet, so as to be as little offensive as possible. They are out of the way of business, and a man could go through the town twenty times and not find them.



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108*b*. Is that by regulation?—The man who actually controls the Board now will not allow them to be within 100 feet of a church, school-house or post office. The man who does most of the business owns the block across the square in which the post office is, and he wanted to have his saloon in there; so the Board passed this amendment, and practically shut him out. The saloons are as little offensive in this community as possible; they are rather orderly, I must say.

109*b*. To what do you attribute that?—To the fact that those who license the trade impose such restrictions upon them as to give them to understand that they are to keep orderly places, or they will be sat on. That is about the size of it.

*By Judge McDonald:*

110*b*. Then they are really regulated?—They are regulated aside from the ordinance passed. They are regulated by the sentiment that compels them to keep on certain lines.

*By Rev. Dr. McLeod:*

111*b*. Do you think they dread the prohibition sentiment?—Yes, and they want to make their saloons as little offensive as possible, in order to hold them.

GEORGE N. BEAM, of Riverside, saloon-keeper, examined.

*By Judge McDonald:*

112*b*. How long have you resided here?—A little more than five years.

113*b*. When you came here what law was in force, license or prohibition?—The license law.

114*b*. How many licenses were issued?—One.

115*b*. Were you the party?—Mr. Boyd was the man licensed, and I worked for him.

116*b*. What was the license fee?—\$500 a quarter.

117*b*. That was for the city?—Yes.

118*b*. Was there a county license as well?—Yes. At that time it was \$75 a quarter.

119*b*. Then there was, of course, the United States license?—Yes, and that was \$25 a year.

120*b*. After a time, we understand, the people elected a Board of Trustees opposed to license?—Yes.

121*b*. In fact they put in a prohibition board?—Yes.

122*b*. And they protested against any licenses being issued?—Yes. That system ran on for two years.

123*b*. Can you tell us whether you have reason to believe that at that time there were persons engaged in selling illicitly?—Oh, yes.

124*b*. How many?—The number was estimated at about 25.

125*b*. They were, of course, all selling illegally?—Yes. Anybody could go and get liquor in 15 or 20 places at any time during that administration.

126*b*. Have there been many illicit places selling during the license period?—No, except the drug stores, and no one went there unless the saloons were closed.

127*b*. Besides illicit places where it was sold during prohibition, was liquor sold in drug stores for other than medicinal purposes?—All the drug stores bought liquor by the barrel at that time, which is not now the case.

128*b*. Could people get liquor at the drug store even if they did not require it for medicinal purposes?—Yes. I could go out and get 250 prescriptions in five hours. During the prohibition period the people got them all the time.

129*b*. We understand that under the prohibitory law there was nothing to prevent the people bringing liquor from other places for their own use and keeping it in their own cellars, and using it themselves and giving it to their friends?—The ordinance simply forbade any one selling it.

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130*b*. Was much brought in in that way?—I was not here all the time.

131*b*. We have been informed that some men went to San Bernardino and brought down liquor?—That was the other saloon man.

132*b*. And delivered it to people at their own houses?—Yes, he ran a wagon at the time for that work.

133*b*. We understand that at the next election a new Board was appointed to abolish prohibition and bring in license?—Yes.

134*b*. How many licenses are granted under it?—Two.

135*b*. What is the amount of the license fee?—\$500 a quarter.

136*b*. Is there any license fee for the county now?—\$5 a month to the county for retail and the same for wholesale, whereas the city charges as much as \$50 a month.

137*b*. And there is \$50 for the United States, I believe.—Yes.

138*b*. We understand that the dealers have also to give bonds?—Yes. The city requires us to give two bondsmen at \$5,000 each, there is also required two bondsmen in \$2,000 each for wholesale license and two in \$2,000 for retail for the county, altogether representing \$18,000. We have to get an inland revenue license and a wholesale bar license from the Government and a wholesale county license and a retail county license and the city license.

139*b*. The largest fee is paid to the city?—Yes.

140*b*. \$500 a quarter?—Yes.

141*b*. Under the present system, is there unlicensed sale going on in the city? Not that I know of. There may be some in the drug stores.

142*b*. I mean places where they sell liquor illicitly?—No.

143*b*. You make it an object to look after such sale?—We cannot afford to allow them to sell.

144*b*. Is it a fact that unlicensed sale goes on in the community where you are licensees and that you are in partnership with these men as regards selling?—No, we have them arrested. There was a time when the restaurants bought beer from me and made a good profit on it, and I allowed them to sell it; but when they disclosed where they got it, I had them arrested. Either I or the other saloon-keeper has the handling of all the liquor sold in the town in that way, for of course if they do not buy from me they buy from the other saloon-keeper.

145*b*. Had those parties the right of sale?—No, but the sale did not amount to anything.

*By Rev. Dr. McLeod :*

146*b*. You are a wholesale seller?—Yes, we are wholesale, and have a right to sell.

*By Judge McDonald :*

147*b*. What was the effect of licenses being granted in towns and villages around you when there was prohibition here?—Every evening and on Sunday young men went to San Bernardino and got liquor.

148*b*. Had this prohibition any effect on people coming here as tourists?—Yes. I will tell you one circumstance that happened which serves to show what the effect was. At the time we were closed and waiting for the elections a gentleman came up to me, when we were busy putting in a new front to our saloon building. He wanted to get in and wanted to get liquor, and I told him we could give him nothing, and that this was a prohibition town. He asked what was the time the next train left, and I told him, and he rushed off and caught that train. This was only one case out of a great many such.

149*b*. As a citizen, taking the state of things when prohibition was enforced and the state of things since the license law has been in operation, have you found any difference in the good order maintained in the community?—Yes.

150*b*. In what way?—The condition is better now than it was before.

151*b*. Did you take any part in the election yourself, I refer to the election for supervisors?—No. I had not been in town for two years.

152*b*. Can you speak as to the fact, whether the respectability was all on one side and the unrespectability on the other, or were the people divided?—I was not here.

## Liquor Traffic—California.

153*b*. You think the people were tired of the system they had in force?—Yes.

*By Rev. Dr. McLeod :*

154*b*. You left town after prohibition came in?—Yes.

155*b*. It has been stated that Mr. Boyd paid \$4,000 and was willing to pay \$6,000 rather than that prohibition should come in?—No doubt that has been stated.

156*b*. He was the only man in the town who was licensed, and he was willing to pay \$6,000 a year license fee if prohibition was not adopted?—Mr. Everest was our Chairman of Finance Committee and tried to get high license at the time we were defeated. He knows a great deal better than I do about it.

157*b*. Then he was Chairman for the committee of the anti-prohibitionists?—Yes, and attended all our meetings.

*By Judge McDonald :*

158*b*. How about the hotel-keepers who sell wine and beer? Do they have to take out a license?—Not if the hotel has over forty bedrooms.

159*b*. How is it in regard to hotels with less than forty rooms?—They are not allowed to sell.

*By Rev. Dr. McLeod :*

160*b*. It is a pretty heavy license you have to pay?—Yes. Mr. Everest knows different from what he has stated, if he says that Mr. Boyd was paying \$4,000 a year, and was willing to pay \$6,000, and he is telling a lie without any cause. The license was never any higher than it is to-day.

*By Judge McDonald :*

161*b*. Is there much sale of the heavier liquors, such as spirits and brandy, in this country?—There is considerable sale.

162*b*. Of course light wines and ales are used a good deal?—Yes, beer is our principal business.

163*b*. Taking your population as a whole, do you consider it to be a sober and law-abiding one?—Yes.

164*b*. Do you know whether the quality of the liquor sold under prohibition was equal to that sold under license?—The liquor was adulterated in illicit places to increase the quantity. Of course they could not sell it the same as it is sold to-day. We get St. Louis beer by the carload and sell it at 5 cents a drink. Formerly the people had to pay as much for beer as for whisky.

JOHN H. ANDERSON, of Riverside, saloon-keeper, examined.

*By Judge McDonald :*

165*b*. Are you a partner with the previous witness?—Yes.

166*b*. Do you agree in all the statements made by the former witness?—Yes.

REV. W. ARTER WRIGHT, of Riverside, examined.

*By Judge McDonald :*

167b. With what church are you connected?—I am a minister of the Methodist Episcopal Church of the United States.

168b. How long have you resided here?—I came here a year ago last October.

169b. What law was in force when you came here?—The license law.

170b. Did you know Riverside under prohibition?—No.

171b. Take the community as you have found it, how is it as regards the liquor traffic?—I understand that the law in the city is a high license law, the license fee being \$500 a quarter. I understand there are only two persons licensed to sell, or rather one practically.

172b. Hotels with over forty rooms are allowed to sell to guests, we understand?—Yes; those saloons are in an out of the way part of the town. One of the saloons had to move from the second ward to the first.

173b. Then it is not the residential wards in which the saloons are now?—No.

174b. As the law is working here at present, do you find this community to be a sober and law-abiding one?—In my opinion the class of people that visit the saloons are the lower class generally. It does not strike me that the saloons offer a temptation to the better class generally.

175b. How do you account for the high license fee charged? Is it done with a view to regulating and restricting the traffic?—It is done with a view to shutting the traffic out.

176b. You mean keeping the number of saloons as few as possible?—Yes.

177b. And we understand that they are under bonds for \$10,000?—Yes.

178b. Has your church made a deliverance on the subject of prohibition?—Yes, a very strong one.

179b. Are you in favour of prohibition?—Yes, I am in favour of national prohibition.

180b. Are you in accord with the sentiments of your church on this question?—Precisely so. I should like to put in evidence as part of my statement the deliverance of our General Conference. (Appendix 1.)

181b. In your view, has the prohibition sentiment in Riverside weakened or strengthened latterly?—I am not informed of any change in that particular. I think Riverside is prohibitionist in its sentiment. I think the license law here was obtained by fraud, men who should not have been allowed to vote were counted, and the majority was obtained in that way. Mr. Naftzger has given me that impression.

*By Rev. Dr. McLeod :*

182b. We understand that under the prohibition that was in force in Riverside the people were able to bring in liquor from other places for their own use?—Yes.

183b. Did the prohibition, had in view by the communion of which you are a minister, contemplate the granting of permission to bring in liquors from outside places for beverage purposes?—It contemplated national prohibition.

184b. Do you mean a national law to prohibit the manufacture, importation and sale of alcoholic liquors for beverage purposes?—Yes.

185b. Does your church refuse church privileges to men engaged in the traffic?—Yes.

186b. Either wholesale or retail?—Yes, and also to persons who rent a building to men engaged in the trade.

187b. Do you extend these restrictions to manufacturers?—Yes.

188b. Then the Methodist Episcopal Church as established in the United States would refuse membership to a brewer or distiller?—Yes. It deals with the liquor traffic in the strictest way.

The inquiry at Riverside was then closed.

## Liquor Traffic—California.

PASADENA, December 3rd, 1892.

Judge McDONALD and Rev. Dr. McLEOD, members of the Royal Commission on the Liquor Traffic, met here this day, and obtained statements in regard to the law regulating the liquor traffic.

T. P. LUKENS, of Pasadena, President of the Pasadena National Bank, and also one of the Trustees of the town, examined.

*By Judge McDonald:*

189*b*. How long have you lived in Pasadena?—Twelve years.

190*b*. Where did you come from?—From northern Illinois.

191*b*. When you came here to Pasadena, what system was in force in regard to the sale of liquor, license or prohibition?—There was no city organized here until five years ago, we have only been a city five years, and consequently previous to that we were under the control of the Board of Supervisors of the county. The law in this State is, that any man can start a saloon, outside of incorporated cities, by getting a petition signed by 12 freeholders asking that he be granted a license.

192*b*. Is there any discretion given the Licensing Board?—There is discretion resting with the Board of Supervisors, it is true; but unless the man can be proved to be a man with a very bad character, he is given a license without further action.

193*b*. What license fee has he to pay?—It is regulated according to the prospects of business, it is usually \$25 a year, sometimes \$100.

194*b*. What is the population of this city?—We have in the city about 8,000, and in the country, which we call Pasadena, that is the district lying between here and the mountains, the people of which patronize our post office, there are over 10,000 people.

195*b*. I understand that a Board of Trustees manages the affairs of the city proper?—Yes, the affairs of about 8,000 people.

196*b*. Under what system did Pasadena commence as a city?—It commenced as a prohibition town.

197*b*. Has it continued to be such?—In a measure. I wish to explain that matter. The people who first settled in Pasadena were the best class of people from the east; they were all very nice people, people from Indiana principally. Then they began to come in from New England States, and the people who settled here seemed to be people of temperate habits. A great many of those who came here seemed to be opposed to the liquor traffic and to liquor, myself among the rest. I was Mayor of the city where I lived for some time, and was constantly fighting the liquor traffic, although there were great obstacles to contend with. For instance, that town depended a good deal on the farmers' trade, and those farmers were generally foreigners, German and Irish. We had a great deal of trouble with them in regard to the liquor traffic, and a great many people thought there would be more trade with them if there were saloons. Here in Pasadena, however, things are quite different. The general sentiment of the people is opposed to the retail business. There is absolutely no demand for a saloon in this city. If there was a saloon in this place, I do not think there would be enough patronage for it to keep alive. For three years after the city was organized, what we call the rank prohibition element were running the town. They not only were opposed to saloons, but were opposed to people having liquor in their own homes and they were going too much to the extreme. Then some of us thought it would be well to have things a little different. An ordinance was passed which amounted to absolute prohibition; no liquor could be sold in the town for drinking purposes. About this time Pasadena commenced to receive a

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great many tourists from the east and a great many were advised by their doctors on coming here to take California wine. But the rank prohibitionists said they must not do so, and that not a drop of wine should be used in the town or beer or liquor of any kind. We eventually had a great set-to here, and a complete revolution was made in our affairs. I and four others were nominated on this platform, that we would allow restaurants and hotels to sell liquor to their guests at meals, and under no circumstances would we permit a bar in the city. The rank prohibitionists were fearful that this would lead to saloons, and the consequence was a very bitter fight. But within one year from the time we were elected and put that system into operation, the people were satisfied that it was the best thing to do, and the city made much more rapid strides than it had ever done under absolute prohibition, because the young men growing up here have no temptation laid before them whatever. We began to educate our young people not to use liquor, and they have not acquired a taste for it, and so the next generation will be comparatively temperate people. The fact is that they have had no occasion to drink. The system is working beautifully. We have now been elected three years on this platform, and even a great many of the strongest prohibition people are satisfied that it is the best thing to do.

198*b*. You say the system has worked well?—It has worked beautifully.

199*b*. Do you find that you can keep the tourist population now?—Yes.

200*b*. Did you find that under the first system tourists would come and shortly go away?—A good many went away, because they considered it absolutely necessary to have their wine. Now you can go into the restaurants at meal time and get your meal and have a bottle of beer or wine, but there is no place in the town where liquor is sold by the glass.

201*b*. Is there any place where you can buy it by the bottle?—The drug stores sell it by the bottle to people to take home.

202*b*. Is it sold by medical prescription or is it free sale?—They are allowed to sell beer or wine by the bottle without a license, but it is not allowed to be drunk on the premises.

203*b*. Do hotel-keepers who are allowed to sell liquor to their guests at meal times have to take out a license?—Every man who sells liquor in California or in any State must have a Federal Government license or he cannot sell, and they also have a county license.

204*b*. How do the restaurants sell?—They can furnish wine and beer.

205*b*. Does your city obtain a revenue from the liquor business?—We have no licenses of any description. Every dollar is raised by general taxation.

206*b*. Do the druggists have to take out this county license and United States license?—Only the United States license. If we were not incorporated as a city, they would have to take out a county license as well.

207*b*. So the only license they have to take out is the United States license?—Yes.

208*b*. During the time the first system prevailed, that of entire prohibition, could people have liquor in their own houses for their own use if they brought it from elsewhere?—Yes, but the prohibitionists were trying to bring about a state of things that would prevent people from having it at all.

209*b*. Did a law go into force so as to prohibit it entirely?—No, there has never been a law to prohibit it entirely.

210*b*. But they were seeking to adopt such a law?—Yes.

211*b*. Have you reason to believe that at that time there was illicit sale in the community?—Indeed there was; that was one of the great difficulties. There seemed to be a sort of premium offered for a man to perjure himself. They would sneak round alleys and go in at the back and obtain liquor, and when a man was brought up in court he would swear it was not alcoholic liquor or that there was no liquor there.

212*b*. Were any strong efforts made to suppress that sort of sale?—Yes, strong efforts, but it was almost impossible to convict parties. We were having trouble at the time. There were then a good many places selling liquor on the sly.

213*b*. What kind of liquor?—It was whisky and wine; but as soon as our party was elected every one of those places shut up of its own accord. They were satisfied with the new system and they thought it was a reasonable one.

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214*b*. Have you reason to believe that at the present time there is bar-room sale or any illicit sale?—No, I do not think there is any reason to believe there is anything of the kind. We have policemen who are constantly on the watch for such places. We are a strong temperance people here. There have been two or three cases of violation of the law, but they were fined heavily and immediately stopped.

215*b*. Have you any restrictions as to the kind of liquors that may be sold to guests at meals? Are the liquors confined to ales and wines?—Wine and beer.

216*b*. Is there no provision in regard to sale during certain hours and on Sunday?—No. Liquor can be sold with regular meals, no matter at what hour the people obtain their meals.

217*b*. Supposing a man in the city, not having liquor in his own house, went into a hotel and called for a meal, would he be entitled to obtain liquor with that meal?—Certainly.

218*b*. Then he need not necessarily be a guest?—What we claim is this: that a man has a right to drink liquor in his own home if he pleases, and if he is in any hotel, even for one meal, that is his home at that time.

219*b*. Did I understand you to say that you found this system to work beautifully?—Yes.

220*b*. And it is better than the former system of attempted prohibition?—Very much better, and we have accomplished a great deal more under the present system than under prohibition.

221*b*. Have you all the ordinary organizations, temperance societies, and churches and other institutions working here on moral lines in favour of doing away with drink and promoting temperance?—Yes. Probably there is not another city in the United States that has so complete representation as regards churches. We have 14 here, all flourishing, and our people are very generally a church-going people.

222*b*. All these influences I suppose work in favour of temperance?—Yes.

223*b*. Have you done anything towards teaching the children the properties of alcohol, what we call temperance teaching in the schools?—No, that has been suggested; in fact we have had teachers in our public schools who rather insisted on teaching something of the kind, but it was thought best that the children should be taught those subjects at home. So nothing of that kind is taught except as regards general morals.

224*b*. Do I understand that a large majority of the people here are in favour of total abstinence?—We have a large majority who would be glad to see liquor annihilated from the face of the earth, but we have not a large majority who would favour absolute prohibition.

225*b*. Have you a large majority favourable to voluntary total abstinence?—Yes.

226*b*. But not a large majority in favour of the total prohibition of the manufacture, importation and sale of alcoholic liquors for beverage purposes?—No.

227*b*. I understand that you believe the present system to be better than the first system?—Yes, and many of our leading church people think so too. You might be here five months and you would not see a drunken man—it is a very rare occurrence. People using liquor with their meals use very little.

228*b*. Do you find that the tastes of the people are for wines and ales, and not for ardent spirits?—Very many families keep beer and wine, particularly California wines. They are very wholesome when drunk in moderate quantities.

229*b*. From your experience extending over a number of years here in regard to the use of light wines, have you found that the effect has been to lead the people to excess?—No, I think rather the reverse. I know of no cases where they have led to excessive drinking. I know lots of cases in which people have renewed their health by taking a good deal of California wine.

230*b*. Your wines are pure, I suppose?—Yes, there is very little alcohol in them.

231*b*. Did you in your experience in Illinois, find that the liquors there were much adulterated?—Yes, and nearly all liquor drunk there was whisky and the worst kind.

232*b*. Under the system of prohibition in force here at first, when liquor was sold in illicit places, was much adulterated liquor sold?—Of course we had no personal knowledge of it, but there were cases of drunkenness in the streets. No doubt the

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liquors were adulterated because the people were made drunk by them. We had more drunkenness during one month of extreme prohibition than three years under the present system.

233*b*. How is your community from a business standpoint?—It is very prosperous.

234*b*. Is the rate of taxation heavy?—No. Our assessment is one-half on cost value of the property. There are four and a half miles of property in the city, and the rate is \$13 a year on every \$100 worth. Of that a large proportion goes for repairs. We keep our roads thoroughly repaired. Then the city is lighted with electricity, and we have one of the best fire appointed brigades and also a good fire-alarm system. Everything is keeping with the people, who are first-class. About \$7,000 is expended on the roads, the same amount is required for lighting the city, and nearly as much for our fire department. Then we have a free public library, the library building having been built by individuals at a cost for land and building of \$40,000, which is a great credit to the place. Then we have the churches of which I have spoken, and the Young Men's Christian Association and other institutions, all of which are in flourishing condition. Our business men scarcely lose a dollar from bad debts; they never lose anything on account of men having spent their money on liquor.

235*b*. I understood you to say that the population is made up of the best elements from the east?—Yes.

236*b*. From Indiana and States further east and Illinois?—Yes. A good many come here from Massachusetts and from Maine.

237*b*. Have you many Canadians here?—We have a good many here, and they are all very nice people indeed.

*By Rev. Dr. McLeod:*

238*b*. You spoke about the class of people who in the early days under the first system frequented those illicit places and sneaked round corners?—Yes.

239*b*. Where do those people get their liquor now?—They either take it in their homes, or, as has been the case with a great many, they have given it up altogether. These places closed up right away as soon as we were elected, and a great many of the people who frequented them, I could count a dozen now, never touch liquor of any kind.

240*b*. You think there are no illicit places now?—We do not know of any. Of course there may be some places where liquor is sold at retail on the sly, but it is so little that it is doing no perceptible harm.

241*b*. I was wondering whether the people who resorted to those places went to hotels now or to the druggists and obtained liquor by the bottle and took it home?—I suppose some of them do.

242*b*. Were they people generally of the worst class?—Yes. Now we have a very good class of labouring people: there is scarcely any of the rougher element. There are scarcely any people belonging to the old Mexican element; there are a few of them that come in occasionally, but they are very few. We have such men as Joseph Medill of the *Chicago Tribune* located here, and in fact some of the best people of Chicago have come here to live, such men as Mr. McNally, of Rand, McNally & Co., and others, who have come here with their families and have educated them here, for our schools are of the highest standard. We have in addition a university and private schools of high grade.

*By Judge McDonald:*

243*b*. Is the university a State institution?—No, it was established by a Chicago man; it is a polytechnical institution where the arts are taught, and also the practical subjects of life. Regarding the question of wine, I may say that in the Napan wine district, out of 100 families, there are only two or three who have not wine in their houses always.

244*b*. You mean in the wine-producing sections?—Yes.

245*b*. How are they as regards being temperate people?—They are absolutely temperate. You will not find any drunkenness whatever.



## Liquor Traffic—California.

P. M. GREEN, of Pasadena, President of the First National Bank, examined.

*By Judge McDonald :*

246*b*. How long have you resided at Pasadena ?—About 19 years.

247*b*. Did you come here from the east ?—I was one of the original founders of the settlement.

248*b*. We understand that when you formed it as an incorporated city, it started with a prohibitory law ?—Yes, prohibition of the saloon and open bar. In fact from the very beginning of our settlement, we have not allowed saloons.

249*b*. When this city became incorporated you elected a Board of Trustees with the understanding that they should pass a legal enactment on this subject ?—Yes. After the place began to grow, population came in, and we found the saloons coming in too, in spite of public opinion almost universally expressed against it. There is no law against selling whisky in California, the whisky is almost free. One of the reasons why we secured incorporation was to keep the saloons out, in addition to our population needing some form of municipal government.

250*b*. How long did the prohibitory system continue ?—It is really in existence yet.

251*b*. We understand that it is so far as saloons are concerned ?—Yes.

252*b*. Was any change made from the first state of things as to the use of liquor in the community ?—When the ordinance was passed, it was very rigidly enforced, and it was certainly attempted to be enforced by some people belonging to the Temperance Board, they desiring to prohibit the use of liquor absolutely even as regards hotels and restaurants. But during the last two years there has been a little more liberal construction of the ordinance, in which, however, I believe there have been no changes, so as to give hotels and restaurants permission to serve wine and liquors to their guests at meals.

253*b*. Had you, during the period the first system was in force, reason to believe that there was illicit sale of liquor going on in the community ?—I have no doubt of it. However, I do not think there would be much, because we are so close to Los Angeles that the people supply themselves with liquor outside.

254*b*. Are druggists allowed to sell by the bottle in closed packages ?—I think they do that, but it is in violation of the ordinance ; however, they do it more or less all the time.

255*b*. In what way was the illicit sale carried on ? Was it by the hole and corner system ?—Yes.

256*b*. The authorities, I believe, tried to suppress it ?—Yes.

257*b*. And obtained convictions ?—Yes, and do yet. They have obtained quite a number of convictions.

*By Rev. Dr. McLeod :*

258*b*. Does the same kind of sale go on now ?—Yes, more or less all the time ; the serving of liquor by hotel and restaurant-keepers at counters and tables where the principal refreshment is liquor.

*By Judge McDonald :*

259*b*. If a man wants liquor, I suppose he can obtain it with his meal ?—I have seen myself a stranger come and call for a glass of beer. The beer would be handed to him, and without any more being said, the liquor dealer would hand him a plate containing crackers and cheese, this going with the sale of the liquor. The customer would not call for food, but it would be handed to him to keep the seller within the law.

260*b*. This privilege is taken advantage of by hotel-keepers ?—Yes ; the restaurants do not abuse it.

261*b*. The way the system is worked either one way or the other will depend on the men elected as trustees ?—Yes, very generally so.

262*b*. Is this community a sober and law-abiding one ?—Very much so. You very seldom see a drunken man.

P. M. GREEN.

263*b*. We have heard this spoken of as a model community?—We have from the beginning endeavoured to keep down the open bar, and we have been successful.

*By Rev. Dr. McLeod :*

264*b*. Is your position weakened by the proximity of Los Angeles?—Pasadena is the only place near Los Angeles where a law of a prohibitory character is enforced at all. Los Angeles is about thirty miles from here, and there is free whisky there all the time. We have settled down to this conclusion, that we will do all we can to keep down public drinking within our surroundings.

265*b*. What effect does prohibition have on the commercial interests of the community? Does the prohibition of the drink traffic here injure or benefit other business interests?—It is not an injury. We have a great many people coming here because this is a prohibition town. They come here to educate their families.

*By Judge McDonald :*

266*b*. You believe a very large proportion of the people here are total abstainers?—Yes.

*By Rev. Dr. McLeod :*

267*b*. What class of people frequent the illicit drinking places?—The floating population and the day labouring class. The better class of people are not found there at all.

268*b*. Do you find that the permission given to restaurants to sell is an inducement to young men to get drunk and thus form the drink habit?—I suspect so more or less; when young men go to get meals and see other men indulging in beer and wine, they are thereby induced to take liquor.

269*b*. The beer referred to is lager, I suppose?—Yes.

270*b*. Is it a native article?—No, I think it is brought from the east.

*By Judge McDonald :*

271*b*. Are you one of the trustees of the town?—No, my residence is just outside the city limits.

272*b*. What was the change made in the construction of the ordinance?—I do not know. There was a hue and cry against the old ordinance. It was felt that it was the means of keeping people away from here who would have come to spend the winter. It was felt that this was a winter resort, especially for people from the east, and as many of them were ordered by their physicians to take wine for their health, it was thought better to alter the ordinance.

273*b*. Are the light wines of the country much used?—Yes, they are used considerably, especially by our tourists and visitors.

*By Rev. Dr. McLeod :*

274*b*. Speaking of drunkenness: when that form of stricter prohibition was in force of which tourists complained, was there then more drunkenness than there has been since under a more liberal construction of the ordinance?—No, I do not think there was.

275*b*. Do you think there was more illicit sale then even than there is now?—Yes.

276*b*. Residents can bring liquor in from elsewhere, I suppose?—Yes; there is a safety valve thus provided.

*By Judge McDonald :*

277*b*. Were you yourself favourable to the change in the system?—Yes.

278*b*. Then you favour the Board's interpretation of the law?—Yes. Theoretically I have been a strict prohibitionist, but it is impossible to enforce such a law here under our circumstances.

## Liquor Traffic—California.

*By Rev. Dr. McLeod :*

279*b.* Do you think the relaxation of the ordinance has increased the tourist travel here?—The law tended to drive it away before, whereas now there is no such tendency.

280*b.* Has it not increased to a large degree the opportunities of young men to contract the drink habit?—I do not think I have any opinion on that point.

*By Judge McDonald :*

281*b.* Under the old law a man could bring in liquor for his own use, I suppose?—Yes, he could bring it in from Los Angeles and keep it in his own house.

282*b.* There is nothing to prevent that now?—No.

283*b.* Is California wine much used by the Californians here?—Yes.

284*b.* From what State did you come?—From Indiana.

285*b.* Are there many Indiana people here?—Yes.

286*b.* We understand that this city is made up of the best elements of society?—Yes, it is made up of eastern people generally.

287*b.* Then I suppose it is made up of the moral and religious and best elements of the east?—That is true.

288*b.* There are also a good many Canadians here, we understand?—Yes, quite a number.

289*b.* Do they form an important element in the community?—Yes. Our town is full of tourists during certain months of the year, from December to April; during those months we are overrun with eastern people.

290*b.* Have you good hotels for tourists?—Yes.

291*b.* And good boarding-houses?—Yes, an abundance of them. Our people like to take care of tourists. It is our business generally during three or four months of the year to entertain eastern people.

JOHN P. BUCHANAN, of Pasadena, City Marshal, examined.

*By Judge McDonald :*

292*b.* How long have you resided in Pasadena?—Seven years.

293*b.* How long have you been Marshal of the city?—Nine months.

294*b.* We understand that when Pasadena was first incorporated as a city there was an ordinance passed with a view to preventing saloon bars?—Yes, shortly after the city was organized.

295*b.* We have been further informed that after the system had been working for a number of years there were a number of supervisors appointed who had a different system?—Yes. A Board of Trustees was appointed. They were elected on a more liberal platform.

296*b.* Taking your experience as a citizen under the two systems, under which system was there more drunkenness?—I cannot answer that question.

297*b.* Which of the two systems do you find has worked better?—There are different ways of answering that question. The system to-day is not giving the city any revenue, the ordinance permits sale of liquor with meals, but like all other ordinances it is violated as a matter of course.

*By Rev. Dr. McLeod :*

298*b.* Take the restaurants, for instance?—Yes, they and the hotels also sell.

*By Judge McDonald :*

299*b.* How do the restaurants work the system?—If you ask for a bottle of beer, they give it to you with crackers. The point has never been tested as to what constitutes a meal. I understand the question has been settled at Pomona.

P. M. GREENE.

300b. You did not hold office under the old system, of course?—No.

301b. During the nine months that you have held office, have you had reason to believe that sale was going on other than allowed?—I have not. I have no reason to believe that sale is going on outside of what might be considered to be a regular meal.

302b. What might be termed a meal under the ordinance?—Yes.

*By Rev. Dr. McLeod :*

303b. Do we understand you to say that liquor constitutes a meal?—Yes. No doubt there are different ideas with different people as to what constitutes a meal.

304b. For instance, if I wanted a bottle of beer, I would go to a restaurant and ask for it and obtain it, and a cracker would be handed to me with it at the same time?—Yes. My opinion is that such would be a violation of the ordinance.

305b. Whatever is done is done by the restaurants?—Yes, and by the hotels too.

*By Judge McDonald :*

306b. The liquor you mean is sold openly?—Yes.

307b. According to the present consideration as to what constitutes a meal?—Yes.

308b. Do you know whether there was any illicit sale under the old system, and whether there were places where liquor was sold?—Yes, I was not Marshal then. Under the old state of things there was probably as much liquor sold as there is to-day.

309b. Then it was more largely sold on the sly, I suppose?—It was, of course. There were at that time arrests made and prosecutions instituted for selling illegally.

*By Rev. Dr. McLeod :*

310b. Are there none now?—No. I have had none since I have been in office.

311b. Will the court records show arrests under the old system as compared with arrests for drunkenness?—Yes, certainly.

312b. Is there any printed report?—No. At the same time I keep a record myself.

313b. So far as you know, as a citizen, what led to the changes in regard to the working of the law?—The public clamoured for a more liberal construction of the ordinance.

H. H. ROSE, of Pasadena, examined.

*By Judge McDonald :*

314b. What position do you hold?—I am Justice of the Peace for the township, and Recorder of the city

315b. How long have you resided here?—Five years.

316b. How long have you been Recorder?—Two years.

317b. We understand that when Pasadena first became a separate municipality or city it adopted an ordinance prohibiting bar-rooms?—If my recollection serves, we had licensed saloons here during the first year of our existence as a corporation.

318b. Were they under the county licenses?—I think not ; although I cannot be positive. I remember when I first came here six years ago (I did not come here to stay) that right next to the hotel where I stopped, there was an open bar selling regularly. That was E. J. Campbell's saloon.

319b. At all events there was a prohibitory enactment passed?—Yes, it was ordinance 45. I may say that there was a test case of Campbell and the city in 1887, in which the question of the validity of the ordinance was tested, and it ended in the saloon being closed. It was February 19, 1887, when the prohibitory ordinance was passed. I came here on June 31, 1887, and I was at the hotel three weeks. Probably the place was closed just after I left.

320b. At all events there was an ordinance of that kind adopted, and it is still in force?—Yes, and it is in force with amendments.

## Liquor Traffic—California.

321*b*. Have you as a citizen had anything to do with the working of the law and its original rigid enforcement, and also its modified enforcement?—Yes, I have.

322*b*. And as an official have you had any experience under the modified enforcement?—I have necessarily had experience under both.

323*b*. Which have you found to work the more satisfactory?—The modified system.

324*b*. Under the first system was there illicit sale of liquor going on in the community?—There was a great deal of illicit sale.

325*b*. Were there cases prosecuted?—Yes.

326*b*. What kinds of liquor were sold in those illicit places?—Beer, whisky and wine. In fact all kinds were sold.

327*b*. It has been stated in some of the cities and towns which the Commissioners have visited that the illicit places sold spirits more generally, because of the small space occupied by them?—My experience is the same. I could count three or four places in the town where spirits were sold, and they were all drug stores. In three of them they sold whisky by the drink or the bottle or any way you wanted it; you could get it in any shape or form, provided you were considered safe. In the fourth place they had a store-room, back of the drug store, where they kept the heavier liquors, and there they sold whisky to any one by the drink, but they sold by the bottle. Beer was even drunk on the premises.

328*b*. Do you know whether under the modified system illicit sale is going on?—I think there is, but there is so very little that it is scarcely perceptible. No doubt there is some whisky sold in the town contrary to the ordinance, but it amounts to very little.

329*b*. What in your opinion led to the modified system being adopted so that there is less rigid enforcement of the ordinance?—I think the principal thing that led to it was the fact that the more rigid prohibitionists were prosecuting not only violators of the law but everybody whom they had reason to believe wished to violate the law; they were not particular. Another action which the people resented was the employment of paid spies, men who worked themselves into the confidence of saloon-keepers who were supposed to be selling, and induced them, or rather seduced them to act in violation of the ordinance, and then arrested and prosecuted them. That caused a revulsion on the part of more temperate men, who did not approve of that way of doing business. Then there was a good deal of talk in regard to the revenue question, and there was a good deal of complaint by visitors that they could not get liquors at the hotels, which they had been ordered to take by their physicians.

330*b*. Did this lead to a body of men being elected as Trustees who were in favour of a less rigid enforcement of the ordinance?—Yes.

331*b*. Under the interpretation of the Trustees, the hotels and restaurants were allowed to furnish liquor to their guests at meal times?—Yes.

332*b*. There is no ordinary saloon, selling liquor by the glass, allowed under the ordinance?—No.

333*b*. We understand that this city has been settled very generally by most temperate people from different parts of the country?—Yes, and I think it is getting more so.

334*b*. Have a good many tourists stopped here of late years?—Yes.

335*b*. Taking your observation as a citizen, how does the present working of the law succeed?—I think it succeeds very well.

336*b*. Under what state of things was there more drunkenness observable in the community?—Under the old system.

337*b*. You mean under rigid enforcement?—Yes, by over 100 per cent.

*By Rev. Dr. McLeod:*

338*b*. Do your records show that?—Yes. The records show double the number of arrests for drunkenness under the first system as compared with the number of arrests at the present time.

*By Judge McDonald:*

339*b*. You have had a search made throughout the books, I suppose?—Yes. I prepared a statement at the request of one of the newspaper reporters and furnished him with statistics.

340*b*. How long ago?—Within three months.

H. H. ROSE.

341b. The result of the inquiry was that there were less offences for drunkenness under the present system as compared with rigid enforcement?—There were just half as many arrests under the present system compared with the former system. We have a very efficient and excellent body of officers, and a drunken man would stand very little chance of escaping observation.

*By Rev. Dr. McLeod :*

342b. Have you observed whether restaurant-keepers having the privilege of selling wine and beer with meals, evade the law?—I think they do.

*By Judge McDonald :*

343b. I suppose a great deal of native wine is used throughout this part of the country?—Yes. I do not think there is any imported wine except a little champagne.

*By Rev. Dr. McLeod :*

344b. How long has the present administration of the law been in force?—It commenced about 10 months ago. The executive part of our Board tabooed the ordinance which they found in existence. Then, ten months ago, the restaurant-keepers commenced selling a little too freely. They were not only selling wine and beer but whisky also. There was a test case, and I fined them \$100, or four times as much as they were fined under the old ordinance. They were allowed to sell, but they understood that there was to be no monkeying with the buzz saw. So we have had no more illicit selling.

345b. Then the modified system was in force two years before the changes were made which, we believe, were made ten months ago?—Yes.

346b. Before that time the difficulty was as you have indicated?—Yes.

347b. For the last ten months there has been a remodelled ordinance itself?—Yes.

348b. So far as your experience goes as a citizen, how does the modified system commend itself to the citizens generally as compared with the rigid enforcement?—I should say that a large portion of the people are favourably impressed with it, for the reason that even rank prohibitionists do not now complain.

349b. Was there a vote taken on the question?—There was in this way: it was the question on which the contest stood when the present Council was elected.

350b. Was the majority large?—Only 50 or 60 out of 1,100; the people were so well satisfied that last year at the election no opposition was offered.

351b. Speaking of the large amount of drunkenness of earlier days: were there no public works going on?—No, there were none except in the way of improvements.

352b. How was it in the early period of the town?—The period I spoke of was when there were a good many men in town. I did not go further back than 1888 in my investigations.

*By Judge McDonald :*

353b. You took two years of the old system and two of the new?—Yes.

*By Rev. Dr. McLeod :*

354b. You spoke of the time when you were stopping at an hotel and when there was a saloon in operation? How was the drinking carried on then?—I looked out of the window of the hotel where I was stopping and saw people bringing drunken men out of the saloon and placing them in a shed. That was the time of the "boom," and it was during the period of the highest speculation. It was in 1887.

*By Judge McDonald :*

355b. Do you attribute that to the excitement of the "boom"?—I should judge so. The city then was like a mining camp. You can scarcely, of course, compare such a time with a time when men are carrying on a regular business and getting ordinary chances. Then you were making perhaps a couple of thousand dollars a day.

*By Rev. Dr. McLeod :*

356b. Has the town fully recovered from the "boom"?—It began to recover about three years ago; the depression lasted a little over a year. Two years ago this summer there was a vast improvement, and that improvement has been steady.

The inquiry in California was then closed, and the Commission adjourned.



## MINUTES OF EVIDENCE.

## MISSOURI.

KANSAS CITY, MISSOURI, May 12th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT reached this city this morning, and obtained statements in regard to the law regulating the liquor traffic.

WILLIAM S. COWHERD, Mayor of Kansas City, Mo., examined.

*By Judge McDonald:*

357*b*. Your city is under a license system, I understand?—Yes, under the State license law. Both the State and the city charge a license fee—the State \$500 a year, and the city \$250. After June next the license of the city will be \$550. Then, every liquor dealer has to pay a fee to the United States Internal Revenue for a permit. These charges together make the amount of each license practically between \$850 and \$900 a year. There are within the limits of the city somewhere in the neighbourhood of 375 saloons.

358*b*. What is your population?—It is given in the census as 119,000. That refers to Kansas City, Missouri. Kansas City, Kansas, on the other side of the line, has about 40,000.

359*b*. Does your jurisdiction extend only to the city on this side of the line?—Yes.

360*b*. Is there another city government for Kansas City, Kansas?—Yes. They allow no saloons there.

361*b*. Are there regulations for your saloons as to the hours of opening and closing?—No.

362*b*. Are they practically open all the time?—Yes, all the week except on Sunday. They are required to close from 12 o'clock Saturday night until 12 o'clock Sunday night. As a matter of fact, they close about 11 o'clock, except in the neighbourhood of the depot.

363*b*. Are there regulations as to the sale of liquors to minors?—Yes. Each saloon-keeper gives a bond to the county in the sum of \$2,000 that he will keep a respectable house and not disobey the laws of the State. The laws of the State make it an offence to sell liquor to a minor, and also makes the seller liable to a civil penalty of \$50 to be paid to the parent for each offence.

364*b*. Is there any provision to prevent the sale of liquor to men who are well known drunkards?—Yes; our State law provides against that, but that section of the statute has never been very well enforced in this State. It provides that any person who shall sell or give intoxicating liquor to any person who is intoxicated shall be deemed guilty of a misdemeanour, and that any person who shall sell or give liquor to any habitual drunkard after he shall have been notified by the wife, father, mother or other relatives or guardians of the party, shall forfeit and pay to such relative or guardian not less than \$50 or more than \$100 for each offence, and in addition shall forfeit his license.

365*b*. Have you any provision as to the inspection of liquors?—No. We have a law against adulteration, but no inspection is provided for.

366*b*. Is there any complaint of the quality of liquors sold?—No. A man generally understands that the quality of the liquor he gets depends on the character of the place where he gets it.



## Liquor Traffic—Missouri.

367*b*. Is there any difference in the licenses for the sale of spirits and distilled liquors and those for the sale of wines and beers?—No, one license covers all kinds.

*By Rev. Dr. McLeod :*

368*b*. Is there any provision limiting the number of licenses issued in the city?—No, there is no limit at all. We have in this city what we have found to be a very advantageous feature of the law. Our Board of Police Commissioners consists of three, two appointed by the Governor of the State, and the Mayor is ex-officio the third. This Board has entire control of the police force of the city, and we have a provision of the charter which requires any person who takes out a license, first, to obtain from the Board of Police Commissioners a certificate as to his moral character. This practically vests the granting of the licenses in the Board, and acting under that authority the Board has so regulated the location of saloons as not to permit them in residence neighbourhoods or to permit too many of them in one locality.

369*b*. Are you troubled much with illicit selling?—Not much. The licensed saloon-keeper is a detective against those who sell illicitly.

370*b*. Do they really make complaints?—Yes. We have also a License Inspector, and the county has one, and their duty is to see that no one sells without a license.

371*b*. Do you find the Sunday law well enforced?—Well, no. The fact is that the saloons are closed on Sunday to all outward appearance. The doors are closed and the blinds are down, but as a matter of fact too many of them keep a back door open or some secret entrance so that people can sneak in and get drinks if they want to.

372*b*. Are we to understand that the State issues a separate and distinct license from the city, or that it merely taxes the holders of licenses from the city?—No, the State and the county issue separate and distinct licenses. There are different requirements to get a county license. For instance, the applicant requires to get a petition of the majority of the residents of his block before the county issues a license.

373*b*. When the city issues a license to a person must he also necessarily obtain one from the State?—Yes.

374*b*. And to get that he must get the petition?—He must.

*By Judge McDonald :*

375*b*. And any man who sells liquor must pay the tax to the United States Government?—Yes, all have to pay that, druggists as well as saloon-keepers.

376*b*. Does the law permit pool-rooms and billiard-rooms in connection with licensed places?—Yes. I am in doubt about that. A law was passed by our Legislature two years ago forbidding the keeping of pool and billiard-rooms in connection with saloons, but I believe the saloon-keepers evaded it by putting up a partition between a billiard-room and the bar.

377*b*. Have you shop licenses?—We have a merchant's license.

378*b*. What does that cover?—A wholesale dealer takes out a merchant's license. That is simply a tax. They must not sell in quantities less than five gallons.

*By Rev. Dr. McLeod :*

379*b*. You have no small groceries in which liquors are sold by the bottle or the pint?—No. The small grocers sometimes keep malt liquors, and sometimes the druggists sell without prescriptions, though under our law they are not allowed to sell liquor except on the prescription of a practicing physician.

380*b*. A family, for instance, that want a bottle of wine or brandy, must they go to a saloon-keeper?—No. Most of our restaurants and our hotels have a wine list, and they can go to a table and order what they want.

*By Judge McDonald :*

381*b*. How large a police force have you?—About 175 men, including officers, clerks and all. We have one patrol man to each 1,000 of the population, making about 130 patrol men.

WILLIAM S. COWHERD.

382*b*. Is your city, compared with other places, orderly and law-abiding?—Yes. In the past our city has been greatly infested with gamblers, owing to the fact that it is the gateway between the east and west. There were a great many professional gamblers passing through here, particularly from 1879 to 1887. Since that time crime has been continuously decreasing, and at present there is very little crime in the city.

383*b*. Have you much poverty, or are the people pretty well-to-do?—There is not much poverty. Our people are pretty well-to-do.

384*b*. Are you troubled much with what is called the social evil?—I hardly know how to answer that. Like other cities there is a district in this city where there are houses of that kind. The plan followed in this city is to confine them practically to one portion of the town. Those houses, of course, pay no license; they are not licensed at all. They are arrested about once a year under the State Law and fined \$200 each. The city does not raid them except some crime is committed or some wrong is done in a house in the way of a man being robbed or assaulted, or a girl of tender years being found there. In such a case the house is marked out, and if it has a particularly bad character is broken up.

385*b*. Does the State or the city get the fine?—The State.

*By Rev. Dr. McLeod :*

386*b*. Is that fine supposed to be about equivalent to a license?—Yes, it is practically that. Of course there is no license, for it is a crime under the law to keep a house of that nature. But it has been felt that these houses would exist any way, and that they would be kept under control and surveillance better by arresting the people once a year than by attempting to scatter the evil over the city.

*By Mr. Gigault :*

387*b*. How is prohibition working in that portion of the city which is in the State of Kansas?—That is in another State. I could give you my opinion, if you want it. So far as Kansas City, Kansas, is concerned, I think prohibition is a failure. I gather that from what I have known as a private citizen. The fact is that people run there what they call dives, and I understand that there are a great many of them in the town. Sometimes they have an officer who will enforce the law and arrest the keepers of dives. This very largely depends on the prosecuting attorney, the district attorney. I think prohibition is an entirely different question in a country community; but in Kansas City it has been a failure, and it has led to the corruption of the people and to the corruption of the officers of the law.

*By Rev. Dr. McLeod :*

388*b*. Would you attribute that, in part, to the fact that it is a border city?—Yes. I think that is partly due to the fact that the city is right on the line, and partly to the fact that it is a large city and closely connected with this. You will also find that that city is supported by large manufacturing interests, such as the pork and beef packing establishments of Armour, Swift, and others.

*By Mr. Gigault :*

389*b*. Is liquor sold there on Sunday?—As to that, I do not know. Things are about the same there as here. At the same time, though the selling is illicit, there is no attempt at concealment on week days.

*By Rev. Dr. McLeod :*

390*b*. I suppose they have spurts of enforcement of the law?—Yes.

391*b*. What is your impression of the way in which the licensees in this city observe the various prohibitive features of the law, in the way of selling to minors, to drunken men, and so forth?—Generally, they are fairly well observed in this city. The better class of saloon-keepers observe them closely. Of course, among saloon-keepers there are different classes of men as in other businesses.

392*b*. How do the less reliable fellows in the business get their character certificates?—Of course, you must understand that in passing upon the moral character of a saloon-

## Liquor Traffic—Missouri.

keeper the same standard would not be held as in regard to the moral character of a clergyman. But if it were shown to the Police Board that a man had been guilty of selling to minors or keeping a disreputable place, they would revoke his license. That is not unfrequently done.

*By Judge McDonald :*

393*b*. If a man who has a license conducts himself properly, is it understood that his license will be renewed to him from year to year?—Yes.

394*b*. But he has to go through the same form each time?—Yes.

395*b*. He must get the petition of the people?—Yes. There is another feature of our law to which I would like to call your attention, that is, the local option feature. We have in this State a provision by which any community may enforce prohibition by vote of the people, that is, in counties and small towns of not more than 6,000 or 8,000 people, like the city of Independence, for instance, which has by vote adopted local option.

*By Rev. Dr. McLeod :*

396*b*. How does that work?—It is very much like prohibition—where the sentiment of the people is in favour of it, it works very well. Of course I do not believe there is any place, either in a local option or prohibition community, where a man who wants to get a drink cannot get it ; but such places where it is sold are very secret, so that it is hard to get liquor, and the seller must realize that the man who wants it will not betray him.

*By Judge McDonald :*

397*b*. How far is Independence from here?—Seven or eight miles.

398*b*. I suppose there would be nothing to prevent a man coming here and getting liquor?—No. It is only the local sale that is prevented.

399*b*. How long does the local option remain in force when it is carried?—I think it can be put to the vote again at the expiration of a year upon the petition of a certain number of voters, and then if it is reversed, it is not done away with for another year.

*By Rev. Dr. McLeod :*

400*b*. Do you know how many counties in the State are under that local option system?—I do not. That feature of the law is looked upon with considerable favour in this State, much more than a prohibitory law, because it allows the sentiment of a community to regulate the sale of liquor, and we have found by experience that it is the sentiment of the community that is going to regulate the enforcement of the law.

401*b*. When was that law passed?—In 1885, I think.

402*b*. Is the number of communities coming under its operation increasing?—Yes, I believe the number has increased.

REV. FATHER BERTHOLD, of St. Patrick's Parish, examined.

*By Judge McDonald :*

403b. Do you reside in this city ?—No, I live in the country.

404b. Under what system is the county in which you live, license or local option ?—License.

405b. Are there any large cities in the county ?—The largest city has only 4,000 inhabitants. The adjoining county has prohibition.

406b. Are the people of your county as a whole sober and orderly people ?—Oh, yes. I must say that they are more sober than the people in those counties where there is prohibition.

407b. How is that ?—Because where no liquor is allowed to be sold, those who want it will get it any how. That is the general opinion of everybody. If people can get their liquor openly, they are satisfied ; but if you tell them that they must not do it, they will get it any way. That is the general rule.

408b. The great majority of the people there are farmers ?—Mostly farmers. The name of my county is Nodaway. The neighbouring counties which have local option are Gentry and Worth counties.

REV. THOMAS F. LILLIS, examined.

*By Judge McDonald :*

409b. You are the Parish Priest of the Parish of St. Patrick in this city ?—Yes.

410b. Do you find this city under high license an orderly and well conducted community, in comparison with other places ?—Very much so. Of course, as in other places, the saloons cannot be fully controlled, but here they are controlled very well. Prohibition in Kansas, I can state, is not a success, because this city is right on the border of Kansas, and there is more liquor shipped from this city into the State of Kansas, in small boxes containing both beer and whisky, than would be the case if there were no prohibitory law.

411b. We are informed that you have a regulation here which requires the saloons to be closed from Saturday night at twelve to Sunday night at twelve ?—There is no attention whatever paid to it. The large front doors are not opened, but there is always a side door or a back door entrance open, that is, at the principal places ; but at the places on the side streets the front doors are open on Sunday.

412b. Is it the duty of the police to look after such places ?—Yes, but the municipal government at present is not in the best of hands. While we have a law prohibiting the saloons from being open on Sunday, that law is never carried out, and that is to be attributed to the inefficiency of our police force.

413b. We also learn that the sale of liquor is prohibited both to minors and to persons addicted to drink ?—Yes. That is not carried out either. Every man has to give a bond on going into the business that he will observe the law, and he has to obtain the consent of the majority of the people in the block in which he proposes to establish a saloon. There was a case of a woman who had a son about seventeen years of age, who had several times come home drunk from liquor obtained in McShane's saloon. She notified the saloon-keeper several times not to sell to her son or she would have him arrested ; but as he continued to sell, she finally had him arrested, and his bondsmen had to pay the woman \$1,200, and his license was revoked. But throughout the city generally minors can get liquor in the saloons, and in all common saloons there are what are called games of crap going on. That is a game in which dice are used. There are also what are called policy shops on very much the same plan. But the crap shops, where young boys shoot dice for pennies, are more dangerous than policy shops, because they sometimes get the children as they go home from school to play crap with their small coins.

## Liquor Traffic—Missouri

*By Rev. Dr. McLeod :*

414*b*. Is this game carried on in certain classes of saloons?—Yes, in saloons of the lower class. But our saloons generally, in hotels and on the principal thoroughfares, are very orderly, though they all ignore the Sunday law.

415*b*. We also notice advertisements of theatrical performances on Sunday?—Yes, we have Sunday theatres.

*By Judge McDonald :*

416*b*. If the saloon-keepers have to get the signatures of a certain number of people in the block, how is it that men of the character that you have described as selling on Sunday, and to minors, can get into the business?—The men who have houses to rent for saloons assist the saloon-keeper, and use their influence in his favour. Many times they use false means to get the signatures.

417*b*. How do they manage to get past the Board of Police Commissioners?—They have a petition bearing an apparent number of names to represent the property, and they present this to the Police Commissioners, upon which the Police Commissioners grant the license.

*By Rev. Dr. McLeod :*

418*b*. I suppose the Police Commissioners do not scan the names very carefully?—No. Sometimes they refuse a license, but seldom, and sometimes saloons of a very questionable character are allowed in the very best residence portions of the city—places where these games of crap go on, and where certain classes of people are found at night that are not seen in the day time.

*By Judge McDonald :*

419*b*. Is there much drunkenness in the city?—Very little. It has decreased considerably in proportion to the population.

420*b*. Is there much difficulty in regard to the social evil?—No, not as much as you would expect. Of course, there is a good deal of it.

420½*b*. We are informed that it is confined to a certain section of the city?—Yes, by a sort of tacit permission. At one time they were cleared out, and they moved into respectable portions of the city. But at present on the north side of 4th Street there is a great deal of prostitution going on.

421*b*. Have you had experience of the working of prohibition in Kansas?—Not much experience. Of course, I have been there; I have been to school there, and have watched it, and it is not a success. In that State people have become fanatical, and they have women voters there. The respectable women do not vote, while the very lowest class of negro wenches vote, and on election days a great deal of whisky is dealt out to them. Any one who is known can usually get liquor, and as there is no regulation, the liquor sold is of the very worst quality. The law has the effect of making every one a rascal and a perjurer—both the person who wants the liquor and the person who gives it. In counties where there are very few towns there is very little liquor to be got; but in places like Topeka, Leavenworth, Wichita, Lawrence, Achison, you can get all you want. If you go into a drug store with a friend and tell the druggist you want something to drink, he will give you anything you want; but it is given as a drug, and not fixed up as in a saloon.

422*b*. Have you reason to believe that there is much illicit sale in this city, that is, without license?—No. There was at the beginning of high license, but all such people have been run out.

423*b*. Was it found that the high license men did anything to help to run them out?—No; but there was a wine and beer license granted for several hundred dollars less than the license to sell whisky, and under the wine and beer license whisky was commonly sold. The people doing this were caught, and they went out of the business. High license has this effect: it makes the man who has to pay it strive to get back the money by hook or by crook, so that he sells the worst liquor at the highest price. It is

REV. THOMAS F. LILLIS.

in these saloons that you find in the hot weather so many deaths from what they call sunstroke. Men get this whisky and they stand in the sun a little while, and then drop down.

*By Rev. Dr. McLeod :*

424*b*. You say that it is a mistake to suppose that the regularly licensed people have been the means of preventing illicit sale?—I think they have not.

425*b*. How is the illicit sale prevented?—I suppose there is some going on yet. It may be that the men paying the high license and having fine saloons did do something. Certainly there is a difference among the saloon-keepers, and the better class of them do not want the illicit business going on when they pay a high license fee and a high rent.

426*b*. We are told that local option is in force in Independence?—Independence tried it for three years, but it killed the town, and the people have gone back to high license.

427*b*. In what way did it affect the town?—It hurt business entirely. The biggest drunkards in the town voted for local option, and their wives also voted for it. But under local option it was found that the wealthy men had liquor in their cellars, and the man who will drink at home I consider the worst.

## Liquor Traffic—Missouri.

A. H. DREYFUS, examined.

*By Judge McDonald:*

428*b.* You are a wholesale liquor dealer?—Yes.

429*b.* Your place of business is in Kansas City, Mo.?—Yes; but our business is nearly all done in Kansas. Here are the orders we have received this morning, (showing papers.) They are all small amounts, varying from \$2 up to \$7. These orders are from joints and from private parties for liquor. All our business is a cash business. We do not ship any goods unless the money comes with the order. Practically we do not do any business except in Kansas.

430*b.* Has your business been long established?—Yes, since 1886.

431*b.* How many packages of liquor would you ship in a month?—From 1,500 to 2,000. In Christmas week we generally ship from 400 to 500 a day. From the 20th of June to the 4th of July we ship about 1,000 a day. We ship the liquor in a jug, just put in a small box.

432*b.* Have you ever had any of the packages confiscated yet?—None.

433*b.* Do you ship some every day?—Oh yes. You can form an idea from our receipt book, which is here.

434*b.* Your shipments to joints are in small quantities?—Yes, from five gallons to ten gallons.

435*b.* Do you ship any barrels or casks or cases of brandy to one person?—Not many, but sometimes we do.

436*b.* Do your shipments go to every part of the State, or to some sections of it?—All over it. There is not a town in Kansas where we do not send them.

437*b.* Does your house do the chief business?—We do the largest business.

438*b.* What is the amount of your annual sales in Kansas?—From \$140,000 to \$150,000.

439*b.* Do you manufacture liquors?—No, we buy and bottle.

440*b.* Do the Express Company know that it is liquor when they ship it?—The Express Company know, because we ship nothing else.

441*b.* Is it legal for the Express Company to carry it?—It is legal. That was decided in the Supreme Court of the United States three years ago. There is nothing to prevent me shipping five hundred barrels of whisky to Kansas, but the law is that we cannot sell it in Kansas. We often ship a barrel of whisky or a case of beer labelled as such. There is no law to prevent that, but the reason the packages are not labelled is that the parties who receive them do not want them labelled.

442*b.* Are there other liquor houses in this city that do business in the State of Kansas?—Oh yes, plenty of them, but we do the most.

443*b.* Do you mean that you do more than all the others put together?—No.

444*b.* You mean that you do more than any other one house?—Yes.

445*b.* And what kinds of liquor do you send?—Whisky, brandy, gin, beer and every other kind.

446*b.* I suppose the breweries send more beer than you do?—Oh, yes; they send more in a month than I do in twelve months.

447*b.* How many people in this city are in the business of sending liquor to Kansas?—All the liquor houses, but they do not all make a specialty of it, as I do. There are from fifty to seventy-five houses that do more or less business in Kansas. The Kansas business keeps two box factories going in this city, making boxes for that purpose.

A. H. DREYFUS.

## MINUTES OF EVIDENCE.

## KANSAS.

KANSAS CITY, KANSAS, May 13th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT, met here this day and obtained statements in regard to the law prohibiting the liquor traffic.

S. S. KING, Police Judge, of Kansas City, examined.

*By Judge McDonald:*

448*b*. How long have you held your present position?—Only for a month or two.

449*b*. How long have you been a citizen of this city?—For two or three years.

450*b*. Is your position as Police Judge an elective one?—No, it is an appointment by the Police Commissioners, who are appointed by the Governor. Under the Metropolitan Police system, which applies to cities of the first-class, that is, cities of 15,000 and upwards, the Governor appoints three electors to act as a Police Board, two of whom belong to the same political party as himself, and one to the opposite party. Our Board at present is composed of one from each of the three political parties, the Republican, the Democratic and the Populist.

451*b*. What is the size of your Police Force?—There are 25 patrol men, 6 sergeants, 2 detectives, a jailer, a driver, a chief and a captain.

452*b*. What is the population of the city?—About 40,000.

453*b*. Municipal matters are controlled by what body?—By the Mayor and the City Council of twelve members. The police department is wholly independent of the Mayor and Council.

454*b*. During the time you have held office as Police Justice, have you found your city, compared with other places, a moral and law-abiding place?—Yes. The higher grades of crime are very rare here.

455*b*. Of what nature are most of the cases that come before you?—Disturbance of the peace, intoxication and occasionally petty larceny. These comprise most of the offences.

456*b*. You are under a prohibitory law in regard to the liquor traffic?—Yes.

457*b*. Are billiard-rooms and pool-rooms and places of that kind also prohibited?—No.

458*b*. Are they under license?—Yes, they are licensed by the city, as almost all occupations and businesses are. That is, there is an occupation tax collected from almost every business.

459*b*. Does that apply to every business: must it get a license to carry on business?—Strictly, yes. We have an ordinance that covers all occupations, but I think it is pretty nearly a dead letter, at any rate as to doctors and lawyers.

460*b*. In the cases of intoxication, is there anything to show where the liquor is obtained?—They do not like to tell generally, unless compelled to do so. When the question is asked, they usually say they went to Missouri.

461*b*. Do you try cases for breach of the prohibitory law?—Yes, those are cognizable here. In fact, all offences against State laws are cognizable in the police court, either by way of trial or preliminary examination. The city has an ordinance against tipping shops different from the State Prohibitory Law. It provides that whoever shall



## Liquor Traffic—Kansas.

keep a place where liquors are sold shall be deemed to keep a tippling shop, and imposes a fine of \$50 and may be 60 days' imprisonment. We frequently arrest and fine offenders under that ordinance.

462*b*. Are they usually men with some other business?—No. I presume that they have a little room in the back of some building. There may be some other business in the front. When these people are arrested and brought before the Police Judge, they very frequently plead guilty to the charge and are fined \$50. I do not usually impose less than \$50 fine.

463*b*. Have any cases of that kind which have come before you been contested?—No, not in my experience.

464*b*. They generally plead guilty and pay the fine?—Yes.

465*b*. Have you had the same person before you more than once?—I could not say whether that is the case or not.

466*b*. Have you any provision for increasing the penalties for a second offence?—No, our ordinance is simply that a man may be fined any sum not exceeding \$50. That, of course, is made by the city apart from the Prohibitory Law. The Prohibitory Law contemplates the prosecution of offenders in the State court, by the prosecuting Attorney, for violations of the State law.

467*b*. Are they liable to be brought before you under the State law?—No, they are always prosecuted in the District Court.

468*b*. Where is that Court held?—In the court-house. The Court of Common Pleas has also jurisdiction.

469*b*. Speaking of billiard and pool-rooms, have you any trouble from the abuse of such places by gambling being carried on there?—I do not know whether there is any connection between gambling and billiard-rooms; but we have been bothered very greatly here with a class of gambling that appears to be now pretty well broken up, that is, the lottery business and what are called policy shops. Policy is a cheap game patronized solely by poorer people, even by women who work for a living. It only requires five or ten cents as an investment under the promise that the winnings shall amount to about two hundred times the sum invested; but the winnings I suppose are very seldom. It is played by a revolving wheel, and certain numbers are drawn from the wheel. If these numbers accord with the numbers held by the person playing, he wins, but I believe the chances are more than a thousand to one against his winning. That system of gambling has been carried on here to a great extent, and there has been probably more money made by the policy men than by any other class of men in town. Hitherto the Police Judge here has held that policy was not gambling, following some rulings of the courts in different states, and no fines were imposed. After I became Police Judge the policy gamblers were brought before me, and I started fining them at first \$15 each, and they paid it. Their intention was, however, to appeal, they insisting that they were not amenable to the law against gambling. Our constitution forbids lotteries in the State, and provides that the Legislature shall enact such laws as shall enforce that provision of the constitution; but the Legislature never has done so. So that all we have is this simple declaration in the constitution that lotteries are prohibited; we have no statute affixing any penalty for violation of that provision. The only way in which lotteries or policy shops can be punished is by construing them to be gambling, and punishing them under the statute that forbids gambling. Under that statute I fined them \$15 each the first time. They were arrested and brought before me the second time, when I fined them \$25 each. The limit of the fine for gambling is \$100. The County Attorney brought injunction proceedings in the District Court under the provision of the constitution prohibiting lotteries, taking the position that these lotteries were therefore *per se* a nuisance. The Judge of the District Court held that they were a nuisance, and enjoined the palaces where the business was carried on, and also enjoined the men who had been running the gambling places from doing so any further in his judicial district. So we think we have now the policy shops corralled, and have driven them out of business. I presume that some of them will insist on going to the Supreme Court. I think gambling has really done more harm to our people than the saloons. It is terribly enticing, I believe. Many of the gamblers themselves have told me that

S. S. KING.

when a man gets addicted to that vice it is harder to break it off than the habit of drinking liquor.

*By Mr. Gigault :*

470*b*. Do you consider the prohibitory law well observed?—No, the prohibitory law is not well observed in this State. I believe, however, that it goes a long way in the direction of sobriety and morality.

*By Rev. Dr. McLeod :*

471*b*. To what do you attribute the non-observance of that law?—I should say the disposition of the people in the community. I believe that in a community where the sentiment of the people is very largely in favour of the enforcement of the law, it will be enforced; but in a community where the sentiment of the people is very largely opposed to the enforcement of the law, it will not be enforced.

472*b*. Are there communities throughout the State where the sentiment of the people is strongly in favour of enforcement?—Yes, in the interior the sentiment is certainly in favour of enforcement.

*By Judge McDonald :*

473*b*. Is there any difficulty arising from its being nobody's business in particular?—The Act really makes it the business of all police officers to see to the enforcement of the law, and where they may become a little derelict in the performance of their duty, or where the sentiment of the community is largely in favour of being rather liberal in dealing with violators of that law, its strict observance is not enforced.

*By Rev. Dr. McLeod :*

474*b*. Yet you say that notwithstanding this non-observance, the prohibitory law is a long step in the direction of sobriety?—Yes, I am satisfied that taking the State over there is not nearly so much drinking or intoxication as there would be under a license law. I will say this, too, notwithstanding the fact that I have always been in favour of license, at least until recently, and I can scarcely tell now whether I am or not.

*By Mr. Gigault :*

475*b*. Are there fewer persons selling liquor now in this city than there were under the License Act?—Oh, yes, certainly, very much fewer, and it is sold in places rather hidden away, in back rooms where young men and boys are not nearly so likely to be induced to drink as in more public places.

*By Rev. Dr. McLeod :*

476*b*. You think they are chiefly the resorts of those who have the habit formed?—Yes, I do indeed think so.

*By Mr. Gigault :*

477*b*. Is there a good deal of liquor selling on Sunday?—I do not know indeed whether there are any places accessible or not.

*By Judge McDonald :*

478*b*. Are the liquors sold in these places generally of a strong character or are they malt liquors?—I suppose both malt and spirituous liquors.

479*b*. Do you know how the tendency is? We are told in some places that spirituous liquors are chiefly sold, owing to the smaller compass in which they can be put?—It has been said so, but here I think the trade is chiefly in malt liquors, owing I suppose to the breweries being so near at hand in the State of Missouri.

480*b*. Of what class of people is the population of this city chiefly composed? Is there a large German population?—No, I do not think so. I have not paid much attention to that. There is a large Irish element and a large coloured element. We have also some Hungarians, Bohemians and Germans.

## Liquor Traffic—Kansas.

J. E. PORTER examined.

*By Judge McDonald:*

480½*b.* What is your official position?—I am Police Captain of this city.

481*b.* How long have you occupied that position?—Four years on the 16th of March last.

482*b.* In your experience during that time has crime, increased, diminished or remained comparatively stationary?—It has diminished considerably.

483*b.* And your population?—It has increased.

484*b.* To what do you attribute the decrease in crime?—To a better police system. That is all I can attribute it to.

485*b.* You have had an increase in the police force?—Yes.

486*b.* What class of offences are the greatest in number?—The majority are drunks and peace disturbances.

487*b.* Are the peace disturbers people who have been under the influence of liquor at the time?—Most of the time they have been under the influence of liquor.

*By Rev. Dr. McLeod:*

488*b.* Is it the duty of the police to see that the illicit sale of liquor is suppressed?—Yes.

489*b.* Does that give you much trouble?—Considerable.

490*b.* Is the sale open or more or less concealed?—Some of the drug stores sell it, and, some places where there is a restaurant in front, there is a room behind in which liquor is sold, and if an officer enters the front door the business stops. We have had considerable difficulty and have hired men in citizens' clothes to get testimony; but as soon as it was found that these men were getting so much for making cases, the Judge would not take their testimony at all.

491*b.* He thought that fact took from the value of their testimony?—Yes.

492*b.* In the discharge of your duties in that line, do you find the popular sentiment of the community along with you, or is it the other way?—I would hate to think that it was the other way. I feel that the majority of the community is with us, but it is something I never enquired into or thought of.

493*b.* We are told in some sections that it has a good deal to do with the efficient enforcement of the law?—The most of the people who sell are people you can hardly get anything out of in the evidence. The people who are with us never go to those places.

494*b.* Have you reason to believe there is much perjury, or do you attribute this want of evidence simply to a lack of memory?—I could not say as to that.

495*b.* Do you find in the ordinary run of cases, other than this class of cases, the same lapses of memory? Among a certain class of people we do, to a certain extent. It is natural to that class of people to hang together as a rule.

496*b.* Do you think the prohibitory law limits the sale of drink to any great extent in Kansas City?—Does it make the sale less than it would be under license?—Oh, yes. There are a good many people who will take a car and go over to the Missouri side when they want a drink.

*By Judge McDonald:*

497*b.* There is nothing to prevent them going there and bringing it in?—No. Another thing: if there is a tipping shop in a block, and we get a case against it and close it up, it is only fifteen minutes before the people will go to another place and open up. We have here the hardest place in the State to manage, it is so close to the line.

498*b.* Do you think there is much liquor sold in the drug stores for drinking purposes?—They have a way of evading the law, by signing a paper in the drug store, but I have an idea that a good deal of it is got just for drinking purposes.

J. E. PORTER.

*By Mr. Gigault :*

499*b*. Is there a good deal of liquor selling on Sunday?—I presume, from what we hear, there is just about as much sold one day as another ; because they will sell it anyway, under cover.

*By Judge McDonald :*

500*b*. I suppose as these men are breaking the law in selling at all, they are not likely to be influenced much by the Sunday Law to prevent them selling then?—No.

501*b*. Is there much gambling going on in this city?—Just about the same as any other city of this size.

502*b*. Does the game of crap prevail here at all?—Oh, yes.

503*b*. We understand that the policy shops are pretty well broken up?—Yes, I think so.

504*b*. What other mode of gambling is there in this city—any faro tables?—Yes, some faro tables ; that is, supposed to be. I have not seen any for years myself.

REV. FATHER KUHLs examined.

*By Judge McDonald :*

505*b*. You are the Parish Priest of St. Mary's Parish in this city?—Yes.

506*b*. Can you give us any information as to the working of the prohibitory law in this city?—Prohibition in our State is a total humbug, from top to bottom. There is not one particle of sense in it. It has filled the State with perjurers and thieves, and under it this city is actually filled with saloons. To my knowledge we have 110 saloons running now, a larger number than we had before the law was passed ; and there is really more drunkenness going on than there was before. Besides, our neighbours across the State line, in Kansas City, Missouri, are making fortunes selling liquor in the State of Kansas, and we are losing the money. I had a young man here yesterday who started a wholesale liquor business a few months ago to do business in Kansas exclusively. I have another friend there who has made nearly half a million dollars sending liquor into the State of Kansas. His name is George Eisel. There are in Kansas City probably thirty wholesale houses all of which do business in Kansas, sending packages of liquor there. You can have it sent in quart bottles, or ten gallons, or fifty gallons, just as you want it delivered at your house. I myself have counted at the Union Depot about twelve hundred liquor packages at one time, all addressed to different places in this State. Our express companies make a great deal of money carrying these packages to and fro. I could take my oath there is more liquor used in Kansas to-day than there ever was before prohibition was enacted. But the law has had this effect, that many immigrants, especially old country people, have shunned Kansas. It used to be the case in some of these little western towns that people who moved away had their places taken by foreign immigrants coming in ; but when they heard that we had prohibition here they would not come, and this has hurt a great many of our towns. I have corresponded with some Germans about emigrating, and when they heard about prohibition they would not come to Kansas. So that, taking it all in all, we have in this State a very deplorable condition of affairs, and if every State that adopts prohibition suffers as this State has, then God help this country—I think I would go to Canada.

507*b*. Are you able to tell us how the proportion of divorces to population stands in Kansas, as compared with other States in the Union?—I think we come next to the New England States in the number of our divorces.

508*b*. What effect do you find that woman suffrage has upon the people generally, and what effect has it upon the women themselves?—So far we have not had much chance to study the question ; but from what we have seen as to its effects upon the woman herself, it makes a masculine being of her, it takes her out of the sphere for which God

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intended her. A woman neglects her household business when she bothers about politics. I think the best class of ladies do not want the franchise ; there is a certain class of ladies who do not want the franchise ; but there is a certain class of women who, forgetting the principal object for which they are created, want to go into politics. The only thing they do not want to do is to shoulder a musket when there is war.

509*b*. How is the Sunday law observed here, in the places where liquor is sold ? Is there any difference in the saloons on Sundays and week days ?—Hardly any, I think, owing to the fact that there are doors in the rear ; and I believe that more people go into those places on Sunday than before, because if the front doors were open people would see them going in, and some would feel a little chagrined about going in.

510*b*. How about gambling ?—There is not as much going on on our side of the line as on the other side. Most of the gambling houses are on the other side. One half of the money earned in these packing houses in Kansas City goes to the gambling hells.

511*b*. We are told that you have here what are known as policy shops, but that the officers have succeeded in stopping that game ?—They have stopped it probably for a week or a fortnight, but these people leave one house and go to another. One trouble that we have is that our officers, as a rule, cannot be depended on. If the men who keep these places use sufficient axle grease, which they can well afford to do, the officers can afford to shut their eyes. That is one of the greatest complaints in connection with the prohibitory law, that you can hardly find an officer who is conscientiously doing his duty. The saloon-keepers are all taxed, they pay so much per week or month. Most of our saloon-keepers pay \$50 a month, which is mostly distributed among the different classes of officers, and the city gets none of it. They make no secret of it at all, that they tax them so much. One policeman goes around and collects the money, and then it is divided up.

*By Mr. Gigault :*

512*b*. Does the prohibitory law prohibit the importation of liquor ?—It used to, but it does not now. You can see it coming in from every direction. It seems that some of the express companies had a legal contest on the subject, and they won, so that now they carry it everywhere. I know that we get liquor sent to ourselves, for sacramental purposes, and to the hospitals, for medical purposes, from Kentucky. It comes by express.

513*b*. Has any effort ever been made to prevent wine being bought for sacramental purposes ?—No, not since the law came into existence ; but the actual letter of the law would prevent that.

514*b*. Are the druggists selling a good deal of liquor ?—Nearly every drug store in this town is a liquor store. A great many also have a few drugs in the front of the store, simply for show. They probably do not sell a dollar's worth of drugs in a week, but they have a liquor store in the rear, and there is where they make their money. I have known one drug store that sold as much as a thousand bottles of beer in a month, and probably in the same time did not make up a single prescription.

515*b*. Are they obliged to make a report ?—They are, by the law, but they get round it. There are oaths taken falsely for the trifling sum of 5 cents. A man gets so used to taking an oath that he does not think much of it. And many of those people do not believe in God, and what do they care for an oath ? They take a dozen oaths in a day. If you will go into a court room and see the way these people handle the oath, you will not believe three out of a hundred witnesses.

*By Rev. Dr. McLeod :*

516*b*. What is the cause of that disregard of the sacredness of an oath ?—The early instruction of the youth. Our youths are raised without any religious instruction, so that our young men of fifteen or sixteen years of age to-day leave aside the religious ideas of their parents. You find very few of them to-day following the religious ideas of their parents. That is the cause in this part of the State, and I believe all over the State.

REV. FATHER KUHL'S.

*By Judge McDonald :*

517*b*. Do you know anything of the state of things in Leavenworth?—In Leavenworth they have open saloons. They have never obeyed the law there, and the officers are with them.

518*b*. Do the officers reflect the public sentiment?—I think they do. If the question had been left to the vote of the community at large that law would never have been brought about, but, what is generally the case in political campaigns, three or four wire pullers did all the work.

*By Rev. Dr. McLeod :*

519*b*. The people did actually vote upon it?—Oh, yes ; but you get a few stump speakers, who go round among the people and bring forward everybody on their side, while others pay no attention to the matter, perhaps, and those who would vote against the law do not speak of it at all.

520*b*. How many years has the law been in operation?—I think eight years.

521*b*. Has it been submitted to the people during that time?—It has not : we never could get the Legislature to make that concession.

522*b*. Have you statutory prohibition, or constitutional?—Constitutional. We were in hopes that at the last Legislature the Populists would give us the chance of re-submission of the question, but a great many of the Populists had bound themselves not to interfere with the law, and they left it as it was. If it were re-submitted to the people of Kansas, it would be voted down by a large majority.

*By Judge McDonald :*

523*b*. Is the condition of things in the State at large similar to what you have described as existing here?—Yes, only in the smaller places out in the country the officers have been a little more vigilant. They had fewer saloons to contend with, and they suppressed them, but the drug store is everywhere to be found, and it is really nothing but a saloon.

524*b*. Have petty disorders increased during these prohibition years?—I could not say that they have increased, but so far as I know it has had no particular moral effect upon the behaviour of the people.

*By Rev. Dr. McLeod :*

525*b*. You do not think it has either improved or injured them?—No.

*By Judge McDonald :*

526*b*. As a clergyman who is brought frequently into contact with the poor, have you noticed whether poverty has decreased in that time?—I think our poverty has increased. This, however, I would not say is altogether the result of the liquor traffic. There are other agencies. Work has not been so abundant, and business has not been so good. Land has decreased in value in the country. A great many farmers have left their farms and moved out, and money has become very scarce. A number of people left the State on account of the prohibitory law. I know some myself personally, who became so disgusted that they sold out almost for a trifle, and left the State.

527*b*. Is it the result of your experience and knowledge of the facts that European immigration to the State of Kansas has been deterred by prohibition?—Yes. A great many letters are published in the old country, especially in Germany, giving information about this prohibitory law, and the people reading those letters formed their opinions at once. You tell a German that he must not have a drink of beer, and it would be the same as if you told an American that he must not have a cup of tea. We have in the southern part of Germany communities that live on beer and bread. They have a mug of beer and a piece of bread and cheese, and this diet is very healthy. I have travelled in the southern part of Germany, and I found that to be the common diet among the poor people.

## Liquor Traffic—Kansas.

*By Rev. Dr. McLeod :*

528*b*. With regard to these gambling places, policy shops and the like, are they generally connected with places where liquor is sold illicitly?—As a rule they are. There is a liquor store along with a gambling place, or the gambling place is above it. A man will go to these places and get fired up, so as to have courage to risk every dollar.

529*b*. Were you here when there were licenses?—I was. I have been here thirty years. We never had high license, but I have always advocated high license. For the first two years after we had prohibition, I was a prohibitionist. I was as much in favour of prohibition as any man. I would have voted for it, and I fought for it. But when I saw what it did in the State, I became as much opposed to it as I was before in favour of it, and from consultation with other clergymen belonging to other large cities, I have been led to the conclusion that there is no solution to the liquor traffic except high license. We can never prohibit it, because people will have it. Besides, to prohibit liquor entirely is to interfere with a God-given right.

530*b*. Have you observed to what extent the liquor traffic is responsible for the distress and poverty that exists here?—Yes, it is to a considerable extent. There is a good deal of misery undoubtedly owing to liquor, but a man who has a craving for liquor will have it, no matter where he has to go for it. I have known men to walk fifty miles in the heat of summer to get liquor. I have seen at the hospital men who were taken there with *delirium tremens*, and they have told me that when that craving was upon them they would, if they saw a lake of fire jump into it to get liquor.

531*b*. Have you noticed whether these illicit places are a greater or a less temptation to young men who have not formed the habit than licensed places would be, that are fitted up attractively?—I think they are ten times more enticing, and ten times more young people go to them, because when a place is licensed, respectable people will go to it, and the younger people would not want their seniors to find them there. In my own parish young people drink more liquor, and have got fonder of it since these illicit places were established than before.

*By Mr. Gigault :*

532*b*. We have been told that crimes have decreased here; is that so, do you think?—We have lost, I think, between 65,000 and 75,000 people, who have left the State of Kansas.

533*b*. Has the city population increased?—The population here is about holding its own. Necessarily crime will decrease when people leave a place. In the city the arrests have not been as numerous, perhaps, but I think our proportion of murders and thefts and crimes of all description has increased. Of course people have not been arrested, owing to the peculiar condition of things that exists here. When officers take money they will hide a drunken man sooner than arrest him, because it would make a public show, by causing an inquiry to be made as to where the man got the liquor.

NATHANIEL BARNES examined.

*By Judge McDonald :*

534*b*. You are Mayor of Kansas City, Kansas?—Yes.

535*b*. How long have you been Mayor?—Only about thirty days. For that reason I am not very well posted as yet.

536*b*. Were you in the Council before?—No; I have been in the wholesale grocery business for the last ten years. I am still engaged in that business. I am what we call a “pick-up.” I have not set up any pins or built any fences for this office.

537*b*. Are you a native of the State?—No. I formerly came from Ohio; I have been living here about ten years.

538*b*. You lived here before the prohibitory law came into force?—No, I think it came into force in 1882.

539*b*. What growth has there been in the population during that time?—In 1882, I suppose the population was something like 12,000 or 15,000, and now we have, I think, 50,000 people; I believe our last census put it at 42,000.

540*b*. Is it a manufacturing city?—Yes. The large packing interests of this country are located in Kansas City, such as Armour's and Swift's.

541*b*. How is your population, as to nationalities?—We are pretty well divided. The Americans, prevail, however.

542*b*. Taking the foreign element, are the people given to the use of spirituous liquors or malt liquors as beverages?—Not any more so in this section of the country than in any other in the United States, I should judge.

543*b*. What I mean is, is there any difference in that respect between the foreign element and the American population?—Yes, I think they are probably more inclined to favour the liquor traffic than the American element is.

544*b*. I suppose the Germans are accustomed to the use of malt liquors?—Yes, more so probably than any other element.

545*b*. Can you from your experience as a citizen of the State say whether the effect of the prohibitory system on the community has been beneficial or otherwise?—I think beneficial, even although the law has not been enforced entirely. I believe every effort in that direction benefits the community, and promotes the growth of the country. I think we have had as many people immigrate to this State on account of our laws as there have been people to avoid it. Many a parent in the east who has had a son inclined to go to ruin has come to Kansas in order to get him away from the liquor traffic.

546*b*. In that way you think it has been promotive of immigration to the State?—Yes. In the smaller towns it is entirely effective. In the cities it has been harder to enforce the law.

547*b*. Can liquor be obtained in these smaller towns?—In some of them it cannot.

548*b*. Can you name some of the smaller towns, where you think it could not be obtained?—I think there are quite a number of them. Of course whisky may be sent there and quietly disposed of, but as a rule in those towns I believe neither druggists nor other people handle liquor at all.

549*b*. It has to be got secretly, or sent from some outside place directly to the consumer?—Yes. In Kansas City, Mo., they have little jugs and boxes in which they send it.

550*b*. Do the express companies deliver those to the consignees?—Yes.

551*b*. In those small towns you think it would be difficult for a man who wanted a drink to go and buy it?—He could not do it at all.

552*b*. Could you name any of those towns?—I could not. I get my information from the men we have travelling all over the State. They have talked about this town and that, where it could not be got.

553*b*. Are they spoken of as dry towns and wet towns?—Yes.

554*b*. Have you reason to suppose that there is any sale of liquor going on?—The sale of liquor is entirely prohibited here.

555*b*. I suppose it could be got on a medical prescription?—Oh yes.

556*b*. Do you think there is any sale going on for beverage purposes?—Yes, I think so.



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557*b*. Openly, or concealed?—Not openly. The front door is entirely closed.

558*b*. Suppose one of a party of strangers like us should want wine or beer, could he step in from the street through the front door of one of those places and obtain it?—I think he would have to make some inquiries where it could be found. I do not think he could go along casually and find a place that he would conclude was a saloon: but inside he might get a whiff of the element—in a grocery store, for instance.

559*b*. Is that supposed to be the case in drug stores?—I do not know that it is sold at the drug stores, but I think some of them have been selling.

560*b*. Are there many people fined for illicit liquor selling?—Yes.

561*b*. Do the fines go to the city treasury, or that of the State?—To the city.

562*b*. Do they form any considerable part of the receipts?—Yes, very considerable.

563*b*. Could you tell in round figures what they come to?—The fines in our city amount to about \$40,000 a year for breaches of the liquor law.

564*b*. Are the fines cumulative? That is, do they go on increasing with each repetition of the offence?—The law provides for that, but it has not been carried out. In cities of the first class, having a population of 15,000 or upwards, the power of enforcing the prohibitory law has been taken out of the hands of the Mayor. For the last six or eight years Police Commissioners have been appointed by the Governor, and they have full control of the prosecutions under the prohibitory law, and full control of the whisky traffic. The prosecutions and the fines are about the same each month. For instance, if a person is fined \$50 on the first of one month, he is fined \$50 on the first of the next month.

565*b*. It is something like a license?—Yes, pretty much.

566*b*. Can you tell us whether the men who are fined in this city pay the United States Revenue tax?—Yes, they pay \$25 to the Government.

567*b*. Is that a tax, or a license?—They get a license, but that is subject to the laws of the State. Even if a man gives liquor away he has to have that United States license.

568*b*. Have you much gambling going on in this city?—Yes.

569*b*. In what lines?—We have had pretty nearly everything, I think; for instance, policy, lottery, faro bank, poker, roulette, dice and crap.

570*b*. A clergymen told us that crap prevailed among the school children?—That is not crap; that is policy, which is mostly patronized by coloured people and poor people generally. Since my election we have managed to get rid of that game, policy. The Governor became interested in the matter, and now there is no policy in this city, or in this section of the country.

571*b*. Is there much poverty in this community?—I think not.

572*b*. Does the municipality have to give relief to many people?—No, I think we are above the average in that respect.

*By Rev. Dr. McLeod:*

573*b*. Have you an alms house for the poor?—Yes. They generally come to my office, and I do not think I had more than half a dozen during the six or eight weeks I have been in office.

574*b*. What class of people were they?—They would be people who had some kind of misfortune or sickness—a husband died, or something unavoidable. There is plenty of work here for any man who wants to work, and wages are fair. We pay for day labour on the street \$1.75 a day, for a day of eight hours. The labouring man fares well.

*By Mr. Gigault:*

575*b*. Is your population increasing?—It is undoubtedly increasing.

576*b*. You spoke of the United States license—how many of those exist in this city?—My own idea is that we have from sixty to a hundred.

577*b*. How many illicit places do you suppose there are?—I do not think the number exceeds from sixty to eighty. I think there are fewer now than there used to be.

578*b*. I suppose all those United States licenses are selling in the city?—Oh yes. If you mean the druggists and all, I suppose there would be a hundred.

NATHANIEL BARNES.

579b. Do you think there are any others besides those which pay a license to the United States Government? They would be very few, because they are a great deal more afraid of getting into the hands of the Government than they are of the city. There are very few who would take the risk without taking out a United States license, because their chance of escape would be much less than for a violation of the city law.

580b. If a druggist wishes to sell liquor for medicinal purposes, has he to take out a license from the Federal Government?—Yes, I think that is invariable.

*By Rev. Dr. McLeod :*

581b. You think there is less sale of liquor here now than there was during the days of the license system?—I do.

582b. And you believe that prohibition, even although it has not been enforced as rigidly as is thought desirable, has accomplished some good?—Yes, very considerable good.

583b. Is Kansas City fairly representative of the State at large, or is it exceptional because it is so near the border?—This city is exceptional, probably on account of the number of labouring men here. We have a good many different nationalities here—a larger foreign element than any other city in the State. Then, they can go across the State line, and get all they want in Missouri. I will give you my experience. I lived in a small town, of about 2,500 population, where we had local option. Under one administration we had whisky, and under the next probably we would not have whisky. In the year when temperance would carry, for a short time some parties would make a great fuss, and send off and get their beer; they would get it on Sunday, and there would be a great deal of drinking; and they would claim that there was just as much sold as when the saloons were open. But we would find that in three or four or six months they would quit that, and the men who came in from the country, the farmer and the farmer's boy, who used to be in the habit of getting drunk and spending their money when they came to town to sell their wheat, would do their business and go home sober when these places were not there. So that these men were a great deal better in going to their marketing in a town where there was prohibition and no saloons than where the saloons were open.

584b. How do you account for the people going back to license the next year?—That would be on account of the revenue the town had lost. The sidewalks would get out of repair, perhaps, and the people would want some money. Folks going to church would forget that that element of the population was building the sidewalk they were walking on. Or they would become very careless. They might run two or three terms with prohibition, but after a while they would become careless, and then they would have another year of license.

585b. Do you think the strength of public sentiment in Kansas is in favour of the prohibitory law, or in favour of its repeal?—I can give you my own experience of the last sixty days. In the past elections here it has been generally thought that it cost so much money for a man to be elected Mayor. I never had any desire to be Mayor. I never gave it a thought. My friends had approached me on the subject for three or four years, but I refused to consider it. Finally, in February last, after I had returned from a trip east to buy goods, they came to me again, and I told them if they wanted to nominate me and elect me without it costing me a cent, and without my having any strings attached to me after I was elected, they might go ahead. I told them I did not want to be under any obligation to anybody when I got here. The result was that at the convention I was nominated. There was a meeting of our committees from each polling precinct, eighteen or twenty of them, for the purpose of raising funds for the campaign. After they had talked the matter over they expected to hear from me. I said to them, "Gentlemen, if you expect me to go into a joint, or to send anybody into one, to collect money, or to send a dollar of money into a joint for the purpose of my election, you may consider me out of it now, for I will never go into one, or send a dollar into one, or into a gambling house." They were very much surprised, because hitherto the ordinary politician thought it would not cost less than \$25,000 to elect a Mayor in this city. The Committee felt sore at my course, but before many days they

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realized that it had got noised abroad that the better element among the citizens had fallen in with Barnes. The result was that I gained the largest majority that any Mayor has ever obtained in this city ; I got a majority of 1,735, whereas formerly the majority was more like 173. Therefore, when you come to sift the matter down, I do not think the joint and gambling element in this city controls over 400 votes out of 12,000.

*By Judge McDonald :*

586*b*. In previous elections attempts had been made to propitiate that element ?—In previous elections that element was invariably courted.

587*b*. Was the opposition to you supposed to be courting it on this occasion ?—Yes. My opponent and his friends went into the joints. I did not spend five cents to be elected in this campaign ; I paid \$195 into the Central Committee, but I did not even do that—my friends did it.

G. W. TOURTELLOT examined.

*By Judge McDonald :*

588*b*. What is your occupation ?—Superintendent of the Armour Packing Company.

589*b*. How many men do you employ in the establishment ?—About 2,300 men ; in the best time of the year about 5,000.

590*b*. What is the effect of the prohibitory law upon your men ?—It does not affect us at all. We are so near the State line that we do not get any benefit of it.

591*b*. Is the drink habit very general among your employees ?—I think it is.

592*b*.—I suppose that men engaged in such work are almost sure to indulge in the use of liquor ?—Yes.

593*b*. Are you able to form an opinion as to the difference on the two sides of the State line ?—I am not. Being right on the line, we get the same results as if we were right in the State of Missouri. That element go there and drink, and on this side we have to have a police force.

594*b*. Have you any knowledge whether liquor is sold on the Kansas side ?—I would not say that, but I think there are a great many of what are called joints there—about five hundred.

595*b*. Do you require any class of your men to be abstainers ?—No, we do not, but we do not permit any one who has any authority to drink to an extent to make him unreliable, and we give abstainers the preference over drinking men. We do not promote a man who drinks.

596*b*. Other things being equal, the abstainer has the preference ?—Yes.

597*b*. When a man is employed is the question asked whether he is an abstainer or not ?—No ; but if a man comes and asks for employment at clerking, that is the first thing we ask him, whether he drinks or not.

*By Rev. Dr. McLeod :*

598*b*. As an employer of labour, have you observed that a young man who drinks moderately is likely by and by to drink more ?—I think that any young man who gets to drinking is apt to be carried off with the crowd, and to become a hard drinker.

599*b*. Have you trouble with your ordinary employees in that respect ?—Some, not a great deal.

600*b*. You have all nationalities here ?—Yes, we aim to employ all nationalities. We do not want to confine ourselves to men of one nationality, because they are liable to get together and make demands which are not reasonable.

601*b*. Do you find any difference in the nationalities, as to their drinking habits ?—I think the Germans drink beer mostly, and the Irish and Scotch whisky.

602*b*. Have you many French ?—We have a few. We have some Austrians. We have lots of coloured people. They are good people, but they drink pretty hard.

NATHANIEL BARNES.

B. L. SHORT examined.

*By Judge McDonald :*

603b. What is your official position?—I am Deputy City Clerk of Kansas City, Kansas. I have been so a little over four years. Ever since I have been connected with the city the expense of our police department has been sustained out of fines imposed on liquor joints. The police arrest the keepers of these places once a month, and bring them to the Police Court, where they ordinarily plead guilty, and pay a fine of fifty dollars and costs. The fines altogether in a year amount to about \$45,000. The Police Department take all their expenses out of that money first, and the balance, amounting to from \$5,000 to \$10,000, is turned into the general fund of the city.

604b. So that the practical effect is a system of license?—That is true. The same thing is true in a few other cities of this State, that is, in the larger cities. I do not honestly think that many of our drug stores sell liquor for beverage purposes. The business is monopolized by the joints, and the druggists do not care to go into it, for the reason that if they do they are liable to be fined like the others.

605b. You do not think that under colour of filling prescriptions they might sell and escape liability to a fine?—There might be half a dozen who use the drug business as a cloak to the liquor business, but the most of our better drug stores do not do that.

606b. With licensed houses right on the border line, in Kansas City, Mo., why is it that men run joints in Kansas City, Kansas, when it is so easy to cross the State line?—Well, there are a great many labouring people living on our side of the line. As they go to and from their work they want their drinks, and if they can get them on this side at the same price there is no reason why they should not get them here.

607b. Have you ever learned whether the liquor sold in these joints is of good or bad class?—I think in the ordinary joints the liquor is cheaper.

608b. Is it an adulterated compound?—I do not know as to that. My judgment would be that the liquor is not good.

REV. JAMES G. DOUGHERTY examined.

*By Judge McDonald :*

609b. You are a minister of the Congregational Church?—Yes, pastor of the First Congregational Church here.

610b. You have lived in this city several years?—This is the second time I have been pastor of this church. I came here originally in 1872, but I afterwards went to Colorado for the benefit of my health. On my return I lived at Ottawa, Kansas, for 13 years. I came back here in December, 1888, and have lived here since. Ottawa is a good town to visit as an instance of a place where prohibition is thoroughly successful. I was in Ottawa when there were three or four saloons there to a population of 2,500. Each of these saloons was paying a license of \$500, this yielding \$2,000 a year to the revenues of the town, which in a little town like that goes a long way. When it was suggested by some of us to close the saloons—that was before there was talk of a constitutional amendment to the State—good business men, men who occasionally drank something, although otherwise temperate men, felt that it would injure the town, and they said so. Some of them became very indignant at the movement to close the saloons. The first year we carried the proposition by only one or two majority, and we succeeded by having a good business man for Mayor, and a good business council, instead of attempting to elect men who were simply temperance men, but not perhaps good business men. I had taken a great interest in the matter, indeed was chairman of the committee promoting it. It was in the spring of 1879 that we closed up the saloons, that is, two years before our prohibitory law went into effect. I think it was in 1881 that we had a war memorial service in Ottawa. It was estimated that there were 8,000

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people present. The then Mayor of the city, which in the interval had grown to 7,000, said at the time: "The Marshal reports to me that there was only one case of drunkenness seen, and no arrest." Another gentleman said that that could not have been the case in the days when our saloons were running openly. He added: "I never could have believed that shutting the saloons would make such a difference."

*By Rev. Dr. McLeod:*

611*b*. What was the effect of the change on the business of the town?—Why, we could trace directly to the closing of the saloons the coming there of families possessed of from \$50,000 to \$75,000, who would not have come otherwise.

*By Judge McDonald:*

612*b*. What about Kansas City?—Kansas City is another place altogether, and I suppose I am competent to talk in regard to it. I knew this town when there were not more than 4,000 people altogether in the district in which there are now 40,000, and the greater part of those were in the district formerly called Wyandotte. Kansas City, Kansas, is made up of the old town of Wyandotte, the old town of Armstrong and the newer town of River View and Armourdale. These places have now been combined for five years, under the name of Kansas City, Kansas. In that entire territory from 1872 to 1875, there were not more than 4,000 people. This is one of the old towns of the State. The Indians founded it in 1843. In 1855, when this territory was organized, there were only about 150 white people in the entire territory of Kansas. In 1856, men came to this town. There was no railroad west of here. These people were a pretty rough class of men. In 1872, when I first saw the town, there were some of these men still living here, and the bad impress of their character remains in the town to this day. In that small population of about 4,000 there was an amount of drinking and drunkenness, such as I never seen equalled except in some of the worst parts of New York city or the city of London. This was a frontier town, and the life of the place was a thoroughly bad life. Men of all classes here were not only drinking men, but drunkards.

613*b*. At that time was there much of what is called the social evil?—Oh, yes.

614*b*. And gambling?—Yes, gambling has always been a vice of this town.

615*b*. And the city now?—There is a great deal of gambling here, but neither the gambling nor the drunkenness keeps pace with the increase of population. There has been a great improvement relatively to the whole population. There were very few men here at that time who were not in the habit of drinking, and most of them gambled. The lawyers as a class were gamblers, and men at the head of machine shops were notorious gamblers.

616*b*. Have you reason to suppose that gambling in the way of faro tables and similar gambling apparatus now prevails here to any extent?—Oh, yes, there are notorious places. There are from twelve to twenty gambling places in this city. I do not speak of the so-called policy shops or lotteries, but of places where people go to sit down and play faro and poker. We organized a Law and Order League about two years ago, of which I have been the President from the first, and I have had to make inquiry, and many have come to me without authority and given me information on the subject. Our difficulty has not been want of law, but the want of men to enforce it. The general law of this State absolutely prohibits the sale of intoxicating liquors for any other than medicinal or mechanical purposes, and the sale of liquor even for such purposes can be carried on only under special permit, issued by the Probate Judge for one year. It has to be renewed each year, and to obtain that permit the person applying for it must have the signatures of 25 householders, and put up a bond of \$1,000 that he will observe the law. Besides, the United States Government does not permit any one to sell liquor anywhere without obtaining a permit from the Internal Revenue Department. That permit does not guarantee that the person receiving it shall have the right to sell where the State law forbids it. Last year 73 persons had permits from the United States to sell intoxicating liquor within the limits of Kansas City, Kansas. That fact I obtained from the books of the United States Internal Revenue Department Commissioner. Then I sent to the Probate Judge's Office here, and an inspection of his books

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showed that only five persons obtained permits from him to sell intoxicating liquors within the same place for the same period. I got the addresses of over a hundred joint-keepers in this city, procuring them from the books of the police court, where the men had paid their fines, and by sending men around to see where the joints were the most I could find were eighty places where liquor was illicitly sold, that is, excluding all the drug stores where it could be legitimately sold.

617*b*. Were the five places you speak of drug stores?—Yes.

618*b*. Did every drug store require under the law to have a permit?—Every one that sold intoxicating liquors required to have it. They could dispense liquor in medicines, but they could not sell whisky or brandy or wine alone without a permit. One of the drug stores that had such a permit had a regular bar, and a man whose business it was to attend to it, and it was the common resort of the city and county officials, among them the very Probate Judge who had given the permit, and had the bond of this very druggist for \$1,000. That ran on for one year, until one of the police went in there and drank twice, and then had the druggist up before the court. He pleaded not guilty, but he was convicted; but upon some question the case has been taken to the Supreme Court, and the prospect is that the case will linger for a year or so. Finding that there were 75 permits from the United States Government, and only five from the Probate Judge, and that eighty places were engaged in the illicit sale of liquor, and finding that our police court fined the same eighty men once and only once each month in three successive months, and finding another case where a man for fourteen months had paid a fine of \$50 once and only once each month, and having missed one month paid twice the amount the next month, I did not hesitate to charge openly that the Police Commissioners were so arranging matters here as to derive a revenue from the joints, and not to close them up. I said to them: "The proof of this is your own police court records."

619*b*. So that these fines really amounted to a license?—Yes.

620*b*. Do you find the municipal and police influence to a certain extent a dead weight against you in your efforts to stop the traffic?—Yes. There is a peculiar arrangement in this State, under which in cities of the first class, that is, those having a population of 15,000 or over, the Governor may—he is not compelled to—appoint as Police Commissioners three men, who have the entire control of all the police affairs of the city. The Mayor and Council of this city have not one policeman under their control.

621*b*. So that the Mayor and the Council cannot interfere in the enforcement of the law?—No, they have nothing to do with it.

622*b*. But they get a revenue from the fines?—No. I will give you the state of the account here as it has been given by the Police Commissioners. For the eleven months ending 28th February, 1893, the police force has been not only self sustaining, but a surplus of \$6,715.67 has been turned into the general funds of the city; and for the four years, from 15th March, 1889, to 1st March, 1893, the sum of \$12,893.25 has been placed to the credit of the city, after all expenses of the police department have been paid. The expenses of the department include not only the police force, but also repairs in jails. For those four years the total receipts were \$149,274.16. When the old Commissioners were about to turn things over to the new board, they called together the police force, and congratulated them, not on having enforced the law and closed the joints and gambling houses; but here is what the President said to the police force: "Since they had been associated together over \$190,000 had been handled, and not the slightest suspicion had ever been uttered that a single cent had not been honestly accounted for, and the board had the first complaint to hear that any member of the force had abused his power or position in the slightest." That is, the police force is an agency, not for the suppression of crime, but for collecting revenue, and the thing they are complimented for is that they have been such good collectors.

623*b*. Has the revenue so collected been mainly obtained by permitting the law to be violated?—Most undoubtedly. That is the statement of the Governor of this State.

*By Rev. Dr. McLeod:*

624*b*. You attribute that to the fact that the administration of police affairs is really in the hands of the politicians?—It is really in the hands of the brewers and dis-

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tillers of Kansas City, Mo. ; they bring influence to bear on the Governor, which secures the appointment of the Commissioners they want.

*By Judge McDonald :*

625*b*. Has not the Governor been for years a prohibitionist ?—Governor Humphrey is himself a heavy drinking man.

626*b*. Does he not declare himself in favour of the law ?—Oh yes. I asked him to look over the papers which I had obtained in regard to the state of affairs in this city. He took them and kept them for thirty days. I did not ask him to say anything about them until he had had time to look them through. I then went up and talked over the matter with him for about half an hour. At last he said, “Mr. Dougherty, there will be a change in Kansas City or a change in that police force.” There was no change in the city, and no change in the police force.

627*b*. Under your law could you not have information laid against these men, charging them with these offences ?—No.

628*b*. Is there no provision in your law by which a man who is this month fined fifty dollars will receive an increased fine the next month, if he again breaks the law ?—No, fifty dollars is the limit.

*By Rev. Dr. McLeod :*

629*b*. Is there any case in which there is imprisonment ?—The present ordinance, under which the fine is imposed, permits fine or imprisonment. The President of the Police Board, in company with the Police Judge, came here one day and found fault with me for something I had said in public and to the Governor. The Police Judge explained why he never sent a man to jail for the illicit sale of liquor. His explanation was simply this, that there was no evidence brought before him on which he could fine them.

630*b*. That is, they had pleaded guilty ?—Yes. In more than one-half of the cases the men do not appear at the trial. There is simply a brown envelope, on which is written the man's name, and a statement to this effect : “I hereby consent that there shall be entered against my name the plea of guilty to the charge of keeping a tippling shop, provided that I do not appear on such a date at such a time in the morning, and the contents of this envelope be used towards the payment of my fine and the costs of the court.” Into that envelope is put fifty dollars and one dollar for witness fees, and then it is sealed and sent to the police court. Ten of those envelopes were placed upon the desk of the Police Judge at one time. The police record shows that he wrote fines against ten different men all on one page. That Police Judge is appointed by the Police Commissioners, and the Police Commissioners are appointed by the Governor.

631*b*. Have you devised any way of getting at this abuse and curing it ?—We have men of very different views. There are some who get very indignant, and would advocate a Law and Order League that would go to these joints and forcibly break them up. But I have said to them, “You never can produce law and order in a town by pursuing lawless methods.” Then there are other persons who are ready to get up and do some tremendous thing. They want, for instance, to have a detective system, and get these people brought before the courts successively. I have pointed out that even the Police Commissioners have done that, for the purpose of making a show occasionally. But, believing, as I do, that the radical difficulty is that the men sworn to enforce the law do not intend to enforce it, I see no way except to pour upon them the light. Men will not do, when everybody is gazing upon them, many things that they would otherwise not hesitate to do. Men who have not much conscience of their own left, feel the public conscience when you arouse it, and I have more faith in that than in anything else.

632*b*. What kind of men do you find engaged in keeping these joints ? Are they men who have other business or not ?—They are men who have no other business. One man has a grocery. You can pass from the grocery into the joint.

633*b*. Is there any difference between Sunday and week days in regard to the business of these joints ?—Very little. An effort was made for a short time to close them

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on Sunday after ten o'clock in the morning not by any statute prohibiting the sale of liquors, but under our Sunday closing law. If the jointist was found open after ten o'clock, he was seized. These men know that when an order is given to them by the police it has to be fulfilled. The Chief of Police said at the Police Court one day, under excitement, and in the presence of the Police Judge,—“I have not yet told these men to close; when I do, by Gem,—they will.” I give you his language. The violation of the law is notorious in this city. Moreover, the Governor of the State knows the facts, I have taken pains that he should know them; and yet Governor Lewelling has appointed as President of the Police Commissioners a man who used to run a joint in this town—a man who, although a grocer, could be found not in his grocery store, but in the joint across the street—a man who was nominated by jointists who were members of the Populist Committee.

*By Judge McDonald:*

634b. Is there a provision allowing business to be opened up to ten o'clock on Sunday?—There is. There is an ordinance of the city which forbids any place of business to be open after ten o'clock on Sunday morning.

635b. We have seen to-day, for instance, bills advertising prize contests for Sunday at Chelsea Park?—That is outside the city limits.

636b. Have you a law to prevent that sort of thing?—That could be done only by the county officers. There is only one of our theatres that is not open on Sunday, that is the Coates Opera House. I believe the Auditorium, under the new management, is also closed.

637b. How does the City of Kansas stand as compared with other cities of the Union in regard to the number of divorces granted?—I do not know. The number of divorces in Kansas City is really extraordinary. I suppose a great many people come here for the purpose, but it is really appalling. The District Court has a day on which, as they say, they clear the docket, and nine-tenths of the cases on that day are divorces.

*By Rev. Dr. McLeod:*

638b. You do not attribute the divorce to the prohibition of the liquor traffic in the State?—No, hardly.

*By Judge McDonald:*

639b. We have had the statement made to us to-day that prohibition prevents or deters the immigration of foreigners into the State, Europeans who have been accustomed to the use of beer and wine, and, on the other hand, we were told that it has had the effect of bringing into the State an immigration of eastern people, who wished to keep their sons from temptation. Do you know anything of that?—No one can tell definitely as to that. You will find statements of that kind made with great positiveness on one side or the other. You can only get the census statistics, and in such cases one needs personal local knowledge to apprehend the meaning of such statistics. For instance, there was a great boom in this State and puffing up of the prices of land, not simply in the towns, but in farm districts. In the western part of this State some men who had farms that were not paying them for years suddenly found the value of those farms go up with the movement of property, especially in the summer of 1887. These men, finding their farms so appreciated in value, were tempted to obtain loans on them, to about as great an amount as they would have sold them for a little time before, and when the boom burst there were a lot of men who had mortgages on their farms to their full value or more, and many of them abandoned their farms and went out of the State. There was a very large migration from the State for that reason. There was also a false growth, in 1885 especially, during the time of this boom. So that when you speak of the movement of the population you have to take these things into account. If I were to give you my own personal opinion, I would say that a great many have come into the State in order that their sons might escape temptation. I have known a great many of such cases. As to persons who have left the state, or who have refused to come here because of the prohibitory law, if there have been such I have not known them. I have known cases of men who have radically changed their views and have come to favour



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prohibition, especially in the country. I know Germans who after the prohibitory law was first put into force used to go to Ottawa and get their beer, which was shipped to them from Kansas City, a keg at a time. To one of these men I once said, "I do not see you taking beer as you used to." "No," he said, "I do not take any more." "Why?" he was asked. He answered, "I had enough for myself, and my boys can get along without it." The man, finding that drinking was not common with his neighbours, had simply dropped it. The condition of things in Kansas City I feel very intense about. I am not discussing the question of temperance. The question of a few people more or less playing cards or drinking is nothing compared with this arrangement on the part of these officials who ought to enforce the law not to do it. It is anarchy. Men sometimes ask, "Is your prohibitory law responsible for this?" I say not at all, no more than the law against horse thieving is responsible for the horse thieves, or for the officers of the law letting them slip when they are brought to justice.

640*b*. Would a license system be preferable to prohibition, with prohibition thus evaded and brought into contempt? Is there more drinking under this system, and would the effects be better under a license system than under this?—So far as drinking is concerned, I am inclined to think there is quite as much drinking here. While I am personally a prohibitionist, I am inclined to think there is quite as much drinking as the thing is now managed as there would be under a license system. Under the system of licensing places there would be this advantage, that there would be none of this scheming and trickery on the part of the officials. Governor Humphrey, in one of his messages, stated that the Police Commissioners were dependent on the City Councils for the payment of the police force, and where the council was hostile to prohibition the necessary appropriations were not made, and therefore the Police Commissioners were sometimes placed in a false attitude before the public.

641*b*. Is the City Council here favourable or unfavourable to prohibition?—It has never pronounced on the matter. But for the Governor to apologize for an arrangement to violate the law on the part of men who are his appointees is a very strange circumstance. It indicates a curious state of demoralization.

642*b*. What is the effect upon the public mind of such non-observance of the law as you have here?—Practically the effect is a contempt of the officials.

643*b*. And on the law itself, what is the effect?—There can only be one answer to that: it is an education in lawlessness, in disregard for law. It is setting up the principle that a statute, which is not agreeable to me or my views or my disposition, I can throw aside, and that is anarchy. Take a bald illustration of that. There were 132 cases in which men had been fined in the Police Court in the last three months of 1892. The statute of the State requires that the Police Judge should certify to the County Attorney all cases of violation of the State prohibitory law that come to his knowledge, so that all these cases should have been certified by the Police Judge to the County Attorney. They were not. We called attention to the fact, and the Police Judge, under the direction of the Police Commissioners, sent them all up in a bunch. The County Attorney was annoyed at having them all sent up at once, and in his excitement he directed his deputy to summon every witness in every case. There were two witnesses in each case, who received fifty cents each as witness fees. His action resulted in calling every member of the police force before the County Attorney, and putting each one under oath as to whether he had received a witness fee. Every man on the police force swore that he did not know of the existence of a joint in the City of Kansas, even though, according to the Police Court record, he had received fifty cents in each case as a witness that liquor had been sold in the place. The only explanation of it is that it was agreed and understood between these men that they should get these fees. If you want to know how prohibition prohibits, you cannot see it in a city like this.

*By Rev. Dr. McLeod:*

644*b*. Do you think it would be worth while, because of this unhappy state of things, to repeal the prohibition statute?—No, sir, by no means. This is a very black

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spot. In Topeka, a city of the same size as this, up to the time of the appointment of the present Police Commissioners, the law had been well enforced. But at present Topeka has Police Commissioners of the same class as we have here. Under such a state of things the brewers and distillers get courage, and they are organizing throughout the State of Kansas what they call the "Army of Liberty."

645*b*. That means repeal?—It means at present the furnishing of liquor to persons who have clubs and places for the sale of liquor throughout the State.

646*b*. Do you think there is a fair ground to hope that this state of things will be changed?—Oh, yes. In this town nothing can be done but by awakening public sentiment. The people know what the facts are, and they are undoubtedly waking up. We have, for instance, petitions going into all parts of this town. These petitions are to be returned on the first of next month. They ask that the present Board of Police Commissioners enforce the law and close the joints and gambling dens.

*By Judge McDonald :*

647*b*. Why should you petition them to do that which the law requires them to do? That is a question that ought to be very obvious, but here are the men who are not doing it, and they say that public sentiment does not require it.

648*b*. What do you say as to our visiting Lawrence and Atchison?—There is a brewery at Atchison. I did not know it until the other day. At Fort Scott, after a hard fight, the people have succeeded in closing up the joints. Of course that is temporary; but the fight must be renewed. Here they never have been closed. There is always this tacit understanding between the police and the keepers of the joints, and there are people in the city who say that we cannot afford to have them closed—it will drive the business out of the town. But if I had large property interests in this town I would exert my influence to the utmost to free it from these places, being perfectly sure that land would increase in value, and the people who wanted to live in this place would prefer to live in a clean and orderly town.

*By Rev. Dr. McLeod :*

649*b*. From your knowledge of Kansas through all these years of infractions of the law, and these patience-trying conditions, do you believe that prohibition in Kansas has wrought marked good, or the contrary?—It has been perfectly marvellous. Let me give you one illustration: In 1872, this town was a hotbed of politics—it is so still. I have known the leaders of the different parties in the State. In 1888, this law had been in force seven years. There was at the Copeland House, in Topeka, a meeting of the Young Men's Republican Clubs from all over the State. There were about 500 young men there from 21 to 35 years of age. I talked with one of them who had been a newspaper correspondent and had travelled a great deal throughout the State. I asked him how such a gathering would have been ten years ago? He said: "They would all have been blind drunk by this time." That evening they were all sober.

650*b*. And you attribute that to prohibition?—Undoubtedly. Only one man showed signs of drinking.

## Liquor Traffic—Kansas.

EDWARD McLEAN examined.

*By Judge McDonald :*

651b. Where do you reside?—At Weir City, Kansas.

652b. Are you a Kansas man by birth?—No, I was born in Virginia. I wish to bring to your attention the subject of the Wherrell Bi-Chloride of Gold Cure. Formerly I myself was a hard drinker. A number of gentlemen took charge of me, and sent me to take the Wherrell Cure, although it was against my will. Finally they prevailed upon me to go. They gave me all the whisky I wanted while I was at the Institute. The first day I drank about half a gallon, the second day I drank a quart, the morning of the third day I took a drink at my breakfast. After breakfast I was given a treatment, which made me very sick. I lay down on a cot and fell asleep, and woke up again after an hour and a half, feeling very well indeed. I felt very weak, however, and commenced to vomit. I thought a little whisky would brace me up, and I went to take a drink, but I could not, and from that day to this I have not touched liquor. That was fourteen months ago. I have no desire for it; even the smell of whisky is obnoxious to me. The smell of beer is like sour yeast to me. The treatment seemed to change my taste completely. Before I took it I always wanted highly seasoned food and strong coffee, and never cared for light food or fruits. After getting through with the treatment I acquired a ravenous appetite. When I went to take the treatment I only weighed about 155 pounds. Now I weigh over two hundred pounds. I took on flesh right from the start. This is the philosophy of this treatment. In the first place, for a man to be cured he has to want to be cured, then he can be cured. The process of curing is to nauseate a man with liquor, and then, when he gives up his whisky, to strengthen his nervous system and build him up with tonics. We use the medicine hypodermically, because we can get at the seat of the nervous trouble better in that way; but if a man's stomach is out of order, we give him a tonic to strengthen it and increase its action.

653b. Have you any experience of the working of prohibition in Kansas?—I have been in Kansas ever since prohibition was established there. I voted for it, but I have never been in a place in the state where I could not get liquor.

654b. At the time you voted for it, you were not a total abstainer?—No. I voted for it because I thought it would close up the saloons and help myself and other poor mortals. One time I was in one part of this State when there was an election for a member of the Legislature. I took ten gallons of whisky and a thousand cigars there, and we elected our man by means of that whisky and those cigars. I was a prohibitionist, and the candidate I was working for was a prohibitionist, and I think the other man was a prohibitionist also.

*By Rev. Dr. McLeod :*

655b. Is it a fact that the people who undergo this treatment are now against prohibition?—No. When a man becomes convinced that whisky has got hold of him, he wants some relief, that is, if he has any manhood left—if he has not gone so far that he does not care; and if we can impress upon him that we can give him relief, and he wants it, he can get it.

656b. Are you connected with any of these institutions?—I am connected with this Wherrell Institution, for this reason. After I took the treatment I saw that there was money in it, as well as the good there is in it. I came to Kansas with this treatment, because in this State people cannot get whisky without getting a jugful, and the effect of that is that they are without it for a time, and when they get a jugful they consume it as long as it lasts.

657b. How is it that you said you could get whisky in any place?—As a traveller I could get it through the hotel men. But the inhabitants cannot get it, because they could be traced, and it would be found out in their case.

658b. Where does these jugs come from?—From Kansas City, Mo. You can see express load after express load of gallon jugs going out in boxes to the rural districts

EDWARD McLEAN.

any day. It is shipped in all forms. For instance, one man wants a barrel of beer, and it will be shipped to him like a barrel of apples, and branded, "Wine Sap Apples." In the peach season it is packed and shipped to resemble peaches in boxes.

659*b*. When you speak of starting this Institute, is it owing to the habits caused by this jug system?—Yes. I do not believe that prohibition has ever stopped a man from drinking in Kansas, but it has prevented young men standing around saloons.

660*b*. Do you think a young man would get into drinking habits through this jug system?—No; not unless his father had a jug, and would let him have it.

661*b*. What kind of liquor is sent out through Kansas in this way?—All kinds.

662*b*. You have established some places for this treatment in Kansas?—Yes. I first went to Hutchinson. I met there Mr. Templar, President of the Board of Trade. I told him I came there to sell the south-western portion of Kansas for the handling of these remedies, and suggested that they could open an Institute at Hutchinson. I think I was three hours in making up a company to which I sold the right for 21 counties for \$5,000 getting \$1,000 down. They went to work and in four months they cured a hundred people, among whom there was only one relapse, but he was attended to a second time and he is all right to-day. After this establishment of the Institute at Hutchinson, the city authorities there put a fine of \$30 on drunkards, and when a man was arrested for being drunk they imposed on him this fine, and told him, "You stand committed until the fine is paid, but if you take this whisky cure and pay the \$30 on that, we will remit your fine." Some five or six men got into the Institute in that way, and the results were good.

663*b*. Is there anything in the fact that when these people are cured they are not surrounded by open saloons, so that the temptation to fall back is not so strong?—That is all the better. The less temptation a man has the better. We take these people and put them through a course of treatment that leaves them in a normal condition. Then they have no desire for liquor. In that respect they are just like what they were before they formed drinking habits. If they want to drink they have to educate themselves to it, and if the people they associate with are the right kind, the chances are 99 in 100 that they will remain cured. But if they associate with lewd women, or hang around saloons, in an unguarded moment they are liable to take a drink, and if a man takes a drink after this treatment, he is like a man who has broken through a strong resolution, he is worse than before. We have opened a good many Institutes. This man Wherrell has been working at this matter for the last eighteen years. He was State Chemist at the University of Kansas for some years, and he has been a practising physician and a great educator throughout the State.

664*b*. How long does this treatment take?—It takes about four weeks. About the fourth day a man becomes nauseated with his whisky. Out of thirty thousand that we have treated in the United States we have never had a death through this process, and never had a man go insane. It reaches a lot of men that nothing else will reach. It does not prevent a man going on with his regular occupation. If the Government of Canada would investigate the subject of these remedies and find out which is the best, and buy the right for the country, and then supply the remedy to physicians as they wanted it, it would do a great deal of good. The remedy could be made very cheap to those who used it.

## Liquor Traffic—Kansas.

TOPEKA, KANSAS, May 15th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT, reached this city to-day, and obtained statements in regard to the prohibition of the liquor traffic.

HON. L. D. LEWELLIN, Governor of the State of Kansas, examined.

*By Judge McDonald :*

665*b*. Would Your Excellency kindly give us a statement in regard to the operation of the prohibitory law throughout the state as a whole?—I could give some idea how it is working in some parts of the state, and I believe without much partizan bias, for I have not been an enthusiast either for or against prohibition. That has not been made an issue in the particular party in politics that I represent. So I believe I am in a position to give you pretty nearly what is the truth.

666*b*. In what part of the State have you been residing?—I live in Wichita.

667*b*. Will you kindly give us some idea of the condition of affairs there locally?—The prohibitory law is enforced more nearly in accordance with its letter and spirit in Topeka than in any other large city in the State. Kansas City would perhaps be one example of the other extreme, where we are less able to enforce the law. It is argued by some that the law could be or might be enforced there. There are others who say that it cannot be enforced absolutely. In my own town, Wichita, some years ago, the Governor appointed a Police Commission, of whom two, perhaps the whole three of the members, were radical prohibitionists. They took the appointment with the earnest desire to enforce the law absolutely according to its letter and spirit. Two of the Commissioners, Mr. Stanley and Colonel Lewis, were prominent members of the Methodist Church, and both earnest in their desire to enforce the law. Yet Mr. Stanley afterwards came out with a letter in which he stated that he believed it was impossible to enforce the prohibitory law absolutely in accordance with its letter and spirit where public sentiment was so much against it. Before I came here, he said to me: "My disposition and desire is to do no double dealing with the law, but to enforce it wherever possible, but you cannot absolutely enforce the law where public sentiment is so much against it. The only thing you can do is to have some sort of decent regulation." The fact is, in some of these cities at present, the system of fines in vogue, practically amounts to a license. Men are arrested and fined periodically. That is the way the business is managed in Kansas City now, and has been for years. I hope that we may be able to improve on that, and to approach more nearly the enforcement of the law; I think we shall be able to do so; but I have great doubt whether we shall be able to attain all the results we would like. We have come more nearly to it in Topeka than in some other towns. Now, the question is asked: "Can you not select men as Commissioners who would put forth an effort absolutely to enforce the law?" The attempt I have already spoken of is one illustration of the result. But I may as well be frank with you. I have been elected Governor by the Populist party. Now, in Kansas City, or in Wichita, or some other place, I want to appoint a Police Commission. Whom am I going to appoint? Where shall I select my men? Who is to be my adviser as to the particular men? One says, "Here is a good man, I propose that you put his name on." Another comes and says, "He belongs to another political party; you are weakening your party." So that in that way politics enters in, and I am bound, in order to maintain my party to select advisers from the party to which I belong, while getting the best men I can find in that party. Otherwise a man might be selected who, though a good commissioner, might turn the political tide in such a way as to controvert the principles of the party I represent, and so make himself objectionable. That is a consideration that hampers the Governor in his selection of Police Commissioners; he is bound to some extent by party ties. If he does not select men who will satisfy his party in a particular locality, he antagonizes his party there, and he has a fight on hand with his own party. I suppose we have as complete machinery for the enforcement of the law as could be secured, and if the sentiment of a locality is in favour of the enforcement of the law, it could easily be enforced with the machinery we have.

HON. L. D. LEWELLIN.

668*b*. Does any difficulty of this kind arise, that where penalties are severe they lead juries to take a merciful view of the case?—I do not know so much about that, but the trouble is this: Suppose, for instance, that I should say to the Police Commissioners of Leavenworth, "Arrest every man you find engaged in the liquor traffic." They proceed to do so. In the first place, if you have these men arrested and shut up you stop the revenue that city has been deriving from them, and in the next place you incur as much more expense to enforce the law against them. These men are brought before the judge, and if he is not in sympathy with the law there are technicalities raised, and the men are set at liberty again. So that the city has been put to a great deal of expense, and nothing has been accomplished. That has been the trouble in the city of Wichita. We derived a revenue of \$30,000 a year from the traffic. In an attempt to close the saloons we incurred an expense of \$30,000 more a year. In other words, it cost the city \$60,000 per annum more to carry out the law under this system than it cost under the other system. The business men who pay taxes and do not care about this question as a matter of morals raised a cry against it. You can easily understand how people who are heavily taxed already would be opposed to the law under such circumstances. The business aspect of the question is the greatest obstacle to the enforcement of the law in the cities. If you could close up those places without it costing anything to do so, there would be no complaint. Then the traffic is driven into auger holes, and boot-legging springs up. Men go around with a bottle of liquor in their boot-leg, out of which they sell to anybody who wants it. Another man gets a room in an attic, and has an auger hole bored through the door, and a man who wants liquor goes and whispers through the auger hole, and if he is the right kind of a man he is admitted, and buys his liquor and goes away again.

669*b*. Have you found the tendency to be to sell spirituous liquors rather than malt liquors?—I do not know as to that. In Topeka, soon after the election, a committee of Germans came to me in regard to the matter. I told them that public sentiment seemed to be in favour of the enforcement of the law in Topeka. They said they had no objection to that, but they said, "Under the law a man can buy a keg of beer and have it shipped from Kansas City. We have our clubs here, which we like as well as the saloon system. We do not want the saloon system; we are quite satisfied to have the law enforced here as well as possible, but we want our clubs." But that sentiment does not prevail everywhere. If we all agreed in that view of the case, we would let the clubs run, but otherwise enforce the law. Not only Germans, but Americans have their clubs; and the boys go in and form clubs which they visit instead of the saloons. I am inclined to think that the club is better than the saloon.

670*b*. Is the manufacture of liquor allowed at all in the state?—No, but in Missouri, our next door neighbour, it is not only allowed, but apparently encouraged.

671*b*. Suppose a farmer's wife had gooseberries, and made wine for her own use from them, would that be allowed?—She is at liberty to do that as long as the liquor is not sold. I can go to Kansas City and buy all I want for my own use, and bring it here. There is no law to prohibit that. I have given you the worst feature of the law, the evasions practised. I suppose a casual observer would not observe these things. It is charged that there are a good many of that kind of places in Topeka at present. I do not know if there are, or where they are. I have given the police instructions to exercise all the vigilance they can and to arrest the parties engaged in that traffic.

672*b*. Is there an agitation to have the question re-voted on?—Yes. Three years ago there was a large party in favour of having the constitutional amendment re-submitted, in the hope that the law would be changed. That party is probably in the minority to-day. I do not think there is any growth of sentiment in that direction—not for that reason, but in order to get amendments in other directions.

*By Rev. Dr. McLeod:*

673*b*. What good things could be said in favour of the law, as to its effects, from general observation?—In this town, for example, the saloon has been entirely eliminated. The methods of evasion of the law that I have spoken of are not so numerous here, I imagine, as they are in some other places. Where public sentiment is in favour of the

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law, there it can be enforced. Where 99 out of 100 are opposed to it, I do not believe the result could be accomplished by the Police Commissioner system.

674*b*. In Topeka, for instance, where there seems to have been a reasonable enforcement of the law, have the effects of its enforcement been such as to commend prohibition to the popular feeling?—I should say yes. These gentlemen, who have lived here longer than I have, can give you better information on that subject. Another thing in the rural districts, and in some of the small towns it absolutely prohibits—there is no question about that. If there were no such law there would be a saloon in every town of five or six hundred people. It is so in Missouri and Nebraska. So that we may say that the prohibitory law is a success in Kansas, except in a few large centres of population.

675*b*. If the question were re-submitted to the vote of the people, could you, from your judgment and knowledge of public opinion, give any idea of what the result would be?—I have been of the impression that prohibition would be sustained. I cannot help feeling that there has been a growth of sentiment in the other direction somewhat, arising from two or three causes. There has been some change in our population. Most of the foreigners who come into the state are opposed to the prohibitory law. That is not so largely true of this state as of Iowa, where I formerly lived. The native Americans went west, to the Dakotas, and they were replaced by Germans and other foreigners, so that I think the prohibition sentiment of Iowa has probably been reversed. I think there has been some tendency in the same direction in Kansas, but not in the same degree, and it would be very hard for me to guess what would be the result if the question were re-submitted to-day. I am rather inclined to think that prohibition would be sustained.

*By Judge McDonald :*

676*b*. One question in regard to public sentiment. It was stated to us by the present Mayor of Kansas City, Mr. Barnes, that he had carried the election against the influence of the joints by a majority of 1,700, where the normal majority had been 170.—There were other matters which entered into that election. If he had been a candidate solely on the issue of prohibition he would have been beaten in that locality ; there is no doubt about it. One feature which entered into that election was the anti-Catholic sentiment. There was a great outcry about the encroachments of the Catholic Church, and that strengthened Mr. Barnes very materially, because in Kansas City there are a good many more Protestants than Catholics. There were other local questions which entered into the election. So I do not think his election could be attributed to a popular sentiment in favour of the enforcement of the law. Mr. Barnes, however, believes that we could close up the joints in Kansas City, and we have succeeded in ridding it of the policy shops, but they have started again just outside of the line.

*By Mr. Gigault :*

677*b*. Was it not at first intended that the prohibitory law should prohibit the importation of liquor?—I think it was, but the courts decided that it could not prohibit the importation of liquor which comes under the Inter-State Commerce Law.

678*b*. How are these clubs worked?—The best information I can get regarding them is that half a dozen men get together and decide that they will meet at night, and each man will bring his beer or wine or other liquor, and they will have a convivial time together. That is of course a little inconvenient, so that they get a club-room in which each man has a compartment where he keeps his liquor, and if he wants to treat his friends he can take them there and do so.

679*b*. Each man buys what liquor he wants, and stores it there?—Yes.

680*b*. Are there many such clubs?—I have heard of two in Topeka ; I do not know whether there are more or not. I know of one in Wichita.

681*b*. Do you know if there are many members of these clubs?—I could not tell you as to that.

682*b*. Do druggists sell much liquor here?—I do not know. I have heard no complaint on that score. You must have a prescription from a physician to buy liquor in a drug store.

HON. L. D. LEWELLIN.

683*b*. Do you know if there is a good deal of fraud in giving these prescriptions?—I should say not. There may, of course, be a good deal that does not come to the surface, but I do not hear very much of violations of the law in that way.

684*b*. Have the druggists to make a report?—Yes, they have to make a report to the Probate Judge. Only a portion of the drug stores have a license to sell at all. If you went to a drug store you could not buy without a prescription.

685*b*. Is there any gambling going on in Topeka?—I could not say positively. The police arrested the keepers of some gambling house here last week; but I do not think there is much gambling here. I was informed yesterday by one of the policemen that he had discovered a gambling house on the other side of the river, but he thought that they had moved and opened somewhere else.

686*b*. During late years has the population of Kansas increased or decreased?—I do not think there has been much increase in the population. There have been some outgoings and incomings. Oklahoma has taken a good many away, and others have come in, so that the population has remained about the same. A few years ago there was quite an influx, a boom here, and people came in from all directions. During that time many thousands came into the State.

687*b*. It has been said that your prohibitory law has prevented a good many Germans from coming into the State; what do you think of that?—I should not be surprised if it had some effect in that direction. I rather think it has. The Germans of Topeka are the only ones I have known in the State who are willing to accept the existing conditions of the prohibitory law. I do not know that they are satisfied with it, but they are less dissatisfied, and more willing to accept it than the Germans in the other part of the State that I have come into contact with. The Germans are generally opposed to the prohibitory law.

688*b*. Is the number of divorces increasing or decreasing in this State?—I could not tell you; I have never investigated that subject.

NOAH ALLEN, Assistant Attorney General of the State of Kansas, examined.

*By Judge McDonald :*

689*b*. Are you called upon to deal with the question of the enforcement of the prohibitory law?—Yes, to a considerable extent at times.

690*b*. In conducting prosecutions?—We are to see that the prosecutions are properly conducted in the various counties—that the County Attorneys look after the matter locally.

691*b*. Are they elected by the people?—Yes. It is the duty of the Attorney General to see that the law is enforced in the respective counties, when for any reason the County Attorneys fail to enforce the law. That is done by the appointment of an assistant for the county.

692*b*. Specially for that purpose?—Yes.

693*b*. These complaints come from persons who are in favour of the law, and who think the County Attorney is not looking strictly enough after its enforcement?—Generally. Those opposed to it generally resist the appointment of an assistant.

694*b*. So far as your knowledge goes, does the question ever enter into the selection of a County Attorney, whether he is favourable or unfavourable to the law?—In strong re-submission counties, counties where there is a strong sentiment against the law and in favour of doing away with it, that is the one question on which they elect the County Attorneys.

695*b*. Does that question at all enter into the election of Judges?—Not so much so. I think it does in some localities.

696*b*. Police Judges?—The Police Judges in the larger cities are appointed by the Police Commission.



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697*b*. In the rural districts by whom is the law enforced?—It is in the hands of the County Attorney generally.

698*b*. Before whom does he bring the proceedings?—In the District Court, or before a Justice of the Peace; but they usually appeal their cases to the District Court, so that a conviction before a Justice of the Peace does not amount to much as a rule.

*By Rev. Dr. McLeod :*

699*b*. You say that the re-submission people seek the election of County Attorneys who are opposed to prohibition; do they succeed?—They do in a few counties. I am not acquainted with all the County Attorneys of the State, as to their views on this question; but there are a few counties, where the larger cities are situated, in which the re-submission element is strongest, and there they succeed in electing County Attorneys who are opposed to the law.

700*b*. Where such men are elected, does that affect the enforcement of the law?—It does most assuredly. It is a very difficult matter to get the law enforced with men in office who are opposed to it.

*By Judge McDonald :*

701*b*. Witnesses are subpoenaed at the expense of the State?—Yes. County Attorneys have power to subpoena witnesses before them, and ascertain if they know anything of the violation of the law. I believe there is no provision as to the payment of these witnesses, and there is a question whether the County Attorneys really have that power, although it is exercised to some extent; but when the witnesses come to court to testify, they get fees.

702*b*. After summoning them before him, the County Attorney is able to make up his mind whether the case is one which ought to be gone on with or not?—Yes. That is done when the County Attorney sees fit to ferret out violations of the law himself; and when persons come to him and say that such and such other persons would testify so and so, he brings them before him to ascertain whether that is the case.

703*b*. Are there punishments for men who are found drunk?—Not under the State Law. That is, in towns and cities.

704*b*. We have been informed that the State Law only applies to the manufacture of liquor for sale?—It is prohibited except for mechanical, medicinal or scientific purposes. It may be manufactured for those purposes. The law has never been held to apply to a person manufacturing for his own use. Our constitution prohibits the manufacture and sale of intoxicating liquors except for those purposes, which are expressly excepted.

705*b*. We understand that owing to a decision of the Supreme Court under the Inter-State Commerce Law, liquors may be now brought in from the outside?—They may be brought in in original packages, but after they get into the State if the package is broken and the liquor sold, it is held to be a violation of the law.

706*b*. But it may be brought in by people for their own use?—Oh, yes.

707*b*. Has there been any decision as to the right of people to bring in liquor for their own use apart from the question of the Inter-State Commerce Law?—I think not.

708*b*. Has it always been conceded that they had a right to do that?—Yes; I have no recollection of the question ever having been raised.

*By Rev. Dr. McLeod :*

709*b*. Has your office any criminal records?—No.

710*b*. Where could we get the criminal statistics of the State?—We are not in a very good condition in that respect. We have no official way to get that information except from the various courts. Some effort was made at the commencement of the last session of the Legislature to secure records of that kind in connection with this office. At present there is nothing that is reliable,

711*b*. Would the State Prison have a record?—They would have a record of those who go there. The same would be the case with the jails.

712*b*. Is there an Inspector of county jails?—No. The County Commissioner, I believe, makes an inspection, and the Grand Jury also sometimes examine the jail, but that is only when the Judge sees fit to call upon them.

NOAH ALLEN.

713*b*. Is there any way in which we can find whether crime has increased or decreased in the state of Kansas within a period of say ten years?—I do not know of any way except getting it from the records of the various county jails and the State Prison, or through the various clerks of the courts in the different counties.

714*b*. They are not sent to your office?—No, we have no central location for anything of that sort. The records of the courts of Justices of the Peace would not be reliable. I do not know of more than one or two violations of the liquor law that are settled in the courts of Justices of the Peace; they are almost always appealed to the District Court.

715*b*. With what result generally?—Sometimes favourable, sometimes otherwise. It is not so difficult to obtain information against these people as many seem to think, when the officers are in favour of the enforcement of the law and to their duty. The men on the jury will generally convict or render a verdict according to the evidence.

*By Judge McDonald :*

716*b*. Have you information of much surreptitious sale going on?—I cannot say we have; we hear more or less in an indirect way, but there have been but few complaints from the counties since we have been in office. Of course there is more or less talk. During the last campaign I saw on the streets some evidences of the sale of liquor, and in some of the largest cities there is plenty of evidence. I have seen very little of it here in Topeka—more in Wichita, where there is a strong sentiment against the law. I have heard that the same is the case in Fort Scott. I have not seen it myself, but I have had an application for the appointment of an assistant there.

717*b*. How are these County Attorneys paid?—The County Attorney gets a salary, and a fee of \$25 for each conviction.

718*b*. Who pays the \$25?—That is collected from the defendant. The property in which the liquor is sold is made liable for the fine and costs if there is a conviction, as well as the person himself. But very few buildings have been sold under that provision of the law.

*By Mr. Gigault :*

719*b*. I understand that you have some clubs in Topeka?—I do not know anything about them personally. I have heard some talk about that.

720*b*. The members of those clubs use liquor?—I understand so.

721*b*. I understood you to say that liquor packages brought in cannot be broken?—Not for sale. When they come in original packages, they can be sold in packages, but if the package is broken and they are sold, that is a violation of the law.

722*b*. Can you tell whether the number of divorces in this State is increasing or decreasing?—No.

723*b*. You have no statistics as to that?—No.

724*b*. Is treating forbidden by the prohibitory law?—Yes. In fact the sale of it for any purpose. But treating is not, except in so far as it applies to the person who sells the liquors. The courts so far have decided that it applies simply to sales.

725*b*. Do you think the druggists are observing the law in not selling?—That largely depends upon the localities. In some localities I am under the impression the druggists obey the law quite strictly, while in other localities they do not.

*By Rev. Dr. McLeod :*

726*b*. Do you think there is any relation between the increase of divorces and the prohibitory law? That is, do you think that prohibition promotes divorces?—I should say not. I have always thought the promiscuous sale of liquor increased divorces. I have never been of the opinion that there was more liquor sold under the prohibitory law than under license.

727*b*. How long have you been in office?—Since January of this year.

728*b*. You have knowledge of the State generally?—Yes, I have been in most parts of the State.

729*b* Speaking from your particular knowledge, what has been the effect of prohibition, despite the non-enforcement in certain cases, on the social, business and com-

## Liquor Traffic—Kansas.

mercial life of the people?—My impression has been that the general effect of prohibition upon the State, and its moral effect upon the habits of the people has been good. Of course there are localities where the sentiment is strongly against the law, and where in consequence there has been no noticeable benefit. But I think, taking the State as a whole, more especially in the rural districts and the smaller towns, its effect has been good.

730*b*. What effect has it had on the industries of the State and its material prosperity generally?—That, perhaps, depends a good deal upon the way in which men look at the question. I am of opinion that the law has been beneficial in those respects also, taking the State as a whole.

*By Judge McDonald :*

731*b*. I understand from what you have said that if I bring an original package into the State and sell it to you as I have received it, that is not a breach of the law?—No.

732*b*. But if I open it and sell some of it to you and to others, I make myself liable?—Yes.

733*b*. But if I opened it and gave you some I would not be liable—has that been decided?—No, it has not; my judgment would be that it would be a violation of the law. When I come to think of it, I think that by the Wilson Bill it was provided that the sale of the unbroken package was also illegal. That Bill was passed for that purpose

HON. A. H. HORTON examined.

*By Judge McDonald :*

734*b*. You are Chief Justice of the Supreme Court of the State of Kansas?—Yes.

735*b*. Have the courts over which you preside to do with cases coming under the prohibitory law?—Not except in examining and reviewing cases that are brought before the District Courts.

736*b*. Is your court a court of original jurisdiction?—In *habeas corpus* and some other classes of cases. We do not try any criminal cases in the first instance.

737*b*. Is that done in the District Courts?—Yes, the District Courts have jurisdiction over criminal cases.

738*b*. How are the indictments laid?—As a rule they are laid upon information.

739*b*. In case a bill is found by the Grand Jury?—In this State indictments are laid by the County Attorney.

740*b*. Have you any appeals from the District Courts in liquor cases?—Quite a number.

741*b*. In such cases do you review both the facts and the law?—Yes. In the early adoption of the prohibitory amendment we had a great many cases, but the law has become very well settled as to the construction of the prohibitory law, and there are not so many cases brought to the court now as there were formerly.

742*b*. We should be very glad to hear from you what you think of the prohibitory law and the success of its enforcement?—I can say generally that if all communities of the State where officers are elected who are vigilant and earnest in enforcing the law, and where the sentiment of the community is in favour of its enforcement, the law is very well enforced, and the benefits derived therefrom are evident. In some sections of the State the officers elected are not favourable to the enforcement of the law, or at least are not able to enforce it. Communities that elect such officers are not very strong in favour of the enforcement of the law, and in those communities the law is not as well enforced as in other sections of the State; but, as a rule, I think the open saloon has been abolished. But I may say that in counties where the law officers are active in their efforts to enforce the law, it has been evaded by means of clubs and joints, and places of that sort.

NOAH ALLEN.

*By Mr. Gigault :*

743*b*. Can you tell us if the number of divorces in this State has increased or decreased?—I could not give you any statistics on that subject; I have no official data on which to give an opinion. We have a few cases brought to this Court for review, growing out of actions for divorce, but such cases are generally disposed of by the District Court, involving, as they do as a rule, matters of fact. Very little law is left in such cases, and the lower courts finally dispose of most of them.

*By Rev. Dr. McLeod :*

744*b*. Speaking broadly, from your knowledge of the State, and of the difficulties that have arisen in connection with the enforcement of the prohibitory law, compared with the measure of success which has attended its enforcement, what is your belief as to the effects of prohibition, in so far as it has been enforced, upon the various interests of the State, moral and material?—I think it is beneficial upon the whole. The law is not by any means absolutely enforced, but the License Law was not any better enforced than the prohibitory law is.

745*b*. You remember Kansas, then, under license?—Yes, I have lived here thirty-five years.

746*b*. How does the condition of things at present compare with the condition of things under license?—I think that prohibition has been beneficial.

747*b*. Notwithstanding the defects and failures in its enforcement in certain cases?—The difficulties and failures have been equally great in other cases as in liquor cases.

748*b*. How does the enforcement of the prohibitory law compare with the enforcement of other laws against crimes and misdemeanours in the State?—The prohibitory law is as well enforced as the law against gambling and the laws against disorderly houses, and in the cases brought into court the proportion of convictions is even greater.

749*b*. Is it your belief that the prohibitory law has an educative effect upon the population? Is it creating a sentiment in favour of itself and in favour of every other restriction of the liquor traffic, whatever it may be?—That is my opinion.

750*b*. Are there any means of ascertaining, with anything like accuracy, the facts about the increase or decrease of crime in the State?—You can obtain that from the District Judges, at least that is the most efficient way.

*By Judge McDonald :*

751*b*. Your experience, I suppose, as to those cases which are tried, is limited to the cases that come before you for review or appeal?—Yes.

752*b*. Taking that experience as far as it goes, have you reason to believe that when these cases are tried for breaches of the prohibitory law, there is much perjury in the lower court?—I do not think there is any more than there is in the cases of disorderly houses or gambling.

753*b*. Is there more perjury than in ordinary criminal or ordinary civil cases?—At the commencement of the enforcement of the prohibitory law in the State, I think there was a great attempt on the part of witnesses to evade giving direct information as to violations of the law, and especially as to their obtaining liquor in the places prosecuted and paying for it; but that is largely changed, and I do not think there is now much trouble in obtaining proof and convicting. I do not know that there is any more false testimony given in these cases than is generally given in the courts. I judge that there is not, because now convictions under the law are very easily obtained.

## Liquor Traffic—Kansas.

HON. MR. GAINES examined.

*By Judge McDonald :*

754b. You are Superintendent of Public Instruction for the State?—Yes.

755b. Have you been brought into connection with the working of the prohibitory law officially?—Not officially, but as a citizen I have been an ardent supporter of it, and I have been proud of the result, except in late years, when it has not been enforced as it ought to be. I attribute that wholly to the party in power having used it as a means of perpetuating themselves in power. It is to that I attribute the past failures, but I do not think that is going to continue. It was said that the party now in power was going to let down the bars, but I think more saloon-keepers have been prosecuted since that party came into power than ever before.

756b. Do you belong to the Populist Party?—Yes.

757b. And the other party you refer to is the Republican Party?—Yes.

758b. And you think for political purposes that party was lax in the enforcement of the law?—I do. The leader of that party, who previously professed to be a prohibitionist, made a speech in the last month which was a rank anti-prohibitionist speech. They wanted to see if they could not carry the whisky vote for the party. The new party is not taking political sides on the prohibition question. We have got prohibition, and we believe in the enforcement of all law, and not letting the whisky men do as they please.

759b. Personally you are favourable to the law?—Yes, I am.

*By Rev. Dr. McLeod :*

760b. You have the superintendence of all the public schools in the State?—Yes.

761b. From your observation at the head of this very important department, what is your belief as to the effect of prohibition upon the school-going youth of the country—good or bad?—It is excellent. The effect is grand. I have been a teacher for a number of years in the state. I have been connected with the high schools, public schools and the college work. We have the country high school system in this State. In Dickenson County I stood before one of the high schools and asked how many of the pupils had never seen a saloon. Out of an attendance of 140 over 100 of their hands went up in answer; they were young boys and girls who had never seen a saloon. We have a four weeks term of special training for teachers in the summer months in each county, and I have asked as many as 140 or 150 teachers at these assemblages how many had never seen a saloon, and in answer the majority of hands went up. This shows that we have driven the saloon from the State.

*By Judge McDonald :*

762b. How do you account for the desire of the Republican Party to propitiate the liquor element?—Simply to get power and hold office.

763b. Is that element sufficiently large to be valuable to them?—I would judge that they think so, or they would not desire to control it.

764b. Do they lose the other influence?—No; they have been trying to combine the people on both sides of the question.

*By Rev. Dr. McLeod :*

765b. Is it the case that prior to the advent of your party the two old parties were pretty nearly divided, and the dominant party tried to strengthen itself by courting that element?—Yes, when it began to lose its power. The Republican Party formerly carried this state by a majority of 82,000. Then the new party came forward, and said, "We have prohibition, and we will leave that alone, but we believe in the enforcement of the law," and in less than four years it has sprung into power. When the Republican Party began to lose its power, the question with it was how to get votes. Last fall I travelled over the State considerably, and I was surprised to see the number of open bars in our State at that time; and I believe that boot-legging and keeping liquor in barns and such places was practised a good deal. I have been told and believe that that party went so far as to collect a tax from those fellows in a number of towns, and used it for campaign purposes.

HON. MR. GAINES.

766*b*. You attribute that in a large degree to partisanship pure and simple?—Yes, not to a desire to bring back the saloon—simply to perpetuate a dying party. As a young man I have failed to find more than a very few individuals who want anything else than prohibition in this State, and I feel that if we had a vote upon the question to-morrow it would carry by a larger majority than it did before.

*By Judge McDonald :*

767*b*. Have you any means of forming an opinion as to what the sentiment of the people would be in regard to preventing people having liquor at all?—I do not know. I never heard that question discussed. There has been no trouble in getting it for medicinal or scientific purposes.

768*b*. And there has been no disposition to interfere with persons who bring it from other states, and keep it for their own private use?—No, there has been no law to prevent that. If they want to bring it into their houses and keep it there, that is their sacred right.

769*b*. I suppose that is due to the sentiment of not wanting to interfere with private rights?—Yes, we do not interfere with private rights—none whatever.

*By Rev. Dr. McLeod :*

770*b*. You think, then, that prohibition does not injure in any way the school-going generation?—Oh no; it builds it up. The result has been to raise the ideal in Kansas.

771*b*. Do you think the existence of the law, notwithstanding its defects and non-enforcement in certain cases, and the defiance of it in some cases, is helping to educate your children to a right view of an attitude towards the drink traffic?—Yes, I do. There is no question about that. You can get a contrast by going to Kansas City and seeing what it is there, and then coming to Topeka and seeing what we have here. Or you can go to my home at Salina, and see what it is there.

*By Judge McDonald :*

772*b*. The law is well enforced in Salina, is it?—Yes.

FRANK DOSTER examined.

*By Judge McDonald :*

773*b*. We understand that you are a Judge?—I was formerly Judge of the District Court; I am now a practising attorney.

774*b*. Where do you reside?—I reside at Marion, a town of about 2,500 inhabitants.

775*b*. Can you speak as to the effect of prohibition in the State?—I cannot speak as to the larger cities. From report, the law is not very well enforced in the larger cities. I believe that in my town, and in towns of about the same size, it is quite well enforced. Of course there are secret places where liquor is sold in violation of the law, but in the course of time, and ordinarily in the course of a short time, some one informs on them, and they are brought into court and punished. But this has not always succeeded in my county in driving them out of the business. Two or three that I remember have been before the courts a number of times, and have been fined and imprisoned three or four times over. I think there is not nearly as much liquor sold in towns of the size of mine as there was under the license system, or would be under a license system. I believe the law has a tendency to educate the younger men into habits of sobriety, especially boys from the country, who occasionally come to town, and might have a disposition to find a saloon and drink and dissipate. But the men who sell in these secret places have to be cautious; they cannot trust everybody, and their places are not known to everybody; so that boys coming in from the country will not know where to

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go for liquor; and if they do know, or are told where to go, the proprietor in many cases is too careful to sell to them. Consequently, I think that country boys do not drink as much as they otherwise would, and do not become addicted to the use of intoxicating liquors.

*By Rev. Dr. McLeod :*

776*b*. What class of men for the most part keep these places in small towns—good citizens?—No.

777*b*. Or people of not very good reputation?—I have in mind two or three in my town, who have been in the courts and punished, persons of ill-repute in other respects. I cannot say that as a class these men are bad men. There are some suspected of selling in my own town who I believe in other respects are fairly good citizens.

*By Judge McDonald :*

778*b*. Do you know anything of the quality of the liquors sold by these men? Are they mostly alcoholic compounds or malt liquors?—Both. As the warm season approaches I think the liquors sold are principally malt.

779*b*. We have been told in other places that owing to the comparatively small bulk of alcoholic liquors, and the ease with which they can be hidden away and carried about, they are more apt to be sold illicitly than the more bulky malt liquors?—Most of the cases that come before me were for selling malt liquors. Now, I wish to be understood as saying that I believe a great deal of liquor is sold even in the smaller towns, but not nearly as much in my judgment as would be sold if we had a license system.

780*b*. We understand that a good deal of liquor is brought in by private individuals from other States for their own use?—I think there is.

781*b*. We have heard of boot-leggers, so called—have you those in your part of the country?—Oh yes; they are persons who lead strangers to those secret resorts where liquor is sold, and who take it out themselves in bottles which they carry in their pockets—not in their boot-legs. Their office is a double one to carry liquor with them in half-pint or other packages, and to lead the way to the places where it is sold.

782*b*. Do you know whether in your section of the State there is any tendency on the part of the people, owing to the income derived from fines on the one hand and the expense of prosecutions on the other, to let the fining system become rather a system of licensing?—I think there is a tendency of that kind. I have heard recently of a man in my town who was fined for selling liquor. I asked the person who told me why he was not in jail. He replied, "This is a new regulation that has recently been made." I did not go into the question why it was made, but I suppose it is an arrangement that is tacitly entered into between such persons and the city authorities.

*By Mr. Gigault :*

783*b*. In your town have you any clubs where liquors are used?—None that I know of.

784*b*. Have crimes diminished in your town, do you think?—I would say that crimes of violence have.

785*b*. All kinds of crimes?—I do not believe that they have.

786*b*. Is there any gambling going on there?—I understand that there is.

787*b*. Has the number of divorces increased or decreased?—I should say they are on the increase.

788*b*. Are the druggists obeying the law and not selling illicitly or for beverage purposes?—I believe in my town that they are obeying the law. With regard to your question as to whether crimes are on the increase, I believe that crimes of violence are on the decrease in proportion to the population. However, in my county within the past year there have been two homicide cases directly traceable to drunkenness.

789*b*. Do you believe that more liquors are used now by individuals in their homes than was the case before prohibition?—Yes, I can say that more is used in homes.

FRANK DOSTER.

*By Judge McDonald :*

790*b*. You spoke of cases having been tried before you in connection with this law. Taking your experience judicially, and also your observation as a professional man in court, do you find that there is any greater tendency to perjury in cases arising out of this law than in ordinary cases for simple offences or in civil cases?—I believe there is; witnesses for the defence I believe are inclined to prevaricate in order to shield the defendant.

*By Rev. Dr. McLeod :*

791*b*. Do you think there would be an improved condition of things if there were licensed saloons in town instead of joints or illicit places?—No, sir, I do not.

792*b*. Do you think the increase of drinking in home means an increased consumption of liquors in the community?—Not an increased consumption of liquors, but only an increased consumption in homes.

DAVID OVERMEYER examined.

*By Judge McDonald :*

793*b*. You are a practising Counselor-at-Law?—Yes.

794*b*. Where is your residence?—I have lived in Topeka ten years. At present I do not live in the town. I live just outside, though my office is here. I am not much around the hotels or public places, so that my personal observation is not as extensive as it would otherwise be. I am inclined to think, with regard to the smaller country towns, that the description given by Judge Doster as to his town is about correct. However, there are a good many country towns in this state that are not in that list, for instance, the town of St. Mary's. Some towns have a peculiar population, and that town has. There are several other towns that have a population that seems to pay no attention to the law.

*By Rev. Dr. McLeod :*

795*b*. What is the peculiarity of that population?—It is mostly foreign, or of immediately foreign descent. The native Americans are more disposed at least to talk temperance than foreigners, and perhaps a greater portion of them are abstinence men. But as to this city, I do not know that I can say whether the consumption of liquor is relatively greater or less than it would be if we had not prohibition. I know that it must be extensive from what I see. I see it carried around in wagons, in beer kegs and beer bottles and cases of liquor, everywhere, and I am told that a great many people who do not care to be known as consumers of liquor receive it by express at their houses at night. I have had many persons pointed out to me as persons who do that. Of course, it must be borne in mind that there is a larger percentage of the population here that would consume liquor than in a purely American city. Here, where the local sentiment is overwhelming in favour of the law, it is very hard slogging, as the saying is, for a man who wants to sell liquor. Where the local sentiment is not overwhelming, it not so hard, and but for the organization of the temperance people there would be a general breaking down of the law. That is my judgment. For instance, there comes a time when there is a crusade started against the liquor men, as there is at present. Dr. Milner is the chief manager, which is his right and privilege, and I have no doubt that in some communities he has got a pretty bad scare. While his eloquence is in the ears of the people I think there will be money to enforce the law for the time being, and then the liquor men can be driven into their holes. But if he and his friends will withdraw and allow the law to take its course as other laws are allowed to do, simply trusting for its enforcement by those who are aggrieved, the law will be frustrated. This law is one that requires a continual artificial stimulus to prevent its being frustrated. That is in



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my opinion the greatest argument against the law. I have been told sometimes that this law is a success, and it would be during that time. My answer would be that the partition of Poland is a success, but it is only made so by a strong artificial force behind it. Of course, I am a strong anti-prohibitionist. I confess that I am a biased witness, but I am trying to tell you the thing exactly as I see it. In regard to boys using liquor, that argument has been advanced ever since I came to this State. My experience and observation is this: Back in Indiana, where we had a license system, no boy or minor could get liquor without the saloon-keeper being a violator of the law. Liquor was not sold in hidden places, for it did not have to be. It could be lawfully sold in open places. In fact, the illicit business could not flourish where there was a legitimate business to occupy the field. No boy under 21 years of age could get liquor unless the saloon-keeper violated the law.

796b. Do you know that boys did get liquor from licensed saloon-keepers?—Yes, in some instances, but very rarely. I have known instances in which licensed saloon-keepers were fined for this offence, and their defence was that the boy had a moustache, and looked like a man. But the law says to the saloon-keeper, you take the chance of the law; if you sell to him, and he turns out to be under age you will suffer; and I can safely say that in all states that have licenses it is the rule that a person under 21 years of age cannot buy liquor from a saloon-keeper. The result was that in Indiana young boys did not frequent these places very much, because a boy does not like to be treated unlike a man when he gets to be about the stature of a man. In this State boys have learned that they can get liquor in Kansas City and have it sent to them by express, and they get it, and get it extensively, I am sorry to say, in this town and other towns as well. A boy fifteen years old knows enough about business to know how to send to a business house for what he wants. Boys think it smart to get together behind a door and drink liquor as men do, and they do it. As to the argument of Judge Doster in regard to the amount of liquor consumed, I do not know that there is more liquor used in Kansas than there would be without prohibition; I do not think there is quite so much, taking the State through, but there is so nearly the same quantity that it is splitting hairs to attempt to make a difference. I believe there are some localities where there is exactly as much; there are others where there is not quite so much. There is no locality where there is more, because there is no man who will use more than he wants. In regard to the kinds of liquor, I think the tendency where the law is sought to be enforced rigidly is to the use of distilled rather than fermented liquor, owing to the inconvenience of keeping the latter in a condition fit for use without its being exposed to observation. People cannot keep beer in fit condition unless on ice. That implies space, and the handling of the article in such a way as to subject it to observation. But the jointists and boot-leggers can keep whisky without observation. They can dilute a jug of whisky so as to make three or four jugs of it. A man can put that in a bottle and carry it around in his pocket, and some men do that. These men who are called boot-leggers will go round until they find a man who wants a drink of liquor, when they will take him into an alley or some out-of-the-way place where they will give him a drink of whisky, for which he pays them ten or fifteen cents, and the stuff they give him is what ought to go down no man's throat; but men will drink it because they want a drink of whisky. I do not think there is much of that kind of thing going on in this town at present. It has settled down pretty well to the joint.

*By Judge McDonald:*

797b. Can you tell us how the term joint originated?—I think it came from the Chinese opium joint, which is generally to be found in a dark and gloomy place. I think it was thought that such a name was far more applicable to these places where liquor is illicitly sold than any other term. They are also called blind tigers, holes in the wall, dives, &c. Although I was always a strong opponent of prohibition, I never defended very much these men charged with this offence, because I knew that under a law so drastic as that of the State of Kansas, the defence must be a fraud in most cases to be successful—unless in those rare cases where a man is the victim of mistaken identity. I defended one man, however, before the Police Court in a very singular case. The wit-

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ness was a man called a tramp from Iowa, a very intelligent man, who could express himself in very good English. He was asked to state if he went into a certain place. He said he did. He was asked to state what he saw there. He said he did not see anything but a couple of men sitting by a stove. He was asked, did he get anything to drink there. He answered yes. "What was it?" "I think it was whisky; it tasted like whisky, and smelt like whisky; I think it was whisky." "Who gave it to you?" "Nobody." "Nobody gave it to you?" "No." "Did you pay anything for it?" "Oh," he said, "you don't understand. You don't do it in that way. There is a hole in the wall, and you just put your money into this hole, and the stuff comes around." In that case it happened that the number of the building was improperly stated, so that the case fell through. I simply give that to you as a device to evade the law. I could give you half a dozen devices if I had thought of it. I do not recollect them all at present.

798*b*. Does your experience lead you to concur in the opinion expressed by Judge Doster as to there being a proportionately greater amount of perjury from weak memory in cases of this kind than in other cases?—Unquestionably. That is undoubtedly the case.

799*b*. At Kansas City we had laid before us two views—one was that the effect of prohibition in this State had been to deter foreign immigration?—I have not any doubt about that.

800*b*. The other was that eastern people, in order to protect their sons from temptation, immigrated into this State?—Prohibition was in force one year before I came here. When I came here, in 1882, there was a considerable inflow of population to the State. Very shortly after that it ceased, and we have not had a great flow of population since—not as great a flow as other western States similarly situated. I know that attempts which have been made to get foreigners to come here have failed, simply because we had prohibition. Some say, however, that that is all right, because they are not a desirable class of settlers. I do not agree with them in that view. I think they are highly desirable; I think a German who comes here and buys a farm from a man who cannot pay for it does good. Notwithstanding the fact that he drinks some beer, I think he is an acquisition. The trouble is that the Americans are speculators. While the American knows something of farming, he wants to do farming on a large scale, and his principal object in coming from the eastern States is to own land, not for the purpose of tilling it, but to have some to sell. Most of our farmers came here with that determination, and most of them obtained possession of considerable tracts of land. One difficulty we have had to contend with has been that we were land poor. The debt of Kansas has been largely incurred in securing lands to hold for speculation. If we could have had in these ten years a million of people coming in, representing families who had purchased land, our financial position would have been incomparably better than it is to-day. I have no doubt whatever that prohibition has kept the hard-headed, worldly-minded element out of this State compared with other States, and I think the mistake of Dr. Milner and others who agree with him is that they do not know how many of our best citizens are that class of men. I do not think that any considerable number of people have migrated here with a view to saving their sons from temptation. Of course, some people who have not sons that needed saving have got wedded to that idea, but I do not think that many have come who felt that there was any danger of their sons becoming drunkards.

801*b*. Have you ever had in your State a discussion in regard to a relaxation of your present law, so as to allow ales and light wines to be sold?—It has not been discussed among the people, but it has been proposed in the State. When I was in the State Legislature in 1885 and 1886, as a member for this county, the law preceding the Murray Law was enacted. We have had four different statutes on prohibition in this state, each more stringent than the other. There was one in 1881, one in 1883, one in 1885, and the Murray Law in 1887. I was in the Legislature when the third act was passed. I was one of those who opposed it. I offered an amendment in committee of the whole, providing that the Act might not apply to wines made from grapes grown in Kansas, or beer made from the product of Kansas—that these should not be treated as intoxicating liquors within the meaning of the Act. That amendment was voted down.

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It was not very much discussed. There was some little discussion, but it was voted down by an overwhelming majority. No one voted for that amendment who was not ready to vote against prohibition on general principles. Thirty-three Democrats and Independents voted for it. I then changed the proposition, and proposed that wine made from grapes raised in Kansas should not be regarded as intoxicating liquors within the meaning of the Act. That was also voted down. When the last act, the Murray law, was passed, I was not a member of the Legislature, but I have a pretty general recollection of the proceedings, and I do not think any attempt was made to exempt any kind of liquor from the operations of that law. While that is true, men in this State do make some wine, but they cannot sell it after it ferments, unless they keep a drug store. However, there is a good deal of that kind of liquor disposed of among the people without very much being said about it, though in the grand total it is a small affair. You asked Judge Doster in regard to the increase or decrease of crime. I think what he says is correct in regard to crimes of violence: but another reason must be taken into consideration, that is, that this is a comparatively young State, and the tendency is towards a diminution of crimes of violence in all our young states, because the border rowdyism has greatly declined. My theory is that men use liquor much as they do anything else. A civilized man will use it as a civilized man, and the ruffian as a ruffian; and a border community will exhibit the worst phases and characteristics of the use of liquor. This is also the case in large cities, as in Chicago and New York, where you have such a variety of characters that I do not think the ordinary rules that obtain in smaller communities are applicable. I do not believe you can judge these men in the same way, or as moved by the same motives that the great average of good-intentioned, law-abiding people in a country district or large town are actuated by. With regard to divorces, I think it is true that they are on the increase in this State. I do not attribute that to prohibition or think there would be any sense of fairness in attributing it to prohibition. I think it is the general tendency of the American people to loosen the hold of domestic ties. We are getting so very free. While it is true that there is a commercial, financial and social despotism growing up in our country, our people are asserting an individualism such as never before in the way of marriage and kindred matters. I believe that tendency exists, not only here, but in other States. It is very marked here, but I do not think it is to be traced to prohibition. I do not think there is any analogy between the two things at all. I cannot see why there should be.

*By Mr. Gigault :*

802*b*. But if prohibition makes every home happy, how is it there are so many divorces?—Prohibition does not make every home happy. Drunkenness is not the only vice. Unhappily, there are many others. There are counterpoises for good, even in communities where liquor is sold. I think, to put it plainly, that the difference between prohibition and the license system is simply the difference between the traffic in sight and the traffic out of sight. Therefore, I think the license system is vastly preferable, because it entails candour and openness of conduct, while prohibition does not, and never can stop the use of liquor, simply because you cannot watch all the people all the time.

803*b*. Are not divorces granted for habitual cruelty or drunkenness?—It may be possible that there are a number. It may be that the judges, on slight testimony of the occasional use of liquor, construe that as drunkenness, and grant divorces on that account; whereas, under the old regime it would have required a very excessive amount of drinking to justify the granting of a divorce. But I do not think the cases of that kind are numerous enough to create a rule. However, a good many divorces are granted on the ground of drunkenness. Our statute says habitual drunkenness. I have sent up the papers for a divorce on the ground of habitual drunkenness. I have asked the woman what the man's conduct has been, whether he is always drunk. "No," she said, "but every time he goes to town he gets drunk regularly. He goes to a little town called Alma, a county seat, where he gets liquor in some way."

*By Rev. Dr. McLeod :*

804*b*. Would a man be less likely to do that if he got liquor in a licensed place rather than a joint?—He would be just as likely to get it in the one place as in the other.

DAVID OVERMEYER.

He would, probably, get it in the licensed place with a little less trouble than he has to go to now.

805*b*. I believe you had no experience of Kansas under license, and do not know what it was like?—No: I do not, but I think it was pretty bad. It had all the characteristics of our border communities.

*By Mr. Gigault:*

806*b*. Have you in this city clubs where liquors can be secured?—Yes.

807*b*. How many?—I do not know much about that subject. I only know personally of one, to which I belong, that is called the Elks Club. It is kept aside from liquor, but its members can get liquor there when they want it.

*By Rev. Dr. McLeod:*

808*b*. It is not a club organized for that purpose?—Oh no, it is a regular club.

*By Mr. Gigault:*

809*b*. Are the liquors bought by the secretary of the club?—I do not know whether they are bought by the secretary of the club or not.

*By Rev. Dr. McLeod:*

810*b*. The liquor is not sold there?—No, the system of sale is not used there. I have told the club that if liquor were sold there I would not have anything to do with the club. But I believe there are places in the city where liquor is sold—places called clubs; I am told that the number of such clubs is about fifty, but I do not know anything about them. There are clubs where a man pays one dollar or two dollars as a fee for membership, and he can get the worth of that payment in liquor as long as it lasts. That is an indirect sale, where the amount of liquor is measured by the amount of money the man pays, and the courts will construe it as a sale.

811*b*. Has any attempt been made to interfere with those so-called clubs?—I think several of those clubs have been pulled. The Arion Society, a German Society, have had some trouble in that respect. The defence set up was that the liquor was obtained for the members of the club, and the process was inquired into, and it was developed that the members put in so much money, and each got a ticket representing the amount of money paid, and the ticket was punched as he obtained liquor. I believe that when a man's ticket was all punched out, his dollar's worth was gone. I understand the courts held that to be illegal.

*By Mr. Gigault:*

812*b*. Do you believe there is more liquor used in homes than there was before the introduction of the prohibitory law?—I have not any doubt about that—a good deal more. Another thing I notice is this: When I lived in Indiana, where men could go into open places and get what liquor they wanted, a man would regard it as disreputable to be found with liquor on his person. In this State, under the prohibitory law, the case is different. I do not use much liquor, but I feel that it is wise to have a little about. When I lived in Indiana I never kept a pint of liquor in my house, because if any one was sick we could get it at the drug store by sending for it. Here I do not visit these dives, but I do keep a little liquor at home, for the reason that if I wanted it in an emergency it would otherwise be very inconvenient to get it. I send for what I want to Kansas City. I make no concealment of it. I bring it up here and put it in my buggy, and everybody knows what it is. I will give you an example in my own case. When the Legislature of which I was a member was sitting, I took sick. I had some trouble with my kidneys. The doctor said I needed gin. If there is any article I dislike it is gin. But I went into one of the drug stores here shortly after the passage of the law which preceded the Murray Bill, and I asked for a little gin. The druggist refused to let me have it, although I was prepared to make the statement required by law. He refused because he did not know me personally. I do not think I was ever more angry in my life; I felt that it was a gross insult to suppose that an American citizen could not go into a drug store and buy a little gin. I had to go to a friend of

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mine, a banker, and get him to come and identify me before I could get half a pint of gin. I got it and signed the statement, swearing to act according to the law, and paid for the liquor. My judgment is decidedly against the law.

*By Rev. Dr. McLeod :*

813*b*. Did that incident intensify your opposition to prohibition?—I presume it did, but my position was fixed before that. I think your opposition will be intensified against this law if you take a copy of it and read it.

*By Mr. Gigault :*

814*b*. Is there any gambling in this city?—I hear there is. I do not know anything of such matters, not being a gambler myself or knowing any gambling games. I am told there is some gambling in the city, and that gamblers shift round from place to place so as to escape detection. I have known instances where the courts imposed suspended sentences on persons accused of infractions of the prohibitory law, and never inflicted them. I have known other cases where the man charged went to the County Attorney and made a composition of the affair, and paid the money, and the County Attorney made an arrangement that he had no right to make ; but it was done to mitigate the harsh character of the law to some extent, simply because the judge and the officials of the court felt that it was not an offence for which a man should be sent to jail. It is consistent with our theory of government that in a free country the people should administer the laws, because it is eminently desirable that the administration of the laws fall not into the hands of a caste. But in this State the Attorney General has power to override the County Attorney and the local authorities in regard to the administration of this law. As another exemplification of local government, we claim that those who serve on juries should be selected by the local authorities ; but the Governor of this State is empowered to appoint jury commissioners for all counties of 30,000 population and over, who have the selection of the jurors. Again, the Governor has the appointment of the Boards of Police Commissioners in cities of the first class, who override the local authorities in the government and control of the police. This is despotism. Our boast used to be that each city ruled itself ; but here, for prohibition purposes, the self-government of cities has been largely taken away. The Attorney General of the State is authorized to inquire into and prosecute cases in any court he sees fit. Then, again, the County Attorney has high power. He can call a person before him, and send him to jail for thirty days if he will not give him the evidence he wants. We have simply inaugurated a social despotism in this State for the sake of this prohibitory law, and we have trampled under foot many of the principles of American liberty. Probably the worst feature of this prohibitory law consists in the spasmodic attempts which have to be made to enforce it. This year is an off-year, and it is being vigorously enforced ; but next year, when the election comes on, and when the political parties bid for the support of the classes interested in the sale of liquor, these efforts will be relaxed, and the old state of things will return. The party leaders will wish to keep everything quiet, so as not to lose any votes. This has been the history of prohibition in this State for many years.

REV. FRANCIS S. McCABE examined.

*By Judge McDonald :*

815*b*. I understand that you are a retired Minister of the Presbyterian Church?—I am not retired, but I am not at present pastor of a church.

816*b*. You have been Secretary of the Police Commission in this city?—Yes, for four years.

817*b*. What are the duties of that office?—To have a general supervision over the enforcement of the laws, and to appoint officers and a police judge.

818*b*. How many policemen have you in this city?—We had under our administration about twenty-five appointees.

819*b*. You do not hold the office now?—No, we were removed by the incoming administration.

820*b*. I suppose there are about the same number now?—I think so.

821*b*. Is this a quiet, orderly city, compared with other cities generally?—I think it is.

822*b*. What you would call a law-observing place?—Yes.

823*b*. During the time you were Secretary of the Board, had you reason to suppose that the prohibitory law was well enforced?—In general it was well enforced.

824*b*. To what extent was there lax enforcement?—It is somewhat difficult to answer that question. There was more or less deficient enforcement for various reasons.

825*b*. Were there people engaged in the illicit sale of liquor—of course all sale was illicit, except by druggists?—No, any sale was illicit that was so secret, that it was not found by the officers.

826*b*. You mean it was not reported if it was?—It was not reported.

827*b*. Do you mean to say there was secret sale going on at that time?—Very slight; we found it out if it existed for any length of time. We found it in what we call joints—in cellars and rat holes.

828*b*. Do you know what is called boot-legging?—Yes, that is a still lower form.

829*b*. That is where men carry it on their persons and sell it?—Yes, carried by persons who have lost all self-respect before they begin.

830*b*. Had you reason to suppose that gambling was carried on to any extent?—Perhaps it might facilitate this examination if I started in this way. There are three forms of violation of the law, mainly, in the city; the sale of liquor, gambling houses and prostitution. We addressed ourselves mainly to the cure of these things, and he would be a rash man that would say that in this city of 30,000 or 40,000 inhabitants, or in any other city of that size, any one of those forms of infraction of the law was annihilated. But in those years those three forms of evil were brought to a minimum at least in this city.

831*b*. Have you reason to suppose that that state of things still exists?—My opinion on that subject would be no better than that of any one else.

832*b*. As a citizen?—It is a somewhat delicate position for me to take, to give any opinion upon the present administration, which came into power by our removal.

833*b*. If it is a fact that that is not so, there should be no hesitation in saying it, otherwise your silence would be taken as a reflection on the present administration?—I do not say anything by implication; what I say I say directly.

834*b*. Have you reason to believe that the enforcement of the law is as efficiently carried on under the present administration as it was when you were in office?—I do not think it is.

*By Mr. Gigault :*

835*b*. Are there many clubs where liquors are used in this city?—I do not know the number. There are several of those, certainly, where it is said that liquor is had by the members.

836*b*. Is there a good deal of liquor consumed in homes now?—I have not much opportunity for obtaining information on that subject.

837*b*. When did the new administration come in?—In February.

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838*b*. Is much liquor imported here from the neighbouring States?—That is a somewhat difficult question for me to answer. There is some liquor imported here from Missouri no doubt, but I do not know how much.

*By Rev. Dr. McLeod :*

839*b*. How long have you lived in Topeka?—About twenty-five years.

840*b*. And you remember Topeka and Kansas under license?—Yes.

841*b*. What is the difference between the present state of things and the former, as to the liquor traffic and the use of liquor, and the attitude of the community towards the liquor traffic?—The condition of things is largely better than it was under license, and the general attitude of the community towards the sale of liquor and the liquor traffic, so called, is far different from what it was before.

842*b*. As to the moral condition of the people, is that improved?—I think it is, very decidedly.

843*b*. With regard to material prosperity?—There has been a general improvement in the material prosperity of the State. But we have had large fluctuations in the State at large, and this city has shared in these fluctuations—great advancement a few years ago followed by a corresponding contraction. So it would not be fair to say unqualifiedly that there was a large advance in material prosperity. There have been fluctuations not connected with the liquor traffic at all.

*By Judge McDonald :*

844*b*. Would you consider it quite fair to compare the class of population of 25 years ago with the present population? Were you not then a border country, and newer?—Newer, certainly, but there never was here what is called a border population.

845*b*. Would not the comparison be fairer if it could be made between the present population and the population of 25 years hence?—I think the comparison is fair, taken with the statement I make, that we had not a border or ruffian population at any time. That is to say, I had some opportunity for judgment and knowledge, and my deliberate judgment is that we have nothing in the community as a whole which has so far advanced both the material and business prosperity, as well as the moral and intellectual education of the people, as the closing of the saloons.

846*b*. Notwithstanding the degree of illicit sale that exists?—The illicit sale—I am trying to be cautious—in this city has not been large at any time, and is not large now.

*By Mr. Gigault :*

847*b*. Were there very few arrests for drunkenness in your time?—Yes.

848*b*. How many in a month?—The number was not large as compared with city populations in general, but there were some. For instance, five or six trains a day come here from Kansas City, on which men can come here filled with liquor. A man who loads up his stomach in Kansas City is just about in full operation when he gets to Topeka.

849*b*. But you do not know how many?—I suppose three or four a day sometimes, and sometimes none—a very small number in comparison with the population.

D. O. McCRAE, examined.

*By Judge McDonald :*

850b. You are a resident of the City of Topeka ?—Yes.

851b. What is your occupation or calling ?—Newspaper correspondent.

852b. How long have you resided here ?—About seven years.

853b. Judging from your observation during that time, have you reason to believe that the provisions of the prohibitory law are well enforced in this community ?—Yes.

854b. How about the State at large ?—It is not very well enforced in some sections, and fairly well enforced in others.

855b. How do you account for the difference ?—In public sentiment—in the different classes of people who inhabit different localities.

856b. You mean where public sentiment is in favour of the Act, there is a better enforcement of it ?—Yes. For instance, you take one or two cities where the population is composed largely of Germans. That element is opposed to the law generally.

*By Rev. Dr. McLeod :*

857b. And violate it ?—Some of them do.

*By Judge McDonald :*

858b. You are a newspaper correspondent ?—Yes.

859b. Do you travel about much in the discharge of your duties ?—No, not much, but I am well acquainted in the State.

860b. Do you know whether intoxicating liquor is brought into the State by private individuals to a great extent ?—It is to some extent ; private individuals have the right to bring it into the State.

861b. What about gambling ?—I think there is less gambling in this city than in cities where there are saloons. That is my impression. Prohibition is a child of the Republican Party ; I think, when I say that, I speak the truth. The Republican Party has been in power since the organization of this State with the exception of two years until the present year, when it went out of power, in January last. Whatever good may be said for prohibition in Kansas can be largely attributed to the Republican Party, because that party has been in power so long, and from my observation there has been no time in the history of the party, since prohibition was enacted, or at least since the saloons were closed in the State, when the law was not better enforced throughout the State than it has been during the last three months. I do not say that with any partisan feeling, but I say it as a fact. I speak more particularly with regard to Topeka.

862b. You agree with Mr. McCabe's statement, then, that the law is not as well enforced now ?—I do. The party in power is not obligated to enforce the law as the Republican Party has committed itself in every campaign to enforce the law. But the present party has never made a declaration on the subject, and is therefore under no greater obligation than to enforce the law as much as public sentiment will demand.

*By Rev. Dr. McLeod :*

863b. Are we to understand that whereas prohibition was the child of the Republican Party, and that party was voted out of power last year, that indicates a revolt of the people against prohibition ?—To a certain extent, yes. There are a great many voters, several thousand in the Republican Party, who are now and have been opposed to prohibition, but who remained with the party because prohibition was one of the planks in the party platform. Two years ago quite an element, probably fifteen or twenty thousand, joined with the Democrats, calling themselves re-submission Republicans, and voted the Democratic ticket for state officers. Last year that fight did not enter our politics, probably for the reason that the new party which had arisen in the last two years, the Populist Party, was considered a menace to the welfare and prosperity of the State, and it was considered that the success of that party would be detrimental to the business interests of the State, and for the further reason that the



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Populist Party and the Democratic Party combined on the State ticket, or rather the Democrats endorsed the Populists' State ticket. They combined, with the exception of the third party Prohibitionists, who voted solidly against the Republican Party, and defeated it by a few thousands. So that those re-submission men who had previously left the Republican Party on account of prohibition, felt that, though they would not endorse prohibition, it was more important to stay with the Republican Party and vote the Republican ticket than to take any chances with the new party, because of the general feeling that it would be detrimental to the interests of the State for that party to come into control of its affairs.

*By Judge McDonald :*

864*b.* Has there been any effort made by the leaders of the prohibition sentiment to get prohibition out of the hands of a political party, and to get it dealt with by the citizens irrespective of party?—Yes, that has been talked of, but there has never been anything suggested that would accomplish it.

865*b.* Would it be a difficult thing in this city to do that?—It will not be in the future, in my opinion, so far as the Republican Party is concerned. The Populist Party seems to get along very well by ignoring that question. It is a party that has risen up and come into power within the last three years, and swept from power the only party which ever did anything for prohibition.

866*b.* What is going to be the effect of that, do you think?—I imagine that in the future none of the political parties will make it an issue.

867*b.* And leave it to individual temperance men, without regard to party to rally to the support of prohibition?—Yes, and I believe that when that time comes the law will be better enforced than it is now.

*By Mr. Gigault :*

868*b.* Do you know whether the number of divorces is increasing or decreasing in this State?—I do not. In a great many ways prohibition has been beneficial to the State. There is no question about that.

*By Judge McDonald :*

869*b.* Has it been injurious in any way?—No, I do not think it has.

T. C. NOEL examined.

*By Judge McDonald :*

870*b.* What is your business or occupation?—I am President of the First National Bank of Topeka. I wish to state in regard to the answer of Mr. McCabe, to the effect that the enforcement of the law is not as efficient under the new Commission as it was under the one of which he was Secretary, that that is not by reason of the desire of the present Board not to enforce the law, for I think that the members of that Board desire to enforce the law.

871*b.* Did the Board make any change in the Police Officers?—Yes, every changing administration makes changes in the police force. A good many illicit places started up on the going into office of the new administration, the keepers of them thinking that they would allow them to carry on their illicit business. This fact increased the difficulties of the new Board in enforcing the law, and created the impression in the minds of some that they were not enforcing the law. Where the law has been well enforced in this State the people believe it has been a good thing, and where it has not been well enforced they do not believe it has done good. I do not believe that you can ship a gallon of whisky into Kansas and have that drunk in the State without losing \$2.50, the price of the liquor that goes out of the State to pay for it. I believe that is a common sense business proposition, because the whisky does not produce anything but

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had morals. During the time prohibition has been enforced, or tried to be enforced, the flow of money for whisky has diminished by from 25 to 75 per cent. I am in the business where the drafts are drawn for the purpose of paying for the whisky, because men do not pay cash for it any more than they do for any other commodity, and there are fewer dollars by 25 to 75 per cent in this way for whisky than there were under license. I have employed a great many men, and at the time the saloons were open it was a rare thing to begin business on Monday morning with a full force; but since the saloons have been closed it has been a rare thing to open up short of a man. Prohibition has changed that. I am not in a strict sense a prohibitionist. I keep whisky in my house; I drink whisky, and always have drunk a great deal of it, though I have always kept sober. But I do not think any man who drinks whisky at home drinks so much as he would over a bar, because there one drink invites another.

*By Judge McDonald:*

872*b*. When you want whisky, what do you do?—I go to a drug store, make affidavit what I want it for and get it.

873*b*. For medicinal purposes?—No.

874*b*. Do you use it as a beverage?—I do not take it every day, or every week, but as I need it I take it.

875*b*. Could you get it in Topeka?—Yes; whisky can be got here by anybody.

876*b*. Is much whisky brought in from Missouri?—Certainly.

877*b*. Is the money sent to Missouri for it?—Yes.

878*b*. Under your law you can do that?—Yes.

879*b*. Is it a fact that a man who has got money can get whisky from Missouri, while the man who has not money must go without it?—The man who has no money must go without it anywhere.

880*b*. The rich man can go and buy it by the gallon?—He does not need to, he can get it in a drug store.

881*b*. I am speaking of a man who uses it as a beverage?—I never saw a man so poor that if he wanted a pint of whisky he had to send to Missouri for it. But if he had to, it would not cost him much more than if he got it over the bar of a saloon, in fact, it would be cheaper.

882*b*. A large quantity is brought into the State?—Yes.

883*b*. Do you believe that this is brought in by poor men, or by men better off?—By both; I believe as much by poor men as by those who are better off.

884*b*. As a financier, what is your opinion of the effect of prohibition on the State's finances?—I think it has been good. I think it is one of the things that have saved us from a bigger drop from our boom than we otherwise would have had.

885*b*. Do you think that prohibition had anything to do with the collapse of that boom?—No; that is one of the things that come and go in every city.

886*b*. Has prohibition had any effect on immigration into the State?—That I could not say. I presume some Germans have been talked out of our State because we have prohibition.

*By Rev. Dr. McLeod:*

887*b*. Then they must have been led to believe that prohibition did prohibit here?—Yes; and then they went to Missouri, and were told that it did not. I do not think that prohibition will ever be absolute.

888*b*. Is any law absolute?—No; but I think that prohibition has gone as far as other laws.

*By Judge McDonald:*

889*b*. Have you made a study of a law of complete prohibition that would prevent liquor coming from Missouri or anywhere else, and prevent a farmer making liquor for his own use?—I do not think that will ever come about. I think there are certain uses that alcohol is necessary for.

890*b*. You find it necessary for yourself, for medicinal purposes?—Yes. I think the best you can do is to curtail the sale of it as a beverage; we came as near doing that in this State as anywhere.

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*By Rev. Dr. McLeod :*

891*b.* Do you know any way in which we can ascertain how the quantity of liquor brought into Kansas now compares with the quantity brought in prior to prohibition?—I do not know how you can find that. There is very little whisky brought into the State by the barrel. The business of every State increases with the increase of its population. The probabilities are that before the prohibition law was passed we had a population of from three to five hundred thousand people. Since the prohibition law was passed the population has increased to about one million five hundred thousand.

*By Judge McDonald :*

892*b.* You must have a very large prohibition majority in the State?—I do not think there is any question of that.

893*b.* Of that vote, would a very large proportion consist of total abstainers?—No. The men who vote for the prohibition of saloons are not all total abstainers.

894*b.* Would nine-tenths of them be?—No, probably not more than one-half of them.

895*b.* Would you suppose that any who vote against prohibition would be total abstainers?—Some of them might be, and vote against it on principle.

REV. DUNCAN C. MILNER, D.D., examined.

*By Judge McDonald :*

896*b.* You are a Minister of the Presbyterian Church?—Yes.

897*b.* What is your official position as regards the prohibition movement?—I am President of the Kansas State Temperance Union.

898*b.* What is the object of that Union?—The promotion of temperance sentiment and the enforcement of the prohibitory law.

899*b.* How long has that Union been in operation?—Thirteen years.

900*b.* Have you been president all that time?—No, I have only been president for six months.

901*b.* How long have you lived in the State?—Eighteen years.

902*b.* You know Kansas, then, as it was under the license law, and as it has been under prohibition?—Yes, I have known it well all that time.

903*b.* Were you one of the supporters of prohibition in the early days?—Yes, I was one of the executive committee in the campaign that carried it.

904*b.* Did you have statutory prohibition here before constitutional?—No; we had local option. That did not include the cities of the first class. An effort was made by the Legislature to include cities of the first class in the local option law, but in the fight to defeat that the anti-prohibitionist agreed to substitute this proposition for constitutional prohibition, and to their amazement the proposition carried. It carried in the Senate unanimously, with the idea that it would kill the other proposition, and when it went into the House the anti-prohibitionists attempted to defeat it there, but it was carried there by a bare majority. That is the history of the law.

905*b.* When did it come into force?—The law was voted on in the fall of 1880, and the legislation for its enforcement was enacted in the following winter, and it went into effect on the 1st May, 1881.

906*b.* So that it has been in force twelve years?—Yes. The twelfth anniversary was celebrated on the 1st of this month.

907*b.* Do you believe the results to have been beneficial?—Certainly.

908*b.* What are the principal difficulties you had to cope with?—The principal difficulty has been the fact of our close proximity to the State of Missouri adjoining, where the liquor traffic is carried on to a large extent. That has made the facilities of supply all the easier. Then there has been the opposition to a law of this kind that will be found among a large class of drinking people, and a small class of people who do not drink, but who are probably opposed to prohibition.

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909b. Before the law was passed had you any distilleries in the State?—I think we had one distillery.

910b. Any breweries?—Yes, I should say from fifteen to twenty of them. I am not certain about the number.

911b. Was there any compensation given to those?—No.

912b. Was there any asked for?—Yes, there was. I think a test case was made and carried to the United States Supreme Court. I would not speak for certain on this point, but I believe that our own Supreme Court divided on this question, but the United States Supreme Court maintained the action of the Legislature in not giving compensation.

913b. How is it on the western boundary?—There is very little population there.

914b. You have Colorado on the west, and Nebraska on the north?—Yes.

915b. Are they both license States?—Yes, but the population is exceedingly light, so that the question is not important as regards those States. Then, on the south is Oklahoma Territory, which is prohibition by Federal law.

916b. Do you know of any other difficulties in the way of the law?—I do not.

917b. What about the sentiment of the community?—That is a serious matter; and yet this has proved to be the fact in various cases where the sentiment has been strongly against the law, that by the appointment of faithful State officials the law has been well enforced. Take the city of Atchison, a city of about 18,000 people, where the sentiment was strongly against prohibition. There the friends of prohibition organized, and asked for the appointment of an assistant Attorney General; but the Attorney General at the time gave the matter his personal attention, and by the simple use of the law in the courts he succeeded in closing the saloons, and in closing them effectively for a time, even against the prevailing sentiment. That is an illustration of the fact that local sentiment does not always settle the question. The enforcement of the law depends on having officers who are faithful. It is the inefficient official after all that is the greatest difficulty.

*By Rev. Dr. McLeod:*

918b. Did you find at the outset that it was a difficult thing to uproot the license system?—That was the first great difficulty—that this thing was so fully entrenched in power; and it is a matter of serious concern to uproot what might be called an old-established institution, existing from the foundation of the State, as the saloons had been.

919b. Do the contests of the parties affect more or less the good enforcement of the law?—This was the fact before we had prohibition. In all the larger towns there was an annual fight for local option. That, of course, has passed away to a very large extent in nearly every part of the State, so that in many places, while there is an occasional conflict in regard to the election of a Mayor and Council who are in favour of the strict enforcement of the law, it is not to be compared with what it used to be in the days of local option, because prohibition is entrenched in the law of the State, and the feeling among the people is that they cannot get rid of it, and that they had better accept it. To my judgment, the great gain we have made by prohibition has been in the fact that we have dissolved the partnership of the community with what the majority of the people said was a crime. Under license the liquor traffic is a recognized institution. Today in Kansas it is an outlaw, and the partnership between it and the community has been dissolved. I think it is unquestionable that there has been a vast decrease in the consumption and sale of liquors in our State. Governor Martin, who was himself an anti-prohibitionist, when he was engaged in carrying on the *Atchison Champion*, his paper, and when he was elected Governor became a thorough advocate of prohibition as the result of his observation in the State after he became Governor, and his case is an illustration of a great many others. We had an illustration during the original package invasion. According to the decision of the Supreme Court, any one could go into any community in Kansas and open up an original package house and sell liquor without regard to the law of the State. There was in this city, and in other places in the State, as a result of that, an immediate increase of drunkenness. There was double the number of arrests in the city in a week. That was not the only thing. In Kansas City all the wholesale liquor dealers increased their business by day and night. The business was

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increased. The *Wine and Spirit Gazette* of New York made this statement: "This illustrates what Kansas would do for the trade if it were not for its law of prohibition." That was the admission of the liquor people themselves. That original package illustration showed that the facility of supply immensely increased the demand, and that, to my mind, was a demonstration of the success of prohibition without going further. The *Kansas City Journal of Commerce*, an anti-prohibitionist paper, and the leading Republican journal of the city, in the review of the year before, simply said that the prohibition law of Kansas had broken the backbone of the business, and the wholesale liquor men of Kansas City did not count that as their territory, and had withdrawn their travelling men from the State.

920*b*. There was legislation that corrected that original package invasion?—Yes, there was national legislation. The relief came only when what was called the Wilson Bill passed Congress. That Bill provided that original packages coming into the State were subject to the laws of the State. I felt, however, that that inroad for the time being had a relaxing effect on the State, which it did not recover from immediately. It occurred in July and August, 1890. Dr. McCabe made the statement to-night, in regard to the character of our population, that in a strict sense we never had a large border ruffian people, except in the cattle towns. When I first came to the city these were the terminal points of the railway, and when cattle came in they were accompanied by desperadoes. But that was not the character of our population as a whole, who were an orderly and moral class of people. I have also had occasion to observe the order of public gatherings. I have been present for several years at the Chautauqua Assembly, which is held at Ottawa. We had celebrations there when great numbers of people were present, Fourth of July celebrations, when excursions would come in from everywhere about. On one occasion, when John A. Logan was present, it is estimated that 30,000 people were there, and there was not a solitary arrest that day. I cannot think that such a thing would happen anywhere on the face of the earth where the sale of liquor and open saloons were permitted. I want also to speak of the results of the closing of the saloons on public order. To give an illustration, I may refer to the events of last winter, and the intense excitement that prevailed in this city at the time of the conflict between the two parties in the Legislature. The most intense and bitter feeling prevailed; it got to the point of actual hatred between the two parties as to who should be ahead—the old party that had been in power so long, or the new party that claimed power. It seemed to me at that time that if we had had open saloons in this city bloodshed could not have been avoided. Men had come here from different parts of the State carrying revolvers in their pockets, and if they had gone into saloons they would probably have met in the street, and there would have been bloodshed. It could hardly have been avoided.

*By Judge McDonald:*

921*b*. Did these men who came from a distance bring liquor with them at all?—They may have done so to a small extent, but the remarkable fact is this, that while it was said there was liquor here, I was here during the most exciting periods, and I did not see a drunken man in the streets. People hardly slept here for days and nights together. Hundreds of men came here from outside places expecting that a fight would take place; on all sides there was the most dreadful apprehension. I think we have also gained in taking away the political power from the saloon. The saloon is the dominating political power in most of the cities of this country, and in some of the States; it is not the dominant power in Kansas to-day.

*By Rev. Dr. McLeod:*

922*b*. Suppose in a party convention where the nominations are made that some of the nominees are known to be anti-prohibitionists, would they receive the nomination or be scratched?—There is no doubt that people have voted for men on their party ticket, although they were not sound on that question, but in some cases they have scratched their tickets.

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923b. Take your State list, and let a man be an avowed anti-prohibitionist, what would be the result?—As a rule he would be scratched by a great many of the prohibitionists of his party.

924b. When they have to choose between him and a man on the other side who is a prohibitionist, what is the case?—In a State ticket I do not know that we have had a direct issue of that kind, but in the county tickets it has happened a great many times that people have left their party and voted for men of their own sentiment on the prohibition question in the opposite party.

*By Judge McDonald:*

925b. Do you suppose that if the law were such as to prevent liquor being brought in for private use, there would be lost some of the votes that favour prohibition?—I think that is possible. I think, however, that it is a very small proportion of the supporters of prohibition who are not abstainers. I have been over the State a good deal. I have been an active public man in the State, in Chautauqua work and in Sunday School work and temperance work, and my observation is that the men who drink will not favour prohibition.

*By Rev. Dr. McLeod:*

926b. Is this the fact, that men who drink in moderation, having in view the effect of drinking on their sons, would still vote for prohibition?—There are quite a number of that kind. I can recollect, for instance, a highly educated and respectable German, who said to me: "You will be surprised to find that I am voting with you." I said, "I am surprised." "Well," he said, "I have drunk wine and beer, and I expect to do so as long as I live, but I want my boys protected." He had nine boys. "I have been offered good positions in Kansas City for them, but I would not take my boys and put them under the influence of the saloons while I can live here." I have known a man in Atchison, a leading Democrat, and a drinking man, to say publicly that so far as he was concerned he believed in the law that protected his boys, though it didn't protect him, for he had gone too far. I believe there are quite a number of such cases. Politically, I think the gain of prohibition is great. Formerly I lived in the city of Atchison for a number of years, when there were fifty or sixty saloons there, and those saloons ran the town. A political nomination could not be made by either party without the names being submitted to the saloons. If the saloons said no, off went the name. That happened more than once. There is a regular system at election times of getting money in these saloons for the supply of drinks to the strikers at election times. I think that has gone out now. Even in the joints of Kansas City or Leavenworth, if it were known that a man put up money to supply drinks in an election, he would not be endured. It would injure the man's chances. I have not attended one of these conventions as a member of a party, but I am familiar with their history. The United States Senatorial elections were formerly occasions of debauchery and riot at the capital. The hotels here would be filled, and liquor would be used everywhere. That day has gone by also.

*By Judge McDonald:*

927b. You heard the statement put forward in regard to the Populist Party not having included prohibition in its platform. What do you say to that? Was it left out designedly?—The Populist Party has a large proportion of reformers, and they are largely in favour of prohibition, but they take the ground that prohibition is not a political issue, but that it is a settled question, and they have treated other questions.

928b. Do you think they gained votes by that?—It made little difference. They had an element who were against prohibition, but I think the majority of that party are in favour of its enforcement, and their leading paper in the State to-day is advocating the law and its enforcement. Then, I believe the material interests of the State have been advanced as respects all lines of business, except those connected with the liquor traffic. We had evidence of that in different ways. I have not statistics, but I have illustrations. For instance, in one of the towns there was a German who had a place near the railroad shops with a partition in the middle of it. On one side of the

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partition he had a meat shop and on the other side a saloon, and when the law was enforced he had to close the saloon. He said that it seemed to mean starvation to himself and his family. A friend asked him about three months afterwards how he was getting along. He said he was getting along first-rate. "Formerly," he said, "men would come and drink awhile in the saloon and then go and take a little liver or bone away from the next shop, but now the same men will come and buy a great deal more meat, and of a better quality, and I make more money out of it." That is an illustration to show how it works in every line of business.

*By Rev. Dr. McLeod :*

929*b*. You think the money saved from the saloon traffic goes into other channels of business?—I do. I believe that every line of legitimate business is improved. Then the law is an educator of the public sentiment against the drink habit. It is not a reputable thing to-day in Kansas to supply liquor at weddings or other social gatherings. It is becoming less and less popular everywhere.

930*b*. Under the license system there were men in the liquor business who in other respects were very reputable men—men standing well socially, politically and sometimes religiously. Are there any of that class of men now in Kansas that you know of?—Not that I know of. It would not be regarded as the thing. In Kansas City, Kansas, and Leavenworth, there are possibly some Roman Catholic people engaged in the illicit traffic who are still connected with their church, but that is the only exception, and it would not count, even in that church, in most other cities. The traffic is under the ban of public opinion as well as under the ban of the law. I am familiar with Ottawa. I was a Pastor there eight years. There was a time when the saloons there were first-class. The other side issued a circular against the closing of the saloons, and they made the claim that three-quarters of the business interests of that town were against prohibition, and they were right; probably the proportion was greater than that. But it is safe to say that nine-tenths of the business interests of that town to-day are out and out in favour of prohibition. There has been a revolution of sentiment among the people because of the actual results of the prohibitory law, and in quite a number of other towns the same thing can be found. Men have become convinced by the results. I do not know of a solitary instance to-day in which a man who voted for the amendment is now against it. If there is one I have not heard of it. You may say this with certainty, that ninety-nine one hundredths of the Protestant ministers of this State are open, constant advocates of prohibition, and every ecclesiastical body—almost every one in the State—has declared for it, that is every Protestant body, and is constantly repeating the declarations in favour of it. That is the fact in regard to the churches. Of course I am a strong believer in prohibition. I have been working for it and preaching for it because I believe in the theory, and I do not know of a solitary gain of all those I have mentioned as derived from prohibition that could possibly have been obtained under any form of license.

*By Judge McDonald :*

931*b*. Do you believe that the work of the churches and temperance societies has also had a favourable effect upon the people in regard to the promotion of temperance?—Yes; I think so. There has been a letting-up somewhat upon moral questions in the way of an undue dependence on the law. Besides, we have a law for scientific teaching as to the effects of alcohol in our public schools. I have made inquiries on that subject. I have asked four or five hundred children how many of them had been taught the injurious effects of alcohol in the public schools, and a great many hands went up. There are a great many of the younger people in our country towns to-day who have not seen a saloon in their lives. They really do not know what the nature of the beast is. There was something brought out to-day about crimes of violence. Judge Overmeyer did not mention to-day that the closing of the saloons drove from the communities where the law was enforced the less desirable elements of the population, the class from whom criminals spring. I have been told by some of our citizens, reputable men, of places where things are allowed to run loosely. "We have made a serious mistake in opening up this matter and allowing these illegal saloons to exist. We have invited the most

REV. DUNCAN C. MILNER, D.D.

undesirable elements of the community to come here, while Topeka has made them stay away."

932*b*. I saw a report in one of the city papers yesterday of a sermon delivered by you on last Sunday evening. Is that report in the main correct?—It is not entirely correct. [Appendix No. 2.]

933*b*. What inaccuracies are there in it?—In the main, of course, it represents what I did say, although there are statements there that I did not make.

934*b*. As to the state of the facts, is the report correct?—Well, there is a little colouring in it.

935*b*. I notice, for instance, a statement as to the use of wines in private?—I stated that there had been a revolution in regard to the use of liquor in social gatherings—there was a great diminution of that, and the very fact that the young lady I spoke of had gone from the gathering under the influence of wine was such a startling thing that it was worthy of notice, as showing the limited use of wines.

936*b*. In regard to clubs?—The reporter did not make a full report of what I said. I said the existence of drinking clubs was one of the serious evils in the State to-day. In that respect the law had not been enforced.

937*b*. I noticed a statement to the effect that if the law were carried out there would be forty people in jail before to-morrow morning?—I do not know that I gave the number. I think I said that if the law were enforced properly there would be a number of people in the city that would be convicted.



## Liquor Traffic—Kansas

TOPEKA, KANSAS, May 16th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT, resumed the inquiry this day.

D. C. JONES examined.

*By Judge McDonald :*

938b. You are the Mayor of the city of Topeka ?—Yes.

939b. How long have you resided here ?—Twenty years.

940b. You have known Kansas both under the license law and under prohibition ?—Yes ; I have been in Kansas 25 years.

941b. From your knowledge of Topeka and other places do you find that it compares favourably with other cities as an orderly, law-abiding place ?—Yes, it is the most orderly of any place that I have lived in.

942b. We understand that your municipal organization does not deal with the matter of police here ?—No, we have the Metropolitan Police system.

943b. Can you give us any general idea of the rate of taxation levied upon your people ?—We have a valuation of about one third, upon which we pay a little over four per cent, which is equivalent to a little over one and a half per cent on the true valuation of our property.

944b. Does that cover the maintenance of streets and lights and everything ?—Everything.

945b. Including the Police Force ?—Yes.

946b. Can you give us in round figures the revenue that is derived from prosecutions under the prohibitory law ?—I could not. I have been but a short time in office, only a little over a month.

947b. Does it form any important part ?—I think perhaps the Police Court collects something like \$150 per month.

948b. What is your experience of the working of the prohibitory law ?—Well, in Topeka it is certainly a success. Since its enactment it has been rigidly enforced here. There are no open joints in the city. I have never known one to run for any length of time, except the original package store, which started here some two or three years ago. It ran for a short time, and was then closed up.

949b. Can you speak for other districts of the State ?—Not generally. Of course I just give you my opinion. I do not think it is as well enforced in other places as it is in Topeka.

950b. Have you in Topeka a strong public sentiment in favour of prohibition ?—Yes.

951b. That backs up the officials ?—Yes.

952b. Puts them forward, I suppose, in the discharge of their duty ?—Yes, almost compels them to do their duty and to enforce the law.

953b. In your experience have you found that the state of public sentiment is a strong factor in the enforcement of the law ?—Yes ; I think it is entirely owing to the strong public sentiment that the law is so well enforced in Topeka. In other places, where the sentiment is not so favourable to its enforcement, the law is not as well enforced.

*By Rev. Dr. McLeod :*

954b. Have you found that an earnest attempt to enforce the law creates a public sentiment in favour of it ?—Well, the public sentiment in this city has always been in favour of it.

955b. Of course there is, I suppose, an element opposed to it ?—Yes, but at present those opposed to it say very little about it.

*By Judge McDonald :*

956b. We have been informed that it has, to a certain extent, got mixed up with politics ?—Yes, it has been. I think the Populist Party are in favour of the law.

GOVERNOR LEWELLIN: Yes, I think the very decided preponderance of our party is in favour of the law, though there are some in the party who are opposed to it.

MR. JONES—It is the same with the Republican Party. The great preponderance are in favour of the law, but there are some who are strongly opposed to it.

GOVERNOR LEWELLIN: I have been in favour of maintaining the laws of the State. I have never taken an active part either for or against prohibition.

*By Mr. Gigault :*

957-58*b*. Do you know if there are many clubs in Topeka?—At present I only know of one club. I do not know anything about the working of that club, but I presume they have liquor there.

*By Rev. Dr. McLeod :*

959*b*. What is your population?—About 45,000.

960*b*. Can the records of your Police Court be got at?—Yes.

961*b*. Are they printed from year to year?—I think not. There is a record kept at the City Clerk's office. The Police Judge makes a report to the City Clerk.

S. McLALLIN examined.

*By Judge McDonald :*

962*b*. You reside in Topeka?—Yes.

963*b*. How long have you resided here?—Thirteen years.

964*b*. What is your occupation?—I am publisher and editor of the *Topeka Advocate*.

965*b*. Have you resided in other parts of the State?—I have resided in a little town in Jefferson County, a short distance from here.

966*b*. In your experience what has been the effect of the prohibitory law?—I think it has been good.

967*b*. In those communities with which you are acquainted is it effectively enforced?—Yes. In the small country towns I think the liquor traffic is very nearly suppressed.

968*b*. Is the preponderating sentiment strongly in favour of the law in those localities?—So far as I know it is.

969*b*. In such places as you speak of, these country towns, where the law is very seldom broken, by what class of persons are the breaches committed?—Usually by druggists in those small towns, if it is broken at all.

970*b*. Are there any of what are called joints started?—Very seldom in the country towns.

971*b*. They exist more in the larger towns and cities?—Yes.

972*b*. Does boot-legging go on in the country districts very much?—I do not think it does very much. There is not the opportunity of evasion of the public eye that there is in cities.

973*b*. Then the druggist's shop is the weak spot, so far as there is a weak spot, in those cases?—Yes.

974*b*. We understand that a man can go into a druggist's shop, and without a doctor's prescription get liquor, if he makes an affidavit?—Yes, if he makes an affidavit that it is for a medical purpose that he wants the liquor, and specifies the disease for which it is to be used. That affidavit is not necessary where there is a physician's prescription.

975*b*. We are told that a man may go into a druggist's and get liquor on signing a paper?—That would be an evasion of the law.

976*b*. Has a druggist power to administer an affidavit, by law?—Yes.

977*b*. Do you think there are cases of taking affidavits carelessly or loosely?—Yes, I think there are.

978*b*. It must depend on the conscientiousness of the individual?—Yes.

979*b*. Are druggists often prosecuted?—Occasionally.

## Liquor Traffic—Kansas.

980*b*. Are there many druggists in the State who run the drug business as a cover to the other?—I think there are.

*By Rev. Dr. McLeod :*

981*b*. Have you a pretty general knowledge of the State?—Not from personal knowledge, only from report, and from reading.

982*b*. Of course your position as a journalist brings you into touch with all parts of the State?—Yes, more or less.

983*b*. Are we to understand it as your statement that in spite of the defects of the prohibitory law, and the difficulties of its enforcement, and sometimes its defiance, the general effect of the prohibition of the drink traffic has been beneficial to the State?—I think it is very largely so.

984*b*. Has it damaged the business interests of the State at all?—Not in my judgment. I think it has been the means of bringing to the State a better class of people than would come under other circumstances. I might state that in a different way. It has been the means of keeping out, perhaps, an element that would have come if we had the license system.

985*b*. You think the class of people it has kept out are not desirable citizens?—No, I do not look upon them as such.

986*b*. Have you observed that prohibition as enforced has had the effect of educating young people against the drink traffic?—I think it has. We have a line of education in the public schools in that respect.

987*b*. That is, you teach the effects of alcohol to the young?—Yes, its physiological effects.

988*b*. Has the social condition of the people been improved by prohibition?—I think it has, where it has been enforced. Of course, there are places, as the Mayor says, where it is not enforced so well.

989*b*. Are there any places at all where there are no attempts whatever to enforce it?—I do not think there are.

990*b*. Even in what a prohibitionist would regard as the worst place in the State there are spurts of enforcement?—Oh, yes.

*By Judge McDonald :*

991*b*. Has any effort been made to do away with the bringing in of liquor for private consumption?—At one time there was a law enacted making public carriers liable for bringing it into the State, or for delivering it—making the agents of the railway company liable for delivering it to parties who did not hold a government license or tax certificate: but that law, I believe, was decided to be unconstitutional, or contrary to the Inter-State Commerce Law.

992*b*. Has there ever been any attempt at legislation which would exclude it from the State altogether—for instance, giving officers the right to search persons coming into the State?—I do not think the right to search was ever enacted.

993*b*. Or the right to search houses unless the liquor was kept for the purpose of sale, permitted by law?—I am quite positive of that. There is no right to search unless there is a strong suspicion that it is kept for sale.

*By Mr. Gigault :*

994*b*. Do you know if there are clubs in the city?—There are clubs here. In those clubs I do not think the liquor is sold, strictly speaking. I believe they assess the members a certain amount, and invest it in liquors which are placed in the club-room, and which are accessible to the members.

995*b*. Do you know if the members have a right to treat other persons?—They have not the right even to keep these clubs, under the law. It is a violation, and of course they have no right legally to treat their friends.

996*b*. As a fact do not members of clubs treat other parties?—I suppose they do.

997*b*. Are you a lawyer?—No.

998*b*. Do you know whether divorces are increasing or decreasing in this State?—I have no data upon which I can express an opinion on that subject.

999*b*. From general observation?—I would not think they are on the increase at all; I could not say whether or not they have decreased.

D. C. JONES.

HON. PERCY DANIELS examined.

*By Judge McDonald:*

1000*b.* What is your official position?—Lieutenant-Governor of the State.

1001*b.* I suppose you are from another part of the State?—Yes, from Gerard, Crawford County, about 150 miles south-east of Topeka. That county borders on Missouri. It is in a great mining district.

1002*b.* How is the law enforced there?—In the county seat, except within the last two or three months, there has been nothing in the shape of joints, but we have had boot-leggers. One of our Commissioners who was up here last week told me that there were three or four joints in Pittsburgh, which is the largest city in that district, and I am told that there are regular monthly fines of those places. That is a place of about 9,000 people.

1003*b.* Made up of people engaged in mining?—Manufactures and mining. There are large smelting works there, and the whole county is honeycombed with manufactures of that kind.

1004*b.* What class of people are they—mostly foreigners?—I presume over fifty per cent are foreigners.

*By Mr. Gigault:*

1005*b.* Are you a lawyer?—No, my business is civil engineering.

Mr. JONES, Mayor of Topeka, at this point requested permission to add to his former statement the following:—

I just wish to correct the statement I made in regard to clubs. Instead of the members being taxed to purchase the required liquor, it is purchased by the individual members. There is only one club here now that is organized, that is the Topeka Club. In that club the individuals purchase their liquors and keep them in lockers, each member having a locker. If a member takes a friend to the club he goes to his locker and gets the liquor there.

Mr. McLALLIN: They have their social parties at these clubs, at which beer is put into glasses, and everybody who wishes can participate.

S. M. GARDENHIRE examined.

*By Judge McDonald:*

1006*b.* You are Clerk of the District Court here?—Yes; Clerk of the District Court of Shawnee County. This county is one judicial district in itself.

1007*b.* Can you give us the number of divorces which were granted in this county last year?—Yes, by referring to the court files, but that would require some investigation and take some time.

1008*b.* Do you know about what is the population of this district?—About 80,000.

*By Mr. Gigault:*

1009*b.* Do you know what the population was before prohibition?—About 65,000.

1010*b.* Could you give us a statement showing the number of divorces granted at the beginning of prohibition, and the number granted now?—I could, and I will prepare such a statement for you.

1011*b.* For what reasons are divorces granted generally?—Generally for drunkenness on the part of the husband, that is the prime cause. During my connection with the State for twenty years, I have never yet seen a petition where the wife brought the action, in which drunkenness was not alleged as one of the causes.

1012*b.* Is the number of divorces increasing or decreasing?—The number of divorces in this county is not decreasing, but the population is increasing. I believe there would be a decrease in the number of divorce petitions filed if the population didn't increase.

## Liquor Traffic—Kansas.

*By Rev. Dr. McLeod :*

1013*b*. Then, considering the increase of the population, the proportion of divorces is really lessening?—Yes, that is true in my judgment, and it will continue to do so as long as the principle of prohibition is enforced in this State.

1014*b*. You think prohibition has had a good effect, then, on the social condition of the people?—I do.

1015*b*. In your experience as Clerk of the Court, is the enforcement of the prohibitory law equal to the enforcement of other laws of a similar character?—Approximately so. You must take into consideration, however, that the selling of intoxicants was not an offence against the law prior to the adoption of this provision, and the change did not find as many of our people in favour of it as would be the case if the selling of intoxicants had been declared a crime. We had to create a public sentiment in favour of it, and that has been in my judgment growing. All people agree that those offences that are crimes in themselves ought to be prosecuted in the courts. All people do not believe the sale of intoxicants is a crime in itself, and therefore sentiment is not a unit upon that subject, and the prosecution of violators of the prohibitory law has always been attended with more difficulty than the prosecution of men who violate a criminal law. But the sentiment is growing in favour of prohibition all the time. From the very first it has become easier on the part of the authorities to enforce the law, and in time offenders will be as rigorously prosecuted, and the sentiment against violation of that law will be as pronounced as it is against the violation of any other criminal law.

1016*b*. You believe, then, that the enforcement of the law is creating that sentiment concerning the drinking trade?—Yes.

1017*b*. That is, it has strengthened the belief that it ought to be outlawed?—Yes. It is struggling with a great many difficulties indeed. Were it not so it would be a success now, but the measure is opposed by influences that are very powerful. We have to fight the influence of the public press throughout the entire country. The expression of opinion on the part of the public press has a tendency to keep immigration away, because of its misrepresentation.

1018*b*. You mean the press outside of Kansas, particularly?—Yes; and we have those who recognize that fact in our midst, and inveigh against it, because, as they say, it is a poor business policy on our part to enforce a measure here that brings down opprobrium on us, whether it is deserved or not. And we have to enforce the law under those circumstances. Men say that those who would come here are prejudiced against us, and this prejudice is continually excited by false statements with regard to the condition of affairs here, and in that way the measure is hurtful, not because we cannot enforce it and have not derived benefit from it, but because we have set ourselves up as a mark for the slings and arrows of the press. I would like to add one statement, that we have no criminal business to speak of in this county, and have not had since the adoption of the prohibitory policy. We have almost none. We have less than four cases on our docket now, in this county of eighty thousand people. We do not average a capital offence per year in this court, and this court has exclusive criminal jurisdiction. We have sent less than twelve men to the penitentiary in the past year from this county for all crimes.

1019*b*. Can you give us, from the court records, a comparative statement as to that?—I will do so, with pleasure.

HON. S. B. BRADFORD examined.

*By Judge McDonald :*

1020*b*. What is your official position?—I have no official position at present: I was formerly Attorney General of the State of Kansas for two terms. I went out of office four years ago last January. I desire to present you with a comparative statement of the number of convictions in this State, which I have prepared, I also desire to give

S. M. GARDENHIRE.

you a pamphlet, entitled: "Prohibition in Kansas," written by myself; also a pamphlet, entitled: "A statement issued by the Executive Committee of the Kansas State Temperance Union"; also a copy of the Kansas Prohibitory Law, as amended. One noticeable feature of these criminal statistics is that the ages of the criminal classes in Kansas are growing greater, showing that the younger people of the State are in the schools or on farms, or in the factories, instead of being in the penitentiary. After leaving office, four years ago, I visited other States in the interests of prohibition.

MR. DUNNELL examined.

*By Judge McDonald:*

1021*b*. What is your occupation?—I am a correspondent of the *Kansas City Times*.

1022*b*. Have you always lived in this State?—No, I formerly lived in Minnesota. I have also been in the State of Iowa. When I came from Iowa I got as far as Sioux City. There the prohibitory law was rigidly enforced. That city is right on the border line of the State. Drinking people in Sioux City cross the river to the town of Covington, where there are saloons, and get their drinks there. A few weeks later I went to Omaha. I found that the prohibitory law was not enforced at Council Bluffs, on the Iowa side of the river, opposite Omaha. I found that in Omaha the Sunday Law was enforced, and on Sundays people would cross the river to Council Bluffs, and do their drinking there.

1023*b*. Do you know anything about the enforcement of the law at Wichita?—In Wichita they run regular saloons, which are fitted up in the same way that they are in Kansas City, Mo., because the proprietors feel that they will not be interfered with by the local authorities. Their bars are open on the main street, and no pretence at concealment is made. They pay a regular monthly fine to the city, equivalent to a license.

1024*b*. What is the population of Wichita?—It must be 20,000 or 25,000.

1025*b*. Are there any other parts of the State you know anything about?—Yes, I have been in Emporia. There are no joints there that I know of. I think the law is pretty well enforced there.

1026*b*. What is the population?—I think about 10,000.

1027*b*. What other towns have you visited?—Salina. I found a few joints there, upstairs on the second floors. Last fall I was down to a little town called Sedan, in Chautauqua County, in the southern part of the State. There were three joints running openly there, evidently with the consent of the authorities. That is near the border of Oklahoma Territory.

1028*b*. In the different places you have been mentioning, how is it with regard to gambling?—I have never seen any gambling to speak of in any of the towns of this State.

DR. MILNER. I was at Wichita four weeks ago, and I did not see the sign of a saloon in that city.

MR. DUNNELL.—No, you will not see them. The front of every saloon there is a cigar store. This goes back about fifteen or twenty feet; then there is a partition separating it from the saloon, and there is a screen in front of the doors, just as in Kansas City. At the Carey House there the saloon is at the rear of a drug store, and there is an entrance to the drug store from the hotel wash-room.

## Liquor Traffic—Kansas.

JAMES A. TROUTMAN examined.

*By Judge McDonald :*

1029*b*. How long have you lived in this State?—I have lived in this county and State 28 years.

1030*b*. What is your profession?—I am a lawyer.

1031*b*. Do you hold any official position in the State?—I am a Member of the House of Representatives of the State.

1032*b*. Have you been connected officially with the enforcement of the prohibitory law?—Yes; prior to the adoption of the prohibitory amendment and during the campaign I was elected Secretary of the Kansas State Temperance Union; that organization was managing the campaign on behalf of prohibition. I held the position of Secretary for seven or eight years. I was then elected President of the same organization, and held that position until the last annual meeting, in November, 1892, so that I was officially connected with the State Temperance Union a little over twelve years. I am now a member of the executive committee of the Union.

1033*b*. What is the work mapped out for itself by that Union—it is a voluntary association?—Originally it was formed to carry on general temperance work on moral suasion lines largely, but when the prohibitory amendment was submitted to the people of the State it took charge of the campaign on behalf of that proposition. After the act was passed, its first effort was to secure adequate legislation for its enforcement, and since that time it has been engaged largely in doing whatever is necessary to secure adequate enforcement of the law, and that is its chief mission now, though it is still working on moral suasion and educational lines as well.

1034*b*. Is it worked through branches?—Yes, county, township and city branches, which are under the parent organization.

1035*b*. Do they hold conventions?—Yes, the State Union holds annual conventions, and the county and township branches hold their local conventions.

1036*b*. How have you found the act enforced?—Immediately after the law took effect in 1881, the saloons closed in a number of towns and counties of the State. In quite a number they did not close, but continued to run. Efforts were made to close them up, and it was three or four years before the saloons were finally closed throughout the entire State, and they remained closed in most of the cities. The enforcement of the law has gone in waves. There would be a period of rigid enforcement throughout the entire State, and then there would be an apathy of temperance sentiment, and the officers would relax their efforts in certain localities, and a State of demoralization would ensue in those localities, which would extend in time to other parts of the State. That would continue until there was a laxity of enforcement throughout the entire State, and then the people would take hold of the matter again and see that the law was enforced pretty thoroughly.

1037*b*. Do you find the public officers generally in advance of public sentiment, or does public sentiment keep them up to their duty?—I find, as a general thing, that public sentiment is about on a par with the acts of the officers. There have been a good many instances in this State where public officers have gone beyond the pitch of the sentiment of the community, but the sentiment of the locality in which the officer serves determines very largely the vigour of his efforts.

1038*b*. With reference to these tidal waves of enforcement and non-enforcement?—A year or two ago there began to be a laxity in enforcing the law in the larger cities of the State, the first class cities, that is those having 15,000 population or over, such as Atchison, Wichita, Fort Scott, Leavenworth, Topeka and Kansas City. In those cities, outside of Fort Scott and Topeka, the Police Commissioners were very largely in sympathy with the liquor people, and the law was practically ignored. While the saloons were not running openly as formerly, there was not very much concealment of the sale of liquor in those places, and as they were large cities, their influence gradually spread throughout the State. They were getting a revenue from fines, which is an indirect way of licensing saloons. In smaller localities where the officers were not in sympathy with prohibition, the same thing was resorted to in a good many cases, for the sake of

JAMES A. TROUTMAN.

the revenue. The result has been that there has been a growing laxity in some of the smaller places for more than a year. But the tide began to turn about three months ago, and a number of joints have been closed. In this city there has never been any sort of collusion between the authorities and the whisky business, and there has never been here any indirect licensing of the traffic. Wherever parties have been found violating the law they have been fined, just as violators of any other law.

1039*b*. I noticed in last evening's paper that prosecutions had been commenced against four persons for keeping places for the unlawful sale of liquor. How is the prosecution originated in such cases?—In those cases the police officers themselves take the initiative, and, as far as this city is concerned, I do not remember that the temperance organizations have ever taken any special pains in the matter.

1040*b*. The police force here are up to the mark?—They enforce the law under the city ordinances. In addition to that, the prosecuting attorney of this county has always been an earnest advocate of the law, and has done his duty faithfully; so that through the police force and the prosecuting attorney the law has been enforced. The credit of the enforcement of the law here is due to the State and county officers, and to the strong temperance sentiment in the city to back them up. The vote in this city showed a majority of 333 for prohibition.

1041*b*. What was it in the State?—The majority in the State was 7,998. The vote polled was about 200,000.

1042*b*. Had any constitutional amendment ever received so large a majority in the State before?—No constitutional amendment had received so large a majority, and none had ever received anything like as large a vote. Up to that time there had been thirteen propositions to amend the constitution submitted to the people, and the prohibition amendment received the largest support. The sentiment of this community since 1880, has gradually grown in favour of prohibition, not only in the city, but throughout the State.

*By Rev. Dr. McLeod :*

1043*b*. You think the law itself, and its enforcement, has created a sentiment in its favour?—Yes; there are scores of business and professional men here who opposed prohibition at the time of its adoption, and for several years afterwards, who are now zealous advocates of the measure. They have been converted to the cause by the results of its enforcement.

*By Judge McDonald :*

1044*b*. Taking your law as you have it, are there any ways in which you think it could be made more efficient?—I have for some years maintained that the law, as it stands now, is adequate to accomplish its purpose, while there may be some matters of minor detail in which it might be improved. There is one amendment which I think would render the law more efficient, and I introduced a bill on the subject, but in the turmoil of the session it was not reached; that is, to make the possession of a Federal Government tax receipt *prima facie* evidence of the violation of the law, unless it is held by a person who has complied with the State law, such as a druggist, who is authorized to sell under the State law.

1045*b*. Is not that amendment already in force in the State of Maine?—I think it is. Under our law creating the metropolitan police system for cities of the first class, no provision is made for the payment of the police force. That is left entirely to the local city government, and in some cities, notably Kansas City and Leavenworth, the Mayor and the Councilmen are not in sympathy with the law; so that when the police department of the city ceased to be self-sustaining and failed to collect fines and penalties enough to sustain the force, the Council refused to make an appropriation for the services of the police. An action was brought in Kansas City to obtain a *mandamus* against the city to compel them to make an appropriation. That went to the Supreme Court of the State, and it was held by that court that the city was liable for the pay of the police force, but that the payment could not be enforced by *mandamus*—that each policeman had an individual action against the city for his pay. That has been a serious detriment to the enforcement of the law in those cities. An amendment to the metro-



## Liquor Traffic—Kansas.

politan police law, making it mandatory on the city to pay the police force, so that the payment could be enforced by *mandamus* if necessary, would carry out the law in an indirect way.

1046*b*. That legislation you think will be had in the near future?—Yes, I think it would have been enacted last winter if we had been in shape for legislation.

1047*b*. Do you find that this question of prohibition has been laid hold of by the politicians, and dragged into political contests?—Yes, it has been a political contest more or less from the day of the adoption of the amendment to the present time.

1048*b*. If you could dis sever it altogether from politics do you think it would be an advantage?—Yes, it has always been my opinion that that would be advantageous, but in my judgment it is not possible to do that. I thought at one time that it could be done. In my judgment there is only one way to remove it from politics, that is, to enforce it so rigidly that the people themselves will acquiesce in it without regard to their party affiliations. Until that is done it will be a more or less disturbing element in politics.

*By Rev. Dr. McLeod:*

1049*b*. Suppose you had a license system during last winter, do you think matters would have been more serious?—In my opinion the consequences would have been very serious. We had in this city for three or four days a very large concourse of people. A great many of them were in an intense state of excitement, and I think it is no exaggeration to say that thousands of them were armed. This street from here to the State House was crowded with people from all over the State, having arms and ammunition in their possession. Meetings were held, and many inflammatory statements were made, and a good many people on both sides were anxious to have some difficulty. But there was a state of sobriety prevailing among the people that was remarkable, and I think that it was that alone which prevented serious difficulty. If open saloons had been in existence here, there would have been unquestionably a great many drunken people, and some of them while in that condition might have precipitated a riot, and there is no telling what would have followed. I would like to add that from my experience and observation the sentiment in favour of prohibition throughout the State has grown a great deal since 1880, and the failure to enforce the law in given localities for short periods of time, or even longer periods, has not discouraged the people in the slightest degree. The fact that it has been enforced, and rigidly enforced, in some of the largest cities in the State is taken by the people as evidence that the law can be enforced, and will ultimately be rigidly enforced in all the cities of this State. It is within my knowledge that there is not a single city in this State where the law has not at some time been very fairly enforced.

1050*b*. And with good effects upon the business and industrial interests and the moral and social welfare of the people?—Yes, with good effects in every respect. In this city, where it has been better enforced during the entire period of its existence than in any of the other larger cities of the State, the buildings occupied by saloons originally were soon filled up by various branches of trade, the money that maintained the saloons went into other channels of business, and the revenue which was lost to the city by the suppression of the saloons has not been appreciably felt. The general tax rate has been a trifle lighter on the average since the adoption of prohibition than it was previously.

1051*b*. Have you much State debt?—I think not, compared with other States. We have something less than a million dollars of State debt. The State taxes have diminished from about 62 cents on the hundred dollars in 1880, before prohibition was adopted, to I think 39 cents on the hundred dollars.

1052*b*. Do you attribute that to prohibition?—No, I do not attach much importance to prohibition in connection with the State taxes. I think the question of prohibition or license in a single State or a single community cannot have a very great effect upon the question of taxation. Whatever effect it may have, however, in this State, has been favourable to prohibition. It has been demonstrated that the argument of the closing of the saloons will increase the taxes is a fallacy. I made a comparison with regard to crime between Topeka and thirty or forty other cities which have license.

JAMES A. TROUTMAN.

I also made a comparison between Kansas and Nebraska, and the comparison was favourable to prohibition. With regard to the effect of prohibition on the political life of the State, I may say that candidates for office, State and local, uniformly assert that the whisky influence as a factor in politics has been very greatly diminished by the prohibitory law, and I have conversed personally with a great many candidates who were not prohibitionists who stated that they were glad that the saloons were closed, for the reason that the class of politicians who congregated in them were unable to bleed them any longer in any campaign.

EDWARD WILDER examined.

*By Judge McDonald :*

1053*b.* You are the Secretary and Treasurer of the Atchison, Topeka and Santa Fe Railway?—Yes.

1054*b.* How long have you resided in Topeka?—Twenty-two years.

1055*b.* You have known the city both under license and prohibition?—Yes. I have seen it grow from 5,000 to 35,000 inhabitants.

1056*b.* Under which condition do you think it has been most prosperous?—I do not think there is any question at all. I am not an absolutely prohibition man in my own practice. If I choose to drink a glass of wine at my own home or at a friend's house, I do it, but I am absolutely prohibition as far as the saloons are concerned.

*By Rev. Dr. McLeod :*

1057*b.* Were you so at the outset of this agitation?—No, I think I had a good deal of sympathy for the men who had invested money in the business. I had felt they were being raided and discriminated against, and I still have a good deal of sympathy for them, just as I had with the southerners who had slaves, who I think were treated in a thoroughly bad fashion. The North ought to have said to the South, "This is contrary to morals, but you have your money invested in this business and we shall simply buy you out and set the slaves free, and you shall not suffer from our improved morality." I felt the same way here with regard to the liquor traffic.

*By Judge McDonald :*

1058*b.* Looking at the question you would have been prepared as one citizen to make compensation?—Yes. I think where a business has grown up, not having heretofore been considered illegal, and where the general standard of morality among the people has changed, and it is deemed best to do away with such a business, it ought to be done in an equitable and manly fashion, rather than in a crusade fashion.

1059*b.* How many men have you employed in this city?—The number varies a great deal; we have probably between 3,000 and 4,000 men.

1060*b.* Is there any question asked of these men when they are employed as to whether they are total abstainers or not?—I could not give you more than a guess of the percentage.

1061*b.* I mean is the question asked of them are they total abstainers?—No, I do not think it is. But if men are found addicted to the use of liquor, they are simply dropped.

1062*b.* A man whose use of liquor was not such as to impair his usefulness would not be meddled with?—No.

1063*b.* What is the rule with regard to the engine drivers and train men?—I cannot tell you what the rule is.

1064*b.* At your station along the line of the railway, not only in this State, but in other States, do you allow liquor to be sold?—It is not sold anywhere along the line.

1065*b.* You would not permit it to be sold?—No. Liquor is sold on the dining cars east of Kansas City, but not in bar-room fashion.

1066*b.* Outside of this State, where it is sold on trains, is it sold under the control of the company?—Yes, we run our own dining cars.

## Liquor Traffic—Kansas.

1067*b*. Then you have found with regard to the people in your employ that the doing away with saloons is a great benefit?—Yes, that is my judgment, most emphatically; and here in Topeka especially. In some places in Kansas the law is not so rigidly enforced, although I do not think there are many places along the line where liquor is so easily obtainable as some would think.

1068*b*. Are you satisfied with the prohibitory law as it is?—Yes.

1069*b*. Would you wish it to be extended so far as to prevent people from having liquor for their private use in their own business?—I do not think I would go as far as that. I do not think the liquor drunk in a man's house does him any harm. I do not think it is possible for a law to be enacted or enforced that will absolutely crush out the manufacture and sale of liquors. I do not think we will ever reach that stage of perfection; perhaps we shall. But there is a vast difference in my mind between the use of liquor for a private house and the use of it in an open saloon. The open saloon is the bane of society. While drinking liquor has been increased a good deal in private houses by the fact that people could not get it outside unless they got it by the case, yet a man does not sit down and make a beast of himself in his own house as he does at a saloon. He simply takes what he wants, and no more, whereas in the saloon he has to receive a treat and treat again until it goes all around the company.

*By Rev. Dr. McLeod:*

1070*b*. Under the license system, did you have your shops here, and a large number of men employed?—Yes.

1071*b*. How did the license system affect your employees?—I think there is no question at all but a good deal of the wages was paid into the saloons that now goes into the houses to purchase better food and clothing for their families.

1072*b*. Are many of your employees home owners?—They are. A large number of them live on what we call the bottoms, near the shops. A very large proportion of the houses are owned by the mechanics living in them, and they are paying for them gradually, and are helped to pay for them by the savings of their wages that formerly went into the saloons.

1073*b*. So that with regard to their financial as well as their social position prohibition has been beneficial to them?—There is no question about it.

1074*b*. And more or less directly to the company employing them?—Much better for us. A man coming to us in the morning with his head clear is better than a man who was on the street the previous night. What he drinks at his own house does not affect his head.

1075*b*. Putting aside the moral view of the café, you regard prohibition favourably from your experience of it?—Undoubtedly.

1076*b*. How many do you employ in these offices?—About 400. The argument is often used by the opponents of prohibition that you cannot enforce the law, and therefore you ought not to have it. I think that might be said with equal truth about any law. In proportion to the gravity of the crime, the law against murder is not any better enforced than the law against drinking, and I am sorry to say that we do not use our best endeavours to punish the criminals after the crime has been committed. So with the law against thieving: it does not prevent the crime; but to say that we ought not to attempt to carry prohibition because we cannot succeed in enforcing it absolutely and because some cities have open saloons, or because in Topeka you can get liquor somewhere, seems to me to be a very childish argument.

1077*b*. I suppose, so far as your experience goes, there is no law absolutely enforced?—I only hope that we shall so educate the individuals conscience that we may be able to do without law—not on the anarchists' plan, however, to take away people's properties.

1078*b*. You think in the meantime the law is a schoolmaster?—It is necessary during our childish growth. The test of our development is our ability to do without legislation; and when we can have a meeting of the Legislature once in two years, I think we shall have made great strides, because I believe the less government we can have, the better. I believe the greater development of the human being will come when he ceases to need governmental control, and when his own conscience leads him to do

EDWARD WILDER.

what he ought to do—when he does right from the love of his neighbour. But temporarily, at any rate, we shall need some laws. I do not look on our prohibition law as a very valuable means of reforming the individual. I look upon it simply as a very important step towards curing the worst features of the liquor question, and that is the open saloons.

1079*b*. And educating the rising generation?—Not so much that as preventing them from being educated downwards—giving them a chance. When a lad's head is full of bad ideas, there is no use talking to him about putting good ideas in it. It is like a barrel that has a good deal of impure water in it: you cannot put pure water into the barrel and do any good until you empty the barrel of the impure stuff first; then you can fill it with pure water. So with young people. You can only prevent them becoming familiar with the saloon and its associations by shutting up the saloons and preventing them from coming into contact with them. In doing that you take a step towards preventing impurities entering the young man's head, and then you provide a possibility of putting something better in its place. So I think the prohibitory law is not so much educative as it prevents our people being educated downwards by the law, until we come to have something better than the law.

MRS. MARY E. LEASE examined.

*By Judge McDonald:*

1080*b*. You reside at Wichita?—Yes, I have lived there nine years.

1081*b*. How is the prohibition law enforced there?—It is a gigantic farce, and has been so for years.

1082*b*. Are there open saloons?—Not open saloons, but any one who wants to get beer or liquor of any kind can get it.

1083*b*. Is there any revenue derived from the liquor sellers, directly or indirectly?—I cannot speak as to that.

1084*b*. Are there fines imposed?—There have been at intervals, and some of our policemen have grown quite wealthy. I could not say just how that is conducted.

1085*b*. I suppose you have seen a good deal of the State at large?—Oh, yes, I am quite at home in it.

1086*b*. Can you say whether the prohibition law is fairly well enforced in the State at large?—It is not; I have been in little towns which are infested with drinking joints.

1087*b*. How is Topeka?—It is one of the most orderly cities in the State; I think the law is pretty well enforced there, except when the legislature is in session.

1088*b*. What do you think of the effect of prohibition generally in the State?—I think it has had a beneficial effect, for this reason, that it has done away with the open saloons, and yet, they still rejoice under another name.

1089*b*. Do you think the law is possible of enforcement?—I do, decidedly.

1090*b*. If enforced, would the result be good or bad?—Good.

1091*b*. And the non-enforcement of the law has been why?—Because they have not had good men in office who would enforce the law.

1092*b*. How do you account for that in the face of so strong a sentiment in favour of enforcing the law?—I think political influences interfere largely with the enforcement of the law.

1093*b*. Do you think it could be better enforced if it were divorced from politics?—I do.

1094*b*. Do you think it would be possible to divorce it from politics?—Under the existing political conditions I think it would be almost impossible.

## Liquor Traffic—Kansas.

OTTAWA, KANSAS, May 17th, 1893.

Commissioners McDONALD and McLEOD reached here this day, and obtained statements in regard to the law prohibiting the liquor traffic.

JOHN P. HARRIS examined.

*By Judge McDonald :*

1095*b.* Your residence is at Ottawa?—Yes.

1096*b.* How long have you lived here?—I have been in this county thirty-five years; I came here from Ohio.

1097*b.* Have you seen the operation both of the license law and of prohibition?—Yes.

1098*b.* Both in Kansas?—Yes.

1099*b.* Was there a license law in the east where you lived?—Yes.

1100*b.* Taking both systems as you have seen them which do you prefer?—I prefer the present state of affairs. However, I feel guilty somewhat. I used to be an advocate of license. I thought the only way to manage the matter was to issue a license and control the saloons, but I have got over that.

1101*b.* Have you found prohibition an advantage in this town?—Yes.

1102*b.* Is the law efficiently enforced in this part of the State?—Very fairly so.

1103*b.* Have you reason to think that any illicit sale goes on?—Yes, I have no doubt there is. The law is evaded in some instances.

1104*b.* What shape does the evasion of the law take here?—Generally by bootleggers. We are only sixty miles from Kansas City, and these men can get a jug of whisky there and bring it here.

1105*b.* There is nothing to prevent people bringing liquor here and using it in their own homes?—No.

1106*b.* Would you favour a law that would prevent that being done?—I don't know but what it should be done.

1107*b.* Would you favour the passing of a law that would have the effect of preventing liquor from being brought in at all, even for private use?—No, I do not think I would. I am perhaps more liberal than other men in that respect. I am not a teetotaler myself, although it is no temptation to me.

1108*b.* I believe you were a member of the State Senate when the prohibition law was submitted?—Yes.

1109*b.* Are there any amendments you think desirable in the law?—No, not that I can think of. It requires the sentiment of the community to be favourable to it in order to secure its enforcement, and if enforced there is no trouble about it.

*By Rev. Dr. McLeod :*

1110*b.* Does anything depend on the character and zeal of the officers?—All depends on the men you elect; if the men elected are opposed to the law's enforcement, the officers are not expected to enforce it.

*By Judge McDonald :*

1111*b.* You are a banker?—Yes.

1112*b.* Is this community a prosperous one?—Yes, very much so.

1113*b.* And the people are sober and law-abiding?—Yes. As an illustration I may say that we had an assembly here at the park, at which all the people in the State seemed to be present. General Logan was there and made an address. The General sitting on the porch remarked, "I have not seen a drunken man, or the sign of any liquor; it is astonishing that you should get a crowd of this size here and have no drunkenness among them."

JOHN P. HARRIS.

1113½*b*. Do you know anything of the temperance instruction given in the schools?—No, I do not know anything about that.

1114*b*. As a banker can you form any estimate of the amount of money that goes out to pay for liquor brought into the State for private consumption?—No, we have no means of ascertaining that. Comparatively nothing is ordered in that way through the bank.

1115*b*. How is it done?—If a man orders a box of liquor or a keg of beer, he sends a draft payable to his own order. At first the liquor sellers drew on the person ordering, but there is nothing of that kind done now.

*By Rev. Dr. McLeod :*

1116*b*. In a general way you think prohibition has not damaged the business of the country?—It has not in this section.

1117*b*. Do you think it has promoted business?—I do not know whether the volume of business is greater or not. I think it is here.

1118*b*. It has improved the financial condition?—Yes.

1119*b*. Have you any poverty in this town?—No, except in the winter. We have quite a coloured population, and in the winter they get quite hard up. They are largely from Missouri and the Indian Territory; before the war the Cherokee Indians owned a good many slaves, and after the war a good many of those slaves came here.

*By Judge McDonald :*

1120*b*. You tried local option here first?—Yes, but the fight came up every year on the election of the Council and Mayor, and we who were in favour of license would elect a majority of the Council and the Mayor, and we would have license and the open saloons. The next year the anti-license people would carry the day, and the saloons would be closed. It alternated in that way for many years; and it was two years before the passage of the prohibitory law that the license system was permanently abandoned.

1121*b*. Are there many petty crimes here?—Very few, indeed. I raise a good many cattle on a farm a short distance from the town. I have a man working for me, a very valuable man, but one who must have a spree as often as he can get liquor. That man was here yesterday, and he went home sober; he could not get liquor.

*By Rev. Dr. McLeod :*

1122*b*. I suppose if there had been a licensed saloon he would have got some?—He would have got drunk, sure. He could not have helped himself.

*By Judge McDonald :*

1123*b*. That man does not buy liquor and keep it in his own house; it is simply this, that if put to the temptation of an open place, he would drink?—Yes, he cannot help it.

1124*b*. This is the county seat?—Yes.

1125*b*. The county jail and court-house are here?—Yes.

## Liquor Traffic—Kansas.

B. C. McQUESTEN examined.

*By Judge McDonald:*

1126. Your residence is Ottawa?—Yes.

1127*b*. Your occupation is that of a Banker?—Yes.

1128*b*. How long have you resided in Ottawa?—About twenty-five years.

1129*b*. You came from the east?—I came from New Hampshire to Springfield, Illinois, and from there I came here. I was at Springfield from 1854 to 1869, all through the war, and I was as familiar with Abraham Lincoln as with any other man.

1130*b*. You have known Kansas both under license and prohibition?—Yes. When I came here license was in the hands of one man in this town. I think he paid five hundred dollars a year; I am not sure about that. There might have been others.

1131*b*. How much population was here then?—My recollection is that we had about 2,500.

1132*b*. Taking the condition of things under license and under prohibition, which do you find the more favourable?—There is no comparison at all, so far as we are concerned here. When we had license we were continually running against drunken men and drinking men, so much so that it was not noticed. If you saw a drunken man on the street you would pay no attention to him. The Indians would come in and get drunk.

1133*b*. Was it lawful to sell liquor to the Indians?—I do not know whether it was lawful or not, but it was sold to them.

1134*b*. What is the present state of things?—Why, if I see a drunken man I look upon him as a curiosity.

1135*b*. Is your town a flourishing community from a business point of view?—Yes, sir.

1136*b*. Are the people well to do and orderly?—Very orderly. The Magistrate here is apt to starve to death. One of our Magistrates here has been on the shoemaker's bench as well as the other all his life, and he makes his living from the shoemaker's bench, because he gets nothing from the other to amount to anything.

1137*b*. We learn that the law permits persons to bring intoxicating liquors from other States for private use?—Yes.

1138*b*. Would you favour such a change of the law as would do away with that privilege?—I would like to see that put under the control of the Government or the city officials, and I would like to see one man employed by the Government on a salary, to sell such liquors as were actually needed, and to sell only pure liquors.

1138½*b*. You would favour an inspection of the liquors?—I would take it for granted, if there was a government official selling liquors, that they would be pure.

*By Rev. Dr. McLeod:*

1139*b*. The sales you have in mind would be for medicinal, mechanical and for scientific purposes, or would they be for any other purposes?—For such purposes as are actually needed. I think there are times when liquor is needed as a medicine.

*By Judge McDonald:*

1140*b*. But it is brought in now for beverage purposes?—Either for beverage or medicinal purposes.

1141*b*. For medicinal purposes you can get it from druggists in the State?—You can get what they call liquor, but I think it is very hard to get pure liquor.

1142*b*. You think under the present system it is difficult to get pure liquors?—I think so. I think druggists sell liquor to people for beverage purposes. I think our law is such as to compel a druggist to sell liquor to people who come in and simply make an oath that they need it for sickness—headache, cramps, toothache, &c. You should look over some of the druggists' certificates as filed in our probate court.

1143*b*. You have in this community a strong sentiment in favour of prohibition, and in favour of its enforcement?—We have, and I think we are the first town that had prohibition before there was a general law.

B. C. McQUESTEN.

1144*b*. Do you believe the state of the public sentiment in a section has to do with the successful enforcement of the act?—Very largely.

*By Rev. Dr. McLeod :*

1145*b*. Do you think the law here has created any public sentiment in favour of itself?—It is wonderful. Men who voted against the submission of this question, such men has Harris J. Smith, President of this Bank, who were afraid almost to vote for this amendment, would gladly support it to-day if it were re-submitted.

*By Judge McDonald :*

1146*b*. Under the law at present liquor can be brought in from Missouri for private use for beverage purposes. Would you favour an amendment of the law that would prevent that being done?—I would.

1147*b*. Would you at the same time favour what you might call a Government dispensary selling it for beverages purposes, to be used by persons in their own houses?—Yes.

1148*b*. That is, you would not interfere with the right to use it in private houses for beverage purposes, but you would transfer the right to sell it to a Government officer?—Yes, and have the matter so hedged about that the officer could not make a dollar out of the business.

1149*b*. Have you studied the Swedish system?—I have not. I think I got this idea from an English magazine. If there is no inducement for the man to sell liquor, if he is selected by the Government because of his high moral character, that man is not going to do any harm.

1150*b*. Have you considered a system that would be prohibitive of distilled liquors, and more favourable to light wines and ale?—I have not.

1151*b*. Have you reason to believe that there are persons not in the drug business who engage in the sale of liquor?—I think there may be a few low individuals who do bring in poor liquors. We call them boot-leggers here. We did have some joints here, but I think they have been closed out. When our City Council prohibited the sale of cider, it wiped out that joint business.

1152*b*. Is cider allowed under the law?—I think cider is allowed, but a municipality may prevent its being sold. Our municipality stopped it, because the joints would sell a man cider with enough alcohol in it to make him crazy. A farmer told me two and a half or three years ago that a neighbour invited him to go and have a glass of cider. He said he took about two swallows of it, and it acted on him like a drink of the very worst whisky.

1153*b*. You think that by abolishing the sale of cider in this municipality you have done away with the other?—I think in this community it is very hard for a person to get any liquor outside of a drugstore. Lots of people here could not get money enough to pay for a jug of whisky.

1154*b*. Is a law that will allow a man who has means to send to Kansas City and get a jug of whisky for his own private consumption and prevents a poor man from getting it, a law that is fair in its operation?—I think so, because a man who has means enough to send to Kansas City and buy his liquor and have it shipped in here has probably the means to buy the meat and bread and butter necessary to support himself and his family. The other fellow, instead of spending his half dollar for whisky if he could step right into a doorway on the street and get it, spends his half dollar for bread and meat, and perhaps a pair of shoes, and takes those home to his family. I think the law is a grand thing for the children.

1155*b*. If you had your Government dispensary in this place, those two men would be on an equal footing?—Yes.

*By Rev. Dr. McLeod :*

1156*b*. As a banker, what is your belief about prohibition enforced as you enforce it, as to its effects on the business interests of this community, or the section around you?—I would very much rather own stock in a bank in this town if whisky or any



## Liquor Traffic—Kansas.

other kind of intoxicating liquor could be kept out of it, than I would if whisky could be sold, either by license or without license.

1157*b*. I judge that you believe prohibition to have been more of a benefit than an injury to the town?—Yes. I think it has. When the agitation was started here, it was said that the grass was going to grow in our streets, and the people would leave the place; but if you drive around our streets you find that everybody living in the place has a comfortable home. I do not think that any community depends on intoxicating liquor to make money. On the contrary, I think the more whisky it has the poorer it gets.

1158*b*. Have you much abject poverty in the town?—Not very much. We have some coloured people here who require attention in hard winters, and they get it; there is no suffering.

*By Judge McDonald :*

1159*b*. In the case of government vendors, would you limit the sale to the unbroken package?—Most assuredly.

1160*b*. You would not approve of selling it by the glass?—I never would consent to our government going into the retail sale of liquor for beverage purposes.

1161*b*. Not over a bar?—No.

*By Rev. Dr. McLeod :*

1162*b*. Is it your idea that such a vendor would sell to anybody who came and declared that he wanted it in his home, or that he would only sell for certain purposes, and under certain restrictions?—My thought was to have a man selected to control that who would be as careful about giving it out as a physician would be about dealing out medicine in a large family of children.

*By Judge McDonald :*

1163*b*. Would you favour an amendment of the law preventing a man getting liquor for private beverage purposes?—Yes.

1164*b*. Would you put a stop to the practice which at present prevails, by which a man may for his own private consumption bring liquor from the State of Missouri?—I should like to do that.

1165*b*. Have you made any attempt to do that?—No.

1166*b*. If it is a good law, why not?—I suppose because we have had so much up-hill work to get as far as we have got.

1167*b*. Do you think there is the thought of interference with individual liberty?—I think that would be used as a strong argument against any effort of that kind, and that is why I wished to see some way opened up whereby a person who really needed liquor could get it, and get it pure.

1168*b*. What then would you make the test of public need?—I do not know that I have got that far. We must do away with the druggist if we have this vendor. According to our experience here, the druggist has cared more for the money he made out of the business than for the individual to whom he has sold the liquor.

1169*b*. Therefore you would get rid of the motive of private gain which the druggist has, and instead of impure liquor being sold you would have pure liquor?—Yes.

1170*b*. For that purpose you would have a government vendor to take the place of the druggist, and have the liquor sold only for medicinal, scientific and sacramental purposes?—Yes.

1171*b*. You would not allow the question of interference with the liberty of the citizen to stand in the way of that law?—I would not; if I could do it I would put it in force at once.

1172*b*. What would you do in the case of the farmer's wife who took rhubarb or grapes, and made wine out of them for their own use?—I should be very glad to have them make and use all the good wine they could. I would let them use it as they pleased. I would let people make wine out of grapes just as soon as cider out of apples.

B. C. McQUESTEN.

1173*b*. Without making an affidavit a man can get liquor from a druggist on a physician's prescription?—I think so.

1174*b*. Do you have trouble in connection with physician's prescriptions?—We had until the present system was adopted, under which no prescription is required. A man goes into a drug store, and he says, "I want some liquor." He has a brandy flask, and the druggist fills it. Then the man signs an affidavit, stating what he wants the liquor for, and the druggist says to him, "You swear that is correct." That is all there is of it.

1175*b*. Supposing he brings in a medical prescription?—I presume the druggist will fill that out without the affidavit.

1176*b*. If a druggist thinks there is fraud, is it in his power to refuse?—Yes.

1177*b*. A good deal depends on the conscience of the druggist?—Yes.

1178*b*. Are there druggists who do not sell liquor?—We had a druggist here who did not sell for a long time, but finally he had to take out a permit.

1179*b*. Is there any reason to believe he would find that his business was lagging behind?—I think so.

CHARLES P. SKINNER examined.

*By Judge McDonald :*

1180*b*. Do you reside in Ottawa?—Yes.

1181*b*. How long have you resided here?—Eight years.

1182*b*. What State did you come from?—Western New York from Westfield, Chautauqua County. I wish to state that during the eight years I have been here I believe I have not seen eight men under the influence of liquor on our streets, as I ordinarily pass backward and forward. But when I go back to Westfield, probably the most delightful village in Western New York, with a population of not more than 2,500 people, I meet them constantly, almost daily. I take my family there in the summer. Here the sentiment in favour of the law is such that it is enforced. There the sentiment varies like a pendulum. One year the people will vote a license board, another year no license board; the result is that the people have been accustomed to the sight of drunken men on the street, and they think comparatively little of it. In this community the appearance of a drunken man would be a great scandal. This community would be shocked to see the sights that I see every year when I go back to the beautiful, well-ordered community, as it goes, in Western New York. My oldest boy was thirteen years of age when I first came to Ottawa; he was too young to remember those things. After we had been here four or five years he smelt the breath of a man who had liquor in him, and he was so shocked by it that he came to me with concern and told me about it. The effect upon a young boy who has been brought up in a community like this and who suddenly sees something which in other cities is a matter of daily notice—a drunken man—is remarkable. The moral effect upon a young boy of his being brought up in a community like this is most beneficial.

1183*b*. Are there any changes that you would suggest to improve the working of the law?—I think I would not venture to suggest anything, for this reason, that I have not given the matter sufficient consideration. I just wish to place before your minds the comparison of those two communities I have spoken of.

## Liquor Traffic—Kansas.

H. D. CRANE examined.

*By Judge McDonald:*

1184*b.* You are a resident of Ottawa?—Yes.

1185*b.* What is your business?—I am in the milling business.

1186*b.* You are Mayor of the city?—Yes.

1187*b.* How long have you resided here?—Twenty-four years.

1188*b.* You have known this State both under license and under prohibition?—Yes.

1189*b.* Which do you consider preferable?—I consider prohibition the better by far.

1190*b.* What is the popular sentiment of this community upon the subject?—The sentiment of the community is prohibition.

1191*b.* Would you call it very strongly so?—Yes.

1192*b.* And it has grown, you believe?—Yes. I have known men who were not prohibitionists before the prohibitory law was passed, who advocated open saloons, who have since become prohibitionists.

1193*b.* Are there any amendments to the present law that you would suggest?—No, I think not. I would simply like to see the law enforced.

1194*b.* You find differences as to the way the law is enforced in different counties?—Yes.

1195*b.* Does that depend on the sentiment in the community?—Yes.

1196*b.* If that is backing up the officers of the law, it helps them to enforce the law?—Yes.

1197*b.* Under the law private individuals are able to bring in liquors for their own consumption from the adjoining States?—Yes, that is done.

1198*b.* Would you favour an amendment of the law that would do away with that privilege?—I would

1199*b.* We understand that no action has yet been taken in that direction?—No. I would favour no liquor being sold except for medical purposes.

1200*b.* Medical, mechanical and sacramental purposes?—Yes.

1201*b.* Have you reason to believe that any illicit selling goes on in this community?—No, I have not.

1202*b.* Such sales as are made here are made by druggists who are licensed by the Probate Judge?—Yes, and they are strictly watched. If we find a druggist violating the law we take him up.

1203*b.* What do you mean by violating the law?—If a man is addicted to drinking, and is seen buying liquor for medical purposes.

1204*b.* How is that knowledge to be obtained if a man makes affidavit that he wants it for medical purposes?—I think even if they make an affidavit the druggist should refuse to sell it. I believe some of them do refuse to sell it.

1205*b.* The law provides for the filing of these certificates with the Probate Judge?—Yes.

1206*b.* I suppose in a great many instances the druggist must depend on the conscientiousness of the individual who makes the affidavit?—Yes, and they are pretty well known.

1207*b.* Are there drinking men who wish to go in and treat the drug store as a bar-room?—Yes.

1208*b.* Do these men ship any liquor from Missouri?—Yes, I think they do, I think there is a great deal shipped in here on the sly by men who use liquor, more than a man would call for if he wanted it for himself. I know there are parties who keep it on hand who ship it from the wholesale houses in Kansas City.

1209*b.* You think your city is in a prosperous condition as a community?—I think it is; I do not know a city in the State with the population we have where there is less of that kind of thing going on, or less drunkenness.

*By Rev. Dr. McLeod:*

1210*b.* What is your population?—About 7,000.

H. D. CRANE.

- 1211*b*. What police force have you?—We have only two policemen, a day man and a night man.
- 1212*b*. Have they much to do?—They have a little to do occasionally.
- 1213*b*. You have a Police Judge here, I suppose?—Yes.
- 1214*b*. Does he have much to do?—I think very little.
- 1215*b*. Is there a great deal of petty crime in the community?—I think not. For the size of the city, there is very little.
- 1216*b*. Have you disorders—street troubles?—Very few indeed.
- 1217*b*. We have had it already stated that it is a rare thing to see a drunken man in your streets?—It is.
- 1218*b*. You are a miller?—Yes.
- 1219*b*. You employ a number of men?—Yes; 16 in all.
- 1220*b*. Do you find that the removal of the saloon is an advantage to those men who are wage-earners?—Decidedly.
- 1221*b*. Is it an advantage to you who employ that class of men?—Yes.
- 1222*b*. You think, as a business man, that the removal of the saloon is an advantage both to the wage-earners and to employers?—I do.

HERBERT S. SHELDEN examined.

*By Judge McDonald:*

- 1223*b*. You reside in Ottawa?—Yes.
- 1224*b*. What is your business?—I have been a real estate man a good many years. I am a capitalist.
- 1225*b*. How long have you resided in Ottawa?—Twenty-nine years, ever since there were any buildings here. I came from New York State originally. I have lived thirty-five years in this county.
- 1226*b*. You have known this county both under license and under prohibition?—Yes; there never was much license in our county.
- 1227*b*. Have you found prohibition to work well?—Yes.
- 1228*b*. You think the community has been benefitted by it?—I think so.
- 1229*b*. Are there any amendments that you would suggest?—Yes; I believe in State agencies, and in taking the business out of the drug stores entirely.
- 1230*b*. What is the difficulty about the drug stores?—They want to make money, and they violate the law in letting men have whisky for trifling things. You go into a drug store and you can get liquor for a cold in the head, or some other trifling complaint. There are in this town nine drug stores, and there should not be more than three or four to do a legitimate trade.
- 1231*b*. Do you think there are drug stores here, which, while selling some drugs, make the sale of liquor their main business?—I am afraid so.
- 1232*b*. You think there is a temptation that way?—Yes; that is why I would have it under the control of the State.
- 1233*b*. Is there any reason to believe that the drugs sold under the present system are not as pure as they would be if sold by a State vender?—It would be easy to have them purer I think.
- 1234*b*. We have just learned that you have passed a special enactment of your own, that prevents cider being sold in this community?—Yes.
- 1235*b*. Was there any difficulty about the sale of cider?—Yes, there was. It was poison. I do not know how it was, it was actually worse than whisky; it seemed to stupefy a man.
- 1236*b*. Who was allowed to sell this cider?—Anybody could sell cider.
- 1237*b*. There was no license needed for it?—No.

## Liquor Traffic—Kansas.

*By Rev. Dr. McLeod :*

1238*b*. Are we to understand that under the name of cider they sold a compound that had a worse effect than whisky?—Yes. It took more of it to intoxicate a man : but he was in a worse condition.

*By Judge McDonald :*

1239*b*. What would be your view in regard to a farmer or other man who raised grapes, making wine for his own use—would you interfere with him?—No ; I think not.

1240*b*. Would you prevent people bringing in liquor for their private consumption in their own houses from Missouri or other States?—I never did any of it, but I would never interfere with it. At the same time, I think there is a great deal less shipping of it than there was after the law first went into operation.

1241*b*. As a capitalist and real estate man you have a knowledge of the business interests of the community?—Yes.

1242*b*. Do you find it a prosperous community?—I think we are fully up to the average of the State.

1243*b*. You think prohibition has helped the business interests of the community?—I would not say it helps the farmers, but it helps the community. I think it helps the city.

1244*b*. What about the farmers?—I think it is better for the farmer when he does not drink, and when his boys have not the temptation to drink. The trouble is the open saloon.

1245*b*. Have you been troubled here with men called boot-leggers and jointists?—They spring up ; they are liable to come out at any time ; they are sporadic.

1246*b*. I suppose they are men of a very low class?—Yes ; men of a very low character.

1247*b*. Very few would like to be seen with them?—Yes ; or have anything to do with them. I have no fear of those men.

*By Rev. Dr. McLeod :*

1248*b*. Notwithstanding the violation of the law by boot-leggers, and sometimes by druggists who have not as much conscience as they ought to have, has the operation of the law commended itself to the people?—I think it has. Fifteen years ago I was a license man myself.

1249*b*. And you have been brought to favour prohibition by the effects of the operation of the law?—I voted for the prohibition law because I always said that if I could wipe whisky out I would vote to do so. I did not believe that we could do it, but I voted for it because we had a chance to incorporate into the constitution of this State a law forbidding the manufacture and sale of liquor. I know now that the things which it was said would follow the adoption of the law did not follow. The grass did not grow in our streets, and people did not go off to Missouri or other States. We had virtual prohibition in this town for two years before we had the State prohibition law. We had five or seven saloons at one time, each of which was paying a license of \$500, making in all \$3,500. The anti-prohibitionists used to say the city could not be run without that money, that if it were tried people would be taxed to death, and would move away, but none of those things followed.

1250*b*. How did you make up that \$3,500? Have you been taxed any heavier?—No heavier than before.

1251*b*. Have you felt any additional burden of taxation by reason of the loss of that money?—No.

*By Judge McDonald :*

1252*b*. What is your rate of taxation here?—The rate of taxation in this city runs from \$4.85 to \$4.90 per \$100 on a valuation of one-fourth or one-fifth. That is in the county.

1253*b*. In the city?—To state it accurately, I should say that our taxes are one cent and a half on the dollar on a fair valuation of the property.

HERBERT S. SHELDEN.

*By Rev. Dr. McLeod :*

1254*b*. As a real estate dealer and a man who knows the value of property in this town, what is your belief as to the effect the existence of saloons would have on the values of property here? Suppose a saloon were established at a particular place, what effect would its existence have on the property in the neighbourhood?—It would immediately depreciate the value of the property.

1255*b*. You think values are higher here because of the absence of the saloon?—I think so.

J. L. HAWKINS examined.

*By Judge McDonald :*

1256*b*. Your residence is?—Ottawa.

1257*b*. Your occupation?—Hardware merchant. I am also a County Commissioner. I have the finances of the County under my control.

1258*b*. Where did you live before you came to this State?—I am from Brantford, Ontario.

1259*b*. You have heard the statements of the Mayor and Mr. Sheldon?—Yes.

1260*b*. Do you agree with them?—Yes, fully. When prohibition went into effect I was Chairman of the Finance Committee, and at the time the saloons were running what was termed scrip could be bought at fifty cents on the dollar. The year after the change the same paper was worth one hundred cents on the dollar.

1261*b*. Do you think that was owing to the change in the law?—I think it was owing to management.

1262*b*. Do you think prohibition had any effect?—I think it had the effect of showing that the expense of the administration of the city was less under prohibition than under any other system.

*By Rev. Dr. McLeod :*

1263*b*. Do you think prohibition gave people more confidence in the scrip of the city?—It did, to a financial man. Under the license system men would be elected to office on the ground that they could command the support of the saloons. Prohibition took the question of the saloons out of politics. Before that the issue was license or no license. The question was taken out of politics, and men were elected in view of their ability to run the affairs of the city.

1264*b*. Do you think it would be well to remove the question of prohibition out of party politics altogether in the State?—I think some party has to take the question up or it will never succeed.

1265*b*. If it is beneficial in a smaller community to get rid of that question, would it be beneficial to the State to get rid of it as a party question?—Yes, it would.

1266*b*. And have it enforced on principle?—Yes.

1267*b*. Are there any amendments to the law that you would suggest?—No, I agree with what Mr. Crane and Mr. Sheldon have said. With regard to the claim that there is as much liquor drinking under prohibition as there was before, I may say that I have a daughter who was eighteen years of age before she saw a drunken man. She saw a man under the influence of liquor, for the first time, in Chicago. I have seen assembled here a crowd of thirty thousand people, and not a drunken man among them. We have nearly twenty thousand inhabitants in this county, and outside of the weak-minded and insane there are only about ten people in the poor-house, and those are old people.

## Liquor Traffic—Kansas.

C. McLEAN examined.

*By Judge McDonald :*

1268*b*. You reside in this county?—Yes.

1269*b*. How long have you resided here?—I have been twenty-five years in this section of the country.

1270*b*. Do you come from one of the Eastern States?—From Illinois.

1271*b*. What is your occupation?—I am a farmer.

1272*b*. What is your opinion of the effects of the prohibition law on the interests of the people?—It has been one of the grandest things we have had in our State.

1273*b*. Were you a supporter or an opponent of it in the beginning?—I was a supporter of it from the beginning.

1274*a*. Do you find it enforced?—Not as much as we would like in our cities.

1274*b*. What is the trouble?—Bringing in the liquor from Missouri and other States.

1275*b*. Would you do away with that?—Yes. We had a law that did away with it up to two years ago, but since then we have had more brought in than before. Up to that time the officers were allowed to destroy it if they suspected it.

1276*b*. What do you think of the way the druggists carry out the law?—Travelling through the State, from town to town, I find that there are druggists who disregard their obligations to some extent. They like to make money out of the sale of liquor.

1277*b*. Do you think that the state of public sentiment has a good deal to do with the enforcement of the law?—I think it has; it brings the officers up to their duty.

1278*b*. When the sentiment of the people is in favour of it?—Yes.

1279*b*. Do you think the farmers of the country are benefited by it?—Yes, greatly; there are men who would not have a dollar to-day but for prohibition, and who are now well-to-do.

1280*b*. Are there any farmers in your locality who make cider or home-made wine?—No, no cider; we have some foreigners who make wine for their own use.

1281*b*. Would you interfere with that?—Yes; I think they ought not to be allowed to sell it or to give it away. There are persons who go there sometimes and get too much of it.

1282*b*. What about cider?—I do not think that is as objectionable as the wine.

1283*b*. We have been told here that cider has been made use of as a cloak for liquor?—It is not cider at all.

1284*b*. Is there anything in the way of bitters, pain-killer or anything of that kind being used?—I do not know as to that.

*By Rev. Dr. McLeod :*

1285*b*. You spoke of some farmers being prosperous now who could not get whisky. What is the influence generally of prohibition on farmers' sons?—It is very beneficial indeed. They do not even smoke as much as they would if they could get liquor; the two things go together. I do not think half the men in my district smoke cigars. It is not reputable for a man to be seen drinking, or to have a bottle.

C. McLEAN.

JOHN W. DEFORD examined, stated :—

I will just premise by saying that I am dead opposed to prohibition. I consider it a political evil, a financial evil, a moral evil and a spiritual evil, and that it does no good whatever. In the first place, I think it is unphilosophical. It is an attempt to suppress an appetite that is absolutely universal in the human race, as universal as the sexual appetite. That is my belief, and the result of my reading. There is no race or individual known that does not like wine in some shape. There is not one of us who does not like it. I never saw a man, a woman or a child but likes it in some shape. It is a universal appetite, and like all universal appetites it cannot be suppressed by law ; it cannot even be regulated ; and my belief, philosophically speaking, is that the best thing to do is to leave the parties who will abuse the article and the appetite to take the consequences. A man who cannot restrain himself from the immoderate use of liquor, or from excessive sexual intercourse, will never be restrained by such a trifling thing as a law, especially in a republic like ours, where the force of the law depends, not on the power of the sovereign, or of troops or police, to enforce it, even against public sentiment, but depends entirely upon the public sentiment behind it ; and the law in this country that has public sentiment against it, or in regard to which public sentiment is divided, does not go for much. With respect to prohibition in this State, public opinion is hopelessly divided, and therefore the law is not enforced. It is enforced in some spots, but elsewhere throughout the State it is not enforced, it is dodged. They tell you that they enforce it, but they lie.

*By Judge McDonald :*

1286*b*. Has it been to any extent made a political question in this State?—Yes ; that is all it is. Of course, there is a prohibition party that is not political. Mr. Milner represents the ring ; he is a clergyman, and a prohibitionist from what he no doubt would regard as his moral and religious convictions, and he represents the sound and earnest prohibition element. But most of the prohibitionists in this State are so from political or hypocritical motives.

1287*b*. Taking your knowledge of the State as a whole, is the law effectively enforced?—It is not enforced at all. It is not enforced even here, and this is perhaps the soundest prohibition community in the State. I was County Attorney for this county for two years, and I prosecuted and convicted more people for violating the prohibitory law, although I was not a prohibitionist, than all the other County Attorneys put together since this law was passed.

1288*b*. What class of people are engaged in the business?—All classes, more or less. There have been some of the most respectable people in the county, druggists, prosecuted for violating the law.

1289*b*. Do you believe the druggists live up to the law?—No ; many of them evade the law. You are keeping a drug store, and one of your customers comes in, you know he is a respectable man, and you know he won't give you away. You know the man can't conscientiously make the sworn affidavits that the law demands, and he does not want to lie. You know he is not a prohibitionist ; he wants a bottle of whisky ; you give it to him. It does not appear on the books, and there is no trace of it. I know that that has occurred.

1290*b*. Do you believe that men make statements falsely to get liquor?—I believe the majority of the statements on druggists books are perjured.

1291*b*. They are mere shams?—They are, because in most cases the man who wants liquor, wants it to drink. The law allows the sale of liquor for medicinal purposes, but not as a beverage. Try and discriminate between what is drunk as a beverage and what is drunk as medicine. I do not drink at all, but suppose I want a drink of whisky. I feel chilly, or I feel uncomfortable ; I am cold or I am hot, and I think a little liquor would relieve me. I take it because I want a drink. Is that medicine, or is it a beverage ? Have you any way of telling where it ceases to be a beverage and begins to be a medicine ? Many of the people who go into drug stores and swear to these affidavits do it in



## Liquor Traffic—Kansas.

good faith, thinking they want the liquor for medicine, whereas they simply want it as a drink.

1292*b*. Do you believe many of them do it in bad faith?—Lots of them, but the druggist knows nothing about it.

1293*b*. Do you believe the effect of that law is to prevent a conscientious man from getting liquor?—It sends him to Missouri.

1294*b*. What is the effect of that?—Here is a State exposed on all sides. It has an enormous frontier all around. How is it possible to control the traffic in that territory?

1295*b*. But the bringing in of liquor is not illegal?—No; the conscientious man brings it in.

1296*b*. Is there much of it done?—Oh, yes. Every freight train that comes in, and nearly every passenger train, carries it, but it is brought in on the sly. It is a law that is impracticable of enforcement, even if it were desirable to enforce it. I am not sure that it is not beneficial to a man to take a little alcohol, judging by the experience of all ages and all countries. My grandfather, on my father's side, lived to be 104 years of age. He lived in Pennsylvania. Every morning, for the last thirty years of his life, he told me that he took a little glass of rye whisky as soon as he got out of bed. He told me that when he got to that age he felt that he needed a little stimulant in the morning when he got up, and he kept the whisky in his bed-room, that he might take a glass of it as soon as he got up in the morning, and he said it was the best stimulant he could get. The danger is, that the thing being so good one might come to abuse it, if he is a fool. The effect of the saloon is only to kill off the fools, and thus improve the human race; if you drink yourself to death, it is only because you are a fool. I am not so sure that a certain percentage of alcohol is not useful to a man. I am not so sure that a good quality of wine would not be better for us than coffee and tea. Of course the danger is that we might drink it to excess, but the limitation would be that only the fools would kill themselves. Now, if that be so, and if the appetite be natural to a man, whenever men make an attempt to suppress it, they are liable to do great injury. I consider it a great danger to raise a boy in this State, assuming that the love of liquor is a natural appetite. You know how helpless an Indian or an African is when he gets liquor. Bring a boy up where he cannot get liquor, just as the African or Indian is brought up, and take that boy to London or New York, where there is a saloon on every corner, and what would become of him? Would he not be as helpless as the Indian or the African when first brought into contact with liquor. I think, therefore, it is very dangerous to bring a boy up in this State. I have a boy and a brother in the drug business in this town, and they constantly handle liquor, and I have never known them to take it. There is not a boy over fifteen years of age in this town, however, who could not buy whisky if he wanted it. I do not believe there would be a particle more drunkenness here if there were no law in regard to the sale of liquor at all, because our people are a prudent, cautious, moral people, and they are afraid of liquor. I am afraid of it, because my mother instilled the fear of it into me. I do not believe this community would be one whit the worse off if liquor were as free as water.

*By Rev. Dr. McLeod:*

1297*b*. Your idea is that it would be better to have the whole liquor traffic free?— I am not in favour of high license, because I believe it would suppress drinking; I am in favour of it for purposes of revenue, because we would get a high revenue under that system. I do not think you can suppress liquor selling or drinking either by low license or high license. You can do more by making boys and girls afraid of liquor, and that is all we want to do. I say then that it is a political evil to attempt to enforce a prohibitory law, and it is not practicable. It is not practicable to distinguish between beverage and medicine. And then the law is not enforced, except in spots, and then only by spasms, in this State or in Maine either. I have been in Maine. I was employed by a financial corporation in New York from 1881 to 1884, and lived in New York, and travelled all over this country. During that time I went to Maine, and there I found 103 saloons in Neal Dow's own town, three of them wholesale, running openly and above board, and he knew it. I went into a town there one night when it was very

JOHN W. DEFORD.

cold. I went to the hotel, and said to the landlord, "I would like a little whisky, as I feel cold." He said, "This is a prohibition house; you are in Maine; we cannot sell liquor here." I replied that I had forgotten that I was in Maine, for I lived in New York, where we had a grog shop on every corner. He said, "There is a good fire in that room; if you want to get warm you can go in there." I did so. I went into the room. No one was there. I heard a little click, and a panel in the wall slipped down, revealing a bar at which I went and had a drink. The panel then slid up again. That was the prohibition hotel. We have that kind of prohibition hotels in this State.

*By Judge McDonald:*

1298*b*. Do you think if prohibition could be divorced from politics, it would be any more successful?—No, I do not believe it could be made successful under any circumstances. In this State it has been made a political hobby-horse. Most of the politicians in this State, except those who belong to the class of Mr. Milner, are simply hypocrites and do not care anything about prohibition as a moral force. The object is votes to carry elections. I have heard prominent political leaders in this State make strong speeches in favour of prohibition, and in private, curse the prohibitionists as a lot of fools.

1299*b*. You say that they professed to be prohibitionists?—Yes, and held that prohibition must be maintained. They advocated it because votes were to be got by it. Another evil of it is that it brings the Church into politics. Here is Mr. Milner: his business is to preach the Gospel of Christ and Him crucified, and yet we find him making political speeches. Of course he is in dead earnest. His action creates a great deal of heart-burning against him. People say, "You profess to preach Christian dogma; why, Christ manufactured wine at the marriage feast, and the best kind of wine." The prohibition law causes divisions and hypocrisies in churches. Many people join in the prohibition cry who do not believe in it, for the sake of the political advantages it brings. It throws clouds over the church. You doubt a man's spiritual good faith whom you find working in the political field, taking office and drawing a salary, like a Methodist minister at Topeka who has been pension agent in this State for some time. There is another evil feature about this law. I have prosecuted violations of this law in this county for two years, and I have defended a great many, and I have found that the amount of perjury that is committed in these cases is something perfectly terrible.

1300*b*. Is there more perjury in cases under the prohibitory law than in others?—Yes, it is frightful.

1301*b*. What is the effect upon the public conscience of that sort of thing?—What would be the effect? Train a man to swear to a lie on the liquor question and he will swear to a lie on the question of a promissory note.

1302*b*. Does it have the effect of bringing other forms of law into contempt?—It has, certainly.

1303*b*. Is there much gambling in this city?—I do not know. I have never investigated that very carefully. Take the financial side of the question. Here is a State two hundred miles wide and four hundred miles long—an agricultural State; it produces nothing but grain and cattle; some little metal, some little coal. Yet there is not a distillery in this State, there is not a brewery in this State; while all the time our people are drinking lager beer, whisky and wine, which they have imported at the very highest prices, and sent their money away to pay for it. None of it is manufactured in the State. Now, they sell corn. The corn is shipped out on the railroad and made into whisky; the whisky is shipped back, and the money goes out to pay for the whisky. That is the financial operation. People in this State could make and ought to make all their own liquors, including their lager beer, wine and whisky, and they would make a good article.

1304*b*. Do you think the farmers lose financially from the existence of this law?—How can they help it? The corn that they raise is bought at say fifteen or twenty cents a bushel and shipped out of the State. The railways get paid for carrying it out; the railways get paid for carrying the liquor back, and somebody else gets paid for carrying out the money. Is that good finance? Again, this law puts the liquor business of the State into the hands of a few men in Kansas City and Chicago. I have been counsel for

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all sides, both prohibitionists and liquor sellers, and I know the whole business in that way. I talked with a wholesale liquor dealer in Kansas City who was a client of mine not long ago. I asked him how he was on prohibition. I put the question as a joke, in his counting-room. He said, "I am a strong prohibitionist in Kansas; I want prohibition maintained there; it is a good thing; you Kansas people need it—it is good for your morals." I asked how was that; I said, "Leaving your joking aside, tell me what you mean." He said, "It is this way. You have a territory two hundred miles wide and four hundred miles long. There is no liquor competition there; you have no liquor factories, you make no wine, and the territory has to be supplied from outside. The end of the territory is practically Kansas City. Now, we in Kansas City fix the price of liquors in your State, and we do it to suit ourselves, as there are no liquor manufactories or breweries there. We also give you the quality of liquor we see fit, and we find your people thirsty enough to pay any price we fix. So, that there is a large profit to us as long as the prohibitionists are faithful in the State of Kansas. Hence I am a prohibitionist in Kansas."

J. W. POLLOCK examined.

*By Judge McDonald :*

1305*b.* Where do you reside?—In Ottawa.

1306*b.* What is your occupation?—I am Manager of the Water Works.

1307*b.* How long have you lived here?—Fourteen years; I came from Illinois.

1308*b.* You knew this State, both under license and under prohibition?—No, I came here in January; the saloons were closed up in July of the previous year.

1309*b.* From what you have seen of the operation of prohibition, do you think it is a beneficial thing for the State?—I do not.

1310*b.* What are the difficulties in the way?—I do not think it is a success.

1311*b.* Is it not enforced?—It is to a certain extent. There is probably not so much liquor sold here as there would be if we had saloons; but at the same time the city does not derive any benefit from the traffic. If we could wipe it out entirely I would be in favour of doing that, but if we can't, I am in favour of getting every dollar out of the traffic that we can.

1312*b.* Is there much liquor sold?—I do not know that there is here, but I have been throughout the State, and I have never struck a town yet where I could not get liquor. Mr. St. John went to Chicago and said there that there was not a place in the State where you could get a drink of liquor. I was in Topeka and got beer there without any difficulty.

1313*b.* Have you reason to suppose that the druggists observe the law faithfully?—I do not know as to that. Of course there have been several cases here in which they have taken druggists up and tried them—druggists who had permits signed, but who it was thought were furnishing too many permits to some parties. I do not think there have been any convictions of druggists here, but there have been a number of people arrested.

1314*b.* Is this one of the communities in the State in which the law is not enforced?—I think probably the law is enforced as well in Ottawa as in any other part of the State.

1315*b.* Is there a large sentiment here in favour of the law?—Oh, yes.

1316*b.* Is prohibition mixed up with politics in this city?—Yes.

1317*b.* Has that anything to do with the difficulty of enforcing the law?—That is one thing that downed the Republican Party, I think.

1318*b.* Have they made it part of their platform?—Yes, they made it part of the law in the first place. I have been a Republican all my life. Of course we have a party

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here that is called the Prohibition Party, but when they want any laws passed they always call upon the Republican Party for assistance, and that party has made all the prohibition laws we have in the State, for there has been no other party in power to make any law. A year ago the German element, with what they call the liquor Republicans, issued a circular from Topeka, in which they claimed that there were some 15,000 Republicans who would not vote the Republican ticket any more unless the party dropped prohibition out of its platform. We have quite a number of leading Republicans here who would be very glad to leave it out, but it is not very popular for them to talk in that way, because the sentiment here is so strong against the liquor traffic.

1319. There is a strong temperance sentiment in this community then?—Yes, very strong.

*By Rev. Dr McLeod :*

1320*b*. You employ a good many men in the water works?—Yes, in the water works and brick yard together.

1321*b*. Do you think it is of advantage to them that there are not open saloons?—I do not know whether it is or not.

JAMES ROBB examined.

*By Judge McDonald :*

1322*b*. How long have you been in Ottawa?—Twenty-five years.

1323*b*. What is your present position here?—Police Judge. I have been Police Judge in Ottawa for eight years. I was out the last two years and came in again on the 1st of April

1324*b*. From that date how many cases of drunkenness have you had before you?—Not one.

1325*b*. Have you had any for selling liquor?—Not one.

1326*b*. You have a great temperance sentiment here?—Yes; I think this is the banner town of the world.

1327*b*. In the days of the saloons did you have much drunkenness?—A great deal more than there is now. It was quite different when there were four or five saloons here.

1328*b*. What class of cases came before you for trial?—I have had only two cases since I came in last April. One was for cattle running at large, and the other a case of two coloured women who had got fighting.

1329*b*. You think the prohibition law is beneficial to the community?—There is no doubt of that.

1330*b*. Did you vote for it?—Yes; I was in the Legislature and voted in favour of submitting it to the people.

1331*b*. And you still continue to vote for it?—Yes; I am a Republican. I have been voting nearly sixty years. I voted the old Whig ticket in the early times.

## Liquor Traffic—Kansas.

LEAVENWORTH, KANSAS, May 17th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT reached here this day and obtained statements in regard to the law prohibiting the liquor traffic.

HENRY SHINDLER examined.

*By Judge McDonald :*

1332*b.* Where is your residence ?—Leavenworth, Kansas.

1333*b.* What is your occupation or calling ?—Newspaper correspondent.

1334*b.* How long have you lived in Leavenworth ?—Eighteen years. I have been connected with the Kansas City *Times* for ten years.

1335*b.* You are correspondent of the Kansas City *Times* for Leavenworth ?—Yes.

1336*b.* During the eighteen years you have lived in Leavenworth have you travelled much throughout the State ?—I have to some extent.

1337*b.* In what sections ?—I have only been to Wichita, Topeka, Atchison, Kansas City, Kansas, and Junction City.

1338*b.* Have you been to the far west of the State ?—I have only gone through.

1339*b.* Are there any towns of importance in the far west ?—Only perhaps Salina, which is not very far west.

1340*b.* Have you had an opportunity of observing the working of the prohibitory law in this State ?—I think I have. I have made as much effort, and perhaps succeeded as well in showing up the impossibility of enforcing the prohibitory law in our large cities, as any newspaper man in Kansas.

1341*b.* In what way have you done that ?—The paper which I represent has always been opposed to prohibition. I am opposed to it from every point of view.

1342*b.* Opposed on principle ?—Yes. I think if a people desire to enact a statute to destroy the morals of the people, there is nothing that will do it so well as a prohibitory law.

1343*b.* Why ?—Because it has made more hypocrites and liars and perjurers and scoundrels of every kind than any other law that was ever enacted in Kansas.

1344-45*b.* In what way does the hypocrisy show itself ?—In this way. In the first place, prohibition has been made use of as a political club by the party that has been in power for a great many years in this State, the Republican Party. It has been used by the politicians for the purpose of elevating them into office, and retaining them there. It has been enforced where it was thought necessary to enforce it for the purpose of keeping the party in the ascendancy. The people in some localities have been opposed to it on principle, of which Leavenworth is perhaps the leader, because it has gone very largely in open violation of the law for years after its enactment. The whole force of the Government of this State has been brought to bear on these people to enforce the law, and it is no more successful to-day than at first. The prohibitory law went into effect on May 1st, 1881. From that time until 1887, spasmodic efforts were made to enforce it. We had Republican Mayors until 1883, when the law went into effect. Then, in place of getting a revenue of \$25 per month from every saloon under the high license system, which I think was in vogue before, each saloon paid ten dollars per month for a sort of lemonade license. In 1883, we succeeded in the election of a Democratic Mayor, Dr. S. S. Nealy, and he was Mayor of this city for six years? In 1885, the Republicans were defeated in this county, and the Democrats elected their Sheriff. The defeat of the Republican candidates at that time so embittered the leaders of the party here that they began a warfare, and did not stop until they had succeeded in having put upon the statute-book several laws. One of them was the Metropolitan Police Law, the object of which was to take the enforcement of the law out of the hands of the local authorities—not because they did not think the local authorities would enforce the law

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any better than the Republicans, but because they wanted to use the power the control of the police force would give them in a community of this size for the purpose of throwing the Democrats out of office and having themselves installed. In order still further to bring about the overthrow of the Democracy in this county, which by 1887, had become solidly Democratic, every office being filled by Democrats, and this being the only Democratic county in the State, they foisted on the municipalities of the State woman suffrage. They believed that all the good women would naturally vote for those candidates who supported the Republican Party, because they all leaned towards prohibition. But in the case of Leavenworth they did not succeed, because the women here voted for the Democratic candidates who were the most moral men of the community. Then they sought to take away the selection of jurors from the local authorities. In the past the names of jurors had been taken from the tax-rolls, by trustees in the various townships and brought to the clerk of the county and placed in his books, and from this list jurors were drawn. But the Republican Party passed a law providing that jury lists should be made up by jury commissions composed of three men appointed by the Governor, two from one party and one from the other. This was done for the purpose of appointing on the jury commissions men who would take only such tax-payers as were known to favour prohibition as against those opposed to it, with a view to bringing about convictions in the district court of this county. Even with that power they did not succeed for a long time. While some convictions were secured for a time, they were not so much the result of verdicts by juries as they were of the judgment of the judge himself, because under this prohibitory law the judge is given great powers. If a man is brought before him for violation of the prohibitory law, and is enjoined, and after that violates the injunction by continuing to sell, he is brought before the court for contempt, and then the judge can give him a heavier sentence for having committed a contempt of court than he could give him for the ordinary violation of the law. When the Metropolitan Police were installed in this city in 1887 by the Board of Police Commissioners—I say it candidly—blackmail ran riot here. While the city was deprived of the revenue that was collected from the saloons and joints, a revenue that had been used for the improvement of our streets and for giving labour to our poor people who worked on the streets, these policemen pocketed it. At the same time the hotels had better opportunities for violating the law and selling liquors than places where the sale of liquor could be more easily detected. The proprietor of this hotel could tell you stories that should make any one feel ashamed of this community. It was here that policemen came at midnight and had their meals and smoked their fine cigars and lived luxuriously. The hotel proprietors had to submit to that sort of thing, because they knew it was better for them to do so. That is the way the blackmailers were made. An attempt was made in the Legislature to give us another criminal court here, under the pretence that it would enforce prohibition better than the ordinary district court. That was pressed with a view of finding offices for our Republican friends, but that was prevented from becoming law by Mr. Edward Carroll, who was sent from this county, and who was the only Democrat in the State Senate. Two years ago the lower house was a Populist house, and for the first time we succeeded in securing the appointment of a Committee to visit the cities of the first class in the State to ascertain the real working of the Metropolitan Police law, against which so much had been said, and I will give you a copy of their report, and also the evidence which was given here by our local commissioners. The report is contained in a copy of the Journals of the State Legislature for Tuesday, March 10th, 1891. Here is what these gentlemen report regarding the Leavenworth Board of Police Commissioners:—

“The Leavenworth Board is at present composed of three aged men; the president, William Fairchild, is over eighty years of age. They are said to have been selected because of their recognized belief in prohibitory laws.”

None of them is less than seventy years of age, and one of them, Dr. S. P. Gallahan, is to-night celebrating the fiftieth anniversary of his practice of medicine. The report goes on:—

“Prior to this appointment there have been changes made in the Board a number of times. The president's testimony, which was confirmed by the Secretary of the Board, was to the effect that they

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had tried to enforce the law and ordinance governing the city, but had failed to suppress the ' joints, and were not now trying to abolish houses of prostitution; that there was little gambling known to them or the force in said city."

They testified further that there were many places where intoxicants were sold, and that they were now permitting forfeitures of cash bonds in the interests of a depleted treasury. They stated their belief that corrupt methods had been resorted to by certain ones of their employees, who collected money from jointists and did not turn the same into the public treasury.

" Peter Berry swore that he had delivered to Marshal Roberts a horse presented by the Giacomini Brothers, and had also paid him for his own use seven or eight different times aggregate amounts of money collected monthly from certain jointists. His statements were corroborated on oath by the said Giacomini, who further testified that they had contributed to Attorney General Bradford's assistants \$50 each for four consecutive months, who was to have delayed trials in the District Court for violation of the prohibitory law, and finally caused their dismissal."

The County Attorneys in all these large counties, and the assistant attorneys, have been turned into blackmailers. It simply amounts to this, that those who give the most shall not be prosecuted, while those who give the least shall have to go to jail. The former Attorney General of this State, the notorious Bradford, who never failed to take an opportunity to lie about this city and its people, was known to be one of the brightest bribe takers we ever had in the State. This report further states:—

" They further testified that Mr. Kellog's assistant at Leavenworth had compromised cases in the courts on the payment of fines, and under the agreement that a case brought against members of the Board of Commissioners for the illegal confiscation of wine should be dismissed; also that they had been convicted and imprisoned in the county jail and had paid a prominent Republican politician \$300 to procure their pardon."

That is in the report which you will find in the Journals of the House. It contains the testimony not only of the three gentlemen I have just mentioned, who are police commissioners, but also the police officers and men engaged in the whisky business at that time, who testified how much money they had paid to these officers at different times to allow them to continue to sell liquor. I have also here a copy of some statistics which I had prepared for the Omaha *Rev.* These statistics show the number of arrests made by the police of Leavenworth from the 1st of June, 1889, to May 31st, 1890, and the amounts collected in fines. I got these figures from the city records here. I hand these in to prove that those arrests were made and the persons were fined and permitted to continue selling liquor in order that the Police Commissioners might secure enough money to pay their police force. The gentlemen who composed these Police Commissions were men of the highest standing in the community, and were appointed to the place because of their strong views in favour of prohibition. They went before the Committee of the House and testified that they had tried to enforce prohibition, but they found that the police were levying blackmail, and they concluded that it was better that they should allow the saloons to run, and have the money paid into the city treasury, amounting to \$4,000 or \$5,000 per month.

1346*b*. You mean that when they found they could not carry out the law, they imposed a fine amounting to a license?—Yes. In 1891, as a result of the report of this Committee, Governor Humphrey, who was a Republican, changed the police board, and appointed two Republicans and one Democrat, all three of whom were anti-prohibitionists. The result of course was that instead of having local strife in this city, man turned against man and neighbour against neighbour, turmoil and restlessness among the people and an unsteadiness in business, people not knowing what was going to happen next, these places for the sale of liquor were thrown wide open, the men who kept them provided themselves with as good bar fixtures as can be found in Kansas City, Missouri, or in any other place where prohibition is not known, and the city, instead of getting no more revenue than enough to pay the police force, has succeeded in getting from \$4,000 to \$4,500 every month from the liquor sellers of this city. The police force costs about \$1,500 or \$1,600 a month, and the remainder of the money is converted into the general treasury of the city, and used for the purpose of road improvements, for owing to the

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want of money our roads were falling into a very bad state. That is the financial result of prohibition. On the one hand it means a deplete treasury, on the other hand, restlessness and strife and confusion among the people. Now there is peace and contentment in this city, and less drunkenness than we had under the pretended prohibition; and at the same time there is money in the treasury.

*By Mr. Gigault :*

1347*b*. Can you prove that there is less drunkenness?—Yes, by hundreds of the very best citizens in Leavenworth.

1348*b*. Have you statistics to prove it?—Yes. I have here a report of an investigation made by experts on the working of the police department under the Police commissioners—experts who were appointed for that purpose in 1891, by Governor Humphrey.

1349*b*. Do I understand you to charge that the prohibition law in the State has been used for the advancement of the interests of the Republican party?—I do, positively.

1350*b*. As a political machine?—Yes.

1351*b*. Is that the case only in Leavenworth, or in the whole State?—It is so in the whole State.

1352*b*. How is the law enforced in Wichita?—No better than here.

1353*b*. How is it enforced in Topeka?—In Topeka it is perhaps enforced better than in any other part of the State. But I was never in Topeka that I could not get beer or whisky. The whisky business there is carried on by the drug stores.

1354*b*. Here it is not?—No. I was in Topeka when the Legislature was in session, and anybody who wanted beer or whisky could get it. I saw legislators there drunk, and those who howled prohibition the loudest were the greatest drunkards.

1355*b*. What other places did you mention?—In Atchison the saloons are running wide open. There is a brewery running there also. This has never been closed, although it was in litigation in the Supreme Court of the United States. We had a fine brewery here, but its business was destroyed by the prohibitionists. It was not allowed to operate. A brewery could be prevented from running, because an injunction was placed on it by the court.

1356*b*. Why was not that done in Atchison?—Because J. A. Martin, who was the Governor at the time, had his home there. He is as great a hypocrite as there is in Kansas.

1357*b*. Why could not the Republicans stop the brewery if they were in power?—Because that is where they did not want to enforce the law, because it was their interest to have it violated. Mr. Martin wanted to stand by his town. He was not a believer in prohibition on principle. For years he opposed prohibition, and in order to become Governor of Kansas he became a prohibitionist in 1884.

*By Rev. Dr. McLeod :*

1358*b*. If the prohibition sentiment was not overwhelming in the State, how do you account for it that a man could not become Governor without being a prohibitionist?—Because the Republican Party was the god-father of prohibition. There is naturally a large element in favour of prohibition in the country, and so far as country towns are concerned, prohibition can be enforced, because the rural people are more inclined in that direction than the people of the larger cities, and the Republican party naturally wanted to keep in with them.

1359*b*. How has the recent change, by which the Populist Party has carried the State, affected the question of prohibition?—In this way. The Republicans in 1891, upon the report of this Committee, and when their party was beginning to lose its grip, began to see the handwriting on the wall and gave us a liberal Police Commission. Governor Lewellin is just following in the foot steps of the Republican governors who pretended to be in favour of prohibition, no more and no less.

*By Judge McDonald :*

1360*b*. Is this a law-abiding and orderly community?—Well, we have never hung a man on a lamp post in this town, as they did at Topeka. The people in this town



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are as social, and good and kind and neighbourly as any people on earth. There is no hypocrisy about them. Though they are opposed to prohibition, they show it openly and above board. They are not like the pretended prohibitionists who drink behind a stump where they cannot be seen, and then go and shout for the Republican Party.

*By Rev. Dr. McLeod :*

1361*b*. Prohibition has not interfered with the traffic here?—No.

1362*b*. Has it increased it?—It has increased it. It has increased drinking in homes. The breweries outside of the State have flourished, and beer is being sent by the car-load into homes in Kansas that never saw liquor until we had prohibition.

1363*b*. You believe that prohibition has increased rather than decreased the consumption of liquor in the State?—Yes.

1364*b*. Is that good or bad?—I should not say it was good, certainly not.

1365*b*. Would you like to have the consumption of liquor limited?—I would like to have a high license law.

1366*b*. For what reason?—In order that the whisky traffic might be under complete control.

1367*b*. Would that limit the consumption?—It would limit it in this way, that a man who is an honourable man and a good citizen will say this to himself: I can go to Smith, or Brown, or Jones and get a drink. But if you attempt to enforce prohibition, joints will spring up in holes or dens, and decent men will not care to creep up a back alley to go into those places, but will send for their beer or whisky outside of the State and have it sent by express to their houses. The result naturally is that when a man keeps liquor at his home he drinks more than when he goes to an open saloon and buys a drink.

1368*b*. You do not think prohibition would be a good thing, even if successful?—I think not, because prohibition will only be successful when God Almighty changes the appetite of mankind, and not before.

1369*b*. Do you believe the appetite should be unrestrained and unlimited?—The only thing I can say about that is, that when the Almighty has endowed his creatures with certain conditions, I do not see why, properly controlled, they should not take advantage of those conditions. When the Almighty has endowed me with an appetite of a certain kind, I do not think it is for man to say by any enactment that I should not have the use of that appetite.

1370*b*. The law has not interfered with the gratification of this appetite?—It has attempted to interfere, but not successfully; and it cannot be successful until the appetite is taken away from men.

1371*b*. This is a Democratic section of the State?—Yes, this town is the only Democratic town in Kansas.

1372*b*. Would it be fair to get the impression that because this is a very strongly Democratic section, the Republican party felt bound in some way to make it suffer?—I will say that. That party had behind it the power of the State, the police, and the militia. It had the power to enforce. If it knew that the law was not enforced, it could go to the extreme and enforce that law; but it has not done so.

1373*b*. Are we to understand that the Republican Party, with all this power in its hands, could not enforce the law, or that the Republican Party, being hypocritical, only wanted to make an appearance of enforcing the law just far enough to punish the Democrats?—I can answer that in both ways. I would not go so far as to say that it is impossible to enforce the law; it is possible, provided the power of the State is used to the extent I speak of. That could only be done by the continuous tearing up of the community, the stationing here of the militia of the State, as well as in every town where the people are determined in their opposition to the law. Of course, where you get a community of people who agree in favour of prohibition, such as Topeka or some rural places, there you can have an outward show of enforcement of the law. But when it is known that Republican politicians at hotels and headquarters have beer and whisky in every room, you can only conclude that they must get it somewhere in Topeka. Then it would be a different matter.

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1374*b*. Have you ever remonstrated with these legislators for having indulged in these habits privately and proclaiming themselves prohibitionists publicly?—Why, that has been the constant howl in the newspapers which have exposed their conduct. So far as I am concerned, I am a temperance man.

1375*b*. Did you remonstrate with them?—I do not think it is my business individually to go to a man and tell him to stop drinking. Of course, if I know a pretended prohibitionist who goes and get drunk, I feel entitled to expose him, as I have done, in the newspapers, but I never interfere with my neighbours, though unfortunately the prohibitionists do.

*By Mr. Gigault :*

1376*b*. What is the number of places that sell liquor in this city?—During the Republican administration there were about 100 places. I do not know the number now.

1377*b*. From common report what is the number?—I could not say. In the papers I have given you will find a list of the names of the parties that were engaged in the liquor business a year ago.

1378*b*. What is the number according to that statement?—About 100.

1379*b*. Do you believe there are as many now?—I could not say.

*By Rev. Dr. McLeod :*

1380*b*. What is your population?—20,000. Of course, we have near this city on the one side Fort Leavenworth, and on the other side the Soldiers' Home, so that our suburban population is different, perhaps, from that of any other town in Kansas. We have some thousand troops to the north of us, and 2,300 old veterans to the south. Governor Smith has instituted a system of prohibition in the Soldier's Home that beats prohibition hollow—that is, the Keeley Cure. He has made new men of a good many men, which is something more than prohibition has done.

1381*b*. Is it good for Governor Smith or any one else to rid men of a Divine appetite?—It does not rid them of it all. If it helps a man to control himself, it is doing good.

*By Mr. Gigault :*

1382*b*. Is there a good deal of drunkenness here?—Not so much as there was when they attempted to enforce prohibition, because at that time men would go into the joints in holes and get stone blind drunk, whereas now they have it at hand, and they can go and take a drink openly at any time.

1383*b*. Are there any gambling houses in this city?—Yes.

*By Rev. Dr. McLeod :*

1384*b*. Any social evil?—Yes and no. With so many veterans and soldiers in this neighbourhood it is to be expected there would be a great deal of the social evil. Two years ago the Commissioners attempted to drive these women out, and they were scattered through neighbourhoods that had been entirely free from that pest, and it got to be a very bad thing in this city.

*By Judge McDonald :*

1385*b*. Is it here, something as it is in seaport towns?—It is not as bad, for the reason that while men are on land they are free to follow their custom, whereas when a flock of seamen come into a town two or three hundred strong, and take the town by storm, perhaps after they have been on the water several months, it is more noticeable. It has been impossible to keep these women out, and they have been permitted to gather in a certain quarter of the city and stay there. It is seldom that you see any ill conduct on the streets, or hear of the arrest of a woman on the streets.

*By Rev. Dr. McLeod :*

1386*b*. Do they sell liquor in those places?—Yes; I believe so, but they charge something like a dollar a bottle for beer.

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1387*b*. Do the police levy monthly or quarterly fines on them as they do on the others?—I hardly think they do, because it is hardly considered in the nature of beer selling as in a saloon. They are fined for keeping their places, once a month.

1388*b*. Do you know what the fine is?—Yes; I think they pay \$25 for keeping these houses, and \$10 for each inmate.

1389*b*. That is practically a license is it?—Yes.

*By Judge McDonald :*

1390*b*. Have the Commissioners all through permitted that?—Yes.

1391*b*. Without regard to political parties?—Yes. For instance, here is what Policeman James H. Robertson testified before the House Committee :—

Q. How many women did you collect fines from? (He gives the names of a number of women from whom he collected from \$10 to \$20 each.)

Q. You taxed them according to the amount of business they did? Has that policy continued right along concerning houses of ill-fame ever since that time? A. It has been going on ever since I have been there.

Q. Have you ever had any conversation with Mr. Fairchild concerning your policy, the collection of such fines in advance? A. No. I have talked about collecting money, but he never said anything about it. He never objected at all.

1392*b*. How about Mr. Anthony?—He said, “get every dollar you can, and put it into the treasury.”

1393*b*. To what political party did Mr. Anthony belong?—The Republican.

1394*b*. And Prohibitionist?—On paper. His cellar is full of plenty of good wines and liquors. He was a violent prohibitionist until 1885, until we turned the tables. Then he said, “we cannot expect anything else from the prohibitionists. I have been fighting for them, and now I am going to go for them.”

1395*b*. Was this evidence given in public?—Yes; before the Republican Legislative Committee. Although what I have read is taken from a newspaper, it was taken verbatim from the stenographer's report.

*By Mr. Gigault :*

1396*b*. Is crime increasing or decreasing in this county?—That is a difficult matter to say, for this reason. The crime is largely among the coloured people. The term of the District Court now in session was taken up for three weeks in the trial of criminal cases, nine-tenths of which were those of coloured men, and with none of them had whisky anything to do. They are cases of murder, assault and battery, grand larceny, and so forth.

1397*b*. Do the coloured people drink much?—I do not believe they do to the extent that white people do. Of course there is a large worthless element among the coloured population. They are in a peculiar position, not being able to get work where white people can, and many of them just live from hand to mouth here. That is the class that give the police more trouble than any other.

1398*b*. What do you think is the effect of joints on minors and young people?—Very bad, because a boy can go into a joint and be hidden from those who would see him in an open saloon, and the joint-keeper never asks the question whether he is of age or under age. He wants the young man's money, and he will let the young man stay there and drink all he wants until he gets filled up. These joints make more drunkards than open saloons, and it is the general testimony of every one that they have a very bad effect on minors. Now, I want to say before I close, lest anything I may have said may be construed as coming from one interested, that I have been connected with the *Kansas City Times* for ten years, and I have yet to receive the first five cent piece from any man connected with the liquor traffic for the position I have taken as a newspaper man with reference to the workings of prohibition in this community. Every man knows what I have done I have done from an honest purpose, because, though I am foreign born, being a German, I have been in this country 26 years, and I love liberty, and know what my rights are as a citizen. Whenever the Church interferes with the government of the State, our free government is at an end. Whenever Ministers of the Gospel spend their time looking after political affairs in place of looking after their

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churches and doing good for their people, they leave their legitimate calling as Ministers of God and become politicians. No one respects them more than I do when they adhere to their legitimate sphere.

*By Rev. Dr. McLeod :*

1399b. What about ministers opposed to prohibition. Are there any of them?—They attend strictly to their own business in the churches. They do not mingle in politics. I believe the proper sphere for a minister is in the pulpit, and not on the stump.

*By Mr. Gigault :*

1400b. To what church do you belong?—I was born a Jew. My wife is a Christian woman. My children attend Sunday school at the Episcopalian Church, and I have attended church a good deal myself. I am not in opposition to any church. I have, perhaps, more friends among the Catholic clergy in this town, from the Bishop down, than any other newspaper man in the city.

1400½b. Are there any clubs in this city where liquor is used?—Yes.

1401½. Many of them?—The club was formerly situated in this building. It is entirely for merchants who can pay a pretty high entrance fee; hence I do not go there.

1402b. How do you explain the fact that the brewery in Atchison has been running so long?—Only on the theory I stated. Atchison was the home of the Governor of the State, and it is a Republican county, and while the Supreme Court handed down a decision that the brewery could not run, and that its property could be confiscated, the brewery went on running and turning out beer, and it is running to-day.

1403b. Is it a large brewery?—It is not. Even if we had the brewery business free in this State, the business would be largely done by the St. Louis and Milwaukee breweries, and even those in Kansas City, where they make a very fine quality of beer, because they make it in such quantities that they could easily undersell any local breweries.

1404b. Where does that brewery at Atchison sell its beer?—Only in the city; they could not go out of the town.

1405b. Have they wagons?—Certainly, they deliver the beer in regular beer wagons. There are mountains of kegs of lager beer shipped from Kansas City to different parts of this State. It is sent and the express company acts as agent for the breweries, and collects the cash.

*By Judge McDonald :*

1406b. What is the political complexion of the police board appointed by Governor Lewellin for this city?—They are not prohibitionists.

1407b. How are they as to political parties?—Two Populists and one Democrat.

1408b. Do you think that prohibition will last in this State, or that it will become a dead thing?—I am not a philosopher, but I have some ideas, and I will say this: There is to be submitted to the Legislature a proposal for an amendment to be voted on in the next general election, in 1894, providing for woman suffrage at all elections in this State—to give the suffrage to all women of mature age.

*By Mr. Gigault :*

1409b. Even prostitutes?—Yes, I suppose so, because any man can vote in Kansas if he is not an idiot. I am inclined to think that woman suffrage will carry in Kansas, because Kansas has the reputation, although I am loath to say it, of being the crankiest State in the Union. It was created at the beginning of the war. It was the battle ground where the struggle began, and all the cranks and all the isms of the Union congregated in Kansas at that time. If woman suffrage should carry in this State, prohibition is here to stay.

*By Rev. Dr. McLeod :*

1410b. Do you think the women will vote for it?—It is natural that women would; but if we are to judge by what transpired in Leavenworth, when woman suffrage was

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enacted for municipal purposes, not so much to give the women the right to vote as to drive Mayor Nealy and the Democrats out of power; they brought here Sister Susan B. Anthony and another woman named Helen Gougar, of Indiana, and they began a campaign in connection with the election of the Mayor. This Mrs. Gougar went about the churches and held meetings, and the churches and pulpits were divided on politics. She denounced some of our best men because of their opposition on the question. Our people were stirred up at that time as they have never been before or since. She went among the coloured people and got many of the coloured women to register. But Mr. Nealy was elected Mayor by 17 majority, against 1,700 two years before.

*By Mr. Gigault :*

1411*b*. Some people say that prohibition is made a sort of religion by its advocates; do you believe it is so?—There is no doubt about it.

*By Rev. Dr. McLeod :*

1412*b*. I understood you to say that an injunction could be got against a man for selling liquor, is it against the man or against the place?—Against both.

1413*b*. Do you know whether this brewery at Atchison secured the authority of the Probate Judge to manufacture for export purposes provided for by law?—I do not know about that.

1414*b*. Is not such a provision as that possible?—It is, but even if that is secured, it only shows the further hypocrisy of the situation.

1415*b*. If that is the law, is it hypocrisy to observe the law?—We all know that a brewery is not running simply to make beer for medicinal purposes.

1416*b*. Suppose there was a provision to make beer for export purposes?—There might be, but there is not such a provision.

1417*b*. Is there any provision that a man may dispose of the product of his own manufacture for medicinal purposes?—Yes, but medicinal purposes are a very small matter when compared with the quantity of beer that a brewery can turn out.

*By Judge McDonald :*

1418*b*.—I understood you to say that the beer made at Atchison did not go out of Atchison?—I did say so. While I make that statement, I do not make it as a matter of fact, but I take it, from what I know of the conditions there, that the brewery is not likely to ship it out of the State—a small concern like that—when such large quantities of beer, come into the State every year.

LEAVENWORTH, KANSAS, May 18th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT resumed the inquiry this day.

S. W. CHASE examined.

*By Judge McDonald:*

1419*b.* You are Warden of the Penitentiary of Kansas?—Yes.

1420*b.* What was your previous residence?—I came to Kansas from Indiana, in 1872.

1421*b.* Where was your home in Kansas?—In Cowley County, near Winfield.

1422*b.* How large a place is that?—It has a population of about 8,000.

1423*b.* In that part of the State is the prohibitory law well enforced?—Yes, it is well enforced in that county, as well, I presume, as in any county of the State.

1424*b.* Is the public sentiment strongly in favour of the law?—It gave the greatest majority in favour of prohibition of any county in the State.

1425*b.* Are there difficulties in the working of the law?—There has been very little in that county.

1426*b.* To what extent?—The difficulty was with boot-leggers, but they have been generally prosecuted.

1427*b.* What has been your experience of the way the druggists conduct their business?—The druggists there conduct their business very legitimately.

1428*b.* Do you know any other sections of the State?—I am tolerably well acquainted all over the State. Where public sentiment is in favour of the law there is very little difficulty in enforcing it, but where the public sentiment is contrary to it, it has been hard to enforce it.

1429*b.* I suppose the officers are apt to respond to the ordinary sentiment of their community?—Yes, that is the case exactly.

*By Mr. Gigault:*

1430*b.* How many druggists had you in the place where you were living?—We had five drug stores there.

1431*b.* Was there a good deal of liquor sold there?—Previous to the vote we had a brewery there, and it had its quota of saloons.

1432*b.* Is there a good deal of liquor consumed in homes now?—I do not think there is. My observation is that there is very little consumed in homes.

1433*b.* Is there any liquor brought in by express?—There is some, but it is comparatively a very small quantity.

1434*b.* What number of inmates have you in the prison?—Our present count is 855, of whom 624 are white males, and 6 white females, 204 coloured males, 10 coloured females, and 11 Indians. We have 44 prisoners who are under sentence to hang. In our State they never hang except on the order of the Governor, and that is never given. The sentence is to be confined to the penitentiary for one year, and after that to hang on the order of the Governor, but the Governor never gives the order. Besides, we have 18 prisoners under life sentence, of whom two are females. From Oklahoma Territory we have 30 prisoners. Those are included in the number I have given.

1435*b.* What is the population of Oklahoma Territory?—About 600,000. We have also 11 United States military prisoners here, and 44 United States civil prisoners.

*By Judge McDonald:*

1436*b.* Those are men convicted, for instance, of postal offences?—Yes. We have a military fort in this section, and the prisoners from that are sent here.

1437*b.* Can you tell what was the population of the State in 1881?—985,000. The present population is 1,245,000.

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1438*b*. How many county jails are there in the State?—106.

1439*b*. Can you tell us how many convicts are in those county jails?—I could not.

1440*b*. In 1880 or 1881, how many convicts were here under sentence to be hanged?—About 40; several have died since then. In 1881, on June 30th, there were in this prison 660 prisoners. Of these there were from the Military Court 13 coloured and 40 white prisoners; from the U. S. Court 4 white males; from the State Court 3 coloured females, 3 white females; 95 coloured males and 533 white males. At that time there were no prisoners from the Territories.

COL. ANDREW J. SMITH examined.

*By Judge McDonald :*

1441*b*. You are the Governor of the Soldier's Home?—Yes, the western branch of the National Home for Disabled Volunteer Soldiers.

1442*b*. From what city did you come originally?—New York.

1443*b*. How long have you lived in Kansas?—I was appointed Governor of the Home, and came here in 1888.

1444*b*. Did you superintend all the work done in the erection of this building?—Yes.

1445*b*. What is the greatest number of soldiers you have had on your roll at any one time, present and absent?—To-day we have on the roll 2,900 men, but we have taken care of nearly 7,000 during the time I have been here. Deaths and discharges, and a thousand and one things, take away a great many.

1446*b*. Have many of these men been addicted to intemperance?—A great many. That has brought more men into the home than anything else, intemperance and its results.

1447*b*. When you came here in 1885, the prohibitory law was in force?—Yes.

1448*b*. Has it been effectively enforced in this section of the State?—No.

1449*b*. Have you taken any means of trying to cure these men of their intemperate habits?—Four years ago I started in on the gin-mill fellows who had established their places in the neighbourhood of the Home, but I could never get them to trial. This year I have enlisted the influence of the Catholic Church and the Protestant Church, and the good people of the town who belong to neither, and a strong business interest, and the result is that no liquor is now sold around the entrance to the Home.

1450*b*. In that way you took steps to keep your men away from temptation, or temptation away from them?—Yes.

1451*b*. In the case of those who had already become addicted to intemperate habits, what means did you take to cure them?—The Board which controls this Home is composed of eleven men appointed by Congress, and three *ex officio* members, the President of the United States, the Secretary of War, and the Chief Justice of the Supreme Court, making fourteen in all. The President of the Board is General W. P. Franklin; the 1st Vice President General W. Sewell, of New Jersey; the 2nd Vice President General C. Black, of Illinois; the Secretary General Martin T. McMahon, of New York; the other members are General Fessenden, of Maine; General Pearson, of Pennsylvania; General Garnet, of Ohio; General Mitchell, of Milwaukee; General Steele, of Indiana; Major E. N. Morrill of Kansas, and General Garnet of California. Last year Major Morrill got a resolution adopted by the Board, directing him to make a contract with Dr. Keeley for the use of the Gold Cure in these homes, and we opened our Keeley Institute here on the 29th March, 1892, and in connection with it we established a club, known as the Keeley League Club. This is a valuable auxiliary to the treatment, and tends to hold the men together. On the 13th April last we had the anniversary of the club here, and a meeting in the hall. We have in connection with it a paper called the *Reveil*, published semi-monthly. At that time we had over 500

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members in the club; to-day we have 5,880 odd, all of whom have taken the Keeley treatment. The men get their treatment at three o'clock in the afternoon. At present there are 37 in the line. Their average ages are over 60 years, and we have lost less than eight per cent, who have gone back to their old habits. Why we have not lost eighty per cent is the question.

*By Rev. Dr. McLeod:*

1452*b*. Do any of those who have lapsed try the remedy again?—We do not allow them. When they are admitted we let them have a bottle of liquor to take to their room, but if they knew that they could repeat the treatment at will it would be useless. I should say, however, that if they keep sober for sixty days after a relapse we take them back again. But if they continue to lapse, that is the last grip they have on respectability. If they are ostracised from the club-room, it means the Missouri River or the gutter. I will give you a copy of the *Reveil* in which you will find my reports made to the Board of Managers, which will show you the great falling off in arrests for drunkenness since the adoption of this Gold Cure. Before the Institute was started there were 700 odd men arrested per year for drunkenness and kindred offences, whereas there have been only 300 odd since the Institute was started. You will also find that during the months of January, February and March, 1892, before the Institute was started, there were \$9,000 odd worth of sales of beer in our beer shops here, compared with about \$4,000 worth in the same months of 1893. We have to keep beer for these men; they are accustomed to it, and if we did not keep it for them, they would go and get poisonous stuff outside. So if we can confine them to the Home grounds by selling them the best beer that is made, pure Budweiser, we think it is wise to do that. This treatment takes away from them their desire for liquor, and to take away the desire is the best kind of prohibition. Take the desire away; is the essence of this treatment; make temperance popular; it is becoming popular in this Home. At first the men who took the treatment were guyed by their fellows. I issued an order that any man who guyed another who was trying to be a good citizen of the Republic would have five or ten extra duties imposed on him. Then, the members of the league club wear a badge. I took the treatment myself, and I am a pretty good judge of it. It is quite evident to me that you cannot legislate men into temperate habits, and prohibition is only successful in little towns where the public sentiment is strongly favourable to it, and where everybody knows what everybody else is doing. I firmly believe that prohibition does good in the little towns. I am in favour of local option and prohibition for the smaller towns, and local option and high license for the larger towns. Under high license you make every man who sells the stuff a detective. At Leavenworth prohibition is a failure. When I formerly tried to close up the joints in the neighbourhood of this Home by prosecuting them, I had the hardest work in the world to get testimony against them; but now the moral sentiment of the Home itself is with me. Not only the Keeley men, but those who have not taken the cure, have offered to give me testimony against them. We have got them in that position, and they are afraid.

1453-54*b*. Was the liquor sold to them bad?—It was not liquor at all; it was aquafortis. They put tobacco and everything else into it. When men drink it, it puts their brain on fire, and very often these old men, upwards of sixty years of age, came here with their faces scratched and their eyes blackened. I used to have from eight to fifteen men before me every morning for drunkenness, but this morning I have not had one, and sometimes for ten or twelve days I do not have a man. That is remarkable, out of about 2,000 men of the class who are in this Home; most of them have been drinking men, or they would not be here. They have no hope in this world beyond an existence; their families have put them out possibly because of their habits, or their children have married and do not want them. Why, under such circumstances we should not have lost eighty per cent instead of less than eight per cent from the Keeley Cure I cannot understand. Over four-fifths of our men who never saved any money have now accounts in our savings bank. There is \$130,000 deposited from 565 men who took the treatment. The military organizations we have here are the Morrill Guards, the Martin Rifles and the Governor's Guards, and Section A of the First Regiment of Veteran Artillery. Every member of those organizations, from the colonel



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commanding the battalion down, is a graduate and a member of the Keeley League. The purposes of these organizations are to create pride in the men themselves, and to produce a good effect on the members of the Home who are not yet, but should be, members of the league club; also to inspire the old men with the feeling that they are still of some use. These men see their companions who have taken the cure looking well, and they say, "If it did McIntyre good, it will do me good," so that the influence of those who have taken it has an effect in bringing others to take it. Let me tell you what it has done here. A man came here from Arizona, an allopathic physician who was a victim of the morphine habit. He took 123 grains of morphine per day, and drank over a gallon of whisky a day. When he left here he was to all appearance cured. A Dr. Young came here, who was a morphine eater, and he had asthma. Besides curing him of the morphine habit, it cured him of the asthma as well. We had a man named Ebelhart, who could not lie down when he came here. I thought he was going to die, but he was cured, and he is a waiter in our dining-room to-day. There was a man named Gager, who was an epileptic. He took two or three fits per week. I sent for him. I knew that this was good for nervous diseases, and I thought I would try it on him. In this business there is a slight profit, and the money that is derived in that way goes to pay for such cases as I speak of. The man commenced on the 10th of March. Ten days afterwards he had two fits. Another time a somewhat intoxicated fellow fell on his cot and excited him, so that he had a third, but he has not had one since.

1455*b*. Had he been given to drinking?—No, it was merely epilepsy. I never mention the word temperance to the men who take this Keeley Cure, because they are old men, and not chickens, and they do not want to belong to a temperance society or to hear temperance talk, and yet here is the very best kind of temperance society. Any who are too poor to pay for treatment get it for nothing, but those who are able to pay we charge \$22.30, that is \$20 for the treatment and \$2.30 for club dues. One hundred and fifty-two men who had been permanent members of this Home left the Home to earn their own living as a result of having been cured of the disease of alcoholism. I have received letters from the wives and daughters of these men who have gone through the Institute, expressing their thankfulness that the men belonging to them have been cured. (Some of the letters were here produced and read.) Since September last we have treated 91 patients from outside the Home, who have gone out sober men. In all up to the present time 578 have been treated.

The Commissioners visited the Gold Cure Institute at three o'clock p.m., at which hour the patients were assembled for treatment.

Colonel Smith requested the men to make brief statements before the Commissioners as to the effects of the treatment in their own persons. The following were the responses:

No. 1. I took the cure on the 1st of June last. I ran a saloon for eight years myself. I took the cure to the last of July. Now I would not look at a saloon door; I pass it right by.

No. 2. When I took the cure the Governor himself invited me. I was then very ill. One trouble was a chronic diarrhœa, which bothered me a good deal. From the day I took the cure to this it has never troubled me at all. But concerning alcohol, I did have the habit of it, but since I have been relieved by this cure, thank God, I have no appetite for it. I can go here or there, and go past the door of a saloon and go wherever I please. I care nothing about it.

No. 3. I am but a tyro in this matter. I started about three weeks ago. I was a beer drinker, not a whisky drinker. With regard to the cure, I have noticed no change except that I have no desire to drink. If it leaves me in that condition I am sure I have all I desire or expect.

No. 4. I graduated three weeks ago and made a trip of eight days to Kansas City, and, what I have not done in twenty-five years, went through Kansas City with money in my pocket and never got a drink. I went with a friend, but I took no liquor; I went with him and took a cigar, I did not touch a drop, and have been sober from then until to-day.

No. 5. I have been a graduate for two months. I have been trying for thirty years to get a cure. I have tried every remedy that was offered, to try and shake off the

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appetite for strong drink, and I was unsuccessful until I came here a year ago last April. One of our physicians who was in charge at that time decided against my taking it. I have been troubled for years with heart disease, and the doctor who attended me when I was in the hospital, when I told him I was desirous of taking the remedy, decided positively against it. But last Christmas I got on one of my protracted sprees, and was absent without leave, which I had never been before. I drank until I was pretty nearly gone. I came and reported to the Lieutenant of Police, and told him what I had done. He told me to go and see the Governor in the morning. I made up my mind when I came to see the Governor in the morning that I would take the remedy, and take the responsibility on myself. I told the doctor, all I asked was that he would do the best he could for me. Every man in this room who was here at the time knows that I came here more dead than alive. I could hardly talk; I was shaking and trembling; I had eaten nothing for a week. I told the doctor to do what he could for me, that if I died I had not anything to lose. I took the remedy, and since I have taken it I have never had a touch of heart disease. I am just as I was when I was four years of age, when I could not bear the smell of liquor, and I would not take to-day all the gold that is in the treasury of the United States and be back just in the way I was—it would be no equivalent whatever. I stand to-day a free man. The chains are shaken off me, and I can hardly realize that I ever was a drinking man, yet I know that I was, and I feel angry at it. This is the only thing that ever did me any good. They tried moral suasion on me, and I belonged to several temperance organizations. I lived in the State of Iowa, and after the prohibitory law was passed there I had a stronger desire for drink than before. Now I am perfectly free; I do not care any more for the prohibitory law or anything else. I have no desire for drink, and if that is not success I do not know what is.

No. 6. A little over a year ago I graduated. I was physically and mentally a wreck through drink. I would go on periodical sprees, and I gradually found the periods getting closer together, so that finally it got to be a continual spree for me. I was induced by our worthy Governor to take this treatment, and I have never had the desire for drink since, and am physically and mentally better; I am better in every way.

No. 7. I can say that since a week ago last Saturday I have made a great improvement. I have tried all the remedies, such as signing pledges and voting for the prohibitory law. I was a strong worker for the prohibitory law, but I must confess that I became a greater drunkard since that time in the last twelve months than before. Since I came here I have made great improvement. I have gradually lost the desire for drink, and I am nearly better, except for the effect of the medicine, which makes me a little sick.

No. 8. I came here for a different purpose altogether—to take the treatment for morphine. For the last nine years I used an average of nine grains in 24 hours. I was physically, mentally and morally a wreck. This is my fourth week, and I do not know that I am taking any morphine at all. But I can realize that I am feeling much better every week, and the treatment has done me a world of good. I was troubled with dyspepsia, rheumatism and almost every disease that flesh is heir to. I have not to-day a disease or a pain, and though feeling weak I am feeling better than I ever felt in my life, for which I thank the Gold Cure.

No. 9. (Captain Worden). I was driven to come here; that is the truth of the whole matter. It was the last resort. I have been a drinking man over 35 years, but I will always live to thank those who drove me here, for the sake of myself and my family. I would not go through what I have gone through for all the wealth there is in America. I can see to-day just what I have escaped. I lost my wife, who went down to the grave with a broken heart because of the trouble I gave her; and I believe, if there is such a thing as rejoicing when one returns, that there will be a day when I will meet her and the dear ones that have gone before in heaven. I never could have believed that there was a chance for me in the condition of debauchery I was in, but to-day I thank God that this Gold Cure has done so much for me, and is doing so much for the comrades around me.

No. 10. (Captain Cruthers). This is something I have never done—get up and speak publicly of what this Gold Cure has done for me. A year ago I was a walking corpse. To-day I am a different man. When I assert that the Gold Cure has done it, I have finished my story. That is all I can say. I was addicted to alcoholism for the

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last thirty years, ever since the war. I took opium with my eyes open; I knew the effect of it, but I thought it would be a let down from whisky; but I made a great mistake in that. But now I have no desire for opium, and I thank God that I have no desire for whisky. I might say more, but there is no need of it. I have been free for nineteen months.

No. 11. It is about two months since I finished the course. I drank for thirty-five years, and I got diseased with whisky. I got so that it was impossible for me to pass a saloon, and I was drinking continually. Since taking the treatment I have not the least desire. I have no trouble in passing a saloon. I have new hopes and aspirations. It is just everything.

No. 12. I am about one of the first who took this treatment. I was No. 40 on the roll. I do not think there was a harder drinker in this country than I was. I have travelled over the greater part of this country, in Canada, and in South America, and I never could keep sober where there was a whisky shop. I came into the Home here, drank myself here. I would have had no need to come if I had taken care of myself. I took whisky, not for the effects of it, but because I liked the taste of it. When I came I came into the Home with three pints of whisky in my pocket. I hid it. I said I was going to take that cure, and I might need the whisky. I took the cure, and from that date to this I have had no desire for drink. I can go down past a saloon and do not want any. I have got money now, and can pass a saloon without spending it. It is over a year ago since I touched it.

No. 13. I have been a graduate of this institution for over a year, since 1892. For probably twenty years up to that time I had been a habitual drinker. I have not seen my people for fifteen years, and the reason is that I was a drinker, and was ashamed to go and see them. After the Keely Institute was started here I visited our worthy Governor and consulted him on the matter. I wanted to find out whether it would cure me. I was afraid it would not. He said it would surely cure me. From the fourth day after I took the treatment I had no desire for liquor. I have been in Kansas City and Leavenworth since I got the treatment, and I thank God I can reach my people as a sober man. I shall have no desire for liquor again as long as I live.

A. W. REESE, M.D., examined.

*By Judge McDonald :*

1456*b*. You are Medical Director of this Institute?—Yes.

1457*b*. How long have you been connected with the Keely Cure?—Since last September. I came here from Dwight, Illinois, where I took instruction. I am a graduate myself. I graduated there a year ago last Christmas. The treatment cured me entirely of alcoholism.

1458*b*. How long were you under treatment?—Three weeks.

1459*b*. Were you a medical man at that time?—Yes. I was originally in the army, and I have been a practising physician 40 years. I was addicted to alcoholism 25 years.

1460*b*. After being cured yourself what did you do?—I went in August last and took instructions at Dwight, and was assigned to this place.

1461*b*. How many have passed under your hands since you came here?—About 350.

1462*b*. Have any of those been relapses?—The relapses here are a fraction over seven per cent.

1463*b*. To what do you attribute the relapses?—I think, in the first place, there is something due to the environment. Our patients are old men, physically broken down, and living a listless sort of life, with pretty much of life behind them and not much before them; the ambition of life gone from most of them. Most of these old men have drunk whisky since the time of the war, and coming here, and meeting companions of the same sort, many of them drawing pensions, and many of them like little children

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with money in their hands, all the circumstances are such as to lead one to expect a greater proportion of relapses. At Dwight the majority of the patients are young and middle age men who have gone there at the solicitation of their wives and families; men who have lost positions in society and business, and who are anxious to regain them. Those men are physically stronger, and have all the ambitions of life before them, not like the old soldiers we have here, and there they admit five per cent of relapses; so that I think our work here is wonderful.

1464*b*. In the case of a morphine patient how long is the course of treatment?—About six weeks.

1465*b*. Is there a different treatment for them?—Yes, there is a different medicine, but the patients all get the double chloride of gold. This afternoon I have treated 34 patients, of whom three were for morphine and 31 for alcoholism.

IRA D. CHAMBERLIN examined.

*By Judge McDonald:*

1466*b*. What is your residence?—The Soldiers' Home. With regard to my opinion of prohibition, if we look at prohibition in the abstract, very few good citizens are disposed to dispute the correctness of it. When we consider it as a law affecting the rights and privileges of citizens in the Commonwealth, we are compelled to modify our views somewhat. While there is a great difference of opinion in the State at large as to the benefits of the prohibitory law to us as a community, there is no question that a great majority of the people of the State of Kansas, of both sexes, are believers in prohibition and satisfied with its results. I do not mean that they are satisfied with all its results in detail, but the results so far as we have been able to attain them. You gentlemen can hardly imagine the amount of difficulty we have encountered in this State in order to get even a fair showing for prohibition. We have had a great many different interests to fight, and the question has become so mixed up with politics in the State that it has been almost impossible at times to draw any line between prohibition and resubmission. However, there never has been a time that I know of when the people were dissatisfied with prohibition. There is no question that there is a large antagonistic feeling towards the law, and in a great many cases people have made up their minds that it is impossible to enforce it so as ultimately to establish prohibition as a successful law in the State. At the present time you will find in our larger cities quite a number of joints and boot-legging establishments. This term was derived from the fact that a great many one-legged men were carrying bottles of whisky in their legs; that is one kind of a saloon or bar that we had at that time. Since that time they have degenerated into joints. For this reason, in our river towns, and in half a dozen of our interior towns, we have experienced a great deal of difficulty in enforcing the law at all. There have been other times when we have shut them up in all of the towns. And in a good many counties we have kept them closed up.

*By Rev. Dr. McLeod:*

1467*b*. Except in the towns you mention, has the law been efficiently enforced and with good results?—There is no question of that. Take the population outside of our cities, and the vote in favour of prohibition to-day would be overwhelming, more so than it was when the law was first voted upon. The difficulties I speak of are all the greater because this State is surrounded by States that have license or local option. There has been, however, a feature of this question which has been growing in interest and importance, whether it takes the form of prohibition or not ultimately—I believe it will—that is, the attitude of the young people who are growing up and becoming of legal age to vote. This movement for prohibition was started in 1878. Since that time there has been a large growth of children into voting men, and these are almost entirely temperance young men. There are tens of thousands of young men between

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the ages of 21 and 25 in this State that know nothing of the vile associations that gather around the saloon, and I could find you thousands that were never in a saloon. I have lived in the central part of the State, and I have travelled throughout the State a good deal in connection with the Associated Press, and I have talked with a great many young men who have never been in a saloon, and who have grown up with a natural antipathy to the traffic. That is going to be of great assistance to the parties who desire to destroy the liquor traffic. None of the States have a law as stringent as ours is, or one as susceptible of being effectively enforced. This State in its social structure is very different from the older States. In old States, like New York and Ohio, there has been comparatively little change in the last fifty years in the structure of society, so that their social customs have become fixed. This State is built up from all over the world, and our society has hardly yet become solidified, but is constantly changing. I suppose it is safe to say that there are from fifty to one hundred a day coming to locate in this State, and from as many different places. You can understand, therefore, how difficult it is to give homogeneity to society here. I believe there will never be elected a Legislature of this State that will grant the privilege of a resubmission of the question of prohibition to the people of the State. Any one who has lived in the State prior to the passage of the prohibitory law, and has lived here since, will not need any argument to convince him that so far as the morality of the people and the effects of the law on the public interest in all its higher branches are concerned, prohibition has been a success. Whether it can be made a success as a national question has yet to be determined, and you gentlemen are just as well qualified to decide on that question as any man who has lived in this country for fifty years.

1468*b*. What is your opinion in regard to the benefits of prohibition in connection with the Keeley Cure? Is it necessary in behalf of the men who have taken that cure for the permanency of the work done in them that the temptation of the saloon should be removed?—There is a great difference between prohibition and the principles that underlie the Keeley Cure treatment.

*By Judge McDonald :*

1469*b*. You have been a journalist in this State?—Yes.

1470*b*. You have acted for the Associated Press?—Yes. I am the editor of the *Reveil*, which is published twice a month.

*By Rev. Dr. McLeod :*

1471*b*. Is it a benefit to the men who have been cured by the Keeley process that the temptation of the saloon should be removed from them?—Certainly, for a good many reasons. Our experience of the Keeley business in regard to the saloons is this: When a man has graduated from our institute and he goes out immediately into the world again, if he goes back to the good influence of his family and friends, there is no question about his remaining cured. Over 160 men have gone out of this home to their friends and relatives, or to some other place where they are living, and we have followed them through the post office, and through their friends and acquaintances, and among them we have not heard of one solitary man yet who has gone back to drinking whisky. If there has been one we have not been able to detect him. But even suppose there should be one or two,—I don't know that there are—they would only be the exception that proves the rule. The presence of the saloon to a Keeley-cured man is a detriment. The change that has taken place in him no one can experience but the man himself. There is a sort of inquisitiveness in some cases to see whether they can drink or not, and many of those men like to boast that they have stood about a saloon for two hours a day and had no temptation to drink; but there is danger in such cases that a man might meet with his old associates, who would laugh at him or persuade him into the attempt to see if he could get drunk. There are some men who could be talked into it, or influenced in that way. There is no doubt in my mind, not only from my own personal experience, but from what I have seen of nearly six hundred men who have been through to this institute, that a man who has taken the treatment for alcoholism here is in exactly the same condition he was in before he ever drank any liquor. I was raised in a place

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where there were five distilleries and six or seven breweries, but I did not drink until I went into the army in my nineteenth year. After that I became so addicted to liquor that it became master of me.

1472*b*. Was it while you were in the army that you became addicted to it?—Yes. If I had the direction of affairs and I wanted to put prohibition in force, I would want the entire community to be Keeley people. There would be no difficulty in enforcing prohibition if you first got men to become sober.

1473*b*. Would you interfere with the right or power of people to bring liquor into their own homes in this State from adjacent States, or leave them to their own liberty in the matter?—I would never consent to say what a man should take or should not take into his own house for his own private use, I would not care what it was, so long as he stopped at that line, where the exercise of that privilege did not interfere with the exercise of other people's rights and privileges in the same way.

1474*b*. In your travels throughout the State, how have you found the law carried out by the druggists?—If you mean by men who are selling drugs as a business, I believe that there are some of them who sell in accordance with the law—quite a respectable number of them. But the great majority of the men who are keeping places called drug stores here are simply keeping joints under the shelter of that provision in our law which permits a druggist to sell liquor to a man on his sworn statement that he needs it for medicinal purposes.

1475*b*. You think the drug business is only a cloak that many of them employ to carry on the liquor business?—Yes. I have known druggists in this State who have been in the business for fifteen years, and who, I am satisfied, never sold one ounce of liquor that they did not believe was for the purpose stated. These drug store joints are the worst we have, because they have an air of respectability; but they are disappearing. The number of our men in this institute is 576, and of that number 91 have been persons not belonging to the Home who have come here for treatment. That class is increasing. We, Keeley men, look upon the prohibition question in this way: We are not opposed to prohibition at all; we are not fighting prohibition at all; we are willing to assist every temperance movement; but we believe a man's religious and moral sense may be more easily reached and more rationally affected and influenced when he is in a physical condition of sobriety. We believe that a sober man can be made a moral man, and even a Christian man, with decidedly less trouble and with a great deal more certainty than a man whose physical inclinations are entirely the other way. The Keeley movement reaches the physical structure of a man, and you must have the physical basis in proper condition, or you cannot make a moral or a Christian man of him. Therefore, this movement is a great and essential help to sobriety.

REV. W. J. GILLESPIE examined.

*By Judge McDonald:*

1476*b*. What is your position?—I am Chaplain of the Soldiers' Home.

1477*b*. How long have you been here?—Seven years.

1478*b*. You are a minister of what church?—The United Presbyterian.

1479*b*. Do you concur in all that has been said by the Governor of the Home and by Mr. Chamberlain in regard to the Keeley Cure?—I fully concur in all that has been said. The only point that I wish to emphasize is that since the introduction of the cure into the Home, the general deportment of the men has greatly improved both morally and physically.

*By Rev. Dr. McLeod:*

1480*b*. What are your ideas as to the enforcement of prohibition in Leavenworth and there about?—The prohibitory law has never been enforced in Leavenworth, for the reason that the location of the city as a river town placed it in antagonism to the law

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when it was first introduced, and there has been an element in the town all along opposed to the enforcement of the law.

1481*b*. What is the peculiar position of the city?—In the first place, it was a border town—a river town—in the early settlement of the country. Then, it is very close to Missouri, and is affected largely by the sentiment prevailing in that State, which has never been favourable to, but always opposed to prohibition. Those influences have been at work in Leavenworth. Besides, it is a town from which the business has been in a large measure drawn away to Kansas City. Consequently, its taxes have been high, business has not been very brisk, and the men who are paying taxes and bearing the burdens of the city have been anxious to gather up whatever money they could from licenses, or from any other sources. For all these reasons they have been opposed to prohibition. They believe that under the license system they could increase the income of the city. But to-day, even the men who opposed the passage of the prohibitory law feel sure that if it were re-submitted to the people a very much larger majority would vote for its re-enactment and enforcement than when it was first passed. Even the whisky men who are in favour of license believe that the majority of the people, even in Leavenworth, are favourable to prohibition. But the people opposed to prohibition are more noisy and make more display of their power and force than the prohibitionists and temperance people.

1482*b*. What have been the effects in Leavenworth of the non-enforcement of the law? Has it brought the law into contempt? Have there arisen disorders that would not have arisen otherwise?—I could not give a categorical answer to that question. There has not been very much disorder here at all. There has been, of course, more or less excitement at election times, but not very much disorder.

COL. SMITH.—As I understand it, it is demoralizing, though no outbreak has occurred. Here is a constitutional enactment which is openly and frequently violated, and known to be violated, not only by the officers in whose charge the execution of the law is placed, but by every citizen of Leavenworth. It is known that these men are surreptitiously taxed. They are told, "You pay \$25; you \$30; you \$35, and you \$40 a month," according to the business they do and the amount of liquor they sell. A man starts a little gin-mill, and the officers of the law go to him and take from him so much money. That cannot but have a very demoralizing effect upon the body politic, as well as upon the police, the guardians of the law, the protectors of the public weal. The prostitutes are taxed in the same way, although there is a local law against prostitution; they have to pay so much apiece, and the money so received goes into the general coffers of the city for the improvement of roads and so forth. That is a fair illustration of how it would be if a license were placed upon these people. The revenue would be increased, and there would be no demoralization of the officers of the law.

JUDGE McDONALD.—You think it would be better to have the traffic licensed than to have the present state of affairs?

COL. SMITH.—Certainly. It leads to anarchy as it is at present.

MR. CHAMBERLIN.—What the Governor says is true; yet the people of this State are prohibitionists, whether we agree with them or not. The abuse of the law and its non-enforcement have certainly brought contempt upon it, and active opposition against it; yet, in spite of all these things there has never been any locality in this State in all these years in which the people opposed to prohibition have been able to get a majority of the people to pronounce against it.

JUDGE McDONALD.—I would like to ask Colonel Smith this question: Taking the city as it is, would you think it better to have a prohibitory enactment covering the State at large, or to leave it to the option of localities to adopt prohibition or license as they themselves prefer?

COL. SMITH.—Unhesitatingly I would say, let communities bordered by a certain boundary decide for themselves whether they will or will not have prohibition. If it operates to their disadvantage, a majority will oppose it, and if the majority are in favour of a license, and a license system is run under certain restrictions, a fund is created for public improvements, roads, school-houses, and so forth. I firmly believe that a high license system with local option is the only solution of the matter. The

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majority should rule in every locality. I might be a prohibitionist to-day ; but knowing the operation of the law I should vote against it the next time sure, and I think there are thousands of people who are prohibitionists at heart who see the baneful influence of the present state of things where the law is not observed, as in the city of Leavenworth, where there are gin-mills everywhere and no attempt to stop them.

MR. CHAMBERLIN.—There is no doubt that local option is simply a restricted form of prohibition. You will find the same grievances, the same violations of the law, and the same difficulties in its enforcement. If you say you will limit it to a county where the people vote for prohibition, the next county votes for license ; the county seats may be fifteen miles apart, and you will find the people will complain and become dissatisfied in the prohibition county, and they will go off to the adjoining county and get whisky.

JUDGE McDONALD.—The present law allows it to be brought in from neighbouring States by people to their own homes ; would not the local option county be in the same position ?

MR. CHAMBERLIN.—They would be in the same position, but the territory would be reduced.

JUDGE McDONALD.—Would you not be in this position, that if a community like Leavenworth were opposed to prohibition, instead of having the state of anarchy of which we hear, it would have its own law according to the wishes of the people, and anarchy would not prevail ? What is your opinion as to that ?

MR. CHAMBERLIN.—Opinions are so cheap that I do not know that I ought to hazard one.

MR. GILLESPIE.—We had some experience of that. When the city undertook to enforce its law, the business came outside the city limits. When the county had its prohibitory law, the business came to the city. That is how it is in local option. When we had local option in this township they would go to the border line of the next township and run their business.

JUDGE McDONALD.—Do you believe that prohibition itself would be in a better position if it could be entirely divorced from party politics in this State ?

MR. GILLESPIE.—Yes, I am satisfied of that.

JUDGE McDONALD.—Mr. Chamberlin, what do you think about that ?

MR. CHAMBERLIN.—It is the only safe mode of dealing with it. I do not care how good the prospect is or how strong your support is, if a political party takes up prohibition it is bound to be a failure in the long run. It will disrupt that party and prohibition will be a failure.

JUDGE McDONALD.—What is your opinion of that, Governor ?

COL. SMITH.—Most undeniably, I agree with these gentlemen. It is the most demoralizing thing we have. We know people in Kansas who are prohibitionists and who are drunkards behind the doors, and they use prohibition merely for their own political advantage.

MR. CHAMBERLIN.—The solution of the temperance question in the future is in the hands of the youth of the country.



## Liquor Traffic—Kansas.

CHAUNCEY FLORA examined.

*By Judge McDonald:*

1483*b.* You live in Leavenworth?—Yes; I am the Sheriff of this county.

1484*b.* How long have you resided here?—Thirty-three years.

1485*b.* You have been Sheriff how long?—Four years. The election is for two years.

1486*b.* You were here then at the time of the war?—Yes.

1487*b.* You have known this section of the country both under license and under prohibition?—Yes. I was here a long time before the prohibitory law was passed. We had local option before the prohibitory law.

1488*b.* And a license law before that?—We had a license law and local option too. For instance, if a man wanted to start a saloon in this block, he had to obtain a certain number of signatures from the people in the block before he could get a license. That is what we call local option. To get a license in a small town he would have to get a majority of the voters in the town.

1489*b.* Having known this section of the country under local option and license combined, and under the present law, which do you think is the better?—There is no question about that. The old law was the best, although it was imperfect. It could have been made a great deal better; it could have been made to give us a better control of the liquor traffic. Still, matters were much better than they are now.

1490*b.* What is the difficulty now?—We have tried to close all the places in Leavenworth, but we are differently situated here from any other place in the State. We have the Soldiers' Home and the Fort in the neighbourhood, as well as several coal mines and several big manufacturing concerns, all employing a large number of labouring men. These, with the old soldiers, make a community in which you can hardly prevent liquor selling. We tried to enforce the prohibitory law for two years, and it kept the Sheriff and all the police going all the time. In the first year that we undertook to close the saloons and enforce the law the criminal expenses cost about \$50,000, and we did not succeed in getting one conviction. The next year the Judge got a new wrinkle, that was, that he would punish them for contempt of court. First, he would have them arrested, put them under bonds, and issue an injunction to prevent them selling any more, and when they would sell again he would have them arrested for contempt of court and put them in jail, and fine them from \$100 to \$500. That did not stop the selling; they went on until we had the jail full.

1491*b.* Is that method still carried on?—I am trying to close up the joints near the Soldiers' Home, and have caught three of them. Their cases will be tried on the 24th of this month, when I expect that they will be convicted. The evidence of their selling in violation of the injunction is positive.

1492*b.* We passed a place on the road to-day called "Jack's place"?—Yes, he is one who is very hard to stop. These men's places are outside of the city limits, and the prosecution of them falls on me entirely. Matters in the city are attended to by the Police Commissioners and the police.

1493*b.* Are there many places in Leavenworth where liquor is sold?—The report of the Police Commissioners states about 175.

1494*b.* And the population is what?—About 23,000.

1495*b.* Are these places open so that they can be seen?—There is not much difficulty in seeing them if a person wants to see them.

1496*b.* There is no difficulty in getting into them?—No.

1497*b.* Is there any attempt to regulate them?—The Police Commissioners fine them every month \$25, the same as they do bawdy houses and gambling houses.

1498*b.* Are bawdy houses and gambling houses fined in that way?—Yes, they pay a fine of so much a month.

CHAUNCEY FLORA.

1499b. Is that considered a kind of license fee?—Yes, it is done in lieu of a license. There is no law to license them, so the Police Commissioners have a rule that they will fine them so much a month.

*By Rev. Dr. McLeod :*

1500b. Is the feeling of the community in favour of that system?—It seems to be. There was a great deal of bad feeling and trouble here when they tried to enforce the prohibitory law. I tried as hard as I could to assist the Police Commissioners in doing so. While of course it made money for the Sheriff, it was very disagreeable work. I had a great many people finding a great deal of fault with me, while, on the other hand, there were very few in the community in favour of closing them.

1501b. That cost \$50,000 a year? That affected the taxes?—Yes.

1502b. Do you think that had an effect on the minds of the people?—It had, undoubtedly. When the people began to find out what these criminal cases were costing, there was a hue and cry to stop them.

1503b. Now they get rid of the cost, and besides get a revenue from these irregular licenses?—Yes.

1504b. How is the money expended that is so collected?—There is a very strict account kept of it. It is put on the Police Court books as a fine. The money goes through the hands of the Police Judge. The Marshal collects it, and the Police Judge turns the money over to the city treasurer, takes a receipt for it, and out of that the police force is paid, the costs of the Police Court, and so on.

1505b. If there is any surplus, what is done with that?—It goes into the general fund of the city for improving the streets, and so on.

*By Judge McDonald :*

1506b. In the cases that were brought to trial under this law, was there much trouble about the evidence?—Yes. When we tried these cases in the regular way before a jury, we never had but one conviction. We never could get a jury to convict.

1507b. Are the witnesses unsatisfactory in their testimony?—We have a great deal of trouble in getting witnesses. The law allows the County Attorney to summon anybody before him and examine him as a witness, and he went so far as to have several people committed to jail for refusing to answer. They were only got out of jail by a writ of habeas corpus. To get men to testify against these people was impossible.

1508b. Did you find that their memories became defective?—Yes, and they would say they could not give evidence without incriminating themselves. A man would start what he called a club, and issue fifty or sixty tickets. The club we have in the city now, to which I belong, is not a club of that kind. He would issue these tickets, and the people receiving them would claim that they were all owners of that club, and they refused to testify, on the ground that they would incriminate themselves. I had a great deal of difficulty in getting witnesses to testify, and still greater difficulty in getting jurymen to serve. The jurymen would get excuses.

*By Rev. Dr. McLeod :*

1509b. Is there a good deal of drinking here?—Yes, and yet very little drunkenness, considering the class of people we have—miners, soldiers, foundrymen and a few railway men. There is not nearly so much drunkenness here as I have seen in other places. We will average probably two fines a day for drunkenness.

1510b. What police force have you?—We have now fourteen.

1511b. Do you suppose the law is less observed here than in other parts of the State, or is it much the same all over?—I could not answer that very well. I have been pretty nearly all over the State in the last six months, but I have not undertaken to find out. I was in Topeka last winter, and they have not as many places there as we have here, and they are not so open, but they have a good many places there, and there is no trouble in getting into them.

1512b. Have you the impression that the law is observed in the smaller towns?—No; in the town of Tanageroxie, the largest town in this county outside of Leavenworth

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I never knew of a saloon running before this prohibitory law passed. In the last four years I have been told that there are four joints running there.

1513*b*. Is the place larger than it used to be?—No, it has not grown much. It is a place of about 600 inhabitants.

1514*b*. Do you think the prohibitory law really makes the trade?—The prohibitory law puts it out of our power to do anything with these people unless they are arrested in the regular way. The first time I went there I cleaned out those places as the law required, and it raised a terrible row. One faction took the side of the joints and another faction the other side. The result was that they elected a mayor on the principle that he should take the fines and use them in the city government, and that is the way they run matters there now.

*By Judge McDonald:*

1515*b*. You have not been called upon to go there again?—No.

1516*b*. Do you know how the druggists observe the law?—The druggists all sell.

1517*b*. You think then that prohibition in the State at large is not a success?—That is my opinion.

1518*b*. Are you opposed to prohibition on principle?—I am opposed to it because I do not think it is the proper way to control the liquor traffic. I do not drink a drop myself, more than a little lemonade or soda water.

1519*b*. What would you substitute for the prohibitory law?—I think the Nebraska law is the best I have ever seen.

1520*b*. Have you seen anything of the working of the Nebraska law?—Yes, I have been over Nebraska a good many times since the high license law has been in vogue. I go there frequently. Under that law a man to get a license must be a good character, and be highly recommended, and he gives a bond to keep a certain kind of place. They do not allow any painted windows, or cards or dice in saloons. They are compelled to close at 11 o'clock at night, and not open on Sunday, and the law is such as to make every saloon man a detective on the watch over others to see that they observe the law. One will inform on another if he sees him going contrary to the law, and if a man is once convicted, his license is taken from him, and he can never get another license in the State. Another place I have noticed particularly in this State is Clay Centre. Before the prohibitory law was passed I used to go there a great many times, and I never knew that there was a saloon in that town until last winter, when I spent a week there, and found several joints open. Marysville, another small town, has also several places running openly.

1521*b*. What would be the size of those towns?—Clay Centre probably 2,000, Marysville nearly 3,000. Marysville is the county seat of a very wealthy county, and one of the oldest towns in the State. I think it must have had a dozen places running last winter when I was there. My opinion is that if this question were submitted to the people, every joint-keeper and every druggist in the State would vote for prohibition. There are a lot of people running these places to-day that could not run them under the high license system.

MAJOR E. N. MORRILL examined.

*By Judge McDonald :*

1522*b*. Where is your residence?—Hiawatha, in this State. I stop at Leavenworth more or less, because I am president of a bank here. I also have a bank at Hiawatha.

1523*b*. Your occupation is that of a banker?—Yes.

1524*b*. How long have you resided in the State?—This is my thirty-seventh year.

1525*b*. Are you an eastern man?—Yes, I am from the State of Maine.

1526*b*. Are you any relation to Senator Morrill?—Yes, a second cousin.

1527*b*. You have known Kansas, then, both under license and under prohibition?—Yes, I have known it under all conditions.

1528*b*. Which do you think preferable?—In our county we have really had prohibition for 25 years. Ours is an agricultural county. The whole question of prohibition depends upon the community. In some communities, where the public sentiment is strongly in favour of it, the law is reasonably enforced. Where public sentiment is overwhelmingly against it, it is pretty hard to enforce it.

1529*b*. Do you think public sentiment has an effect more or less on the officials charged with the administration of the law?—Under our form of Government the official is influenced entirely by the public sentiment. I believe, if a community were made up of horse thieves, the officers of the law would be very sorry to enforce the law against stealing horses. You see, their very election depends on their carrying out the wishes of their constituents.

1530*b*. Have you found in this State that the question of prohibition has been mixed up at all with political parties?—Very much so.

1531*b*. Do you think that an advantage or a disadvantage to prohibition?—I think it is a disadvantage. Of course, I have been somewhat of a politician myself, being a strong Republican, and it seems to me it is a disadvantage.

1532*b*. In the county in which you live is the prohibition sentiment strong?—Yes, very strong.

1533*b*. You say that there was no license, even before prohibition?—No.

1534*b*. Is the law well enforced in that country?—Yes. There is one trouble in enforcing the prohibitory law, and it was so in Maine. I find that all efforts to enforce the law are more or less spasmodic. A community will be roused to enforce the law, then they will get a little slack and indifferent, and the men will get to selling again. Up in our county the law was well enforced for a year or two, and after a year or two they began to get worse and worse, until last fall the people were aroused again by a murder having been committed, and they are now enforcing the law very rigidly.

1535*b*. How is the law evaded?—By these secret joints.

1536*b*. We hear of another thing called boot-legging—does that go on in your county?—Very little.

1537*b*. How do you find the druggists in your county?—The druggists in our county were careful about selling. They had large drug stores, and were very respectable men. But they were arrested and fined heavily.

1538*b*. Was it found that they had contravened the law?—Yes, they had sold not only for medicinal purposes, but they had sold to their friends when their friends wanted liquor. There were two drug stores. One was carried on by a firm composed of two men, and the judge, instead of fining them as a firm, fined them individually \$300 each, making a fine of \$600.

1539*b*. Have you experience of any other part of the State?—Only what I see here. Here I think prohibition is a failure. I am told there are something like 150 places here where liquor is sold, and at the Soldiers' Home we have had a terrible time. The lowest and worst dives that ever existed on earth have existed around the Home, because they not only sold liquor, but had bad women in them, and we have had a terrible time keeping the men from those places.

1540*b*. That county and this locality are the places that you are acquainted with?—Yes, intimately acquainted, and the results have been entirely different in the two counties. In this county I do not see how matters can well be otherwise. Here we

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have adjoining us on the north a fort with at times nearly 3,000 United States troops in it. Then we have three large coal mines here, and you know the class of people miners are; and then we have these old soldiers in the Soldiers' Home. I think 40 per cent of the inmates go there on account of intemperance. They get stranded, and then they turn up at the Soldiers' Home. I think all these influences are at work around here to make prohibition ineffective. I do not believe the people of Leavenworth are much different from the people anywhere else, aside from those three classes.

1541*b*. Being surrounded by such people makes a larger demand for liquor than in an ordinary community?—Yes, and the demand always produces the supply. Men will run the risk for the profit there is in it.

*By Rev. Dr. McLeod:*

1542*b*. You think, in the absence of the classes to which you refer, the law in Leavenworth would be more likely to be observed?—Yes, I think the people in Leavenworth are as good as people anywhere.

1543*b*. So that you attribute the non-enforcement of the law largely to those elements?—Yes, that has tended to create a public sentiment against the law.

1544*b*. From your knowledge of the State at large, and your observation, what do you think has been the effect of prohibition throughout the State?—In the rural districts it has been good. That is a difficult question to answer, too, because there is one side that we do not see at all, that is, the secret drinking. I occasionally come across that, and learn of things I did not dream of before, about men quietly getting liquor. A man who is confirmed in the habit of drinking will generally find liquor somewhere.

1545*b*. Do you think prohibition enforced as it has been in this State is having an effect upon the coming generation, the younger people?—Yes; in all our agricultural counties there have been no open saloons, and the younger people have not been exposed to the temptation as they would have been otherwise.

1545½*b*. As a banker, has prohibition been injurious to the business interests of the State?—I do not think it has. I judge, possibly, it has been here in Leavenworth, because here we have had all the disadvantages without any of the advantages, the place being right on the border and liquor being sold freely across the river in Kansas City. But up in our county, and I think probably it is one of the best counties in the State so far as the morals of the people are concerned, I do not think there has been any special disadvantage to business. I do not see why there could be or should be.

1546*b*. Do you regard the liquor traffic, as carried on in some places legally, helpful to business interests generally?—I cannot conceive how it could be. I cannot conceive how it can help business any to have men intemperate. It seems to me the business of the State or country would be a great deal better if there were no money wasted on liquor.

1547*b*. It is contended by some people that it is a great injury to business generally to stop the saloons?—I think people here lost a considerable business that they would have got from Missouri by the attempts to enforce the law. Their attempts were made three years ago, and made quite earnestly, but since then the thing has quietly dropped, and I do not see that there is now much effort made to enforce the law here.

O. B. TAYLOR examined.

*By Judge McDonald :*

1548b. You are a resident of Leavenworth?—Yes; I have been here 34 years.

1549b. What is your occupation?—I am a retired merchant.

1550b. You have heard the questions we have put to Major Morrill; perhaps you would just make a statement of what you think about the prohibition law and its workings?—Perhaps my testimony is not of the kind you want to get. I have been, and am still, of the opinion that prohibition is not the best way to regulate the liquor traffic. Three years ago I was a very active member of an organization that was instituted here for the purpose of resubmitting the question, and during that period I was in a position to get information as to the amount of liquor that was sold in the State of Kansas, and it was not an unusual thing to find shipped from Kansas City from one and a half to three car loads of liquor every day to the State of Kansas, throughout the interior to the agricultural districts to which my friend Major Morrill referred. It was consigned to individuals. How they disposed of it we did not know. We also got statistics from the Revenue Department of the United States, showing that in the State of Maine, the State of Kansas and the State of Iowa, where prohibition laws existed, the number of United States Revenue Stamps distributed for the privilege of selling liquor in those three prohibition States was larger, per capita, than the number in the State of Texas or the State of Kentucky. Kentucky is, probably, the largest whisky manufacturing State in the Union. We have had a Police Commission here composed of the most extreme prohibitionists, appointed to enforce the law—Dr. Callaghan, Mr. Fairchild and Mr. McGahey. They are all conscientious men, and they worked with as much earnestness of purpose as any three men could, and they were successful to this extent—they succeeded in driving out all the mild forms of liquor sold here, because the bulkiness of those liquors made it difficult for the vendors to sell them, as they were subject to being raided at any time; but in lieu of them they substituted places where whisky was sold, and those places were more numerous than they are to-day. Whisky, being more concentrated in quantity, was readily hidden, and people who had been using mild drinks, got to using whisky. Another feature of it was that people did not believe it was a crime to drink liquor, although it was a violation of the law. That is the condition of a large majority of our people. I was intimately acquainted with Mr. Fairchild, the Chairman of the Commissioners. I talked to him when he was a member of the Board about his success in enforcing the law. Perhaps I had been one of the sinners, because I am a worldly man, and I have mixed with sinners all my life, and I had the privilege of knowing where liquor was sold. I told him I could stand in his office and point to thirteen places where liquor was sold, and the farthest was not five hundred feet from his door. That was a fact. No commission could have been more successful in enforcing the law than that commission. But I am of opinion that you cannot stop people from selling liquor unless you kill them. The profits are so great that they will sell whisky.

1551b. How is your community for prosperity?—At the time of the enforcement of this law here there was a constant fight. There was no sympathy on the part of the people with the enforcement of the law. The men who were active in the enforcement of it were despised almost universally, as the Major has stated. The sentiment of the community is largely against it. While this continued, everybody felt bad; there was a great depression every where; nobody had the heart to do anything, and all business must necessarily suffer where that condition of things exists.

*By Rev. Dr. McLeod :*

1552b. Now that the trade is practically endorsed, has it helped business?—Largely.

1553b. In what way?—The houses are being occupied, men are moving about, and money is largely in circulation. With regard to the point of what good a saloon is to a community, I do not see why it is, except that it accommodates a few people who are in

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the habit of taking their daily drink ; and yet I do know that it benefits this community, and I cannot tell you why.

1554*b*. What leads you to believe that it does ?—Contrasting the present condition of things with the condition that existed in a general way at the time of the seeming enforcement of the law. There is a better degree of confidence, and a seemingly better degree of prosperity.

1555*b*. When the amendment was voted upon, was the vote in Leavenworth in favour of the amendment or strongly against it ?—Strongly against it.

*By Judge McDonald :*

1556*b*. Would you tell us what your opinion is with regard to the question being mixed up with party politics—what effect that has upon it ?—Candidates for office are always solicitous for as large a vote as they can possibly get, and they cater to everybody who will bring them votes. The saloon element in politics is a very influential one ; it is a fact to-day, I believe, that it is the governing element in politics. Non-frequenters of saloons usually know just how they are going to vote. It requires no argument to lead them to a conclusion. Their purpose is settled before they get ready to vote. The floating or undecided element is the one that decides the election, and the party who is most successful in working that element is usually the successful candidate.

1557*b*. Do you apply that remark to your State or to the city ?—To the city.

1558*b*. My question was what effect it has on the prohibition question in this State to have it mixed up with party politics ?—I think the effect has been bad. I think it has been the *hôte noire* of the Republican Party of Kansas to mix up with prohibition and endorse it. I think probably if we had not catered to the prohibitionists we would not have the same executive in the chair that we have to-day.

1559*b*. Owing to the question of prohibition being mixed up with party politics, do you think men have supported prohibition openly who were not supporters of it in their own practice, so far as your observation goes ?—That would be placing the representatives of our party in the position of hypocrites ; and I guess we have none of that kind of politics.

1560*b*. Do you know anything about that ?—I would not want to know anything about it. I think prohibition in Kansas has been in a measure detrimental to immigration of some kind. We have no foreign element amongst us more industrious, prosperous and desirable than the German element, and they are decidedly opposed to prohibition. I believe that three years ago, if it were not for the property-holding rights of the German people of our city, they would have left us in a body. I believe that statement applies to 95 per cent of the Germans in the State of Kansas.

1561*b*. Do you think the present law is the means of keeping Germans out of the State ?—I do. I know of some whom it has caused to leave.

1562*b*. Do you think they are a desirable class of immigrants ?—I do ; they are most thrifty.

1563*b*. This has been further stated, that a good class of immigrants have been induced to come to Kansas owing to the law—that good people in the eastern States who desire to protect their sons from liquor have made Kansas their home. Do you know of such a case ?—I do not. I know that the population of our State has fallen off largely.

MAJOR MORRILL. I am not sure that the population has actually fallen off, but many of our people have gone to Oklahoma.

*By Mr. Gigault :*

1564*b*. Do you know how the prohibitory law is working in other parts of the State ?—I do not, only from hearsay.

1565*b*. From hearsay how is it ?—In the cities it is a failure everywhere ; in the smaller towns I suppose it is comparatively a success.

1566*b*. Do you believe that the prohibitory law has caused more liquor to be consumed now in homes than before its enactment ?—That question would apply to places where the privilege of selling is cut off. I do not think it is the same here, because it

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is not necessary ; but I believe where the law is enforced it is the cause of the consumption of more liquor in that way. At the time of the enforcement of the law, for instance, I got three gallons of whisky, and I never had more than one gallon before, and I am not a very heavy drinker.

1567*b*. It is contended that under the prohibitory law young children will not see saloons and will not learn to drink ; others contend that minors will go to these dives and buy liquor in large quantities and become drunkards ?—I will say that parents who support prohibition in the expectation that they are going to have better children in consequence of it are people I am sorry for. I think parents who are not able to educate their children in the proper course are very unfortunate, and if they are depending upon a law of this sort, which I hold is so much at variance with American ideas, they are very unfortunate. The Lord has probably made a mistake in giving them children.

1568*b*. Do you know whether divorces are increasing in this State ?—I cannot answer that. I do not know.

COL. JAMES L. ABERNETHY examined.

*By Judge McDonald :*

1569*b*. Your residence ?—Leavenworth.

1570*b*. Your calling or occupation ?—I am a manufacturer of furniture here.

1571*b*. How long have you resided in this State ?—About 36 years. I have lived here all the time.

1572*b*. When you first came here what law was in operation in regard to the liquor traffic ?—There was not any law at all when I came here : it was a territory then.

1573*b*. Was there a license law subsequently brought in ?—Yes, the saloons were licensed by the city, I think. I do not know whether there was a State law ; I do not think there was. I think there was just a city ordinance.

1574*b*. Taking the prohibitory law as you have known it, has it been effectively enforced in the State ?—I think it is enforced in the interior of the State, in the smaller places, but it is not enforced in any of the large cities on the border.

1575*b*. I believe you were a member of the Board of Police Commissioners ?—Yes.

1576*b*. You were chairman of that Board ?—Yes.

1577*b*. How long ?—Two and a half years ; I was appointed when the law went into force.

1578*b*. Was it the duty of that Board to look after the appointment of the police and the making of police regulations ?—Yes, that was our main business really, to enforce this law as other laws.

1579*b*. Did you make an honest effort to do so ?—We did.

1580*b*. With what success ?—With fairly good success for a while. There were no open saloons at all. There were very few places where men could get anything to drink, and they were up in the third and fourth stories of buildings, and in back alleys. Some of them were up back stairways. We closed the saloons entirely. I think there was not a single one open for a while ; yet there were places where men would keep liquor and sell it.

1581*b*. Did that state of enforcement continue ?—It continued for a while, but this is probably the worst city in the State of Kansas to enforce that law in, from this fact. The Judge of our court was opposed to the law, as well as the Clerk, the Sheriff, the Justice of the Peace, every township officer and constable, the County Attorney, the mayor and the entire Council, all bitterly opposed to it. I do not think there was a single member of the Council in favour of the enforcement of that law.

1582*b*. Was the sentiment of the community in favour of it ?—The sentiment of the community was largely against it. They elected these officers. It was a question that was prominent in our elections, and the sentiment of the city was against prohibition. We arrested these men for selling liquor in 1885 and 1886, and prosecuted them in our



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District Court, but we could not get the cases proceeded with. They would carry them over from time to time, until the witnesses became scattered and gone, and then the cases were dismissed. We laboured here for two and a half years, and worked faithfully and hard. The gentlemen who were associated with me I know were earnest, and we tried in every way we could to enforce the law, but everything was against us. We had not a court to which we could take a case; not a single one. Every one was opposed to us.

1583*b*. Did that lead to a relaxation in the end?—It led to the resignation of the Commissioners when they found they could not enforce the law. Of course there was some friction between the members of the Board, and they resigned, and others were appointed in their place.

1584*b*. What course did they take?—They attempted in every way to enforce the law, but they ran out of money. You see that by our law the police are dependent upon the revenue of the city; they had to be paid by the council. The council refused to appropriate any money to pay the police, and the men of course could not serve without pay. A great deal of money was paid privately by parties to help to carry on this work, in the way of hiring detectives, and in various other ways, but unless the police force could be paid in some way, it was no use.

1585*b*. What did the new Board do? Did they resign?—Yes, they resigned, or were removed. I believe the Legislature met while they were in office, and the appointments—as all appointments by the Governor—were submitted to the Legislature, and they were not confirmed. Then a new Board was appointed.

1586*b*. What did they do?—They adopted a different course from what we did. They adopted a system of license or taxation, or something of that kind.

1587*b*. So they derived an income from the traffic?—Yes, for the purpose of deriving an income. And that system has remained in force ever since.

1588*b*. Is that the state of things now?—I think it is.

1589*b*. Do you think the mixing up of the prohibition question with party politics in the State has been an injury to prohibition?—I hardly know how to answer that. We have had a prohibition party in the State all the time.

1590*b*. Do you mean a prohibition political party?—No, a prohibition party without regard to politics.

1591*b*. Have you not also had a political party which called itself a prohibition party, which ran candidates for the Presidency?—Yes, that is the party I alluded to.

1592*b*. Is that party a numerous one in the State?—I do not know what its numbers are.

1593*b*. I may say that we have been informed that prohibition has been mixed up somewhat with the old political parties?—The Republican Legislature passed this law, and was responsible for it. They have favoured it in legislation more than in their platforms, I think. I forget whether in their last platform they endorsed prohibition or not.

1594*b*. If it could be disassociated from all political parties, do you think it could be better carried out?—If they were strong enough to accomplish their end. It will always be very difficult to enforce prohibition, however, on the border here. While we were trying to enforce the law they built a pontoon bridge right across the river, and built up a little town on the other side in which every building was a saloon, and there was a constant stream of men going backward and forward over that bridge.

1595*b*. Have you considered whether it would be an advantage to amend the law so as to prevent persons bringing in liquor from other States for their private consumption?—I do not know whether you could do that.

1596*b*. Suppose it could be done constitutionally, would it be an advantage to the State to do it?—It would be an advantage to the enforcement of the law.

1597*b*. You think, then, that liquor brought in by private right is used by people for the purpose of sale?—It has been all the time. There is no question about that.

1598*b*. How do you find the druggists? Are they living up to their engagement with the law?—I think there are very few of them but have sold liquor here. I think all of them have sold, with the exception of one or two. I do not know how it is out in the State.

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1599*b*. Taking the State as a whole, do you think its business interests have been improved by prohibition?—I should think so, taking the State as a whole.

1600*b*. We understand that here you labour under peculiar difficulties in connection with the liquor traffic, owing to so many old soldiers at the fort being located so near you?—Yes.

1601*b*. I suppose it leads to a greater demand for liquor?—Yes.

1602*b*. Are you acquainted at all with Kansas City, Kansas?—Very little.

*By Rev. Dr. McLeod :*

1603*b*. I suppose you employ a great many men?—Yes.

1604*b*. And have observed how the drink traffic affects your employes?—Yes.

1605*b*. Do you find the saloon business, even as it is carried on now, a disadvantage?—Yes. In my own business, before this law was passed we employed a great many Germans, and they were in the habit of going out about ten o'clock in the morning and along in the afternoon and getting their beer. When the law was passed we found that they stopped that. I noticed a great improvement in the men in that respect. Indeed, I will say this: I believe there is a great improvement even right here, in Leavenworth, in comparison with the time before the law was passed. Men who used to go to saloons and places of that kind, when they had to climb up two or three flights of stairs, or go into a back alley, have told me repeatedly: "If I have to do that, I won't drink." I know a great many men who have quit drinking.

1606*b*. So that although the law has been poorly enforced, some good has come of it?—I believe a great deal of good has come of it, even here, although this is probably the hardest place in the State of Kansas in which to enforce the law, owing to its peculiar circumstances.

1607*b*. Do you think the law has had any peculiar effect in changing the status of the trade, degrading it somewhat, and making it less reputable than it used to be when it was licensed?—Well, I do not know. It is hard to make a bad thing worse. I do not think it has made any change here in the class of men who carry on the business, except there are some very low joints; but those have sprung up on account of the traffic from the Soldiers' Home and the fort.

1608*b*. I gather the impression that you consider the Home and the soldiers and the prison are elements which make it more difficult to enforce the law than it would be otherwise?—Yes, I think that is so. But the greatest difficulty we encountered here was the sentiment of the people, and our courts being against it.

1609*b*. I believe the vote of Leavenworth was against the amendment?—Yes.

1610*b*. Do you remember what the vote was?—I do not. For an amendment it was very light.

1611*b*. Have you any reason to believe that public opinion, even in Leavenworth, has changed to be more favourable to the law than it was at the outset?—I hardly know.

*By Judge McDonald :*

1612*b*. In this community as it is at present, with a Board of Police Commissioners who, instead of enforcing the law allow men to violate it on condition that they pay a monthly fine, which would be the better in its effect upon the community, to allow the trade to be carried on legally within this municipality, or to have the state of things which now exists, of a law broken?—I think a license law would be better than the way it is carried on here.

1613*b*. Do you think it would be better for the conscience of the people in regard to the observance of the law?—Yes, I think it would. I think the effect would be better.

1614*b*. In considering the question of prohibition, do you find that the state of public sentiment in the community has much to do with the enforcement or non-enforcement of the law?—I think it has a great deal to do with it.

1615*b*. That being the case, have you considered whether it is better to have a State law applied to all, or to have a law adopted by communities according to the way their sentiment is, for or against it?—No, I never have thought of it. I think there was a suggestion made a year or so ago, or an effort was made to have a law passed to apply

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to some of the border counties here where it was found impossible to enforce the law, allowing them to have a license system, but nothing ever came of it.

*By Rev. Dr. McLeod :*

1616*b*. We have heard that the same system that applies to drinking houses, of assessing them every month in a way equivalent to a license, applies also to gambling houses and houses of prostitution here. Is that your understanding of the system?—I do not know. When I was on the Board I do not think there was a gambling house in the town, if there was we did not know it. I presume there are more now.

1617*b*. We are told that there are some now, and that they, as well as the houses of prostitution, are assessed in the same way as the saloons?—I believe they are run for revenue.

1618*b*. Do you think it would be better to assess the gambling houses and houses of prostitution in that way, or to give them a legal standing and impose an annual license upon them?—I think that a license law, observed and carried out, would be better than a law broken. I think the effect on the community is better.

1619*b*. Even in those cases?—Yes.

1620*b*. But you would prefer, I suppose, that the law which restricts and prohibits them should be carried out?—Yes, that would be better. This social evil question is a very serious one, and it is very hard to tell what is best to do with it.

*By Judge McDonald :*

1621*b*. Do you find that it is a question that has to be dealt with more as you go further west, in a newly settled country, than in the east?—I do not know. I think they have about the same difficulty everywhere. I think here they fine those places about \$25 a month. They have a collector, or a man whose business is simply to attend to that. He goes round, and they pay so much to him, that is all there is about it. They are not brought into court at all.

REV. WILLIAM N. PAGE, D.D., examined.

*By Judge McDonald :*

1622*b*. Your residence?—Leavenworth; I am pastor of the First Presbyterian Church.

1623*b*. How long have you resided here?—Twenty years.

1624*b*. You have heard the questions asked Col. Abernethy, and have heard his statements. Do you concur in what he has said?—I do, in the main.

1625*b*. Is there anything in which you differ from him?—I think Leavenworth to-day is hardly a fair illustration of the prohibition system. This city was settled largely from Missouri, a State where the prevailing views on that question are not as strict as those of people in other localities, so prohibition has never been favoured in this part of the State. Then, we are peculiarly situated here. We have a very large foreign element. The coal mines bring an extensive foreign element here. We have also the young soldiers to the north of us, who are largely a drinking element, and we have the old soldiers to the south, who are also largely given to drink. A good deal of our police trouble, and a good deal of the annoyance we have in the city, comes from the soldiers. Then we have Missouri bounding us on the east. We virtually have but a short western boundary that is favourable to prohibition, otherwise we are right in the midst of a class of people who are not naturally, or from education, in favour of strict temperance. This city is largely American, though of course there is a sprinkling of foreigners in it. I was here when the law was passed, and have had a good deal to do with it, but I have come to this conviction, though somewhat unwillingly, that in cities where you have a

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large foreign population, especially a German population, total abstinence is not in the line of their education, and in those cities a strict license system would be better enforced than a prohibitory law which you cannot enforce. Prohibition is theoretically right, practically, I doubt if you can enforce it in cities like Leavenworth, Kansas City, Missouri, or Kansas City, Kansas. I think you can in Topeka, because it is settled by a different class of people. I think you can also in the rural districts.

1626*b*. You think the state of public sentiment in a community has to do with the success or non-success of its enforcement?—I suppose it has with all law. Law is but the expressed sentiment of the people.

## Liquor Traffic—Kansas.

LEAVENWORTH, KANSAS, May 19, 1893.

Commissioners McDONALD, McLEOD and GIGAULT resumed the inquiry to-day.

ARTHUR CLARK examined.

*By Judge McDonald :*

1627*b*. Your residence?—Leavenworth.

1628*b*. How long have you resided here?—All my life, since 1854.

1629*b*. Does your business carry you out through the State much?—Yes, I am travelling nearly all the time in Kansas.

1630*b*. Do you stay much in hotels?—In hotels all the time.

1631*b*. In the places which you visit, do you have business relations which take you much through the towns?—Yes.

1632*b*. And have had an opportunity of observing the working of the prohibitory law in the State?—Yes, ever since it was started.

1633*b*. Is it effectively enforced?—No.

1634*b*. What are the difficulties?—The want of observance of the law by the people.

1635*b*. In what way does the non-observance of the law show itself?—It depends on the sentiment of the community to a large extent. Wherever there are a few people who are actively determined to enforce the law, they scatter the sale of liquor from known places such as saloons all over the town into the hands of boot-leggers—men who will have coats made with half a dozen inside pockets, each one being large enough to hold a pint bottle of whisky, and these men offer anybody a drink for a dime.

1636*b*. In some places this might be called a walking saloon?—Yes.

1637*b*. Do you know where the term boot-legger came from?—I do not; it is more a term of derision than anything else.

1638*b*. And in such places, where the trade is scattered, have they what is called joints?—Not in the small places so much, but the druggists sell liquor. You go to a case where a glass is placed, you lay down your money and you will get a drink. That was the case formerly almost entirely.

1639*b*. How about places where there is not such a strong sentiment in favour of the law?—The open saloon is universal.

1640*b*. Then are we to understand that your experience throughout the whole State would lead you to this conclusion, that where an attempt is made to enforce the law the open saloon is closed, but the traffic is still carried on in a secret way?—Yes.

1641*b*. And where the public sentiment is not strong enough to enforce the law, there are open saloons?—Yes. The express companies also bring in immense quantities of liquor from Missouri and other outside States. Any day in the week, if you go to the station at Kansas City you will see truck loads after truck loads of liquor in casks and boxes shipped by express on every train.

1642*b*. Do these go to private homes?—No, not generally. In Topeka, I know a dozen boys will join to get liquor and drink it among themselves. I have known many cases of that kind in Topeka, and that is the head centre of prohibition in Kansas.

1643*b*. Have you seen the club system?—Yes.

1644*b*. How is that carried out?—A certain number of men will club together, pay a keeper, furnish their rooms with lockers, and each individual will buy his liquor and put in a locker of which he carries the key. Then, whenever he goes there the attendant will take his key, and go to his locker and bring him what he wants out of it.

1645*b*. Can a member take his friends in and treat them?—He can take half a dozen in and treat them from his own locker.

1646*b*. Have you taken any notice whether there is a connection between party politics and prohibition in this State—whether the political parties use it as part of a political machine in any way?—The Republicans in this State have been using it for the

ARTHUR CLARK.

last ten years as a machine in politics. In the large cities they have control of the Boards of Police Commissioners who appoint the police, and they treat the jointists in such a way as to make them use their influence and their money for the advancement of the Republican candidates.

1647*b*. Have you noticed any benefits derived by the State from prohibition? If so, what are they?—I cannot see any material benefits arising from prohibition as it is being used in Kansas.

1648*b*. Have you seen the operation of a license law in any community?—Yes, that is, before prohibition went into force.

1649*b*. Comparing the two what do you think?—I think high license and local option is the thing. Local option is where the people of a community can have license or prohibition as they please. Where the sentiment of the community is largely in favour of prohibition of the liquor traffic, it makes the public sale of liquor difficult; and then, if the officer is not extra vigilant, it will be sold in various forms and ways. I think the prohibitory law is ahead of the education of the people to a large extent, taking the State as a whole. Postmaster General Wanamaker a couple of weeks ago made a little speech at the Young Men's Christian Association in Kansas City, when he put the case in a nut shell. He said: "You cannot legislate young men away from gambling; you cannot legislate morality into them; you must educate them to it." That, I think, is the situation of the liquor traffic in Kansas. Education is more conducive to the good of the people than legislation.

1650*b*. Do you know whether any of the old temperance associations are at work in Kansas?—The Women's Christian Temperance Union is actively at work.

1651*b*. You think, then, that the use of what would be called religious and moral influences upon the people in favour of temperance is what must bring about the result if it is to be brought about at all?—I think that must bring about the result. It is far higher than anything else.

*By Mr. Gigault:*

1652*b*. What is your occupation?—At present I am one of the coal oil inspectors of the State of Kansas. I have been a travelling man. The position of coal oil inspector is a position under the State Government.

1653*b*. Do you know how many places are selling liquor in this city?—No.

*By Rev. Dr. McLeod:*

1654*b*. Do you think any benefits have arisen in any part of the State from prohibition?—In an indirect manner it has been an educator of the people. That is all, though. It scatters the traffic in these small places into out-houses and places with closed doors, instead of confining it to places where it is public.

1655*b*. You think it is educating the people, however, to believe that the traffic is what?—Every effort that calls attention to the evils of the liquor traffic does some good. Prohibition does that, and that is all. It is indirectly a good, directly an evil.

1656*b*. What effect do you think it has upon the growing population, young men and boys?—It is having no effect upon them.

1657*b*. Do you think it is deepening any feeling that is being taught to them about the evils of the traffic—the fact that it is outlawed?—To see them around saloons as I have seen them in this State, you would not think it has had that effect.

1658*b*. Do you think, if they were licensed open saloons, they would be there still?—I do not think that would make any difference.

1659*b*. Is this the difference, that with these illicit saloons those who go there go without the consent of the law, whereas with the open saloons those who go there go by the authority of the law?—In Atchison, for instance, they have what is virtually a license, and confine the business to a certain district. The proprietors are put under bond every month, and the police are able to control them. The same is the case in Wichita, but the same thing is not done in Leavenworth. Here they are scattered all over the town, but the police know where they are. When they are not licensed the police do not know where they are. In the one way the communities derive a revenue

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from them, in the other way they are still there, but the community gets no revenue from them. The police have to be supported. The police are used mainly for the purpose of watching characters who frequent such places and spend their money there, and where they are licensed these characters pay or help to pay for the watching of their misdeeds; and where they are not licensed they do not. The scattering of the evil is what I think is the greatest wrong done by prohibition.

1660*b*. You regard the drink traffic then as an evil?—I do, when a man drinks more than he ought.

1661*b*. And how about the man who sells?—He is not much better.

1662*b*. With regard to the community that authorizes the sale?—I have not taken the ethical view of the situation, I am taking the practical view of it.

1663*b*. Do you know of any place where under a license system the traffic is really regulated in the sense that its sales and its evil influences are lessened?—I am not in a position to say that, from the fact that I am not a frequenter of saloons.

1664*b*. Do you know any community where the licensing of the trade lessens its evil influences?—I do not. Now, as to the other side of the question—whether I know of any community where the consumption of drink is lessened by the prohibitory law. I do not think I do.

1665*b*. Do you think the educative effect of licensing the trade is different from the effect of outlawing it—upon the children?—I really do not know. I have two children, and I do not suppose they have ever given a moment's thought to the liquor question in their lives.

*By Judge McDonald:*

1666*b*. What would be the effect on your children growing up if you told them the prohibitory law prohibited the liquor traffic, and they saw the law disregarded? What would be the effect of that upon their ideas of law generally?—They would wonder why it was done, but the blue laws of Connecticut are a wonder to some people.

*By Rev. Dr. McLeod:*

1667*b*. Do you think if a thing is legalized in a community it is easy for old and young to consider that it is right?—Not necessarily. The education of a man may teach him that the easiest and best way for a community to handle that subject is to have police surveillance over it by licensing the traffic, and making the men engaged in it report to headquarters what and how their business is, so that the police can better watch the criminal classes who generally congregate in those places. If these saloons are licensed and made to report to the police, that is a better thing to do than to scatter the traffic in an illegitimate manner all over the town, as is done in almost every Kansas town, compelling the police to hunt them up rather than requiring them to report to the police. One day I heard of a boot-legger, and went out of curiosity to see him. He had four bottles under his coat. It was warm weather, yet he had an overcoat on. I said to him, "You have got something to drink?" He said yes. "Well," I said, "can't we drink right here?" "No," he said, "the law will get after me here." I said, "Where will you go?" He said, "There is a shed round at the back of this building; we will go there." I did not go there, however, because I had no inclination. I asked him, "What do you pay for your whisky?" He told me \$1.25 per gallon. I asked him where he got it. He said, "It is shipped to me by the keg from Kansas City, Mo."

1668*b*. Which do you think is the more injurious to the community, that fellow with an overcoat in the summer time and four pockets with a bottle in each, or a well-equipped, legalized and authorized saloon on the street?—That fellow will sell just as much whisky as a saloon, and he will have a worse effect upon the community. I voted for the prohibitory law, too.

1669*b*. But would not do it again?—No.

H. B. CALLAGHAN, M.D., examined.

*By Judge McDonald :*

1670*b*. You are a physician?—Yes.

1671*b*. How long have you lived here?—I have lived within nine miles of this place for fifty years. I have lived twenty-five years of that time in the town. I am the original old mossback Democrat who first became a prohibitionist here. I never voted any other vote in all my life but the Democratic vote until I voted prohibition, and I have never voted any other vote than a prohibition vote ever since then.

1672*b*. How do you come to have the two matters mixed up here, prohibition and politics? Was the prohibition vote supposed to be opposed to the Democratic policy?—No. We have had a prohibition ticket in the field, and if I did not find a prohibition ticket I would not vote at all.

1673*b*. In order to assert your prohibition principles you let party go to the wall?—Yes, I do not vote for either of the old parties.

1674*b*. Do you believe that prohibition in the State has been injured by being mixed up with politics?—Yes, it has been very materially injured.

1675*b*. Have party politicians who did not really care for prohibition made it a talking horse to help them to political success?—Yes, that has been, to a certain extent, the destruction of prohibition in the State.

1676*b*. Do you think it would be an advantage to prohibition if it could be divorced from party politics?—Yes.

1677*b*. We understand that you have been a Police Commissioner in this city?—Yes.

1678*b*. How long?—Several months, I do not remember just how many.

1679*b*. You were appointed by the Governor of the State?—Yes.

1680*b*. How long ago was that?—Two or three years since.

1681*b*. Was it at the time or since the time of Colonel Abernethy?—Since.

1682*b*. Were you one of the Board that succeeded Colonel Abernethy and his colleagues?—Yes.

1683*b*. When you were a Police Commissioner, did you and your colleagues make an honest attempt to enforce the law in this city?—We did.

1684*b*. Did you find difficulty?—Great difficulty.

1685*b*. Did you find yourselves able to enforce it?—No.

1686*b*. Tell us what the difficulties were?—It was surrounded by almost every difficulty that could be imagined. In the first place, there is a large foreign element in our city, a very large German element, and quite a large Irish element. The Germans are all in favour of open saloons, and they have been bold and defiant, and have threatened to boycott every man who is against them, so that they alarmed a great many of our business men—so much so that even prohibitionists in sentiment and feeling would go with the anti-prohibitionists. They would throw every obstruction in the way of the enforcement of the law that they could. It was a matter of impossibility to get a set of policemen that one could rely upon. If we could get a man to go on the police force who we knew was honest and would deal fairly with us, he would be persuaded by the business element and advised not to accept the position, because if he did he would be boycotted in the future—he would be thrown out of work, and would not be able to get anything to do. Consequently we could not get policemen who would work honestly with us. If we prosecuted the liquor sellers under the Murray Law, which imposes \$100 fine and 30 days imprisonment, everybody would say that is too severe, and the men would not be punished. If you got them before the officers, some quibbles were raised, and they would be released. The three members of the Board were honestly prohibitionists, and we attempted to enforce the law as rigidly as it could be enforced. We could not take a bribe; we could not tell these fellows, "Run your places and pay so much a month, and we will let you run;" but we told them all that when we caught them we were going to punish them, and we did confiscate a great quantity of liquor. I recollect on one occasion we got from one house 100 bottles of beer, and we got 10 gallons of whisky, 15 gallons of wine and from 150 to 200 gallons of beer at another



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house. All this was emptied into the sewers. We had one detective who went around in private clothes, and he would follow them up and report to the Commissioners, and then we would send a policeman after them. There were two or three instances where people would raise their carpet and lift a plank or two and fill the space between the floors with liquor. We got a good deal of liquor secreted in that way. We destroyed everything we got.

1687*b*. How long did you continue in office?—Five or six months.

1688*b*. Did you then retire?—We retired partially, and partially were compelled to retire.

1689*b*. How was that?—The Governor had commissioned us during the vacation of the Legislature. Our commissions expired about the 1st of March, and according to the Murray Law the new commissioners would not occupy their positions until the first Tuesday in April. After our commissions expired the Governor recommissioned us until the 1st of April. He sent our names to the Senate, I understand, and the Senate confirmed us up to that time, but after that time we did not get a single vote in the House. The Governor then sent down our commissions, and wrote on the back of each, "Not accepted."

1690*b*. Was that because the Senate had not confirmed them?—There were other reasons. He was a Republican and a professed Prohibitionist, but he saw that it was of advantage to him to let matters run here.

1691*b*. Was the Senate of the same party?—Yes, the Senate was Republican.

1692*b*. What action was then taken?—The Governor appointed three men, who were confirmed by the Senate, and they accepted their commissions.

1693*b*. Were they prohibitionists?—If so, no one had heard of them here. The Chairman was Mr. Atchison, the second was a German; the third was an old line Democrat opposed to prohibition, a man who drank liquor all the time.

1694*b*. What course did these men take?—You will see by your own observation. One of them remarked to me that they were going into it for the money there was in it.

1695*b*. We have been told you have here virtually a license system by which monthly fines are inflicted upon the liquor sellers with such regularity that they amount to a license?—They are fined every thirty days.

1696*b*. Had the state of public sentiment in this community anything to do with the difficulties you had and with the change of system?—The sentiment of our community has had a great deal to do with it.

1697*b*. If you had had a sentiment in this community favourable to the Act, you would not have had these difficulties, or at any rate not to the same extent?—Oh, no.

1698*b*. What about the State at large?—I know but little of the State at large, only what I hear. I am taking a number of papers published in the State, and I have conversed frequently with gentlemen who have travelled over the State. I find that their reports to me are about as their feelings and sentiments are. Converse to-day with a gentleman who is a prohibitionist in sentiment, and he will tell you that prohibition is having a happy effect in the State, except in the larger towns. Get a man who is not a prohibitionist, and he will tell you it has no effect at all, that there is as much liquor drunk as before prohibition, and some will contend that there is more. My own impression is that there is not nearly as much drunk as there was before. It is having this effect, educating the youth of the State up to temperance and sobriety, and wherever the sentiment is favourable to it it is a success. As proof of that I may state that there was a very strong effort made at our last election to have a re-submission—in other words, to have a fight on prohibition. The State voted against a constitutional convention which was for nothing else but to change the law.

1699*b*. How is your own community as to orderliness and good conduct?—Oh, it is as fair as any place where there is as much liquor sold.

1700*b*. We are also told that a system prevails in this community of inflicting from time to time fines upon houses of ill-fame?—Yes, that was done under our administration to a certain extent.

1701*b*. Why did you do it?—It was necessary to keep them under surveillance all the time, and it occupied the whole attention of one or two policemen. It had been

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the habit and custom, and we tried to get those places into a small space, and if we had continued in office I think we would have run them out of town after a time. There had been an effort made on the part of Colonel Abernethy and his associates to break them up where they had been keeping their places for years, and they scattered all over the city, and then it required more labour on the part of the police to look after them than when they were congregated in one place.

1702*b*. Has the presence of so many soldiers anything to do with the existence of the evil here?—Yes, it has a great deal to do with it, and the Soldiers' Home more than Fort Leavenworth.

1703*b*. Taking your community as it is, with the present indirect method of licensing saloons, which would be better for the community at large, that system, or a lawful license system?—I think that the indirect license system which now prevails has perhaps a greater restrictive influence on the keepers of these houses and upon the community than if they had a regular license. They are kept in dread all the time that if their houses become obnoxious or noisy they will be stopped, while the old system seemed to give them a license to have more disorder about their houses.

1704*b*. What is the effect upon the public conscience of a community, of allowing an unlawful state of things to exist?—Our community has been educated up to this point on this question, that it has no influence upon them. But it did have an influence for some years.

1705*b*. In other words, you think they are bound to have the traffic in this locality, be it lawful or unlawful?—The gentlemen who have been leaders in our community have been teaching ever since we have had a prohibitory law, that you could not get along without the traffic. They have thrown every obstruction in their way, so that we could not keep a police force together. The Council would do everything to oppose them. The Police Judge was opposed to the law. Our Magistrates would take a good deal of pride in prosecuting a policeman and letting a whisky seller go, if they could do so with any sort of propriety or decency.

1706*b*. Are temperance societies carrying on work in this city?—No.

1707*b*. What about the influence of the churches? Are they dealing with the question?—I think it is a matter left entirely quiet by them. There is not a church in town that does anything about it.

*By Rev. Dr. McLeod:*

1708*b*. Why is that? Are they afraid?—Afraid. There are two churches in this city with whose aid, if I had them on my side, I could close up every saloon in this city in six months—if these churches would take a stand, but they will not do it. One request I would make of you, gentlemen, is this: I would like you to go to the police offices and get the number of arrests made under Mr. Fairchild's administration and the number made in the following administration of Police Commissioners. When we were in power, our orders were to arrest every man that was found drunk. The police have stated that it was their orders from the following administration not to arrest a man unless he became noisy, and I would like to see the difference in the number of arrests. It has been stated that there is as much whisky drunk under the enforcement of the prohibitory law as there was before or since. This is certainly preposterous when we take into consideration this one fact, that all the liquor brought into this town at that time was brought in clandestinely, and if we found a wagon with beer or whisky on the street we confiscated it.

*By Judge McDonald:*

1709*b*. Were not people allowed to have it for their own private use at their houses? Yes, we could not prevent that.

1710*b*. Then how could you seize a load on the street?—We supposed it was for a man who would sell it. A man would not be wanting half a dozen casks of beer for his residence.

1711*b*. How did you decide when the matter was investigated?—Generally they made no defence. The Commission would select parties who knew something about it, and get their statements.

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1712*b*. Would you change the provision of the law which allows liquor to be brought in for private use, so as to prevent that?—I would.

*By Mr. Gigault :*

1713*b*. Under the present prohibitory law, is it forbidden to drink cider?—That is a question I do not know has ever been tried. The law prohibits all alcoholic liquors. After cider gets to a certain stage it is more intoxicating than whisky. I came from Kentucky, and I have known men to get drunk on cider for six months.

1714*b*. Is the use of cider allowed or not allowed?—I know that there was some trouble here one time about a place where they claimed to be selling nothing but cider, but on investigation it was found that the cider was frequently mixed with strong liquor, and the place was raided and suppressed without any lawsuit about it. The Commissioners simply took possession of it. There is another point to which I want to call attention. In our trials men would go into the courts and swear they did not know what it was they had drunk. I recollect one particular instance that occurred here, when three or four prominent citizens went into the witness box and swore that in drinking in a certain saloon they did not know what it was. It was called cold tea, what three of them drank. The fourth said he did not know what they had drunk, although he had boasted after they had drunk it that it had cost 25 cents, and what the rest had drunk had cost five cents, and that it was the best of brandy. That has been one of the great difficulties we have had in our circuit courts; the witnesses did not know what it was they drank, and the trouble was to make them tell.

*By Judge McDonald :*

1714½*b*. Were those men such as would occupy a reputable position in society?—They are the leaders in our community. Another difficulty was the juries. I remember one case in which two respectable gentlemen were witnesses, and one of them, Mr. O. B. Taylor, swore before the jury that he had drunk liquor on Sunday, and paid for it; and nine out of the twelve jurymen decided that he did not drink anything.

1715*b*. Do you find that the sale is stopped on Sunday?—The present Board is making an effort in that direction, but it has not checked it entirely. There are two saloons opposite my office. On Sabbath afternoon I frequently notice men going up an alley that leads to both of them. The present administration is closing them up on Sunday better than any administration, unless perhaps Abernethy's administration and the one that followed it.

*By Mr. Gigault :*

1716*b*. Do you know how many places are selling liquor in the city now?—I do not. In the last conversation I had with the Captain of the Police Force he told me that they were collecting from 124; but the general impression of our people is that the number is about 150.

*By Rev. Dr. McLeod :*

1717*b*. Does that include the bawdy houses?—No; saloons and corner groceries.

1718*b*. Are liquors sold in the grocery stores?—Yes; in almost every grocery.

1719*b*. By the glass?—Yes.

HON. EDWARD CARROLL examined.

*By Judge McDonald :*

1720*b*. You are a banker residing in Leavenworth?—Yes.

1721*b*. How long have you resided here?—Thirty-four years ; too long for my own good.

1722*b*. Why too long for your own good?—I think I could have been better off in some other locality.

1723*b*. You have held legislative positions in the State?—Yes ; I have been in the House of Representatives for a number of years, and have been Senator for the last four years. At the last election I declined to go the Senate any more. I was the lone bird of my own party there, and life was a burden to me ; I was the only Democrat in the Senate. They treated me very well, but it was not a comfortable place.

1724*b*. Do you hold any representative position now?—No ; I was nominated for Congress, but I declined, owing to the death of my wife last fall.

1725*b*. Have you had an opportunity of seeing the working of the prohibitory law in this State?—Yes.

1726*b*. Have you found it a success and a benefit to the people?—No ; I do not think it has been a success.

1727*b*. Has it been effectively enforced?—No. You understand the history of it. It was submitted in 1881, and it was carried by a vote that was not very heavy, and it has been amended several times since, each amendment making it more drastic and draconian in its provisions. In my judgment it has not been a success in any view you can take of it. It has not been a success judging it from a business standpoint, nor in lessening the consumption of liquor, nor in any way in which the honest authors of the measure intended it should be.

1728*b*. Has it been used to any extent by party politicians as a political machine?—Oh, yes ; that has been the curse of the thing. It has been a political foot-ball. You see, the prohibitionists are nothing if not extremely radical and fanatical in their opinions, and my observation is that the prohibition party do not seek, as a rule, to run an independent party machine. They have been more wise and politic in that respect, though most of the leaders of the party are preachers. They seek to ally themselves with the dominant party in the State. For instance, in Kansas they allied themselves with the Republican Party, it being the dominant party. In the south I understand that as a rule they seek to ally themselves with the Democratic Party. Prohibition has little or no following in the centres of population. It is strongest in the rural districts. In this city the sentiment is all against it. I am frank enough to say that if the measure were resubmitted to the people to-day I believe it would carry again, notwithstanding all the bad elements and the bad effect on the State in many ways. Our rural population does not seem to have any sympathy any more with the centres of population.

1729*b*. We understand that there is now being pushed forward a scheme to establish female suffrage in this State?—Yes ; female suffrage in municipal matters was established here five or six years ago. That is one of the things I had to fight.

1730*b*. They are proposing to enlarge that so as to give the same suffrage for State elections?—Yes.

1731*b*. Would that also give woman suffrage in United States Congressional elections?—Yes.

1732*b*. By what people is that plan being pushed forward? Is it by a political party or by individuals?—Well, it would be hard for me to go into that without being pretty bitter and pretty severe on the class of people who are pushing it. They are a class of unfortunate women. I would not say they are disreputable, but they appear to have no aim or object in God's world but to go through the country disturbing it and seeking notoriety. As a rule they are women without children and without household duties. When I was in the House I denied that the great mothers of the manhood of the country wanted it.

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1733*b*. How does it act in municipal elections? Do the women avail themselves of the privilege?—Go to the most rabid suffragist and he will tell you that it is a grand success, in the face of the fact that the statistics disprove his statement. That is one of the troubles about this whole agitation. These people are so extremely radical that the question of truth does not seem to affect them. I have seen statements quoted by leaders of the prohibition party that prohibition is a great success in this State, and I appeal to you whether it is or not. It is the same with woman suffrage; they will tell you it is a great success. Six years ago I was the leader of the opposition to the measure, because I believe it is one of the most unfortunate things we could have in this country; it will degrade woman. We know what the effect of dabbling in politics often is on a good man. A fair, candid man will do things in politics that he would not countenance in any other relation in life. If that is the case, what must and will it be with women? Any man who thinks it is going to improve political life, ought to go down to a primary meeting. The darkey element belongs to the party. Go into one of the huts where they hold the primary meetings and see those poor coloured women packed like sardines in a box with the men. Do you think that could have any good results? In the first municipal election that we had under woman suffrage, by a peculiar condition of things there was quite a considerable turn-out in Leavenworth. We have here in round numbers a male vote of about 5,000. On that occasion we had a woman vote of 2,500. That was a phenomenal circumstance. This was the one place in the State where such a thing was brought about. It was brought about because they had imported this Gougar woman from India, a woman who is always creating disturbances; she is a fighter from way-back. That is one of the beauties of prohibition also—it sets every one by the ears. She is more of a woman suffragist than a prohibitionist. She came here and camped down. She held meetings in all the churches except the Catholic and Episcopal Churches. Even the respectable Presbyterian Church, Mr. Page's, I think, allowed her to hold a meeting there. A meeting of hers was a nightly occurrence. You understand what that means. Some might call it enthusiasm, others might call it by some other name—stirring up the passions of the people. They finally succeeded in getting out 2,500 or 2,600 female votes.

*By Rev. Dr. McLeod:*

1734*b*. You spoke of the respectable Presbyterian Church. Do you regard the other churches as not respectable?—I did not mean to insinuate that the others are not respectable. I meant to convey the idea that Mr. Page is one of the most respected men we have in the city.

1735*b*. Do not the others rank up too? Take the Methodist and Baptist?—So far as church matters are concerned, that is true. I am not partial. I am not a Presbyterian, but Mr. Page has been here a great many years, while the Methodist ministers change round a great deal; so that Mr. Page has been respected above the average, because of his longer stay here than the others. I suppose the idea of the woman suffragists was to demonstrate that, although I had predicted in the House that the reputable women did not seek to have this privilege thrust upon them, they represented the sentiment of the respectable women. I suppose another reason was that this town was the strongest centre, as it were, of opposition to these isms in the State; in other words, it was more democratic. In Wichita, a town claiming from 5,000 to 10,000 population, the people are of a like character to the people of this town; but they are more under the influence of Republican politicians. The woman suffragists did not make the same efforts there, and I remember that the dispatches the next day after the election, referring to Wichita, stated: "The woman vote was very light, 200 votes being cast in all, mostly of the sporting class." That was the result in those two cities, and I have given you the reason why Leavenworth cast the big vote. It was simply like any other revival—the feeling was worked up for the occasion. In the succeeding years the same number of votes was not cast in Leavenworth. The votes of the women decreased until the last election, when there was a more general turn out, partly due to the political condition of the State. This anarchistic party has got control of the state, and the strength of this party is in the rural districts: and the Republican Party made

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up their mind they must seek consolation in the cities, and they attempted to get out the women in the centres of population. Hence there was a greater turn out than usual.

1736*b*. Among the women themselves, is there much difference in the classes that vote?—It would be hard to tell. It would not be fair to say it is the lowest class entirely, and yet that is certainly correct as a rule. Yet there are unquestionably some of the better class who do turn out, moved by one reason or another. But, generally speaking, I say unhesitatingly it is the very lowest class, the class you do not want to exercise the franchise, that exercises the privilege of woman suffrage. My opposition to prohibition has been mainly because of its effects on business interests. I have never treated it from the moral standpoint, although I do not believe it has bettered the morals of the State; but my main opposition has been because it has had a bad effect upon the business interests of the State.

1737*b*. In what ways?—In a variety of ways. I could go into an enumeration of the facts that would detain you all day. For instance, in the matter of taxation, I want you to go into Missouri, a whisky-ridden State, and compare the rates of taxation there with those that prevail in Kansas. For instance, the people of Wyandotte County wanted the Legislature to pass a measure of relief for them, and for the first time I was astounded to learn that the taxation there was seven per cent, which was more than the rate of interest in that county. It is true that this is not on a full valuation, but on a three-fourths value. The average taxation in Kansas is five per cent. In Missouri I know it is much less.

*By Judge McDonald :*

1738*b*. Your legislative duties must have taken you a great deal to Topeka?—Yes.

1739*b*. At Topeka you met with men from all parts of the State. Have you found many legislators—I do not refer to one party more than another—supporting prohibition by vote and voice who were not practical prohibitionists?—Oh, yes, that is the disgusting part of it. I am a temperance man myself. Of course, I have taken no pledge, and am not a total abstainer. In the first session of the Legislature that I have attended I have seen a man who actually had to hold himself to his desk to speak in favour of prohibition.

*By Rev. Dr. McLeod :*

1740*b*. Does that touch the principle of prohibition?—Except in so far as the justice of the question goes. The Speaker of the House came to my room one night during one of the sessions. He would drink more in one night than I would in ten years when he would get in one of his drinking moods. I said to him that night: "Why are you inconsistent?" He said to me: "The trouble with you is that you ought to have lived three hundred years ago, when one took a lance and got up to defend the truth. In other words, you are away behind the age, an old fogey; you don't care whether you are for votes or not; the rest of us are not that way; we have either to remain in the swim or go out of it. I am too young a man to do that; you see as well as I do that I have got to support prohibition or go out of politics." There are others who drink like fishes who say: "We support prohibition because our constituents want us to." The last session I was in the Legislature I had to vote to abolish this police system, which, of course, is utterly unnecessary in little communities of this kind. In a little community like this, where every dollar counts, every dollar of additional burden that you attach of increased taxation so much more injures the people. I was opposed to this law that placed the authority of the Police Commissioners in the hands of the Government. Another of the troubles about this law is that it is made a machine for the vilest political corruption. Our County Attorney here is a prosecuting attorney. He was seeking a political office last year. He had quite a number of these people bound over by the court, and he held this over them as a club, and compelled them to do his bidding. This law has also a tendency to increase the bribery of officials. We have had experience of that sort of thing in this county. In the Legislature we had bills, in 1885, 1887, and 1889, making amendments of this law, always making it more rigid, oppressive and tyrannical. I never had much assistance in fighting it except in 1885. There was a

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gentleman there from Topeka named Overmeyer. I regard him as one of the greatest men in this State, although his politics are a bar to his preferment. Topeka is a typically hypocritical Kansas City. You do not need to take my statement for that. If you return to Kansas City I ask you to go to the express office and obtain there the statistics of the liquor shipped to Topeka as compared with the quantity shipped to other towns in the State. There is more beer, wine and whisky shipped to Topeka than to any other town of like size in this State. That is because they make a pretence there of observing this law, and claim there are fewer joints there for the sale of liquor than in any other town in the State. While that is true, there is about the same quantity drunk there according to the population that there is anywhere else. When they established the Keeley Institute there, they had more patients from Topeka than from this town. Instead of getting their liquor in saloons, they would simply have it shipped by the jugful, or the case, to private individuals, and business men kept it in their offices and in their homes.

1741*b*. Have you seen the working of the club system?—Yes; the club in Kansas is not what you mean by a club in your country. Here it simply means a cloak to enable gentlemen to get whisky.

1742*b*. What about the druggists?—They are people who sustain prohibition pretty unanimously. A few of them are opposed to it, but the druggists as a rule have found that it is a money-making machine for them, and they are pretty generally in favour of the prohibition law. It throws a monopoly into their hands.

*By Mr. Gigault :*

1743*b*. How many places are selling liquor in this city?—What is the use of asking? I have not counted them, but I suppose from 100 to 150; I very rarely go into them at all. I know they exist, and always have existed. You could not enforce the prohibition law in a city of this size with the standing army of the United States. If it had been possible, it would have been enforced. When it was attempted, the thing almost culminated in a riot. They imported the lowest kind of men from neighbouring cities to spy out the places where liquor was sold, because they could not get men in the town to do the work and give evidence. At one place one of the Police Commissioners, a nice old gentleman, who lived some years beyond his usefulness, went to close it up. He stood at the door with an axe in his hand, and threatened to brain the first man that came in. Whenever you pass a law that you cannot enforce, you bring about a disregard of all law. I am one of those unlucky individuals who stand by all law, but there has never been any change made in this law except to make it more tyrannical, except one, and that of itself showed the animus of the prohibition leaders. The law passed in the session of 1835, read something like this: It is absolutely prohibited to make or sell intoxicating liquor except for three purposes, medicinal, mechanical and scientific. I offered an amendment, made with the sole aim of having the law as little objectionable as possible, something like this: "Provided that nothing herein contained shall be so construed as to prevent any regularly ordained minister of the Gospel from procuring wine for communion purposes." I made an argument that it was not in the interest of good morals to compel clergymen to commit perjury, as there were so many thousands doing nowadays, for the purpose of procuring liquor. To my surprise, the gentleman who had charge of the measure said that it had been prepared by the Temperance State Union, and he hoped that I would not press my amendment, because he knew very well that the provision was unconstitutional. I suppose properly speaking it was, because unfortunately it did not come under the head of any of the three excepted points provided in the constitution. My amendment was adopted, however, and the funniest part of it was that this man Overmeyer, who is a free-thinker, and who had always voted with me, on this occasion voted against me, to my surprise and to the amusement of the House. He told me: "I was glad to see you succeed, for that is the only liberal amendment that has been made to the law since its adoption, but I voted against it because I did not want to give those d——d preachers any more privileges than others."

HON. EDWARD CARROLL.

*By Judge McDonald :*

1744*b.* Could not wine be purchased for sacramental purposes up to that time?—No, it could not.

1745*b.* Is it part of the law now?—Yes, but I question whether it is constitutional.

1746*b.* Do you mean to say that the party who proposed this law up to that time, proposed not to allow wine to be purchased for sacramental purposes?—Yes. That only demonstrates again what I claimed at the start, that the prohibitionists are so extremely fanatical that reason does not appear to cut much of a figure with them. It is assumed that all fair-minded men are interested in good government, but you cannot argue with them. They deal largely in exaggerations, as most fanatical people do. I have told you how it has developed hypocrisy, when a man will go into the House and vote for a measure that he will condemn outside. I cannot understand how it betters the morals of a community, while it injures its business. We had all these drinking places running open formerly and got no revenue at all from them. Whatever was paid by them, was paid in blackmail to the police. At the same time, we had to pay taxes to provide money for prosecuting them. I do not see how that state of things could help the morals of the community. I am free to confess, however, that it is better enforced in other places than it is here. But it is not enforced in Atchison or Wichita, and the same is true of every place of over 5,000 in the State of Kansas. It is true that in many of our smaller towns liquor is only sold at drug stores. It was not necessary to have a prohibition act in order to enforce prohibition in many places which had already practically enforced prohibition before the Act was passed at all. I stated once in the House, that one reason why this State was not prosperous, was because it had no centres of population, we were an agricultural State. It was pointed out that there was no one State in the Union that had not at least one great centre of population. I am quite sure that the largest city in this State does not exceed 30,000, and I pointed out that under this peculiar condition of things this law, which excluded many reputable people from the State, would have a bad effect on its business interests. The way I was answered was this: A poor old Senator got up in his place and thanked God that this State of Kansas would never, if my prophecy was correct, be cursed with the sinkholes of those Sodoms, big cities. I think he belonged to the class of people who stood in the way of the prosperity of this country.

1747*b.* What is the effect of the law with regard to immigration into the state?—I have always claimed that it has prevented immigration, especially of Germans, who in the early days were coming in large numbers. But the prohibitionists say, "That is all right; we don't want the d—d Dutch; let them stay away; we will get New Englanders after a while." But neither the New Englanders nor any other class materialize.

1748*b.* We were told in Kansas City that respectable eastern people who wanted to keep their sons from temptation came here because the State had prohibition?—But the statistics say that we don't get them. Take the State census of 1886, and since that time we have never had within 200,000 of the same number of people that we had then. It may be said that we gained strength from 1880 to 1886. I grant that; but that was gained under a peculiar condition of things. In the first place, there was unusual activity in the building of railways. The whole State was gridironed with railways in those five years. Besides, there was no attempt made to enforce prohibition for the first two years after it was adopted; so that prohibition practically commenced, not in 1881, when the bill passed, but in 1883. In the spring of 1886, we had a most unusual boom. There was a large immigration into the State on account of extensive railway building, and this being the last State, you might say, where there was any good Government land to be had, for the Government land in Dakota, Arizona, New Mexico and Colorado is not good. Hence Kansas was looked upon as the last dumping-off place where good Government land could be got at \$1.25 per acre, or for nothing at all for homesteading purposes. That activity caused a great increase of population in those five years. But since then Kansas has been left to its own resources. In 1886, we had 1,600,000 people, whereas according to the last United States Census we had only about



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1,400,000. We have a census taken here every five years, the State Census alternating with the census of the general Government.

1749*b*. It is claimed by some that the decline in population is largely to be accounted for by people going away to Oklahoma?—That is true to some extent, but it would not begin to account for the whole decrease. If Kansas were as prosperous as these men would lead us to believe this law would make us, the people would not go to Oklahoma or anywhere else.

*By Mr. Gigault:*

1450*b*. If there were no prohibition in Kansas would you have as many druggists as you have?—No. In fact, whisky selling has been the chief business of many of the druggists in the little towns. Go into a small town that can hardly maintain one druggist, and you will find two or three drug stores. It is preposterous.

*By Rev. Dr. McLeod:*

1751*b*. I suppose under a license law some of these druggists would become saloonists?—Possibly they would. If a man wants to go into the liquor business he will go into it, whether you have a standing army to prevent him or only a few policemen. Here is the trouble with our fanatical brethren. There are crimes made by law and there are crimes *per se*, such as robbery, murder, and arson. These are crimes which have been recognized as such since the birth of Christ, perhaps long before. But you cannot accustom the average citizen to understand that it is a crime to sell liquor, because it is simply made such by a statute, for which many of them have very little respect. I wish to state that I was the head and front of the opposition to the prohibitory law in the Legislature, and I never knew of a dollar being used by whisky men in any of the campaigns against prohibition—neither from the outside nor from the inside of the State. I was Treasurer of the Democratic State Central Committee when Mr. Glick was elected Governor, the only Democratic Governor we ever had, and the charge was made in the Legislature that he had been elected by money; but the official record showed that all that had passed through my hands in the whole campaign was \$120.

1752*b*. That was a snap victory, was it?—It was. It astonished both parties.

REV. S. B. POND examined.

*By Judge McDonald:*

1753*b*. You are a clergyman?—Yes, I am rector of St. Paul's Episcopal Church in Leavenworth.

1754*b*. How long have you lived in the State?—Two years.

1755*b*. During that time have you lived at Leavenworth?—Yes.

1756*b*. Have you been about the State at all?—Yes, a good deal. I am the Dean of the North Eastern Diocese.

1757*b*. How have you found the working of this prohibitory law?—I never was in a town yet there I did not see open saloons. There has been no attempt to conceal them in this town. I have been in Atchison, Topeka and Clay Centre. I must make an exception of Topeka. I have seen drink sold there, but not openly. However, the law is as much a farce there as anywhere else. In Topeka, on one occasion I was in a gentleman's office, and as it was a cold day I had my coat collar turned up, so that he did not know I was a clergyman. I was just introduced to him, and he remarked to me, "We are going downstairs to take a drink of beer." I said I never drank; I am a total abstainer. I said, "It is rather cold weather to drink beer; you do not mean to say you have it on tap here." "Oh yes," he said, "we always keep a keg." That was within five minutes walk of the State Capitol. There are no open saloons in Topeka, but in two or three towns I have visited I have seen saloons open.

HON. EDWARD CARROLL.

1758*b*. What is the effect on the character of the people of the law being broken in that way?—The worst possible.

1759*b*. What is the effect on the people's opinion of all law?—I think it begets a disrespect of all law. It is to make the people feel that the law is feeble.

1760*b*. Do you regard the drink traffic as productive of evil?—Of course it is, and prohibition is productive of evils, because it never has prohibited yet. I have been in Portland, Maine, and I have seen drinking going on there in bar-rooms in the hotels without any check. There are three prohibition States in the United States—Maine, Iowa and Kansas. They tell me that in the little hamlets in Kansas you cannot get liquor very easily, but in every town of two or three thousand inhabitants every one tells me that you can easily get it; and any miserable, low fellow who can pay his fine can open a saloon.

1761*b*. Have you had any observation of the druggists?—A perfect farce. The Government furnishes each druggist with a book, containing printed blanks. The substance of them is: "I do solemnly affirm"—I do not know whether the word swear is used or not—"that I need this liquor for the following disease." Then there is a blank for the name of the disease, and also a blank for the signature of the person getting the liquor. Any stranger can go into a drug store and sign such a blank and get anything he wants. That makes the law inoperative.

1762*b*. We understand that for some years wine could not be purchased in Kansas for the communion table?—That was the law, but it was procured just the same—I do not know how.

1763*b*. How about the law now?—I do not know how it is. I have an altar committee of ladies who go to the drug store and purchase wine whenever it is needed for the Holy Communion.

1764*b*. Are you from one of the eastern dioceses?—I am from the east; my home is in New York State. So far as young men are concerned, I have known instances of young men actually getting drunk here because it seemed a smart thing to get drunk in a State that had a prohibitory law. That is simply the folly of a boy of sixteen, that a man would not be guilty of. In this city there is no restriction of any kind. The saloons are open on Sundays. As far as the law is concerned, it is just as illegal to have a saloon open on Monday as it is on Sunday, and if you allow a saloon to be open illegally you cannot discriminate between one day and another.

*By Rev. Dr. McLeod:*

1765*b*. Your objection to prohibition is an objection to the principle of prohibition?—I do not know that it is. I am a total abstainer myself, and I would like to see every man a total abstainer. But I do not think you can pass any law to make a man pure and righteous. I think only Christianity will do that.

1766*b*. We are told that bawdy houses and gambling houses are practically licensed here. As you think the liquor traffic cannot be prevented and should be licensed, would you also license the bawdy houses and gambling houses?—The only way I can answer that question is this. If any man is more opposed to vice of any description than I am, I would like to know him; but the question is what is the best practical method to pursue for the good of society, and I say that if it is found to be an utter impossibility to enforce a law which places these houses under a ban, then regulate them by license, because if they are carried on as they are and always have been in the history of this world, in spite of any law, in defiance of law, there is no regulation at all.

1767*b*. Do you mean that a community should receive fees from them, or that they should simply put them under regulation?—I would, under such circumstances, favour licensing them and the government receiving fees from them. I am open to conviction on that point. I was three weeks ago in Iowa, in Dubuque, and I saw saloons there running openly as they are here. I have been in three prohibition States, and I have not been in any town in one of them where saloons were not open in full blast right in sight of the police authorities of the town. The biggest saloons we have in this city are right opposite the police station. Within one block of the City Hall there are half a dozen saloons, and many of them the largest in town.

## Liquor Traffic—Kansas.

THOMAS P. FENLON examined.

*By Judge McDonald :*

1768*b.* What is your occupation?—Attorney-at-Law.

1769*b.* Your residence?—Leavenworth.

1770*b.* How long have you resided here?—Thirty-four years.

1771*b.* Do you travel through the State much?—Yes, constantly travelling through the State on professional business.

1772*b.* What is the result of your observation as to the way in which the provisions of the prohibitory act are observed?—My observation is that in the small towns of the State it is reasonably observed, that is, there are very few saloons, but I have never been in a town in the State where you could not get what you wanted to drink if you knew the ropes.

1773*b.* In such places, what are the ways?—You get it at drug stores in most small places.

1774*b.* Any other means?—You can get it in cellars.

1775*b.* Is that what you call a joint?—Yes.

1776*b.* We have also heard of what is called boot-legging?—Yes, in a boot-leg, or in buggies.

1777*b.* How do these persons dispose of it?—I do not know that they sell it; they carry it for their own personal use.

1778*b.* Have you ever seen them selling it in cellars?—Yes.

1779*b.* Do they keep a bar or counter?—Sometimes a counter.

1780*b.* Do the druggists sell more than is used for medicinal purposes?—They sell it for the purpose of drinking alone.

1781*b.* From your knowledge of the State, are more persons engaged in the drug business than would be required if it were not also a liquor business?—In many cases the chief emolument of the druggist is obtained from the sale of liquor.

1782*b.* Are many of these druggists punished?—Very few compared with the number that violate the law. I do not think the people were educated as to the effects of prohibition when they voted upon it, for the reason that it had been submitted only by the previous Legislature, and was not argued on the stump or debated in the newspapers. Public attention was called to the federal and state officers who were being voted upon. The constitutional amendment was placed at the foot of the same ballot paper that bore the names of the candidates for the various offices.

1783*b.* Do you think the question of prohibition has been used as a political machine in the State?—Yes.

1784*b.* Has that been favourable to prohibition or the contrary? Has the cause of prohibition itself been advanced or injured by having been mixed up with party politics?—Judging by the result, the prohibition party polled fewer votes at the last election than ever before since it was a prohibition party. At the last election there was a fusion ticket made up by an alliance between the Democrats and the Alliance men proper. There was also a prohibition ticket, and the prohibition party polled fewer votes than ever before.

1785*b.* We have been told that the existence of this law in the State has had the effect, on the one hand, of preventing Germans from coming into the State, and, on the other hand, that it has been the means of inducing the emigration from New England of parents who wished to keep their sons from the temptation of saloons?—The latter proposition I do not know anything about. As to keeping the Germans and others from immigrating to this State, I know it has had that effect. I have no means of knowing whether people have been induced to come into the State by reason of prohibition existing here, but I am rather doubtful of it.

THOMAS P. FENLON.

*By Rev. Dr. McLeod :*

1786*b*. Have you any means of knowing, other than the statement to that effect, that Germans and other foreigners would not come?—No, nothing more than I have been told by people in different parts of the State. I was told that in Dodge County, in the southern part of the State, last week. In that locality for a while the law was rigidly and violently enforced. It was because they were debarred from the privilege of raising grapes and making wines and establishing breweries.

*By Judge McDonald :*

1787*b*. You have never investigated that?—No. The most experience I have had has been in court-rooms, in connection with cases growing out of violations of the law.

1788*b*. What is your experience in regard to the memory of witnesses in cases of that kind?—My experience in a great many cases in which I have appeared has been that the witnesses have been very forgetful.

1789*b*. Have you found greater lapses of memory in such cases than in other cases?—Most decidedly so.

*By Rev. Dr. McLeod :*

1790*b*. Do you attribute that to the law, or to the witnesses themselves?—It is attributable to the disposition of a man who is in the habit of taking a glass of beer in a saloon and paying for it—an indisposition to testify against the man who gave it to him.

1791*b*. I suppose a man would be equally indisposed to testify in the case of the violation of any other law?—I do not know of any other case in which people would be unwilling to testify.

1792*b*. If a man were a party to a violation of a law, would that man be indisposed to testify?—Certainly, but in this case a man does not consider that he is committing a crime by getting a drink of liquor or that the man who sells it to him is committing a crime.

*By Judge McDonald :*

1793*b*. Is your experience in the trial of cases that conviction or non-conviction depends to a certain extent on the sympathy of the juries for or against the act?—Yes.

*By Rev. Dr. McLeod :*

1794*b*. And not on their oath to give a verdict according to the evidence?—They are on their oath.

1795*b*. And yet, notwithstanding their oath, they will allow their sympathies to decide cases?—I am inclined to think they decide upon the evidence, but the witnesses decline to say whether they got liquor or not.

*By Mr. Gigault :*

1796*b*. What form must be observed in order to get liquor from a druggist?—You are required to have some kind of a prescription prepared by a physician, and the druggist on the presentation of that has to identify the man as the person whose name is mentioned in the prescription. Then the druggist cannot sell unless he has a permit from the Probate Judge. There are 24 or 25 druggists in this town, but there are not more than five or six that have the Judge's permit; but they all sell liquor.

1797*b*. I understand that a person can get liquor from a druggist without a prescription if he swears he wants the liquor for some disease?—I do not know whether the statutes authorizes that or not.

*By Judge McDonald :*

1798*b*. That being the case, there would be three methods—the physician's prescription, the purchaser's affidavit to the druggist, and the druggist giving the liquor without either?—Yes.

1799*b*. What is the state of the case in Atchison?—It is the same there.

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1800*b.* Have you visited Wichita?—Yes.

1801*b.* How is it there?—There was never any trouble in getting liquor there.

1802*b.* Have you been at Salina?—It is the same there.

1803*b.* Have you been at Florence?—I have not been there.

1804*b.* Junction City?—I have been there : there is open sale there.

*By Rev. Dr. McLeod :*

1805*b.* In Ottawa?—I do not think there is so much there ; it is a kind of a religious town.

1806*b.* In Topeka?—You can get it there, but not so openly as here or in Kansas City.

*By Judge McDonald :*

1807*b.* Do you know if liquor is sent into Kansas in express packages and delivered to people at their homes?—Yes, that is not against the law.

1808*b.* We have been told that at one time, before the present system of monthly fines came into force in Leavenworth, there were prosecutions by the Police Commissioners in the endeavour to enforce the law, and that in one year there was only one conviction. Did you practice in the courts in those days?—Yes.

1809*b.* How was it that it was so difficult to obtain a conviction in this city?—Because of the prejudice, you may call it, of the juries, and sometimes for lack of evidence on the part of the witnesses. This community is very strongly opposed to the enforcement of the law.

*By Rev. Dr. McLeod :*

1810*b.* Were you at the outset in favour of prohibition yourself?—I never was.

*By Judge McDonald :*

1811*b.* From your knowledge of the community, what is the effect upon the moral conscience of the community of a law on the statute-book which is frequently violated?—I think it has a bad effect, because it teaches the young a contempt of law. They do not think it is a crime in itself to drink liquor, and they evade the law. I think this law has the effect of producing more bribery, corruption and perjury than any other law we ever had on the statute-book.

*By Rev. Dr. McLeod :*

1812*b.* Does it produce perjury, or give occasion for it?—It gives the occasion for it. Men opposed to the enforcement of the law will stretch their consciences. I speak from the standpoint of one who has always been opposed to prohibition, on conviction. In view of the fact that the law was so unpopular in various localities in the State that the jurors would not convict and the witnesses would not testify what they knew, they established a new system of selecting jurors. Formerly the township trustees selected so many people owning property and supposed to be respectable, men of standing in the community, to act as jurors. Their names were put in a list held by the County Clerk, and from this list the County Clerk and Sheriff and Justice of the Peace selected forty or fifty to act as jurors. These men were found in many districts to be so opposed to the law as to make it impossible to enforce it. So they changed the law, and provided for the appointment by the Governor of the State of three Jury Commissioners, and these three men choose the jurors. The local right of appointing officers for the selection of jurors was taken away from the people of the district.

*By Mr. Gigault :*

1813*b.* Are divorces increasing or decreasing in this State?—I think they are increasing.

*By Rev. Dr. McLeod :*

1814*b.* Are they increasing more rapidly than the population?—I think not. I do not know that they are increasing more rapidly than anywhere else.

THOMAS P. FENLON.

1815*b*. Do you think the prohibitory law is the occasion of divorces?—I do not think it has any particular bearing upon divorces. Of course a good many divorces are granted on the ground of habitual drunkenness, in this, as in every other State.

*By Mr. Gigault :*

1816*b*. What are the chief reasons for which divorces are granted?—I could not give you the chief reasons; every reason on earth—infidelity, drunkenness, cruelty and desertion. I do not think the Legislature has the right to dictate to me what I shall eat, or what I shall drink or wear. I believe in the Government letting the citizen do what he likes, so long as he minds his own business. I think I ought to be able to buy liquor as I would buy a pair of boots.

*By Rev. Dr. McLeod :*

1817*b*. Suppose a prohibitory law is passed with the idea that the liquor traffic is, in the main, a menace to the community, and that it had better be abolished. In that case, is an interference with what may be called individual rights permissible?—Of course the idea of legislation is to legislate for the community at large within legitimate limits. There are some things, however, upon which our ideas are divided as to what are the legitimate limits of legislation.

*By Judge McDonald :*

1818*b*. Have you any means of knowing whether the sentiments of the people have changed on the subject?—There is no way of ascertaining, because it has not been submitted to them. It was not properly submitted to them in the first place, and our elections are so carried on that we cannot change it, because it is voted on along with the election of our State officers. There has been agitation in favour of re-submission, but it has never taken practical shape yet.

*By Rev. Dr. McLeod :*

1819*b*. I judge from what you say that the political contests affect the question?—Yes. One convention declares in favour of prohibition and the other declares in favour of re-submission of the question to the vote of the people.

SAMUEL DODSWORTH examined.

*By Judge McDonald :*

1820*b*. You are the Mayor of Leavenworth?—Yes.

1821*b*. How long have you resided here?—Since 1858.

1822*b*. You have seen the operation of the prohibitory law here since its commencement?—Yes.

1823*b*. How long have you been Mayor?—Since April; I was elected this spring.

1824*b*. Have you found, in your experience, the prohibitory law to be beneficial or otherwise?—Otherwise, I should say.

1825*b*. Has it been what you would call a success?—No, I think not.

1826*b*. Has any political party traded on this question, not as a principle, of prohibition, but as a thing that might be made use of to advance their political interest?—It is a hard question to answer. You can understand that a question of that kind is used in almost every State.

1827*b*. We have been told that it has been used in that way, and also that if it could be divorced altogether from political parties it would perhaps be more successful?—I doubt very much if a law of that kind could be made effective under any circumstances.

*By Rev. Dr. McLeod :*

1828*b*. Would it be a benefit if it could be made effective?—I doubt it, especially in the west. It might in an old settled country community that has not so much com-

## Liquor Traffic—Kansas.

mercial activity. My judgment about the liquor traffic is that a license law controlled by local option is probably the best law that the west could work under.

*By Judge McDonald :*

1829*b*. Would you allow each separate community to act for itself?—Yes, that would be my business judgment about a law of that kind.

1830*b*. How has it been in the city of Leavenworth ; have there been difficulties in enforcing the law ?—This community is an anti-prohibition community, and has been all the time. In fact there is no such thing as enforcing a prohibitory law in the United States. I candidly think, myself, that most men who travel throughout the country will admit that. It is merely an evasion.

1831*b*. Have you travelled much throughout the State?—Not much, but I have men on the road who go to different parts of the State. There are sections in Kansas where the law is looked upon favourably.

1832*b*. And fairly well enforced in some places ?—Well, yes, where the community is in favour of it ; but in the State at large my judgment is that it is evaded.

1833*b*. How is the business of your State. Is it in a flourishing condition ?—Our business is fair. This is an old settled town. It does not grow fast at all. In the case of these river towns business is inclined to move away from the river. The construction of railways has naturally developed new business locations.

*By Mr. Gigault :*

1834*b*. You have a good many vacant stores ?—A good many, but not more than you will find, I think, in other places in this section. The opening of Oklahoma has taken a good many people from this State and from Nebraska.

1835*b*. I understand that the liquor selling places here are fined every month?—Yes.

1836*b*. It is like a license fee which the city authorities take ?—No. The law provides a penalty, and that is virtually enforced so far as the fine is concerned.

1837*b*. What revenue do the fines give the city ?—It is an uncertain quantity.

1838*b*. Do you know how much they gave last year ?—We probably derived a revenue of \$20,000 from them.

1839*b*. Are not these liquor selling places fined every month ?—That I have no knowledge of. The Police Commissioners department is a distinct department from the city department, and that is a matter entirely in their hands.

1840*b*. Is crime increasing or decreasing in the city ?—I think decreasing, considering the surroundings. You must acknowledge that our city has a more home-like appearance than most western cities.

*By Rev. Dr. McLeod :*

1841*b*. You have a considerable foreign population ?—Yes, a good many Germans, and they are an industrious class of people.

*By Judge McDonald :*

1842*b*. We are told that the effect of the prohibitory law is to prevent much of the German immigration coming into the State that would otherwise come ?—I think the prohibitory law has likely affected Kansas in that way.

1843*b*. Then we have been told that eastern people have been in favour of coming to Kansas for the sake of getting their families free from the temptation of the saloon ?—I think not. I think the American boys generally go where they want. Of course, our German population do not look upon beer as an intoxicant. I do not myself.

DAVID ACHISON examined.

*By Judge McDonald :*

1844*b.* Where is your residence?—Leavenworth.

1845*b.* What is your business?—I am in the wood, coal and ice business.

1846*b.* How long have you resided in Leavenworth?—I came here in 1857, from Providence, Rhode Island.

1847*b.* What law was in force when you came here?—Everything was wild. There were no railroads here. The only means of transportation was the river, and ox and mule teams, from here west to California.

1848*b.* Was there any license?—The saloon-keepers paid \$10 a month to the city. There were no Police Commissioners then; it was just a local business.

1849*b.* Up to the time of the passing of the prohibitory law the city regulated matters?—Yes, up to about eight years ago.

1850*b.* The city appointed the police force, even after the law was passed?—Yes, the council.

1851*b.* Then the law was changed, and these Police Commissioners were appointed by the Governor?—Yes.

1852*b.* Did this city ask for such a law?—Yes, they asked for the Police Commissioners to be appointed. The city voted against the law.

1853*b.* Was it the City Council?—No, the citizens.

1854*b.* Was it the wish of the city as a whole to have the Police Commissioners?—No; the city did not want it.

1855*b.* Some of the citizens asked for it?—Yes, they got up a petition. It took two hundred signers to get it.

1856*b.* The first Police Board consisted of whom?—Colonel Abernethy, Mr. Moore, and Geo. A. Eddy.

1857*b.* How long did they remain in office?—About a year.

1858*b.* Then they were succeeded by another Board?—By Colonel Anthony, P. G. Low and Mr. Fairchild.

1859*b.* How long were they in?—Nearly a year.

1860*b.* By whom were they succeeded?—Anthony was put out by Governor Humphrey, and Mr. O'Donnell, Dr. Weed and Dr. Callaghan were appointed. They stayed in for eleven days, when they were removed for cause.

1861*b.* What cause?—Political cause. Then the Board that succeeded was Fairchild, Callahan and A. McGahey. They were succeeded by Achison, Markhardt and Richards.

1862*b.* Did the first Board honestly attempt to enforce the prohibitory act?—They did. There were thirteen places within one block of where their office was where liquor was sold while they were trying to enforce the law.

1863*b.* Are you favourable to the law individually?—No, I am not, and was not. I voted against it.

1864*b.* That being the case, you state that you believe these men honestly did their best to enforce the law?—They did; men could not do more than they did.

1865*b.* How about the next Board?—They did, too.

1866*b.* Did either of those Boards succeed?—No, matters got worse.

1867*b.* Was there more selling under the second Board than under the first?—I do not think there was any more. That would be all done in secret, and I, not being a drinking man, do not go into these places, and I could not tell from my own observation.

1868*b.* Did the third Board?—Yes, they did all they could.

1869*b.* Were cases brought up by those boards?—Yes, but they could not get convictions, and \$15,000 was spent in trying to procure them.

1870*b.* And the city got no revenue?—No.

1871*b.* You adopted a change in the system?—Yes. For instance, there was a joint running in this house (the new Delmonico Hotel) and the proprietor had to pay fifty dollars every month, which went into the police fund. We found that the attempt



## Liquor Traffic—Kansas.

to enforce the law was a flat failure, and we turned right round and adopted the opposite plan, and our plan turned out to be a success. Even Dr. Callaghan approved of it.

*By Rev. Dr. McLeod :*

1872*b*. Suppose you had compelled them to pay twice a month, they would not have been able to go on?—We wanted to get some money for the city.

1873*b*. Then practically it was a license system?—Yes, practically.

1874*b*. Was there a surplus over what was necessary to support the police?—Yes, and it was turned over to the City Treasurer.

1875*b*. Did the Commissioners get salaries?—Yes, I got \$400 a year. One of the three is secretary.

1876*b*. Do the salaries of the Commissioners come out of the fines?—No, the State pays them.

*By Judge McDonald :*

1877*b*. Has that state of things continued down to this day?—I think it has.

1878*b*. Do you think it is the better system, as the law stands?—I know it is.

1878½*b*. You think it is better than to attempt to enforce prohibition?—It cannot be enforced.

1879*b*. Do you think it would be better to have a license system under which you would regulate the traffic, or the present system?—If you get good men in, the present system is the best.

1880*b*. Why?—Because you can dictate to these men what they must do. Under a license system you could not.

1881*b*. What was the license law you had here?—Every man who could raise ten dollars could open a saloon. We regulate them under this system better than we could under a license system.

1882*b*. How about Sunday?—We try to keep them closed on Sunday, but that cannot be done to a complete extent. We keep them closed pretty well.

*By Rev. Dr. McLeod :*

1883*b*. You say that by fining them once a month you get a revenue for the city and keep them in check, and that if you fined them twice a month you would shut them up. Why could you not stop them?—Because you could not get a jury that would convict them.

1884*b*. Not if you had evidence?—It did not make any difference what evidence you had.

1885*b*. So that you had to take a course which made you independent of the judge and jury and everybody else?—The Commissioners have too much power; that is all the matter with them. They can do pretty much what they please. They can smash everything in a man's place if they think liquor is sold there. They can take everything out of it and nail up the doors, in hunting for liquor. And the next morning the man would be started up again.

*By Judge McDonald :*

1886*b*. How about the State at large? Do you travel much?—I go to Topeka, and I know that on the main street there, Kansas Avenue, you can buy liquor from men who have it for sale in their coat pockets.

1887*b*. What about the druggists?—The druggists can sell liquor promiscuously, and they do so. \*I myself do not drink liquor; I have never drunk it in my life.

1888*b*. We have been informed that this question is mixed up with party politics?—They mix everything with politics.

1889*b*. Have they mixed it?—They did.

1890*b*. Do you think that was beneficial to prohibition?—It was, because the Republicans had a majority of 85,000 in favour of prohibition.

1891*b*. And with a majority of 85,000 in this State they could not enforce it?—No. After it was adopted, there was just as much and more liquor drunk in the city of

DAVID ACHISON.

Leavenworth, and more drunkards in proportion, than there were before. When I was in the administration I had the Police Judge make an estimate, and I think he found that there were about 25 per cent fewer convictions for drunkenness under my administration than there were under the old administration.

*By Rev. Dr. McLeod :*

1892*b*. We were told that under the former administration the Commissioners instructed the police to arrest every man they could prove to be drunk, and that subsequent administrations had only those arrested who were so drunk that they were disorderly and boisterous?—There is not a word of truth in it. Our orders to the police were to arrest every man who was under the influence of liquor, and he was fined.

*By Judge McDonald :*

1893*b*. We are told, on the one hand, that this law prevents the immigration of Germans into your State; and on the other hand, that eastern people want their sons to migrate to this State because they know that here their sons will not be exposed to temptation as they are in other States?—It is a fact about the Germans. I do not know about the eastern people. They have not come here. I do not know of any of them having come here to get away from liquor.

*By Rev. Dr. McLeod :*

1894*b*. Did you oppose the prohibitory amendment?—I did. I would be a prohibitionist under one condition, that is, if the Government of the United States would pass a law prohibiting the manufacture and sale of liquor in the United States. I would then be a prohibitionist.

1895*b*. That is, you would obey a Federal law, but you would not a State law?—That would be effective. When the attempt was made in this city to enforce the law, I saw men go to Missouri across the pontoon bridge that was erected here and get liquor.

*By Judge McDonald :*

1896*b*. Why not get it here?—They had too much difficulty getting it here.

1897*b*. We hear there is nothing in this law to prevent people from bringing in liquor from Missouri or from other States and using it in their homes. Do you think that should be allowed?—Yes; but one State makes one law and another State a different law.

1898*b*. But you, living here, may buy all you wish in Missouri and bring it here?—You cannot make a law to stop that.

1899*b*. Do you think it would be unconstitutional?—Yes.

1900*b*. Do you think it could be enforced?—I do not think it could. For instance, an officer would come and say: "I want to search your house for liquor." That would never do.

1901*b*. Suppose they made a law of that kind, could it be enforced?—I do not think it could. Every man who attempted to enter a private house would be killed.

## Liquor Traffic—Kansas.

FRANK O'DONNELL examined.

*By Judge McDonald :*

1902*b.* You reside at Leavenworth ?—Yes.

1903*b.* Are you in a mercantile business ?—Yes.

1904*b.* How long have you lived here ?—I have lived in Kansas 26 years. I have lived in this city 9 years.

1905*b.* You have heard Mr. Achison : do you concur in his views ?—Not altogether.

1906*b.* What is your view as to the desirability of the prohibitory law ?—I do not think it is desirable.

1907*b.* Is it capable of enforcement in this community ?—I do not think it is.

*By Rev. Dr. McLeod :*

1908*b.* Is it in any place in the State ?—I do not think it is.

*By Judge McDonald :*

1909*b.* Have you been in other parts of the State ?—I have.

1910*b.* How have you found it work ?—Anywhere you go you can get liquor.

1911-12*b.* How is it disposed of ?—Nearly every drug store in a country town is simply a saloon. Then they have it in dark cellars and dark places, and in clubs with private keys.

1913*b.* Do you know Topeka ?—I do. There they carry it on very secretly, and they pay nothing for the privilege. Among the working classes the people will have it, and if you put ten regiments of soldiers all round the city and through the State, you could not prevent them. They will have it in spite of all you can do.

1914*b.* Have you heard anything of the effects of the law on immigration into the State ?—Yes. My opinion is that it will not be putting the figure too high if I say that Kansas has lost 500,000 people since the prohibitory law has taken effect, that is, counting those who have left and those who would have come in and settled here but for the law.

1915*b.* Have you known any people who have come into the State because of prohibition, to settle here, so that their sons would not be exposed to the temptations of drink ?—Not one. And why should they, when there is not a place in the State where it is not to be had, either secretly or openly ? When prohibition was enforced here, as much as men and means could do it, a farmer's boy would come in and go to a drug store or some low dive. He could not get a drink, he had to take a pint, and he and a comrade would go to a quiet place and drink it. Having more than they wanted, they would not spill it, but would drink it all, and then they would go home roaring drunk ; whereas, if there were an open saloon, they would go and get a drink and go quietly about their business.

1916*b.* And is the same system that Mr. Achison explained in force now, the infliction of fines once a month ?—Yes.

1917*b.* Does it work well ?—Yes.

1918*b.* About what revenue does it bring in in the course of a year ?—It would average about \$4,000 a month.

1919*b.* And the expenses of the police force are paid out of that ?—Yes.

1920*b.* And the balance goes to the City Treasury for general purposes ?—Yes. We simply follow the system as we found it. We found that after an honest and earnest effort on the part of others, they decided they could not suppress the sale, and they consequently adopted a system which pleased the taxpayers, the citizens and the prohibitionists themselves, because everybody was sick and tired of these prosecutions. I remember well when this prohibition question first came up, I was rather in favour of it. I thought anything that would make men honest and sober would be a good thing. I forget how I voted on it. But after they commenced to enforce the law, which was a year after it came into effect, I was living in a small country town. They would arrest men and put them in jail for selling liquor. It cost a great deal to prosecute them. The Government

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would employ an Assistant Attorney General, and for every case he prosecuted he would get \$25. Then they would get a jury to try the case. These attempts produced perjurers, liars, and I may almost say thieves, among the citizens: they really corrupted a great many people. For instance, suppose you and I were walking together down the street, and we wanted a glass of beer; we are both quiet, law-abiding citizens; we go into a place and take a glass of beer; we come out and go on our way. There happens to be a spotter who is employed to watch that place, and as soon as we come out he gets a warrant to arrest that man, and he calls us as witnesses. I could say conscientiously, I have violated no law against either God or man in buying that glass of beer, and I think the man who sold it is about as innocent as I am. While it was against the law, it was not a crime. When asked if I was in that place, I answer yes. "Did you get anything to drink?" "Yes." "Was it beer?" "I do not know, sea-foam, perhaps." And I would really perjure myself rather than tell on that man, because I felt that he had not committed an offence.

1921*b*. You are Chairman of the Board of Police Commissioners at present?—Yes.

1922*b*. How long have you been in that position?—Since the 4th of March.

1923*b*. You think as the law is, your present system is the best you could have?—Yes, it gives the best satisfaction to the citizens.

1924*b*. How about the state of neighbourly feeling among the people; is it better?—Much better. Formerly one set of neighbours was against another set. They would almost murder each other; they hated each other; they were not living in harmony. Even social parties, card parties, were divided into prohibitionists and anti-prohibitionists, and would be disturbed. All that is now happily done away with, and everybody feels that the present is the best system.

*By Rev. Dr. McLeod:*

1925*b*. We have been told that you treat the bawdy houses and the gambling houses in the same way as the saloons—that you levy on them once a month?—Yes and no. We regulate them, and if we did not do that, they would simply be a bee-hive.

1926*b*. You send around about once a month and collect from them?—We arrest them, and they go to court and pay their fines.

1927*b*. It is entered in the record as a fine inflicted on them?—Yes.

1928*b*. We were told that you could not get Judges or police officers or juries to convict here under the old system?—That is true to a certain extent; but, as I said before, the evidence would not be sufficient in many cases. They would get spotters imported from other towns, secret detectives, hired for so much money to make cases against liquor sellers, and these men would swear positively. But one man's oath is as good as another's, and unless there is the evidence of somebody else to convict a seller, he is entitled to the doubt, and the Judge would discharge him. In many other cases there were convictions. The proprietor of this hotel was in jail, and the proprietor of another hotel, yet their places went on running just the same. While men were in jail their wives would run the places.

1929*b*. It is a fact, is it not, that Leavenworth has a majority against the law?—There is no question about it; and where you cannot get public sympathy in favour of it, it is impossible to enforce a law against something that people do not think is a crime.

1930*b*. Would you like to have a license system here rather than the present system?—Yes.

1931*b*. What would be the advantages?—We could have order and decency.

1932*b*. Do you not have that under the present system?—We cannot do it.

*By Judge McDonald:*

1933*b*. Suppose you had a State law requiring a hotel to have a certain number of bed-rooms for the accommodation of guests, that it should open at certain hours and close at certain hours, and that it should close on Sunday, that it should not sell to minors and drunkards, and allowing your City Council to see that that law was made effective, and giving the Council power to grant licenses under by-law for a certain sum: do you think such a law would be better than the present system?—I think it would be far better.

## Liquor Traffic—Kansas.

1934*b*. It would mean that you would have all the control you have now without any apparent breaking of the law?—Yes.

*By Rev. Dr McLeod :*

1935*b*. Would you apply the same rule of license to bawdy houses and to gambling houses?—You must take away our present nature in regard to drinking and women before you can settle these questions. These things always have existed, and how to regulate them you must ask some one wiser and of greater experience than I. If I had the framing of the law, I would go and copy the laws of Missouri and adopt them, which would give us a high license with local option. The western farmers and the western people in little places do not want any saloons. Where two or three hundred people are congregated together, they think the saloon is a detriment, and such a law would give them a chance to be as they wanted. Then those who did not want them, like cities of this size and other large cities, would decide for the license system.

*By Judge McDonald :*

1936*b*. What is the rate of taxation in this city?—Last year it was four per cent.

1937*b*. On what valuation?—Say a quarter to a fifth.

1938*b*. So that it would be not more than one per cent?—Yes, or one and a half per cent. I have a place rented, for instance, which, after the taxes are paid, yields a revenue of 7 per cent net, so that the taxes are not so very high after all.

1939*b*. If you had not this \$4,000 a month coming in from the "joints," would your rate of taxation be increased?—Undoubtedly.

1940*b*. You would be without the money raised in that way, and you would have to make up the sum used for law costs in the enforcement of the Act?—Yes. The District Court cost us one year about \$15,000, and besides losing the revenue we had to lose that sum. The policemen's expenses amounted to about \$2,000 a month, so that we will pay them and turn in \$2,000 net profits.

*By Rev. Dr. McLeod :*

1941*b*. How many policemen have you?—About twenty-one all told; but we must have twenty-six to twenty-seven to have an efficient force.

DAVID ACHISON re-called.

*By Judge McDonald :*

1942*b*. Having heard what was meant by a system of licensing the traffic, would you prefer that to the present system?—I would rather have a license system like that of Missouri all over the State. When you asked me before, I thought you meant a city license, such as we used to have before.

FRANK O'DONNELL continued.

*By Mr. Gigault :*

1943*b*. What is the reason you have so many empty stores and houses in this city?—We have not so very many. The town is always growing away from the river, but on Delaware Street several stores have been vacated for other buildings. Another thing, for a city about this size, about 20,000 or 21,000, the business area is too large. We have a business area large enough to accommodate a town of fifty or sixty thousand

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people. Topeka is a one-street town, Atchison is a one-street town, whereas in this city our business buildings are scattered around a good deal.

MR. ACHISON.—I want to say that during the first three months I was on the Board of Police Commissioners, we did nothing towards taking in any money; but we turned in during our whole term of 22 months \$85,000, and there was not a dollar beyond five dollars taken in the shape of fines from men for being drunk. Before we went in there was no income from bawdy houses, and these girls were scattered around in private houses.

REV. DR. MCLEOD.—Do you mean hired as domestics?

MR. ACHISON.—Yes, and the people did not know it. One of the original Police Commissioners had one in his house, and did not know it. When we went into office, we got them confined in one district where we could watch them.

FRANK O'DONNELL continued.

*By Judge McDonald :*

1944*b*. Do you believe that the prohibition question has been mixed up with party politics in the State?—Altogether so, in fact, never was anything else.

1945*b*. Has it been used as a political machine?—Altogether so.

1946*b*. Has that been a help or an injury to prohibition?—It seems to me that the prohibition party of Kansas has worked into the hands of the Republican Party, and the idea of that party was to elect their men; that was all there was to it. They have enforced prohibition as much as they could. Those who would make the longest and apparently the most earnest prohibition speeches have been known to be drunk. I do not mean to cast any reflections upon those gentlemen; I simply give you the facts as they exist in Kansas. In Nebraska you will find order and regulation, because there they have a State law for high license and local option. In Omaha saloons have to pay \$1,000 a year, and they are not allowed to have any screens on their windows, or chairs in the bar-room, and they must close up at a certain time. Under that system one saloon man becomes a kind of detective to watch another.

*By Rev. Dr. McLeod :*

1947*b*. Will people not think ill of him because he is an informer?—That is a different thing. If he is complying with the law and others are not, he will naturally complain that is unjust. Now, I am not an extremist on either side. I am simply a citizen who would like to see law and order; but the laws must be in conformity with the wishes of the people, or you never can enforce them successfully.

1948*b*. That is the wish of the majority?—Yes.

*By Judge McDonald :*

1949*b*. When the vote was taken for the prohibitory law, was the full vote of the State polled?—I do not remember.

MR. ACHISON.—Yes, the vote was heavy.

## Liquor Traffic—Kansas.

W. H. BOND examined.

*By Judge McDonald :*

1950*b.* Your residence is in Leavenworth?—Yes.

1951*b.* What is your business or calling?—I am a real estate man.

1952*b.* What position do you hold municipally?—None.

1953*b.* Are you not a member of the Council?—No ; I was Sheriff four years, and a member of the Council.

1954*b.* Were you Sheriff when they tried to enforce this law?—No, before that.

1955*b.* You have heard what these other gentlemen have said. Do you concur?—Yes, almost wholly. I would like to add as to the question you asked about causing contention among the people, that at the time the first liquor case was tried it caused a good deal of excitement, and a good many people attended the trial, myself among the number, and I must say that I never heard so much perjury in my life as I heard in that case.

*By Rev. Dr. McLeod :*

1956*b.* On the part of those who wanted to convict, or on the other side?—On both sides. I have seen a great many cases tried as Sheriff, but I never saw so much perjury as was committed in that case. One minister of the Gospel, a minister of the Presbyterian Church who had been here for fifteen or sixteen years, was on the stand, and the Judge absolutely stopped him, and told him to get down from the stand.

1957*b.* Was he perjuring himself?—Yes, to such an extent that the Judge was ashamed of the testimony the man was giving. They were so anxious to prosecute and convict. On the other hand, as prominent a man as we have in the city went on the stand and swore he did not know whether he had been drinking whisky or cold tea.

1958*b.* We have been told that the Judge at that time was avowedly against the enforcement of the law?—That is not true. Mr. Crozier was then Judge, and he was not opposed to the enforcement of the law. He decided cases honestly and according to the law. The sentiment of the people in this community was strongly against prohibition, and if you got a case before a jury there would be somebody on that jury who would hang out, and you could not get a conviction.

*By Judge McDonald :*

1959*b.* Did that state of things exist in other cases?—No.

1960*b.* Was it due to the state of feeling worked up on this question?—Yes, just on this question.

*By Rev. Dr. McLeod :*

1961*b.* Did you, in your experience in the courts, meet with cases where jurors went according to their feelings, and not according to the evidence?—Yes, there were such cases.

*By Judge McDonald :*

1962*b.* We were told that there was a change made in the system of selecting jurors?—Yes. The Governor appointed a Jury Commission. That Commission took a list of the taxpayers of the county and went through it and selected jurors ; and yet they could not obtain convictions, with all the machinery they brought to bear.

1963*b.* You have heard what has been said with regard to immigration. Do you know anything about that?—I do not think Mr. O'Donnell has drawn the case too strongly when he says that the State in the last ten years has lost 500,000 people simply on account of prohibition. I have heard it stated by the radical people in the State that there were people coming into the State on account of prohibition. Having been Sheriff, and a member of the Legislature, I have attended most of the conventions in the last twenty years, and I am pretty well acquainted throughout the State, and I have

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yet to find the first man who knows a man who came into the State on account of prohibition.

1964*b*. You have never yet seen those families?—I have never seen one or heard of one; and on all occasions I have asked people if they knew a family to come in on account of prohibition, and I have yet to find the first one.

*By Rev. Dr. McLeod :*

1965*b*. On what do you base your opinion, then, that there were so many thousands that would have come, but did not, on account of prohibition?—I base my opinion on this, that when this law was enacted the States of Nebraska, Missouri and Illinois, and several other States, had circulars printed and distributed throughout Germany—so I have been told by the people who were there—setting forth that Kansas was cursed by a prohibitory law, which sent men to jail if they sold any beer, and that they had better not go there. I think I could name a hundred men who went out of this town alone, and went to other States on account of the prohibitory law.

*By Judge McDonald :*

1966*b*. You have been at Topeka as a legislator. What was the condition of things there?—They enforce prohibition at Topeka better, I think, than at almost any other town in the State. Yet at Topeka there never has been a time when you could not get liquor if you wanted it. When the conventions were held there, we would ring for the porter of the hotel and give him a quarter or half a dollar and send him out, and he would get it for us.

*By Rev. Dr. McLeod :*

1967*b*. Were you opposed to prohibition when the amendment was voted upon?—Yes.

1968*b*. Are the people who are keeping “joints” in the town foreigners or American citizens?—Largely foreigners, and I would say that since we have had the license system as we may call it, the class of keepers has greatly improved. Before that, every man who sold liquor knew that he was liable to go to jail for thirty or sixty days. One of the proprietors of this hotel (the New Delmonico) was in jail for thirty days and the other for sixty days. They were respectable people, but the majority of the “joint” keepers about town were a low class of fellows, who had no principle, and would just as soon be in jail as anywhere else.

1969*b*. What are they now?—They are a great deal better. That class of “joint” keepers has been closed out, because the sentiment of the town is against them.

*By Judge McDonald :*

1970*b*. Has your attention been called to the manner in which the druggists observe this law?—In this town, I do not know.

*By Rev. Dr. McLeod :*

1970½*b*. You believe that the law, taking the State as a whole, is an evil?—I think there is no question about it. In localities where there is a strong sentiment in favour of prohibition they can enforce the law, but where the sentiment is against it you cannot enforce it.

*By Judge McDonald :*

1971*b*. In those localities where the sentiment is strongly in favour of the law, can liquor be obtained?—Yes.

1971½*b*. From whom?—From druggists. To give you an instance. At Clay Centre I asked a friend of mine, a banker, how prohibition was working. He said, “You cannot get a drop here.” I had just come round the corner from a livery stable where I had got a couple of glasses of beer. When I went out I met the Marshal, and I asked him if one could get something. He showed me the finest confectionery store there was in the city, and we passed through to the ice cream parlour, in which there



## Liquor Traffic—Kansas.

was a panel. He laid his quarter upon the panel, and the thing whirled around and then whirled back, and there was a bottle of beer and a couple of glasses. We drank our beer and replaced our glasses, and the panel whirled back and we walked out.

*By Rev. Dr. McLeod :*

1972*b*. Would local option work any better?—You would have the sentiment of the people back of it, but in spite of everything there would be more or less drunk.

1972½*b*. Would it be better then to establish the saloons in good shape?—Not if the majority of the people are opposed to them. Take, for instance, the illicit manufacture of liquor. The United States Government is very severe in punishing illicit manufacturers, and yet that is going on all the time.

<sup>MINN 48-1</sup><sub>GRAVOR</sub> 1973*b*. Why do they not make a law that removes this view that the manufacture is illicit?—I believe if the Government of the United States would remove this tax from liquor, and if all licenses were removed, and every man were allowed to manufacture all he wanted, and every man to sell all he wanted, there would be less whisky and fewer drinkers than there are to-day, because if people could get it and make it for themselves there would not be half as much used as there is to-day.

SALINA, KANSAS, May 16th, 1893.

The following statements were taken by Commissioner GIGAULT.

OSCAR SEITZ, a resident of Salina since December, 1866, and since then engaged in the drug business, stated :

1973 $\frac{1}{2}$ b. I always have been opposed to prohibition, and still am. It is a farce. Occasionally spasmodic efforts are made just to make a show of enforcement. One chap goes out of a certain "joint" and another re-opens the same place in a few days. It is considered a disgrace to turn informer, and even perjury is made respectable, as the witness who swears to a lie in a whisky case is better thought of than the man who will not prevaricate on the stand. The business of druggist has deteriorated from its former high standard, as irresponsible and uneducated men have since prohibition has been enacted largely pushed in for the sake of sharing in the profits of illegitimate whisky selling. Small villages, heretofore unable to support one legitimate drug store, have three and four. Whisky has become the cure-all, which practice is still on the increase, and strong spirituous liquors have to a large extent driven fermented drinks from their former legitimate use. I have on various occasions visited different towns in Kansas, and could always find some bar-room, of course under some shelter or other, back of a billiard hall, barber shop, peanut stand, &c., but I found it without any trouble.

J. D. FITZPATRICK, insurance and real estate agent, stated :

1974b. When I first came to Salina, from 1877 to 1885, I was Superintendent of Public Schools. Then I went into this business. The population of Salina is from 7,000 to 8,000. When I came here it was 1,200, and there were eight saloons licensed. The prohibitory law was adopted in 1881. For two or three years its opponents tried to run in violation of the law, and it was some years before public sentiment became educated up to the point of making convictions as certain as in other criminal proceedings. Now we have illegal selling of liquor, but in secret and hidden places. The men are arrested, fined and jailed. The business is not even half way respectable, and I believe only those with confirmed appetites seek out those places.

D. A. VAN TRINE, Justice of the Peace, stated :

1974 $\frac{1}{2}$ b. I find great difficulty in enforcing the law, both in getting witnesses to testify and in getting juries to convict. Usually the jury disagree. In fact, I had a case yesterday, in which a conviction was rendered, and it is the first secured in my term of office. Men have told me that their feelings against the law are such that if put in the stand they would not tell the truth. I do not drink myself, and would like to see the law enforced, if it could be.

## Liquor Traffic—Kansas.

J. E. SAWTELL, M.D., of Gypsum City, Kansas, stated :

1975*b*. I have been living in Gypsum seven years. Its population is about 700. The Prohibitory Law does not prohibit the use of liquors. In my town there are about four or five "joints" for the sale of liquors. A great deal of liquor is imported from other places.

E. R. SWITZER, M.D., stated :

1975½*b*. I was born in Kingston, Canada, and educated in Montreal, but came to Kansas 23 years ago. I was a National Prohibitionist with Governor St. John. State prohibition enables one State to thrive at the expense of another. The enforcement of the law in this State is poor and spasmodic. Just before an election there is always great enthusiasm over the enforcement of the law by the politicians for the purpose of gathering in votes; afterwards this enthusiasm dies away. There is a large quantity of liquor imported from other States. It is a burlesque on any effective prohibition. It leads to perjury, and to a weakening of the public conscience. Men get liquor from druggists on the most ridiculous pretexts. I would look upon a half pint of whisky as one of the worst possible prescriptions for a case of inflammation of the bowels, yet that prescription would be filled by any druggist on the individual's own statement. If the Republican Government had rigidly enforced this law, it would have led to a revulsion of public sentiment that would have led to their being swept out of power long before they were. Liquor is now placed in kegs in some upper room or convenient place where a man and his friends can easily get it. There is not a day that express wagons loaded with beer are not seen through the streets. At the same time, I think the aggregate of liquor drunk in the State is less than if there were licensed saloons, but not much less. The State prohibition is farcical, but if to-morrow the national Government would grant prohibition, I would vote for it with both hands. There are about seven drug stores that have permits. The number of "joints" varies. They get quite numerous, but just before an election there is generally quite a stirring up, which chiefly consists in moving them about from place to place. Regarding national prohibition, I do not think the sentiment in its favour is yet sufficient to overcome the obstacles.

REV. FATHER P. MAURER stated :

1976*b*. I have been living in Salina seven years; I came here the 6th of November, 1881, just after prohibition had been enacted. The Prohibitory Law does not prohibit the use of liquors. I saw many times heavy express loads of beer brought in here. The druggists sell liquors for beverage purposes. It creates perjury. Here is a book which was kept by a druggist. It shows that he sold whisky for all kinds of diseases. I am sure that a good deal of whisky is imported here from other States. The Prohibitory Law, instead of making people better, is bringing in its train a general disrespect of all laws. From common report there are many "joints" in this city. The Prohibitory Law is worse than a farce. It has not a good effect on the morals of the people. A man was lynched here two weeks ago, and two rapes have been committed lately. It brings into disrepute the sanctity of oaths.

J. E. SAWTELL, M.D.

J. E. MILLER, M.D., stated :

1976 $\frac{1}{2}$ *b*. I have been six years in Salina. I came from Penna. I believe in temperance' but I do not believe in prohibition. I believe that the enforcement of the law in Kansas is a failure, and that it cannot be enforced anywhere unless there is prohibition of the manufacture for the entire world. I understand that liquor "joints" are numerous in the town, but I do not know personally, as I never enter such places.

R. P. GRAVENS, Mayor of Salina, stated :

1977*b*. By virtue of this office, which I have occupied just a month, though I have resided here for fifteen years, the Mayor is not only Chief Magistrate of the city, but Chief of Police of the city, which authority he exercises through the City Marshal and police force. He is therefore directly connected with the enforcement of all law. As to the Prohibition Law, it has in the past been but indifferently enforced. Whether or not it can be better enforced I will be able to say after my term of office. I think the consumption of beer has been decreased, but whether that has caused an increase in the consumption of spirits is hard to tell. Prohibition is more a myth than a reality. It undoubtedly leads to perjury in courts and in connection with the dispensation of liquors in drug stores. I do not think the number of regular "joints" here will exceed twenty. I think the efforts to enforce the law in this State have not been what they might have been. I doubt the ability of the law to be enforced fully, but even so, there has not been, I think, the conscientious efforts on the part of the authorities that there might have been. The question may be raised, why this not being a good thing, has the law not been repealed, seeing that the opportunity has been given? The reason is that the law has never been enforced. Had it been rigorously so, the public sentiment would have been aroused against it; but under the present state of affairs there is naturally great indifference, and it may be that the reason why it is not enforced is because it cannot be.

J. G. MOHLER, Ex Senator 31st District, State of Kansas, composed of Salina and Ottawa County, stated :

1977 $\frac{1}{2}$ *b*. I have lived here twenty-four years. I have had considerable experience of the Prohibitory Law as a practising lawyer, both prosecuting and defending. The law is a mistake, it does not accomplish what it professes to do. I have not seen the time in Salina, with the exception of a week or ten days, that a man could not get all the beer and whisky he wanted to buy, not openly, but secretly. I judge there are 25 or 30 places selling liquor, perhaps more. As an elector I voted for the prohibition amendment to the constitution. I would not vote for it again. The injurious effect of it is that the traffic is in the hands of irresponsible parties, a very inferior and destructive article is sold, and it brings into disrespect the law.

## Liquor Traffic—Kansas.

J. L. BRISTOW, Editor and Proprietor of the *Salina Daily Republican*, stated :

1978*b*. Nothing could induce the lovers of temperance to return from prohibition to the open saloon. The workings of the law in Kansas have been somewhat varied. The fact that its enforcement depends largely upon officers who are elected by the electors of the locality has quite an influence upon the leniency with which the law is enforced in those localities. It is natural for the politician whose position depends upon the popular majority to seek to please that majority ; so in a city where a majority of the voters are opposed to temperance laws, it is perfectly natural that the officer should be lax in the enforcement of the law which is unpopular with the majority of his constituents ; at least this is the result in Kansas. But even in those centres in the State—and there are but few—where before the Prohibitory Amendment was passed the saloon interests were entrenched by breweries and wholesale liquor houses, and much capital invested, the workings of ten years have wrought a great change. In the time of the saloon the liquor dealer was a man with money and influence, and a strong political force ; now he is an outlaw, the same as a gambler or the keeper of a disreputable house, and the same odium which is attached to the liquor dealer is fastening itself upon his business, so that men of anti-prohibition sentiments will not go into the joints and buy liquor, because they regard it as disreputable and officers are much more vigorous now than they were or ever have been in the suppression of these places where liquor is sold as a beverage. As a result, young men of respectability and character who are growing up know nothing about the evil of the saloon, and are sober and industrious, and instead of spending their money for drink and gambling, they buy other luxuries, such as bicycles, fine clothing, &c. Example after example could be given in this line. The club house is the only house where liquor is drunk with any degree of respectability, and these are rare, and exist only in the large cities ; but public sentiment is branding them, and the odium of the “joint” is fastening itself upon these clubs, and they are becoming disreputable and fewer. Where one is maintained it is maintained in the greatest secrecy. As a result the temperance sentiment has greatly increased. In Kansas prohibition is much stronger now than it was when the amendment was passed. The failure to carry the proposition for a constitutional convention at the last popular election, when the proposition was not only supported by every advocate of the saloon but by many friends of woman suffrage, the revision of the Supreme Court, and other issues demanding the attention of the constitutional convention, proves conclusively that the people of Kansas are overwhelmingly opposed to a return to the saloon, which is indeed the strongest evidence of the success of prohibition. While our own city is one where the anti-prohibition sentiment is strongest, where the liquor interest had large investments and wholesale houses before the passing of the amendment, still in the course of years they have been rooted out, and to-day the influence of the liquor forces is weaker than it has been at any time since the amendment passed, and we have an implicit faith in the absolute triumph of prohibition. The difficulties the temperance people have gone through to kill the power which has such an enormous capital behind it, and so many votaries from the cravings of appetite, have been many, but the success in Kansas demonstrates beyond question that the enactments against the liquor traffic are the only effective way of controlling these evil influences.

## MINUTES OF EVIDENCE.

## NEBRASKA.

LINCOLN, NEBRASKA, May 20th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT visited this city this day, to make inquiries into the operation of the liquor laws of the State.

W. E. ANDREWS examined.

*By Judge McDonald :*

1978½*b.* Where do you reside?—Hastings, in this State.

1979*b.* What is your official position?—Private Secretary to the Governor.

1980*b.* His Excellency is not present to-day at his office?—No, he is not here to-day.

1981*b.* How long has he been in office?—He was inaugurated on the 13th of last January. He has had quite an extended experience in the political affairs of the State and the nation. He was on the Bench in this State for quite a number of years, a Member of the Supreme Court in the early history of the State, and he served at least two terms in Congress. He was Collector of Internal Revenue at Omaha for a Territory including more than this State. I think one of the Dakotas is included in this district at present. He was First Assistant Secretary of the Treasury under President Harrison's administration, and he was serving there as such at the time of his nomination for the Governorship of the State. He resigned that position to enter upon the canvass here. So that his range of observation and acquaintance with the affairs of the State and the nation on public questions is quite extensive.

1982*b.* At present the State is under high license?—Yes, the Slocum Law, as it is known.

1983*b.* What was the previous system?—I think it was some form of license law prior to that.

1984*b.* Has the State ever had prohibition?—Not that I know of.

1985*b.* Has it had local option?—There is that feature in the Slocum Law by which each community may decide for itself to exclude the traffic or to authorize it under the provisions of this Slocum Law. There is also that power in particular precincts. That provision applies to any village and to any city, of the first, second or third class. It does not proceed on the basis of counties as in some States.

1986*b.* It is more for what might be called communities?—Yes. There is this provision also, that the receipts from licenses shall be applied directly to the school fund. That is the specific purpose to which they are applied. For instance, I was connected with the School Board in the city of Hastings for three years, and the Board received from the saloon licenses from ten to twelve thousand dollars a year.

1987*b.* How large is Hastings?—The last census gave 13,600.

1988*b.* Was as large an amount as that needed for school expenses?—Our school expenses exceeded that. There was a levy made in addition.

1989*b.* Suppose the revenue came to more than was required for school purposes?—I am not sure whether there is a provision for the diversion of any surplus or not. I have not known of a case where the receipts were greater than was necessary for school purposes.

1990*b.* Was there much discussion over the enactment of this present law?—I am not able to state definitely as to that. I should suppose there was. It required quite a vigorous contest to secure its enactment. It was enacted some time before I came to

## Liquor Traffic—Nebraska.

the State, in 1885. Since that time the people of the State have quite generally received the measure as satisfactory between loose regulations on the one hand and absolute prohibition on the other. In 1890, the contest came in a new form. It was proposed to submit two constitutional amendments to the people—one for prohibition and one for high license.

1991*b*. When was this State admitted to the Union?—In 1867. The Slocum Law is a legislative enactment; the vote in 1890, was to decide what should be the constitution of the State on this matter. There had been a discussion running for a number of years, and different political parties had been urged to submit to the people the question of the adoption of prohibition as a constitutional amendment. In 1889, the Legislature decided to submit the two propositions, one for absolute prohibition and the other for high license. At first it was proposed to submit a single proposition providing for the adoption of prohibition; but while that was passing through the Legislature it was amended so that the two propositions would be submitted together. In the fall of 1890, at the general election, these questions were submitted to the vote of the people; and the result was as follows:—For prohibition, 82,292; against prohibition, 111,278; for license, 75,462; against license, 91,084. I give you a copy of the return of the vote, giving the details. I might add that in the discussions that took place during that campaign of 1890, the general supposition was that high license was not the continuance of the present system.

1992*b*. The present law is a high license system, with the privilege of local option for communities?—I understand that it is so.

1993*b*. If that constitutional amendment for license had been adopted by the people, would that have meant license for the whole State without local option?—I understand the power of the Legislature would not have been restricted to any particular point by the adoption of that amendment. The Legislature would have still had the power to determine the range and conditions and specifications of the license law. It could have lowered the present law, or could have increased its stringency. Both propositions being defeated, the Slocum Law remained in force. Since that time there has not been very much interest taken in the discussion of prohibition or high license in any particular direction. There is what is called a prohibition party in the State, which has been polling from eight to ten thousand votes. It polled quite as many votes in 1890, and still pressed its ticket, notwithstanding the fact that the proposition for prohibition was directly before the people to be voted upon.

1994*b*. Did either of the old parties, I mean the Republican or Democratic, as a party, make any platform on this question?—The Republican Party for a number of years incorporated in its platform a simple declaration in favour of submitting the question to the vote of the people, but the party did not take a position for or against it. I suppose a large number of the members of the House and Senate who supported the submission of the proposition, based their views simply upon the principle that the people had a right to decide for themselves what policy they would have.

1995*b*. Did the Democrats take a definite position?—They took a position in their platform against prohibition. They largely opposed the adoption of the joint resolution in the Legislature.

1996*b*. How do you find the practical working of the law at present?—I think it is much more satisfactory than any measure that has been proposed or is likely to be acted on at any time in the near future.

1997*b*. Is there much agitation going on at the present time?—Not much at present. The vote in 1890, removed the question from party agitation largely, and now the discussions run along the lines of the campaigns in which the regular prohibition ticket is in the field. The people seem to accept the decision of the vote of 1890, as the final decision of the majority having the right to rule. A great many persons who were intensely in favour of the adoption of the prohibition amendment, immediately after the vote was taken, said, "We are opposed to going any further in this matter; the people have spoken on the question, and for the present have settled it; we have the decision of the Supreme Court on the point, and we may as well direct our attention to other questions."

W. E. ANDREWS.

*By Rev. Dr. McLeod :*

1998*b*. I suppose there is a possibility of the question arising again ?—I should not be surprised if it would arise again in eight or ten years, but I would not look for it to arise before that time.

*By Judge McDonald :*

1999*b*. Have you definite times for the submission of constitutional amendments ?—No, only when the Legislature decides. It would require a good deal of campaigning to secure the submission of a constitutional amendment on the liquor question again.

2000*b*. Have you many places which have adopted local option ?—Not many. I understand York City, with about 4,000 inhabitants, has excluded permanently and continuously the liquor traffic in the form of the saloon.

2001*b*. When local option is decided upon, it is simply to stop the saloon, not to prevent people bringing liquor into their homes ?—No ; that question is not involved.

*By Rev. Dr. McLeod :*

2002*b*. Does each community determine the number of saloons it will have ?—That is left mainly to the choice of the individuals who want to establish saloons, and their ability to secure a license from the City Council. The license is granted through the agency of the City Council.

2003*b*. Is the number determined by the City Council ?—Virtually.

2004*b*. There is nothing in the law that limits the number according to population ?—No. The law makes the license \$1,000. I think that is the uniform fee. I have never heard of saloons paying less than \$1,000.

*By Judge McDonald :*

2005*b*. We understand that there are some strict regulations of the traffic, with regard to saloons not having screens, and so forth ?—The law provides that screens shall be excluded, and a breach of that provision would form sufficient ground for the revoking of the license of any individual.

2006*b*. What about Sunday ?—I think the matter of Sunday closing is mentioned in some shape in the law, but for the most part it would be determined by the local authorities. I should think the City Council and the Mayor in the smaller cities, and the Excise Board and the Police Commission in the larger cities would have some authority in that matter. I think the main force for determining for or against that question would be vested in the Local Boards.

*By Rev. Dr. McLeod :*

2007*b*. And those Local Boards are elected by the community ?—In some places they are. In Omaha the five Police Commissioners would have some authority in determining the extent of closing on Sunday. The Mayor and four others compose the Board of Police Commissioners. In Lincoln, the Excise Board, which is elected, with the Mayor, would have the control of any provision as to Sunday hours. I think they have decided here that the saloons shall be closed from eleven o'clock in the evening.

2008*b*. Do you know what the provision is in Lincoln as to Sunday ?—I do not know.

2009*b*. Are you able to say whether there is illicit selling in Lincoln ?—I cannot, except from ordinary observations. In Hastings, which I am better acquainted with, the City Council is vested with authority to make certain regulations as to the hours of business, and particularly in regard to Sunday closing ; but it is left with the Mayor, through the agency of the Police Force, to execute, and there it is generally considered that the election of the Mayor determines in what way the provisions of the law will be enforced.

2010*b*. What are the hours there ?—I am not able to state.

2011*b*. Do the saloons remain open on Sunday ?—They are expected to close, but I do not know how many back doors are open.



## Liquor Traffic—Nebraska.

2012*b*. Is there a strong suspicion that they are open?—Yes.

2013*b*. Do you know if there are places, other than the licensed places, where people carry on the sale?—It is reported in a general way that they do, more particularly in places of ill-fame. Liquor is sometimes found in the possession of young men, and more particularly boys, who go to those places. Then the keepers are taken up and subjected to a fine.

*By Judge McDonald :*

2014*b*. Are houses of ill-fame permitted there?—They closed them up for a time, but I think they have broken out again.

*By Rev. Dr. McLeod :*

2015*b*. Are they licensed in this city?—No, I do not think they are. One of the requirements of the Slocum Law is that the saloons shall be closed on election days.

*By Judge McDonald :*

2016*b*. We have heard that under your law, the license fee being so heavy, the licensed men act as police or detectives to prevent illicit selling, in their own interest?—I do not know how that is. My work has been such as to lead me rather away from an acquaintance with the actual workings of the system, except so far as I would see it in a general view. I have been engaged in college work, as a teacher, ever since I came to the State until I came here to accept the position of private secretary to the Governor last fall. I learned considerable of the working of the saloon systems in different parts of the State while I was out during the fall campaign.

*By Mr. Gigault :*

2017*b*. Under the present law are there fewer places selling liquor than under the old law?—I am not able to state, because I was not here at the time of the operation of the old law.

2018*b*. Is there any return made to the Governor, or to the State Legislature, giving the statistics of that?—I think not. The information that would be secured in that direction would be gathered through general sources. I do not know of any particular authority in the State required to make reports to the department, except in the cities, the city officers for city affairs and city purposes.

2019*b*. Do you believe drunkenness is increasing or decreasing in this State?—I am not prepared to say, because I have no statistics on which to base a judgment. I am inclined to the opinion that we are in fully as good a position as we were when I came to the State in 1885.

2020*b*. Are crimes increasing or decreasing?—Judging from the reports of the convictions of persons for crimes in the State who are sent to the penitentiary, I should suppose they are not increasing at any perceptible rate; though of course you may find a larger number in one particular year than in another particular year.

2021*b*. In proportion to the population are they increasing or decreasing?—I could not answer that question. I gather from statistics, and my belief is confirmed by people who were in opposition to the amendment in 1890, that Nebraska has the smallest percentage of criminals and insane people of any State in the Union, according to its population.

2022*b*. Have you any criminal statistics here?—We have here the report of the persons who have been convicted of crime and sentenced to the State Penitentiary, giving the history of every case, the nature of the crime, and the length of the sentence. There are in the penitentiary now about 330 convicts.

2023*b*. What is the population of the State?—About one million and a quarter, according to the census of 1890.

2024*b*. Is the population increasing?—Yes; during the last decade it more than doubled. The apportionment under the law of 1880, gave us three representatives in Congress, whereas the apportionment in 1890, gave us six. There have been received in the penitentiary from the date of its beginning up to the present time about 2,300 convicts.

W. E. ANDREWS.

2025*b*. How many State and County jails have you?—Most of the counties are supplied with either poor or indifferent jails. Some of them have very good jails.

2026*b*. Do druggists sell liquors here?—Yes. I am not prepared to state, however, what liberties they have under the law.

2027*b*. Do you know if the consumption of liquors has increased or decreased in the State?—I am not able to speak from official figures. The reports that I have read would lead me to believe that it has increased.

*By Judge McDonald :*

2028*b*. Have you much of a foreign population in the State?—Quite considerable.

2029*b*. Of what nationality?—We have a great many Swedes, and quite a number of Germans. I can recollect twelve or fifteen localities where the population is almost entirely composed of Germans.

2030*b*. What kind of settlers do you find them?—Some of them are very desirable, and some quite the opposite. Of course they come with their ideas of German life and society, and insist quite strongly on the continuance of those ideas. We have also quite a number of Danes.

2031*b*. Any French?—Not a large number. There are a few localities in the State made up entirely of French people. I know of one locality where there are about 3,000 French people.

*By Mr. Gigault :*

2032*b*. Do they come from Canada?—Quite a number do. In Franklin County perhaps one-third or one-half of the French population there have come from Canada.

#### C. C. COLWELL examined.

*By Judge McDonald :*

2033*b*. You are the Acting Secretary of State, I understand?—Yes.

2034*b*. Is this city your residence?—Yes; I have lived in the city of Lincoln for twenty-three years.

2035*b*. What is the population of this city?—I think our last State census gave us 66,900; we are about 75,000 to-day.

2036*b*. Is it a thrifty city?—Yes.

2037*b*. Orderly and law-abiding?—Very. I think we have fewer arrests for drunkenness than any city of the west—I will venture to say, than any city of this size in a prohibition State. We have very little drunkenness.

2038*b*. Do you attribute that to the mode in which your law is enforced?—I think so.

2039*b*. We understand that the restrictions imposed on men in the trade are very severe?—Yes. I really do not know what the provisions of the law are; but I think a man cannot obtain a license unless he has twenty-five freeholders on the petition. I give you a copy of the Statutes of 1891, which contains all our laws on the subject of liquor up to date.

2040*b*. Have you been through the State very much?—Yes, before I came into office I was travelling considerably for five years.

2041*b*. What is your opinion from your observation?—I think high license is the best. Men will sell liquor anyhow.

2042*b*. We understand that your law permits local option in communities?—Yes.

2043*b*. Is that acted on?—There are some villages where no liquor is sold. But in general throughout the State it is sold.

## Liquor Traffic—Nebraska.

*By Rev. Dr. McLeod :*

2044*b.* I suppose there are some people who sell it without license?—That is why I say it is better to have it licensed, because they will sell it anyway.

2045*b.* How many licenses are issued in Lincoln?—I think in the neighbourhood of fifty.

*By Judge McDonald :*

2046*b.* From your observation as a citizen, and from what you learn officially, have you reason to think there is very much illicit sale?—Oh, no.

2047*b.* We are told that the saloon-keepers have to pay such a high license that they keep an eye out for illicit sale?—I do not think there is any illicit sale here.

2048*b.* We understand that a vote was taken here in 1890, on the submission of a constitutional amendment, and that the decision of that vote was practically to leave matters as they were, under high license with a local option clause for communities?—Yes.

2049*b.* Since that was disposed of has there been much discussion on the subject? No, we do not hear anything of it.

2050*b.* People have settled down to that state of things?—Yes. If they have to pass upon it again, the question will have to pass through the same course as before, to be brought before the people at an election.

*By Mr. Gigault :*

2051*b.* Are crimes increasing or decreasing in proportion to population?—I do not think they are increasing.

2052*b.* Have you any criminal statistics here?—The warden of our penitentiary, which is only two miles below the city, issues a report containing criminal statistics, which I think is included in the biennial report of the Commissioner of Public Lands and Buildings, of which I will lend you a copy.

2053*b.* In proportion to the population, are there fewer places selling liquor now than under the old law?—I could not say as to that.

2054*b.* When was the Slocum Law passed?—In 1887.

2055*b.* Do you know what the law is about druggists?—They get a permit. They do not get the same license as whisky sellers. Our license in Lincoln is \$1,000. The druggists' license is, I think, a smaller amount.

2056*b.* What were the general provisions of the old law? Was it free sale or was it license?—It was license.

2057*b.* But the license fee was very low?—Each municipality was allowed to fix its own license. I believe the Excise Board have the right to name the amount of a druggist's license. We have an Excise Board in cities of the first class, which works with the Mayor. I think a druggist's license here is \$200 a year.

2058*b.* Do druggists sell a good deal of liquor?—I suppose they are like all drug stores—they sell under prescription.

*By Judge McDonald :*

2059*b.* Is there much trouble in the community in regard to selling to minors? Do you think the law is well observed in that respect?—We sometimes, not very often, hear of a case. There is a fine for that.

A. D. BEEMER examined.

*By Judge McDonald :*

2060*b.* You are the Warden of the Nebraska State Penitentiary, I understand?—Yes.

2061*b.* Where is your home?—In Cumming County, Nebraska.

2062*b.* How far is that from here?—About one hundred miles right north, towards the Dakota line.

2063*b.* How long have you lived in the State?—Twenty-five years.

2064*b.* You knew the State before the high license law was passed?—Yes.

2065*b.* What system had you in your section before that?—We had the same system all over the State. We had to pay fifty dollars license to the counties. The cities and towns did not receive anything.

2066*b.* Did what is called the Slocum Law make the change?—Yes. We had a law before that whereby each county or each town in the county, when it got to it be large enough to be a city of the second class, could fix the license at any amount wanted up to one thousand dollars.

2067*b.* Had you a provision by which any locality could put itself under prohibition?—I do not think they could.

2068*b.* Under the Slocum Law, we understand they have that privilege?—Yes; some of them do. We have found the Slocum Law a great advantage to Nebraska. People have left Iowa by thousands. I started a little town up in the centre of Cumming County on my own farm. I started it about eight years ago. It is named Beemer. That town has now 700 inhabitants, and I found that I could get more people to go into business there from Iowa than from any other state in the Union—Iowa and Kansas, that have prohibition.

2069*b.* Are you able to state, of your own knowledge, that people have left Iowa and Kansas?—I am. I got more people from Iowa and Kansas to move here. I advertised all over.

2070*b.* How do you find the high license law work in regard to the morality of the community, and in regard to law and order—satisfactorily or otherwise?—I think that high license, so far as good order and peace are concerned, puts a place in as good shape as prohibition itself. I think there is more drunkenness in a prohibition town than in a high license town.

2071*b.* On your experience of high license in this city, would you be willing to change it for any other system?—No, I would not; I would make it higher if anything.

2072*b.* We understand that in 1890, a vote was taken on the constitutional amendment, and the people decided to leave things as they were?—Yes.

2073*b.* Is there any stir now on the subject?—No; everything seems to be pretty quiet.

2074*b.* It is not made a matter of contention?—There is no contention now. There are a few communities where churches are working at it. This town of Lincoln has probably as much prohibition as any town where there is liquor sold at all.

*By Mr. Gigault :*

2075*b.* Have you any official document which would give us the population of Nebraska in 1881?—I have not.

2076*b.* Do you know what the population now is?—I do not.

2077*b.* What is the number of convicts in your penitentiary?—The number to-day is 325.

2078*b.* How many convicts are here to be hanged?—Not one.

2079*b.* In this State do they execute men?—Yes. They are executed at the jail of the county where they are convicted.

2080*b.* Have you any convicts in the penitentiary for murder?—Yes; about twenty.

2081*b.* Are they in for life?—Not all.

## Liquor Traffic—Nebraska.

2082*b*. Do you know how many convicts there are in the county jails?—No. We have no convicts in the county jails. They are prisoners there, but they are not sentenced. As soon as they are sentenced, within thirty days, they have to come to the penitentiary.

2083*b*. So that all the prisoners sentenced in this State are in the penitentiary?—Yes.

2084*b*. Except those sentenced for drunkenness and imprisonment for thirty days?—They do not send anybody here for less than a year. In 1881, there were 194 prisoners in the penitentiary. In 1881, there were 74 received, and in 1892, 167 were received.

2085*b*. Do you think crimes are increasing in proportion to the population?—No: they are not, in this State.

2086*b*. Have you made any calculation with regard to that?—The calculation is that there are fewer people in the penitentiary by nearly seventy or eighty than there were a year or two years ago. The number is falling off instead of increasing. In 1889, we had 379 prisoners; in 1890, 387; last November we had only 316, and now the number is 325. Six go out between now and the 10th of next month. The population of this State has nearly doubled in the last seven years, yet in 1886, we had 328 prisoners, and now there are 325. I find that in 1880, the population, according to the census, was 452,402, and the number of convicts in the penitentiary was 196. In 1890, the population of the State was 1,058,910, and the number of convicts 387.

W. H. DORGAN examined.

*By Judge McDonald:*

2087*b*. What is your position?—I am prison contractor. I have leased the prison labour of the penitentiary.

*By Rev. Dr. McLeod:*

2088*b*. I suppose the character of the population has changed in the last ten or fifteen years?—Yes.

2089*b*. It was then more of a frontier population than now, and there was more lawlessness?—Yes. It would naturally be so in a new country.

2090*b*. Is drunkenness increasing or decreasing?—I think it is decreasing. It naturally would as drinking places are restricted under high license.

*By Judge McDonald:*

2091*b*. How long have you resided in Nebraska?—About seventeen years.

2092*b*. You have known the State then under both systems—low license and the Slocum Law or high license?—Yes.

2093*b*. Which do you think preferable?—High license.

2094*b*. Were you here when the constitutional amendment was submitted to the people in 1891?—Yes.

2095*b*. We understand the effect of that was to retain the Slocum Law?—Yes.

2096*b*. Have you found that since that was voted on, the people have acquiesced in the decision, or is there still a stir about the question?—No, there is no stir. It seems to have entirely disappeared. The people seem to be satisfied with the present law. If anything, there is a tendency towards higher license.

*By Rev. Dr. McLeod:*

2097*b*. As contractor for this prison labour, you are brought into contact with the prisoners?—Yes.

A. D. BEEMER.

2098*b*. Have you found any proportion of them brought there through crimes induced by drink or drunkenness?—I do not think the majority are. There is a considerable percentage ; I do not think more than one-third.

2099*b*. Do you think that the majority of them have been addicted to the drink habit?—I think so.

*By Judge McDonald :*

2100*b*. Do you find the men to lay the blame to the drink habit—to say that their crime was on account of drink?—They may do so in some instances, but I do not think they do to any great extent.

2101*b*. You think crime is decreasing in the State, considering the increase of population?—I do. In regard to high and low license, I think the higher the license is the better the class of men engaged in the saloon business. There is more protection to people by having good men engaged in the liquor business than if every man who could buy a jug of whisky were allowed to start a saloon.

2102*b*. We have been told in some places that these men, owing to the high license they had to pay, keep a sharp look-out to prevent illicit selling. Do you know how that is?—Yes, that is true. That kind of thing is going here now, against the drug stores.

2103*b*. Have the drug stores been selling?—Yes.

2104*b*. Are there illicit places in Lincoln where liquor is sold?—They have them pretty well shut out. When you go to Iowa you will find a very sorry state of affairs existing there on account of the liquor business. I was in New Hampton, Iowa, where my people live. Seventeen years ago there were only two saloons there. I was there three weeks ago, and there were twelve or thirteen places where you could get liquor to drink—drug stores or holes in the wall ; so that they would be better under a license system than they are under the prohibition system, because prohibition does not prohibit.

AUSTIN H. WEIR examined.

*By Judge McDonald :*

2105*b*. You are the Mayor of the city of Lincoln?—Yes.

2106*b*. What is your business?—Lumber.

2107*b*. How long have you resided here?—Ten years.

2108*b*. Have you been in the State longer than that?—About eleven years altogether.

2109*b*. Are you an Eastern man?—Yes, I was raised in Illinois. I came from Chicago to Kansas, and helped to carry the prohibitory amendment there, and came from there up here.

2110*b*. Were you here when the change was made to what is called the Slocum Law?—That was passed when I came here. I was in Kansas a year or two after prohibition came into effect.

2111*b*. How did you find prohibition work there?—As a rule, I believe it is satisfactory to the State at large, although I see by the papers you got testimony against it. But as a citizen of the State, and one who knows considerable about it, I regard prohibition as largely successful. Of course, in Leavenworth it could not be carried out, owing to the brewery interests. In Kansas City, Kansas, it would be unreasonable to expect it to be successful, with Missouri immediately opposite, and the public sentiment being insufficient to enforce it.

2112*b*. From what you know of Kansas and what you know of the system here, which do you think is preferable?—In my opinion, there is but one course to pursue, and that is to adopt whatever means will drive the liquor trade out of the country. That can hardly be done at the present time, for the reason that it is a powerful interest, alert and active every day, whereas the opposition to it is spasmodic. There will be an effort to crowd it for a time by people opposed to it, but then they get tired—the other fellows tire them out. As the situation is to-day, with public sentiment in the

## Liquor Traffic—Nebraska.

condition in which it is, I am inclined to think that high license is the only way in which it can be handled successfully at present, unless you have a public sentiment that will be active and energetic and stay at work until the traffic is driven out.

2113*b*. How does the high license system work with you?—It works very nicely.

2114*b*. How many places are there in this city for the sale of liquor?—46.

2115*b*. How much is the license per year?—\$1,000.

2116*b*. Where does the money go?—To the school fund.

2117*b*. Do the school expenses amount to that much?—Considerably more.

2118*b*. Under what obligation are the licensees put in your system? At what hours are they compelled to close?—Until the last few days they have been obliged to close at 10.30 o'clock. In this city they are controlled by the Excise Board, composed of the Mayor and two others. Within the last few days the hour of closing has been extended from 10.30 until 11.30 o'clock; they have been opening at 5.30 in the morning, and that has been changed to 6.30. I voted against the change, but the others carried it.

2119*b*. On Saturday night is there any difference?—No, the same. They close on Sunday. I was elected two years ago on the law and order basis, for the enforcement of the law, and for a year and two months probably I had the entire control of the police force, until the saloon interest captured the other with the use of money. I claimed that as executive of the city I should control the police. The Supreme Court, however, ruled that the Excise Board had the control of the police. They appointed another police force, and then the saloons ran night and day, regardless of the law. I would not have anything to do with the matter for eight or nine months. Last election I went in on the law and order basis, and I got two good men with me, and since last April the saloons have been in the best condition that I have ever seen them. They are closing now almost without exception—absolutely closed—on Sunday.

*By Rev. Dr. McLeod:*

2120*b*. Have you observed that they only obey the law when they have to?—Exactly. They are a lawless set, the saloon men. I do not mean to say entirely so. We have three or four, or possibly five saloon-keepers here who run their business as well as any man can; but outside of that small number, they take advantage of every opportunity to violate the law. In fact, their whole idea seems to be to disobey the law when they think they can with advantage.

2121*b*. Have you reason to believe that some of them have side doors on Sunday?—I have, but I have reason to know that they are not using them just now.

*By Judge McDonald:*

2122*b*. What about the druggists?—That is the trouble. Some of their stores are to-day practically saloons, and it is difficult to get at them.

2123*b*. What is their license?—Practically nothing. They are simply required to take out a Federal permit for the sale of liquor. The Board have no control over them unless they can convict them of selling, and then there is a fine of twenty dollars or so.

2124*b*. What is the rule in regard to selling to minors?—It is absolutely forbidden, and an action will lie against any liquor seller who sells to an intoxicated man if any injury results. One woman got a judgment against a saloon-keeper of \$3,000 for selling to her husband. The property is also liable.

2125*b*. What about painted windows and screens?—They have got to be absolutely open. I gave the police instructions that every obstruction should be taken away from the windows, so that passers-by could see the interior of the saloons. If you go around this city you will find that you can look into the saloons with very little difficulty.

2126*b*. Are chairs permissible?—Yes.

2127*b*. Are they required to get a petition from ratepayers in order to get a license?—Yes; before a license can issue they must get a petition signed by thirty freeholders of the ward in which the saloon is situated, and those thirty names must be certified by the Registrar, that they are freeholders. Then they have to sign a bond of \$5,000, with two sureties, that they will comply with the law.

AUSTIN H. WEIR.

2128*b*. In case of a breach of the law what is the penalty?—I do not know, not being a lawyer. Here the Excise Board of three members have absolute control of the liquor traffic. They can license, restrain, prohibit, or regulate, and we told the saloon-keepers we would drive them out of the business if they violated the law. We could close up any man's place and compel him to quit the business.

2129*b*. Then you would have an action against him and his sureties under his bond?—Yes.

2130*b*. Is there much drunkenness in your cities?—Not much.

2131*b*. Comparing this with other places you have known does it compare favourably with them?—I think so. When you realize that we have a city of about 60,000 inhabitants and only sixteen patrolmen—twenty-one, officers and all—it speaks pretty well for the orderliness of such a city. All told, we expend from \$18,000 to \$21,000 for police expenses.

2132*b*. Have you much poverty in your neighbourhood?—No; not nearly as much as other cities I know of about the same size.

*By Rev. Dr. McLeod :*

2133*b*. Besides the drug stores, are there illicit places that spring up from time to time?—Very few. I do not know that there are any. The other day we got a coloured man in "the bottoms" peddling around beer in a buggy, and he was fined \$100. The fancy houses do more or less of that.

2134*b*. Does the social evil prevail here to any extent?—Yes; quite extensively.

2135*b*. Is that licensed?—No.

2136*b*. The sale of liquor goes on there?—Yes; without the sanction of the law, and whenever we can discover it we raid them. But you can hardly control them.

2137*b*. In the places where the more desirable people congregate, are saloons established and licensed?—There is no saloon but what is licensed, and there are not many, if any, in that district. I do not think there are any joints.

*By Judge McDonald :*

2138*b*. In these western towns it seems to be an understood thing that these fancy houses exist. Is it considered that you cannot get rid of them?—That has been the experience. It is the most difficult question in municipal government to handle. I have the strongest prejudice against carrying out the ordinary system which prevailed prior to my administration here, simply of sending the police around about the first of each month and notifying the women to come up and report themselves and pay their fines. That was practically a license. As soon as I got control, I instructed the police under no circumstances to do anything that would look like a license system, because I was unalterably opposed to it, but if they were violators of the law, to bring them up the same as others who were violators of the law. We went to work and made a raid. We gathered in the women and the men and brought them to the police court and fined them. We did that at irregular intervals. I found it necessary to do something to make them pay for the police surveillance that they required; and furthermore, I notified every madam that she would be held responsible for the strict order of her house. The result was that we had it remarkably quiet. I think three-quarters, certainly one-half, of these women left the town. I am commencing now the same policy, and I find quite a number of good citizens objecting to it. They say: "You should not trouble the men there, because it drives the women away and scatters them through the city." I believe that is true. I do not look forward to any effort to drive them away, because I think that is impossible.

2139*b*. Do you think others would come and take their places?—Yes. While I am opposed to a licensing system, it might be as well, while the evil exists, to put them on the same basis as the saloon business, to put them under control and make them pay monthly or yearly sums to defray the police expenses necessary to look after them, and then hold them responsible for the peace and good order of their places. I look upon that as the practical way of dealing with them.



## Liquor Traffic—Nebraska.

2140*b*. What about gambling houses?—I closed them up effectually in my former term. In Omaha they take the position that these places should be licensed—that inasmuch as you cannot control them, you should regularly fine them.

*By Mr. Gigault :*

2141*b*. Before the adoption of the last law, how many places were licensed to sell liquor in this city?—I was not here.

2142*b*. What formalities are required of the druggists to sell liquor?—They are required to sell under prescription, and to keep a record of the prescription so that it can be examined at any time by any one who wants to see it. They have to take out a permit, which does not cost them anything, but without that permit they would be liable to prosecution for selling. We are going to make an effort to control the drug stores, if there is any method of doing so.

2143*b*. Do you believe that crimes have increased in this State?—I can hardly say. There has not been any extensive period of crime since I have been here. About the same condition of things exists all over the country. I have no statistics, and never met any to show whether crime is actually on the increase or otherwise. My general impression of the liquor business, and it is based on a good many years of observation and experience, is that so long as there is a demand for liquor, some men will be found to furnish it, law or no law. Of course, you can control that to a great extent. With local option, as it is in this State, there are quite a number of towns where liquor is not sold unless it is sold illegally. For instance, at Fairmount, a place with a population of twelve or fifteen hundred, there is not a saloon and never has been any. Public sentiment kept them out. At the last election there was an attempt to introduce license, but the license men were defeated. The larger a place is the more difficult it is to keep it out, because there is a larger class who use liquor.

2144*b*. I suppose that in those places where local option exists, people may buy it and use it in their own houses?—Yes. Prohibition has never been as effective in Iowa as it has been in Kansas. In some parts of Kansas it has been very well observed. Once, when I was in the lumber business in Kansas, I went to Ottawa to meet the three members of the firm to hold a conference with them. We were all sitting together in front of the hotel, and I saw one of the gentlemen, Mr. Brown, call the proprietor and say something to him. The proprietor went off and came back and had another conference, and went off again. Mr. Brown told us that he had told that man that unless he could get us some beer he would not come back to that hotel again, and he said that the proprietor of the hotel had been all over town and could not get any. There are, of course, many places where the law is ignored, but I believe it is open to demonstration that the prohibitory law in Kansas is as well enforced as any law on the statute-book, when you remember the number of times the violation of the law is attempted as compared with any other law. The great cry against the prohibitory law is that it does not prohibit. On that basis you would set aside every law on the statute-book. They seem to take the stand that the enforcement of the law must be absolutely perfect, that from the day of its enactment there must not be a drop of liquor sold. We do not expect that of any other law. The law against murder or the law against horse-stealing does not prohibit those crimes, and yet the punishment is severe; and you should take the position that the prohibitory law does not prohibit, neither does the law against murder or horse-stealing, or the law against burglary, notwithstanding that they are much more stringent than the prohibitory law. The trouble about the prohibitory law is, that there are so many people, even respectable people, who want their liquor, and they are going to get it; and, until public sentiment is in a better position than it is to-day throughout the country, it can hardly be called a success, taking a general view of the situation.

OLIVER C. LINK, M.D., examined.

*By Judge McDonald :*

2145*b*. You live in this city and are a practising physician ?—Yes.

2146*b*. How long have you lived here ?—Seven years ; I came from Illinois.

2147*b*. When you came here, the Slocum Law was in force ?—Yes, and has been ever since.

2148*b*. What do you think of it ?—Of course, as a license law it would do fairly well if it was enforced. While I am not a rank prohibitionist, I believe in local option, and this law is better than many laws I have seen.

*By Rev. Dr. McLeod :*

2149*b*. You say it is not enforced ?—Not always. For two years it was not very well enforced here. We have an Excise Board, consisting of the Mayor and two others, and if two of the Excise Board are favourable to the saloons the law is not very well enforced. For the last two years the Mayor has been in the minority. The law has never been thoroughly enforced since I have been here.

2150*b*. That is, the saloon-keepers do pretty nearly as they like ?—Most of the time.

2151*b*. Do they sell on Sunday ?—They did last year, but they do not now. The Excise Board was against the Mayor until the 1st of April.

*By Judge McDonald :*

2152*b*. Do you believe that with a Board in favour of the law, it can be enforced ?—Yes.

2153*b*. Do you think you have such a Board at the present time ?—I hardly know. They are new. Of course, the Mayor is for the enforcement of the law, and one of the excise men pretends to be. The law has been fairly well enforced since the new Excise Board came in.

2154*b*. We understood from the Mayor that a change had been made in the police force with a view to better enforcement ?—I think it is better enforced.

*By Rev. Dr. McLeod :*

2155*b*. Do you think it has reduced the consumption of liquor ?—I do not think it has reduced the consumption. Of course, last year, the sale was practically wide open.

2156*b*. I suppose the saloons are made more attractive under this system ?—Yes. Of course, the law is that there must be no obstruction. Everything must be in sight of the public ; but they try to let the dirt accumulate on the windows.

2157*b*. That makes a screen ?—Yes.

*By Judge McDonald :*

2158*b*. Of the two systems, which would you favour, this system or prohibition ?—I would favour prohibition.

2159*b*. Have you had any practical experience of the working of prohibition ?—No. But at one time, living in Illinois, we had local option for our own community.

2160*b*. Was the sentiment of the community in favour of it ?—Yes, it had to be ; it could not carry if it were not.

*By Rev. Dr. McLeod :*

2161*b*. How did it work ?—It worked very well. But the people would get tired, and then they would work up a sentiment, and would have licenses again.

*By Judge McDonald :*

2162*b*. Very much like the swinging of a pendulum ?—Yes. It might go for two or three years, and then they would go back to license.

2163*b*. Is this city an orderly community ?—Yes.

2164*b*. With a good class of citizens ?—Yes.

## Liquor Traffic—Nebraska.

2165*b*. We learn that in your city, as well as in other western cities, the social evil is practically allowed to exist?—That is true.

2166*b*. How do you account for that?—That seems to be almost general in western cities; this system of fining them once a month—practically a license—I think \$14.70 for each inmate and \$24 for the keeper of the place.

2167*b*. Do you think it is one of the things which western life at present may be expected to develop?—They attempted to stamp it out here two or three years ago, and that proved disastrous, for the simple reason that when they stopped the houses the women scattered among the blocks. A great many people live in blocks here; they room there and do light house-keeping. These women scattered all over the town in these blocks, and really that was a worse condition than to have them confined to a section. I say that from what I have seen in connection with my profession as a physician. They are now kept in one section of the town, under a system of regulation.

2168*b*. Do they have any medical inspection?—About once a month the police go round and make a raid upon them.

2169*b*. Will they count the number of inmates?—They take their names as a rule, and assess the fines.

2170*b*. What about gambling houses?—That I really do not know much about.

2171*b*. Are you troubled with them at all?—There is a great complaint about them in rooms, and about a few gambling houses, but I know little about that. We have not the gambling houses here that you find further west. They are upstairs over saloons, but they are not run wide open, and you have to be known to be admitted.

OMAHA, NEB., May 20th, 1893.

Commissioners McDONALD, McLEOD and GIGAULT visited this city this day to make inquiries into the operation of the liquor laws of the State.

HON. LORENZO CROUNSE examined.

*By Judge McDonald :*

2171½*b.* You are the Governor of the State of Nebraska?—Yes.

2172*b.* Your home is at Lincoln, at present?—Yes.

2173*b.* Where is your own home?—I live at a little town called Fort Calhoun, about fifteen miles above. This license law of ours has been discussed a good deal, because we undertook some three years ago, in 1890, to test the public sentiment here on the question of prohibition or anti-prohibition. I do not now recollect the vote, but prohibition was beaten by quite a large majority. The contest was a very spirited one. I do not know of any question during the history of the State that brought out so large a vote as that which was brought out on that occasion. Our business men took hold of it here, largely from a business standpoint, and they had as auxiliaries many churchmen, strange as it may seem. The Rev. Dr. Duryea, a very eminent Congregational minister of Omaha, and some few others, joined in the movement, believing that the working of the Slocum Law had proved that in its practical operation it was much better than to attempt prohibition. Of course, these things are judged from the point of view you choose to assume. We have, right across the river from Omaha, a town which is in Iowa, but almost a part of Omaha; I refer to Council Bluffs. The facilities for intercourse between the places are very great. In Iowa, as you are advised, they have prohibition, but it is claimed, and I guess with more or less truth, that liquors are sold openly and without any restriction there. The saloons contribute nothing to the revenues of the city, and they are without any regulation, which, taken in connection with the fact that they do sell, makes the liquor selling rather odious. It is claimed that our people in Omaha on the Sabbath day, when our saloons are closed under the law, resort to Council Bluffs. That is not true. I understand, with regard to the smaller interior towns, where they are attempting to enforce prohibition, they are doing so with more or less success. This is, of course, largely governed by public sentiment. It would be almost impossible in a city like Omaha to enforce prohibition; there is not that sentiment here which would support it, and without that of course it would not avail. In older and more staid communities like yours, like England and other places, a prohibitory law could, perhaps, be enforced with greater rigidity and earnestness than here. But I really believe that in the present condition of public sentiment we could not get juries to convict in many cases under such a law. Now, with regard to the Slocum Law, while I cannot recall its features in detail, one of its most striking features is that it is in its nature a local option law: that is, it allows the authorities of a county to control the liquor traffic. We have 90 counties in this State, and many of those counties have virtually prohibition. In some of our counties three Commissioners transact the business of the county. In others we have township organizations, and a representative from each township, making from ten to fifteen in one county, goes to form the County Board. And the question resides with those bodies whether they will allow license or not. No license can be granted for less than \$500 in any instance, but they are at liberty to increase that license at their pleasure. In Omaha it stands at \$1,000. With a hundred or more licenses granted, that yields quite a revenue, and all this revenue goes to the support of our schools. Now, the party applying for a license must base his application upon a petition, which must be signed by a certain number of freeholders, I forget the number; and in some instances it must be signed by a majority of the ward, or something like that. When he has been certified to as a man who possesses character enough to enter upon the business, he must also give a bond, I think in the sum of \$10,000, that he will observe the law, and he puts his friends under obligation by means of that bond to see that he does so. The conditions of that bond provide among other things that he shall not sell to a minor, that he shall keep up no

## Liquor Traffic—Nebraska.

screen, that the patronage must be open, so that the passer-by can see; that he will not sell on the Sabbath or on election day; that he will observe the local regulations as to hours of sale; and that in case he sells to an intoxicated man he will be held responsible for any damage which may result to the man's family. A wife can prosecute a saloon-keeper, who would be himself irresponsible in a measure; but his bondsmen would be held liable for any damage which might result to the wife or family. If she wishes to inhibit her husband, she makes that known to the saloon-keeper, and if he persists in selling after that warning and the husband is frozen to death, or anything serious happens to him, the bondsmen are liable; and the proprietor must obtain bondsmen who are responsible. It is argued that these restrictions placed upon the sale of liquor first afford a revenue. In this city the licenses yield something like \$125,000 a year, which goes to the support and maintenance of the schools. Right on the opposite side of the river, if the reports be true, the bars are open, and as they have no licenses and no regulations, they do not attempt to put any restriction upon them, and they can sell on Sabbath days and every day of the week, and 24 hours of each day. I repeat, that in the interior towns of Iowa I believe they do enforce the prohibitory law, where the sentiment of the public will support it; and there are several counties of this State where no licenses are allowed or granted. I cannot recollect the names of those counties.

*By Rev. Dr. McLeod:*

2174*b*. Are you able to say whether the licensees in Omaha or other centres observe what little prohibitions there are thrown about them by the license law?—They do in a great measure. A man who is a licensee has to guard against the multiplication of those dens or places of illicit sale. If he finds that he is subject to an annual payment of \$1,000, he naturally says that those who are not under the same obligation should not be allowed to sell. One does not violate the law unless another does, and the probabilities are not very great that they will all become violators of the law. If one undertakes to sell on the Sabbath day through his back door, his neighbour is jealous, and he will feel that he should be permitted to do that too. He will feel that if he is compelled to shut up while his neighbour Smith is selling, he has a right to call attention to the fact. I think the law is reasonably well maintained.

*By Judge McDonald:*

2175*b*. How is it with places that have no licenses at all? We are told that these men who have licenses act as detectives towards them?—Yes. I do not think there is a place in Omaha where liquor is sold without a license.

2176*b*. How about the druggists in the city?—I think in the main they confine themselves to the license they have, for the reason that if a drug man should convert his store into a dram store under his limited license, the man who has a saloon on the other corner of the street, and who pays a thousand dollars for a license, would immediately inform on him. He would not permit his patronage to be dissipated or taken away from him.

2177*b*. Do you know how it is with druggists in those sections of the country where local option is in force?—We have no local option as such.

2178*b*. I mean those communities where they pass a law for themselves?—It is like this. These licenses emanate from the county authorities. They only grant or refuse licenses as they see fit. They can raise the license fee to such a figure as to bring about virtual prohibition. That will not permit the druggist to violate the law. The same sentiment that would not permit the licensing of a saloon would not permit a druggist to violate the law. These violations of the law only occur in Iowa and Kansas where they attempt to maintain prohibition pure and simple.

2179*b*. Since the vote in the State in 1890, has there been any agitation to any extent for further change?—No; I think the decision was accepted on all sides.

2180*b*. The people have settled down to accept that state of things?—Yes.

2181*b*. I suppose you are well acquainted with the State throughout?—Yes.

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2182*b*. And the class of people who live in it?—Yes; I have been here from the first—over twenty-eight years. I represented the State in Congress several times. I was a Judge on the bench six years, at a time when more than half the State was in my district, so that I know almost every foot in the State.

2183*b*. Are your people, as a class, orderly and law-abiding?—I think they are exceptionally so.

2184*b*. Will they compare favourably with any other community in the United States in that respect?—I think the census reports will verify the statement that this State, if not the first, is very high up on the list.

2185*b*. Have you many Germans in this State?—Yes.

2186*b*. How do you find them as a class?—They are almost to a man, from education and habit, opposed to prohibition. One of the best men we ever had in my county, a man who held office as long as he chose to hold it, as one of the three County Commissioners, a German University graduate—a man who never tasted liquor himself and never crossed the threshold of a saloon—was still earnestly and honestly opposed to prohibition. He felt that it was an invasion of a right which he recognized as existing, and one which he brought with him when he came to this country. I had a housekeeper, an excellent, religious German lady, a Lutheran. She would go to church in the morning, and resort to one of the German gatherings in the afternoons at some well-to-do farmer's house, where they would tap a keg of beer and enjoy themselves. They thought that was all right, and she had a sort of contempt for what she called temperance people. I give these two instances to show that the Germans are schooled in those ideas. In my recent travels through Germany, I saw the extent to which the same thing prevailed there.

2187*b*. As a whole, are they a good class of people?—Yes; they are among our best people.

2188*b*. Take it all in all, you think the present condition of things in this State in regard to this question is satisfactory?—I do. I, of course, prefer sobriety to the opposite, and if the ideal state that is sought to be secured by prohibition could be attained in its fullness I would only have one view of it, whereas I now have another. It is not to encourage drinking or vice or any of its concomitants that I stand for well regulated license as against prohibition. I doubt whether we in this State, with our mixed foreign element and the sentiment of our people, could make prohibition a practical success. I predicate that conclusion upon an idea I have of its practical operation in the sister States.

*By Rev. Dr. McLeod:*

2189*b*. I assume that the present system must be, in your judgment, preferable to the license system which obtained previously?—I think we have an admirable license law. It may be susceptible of improvement.

*By Mr. Gigault:*

2190*b*. Do you think the population of the State has increased a good deal since the census of 1890 was taken?—Yes, I should say at least 100,000, and perhaps more. You can get a great many statistics and much information on this subject by conferring with the editor of the *Bee*, Mr. Rosewater, who discussed this question very largely. He saw one or two others, canvassed the State and spoke, and at its prominent points held joint debates; and he brought forward facts and figures to show the condition of crime and the results that might be supposed to flow from drunkenness and so on in Nebraska, as compared with Maine and other States.

## Liquor Traffic—Nebraska.

OMAHA, NEB., May 22nd, 1893.

Commissioners McDONALD, McLEOD and GIGAULT resumed their inquiry this day. EDWARD ROSEWATER examined.

*By Judge McDonald :*

2191*b*. Your residence is Omaha ?—Yes.

2192*b*. You are the publisher of the *Omaha Bee* ?—I am the principal proprietor of the *Bee*, and editor.

2193*b*. How long have you resided in the State ?—This is the thirtieth year. In 1890, I spent a good deal of time in Kansas and Iowa.

2193½*b*. When you first came to this State what system was in force ?—We had low license in force right up to the time of the high license law being enacted in 1881. The rate previously charged was \$100 per year, and we had, if I remember correctly, 260 saloons in the City of Omaha with a population of about 35,000. To-day we have a population of 140,000, and we have about 240 retail liquor shops. That includes the dealers in bottled goods as well as the saloon-keepers. We make no distinction in our licenses between wholesale and retail, or between the saloon-keeper and the grocer, who sells only bottled goods for family use. Every one of them pays a thousand dollars a year. When the high license law went into effect the brewers and saloon-keepers were simply wild. They denounced the law as worse than prohibition, and they resisted its enforcement to the extent of going into the courts to test its validity. The courts sustained the law. In the beginning we had very great difficulty in enforcing the law. The jump from \$100 to \$1,000 for a license was so extreme that it drove out of the business a number of the irresponsible class of dealers. In the first year the number of licenses fell, I think, from 260 to about half that number. The others closed up. In one sense, of course, the \$1,000 does not operate against the class of dive-keepers who have palatial places, because they are able to pay the license ; but the law has other restrictions outside of the rate charged. The Board of Excise, who issue the licenses, have the option to refuse a license without assigning any reason whatever, if they feel that it is not prudent or proper to grant it. For instance, if a license is asked for a saloon adjoining a school or a church, or in a purely residential neighbourhood, they have the option absolutely to refuse the license. The fact is that under the ruling of our Supreme Court the traffic is absolutely prohibited in Nebraska, except where by the consent of public sentiment it is permitted. The license is simply a permit granted in pursuance of the sentiment of the community in favour of such a grant. That is to say, without submitting the question directly to the vote of the people, where the majority of the people of any town are opposed to the granting of liquor licenses, the people simply elect a Board adverse to the granting of licenses, and then that Board would refuse to grant them, and would not be obliged to give any reason ; they would simply close the shops, and that would be the end of it. So that every year when we have municipal or county elections in the State, each community determines for itself, by the character of the men it elects on the Board, whether or not licenses shall be granted. If a community elects a Prohibition Board, out goes the license ; and so it has been in many of our towns, and in some of our counties. In Pawnee County no license has ever been granted, so strong is the public feeling against the liquor traffic. Under our constitution all the money collected from fines and licenses of the liquor traffic, and from every other trade that is licensed, such as billiard tables, auctioneers, pedlars and hackmen, goes into the school fund. Of course, the prohibition people have argued that this receiving money from a traffic that is detrimental to public morals, and that generates vice and crime, is immoral, and ought not to be tolerated. They call this blood money. I have always replied that if a line is to be drawn so that no money is to be received that is not gained by strictly moral trade, then I know of nothing in the United States, no office, high or low, that is not more or less tainted, for the reason that the President of

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the United States, the Judges of the Supreme Court, the Army and Navy, and in fact any officer who receives money out of the Federal treasury, receives in part money obtained from internal revenue, and of that internal revenue from eighty to one hundred million dollars a year is derived from the sale of liquor. That money is not separated in the treasury, and every one who gets any of it gets his share of that. I say that the money received by the usurer, wrung from the hard labour of the farmer or the labouring man or the merchant, is much more blood money than money received from the liquor traffic. As for generating vice and crime, that is a disputed question. The prohibition party profess to have a monopoly of all the morals, and they suggest that all the vice and crime is originated by the liquor traffic. They put forward that statement through the campaign of 1890, and they challenged me to a public debate with Professor Samuel Dickey, who is Chairman of the National Committee of the Prohibition Party in the United States. I have never cared to join in those debates, but I accepted that challenge, and we had a debate at Beatrice, in this State, in the presence of five or six thousand people. It was what is called a four-handed debate. It lasted for four days, and sixteen speeches were made, which were taken stenographically and sent broadcast to the people in this State. I give you a copy of a report of that debate. I also had a debate at Grand Island in September of the same year with Ex-Governor Larabee. In those debates I met the arguments which the prohibition people have put forward. As regards the moral status of prohibition. In the first place, they claim that the bulk of insanity is due to intemperance. I have shown that 55 per cent of all the insane are women, and the statistics show that perhaps not more than 1 per cent of that 55 per cent are insane on account of intemperance. The other 45 per cent are divided among a variety of causes, and the best statistics show that religion sends into the asylums just about the same percentage, about 10 per cent, as does intemperance. Another thing I have shown is that the percentage of insane in the States of Maine, Vermont, Kansas and Iowa is very much greater than the percentage in Nebraska. Then I took up the question of crime, and I made a special inquiry of all the Sheriffs of the counties of Iowa and Kansas to ascertain the number of prisoners in jails and the causes of their being there. I also sent parties to the two penitentiaries in Iowa, and I myself went to Kansas to ascertain the number of prisoners in the penitentiaries of those States. I also visited at Des Moines and Topeka the jails themselves, and examined the records with regard to the number of prisoners confined in them, taken there by what might be called the patrol wagon, and I found that the proportion of persons taken by the patrol wagon in the city of Des Moines, with a population of 50,000, was greater than it was in Omaha where we have nearly three times that population. I found this fact, moreover, that a great percentage of the prisoners were boys under age. I made a personal inquiry in Kansas and in Iowa as well as regards the traffic itself, and the methods pursued to get liquor. At Des Moines, I found that the difference is that here the traffic is open and during fixed hours, whereas there it is covert and during all hours. There I bought whisky at two o'clock in the morning. There the drug stores were wide open at that hour and they sold whisky to anybody. I had no requisition, prescription or anything; I bought what I wanted. I arrived at Topeka about six o'clock in the evening, and the same evening about ten o'clock I visited a club house in which there were something like 300 odd members, where I found piled up thirty-eight kegs of beer, empty kegs that had been used there during one week. Then, with regard to education. The statistics of Maine show that the salaries paid to teachers there are away below those we pay, and their school-houses are not as numerous according to population, nor are the accommodations so good. I have a report of the Superintendent of Education of Maine, which states that their school buildings are going into dilapidation; while ours are in a good state, because we have a large revenue to maintain them. Omaha, for instance, gets a revenue of over \$275,000 a year towards the schools from the liquor traffic alone. Revenue does not matter to the temperance people. With them the question resolves itself into one of morals.

2194b. Which is the most conducive to morals, the open saloon, or the joint, the dive and the saloon drug store?—In Kansas there are hundreds of saloon drug stores. The character of many of those places was illustrated to me by a physician I met there. He said he had gone to one of those saloon drug stores one day and made



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out a prescription. Afterwards the druggist came to him and said, "Doctor, I am a good deal perplexed. I have sent to Kansas City a good many times for different drugs, and they generally send what I want; but this *aqua* that you have written they do not send at all." The doctor told him he could substitute water for it, and it would be all right. That indicates the character of the men who run drug stores in Kansas; they simply run saloons. In Iowa and Kansas I found that a great many of the boys of the towns have rooms in the upper stories of buildings and out-of-the-way places where they bring jugs and bottles and get beastly drunk, and in that way become thoroughly debauched and demoralized. I went into Des Moines to meet a friend. It was midnight when I arrived, and the first thing he did when I entered his room was to invite me to drink from a jug of whisky which he had there. I am not a whisky-drinking man and I did not accept his invitation. In Leavenworth the Mayor told me that the law was pretty well enforced, that the saloons were all closed, and that you could not get a drop of liquor. I went out and talked to a newspaper man who had been in Omaha, and he took me to a place, right opposite the City Hall, where there was a bar with men drinking. Prohibition generates hypocrisy and secret drinking, and the sale of vile mixtures at high prices, and develops the boot-legger and the jointist, who pay no license whatever. In Des Moines one of the principal "joints" was a millinery store. Prohibition simply means the carrying on under cover what would otherwise be carried on under police surveillance.

2194½*b*. Is this generally known to the people of the place?—It is; but a good many of them do not want to admit it. They are simply habitual liars.

2195*b*. Taking your observation as a journalist and man of affairs, what is the effect on the public conscience in regard to other laws being broken as this is?—It necessarily makes people indifferent as to the observance of law. Governor Larabee said to me in our debate: "I maintain that the prohibitory law in the State of Iowa is just as well enforced as any law relating to other crimes and other acts prohibited by law." I turned to him, and I said: "Do you mean to say that that is true, when we know that there are three thousand places in the State of Iowa that have paid the stamp for the United States license for the sale of liquor, and when we compute the sales at ten sales a day each it would be equivalent to 30,000 sales per day? Do you mean to say that the laws relating to murder and arson and larceny are violated as often in Iowa as this law? Do you mean that there are 30,000 cases per day of murder or grand or petty larceny, or anything else?" It is preposterous; there is nothing like it. The wholesale violation of this law in Iowa is perfectly monstrous. It has abolished, as they say, the sign of the saloon. They say the boys are growing up, and they do not see the sign of the saloon. I admit it. If the sign of the saloon is demoralizing, I admit they have achieved what they were aiming at; but if the saloon itself is the thing to be dreaded, they have not accomplished anything. There were in Sioux City last year about 400 places where liquor could be got. The only result is that the saloons have signs of a different character. For instance, they have a sign stating, "If you do not see what you want, ask for it." Another sign is this, "This is the place you have been looking for." They have all kinds of devices. In Council Bluffs they have the open sign, and the boys are being demoralized by this rank hypocrisy which pretends that the liquor traffic has been abolished. The bulk of the 3,000 United States licenses in Iowa represented druggists, and every druggist is required to have one. In the State of Nebraska we have not over 1,000 license dealers of every description to-day. In the spring of 1890, we had 870 odd. I made inquiry in every town and county in the State, and I found that to be the number. Our druggists are watched, because it is of great interest to the liquor dealer who pays \$1,000 for his license that the man who only pays \$10 should not sell for beverage purposes. Another thing, our law is very strict. In this city and other large cities the Police Board is appointed by the Governor, so that the people have nothing to do with the election of any licensing Board. That system has been adopted because it has been considered that the saloon influence would be pernicious in connection with the election of our City Council and city government. Now, the law requires that publicity be given to the application for a license. It must be published for two weeks beforehand in the paper having the largest circulation, and

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when a party advertises in good faith in a paper, believing it to have the largest circulation, that is sufficient. The law here is very stringent against druggists who violate the law. Druggists can sell on Sunday, whereas the others cannot; the only question to be taken into account is whether these sales are for medicinal purposes.

2196*b*. Are the Sunday provisions well observed?—Fairly well. Where there are 140,000 people, you cannot keep these places hermetically sealed. If any one is convicted of having sold on Sunday, his license is revoked. That is a very strong clause.

2197*b*. Another thing that we have been told is that if a liquor seller continues selling to a man after the man's wife has given him notice not to sell, his license is revoked, and he and his bondsmen are liable, and the premises in which the liquor is sold are also liable?—Yes. As much as from \$5,000 to \$10,000 has been recovered in this State under that clause in case where serious injuries were sustained. For instance, where a party got intoxicated and went on a railway track and got killed. Parents and friends have that redress, whereas there is no redress whatever under prohibition, because sale is all unlawful.

2198*b*. In those communities where they elect no-license boards, is there any illicit sale?—The final outcome is the same as in Iowa. They find it has not effected any great cure. The only difference is that people go into a neighbouring city and get their liquor. There are thousands on thousands of packages of liquor shipped into Kansas.

2199*b*. Can you say how the proportion of divorces in the State of Nebraska compares with the proportion in other States?—That I have not looked up; I have not heard that there were any more divorces. I believe there are a great many more divorces in New England than here. There are a great many more also in South Dakota, at Sioux Falls. That is the place where people have gone to get their divorces in short order. I cannot see how the liquor traffic should cause divorces, unless husbands or wives have trouble through liquor. In my campaign of two years ago, I made a practice of taking up a metropolitan daily, say a St. Louis or Chicago paper of a day or two previous, and calling the attention of the audience to the character of the crimes recorded in it for the day. I would read down indiscriminately all reports of crime, and call their attention to the fact that the very large majority of these crimes were not committed by intemperates; for instance, burglaries and robberies and forgeries. Then I would call their attention to the elopements of people who were not supposed to be drinking people—for instance, in one case where a minister's wife had eloped with a man with whom she had fallen in love—all that class of crimes generated by illicit intercourse and the social evil. I would also call attention to the defalcations of bankers, which certainly could not be traced to the drink habit. We must all admit that a great deal of crime is generated by intemperance; but it is not the liquor traffic that is responsible for that. It is the individual disposition to intemperance, which is a disease very often inherited, and that you cannot eradicate by taking down the sign of the saloon. There is not a city above 50,000 population, outside of Mohammedan countries, in which the liquor traffic is not conducted either openly or covertly. To destroy the liquor traffic, you must go to the tap-root and destroy the love of money, because men sell liquor because of their love of money. The next thing you want to abolish is women, and then you will have nothing more to abolish.

2200*b*. What is the rate of taxation in this city as compared with other cities?—I think the rate is low. Taking it on the average it will not exceed one per cent on actual values. Of course, our taxation in cities is away up, though the taxation on the building of the *Omaha Bee* does not exceed one per cent.

2201*b*. Have you much poverty in the State as compared with other States?—No. I made a comparison of the pauperism in this State, and I found that it was away below the standard of Iowa and Kansas, and perhaps not more than two per cent of what it is in the New England States. We have scarcely any people in our infirmaries or poor houses. I had a census of them taken. Every county reported to me the number of persons dependent and being taken care of, and I made comparisons with the dependent population of other States, and they showed that ours is very insignificant. One reason is that our people as a whole are of a young and vigorous class, and there is abundance of employment.

## Liquor Traffic—Nebraska.

2202*b*. Do you find much drinking among the young men? I do not think there is more drinking here than anywhere else. I think the high license system has minimized as far as it can be minimized the evil of the traffic in itself. Our prohibitionist friends, who work themselves into spasms in these matters, very often make exaggerated statements. For instance, at the time we had the election they charged that it was unsafe for any one to walk the streets here who was in favour of prohibition, because men and women had been stoned. I have lived here for thirty years, and have attended every election since 1864, and I never saw such a quiet election as we had in 1890—so much so that on the afternoon of that day, for the first time in my life on an election day, I went to bed at three o'clock to take a rest, because I knew that during the night my office would be crowded with people, and I would be kept up all night attending to the returns. During the day I had visited two-thirds of the polling places, and in scores of places I found men wearing prohibition badges—the very ministers who made these complaints. Of course, prohibition is very unpopular here in Omaha, yet those people were there peddling their tickets without any hindrance or annoyance. At that time we had not the Australian ballot, and the tickets were going round. I do not know that any one was molested. I was in Philadelphia last Sunday, and I took particular pains to inquire into the state of things there. They had formerly as many as 12,000 saloons in that city, and they have reduced the number down to 1,100, although it is a city of over a million population. Last Sunday I did not see a solitary place anywhere where liquor was sold. That city adopted high license after we adopted it here.

2203*b*. How does the home life of your people in this State compare with that in other States, so far as your knowledge goes?—I think it will compare favourably. We have as much quiet and as little turmoil as any State of the Union.

2204*b*. Can you tell us any advantages the system has as compared with either low license or prohibition?—I think low license has a tendency to encourage vagrancy and loafing, because anybody almost who can get credit for a keg of beer or a keg of whisky can open a shop and surround himself with four or five people who will hang around and solicit drinks from others. It has that tendency—I have seen it in Ohio particularly—of multiplying places for the sale of liquor, so that of course the temptation to go in and indulge is much greater than it would be under the high license system such as we have, particularly because our system also prohibits screens, and the saloon business is carried on openly. Prohibition is the opposite again. While everything appears to be closed up, there is an undercurrent of lawlessness constantly going on, and the surveillance of the police cannot be exercised efficiently, because the police do not know where the next “joint” or boot-legger will turn up, and they cannot keep track of the saloon druggist, who is constantly selling bottles of gin, whisky, brandy and beer. One house in Des Moines in 1890, sold 80,000 bottles of whisky. In fact, the drug business has simply taken the place of the saloons, and under the pretense of selling it for medicinal purposes the druggists supply the common drunkard and the sly drinker with very bad liquors. There are always some disadvantages. High license has its disadvantages; we meet with those in all things. For instance, all our liquor traffic in the United States is more or less pernicious in one respect, that is in the adulteration that takes place unrestrictedly. There is no attempt made here to inflict punishment for the adulteration of any class of liquors, and consequently a great many poisonous substances are injected into them.

2204*b*. Is there not a State Analyst?—No, nothing of that kind here.

2205*b*. And no inspection?—No, we have nothing of that kind.

2206*b*. Do you think it would be an advantage to have that?—I think it would be. Of course, if it could be eliminated from politics, and if a man were appointed as a competent analyst, he would be of great use; but the difficulty is that under our system some politician would get the place, and would use it more to blackmail people and fill his own pocket than for anything else. Still, even an occasional inspection is better than none; it would be a slight restraint, I think. If this could be done, it would cure one of the worst evils of the liquor traffic. In the fight I made against prohibition, I was Chairman of what was known as the Bankers and Business Men's Association, and

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I felt that it would be very damaging and detrimental to the business interests of our city and State to adopt prohibition, because it would create discord in each household and between neighbour and neighbour, and substitute for what I consider our wholesome restrictive system an irresponsible and secret traffic in liquor. I conducted that campaign without any expense to anybody; I charged nothing for my time or work. We carried the campaign not by shouting but by meeting them squarely with facts and arguments. They said my figures were false, but when I challenged Mr. St. John to meet me he failed to do so.

2207*b*. The result of your contest of 1890, was the people decided to retain what is called the Slocum Law?—To retain this restrictive high license law with local option, and we defeated prohibition by 50,000 majority.

2208*b*. Since then have the people settled down?—Yes; there is no agitation. The fact is prohibition is practically dead. We have got woman suffrage and prohibition so dead in this State that they can never be discussed. We had the woman suffrage question up here in 1886, and we voted that down by a tremendous majority. In Wyoming every official speaks well of woman suffrage, while everyone who has left the State speaks against it. In the beginning every good and reputable woman voted, but the novelty wore off in a short time and they ceased going to the polls. But the disreputable, low class, who can get pay for their votes, always turn out; and now any man who is a candidate has to make terms with the madam, and she brings her carriage with as many votes as she is paid for. If we could only enfranchise the respectable and intelligent women it would be all right, but we simply add to the number the cesspool element, but we do not clean the cesspool.

2209*b*. Have you many gambling places in this city?—Yes; we have eleven or twelve.

2210*b*. Is there any law regarding them?—Yes; and that shows that where you have a law that is not in consonance with the prevailing sentiment you cannot enforce it. We have a very stringent code on gambling. Any person who gambles, whether he is the keeper of a place or visits it, commits a felony, punishable by imprisonment in the penitentiary for three or four or five years. Now, it has been impossible to convict anybody under that law, because those who play and those who keep the houses are both called, and their mouths are sealed, so that you cannot get any testimony to convict. That law is a mistake. You ought to give the frequenter of the place the privilege of testifying without incriminating himself. But, taking it all in all, I do not suppose there are more gambling houses here than in other cities. I suppose there are five or six regular gambling houses. There are poker rooms besides.

2211*b*. There is no such thing as licensing those places?—There is not, and yet the City Council has during the last six months passed an ordinance authorizing the Police Judge to impose a fine on what they call disorderly houses, and these gamblers report themselves as keepers of disorderly houses and are fined. They do not report themselves as keepers of gambling houses, otherwise the law against gambling would get after them. I think, however, they will soon be eradicated. We have recently had a meeting of a large class of respectable people opposed to that state of things, and I think we are going to close up those gambling places.

2212*b*. What about the social evil?—That is carried on under certain restrictions. We have a mode of fining those people periodically. Keepers and inmates are expected to report themselves every month to the police, and they are restrained from moving about. A quarter of the city is designated for them, and any women who are known to be loose are allowed to live in no other quarter.

2213*b*. What is done with those fines?—They go into the school fund also, as every fine does for the violation of a municipal ordinance, whether it is for obstructing the police, peddling without a license, disturbing the peace or anything that is not a penitentiary offence. It would be practically the same if those people were arrested without any periodical arrangement and fined.

2213½*b*. Suppose they were arrested for vagrancy or prostitution?—In that event, they would simply be brought up and fined or imprisoned. By the other plan they are not imprisoned unless they create a disturbance; they are fined, and that money goes into the same fund as the fines imposed in the other case. I have illustrated it in this

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way. Suppose one of these women should go into a millinery store or a jewelry store and purchase from a respectable class of people, good church people, they will not refuse to sell her a bonnet or a watch ; and suppose they take this blood-money as they call it, and drop it into the contribution box, nobody will refuse the money. Yet if you trace the money back from the contribution box, you will find that ultimately it comes from a bad place. It is the intent of the giver that has to be considered.

*By Mr. Gigault :*

2214*b*. Is the population of your State increasing ?—Yes, all along. That is another reason why I oppose prohibition. A very large class of foreign people would keep away from Nebraska if it were known as a prohibition State. It is a well-known fact that the Germans, who are a good class of citizens, and a certain class of Slav population, are intensely prejudiced against prohibition, and they would not locate in a State that has prohibition laws. In fact, a great many have removed from Kansas and Iowa into Nebraska and the States west of us on the coast, because of the prohibition agitations.

2215*b*. Do you know what is the population of Nebraska ?—1,058,000 in 1890 ; I should say we have between 1,100,000 and 1,200,000 now. We had a drawback two years ago on account of a severe drought in the western part of the State, which caused quite a number of people to abandon their places and remove elsewhere ; but we had a very good crop last year. The towns in the State have been gradually growing, and I think we are constantly getting a certain percentage of the immigration. We have had another drawback, and it has been the same in all the States within five hundred miles of Chicago ; that is, the World's Fair has drawn from all these towns a considerable percentage of the speculative class and the mechanics, and drawn them to Chicago. I think after the fair they will scatter back.

2216*b*. Do you think in Kansas and Iowa the proportion of druggists in proportion to the population is very much larger than it is in other States ?—Yes. I was very much surprised in Des Moines to find that that city with fifty thousand people had more druggists than Omaha. The point is that they have made the drug stores take the place of the saloons.

2217*b*. Are there any means of ascertaining the number of druggists in your State and in Iowa and Kansas ?—I think the Pharmaceutical Association in each State could give you that.

GEORGE T. BEMIS examined.

*By Judge McDonald :*

2218*b*. Your residence is Omaha ?—Yes.

2219*b*. You are Mayor of the city ?—Yes.

2220*b*. How long have you been Mayor ?—Since the first Tuesday of January, 1892. I have been elected for two years.

2221*b*. How long have you lived in the State ?—For twenty-five years—since 1868.

2222*b*. When you first came here I suppose what is called the low license system was in force ?—I do not think we had any system ; I really do not remember. We had a great excitement here three years ago at the time the prohibition question was up, trying to down it, and we succeeded.

2223*b*. How did the city declare itself in that vote ?—In favour of high license as against prohibition—our county and city. It was our big vote here that put in a Democratic Governor on that issue, whereas we had always had a Republican before.

2223½*b*. Was it made a question of party politics ?—Yes.

2224*b*. Did the Republican Party favour it ?—They simply all joined, so there was not much partisan spirit developed. The whole question was how to down prohibition.

EDWARD ROSEWATER.

2225*b*. Did the Republican Party support prohibition?—No, they did not seem to take any active part.

2226*b*. It was not made a party issue?—No, all joined hands to down prohibition. That was the feeling here.

2227*b*. What was then the law of the State?—I do not remember whether before that they were paying a license or not.

2228*b*. How do you find the high license law to work?—We think it is the thing. We have had here a test of how it works lately. A few months ago the Anti-Vice Association was started, and it had 2,700 petitions sent to the Police Board, of which I am Chairman *ex officio*, in regard to the gambling houses, the social evil and the liquor business. Of course, they did not ask us to knock out the saloon business; it was simply in regard to closing the back doors on Sunday and closing on other days after twelve o'clock. The Evangelist, Rev. B. Fay Mills, who was here some time ago, before leaving suggested that Omaha was about the wickedest city on the face of the earth. His statement was sent to the New York *Voice* and published in that paper. To prove that the city was just the reverse, I sent a circular letter to a great many cities, asking them for information bearing upon the methods in force in those cities for controlling or regulating gambling saloons and the social evil. I have written everywhere to get information, and I have studied up the history of the social evil for the last thirteen centuries, reading up the statistics and some French writers on the subject. I have obtained statistics from France, Austria, Italy, Spain, Germany, Norway and Sweden, and Great Britain. I also sent this letter to Montreal, Quebec and Toronto, among Canadian cities, and I think I got answers from those three places. Here is a copy of the letter I sent:—

“DEAR SIR,—I desire very much to obtain information bearing upon the methods in force in your city for controlling or regulating gambling, saloons and the social evil. Will you please furnish me with answers to the following questions, or supply me with printed matter from which I may obtain the desired information?

“1. Are your gambling houses run openly?

(*a.*) What means are used in regulating them?

(*b.*) Are keepers of gambling houses subject to a fine; if so, how much and how often are they fined?

(*c.*) Are these houses licensed in any way, or allowed to exist upon payment of a stipulated amount at regular intervals?

(*d.*) How many gambling houses are there in your city?

“2. Are your saloons licensed?

(*a.*) What is the amount of the license fee per annum?

(*b.*) If not licensed, what is the existing condition regarding them?

(*c.*) Are saloons required to close at certain hours; if so, when?

(*d.*) Do they regard the law as to closing?

(*e.*) Are they easily entered during the hours they are required to close?

(*f.*) How many saloons have you?

“3. What method is used in regulating prostitution?

(*a.*) Are houses of prostitution confined to a certain district by police regulations?

(*b.*) Are keepers or inmates subject to a fine; if so, how much and how often are they fined?

(*c.*) How do you control prostitutes who live in rooms by themselves?

(*d.*) How many prostitutes (approximatively) are there in your city?

(*e.*) How many houses of prostitution (approximatively) are there in your city?

“4. In your opinion what is the best method of controlling these vices?

“I am especially desirous of securing this information, and request that you give the matter early attention. If it is not convenient for you to give me this information, will you please refer this letter to the proper party for immediate reply?

“Thanking you in advance for your reply,

“I remain, yours respectfully,

“G. T. BEMIS, *Mayor.*”

I sent this letter to almost every city in the country. Our papers made extracts from the replies, and tabulated them so as to compare the number of saloons in this city to every hundred people, with the number in other cities. I found that we had one saloon to every 580; San Francisco, one to every 90; Albany, one to 90; Springfield, Ill., a place with between 24,000 and 25,000 people, has half as many saloons as we have, and I think about the same number of houses of prostitution, and half the number of gambling houses, although we have six times the population. In Milwaukee there are 1,575 saloons, one to 121 of the population. New Orleans has about the same.

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Louisville, Ky., with 161,000 people, has 300 houses of prostitution and between 2,500 and 3,000 prostitutes. In Omaha we have something like 28 houses of prostitution, besides which I suppose there are some who are prostitutes clandestinely, I suppose, in every city.

2229*b*. Speaking of the social evil, do you find the regulation of it is the only system you can make successful, that is, the one that will keep it most in check?—Yes; under the best business methods to keep it under surveillance. I am not a politician; I am simply a business man. I was simply picked up on the day of the Convention of 1891. I had never been in the Convention before.

2230*b*. What is your business?—Real estate.

2231*b*. How is the city in regard to its business interests at the present time?—It is prosperous. Everything is quiet all over the country, but our bank clearances and the amount of business done are larger than ever before. They are thirty per cent larger than they were a year ago.

2232*b*. Is your city, compared with other cities, prosperous?—Very good indeed. Our city and State are in as good a condition, I think, as any city or State of the size in the country.

2233*b*. Do you find your city, as a whole, an orderly and law-abiding place?—Yes; I have proved it by the letters I have received in reply to my circular. I do not think there is a place of the size where vice and crime are better controlled. Here we have one saloon to every five hundred inhabitants. In Minneapolis, where I think they charge the same for a license, they have one to 600. In New York the Police Board tried to smother up my letter, but it was a kind of boomerang to them. At that time Dr. Parkhurst was stirring up matters in New York. I wrote to Mayor Gilroy twice, and the matter got into the press, and what came out before the Grand Jury was sent to me by an officer of the Society for the Suppression of Vice. In Cincinnati there is 1 saloon to every 129; in Minneapolis, 1 to 599; in Springfield, Mass., 1 to 1,004; in Denver, 1 to 224·8; in San Francisco, 1 to 93·7; in Albany, 1 to 110; in Chicago, 1 to 158·9, and in Omaha, 1 to 581·9.

2234*b*. Do you find that the stringent provisions as to the hours of opening and so on are well observed?—I do.

2235*b*. You are the Chairman of the Police Board?—Yes.

2236*b*. So that this matter comes under your official cognizance?—Yes.

2237*b*. From your experience, do you think the present law could be improved?—No; I think our law is in about as good shape as you could get it.

2238*b*. Have you had any experience of a prohibition State?—No, I have not, except what I heard at the time of the discussion; and there are a great many here who have left Iowa and Kansas because they preferred to be in a State governed like Nebraska.

2239*b*. You have had people to migrate into the State from Iowa and Kansas?—Yes; in large numbers. Omaha is the largest city in all these three States.

2240*b*. Do you find immigrants who have come from those States good settlers? Yes. We have the smallest percentage of illiteracy of any State in the Union. That is something that has been proven. At the first meeting of the Council in 1890, some of the members brought up an ordinance to license gambling houses. We were told at that time that over a hundred were running on the sly. Now we have seven or eight that run openly, and they are obliged to close at twelve o'clock at night, and on Sundays. In this city we have Guarantee Companies that go surety for young men employed in banks and other business places, and they say they prefer the open and regulated gambling houses and saloons, because they can find out where the young men are. I made up my mind that if every drug store would be turned into a saloon under prohibition the same as in the prohibition States, and that club houses would be established, for which each member would have a latch key, it would not do. I feel that the open saloon and the open gambling house are rather ahead of prohibition ideas.

2241*b*. You find that regulation is the only method of successfully coping with the evils that arise from those practices?—Yes. My point is to keep vice and crime at the lowest possible ebb, and to do that in a business way, and the best way, is to take the middle of the road.

GEORGE T. BEMIS.

JOHN DALE examined.

*By Judge McDonald:*

2242*b*. Where do you reside?—In this city.

2243*b*. What is your occupation or calling?—Bonds and mortgages.

2244*b*. How long have you lived in Omaha?—Since 1885. I was brought up in the city of Toronto, and spent a great part of my business life in Illinois, and came here from there.

2245*b*. When you came here you found the Slocum Law in force?—Yes. That had passed against a great deal of opposition. Mr. Rosewater, of the *Bee* favoured it. Watson B. Smith, who was killed in the corridors of the Post Office Building, it is an admitted fact, was a victim of the malevolence of the liquor power, because he was a friend of the Slocum Law. The liquor interest was entirely opposed to that legislation. Mr. Smith was a very prominent man here; he was an attorney, and took a very active part in the prosecution of liquor cases. The liquor dealers did not pay any license before. Watson B. Smith tried to enforce the Slocum Law and make them pay their licenses, and the saloon-keepers, it is supposed, murdered him.

2246*b*. Were there many saloons in those days?—Yes, the city was full of them. It was a go-as-you-please system.

2247*b*. The Slocum Law was enacted by the State Legislature?—Yes. In Illinois, before I came here, we had a license law, with a \$500 maximum fee. It is \$1,000 here. The working of the high license system there and here is about the same.

2248*b*. How do you find the working of the high license law here?—It is a success here, in so far as the question of the revenue it pays is concerned. The authorities see that each saloon-keeper pays his \$1,000 license, and in that particular it is a success. If any man will show me where it is a success in any other way, I shall be very glad to have him do so.

2249*b*. How about Sunday closing?—Not at all. Pick up one of our papers of this morning, and you will find that in one of our open saloons yesterday a man was very nearly murdered.

2250*b*. Taking the city itself, do you think it is an orderly and law-abiding place in comparison with other cities?—I think Omaha is reasonably so. Of course, as you go further west you find a spirit of lawlessness. The theatres were open here yesterday. While they have made a show of closing the saloons, yet in fact they are not closed. You can go into many of them without any let or hindrance. Recently the Rev. B. Fay Mills, who has a national reputation in the Presbyterian Church as a revivalist, came here, and shook this city from centre to circumference as far as religious interest is concerned. The outgrowth of that was what was called the Anti-Vice Association, in which a very large number of our representative citizens banded themselves together, visited our City Council, and made a number of complaints. One was that the Sunday Closing Law was not observed. Another was the keeping open of gambling houses in full blast and fining them—called a fine, but really a license. There are half-a-dozen of them down here on Douglas Street, the main street, in one block. That is contrary to the State law. We went before the Police Commissioners, and the case was presented to them for the closing of the saloons on Sunday, for the closing up of the gambling houses, and for the restriction, if not the suppression of the social evil. The social evil here is practically licensed. These women step up to the Captain's office once a month and pay their fine, and they are not disturbed; they go right along with their business. That money and the money received from the liquor business goes to the support of our public schools and to educate our children. It all goes into the one hopper, the prostitute's money and the money that comes from the saloons.

2251*b*. Is there any restriction of the social evil people to one part of your city?—There is supposed to be. There was an effort made some years ago to drive them into a corner. Of course there is a section of the city that is solid.

2252*b*. What kind of a locality is that as to respectability?—It is like "Five Points" of New York.



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2253*b*. It is a disreputable part of the city?—It is absolutely disreputable. Regarding the operation of the Slocum Law, if they will enforce that law, if it could be absolutely enforced, it is perhaps the best license law that could be adopted; but the trouble is that in this city we do not enforce it. There is not a semblance of enforcing it. One provision of that law says that the saloons shall not open on Sunday, but that is not enforced. Another provision says that they shall not sell liquor to drunkards. Why, there is not a man in this city, if he has a nickel, who cannot get all he wants.

2254*b*. What about minors?—The same with the provision in regard to minors. Go to the Chief of Police, and he will tell you the same thing, if he tells you the truth, that boys under 21 form a very large proportion of the patrons of our saloons.

2255*b*. We have been told that the guarantee companies, that guarantee the honesty of the employees, express a preference for gambling houses being left open under regulation rather than secret places, because they would know better than what young men went to those places, and could locate them. Do you know anything about that?—I do not know anything about it; it is a very strange proposition. The Slocum Law says another thing, that the saloons shall not have screens. All you have to do is to go through this city, and you will see that that provision is regularly violated. The real reason why the Slocum Law is popular is because of the money consideration. Take away the money that it brings into the treasury of this city and this State, and I will put myself under bonds to carry prohibition in six months. The devil never made a bigger stock than when he invented this question of high license, because it deadens the public conscience. When the prohibition amendment was before the people here, the members of the churches, not only Episcopalians—I am a Methodist—but others, Congregationalists and Presbyterians—our church people almost as a unit went against the amendment in this city. The tax payers went against the amendment. They formed a Business Men's Association, and put an immense amount of money into it, in order that they might by fair means or foul defeat this amendment. But for the money consideration the amendment would have carried. That prohibition would have been enforced in this city I am not prepared to say. To be honest about it, I do not think it would. It would throughout the State.

2256*b*. We understand that the law gives to a community, that wish for it, the power of local option, and that that is availed of in some places?—Yes, that is true, I guess.

2257*b*. We are told that there is one county, Pawnee County, where there has never been a license?—I do not know whether that is the case with Pawnee County, but there is another county, York, that has not a license now.

2258*b*. As an observant man, which would you consider better, a prohibitory law that would cover all the State and take this city within its conditions, or a law that would allow communities to decide for themselves?—Well, I look upon the whole question as a great, iniquitous monstrosity.

2259*b*. You look upon the licensing of the traffic as a sin?—Yes, and of itself wrong. If a thing is wrong, the payment of a dollar or a thousand dollars does not make it right.

2260*b*. You look upon the licensing of the traffic as itself *per se* wrong, and therefore any form of it you would not justify?—The licensing of the traffic I take no stock in. I do not think it is the thing to do. My early education was such that respect for the law became a part of my being, and I learned it under the Canadian Government. You have a different condition of things in Canada from what we have here. Toronto is a city by itself. You could not have such a city within the bounds of these United States.

2261*b*. You mean in its observance of law?—Yes. If I were in favour of a license law at all, and I wanted to see where it could be enforced, I would say that the Dominion people have it, because you will enforce the law. But I am against the whole business, on principle. Take it over in Iowa. The difficulty over there, as it would be here, is that any person who makes himself at all prominent in the enforcement of the law is spotted, and is ostracized and persecuted. The Rev. Geo. C. Haddock, a Methodist minister in Sioux City, Ia., was shot down dead, simply because he advocated the observance of the law.

JOHN DALE.

2262*b*. Were the men who shot him punished?—The supposed murderer, in the minds of all thinking men, John Arnsdorf, was tried for that murder, and everybody expected that he would be convicted; but the jury let him off, because the business men and the men whose names have recently been in the papers over the collapse up there—the whole bottom has fallen out of the place—in order to favour public sentiment, said that he should be acquitted. In Muscatine, Ia., about three hundred miles from here, they blew up three residences lately, because the men who owned them were trying to enforce the law. The same thing is true here in this community. Two years ago, when we attempted to pass the prohibitory amendment here, it was my privilege to be chairman of the Gospel Temperance Alliance, and as such I presided at some public meetings, and became quite prominent in the temperance ranks. The papers, both the *Bee* and the *World-Herald* commented on us, and spoke of us by name, and my friends advised me as a precaution not to leave my home for six nights prior to the vote on that amendment, so excited was public feeling.

2263*b*. Did the *Bee* and the *World-Herald* make common cause against the prohibitory amendment?—Yes.

2264*b*. On other matters are they opposed politically?—Yes, absolutely opposed politically.

2265*b*. How is the home life of your people in this State? Is it sober and quiet?—I do not think the license question has anything to do with that. Any man who wants whisky in this State can get it.

2266*b*. The home life of the State is pure?—The people who have come to the State of Nebraska are of the best class of individuals; of course, we have a great number of foreigners.

2267*b*. We have been told that a great number of people have migrated to this State, both from Iowa and Kansas, to get away from prohibition?—Yes, the saloon-keepers.

2268*b*. What is the character of your schools in this State?—Our educational institutions here are very good. Our school buildings are very good, and we pay very fair wages to our teachers, and we have a very good class of teachers.

2269*b*. Do you know much of the rural districts?—I have been all over the State.

2270*b*. How are your people as to prosperity?—This State has had a marvellous growth within the last few years. We dread two things here—drought and the warm winds that come from the southern country, that will destroy the crops in a night. Apart from those things, there is perhaps no finer country in the world than eastern Nebraska.

2271*b*. With regard to the social evil, we understand there is a system of monthly fines in this city, which is practically a license?—Yes.

2272*b*. As long as they pay those fines, they are not disturbed?—Yes; not only the madams, but the girls go up.

2273*b*. So that the police know their names?—Yes.

2274*b*. Have you been able yourself, or this Anti-Vice Association, to decide how you would deal with these houses of ill-fame?—That is a question on which people differ very widely. I think the officers of the law, if properly instructed and with the power they have, would be able to keep them within bounds just as well by not taking their money. It is the wages of sin, and it is a piece of iniquity.

2275*b*. How would you keep them within bounds?—By the strong enforcement of the law, just as you do in Toronto. I would fine them for disorderly conduct.

2276*b*. We are told that if that were done, the fines would also go into the school funds?—That may be. At times when some organization like the Anti-Vice Association arouses public sentiment, the officers will be influenced to enforce the law for a little time, until the excitement dies down, when things go back to their old track. In South Omaha, which is the third largest packing centre in the world, and which is under the Slocum Law, there is no attempt made to close the saloons on Sunday. They say that the Slocum Law observed is better than prohibition not observed. Well, if they do not overstate that case I will grant it; but the trouble is that right over here in Council Bluffs, where there is not the semblance of enforcement of the prohibitory law, I will go before a business committee and prove to them that even over there the prohibitory

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law is enforced as well as the Slocum Law is enforced here. The Slocum Law is not enforced in any one of its provisions, save and except the money.

2277*b*. How about the provision that in case damage results a saloon-keeper is liable to prosecution?—That would be very well if our jury system were in fact what it is in theory. But you cannot get a jury to convict, and you cannot get men to state what they have drunk.

2278*b*. You find perjury in the Police Courts?—Yes. Some of our Judges have sent men to jail, telling them, "When you get ready to state what you drank, we will hear your evidence." That there is widespread disregard of the liquor laws in prohibition States is true, and it is also true here under license; and this educates our people to disregard not only these laws, but all law. Hence the Sabbath is desecrated in every way. In place of the quiet Sabbath you have in Canada, you find here Sunday theatres, and Sunday baseball, and all that sort of thing. Of course, I do not want you to think I am so straight-laced that I believe absolutely in closing blinds and not having a smile over your face on Sunday.

B. R. BALL, examined, stated :

2278½*b*. I was in Iowa when they carried prohibition. I did not leave Iowa because they carried prohibition. I came here on business; I am in the real estate business. We carried prohibition there by a popular vote with a majority of 27,500. Just before we carried prohibition we had had a few years of prosperity. We built up cities. Des Moines increased in population from 27,000 to 42,000 in a few years. Burlington and other towns increased. We had prosperity among the farming community. Everything moved along smoothly. Then came four or five years of drought, and hard times set in. The people of Des Moines and other towns had to settle up their accounts for indebtedness they had incurred, and this made hard times. A great many of the people left Iowa, as they did the States of Illinois and Missouri, which are controlled by high license. Take the State of Kansas from 1870 to 1890, and you will find that its progress will compare well with the progress of any other State.

REV. JOSEPH T. DURYLEA examined.

*By Judge McDonald :*

2279*b*. You are a resident of this city?—Yes.

2280*b*. You are a clergyman?—Yes, I am minister of the First Congregational Church. I was the minister of the oldest church in New York for several years, the old Dutch Church. In that city we had a society which carried on several missions among the poor, and I spent considerable time in the tenement districts of that city. I also went to Europe as one of a committee for the study of sociology, preparatory to starting our work of providing coffee houses and improved tenement houses for the poor. While in England we visited the homes of Lady Burdett Coutts, we counselled with John Bright, we talked to policemen and gathered all the information we could on the subject, and prepared a résumé of it. In that way I was brought closely into connection with the study of the liquor question. I spent about ten years studying the tenement house problem in Brooklyn and working among the poor, almost living among them, and the whole drink problem came up. I had an opportunity to get excited over it and to cool down over it, and finally to form a judgment which I have rested in for the time being. The effort was made at one time to get a prohibitory law for New

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York. Petitions were sent up to the Legislature, and that body was moved as far as it could be, but the bill failed. I afterwards moved to Boston, and while in Massachusetts I became familiar with the efforts of the Massachusetts people to enforce prohibition there. The law was repealed, and they have now, I am sure, as good a local option law as can be framed. Any community that wishes can take advantage of it, and from year to year, I believe, they must vote whether they will have license or no license. The city of Cambridge, for instance, has no license, and that city has enforced the law. The experience of prohibition in Maine has been that in all the larger towns liquor can be had. Of course in the rural communities, where every man knows every other man, where it is difficult to hide anything, it is almost impossible to sell with impunity; but the people go to the towns and procure liquor there. It is impossible to make a law in any State in the Union which will be so enforced as not to allow of any exception in respect of closed packages which are directed to any one at any place. I believe the law has been tested in that respect. I think it was said that a State might enact a law—and that it would not be against the constitution of the United States, which controls Inter-State relations—to inspect packages which came to a railway depot or on an express wagon. I believe they did exercise that right in Iowa. Although they could not enter a man's house to do that, yet anything coming into town which they suspected contained liquor under contraband they could open, and I think they did open some packages. That leads on to a matter of which I shall speak later, when I speak of the experiment in Iowa, because it is still an experiment. The likelihood is that the prohibitory law will be swept off the statute-book this year in Iowa, because they did not get it beyond the stage of a statute. Some of the western States have departed entirely from the ideas of the framers of our constitution. The framers of our western State constitutions are putting more and more legislation into those constitutions, thereby indicating a distrust of the people. In Iowa the law is not enforced in any of the so-called river towns. Some of the towns on the rivers are reached by steamboats. Burlington on one side is a border town next to a State which has no prohibition, Illinois. Council Bluffs is a border town also next a State which has no prohibition, Nebraska, and of course it is easy for people to cross a river when they want liquor. Sioux City, Ia., is another border town. In that city they could not shut up the saloons until a riot took place. The riot was caused by the striking down of a minister who had made himself very conspicuous in respect to the enforcement of the prohibitory law. That act enraged the community to such an extent that they turned against the liquor men, though no one knew who committed the act, and under the inspiration of that angry feeling they did shut up the saloons. But people crossed the river to one of the counties of Nebraska, which had a very feeble county government, and started a town where saloons were opened up freely. The women of the town also crossed over there and opened their houses. The result was that a regular pandemonium was established, without any government at all, and a pontoon bridge was constructed from Sioux City to this place, over which streams of people went every evening to spend the evening there. There was no police supervision. Gamblers went over and established races. For a period they counted a murder a night in that place, and for a long period a murder a week. The place was a perfect little hell, without any regulation or any supervision or any accountability. One of the Mayors of Sioux City therefore tried the experiment of opening saloons under the supervision of the Common Council, and furnishing liquors there right in the face of the prohibitory law. How that has worked I am not sure. I think that stirred up a very large class of people who are not committed to any view of this matter. For example, here is a man who says, "I do not believe in prohibition; I shrink from giving authority however, to a man to sell while the prohibitory law is in force. License is *quasi* authority; if I am a party to that, I am in complicity with a breach of the law." And so when the Common Council itself, the government of the city, went into the liquor business, many people said, "We do not propose as a community through our representatives to go into the liquor traffic." But that was before there was so much talk about the efforts which had been made in a similar direction abroad. Des Moines, the capital of Iowa, has had over two hundred places in which liquor could be obtained, right under the nose of the Legislature, that is the *quasi* authority for the law, because it has not repealed it, and under the eyes of the authorities whose business it is to

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enforce the law. I had a friend, a young man in my church, who was the agent of a phonograph company. He went around to agricultural fairs in Iowa and introduced the phonograph. He found stalls near the gates of those fairs where beer was sold openly, nobody interfering with them in any way.

2281*b*. In regard to your own city, how long have you been here?—Five years now. I was thrown into prominence in the movement here accidentally. I was made the scapegoat by the *Voice* of New York, receiving a scoring in almost every number of that paper for nearly a year. Nevertheless, I hold the same views that I had at the time. We had a very curious campaign here. We had a local option law—the Slocum Law—by which any community, not only a county or a township, but any ward by itself, has power to exclude through the popular vote the open sale of liquor by license, or by any one without license. That is to say, they can arrest and convict and punish any one who sells without license, and they can refuse to grant a license to any one to sell. There are wards in this city where liquor is not sold. Those are residence wards, and little by little, as in Minneapolis, this city has been striving to push the sale of liquor down to the business portions of the city, so that none of the accidents that occur to women and children may occur on residence streets, and that there be no disturbance of homes or quiet neighbourhoods. Some of our towns have voted no license, though that does not imply that liquor is not used in the town. It gets in from outside, and it is used in secret, and the use of it is subject to no control. If a drunken man turns up on the streets and is breaking the peace, he gets arrested under the common law as a drunken man and is punished for drunkenness. The Slocum Law makes the seller responsible in a degree if a man to whom he sells liquor is known to be a common drunkard, or is known to be under age. If such a man is married, his wife can forbid the sale; I do not know but the children can. So there is responsibility on the part of the seller; I am not sure but there is also responsibility on the part of the man who owns the house. Let me give you a little example to show you how the thing works. One evening a young man came to me whose father is a minister in the town of Norfolk. The youth had been anxious to get an education. He had gone through the primary school, and he desired to go to the Phillips Academy in Massachusetts, one of the schools of the old sort like Rugby. He wanted to get together money enough to enable him to pay his expenses there, so that he desired to obtain employment during the vacation. In one of our little country towns, Covington, there was a small drug company carried on by two men. They prepared essences, and sent this young man on the road to sell their goods. He had been doing it very successfully. He came in to spend the evening with me, and after the family had retired, he said to me that he wished to consult me on a question on which his conscience troubled him. He said he was nominally in the drug business, but really in the liquor business, and that the bitters he sold consisted really of pure rum with a mixture of drugs. Of course, there are little hamlets where it is impossible to get liquor, but people there can send to other towns and get it.

2282*b*. Do you know whether the druggists use malt liquors or alcoholic compounds?—They have to use more alcohol, because beer is bulky and cannot be hidden so well. The man who drinks beer prefers it out of a keg if he can get it, and he wants good, sound, soft smooth beer. So they bring in spirits instead of beer, and they get their profit on an inferior article.

2283*b*. The Slocum Law was then in force?—Yes. Our Women's Christian Temperance Union, along with a good many ministers, were stirred up in this matter, and were willing to try the experiment of prohibition for the whole State. Petitions were sent up to the Legislature, and the Legislature agreed to refer the matter to the popular vote of the people. It was submitted in the form of an amendment to the constitution which would require a two-thirds vote of the voters to carry it. The amendment was to prohibit the manufacture and sale of liquors used as beverages—a very curious phrase. You can manufacture a thing, but you cannot manufacture a beverage; it is not a beverage until somebody has it in a tumbler. An alternative proposition was submitted, to amend the constitution so that any man who could get a certain number of citizens, good under the law, to testify as to his character, could demand a license, and it could not be refused by the authorities. When the question came before the

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people I was President of one of the Chautauqua Assembly, and we gave up the Assembly on the last two days to the Women's Christian Temperance Union, for the rallying of the temperance people on the question. The rally took place early in August. There were a number of men who, not having received any promises from the Republican or Democratic parties, got together and arranged to bring about an alliance between the Populist Party and the prohibitionists, in the hope of constituting a majority, the Populist people agreeing to vote for prohibition, and the other party agreeing to give the Alliance the Governor and certain other officers. That brought on a contest between the Governors, the Governor nominated by the Democrats and the one nominated by the Alliance. The prohibitionists thought they were going to carry the amendment. The people throughout the State thought so. We had our meeting at Chautauqua grounds. On the first day only a hundred people came. The next day the meeting failed; there was no interest; the farmers were not there. Many women were there, and some of the most extreme among the prohibitionists, but there was no meeting. I saw at once that the thing was going to fail. Then I saw we were in danger of having the vote, which was evidently to be predominant, going the other way; we were in danger of having an amendment made to the constitution establishing mandatory licenses. To that I am opposed, for this reason. I believe in local self-government, and therefore, if these people want anything, we can grant it to them under a system of local self government. Of course, any locality can vote out liquor if it wants to, under the Slocum Law. As to the practical question, whether they can keep it out, I have nothing to do with that. Let them work that out as a practical problem. I then went to Mr. Boyd, the nominee of the Democratic Party, and to the most influential Democratic leaders, and I said to them, "Our people are very much perplexed; a good many men in the community do not know what to do," and I asked them how we should prevent this issue. They both said vote against both propositions. I said I should have to do so. Prohibition could not carry, and I could not, as an American, favour mandatory license, which would be forcing upon any community, unwilling to have it, any kind of traffic that could be put under the ban of the law. I said, "You are Democrats; your fundamental doctrine is local self-government, you cannot vote for this." They said, "Of course we cannot, and we are not going to do so." I asked them, "Will you make it known?" "Of course we will," they said. They did so throughout the press of the State, and both propositions were voted down, and the local option law remained in force.

2284*b*. Has there been any stir since then?—No. The people are at rest, and the localities do not even use their option for a local option law. I think there is discouragement from what they know about the towns in Iowa and Kansas, that they cannot keep the liquor out.

2285*b*. We have been informed that the appropriation of the license fees and fines for breaches of the law is for the support of the schools. Was that matter discussed throughout the campaign?—It was understood first of all, that, if a license was given under the supervision of the Government, there must be a guarantee that the law would be obeyed by the person receiving the license. The thousand dollars is a guarantee paid down in advance. A man having paid his thousand dollars cannot afford to lose it by breaking the law, a breach of which is liable to be known, and the result of which means the shutting up of his place. His thousand dollars is gone, and he cannot get another license.

2286*b*. Do you find the law obeyed in this city?—It is obeyed or not obeyed according to the character of the Mayor. If a Mayor says, "I intend to compel obedience to the law," it is obeyed. At present on Sunday people have to go to Councils Bluffs to get liquor. I have seen them crossing over there, to get it, with my own eyes.

2287*b*. Have you ever been in a community where a prohibitory law was thoroughly enforced?—I never have.

2288*b*. Have you ever lived in one where it was well enforced?—I have been a casual visitor in a little hamlet where I have said to responsible persons, "There is no open sale here. Is there any secret sale?" "No," they answered, "We prohibit, we prevent." "Does liquor get in here?" I asked, "as other things get in?" "If it does," they answered, "it comes here by stealth; we do not see it." The fact is, it is not

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where they can see it. It is not so easy to get it, and therefore they think that on the whole they have made an improvement.

2289*b*. Are you able to speak of it from your own observation?—No, I have not been in such places, and know nothing of them. The other matter about which I wanted to speak was this. We will go to Iowa for an illustration. There is a community of Puritans at Grinnell, who have a college called Iowa College. It is not a business community, but a community where people live in comparative retirement. There are only a few shops to supply the wants of the people. An appeal was made by several hundred men and women that there should be no saloon or place where liquor could be obtained, on account of the students. They enforce the law so that liquor cannot be had by the students. They could not bring it into the boarding houses without being found out, and the drug stores are under strict supervision. How far they get it in patent medicines is not known. I was there giving a commencement address. I had to be back here the next day. I had to catch a night train which passes there about two o'clock in the morning, and as I went to the depot to catch the train I met a gentleman who had to go from Grinnell to Des Moines, and talked with him. I found he was a member of the first body of men who had moved for prohibition in the State. The Republican Party, as you know, were compelled, in order to save themselves, to adopt, very much against the will of a large part of the constituency, the prohibition law, for fear of the formation of a third party. I said to this man, "I know that this law is not enforced in your river towns or in your large towns; it is enforced in the small towns, but they sell, and it is known they sell. Even in the farming districts any one can get liquor if he knows how to get it. The law prohibits, but does not prevent; why do you not prevent?" He said to me, "This law cannot be enforced without a system of espionage which the American people will never abide." I will give you a little example of that. Here is a Law and Order League who determine to enforce the law in a certain place, and they have to get evidence. They hire men to procure evidence. These men go into places and drink, and then testify that they drank there. Then the Law and Order League find themselves in a dilemma. One of the parties says, "You are hiring people to drink liquor." The other party says, "You are hiring spies." These men therefore have to leave the community, because no man can live in a community where he acts as a spy. A *particeps criminis* cannot help to enforce the law. So the State had to employ men authorized to supervise communities and find out who were breaking the law. These men had authority to become spies. They did not like their office long. You cannot get any but mean men to engage in that work, and a mean man you cannot trust.

2290*b*. Do you know anything of Cedar Rapids?—Yes. Recently I asked a friend of mine to tell me candidly about that place. He said, "We prohibit, but no one can prevent; liquor can be had in Cedar Rapids."

2291*b*. Do you know anything of Dubuque?—Yes, there is a large German population there, and you can never enforce the law with a German population.

2292*b*. Do you know this State of Nebraska pretty thoroughly?—Yes.

2293*b*. You have a large German population in it?—Yes, and in certain sections of the State a large Scandinavian population. They are a splendid class of settlers.

2294*b*. How does this State compare with other States in regard to the number of divorces?—We have no trouble on that score. People who want divorces go to Dakota; it is very easy there to obtain them, and it is the stock-in-trade of the lawyers in Sioux Falls. There is a large community there of wives and husbands getting rid of their husbands and wives.

2295*b*. We are told that the social evil is regulated here—that the people are of opinion that the only thing to do is to regulate it, and that a system of fines prevails that practically licenses it?—In order to understand that you should recollect our *imperium in imperio* here; we have a State Government which recognizes jurisdictions within jurisdictions. For instance, we have a county government with justices of the peace, and a Sheriff and I suppose constables. Thus we have a city government and a county government, both of which have a certain authority within the authority of the State. Then we have the metropolitan police system. The Legislature, through the

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Governor, appoints Commissioners of Police, who appoint the police to enforce the law. They, I think, in connection with the Mayor, are charged with the responsibility of keeping the peace. The Mayor and the Common Council have authority to pass ordinances, and the Chief of Police, on being notified that an ordinance is passed, is under obligation to instruct the policemen to enforce it. The law of the State forbids a woman to keep a house of prostitution. But the city does not seek to enforce that law. If a man complains that a woman is keeping a house of prostitution, he can bring her into court and punish her under the State law ; but the Common Council have failed to act in this matter. They do say this to the police, "There must be no noise there ; there must be no liquor sold there ; you must complain if you see a minor entering the building or coming out of it ; if you see a woman present herself at a window to solicit, or at the door, or on the sidewalk, you must arrest her immediately." That is to say, they will go so far towards the enforcement of the particulars of the general law as they think needful for the peace and order and happiness of the city. They say to the police, "You may go in and notify this woman that she is selling the bodies of these women, and that she must give an account of herself once a month, and of every inmate of her house." They get her name and the name of every inmate. They get a fine from her, and a fine from every inmate that is registered. Suppose a father's daughter has run away and has come to this town. He telegraphs to the police : "Do you know where my daughter is ?" The Chief of Police has a list of all the women in all the houses of this town. He can search for her in those houses, I believe. If he gets on the trail or if he finds the daughter there, it is open to the father to file a grievance against these people if he can show that they have ensnared his daughter, and he can carry that to the courts. Another thing happens. Here is a man who fears for his respectability. He is inclined to be untrue to his wife. He does not dare to enter one of these houses, because the police are allowed to enter them at any hour. A policeman may go in there and put his eyes on such a man. The police have a right to employ detectives if they think any decent girl has been induced to go to these places. If a man who cares for his reputation go there he may meet a detective. There is a protection to families in that respect. Then, those who wish to ply this trade are obliged to ply it within certain limits which are defined territorially. If any person attempts to carry on such a trade anywhere else, they are liable to very severe penalties. That is open rebellion against both the city and State. Now, if any young man crosses that line at night after dark he takes his reputation in his own hand. There is not, therefore, so much temptation to young men who have a little pruriency to put themselves under the influence of that district. Of course, in open daylight a young man would not dare to go there and enter an open door. So that there is a check established upon those who have any self-respect, by having these places located in a certain district where they are under supervision and surveillance. The result has been, I think, on the whole, better than when the thing was left to itself unregulated, and not under the eye of the police, so that the police did not know where it was.



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REV. EDWIN B. GRAHAM examined.

*By Judge McDonald :*

2296*b.* Your residence is Omaha?—Yes.

2297*b.* You are a minister of what Church?—The United Presbyterian Church.

2298*b.* I believe you are the editor of the *Midland* the organ of the Church?—Yes.

2299*b.* How long have you resided in Omaha?—A little over thirteen years.

2300*b.* When you first came here what license law was in force?—I think there was a low license.

2301*b.* Was the Slocum Law in force when you came here?—Yes.

2302*b.* In 1890, we understand you had a vote on a constitutional amendment?—Yes.

2303*b.* How was that vote submitted?—It was submitted by the Legislature, whether an amendment should be made to the constitution, prohibiting the sale, manufacture and importation of alcoholic liquors as beverages.

2304*b.* Then, we understand, there was another alternative?—Yes, whether a high license article should be incorporated into the constitution. No attention was paid to that at all.

2305*b.* If the amendment for high license had carried, I understand that a man would have been able to insist upon a license if he asked for it?—Yes; but there was no fight on that at all; it was hardly ever discussed. It was mentioned a little in the papers, but I hardly ever heard of it on the platform. There was a much lighter vote polled on that than on the prohibition amendment.

2306*b.* Both of those being defeated, the Slocum Law remained the law of the State?—Yes.

2307*b.* Has there been any agitation since that vote?—They say on the one side that the question is dead. However, the prohibitionists are just as determined as ever.

2308*b.* What action have they been taking since?—Mostly educational, discussing the matter very quietly at school houses, and forming prohibition clubs. My opinion is that the prohibitionists hurt their own party by entering the contest too soon.

2309*b.* There is no active campaign going on now?—No.

*By Rev. Dr. McLeod :*

2310*b.* Do you think there is a sort of still hunt going on?—I do not know that there is anything like a still hunt about it, but we feel there is need of education, and we are going at it quietly.

*By Judge McDonald :*

2311*b.* We understand that under the Slocum Law there is local option by which any community can have local prohibition?—They may elect anti-license Commissioners. That has been done in some of the counties, but it has to be done so often, over and over again, that it does not satisfy the prohibitionists. Another thing—you cannot keep the question out of politics. There are a great many men in favour of prohibition, but they are in favour of their party first.

2312*b.* Do you hope that when you get the prohibition question up again you will get it free from party politics?—I do not know. I should not wonder, if prohibition is got, that it will have to come through some prohibition party. I do not mean the present prohibition party; we may, perhaps, get one of the parties to take it up. My own impression is that prohibition was carried in this State, and was counted out.

*By Rev. Dr. McLeod :*

2313*b.* Explain your reasons for that belief?—When the census of Omaha was taken it gave the city 140,000. He was a very enthusiastic believer in Omaha who thought we had that many, and the prohibitionists discovered, as they believed, fraud in the census. We came to the conclusion right away that it was sought to have a large

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census for Omaha so as to show a large number of voters, so that the fraudulent votes could not be detected so easily. That charge was sent to the New York *Voice*, and a large number of copies of that paper were sent here for distribution before the election, but they were held in the post office under the plea that it was improper mail matter, and they were not distributed until after the election. Then there was a good deal of persecution of anybody who talked in that way. It is not a good idea in any town for a person to talk against the town.

*By Judge McDonald :*

2314*b*. Do you charge conspiracy, on the part of the officials, to falsify the census ?  
—The charge was made publicly.

2315*b*. Do you make it ?—The charge was made openly and publicly, and in print.

2316*b*. In what print was it made ?—It was made in the Omaha prohibition paper at the time.

2317*b*. Was it made in any other journal of the city ?—No ; they were all on the other side. I did not make the charge, because I was not in the investigation. They came to me about it, and I advised that they should not say a word about it, because as soon as they published that they would cause opposition to us and not do any good. I advised them to find out everything they could, and to say nothing about it until the right time, and then to bring their proof.

2318*b*. Did they do so ?—No.

2319*b*. Did they carry it into the courts ?—No.

2320*b*. Did they take any steps towards having a recount of the votes polled ?  
—Yes ; that was asked of the Legislature, but they did not grant it. In the first place, we did not have a fair election in Omaha. I was run away from the polls when I went down, after I had voted ; I was holding ballots in my hand, and while there I narrowly escaped a threatened assault by a crowd. While I was at the prohibition headquarters on the polling day, a young man, a student of theology, came in all spattered with eggs. He said they had egged him. A young man of my acquaintance named Pugh came in with his head bleeding. He said they had stoned him. Another young man who had been along with Pugh was struck also. There was intimidation and disorder of that kind all day, and I believe, though I could not prove it in a court, that this sort of thing was organized. When we went to the polls early in the morning, we found a crowd ready to run us off. That happened at a large number of polling places in the State. We had a great deal of controversy over this in the papers. During the campaign we were also interfered with. I was egged one night, but not struck. I saw the eggs coming and I thought the safest place was the place from which they came, so I went down among the boys.

2321-22*b*. Was there any investigation made by the post office authorities as to the stopping of these papers ?—We sent word back to the publishers of the *Voice* and they went right down to Washington to see about it, and the orders came to distribute the papers. They had been held on the ground that they did not come within the postal laws regarding specimen copies.

2323*b*. Were they intended for specimen copies, or for campaign documents ?—They were campaign documents, there is no doubt about that.

2324*b*. I suppose at the time they were distributed their usefulness as campaign documents was gone ?—Yes.

2325*b*. Mr. Dale told us that a large number of good men, members of different churches in the city, voted against the prohibition amendment ?—Yes, a very large number.

2326*b*. Was there any particular reason put forward that influenced the votes of those people ?—There were just two arguments used by that class of men. One was that it would injure our city financially to pass a prohibitory law. I said to one of them, Mr. McCague, " You know nothing will help your banking and real estate business more than to let people buy homes for themselves and deposit their money in the savings bank." " I know that," he said " it will do good in the long run ; but it is the advertising we will get in the meantime that will injure us, " just as in Iowa it was represented that men were starving, because they had been told that prohibition would ruin a place " ? I

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said, "Instead of coming to us, why don't you go to Rosewater and ask him not to give us that kind of advertising."

2327*b*. If that law were passed do you think you could enforce it in Omaha?—No, I do not.

2328*b*. Why not?—Because of the spirit of anarchy on the part of the liquor element, and not only those who do not believe in temperance, but those who stand up and say that prohibition cannot be enforced.

2329*b*. Would it be wise to pass it for a city that cannot enforce it?—Omaha is a very small part of Nebraska. My loyalty is first to the nation, then to the State, then to the city, and then to the ward. There is a feeling on the part of some people that they must be loyal to the ward first, then the city, then the State and then the nation. In the vote that was taken the Republicans prepared their ballot papers in such a way that they sent different ballot papers to the country districts where the people were in favour of prohibition from those they used in Omaha. The line "Against prohibition" was in very small print, so that a man did not know what he was voting for, unless he could read it easily.

2330*b*. Do you mean that they adopted a system by which they had one form of ballot for the country and another for the city?—I understand that Mr. Ritchie, who was the Republican candidate for Governor, said we must have both kinds, and through his influence one form was made with, "For Prohibition" on it, and some others made with, "Against Prohibition." The Democratic ballots were the same.

2331*b*. Had you a Populist in the field at that time?—We had; and the three parties were very nearly even.

2332*b*. What position do the Populists take?—They do not take any.

2333*b*. Does your law require that both parties shall be represented at the polls in an election?—I do not know whether the law requires it, but it is generally done, and the Commissioners were petitioned in this county by the Prohibitionists to put one prohibitionist at each polling place, and they refused. Even one paper, the *World-Herald*, said it was only fair that should be done. For that and other little things, we have always had the idea that prohibition carried, or that we got a much larger vote than was reported. But I would say that this State was not ready for prohibition, and while I would always vote for what I believe to be right, be the result what it may, I was always secretly glad that it did not carry by a small majority, because it would not have been enforced, and would not have done any good.

2334*b*. What was the majority in Omaha against prohibition?—There were 21,000 votes against prohibition and 1,100 votes in favour of prohibition.

*By Rev. Dr. McLeod :*

2335*b*. So that really the majority against the amendment was in Omaha?—No, that would not account for the whole of it.

2336*b*. It was two-thirds of it?—Yes.

*By Judge McDonald :*

2337*b*. What do you think of the fund to which the license money is applied?—We have some people who will not send their children to school for that reason. They say, "We will not educate our children with blood-money."

2338*b*. What is your opinion?—I cannot see any difference between applying it to the education of my children and the protection of my children by the police, if we use the money at all.

2339*b*. Do you look on the licensing of the traffic as wrong *per se*?—I do.

2340*b*. So that you are opposed to the license money being used for any public purpose?—I am opposed to taking it for licenses from saloons. However, if a saloon man wanted to give anything to my church, or to anything of that kind, I would take it, and use it just on the principle that money represents labour, and I would be turning the labour from a bad channel into a good one, which I would do any time I got a chance.

2341*b*. We are told that the social evil here, while not licensed, is practically licensed by a system of fines under which it is regulated?—Yes, monthly fines.

REV. EDWIN B. GRAHAM.

2342*b*. What do you think of that system?—I think it is just like licensing the saloons.

2343*b*. Do you think, as some persons have said, that there must be some regulation of it, that it cannot be banished from the community, and that the system of regulating it by the police is the lesser evil?—I think as the Mayor of Keokuk thought. When he was elected he gave orders to close up the saloons. They said to him, "That is a pretty good joke." He said, "It is no joke; you must close the saloons." He was not a prohibitionist, but he said he had been elected to enforce the law, and he did so. Any Mayor could enforce prohibition if he wanted to, and the police could close up the public houses of ill-fame. Of course they will not secure all purity of conduct and purity of heart at once, but that is a very different thing from having a row of houses established with all kinds of attractions.

2344*b*. Are they that way in this city?—Yes.

2345*b*. So that citizens know where they are?—Men and women and children know where they are. Mayor Chase lived down in that direction, and in giving testimony in some case in court he was asked if he lived in a respectable part of the town. "No," he said, "I do not; I could not go out into my yard and throw a stone without hitting a house of ill-fame." We have a Commission here, and two Commissioners out of the five are in favour of closing the houses. There was a fight over it this spring before the Commission. Dr. Hellings, the Baptist minister, really took the lead in that.

2346*b*. What was the result of it?—The result of it was that nothing was done. They just argued this way, "We do not want to close up these places all over the city."

*By Rev. Dr. McLeod:*

2347*b*. How does the licensing of the drink trade work in the city?—Does it lessen the consumption of liquor?—It lessens the number of saloons.

2348*b*. Does it lessen the number of drunkards?—I said in my paper the other day that the Devil didn't care whether there were two saloons in a block or one saloon doing twice as much business; if a man wanted a drink he would not worry much if he had to go half a block further to get it. Then I look at it in another way. The saloons are about half as many in number as they were before the Slocum Law; but if a saloon keeper has to pay \$1,000 for a license he will say to himself, "I must make money enough, not only to pay for my stock and my time, but to pay the \$1,000 back," and it will take a good many drinks to make up \$1,000 profit. Of course these men are not there for love, but to make money.

2349*b*. Is it simply this, that a certain number of men are given a monopoly of the business?—I think so.

*By Judge McDonald:*

2350*b*. Is the number limited by law?—No.

2351*b*. But it becomes practically limited to the men who can afford to pay the license fee?—Yes.

2352*b*. We are told that they have to get 25 freeholders on a petition?—They would have no trouble in getting those, except in the residence parts of the city. Mr. Kunz sells property on the condition that if it is used for the sale of liquor it will revert back to the previous holder; yet he favoured high license. Mr. Eiler, a distiller, has a condition of the same kind where he sells property.

2353*b*. Do you know whether illicit places spring up in localities?—I only know by the papers that there is a great deal of wine and other liquor sold in the houses of ill-fame that do not pay a dollar, and I believe there is not a legitimate saloon in the State of Nebraska. There are men who pay \$1,000, but there is scarcely a saloon that does not violate the license law. They put up screens, they sell to minors, they sell in improper hours and on the Sabbath day; that is admitted.

2354*b*. What is the penalty for that?—Revoking the license.

2355*b*. Do they prosecute these men?—Scarcely ever. They sometimes make the effort.

## Liquor Traffic—Nebraska

2356*b*. Who makes the effort?—It is by reaching the officers; it springs up sometimes one way, sometimes another. I do not think the saloons are open now at the front doors on Sunday.

*By Rev. Dr. McLeod:*

2357*b*. Does not the existence of these saloons, with their gorgeous fittings, have the effect of dulling the moral sense of the community as to the character of this business?—I will illustrate it in this way. If there were a house of ill-fame on a corner, fitted up elegantly, and men could go in there without losing the respect of their neighbours, it would not be long before we would have a terrible place. The conscience of the community would be utterly dulled. The saloon certainly has the same effect.

2358*b*. Then you regard the gilded place as more dangerous and seductive than the one that is struggling for existence?—In my paper I put it in this way: "The Devil in a dogery is no worse than Satan in a saloon."

*By Judge McDonald:*

2359*b*. Do you put the house of ill-fame and the saloon on the same footing?—Yes, just on the same ground. Some ask the question, "Is it wrong to sell a glass of beer?" When that question is sprung upon me, I say, "I do not answer such a little quibbling question. That is not the question at all. The question is, "Is it a sin to keep an open saloon and carry on the saloon business?" The question is not one of drinking even; it is not a question of temperance altogether. I will illustrate it in this way. I have heard of a class of men who eat crows. They hang them on the limb of a tree and let them freeze and thaw for days, until they smell rank. There is nothing wrong in those men eating that crow if they want to, and no law against it; I have no objection to their doing so if they do not come near me; but the law says that meat in the least tainted shall not be sold in the market. So it is not a question of, Shall men drink beer? but, Shall the public sale of beer be allowed? I put it on the ground of a nuisance and an evil injurious to society."

*By Rev. Dr. McLeod:*

2360*b*. Taking the license law of Nebraska, what are its effects? Does it promote temperance and sobriety among the people, or the contrary?—My idea is that there is just as much drinking with the licensed saloon as with the free saloon, that men who want a drink will go half a block to get it if necessary, and under our system the traffic is made more enticing—the wealthier men go into the business. Then as Mr. Rosewater has stated in his paper, the license system has corrupted politicians and the Government of the city. You can see how it works. It is a system of license by the Government, and those who control and regulate the saloons should be the friends of the saloon, so the saloon-keepers think, and they must put in their men.

2361*b*. It makes the saloon-keepers bosses?—Yes. Mr. Rosewater said the prohibition amendment was defeated by a trick. He said that prohibition was going to carry, because the Republican Party was going to endorse it that fall in the convention. But there happened to be a meeting of the German Lutheran Church, and a very skilfully-worded resolution was brought up and carried in that meeting. That was done through the liquor men. He went down to the convention that was going to endorse prohibition, and he sprung that on the convention. He said "Gentlemen, if we endorse prohibition we cannot elect a single officer this fall; here are all the Germans, the whole Lutheran body, going to vote against us if we endorse prohibition." And in the fear and excitement of the moment the convention voted down the resolution to endorse prohibition.

2362*b*. What do you think of the men who were advocating prohibition being influenced by such a statement as that?—I do not say they were prohibitionist in that convention.

2363*b*. But they were going to make a foot-ball of this question one way or the other?—Yes. There were in that convention liquor men, there were some prohibitionists, and there were some who did not care anything for it except so far as it could help the party.

2364*b*. If that resolution had not been passed in that Lutheran Synod, do you think prohibition would have been made part of the Republican Party platform?—I think so; the prohibitionists of course never gave up.

2365*b*. How did the German vote go?—I could not say, although I know the Germans are very largely opposed to prohibition. A good many of the Swedes voted for prohibition. The great argument used was that there was more liquor drunk under prohibition than under high license. Men eased their consciences in that way. But the fact is that the dollar hurt our business, and there was intimidation.

2366*b*. Do you think the amount of revenue they got for school purposes influenced many?—I do not think so. That argument was used, that the taxes were too heavy to keep up the schools; but I do not think that made much difference. It was that men were afraid that their business would be hurt in some way. A banker said to me at the time of the Blaine and Cleveland election eight years ago, "I am just as good a prohibitionist as you are, let the question be a constitutional amendment separate from politics; but I am going to vote for Blaine on business principles." Another man, a banker, said to me, "Don't you think prohibition would increase the number of places where liquor is sold?" I said, "So far as I am concerned, I would rather liquor were sold in a dozen of places contrary to my wish and vote than in one place with my consent and vote." He said, "I think so too." Yet, I think he voted against prohibition.

2367*b*. Is there much petty crime in Omaha?—I think Omaha is really a respectable city. It is pretty hard to compare places unless you are familiar with both, and the number of arrests and prosecutions for crime depends very largely upon the police. Immediately before the election this was the best city in the country; nobody was arrested for drunkenness, it had no drunkenness; nobody was arrested for crime. And why? Just because the police were instructed to make no arrests, so as to make a good showing.

2368*b*. Were you here when the Slocum Law was passed?—Yes.

2369*b*. We are told that men in the liquor trade opposed it at that time?—Yes; and Rosewater opposed it. I believe, however, that license is a hindrance to prohibition. If the question were free whiskey or prohibition, prohibition would sweep the country. Several years ago Rosewater said in an editorial over his own name, "I have been accused of being a prohibitionist." I do not know who ever accused him. He said, "If prohibition could stop the misery and heart-aches, the degradation" a long string of names of that kind, "I would be a prohibitionist if there was not another in the State. But simply because I do not believe it to be the best remedy, I oppose it."

2370*b*. Is he a power in the State?—He has been, and I suppose he is yet. He is one of the shrewdest men there is in the country".



## MINUTES OF EVIDENCE.

## IOWA.

COUNCIL BLUFFS, IOWA, May 23rd, 1893.

Commissioners McDONALD, McLEOD and GIGAULT arrived in the city this day to make inquiry into the operation of the liquor laws of the State.

THOMAS MALONEY examined.

*By Judge McDonald :*

2371*b*. You keep a saloon in this city?—Yes. But I am a prohibitionist myself; I have not drank anything for fourteen years.

2372*b*. What do you pay to the city for the privilege?—I pay \$52.10 per month.

2373*b*. How many saloons are there in the city?—There are eighty places in the city for the sale of intoxicating liquors.

2374*b*. Are there any places where there are bars alone without hotels?—Oh, yes, there are probably twelve or fifteen bars in town connected with hotels; all the rest are saloons.

2375*b*. What is your population?—35,000 to 40,000.

2376*b*. Is there any definite day of the month when the \$52.10 is paid?—Between the 1st and the 10th.

2377*b*. Where is it paid?—At the City Marshal's Office.

2378*b*. Is it fifty dollars fine, and \$2.10 costs?—I do not know how that is.

2379*b*. There is no trial?—No, I just go and pay it.

2380*b*. Are there gambling houses in the town?—No, there have not been any gambling houses run for three years. There used to be gambling houses open here, but three years ago they closed them up. I do not know of any now. Ten years ago this was a better town than Omaha. It was just as big as Omaha, and you see what prohibition has done for this town.

FRED MITTNACHT examined.

*By Judge McDonald :*

2381*b*. I understand your place is at 330 Broadway, Council Bluffs?—Yes.

2382*b*. You are agent for the Val Blatz Brewing Company, of Milwaukee?—Yes.

2383*b*. You name your business, "The Mountain Liquor Company, Wholesale Dealers, 330 Broadway, Council Bluffs, Ia."?—Yes. Recently I built a large storehouse in this city, near the North-western Depot, in which I keep lager beer. Last winter I put in 300 tons of ice. The house is large enough to hold three car loads of beer.

2384*b*. Where do you sell this beer?—In Council Bluffs and the neighbouring towns of Iowa—Walnut, Avoca, Dunlop, Pacific Junction, Missouri Valley, Minneola and several other towns.

2385*b*. Are they all in this county?—Yes, they are all in this county.

2386*b*. Do you pay a monthly fine?—Yes, \$52.10 per month. That is only for the retail business.



## Liquor Traffic—Iowa.

2387*b*. Do you pay anything for the wholesale?—Only a wholesale license to the United States Government—not any fine.

2388*b*. I suppose the \$52.10 per month is really a license fee?—Yes.

2389*b*. What time in the month is that paid?—The 10th day of the month. They give us a little time to make a little money, from the 1st to the 10th, before we pay.

2390*b*. Is there any trial?—Oh no, not at all; we simply go up to the Marshal's Office and pay it, and get a receipt. I show you the receipt I got for this month:—

“ No \_\_\_\_\_

“ COUNCIL BLUFFS, Ia., May 17th, 1893.

“ Received of Fred Mittnacht \$52.10 as security for his appearance before the Police Court of the “ City of Council Bluffs on the 18th day of May, 1893, at eight o'clock, a.m.

JOHN L. TEMPLETON, *City Marshal*,  
By F. T. FOWLER, *Deputy.*”

2391*b*. This is for appearance on the 18th of May?—Yes.

2392*b*. Did you appear on the 18th?—No, I have got to pay it right away.

2393*b*. And this goes on from month to month?—Yes.

2394*b*. How many other wholesale liquor houses are there in this city?—Three or four others. Wheeler and Herald, Corner of Broadway and Harrison Streets; Geiss and Son, at the foot of Broadway; The Jarvis Wine Co., on Main Street; Lee on Upper Broadway; John Linder, 17 Main Street. Wheeler and Herald built an ice house last fall to hold 500 tons of ice, at a cost of from \$10,000 to \$12,000. They built it for cooling purposes, for beer, meats, butter and eggs. Mine cost \$2,000.

J. L. TEMPLETON examined, stated:—

Before I say anything, I wish it understood that this information is not to be used in Iowa.

JUDGE McDONALD. Quite so.

Mr. TEMPLETON. If a man asks us if we have ‘saloons’ in this city, we have to say no, but we have ‘disorderly houses.’

*By Judge McDonald:*

2395*b*. Your residence is Council Bluffs?—Yes.

2396*b*. Your position?—City Marshal.

2397*b*. How long have you lived here?—Thirty years.

2398*b*. How long have you been City Marshal?—This is my second term of four years.

2399*b*. What is the system pursued here?—When I came in here they were trying to get a revenue from the traffic though they were unsuccessful. The year I came in the Marshal turned into the City Treasury \$7,700. When I came in, they said that they wanted a revenue collected from these men.

2400*b*. Who said this?—The City Council.

2401*b*. Have you a Board of Police Commissioners?—No, we have not. The Council is the controlling power. I started in, and the first year I raised the amount collected from \$7,700 to \$32,000. The next year I raised it to \$41,000, and last year I collected \$46,000. We have a warrant and information against each man, and every one of them is notified on the 1st of each month that there is a warrant against him, and he must come in before the 10th and put up \$52.10 for his appearance the next morning. He does not appear, and the money is forfeited.

2402*b*. How is the \$52.10 made up? What does it represent?—It is \$50 fine, and \$2.10 for the Marshal's fees. It paid me last year \$7,000 in fees besides my salary. Last year when I was re-elected they changed this to a salaried office. I get \$1,200 a year and the fees of the Superior Court.

FRED MITTNACHT.

2403*b*. The change is not to your advantage?—No. The saloon men fought me, because they said I was too strict. Therefore I am not very easy on them.

*By Rev. Dr. McLeod :*

2404*b*. Why do not you go for them twice instead of once a month?—We think once is enough.

2405*b*. Give us the reason for that?—That is the understanding.

*By Judge McDonald :*

2406*b*. There is really no trial in the matter?—No.

2406½*b*. It is practically a license?—Yes. In this town the saloons have never been closed.

*By Rev. Dr. McLeod :*

2407*b*. Have they ever made the attempt to close them?—No. There is a lawyer here, Mr. Sims, who has probably made \$50,000 prosecuting them. To the best of my belief he got a certain percentage from each one for continuing their cases. He and the lawyers on the other side were in together; it was a kind of pool. The lawyers made about the same revenue out of the saloon men that the city gets now.

*By Judge McDonald :*

2408*b*. Was Sims city attorney?—No, just a lawyer who acted as agent to prosecute.

2409*b*. Do you mean that these men got what the city now gets?—Yes. I could not prove it, of course. The lawyers were dividing it among them.

2410*b*. Do the lawyers get any of this income now?—They get nothing. The city gets it all.

2410½*b*. Does the money go to any particular fund?—It goes to the police fund.

2411*b*. Is there more than sufficient for the police?—Yes. There is a Chief of Police with sixteen men, and I have four in my department.

2412*b*. What is the difference between your department and that of the Chief of Police?—If a prisoner is brought in here by an officer he is handed over to me, and I see that the man is brought to trial, and that the witnesses are subpoenaed.

2413*b*. The police are more like patrol men?—Yes. I collect the revenue of the city, the fines and so forth.

2414*b*. What is done with the balance above what is necessary to pay the police expenses?—That goes into the general city fund, for general city expenses.

2415*b*. Has the city settled down to this system?—It seems to. We claim here that prohibition does not prohibit, and if these men run they must pay to the city.

2416*b*. Before this system was running, did you find that prohibition was prohibiting?—No, it did not, and the saloons were not under control, but they are under control now. They close at twelve o'clock every night, and we have very little trouble.

2417*b*. Do they run on Sunday?—They are not supposed to. All the front doors are closed, and we have very little trouble. I have been here for years, and I have never known the saloons quieter than they are now.

2418*b*. Taking your city as you know it, is it an orderly and law-abiding place?—It is.

2419*b*. Will it compare favourably with any place you know?—I think it will compare favourably with any place in Iowa. The arrests have been fewer in the last three years than before. If we hear of a man starting a place, we at once arrest him, and he has to pay a fine.

*By Rev. Dr. McLeod :*

2420*b*. Anybody starts who likes, and as soon as he does you arrest him?—Yes, and if he does not run his place right, we close him up.

*By Judge McDonald :*

2421*b*. Taking your experience, do you consider this system the best one?—I consider it the best, except high license.

## Liquor Traffic—Iowa.

2422*b*. I mean taking your city as it is?—I think it is. If we had not this system we would have holes in the wall and 'blind sows.' That is, you would go into a place and go into a room where was nobody in sight, and you would walk up to a little place in the wall and lay down your money, and you would see nobody, but you would get your drink.

2423*b*. No proof could be given that anybody had sold the liquor?—No.

2424*b*. How many places are there in the city now?—Seventy-eight that are paying fines.

2425*b*. And the term you apply to them is disorderly houses?—Yes.

2426*b*. Are you troubled here with gambling houses at all?—No. Three years ago when I came in they prohibited gambling. But they do play poker. That is a thing it is almost impossible to break up, because three or four men can go into a hotel and play at a table. But gambling out and out, we do not have.

2427*b*. What about houses of ill-fame?—We collect a revenue from those.

2428*b*. How much?—The girls pay \$8.10 and the landlady \$12.10 per month.

2429*b*. Do you confine them to a certain section of the city?—Yes.

2430*b*. How do you find that system to work?—Very nicely, very little trouble.

2431*b*. You know where they all are?—Yes, they are all registered. If a girl comes to town, the landlady has to report her to us.

2432*b*. What time of the month are their fines paid?—The 1st of the month.

2433*b*. Are they notified in the same way?—Yes.

2434*b*. And paid before the 10th?—Yes.

2435*b*. What is your income from them?—Between \$200 and \$300 a month.

2436*b*. How many houses are there?—There are not many here. I could not tell you. In some there is only one woman, in some two or three; the largest we have has eight or nine women.

2437*b*. Do you suppose that these people sell liquor in their houses?—A good many of them do. Some of them go out for it to saloons or disorderly houses. There are several women who have got licenses to sell liquor, that is, the United States permits.

2438*b*. What about the druggists?—We do not collect any thing from them.

2439*b*. Have you reason to suppose they sell liquor?—More or less, yes.

2440*b*. Have you many druggists in the city?—We have a great many, but I do not know of one who is in the drug business for that purpose. I know of places in Iowa where they are, though. I think the running of the saloons stands in the way of the druggists selling. Do away with the saloons, and then you have the drug stores selling liquor.

2441*b*. Are any of the druggists who do sell liquor prosecuted?—No. There have been several druggists prosecuted in the county for selling. In Glenwood there are one or two druggists now serving terms in the county jail for selling liquor. That is the county seat of the next adjoining county on the south. The County Attorney there has been prosecuting the saloon men. I have a friend who used to be on the police force who is serving ninety days for selling liquor in a saloon. He opened a saloon at a little place called Silver City.

*By Rev. Dr. McLeod:*

2442*b*. You say the system in this city is carried on by direction of the City Council?—Yes, and the Mayor and Judge and all.

2443*b*. Do the people ever revolt against this?—No, the people seem to be very well satisfied.

2444*b*. It is the money that satisfies the people?—I guess it is. The saloons seemed to be running for years without any revenue coming from them, and they now pay a revenue. This county and this city are opposed to prohibition. All the river towns are.

2445*b*. There is not a strong prohibition sentiment here at all, then?—No. You will find the same thing at Davenport, which has a large German population, and is a river town.

J. L. TEMPLETON.

*By Judge McDonald :*

2446b. Have you ever been in Clinton or Dubuque?—I have been in Clinton ; that is a river town.

2447b. Sioux City is a river town too?—Yes, they have been running the same system there that we have in regard to saloons.

*By Rev. Dr. McLeod :*

2448b. Is the same form of receipt that you give to the saloon-keepers also given to the women?—Yes, and also to every man who gives security for his appearance on a charge of assault or anything else.

2449b. And the money is forfeited because the people never appear?—Yes.

2450b. Are there any places in the interior of the State where they do close up the saloons?—I have the first place to find yet where I cannot get liquor, although I am not a drinking man. At one time they told me that in Sioux City the saloons were closed. I was then chief of the fire department, and I went there to a firemen's tournament, and during the week that I was there I counted I think sixty places that I was in where they could get it, in the hotels and groceries and drug stores. In the hotels they would have it in the cellars and in the stables ; I made it my business to see.

2451b. I mean country places?—They seem to get it there too in different ways. We arrested a man the other day who was drunk, and he had a jug which he had labelled "Paint" and the name of the hardware house where it was supposed to have been got ; but the only paint we could find was nose paint. The beer depots and liquor houses ship it to the country places.

*By Judge McDonald :*

2452b. Is it in such places as these rural districts spoken of that these men start so-called drug businesses?—Yes ; I think that is where the majority of the liquor is sold. I had a friend who went into the drug business, and he knew no more about the drug business than the first man on the street. He opened a store and had a patent medicine business, and he had a room at the back of the store, and here the corks were flying while I was there. I did not see him sell any drugs, but he was doing well in the rear. I know he was not a druggist, but he may have had a clerk who was a druggist.

H. L. HENRY examined.

*By Judge McDonald :*

2453b. Your residence is Council Bluffs?—Yes.

2454b. How long have you lived in this city?—Thirty-seven years.

2455b. What is your business?—I have never had any business in Council Bluffs, though I have lived here. Just now I have been absent for some ten months on the Pacific Slope. I just got back yesterday. I have been familiar with the workings of the liquor law in Iowa ever since the commencement of the agitation of this question in the State up to the present time. The State Legislature had the question before it a year ago last winter, when a strong effort was made to get the Prohibition Act repealed. I circulated a petition here asking for the repeal of prohibition and the substitution of high license. Ministers here who were strong temperance men signed that petition, and nearly all our leading prohibitionists. Dr. Lawrence, who was Mayor at the time, appointed me a member of a committee of some twenty citizens to go to Des Moines and press for the repeal of the Prohibition Act. While the members of the Legislature agreed with us that it ought to be repealed, and that under prohibition a great deal more whisky was sold than before, and while it was sold to minors, and while an inferior class of liquor was being drunk that was very injurious, they felt that the political

## Liquor Traffic—Iowa.

situation was of that peculiar character that they would not dare to break away from the pledges under which they were elected. So the matter was passed over, and the Act was not repealed ; but we hope in the next Legislature to get it repealed.

2456*b*. Has the question of prohibition in this State been mixed with party politics ? Yes. At one time it was very prominent in party politics.

2457*b*. Have you found in this State that men have supported prohibition from party reasons who were not themselves temperance men ?—Yes, a great many men whom you would class as drinking men supported prohibition on the ground of making their party strong.

*By Rev. Dr. McLeod :*

2458*b*. Are we to understand that the prohibition sentiment was so strong in the State that that party cultivated the prohibitionists ?—They thought it was.

2459*b*. Are we to understand that the reason why the Legislature did not repeal the Act was that they were afraid of the prohibition vote ?—No, I think not. I think if the question were put to the people, high license would be carried by a very large majority ; but the members of the Legislature were elected the fall previous on a platform that endorsed prohibition, and they would not dare to go back on their pledges to the people, while they acknowledged themselves that the Act ought to be repealed.

2460*b*. There is evidently a bad state of things in Council Bluffs. What is your impression of things throughout the interior of the State ?—The people in the rural districts are in favour of absolute prohibition, I think the majority of them ; but they are satisfied with it very much because it does not prohibit.

2461*b*. You think it does not prohibit even in the rural districts ?—Oh no, not at all.

2462*b*. You go over the State a good deal ?—I have been in past years over it a good deal.

*By Judge McDonald :*

2463*b*. In what way is the law evaded in the rural districts ?—With regard to that I would refer you to Mr. Organ, who is the County Prosecuting Attorney. He understands that question thoroughly.

2464*b*. We have been told that in some sections men open drug stores which are really places for the sale of intoxicating liquors ?—That is true everywhere.

2465*b*. Is that true in the rural districts ?—Yes.

2466*b*. Are you troubled at all in the rural districts with men called walking saloons or boot-leggers ?—Yes, in every term of court a number of these poor fellows are convicted.

2467*b*. Do they still continue the business ?—There were 125 indictments returned in the United States District Court for the district at the last sittings, against boot-leggers, and about three-fifths of them were convicted. This district covers eight or ten counties. There are eight districts in the State. Court is held twice a year in each district. In some cases women were convicted.

*By Rev. Dr. McLeod :*

2468*b*. Could you not as easily convict for violation of the State law ?—No, the sentiment is against it.

2469*b*. Is not the sentiment against the other ?—The Judge takes the case there, and the attorney does not get a fee unless there is a conviction.

2470*b*. How would you pronounce on the question of prohibition as a whole in the State ?—I think it is a great curse to the State. We are an agricultural State, and we raise the material to make all sorts of high wines and liquors ; but at present all these things we import, and send the money out of the State for the goods. At the same time there is just as much liquor drank in the State, and I think more, because the prohibition law creates a sentiment, in the minds of a certain class of citizens, of resistance to the law. When you say they shall not have anything, they feel like persisting in having it, because they feel that you deny them a right. There is a great deal of liquor drank in that way in the State, and there is no law to control it. If we had a high

H. L. HENRY.

license and a manufacturer's license the liquor would be manufactured here among the people.

*By Judge McDonald :*

2471*b.* Have you a large German population?—Yes ; quite a large German population.

2472*b.* Is the State filled up, or do you still need immigration?—The State is pretty well filled up, but the farms are large, and we could have a much larger population than we have now.

2473*b.* Has the existence of this law in the State any effect on immigration?—Yes ; it has driven nearly all the Germans, who were in the vineyard and brewing business, out of the State.

2474*b.* There were two propositions made to us in Kansas. One was that owing to the prohibition law there, eastern people who wanted to keep their sons from temptation immigrated there ; the other was that the Germans and others who drank beer avoided the State. Do either of those conditions exist in this State?—I think the prohibitory law has its influence in keeping away the Germans.

2475*b.* Do you think eastern people send their sons here in order to escape temptation?—No ; I think the temptation is greater than if we had high licenses. The whisky question is controlled better in our larger towns, where there is a sort of license system, than in the small cross roads, where boot-leggers resort.

*By Rev. Dr. McLeod :*

2476*b.* You think boot-leggers do more damage than open saloons?—Yes, a great deal more damage. Then, there is another thing. The way things are now, no respectable man wishes to go into the saloon business, and the saloons are usually run by a class of men who have no standing in the community ; whereas, if we had a license law which would protect them, decent men would go into the saloon business, and if a boy came in to demand whisky they would refuse to sell it to him.

2477*b.* Did you ever know one to do it?—I have known saloon-keepers here who would no more sell a boy or a drunken man a glass of whisky than they would stick their fingers into the fire. You would have under high license a more honourable class of men in the business.

*By Judge McDonald :*

2478*b.* Under the present system you think minors can get liquor?—Anybody can get it.

2479*b.* In Council Bluffs you have adopted what is virtually a system of license?—Yes.

2480*b.* How is it working?—I have been absent from the city for nineteen months, and others can give you better information than I can on that subject.

*By Rev. Dr. McLeod :*

2481*b.* Were you in favour of prohibition originally?—I always liked license, because I think license prohibits the class of drinking you want to prohibit.

*By Judge McDonald :*

2482*b.* I understand that you are a temperate man?—Yes ; in the sense of the word that I do not believe in dissipation. I have been for ten months on the Pacific slope, where everybody drinks wine and beer and whisky. I have been from Southern California to British Columbia, and in all the towns along the route, and I have not tasted a drop of liquor of any kind during my absence.

## Liquor Traffic—Iowa.

HON. JOHN M. BALDWIN examined.

*By Judge McDonald:*

2483*b*. Your residence is Council Bluffs?—Yes; I was born here.

2484*b*. What is your business?—Counsellor-at-law.

2485*b*. What system had you here before the prohibition law? Had you a license system, and if so was it high or low?—We had a license system with a medium license fee. But under our statutes there has always been absolute prohibition of the sale of whisky, even before the prohibitory law.

2486*b*. What did the license permit a man to sell?—Ale, wine and beer.

2487*b*. Was the prohibition of whisky part of the constitution of the State, or was it a statutory enactment?—It was statutory. It was not part of our organic law.

2488*b*. Has any attempt been made to make prohibition a part of the constitution?—Oh, yes. It was submitted to the people several years ago, and was carried in the form of an amendment to the constitution. Then, because of irregularities in the proceedings, the vote was declared illegal by the Supreme Court of the State of Iowa.

2489*b*. So that the present law rests upon a statutory enactment?—Yes.

2490*b*. No further vote was taken on the prohibition question?—It never was submitted.

2491*b*. To what extent does your present prohibitory law go?—For instance, may people bring liquor into the State for private use at their own houses?—Yes; although there are certain provisions of the law against that. Being unable in certain counties of the State, by virtue of the sentiment of the people, to procure indictments and consequent convictions, the supporters of prohibition got certain legislation transferring the enforcement of the law to the Chancellor, and, by certain proceedings in equity, injunctions were obtained to stop certain persons from selling liquor in prohibited places, and if they violated the injunction they were punished for contempt and imprisoned. There was a great outcry made against that, on the ground of its unconstitutionality, but it has been upheld.

2492*b*. Suppose a man living in this State purchased liquor in Omaha, could he bring it to his home?—There were certain decisions declaring that to be illegal.

2493*b*. What is it practically?—It is generally done.

2494*b*. Was it in this State that the decision was given in regard to original packages?—Yes.

2495*b*. How did that affect your State?—I do not think it affected it very much.

2496*b*. Under that decision could original packages be brought in and sold in the State after importation?—I do not remember what the effect of that decision was.

2497*b*. The law would prohibit absolutely the sale of malt liquors and wines for beverage purposes?—Yes.

2498*b*. Allowing the sale for medicinal purposes?—Yes, under certain restrictions.

2499*b*. Is a doctor's prescription required, or must a man make an affidavit?—I think a man who buys liquor in a druggist's shop can make an affidavit. He does not require a prescription. There are printed forms that he signs.

2500*b*. Have you much knowledge of the State as a whole?—Yes, from what I gather from conversation, and from reading in the newspapers.

2501*b*. Could you say whether under the guise of keeping drug stores men engage in the sale of spirituous liquors?—They do in certain sections.

2502*b*. In what sections of the State?—It is peculiar to the large cities, and cities adjoining the river, and to certain counties where the sentiment of the people is strongly against prohibition. In those counties where the sentiment is for prohibition, the laws with reference to prohibition are enforced as well as any other laws with reference to crimes and misdemeanours.

2503*b*. Are there any evasions in those counties?—There are evasions, the same as there are of the law against murder, but murder is committed, and the law against thieving is violated, for people steal.

HON. JOHN L. BALDWIN.

2504*b*. In what respect are these evasions?—We have the boot-legger, and I suppose that under certain shifts and devices the druggists sell.

*By Rev. Dr. McLeod:*

2505*b*. Are there many places where the sentiment is of such a character that the law is enforced?—There are not. For instance, take Crawford County, which is composed largely of Germans. Five-sevenths of the public officers are Germans, and the law is not enforced. But in other counties, where the population is mainly made up of Americans, and where there are very few foreigners, the law is enforced. The enforcement of the law is determined largely by the character of the population and the local circumstances.

2506*b*. Of course in a border town the task is always more difficult?—Certainly. The trouble with this State about prohibition is that it is surrounded by States where liquor is sold. They have no prohibition in Nebraska or Missouri or Dakota.

2507*b*. You are hemmed in by license States?—Yes.

2508*b*. Have you been able to observe, where prohibition is well enforced, whether it affects any good?—Yes, my impression is that it is good, if prohibition were practicable. If Iowa were simply one country by itself, prohibition would be a good thing—to close every saloon and to stop the manufacture of every kind of liquor all through the State.

2509*b*. What is your impression of the condition of things in Council Bluffs?—Of course in this county the majority against the amendment was something like two thousand; so that the sentiment of the people is strongly against prohibition. The city is right next to Omaha, and those interested in the enforcement of the law here have been unable to enforce it in this county. I think the law passed in 1884. This Judicial District was composed of nine counties, and the vote in the nine counties was largely in favour of prohibition, and the judges, who were elected from the district at large, were favourable to the law and its enforcement. The enforcement of the law was taken from the hands of the public prosecutor, the District Attorney, and placed in the hands of private prosecutors. Anybody could start a case in the name of the State, and the prosecutor got a fee, and he could employ his own attorney. The individual who complained got a fee, and the attorney got a fee, and the four judges were in favour of the law; and yet they were unable to enforce the law in this county.

2510*b*. Was there any trouble with the juries?—The juries had nothing to do with it. They were unable to prosecute the law in the form of getting injunctions. Equitable proceedings were taken to enjoin the place and the person who kept the place.

*By Judge McDonald:*

2511*b*. What was the difficulty?—They would get out by shifts and expedients. For instance, if the place enjoined was at No. 101 Broadway, they would move to 102 Broadway, and would run the place in the name of somebody else. There were always as many saloons as before. They just shuffled about from one place to another.

*By Rev. Dr. McLeod:*

2512*b*. Was it not possible to shut them up by quick, decisive action?—It might be, but they were unable to do so, because the sentiment was against doing so. With the public sentiment every law can be enforced; without public sentiment no law can be enforced.

*By Judge McDonald:*

2513*b*. Do you think that state of things is desirable, or would it be better to regulate the business by license?—I think it should be regulated by license.

2514*b*. Would you have a general law, or would you have an option allowed to each particular community?—I would prefer to have an option, to leave it to each particular community to determine.

2515*b*. Taking your city as it is, what is the effect of prohibition on the community with regard to law as a whole?—I think it is deleterious. There is an open disregard of law that affects the community generally.



## Liquor Traffic—Iowa.

EX-SENATOR GEORGE F. WRIGHT examined.

2516*b*. Your residence is Council Bluffs?—Yes.

2517*b*. You are a Counsellor-at-Law?—Yes.

2518*b*. You have been State Senator?—Yes.

2519*b*. Are you now?—No.

2520*b*. How long have you lived in the State?—From 1865.

2521*b*. When you first came here was there a license law in existence in the State?—Yes, then there was.

2522*b*. We have learned that at one time, while light wines and beer were allowed to be sold, whisky was prohibited?—Yes.

*By Rev. Dr. McLeod :*

2523*b*. Under that law did they sell whisky?—The law was abused in that respect. It gave the opportunity to the parties licensed to sell wine and beer, to sell prohibited liquors as well, and I think it was proved to a certain extent that they did so.

*By Judge McDonald :*

2524*b*. The prohibitory law was submitted to the people as a constitutional amendment, and carried, but declared illegal and carried up to the Supreme Court of the State?—Yes. It came up in our Legislature, and we determined to submit it and let the people say whether they would make it a part of the organic law of the State by changing our constitution, and the popular vote carried it.

*By Rev. Dr. McLeod :*

2525*b*. Strongly?—Yes, for the reason that Iowa is largely an agricultural State. The larger cities are nearly all on the borders, on the rivers. The river bounds it on the east, and very largely on the west. The sentiment of the border towns was largely against prohibition, while in the central part of the State the people were in favour of strict prohibition. Of course, the question got into politics, and we Republicans, who put it into our platform as a part of our political creed, claimed that the vote was not a fair vote, because the other party, being opposed to it, thought it would help them and hurt us to have it carried, which it did. The practical effect of this thing in this State has been to change the State from a Republican State with 80,000 majority to a Democrat State, which it is to-day. That is, our State officers to-day are Democrats.

*By Judge McDonald :*

2526*b*. How is that? Did a certain part of the Republican Party detach themselves from you?—Yes, a certain portion of the Republican Party do not go to the polls now. We do not poll such a large number of votes, taking into account our yearly increase, as we would have if all went to the polls. A great many Republicans who are not in favour of prohibition stay away from the polls, and do not vote with us any more.

*By Rev. Dr. McLeod :*

2527*b*. They do not vote with the Democrats and do not vote with you?—We claim that. We claim that practically there are as many Republicans in the State to-day as there ever were before, and that we would have the same large majority but for this one question, which is really dismembering the Republican Party.

*By Judge McDonald :*

2528*b*. What reason do these men give for their action?—They say that after the question was submitted to the people and the people voted to have it part of the constitution, we went on in good faith and gave it a fair trial, and that we found that prohibition did not prohibit in those portions of the State in which the large cities are to be found, and that after having given it this thorough and fair trial, it was but fair

EX-SENATOR GEORGE F. WRIGHT.

that those portions of the State, and those communities that did not want strict prohibition, should have the option of determining for themselves what they would have. The bulk of the Republican Party is in the central portions of the State, and they dominate the conventions, and are able to prevent any change from the strict prohibition policy for the whole State. They will not allow us to modify this law, or to put into our platform the proposition that communities shall be permitted to determine for themselves how they will regulate their liquor traffic.

2529*b*. That is, they will not consent to have the law so shaped as to give local option?—Yes.

2530*b*. Practically, does the city of Council Bluffs shape its own action on the subject?—It does now, after the prohibitionists have thoroughly tried to enforce the law here, through associations formed in other parts of the State, and by means of money brought here to aid in the prosecutions. They made a very thorough trial here and put this county to a large expense in the attempt to enforce the law. But the attempt has now been practically abandoned, and our saloons are running wide open. There is no prohibition here at all, except that our City Council has gone back to the policy that existed here before the prohibitionists undertook to prohibit, of requiring a license fee, so much a month, to be paid by every saloon-keeper, and as far as possible making the traffic contribute to the expenses of the city government.

2531*b*. Then virtually, under an alleged system of fines, the authorities of this city are licensing these places?—Yes.

2532*b*. As a jurist can you state what is the effect of such a system as that upon the public conscience in regard to all law?—It is bad. It has a tendency to bring the law into disrepute; and the community as a community is not so law-abiding as it would be if it were not attempted to enforce laws which are obnoxious to the public sentiment.

2533*b*. Has any effort been made in the Legislature to so change the law as to provide local option?—Yes; at our last session a great deal of the time of the Legislature was spent in trying to agree upon modifications of this law by which certain communities would be allowed to determine it for themselves. But that was defeated by a strong prohibition vote. We had what was called the Gatch Bill, which proposed to leave the prohibition law as it is throughout the State, but to allow the communities in the several counties to determine how they would regulate the question for themselves. While that bill was pending—to show the effect it had on this community—we had a city election here. At that time, and previously, the city government had become Democratic, because of the anti-prohibition sentiment that existed here. The Republicans then said to the people: “If you will support the Republican ticket, we will use our efforts in the Legislature to get the Gatch Bill enacted, so that hereafter this community may determine for itself how the liquor traffic shall be regulated.” On the strength of that the whole city government was changed in that election; the Democrats were displaced and Republicans elected, just because of that promise. Then, a large committee was sent to the Legislature to try and influence the passage of the Gatch Bill; but it was unsuccessful. The Legislature refused to pass the bill, the committee came back, and the Republicans who had made these promises and who had felt that they could probably accomplish what they undertook, have ever since felt disgruntled, and they now feel inclined to act with the Democrats—not by voting with them, but by staying away and not voting at all. It has been very unfortunate that we got the question into politics.

2534*b*. Have you found as a result of getting it into politics that men supported prohibition openly who were not themselves prohibitionists—that the political influence drew such men into it?—Not to any extent among what you may call honest politicians. Of course, there were men who wanted to get into office who, while not prohibitionists, supported prohibition for that purpose; but as a rule I do not think that prevailed.

2535*b*. Has prohibition affected immigration to the State?—The immigration to our State has not been very considerable for some years. When this prohibition policy was thoroughly inaugurated, we lost a certain kind of citizen. Many of those who dealt in the sale of liquors left us, but I do not think their departure was very prejudicial to the State.

## Liquor Traffic—Iowa.

2536*b*. Did you find that it had any effect on the incoming of German population?—Yes, I think the German population shunned us after that—I know they did—and went further on to other States. We also lost quite a percentage of our German population, who left us and went to Nebraska.

2537*b*. Are they a good class of people?—Yes, all the Germans we have here, the agricultural people, are a good class of people, that is the bulk of them.

2538*b*. They look on having their beer to drink as a thing that should not be interfered with?—Yes. They formerly voted with the Republican Party, as long as the law permitted the sale of wine and beer. They are naturally Republicans.

2539*b*. The prohibition of whisky did not affect the Germans?—No.

2540*b*. But when you prohibited wines and beer it did?—Yes, they went right away. They are a very desirable class of citizens to settle up a State like this.

*By Rev. Dr. McLeod :*

2541*b*. Are you able to say that the law is fairly well enforced throughout the centre of the State?—From my experience, I think it is. I think as far as the saloon is concerned, it is a thing of the past in the central part of the State.

2542*b*. Then, in the central part of the State, is the effect of prohibition good?—I think it is; I think it is good to abolish the saloon everywhere.

2543*b*. The trouble is chiefly in the border towns?—Yes.

2544*b*. Do you think there would be as much difficulty if prohibition were all around you, or is it because of the existence of licensed places around you?—I do not think it makes any difference. There has not been a time here when a person who wanted a drink could not get one without going to Omaha.

2545*b*. Do you think the fact that they would go to Omaha if they could not get drink here, was one of the reasons that influenced the people to have this system of saloons?—No, I do not think that has any effect.

*By Judge McDonald :*

2546*b*. Before the present system was brought about, we understand that any private individual could start a prosecution, employ an attorney, and there would be a fee both for the private prosecutor and the attorney. Did that lead to many prosecutions?—It did in those communities where public sentiment was in favour of prohibition—in the little towns in the central portion of the State. They just took up the question and enforced prohibition strictly. It was a very stringent law, and there was no getting round it. One reason why I think a great many Republicans in the larger cities fail to go with the Republican Party or take any interest in prohibition, was the refusal of the majority to grant to these communities the right to regulate the matter for themselves. For instance, in this city when we had licenses they yielded a revenue of \$35,000 or \$40,000 a year. That money went to carry on the expenses of the city government, and help to defray the expense entailed on the community by drunkenness and crime. When that was no longer allowed, the taxpayers themselves had to contribute that much more to maintain the city government, and they said, "It is unfair that we should be compelled to contribute to the expense of carrying on this traffic which the law could not prevent after giving it a fair trial." And so a great many men said, "We will just let it go."

2547*b*. The evils were not prevented?—No, they could not be.

2548*b*. And yet out of your own revenue you had to pay taxes to maintain the police force?—Yes, it increased our burdens to sustain the city government, and to take care of these things that were incident to the drinking of liquor.

2549*b*. Under the present system is your city orderly and well conducted?—Yes, the same as usual.

*By Rev. Dr. McLeod :*

2550*b*. Is there much drinking?—No, there is not now. I will be fair with you: I think this agitation in the State of Iowa has been a fine education of the people, and that as a consequence we are to-day a more temperate people than we were ten years ago. The public sentiment has been elevated.

GEORGE F. WRIGHT.

2551*b*. Is there any strong prohibition sentiment in Council Bluffs?—There is not to-day.

2552*b*. Is there any at all?—There is a certain portion of the Republican Party who feel that this is the way the question should be dealt with. They are just as radical in their opinions as ever.

*By Judge McDonald :*

2553*b*. What effect did prohibition have on the business of this city?—I think it had in one sense a depressing effect on our business. Of course it operated to close out a substantial traffic in liquors, and the gentlemen who were engaged in the business here, most of them, went to other States. But there were one or two who remained here and carried on their business in a quiet, inoffensive way, and they are still here to-day.

2554*b*. When these men went away, who took their places—what class of people?—I do not know that any did. We just lost that section of our business community.

2555*b*. Who sold liquors in those days?—As I say, there were one or two men who were very conservative in their methods of doing business who did not go away.

2556*b*. Had you none of those men who were selling in saloons?—Not ostensibly. I do not think the loss of the saloon-keepers was any great loss to the community; but, as I said before, there probably never was a time here when those who really wanted to get a drink of liquor could not get it. There would be saloons that would ostensibly be doing other business. For instance, there would be groceries, in the rear end of which there would be a place where Germans could go and buy all the beer they wanted.

S. F. SMITH examined.

*By Judge McDonald :*

2557*b*. Where is your residence?—Davenport.

2558*b*. What is your occupation?—I am a banker. I am the President of the Bankers' Association of the State.

2559*b*. How long have you lived in Iowa?—Thirty-seven years.

2560*b*. All that time at Davenport?—Yes.

2561*b*. How is the prohibitory law observed there?—Davenport has a very large foreign population, largely German, and the prohibitory law is not enforced at all. We have 210 saloons open at all times. The population of the city is 30,000. Strictly speaking, the saloon-keepers pay no license, but as a matter of fact the city of Davenport gives them a license to sell beverages not prohibited by law.

2562*b*. What do they pay for that license?—\$300 a year.

*By Rev. Dr. McLeod :*

2563*b*. And sell what they like?—And sell what they like—with the tacit understanding that they may sell whatever they please. Davenport is on the eastern border of the State, opposite Rock Island, Illinois.

*By Judge McDonald :*

2564*b*. What is the condition of public order in Davenport? Is it an orderly and law-abiding community?—I think so, as much so as any other small city.

2565*b*. Do the saloon-keepers pay this \$300 a year in one lump sum, or in monthly instalments?—Every three months in advance.

2566*b*. Do you have to maintain a large police force there?—No, we have a comparatively small police force.

2567*b*. What class of people as a whole are engaged in this business?—The larger proportion are Germans.

2568*b*. When the vote was taken on prohibition, how was it in that part of the State?—In that country the vote was against the law. Public sentiment is opposed to prohibition.

## Liquor Traffic—Iowa.

2569*b*. Had you any breweries or distilleries there?—Yes.

2570*b*. Have you now?—Yes, they are running just the same as ever.

2571*b*. How many?—I think there are three breweries.

2572*b*. Any distilleries?—No.

2573*b*. Those breweries are running contrary to law?—Yes.

2574*b*. Is that by the same tacit understanding?—Yes, they are not interfered with.

Our officers are largely foreigners, who are opposed to the prohibitory law. Unfortunately there is no State constabulary, nor is there any one whose special duty it is to enforce the prohibitory law. It is left to each locality.

2575*b*. Do the people who have these licenses and sell intoxicating beverages take out United States internal revenue permits?—Yes.

2576. And the breweries too take them out?—Yes.

2577. Taking the facts as they are, which in your opinion would be the better, to have a law like the present covering the whole State, or to have a law allowing the communities to adopt one system or the other as they wish?—It would be much better to have local option with high license, leaving each community to decide for itself, as they do now in reality. They do it now contrary to law; then they would be conforming to the law.

2578*b*. Allowing such a state of things as you have in Davenport, contrary to the law, what is the effect on the minds of the community with regard to other laws? Is it beneficial or otherwise?—It creates a disregard of the law. If they think the law is not good, they are not going to observe it.

*By Rev. Dr. McLeod:*

2579*b*. Have you a fairly law-abiding community?—Yes.

2580*b*. Are there any parts in the State where the prohibitory law is fairly well enforced?—Oh, yes, in the larger portion of the State, but not in the river towns.

2581*b*. I suppose the river towns present difficulties that do not exist elsewhere?—Yes, there are so many foreigners who become mixed with the Americans; and then the majority will select men of their own kind. They will respect the law if they approve of it, and pay no attention to it if they disapprove of it.

2582*b*. Has there been any attempt in Davenport to enforce the law?—There have been spasmodic attempts; a few saloons have been enjoined, but they have re-opened in the name of the saloon-keeper's wife or somebody else, and have gone right on.

*By Judge McDonald:*

2583*b*. How are the business interests of that part of the State?—In a good healthy condition.

2584*b*. We understand that you have a very fine State for agricultural purposes?—Yes, none to excel it.

2585*b*. Taking the German element throughout the State, are they a desirable element?—Yes, thrifty, honest, economical people.

REV. HENRY DELONG examined.

*By Judge McDonald :*

2586*b.* Your residence is Council Bluffs?—Yes.

2587*b.* You are an ordained minister?—Yes, of the Methodist church.

2588*b.* You are carrying on an evangelistic mission in this city?—Yes, I have been carrying it on for a year and a half.

2589*b.* Is it connected with the Methodist church?—No, I have their sympathies, but it is independent.

2590*b.* How long have you lived in this city?—Forty-six years.

2591*b.* When you first knew Council Bluffs, was there a license law in force here?—No. There was free whisky. The saloons were full of it, and men went in and helped themselves. When we went to a store to trade we went and helped ourselves.

2592*b.* You had a license law before the prohibitory law came in force?—The next we had was prohibition out and out. That was in 1855. Then they put in a wine and beer clause, and after the wine and beer clause we had total prohibition.

2593*b.* How is the law observed in this section of the State?—In the Council Bluffs they do not pay any attention to it.

2594*b.* Why not?—There were a few of us who undertook to enforce the law after it went into effect, and we succeeded. We had every saloon closed but one.

2595*b.* Why was not that state of things kept up? Was there not sufficient public sentiment to support it?—The officers of the law were against us.

2596*b.* Did they reflect the bulk of public sentiment?—I think as far as the city is concerned they did.

2597*b.* We learn that under the law a private individual could lay information and employ a lawyer, and there was a fee that went to the informant and also to the lawyer. Do you know whether that was acted upon here or not?—I took upon myself the duty of enforcing the law through the search warrant, and I used to have sometimes thirty or forty warrants in my pocket. I could not get a regularly-elected officer to serve the warrants faithfully; he would slip into a telephone office and telephone to the fellow that he was coming. All he wanted was the fees. The law was amended so that I could be deputized as a special officer for a special case. So I went myself and executed the warrants.

2598*b.* With what result?—I was in the fight four or five years. I had no trouble in closing up a saloon that would not pay the lawyers, but, where they did pay lawyers, instead of my getting a case against them, they would get a case against me.

2599*b.* For what?—For instance. I went into one saloon, and the saloon-keeper's wife went at me with a hatchet, and the saloon-keeper went at my assistant with a revolver. They indicted me before the Grand Jury for assault, and they bound me over for personating an officer, and for burglary in breaking into the place. These cases were pigeon-holed, and never brought to trial.

2600*b.* Did you still keep on at the work?—Yes.

2601*b.* Why did you give it up at the end?—I saw I was putting the county to considerable expense and just making money for men who were getting fees both from the county and from the saloons. For instance. A lawyer who was defending the saloons would come to me and say, "Henry, I have just defended these fellows as long as I can. You go ahead and do all you can to close them up." I had a good deal of confidence in the man, and thought he was sincere. He was a man of ability, a man in good society, and one of our leading lawyers, and I thought if he was not going to defend them any more, I would start up. So in a little while I would have fifteen or twenty saloon-keepers brought up, and then this lawyer would go to them and say, "Give me \$25 each, and I will defend your cases." I found that out. Then I came to the conclusion that it was no use, and I stopped. I could have made money out of it, but what I wanted was the law enforced.

2602*b.* How could you have made money?—By taking bribes. For instance, if I had a warrant against a saloon-keeper, he would be willing to give me fifty dollars if I would give him time to get out of the way.

## Liquor Traffic—Iwoa.

2603*b*. After this attempt to enforce the law was given up, what was done?—While I was trying to enforce it, there was a fine imposed.

2604*b*. Did they begin the monthly fine system?—Yes; it was then \$25 a month.

2605*b*. That system is still in force?—Yes.

2606*b*. What about the social evil houses here. What system are they under?—They impose a fine on them, and if one fails to pay there is no trouble about closing it up, but if they pay the fine they will let them run.

2607*b*. I suppose in connection with your work you are brought into contact a great deal with people who are in trouble and destitution?—Yes.

2608*b*. Are there many of them here?—I have clothed 1,500 people in the year and a half that I have been in the mission, besides furnishing food.

2609*b*. What brought these people to a state of destitution?—In nineteen cases out of twenty there would have been no need for it if it had not been for intoxication.

2610*b*. These people drank and spent their money in drink and became poor?—Yes.

2611*b*. Were they people who had employment?—Yes.

2612*b*. Is your mission the means of drawing them away from drunkenness, through spiritual influences?—Yes.

2613*b*. How are the expenses of your mission met?—I dig wells to get my bread and butter, and the good people of Council Bluffs give me contributions to pay the rent.

*By Rev. Dr. McLeod:*

2614*b*. From your experience in attempting to enforce the law, do you think if the officials were in sympathy with the enforcement of the law, it could be enforced?—Yes, if I were just made a constable I could shut up every saloon in Council Bluffs, because then I could get pay for my work and afford to spend the time necessary.

2615*b*. Do you think there is a sentiment in Council Bluffs that would elect you as a constable?—I do not know whether there is or not.

2616*b*. Do you know anything about other parts of the State?—I have been at other small towns.

2617*b*. Do you find the law pretty well enforced in them?—It is as well enforced as any other law.

*By Judge McDonald:*

2618*b*. In those places where the law is violated, how do they get liquor?—They do not have an open saloon. They have holes in the wall or boot-leggers.

2619*b*. Do you know anything of those portions of the State where men who profess to be druggists sell liquor?—Only what I hear. The saloon-keepers claim that the druggists in the towns, where they are not permitted to run, sell more whisky than if they had open saloons.

W. W. WALLACE examined.

*By Judge McDonald :*

2620*b*. Where is your place of residence?—Council Bluffs.

2621*b*. What is your business?—I deal in coal and building material. I formerly resided in the Province of Ontario, in the Township of Ramsay, County of Lanark.

2622*b*. You have heard Mr. DeLong's statement?—Yes; I agree with it in the main.

2623*b*. In what do you differ?—I think Mr. DeLong rather threw the responsibility for the non-enforcement of the law on the officers. I think a great deal of the violation of the prohibitory law, not alone in Council Bluffs, but in other cities of the State, has been due to the voraciousness of lawyers. They have gone to the saloon men and made bargains with them that for so much a month they would agree to keep them open, and the saloon men have paid certain prominent lawyers the price agreed upon for years.

2624*b*. How did the system work?—These lawyers would put in motion the machinery for the enforcement of the law, blind prosecutions to keep others out, and they would then get the cases adjourned from time to time and would never bring them to trial, and thus they avoided the enforcement of the penalty.

2625*b*. Now, we understand, a new system has come into vogue?—Yes: this blackmail business. I think that is the right name for it.

*By Rev. Dr. McLeod :*

2626*b*. Who is responsible for that system?—I think the Council, influenced by these same lawyers.

*By Judge McDonald :*

2627*b*. What about the citizens who exercise the right of voting?—The citizens are helpless in the matter.

2628*b*. Do they sustain these Councillors?—The citizens who are law-abiding citizens do not.

2629*b*. Do the mass of voters sustain these men?—I doubt very much whether they do or not.

2630*b*. You think, then, the Council is acting in opposition to public opinion in taking this course?—No; I would not say that. They are acting against the opinion and desire of the law-abiding citizens.

2631*b*. You have heard the statement made by Mr. DeLong, that if he were made a constable he could himself, with that authority, stop this state of things in Council Bluffs?—I believe so.

2632*b*. When you have a law-abiding class of citizens here, what prevents them doing that?—They must first select the constable.

2633*b*. Does not the law allow them to act as private constables in that respect?—They would be outside the pale of the law, because the people who are elected to enforce the law are not in favour of its enforcement.

2634*b*. Are they elected by the people?—Yes.

2635*b*. Then do they represent the majority of public sentiment?—Undoubtedly they do.

2636*b*. The present system, which you think is blackmailing, is a system by which each saloon-keeper is required each month to be the "keeper of a disorderly house," and pay fifty dollars to the treasury of the city?—Yes.

2637*b*. We understand that the same system is pursued with reference to the houses of ill-fame?—Yes. Well, when I call it blackmailing, I say that for this reason, that if those that enforce that system of license and collect the money can do so by holding over these parties the fear of the law, they could just as well enforce the prohibitory law as enforce the collection of fifty dollars.

2638*b*. Suppose they say they cannot?—I think it is because they will not.



## Liquor Traffic—Iowa

*By Rev. Dr. McLeod :*

2639*b.* You think, then, the only reason the saloon-keepers pay this monthly assessment is because they fear the law?—That is all.

*By Judge McDonald :*

2640*b.* What is the motive on the part of these public officials—that they may get in a larger amount of money in the public treasury and levy a higher rate of taxation on the citizens?—I believe so.

2641*b.* So that the money consideration is at the bottom?—The money consideration is at the bottom of the whole thing.

2642*b.* Taking the state of things that exists in Council Bluffs, which would be preferable in your judgment, the present system or a system that would allow a community like this to regulate the traffic?—Personally, I never would submit to the prohibition law being taken off the statute-book.

2643*b.* Do you look upon the licensing of the traffic as a wrong in itself?—I have lived in Canada and also in Illinois, and I have never seen a license law that has been well enforced.

2644*b.* Do you think a license law a wrong in itself?—I do.

2645*b.* As a matter of principle, you would never consent to the licensing of the traffic?—I would not.

*By Rev. Dr. McLeod :*

2646*b.* Do you think there is a considerable sentiment in Council Bluffs in favour of a rigid enforcement of the prohibitory law?—Yes.

2647*b.* Why is not that sentiment called out?—It has not been crystallized, and there are so many influences following those who identify themselves with the enforcement of the law that it is not profitable. But those who are in favour of the law feel that the selling of liquor has been made odious; it is not respectable, there is a worse class of citizens engaged in the business than ever, and they have not the standing or influence in the community that they would have under license. In Iowa the prohibitory law is doing a great deal of good and is gaining ground every day, notwithstanding its non-enforcement in certain localities.

2648*b.* You know the State pretty well?—I do, and I know those opposed to the law and those in favour of it. I frequently go to Des Moines, and I have taken pains to see how the law was enforced there. I have gone to persons who lived there, and asked them to show me those holes in the wall and those drug stores where liquor was sold, and I have never been able to find one. Some are in existence, but they are so hidden away and of such small account that very few people find them. There is not an open saloon in Des Moines.

N. D. LAWRENCE, M.D., examined.

*By Judge McDonald :*

- 2649b. You reside in Council Bluffs?—Yes.  
 2650b. What is your profession?—I am a physician.  
 2651b. You are Mayor of the city?—Yes.  
 2652b. How long have you resided in Council Bluffs?—Twenty-five years.  
 2653b. How long have you been Mayor?—On and off for twenty years. I have been in office for four terms of two years each. I was first elected twenty years ago.  
 2654b. When you first came here what system was in force in regard to the sale of liquor?—We had license at that time. The license fee twenty years ago was only \$100 a year.  
 2655b. Were there many licensed places in those days?—Yes, about forty in this city.  
 2656b. Subsequently we are told you had a prohibitory law for the State?—Yes, we had a prohibitory law which was afterwards relaxed to permit the sale of wine and beer.  
 2657b. Was a resolute attempt made at any time in this city to enforce the prohibitory law?—Indeed there was.  
 2658b. Was it successful?—It was unsuccessful.  
 2659b. Was it an attempt made in good faith?—Indeed it was. There was prosecution after prosecution here. For two years Mr. Sims was prosecuting those cases.  
 2660b. Is he a lawyer?—Yes, one of our best.  
 2661b. With what measure of success?—None at all. As soon as you closed a saloon, the holes in the wall would spring up, and there would be more crime and disorder, and more drunkenness.  
 2662b. More than there would be under the license?—A great deal more.  
 2663b. We understand you have now a system under which they are regulated?—They are regulated. They are on their good behaviour.  
 2664b. What led to the adoption of that system?—It was this looseness and the difficulty of enforcement of the law.

*By Rev. Dr. McLeod :*

- 2665b. What makes them submit to the present system of paying a fine every month?—They do submit, and they are perfectly quiet. If you examine the records, you will find there has been less crime and disorder for the last two years than there was for the previous ten years.

*By Judge McDonald :*

- 2666b. At the time the prohibitory law was passed, had you any breweries or distilleries in existence here?—Yes, we had two or three breweries. The distillery went out about the time I came here.  
 2667b. Were those breweries carried on by resident men?—Yes; Mr. Geiss operated very largely.  
 2668b. Were those breweries closed by the law?—Yes.  
 2669b. Was any remuneration ever made to those men for the loss of their plant and business?—None whatever.  
 2670b. What did they do? Did they remain here?—They are here now, waiting for the repeal of the law.  
 2671b. Do they still carry on their business?—No, but their buildings and plant are there.  
 2672b. Are there any breweries or distilleries in operation here now?—No.  
 2673b. How does your city compare with other places as an orderly and law-abiding place?—Compared with eastern towns of the same population, we are rather beyond them. There has not been a burglary here to the extent of \$500 in a year, and there has not been a case of holding up that I know of. I think I did hear of one on the outskirts.

## Liquor Traffic—Iowa.

2674*b*. Have you an efficient police force?—I think very efficient, but not a large force.

2675*b*. As regards the liquor traffic in this city, do you think your present system is the best one you could have?—I think so. We have no trouble now.

2676*b*. Which would be better, to have the system you have now, with a prohibitory law in the State, or to have a State law which would permit communities to decide for themselves whether they would have the traffic or not?—I think that would be far preferable, because we would be acting legally. I think that is what we ought to have. I was a medical student in the town of Worcester, Mass., when the first prohibitory law was passed there. Massachusetts has perhaps the most law-abiding community on this earth. People there have allowed, what no other people would submit to, an officer to go into their houses to find liquor, and if he finds it to smash it on the street. And yet after an experiment of 40 years they have repealed that law, I believe, because they could not and did not enforce it.

*By Rev. Dr. McLeod :*

2677*b*. What is your opinion of the prohibitory law throughout the State?—In the rural districts, from what I have heard, I think they enforce it. But in a city of fifteen or twenty thousand inhabitants I think it is as impossible as to make a man virtuous.

2678*b*. In those districts where it is enforced, do you think the effects are good?—I know nothing more than I read in the papers. If we had local option, probably three-fourths of the State would prohibit, and would perhaps be capable of doing it, but I doubt if it can be done in a town of this size.

2679*b*. This town in its vote has always been against it?—I believe it was.

2680*b*. Is the only reason these men pay the monthly assessments that they fear that if they did not do it, they would feel the effect of the prohibitory law? What other reason is there?—I do not know they have any other reason.

2681*b*. Then it would seem that the men in the trade really feel that if there is a disposition on the part of the authorities, the law can make it very uncomfortable for them?—I have no doubt that where public sentiment is engaged actively, the law will be enforced; but where it is not, they think they will escape any of the penalties if they behave themselves very well—and I think they are more on their good behaviour than they would be under a regular license system. They have been told that there must be no rows and no trouble, that they must close up at 12 o'clock, and I think they have obeyed.

2682*b*. And do they close on Sunday?—They close to all outward show at any rate.

*By Judge McDonald :*

2683*b*. We have been told that when the Sunday closing law has been enforced in Omaha, people came to Council Bluffs to get liquor on Sunday?—I have seen that in the papers, but I do not know about it.

2683½*b*. I suppose you do not come in contact with these places?—Not at all. What I know of them I learn through the public press or through the police.

W. W. WALLACE re-called.

*By Judge McDonald :*

2684*b*. You wish to give your explanation of the improvement of the order of the town ?—I wish to say, with reference to the enforcement of the fee collected from the saloon men, that I think the city officials have no legal power to compel them to pay it, apart from holding over them the fear of the enforcement of the prohibitory law—that if they do not pay this fifty dollars a month, the prohibitory law will be enforced. The Mayor is correct when he says that this is a well governed city and free from crime. We must give credit to the power and influence of the prohibitory law hanging over these men. We get that much good from it in an indirect way.

2684½*b*. If the prohibitory law has such terrors for these men, why was it not enforced ?—I suppose the officials are not elected on that issue.

2685*b*. Do you mean to say that people in favour of prohibition allow themselves to be influenced to elect officers on some other issue ?—They are in a minority.

2686*b*. Then the law could not be enforced ?—It could not be enforced with those officials so elected.

2687*b*. As a matter of fact, then, the good order of these people is not to be attributed to their fear of the law ?—It is not enforced, but it could be.

2688*b*. Is it not a fact that by paying this fee every month they are virtually let alone ?—Yes. They are not let alone, but the fifty dollars a month is collected.

2689*b*. Do they not pay that as a license fee ?—No, I think they pay it in exchange for the protection afforded them. The Council might just as well blackmail me in my business. It is not legal.

2690*b*. Do the Council virtually take the fifty dollars a month as payment for a permit to these men to carry on the traffic ?—I do not think the traffic is ever brought into question.

2691*b*. Is it not practically a permit to these men to carry on the traffic ?—Practically so.

2692*b*. And that is illegal ?—Yes.

2693*b*. What is the effect upon the community of allowing that sort of thing—good or bad ?—I think it is unnecessary for me to give my opinion, which is the opinion of all law-abiding citizens, as to what the effect is.

2694*b*. Could it be otherwise than bad ?—I do not think so.

*By Rev. Dr. McLeod :*

2695*b*. Have you noticed the effect of legalizing the liquor business on the community, whether it is good or bad ?—I never saw a license law that was enforced.

2696*b*. As these men had previously to fee the lawyers in order to protect them against the prohibitory law, the fifty dollars per month which they now pay is rather less than they paid the lawyers, and they pay it simply that they may be kept out of the hands of the lawyers. It costs them less. Is that the fact ?—I think so.

## Liquor Traffic—Iowa.

DES MOINES, IOWA, May 24th, 1893.

JUDGE McDONALD and REV. DR. McLEOD, members of the Royal Commission on Liquor Traffic, visited this town this day, and obtained statements in regard to the law regulating the liquor traffic.

HON. HORACE BOIES, Governor of Iowa, examined.

*By Judge McDonald :*

2697*b*. You are Governor of the State, I believe?—Yes. I suppose everybody understands my own view of this law. It has been a matter of public discussion in every campaign in which I have been interested since I came into public life, and my speeches are of course familiar to all the people of the State. I ought to say that there is a division of sentiment in this State, a very wide division, as to the correctness of the conclusion I have reached. There are a great many good people in this State who honestly believe that the prohibitory law is a good thing, that it lessens crime—that it is good from a moral point of view. For my own part, I am just as thoroughly satisfied that they are wrong—that the law is a bad law from every standpoint. I do not mean to say by that that in no part of Iowa is the law enforced ; because that is not true. Wherever public sentiment upholds it, wherever a large majority of the people are opposed to the traffic in intoxicating liquors, the law is reasonably well enforced. But, on the other hand, when you get into a locality where the public sentiment is opposed to the law, it is there the law is worse than a dead letter. We have to-day in some of our cities ordinances passed for the sole purpose of licensing saloons, in direct violation of the statute of the State. These ordinances are usually against disorderly houses, with the understanding that each saloon or place where intoxicating liquors are sold shall be classed as a disorderly house, and each month the keeper of the saloon is notified to appear before the board, and a certain fine, which is the same in all cases, is imposed. He pays that fine and also the costs of the transaction, and considers that his license fee. That is the practice that prevails. And, with the exception of Des Moines, I think the saloons run openly, as openly as they ever did, in all of the larger cities of the State. But once in a while some friend of the law goes into one of those saloons and takes steps to enjoin the place, which anybody is entitled to do under the law ; and for a few days or weeks, or possibly months, the saloon may be suppressed. In this city we have no open saloons, and yet I know that it is publicly charged that there are a great many places where liquor is sold. I do not know that of my own knowledge, for I have never entered one of those places. I see as well as anybody the evils that result from excessive drinking of intoxicating liquors, but I do not believe that this is the way to remedy them. I think the system in this State has thrown the business into the hands of our worst classes, and there being no inspection of the class of liquors sold, the cheapest and most injurious decoctions are dispensed. In other words, I think we have the uncontrolled saloon where otherwise we would have the saloon controlled by the people.

2697½*b*. In this State has the question of prohibition been at all made a party political question?—Yes, it has in both elections in which I was elected Governor of the State. Ever since the enactment of the law, the Democratic Party has opposed it in one form or another. Up to the time of my first election as Governor, the platform of the party on that subject was in the same general terms. In substance it would be something like this, that they declared in favour of a well regulated license system, which would leave the opportunity for different constructions of the position of the party. When I was elected for the first time, the party took a more definite position

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on that subject. They declared in substance in favour of a local option law which would permit incorporated cities, towns and townships to determine for themselves whether they would have a license system or whether they would have a prohibitory law. They declared further, that, in the event of a license system being preferred by any of these municipalities, the fee should be at least \$500, to be paid into the County Treasury, and to go to the general support of the county expenses. They declared further that the power should be conferred upon the municipal authorities of each municipality that declared for license, to add any additional fee they saw fit for the use of the municipality. So that if that policy should ever become the law of our State, no license could be issued for less than \$500, and it might be just as much more as the municipal authorities saw fit to add. At the time of my second election, that plank in our platform was re-adopted, and that is the position in which the Democratic Party have stood now for nearly four years, and on which they carried both elections in which I was elected Governor.

2698*b*. So that was the issue prominently brought forward in the contests?—That was the issue most prominently brought forward in both contests.

2699*b*. Since reaching the State we have been informed that two contentions are put forward: one that it was this question mainly that entered into the election, and the other that it was the question of railway monopoly?—I think it is a mistake to say it was a question of railway monopoly. There was very little contention two years ago over any question pertaining to the management of our railroads. That question is practically settled, and settled, I think, on a basis satisfactory to a very large majority of both parties. We have a Railway Commission, which has made changes that I think are satisfactory to nine-tenths of the people of the State.

2700*b*. As a citizen of the State, owing to this question having entered into politics, and having been made a party question, have you observed that men who were not prohibitionists in principle or practice were supporting this prohibitory law because it was a question of their party?—There is no question about that in my own mind. Republicans have stayed with the Republican Party and supported prohibition, though honestly feeling that is not the true method of dealing with the question. The same thing is true to some extent of the Democrats. There are some Democrats in the State who are prohibitionists. My predecessor claimed that there were 7,000—I do not think there are that many—who in a non-partisan election would vote to retain the law. There are some who notwithstanding their views on that subject, will stay with the Democratic Party, but I think the number is far less than the number of Republicans who stay with the Republican Party and vote with it notwithstanding that they do not approve of prohibition.

2701*b*. Have you observed whether the drug stores are used extensively in the State for the sale of liquor?—That is openly charged and generally believed.

2702*b*. Have you a large German population in this State?—Yes.

2703*b*. Is it a desirable population?—Yes, we have none more so.

2704*b*. What is the sentiment of the German population in regard to prohibition?—It is almost universally opposed to the law.

2705*b*. Have you still land in the State for settlement?—A large quantity.

2706*b*. Can you form an opinion as to the effect this law would have on the immigration into the State of German and other foreign population?—I have always believed that it merely retarded it, although I know as a fact that within the last two or three years immigration to those parts of the State that are newest has very largely increased, and lands have doubled in value in certain localities. I am vain enough to believe that the opinion is gaining ground that public sentiment has changed on this question.

2707*b*. In the State of Kansas two statements were put forward: one that the prohibitory law prevented immigration into that State of Germans and people of a similar class; the other, that eastern people who desired to keep their boys away from the temptation of the saloons selected Kansas as a State wherein to settle. Have you reason to believe that any eastern people came into this State for that reason?—I have no personal knowledge of a single case of that kind. I know that is claimed.

2708*b*. I understand that under your law breweries and distilleries are illegal?—Yes.

## Liquor Traffic—Iowa.

2709*b*. I find from extracts from the last census made of the industries, that you have in this State 29 breweries which took out United States Licenses. If these people are carrying on a brewing business, they are doing it in direct contravention of the law?—Yes.

2710*b*. I find also that there are 6,874 retail liquor dealers, 54 wholesale liquor dealers, 395 retail dealers in malt liquors and 267 wholesale dealers in malt liquors, or a total of 7,619 United States licenses issued in this State?—I am not surprised at the number at all.

2711*b*. I find in the State of Minnesota the number is 4,227; in Nebraska 3,155; in Missouri, 8,913, and in Illinois, including the city of Chicago, 18,149. I find that according to the population of the last census in Nebraska there is one United States license issued to every 341 people; in Minnesota one to every 309; in Missouri one to every 301, in Iowa one to every 250, and in Illinois one to every 212. I take those States because I understand they are the States that surround your State?—Yes.

2712*b*. I find that, with the exception of Illinois, there is a larger number of United States licenses according to population issued in Iowa than in any other of those States, two of which are high license States?—Yes.

2713*b*. If the plan put forward by the Democratic Party had been adopted, would it have been practically like the Nebraska law, high license with local option to communities?—Yes.

2714*b*. Do you think that would be a better plan than the present one?—Yes.

2715*b*. What would be its effect on the good feeling in communities? I mean, take a community such as you have here, which is strongly in favour of this law while others are strongly against it, what feeling is generated?—There is more or less antagonism, and the feeling is very bitter, as is evident from the incident that occurred at Muscatine three or four days ago.

2716*b*. Your Excellency knew the State before this law came in and you have known it since?—I have been here twenty-five years.

2717*b*. Could you state the benefits that have arisen from this law?—I think I can truthfully say that in interior counties where public sentiment is strongly opposed to the traffic in intoxicating liquors of any kind, the use of those liquors as beverages has been diminished. So that, starting with the proposition that the use of intoxicating liquors as beverages is an evil, I think all ought to be willing to concede that the law has proved a benefit to those localities. Of course, those localities under our proposed system would still have a prohibitory law and be protected just as much as they are now, while localities where it is impossible to enforce the law, where it is openly violated, would adopt the license system.

2718*b*. In those communities is there anything to prevent a person keeping intoxicating liquor in his house for his own private use?—Not if he sends out of the State to buy it, but he cannot buy it legally in any quantity in the State of Iowa. If the law were strictly enforced you could not place a glass of wine before your guest at your table. Of course, if you send out of the State, under the decisions of the Supreme Court of the United States you can bring it in and use it in your house, and you can put it before your guest if you give it to him.

2719*b*. Have you a good system of common schools in your State?—I believe there is no better in the United States.

2720*b*. And your people are a prosperous people?—Yes, there is no reason that we should not be. I firmly believe that we have the very garden spot of the world, so far as agriculture is concerned.

*By Rev. Dr. McLeod:*

2721*b*. When the Democratic Party had in its platform the plank to which you refer, high license with local option, did the Republican Party in that contest put forward a definite statement on this question?—It did. I think in both campaigns it practically pledged itself to the maintenance of the law.

2722*b*. Would you regard the result of the election as practically a defeat of the prohibitory law, or the beginning of the end?—I do so regard it, and most of our people

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who are opposed to the law so regard it. My first election was in the fall of 1889, my second in the fall of 1891, and we shall have another election this fall, when the question will undoubtedly be the prominent question directly before the people.

2723*b*. Speaking of the parts of the State in which the prohibitory law is acceptable to the people and reasonably well enforced, do those places make up a considerable portion of the interior of your State?—They do, but not the largest portion of the population of the State.

2724*b*. They do not include the centres?—No, not in my judgment, with the exception of this city. In this city we have no open saloons.

2725*b*. Do the chief difficulties arise in the border cities?—Yes.

2726*b*. You say that there are supposed to be no open saloons in this city. Is that condition of things continuous, or is it spasmodic? Are there times when there are open saloons here?—I think there has been no time when any person has openly advertised the business, but there have been times when there has been much less activity on the part of the opponents of the sale of intoxicating liquors than at other times. We have instances quite often in which there is a spasmodic effort to punish those engaged in the business, and then for considerable periods of time there is not so much activity in that direction.

2727*b*. Have you reason to believe that the enforcement of the law in this city, so far as it has been enforced, has had beneficial effects.—I do not think it has. I think it has had the reverse.

2728*b*. In what way?—Because I think it has multiplied the places in which intoxicating liquors are sold. It has put the business into the hands of a worse class of people than would be engaged in it under a license system, and the class of liquors sold, there being no way of inspecting them or determining what they are, has been of the worst and cheapest class, on which the venders could make the largest profit.

2729*b*. Do you think the consumption of liquors has increased also?—I do not know that I am sufficiently well informed to speak on that subject. I do not think it has been diminished perceptibly.

2730*b*. Would you think that the temptations to drink, to persons who have not formed the habit, are so great with the business carried on in this secret way as if the saloons were established by law and open?—There is a wide difference of opinion among our people on that subject. So far as I am personally concerned, I believe that the present system is a worse one for the young than the license system. I know that a great many of our people believe that open saloons fitted up in a tempting manner are more enticing to the youth of the country, and that more are led to adopt the habit of the excessive use of liquors than would be the case under our present system. But, on the other hand, the intoxicating liquors that are purchased at these places now are purchased largely by the bottle and put into coat pockets and carried away, and young men get together in some room or some by-place and consume them there. Now, my own opinion is that more boys are taught to drink intoxicating liquors in this way than would ever contract the habit if they had to go into a saloon and buy the liquors by the drink. In other words, I believe they drink in a place of that kind when they would not go into a saloon and drink at all.

2731*b*. Do you remember whether the city of Des Moines voted in favour of prohibition or against it?—Largely in favour.

2732*b*. Then Des Moines would be a city in which under the law you proposed they would be likely to have local prohibition?—I should think so.

2733*b*. Would the effects under local prohibition be what you think they are now under the present system?—I do not think they would be any better off, but that would be their own business. If as a citizen I had a vote on the question I should certainly vote in favour of license.

*By Judge McDonald :*

2734*b*. Where is your own home?—In Waterloo.

2735*b*. Is that in a rural district?—Yes. We have a town of 8,000 inhabitants there, but the district is a beautiful farming district.

2736*b*. You find, I suppose, a marked difference between the rural communities and urban ones in reference to the observance of the law?—Yes.



## Liquor Traffic—Iowa.

W. M. McFARLAND examined.

*By Judge McDonald :*

2737*b*. You are Secretary of State of Iowa?—Yes.

2738*b*. You are at present a resident of Des Moines?—Yes.

2739*b*. Is your own home here?—I have my family here, and have had for three years, during the incumbency of my office.

2740*b*. You have had a good deal of discussion and legislation, or attempted legislation, on the liquor question in this State?—Yes, a great deal of it. I suppose it has been uppermost since we started it as a local issue.

2741*b*. Has it been to your knowledge a party political question?—Yes, it has been made a party political question. The Republican Party has taken it up. After a non-partisan election on the question of amending the constitution, the Republican Party espoused that proposition and carried it through two Legislatures, and did amend the constitution in that respect. You are probably acquainted with the procedure that took place before the Supreme Court, by which that amendment was declared null and void in consequence of its not being carried in pursuance of the provisions of the constitution. Then the Republican Party, feeling under an obligation, proceeded to carry the legislation out in the form of a statute, and we have our present law as the result of several Acts.

2742*b*. So that, so far as the statute is concerned, it is prohibition for the whole State?—Yes.

2743*b*. What is your observation of the result in the State at large?—It is a mixed result pretty badly mixed, in my judgment.

2744*b*. Does it differ in sections?—Yes. We have 99 counties. I have been pretty well over them in the campaigns in three years, and I should say that in sixty of those ninety-nine counties the law is fairly well enforced, as well as ordinary criminal statutes are enforced; but in the other thirty-nine counties the law is not enforced as well as other laws. Probably in those thirty-nine there would be twenty counties where the law is absolutely disregarded, where it is not enforced at all, and there are more saloons in those twenty counties than there were before the law was passed, and they run absolutely without any restraint. That is the result of my observation.

2745*b*. What means of evasion are used in sections where the people try to enforce the law?—Where people try to enforce the law there are various modes of evasion. The principal one is the drug store.

2746*b*. We have also heard of boot-leggers?—Yes, they have flourished, but the Federal Government gets on to them pretty rapidly. If they take out Government licenses and are not engaged in the drug business, that is a badge that puts the people on the alert, and they are apt to get caught by the United States Marshal or the local authorities. So that they have a hard road to travel where the sentiment of the community is strongly in favour of the prohibition.

2747*b*. We understand that any person may set the law in motion?—Yes, any citizen.

2748*b*. Whose duty is it?—The duty is imposed on the County Attorney, as the enforcement of all laws in the counties is; and the principal machinery by which the law is enforced when it comes into the court is primarily through the grand juries finding indictments. In a great many counties where the sentiment is very strongly against enforcing the law, it is impossible to get an indictment before the grand jury. So that you will see the difficulty. The grand jury is made up of the people, and they simply will not indict.

2749*b*. Breweries are illegal in this State, I understand?—They are according to the holding of the Court, but I have always thought that the Court was wrong.

2750*b*. I find by the last census that 29 breweries are licensed in this State. Is that contrary to the law?—Yes.

*By Rev. Dr. McLeod :*

2751*b*. Would the fact of 29 licenses having been issued for breweries in the State indicate that there are 29 breweries in full blast in the State?—No, I think not. I have

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been in several breweries. Some of them are running and some of them do not run, but hold a license. They are preserving the property in the event of starting up again in case the law should change.

*By Judge McDonald :*

2752*b*. I find that 7,619 United States Government licenses have been issued in this State?—Yes, I have not any doubt that that is correct.

2753*b*. Could that number be required for persons in the drug business?—No. A large number would be for those who are selling or intending to sell illegally.

2754*b*. But the druggists have to take them out?—Let me explain the question of these licenses as I have observed it. Take for instance, a community in which there are absolutely no saloons. Twenty of us get together and say, "Let us get in our beer or whisky." The others settle on me to order it. I say to them, "I might get caught; Uncle Sam would get on to me." Then they say, "We will get you a license from the United States;" and they get it, and then I am duly licensed. mis 92 J]

2755*b*. Are the clubs formed in that way?—Yes, and a great many licenses are taken out in that way for clubs. People who get liquor in that way may not be members of a club, but they go to John Smith and they pay for a license taken out in his name, and he gets liquor for them.

2756*b*. We are told that in Kansas there are places where men meet together in clubs and each man has his own locker in which he keeps liquor?—They have clubs where you go in boldly and ask the waiter to bring you what you want to drink. They are here in Des Moines. That is on the theory that the members own the liquors and that the liquor is not sold to them. These clubs have not been disturbed so far. mis 92 J]

2757*b*. I understand that there is nothing to prevent a man bringing liquor into the State to his own home for his own use and for his guests?—Yes. There is no doubt about that. That has been decided by the courts.

2758*b*. Is your State in a flourishing condition as a whole?—Yes, I think so.

*By Rev. Dr. McLeod :*

2759*b*. In the sixty counties where the law is fairly well enforced, is it your impression that good results have followed or not?—I would say so. I think there is less drunkenness in those counties and less unreasonable use of intoxicants.

2760*b*. So far as prohibition is reasonably enforced, its effects are good?—That would be my judgment.

2761*b*. There are some twenty counties in which you think there is no regard for the law. Would you attribute that to their location, or to the character of the population?—To their location largely. They are mostly located on the Mississippi or the Missouri River. That is not the case in all the border counties, because some of our border counties are strongly prohibition.

2762*b*. Something is attributable to the character of the population?—Yes.

2763*b*. It is foreign population?—The foreign population, I think, has a great deal to do with it. We have a great many Germans in Iowa who were accustomed to have their beer before they came here, and they keep up the custom. They are not disorderly, but they drink their beer and have their beer gardens and similar places of resort. Where there is a large community made up of that class of people they insist on their liberty to do that.

*By Judge McDonald :*

2764*b*. Do you find the Germans a good class of people?—Yes, very industrious, frugal and economical, and they are doing well. They vote against me in politics, but still I think they are good people.

2765*b*. What is your politics?—I am a Republican. Whenever there is an election for Governor and the State Legislature, prohibition is an issue, and Governor Boies is elected. When there is no prohibition issue, I am elected. I am elected in the off year. My office is merely a clerical office. Last year I was elected by 23 majority, and the year before Mr. Boies was elected by about 9,000.

## Liquor Traffic—Iowa.

*By Rev. Dr. McLeod :*

2766*b*. We have been told that not only the prohibition question entered into that contest, but a struggle between railroad monopolists and the people?—Yes, there are a great many issues that enter into elections.

*By Judge McDonald :*

2767*b*. Would not the railroad question have entered into your election?—It may have done so. The railroad issue would more naturally have come up last fall, when myself, the State Treasurer and the Auditor were elected, for we three, with the Governor, constitute the Executive Council that taxes the railroads. I do not know why the railroads should fight our Governor and not fight me, for I am part of the Executive Council.

2768*b*. What was the reason of the election of Governor Boies?—The overshadowing issue was prohibition.

*By Rev. Dr. McLeod :*

2769*b*. When the State elected Governor Boies it also elected a Republican Legislature, did it not?—It made a tie. We had a majority of four, I think, in the House.

2770*b*. The Governor got a larger majority than his party in the Legislature?—Yes.

*By Judge McDonald :*

2771*b*. He gets the vote of the State at large, and the Legislature is elected by districts?—Yes. When he ran first he was the only Democrat on the ticket elected.

2772*b*. How was it last time?—He went a little ahead of his ticket, but the Democratic ticket was elected.

2773*b*. Then you have mixed officers in this State?—Yes, some Republican and some Democratic.

*By Rev. Dr. McLeod :*

2774*b*. I suppose the Governor's strength would be a good deal in the cities?—Yes, it has been. For instance, in Scott County, in which Davenport is situated, Mr. Wheeler, who ran for Governor, only got 1,300 votes. When I ran I got 3,100 in the same county. That showed that there was a large element there that voted against Mr. Wheeler, because it was understood that he was pledged to enforce prohibition, while when I ran, although I was a Republican and prohibitionist, I had nothing to do with the question, and so I got a much larger vote.

*By Judge McDonald :*

2775*b*. What is the effect on the community with reference to all law, in cases where the prohibition law is disregarded?—My judgment is that it is bad.

2776*b*. We understand that as against the proposition for complete prohibition for the whole State, there has been put forward a proposition for local option with high license?—Yes.

2777*b*. Have you considered the question, in view of such communities as you have, whether it would be advisable to let those communities decide for themselves whether they would have prohibition or license?—I have been very free in expressing my opinion on that subject. My opinion has been that under existing circumstances we should so modify our present law by an amendment that those communities where the law is absolutely nullified and not enforced at all might be allowed to control the traffic. That has been my judgment and my recommendation through the public prints here, so that I do not hesitate to make that statement.

*By Rev. Dr. McLeod :*

2778*b*. Is that the idea of the Gatch proposition?—The Gatch Bill came near that idea. It proposed to repeal the present law. My idea is to leave prohibition as the general law of the State, but to allow a community to substitute license where prohibi-

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tion cannot be enforced. Then it would not be necessary for any county that wanted to retain prohibition to do anything, while those who wanted to withdraw from the law and license and regulate the traffic could do so.

*By Judge McDonald :*

2779*b*. I suppose you find that this matter having become a party political question, men who are not prohibitionists in principle or practice support it with the view of sticking to their party?—A great many do.

2780*b*. Do you also find, on the other hand, that men who are prohibitionists in sentiment oppose it because their party oppose it?—Yes.

*By Rev. Dr. McLeod :*

2781*b*. That is the way politicians generally act?—Yes, they do so. I have been in this fight since we amended the constitution, and I have been on the stump a great deal in support of the constitution and in support of the Republican ticket. But when each community settled the matter for itself, then party lines were not drawn upon the question. For instance, I was elected Mayor in a town where I lived, on a prohibition platform with the support of thirty or forty Democrats, against a Democrat who was in favour of licensing saloons in that town. But if I ran for Governor on the same principle, those Democrats would not support me. I have arrived at the conclusion in the last two years—and I am an ardent prohibitionist—that the cause of prohibition itself would be better served by allowing communities to settle the question for themselves than by spreading it out over the whole State and making a party issue of it.

2782*b*. How many Republicans in the State are prohibitionists?—I think fifty or sixty thousand.

2783*b*. Would they offset the prohibition Democrats?—If the prohibitionists would vote our ticket as much as the anti-prohibitionists have left us we would be just as strong as before. The anti-prohibitionist Republicans left us and the prohibition Democrats did not come to us. Some stay at home, and others vote directly against us.

*By Judge McDonald :*

2784*b*. In those communities where the law is not observed, would it make any difference whether it is a party matter or not?—They would enforce the law better locally, because all the decent elements in the population would go together and adopt some policy for controlling the traffic.

*By Rev. Dr. McLeod :*

2785*b*. I presume from what you say that you believe that the State is still prohibition on a non-partisan vote?—I think so.

2786*b*. I understand that the Democratic Party is strong in the urban districts and the Republican Party strong in the country districts?—Yes, that is the case.

2787*b*. Is there any likelihood that the bad enforcement of the law in these cities is due to the fact that the administration of the law is in the hands of a party hostile to the law, and that if it were in the hands of the Republican Party they would enforce even the prohibition law?—I think there is something in that too. I think if the Mayor and city authorities are in earnest they can enforce the law in twenty-four hours in any city.

2788*b*. Is the government of the city of Des Moines Republican?—We have a Republican Mayor now, and I think a small majority of the Council.

2789*b*. Suppose you had local option and introduced the license system where people favour it, do you think the operation of the license system in certain localities in the State would interfere with the success of prohibition in the counties that adopted it?—It would in some towns, unless you made it county option.

*By Judge McDonald :*

2790*b*. Is there any other method of evading the law in Des Moines than the club system?—I am not acquainted with the club system personally. I only get what I know, as you do, about the hotels in the way of talk.

## Liquor Traffic—Iowa.

2791*b*. How about the drug stores in Des Moines?—It is reported that nearly all of them sell liquor. When I ran for Mayor of Davenport, we had what was called a prohibition revival in that community. About six of our preachers had meetings nearly every night, at which they talked prohibition to the people. I suppose they created a great deal of sentiment in favour of the law, regardless of politics. In that locality every spring, before the elections were held, they would have three revivals. Now, I have since talked to one of these ministers and asked him, "How is it you do not preach prohibition now as you did then?" He said, "They would call me a partisan if I did it now." He formerly talked prohibition in his pulpit, and the people began to call him a Republican politician. So that whenever you make this a partisan measure you destroy the influence that good men might exert in its favour if it were not partisan, because the other party will jump on them and abuse them. The Democrats think the question is used for the purpose of getting votes and nothing else.

*By Rev. Dr. McLeod :*

2791½*b*. You run your municipal elections on party lines?—Ever since the law has gone into force, it has almost always been a party fight, the Republicans having endorsed it.

D. B. MILLER examined.

*By Judge McDonald :*

2792*b*. Where do you reside?—My residence is Red Oak, Iowa, in the southern portion of the State.

2793*b*. You are a United States Marshal?—Yes.

2794*b*. For what district?—The southern district of Iowa, which takes in nearly one half of the State, including Council Bluffs, Des Moines and Keokuk.

2795*b*. What is your duty?—To serve all processes issued by the United States Circuit or District Court.

2796*b*. Does that include processes upon persons who sell liquor without having paid a United States license?—Yes.

2797*b*. You do not license them, but they have to pay a tax?—Yes, \$25 a year. If they pay that, it protects them so far as the United States is concerned.

2798*b*. Are there many prosecutions under that law?—Yes, a great many.

2799*b*. Are there many in this city?—We have disposed of from 60 to 80 cases in this term of the court now in session. It has been in session now for three weeks.

2800*b*. How long a time would that court embrace? When was the last court before this?—The last was in October. These prosecutions are not barred by the Statute of Limitations for three years, so that they are not necessarily recent cases.

2801*b*. You have no knowledge how far back these particular cases run?—No.

2802*b*. Is it not part of your duty to see whether people hold these licenses or not?—No, that is the duty of the revenue officer.

J. A. BREWER examined.

*By Judge McDonald :*

2803*b.* What is your official position?—Deputy Collector of Internal Revenue for the United States.

2804*b.* How many United States tax receipts have you issued?—There has been revenue collected by the United States Revenue Department for about 260 tax receipts for the sale of liquor in Polk County, which includes the city of Des Moines. Of this number a few are outside of the city limits. A great proportion of these are for drug stores doing a straight, legitimate business.

2805*b.* Any drug store that sold improperly would have to have one of those receipts, or it would be liable to be prosecuted?—Oh, yes. If they sold at all, they would have to pay a government tax. A druggist in fact is not doing a business for the revenue there is in whisky; he has simply got it as a drug, and sells it to those who want it for medicinal purposes. But there are others who pay the tax.

*By Rev. Dr. McLeod :*

2806*b.* They pay the tax for this reason, that they are protected against prosecution for violation of the Federal Law?—Yes. The druggist also gets a permit from the Board of Pharmacy of the State.

*By Judge McDonald :*

2807*b.* Every druggist doing business legitimately should have a tax receipt from the United States Government and a license from the Probate Judge?—Yes.

2808*b.* Can the illicit men get a license from the Probate Judge?—No, a man who goes there must prove his good character, and that he is a proper man to handle drugs.

2809*b.* If he were not honest, he might sell?—He would be liable to be taken up. Druggists are governed by the pharmacy law, and under that he has permission to sell liquor for medicinal purposes. When he goes beyond that, the court has a right to withdraw his permit and punish him for a violation of the State law.

2810*b.* Suppose that a person who sells does not get a United States license, who sets the Federal law in motion?—I do, if I find them selling without the Government license. I hunt them up, and they are subject to two punishments. For instance, I find a man selling whisky without this Government permit, without having paid his tax. The Government tax is \$25 a year. If a man commences to sell in August he has eleven months, and he pays not the whole amount but a proportionate amount. And if a man commences in July to violate the revenue laws, not having paid his tax, the law is that he must pay fifty per cent of \$25, which is \$12.50. Then I can turn around and have him prosecuted for violation of the United States law by selling without a tax receipt.

*By Rev. Dr. McLeod :*

2811*b.* What is the penalty?—That rests with the Court. The Court can send the man to the penitentiary.

*By Judge McDonald :*

2812*b.* Are there many prosecutions?—Oh, yes.

2813*b.* Are there many people who do not take out the tax receipt?—Oh, yes. But they generally get caught.

2814*b.* Have you many boot-leggers in this State?—Yes. They are men who come and take out a tax receipt and sell beer and whisky all over the country. Anything outside of a druggist we call a boot-legger. He takes out a tax receipt, and he can do business under it anywhere in the State if he gets a transfer from one place to another. He shifts around to keep the State authorities from catching him.

## Liquor Traffic—Iwoa.

*By Rev. Dr. McLeod:*

2815*b*. So that the receipts issued here do not oblige the holders of them to stay here?—No, it is a Government receipt for the whole State.

*By Judge McDonald:*

2816*b*. You transfer it from one county to another?—Yes.

2817*b*. Is there a fee paid for that?—No, it costs nothing. But prohibition has certainly done this country a great deal of good.

2818*b*. You are in favour of prohibition?—Yes, I am a blue-back. What I mean by that is that I am a temperance man.

2819*b*. You are in favour of prohibition for the State at large?—Yes, and the United States and Canada.

*By Rev. Dr. McLeod:*

2820*b*. What is the effect of prohibition in Des Moines?—It has had a great effect. We have driven the liquor traffic from the public streets to the back alleys and the lumber yards.

2821*b*. Do you think that is better than license?—I do. If you cannot get a big loaf of bread take a biscuit.

2822*b*. We are told that in some places, Council Bluffs, for instance, the law is wholly disregarded. How do you account for that?—To account for that I might get into politics. There are two classes of people politically in this State. The Republican Party as a mass are prohibitionists. They voted prohibition. The people asked for it and they gave the people prohibition, and they are willing to stand by it. The Democrats are opposed to prohibition, and have done everything in their power to show that prohibition is a failure. But do not forget that prohibition is just the thing any way.

*By Judge McDonald:*

2823*b*. You know the state of things in Council Bluffs?—Yes.

2824*b*. Take a community with such a state of things, where the traffic is virtually licensed?—As a rule, those river towns, such as Council Bluffs, Dubuque, Keokuk, Muscatine and Clinton, are filled up with a class of people who are foreigners, who have been raised on the bottle, and who when they come to this country, think that the moment you talk about wanting a man to live a sober and upright life, you are interfering with his personal liberty, and they set up a howl. Those river towns are filled up with those foreigners.

2825*b*. What nationality generally?—Well, anything you can think of on God's earth.

2826*b*. Are there many Germans among them?—Yes, a good many Germans, and the Germans have gone back on the Republican Party in Iowa simply because of prohibition. They want their beer.

2827*b*. Are they a good class of settlers?—Yes, as a rule they are good settlers, good farmers; but they want the beer garden on Sunday.

2828*b*. You believe in the enforcement of the law?—Most emphatically. There is but one rule to try a man by whether he is a good citizen or not. Any man who obeys the laws of his country under which he lives in good faith is a first-class citizen, and when he violates any one of those laws he gets down below the plane of the average citizen.

2829*b*. You know the condition of things in Council Bluffs, where there is the illegal paying of fees by way of a license once a month. Which would be better for a community to have—that free and untrammelled sale, or to allow that community to regulate the traffic by a license system?—I would say leave it as it is. I do not believe in compromising with wrong.

2830*b*. Do you look upon the licensing of the traffic as a wrong in itself?—I could not help it; it is all wrong to license crime.

2831*b*. You look on the liquor traffic as a crime?—Yes, it could not be anything else.

J. A. BREWER.

2832*b*. And you consider that licensing is a crime?—Yes, it is licensing men to commit crime.

*By Rev. Dr. McLeod :*

2833*b*. And you think, notwithstanding all these violations, prohibition has done good in Iowa?—Certainly.

2834*b*. Do you think the law is educating the people in its own favour?—Very much so. We had an instance of this liquor business a short time ago in Muscatine, where they got together and blew up the houses of three leading citizens. The liquor traffic is the mother of crime.

2835*b*. Do the prohibition people of this State ever blow up the houses of the men who keep the illegal saloons?—No; they are a higher class of citizens.

*By Judge McDonald :*

2836*b*. The Republican Party has been identified with prohibition?—Yes.

2837*b*. Do you approve of the party making it part of their platform?—I have up to this time; but I do not know that it is exactly prudent, for this reason. The Republican Party have given the people of Iowa a prohibitory law. At the same time there is a third party, the prohibition party, who have not been satisfied with the Republican Party doing everything they could, but who put up a lot of candidates every time we hold an election, and weaken the party that is trying to uphold the law, and weaken the hands of those who are trying to enforce the law.

2838*b*. Do they also help the Democratic Party?—Yes, because they are in favour of whisky.

*By Rev. Dr. McLeod :*

2839*b*. There are some in the Democratic Party who are in favour of prohibition?—Oh, yes, some very good ones. But I am speaking of the Democratic Party as a whole. I could not speak in any other way, because I am a Republican myself.

A. K. CAMPBELL examined.

*By Judge McDonald :*

2840*b*. Where is your residence?—I have been here since 1886.

2841*b*. What is your occupation?—For eighteen or twenty years I was a lawyer. Now I am in the business of heating houses by a new method.

2842*b*. Are you acquainted with the working of the prohibitory law in this State?—I have been interested in it ever since I came here.

2843*b*. Are you an advocate of it?—Yes.

2844*b*. Have you been in earnest in seeing it properly carried out?—I have.

2845*b*. How have you found it to work?—I have found it difficult to execute, but it has done a great deal of good.

2846*b*. What are the difficulties?—The first was the compromise made with the Germans, allowing ale, wine and beer to be sold in the State.

2847*b*. Was that done by the Republican Party?—Yes, away back in 1857.

2848*b*. Was that to keep the German vote?—Yes. Under that cover everything was sold. That made it very difficult to enforce the law, and the sale of beer is the worst trouble we have, on account of its general prevalence. It is just as bad an intoxicant as any of them, and has a greater tendency to promote drunkenness than any other intoxicant we have.

2849*b*. How long did that state of things continue?—Until 1882, when we voted a constitutional amendment under which we passed our present law.

2850*b*. The present law was passed in 1883, I think?—I think it was in 1884.



## Liquor Traffic—Iowa

2851*b*. How does the present law work?—Splendidly, where it is enforced. Where it is not enforced it does not amount to anything.

2852*b*. How is it in this city?—It is enforced as well as any other law. We have the open saloon, which is the great organized evil in society, driven out of existence.

2853*b*. Are you opposed on principle to the licensing of the traffic?—Yes.

2854*b*. You look on it as a wrong in itself?—Yes.

2855*b*. And therefore as a thing which the people have no right to license?—That is my position exactly. It is a crime against society which we have no more right to license than any other crime.

2856*b*. What difficulty have you to contend with in the city at present?—The same difficulty in regard to all kinds of crime. Men are everywhere pressing against the law where it prohibits crime. A man will come in here with a keg of beer from outside and will sit around and sell it. For instance, a man will get into a back alley or barn and sell it there.

2857*b*. Would you enjoin that practice?—Yes, that is one way. But another way would be to arrest the man and punish him. He has usually nothing but his hide, and though you put him in and punish him for two or three days, when he gets out again, he will go to selling again.

2858*b*. Have you druggists here who sell?—Yes; many of them sell. The law does not stop drinking, but it stops the saloon.

2859*b*. You mean where druggists sell there is more sold at the counter?—No. They carry it away and drink it in a back room somewhere. The statistics show that the quantity drunk is very much reduced in Iowa.

2860*b*. We find that in your State 7,619 United States receipts were taken out for the sale of liquor?—Yes. That does not amount to anything, because there are a great many people who take out those licenses with the intention of selling who never sell. They will, perhaps, sell a little while and then go into another business.

2861*b*. Do you know how many druggists in this city in legitimate business do not sell liquor at all?—There is not a druggist in the city who does not sell. Perhaps one-half of them are honest and sell only for medicinal purposes, and the other half are in the business for what they can make out of the sale of liquor. The law is not what it should be on that question.

2862*b*. How should it be improved?—I am not clear on that.

2863*b*. We found in Council Bluffs that they virtually fined these men once a month fifty dollars, and let them run on and sell freely?—I can explain that to you. A great many American towns raise their revenue by licenses to shows and saloons and such things. Our prohibition law cuts them off from that. That is simply an agreement between the Town Councils of those cities and the saloon-keepers. The saloon-keepers say, "We pay a fine of so much a month and you let us run." It amounts to a license, and the members of the Town Council agree with the saloon-keepers to allow them to violate the law for so much money.

*By Rev. Dr. McLeod :*

2864*b*. How is it that the towns elect these Town Councils?—Because they have a majority in the towns in favour of drinking and the drinking saloons.

*By Judge McDonald :*

2865*b*. You have been a lawyer. What is the effect on the community of allowing a law to be broken in that way?—It is the most debasing thing you can get in a community. It runs that community right down, and the best people will leave it. Des Moines has received thousands of the best people in the west, while Sioux City has been receiving thousands of the worst.

*By Rev. Dr. McLeod :*

2866*b*. Do you find that where a state of things like that exists, the law-defying classes congregate?—Yes, that is true of every saloon in the country.

2867*b*. We have been told that the State of Iowa, which has been for years a Republican State with a tremendous majority, elected a Democratic Governor and his

A. K. CAMPBELL

ticket because the Republican Party espoused prohibition, and that the election of the Governor means that the people are against prohibition. We have also been told that not only the prohibition question but the struggle between railroad monopoly and the people elected the Governor. What is your opinion as to that?—I suppose I know as much about that question as any other man in the State. My brother was one of the Railroad Commissioners, and I was in the railroad fight ever since 1871. We whipped the railroads in this State. They carried everything they could to the Supreme Court of the United States, and we carried every point against them. When they found that they were whipped on every point, they determined to go into politics. They had all the leading lawyers of the State in their service, Republicans and Democrats, and they put their heads together and said they would put a man in for Governor and carry the Democratic Party with them, and get the saloon influence on their side, and combine these three forces for the purpose of punishing the Republican Party for the course they had taken. The Republican Party was against the monopolists and against the saloons. The Democratic party has taken a stand in favour of license here. Those three elements united, and they defeated my brother as Commissioner two years ago by 9,000 majority. We have in this town leading Republicans who are friends of the railroads, and they have raised the cry that it was prohibition did this. My contention has been that prohibition is what saved us. We had only a majority of two before in the Legislature, and after that we had a majority of eight on a joint ballot. Every man who was elected was a prohibitionist. So that you see prohibition saved us.

*By Judge McDonald :*

2868*b*. Then you think the opposition of the Governor to prohibition hurt him instead of helping him?—Yes.

2869*b*. You think the railroad men elected the Governor?—Yes.

2870*b*. If he said the contrary, what would you say?—I would say it was his interest a thousand times over to say so.

2871*b*. And suppose Secretary of State McFarland said the same thing?—I would say he is a friend of the railroads. We all know that the railroads put him there.

2872*b*. So that the railroad interest helped both Democrats and Republicans?—Yes. It cares nothing for either party. We have, in fact, in the State of Iowa, enough railroads to put a line across this State from Nebraska to Illinois every eight miles. That is a remarkable fact. In every little town the railroad companies have their agents and employees. They organized the whole railroad influence, they had a secret society and made their headquarters at Chicago, and it was decided before the election who the members of that organization should vote for. That was settled by three men in the Supreme Council, and a few days before the election the Supreme Council sent out word how every man in their employ should vote.

2873*b*. You were all along opposed to this railroad monopoly?—Yes.

2874*b*. You fought it and still fight it?—Yes.

*By Rev. Dr. McLeod :*

2875*b*. Does the heating company with which you are connected employ much labour?—We have just started, and have only fourteen or fifteen hands.

2876*b*. How do you find that prohibition affects the labouring man?—If we had saloons the labouring people would not be half as well off as they are.

2877*b*. Are your labouring people well situated?—Very. I do not think any other people in the world are as comfortably situated.

2878*b*. Are there many home owners?—A great many of them, are worth from \$2,000 to \$5,000.

2879*b*. Do you find that prohibition is having a good effect on your boys as they grow up?—The great mass of the young men of this city are not drinkers.

2880*b*. Do you attribute that in great part to prohibition?—To a very great extent. I attribute that to the absence of saloons and the temperance sentiment in the community. When you have a community like this you are bringing together the best people. Where the saloons are licensed, you bring together the very worst class.

## Liquor Traffic—Iowa.

HON. G. P. WILSON examined.

*By Judge McDonald :*

2881*b*. You are Judge of the United States District Court in this city?—Yes.

2882*b*. We understand that you are not brought into contact with the administration of the State law, but with the United States law?—Yes, with the Federal feature.

2883*b*. We understand that a man who sells liquor, whether he has a license or not, must pay a Federal tax, and in case he does not, the prosecution is conducted in this Court?—Yes.

2884*b*. It is a matter of revenue merely?—Yes.

2885*b*. We understand that it does not give any man a right to break the State law by selling liquor?—No. The receipt as printed expressly states that the payment of that tax is not any protection or permission to sell in violation of the law of the State in which the person resides. The law is the same in that respect, whether prohibition or high license or low license prevails, or where there are no regulatory provisions made.

2886*b*. Have you many prosecutions under that law?—We have a pretty vigorous District Attorney's Office here. The enforcement of the law depends very much upon that; and yet, taking the scope of the State, the prosecutions are not so very numerous. Perhaps we might have 200 or 250 in a year. During the last year we have had the largest number of prosecutions. This court is for the southern half of the State of Iowa. The number I have given does not represent the actual prosecutions for violations in any one year. During the last year the cases have covered violations for about three years, but they have been brought up in the last year through the more vigorous prosecution of the law.

2887*b*. Are any of these cases settled before they come into court?—Yes. Wherever the parties have shown no intention of violating the law, for instance, where one neglects to have his receipt transferred on moving from one locality to another, his case does not come into court. There is simply a light penalty added for violation, and the party pays that into the revenue, and that is the end of it. Or sometimes where a party has paid his tax for a year and dies, and his widow goes on with the business, not recognizing that that constituted a change of ownership and necessitated a change of the stamp, in a case of that kind there would be no prosecution. In other words, where the Government is not deprived of its revenue and there is no attempt to commit any fraud on the revenue, there is practically no prosecution.

2888*b*. Where there has been a breach of the law and it is prosecuted, what class of people are generally guilty of the offence?—In a large portion of the State where prohibition is rigidly enforced, there can be no open saloon. I live in the south-eastern portion of the State, which has not a saloon in it, or a place for the sale of liquor. The only way you can get it is by going to the pharmacies, or by getting it from what are called boot-leggers. Those are the main parties who appear in court.

2889*b*. In counties where the State law is effectively enforced, the traffic, so far as it is carried on, finds its way into those channels?—Yes.

2890*b*. Is there any trouble with druggists in those sections?—That depends very much on the personality of the druggist. You get a scamp in a drug store, and he finds a large profit in selling liquor, he will sell it; but we have no trouble with the reputable druggists.

2891*b*. Is yours a rural section of the country?—Yes.

2892*b*. You think the law is well enforced there?—Yes, as well as any law we have.

2893*b*. Does the law permit people to bring liquor into their houses from other States?—They can do that under the Federal law regarding inter-state commerce.

2894*b*. The Court over which you preside does not have any jurisdiction over State offences?—No. If a person has a Federal Government tax receipt, that is taken as evidence that he violates the State law. But a great many do not take out the tax, and they violate both the Federal and the State law. They do not run the risk of taking out the Federal tax receipt for fear that they might be discovered as violating the State law.

HON. G. P. WILSON.

The United States officials are much more thorough in enforcing the law than the local officials.

*By Rev. Dr. McLeod :*

2895*b.* That is, they are not so amenable to local influence?—Yes, and the fee allowed United States officials is a considerable incentive. The enforcement of the United States law has been very efficient.

2896*b.* I suppose that in the district of the State where you live there are towns with a considerable population?—The average town has 4,500 to 5,000 people.

2897*b.* In towns of that size, is the law well enforced?—Yes. I live in Mount Pleasant, which has about 5,000 population. There is a drug store in it, in which it is suspected that you can get liquor, but outside of that there is not an open place where you can get it.

*By Judge McDonald :*

2898*b.* The test of the efficient enforcement of the law you find is the sentiment of the community?—That is very largely the case.

2899*b.* We learned in Council Bluffs that the liquor sellers there pay fifty dollars a month, and as long as they do that they are allowed to sell openly?—There are some cities in the State that have passed ordinances in relation to disorderly houses, under which they fine them so much a month.

*By Rev. Dr. McLeod :*

2900*b.* From your knowledge of the southern section of the State, what is your impression of the enforcement of the law?—It is reasonably well enforced. In the river towns, such as Keokuk, Burlington and Madison, there is no enforcement. They are all of the Council Bluffs order. The interior towns, however, enforce the law with good effect.

2901*b.* What is the effect of this non-enforcement of the law?—Mr. Howell can state that better than I.

W. C. HOWELL examined.

*By Judge McDonald :*

2902*b.* What is your official position?—Assistant United States Attorney.

2903*b.* Where is your place of residence?—At Keokuk.

2904*b.* What is its population?—About 18,000. That city by an ordinance called "The houses of public entertainment ordinance," licenses persons upon the payment of a license of \$400 a year, payable quarterly, to sell beverages not contrary to the law. Under that ordinance the saloons run openly. There are about thirty of them. They are run under strict police regulations, which require them to close up every night at eleven o'clock, and to close on Sunday. That system operates just the same as a regular license system. Under the ordinance the saloon-keepers sell beer and whisky, and every kind of intoxicating liquor. No person except a man who runs a saloon is required to take out a license of that kind. If a saloon-keeper violates a police regulation, such as selling to minors or selling on Sundays, the authorities refuse to renew his license, and he is prosecuted under the prohibitory State law for selling without a license. That is a case in which the machinery of the State law is used for punishing a violation of a city ordinance which itself violates the State law. So that whenever a community desires to do it, it can enforce the law. In Keokuk, for two years absolute and strict prohibition was maintained. Mr. Irwin was Mayor, and he closed all the saloons in the town, and kept them closed both back and front. In the next election following there was a contest, and Mr. Irwin was defeated by a plurality of about 115 votes.

## Liquor Traffic—Iowa.

After that the saloons gradually came back, and since then they have been running under the houses of entertainment ordinance.

*By Rev. Dr. McLeod :*

2905*b*. Are we to understand that this system is satisfactory, probably, to the community?—It is satisfactory, probably, to most of the business men. That is what they desire. They claim that the agitation of the temperance question disturbs business.

*By Judge McDonald :*

2906*b*. Do you think this getting a revenue is also an inducement to the people?—Yes, that is a very powerful argument.

2907*b*. That, I suppose, also saves to the community the costs and fees to attorneys to whom it might otherwise be paid for prosecutions in which would not succeed?—The fees were very small, because under the order of the Mayor the local Marshal closed up these places. It was done practically without any costs to the city, though of course the city lost the revenue.

HON. G. P. WILSON re-called :

*By Judge McDonald :*

2908*b*. I would like to ask Judge Wilson this question : Under the system in Keokuk by which these parties are licensed to sell anything not contrary to the law of the State, that is ginger beer, soda water, etc., there would be no objection to their selling those things to minors?—They made a provision that in houses of public entertainment they should not sell to minors.

2909*b*. Would that be constitutional?—Yes, I think so. For instance, in regard to billiard tables, there is a State law which prohibits the presence of minors in billiard rooms, and there would be the same thing in the city ordinance.

2910*b*. Unless the statute which gives the city its authority would provide that, would not it be the veriest sham to say that a person selling these things to a minor should be punished? Is it not an evasion of the law?—It cannot be denied that this ordinance is a sham ordinance.

2911*b*. What is the effect on the public conscience of such a system as to all laws?—That is a matter of argument. I could not state it as a matter of observation.

2912*b*. As a jurist what would be your opinion of the effect?—I take it that the effect of all violations of the law winked at openly, and the effect of passing an ordinance to cover up such violations of law, could not but be bad.

2913*b*. Is it not likely to bring all law into contempt?—That is the effect of it.

2914*b*. Where this state of things exists, is it not due to the local sentiment?—I suppose that must be conceded, the officers for the enforcement of the law being elected by the locality. That is shown by the case spoken of by Mr. Howell, where after the saloons had been closed and the public sale of liquor absolutely prevented, in the next election the sentiment of the locality was too strong on the other side, and overthrew the existing administration and elected a Mayor who winked at the violation of the law and allowed saloons to creep in, until now there are fully as many as before. So that the question of public sentiment is at the bottom of the matter.

*By Rev. Dr. McLeod :*

2915*b*. Which do you think would most demoralize a community, the drink trade under a sham ordinance like that, or the drink trade authorized by the State?—That is a matter of individual opinion. My own idea is that if the law cannot be enforced, it ought not to be on the statute-book. But it is enforced in such a portion of the State as I come from.

W. C. HOWELL.

W. C. HOWELL re-called.

*By Judge McDonald :*

2916*b*. Has there been discussion to any extent as to the advisability of a law which would allow communities to decide for themselves what system they would have?—That has been agitated, but our State has not yet come to the point in its political utterance where a majority of the legislature have been in accordance with that view. Some years ago, as you are doubtless aware, our State voted on a constitutional amendment to prohibit the sale of intoxicants as beverages, and the Supreme Court having declared that the amendment through the forms of the constitution had not become a part of the constitution, left it a dead letter. Thereupon it came up rather as a political measure, and one party enacted a State law which accomplished by its terms practically what the constitutional amendment would have accomplished if it had been enforced. Since that time there has been no session of the Legislature when the houses were so that a local option bill could be passed.

*By Rev. Dr. McLeod :*

2917*b*. We got the impression that the contests of the political parties here affect largely the question of prohibition?—Yes.

2918*b*. And that those contests affect prohibition rather injuriously than otherwise?—I do not think there can be any question about that. I was in the Legislature at the time the constitutional amendment with regard to prohibition was passed. I then had no suspicion that any political party in the State could be brought to approve of the violation of the law. One of our parties, the Democratic Party, has largely—not expressly in its State utterances, but in the action of its officials—placed itself in the attitude of favouring the violation of that law. And where you have a large political party taking that position, it is impossible to keep the same sentiment out of the jury box. There is no question in my mind that to-day the prohibition law would be enforced in every part of it like any other law; but where you find a city or a community controlled by that party you find the law nullified and put aside. On the other side, it is largely true that where you find a city or community controlled by the Republican Party the law is enforced, and the sharpness with which it is enforced depends largely upon the extent to which you have that feeling.

*By Judge McDonald :*

2919*b*. How about the German people?—They are generally not in favour of the enforcement of the law, and they have allied themselves with the Democratic Party.

2920*b*. Then the Republican Party have lost considerable in consequence of their attitude on this question?—Yes, very largely.

*By Rev. Dr. McLeod :*

2921*b*. We have been told that the railroad struggles have entered largely into the political contests?—That is good deal a matter of personal opinion, of course. But the railroad question has never been an issue as between the Republican and the Democratic parties. There has been an attempt to build up a party called the anti-monopoly party.

*By Judge McDonald :*

2922*b*. Your State is naturally a Republican State?—Yes. It has never cast a national vote for any other than the Republican ticket.

2923*b*. To what do you attribute the two terms of the present Governor?—Largely to the prohibition question. He made an issue of that, and he largely solidified the vote of the river towns in his favour.

2924*b*. Then I suppose there is a certain class of the Republicans, non-prohibitionists, who do not vote at all?—Some of them. The non-prohibitionists generally voted for the Democratic candidate.

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*By Rev. Dr. McLeod :*

2925*b*. How about the prohibitionist Democrats? Did they vote the other way?—The prohibitionist Democrats are properly so called except on election days. Then they drop the first term.

2926*b*. And they do not vote with the Republicans on account of prohibition at all?—They do not.

2927*b*. But anti-prohibition Republicans do vote with the Democrats?—Yes; and the ultra-prohibitionists, believing that the Republican Party is temporizing with the question, formed a third party. You spoke about the railway matter entering into the vote. I ought to have corrected that by saying that Governor Boies in his first candidature did receive some accession of support on account of the railway question. His opponent was between the upper and the nether mill-stone. One element claimed that he was not in sympathy with the view that the railways should be held strictly to account and come down in their charges, while another element believed that he was on the other side. In some of the rural communities, where there is of course a large farming population, he was not regarded as going far enough in regard to the regulation of railways, and they voted against him; while, where there was a large railway population, they thought he was going too far, and also voted against him. But when you ask has the party, as a party, lost ground on account of prohibition, I do not think that is the case.

2928*b*. Are we to take it that the election of Governor Boies amounts to a declaration that the people of Iowa are against prohibition?—Hardly that, and yet partly so. The State is divided into 100 legislative districts for the Lower House and fifty for the Upper House. Governor Boies has been elected twice, but the same sentiment has not been able to control the two Houses of the Legislature. So you may argue, and the argument has been used on both sides. On one side, it is said that the State is so cut up that the vote of the legislative districts does not give a fair test of the sentiment, and that the election of Governor Boies by the State at large is a fair expression of the public view. On the other side, it is said that it is the local candidates who discuss the question as it is to be expressed in law, and they are elected in accordance with that discussion. So you may take either side.

2929*b*. Is the explanation that the vote in favour of the Governor is most largely found in the border towns?—The border towns gave a larger majority for Governor Boies than his whole majority. The rural districts cut it down.

*By Judge McDonald :*

2930*b*. The two parties stand nearer to each other numerically than they did formerly?—Yes.

2931*b*. Do they stand nearer than they did before the enactment of this law?—Yes. I was a member of the Senate when we had but eight Democrats there out of fifty members.

*By Rev. Dr. McLeod :*

2932*b*. When was this law passed?—In 1884.

2933*b*. What has been the difference between the two parties since that time?—In the very session when this law was passed, the Lower House was nearly equally divided between the two parties.

2934*b*. If the House was nearly evenly divided then, and is nearly evenly divided now, there would seem to be very little change in public opinion?—At the time the law was passed one member of the House broke his thigh, and the parties were so evenly divided that his vote was deemed necessary to pass this law, and he was brought from his home in a special car and on a stretcher, and was given rooms in the Capitol, and was fed and kept there until this law was passed. I was at the Legislature during the session before last, when there was just a tie, the Republican Party having one member less than before. I think it has a majority in both Houses.

2935*b*. When the Governor who preceded Governor Boies, Governor Larabee, was first elected, was he not an opponent of the prohibitory law?—I was with him in the

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Legislature some six years before he was elected, and he was then opposed to prohibition and fought the constitutional amendment. But after he was elected, Saul was turned into Paul, and he was the most thorough enforcer of the law and believer in it from that time afterwards.

*By Judge McDonald :*

2936*b*. We find that there were men who supported the law who were not prohibitionists either in sentiment or practice?—Yes, a great many of them.

2937*b*. They did that in order to stick by their party?—Yes.

*By Rev. Dr. McLeod :*

2938*b*. That was on the principle that the Democratic prohibitionists stuck by their party?—Yes.

*By Judge McDonald :*

2939*b*. In 1884, at the time it was necessary to bring the member with the broken thigh to vote, what set of officers were holding the State offices?—They were all Republicans.

2940*b*. How do they stand now?—There is one Supreme Court Judge, the Governor and a Railway Commissioner, who are Democrats.

2941*b*. Have you in this State the system of having both political parties represented upon the various State Boards for the control of State institutions?—Yes, and it seems to be an essential of good government.

E. R. MASON examined.

*By Judge McDonald :*

2942*b*. Where is your residence?—In Des Moines.

2943*b*. What is your position?—I am Clerk of the Circuit Court of the United States.

2944*b*. How long have you resided in Des Moines?—24 years.

2945*b*. You have been here since this law was passed?—Yes, we have always had prohibition in Iowa, except that there was a period before the passage of the present law when Town Councils were allowed to regulate or control the sale of wines or beers manufactured from products grown in the State. Alcoholic or spirituous liquors have always been prohibited.

*By Rev. Dr. McLeod :*

2946*b*. In what years were those exceptions in existence?—The wine and beer clause was put in the statute in 1858, and it remained in the statute until the passage of this law. The statute at that time was simply what it is now, except that it had a clause providing that the term intoxicating liquors should not be considered to mean wine and beer made from products grown in the State.

*By Judge McDonald :*

2947*b*. Does your present law prohibit cider?—If it is intoxicating it is prohibited.

2948*b*. How did that law of exceptions work?—The result of that was that in Des Moines about the time this law was passed there were sixty licensed saloons paying a thousand dollars a year each for the privilege of selling wine and beer, and they sold everything, just as the houses of entertainment in Keokuk now sell everything they please. They did not obey the law.

2949*b*. Then the present law came into force and has been in force since when?—Since 1884.

2950*b*. How is it enforced in Des Moines?—You may say that it is enforced pretty rigidly. There are many places in Des Moines where intoxicating liquors are sold under



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the protection of the pharmacy law—places known as drug stores. They violate the prohibitory law by obtaining a permit from the District Supervisor to sell liquor for medicinal purposes, and under it they sell to all comers. Under the pharmacy law a druggist may sell to any person he knows.

2951*b*. So that the observance of the law depends on the conscience of the druggist?—Yes. Then there are places in the town where people do a boot-legging business. A man gets a small establishment in the lower part of the city—it may be in a stable—and he goes to a place where they keep beer on deposit in an ice house and gets a keg of beer and opens it up in his place and sells it in tin cups. He will place runners on street corners to accost men and to inform them where they can get a drink of beer. If a policeman comes along he seizes the keg of beer and the tin cups, and the man will run away and open up somewhere else. That is the principal form of violation of the law.

2952*b*. Have you institutions here that are called clubs?—I do not know about that. I have been told that somewhere on 4th Street, there is what is called the Pickwick Club, which is simply a place where people can go and drink. That is the only one I know of.

2953*b*. You think the law on the whole has been effectively enforced in the community?—Yes, very well enforced for a town of this size.

2954*b*. Is the public sentiment of this town in favour of the law?—Very largely. We voted for prohibition. There are perhaps 60,000 people here now, and on the direct issue I have no doubt that there would be from 800 to 1,000 majority in favour of prohibition; but that fluctuates. Sometimes a man is elected on that issue, and he does not do his duty. The Republicans elected a Mayor here, immediately after the passage of the law, who was going to enforce the law. He himself was a corrupt man, He not only tolerated what are popularly termed joints, where gambling, drinking and all classes of minor offences are carried on, but it was claimed that he was paid for allowing them to go on. The result of that administration was the election of a Democratic Mayor, who pretended to want to enforce the law, but there was no observance practically. Then the County constables came in.

2955*b*. Did they make many cases?—An immense quantity, ran up thousands of dollars of fees on that account.

2956*b*. Who paid the fees?—The county, which includes the city and the country outside the city. That of course had this effect upon the people: the people saw on the one hand that if the prohibitory law was enforced by the police officers of the city, there would be no need or opportunity for these constables and justices of the peace to make their searches. On the other hand, a large number of people thought it was best to legitimize the business at once and get rid of the question in that way. We have now a Republican Mayor, and he enforces the law reasonably well. One of his policemen testified on the witness stand in court here to-day that during the time he was a policeman he knew that the law was being violated. While he searched a place, he did not do anything else he arrested no one and gave no notice.

2957*b*. Are there occasionally what you would call spurts of prosecution?—No. It is pretty even now. The machinery for the enforcement of prohibition belongs to the County Attorney and the Sheriff. This county is largely in favour of prohibition as a county, and principally upon that issue one of the active prohibitionists was elected County Attorney at the last election, and the Sheriff also was elected on that issue. So that the county machinery here now proceeds by the method of injunction. Every once in a while some fellow is enjoined, and if he keeps on his business it is because he has a pull. For some reason the injunction is ignored.

2958*b*. We are told that if one place is enjoined a man will transfer his stock to other premises, or that if an individual is enjoined he will transfer it to some one else who keeps on the business?—If an individual is enjoined the business must be changed as well, because the injunction is against both the individual and the premises.

*By Rev. Dr. McLeod :*

2959*b*. Do you think that in Des Moines the prohibitory law is as well enforced as the laws against other offences?—Yes, quite as well as the laws against gambling or prostitution. I have no doubt that it is as well enforced as the law against petty larceny.

E. R. MASON.

*By Judge McDonald :*

2960*b*. You think your community is an orderly and law-abiding community ?—I think so.

2961*b*. One that would compare favourably with any other community with which you are acquainted in that respect ?—I think so, very favourably.

2962*b*. Have you a good police force ?—Yes ; very good.

*By Rev. Dr. McLeod :*

2963*b*. Have you much foreign population ?—Not many. The proportion is not large. In 1886, my brother and myself purchased at Jonesville, Mich., a cotton mill, and operated it with about 100 employees. In that town they had open saloons, and a large number of the employees were addicted to drink. When they drew their money monthly they were not back to the mill on time, and they never got a single dollar ahead. When we moved to Des Moines with the mill in 1888, we brought a large number of those employees with us, and, without a single exception, we had to furnish the means to pay the transportation of themselves and their families and their household effects. We operated the mill here for three years, and, without a single exception, those men who had been addicted to drink were sober and saved their money, so that when the mill was burned in December, 1891, there was not one of them who had not sufficient money to carry him through the winter without any help from outside.

2964*b*. You give that as an evidence of having no saloons ?—Yes. You want to take that with the further statement that I am very much in favour of the law against the saloons. We insisted that the men should be sober, but it had no effect on them in Michigan. The saloon was too much for them. One man in particular, who, I think never in his life, after he had drawn his monthly wages, would have a single cent until the next pay day, and who always anticipated it by getting credit at the stores, after he came here I do not think was intoxicated to be absent from the mill but once. A short time before the mill was burned he quit it, and he had purchased for himself a pair of horses and a wagon, and was going teaming. He saved enough money to do that out of his wages here.

HENRY STIVERS examined.

*By Judge McDonald :*

2965*b*. Your residence is Des Moines ?—Yes.

2966*b*. What is your occupation ?—Editor and proprietor of the *Daily Leader*.

2967*b*. How long have you lived in Des Moines ?—Four years. I have lived in the State since 1869.

2968*b*. You have been acquainted, then, with all the agitation on this prohibitory law ?—Yes, thoroughly acquainted with it.

2969*b*. We understand that at one time you had a law here which permitted the sale of wine and beer, but excluded whisky ?—Excluded alcoholic liquors except wine and beer made from fruit or grain grown in this State.

2970*b*. How did that law work ?—Of course there were saloons under that law, and they sold everything.

2971*b*. They did not live up to the terms of their license ?—There was no license. That was practically a local option law. The town fixed the amount of license, and the town I lived in fixed the amount so high that nobody could pay it.

2972*b*. That law was repealed ?—Yes, by the prohibitory law.

2973*b*. How is the prohibitory law carried out ?—In a large part of the State it has had the effect of closing the open saloons altogether.

2974*b*. In what part of the State ?—In the rural districts. The traffic, however has simply been transferred to the drug stores and to private dealers.

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2975*b*. In those communities do the drug stores and private dealers sell liquor?—So far as I know they do. We have just had a session of our Federal Court which has been worse than the sessions of any Police Court. It is supposed to be the most dignified judicial body we have in America, and it has just put in three weeks here doing Police Court business—calling a lot of niggers and low-lived fellows up for boot-legging. We had jurymen, the most respectable men we had in the State, and their whole time was given up to that petty business. That is nearly altogether the business of our Federal Court now—tracing and dragging up these boot-leggers.

2976*b*. How is the law observed in Des Moines?—It is supposed to be observed, so far as no license is issued in any way, and the traffic is actually prohibited.

2977*b*. How is it in practice?—In practice there is liquor everywhere. I have heard it stated that there are three hundred places here where liquor is sold, and the law has caused quarrels and disturbances and litigation, and cost an incalculable amount of money. It has made trouble in this city, in this county, and in this State from one corner to the other; has set neighbours against each other and aroused a bitterness which I never saw equalled. They say the law is enforced to the extent that there is not a bar in the town; yet there are a number of places here. Within three blocks of the post office I suppose there are at least 25 places where liquor is sold freely. You can go into a drug store and ask for a bottle of beer and get it without any trouble. The druggists have a permit under the pharmacy law to sell liquor, and they keep a long list of the different kinds they sell.

2978*b*. Are there any persons ostensibly carrying on the business of druggists who are really engaged in the sale of liquor?—They all are. I do not know any druggist who does not sell liquor. There is a clause in our prohibitory law that allows druggists to handle liquors for special purposes.

*By Rev. Dr. McLeod:*

2979*b*. Are there some who do only that, or do they all overstep the mark?—That is generally regarded as only a cloak. They sell all they possibly can.

*By Judge McDonald:*

2980*b*. Have you any joints in Des Moines?—It is currently reported that the town is honey-combed with them. I do not know of any.

2981*b*. Do you ever see drunken men on the streets?—Oh, yes. Our police records will show that we have as large a number of prosecutions for drunkenness as any town in the State of this size where the traffic is openly carried on.

2982*b*. Has the question entered into party politics in this State?—Yes, unfortunately it has been made a party question.

2983*b*. Have you found men supporting prohibition who were not themselves prohibitionists either in sentiment or practice?—Yes, that is so. They have stood about the bars of drug stores, and they supported prohibition because it was the policy of their party.

*By Rev. Dr. McLeod:*

2984*b*. Have you found men who were in favour of prohibition who on account of their party platform voted against it?—Yes, there are men in the Democratic Party who are prohibitionists, and who regard it as a secondary question, and have voted with their party.

*By Judge McDonald:*

2985*b*. Has the question of prohibition been an important factor in your recent State elections?—Yes, it has been an important question for the last five years.

2986*b*. Has it entered into the election of the Governor of the State?—Yes.

2987*b*. Two views have been put before us. One is that the question of prohibition has been a prominent issue in the election, and has elected the present Governor; another is that the question of railway monopoly has elected the Governor?—The question has been asked in two different sessions of the Legislature, what the Legislature was to understand from the election of the Governor, and men have taken those two positions.

HENRY STIVERS.

2988*b*. Which is the correct one in your judgment?—I have no question about it at all, that the issue upon which the Governor was elected was the repeal of prohibition or the modification of it into a local option law.

2989*b*. We have found that in Council Bluffs they have a system of practical license contrary to law, by which men are summoned once a month for selling liquor and pay each time \$52.10 to the city treasury. As a citizen and a journalist, a man who is engaged in shaping public opinion to a considerable extent, which do you think would be the better course, to allow such a community as that to license and regulate the traffic, or to keep it under the present law and allow that state of things to go on?—I think it would be very much better for the State every way to allow a community that is determined to have the traffic, to regulate it under license. It certainly does not breed any great respect for the laws of our State to have any large community putting its laws at defiance openly, boldly and continuously year after year.

2990*b*. Then in your opinion the state of public opinion in the community is what should be the guide as to the mode to be followed with regard to the traffic, whether it should be licensed or not?—Undoubtedly.

2991*b*. There are rural communities where the sentiment would be largely in favour of prohibition?—Yes.

2992*b*. And under local option that sentiment would be crystallized into prohibition?—Yes, undoubtedly. There are some who claim that prohibition is a great principle, and that if it is a good principle in one case it is equally so in another. I claim that they are in error in that view. Prohibition is no principle. Temperance is a principle that all good men are striving after. Prohibition is a method, and men who are not prohibitionists but good temperance men have other methods. Therefore it does not follow that the same method should be followed in all communities. If it is shown clearly that prohibition advances temperance in any particular locality, let it be the rule there, but if it is a bad thing in another locality, and makes men defiant against the laws, and brings with it worse trouble, it would be a good deal better to adopt some other method. I do not admit that it is a principle; it is simply a method of arriving at the principle of temperance.

2993*b*. We are told that you have a large German population in the State?—Yes, in some sections of the State.

2994*b*. Is it a respectable and law-abiding population?—Yes, very.

2995*b*. What is the position of the Germans on this subject?—They are a unit against prohibition. They are so strong against it that they entirely changed their political relations on account of it. They were formerly Republicans as a body. When the party passed the prohibitory law, all the Germans changed their politics.

2996*b*. In Kansas two views were put before us. One was that owing to the prohibitory law there, eastern people who had sons whom they wished to keep from temptation, selected Kansas as a State to which to emigrate. Others told us that owing to the prohibitory law in Kansas the Germans gave it the go-by and would not settle there. Do either of those conditions exist here?—The census will show that from some influence or other, I do not know what, five years went by during which this State, which is the grandest State in the Union without exception, made absolutely no progress since the prohibitory law was passed. It will show that ten years have gone by during which a great number of the counties of this State have absolutely lost in population.

2997*b*. Have you yourself as a resident of the State come into contact with any people who have come here because of prohibition?—I never met with such a person. I have heard some women and some men speak of the dangers that would beset their children if they should send them into a town, to attend college, where saloons existed. But I never attached any particular weight to that sort of expression, because saloons are open and free in all the villages and towns where colleges are found. We have had prohibition here for ten years, but we have no more churches, no more schools, no more law-abiding people and no higher civilization in Iowa than they have in Illinois, just across the river, where they have no prohibition. It has not elevated our people in any way that anybody can see; and if we should repeal it and go back to the license system, I do not think we are going to drop into any gulf of wickedness, any more than they have done so in Illinois.

## Liquor Traffic—Iowa.

2998*b*. We are told that people can buy liquor in Illinois, or any other State, and bring it in here to use in their own houses?—Certainly.

2999*b*. Is there much brought in and used in that way?—A vast amount.

3000*b*. By your last United States census we find that in your State, United States certificates, or tax receipts, were issued to the number of 7,619. Are you well acquainted with the State?—Yes.

3001*b*. Do you think that number of people are legitimately engaged in the drug business in this State, apart from the liquor traffic?—No, I do not think there are that many drug stores in Iowa.

3002*b*. I find that in the State surrounding this State, with the exception of Illinois, including the city of Chicago, a smaller number of these tax receipts to the population are issued according to the population than in this State?—Of course there are a number of people in the city of Chicago who would take out Government licenses for various purposes, and run that proportion away up.

3003*b*. Do you think there would be required for pharmacy purposes in this State one place for every 251 inhabitants?—Most assuredly not. That would provide more than seventy drug stores to a county in this State. There is no call for that many business houses in the State, let alone drug stores.

3004*b*. I suppose many of these counties are almost entirely rural?—Most decidedly so. Lots of them have not towns to exceed a thousand people. They are all agricultural people, or people interested in agricultural pursuits.

*By Rev. Dr. McLeod :*

3005*b*. Is the Democratic Party in the State committed to license?—It is committed to a modification of the present law.

3006*b*. That is, local option with license where there is no prohibition?—Yes.

3007*b*. Your paper is the Democratic paper here?—Yes. My views are not particularly made up from the fact that I am a partisan or associated with the Democratic Party, for I have been a member of the other party. I was a member of the other party at the time the prohibitory law was passed, and I opposed it then.

3008*b*. Are there many Republicans opposed to prohibition?—Yes.

3009*b*. Do they vote with their party when that is the question, or do they swing off?—A great many of them swing off, but the majority of them vote with their party. Enough of them swing off to enable us to elect a Democratic Governor.

3010*b*. We are told that the question of railway monopoly had a good deal to do with that?—Any man who says that prohibition was not the issue is blind to the condition of politics in the State. There is no such number of Democratic prohibitionists as there are of Republican anti-prohibitionists. It is a very rare thing to find a Democratic prohibitionist.

HENRY C. SHAVER examined.

*By Judge McDonald :*

3011*b*. What is your occupation?—Newspaper correspondent.

3012*b*. You have heard Mr. Stivers' statement; do you concur in it?—I fully concur in Mr. Stivers' statement. I want to say that the question of prohibition has been the controlling one in the politics of Iowa since 1885. We came then within a thousand votes of electing the Democratic candidate for Governor. In 1889, Governor Boies was nominated, and he made his first campaign entirely on that issue. I travelled with him as a newspaper representative in every campaign he made in Iowa, and I know that in his first campaign the railway question cut no figure. It was not made an issue in the platform or the letter of acceptance. But he did deal entirely with the question of prohibition, and he handled it very ably. In the year following there were

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State officials to be elected, but no Legislature or Governor. There was the Secretary of State and some of the minor Statè officers, and the election of that year turned largely on the tariff question. We came then within about two thousand votes of carrying the State. In the following year, 1891, Governor Boies was a candidate for re-election, and he made his fight again entirely on the prohibition question. He had been charged in the Republican platform with having conspired to violate the laws of the State.

3013*b*. In what way?—By pardoning men convicted of violating the prohibitory law.

3014*b*. Did he do that?—He did issue pardon in some cases, but not to as great an extent as his Republican predecessor. Every pardon issued by him was a conditional one, requiring the man receiving it on going out to refrain from the sale of intoxicating liquors in future, and in case he did not the penalty was visited on him again.

3015*b*. In that second campaign, did the Governor still stick to the same issue?—Yes; so much so, and especially in the rural districts, that the managers of the campaign were fearful of the result. Sometimes his entire speech was devoted to that question. In Des Moines the greatest effort has been made to enforce this law that has been made anywhere, perhaps, in any State. When the city constables undertook to enforce the law they became so obnoxious that they were voted out of office: constables are elected in the city. But the outlying townships elected constables who undertook to enforce this law for the money there was in it, and as a constable has jurisdiction all over the county, these men would come in here and arrest men and drag them outside the city limits for the purpose of prosecuting them. For a time no man was safe in his own private house. They so construed the law as to claim that it gave them the right to go into a man's house and search it, and if they found a bottle of wine or a cask of beer in his cellar they would seize it. Men and women were taken away from their homes in the night by these men. We have some of those constables on the way to the penitentiary for murders and outrages they committed in attempting to enforce the law. One of them is now undergoing trial, and another, named Geo. W. Potts, was convicted, and is now under sentence.

*By Rev. Dr. McLeod :*

3016*b*. For a crime committed in pursuance of this enforcement of the law?—Yes, for his oppressive way of handling prisoners that he arrested.

*By Judge McDonald :*

3017*b*. What did this result in?—It resulted in dispensing with that class of officials. We have not now a class of men who pursue these liquor fellows for the money there is in it. Our law is peculiar. It gives every chance to a man for mercenary purposes to arrest persons and bring them up, and his fees are just as sure as they possibly can be, because there are a dozen ways in which you can reach a man for the sale of liquor.

3018*b*. How is the law enforced in Des Moines?—There is more drunkenness in Des Moines now than I have ever seen, and I have been here for fourteen years. Every Monday morning you see the patrol wagons dumping men into the jail who have been arrested on Sunday night. Liquor is sold everywhere, and it is of the poorest quality. The cheaper it is the more money there is in it. Before this law came into effect we had only 2,900 United States tax receipts in the State of Iowa, and there are about 2,000 druggists doing business in the State.

3019*b*. In what kind of places is liquor sold in Des Moines?—In a great many places it is sold in basements, and it is largely sold by niggers.

3020*b*. Do the druggists here contravene the law?—There are a great many druggists who do nothing else. They have screens in their stores behind which you can go and get beer by the bottle and drink it there. You can also get whisky by the glass and drink it there. I could take you to four places just by the Post Office where you can do that.

3021*b*. Is there more than one club in the city where liquor is sold?—Yes, nearly every building that has an upper story has a club-room with an open bar in it.

## Liquor Traffic—Iowa.

3022*b*. Who gets up these clubs?—They are organized by citizens—men of different ages, and a great many are also composed of boys.

3023*b*. In these clubs what system is pursued?—A man is charged so much for membership, which gives him all the rights and privileges of the rooms. He has a key by which he can go in, and they have a bar and a bar-keeper who supplies all the members who enter with liquor.

3024*b*. The liquor is considered to be their joint property?—It is so considered, but it is bought by the steward in charge in large quantities, and dealt out by the bar-keeper.

3025*b*. Do they sell anything else besides liquors?—They have restaurants. We have others that handle nothing but liquor.

3026*b*. Are some of these places mere devices for the sale of liquor?—We never had them when we had the open saloon, and I think they would disappear if we got a license system. A great complaint is made that young men go to these places, and that drinking there in secret they drink more than they would in a public place—that they frequently get drunk there when they would not if we had open places.

3027*b*. Do many men carry private flasks to drink from?—Oh, yes. I wish also to say that the State of Iowa showed a smaller percentage of gain in population from 1880 to 1890, than any of the surrounding States, and yet Iowa is one of the comparatively sparsely populated States. There is hardly an acre of land in this State that could not be tilled. It is the richest agricultural State in the Union; and yet, notwithstanding that, Illinois and Missouri surpass Iowa in the percentage of increase in population.

3028*b*. Do you know anything about Iowa City?—Yes, that is near the eastern border. The State University is located there. It is a town of ten or twelve thousand inhabitants. It used to be the capital of Iowa in the early days, and when the capital was removed to Des Moines the State University was established there, and its location was placed in the constitution, so that it cannot be moved by statute. In that city the saloons are running openly.

*By Rev. Dr. McLeod:*

3029*b*. Did not the University authorities make an effort against that?—Some of the professors did, and they stirred up quite a commotion all over the State. The professors, however, who were very active in that, are now out of business.

3030*b*. Were they retired?—No, they were dismissed. They brought the University into the politics of the State, and into the liquor question, and they created so much dissatisfaction that they were dismissed.

3031*b*. What body appoints or removes them?—We have Regents, who are appointed by the Legislature.

3032*b*. Has the Board of Regents a political complexion too?—They aim to get the ablest men they can on the Board of Regents. It has been Republican ever since I have been in the State, and it is now, though the effort has been to have members of both parties appointed to make it non-partisan. Now they have abandoned the effort to enforce prohibition in Iowa City, and the saloons there runs as openly as they do in Council Bluffs. I do not think there is a single educator who favours the saloon, but they do not want the question agitated. The agitation hurts the college more than it promotes temperance.

*By Judge McDonald:*

3033*b*. I understand that there is a Keely Institute here?—There is one here that is very well represented, and there are similar institutes in other places all over Iowa. I know there is one at Cherokee and one at Burlington.

FRED JOHNSON examined.

*By Judge McDonald :*

3034*b.* You reside in Des Moines ?—Yes.

3035*b.* What is your official position ?—Chief of Police.

3036*b.* How long have you lived in Des Moines ?—I came here twenty-five years ago ; I lived in Chicago eleven years, and then I came back again.

3037*b.* How long have you lived here now ?—About fourteen years.

3038*b.* Were you in this city when the present prohibition law came into force ?—Yes.

3039*b.* Were you then in the police force ?—No, I was in the grocery business.

3040*b.* How long have you been in the force ?—Three years. I was Deputy Marshal two years. A year ago I was appointed Chief.

3041*b.* Does your duty require you to look after the enforcement of that law ?—Yes.

3042*b.* How large a force have you ?—We have 26 street patrolmen on beats. These, with the officers, detectives and health officers, make up a total number of 42.

3043*b.* What is your population ?—70,000.

3044*b.* Have you much drunkenness ?—Yes, we have considerable drunkenness. I would like to give you a little explanation of that. We have some sixty odd drug stores in town to which the Judges of the District Court have granted permits to sell intoxicating liquors, and that is where people get their drinks.

3045*b.* These men have not a right to sell liquor except for medicine ?—Yes, but you understand how difficult it is for a blue-coat to go in there and detect them. Then we have joints, where a man will open out in a back shed or outhouse and sell liquor there. That is what we call boot-legging. Some of them carry around whisky bottles in their pockets also. They could not carry a keg of beer.

3046*b.* How do these people, from your experience, get people to buy from them ?—A man who hunts for intoxicating liquors will know pretty well where to go. You cannot find an open saloon. I am not giving Des Moines a better name than it deserves. It is better to-day than it was when we had open saloons.

3047*b.* What class of men go to the drug stores and drink there ?—The finer class of men. The lower class go to the joints, while the better class go to the drug stores.

3048*b.* Have you clubs here ?—Yes. Of course we do not meddle with them.

3049*b.* Have you clubs where liquors are used ?—I expect they are used in these clubs.

3050*b.* Have you clubs organized on purpose for the sale of liquor and nothing else ?—I do not think so, and I think I ought to know.

3051*b.* How about these other clubs ?—They have to buy it.

3052*b.* And the members there drink it socially ?—Yes. There is nothing wrong about it that I see. I think Des Moines to-day is as peaceable and orderly as any city of its size in the Union.

*By Rev. Dr. McLeod :*

3053*b.* How about arrests ?—Our arrests last year ran to some 3,100.

3054*b.* For what offences chiefly ?—Different offences.

3055*b.* Many for drunkenness ?—Quite a good many for drunkenness.

3056*b.* Have you orders to arrest a man when found drunk ?—Yes. Suppose a well dressed man is pretty well loaded, and has a gold watch in his pocket and a few dollars. We used to lock him up to take care of him as much as anything else. If he is locked up, he has his things saved for him until the next morning. But if we know the man, we try to get him to walk home and let him go. Then, we are pretty well acquainted with all these fellows. Some are in jail almost every week or two. Another thing ; you will not find any gambling houses here. I would not say that gambling is not going on, but there are no gambling houses.

*By Judge McDonald :*

3057*b.* How about houses of ill-fame ?—You would not find those either. Some women may have rooms, and some go out in hacks or go to offices or somewhere.



## Liquor Traffic—Iowa

*By Rev. Dr. McLeod :*

3058*b*. You have no part of the city here where there is a regular community of them?—Oh, no.

3059*b*. You think that the prohibition law with all its difficulties works pretty well in Des Moines, and does good?—I think so.

*By Judge McDonald :*

3060*b*. You are able to keep the sale down to a minimum?—Yes.

3061*b*. Do you ever catch these drug men?—We have once or twice, but we have been very unfortunate. We had to return the liquor.

3062*b*. Why?—We could not prove sale.

C. J. SCHAEFER examined :

*By Judge McDonald :*

3063*b*. You are the Deputy Chief of Police?—Yes. I went into the department in 1876. I was out two years.

3064*b*. You have heard the statement made by the Chief?—Yes, and I can corroborate all his statements.

3065*b*. Have you from your own experience found any improvement in the order of the community?—A big improvement, especially with people I know. At the time we had a license system here, prior to the time prohibition took effect, I helped to collect \$61,000 from the licenses—\$1,000 a year each—in one year, in this city. We had a great many wretched homes in the city at that time, and those who used to be great drinkers themselves are better provided for now and attend better to their families. I know that to be so. I can cite cases to illustrate that.

3066*b*. What disposition is made of convicted drunkards?—They are sent, for from three to thirty days, to jail, and are fined from \$20 to \$100.

*By Rev. Dr. McLeod :*

3067*b*. Do you find greater trouble to secure obedience to the law now than there was to make the licensees obey the law before? Was there as much trouble to make them keep closed after prohibited hours as there is now to keep them all closed up?—Hardly. The law required them to close from eleven o'clock at night till six o'clock in the morning, and from half past eleven o'clock on Saturday night until Monday morning. But it was hard to do it. They would be in their places cleaning up or doing something in order to keep the back door or the side door open.

3068*b*. Are druggists closed on Sunday?—No, the law allows them to keep open.

3069*b*. Do you find people keeping drug stores which are really liquor stores?—Yes, there are some of those.

3070*b*. Has there not been a change in the pharmacy law by which they have more liberty to sell than they had before?—Yes.

3071*b*. What is the change?—I do not know.

3072*b*. Suppose you go into a drug store and ask for liquor, will they give it to you?—Yes, they will send out a blank for you to sign and state what you want the liquor for. If you do that, they will sell you all you want.

3073*b*. Do they sell it without these blanks?—Yes, and that is where we nab them.

(The Witness conducted the Commissioners to a cellar under the police station where he showed them a number of casks and bottles).

He then stated :—

These casks and bottles are the seizures of two days. There are 35 casks of beer and a large number of bottles. Of these beer casks, eleven were taken from one man in one day, at different times of the day. He would keep replenishing his place as soon as

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these seizures were made. They get it shipped here to the city in carloads. If we find a carload coming into this town, we seize it. I have seized three carloads.

3074*b*. How many jointists do you suppose there are in the city?—From ten to fifteen in one day. Sometimes they run to as many as 24 or 25. It will be John Doe to-day and John Roe to-morrow; Mrs. Doe to-day and Mrs. Roe the next day; in that way they run them under different names. I think there are fifteen in the city regularly in the business of running joints. Three or four of them are women. If you go on the street you will probably find a restaurant in which there is a partition. In front there are tables for meals, and there is a joint where they are selling beer.

FRANK EGGLESTON examined.

*By Judge McDonald:*

3075*b*. You reside in Des Moines?—Yes.

3076*b*. How long have you resided here?—Twenty-five years.

3077*b*. What is your official position?—I have been Police Judge for three years.

3078*b*. Do you find this an orderly and law-abiding city, comparing favourably with other places?—I think so. We have a great many cases of drunkenness.

3079*b*. And is there evidence of where these people get their liquor?—Of course we have a State law under which permits are given to registered pharmacists or druggists, and they sell a great deal of liquor unlawfully for beverage purposes.

3080*b*. Do you believe they sell it to be drunk on their own premises?—Yes, a great many of them—not all of them. I do not think there is any question but what a number of them do. There are other places where it is sold unlawfully without any permit at all. It is a very hard matter to do away entirely with the sale of intoxicating liquors.

3081*b*. Do you find that when it is stopped in one place, it springs up in another?—Yes, that is the case in this town.

3082*b*. Are the jointists brought before you?—A great many of them are.

3083*b*. What class of the population are they?—They are not of the better class. While a great many of them are brought here for that particular offence, I cannot say they are men who commit other crimes as a rule, though some of them do. Some of those arrested for illegally selling intoxicating liquors are men who have been arrested for other crimes, such as larceny and the like.

3084*b*. We are told that some of them are women also?—Yes, we have some women in this town who are probably selling intoxicating liquors.

3085*b*. You have known the city for a great many years; have you found that it has grown more and more orderly as the years have gone on?—Yes, I think that is true. Of course the city is growing larger, and we expect more crime in consequence.

3086*b*. But taking it proportionately to the increase of population, you think the law has been favourable to the good order of the community?—Yes.

*By Rev. Dr. McLeod:*

3087*b*. Do you think the prohibitory law is as reasonably enforced here as laws against other offences?—Perhaps not, and that is probably due to this reason. It is a law that a great many people who are law-abiding citizens in other respects will not hesitate to violate. They think it is no crime to sell intoxicating liquors. While they know it is against the law of the State, still they think it is the right of the citizen to drink intoxicating liquors if he wants to, and they think this law deprives them of some of their rights. They think the selling of intoxicating liquors is not a crime in the sense that you would say stealing and a great many other things are crimes, and while they would not think of upholding those classes of crimes, they are not in favour of the enforcement of the prohibitory law. That is the reason it is much harder to enforce this law than other laws.

## Liquor Traffic—Iowa.

*By Judge McDonald :*

3088*b*. Do you find it more difficult to get direct testimony in this class of cases than in other cases ?—Yes.

3089*b*. The witnesses suffer from lack of memory ?—Yes. We get witnesses on the stand, and attempt to prove from them that they got intoxicating liquors at a certain place, and they will evade a direct answer while on the stand, while in other cases they would tell the truth.

*By Rev. Dr. McLeod :*

3090*b*. Still, in spite of the difficulties, you think the law has a good effect ?—Yes.

*By Judge McDonald :*

3091*b*. Do you think the enforcement of the law depends largely upon the sentiment of the community ?—Oh yes, that is undoubtedly the case.

3092*b*. And the sentiment of this community is largely in favour of it ?—Yes. In the country districts they can enforce it much better than they can in the cities.

CEDAR RAPIDS, IOWA, May 25th, 1893.

JUDGE McDONALD and REV. DR. McLEOD, members of the Royal Commission on the Liquor Traffic, visited this city this day, and obtained statements in regard to the law regulating the Liquor Traffic.

W. ZALESKY examined.

*By Judge McDonald :*

3093*b*. We understand that you are carrying on the business of brewing?—Yes, I am in the brewery of George Williams in this city.

3094*b*. Are you a practical brewer?—No, I am not. All the practical brewers, I think, have left the State.

3095*b*. How do those who work keep their places going?—They have practical men.

3096*b*. How long have you resided here?—I came here in 1881.

3097*b*. Was this brewery of Mr. Williams in operation then?—Yes.

3098*b*. And continued so until after the passage of the prohibitory law?—Yes. It was closed one day and then they would run for a week. They would run secretly. An injunction was then got out against it and since then we have ceased running. We just keep the office going. We do a wholesale business; we handle beer mostly. The whisky business is small. We get our beer from St. Louis, Cincinnati and Milwaukee.

3099*b*. Can you give us any idea of the amount of your business in a year?—I presume that is a private affair. In summer it has increased to four times what it was when this brewery was running.

3100*b*. Do you mean that you handle four times as much beer now as you used to manufacture?—Exactly.

3101*b*. Is the business a prosperous one?—At the present time it is.

*By Rev. Dr. McLeod :*

3102*b*. Does it vary? Is it sometimes better than at other times?—Yes, according to the season.

3103*b*. Does the law interfere with your business?—Not to any extent. The last time I was bothered was a year ago last July. I have not been bothered since.

3104*b*. When was this brewery built?—In 1866. Mr. Williams got hold of it in 1872.

3105*b*. Is all your business done in Iowa?—Yes, all in Cedar Rapids and its immediate vicinity.

*By Judge McDonald :*

3106*b*. When this law was passed did they pay you anything by way of compensation?—No. Two years before the law was passed Mr. Williams refused \$50,000 for the brewery. To-day he cannot get anything for it.

3107*b*. Do you think he is making more money by the present way of doing business than he was when he was brewing?—I presume so.

## Liquor Traffic—Iowa.

CHRISTIAN MAGNUS examined.

*By Judge McDonald :*

3108*b*. Where is your residence?—I have lived at Cedar Rapids since 1859.

3109*b*. What is your business or calling?—I am a brewer.

3110*b*. You do not do any distilling?—No.

3111*b*. How long have you been in the brewing business here?—Since 1859.

3112*b*. Did you build the brewery?—Yes.

3113*b*. Since the passing of the prohibitory law was your brewery closed for any time?—Yes, we have been closed, but not for any length of time. We tried to put something into the market that was not intoxicating.

3114*b*. Is that what you make now?—Yes.

3115*b*. What do you call it?—"Good Luck."

3116*b*. Do you do anything in the way of the importation of beers?—No.

3117*b*. Simply deal in your own manufacture?—Yes.

3118*b*. Do you find your business prosperous?—I have not lost anything, and I have kept my establishment in good order.

3119*b*. Where is the output used?—Right around here, within perhaps a hundred miles of this city, all in the State of Iowa.

3120*b*. We have been told that there are individuals who attempt to use the prohibitory law and pretend to enforce it for their own benefit?—Yes.

3121*b*. A class of informers?—Yes.

3122*b*. In what way do they do that?—In different ways. I have been bothered here, first by an association of temperance people, then by lawyers, then by informers, miserable lazy fellows that do not earn a cent of money by labour, but wanted to get something by informing.

3123*b*. Have you found any lawyers who would lend themselves to that?—Yes, I should say so.

*By Rev. Dr. McLeod :*

3124*b*. Has the law interfered with your business somewhat?—Yes. As this information is not to be used in the State of Iowa, I must contradict what I first said, that "Good Luck" is not intoxicating. It is just lager beer.

3125*b*. Do you call it that to evade the law?—Yes, it is to give it another name.

*By Judge McDonald :*

3126*b*. You spoke of lawyers using the law for their own benefit. What is their plan of action?—They employ worthless persons, and give them perhaps a dollar or half a dollar to inform and swear to an affidavit, and then the searching goes on. The lawyers afterwards settle the case for a certain amount of money, and the informer gets very little out of it.

3127*b*. Do I understand you that a lawyer, in order to make money for himself, will employ some worthless person to lay an information?—Yes.

3128*b*. Then the lawyer informs you of this information having been laid against you?—Yes.

3129*b*. Does the sum vary according to the lawyer and the ability of the man to pay?—Yes, that is it.

*By Rev. Dr. McLeod :*

3130*b*. When you built this brewery the law of the State permitted the manufacture of beer?—Yes.

3131*b*. Were you in the brewery business before that?—Up to 1857, I believe there was prohibition in this State, and in 1857, the Republican Party gave the brewers the right to manufacture beer, ale and wine out of materials raised in the State.

3132*b*. That was when you built the brewery?—Yes.

CHRISTIAN MAGNUS.

3133b. And the law was on your side up to 1885?—Yes. The amendment was adopted in the Legislature in 1882, but by a mistake in the journal of the Legislature, I believe, the amendment could not go into effect until two years after that, until an Act of the Legislature was passed.

3134b. Since 1884, the law has interfered more or less with your business?—Certainly.

3135b. Has your business been as good since 1884, as it was before that time?—No. The breweries inside of the State are crippled by the law. It gives every chance to outside brewers to come in, and the large breweries have captured the State. Every surrounding State on the line of our State sends in beer and crushes the breweries inside of the State.

*By Judge McDonald :*

3136b. Is there any difference in the amount of grain you buy from the farmers in this locality?—My business is not so large.

3137-38b. You used to buy more grain?—Yes.

3139b. What becomes of that grain now?—The farmers quit growing barley.

3140b. Was there any compensation made to you when the law was passed to abolish your business?—Not at all. The brewers, as a body, have asked for compensation, but they have got nothing.

W. ZALESKY re-called, stated :—

On the railway tracks, near Mr. Williams's brewery and Mr. Magnus's brewery there are seven cars filled with empty casks and bottles which have been returned to be re-filled, and there are seven cars filled with beer packed in ice.

*By Judge McDonald :*

3141b. How much money does a car of beer represent?—From \$350 to \$750; the value of bottled beer runs as high as \$1,150. At present we use about thirty-five cars a month in our business.

WILLIAM P. DANIELS examined.

*By Judge McDonald :*

3142b. Your residence is Cedar Rapids?—Yes.

3143b. You are Mayor of the city?—Yes.

3144b. What is your occupation?—I am secretary of the International Organization of Railroad Conductors. It includes the United States, Canada and Mexico.

3145b. How long have you resided in Cedar Rapids?—I have been here most of the time since 1873.

3146b. You have been Mayor since when?—The first of April last, I assumed office.

3147b. You were a resident here when the present prohibitory law came into force?—Yes.

3148b. After it came into force was it effectively enforced at any time?—In some parts of the State it was enforced with some degree of effectiveness for some little time. In this city there have been brief periods of attempted enforcement, when the public saloons were closed. I do not think there has ever been a time when liquor was not sold here; but during those times of enforcement the saloons would be driven into cellars and out-of-the-way holes. One particular instance comes to my mind, the only one I ever remember to have seen, of a little establishment in Cedar Rapids. A board par-

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tition was run across a room, and in the partition there was a little opening about 10 inches by 18 inches, and a little shelf in the opening. It was shut by a curtain or a door. A person who wanted liquid refreshments would rap at that opening, lay down his money, ask for what he wanted, and a glass of what he desired would appear through that opening. He would not see who gave it to him. I understand that there were quite a number of those places, but that is the only one I saw. For some time past there has been no real attempt at actual enforcement of the law.

3149*b*. Those attempts at enforcement were of a spasmodic character, I understand?—Yes.

3150*b*. During those times did the drug stores carry on business?—The drug stores have, I believe, without any intermission at all, sold liquor.

3151*b*. Are there any druggists whose business is ostensibly that of drugs, but who really are liquor dealers?—I think there have been one or two instances in Cedar Rapids. I do not think there are any of that character now.

3152*b*. What is your present system?—There is just now being an attempt made to collect a revenue from the saloons. Since the taking effect of the prohibition law, there has been nothing derived in the way of a revenue at all in this city; but we have recently inaugurated an attempt to secure a revenue from the saloons in the way of monthly fines. An ordinance has been enacted defining certain things as misdemeanours. The intention is to arrest every saloon-keeper once a month and fine him \$25.

*By Rev. Dr. McLeod :*

3153*b*. So that you practically give a \$300 a year license?—Yes.

3154*b*. How many of them have you?—That is a very difficult question to answer. I have a list of somewhere in the neighbourhood of 130 saloons that were in operation some sixty days ago.

*By Judge McDonald :*

3155*b*. What is the population of your city?—Between 20,000 and 25,000. The United States census gave us a trifle under 20,000. That was two years ago, and the last two years have been the most prosperous we have experienced for ten years at least.

*By Rev. Dr. McLeod :*

3156*b*. Is there a constant influx of population?—Yes.

*By Judge McDonald :*

3157*b*. Are the police looking up these places where liquor is sold, with a view to bringing them under this system?—Yes.

3158*b*. When that is complete, you will have a registered list of all of them?—Yes.

3159*b*. Are there any gambling houses here?—I think there are. We do not propose to allow gambling houses. We are going to make an effort to close them up as much as possible.

3160*b*. Are you troubled with the social evil?—That is something I am not well enough informed upon to speak advisedly, but I do not know of any houses of prostitution. There are a number of prostitutes in the city, but I think that the rule is, perhaps without any exception, that it is in the way of private rooms—attachments to some of the lower classes of saloons.

3161*b*. How far are you from the border of your State?—In a direct line it must be in the neighbourhood of 65 miles to the eastern border, 120 miles to the northern border, about 200 miles to the western border and about 120 to the southern border.

3162*b*. What is the character of your country here?—Almost exclusively agricultural. The principal industry is stock raising. The city itself largely depends on the agricultural industry of the surrounding country, although we have quite a number of manufactories. We have a very large packing house, two or three wagon factories and two or three foundries.

3163*b*. Is your city a prosperous one?—Yes, at present it is very prosperous indeed, and has been so for the past two years. Following the enactment of this prohibitory

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law there was a season extending over perhaps five or six years when business of all kinds seemed to be very much depressed.

*By Rev. Dr. McLeod :*

3164*b*. Did you attribute that to the prohibitory law?—Personally I did, to a great extent. Of course there is a very wide difference of opinion in regard to that.

*By Judge McDonald :*

3165*b*. In this city have you an orderly and law-abiding population?—Yes, I think we have one that compares very well with any other city of its size.

*By Rev. Dr. McLeod :*

3166*b*. Have you much foreign population?—Yes, quite a large foreign population. There are a number of Germans, though perhaps the Bohemians would outnumber any other foreign element.

3167*b*. At what are the Bohemians employed?—They are largely common day labourers. A great many are employed in the packing house I speak of. In respect of the use of beer and its sale, they are very much like the Germans. A great many of the saloon-keepers are Bohemians.

3168*b*. Are they a people of moral habits?—Yes, I think as a rule they are. That is, their code of morals would differ quite materially from ours in regard to Sunday observance, but aside from that, they are a reasonably moral class of people.

*By Judge McDonald :*

3169*b*. How do you find the German population in the State at large, a desirable class?—Yes, I think the Germans are among the most desirable of our foreign population.

3170*b*. How do they feel in regard to this question of prohibition?—The Germans are almost without exception opposed to prohibition. The Germans we have were largely influenced to come to the State after the legislation permitting the sale of ale, wine and beer, a special effort having been made through a German Commissioner to induce German settlement in the State. A great proportion of the Germans are settled along the line of the river, and a great many of them engaged in the grape industry and wine making.

3171*b*. Is that business interfered with?—Oh, yes. A few miles south of here we have a colony of Germans, which might in one sense be called a socialistic colony. They hold their property largely in common. They manufactured a great deal of wine some time ago. They are a very law-abiding people, and the prohibitory law has stopped their business entirely in that respect. They have complied with the law without any compulsion.

3172*b*. What do they do now?—Their business is almost entirely agriculture. They do quite an extensive business in pickling and canning vegetables.

3173*b*. Two views were placed before us in Kansas. On the one side, we were told that owing to the prohibitory law in that State eastern parents who wished to keep their sons from temptation emigrated to that State; on the other side, we were told that the Germans gave that State the go-by because of prohibition. Have you had any experience here in regard to either side of that question?—My observation with reference to the whole State is, that a large number of Germans pass us by on account of the prohibitory law, and that that law has not influenced any large class of people to come here. The period during which we lost immigration, and the period of our greatest depression, was during the time of the greatest attempt to enforce this law, and when there was but little prospect or agitation for the repeal of the law. But whether it is simply a coincidence or not, it is a fact that business and immigration both have improved very much, commencing almost immediately with the prospect of the repeal of the law. It is a fact that during the five years after the coming into effect of the law we did not gain any population, and it is certainly a fact that we lost a good many. It is a fact that a good many skilled mechanics and others left this State to go to other States.

*By Rev. Dr. McLeod :*

3174*b*. The present system of levying a fine is by direction of the City Council, is it?—Yes. Perhaps I might qualify that. Perhaps I am personally more responsible



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for it than the City Council. It was an issue in the recent election for Mayor. My position in the matter was very well known, and immediately on assuming the office I outlined the policy I proposed to pursue, and the Council has endorsed me in that policy.

3175*b*. Did your competitor in the contest declare for the other view?—It was a peculiar condition of affairs. My competitor is a well known anti-prohibitionist. He was nominated, in the first place, by an enforcement convention, and accepted that nomination, and he was also nominated by the regular Republican Party.

3176*b*. You have always been an anti-prohibitionist?—Yes, I have always been known as an anti-prohibitionist.

3177*b*. So that the fight was not between you and the other as an avowed prohibitionist purposing to enforce the law, because he was an anti-prohibitionist also?—I believe there are certain people in the city who believe that if he had been elected the prohibition law would have been enforced, or an attempt would have been made to enforce it, while I think a large majority were satisfied that he would not permit anything of the kind, but would permit things to go on as they had been going.

3178*b*. The difference was that if he had been elected there would have been another wave of attempted enforcement of the law?—There would have been an attempt to collect a revenue and close up some of the saloons.

3179*b*. But by neither candidate was there an expressed intention to enforce the law?—Not that I am aware of.

3180*b*. Is there a strong prohibition feeling in the city?—I do not believe there is. There was a time when there was quite a strong prohibition feeling, and quite a number of energetic prohibitionists, so far as promulgating their doctrine is concerned, not, however, with reference to the enforcement of the law. But I believe that quite a large majority of the former supporters of the prohibition law are now convinced it has been a failure in this State, and particularly in this city.

3181*b*. Are you aware whether the vote of this city on the constitutional amendment was in favour of it or against it?—My impression is that the vote was favourable by a small majority. Taking the county as a whole there was a majority of 1,600 in favour of prohibition, which included a considerable majority in the city. While I think of it, I might say that the policy that I have inaugurated, as nearly as I can judge now, has already had the effect of closing from twenty to twenty-five per cent of our saloons.

3182*b*. If you can close from twenty to twenty-five per cent, why not go further and close the others?—That is a question that is very often asked—if you can close one why can't you close all? The only answer I can give to that in the light of the experience we have had is, that the public sentiment will not uphold or endorse any action that looks to the closing of all the saloons. The public sentiment of the people of Cedar Rapids to-day, I believe, has amply demonstrated itself as in favour of permitting and controlling the liquor traffic.

3183*b*. What control do you have over the saloons now?—It is rather early to be able to say anything definite in reference to the matter. I believe, however, that we shall be able to control them so far as to keep them orderly and respectable places—as respectable as saloons can be. I think we shall be able to close the lower class—the doggeries and the dives. My experience is that the very worst places for boys or young men, the places where they learn the use of liquor and get into drunken habits, are those holes-in-the-wall which respectable people know nothing about. They are generally in out-of-the-way places, and are carried on by a class of people who would sell to a ten-year old child as quickly as to any one else; and a boy going into one of those places is perfectly free from being caught by his parents or by any one interested in his welfare.

3184*b*. You think you can close those up by the present system?—We can, because we shall have the active aid of the better class of saloon-keepers.

3185*b*. But you do not think you can do so under the prohibitory law?—They never did.

3186*b*. Was it because they could not, or because they did not want to do so?—That is a question, perhaps. There has been an attempt on the part of the temperance organization to close them—there have been several spasmodic attempts on their part.

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They had an attorney employed specially for that purpose; but the only effect of their attempt, so far as I have been able to observe, was to drive the saloon business out of the hands of the better class of men and place it in the hands of those who do not care for anything. Sometimes they carried it about on their persons as boot-leggers.

3187*b*. Are we to understand that you could not enforce the prohibitory law and close the saloons, but that with the assistance of certain men in the trade you can close up others in the trade?—Yes, I believe that is right.

3188*b*. Does that mean that the authorities cannot close up some places, but the saloon-keepers can close up some others?—The saloon-keepers give the information to the authorities by which the authorities can do it.

*By Judge McDonald :*

3189*b*. Does it seem that the people who want drink, if they cannot get it at the regular places you speak of, will go to those irregular places?—A certain class would resort to those lower places and a certain class to the drug stores.

*By Rev. Dr. McLeod :*

3190*b*. Does your present system interfere with the drug stores?—I do not know that it interferes with them as they have been running for the past three or four years. During that time there has been no attempt to enforce the prohibitory law by any one. The only thing done was the attempt of private individuals to make gain out of it. An attorney will find some irresponsible person and induce him for anything from one dollar to five dollars to swear to an information, and when the information is filed and the search is made, the saloon-keeper, if he does not act voluntarily, is sent for and requested to come to the office of the attorney, and then and there a settlement is made that provides for whatever can be procured for the attorney, and results in the dismissal of the case. The only effect, so far as the public is concerned, is to incur costs for the county to pay.

3191*b*. What police force have you?—We have, I believe, 14 men.

3192*b*. Have your policemen now orders to give special attention to this matter?—

Yes.

3193*b*. Did they have orders to give special attention to illicit traders before?—I do not know. I should hardly like to express an opinion on that. Of course, I am free to admit that my judgment is very likely to be biased in regard to the law itself, to which I have been opposed on principle.

3194*b*. Do you think the present system that you have inaugurated is preferable to a license system?—No, I am for high license.

3195*b*. With local option?—No, I am opposed to local option, though my party has pronounced in favour of it. I will explain the reason. I will state briefly my platform on the liquor question, which is, for towns of 10,000 or over, a minimum license fee of \$1,000, with regulations that will compel the saloon-keeper to do his business exactly as a druggist or a grocer does his. In the first place, I would not permit a screen over the window, or allow any back-room. I would let them have their billiard table and card tables right in the front where the bar is, so that anybody could look into the room from the street. With regard to local option, particularly in the river towns, I believe that if a number of our river towns had the choice between local option and high license, with a minimum of \$1,000, they would vote against the license. They would vote for prohibition, and continue to carry on the system they have to-day. That is the evil, I believe, of local option. With regard to our policy here, if it were not for the fact that we have not yet found any way to dispose of these black-mailing attorneys, "settlers" as they are called, we would not let our saloon-keepers off with a \$300 fine. It would be at least double that, if not the full thousand dollars. This "settler" question complicates it, so that it makes it a very difficult thing to handle.

3196*b*. The "settler" for a consideration agrees to stand between the saloon-keeper and the authorities?—No, he stands between the saloon-keeper and the public and any attempted enforcement of the State law.

3197*b*. You represent the present system, and you say to the saloon-keeper, "Pay \$25 a month and I will stand between you and the law;" and the saloon-keeper says,

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“ I will take up with the Mayor, because it is cheaper than the bargain with the attorney ”?—No, not exactly. We do not say, we will stand between the saloon-keeper and the law. We simply say, “ If you violate the law, you must contribute so much to the expenses of our city government.”

3198*b*. There is implied in that, that you protect them from the effects of the State law?—Every one of them has been informed that we do not propose and cannot undertake to protect them from the effects of the State law.

*By Judge McDonald :*

3199*b*. If the saloon-keepers could get rid of the necessity of contributing to these black-mailing lawyers, they would contribute more to the city revenue?—Yes.

*By Rev. Dr. McLeod :*

3200*b*. Or if the attorney did not demand blood money, they might snap their fingers at the city?—No, the city authorities would certainly compel payment of these fines. The men would be arrested, if necessary, every day.

3201*b*. Then, instead of the present system of monthly assessments, why not push the law?—Because the sentiment of the people will not endorse it.

*By Judge McDonald :*

3202*b*. Is your system of this character: as the United States Government require every man who sells liquor to pay an internal revenue tax, but leaves the question of infringement of local laws to his own risk, so you make these people pay a tax for city purposes and take their risk of violating the State law just the same?—Yes. There is another reason. As I have explained, but for some system of this kind the sale of liquor would be placed in the hands of a more reckless class of men, and in places which perhaps we could not find. It would be carried around by the boot-legger in the coat-tail-pocket. There is nothing in this policy of the city that prevents any avowed prohibitionist from enforcing the State law.

*By Rev. Dr. McLeod :*

3203*b*. Is there anything that prevents the city officials from enforcing it?—Perhaps there is nothing that prevents the city officials; but under this prohibitory law the city will get no revenue from any fines that might be collected under the State law, and the effect would be that a few in the city would be compelled to pay the cost of enforcing a State law with which they are not particularly concerned.

3204*b*. Is it not, then, after all, a question of money? Would it make a difference if the law were changed so that the revenue for violations should go to the City Treasury?—I do not think it would result in closing the saloons in Cedar Rapids.

3205*b*. Would it result in the prosecution of the illicit saloon-keepers for purposes of revenue?—No. It would result in the prosecution of those illicit saloon-keepers so far as they could be found. I do not think, however, that any one who has not had actual experience can appreciate the difficulty of raiding the class of people I speak of.

*By Judge McDonald :*

3206*b*. Would it bring the druggist business into operation again?—It would undoubtedly increase that business. This is a class of people, however, who cannot get liquor at the drug stores.

*By Rev. Dr. McLeod :*

3207*b*. Is it not a fact that the drug stores cater to a certain class of people and the “ joints ” to a certain class?—That is true, but it makes a great deal of difference to the drug stores whether reputable saloons are running or not. The saloon-keepers are afraid of everybody they do not know. They are afraid of attempts being made to make something out of them by way of blackmail. You may go to some places and get what you want handed out to you without hesitation, but there are others where you would not know that liquor was sold.

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FRED. W. FAULKES examined.

*By Judge McDonald :*

3208*b*. Your residence is Cedar Rapids?—Yes.

3209*b*. You are a journalist?—I am a newspaper man. I am publisher of the *Evening Gazette* of this city.

3210*b*. How long have you resided here?—Since 1874.

3211*b*. Do you remember the time when the law which permitted beer and wine to be sold was in force?—I do not remember the occasion of the change ; I remember the time when that system was in vogue here.

3212*b*. We have been told that under that law persons who were permitted to sell wine and beer abused the law and sold all kinds of liquors?—I believe that is true.

3213*b*. At any rate that law was repealed and the total prohibition law was passed?—Yes, the constitutional amendment was voted on in 1882.

3214*b*. And declared void by the Supreme Court of the State for some reason, and then the Legislature passed a statutory prohibition?—Yes.

3215*b*. Was any compensation made to the brewers and distillers for their loss of plant and machinery, &c., at the time of the passing of that statute?—Nothing. That was one feature of the campaign. A great many more people would have been in favour of prohibition had it been proposed to recompense those men for the loss of their business. Governor Boies was one of the prominent men in the Republican Party at that time, and he opposed prohibition on account of the confiscation of the property of the brewers. That is very largely why he left the Republican Party.

3216*b*. Did prohibition enter largely into the matter of Governor Boies' candidature as Governor of the State?—That was very largely the issue.

3217*b*. We are told in Des Moines that Governor Boies' election was brought about to a considerable extent by the question of railroad monopoly, and that the prohibition question was not the governing issue?—The railway question contributed somewhat to it.

3218*b*. In both elections?—No, the first election.

3219*b*. How was it in the next election?—It had nothing to do with it ; I think it was a straight fight on prohibition.

3220*b*. We were also told by other parties that the Governor himself made prohibition so prominently and completely the question, that his friends were afraid that it might hurt him in some of the rural districts. How was that in this section of the country?—In Cedar Rapids the first time he had, I think, 800 majority. This was the place where the revolution took place. I do not remember what the majority was in the county. That made a change of 2,400 from the time of the election on the amendment.

3221*b*. What was his majority the last time?—I do not think there was very much difference. I think his majority in Cedar Rapids was a little less.

3222*b*. Has the question of prohibition in your State been brought into party politics?—Yes.

3223*b*. Made a party political question?—Yes.

3224*b*. Have you found this to be a fact in your experience, that men have worked and voted for prohibition because it was a party question, who were not themselves prohibitionists either in principle or practice?—Yes.

3225*b*. Have you found, on the other side, that men who were prohibitionists in principle have, for party reasons, voted against prohibition in the State?—I can explain that better than I can answer the question. There are a great many thousand people in Iowa, in the Democratic Party, who voted for the constitutional amendment for the purpose of saddling prohibition on the Republican Party, and finally defeating the party through that. There were a good many thousand Republicans who left their party because they were anti-prohibitionists. There have been a great number of prohibitionists who have voted with the Republican Party continuously, believing it the proper channel to work through to secure prohibition. There have been a number of prohibitionists, varying in number in different years, who contend that they have not done what they could to enforce the law. Those people make up the third party.

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*By Rev. Dr. McLeod :*

3226*b*. And that party weakens the Republican Party?—Yes.

*By Judge McDonald :*

3227*b*. Has the advocacy of the law by the Republican Party, and the adoption of it as part of their platform, had the effect on the whole of strengthening or weakening that party in the State?—Ruining it.

*By Rev. Dr. McLeod :*

3228*b*. Is it for these reasons, among others; first, that anti-prohibitionist Republicans have swung off?—Yes, and voted with the Democratic Party.

3229*b*. And that rabid prohibitionists, dissatisfied with the Republicans' enforcement of the law, have gone off and formed a third party?—Yes.

*By Judge McDonald :*

3230*b*. Has the Republican Party, through its adoption of this prohibition question as a plank in its platform, gained any strength from the Democrats?—I never heard of more than two or three hundred Democrats—and I think I am liberal—voting the Republican ticket on that account.

*By Rev. Dr. McLeod :*

3231*b*. The situation, then, is this: the Republican anti-prohibitionists left their party, the rabid and dissatisfied prohibitionists also left the Republican Party, while the Democratic prohibitionists remained with their party, so that the Democratic Party gained by all these things?—Yes, that is right.

*By Judge McDonald :*

3232*b*. Have you made a study of the operation of the law in the State at large?—I have attempted to.

3233*b*. What have you found its effect on the State at large to be?—In localities where they would not allow a saloon under any circumstances, no matter whether license or prohibition were the law, prohibition has been a success, because the law was not needed to make it a success.

3234*b*. Public sentiment in those localities was overwhelmingly in favour of it?—Wherever public sentiment is in favour of prohibition, the law can be made a success. I do not say that it is always made a success even in those places. A great deal of liquor has been sold. When I say a success, I mean a success in closing up the open saloon. But out in the rural districts I have known many places where some farmer would go to the city and regularly cart out his load of beer for distribution among the farmers of his locality. Of course there was no license needed for that.

3235*b*. Do you know whether there is much liquor brought into the State for home use under the law?—For some years there were hundreds of agents travelling through Iowa taking orders for whisky to be shipped in here in barrels, boxes, kegs and jugs, and in every imaginable way. During the last few years there has been no trouble in securing it at the drug stores anywhere.

3236*b*. So these agencies are not carried on as actively as before?—No. In Des Moines, as a matter of fact, during the session of Legislature, one of the members made the claim that there was not a saloon in the city of Des Moines—that it was the one city in the world without a saloon. I detailed a correspondent to take an officer and to accompany him, and he visited and took the names of 220 places where liquors were sold in Des Moines. The matter was published, and the city officials were compelled to admit that it was true.

3237*b*. We understand that any man who sells liquor in the State of Iowa, or in any State of the Union, must pay a United States revenue tax of \$25?—Yes.

3238*b*. And the man who does that runs his own risk of State or municipal enactments?—Yes.

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3239*b*. We find that in 1890 this State had a population of 1,911,896, and that there were issued in the State 7,619 United States revenue certificates, of which 6,874 were for retail liquor dealers. Taking your knowledge of the State, could there be a legitimate drug store business to that extent apart from the sale of liquor?—Impossible.

3240*b*. What is the result of your observation as to these drug stores?—In some cities the drinking places are known as drug stores. In other cities there are drug stores doing both a legitimate and an illegitimate business. In Cedar Rapids I do not think many drug stores sell liquor by the glass promiscuously.

3241*b*. To what do you attribute that exception here?—I do not attribute it to anything. I do not know why it is.

3242*b*. Is it because people can get liquor at other places?—They can get anything at all they want. I want to say that I have not been in a saloon to get a drink for twelve years. I am opposed to saloons and opposed to entering saloons. But to give you an illustration. I was in a drug store, and a friend of mine came in. I invited him to take a glass of soda. He said he would like a “stick” in his. I asked the druggist, “Can you put a little whisky in this gentleman’s soda?” He replied, “I am very sorry to say I cannot.” He was a conscientious man in regard to the law. He said, “I can sell him a pint, and he can do as he pleases with it, but my conscience will not allow me to do as he wishes.” We know there are others in the city who are equally conscientious, and I know that there are some others who simply dish out liquor by the glass freely.

3243*b*. Are there any of the latter class whose drug business is merely a cloak to the liquor business?—I do not know of any except what I have heard in the city of Des Moines, that many were established there for the purpose of carrying on a saloon business.

3244*b*. Do you know anything of the effect the law has had either in promoting or retarding immigration into the State?—I think it has retarded immigration.

3245*b*. Have you met with any people who came to this State because of the prohibitory law?—I have not.

3246*b*. Are you able to speak of the effects of the law upon the interests of the State at large, whether it has been beneficial or otherwise; or are there ways in which it has been beneficial and other ways in which it has been injurious?—Personally, I was in favour of prohibition when the amendment was submitted, and voted for it. I paid out considerable money in the work for the amendment, and did everything in my power for it. But we have found that it has retarded immigration. I think there is no question about that. When the law was most fully enforced it immediately threw out of business a large number of people in the city who gave up their store rooms. It also threw out of employment a good many men in various places. That was one reason why prohibition got a black eye in a good many places in Iowa. The prohibitionist himself, who owns a building that would become vacant as the result of the law, would very soon begin to declare that the law was not much of a success. That was regarding it purely as a matter of dollars and cents for himself. His principle dropped out of sight.

*By Rev. Dr. McLeod:*

3247*b*. Places became vacant by the departure of men who formerly kept saloons.—Yes. Some of those places closed because the men who kept them were afraid, and others because they wanted to make the boys thirsty, as they called it, and others for various reasons. Now, one respect in which this law has been against the interests of the State is that it has developed a disregard for all law. People have found that it has been so disregarded that it has given them the idea that they can disregard any law. That is my opinion only, but it is a fear I have of the bad affects of prohibition. If the law were enforced, I could not say how long it would take for the State to recuperate. It is a great question, and a very important one too. It might cause a set-back for a long term of years, or it might not. It is a matter of theory and not experience, because the thing has gone up and down; sometimes there has been a little enforcement, and at other times great laxity. We had at one time 240 places in Cedar Rapids selling liquor, whereas with the old \$300 license we had 40.

## Liquor Traffic—Iowa.

3248*b*. Did you have illicit places then?—Not that I ever heard of. The forty people that were licensed kept watch that no one else sold without a license. The man who has a license is a detective, and it makes him an officer against men who attempts to sell without a license.

*By Judge McDonald :*

3249*b*. We have heard the theory sometimes put forward that where there is a license law the licensed men will employ agents to sell illicitly in the towns. Have you heard anything of that?—No.

3250*b*. Or that they supply illicit dealers in job quantities?—I know nothing of that.

3251*b*. Has any action been taken to represent to the body which has the licensing of legal practitioners the conduct of these black-mailing attorneys?—Yes, I have had something to do with that matter. I exposed some of the black-mailing lawyers in my paper, and had a libel suit of \$10,000 as the result. I succeeded in proving everything charged, and drove the parties out of the State.

3252*b*. You won the suit?—Yes.

3253*b*. And the lawyer had to leave the State?—He did leave it.

3254*b*. Was he struck off the list of practising attorneys?—They did not disbar him. This settling business is a most infamous arrangement. I have in my office some of the original notices they served on saloon-keepers. That is not done now. They go to them personally, and ask them to settle up.

3255*b*. How was it done before?—One feature of our law is the injunction. Another is a fine for the school fund. The lawyer would send out perhaps a hundred letters to saloon-keepers, asking them to call at his office at a certain time. When a saloon-keeper received one of those letters, he knew what it meant. He would go and simply settle with the lawyer for \$5 or \$10. Then, the lawyer would have served original notices on the saloon-keepers. He would serve a notice of a suit for \$100 or \$500 or \$5,000, any amount he saw fit, and it was stipulated that one-half should go to the school fund and the other half to the informer, I believe. It is so long since I have looked up these points that I forget. Then, he would get the saloon-keeper in his office and settle for \$100, \$150 or \$200, and pocket the money. The school fund got nothing, and the county paid in advance the costs of any proceedings that might have been taken. In the case upon which my libel suit was founded, one of the attorneys was an old man and the other was a young man. It was the young man's first case. He had just come from the State University, where he had been educated at the public expense, and his first case was a case of blackmail. These attorneys got together and wrote to a couple of fellows who were selling beer by wholesale, asking them to call. The attorneys had an officer to serve notices on them bringing suits against them on fourteen or fifteen different counts. The men called on the lawyers, and they settled and took their receipts for, I think, \$115 or \$120. I charged that against them, and during the trial of my libel suit it was proven that they had paid \$5 to a man to sign the information against these saloon-keepers. This man was a drayman and a member of the Methodist Church. The way he detailed the transaction of the Attorney taking him outside the Justice's Court and putting five dollars in his pocket was very amusing, but still very serious. That is an illustration of how they do that work.

3256*b*. Are there any other matters that you think would be important to us in our investigation which you can state?—The fact is that there is so much to the question, and so many different sides that it is almost impossible in a few words to portray the actual condition of affairs. One of our largest manufacturers here is Mr. Shaver, who is in the Cracker Trust. He started business in a grocery and whisky shop combined. When I asked him why he did not stick these saloon-keepers in jail and get their fines, he said to me that he did not like to do it. He knew all the boys, they bought crackers from him, and he wanted to be lenient. That is one of the great curses of prohibition: there is not a business man in Cedar Rapids who is not selling something to saloon-keepers. One man was converted from prohibition by a saloon-keeper going in and saying to him, "If we did not do business, you see, we could not patronize you." From that day to this that man has voted against prohibition. That is the shame and

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disgrace of the whole business. We had an election here this spring, and in connection with it a Citizens' Convention was called, ostensibly for reform. At the meeting nearly all the clergymen and a large number of prominent prohibitionists were present. It was the best representative meeting of that nature ever held here. It was proposed to get up a citizens' ticket, and three candidates were already named and agreed upon. As they had made so much fuss about the enforcement of the prohibitory law, and as I had always joined with them when they wanted to try to enforce it, I thought I would see what there was to it. The difficulty is that when any arrangement is made for the enforcement of the law they always break loose from their agreement. At that meeting I introduced some resolutions in favour of the enforcement of the law, and they were endorsed by the meeting with a hurrah. I also introduced a resolution that the candidates should sign the platform and stand upon it and agree to enforce the law if elected. We tried for three or four days to get those people to sign it, but they would not do it. I asked these prohibitionists to call another meeting to put up a straight prohibition ticket, and my friend Mr. Shaver and a large number of those people who were asked to sign that call because their candidates had refused to accept the platform which they had adopted, would not do anything about it. They said they had got me in a nice box and got their men nominated, and that was what they wanted. I said, "The candidates will stand on that platform or be defeated." They brought down some of their prominent citizens and their candidates to the *Gazette* office, and the prohibitionists themselves let these candidates off by writing letters saying nothing as near as possible. They would not commit themselves to the enforcement of the law at all. The result was that my friend Mr. Daniels beat their candidate for Mayor by 300 majority. So you see it is the rankest kind of hypocrisy. They talk prohibition when they do not mean it, and do not practice it, and you cannot elect a prohibitionist to any office in Cedar Rapids, and consequently you cannot enforce the prohibitory law.

3257*b*. If the persons who call themselves prohibitionists in Cedar Rapids should stick to their vote, could they elect their candidate?—Not now, because there have been so many changes of prohibitionists to anti-prohibitionists. At one time they could, but they cannot now.

3258*b*. Have you many in this city who belong to the prohibition party?—Yes. I think Dr. Burkholder of the First Presbyterian Church is an advocate of that party.

J. C. BROEKSMIT examined.

*By Judge McDonald :*

3259*b*. You are a resident of the city of Cedar Rapids?—Yes, and have been for 22 years,

3260*b*. You are the Auditor of the Burlington, Cedar Rapids and Northern Railway?—Yes.

3261*b*. You have become acquainted with the working of the prohibitory law in this State more or less?—Yes.

3262*b*. Are you personally favourable to the principle of prohibition?—Yes.

3263*b*. How do you find the Act itself working?—It works all right where you have a majority of the people to uphold it. Where you have not, it is a difficult matter to enforce it.

3264*b*. Does the state of the public sentiment enter into the effectiveness of the enforcement of the law?—The state of public sentiment has all to do with the enforcement of the law. Where the people are in favour of it, it is rigidly enforced.

3265*b*. How do you find it in this community?—It is not enforced. There seems to be on one side a lack of official duty, and on the other hand there does not seem to be anybody to push it.

3266*b*. Is there a lack of sentiment in favour of the law?—We have never been able to get any one in the office of Mayor who was a strict prohibitionist. I need not



## Liquor Traffic—Iowa.

tell you that the foreign element plays a large part in this question, and as a general thing the foreigners are opposed to prohibition. There are some foreigners who are in harmony with it and in favour of it largely, but the majority of them say, "Father and mother and grandfather and grandmother did so and so, and we are going to do the same." Yet a great many of them see the evil of the liquor traffic, especially the women, and deplore it. We must admit that the liquor traffic is a cancer almost in the body politic. Suppose the traffic became so great that it would absorb and control the general government, in what sort of a position would that put the country?

*By Rev. Dr. McLeod :*

3267*b*. From your observation of the State as a whole, do you think the prohibitory law has accomplished some good?—I think it has accomplished a great deal of good.

3268*b*. You have under your superintendence, I suppose, a large body of men?—We have on our road probably two thousand men employed.

3269*b*. Have you some rules with regard to the use of liquor by them?—There is a rule of the operating department that they must abstain from the use of intoxicating liquor during business hours, and not be seen in saloons.

3270*b*. You think the absence of the saloon, then, is an advantage?—There is no question of that.

3271*b*. The saloon itself is a temptation?—It is a drawback, no doubt. It is a temptation to the boys to go in there and drink. There is something in this country that I have never seen on the continent of Europe. I was born in Holland; but if a man in that country should go and drink any intoxicating liquor before twelve o'clock noon, he would be ostracized from society. The people would say he was a common vagabond, and had no right to be among decent people. But here during all hours of the day and night that stuff is on tap, and you can find people drinking it.

*By Judge McDonald :*

3272*b*. Does the treating system exist in Holland?—No, every man pays for his own liquor. There is no getting into a crowd there and having drinks all round. That treating business is a terrible evil.

3273*b*. What is the effect upon the public conscience regarding all law, of the constant violation of the prohibitory law?—It can only be the greatest anarchy within the next fifty years. It is only sowing the wind to reap the whirlwind; it is sure to come. The law should be upheld at every hazard.

*By Rev. Dr. McLeod :*

3274*b*. Do you regard it as this, that the people are simply intimidated by defiant law breakers and join hands with them?—We have a Democratic administration in this city. The Democrats and the liquor power get together and say to every man that he can do as he pleases. They say, "We will not molest you, and you may go on as you like if you come to the scratch every month with \$25." I know for certain that the Mayor of this city has stated, "If they do not come to the scratch, I will close them up;" while, on the other hand, he gives us to understand that he cannot close them up.

*By Judge McDonald :*

3275*b*. He says if he closed up the places that are public, there would spring up two kinds of places, the druggists for the better class and the boot-leggers and holes-in-the-wall for the lower class, and they could not be caught. His idea seems to be that that state of things is worse than the present, with this condition, that the present system is going to bring a revenue to the city, while the other does not?—You come back to the same thing, that it is unlawful to license them.

*By Rev. Dr. McLeod :*

3276*b*. Is it a sort of blackmail on the part of the city?—It is worse than that.

J. C. BROEKSMIT.

*By Judge McDonald:*

3277*b*. We are told that you have here, too, a system by which blackmailing is resorted to by certain men in the legal profession?—Some time ago that was very much practised by third-rate or sixth-rate lawyers.

3278*b*. Do you think such a thing as that could be done by lawyers in the country from which you came?—No, most decidedly not. They would be disbarred, and officials who acted in the way they do here would be impeached. In the old country our Mayors are appointed on a different system—they are appointed for life.

## Liquor Traffic—Iowa.

CLINTON, IOWA, May 26th, 1893.

HIS HONOUR JUDGE McDONALD, a member of the Royal Commission on the Liquor Traffic, visited this town this day, and obtained statements in regard to the law prohibiting the liquor traffic.

E. A. HUGHES examined.

*By Judge McDonald:*

3279*b*. You reside in this city?—Yes.

3280*b*. You are Mayor of the city?—Yes.

3281*b*. What is your occupation?—I am engaged in the livery business.

3282*b*. How long have you resided here?—Ten years.

3283*b*. How long have you been Mayor?—I was elected in March, 1892, for two years.

3284*b*. At the time you became Mayor, was the present system in force?—No. The fining system had been in operation two years. Prior to that they simply operated under the prohibitory law.

3285*b*. You recollect the state of things under the prohibitory law?—Yes, I have a very distinct recollection.

3286*b*. How was it in this city?—It was partly enforced, at no time in full.

3287*b*. Were they regular or spasmodic?—There was a very earnest and good effort made here to enforce the law, continuing about eighteen months.

3288*b*. Do you recollect when the wine and beer law was in force?—Yes. At that time we had a \$300 a year license, practically the same as we have now. The saloon-keepers were allowed to sell wine and beer, but not to sell distilled liquors.

3289*b*. Did they live up to that law, or did they sell indiscriminately?—They sold what they pleased.

3290*b*. Do you remember what number of places you had licensed in those days?—I cannot tell you now.

3291*b*. Then, the prohibitory law came into force, which did away with wine and beer?—After the prohibitory law first came into force, for a few days the saloons closed. I do not think there were more than a very small number that were running, and they quietly kept opening up until they were all running again. In fact, we had more saloons during that time than we had before or since. Then in 1888, Mr. Chase was elected Mayor, and he started in to enforce prohibition. I think he made as good and honest an effort as any man could make to enforce the law for eighteen months; but at the close of that period the number of saloons was greater in the city than it is to-day, and they were paying no license.

3292*b*. During the eighteen months when Mr. Chase was trying to enforce the law, was there any illegal sale?—Yes, by holes-in-the-wall and back doors.

3293*b*. Had you druggists who sold liquor for beverage purposes?—Yes, there was no time when the druggists did not sell liquor.

3294*b*. Do you know men who were nominally druggists but really liquor sellers?—We had very little of that. Des Moines had that experience. We were only a short period under a restrictive prohibitory measure, and we did not get into that condition. The city of Des Moines, instead of having fifteen or eighteen drug stores, as it had prior to prohibition, has now about two hundred. During the Chase regime there was one place here which was evidently a private house, and you could go into a kitchen of that house at any time and get your liquor out of coffee pot or tea pot or something of that kind. Of course the man who kept this place would only admit those he knew. We had lunch counters in this city where liquor was sold in the same way.

3295*b*. How did that attempted enforcement in the city slacken off?—The Law and Order League would attempt to enforce the law a while. Mr. Chase quietly let go without assigning any reason. He decided that the law could not be enforced, as it was not

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being enforced. The men who were backing him up, the financial business men of the city who are earnest and conscientious in their efforts, awakened to the fact that it was knocking their business interests out to a great extent.

3296*b*. How was the attempted enforcement of the law prejudicial to their interests?

—The people would get down on them.

3297*b*. Is the public sentiment of this community against prohibition?—It always was.

3298*b*. How did the people vote on it?—It was never voted on except at the time of the passage of the law. I do not think the city was then in favour of it. The vote was very close.

3299*b*. After Mr. Chase's administration what system ensued?—Mr. T. N. Gobble was elected Mayor, and he inaugurated a fining system, allowing the liquor men to plead guilty to conducting an illegal business. That was done once a month, they paid \$24.85 every month; that is a fine of \$20 and costs of \$4.85. That was the system in vogue when I was elected. It ran for two years.

3300*b*. When that system was inaugurated, the open saloons commenced?—They did not commence any more than they had been. They had been open, but had not paid any revenue. I think the inauguration of that system reduced the number of saloons.

3301*b*. Did boot-legging and a similar kind of sale disappear when the other places were opened?—Yes.

3302*b*. When you came into office what happened?—On April 21st, I think it was, our Council passed an ordinance permitting the granting of a license to any one to run a place of resort for the purchase and sale of every kind of beverage not prohibited by the State law of Iowa. For this they were to pay \$25 a month in advance.

3303*b*. Had you any provisions made as to minors?—We could not very well do that with that kind of an ordinance.

3304*b*. Perhaps you would enforce the State law against those who sold to minors?—That would be the effect. We have no authority to say that those who sell soda water should not sell to minors. This ordinance is drawn up in this way, giving the Mayor the right to revoke the license of any one for any cause he sees fit. So that in case of any man being discovered selling to a minor, I would certainly revoke his license.

3305*b*. You would regard the man as subject to the laws of the State and the laws of the United States?—Yes.

3306*b*. And there is nothing to prevent prosecution of him for violations of those laws?—Not a thing.

3307*b*. How does the system work with you?—The best idea I can give you of it is that under Mayor Chase's administration the city received in his last year for fines and licenses \$1,104. Under Mayor Gobble's administration, when the fining system was in force, the city received in the first year from those two sources \$14,000, and in the second year \$16,060; and in the first year of my administration the city received \$27,800 from the same sources.

3308*b*. Can you tell us whether during Mr. Chase's administration any amount had to be paid out for costs by the community in the attempt to enforce the law?—Yes; there was a large amount, but I cannot give you any idea of how much it was. Of course, these prosecutions were all started as State prosecutions, and the expenses did not come on the city but on the county. Of course the city had to pay its proportion of taxation.

3309*b*. Have you had at any time anything like this—men, under threat of prosecution or actually starting prosecutions, making saloon-keepers pay them money?—Yes, we have had. I think there have been two cases either started or threatened to be started here for the collection of private bills. That is rather a black-mailing business. One case was that of a doctor, who had done some professional business for a saloon-keeper, and he started a State prosecution against him for the purpose of making him settle his bill, and when the bill was settled the case was released. The man came to me and said he was paying a license to keep a place of resort, and that he ought to have some protection.

## Liquor Traffic—Iowa.

3310*b*. Is this an orderly and law-abiding community?—I think so.

3311*b*. Compared with other places?—I may be prejudiced, but it seems to me there has never been a time in the history of our city when the people have been so orderly and law-abiding as they have been during the past year, since the present system came into force.

3312*b*. Do you remember what the rate of taxation was during the Chase administration, as compared with what it is now?—It was less than now, but not by reason of that. Since that time we have voted upon ourselves a ten per cent tax for the purpose of constructing a bridge across the Mississippi River. We have also put upon ourselves a tax for the construction of a court-house.

3313*b*. Outside of those items?—There has been no change in the levies for city purposes. The reason of that is this, that during all those years our city was running without any revenue from that source, and as a result of that we had got ourselves into a hole in the shape of \$50,000 or \$60,000 of overdraft.

3314*b*. Are you over-drawing now?—Yes; although I shall, without a doubt, at the end of my administration have the city entirely relieved of that, and I think that this year we shall make a small reduction in our rate of taxation. Of course, our city revenue is more than we are expending; but in order to even up the effects of the prohibitory time, we are obliged to continue the same rate.

3315*b*. Are there any benefits that you have noticed to come to your community from the prohibitory law?—I should certainly say not.

3316*b*. Are you acquainted with other sections of the State, the rural sections?—Only in a general way.

3317*b*. We are informed that there are rural districts and communities in the State where the law is well observed?—I think that is true.

3318*b*. Is that owing to the fact that the sentiment of those communities is strongly in its favour?—Yes. I can only say, in relation to that, that last spring there was a convention called at Des Moines, or rather a call was made on the Mayor of each city in the State of Iowa to send a delegation consisting of the Mayor and three representatives of the business interests to meet in convention at Des Moines for the purpose of soliciting the Legislature to give us some relief in relation to the prohibitory law. I went to that convention with three of our citizens, but there was present at it a very strong representation from all over the State; and if the voice of that convention can be credited with having any weight, or with giving us an indication of the condition of affairs throughout the State of Iowa generally, it certainly showed strongly that the effect of the law was detrimental to the State of Iowa in a general way, and in each individual locality represented in the convention. There were a number of strong speeches made by men who said that at the time the prohibition law was submitted to the people they were in favour of it. It was then represented to the people of the State by the prohibitionists that all they asked was a fair trial of the law and a fair and earnest effort to enforce it, and if, in the view of the people of Iowa, it proved to be a failure and not a good thing for the State, they would agree that the law should be repealed. I heard several very good speeches made there by men who claimed that they had been in favour of the measure at that time, but who now thought we had seen a sufficient trial of it and concluded that it had proved a failure. They said their cities were suffering to such an extent that they could not stand it any longer without relief, and they asked the Legislature to give them relief. The feeling of that convention generally was that the law had been a curse to the State of Iowa, especially in the larger cities.

3319*b*. At Des Moines the Secretary of State, Mr. McFarland, indicated to us that he favoured a system which, while retaining the prohibitory law for the State, would allow any community that wished to withdraw and established a license system with regulation. If such a plan as that were carried out, would it be better than the present?—I think so. That would be practically local option.

3320*b*. With a law on the statute-book enacting prohibition for the State, and a community practically doing away with that law for itself, as is done in many communities of this State, what is the effect on the minds of the people with regard to all law?—I think the effect is bad.

E. A. HUGHES.

3321*b*. Is the present system in this city one that commends itself to the sentiment of this community?—The general opinion of our citizens is, I think, in favour of the present system, without either attempting to enforce prohibition or allowing the saloons to run without yielding any revenue to the city. We have many conscientious prohibitionists, good Christian men, who would not concede that to be the fact. They say, “We would prefer that you should allow these saloons to run without collecting any revenue, and you have no right to take it.” But I do not think that is the general feeling of the community. The people generally say, “If these places are bound to exist, then collect a revenue from them.”

3322*b*. Do some people consider that the traffic is an evil, and that you should not collect any revenue from that source?—Some of them do; but the gentlemen I speak of seem to simply object because it is an illegal way of collecting revenue. I do not think the majority of them would object if it were legal.

3323*b*. Would the fact of the injury that some prohibitionists would sustain in their business from the suppression of the saloons, and the fact of the revenue the city derives from the present system, both have the effect of having men who are prohibitionists in principle favour the system?—It might not have the effect of making them favour the present system, but it might have the effect to a certain extent of stopping them from enforcing the prohibitory law.

3324*b*. Does the fact that the city takes a revenue from them lead prohibitionists to leave them alone, because they feel it would be unjust to prosecute them while the city receives a revenue from them?—No, I think not. I think the reason that they do not make a fight is that the sentiment of the people is very strongly in favour of letting them alone. I think we have as law-abiding a community as is to be found anywhere. At the same time, having a class of people here such as are usually found in border and river towns, and a strong sentiment in favour of the liquor traffic, I think certainly there would be considerable danger in the attempt to rigidly enforce the prohibitory law, I mean personal danger to those who made the attempt. I think it would result in a great deal of disorder.

3325*b*. In round numbers, how many saloons have you now under this license system?—We have about eighty.

3326*b*. What is your population?—About 21,000.

3327*b*. Do you think the traffic is carried on by any unlicensed persons?—No, I think not. We have only had two or three men attempt to run without a license.

3328*b*. I suppose you do not refuse any one who applies if he can pay the money?—No. I had it reported to me that a man had sold to a minor and made him drunk, and I informed the man that if another report of that kind was made to me, I would revoke his license. I had no other report of the kind.

3329*b*. Taking your community as you have reported it, is there any more drunkenness under the present system than there was under the former one?—I think there is less in proportion to the number of inhabitants than there was during the time Mr. Chase was enforcing prohibition. That may seem a little strange, because during that time the town of Lyons, two miles to the north of us, was running open saloons, and there was no time that there were not places here where liquor could be obtained. At that time people who wanted liquor, however, would generally go to Lyons, because there they could get it freely.

3330*b*. Do you know anything of the city of Dubuque?—Very little.

3331*b*. Do you know what system prevails there?—I do not. They are running saloons openly and collecting a revenue from them, but I do not know what the system is.

## Liquor Traffic—Iowa.

EDMUND BURKE examined.

*By Judge McDonald:*

3332*b*. You reside in Clinton?—Yes, I am Chief of the Fire Department.

3333*b*. How long have you resided here?—Thirteen years.

3334*b*. You have heard the statement the Mayor has made with regard to the state of affairs in this city?—Yes.

3335*b*. Do you concur with him in the statement he has made and in the opinion he has expressed as to matters here?—Yes.

3336*b*. Were you here during the attempt Mr. Chase made to enforce the law?—Yes.

3337*b*. How did it succeed?—It was a flat failure. It succeeded so far as causing a great deal of trouble and excitement, but so far as the enforcement of the law is concerned it did not succeed. While it succeeded in closing the public saloons, there would spring up in their place lunch counters, where beer and whisky were sold. We had a good many of them, and also places that are called holes-in-the-wall. Another thing that was practised a great deal, was parties getting together and buying a keg of beer and going out on the flats and drinking it. There was a great deal more of that than I have seen before or since. A great many of the boys were in the habit of drinking in that way.

3338*b*. You think Mr. Chase made an honest effort to enforce the law?—Yes, there was no more honest effort made in the world. But in the last six months he got disgusted and gave up and made no further effort.

3339*b*. What was the reason of that?—In 1886, during Mayor Wallaker's administration, a person named Marshal Judge came here from Chicago. He said he had been a drunkard, and had been cured in the Washington Home in Chicago, and he had broken out again. He came to the town drunk. After he got sober he joined the Salvation Army, and afterwards the Methodist Church. Then he went to work and formed a Citizens' League and got some of the moneyed men interested, such as George A. Young, and went around the saloons and got beer and whisky in nearly every saloon in the town, and then started injunction proceedings against them. He went to Lyons to enter the actions, because the Justices here were opposed to prohibition, and the prohibitionists thought they could not get justice from them. One day he was up there on one of these cases. He had a saloon-keeper arrested for violating the prohibitory law. On the way down, in a street car, he got into a dispute with the saloon-keeper, or the saloon-keeper started a dispute with him. It got pretty warm, and they got off the car on 6th Avenue, and the saloon-keeper made a motion as if to strike Judge, when Judge pulled a revolver out of his pocket and shot the saloon-keeper in the stomach. Of course a howling mob started after him and followed him to his room, and the City Marshal went after him to arrest him. Judge got a shot gun in his rooms, and as the Marshal started to go upstairs he shot right into the crowd, and shot the Marshal in the face. He was finally arrested, and the Sheriff took him to jail. That afternoon the saloon-keepers held a meeting and organized a mob, and the same night they went up to lynch him. The Sheriff had a lot of policemen in the jail, and there were in the neighbourhood of two hundred men besides the saloon-keepers and their friends. They tore one side out of the jail, and shot into the jail, and there was quite a riot. The fire alarm was sounded, and the fire department was called out to help to disperse the crowd. We went there, but stayed across the street. There were a couple of saloon-keepers shot, one on the leg and one in the ear. As soon as the Sheriff's posse opened fire on them they dispersed. The riot lasted three or four hours. They took Judge to the State prison and kept him there two or three months, and he never was indicted. The saloon-keepers agreed to repair the jail and pay the expenses, and the matter was dropped.

3340*b*. Did the saloon-keeper and the Marshal both recover?—Yes.

3341*b*. What became of Judge?—The last I heard of him was at Cedar Rapids. He never returned here. After that occurrence there was no further attempt to enforce the

EDMUND BURKE.

law until the time of the Chase administration. Mayor Chase was not elected on the prohibition platform. He had gone around to the saloon-keepers and promised them not to enforce the prohibitory law, and the saloon-keepers supported him to a man. So that he got in on false pretences, and he is not a prohibitionist in sentiment, though while Mayor he was in practice.

3342*b*. Is he a total abstainer?—No, he is not, and never was. The first time we ever had a square fight on the question, when the people understood it, was at the close of the Chase administration, when three candidates came into the field, a Republican straight prohibitionist, a Democrat license man, and an Independent Democrat license man. Mr. Gobble, the regular nominee of the Democratic Party, and a regular license man, was elected by a good majority over the combined votes of the other two.

3343*b*. With your knowledge of the condition of the city, what do you think is the best method?—I think the present system is the best.

E. A. HUGHES re-called.

*By Judge McDonald :*

3344*b*. Have you any breweries here?—One.

3345*b*. Have you had more at any time?—Yes, there were two.

3346*b*. What kind of beer do they make?—I am not really a good judge myself, but some of the boys say not extra good.

3347*b*. Is that brewery running straight along now?—I understand that it is, but not very largely. During the two years of the Chase administration there were three murders attributable in one way or another to the liquor traffic. All the men who committed those murders, were drunk. There has been only one murder, and that committed by a drunken man who stabbed a saloon-keeper, during the three years since then. I may say that this city is in a more prosperous condition to-day than it has been ever since the prohibitory law was enacted.

GEORGE B. YOUNG examined.

*By Judge McDonald :*

3348*b*. Your residence is Clinton?—Yes.

3349*b*. You are a Counsellor-at-law?—Yes.

3350*b*. How long have you resided in Clinton?—In Clinton County about thirty years. I have practiced law here for thirty years.

3351*b*. In your first acquaintance with the State of Iowa, what system was in force in relation to the liquor traffic?—My recollection is that at that time we had prohibition as to everything except wine and beer.

3352*b*. How long did that continue?—Up to the time of our present prohibitory law.

3353*b*. That would be within ten years, I suppose?—Yes, I should say so.

3354*b*. Before the enactment of the present prohibitory law there was a vote taken?—There was a vote taken on the adoption of an amendment to the constitution, prohibiting the sale of intoxicating liquors.

3355*b*. The proceedings under that were virtually quashed by the Supreme Court?—The provision adopted was held to be unconstitutional.

3356*b*. The prohibitory law was then enacted as an Act of the State Legislature?—Yes, the present law.

3357*b*. That did away with the old wine and beer provision?—Yes.



## Liquor Traffic—Iowa.

3358*b*. And therefore you had total prohibition in the State?—Yes, except in certain special instances. Druggists could sell for sacramental, mechanical and medicinal purposes—something of that sort.

3359*b*. As the law is at present, can a farmer from his own apples make cider for his own use in his own house, or make wine from grapes for his own use in his own house?—There is nothing in our statutory law on that subject. That would be a matter for our courts to determine.

3360*b*. Do you remember whether any such point has ever been raised?—I do not recollect of any such question having been raised. My own opinion privately would be that a farmer could make his own cider and drink it.

3361*b*. As long as he did not dispose of it?—Yes, and for this reason: we have no law against drinking. The law is against selling or giving it away, but there is no law which says to you or me that we shall not drink, though the law prevents us getting it.

3362*b*. We understand that by decisions of the courts any person may order liquor from a State outside of your own, and bring it in and use it at his own house?—Yes, there is nothing to prevent that, although our law provides that no person shall have an unreasonable quantity in his possession; it would be presumed that it was unlawful.

3363*b*. Would it be supposed that he had it for the purpose of sale?—Yes.

3364*b*. It would be a *prima facie* case against him?—Yes.

3365*b*. Is there anything in the law to prevent a man who has it in his house putting it on the table for his guests?—That might come under the head of giving it away.

3366*b*. Taking the State at large, what has been the effect of the law? Have you found it beneficial?—I would just state this in my own way, without answering the question directly. I voted for the prohibitory law, hoping that it would result favourably, and I have advocated it until recently. From my observation in the State for the first few years after the passage of the law, it was enforced generally throughout the State. We have 100 counties in Iowa, and for a long time I would say it was enforced in practically every county outside of perhaps ten. In some counties, especially border or river counties like this, it has always been difficult to enforce it. Here the enforcement has been largely, you might say, at the point of the bayonet. With the liquor sellers it has been a matter of cold business, dollars and cents. With us temperance people it has been a matter of what we might term purely sentiment or principle. The business side of it at times seemed to outweigh the sentimental side. In other words, the liquor men were constantly on the alert to violate the law and the temperance friends could not spend all their time in enforcing it. We found that our officers would not enforce it, and for years after the law first took effect we had leagues and associations of temperance people, who would meet together to devise ways and means of enforcing the law and working up public sentiment; but we found right here—I am talking about my own county and city—that we had to enforce it practically at the point of the bayonet. You would go and lock a man's place up, enjoining him, and he would start somewhere else in an underground way. But in the State at large, for a number of years after the law was passed, it worked in my opinion very happily. My business has called me into a great many different parts of the State during these years, and I have been in county after county where there was not an open saloon; and a most delightful situation it was too, because the saloon, from my observation, is more detrimental in a small burg than in a large city where you have a police force, because in these little burgs there is no one to make people behave, and if farmers' boys get intoxicated when they go to town they are more troublesome than if they came here, because in Clinton they would get locked up right away. I also found in some counties that the Germans, who are bitterly opposed to the law on principle, when they saw how it worked, favoured it, because they saw that their boys when they went to the town would come home sober; they had to, because they could not get liquor. But just how the law is enforced to-day in the counties in Iowa, I could not say; I doubt if it is absolutely so in more than half the counties in this State. But the reason my mind has changed on the question of the prohibition law is based on two causes: the difficulty of enforcing the law in large places, in the larger towns, and the further fact that the non-enforcement of the prohibitory law has tended to bring all law into disrepute seriously. That to me is the saddest feature of it all. Take my own city

here. We have anywhere from sixty to eighty open saloons running in direct violation of a law, which was most solemnly enacted; but they are what you might term black-mailed by the officials here. They are paying \$25 a month each, with the tacit understanding that if they pay that, the officials will not molest them, which to me is nothing more or less than blackmail on behalf of the authorities. At the same time, public sentiment is such here that if a vote were taken in this city to-day on the question, the people would vote for these officials to go right on doing as they are doing; they get quite a large revenue as the result. A great number of good people say that the saloons will run anyhow, that we cannot stop them, that they will tear down our jails if we attempt to stop them, as the saloon men did a few years ago. A man was brought here to inform on them, and they broke down the jail to get him out to hang him.

3367*b*. We were told that this man fired at the policeman who was to arrest him, and also at the City Marshal?—The facts of that case are these. The saloon men were tantalizing this informer, and he thought his life was in peril, and he started to run, and they undoubtedly did fire on him. He thought the mob were coming after him, and he fired downstairs at the mob. I think the man was so frightened and alarmed with a howling mob after him—I saw the mob right at my office—that he did not know what he was doing. As I say, the saddest feature of this whole prohibition law is the tendency that it has had to bring all law into disrespect and disrepute. People seem to get the opinion that if it is popular to violate one law, they can violate all others.

3368*b*. Do you know how it is in Dubuque?—I simply know that they have open saloons and wholesale liquor stores.

3369*b*. Do you know if they derive a revenue from the traffic?—I do not know as to that. This revenue feature is to me the most damnable feature of the whole matter. If a dozen of the most prominent and wealthy citizens here were to endeavour to enforce this law, it would take them 24 hours each day and 365 days of each year to do it. But these business men simply cannot drop their business and make the enforcement of that law their life work. There are a great many good men who would honestly like to see the law enforced, but they will not do anything to enforce it; they are afraid they would lose business. Merchants, for instance, are afraid they would be boycotted. Take a man who sells flour—a flour manufacturer—and he attempted to have the law enforced. At one time, I learned, the grocery people were told, "If that man does not quit enforcing this law we will not deal with you if you buy any flour from him." That is how it goes. The saloon element is a large element in the community, with their friends. For instance, to bring it right home to myself personally, I cannot afford to drop my business and do nothing else but assist in enforcing this law; and a great many men would have to do that to enforce it here in Clinton. And so, on the whole, while I am an ardent prohibitionist (and am one yet if I deemed it practicable), I have been forced to the conclusion that the wiser course may be to pass what we know as an option law; let counties and communities where the sentiment is sufficient to enforce prohibition have prohibition, and let the remainder have local option under rigid regulations.

3370*b*. The Secretary of State at Des Moines, Mr. McFarland, said to us that he had put forward this view: not to have a license law for the State with power to communities to have local option preventing the issue of licenses, but to retain the present prohibitory law for the State, with power to communities to withdraw themselves from it?—The most serious obstacle to local option in my opinion is that it would keep the different communities clashing at every election.

3371*b*. Could it not be made to cover a term of years?—Yes, that might be done. The liquor men as a rule simply want free whisky. We should have just about as much trouble here to enforce high license, to make them pay perhaps \$1,000, as we have to enforce prohibition. There would perhaps be a few of the better and more wealthy men in the business who would be glad to have high license, and as far as their influence went we would have the benefit of it in enforcing the law, but as a rule they do not want any restraints. The liquor men as a class want free whisky.

3372*b*. According to the statistics, we find that in 1890 the population in the State of Iowa, was 1,911,000, and there were 7,619 United States tax receipts issued in this State. This State had really more of those United States receipts issued per head than

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any one of the surrounding States except Illinois, and out of those receipts 29 were for breweries in Iowa, which we understand are illegal under the law?—Yes, absolutely so.

3373*b*. What has been your observation with regard to the druggists throughout the State, as to the way they carry out the law?—I had not supposed that there were a great many druggists who went into that business simply on account of being able to sell liquor. Many of them violate the law; they do it right here in Clinton every day. That is, you can go into any drug store in Clinton to-day and get a bottle of liquor, and the druggist will not ask you to make any application or comply with the law. You can go in and buy it as you can buy any drug in the store.

3374*b*. Suppose that I, being a stranger in the State, want something to drink and go into a drug store and give a name—it may be a false name: is there any investigation made by the druggist, even when he tries to observe the law, to ascertain whether I am entitled to it?—I think not, as a rule.

3375*b*. I may sign any name I like to the application if he requires it?—Yes.

3376*b*. But we understand that in a great many instances they do not require the application?—They do not here in Clinton. We had prohibition here practically for a few months under Mayor Chase. Clinton County is largely Democratic. It used to be Republican. The whole congressional district was Republican. Our office holders were all Republicans. On the adoption of this prohibition law the county changed the other way. If we could get this question of liquor out of politics, and keep it out, then I should have some hope of enforcing the law; but the politicians as a rule are with the liquor men. Some three or four years ago Mr. Chase, a Republican, was elected Mayor. He is a very quiet gentleman, but a very bold and determined one, and he undertook in the utmost good faith to enforce the prohibition law in Clinton. His life was threatened repeatedly, but it made no difference; he went right on quietly. He had the police force under his control, and for from three to six months here I did not know of an open saloon in town, although there was undoubtedly more or less liquor sold on the sly. But for quite a time during his administration there were no open saloons or places where you could go in and get a drink of liquor. Being a lawyer, he assisted in the prosecution, and made a business of it, just as though he was employed to prosecute these cases for pay. He carried that on for months here grandly; but there is a limit to endurance in many cases, and it seemed to be so in his case. He did not seem to have the moral and financial support of the people. He was obliged to drop his own business to undertake to enforce that law. In the latter part of his term of office it was not enforced. It became so burdensome that he could not carry it on alone. He had to make the complaints himself and prosecute the cases himself. It is very difficult to get lawyers to prosecute these cases, or I might say first, the county officers who ought to prosecute them. You have got to force them to it right at the point of a bayonet, and when you hire outside counsel, they hesitate to go into the work. For instance, there will be a league or town meeting in a church. It will appoint a committee to employ lawyers to enforce the law. The lawyers will go at it, and their pay will not be forthcoming. Some suits were brought here by certain lawyers against the league, or some members of it, for their pay. So in all these ways it is very difficult.

3377*b*. In the latter months of Mr. Chase's administration there was a lull in the work of prosecution?—Yes.

3378*b*. When he stopped that did the saloons open up again?—They gradually did.

3379*b*. Did any of those places that closed resume business?—They did.

3380*b*. Do you suppose they had been secretly carrying on business in the meantime?—No doubt part of them did. But one of the means of enforcement was by injunction obtained from the courts. Mr. Chase obtained a great many injunctions, and the saloons were ordered to be closed; but they violated the injunction and opened them up again, and then he had to take proceedings against them for violation of the injunction. Well, men do not want to put in all their time complaining about these violations. They cannot do it and carry on their business.

3381*b*. We heard at Cedar Rapids that men, some of them members of the legal profession, would actually write letters to the saloon-keepers requesting them to come to their offices, or serve on them notices of a suit, and would ask them to pay something to stop proceedings?—I have heard of such things here.

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3382*b*. Under your law half of the fine goes to the school fund of the city, and half to the informer, and when a man came to the office of one of these lawyers, he would take from him \$100 or \$120 and let him go, and the school fund would get nothing?—I have heard here of cases of proceedings being commenced, and the proceedings would be stopped by the saloon-keeper paying the lawyer so much. That tended to bring the law into contempt. I have heard of one or two such cases.

3383*b*. Suppose such cases occurred, would there be any means of disbarring these men?—Yes. But there is a great difference between theory and practice. We had a lawyer in Davenport who behaved in that way, and one of the leading lawyers took the matter up with a view to having him disbarred. It involved a trial lasting many days, and those lawyers who took it up spent considerable money out of their own pockets, and a good deal of time carrying it on. While men can afford to do a considerable amount of that kind of work for the public good, they cannot afford to do it constantly, and it has really been difficult to get the better class of lawyers to take hold of these prosecutions. I have known lawyers applied to who declined to do that kind of work. I have been applied to. My applicants would be a committee appointed at some church meeting or other, and I knew very well I would have to carry on the battle alone. They might do talking around; but when it came to serious hard work I would have to stand alone, and probably without any pay. Well, I could not afford to take hold of these prosecutions unless I could carry them through and succeed in them, saying nothing about the question of pay, and I knew that with the public sentiment here I could not do it.

3384*b*. In the cases that went into court, did you find that there was much perjury?—It was very difficult to get proof. These men would testify in liquor cases frequently very differently from what they would in other cases.

3385*b*. That is what we have been told—their memory becomes very short?—Yes, evasive.

3386*b*. In the attempt at enforcement made by Mayor Chase would there be much cost incurred?—Yes, more or less cost in each case.

3387*b*. How would that be paid?—It would be taxed against the saloon men if successful.

3388*b*. If not?—More or less would be taxed to the county.

3389*b*. And if taxed against the saloon-keeper and he could not pay it?—Then some of it would not be paid, but a certain portion of it would be paid by the county.

3390*b*. Apart from the sentiment that may exist in the minds of different people as to the liquor traffic itself, do you believe that the fact, on the one hand, that enforcement leads to taxation for costs, and on the other hand that the system adopted here leads to a large revenue, together influence public sentiment largely in favour of the present system?—There is no question about it.

3391*b*. Then the money consideration, you think, influences a great many people?—Yes. For instance, we are building a new city hall. The Council last year passed a resolution setting aside I think \$500 a month from, what I call, this blackmail fund to build a new city hall here. People see this hall going up, and many of them want the hall. They do not stop to consider the means by which it is obtained. And they see improvements going on that could not go on unless we had this revenue from the liquor business; and that stifles the consciences of a good many.

3392*b*. Do you think, in addition to what has been said, there is any personal fear of actual violence on the part of temperance people that may act as a deterrent to enforcement of the law?—I think there is on the part of a good many.

3393*b*. A fear that something like the Muscatine affair might happen?—Yes, and they fear that it may affect their business, and fear that they might get burned out.

3394*b*. Is there something of the non-enforcement attributable to this fact, that this is a partisan law, enacted by a Republican Legislature, while the administration of nearly all your cities is in the hands of the other party, who would naturally be opposed to this Republican law, and would not enforce it? If by any operation you could get towns Republican, do you think Republican officials would enforce that law better than Democratic?—Yes, there is no doubt about that.

## Liquor Traffic—Iowa.

3395*b*. I understand that this town was Republican until the passage of the prohibitory law?—Yes.

3396*b*. So that it had the effect of throwing away a large part of the Republican vote?—Yes, largely. Our present Mayor is a Republican, but with a Democratic Council.

3397*b*. And that Republican Mayor is in favour of the liquor traffic as regards this city?—Yes.

3398*b*. Do you not come back in the end to this, that in communities, be they rural or urban, the state of public sentiment is going to be the guiding factor as to whether this law will be carried out or not?—Exactly so.

3399*b*. Be it Republican or Democratic?—Yes.

3400*b*. Only a Republican would enforce a Republican law better than a Democrat?—Yes, a great deal.

3401*b*. You would succeed better if you had State enforcement?—I do not know as to that. I think there would be a pretty bitter and pronounced local feeling against that.

3402*b*. Still further if you had National enforcement. Do you not think you could get better results the further away you took the control of the enforcement of the law from the people over whom it is executed?—Undoubtedly. The United States Government enforces our laws whether the people want it or not, and the people submit.

3403*b*. With regard to the United States dealing with this question, is not the public sentiment of your communities in favour of the payment of that United States tax by liquor sellers, and is not that the reason why the people are willing to pay the United States tax?—They would be willing, but I do not think the people think much about it. It is not a large amount.

3404*b*. But there is not any opposition to the liquor men paying that?—There is not much opposition to it outside of the liquor men. I do not know that they object to it. That is enforced right up to the handle.

3405*b*. If any of the saloon-keepers go against your ordinance here levying this tax upon them, will they not be spied out very quickly?—I think so, because it is the interest of every liquor man to have them pay, and the interest of the corporation too.

3406*b*. We find that the system here is a little different from that in other places. We understand that your Council gives no protection to saloon-keepers?—No, but they cannot stop it. The Mayor would not allow his police force to aid in the prosecution of these men.

3407*b*. It really becomes a license fee?—It really is taking money for allowing them to violate the law. I have told some of them I would not pay it. If they did not, the Mayor would send his police force around and take them up on the ground that they were violating the very law that the city authorities authorize the violation of.

3408*b*. If the officers neglect to enforce the law and prosecute offenders, can any citizen make a complaint and have the officers prosecuted?—Oh, yes, that can be done. Any person can lay a complaint against an officer and prosecute him.

REV. FRANK L. LOVELAND examined.

*By Judge McDonald:*

3409b. You reside in Clinton?—Yes. I am Pastor of the Methodist Episcopal Church here.

3410b. How long have you resided here?—Two years.

3411b. Have you resided in other parts of Iowa?—Yes, I have resided in Iowa for the last twenty-five years.

3412b. So that you are well acquainted with the State?—Yes.

3413b. How have you found the prohibitory law to work, taken generally throughout the State?—The prohibitory law in Iowa is of a peculiar character. The working of it depends upon the locality. In the interior of the State I think the law has been a success, that is, a success in the same way that other prohibitory laws are a success. Of course, violations of it occur, but in the main it has been productive of a great deal of good. It has been the means of closing the open saloon in the interior of the State.

3414b. In those sections in what way does the traffic find vent?—The traffic in the interior of the State, especially in the smaller country towns, where it is carried on at all, is carried on under the boot-legging system, and the man's material is got from the river towns and the neighbouring States.

3415b. In those places are you troubled with druggists selling?—A great deal. The State has a peculiar pharmacy law, which gives the druggists in those places almost the whole power of the open saloons, and that has worked with great detriment to the prohibitory law.

3416b. Have you reason to suppose that persons, under the guise of keeping drug stores, have been really doing the business of selling liquor?—I am certain of it.

3417b. We find that in your State 7,916 United States tax receipts have been issued, of which 7,874 are for retail liquor dealers. Can there be that number in your State carrying on the drug business?—No, I think not. There are a great many of those not having license to keep a saloon, and yet they are carrying the United States license which the drug men must have. I think in the rural districts, if they were free from the interference of what I may term the border cities and counties of the State, the prohibitory law would be in a great measure successful. But you take the river towns, take this city, for instance, and out of it goes an influence that is bad for the prohibitory law for miles and miles around it. The same is the case with Dubuque.

3418b. What is the system in Dubuque?—It is very often called the State of Dubuque, because it has a law of its own, and it utterly ignores the laws of the State.

3419b. Do the city authorities allow the violation of the State laws?—Yes.

3420b. All State laws?—No; all State laws on the liquor question.

3421b. Coming to your own city?—In our own city we have a peculiar state of affairs. I think the Mayor's statement of the facts is a fair statement with regard to the municipal control of the question. It is true, however, that when our municipal authorities take that position they do so not only in violation of the State laws, but of their own oath. I will quote from my sermon of last Sunday in regard to the violation of law in this city. The reason I preached the sermon was simply this. Our citizens will go to the Mayor and police force and ask for protection against the violation of the laws in this city—the violation of laws relating to the Sabbath, drunkenness, lewdness and obscenity, which is continually being carried on in the open parks on Sunday, and the open running of saloons on Sunday. There is no law in our city that seems to be regarded by either the municipal authorities or any one else unless a protest is raised. A committee of our citizens last week waited on the Mayor and asked for protection. The Mayor simply by a laugh turned the matter off, and said, "Help yourselves if you can—I can do nothing." In order that you may understand what position our authorities take on the liquor question, and on all questions relating to the enforcement of the laws, I will repeat to you what I said in my sermon on Sunday night. I read from McLean's Annotated Statutes of the Code of Iowa, from section 5,438, as follows:—"If any person be found on the first day of the week, commonly called the Sabbath, engaged in any riot, fighting or offering to fight, or

## Liquor Traffic—Iowa.

hunting, shooting, carrying firearms, fishing, horse-racing, dancing, or in any manner disturbing any worshipping assembly or private family, or in buying or selling property of any kind, or in any labour, the work of necessity or charity only excepted, they shall upon being found doing so be fined or jailed according to the penalties hereto attached." This being a State law, I further went into our city ordinances to see if there were any ordinances bearing on this question that could stop these saloons on the Sabbath Day. I found none, but that is the State Ordinance. Then I turned to the city ordinances, chapter 147, section 1, which defines the duty of the Mayor of our city: "He shall see that the laws of the State and the ordinances of the city shall be enforced within the limits of said city." The Mayor takes his oath to enforce that, and is under \$4,000 bonds to do so. Section 2 of the same chapter reads as follows: "He shall have a general supervision of all city officers." Section 5 says: "He may call officers and citizens to his assistance to prevent crime or violations of the law of the State or the ordinances of the city." Then I read from chapter 147, section 31, defining the duties of the City Marshal: "It shall be the duty of the City Marshal to see that the laws and ordinances are enforced, both of the State and the city, and to inform himself in relation to any and all violations thereof, and prosecute the offenders before the proper tribunals, causing information to be filed or such other proceedings as may be necessary." He takes his oath, and is under \$1,000 bond. Here is just where the trouble lies with the non-enforcement of the law in this city, with such statutes as those facing our public officials and municipal authorities: when the law-abiding people of the city complain to our municipal officers about open saloons running in defiance of the law, not only on the Sabbath day, but on week days, our municipal authorities turn right round and trample on their official oath, and the bonds they have given, and say they can do nothing; so that we find ourselves perfectly helpless.

3422*b*. Can you tell me in whose name their bonds are taken—in the name of the city or the State?—They are given to the city.

3423*b*. Then the city could enforce them?—Yes, any citizen could bring impeachment proceedings against the Mayor.

3424*b*. Has any one done that?—No, but I understand a move will be taken unless there is an attempt made to enforce these laws.

3425*b*. Are these men, in permitting this violation of the laws, reflecting what may be called a majority of the public sentiment of the city?—I think they are.

3426*b*. Do you think that really is what is the cause?—I think that is really the cause of the thing, for this reason. This city and all the other large river towns of the State, have a population which is made up very largely of foreigners. Germans, who come to us with their drinking proclivities, Danes, Norwegians, Swedes, Poles and Italians, make up a large percentage of the population of our large cities. The majority of the population of these large cities is foreign.

3427*b*. Is that the case in Clinton?—Yes.

3428*b*. What is your principal foreign element here?—It is all kinds. The Irish and Germans predominate, and these people seem to have no idea of liberty being the creator of law. With them liberty seems rather to embody the idea of perfect license.

3429*b*. Considering that, in the case of unsuccessful prosecutions under the prohibitory law, the costs had to be paid by the county, and also considering that there was no revenue coming into the city under Mayor Chase's administration, whereas under the present system there is little or nothing to pay in the way of costs, while a large revenue is coming in, do you believe that the people of this city are influenced in any degree by that money consideration?—I think so, very largely indeed.

3430*b*. Do you think many men are influenced in that way who otherwise would be found working with you?—There is no question but that the money consideration influences a great many. You leave out of this prohibitory question in Iowa the money consideration, the revenue that comes in from the liquor traffic, and you will solve the question before to-morrow night. Iowa would be solid for prohibition. Referring to Mayor Chase's regime, it is also a well-known fact that at that time injunction after injunction was served against these saloon-keepers and taken into court, and then squelched in the courts.

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3431*b*. Do you find this difficulty where injunctions are served, that the saloon-keepers will leave the premises that have been enjoined, and start up in other premises, that have to be enjoined in turn?—Yes.

3432*b*. Considering the state of things that exists here, that is, the permission of the liquor traffic to be carried on illegally under the protection of the municipality, what is the effect upon the conscience of the people as to all law—good or bad?—It has a most deleterious effect. The fact of the matter is that the state of affairs in this city brings all law into contempt. That to my mind has a most damaging influence on the whole question—the growing disregard for law fostered by this sort of thing.

3433*b*. How is your city, apart from this conduct that goes on at the park on the Lord's Day, as to general orderliness?—In our city Sunday is more of a holiday than a holy day.

3434*b*. How is it on week days?—I think it will compare favourably with any of the other large cities in the State under similar circumstances.

3435*b*. Then you find, in regard to this question of the liquor traffic, a difference of sentiment as between rural and urban districts?—Very largely. The reason I speak so is this. When I moved to this city I came from a rural town, Coggon, in Linn County. I was three years pastor of a church there. The town has from five hundred to seven hundred inhabitants. It is twenty-five or thirty miles north of Cedar Rapids. There were no saloons in that town while I was there, with the exception of a very short time during the congressional agitation of the original package question. Then there was a saloon opened up to sell under the original package law, but that was soon repealed, and the saloon closed. The popular sentiment in all the smaller towns is against the saloon, but they are cursed with this drug store question to which you referred a few minutes ago. It was only after the united and vigorous protest of the people, regardless of party in that town, that the druggist was obliged to bring himself within the bounds of the strict letter of the law.

3436*b*. Had you what is called the boot-legger there?—We had, but his business was done in a clandestine manner. That is the very lowest class of people.

3437*b*. Then we understand that under your law there is nothing to prevent a citizen buying liquor in Chicago or anywhere else outside of the State and bringing it in to use in his own house?—Nothing whatever.

3438*b*. How does that work?—Very much against the prohibitory law in the State, for the reason that a great many of these foreign citizens think it no harm whatever in a foreign town or State to procure a cask of whisky, or bottles, as the case may be, and bring it in with them, in utter violation of our prohibitory law, and betake themselves to a quiet place and indulge in a drunken spree with it, and deal it out also to their fellows.

3439*b*. Has your Church given an utterance on this question?—Yes.

3440*b*. Has it done so at all of its annual meetings?—Yes, favourable to the prohibitory law.

3441*b*. Do you call on the State officers to enforce it?—We do. A month or six weeks ago, when the editor of the Cedar Rapids *Gazette*, one of the most persistent enemies that the prohibitory law has had in Iowa, sent out the postal cards to all the Methodist Ministers in Iowa to get their views of the question, the Methodist Church having the largest following by considerable in the State, I had the tabulated reports brought in, showing that the Methodist Ministers of Iowa, true to the resolutions which had been passed at all our annual gatherings, had declared for the enforcement of the law, and for no backward step in regard to prohibition, and calling upon the officials of our State to enforce the law and regard their official oath.

3442*b*. I would like your opinion as a citizen and a minister on this question: We learn that prohibition has got mixed up with party politics?—Yes.

3443*b*. Has that been a benefit or an injury to prohibition?—A very great injury, because prohibition has been made a political football in the State. I confess to you I think prohibition was the illegitimate offspring of politics in the State, brought about through the machinations of designing men to throw odium upon their opponents.

3444*b*. Do you think that a party which was opposed to prohibition adopted it for that purpose?—No; I think the Democratic Party attempted to foist on the Republican



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Party this great question of prohibition, and then immediately deserted it, and the Republican Party seem to feel that on this question they are between the devil and the deep-sea. They seem hardly to know what to do—whether to enforce it or drop it altogether.

3445*b*. Has the effect been to strengthen or weaken the Republican Party?—It has been to weaken it, because of the desertion of the foreign element who are opposed to prohibition, and who were formerly Republicans, especially the Germans.

3446*b*. We understand that another way it has affected the Republican Party, is that not only have they lost those men, but also a section who say they do not go far enough in favour of prohibition, and who have formed a third party?—The third party does not cut any great figure in our politics.

3447*b*. Is it made up of men who were formerly Republicans?—I think it is. The prohibition party has never polled a very large vote in our State.

3448*b*. Have you Populists in this State?—They have only a very small following in this State.

3449*b*. From your knowledge of the State, do you suppose that if the friends of prohibition in the two great parties would attach themselves to this prohibition party, it would have a beneficial effect?—There is no doubt that if the real friends of prohibition were to vote the prohibition ticket in this State, it would in a great measure settle the question in the State.

3450*b*. Do their political party interests hamper men who are prohibitionists in sentiment in regard to their action on the prohibition question?—There is no doubt of it, when it comes to taking action at the ballot box. The fact is, party ties are very strong in this State. There are thousands of men who at heart and on principle are firm protectionists, and yet they vote with the old parties according to party ties, because of the questions of political economy which seem to them to be issues paramount to prohibition.

3451*b*. So that if you could get rid of the connection of prohibition with party politics, so far as the old parties are concerned, you might get a strong prohibition party?—I think if you could get rid of that, there is no question that the prohibition sentiment of Iowa would be overwhelming.

3452*b*. I understand that you consider this State is prohibition on an independent vote?—I do.

3453*b*. Suppose this third party were to get a sudden accession from the Republican Party, would there not be danger that you would lose your prohibitory law?—Yes, there is great danger.

3454*b*. So there is danger that any progress of the prohibition party in this State, at the present time, as a political party, would be disastrous to the prohibitory law?—It certainly would jeopardize all that we have now. The fact is that the whole question, as it is in Iowa politics to-day, must be fought out between the Democratic and the Republican parties. To add to the strength of the third party in this State, the strength that properly belongs to the sentiment it represents, independently of all questions in politics, would take so much away from the Republican Party that it would throw the whole thing into the hands of the Democratic Party, and thus lead to the repeal of the prohibitory law, and lead to the establishment of a license law, either high or low.

3455*b*. Do you find that owing to its being made a party political question, there are men who for party reasons support prohibition although really opposed to it on principle?—There is no question that at the beginning of this fight there were a great many who voted for the prohibitory amendment who were not prohibitionists, either in principle or practice, but who did it for political reasons.

3456*b*. Do you still retain any of those?—Yes, I think so.

3457*b*. Are they a source of strength or of weakness?—I think a source of weakness.

3458*b*. You think the Republicans have not lost all the anti-prohibitionists?—No.

3459*b*. Have the Democrats got any prohibitionists?—I think there are in the Democratic Party a great many who are prohibitionists both in principle and in practice, but they go with their party.

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3460*b*. Mr. McFarland, Secretary of State, told us that he had put forward a plan, to retain the prohibitory law as the law of the State, to allow communities such as this to withdraw from it and license the traffic. Have you considered that question at all?—I have not. That would bring us back, in my mind, to the very question of educating and schooling the people of Iowa in a disregard of law, and instilling into the minds of the children of Iowa the fact which would be apparent to them, that a minority of the people who are stronger than the majority should rule. In other words, if the city of Clinton, or Dubuque, or Muscatine, or Cedar Rapids were thus given the privilege of local option over the heads of others who were compelled, possibly because of their location in the State, to submit to the prohibitory law, it seems to me that it would be nourishing in the minds of the children of this country a disregard of law. It would mean that if a certain number of people got together who would decline to obey the laws, they could simply make a law for themselves.

3461*b*. Would not the public sentiment in a community have to do with that?—It would, in a measure. Mr. McFarland's plan is simply local option.

3462*b*. Is this your view, that if such a system as Mr. McFarland's were adopted, it would be very much as if the Southern States had been allowed to withdraw from the Union at the time of the war, simply because a majority in those States favoured their doing so?—Yes, it is the same old sort of rebellion that was rampant in this country in 1860—such a move as Secretary McFarland advocates, when he says that as we have a prohibition law in the State let it stand, but if there are portions of the State that will not obey the law, then give them the privilege of being violators of the law by allowing them to adopt license. I am utterly opposed to such a plan as that, because it is an educator in lawlessness.

3463*b*. What is your position with regard to the licensing of the traffic itself? Do you look upon it as a wrong?—I do. I do not see how any minister of the Gospel who believes in the commandments of the decalogue can take any other position.

3464*b*. Then you think the licensing or taking a fee from the traffic is a wrong *per se*?—Yes, it means that the State is going into partnership with wrong.

3465*b*. Is that the position of your Church in this State?—Yes.

3466*b*. And you as a minister of that Church concur in its finding?—Yes.

3467*b*. Do you mean that the whole of the licensing system is bad, both the element of regulation and the element of revenue; or do you think that the prohibition part of the license law is good, and that the taking of money is bad?—I certainly favour every and any restriction that can be placed upon the traffic, but I am not in favour of the State licensing a wrong.

W. J. YOUNG, Jr., examined.

*By Judge McDonald :*

3468*b*. What is your place of residence?—Clinton.

3469*b*. Your business?—Manufacturer and dealer in lumber.

3470*b*. Have you always resided here?—Yes, it is my birth place and home.

3471*b*. Do you remember the system they had here when they allowed wine and beer to be sold, prohibiting distilled liquors?—My recollection does not go back to that time.

3472*b*. Do you remember when the prohibitory law or the constitutional amendment was voted on?—Yes.

3473*b*. Were you a voter then yourself?—Yes.

3474*b*. Is it any harm to ask you how you voted?—I voted for the law, more out of respect for my father's view than from my own judgment in the matter.

3475*b*. That was declared unconstitutional?—Yes.

3476*b*. And then there was a prohibition statute passed?—Yes, afterwards, and it is now in force

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3477*b*. Have you much personal acquaintance with the State?—Very little.

3478*b*. Your acquaintance is confined to this section of the State?—Almost entirely.

3479*b*. Has the law been a success in this section of the country?—No, not in this section.

3480*b*. To what do you attribute its non-enforcement?—I do not know, unless it is that the majority of the people themselves do not care to enforce it.

3481*b*. Then the weight of public sentiment is not in favour of it in this community, you think?—No.

3482*b*. We have been told that during a portion of his incumbency of the office of Mayor, Judge Chase tried honestly to enforce the law?—I so understand; I do not know. I understand that at the time he did not receive the encouragement that he was entitled to on the part of the officers, that is, the Sheriff and the county officers generally, and he dropped it. As to that I could not speak intelligently, because I do not know anything about it.

3483*b*. Your present system is virtually a license system?—Yes. In fact, I think it is the same license that existed before the prohibitory law was in effect, \$25 a month, or \$300 a year.

3484*b*. You have one or more breweries in operation here?—I think so. I believe there are several of them in Lyons, right above us in the same State, and one in Clinton.

3485*b*. What is the product of those breweries?—Lager beer.

3486*b*. Is it made under that name, or under a sham name?—I think it is made under the name of lager beer. For a long time they shipped it as extract of malt, and under other names, but now I think they ship it as beer.

3487*b*. You seem to have a good number of saloons in this town?—I think about eighty.

3488*b*. What is the state of public order in your community? Is it an orderly and law-abiding city?—Ordinarily it is, under a good city administration, and I think it is now on week days.

3489*b*. What about Sunday?—On Sunday it is disreputable, and far worse than it ever was before.

3490*b*. Is there any particular class of the population that so spend Sunday?—No, the labouring people, mostly young men.

3491*b*. Do they resort to the parks?—A great many of them do.

3492*b*. Is liquor sold there?—Yes.

3493*b*. Are there buildings in the park where it is sold?—Yes, in dancing halls.

3494*b*. Does dancing go on there on Sundays?—Yes, and in music halls frequented by the rough class of people. These parks were laid out simply as beer gardens. The one most complained of is in connection with a brewery. The parks are private property, run for purposes of gain entirely.

3495*b*. Has the city a public park?—Two, but one is not in a condition for people to visit, and the other is small. The Turners' Society has a park. That is not the one complained of, but is confined to members of the society. I think they have a dance on Sunday.

3496*b*. How many men do you employ in the city?—In the neighbourhood of 950 during the summer months, that is, men and boys.

3497*b*. How are they affected by the presence of these open saloons, prejudicially or otherwise?—Very much so.

3498*b*. It would be far better for you if these places were closed?—Yes, it would; but it would be a good deal better if we had a high license of \$1,000, which would do away with the lower class of saloons in the centre of the city. It is that class that do the greater part of the harm to our employees. There is not a street where a man cannot get a drink going to and coming from his work. It is a constant temptation to them.

3499*b*. Under Mayor Chase's attempt to enforce the law, what was the effect on your men?—We did not have nearly the number of saloons near our yards.

3500*b*. That was an advantage to you?—Very much.

3501*b*. Were you troubled with boot-leggers?—Very little. A man on the outskirts of the town might have a keg of beer or a bottle of whisky; but I have no personal knowledge of that myself.

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3502*b*. The doing away of the saloon would be an advantage to your men?—Yes.

3503*b*. In lieu of that, you would favour high license?—Yes.

3504*b*. Which would you favour for your business, a high license or a prohibitory law enforced?—I would prefer on moral grounds a prohibitory law enforced.

3505*b*. Practically which would you prefer?—High license.

3506*b*. Why?—I think it is better for the town generally.

3507*b*. Is it because you think a prohibitory law could not be thoroughly enforced?—Yes, I do not think it can be enforced.

3508*b*. Would you have a high license with a limitation of the number of saloons?—Yes, and in certain districts.

3509*b*. Do you hear any complaint made at all of the kind of liquor sold in the city?—Not by those who drink it; but I have heard of it by those who have seen and tasted it.

3510*b*. Where there are so many, and so much competition in selling it, there is a temptation to introduce cheap whisky?—The cheapest whisky they can buy.

3511*b*. And these places have the reputation of selling that class of liquor?—Yes, except some of the 'high-toned' places, as they are called.

3512*b*. Is business in a prosperous condition in this part of the State?—Yes, very.

3513*b*. These parks do not run except on Sunday?—I believe they have a dance two or three nights in the week.

3514*b*. And they are open to the public?—Yes.

3515*b*. What admission do they charge?—Ten cents or a quarter.

3516*b*. Do the vilest people go there?—The vilest in the town, the worst class of people. Young girls with shady reputations go there with young men—so I understand. I do not know personally.

3517*b*. I suppose those places might exist even under licensing system?—I doubt it very much.

3518*b*. You think it is the prohibition system that causes those places?—Yes, it is the prohibition system and the system they have here now of getting \$25 a month out of these saloons.

3519*b*. How does that affect these gardens?—I think they also pay, although I would not be sure of that. If they do not, it is on account of their being run in connection with the breweries.

3520*b*. The sentiment of the community has a great deal to do with it?—Yes, and the sentiment of the community has changed here within the last few years; a great many who were ardent prohibitionists have been converted to high license. Some men take the broad stand that it is wrong to license a saloon, and those who do that will never change. They oppose high license under any circumstances. My father is of course one of that number.

3521*b*. We are told that some men who attempted to enforce the law got wearied of it?—They may be. I do not know as to that.

3522*b*. And that there is danger to person and property in connection with the enforcement of the law?—That, possibly, is true.

3523*b*. Secretary McFarland told us that the system he advocated was to allow the prohibitory law to remain as the State law, but to allow communities to withdraw themselves from that and license the traffic. How do you think such an amendment of the law would operate in the State?—I would prefer that they should amend the law. It is a distinction without a difference.

3524*b*. What is the effect on the community, as to all law, of this system of taking a license fee illegally?—I think it is demoralizing in some respects, not in others.

3525*b*. It has a tendency to bring law into contempt?—Yes, it might. A law that has been a dead letter for years people have not the same respect for as they have for other laws that are attempted to be enforced.

3526*b*. You say that this law has been in contempt for years?—Yes, it has been from the first year after it was enacted. It is a question I have not given much thought to. As to the saloons, I never go into one. If I want a drink, I take it at my own house. I believe in temperance, and would like to see the traffic regulated. At the same time, I want to see the highest possible license we can get.

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3527*b*. Would you favour strict regulations as to sale to minors and intoxicated persons, and as to the hours of closing and opening?—Yes, and confining them to neighbourhoods, not allowing them in residential sections.

3528*b*. Why do you think there ought to be a high license and regulation?—I think it is the better way to control the traffic.

3529*b*. It would not do to leave it uncontrolled?—No.

3530*b*. I suppose you consider it would be better if it were wiped out?—Entirely, yes.

3531*b*. And you just want to make its evil effects as small as possible?—Yes, I think it is a necessity to have saloons. I do not think you can get on without them.

3532*b*. You do not mean that people need them?—No. I think some people need them. The American people do not like to have their liberties curtailed.

3533*b*. When you say need, you do not mean that they are one of the necessities of life, but that they are a thing that some people wish for very much?—Yes. When you tell a German that he can't have his glass of beer, it comes home to him.

3534*b*. Do you think the native-born Americans do much drinking?—I think they do. I do not know what the statistics would show as to that. I think possibly the native Americans are more temperate than the foreigners.

3535*b*. As a rule, are the coloured people a drinking people?—Not as a rule. They are generally a very orderly, church going people.

C. W. CHASE examined.

*By Judge McDonald :*

3536*b*. Your place of residence is Clinton?—Yes

3537*b*. Your occupation?—Counsellor-at-law. I have been here twenty-six years.

3538*b*. After the prohibitory law came into force was there in the first place any effort made to enforce it here?—At times there was ; there would be spasms of it.

3539*b*. By the authorities, or by individuals?—It was mostly by individuals.

3540*b*. Under your law any individual can take steps to enforce it?—Yes, he can take proceedings to initiate prosecutions. Under the law as it now is, any man can complain and bring violators of the law before a magistrate for the first offence, but if it is a second offence the fine is beyond the jurisdiction of the magistrate, and the case has to go before the Grand Jury. But in civil suits to enjoin from selling, and to close up a place, the first step is to request the County Attorney to proceed by injunction. If he declines to proceed, any person can do so.

3541*b*. Suppose you pointed out to a police officer as a citizen that a man was breaking the law, and he refused to interfere, could you take any process?—No ; I must request the County Attorney to act. He is a State officer, and he takes all steps to enforce the law. If he declines, I can then take steps to prosecute, myself.

3542*b*. You say that for about a year spasmodic attempts were made to enforce the law?—For twenty-five years spasmodic attempts have been made to enforce the law.

3543*b*. After the prohibitory statute came into operation there were attempts made to enforce it?—Yes, but the prohibitory law of Iowa has been in force more than 25 years, except that for a time wine and beer and cider were excepted when made from products grown in this State. But it was about four or six years ago that that clause was repealed, and we have had prohibition of everything since that time.

3544*b*. After that amendment was adopted, were there any extra efforts made in this community to enforce it?—There was no effort made to enforce it until four or five years ago, except here and there somebody would be prosecuted for selling. There was nothing of a general nature.

3545*b*. When you were elected Mayor, did you attempt to enforce the law?—At that time I did. I requested the County Attorney to proceed with his injunctions in his name, which he did. I got all the evidence, made out all the papers, prepared every-

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thing, and did all the work in the cases. There were some seventy or eighty injunction suits, and the proceedings were carried on in his name, though all the work was mine. In the first place, in order to get the necessary evidence to procure the injunctions, the State law authorizes any person to file a complaint and have a search warrant issued to search the premises for liquors, kept with intent to sell in violation of the law. I filed informations against all the saloons, and had search warrants issued and placed in the hands of the police officers, and they went and procured from such of the saloons liquors which they found there for sale. I had the police officers do these liquors up in bottles, and I labelled them day and date, with the man's name from whom they were taken, and preserved these as evidence, together with the affidavit of the officer as to what he had found, and on whose premises. This evidence got in that way was put in the form of affidavits, and given to the County Attorney for the purpose of taking out temporary injunctions in equity, to close these places; and then we would get the Court to make these temporary injunctions perpetual. The law under which I got the evidence by seizing specimens of liquor, provides that the officer who has the warrant shall examine the premises and seize any and all liquors he finds there. Then a hearing is had after notice is given, and the liquors are ordered to be condemned and destroyed. But the officers, acting under instructions, instead of seizing all the liquors they found, seized specimens of every kind in the place for the purpose of preserving them as evidence. That, to a certain extent, was contrary to the law, because the law required them to seize everything there was and have it condemned. But I used a little of my own judgment, because I was getting cuffs and kicks. I found that if you went on a man's premises and seized forty or fifty dollars worth of his liquor, and it was spilled on the ground, it made him mad down to his boots; feelings of vengeance would creep into him, and he would talk about killing you or destroying houses. Therefore I did not consider it judicious or wise to destroy all the liquors. Even if the liquors were destroyed, the man could go the next day and get more, and the destruction of them would only mean the loss of so much money to him. Then we got the injunctions closing up the places; and if they went on and sold after that—and a good many of them did slyly—I took the same course to get fresh evidence against them, searched their premises and got specimens; and then brought them up and had them fined for contempt. That was a serious matter, because they would be fined from \$500 to \$1,000, and be imprisoned for contempt. My observation and experience were that this was the most effective way of stopping the traffic, and it did not create half the bad blood that would have been created by seizing the liquors and destroying them in the street. All the saloons were enjoined and closed up, and for a time very little liquor was sold here. What was sold was sold secretly, behind doors and in out-of-the-way places.

3546*b*. Any in clubs?—Yes, there were some clubs formed. There was a club on First Street formed, where they had a sort of stock association, and a man paid so much and had an interest in the concern.

3547*b*. Then you had boot-leggers?—Yes.

3548*b*. And lunch counters?—Yes.

3549*b*. How about the drug stores?—They sold some, not very much.

3550*b*. After you got those places closed?—The next thing was after a little while they began to sell a little slyly.

3551*b*. In their houses?—The same houses, and other houses too. I soon discovered it, and I had the officers seize the liquors and bring the people up and get them fined for contempt. But, after a time, one of the Judges of the Court and the County Attorney did not see fit to do much in these cases. The County Attorney said he would attend to them, and then he put them off. Of course, they were all being prosecuted in his name and under his control, and I could not take them out of his control. When I led his attention to the delay, he promised to attend to them, but he never did.

3552*b*. When you found he did not act, had you recourse to the process of seizing the liquor and destroying it?—I did not, because I thought it would only cause trouble and do no good. They crept on more and more, and it seemed to me that they had an understanding that they would not be disturbed.

3553*b*. How was it during the final months of your administration?—They were selling quite considerably.

## Liquor Traffic—Iowa.

3554*b*. When you ran your election, did they understand you were going to carry out this law?—Not at all,—nothing of the kind.

3555*b*. You were not brought out as a candidate to enforce prohibition?—No. I had not any view of doing it, and nobody expected it, but I considered it a matter of duty. I probably instituted and did the work in more than 150 suits during the two years, for which I never received one cent.

3556*b*. Were there any costs incurred?—Yes.

3557*b*. By whom were they paid?—Most of them were paid by the men who were fined. Some of the fines were collected, and then they paid the costs. In most of the cases where a final injunction was obtained, the costs, together with the attorney's fee, fell to the County Officer. In nearly every case the County Officer received his fees and the county received its costs; but of course there were some costs in seizing these liquors that never were paid. The County bore those.

3558*b*. During the latter part of your term, the business was running openly?—To some extent.

3559*b*. What was the reason you did not continue this work?—For instance, there were two parties brought before one of the Judges. He fined one, and said that if there was any more liquor sold at the man's place, he would fine him for contempt. After two or three weeks I sent an officer down and got a bottle of liquor on this man's place and put it on the Judge's desk, and told him that he was selling on the sly. He said, make out a decree, and I will sign it. So I went and made out a decree and took it to his office to have it signed, and to have the man fined for contempt. I put it on his desk, and he took it, making some remark. In about a week I found it on my desk, and it was not signed.

3560*b*. After your term was over, what course did your successor adopt?—Before you come to that, I want to call your attention to another thing that is a serious obstacle to enforcing prohibition. That is, the line of the State of Iowa is defined by the Mississippi River, and right across the river, in the State of Illinois, there is a license law; and during the time the saloons were closed there was a great deal of liquor brought in here from Illinois, and this interfered very seriously with the enforcement of the law. This liquor was brought across the Mississippi River by people who got together in a sort of clubs and drank it.

3561*b*. After your term expired, what course was adopted?—After that time, inasmuch as it did not seem to meet with the approval of some of the county officers, I talked the matter over with my successor, and I agreed with him that perhaps it would be better for him under the circumstances to try what would be practically a license, though it was an illegal thing. It was practically what they are running now: the saloon men paid so much a month and they were left alone—inasmuch as the county officers were not in harmony in the enforcement of prohibition, one pulling one way and one another. As I told the Mayor who succeeded me, it is impossible to prosecute while the County Attorney has suits in his hands and refuses to go on and punish for contempt.

3562*b*. Are the county officers who take that course acting in accordance with public sentiment in the community?—I think not. It took me about the first year of my term to get this thing started. Coming down the street one day, I saw that all the saloons were shut up all the way along, and the County Attorney made this remark: "Well, I never expected to live to see the time when the saloons would be shut up to this extent." He seemed to be satisfied and pleased with the result. But I know how it is when you come down to it. There is one political party that has always advocated a high license law, and always maintained that prohibition could not be enforced. It looked as if it could be enforced, and that would give the lie to their assertions; and some of their leaders felt that it would not do to have it demonstrated that the law could be enforced, and they sat back and let the thing go. When it looked at that time as if it would be a success, I think the majority of the community were pleased and satisfied; but when it comes round to election time and getting votes, a lot of them become lukewarm, and will do anything almost to get a man's vote.

3563*b*. Formerly we understand you had a majority of Democrats. Has the Republican Party lost owing to its advocacy of prohibition?—I have no doubt it has to some extent.

3564*b*. Has the Democratic Party gained on account of prohibition?—Yes.

3565*b*. How do you account for the sentiment in this community being opposed to prohibition?—It is because of the effect it has on politics. Men who are in favour of prohibition are in favour of free whisky or license at election times, so long as they can control the floating vote. Furthermore, when you elect to office a man in favour of prohibition, and he undertakes to enforce the law, when his time is out they will see that the next man is not a prohibitionist. It is because the floating vote is so careless.

3566*b*. Has this anything to do with it, that under the enforcement of the prohibitory law there is a chance of the county having to pay costs without getting a revenue, whereas under the present system there is a large revenue coming into the coffers of the city?—It has probably influenced some men, but the amount of expense to the city or county of enforcing prohibition, over and above what they would receive back, would not be very much.

3567*b*. We understand that there is an income from this source this year of \$25,000, and that the city is proposing to build a bridge and new county buildings?—They are building a new city hall out of that fund.

3568*b*. Do you think there are men influenced by that income of \$25,000 which comes from this source?—There are men who say, we would rather have an income of one or two thousand dollars a year and put it into improvements than to have free whisky and everybody selling, but no income.

3569*b*. Is the present system illegal?—Yes.

3570*b*. What is the effect of that upon the public conscience?—I do not know that the effect upon the public conscience is any worse than it is to have a prohibitory law with everybody selling whisky free. Both of them are violations of the law.

3571*b*. Is that state of things in accordance with the sentiment of the majority of the public?—I think at this time the majority of the people prefer the present arrangement to prohibition unenforced, because you do not have any more whisky, and you get a revenue from the saloons from which public improvements can be made.

3572*b*. Then, does it not come to this, that prohibition has to be enforced by certain officers, and those officers have to be elected by the people?—Yes.

3573*b*. And if the people want the law enforced, they will elect officers who will enforce it?—They may, but the officers may not have sand enough to do it.

3574*b*. But then the people can turn them out?—Yes.

3575*b*. Have they done so?—No, they have not.

3576*b*. Then does it not come back to the condition of public sentiment in the community?—Yes, I think so.

3577*b*. Have you an orderly and law-abiding class of citizens?—Yes, we have as little crime as any place of the same size under the same circumstances. There are other laws evaded in the city of Clinton besides this; the Sunday law, and the law relating to gambling houses and houses of prostitution, for instance. Money is got from them in the same way.

3578*b*. Are you a prohibitionist in sentiment?—Yes.

3579*b*. Do you consider it wrong to license the traffic?—Yes; but under the circumstances, as men are, I consider it better to have a license law than prohibition. As long as men are influenced by rabble voters, and the question has a political bearing, I think it is impossible to keep men in office who will enforce prohibition. License is better than prohibition not enforced, and it amounts to that.

3580*b*. Suppose you had a general law of prohibition in the State, with communities such as this allowed to license?—I believe local option is a humbug. The men who want free whisky will advocate local option, and when they get local option they will want high license, and when they get high license they will want free whisky; and I think the same difficulties would come up in enforcing local option that are met with in enforcing prohibition. One town has high license and one has prohibition, and the line between them is mighty fine.

3581*b*. We are told that with the exception of boot-leggers and licensed druggists in the smaller towns in the interior of the State, the law is well observed?—I think in the smaller towns it is; but in any town, from 1,000 inhabitants up, anywhere in the State, you can get all the liquor you want.



## Liquor Traffic—Iowa.

3581½*b*. How do they get it?—The railway companies ship it in.

3582*b*. We are told that here and in Lyons, near by, you have breweries?—Yes.

3583*b*. Running contrary to law?—Yes. There is an injunction standing against the one here to-day, and no one is enforcing it. In addition to the State laws, almost all the saloons here are under injunctions, and are violating them to-day. The injunctions are perpetual, but nobody is enforcing them.

3584*b*. The breweries at Lyons are also running contrary to law?—Yes.

3585*b*. And nobody is taking any notice of them?—No.

3586*b*. Do you know anything about Dubuque?—Dubuque is the same way, as well as Davenport, Muscatine and all the large cities on the river.

3587*b*. I understand from what you state that you think honest officers here acting judiciously could enforce the law?—Yes, if you could get county officers and State officers just to obey their oath the law could be enforced. There is no doubt about that.

3588*b*. Then I presume you think a majority of the people of the State of Iowa want prohibition?—I think they do, unless they come to the conclusion that mankind is so constituted under our elective laws that officers who will enforce it cannot be elected, and that they had better have a license law. I should not wonder if a majority of the people in the State of Iowa would be in favour of a license law to-day, in view of the fact that you cannot elect officers in the larger towns who will enforce prohibition.

3589*b*. Suppose the State of Iowa by a majority declared that prohibition was right, and the people of your city did not elect, but your State appointed, officers to enforce the law, and those officers were honest men?—I think they could enforce it then, except that there would be the difficulty on the lines of the State.

3590*b*. One difficulty here is, that prohibition is the child of one political party; and the other party, therefore, feels in honour bound to fight it?—Yes; that is their stock-in-trade.

3591*b*. Do you know the city of Des Moines?—Yes.

3592*b*. How is the law enforced there?—They claim to enforce the law, but there is plenty of whisky.

3593*b*. The officers do their duty there?—No, they do not. The officers know that liquor is sold, and they do not hunt to find it. There are, probably, fifty secret places where liquor is sold in Des Moines. I have been told by persons who have inquired into the matter, that a man who lived there could get all the liquor he wanted, although there is no open saloon. The last time I was in Des Moines I went around in the evening to various places, and I saw indications of places where men went to drink.

3594*b*. In a community like that, where the officers elected are in favour of the enforcement of the law, why is it not enforced?—In the first place, the officers who undertake to enforce it have a somewhat uphill job; they are all the time annoyed and threatened; and whether they say anything about it or not, they want to be elected, and if they push this thing too vigorously they think they will be voted out the next year. The result is that they do not see any more than they are forced to see.

3595*b*. Are your officers elected?—They are appointed in cities of the first class.

3596*b*. Then why should they not do their duty?—There is no reason why they should not. They did when I was Mayor, and they would do it if it were required of them.

3597*b*. Do not these officers again reflect public sentiment?—They may, to a certain extent.

3598*b*. If a majority of the public sentiment were at their back, could not they enforce the law?—If they knew that by enforcing the law they would be re-elected, they would enforce it.

3599*b*. So you get back to public sentiment?—Yes. The public sentiment of those border and larger towns is different from the public sentiment of the interior, because a larger proportion of the bad elements of society are in the cities.

WALTER DALE examined.

*By Judge McDonald:*

3600*b*. You live in Clinton?—Yes.

3601*b*. What is your business?—I have been engaged in the liquor traffic in Clinton for fifteen years—wholesale and retail. During the time I have been here we have had all kinds of fights on the liquor question. Before the present administration we ran right along and never paid a dollar to the city of Clinton, and there was more liquor sold, and the records will show there was more drunkenness during the two years of Judge Chase's administration than ever before.

3602*b*. Did Mr. Chase make an honest effort to stop the traffic?—Yes, he did. I was one of the first he dropped on. He said, "we will get the big fish first and the small fellows afterwards." He brought in spies and appointed them on the police force, but they were not here long. He made a monkey out of the whole question. At the present time Mr. Hughes is getting more out of the traffic than ever before. We have a quiet orderly people, and everybody is satisfied. The liquor dealers go on and pay their license of \$25 on the first of every month, and it pays the police force and helps to keep up the city.

3603*b*. Taking this community, which would be preferable, prohibition, with the present system, or a license law?—A license law. We will get it next winter.

3604*b*. What was the main issue in the election of Governor Boies?—Prohibition.

3605*b*. From your point of view you know it to be a fact that that entered into this campaign?—Yes. We never could get a license law under the Republican Party, because they would never put it into their platform. If you in Canada want to kill your country, you want to pass a prohibitory law.

3606*b*. From your observation, where the saloons are closed up and where people still sell liquor, can you state what is the result?—It is the worst thing they ever did.

3607*b*. What kind of liquors are sold under such circumstances?—Very poor. Go to a town where there are lots of saloons and you see a good town with business thriving in every way, but go to a town where there are lots of church steeples and no saloons, and I will show you a town where there is no business. I am a churchman too, and I pay pew rent myself. How much better it is for two or three men who want anything to drink to go into a place that is right open on the street, than to go to a place where there is a barrel of whisky in a back alley, and a man standing on the corner to direct people to it.

3608*b*. What kind of men go into the traffic then?—The very worst class of men—men who would sell to boys and to drunken men, and to women.



## MINUTES OF EVIDENCE.

## MINNESOTA.

STILLWATER, MINN., May 27th, 1893.

Commissioner McDONALD visited this city to-day and obtained the following statements in regard to the law regulating the liquor traffic.

HENRY WOOLFER examined.

*By Judge McDonald:*

3609b. Your residence is Stillwater?—Yes.

3610b. You are Warden of the State Penitentiary here?—Yes.

3611b. Your own home is where?—Right here. I put in a copy of the Annual Report of this penitentiary.

3612b. How long have you been in the State?—A year on the 7th of June.

3613b. When you came here, the high license law was in force?—Yes. I am not in a position, from my own observation, to speak as to anything prior to that.

3614b. You cannot speak by way of comparison between the high license system and the system prior to that, in this State?—No.

3615b. As a citizen of this place, from your observation what is the state of the community as to sobriety?—In Stillwater are found a great many men who are engaged in lumbering and logging on the river, this being a sort of distributing point for the lumber business. Therefore, there is more drinking here than you will find in places of the same size elsewhere in the State. You will see evidences of that on the streets, that is, during two or three months in the year when the men come down from the lumber camps and are working on the rafts.

3616b. Is crime increasing or decreasing in the State at large?—It is decreasing. There is mention made of that fact in the annual report of the penitentiary. There are fewer persons confined in the institution than there were two years ago, notwithstanding the increase in the population of the State.

3617b. We understand that you have a very large Scandinavian population in the State?—Yes.

3618b. That would include Norwegians and Swedes?—Yes.

3619b. Have you many Germans?—The Scandinavians represent nearly one-half of the total population of the State. The German element is not so large.

3620b. What kind of settlers does this Scandinavian population make—desirable?—They do. They are usually frugal and economical, and they build up homes for themselves, especially the farming community. Those engaged in lumbering and logging are quite heavy drinkers. There are more heavy drinkers among that class in the lumbering business than any other.

3621b. In the rural districts, are they spirit drinkers or beer drinkers?—They drink alcohol altogether. But take them as a rule throughout the farming communities, they are not heavy drinkers. They are very steady drinkers, but they do not go on a spree. It is a habit they bring with them from their own country. The German element of the population is not very large. The balance of our population is mixed, most of the people speaking English. I may say that in 1889 we had 257 prisoners in the penitentiary, and in 1891, 147, showing a heavy falling off.

3622b. Could you give us any information as to the proportion of this falling off that might be chargeable to the improved temperance habits of the community? Has the proportion between temperate and intemperate varied in the same way for the last two or three years?—I do not think it varies very much.

## Liquor Traffic—Minnesota.

3623*b*. Do you attribute that falling off to increased temperance habits in the State?—I would not say that it was not due to a certain extent to a better and more temperate condition of the community at large, because I believe the community is improving all the time. The State is settling down, the laws are better and more wisely executed, and I think the moral tone of the State is becoming better all the time; and that must have an effect in creating a more temperate habit among the people.

3624*b*. Are religious and moral efforts going on to promote temperance among the people by moral suasion?—Yes. But I do not believe that intemperance, while it may be the indirect, is the direct cause of most crime or criminal population. I never did believe it, and the more experience I have in the business leads me to believe that many people attribute more to that than really belongs to it. There are phases of character, you will find in prison work, which predispose men to crime—men who possess a sort of weak temperament, who have not the strength of will to resist temptation, and, of course, under the influence of drink, such men will do things that they would not if they did not drink. But the weakness of their nature only needs developing in any way to bring about the commission of crime.

3625*b*. Do you think, then, that drink is the occasion rather than the cause of crime?—Yes.

3626*b*. Do you think that drinking habits in parents lead to deterioration of the moral character of their children?—That is what I call the indirect cause. I believe the stuff out of which a large majority of the criminal population is made, has a good deal of heredity in it. They are born with these weaknesses, and grow up with them.

3627*b*. Do you mean with criminal instincts?—Yes, and by the weakening of certain conditions, physical and mental, that lead them to do wrong.

3628*b*. Do you find that the present modes of life, which induce extravagance and the desire for speculation, lead to the commission of crime by men in business relations?—Yes, on the part of men of a higher order of intelligence. But take the largest proportion of the prisoners, you will find in an institution of this kind, and they are men whose moral and physical stamina is down at a pretty low ebb.

3629*b*. And all they need is the opportunity, and the opportunity develops the instinct?—Yes. You will see that hard times for a year or two are followed almost immediately by an increase in the number of crimes committed.

3630*b*. You think this tendency is often due to the anterior drinking of people?—I do.

3631*b*. And anterior criminal instincts?—Yes, they usually go together.

3632*b*. Have you any large coloured population in this State?—No, we have not.

3633*b*. Do you find a larger proportion of criminals among the coloured population than among the white?—Yes, I think you will find that in every State.

3634*b*. Have you any Indian population in the State?—There is a reservation near here. We have only two in the prison.

3635*b*. Have you many Chinese in the State?—No.

3636*b*. Will you give us a statement of your system of prison management?—We have a grading system here. Its main object is reformatory. It is intended to stimulate the men by their actual and every day surroundings to behave themselves, simply because it pays to behave, and they learn that as they go along. A prisoner on entering the institution is placed in the second grade, and he goes up or down according to his conduct. It requires six months continuous good conduct to gain the first grade, and after a prisoner has gained the first grade, before he can have any benefit of the parole, he has to be there at least six months. That is in cases where prisoners are sentenced on an indeterminate sentence. A prisoner who is sentenced on a time sentence has to be in the first grade at least six months, and also has to serve at least one half of the time for which he was originally sentenced, not counting the good time he has gained in the meantime, before he is eligible to be paroled. Before he is paroled a place of employment has to be found for him, which is done by our State Agent, and the man who employs the prisoner has to sign an agreement that he will give him work, that he will pay him so much, specifying the amount he is willing to pay, that he will give him a good home and so forth, and that he will see that the prisoner lives up to the conditions of his parole. The prisoner has also to sign an agreement in

which he agrees to make a report once a month in writing, and this agreement has to be endorsed by his employer. In this report he is required to state the amount of money he has earned in the month, the number of days he has worked, whether he has laid off any portion of the month, for what cause, what he has spent any money for, what he has saved, and give a general history of his case. That has to be handed in every month. If he violates any of those conditions, he may be brought back to the institution to serve out the balance of his sentence. With regard to privileges and benefits, I may say that the first-grade man is clothed in a gray uniform, and he has the privileges of writing to his friends once a week, receiving visits from friends once every four weeks, and using tobacco—in fact all the privileges that can be extended consistent with proper discipline and good management. The second grade man may only write once in five weeks, and he is permitted to see his friends only once in six weeks. The library privileges apply to both first and second grade men alike. The third grade men are cut off entirely from any of these privileges. They have no privilege of writing or receiving letters or having any communication with their friends; they are not allowed to use tobacco; they are obliged to eat in their cells; and they are deprived largely of any variety in their food, having simply what is necessary to keep them in good health and in good condition for labour. The uniform of the second grade is a plaid, gray and black, and the uniform of the third grade is striped. In connection with this system we have a system of marks as follows. When a man enters the second grade, if he behaves himself in every way he receives nine marks a month, three on conduct, three on work, and three on mental advancement, that is, his education. We have evening schools, and he receives marks according to his progress there. A man can make seven marks out of nine a month and still maintain his grade, but if he loses three marks in a month he is degraded.

3637*b*. How does the educational test work in the case of old men who are illiterate?—We use that only very sparingly. The chaplains have charge of the school. The character of the reading that a man takes out of the library gives a pretty good indication of the character of the man and the taste he is cultivating. We have in the library works of fiction, biography, history and so forth. My opinion is that there should be very few works of fiction allowed in a prison library. I think that the books ought to be of a healthy educational character, and that the men ought to be obliged to read them. When we started our school we took the names of those who wanted to go; and those who needed it and did not show any desire to go were advised to go. After we got the school started, we simply said to them; "Now the school is commencing, and you have enrolled for the term, but if any of you have made up your minds that you do not want to attend the whole term, we will hear you now, and the reasons you give; but after to-night no excuse will be taken." After that a man had to go, whether he wanted or not, and he had to get his lesson.

3638*b*. How long have you been there?—About a year.

3639*b*. Have you been able to see appreciable results of this system?—Yes, it has been beneficial. It has been in existence about ten months. Within the last two or three months we have just nicely got the system fixed. It is to be applicable to the whole population of the prison.

3640*b*. How has the system been received by the prisoners themselves?—The prisoners have become more cheerful and more obedient, and it has made in every way a great improvement in the tone of the prison.

3641*b*. How long have you been experienced in the management of prisons?—Pretty nearly twenty-three years.

3642*b*. In what prisons?—I commenced in Joliet, in Illinois, in 1870. From there I went to Detroit, Michigan, and was there nearly eight years.

3643*b*. You have made this matter a study and generally taken a personal interest in it?—I certainly have. I think this is the most perfect scheme I have ever known in prison management. I think it is the only perfect system for any kind of penal or reformatory institution. I think its beneficial results are very far reaching. I know only one other prison in the country which has this system in vogue. That is in Ohio.

3644*b*. Do you get the reports regularly from the prisoners on parole?—Yes, we do, from all over the United States. There are quite a number of reformatories where

## Liquor Traffic—Minnesota.

the grading system is in vogue. The only difference between the method of marking and grading in this prison and that of the reformatory institutions, notably Elmira, the Huntingdon reformatory in Pennsylvania, and the reformatories in this State, Indiana and Illinois, is that their system of marks depends upon the officer of the shop, who does the marking, as I understand; whereas here any breach of discipline for which a man is marked has to be reported by the officer, and the mark is only given or omitted after investigation. Our number of marks is very much smaller than it is in other institutions. I think in other institutions there are five marks a day, whereas we only have nine a month. That simplifies the system greatly. We treat a man's conduct as a whole instead of cutting it into sections, and instead of relying on the judgment of an officer as to how men should be marked.

3645*b*. Have you made a study of the habits and moods of criminals?—Not specially, only by way of general observation.

3646*b*. What is your view of the treatment of the persistent inebriate?—That I have made a study of. I have come into contact very largely with that class in institutions before I came here.

3647*b*. We often find that men are brought repeatedly before the police court for drunkenness and sent to jail for twenty or thirty days, so that it is a sort of procession between the police court, the rum shop and the jail?—I have known men who have served 120 terms for inebriation. Those are short time terms, varying from ten to ninety days.

3648*b*. Is there any benefit to the man in that system?—Only to sober him up, and improve him physically, and let him get ready for another deal.

3649*b*. What plan would you recommend?—The plan I would recommend would be, when a man is brought up for drunkenness, if it is his first offence, to let him off on suspended sentence. If it is a marked case of a man being a confirmed drunkard, if he comes up again, send him up for a short term of ten or twenty days, giving him to understand that under the law he will get a double sentence every time he comes up. When he has that liability staring him in the face, he will either quit or be kept shut up permanently where he can be taken care of. I would give him good wholesome work, and make him pay his way as nearly as possible. The trouble in this country is that the Police Justices depend on the votes of the bum element to a large extent for their election to office, and it is a fact that the majority of the Police Justices cater to that element in order to get their support when they run for office.

3650*b*. Are these Justices paid by fees?—No, in most cases they receive a fixed salary. Let a law be passed by which a Justice can deal with drunkards, making it obligatory on him to double the sentence every time a man comes up, and, unless the man is beyond all hope, he is soon going to straighten up, or else be put where he is going to be taken care of.

3651*b*. Do you think that law would fail because public sentiment would not back it up?—In all cases of that kind, I think it is a matter of education. The public have to be educated to it. All they want to know is that it is the best thing to do. I have known plenty of families who would be glad to have that kind of a system established.

3652*b*. Would you have along with that system, and as a part of it, a system of medical treatment of drunkards?—Yes, I would have that as part of it.

3653*b*. In many cases, then, you believe alcoholism to be a disease?—I do, after they have followed it for some time. Take the workhouses and the houses of correction where the majority of the prisoners are sent up for drunkenness and disorderly conduct, or offences arising from drunkenness, and the average time that they serve is only about thirty days.

3654*b*. What system of prison labour do you employ here?—We have what is known as the State Account System, one half on State account and one-half on contract system. That is regulated by law. In connection with the grading system, there is a system of good-time earnings. Under that the first grade men get twelve cents a day each, the second from eight to ten cents, while the third get nothing. As soon as a man gets out of the third grade, however, he gets his earnings again. This money is kept for the prisoners and put on interest in the bank, being drawn monthly from the State

HENRY WOOLFER.

Treasury. The Warden has power to withhold such a part of this money as he thinks necessary and give it out to the prisoners at any time within six months after their discharge.

3655*b*. Is there any provision for allowing their families to get any part of it, at their request?—Yes, when they have \$15 to their credit, their subsequent earnings can be sent to their families. If a man dies in the prison, or is sent to a lunatic asylum, whatever money we have is sent to his friends, if we know them. If we do not know of any, we give notice in a paper printed at the capital city, for a certain length of time, stating the amount that stands at the credit of the deceased, and after a certain length of time, if we have no inquiries, out of the money left, the advertisement is paid for, and the balance reverts to the State Treasury.

3656*b*. Could a prisoner bequeath the money to any person?—No, it has to be given to some relative.

3657*b*. For what terms and for what offences are prisoners sent to this State prison?—They are sent here for all crimes almost, and they are sentenced all the way from six months to life. We have had prisoners for as low a term as four months, but very rarely are they sent for under a year.

3658*b*. The county jails take prisoners sentenced for very short terms?—Yes.

3659*b*. Your minimum time of imprisonment here is what?—About four months. I do not think we have had any for a less time, but we have very few under a year. The sentence would have to be for felony.

3660*b*. What is your total number of prisoners to-day?—The number in the first grade is 184, the second grade 146, and the third grade 13, a total of 343.

3661*b*. How many women have you in the prison?—Six women and 337 men.

3662*b*. For what offences are the women in?—There are four for murder, one for fifteen years, one for life, one for eight years, and one for twenty years. One is in for larceny and one for keeping a house of ill-fame.

3663*b*. Are the women under the good conduct system?—Yes, they are graded too.



## Liquor Traffic—Minnesota.

REV. J. H. ALBERT examined.

*By Judge McDonald :*

3664*b*. Your residence is Stillwater?—Yes.

3665*b*. How long have you resided here?—Seven years in July.

3666*b*. You are chaplain of the State Penitentiary?—Yes, the Protestant chaplain.

3667*b*. A minister of what church?—The Congregational.

3668*b*. How long have you been chaplain?—Six years in November.

3669*b*. You have heard the statement that has been made by the Warden with regard to the system that has been introduced here?—Yes.

3670*b*. And you knew the previous system?—Yes.

3671*b*. Which do you consider the best?—I consider the present system far the better.

3672*b*. In your dealing with convicts, as chaplain, do you find that it has satisfactory results?—I think that it has salutary results. I might give you my little experience. If I go to a third-grade man, the first thing he tells me is that he is down in the third grade, and he would like me to help him out. If I go to a second grade man, he says to me: "I am not in the second grade because of misconduct, I have been here only three or four months, and there is nothing against me."

3673*b*. How do you find it among the first grade men?—I find that they are interested in keeping up their record. If they get to speaking about their parole, they invariably say: "I have kept my grade right along," and they think there will be a chance of parole for them. The grading system and the parole system work together nicely. A man knows that he has to keep up his grade to get his parole, and he will bend every energy in that direction.

3674*b*. So that this system is beneficial to the individual prisoner?—Yes, it has a reformatory effect upon him.

3675*b*. Have you had conversations with these men in regard to their former condition?—Yes.

3676*b*. What proportion do you find have been of intemperate habits before they came here?—That is a matter on which I am afraid I should differ from a good many reports I have seen on the subject. We do not find as much intemperance among these men as I see reported in the papers. Here is the point: The saloon is generally a place where crimes are bred; it is the meeting-place of all classes, and it is generally the place where crimes are concocted, but I do not believe the influence is so much actual intemperance as it is the saloon as a place of resort.

3677*b*. You have been a citizen of this State for how many years?—Seven years.

3678*b*. Has there been a change in the liquor law since you came here?—There has been an increase in the license fee. It has always been a license State. The license fee jumped up from two or three hundred dollars to a thousand dollars.

3679*b*. When did the change take place?—I think it was six years ago last winter.

3680*b*. You are hardly in a position to judge of the effects of it?—No.

3681*b*. What State were you in before?—I was in Iowa.

3682*b*. Taking these two States, how do you find this system as compared with prohibition?—In the first place, I have not been associated with large cities in Iowa, but more with the rural districts and the smaller towns.

3683*b*. With what class of people nationally?—More American as distinguished from the Scandinavian and German element. My experience and observation of the two States is that prohibition worked more effectively than high license.

3684*b*. Did you find prohibition successful in the rural districts of Iowa?—Yes, it was successful in the rural districts, there is no question about it.

3685*b*. How about the larger cities?—It is not successful in an absolute sense. Some say it is as successful as any other law against offences. I do not think that is correct, but it is comparatively successful.

3686*b*. In what way was the law evaded in the rural districts of Iowa?—By bringing it in in large packages from outside, and men keeping it in their cellars and inviting people in.

REV. J. H. ALBERT.

3687*b*. Were you troubled with men called druggists?—Some, but not much. They were pretty thoroughly rooted out.

3688*b*. I mean where the drug business was really a pretence?—Yes, really a saloon in disguise.

3689*b*. Were you troubled with boot-leggers?—No, there were no boot-leggers in my district.

3690*b*. What county were you in?—Marshal County.

3691*b*. Was there a strong sentiment in favour of the law?—Yes, very much—the state of sentiment in the community. I do not imagine that prohibition would succeed in certain sections of this State at all, though I believe in prohibition as far as you can carry it out.

3692*b*. Do you consider the licensing of the traffic to be a wrong in itself?—I think it is in itself.

3693*b*. Then you look upon regulation as merely doing the best you can to curb it?—No. I may be allowed to state my own position on the case. High license, as I have observed it, decreases the number of saloons, but it does not decrease the amount of drinking. At the same time, it gives the traffic a hold upon the community. I saw in the *Canada Grip* a picture of a Canadian farmer who stood up to fight a man who took one dollar out of his pocket, and he said, "You can take two if you get behind my back." That is the way it is here with saloons. We have twenty saloons here that pay about \$20,000 into our City Treasury. That is strong plea for upholding the traffic, whereas if you took off all licenses and all revenue derived from the saloons, and placed them under strict regulation, there would be nobody interested in keeping them up except the men engaged in the traffic.

3694*b*. What is the population of this city?—About 15,000.

3695*b*. We are told that you have special conditions here, owing to this being a lumbering place. Apart from that, do you regard this city as a law-abiding and orderly place?—Yes.

3696*b*. Compared with other places?—Yes.

3697*b*. These lumbermen are here mostly in the spring time?—Yes.

3698*b*. Have you travelled much through the State of Minnesota?—Not much.

3699*b*. You have come in contact with the Scandinavian and German population?—Yes.

3700*b*. Are they a desirable class of settlers?—I consider them very desirable—a prudent class of people, who assimilate and become American very rapidly. They learn the language very quickly, they send their children to our churches and Sunday Schools, and say, "we are Germans"—or Swedes, as the case may be—"but we want our children to be English."

3701*b*. Has this town grown much in the last six years?—Not very much.

3702*b*. Has the number of saloons during the last few years increased or diminished?—There are more saloons in the town this year than there have been before, since I have been here.

3703*b*. So that saloons seem to be springing up under high license?—Yes, to meet the demand.

3704*b*. Are you able to speak as to the amount of drunkenness under the former system as compared with the present system?—I am not.

3705*b*. In speaking of Iowa, you speak of the condition of affairs that existed there seven years ago, not of the condition of affairs that exists now?—Yes, as it existed seven years ago.

3706*b*. Is there any liquor sold in Stillwater outside of those twenty saloons?—I cannot say positively. There is a sort of suspicion that some of the drug stores sell.

3707*b*. Outside of the drug stores, are there any illicit places or dives?—Not that I know of, or have heard of. I do not think there are.

## Liquor Traffic—Minnesota.

COL. CLARK CHAMBERS examined.

*By Judge McDonald :*

3708*b*. Where do you reside?—At Omatonna, in the southern part of the State.

3709*b*. What is your official position?—State Agent.

3710*b*. How long have you resided in Minnesota?—I came here in 1859.

3711*b*. You have had an opportunity of seeing Minnesota under the present high license system and under the previous system?—Yes.

3712*b*. Do your duties call you throughout the State much?—Yes, I travel a good deal.

3713*b*. Do you visit both rural districts and towns?—Yes.

3714*b*. What is your opinion of the present law?—I believe in high license myself.

3715*b*. How have you found the law work in this State?—So far as I have been able to discern it, I think it works splendidly.

3716*b*. Better than the previous system?—A great deal. Drink will be had anyway, it does not make any difference whether it is a prohibition State or not. In my own city of 4,300 inhabitants the high license system has reduced the number of saloons from twenty to twelve.

3717*b*. What class of men are keeping them?—A great deal better class. You see, no man can keep a saloon unless he has a well equipped place and can pay \$500 and get good bondsmen. He has to get two good and sufficient sureties who can justify in the sum of \$2,500 each

3718*b*. Is he required to have a petition from freeholders before he can get a license?—No, he makes an application to the Council, and this application is published.

3719*b*. And then has any one an opportunity to show cause why he should not receive a license?—Certainly.

3720*b*. And if there is no opposition to him he gets his license?—Yes, if he pays the money and the sureties on his bond are considered all right.

3721*b*. The fee is smaller in your town than it would be in St. Paul or any other large city?—Yes. We now get \$500.

3722*b*. What are your duties as State Agent?—Providing for and looking after parole men from the two institutions of the State, the reformatory and the prison, and at the same time looking after the welfare of discharged men—providing them with places of employment as far as possible, if they live out of the State getting reduced rates for them, and generally helping them in any way possible for their benefit.

3723*b*. How do you find this parole system to succeed?—I think remarkably well.

3724*b*. Do you have any difficulty in getting employers to take these men?—Not with the ordinary men. In the case of a man who is a specialist, it may be a very hard thing to get him a place, and the same is true of clerks and accountants. Young men are getting those places backed up by influence, but an ordinary labourer who has strength and is willing to go to work has no difficulty in getting employment. With regard to labourers people do not discriminate, so far as my experience goes.

3725*b*. What is the character of the people of this State so far as sobriety and good order goes?—I think it is equal to any State in the Union.

3726*b*. Do you find the Scandinavians a good class of population?—Excellent people. The Danes are well-conducted, honest and industrious; they make good citizens wherever you meet them. Occasionally among the Norwegians and Swedes you will find a man that gets into the habit of drinking.

3727*b*. In towns and villages where saloons exist how do you find matters as to law and order?—Generally good. The town I live in is, I think, without exception more orderly than any town I have been in in my life, and there is no particular reason for it, because it is made up of a mixed population. The Germans will go to a saloon and sit around a table drinking beer and eating rye bread, and in that way make their meal, and they think that is all right; they have been bred up so.

3728*b*. Have you had any experience of a prohibitory law?—No, I have not.

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3729b. Are there any difficulties that arise in connection with this high license law?—Nothing that I have discovered. Everything seems to work very smoothly.

3730b. Have you met with any other system that you prefer?—I have never seen any other system except low license, which we had in vogue before.

3731b. Taking your own community and those you visit, have you reason to believe that there is much unlicensed sale going on?—No. I think in the villages and towns of from four to six thousand inhabitants there is none going on. In cities like St. Paul or Minneapolis there are probably blind pigs, but so far as the small towns are concerned I do not think there are any.

HON. JAMES N. CASTLE examined.

*By Judge McDonald :*

3732b. What is your occupation?—I am a Counsellor-at-Law.

3733b. You reside at Stillwater?—Yes. I am a Canadian by birth. I was born in the county of Shefford, and lived there until I was 22 years old. I never consented to drink liquor except under the orders of a physician. I was Corporation Counsel for twelve years; I was prosecuting attorney for four years more, and I have been a member of Congress for this district for two years. My term in Congress practically expired on the 4th of March, though it continues until the 5th of December. I have studied the liquor question a great deal. I started out with being a prohibitionist in sentiment. I knew very little of it, of course, but what converted me from prohibition was my experience in Vermont. I lived at Sutton, right on the boundary line, before I came west. Richford in Franklin County, Vt., was on one side of the line, and Abercorn in Canada, on the other side, and I saw ten drunken men in Richford, where they had prohibition, to one in Abercorn, which was under the old license law of Canada, with merely a nominal license at that. It was practically free whisky when I was there. I have been away from there for twenty-eight years, and I have gone back almost every year. In those times twenty-five cents would treat a crowd, no matter how large it was, and forty cents bought a gallon of whisky, 98 proof. I had there, perhaps, as full an experience as a man could possibly have of low license, and I never heard of delirium tremens in the Eastern Townships while I lived there, though almost everybody drank. My father was intensely religious, but he always kept wine and whisky, and the minister who came across the country in a snow storm always had his toddy when he came along. I moved down to the Canadian line when every man about there believed in prohibition, but that experience in Vermont cured me. Prohibition does not prohibit, that is the difficulty with it. Just to give you an illustration. There were half a dozen of us western lawyers on an important suit who went east to take testimony some four years ago, and among other towns we visited was Lewiston, in the State of Maine, about the same size as this town. They had prohibition there. They had been having some sort of a gala day, and I saw more drunken men in the 24 hours I was there than I have seen in 24 years in the city of Stillwater. Go through this town in the evening, and though we have a thousand men who have been in the woods all winter cutting logs, you will not find a drunken man on the streets, and this is a high license city. Go to the State of Iowa and visit the towns along the western side of the Mississippi River, I am entirely familiar with them, I have taken testimony in them all; and you will find that prohibition does not prohibit, but, on the contrary, it is an incentive to licentiousness. In the first place, the kind of liquor you get in places of that kind is the very worst. More than half the whisky the labouring men buy over the counters there is made whisky, made out of vitrol, nux vomica and other poisonous drugs, and it sets men crazy. Knives and pistols follow just as naturally as night follows day.

3734b. You have known this city both under low license and high license?—Yes. We have never had prohibition here except in this way. We have had what are known

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as option laws, under which the people of a locality might vote as to whether or not liquor would be sold, and they were in force there quite a number of years, in fact, up to 1883 I think, almost generally. We have never got interested enough in Stillwater to make a fight on that question, but in the towns and in the country outside they have tried it, and it has always resulted in this, that the men who want to drink, and there are always more or less of them in every community, go outside and get jugs and bottles and turn in and have a roaring old drunk at home.

3735*b*. In those places do druggists sell liquor?—Yes; generally. When druggists have a license to sell, they sell to everybody. My ideas, in short, are these. It is possible that if we could create a public sentiment strong enough to pass a prohibitory law throughout the whole of the United States, and sustain that law it might do some good, but it is a physical impossibility to enforce a law when public sentiment is against it. There is no use of saying anything else. I remember one time when we had a prohibition Mayor, and he insisted that the police should report everything. For instance, sometimes a man's license would expire on Thursday, and the Council, which granted the licenses, would not meet until the following Monday; in the meantime the man would keep on selling, although his license was dead, and under that administration they would attempt to convict this man of selling without a license. I remember particularly well the case of a man whose license expired on Sunday, and the Council did not meet until Monday night, and their ordinance was of such a character that they could only make application for a new license on the expiration of the old license. I have never known a saloon-keeper yet to be convicted under those circumstances, yet an attempt was made to convict that man of selling between Sunday and Monday night. The prosecuting Counsel at that time was a wonderfully able man, and he was determined that a conviction should be had, but it was no use; some fellow on the jury would hang out.

3736*b*. How does your present law work?—It works admirably, and here is the best part of it. We charge \$1,000 for a license in this city. At the time that law went into force we had in round numbers a hundred saloons. Now we have in round numbers fifty. When we got the high license law it cut off at least one-half of the saloons, and it has placed the business in the hands of an entirely different class of men.

3737*b*. What kind of men are now in the business?—Comparatively respectable men. There are a great many men engaged in the business in this city who are received in the best society, and they are themselves custodians of the law. They are the first men to make the law effective. For instance, go round after 12 o'clock at night and see if you will here any noise in any of the saloons.

3738*b*. Your experience is that they observe the law?—Yes, very well. There are none of those back alleys that we used to have, where a man would run a shanty for which he would pay \$25 or \$50 a year, get his license for \$25, and keep a regular groggery the lowest and dirtiest place you could find.

3739*b*. How does the state of things here on holidays compare with the state of things you found on the holiday in the State of Maine?—There is no comparison. On the Fourth of July here you will hardly see a drunken man on the street.

3740*b*. Is this, on the whole, an orderly and law-abiding community?—It is a community made up of the hardest elements in any community—the men who work on the river, called 'river rats,' the men who work in the woods, on steamboats, running rafts down the river, and all that, a hard class of men.

3741*b*. Taking into consideration that class of men, what is the state of things here as to law and order?—It is very orderly. All these fellows drink. You can go on the bluffs now and see one hundred million logs in this lake, and there are three hundred million more coming down the river; and they are all handled by these men.

3742*b*. Are there any amendments of this law that you could suggest to make it more beneficial or workable—your high license law?—I think there is very little improvement to be made.

3743*b*. What do you do with the license fees?—The money goes into the City Treasury, and here is a remarkable thing. The strongest anti-prohibition element in this city is in the third ward, inhabited largely by Germans; and when we came to vote on

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the question of high or low license, and they got to understand it, the difference between \$100 and \$1,000, the heaviest vote given for high license was given in the German Ward.

3744*b*. You have a large Scandinavian class of population in this State?—Yes.

3745*b*. What kind of people do they make as settlers?—No better class in the world; what good blood you and I have got we have got from that race. They are sober and industrious. I recognize the Scandinavians as among the most temperate people.

3746*b*. How do you find them on prohibition?—They are opposed to drinking customs generally, but as a rule they are in favour of the high license. The Scandinavian element is very strong in this State. Taking the Norwegians, the Swedes and the Danes together, they must number 400,000 people. In its early stages I opposed high license in this State.

3747*b*. Is any agitation going on at the present time in this State, or are the people settled down?—They are settled down to the law. Any political party in this State that would undertake to call for low license or prohibition would be buried out of sight.

## Liquor Traffic—Minnesota.

ST. PAUL, MINN., May 29th, 1893.

Commissioners McDONALD and McLEOD visited this city to day and obtained the following statements in regard to the law regulating the liquor traffic.

HON. WILLIAM R. MERRIAM examined.

*By Judge McDonald :*

3748*b.* Your place of residence is St. Paul?—Yes.

3749*b.* You are a banker?—Yes, President of the Merchants National Bank of St. Paul. I have served two terms as Governor of the State.

3750*b.* The last term expired when?—In January last.

3751*b.* Was the high license law in force during the whole time of your governorship?—Yes.

3752*b.* I suppose you knew the State under the old low license system?—Yes. I was in the Legislature that passed the high license law. I was Speaker of the House at that time, and so was acquainted with all the circumstances connected with it.

3753*b.* Will you give us your opinion of the working of the new law, as to itself, and as compared with the old law?—In my judgment, and I think it is the opinion of the large majority of the citizens of Minnesota, the high license law has been a success far beyond the expectations of its original supporters. We were troubled, especially in the large cities, with administrations that sought practically to make the license so small as to make it possible for saloons and drinking places of every character to run. The old law was specially unfortunate too in its working in the small towns, which are made up of people who are lovers of good order, with regard to the development of the low class of saloon-keepers. The people in these small towns were desirous of good government and good morals, and the feeling was that some middle ground should be taken. Prohibition had been tried in Iowa and other States, and it had been found that as a practical measure prohibition did not prohibit—that it simply inaugurated a system of what are known as 'blind pigs,' drinking houses in the form of drug stores, and the secret carrying of whisky and beer either upon the persons of people or hidden away; with the result that the liquor traffic was carried on without any opportunity for the peace officers to restrict it or take it in charge. So our people, after having had the matter brought up in various forms at quite a number of the meetings of the Legislature, came finally to the conclusion that the middle ground was the safer, on the principle that people would drink more or less, and it was much better to have it done in an open and above-board manner, under the eye of the peace officers, than in any secret manner. So that a high license law was passed in 1886, providing that saloons in cities of above 10,000 population should pay \$1,000, and in cities of less than 10,000 population \$500, with the right, however—which in my judgment is the chief advantage of this law—on the part of towns and township organizations to absolutely prohibit the sale of liquor. In other words, we adopted what we call high license with local option, giving the right to any community by a majority vote to prohibit the sale of liquor of any kind. A good many of our smaller towns do not have any license at all. So that as a practical question the great mass of our people have been and are entirely satisfied with the working of our high license law, which has now been in operation some six years. The men who are interested in the liquor traffic have become satisfied with it, the people at large are satisfied with it, and I do not believe that if you attempted to change it by popular vote it could be done.

3754*b.* Is there any agitation going on?—No. The agitation on the liquor question has entirely died out. I never hear of it. Our party nearly lost the election when this question came up, but the law has worked so admirably that there is now no trouble

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about it. We regard it as having settled the question of the liquor traffic in Minnesota for all time.

3755*b*. What is your rate of municipal taxation in the city?—It is about two mills on the dollar, to which we have to add our State taxes. The general plan of assessment is about fifty per cent of the value. Under the low license law we had seven hundred saloons in this city, and the license was \$100, making a revenue of about \$70,000 per annum. We now have something like 365 saloons, which pay a net revenue of \$365,000, which goes into the city treasury.

3756*b*. We understand that in this State you have a large Scandinavian population?—Yes, very large.

3757*b*. Any considerable German population?—Yes, pretty large. The Germans hover around the city. We have, as a rule, large German settlements in large cities, but there are some counties made up almost entirely of Germans.

3758*b*. Do you find these people a desirable class of settlers?—Very.

3759*b*. What are their views on the liquor question?—There are two divisions of the Germans on this question, like every body else. 98 per cent of them would be against any kind of license practically. I mean that they would prefer a very low license, because they are great beer drinkers, and they do not desire anything that will interfere with their beer. There are quite a number among the Lutheran Church Germans who believe in high license, but the great mass of them do not believe in anything but low license.

3760*b*. Have they accepted the settlement of the question?—Yes. This question you know, became a political question. The Republican Party adopted high license, and as a consequence lost a large number of German votes. Some of them have never come back to the party, looking upon their Democratic friends rather as allies in the encouragement of the liquor traffic. I hear very little from them now. We have German brewers and liquor dealers who deal with the bank, and I never hear of any complaint from them.

3761*b*. How about the Scandinavian element?—That is the prohibition element in the State. We use the term to include Swedes, Norwegians and Danes. The Swedes and Norwegians predominate; there are few Danes. The great prohibition element is among the Swedes and Norwegians, although many of them are hard drinkers.

3762*b*. Has that element accepted the high license law as a settlement of the question?—I conclude that by reference to the prohibition vote. That vote last year fell off six or seven thousand out of 17,000 which it was in the year I ran for Governor. The total vote in the State is 265,000.

3763*b*. What are the Germans in regard to politics?—Generally Republicans. But we had the Farmer's Alliance, which carried off a good many of them.

3764*b*. Have you reason to believe there is much illicit liquor selling in this city?—Oh, no; public sentiment stops that.

3765*b*. What is the bearing of the licensed men towards the illicit traffic?—They discourage it utterly, because they pay \$1,000 for the privilege, and it would curtail their business materially.

3766*b*. Your law makes strict provisions in regard to sale to minors and students, I believe?—Yes, that part of the law has been very well enforced.

3767*b*. Taking it all in all, do you believe it the best system that can be adopted?—By all means. I believe it has been sufficiently tested in this State to prove beyond peradventure that it is the wisest system that can be adopted under all circumstances. It has worked out admirably. It has satisfied all classes of people, it provides a large revenue for towns and counties, and to my mind, what is the most important feature of it, if a community desires to be free from the sale of liquor, all it has to do is to vote to that effect.

3768*b*. To what extent has this privilege of local prohibition been taken advantage of?—In a great many instances. You will notice frequently in the papers that many little towns have voted against license.

3769*b*. Mainly rural places?—Yes.

3770*b*. Are there many licenses granted in outside towns—country places?—No, very few. The license is so high, that perhaps there would be only one or two saloons in a place.



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3771*b*. I mean country cross-road saloons?—No, there are none; they would starve. The great mass of the law-abiding people of the State have come to the conclusion that this is the fairest way out. Of course, there are numbers of extreme prohibition people who do not believe in anything of the kind; but the mass of the people who believe in good order have come to the conclusion that this is the wisest solution of the question, and I believe it will never be changed.

ALBERT GARVIN examined.

*By Judge McDonald :*

3772*b*. Your residence is St. Paul?—Yes.

3773*b*. You are the Chief of the Police of the city?—Yes.

3774*b*. How long have you resided in St. Paul?—One year.

3775*b*. Where did you reside previously?—In 1872 I went to work in the Illinois State Prison at Joliet. I filled every position in that prison from wall-guard to warden; I was there eighteen years. Then I organized the St. Cloud Reformatory, a first term prison. I was there a year and a half. From there I was elected as warden of the Stillwater prison, and was there a year and a half. I was then induced to accept the position I now hold.

3776*b*. How large a police force have you?—182, all told.

3777*b*. How long have you been in the State altogether?—Four years.

3778*b*. When you came to the State was the high license liquor law in force?—Yes, in towns of over 10,000.

3779*b*. You are not in a position to compare the state of things in Minnesota under high license with what it was under low license, from personal observation?—Practically no, although I have been in the State several times in the last twenty-five years.

3780*b*. You had some opportunity of observing of the previous system and comparing it with this?—Yes. The high license is similar in all Western States. For instance in Illinois, nearly all the towns have a license fee of \$1,000. Joliet, Illinois, where the prison is situated, is the first town that ever placed the license fee at that point.

3781*b*. Was that allowed by local option to communities?—Yes. Here it is statutory.

3782*b*. We understand that here it is by statute, making high license compulsory, but with a provision that communities may adopt prohibition;—Yes.

3783*b*. What is your experience of high license?—It is preferable to low, very much so.

*By Rev. Dr. McLeod :*

3784*b*. What are the advantages?—It forces a better character of men to take charge of saloons—more trustworthy and more honest.

*By Judge McDonald :*

3785*b*. What effect has it as to illicit traffic?—It has no effect. That depends altogether on the efficiency of the police force.

3786*b*. Some tell us that the licensed men keep a sharp look out with a view to putting down unlicensed places; others tell us that they do not do so at all?—I speak in regard to that with only one year's experience, but I have been given information by exceptionally good saloon-keepers of places where liquors and beer were being dispensed of without license. I think that possibly might be borne out even if there was low license. A man who pays a license demands protection against the encroachment of illicit sellers.

3787*b*. As far as your experience goes, they do then look after the prevention of illicit sale?—Yes.

HON. WILLIAM R. MERRIAM.

3788*b*. We understand that in this State the license law is very strict in prohibiting sale to minors and students, and requiring places to be closed on Sunday. How is the law observed in this city in these respects?—There is a prohibitory law as to the sale of liquor to minors. The saloons are not closed in this city on Sundays.

3789*b*. How does the law work with regard to sale to minors?—There is a very small percentage of the saloon-keepers who would sell to minors in the first place in this city, and there is no saloon closely connected with any of the schools.

3790*b*. You say your saloons are not closed on Sundays?—They are not. The doors are closed and the blinds are drawn.

*By Rev. Dr. McLeod :*

3791*b*. The law requires them to be closed?—It requires them to be closed at eleven o'clock on Saturday night until five o'clock on Monday morning. They are kept closed, but they are not locked. There are no doors or blinds open; they are merely closed, and the passer by can open the door and go in.

*By Judge McDonald :*

3792*b*. Then the people who wish admission can get in?—Yes.

3793*b*. Is it the duty of the police to see that that does not take place?—Yes, the police force, the executive head of which is the Mayor, has never issued an order to have these saloons closed any more than they are at present.

3794*b*. And if these places where to open their doors and lift their curtains, what action would you take?—We would enforce the State law in that particular case.

3795*b*. Is this city, compared with other cities of the same population, an orderly and law-abiding one?—Yes.

3796*b*. Is there much drunkenness in it?—There is not.

3797*b*. How is it as compared with other cities of the same size with which you are acquainted, so far as drunkenness is concerned?—The percentage is very much less than in any other city of its size in this north-west. It is a comparatively rare thing to find a drunken man in this city on Sunday. I have been in every city of any size from New York to Denver, and while I do not wish to be egotistical in regard to this city, I have not been in a city of 175,000 people who are so orderly as they are in this city, which is what is generally called a "wide-open town." But the saloons are closed absolutely from eleven o'clock at night till five in the morning.

*By Rev. Dr. McLeod :*

3798*b*. Does the law limit the number of saloons by population?—No. There are 358 in the city to-day.

*By Judge McDonald :*

3799*b*. Do you ever close them?—Yes.

3800*b*. For what?—For keeping a disorderly resort; for instance, having stalls where women of loose character go in. That will close a saloon.

3801*b*. What about gambling?—There is no gambling in the city.

3802*b*. Do you allow free concerts?—There is one concert saloon in the city. There is one saloon, called the Tivoli, where there is sacred music on Sunday. The family of the proprietor furnishes the music. The Casino has a stage, and dancing in the evenings during the week; but that is not permitted to be open on Sunday. Both of these places are free. I believe they do charge an admission fee when there is any thing special. The theatres are open on Sunday.

3803*b*. Are refreshments supplied in any of those theatres?—In one, but it is closed at present.

*By Rev. Dr. McLeod :*

3804*b*. How is Sabbath observed here—well?—Yes. The churches are well attended.

3805*b*. Do these other institutions also flourish on Sunday, the theatres and saloons?—I have never been in a theatre on Sunday in my life; I have never been called in;

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but they have very good audiences and I understand from theatre-goers that they are a different class of people from what you will see there on week day evenings, especially on Sunday afternoons. I imagine that the better class of working people go there on Sunday afternoons and evenings.

3806*b*. Do you know any thing of the workings of this law throughout the State?—I have lived in two cities outside of this in the State, one of over 10,000 population and the other under 10,000. One was Stillwater. The law was well enforced in both.

3807*b*. Were the Sabbath features of the law enforced, or would there be open saloons similar to those here?—There are no open saloons. But there are in the State, and they will exist in spite of anything, what are called road houses. There is one outside of St. Paul, about two and a half miles distant; there was also one at Stillwater. You will find them around the mountain camps and lumber camps, the same all through this north-west. The country authorities are the people who take charge of those, not the municipal authorities. Why they exist is something I cannot understand, unless it is through the carelessness of the Sheriffs.

3808*b*. I suppose the enforcement of the law depends largely upon the local administration, whether in city, town or village?—Yes.

*By Judge McDonald:*

3809*b*. Taking the type of people you have, with a large Scandinavian element, do you suppose that you could prevent the sale of beer on Sunday if you tried?—I could absolutely prevent the sale of beer on Sunday with my force; there is no question about that.

*By Rev. Dr. McLeod:*

3810*b*. And it is not prevented, because it is not thought desirable?—It is not thought to be the best.

3811*b*. Is it the custom here that these saloons, many of them, are really the property of certain brewers?—Yes, under the names of Smith, Jones, &c.

3812*b*. The brewers are the owners, and the keepers are simply their agents or employees?—Yes.

*By Judge McDonald:*

3813*b*. How is the city at large, as to the people being law-abiding and orderly?—Look at our prison records; they show a steady decrease of crimes and disorders.

3814*b*. Is there any agitation on the liquor question now, or has the question settled down?—It has; there is no agitation.

3815*b*. You say this is a law-abiding community, and the Sunday law is disregarded. What do you think is the effect of that on the community, as to their respect for law in general?—In St. Paul, I do not believe it has any bad effect.

*By Rev. Dr. McLeod:*

3816*b*. The people generally are aware that the saloons are open?—The people are aware of it. You could not see any crowds around the doors, but the people can go in freely.

3817*b*. How is the city with regard to what is called the social evil?—They are confined to a certain locality, and they pay a fine of fifty dollars a month, and are not disturbed. The city is limited to about such a number.

3818*b*. How does that system work?—It works better than if they scattered over the town.

3819*b*. Is the effect of an attempt to suppress them, to scatter the evil over the city?—Undoubtedly, yes. The houses were closed here once, and the women scattered themselves all through the city in rooms, and the effect of a woman living in a room, without any conveniences for cleaning herself, is to produce more disease in a city of 25,000 inhabitants than there is in a city of 250,000 where they are kept as they are here.

3820*b*. Is there any inspection?—No, there is no inspection, but it is something that is almost unheard of, a man being diseased in a house of ill-fame in this town. It would kill the house—virtually drive it out of existence.

ALBERT GARVIN.

3821*b*. How many of them are in the city?—Twenty-three.

3822*b*. What is the population of this city?—They claim 175,000. The last census does not give that much, but it is the estimate of the city officials.

MINNEAPOLIS, MINN., May 29th, 1893.

Commissioners McDONALD and McLEOD reached this city to-day, and obtained the following statements in regard to the law regulating the liquor traffic.

HON. A. H. MCGILL examined.

*By Judge McDonald:*

3823*b*. Your residence is St. Paul?—Yes.

3824*b*. Your business or occupation?—President of the St. Paul and Minneapolis Trust Company.

3825*b*. You have also been Governor of the State?—Yes.

3826*b*. For what years were you Governor?—1887-88.

3827*b*. In the Republican interest?—Yes.

3828*b*. You have known Minnesota, I suppose, under both the low license system and the present system?—Yes, I have been a resident of the State for 33 years.

3829*b*. You have been a member of the Legislature as well as Governor?—No, I have not. I was connected with the Government as Insurance Commissioner for about thirteen years before I was elected Governor.

3830*b*. Perhaps you could tell us what brought about the legislation for high license—what led to the discussion and the enactment of the law?—I think what did it, as much as anything, was the saloon in politics. Party leaders rebelled against the domination of saloon-keepers, who practically led the politics in both parties in the election of delegates to State conventions and the election of members of the Legislatures. Every candidate felt that he was in danger of being slaughtered, and was in fact, by that interest, unless he served it, and it became obnoxious to the sense of political freedom, which led to a strong sentiment in favour of some measure that would mitigate that condition of affairs. Then, again, there was the motive of temperance and good order which was sought to be promoted by this legislation, and the law was favoured by men who were leading advocates of temperance; in fact, by many who were prohibitionists in principle, and who preferred a prohibitory law provided it could be practically operated. High license was considered by these people a good long step in the direction of the regulation of the liquor traffic, and so that element favoured this legislation.

3831*b*. From what section did the opposition come?—It came from the saloon interest and the manufacturing interest engaged in that traffic, and it was very active indeed. In 1886, when the Republican convention met in St. Paul, there was a plank put in the platform declaring for high license and local option. That was an immense stride. It seemed to be so at that time, for the reason, as I have stated, that the saloon interest had been a very strong factor in the politics of the State. But that was notice of a separation, and the campaign that followed in the fall of 1886 was conducted on that issue, and the Republican Party's majority was of course cut down very much by reason of that. I think that all the saloon-keepers in the State, perhaps with a few very rare exceptions, supported the Democratic candidate for Governor, and the victory was won by the Republicans only by a very narrow margin. The Legislature elected that fall enacted the law that we have to-day, known as the high license law. Now, I am not conversant with the statistics in connection with the operation of that law, except at the beginning. I remember at that time we had in St. Paul about 750 saloons, paying each an annual license of \$100. I think at that time the number was reduced

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to about 300, which under high license produced a revenue of \$300,000 as against \$75,000 produced formerly, affording thus additional money for paying the expenses of a still better police regulation than existed under the former conditions. The benefit was two-fold, a reduction in the number of saloons, which reduced the necessity of a large police force, and an increased revenue, which afforded a great deal more money to pay for it. Throughout the State the effect has been relatively about the same. I do not know how many saloons we have in Minnesota. The law is a general one that operates all over the State, and the effect has been to reduce by at least fifty per cent, perhaps much more, the number of saloons in the State. If the saloon is a blessing, that is a great misfortune that Minnesota has suffered; but if it is a burden, Minnesota has been greatly relieved by the high license law.

3832*b*. Can you state if any sections have availed themselves of the local option part of the law?—Yes, that is voted on every spring in the elections in country towns—whether they shall have any licenses or not; and they still have authority to increase the amount of the license fee.

3833*b*. We understand that they cannot go below \$500, but they may go above it?—The license in the country is \$500, and they may go above that amount. The \$1,000 license only applies to towns having a population of 10,000 or over. In many of the smaller towns where the license would be \$500, they charge \$1,000. It is not a prohibitory law, but it is a law that limits.

3834*b*. How has the law operated as to the acceptance of it by the people of the State at large and settling down to it?—The law has been exceedingly well received by the people, and I do not believe, even if the Government or parties had changed, and that the Democrats had come in instead of the Republicans at the following election, that they would have repealed the high license law. We never have had a law in Minnesota that has given such general satisfaction as the high license law.

3835*b*. How has it been received by the prohibitionist element, since it has come into operation?—Well, I do not think it has been kindly received by them. The term license has been a very unpleasant word with the prohibitionists. They do not sanction anything that would license the selling of liquor, and so in Minnesota they have been quite opposed to the high license law—not claiming that it had not accomplished good, but deeming it contrary to their doctrine and their principles to sanction any law licensing the sale of liquor. So, with the prohibitionists it is not a popular law. However, I think it has served to keep the prohibitionist vote very much lower in numbers than it would have been if we had not had this law.

*By Rev. Dr. McLeod :*

3836*b*. Are you able to say whether the sentiment in favour of still more rigid legislation, and prohibition finally, is strengthened or otherwise in the State?—I think there is quite a sentiment in Minnesota in favour of what is called county option instead of local option, which simply applies to townships and small corporations.

3837*b*. Do you know whether the prohibitive provisions of the law, that is, the requirements as to closing at certain hours and on the Sabbath, are observed generally by the licensees?—That is not a part of the law; it is a supplementary law, a law passed at the same session, but not a part of the same Act, as I remember.

3838*b*. Still, either in that law or in one passed separately, there were regulations in regard to not opening at certain hours, and closing on the Lord's day?—I think the enforcement of this provision depends largely on the moral plans of the community.

3839*b*. Does it depend on the municipal government?—Yes, whether they will have a wide open policy or a close policy.

3840*b*. For instance, we were informed in St. Paul that while the law requires the saloons to close at 11 o'clock on Saturday night and to remain closed until five o'clock on Monday morning, they are only closed apparently, the doors being closed and the blinds drawn, while they are open to the people to go in and out without hindrance?—I think that is true, and has always been so in St. Paul.

3841*b*. Is the same thing true in Minneapolis?—No, I think not. There is greater vigilance here. That depends on the municipal government, and the municipal government depends on the voter behind it, of course.

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*By Judge McDonald :*

3842*b*. So that it is a question of public sentiment?—Yes, it is a *quasi* arrangement. If one ticket is elected, it will be a little more lenient than the other. There is a provision in the charter of this city which I think is particularly admirable. They have here what are called patrol limits, inside of which all the saloons of the city are located. All the territory outside of this prescribed territory is prohibition territory, in which there can be no saloons whatever. The object of this is to put saloons where they can be easily supervised in a police way, and also to free the residential districts from the evils of saloons.

3843*b*. How is this city as to its character for order and sobriety?—It is first-rate.

3844*b*. Is there an attempt made to enlarge the bounds of that district?—Yes, there has been several attempts made, but the sentiment of this city is, I suppose, ten to one against it.

3845*b*. Has there been any attempt made still further to limit that area?—No. That arrangement was made in Mayor Pilsbury's time, and I think the thought was his own. The idea was to get the saloons under immediate control, and it occurred to him that if the territory were limited, that might be done, and it has worked admirably. It has relieved the residence district of saloons.

*By Rev. Dr. McLeod :*

3846*b*. What class of people have attempted to get the territory enlarged?—The men engaged in the traffic, or men who wanted to establish saloons outside of the territory, and it runs somewhat into politics but not much. This system was established by the Republicans of the city; and yet I think if the Democrats were in power they would not change it. It seems to me that it is an admirable idea for cities. There are about 10,000 prohibitionists in Minnesota, and I think they are to a man opposed to high license.

3847*b*. What do you mean when you say that this law has given a measure of satisfaction to the prohibitionists?—I mean we had twenty thousand who voted the prohibition ticket. Fifty per cent of that vote was a Republican vote, but it was in protest of the methods by which this business was conducted, and of the laws passed by the party in power. But if they could get this regulation they would be satisfied with it, and would go back to the Republican Party; and so when the high license law was passed, fifty or nearly fifty per cent of those who had been voting the prohibition ticket went back to the Republican Party.

3848*b*. You do not mean that all the prohibition party vote represents all the prohibitionists in the whole State?—No, not all. Of course, that is a condition which I suppose eighty or ninety per cent of the people would be glad to see brought about through that moral influence which would make it the normal condition.

*By Judge McDonald :*

3849*b*. You mean that you think ninety per cent of the people would favour those moral influences being exerted which would bring about total abstinence as the normal condition of things?—Yes.

3850*b*. Are there any Democratic prohibitionists?—Oh, yes.

3851*b*. One of the objects of this movement being started was to eliminate the saloon influence from politics; did it have that effect?—Yes; the saloon-keeper no longer leads the procession.

*By Rev. Dr. McLeod :*

3852*b*. Is the saloon-keeper under high license a more influential man than the saloon-keeper under the low license system?—What do you mean?

3853*b*. More reputable, and therefore more influential?—I think the percentage of standing, if you can so measure it, would be very much higher with the present limited number; but so far as politics is concerned, I do not think they exercise anything like the influence they did before. You mean simply, are they a better class of men?

3854*b*. Being a better class of men, have they more influence?—They have very little influence in politics to-day.

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3855*b*. In what respect are they a better class?—The saloons that were formerly kept in back alleys in the city, that class wherein most crime originated, have been entirely eliminated; and so I think we have a better class of men in the business.

3856*b*. This has been suggested, that the men keeping a better class of trade do not care for a certain class of patrons, so that necessarily there springs up a joint here and there, and the high license people, instead of complaining of them, simply sell to them liquors in small lots to enable them to cater to the class of people who are not wanted in the better class of saloons?—I think that is not true.

*By Judge McDonald :*

3857*b*. We have also been told that these men, paying themselves a very high license, act to a certain extent as detectives to keep down the illicit sale?—Yes. I was going to say that the saloon-keepers naturally co-operate with the authorities in enforcing this law—those who have taken out licenses, because, of course, any illicit selling would be competition with them.

3858*b*. In the election of 1886 there was a large falling off of the Republican vote, comprising, I suppose, the saloon element and their following. Since the license law has come into force, has that vote come back, or has it remained with the Democratic Party?—Some of it has come back. A considerable percentage of the saloon-keepers have acquiesced in the law.

*By Rev. Dr. McLeod :*

3859*b*. And they consider the high license law preferable to the old system?—Yes, I think one-half of them do.

*By Judge McDonald :*

3860*b*. And the percentage of them that did not, did they leave the State or go into other employments?—Oh, they went into other employments.

3861*b*. How is your State as a whole in regard to prosperity at the present time? Is it fairly prosperous?—In an agricultural sense it is. Just at the present moment business interests are somewhat depressed, owing to the financial condition of the country at large.

3862*b*. As compared with other sections of the country?—Minnesota is as prosperous as any State I know of in both respects.

3863*b*. You have, we understand, a large section of German and Scandinavian population in the State?—Yes.

3864*b*. Do you find them a satisfactory class of people?—Yes. I suppose we have 200,000 Scandinavian people in Minnesota.

*By Rev. Dr. McLeod :*

3865*b*. Are the Scandinavians, as a rule, favourable to the saloon or opposed to it?—They are opposed to it on theory.

3866-67*b*. And in practice, how?—They are a very good class of citizens, and I think the prohibition movement is more largely Scandinavian in Minnesota now than anything else.

3868*b*. And the Germans are fond of beer?—The Germans are here, as elsewhere. We have, I think, about 120,000 Germans.

*By Judge McDonald :*

3869*b*. Have you many French in Minnesota?—About 2,000.

3870*b*. Do you find the Germans a good class of settlers?—Yes; very thrifty.

*By Rev. Dr. McLeod :*

3871*b*. Do you think the high license system will take a step towards prohibition by and by?—In the sweet by and by. We have a community in this State which is strictly German, in which for many years there was no one who was not a German, or

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who could speak English. They were very much opposed to this high license law, as much on the ground of its interference with personal liberty as on any other ground; but after the law had been in force for a year, the Mayor of the town of New Ulm, which is the name of the town, told me that it was one of the best measures that was ever passed in Minnesota, and that it had changed his view entirely on the question. I was of course considered a mark at that time for every man who was opposed to high license, because I was a candidate for Governor at the time the issue was fought, and stumped the State on behalf of high license.

3872*b*. What are the Germans in religion?—Lutherans, Catholics, Methodists and Turners.

3873*b*. Are they heavy drinkers, or beer drinkers only?—Beer drinkers generally. The issue was made as distinctly between the Republicans and the prohibitionists as between the Republicans and the Democrats. The Republican Party has never been a prohibition party. If the issue were between prohibition and low license, I suppose the Republicans would vote for low license as a general thing; but high license simply implied the regulation of the traffic from the Republican standpoint, and it has certainly acted that way in Minnesota.

3874*b*. Do you give licenses to all who apply for them and comply with the conditions?—No, it is a question of character.

3875*b*. If a man can comply with the conditions, is there an option to refuse him a license?—There is an option. He must be satisfactory in every respect before he gets his license. The Council can revoke a license for cause, or refuse to grant it in the first place.

3876*b*. Does the Council deal with each specific case?—Yes, they have a license committee that does so.

J. D. MANNIX examined.

*By Judge McDonald:*

3877*b*. You reside in Minneapolis?—Yes. I have been here seventeen years.

3878*b*. What is your official position?—Private secretary of Mayor Eustis. Previously my business was that of a newspaper reporter on the Minneapolis press. When I left the business six months ago I was senior reporter, and my particular line of work was what is called street work—police and fire.

3879*b*. How many licenses are at present issued in Minneapolis?—285 at \$1,000 each.

3880*b*. You have not so many as St. Paul?—No.

3881*b*. What is the population of Minneapolis?—There is no question at all but that Minneapolis to-day has 200,000 people, though the census enumeration of 1890 gave this city a population of only 164,738.

3882*b*. How do the people of this city rank as orderly and law-abiding people?—I regard this community as one of the most orderly, if not the most orderly community of its size in the United States.

3883*b*. Have you much drunkenness here?—No, we have not. During 1892 the arrests for drunkenness here numbered something like 3,800 or 4,000. During that same year, in Pittsburgh, with a population of something like 75,000 more than we have, there were over twice that number of arrests for the same offence. Our population in Minneapolis is rather a peculiar one. Perhaps one-third of our people are Scandinavians. There are from 32,000 to 34,000 Swedes, from 18,000 to 22,000 Norwegians, and from 8,000 to 12,000 Danes.

3884*b*. Many Germans?—No, it is not a large German town. There is a very large New England element here; every New England State and most of the Middle States are very largely represented here.



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*By Rev. Dr. McLeod :*

3885*b*. You have some Canadians here?—Yes ; there are more Canadians here than most of our intelligent citizens would think. We have on the police force from 237 to 248 names, and I think eighteen or twenty of our policemen were born in Canada.

*By Judge McDonald :*

3886*b*. You have known this State both under low license and high license?—Yes.

3887*b*. Which condition of things have you found preferable?—I am thoroughly satisfied that the condition we have to-day in this State and this municipality, is above all others that have ever been tried in this or any other State or community, the one most conducive to sobriety and improvement in the character of the saloons, and that tends to reduce to a minimum crime and disorder and all that goes to make society bad and disreputable.

*By Rev. Dr. McLeod :*

3888*b*. Have you any idea that there are illicit places in this city?—There are some, and the most rigid enforcement of the law and the strictest sort of discipline on the part of the police in my opinion would be necessary to eradicate all the illicit places. I should say that to-day there are more than 25 to 40 illicit places, "blind pigs," as we call them in this city, that is, places of sufficient importance to warrant the authorities in going to any trouble about looking into them. You might perhaps find at some little suburban grocery or candy shop, kept by some old man or old woman, that now and then a customer was quietly accommodated with a drink ; but that is so small and insignificant that it would hardly justify any fuss on the part of the police. Then we find that the saloon-keepers, when they pay \$1,000, which is regarded as a good large sum, for the privilege, most of them feel like co-operating with the authorities in the matter of locating and exterminating the illicit business.

3889*b*. How about the observance of the law on the Sabbath? Of course the law requires the saloons to be absolutely closed, are they?—From midnight on Saturday night until five o'clock on Sunday morning.

3890*b*. Are they closed?—No, they are not. Of the 285 saloons in this town, between 50 and 60 are closed, the others are doing what we term a quiet back door business. No front doors are open, but the side door or the back door is used. We have had Mayors within the past ten or twelve years who undertook to enforce to the letter the law relative to Sunday closing.

3891*b*. Did they succeed?—No. With the greatest care, watchfulness and vigilance on the part of the police, and an apparently honest determination to enforce the law to the letter in regard to Sunday closing, it was never successfully done in this town during the last fifteen years. There were curious features about the business at times, when the general run of people thought the saloons were hermetically sealed, and one of those features was this : The saloon-keepers were determined to resist to every possible extent the enforcement of the Sunday law, but they resorted to fraud and deception in this way, a great many of them. They would establish little sideboards and temporary saloons upstairs above their regular places of business, or downstairs. I have seen places where, at the rear of a basement under the saloon, there was a little improvised bar. It required a good deal of energy and patience sometimes on the part of the patrons to locate these places, but when they did locate them they often remained there longer and drank more than they would have done had they been able to get their liquor openly and at will. As police reporter for ten years, I have watched the matter very closely, and I have always found that where the authorities could secure to a certain extent the co-operation of the better class of saloon-keepers and get their good-will, and make them feel that they were engaged in a business that required some sense and intelligence, and discretion and responsibility, better results followed, and I know that the records of the Police Court for the last ten years will show that during these years when our saloons were supposed to be tightly closed on Sunday, arrests for drunkenness were as numerous, if not more so, than at any time. I know that to be the fact, because I looked the matter up when I was a reporter.

J. D. MANNIX.

W. H. EUSTIS examined.

*By Judge McDonald :*

3892*b*. Your residence is Minneapolis?—Yes.

3893*b*. What is your business or calling?—Lawyer, and I am Mayor of the city.

3894*b*. How long have you been Mayor?—About five months.

3895*b*. How long have you lived here?—About twelve years.

3896*b*. You were here before the passing of the new law?—Yes.

3897*b*. Taking the two systems, the low license law which you had before, and the present, which do you find preferable?—There is no question that this is the preferable one. It is the most complete system you can have if you tolerate the traffic at all. The high license system and the system of patrol limits working together, are the best means of dealing with the traffic.

3898*b*. Have you had any experience of the working of a prohibitory law yourself?—No; except that you might say that nine-tenths of this city, outside of these patrol limits, has a prohibitory law.

3899*b*. Are you a prohibitionist in sentiment?—I would like to see the thing wiped out if it were practicable, but I do not think it is practicable at the present stage.

*By Rev. Dr. McLeod :*

3900*b*. Do you think high license is a step towards that?—Yes, I think anything that tends to restrict it is in that direction. My opinion is that you can only restrict it so far as public sentiment will restrict it.

3901*b*. How has public sentiment restricted it here?—Very much, so much so that I think you would almost provoke a riot if you attempted to do away with the patrol limits. The people want the thing left where it is. They want hands off the patrol limits.

3902*b*. Your community is satisfied with that, and wish to hold it as you have it?—Yes.

3903*b*. This matter of the patrol limits is an ordinance of the city?—No; it is also an act of the Legislature.

3904*b*. Has there been any effort to further limit that area?—No; there has been an effort to extend it, it being confined to the business portion of the city. Now, the business portion of the city has increased, and it does seem to me that there might be some extension of it along the business streets, but the people have not seen fit to extend it. I believe it was extended a little once, but no more. As to the practical working of the law, I know very little. What I know about practical municipal politics I have learned since the 1st of January. Previous to that I was engaged in my own business. We have 270 or 280 saloons in the city, and, of course, the business is away beyond the bounds where any one man can know them all and know what is going on. My idea is that the only way to treat that business is to treat it as a business man would treat any business having various departments. So the first thing we did was to get up a blank form, which we supplied to the police captains of the districts, and instructed every captain to have a patrolman to report on every saloon in his district, upon these blank forms. I give you one of these blanks. (Appendix 3.) I got a report of that kind in regard to every saloon in the city, and I never said anything to the saloon men about it. But they soon found that I was getting these reports, and they began to talk about it. They would come in here to find out how they were reported and graded, because a part of this system is to grade the saloons into 1st, 2nd, 3rd and 4th class, according to the character of the place, as shown in these reports. In some cases I call for special reports, sometimes every week, and sometimes every day. These reports would show how the saloon was kept every day, and when it closed. We do not try to enforce the law to the letter; and instead of going to the preachers and asking them how to run the saloons, I go to the better class of saloon men themselves, that is, to the wholesale men and the best men among the retailers. I went to them and asked them how the saloons

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should be run. I told them: "You have a great many men engaged in this business; it is a continuing business with you, a lawful business under the laws of the State, just as lawful as a drug store or a grocery; and we want to know how to best run this business and keep the spirit of the law. The spirit of the law is order; that is the end of the law; if we can attain the end of the law, which is order, I care very little about the letter, the comma or the colon." I said: "Gentlemen, you are the principals. The retailer, as a rule, never gets ahead; as a rule, his fixtures are mortgaged, and the wholesaler puts up the money to pay for his license, and gives him credit for the stock he has on hand, so that the only interest the retailer has in his business is his daily interest, what he can get out of it to-day, while the wholesaler's interest is a continuing interest. Therefore, your interest is to keep the public sentiment from growing against you and still further restricting the saloon interest. The public sentiment is against the low saloon. The saloon man may get most out of the business by selling to minors and harbouring thieves and prostitutes; but your business interest is against anything of that kind. For it is the lowest saloons in this city that fix the reputation of the entire business. There are six or, perhaps, ten saloons in this city that fix the reputation of all the saloons in the city; the balance of them are never heard of, never harbour thieves or prostitutes, and never get into the public prints. For these reasons, you must join with me in disciplining these lower classes of saloons." They said: "That is right." I said to them: "Now, we do not want any boys or girls made drunkards, and you must clean up things. It is hard to make a first-class saloon out of a low saloon in one month or three months; it will take time, and we will help you." So we went to work, and though the thing has only gone on for five months it has produced simply wonderful results.

3904<sup>1</sup>/<sub>2</sub>b. They are observing the law?—I never saw anything like it in this city.

3905<sup>1</sup>/<sub>2</sub>b. How about the Sabbath feature?—If I had issued an order that every saloon must be hermetically sealed on Sunday, I would not have had a friend among the saloon-keepers in the city; to-day every saloon-keeper is a friend of the administration, and is attempting to make and keep the business respectable in this city. If a man drinks six days of the week, he is going to drink the seventh day, and you cannot stop it, even if he has to buy it on Saturday night and take it home; if he does not do that, he will get into a saloon on Sunday some way. You have that to fight, and then you have the cupidity of the saloon man who desires to sell for gain—those two things working together against the closing of the saloons on Sunday. Now, in order to stop that, you would have to put a policeman at every saloon door, and after you have done that, you must prosecute. They will go in through windows, down into cellars, up into garrets, or anywhere else to evade the law, and every saloon-keeper will be working against it. You will catch some of them, and when you catch them you will have to bring them into court. You may have thirty or forty to bring up to the Police Court. That means excitement, wailing and gnashing of teeth; you get the business men against you, and you would not accomplish any wholesome results if you did that. Instead of attempting to close the saloons on Sunday in that drastic way, and bringing up violators, we succeed on Sunday in having everything closed in front. You do not see anything. A man goes quickly in at the back door and gets something and goes out, and nobody notices it. Nor do you see any drunkenness. I remember one day when there was not one drunk in this city of 200,000 population. We succeed in getting the saloon men interested in preserving order. The wholesale men tell them: "You must not get anyone drunk in your place," and the saloon men are working together in a spirit of emulation. One saloon man says to another: "I am a better man than you are; I am in the first class and you are only in the third class." We put in the first class those who absolutely close their saloons on Sunday; that is not a very large class. There are about fifty in that class. The principal class is the second class, which contains 205.

3905<sup>1</sup>/<sub>2</sub>b. Do you find matters improving all the time?—Yes, and we continue making changes from time to time. For instance, one man finds that he is in one class, and he does not like it, for this reason. If a man wants to buy a saloon he inquires what class it is in. A saloon man's reputation is just as dear to him as a churchman's reputation is to him, and we want to encourage that feeling. If I find a man keeping his saloon open after twelve

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o'clock, or doing something else contrary to orders, I send for him and talk to him, and if after that he does not better, we have power to take away his license. To show the effect of this system, there was one man who had kept a very notorious place; there was a very bad report about it. At first we admonished him, and the place did not improve. One Saturday night two boys got drunk in his place, and were arrested and fined. We sent for the proprietor and talked the matter over with him. There was no doubt the boys had got drunk in his place, and I revoked his license. He had just built an elegant place, and being very anxious to get a license, he went to the Council and got it in the name of somebody else. Before I handed his license over to him, I sent for him and had a talk with him. I said, "You had a tough place before, and now before signing your license I want to have a talk with you. I want you to distinctly understand that if you take that license you must absolutely and strictly observe the law. Upon that depends the length of life of your license." That man now runs the best saloon in the city. His friends have come to me and asked me to modify this condition, but I have refused to do it. That man's place is now in the first class; it is running exactly according to the letter of the law, and there is no trouble with it. Let me mention another case. We have a lot of professional scoundrels and tramps, and there are always saloons which they make their headquarters. If they catch an unsophisticated individual, they take him in there and fleece him. An Englishman came to this city two or three weeks ago from Winnipeg. He was perhaps a little green. He stopped at a hotel over night, and the next day he went to a saloon that ranks in the 4th class and got a glass of lager beer in company with a couple of these individuals, who had got into conversation with him. Then they went to another saloon that ranked in the 4th class, and there they got playing dice, and the Englishman lost ten five-pound notes, in all \$250. Then they said to him, "You must not say anything about this; if you do, they will arrest you and send you up for six months for gambling." He did complain, however, and the two men were arrested. At the time of the trial we called in the two saloon men and the two bar-tenders. They all went on the stand and swore that they knew nothing about it; they did not deny that gambling took place, but they did not identify the men. The result was that the court had to dismiss the men. After the trial I said, "There seems to be some difficulty about identifying the places. So I sent for the saloon men and told them that gambling had taken place in their saloons. "Now," I said, "I want each of you to pay \$125 to this Englishman, or your licenses will be revoked to-night." They squirmed a little, but finally they recognized that it was fair and square, and they put up the \$125 each. I work on the policy that everything fair and square shall be done by the saloon men and for them. By these means we get the saloon men on the side of justice. Formerly they were not on the side of justice. This system has wiped gambling right out. A great many of them will not allow dice in their places. A saloon man came here one day and told us that there was a man in his saloon drinking who had money, and was in danger of being robbed; and the police took his money from him and locked it up until the next morning. We have both the saloon men and the public with us, and together we are working for law and order. We encourage the better class of saloon men themselves to help us to put down the few low saloons. It is these few low saloons, that create the prohibition sentiment, and we tell them that they owe it to themselves as well as to the public to assist us to wipe these out. By and by I expect that we shall be able to get the saloons to close on Sunday. You cannot enforce a law unless the public sentiment is in support of it.

3906*b*. What do you do with the social evil?—That is going on very quietly. We have them restricted to a certain district, and we take them up once a month and fine them.

3907*b*. Have you attempted to suppress them?—Yes, we have, but it was proved to be a most lamentable failure. It is just like a boil—if you keep it from breaking it will strike all through the system. That is the same kind of human nature that comes in when you attempt absolutely to prevent a man drinking a glass of liquor on Sunday.

3908*b*. What do you do with the men who sell without license?—There are not any that sell without license, we jerk their hatches up so quickly, and the licensed men are with us.

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3909b. Are there any dives or joints?—There may be one or two, but they are so obscure and so insignificant that they do not amount to anything.

MR. MANNIX. I should say there are probably 25 places to-day in the city where liquor is sold illicitly; but it has been done in so quiet a manner that it is difficult for a police officer to secure evidence which would convict. A number of convictions have been had in the last ten days, but none of them are doing any business of importance at all.

MAYOR EUSTIS. There will be no trouble in closing them up. They will all be closed before long. If you drive out through and beyond the patrol limits you will find that nine-tenths of the territory of this city is under absolute prohibition. Drive through on Sundays and you will not find any signs of the saloons being open. The saloons are not brought into contact with the home life of the city. A man can go to and from his church on Sunday, and go about his business, and he is never brought in sight of a saloon. The only families and children that come in contact with the saloons run in this quiet manner are not usually the people whose moral ideas are shocked by saloons running quietly on Sunday.

Sr. PAUL, MINN., May 30th, 1893.

Commissioners McDONALD and McLEOD resumed their inquiry.

GEN. MOSES E. CLAPP examined.

*By Judge McDonald :*

3910b. Your residence is in St. Paul?—Yes.

3911b. You are a Counsellor-at-Law?—Yes.

3912b. Are you Attorney General of the State?—I am not now. My last term expired last January; I was Attorney General of the State for six years.

3913b. Were you Attorney General when the high license law was passed?—Yes, I was elected on that issue.

3914b. I suppose you remember the days of low license in the State?—Oh, yes. The issue was raised in the campaign of 1886, when Governor McGill was elected.

3915b. What led to this question being taken up and the enactment of a high license law?—It was due to two causes. In the first place, the prohibition sentiment was manifesting a great deal of strength in the State, and high license had two important bearings. One was a political bearing. A great many took kindly to the plan, thinking it would hold a certain class of voters in line with the dominant party in this State, which was and is the Republican Party. I think it was largely a matter of political expediency. Then, there was a very large class of men who were anxious to see any measure that would successfully reduce the evils of the liquor traffic. They did not believe that the sentiment in this State was strong enough to make prohibition a success, and they adopted the plan of high license, not so much from political consideration as from a desire to win something along the line of the reform, and they believed that regulation was better than prohibition if prohibition could not be thoroughly enforced, and with our large cities here it did not seem, to a great many of us, that it could be successfully enforced.

3916b. Governor McGill informed us that under the system of low license with a large number of saloons, the saloon interest had become quite strong in politics, and that the people were not satisfied with that condition?—It never was as strong as it was credited with being. It did become very arrogant. The campaign of 1886 demonstrated that the saloon was not the power in politics that it assumed to be; because we lost with scarcely an exception the support and incurred the hostility of every liquor man in the State of Minnesota, and notwithstanding that, and notwithstanding the fact that there were other matters that weakened us somewhat in the campaign, we carried the State by about 18,000, except in the case of the Governor, who lost on account of a matter that bore particularly on him. It was an unfair crusade against him, largely in his own party.

3917b. The liquor interest of the State opposed this high license law?—Bitterly, and almost to a man deserted the party. To-day the controlling spirits of Democracy, in this city especially, are men who before 1886 were Republicans.

*By Rev. Dr. McLeod :*

3918b. They have not returned to the Republican Party, then?—Oh, no, and these are men who left us on this issue.

*By Judge McDonald :*

3919b. Having carried the State, your party were under a pledge to the people to enact this law?—Practically.

3920b. And proceeded to do so by passing the act in the Legislature?—Yes.

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3921*b*. Since the Act has come into force and been tried, what is the state of sentiment in regard to it? Is there still an agitation going on, or have the people settled down to it?—It has had the effect of lessening very much the aggressive prohibition spirit as manifested in the political party. The prohibition party as a political party has lost very largely since the high license law was passed.

*By Rev. Dr. McLeod :*

3922*b*. That is, a section of the prohibitionists are satisfied with this law as a step towards their goal?—Well, a class of men who could not, perhaps, be ranked as prohibitionists as long as there is a distinct prohibition party, but a class of men who would naturally turn to prohibition or any other movement which would lessen the evils of the liquor traffic.

3923*b*. As against the old system?—The pronounced prohibitionists still maintain their party organization, and put their tickets in the field.

3924*b*. How many votes had they in this State?—I think at the last election they cast about 14,000.

*By Judge McDonald :*

3925*b*. And the total vote of the State would be how much?—Nearly 300,000.

*By Rev. Dr. McLeod :*

3926*b*. Would it be fair for us to assume that 14,000 is the full strength of the prohibition sentiment in the State?—Oh, no.

3927*b*. The prohibition party sentiment?—The prohibition party sentiment. I am frank to say that I think if the question of prohibition were submitted to the people of this State it would carry, because there are lots of people who will say, "I will vote prohibition and thus discharge my duty, and then settle back to my business and let prohibition take care of itself."

*By Judge McDonald :*

3928*b*. What do you mean by that?—They would simply settle back and depend on the men who were at the head of the movement to see that the necessary laws were enacted and enforced, as they do in every State where it is adopted.

*By Rev. Dr. McLeod :*

3929*b*. As they do in everything else?—As they do in everything else.

*By Judge McDonald :*

3930*b*. What is your observation of the operation and effect of the present license system?—It has lessened very largely the number of saloons. How far the lessening by a large percentage of the number of saloons lessens the amount of drinking is very largely a matter of opinion and speculation. I do not know that one man's opinion on that subject would be better than another's. Of course, we all know that, with the exception of men who have a confirmed appetite for liquor the drinking habit is largely a matter of social custom and convenience. There is a large class of men who will drop into a saloon if it is convenient and drink as a social matter who would not if they had to go a few blocks to find a saloon. Of course the man who has a confirmed appetite for drink will find it.

*By Rev. Dr. McLeod :*

3931*b*. You think then, that limiting the number of saloons and confining them to a certain district does away with the inducement to drink on the part of those who are moderate drinkers?—There is no doubt about that. Many closed their saloons who could not afford to pay the high license, and it is only reasonable to infer that that largely removed the temptations to drink. The habit of drinking beer in this country is growing, as against the habit of drinking ardent spirits. Consequently, in this country we show all the time a large increase per capita in the consumption of liquor, but it is because we are using a lighter liquor, and of course a larger quantity.

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*By Judge McDonald :*

3932*b*. By beer you mean lager beer ?—Yes.

*By Rev. Dr. McLeod :*

3933*b*. In the observance of the law by the licensees, have you noticed whether there is a regard on their part for the prohibitions of the law as to hours of sale, Sunday sale and the like ?—There is, wherever the men engaged in the business discover a sentiment among the people in favour of demanding the enforcement of the law.

3934*b*. That is, they are law observers when they have to be ?—Yes, the same as everybody else.

3935*b*. How is it in St. Paul ?—For a city of the size of St. Paul the law is very fairly enforced. But it would be idle to dream of the enforcement of the law in a city of this size with the same vigour and promptness and thoroughness with which you would find it enforced in a rural community of 1,500 or 2,000 people. And there is simply the key-note of the enforcement of the law throughout this State. There are sections of this State where the law is not enforced as it should be because the sentiment of the people does not demand it.

3936*b*. In the smaller towns and the medium throughout the State, is the law observed as to the Sabbath and hours of closing ?—As a rule, it is very fairly observed, considering that it is a law that simply rests upon the arbitrary will of the Legislature as distinct from a law which prohibits that which we instinctively abhor. As a police regulation throughout the State generally, the law is very well observed.

*By Judge McDonald :*

3937*b*. Are the people of the city of St. Paul a sober and quiet people compared with the people of other cities that you know ?—I think so. I think that St. Paul, in regard to morality and obedience to law, ranks fairly well with any city.

3938*b*. You have a considerable foreign population, Scandinavians and some Germans ?—Yes.

*By Rev. Dr. McLeod :*

3939*b*. The Germans, of course, want their beer, and will have it, as a rule, I presume. How about the Scandinavians, are they given to the drink habit ?—As a rule the Scandinavian is a law-abiding individual. He comes from the best governed country on earth, where there is a strong government, and yet one which does not bear down on the citizen. Consequently he has learned to respect government and obey the law.

3940*b*. Even when the law interferes with his desires, I suppose ?—Yes. And our Germans here are a law-abiding people. Notwithstanding their peculiar ideas about the Sabbath, I do not think that they are given to any extent to violating the liquor law as relates to closing on Sunday.

3941*b*. To what extent has prohibition been adopted in the State ?—We have a number of places that have adopted prohibition.

3942*b*. Do you find that it is enforced ?—That depends on the nature of the community. The great trouble is that you can always enlist in the making of the law an element that you cannot enlist in its enforcement. Men will vote no license, and then they will think they have discharged their duty, and sit back and depend on the officers to enforce the law. Where the sentiment is overwhelming against the liquor traffic, as in small communities, they become as near enforcing prohibition as any other law.

3943*b*. Do you know the town of Winnebago ?—Yes, it is a town of 1,500 or possibly 2,000 people.

3944*b*. They have adopted no license there ?—Yes, they have this year, as they have frequently in the past.

3945*b*. Have they made changes from time to time ?—I have been informed that they have ; I do not know. It seems to me there have been years when they voted license. It is a matter that is regulated each year. If they adopt license or no license, the decision remains in force until it is reversed, and on the petition of fifteen voters this may be done each year.



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3946*b*. I think it is a community where there exists a strong element against the license law?—Yes.

REV. FRANK DORAN examined.

*By Judge McDonald:*

3947*b*. You are a resident of St. Paul?—Yes.

3948*b*. You are a minister of the Methodist Episcopal Church?—Yes.

3949*b*. How long have you lived in St. Paul?—Two years now. I lived here previously. I have lived eleven years in the State.

3950*b*. You knew the State, then, under the previous low license law?—Yes.

3951*b*. Comparing the two systems, the low license and the present one, which do you think preferable?—I know some of the results in the rural districts and some in the cities. My opinion is likely different from that of the majority of the Methodist preachers in this State. My opinion is that the high license has been advantageous to the State, in that it has reduced the number of saloons. Especially has that been marked in the rural districts. One county that I am very familiar with had over forty saloons in the days of low license. At the present time it has only sixteen, and they are all in one place. That is Olmsted County. They closed up the saloons in all parts of the county save at the county seat, and the number is reduced there.

3952*b*. Have many sections availed themselves of local option?—No, I do not know of one. It is not county local option, but township.

3953*b*. Do you know any township that has done so?—No; the space is so limited that it is scarcely worth the effort.

3954*b*. We heard that Winnebago City had tried the system?—That city has voted it three or four years. That is simply where the towns have the privilege of voting. Quite a number have done that.

*By Rev. Dr. McLeod:*

3955*b*. Have you observed how local prohibition works in those rural communities?—In the rural districts it works admirably. It has never been tried in the larger cities.

*By Judge McDonald:*

3956*b*. In those communities where it has been adopted there has been a strong temperance sentiment?—Yes, it has been carried in no place where there was not a strong temperance sentiment. Where it is enforced, you require a large majority in favour of it; a bare majority is not sufficient.

3957*b*. Has your Church pronounced as between high and low license in this State?—Yes. It is opposed to high license as a temperance measure and has declared itself in favour of a total prohibitory law.

*By Rev. Dr. McLeod:*

3958*b*. Does your Church as a body regard high license as weakening rather than strengthening prohibition?—As a body they do, but I do not.

3959*b*. Do you regard it as a step towards prohibition?—Yes, as a mean of restricting the trade.

*By Judge McDonald:*

3960*b*. What is the result of your observation with regard to the class of men in the traffic, or is there any difference?—I could not speak with anything like accuracy or intelligence on that subject. I have visited within ten days about thirty sellers in

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this city, and talked with them personally on the subject. I had nothing in view beyond ascertaining how they felt on the subject of high license and the moral condition of their business. The majority of those I visited looked on the high license as cruel, as curtailing their business and making it almost impossible for them to continue in it.

3961*b*. Owing to the license being so high?—Yes.

3962*b*. Did they express themselves in regard to the encroachments of the law as to closing, whether they were too restrictive?—They said that if they were carried out in this city as the law prescribes, at least one-third of them would be compelled to close permanently.

*By Rev. Dr. McLeod :*

3963*b*. Then we understand that the prohibitions of the law are not enforced rigorously in this city?—No, they are not. The only provision that is enforced is closing at twelve o'clock.

3964*b*. With regard to the Sabbath day?—The law provides for closing on that day, but the ordinances of the city do not require it.

*By Judge McDonald :*

3965*b*. Do they close in appearance—their doors and windows?—They pretend to.

*By Rev. Dr. McLeod :*

3966*b*. Are they not closed really?—No; and there are places that are more inviting than they would be otherwise, because they have music and other attractions inside on Sunday evening.

*By Judge McDonald :*

3967*b*. What is the character of your people here, taking the citizens generally, as to sobriety and good conduct?—St. Paul has a larger percentage of foreign population than Minneapolis, and I think there is decidedly more sentiment in favour of drinking here than there is in Minneapolis. We have Irish, German and French to a large extent.

*By Rev. Dr. McLeod :*

3968*b*. Do you know whether there is any number of illicit places, dives or joints, carrying on business in St. Paul?—I do not know of any. I have heard of none. There is a club called the Minnesota Club; I am not certain as to its standing. It is not known as a saloon, but it has a club house, and the saloons complain of it as drawing a great many of their customers from them, and I understand that a large number of young men go there who would not go to a saloon.

*By Judge McDonald :*

3969*b*. Is it like the clubs which are found in cities generally?—Yes, where they have refreshments, and can have their drinks brought to them. There is a great deal of drinking there, especially on Sunday evenings.

3970*b*. Those individuals would consider that as a man would consider his house to him?—Yes. I think there is nothing in the way of illicit selling. It is simply furnished to members.

*By Rev. Dr. McLeod :*

3971*b*. If that did not exist the saloon-keepers think they would have that trade?—Yes; they think they pay enough to have all that belongs to the business.

3972*b*. Have you means of knowing whether the feeling in favour of prohibition is growing or weakening in the State?—In the State, as a whole, I think it is on the increase.

3973*b*. Notwithstanding the workings of the high license law?—Yes.

3974*b*. I suppose that radical prohibitionists will not accept high license even as a compromise measure?—No, they look upon it as a hindrance to the cause. The leader

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of prohibition in our Church, who was buried yesterday, looked on it as a calamity when it was adopted.

3975*b*. I suppose your own personal feelings are in favour of prohibition?—Certainly. I believe that should be the ultimate point aimed at.

3976*b*. You favour high license simply because it restricts the traffic, I understand?—Yes.

3977*b*. Not because it is high license, but simply because it restricts the system?—That is the point.

3978*b*. Suppose you had the restriction, not by the indirect route of high license, but by direct legislation by limiting, would you prefer that?—Yes; the direct legislation would be the better.

3979*b*. Do you think the traffic is improved by being placed in the hands of men who are taxed more heavily?—To my mind, it is exceedingly difficult to improve the traffic.

*By Judge McDonald:*

3980*b*. You are opposed on principle to the traffic?—Yes.

*By Rev. Dr. McLeod:*

3981*b*. Do you think the enormous revenue derived from the liquor traffic by means of high license will be an impediment in the way of further progress in the direction of getting rid of the saloons?—Yes; that is one of the unfortunate things connected with high license.

3982*b*. The money consideration has its effect upon the people?—Yes: people see that is a way of paying taxes.

3983*b*. I suppose then in Minneapolis and St. Paul you have, in connection with saloons, dance halls and places of amusement where women go around and work the men for beer?—Yes.

3984*b*. Do you know any such place in this city?—Yes.

3985*b*. What places are they?—The Olympic Theatre, and a place called the Casino. I am informed that the California Wine House has a similar arrangement.

*By Judge McDonald:*

3986*b*. What is the process at the Casino?—They have some light theatrical programme, and usually women dressed in tights appear on the stage and dance, and between the scenes these women or other women will go out around through the crowd of men and ask them to treat them. The men are supposed to accept the invitation, and order one bottle or more, and it will cost them at least a dollar.

*By Rev. Dr. McLeod:*

3987*b*. And these are licensed houses?—Yes.

3988*b*. And you think that these places flourish and have these special attractions in order to increase their business, because they are so highly taxed? Do you think that has anything to do with it?—Not necessarily. The men who are in the business are in it for all they can get out of it, whether the license is high or low.

*By Judge McDonald:*

3989*b*. They are catering to the public taste?—Yes.

*By Rev. Dr. McLeod:*

3990*b*. And no doubt creating a public taste to some extent?—I think they do. They have a great many boys in there on Sunday night.

3991*b*. That is in violation of a city ordinance?—Yes.

3992*b*. Why is not that stopped?—We have held public meetings here in regard to that. We held one about two months ago, which was packed with representative citizens. Archbishop Ireland and a number of other clergymen made speeches on the subject, calling the attention of the police officials and the Mayor to these violations of

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the law. At that meeting a petition was submitted, and it was signed by 2,500 citizens, afterwards increased to 4,000, requesting the Mayor to close up the saloons on Sunday, and to forbid the sale to minors. He has treated that petition with the utmost indifference, not even giving us a reply.

*By Judge McDonald :*

3993*b*. If the law is allowed to be broken in that way in the community, the Mayor declining to interfere, what is the effect on the community with regard to other laws?—It is very detrimental. The moral tone degenerates.

3994*b*. Why do you think he does not interfere? Do you think it is at all from weighing the bulk of sentiment in the community?—He was elected as a reform man a year ago. The Church people and the temperance people united in his support, and he was elected by the largest majority by which any man was ever elected in this city. That was to close up the saloons on Sunday, and have a more vigorous enforcement of the law. He has utterly disappointed the people, and they feel humiliated and chagrined. The most enthusiastic workers are now disgusted.

3995*b*. What position did his opponent take?—His opponent had been in office for years, and they knew his position. He let everything go, and his successor is doing the same.

*By Rev. Dr. McLeod :*

3996*b*. So that we are to understand that the sentiment of this city is strongly in favour of reform, as expressed by the election of that Mayor?—Yes.

3997*b*. And yet he is disregarding the sentiment that elected him?—Utterly disregarding it. It is said, and it is not contradicted, that he was fearful that he would not be elected, and that he pledged himself to the liquor men that he would not interfere with them if elected, and now they simply hold him to his promise.

3998*b*. And he seems more faithful to that obligation than to the other?—Decidedly. In his public speeches he declared that he was in favour not only of turning the gang out—that was the previous office holders—but of strictly enforcing the law. When confronted with that now, he says that he did say that he was in favour of turning the gang out, but that he did not say that he was in favour of strictly observing the law.

3999*b*. Is it your observation that these licensees only observe the law so far as they have to?—Yes. It is part of their code that they are to go just as far as they can in disobeying all restrictions.

4000*b*. So that the license law has not made a better class of licensees?—No, it has not in the city, but it has in the rural districts.

4001*b*. It is not the high taxation that makes them more moral, but the restrictions in the system?—Yes. I believe that if our high license law with its provisions were strictly enforced to the letter, it would close one half of the saloons in the State.

4002*b*. Do you believe that it is enforceable?—That is another question.

4003*b*. That is one of the things we would like to ascertain?—I suppose that if the reform had been brought about by the Mayor it could not have been maintained. I think that if he had carried out what was expected of him, he would not have been re-elected. That is a peculiar statement, perhaps, but I have no doubt it is true.

*By Judge McDonald :*

4004*b*. Is the result that the strength of sentiment in the community is such that this change could not be maintained?—Yes, that is it.

*By Rev. Dr. McLeod :*

4005*b*. Is that true of all other laws?—I think it is. There are laws that can be maintained without the persistent sentiment that this requires.

## Liquor Traffic—Minnesota.

REV. SAMUEL N. McADOO examined.

*By Judge McDonald :*

4005**½b.** Where is your residence?—Austin, in Mower County, Minnesota.

4006**b.** How long have you resided in Minnesota?—About seven years.

4007**b.** How long have you resided at that place?—Since last October. It is a place with a population of about 5,000.

4008**b.** You are a minister of the Methodist Episcopal Church?—Yes.

4009**b.** Your Church in this State has declared itself in favour of total prohibition?—Yes.

4010**b.** Do you personally concur in that view?—I do, even more so than I used to.

4011**b.** How do you find the law work in your section of the country?—A pretty careful investigation of the matter has been made in Austin, especially by Mr. Wright, the Congregational pastor there, who has been seventeen years in the town. He has been there both under the low license system and under high license; and after they had high license in force for some two years he went to the express agent of the railroad there, and ascertained by carefully going over his books the amount of liquor that had been brought into Austin under the low license system, and he ascertained that the sale of liquor had not only increased under high license, but that it had increased in comparison with the increase of population, so that there was more sold per capita under the high license system than under the low license. That is how it has been in Austin.

4012**b.** To whom were the liquors consigned?—To the dealers, and there was a little that went out to some of the neighbouring smaller towns, but came through Austin.

4013**b.** I understand that you speak from hearsay, from what Mr. Wright said?—Yes. He gave us his figures.

4014**b.** You have verified them?—No.

4015**b.** Taking your own personal observation, what can you say?—We have seven-teen saloons under the high license system.

4016**b.** What is your fee?—\$500.

4017**b.** How is your town as to good order?—We think we compare favourably with other towns.

4018**b.** What class of people are settled in your portion of the State, as to nationality?—Most of our citizens in the town are American people, but there are some foreign elements among the farmers around. There are a good many Germans, perhaps more than any other nationality.

4019**b.** Are they beer drinkers?—Yes, as a rule they are all drinkers.

*By Rev. Dr. McLeod :*

4020**b.** How are the prohibitions of the system enforced in your town?—It is about the same story that you have heard from Mr. Doran with regard to St. Paul. There are certain restrictions that are not observed at all. They sell to minors and on Sundays, and they keep screens on the windows.

*By Judge McDonald :*

4021**b.** Why are these things permitted to go on?—Largely because the city government are elected from men in sympathy with the saloon element.

4022**b.** If you had a sufficiently strong sentiment there could you enforce the law?—We could; because we would elect the officers that we wanted, and they would feel that they had the support of the community behind them. But in years past they had not thought that it is possible to enforce the prohibitions of the law.

4023**b.** Do you concur in Mr. Doran's view of the necessity, to have the law carried out, of the sentiment of the community being distinctly in favour of it?—I have come to have less faith in the high license system than I used to have. I think it has a tendency to create a lawless sentiment among the people.

4024**b.** In what way?—These men pay \$500 a year license, and they feel that they are under obligation to make all the money they possibly can, and the people feel in a

REV. SAMUEL N. McADOO.

sense under an obligation to them, because they pay a large amount of taxes, and they are disposed to be lenient.

4025*b*. If you had a strong sentiment in favour of the law, could you enforce it more successfully than now?—I think we could.

4026*b*. You are met with the difficulty of not having a sufficiently strong sentiment in favour of its enforcement in your community?—Yes, but it is growing very rapidly.

*By Rev. Dr. McLeod :*

4027*b*. Do you find this also, that the saloon nurtures and creates a sentiment in favour of itself, that is, that the men paying money into the treasury exercise a large influence in municipal affairs, and are largely influential in the election of officials who are in favour of themselves?—That is largely true.

4028*b*. So that while the saloons exist, there does not seem much chance of the creation of a sentiment against them?—No; they create a sentiment that supports them largely.

4029*b*. And I suppose they appeal to the cupidity of the people in regard to that bugbear of taxation if the license fees were not had?—The business men of our town had a meeting themselves. They are not strictly temperance advocates, but from a business point of view there seems to be a sentiment arising among them that it would be better for the commerce of the town on the whole if the \$130,000 invested in liquor every year went into the legitimate channels of trade.

4030*b*. And that they might easily afford them to make up the deficiency arising from the non-payment of licenses?—Yes.

4031*b*. Is your observation in other parts of the State similar?—The only thing I can say in favour of high license is that in towns which are too small to support even one saloon it has the value of a prohibition measure. It is practicably prohibition. I have lived in one town that was too small to support even one saloon with a \$500 license.

*By Judge McDonald :*

4032*b*. How was liquor to be got there?—There was a very strong moral sentiment in the community, and they could not get liquor without going five miles. The class of people living there were a good class, and the saloon could not exist.

4033*b*. Did the non-existence of the saloon have an effect on the moral character of the people?—There is no doubt it had.

4034*b*. Do you think it had a good effect on the young people?—There is no doubt of that, because there were a number of young men who would have been patrons of the saloon if there had been one.

RIGHT REV. ARCHBISHOP IRELAND examined.

*By Judge McDonald :*

4035*b*. Your Grace's residence is St. Paul?—Yes.

4036*b*. What is the extent of your arch-diocese?—The Ecclesiastical Province of St. Paul takes in Minnesota and the two Dakotas. Then, the special diocese of St. Paul takes in a portion of Minnesota.

4037*b*. How long have you resided in Minnesota?—It has been my home since 1852, though I have been absent from time to time.

4038*b*. You knew the State under what is called the low license system as well as under the present system?—Yes.

4039*b*. Which of the two do you find preferable?—The high license decidedly.

4040*b*. In what respect do you find it better than the other?—The high license diminishes certainly the number of saloons, as we call them, throughout the State. In St. Paul and Minneapolis it has brought down the number by about one half. In many of the country villages where we had, under the low license system, for instance, twenty,

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we have now three or four ; where we had two or three, we have none ; and I believe that the reduction in the number of saloons reduces the temptation to drink—reduces the active agencies for obtaining drinkers, and in that way is quite an effective factor in promoting temperance.

4041*b*. And the license fee being so high prevents many men going into the business who otherwise would?—Decidedly. In one instance, in a place called New Prague, a Bohemian settlement, there were twenty-four saloons before high license, whereas there are now only four or five. In several settlements that I know of there are no saloons at all. In nearly all the country places, that is, outside the villages, there are no saloons at all.

4042*b*. Is it because people have not applied for licenses, or that the people do not allow them?—There are two reasons. In the first place, it does not pay to keep a saloon. No one is going to pay out \$500 at once in such circumstances. The mere name of high license is not sufficient. Our Minnesota high license law is an excellent thing if always enforced. For instance, the full sum of the license fee should be paid at once, and not in instalments, and if a saloon-keeper should afterwards lose his right to sell by violating other statutes of the State regarding the sale of liquor, for instance, keeping open after midnight, selling on Sunday, &c., and forfeit his license in consequence, he should not have the amount which he paid in the beginning of the year refunded. In some places they are very lenient. My observation is that a multiplicity of drinking places increases the temptation. Here in St. Paul, before we had high license, we had saloons scattered throughout the residence part of the city, in the poorer portions, where the labouring classes live. When a labourer goes home at night, if there is a saloon near by, after supper he is tempted in ; the saloon-keeper may tempt him in, because a saloon-keeper seeks customers the same as men in other businesses. If you put a saloon-keeper in any section of the city, he immediately goes out to make friends. These saloons among the residence of the working classes do immense harm. Under high license they are entirely done away, and many a man who would go into a saloon if it were near to his house will not go down to the business parts of the city to visit it. In country places many men would set up saloons if they had only to pay out fifty dollars, for they would be sure of making something during the year, but when they have to pay \$500 they will not do it.

*By Rev. Dr. McLeod :*

4043*b*. Do you know whether the feature of the law which requires the whole amount to be paid in advance is rigidly enforced, or is it permitted in some cases that the licensee may pay in instalments?—Here in St. Paul they allow it to run two months after the license expires before the renewal has to be paid for.

*By Judge McDonald :*

4044*b*. From your observation and knowledge of the State as a whole, how is the law observed?—As a whole very well, I think, and one reason why it is observed is this : the license money goes to the village or township, and the people of the village or township are anxious to get hold of it. For instance, here is a village of 1,000 inhabitants, if it has three saloons the people are sure to make them pay the license, because that gives them \$1,500 for improvements, and so reduces their taxes. If the money went into the State treasury, I think the law in that respect would not be so effectively enforced.

*By Rev. Dr. McLeod :*

4045*b*. Do you find that the fact of this revenue being received has a demoralizing effect on the people as to the evil effect of the saloon?—While it does help high license it has an effect against local option. The fact that the village or municipality is allowed to retain that money does operate against local option in some places, because local option would diminish the revenue, and the people would not make the improvements. For instance, here is Buffalo Lake, where they had prohibition last year. This year times were hard, and the people had not so much money, and they wanted sidewalks,

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and so they allowed licenses to issue. Otherwise they would have blind pigs, as they are called.

*By Judge McDonald :*

4046b. Those places would spring up if they had not licenses?—They do not spring up very much in country places.

*By Rev. Dr. McLeod :*

4047b. Do they spring up much in St. Paul?—There is a part of our city which under State law is entirely prohibitionist, in which the city is not allowed to grant licenses. They spring up there, because the city authorities will not enforce the law.

4048b. They would if they could?—Of course. The city authorities do bring them up and condemn them to a fine of \$100, I think. They manage to bring them up ten times a year, so that the fines amount to a license. That is all wrong.

*By Judge McDonald :*

4049b. There is a district annexed to St. Paul, that is a prohibition district, made so by statute?—Yes.

4050b. The St. Paul authorities could not give a license there if they wanted to, and, by a system of fines on places that sell illicitly, they derive a revenue indirectly from those places?—Yes.

4051b. Do you know about Minneapolis?—Yes. In that city they diminished the number of saloons by about one-half, and they have there a very excellent system called the patrol regulation, and the law is pretty well enforced there.

*By Rev. Dr. McLeod :*

4052b. How came it that by State enactment the sale of liquor was prohibited in the district you speak of?—That territory was outside of the municipal limits of St. Paul, and when it was annexed by Act of the State, the people living in the district gave their consent to the annexation on that condition.

*By Judge McDonald :*

4053b. Is it a residential district?—Entirely. There is no doubt in my mind at all from observation and from reason, that by diminishing the number of saloons you diminish the number of drinkers. I know that, and I know that the distillers and brewers always say that either prohibition or high license does them no harm. That is merely a plea they put forth to blind people. As a matter of fact, they do all they can in the State both to oppose prohibition and to oppose high license. When we were having the high license law enacted in Minnesota, there were very large sums of money raised to oppose it by the liquor men, a proof that they did not wish it. I could quote instances where I know, it has diminished their sales. At Caledonia, in Southern Minnesota, I know that every day in the week, under low license, beer wagons went there, and since we have had high license they only go there twice a week. I know also that when the brewers or distillers are asked for church subscriptions, they say the Archbishop has made them poor. I know an instance of a brewery that was bought with the intention of its being operated just a few months before the high license law was enacted; but after the high license law came into effect, it was sold as old rubbish, because it would not pay to run it. That was in Southern Minnesota. By going among the people I learn from what they tell me that they do not drink so much, because there is not the same temptation that there was formerly. The saloon-keeper is an active agent; multiply the saloon-keeper, and you multiply the activities in favour of increasing the appetite for drink. They complain of that.

4054b. You have a large foreign population?—Yes; Scandinavian, Bohemian, German and everything. This is a most cosmopolitan State.

4055b. Do you find these people a law-abiding and good class of settlers?—Yes, on the whole. There are some from certain countries in Europe that are a little more opposed to liquor regulation than others, but on the whole they are a pretty good class of people.



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4056*b*. Do you find the people of this city rank well for sobriety and order?—Yes.

4057*b*. As compared with other places?—As compared with other places I would not like to say.

4058*b*. But they are a people you could characterize as a sober community?—Yes. Those who appear before the courts are transients in large numbers. I had the people in the workhouses investigated, and while I found that 1,500 were sentenced every year to the workhouses for a period longer or shorter, for drunkenness, three-fourths of the cases were tramps—transients.

*By Rev. Dr. McLeod :*

4058½*b*. Has the good order of the city improved of late years?—I could not say of my own observation that public order has improved. Since the passage of the high license law, our population has increased. It would be very hard for me to say how much of the good order is attributable exactly to high license, and how much of the evil doings would be attributable to the increase of population. My own observation is that it is rather a well-conducted population, and far ahead of what it was twenty years ago, no doubt of it.

4059*b*. Do you think the absence of the saloon from large sections contributes to that state of things?—Yes; I should say that, decidedly. The labourers will not go down to the city to get their liquor, and, except among certain foreign nationalities, the beer keg is not brought home.

4060*b*. Might it be, if it were possible to remove even the existing saloons, that the good order in those sections would be improved?—No doubt of it.

4061*b*. You regard the saloon, then, as creating more or less disorder?—Yes. I know a great many poor men who do not wish to drink, and who would be glad themselves if the temptation were removed from them, but who admit that in the presence of temptation they are too weak to resist. I know I could obtain 75 per cent of the labourers in their residences to petition to do away with the saloons, as a measure of protection.

4062*b*. Have you observed whether the sentiment throughout the State against the saloon, is increasing or decreasing?—Increasing very largely.

4063*b*. And does it favour prohibition?—When it comes to prohibition, I am very careful myself never to say anything against prohibition, while I advocate high license. I believe that the two measures are not opposed one to the other. High license is a prohibition within a certain degree. So that I am very careful, and I never wish to be understood as going on record against prohibition. It is a mere question of practical expediency with me. Where public opinion will not enforce prohibition, then I believe myself that practically it is not the better measure, because if it is not enforced, then you have free liquor, and in our large cities it would not be enforced, it is a hopeless case there. In the country places, however, the sentiment in favour of higher license is growing all the time. In some places they have increased the \$500 license to \$1,000. I know many townships of Minnesota which are actually prohibition, and I know other places where the licenses are so high that they are nearly prohibition.

4064*b*. In those places which are actually prohibition, are the benefits marked?—Oh, yes; because when the people of a locality themselves demand prohibition they mean to enforce it, and prohibition in my experience is a success in country places and in smaller villages, while it is not a success in larger cities.

*By Judge McDonald :*

4065*b*. In those rural districts and small communities where it is a success, it is because there is a large majority of public sentiment in favour of it?—Yes. Unless there is public sentiment in favour of it, there is no use of trying it.

*By Rev. Dr. McLeod :*

4066*b*. Coming back to St. Paul, where the high license system is in force, have you reason to know whether or not the prohibitive provisions of the system, as to certain hours of sale and as to Sunday, are observed or not?—No.

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4067*b*. How do you account for that?—By public opinion, and the authorities are guided by what they call public opinion among the voters and politicians. I must distinguish. I think the public opinion of St. Paul to-day is certainly in favour of the enforcement of Sunday closing and all the other provisions of the law. If the question were left to the honest vote of the people, a great majority of the people of St. Paul would vote for Sunday closing, but the political manœuverers and wire-pullers are not in favour of it, and this political public opinion overrules the legitimate public opinion of the city.

4068*b*. So that these provisions are regularly violated?—Sunday closing is not enforced in St. Paul, I am sorry to say.

4069*b*. What about the sale to minors?—I believe they are going to enforce the law now with regard to that. To that extent, we have finally worked up our administration, and they are really in earnest at present. We have had an agitation in favour of the enforcement of all the clauses, and the administration have yielded to us on the point as to minors. I think there is very little trouble to enforce that anywhere in America.

4070*b*. We were told that the last mayoralty election resulted in the return of a Mayor who was the choice of a reform party, and that one of the understandings was that all these provisions were to be enforced, but that they were not being enforced?—That is true, but it is due to various causes. It is said that the same party who gave those promises to the reformers, gave other promises to the saloon-keepers. There is one thing certain, that they shall not be re-elected as a reform party in St. Paul.

4071*b*. Would the fact that they were elected as a reform party indicate that the sentiment of St. Paul is really in favour of enforcement?—Oh, yes; undoubtedly. But these men think that for the purpose of re-election they had better count with the saloon element and the political intriguers than with the honest voters of the city who do not combine. The mischief is that in this, as in all other moral matters, badness is bold and goodness is timid, and those in favour of Sunday closing have not the courage to speak as loudly as those who oppose Sunday closing. If the question were left to the real, legitimate vote of St. Paul, three-fourths of our voters, I think, would say close on Sunday; but the liquor element is powerful in manipulating votes. These licenses that are paid in this city are nearly all paid by four or five men. There is one brewer here who pays for sixty licenses. I could not say that that is the exact number this year, for I have been away for some months, but he pays for a great many.

*By Judge McDonald :*

4072*b*. Would the interest of that man be to see that the law was observed, and that these men did not forfeit their licenses?—He would not want them to forfeit the licenses. He has a great deal of influence in preventing the administration closing the saloons on Sunday.

4073*b*. But in case the administration were firm, that man would be at their back to help them—it would be to his interest?—Yes, it would be to his interest, because he could not afford to have so many licenses forfeited. But I think that in St. Paul public opinion is growing more determined in favour of the enforcement of the law. We had a fine meeting on that subject some months ago, which was attended by the best citizens, including many of the labourers and poorer classes; I do not know why they did not have another meeting. I am very hopeful of public sentiment in Minnesota. It is growing strongly against the saloon, and in the direction of further and further repression, and I look forward to a time when in a good part of Minnesota we shall have absolute prohibition, and when in cities we shall have higher license still, and the provisions of the law more thoroughly enforced.

*By Rev. Dr. McLeod :*

4074*b*. And possibly ultimate prohibition?—Well, it is hard to say in Minnesota. These foreign elements are opposed to prohibition. I do not expect it in my life-time.

4075*b*. As to the observance of the law generally, do the foreign elements more easily come into subjection to law and respect law?—I should say so on the whole, especially if they feel that the law makers and executive are in earnest.

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*By Judge McDonald :*

4076*b*. While making efforts to have this law observed, do you also keep up all efforts of a religious and moral nature to advance the interests of temperance?—Yes. And when I talk of legal aids for temperance, I must always say I count far more on moral and religious elements. Legal enactments are useless without public opinion to back them up. Now, public opinion is formed by moral and religious arguments. First of all, we only count on partial success with laws. On the other hand, I do not agree with the so-called moral suasion people who want no laws at all; because laws are great aids to moral suasion. They hold up a certain ideal before the people at large, they remove obstacles, and they punish a few malefactors, who, if left to themselves, would soon corrupt public opinion. We want both; they must go hand in hand.

THOMAS COCHRANE examined.

*By Judge McDonald :*

4077*b*. Your residence is St. Paul?—Yes.

4078*b*. Your occupation?—Mortgage loans and real estate.

4079*b*. Are you a member of the Legislature?—No, I never have been.

4080*b*. How long have you lived in St. Paul?—Twenty-four years and a half.

4081*b*. You have known the State both under the low license system and the present high license system?—Yes.

4082*b*. We understand that you are opposed in principle to the license system altogether?—I am a prohibitionist in theory.

4083*b*. As between the two systems, the low licenses and the high license, which is preferable?—The high, without question, in my opinion.

4084*b*. For what reasons?—First, on the broad general principle of restriction. Secondly, because the license fee is so high compared with that of any other business that it is seen to be partly punitive, and brands the business as one that ought to be restricted, and this educates public sentiment against it. For instance, the license of a hackman or an auctioneer is so small compared with that of the saloon that the saloon-keeper must at once see, as well as the public, that his business stands on a different basis.

4085*b*. Do you believe it has the effect of diminishing the amount of temptation that is put in the way of people to buy drink?—I do, because it lessens the number of saloons.

4086*b*. Having heard the expressions of opinion made by Archbishop Ireland, do you concur in what he has said?—I do, thoroughly. In regard to the whole State, he is the best authority you can have.

*By Rev. Dr. McLeod :*

4087*b*. In the districts where the saloons exist, is the temptation to drink diminished?—I should say the temptation remains the same.

*By Judge McDonald :*

4088*b*. What led to the change in the law from low to high license?—In my opinion it was the general temperance sentiment of the State, and the strength of this sentiment came very largely from the people outside of the cities, so that the members of the Legislature from the country went there instructed to vote for high license. By their help those in favour of it in the larger cities were enabled to secure the passage of the law.

4089*b*. Had the saloon element been becoming more and more prominent in political matters?—It had. The saloon influence had become more and more prominent and powerful in political matters, and the reason given by one of the shrewdest politicians in

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the State for his advocacy of high license was that it was the first element of cleavage in that saloon influence, and that influence being once destroyed politics would be purified.

4090*b*. Did the saloon influence, then, fight against the change of the law to high license?—When the question of high license was up in the Legislature, in the first vote it was defeated, because of the money which was raised and used by the liquor dealers of the State. So great was the indignation that a public meeting was called in St. Paul, and addressed by leading citizens from all parts of the State. The meeting was held on a Sunday night, and in the same week the law was passed.

*By Rev. Dr. McLeod :*

4091*b*. Since that time have the liquor men become more satisfied with the law?—They have become more reconciled to it.

4092*b*. Is that because they are permitted to violate it, or because they think it makes their trade more respectable?—I think because they cannot help themselves. I believe there is a better official sentiment prevailing to-day in the city of St. Paul for the enforcement of the law than there was under the last administration, being the result of a better general public sentiment.

*By Judge McDonald :*

4093*b*. What is the condition of the social evil in this city?—With regard to houses of ill-fame, it is the custom in St. Paul to confine them to one section of the city, and to bring the keepers of the houses into the municipal court once a month, or once every two months, and fine them heavily. Under the former administration, not only was this fining the practice, but a great many "roomers" were tolerated in business blocks, and other sections of the city; and in my opinion a wide-open policy pursued with regard to these houses, even when they are confined to one part of the city theoretically, leads to their multiplication in all other parts.

4094*b*. You think they are multiplying now in the city?—No, I do not.

4095*b*. Then it depends on the administration?—Entirely.

REV. MARTIN MAHONEY examined.

*By Judge McDonald :*

4096*b*. Your place of residence is St. Paul?—Yes.

4097*b*. To what religious order do you belong?—I am a priest.

4098*b*. Do you hold any official position?—I am Chaplain to the House of the Good Shepherd, and the Catholic Orphan Asylum.

4099*b*. Can you give us any information in regard to the subject of our inquiry?—I have been aware of this Commission and its purpose for some time back through the Toronto temperance paper, and in fact I expected so much from an investigation of the doings of the drink traffic, if they could be investigated, that I was willing to be at the expense of five or ten dollars to help on the inquiry. I remember Cardinal Manning, after he was induced by two members of the United Kingdom Alliance, who interviewed him, to get a couple of blue books, giving an account of the Commission of Inquiry of 1848, said that in all his time as an Anglican rector first, and then as a Catholic priest and Bishop, he had known almost nothing of the doings of drink until he had purchased those blue books; and if that inquiry had such an effect on a man so observant as Cardinal Manning was, I thought it would be a useful thing for all people in North America to have an inquiry made here as to the drink traffic.

4100*b*. How long have you lived in the State of Minnesota?—Since May, 1883.

4101*b*. So you have known the State under both low license and high license; and from what you have seen of the two systems which do you consider the better? Are

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you in favour of or opposed to licensing the traffic at all?—I am opposed to the licensing of the traffic.

4102*b*. Granted that there is a licensing of the traffic, which system have you found the better, high license or low?—Well, the high license, owing to the tax that has to be paid to get it, has the effect of shutting out the saloons in some places, the effect of local prohibition, and to that extent it interferes with the liberty and comforts of the people of that district. But where the saloons exist in spite of the highness of the license, I have not been able to notice, and I do not believe there has been, any improvement on that account. In connection with the bringing on of high license, there was a great deal of agitation; sermons and lectures were given on temperance throughout the country. The time that high license was introduced was the time of Archbishop Ireland's greatest activity in temperance work. His great sermons on the subject were given in the fall of 1882, and again, in Chicago, in the spring of 1883, and I believe, a few months later, in Buffalo and New York. In efforts and agitation against intemperance, that time seemed to mark the high water mark of Archbishop Ireland's activity. Here in the city I was enabled on one Sunday or Christmas Day, I forget which, to see in miniature how high license worked. There is a district called Swede Hollow, in which a good many poor people have settled. Before high license, there had been five saloons, and there remained three; and working there among the people that day, I noticed as many as five young men going together into one of those saloons. I found men and boys who had drunk there. In the afternoon I found the young man who was bar-tender at one of these saloons, and expostulated with him as to why he had not been at church that morning, and he said that he had not time because he had been tending bar. It gave me a miniature picture of the effect of high license. The number of saloons was reduced somewhat, but the same amount of drinking went on both wholesale and at the bar. One thing that was promised to come because of high license was that the sale of liquor would be stopped on Sunday; but this has proved, as was evident all the time, to be a fraud. There is no pretence of shutting the doors of saloons here on Sunday in the sense of locking the doors and allowing no one in. I asked a policeman last fall how it was that under the new administration of this city, after so much had been promised in the way of reform as the result of turning the Democratic Administration out, I saw people going into saloons with all the evidences of liquor selling in full blast on Sunday. He said that the regulation that saloons should be closed on Sunday was that the doors should be closed, and that people should not be offended by looking through a screen door and seeing men inside drinking. That is the extent of the change. That is what the policeman told me, and what my own experience bears out.

*By Rev. Dr. McLeod:*

4103-4*b*. In the performance of your duties as pastor, mingling with people, have you noticed whether the effects of drink on the people are less under the high license system than they were under the old system?—I do not think they are.

4105*b*. You think the consumption of liquor is quite as great as it was before?—Yes.

4106*b*. Have you noticed whether the licensed saloon, paying a high license and being very finely equipped, is as much an inducement to young men of promise and character to drink as a lower grade saloon?—I have not had personally a chance to test that effect of high license. I have an impression from indication I can see passing along the street, and from what I can hear casually, that the restriction in the number of saloons, and the greater custom that is brought to the smaller number, enables certain of them to get fixed up in such a way that the attractions are certainly greatly increased under the partial monopoly established by high license.

4107*b*. In your observation of the State at large, do you find that the high license law has worked a reform, or has it simply dignified the trade by giving a monopoly of it to certain men?—I do not believe the high license has wrought any reform. As I say, there was something connected with the enactment of it to change public opinion and the amount of drinking, because at that time there was a vigorous temperance crusade, which had the effect somewhat of toning up the community as to the evils of liquor. It

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served as a sort of revival, or special outburst of temperance teaching, and that, I believe, has served to improve the tone both of individuals and of places with regard to intemperance. But that is not due to high license itself, or to the smaller number of saloons which it brought about in places where saloons were left at all.

4108*b*. It has been said that high license has the effect of putting the business into the hands of more reputable and trustworthy men; have you observed as to that?—I have not observed that it has been so. I believe it has not been so. There have been men running the business, as reckless and indifferent to any moral considerations as ever there were. It was said, too, that the payment of a high license by a certain number of saloon-keepers would set them on the watch of others who attempted to sell without license, or otherwise broke the laws. I have watched that, and in the last eight or ten years I cannot remember, either from personal knowledge or from reading the papers, a single case in which a lawsuit was brought against an unlicensed seller by the licensed parties. It was said also that it would prevent the sale to minors. I have said that it has not prevented the sale on Sundays, nor in late hours of the night. But I remember distinctly, about two or three years after high license was enacted here, one or two saloon-keepers were prosecuted, not only for selling to boys, but getting them drunk. I believe it was the drunkenness and sickness of one of the boys that brought on the suit. But after some postponements and legal technical delays, the suit fell through and nothing came of it. Some time after that the papers told how four or five newsboys came intoxicated into a Sunday school in the city. There was some indignation expressed over it. I rather think there was no legal action taken, or if there was, there was no punishment inflicted. In the case of the boy that got sick, I think the escape of the saloon-keeper was on the plea that he had ordered the bar-tender to sell according to the law, and that the bar-tender had gone beyond his instructions.

4109*b*. Have you noticed whether places for illicit sale spring up?—Yes. A man was prosecuted for selling illegally at a place on Spring Avenue, between here and Minneapolis, which was a stopping place for a certain sort of men who drive between the two cities. I think the case was proved against him, and he was sentenced to thirty or ninety days imprisonment; but three or four days afterwards, going to the workhouse, I found that he was out. I think at another time he was fined \$100, but the fine was remitted. There was a special reason for prosecuting that case, because the place was in the residence district from which saloons were prohibited.

4110*b*. In the city proper do you know whether there is illicit sale?—In the city proper I have not lived so much as I have on the outskirts, and I have not been able to see how far the joints have been started. The keg trade is done freely and openly. People buy a keg of lager beer and take it home, and they gather about there on evenings and on Sundays. I have myself seen people on Sundays taking kegs from saloons.

*By Judge McDonald :*

4111*b*. Do you know whether they sold that, or simply gathered together and drank it?—I do not know. I think it is drunk just there.

4112*b*. In good companionship?—Yes.

*By Rev. Dr. McLeod :*

4113*b*. Have you any reason to believe that the sentiment of the people throughout the State is growing against this system as one that does not promote temperance?—Yes, it has struck me as very remarkable to find how people have come to recognize that there is as much drinking, and as mischievous drinking, as ever under high license, and are coming to be dissatisfied with it.

4114*b*. I suppose at the outset a great many temperance people thought it would be a great benefit and a move towards the obliteration of the traffic?—Yes, unquestionably. A great deal of the honest temperance sentiment among all classes settled down to that. It was recognized as a sort of triumph for temperance, and there was a wish and a settled down tendency in the majority of minds to expect good results from it, if they could be found; but people are getting disabused of that notion.

## Liquor Traffic—Minnesota.

*By Judge McDonald :*

4115*b*. In what way is this dissatisfaction expressing itself—in what section?—I have found it expressed here and there as a pastor.

4116*b*. That is, in conversation ; but in what line of action is it expressing itself ? What steps are being taken officially?—I have scarcely noticed. The high license has saved itself for a time at least, from action of that sort. In so far as the sentiment might be against the saloons, there is, off-setting and antagonizing that, the bribe of the high license to assist in building bridges and improving roads and streets, and so on. I have noticed that where saloons have been established, and where the temperance people have tried to shut them up and have no licenses issued, the great and effective argument against shutting off the saloons is the money proceeds from the licensees. That works in incorporated villages and in the townships to the extent to which the \$500 license will help to make local improvements or pay the school taxes.

*By Rev. Dr. McLeod :*

4117*b*. You think the effect of high license is to act as a bribe to the people, and in that respect to demoralize them?—Unquestionably it does that. There are places where there would be no saloons. And Bishop Ireland said in one of his sermons : “ Where people in local communities by local free action elect to have no saloons, my blessing is on them.” Where people by local free option elect to have no saloons, they get bribed by the promise of this saloon money to let the saloons remain. Where the money of the license would not serve to bribe the people directly, the next argument used is that it would lessen their taxes. They say that people will get drunk anyhow, and if licenses are not granted they will get liquor from the neighbouring village and bring it home, and we may as well get the advantage of the license money. I have noticed that argument worked effectively in several places ; in fact, it is worked everywhere where people have to express their wishes.

4118*b*. As chaplain of the workhouse, do you find that any considerable percentage of the people who are there are there because of drinking, either by themselves or on the part of others?—Oh, yes. I have gone about the cells of the workhouse two or three times ; and first, it was the old story of drink, drink, and the records of the workhouse show that out of every fourteen eleven were there for drinking, or for crimes connected with drink ; and, mixing with and chatting with individuals, so far as I could get a knowledge of their life, I could see that their crimes, tramping, lack of self-respect and theft, drink had a good deal to do with it, as well as with neglect of their education and home training and so on. So that I must say that, much as I had seen of drink before, and much as I was set against it, as an unequalled producer of crime and what I call parasitism—dependence on others and on the public—the impression was terribly intensified in me by my experience in the workhouse.

4119*b*. Do you find that there is a smaller percentage of persons confined under the high license system whose struggles are attributable to drink, or does the percentage remain as it was?—I did not have a chance to notice the people of the workhouse before high license came in. Really there is little chance in cities like this to test it. The population has been growing at such a rate, and it was just for some time before and after the high license came in that the population of St. Paul was growing very rapidly ; the boom was on at that time.

4120*b*. Did you find three or four years ago that that large percentage was attributable directly or indirectly to drink?—Yes. There is one thing that is not taken into account, and that is the large number that appear in such places for theft and so on. I have been able, both outside the workhouse and in it, to make very thorough investigation, and I believe the public do not know, and our reformers do not adequately set forth, to what extent drink is the bottom cause of these larcenies. I am struck with the almost unfailing answer men had for me whose crime was stealing, that they were under the influence of drink at the time, and that they did not know what they were doing.

4121*b*. Do you find also that men will steal to get the means of purchasing drink almost more readily than they would steal to get food?—I cannot remember distinct in-

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stances of that feeling working on them. I have only noticed that, directly after men have stolen, they drank.

4122*b*. You think, if I understand you, that while high license may do good by restricting the number of saloons in some places, and in some places wiping them out altogether, it effects no improving result on the traffic that remains?—I believe it does not.

4123*b*. And that it makes the traffic that is left all the harder to get rid of at any future time?—Unquestionably.

4124*b*. And therefore an impediment to the advancement of total prohibition?—Not only is it an impediment to the advancement of total prohibition, but it is a specially legalized inducement to the people to keep within reach the means of debauching themselves.

4125*b*. You yourself are a prohibitionist in sentiment?—Yes. I feel that if the people of any district or town, or country deserve my blessing, or the blessing of the Archbishop, for shutting out the means of intemperance by local free option—if doing that would be a blessing, that which prevents them doing that is a curse, and the license paid for the privilege of selling drink is just a bribe to the people against saving themselves from the effects of the liquor traffic.





# Liquor Traffic—Illinois.

## MINUTES OF EVIDENCE.

### ILLINOIS.

CHICAGO, ILL., June 1st, 1893.

Commissioners McDONALD and McLEOD visited this city, and obtained the following statements in regard to the law regulating the liquor traffic.

CHARLES B. GASTFIELD, City Clerk, said :—The price of a retail license for this city is \$500 a year ; the cost of a wholesale license to sell not less than a gallon is \$250 a year. During the past year 77 wholesale liquor licenses were issued. There is also a license for wholesale malt liquors, that is for breweries, which costs \$500 a year. Of these 53 were issued last year. The round number of retail licenses issued during the past year, up to the 1st May, 1893, was as follows : For the three months of May, June and July, 1882, 6,744. For the four months, August, September, October and November, 1892, 6,960. For the five months from December, 1892, to April, 1893, inclusive, 7,022. The licensees are allowed to take out licenses for those terms or for the whole year as they choose. There is a prohibition district in the city, consisting of the town of Lake and the town of Hyde Park, which were some years ago annexed to the city. I understand that the regulation in those districts is that before a saloon could be established, there must be in favour of it a petition of a majority of the legal voters within one-eighth of a mile in any direction from the proposed location of the saloon. That was a dead letter until the temperance people pointed it out last winter, and it has been enforced ever since. It was the law there before these districts became part of the city, and it has continued to apply to them. In 1884 and 1885 there were about 3,000 licenses issued altogether ; it would take me some time to get at the exact number. The license fee was the same, \$500. There is no limitation as to the number of licenses issued in the city. When a man wants a license he makes application, and he is reported upon by the police department, and the license is issued upon their recommendation. The application is sent to the Captain of Police for the district in which the saloon is located, and it is reported upon by him and then sent to the Collector.

FRANK X. BRANDECKER, Jr., City Collector, stated :—

In the old city of Chicago proper there are no prohibited districts ; those are only in the newly annexed parts of the city—Englewood, Lake and Hyde Park. There is no limitation whatever as to the location of saloons in the city, either with reference to the neighbourhood of churches or schools. An ordinance was presented to the City Council five years ago with that object, but it was pigeon-holed, and has never since been heard of. In the prohibited districts, which are mostly residential districts, a person desiring a saloon must get a petition signed by a majority of the legal voters within a radius of half a mile of the proposed location.

B. A. E. LANDERGRÉN, Deputy United States Collector of Inland Revenue, stated :

The number of United States permits issued during the past year for the city of Chicago, and for Cook County, was 11,169 for retail liquor dealers, 70 for brewers, 3 for distillers, and 110 for rectifiers of spirits. Of the retail dealers, those outside of the city would not exceed 2,000 ; the wholesale dealers are all in the city ; the brewers are all in the city except perhaps 3 ; and of the distilleries 2 are outside of the city limits and one in the city proper. There were also issued 142 permits to wholesale dealers in malt liquors, of whom about 42 would be outside of the city and 100 in the city ; and there were issued 582 to retail dealers in malt liquors, of whom about 400 would be inside and 182 outside of the city. The report of the Internal Revenue Department issued at Washington shows the out-put of the breweries and distilleries of this district.

HENRY WOLF, Clerk of Cook County, Illinois, stated :

In 1883 the number of retail liquor licenses issued for Cook County outside of the city was 127. We do not issue any licenses for breweries or distilleries. The license fee is \$500 for a general liquor license, and \$150 for a beer license. There is no limitation as to the number of licenses to be issued.

The inquiry in the Western States was then closed.

## Liquor Traffic—Maine.

### MINUTES OF EVIDENCE.

#### MAINE.

PORTLAND, MAINE, U.S.A., June 21st, 1893.

Sir JOSEPH HICKSON, Chairman, Rev. DR. MCLEOD, Mr. E. F. CLARKE and Mr. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

HENRY S. TRICKEY, City Marshal, Portland, examined :

*By the Chairman :*

4126*b*. You are City Marshal?—Yes.

4127*b*. You have charge of the city police force?—I have.

4128*b*. How long have you held your office?—Since April 29th, this year.

4129*b*. Is it an elective office?—I am appointed by the mayor.

4130*b*. In addition to the regular police have you any other force under your charge?—No. We have regular and special police officers.

4131*b*. You have no deputy liquor inspectors?—They are in the office of the High Sheriff; he has liquor deputies.

4132*b*. How many officers have you under you?—There are 39 and two drivers of the patrol wagon, making 41 in all.

4133*b*. What is the title of the next officer to yourself?—There are two deputy marshals—one we call the first deputy and the other the second deputy.

4134*b*. Have they been long in office?—The first deputy has been connected with the police department, off and on, for 30 years.

*By Rev. Dr. McLeod :*

4135*b*. Does the city marshal change usually on the change of mayor?—It is safe to say that he does, but sometimes they are held over.

*By the Chairman :*

4136*b*. The mayor is in office for a year?—The election is for a year. As a general rule the marshal changes with the change of mayor.

4137*b*. Will you kindly look at this report of the city for 1892-93 and describe to us the process of dealing with prisoners arrested by the police?—They are taken to the police station at first, and the morning following, other than Tuesday, which is for civil cases, they are taken to the municipal court. They are brought before the judge of the municipal court. A warrant is made out charging the person with drunkenness or disturbance, or whatever it may be, and the charge is read, and the prisoner pleads, is tried and sentenced.

4138*b*. In all cases where a man is brought up for the first time for drunkenness is a fine imposed if he is found guilty?—It depends. I had a case of a young man who was brought in for the first time this morning. I was interviewed and the judge was interviewed by his friends previous to the opening of the court. The judge sent for him, and administered the pledge to him, and reprimanded him, and then he came to me and I gave him a talking to. This matter will come up against him if he is brought in again.

4139b. That is suspended sentence?—Yes; but that is not regular. This is a case where he was brought in for the first time, and he had a widowed mother who needed his support.

4140b. Will that appear in the record of the arrests?—Yes, it appears in the records of the arrests and the records of the court also.

4141b. Can you give us an idea of how many out of the arrests for drunkenness go to prison?—I cannot.

4142b. Are there any statistics bearing on that point?—I do not think I can give them to you.

4143b. Would it be possible to get the number absolutely convicted?—Yes, I am not able to get it at the present time, but I think it could be done.

4144b. That is to say, out of the number of arrests made for drunkenness in the city you can prepare a statement showing how many were convicted?—I think it can be done with accuracy. The recorder of the court could give you that information. I will try and get the recorder of the court to give you a statement.

4145b. Could you prepare for us a statement showing for a period of five years the number of convictions out of the total number of prisoners arrested?—I will try and do so.

*By Mr. Clarke :*

4146b. What do you mean by a commitment?—A man who has been committed to the jail. When he has been arrested and brought to our police station, then after being heard by the judge and found guilty and sentenced, he is carried to jail.

4147b. That is a commitment?—Yes.

*By the Chairman :*

4148b. Do you keep a complete list of arrests and of the offences for which persons are arrested?—We do.

4149b. When the persons arrested are brought before your municipal judge does the court follow the lines of your charge. Say a man is arrested for assault. Is he simply tried for assault when he goes before the Municipal Judge?—That is the practice.

4150b. Suppose a man should say he was drunk, would a charge of drunkenness be made against him also?—If he was drunk he would be charged with drunkenness. He may be charged with being a common drunkard or with drunkenness and disturbance.

4151b. A prisoner taken in by the police on the charge of making a disturbance on the street might say in palliation of his offence, that he was drunk. Would he be tried for that also? Would there be two offences?—There are in some cases, but in most cases there is only one. A man may be arrested for drunkenness and disturbance and resisting an officer, and he would be tried for the two offences. He would be tried for both drunkenness and disturbance and resisting.

*By Rev. Dr. McLeod :*

4152b. Would there be three offences recorded against the one man?—Yes.

*By the Chairman :*

4153b. In such cases as I have referred to, would your record show the arrest for drunkenness or the arrest for disturbance?—I am quite positive that it would be for both drunkenness and disturbance.

4154b. If a man is found to be drunk and found guilty of assault, would both cases be entered against him in the records of the court?—In most cases yes; but there may be cases where the assault would be let up on and the drunkenness would be recorded.

4155b. How would your record then stand in regard to that case?—If the warrant on which he is arrested and the warrant that is returned to the court shows that the offence is for assault, and he pleads that he was drunk and not guilty of assault, he must either be found guilty of assault or not. He could not plead guilty of being drunk and not guilty of assault.

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## Liquor Traffic—Maine.

4156*b*. Would the judge convict him of drunkenness in that case?—I do not think that he would.

4157*b*. Your view is that he would be tried on the charge preferred by the police whatever it was?—Yes.

4158*b*. And that would be the charge recorded in your register?—If he was tried for drunkenness and assault, or drunkenness and fast driving, or abusing an animal, he might be tried and found guilty of drunkenness, and fast driving might be let up on.

4159*b*. If he was taken in charge for the two offences they would not be registered. If I understand your answer correctly, it is to the effect that you think prisoners are only tried on the charges actually preferred by the police?—Yes.

4160*b*. Am I correct in taking that as your answer?—Yes, that is the view I take of it.

4161*b*. I see Marshal Swett, your predecessor in office, in his annual report for 1892 says:—"On my induction to office I was given to understand that it was not the practice to put simple drunks before the court, which I believe to be good policy and I have adhered to it." Am I correct in saying that a number of those arrested have been dismissed by the police before being taken before the judge?—There is no doubt about it, that there were a large number discharged during the time he was in office.

4162*b*. Would they be recorded in the number of arrests or not?—They are not.

4163*b*. Do you know, as a matter of fact, that every person taken into the police cells on the charge of being drunk is recorded in these returns of arrests?—I do not know that they all are, but they all should be.

4164*b*. What is the practice at the present time?—My practice is this. I am not employed as a judge. I am there as the marshal, and a person arrested must go in and take his dose before the judge. I am not employed as a magistrate at all.

4165*b*. Then at present every offender arrested for drunkenness is taken before the judge.—They go before the court unless there is something very unusual.

4166*b*. Are they included in your returns under the head of arrests?—They are. It is our duty to bring the offenders in, and for the judge to pass upon them.

4167*b*. There is one licensed vendor of liquor in the city of Portland?—There is one legally authorized agent for the sale of intoxicating liquor.

*By Rev. Dr. McLeod :*

4168*b*. Is he appointed by the city?—Yes.

4169*b*. And is his salary paid by the city?—His salary is paid by the city.

4170*b*. Is he appointed by the mayor or the council?—He is elected by the mayor and aldermen.

4171*b*. Does he change from year to year as the council changes? The statute provides that the city shall appoint him on the first Monday of May of each year. That is, that they should appoint or elect a suitable person for the sale of intoxicating liquors, who shall have a certificate for one year. If he is not re-elected the following May or some other person elected to take his place, there is no one then authorized to sell liquor, and the place must necessarily be closed.

4172*b*. As a matter of fact, there is a licensed agent all the time?—Yes.

4173*b*. Does the person holding office, as a rule, hange each year?—Usually he does; but the same man at present in office was continued over from last year. There was one gentleman there quite a term of years, and the man who is there now is going on his second year. Unfortunately there was a complication in our municipal affairs last spring, and the agent at present in office, was held over. The mayor voted in this case for the appointment, and it gave a tie, and then he gave his casting vote in favour of the present agent. If the council is a Democratic council a Democrat is appointed agent, and if it is a Republican council a Republican is appointed agent.

*By Mr. Clarke :*

4174*b*. The liquor agency is, then, a political office?—Yes.

*By the Chairman :*

4177*a*. You say that a previous occupant of the office held it for some years?—Yes. The republicans continued in office, and he was a very respectable man, and they continued him. I was agent for two years myself.

*By Rev. Dr. McLeod :*

4176*b*. Can you give us any information as to the conduct of the agency?—I can, but I suppose you will hear the agent himself.

*By the Chairman :*

4177*b*. Is there only one agent?—Only one.

4178*b*. Is there at the present time in Portland any open sale of liquor?—Not that I am aware of.

4179*b*. If there was any open sale of liquor, I suppose the police would be likely to know of it?—Yes.

4180*b*. Is there any illicit sale of liquor in Portland?—Oh, yes, there is no question about that.

4181*b*. Is there more sale now in Portland than previously or is there less liquor sold do you think?—Well, I think there is less liquor but the class of goods that is being used now is vile, and it is sold by boys and men who carry a bottle around the street in their pockets.

4182*b*. Will you explain to us the system on which this sale is carried on?—It is sold by boys and men and women. We have had in our courts boys as young as ten years, who have been convicted of selling liquor from their pocket. They go into yards and alley ways, and hail men in the evening and in the day time, asking them if they do not want a drink. If a man wants a drink they take their bottle out of their pocket and hand it to the man, and he takes a drink and they take their pay. There are a good many boys at that.

4183*b*. What class of boys are they?—Irish boys, most of them.

4184*b*. Is it possible that these boys get the liquor which they sell from the authorized liquor agency?—It would be a violation of the law if they did. The agent is prescribed from selling to minors unless on a written order from their parents or guardians. If the boy had an order from his father or mother the agent would be selling it according to law.

4185*b*. Have you any idea as to where the boys get this liquor which they sell?—There is a good deal of it comes from Boston. We have two lines of carriers and a line of steamers from Boston and large quantities of it come in every day. What they sell is popularly known here as "split" and I understand "split" is simply diluted alcohol.

4186*b*. What do they put in it in addition to the alcohol?—There may be a little burnt sugar or something of that sort to colour it. I have experienced more difficulty with selling alcohol than any other class of liquors when I was agent. Persons coming in to buy straight alcohol were the ones I looked upon with most suspicion.

4187*b*. Then your experience is that this stuff, which is vended by boys in the way you describe, comes in from other States?—I think the greater part of it does; and no doubt they impose upon the liquor agent too, by going there with a note signed by some one.

4188*b*. You think the boys impose on the liquor agent?—They may unquestionably.

4189*b*. Is it easy to impose on the agent?—Certainly. A boy may go there with a note, purporting to be from his father, or mother for a quart of liquor. The agent looks at it, and it is to all appearance a straightforward order, and the agent sells the boy a quart of liquor upon the order.

4190*b*. I understand it to be your opinion that this liquor is principally brought from outside the State?—I think it is. I think a large quantity of it is brought from Boston.

4191*b*. Can grown up persons go to the agent and get a supply of liquor, and vend it in the way you have described?—They could go there and make false representations.

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## Liquor Traffic—Maine.

They should be questioned as to what purpose they want the liquor for. If they say I want it for sickness, or I want it for mechanical uses, or I am making extracts and want it for extracts, all right. If that is the statement, and the agent knows no reason why he should not believe the statement, he sells the liquor. A man may not want that liquor for legitimate purposes, but he may want it for illegitimate purposes.

4192*b*. He may put the bottle in his pocket and go around the corner and sell the contents in small quantities to the first man he meets?—Yes, and there is lots of that done.

4193*b*. Is the agent supposed to take the man's simple statement about it?—He takes his statement, and he may use his discretion.

*By Mr. Clarke :*

4194*b*. Is it a violation of the law for a person to go to the agency and make false representations?—Yes ; I think the fine is \$20.

*By the Chairman :*

4195*b*. Is there any restriction upon the agent as to the quantity he may sell to any one person?—There is no restriction. It is discretionary with him.

4196*b*. Does he simply use his discretion as to whom he will sell to?—That is all.

4197*b*. Is there nothing necessary to be done on the part of the applicant for liquor?—The law says he must make a statement as to the purpose for which he wants it, and that statement would be recorded.

4198*b*. And the agent uses his discretion?—Yes, except in some cases where they are prohibited selling at all.

*By Rev. Dr. McLeod :*

4199*b*. For instance. You are an agent, and I go to you and say I want a glass of whisky. You look at me and ask me for what I want it, and I say for medicinal purposes. In the exercise of your discretion you believe me and you give me a glass or a quart of whisky. Supposing I am doing that every week or every day in the week, what would the agent do? Suppose you were agent, what would you do?—I would have to use my best judgment in that case. I was agent during two years, up to May, 1892, and during the winter of 91-92 we had the grippe very prevalent here. Many people believed, whether rightly or wrongly, that whisky was an antidote for this trouble, and whisky was then drunk very extensively. It was ordered by physicians. Many of our best citizens came in very often for liquor then, and they told me that they never used as much liquor in their lives as they did that winter, showing that they believed it was good for themselves and their families. There was a reasonable excuse in their minds, whether it was right or wrong, for taking liquor, and they came very frequently to the office, and I sold it to them. They were respectably dressed, worthy citizens, and a great many came there.

4200*b*. What did you do with them?—I did the best I could.

4201*b*. Suppose you thought a man was abusing liquor and came there very frequently, what would you do?—I would shut down on him and say you cannot have it.

*By the Chairman :*

4202*b*. If a man came in and you knew that he was a common drunkard or a lunatic or a minor, you would not let him have any liquor?—No ; they are prescribed by law, from having it.

4203*b*. Have you any interdicted persons in Portland?—Yes.

4204*b*. And you would not supply them with liquor?—Not if I knew it.

4205*b*. The liquor agent really uses his discretion, as I understand it, and the most that can be done to him for it, if it is shown that he is guilty of selling too much liquor or to persons who should not have it, is to say that he was guilty of indiscretion in the exercise of his duty?—That is it exactly.

*By Rev. Dr. McLeod :*

4206*b*. Take a person who is not a common drunkard, nor a lunatic, and was not interdicted, and he gets into the habit of going frequently to the agency for liquor.



Does the agent generally, in the exercise of his discretion, say: "No, you cannot need this for medicinal purposes and you cannot need it for mechanical purposes, and you shall not have it?" Suppose the man makes a declaration that he is ill, does the agent supply him?—If I found that a man was coming in very frequently for liquor, when I was agent, I usually talked with him. I would take him into a back room, and ask him why it was that he came there as he did. I would find out, if I could, if he had any legitimate reason for coming there, and if he had not, I would say he could not have it.

4207*b*. That is the exercise of your discretion?—Yes.

4208*b*. Do you know whether any liquor agent has ever been brought to book for an indiscreet exercise of his powers?—I do not know that I have ever.

4209*b*. The agent has a salary?—He has.

4210*b*. And the profits of the sale of the liquor go to the city?—Yes.

4211*b*. Are they large?—They are allowed to make 25 per cent. That is what I did.

*By the Chairman :*

4212*b*. Do they add 25 per cent to the cost price?—Yes, some of them, and then the expenses of the office come in.

4213*b*. In whose discretion is the fixing of the price of the liquor?—It is under the discretion of the agent, governed by a committee of aldermen. There is a committee appointed for that purpose by the city government.

4214*b*. The committee in the first place governs the agent?—Yes, he is under their direction.

4215*b*. Has he no income at all from the sales?—No.

4216*b*. And all the expenses of the office are taken out of the profits?—Exactly.

4217*b*. What assistants does he keep?—When I was there I had one clerk at first and then I had two clerks, and I think there are four clerks there now.

4218. Has the liquor agency increased so largely as to make that additional number of assistants necessary?—It has. At the beginning of my office the prohibitory law was not being enforced here as it has since Mr. Cram, the sheriff, got into office and commenced enforcing it. Because of this non-enforcement of the law my sales decreased constantly up to the time sheriff Cram came into power. There is a feeling I may say among some people that they do not like to go to the city agent. They would sooner go elsewhere. They would sooner go to the druggists, where they could get good liquor without going to the agent. After the enforcement of the law, the liquor sellers were so tightly held up that every one, including the druggists, had to come to me for alcohol, and my sales increased then very largely.

4219*b*. Do you think that the work of the liquor agent's office has legitimately increased to the extent which warrants the appointment of those additional assistants in the office?—I do not think that it has increased legitimately to that extent, but I know that it has increased.

4220*b*. You think that the work of the office has increased?—Yes, undoubtedly.

4221*b*. To an extent which renders necessary this additional assistance?—Yes; but I do not think that it is a legitimate increase of business.

4222*b*. With whom does the appointment rest?—With the committee. The agent gives a bond, and he is the responsible party, but as a matter of patronage the Committee have assumed the right to appoint the assistants in the agency, which I believe to be entirely wrong.

4223*b*. Do the committee pass upon the quality of the liquor sold?—They do. The agent is merely a machine, practically, and has to carry out the opinion of the committee. That is the idea. A building is provided, and a rental of \$500 a year is charged to the agent, and he pays that into the city as rent. The equipment of the establishment belongs the city.

4224*b*. And all the expenditure connected with the office is charged against the profits from the sales?—It is.

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## Liquor Traffic—Maine.

4225*b*. Now, can you tell us the highest amount that has ever been realized in the city of Portland by the sale of liquor in the liquor agency? I mean the total of the gross sales?—I think last year the agency sold nearly \$90,000 worth of liquor.

4226*b*. Of that amount, how much went into the city treasury?—I cannot tell you that, but the city treasurer's report will show the amount paid out for liquor, and what is received.

4227*b*. Is the report of the agent printed?—It is printed in the city treasurer's report.

*By Rev. Dr. McLeod:*

4228*b*. During your year as agent, what were the gross receipts?—\$52,000 to \$54,000.

4229*b*. And you think you sold all that could possibly be needed for medicine?—I sold all that ought to be sold; and I have explained to you why I sold so much. I also attempted to explain to you that if the enforcement of the law had continued as lax as it was, I should have sold several thousand dollars less than I did last year.

4230*b*. Is this increase in sales of the agency, to nearly \$90,000 last year, attributable in any degree to the rigid enforcement of the law?—Yes, but not to the tune of \$90,000. That is nearly double what it was during my time. My first year saw a decrease on the year previous, notwithstanding the fact that during the period of my first year the enforcement of the law was very rigid. Notwithstanding the prevalence of the grippe and enforcement of the law my sales were not more than they are now. Last year there was no grippe, and there was no necessity of selling so much whisky.

4231*b*. How does the price charged by the city liquor agent compare with the price charged by the ordinary vendors of liquor?—It is less, much less. When I was there it was less, and I will only speak of my own time. The whisky that was kept was of the best quality. My object was to keep the best goods and sell them at the lowest money, as I believed that if people were in need of liquor for medicinal purposes, they should have the best. If I want a doctor, I want the best doctor, and if I want liquor I want the best liquor. The liquor sold outside was in some cases of the poorest quality, and they got as much for that liquor as I ever got for the best.

*By the Chairman:*

4232*b*. Then if I understand your answers correctly, the agency is really a cheap liquor store?—The object of it is to dispense liquor to the public with little profit.

4233*b*. And therefore cheap?—The liquor agent is not there for the purpose of making money for the city.

4234*b*. It is a cheap liquor store, that is to say compared with the price elsewhere for the same article?—Exactly, but the quality of the liquor is not cheap, quite the contrary.

*By Rev. Dr. McLeod:*

4235*b*. It is not designed to be an ordinary liquor store in the usual acceptance of the term?—No.

4236*b*. It is a dispensary?—Well, it is for the use of the public.

4237*b*. What is the statement of declaration a man makes when he asks for liquor?—A man comes in, and he is asked what it is wanted for, and if he says for medicine, I am not supposed to know that he is lying.

4238*b*. But I suppose you would strongly suspect it sometimes?—Certainly, lots of times.

4239*b*. There is no regular form of application that a man has to sign?—No, we keep a book in the agency where there is a record kept of what it is wanted for.

4240*b*. You keep a book of records, and you say that John Brown got so much whisky for medicinal purposes, or as the case may be?—Yes. We state who gets it, where he resides, and the kind of liquor he wants, gin, brandy, wine, whisky and so on.

4241*b*. Is that book returned to the City Council annually?—No, but it is there for inspection.

4242*b*. What becomes of the record after the purchaser leaves the office?—It is filed in the office.

*By Mr. Clarke :*

4243*b*. Does the law require any application on the part of the applicant for liquor?—No, he is simply asked what he wants it for, and he says what he wants it for.

4244*b*. Suppose you were the agent authorized by the Council, and I, a stranger here, went to you and asked for a pint of brandy or a pint of whisky for sickness, would I have to go through any form?—No form. It is supposed not to be sold to persons outside of Portland.

*By the Chairman :*

4245*b*. If a citizen of Portland goes to the agent's office, and says "I want to get a pint of whisky, as I do not feel well," has the agent any right to refuse him that request?—Not unless he believes that he is addicted to the use of intoxicants. If a man came in, who was perfectly sober, and I had known that he was addicted to the use of intoxicating liquors, I would say "no," and I have done so. But if I did not know that he was addicted to the use of liquors I would sell it to him because I had no reasonable excuse for refusing.

*By Mr. Clarke :*

4246*b*. You know of no reason why you would not sell it to him?—No, I know of none.

4247*b*. How long have you resided in Portland?—All my life.

4248*b*. What is the population of the city?—36,000 or 37,000. Allow me to say in connection with this profit business from the city agency to which Sir Joseph Hickson has referred:—It is supposed that this agency will be simply self-sustaining. The profit on the liquor is not supposed to be large enough to put any balance in the treasurer's hands. That has been the case in times past, and there has been a good deal said about what became of the profits. I was forced, as I have told you, to sell a good deal of liquor, and I think I was the first agent who showed any real profit to the city. When I left the place I left to the city treasury \$10,000 and \$7,000 worth of stock, and not a dollar's worth of indebtedness against the concern. That was on account of the large quantity I was obliged to sell, and I felt that I was obliged to sell it.

4249*b*. And no doubt you felt that you were justified in selling it?—I think that I was justified in selling it, but I do not think that this increase of liquor for the past year can be justified. It may be that it is justified in the opinion of the present agent, but I do not wish to say anything about that.

4250*b*. Has the population of Portland increased or decreased during the past twenty years?—There has been no great increase; there has been a small steady increase but not a large increase.

4251*b*. Has there been an increase, or a diminution, in the police force during the last ten or fifteen years?—I think there has been an increase.

4252*b*. What has necessitated that increase?—Well, I do not know that I am able to answer that. Our outlying towns here have increased, and the people of Portland have gone to these adjoining towns, and they have no police force there. Now Deering, which is nearest to the city, has become a city, and they have some police there.

4253*b*. Do your police force exercise jurisdiction in these towns?—Not unless they should call for special officers, but, of course, these people all come into the city of Portland. If we had the population of the outlying towns added to Portland we would be over 50,000 population, and our police force would then be less than one to a thousand.

4254*b*. But take the average of the city, you have more than one policeman to a thousand of the population?—Yes, a little more.

4255*b*. Can you tell me whether, in your opinion, drunkenness has increased or decreased in the city of Portland within the past few years?—I do not think it has in-

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creased much within the past few years ; but there is this about it, I think that this vile stuff that they sell around the city gets men drunk quickly, and when they get a chance to drink, instead of drinking a little, they drink a good deal at a time, and thereby get drunk right away.

4256*b*. They drink this vile stuff?—Yes.

4257*b*. Has the number of arrests for all offences increased or decreased during the past ten years?—I should have to refer to the reports for that information.

4258*b*. We will go back ten years. The total number of arrests for 1883 was 2,251 and the arrests in 1892 were 1,313?—That bears me out in the statement I made previously, that a large number of men were brought into the station last year and let go without trial.

4259*b*. In 1883, according to this report which I have in my hand, the total number of arrests was 2,251, and of this number 1,427 were arrests for drunkenness. Is that right?—That is what is given in the report.

4260*b*. Now this figure 1,427 is 63·3 per cent of 2,251, the number of the entire arrests made by the city of Portland in 1883, and therefore 63·3 per cent of the total arrests were arrests for drunkenness?—I think that would be about the average.

4261*b*. Let us take last year, 1892. The total number of arrests last year was 1,313, and of this 874 were arrests for drunkenness, that is 66·5 per cent of the arrests were for drunkenness?—Yes, that is correct I suppose.

4262*b*. Therefore, the percentage of drunkenness has increased?—Yes, it would appear so.

4263*b*. Are we to infer that drunkenness is increasing or decreasing?—Well, you have a slight increase there. You have an increase from 63 per cent to 66 per cent.

4264*b*. Now turn to page 10 of the report for 1892-93. The first three lines contain the statistics for drunkenness. There are first, for drunkenness 502, drunks and disturbances 304, and common drunks 68. If I figure it up correctly, these are the three offences that make up the 874 cases mentioned on page 13 of the report?—That is it exactly.

4265*b*. These are the only three classes of offences that are indicated on this table at page 13 of the report, making a total of 874 cases?—Exactly.

4266*b*. There are a number of cases, such as assault and battery and robbery, disorderly conduct and so on. Are any of these offences to be attributed to the fact that the offenders were under the influence of liquor, or in an intoxicated condition?—I should say not.

4267*b*. If they were drunk or under the influence of liquor when they assaulted an officer, would the record include the offence for drunkenness? One of these people in this first list here for drunkenness and disturbance might have been drunk and assaulted an officer. This would be included, as I understand it, and would make the number 502?—Yes.

4268*b*. Is it the duty of the police to enforce the prohibitory law in the city?—It is part of their duty.

4269*b*. Do they enter hotels or places where they suspect that liquor is being sold, and make searches?—They make searches. I made a search myself in person in a hotel in this street. I went through one Saturday night with the deputy sheriff and one or two patrolmen, and took a large lot of liquor from the top story of the hotel.

4270*b*. I understand you, then, that the city police and the sheriff and his deputies are all engaged in enforcing the law?—Yes, but it is the special duty of the sheriff and his men to enforce the law.

4271*b*. Are there officers under the sheriff specially appointed for the enforcement of the liquor law?—Yes, there are what are called liquor sheriffs.

4272*b*. And they are aided by yourself and your officers in enforcing the prohibitory law?—They are to a certain extent.

4273*b*. And notwithstanding the efforts to suppress the drink traffic, this percentage of arrests for drunkenness is a truthful record?—I should say it was.

4274*b*. Have you any idea where these people procure the liquor which makes them drunk?—As I have stated before, I believe a large portion of it comes from Boston and from the adjoining States.

4275*b*. Is not a large portion of that liquor sold by these boys you referred to?—Boys and men and women sell it. They sell it in barns and alleys and outhouses.

4276*b*. The trade is made as undesirable as possible under the law?—Just as vile as it can be. I had a complaint last night. Two ladies came to me, and stated that there was a barn in the rear of their house where they believed that this stuff was being sold in the night time.

4277*b*. And this stuff that is sold in these barns and outhouses is of the vilest description?—It is.

4278*b*. And is more likely to set people drunk and crazy than the liquor that would be procured from the liquor agency or in any legalized place?—It is. It is of the poorest quality. The inducement is offered to the vendor to buy the poorest quality, so as to get the largest profit.

4279*b*. Are we to conclude from your testimony that a citizen might get liquor from an adjoining State where the prohibitory law is not in force, and store it away in his cellar to use it when he wanted it?—Yes.

4280*b*. There is no restriction on that?—No. Any private person can carry liquor to his house and do what he likes with it, so long as he does not sell it.

4281*b*. Can he give it away to his friends when they come to his house?—Yes.

4282*b*. Can he give a present of it to a friend?—Certainly he can.

4283*b*. A respectable citizen can under certain circumstances go to the liquor agent and procure liquor for systematic use?—Certainly, that is what the place is for.

4284*b*. If he is in the habit of taking a drink or two drinks every day, can he obtain a supply from the liquor agent for his personal use, if the agent is satisfied that he does not drink to excess or does not appear on the streets under liquor. Can a man as often as he likes obtain a supply from the liquor agent?—Not lawfully. He can only obtain it as medicine, he must state for what purpose he wants it and the only three lawful reasons that he can have for the agent to sell to him are for medicinal, mechanical or sacramental purposes.

4285*b*. The legalized agent would hardly think it right that a citizen would want to secure liquor daily for medicinal purposes?—I should think not. Although there is no requirement that an agent should have a doctor's certificate. I got hundreds of doctor's certificates for my own protection, because, in such cases as you have mentioned, I might refuse a man who might want whisky for medicinal purposes.

*By the Chairman :*

4286*b*. Would you give him the liquor in the exercise of your discretion?—Yes.

4287*b*. The prohibitory law of the State, where it is effective, stop the importation for sale?—Certainly.

4288*b*. And it stops the sale in the city?—Yes.

4289*b*. How are the city agents supplied?—The city and town agents are supplied by the state agent or commissioner. We have a state agent who supplies liquors to the cities and towns. All orders for liquor must be given to the State Commissioner.

4290*b*. And I suppose it would be irregular for the city or town agent to get a supply of liquor otherwise than through the State Commissioner?—Certainly.

4291*b*. The city and town agents are political officers, they are appointed by the political party in the ascendancy?—Yes.

4292*b*. And the city agent is appointed by the political party in the city?—Yes.

*By Mr. Clarke :*

4293*b*. Would it be fair to make a comparison between Portland, a city of 36,000' under prohibition, and a city of 50,000 or 60,000 under license. I mean a comparison as to the percentage of the total number of arrests for drunkenness?—I should say it would.

4294*b*. If the percentage of arrests in Portland, of the total number in proportion to the population per thousand, is as great as in a city where a license law is enforced, and if it could be shown that the percentage of arrests for drunkenness is greater in

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Portland than it is in the licensed city, is it fair to assume that the prohibitory law does not prohibit?—It would not seem to indicate that it does prohibit.

4295*b*. The proportion of arrests for drunkenness last year in the city of Portland was 66·5 of the total arrests. Is it fair to assume that notwithstanding the existence of the prohibitory law in Portland, people continue to get liquor and drink it to excess?—Yes, I think that is a fair assumption.

4296*b*. Do you know anything of the existence of clubs in this city?—There are clubs, but I am not familiar with them.

4297*b*. Has the existence of this prohibitory law led to the existence of clubs where young men and minors have opportunities for drinking?—I think not as regards minors.

4298*b*. Are there any clubs where young men meet and play cards and have beer supplied them?—I believe there are some, but I do not know how many.

*By the Chairman :*

4299*b*. What class of the community frequent these clubs?—Young men, clerks and accountants in the city.

4300*b*. What age?—I should think from 20 to 25 or 35 years.

4301*b*. You do not know of any clubs frequented by lads of 15 years old?—I do not.

*By Mr. Clarke :*

4302*b*. Does the personnel of your police force change with the political parties?—No. There have been men on the force for 30 years. The patrolmen are non-political and continue with good behaviour. They have to pass a civil service examination and undergo a physical test as well.

*By the Chairman :*

4303*b*. You have been in business here for a good many years I suppose?—Yes.

4304*b*. Do you think that the prohibitory law aids or retards business operations in the city?—I think that it injures trade somewhat in this way. Indeed it is hard to say whether it does or not, but I think there are men who come in to market and who would prefer going to a place where they could buy a glass of beer or a bottle of rum. They may not use it themselves. They may drink a glass or two, or three, of beer a day or they may drink a glass of whisky when they are away from home. They are honest, industrious people, and when they go to market they want to have a little jolly time, and, instead of coming to the city of Portland, may go elsewhere. I think that may be the case, but it is very difficult to answer your question.

*By Rev. Dr. McLeod :*

4305*b*. Are there not some men who prefer to do their marketing in a place where there is no drink sold?—I presume there are some, but I think the most of them will go where they can have a jolly time. I think that is the rule generally.

4306*b*. You think in that way it interferes with business?—I think it does to a certain extent.

4307*b*. You think it would be preferable, then, if they had the drink trade legalized?—I do not know about that. I never have yet been able to make up my mind that I could vote for a license.

4308*b*. There are disreputable people who carry on this illicit sale of liquor?—There are.

4309*b*. Are these boys who sell liquor acting under the instructions of their fathers and mothers?—Many of them are.

4310*b*. Are they the sons of reputable citizens?—They are the sons of disreputable citizens.

4311*b*. Men and women are engaged in the sale of liquor?—Yes. The father sells liquor and he gets arrested and is sent to jail. Then his wife will take up the business, and then she is sent to jail; the boys then take it up and they all get run in some-times. There are some families in this city, who as long as they live, will sell liquor. It seems to be hereditary with them.

4312*b*. Even when the jail stares them in the face?—Certainly.

4313*b*. You have some people who expect to get into jail, then?—Certainly.

*By the Chairman :*

4314*b*. Is that the class that supplies the people with all the drink?—I think it is.

4315*b*. They are those who supply you with the 1,300 odd cases of drunkenness?—Of these 1,300 cases of drunkenness, many of them are the same over and over again. They are repeaters.

4316*b*. There is one point on which I desire particularly to be clear. In speaking of the great reduction in the number of arrests last year, you made the observation that you thought that was the result of those arrested being let off without a trial?—I think that was the case.

4317*b*. In reality, you think that the arrests for drunkenness in 1892 were larger than your report shows?—I think they were.

*By Mr. Clarke :*

4318*b*. Have you any record which shows the number and percentage arrested for drunkenness since you came into office last year?—I have not ; but I may state that the total number of arrests for drunkenness during the month of May was 112.

4319*b*. And in the previous year there only appears to have been 69 for the month of May?—That shows that what I stated in the beginning, that all arrests are not recorded, is correct. We have had 112 in the month of May this year and only 69 for the month of May last year.

4320*b*. It is fair to infer, I presume, that the law was not as rigidly enforced previously as it is now, or if it were enforced there would be more arrests?—Yes, that is what I want you to infer.

*By Rev. Dr. McLeod :*

4321*b*. Do we understand you to say that your predecessor in office let men go?—I think he did, and I think there was no record made of their arrests. I may say also that from the 1st June of the present year to the 19th inclusive there were 93 arrests. I do not apprehend that these figures are going to continue every month of the year in that proportion. I expect to clean up these hoodlums ; that is what I am after. I am going to clean up these hoodlums and get them in jail, and I do not expect that in the months that are to follow we will have 112 drunks.

*By Mr. Giguault :*

4322*b*. If the statements made to the liquor agent by persons securing liquor are not under oath, do you not think that many of them are fraudulent?—I think very largely.

4323*b*. Do you think that half of the liquor secured from the city agent is for beverage purposes and not for medicinal purposes?—I certainly do. But what are you going to do when a man says he wants the liquor for medicinal purposes?

4324*b*. Besides the Republican and Democratic parties, have you a party called the prohibitionist party?—We have.

4325*b*. What do the members of this prohibitionist party do? Why is it in existence in this State since you have prohibition?—I do not think it is necessary at all, after the legislation that the temperance people have got from the Republican party. It is simply composed of a lot of sore heads that have not got just what they want. They are cranks. There are about 125 of them here, and they call themselves prohibitionists, but they have no great influence.

*By the Chairman :*

4326*b*. Have the prohibitionists usually supported the Republican party in this city or State?—I do not think so. They have nominated their own candidate for office and voted for him.

4327*b*. But previously were they republicans?—They are made up of both political parties.

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*By Mr. Gigault :*

4328b. Do not the prohibition party contend that neither the Republicans nor the Democrats try to enforce the prohibitory law?—I think they do.

*By Mr. Clarke :*

4329b. What is your opinion as to how the law is enforced in the country districts?—I believe that in the rural districts prohibition prohibits.

4330b. Does not prohibition in the cities and towns of the State, prohibit?—In some of our cities it does not. The law is not enforced in Bangor. I am told that liquor is as openly sold there as it is in a license town. In fact, I am told that the next door neighbour to the city agent in Bangor, sells more liquor than the agent does.

4331b. You mentioned the fact that boys of Irish parents are largely engaged in selling liquor. Were they born in Ireland, or born out here?—I mean boys born here; Irish Americans as you call them.

4332b. These lads were born in the State of Maine and were born under the prohibitory law?—Yes; but they have always been under the influence of people who have been violators of the law.

*By Rev. Dr. McLeod :*

4333b. You think they are trained to disregard the law?—They are trained to that. It is born in them to violate the law. It does not make any difference what the Government is, they want to be against it.

*By Mr. Clarke :*

4334b. What reason have you for believing that the liquor sold by these boys is of such a vile character?—Because it makes men crazy so quickly and produces such an effect upon them.

4335b. Would the liquor sold by the liquor agent, if it were drank in the same quantities as this vile stuff, have such an injurious effect?—No, I do not think it would.

*By Rev. Dr. McLeod :*

4336b. Take these men that buy this vile stuff. From your knowledge of them, would you say that most of them would get drunk anyway, even if they could get better liquors?—I do not know, but I know there are some men who will get drunk every time they get a chance.

4337b. Whether the liquor is good or bad?—Whether the liquor is good or bad.

4338b. Do you think that the boys of respectable families are as likely to contract the drink habit and become drunkards when this is the only kind of liquor they can get, as they would be likely to become drunkards in licensed places, where they can get good liquor? Which is the greater temptation?—I should say the saloons would be the greater temptation, because a person who has not formed the habit would not go to these low dives to get drink.

4339b. Is it your observation that the people who drink this vile stuff are people who have formed the drink habit before?—I think so.

*By Mr. Clarke :*

4340b. Have you any practical experience of the operation of the license law?—I have not.

4341b. If you had control of the sale of liquor in this city, as chief of police, what would you say would be the better condition of things; the way you have it now, or if you had 20 places under surveillance where you could inspect the liquor and have it analysed?—In answer to that, as I have observed before, I am getting to be more and more in favour every year of something of that sort. I have always been opposed to license, but my opinion is somewhat doubtful on the subject. I never have yet felt that I could go to the polls to vote to license a man to sell liquor, but as time goes on, and I see the state of things we have under the enforcement of the prohibition law, I feel more and more inclined to do it, if I have an opportunity.



*By Rev. Dr. McLeod :*

4342b. Have you ever been in a city where the trade was licensed?—I have never lived there.

*By Mr. Clarke :*

4343b. Might we fairly conclude that, notwithstanding the fact that you have lived in this city during all the time the prohibitory law has been in force, and have had opportunities as a public officer and public man to see the operation of this prohibitory law, you are dissatisfied with it?—I am. I think the law has been enforced under Sheriff Cram in the County of Cumberland as forcibly as it could be, and he has driven the sale of liquor into the pockets of those people who are selling this vile stuff. He has driven it into alleyways and out of the way places, and people get drunk still. We are having as many arrests as we have had in days past, and still the prohibitory law is being enforced now as it never was enforced before.

*By Rev. Dr. McLeod :*

4344b. Do you think that if the sale of liquor was authorized in the city by license, people would not drink?—I think there would be less liability to.

4345b. That is to say that people will drink when it is forbidden and will not drink when it is not forbidden?—It would seem to be that way.

*By Mr. Clarke :*

4346b. As a result of having to secure this liquor in holes and corners and barns and outhouses and by other disreputable means, is it your experience that when a person has a chance to get liquor he is liable to drink it to excess?—Yes; when he gets a chance of liquor he gets drunk, and I doubt if he would not if he could procure liquor at any time that he wished it.

4347b. You think that if he could go into a legalized bar, he would not be liable to drink to excess?—He would not very likely drink so large a quantity.

4348b. In 1892 the percentage of the total number of arrests for drunkenness was 66·5; in 1891 it dropped down to 61·1; in 1890, it was 63; and 1889, it was 63; in 1888, it was 62; 1887, it was 66; and in 1886, if my figures are correct, it was down to 54·9; in 1884, it was 67·5 and in 1883, 63·3. Can you give us a reasonable explanation of the change from 54 per cent in one year to 66 per cent in the next?—The only reason I can see is that it is accounted for by the enforcement or the non-enforcement of the law.

4349b. Would the discharge of prisoners arrested for drunkenness before bringing them before the judge have anything to do with it?—I think it would.

4350b. You have had a long experience here and have lived here all your life; what is your opinion as to the prohibitory law?—As I stated a few moments ago, I always felt opposed to the license system, and I always believed that if the prohibitory law was enforced, as it is intended to be, and the sale of liquor at the city agency regulated as it was intended to be, that the prohibitory law would be a success; but as it seems to be now, and I may say that the law has been very rigidly enforced, enforcement seems to have driven the sale of liquor into quarters where we never have looked for it before, with the result we have seen.

*By Rev. Dr. McLeod :*

4351b. Do you think there is any defect in the law as to the regulation of the sale by the agent. Do you think that the law with regard to the agency should be more rigid?—Yes, certainly.

4352b. If the law were made more rigid in that particular instance would it bring about a better state of things?—I doubt if it would, because I believe that there are many of these people who go to the liquor agency and get liquor and sell it.

HENRY S. TRICKEY.

## Liquor Traffic—Maine.

*By Mr. Clarke :*

4353*b*. So far there has been a large preponderance of the people of this city in favour of the prevention of the liquor trade?—There are.

4354*b*. Are there any difficulties in the way of making greater restrictions on the sale of liquor?—There are none. The Legislature, if they see fit, can impose any method they like.

4355*b*. The rigid enforcement, or the rigid form of the law depends on the people themselves?—Yes.

*By the Chairman :*

4356*b*. Is it not a fact that for forty years the Legislature of this state have been doing all they could to make the law efficient?—They have been trying it for over forty years.

4357*b*. And if we may judge from the votes of the people they are largely in favour of prohibition?—Certainly.

4358*b*. And yet, if we are to judge from the evidence you have given us to-day, you hardly consider the prohibitory law efficient for the purpose for which it was intended in this city?—I do not think it is.

*By Rev. Dr. McLeod :*

4359*b*. Are we to understand that, taking the state throughout, the towns and cities together and the rural population, that the law has been a failure or a success?—No, I believe that in the rural districts the law prohibits, but in the larger cities, like Portland, Bangor and Biddeford, the sale of liquor is carried on regularly. In the State, as a whole prohibition prohibits.

4360*b*. Is it a fact that during these forty years to which reference has been made there has been year after year a strengthening of the law, so that the law has been more rigid than it was at the outset?—Exactly.

*By Mr. Clarke :*

4361*b*. Taking the whole State, the statutes in favour of prohibition are stronger than they were twenty years ago. Is there any obstacle in the way of making an amendment to the law that would render it imperative on the local agents not to sell unless they were absolutely certain that the liquor was required for medicinal purposes?—I do not think so.

4362*b*. All that rests with the people themselves?—Yes, the people have all to do with that.

4363*b*. Would it aid the enforcement of the law if the privilege now enjoyed by the people of bringing in liquor for domestic use were taken from them?—I think it would; but I do not think that could be done. You would then be interfering with a person's private right.

4364*b*. The object of the law is to stop the sale?—Yes, that is the object.

LEANDER CRAM, of Portland, Sheriff of the County of Cumberland, examined.

*By the Chairman :*

4365*b*. Mr. Cram, were you elected to the office of sheriff?—Yes.

4366*b*. For how long is your term of office?—This is my second term, I was elected first for two years, and then again for two years. I held the office for two years, and since the 1st of January last I am on my second term.

4367*b*. How many deputy sheriffs have you under you?—I cannot tell you. Sometimes I have twenty. The County of Cumberland comprises twenty-six townships, including the cities of Portland, Deering and Westbrook, and in some of the small townships I have made appointments which I do not remember, but I have a list of them.

4368*a*. Are not all these deputy sheriffs what you would call liquor deputies?—The liquor deputies so called are appointed in the same manner as the other sheriffs, and they give bonds in the same manner, but they act exclusively in enforcing the criminal law, while our other deputies pay attention to the serving of civil processes.

4369*b*. Are the deputies appointed by yourself, or are they appointed by the Government?—The sheriff is elected by the people, and all his deputies are appointed by him.

4370*b*. Are you a native of the State?—I was born in this county, and have been here all my life, except when I have been called away sometimes, so that my experience with the world outside is somewhat limited.

4371*b*. The county jail is situated in Portland, is it not?—Yes.

4372*b*. We are interested in getting information respecting the operation of the prohibitory law, and if there is anything you think of that you would care to communicate to the Commissioners, they would be glad to hear you?—I do not know that I can give any information which would be of value to you. Our prohibitory law in Maine consists of a number of sections, and it is enforced by prosecuting under one section or another. The respondent may be brought before the police court for preliminary examination and held to answer to the high court. Or information may be given to the Grand Jury, and he may be indicted under any of the sections of the Maine law. We have a section with reference to search and seizure process that gives us the most trouble, and it is the one which is relied upon largely to enforce the law. A warrant may be sworn upon information given by an officer, directing him to search the premises and seize all liquors found upon the premises, and arrest the proprietor and bring him in to answer for keeping intoxicating liquors, with the intention that the same should be sold.

4373*b*. You have to make an affidavit before searching?—The officer may state that he believes that intoxicating liquors are so kept, and it is not necessary for him to show the reason of his belief to the court.

4374*b*. Then he gets an order from the court after making that statement before he makes his search?—Yes, police officers under the marshal of the city make the search. Deputy sheriffs can do so under the sheriff. If a sheriff directs his deputy to do so, it becomes his business to procure information of the violation of the law, but when he believes the law is violated, it is necessary for him to state it to the court and procure a warrant before he can do anything. An officer is powerless without a warrant from the court.

4375*b*. Verbal directions are necessary, I suppose?—Verbal directions are necessary to set them to work. If they become entitled to a per diem compensation for doing this work, it is necessary that they should be directed by me. Having procured the information, that they believe the law is violated in any case, they go to the court and make a declaration to that effect, and they get a warrant and search the premises. There was a change made in the law last winter which gave the court discretion to either fine the person found guilty of selling liquors or to imprison him. Before the person was imprisoned and no fine could be levied.

LEANDER CRAM.

## Liquor Traffic—Maine.

4376*b*. Is it your impression that drunkenness has increased in your county of recent years, or that it has decreased under the operation of the law?—Well, I should say that drunkenness is on the decrease. The State of Maine is a small corner of the country and the other States differ from ours somewhat, and on the borders of our State it is an easy enough matter to procure all the liquor necessary. A man has a right to get liquor and to furnish the members of his family with it, and it is very easy for him to order it from another State.

4377*b*. Or he may obtain it from the authorized city agent?—He cannot obtain it from the city agent, to be used as a beverage.

4378*b*. Do you think that that rule is strictly observed by the city agent?—That depends upon the honesty of the agent. The city liquor agents get their supplies from the State Commissioner, and it is supposed to be sold, only, for medicinal or mechanical purposes.

4379*b*. Have you a list of the liquor agents in your county?—I have not. An agent may be appointed by any incorporated town. We have had agents in quite a number of towns, but some of them have been discontinued.

4380*b*. For what particular reason were they discontinued?—I hardly know. If there is a popular feeling against the agency the people vote it down, but another time there may be a feeling in favour of it, and they vote for it.

4381*b*. Does it sometimes take the character of opposition to the person of a particular agent? It might do that sometimes, I think probably the vote is cast upon what they consider the necessities of the case as to whether they should have an agency or not.

4382*b*. Do the chemists and druggists vend liquor?—They have no more right to sell liquor, even upon the prescription of a physician, than any other man. A druggist may keep liquors for the purpose of compounding medicines and he would not be held under the search and seizure process, because he would have the right to keep them, and it would not be considered that he was keeping them with any intent contrary to the law.

4383*b*. But he is not allowed to sell pure liquor even upon the prescription of a physician?—Not unless he mixes it with other medicines. If the prescription requires liquor in the compounding, he may of course use it.

4384*b*. Does he keep any register of what liquor he vends in that way?—All registered druggists are supposed to keep a record of their prescriptions, but that has nothing to do with the liquor law.

4385*b*. As a matter of fact, can you tell us whether many of the chemists and druggists in the city take out United States tax certificates?—In this county they formerly did take out these license certificates, and I presume most of them have them now.

4386*b*. What is the object of their taking these certificates out?—I understand they would violate the federal law, where whisky or other liquor is used, if they had no certificates.

4387*b*. Has there been any case of that kind tried before the Courts?—I do not know. It has generally been the custom with druggists to take out licenses. I understand that the reason given, whether it is the true reason or not, is that they are liable to conviction for a violation of the law in using liquor in compounding medicines if they have not a license. I think this license certificate is \$25.00 for retail dealers and \$100 for wholesale dealers.

4388*b*. Do dealers in certain kinds of beers which are not intoxicating, and the sale of which is not prohibited by the State law, require United States licenses?—They require a United States license if the liquor contains alcohol in any shape. Alcohol in any shape is also forbidden under our State law. We have a kind of beer sold here called "Uno" beer, and another called "Lithia" beer. "Lithia" beer has been held by the court to be non-intoxicating, but perhaps all dealers in "Lithia" beer would be right to take out a United States license because it is considered a malt liquor.

4389*b*. During the year ending June, 1892, there were 1,034 of these special United States tax certificates paid for in the State of Maine. What class of the community would hold these licenses chiefly?—The druggists first, and then retail dealers of spirituous liquors, who take them out with the object of violating the State law, and

also retail dealers of malt liquor, who keep beer shops and sell this beer I have spoken of. I took a list of the names of the persons who held these licenses in this county two years ago, and I found that a large number of them are those people who retail small beer.

4390*b*. Where is that beer made?—In a number of places. In Portsmouth for one place and in Boston, Mass.

*By Rev. Dr. McLeod :*

4391*b*. Has that beer any percentage of alcohol in it?—Oh, yes.

4392*b*. But it has been decided that it is not within the meaning of the statute?—Yes.

4393*b*. Which class preponderates in holding federal license certificates?—The soft beer keepers. Of course it might be difficult to get a classification of them, because the certificate does not define whether the man intends selling soft beer or not. It says that he is going to sell malt liquors, but it does not make any distinction. I know however that the larger part of the entire list of those people sell soft beer.

*By the Chairman :*

4394*b*. Can you direct us where we could get a statement showing for a number of years the commitments to the various jails in the whole State for drunkenness. The reports I have got give for each year, but there is no comparison made for previous years?—The law is generally changed in reference to the commitments for drunkenness, and again the larger part of the commitments to our county jail for drunkenness is for the city of Portland, and the number is greater in some years than in others on account of the change in the city government. I presume we have had more commitments for drunkenness since last March in the county jail than we have had for the entire year of 1892.

4395*b*. How do you account for that?—Simply by the change in the city government.

4396*b*. From the fact that the present city marshal is more rigidly enforcing the law than his predecessor?—He is enforcing the law against drunkenness more than his predecessor did.

4397*b*. Do you get any returns of the number of arrests for drunkenness?—No; the only thing that comes to me is the list of commitments to jail.

4398*b*. Is a record kept anywhere of the number of arrests for drunkenness outside of the cities, or are there any statistics of arrests for drunkenness in the rural districts?—The only record that you would find of that would be in the various courts. We have various courts and trial justice courts, and the records of these courts would show the number of arrests for drunkenness, and that is the only way you can get at it.

4399*b*. Do they make any returns to the State from which the information can be obtained?—I do not know.

4400*b*. I take the Maine State prison report for 1891, signed by yourself, and I find that the number of prisoners in jail on 30th November, 1890, was 124, and the number in jail on 30th November, 1891, was 70, and the report goes on to say: "Committed for the year ending 30th November, 1891, 1,246." Is that the total number of commitments of all kinds?—That is the total number of commitments to jail, of all kinds, for the year.

4401*b*. You say in the report: "Committed for drunkenness, 343." Does that include all the cases of drunkenness which come before the courts, in which the offenders were sentenced to go to jail?—Yes, all those who are sentenced to go to jail. Some of them might be sentenced to go to the House of Correction, which is a public institution.

4402*b*. These are all that come to your jail for drunkenness?—Yes.

4403*b*. For the year ending 30th November, 1891, 343?—Yes.

4404*b*. Then you have in the report: "Committed for selling liquor, 60?"—Yes.

4405*b*. And also there appears in the report: "Committed for non-payment of fines, 238." What class of offenders is embraced under that head?—These are undoubtedly included in some of the other classes. Among those who are committed for the

## Liquor Traffic—Maine.

non-payment of fines may be some of those who are committed for drunkenness. They may be fined for drunkenness and disturbance. The penalty may be either a fine or imprisonment, and if it is a fine and they cannot pay it, they are committed.

4406b. You have so many sentenced to jail for a certain period, and I presume all these are included in the 343 committed for drunkenness. Then you have a certain number who have been fined by the court and who, not paying the fines, are also committed?—Yes, and those of the 254 committed for not having paid their fines on a charge of drunkenness are included in the 340 odd.

*By Rev. Dr. McLeod:*

4407b. Out of the 343 committed for drunkenness some of them would not have been committed if they paid their fines?—They would not.

*By the Chairman:*

4408b. You have a total of 1,246 committed for the year 1891, and you go on to classify them; drunkenness, 343; selling liquor, 60; non-payment of fines, 238. Would the 343 be offenders who had been sentenced by the courts for drunkenness?—No, they would not.

4409b. Would any of them?—A part of them, undoubtedly.

4410b. And the other part?—A part of these 343 are committed to jail under sentence of the court, the remainder are not. They are those who have been detained on warrants charging them with drunkenness, detained before trial.

4411b. You say part of that number might be awaiting trial?—Yes, and upon trial they might be acquitted.

4412b. A part of the 343 might be awaiting trial; is that so?—That is right.

4413b. Would those awaiting trial not be included in the 227 stated there as "committed for safe keeping by the police and taken out by them, and no return made of trial or sentence?"—A portion of them would be.

4414b. Then they cannot be included in the 343?—Yes, a part of them might be. Let us not get confused between "committed" and "sentenced." A person may be committed to jail by a police officer, a deputy sheriff, or in almost any way, provided the officer who commits him has the necessary paper on which he wishes to have the man detained. This man is not sentenced or tried.

4415b. But would not he come under the heading of "committed for safe keeping by the police" and be included in the 227?—I should say that the 343 included not only those who have been sentenced to jail for drunkenness but also those who have been committed upon warrants, who have not been tried but are charged with drunkenness. I think it includes those who have been sentenced for drunkenness and those who are charged with drunkenness and awaiting trial. I will examine the records of the jail and make a report with some degree of accuracy.

4416b. You think that is the meaning of the 343?—I have no doubt of it.

4417b. You think part of those 227 taken up to jail by police officers would necessarily be included in the 343?—A part of them would necessarily be in the 343.

4418b. And now, as to the 187 sentenced for drunkenness; would you please explain that?—I think that the number 187 includes all those who have been committed to jail by the court.

*By Mr. Clarke:*

4419b. That is, including those who have been committed to jail after trial to serve a term without the option of a fine, as well as those who have the choice of paying a fine and have not been able to do so?—I think the 187 includes all those who are serving sentence in jail for drunkenness, whether the sentence comes by fine or to serve so much time direct. Perhaps in that connection it would be as well to say that when a man is sentenced to pay a fine, whether it be \$3 or \$50, he may go to jail and remain thirty days there, and then he has to be enlarged if he swears he has no means to pay his fine.

*By the Chairman :*

4420b. Still he is convicted?—He is convicted and sentenced, and committed in fact.

4421b. Are you perfectly certain that “those sentenced for drunkenness, 187” is the total number who have been convicted and sent to jail for drunkenness?—I am quite sure that the 187 are all who have been convicted and sentenced by a court.

4422b. Out of the whole number of commitments?—Out of the whole number.

4423b. Including any who might be embraced in the 227 put into jail for safe keeping by the police?—No, it would not include those cases: those are not under sentence. Those committed to jail by police officers holding them in charge on a warrant are not sentenced; they have not been to court at all.

4424b. But they may be taken out by the police officer and subsequently sentenced by the court?—Later on some of them would be sentenced and some of them discharged. Those who are eventually sentenced by the court will go into the 187.

*By Mr. Gigault :*

4425b. But as to the others committed for drunkenness: may they not plead guilty of drunkenness without being tried?—That would be considered a trial, when they go before the courts and take their sentence, whether they plead guilty or not.

*By the Chairman :*

4426b. Out of the very large number of arrests in Portland each year for drunkenness, can it be that only 187 are committed to jail?—I think that is correct.

4427b. There are somewhere about 874 arrested in the city for drunkenness in the course of a year?—Yes; but you must remember that the penalty is not always imprisonment. I will not undertake to say what proportion are fined, but the larger portion are fined.

*By Mr. Clarke :*

4428b. Is it fair to assume that any who plead guilty are discharged?—I know that the practice in the police court in Portland is quite often to suspend sentence on men who plead guilty and take the pledge. In my view the term used in the report is incorrect. In the city of Portland the police take up quite a number of men for drunkenness in the course of a day and lodge them in the police station, and in the morning they are brought before the court and tried, and many of them never see the jail; they simply pay the fine and go away.

*By Mr. Gigault :*

4429b. And they are not included in the number of those sentenced for drunkenness?—No; we have nothing to do with them. These reports are made in accordance with the directions of the board of inspectors to furnish them with such information as they desire at the time, and these classify all offences, while it may not mean anything to somebody outside of the State yet to the jail inspector it may mean just what he wants to find out.

*By the Chairman :*

4430b. If you take the summary at the end of the book and turn to Cumberland jail, you will see that there are 187 for drunkenness. That is the number mentioned in your report of the Cumberland jail. Now turning to the previous year's report the summary shows 452 committed for drunkenness, which is the figure given in a previous portion of the report?—I think there must be some mistake there, and we will have to look it up.

*By Mr. Gigault :*

4431b. If I understand correctly, the number of those sentenced for drunkenness does not include the number of drunkards who are fined for drunkenness?—No.

LEANDER CRAM.

## Liquor Traffic—Maine.

4432*b*. How do you think we could reach the number of persons absolutely sentenced by the courts to the county jail for drunkenness?—I know no other way than to ask the keeper of every jail in each county.

4433*b*. Would any considerable number of those so sent to jail for not paying fines be those arrested for drunkenness?—Yes. The jailer of every county of this State could give you the number absolutely sentenced, and do it with accuracy, if the books are properly kept, and I assume they are.

4434*b*. Could you furnish us with a statement say for a period of 5 years of the number of persons sent to jail for drunkenness?—I could.

*By the Chairman :*

4435*b*. I notice that for the year ending 30th November, 1890, you show 1,370 committed to jail?—Yes; it runs from 10 to 1,400.

4436*b*. How many of those would be United States prisoners?—I cannot tell unless I look up the report. I think the number of commitments by the Federal authorities is 112, as stated in the report.

4437*b*. Can you give us the total number sent to jail for five years for all offences?—Those people who come before the courts for a first offence, and are known to the court, coming in as drunkards, get off with a light fine of \$3 and costs, and they generally pay it, or the alternative is 30 days in prison. That is in the discretion of the court.

4438*b*. When the court sentences a man, does the court record show whether he paid the fine or whether he went to jail?—Yes.

*By Rev. Dr. McLeod :*

4439*b*. Does it come within your duty to enforce the prohibitory law?—It is part of my duty under the statute.

4440*b*. I suppose the enforcement of the law varies in different years, some years it is enforced more rigorously than others. For instance, the same man is not sheriff always?—Exactly. It varies with the zeal and honesty of the officer.

4441*b*. What are the chief difficulties in the way of the enforcement of the prohibitory law?—Well, I should say dishonesty.

4442*b*. Dishonesty on the part of the officers?—Yes.

4443*b*. Given an officer who wants to discharge his duty, does he find some difficulties in the way of the enforcement.—Yes, indeed it is a very difficult thing.

4444*b*. Is the enforcement of the prohibitory law more difficult than the enforcement of law generally?—In some respects it is.

4445*b*. In what respects?—Just in this, that all the men who are the most competent witnesses are usually interested to protect the offender.

4446*b*. You find it difficult to get reliable testimony?—Yes.

4447*b*. I suppose there is some perjury?—Yes, no doubt.

4448*b*. Do you find that those who are ready to perjure themselves are those who are ready to purchase liquor in violation of the law?—It amounts to this: a man sells liquor; he has a class of customers around him and these customers know all about him, but he must do his business slyly and the ordinary citizen going about his business does not see him.

4449*b*. But his customers that see him violate the law?—Yes, of course they must, but this man's customers are interested to protect him because if they did not protect him they would fail to get further supplies.

4450*b*. And they do protect him?—They do protect him as a matter of fact, and we very rarely summon these men as witnesses, because it is useless.

4451*b*. From your experience and observation do you find it possible to enforce the law in spite of these difficulties?—Fairly well; about as well as we do other laws.

4452*b*. You have lived here always, and you know something about it. How is the enforcement of the law now, as compared with earlier years?—I can hardly say, because I might not look upon it in a fair light. I am personally concerned.



4453*b*. Well, take the State and districts outside of your immediate jurisdiction?—I think within the last three or four years perhaps there has been a growing interest in the enforcement of the law in the State of Maine. Before, there was a laxity in the enforcement of it here, as there is in some parts of the State to-day, but I think the sentiment is very much stronger in favour of a strict enforcement of the law to-day than it was even two years ago.

4454*b*. Whether the law has always been enforced rigorously or not, do you believe that the law in the State of Maine has had a beneficial effect?—I do most decidedly, and I will tell you why. I was born 33 miles out of the city in the little town of Baldwin about the time that the first Maine law was enacted. Prior to that, in this little town there was something like six taverns where liquor was sold in large quantities, and where you would find one of these houses you would find the neighbourhood very poor. Knowing this country all my life and passing through it recently, I could see that no liquor was sold there now, and the state of things is very much better, in fact, I may say that apparently speaking there is no liquor sold in any of these small towns. You would not in some of them be able to buy a pint of any kind of hard liquor for a large sum of money. You might go through ten of these towns in the northern part of this country and not be able to get one single pint of liquor, whereas in the little town of Baldwin before the law, it was sold by barrels, hogsheads and puncheons.

*By the Chairman :*

4455*b*. When you speak of taverns along the main road, there were no railways when these were in vogue?—No.

*By Mr. Clarke :*

4456*b*. Has the construction of railways not done away with these taverns?—No, but it centralizes them.

4457*b*. Is there much travelling on these highways now?—No.

*By Rev. Dr. McLeod :*

4458*b*. You spoke of the people living around these taverns and the change that has come over their condition?—Yes; I believe there is a great improvement in their condition. In the place I speak of, at that time land was new and it was a good agricultural portion of the county. They had timber to sell and various products on the farm which produced an income, the land produced wheat, rye, oats, barley, potatoes, and Indian corn in abundance. We had no weevil in the wheat then and things were flourishing; but nevertheless the houses around there were not painted, the windows were broken and the people wore old clothes. While on the main road now, you will see newly painted houses and the people looking thrifty and clean. In this respect I notice a change which I can hardly describe. The Maine law may have done it, and it may not have done it, but it is the only way I have to account for it.

4459*b*. At all events, the change has been made?—Yes.

*By the Chairman :*

4460*b*. They had no cheap corn from the west, transported by railways, then. They had to grind their own corn?—Yes, and the land was productive.

4461*b*. They cannot produce it now as cheaply as they can buy it?—The land will not produce it now, and that led to the abandonment of many farms.

*By Mr. Clarke :*

4462*b*. Have you seen a similar change for the better in the appearance of the houses in the larger towns and cities throughout the State?—I am not familiar with them.

4463*b*. Have you noticed a similar change for the better in the city of Portland?—The houses in Portland are occupied more or less by tenants, and the improvement on the houses here would be more on account of the landlords than the tenants.

LEANDER CRAM.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

4464*b.* Are there a good many places in Portland where liquor is sold illicitly?—I have no doubt there are quite a good many.

4465*b.* What is the character of these places : is there any open saloon selling?—There is no open saloon selling at all. I think I am safe in saying that.

4466*b.* What kind of places do these people occupy who sell liquors?—I find that one of the effects of the strict enforcement of the law is to drive the liquor from the saloons to the homes.

4467*b.* What kind of homes?—The homes of working men in Portland. Long-shoremen and those people who use liquor habitually send away for it, and they have it come in in small quantities, a couple of gallons at a time, whilst formerly they went to bar-rooms and saloons. Whether that is beneficial or not, I do not know, but at all events that is the effect. When these people sell liquor unlawfully they take every means to get it, and they cover up their importing from other States in all sorts of ways. In some cases a number of small packages will come to divers parties, but they will all be intended for the same person. When we get information of that kind of thing, we get out a warrant and seize the whole lot. The result of that is that a good many of these parties cannot say that it is their liquor and that it was intended for their own use.

4468*b.* What class of people are those to whom you refer?—They are working men of all kinds and labourers.

4469*b.* Have you a large foreign population in Portland?—I do not know what the percentage is, but we have quite a percentage.

4470*b.* Have you Germans and French?—Irish generally. The principal foreign population is Irish.

4471*b.* But how is it in the State generally?—In Westbrook, Lewiston and Biddeford the majority of the foreign population are French Canadians.

4472*b.* What class of people are selling liquor illicitly in Portland?—The larger proportion of the sellers are Irish.

4473*b.* Are they reputable people or people of not a very high class?—Those engaged in the business to-day are not of a very high grade.

4474*b.* Is there any means by which we could get the birth statistics in the State of Maine?—I do not know. There are so many changes in the law in that respect that I could not tell you.

4475*b.* Have you any reason to know whether crime is prevalent throughout the State?—I do not know that crime is prevalent ; I think that the State is very good. We have all sorts of offences, arson and burglary and others. We have not had a case of highway robbery in our county for years, but we have had quite a number of cases of burglary and several cases of arson. I think that the chief offences are the violations of the liquor law.

4476*b.* As sheriff, have you any idea as to what public sentiment is in your district about the enforcement of the law?—Is public sentiment generally in favour of it or against it?—Well, I think that the elections of last fall will show that pretty well. Of course there might be some doubt about how well it might show it, because the two leading parties in this country, Republicans and Democrats, are pretty evenly balanced ; but the great question last fall in my election as sheriff in this county, seemed to be as to the enforcement of the law. I suppose we made more fuss over the enforcement of the law for the last two years than sheriffs have done generally, and a good many people went over from their party for the sake of voting on the sheriff question. I am a Republican, but a good many Democrats voted for me for sheriff because I enforced the law, and a good many Republicans voted against me for the same reason ; and the result of the election was this, that while the other Republican candidate upon the county ticket received a majority of from four to five hundred, I only received a majority of seventy-three.

4477*b.* You ran behind the other candidates on your ticket?—Yes ; you can put these figures together, and draw whatever conclusions you like from them.

4478*b*. You think that in your election they voted straight on the question of the enforcement of the law?—I think that the changes from one party to another were upon that issue.

*By the Chairman :*

4479*b*. On the issue of prohibition?—No, but that they were opposed to the strict enforcement of the prohibitory law.

*By Mr. Clarke :*

4480*b*. The probability is that except for that you would have been even with your political friends on the ticket?—I have no doubt that I should have run even on the ticket only for that.

*By the Chairman :*

4481*b*. May we take that as an evidence of prohibition sentiment?—Of disapproval.

*By Mr. Clarke :*

4482*b*. How did the city of Portland go in that election?—The city of Portland had a majority of several hundred against me, while the rural districts went the other way.

*By Rev. Dr. McLeod :*

4483*b*. Had you a majority in the city in the previous election?—I think I had.

4484*b*. Do you suppose that all the Democratic prohibitionists voted for you?—I do.

4485*b*. And that all the anti-prohibitionist Republicans voted against you?—Yes, I have no doubt about it.

*By Mr. Clarke :*

4486*b*. Will you allow me to ask you a question regarding the effect of the vigorous enforcement of the law, such as you have been enforcing it. Has that rigid enforcement resulted in less drunkenness? The effect, as I understood you to say, was to drive the liquor out of these low places and shebeens into the homes?—It drives it from the saloons to the homes. If we had a license law and ever so many saloons, we would still have the law violated. There is no doubt about that.

4487*b*. Has the result of driving the liquor from the saloons to the homes, been productive of good or evil?—I should say of good.

4488*b*. You spoke of sentenced persons. You said that some were sent to jail and some to the house of correction. Where can we get the number of those who were sent to the house of correction?—In the police court and in the municipal court. They have exclusive jurisdiction here.

4489*b*. Can you state whether there has been less drunkenness since the law has been rigidly enforced or not?—I think on the whole the drunkenness has been less, and very materially less. I think the better way to determine whether there has been more or less drunkenness is to drive around the streets. I have taken the occasion quite often to entertain friends of mine who were strangers in the city by driving them in a carriage to see how the city looked, as compared with previous times, and the opinion expressed by these men has been very favourable indeed. It is not very often now that you see drunken men standing around a corner. I have not seen any drunkenness recently, even at a time it might be expected, and when formerly there was quite a lot of it. I might say that the sentences are not for drunkenness, but for drunkenness and disturbing the peace. I doubt if drunkenness is an offence in law, unless the statute was changed in that direction last session. If a man does not disturb the peace, I am inclined to think that the law implies that he has a right to get drunk if he likes.

4490*b*. Do you know if it is the practice of the court in Portland not to convict for drunkenness alone?—I know that if an officer comes to me and asks me for a warrant,

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he cannot get it, unless he shows that the man was disturbing the peace as well as being drunk. That was the law, at all events.

4491*b*. But take an ordinary policeman on his rounds, what does he do if he finds a man drunk and incapable?—Do you mean in a public place?

4492*b*. Yes?—It would be a disturbance of the peace if the man could not go straight. I mean that the law does not make it an offence for a man to get drunk in his own house.

4493*b*. Suppose an ordinary policeman found a man drunk and incapable of taking care of himself, I suppose he would take him to the police station, and he would be convicted of drunkenness?—Drunkenness and disturbance.

4494*b*. They would add disturbance in order to make it regular?—I think that is the case.

4495*b*. Did you ever have any experience of the operation of the license law in any city?—No.

*By Mr. Gigault :*

4496*b*. Can you give us information as to the number of divorces in the State of Maine?—You can get that direct from the registrars of the different courts. You can get it from the registrar of the Supreme Court in some counties and Superior Court in others.

4497*b*. Do you know for what reason a prohibition party has been organized in the State of Maine in addition to the two great parties, the Republicans and Democrats?—The prohibition party has been organized on account of the laxity of the enforcement of the law and the looseness on the part of the officers in enforcing it. Some people thought that the officers should do better in enforcing the law, and they formed another party.

4498*b*. What is your opinion regarding the selling at the liquor agency, by a person appointed for that purpose by the Mayor and council? Is it a good thing?—I think if the agency were run according to the spirit of the law by which it was established, it would be a good thing to have it, because it is perhaps necessary to have liquor for medicine.

4499*b*. How is the liquor agency as it exists at present?—I think it has been abused shamefully, at all events at the present time.

4500*b*. I understood from your previous evidence that druggists are not authorized to vend liquor on medical prescriptions. If a person requires liquor for medicinal purposes, must he go to the city agent?—He cannot get liquor lawfully anywhere else in the city.

*By Rev. Dr. McLeod :*

4501*b*. Speaking about the prohibition party. Has there been a feeling throughout the State that the Republicans and Democrats were playing fast and loose with the prohibition question for political purposes?—That has been the impression. Each party has by turns charged the other with it; so the sheriff is generally the scapegoat between the two.

*By the Chairman :*

4502*b*. Have you any information which makes a comparison between crime in the State of Maine and crime in any other State of the Union?—I have not.

4503*b*. You do not know how the city of Portland, in the matter of arrests for offences, compares with other cities of a similar population?—I have not that knowledge.

4504*b*. In answer to one of my colleagues a short time ago you spoke of driving the liquor traffic away from the saloons to other places and to the homes. What places do you refer to?—I refer to places which were established in the city of Portland where you might find something to eat and liquor to drink.

4505*b*. That is in times past?—Yes.

4506*b*. Are there any such places now?—I think not.

4507*b*. There are no places existing now, where, if you purchase a meal, you can get liquor?—I do not think so; I do not think there are many.

4508*b*. You do not think there are many?—I do not think there are many. I suppose at such places there may be an occasional outbreak and liquor may be sold for a short time. I do not think you will find an open bar in the city of Portland.

4509*b*. I was not referring so much to open bars as to the places where liquor is sold. Are there such places in the city?—I do not think there are many. I think some of the druggists sell more or less liquor unlawfully. They have the best opportunity of anybody in the town of doing it, because they are allowed to keep it, and they have it on hand all the time.

4510*b*. Are the liquors sold at the city agency really good of their kind?—I do not know whether they are or not.

4511*b*. One of the objects of establishing this agency was to supply really good liquor?—I understand that the object of establishing a liquor agency in the town was that the inhabitants of that town might be able to procure pure liquor at reasonable cost for medicinal purposes and also alcohol for mechanical purposes.

4512*b*. How do the prices charged at the liquor agency compare with the prices charged elsewhere?—I have no means of knowing.

4513*b*. It was suggested that people get a good article at the liquor agency cheaper than they can get the same article elsewhere?—That ought to be so.

4514*b*. Do you think that any of the liquor which is carried about in the pockets of boys and men, and which is sold in lanes and elsewhere, is purchased at the city liquor agency?—I have no doubt that in times past some of it may have been.

4515*b*. Do you think it is at the present time?—I do not think so to any great extent.

4516*b*. Is it a fact that such sale is really going on in the city?—There is more or less, I suppose, of what is called pocket peddling.

4517*b*. And do you think that the vendor or pocket pedlar gets a supply occasionally at the city liquor agency?—It is possible he may, but I do not think he does to any appreciable extent.

4518*b*. Is there really anything to prevent him getting his liquor there?—In accordance with the law, he must make a statement that he wants the liquor for medicinal or mechanical purposes.

4519*b*. I suppose that if he wanted it for the benefit of his health it would come under the head of medicinal purposes?—Yes, but the purchaser runs a risk in making a false statement.

4520*b*. Is there any check upon the agent?—He is placed under bonds to do a certain thing in a certain manner, but it is very difficult to prove that he did not do it right.

4521*b*. He keeps a register of all his sales?—He is supposed to.

4522*b*. He commits an offence if he does not do so?—Yes, he is liable under his bond.

4523*b*. But he does not put the applicant under oath, nor does he require any certificate from him?—He simply makes a statement, that is all.

4524*b*. Considering the number of people who go into the establishment in that way to get liquor, is it not possible that the pocket pedlars, as they are termed, may get a supply?—I think that in times past they have done considerable of that. But I do not think they are doing it now to any extent. I think the agent to-day is more strict in the sale of liquor than he was a year ago.

*By Rev. Dr. McLeod :*

4525*b*. To what do you attribute the greater strictness of the agent now?—To the change in the city government. He came very near losing his place.

*By Mr. Clarke :*

4526*b*. If it could be shown that the sale at the liquor agency during the last twelve months increased 50 per cent or 60 per cent over what it was the previous

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twelve months, to what would you attribute that increase?—Looseness on the part of the agent in the management of his office. That would be the impression, I think. I have no evidence, however, on which to base that statement.

4527*b*. Do you know of cases where liquor was consigned from places outside the State to respectable citizens and where the liquor was met at the railway station and taken by somebody else?—Yes, I have known that to be done repeatedly.

4528*b*. Are such cases numerous?—I do not think they are now, but I have known it done repeatedly since I have been sheriff.

4529*b*. The name of some respectable citizen would be put on the consignment and the man ordering it would meet it at the depot and take possession of it?—Yes, we have seized liquor several times when the parties to whom it was consigned disclaimed any knowledge of it, and in fact we knew of our own knowledge that other parties were getting it.

4530*b*. There is a liquor which is called "split," and which I am told is extensively sold. Can you give us any information about that?—I do not think there is as much of this stuff sold as some people imagine. I will tell you why. It would cost more to manufacture the "split" than it would to buy cheap whisky.

4531*b*. What are the ingredients in the "split"?—Alcohol and water.

4532*b*. How much per cent of alcohol?—They supply it to the taste.

4533*b*. Do they put anything more in it?—I suppose they would have some customers for whom they would put something in it to colour it a bit.

4534*b*. Where is that stuff bought?—I do not think it is bought in any large quantities. A man buys a quart or a gallon of alcohol, and I suppose some of it gets into the hands of the pocket pedlars. There is a good deal of talk about it, but I think some of it is imaginary.

4535*b*. When you speak of alcohol, do you mean highwines?—I mean alcohol, perhaps 95 per cent of alcohol. This "split" business is largely newspaper talk, and I do not think it exists to any extent. We know that by our seizures. It is rarely we get such stuff as that. What we seize is nearly all cheap whisky. It costs about \$1 and \$1.25 here with all the duties and revenue taxes paid.

4536*b*. Have you at any time made a comparison of the arrests in Portland with the arrests in any other city?—I do not remember that I have. A larger number of arrests have been made within the period of a few months, since the recent change in city government, than for several months before. I think I made the statement that in my opinion more arrests had been made since the city government changed in last March than there had been for the entire previous year.

4537*b*. The arrests fell off largely during the year 1891-92. Is there any special explanation of that?—The city government changed in 1891 and again in 1892. I suppose the change in the city government might have something to do with it, and the change in the enforcement of the law might have something to do with it. I think they have been a little stricter recently than they had been heretofore.

*By the Chairman :*

4538*b*. The city marshal in his report for 1892-93 says : "On my induction to office I was given to understand that it was not the practice to put simple drunks before the court, which I believe to be good policy and have adhered to." What does that mean?—I suppose there is something between the lines there. What it means on the face of it is that a man would be apprehended on the street for being drunk and making a disturbance and unable to take care of himself, and he would be taken to the station and locked up for a while until he got sobered up, when they would let him go.

4539*b*. Without bringing him before the court?—Yes. The previous Marshal was accused of doing this, and it is contrary to the law.

*By Mr. Clarke :*

4540*b*. The percentage of arrests for drunkenness in proportion to the total number of arrests in the city during the past ten years has not varied very much. It has averaged from 54.9 to 66?—During the past ten years I think the penalties have changed two or three times.

4541*b*. Have the penalties been made more severe or less severe?—At one time they were more severe and at another time less severe. I think the penalties were made less severe at one time. If a person told where he procured his liquor, he might avoid punishment altogether by so doing. I know the law has been changed in that respect several times. I think at the present time the penalty for drunkenness and disturbance is lighter than at some other times, and the penalty might have something to do with the number of arrests.

4542*b*. Do you not think that a percentage of 66 per cent for drunkenness out of the total number of arrests is very large for a prohibitory State?—I have not had an opportunity of comparing it with other places. I have not studied that question, but I know that the law against drunkenness is pretty well enforced here.

*By the Chairman :*

4543*b*. What effect do you think the prohibitory law has had upon the business of the city?—Well, I suppose there are some branches of business which are benefited by it, and some branches which have been injured by it. I think that the retailing of boots and shoes would be benefited by a strict enforcement, and I think the retail grocery store would be benefited. I know several grocerymen who have told me that a strict enforcement of the law benefited them, but there are others I suppose who would not be benefited.

4544*b*. How does it affect the hotels, do you think?—I suppose the hotels are damaged by it, because quite a percentage of their profit comes from the liquor.

4545*b*. And the transport companies?—I should think that they did not get so much transportation.

*By Rev. Dr. McLeod :*

4546*b*. If they had more transportation of liquor, I suppose, they would have less transportation of boots and shoes and groceries?—As for the transportation business, I do not think it makes any appreciable difference.

*By the Chairman :*

4547*b*. There was at one time a large trade done between Portland and the West Indies, which I understand has almost entirely disappeared. Do you think that the prohibitory law has had anything to do with that loss of trade?—I doubt if it had very much to do with it, though it must of course have had something. When we had distilleries here, and when we imported liquors from the West Indies directly to this country, it had something to do with the carrying trade. I think, however, that the change in the channels of trade has affected that rather than the prohibitory law.

4548*b*. At one time large quantities of rum and molasses and raw sugars were imported into the city, and lumber and fish were exported. That trade has diminished, I believe?—There is a difference in the course of trade, which would largely account for that. Sugar used to be carried in hogsheads and there was a large coopering trade then, and now it is carried in bags, and that trade has disappeared.

4549*b*. The trade has gone?—Yes.

## Liquor Traffic—Maine.

PORTLAND, MAINE, 22nd June, 1893.

SIR JOSEPH HICKSON, Chairman ; MR. E. F. CLARKE, REV. DR. McLEOD and MR. G. A. GIGAULT resumed the inquiry this day at 9 a.m.

His Worship Mayor BAXTER, of Portland, examined :

*By the Chairman :*

4550*b*. Mr. Mayor, would you be good enough to give us your general views as to the effects of the system of prohibition in this city and in this State?—I think the prohibitory law has done a great deal of good in this city. It has rendered the traffic in intoxicants disreputable, and no respectable men are inclined to undertake the business. It has had that effect. Of course it does not prevent drunkenness, for men who are inclined to drink will get it in some way, but it has driven the liquor traffic into out of the way and disreputable places. There are no open saloons in Portland. There are places where liquor is to be found, but it is sold in secret, and I should say almost altogether from the pocket.

4551*b*. That is what you call pocket peddling here?—Yes. There are several arrests for drunkenness a day, probably I would say from the reports I see every morning an average of four in the twenty-four hours, sometimes there are two, sometimes three and sometimes five or six. The police are ordered if they see a man intoxicated to bring him to the station. At the present time, if a man gets intoxicated in one of these places where they sell liquor, they immediately put him out of doors, where he is seen. They will not allow him to lie around there, because they are afraid. So every drunken man gets out on the street and is taken up. Formerly when these men got intoxicated, they were kept on the premises or put out of sight, but now they are put out on the street.

4552*b*. Speaking generally do you think that the law is fairly well administered in the city of Portland, or have the efforts to enforce it been spasmodic?—They have been spasmodic. There is this difficulty; there is a great temptation to the policemen, of course, to take bribes, and the men who keep these liquor places can afford to pay something; and I have no doubt that some of the police, at least in times past, I do not know that that is the case now, have taken bribes. There have been times in the past when policemen have taken bribes from men keeping these liquor places. I have no doubt about that.

4553*b*. Has there been in the city of Portland laxity in dealing with drunken men after they have been arrested?—Well, I suppose I ought to say yes. There was a good deal of that last year. I do not know that it was perhaps just about men being discharged by the police before going before the court. There were a good many such cases brought up, and statements were made in the papers about it, the opposition papers of course, the republican papers: and there was probably some truth in it, but I presume there was some exaggeration also.

4554*b*. I notice by the report of the City Marshal that the arrests in the city vary a good deal from year to year. Take the ten years from 1883 to 1892. In 1883 the total number of arrests recorded is 2,251, and in 1892 only 1,313; the highest number was in 1887 when the arrests were 2,356. From that year they have declined, until they came down to 1,313 last year. Would that indicate in your mind a falling off in the amount of crime or changed methods of dealing with offenders in the city?—Well, I would say both. I should not wish to say that they are all due to the lax administration of the last year, but to some extent that was so undoubtedly.



4555*b*. You mentioned that some were arrested and let go before being brought before the court?—Yes, I know that has been denied. The Marshall last year very strongly denied that, but I have no doubt at all in my mind that there were quite a number of men last year arrested and allowed to go away without any record being made. Still I suppose he would deny that, and I suppose he would have a right.

4556*b*. The last City Marshal in his report stated “On my induction to office I was given to understand that it had been the practice not to put simple drunks for the first offence before the courts, which I believe to be a good policy and have adhered to.”—There was a good deal of complaint made on that account that he carried it too far. There have always been some of these men allowed to go without appearing before the courts. There are some very simple cases of drunkenness where they promise to amend.

*By Mr. Clarke :*

4557*b*. Would there be any record of these cases?—I do not think there would be a record but previously they were not numerous. If they are taken a second time they are taken before the court; but some men after a dinner or some celebration might get a little wine and be a little noisy and they were taken in.

*By the Chairman :*

4558*b*. Can you tell us if this report of the City Marshal really contains a record of all the offences in the city. Is there no other department of the city government which has separate officials or from which warrants would be issued?—That report comprises everything. The report of arrests in the city of Portland is brought in here to this office every morning.

4559*b*. Are there persons brought before the courts on summons or warrants issued from the courts?—That would be in the municipal court.

4560*b*. Then the municipal court might deal with a greater number of cases than are recorded in the City Marshal's report?—Yes.

4561*b*. I believe you have resided in Portland nearly all your life?—Yes.

4562*b*. Has the prohibitory law in your opinion had the effect of reducing the number of offences committed in the city?—I think so, very much. I think there could be no doubt about it.

4563*b*. Do you think that drunkenness has decreased in the city of late years?—I think so, there cannot be nearly as much liquor drank here now as formerly, in proportion to the population.

4564*b*. Taking the total number of arrests and the total number of arrests for drunkenness, from the marshal's returns for the same period I have spoken of, the proportion of drunkenness to other offences has run up over 60 per cent, so that drunkenness, according to these figures, has kept about the same ratio all the way through?—I suppose it has.

4565*b*. Have you had any experience of the licensing system?—I have not.

4566*b*. You have not lived anywhere where the license system was in force?—I have not.

4567*b*. Have you given any study at any time to the question of the superiority of one system over the other, that is the superiority of the license system over the prohibitory system or *vice versa*?—I have paid considerable attention to it and I have heard the matter discussed a good deal. I must say that I am a little in doubt about the matter. If there could be a licensing system which could be controlled properly, it seems to me that it would be better than our system here. Now the liquor is dispensed from the agency. I have not the least control over the city agency and for this reason: Last year the city was in the hands of the Democrats and there was a very large amount of liquor sold there. It was sold contrary to law, there is no doubt about that. It was sold to minors, it was sold to drunken men. When the change in the city government came about last spring, the Democrats predominated in the board of aldermen—very nice men and very good men, but of course they were wedded to the old system of making the sales large because it brought in quite a revenue to the city and they advocated that. They said why not make something out of this, why not sell all we can and

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make as much money as possible out of it. That was openly discussed. My intention when I became Mayor was altogether different because, I thought that what was intended by the framers of the prohibitory law was to put into this city agency the purest and best liquors that could be obtained without regard to cost and to supply them to people who need liquors medicinally at a cheap price. Of course some people do require liquors and doctors give prescriptions for them. I intended to be very careful about the sale of the liquor in that agency, I intended to see that it should be sold to proper people, and that the best liquors should be obtained and sold at a price sufficient to defray the expenses of running the establishment. However, the Democrats had a majority of one in the board of aldermen and I was defeated in the matter, and the committee of the board of aldermen, which is in charge of the liquor agency are all Democrats and are all wedded to their mode of dealing with the subject, that is the system of selling and making as much profit as possible. They claim that that is the best way and of course they have a right to their opinion. I take a different view of it whether I am right or wrong. I may say, however, that the sales have fallen off very much, because I have kept a pretty close watch on the agency through the police. That is they are more careful about selling to people who ought not to have it.

4568*b*. Was the same person continued in charge of the city agency?—The same person was continued in office.

*By Mr. Clarke :*

4569*b*. If the liquor agency is to be made a source of revenue for the municipality, what is the difference between licensing that and licensing other persons to sell?—That is the point of course, and that is why in mentioning this matter, I stated that I was somewhat in doubt as to what was the best method. I do not know if there could be a license system perfectly controlled, but if we had such a license system I have no doubt but that it would do as well as our present system.

*By the Chairman :*

4570*b*. Do you remember what were the gross receipts of the city liquor agency last year?—The gross sales according to the auditor's report amounted to \$76,410, and for the year 1890 only \$23,000. If you notice this has about quadrupled since 1890. The man in charge of the agency in 1890 was our present city marshal, who is a very fine and honourable man, and who was very strict in the agency.

*By Rev. Dr. McLeod :*

4571*b*. In years preceding 1890, were the sales as large as in 1892 or were they always less than in 1892?—They were very much less.

4572*b*. Would it appear that the large increase of sales in 1892 was the result of a change in your city government?—Yes, very largely owing to that, I think.

*By Mr. Clarke :*

4573*b*. These democratic aldermen reflect public opinion I presume in their appointment and in their method of doing business at this city agency. If public sentiment was opposed to it they would not I suppose permit the liquor agent to sell liquor in excess of the requirements of the people?—I believe that public sentiment was against the extra sale of liquor by the agency, and that was shown in the election I think.

*By Rev. Dr. McLeod :*

4574*b*. Was this question an issue before the people in the election for the council for 1892, that if a Democratic council was elected, the liquor agent was to be allowed to sell all he could, or was it the question of the campaign?—I can hardly say that it was an open issue, but it was generally understood I think. It was felt that if the Democratic party obtained possession of the city government, the sales of liquor would be increased, and that was the issue among a certain class of voters.

4575*b*. Was that the main issue or was the main issue the one that has been active between your political parties all over the country?—It was not the main issue by any means.

4576*b*. I suppose the main issue was the party?—Yes.

4577*b*. And this other would be an issue of the campaign in order to get certain voters?—Certainly.

4578*b*. For instance, you were elected mayor last year. Now, you would be known to oppose the free and indiscriminate sale of liquors at the agency. Is your election as mayor an indication that the people are against that sale?—I suppose this last election had a good deal to do with it undoubtedly, because almost all of the prohibitionists voted republican.

4579*b*. Do you suppose that it was because there had been such a reckless use made of the agency?—Yes, that was likely.

*By Mr. Clarke :*

4580*b*. Then how would you account for the election of a majority on the board of aldermen who are Democrats?—Just in this way: the lower wards in the city have a good many foreigners and the upper have not, and the lower wards usually vote Democratic. I hardly know why, but they do.

*By Rev. Dr. McLeod :*

4581*b*. I think it was intimated to us by somebody that it was supposed that the board of aldermen were by a majority solid on this question of restricting the liquor sales, and that they were in harmony with yourself, but that one alderman in the Democrats had ratted, or that he failed to come up to what they expected from him, so that, after all, the people chose a majority in favour of your views?—The result of the elections made exactly a tie on this matter, and I should have held the thing right there. My intention was to hold the thing right there.

*By the Chairman :*

4582*b*. Would you kindly turn to page 44 of the city auditor's annual report. We see from that there is an item of \$81,376.87 as receipts from the liquor agency?—Yes, but that includes a balance from last year.

4583*b*. Did the liquor agent pay anything into the city last year?—Yes, I believe that the profits from the liquor agency last year were \$14,286.30. That money has been expended in matters connected with the city. The democratic aldermen last year contended that it was a good thing for the city of Portland to sell a large quantity of liquor, because with the profits of that they had erected the deer paddock in the park and had paid for the new quarantine station, they had paid for the school and they had paid for the police telephone system and an item of \$659 for evening schools, out of the profit from the liquor agency. Instead of that \$14,000 being turned into the treasury and not assigned to any particular thing, it was used for these purposes which I have indicated, and which amount practically to the same thing, I suppose.

4584*b*. Are the disbursements made for this purpose out of the profits of the agency, made by the city council or are they made by the committee in charge of the establishment?—They are made by the committee with the approval of the council.

4585*b*. They are directed by the council?—Yes. The council sanction a certain expenditure and directs it to be charged against the liquor agency account.

4586. Are the accounts of the city liquor agency subject to audit?—Yes, they are audited by the committee and signed by the members and approved.

4587*b*. Has the expenditure for salaries, and so forth, in connection with the liquor agency, increased in recent years?—It must have increased last year, because the number of assistants was increased.

4588*b*. Has the agent any interest in or a commission on the sales?—Do you mean does he get a percentage?

4589*b*. Yes?—No, he has a salary.

4590*b*. And the purchases are made from the state agency or state commissioner?—Yes.

4591*b*. How is the state agent controlled, can you tell us?—He is controlled by the State Government, he is under the control of the government and council I think.

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*By Rev. Dr. McLeod :*

4592*b*. Does the state commissioner keep a supply of liquor on hand to furnish the different agencies throughout the state, or do the orders from the city agents go through him?—The orders from the city agencies go through him. There is this point about the whole matter. There is in this arrangement an opportunity for collusion and undoubtedly there is collusion sometimes. For instance, here is a city agent. A liquor dealer in Boston has a particular brand of liquor which is very cheap. He may be able to sell it for a very good price and give it to the men having the liquor agency. The man having charge of the city agency may demand from the State Agent that particular brand because he says his customers all want that brand and it is the best there is. The State Agent will perhaps feel bound to order that particular brand, and I suppose he would feel it his duty to meet the demand.

4593*b*. The inference is that it is not the customer that wants it but that there is collusion and that the agent wants it?—I only speak of what may occur under the present system.

*By the Chairman :*

4594*b*. Has the State Commissioner any restriction on him or is he obliged to comply with the demand of the local agent?—He can use his own judgment, and in fact he does so if he thinks that everything is not right.

*By Rev. Dr. McLeod :*

4595*b*. Still there is a possibility of collusion between the local agent and the State Agent?—There is, and there is considerable temptation.

4596*b*. What is the salary paid to the city agent?—\$1,300.

4597*b*. I suppose that the city agent is entirely controlled by the committee of the council?—The agent is entirely controlled by the committee of the council.

4598*b*. But what liquor he sells depends to a very large extent on his own disposition?—Very largely indeed.

4599*b*. And the city agent uses his discretion as to what he sells or what he does not?—Yes, he has used it during the past year, and he is using it during the present time.

4600*b*. Has the city government anything to do with the alms-houses here?—Yes, the whole management is under the poor board, which is elected by the city council.

4601*b*. Would the city agent not have a greater temptation to extend the business beyond proper bounds than the state agent?—I think not.

4602*b*. But the city agent is the purchaser, as I understand?—The city agent is the purchaser and of course there is considerable temptation there.

4603*b*. He may be influenced by the application of the district agents, and pressure may be brought upon him in that way?—Yes, under the system it is possible.

4604*b*. I think you have stated that you have not had an opportunity of observing the workings of the license system?—No.

4605*b*. So that you do not know whether the licensing system controls the traffic, from your own observation?—No.

*By Mr. Clarke :*

4606*b*. Would it be a difficult matter if a stranger came into Portland to obtain liquor at any of your hotels or drug establishments? Do you think there would be any difficulty for a stranger coming into the city and going to a drug store, ordering liquor and procuring it?—I hardly think that a stranger could go into a drug store and get it. I do not think I could myself. I do not mean to say by that that I do not think that liquor is more or less sold at drug stores, but I think it is sold to persons whom they know perfectly well.

4607*b*. You stated, Mr. Mayor, that the plan of operation adopted by these illicit sellers was to get people out of the premises when they got drunk and to put them on the street as quickly as possible. It was stated to us in other places that in such cases

they generally detained the people on the premises until they got sober again, for fear that the police would discover where they got the drink?—That might be the case in a large city, but I do not think it is done here.

4608*b*. Is it reasonable for the Commission to conclude that after forty years of prohibition in Maine there is an issue in the elections now as to whether officials shall be elected who will rigorously enforce the law or not. Could that be said to be an issue in any of the elections in this State at the present day?—Well, I should almost think it was. I think it might be an issue.

*By Rev. Dr. McLeod:*

4609*b*. We know, of course, that on the vote on the constitutional amendment the vote of the country was largely in favour of the amendment. Do you remember whether there was a majority in favour of the amendment in the city of Portland?—I do not remember, but I think there was.

*By Mr. Clarke:*

4610*b*. Is this city agent or city liquor agent compelled to make returns?—Yes.

4611*b*. Is your agent called upon to make a return under oath?—He makes a declaration with his return.

4612*b*. Of course, you have nothing to do with the state agent?—We have nothing to do with him at all, but he is to a certain extent in connection with us.

*By the Chairman:*

4613*b*. Do you know if there is any account kept of the importation of liquors into the State of Maine?—Do you mean foreign importations or from the neighbouring States?

4614*b*. One or both?—There would be a record at the custom-house of any foreign liquor, but there would be no record of what is brought from the neighbouring States, because it is brought in without the knowledge of the authorities largely.

4615*b*. Would the express companies be able to give us any information as to the quantity of liquor brought into the State?—I could hardly suppose they could give it to you; it is often brought in in packages mixed with something else.

4616*b*. And some of them very small packages, I suppose?—Yes.

4617*b*. The liquor sold from the agency, I suppose, is sold at a comparatively low price?—Well, that is the idea or understanding, but I think from what I have seen that it is not sold at a very low price. I think there is an extremely large profit on it somewhere.

4618*b*. Have you given any consideration to the question of the effect of the prohibitory law on trade?—Yes, that has been a question that has been discussed a good deal by property owners.

4619*b*. What is your view on the matter?—Well, I own considerable property in Portland, principally business property, and I am perfectly satisfied in my own mind that the prohibitory law has not damaged me in any way. I think, perhaps, I get a better class of tenants than I should have otherwise, men who pay very well. Now, there has been a difference of opinion about that. Mr. John Brown used to argue and his sons argued similarly, that the prohibitory law does great damage, and that buildings of theirs would be occupied without a prohibitory law which are now idle. Mr. Brown claims that it is a damage to the estate. I have taken a different view. I think I am right and he probably thinks he is right; but I think it is owing to the nature of his property more than anything else that some of it is not occupied. He has certain buildings which, perhaps, should never have been built. He owns the Falmouth Hotel, and, of course, if that hotel had a license and could sell liquor it would have been a large source of revenue to it.

4620*b*. Are there many business places and residences unoccupied in Portland at the present time, Mr. Mayor?—There are quite a number of stores on Middle Street. The people have moved further up the city. There has been a move towards the upper part of Congress Street, and as new buildings have been erected there the tenants have

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moved from the lower part of the town, because they think it is more desirable. There have not been enough consumers to build up this place down town, and so they are unoccupied. I do not know that there are many of them, but there are several.

4621*b*. Are there many empty places now?—Yes, I should say so, as compared with five or six years ago.

*By Rev. Dr. McLeod :*

4622*b*. Do you attribute that to the prohibitory law?—Not at all. It is largely attributable to the fact that quite a number of large firms have united several kinds of business together. That has been the case here in Portland. I may state that the vote on the constitutional amendment in Portland in 1884 was as follows:—Yeas, 2,900; nays, 2,000; majority for amendment, 900.

*By the Chairman :*

4623*b*. How are the residences in the city, are they all occupied or are there many of them empty?—I have not had any trouble at all in renting my houses and I have buildings scattered about the city.

4624*b*. Do you think that the prohibitory law has had any effect on the business of the city generally?—Has it deterred or promoted business?—I do not think it has hindered people from coming here. I can give you a case of one young man who came out here and who drank to excess in England, and he came here because there was no liquor sold. He has not the temptation, now, of saloons, and he has become very prosperous in the city. He told me he came here simply because he heard of the prohibitory law.

4625*b*. Would the case of every immigrant be the same as that?—No, sir, I do not think it would. It is an exceptional case.

*By Rev. Dr. McLeod :*

4626*b*. Prohibition prohibits sufficiently to help that young man to get along?—Yes.

*By the Chairman :*

4627*b*. I see the increase of the population in the State according to the last census is very small, namely, 1887, and, with the exception of Vermont, it appears to be the smallest percentage of any of the States. What is the explanation of that, Mr. Mayor?—There is a great inducement for our young men to go west.

4628*b*. There is nothing in the condition of the business of the State to affect the increase of the population?—I do not know of anything in particular to attribute that to; but there is a great inducement and tendency for people to go out west.

4629*b*. I see that Massachusetts has an increase of twenty-five per cent, and Rhode Island an increase of twenty-four per cent?—Yes; these States are largely engaged in manufacturing and they are increasing their manufactories all the time.

4630*b*. You have a considerable number of manufactories in the State of Maine, and they have not apparently protected the population in the same way as the manufactories in some other States.—No.

*By Rev. Dr. McLeod :*

4631*b*. Do you think, Mr. Mayor, that prohibition is responsible for the non-increase in the population?—No; I do not think so, in the least. I do not think it has any effect in that direction at all. The manufacturing interests here have been small and we have not the same large enterprises here as they have in Massachusetts. I do not think that prohibition can have anything to do with it. There are some places in the State which have been built up, and I think we will begin to gain now.

*By the Chairman :*

4632*b*. What are the formalities to be observed in obtaining liquor from the agency?—A prescription from a physician is the principal one. Those people, I suppose, whom the agent would call respectable, who would make a statement that they want it for medicinal or mechanical purposes, he would use his discretion in supplying them.

4633*b*. That would be a verbal statement?—Yes; he has a book, and he would require them to sign a statement of that kind. I think he ought to do that in every case, but I understand that has not been done in the past year.

4634*b*. Is there any provision in the law requiring him to take a written declaration?—I think the law is a little loose in that respect; it is a matter left to the discretion of the agent.

*By Rev. Dr. McLeod:*

4635*b*. It is left to his judgment as to whether the man is respectable, or not and as to whether the explanation is sufficient?—Yes.

*By the Chairman:*

4636*b*. It is an offence, if an agent sells to a minor?—Yes. He is not allowed to sell to persons who are not of sound mind, and others who are prohibited under the law. I think the law leaves it open for him to use his discretion as to whether he shall supply liquor or not.

4637*b*. Even if the applicant has a medical certificate?—Yes.

4638*b*. Then he can sell to anyone who makes a verbal application, if he is satisfied with the statement made and the bona fides of the applicant?—I believe so. As a matter of fact sales have been made all along to people whom he had no right to supply.

4639*b*. Is there any system of assisting the poor, outside the alms-houses?—Yes; the overseers of the poor, when they find persons who can partially support themselves, but cannot wholly do it, supply them at their homes temporarily. There are also charitable societies who help the poor and endeavour to keep them from the necessity of applying to the city. Take the protestant society, of which I have been a member for a good many years. They try to prevent the deserving poor from the necessity of applying to the city. That society helps them to a certain extent, by supplying them with provisions and endeavouring to get them work, so that they feel they retain their self-respect as much as possible.

*By Rev. Dr. McLeod:*

4640*b*. From your observation, are you led to believe that prohibition has increased the pauperism of the city?—I cannot say that.

*By Mr. Clarke:*

4641*b*. Has it tended to reduce pauperism?—I should suppose so. That is the general opinion of people connected with charitable organizations.

4642*b*. Does the city make a better showing as to progress than other cities where license law prevails?—I cannot say as to that.

*By the Chairman:*

4643*b*. Your answer to Dr. McLeod referred to the position, of matters in the State. What is the position in the city of Portland?—I suppose that the condition of Portland has been very much better within the last few years.

4644*b*. That pauperism has been reduced in the city?—Yes, that is what I suppose.

*By Mr. Clarke:*

4645*b*. By what agency or what means has pauperism been reduced during the past two years. As a result of what action has it been reduced?—There is one element of course which we cannot always calculate on. There are a good many people who come here temporarily, a floating population. They come in and help to swell the present pauperism at times.

4646*b*. Have there been less of these people coming here within the last few years?—I should suppose not. About fifteen or sixteen years ago we had a great many of them for two or three years, and we established a society called the Associated Charities. Many of those people were arrested and driven out of the city. They have not

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been so numerous since, but there are times when there will be a temporary increase of that class of people.

4647*b*. Your sheriff here, who is evidently a fearless gentleman and who enforces the law to the best of his ability, stated to us that one of the results of the rigorous enforcement of the law was to drive the liquor out of the saloons into the homes. In your opinion is a beneficial result brought about by driving the liquor out of the saloons into the homes. Is that a benefit or the reverse in your opinion?—Well, I should suppose it might be a benefit. A young man might be induced to drink if he saw liquor for sale at reputable places, but this same man would not go into a low place to get drink. They would avoid them. I know a great many such cases myself.

4648*b*. It is stated in very many places it is better to keep liquor out of the homes?—I thought you used the word "halls" instead of "homes."

4649*b*. It is your opinion that it is better to drive the liquor into the homes than have it in saloons?—I should not want to give an opinion on that subject. That is a new phase of the question.

*By the Chairman :*

4650*b*. Have you many houses of ill-fame in the city?—I have been informed by the police that there are quite a number. It has been stated, I think, that there are about eighty. I cannot give you any definite information on that point, but some of the officers of the city will be able to do so.

*By Mr. Gigault :*

4651*b*. Do you know for what reasons divorces are generally granted in the State of Maine?—For quite a variety of reasons, and some of them very trivial. It is rather easy to get a divorce here. I believe they get a divorce for incompatibility of temperament, which covers a great many reasons.

*By the Chairman :*

4652*b*. Is there anything in the law restricting the quantity which the liquor agent can sell to one person?—Yes, I believe there is. I have not noticed the law lately, but I think the quantity and the frequency with which it is sold to the same person, are regulated.

*By Mr. Clarke :*

4653*b*. You intimated that the record of the arrests for drunkenness was not complete on account of some regulation of the late city marshal. Would that apply to previous records as well as to the record of the last year?—I think it would apply, to some extent, to all of them. Any cases where men are let off after being arrested for drunkenness, they are supposed to be men who are not in the habit of drinking. If a man is arrested the second time, he will certainly go before the court.

4654*b*. The predecessor of the present marshal stated in his report that he found on taking office that it was customary to discharge prisoners arrested for drunkenness in certain cases, and that he continued that?—Well, that may be the case, but it was done to a very large extent under the previous marshal, and it is done still, but to a very small degree.

4655*b*. Are persons convicted for drunkenness ever sent to the alms-house instead of to the jail?—Not unless they are paupers.



ALONZO F. HARMON, of the city of Portland, Police officer, examined.

*By the Chairman :*

4656*b*. What is your position on the force, Mr. Harmon?—I am now Signal Officer of the station. I had been patrolman for a great number of years until a few years ago.

4657*b*. Do you keep the records of the police station?—I used to.

4658*b*. How many years have you been connected with the police department?—I have been in the police about twenty years.

4659*b*. Have you had anything to do with the making up of the returns for the annual report of the marshal?—I used to.

4660*b*. How did you gather the material that made up these reports?—I gathered it from the criminal record. We keep a record of every arrest, the offence and the disposition of the prisoner. That record is made up every day, and completed for the 24 hours every morning.

4661*b*. How do you get the information as to the disposition of the case?—The court-room adjoins the station. We have the offender under our observation from the time he is brought in by the officer until he is disposed of by the court, and we keep a record of that disposition.

4662*b*. Would it be a difficult matter to make up from the record the disposition of the cases? You have 100 arrests for drunkenness, would it be a difficult matter to make from the record the number fined and the number sent to jail?—I think not.

*By Mr. Clarke :*

4663*b*. Is there any way of eliminating from the 509 disposed of by the court, the offences for drunkenness and infringement of the prohibitory law?—There is no way except to go back to the police book, but a great proportion of these cases were for drunkenness. You will see that out of the 1,300 there were about 900 for drunkenness of all kinds. That is drunkenness and disturbance, and common drunkards. They are supposed to go before the courts and be punished, and that would be 372 out of the total number of 509 before the court.

4664*b*. Would the 509 under the head of drunkenness go before the court?—Five hundred and two were discharged by the marshal.

4665*b*. Of the 874 arrested for drunkenness, 502 were discharged by the marshal without paying any fine, and no record of the 502 can possibly appear in the annual report of the sheriff of the county in reference to the incarceration in jail?—No, sir, but it does appear in the marshal's report.

4666*b*. Any record of sentence to imprisonment in jail would be part of the cases brought before the court. No mention of these cases of drunkenness that were discharged by the marshal would be in the record of the jail at all?—They would not.

*By Rev. Dr. McLeod :*

4667*b*. Does that matter of discharging prisoners depend on the disposition of the marshal?—Yes, very much. A great deal of that kind of thing was done by the last marshal, but if you look the records up you will not find so many discharged now, nor before either.

*By Mr. Clarke :*

4668*b*. These persons discharged were persons who were charged with drunkenness once or twice?—Yes, once or twice. Of course there are cases where men get arrested several times, and if their family need their services the marshal may take that into consideration and discharge them several times, but as a general thing they are not discharged after the third time.

4669*b*. If a man has been before the marshal three times, and if he is arrested again, has he to go in the category of a common drunkard?—Well, if a man makes a disturbance on the street, he is put before the court and fined, but if he is quiet he is discharged. That is a case of simple drunkenness, as we call it.

ALONZO F. HARMON.

## Liquor Traffic—Maine.

4670*b*. Is there more vigilance displayed during the administration of the present marshal in arresting ordinary drunks than there was previously?—Well, there are more arrests made now. The police are more vigilant in that direction now than they were last year.

4671*b*. Was there more drunkenness last year than this year?—There are more arrests so far this year.

4672*b*. Is there more drunkenness this year?—I am not out on the street much now, and I can only judge from what I can see in the station.

4673*b*. What is your opinion on the matter as an old member of the force?—My opinion is that there is a little more drunkenness now than there was. I think there is more selling around than there was before.

4674*b*. How far back would that extend?—Well, more than there was last year or two years ago.

4675*b*. We have been informed, and we have had testimony, that the present sheriff is a most efficient officer and has endeavoured to suppress the sale of liquor as much as possible?—There is no doubt of it.

4676*b*. But you say that—notwithstanding these vigorous efforts of the sheriff—there are more persons selling liquor now than formerly?—I think so. Two years ago last January the present sheriff took office, and he was an earnest man, and all who knew him knew that he would do what he said. He told the liquor sellers to shut up, and a great many of them did shut up. All the decent people engaged in the traffic, if you can call them decent, shut up, and the result was that there were less arrests for drunkenness. But there are things that have happened since, that have changed matters. Last winter the legislature gave the judges discretionary power either to send the man to jail or to fine him, and that encourages the men who are selling around, very much.

4677*b*. That is a retrograde movement in your opinion?—Well, discretionary power with the judge is good in some cases.

4678*b*. If the result is that there is more liquor sold now, it is a retrograde movement?—Formerly the law was imprisonment sure, but now the judge can impose fine or imprisonment. Before that the judge had no discretion but to send the man to jail.

*By the Chairman :*

4679*b*. Is that a retrograde movement so far as the enforcement of the prohibitory law is concerned?—Well, it is a change in the law.

4680*b*. Has it resulted in increased drinking?—I should not want to say that, but there are more arrests.

4681*b*. Is there more drunkenness?—There are more drunken men brought into the station, but I am not out on the streets to see whether there are more drunken men on the streets or not.

4682*b*. You are speaking of the time since the advent of the new marshal?—Yes.

*By Rev. Dr. McLeod :*

4683*b*. Has this something to do with the increased number of arrests, that the present marshal has given strict orders to the men to take up everything in the way of a drunken man?—I do not think he has given such an order as that, but the general feeling was that the city needed a cleaning up. It was quite lax last year; there were a great many discharged for drunkenness, and there were a great many not brought in that should have been. I think that has something to do now with the increased number of arrests for drunkenness.

*By the Chairman :*

4684*b*. How far back did this laxity extend, was it in 1891-92?—It was last year, in 1892

4685*b*. There was a comparatively low number of arrests in 1891?—I think the great decrease in 1891-92 was in consequence of Mr. Cram enforcing the law. The law is good for nothing unless you enforce it.

*By Rev. Dr. McLeod :*

4686*b*. You think that the reason Mr. Cram is not able to enforce the law so well now is because of the change made in the law giving discretionary power to the judges?—I think that is the case.

4687*b*. You think the law is easier now?—That is about it.

4688*b*. From your personal knowledge and experience, can you say as to whether within the last couple of years drunkenness has increased or decreased in the community?—I would not be a good authority on that. I am inside all the time, and I can only get my observation from the records.

4689*b*. What conclusion have you formed from what you have seen in the station?—There is no doubt, I think, that there is less drunkenness than there was ten years ago.

4690*b*. The late marshal stated in his report: "On my induction to office, I was given to understand that it was not the practice to put simple drunks before the court, which I believe to be a good policy and have adhered to"—That has always been the custom.

4691*b*. Until the present year?—It is the custom now, but I think a different marshal may view the thing in a different light.

4692*b*. Is that the practice now?—That is the practice now.

4693*b*. Does it prevail to the same extent as it did formerly?—No, it does not. The present marshal thinks that most men who get arrested for drunkenness should be put before the court, but the marshal last year thought that most men arrested for drunkenness should be discharged before going before the court. However, it has always been the custom to discharge those that he saw fit.

4694*b*. He exercises his discretion in the matter?—Yes, but he has always been accustomed to consult the officer making the arrest.

4695*b*. There has been a diminution in the arrests for drunkenness in the last ten years and in arrests for other offences as well?—Yes, the two usually go together. I think twenty years ago we had in the neighbourhood of 3,700 arrests and now we have a little over one-third of that.

4696*b*. You think there has been a general improvement all along the line?—I think so.

4697*b*. Do you attribute that to the existence of a prohibitory law?—Well, I think in a great measure it is, and I think that most people will agree with me. I am one of those men who think prohibition is the correct principle. I am sorry to see that we have a great deal of drunkenness here, but I do not think we have any more than in places where they have license.

*By Mr. Clarke :*

4698*b*. Have you any experience of living in a place where there was a license system?—No.

4699*b*. You cannot compare the license system with the prohibitory system?—No, but I know that under license they have some trouble with the legalized sellers of liquor just the same as they have here.

4699½*b*. Do you know anything about the operation of the city liquor agency?—I only know what a citizen of Portland or a police officer would observe. I am never inside of it, to see any of the workings; but I hear a good deal about it.

4700*b*. What have you to say about the liquor agency?—Well, they sell a good deal of liquor there, I suppose there is a good deal needed.

4701*b*. Is there a feeling in the community that the liquor agency ought to be obliged to sell liquor to make a profit and to place that profit in the municipal treasury for the purpose of reducing taxation?—They discussed it that way last year; but from my observation and talk, the people, I do not think acquiesced in any such thing. I think the majority of people believe that the liquor agency should be for the purpose of selling to those who need it for medicinal or mechanical purposes.

4702*b*. Do you believe that the intention of the law is violated by the city liquor agency?—I certainly do.

ALONZO F. HARMON.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

4703*b*. Do you think that the city liquor agency was not a thing devised to make profit out of it for the city?—No.

4704*b*. Is the city agency considered a very valuable office with the salary of \$1,300 a year?—Well, there are plenty after it. There are always a large number of applicants and they bring a good deal of pressure to bear, to obtain it. An outsider knows nothing about the working, and he can only think. There is no question but that the prohibitory law, when it is enforced, makes a condition of things very much better than it does when it is not enforced.

4705*b*. Has there been a better condition of things since the present sheriff was elected?—I think so.

4706*b*. There are certain things that of course are not very pleasant; that is when the law is enforced these disreputable people go around selling liquor?—Yes, that is the case.

4707*b*. Is that better?—It is not better in that respect, but inasmuch as there is not so much liquor sold I think it is better.

*By the Chairman :*

4708*b*. Has the result been that when these saloons are closed up liquor is introduced into the homes and into the families more than before?—I think quite likely that is true. It would have a much better chance to get into the homes when the law is strictly enforced.

4709*b*. Do people purchase liquor and bring it home for consumption in their homes when the saloons are closed up who would not allow liquor in their houses if they could get it in saloons?—No doubt about that. They send to Boston and get their supplies, whereas if the shops were open they could get their supplies here and get all they wanted to drink.

4710*b*. Is it beneficial generally to have liquor introduced into the homes?—I do not think it is.

4711*b*. Do you know anything, as a police officer, of the existence of clubs in the city where lads congregate together and have card parties and drink liquors?—They have clubs, but I do not know anything about the inside of them.

4712*b*. Do they exist now, or are you speaking of the past?—They exist now, and have existed in the past.

4713*b*. About what age are the members of these clubs?—All ages. I will not say that boys belong to these clubs, but men of all ages do.

4714*b*. It has been reported to us that there are clubs of which the members are youths and minors?—Very likely minors might get into these small low down clubs. Of course we have some high toned clubs. These clubs for lads are not so many as they were some time ago.

4715*b*. Have you known of the existence of any place which was called a club where young lads and men went and indulged in liquor and drinking and playing games as members of that club. I am not referring of course to properly organized clubs?—Well, I have heard of such clubs, but I never knew of them.

4716*b*. Do you personally know of any of them?—I never was called into one, or never had occasion to go into one of the kind.

4717*b*. Have you seen men and boys going into places that were reported to be clubs?—I never saw men and boys together, but I have seen young men going in and coming out of these places.

4718*b*. Did you see them in any considerable numbers?—No; you will remember that, for six years past, I have been on duty inside the station. When I was patrolman I have seen them.

4719*b*. Can you describe to us the sort of places these clubs are in. Is it a house rented for the purpose of a club, or is it a portion of somebody's dwelling?—They usually get a room in some place. It is hardly ever in a house, most always it is over a place of business and is rented for the purpose.

4720*b*. In what way do they get their liquor in these clubs?—I presume they send and get it from Boston.

4721*b*. Do the individual members send for the liquor?—Yes, the individual members.

4722*b*. And how do they keep it in the club-room?—I do not know as I never was in any of them. I hear that they dispense it to their members, and that they have hired a man to dispense it in some cases.

*By Mr. Clarke :*

4723*b*. Is the question of the enforcement or the non-enforcement of the prohibitory law made an issue in the elections?—Yes.

*By Rev. Dr. McLeod :*

4724*b*. Is it made the chief issue?—I will not say that, but sometimes it is quite a prominent issue. Last year in the State election it was quite an issue. When Mr. Cram was up for election it was quite a big issue. He was elected on the vote of the county, but the vote of the city went against him.

4725*b*. Why did the vote of the city go against Sheriff Cram?—Because the majority of the people of the city of Portland did not want the law enforced.

4726*b*. We learn from the returns that the city of Portland voted, by a large majority, in favour of the constitutional amendment?—There was no honesty in that. It was political, and I have no doubt that many rumsellers voted for the constitutional amendment.

4727*b*. Why?—I do not know; but I have been told that they did, and I know that men who were opposed to prohibition told me they voted for it. I do not know why they did it.

*By Mr. Clarke :*

4728*b*. As a public officer do you know as a matter of fact that rumsellers voted for the amendment to the constitution on prohibition?—No rumseller ever told me, but I know that men who are opposed to prohibition voted for it.

4729*b*. On what ground did they vote for it?—On the ground that they wanted the people to get sick of prohibition. It was a queer way they took about it.

4730*b*. How would they make people sick of it by making prohibition a part of the constitution of the State?—I do not know that, but that is their opinion.

4731*b*. Would a rumseller be induced to vote for the constitutional amendment because under the operation of prohibition he could sell liquor without a license?—I have no doubt that some of them figured it up in that way. I have no doubt that there is a certain class selling rum who would rather have prohibition than license, because if there was license their characters are not sufficiently good to entitle them to one. Of course, where prohibition prevails, the people who sell rum as a general thing are generally away down disreputable.

*By the Chairman :*

4732*b*. If you had license would you not also have a number of illicit sellers?—I suppose there would be a number of people selling without licenses, but I think that the sentiment would be different and that those who paid a high license would be interested in seeing that the illegal sellers did not sell.

*By Mr. Clarke :*

4733*b*. The feeling in favour of prohibition is stronger in the country districts of the State than in the city?—Very much.

*By Rev. Dr. McLeod :*

4734*b*. Is that because the criminal classes are more numerous in the city than in the country districts?—That helps of course. I should imagine that about all of the criminal classes would be in favour of free sale of liquor.

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*By Mr. Clarke :*

4735*b*. There must be a very respectable minority in Portland who do not belong to the criminal classes and who do not believe in prohibition?—Yes. Very respectable people differ on the question of prohibition. That is a great question with many of them, and while I say that prohibition is the correct principle, I say that we have a great deal of trouble with it, and sometimes I think that we will have to deal with it as best we can.

*By Mr. Gigault :*

4736*b*. From common report, how many places are selling liquor in this city of Portland?—Well, I cannot answer that very well, but there are not a great many places I should think. Perhaps there are more selling now than there were two months ago, because the grand jury is not sitting now and the court is adjourned. I think the number of places selling liquor has increased since that ; but, for the size of the city of Portland, I do not think there are many selling liquor.

4737*b*. Could you say about how many places in Portland are selling liquor?—I do not think I could approximate in that way.

*By the Chairman :*

4738*b*. If I understand you correctly, there are not so many places selling liquor as there are individuals selling from the pocket?—Yes, that custom of selling from the pocket has prevailed a good deal for the last two years on account of the strict enforcement of the law. It is very much harder to enforce the law against a person selling liquor than it is against a place selling liquor. The pocket pedlar does business in a small way, but is very difficult to catch him.

*By Mr. Gigault :*

4739*b*. Do you believe that many of the drunkards that were arrested obtained their liquor from the liquor agency?—I think there were a good many arrested last year that obtained their liquor from the city liquor agency. Of course, I do not know personally much about it, but some of the prisoners stated to me that they got the liquor there. Perhaps a dozen told me that they got their liquor at the agency, or perhaps more than a dozen ; and I have no doubt that there are a great many more, but I should think it very likely that there are a dozen or more whom I interviewed who made that statement to me.

4740*b*. Do you know if all the persons who get liquor at the agency sign any declaration or paper?—No, they sign nothing ; they give their names and residence, and say they want it for medicinal purposes.

4741*b*. Do you think that the liquors obtained there are very often for beverage purposes instead of for medicinal purposes?—I have no doubt that three quarters of the liquor bought there is drank as a beverage.

4742*b*. What is about the number of houses of prostitution in this city?—There are very few regular houses. I do not think you can find thirty-five in the city. I do not know that you can find twenty. We were speaking of that at the station to-day and some of them were naming as many as they could, and no one could name more than a dozen, but there are a number of places such as rooms, and I think they would count up a good deal more, but no one knows that women are kept there for that purpose.

4743*b*. Is there a good deal of beer brought into Portland by the express companies every day?—There is not much beer ; it is hard liquor mostly. Recently I understand there has been a considerable quantity of beer coming in. There is a good deal of liquor comes in now, but nothing in comparison with a few years ago. Then one wholesale dealer sold forty barrels of beer a day.

4744*b*. Where did he sell that?—He sold it right here in Portland to retailers.

*By Rev. Dr. McLeod :*

4745b. Why was that allowed, how did he sell that beer publicly?—He did it privately. He got it in the night time, but the law was not so stringently enforced then. He could not bring it in since Mr. Cram is high sheriff, and no large quantity of beer has been sold for the last two years.

*By Mr. Gigault :*

4746b. Do you believe that at the present time druggists are selling liquor illegally for beverage purposes?—I do not think they sell as much now as they used to, but the majority of the druggists probably do sell liquor.

*By the Chairman :*

4747b. In later years the number of arrests have fallen off very largely. Are you quite certain that all the prisoners brought in by the constables are recorded as arrests?—They are all recorded; we make up the record every day. There is an exception once in a while, but that is the rule. Some marshals discharge a great many more than others.

*By Mr. Clarke :*

4748b. Are the illegal sellers tried before the court by a jury?—Yes.

4749b. Do you think that the legislature last year was moved to restore the discretionary power to the judges on account of the difficulty in getting convictions, because the punishment was so severe that people were sent to jail without the option of a fine?—That might have something to do with it. It is harder to convict a man if a jury knows he is going to jail than if they knew he could pay a fine.

4750b. Have the convicted persons a right to appeal?—They have a right to appeal when these search and seizure cases come before the municipal court in the first instance. There have been appeals in almost every case of late years. In former years in the municipal court a great many paid the fine and had done with it, but when there was no fine but imprisonment the cases were always taken to a higher court. There are three criminal terms in the year, January, May and September, and if the case is taken to the low courts they get a year's time by the appeal.

4751b. And that would delay the final decision for about two years?—Well, it is a year when it comes back from the low court, and sometimes it may be a year and a half before the case is finally settled.

4752b. Was this amendment giving discretionary power to the judges made to the law because of the difficulty that was experienced in getting jurors to convict?—Well, some of course were influenced in that direction.

4753b. Were there any representations made by the judges to that effect?—I do not know, I never heard of any.

*By the Chairman :*

4754b. Was the change brought about by the representations of those in favour of the prohibitory law, with a view of securing more speedy convictions for the offence?—I should not be able to answer that. I think that our friends in favour of the prohibitory law are in favour of punishing the runsellers as much as possible. That certainly is true of General Neal Dow.

*By Mr. Clarke :*

4755b. Is it fair to conclude that this change in the law was made in consequence of the wishes of those opposed to the prohibitory law?—That would be my opinion.

4756b. The report says that there were 228 minors charged in the courts last year. For what offence would these minors be charged?—With petty larcenies or malicious mischief or playing ball within the city limits or something like that. Very few minors are brought in for drunkenness but there are occasionally some. We had a boy in the station a short time ago, 13 years old. Of course when the law is enforced strictly there is more danger of boys getting liquor because those who are selling it have to hide it in

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out of the way sheds and odd places and the boys in playing around find it out. There have been quite a number of cases since I have been on the force of boys getting drink in that way.

4757*b*. Is there any difficulty in the way of a stranger coming into Portland and obtaining liquor in the drug stores or in an hotel?—There has been considerable difficulty.

4758*b*. Is there any difficulty now?—I think there is not so much now. They tell me that there are some places open and that they are selling more freely. I gather that from what I hear.

4759*b*. To what do you attribute that?—I attribute it in a great measure to the change in the law. Some folks say that Mr. Cram is letting up a little, but I would not want to say that.

4760*b*. Is he not so energetic as he was?—They say so.

4761*b*. Has the desire to obtain liquor increased?—The situation, as I understand it is this. When the law is not enforced, beer is sold here in plenty, and there are saloons where people can go and get drunk. They do not get drunk all at once, but they consume a lot of liquor, and when the law is enforced they do not have such opportunities of getting liquor. A few years ago in the neighbourhood of the Grand Trunk Railway station, the places were all open and they were running beer on draught. You would see people going in and out and getting their beer just exactly the same as you would in a licensed place. You do not see any of that, when the law is enforced. But there are a class of people, and these are the people we arrest; and it does not make any difference to them what the law is, they are going to get drunk. The people you find brought into the station will get drunk anyhow, most of them, whether the law is enforced or not. You cannot enforce any law to prevent them getting liquor. No matter how strenuous the efforts may be to enforce the law these people procure it. They will procure it just the same as the boys will find it out in the back yard. It is sold by disreputable parties and these drunkards get it.

4762*b*. Are we to conclude from the election of Sheriff Cram that so far as he was concerned, the main issue was the enforcement or the non-enforcement of the law?—So far as the sheriff is concerned I do not think there was anything else entered into it. The whole talk was on that subject mostly and he ran behind his ticket here.

*By Rev. Dr. McLeod :*

4763*b*. He was sure of having the liquor vote against him?—Not necessarily. If there was a liquor man who belonged to the Republican party and a strong party man he might vote for him.

*By the Chairman :*

4764*b*. Would not some of the illicit dealers in liquor prefer to have a prohibitory law?—I have no doubt but that some of them would, because they have to pay no license and thrive better.

4765*b*. And as such they would be quite prepared to vote for Sheriff Cram?—Well, I do not think they would. There was a bitter feeling against Mr. Cram and it got to be a party thing.

*By Mr. Clarke :*

4766*b*. The feeling was against him because he did his duty efficiently?—Because he enforced the law, that was the reason. I never saw a Democrat but was opposed to him during the last campaign; but still there might have been some that were not.

*By the Chairman :*

4767*b*. Have you met any known vendor of liquor who was not opposed to him?—I never spoke to any one of them but they were opposed to him; but I have been told that some of them favoured him.

4768*b*. The law provides that offences against the prohibitory law shall be advertised in the papers or in the court record and there shall be a list published in the newspapers with their names and all particulars of each case?—Yes.



4769*b*. Is that regularly done here?—I think so.

4770*b*. Is there not some kind of beer which it is permissible to sell under the law?—Yes, they call one kind “Uno” and the other kind “Lithia.”

4771*b*. What are they made from?—I do not know.

4772*b*. Are they intoxicating?—That is a matter of opinion. Some testify that people get drunk from drinking these beers, and others testify that they do not.

4773*b*. Is it permissible to sell it under the law?—I believe they can sell anything that does not contain anything more than three per cent of alcohol.

4774*b*. Is there much of that kind of beer sold?—Well, for the past few years there has been considerable.

4775*b*. Where is it made?—A good deal of it is made in Boston, I believe.

4776*b*. You cannot tell us from what it is made?—No, I cannot. We had one case about it, and experts pronounced that it was malt, but the judge discharged the man; although I always supposed that malt liquors were prohibited by the law.

4777*b*. What is the practice of the municipal court with respect to convictions?—Suppose a policeman arrests a man for assault, is the man tried for assault only?—Yes. In a case where a man may make a good deal of trouble, we may charge him, with two offences.

4778*b*. And they would be recorded in your book?—Yes. The court might sentence him on two charges, but there would be only one person in the record.

4779*b*. From the receipts of the liquor agency certain amounts have been expended on the quarantine station and other matters. Do you think that it is the intention of the law that there should be large profits from that agency?—The law provides that liquor shall be sold for medicinal and mechanical purposes, and the intention was that the agency should just pay expenses. That is the way I have understood it.

4780*b*. Do you think it is preferable for the city to make a revenue out of the sale of liquor?—I should say not. I think if we are going to have a licensed shop we should have a license law and get the traffic legalized. When they run an agency for revenue, it is practically a license.

4781*b*. Are there in Portland, at the present time, places where they are openly selling liquor?—I think not, but you will find plenty of people who will say that there are, but that is only a question of how you look at it. I think that the open selling of liquor means a place where everything is exposed, and where nothing is hidden.

4782*b*. Are there places to which people regularly go to get liquor and do get it?—I have no doubt of that.

4783*b*. Are there many such places?—Yes, quite a number. I do not know how many there are, but there are not so many as there used to be.

*By Mr. Clarke :*

4784*b*. Is the prohibitory law at present being as well enforced in this city as it is possible to enforce it?—It is a pretty hard question to answer. We have never had it enforced so well as it has been for the past two years. It has been enforced better than it was before; but whether it may be enforced any better than that I do not know.

4785*b*. You never knew it to be so well enforced as it is now?—I never knew it to be so well enforced as during the last two years, or I never heard of so little sale of liquor. Of course we have had drunkenness, but these people are bound to get drunk, and they will get drunk always. It is my opinion that there is less liquor sold in Portland now, or during the last two years, than there ever has been before.

*By the Chairman :*

4786*b*. Are there any considerable number of offenders who find their way to the courts through other channels than that of arrest by the police?—Yes.

4787*b*. What is the character of the offences?—Most of the liquor offences for the past two years have been through the sheriff's department.

4788*b*. You have said that there was a decrease, you thought, in the amount of drunkenness?—Has there been any change in the population of the city which would contribute to that?—The population has been increased.

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4789*b*. What about your shipping trade?—The shipping trade is not so much now as it used to be, and there are not so many sailors in port as formerly.

4790*b*. Did the sailors contribute to the increased number of arrests?—Yes, there were more sailors and longshoremen in port, and they contributed to the increased number of arrests.

4791*b*. Are there any other changes in the population or circumstances of the city which would help to decrease the offences for drunkenness?—I do not know of any others. I have noticed in recent years that the prisoners we have for drunkenness are in a great many instances the same old crowd. If you take a hundred men out of this city and lock them up, you would not have so many drunks in the streets.

4792*b*. Is there any way in which the Commissioners can get at the quantity of liquor consumed in the city or in the State?—I do not think so. You could get some idea from the Internal Revenue Department.

*By Mr. Clarke :*

4793*b*. You said that if you gathered in a hundred men you would not have so much drunkenness in the streets?—Perhaps a hundred would be a little small.

4794*b*. I want to draw your attention to the fact that in 1892-93 the number of persons charged with common drunkenness is only 68.—I know, but there are 1091 warrant persons and 1312 arrests so that shows you what I mean. I said a hundred, but there would be probably more than that. The arrest of a man three times would constitute a common drunkard, but that is not always enforced.

CHARLES H. BAKER, of Portland, Secretary of the Overseers of the Poor, examined.

*By the Chairman :*

4795*b*. How long have you occupied your present position?—I have been twenty years in the position.

4796*b*. Are you appointed to your office, or are you elected?—I am elected by the Board of Overseers of the Poor, consisting of twelve men. The overseers of the poor are subordinate city officers. Four are elected each year to serve for three years.

4797*b*. Where is your alms-house situated?—It is situated at Deering Park, in this city.

4798*b*. How many inmates have you in the house at the present time?—The alms-house and hospital are separate buildings but all the persons in both houses are paupers and in both buildings there are about 130 persons.

4799*b*. How many are there in the hospital?—About 35.

4800*b*. Have you a class of persons whom you aid but who live outside the alms-house?—Yes, sir, about 350 or 360 different families of outside poor.

4801*b*. Would you be so kind as to give us a brief statement of the number of orders issued and the number of persons relieved?—There was an increase in 1893 of 456 orders over the year ending last February, and the number of persons increased by 1342. That was largely owing to the fact that last winter was very much more severe than the winter previous and there was much less work for the class of people who are relieved than there was the previous winter.

4802*b*. I see that you have a number of persons sentenced from the municipal courts to the alms-house?—Yes, the alms-house or house of correction here and work-house as well. The law of the city makes it a penalty for certain crimes that they shall be sentenced to the workhouse.

4803*b*. Is drunkenness one of these crimes?—Yes.

4804*b*. Those come to you principally from the courts?—There were 24 that came from the courts.

4805*b*. Can you tell us the number of persons aided for a number of years past by the overseers of the board?—I think that can be found from the report.

4806*b*. Your increase in the number relieved from 1881 to 1892 was 37·32 per cent. Do you remember what the increase in the population was in the city of Portland during that time?—I do not remember.

4807*b*. It was about 9 per cent. Yes, I think that is it.

4808*b*. The increase in the population was 9 per cent and the increase in your paupers was 37·32 per cent. Can you give us any explanation of that?—Well, my reason would be this. Our increase in population has been very largely of that class of people from which the paupers come. That class of people come to our cities very much more than the well-to-do people do.

4809*b*. That is your observation from your contact with paupers?—Yes. You will notice that in the aid we give to the outside poor we have only 66 families who belong to what we call the native population and all the others belong to the foreign population. I do not know what the native population has increased, but I think the paupers of that class of our population, that is our native people, has decreased rather than increased during the last ten years, while the other class of the population has very much increased in pauperism.

4810*b*. That is to say, if I understand you correctly, that the foreign population of this city has increased in a greater ratio than the native population?—They have increased in pauperism in a greater ratio; while the native population has not increased in the number of paupers the foreign population has increased very materially.

4811*b*. By that, are we to understand that the strangers coming to the city have been of the pauper class?—Well, there have been more of that class, the increase in pauperism in the city has been altogether amongst the foreign class.

4812*b*. That is to say that the foreign population coming to the city has been more largely of the pauper class?—No, I should not want to say that because that would not be fair to the foreign population. There is no doubt but that the foreign population of the city has increased more than the native population, by immigration and by natural increase.

4813*b*. And a larger proportion of the foreign population are paupers than the native population?—That is it exactly.

4814*b*. You think that is the major if not the sole reason of the increase of those requiring assistance?—That is the prominent reason.

4815*b*. Are you in that respect different to other seaport towns similarly situated?—I do not think that we are. We are not different in that respect from other inland towns. Take the city of Lewiston and the city of Augusta and their increase is greater than ours because their increase of foreign population, in proportion to the native population, is greater than our increase. In the city of Lewiston with a little over one-half of our population it cost them \$25,000 last year to support their poor while it costs us only about \$28,000.

4816*b*. I notice that the average of pauperism in the North Atlantic States division is 1,790 per million of the population. The South Atlantic division 914 per million. The north centre division 1,145, the south centre division 460 and the western division 1,036 per million. I notice that the State of Maine is 1,756 per million, a very little below the average of the whole northern division, but it is higher than in the States of New York, Pennsylvania, Rhode Island, a little higher than Vermont and nearly on a par with Delaware. There are many States a great deal lower than Maine, and Maine has rather a high proportion of paupers in its alms-houses as a State. You have no doubt considered this subject, being so long connected with the relief of the poor, and I would ask if you know any particular reason for an explanation of that?—I suppose it is a fact that Maine has more alms-houses in proportion to her population than most any other State in the union, but they pretty generally insist that persons who are supported entirely at the public expense shall be supported in the alms-house. Some other places have not so many alms-houses in proportion to their population; but they are not so stringent in enforcing the idea that their paupers shall be supported in alms-houses. I

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know that this is the rule in all the large cities and towns in this State. I consider that a sufficient reason why we should have a larger proportion than some other States.

4817*b*. Would that apply to all the north Atlantic division of States?—Yes, I think it would apply very largely to all those.

*By Rev. Dr. McLeod :*

4818*b*. Do you think that these other States mentioned in this division have as many alms-houses, according to population, as you have here?—I do not think that they have as large a number of alms-houses as we have.

*By the Chairman :*

4819*b*. I asked you as to the prevailing sentiment in these States?—I think the prevailing sentiment is the same, and so far as the alms-house accommodation is concerned, they insist on the people being supported in the alms house.

*By Rev. Dr. McLeod :*

4820*b*. Do you know how we can compare Maine, with itself as regards pauperism. How can we compare the State with itself now and thirty years ago?—There were fewer in alms houses thirty years ago than there are now, and there were fewer paupers.

4821*b*. According to the population?—Yes, sir.

*By the Chairman :*

4822*b*. The increase in the population for twenty years in the State of Maine has been very small?—Yes.

*By Rev. Dr. McLeod :*

4823*b*. But still pauperism has increased in the twenty years?—Yes.

4824*b*. Does that increase of population apply to the whole State as it does to Portland?—It applies to all the larger towns in the State. I am quite sure that we have not as much native population in the State of Maine as we had forty years ago.

4825*b*. I suppose your increase of population is chiefly in the larger centres than in the rural districts?—Yes, altogether in the cities and towns. The rural districts are not as populous as they were forty years ago.

4826*b*. Do you think that there would have been this increase in pauperism if you had not had this prohibitory law for thirty years?—I do not think the prohibitory law has had very much to do with it.

*By the Chairman :*

4827*b*. You do not think it has increased the pauperism?—No. It has decreased it. I will illustrate the point I make. The city of Lewiston gained a certain amount of population between 1870 and 1880, and it increased a certain amount between 1860 and 1870. In the increase of the population in 1860, they scarcely had any French people there, but the increase between 1860 and 1870 was just about the increase of the French population in the cotton mills. The increase in that city is due very largely to the French population. That is an increase in the foreign element. The French population have undoubtedly caused the increase in that city, and the native population have undoubtedly ceased to increase and the increase in population there is due largely to the French people, both naturally and by immigration.

4828*b*. Can you tell us if the increase in the population of Lewiston is largely an increase in the female population?—The increase in the female population will be larger than in the male population of course. The nature of the business done in Lewiston, namely working in these mills, is such that that would be the case.

4829*b*. I understood you to say that the native population of the city of Portland has decreased?—I did not intend to be so understood, because I do not think it has decreased, but I did say that it had not increased in so large a proportion as the foreign population has. The native population of the city is not as large now as it was in 1860. It was larger in that year than it was ever before or since.

4830*b*. To what do you attribute the decrease?—An immense number of people went into the war and a great many of them were lost. These were largely native born population; and then the emigration from the State to other parts of the union has been very large within the last twenty years.

4831*b*. And that population having decreased it was filled up by immigrants?—Yes.

4832*b*. Where did the immigrants come from?—From different countries. They are largely from Ireland, and there is a good number from Sweden, and a great many from Canada, and some from Germany and Denmark.

4833*b*. The immigration into the State of Maine has not been nearly so large as into some of the other States.—No; that is the case. The decrease in our native population has been almost entirely in the rural districts. There are many fine towns in Maine, which I could name, and many towns in the best agricultural districts in which the population has declined. In my own native town, which is a seaport, and which is the shire town of Lincoln County, the population has fallen off nearly one-half in twenty years.

4834*b*. I presume, like any other gentleman living in the State of Maine you have given a good deal of attention to the prohibition question?—Yes, sir; I have been a prohibitionist since the beginning.

4835*b*. Are you satisfied with the results of the prohibitory law?—Well, I am satisfied it is the best for us taking the State as a whole.

4836*b*. Are you quite satisfied with the result achieved by the prohibitory law?—I do not know what we can expect from it. If we had had only our own population the result would have been very different. In the towns where there is simply an American population, it is almost impossible to find any liquor for sale, whereas in my boyhood these towns used to have rum shops.

4837*b*. That is in the rural districts?—Yes.

4838*b*. And the native population there has decreased?—Yes.

4839*b*. And it has not been replaced by the foreign element?—No, sir.

4840*b*. Those born there have been accustomed to the law and have lived under it and their fathers before them.—Yes, sir.

4841*b*. How does the prohibitory law work in the cities?—In the cities it is a different thing. It has always been hard work to enforce the law in the cities.

4842*b*. And it has been enforced there with varying success?—Yes; with varying success you might say with truth, for sometimes it has not been a success. I have seen it in the city of Portland when the prohibitory law was not so much of a success as it is to-day.

4843*b*. To what do you attribute the changed state of things in the city of Portland?—To a rigid enforcement of the law.

4844*b*. To what do you attribute the absence of success of the enforcement of the law in the cities?—Political influence has very much to do with it.

4845*b*. It has been made a political question, has it?—Yes, sir, altogether too much of that.

4846*b*. To which political party do you look for supporters of the prohibitory law?—Well, I would not want to discriminate as to which party was the best, or anything of that sort. The law has generally been better enforced by the Republican party than the Democratic party. There has been generally less enforcement by the Democrats, but I have seen very loose enforcement by the Republican party, and I have never seen any rigid enforcement by the Democratic party.

*By Rev. Dr. McLeod:*

4847*b*. The Democratic party were generally opposed to the law?—Yes.

4848*b*. But the Democratic party in its platform does not take any ground against the law?—I do not think they do. They would hardly dare to because there are men of the Democratic party who are just as earnestly in favour of the enforcement of the law as the best Republicans.

4849*b*. Is that because of the beneficial effects of the law?—Well, the element opposed to the enforcement of the law is much stronger in proportion in the Democratic party than it is in the Republican party.

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4850*b*. Is that element of opposition to the enforcement of the law as strong in the Democratic party now as it was originally?—No, sir, I do not think it is.

4851*b*. Is that because the law, notwithstanding the difficulty of enforcing it in certain places has demonstrated its usefulness in the State of Maine?—The increase of the strength of the Democratic party in this county is largely due to the foreign element. That is where they get their strength, and that is the reason that the Democratic party as such is more opposed to the enforcement of the law, and the principle of prohibition than the Republican party.

*By the Chairman :*

4852*b*. Would it be correct to assume that the Republican party is solid in favour of prohibition?—No, it would not.

4853*b*. There is a considerable element of the Republican party opposed to prohibition?—Yes, sir, there is a very strong element opposed to prohibition, and an element that is right at the other end of society as compared with the element in the Democratic party. What some would call the high society element of the Republican party are opposed to the law and the lower social element of the Democratic party are opposed to it also. The two extremes meet in that, but the middle class in both parties are in favour of the enforcement of the law.

4854*b*. Do you think that the law has been the means of largely reducing drunkenness in this State?—Take the State all through, it certainly is.

4855*b*. What do you say with reference to the cities?—Well, take the cities, it probably has not reduced drunkenness as much, but then again the foreign element comes into the question. There are towns and towns in the State of Maine where the population is altogether the native population, and there are children there who should have grown up to manhood without ever seeing a rum shop.

4856*b*. That is not the population that has moved about much?—No, sir.

4857*b*. They are a stationary population?—Yes.

*By Mr. Clarke :*

4858*b*. Has the reduction in the population of this small town you refer to, been due to the departure of the foreign element from this town?—No, it is due to the departure of the native element almost entirely, which has gone out west.

4859*b*. Do you think that the prohibitory law is efficiently enforced in the city of Portland at present?—I think it is as efficiently enforced in the city now as it can be.

4860*b*. You have no hope, as a prohibitionist, of seeing it better enforced?—I have not.

*By Rev. Dr. McLeod :*

4861*b*. Is it better enforced now than it was before?—Yes.

4862*b*. And your hopes have been realized to a degree?—Yes.

*By the Chairman :*

4863*b*. Are you prepared to rest now and be thankful for the enforcement?—I am prepared to be thankful, but I am not prepared to rest.

4864*b*. You have told us that you do not expect to see it much better enforced in any of the cities than it is here?—I do not think it can be.

4865*b*. Have you ever lived, Mr. Baker, or have you ever had any experience, under the operation of a license law?—Never, except what I saw as a boy, perhaps, of the operation of the prohibitory law in this State.

4866*b*. Have you observed the working of the license system in any of the neighbouring States?—I have.

4867*b*. Shall we be correct in concluding that you believe that the prohibitory system is better than the license system?—Yes, I think it is better in principle.

4868*b*. But in effect?—Yes, in effect I think it is also. Take the city of Boston. I think they have more trouble there in enforcing the license law than we have in enforcing the prohibitory law in the city of Portland.

4869*b*. And in the ratio of population, which city do you think Boston or Portland can lay claim to the most drunkards?—I think Boston of course, they do not arrest people on so slight pretexts in relation to drunkenness in this city as they do in the city of Portland. Last year the administration were very liberal here, and people were not arrested, so that I think the returns will show that there are more arrests this year than last year. It might be said that drunkenness has increased in the city because of that. I do not think that that is the case, but I do think that the law is more rigidly enforced now in that the punishment for drunkenness is greater.

*By Rev. Dr. McLeod :*

4870*b*. There has been some delinquency on the part of the officials in making arrests?—Yes.

*By the Chairman :*

4871*b*. There have been times then when laxity in enforcing the law was just as great in Portland as in Boston?—Exactly.

4872*b*. So that if we take the record for a series of years the record will not be very unfair to either one or the other city?—I should think not.

*By Rev. Dr. McLeod :*

4873*b*. Comparing the time when there was license in the city, and the condition of things under prohibition what have you to say?—It would be very much worse then than it is now, because before prohibition it was a free license, everybody was allowed to sell who paid \$5 or \$10.

*By the Chairman :*

4874*b*. Is not the character of your population in this city different now from what it was in those years?—Yes, sir, it was almost entirely native population when I was a boy.

4875*b*. I suppose you had in the city of Portland twenty years ago a very large proportion of seafaring men?—Yes.

4876*b*. And you had an extent of trade that you have not to-day?—Yes.

4877*b*. Do you think that this discontinuance of the trade with the West Indies has had any effect upon the liquor question in Portland? Years ago you had large imports of sugar, rum and molasses, and you carried on large industries in refining sugar. Has the discontinuance of that trade had any effect upon the liquor trade in the city?—No, sir, I think not.

4878*b*. Rum was a very common beverage in the State of Maine, I suppose?—Yes. There is a very decided change in the moral sentiment of the State in connection with the use of intoxicating liquors as beverages.

4879*b*. And do you think this moral sentiment was brought about by the law?—There is no question about that. I think the way in which liquor was abused formerly weakened the moral sentiment of the people in the States.

4880*b*. And the discontinuance of the West Indian trade in rum must have helped the cause of the temperance people?—Yes, sir.

*By Rev. Dr. McLeod :*

4881*b*. Am I right in concluding that there have been other influences at work in the State which have affected the sentiment on this question?—Certainly.

4882*b*. The trade has not been discontinued in consequence of the prohibitory law?—By no means. Other agencies have been at work, and changed methods have caused the trade to disappear.

4883*b*. It would be fair to assume that the discontinuance of that trade has helped the temperance element in the State?—Yes, sir, it would be fair to assume that.

*By Mr. Gigault :*

4884*b*. What are the common causes of pauperism in Portland?—Well, the great chief cause of pauperism in Portland or anywhere else is ignorance.

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4885*b*. No other cause?—Well, of course intemperance has something to do with it, but not so much, I think, as a great many people imagine. If people were better educated, that is, if the great influx of foreign population were better educated we could hope for more from them.

*By the Chairman :*

4886*b*. You mean that they could discover other ways of making a living?—Yes, sir, you see the great bulk of our foreign population who come in here are skilled labourers, and skilled labour is at a low price anytime and anywhere. These men cannot find employment here more than three or four months in the year and during some portion of the year they become paupers.

*By Mr. Clarke :*

4887*b*. Was the experience you had of the license as it existed in Maine prior to the adoption of this prohibitory law?—Yes.

4888*b*. And under that system, did I understand you to say that any person who paid a certain sum could procure a license?—Yes, there was no limit.

4889*b*. It was practically free sale?—Yes. They tell a story which illustrates the idea pretty well, about an Irishman who went to the board and wanted to get a license and they told him they did not give anybody a license unless he was of good moral character, and he asked them "I would like to know how much character a man has got to have to sell rum?"



PORTLAND, MAINE, 23rd June, 1894.

SIR JOSEPH HICKSON, Chairman, MR. E. F. CLARKE, REV. DR. McLEOD and MR. G. A. GIGAULT, resumed the inquiry this day at 10 a. m.

HON. GEORGE F. GOULD, Judge of the Municipal Court of Portland, examined.

*By the Chairman :*

4890*b*. What are the cases principally that come before your court?—I have ordinary jurisdiction in all criminal cases, in all of which you might call minor crimes, except felonies. In felonies I have jurisdiction simply for the preliminary hearing, binding over to the Superior Court. Also in larcenies and that kind of thing up to \$50. With the exception of two cities in the county, I have jurisdiction over the entire county, and I have several courts held once a week.

4891*b*. Are the cases which come before your court all brought up by the police?—By the sheriff and police.

4892*b*. Have you any idea what proportion are brought in by the sheriff?—Well, of what you call liquor cases the sheriff brings in nine-tenths of them, that is cases in violation of the prohibitory law. Under our law the sheriff may appoint special deputies for the enforcement of the liquor law in this county. This has always been done, and we have now from four to six deputies specially appointed to enforce the liquor law.

4893*b*. Do the sheriffs deal with cases of drunkenness occasionally?—When they get in their way, occasionally. Last year our police were managed in such a way that very few cases were brought before the police court for intoxication, and the sheriffs in self-defence were obliged to arrest. I suppose they may have had twenty cases of drunkenness last year.

4894*b*. Can you give us an idea of the proportion of the total cases that come before your court, otherwise than those that are brought by the police?—Including liquor cases I should say fifty per cent.

4895*b*. Are there many cases brought before your court by summons which would not come under the list of arrests?—No, every case that comes before the court comes upon a warrant and that warrant goes upon the docket. The list made out by the recorder of the court would show you the exact number of cases.

4896*b*. I suppose that the warrants issued by the court are served by the police or sheriff?—Yes.

4897*b*. Would it be possible to get a list of all the cases coming before the courts and their disposition?—Yes, the recorder can make out that table.

4898*b*. You have incidentally referred to the practice prevailing previously in Portland, and we have been told that during the office of the predecessor of the present marshal, large numbers of men were discharged without being brought before the court. Is it your knowledge that such is the case?—Yes, I should say that 60 per cent of the arrests were discharged without being brought before the court.

4899*b*. How long did that system continue?—For one year.

4900*b*. Prior to that, what was the practice?—Prior to that, I should say that from 60 to 70 per cent went before the court.

4901*b*. Can you tell us if all the cases of men released by the marshal were entered among the arrests entered by the police?—It is stated that they were not but, of course I know nothing about that fact.

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4902*b*. Can you direct us as to where we can get information on that point?—I doubt if it is possible to obtain reliable information in reference to that. These facts are only known to the persons arrested and the officer who made the arrest, and I think that no one interested would desire to give the information because it might be a reflection on the management of the department. Deputy Marshal McCallum is a truthful man, and, if he would testify, he would give you the truth.

4903*b*. I find from the marshal's report that there has been a great decrease since 1883. In that year the arrests were 2,251. Once during the interval they were a little higher, but in 1892 they were reduced to 1,313?—That was Marshal Swett's year.

4904*b*. Can you give us any explanation of the cause of the decrease?—I do not know. I have thought that drunkenness had decreased here a little, or that it kept about the same right through. I did not think that the total number of arrests varied quite as much as that.

4905*b*. It has dropped 50 per cent.?—Well, I would not pay much attention to last year's returns, because a man staggered right up in front of officers and dared them to arrest him.

4906*b*. When was that?—From March, 1892, to March, 1893.

4907*b*. Did the same condition of things exist in 1891?—It did not to such an extent. The police department, however had dropped in efficiency during these six or seven years.

4908*b*. Marshall Swett, in his report, states:—"On my induction to office I was given to understand that it had not been the practice to put simple drunks for a first offence before the court, which I believe to be good policy and have adhered to"—He was attacked in the newspaper for his conduct, and that is his answer to the attack. It always has been the case, that simple drunks were discharged, but those charged with drunkenness and disturbance go before the court.

4909*b*. Then, you think that the number of arrests depends very largely on the administration of the police?—Yes.

4910*b*. Of the persons coming before the court accused of drunkenness and infringement of the prohibitory law, can you give us an idea of the proportion of native born Americans and the proportion of foreigners, that is foreign born or foreign parentage?—Well, outside of the keepers of the hotels and drug stores, 90 per cent of those who come before me are either foreign born or of foreign parentage.

4911*b*. Do you mean 90 per cent of those who come before you on a charge of drunkenness?—That I cannot tell you. I answered in regard to the prohibitory law and those for selling liquor.

4912*b*. That is for violation of the prohibitory law?—Yes; 90 per cent of the offenders for violation of the prohibitory law are foreign born or of foreign parentage.

4913*b*. Now, then, with regard to those who are charged with drunkenness?—Anything I could tell you in reference to that would be merely a guess. I should say somewhere in the neighbourhood of 70 per cent are foreign, perhaps more and perhaps less.

4914*b*. Have you had many chemists and druggists brought before you for offences against the prohibitory law?—We have a class of alleged chemists in this city who simply put in their medicine for a blind, for the purpose of selling liquor; and of these we have quite a number. There is one alleged druggist in jail serving about a year, but of the legitimate druggists there are very few.

4915*b*. To your knowledge, do a large number of chemists and druggists vend liquor in this city?—I would not call it a large number, but there are several.

4916*b*. I mean a large number of those who legitimately follow that business?—I do not know. All I know about it is in reference to the few who have been brought before the court from time to time. Of the druggists, four or five of them have been brought before the court, and these are the kind I referred to. Of those who keep legitimate drug stores, if they sell liquor, they sell it in such a way that it is very difficult to obtain any evidence against them.

4917*b*. Are they druggists who have passed some examination as to their fitness for their business?—They get around that in some way. Of the regular chemists and druggists very few ever get before the court.

4918*b*. You have in the city a number of men who pretend to be chemists and druggists, but who really are vending liquor?—Yes.

*By Rev. Dr. McLeod :*

4919*b*. A large number?—Not a large number, but the number has been increasing.

4920*b*. How long have you presided over the court, Judge Gould?—Eleven years as Justice, and I was Recorder and Assistant Justice two years and a half before that.

4921*b*. You have lived here a good many years?—I was born here.

4922*b*. From your observation, do you think that the law is better enforced now, or as well enforced as it was ten or twelve years ago?—It never was so well enforced as it is at this moment.

4923*b*. Would you say the same of last year?—Yes; since the present sheriff came into office the law has been enforced as it never was enforced before.

4924*b*. How was it prior to that?—A year before that it was what was called a liberal enforcement, that is to say they made seizures and the dealers paid fines or went to jail, but you could get a glass of beer or a glass of liquor without hunting very hard for it.

4925*b*. There was a change made in the law last year, giving discretionary power to the judges?—Yes; the judges were allowed to impose a fine or imprisonment, or both. Previous to that there was no fine, but only imprisonment. We have five offences against the prohibitory law. There is what is called a search and seizure process. That is they come to the court and make representations under oath that they believe liquor is kept and dispensed in a certain place, and thereupon they get a warrant authorizing them to search the place, and if liquor is found to arrest the keeper, who must be named in the warrant. They make a search, and if they find the liquor they bring the keeper before me and present their evidence, and I hold him under that clause. Previously it was a fine of \$100 and costs and in addition thereto sixty days in the county jail and thirty days additional if the fine was not paid. Now, the judge in his discretion may not send the man to jail. Then we had a clause in the law against drinking houses and tippling shops. The penalty was either a fine not to exceed \$1,000, or imprisonment not to exceed one year. As a matter of practice the fine was usually \$200. Then there is a third offence, known as the liquor nuisance—a man keeping a place for the illegal sale of intoxicating liquor. That was the simple penalty as in the previous offence. Then we have a clause regarding the illegal transportation of liquors. Two years ago it was attempted to apply that to the railway and express companies, but it never succeeded. It was impossible to prove their knowledge that the liquor was for sale. The court pronounced the law unconstitutional in the first case they tried. The change made last year in the law gives the judge discretionary power to either fine or imprison or both.

4926*b*. Can you give the Commissioners any idea as to what led to the change in that law?—I do not know anything, of my own knowledge, about it.

4927*b*. Was it on account of the difficulty of getting jurors to convict when they knew that imprisonment would follow as a result of conviction?—It would not follow in this county but it probably would in some other counties. It might be that the general feeling was that the punishment was excessive.

4928*b*. And as a result that the law defeated its own object?—As I stated, I hardly think that that was the case in this county. But at all events it led to many appeals. Under the law as it stood, every case was appealed from my court. When I first went on the Bench the punishment for search and seizure was a fine of \$100 and costs, and for what was known as a second offence it was a fine of \$100, and in addition thereto three months, but in order to make the second offence it must be alleged in the warrant. However, the warrant was generally issued on the complaint, and it was not often that the second offence was stated in it. Liquor dealers had a way of getting over that. Mr. Jones might run a bar, but Mr. Smith might be actually running it, so that when there was a prior conviction the man got some one to replace him in running the bar. The first year I was judge, there was paid into the court about \$12,000 in liquor

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finer. The next year \$7,000, but the next year when they confessed alleged prior convictions there were only paid in \$4,500, because every case was at once appealed. For many years the liquor dealers pursued the course of delay rather than of fighting. The question with them has been how good a settlement can I get out of the case.

4929*b*. The settlement was made difficult I suppose when the sentence was delayed by a prior conviction? It was made prohibitory.

4930*b*. Are the appeals more numerous now since the change in the law took place, than previously?—Yes, every one appeals now.

4931*b*. I am speaking of the appeals since the sentence of fine or imprisonment was left discretionary with the judge? That has not been long enough in operation to form an opinion of it yet. Neither Judge Bonney, or myself has taken any advantage of that discretionary power.

4932*b*. As a matter of fact, you cannot tell us whether the appeals are less or more than they were before the law was changed.—No, Judge Bonney has in one case taken advantage of that power, and I have taken advantage of it in another case, and they are wondering what we are going to do about it.

4933*b*. By what authority were these settlements of fines made that you referred to?—By the county prosecuting attorney.

4934*b*. He has that right?—Yes, the officers tell him the evidence they have in the case and he sees that if he goes before a jury he may lose half of them, and then he enters a *nulli proscenium* against a certain proportion, and then accused pays the rest of the fine.

4935*b*. Have you ever had any convictions against the city liquor agent?—Not one.

4936*b*. Then we may conclude the liquor agent has never been prosecuted for a violation of the law?—Years ago they threatened to make a case against a man named Brown, and he closed. The liquor agent is elected by the concurrent vote of the mayor and aldermen, and in the case I referred to the circumstances were these;—they failed to agree to elect an agent, and he supposed, as in the case of most officials, that he held over until a successor was chosen, and he opened up his shop. He was threatened that if he kept open he would be proceeded against, and he closed, and the establishment was closed for nearly a year. That was ten or twelve years ago.

4937*b*. In cases that are tried before your court for drunkenness, is it the practice to make inquiry as to where the liquor is got from?—It is not. A number of years ago there was a provision in the statute giving the judge authority to remit any portion of the sentence when he considered that the welfare of the prisoner and the good of the public demanded it. That was amended by providing that if a prisoner made a statement under oath as to whom he procured the liquor from, the sentence might be remitted. It was attempted under that provision to prosecute certain people for selling liquors, but we found that the evidence in many cases was utterly untrustworthy.

4938*b*. Have you formed any impression from the cases that have come before you as to what proportion of these that get drunk get their supplies from the city agency?—For two or three years it was pretty difficult to tell, but I should say that probably last year one-third did.

4939*b*. That is to say that one-third of those who were before you for drunkenness probably got their liquor from the agency?—Yes.

4940*b*. With regard to the other two-thirds, where would you say they got their liquor?—You cannot tell that without special reference to the people who actually come before the court, but supplies of liquor are procured by these people in several ways. In spite of the efforts of the officers to shut down on the liquor traffic, there always has been and always will be liquor sold. As long as there is a demand for liquor there will be people who will take the chance of furnishing it. Last year there was a large bottle trade done. Men would have a quart bottle and a glass and go about the streets, and if they saw a man looking thirsty they would ask him if he wanted a drink, and they would go into an alleyway or a gateway, the man would take the bottle and fill his glass and pay for it and go along. There was a large amount of this pocket peddling last year, and there is a large amount of it now. Then, of course, if a man is able to

get together two or three dollars he goes to an express company and the express company brings down a jug of liquor for him, and he gets it in that way. We had an express company who was undoubtedly dealing in liquor right here. Of course they got a license and they did not do it very much, but they transport it. If you notice the express on Saturday morning you will be astonished at the number of two gallon jugs that it contains. There is an immense quantity brought in in that way.

4941*b*. Does not the law meet the case of the transportation by express companies?—It is impossible to get at it. A man orders liquor to be sent to his house, but the express company must transport it knowing that it was for sale, and it is pretty hard to prove that. Officers search the express teams all the time and make seizures.

*By the Chairman :*

4942*b*. In the State of Maine, Judge Gould, I find by the returns procured from Washington that there are as many United States tax licenses taken out for the sale of liquors almost as we have licenses issued to people in Lower Canada for the sale of liquor?—I remember that one year there were 163 in Portland. The drug stores all took out licenses. A man will take his chance of violating the State law, but he will not violate the United States law.

4943*b*. Can you tell us why the druggists pay this special liquor tax to the United States government?—Their theory is that it is necessary in order to get liquors to compound their medicines.

4944*b*. Has there been any test case on that point?—Not to my knowledge.

4945*b*. Apart from the druggists and chemists, what others of the community take out this license?—The dealers. People who intend to sell, if they can. They want to protect themselves against the United States law.

4946*b*. With regard to this class of the community, they take them out with the intention of dealing in liquor?—I think so. There is one thing more in reference to those securing supplies of liquor, to show why I believe that most of the people intoxicated by liquor procure it at the agency. My private office is on the same street as the agency, and for the last two years I have noticed two or three fellows come together and put their hands in their pockets and chip up into the hands of one of them. He goes out of sight, and in a short time afterwards he will come back with a bottle and if there is no one around, they will stop on the street and go into a doorway and take their medicine. There is an empty bottle thrown away after that and they will go along.

4947*b*. Is there any law which prevents the agent selling any quantity to any one he likes outside of the class that are proscribed from getting it, minors and such, or is it simply a matter of discretion with him?—It is a matter of discretion with him, but of course that discretion should be used as a fair minded man should use it. The law says that it should be sold only for medicinal and mechanical purposes.

*By Mr. Clarke :*

4948*b*. The law does not intend that the agent should abuse the privilege?—No, I have no doubt but that at any time last year if any one had taken the pains to go and ask, the agent could have been convicted for illegal selling.

*By the Chairman :*

4949*b*. Then why was not that done? Why was he not indicted? Was it owing to the absence of public sentiment on the subject?—It is like everything else. What is everybody's business is nobody's business. Unless a man keeps a liquor saloon where it is a nuisance to you, or where you have some special interest, you are not going to neglect your business to attend to the matter.

4950*b*. Do you know if there have been, in the past, cases where the relatives of a man addicted to liquor have been compelled to complain against the agency?—I have known of cases where relatives have gone to the agency and told them not to sell.

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*By Mr. Clarke :*

4951*b*. Is the prohibitory law being as well enforced now in Portland by Sheriff Cram as it is possible to enforce it?—I do not see how I can answer that, but I think he is doing everything that he can possibly do.

4952*b*. Has drunkenness increased or decreased in the city?—I had rather an idea that intoxication was decreasing a little, but judging from the number of arrests, it has increased this last month. We had twenty-one people before the court last Monday.

4953*b*. Would the apparent increase of arrests be due to the more efficient administration of the law by the police?—Yes, there is that about it. Then there are peculiar things that bring about that sort of thing sometimes. For instance, last Saturday they got five intoxicated men from one place. It seems that one of them had stolen a gallon jug of liquor and they stayed with it until they were taken away. One or two glasses of some of this liquor will make a man insane. It is the vilest kind of compound. A good many of the dealers, it is alleged, manufacture it to order—they take alcohol and colour it.

4954*b*. Is the enforcement or non-enforcement of the law in this city an issue in the election of your aldermen?—Well, I believe so for the election of sheriff, and it enters quite largely into municipal matters.

4955*b*. Does it play a part to a greater extent in the election of sheriff, because he and his deputies are interested in the enforcement of the prohibitory law?—Yes, but of course that varies from year to year. Some years it will be almost the sole issue in the election, but it depends very largely how efficiently the sheriff is enforcing the law.

4956*b*. If the occupant of the sheriff's office for this term enforces the law efficiently, then next year it will play an important part in the elections?—Yes.

4957*b*. During the years you have been on the Bench, have you noticed that the moral condition of the people has been steadily improving?—My belief is that the moral condition of all people all over the world is improving, and I think we are getting our improvement with the rest. We are a better clothed, better educated and better people in every way from year to year.

4958*b*. You think that the moral improvement is general?—Yes.

4959*b*. And that it is not confined to places where there is a prohibitory law?—No, I do think, however, that a prohibitory law has accomplished a result in the improvement in the condition of the people in this regard. It has been made quite a disreputable thing to deal in liquor. Liquor is not sold in reputable places and there are some young men who do not see where liquor is sold the same as they would if they saw an open liquor store right across the street. That has a tendency to improve the moral tone.

*By Rev. Dr. McLeod :*

4960*b*. That is the educating effect of prohibition?—Yes. 25 or 30 years ago, this Washingtonian movement went over the country, and that was really the commencement of the temperance agitation and of the feeling that it was a somewhat immoral thing to get intoxicated. The moral sentiment of the people here has largely changed in my judgment in ten years. As for the immorality of getting intoxicated, the prohibitory law is partially responsible for that.

*By the Chairman :*

4961*b*. What effect on the morals of the community has all this law breaking and this secret selling of liquor in violation of the law?—It has in one respect a very bad effect. It has a very strong tendency, and as a matter of fact has reduced the solemnity of an oath in court to a marvellous degree. It is astounding to think that a man whose word you would take in all other cases will in a liquor case commit the most rank perjury in the world.

*By Mr. Clarke :*

4962*b*. Then the moral effect is bad?—Yes, in that way.

*By Rev. Dr. McLeod :*

4963*b*. That has been so with people who are connected with the liquor cases?—It has in my judgment gone further than that. It has affected other people in this respect. People see these persons commit perjury and get scot free; and in my opinion it has a tendency to increase the crime of perjury.

4964*b*. You think it has a tendency to increase the crime of perjury?—Infinitely.

*By Mr. Clarke :*

4965*b*. Has the sheriff any interest in supplying the prisoners in jail with food?—Yes, he is simply their keeper. He boards them, and the county Commissioners allow him a certain sum per week per prisoner, and he may make profit out of them.

4966*b*. Then if he should be an unworthy man he is pecuniarily interested in having a large number of prisoners in jail?—Yes.

4967*b*. Is it your opinion that the granting of discretionary power to judges in the amendment passed by the Legislature last year was a retrograde movement?—Some temperance people thought it was retrograde.

*By Rev. Dr. McLeod :*

4968*b*. I suppose that there were some temperance people who thought that the penalties previous to that were too severe.—Yes, temperance people are divided with regard to that question.

*By Mr. Clarke :*

4969*b*. We have had it in evidence that the change was made because of the difficulty of getting convictions when the sentence which followed convictions was imprisonment?—It did not have any effect here, the juries in this county went upon the evidence, but in other counties it may have had an effect. In Penobscot County I do not think they could get a conviction.

4970*b*. Do you think that last year there was less illicit selling in the city on account of the people being able to get it in the agency so easily?—Oh, I think so. Up to last July I do not think there was a place where a gentleman would go to get a glass of liquor except at the agency. It was confined to pocket pedlars and to cellars and bar-room kitchens.

4971*b*. Has the enforcement of the law during the last couple of years and consequent closing up of the saloons, resulted in bringing the use of liquor into the families?—I should say yes.

4972*b*. Has that been beneficial or the contrary?—Well, I do not think I have sufficient data to answer that. My judgment would be that it would not be beneficial.

4973*b*. We have been informed that the city agent turned in last year some thousands of dollars to the civic treasury as profit. Was that an usual occurrence?—No. So much money has not been turned in before, I believe.

4974*b*. Was there a high price charged last year by the agent?—I do not think so. He sold a very large amount last year and as a consequence profits were larger.

4975*b*. The intention of the legislature in permitting the system of this liquor agency was to enable the people to procure pure liquor for medicinal and mechanical purposes at practically cost.—Yes, the commissioner is only permitted to charge 7 per cent profit to pay expenses, and I have the impression that there was some provision as to the city agency, but I am not quite sure of it.

4976*b*. We are informed by his honour the mayor that the salary of the city liquor agent was \$1,300 a year. Yes.

4977*b*. Are there any perquisites in connection with that?—I do not know anything about that.

4978*b*. Do the saloon-keepers and those illicit vendors of liquor turn the people who get intoxicated out of their place?—I think there is a tendency to get them away from the premises so that when the officers come in they will not see intoxicated men around the place.

HON. GEORGE F. GOULD.

## Liquor Traffic—Maine.

*By Mr. Gigault :*

4979*b*. Are many drunken women brought before your court?—We have a few. There was a case last Monday out of a total of 21, but there have not been any since.

4980*b*. Is it a fact that last Sunday there was a good deal of drunkenness in Portland?—I should say there was, from the look of the docket on Monday morning.

4981*b*. Is there always a good deal of drunkenness on Sundays?—On Saturday night and Sundays there is always a good deal of drunkenness.

4982*b*. From common report, how many places would you say are selling liquor illegally in this city?—I cannot answer that question so as to give you any figures that would be of the smallest use to you.

4983*b*. Can you give any idea from the number of complaints made?—I cannot. I issued this morning 28 search warrants against twenty places. The liquor deputies come to me every morning during the session of the court and present their complaints and ask for warrants and I go through the complaints, and it is very seldom I do not grant exactly what they ask for. Once in a while I tell them that I do not think that they have a case there. Twenty-eight warrants were issued against twenty places this morning because there are some of the houses united and sometimes the liquor is sold in the store and sometimes in the dwelling above, and they get a warrant for each place. I presume that, out of these 28 warrants, they will not find liquor in one quarter of them.

4984*b*. Do you issue as many search and seizure warrants every morning as you did this morning?—It varies from 20 to 35 every morning. I have issued as high as 100 warrants in one day, that was a number of years ago. On that day between the police and the sheriffs I issued about 100.

4985*b*. Do the officers ask you for such warrants because they are really under the impression that liquor is sold in such places?—They swear that they are under that impression. They swear that they have reason to believe that liquor is in the place they describe and intended for sale in the city, and they make oath to that or otherwise they do not get the warrant.

4986*b*. From the complaints made and from common report do you think that the hotels sell liquor?—We have not had many complaints against them for two years. I do not think there has been a seizure, until two or three days ago, for more than a year. There were two seizures recently at the City Hotel and one at the United States Hotel, and I understand that they searched the Falmouth Hotel here yesterday and found nothing.

4987*b*. Are the hotel-keepers allowed to sell liquor to the guests at the table?—No, they take their chance on that.

4988*b*. If the druggists in this city were not illicitly selling liquors do you not think that their numbers would be very largely reduced?—I have not sufficient data to answer that, but the general impression is that if they did not sell liquor there would not be so many druggists. I do not see how they all live.

4989*b*. Do you believe that there are many houses of prostitution in this city?—I do not think there are many. The theory of the police is, and it always has been such, that houses of prostitution as such are not established, but one or two girls will have a couple of rooms and do business in that way, or they will go to an hotel or house of assignation where rooms are let. The police have always prevented the establishment of large houses of ill-fame. There was one kept by a woman named Gardner and she was indicted for it. I do not think there are more than five places in the city that have such a reputation, but there are probably a great many other places privately.

4990*b*. I understand that many drunken persons are arrested and discharged without trial. Do you believe that, when a policeman arrests a person for drunkenness, —that he is not drunk?—I have never known of such a case.

4991*b*. So that all these persons who are arrested for drunkenness are really guilty?—Yes.

4992*b*. As well as those who are arrested and let go?—Yes, they are under the influence of liquor, but the police officers are human like the rest of the people and if they find a man is not very intoxicated I do not think they interfere with him.



*By Rev. Dr. McLeod :*

4993*b*. Do citizens make complaints against these houses of prostitution?—Sometimes, when they get established in a neighbourhood where the people do not want them, complaints are made; or a clerk may go astray and lose money, and then his employer looks after that.

4994*b*. Are we to infer that public sentiment is adverse to them then?—You can draw your own conclusions. For a city of this size, there are as few houses of prostitution as there are anywhere; but, as I say, there are reputed to be numbers of these small places.

*By the Chairman :*

4995*b*. I have heard the statement made that under this prohibitory system it occasionally happens that blackmail is levied by the officers upon vendors of liquor. That is to say that if they find a man selling liquor, they threaten to bring him before the court and the man compromises with the officers. Have you any reason to suppose that anything of that sort is done?—It has been common report that dealers have been in the habit of paying licenses to the officers for allowing them to continue in business. I do not know anything of that, to my own knowledge. It has not been brought before the court.

GEORGE TOLMAN, of Portland, Chairman of the Committee of the City Council controlling the Liquor Agency, examined :

*By the Chairman :*

4996*b*. You are an alderman of the city of Portland?—I am alderman of Ward No. 3.

4997*b*. You are chairman of the committee in charge of the liquor agency?—Yes.

4998*b*. How many aldermen are on that committee?—Three, including myself.

4999*b*. Is the committee appointed by the mayor?—We claim as a matter of courtesy that we allow the mayor to appoint the committee.

5000*b*. And the council confirms the appointment?—Yes.

5001*b*. And the mayor nominated yourself and your colleagues as a committee to have charge of the liquor agency?—Our board was not chosen by the present mayor.

5002*b*. How was it appointed?—The appointment was made by Mayor Ingrham. He held over his ward three elections and he appointed the committee. Mayor Ingrham was a Democrat but our present mayor is a Republican and we have a Democratic board in charge of the agency.

5003*b*. What are the duties of the board in control of the liquor agency, Mr. Alderman?—By a vote of ourselves we do the purchasing, or we can delegate that power to the agent, and we choose the clerks in the office. The agent is chosen by the board of aldermen and the mayor, and I believe that is the only vote he has in the board of aldermen, excepting on a tie. He has a right to vote for the liquor agent, and, as there are seven aldermen in the city, we are liable to a tie in that matter.

5004*b*. On all other subjects but this, the mayor has a casting vote?—He has no vote on any other question excepting on a tie.

5005*b*. You purchase the liquors that are sold by the agent?—We do.

5006*b*. Do you purchase the liquors from the State Commissioner?—Yes.

5007*b*. Entirely?—Yes, we have no right to purchase anywhere else or to order it direct. We send our orders direct to him and he indicates to us from whom we shall purchase.

5008*b*. The orders go through the State Commissioner to the wholesale merchant?—Yes.

Hon. GEORGE F. GOULD.

## Liquor Traffic—Maine.

5009*b*. Is the money remitted to your order by the city agent?—No, it is paid through the city treasurer. Our bills are paid the first of every month. They are audited by the committee and paid.

5010*b*. Last year we understand there was quite a large surplus of receipts over the expenditure of the agency for the year?—Yes.

5011*b*. What was done with that money?—That money was turned over to the city treasurer, and we vote it for any purpose we wish.

5012*b*. It goes to aid in the reduction of taxes by meeting expenditure for municipal purposes?—Yes.

5013*b*. The profits from the city agency go to the city treasurer, and they are available for the purposes of the municipality?—Yes, sir.

5014*b*. There was a substantial balance handed over to the city treasurer last year?—Yes.

5015*b*. Was that an unusual thing as a result of the year's operations of the liquor agency?—Yes, it was something that we had not been in the habit of receiving.

5016*b*. We understand that the sales of liquor at the agency last year were largely in excess of the sales for previous years?—They were somewhat.

5017*b*. To what do you attribute that?—I think it was largely due to the enforcement of the prohibitory law by the sheriff.

5018*b*. That is, that the law having been rigidly enforced by the sheriff and many illicit places closed up, the people went to the city agency and procured liquor there?—Yes, that is so.

5019*b*. Was it not a violation at any rate of the spirit of the law for the city agent to sell to people who under ordinary circumstances would procure their supplies from the illicit vendors of liquor?—You must understand this, under our prohibitory law we do not allow even druggists to sell liquor; and while the law was enforced for the two previous years our sales did not increase so much over the year previous as they did years ago.

5020*b*. Was the increase of liquor sold by the city agency in 1892-93 due to the fact that saloons were closed by the vigorous action of the sheriff, or was it because there was less sold by the druggists than formerly?—There was less sold by druggists.

5021*b*. Was that owing to the enforcement of the law?—I think it was the rigid enforcement of the law that increased the sales at the city agency.

5022*b*. The people previous to the rigid enforcement of the law secured it from saloons for medicinal or beverage purposes?—Yes. The law is pretty strict in regard to a man going to the agency and making a false statement. A man is asked if he wants his liquor for medicinal or mechanical purposes, and in no case do we let him have liquor until he answers that question.

5023*b*. And larger numbers require liquor for medicinal and mechanical purposes since the prohibitory law has been rigidly enforced?—I think that would be a logical conclusion; but if the prohibitory law is thoroughly enforced, it prohibits the sales at the agency.

5024*b*. Is it reasonable to conclude that under the lax enforcement of the law people would go to saloons and drug stores and get liquor for medicinal and mechanical purposes?—Under the lax enforcement of the law, they would buy it at the drug stores just the same as they would at the agency. They might go to the drug stores for liquor for medicinal purposes.

5025*b*. Are we to suppose that the excess of business done by the agency last year was legal?—No, not wholly. There must be some liquor bought there, no doubt, that the party should not have. I have no doubt that some say it is for medicinal purposes when it is not and they deceive the agent. A man might not feel very well and he might think a glass of liquor would do him good, and he makes that as his excuse to say it is for medicine.

5026*b*. Was it the practice on the part of any number of your citizens to go to the agency for liquors and to take them to the drug stores to have them compounded as medicine?—I think that may have been done. I know myself of as reliable a druggist as we have in the city that I have been to and wanted a pint of alcohol and he refused me.

He stated that he could be fined for it and that he did not want to go to jail. That is a man I buy my drugs from and I live close beside him.

5027*b*. And you wanted it for medicinal purposes?—I wanted it for no other purpose.

5028*b*. Why should they take the liquor from the agency to the druggist to be used in compounding when the druggist has a right to use liquor in compounding medicine?—He must take his prescription into a drug store and the druggist would tell him to go to the agency and get the kind of liquor stated in it as he did not sell it. I do not think it is a general practice, however, to carry the liquor to the drug store.

5029*b*. It is quite legal for druggists to keep alcohol for the purpose of compounding prescriptions?—I do not doubt that. I do not think some of them would sell a man liquor even on the doctor's prescription.

5030*b*. Is the liquor agency office a political office?—Yes.

5031*b*. And the agent is changed as politics change in the administration of civic affairs?—Yes.

5032*b*. How long have you resided in Portland?—Twelve years. I was born in the city.

5033*b*. Have you had any practical experience of the operation of a license law in other cities?—No, we never had a license law.

5034*b*. Can you make any comparison between the operation of the license law in other cities and the operation of the prohibitory law here?—No, but I have got my own views on the subject.

5035*b*. Having had a long experience here, what are your views on the matter?—My own views are that high license and local option would be the best law for this city.

5036*b*. Is the election of sheriff conducted on political lines?—Yes.

5037*b*. Does the question of the enforcement or the non-enforcement of the prohibitory law enter into the contest?—Yes, sir.

5038*b*. Is it the principal issue?—It was at last election.

5039*b*. Why was it the principal issue in the last election?—Because Mr. Cram, our sheriff, had enforced the law. I should say that he had done everything he could do towards enforcing it. He shut down the hotels and the druggists and everywhere that there was liquor sold, and he made an honest enforcement of the law. When he went up for election the first time I guess he had some 1,500 of a majority but, because of the way he enforced the law, that was cut down to less than 100 majority last time.

5040*b*. That reduction in his majority was all due to the rigid enforcement of the law during his first term?—Yes, and I think the merchants and business people generally voted against him.

5041*b*. Was that because he enforced the law?—Yes.

5042*b*. Why would the merchants vote against him because of the rigid enforcement of the law?—I think if you interview the merchants on the street, as a rule they will tell you that they do not believe in enforcing the law in hotels and respectable drug stores against travelling men.

5043*b*. They think that travellers coming from other cities have a right to more consideration than the residents of the city?—Yes, sir.

5044*b*. During the twelve years you have resided in the city have you noticed if there is an increase or a decrease in drunkenness?—I do not think there is any decrease, and I do not think our police records will show it.

*By Rev. Dr. McLeod :*

5045*b*. Is there an increase in drunkenness?—I am not prepared to say about that, and I should be sorry to say that there was.

*By Mr. Clarke :*

5046*b*. The prohibitory law has been enforced 40 years in the city, and the present generation has been brought up under the auspices of that law. Are many of those who come before the courts from time to time for drunkenness, men who are born in the city?—Some of them, but a great many are foreign born.

GEORGE TOLMAN.

## Liquor Traffic—Maine.

5047*b*. Is there any practical difficulty in the way of drunkards in this city procuring liquor from druggists or at the hotels?—I think there are druggists in this city who would sell it to them, and there are other druggists who would not.

5048*b*. That is owing to the rigid enforcement of the prohibitory law?—Yes.

5049*b*. Has the action of the sheriff in rigidly enforcing the law resulted in driving people to procure liquor from other States and bring it into their own homes?—Yes, that is the result, and it also drives the people into these club-rooms.

5050*b*. How many of these club-rooms are in the city?—I do not know, but I saw a statement the other day by a gentleman to the effect that there were 20 club-rooms on Congress Street. From 20 to 50 people would hire a room and send and have the liquors brought in there. In fact, one gentleman whom I met on the horse cars stated to me that he saw the sheriff going down Preble Street, and hoped they were not going to our place. He said: "I belong to a club, and we keep a barrel of beer on tap there all the time, and members of the club go there and get all they want, and when it is out we send for another barrel."

5051*b*. Is that illegal?—No; I believe they can keep these club-rooms.

*By the Chairman :*

5052*b*. Have you any personal knowledge of any of these places?—No, I have never been in any of them, but I could find you plenty of people who have.

*By Mr. Clarke :*

5053*b*. It is common report that these club-rooms exist throughout the city?—Yes, and they are the outcome of a rigid enforcement of the law. I have been in them in other places in the State of Maine. When I was out of town some time ago, a man asked me if I would like a glass of beer, and I said "Yes," and he took me down to a club-room where there were 25 odd members. They had three rooms and a janitor, and each man had a drawer and I could have had anything I wanted.

5054*b*. Do you think that the effect of the rigid enforcement of the law has been to drive the drinking of liquor into the homes of the people?—I understand that there are large quantities of liquor coming in here all the time by express, and it is carried to the different houses in the city.

5055*b*. Which in your opinion would be the better, to have the liquor sold in the saloons or in the homes?—I do not know as to that, but I think perhaps it would be beneficial to have it in the homes.

5056*b*. From the experience you have had of Portland and the enforcement of the law here, are you satisfied with the prohibitory law?—I am not.

5057*b*. Would you prefer a license law?—I believe that high license and local option would work much better in every large town and every city in the State.

5058*b*. What is the opinion of the people of Portland generally about that matter?—I do not think that I can give you that.

5059*b*. Are we to infer by the vote for the sheriff's last election, that the people are opposed to the enforcement of the prohibitory law?—Yes.

5060*b*. Is the sheriff interested in the keeping of prisoners at the jail?—He has so much a week for keeping them, and I suppose the greater the number the more the profits.

*By Rev. Dr. McLeod :*

5061*b*. Do you think that is the reason why he makes so many arrests?—I do not think that Mr. Cram has any intention of doing anything of that kind. He is not a man whom I would accuse of it. I may say that I was at one time warden of one of the State prisons, and I used to interview the prisoners as to what brought them there, and almost always they said rum. That would be the reply of about eight out of ten of them, but I never took much stock in that, because I always regarded it as an excuse.

5062*b*. What reason did you have for not accepting the statements of these men?—Because some of them were born criminals, and others of them had been educated to it.

They made that an excuse, and none of them admitted that they were criminals naturally.

*By the Chairman :*

5063*b*. Did you have any criminals under your charge who went to jail because they liked it, and liked to be boarded there?—Yes; we had some old convicts coming in all the time. I had one man who had been thirty-two years in prison. When they get out of prison, they do not like the change of life and some of them come back again.

*By Mr. Clarke :*

5064*b*. Has there been any change in the business of the city which has decreased the floating population for the last ten or fifteen years?—I think that the shipping and fishing interests have decreased, and that would decrease the number of sailors and fishermen coming here.

*By Rev. Dr. McLeod :*

5065*b*. From your knowledge of the county at large, do you think that the prohibitory law has done any good?—There may be individual cases in which it has done good, but I think that if this question was submitted to the people again, and if they were to vote on this constitutional amendment it would be a pretty evenly divided opinion.

5066*b*. The majority in favour of the amendment were 40,000 and 50,000 in the city.—Yes; a great many did not vote at all.

5067*b*. Your impression is that taking the State as a whole the benefits of the prohibitory law have not been general?—No, sir; they are not.

5068*b*. There may have been individual cases where benefits were reaped, but the benefits were not general?—I think so.

5069*b*. You have expressed yourself in favour of a high license. Did you ever live in a community where a high license law was in force?—I have always lived in the State of Maine.

5070*b*. Then you have not had from your personal experience an opportunity of observing a high license law?—No.

5071*b*. Have you always been in favour of license?—I have for twenty odd years, if I had the privilege of voting for it.

5072*b*. What check do your city aldermen have on the city liquor agency?—We can exercise a very heavy check on him at any time we think he is exceeding his limits.

5073*b*. You can stop him?—We can stop him.

5074*b*. You have not the appointing power or the discharging power, but still you can control him?—Yes. He is put into our charge.

5075*b*. Did it occur to you last year that the sales made by the liquor agency were really in excess of what the legitimate sales should be?—The sales in 1890 amounted to some twenty odd thousand dollars. Now, under the Republican regime in 1891, the sales went up to \$52,000 or \$53,000, and at that the law was not supposed to be so well enforced as it has been since. I asked the agent in 1891 the cause of the increased sales, and he stated it was on account of the "grippe." I had no interest in the agency then, and that was what the agent told me, and I believe it. Last spring Mr. Inghram put me as chairman of the board of the liquor agency, and I saw that the sales under Sheriff Cram's administration were running up. We tried to check it then, but we could not. Now, I understand that the sales have dropped by some \$40 or \$50 a day. I think they are running somewhere now about \$200 a day. The average last week was some \$205 a day, and if they would not sell any liquor in other places I have no doubt that the sales would be larger.

5076*b*. It would seem as if when the illegal sales in the dives and by the pocket pedlars fall off that business is simply transferred to the agency?—Yes, in a measure. There is no doubt that people go there and get liquor at the agency, that ought not to have it. I have no doubt of that.

GEORGE TOLMAN.

## Liquor Traffic—Maine.

5077*b*. It is stated that the agent and his assistants use their discretion as to the people to whom they will supply liquor. Do they sell to every comer or do they use their discretion?—Well, they have a list of four or five hundred in the agency who cannot get liquor. If they have occasion to find out that some man gets liquor at the agency and does not make a good use of it, they put him on the black list.

5078*b*. Unless a man is on that list, he can get any quantity he wishes to have for medicinal and mechanical purposes?—Yes, if he is a citizen of Portland and they have nothing against him.

5079*b*. If a man looks as if he were a regular drunkard and drank liquor to any considerable extent, although he is not intoxicated, do you think they would hesitate to give liquor to him if he simply stated it was for medicine?—I think they would give it to him. If a man came in with a red face you would not ask him where he acquired it.

5080*b*. Some people do acquire a mark of excessive drinking though not drunk. If a man came twice a week with a flask it would be fair to assume, I suppose, that he was not getting it for medicine?—That is perfectly true, but I do not know how we could stop that man.

5081*b*. Does the law require a man to sign a written declaration as to the purpose for which he wants the liquor?—It does not.

5082*b*. They simply ask him what he wants the liquor for, and if he says "medicine" down it goes?—Yes.

5083*b*. Do you think they correctly register every sale of liquor?—Yes.

5084*b*. It was suggested to us that the business was so rushing some days that they could not make a record of all the purchases?—I do not think that is so. I have been in there myself when I found 25 or 30 people waiting. If I noticed any one getting liquor there without being registered I would stop it immediately, and I do not think any one gets it without giving their name and address.

*By Mr. Clarke :*

5085*b*. Is the prohibitory law being as rigidly enforced now in the city of Portland as it was a couple of months ago?—They say not.

5086*b*. What do you say?—I say not, and why I say it is this. I do not know that I have been into a bar in Portland for two years, but I know people tell me that liquor is sold, and they even went so far as to tell the amount of sales in some places. They tell me how much they took at such and such an hotel on such a day. I heard that a man went to hire a bar-keeper last week and he offered \$15 a week for the man.

5087*b*. Do you attribute the decreased sales at the agency to the less rigid enforcement of the law?—I do.

5088*b*. But the same sheriff is in office now as was in office three months ago?—Yes.

5089*b*. Yet you say that the law is not as rigidly enforced now as it was three months ago?—No; to be candid about it, my impression of the prohibitory law is that it is a political machine.

5090*b*. Is the allegation true that the Democratic party is not as anxious to as rigidly enforce the law as the Republicans?—The Democratic party has a majority for high license. I have contended for many years that the liquor law, as enforced in the State of Maine, is merely a political machine. That is the sum and substance of it. If they want to elect a member to the legislature, or any public office, he is pretty thoroughly discussed as to how he stands on that question.

5091*b*. For instance would the Democratic party nominate a prohibitionist to run for mayor?—If the Democrats nominate a mayor they would select a man that no one knew his views in that question. The Republican party also get a man whose views are moderate, or whom no one knows on the same question. I do not think that either party could elect a pronounced prohibitionist. It is a political machine, if a Republican were put up as a prohibitionist he would not get elected. If we could eliminate politics out of the liquor question, where we have one prohibitionist now we would have ten. Perhaps I am a little radical on that, but I always take the ground that men here put their politics ahead of their religion.

5092*b*. The mayor and members of the council are nominated by either one or the other of the political parties on party lines?—Yes, sir.

5093*b*. It is impossible, I suppose, to get a straight vote in a public contest upon the question of prohibition or non-prohibition. The temperance sentiment is played with by both parties as I understand you?—Sure.

5094*b*. You try to get a man who will poll the full party vote, without being partial to the prohibitionists or the liquor seller?—That is so.

*By Mr. Gigault :*

5095*b*. Is it not a fact that on the eve of the elections the prohibitory law is not so well enforced as at other times?—It has always been so, that previous to an election they let up on the liquor sellers.

5096*b*. Whether it be the Republicans or the Democrats who are in power?—Yes ; it is all one with them.

5097*b*. What quantity of liquor can be sold at the liquor agency to the same person at the same time?—I guess a man could probably buy a gallon of alcohol, and if he was a man who was well known and was using it for manufacturing purposes he could buy a barrel if he wanted it.

5098*b*. Is a person going to the agency obliged to mention the particular disease for which he wants the liquor?—No, sir.

5099*b*. And he is not obliged to make a written statement or a statement under oath?—No.

5100*b*. Is the account rendered by the liquor agency, made under oath?—No.

5101*b*. Are the provisions of the law such that a liquor agent, if he were so inclined would be able to make false statements as to the amount of liquors bought or sold?—I do not want to answer that question.

*By the Chairman :*

5102*b*. With the system on which the accounts are kept, is there any opportunity for the agent adding to his income in an illicit way?—I should say there may be.

5103*b*. Have you any objection to state how?—I should say that a man might do so if he wanted to. There have been agents here who have been accused of it. They have been accused of getting bills on five barrels and only two coming to the agency, and such business as that, but I do not know anything about it.

5104*b*. Are the quantities registered in the agent's book every day, checked with the quantities that come in?—No.

5105*a*. There is nothing to show that the agent collects the price of every glass of liquor that he sells?—No, if a man wanted to be dishonest, I think he could do so.

*By Rev. Dr. McLeod :*

5106*b*. But still the agent has to enter in his book the quantity and the price?—Yes, the only way we could get at that would be to figure up everything and see how it compares with what he had on hand.

*By Mr. Gigault :*

5107*b*. Is the law such that the liquor agent can buy liquors from other persons than the State Commissioner?—No.

5108*b*. If he wanted to defraud, could he not keep a branch office?—No, I do not think it would be possible for him to do so. If any liquors came here that did not come through the regular channel, they would be liable to be seized.

*By Rev. Dr. McLeod :*

5109*b*. Was the present mayor supposed to be a friend of prohibition at the time of his election, or was he known to be anywhere in particular?—Mr. Baxter claims to be a politician, I guess.

5110*b*. Do you know whether his record had been as a friend of prohibition?—I should say he had been.

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*By Mr. Gigault :*

5111*b*. From common reports, how many places in the city are selling liquor?—I cannot tell you, but they have been figured up here as high as 140 or 150.

5112*b*. But according to what you said a few minutes ago, there would not be more than 100 selling now?—I understand that the hotels and some of the druggists and also some saloons sell. .

5113*b*. How is the law enforced in other parts of the State of Maine?—I understand in Gardner they do not enforce the law at all. In Bangor they do not enforce it, and have open saloons. I was over in Augusta last winter and stayed at the Augusta House, where most of the members of the Legislature stopped, and they had an open bar.

5114*b*. Was that during the session of the State Legislature?—Yes, during the session.

*By Mr. Clarke :*

5115*b*. It is a fact that the gentleman who holds, the position of city agent is expected to contribute largely to the funds of the party with which he is identified in election matters?—I suppose he contributes the same as other people that expect to get an office.

5116*b*. Are you aware that the present holder of the office of liquor agent, with a salary of \$1,300 a year, contributes largely to the funds of the party with which he is identified?—I should say not. I would not even accuse any of the former agents of anything of that kind. I do not believe there is money enough in it. There have been pretty high-minded men in charge of that agency. I have heard some people make that accusation against both political parties but I never for a moment supposed it was true. I speak of it as a political office, the same as any other office, and the agent might be expected to contribute \$50, or \$75 or \$100 towards an election.

*By the Chairman :*

5117*b*. Is that a universal practice with regard to this office?—Yes, they generally go around and make an assessment.

5118*b*. What would an alderman have to pay?—Oh, perhaps \$20.

5119*b*. The alderman is paid nothing for his services?—No, just the honour of the thing. There was some little remuneration amounting to \$7.35 last year.

*By Mr. Gigault :*

5120*b*. Do you think a good deal of liquor comes to the city by the express company and by the railways, consigned to persons residing here?—There is no doubt about that.

*By the Chairman :*

5121*b*. There are one or two kinds of beer that are sold legally under the State law. Do you think that these beers are what they are described?—I do not know as to that.

5122*b*. We have heard that some persons are selling these beers, and that they are not what they pretend to be, but that they are something else stronger?—That is very likely the case.

5123*b*. Are all the accounts for the supplies for the liquor agency passed upon by your committee?—They are.

5124*b*. Are they passed upon before they go to the city treasurer?—Yes.

5125*b*. And do the committee appoint all the assistants to the liquor agency?—

Yes.

5126*b*. And fix their salaries?—Yes.

5127*b*. I notice that certain expenditures are made out of the profits from the liquor agency. For instance, there was a school and a quarantine station and some other things, Are these payments authorized by the committee or by the city council



—The city council. They wanted to build a quarantine station and they moved that it be taken from the funds in the hands of the city treasurer to the credit of the agency. The suggestion to dispose of the funds may come from any member of the council. We have no control over the funds that are passed over.

5128*b*. As a matter of fact, does your committee make recommendations for expenditures of that kind?—No. Any member of the council of aldermen may do so, and the expenditure is made on the authority of the council and approved by the mayor.

COLONEL FRED. DOW, Collector of Customs, Portland, Me., examined:

*By the Chairman :*

5129*b*. Col. Dow, how long have you held your office?—I am serving on my second term. I have held it for about two years now, and I was in the position from 1883 to 1885 formerly. I was appointed by President Arthur, removed by President Cleveland and reappointed by President Harrison.

5130*b*. I suppose the accounts of all importations pass under your supervision here?—Theoretically they pass through the custom-house.

5131*b*. We are anxious to get some information about the importation of liquors into the State, if we can?—I can furnish you with the exact figures as to the importations at this port. I can say generally they are very small here.

5132*b*. Could you classify the spirituous and malt liquors imported?—Yes.

5133*b*. If you would make a statement to this effect, it would be of great service to the Commission?—I will have one of my clerks do it.

5134*b*. You have nothing to do with the handling of the home manufactured liquors?—No, we have not.

3135*b*. Would the Collector of Internal Revenue at Portsmouth be able to give us information as to the consumption of liquor in the State of Maine?—Yes, approximately, I presume. The returns of the government are based upon the information that he supplies.

5136*b*. Are the importations of liquor from abroad addressed to persons here?—They do not come under my personal observation; my impression is that the only importation of liquor that I have ever noticed specially was marked, "For General Neal Dow." I found that when I was appointed Collector in 1883. I noticed some cases that were sent to General Dow, and I learned that there was a liquor dealer in Portland that had all his consignments marked that way. Since that time they have not been so marked.

*By Rev. Dr. McLeod :*

5137*b*. Is it a common thing for these goods to be consigned to the address of another person?—I think not so much now as formerly. That is the only case that I know of, and I referred to it merely as a joke.

5138*b*. Were goods consigned to that address previously?—I so understood from my deputies.

5139*b*. It occurs to me that the customs officers prior to your occupancy of the office must have known that such goods were not intended for General Dow?—They did not trouble themselves about that matter. Their interest lies in the matter of collecting the duties. I presume that they knew that the goods were wrongly directed.

*By Mr. Gigault :*

5140*b*. You do not mark any entries in your books of liquors that come here duty paid?—We have nothing to do with that. After the duties are paid, we do not keep any record of them.

5141*b*. Is there any officer in the city who makes a record of these liquors?—No.

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*By Mr. Clarke :*

5142*b*. The information you have kindly promised to supply will show all liquors that have been entered at this port for consumption here in the city?—Yes, I think we should make a difference between those entered for consumption and these that were entered for transit across the State. The amount of those entered for consumption is very small.

*By the Chairman :*

5143*b*. Suppose an entry came in here by one of the Allan steamers, consigned to some one in New Hampshire, would it be forwarded in bond?—No, not if consigned to some one in New Hampshire; it would be entered and duty paid properly.

5144*b*. Would you be able to distinguish that in your returns relating to the State of Maine?—Not unless by a matter of accident the records would show it.

*By Rev. Dr. McLeod :*

5145*b*. Your residence has been here always, Colonel Dow?—Yes.

5146*b*. Can you state generally what are your impressions of the effects of the prohibitory law?—Well, I am unable to speak comparatively, of course, because my recollection does not extend back beyond the days of the prohibitory law; but so far as my observations have extended and my opportunities of comparing this State with other States of a similar size, I am very positive in my opinion that the conditions here in Maine are generally very much better than in other States with a similar class of population.

5147*b*. And you think this better condition of things is attributable, in part at least, to the prohibitory law?—Some of it must necessarily be attributed to that, I think.

5148*b*. Is the law enforced with increased rigour from year to year. Is the enforcement of the law better now than in earlier years?—I suppose it is better enforced just now than it has been for many years. The enforcement, however, is rather intermittent.

5149*b*. What accounts for that variableness in the enforcement of the law?—It is very like the swing of a pendulum, sometimes the enforcement gets very slack and loose, and this is apt to be followed by a period of rigorous enforcement; and then some people are not so fond of an enforcement of the law as they thought they were going to be, and then the pendulum swings back again.

5150*b*. Notwithstanding the intermittent character of the enforcement, is there reason to believe that the people of Maine are strongly attached to the prohibitory law? Sometimes it is suggested to us that if the people had a chance it is just a question whether the law would be retained or not?—Well, the people have had frequent opportunities of pronouncing upon it. They have not seen fit to attack it severely since 1855.

5151*b*. The vote on the constitutional amendment in 1884 was carried by a large majority?—Yes.

5152*b*. Do you remember the vote polled on that question: was it a large vote of the State or was it a small vote?—I do not remember. It was probably but a small comparative proportion of the total vote of the State. That is apt to be the case with all constitutional amendments.

5153*b*. It was suggested by some person that the vote was not an honest vote and that the people did not mean it. What is your belief about that from your knowledge of the State?—I presume that our people are intelligent and know what they are voting about and I presume they voted on this question as they saw fit. We did not have the secret ballot then, and I did not hear of any one being bribed. I presume there were cases of men voting for it who did not believe in prohibition, and I presume there were cases of men voting against it who did believe in prohibition but who doubted the expediency of putting it into the constitution. Many papers took the ground that

while they were favourable to prohibition they did not believe in putting it into the constitution.

5154*b*. I suppose the difficulties of enforcing the prohibitory law in a city like Portland are quite as great as they would be anywhere?—Well, not so great as they would be likely to be in a larger city. My own impression is that the larger the city the greater the difficulty of enforcing the law as in all criminal laws.

5155*b*. The difficulties would be as great as they would be in any place in Maine?—Portland is the largest city in Maine, but my impression is that the average sentiment upon the prohibition question is what the temperance men would call high here to what it is in Bangor.

5156*b*. And possibly in Lewiston?—Yes, possibly in Lewiston. Lewiston and Biddeford are largely foreigners—they are manufacturing cities.

5157*b*. Speaking of the foreign population which has been referred to here a number of times, is it found that the violation of the law is in a considerable degree by the foreign population?—My impression is that the sale of liquor is very largely confined to that element.

5158*b*. We got the idea here that things here are largely mixed with political conditions that agitate the people from time to time, and it has been suggested to us that in municipal elections it is not a sufficient thing always for a candidate to be a strong prohibitionist. What are your views about that in Portland?—Well, I do not think that of late years anybody becoming a candidate is disposed to take publicly a very pronounced view upon either side of the question. My impression is that most candidates generally announce themselves in favour of the proper enforcement of the law. I do not remember any candidate announcing himself as intending to neglect to enforce the law.

5159*b*. If a candidate took that position what do you think would be the effect in Portland?—It would depend somewhat on circumstances. I say that the man who publicly professes that he is going to do his full duty and privately had an understanding with the liquor men that he would not touch them very much, would have a better chance of election. That is my impression.

5160*b*. But if the enforcement or the non-enforcement of the law were the issue would an avowed opponent of the prohibitory law carry the city?—My impression is that he would not have, had we disposed of all political issues of other descriptions. Of course we never had a case like that. It is only one of the several issues that enter into our contests. I think, for instance, that in a year of very rigid enforcement of the law the man who is disposed to be lax about it would stand a better chance than the other man; on the other hand, after a period of very lax enforcement of the law, I think the man who would do something about the enforcement would have a better chance.

5161*b*. Can you explain how it is that after a year of rigid enforcement the man who declared himself in favour of the conditions of it would stand a poorer chance of election?—Because there have been quite a number of men who have been driven out of the business and have got nothing to do; and they are anxious to get back into it again, and will make a very desperate fight. That is one thing, and then there are a great many men of course who are in favour of the law, speaking generally, but when it comes to a very rigid enforcement, if they have themselves experienced any inconvenience, their views are somewhat modified.

5162*b*. You are brought in contact with the business men in the city. Do you perceive that the prohibitory law is injurious in any way?—No.

5163*b*. You think it is beneficial to business?—Well, I have no data to speak about that. I have not the slightest idea that it is injurious to business in any way. Of course certain lines of business will suffer by it.

5164*b*. It is sometimes contended in some places that the closing up of the drink traffic has an injurious effect on the country generally, and that it drives trade from the city and causes vacant stores and houses?—I presume if you have 50 stores in Portland occupied as rum shops and there is a rigid enforcement of the law and they

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are closed up the houses will be vacant, the men who are employed as bar tenders and that sort of thing will become idle and the stores which they are accustomed to patronize lose the advantage temporarily of that trade. The only specific instance that I remember now hearing on this question was a statement that when one of the Dominion Line of steamers (just prior to the Cram enforcement of the law, I think) was in port, I heard it stated that the saloon-keepers lost about \$1,000 which the stevedores paid to the men in these rum shops. When these shops were closed up, the men were paid directly and that kind of thing was discontinued.

5165*b*. That would seem to indicate that the closing up of these places was an advantage to the men themselves and consequently to the legitimate dealers here who would necessarily get their money in the course of business?—Yes.

*By the Chairman :*

5166*b*. They might of course expend it elsewhere when they got it?—Yes, but they had it expended in advance.

5167*b*. You spoke of the vote in 1855?—I spoke, I think, of the repeal of the prohibitory law. The first prohibitory law was repealed in the winter of 1856, by the Legislature that was elected in the fall of 1855.

5168*b*. Was it by a large vote that the prohibitory law was repealed?—Yes, it was quite a large vote of the Legislature.

5169*b*. Was the Legislature elected on that issue?—Well, not exactly; but I think that was the first year of the Republican party. It was committed in its resolutions to the prohibitory law, and was understood to be in favour of the law as it then was. The Democratic party and a straight Whig party both had resolutions on their platform in favour of prohibition, but they coalesced in the legislature. There was no choice for governor by the people and the coalition elected Judge Sales as governor, and the law was repealed.

5170*b*. If I remember correctly, the law was enacted in 1851?—The first law was enacted in 1851 and repealed in 1856.

5171*b*. And it stood repealed for 2 years?—It was repealed in 1856 and re-enacted in 1858, and submitted to the people; but there was an understanding that it was not to be disturbed. The new license law so-called was not to be disturbed the next year, and that was generally acquiesced in.

5172*b*. You mean it was understood when they repealed the law in 1856?—When they repealed the law in 1856 the party which repealed it was beaten in the fall of 1856. The Republican party came into power, but there was an understanding that that issue would not be brought into the campaign that fall and consequently no attempt was made in the Legislature of 1857 to repeal the license law and to re-enact a prohibitory law. But it was generally understood that the license law would not last longer than one year, and although they revised the statutes of the State that year they left the license law entirely out of the revised volume and published it in a separate form, because there was an understanding that it would be repealed and it was repealed in 1858.

5173*b*. And the law substantially as it exists to-day was passed in 1858?—I think that is the basis of our present legislation. There have been a great variety of amendments one way or another to it since.

5174*b*. Although you cannot speak from your own experience, perhaps from association with your father, who has taken so active a part in prohibitory legislation, you probably know a great deal about it. It is stated that prior to the passage of the prohibitory law, Maine was flooded with liquor and that you had a great deal of drunkenness and a good deal of crime. Is that so?—I heard that statement made, and I saw some figures to that effect.

5175*b*. Has there been any considerable change in the social condition of the population since that period?—Of course there has been a large accession of foreign population to the State since that period. I think there is generally a marked improvement in neighbourhoods that I can remember something of as a boy.

5176*b*. The population, for instance, around Portland has changed a great deal in the last 20 years, I suppose? You have not as large a seafaring population now as you had then?—I do not think that we have quite so large a seafaring population at the present time.

5177*b*. Do you think that your population at the present time employed in labouring operations is as large as it was at the time of the enactment of the prohibitory law?—I presume it is not so large. In this vicinity, at that time, labouring operations were carried on quite extensively.

5178*b*. And your trade with the West Indies has changed a good deal?—It is very much less than it was.

5179*b*. Do you think that has had anything to do with the drinking habits of the people and their general condition here?—Well, we used to have quite a large trade with the West Indies, a large proportion of which was bringing in molasses for seven distilleries which were running in Portland, and some Jamaica rum also. The old records of the custom-house show that.

5180*b*. Has that change in the trade been brought about by the prohibitory law or by other causes? You have no importation of molasses and no West India trade, no importation of sugar for refineries, and you are not exporting staves as you used to, and I think your respected father stated the other day that he did not think a barrel of rum came into the city at all?—Well, I never imagined, except as far as distilleries are concerned, that the prohibitory law affected the question of trade. A great weight of reasons have contributed to the changes of the general trade of the country.

5181*b*. I quite understand the changed conditions. I do not know that the prohibitory law has destroyed that trade, but the trade is gone; and may not that have had a considerable effect upon the social condition of the people and on the enforcement of prohibition?—A great weight of conditions have been bearing on the question all along.

5182*b*. You have no distilleries or any sugar refineries or any breweries in Maine at present?—No. We have had sugar refineries up to within two or three years ago, but these have been affected by the trust in sugar. I happened to run across a little item the other day which may be of some interest possibly in this connection. In 1850 we had a population of 20,000, and the total number of inmates in the alms-house was 116. That was the year before the prohibitory law. To-day the total number in the alms-house is 135, and the population is, I believe 37,000.

5183*b*. Did the overseers of the poor assist large numbers outside the alms-house at the period you speak of?—I know they assisted some, but I do not know what the figures were. I saw that a minister had stated that he had to deal with 600 or 700 families which were more or less subjects of help outside.

5184*b*. Are you speaking of 1850?—Yes.

5185*b*. You do not know how that compares with the number now?—I do not.

5186*b*. Do you think that the foreign population of the city has increased?—That is my impression.

5187*b*. Has the native population increased or decreased?—The increase of the city has not been very large within a few years past, and I presume that the native population may have decreased very much.

5188*b*. Whatever increase has taken place in the State has been in the cities and towns?—Yes.

5189*b*. Do you think in Portland at the present time you have a larger foreign element than you had ten or twelve years ago?—My impression would be that our foreign population is as large, or larger now than it was ten or twelve years ago.

5190*b*. We notice that there has been a large reduction in the numbers arrested by the police, comparing 1882 or 1883 with the present year. The decrease in the number of arrests has been more especially within the last two or three years. Do you think that that is the result of the enforcement of the prohibitory law, or to what do you attribute it?—Of course I might have an impression on that matter but I have no means of knowing because a great variety of reasons come in. Different plans are adopted

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sometimes by different civic administrations. There is a great difficulty in making comparisons, and my impression is that they are very unreliable figures.

5191*b*. In 1892, 64 per cent of the arrests were sent before the court, and about 31 per cent were discharged. Next year about 38 per cent were sent before the court and nearly 57 per cent were discharged?—Well, I think there was a very general complaint about the course taken last year in discharging a great many prisoners without bringing them before the court. Whether that complaint was well founded or not, I do not know.

5192*b*. Have you followed the changes of the Irish population in this city?—It has been said that they contribute rather largely to the cases of drunkenness here, I find that in 1881 the number of arrests recorded under the head of that nationality was 1170 and in 1892-93 the number was down to 272. I see that for a number of years the marshals adopted in their report a classification by nationalities, distinguishing Irish and Irish Americans, but this was dropped last year. These figures do not demonstrate an increase in drunkenness in the Irish population?—Well, I should say that during the last year, 1891-92, the prohibitory law was enforced here and in Portland under the Cram administration more rigorously than it was back in 1880-81, and as to last year there are some of us possibly who might ascribe a reason for the comparatively small number of Irish arrests. Although in 1851 the statement was made at that time that we should have to enlarge our alms-house, there has been no material enlargement of it since; if I recollect right, the statement of the city missionary was that 600 or 700 were receiving aid outside.

*By Mr. Clarke :*

5193*b*. Was the city missionary at that time an officer connected with the board of relief?—If I remember right, he may have had some kind of connection with it. He made some sort of report to the city.

5194*b*. Is there an officer connected with the philanthropic people of Portland known as the city missionary?—I think there is the Rev. Mr. Fielding.

5195*b*. Would it be possible to get at the number of families who have been relieved by private benevolence?—The Rev. Mr. Fielding and the Rev. Mr. Pearson might give you some idea as to that.

5196*b*. You spoke of the license law that was in force up to 1857. After the repeal of the prohibitory law do you recollect how were the licenses issued?—I do not recollect the details, but it was regarded as a very rigid license law, and it was devised for that purpose.

5197*b*. Do you recollect how many licenses were issued in Portland, and the provisions of that law?—I think there were about six.

5198*b*. There was an amendment passed to the prohibitory law last session of the Legislature, giving a discretionary power to judges, by which it was not compulsory to send a man to jail for the infringement of the law?—Yes.

5199*b*. What was the object of that amendment?—Well, I presume that different people look at it differently. I think that the lawyers and the judges generally, and a very large portion of the people, of whom I was one, did not think it wise to take away the discretion of the courts in a matter of that description. Where they were obliged to imprison, it left it very difficult to get up a case where there was a technical violation of the law in view of the pains and penalties that might be imposed. I do not remember if there was such a case as that came up, but it was very liable to under the circumstances.

5200*b*. Was there any difficulty in obtaining convictions by juries because of the severity of the law?—I cannot speak on that matter. I heard a lawyer in court the other day, who was defending a liquor seller, state that here in Maine generally the bringing of a fellow up on a charge of selling liquor was equivalent to a conviction, whether he was guilty or not.

5201*b*. Have you had an opportunity of comparing the operation of what is known as a high license law with the prohibitory law of this State?—No, sir.

5202*b*. I have here a statement which shows that in 1881 there were 1,227 persons aided by the Overseers of the Poor, and in 1892 there were 1,685 aided. That increase is about 37·5 per cent, while the increase in population in the city during that time was less than 10 per cent. What inference should we draw from that?—My impression is that it would not be safe to draw any inference from that basis. There must be a great variety of reasons bearing one way or the other, and it would be impossible for me to deal with them.

HON. CHAS. F. LIBBY, ex-President of the State Senate of Maine, and ex-Mayor of Portland, examined.

*By the Chairman :*

5203*b*. Mr. Libby, I think you were Mayor of Portland?—I was Mayor in 1882.

5204*b*. And you are a member of the legal profession?—I am a lawyer.

5205*b*. Were you for a time prosecuting attorney?—I was prosecuting attorney for the State, in this county, in criminal matters, from the year 1873 to the year 1878, when I resigned office. I was then serving a second term. I was what is called here the State solicitor before I held the office of prosecuting attorney for the State.

5206*b*. What the Commissioners are desirous of getting is information regarding the prohibitory law and the effects of its operation. It would be agreeable perhaps to you just to make a short statement in regard to it, rather than that we should question you?—It is a large subject, and I have pretty positive notions about it. You want to know whether I think that the prohibitory law of this State is justified in itself, as an enactment, by the results that have followed from it. In the first place, you must take into account the character of the State. It is largely made up of small country towns. A law that is adapted to these towns is not necessarily a good law for larger places or cities. If you want me to give you a statement as to whether it has been a success in the larger cities and towns of this State, I can give it to you.

5207*b*. We shall be glad to have your opinion as to the operation of the prohibitory law in the cities and in the State generally, and also any observations you may choose to make in reference to the license system?—I do not know that I can give you my opinion better than to state that I have been an active member of the Republican party in this State, and identified more or less with its management to a certain extent although I am not a man who has held office much during late years. I was State Senator from this city from 1889 to 1891. I am speaking of this to show you a little my connection with the matter, and why I do not agree with my party associates in some opinions I hold in reference to this prohibitory law. Last year I was President of the Senate, and I, naturally, was brought into contact a good deal with representatives from all over the State, and this liquor law is always a subject of conversation among men in public life, because legislation bearing on it comes before them time and again. I have been for some years before the Legislature more or less, and I know very largely, I think, the influences which control this legislation in our State, and it has been a matter of interest to me to study it. With these preliminary remarks, which simply will give you some idea of the situation; I would say that I am one of the few Republicans who openly expressed dissent from the policy of this prohibitory law. I consider that the prohibitory law is a failure so far as the city of Portland is concerned. I consider that it has tended directly and indirectly to bring about a certain condition of affairs which I consider is not favourable from a moral point of view. Now, I will give you my experience as prosecuting officer, and I am going to speak of some matters which are rather personal so that you may fairly understand my attitude in the enforcement of this law. I received the nomination to the office, which was followed by my election as attorney for the State over this county, without my knowledge or desire. I went into the office perfectly free. I went in there with the disposition, as I think every officer should have,

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to make no inquiry into the operation of the law, but, as the law was on the Statute-book, to enforce it. I think I enforced that law impartially, with all the vigour I could control, and I would be willing to let the judges and officers of the court speak on that question. I had five years experience with the enforcement of the prohibitory law. During that time I prosecuted nearly one thousand indictments, and I collected in these five years, I think over \$80,000 in fines in this county and largely in the city of Portland. I had sentences passed in a month on liquor sellers that aggregated fifty years. The liquor cases exceeded very largely all the other cases that I prosecuted. Cases of murder and capital offences were included in the crimes that came before me as prosecuting officer. I kept a careful record of every liquor seller that I had indicted or prosecuted before the courts, and I had a progressive system of fines and punishments. No man who came there the second time received as lenient a sentence as a man who came there first. At that time imprisonment was not obligatory as it was made later on, and we had several forms of indictments. We had ordinary search and seizure process, by which liquors were seized and an indictment against the man attached to the seizure. We had a common selling indictment, and we had an indictment for keeping a drink house and tippling shop. The most effective form of indictment at that time was the nuisance indictment, by which you might indict a man who kept a shop, or who was directly concerned in the business. You might indict him even for a single sale for entertaining a nuisance, and you could imprison him for one day or a year, and you could fine him one dollar or a hundred dollars. That was the indictment I found most effectual, because I was really trying to enforce the law on the ground that if the law was a bad one, the way to find it out was to enforce it, and I wanted to know what virtue there was in it. I commenced with a fine of \$200 for the first offence on a nuisance. If a man had not been engaged generally in the traffic and was not a common seller, I tried to see if he would not quit the business. If he did not quit then, he got the nuisance indictment the next time. After he came in a second time, he was fined \$100 more, and each time he came before the court his fine increased \$100 until he got to the limit. There was an alternative sentence in each case, that if a man did not pay the fine he got the same number of months imprisonment, as the number of hundred dollars in the fine. For instance, if he got fined \$500, he got five months in jail and so on. I kept a record of all these men and the number of times they came before me. I looked it all over to see what I had accomplished at the end of my time. I found that I had driven out of the business one set of men, and another set of men had come in: and so far as I could judge from my experience, the last set of men engaged in the business was worse than the first set who were out of the business and were in jail; according as they were driven out of the business they got other men to take their place. In addition to that I found, especially if the sheriff co-operated with me, and if the marshal of the city aided me, that when the law was very stringently enforced it created a demand for club-houses and I found that young men were establishing club-rooms here in the city, and not only did they become places where drinking was carried on, but by supplying larger quantities than they generally would have in their possession as a means of gratifying their appetite for drink, they were also getting to gambling and other vices; and I had to break up quite a number of these places. I found that, while I was driving the liquor out of the ordinary shops where it had been sold, I was driving it into the houses and kitchens where the children of the family who up to that time never saw it, were accustomed then to see it dealt out in that surreptitious manner. The rigid enforcement of the law introduced the system of pocket peddling, something which we never had in the city before. Not only that, but I found that perjury was becoming alarmingly common in the courts. I was admitted to the Bar in 1866, and it was not a usual thing then for an Irishman or a Catholic to come into court, even if he were not sworn on the Douay Bible, and ignore the sanctity of an oath. But, in all these liquor cases, perjury was becoming very common and excited the surprise and comment of every man who sat on the Grand Jury, because it was apparent in the course of the examination that the men were suppressing the truth. Of course, if you get up a disrespect for the law in that direction, and if such disrespect exists in the community, it does not take a very long time to spread that lack of regard



for an oath to other cases. To the best of my judgment, this is one of the greatest evils of this law when enforced in a community like ours. There is no doubt that public sentiment is very largely divided on the wisdom of a law that produces such a state of things as this, because people will go very far in these liquor cases to endeavour to protect themselves from prosecution. For instance, I always found it a very easy thing to prosecute the landlord of a disreputable place for keeping a bar, because the men who frequented that bar would not lie, but the worst cases were in the purlieus of the city and in the back streets, which are places which sell liquor without any regard to the people who demand it or as to whether they are intoxicated or not. That was the hardest place for me to get a conviction, simply because the people who frequented these places would lie, in order to protect the parties who were selling. It got in the end to be a question of using detectives, and conviction was secured by accumulating evidence on the nuisance indictment and making seizures, and then I could produce the liquors in court as evidence. I speak of this as showing the difficulties in the enforcement of the law and the effects that came from it. I made a little report which was published in one of our local papers, with no reference to any political effect or anything more than that the editor of one of the papers was a friend of mine, and he knew what vigour I had put into the enforcement of the law, and he asked me what my judgment was upon the success of the enforcement of the law, so far as diminished drunkenness, or suppressing the sale of liquor was concerned. I gave him a little history of it, based on my impression of the retrospect while I had been in office. I expressed the opinion, which I express here, and which opinion has been confirmed by my subsequent observation, that, so far as our large cities are concerned, the law is not a success, and that unless public sentiment can sustain it in a more stalwart way than it has been doing, it cannot be a success. The prohibitory law does not prohibit, it simply restricts; it does not do more than that, and I believe it does that badly. I do not question the possibility of restricting the liquor traffic. I realize its evils as much as any one. The prohibitory law does restrict the traffic, but it does not accomplish what it purports to do.

52086. You might say, as to that, that no laws absolutely prevent crime; the law against murder does not prevent murder?—No. But the evil of the law are so well known in this city that it has weakened, and it is sustained by a sentiment which is adverse to the law to a certain extent, so much so, that I have no expectation whatever in my day or generation to see the law successfully deal with the liquor traffic. I have no expectation that in the cities at all this prohibitory law will ever be a success. There is another singular thing connected with this law which shows you the condition of public sentiment in this State. The next largest city to our own is the city of Bangor. In the city of Bangor with all the machinery of the State for years trying to enforce it, the prohibitory law is set at open defiance and there are saloons open there the same as in an option city. In fact the city has adopted a code of ordinances of their own, regulating the trade, by which they close the drinking shops on Sunday and allow them to be open not later than ten o'clock at night. The traffic has been carried on there openly, and the sheriff has been elected on that issue. They had one sheriff who attempted to enforce the law, but he found that public sentiment was so strong against it that he abandoned the idea. They took the matter in their own hands, and they live as a community independent of the Legislature of the State of Maine. I have no doubt that if you visit that city of Bangor you will find that they have been as independent of the operation of the prohibitory law as if it did not exist. The city of Bangor has restricted the liquor traffic, but they have restricted it in their own way. If they find a man keeping a saloon open after ten o'clock at night they do not hesitate to bring him right before the courts, or if he makes a nuisance of his place or is promoting drunkenness apparently, I have no doubt that they would take notice of it to a certain extent. But there is the effect, the community of Bangor is as intelligent as any we have in the State, but it has practically set at defiance the law. They have undertaken to deal with the question themselves and they have set the whole legislature at defiance. In our own city of Portland the law has become a football in politics more or less. It enters into State and municipal politics, and the variation in these figures which you

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have before you are due, in my judgment more or less, to the efforts by some administrations to make it appear that there has been an improvement in one way or another, or perhaps they may think there is something to be gained by showing an increase in one year over the other. Now a man living in the city as I do, and as a lawyer coming in contact with a great many people, and while I do not go amongst the criminal classes, yet, more or less the people who are connected with the drink trade come to me as clients and I have a knowledge of their business affairs; I am very sorry to say it, but it is true, that this liquor law opens up such an avenue for bribes that it tends greatly to corruption, the liquor sellers are given immunity by officers on their beats, and that has been a large source of corruption. It is matter of history that our sheriffs and police force become corrupted. I therefore say that, to my mind, this prohibitory law has not been good to us as a whole, because it does not effect what its friends claim for it, claim in good faith. I do not question that, although I do question the accuracy of the statements that Mr. Dow has publicly made. I say that the prohibitory law does not accomplish what its friends have claimed for it; and the evils which accompany it, to my mind aside from the practicability of the thing itself, lead me to say that the law is not the best law for the cities, whatever it may be as regards the country districts. As regards the country, any law of that kind would be a good law because every man is known by his neighbour. You cannot have a tipping shop next door, without your neighbour knowing it; and you can easily get evidence against him and enforce the law and shut him up. As to the question you asked of Mr. Dow, in regard to the changed drinking habits of the American people, I think that ever since the Washingtonian movement started, up to the present time, there has been a changed condition in the New England and the middle States—I am not speaking of the frontier States and the far west States—as regards the habitual use of intoxicating liquors. I think that the improvement in this respect is not due to the law, but that the law has followed the changed condition. I think that the increased intelligence upon the physiological effects of the abuse of intoxicating liquors is the foundation for the changed habits of the community. I do not believe that you will find as many men to-day given to the habitual use of liquors in their families, in the State of New York, for instance, as there were several years ago, neither will you find it in Maine. I believe that the improvement in this respect among the people in the country districts of New York State, is quite as marked as in the country districts of the State of Maine. We have been the focus of a good deal of attention on this prohibitory question from the outside world because Neal Dow has lived in the State of Maine; and under the name of morality and high living he has imposed on this State what, in my judgment, is an extreme and fanatical measure. It may be thought that I have perhaps used stronger language than you would perhaps expect me to use, but at the same time, if my judgment is worth anything, that is fairly my judgment so far as the operation of this law in the cities is concerned. I do not say that the prohibitory law does not accomplish anything in the sparser townships, but when you come to deal with this evil in thickly settled communities, especially where there is a foreign element, the position is different. I want to say that the city of Portland has been alone among the cities of Maine, on account of the comparatively small birth element. If you take Lewiston, where the French Canadians come, and Bangor and Augusta and Waterville, the conditions of life are very materially changed on account of the large influx, mostly of an operative class of foreign birth. There have been practically no great changes in the condition of the city of Portland, during my lifetime, as regards population. There have been changes in trade. The coopering trade has left us on account of bringing sugars in sacks rather than in hogsheads as formerly, and the South American business, which grew up and took somewhat of its place, has been very dead for two or three years on account of the financial difficulties of the Argentine Republic. The city of Portland, probably, has a better average population than you will find in 99 out of every 100 of the American cities, simply because the foreign element is small. There is a large American element here. It is a commercial city, it is not a manufacturing city, and you can tell by the evidence of thrift and prosperity here, something of the character of the people. So far as the people are concerned and the different elements of the population, I think you will find as well equipped schools,

and as many churches and as many benevolent public institutions as you will find in any other city. I do not mean to say that the American element is better than the American element elsewhere, but there are less of the lower grade operative class here. I wish to say one thing further. Twelve years ago a very large petition went up from this city, addressed to the Legislature of the State asking for a local option law, and that it might be tried here as a better method of dealing with the drink evil, and stating that the prohibitory law had been tried and was not a success. This petition was signed by such men as John B. Brown, Jacob McLennan, my own uncle, Mr. Libby, President of the First National Bank, and the leading men of the city. It was that occasion where General Neal Dow and I met, before the Temperance Committee of the Legislature, presided over by Ex-Governor Morrill. I presented the petition. I knew that it would subject me to an attack from all the friends of the prohibitory law; and, while I did not seek very much to present it for that reason, yet as a citizen I did as I was asked by the leading citizens of Portland. That was before the prohibitory law, as Tom Reed said, had been imbedded like a fly in amber in the constitution. I went up to the Legislature, and General Neal Dow made a very fierce attack upon me. He said it was an attempt to get a license for Jim and Pat McClutchey, two Irishmen, who had had two ale breweries here, and he said it was an insult to the Legislature of the State to present such a petition. Then he went on and made some of his rash statements as to what the prohibitory law was accomplishing, and also as to the drink habits of European communities, which some of us had had an opportunity of observing and of knowing that General Neal Dow was not exactly correct about. They gave an opportunity of saying some truths about the prohibitory law, and with reference to the attitude of the friends of temperance who are trying to deal with the liquor evil, but not on General Dow's lines. I told them there that I thought the local option law was the wiser way of dealing with the question in the city of Portland. I thought that the community should be able to say within its limits what kinds of intoxicating liquor should be sold. I thought that a very high license, a restriction of the number of licenses, and the placing of licensed places at certain distances from churches and school-houses, as in Boston, of obtaining a revenue which would help to pay the taxes and support the poor, would be a better way than having liquor sold without any license in disreputable places. You asked Mr. Dow with reference to the amendment to the prohibitory law last winter, giving the judges discretionary power to send the offenders to prison. With reference to that I give it as my judgment that there is a growing feeling among the intelligent voters of this city, that, notwithstanding Neal Dow has had every assistance of the Legislature in trying to make the law more extreme, saying, "Give us more penalties, and we will stamp out this traffic," the law is already too severe and it should be relaxed. That measure giving discretionary power could never have been carried through the Legislature, were it not that there was a growing feeling that the thing had gone too far. I believe that our judges and our leading citizens have also the same opinion. I may say that in the city of Portland men have found it difficult to express their opinions, because they are called sinners and publicans and rummies, and all that kind of thing.

*By Rev. Dr. McLeod:*

5209b. It would seem that Neal Dow had some influence at all events when he managed to get so many amendments to the law?—Neal Dow has not one-twentieth of the influence in the State to-day, that he had twenty years ago. He has not a tithe of the influence before the Legislature in this State. Neal Dow will, of course, always stand as the exponent of the reform legislation of the drink traffic, up to the time of his death, in the minds of many people. It is a question of morality with the people in the rural districts more than a question of law. I may not live to see the day when the prohibitory law will go out of the constitution of the State of Maine, but I believe that it is going just the same as it got out of the constitution of Rhode Island. It did not stay there for a year. The majority of the voters in Rhode Island did not take the pains to express an opinion, but the friends of the law, in the agitation got up by Gen. Dow and his temperance organizations in Maine, did so. If you go to some of the coun-

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try towns and say that you are opposed to the prohibitory law, they think that it is because you want to have free rum. It is much easier to take a drink and pretend to be a friend of the law, than to take the other course.

5210*b*. The law must have got a tremendous grip on the people?—There is no doubt that the law has a grip on a certain portion of the population, but if you go to the cities and large towns you will find the sentiment very different.

*By Mr. Clarke :*

5211*b*. It is stated that there was a majority of 900 in the city of Portland in favour of the constitutional amendment?—I believe it to be true that to-day there is—I have no doubt of it—in this city a majority in favour of local option against the prohibitory law. Mr. Cram, the sheriff, has been referred to as a gentleman who has enforced the law, and that is true to a certain extent. At the end of his first term the feeling was very strong against him, because they believed that the rigid enforcement of the law had been unfavourable to the business interests, and the merchants were outspoken in their denunciation of it and their intention to defeat him at the polls. Unfortunately for their success from their point of view, the Democrats had a very poor candidate that the people did not trust so far as the enforcement of the law and other matters were concerned. Notwithstanding this, Mr. Cram went out of this city with a very large majority against him, and had it not been for the country towns and the unpopularity of his opponent in these towns he would have been defeated beyond question. I may say that I supported Mr. Cram myself, because he was a Republican.

*By Mr. Gigault :*

5212*b*. Did you ever vote in favour of the prohibitory law?—I think I never did. I opposed it in the Senate.

*By Mr. Clarke :*

5213*b*. There has been a rigid enforcement of the law by the present sheriff?—Yes, in the way of searches and seizures.

5214*b*. Are you aware that, as a result of this rigid enforcement of the law, these club-rooms have been established as they were in your time?—I am not as familiar with that as I was in my time, because during my term of office criminals would be brought to me by the officers and it would be my duty to investigate it. I make no inquiry now, except what comes before me in the natural course of events.

PORTLAND, MAINE, JUNE 24th, 1893.

SIR JOSEPH HICKSON, Chairman, MR. E. F. CLARKE, REV. DR. MCLEOD and MR. G. A. GIGAULT, resumed the inquiry this day at 10 a.m.

The Commission called upon The Right Reverend James A. Healy, Roman Catholic Bishop of Portland.

Sir JOSEPH HICKSON, Chairman of the Commission, having briefly explained the object of the visit, asked his Lordship if he would make a statement as to his experience of the Prohibitory Law in the city of Portland and in the State.

The Right Rev. JAMES A. HEALY said :—

5215*b*. I was a witness on the same matter when the law existed in the State of Massachusetts, and I was called before the Legislature in connection with it. I said then, as I say now, that a law of that kind is inquisitorial, and what we call a law of reform by enactment, and is one which arouses a spirit of opposition. In my parish then, which was one of the largest in Boston, this prohibition exerted a very bad effect, and in this way : the poor people made it a rule to oppose it. When it was carried out,—as it always was for a little while when a new sheriff or a new chief of police got into office,—it sent rum into the families. Instead of taking a drink, a man carried it home, and I found there, as I find here, that it did a great deal of harm in that way. I shall finish all that I have to say in this matter, by this statement : The intention of those who made such a law, I am not going to question ; but it corrupts every set of officers that has anything to do with it. It is a fruitful school of perjury to all the witnesses who are called upon to testify in these cases ; and it degrades the idea of law to the poor people, who say that it is only law to them and that it is not law to the richer classes. They, therefore, fight it, and evade it in every possible way. That is all I have to say. If I went further I might be looked upon as speaking in a personal sense to some. In the rural districts where it is supported by public sentiment it does prohibit to a degree, but it does not completely prohibit. I have been all over the north-western part of the State, and when I ask the commercial travellers, who ought to know, they always tell me that there is not much drunkenness, but they always find liquor. All along the New Brunswick line, they always get what they want and my priests who are in charge of my Arcadian people up there make a great deal of complaint about the abuse of liquor among them. I can say that those are a good people. Among the twelve or fifteen thousand people, a case of adultery has never been tried before the courts ; there never has been but one man tried for attempt to kill, and he was not convicted. I speak of the north-eastern district of Maine, up along the St. Johns river. Beyond a little excitement in the evening, when there would be a *veillée*, there never has been any trouble. There is a smuggler up there, and he is up in the woods and they cannot find him, as he has got an armed camp. I merely mention this to show that the liquor law does not prohibit in that rural district. They find a poor fellow selling a few gallons of whisky or brandy, and they bring him five hundred miles down here to try him ; when he gets out of prison, sometimes he can hardly pay his way back. I do not deny the good intention of those who made the law. They are perfectly savage in their attempts to enforce it, and they are always wanting to make it more stringent. There is another feature with regard to it. The more of these poor people they put into prison, the less dreadful the prison becomes to them.

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They do not look upon it as a disgrace to be sent to jail, but they rather look upon themselves as victims. I think in our prison there are a hundred and twenty persons sometimes in the winter; first the father, then the mother, and then the children. But they do not look upon it as a disgrace, rather, as I have said, they look upon themselves as victims of an oppressive law. I am sorry to say that they are mostly among my own people and it distresses me very much. We preach to them of temperance, we are bound to do it as we preach on all virtues, but what can I say when I come to preach to them about this law? If I enforce the law, they say: You are putting yourself in the hands of those who are oppressing us, and this law, therefore, completely destroys our influence over them. To tell you the truth, we scarcely dare to speak to them of it. We do not allow them to sell liquor on Sunday, nor will we admit them to the sacraments if they do, because we consider that against the law of order and the law of God. By this Sunday selling and drinking, they keep the young people in the houses all day from church and from religious teaching. The Council of Baltimore some years ago recommended that as a law to all the Bishops, that they should not allow their people to sell on Sundays, because it was against the principles of the Sunday observance and led to much disorder. I am getting an old man now, I am sixty-three years old, and as an old man I would recommend to you that a high license law left to the municipalities to enact and to enforce, is the only sensible way of meeting the evils of this liquor traffic. This prohibitory law corrupts the officials from high to low. Every sheriff and official connected with it, whom I have known, has submitted to bribery in some way; and every officer that I have ever heard of, who was on the force for any length of time, has accepted bribes. I know that the men selling liquor were levied on for bribes; they had to pay so much a week, or so much a month, and that went into the corruption fund. My friend, Mr. Gigault, told me that the Commissioners saw Mr. Charles F. Libby yesterday, and that he spoke to you about this prohibitory law in Maine. He is a frank and honest fellow. When he was Mayor, he acquired a great deal of odium because of the manner in which he enforced the law, or tried to enforce the law. He told me that the result was that he drove a decent man out of the business. That did not diminish by one single individual those who were in the business, because he drove them merely into different quarters. Our liquor agency in Portland in the first year sold \$30,000 worth of liquor. It is understood that they sold only for medicinal and mechanical purposes. Now there has been no new enterprise that I know of in Portland for ten years, but there must be some secret mechanical agency here calling for so much liquor, or there must be a great many people sick, because the sales at the agency have lately increased largely. I know that the agency was kept very well last year, but considerable liquor was sold there.

*By the Chairman:*

52166. You have been a number of years here?—Yes, thirty years.

52176. Do you think intemperance has increased or decreased?—I think it has increased within the last few years.

52186. In Portland?—I think so. I know some of my clergymen have told me that it was increasing in families, and that they carried liquor home from the liquor agency.

52196. Have you any temperance organization in connection with your church?—We have not any now. We had some in former years, but, as I say, this prohibitory law has destroyed it. We have but one in the State, I think. The law takes all the enthusiasm out of it.

52206. Do I understand you to say that you have one temperance organization now?—There is only one that I know of.

52216. And previously?—There were several. When I came here there were quite a number. We had one in Portland and kept it up for a length of time. Some of the men said, "there is no use in association for me because I have to be temperate, and I will not join." You see how it is with us. We cannot join on a principle that we consider an unsound one. Now, when they say that it is a sin and a crime to taste liquor or to sell liquor, we cannot join on that.

5222*b*. Do you think that the prohibitive law has had the effect of demoralizing the efforts of temperance people?—I cannot answer that, but with us it has had that effect.

5223*b*. Is there any general temperance organization in the city?—There are the Good Templars, they are throughout the State. That is a sort of an inquisitorial order. They co-operate with this law; they denounce, they go into stores and buy liquor, and then they go and give information.

5224*b*. That is the principal organization here, I suppose?—That is the great organization.

5225*b*. Shall we be correct in concluding My Lord Bishop, that you think the effect of the law on the morals of the people has been detrimental?—As I have told you, in the country parts I do not think it has been detrimental, on the contrary, it has been advantageous, and wherever public sentiment would sustain it, I have no doubt it would do good.

5226*b*. And in the city?—In the cities, no.

5227*b*. You think it has had a detrimental effect in the city?—I think it has. You can take the words of General Neal Dow for that. He says that in Augusta, a city of a few thousand people, there are eighty places where they sold liquor against the law.

5228*b*. When did he say that?—He said that here the last time he was making a speech, when he came back about three years ago. That is the reason I have not so much respect for General Neal Dow. He went out west and in all his speeches he said there was no selling in Maine, but, when he came back here to Portland, he denounced the Government and the Mayor and everybody, and he wrote letters against them for not enforcing the law. I think he said there were 175 places selling liquor in Portland, and over 80 in Augusta, selling liquor right along under the eyes of the Governor and everybody else.

5229*b*. Has the sentiment in regard to prohibition increased or diminished?—I think it has diminished. I am not in a position to answer except for my own people. I should say that, amongst the better class of people that it has decreased, because they have made attempts to get rid of the law. Quite a large number of people here tried to get rid of that article in the constitution. The execution or enforcement of the law is made a political engine, and every time there is an election there is a let up on its enforcement. That is beyond all doubt. There is no public man in Portland or in Maine who will not tell you that, if he speaks out his mind. It has made quite a corruption fund for the elections. The principal thing against it in my opinion is, and I look upon it as a great evil, that under this law witnesses do not hesitate to perjure themselves. A man may have nothing to do with liquor himself, he may be a respectable quiet man, he may never have touched liquor in his life, but if a policeman sees him coming out of a place that is suspected he is brought before the court and he is obliged to tell who he saw in that place, whether he saw liquor or not, and if he does not tell he goes to jail for contempt. You know how that works with poor people, and with other people too. The poor people have to go to jail if they do not tell all, and in some cases I am afraid that a man may commit perjury rather than betray a friend. All the preaching in the world will not convince them that an oath is as sacred and as binding in that as in other cases. I do not hesitate to say that as far as the officers enforcing the law are concerned, it is a school of corruption. There is a second fact, which has a very serious effect on the people, and that is, that this prohibitory law destroys their reverence for all law. They compare this law with other laws, and they say it is the oppression of the poor. They say that a rich man can have all the liquor he wants, and can order it for himself, and this law is only aimed at and executed against the poor.

*By Mr. Clarke :*

5230*b*. They look upon it as class legislation?—Yes; that is just how they look upon this law, and I do not think anybody will deny it. There is the city of Bangor, in which they have never enforced the law. They make the liquor houses shut up at certain hours, but they do not prohibit the sale. There are complaints from the Good

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Templars about it, but still they never enforce the law in Bangor ; and I declare to you that in Bangor I think there is less drunkenness than there is in Portland. I never saw any drunken men in Bangor, and I have been there considerably, but I cannot say the same for Portland. I was in San Francisco four times. The last time I was there I saw two drunkards and a half, that is there was one man I was uncertain about, and I call him a half. Now there is no restriction of the trade in San Francisco.

5231*b*. The authorities in Bangor seem to have set the laws of the State at defiance?—That is it. As a Mayor of Bangor told me, “We make them shut up at reasonable hours ; we close them at ten o'clock at night and on Sundays, and that is the most we can do.” Bangor is a very fine place, it is a growing community, and I believe that it is worth your while to go there. There have been complaints against Bangor, and I believe they are trying to make an attempt to enforce the law this year. The Good Templars have been strenuous in their outcries about it. The State Government can appoint special sheriffs, so that if the law is not enforced by the municipal police, it can be enforced by the State authorities. Sometimes they try to enforce the law for a period, but in the end it all comes to the same thing. Now as to my opinion, I have summed it up in this way. I think that a local option law in this city would work perfectly ; that is to say, where public sentiment would sustain such a law. In our little villages and country places where public sentiment maintains the prohibition law, it has done a great deal of good. It has done with the village taverns and the loafers. In the country districts to a great degree the ministers have some influence over the people ; and especially the women are against intemperance. I believe that if the women were all for temperance there would be much less drunkenness.

*By Rev. Dr. McLeod :*

5232*b*. Do you find a considerable portion of the women in the State against intemperance ?—Quite so.

DANIEL J. CARR, Director of the City Liquor Agency, Portland, examined.

*By the Chairman :*

5233*b*. How long have you held your present office, Mr. Carr ?—Since 2nd May, 1892.

5234*b*. Your appointment rests with the City Council of Portland ?—With the Mayor and Aldermen.

5235*b*. Will you tell us briefly what your duties are ?—My duties are simply to act there as agent for the sale of intoxicating liquors.

5236*b*. Have you anything to do with the purchasing of the liquors ?—Yes. The agent makes out the orders and sends them to the State Liquor Commissioner, and all orders must be sent to him for liquors.

5237*b*. You get all your supplies from the State Commissioner ?—Yes.

5238*b*. Are the requests for supplies prepared by the committee of aldermen under whom you act ?—Sometimes they are, and sometimes they are not. The committee that is appointed for the year make their own rules for the agency. They can approve of the orders if they wish ; they use their own discretion in that matter.

5239*b*. You act under the orders of the committee of aldermen ?—Yes.

5240*b*. Are you supposed to have your applications for supplies approved by the committee ?—That is according to the rule they make, though sometimes I do not do it.

5241*b*. I suppose that generally your orders are approved of by the committee ?—Yes. It is just this way : Suppose I am in a hurry or a rush and cannot find them, I send the order to Mr. Gilmour, the State Liquor Agent at Bucksport, Me.

5242*b*. Are your orders on the State Commissioner made out for simply the different kinds of liquor you want, or is direction given as to where the liquors are to be



obtained?—The State Liquor Commissioner compels us to buy of one of four firms which he names. Then we send him our order, stating we want to purchase so much of the goods specified, and specifying which of the firms concerned we want the goods from.

5243*b*. Have you a list of concerns from which the State Commissioner purchases, and do you make your own selection?—Yes, I make my own selection.

5244*b*. Can you select any one?—I can select any one of the four concerns that the State Commissioner names. I can buy of any one of these concerns, or I can purchase all from one concern.

5245*b*. Will you explain to us how these four concerns are selected?—I do not know how he selects them. But if I want a certain brand of liquor, I send my order to the State Liquor Commissioner, stating that I want to purchase a certain wine or a barrel of a certain whisky, and it has to be forwarded from a certain house in New York or Boston out of the four which he selects.

5246*b*. How do you know the four houses?—I know them from the State Commissioner.

5247*b*. Does the State agent tell you?—He says that he will buy it from none but these four houses, and I know the four houses.

5248*b*. Do you mean that the Liquor Commissioner for the State selects the four houses from which you can buy?—Yes.

5249*b*. You have nothing to do with the selection of the four concerns?—I have nothing to do with it. If it was left to me, I would probably make a change.

5250*b*. In what direction?—I would likely not take the directions of the State Commissioner in that matter.

5251*b*. Would it be an advantage if you could make your own selection?—I think it would. The State Commissioner has had liberty to buy from whom he pleases.

5252*b*. For how many years does the State Commissioner continue in office?—He is supposed to be four years in office. He is appointed by the Governor in Council.

5253*b*. Who pays the bills for liquor supplied by the Liquor Commissioner?—They are paid through the City Treasurer. They are approved by the committee on agency and myself, and then they are sent to the City Auditor, and they go through his hands to the Treasurer.

5254*b*. And you pay over all your receipts to the Treasurer?—Yes, every day.

5255*b*. Do you render an account of the purchases and sales at the end of the month or at the end of the year, or how?—All bills are sent to the Auditor and he audits the bills, and then they are sent back to the committee on agency, and I approve of them, and he renders an account of the purchases and the money received.

5256*b*. Does he exercise any check over your sales in detail?—None.

5257*b*. He merely checks the money he gets from you?—He gets his money from the Treasury, and I obtain receipts for all the moneys I turn in.

5258*b*. I suppose you must have a considerable stock of liquor at the agency?—It reaches sometimes eight or ten thousand dollars.

5259*b*. I suppose it is wholly under your control, under the direction of the committee?—Yes.

5260*b*. Is there any objection to your telling us what your sales of liquor amount to?—Since the new mayor came into office it has averaged \$190 or \$200 a day. That is less than we took in last year.

5261*b*. What were your average sales last year?—\$250 worth or more a day.

5262*b*. Have you anything to do with the disbursements made out of the receipts of the agency for a quarantine station?—No, I have not. The City Council attends to that.

5263*b*. You have a register book in which you enter the names of the purchasers of liquor?—Yes; the names, the kind of liquor sold and the quantity.

5264*b*. I suppose the applicants for liquor have to state for what purpose they want the liquor when they come to you?—Yes.

5265*b*. Are many medical certificates presented at the agency?—Quite a number.

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5266*b*. Have you many persons who come and apply for liquor for medicinal purposes, for the good of their health, for instance, who do not bring a medical certificate?—I suppose that all come to get liquor for the good of their health, the majority of them any way; but some come for liquor for mechanical and manufacturing purposes.

5267*b*. Have you many who come without a medical certificate, and who say that they want the liquor for the benefit of their health?—They say it is for medicine, and of course I have got to give it to them. I have got to use my discretion in that matter. If I think a man should not have liquor, I would not let him have it.

5268*b*. There are certain classes of people to whom you do not supply liquor?—There are a great many.

5269*b*. Habitual drunkards?—We do not sell a drop of liquor to a drunkard, if we know of it.

5270*b*. There are persons of weak intellect, minors and those interdicted?—We would not sell to them.

5271*b*. Suppose a citizen known to you went into your agency and simply asked for a certain supply of liquor, would you sell it to him?—Yes, if he wanted it for medicinal purposes.

5272*b*. Have you any limit beyond which you do not go?—No. We can sell a man a whole barrel at the agency if he wants it for medicine. I don't know that it should be done, or that it would be done; but there is nothing in the Statute against it that I know of.

5273*b*. What about strangers who come there applying for liquor?—Well, there are strangers who come there and who want it for medicine. The rules of the agency made it not allowable to sell non-residents, but this present committee do not make that one of their rules; so that a person coming to the agency and saying that he needed liquor for medicine, would obtain it.

5274*b*. You would use your discretion?—Yes.

5275*b*. Have you any objection to state the largest quantity you have ever supplied to any one person?—We never sold a very large quantity to anybody. If we should sell a large quantity of liquor to anybody, it would be to a person that was pretty well known in the city, and who we thought would make good use of it. We would not sell a large quantity to any one outside of the city. We would not sell to any person outside of the city or to any person in the city any large quantity, unless he was a person that we knew would use it for the purpose for which he stated he wanted it.

5276*b*. From your reports, how much would you say was the largest quantity you ever sold to any one person?—I do not remember. I suppose it would not reach more than \$10 worth of liquor at one time.

5277*b*. How many gallons would there be in it?—They might not be gallons, there might be a few bottles of wine for cooking purposes. The largest I ever sold would be a gallon of whisky, and that would be our best whisky.

5278*b*. Do you regulate the selling price of the liquor, under the instructions of the committee?—I do not know who regulates the prices. They were regulated before I went there. The prices are just about the same now as when I took charge of the office.

5279*b*. How is the selling price of the liquors arrived at?—I do not know, I am sure; all that the agency is supposed to make is just enough to pay the running expenses. It is not supposed to make any profit.

5280*b*. How do you gauge the profits?—Of course, it is pretty hard to run an agency like that, and to know exactly whether you are going to pay expenses at the end of the year or not.

5281*b*. Prices were fixed before the agency became self-supporting?—Yes. The agency had not been self-supporting for a number of years up to three or four years ago.

5282*b*. Was there a deficit between the receipts and the expenditures?—I understand there was, but sometimes it did not amount to much.

5283*b*. And now you have applied business principles to it, and made it a paying concern, and put the balance on the right side of the account for the city?—That is exactly it.

*By Mr. Gigault :*

5284b. Do the municipal officers make an inventory of the liquors?—An inventory of the agency is taken on the first Monday of May, in the afternoon. There is an inventory of all goods taken then. The term of the agent expires on the first Monday in May, so that an inventory of goods is taken.

*By the Chairman :*

5285b. Does the inventory extend to making a valuation of the stock?—Yes. The inventory is made out, the amount of money paid for liquors, and the six per cent profit paid to the State by the city is added to that.

5286b. What do you mean by that six per cent?—For all goods which the city buys of the State Liquor Commissioner, the city must pay six per cent to the state on the cost price.

5287b. I suppose that is to meet the expense of the State Commissioner?—Yes.

5288b. Is the price fixed by the commissioner?—That is the price fixed by law.

5289b. Have you any check as to what the merchants who supply the liquors charge the State Commissioner?—We know just what they charge. I know what the prices of the goods are.

5290b. You never see the merchant's bill?—No, that is sent to the State Liquor Commissioner's office.

*By Mr. Gigault :*

5291b. Do you think there are many frauds perpetrated on the liquor agency by the applicants, and that instead of using the liquor for medicinal purposes, they use it for beverage purposes?—I do not know; I cannot answer that question.

*By Mr. Clarke :*

5292b. Are all your orders sent by the State Liquor Commissioner, and are all the liquor agencies throughout the State compelled by him to procure their liquors from one or other of the four firms to which you have referred?—Well, that is as I understand it. I have had an experience of that kind with the State Agent. I wanted goods from another house, and he would not furnish them.

5293b. Do you understand that all the liquor agents throughout the State are placed under the same restrictions as you yourself are with regard to purchasing liquors?—Yes.

5294b. How do you account for the fact that since the present mayor came into office, the sales at the agency have fallen off?—I believe it is from the fact that a great deal more liquor is sold outside the agency now.

5295b. You attribute the falling off of the sales at the agency to the fact that since the present incumbent came into the mayor's office, there are more illicit sales throughout the city?—Yes; but I do not know that the mayor is to blame for that.

5296b. Do you attribute the falling off in the sales at the agency to the fact that there is more liquor illicitly sold in the city?—Yes.

5297b. Do you keep champagnes and clarets and other wines?—Yes.

5298b. I understood you to say that some years ago the agency was not self-sustaining?—Yes.

5299b. Are we to understand that the liquors were supplied to people by the agency at less than the cost of purchase and handling?—I do not know that; I do not know how it happened. I cannot answer that.

5300b. But there was a loss on the agency?—All we know is that the liquors were sold, but we do not know where the money went to.

5301b. There was, then, a loss made by the city in conducting this liquor agency?—Yes.

5302b. Have you resided in Portland for many years?—I belong here.

5303b. You have resided here all your lifetime?—Yes.

5304b. You have had no opportunity of making comparison between the prohibitory system that prevails here and the license system in other States?—No.

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## Liquor Traffic—Maine.

5305*b*. Since you have commenced to take notice of the condition of things in Portland, have you observed whether drunkenness is increasing or decreasing in the city?—I should say it is increasing.

5306*b*. To what do you attribute the increase?—Well, I think it should be attributed to the fact that if a young man could go and get a glass of beer instead of drinking a glass of whisky when he can get it, there would not be so much drunkenness. I think that they would drink beer if they could get it in preference to whisky, and that would not make them so drunk.

5307*b*. You think if the prohibitory law was not in operation that there would be more beer drunk and less spirituous liquors?—I think so.

5308*b*. Is the law rigorously enforced here against liquor sellers?—Well, it has been.

5309*b*. At any given time that the law is rigidly enforced, does that rigid enforcement drive people to get their liquor at the agency?—It drives some of them. It drives a great many to the agency, but a great many send to Boston for it, and the express companies carry all the liquor they want for them.

5310*b*. And the liquor is brought into the homes instead of being drunk in places in the city?—Exactly.

5311*b*. Is that a benefit to the community?—I do not know. I have no opportunity of knowing that. In some cases it is not, and in some cases it might be all right.

5312*b*. You cannot form any opinion from the increased arrests for drunkenness, and you cannot say if that is due to the fact that quantities of liquor are brought into the houses?—I cannot say anything as to that.

5313*b*. Is there any difficulty, as a matter of fact, for strangers coming into Portland procuring whatever liquor they want?—I should say not.

5314*b*. Do you think that the chemists and druggists sell a good deal of liquor?—I think they sell some, but I do not know if they sell a good deal.

*By Mr. Gigault :*

5315*b*. Is there more drunkenness on Sunday than on other days of the week?—I should judge so from the court record every Monday morning of the number of arrests made.

*By the Chairman :*

5316*b*. The court business of Monday morning includes Saturday and Sunday?—

Yes.

5316½*b*. Do you think that there are proportionately more arrests for these two days than for the other days of the week?—I think there are.

*By Mr. Gigault :*

5317*b*. Do you sell any beer at the agency?—We sell lager beer in bottles, and Bass's beer and Guinness's stout.

5318*b*. Do you sell a large quantity of it?—Half a dozen or a dozen bottles at a time.

5319*b*. Do you sell beer to a large number of persons?—Quite a number. There is quite a demand for Bass's ale and porter.

5320*b*. That is for the benefit of somebody's health, I suppose?—Yes.

5321*b*. What is the average sale per day of lager beer?—I do not know, I never took any count of it. I never thought of looking it up.

*By the Chairman :*

5322*b*. Do you sell the beers which are authorized by law in this State, that is the "Uno" beer and "Lithia" beer?—We do not sell any of them.

5323*b*. How would the retail prices in your agency compare with the retail prices in other places?—There is not supposed to be any profit added, only the expense of the agency?—I do not know what they charge outside of the agency.

5324*b*. Have you any idea of what they charge elsewhere, take the hotels in Boston?—I should say our prices are just as cheap as theirs.

5325*b*. Ought your prices not to be cheaper, because these men expect to get a profit?—I believe we pay more for our liquors than do many concerns in the city of Boston, even than the hotels do.

5326*b*. How do you account for that?—Because we use better goods than they use. We use all first-class goods at the agency.

5327*b*. Do you think none of the first-class hotels in Boston sell first-class liquor?—They may sell first-class liquors: but then again, they may have liquors that they do not pay so much for as we pay for ours. I think we can guarantee our liquors to cost more than they pay for them.

5328*b*. But why should that be the case?—Is it on account of the large quantities the hotels take?—I do not know anything about it.

5329*b*. One would naturally suppose that a hotel-keeper was making a profit, and if he sells as good liquors as you do, one would think that his prices ought to be a little higher than yours?—I guess his prices are higher in proportion to the quantity received. Speaking about hotels, a gentleman might go into a hotel bar-room and ask for whisky and take a small quantity and pay a quarter for it. Probably he would not take half an ounce, and he might pay 25 cents for that.

5330*b*. What would you charge?—I do not sell by the glass. I sell by the half pint.

5331*b*. You mean that he would get a larger quantity from the agency for the same price than what he would get from the hotel?—Exactly.

5332*b*. Then it is cheaper at the agency?—Yes, I believe it is cheaper.

5333*b*. And I suppose it is better?—I should think so. I speak for this agency that I know about. I know that our liquors are all first-class, and I know that we pay the highest prices for them.

5334*b*. Would you be disposed to conclude that the liquor sold by the city agency here is better and cheaper than the liquor usually sold to hotels?—I think so.

GEORGE L. SWETT, ex-City Marshal of Portland, examined.

*By the Chairman :*

5335*b*. Are you a native of Portland, Mr. Swett?—I am.

5336*b*. And I suppose you have spent all your life here?—Yes.

5337*b*. What has been your occupation or profession?—For the largest portion of my life, an accountant. I was assistant postmaster for five years, and since that I have been city marshal for one year.

5338*b*. When you were city marshal, what was your practice in dealing with prisoners? Did you let a good many of them go without bringing them before the court?—Quite a number.

5339*b*. In that respect, did you follow the practice of your predecessor in office?—I did.

5340*b*. Were these persons entered in the lists of arrests?—They were entered in the lists of arrests.

5341*b*. Do you remember the number who were allowed to go without appearing before the court during your period of office, as compared with the number who were allowed to go previously?—I believe the proportion was larger when I was marshal.

5342*b*. I suppose you thought that that was the best method of dealing with the prisoners?—That was my judgment.

5343*b*. I notice that the arrests were a good deal smaller in number during your term of office than they were previously?—Yes. If you will notice the comparative statement, the arrests have been growing less for several years past. At page 12 of

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my report you will find a comparative statement of the number of arrests, and you will find that they have been decreasing for the last three or four years ; in fact for a number of years they have been diminishing, except in one year, 1887.

5344*b*. I notice that there has been a decrease from 1883 down to the present time, with the exception of the year 1887. Now, what was the cause that led to that reduction?—The reason for their diminishing so strongly was this. At one time the police officers were allowed a witness fee for appearing in court, and consequently they made more arrests than they have done laterly, because now a man who is on duty at night, if he arrests a prisoner, has to appear before the court in the morning to prosecute him, and he gets no fee for that. Consequently he prefers to see the man go home. The fees are now paid in to the City Treasurer and not to the officer making the arrest.

5345*b*. When was that change made?—I cannot tell you. I never looked the matter up, and I cannot give you the date ; but I think that accounts for the diminution in the number of arrests.

5346*b*. There was a large falling off in arrests between 1891 and 1892. Was the same cause operating, do you think, to relax the vigilance of the police force?—I think it was some years before that the arrests commenced to fall off so largely.

5347*b*. Is there any special reason, from your knowledge, for the numbers arrested being so much less in 1892 than in 1891?—I do not know that there is any special reason. There are no different instructions given to the officers in regard to the making of arrests. It has always been the practice of the officers if they found a man intoxicated, and if he was unable to go home, to take him to the station. If he was able to go home, they would rather see him go home.

5348*b*. Referring especially to the classes charged with drunkenness, I see they fall off considerably in the same two years?—Yes.

5349*b*. Do you think there was less drunkenness in the city, or that the decreased arrests resulted from changed circumstances?—I do not think there was much less drunkenness ; I think it was more attributable to changed circumstances.

5350*b*. To what do you attribute the falling off in the number of arrests for drunkenness?—I do not know that I can account for it. I do not know that I have thought very much about the matter.

5351*b*. Do you think that drunkenness has decreased in the city, or how does it stand at the present period, as compared with four or five years ago?—Within the last two years there have not been so many drinking places, but there has been more drinking in the homes. My observation is that there has been a great deal of what we call pocket peddling.

5352*b*. You mean selling liquor from bottles carried in the pockets?—Yes, and it is a sort of trade that is pretty hard to pull down.

5353*b*. I suppose we would be correct in concluding that the number of arrests is liable to increase or decrease very much in accordance with the vigour with which the law is enforced?—Do you mean the law against drunkenness or the law against selling liquor?

5354*b*. The law against drunkenness?—Yes, I presume so. There would be the same amount of drunkenness, I should think, and if the number of arrests were less, it would tend to show that the law against drunkenness was not so strongly enforced.

5355*b*. And the vigilance with which the police perform their duties would affect the number of arrests, would it not?—Certainly.

5356*b*. Do the various changes which take place in the officials at the head of the police force lead to frequent changes of the instructions to the police?—I think not. I made no change when I came into office. The personnel of the force is not changed with the different changes of civic administration. The city has been under the control of the Republican party for a number of years until last year, and then there was a change in the administration and in the heads of the department. But in the police force itself there was very little change, except for cause.

5357*b*. I suppose the police force would be a good deal influenced by the views of the city marshal?—I presume they are not likely to run counter to his views?—No, I think not.

5358*b*. Are there any places where liquor is being sold openly in the city at the present time?—Well, not openly, that I know of. Any citizen that is well informed can go to places and get liquors.

5359*b*. And what sort of places are these where liquor is sold?—They can go to hotels and drug stores, and I have no doubt that there are places where it is sold in shops; but I do not know that I ever bought any liquor in a shop in Portland.

5360*b*. Is it not contrary to the law for druggists to sell liquors for beverage purposes?—Yes.

5361*b*. And you think they do sell it?—There is no doubt that they do.

5362*b*. Do they sell it openly. Having been in charge of the police, you ought to know that?—They do it privately, and of course they use a good deal of care about it; but a person that they know, can purchase liquor at the drug stores. I do not mean to say that they can purchase it to drink on the premises, but they can purchase it for their own use. There are some few places where they can buy a drink on the premises, but I do not know of many of them.

5363*b*. We have been told that there are clubs in the town where liquor is procurable, of course by the members?—I do not know myself, of my own knowledge, of any such club. I simply know that by hearsay.

5364*b*. You had no knowledge of any such clubs when you were city marshal? Did any come under your notice, or did any information reach you about such places?—I have not known one of these clubs for a good many years, although formerly we had a great many of them here. Of late years I have known of but a few.

5365*b*. Do you think the present prohibitory law leads to a good deal of other kinds of crime, perjury for instance?—I think there is no doubt, but that it leads to an increase of perjury.

5366*b*. You had nothing to do during your term of office with the liquor deputies?—They are sheriff's officers.

5367*b*. From some statistics that have been placed before the Commissioners, they gathered that there are a large number of warrants issued for search and seizure and a comparatively small number of cases in which liquor is found?—I think the record will bear out that statement.

5368*b*. Have you any idea of the proportion of warrants issued and of the cases where liquor is found?—I have not.

5369*b*. Have you any idea how many search warrants are issued in the year?—No, I cannot tell.

5370*b*. There are a good many warrants issued every day, I suppose?—Yes, I have been in court every morning except Tuesday morning, and I know that the liquor deputies every morning would have nearly 20 warrants.

5371*b*. Are these officers paid by fees?—Is there an inducement to the officers in this way to get warrants?—Yes. They are paid by fees for the service of the warrants, and of course the more warrants a man serves, the more he get from his office.

*By Mr. Clarke :*

5372*b*. Do the deputies have to swear out an information, before the municipal judge gives them a warrant?—Yes, I believe so.

5373*b*. Do they get the fees, or do the fees go into the sheriff's office?—The deputies get the fees.

*By the Chairman :*

5374*b*. Is it not a temptation to officers to unnecessarily take out warrants when they get paid by fees?—Well, I should say it was a very strong temptation.

5375*b*. What are the fees which the deputies receive?—I do not know exactly. They get so much for service of a warrant, and so much for travelling and returning. I should think their fees in some cases would amount to \$1.50 or \$2.00 on a warrant. Of course, when there is a complaint made and carried into court, there are also witness fees and other fees.

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5376*b*. I notice that in 1891, 464 prisoners out of 1,500 were discharged without being brought before the court, and in the following year 718 were discharged out of a total number of 1,313 arrested. Were there any special causes leading to such a large increase in the number discharged?—The number discharged by consent of complainant, which is the same as a withdrawal of complaint, is 136. I presume that the policemen did not appear, and not only the policemen but other parties by whom the complaint was made. These persons discharged are almost entirely simple drunks. It was a matter of considerable comment during the year that I was in office, and I took the ground that as regards a man brought in for simple drunkenness for the first or for a rare offence, it was better for him and for his family and for the community generally to let him go than to make him pay a fine or go to jail. As a rule these men are poor and if they pay a fine it comes out of the families, and if they go to jail, why the community has to pay for the support of their families. I adopted that rule and I did it, and I believe that it was in the interests of the community and of humanity.

*By Mr. Clarke :*

5377*b*. Regarding the whole operation of this prohibitory law, is it really a political machine? Is it a fact that it is used by parties for political purposes, and that it is enforced spasmodically just as it suits the whims of the parties to do it? Is that a fact?—I think that has always been the case.

5378*b*. Then there is practically no honest administration of the law?—I do not think there has been an honest, impartial administration of the law since it has been on the Statute-book; I mean that it has been enforced, or let up upon, just as political exigencies might require.

5379*b*. For some time it is rigidly enforced, and then there is relaxation, and the efforts to enforce it are spasmodic?—Yes.

5380*b*. Have you ever had an opportunity of comparing a rigid license law with the present prohibitory system?—No, we have never had license in this city since I remember.

5381*b*. Have you observed the operation of the license law in other cities?—No, I have never lived long enough in any other city to be able to form an opinion that would be of any value on that point.

5382*b*. As a public officer and one who has been chief of police, and been connected with the enforcement of the municipal ordinances and the preservation of law and order in this city, have you come to any conclusion as to whether it is possible to enforce a prohibitory law or not?—I do not think that it is possible to enforce the prohibitory law in this city. My opinion is that a high license or local option law would be in the interest of the better morals of society.

5383*b*. Do you know anything of the operations of this city liquor agency?—In a general way, I do.

5384*b*. Can any citizen go in there and get liquor?—I heard the agent give his evidence, and it is just as he told you. Of course he exercises his discretion. A gallon would be an extreme quantity to buy, but if a man asks for a quart, and states on his word of honour that he needs it for medicine, I do not think the agent has any discretion about it. He is obliged to give it to him. There is a law making it a penal offence for a man to make a misstatement in order to procure liquor, and that is printed and hung up in the agency. A man who makes a misstatement is liable to arrest and punishment.

5385*b*. Have there been any prosecutions of people who go into the agency and make false statements?—I do not know of any myself, but I think there have been a couple.

5386*b*. Is drunkenness increasing or decreasing in the city?—I think there is a natural increase the same as there is in other places. Of course, times change. There were times during the war when we had a great many soldiers here, and there was a good deal of drunkenness.



*By Rev. Dr. McLeod :*

5387b. Do you think that the increase of drunkenness is out of proportion to the increase of population?—I do not know that it is.

*By Mr. Clarke :*

5388b. Regarding the social evil, are there many houses of ill-fame in this city?—There are houses that are understood to be such. Of course, we have no license for anything of that kind, and it has generally been the custom to keep a surveillance on these houses, and prevent them as much as possible.

5389b. How many of these houses were there in the city during your term of office as marshal?—I know that we broke up two or three of them. Where we found that there was a notorious house, we would go for the parties.

5390b. Do these places generally sell liquor?—I do not think they do as a rule.

*By Rev. Dr. McLeod :*

5391b. You do not find it possible to clear them all out?—I do not think we can clear them all out. No.

*By Mr. Gigault :*

5392b. Is there more drunkenness in the city of Portland on Sunday than there is during the other days of the week?—I do not think there is. Saturday night is the worst night for drunkenness, and there is more drunkenness here on Saturday night than there is at any other time.

*By Rev. Dr. McLeod :*

5393b. Saturday is pay day?—Yes.

*By Mr. Gigault :*

5394b. Is the prohibitory law less rigidly enforced on the eve of a political election than at other times?—Yes.

*By Mr. Clarke :*

5395. Do you know anything about the city of Bangor and the condition of the prohibitory law there?—I know something about it. It is a notorious fact that the law in Bangor is not enforced, and that it practically amounts to a license system.

5396b. What is the case in Augusta?—In Augusta there is liquor sold, but not so openly as in Bangor.

5397b. What about the city of Lewiston?—There is more liquor, sold in proportion, in Lewiston, than there is in Portland.

5398b. Is the prohibitory law practically a failure in the cities?—Well, it does not prohibit there, if that is what you call failure.

5399b. Is there any difficulty in any one getting liquor in this city?—I do not think so.

*By Rev. Dr. McLeod :*

5400b. Do you think from your experience of the year when you were chief of police, and as a citizen observing things generally during these many years, that crime has increased in Portland out of proportion to the population?—No, I do not think it has. I think it has decreased. I think that in the city of Portland during the last ten years crime has lessened.

*By the Chairman :*

5401b. Has your population changed, and have you not fewer sea-faring men now and men about the wharves?—Yes.

5402b. And that would affect the matter, I suppose?—Yes.

*By Rev. Dr. McLeod :*

5403b. I suppose that when you had a larger shipping trade and more sailors, there was more trouble with the drink traffic, too?—Yes.

GEORGE L. SWETT.

## Liquor Traffic—Maine.

PORTLAND, MAINE, June 26th, 1893.

SIR JOSEPH HICKSON, Chairman, MR. E. F. CLARKE, REV. DR. MCLEOD and MR. G. A. GIGAULT resumed the inquiry this day at 10 a.m.

General NEAL DOW, examined.

*By the Chairman :*

5404b. I understand, General, that you would like to supplement the statement you made to us in Montreal. The Commissioners will be very glad to hear anything you have to say?—I want to say something about these clubs, reference to which has been made before the Commission—and I may say at the outside that you are perfectly free to publish everything I say to you. I am not going to falsify anything, and I do not intend to say anything that is not true. There were formerly a great many clubs in Portland. When the law came to be executed pretty rigorously a great many young men and a good many boys had clubs. I do not know how many there were, but I am told there were thirty or forty, and so we had the law changed so as to say that any place of resort where liquors were sold or kept or given away was a nuisance and was liable to \$1,000 fine. They shut them all up. Some person came to me and said: There is the Cumberland Club run by gentlemen here, who make a drinking place of it, and it ought to be shut up. "No," I said, "I do not think it is worth while to shut that up, because, in the first place, it will make a great row if you do, and where persons are bound to commit suicide, you cannot prevent them. You may delay suicide for a few weeks or a few months, but finally any man bound to commit suicide will do so." I said, "If the people of the Cumberland Club wish to go to the devil, I do not see very well how we can interfere to prevent them." So the club has run on up to this time. There are several clubs in town much larger than that. There is the Portland Club, which is a very large club, but it has a prominent clause in its constitution that no intoxicating liquors are allowed in the place. They never have intoxicating liquors there. It is a Republican Club, and when gentlemen of note come here and when they are entertained, there is never a drop of intoxicating liquor. There is the Young Mens' Republican Club, which is the same thing, and there is the Falmouth, a Democrat Club, where no intoxicating liquors are allowed. With the exception of the Cumberland Club, none of these clubs allow intoxicating liquors around the place. Some time ago, I saw a gentleman quite prominent in the Cumberland Club walking down the street from the door of the club between two friends; one friend had his hand through his arm on the left side and the other one had him by the right side, and among the three of them they managed to go down the street so as not to attract very much attention. They do not take so much precaution as that with a gentleman going out of the other clubs, because they are quite in a position to walk independently of each other. We have public dinners here, such as the 4th July dinners, and there is never a drop of intoxicating liquor, except in one case. We had a great dinner here some time ago given by the city, and it was decided that there should be no intoxicating liquor there—that was decided on a vote. Ordinarily there is no vote taken about it at all, because it is a matter of general understanding that there is to be no intoxicating liquor, but upon this occasion, when a great many strangers were to be entertained, they were supposed to be accustomed to wine, &c., and there was a vote taken that there should be no intoxicating liquors. But the Mayor at that time was a weak headed man, and so some persons brought private liquors of their own to the dinner,

and the mayor allowed them to be distributed along the tables. It was a dinner given by the city, and the mayor was such a weak minded man that he did not understand that he was committing the city government to the violation of the law.

5405*b*. When was that?—I think that was four years ago—Mr. Melcher was the mayor. With that exception, I do not know of any public dinners given here where drink was supplied. That is the moral effect of prohibition,—it brings drinking into bad repute. The moral effect of it is such that if a business man is known to drink, it hurts his credit, unless he is a man of very large wealth. I know a gentleman here in town—a man of wealth—and he drinks freely, but it does not hurt his credit because he has great wealth; but if a man in ordinary life in business was addicted to drink—I do not mean to say drink too much, but if he was in the habit of drinking at all, it would hurt his credit. The banks would say, he is sure to break up by and by, and we do not want to be caught.

*By Rev. Dr. McLeod:*

5406*b*. There have been some statements made to us about the license law which existed in this city about the year 1857, after the repeal of the prohibitory law. Can you tell us what was the character of that law, and what were its effects?—Its effects were so mischievous, and the contrast between the license law and prohibition was so great that the license law was immediately repealed. That license law was enacted in this way. There was a combination. It was first the Whig party because the Republican party had not come into life. There were a good many rum whigs, and they united with the Democrats who are generally rummy, and so they succeeded in one election. They had a very respectable man for their candidate for Governor, and they succeeded in one election. Nothing was said about a license law. They said the Maine law was unreasonable in its provisions, that its penalties were too severe, and that they could make a better prohibitory law than that. When they came into power they enacted a license law, and at the very next election the party was routed completely. They were swept away like Hercules cleaning out the stables. Then the Republican party came into power, and they said, Now we will wait and let them have for two years a trial of this law and see what the effect will be. And the result was that they went right back to prohibition.

5407*b*. Can you tell us what were the main provisions of that license law; was it a stringent license law?—They meant it for a rigid license law.

5408*b*. What were the provisions that were rigid?—I never took the trouble to read it, because I knew it was no good. There was a great deal of fuss about its provisions. For instance, jurymen were forbidden to drink; but there was not a word about the judges.

5409*b*. The question of your city liquor agency has engaged some attention here, and we have heard a good many statements about it; and we have come to have this impression that the liquor agency is run very indiscreetly. Can you give us any idea about it?—Yes, I know all about it. Some persons, not very familiar with this matter, object to the agency altogether, but our answer to them is this: that whilst the doctors prescribe liquors as a medicine, and whilst a great multitude of intelligent people are ignorant of this matter, and think indiscriminately that liquors are good in medicine,—so long as that continues we must have some places where people can obtain alcohol without violating the law. Therefore, this project of the liquor agency was hit upon as the best way, and I believe it is the best way, if it is properly administered. For three or four years or more after the enactment of the law, great care was taken in the appointment of an agent to dispense these liquors. I was Mayor of the city of Portland at the time that the law went into effect, and I was very careful about the appointment of a man to take charge of the city liquor agency, and other mayors did the same thing. This agent has a salary attached to his office, and by and by it was made quite a place for low working politicians, and they choose a man who does dirty work in the wards, &c.—dirty work in counting votes that are not cast and in throwing out votes that they do not like. Men who do that sort of work get in there. Perhaps I should not say that all the men who get there do that. The result is, that the agent

General NEAL DOW.

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now is always a man who is not in sympathy with the temperance movement, either personally or otherwise.

5410*b*. Who chooses the liquor agent?—The mayor and aldermen.

5411*b*. Are they reflecting public opinion in appointing a man to vend liquor who is not in sympathy with the temperance cause?—This same man that is there now, was there last year.

*By the Chairman :*

5412*b*. Will you explain to us how these agents who are so unsuitable come to be appointed from time to time?—The reason last year was because the city was Democratic.

5413*b*. Well, take four or five years ago?—Last year the city was Democratic, and the Democratic party is thoroughly on the side of licensed grog shops; and so they appointed this agent, and the quantity of liquor sold last year was about \$90,000, while the quantity of liquor sold when the Republican party was in power was from \$20,000 to \$25,000 a year. The shameful manner in which the liquor agency was managed last year was so great, that it came into the election, and the Republicans obtained a majority of the board of aldermen, and they had the present mayor, who was a Republican, and of course we supposed that a new man would be appointed as agent. But when it came to a vote in the board of aldermen, one of the aldermen, for some reason or another—we do not know what it was, but we can suspect what it was—voted for the present agent. He turned his back on his party, and voted for this man. We know that a Boston rum seller, who supplied the agency last year, was here with a large sum of money in his pocket to see what could be done about it, and the outcome of it was that one of the Republican aldermen voted for this agent.

*By Mr. Clarke :*

5414*b*. You were speaking of the Boston wholesale man. Who nominates the liquor dealers in Boston or elsewhere from whom these city agents are compelled to buy their liquor?—Any one can sell liquor in Boston, if he gets a license.

5415*b*. Who nominates the wholesale dealers from whom these liquor agents must procure their supplies?—There is a commissioner here in Maine, and he is supposed to furnish all the agents throughout the State.

5416*b*. Is he a Democrat?—No, he is a Republican.

5417*b*. The State Commissioner nominates these Boston people from whom the city liquor agents must get their liquors?—It is all a violation of the law. Every thing he does in that way is a violation of the law. The law contemplates that he shall buy the liquor and keep it in stock, and when the law creating the State Commissioner was enacted, that is the way it was done.

5418*b*. Are we to understand from you that the State Commissioner does not keep a supply of liquor himself?—No, because it costs a great deal of trouble, and he would have to invest money in it.

5419*b*. To what party does that State Commissioner belong?—He is a Republican.

5420*b*. And that Republican officer nominates these rum sellers or wholesale liquor merchants from whom the liquor agents have to buy?—He evades the law.

5421*b*. The Republican State Commissioner evades the law?—Yes, he evades the spirit of the law. The law contemplates that he shall have a stock of liquor on hand from which he will supply the local agents. The commissioners, when first appointed, did that. My friend, Mr. Chance, who was a temperance man in this town, was commissioner. He had a large stock of liquor on hand and a good deal of money was invested in it, and of course he lost the interest in the investment; and when he was changed he had a good deal of trouble in getting the new man to take his stock of liquors off his hands. The State Commissioner, when he comes into office, does not want the trouble of keeping a stock of liquors on hand from which he will supply the agents, and so they give an order to the local agent on Mr. So-and-so, of Boston, to supply them in the name of the commissioner.

5422b. The Republican Commissioner of this State is the person who nominates the wholesale dealers from whom the city agents must purchase?—There is no nomination about it.

5423b. But he nominates in so far as he restricts the local agent to buying from four certain persons. He names four persons?—No, he does not name any person.

5424b. We are informed by persons who testified here, and I believe it is a fact, that the State Commissioner says, “You must buy your liquors from these four men?”—I suppose so.

5425b. We do not understand why the local agents should be restricted to buying from four firms?—Because the Commissioner is making as much as he can out of it, and the Commissioner goes around and makes a bargain with these four people that he will give so much for the liquor.

*By Rev. Dr. McLeod :*

5426b. That is the suspicion?—Yes ; we do not know it. We are not there when they do it.

*By the Chairman :*

5427b. At any rate, the State Commissioner can purchase liquor from whom he likes?—Yes.

5428b. Although he is supposed to keep a stock on hand, he does not do so, and he can buy whence he wishes?—Yes, that is right.

5429b. If he wishes to say to the local agent: “You shall only purchase from these four firms which I name,” the city agent in Portland has no alternative but to comply with that order?—Yes, that is so. You may well wonder why it is that this state of things should exist, and the reason of it is that the Republican party in power does not want to do anything more than it can possibly help to offend the rum sellers, because they want their votes. I went to the last State Legislature with the *projet de loi* to cure all this evil, but I could do nothing. I went with a provision that an agent should be prohibited from selling to anybody except on the prescription of a physician. If the liquor was needed for medicinal purposes, the applicant ought to be able to produce a doctor’s certificate. But the Legislature would do nothing about it ; so you may very well wonder why it is that ever since 1851 we have been at work trying to put down the grog shops in the State of Maine. We have succeeded to a very large extent, but we have not succeeded thoroughly. Somebody may say very properly : “Well, in the rural districts you have done it, and why can you not do it in the city of Portland?” It is because the law, which is sufficient in its stringency to do all the work in the rural villages, is not sufficient to do it in Portland, and so we go to the Legislature and endeavour to obtain such amendments to the law as will operate in Portland. For instance, in 1891 I went to the Legislature with the draft of a bill providing that there should be one penalty for every offence under the prohibitory law ; not one penalty for search and seizure and another penalty for a single sale, but one penalty for all. That penalty was a fine of \$500 and costs and one year in jail, and if the fine was not paid, another year in jail. The Legislature adopted a fine of \$500 and costs and one year in jail for illegal transportation of liquor, but they did not do it for any of the other offences. I told the Legislature that if they adopted that law, they would have Maine clear of every grog shop in a single month. These rum sellers do not care about a fine, they can make that up very easily, but they care about a year in jail. These fellows can bear one or two months in jail easily enough, but they do not like to be put up for a year.

5430b. Did the Legislature in that year not also amend the law in this respect, that they gave the judges discretionary power to impose a fine or imprisonment, whereas previously the law provided for a fine and imprisonment?—Yes, the Legislature did that. But even the judges had exercised that discretion irrespective of the law, and so last year they enacted that the judges might use their discretion. I told the Legislature that no matter how good the law might be, it would amount to very little unless they took away all the discretion from the courts. That was in the original Maine law. The General NEAL DOW.

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original law said that cases arising under this Act should take precedence in a court of law of other cases, except those where parties were actually in jail. It also stated that these rumsellers should be promptly tried and promptly sentenced, and that the court should have no power to change condemnation, or to in any way void the penalties of fine and imprisonment. When the law was re-enacted in 1857 that was omitted. The penalties under the law of 1851 were not nearly so stringent as they are now; but they were very effective, because the judges were bound to put so much fine and so much jail upon each man whenever found guilty, but now they do not.

5431*b*. Was it not a retrograde step to leave the discretion with the judges to impose fine or imprisonment?—I believe it was.

5432*b*. At the instance of what political party was that change made?—Well, the Legislature was thoroughly Republican; in the Senate there was but one Democratic Senator, and in the Legislature there was no more than one-fourth Democrats. The Republican party is entirely responsible for that, and some time the people will hold them responsible. I am sorry to say that some of the courts manage these rum cases in a very scandalous way. A man will be convicted, and they will put him on what they call a special docket. The fine will not be imposed upon him and the penalty of imprisonment will not be imposed upon him, and there will be written at the foot of the docket the word "continued;" that is, that he is not to be brought forward for punishment without special order from the court. In one case there was a man's name eight times, one under the other. These men promise they will not sell liquor any more, and a judge told me that that was a good way. I said to him: "Judge, if that is the best way to stop the grog shops, it would be the best way to stop every other crime."

5433*b*. With reference to the administration of the law in Portland, and the more rigorous enforcement of it at the present time than previously, do you look upon that as evidence of an increasing sentiment in favour of prohibition?—It is not an indication of decreasing sentiment in favour of it. There was never a time in the history of the Maine law, when it stood better.

5434*b*. You have told us that there has been a change in the mode of operating the law, and I would like to know whether we should look upon that as an evidence of an increasing sentiment in favour of the prohibitory law or otherwise?—It was not otherwise. This is the way of it: The last Legislature is said to be the weakest Maine has ever had. It was dominated by three or four men, most of whom, I am sorry to say, were on the other side of this temperance question.

5435*b*. Are they Republicans?—As a matter of fact, so far as this matter is concerned, the Republicans here, with some exceptions, want to placate the rum interest. We have a prohibition party here, as you know. I do not vote the Republican ticket any longer. I belonged to the Republican party most loyally and thoroughly from the beginning until I saw that we could never put the grog shops down in the lifetime of the Republican party. I said good-bye to them, and they said, "We are glad to get rid of you, because you were always troublesome to us." I said, "All right, the reasons that induce me to leave you will induce others." My conviction is settled, that we can never sweep out entirely the liquor traffic in the lifetime of the Republican party, because they refuse to give us amendments to the law which are absolutely necessary towards that end. The liquor traffic can never be put down so long as there is any profit remaining in it. It is carried on for profit and not for the fun of the thing. If I could drive you around our streets I could show you some very fine houses owned by rumsellers, who made their money out of rum.

5436*b*. Have these rumsellers amassed this property since the prohibitory law came into force?—Yes.

*By Mr. Clarke:*

5437*b*. You said that at public entertainments and dinners there was no liquor?—Yes.

5438*b*. Did you hear anything about the entertainment given to the visiting Knight Templars on Saturday last?—I do not know anything about it.

5439*b*. Do you know that liquor was distributed there?—I do not know.

5440*b*. Now, with reference to this liquor agency in the city; the sales the year before last were \$50,000 and they were \$80,000 last year. Your present sheriff seems to be an excellent man, and is rigorously enforcing the law. Did the rigorous enforcement of the law and the consequent closing up of the saloons have anything to do with the increased sales at the agency?—Yes, it did, because all these drinking fellows cannot get their rum around town so easily.

5441*b*. As a matter of fact, there was a greater demand on the liquor agency in consequence of the closing up of the saloons?—Yes.

5442*b*. Now, with reference to the enforcement of the law in other portions of the State. Take the city of Augusta, for instance. Who managed the hotel where most of the legislators stay during the session?—I do not know who the landlord is now.

5443*b*. Do you know if it is a fact that there was a wide open bar there during the last session of the Legislature?—I do not know; but I should not wonder, because the politicians stay there, and the law has been very imperfectly enforced of recent years. Since Mr. Knight, the famous prohibitionist, left there there is nobody interested in the temperance cause who would take the trouble about it.

5444*b*. Do you know anything about how the prohibitory law works in the city of Bangor?—I do not know anything good about Bangor.

5445*b*. Is it a fact that the law is flagrantly violated?—Yes, flagrantly violated. The chief justice of the court lives there.

*By the Chairman :*

5446*b*. What do you mean by the Chief Justice of the court?—The Chief Justice of the Supreme Court of the State of Maine.

*By Mr. Clarke :*

5447*b*. It has been given in evidence before the Commissioners that the local authorities of the city of Bangor have set the law at defiance and completely ignored it. Is that a fact?—That is a fact. The municipal authorities of Bangor solemnly swear that they will discharge the duties of their office faithfully according to the best of their ability, and the law requires that they should enforce this prohibitory law against grog shops; but they do not do it. They have had church members there for mayor and on the board of aldermen, and my experience here in Portland is that there are church members who are as regardless of their oath of office as anybody else. We had here a famous church member who was mayor, and he did not enforce the law at all; whereas we had one year a very energetic man, who, although he was in favour of license, enforced the law vigorously. They wanted him to let-up on the rum sellers, but he said: "It is my duty to enforce the law, and while I am in office I will do it."

5448*b*. How are we to account for the frequent appearance of the patrol wagon on the streets, and the number of drunken people we saw yesterday—Sunday?—I suppose they were drunk.

5449*b*. But the present sheriff has been rigorously enforcing the law, and I understood from the liquor agent that he closed up on Saturday afternoon?—Yes.

5450*b*. I saw quite a number of drunken people yesterday, and the patrol wagon out two or three times?—As matters are going now, there would be no great difficulty in persons, who are bound to have liquor, finding it in some way or other. These people who are under the influence of the alcohol habit will find some way to obtain it, but they have to go out of the way to get it.

5451*b*. Do the hotels in Portland sell liquor?—I do not think they do.

5452*b*. Do the drug shops sell liquor?—I do not think they would dare to do it under the present sheriff.

5453*b*. Why was the enforcement of the prohibitory law taken out of the hands of the police and put into the hands of the sheriff?—It is not taken out of the hands of the police. The sheriffs were empowered by special act to look after this matter, because the police force throughout the country did not do anything.

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5454*b*. The whole thing was a political machine?—The whole enforcement of the law was a political machine.

5455*b*. We understand that the sheriff has certain deputies sworn in as liquor deputies and that their special work is to aid in enforcing the law?—Yes.

5456*b*. These men are paid a per diem allowance of two dollars when on duty and also certain fees for enforcing the law?—Yes.

5457*b*. So the more informations they lay, and the more warrants they get from the court, to search, the more money they make?—I think so.

5458*b*. Is it a fact that until recent years the police were paid certain fees for arresting drunkards, in addition to their salary, and that now these fees go into the city treasury?—The fees always go to the city treasury.

5459*b*. Formerly they got fees for appearing as witnesses against those they arrested, but now those fees are paid into the treasury. Is that the case?—I believe it is.

SAMUEL L. CARLETON, of Portland, Past Most Worthy Patriarch of the Sons of Temperance, examined.

*By the Chairman :*

5460*b*. Are you a native of Portland, Mr. Carleton?—I am not, but I have lived here for 48 years.

5461*b*. What has been your occupation or profession?—I am a lawyer.

5462*b*. For how long have you been connected with the Sons of Temperance?—35 years, and with the Good Templars for 15 years.

5463*b*. Can you tell us the number of members in the Sons of Temperance at the present time?—At the present time I think there are between 2,000 and 3,000 in the State of Maine.

5464*b*. And how many in the city of Portland?—I should say perhaps 200.

5465*b*. Is that more or less than they had 10 or 15 years ago?—That is about the same number as we had 10 or 15 years ago; 25 years ago we had a great many more Sons of Temperance here. We had at one time nearly 20,000 in the State, and we had 4 or 5 lodges in the city; but then we had no Good Templars. The whole field was ours. At the time of the passage of the Maine law, the Sons of Temperance were the only living organization that did much. The Sons of Temperance were the head and front of the whole thing at that time.

5466*b*. When you gave these figures you were speaking of the Sons of Temperance?—Yes. There came a time when the women were admitted in full membership. 25 or 30 or 40 years ago they were only admitted as visitors; therefore the people became dissatisfied. And hence the Good Templars started their movement and admitted the ladies into full fellowship, to hold office and everything. I should say that was 20 years ago.

5467*b*. That divided the temperance people?—That divided the forces, and it took very largely from the membership of the Sons of Temperance. The Sons of Temperance did not admit women into full membership, but the Good Templars did, and we lost a very large portion of our membership; in fact, we did not lose them, because they went over to the Good Templars and are still in the temperance movement.

5468*b*. What is the membership of the Good Templars in the State of Maine today?—About 20,000 in the State.

5469*b*. And what was it ten years ago?—Well, I should say 10,000. It has been increasing all the time.

5470*b*. And the Sons of Temperance has decreased in membership?—Yes.

5471*b*. Can you give us the figures of the membership in the two bodies ten years ago?—I cannot; but I am positive that it has been steadily increasing.



5472*b*. Do I understand that you are not in a position to give us the statistics?—I cannot give you the statistics, because I have not got them, but I will try and supply them.

5473*b*. What has been the plan upon which these two temperance societies work? Do they pledge the members?—Yes. In the first place, when we want to operate in a town we send an agent, and he goes around and finds the temperance people. They recommend others, and they go around and get the number of names necessary to organize a new lodge of Good Templars or a new division of the Sons of Temperance. As soon as they get twelve, or fifteen or twenty names then the party who is sent there organizes the lodge, and it is furnished with a charter.

5474*b*. Do they take the temperance pledge?—Yes.

5475*b*. For life?—For life.

5476*b*. Have you different pledges?—No. We have no degrees in the Sons of Temperance. A man takes his pledge for life, and whether he continues a member of this organization or not, he has to consider his pledge in this respect binding,

5477*b*. And in the other temperance organizations, what is the rule?—It is the same thing.

5478*b*. You have admitted ladies to be Good Templars for about twenty years?—Yes. They are admitted to full membership; and as soon as we found our mistake in the Sons of Temperance, we took the ladies in also.

5479*b*. That was calculated to increase your membership a good deal?—Yes.

5480*b*. As societies or organizations, have you been directing your attention to the enforcement of the prohibitory law?—Yes; both organizations have attended to that. We have done everything in our power to enforce the law, and whenever any measure is brought before the Legislature of the State to try and have the enactment made what we think more beneficial, we do everything in our power to advance it.

5481*b*. Are you satisfied with the operation of the law—when I say you, I mean your societies?—Yes; we are satisfied with the law, that it is a good law; but we are not satisfied with the way that it has been enforced many times. That is simply on account of politics. Politics in the enforcement of the prohibitory law has been a great stumbling block in our way.

5482*b*. Has the law fulfilled your expectations in regard to it?—Yes; it has fulfilled my expectations and more too, a thousand times more.

*By Mr. Clarke :*

5483*b*. In what respect has it fulfilled more than your best expectations?—I will tell you. When I began with the Sons of Temperance, up and down this very street there were rum shops wholesale and retail. Every grocery store in the State of Maine was a rum shop. We had one little town called Westbrook, and the like of it in any State was not to be found for poverty. They hauled their lumber in here from day to day and sold it, and they brought back in return hogsheads and barrels of rum, gin and brandy, and they were consequently badly off, and it was a poor, miserable place. Today, under the prohibitory law, it is one of the most prosperous places in this State or in any other State.

5484*b*. What is the population?—I cannot give it to you, but it is a city now.

*By Rev. Dr. McLeod :*

5485*b*. And the condition of things which existed in this city before prohibition has changed, too?—Entirely. When I came here there were seven distilleries and breweries in this city, and immediately around it; and now there is not one.

*By Mr. Clarke :*

5486*b*. Where does the liquor that is used now in the city come from?—I do not know where it comes from. I suppose some of it comes from Canada, and a great deal of it comes from Boston.

5487*b*. I presume you mean that some of it comes from New Brunswick?—I do not know really if it does come from either place, but it does come, it comes under

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restrictions, and where it comes from I cannot say. For the ale and beer and the like of that, it comes from Kittery, right over the line in New Hampshire, where Frank Jones manufactures any quantity of it.

5488*b*. Did you expect, when the prohibitory law came into operation, that these rum shops would remain on this street?—No, I did not; but I did not think that in so short a time they would all disappear, just like the fog we had yesterday. I did not think the breweries would disappear so soon.

5489*b*. Are there any saloons now in the city of Portland, where liquor is sold?—I presume there are, but the liquor is sold just exactly as thieves would steal anything, and it is sold under the same ban.

5490*b*. Do the drug stores sell liquor in Portland?—I think they do, some of them.

5491*b*. Do the hotels in Portland sell liquor?—I think they do, some of them.

5492*b*. And your liquor agency sells plenty of liquor?—I helped to establish the liquor agency myself. I happened to be a member of the board of aldermen when Neal Dow was mayor of this city.

5493*b*. Then the drug shops, the hotels, the liquor agency and the saloons are the places where liquor can be procured in Portland?—Yes; but it can only be obtained in those places unlawfully, except in the liquor agency.

5494*b*. There is no liquor legally sold in the city, except by the liquor agency?—That is all.

5495*b*. All the rest is illegal?—Yes.

5496*b*. Did I understand you to say that the difficulty in the enforcement of the prohibitory law was because politics entered into it?—Yes.

5497*b*. How do you propose that that shall be avoided in future, if the law is to be better enforced?—We must do our best to get it out of politics; we must put a temperance man into the agency.

5498*b*. Who elects the officers who appoint the liquor agent?—The city of Portland by their votes, the same as they do our mayor.

5499*b*. Is there any movement on foot to eliminate politics from municipal matters here?—I think there is.

5500*b*. Where could we get information about that?—I do not know where you can get that information, but I think that movement is on foot with all good people, that is to try and eliminate this thing from the political machinery, so that we may have a good, fair enforcement of the law.

5501*b*. As I understand you, the mayor and aldermen are elected by one or other party from year to year, and they appoint the marshal and so on, and the officers are members of the same political party as the persons in power. As long as that condition of things exists I suppose there is very little hope for a rigid enforcement of the prohibitory law?—As long as that exists there is only just one hope that we have, and that is, for those people who are really in favour of temperance to vote for the temperance men both as mayor and aldermen. If that is done they will put in the proper men to sell the liquor. This year, unfortunately, we have four Democratic aldermen who are really opposed to the Maine law.

5502*b*. Do they represent wards of the city of Portland?—Yes, the Democrats have four wards out of seven.

5503*b*. And holding the views that the majority of the aldermen do, was their election an indication of the prevalence of the prohibition sentiment in their wards?—No, it was not. The alderman in ward No. 1 was elected through fraud and lying. I do not hesitate to say it here in public. He really never should have been there. They lied us out of the mayor at the first election, and we had a second election and elected Mr. Baxter instead of Mr. Ingram.

5504*b*. The sales at the city liquor agency last year exceed those of any other year previously?—Yes.

5505*b*. To what do you attribute that increase in the sale of liquor?—To the man that asserted that he would sell to anybody that came, without any question.

5506*b*. Does the law give him that right?—No, it does not give him that right. He is there to sell only for mechanical and medicinal purposes.

5507*b*. Does the law give him the right to exercise his discretion with regard to selling liquor?—Certainly, he has some discretion. For instance, I go to him and he asks me for what I want the pint of liquor, and I say that I want it for mechanical purposes, or for medicinal purposes, as one of my family is sick. He has to judge whether I am a man of truth, by my appearance, and whether he believes I am telling the truth. I suppose, therefore, in that respect he has discretion.

5508*b*. Would the increased sales last year at the liquor agency be due in any degree to the fact that the sheriff was efficient in enforcing the law against the saloons?—I think he was. I think that the saloons were driven into the holes so far that the thirsty ones had to go to the liquor agency to get it.

5509*b*. And they got their supplies there?—Yes, and they got them without any sort of difficulty; one of their friends was there.

*By Rev. Dr. McLeod:*

5510*b*. If there had been a different man in charge of the agency they would not have got their liquor there?—They would not have got their liquor at the agency if I had been there, or if any honest man had been there—a man who knew what his duties were and who was fearless and willing to discharge them.

*By the Chairman:*

5511*b*. I understand you to say that the agent is neglecting his duty?—Yes, I believe so, before God.

5512*b*. How is it that no one takes it in hand and puts an end to this state of things?—Well, it might be a difficult thing to do.

5513*b*. Would it not be the proper thing to do, if there is in the city of Portland this strong sentiment that you speak of in favour of temperance, would it not be the thing that one would expect to be done?—Yes, it ought to be done.

5514*b*. How are we to account for it not having been done?—I cannot tell you, except that what is everybody's business is nobody's business.

5515*b*. Are there not other temperance societies in Portland besides the Sons of Temperance and the Good Templars?—Yes, there are a number. There is the Reform Club, so-called, which started a few years ago in the city of Gardiner.

5516*b*. Do they take pledges in that club?—Yes, I believe they do.

5517*b*. Do you think that the efforts to enforce the prohibitory law have had any effect upon the temperance organizations? Do you think that they have been rather restrained from exertions to make members and total abstainers, by the absorbing attention given to the enforcement of the prohibitory law?—I think that their great object, in the first instance, is to get men and women to become total abstainers, and then I think that the movement and work outside of that particular thing is in the the direction of the prohibitory law.

5518*b*. Are the temperance societies as strong as they were several years ago? Is their membership as large as it was in the city of Portland and throughout the State?—Yes.

5519*b*. You think that there is no loss to the membership of the temperance societies on account of the efforts of these organizations latterly being more directed to enforce prohibition?—No, I do not.

5520*b*. Do you think that it is not an unusual thing for men to say that there is no necessity for them to take the pledge, inasmuch as liquor is not sold legally in the State and they can not get it?—That is not my experience at all. I never have heard of it.

5521*b*. Your opinion is that to-day the temperance societies and organizations are as strong as they ever were, that their membership is as large as it ever was?—I do, and I think that they are stronger than ever they were, that is what there is of them. I believe that the persons to-day in the order are firmer in the faith and better workers.

5522. You say "What there is of them." Would that imply that there are fewer?—I do not mean that; I mean the whole number of organizations.

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5523*b*. You think that in the city of Portland the temperance efforts are just as strong as ever they were?—I do, that is to say there are waves at times. They are at a lower ebb sometimes than they are at other times. Sometimes we have a time of revival, just the same as in religion or anything else, and a great many come in, and then there is a quiet time and very few come in.

5524*b*. Have you any Roman Catholics in your organization?—Yes, we have a few.

5525*b*. We are told that the Roman Catholic temperance societies in this neighbourhood have almost ceased to exist?—Yes, they ignore secret societies.

5526*b*. I am not speaking about secret societies. Many of the Roman Catholic churches have organizations in connection with their churches, where the members sign pledges, and we have been told since we came here that these societies have dwindled to small proportions, the clergymen being met with the statement that there was prohibition in the State and there was no necessity for the members of their churches becoming members of temperance organizations?—I do not think that objection comes from the friends of temperance or of good order. That may be the case, but I am not able to tell you about it in the Roman Catholic church. I am able to tell you this: that almost every day and every week members of that religious denomination are brought before the court, and that there they promise to take the pledge, and if they go to the priests and take the pledge, they are let off on trial. They almost invariably do that, and some of them take it for a year and some of them for two years.

5527*b*. Does the judge require them to go to the priest to take the pledge?—No, but when they do, they always do go to priests, as I understand it. The judge has a pledge right in his office, and he gives them the pledge there, when they are not of the Roman Catholic persuasion.

5528*b*. If this prohibitory law is efficient, can you explain how it is that you have such a large number of drunkards apprehended in the city of Portland?—Yes, I think I can.

5529*b*. Will you kindly tell us the reason?—I think that nine-tenths of the liquor comes in here by water.

5530*b*. You admit there is a great deal of drunkenness?—No, I do not; and I will tell you why. I live on Congress Street on Mount Joy Hill, and my business takes me down here and all through this better section of the city. If I were put upon my oath, I should say it was the most temperate place on the face of the earth. From my observation I seldom or never see a man that is drunk or reeling through the streets. I refer to the section of the city that I frequent, between my home and my office.

5531*b*. I speak of the whole city of Portland?—In the whole city I have no doubt there is drunkenness, and a good deal of it. Evidently there is, but it is in that low part of the city where the fishermen and sailors come in, and where liquor is brought in vessels and where the wicked men keep their saloons, under the bed or under the kitchen floor or the woodshed or somewhere, and dole liquor out little and little, and also where it is sold in bottles from men's pockets.

5532*b*. Have you made any comparison of the number of arrests for drunkenness in this city of Portland under prohibition with the number of arrests for drunkenness in other cities where they have a license law?—No, I have not.

5533*b*. You look at the police reports, I suppose?—I do daily.

5534*b*. Do you think that the number of arrests for drunkenness, as shown in the City Marshal's report, is high?—I do. I think as a rule that so far as the arrests are concerned, drunkards are cleaned up better in this town than they are in a town where the license law exists. I think that more drunken people are allowed to go to their homes in such cities than are allowed in Portland.

5535*b*. Take the City Marshal's report for last year. I find that out of the number of arrests 1,313, 718 were allowed to go home from the cells and were not brought before the court at all. I suppose I do not need to go further than that?—That was last year. You cannot find that any other year, since we have been a city.

5536*b*. There are very large numbers in other years, but I do not think they are quite so large as this?—Yes; that was the cause of very grave complaints against the City Marshal last year.

5537*b*. But that would not prove that there was greater leniency to prisoners in other cities than in Portland?—Even that shows a very large number of arrests, and it also shows that they were picked up very closely.

5538*b*. The previous year the number arrested was 1,500 and the number discharged without trial 464. Do you think that that is a smaller number than the number allowed to go without trial in other cities where license prevails?—I think that in other cities they are not arrested, and therefore are not allowed to go. If the police here see a drunken man on the street they lock him up, but they let him go in other cities.

5539*b*. Have you any particular reason for saying that?—Yes, I have, because I have investigated that matter.

5540*b*. Will you give us some information on the subject?—I have no statistics about it, but I have satisfied myself for years that it is a fact.

5541*b*. The testimony that we have received here in Portland goes to show that the practice of the police is not to arrest drunken people unless they are disorderly?—Well, that has been contrary to my own observation. It may be the truth, but I was not aware of it.

5542*b*. During the time that you were a member of the city council were the policeman paid witness fees when they came down to court in the morning to prosecute those who were arrested!—They were paid at one time, but I do not think they are paid now.

5543*b*. Why was that payment of fee discontinued?—The fee they used to get goes into the city now.

5544*b*. Had the decline in the number of arrests any relation to the withdrawal of the witness fee from the policeman?—I do not suppose that it had.

5545*b*. Do the liquor deputies who enforce this prohibitory law receives fees for serving warrants and for searching premises and for making declarations before the court and all that?—I believe not.

5546*b*. How are they paid?—They are paid so much a day for their services. These officers are appointees of the sheriff, and they are of the same political stripe as the sheriff, always.

5547*b*. Speaking about the liquor agency, and accounting for the large quantity of liquor sold by the agency last year, you stated that this was because discrimination had not been exercised by the keeper of the place. How do you account for the fact that this year the sales are falling off, to some extent?—I did not know that it was a fact, but I am glad it is a fact; and I account for it in this way: that the sentiment of the people is so strong against the retention of that man in charge of the agency, because of his actions last year, that perhaps he is withdrawing a little from his position. This question was at fever heat about the time of the election, and one of the great things that the people voted for was that they would get a new man into the liquor agency; and quite likely he has hauled in a little.

5548*b*. Was there a very strong feeling aroused at the last election, in favour of the enforcement of the Act?—I think there was. I think there was a great deal of indignation at the action of the liquor agent and the city government last year.

5549*b*. You have a very efficient sheriff in office here?—Yes, he is.

5550*b*. Was there a great deal of excitement about the time of his election?—Yes, there was a good deal of fighting on both sides, and it was a pretty close thing.

5551*b*. Could the reduced sales at the agency be attributed to the fact that the law is not being as rigidly enforced now as it was three or four months ago, and that the people can secure liquor with greater freedom than they did a few months ago?—I do not think so.

5552*b*. Do you know if there is less difficulty in obtaining liquor now than there was three months ago?—I do not.

*By Rev. Dr. McLeod:*

5553*b*. Have you observed the effects of the prohibitory law upon property and business in this city?—Yes.

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5554*b*. What is the effect?—The effect is good, a thousand times good. I have had real estate in this town. I have now from 60 to 70 tenants, and the effect is beneficial over and above what it used to be. When the prohibitory law was brought into operation, people used to drink liquor, and did not pay their rent; but immediately they were sobered up, everything was all right, the children were clothed and the wife was clothed and they paid their rent. Before that the rent that should go to the landlord went to the rum shop.

5555*b*. I understand there are a good many who get drunk now, but you think that there are many who have been helped by the prohibitory law?—Yes, I do, thousands of them.

5556*b*. More than you think could be assisted by any other system?—Yes; this other system, the license system, is no system at all, in my judgment.

*By Mr. Clarke :*

5557*b*. Would you expect that the arrests in a city like Halifax would be as large as in a city like Portland—I mean the arrests for drunkenness?—No, I would not.

5558*b*. Would you expect that the arrests in Portland would be more?—Yes.

5559*b*. Halifax is under a license system, and it has about the same population as Portland?—Yes.

5560*b*. On what do you base your opinion?—On the fact that prohibition is the law here, and when a man is drunk he is an eyesore to the people. He is an outlaw and everybody expects to see him arrested, but in Halifax it is otherwise. I have been there.

5561*b*. And what about the city of St. John, New Brunswick?—I say the same thing about that.

5562*b*. Did you think that the arrests in the city of Montreal should be as much in proportion as the arrests in the city of Portland, according to population?—I do not think they are. I have no knowledge on the subject, but I do not think they are.

5563*b*. Do you know Toronto at all?—I do not know it well, I know Hamilton, I was up there, and I was elected to office there as Most Worthy Patriarch of the Sons of Temperance.

5564*b*. Would you expect to find the arrests in Toronto as many as those in Portland?—I would not.

5565*b*. Why not?—Because, as I said before, it is free liquor up there, as you may see, and it always has been so, and the people have not been educated up to the prohibitory standpoint; and therefore the people in Portland require at the hands of the officers more than the people of those places require at the hands of their officers.

*By the Chairman :*

5566*b*. Have you lived in any of these Canadian towns you refer to?—No.

*By Mr. Clarke :*

5567*b*. If people had not the advantage of this beneficial effect of prohibition and of this training under prohibition, they would likely drink to a greater extent, and consequently there would be a greater number who would drink liquor in a city like Toronto, according to your reasoning, and the effect would be all the more apparent. If the police, which is a non-political body, do their duty in Toronto, they would surely arrest those people when they became disorderly?—I suppose that in all those cities you have mentioned, where people become drunk and disorderly, they are arrested, but when they become seven-eighths drunk and are able to get along, they are peaceably allowed to go home. That is my observation.

*By the Chairman :*

5568*b*. We have been told that that is the system pursued in Portland, and, further, that last year it was said that people were not arrested, and that men shook their fists in the face of the police in Portland, and dared them to arrest them?—I have no doubt of it.

5569*b*. And that would naturally reduce the number of arrests very largely in the city of Portland?—Yes.

5570*b*. If the police were afraid, and for some reason did not make arrests, the number of arrests would decrease?—Yes.

5571*b*. Do you know what led to the amendment to the law being passed last session by the State Legislature, by which judges were given discretionary power to fine or imprison those convicted of breaches of the prohibitory law?—I do not know what led to it. I think a few designing politicians did it. The people did not ask for it, and the temperance people did not know it was going to be done. We have condemned that in our temperance orders by word and example.

5572*b*. But did not General Neal Dow and his friends oppose the alteration of the law in the Legislature?—I have no doubt about it; he opposes everything in that line.

5573*b*. And he was unsuccessful?—Yes.

*By Mr. Gigault :*

5574*b*. Do not you think that there is a great deal of drunkenness here in the city of Portland every Sunday?—Yes, I presume there is.

5575*b*. Do you live on Mount Joy Hill?—I do, near the Methodist church there.

5576*b*. In that locality yesterday, Sunday, I saw two drunken men fighting, and I saw two other men taken to the station drunk in a police wagon?—I have not seen that for twelve months.

5577*b*. I asked one of the men who was looking at the others fighting, why there was not a policeman there, and he told me that the policemen did not come around where there was a fight. Do you think that is true?—They take their time to fight. When the police go away. They watch them.

5578*b*. You believe that drunken men fighting, watch to see that the policemen are away before they fight?—They make a point of that.

REV. G. T. PIERSON, of Portland, examined.

*By the Chairman :*

5579*b*. Are you a resident of Portland?—I have been a resident of Portland for twenty-two years. I have lived in Boston. I have been fifteen years a missionary here; I have been two years and four months secretary of the Young Mens' Christian Association; and for two years and eight months president of the Temperance Reform Organization. I have had a large and varied experience in the work of temperance. The reform work has reference absolutely to men who acknowledge that they have been drunkards. That is a standard of membership. Unless they acknowledge that they know the power of intoxicating beverages, they can not join. In the Reform Club one who has always been a total abstainer is not eligible for membership. To become a member it is necessary to be a total abstainer. Now I believe that you are to-day in one of the finest and most prosperous cities that there is in America, and I believe, in Portland, for a city of 40,000 inhabitants, you are in the garden of the world. I believe there is no spot on top of the earth, of 40,000 inhabitants, that can show a report for sobriety, for thrift of its people and for general prosperity—not having any manufacturing industries whatever—that the city of Portland can. I do not think that there is a city in New England that can begin to compare with it so far as the meagreness of poverty is concerned.

5580*b*. Are you brought in contact with the poverty of the city?—I am brought in contact with it from ten to twenty hours each day of the 365 days in the year. I think I am as familiar with the poverty of the city as any man in Portland, and of the causes directly and indirectly from which it is derived.

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5581*b*. You say in view of all that, that you think there is less real poverty here than in any city you know of?—We have no really poor locality in the city of Portland.

5582*b*. Have you any slums?—There are no slums in the city of Portland, such as you would call slums, such as in the city of Boston.

5583*b*. I suppose you have some districts of the city which are a good deal poorer than others?—Certainly, but there are no slums. We have no district in Portland but what is considered very orderly and healthy in every way.

*By Rev. Dr. McLeod :*

5584*b*. There is liquor selling here?—There is, and so there is thieving, but there is no legitimate liquor selling here outside of the agency.

5585*b*. There is a good deal of liquor selling in the agency?—Yes.

*By the Chairman :*

5586*b*. Is there a good deal of liquor selling elsewhere than in the agency?—I do not think there is.

*By Rev. Dr. McLeod :*

5587*b*. There is some though?—Yes. I heard one of the Commissioners ask Mr. Carleton some questions about saloons. There are no liquor saloons in Portland. I do not think there is a place in Portland to-day that I could go into and lay my money down on the counter and have a man set a bottle and a glass before me, and give me drink out of it. I offered a man \$50 on Saturday if he would show me one, and he has not come around yet.

5588*b*. Yet there are doubtless places where men can go and get drink?—Yes, where a certain class, who understand all the ropes and lines, can get drink.

5589*b*. What are the ropes?—Why, it is as difficult for a great many persons to get liquor almost as it would be for them to work themselves into a Masonic, or Odd-fellows' lodge. They have got to be known, and the sellers have got to understand that they are perfectly safe in selling it to them. There is a class of people that since Sheriff Cram has been enforcing the prohibitory law so thoroughly have become pocket pedlars. That is, they get a little liquor; but of course some of it I have no doubt was bought at the agency last year under Mr. Carr, and they take this liquor in bottles around in their pockets, and peddle it around that way.

5589½*b*. You do not call that an open saloon?—No, I do not.

*By the Chairman :*

5590*b*. Are there any clubs in the city of Portland?—Yes.

5591*b*. Is there liquor sold in these clubs?—I do not know. I do not belong to one, and never was inside one.

5592*b*. Is there liquor sold in hotels in this city?—I can only answer that in this way: A man told me last Thursday that he thought that Sheriff Cram was relaxing his enforcement of the law; and I asked him what his reasons were for making that statement. He said that such a hotel was running liquor as openly as it ever did. I said: "Do you think so," and he said "Yes." I went to the proprietor of that hotel, and I said, "I have come to you to ask you a question, not for the purpose of prosecuting you or anything of that kind. I want to ask you, are you selling liquor in this house." He said, "Mr. Pierson, there has not been a glass of liquor sold in this house with my knowledge, since two years ago last January." Now, I have no reason to doubt that man. I do not believe that any man can buy liquor at the Preble House, that is, with Mr. White's knowledge. They say that Mr. Martin in this hotel is selling liquor again. I do not know how that is. I am not one of his customers and consequently cannot say.

*By Rev. Dr. McLeod :*

5593*b*. Do you think that all those other places sell with more or less difficulty?—Yes, I know so.



5594*b*. It is evident from the number of drunken men brought before the police court that there is drunkenness, and somebody must sell it and in some way. Now, how in the world do they sell it?—If you take the city of Portland, with forty thousand of a population, and the police force with instructions to be as vigorous as possible, and they can only run in 31 in the week, you are getting pretty clean work done.

*By the Chairman :*

5594½*b*. This morning they had 14 prisoners?—That is the whole catch from last Friday, not only to-day.

5595*b*. You do not think that is a great number?—Not at all with a city of 40,000 inhabitants.

*By Rev. Dr. McLeod :*

5596*b*. Does this catch that you say, include day and night? Yes, it includes Saturday night and Sunday all day.

5597*b*. We hear sometimes that the streets are full of drunkenness and that there are drunken men around everywhere, what is your opinion about that?—I do not know what definition some people give to the remark that the streets are full of drunkenness. I have been in the streets of Portland since a little after 7 o'clock this morning until I came into this door. I have been on Fort Street and Centre Street and Federal Street and Indiana Street and a number of other streets, and I have not seen a man to-day with the sign of liquor on him. I have mingled with 100 men to-day in close business connection, and I have not smelt liquor on a man's breath.

5598*b*. Do you believe that the streets are not full of drunken men?—I should like to illustrate how full our streets are of drunkenness. I was standing in our door one day a short time ago, and a gentleman asked another how often the street cars ran to the observatory, and the man that he addressed answered him and asked him if he was a stranger here. He said he was from Montreal. It was for some few moments before the car was to come along and they entered into conversation, and this gentleman from Montreal was expressing his admiration of the city of Portland and telling what a clean city it was, and that he had not seen a rum shop since he had been here. That was true of course, and this man that had given him the information said : "Oh there is not such a drunken place in all the country as Portland." I did not want the stranger to go off with such an idea as that. I spoke out, and I said "Look here my friend, I think you are giving this stranger a wrong impression of the city." He said, "Look here Pierson, everybody knows what kind of a crank you are, and I am telling this man the truth." I said "Here is my horse and carriage, get into it, and we will drive up to the observatory and back again to the Union Station and drive around the city, and if you can find or discover one man who is intoxicated and not able to take care of himself, I will give you \$50, and if you cannot do that you can give the Gospel Mission a barrel of flour." That man instead of getting into the carriage started up the street, and the gentleman from Montreal had a good laugh at his expense. The streets are not full of drunkenness, and the man who says so is very careless of the truth, or else he has got some selfish purpose that I cannot understand.

5599*b*. At any rate, it is exaggeration?—Yes.

*By the Chairman :*

5600*b*. You have been in the city of Portland 20 years, Mr. Pierson : Have you any knowledge as to whether crime is increasing or decreasing in Portland?—My opinion is, and I simply base my opinion upon personal observation, that crime is increasing all over the world, not simply in this locality. I believe that crime is on the increase. I believe that crime in the city of Portland, perhaps may show a very trifling increase, but I think I can see it. I would like to qualify that statement in this regard : I mean that people are becoming less respectful of the Sabbath. They will violate the Sabbath to-day where years ago they would not. They do not keep it as pure as it should be kept. Men to-day do not hesitate to go to ride on the Sabbath, when a few years ago they would not allow their horses to be harnessed. Men will take the boats

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and go to the island on the Sabbath. I think that there is a general drifting away from the observance of the Sabbath, and it carries with it attending evils and lesser crimes.

*By Rev. Dr. McLeod :*

5601*b*. Do you think that the increase of crime in Portland is because of the prohibition of the liquor traffic?—No, I do not.

5602*b*. Do you think that crime would have increased in Portland in a greater ratio if there had not been any prohibitory law?—My honest conviction is that it would have increased 100 per cent if we had not the prohibitory law.

*By Mr. Clarke :*

5603*b*. Have you any city in your mind of about the same population as Portland where a rigorous license law is enforced, and with which you can make a comparison?—I was 5 years superintendent of our mission in the city of Lawrence, Mass., which I think has 6,000 more inhabitants than Portland. It was under a license system. Now the local option law of Massachusetts is in operation, and I think that Lawrence one year was carried by the no-license people; but while it was under a system of license my observation as missionary worker in that city was that drunkenness was 30 per cent greater there than it was in Portland.

5604*b*. When was that?—That was from 1884 to 1889.

5605*b*. How many licenses were issued there?—I do not know the number.

5606*b*. What were the qualifications or requisites for a person obtaining a license? I do not know. My impression was that there was a license for every 500 inhabitants.

5607*b*. Do you know if there was a high license fee?—\$500 I think, for selling beer or hard liquors.

5608*b*. Under what law is the city of Lawrence now?—I do not know whether it is under license or local option this year.

5609*b*. How many years was it under local option?—I think one year, Mr. Charles T. Adams, of Lawrence, a converted rumseller, was an active man in carrying out no-license.

5610*b*. Do you know anything about the work of temperance societies in this city?—Yes.

5611*b*. Have you many temperance societies here, of one kind or another?—I think we have seven that work absolutely on temperance, that is including the Sons of Temperance, Good Templars and the Women of the Christian Temperance Union.

*By Rev. Dr. McLeod :*

5612*b*. Have you any means of knowing whether the young men of Portland generally are given to the drink habit?—I should say that the young men of Portland are sober and that they will stand prominently above the young men of Boston, Charleston, Chelsea, or any of the places in that vicinity.

5613*b*. Do you think that the prohibitory law has had an effect in educating these young men to habits of sobriety?—Absolutely.

5614*b*. You regard the prohibitory law as having an educative effect in that it outlaws the drink traffic and degrades it?—Yes; I would like to say what the educative effect of the prohibitive law is. At our camp at Sebago Lake, where it was presumed 10,000 people were assembled, I lectured on "Men turned inside out, or the effect of alcohol internally and externally." That lecture was delivered to the juveniles. There were five or six thousand children eligible for membership. I asked the question of how many under 15 years of age in that audience had ever seen a man who was so drunk that he was compelled to lie down and was not able to control himself and rise; and out of the whole multitude there was but one who held up his hand. That is the educative effect absolutely of prohibition in our State.

5615*b*. Your fourth of July celebrations are very great days here, and large crowds of people get together. Is there a great deal of drunkenness at such times?—We have not had a celebration in Portland for several years, but we are going to try

it this year. I presume that next Saturday, Sunday and Monday there will be large quantities of beer and liquor brought to Portland from Boston, and I anticipate a great deal of drunkenness.

5616*b*. You mean a great deal for Portland?—Yes, certainly; it would be nothing for Boston.

5617*b*. I suppose you know the State of Maine very well?—Yes. I lectured in almost every town of 1,000 inhabitants or more from Biddeford to Aristook.

5618*b*. What is your observation of the working and of the effects of prohibition, taking the State through?—The grandest effect of our prohibitory law is seen outside of our cities. There was an old gentleman here a few days ago who drove one of the early stages from Portland to Lewiston, 37 miles. He told me that 45 years ago there were 43 places on the road where he could stop with his stage, either at the tavern or grocery store or dry goods store and procure all the liquor that any of his passengers might want, at 3 cents a glass, and they could help themselves at that price. After being absent from the city in Minnesota for a number of years, he wanted to see what the effect of the law was, and a friend and himself took a team in Portland and drove to Lewiston, and he said that he was unable to obtain one drop of liquor from the time he left this city until he reached Auburn.

*By the Chairman :*

5619*b*. That was before the opening of the railways, and of course there is not so much traffic on the road now—it has gone on the railways?—That is so; but still there are thriving villages between here and Lewiston. Those places between here and Lewiston along the turnpike road have thriven steadily for these 40 years. One of these towns in 17 years drank up its entire personal valuation, and to-day it is one of the most thriving towns in our county. I refer to the town of Raymond, which is now well advanced and thrifty in every way. Take the town of Poland, which is now perhaps the leading watering place in the United States. That town is as thrifty as a town could possibly be, and every part of our country from one end to the other is just in the same condition.

*By Mr. Clarke :*

5620*b*. Have you ever been in the city of Bangor?—Yes, I am very familiar with Bangor.

5621*b*. How is the law carried out there?—You can stand on the sidewalk and see men go into saloons, and you see bottles on the counter and open bars.

5622*b*. Were you in Augusta when the Legislature was in session last year?—Yes.

5623*b*. Was liquor sold publicly at the leading hotel in that city?—I did not see any sold, I was not looking for it; but perhaps if I had been looking for it, I might have found it.

5624*b*. Was there an open bar in the hotel where you stayed?—Not that I am aware of.

5625*b*. How is the law observed in Belfast?—At the time I was there Mr. Mitchell, who has died recently and who was chairman of the Maine State prohibitory league, was enforcing the law very stringently, and there were not many indications of liquor. Generally it is said that the enforcement of the law is rather lax, and it is also the same in Rockland.

5626*b*. Throughout the larger cities and towns of the State, how is the law observed generally?—Well, that of course depends altogether upon the local municipal officers.

5627*b*. Are they all political officers—are they all elected?—Yes. I tell you my impression of the power of the prohibitory law. I will give you a bond of \$25,000, and some gentlemen whom I know here, retired sea captains, will go upon it, that I will commence the first day of March next year, the day our municipal year begins, with ten men, and I will also give another bond to the same amount that I will take \$10,000 worth of liquor into our city agency, and with ten men in two months I will make the city of Portland so that no man can procure a glass of liquor in any way unless he does

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it just as he steals. I will sell \$10,000 worth of liquor in that city agency, and it will be all that will be required for mechanical and medicinal purposes.

5628*b*. You think that \$10,000 would be sufficient to supply all the liquor needed for mechanical and medicinal purposes in the city. There were \$70,000 worth sold at the agency last year, and surely it must have been sold for beverage purposes and not according to law?—No, it was sold to make voters.

*By Rev. Dr. McLeod:*

5629*b*. What is the true inwardness of these political complications?—The true inwardness of all that is this. You understand something of the nature of a politician. It is a man who is in politics for bread and butter, and for what dollars and cents there are in it. A man of that kind, to my mind, is always after the profit, and he does not care what means he takes to accomplish the thing he has in view. If he can get a vote with a half ton of coal, it will be that. Some voters want flour, some a new coat and some want rum, and Mr. Carr, the city liquor agent, beyond doubt tried to keep up his end of the party. That put him into the agency by almost a free sale of liquor.

*By Mr. Clarke:*

5630*b*. The same man controls the liquor agency this year as last year?—Yes, but he is there simply on account of the hypocrisy of a Republican alderman that was elected for a different purpose altogether. He sold out his party, and he died that day politically, as we will show next March.

5631*b*. Why should that Democratic agent be continued in office and go on and sell as much as ever?—There is the difficulty. We have a Republican mayor, and the board of aldermen have made different rules for the liquor agency to those existing before. We have a very different committee in charge of the agency this year to what we had previously.

5632*b*. What is the committee?—I think they were men of more character and more principle.

5633*b*. Are there no Republicans on it?—I do not know. I think there are three Democrats. I think Mr. Tolman is chairman of the board, and Mr. Tolman is a man of ability and a man of sterling integrity. He is a man that I respect very highly even if he is a Democrat. He is a good man for a Democrat. I think there are restrictions over Mr. Carr this year that were not last year, and the indignation of the people that was manifested towards that man last year has had a tendency to put a restraint upon him. I was told by our County Attorney that when he asks some of the persons who are brought before the grand jury, old women for instance, whom he believed were not able to send to Boston and buy a large supply, "Where did you procure the liquor that you sold?" and they answered, "At the agency, Your Honour." There is no doubt in my mind that the agent knew largely where the liquor was going, and what was going to be done with it.

*By the Chairman:*

5634*b*. Therefore, this law which permits such things to continue at the agency cannot be called an effective law for controlling the drink traffic?—It cannot really be called an effective law. There are many violations of it, but so far as restraining the traffic is concerned, it is very effective.

5635*b*. Do you think it is a desirable system that the city should be selling liquor freely at low rates and at a small percentage of profit?—No, I do not; however, I do not think it is so. I think that the agency asks as much for their liquor by the pint or quart as they ask for it in Boston.

5636*b*. The agency is supposed to procure pure liquor and to sell it at a small percentage over the price they pay for it, so as to pay the cost of management that must result in selling cheap liquor?—That would naturally be the base if the liquor agency went into open competition with others that were engaged in the business; but it does not.

5637*b*. Whether there is competition or not, if that is the principle upon which it is conducted, the result would be that it would be a place of sale for cheap liquor—and I hope, good liquor?—Our statute law says that this liquor shall be of the purest quality, and that it shall be purchased from our State Liquor Commissioner, and that it shall be sold for a profit barely enough to cover the cost of dispensing it. Now everything outside of that is illegal.

5638*b*. But suppose that the liquor agency is legally carried on, would it not practically result in the sale by the city of pure liquor at low prices?—The object of the agency is to sell it at a small profit, smaller than it could be sold elsewhere.

5639*b*. And this liquor is being sold freely at the agency for beverage purposes?—It has been.

5640*b*. What do you think is the case at the present time?—I can only answer that according to my belief. I have no absolute proof. I know persons that go there and buy liquor who, I do not believe are sick. I know they are not engaged in any mechanical pursuit, and I do not believe they want it for anything else except to drink for beverage purposes, and perhaps get drunk,

5641*b*. Is it your opinion that liquor is being freely sold at the agency now for other than medicinal and mechanical purposes?—I think it is. I asked one of our leading physicians, "How much liquor do you think would be necessary for the city of Portland to supply abundantly for medicinal purposes for a year?" I asked that of our oldest and most trustworthy physician, Dr. B. B. Foster. He said, "Mr. Pierson, ten gallons will supply every case of absolute necessity, from a medicinal standpoint."

5642*b*. Can it be said that the prohibition sentiment is strong in a community where the law is so openly set aside as it is in the city of Portland in connection with this liquor agency?—I think that the sentiment of the city of Portland is divided very nearly equally on that question. I do not think that in the city of Portland the prohibition sentiment is greatly in the majority over the anti-prohibition sentiment. Perhaps if we were to have a campaign absolutely on the question of license or no license, by making a hard fight we could carry the city of Portland for no license by about 500 majority. I suppose that during our constitutional amendment campaign we did make a strong fight in the city and in the neighbourhood. Portland gave a majority of, I think, 588 for the amendment, and I have noticed that there was much agitation in regard to our spring election, and that the people are almost always strong enough to carry the sentiment for prohibition.

5643*b*. Is it your opinion that the prohibitory law could be efficiently carried out in any community where the majority is not largely in favour of it?—In a community where the majority are opposed to it, of course it would be a very hard matter to enforce that law.

5644*b*. I was speaking rather of the absence of a large majority in favour of it. Do you think it could be efficiently carried out in any community where there was not a strong majority in favour of the law?—In answer to your question, I do not think that it could be efficiently carried out, but I think that where there might be some disrespect and disregard for the law, the law being a mighty educator, would soon bring the people up to the standard where it would be efficiently enforced.

5645*b*. If such is the case, should not the prohibitory law, which has been enforced here for 40 years, have done its work of education by this time?—It has.

5646*b*. But can you say that it has done it efficiently, with all these facts before you which you have stated?—I can say that it has done it as efficiently or as more efficiently than, any law we have in our state, murder not excepted.

5647*b*. Comparing Portland under prohibition with other cities under license, I find that the arrests for drunkenness are very high, higher than most of our Canadian cities, according to the percentage of population. Would that be an evidence that the law is doing its work efficiently in Portland?—I do not think that the number of arrests is any standard to judge of the sobriety or drunkenness of a community. It may be that members of the police force in other cities do not arrest drunken men the same as they do here, but rather pass them by. I may say that I could name two men in Portland that I have seen under the influence of liquor oftener than any other two men

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that I know of in the State, and I am confident that neither of them is ever arrested. That is simply because they are political wire pullers.

5648*b*. Do you not think that in a city in Canada the police force is likely to be as efficient as they are in Portland?—They ought to be.

5649*b*. The Canadians as a rule are law-abiding people?—Yes.

5650*b*. Portland has a very large percentage of arrests by the police for drunkenness?—It did not stand very high last year.

5651*b*. It stands on an average higher, I think, than almost any city except one that I know of in Canada. Would you look upon that as an evidence against prohibition in cities where the majority was not pronounced in favour of the law?—Not by any means. If I go out into the streets of Portland and see persons in a state of intoxication, who should be arrested and carried to the station by the patrol wagon, I should say that that is an evidence that they need more prohibition.

5652*b*. Can you say that drunken people are not arrested in other communities, such as Halifax, St. John and Montreal?—I do not know anything about that.

5653*b*. Do you think they are arrested here in Portland and that they are not arrested in other cities?—If you will ask me about the cities of New England, I can answer you. I have travelled over twenty-seven States of our Union in this work of temperance. I am entirely ignorant of St. John or Halifax.

5654*b*. I have no doubt that your temperance organizations do very commendable work. Can you tell us if the membership of the temperance organizations has increased or decreased within ten years throughout the State?—Increased.

5655*b*. The membership has increased?—I think so.

5656*b*. It has been stated sometimes before us that so much effort has been directed towards carrying out the prohibitory law that there has been a slackening of effort towards making people members of temperance societies, and that that is not an advantage, and hence I am asking you this question?—I should say that the diligence of the people of Maine in general, and of Portland, has increased along moral lines or by moral suasion as they become educated to prohibition.

5657*b*. I think you said in reply to a question that you did not know anything about the social clubs in the city. Do you know that clubs exist, where the members bring in their own supplies of liquor?—I do not know anything about it. I never was inside one, and do not want to be.

5658*b*. You do not know from common report that there are such places?—I know that there are.

5659*b*. Are they numerous?—There are five that I know of.

5660*b*. Do they all supply themselves with liquor?—I do not know what they do. I know that some of our best citizens are connected with these clubs, and I know that they are total abstainers. I know that they would not partake of liquor or invite others to do so. I suppose that if I visited some of these clubs with a friend and was in the habit of taking something, that I would get liquor.

5661*b*. We have had a good many people before us who are strong supporters of the prohibition law, but who are not total abstainers, and that has led to my asking you whether the membership of temperance societies has increased or not?—These kind of people who are prohibitionists and not abstainers are curiosities. I saw a man in the Legislature that was very ardent in voting in favour of the prohibition bill, and I know that he had four fingers of whisky in him. But that is hypocrisy of the worst kind.

5662*b*. Whether the liquor is sold in saloons or not we may assume it to be the fact that there is a large consumption of liquor in this city?—It is evident that there is liquor consumed, but a large consumption, no.

5663*b*. The people in the State of Maine take out a large number of liquor permits from the United States Government. The last time I looked over the returns I think there were about 1,000 in the State. How does it come about that these United States liquor licenses are taken out?—I presume that druggists take them out, and I do not know but that most of the hotel-keepers do also.

5664*b*. Why should chemists take them out?—Because they fear the national Government more than they do the local authorities.

5665*b*. Do you think that the taking out of these licenses is an indication of intention to sell liquor?—Yes; I do.

5666*b*. Have you a large number of druggists in Portland in proportion to the population?—Yes, a very large number.

5667*b*. With a great deal that you have said about the admirable position of Portland and its prosperity, I agree. Have you looked at any time at the percentage of pauperism in the State of Maine and compared it with other cities?—I have.

5668*b*. Would you expect the State of Maine to be above the average in pauperism in what is called the North Atlantic division of States?—I should expect the State of Maine to be on the average low, in what we call the North Atlantic division.

5669*b*. In the North Atlantic division the average of pauperism is 1,790 per million, and the State of Maine has 1,756 per million or 34 below the average. It is higher than Vermont, it is higher than Rhode Island, it is a little higher than New York and it is higher than Pennsylvania?—That simply indicates that the State of Maine takes care to provide for every one of her citizens who is in any way in a condition to need help or support.

5670*b*. I see that in 1880, ten years before these figures that I have given you, the average of the whole North Atlantic division of States was 2,339 per million, and in Maine it was 2,319 per million. There has been a general decrease therefore, as you will see, of about 549 in the million, and Maine decreased in that time 566, so that your State decreased in pauperism in a larger ratio than some others. But according to the report of the overseer of the poor in this city there were 1,207 aided by him in 1881 and 1,685 in 1892, that is an increase of about 37 per cent, while the increase in population of the city was, in that time, about 10 per cent?—Did you ask Mr. Baker how many of those 1,600 lived outside, and who had no claim whatever on the city of Portland except our benevolence? That increase is very easily accounted for. The city of Portland never passed through such a severe winter as it did the year before last, as regards the severity of the weather and the prevailing epidemic of la grippe here. I have had five funerals in one day.

5671*b*. In 1891 the number was 1,553 and in 1889 it was very high?—We have known the same trouble ever since 1888 with the prevalence of the epidemic. Another thing is this: Our mackerel fishery has entirely failed, and men that have been able to make a good living had to be helped. I know of cases of people who close their eyes when they receive relief, so much do they feel it. There is no liquor in that. As the city missionary of this city, I deny it. All the increase of poverty in the city of Portland since 1878 can be traced to legitimate causes, and is not due either directly or indirectly to liquor sold as intoxicating beverages. I spend from 10 to 20 hours a day in the streets, and no man knows the condition of the people better than I know it. I know them from the highest class to the lowest, and I say to-day, before God, that if any person has come in here and given you to understand that that increase from 1,200 to 1,700 who were relieved or who have applied for assistance in the alms-house or out of it was to be attributed to our prohibitory system, he has wilfully misled you.

5672*b*. Had the epidemic of la grippe anything to do with the increased sales of liquor at the liquor agency during the last three years?—It certainly had largely, it was more needed for medicinal purposes.

*By Rev. Dr. McLeod:*

5673*b*. Would the vote of 90,000 in the whole State on the constitutional amendment be an average vote?—No, our leading statesman in the country did not vote on the question; Mr. James G. Blaine dodged it.

*By the Chairman:*

5674*b*. What would be the average vote in this city?—120,000. There were many polling places not provided with ballots.

5674½*b*. Would official statistics, which this Commission can get in the State of Maine, in your opinion, confirm the efficiency or otherwise of the prohibitory law?—The prohibitory law has never had an opportunity yet to show what efficacy there is in

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it. It was a law enacted without a party fully in sympathy behind it, and so it has been taken and passed from one party to the other, as the advantage that might be derived from it from a party standpoint turned up. You can get no statistics which would show you in any way clearly what the advantages accruing from the prohibitory law have been. You have got the National Prohibition Handbook. That will give you the statistics since 1880 of every State that has been or is under the system of prohibition compared with States that are under license or free sale.

5675*b*. But might we take the reports of your sheriffs and marshals with some degree of confidence?—Yes, and no. Take the report of the select men and the mayors of our cities. Take the city of Portland, with a mayor like the present one, and I would rely on his statement.

5676*b*. The city of Bangor has a pretty high record of arrests for drunkenness?—I should think it might have.

5677*b*. Do you think that the police pass the drunkards by there?—I do not know whether they arrest them or pass them by, but Bangor is a peculiarly situated place. It is the headquarters for all the lumbermen and river drivers. They come out of the woods in the spring, and they go to the drives and they make Bangor their headquarters. They are paid in there, and there are rum shops there and houses of assignation.

*By Mr. Clarke :*

5678*b*. How is the prohibitory law enforced in the city of Lewiston?—Mr. Dingley claims that it is good. In Auburn, just across the river, there is not a liquor store, and that shows that if the prohibitory law can be enforced in Auburn it ought to be enforced in Lewiston. In Saco there is not a saloon or place where liquor can be procured ; but right across the bridge you can procure liquor in Biddeford.



PORTLAND, MAINE, 27th June, 1894.

SIR JOSEPH HICKSON, Chairman, MR. E. F. CLARKE, REV. DR. MCLEOD and MR G. A. GIGAULT resumed the inquiry this day at 10 a. m.

GENERAL NEAL DOW again appeared before the Commissioners, and was examined.

*By the Chairman :*

5679*b*. You were mayor for two years in Portland?—I was mayor when this prohibitory law was enacted and during the first years of its operation in 1851 and 1854.

5680*b*. Were you a candidate for the office of mayor at any time after that?—I was a candidate in 1852, but was defeated. The Grand Trunk Railway was in operation then, and a gravel train came in and brought down four hundred men and these men beat me by a very small majority.

5681*b*. That was when they were constructing the railway?—Yes.

5682*b*. Were you a candidate for the office of mayor at any later period?—Yes, in 1854. I am not sure but that I was defeated again; in 1854, however, I was elected.

5683*b*. But since that period have you been a candidate?—I was prohibition candidate for mayor some three or four years ago, and I got a very large vote, but I did not get enough to get in. I was not sorry for that, because I was too old to be mayor. I was only nominated as a sort of figure head.

5684*b*. When was that?—About four years ago, I think it was 1889.

5685*b*. You were neither Republican or Democrat then, but you ran as a straight prohibitionist?—Yes.

5686*b*. Was there a large vote polled?—Yes, the largest that was ever polled.

5687*b*. Can you give us the figures?—I do not remember them.

5688*b*. Who was your opponent on that occasion?—Mr. Chapman.

5689*b*. Was Mr. Chapman a Democrat?—No, he was a Republican. He was mayor the year before, and did not enforce the law. I was nominated with a view to the enforcement of the law, and got a very large vote, but not enough.

5690*b*. Do you remember what was Mr. Chapman's majority?—I do not remember. I took but very little interest in it. Of course I knew I was not to be elected, and I took no thought about it at all. I just allowed them to use my name.

5691*b*. We notice that the arrests for drunkenness in Portland during the last few years have decreased a great deal?—Yes.

5692*b*. Do you think that that is the result of there being less drunkenness in the community, or is it laxity on the part of officials in making arrests?—The reason of that is, I suppose, the more rigorous enforcement of the law, so that it would be very difficult for men who wanted liquor to get it. But it is not so difficult for men to get liquor who are known as liquor drinkers as those who are not known as such. A gentleman, a professor in medicine, wanted to find out about liquor selling in Portland. He inquired in Centre Street—his wife was on the one side of the road and he was on the other—and he went into a shop where it looked as if they might sell liquor. He said he wanted whisky, and the man behind the counter told him he did not sell any. He said, "I am a stranger and you will have no trouble with me—I want a glass of whisky". He went to several places, and they all told him the story that they sold no drink. In the sixth place he went they said to him, "Do you see that shop on that corner. Jack Hinchy keeps it; go over and tell him that Jim Coady sent you over to get a glass of  
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whisky." He went, and said that Jim Coady sent him over to get a glass of whisky, and the fellow in the place said, "Why didn't Jim Coady let you have a glass himself; he has more of it than I have." That is the way liquor is sold under prohibition.

5693*b*. Is it your opinion that the lessened number of arrests results from a lax enforcement of the law?—In the last two years they have fallen off a great deal?—The law is pretty rigorously enforced, and has been for two years.

5694*b*. If it was vigorously enforced in the last two years you would naturally expect to find the arrests smaller?—When I talk of the rigorous enforcement of the law, I speak of the rigorous enforcement against the grog shops.

5695*b*. I am speaking of the arrests for drunkenness in the last two years. They are much below what they were previously?—There is no laxity about the arrest of drunkards.

5696*b*. At the present time, since the City Marshal now in office came into his position, the arrests are very largely increased?—I suppose the marshal at present arrests more now than they did before, because it was the policy of the preceding city administration, which did not enforce the law, to say, if they could, that the arrests for drunkenness were diminishing, and, therefore, they could not arrest them.

5697*b*. Your impression is, that for the last two years the decrease of arrests results from the lax enforcement of the law?—Yes, so far as drunkenness is concerned, and the prohibition law too.

5698*b*. The present City Marshal told us that in May of this year there were 112 arrests for drunkenness against 69 in May of the previous year. That would show that there is more drunkenness, or that the law against drunkenness is more rigorously enforced?—The law was not rigorously enforced. The laws here, I am sorry to say, are not as well enforced as they are in England. The officials in England do not consider whether they approve of the law or not, but their part is, if the law is on the Statute-book to enforce it. Here, if the officials do not like a law, it is a common thing for them to let it slip. As I mentioned yesterday, we have had some mayors here who are right up and down good men in everything else, and leading church members, but, when they come to be mayor they will not hesitate to ignore that duty which they have sworn to discharge faithfully.

5699*b*. Do you know if the fines for drunkenness have increased or decreased within the last few years in the city?—They have decreased in the State, and I should judge they have decreased very much indeed.

5700*b*. I am speaking about the city?—In the city we are having strangers coming in here, sailors and fishermen and others in large numbers, and it is difficult to manage them. I believe that in the police court yesterday there were fourteen men up and not one of them was an American, but they were all foreigners. They came with liquors in their pockets from Boston, I suppose. They got on board the steamer at seven o'clock at night in Boston, and they were here the next morning with bottles of liquor in their pockets.

5701*b*. Is it not true that most of the prisoners in the police court on Monday morning were born in this city or in this State?—The keepers of our grog shops are almost all of them foreigners. Very few Americans keep grog shops. I do not know of any.

5702*b*. What do you mean by saying they are foreigners? Have they not become United States citizens, although they may have been born in a foreign country?—Some of them are United States citizens and some are not. They are Irish born or Irish bred generally.

5703*b*. That is they are generally born in Ireland or born of Irish parents here?—They are generally men born in Ireland.

5704*b*. Do the other nationalities contribute largely to the classes selling liquor?—We have no Germans here, as in New York and other places west. It is the Irish we have in Maine. In some of our towns we have French Canadians, but generally our foreign element is Irish.

5705*b*. I had not the pleasure of hearing your evidence when you appeared before the Commission in Montreal, as I was ill at the time, but I have read your evidence two or three times since. You spoke of the prisons, stating that some of the jails of the State, six months after the passing of the prohibitory law, were almost empty, and you mentioned five or six county jails, I think, in regard to which that was the case. Do you know how they stand now?—They are not empty now, I am sorry to say. I am not sure but that Oxford County jail is empty, because it has been empty several times, but Cumberland County jail is not empty. It had been overcrowded before the enactment of the law, but after the law there were only six persons in it, and three of them were rum-sellers.

5706*b*. The reason I suppose that these jails were empty during the first year of prohibition was that the law was rigorously enforced throughout the State?—The jail at Bangor has more in it than any other, because the law is not enforced, and in Augusta the law has been enforced, but very lately.

5707*b*. How do you account for the non-enforcement of the law?—Will you tell us your opinion in a general way?—In a general way, it is for this reason: The liquor leagues out west, in Pennsylvania, Ohio, Indiana and Illinois are very powerful. They have large funds at their disposal, and they have threatened the Republicans about enforcing the law. Breweries and distilleries are numerous, and the brewers and distillers are very rich and very influential, and they are thoroughly organized, and they have funds without limit for party purposes. They have sent word to the political bosses of the Republican party: “If you do anything more to crowd our friends in Maine, we will defeat you in Ohio, Michigan, Indiana and Illinois.” The Republican party is managed on this question by the leaders in this State, not with reference to the public opinion of Maine, which is thoroughly in favour of prohibition, but with reference to the party all over the States; and with this fear over them of having the party defeated in their States, we find our great difficulty. As I said yesterday, we never can suppress thoroughly the liquor traffic until all the profit is taken out of it, and in order to do that we want fines sufficiently large to take the profit from the rum-sellers, and we want sufficient doses of jail to make it disagreeable. We cannot get that from the Republican party, because they are afraid of being defeated out west, and it is for that reason that I and some others have abandoned the Republican party. They say to us: “Why do you not try and put down the Democratic party, which has always been rummy, instead of trying to injure us?” Well, you cannot put down the Democratic party. The last rebellion would have put it down, if it could have been put down. I may say that at the State conventions the Republicans make a platform and frame resolutions in favour of prohibition. They did that in 1878 and 1882. That was the result of a little bargain. The election following that was a very important one to the Republican party, and some men very high, living in Washington, wrote to me to know what we were going to do.

5708*b*. I suppose that we might consider all these resolutions of party conventions in favour of prohibition as inspired by political considerations?—They were inspired by the knowledge that the Republican opinion in Maine was thoroughly in favour of prohibition.

5709*b*. They are intended to secure the support of the prohibitionists in the State? If they said anything against prohibition that would be the end of them. The question is asked, why is it that, while the liquor traffic is practically exterminated in more than three-fourths of your territory in Maine, and amongst three-fourths of the people, that you cannot put it down in large towns. The reason is, that the law is not adapted to that just now. When the law was written the penalties were very small, but my aim was to get the principle of prohibition settled as the policy of Maine; and if in writing out that law the penalties were made too severe it could not be known what public opinion would be about it, and we did not want to do it in such a way as to get the opposition of any one. We wanted at first to get a great vote on the question of prohibition, and then afterwards we could raise these penalties according to the necessity of the time from our experience. We have been about forty years trying to increase the penalties of that law, and it is very hard work for us to do it, because the Republican

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bosses are afraid of it, and I believe that we will never have prohibition from the Republican party. When I have gone to the Legislature urging more stringent laws, they have told me there I had got more stringent laws now than public opinion would warrant, I said, very well, let us have a vote on the constitutional amendment. After a discussion of two years on that point, we got the Legislature up to vote on the constitutional amendment in the State. The result was that there was a majority in the State of 47,057 in favour of prohibition.

*By Rev. Dr. McLeod :*

5710*b*. Was the total vote in the vicinity of 90,000 ?—The vote was not very large. The total vote was small, compared with the political vote which was cast at the same election. Our reply to that is, that we have had a great many constitutional amendments in Maine, and some very important ones, and the vote has always been small. The last one was in favour of an additional qualification for voting. I am in favour of that myself, but I forgot to vote on it.

*By the Chairman :*

5711*b*. Shall I be correct in assuming that your State prisons are penitentiaries ?—Yes ; they are what are called penitentiaries elsewhere.

5712*b*. Do you attach importance to the statistics of pauperism and crime, and the number of persons in jails and penitentiaries as an evidence of the success or otherwise of the prohibitory law ?—No ; I do not attach very much importance to them. If we could get such amendments to the law as we desire, the jails would be empty or nearly empty, if not quite empty. There is liquor enough now to get men into such a condition as they will get into jail.

5713*b*. It is generally alleged that the statistics of pauperism and crime in the State are an evidence of the success of the prohibitory measure ?—That depends, however, on the condition of the population and upon the way in which the law is enforced.

5714*b*. Can we draw a general conclusion from the statistics of the jails and penitentiaries and alms-houses ?—You may do that, and you may say that it shows that liquor is yet sold in Maine.

5715*b*. I am speaking of the statistics, and I want to get from you information in relation to them, because your experience is greater than that of any other living man on this subject. I want to know whether you attach importance to the statistics of criminality and pauperism as evincing the success or want of success of the prohibitory law. It is said in England that three-quarters of the lunacy comes from intemperance, and it is said that there is not such a large proportion that comes from intemperance here ?—The pauperism and crime come largely from intemperance. The overseers of the poor, as we call them here, had an examination of the workhouse some years ago as to the connection between pauperism and intemperance, and they made a written report, in which they said that every individual in the workhouse came there directly or indirectly through intemperance, except one, and of that one they could find nothing of his antecedents.

5716*b*. Do you think that was a correct report ?—Yes.

5717*b*. Do you think that was justified by the facts ?—Yes ; that was before the Maine Law.

5718*b*. Do you think that is the case now ?—I do not see why it should not be. I believe that poverty generally—not always—but pauperism almost always, comes out of intemperance, directly or indirectly.

5719*b*. The clerk of the overseers of the poor supplied us with some statistics of the number of persons relieved in Portland, and they show an increase of something like 37·32 per cent in the number of persons relieved. The numbers relieved in 1892 were 37·32 in excess of the numbers relieved in 1881, whilst the increase in the population in the meantime was only 7·35 per cent. The ratio of the people receiving relief had therefore increased much more rapidly than the population. If you go into the alms-houses you will find that the majority of the names are foreign, although not all.

5720*b*. If I come to deal with the entire State I see that the pauperism is very nearly equal to the ratio of the whole of the North Atlantic States. The average of the North Atlantic States according to the United States census is 1,790 per million, and the ratio in the State of Maine is 1,756 per million. Maine is higher than Vermont, Rhode Island, New York and Pennsylvania; it is not so high as New Hampshire, Massachusetts, Connecticut and New Jersey?—Vermont is a rural State, and it has no seaboard. We have a good many seaboard towns here, and there is more pauperism in them than others.

5721*b*. What inference do you think we would be justified in drawing from the increase in the number of those receiving relief in Portland?—I do not know what inference you can draw. The fact remains, as I told you, that the quantity of liquor sold in the State of Maine is very small.

5722*b*. I am speaking of Portland?—Well, in Portland the quantity of liquor sold is vastly less than it used to be. I believe I said in Montreal that there was not one hundredth part as much sold in the State as before the law and not one twentieth part as much in the city. One would suppose that a very extravagant statement, but when I say that we had seven distilleries here running in the molasses season, day and night, and when we had at the same time great quantities of wine and India rum imported then, and when you consider that we have not a drop distilled now and do not have a puncheon of rum imported now, you will see that we had wholesale and retail liquor shops before the law.

5723*b*. You were selling at that time liquor for exportation from the state?—It went into the country, but nevertheless it was sold in Portland.

5724*b*. But it was not consumed in the State?—No, it was spread over the country. My statement was that there is not one hundredth part so much liquor sold in Portland as before the Maine law. I did not say “drank.” I am not sure whether I said in Montreal or not that Mr. Blaine, in a great speech here in the Garfield campaign, in the city hall, made a statement bearing on this point. The Democratic party had charged that Maine had suffered in its business affairs from the prohibitory law and the domination of the Republican party. In reply Mr. Baine said, “There is not a State in the Union that has prospered so much in the last fifty years as Maine has. I do not forget that my friend the Senator from Iowa, is present on the platform, and that there are very great and prosperous States in this Union; but after all there is not a State in the Union that has prospered so much as Maine’s.” And somebody cried out “we put the grog shops down.”

5725*b*. Then, when you speak of the liquor sold now as compared with what was sold prior to the prohibitory law, you included what was sold by distilleries for export?—Yes, all that was sold, distilleries included. On another occasion, Mr. Blaine said that in no civilized country in the world was there a population where so little liquor was consumed in proportion as in Maine.

5726*b*. Am I to understand that you do not attach a great deal of importance to these statistics of pauperism and crime as an indication of the success or otherwise of prohibition?—No, but I regard that as an indication of the extent to which liquor is consumed by the people who are paupers and by the people who are in jails and penitentiaries. Pauperism would hardly exist at all but for intemperance. Before prohibition the workhouses in Portland had been overcrowded for years, and the city was contemplating building a new one; but the first year after the Maine law the numbers were so largely reduced that the workhouse would afford accommodation for a city four times larger than Portland. The jail was overcrowded before the law, and it used to be pointed out in the newspapers as a scandal. Within four months after the law I visited the jail and there were five prisoners in it, and three of them rumsellers. Pauperism and crime must be connected with drink.

5727*b*. They seem to have increased?—Yes, the enforcement of the law is very lax.

5728*b*. Then the operation of the prohibitory law during forty years has not tended to decrease the number of the prisoners in jails?—Well, the population has increased since that time.

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5729*b*. I am speaking of the ratio of increase?—Yes; but the jails in the rural counties have not so many prisoners in them now, as you may gather from the statistics you have in your possession.

*By Rev. Dr. McLeod :*

5730*b*. Have you any idea as to how many prisoners there would be in the jails if you did not have the prohibitory law?—We would have to do as they planned to do in Edinburgh. The city council there appropriated £37,000 to enlarge the jail; but the Mackenzie Act came into operation, shutting up the grog shops on Sunday, and they did not enlarge the jail. So if we had no prohibition in Maine, it would be different to what it is now. At the time of the enactment of the Maine law no people in the civilized world consumed so much liquor as the Maine people. Rum was everywhere through the State. Since that time the change is great. John Bright said that if intemperance could be put away from the British people, England would no longer be recognized as the same place. That has happened in Maine. Maine can no longer be recognized as the same place it was before prohibition. I know a friend who had been twenty years away from Maine and he did not know Maine when he came back, such was the changed condition of things.

*By the Chairman :*

5731*b*. It is a matter of speculation as to what might have been, if a different system had prevailed. Do you admit that you cannot demonstrate it by actual figures? If it is a fact that you have more prisoners proportionately now in the jails than you had six months after the passage of the Maine law, would it be right to conclude that the Maine liquor law has not reduced the number of prisoners in these jails?—There is no fact better established than that at least three-quarters of the pauperism and nine-tenths of the crime come from intemperance. I believe that is generally admitted everywhere. I understand it to be so, and the fact is established that the quantity of liquor sold in Maine is vastly less than it was before. I do not know how to account for the fact that after all a good deal of pauperism and crime remain in Maine. The fact remains that pauperism and crime come from intemperance, but the fact is also there that the quantity of liquor sold in Maine is vastly less. The result is that Maine saves a vast amount of money, which, but for prohibition, would be spent in liquor.

5732*b*. Do you think that the consumption of liquor in the city of Portland has largely decreased during the last ten years?—It is constantly decreasing in Portland. It is not reputable to drink in Portland.

5733*b*. But do you think, as a matter of fact, there is less liquor consumed in Portland now than there was ten years ago?—I do not know about ten years ago, but I know how it was in the old rum times. In Bangor the law is not enforced; but for all that the quantity of liquor sold there is much less than it was in the olden times. I cannot tell you about the consumption of liquor in Portland. Among respectable people there are not many drinking people. I used to know more about them when I was a young man, for I used to go largely into society, but now in my old age I do not go into society so much.

*By Rev. Dr. McLeod :*

5734*b*. Is this the situation, General Dow: that prohibition in Portland does not absolutely prohibit, but do you believe from your experience and observation that it greatly diminishes the sale of liquor?—I can speak of that not as a matter of opinion, but as a matter of fact. Nobody denies that.

*By the Chairman :*

5735*b*. You draw the distinction between the sale of liquor and the consumption of liquor?—I would not draw a distinction here in Portland between the sale and the consumption, because there is no exportation from Portland now.

5736*b*. But previously there was exportation?—Yes.

*By Rev. Dr. McLeod :*

5737b. While the prohibitory law does not absolutely prevent, it does greatly diminish the consumption of liquor in Portland?—It greatly diminishes it; there can be no doubt about that. The habits of the people are all changed. Why, in the olden days the town bell used to ring at eleven o'clock in the morning and at four in the afternoon for the workmen to take their grog.

*By Mr. Clarke :*

5738b. At the present day do you know of any city in the Union where the bell rings at eleven o'clock in the morning and four in the afternoon for the people to drink?—No, I do not.

*By the Chairman :*

5739b. The conditions and the habits of the people have changed everywhere as well as in Maine?—Yes, and our workmen are a different class of workmen from what they were. They were drinkers in the olden time, but now drinking men amongst the mechanics are quite an exception. I belonged to a great society, the Maine Charitable Mechanics Association, and while they always drank before, now drink is not thought of.

5740b. You have stated, I think, that the majority of the people in Portland are in favour of the prohibitory law?—That was their vote on the constitutional amendment.

5741b. We have it in evidence that liquor is sold very generally in the city agency, and it is certainly not confined to the purposes for which the law in establishing the agency designed it should be. Is it quite consistent on the part of a community favouring prohibition to permit practically a free sale of liquor at that agency, and to employ at the same time a large force of men to go round the city and convict people for selling liquor?—You have a staff going around taking these people before the courts, and yet under the auspices of the city you have a free sale of liquor. Is that in accordance with prohibition sentiment?—The Methodists are a very great body of religionists in this country, and always at their conventions they form a grand resolution against the liquor traffic. There is hardly any language in the English tongue that they do not use against the liquor traffic. Nice men they are, and educated men too; but after they go directly round and vote for rum. The Presbyterians all do the same thing, and the Congregationalists do the same. When I have occasion to speak to them, I say: I would rather you would resolve against temperance and pray against temperance and then vote against rum, rather than you would pray and resolve against intemperance and then go and vote for rum. This whole question of redeeming the nation from the liquor traffic is a question of votes. It never can be done in this country or any other country without the votes of the people. And so the *Christian at Work*, a great New York religious paper, said, "The liquor traffic as it exists in this country is by permission of the Christian Churches. That is so. Those people, as I said, pray against rum and resolve against rum, but they vote for rum. What I mean by that is, that they go and vote the Republican ticket, as I did for years. Neither the Methodists, nor the Presbyterians, nor the Congregationalists vote against rum, but they vote the Republican ticket, rum and all.

5742b. I have been referring to prisons generally. I am glad to see that Maine has the lowest number of convicts in her penitentiaries of the United States which form the North Atlantic Division; but Maine had just the same number of convicts in her State prison in June, 1890, the year of the census, as we had in our penitentiaries for the three Lower Provinces of Canada. New Brunswick, Nova Scotia and Prince Edward Island have a system of license and local option. Their population is 881,000, and your population is 662,000. The ratio of convicts in the penitentiaries therefore was a little lower in the British Provinces than in Maine for that particular period. I merely refer to this to get your opinion on it. Would you draw any inference from that—is there anything that you would like to say upon it?—Well, I should say that

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the people do drink, no matter what the law may be. Then it must be understood that in Maine prohibition has not had a fair chance. The Republican Legislature positively refuses to give such amendments to the law as will work the grog shops out. If you want to know what prohibition would be under the most favourable circumstances, you should go to Sacarapa. That used to be a miserable place in the olden times, but now it is quite different.

5743*b*. On the other hand, with regard to the number of persons in the county jails in Maine, it is higher than the average of the North Atlantic Division of States. The average of the North Atlantic Division, according to the United States census was 389 per million, and Maine's quota was 457 per million, Maine's ratio per million in 1880 being 285?—Have you visited our jails?—

5744*b*. No; I have not?—Well, if you do, you will find that half of the prisoners there, or perhaps more, are rumsellers. In other States they do not put the rumsellers in jail, but they send them to Congress.

5745*b*. Well, how is it in the case of Vermont?—Vermont is a rural State.

5746*b*. What do you say with regard to New Hampshire?—New Hampshire has prohibition, but the law is not well drawn, and it is not well enforced. They allow the manufacture of liquor there. They have two breweries in Portsmouth, and they are a great nuisance to us—the beer comes over the line.

5747*b*. Well, what about Pennsylvania?—Pennsylvania has 454 per million in the county jails, and Maine has 457?—Pennsylvania has a large German population, and beer is freely sold there.

5748*b*. Do you think that that fills the county jails?—It depends upon how they enforce the law against drinking men. If they took up all the drunken men, I suppose they would have more in jail. When I was in England, they used to say that not more than one drinking man in ten was arrested. You cannot tell anything about the intemperance there. I suppose it might be the same in other places.

5749*b*. The ratio in the North Atlantic Division of States is higher than in the South Atlantic and the North Central Division of States. How do you account for that?—In the South Division of the country, I suspect that the law against intemperance is not well enforced, because a large proportion of the people drink there.

5750*b*. The Western Division has 573 per million in jail. What do you say about that?—Well, the immigration goes there very largely.

5751*b*. Do you think that they enforce the law strictly there?—They have no prohibition in the west, except in Iowa.

5752*b*. Now, let us take the city reports. In the city of Portland they have a ratio of about 3.72 per thousand commitments to jail, and in the city of Quebec, which is not noted for any great restriction in the matter of the issue of licenses, they have only 3.80 per thousand, just a fraction above your ratio?—Portland, during the first year of the Maine law, was a very fair specimen of what would happen if prohibition had been rigorously enforced. Those statistics will show nothing, unless you show the facilities for arresting and imprisoning.

5753*b*. Of juvenile offenders you appear to have in the State of Maine 256, while in Canada—the statistics are not quite complete—but they appear to have only 230?—They are very careful about regulating the conduct of boys and girls here. If they are bad they are sent right off to these reformatories. If the parents are bad or intemperate and do not bring up their children properly, they send them to reformatories.

5754*b*. Perhaps we are not as exact on these matters in Canada as you are in the State of Maine, but still we think that we give a fair amount of attention to our juvenile classes who are going wrong?—I presume you do.

*By Rev. Dr. McLeod :*

5755*b*. Sometimes in the papers we see statements by gentlemen who claim to have investigated the matter, that crime has increased instead of decreased in Maine. Have you any authoritative statement, statistically or otherwise, which would meet this?—I have never seen anything in our papers nor have I heard anything in conversation which would indicate that. Once in a while a man will come to the State and make investi-



gation, as he says, and he will make a statement in the papers to the effect that he found that crime was increasing in Maine.

5756*b*. Have you any figures which would meet that statement?—No. We say that we do not believe that it is so because we are not aware of it. Sometimes a man in the State—it might be a judge or some other man—being asked about this will write a letter which is published in the papers and which goes to show that prohibition has not diminished in any of these things.

5757*b*. Can you meet that with any authoritative statement?—No. If the man who comes to investigate the State, drinks, he will say that. The famous Dr. Robinson says: It is a peculiarity of the drink habit that the subject seems to lose consciousness between what is true and what is false.

5758*b*. You think that a man's habits prejudice a man's views about this matter?—Certainly, just the same as our habits and our associations prejudice us on the question; only that our prejudices happen to be on the right side and they are always on the wrong side.

5759*b*. You are in favour of a prohibitory law, General Dow. But do you regard the prohibitory law as it at present exists in Maine as your ideal law, or would you like a more perfect prohibitory law?—I would like a more perfect prohibitory law, and for thirty years I have been at the Legislature urging them to accomplish that, and telling them that they will never put the grog down unless they take the profit out of the sale of it.

5760*b*. You have succeeded in getting a good many amendments to the law?—Yes. The law as it originally stood would be nothing at all in the hands of the persons who have the enforcement of it now. The first two or three years the prohibitory law was enforced throughout the State rigorously.

5761*b*. Is it correct that the non-enforcement of the prohibitory law in certain places is attributable to the fact that the two political parties play with it?—Yes, it is an exchange for votes. The Republican party will wink at the liquor traffic for the sake of the votes of the liquor sellers, and when the Democratic party comes into power they do the same thing.

5762*b*. That is the liquor vote which is sold holds the balance of power, and they guard it?—Yes, in many places, and the liquor vote goes in a body, one way or the other just as they think they will be favoured. It is that very thing which has given birth to the prohibition party.

5763*b*. Would you expect a better enforcement of the law, with better results, if the administration of the law were in the hands of its friends?—Yes; and during the first year of the law it was in the hands of its friends.

5764*b*. Are we to understand you to say that the prohibition sentiment of this city is the strongest sentiment in it?—Yes, by far. I have told you about this vote on the constitutional amendment.

*By the Chairman:*

5765*b*. How do you account for this preponderance not asserting itself in the appointment of public officers?—Because, as I told you before, the Republican bosses are looking after the prosperity of the party irrespective of the general good.

5766*b*. Would that apply to the local officers of the city or State, such as sheriffs mayors, marshalls and so on?—Yes. Our present sheriff is the right sort of a man, but he is an exception. Our sheriffs before have been Republicans, but they have not enforced the law as the law commanded them to do.

5767*b*. What it is difficult to understand is this: why if the prohibition sentiment is so strong in this State, the people do not put into office those who would give effect to the law?—It is a wonder, and I cannot account for it very easily. I was walking in the street some time ago, and I met a doctor of divinity, a man who was widely known, and he said, "It will take you a long time to accomplish your purpose of putting down grog shops, when the temperance people are not voting for it." "That is very possible," I said, "it may take us a very long time. But if it takes a long time,

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it is because you and such as you do not help ; if you did help, we would put the grog shops down to-morrow." He went off without replying.

5768*b*. Is it a question of the best system of putting them down. Do you not think that almost every right minded person is decidedly opposed to intemperance and desires to see temperance prevail ; but that the difficulty is as to the best means of checking the evil. Is that not so ?—Yes ; I have seen a good deal of that. I met a gentlemen in England who was in favour of local option. He asked me if he could get a pint of wine if he went to the State of Maine, and I said he could not, if the law was well enforced, and then he said he would go against local option.

5769*b*. Would you consider the statistics of arrests for drunkenness in the cities a fair indication of the state of affairs as regards intemperance in these cities ?—No ; I would not, because it depends on the way in which the arrests are made, and whether every man is arrested who is seen in a state of intoxication. Noisy men and dangerous men were not arrested here two years ago.

5770*b*. Portland in that respect then is not better than other places ?—No better, except that it will be governed better this year.

5771*b*. Take it on an average over a number of years ?—When I was mayor every man who indicated he was drunk was arrested, but now they do not do that unless the man is noisy and disturbing the peace.

*By Rev. Dr. McLeod :*

5772*b*. Do you know whether these men, like the doctor of divinity to whom you referred, and others who do not co-operate with you, are in favour of license, or is it their attachment to their own political parties that interferes with them ?—They are thoroughly opposed to license, but they are attached to their party. They do not care to break away from their party. They say that their party did everything to put down slavery and so on—they do not like to break away from it.

*By the Chairman :*

5773*b*. It is sometimes suggested that the efforts to promote the prohibitive system lead to diminished efforts in the direction of organizing temperance societies. Do you think there is anything in that ?—There is something in that. At our temperance meetings there is not so much talk now about the physical effects of alcohol on the system, because our temperance people are all supposed to be educated about that, and the temperance workers here have forgotten, as they should not have done, that a whole generation has grown up since the enactment of the Maine law, and that a great many of these young people do not know so much as we do about the evil habit of drink. So we are talking about going back to the old system—not neglecting prohibition—of talking to the people about the effect of alcohol on the system.

*By Mr. Gigault :*

5774*b*. Did you write a letter to Mayor Melcher on the 25th May, 1889 ?—Yes, an open letter through the public press.

5775*b*. And did you call the mayor's attention to the open sale of liquor in the city of Portland ?—Yes, I did.

5776*b*. Did you declare then that twenty arrests a week were being made for drunkenness ?—Yes, I dare say, perhaps more.

5777*b*. In that letter did you not say that there were twenty arrests a week for drunkenness ?—Very likely ; I do not remember the number.

5778*b*. If twenty arrests per week for drunkenness were a proof that the law was not enforced under Mayor Melcher, do you consider that the law is not enforced now when there are so many more arrests for drunkenness ?—I know that the law is enforced now, and I know that it was not enforced then.

5779*b*. But the arrests now per week for drunkenness are more than twenty ?—That is because they are more careful to take up the drunkards, and they did not then. The policy of that civic administration was to let the rum shops run, and they did not want to have the number of the drunkards large.

5780*b*. Since the prohibitory law was first enacted, how many amendments have you obtained to that law in order to make it more stringent?—Well, a good many. We have been trying to get up the penalties, and we have got them up now. The law has been very much improved; but still it is not what it ought to be, and what it must be before we can entirely extinguish the liquor traffic.

5781*b*. Is it not true that forty-six statutes have been enacted to make the law more stringent?—I dare say that forty-six amendments have been made, but some of them did not amount to anything. I will give you a sample. When the officers went to seize liquors sometimes they would find in these shops a tub full of foul smelling water, and by the side of it would be a shelf full with bottles of whisky and rum and beer, and when the officers came the rumsellers would dip these into the water so as not to be seized. I went to the Legislature and stated this fact, and said, "I wish you would give us this amendment to the law, that wherever fluids are poured out or otherwise destroyed, evidently to prevent their being seized by those authorized to search them, the officers shall make a return of the fact to the court, which shall hold that the fluid so poured out or otherwise destroyed, was intoxicating liquor or intended for unlawful sale. They made an amendment to the law, that where the liquor was poured out the dumps should be carried before the court and presented to the Grand Jury for them to take action upon it. Every one could see that that was nonsense; but for five years we have had the amendment just as I wrote it, and now there is no more dumping. When we try to get amendments to the law we are put off in that way. A good many of these forty-seven amendments, or perhaps more, were utterly useless.

5782*b*. Were not many of these amendments made at your own suggestion?—None of these inoperative ones were made at my suggestion; I only suggested amendments that were efficient.

5783*b*. At the last session of the Legislature, did you ask for any amendment to the prohibitory law?—Yes.

5784*b*. Did you obtain any?—They put a little term of jail to the single sale and then they put a little jail to the illegal transportation, then they repealed at the same time a section, which I had written and which was adopted by the Legislature of 1891, that persons convicted for liquor transportation shall be fined five hundred dollars and be imprisoned for one year. They repealed that; and as compensation for it they put a little imprisonment on for the laws that stood before. They did not put enough jail on to affect any of the rumsellers very much.

5785*b*. I see by the newspapers that in 1889 you were not satisfied with the city marshal, because he notified the rumsellers of this city to shut up their shops at ten o'clock at night. Is that true?—I believe so. That is true. The city marshal at the time of the great fire ordered all the grog shops to shut up. I did not find fault with the marshal for ordering them to shut up, but I found fault with the marshal that he should have allowed them to run at all, because he was taking the power upon himself to evade the law.

5786*b*. I understand that you found fault with him because he allowed the rumsellers to sell during day time, and only ordered them to close up at ten o'clock at night?—Yes.

5787*b*. Were you acquainted with Judge Goddard of this city?—I knew him very well.

5788*b*. He was judge of the Supreme Court?—He was a judge of the Superior Court; that is an inferior court to the Supreme Court.

5789*b*. Did you notice any of his writings about criminality in the State of Maine?—Yes, several of his writings.

5790*b*. I see that in one of his writings he says, that in 1851, according to the Warden's report, there were four murders, and in 1886 thirty-seven murders. Man-slaughter one in 1851, and five in 1886; arson four in 1851 and seven in 1886; robbery none in 1851 and two in 1886; piracy none in 1851 and two in 1886. Other high crimes five in 1851 and thirteen in 1886. All these high crimes in 1886 number sixty-five, and in 1851 they only number fourteen?—Yes, I remember that.

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5791*b*. He also says, according to the increase of population the number of felons in 1886 in the State prisons should have been only 97, while according to the report of the warden there were 165; and he states that the criminality, according to that report, increased more than the population in the State of Maine. Would you compare the state of things in 1851 when the prohibitory law was enacted and the state of things which existed in 1886, about 35 years after the law was enacted? What do you say of these statistics?—Well, I did not see anything of them at the time they were published.

5792*b*. Are they correct?—I do not know whether they are or not. You could not trust Judge Goddard very much for anything he said in reference to prohibition.

5793*b*. Do you believe that these statistics were incorrect?—I have no reason to think they were incorrect.

5794*b*. Judge Goddard at the same time said, "Some people might think that the increase in criminality might be due to the foreign element. Of our thirty-seven murders, only four are aliens and twenty-five are natives of Maine. And of our 238 felons, less than 19 per cent were alien born, while 15 per cent were natives of New England, and more than 65 per cent were born in Maine?—I do not know whether that is true or not.

5795*b*. Do you think these statements of Judge Goddard are untrue?—His statement of opinion in relation to anything connected with prohibition could not be relied upon. But when he appeals to what he calls the facts or statistics, I cannot say whether he was mistaken or not. I knew Judge Goddard very well indeed, and he was very much in favour of capital punishment and very much opposed to perpetual imprisonment for capital offences, and a part of those statistics was aimed at that opinion.

5796*b*. Do you believe that Judge Goddard was such a man as to misquote official documents?—No, I should not think he would. He wrote a letter to the *New York Sun*, in which he said that business in Portland was run down as a result of prohibition. It was a hot letter, and I thought it was a rummy letter. I went around to the banks, and I said to the cashier of the principal bank here that the *New York Sun* had stated that business was run down in Portland. He replied. The business of Portland was never more satisfactory than now. The lumber business is rather dull, but business generally was never more satisfactory. I went to a large manufacturer of boots and shoes, and put the same question to him. He took up his book and said that last year he sold four times as many boots and shoes as ever he did before. The wholesale merchants will tell you the same story. When I said that you cannot rely on Judge Goddard on his matters of opinion, I tell you that story to show how his opinions would be affected by his proclivities in that direction.

5797*b*. Was Judge Goddard considered to be a respectable citizen?—Yes, a very respectable citizen, but he was violently opposed to prohibition.

5798*b*. Do you believe that the law in the State of Maine has been such as to encourage the spread of education throughout the State?—I only know that the state of education is better than it was. Our schools are much more numerous and better, and we have had numerous colleges established. Our young men are in college for the purpose of becoming well informed business men, and not for the purpose of being made learned men. In Massachusetts, New York and Pennsylvania you will find that there are a great many young men who are training themselves to be men of learning.

5799*b*. Therefore, if criminality has increased in Maine, it is not on account of the lack of education?—Not at all.

5800*b*. I see in one of those official returns that Mr. Beale, warden of the Maine State Prison, writing to the *Evening Post* says, "I have received the declarations made on the arrival of each convict at the prison from December 1st 1880, to December 1887. Of the whole number of convicts, 377, those who declared that they used any liquor were 124. The convicts who declared that they used liquors immoderately were 88." One third of the whole number were total abstainers, and only one-fourth claimed to have used liquor immoderately. What do you think of that statement?—I do not know what to think of it. My own experience and observation is that teetotallers very rarely commit crimes, and I am inclined to think that that is the experience of other people. Crime is committed generally when a man's reason is unsteady, either by the use of alcohol or some other stimulant.

*By Mr. Clarke :*

5801*b*. You say that you have gone to the State Legislature and tried to get amendments to the prohibitory law and that you did not succeed in some cases. If the Legislature of Maine was anxious to make the law effective, would they not have given you the amendments you sought?—Yes.

5802*b*. Did they reflect public opinion in withholding these amendments?—They did not reflect the public opinion of Maine.

5803*b*. The Republican party has been dominant in this State for many years. Did the Republican legislators reflect public opinion by pursuing this course, and defeating your efforts to make the law efficient?—No.

5804*b*. Does the Republican sentiment in the legislature play with the law, so as to make it a political football?—They do.

5805*b*. How about the Democrats. Are they any warmer friends of the prohibitory law than the Republicans?—No, they are utterly opposed to the law and always have been.

5806*b*. The action of one party, the Republicans, is to use the prohibitory law as a political lever?—Yes.

5807*b*. And that of the other party, the Democrats, is open opposition to the law?—Yes.

5808*b*. Is it possible that there can be a fair enforcement of the law under such a condition of things?—No.

5809*b*. If the prohibition sentiment is predominant in the State of Maine, what steps are the people taking to put an end to this condition of things?—We are trying to show the people of Maine that if they are in favour of prohibition they must show it by their votes and not by what they say. On the platform I very often refer to the action of the Republican and Democratic parties in this respect. I say that the Democrats like whisky and go for whisky honestly and openly, and the Republican party do not believe in whisky, but they go for whisky all the same. That is the only difference between the two.

5810*b*. Then there is nothing to be hoped for in the way of a rigid enforcement of the prohibitory law from either of the recognized political parties in the State of Maine?—No.

5811*b*. And the law will not be rigidly enforced until there is some new party returned to power, which will make prohibition the principal plank in their platform?—That is what we are after.

5812*b*. We may attribute the laxity of enforcement throughout the different parts of the State to a want of sympathy among the politicians?—Yes; the state of things existing here is really demoralizing. Although the law of the State has been on the Statute-books for forty-two years, and has been reaffirmed by a majority of 47,075 of our people, it is not enforced in some places. I am sorry to see some of our judges ignoring the law. That is very demoralizing, and it tends to lead the whole people of the State to illegality.

5813*b*. Is it not possible that the people of the State, a great majority of whom are so strongly in favour of prohibition, as you say, would throw off party allegiance for one or two years, so as to secure the amendments to the prohibitory law which are necessary?—It is a wonder they do not. If they did that, they would soon abolish rum.

*By the Chairman :*

5814*b*. What class of the community do you think take out liquor tax licenses from the United States Government?—The druggists take them out, and those people who want to sell liquors.

5815*b*. Are we justified in assuming that the taking out of these license permits indicates at least an intention to sell liquor?—Yes, you are justified in saying that.

5816*b*. They are evidence of an intention to sell?—Yes. The law was changed, at my suggestion, so that the taking out of sale tax papers was *prima facie* evidence that those who took them out were guilty of a violation of the law.

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5817*b*. Is that the law of this State at the present moment?—Yes.

5818*b*. Was not that law repealed?—I think not.

*By Mr. Clarke :*

5819*b*. Do you know anything about the state of affairs at Old Orchard Beach?—I cannot tell what it is now ; but last year I believe there was no liquor sold there, and I do not think there is any now. Some three years ago, liquor was sold there, but the season has not opened yet.

FRANKLYN R. BARRETT, President of the Portland Savings Bank, examined.

*By the Chairman :*

5820*b*. I think, Mr. Barrett, you were born in Portland, and that you have lived here all your life?—Yes.

5821*b*. For a great part of your time you were connected with the old Atlantic and St. Lawrence Railway?—Yes, I was one of your subordinate officers up to 15 years ago.

5822*b*. At present, I believe, you are President of the Portland Savings Bank?—Yes, and director, and also director of the Canal National Bank.

5823*b*. How does the Portland Savings Bank stand in point of finances?—It is the largest in the State of Maine as to amount ; it has about seven and one third millions.

5824*b*. Have you paid any attention to the working of the prohibitory law in the city of Portland?—Well, not systematically ; but just the same as any intelligent man who lives in a community like this must take. He has his eyes and ears open to what he sees and hears.

5825*b*. What is the result of your observation as to the manner in which the law is enforced, and the results of its enforcement?—That is rather a general question. It is a class law, of course. It has no effect whatever on people who have means to send away for liquor or wines. If it has any effect at all it is on the poor class, the labouring class. It has had the effect, and I have frequently had my attention called to it, of occasioning the consumption of an immense amount of extremely injurious liquor. I have often been told of the liquor they sell here from pocket flasks, and which they call "Split." It seems to be made of alcohol and something that colours it. Whether they put fusel oil in it, or not, I do not know. A man could get pretty drunk with that, and the drunkard's life here is not as long as formerly. I do not think there is any question about that, from the information I have. It is owing to the fact that a much poorer quality of liquor is sold now than before the law was passed. I think I have been able to see myself, as I have been about the city, no decrease in the number of drunken people I meet. Frequently in going through the upper part of the town you will not meet any cases, but if you go around in the region of the railway station you will be liable to meet drunkards at any time. One of my directors told me that he met five drunken men in one day, and two of them between this hotel and the head of High Street, where the Cumberland Club is. I think, however, that must be unusual.

5826*b*. The liquors sold from the city agency are supposed to be of the best kind, are they not?—I think they vary at different times. Some of the agents who have been in charge of the agency try to make as much as they can, and in order to induce them to sell some particular brand of wines or other liquor they have doubtless received bonuses from the people from whom they bought the liquor, which they counted into their own pockets. I do not think there is much doubt about that. I have been into the agency several times, when I wanted alcohol for mechanical purposes. I went there last year. I think it was about 9.30 in the morning. There were three men behind the counter serving out liquors, and there were so many people waiting to be served,

men and women and even boys, that I could not wait my turn and had to go away. An hour later I went there, and there were still quite a number, but one of the men, who noticed me, put up his hand and called my attention. I said I wanted some alcohol for a spirit lamp, and they filled the bottle and gave it to me, and I went away. Last year it was stated that that liquor agency was managed with less restriction than usual, and I presume it was. I recollect going there two or three years ago for something similar, and the agent said to me, "You, gentlemen, all buy your wines in New York and Boston." I said, "Of course we do." He said, "It is entirely unnecessary. Why do you not come here." I said, "Well, we do not care to put our names down here, and besides we do not know anything about your wines." He said, "Come in any day, and I will give you samples; but do not come on Saturday because it is a very busy day."

5827*b*. When was this?—That was four or five years ago, and I knew the man who kept the agency at that time. I think he was a particularly upright man. I do not think he could be bought. He was one of the deputy sheriffs for enforcing the law and he was noted for his energy, but his business was then to seize liquors, and his business in the agency was to sell them. He printed circulars and sent them around calling attention to the fine stock of liquors there was in the agency, but these circulars were recalled rather suddenly.

5828*b*. Did you see that circular?—Oh, yes; I had one of them sent me by the agent.

5829*b*. Is not that entirely outside the intention of the law?—The agency is supposed to be for the purpose of selling liquors for medicinal and mechanical purposes, and they are supposed to be sold at cost, plus the expense of handling, and the liquors are supposed to be of pure quality. Undoubtedly the law did not contemplate any such thing as that, but at that time they were not particularly desirous of enforcing the law.

5830*b*. From the observation you made just now, are you under the impression that the liquors are adulterated for the purpose of making profit?—I think some of them are not good, and I would not trust them as I would the liquors I can get outside the city. At the same time I do not know enough about them to make any observation with regard to the quality, because I never have bought any of their liquors. I do not have occasion to use such liquors anyhow.

5831*b*. Do you think there is a great temptation to the liquor agent to try and make money?—There is a temptation of that kind; there is no doubt about it.

5832*b*. Your savings banks here are associations?—They are what might be called organizations like mutual companies.

5833*b*. You have no stockholders in the savings banks?—There are no stockholders. The banks are organized under State Law and the societies appoint the trustees, who choose from their number a certain board of management. Then they receive deposits, and invest them according to the requirements of the statute, and pay such dividends as they may have earned.

5834*b*. You pay your expenses of working the institution, then your State taxes, which I understand are rather heavy, and the profits belong to the depositors?—They belong to the depositors entirely.

5835*b*. In what kind of securities are the managers allowed to invest their money?—The latitude is greater in this State than it is in some of the other States. You may invest in securities of the United States and a large number of the States, and of municipalities and counties, not including, however, a large number of southern or extreme western States. We may invest in the New England States, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Illinois, Wisconsin and some other States. We may take mortgages on real estate anywhere within the State. We may lend to Maine corporations on corporate notes; but practically we never do it unless we get strong endorsers besides. As for railway securities, we may invest in the first mortgage bonds of any railway within the State; also first mortgage bonds of certain railways within a limited number of States outside, which include some of the strongest and best known railways. That is about the limit.

5836*b*. Have you got a certain amount of money on hand to meet checks?—The law requires a certain reserve. Before a dividend is declared it provides that a certain

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percentage of the earnings shall be put into the reserve until the reserve amount is made up. In the case of a bank like ours, we carry rather more than the law contemplates. We have pretty nearly a million of surplus.

5837*b*. That surplus is held?—Yes.

5838*b*. Do you pay cheques?—We do not keep any account of cheques. We never pay a cheque. A man brings his deposit book and he gives a receipt for the money he draws and it is entered on the back of these checks, and that compares with the account in the ledger.

5839*b*. Have you paid any attention to the deposits in the other States so as to compare them with the deposits in the State of Maine?—Well, not much. I had an idea in my head, I think I got it from you, Sir Joseph, whether there might not be some connection between the prohibitory law and the savings banks deposits; but of course, the system in each State is perhaps different and you cannot compare the deposits very well.

5840*b*. Could we compare the State of New Hampshire, which adjoins Maine, with it? The deposits in the Maine Savings Banks in round numbers amount to \$50,278,000; in New Hampshire to \$72,000,000. The population of the State of Maine is about 660,000, and the population of New Hampshire is much smaller, so that their deposits per head are much larger than in Maine, and there is not the same prohibitory law in New Hampshire?—The truth of it is, it is not that which determines the deposits; it is the nature of the population. New Hampshire is much more of a manufacturing State than Maine, and the farmers have not much ready money to deposit. It is the labouring classes generally, receiving wages, who deposit in the savings banks.

*By Rev. Dr. McLeod :*

5841*b*. The farmer puts his surplus money into his farm?—The farmer gets his living; he does not get much beyond that.

*By Mr. Clarke :*

5842*b*. The mechanic often puts his money into buying a home for himself?—Yes, very often. There are a good many small holdings which the mechanics have secured from their wages.

5843*b*. How long has the Portland Savings Bank been in existence?—40 years. It is about the oldest in the State. I think it was organized in 1852.

5844*b*. Have you ever made a comparison of the number of depositors in the banks of the different States, so as to compare one with the other according to the ratio of the population?—No, I never carried the comparison that far.

*By the Chairman :*

5845*b*. I see that Maine with a population of 660,000 has 147,000 depositors. New Hampshire, with a population of 376,000 has 170,000 depositors. Vermont out of a population of 332,000 has 81,000 depositors, which is a higher ratio than Maine for that comparatively poor State?—There is another thing that probably enters into that, the requirements of the law. The amount of the taxes paid to the State and the latitude they have for investment may probably have some influence on it. In this State they prohibit paying interest on deposits which exceed \$2,000, and the idea of a bank like ours is not to have any large depositors, as it was intended for small depositors.

5846*b*. Do you know if the law is the same in all the States?—I know, for instance, that some States have a wider field for investment than we have. Massachusetts is narrower and New York is something terrible, it is almost impossible to invest there.

5847*b*. In New York they have 1,516,000 depositors out of a population of 5,228,000. That is nearly 29 per cent.—In the State of New York they can buy scarcely anything but United States bonds, and the bonds of a few municipalities and cities in the State of New York.

5848*b*. I see that Rhode Island, with a population of 345,000, has 137,000 depositors, nearly as many as Maine, with a little more than half the population?—That is the most populous State of the United States, and it is almost covered with factories.



5849*b*. Have you paid any attention to the amounts deposited in the National banks?—These do not accept savings at all. It depends a good deal on the character of the population where they put their money. The national banks are more business banks than savings banks. There is one National bank here that has got a regular savings bank attachment and advertises to receive savings deposits, and it has several thousands' there.

5850*b*. They allow a fixed rate of interest and take the risk?—Yes.

5851*b*. That is what is done throughout Canada?—Some of them do the same thing in Massachusetts, but the depositors do not come into the returns. Take the depositors of the Canal Bank, of which I am a director. I do not think that any of the deposits there are made by people who regard it as a place for savings. They are people doing a large business. They receive deposits there, and issue cheques as required.

5852*b*. Have you considered what effect the prohibitory law has had upon the commerce and business of the city of Portland?—Well, it is a question that I am quite unable to answer. I have never been able to satisfy myself in one respect, that is, in so far as people who come to this locality for the summer are concerned. Take an hotel like this. People will not stay here who come from cities outside because they cannot get their wine for dinner, when the law is enforced. I told you yesterday that in the Ottawa House, on Cushing's Island, when the Maine law was stringently enforced here, there was no Maine law there. They did not enforce it on Cushing Island. Sale there was not noticed by this same Sheriff Cram. You could get anything you wanted at that time at the Ottawa House, but you could not in the Falmouth Hotel here. I think that the people who come here and who want wine do not care to come, because sometimes they can get liquor and sometimes they cannot. In some places in this county they do not enforce the law and let strangers know it.

5853*b*. Do you think that the prohibitory law has had any effect upon your West India trade or your South American trade?—I do not see why it ought. Of course there was a large traffic in rum and molasses and raw sugar at one time, but I do not think that that has disappeared because of the prohibitory law. Changed methods and other channels of trade account for that.

5854*b*. You had at one time a great export trade in shooks here?—Yes. When sugar came in barrels we had a large cooperage trade here, but it now comes in bags, and that trade has disappeared.

*By Rev. Dr. McLeod :*

5855*b*. Are the deposits in the savings banks steadily increasing?—It takes about three years to add a million to the deposits in the Portland savings banks. That has been the rate of increase for 12 or 15 years. Of course it runs down occasionally, but at the end of each year there is a third of a million dollars more than there was the previous year.

5856*b*. You have lived in the State of Maine a great many years?—Yes, I have never been away from the city more than a few months at a time.

5857*b*. Have you had an opportunity of observing the condition of the State at large?—My memory does not go back far enough to tell what it was before the Maine law was enacted.

5858*b*. Then you cannot make a comparison?—No, I cannot.

5859*b*. Are you able to say whether the prohibitory law has had a beneficial effect or otherwise on the condition of things generally in the State at large?—I have always been inclined to doubt it, but yet I do not know that I can justify my doubt. I have no absolute knowledge of my own. My impression is, that any other law would do just as well as the prohibitory law. Of course the prohibitory law is easy to enforce in sparsely settled communities, and it has some effect there; but, in my opinion, a rigid license law would probably do the same thing.

5860*b*. You have not compared the prohibitory law in its operation with the license law in its operation?—No. We have never had a license law here since we started with prohibition.

FRANKLYN R. BARRETT.

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5861*b*. You have not had an opportunity of investigating carefully the license law in other places?—No.

5862. Have you at any time been favourable to the prohibitory law, or have you always doubted its utility?—I do not think I ever believed in it. I always thought it was a class law, and that it was a matter with which government had no right to interfere.

*By the Chairman :*

5863*b*. In voting here, have you usually voted for or against it?—If it were a distinct issue, I should vote against it, but generally it is not.

5864*b*. Have you voted for the party supporting the prohibitory law?—Yes, a great deal. I am one of those who vote first with one party and then with another, according as I think they are nearest to what I believe. I am what you call a Mugwump down here. I do not believe in the high tariff of the Republican party, and so I have to vote some other ticket.

*By Mr. Gigault :*

5865*b*. To what cause do you attribute the fact that the population of Maine has increased very little?—I think to the superior attractions of the western country. There is a better agricultural region there and better opportunity to get on quickly. Maine is rather a bad agricultural State. It is thrust into a corner of the United States, and with high tariff all around it, except on one side, the opportunities are better elsewhere. If you have been in Wisconsin, Michigan and Illinois, you will find Maine men everywhere there. Young men are born here and they go away. The west draws very largely on Maine for its population.

5866*b*. If I compare the census of 1880 with that of 1870, I see that the State of Vermont is the one where the increase in population has been the least, and next to that in point of increase comes the State of Maine?—All over the New England States are drawn steadily upon, and especially Maine, New Hampshire and Vermont for the western country. There were some other things which affected the population of the State of Maine. Formerly there was an immense number of vessels built here. I believe there were more built in Maine than the rest of the United States. The decay of American commerce and the disappearance of wooden vessels have finished that business.

*By Mr. Clarke :*

5867*b*. And the disappearance of your lumber trade has, I suppose, affected your population to a certain extent?—That has had something to do with it; but there is still a great deal of lumber in the State, and a great deal of business done in it. The lumber business is largely from New Hampshire and Vermont, and a good deal of lumber comes from Canada and is shipped to South America from here.

*By Mr. Gigault :*

5868*b*. I see that the married couples to one divorce in the State of Maine is very small if we compare it with other States. According to the statistics in the State of Maine there are only 204 married couples to one divorce. In Massachusetts there are 566 married couples to one divorce. In New York where are 1,152 married couples to one divorce. Do you think that the prohibition of the liquor traffic increases the number of divorces in this State?—No. I think it is the laxity of the divorce law.

5869*b*. You think there is no connection between divorce and prohibition?—I do not think there can be.

*By the Chairman :*

5870*b*. Do you think that the prohibitory law and the manner in which it is enforced has a tendency to make people lax as to the sanctity of an oath?—I have no doubt it has, because it is perfectly plain to every observer that perjury is extremely common in these liquor cases.

*By Rev. Dr. McLeod :*

5871*b*. Does it promote perjury in other cases than liquor cases?—Well, I think a man who is corrupt in one way undoubtedly inclined to become corrupt in another. I do not think you can separate them. If he perjures himself in one case he will likely perjure himself in another. However, I do not see why it should corrupt a man who has anything to do with the liquor traffic and has not taken a false oath previously.

5872*b*. Does it corrupt others than those immediately connected with liquor cases?—I do not see why it should.

*By the Chairman :*

5873*b*. Would not the non-observance of a law on the Statute-book, or rather the frequent violation of the law, with which most of the community is well acquainted, have a tendency to laxity in regard to the observance of all law?—I have always supposed that it had that effect, but I could not prove it.

5874*b*. Do you think that the open violation of the law or the imperfect enforcement of it would tend to engender contempt for other laws?—It must have that effect. I think four years ago some women went down to the Legislature and wanted to get a law passed to prohibit the sale of tobacco or cigars to boys under 18, and they got the bill through. I do not suppose there was ever one single attempt made in the State to enforce it. The thing is absurd on the face of it, and they cannot enforce it. It was a sort of sentimental legislation which the idea of promoting virtue by statute in this State put into the minds of some people to desire.

*By Mr. Clarke :*

5875*b*. Complaint has been made by some gentlemen who testified before the commissioners to the difficulty of obtaining amendments to the prohibitory law, which would make it more workable and more efficient. General Dow was here this morning and he said that the prohibitionists asked the Legislature for many amendments which they could not get. Do the Legislature reflect the predominating public opinion in declining to make enactments amending the prohibitory law in the direction that the prohibitionists desire?—They are supported well enough by public opinion, but I think they have gone rather further than public opinion, in the large cities at all events, would support. Two years ago I came across, and I wish I had kept it, a verbatim report of a speech that General Dow made 35 years ago. He then stated that liquor would be soon crushed out of the State; a few more alterations in the law, and that would be the end of the liquor traffic in Maine. General Dow has had 40 amendments to the law since, and he is saying the same thing to-day. The thing is preposterous and the man is insane on this question. That is the amount of it so far as his evidence in connection with prohibition is concerned. He is conscientious enough, but he believes what he wishes to believe. I know General Dow very well and like him.

5876*b*. The rural population of the State largely outnumbers the urban population. Is it possible to secure at any election a vote of those who desire to see this prohibitory law fully enforced, so as to secure the return of members to the Legislature who would give these amendments to the prohibitory law that are still wanting to make it efficient?—I am not aware of any part of the State in which it has been a test question. The strict prohibitionists have undoubtedly held in many parts of the State a sort of balance of power. The result of it is that the votes are all offered to one of the parties, and when they get the votes they want to pay the prohibitionists to some extent by legislation, and they give them what they are obliged to and no more.

5877*b*. I understood you to say that Cushing's Island is one of the municipalities of Portland?—I think it is within the city limits.

5878*b*. And I understood you to say that while the sale of liquor was rigidly prohibited by the sheriff on the mainland, it was allowed on the island?—Well, I know as a matter of fact that last year the hotel had a full supply of liquor and any one who wanted it could have it. I do not think they kept open bar for people who landed on the island.

FRANKLYN R. BARRETT,

## Liquor Traffic—Maine.

5879*b*. Can you explain why that laxity of enforcement should be permitted in a portion of the city when the same officer rigidly enforced the law in another part of the city?—I think that certain friends of the owners of property there had some influence with the sheriff.

5880*b*. Do you know anything about the city of Bangor?—I do from hearsay. I go there occasionally, but I have no knowledge of it. I noticed at the time I was there that there were a number of grog shops open, but how it was done I do not know.

5881*b*. Is it possible to have a law such as the prohibitory law enforced by county and municipal officers if the sentiment of the municipality over which these officers exercise jurisdiction is evenly divided on the question, or is not strongly in favour of the law?—It is not possible to enforce any law without public sentiment at the back of it.

*By the Chairman :*

5882*b*. Do you think that public sentiment is stronger to-day in favour of prohibition than it was ten or fifteen years ago?—I cannot myself see any difference. I should not say it was stronger. I do not think it has gained anything in that respect. I am satisfied that there are more wines used in a social way now than at the time when the Maine law was first enacted. But there are several reasons for that. In those days the only wines were Madeira and Port and they were used by comparatively few families. The French wines and the lighter wines, were not known then, but now they are very generally used. I have no recollection of ever going to more than one dinner party in Portland in my life that they did not have wine.

PHILIP HENRY BROWN, of Portland, banker, examined.

*By the Chairman :*

5883*b*. I think you were born here, Mr. Brown?—Yes.

5884*b*. You have lived here all your life?—Yes.

5885*b*. Your business is banking?—It is at present; we used to be manufacturers of sugar here.

5886*b*. Your father had large refineries here at one time?—Yes.

5887*b*. Would you be good enough to state briefly what it was that led to the closing up of the refinery?—Well, it was the change in the West India trade. Our business was to manufacture sugar from molasses of a low grade, and in course of time the demand for low grade sugars ceased, and the profits of the business stopped.

5888*b*. Were you ever interested in the breweries or distilleries that used to exist in this city?—No, except that we sold our residuum to the distillers here and elsewhere.

5889*b*. Has the character of the West India and South American trade changed much?—The West India trade, so far as the city of Portland is concerned, has gone. There is no demand for molasses for manufacturing sugar, and the raw sugar can be refined cheaper in New York; so that the West India trade may be said to be substantially at an end here. The sugar used to be imported in boxes, which were largely furnished from the State of Maine and New Brunswick, but now sugar is imported in bags; so that now that trade has also gone.

5890*b*. Has the tariff had anything to do with the extinction of the trade?—No.

5891*b*. Has the prohibitory law had anything to do with it?—I should say not. The West India Trade was substantially extinct before the McKinley bill went into effect, and if it had not been, that would have extinguished it.

5892*b*. It has not been affected, you think, by the prohibitory law?—I think the prohibitory law had nothing to do with that particular trade.

5893*b*. How has the prohibitory law affected business and commerce in the State of Maine?—That is a matter which is very difficult to state. It has driven away substantially the German population, which began to come at one time. As everybody

knows, the Germans want to have their places of resort, where they can take their families and drink beer, and as they could not have that here, they all went away.

5894*b*. In that respect you think it has affected immigration?—Yes, to a certain extent.

5895*b*. Has the prohibitory law had any effect upon the English or Irish?—I do not think so.

5896*b*. Has it had any effect on business generally in the city?—I think it has had. The country merchants who used to come to the city to purchase their goods at one time, and at the same time for the purpose of enjoying themselves, find no particular attraction of the character they want in Portland, and they do not come here as they used to, but they go to the larger cities, or to other cities in the State, where there is no enforcement of the law. It has had also this effect, that it has kept away to a very large degree the tourists that came here before the strict enforcement of the law, and in the last few years people who used to come here in the summer to spend a few weeks do not come.

5897*b*. Do you think it has had any effect on the value of property in the city of Portland?—Yes, I do. Certain properties such as distilleries and breweries have been rendered worthless, and certain other properties which were used perhaps for the sale of rum, have also become vacant, but they are not considerable.

5898*b*. Has it had any effect on the value of house property?—As the town is less attractive as to residence, I think probably the value of all real estate has somewhat declined.

5899*b*. Your family, I believe, are large owners of real estate?—Yes, the largest in the city.

5900*b*. What effect do you think the prohibitory law has had as regards the diminution of crime?—I should say that it has had no favourable effect. Every one knows that the statistics of the police court are not always trustworthy, but if we may judge by what we see in the newspapers of the number of arrests and the "drunks" we see in certain parts of the city, we are in a worse condition than we were before or ever have been.

5901*b*. Do you think there is more drunkenness in the city to-day than there was ten years ago?—I do.

5902*b*. There is no open sale of liquor, is there?—In a certain sense there may be said to be no open sale, but everybody who wants it can get it without difficulty. That is what I am told. I have no personal knowledge of these things, because I have never attempted to get a drink, but I know from what people tell me, and I see these things.

5903*b*. Have not the saloons been practically closed?—Yes, public saloons are practically closed I believe.

5904*b*. In what way do you think the liquor reaches the consumer?—Very largely in what are known as kitchen bar-rooms and through pocket pedlars.

5905*b*. Do you think that the chemists and druggists in the city sell liquor for beverage purposes?—I do not think that druggists, as a general rule, sell it to be drunk on the premises, but, if I am to believe the stories that are told me, almost all of them sell liquor by the bottle.

5906*b*. To be taken away and used for beverages?—Yes.

5907*b*. Do you know anything of the manner in which the liquor agency is conducted in the city of Portland?—Only from what I see in the newspapers, except that I have been occasionally there to buy alcohol in the days of the stricter enforcement of the law, when the druggists did not sell alcohol, and I found it difficult at certain times of the day to get near the counter owing to the large number of applicants for liquor whom I knew were not getting it for medicinal or mechanical purposes.

5908*b*. Were you ever solicited to purchase wine there for your own use?—No, but I have purchased there.

5909*b*. You have purchased wine there for your house?—Yes.

5910*b*. In considerable quantities?—A case at a time.

5911*b*. We have been told by witnesses who have been before us here that the law was indifferently enforced last year by the police in the matter of arrests for drunkenness?—I know nothing about that.

PHILIP HENRY BROWN.

## Liquor Traffic—Maine.

5912*b*. The present sheriff seems to be a man who is anxious to carry out the law ?—So it appears.

5913*b*. Do you think that public sentiment in favour of prohibition has increased in the community at all ?—I do not. I think it has decreased sensibly.

5914*b*. Can you give us any special reason for entertaining that idea ?—Well, I think, with the majority of people in the city of Portland, that there are more drunks and more crimes of violence than there used to be under a milder enforcement of the law. The liquors which are sold now are of very much poorer quality, and I hold that the enforcement has done no good at all. Let me say here that it is perfectly well known to everybody in the city of Portland that the private consumption of liquors and beers has largely increased.

5915*b*. Of recent years ?—Yes.

5916*b*. It has increased in the homes ?—Yes, and especially since the rigid enforcement of this law. Expressmen have told me that the amount of liquors and beers and wines brought into the city has very largely increased within the last two or three years, and that it is delivered at houses in large and small quantities.

5917*b*. Where does that liquor principally come from ?—From Boston.

5918*b*. Then the money that is spent on liquor goes clean out of the city ?—There are no manufacturers and no dealers here.

5919*b*. That is, no whole-ale dealers ?—Yes, there are none.

5920*b*. Do you think that the condition of the working classes has improved in the city under this prohibitory law, or has it been affected in any way by the prohibitory law ?—Well, there are so many other causes which have affected the condition of the labouring class that it is impossible to say. The business of the city has largely decreased, and there are many of the poor people poorer on that account.

5921*b*. Is it impossible for you to say how the prohibitory law has affected the labouring class ?—I will say this : I think that the labourers, labouring boys from 18 to 25 years, are very much worse off here than they used to be in every particular. They are more idle, more drunken and worse in every particular than they used to be 15 or 20 years ago. Fifteen or 20 years ago very vigorous efforts were made everywhere to get persons to join temperance societies and become teetotallers.

5922*b*. Do you think that these efforts are more vigorous now, or are they more directed towards the enforcement of the prohibitory law ?—There is very little of what we used to call moral suasion now a days. In fact, I do not think there is any at all.

5923*b*. We have had before us a good many men who are earnestly in favour of the prohibitory law, but who are not teetotallers, and one is led to enquire whether the younger class of the community growing up are now led to take pledges and become total abstainers ; or if pledges are taken as much as they were previously ?—In what we call the lower class, for want of a better name, I think the condition of the younger people is worse than it used to be in every particular.

5924*b*. With regard to the State of Maine generally, what has been the effect of the prohibitory law ?—I think it has had a good effect in the country districts. It has stopped the bar-room loafer who used to be a very prominent element in our Maine towns and in New England. While liquor and beer are drunk very freely in the State, they are drunk by people in their own households, who get it by the express companies, and the use of it is reasonable. I should say without hesitation that the law has done extremely well for our country towns.

5925*b*. And what is your opinion of the prohibitory law in the cities and larger towns ?—I do not think it has done any good there at all. I have lived in this city for 60 years and am perfectly familiar with everything going on ever since. When I was a boy the Washingtonian movement, so called, was established. My father was in the wholesale grocery and West India business, and he sold wines and liquors of all kinds, as every West India merchant did. This Washingtonian movement started and it produced a tremendous effect on the community. All those gentlemen who were in that business were persuaded to stop the sale of liquor, and at the period at which I speak there were only two grocery houses in the city of Portland that sold wines and liquor by wholesale. It was considered disreputable then to sell liquors. The movement had a

wonderful effect on people all over the country, and in fact I believe it did more lasting good to the State of Maine than all the laws on the statute-book.

5926*b*. What was the Washingtonian movement?—It was a movement to promote advanced temperance sentiment. It was considered a very extraordinary thing at that time for people to have wines in their houses, on their tables at dinner and in the evening. That sentiment has entirely passed away.

*By Rev. Dr. McLeod :*

5927*b*. You spoke of buying wines for family use at the agency?—Yes.

5928*b*. We have received the impression that the sale at the agency is quite indiscriminate. Did the agent require you to say for what purpose you required the liquor?—No, I think not.

5929*b*. You spoke about the character of the boys of the labouring class being worse now than in former years. What about the boys of other classes; have they improved?—I cannot say that there is any particular change. Boys of good families, as a rule, behave themselves everywhere.

5930*b*. Did these boys in the earlier years have the drink habit more or less than they do now?—I knew more about them 25 or 30 years ago than I do now, being one of them myself. I think I must say that there is less drinking among boys than there was before. I am not accounting for that. My own boys are young men and they are the same as I was. There is no restriction put upon them, but they are temperate.

5931*b*. Did you at one time have a considerable German population in Portland?—Not a very large one, but it was a growing one.

5932*b*. And they left you when the prohibitory law was enforced?—They gradually left.

5933*b*. Because they did not have their beer?—They did not have their beer and they did not have the social union with it which they wanted.

5934*b*. Were you originally in favour of the prohibitory law?—No, sir.

5935*b*. You were opposed to it from the outset?—Well, at the beginning of it I did not know enough about it to have an opinion, but the more I have seen of it the less good I think it is.

5936*b*. You have not at any time regarded the prohibitory law with favour?—No.

*By the Chairman :*

5937*b*. Are you in politics a Republican or a Democrat, Mr. Brown?—I am what is commonly known as a mug wump. I was a Republican before the McKinley bill, but I am not a high tariff man.

*By Mr. Gigault :*

5938*b*. Have you many clubs in this city?—Yes.

5939*b*. Are there any liquors kept in these clubs?—Of the clubs that I know anything about there are no liquors kept except by members privately.

5940*b*. But every member can have liquor in the club?—Yes, if he wishes to have it.

5941*b*. Is there only one club which has liquors, or are there more?—I do not know positively. I have heard it said that there are many, but I know of but one.

*By Rev. Dr. McLeod :*

5942*b*. We have heard of some clubs here who prohibit the use of liquor. Do you know anything about, that?—I am a member of only one club here and that club prohibits the sale of liquor, but it allows members to have their own supplies for their own use.

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RIGHT REV. DR. NEELY, Protestant Episcopal Bishop of Portland, examined.

*By the Chairman :*

5943b. Would your Lordship kindly state to us what your observation has been with reference to the effect of prohibitory law in the city of Portland and the State of Maine?—The original law was enforced a good many years before I came to Maine. I am not a Maine man by birth. I knew nothing of the State or the inhabitants of the State until I came here. I am a New Yorker, and was born in the State of New York ; so that I cannot go back to the time when the law was not in existence and compare the present state of things with what then existed. It is claimed that there has been a great change in the community at large respecting the use of alcoholic stimulants, and especially with regard to the vice of drunkenness, since the law has been in operation. How that may be, I do not know. I think there is no question that there is much less general drinking in Maine than there was fifty years ago. That is equally true with regard to other States in which I have lived and where no prohibitory law existed. It is stated that in the country especially the prohibitory law has had a good effect. I do not think it is claimed, even by those who are most enthusiastic in support of the measure, that it has done any very distinct service in our cities. I should say that it has not done any good during the time of my residence here. There is no marked change in the condition of the cities. In Bangor, Lewiston and Biddeford, I should say there was much less liquor used than there was twenty-five years ago. In the whole country at large, there is not as much as there was twenty years ago ; and I can look back and remember how things were all over the country at that time. At that time the use of alcoholic stimulants was universal. Every gentleman kept his decanters on his side-board and every friend who came in to call on him was treated as a matter of hospitality. That has entirely disappeared not only in Maine but in New York, which is my native State. I should say you would find the same condition of things with regard to general habits of the people of the country districts of New York State, as in Maine. I do not think it can be directly inferred, although it may be, to be due in some measure or in a great measure to the prohibitory law ; but it cannot be directly inferred that it was the effect of the prohibitory law that has decreased the general habit of drinking now as compared with 50 years ago. In writing to the Archbishop of Canterbury two years ago, in answer to a similar question from him, I stated it would be very difficult for an Englishman to conceive of the state of things in our country. We had no general habit of beer drinking throughout the country. The family drink tea three times a day, but as for drinking beer or other stimulants, it was practically unknown amongst our people at large. They never have had the habit within the last generation and they knew nothing about it, whilst 50 years ago the same thing prevailed in Maine as well as in New York, and everybody did drink. I have never made the prohibitory law a matter of investigation, and I can only give you my impression about it.

5944b. It is affirmed by some persons that in the country districts liquor cannot be had?—Well, I do not know myself from personal observation any places in Maine so small that it cannot be had. In the discharge of my duties I visit some little country stations, and I remain in the hotel probably for a night. I sit in the office and I see certain men come, pass through a certain door and then come out again. I infer from that what is going on, although I have never gone to get liquor myself. In fact, in some cases I have known that the purpose of these men was to get liquor. I know from another source what they got there. In almost every place I have been in, I supposed it to be so. I was only yesterday speaking to one of my clergymen, the rector of Brunswick, which is the seat of our county educational establishment ; I do not know from personal observation anything about Brunswick. I have stayed at the rectory, and the rector has told me that liquor is very freely sold there. I cannot say that it would be as likely a town as any in Maine to be exempt from liquor. I have heard Judge Putnam mention three or four places where he thought liquor could not be had, Dixfield, Turner and some other places, where I did not go



officially. But I was in Parishill, which is near one of those places, last summer, and they said at the hotel that liquor could be had at that place. I sat on the hotel steps there one morning, and near the hotel was a large country store where drugs of all kinds were sold. As I sat there on Sunday morning, that door was wide open the same as any other day. I saw a line of persons going into that store, I presume it was for the purpose of getting liquor, and I called attention to the fact at the time; and they stated that notwithstanding that indication, no liquor was sold there. That may be entirely true. Two or three years ago I was invited to a dinner in this hotel given by the Commercial Travelers—and by the way I would say to the Commissioners that if they want to find out the exact facts of the case they should interview some of these commercial travellers—who asked me to dine with them here, and I did so. I turned to one of them at the dinner and I said, “I want to ask you a question. I do not suppose you happen to want to have anything to drink on your travels, and if you do, do you carry it with you?—I want to ask you this question because it has often been asked of me. Have you ever found in any part of your travels a place so small (they do not visit the very smallest hamlets) where you cannot have something to drink if you want to have it, say bad whisky, if you cannot get anything else”? He smiled and said, “I do not think I have ever seen that place in the State of Maine yet. I have seen, in small places oftentimes, indications that persons have been drinking too much.” I am very sorry to feel that the prohibitory law is not entirely effective. I would be far from saying that it has had no good effect. I think it has. I think it has more or less a good effect, but how much, I cannot say, because I do not know what the condition of things was before the law. It must have a good effect, especially when it is sustained by that influential organization, the Women’s Christian Temperance Union. Now, with regard to the condition of things here and elsewhere as compared with 50 years ago. I would say that in New York and other States, which are no better than Maine, the changed habits of people with regard to liquor was brought about by no local enactment but by the influence of associations and the influence of Christian men and women, who created a moral effect upon the community. I think that the change in our drinking habits, not only in Maine but in New England, has been brought about by this moral force, and by organizations of that kind, rather than by legal enactment. Where a prohibitory law exists and is sustained by public sentiment, of course it will be operative and effective. I think myself that if our law in the State of Maine had been less sweeping in its provisions, it would have been far more effective. It is just as much offence against the law for a druggist to keep pure alcohol on his premises for mixing in medicine as it is for a common liquor seller to sell liquor. He is subject to fine and imprisonment for the first offence. That is a fanatical provision in my opinion. I should say it would be better to allow the use of light wines and beers, and to allow them to be sold under proper restriction. I think if they made a law with proper restrictions, and prohibited above all things this scandalous stuff which is sold under the name of liquor, it would have been better than anything else. The character of the liquor sold here will, more than anything else, produce drunkenness. I think if they allow, under proper restrictions, the sale of light wines or beers, public sentiment would sustain the law. We should have brought into the enforcement of the law the co-operation of those who paid a high license for the sale of wines. It would be to their interest of course to stop the illegal sale, and I think that would have been much more effective and the result much better than the results of the prohibitory law.

5945*b*. What effect have the efforts to enforce the prohibitory law upon the temperance societies?—Has it diminished the number of temperance organizations?—I do not know that it has. We have most influential organizations, the Women’s Christian Temperance Union, the Knight Templars and I think the Knights of Pythias and other organizations of that kind.

5946*b*. Have you any temperance organizations in connection with your church, Bishop Neely?—We never have had here. There is a Church of England Temperance Society that has numerous branches throughout the world. I have never introduced that society into Maine, because of the feeling that the moment we did anything of that sort we would be denounced as friends of the rumsellers. We would be denounced as

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our friend the inventor of this law denounced the Church of England Temperance Societies when he came back to Portland from a visit in England. I have felt that if we introduced that temperance society here, we would put ourselves into this position. People who call themselves temperance people, by which they mean total abstainers, denounce moderate drinking, as the Bishop of London was denounced and all his associates because they do not insist on total abstinence. A gentleman who was courteously invited to make an address before them, because he was known to be a great temperance advocate in America, came back to Portland here, having accepted their courtesy and gave an address here, and made astounding statements with regard to the effect of this prohibitory law, and publicly denounced the Bishop of London and his associates as not temperance men at all but as advocates of drinking. They were denounced as opposed to temperance because they did not believe, in England at any rate, in the practicability of prohibitory measures.

5947*b*. We have had supporters of the prohibitory law before us who are not total abstainers, and I have been curious to know if the attention which has been given to the advocacy of the prohibitory system has led to diminished efforts in the direction of total abstinence. Can you say anything on that subject?—I do not think I can answer that.

5948*b*. Bishop Healy, (the Roman Catholic Bishop) says there are not so many members of temperance societies as there were previously, and that the feeling has prevailed and prevails that there was and is no necessity to be total abstainers since the sale of liquor was prohibited, or at any rate that that was and is put forward as a reason for many refusing to join the total abstinence societies?—The church temperance societies here as well as in England have two or three different pledges, and there are many who are not total abstainers. As I have said, I have not encouraged that society to come here, for the reason that we would seem to be fighting against a condition of temperance that some people wanted. As long as they want the prohibitory law let them have it, although my own convictions are very strong with regard to the matter and with regard to our church position on it. I have been asked sometimes to go down to the City Hall and make a temperance speech. I have said to the men who came to me, men who are simply members of this party, and who want to have prohibition advocated as a measure above all others for producing the desired result, that I could not say that, and, that if they expected me to say that, they had better not ask me to go down. I told them that if they had a free meeting and wanted an expression of opinion, I would give it. I have not very much confidence in legal measures or law of any kind for the enforcement of morality of that kind, and I have very much more confidence in the cultivation of high moral religious sentiment on this matter. I think they ought to put drunkenness where it ought to be. It is not the use of this or that or the other thing, but the abuse of it which is destructive morally and physically. Drunkenness is put down by St. Paul in the category of a deadly sin, shutting out a man from the Kingdom of Heaven as much as adultery or murder. Let it be regarded as a deadly sin and let the law punish it as it would any crime and you will stop drunkenness. Nowadays drunkards are not objects of contempt, but simply of sympathy. Sentimental sympathy is always interwoven with the picture of a drunkard. Some of these people set up a drunkard on a platform and they say look at him: he became a drunkard twenty-five years ago, because some man happened to give him a drink of whisky. Think of this poor man who became a drunkard twenty-five years ago, because some horrible fellow gave him a glass of whisky. What nonsense that is.

5949*b*. Shall we be correct in concluding, Bishop Neely, that your Church is not making efforts which it otherwise would make in the temperance movement because the sentiment here is directed towards the enforcing of prohibition?—I officially have not thought it expedient, in response to requests to me to that effect, to ask my people to take up that matter, because I felt that many people were so wedded to this one system of prohibition that I did not want to have them feel that I was out of sympathy with them in their efforts to suppress this vice, or rather to let them think that I had less desire than any one else for its suppression. They have been trying for 25 years, year after year by new enactments, to make the law more stringent, and as long as that was going on, and as long as the people of the community felt that it would be enough, I simply would not bring in any other temperance organization here.

*By Rev. Dr. McLeod :*

5950*b*. Do you know if your clergy favour prohibition?—I really do not know. I cannot answer that question. I suppose there are differences of opinion among them. Each one is allowed to do as he chooses about it.

5951*b*. You have not been able since your residence here to look with favour upon the prohibitory law?—I simply do not think it effective. I cannot say that I have come to regard it as effective, from my own observation.

5952*b*. In the matter of crime and poverty, do you think that Portland is in a very good condition?—I should think so. I think it compares favourably with any city I know of.

5953*b*. I suppose that is true of the whole State of Maine?—Yes.

*By Mr. Gigault :*

5954*b*. Do you believe that the open violation of the prohibitory law has had an effect on the community in causing disrespect for other laws?—I was very much grieved at the insertion of the prohibitory law as a part of the constitution of the State of Maine. I was very sorry to see that done, because I felt that there would be just the same violation of the law as there had been before, and when it became a part of the constitution it would lead in my judgment to the disregard of other provisions of the fundamental law. That is what I feared at the time, and I publicly expressed my fear. The liquor sellers, I believe, voted generally for the constitutional amendment, and it was carried by an overwhelming majority. Many of them voted for it, I believe, because they thought that would be the end of legislation on the subject; that it would not come up every year in the Legislature, and at the same time that it would be no more effective in the constitution than it was in the simple statute. That was so in the end. We have had many enactments since that time. I cannot say how far it has had the effect of bringing about a readier violation of other constitutional provisions, but I feared that would be the result at the time.

*By the Chairman :*

5955*b*. The judge of the Municipal Court, who was before us, stated that he thought the effect of the law had been to create rather lax ideas about the sanctity of an oath?—I should think that must be so.

5956*b*. Have you paid any attention to the working of the system here of taking out warrants by the sheriff?—I have not specially. I have made no particular investigation of this matter, as I think I stated to you. Some years ago I had occasion, at the request of a friend, to look over the city marshal's reports for ten consecutive years under two headings, drunkenness, and drunkenness and disorderly conduct, and for these ten years there was no diminution but rather an increase in proportion to the population of the number of arrests, whatever inference might be drawn from that. It would hardly show, I think, that the law was producing the effect of stopping drunkenness.

5957*b*. We are met with the statement that at certain periods there was a lax enforcement of the law, and that the officers were not doing their duty?—That might have been.

5958*b*. There is a system of issuing search and seizure warrants here and the number of warrants is very great, and the seizures made comparatively very few. Do you think that that system is calculated to lead to oppression and corruption?—I think that it might have that effect. You asked Mr. Brown something about clubs. He belongs to the Cumberland Club; but there is another club that he apparently does not know of, the Athletic Club, of which I have allowed myself to become a member. It is a new club. There is no liquor sold or used there, and it is prohibited everywhere in the building. The other clubs which have been spoken of to the Commissioners, are not organized clubs, they are simply coteries of young men who call these clubs, and who get together and have their bottles in their closets. I am afraid that these clubs have had a very bad effect indeed, and that young men who never drank at all previously have done so in the secrecy of the club, as they call it. They would not be seen to

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drink over a bar, but they do it in these club-rooms. I do not think, however, that that exists to such an extent as it did a few years ago.

*By Rev. Dr. McLeod :*

5959*b*. We have been told that two Republican and two Democratic clubs have prohibited the use of liquor?—That may be ; I know that there are such clubs, but I do not know anything about them.

*By the Chairman :*

5960*b*. The system which I have described of issuing so many search and seizure warrants, is it not likely to lead to corruption?—One would think so.

BENJAMIN C. STONE, Clerk of the Judicial Supreme Court of Maine, examined.

*By the Chairman :*

5961*b*. What office do you hold, Mr. Stone?—I am Clerk of the Supreme Judicial Court, and Clerk of the Western District Law Court, and Clerk of the County Commissioners.

5962*b*. How long have you held office?—I have been in office as Clerk for 6 years ; I was Deputy Clerk before for 8 years. I have been 14 years in office altogether.

*By Mr. Gigault :*

5963*b*. Can you give us any statistics about the number of divorces in this city or the number of divorces in the county?—I can give you the number of divorces in this county. Our judicial system is made up in this way : We have a bench consisting of eight judges, one of whom is termed the Chief Justice. The eight judges constitute the Supreme Court, and the State is divided into circuits or counties. The court is made up not only of *nisi prius*, but also what we term law courts. That is to say, the state has 16 counties, and in each county there are three or more terms of *nisi prius*, and one of the judges is assigned to each county. That is, each judge takes a term in one of the counties, so that they are constantly occupied as Circuit Judges. Thus the same court constitutes the law court, which is divided into three districts. We have what is termed the western, middle and eastern districts. In this district, which is the western district, we have five counties and there are regular terms of *nisi prius*. One judge holds a term. When the western district law term meets, which it does in July next, we have six of these judges sitting *en banc*.

5964*b*. What was the number of divorces granted last year?—In 1891, at the three terms of the court, there were 68 divorces ; in 1892 there were 48 divorces, and this year, 1893, we have only held two terms of the court (our terms occur in January, April and October), and in these we have granted 36 divorces.

5965*b*. Are a good many of these divorces obtained on account of drunkenness?—In 1891 were granted 68 divorces, and 17 of these were on account of gross and confirmed habits of intoxication. In 1892 there were granted 48 divorces, and 12 of these were for gross and confirmed habits of drunkenness. In 1893 we granted during the two terms 36 divorces, and only two of these have been for gross and confirmed habits of intoxication.

*By the Chairman :*

5966*b*. What is the population of the district?—The population at the last census in 1890 was 91,000.

5967*b*. Do you know of any publication which would give us the number of births and marriages and the attendance of children at school, church membership, &c.?—We have in this State, but it really has only been established for one year, what is called

the Board of Vital Statistics. This is located in Augusta. There they have the registry of vital statistics, and the clerks of all the counties are required to report to the officer once a year.

*By Mr. Gigault :*

5968*b*. Generally in your courts, what are the causes for which divorces are granted?—I think the largest number of all the cases are granted on account of gross and confirmed habits of intoxication. Then cruelty and abusive treatment comes next, and according to my experience in the court that is produced very largely by the excessive use of intoxicants. Usually the testimony of the witnesses in these cases is to the effect that the husband was drunk when he abused his wife, and that allegation is generally made. It very often occurs that it is stated that when the man is sober he is very good, but when he drinks liquor to excess, he is morose and treats his wife badly. We have, I am sorry to say, quite a number of divorces on account of adultery.

*By the Chairman :*

5969*b*. Can you tell us how the number of divorces in the State of Maine compares with the divorces in other States?—I think, according to our population, they are rather in excess of the other States, except perhaps some of the Western States. In some of the Western States, I think, the statistics show the proportion of divorces to be larger than in Maine, but in this State the proportion is rather larger according to the population than in some of the other New England States.

5970*b*. Have you paid any attention to the operation of the prohibitory law in the city of Portland?—I have. All of the appealed cases from the Municipal Court come into the Superior Court. Our statute makes liquor selling under certain circumstances a nuisance, and indictments are found by our Grand Jury.

5971*b*. These indictments are all found by the Grand Jury, which is part of your Superior Court system?—Yes.

5972*b*. Have you many such indictments?—Yes, we have a great many. I should say that our appeals would average about 50 cases per term. They vary from 35 and 40 to 75. The liquor indictments, as we call them, would average about 30 for each term, and that would be 90 in a year.

5973*b*. Do these cases come generally from the city of Portland?—Almost entirely. We have one other city and one large town in the district, and we get a good many complaints from them. I refer to the city of Westbrook and the town of Brunswick. These are large manufacturing centres, both within the county, and we get a good many complaints from that city and that town.

5974*b*. Would you be good enough to tell us the result of your observation of the working of the prohibitory law in the city of Portland?—It is a question in my mind as to whether a prohibitory law is better than a high license law. I think that prohibitory or license law is better than no law; that is to say, I would not be in favour of the unrestricted sale of intoxicants in the State. I think that the prohibitory law has had a beneficial effect and that it is far and above an unrestricted sale. But it is a question in my mind whether or not high license would have done fully as well. It is a matter which I have considered quite frankly, though I am free to acknowledge that I have always been a prohibitionist, and I am in favour of restricting the sale of intoxicants. But, however, since I have been connected with the courts, it is a question to my mind whether the prohibitory law has worked as well as a high license law might have done.

5975*b*. How long have you lived in the city?—I have lived here fourteen years, and I was born in the county.

*By Mr. Gigault :*

5976*b*. What made you come to the conclusion that perhaps high license would be preferable to a prohibitory law?—Well, from the effects which the prohibitory law has produced. The prohibitory law has had the effect of driving the liquor traffic into the hands of disreputable parties, and respectable men will not go into the business, because

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the penalties are so severe that they do not care to take the chances of imprisonment, and so respectable parties will not resort to selling liquor. Another matter which has come under my observation in the working of the prohibitory law is, that it has a tendency to make men disregard an oath. We place very little confidence in a man on the witness stand who is testifying in behalf of a seller of intoxicating liquors. The man himself will very frequently take the stand, and we have no doubt in our minds but that he is perjuring himself unquestionably.

*By Rev. Dr. McLeod:*

5977*b*. Is that the fault of the law or the fault of the man?—Well, of course it must be the fault of the man, because we have frequently had instances where a liquor seller himself will take the stand and tell the truth, but that circumstance is so rare that I have known the court to comment favourably upon it.

*By the Chairman:*

5978*b*. Is not this perjury a result of the operation of the prohibitory law?—I should say it was. I think that the law drives the trade out of the hands of men who might perhaps be termed respectable men and drives it into the hands of those who are not respectable citizens, and consequently they have not that regard for an oath which a man, if he were really in the business, would observe. The liquor seller now, in most cases, does not regard the sanctity of an oath at all. These are questions which have arisen in my mind in regard to the prohibitory law.

*By Mr. Gigault:*

5979*b*. Did I understand you to say that you voted for prohibition?—I did, because it became a part of our political system.

*By the Chairman:*

5980*b*. You have frequent changes of State officers. Has the result of your observation been that the law is enforced at various times with different degrees of efficiency?—Well, I must say that I think that is the case.

5981*b*. There are periods when the prohibitory law is very efficiently enforced?—Yes.

5982*b*. And there are other periods when it is not enforced?—Yes. That I attribute more to political influence than I do to the operation of the law. That is brought about by the rum element, which holds the balance of power between the two parties, Republican and Democrat, and either party which obtains the rum element is likely to secure any election. It has been stated, and I have no doubt of it, that both political parties—I do not make any distinction between them—have catered to the rum element, and, for the sake of their votes, have promised them laxity in the enforcement of the law. When they get into power on the rum vote, they are bound to do something to fulfil their promises.

5983*b*. The system prevails here of issuing search warrants, and a very large number are issued while only a comparatively small number of seizures are made. Do you think that that system is calculated to lead to corruption and to wrong doing on the part of the officers?—It has a tendency that way. Officers are paid very largely from their fees and in that way they are induced to make searches.

5984*b*. Do you happen to know the proportion which the actual number of seizures bears to the number of warrants issued?—I do not know. That matter does not come before our courts as much as it does before our municipal courts.

5985*b*. The sheriffs are paid so much per day and so much for the serving of these warrants?—They are.

5986*b*. Do you happen to know if the payment per day applies to the days only that the sheriffs are at work?—I believe they draw their pay every day and on Sundays also.

5987*b*. They draw their per diem allowance for the whole year?—Yes, and their fees in addition.

5988*b*. Do you happen to remember what fees are paid?—I think there was a statute passed by which certain fees were taken from them, that is to say, providing that they could not at the same time draw both fees. For instance, they receive a per diem allowance for making a seizure, and at the same time they would be witnesses in the court upon these seizures they made. They were allowed a witness fee and at the same time they were drawing their per diem allowance, I think the statute was passed by which they were cut off from their per diem allowance while acting as witnesses in court or *vice versa*.

5989*b*. But they are allowed something at the present time for serving warrants?—Yes, the serving of a warrant is 50 cents. Then they are entitled to an aide where it is presumed they go to make a seizure, and I think the assistant is entitled to \$1.00. Then they are entitled to a fee for conveyance, which is supposed to cover the cost for cartage for the liquor from the place where found to the rum hole in the sheriff's department. The custom, I think, is as follows: Two officers may make a search. One may make his return as serving his warrant and the other one as his aide, and then they will get the liquor in, and charge so much for the conveyance. The one who makes his servance gets his fee and the one who acts as his aide gets his fee. Perhaps the next time they make a seizure the mode will be changed, and the seizing officer in the first case will go as aide in the second case. In places where they find liquor, I think they are entitled to a certain fee for the search. That, I think, is 50 cents, but I am not positive about that.

*By Mr. Clarke :*

5990*b*. Do they bring the conveyance with them when they go to search places?—Yes.

5991*b*. In cases where they are not successful in seizing anything, and when they have the conveyance with them, are they paid?—I think not unless they find something.

*By Rev. Dr. McLeod :*

5992*b*. Have you had an opportunity of observing by residence in any place where the license system was in operation, the working of a high license system?—We never have had a high license in this city within my recollection.

5993*b*. And you never lived in any place where it was in operation?—No.

5994*b*. So that the question in your mind as to the merits of the high license system is simply a matter of inference with you?—Yes, I will say this: I have lived one year in Massachusetts. There they have what is termed local option. That I was not in favour of at all. For instance one town would vote not to sell and another town would vote to sell, and it was a question before the people that year. That system I did not like; but whether the high license system, as we term it, that is to make the fee for a license so high that only men of means and what are presumably respectable men would go into the business, would work better than the prohibitory law, is a question in my mind.

5995*b*. Do I understand you to say that you believe that the prohibitory law in its effects generally has done good?—I think so. As I stated before, I am a prohibitionist as opposed to unrestricted sale.

5996*b*. Do you realize that there are difficulties in Portland that there would not be in smaller places?—I think that throughout our country towns prohibition has worked nicely. Where liquor is sold indiscriminately, no liquor is sold there at all now. Of course, it is a difficult matter to enforce prohibition in towns of large size. The prohibitory law works similarly to our laws against larceny and against all other crimes. It is a prohibitive law, but it does not prohibit. We have a stringent law against larceny, but larceny occurs every day. We have very stringent laws against other crimes, but we have persons indicted at every criminal term for crimes. If you take our divorce laws, you will find that divorce is granted upon an allegation of adultery, which it would be hard to prove in a criminal court. The judge himself is satisfied that adultery is committed, and for that reason he grants the divorce; but, at the same time,

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if the indictment showed proof against that party in the criminal court, it might be very difficult to prove it before a jury.

*By the Chairman :*

5997b. Has the prohibitory law been effective in putting down drunkenness in Portland?—As far as my observation goes, I think it is fairly so. Of course, we have drunkenness in Portland, but I think there is less than there used to be.

*By Mr. Gigault :*

5998b. I saw drunken men fighting on Sunday last in Portland. Do such disorders occur very often on Sunday in this city?—Well, among a certain class they do. Our communication with Boston is very easy, and we have three or four trains every day and a boat every night between the two cities. We have several express companies doing business, and it is very easy for any one in Portland to get liquor from Boston if he wants it, and a great many persons do get it in that way. They bring it from Boston, and then it is distributed among what are called pocket pedlars. For instance, a man will bring ten gallons of whisky. The whisky may be good liquor when it starts on its journey to Portland, but it is adulterated and it is distributed to persons in bottles, and these persons take the bottles in their pockets and go out all around the city, and, wherever they can find an opportunity to, sell the drink out of the bottle. I think that drunks originate very largely in that way. Of course, it is a difficult matter to stop that kind of trade in liquor, and while our officers are inefficient, it is of course an utter impossibility to stop the sale of liquor entirely.

*By the Chairman :*

5999b. Would you consider the number of arrests for drunkenness in the county or in the different counties a fair gauge of the amount of intemperance prevailing?—I do not know that I can answer that. My observation is that the liquor that is being sold is of a very poor quality. It is adulterated. It is made largely of alcohol and a deleterious mixture, and it has a very potent influence upon any one who drinks it. Parties who drink that liquor become intoxicated very quickly, and most of them make an exhibition of themselves. They obtain that liquor on the street and in the alleyways.

*By Mr. Clarke :*

6000b. If this liquor which is sold by the pocket pedlars has such an injurious effect upon those who drink it, would it not be better to supply the people with pure liquor from such a place as the agency?—We have an agency, which is presumed to do that.

6001b. Yes; but they can only sell for mechanical and medicinal purposes. If people are bound to get liquor for beverage purposes, as apparently a certain number are, would it not be better in the general interest of the community to allow them to procure liquors instead of compelling them to buy this vile stuff which the pocket pedlars vend?—Well, that has been a subject I have given some attention to, and that has led me to question as I say, whether high license under which if people must have liquor, they can obtain pure liquor or what is presumed to be pure liquor, would not be better than our present system of prohibition, under the circumstances. It is a very difficult question to solve, however. I have given some thought to it, and I am not very fully decided on it in my own mind yet.

6002b. The liquor agency was established, as I understand it, in order that persons who desired to procure liquor for medicinal or mechanical purposes might obtain the best liquor at the smallest margin of profit after the charges for cost and handling. Are the sales at the agency confined to medicinal and mechanical purposes?—I think they are not.

6003b. We have heard a good deal about the way in which the agency is being conducted at present, but we have heard, on the other hand, that some years ago, before the present gentleman was agent, the then agent sent circulars to the wealthier class of citizens inviting them to procure their supplies from him. Is it under-



stood and generally accepted by the people that a citizen can go to the agency and procure wine and other liquor for beverage purposes, as well as for medicinal purposes?—The presumption is that the liquor in the agency is to be sold only for medicinal and mechanical purposes.

6004*b*. What is the practice, so far as you know?—My knowledge of the agency is simply upon information; I have been told that any one who likes can go there and get all the liquor he wants.

6005*b*. The sales at the liquor agency last year aggregated \$80,000. What is your theory regarding the cause which led to the purchase of that large quantity of liquor from the agency?—My idea in regard to that is, that the agency is loosely conducted and that the means of obtaining liquor elsewhere, was so restricted that people made use of the agency to obtain whatever liquor they wanted.

6006*b*. Is it reasonable to conclude that the sales are dropping off now at the agency because there is not as rigorous an enforcement of the law at the present moment in Portland as there has been, and that the facilities for obtaining liquor elsewhere than in the agency are more than they were some months ago?—I think perhaps so, and perhaps it may be the agent himself is more careful in selling, and he may have refused to sell to some.

6007*b*. Do you know anything about how the law is enforced in Augusta?—I have been told that the hotels in Augusta run open bars, and that it was not difficult to get liquor in Augusta almost anywhere; that is to say, that the officers whose duty it was to enforce the law, shut their eyes at certain places.

6008*b*. It is represented that there is great difficulty in enforcing the law because the officers are elected as the nominees of one or the other of your political parties. Is it not possible to keep this prohibition question free from political bias throughout the State, so as to secure the necessary amendments to the law which its advocates require, in order to enable it to be more efficiently enforced?—I do not think it is possible. I do not think that public sentiment is up to General Dow's idea.

6009*b*. There is a strong party in this and other cities in the State opposed to the prohibitory law, and the officers whose duty it is to enforce the law are municipal officers?—Yes, in some cases.

6010*b*. Is it reasonable to expect that with such a division of opinion in a city like Portland, the officers will be able to enforce the law?—I think not.

*By the Chairman :*

6011*b*. I understand you to say, with regard to the question of arrests in different cities, that the numbers might be affected by the quality of the liquor sold?—I think so.

6012*b*. Then the prohibitory system in the city of Portland has promoted the sale of very poor liquors?—I think so.

6013*b*. And of highly intoxicating liquors?—Yes.

*By Rev. Dr. McLeod :*

6014*b*. This bad liquor makes men crazy?—They become intoxicated at once.

6015*b*. It makes them furious and it makes them drunk very quickly?—Yes. We were holding a term of court some time ago and we were waiting for a juror. After some time the juror came, and we could all see that he was intoxicated. The judge immediately told him that he could step aside and filled his place on the jury from the supernumeraries and went on with the trial. After the jury had retired to their room the judge called this man up and told him he might be discharged. The juror looked at the judge a moment or two, and finally he said: "Might it please your honour, may I speak?" The court said, "Certainly." He said, "I hope your honour will not discharge me and send me home. I will not ask to sit upon the jury again because you know my condition, but I am not in the habit of using intoxicating liquors. I had to get up very early this morning, and I left home without breakfast. I took the train coming in here, and I was feeling very weak, and I thought a little whisky might do me good. I drank only one small glass of whisky, and it knocked me over completely." That would show the effects of this liquor. He probably went to some low dive and

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got this vile stuff, and became intoxicated. I think his drunkenness was to be attributed to the quality of liquor which he drank, because a small glass of good whisky would not have affected an ordinary man to that extent. This juror asked to be allowed to remain on the jury, as he did not want the disgrace of being sent home, and the judge permitted it.

E. T. BURROWES, of the city of Portland, Manufacturer, examined.

*By the Chairman :*

6016*b*. You are a manufacturer here ?—Yes.

6017*b*. And a large employer of men ?—Yes, 200.

6018*b*. Will you tell us how you think the prohibitory law works amongst your men and amongst the community generally, as far as your observation goes ?—My observation leads me to believe that it is a good law, and that it works to the advantage of working people, in fact of all our population. I am right in the midst of the saloon district so called. I am right in the centre of the city, near Centre Street, and the drinking places are said to be mostly in that locality.

6019*b*. Do you mean that drinking places exist upon your streets, now ?—Well, they have in years past and they do at times more or less.

6020*b*. But do they exist at present ?—No, I think there are very few in the city at present ; but I believe there are some, however.

6021*b*. What sort of places are they ? What is their ostensible business ?—Well, they have no business except selling drinks, selling soft drinks they call them, with which they mix a little of something stronger occasionally.

6022*b*. These places when they do sell liquor, you think, are mostly places that are ostensibly selling ginger ale and those different kinds of beer which are allowed by law, and which are supposed not to be intoxicating ?—I think so, and I believe that some druggists in town sell liquor to some extent.

6023*b*. Do you think they sell liquor for beverage purposes ?—I believe they do.

6024*b*. Do you think many of the druggists sell liquor for beverage purposes ?—Well, no, I should not say a large proportion ; I should say a small proportion of them.

6025*b*. I suppose they sell this liquor quite secretly ?—Yes.

6026*b*. Do you think that the hotels sell liquor to any extent ?—No, I think not. Perhaps there are one or two hotels where they have liquor sent to the rooms.

6027*b*. How do they procure their supplies ?—They get them in Boston or some other large city and have them sent here.

6028*b*. Do you think that any of the hotels or places that sell liquor procure that liquor through the city agency ?—No, it would be expensive for them. They can buy liquor and sell it at the same price for which the agency buys it.

6029*b*. Do you think that there is any sale of liquor at the city agency, except for medicinal and mechanical purposes ?—I understand that there is, or that there has been in the past year. I do not know how that may be now, since the new civic administration has come in. Great diligence is exercised in trying to prevent the sale, and a number of deputy sheriffs are employed, who are going around all the time making seizures and so on.

6030*b*. What is the reason that their attention is not given to the city agency, which every one seems to think is selling liquor illegally ?—I believe that the agency is exempted by law. As I understand it, the officers have no authority to go there and make seizures.

6031*b*. They may have no authority to make seizures, but if the agent is really openly disregarding the law in selling for beverage purposes, how is it that public sentiment does not compel the enforcement of the law against him ? The officers are said to be diligent in enforcing the law against small vendors and pocket pedlars in

the city?—Public sentiment has no authority to go there and stop him from selling, if he asks the applicant whether he wants the liquor for medical purposes or not. As I understand it, if the man says he wants the liquor for medicinal purposes, the agent is obliged to sell it.

6032*b*. Does the law not say that he shall sell liquor for only medicinal and mechanical purposes?—It is left to the best of his knowledge, as I understand it. He has to use his judgment.

6033*b*. If it is known that the city liquor agent disregards the law, why is he not prosecuted?—It is hard to prove that he does disregard the law; if they could prove that, I am sure his political opponents would prosecute him.

6034*b*. From the evidence that we have taken here, it does not seem difficult to prove that he is disregarding the law. Every one says that he is selling for beverage purposes. You yourself believe that he is selling for beverage purposes. Would the issuing of a circular notifying gentlemen to buy their wines from the agency be proof of a disregard of the law?—I should think it would be, but I have never seen such a circular.

6035*b*. Would an open invitation to gentlemen to buy supplies from his agency be considered as proof of his disregarding the law?—Yes, if the liquor were bought for drinking purposes, I should say it would be.

6036*b*. I mean supplies for use in a gentleman's own house for beverage purposes?—I don't understand that that has been done in Portland.

6037*b*. Is it possible that \$80,000 worth of liquor can be sold per year at that agency for medicinal and mechanical purposes?—I think it is a large amount sold for such purposes, but I think as large an amount as that is probably used in this city for medicinal and mechanical purposes. I use thousands of dollars worth of liquor in my own business, but I say that there cannot be so large an amount as that disposed of in Portland.

6038*b*. Previously the sales of the liquor agency, per annum, were \$25,000. What has led to the great increase in sales?—I think the law is disregarded, and that liquor has been sold there for beverage purposes.

6039*b*. Do you buy your liquor from the liquor agency?—Whatever liquor we buy we buy of the liquor agency, but we buy shellac mixed so that we don't have to buy a large quantity of liquor there, although there is a large quantity used in our business.

6040*b*. Does it not seem somewhat inconsistent that so much energy should be directed to the prosecution of private individuals for selling liquor in disregard of the law, and the regularly appointed agent of the city should be allowed to continue to sell in utter disregard of the law?—Yes, I think it is. I think he ought to be prosecuted if he is selling against the law.

6041*b*. How is the law enforced at present, in your opinion?—I think the law is fairly well enforced and honestly enforced by the sheriffs, and they have some assistance from the police force, but I don't think they co-operate with the sheriffs as much as they should, perhaps.

6042*b*. How was it when Mr. Swett was city marshal?—I think the arrests for drunkenness were about as usual, I should say.

*By Mr. Clarke :*

6043*b*. Within Mr. Swett's administration there was no attempt on the part of the police to do their duty?—Well, I have heard statements in regard to that, but I think without a man was troublesome that the police would not arrest him last year. I think the number of arrests last year were about the same as usual. The arrests for drunkenness have been decreasing for years in the city. I think statistics will show it. I know I have a very peaceable crowd about me as far as my workmen are concerned.

*By the Chairman :*

6044*b*. How long have you been in Portland?—Twenty-five years.

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6045*b*. Have you been in business all that time?—No, I have been in business twenty years.

6046*b*. From your observation, has drunkenness increased or decreased in the city?—I think drunkenness here has decreased. I think the law is better enforced here than it used to be years ago, and I think that the young men that grow up are not getting into the habit of drinking. We have no inducements in the shape of gilded saloons for our young men. I think they grow up without learning to drink, which is the great advantage of our prohibitory law. I was in the centre of the city for years at school and I had a chance of observing the character of the people of the city in general, and I believe that we have as industrious and progressive and as intelligent a population in the State of Maine as there exists anywhere in the country. I believe that is largely due to our getting the liquor away from our young people.

6047*b*. Have you any knowledge of the existence of clubs in Portland where liquor is used and consumed?—Yes, I know of one club here of gentlemen where they have liquors to drink as they want them. They get their own supplies as they would in a family. I know of another club of 500 young men where it is contrary to the by-laws to have any liquors on the premises, and they have none.

6048*b*. Do you think that any clubs exist in Portland where young lads go in to drink and have supplies of liquor?—I think possibly there might be one or two. Years ago there used to be a good many, but I think now there are not so many. There is a large athletic club here and it is contrary to the rules to have liquor.

6049*b*. Is it your opinion that the prohibitory law has been a great advantage to Portland?—Yes.

6050*b*. And to the State?—Yes, of great advantage.

6051*b*. Have you made any comparison of the arrests for drunkenness and offences generally in the city of Portland, with the arrests in other cities?—Yes, I am more or less familiar with the statistics from the different States all over the country, and while I cannot give you any statistics, I am convinced in my own mind that the arrests here are less than in licensed places.

6052*b*. What places do you refer to?—Cities under the high license system, such as Boston, Pittsburgh, Omaha and such places as those.

6053*b*. Have you made a comparison between Portland and other cities of about the same population?—I have seen details giving the arrests for a number of years in the cities of the State of Maine, and I think invariably the arrests for drunkenness are less in Portland.

6054*b*. Have you compared the number of arrests in Portland with the arrests in cities of about similar size in the British provinces?—No, I have not. I wish to say that I thoroughly believe in the prohibitory law, and I have seen the working of it.

6055*b*. Have you ever lived in any place where a license system prevailed?—I was born in Sherbrooke, Canada, and I know what it was there when I was a boy. It was very different to what it is in Portland or in any town of the same size in Maine. I know the men who are working with me now, and I talk with them. I also talk with manufacturers about their men, and they tell me that they get about five days work out of their men per week in towns where license prevails?—A proportion of their men are supposed to be off about one day of the week on account of drink. I have none of that trouble here. This spring I have had one man who has been away on account of drink, but that is all.

*By Rev. Dr. McLeod :*

6056*b*. Has your business increased in the last ten years?—Yes, it has doubled and trebled. Since 1885 our business has increased eight fold.

6057*b*. You think that if there had been no prohibitory law your business would have increased more?—In other words, has prohibition hindered or promoted the growth of your business?—I do not think it would have made any difference so far as that is concerned, only it would cost us more to manufacture our goods if we had no prohibitory law. Our profits would be less.

*By Mr. Clarke :*

6058*b*. Would the wages to the men be more under the license law?—We pay the highest wages to our men here. We pay our men more than they do at Grand Rapids, Michigan, in similar business. I think the wages would be less under a license system. The men would be less competent. We pay a certain amount for the work done, and if the men were not competent to do it, they would not get so much money out of it.

6059*b*. I suppose there are certain fixed charges in your business, and if a percentage of your men are off on account of drinking the night before, they do not get as much money?—It would either come out of us or out of the men, and we would not make so much profit.

*By the Chairman :*

6060*b*. If it came out of the pockets of the men, it would not necessarily affect your profits?—No.

*By Rev. Dr. McLeod :*

6061*b*. The work of the men would affect you?—Yes, and it would affect our facilities for doing business, and we would get a reputation for not living up to our agreement, etc., whereas we have a good reputation now.

6062*b*. Have you much trouble with your men on account of drinking?—Very little indeed.

6063*b*. Are your employees generally thrifty?—Have some of them homes of their own and savings in the bank?—Yes, a great many of them have homes of their own. I have had a great many young men, who have married, and have homes of their own, and as soon as their money is paid to them every Saturday night, they go home. I think they are a thrifty lot of men.

6064*b*. Do you think the prohibitory law is in a degree a helper in this direction?—It is to me in my business.

6065*b*. And to your employees?—Yes, to a large extent.

6066*b*. Have you a knowledge of the habits of young men generally throughout the city? Are they sober, or is the drink habit general among young clerks and young business men?—No, I think that drink is unpopular in the rank and file of our young men here. I have seen a great many young men with whom I am acquainted grow up, and it is an exception to find a young man of respectable family who learns to drink, or to become a user of drink.

6067*b*. Do you think that the prohibitory law has emphasized the danger of the drink habit to these young men?—I believe it has.

*By the Chairman :*

6068*b*. Is there more or less wine used in social circles than there was twenty years ago?—I think there is a great deal less. I think it has become less of a custom for us to use wines.

*By Rev. Dr. McLeod :*

6069*b*. Do you know whether real estate values have depreciated or appreciated?—I think the values of property in certain sections of the city have appreciated. They have decreased in some parts of the city, as the trend of business has moved from that part, but the city is becoming a residence for outsiders, and there is a demand for houses here. I have been looking for a house for a friend of mine for a couple of months, at a rent of \$500 a year, and I find that it is impossible to rent a house that is modern and suitable.

*By the Chairman :*

6070*b*. Is that owing to the absence of the particular kind of house you want to get?—I think property is rented well and paying well for what it costs, and that the city is in a prosperous condition.

E. T. BURROWES.

## Liquor Traffic—Maine.

6071*b*. Do you think that proportionately as many houses have been built in Portland in the last few years as have been built in Montreal?—No, I should say that Montreal is more favourably located for business.

6072*b*. And about Toronto?—I should think it is about the same as Montreal.

6073*b*. Do you think there are more houses constructed in Sherbrooke in proportion than there have been in Portland of recent years?—I should say not. We are at a great disadvantage geographically. We are up in one corner of the States and out of the way.

*By Rev. Dr. McLeod :*

6074*b*. I suppose the facts that apply to your own business apply as well to other businesses in the city, and that they are in a thrifty and prosperous condition?—I think that perhaps our business has grown faster than any other business in Portland.

Hon. GEO. P. WESTCOTT, President of the Portland & Rochester Railway Co.,  
examined :

*By the Chairman :*

6075*b*. Mr. Westcott, how long have you been in Portland?—Since 1866.

6076*b*. You are not a native of the State, are you?—I am. I was born in Hancock County.

6077*b*. You were mayor of the city of Portland?—Yes; in 1873 and 1874.

6078*b*. Have you taken any active part in politics?—Yes; I have taken quite an active part.

6079*b*. You are, I believe, on the Republican side?—Yes.

6080*b*. Would you kindly give us your views, as to the effect of the prohibitory law in this city and in the State?—I may make a brief statement in regard to what I have seen. As long ago as I can remember, when I was a very small boy, perhaps eight or nine years of age, I remember very well that in the town of Bluehill we had a licensed house which was run by a deacon of the church, Deacon Thomas. It was one of those things that disturbed the whole community at times, because the deacon sold a little of something else besides mince pie and milk, and in that way my attention was somewhat directed to the working of the prohibitory law.

6081*b*. Was the deacon licensed?—He was. He was appointed by the select men as town liquor agent, and he obtained his supplies from the State Liquor Commissioner. This event was my first acquaintance with anything connected with the prohibitory law. When I got to be 15 years old, I drifted out of the State and remained away some years, coming back to Portland when I was about 23 years old. That was in January, 1866, before the big fire in July, and in 1869 I was elected to the board of aldermen. In 1869-70 Mr. Putnam was mayor, and Mr. Kingsbury the next year. At that time I became quite familiar with the operation of the prohibitory law, because I was acquainted with the arrests and seizures which had been made by the police.

6082*b*. Were the arrests and seizures at that time made by the police?—Yes; I think they were; I believe the police discharged that duty until about 1872. I think the first sheriff appointed was Mr. Perry, in 1872, to enforce the prohibitory law, which allowed the appointment of officers under the sheriff. In 1873 I was elected mayor, and I remained out of politics until 1883, when I was elected to the State Senate. During all these years I have been familiar with the working of the prohibitory law here in the city and its working in the country as well; and, of course, I am familiar from the accounts in the papers as to what is done in other parts in Maine. In looking at the operation of the law and reviewing its operation from 1866 to the present time, and especially from 1869 up to now, I see but little change. While the law has grown stronger I do not see that the effect of it has been to reduce the number of

arrests or the amount of drunkenness in the city. I do not see that there has been any decrease in drunkenness which would not have occurred to the same extent through the enlightenment and the changed habits of the people. I believe that the same result would have been produced under a license system, and that there would have been less drinking now than formerly. There are changed conditions in Portland. In former years we had a very large coastwise trade and trade with the West Indies. Vessels came here with sugar and molasses and they took away shooks and hogsheds. Besides that West Indian trade, as I have stated, we had a large coastwise trade, several lines of steamers running to different ports of the State and to ports along the coast. The trains that came into Portland then made a stopping place of it and waited here over night. We had a very large fishing fleet here, which flitted away in the spring and returned in the fall. The men consisted of a low class, who encouraged houses of ill-fame and grog shops, which were maintained by that population. To-day I can see whole streets which existed at that time and in that condition, and there is not a house of ill-fame or a grog shop on the street. I look upon that changed condition of the people as having nothing whatever to do with the prohibitory law. The prohibitory law has not done that. It has been brought about by changes in the customs and in the character of the people. I suppose the number of arrests is one way that would be considered a test of the effects of the prohibitory law, and I have looked up some figures in that respect. In the City Auditor's annual report for 1889-90, he gives for the ten years preceding the total number of arrests in the city and the arrests for drunkenness. I was in the city government for five years, and I know something about the matter. Under Mr. Putnam's administration, with John Swett as marshal, father of the late deputy, and marshal in the year 1869-70, the total number of arrests was 1,500, while the arrests for drunkenness were 647, and the arrests for drunkenness and disturbance 147, making a total for drunkenness and disturbance of 794. The next year the Republican administration came in, and Mr. Kingsbury was made mayor, with a man named Charles Clapp as city marshal. The total number of arrests were 2,241, while the arrests for drunkenness jumped from 647 the previous year to 1,491, and the total number of arrests for drunkenness and disturbance was 1,692. Under Mr. Clapp as marshal in 1872-73, there were 1,374 arrests, of which 727 were for drunkenness and 195 for drunkenness and disturbance, making a total of 922. Next year a man named George Parker came in as city marshal. He had been sheriff when I was mayor, and the total number of arrests jumped from 1,374 to 3,870, the arrests for drunkenness being 2,011, and the arrests for drunkenness and disturbance being 389, making a total for these two offences of 2,400.

*By Rev. Dr. McLeod :*

6083b. What accounted for that large increase in the number of arrests?—We undertook to enforce the law against drunkenness. I said to the sheriff, "Heretofore the police have enforced the prohibitory law, and now it is made your duty to do so. There shall be no misunderstanding as to enforcing the law. It must be done by the sheriff, and we will give you the whole police department to back you up, and we will undertake to enforce the law against indecency and good morals." We did that to the best of our ability. The next year the number of arrests were 3,143, of which 1,931 were for drunkenness, and 387 for drunkenness and disturbance, giving a total of 2,318 for these two offences. In that year the law was well enforced. The condition of the city at that time was deplorable. You could not go around the street but you were offended by what you saw and what occurred. During these two years we made a great change in the morals of the city, but the amount of drinking continued about the same. We did not undertake to deal with that, but we did undertake to enter all these places, and if we saw a man under the influence of liquor we took him out of it and closed it up. I remember that there was one place, and we had a policeman on beat in front of it all the time. The next marshal was a man named British, who had been a deputy marshal. He was a very good man, and a man who was a thorough going temperance man. I appointed him as deputy because I considered him one of the soundest men in the State in regard to prohibition. You will find generally that when

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a new man comes into office he will enforce the law the first year and the next year the enforcement will be lax. The police have made no constant attempt since 1872 to secure enforcement of the law. There have been spontaneous periods of enforcement. Mr. Hawks was quite a conscientious city marshal, and he made quite a number of search and seizures on his own hook; he made one year as many as 140, but the next year following Mr. Hawk's time there were only 33.

6084*b*. You were mayor in 1873-74?—Yes.

6085*b*. Was the prohibitory law well enforced then?—There was no attempt made by the police to enforce it. The law was then enforced by the sheriff. The police, of course, made arrests for disorderly conduct, and in some low grog shops they made arrests for drunkenness and disturbance, and if people were found drunk in these places they would be brought in. However, they made no particular effort to enforce the law.

6086*b*. Was the law strictly enforced in 1873-74?—More so than I have ever known it before or since.

6087*b*. Did the police fulfil their duties strictly in these two years?—They did, but they did not pay much attention to search and seizures.

6088*b*. Did the sheriff do his duty during these two years?—Yes.

6089*b*. Then, both the sheriff and police really fulfilled their duties?—Yes. I believe the law was well enforced in 1887-88 both by the sheriff and police when Mr. Hawks was city marshal, and during these years both forces made searches and seizures.

6089½*b*. With regard to the last two or three years, what is your opinion as to the enforcement of the prohibitory law?—Since Mr. Cram came in we have had an enforcement of the prohibitory law. There was never anything seen like it in the county or in the State before. He came into office in January, 1891.

6090*b*. How have the police discharged their duties in these years?—During that time the police have done fairly well. In 1890 under Marshal Green the police made 25 seizures. I should say that in 1892 under Mr. Swett there was a lax enforcement of the prohibitory law so far as the police were concerned.

6091*b*. In 1891 the arrests of all kinds fell off considerably. Would you attribute that to laxity on the part of the police, or the changed conditions of society?—It was to some extent laxity on the part of the police.

6092*b*. Is it your opinion that the reduction in the number of arrests in 1891 was the result of lax performance of duty by the police?—I should say it was.

6093*b*. Looking at the statistics given in the city marshal's report it appears that there was a very large reduction in the number of arrests in 1891 and 1892. Do you think that in those two years there was any considerable diminution in the number of offences committed in the city?—I should say there was no material change in them.

6094*b*. Is it your opinion, then, that the reduction in the number of arrests in these two years resulted rather from laxity in the enforcement of the regulations by the police than from any diminution in the number of offences in the city?—I should say so.

6095*b*. Generally since 1869, do you think that there has been any very material reduction in the number of offences against the laws or against the State ordinances, taking into consideration the increased population?—I think there has been a general diminution of offences of all kinds, perhaps I should except drunkenness. I think there has been a decided improvement from a moral point of view in every way except drunkenness.

6096*b*. You think that the offence of drunkenness has not materially decreased?—I do.

6097*b*. Taking into consideration the increase in the population?—Yes.

6098*b*. I understand it to be your view that other offences than drunkenness have decreased?—Other offences have decreased. Nearly all the rum shops have changed their methods of doing business. Fear of the sheriff and seizure have kept many people from the rum shop, who otherwise would get into trouble in connection with rum. These men have the habit of drinking and instead of being supplied in the rum shops they are supplied by individuals called pocket pedlars, and back door communications and kitchen



bar-rooms and in rooms where liquor is brought to them. If they get drunk they are kept in these places out of sight. During our holidays especially, there are a large number of rooms which are used for the purpose of taking liquor there and drinking it. Men sit in these rooms and drink it, and get drunk and stay there.

6099*b*. Do you mean that they go to these places and take their own supplies?—Yes, they get drunk there, and they get sobered off in addition.

6100*b*. Are those rooms specially hired for the purpose?—They may be rooms owned by some one of the party, and liquor is brought in there. There are no women around the place. People who sell rum are anxious to keep it quiet.

6101*b*. Do women sell liquor in houses of prostitution?—No, I do not think so.

6102*b*. What class of the community frequent these places where they sell rum?—They are all classes who are addicted to drink and cannot get it in any other way except by going there. The better class of people are supplied at their own houses and they carry a full stock. I suppose there is more rum carried in residences in Portland than almost anywhere in the States, and there is a great deal more than there used to be. If you want to drink liquor now, it is much more convenient to keep it in stock.

6103*b*. You mean by that that there is more liquor in private houses in the city of Portland than there used to be?—Yes, more than there was when liquor was sold freely, or than there would be if there were respectable places in the city where liquor could be purchased.

6104*b*. What is the prevailing habit with regard to the use of wines in private houses as compared with what it was twenty years ago?—It is very much reduced.

6105*b*. You think there is less used now?—Yes, and I think that that comes from the people being opposed to it. We see parents not allowing their children to associate with others who are rough or who are accustomed to drink beer. They draw the line at that.

6106*b*. Do you think that in private residences the custom of having wine on the table is not so prevalent now as it was twenty years ago?—I think there is quite as much liquor drank generally as there was before, but that for beverage purposes at table there is less than there used to be.

6107*b*. Do I understand you to say that amongst people who entertain in society the use of wine is less general than it was twenty years ago?—I do not think it is any more, but I think it is quite as large.

6108*b*. Do you think that the practice in respectable families of having liquor at meals is diminishing?—I think it is falling off very much.

6109*b*. What sort of stuff is sold in these low grog shops and by these pocket pedlars?—It is the cheapest kind of whisky, costing about \$1.00 or \$1.10 a gallon. The beer is the cheapest kind of beer, and when it is seized, if it is detained two weeks in the summer time, it becomes of no use whatever.

6110*b*. Is this bad liquor very intoxicating?—It is indeed. A good deal of the liquor is fixed up especially for the Maine market.

6111*b*. And what is the effect upon those who drink it?—The effect is instantaneous almost. A man taking a couple of drinks is drunk at once.

6112*b*. Where does this liquor come from?—It nearly all comes from Boston—the great bulk of it comes from Boston, but some of it comes from New York.

6113*b*. Do you think there are large numbers of these places where liquor is sold in Portland in the way you have described?—There are. A few men have for years controlled the liquor traffic in Portland. The rum is sold by an irresponsible party, but there is a responsible party out of sight at the back of it. I knew one man who had nine or ten places selling liquor and he died worth \$40,000.

6114*b*. Are you speaking of a recent period?—Yes. He had for years nine or ten places which were really saloons.

6115*b*. How did such a man escape the vigilance of the sheriff?—He was not connected with the place. He had a bar-keeper there to run it, and he was responsible for the rent only. If a man is arrested here and seizure made at his place, another man generally goes in, and the place runs along just the same.

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6116*b*. What about the liquor agency in the city here?—Liquor is extensively sold there now. The prohibitory law has been rigidly enforced here of late, and people who are unable to obtain liquor in as many places as they were before and who were in the habit of taking it, do not want to go into these low places, and so they have no other place to go to except the liquor agency. The intention of establishing the agency was to sell the best quality of liquor at a low price for medicinal or mechanical purposes. That has been changed very much in practice at the agency, and I think a large quantity of the liquor sold in Portland illegally comes from the liquor agent. Last year an attempt was made to run the agency for profit. I do not know what the result is this year, but I know that there are not half the number of people go there for liquor who went there last year.

6117*b*. Can you say if it is true that, as the sales diminish at the agency, they increase in illicit liquor selling places in the city and vice versa?—Last year the fact that any one might go to the agency and get all the liquor they wanted must have had an effect on the purchase of liquor outside. The same would be true this year, were it not for the change from a Democrat to a Republican in the mayor's chair. The campaign last spring was fought on the agency question very largely, and the press kept a tally of the number of people who went in there daily, and who they were. When it came to nominate a liquor agent, the Republican candidate of ward 1 turned out to be a Democrat, and the liquor agent was retained in office. I think, however, they have changed their methods of doing business at the agency on account of there being a Republican mayor. I believe that if Mr. Ingraham was mayor this year, it would be the same as last year. If the Republicans had controlled the agency last year, there would not have been so much liquor sold. Last election, orders were served on the agency for bottles of whisky for strikers in the Democratic party. Instead of money they got whisky, and I believe that the rum furnished during the elections and before the elections was furnished by orders on the agency. It was done by certain Democrats, who were allowed to give orders on the agency. The intention last year was to run the agency and to make it a popular place, and they even advertised in the programmes of one of our theatres. Of course the committee of the agency deny that, but it accomplished what was expected, and the notoriety caused a run on the agency.

6118*b*. The Democratic party is known to be opposed to the prohibitory law, and the Republican party has always had, at any rate ostensibly, the credit of being supporters of the prohibitory law?—Yes.

6119*b*. Have the Republicans been upholders of the prohibitory law in earnest; have they made any earnest efforts to enforce it?—Yes, I think so. The Republicans, en masse, are in favour of the law, but many of them regret that there is not local option in connection with it in the cities. I think that every one of them would favour the prohibitory law so far as the country districts goes, but a large number are in favour of local option for the cities, and they believe that it would be beneficial to the morals of the community to have the sale of liquor properly regulated. I myself believe that.

6120*b*. You are a Republican?—Yes, I never was anything else in my life, and at any time I would vote for the prohibitory law if there was local option in connection with it in the cities.

6121*b*. What effect do you think the prohibitory law has had upon the city of Portland?—I can only get that from business men who have spoken to me about it. Mr. Owen, of Owen, Moore & Co., one of the largest dry goods places here, stated to me that the hardest thing they had to contend with in business was the prohibitory law. He told me that they could not get country purchasers here to do business, because nearly every man coming from the country to the city wanted to get a glass of rum, and consequently they went to Boston, where they could get their glass of rum and go to the theatre. That is the opinion of a great many people in business in this city, with regard to the prohibitory law.

*By Rev. Dr. McLeod:*

6122*b*. The people in the country are in favour of prohibition?—Yes, because they can get all they want, and know where to get it. We in the cities are in favour of the country having prohibition.

*By Mr. Clarke :*

6123*b*. You have formed the opinion that the prohibitory law has had no effect in the cities because of the difficulty in enforcing it?—Yes. In the police there are always grades of honesty, and I believe that it is impossible in this city or any other large city to enforce the law.

*By Rev. Dr. McLeod :*

6124*b*. Suppose you had a high license law and had a dozen licenses granted in the city of Portland, do you suppose that those persons who are now selling in violation of the prohibitory law would not sell in violation of the license law?—Of course there would be some of that done; but to-day men who are selling rum are not just as quick to notify the police and give away any man in the same business, as they would be if they were licensed. But if we had licensed men, they would watch those selling rum and would try to prevent interference with their own trade. However, the fact that these respectable places were licensed and a man could go there and get a glass of rum which was not poison, would in my judgment place the rum business on a higher plane than it is now. It would be beneficial to the morals of the community, and it would largely deprive those low rum holes of the trade they have now.

6125*b*. Which do you think is more dangerous to the community, the disreputable trade which is carried on now, or the so-called respectable trade?—I think the disreputable trade is very bad.

6126*b*. Do you think it more dangerous to the community as a whole than the respectable trade?—Yes.

*By Mr. Clarke :*

6127*b*. If there were eight or ten, or fifteen or twenty, licenses issued in Portland under a license law, the people addicted to the drink habit would go to those licensed places because there would be a better grade of liquor sold there, and the unlicensed places would find their occupation gone. Would not that likely be the case?—That is my judgment, and in a city of this size I believe it would be practically impossible for these unlicensed places to exist.

6128*b*. Is that the experience of other places, so far as you know?—It has been my impression that the high license places abolish the low grade places. It has been my experience, so far as I have seen. I have been in several Massachusetts cities and have looked into the thing somewhat.

*By Rev. Dr. McLeod :*

6129*b*. From your knowledge of the State at large do you believe that the prohibitory law has done any good at all?—I am inclined to think it has.

6130*b*. In what way?—Well, I was brought up in the country, and when there was liquor sold there I did not think the condition of things was as good as it is at present. If a person sells liquor now in the country he is liable to seizure, because his neighbours must know all about it. It is easy to enforce the prohibitory law in the country, but that does not hold at all in the city.

6131*b*. Have you at any time been favourable to a prohibitory law, or have you always questioned its utility?—I have been in favour of a local option law. For years I have been in favour of a license law with local option attached. As I stated before, the prohibitory law has done well for the country districts, but it has done very badly for the cities. I do not know of a city that is better off than Portland, but I believe that Portland would be far better under local option than under a prohibitory law.

*By Mr. Clarke :*

6132*b*. Is Cushing's Island within the city of Portland?—Yes.

6133*b*. It has been given in testimony here that there was practically free sale of liquor on Cushing's Island last year?—I should say that in the hotel that was run by Mr. Gibson, of the Casco Bank, there was no liquor sold in any shape or manner. If

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a sale was reported to outside parties other than guests of the hotel I think the sheriff would sit down on it, but perhaps it might have been sold to guests, and if no complaint was made, and as it is on the island, I doubt very much if the sheriff would make a seizure there.

6134*b*. Do you know anything about the hours of duty of the new patrol?—They go on at six o'clock at night and report at twelve, and they are relieved in the morning. They are off from twelve to one o'clock.

6135*b*. Is there any truth in the statement that during that hour drunks are got out of these establishments where liquor is sold and that supplies are run into these places?—I should think not. The beats which the police have in the city are quite long, and I do not think that there would be any trouble in getting a number of men out or into a building while a policeman was on another part of his beat.

6136*b*. You were in the Senate for two terms, Mr. Wescott. General Dow complained this morning that he could not get the necessary amendments to the law to enable it to be efficiently enforced. Was that because of the action of the Senate, or because of the action of the other branches of the Legislature?—Well, I should think that would be as likely to occur in one branch as in the other, and I should think it would be as likely to occur in both.

6137*b*. What is your impression regarding that? Was there a determination not to give the amendments asked for?—Yes, not to give the amendments General Dow asked for. They give any amendments which seem to be reasonable and consistent with good common sense, but sometimes General Dow does not have any common sense in such matters. He is not a bad man, but his extreme views on prohibition are not adopted by the Legislature generally.

6138*b*. Does the Legislature reflect the public opinion of the State in not adopting the views of General Dow?—I think they do. I think in the Senate last year half of the whole Senate were lawyers, and some of them were men of marked ability. A good many of them were county attorneys and they thought they were as good judges of the law as General Dow, and of its effects on the people and of how it could be enforced. We had this large proportion of lawyers in the Senate as well in the House and the lawyers were generally very pugnacious and they were satisfied I believe that the Legislature had advanced far enough. The prohibitory legislation passed that year was passed by the committee of which I was chairman. It was a compromise and I thought myself that the temperance people got all they could fairly or reasonably ask.

6139*b*. It has been stated before the Commissioners that in a particular hotel in Augusta, at which most of the legislators stop during the session, there was practically free sale of liquor and no difficulty in obtaining it?—I think that is so. Some years that may be more general than others. When I was down there I never knew whether liquor was sold. Nearly all members who stopped at that hotel carried a private stock, and they would not go to the bar. I do not think there is what you would call a bar, in the ordinary sense, at that hotel. I believe that liquor can be got at times but not all times at the hotel.

*By the Chairman :*

6140*b*. Do I understand you to express the opinion that if the Legislature of Maine has not adopted all General Dow's proposals, it has not been that they were opposed to the prohibitory law or in doubt as to the desirability of it, but rather that they are in doubt as to the extreme measures which General Dow would desire to have passed?—That is my understanding.

6141*b*. Have you yourself, whilst in the Senate, voted in favour of the prohibitory law?—Each year I was there I voted in favour of it and for some amendments.

6142*b*. I think there was a change made in the law by the Legislature last year?—The law was so changed as to leave it somewhat discretionary with the judge whether he should impose fine and imprisonment or only a fine. In 1891 the law was absolute; the penalty was imprisonment, and it left no discretion with the judge to impose a fine only. Last session of the Legislature they amended the law and left more discretion to the judges.

6143*b*. Was General Dow opposed to that amendment?—He was.

*By Rev. Dr. McLeod :*

6144b. I suppose there were some temperance men who thought that would be an improvement?—Yes, there were some. There are a class of men who are temperance men because they never want to taste a glass of liquor. They are honestly temperance men. These men are willing to take whatever laws on the subject can be enforced, but our people generally believe that the enforcement of the law has got to come with popular education. There are many temperance people who believe that no amount of prohibitory laws will stop drunkenness; but they think if you educate the people a little higher, in time there will be and must be improvement. My opinion is, that it is very difficult to correct the morals of the people by any laws that you may pass. A great many of our people believe in moral suasion and good example rather than in coercive measures.

*By the Chairman :*

6145b. Do you think that if a vote were taken on the question to-day more people would probably vote in favour of prohibition than did some years ago?—If a vote were taken in the city of Portland for local option, I believe that local option would carry and the sale of rum would diminish.

6146b. When you say rum you mean, of course, liquors of all kinds?—Yes.

*By Rev. Dr. McLeod :*

6147b. How do you account for that vote on the constitutional amendment where the city gave a majority of 900 for the amendment?—There are different ways of looking at that. There are a large number of people who think that if the law is enforced strongly, people will get sick of the prohibitory law and come back to believe in local option or license. A large number of people who voted for the constitutional amendment believed that the more severe the law was the less the people would like it. I did not vote on that question at all at the time, I forgot it. I believe that a great many other people did not vote one way or the other.

6148b. Did many refrain from voting?—Yes, and with some people it was simple neglect. The people who did vote and who were interested in having prohibition in the constitution voted *en masse*, but there were a great many people who did not vote.

6149b. Was there a large vote on the question?—I believe there was not more than half the vote cast in the spring elections. That is to say that only about half of those who usually vote recorded their opinion one way or the other on the constitutional amendment.

6150b. You are president of a railway company?—Yes.

6151b. Have you any rules as to drinking habits for the guidance of your employees? If we find a man drunk, we discharge him.

6152b. Do you think that that is pretty good prohibition?—That is the only way we have of dealing with them. If we find a conductor on a freight train is in the habit of drinking we say that, unless you stop that, you will be discharged; and if we see any sign of drink on him we say, you can go. We give him one chance, and the next time he goes.

6153b. Do you think that kind of prohibition has a good effect?—Yes, we do.

6154b. Suppose you removed that rule from your road do you suppose the same men would have the same habits as to drink?—I think not; they need a rule. The tendency of man is to take liquor. For instance we run to some places where liquor is free, and the tendency of some of our men was to get liquor at that place and to drink it coming down on the train.

6154**1**b. You think that the rule that you have on your line in regard to drinking has a restraining effect?—We feel that it has.

*By the Chairman :*

6155b. Do you mean that you discharge men when they get drunk, or do you mean if they used intoxicating liquor at all?—If we find they make use of liquor all the time we do not want to have them. If a passenger conductor shows a sign of liquor in his

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face or in his breath we talk to him about it, and say, if you do not change, you will have to go.

6156*b*. That is with respect to men on duty?—Yes.

6157*b*. What about men who are off duty?—We have no control over them.

6158*b*. Would you, if you heard that a man took a glass of liquor off duty, consider that sufficient reason for discharging him?—No.

6159*b*. Probably if you heard of a man being drunk you would inquire into it?—Yes.

6160*b*. Do you know anything in relation to the working of the temperance organizations in this city?—I have no knowledge of the temperance societies or other organizations of that kind here, but so far as I know they are not so effective as they are in other parts of the country.

6161*b*. Do you think that the efforts throughout the State to get men to join temperance societies and to become total abstainers are as vigorous as they were ten or fifteen years ago?—I should say not.

6162*b*. To what do you attribute the change in that respect?—In some sections of the State it may be true that there are efforts to get men to join temperance societies at certain periods. Some years ago there was a furore among temperance societies. There was quite a wave of temperance throughout the State. Great numbers joined the temperance societies and attended the meetings and were quite enthusiastic about it. I do not think that the efforts in that respect are so vigorous as they were some time ago.

6163*b*. Do you think that the efforts which have been made to enforce the prohibitory law have led to fewer people becoming total abstainers.—No, I do not think so.

6164*b*. Do men offer the excuse that it is not necessary to become total abstainers, because liquor is prohibited and they cannot get it?—I do not know about that. As I understand it, there has been less drunkenness in the country districts from the fact that it is more difficult to get rum. Public sentiment in the country districts is against rum, and men do not drink so much there as they did formerly. Some men are good temperance men as long as temptation is kept away from them, but when temptation is brought before them they cannot withstand it. In the country districts, I think the law has been efficient in keeping away that temptation and it has made temperance men because it became impracticable to get rum in those districts.

6165*b*. Do you mean that they are made prohibitionists instead of total abstainers?—Yes.

PORTLAND, MAINE, 28th June, 1893.

SIR JOSEPH HICKSON, Chairman ; MR. E. F. CLARKE, REV. DR. MCLEOD and G. A. GIGAULT, resumed the inquiry this day, at nine o'clock a.m.

E. B. WINSLOW, director of the Portland Pipe Company and President of the Board of Trade, Portland, examined.

*By the Chairman :*

6166*b*. Mr. Winslow, you are, I understand, president of the Board of Trade?—  
Yes.

6167*b*. How many members have you on your board?—A little over 500.

6168*b*. Have you given any attention to the operation of the prohibitory liquor law?—No, except as a general observer of it.

6169*b*. What do you think has been the effect of the law on the morals of the community and on business?—I do not know that I can answer that question. Perhaps I can explain the way I look on the question. I may say that I cannot see that prohibition lessens the sale of liquor very much in the city.

6170*b*. Do you think that drunkenness has increased or decreased under the operation of the law?—Well, I do not think it has decreased. There seems to me to be a great deal of intoxication on the streets.

6171*b*. You have lived here all your life?—Yes.

6172*b*. Do you think that the amount of drunkenness is more or less than it was ten or fifteen years ago?—It seems to me from my observation that the quality of the liquor sold in the city is very bad and is so bad that it has the effect of making people crazy drunk very rapidly.

6173*b*. Do you think that the law against the sale of liquor is efficiently enforced?—I do not know that I can answer that question. It seems that at times they enforce it very rigidly, and again they relax a little.

6174*b*. Do you think that the police force of the city is sufficiently vigilant?—Yes.

6175*b*. Do you think that there has been at times laxity on the part of the police in arresting offenders against the law?—I do not think so. I think we have a very efficient force here. However, I may be prejudiced in the case. I was Police Commissioner here for two years, and connected with the City Council as a member of the board of aldermen. I was connected with the police department and have always had an interest in it.

6176*b*. You were Commissioner of Police?—Up to one year ago. I was appointed for three terms but resigned. My term of office would not have expired for two years hence, but I resigned, as I was appointed on the water committee.

6177*b*. When you were Police Commissioner had you cognizance of what was done by the police force of the city?—No more than in a general way. We felt interested in the force and we examined the candidates for positions, and after passing our board, they were eligible for appointment by the mayor.

6178*b*. It has been stated to us that there have been times when the police force have not arrested all the offenders, more especially during the administration of the late city marshal?—Well, we have pretty hot political contests and municipal contests here, and I think that these things are liable to be based a good deal on political grounds. I think the force are pretty efficient here.

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6179*b*. In the years 1891-92 there was a great falling off in the number of arrests in the city, and a proportionate falling off in the number of arrests for drunkenness. Do you think that was owing to the fact that there were fewer offences or that there was an indisposition to arrest the offenders?—I think if the police see a man drunk, but quiet and going home, they would not arrest him; but, on the other hand, I think if a man is not capable of taking care of himself at any time, he will be arrested.

6180*b*. Would that rule apply anterior to 1891-92, as well as to that year?—I should think so. If they see a man drunk in the street and going along peaceably, they do not go and get him. If he is noisy and not able to take care of himself, they take him to the station.

6181*b*. How do you account for the very considerable falling off in the number of arrests in 1891-92?—Possibly the police may not have arrested them.

6182*b*. Do you think that the law against liquor selling has been efficiently enforced?—Well, I think that sometimes it is; but they are very apt to be lax in the enforcement at certain times.

6183*b*. Your view is that the enforcement has been spasmodic?—I think so.

6184*b*. Have you given any attention to the working of the city liquor agency?—I was chairman for one year and a member of the committee for two years.

6185*b*. What was the amount of the sales at the liquor agency during your term of office?—I think that the year I was connected with it the sales amounted to \$28,000, but now I believe it is up to nearly \$80,000.

6186*b*. When was the amount of sales at the liquor agency \$28,000?—About nine years ago.

6187*b*. It is only of recent years that the sales of liquor at the agency have reached such large proportions?—They have been increasing all the time.

6188*b*. Do you think that the present sales of the liquor agency are confined to sales for medicinal or mechanical purposes?—I can hardly tell. I can hardly believe that the people of Portland want \$80,000 worth of liquor for medicinal purposes. My opinion is that the law in the country town in this State works differently from what it does here. In the country places where every individual is known and where his movements are known, they can stop the sale of liquor, but in the city here it is different. I believe that the city liquor agency here is not allowed to sell to any one who lives outside of the city limits.

6189*b*. And yet in the face of that, there has been a very large increase in the sales?—Yes.

6190*b*. Can there be any possible doubt that the sale of liquor at the agency is very indiscriminate, and that it is sold at that agency for beverage purposes?—I think it is sold for beverage purposes.

6191*b*. No written form or declaration is made by the purchaser as to the purpose for which he requires the liquor?—No.

6192*b*. I suppose it is clearly against the law that sales should be made at the liquor agency for beverage purposes? Yes; but I do not know how an agent can tell a citizen that he is telling a false story if he says he wants the liquor for medicinal purposes.

6193*b*. The intention of the law was that the sale of liquor at the agency should be confined to that required for medicinal and mechanical purposes, and that the liquor should be sold at as low a price as possible and should be of the best quality?—Yes.

6194*b*. Will you kindly tell us what was the system of ordering liquors for the agency when you were chairman of the board in charge of it.—At that time the State Liquor Commissioner was located at Bangor, and the city agent here would make out an order for the quantity of liquor he required and send it to Bangor. The State agent at Bangor purchased the liquor and sent it to the agent here, and I think he charged the city agent 7 per cent commission to defray his expenses, above the price paid for the liquor.

6195*b*. Did the city agent in sending his orders to Bangor indicate the person or the firm from whom the liquor was to be purchased?—Not as a rule. Sometimes the agent would indicate that he would want a certain brand of liquor. I do not think at



that time there was any rule of discriminating against the house or person or the firm from which the agent thought fit to purchase.

6196*b*. Is the city agent at liberty to purchase the liquor from whom he likes?—I think at that time the city agent could nominate from whom he wished to purchase the liquor, but they have made a number of changes in the law of recent years, and I am not familiar with all these changes.

6197*b*. We have it in evidence here that at the present time four persons or firms are indicated by the Commissioner from whom the city agent must purchase his liquors,—I do not know anything about that.

6198*b*. Does it not seem a little inconsistent that the liquor agency in the city can go along selling contrary to the spirit of the law, and that a large sum of money should be expended by the State and by the city in hunting up and punishing private parties who vend liquor?—Yes, I think it does. It seems kind of hard on those who sell liquor privately. If the city sells liquor so extensively, a great deal of it must be sold for beverage purposes. A great many of the private vendors have been driven into pocket peddling, and it seems strange that so much liquor should be sold at the agency.

6199*b*. We are told that there is a very strong sentiment in the community here in favour of the prohibitory law. Can you account for no action being taken to suppress this illegal sale at the city agency if such is the case?—I do not know as to that. It is a matter entirely in the hands of the municipal officers. I know nothing special about that.

6200*b*. What effect has the prohibitory law had upon the business and trade of the city?—Well, I do not know that I can answer that question. I am not interested in any business that the prohibitory law would affect. I can say, however, that there is a general impression among the business people here, as far as I have talked with them, that the prohibitory law has a tendency to injure the business of the city.

*By Rev. Dr. McLeod:*

6201*b*. In what way?—They say that the hotel men cannot live unless they sell liquor. When visitors come here they like a glass of wine, and when they cannot get it they do not come again. That is common talk in the city, but I do not know how it will be borne out by the facts.

*By the Chairman:*

6202*b*. Has there been any expression of opinion by the Board of Trade on the prohibitory law?—No, I do not think there has been any public expression of opinion by the board.

6203*b*. Is your impression with reference to the prohibitory law that which is generally held by the members of the Board of Trade, namely, that the prohibitory law is an injury to the trade of the city?—That is the impression, but I cannot speak for the entire Board of Trade. We have quite a large number of members of the board, and I suppose some are strongly in favour of the prohibitory law and some are not. I am speaking as a business man, and among business men generally the general impression is that the prohibitory law is an injury to the city, and I think that a large number of the people have got tired of it and would like something else tried. The prohibitory law has been tried for many years and still the sale of liquor goes on extensively in the city. If the rum shops are closed up at one time, there always seems to be some one to take charge of the business, and the rum selling goes on. I do not wish to say anything against temperance, but I wish for my own part that there was some method for suppressing the sale of liquor. I express to you the opinion that I think we have given the prohibitory law a very fair trial, and it has not succeeded, and I would like to see something else tried.

6204*b*. What in your opinion has been the effect of the prohibitory law throughout the State?—I can only judge from my travels about the State. In the country districts I think the prohibitory law has done a good deal of good, but the same law will not work in the cities as it does in the country towns. You cannot reach these low liquor selling dives here. In the country towns a man who goes into the liquor business is very soon found out, and he is punished and the sale is stopped.

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6205*b*. Is it a fact that the effect of the prohibitory law has been to drive the use of liquor into the homes of the people?—It has been driven into the low dives and bar-room kitchens.

6206*b*. Has it had the effect of driving liquor into the homes?—Any citizen who wishes to have wines or liquors in his house can have them, and I suppose he would have them whether there was a prohibitory law or not. I wish I could say something different from what I have said about the effects of a prohibitory law. I do not wish to say anything about it, but I do not think it has had the effect of stopping the use of liquor. I would be the last person to say a word against the prohibitory law or anything else that would stop the sale of liquor, but I see people every day intoxicated and I do not think that that should be the case under a prohibitory law. Last night I saw four or five nice, good looking young men all intoxicated, reeling around the streets in Portland, and when I go to other cities I do not see that.

*By Rev. Dr. McLeod :*

6207*b*. Do you suppose that if you had license here, you would not have these drunken men?—I do not think we would. I think that if we had a good license law some of these men would not get drunk.

*By the Chairman :*

6208*b*. What effect has the prohibitory law had upon the expenditure of the city for maintaining order and enforcing the law?—I cannot say as to that. I do not know whether the police force is larger or smaller than it was before.

6209*b*. Is not the county put to considerable expense in enforcing the law and carrying on prosecutions in the court?—Yes, but the fines have been large. It is not an uncommon thing for a man to be prosecuted in the courts until his fine goes as high as \$1,500, and I have seen a fine larger than that.

6210*b*. The punishment for infringement of the law has been very severe?—Yes, it has.

6211*b*. I was told since I came here that there was one man in the penitentiary for 36 months. Do you think that there was any such case as that?—There was one man named Andrew Lang they followed very closely. In some cases they had whole families in jail, father and mother and children. Notwithstanding all this, the sale of liquor was going on in the city.

6212*b*. Is there any open sale of liquor in the city at the present time?—I do not think there is what we may call open sale.

*By Rev. Dr. McLeod :*

6213*b*. Have you ever lived in a city where the liquor trade was licensed?—I have lived in no other city than Portland.

6214*b*. You have visited licensed cities?—Yes.

6215*b*. Did you observe in these cities whether there was any drunkenness or disorder?—No, I never observed that. I have travelled through different cities in the country, and have often remarked how little disorder I saw. I do not know what the laws of these cities are, but I seldom saw a man intoxicated in them, as I do here. When I am away from home I think of that a great deal, and I regret very much that I see so many drunks in Portland.

6216*b*. Did you say that you saw more here than in licensed cities away from home?—Yes, I think so. If you go to Boston and travel all day through the streets you will see comparatively few drunken men.

6217*b*. Do you see a great many of them here?—Yes. The liquor that is sold here is terrible. They get hold of anything that answers for liquor, and they push it into these low dives and they sell it from a bottle in the streets, and it makes men drunk and crazy. We employ 300 men, and we see a great deal of it in our own business.

6218*b*. Does the drink habit affect your employees?—I think no more than it does in any other factory. If we find that a man is continually drinking, as soon as we get a chance we ship him out.

6219*b*. You keep him if you can?—Yes. There is one man, a very nice workman and a very valuable man to us, but he became such a drunkard that although we tried every way to stop him, we had to let him go. I told him that if he would take the “gold cure” he might return to his old place, and if he kept sober he might go right along. That man has come back after taking the gold cure, and since he took the gold cure he has not lost half a day. I have thought a great many times that if our city could establish an institution such as that for drunkards, instead of sending them to jail, it would be a great thing.

6220*b*. Do you think it would be right for the city to establish a drinking trade, and then to establish an institution to take care of those who became incapacitated by that trade?—I think people will get drunk anyway, and it would be better to send them to the go'd cure than to jail.

6221*b*. I suppose it is impossible to tell how it would affect the sale of liquor if it was licensed instead of being prohibited?—No; but I think there would be a great improvement.

6222*b*. Do you think that those people who are selling in those low dives now would not sell if you had license in the city?—I think they would not sell to the same extent. The people who are paying licenses would help to look after them.

6223*b*. Have you ever inquired into that matter as it exists in places where there is liquor sold under license? Do you think that the licensed sellers in licensed places would interfere with the illegal sale?—I have made inquiries, and I find that is apt to be the case.

6224*b*. Do you think there are low liquor selling places in cities where they have the license system?—I cannot say as to that, but I think that if we had license here the people who obtain the licenses would follow up the liquor sellers pretty closely. If you take any man in the rum business, he will tell you very easily how much liquor is sold and how many places sell it.

6225*b*. It is your opinion that the prohibitory law in the State at large has done some good?—I think that in the country towns it has done good.

6226*b*. It has done good in towns?—We call them country places, but that includes all large districts as well as the central villages and the towns.

6227*b*. How do you say the law has worked in the towns?—In Deering they established an agency last year, quite near my country home. I wondered why they did it, but when the agent came to make his report we found that he sold \$1,800 worth of liquor, and now they have abolished that agency.

6228*b*. Were there any halls or shops out at Deering?—No.

6229*b*. So that in Deering prohibition has had the effect of prohibiting?—Yes; but they could get all they wanted in Portland.

6230*b*. I suppose that when you are speaking about the effect on business you were only speaking for yourself?—I simply speak for myself. I do not speak on this question in my capacity as Chairman of the Board of Trade. It is a question altogether foreign to the business, and it was never brought up or mentioned there.

6231*b*. But naturally in your position you have opportunities of making yourself conversant with the opinions of others?—I always felt interested in studying everything that is for the benefit of the city of Portland, as I believe it to be beneficial.

6232*b*. Do you feel that you are warranted in expressing the views of others?—Not except in a general way, and speaking from the results of conversations I have had with business people. I believe, of course, and I know, that there are a great many of our good citizens strongly in favour of the prohibitory law.

6233*b*. And you think that some are against the prohibitory law?—Yes, I think there are a great many good conservative people who do not make any great temperance profession, although they are not users of liquor. I think there are a great many total abstainers who are not in favour of the prohibitory law.

6234*b*. How about the young men?—Take the clerks and mechanics and young professional men of the city: are they much given to drink?—I do not think they are. They are a sober class. I think the habit of drunkenness is largely among the poor people.

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6235*b*. Is not the drink habit largely among the foreign population?—I do not know that, but of course a great many working people employed in our factories belong to the foreign population.

6236*b*. Take the best of your people, such as doctors, lawyers, accountants, clerks and mechanics, do you think that they are much given to the drink habit?—Well, with that word “mechanic” there, I do not know that I can answer that question.

6237*b*. What would you say about your skilled workmen?—I think they are pretty free from the drink habit.

*By the Chairman :*

6238*b*. Whilst many of your people, no doubt, are in favour of prohibition, do you think that the large majority of them are complete abstainers?—I think a great many of them are.

6239*b*. Do you think your young men, as a general rule, are not only in favour of a prohibitory law, but are total ab-stainers as well?—A great many of them are, but a great many of them like a glass of beer and take one. I do not think they give it very much thought. It has got to be an old issue here with our people, and I do not think that our young people give the question much study one way or the other. The farmer will go to the Legislature here and work for all he is worth to maintain the prohibitory law, but at the same time he will sell his cider against the law. He will go to Augusta and fight for the prohibitory law night and day, but he will sell against the law in many cases.

6240*b*. Does not the law prohibit the sale of cider?—Yes, but the farmer who works for the law will go around all day selling his cider.

6241*b*. Does not the prohibition of the sale of stronger liquors create a market for a supply of cider in the State?—I do not think it makes much difference one way or the other. They will buy cider if they want cider, and they will buy whisky if they want whisky. When you see the agency here doing such a business in selling liquor, you must see that it is not very hard for people here to get liquor if they want it. I never knew but one case in two years where persons wanted liquor for medicinal or mechanical purposes.

*By Rev. Dr. McLeod :*

6242*b*. Is it not a fact that the working of the liquor agency depends upon the integrity of the man in charge of it?—Well, the man is there to sell liquor, and as far as the agents have been concerned in both parties they are pretty good men.

*By the Chairman :*

6243*b*. Does it not rather depend on the public sentiment behind the system?—There has never been any desperate effort here made to close up the agency. I believe that the matter has been brought before the city government and a test vote taken on it.

*By Rev. Dr. McLeod :*

6244*b*. Do other forms of wrong in the city depend for existence on public sentiment?—I do not know that, but there is a different feeling as regards liquor selling as compared with other forms of wrong.

6245*b*. Because other forms of wrong in the city are not cleaned up, is it an indication that public sentiment is in favour of them?—No, that is not so.

*By the Chairman :*

6246*b*. You have no establishment carrying on a wrong trade operated under the supervision of the City Council of Portland?—No.

*By Rev. Dr. McLeod :*

6247*b*. You have no such places as I have referred to licensed in the city?—I hope we will never come to the time when we will license such a place.

6248*b*. Is it not a fact that the licensed agency can sell up to a certain point, beyond which it is illicit to sell?—Yes.

6249*b*. Suppose you had licensed drink shops, would it not be impossible to prevent them from selling liquor illicitly on the Sabbath and after hours at night?—My opinion has always been to license as few places as we can, and if we find from time to time that we can do with less, then we can cut them down.

6250*b*. If you cannot regulate your licensed agency here and the only one in the city, how do you think you can regulate your licensed drinking shops?—I do not think they try to regulate the agency.

6251*b*. If there is a difficulty in regulating one licensed place, would there not be a greater difficulty in regulating ten?—I think there would be a law to provide for regulating them. If the quality of the liquor sold in these places was regulated, it would be much better than to have any kind of liquor sold, and if the city found that these licensed places were not conducting their business properly, they should take their license away immediately.

6252*b*. Is not all that provided for with reference to the present city agency?—I do not think they ever give that a thought. The agent has got the protection of the law. A man goes there and asks for a quart of whisky or a pint of gin or a pint of brandy, and if he says he wants it for medicinal or mechanical purposes, the Agent gives it to him. When I was chairman of the committee on the agency, I cautioned the agent as regards those to whom he should sell liquor, but notwithstanding that, there was quite a large sale. I do not know, however, why the sales should have amounted to \$80,000 last year.

*By Mr. Clarke :*

6253*b*. As an advocate of prohibition yourself, Mr. Winslow, would you be looking around for some law or regulation to prevent abuse in the liquor system if the present prohibitory law had been successful or fairly so?—Well, I cannot look upon the prohibitory law as being successful in any way in this city.

6254*b*. If the prohibitory law had been successful, you would have been satisfied with it as a temperance man?—Yes.

6255*b*. Is it because the prohibitory law has not been successful in the cities of this State that you seek some other system which you think would be more successful in putting down the use of liquor?—That is my view of it. I never have been associated with those people who take rum. I think the citizens of Portland recognize my position on this question. I have always done all I could in favour of temperance. When I was in the city government, I was strongly in favour of it, and I always gave it encouragement, but I look upon the prohibitory law from the standpoint that it has not always been a success in this city. I might say that I do not know that I have expressed an opinion about the law before, but you asked my mind upon it and I gave it to you.

6256*b*. The quality of the liquor sold in this city, you say, is very inferior?—Yes, I think it has a very bad effect on those who use it.

6257*b*. Would it not be better for those people who are bound to have liquor if they could procure a supply of pure liquor at the agency?—I think so. The liquor they get in some of these low places must be poisonous to the system, and if they must have liquor, it would be better for them to have it of good quality.

6258*b*. With regard to the existence of these rum holes where liquor is sold illegally, is it reasonable to suppose that if liquor was permitted to be sold in the city in recognized places, the patrons of the rum holes would frequent those places where such vile stuff is sold, if they could get better liquor elsewhere?—I should think not. I should think they would go to the licensed saloon, where they could get good drink.

6259*b*. In your opinion it is advisable, or does it promote the public good to have the drink trade made as disreputable as possible?—I do not know as to that. The law has been tried to be enforced here for so many years that a good many people do not give it a thought one way or another. For the upper class here there is no prohibition,

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and they procure all the liquor they require. They can get it from Boston or from wherever they like to.

6260*b*. Do you know anything about the business carried on by some of your drug shops in this city? You have 47 drug shops in the city of Portland. Do you think that they all do a legitimate drug business, or do you think that many of them sell liquor?—I think as the law has been wound tighter and tighter that the drug shops do not do such a large liquor business. For a good many years the drug shops did quite a large liquor trade. Some of these drug shops do not take out United States licenses. These people are amongst our best people, and they would not sell liquor here, I am sure.

6261*b*. Is the taking out of United States liquor licenses an indication that the persons intend to go into the liquor business?—A man who took out one of the United States liquor licenses was in a position to sell liquor so far as the United States law was concerned, at any rate if he wished to do so.

6262*b*. It is a reasonable supposition that the sales have increased at the liquor agency because of the stronger enforcement of the law by your present sheriff, Mr. Cram. Would that be a reasonable explanation of the fact that there has been such a vast increase in the sales by the city agent?—I do not know that that would have much to do with it; perhaps it might have something, though I cannot say.

6263*b*. General Dow appeared before us, and he spoke of the difficulty of obtaining amendments from the Legislature that he thought were necessary for the efficient enforcement of the law. In your opinion is the State Legislature reflecting public opinion in declining to meet General Dow's views and the views of those who are associated with him in proposing these stringent amendments to the prohibitory law?—I do not know that I can account for that. I do not look upon all these people who support the law in the Legislature and who even vote for it, as temperance people. I imagine that a great deal of the Legislation has no temperance significance whatever.

6264*b*. Is there any hope that in the near future the enforcement of the prohibitory law will be separated from party lines?—I do not think that the prohibitory law will ever be free from party questions in this State.

6265*b*. Do you think that the prohibitory law in this State has had a fair trial?—I think so. We have had marshals who have been honest in enforcing it, and we have had sheriffs who have worked day and night to enforce it, and we have had sheriffs and marshals who no doubt have not done as much to enforce it, and during all these years I think the prohibitory law has had a very fair trial.

6266*b*. And you are not satisfied with the prohibitory law?—No.

*By Mr. Gigault :*

6267*b*. Is there a good deal of drunkenness in Portland on Sundays?—Yes, there is more or less drunkenness on Sundays.

6268*b*. Is there more drunkenness on Sundays than on week days?—I think there is.

6269*b*. You have been an active friend of the prohibitory law?—I have always been in favour of the law, but I was not what you would call active, I did not interfere very much with the matter.

6270*b*. Were you ever in Montreal?—Yes. The last time I was there I went to church in the morning and in the afternoon I took a general observation of the city, and, so far as I could see, there were no signs of drunkenness in the streets.

6271*b*. Do you know if there is any smuggling of liquor into Portland or into the State?—I do not know.

6272*b*. I noticed a paragraph in one of the papers, yesterday or the day before, to the effect that smuggling was carried on more or less extensively, and that there is an attempt being made now to increase the penalty upon smugglers, with a view of still further restricting the violation of the law. Did you notice that?—Has that any reference to smuggling liquor?

6273*b*. No; it has reference to other goods being smuggled along your coast?—I have no knowledge of that, but I suppose there is more or less of it always.

REV. HENRY BLANCHARD, D.D., Pastor of the First Universal Church, Portland, examined.

*By the Chairman :*

6274*b*. How long have you resided in Portland, Dr. Blanchard?—I have been here eleven years on 1st September. My church is one of the largest Protestant churches of the city numerically.

6275*b*. Would you tell us what your impressions are as to the effects, beneficial or otherwise, of the prohibitory law?—Do you mean in the State of Maine?

6276*b*. Yes, in the State?—Well, I think on the whole it is beneficial, and yet at the same time I am greatly troubled about certain facts. For instance, one of my parishoners, who is a large hearted man, stated to me one day, "See that room across the street; do you know what that is?" I asked him and he said, "It is a private club house, and the more strictly the prohibitory law is enforced in the city, the more the young men of the city get into such places and have their liquor come in packages, and they make in such places as that, a bacchanalian time of it." That is a serious thing. I am not a prohibitionist in the sense that General Neal Dow is. I do not believe in open saloons. I do not believe in their existence, because they invite men to drink; but my feeling is that the Government should have charge of so dangerous a traffic. I believe that its agents should sell on salary, so that there should be no pecuniary interest which would lead them to enlarge their business. In that way I think you will get rid of the saloon, in the first place, and in the second place, I believe that better liquors would be sold, as I feel that the worst effects of drink comes from the use of these poisonous liquors which men make. For that reason I am not as good a critic as I might be, because I do not believe in our present system. I think the system the Government is trying to carry out in South Carolina and in Denmark and in Norway is the best, to my mind. Here is our liquor agency, it is a governmental institution, and I am told that liquor is sold there with the greatest freedom, and that sometimes people go there and buy liquor to bottle up afterwards, so that there is a great deal of this pocket peddling carried on. So far as saloons in the city are concerned, there are very few of them here. It is very difficult to get at them, and yet I am obliged to say that it is my impression that certain men can get at them. I have met a man who was on the way to degradation and I tried to save him, and he made solemn promises to me, and finally I said to him, "How is it possible that you get liquor in this city?" He replied to me "It is the easiest thing in the world, I go on such and such a street, and a man down there knows me and they will allow me to get all the drink I want," I went to the city marshal, and I told him about it, and he said, "Let us see what we can do." I went in the city marshal's wagon and drove down to the place, and a gentleman, connected with the Grand Trunk Railway, who saw me go in, told me that it was a place where a man could get all the liquor he wanted, and that the business was going on all day long. We got there, and went to the door, but there was no response. We got to a little room where there was a counter and nothing else, and close by the counter there was a door, and in the door a kind of an opening, and evidently any person who was in there could take observations so as to know who we were. Of course when they saw the marshal and myself, no one was visible inside, and there was nothing to be seen there, although the marshal was perfectly satisfied that a great deal of liquor was sold in that place. My general impression is this, that the liquor saloon is becoming more and more restricted and that there is a growing sentiment against the use of liquor because of these restrictions and because of the obliquy cast upon a man who sells liquor. You can hardly understand it for you live in places where liquor is sold. I lived in Brooklyn, and it was a very common thing to see men go in and out of the saloons. When I lived in that city and saw the open saloons there, and when I lived here I said, "there are many advantages on the side of the prohibitory law." So far as the enforcement is concerned I think that the law here is well enforced. I was told, however, by a man in charge of a large hotel, "I do not want to sell liquor, but my guests come from all parts of the

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world and it seems my duty to sell." A year ago later, that man told me, "I have made up my mind, since the officers are enforcing the law, not to sell liquor, as I do not propose to go to jail;" therefore, I believe that the enforcement of the law stops the sale of liquor in our hotels and principal places of resort. However, the enforcement of the law varies with the administration in power, and there has been a determined effort made lately to enforce the law. We have a city and county government here and the county officers have been exceedingly efficient, whereas the city officers have at times been very lax. My own impression is, that as a result of this law there is a steady decrease in the use of liquor and a deepening conviction on the part of the community that it is a dangerous traffic.

6277*b*. We find a good many people come before us who are in favour of prohibition, but who in reality are not total abstainers. Do you think that the pressure to promote the prohibitory system has lessened the efforts to make total abstainers?—That is a pretty general question to answer. I believe so much myself in moral suasion and so little in law to enforce matters of that kind, that I suppose I am biased. I hold, in my judgment, that this holding to the law to suppress liquor drinking is weakening the moral efforts and the rational efforts to persuade men from drinking. In this city there is hardly any great effort made nowadays to encourage men to become total abstainers. Every now and then we have a revival, you might say, but then it goes down. I would like to see something like the old Washingtonian movement, that would proceed along the line of moral suasion. When I know how young men of our small towns are protected from liquor as they were not in former years, I say there is a great advantage in the prohibitory law in protecting the young men as they grow up in the country districts.

6278*b*. But the total abstainer when he goes from home does not, I suppose, consider himself absolved from his obligation not to drink liquor, whereas an advocate of prohibition, who might not be a temperance man, may consider himself free from the obligation when he leaves home?—Possibly.

*By Rev. Dr. McLeod :*

6279*b*. Are the young men of the State, taken as a whole, I mean your clerks and young business men, accountants and the like, a sober class of people?—Yes.

6280*b*. They have more or less an abhorrence of the drink habit?—I think so, and I cannot help thinking, after all my criticism of the prohibitory law, that it has done a great deal to educate these young men to abhor liquor, though if I had my way I should have government superintendence of the liquor traffic.

*By Mr. Gigault :*

6281*b*. Do you think that the Swedish system would work better than the present prohibitory system in the State of Maine?—That is my judgment. However, I am not ready to give any judgment on which you could rely in that respect, as I have not studied it out very thoroughly. I think that Dr. Huntingdon appears to advocate very strongly the Swedish system, and he has studied it very closely, and he holds that it ought to be carried out. I should say, from his opinion and from other opinions which I have heard, that a system of that kind would be much better than our present prohibitory law. Our prohibitory law works badly in a good many ways in our large cities. It makes a great deal of hypocrisy. I must say, however, that the general effect of the prohibitory law in the State of Maine has been very good, because it has got many young men to be against the use of liquor.

6282*b*. The number of cases of drunkenness before the court in this city is very large?—Yes.

6283*b*. Is there more drunkenness on Sundays than on week days?—I should suppose so, more especially in the summer time, because we have so much excursion business, and I believe that on these excursions a great deal of liquor is used and sold. We are coming to a stage now where the observance of Sundays is not so much regarded as formerly. While I am not a Sabbatarian in any sense of the word, I think that these excursions do harm, and that people take liquor with them on these excursions. I



may say that so far as the saloon is concerned, you may set me down as a most unmitigated antagonist of them. So long as science says that liquor must be used in manufacturing and medicinal purposes, in my mind its sale should be controlled by the Government, and it should be done in such a way that no profit should come from it. I believe that in that way you would eliminate the saloon-keeper, and you would get rid of a great element of corruption in our administration.

MRS. L. M. N. STEVENS, President of the Women's Christian Temperance Union, examined :

*By the Chairman :*

6284*b*. How long have you lived here, Mrs. Stevens?—Thirty years.

6285*b*. You are connected with the Women's Christian Temperance Union?—Yes, sir; I have been President of the Maine Women's Christian Temperance Union for sixteen years.

6286*b*. When was it organized?—In 1874.

6287*b*. Are the members pledged to abstinence?—Yes.

6288*b*. Have you only one form of pledge?—Yes; one form: that is a pledge to do whatever we can to discourage the use of and traffic in intoxicating drink.

6289*b*. Have you any statement that will show the membership of your society?—The membership in this State is 6,200 at the present time.

6290*b*. Have the numbers been added to from year to year all the time?—Yes; slightly, but they are increasing.

6291*b*. Have you ever had a larger number than now?—No; there has been a great increase, considering the size of the State and the material we have to work on.

6292*b*. Do you admit children into your organization?—No; we have a children's society, but the number which I have mentioned is made up by adult women.

6293*b*. What is the membership of the Children's Society?—It is something like seven or eight thousand, I think, I cannot say accurately.

6294*b*. Do you issue annual reports containing statistics?—We do.

6295*b*. Is there any fee for admission into your Union?—Yes; there is an admission fee of 50 cents to the local society. I ought to say that the State Society is made up of the different local societies. For instance, the membership in this city is between two and three hundred women, and we have local societies in about 160 towns I think. That 50 cents is divided between the local society and the other society. 20 cents of that will go into the Portland Society, 10 cents will go to the National Society, and 20 cents to the State Society.

6296*b*. Will your report show what are the numbers in the cities and rural districts belonging to your union?—Yes, they will.

6297*b*. Will you be so kind as to state what you think the effect of the prohibitory law has been in this city of Portland in respect to social conditions, and business conditions also, if you choose to refer to them?—Well, I should say that the effect has been good. In social association I am very sure that wines or liquors are not used so largely in this city, among the same set, as I believe they are in Chicago or Boston. I associate with women here whose social position would be similar to those women I associate with in Boston and Chicago. These people in Boston and Chicago would be very much more likely, in fact would have wine at their social entertainments, when the ladies of Portland would not.

6298*b*. And you think that that effect has been brought about by the prohibitory law?—I think it has been a strong educational factor. I think that the education reaches into every home of intelligence, whether they act up to the light of that education or not.

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6299b. Do you attribute the changed condition to the efforts made by the temperance people apart from the prohibitory law?—I do. I think it commences very largely in the Women's Christian Temperance Union. We have about thirty departments of work. Our people recognize prohibition as a great help in carrying out the work of temperance. We feel that here in this city we are helped as the Women's Christian Temperance Union in cities where they do not have a prohibitory law are not helped, and that we are helped by the prohibitory law here in many cases in carrying out our many departments of work. We are helped, I believe, to a great extent by the prohibitory law.

6300b. Do you think that the prohibitory law in this State has worked satisfactorily in the cities and populous towns?—No, not satisfactorily, because liquor is sold to some extent. It would not be satisfactory to me unless it abolished liquor altogether; but it is satisfactory compared to what, I think, the license system would be.

6301b. Have you in the course of your work taken the trouble to compare the statistics of arrests in Portland with the arrests in other cities of nearly a similar population, or of a larger population where they have a licensing system?—Yes, I have sometimes.

6302b. Do you think Portland stands favourably in that respect with other cities?—I think there are more arrests in the city of Portland, according to the number who get intoxicated, than there are in other cities. If a man gets intoxicated here, he is not allowed to stay in the place where he gets intoxicated. He gets his liquor and he takes a good big drink, and he very quickly gets intoxicated, and then he is put on the street at once. He is not allowed to sit around in the place because of the fear of the seller that he will be arrested and will make trouble for him, whereas if he had a chance to sit around in the grog shop, and pass away the time as in the licensed places, he would not be put on the street and he would not be arrested.

6303b. Have you studied the ratio of arrests of the population in Portland as compared with those in other places?—I have sometimes, but it was three or four years ago. I have done that in making my prohibitory talks, and I find it quite favourable to Portland.

6304b. I suppose the law is enforced here with varying degrees of efficiency according to the views of the occupant of the office of city marshal?—Yes, I think the number of arrests depends somewhat upon the peculiar views and disposition of the officers; the arrests vary, and that is the only way we can account for it.

6305b. Do you think that the prohibitory law has had the effect of prohibiting drunkenness in this city?—I think so, largely.

6306b. Largely?—Yes.

6307b. And beyond what any other system would have done?—Yes, I believe so.

6308b. Do you think that the efforts made to carry out the prohibitory law and the enforcement of the prohibitory law have led to a diminution of the efforts of the temperance societies to secure total abstainers?—No, not at all.

6309b. We have heard the view expressed sometimes, and we have had it expressed here in Portland, that there is less effort in the direction of making people total abstainers and members of temperance societies than there is to enforce the prohibitory law?—I do not think that is so. There are a good many temperance societies in Portland in connection with the churches, and I think within the last few years there has been more exertion in the matter of total abstinence, in what we call polite circles, than ever before. Some compare it with the old Reform Club times, when that great wave swept over the country. I believe at the present time that the gold cure has taken the place of these reform meetings.

6310b. The Roman Catholic Bishop, I think, told us that he found it difficult to maintain temperance societies in connection with his church. There were temperance societies in his church at one time, but I think that he said that now he had only one in his diocese?—I do not think it should be so.

6311b. We had a gentleman before us, an earnest advocate of temperance, who expressed the view that the efforts made in favour of prohibition weaken the efforts in favour of total abstinence and in the direction of moral suasion?—That has not been

the result of my observation. It appears to me that prohibition has been a great educator.

6312*b*. Do you think that that is the case in large cities?—I do. My home is in the city of Deering, next to the city of Portland; it has about 7,000 inhabitants, and I do not believe that in Deering any one can find a glass of liquor, or even of cider, to buy. That has been the condition of that city for a good many years.

6313*b*. Do you think that there is a good deal of liquor sold in the city of Portland?—I think it varies. I have been absent from the city two months in Chicago, and since I have returned I have been told that the law is not quite so strongly enforced now as it was in the winter or in the spring. I was quite surprised at that, because I believed that for two years, under Sheriff Cram, the law against liquor selling was as well enforced as any law upon the Statute-book.

*By Mr. Clarke :*

6314*b*. Sheriff Cram being still in office, to what do you attribute the laxity in the enforcement of the law now?—I do not know. There was not any laxity of enforcement when I went away. I asked my informants if they could tell me why it was, and they said it was some political trickery. We temperance people believe that there is plenty of public sentiment in favour of the prohibitory law in Portland, if we could separate that kind of public sentiment from a certain sort of political sentiment. To prove that, I may say that at the time the vote was taken on the constitutional amendment in 1884, Portland gave a very large majority in favour of the same. I believe that represented the sentiment of the voters, but of course the women helped to make public sentiment, and I believe that if the women could have voted on that question, the vote would have been very much larger. The public sentiment amongst men is all right for the enforcement of the law if we could separate it from politics; I believe that public sentiment taken as a whole is greatly in favour of the enforcement of the law. We have had an illustration to prove that. For instance, after a very lax enforcement of the law, one of our uptown clergymen took occasion to preach concerning the enforcement of the law, and it was a great surprise to think that he would preach as he did, because a great many of his people did not agree with him. At the request of the present mayor, who heard the sermon, he agreed to repeat that sermon in the city hall on the next Sunday night. The city hall is our largest audience room in the city, and representatives of the Women's Christian Temperance Union, all the clergy of the city and others were expected to be on the platform. The meeting was to begin at a quarter to seven o'clock. When I went in, there was such a crowd coming out that I thought the meeting had not commenced, and I found the city hall so packed at that hour that it was impossible to get room in it. I saw that the audience was made up of Portland's best citizens, not the rum element at all. As the minister repeated his sermon upon the enforcement of the law, at every mention of Sheriff Cram's name, although it was Sunday evening, and although Portland is a quiet, tame sort of a place, there was immense applause.

6315*b*. Have you heard no reason alleged for the less rigorous enforcement of the law at the present time?—No. I do not say that it is less rigorously enforced now, but such has been stated to me.

6316*b*. Is there a large illicit sale of liquor in the city of Portland?—It is large compared with what there ought to be, but it is small compared with the illicit sale in places where they have the license system.

6317*b*. How do you account for the large increase in the sales of liquor at the liquor agency. The sales at the agency used to run from \$25,000 to \$28,000 a year but last year they appear to have reached \$60,000?—Well, I think we have not as good officers in charge of the agency as formerly. The management is not as good as it used to be.

6318*b*. It seems to be generally admitted that the sales are not confined to what the law contemplates, that is sale of liquor for medicinal or mechanical purposes only?—I think that is so. The law is shamefully violated by the city liquor agency, or the one who conducts the place.

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6319*b*. The sales of liquor for beverage purposes at the agency are strictly against the spirit and letter of the prohibitory law?—Yes.

6320*b*. Can you account for the fact that no steps are taken to prevent the improper sale of liquor at the agency when we have the most stringent exercise of the law against private persons and individual offenders. How can you account for that?—In order to execute the law against offenders we have to have the help of the officers, and the officers are controlled more or less by the municipal government. It would be very hard indeed to stop the shameful proceedings at the liquor agency, because it has been supposed to be governed by the city, and efforts to enforce the law in the past have been stopped in some mysterious way and the people have become discouraged. The officers in charge of the agency are appointed in such a way, and have the official approval to such an extent, that it would be pretty hard to reach them. It is a great shame, and the Women's Christian Temperance Union have discussed that question, wondering how they could get the sentiment which is afloat in such shape as to bring it to bear on that place and have the law executed.

6321*b*. Do you think that the same state of things exists in other cities that have a liquor agency as exists here in the city of Portland?—Yes, I believe it does, and it only strengthens my opinion that the thing is altogether bad. If we cannot handle one licensed place, it would be still more difficult to handle more than one.

6322*b*. What I am at a loss to understand is how this prohibitory system has continued for a period of 40 years, and although there has been such a preponderance of temperance sentiment, the law is not enforced?—So long as doctors prescribe alcohol in cases of sickness, there must be some places where we can get it, and it has been thought that it would be better to have one place where they could buy that liquor rather than to allow people to buy it here and there at every drug store. Whether anything else would work better or not in that respect is an open question. In our country towns in Maine, it is a fact that liquor selling is driven out of three quarters of our towns in this State. You can drive through rural districts for miles and you cannot find a place where liquor is sold.

6323*b*. But does not the former travel on these country roads now find its way by the railways instead of by the highways as formerly?—It does, but if there was the same demand for liquor as formerly there would be sales.

6324*b*. Is there the same demand on these country roads for liquor as there was formerly? Have they got the same travel as formerly?—There are villages all along the way and the railways do not run through them.

*By Rev. Dr. McLeod :*

6325*b*. Is there more or less driving along these roads even yet?—Quite a great deal.

*By the Chairman :*

6326*b*. The travel is not quite what it was before the railways were started?—No.

6327*b*. Do you desire to say anything as to the effect the prohibitory law has had upon the trade of Portland?—Do you mean by that how it affects wholesale and retail houses doing business in the city?

6328*b*. Yes, we will say that?—I must say that I have heard that question discussed a great deal, and I have never heard any intelligent man claim that the prohibitory law had had a bad effect on business.

6329*b*. What temperance organizations are there in this community?—I think that nearly every child in the Sunday schools has signed a pledge.

6330*b*. What other societies have you?—We have the Women's Christian Temperance Union, the Good Templars, the Sons of Temperance and societies connected with the churches.

6331*b*. Is there any record kept of the number of members of temperance societies in connection with the churches?—I do not know, but I will try and ascertain that for you.

*By Rev. Dr. McLeod :*

6332*b*. Speaking about the matter of trade, the president of the Board of Trade was before us this morning, and he said that he thought a great many of the business men of the city believed that prohibition interfered with the trade of the city. Is he an unprejudiced witness?—Well, according to my idea, Mr. Winslow would think a great deal more of the opinion of the man who said that it did affect trade, rather than he would of the man who said it did not. Taking that for a definition, I should say, of course, that I think he would be prejudiced.

6333*b*. You are connected in some way with the Board of Charities in the city?—I am corresponding secretary for Maine in the National Conference of Charities and Correction. I represented Maine in the Chicago Congress.

6334*b*. What are the objects of that institution?—That institution has to report on the different charitable societies in the State, and the correction societies on the jails and prisons. In making my report to the congress, I took occasion to show that I could report 57 towns in Maine that did not have an alms-house or a pauper. I do not believe that I would be able to do that if we did not have a prohibitory law in this State.

6335*b*. That is the effect in Maine?—Yes.

*By Mr. Clarke :*

6336*b*. What do you mean by the word "town"?—I mean a place which has a Board of Selectmen and a certain number of citizens. I do not mean townships or plantations. I mean recognized towns.

*By the Chairman :*

6337*b*. Of about what population?—I do not know. I did not count them up, but some of them are quite small towns.

6338*b*. Would any of them have over 3,000 population?—Perhaps not.

*By Rev. Dr. McLeod :*

6339*b*. Fifty-seven towns would be what proportion of the number of towns in Maine?—We have about 425 towns in Maine and about 55 plantations.

*By the Chairman :*

6340*b*. Do I understand you to say that not any of these towns would have a population of 3,000?—Perhaps they would not have 3,000.

*By Rev. Dr. McLeod :*

6341*b*. What sort of record did the other towns than the fifty-seven make?—Remarkably good, compared with other States.

6342*b*. You have just come from a congress of that sort in Chicago, and you are able to make that statement of comparison?—Yes; and I may say that I was congratulated over and over again on coming from a State in regard to which I was able to make such a good report.

*By Mr. Clarke :*

6343*b*. Did you have a copy of the last census of the United States when you were speaking of this Convention?—Yes. I got up my report as I was ordered to do by the President of the Board and also by the officers of the Congress. I got it accurately in this way, by writing to every town. I wrote to every town, and I also visited every jail, and got statistics direct from every jail, and that was the way we were ordered to make out our reports for the congress.

*By Rev. Dr. McLeod :*

6344*b*. If it should appear from the census returns that the Maine percentage of pauperism is large, at any rate fully up to the percentage of pauperism of the other States in what is called the North Atlantic division of States, how would you account for that?—Well, Maine is an old State and among the paupers are a great many old people. The

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majority of the paupers we find in Maine in the rural districts and country towns are old people. You do not find that same class in some of the other States in the North Atlantic division of States.

*By Mr. Clarke :*

6345*b*. What do you say with regard to New Hampshire and Vermont? Are they not similarly situated as the State of Maine?—Perhaps I should make an exception in regard to them.

6346*b*. Would you compare Connecticut with the State of Maine in this respect?—They have a larger percentage of foreigners than Maine, and there are larger manufacturing industries in the State. I am not sure enough on the subject, however, to compare the two States.

*By Rev. Dr. McLeod :*

6347*b*. Is there anything in this, that Maine has taken better care of her paupers and has housed them more perfectly in the alms-houses than many of the other States?—Yes; I should think so. For instance: we have more insane now than we had twenty years ago. I mean by that, we have more insane in the asylums; but that does not prove that there are more insane people in the State. There are more people undoubtedly in the asylums, because it is more general to send them there, and they would be better cared for there than they would be at home, and the same applies to the percentage of people in our alms-houses.

6348*b*. At the present time your paupers are housed for the most part?—Yes.

*By Mr. Clarke :*

6349*b*. Are there not some inmates in the asylums that were formerly classed as paupers in the alms-house?—I presume there may be; but we have a distinction made between the regular paupers and those who are insane and confined in the alms house.

*By Rev. Dr. McLeod :*

6350*b*. That is to say, that in the former reports of the paupers the insane were not classified as paupers?—No.

6351*b*. I presume that your duties carry you over the State a good deal?—I have been in nearly every town and nearly every county in the State.

6352*b*. From your observation, as well as from your information, are you prepared to say that poverty and crime are less in Maine, than in any other States where the license system prevails?—Yes.

6353*b*. The prohibitory law, as all the people who are its most enthusiastic friends admit, is violated more or less. Does not that strike you strangely?—Not at all. We have had a law against stealing for a good many hundred years and that is broken. We have had a law against the sale of liquor for less than 50 years, and I do not think it strange that people have not yet got educated up to it.

6354*b*. I suppose you never found it possible to tabulate the evils that have been prevented by the prohibitory law?—Of course that would be an impossibility. I believe that prohibition is a great blessing to our State, and I hardly ever go into towns and make inquiries of the leading people as to what these towns used to be, and as to what they are now, that I do not find the towns are blessed by prohibition.

6355*b*. And you think that even Portland with its numerous difficulties in the way of the enforcement of the law, has been blessed?—I believe it has. Take the young men in not only what are called the high circles but the young men who make up the bone and sinew of the city, such as mechanics, clerks, etc., and I think they are a better class than if we had the license system, and they are more sober and industrious.

6356*b*. From your observation of this class, are they a sober people, or are they given in any degree to the drink habit?—I should say they are a sober class; of course some of them, I am sorry to say, are given to the drink habit; but I think they are not nearly so bad as they would have been if they could have gone into a saloon and bought

liquor freely. I drove a friend of mine around the city some time ago. She lives in a city where there is a license system, and she said to me, "Mrs. Stevens, if I could bring my son up in a place where he could not see any liquor saloons, I should be happier than I am. I have not seen a sign of liquor on this thoroughfare, which is the principal one in the city. My son is a good boy, but I think it would be better for him, and better for every one if he could not see liquor sold."

6357*b*. From your knowledge of these boys and young men of the class to which you have referred, do you think they are more likely to go for drink to the disreputable places, such as exist in Portland, than they would be to saloons, if they were authorized and licensed around your public streets?—No, I have a nephew; and his mother, in my presence, was speaking to him, and wanted him to sign a total abstinence pledge; but he never did. His mother said to him, "I am afraid you may go into some of those places in Portland." He was shocked, and said, "Do you think I would go into one of these horrid places, mother." I think that is the way it strikes the average nice young man.

6358*b*. Whereas the selling of liquor would be a temptation?—Certainly, the selling of liquor, as I see in other towns and cities, would be an immense temptation, I believe.

6359*b*. Do you think that the management of the liquor agency depends very largely on the character of the man in charge?—I do.

6360*b*. And the difficulty of punishing the liquor agent for illicit sales is largely because he is authorized to sell up to a certain point?—Yes, and it is pretty hard to catch him and convict him; and then he is ruled by the municipal authorities who have their political opinions. I think it is a great pity that the politicians in this city are so equally divided as they are.

6361*b*. Does that suggest that the two parties being equally divided, both parties are courting the liquor vote for their success, and that the liquor vote is a solid vote?—That is it. I said to a prominent Republican prohibitionist in Bangor before the spring caucus (and in Bangor they have violation of the law), "Why do you not put a man in for mayor who is known to be a prohibitionist and in favour of the enforcement of the law, and see if you cannot change the condition of things in Bangor?" He said, "That is a good square question, and I will answer it. I believe in prohibition, and I think it would be a good thing for our city; but we cannot elect a mayor unless we get the bulk, at least, of the rum vote. Now, is it better to have a Republican mayor from whom we can get some good things, than to have a Democratic mayor from whom you can expect nothing? That is the state of feeling in Bangor." I told him that that was not a woman's way of reasoning. I said, "You may get beaten at the elections this spring, but I believe that if you throw up that vote, in the end you will get a majority of the citizens in favour of law and order." He smiled, and said, "That was a woman's way, no doubt, but the politicians could not see through it."

*By Mr. Clarke :*

6362*b*. Is the condition of things in Bangor, as regards the enforcement of the prohibitory law, observed in other cities throughout the State?—I think there is the worst violation of the law in Bangor, and it has been going on longer, than in any other city in our State, so far as I know.

6363*b*. And it is impossible to get the political parties to separate from their political allegiance?—It seems to be.

6364*b*. You have given an answer to Rev. Dr. McLeod with reference to Mr. Winslow's evidence, which is not quite clear in my mind. Is Mr. Winslow a reputable citizen?—He is.

6365*b*. Does he not occupy a prominent position?—Yes.

6366*b*. He is a large manufacturer?—Yes.

6367*b*. And he is President of the Board of Trade?—Yes.

6368*b*. Would it be possible that he would give any evidence here that would not be according to his honest convictions?—I think that the evidence he gave would be according to his honest convictions.

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6369*b*. Now, occupying this prominent position, as an ex-member of the civic government, president of the Board of Trade, a large manufacturer and so on, he, as a prominent citizen, would have an opportunity of gauging public opinion among the mercantile classes?—Well, he has opportunities; but I think a great many others have as good opportunities as he.

6370*b*. I think you said there were 57 towns in the State in which there were no alms-houses and no paupers?—Yes.

6371*b*. How many alms-houses are there in the State?—I cannot tell, but I could send it to you.

6372*b*. Would there be 450 alms-houses in the State?—No, there would not be, because some of the poor are taken care of in private houses; that is they are boarded in regular alms-houses and paid for.

6373*b*. Is your report that was presented to the national association in print regarding the State of Maine?—I think it is by this time.

6374*b*. Have you had any experience of living in a city under the license system?—Yes, in Boston.

6375*b*. Are you familiar with the operation of the license system there?—I do not know that I can say that I am familiar with it, but I know that it is a license system. I could not explain as much about that as I could about the prohibition system.

6376*b*. What percentage of the total number of arrests in the city of Boston are arrests for drunkenness?—I have seen that in statistics, but I do not remember. It seems to be a settled policy in Maine that prohibition is right, and we have made all of these investigations in years gone by. The result of our study of the question is satisfactory, and is in favour of prohibition.

6377*b*. In looking over the arrests which have been made in this city for the last ten years and computing them, I find that out of the total number of arrests every year, more than 60 per cent have been for drunkenness. How do you account for that in this city, where prohibition has been in force for forty years? I may say that that is a higher percentage probably than in most licensed places?—As I said to Sir Joseph Hickson, men and women both are arrested here under conditions when they would escape arrest in a licensed city. I think there are many more arrests according to the number who get drunk in this city than there are in licensed cities.

6378*b*. Do you think that the people who drink become intoxicated here on account of the quality of the liquor they get?—They go in and they get a drink out of somebody's pocket, and I do not suppose it is what they call first quality, and it quickly goes to the head, and they get intoxicated. If they went to a licensed place and could get their drink and stand around and get beer and get drunk, they would not be arrested.

6379*b*. Are we to infer that those who come on the streets of Portland and who are drunk but are not disorderly, are arrested?—I think they are oftentimes.

6380*b*. But we have been told here that the practice is that the ordinary drunk is not arrested?—I think it is according to the temper of the policeman, and whether they want to have a good many arrests or not. If they want to prove that there are more arrests this year than last year, they will have more arrests.

*By Rev. Dr. McLeod :*

6381*b*. Speaking of the class of liquor that is sold here, there seems to be an impression that the liquor sold in these shops is very bad? Have you observed whether the people in licensed towns get more respectably drunk on other kinds of liquor, or what is the difference there?—I have seen people drunk on wine, and I have seen them drunk on bad whisky, and I think they act just about the same.

6382*b*. They are both drunk, although one man may get drunk a little more quickly than the other?—Yes. I think that what these pocket pedlars sell and what is called "split" will act very quickly. I think it will act more quickly than wine or what is called good liquor; but I think it is all bad.



*By Mr. Clarke :*

6383*b*. If liquor is to be vended, is it better that that vile kind of stuff should be vended rather than the supposed pure liquor at the agency?—If liquor is to be sold at all and if one liquor is better than another, I suppose it would be better to have that which is best, but of the two evils I would choose neither.

6384*b*. Is it not astonishing that there is such a strong sentiment in favour of prohibition, and that some steps are not taken to stop the flagrant abuse of his office by the liquor agent. Your mayor seems to be strictly temperate, but yet it is monstrous to think that the people of Portland should have had prohibition for forty years and should require \$80,000 worth of whisky and beer last year for medicinal purposes?—It is deplorable, and I do not wonder at what you say.

6385*b*. It seems extraordinary that \$80,000 should be sold for that purpose in one year?—It does, but that is not anything like what the sale would be if this were a license city. I think the agency is an infamous political machine. Women do not understand all the intricacies of it, but I am pretty sure that if women could vote on that question, you would see something different.

6386*b*. Is it not possible to ensure that this law should be enforced in Portland and a stop put to the condition of things at the agency? Are the people of both parties so wedded to their party that they prefer it to an honest enforcement of the law?—I must say that the leaders in both political parties seem to prefer party.

6387*b*. We have heard it repeatedly stated within the last week that during the past three months there has been a reaction on the part of the sheriff in enforcing the law. Now, Mr. Cram seems to be a man who would do his duty regardless of the consequences. Can it be possible that political influences have been bearing on him?—I was astonished to hear it stated that they were selling more freely now than they had been. I have not had time to inquire whether that is so or not. I will, however, say that I have supposed that Sheriff Cram is a man who would be honest in his efforts to enforce the law. He has been very fearless and courageous in the discharge of his duty. I have stated, and I believe it is so, that under his administration as sheriff the law has been enforced during the last two years as well as any law in the Statute-book.

6388*b*. Would the depressed sales during the last few months at the City Liquor agency mean that other people are selling and that liquor is bought at these other places instead of at the agency?—One might reason in that way.

6389*b*. If it could be shown by official statistics that the percentage of pauperism in this State is as great as in other States where license exists, at what conclusion would you come?—I would say that the pauperism would have been still greater if it had not been for the prohibitory law. I know that we may have paupers whether we have a prohibitory law or not, but I believe that the prohibitory law lessens pauperism. Certainly in three-quarters of our towns in the State of Maine, no liquor is sold; and I have seen young men and young women who say that they never have seen a drunken man. I have been for many years in the conference of charities, and it seems to me that we have been able to give a better showing in the case of our dependent classes in the State of Maine than in other States.

*By the Chairman :*

6390*b*. I understand you to say that Maine's happy condition, as you describe it, is mainly to be attributed to the prohibitory law?—I think the prohibitory law has been a great blessing to Maine. We have not had as much poverty and crime as we would have had, had we not a prohibitory law.

6391*b*. I find from the census returns of the United States that the ratio of pauperism in what is known as the North Atlantic division of States is on an average 1,790 to the million. In the State of Maine the average is 1,756 per million, so that you see Maine is close upon the average. In Vermont, Rhode Island, New York, Pennsylvania, the average is less than in Maine. In Massachusetts and Connecticut it is more; but there are several States in the North Atlantic Division where their ratio of pauperism is less than in Maine?—That may be, and still I believe that, if it were not for prohibition

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in Maine, the ratio would be much greater. They say figures do not lie, but at the same time I have been through Maine a good deal, and I believe it is a good State, and that prohibition has made it a good deal better than it would have been without prohibition.

6392*b*. I may say that your proportion of prisoners in the State of Maine is also relatively higher, and I think it is larger in proportion than in the British colonies?—A good many of the men in our prisons are rumsellers.

*By Rev. Dr. McLeod :*

6393*b*. Do you think that the proportion of liquor sellers in the Maine prisons is larger than in other States?—I do.

*By Mr. Clarke :*

6394*b*. You have said that the majority of paupers in this State are old people.—Yes, in the rural districts.

6395*b*. That, I presume, is the case generally in all the States?—I do not know that, I speak as regards Maine. I may say that within the last few years there have been very strong efforts made to prevent all begging. We have a law by which a beggar may be arrested for begging. There has been greater attention given to the poor than there used to be, and people who are under the necessity of begging are sent to the alms-house. They are looked after more carefully, and more help is given them by the city.

6396*b*. In this way you have more people in the alms-houses you think?—Yes.

*By the Chairman :*

6397*b*. After considering all these statistics about pauperism and crime, do you believe in the opinion that Maine under prohibition stands pre-eminently at the head of the other States of the Union in respect to crime and pauperism?—I ought not to say that ; but I do say that there may be conditions in Maine which would lead to pauperism and which would lead to crime, that do not exist in other States, and these same conditions I consider would be aggravated and made greater if we did not have prohibition. I have come to look upon prohibition as one of the great factors in solving the question. I know that we do not have as much crime, to the best of my belief, as we would have if we did not have prohibition in this State. I know that prohibition has been carried out better in Maine than anywhere else that I know of.

6398*b*. Have you ever lived for any length of time in a community where the licensed system prevailed.—No.

REV. D. B. RANDALL, D.D., of the Methodist Episcopal Church, Portland, examined.

*By the Chairman :*

6399*b*. How many years have you been in Portland?—I have been in Portland 5 or 6 years.

6400*b*. Were you here before that?—I resided here a while before that. I preached here as pastor of Pine Street Church for two years from 1856, and I left here in 1858, and then I returned as pastor. I was sick and not able to travel, and then I came here and resided in 1880.

6401*b*. Have you resided in Portland since 1880?—No. I was away for six years. I have been in the State for 65 years, and I was travelling preacher for 55 years, and therefore I have been extensively over the State both as pastor and as presiding elder. I know the State of Maine west of the Kennebec River, and some of it east of that river. Intemperance prevailed to a great extent before the enactment of the prohibitory law. Nearly everybody sold liquor then, restaurants and hotel-keepers. The State of

Maine was at that time what might be expected where intemperance prevailed, but very soon after the enactment of the prohibitory law a change of things took place. The enforcement of the law stopped the sale of intoxicating liquors in the country towns, and to a very large extent in the cities. We had, I think, three distilleries in Portland, and I do not know but that we had more before the prohibitory law was enacted. These were soon obliged to shut up, and the enforcement of the prohibitory law made a very great change in the habits and morals of the people. There was a political change in 1857, and the prohibitory law was repealed, and a license law was enacted. The effect of that license law was very soon seen by the increase of intemperance. Men commenced selling intoxicating liquors in the towns and in the country, and of course the result of that sale was very soon seen. A change took place when the prohibitory law was re-enacted. It was submitted to the people for their adoption, and it was adopted by a very large majority. Then very soon, owing to the enforcement of the law, a change took place, and there was scarcely any liquor sold in the country places. Sometimes it is brought in by stealth, but no person openly sells it. In three or four or five cities in the State, the law is not so generally enforced as it should be; but where it is enforced, the effects are very noticeable. It has been very well enforced in this city, I think, under the administration of our present sheriff. There is liquor sold in the city, no doubt, but it is not sold openly. The effects of the enforcement of the law are very visible. I think that in Augusta, Bangor, Biddeford, Lewiston, the law is not so well enforced as it should be, but where it is enforced, its effects are seen. I have been Chaplain of the House of Representatives for several sessions, and I was Chaplain at the time the constitutional amendment was enacted. We do not expect that intemperance can be entirely subdued by law any more than theft or burglary, or other crimes, but that the laws goes very far towards the suppression of intemperance is very evident.

6402*b*. Have the efforts to maintain the prohibitory law deflected at all the efforts of the temperance societies to make people total abstainers? We have had before us a good many people who strongly support the prohibitory law, but who tell us at the same time that they are not total abstainers?—I do not know that. I presume there are some who voted for the prohibitory law and some who voted for the constitutional amendment who are not abstainers.

6403*b*. Do you think that the efforts on the lines of moral suasion in the State have diminished, and the efforts of those desiring to promote temperance have been more directed towards supporting the prohibitory system than towards making abstainers?—I think the friends of temperance have relied too much upon the prohibitory law and not enough on blending with it, as they should have done, and as they did before the enactment of the prohibitory law, the power of moral suasion. The efforts of the temperance men have become less earnest; not on account particularly of the prohibitory law, but from the fact that there has been, and is now in the State a prohibitory party who are bending their efforts mainly to that, and some friends of temperance fear that they might be identified with this prohibitory party—not with the prohibitory law but with the prohibitory party. There are many who are temperance men and are on the side of temperance and moral reformation, who do not attend the temperance conventions as much as they did before the enactment of this prohibitory law. I do not think that the Maine prohibitory law accounts for their lack of energy and effort, but men are chary about giving up their political opinions to join the prohibitory party.

6404*b*. The opinion in certain quarters is that the efforts to maintain the prohibition law have diminished the efforts of those moving on the lines of moral suasion. Is that your opinion?—No, it is not. I am speaking of Maine, and I am not acquainted with matters outside of Maine.

6405*b*. You think that that has not been the case in Maine?—Not to any very great extent.

6406*b*. But the position which the prohibitory movement has taken in Maine has led some people to hold aloof from it. Some temperance people who are earnest temperance advocates have not seen their way to join the forces that go for prohibition?—I think so. While they sustain the Maine law and have voted for it, and would vote

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in favour of the Maine law again, they are not so publicly identified with it as they were before the prohibitory party arose. The other evening at Westbrook we held a public meeting, and there was a congregation of three or four hundred persons to listen to our discussion ; and this resolution was unanimously adopted to place in the hands of this Commission :—

At a regular meeting of Methodist preachers of Portland and vicinity, held in Westbrook, June 26, 1893, the following resolution was adopted by a unanimous vote. It was then submitted to the large congregation present, who endorsed the same by a unanimous rising vote.—

A. W. POTTLE, *Secretary, pro tem.*

*Whereas* the Canadian Royal Commission on the Liquor Traffic is now in Portland investigating the working of the Maine Prohibition Law. We, the Methodist Ministers of Portland and vicinity, being familiar with the said law, wish to add our testimonial as to its value and efficiency.

We wish to give our unqualified endorsement to the principle of the prohibition of the liquor traffic.

We thoroughly believe that the law, properly enforced, is sufficient in suppressing the liquor traffic.

We would emphasize the educational value of such a law which closes all openly conducted drinking places, and drives the illegal traffic into obscurity, and numbers those who carry it on among the dangerous and criminal classes.

DR. RANDALL, *President.*

A. W. POTTLE, *Secretary.*

Every year for 60 years our Conference has passed resolutions in favour of prohibition, and they are more our sentiments on the subject than the resolution which I have just read. Our ministers come from all parts of the State to that conference.

*By Judge McDonald :*

6407*b.* So that the ministers of your church as a whole, are avowedly in favour of prohibition?—Yes, every minister is in favour of prohibition.

6408*b.* And I suppose your church members are in sympathy with your ministers in the main?—Yes, I would not say that there are not some members of our churches who think license is better. We do not make that opinion a test of membership however.

6409*b.* Still, you are inclined to think that the membership of your church as a whole is in favour of prohibition?—Yes, not only favourable to prohibition, but our church membership as a whole are total abstainers.

6410*b.* Is total abstinence a condition of membership in your church?—I would say yes and no. I do not think that we would receive a person into our church—I know we would not—who was in the habit of using intoxicating liquors. Some of our members may take a glass of cider occasionally.

*By the Chairman :*

6411*b.* Do you exact any pledge from your church members?—No, but the church would not receive them if they knew it.

6412*b.* Have you in connection with your church any temperance organization?—No.

*By Rev. Dr. McLeod :*

6413*b.* If a man became a tippler in your church would he be a subject for discipline?—Yes.

6413½*b.* Would you receive into the church a man engaged in the liquor traffic, whether wholesale or retail?—No, not in Maine.

6414*b.* You remember Portland in 1855, 1856 and 1857?—Yes.

6415*b.* In those early days was there more drinking than there is now?—I was not here under the license law. There was less drinking when I was here under prohibition, because the law was more rigidly enforced. I do not think there is more drinking among the Protestant community now than there was then, nor as much.

6416*b.* You have known Portland for a good many years?—Yes, perhaps I have been in Portland every year since 1830.

6417*b*. It is your belief that under the operation of the prohibitory law the condition of Portland as to drinking, &c., has improved?—Certainly.

6418*b*. You are quite familiar with the whole State of Maine?—Yes, west of the Kennebec River.

6419*b*. Is it your belief that Maine under the prohibitory law has become better?—There is no mistake about that. Of course I knew the state of things prior to the enactment of the law. I have had very great opportunities of knowing the State of Maine. In the region of the State that I have known, it is surprising to see the changed condition in the habits and conditions of the people, comparing the past with the present.

6420*b*. And that change has come about, notwithstanding the difficulties of enforcing the law in some places?—Yes. Allow me to say, however, in all fairness, that this reformation commenced prior to the enactment of the Maine law, because we had temperance societies and moral suasion and total abstinence societies all through the State, and of course they paved the way for the enactment of the Maine law, and under the Maine law the benefits have gone on increasing.

6421*b*. Have you ever lived in a town where the liquor traffic was licensed?—Oh, yes. Prior to the Maine law we had a license law in this State, and men of good moral character and not otherwise got a license; but these license laws did not restrain.

6422*b*. Have you ever lived in a license town outside of this State?—I have never lived outside of this State.

*By Mr. Clarke :*

6423*b*. I understood you to say that you had experience of the operation of the license law within the last 40 years?—Not since the adoption of the prohibitory law, excepting during the intervening two years that we had license.

6424*b*. You have not had an opportunity of comparing the condition of Portland with the condition of a licensed city, at the present time?—No.

6425*b*. There has been a great change in the sentiments of the people in Canada and in the States of the Union, and in fact all over the world, about the use of liquor?—Yes.

6426*b*. It has not been confined to this State, but there has been a general improvement all along the line in this respect.—Yes.

6427*b*. Do you know what proportion of the total arrests in the city of Portland are arrests for drunkenness?—As I learn from reports in the papers, I believe there are less of them for drunkenness; some might be arrested for crime which was the result of drink.

6428*b*. Is the law well enforced in the city of Portland?—Well, I should think it is as well enforced here as the law against crime.

6429*b*. And notwithstanding this rigid enforcement of the law, these grog shops still exist in Portland?—Yes, and we cannot get at them, that is the fact about it. It is very difficult to reach them. Then there is the municipal liquor shop here where liquor is sold.

6430*b*. What is your opinion as to the effect of the existence of that place?—The existence of that shop is very injurious to the cause of temperance in this city.

*By the Chairman :*

6431*b*. Have you at any time made a comparison of the criminal statistics in Maine with those of any other country or State?—No, I have not made it a study.

6432*b*. You have not compared the pauperism of the State of Maine with that of other States in the union?—No, I have no personal knowledge, but a sort of general idea.

6433*b*. Would you expect to find Maine better than Pennsylvania in that respect?—Yes, I should, because I believe there is less intemperance in Maine, and I should expect to find less pauperism here than in States where intemperance prevails.

## Liquor Traffic—Maine.

WILLIAM H. GREENE, of Portland, Express proprietor, examined.

*By the Chairman :*

6434*b*. How long have you been in the express business in Portland?—For thirty-four years.

6435*b*. Will you kindly explain the system under which liquors are brought into Portland by express?—Under our law, which I suppose you are as conversant with as I am, you know that any private individual for his own use has the right to send to any other city to procure liquor. That liquor is to be for their own personal use, and while it is liable to seizure when it reaches here, still if the man makes a declaration that it is for his own use, he can get it out. It is the law that the executive officer of each county has some latitude in reference to that. People send for the liquor, and it comes here. When it reaches here, the sheriffs, if they feel inclined, come into our office, or go to our receptacles on board our steamboats or railroads and make a seizure. Then the owner is obliged to go before the police court here, and under oath declare that that was liquor sent for by him, for the purpose of using it at home. He does not have to declare it was to use for medicinal or mechanical purposes, but for his own individual use; and then ordinarily the judge gives the liquor back to him. It may perhaps be detrimental to me to make any statements before this Commission, but I may say that I have never been troubled, nor have we any trouble from the Sheriffs to any great extent, for the very reason that I have not been willing to take orders from people for liquor that I thought were not going to make proper use of it. If a man or woman comes in, and says he or she wants a gallon of whisky or a keg of beer, I take her order, and ordinarily in every case, I ask if it is for her own personal use. I cannot do any more than that. I comply with the law, and I let her sign an order, and I send away and get the liquor. I find that within the past ten years you cannot place great reliance in almost any one in regard to liquor. Almost any one will lie about it. If they want the liquor for sale they will tell you sometimes, they want it for their own use. They know the law as well as I do, and they know that if we bring it into the State, knowing that it is for sale, we are liable to the law.

*By Rev. Dr. McLeod :*

6436*b*. You do not intentionally take orders from persons who intend to sell liquor—No, I do not. If we did that, we would become amenable to the law.

6437*b*. Some persons will lie about the use to which the liquor is to be put?—Yes.

6438*b*. Do you find that they lie about that more than about things ordinarily?—Yes, I do. I had occasion in conversation with Judge Fox, of the United States court, previous to his death, to speak on the subject. I made the statement that I thought the prohibitory law had lowered the standard of truth in the State of Maine more than anything else that ever happened here, and he agreed with me.

6439*b*. Do you think that the law is responsible for that, or that the disposition is in the people, and that the law makes the occasion?—The law makes the occasion in this case.

*By Mr. Gigault :*

6440*b*. Do liquors come by express every day to this city of Portland?—Yes.

6441*b*. Do large quantities come in every day?—Do you mean large quantities to any one individual or in general?

6442*b*. In general?—In general large quantities of liquor come every day, and previous to holidays, extremely large quantities come in. I have no doubt that next week on the night of the third of July it would be no exaggeration to say that we will have forty or fifty packages.

6443*b*. What is about the quantity of each package?—Well, from one to two or three gallons, and malt liquors come in kegs and half barrels.

6444*b*. Does a large quantity of wine come in?—Not a large quantity.

6445*b*. Are there many express companies in this city besides your own?—Yes; there are four run to Boston.

6446b. Do the other express companies receive as large quantities of liquor as you do?—My impression is that they have more.

6447b. Each of them?—Yes; each of them transports more; because it is a well-known fact among the people of Portland that we do not cater for that business. We take it merely as we take any other business. I have discouraged a class of people coming to the office that I do not want there. We always have had the hotel and private family trade. There are large quantities of liquor used in private families in Portland, much larger than many people have any idea of, and among the very best people in Portland. It is not confined to the ordinary individuals, but it includes clergymen as well as the judges of our courts—they all want it.

*By Rev. Dr. McLeod:*

6448b. Do many clergymen order liquor from you?—No. I do not know that in the last ten years we have had but two clergymen in Portland, and I do not know but one of them, who used it as a beverage. The one who used it is since dead.

*By Mr. Gigault:*

6449b. Now many packages do the five express companies receive generally every day, and bring into the city of Portland?—I cannot say for the other companies.

6450b. Well, about how many packages?—If they have as many as we, and I think they have more, I should say there would be 100 packages a day come in by Express. I think, however, that is but a drop in the bucket to what does come in. I judge that from a question I asked of a man in the liquor business. He was a wholesale liquor seller here a few years ago, at a time when the law was being fully as rigidly enforced as it is now. He used to send his money and pay his bills in Boston, to our agency, and one night he came in with somewhere about one thousand dollars. While I was counting out the money, I said to him:—"I should think these thousands of yours would worry you to death. I would not be in it for any consideration." He said:—"I do not worry much about it. The getting in of two or three barrels of beer causes me more worry than a whole carload of whisky."

*By the Chairman:*

6451b. There was more difficulty in handling the beer without being detected?—That is the trouble.

*By Mr. Gigault:*

6452b. Do you believe that any liquors come into Portland by freight?—Large quantities.

6453b. Do you believe that larger quantities come in by freight, than come by express?—I should think so—yes.

6454b. Has the prohibitory law had the effect of increasing the consumption of liquors in the homes of the people?—Well, previous to the rigid enforcement of the prohibitory law we had not as much business for private families. I think the consumption of malt liquors has increased, not perhaps altogether on account of the prohibitory law, but a good deal through the advice of the physicians. Good respectable people come to my office and want me to send and get them a keg of beer or a cask of ale, because they say they are sick themselves, or their wives are sick or some of their families are sick, and that their doctor has recommended it. There is more malt liquor, I believe, coming in now. The State liquor agent told me a short time ago—I asked him the question, as we have a large part of the malt liquors that come here, I found that we were transporting a great quantity of Bass's ale—"Do you use a pile of this ale up at your agency?" He said, "Yes, most of the doctors are recommending it now. It commenced about the time we had the epidemic of influenza."

*By the Chairman:*

6455b. From what period does this increase date?—We had two or three sheriffs here, and they tried to enforce the law rigidly. We had one sheriff here who came

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nearer making Portland a temperance city than ever it was before or since. That was in 1872.

6456b. Prior to 1872 there was not so much liquor coming in as now?—Not so much.

*By Mr. Gigault :*

6457b. Do I understand you to say that when the law is rigidly enforced, the carriage by the express companies of liquors for private families increases?—Yes, it does. I know that when Sheriff Perry enforced the law for some two months, he nearly drove the liquor traffic out of Portland. I did not know of places where it was sold, but I did know that it was impossible almost for drinking men to get liquor, those men who are known to make bad use of liquor. They were sobered up for a large part of that two months. But then he went out of office, and another sheriff came in.

6458b. When the law was rigidly enforced, did the express companies bring more liquor to the city of Portland than they did before?—Yes, for private individuals, because before that they could procure it in most any drug store, if they wanted it.

6459b. Can agents of the express companies receive orders for liquors to be brought from Boston?—Yes.

6460b. And you believe that every day about 100 packages of liquor come into this city?—At least.

6461b. That is by the express companies alone?—Yes.

6462b. And a much larger quantity of liquor comes in by freight trains?—Yes.

6463b. What is about the average value of those 100 packages every day?—Well, I should say their average value would be about two dollars and fifty cents each. Mind you that the larger quantity is cheap liquors. Our business is principally made up of jugs of cheap whiskies of from one to three gallons.

6464b. Do they come in by express, chiefly for families living in the city, or for families living outside of the city?—Principally for families living in the city. The outsiders find no difficulty in getting all they want.

6464½b. Where do they get it?—In a dozen and one places. You can stand at this hotel (the Falmouth) door, and throw a stone into half a dozen rum shops.

6465b. Do you believe that the prohibitory law is very rigidly enforced here?—No.

6466b. Do you believe that the prohibitory law has had the effect of causing more drunkenness on Sundays than on other days of the week?—Yes. One of the sheriffs told me within a week that he knew of seven barrels of beer being retailed. I suppose he knew it by hear say. I was told yesterday by a gentleman of veracity that last Sunday he passed by a boiler that is within a stone's throw of this room, and just as he got close to it, he saw a hand come out of the furnace door of the boiler with a glass of beer, and he stopped through curiosity to look at it. He found there was a man inside the boiler, with a barrel of beer, peddling it to the crowd outside.

6467b. So you believe that the prohibitory law has not now the effect of preventing the sale of liquor in this city?—No. Perhaps I express myself strongly, having never been in favour of a prohibitory law. I have always thought that it was education that made men temperate, and not prohibition. I was very much disgusted with our last Legislature at Augusta. It is a well-known fact, and my friend Mr. Knowlton knows it, that last session, during the sitting of the Legislature, the bar-rooms in Augusta were free and open, and you could get all the rum you wanted there, while both branches of the Legislature were struggling over a law that was presented there, with the object of suppressing all the liquor traffic and giving the privilege to apothecaries to sell under a very restricted form. They haggled over that for four or five days, but still the members were going out of the legislative halls and going into the Augusta House, with a bar-room wide open, and getting all the rum they wanted.

6468b. Do you think that the members of the Legislature knew that they were selling liquors in the hotel?—Well, yes, there were many members who took drinks there.

6469b. Did they take any proceedings to have that bar-room closed up?—No. A number of years ago I was very anxious that this State Legislature of Maine should pass



an Act similar to the one under which you are now acting, and a resolution was presented in the Legislature by the member for Portland, and I went down to see if I could do anything. The object of the resolution was to make an inquiry into the working of the prohibitory law in Maine, but that resolution would not be entertained.

6470*b*. How is the prohibitory law working at Cushing's Island, which is a portion of the city?—About the same as it is working in Portland; any one can get all the liquor he wants. Last year they could get all they wanted at Cushing's Island.

6471*b*. Is it part of the corporation of Portland?—Yes.

*By Mr. Clarke :*

6472*b*. The sheriff was vigorously enforcing the law on the mainland and in the city, and it was difficult to obtain liquor last year, was it not?—No, I do not think it was.

6473*b*. It was not difficult to obtain liquor notwithstanding the vigorous prosecution of the law by the sheriff?—No. It was not.

6474*b*. Did you say there has been a relaxation in the enforcement of the law?—No, I did not say that; people now say that the law is rigidly enforced. At no period, whether the law was enforced or not, need any one be without a drink in Portland if he wanted it.

6475*b*. The general testimony is that Sheriff Cram is a most energetic officer. Do you think he is doing all he can to stop this illegal sale of liquor?—No, I think the prohibitory law can be enforced in Portland if a man has a mind to enforce it; and I think that with the law, as it stands, any sheriff of Cumberland County could make Portland a temperance city if he felt so inclined. That is only, however, my individual opinion.

6476*b*. You speak about the druggists' trade. Is there quite a business done by druggists in liquor selling?—We did have the trade of the druggists and the hotels, and my reason for refusing the business was that it put us in jeopardy. Previous sheriffs had been inclined to allow apothecaries to have liquor for sale, and they winked at it, and they knew that we brought it in. Of course, it was carried on in a respectable manner.

6477*b*. Does that condition of things exist to-day?—I do not know that there has been an apothecary prosecuted in Portland for the last twelve months, and there are 47 apothecaries.

6478*b*. You do business for most of them?—We do business for a large number of them.

6479*b*. You spoke also about a wholesale liquor dealer in Portland. Do you mean to say that there is any person engaging in the liquor trade in a wholesale way here?—Yes.

6480*b*. In this city of Portland?—Yes.

6481*b*. Surely that business cannot be carried on to a very great extent here?—It was carried on. I do not think the liquor agency sold as much liquor here last year as has been sold there in previous years, but a larger return was made into the city treasury.

6482*b*. Larger than in previous years?—Yes.

*By Rev. Dr. McLeod :*

6483*b*. Then you think that previously they must have got away with some of the proceeds?—I do not make any charges.

*By the Chairman :*

6484*b*. The amount turned into the treasury from the city liquor agency was larger last year than the year before?—Yes, it was. In thirty years' experience I know that this business is all politics. There is too much politics in the law to make any good out of it.

6485*b*. Then, we are to conclude that there are people in this city engaged in the wholesale trade?—Yes.

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6486*b*. You spoke of the difficulty of handling malt liquor, such as beer, and you suggested that these dealers are able to handle whiskies and stuff of that kind more easily?—Yes.

6487*b*. The prohibitory law, then, may be said to encourage the use of ardent spirits, the diminution of the use of light wines and beers?—That has been my experience during the last twenty-five or thirty years.

6488*b*. Has the rigid enforcement of the law by the sheriff anything to do with the increase of the sales at the liquor agency and the increase of the business of the express companies?—Yes, it has.

6489*b*. If the people cannot procure liquors from the saloons, as they cannot do when there is a very rigid enforcement of the law, some go to the express companies and order it from Boston, and others go to the liquor agency and get it?—Yes, I find in my business there are a great many people who live in the upper part of the town who do not like to go to the agency, and so they come to us and order little packages of liquor for their homes that they would ordinarily order there. I had a gentleman order two packages of liquor for a sick lady, and he would not procure it at the agency. He said that he had sent his daughter sometimes to procure it at the agency, but she was so disgusted with the class of people that she saw going in there, that they preferred to send to Boston for the liquor and get it. And that liquor was for a sick lady, I know.

6490*b*. Then, in a large percentage of cases the liquor is supplied simply on the misrepresentations of the party asking for it?—The law compels the agent to ask if the liquor is for medicinal or mechanical purposes, and if the applicant answers "Yes," and if he appears to be a respectable person, there is nothing to do but to sell it to him.

6491*b*. Is it possible that eighty thousand dollars' worth of liquor is required in this city for medicinal and mechanical purposes in one year?—I do not think it is.

6492*b*. What is the character of the liquor sold in these illegal places?—Very bad.

6493*b*. Its effects are very quickly apparent?—I do not know that; I only know that the liquors that they buy are cheap whisky. Our Government has a tax of 90 cents a gallon on whisky, and yet they buy it for about \$1.50 in Boston: so you can see what class of whisky they get. They get a new corn whisky, a very cheap whisky; it is full of fusel-oil, and it must have a bad effect on the brain.

*By Mr. Clarke :*

6494*b*. If these people must have liquor, would it not be better in the public interest to have some place under the control of the city, or controlled in some other way, where they could obtain pure liquor, instead of this vile stuff?—I have always believed that it would.

6495*b*. Is there any means whereby this Commission could obtain information as to the quantity of liquor brought in for consumption in families, and of the quantity sold by the agency, and in every other way?—I do not know of any manner in which you can get that information. There is a feeling against giving information on this matter, and I myself have been advised not to come here.

*By Rev. Dr. McLeod :*

6496*b*. Why is it gentlemen are indisposed to give information to the Commission?—I do not know. Just previous to coming here, I asked a friend of mine what he thought about my coming here and he said he would advise me not to go. I told him that I had promised to go, and that I would let the Commissioners have my views on the question.

*By the Chairman :*

6497*b*. I suppose that those holding certain views did not wish to expose the condition of things?—I do not think it is as much that, as it is the fear that something might be done detrimental to the interests of the liquor business, and that they might lose some business by it.

6498*b*. That is by exposing the state of things in the city here?—I presume so.

*By Rev. Dr. McLeod :*

6499b. Detrimental to the liquor business?—I presume so.

6500b. They do not wish to say what they know about the liquor business?—  
Yes.

6501b. And I suppose some are afraid of being boycotted by the liquor men?—  
Yes.

*By Mr. Clarke :*

6502b. Are we to conclude from your statement that there is practically no difficulty in procuring liquor in this city at any time?—Yes, I was told by a gentleman standing at my counter within three days, that he had then landed in his house twenty-four dozen of lager beer, and we had twenty dozen for him and the whole would be consumed that day. That was forty-four dozen for one day.

6503b. Has drunkenness increased or decreased in the city during the last 20 years?—I should say it had increased.

6504b. Are the police less vigilant in arresting these persons than formerly?—I do not think they are, but they have discharged a good many without bringing them before the court.

6505b. Is it the practice to arrest men who are intoxicated, but not making a disturbance?—I should say that if a man was quiet, an officer would talk to him and send him home.

6506b. You believe that drunkenness has not diminished in Portland?—No, but I think it is on the increase, and amongst a class of people that we can less afford to have drunkenness among, that is among young people. The enforcement of this law has driven lots of people into forming associations which they call clubs, for the purpose of drinking. These clubs are for no other purpose except for drunkenness.

6507b. We would like to get some information about these clubs. They have been mentioned several times, but some of the evidence would seem to indicate that the clubs are more political clubs than otherwise?—There are two or three political clubs in the city, but there are dozens of clubs purely and simply for the consumption of liquor.

6508b. In this city of Portland?—Yes.

6509b. And composed of young men?—Yes.

6510b. Do the authorities know of the existence of these clubs?—Yes, I think they do, some of the authorities.

6511b. Is it legal to form a club and rent rooms, and bring liquor in there for consumption?—I do not know whether it is or not; that, perhaps, can be better answered by a legal light than I can answer it; but I know that there are these clubs, and I know that we have liquor every week for various clubs.

6512b. Drinking clubs?—Yes; drinking clubs, not political clubs, and not social clubs. The Cumberland Club is a boarding-house, where the members board as if in a friend's private house. The members have their own liquors there; but in other clubs that I refer to, I do not know that they do anything but drink. They are what I call drinking clubs, and I think they are formed for that purpose and for no other purpose.

6513b. And they are so formed because it is an easy way of providing a resort that takes the place of the saloon?—Yes.

6514b. But is it not a substantial advantage to the young men of this city that there are no open saloons?—I do not think it is.

6515b. Why?—Well, I will tell you. I have one club in my mind's eye, which I know is composed mostly of young men, and if the saloons had malt liquors on draught I do not believe there are 50 per cent of them would ever go in to get a glass of beer in the saloons, but they go to those clubs and drink there.

6516b. Have they grown up during the enforcement of the prohibitory law?—  
Yes.

6517b. Then there are absolutely a dozen different ways whereby the citizens of Maine, living in Portland, can procure liquor, whether the prohibitory law is enforced or not?—Oh, bless you, yes. Under our former sheriff, previous to Mr. Cram, I do not

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know whether we had a drinking club in Portland ; at least I do not think we brought in any liquor for clubs, under Sheriff Webb.

6518*b*. The rigorous enforcement of the law by Sheriff Cram has resulted in the organization of drinking clubs in this city ?—Yes.

*By Mr. Gigault :*

6519*b*. Did you hear that a man had been stabbed this afternoon on the wharf ?—I did not.

*By Rev. Dr. McLeod :*

6520*b*. Do you know anything about the importation of liquor before the prohibitory law came into force, and how it compared with the quantities now imported ?—No. I remember as a boy there were, I think, four distilleries in Portland alone, but those distilleries I do not think could distil as much liquor to-day as is used in the city alone. The principal part of them were manufacturing New England rum, that was sent away from here. Portland had quite a reputation for manufacturing that stuff then, and it was exported to the coast of Africa.

6521*b*. Is this wholesale drink traffic in Portland carried on the same as any other wholesale business in the city, dry goods, for instance, or is it done secretly ?—It is done secretly, and has to be done secretly.

6522*b*. It is not advertised ?—Well, no.

6523*b*. Do these men keep large stocks of liquor, as they do in the wholesale places in Boston ?—No ; I do not think there are any large stocks of liquors in Portland.

6524*b*. Is it that the man who is a wholesale dealer takes the orders of people, or small dealers, and furnishes them ?—Yes.

6525*b*. Does your express company carry most of the liquors for the agency ?—No ; but we bring most of the malt liquors.

6526*b*. Are we to understand that the chief business of your company is the carriage of liquors ?—It is a very small percentage of our business.

*By Mr. Clarke :*

6527*b*. And you do not encourage that business at all in your agency ?—No, I do not care to have a great deal to do with it.

*By Rev. Dr. McLeod :*

6528*b*. You never believed in the prohibitory system ?—No.

*By the Chairman :*

6529*b*. You spoke of the quantity of liquor brought in by the express companies, and you gave the opinion that the quantity is not so large as that brought in by freight trains. Is there also a considerable quantity of liquor brought in by steamboats, which does not pass through your hands ?—Yes.

6530*b*. Then there are three channels through which it comes to the city of Portland ?—Yes.

6531*b*. How would the quantity brought in by the steamboat companies compare with the quantity of liquor brought in by the express companies ?—Our business is merely a drop in the bucket.

6532*b*. The quantities of liquors brought into the city by freight trains and by boats would be much larger than that brought in by the express companies ?—Yes.

6533*b*. The quantities of liquor brought in by those different channels would include what was brought in for the city agency ?—I have left out the agency, because the liquor brought in for that, is brought in for what is called legitimate purposes.

6534*b*. So that to this quantity brought in by the express companies, and the freight trains and steamboat companies, there is to be added the quantity brought in for the agency ?—Yes.

6535*b*. There is a considerable quantity of liquor, I presume, which is ordered direct, and about which you know nothing, except the mere transportation of it ?—Yes.

6536b. Then there is liquor, which, from what you have said, I conclude is purchased through your express company?—Yes.

6537b. That is to say they deposit so much money with you, and you make the purchase of it in Boston, and it comes here?—Yes.

6538b. Then there is another part of your business, which is that of remitting money for purchases made in Boston?—Yes.

6539b. You purchase from regular merchants in Boston?—Yes.

*By Mr. Clarke :*

6540b. I suppose that there are many citizens who procure their liquors themselves, and for whom you do not procure it?—Yes.

6541b. And you do not know the extent of the packages brought in in that way?—No.

*By Mr. Gigault :*

6542b. Does the liquor generally come from Boston?—Well, yes ; I should say 75 per cent of what is purchased, comes from Boston. There is a large quantity of malt liquor brought direct from the brewery at Portsmouth, and there are some bottlers that supply a large part of it.

6543b. Does any considerable quantity of liquor come into Portland from Canada?—I doubt very much if there is anything to speak of.

HIRAM KNOWLTON, Lawyer ; ex-Member of the State Legislature, examined.

*By the Chairman :*

6544b. How long have you lived in Portland, Mr. Knowlton?—I came here in June, 1874, from the county of Somerset. My home has always been in the State of Maine.

6545b. Would you kindly give us the benefit of your conclusions and observations in regard to the prohibitory law?—I have always resided in Maine, and have done more or less business in every county and in all the towns of any importance, I believe. I have observed something of the operations of the prohibitory law. I remember quite well when the first Act was passed. The prohibitory law has had an effect more in the country towns than in the cities and larger towns, but it has had, in my judgment, a very decided effect in diminishing the consumption of intoxicants, and I believe the enforcement of the law has diminished crime. That is within my own observation. I have lived in a county where, when the prohibitory law was enforced and the prosecuting attorney was in favour of it and enforced it, I have seen the jail without a tenant, and for several months at a time. After, there was a change, and if the prosecuting attorney elected was not favourable to the law it was very soon apparent in the jail.

6546b. You had more people in the jails then?—Yes ; and it is so without exception. I think in every county in the State there is not a particle of doubt but what the proper enforcement of the law diminishes the number of criminals, the amount of crime and the number of arrests. I entertain no doubt at all but that the prohibitory law could be enforced. I have never been as active in the matter, and perhaps have not insisted upon so much legislation as some others have, because I thought sometimes that the law was sufficient, if properly enforced, to drive drink practically out of the State. I believe that the records will show that in 1872, when they were rebuilding their jail in York County, and their prisoners were sent here, the law was enforced vigorously during Mr. Perry's time. I think when Mr. Perry commenced enforcing it there were 70 or 72 in jail, but, after that some little time, there were only eight in the Portland jail from York and Cumberland counties.

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6547*b*. When was that?—In 1872. I have observed this, and I speak of it now, because when we discuss this question people who are opposed to the enforcement of the prohibitory law suppose that there are very many liquor sales, but I do not think that is the case. I never defended a man who was accused of selling intoxicants in violation of the law, but I have not been as active as some men in regard to the matter of prosecutions; while at the same time I have always believed in the prohibitory law, and do now.

6548*b*. Do you believe in the efficacy of prosecutions?—I believe in enforcing the law, as being beneficial to the great mass of the people. I have come to that conclusion from carefully observing the effects of its enforcement. I want to say with regard to the city liquor agency, which was referred to by Mr. Greene, when Mr. Webb was sheriff of this county, there was no reason for any complaint as to the amount of liquor sold. I do not think there was any difficulty in any one getting all they wanted; and when he was elected a second time, in a ward of this city where most of the opponents of the law lived, he got the largest vote that a sheriff ever got. I think the apothecaries nearly all sold liquor, but there are some who, be it known to their credit, never did.

6549*b*. Mr. Webb's enforcement of the law was lax, then?—Yes.

6550*b*. Yet you say he received the largest vote ever polled for a sheriff?—Yes, by those who were opposed to the law.

*By Mr. Clarke :*

6561*b*. And Mr. Webb was elected to office?—Yes.

6552*b*. Was his election due to the laxity of the enforcement of the law by him, or because he was identified with a stronger political party?—It was due to both causes. His party generally voted for him. He was a Republican, and he got, to use a common expression, "The rum vote largely, without regard to politics."

*By the Chairman :*

6553*b*. I see that in November 1891, there were 70 persons in the Cumberland jail, and 43 in York. Does that large increase over the number in 1872 indicate that the law was efficient in the prevention of crime?—Well, the fact is, in regard to York County, that there is a large amount of liquor sold there at the present time, and principally in the city of Biddeford.

6554*b*. To what do you attribute the increase in the number in the jails?—I attribute it largely to the excessive use of intoxicants.

6555*b*. At the present time?—Yes.

6556*b*. Notwithstanding the law?—Yes, for the reason that the law is not enforced. The town of Saco adjoined Biddeford, and in Saco there is very little liquor sold, but in Biddeford I think there is a very large quantity sold.

6557*b*. But take Cumberland County jail, they have 70 prisoners there, against 8 in 1892?—I have no hesitation in saying that the number of criminals here would be very largely diminished if, through the efficiency of the officers, or in any other way, the sale of intoxicants was diminished. In the country generally, the prohibitory law is a success, but in Portland they have an unusually difficult district in which to enforce the law. Our present sheriff here, Mr. Cram, is a very good man, and a very efficient officer, but he has every difficulty to contend with that it is possible to throw in his way. There is no doubt but that funds have been contributed outside of this city to aid in the sale of intoxicants, at various times, and this is calculated to increase the amount of sale, and also the amount of drunkenness; and I am quite sure also that there have sometimes been arrests here for the purpose of saying that a large number of arrests were made for the alleged crime of drunkenness. By that remark I do not mean to reflect upon our police generally.

6558*b*. Do you think that the converse of that proposition has sometimes been the case, namely that drunken people have been passed by without being arrested?—It may be so.

6559*b*. It has been stated here that last year some such people dared the police to arrest them?—I have never known of such an instance, but there may have been.

6560*b*. Have you known of arrests having been made to swell the number who are arrested?—I have never known arrests to be made where it would be more wise to tell the man to go home, and when he was in a condition to go home to his family.

*By Mr. Clarke :*

6561*b*. Were arrests made for the purpose of swelling the number of arrests and bringing the prohibitory law into disrepute?—I think that has been done sometimes by some persons.

*By the Chairman :*

6562*b*. Do you think that the law has affected the pauperism of the city and of the State?—I think that, so far as the law has diminished the sale of intoxicants as a beverage, in that ratio it has diminished both crime and pauperism.

6563*b*. In 1881, 1,226 persons were relieved by the overseers of the poor in this city, and the last returns give the number at 1,685. There was an increase of over 37 per cent in the number relieved, while the increase in the population of the city during the same time was a little over 7 per cent. To what causes do you attribute that increase in pauperism, Mr. Knowlton?—Well, perhaps there may be more than one cause for it. When the times are hard it is more difficult to procure labour, and persons who barely kept themselves before are often compelled to ask aid that they would not ask if times were better and if there was more employment. There has been sometimes a greater influx of persons at some periods than at others, of persons who were unable to maintain themselves for any length of time.

6564*b*. Have you given any particular attention to the number of convicts in your State prison or to the criminals in your jail?—Yes, I have.

6565*b*. And also to the juvenile offenders?—Yes.

6566*b*. How do you think that Maine compares with other places?—I have not examined the census returns in regard to that. For some time I was on the committee that visited the State prison; I was on the Governor's Council. I was interested then in the question, in a general way, to ascertain the cause of their being in the condition they were, and I have also made some inquiries in the county jail. I was at one time Clerk of Courts, and during that time I had some means of knowing the causes which led up to crime; and my observation is, whether right or wrong, and from the information I obtained from the prisoners and others and from their friends, my opinion is, that a very large proportion of the criminals have become such, directly or indirectly, from the use of intoxicants. In my own judgment it borders pretty close to three-fourths of them, but I have only made this investigation for my own personal information.

*By Rev. Dr. McLeod :*

6567*b*. Comparing Maine with itself, that is Maine some years ago, as you knew it, with Maine now as you know it: notwithstanding the difficulties in the way of the enforcement of the law in such places as Portland, are we to understand that you believe that very great and marked benefits have resulted from the prohibitory law?—I do not entertain a single doubt about it.

6568*b*. I suppose it is impossible for one to estimate what might have been, in the way of poverty and crime, if you did not have a prohibitory law?—I know that there is a good deal of opposition or want of effort in enforcing the prohibitory law, which grows out of politics, one way and another; but I am satisfied that if the question were submitted to the people of Maine to-day, a very large and a very decided majority, notwithstanding all that has been said, would vote in favour of the prohibitory law.

6569*b*. You think that the sentiment of the people is strongly in favour of the prohibitory law, notwithstanding the closeness of the two political parties as to strength?—There is no doubt about that at all. I remember the time this prohibitory law was submitted to the people for ratification. On going to the polls with a man who was accustomed to use intoxicants somewhat freely, and had been free some time, a man

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whom I knew very well, I saw that he was going to vote in favour of the amendment, and I expressed surprise at that difference. "You have no occasion to be surprised, because I can drink and take care of myself, but I dare not trust the boys." I know persons who use liquor temperately, if such an expression can be used, who will vote to assist the prohibitory law, from their consciousness of its beneficial effects.

*By Mr. Gigault :*

6570*b*. As to the decrease in criminality, do you believe that the returns of the Warden of the State prison will bear out your statement, when we compare criminality in 1893 with criminality in 1851?—Do you mean the number of criminals in proportion to the population.

6571*b*. Yes?—I think that an examination of those incarcerated for crime now will bear out my statement as to the cause of a large percentage of the crimes. The number of criminals has increased sometimes in the State prisons without any cause which I can assign, and then they have diminished again. In some years there are more committed than in others.

6572*b*. I have some figures here about the number in jail in 1851, and the number in 1886; and also the number of convicts that are in the State prisons, and if these statements are correct the criminality has increased more than the proportion of the population. In 1851, according to figures I have here, there were four convicts for murder, and in 1886, thirty-seven. For manslaughter there was one convict in 1851, and five in 1886. For arson there were four in 1851 and seven in 1886. So for all these crimes which are mentioned, there were sixty-five in 1886 and fourteen in 1851. This is taken from a letter published by Judge Goddard, who contends that under the prohibitory law criminality has increased?—I have discussed that matter quite a number of times in a quiet way among ourselves, when the judge introduced it. He was a friend of mine, and I knew him very well.

6573*b*. Do you think that Judge Goddard was such a man as to distort official documents?—Judge Goddard was a very bright man, but a man of very strong prejudices; and a man, who, if he entertained any particular view, would enforce it as strongly as any man I ever knew.

6574*b*. But the facts remain facts?—I think an examination of the nationality and condition of the persons who were incarcerated, and comparing the population of Maine with the population in 1851 will account for the difference. That is my belief about it.

6575*b*. Well, Judge Goddard alluded also to that question. He speaks of the foreign element, and he gives the places where these convicts were born. He says that of our thirty-seven murders only four were of alien birth, and twenty-five were natives of Maine and of the felons, less than nineteen per cent were alien born, and more than sixty-five per cent were born in Maine?—Well, before I can discuss that matter understandingly, I should want to take it up more carefully and study it more closely than I have done; but I want to assure you, that the thing which underlies this whole criminal business more than anything else, and which promotes more or less criminals, is this sale of intoxicating liquors. There is not any doubt about that at all.

6576*b*. But if crime has increased, must we come to the conclusion that your prohibitory law has not the effect of prohibiting, and that the use of liquor is as widespread now as it was before the prohibitory law was enacted?—I think if you examine that list you will find that a large number of these persons are from cities and large towns where the law has not been very well enforced, or not enforced at all.

6577*b*. So we must come to the conclusion, then, that the prohibitory law has not prohibited?—I can prove that the law prohibited, if you will take the trouble to go to the jail. There are evidences I think, there all the time that it will prohibit; but the only question is whether it is enforced or not.

6578*b*. Well, is it enforced?—It is not enforced as it ought to be.

6579*b*. Is it enforced in the city of Portland now?—I think it is enforced as well as any other law against crime in the State of Maine. I think the other criminal laws in the city of Portland are violated as much as the liquor law.



6580*b*. One of the governors of your State does not say so in his address to the Legislature. He says that the violations of the prohibitory law are more numerous than the violations of other penal enactments?—That is a matter of opinion, and I know the governor who uttered that statement, very well. In the city of Bangor the sentiment is against the prohibitory law, and it always has been, and the persons who were the active men in the early history of Bangor were in favour of it. But a very strong element has grown up there, and the law has never been enforced.

6581*b*. Do not you think it is ridiculous to have the second largest city in the State of Maine openly defying the prohibitory law?—Is not the prohibitory law universal over this State, a part of the constitution, and for every locality and every municipality and every inhabitant of the State of Maine?—If this prohibitory question were separated entirely from politics it would be a very different thing from what it is; and the thing about it here is—I am sorry to say it, but I believe it is a fact which no candid man will deny—that when men get in office and when they want office, the great question with them is how they are going to get the requisite number of votes to be elected. Then this prohibitory question comes in. I think the form of oath ought to be modified to correspond with the practice. The fact is that one of the important questions in regard to this, is first to know how it is going to affect the official, if he enforces the law. If the preponderance of public sentiment is in favour of it, he does not have any difficulty, if he is an ordinarily bright man and a suitable man for the office, in enforcing the law; but if he is not a much better man than some people, and he is rather inclined to think it will not be for his advantage to enforce the prohibitory law, then he does not do it. If the oath of office was so contrived that a man should enforce the law provided he would be satisfied that public sentiment would sustain him, then I think that quite a large number of our officials would live up to that obligation; but some of them certainly do not fulfil their present oath to discharge the proper duties of their office.

*By Mr. Clarke :*

6581½*b*. You spoke of the action of the police at times, Mr Knowlton, arresting people who would not have been arrested, for the purpose of increasing the number of arrests and bringing an unenviable light to bear upon the application of the law here. The evidence we have had rather leads us to a contrary conclusion, and that complaints have been made that the police have not been vigilant at times?—Yes. But you will please bear in mind that the police are not all the same.

6582*b*. But if we take the statistics of arrests for a series of years, I presume they would fairly represent the number of arrests in this city?—I think so. There is not another place that I know of where the prohibitory law is fought as vigorously as in Portland, and the opposition to-day have aid from outside. There is no question about that. I do not entertain any doubt but that it has met more serious opposition here than anywhere else. We have had some men who have done all they could to enforce it, but they have encountered very serious difficulties. I do not look at the effect of the law in the city of Portland and offer my opinion as to the wisdom of the law on that; but I look at the effect of it upon the whole State, and how it is for the entire State, and I compare it with other places where we have not prohibitory laws, and I do not hesitate to say that the prohibitory law has been decidedly beneficial to the State of Maine, as a State, notwithstanding that it is not enforced as it ought to be, and I think, as it might be.

6583*b*. Is the prohibitory law enforced fairly well in cities such as Portland, Bangor, Augusta, Lewiston, Belfast, Biddeford and such cities: is it fairly well enforced in any one of these?—I do not think it is. That reminds me of what was said when the Legislature was in session. While I have no doubt that they sell intoxicants in hotels, they do not sell it as they used to do, it is sold privately here. You can see no signs of a bar, but you can easily find where you can get it, if you want it.

## Liquor Traffic—Maine.

REV. M. S. HUGHES, Chestnut Street Methodist Episcopal Church, examined :

*By the Chairman :*

6584*b*. How long have you resided in Portland?—I am now in the third year of my pastorate here.

6585*b*. Were you living in Portland before that?—No ; I was transferred from Iowa here, and before that I was in West Virginia.

6586*b*. Would you kindly give us the result of your observation as to the operation of the prohibitory law in this city?—Each man who testifies to you testifies from his own standpoint. If he is a business man he will testify largely from the standpoint he occupies as a business man. If he is a politician I have noticed that he generally testifies from a political standpoint. I of course can tell you something about general observation and my experience in the west, and also my experience in the south, and can give you particulars without any comparisons. I heartily agree with what the gentleman has said, whose testimony I have heard, that the law is not enforced in the city of Portland as it might be. I think that is true ; and yet the enforcement of the liquor law as we have it here, I think is a decided benefit to the city. My reasons for saying that grow out of my experience as a clergyman. It struck me here as being a peculiar thing, that under the present system that I did not know of a family in my church where there was an intemperate or drunken son. My church is the largest Methodist Episcopal Church in the city out of seven or eight. It is the largest Protestant church in the State of Maine. When I say that here, in the city of Portland, with all the drawbacks that there are in the enforcement of the law, I do not know of a family in my church where there is a drunken son, it seems to me a most remarkable thing. It is estimated, so the committee tell me, that we have 500 families who have church privileges in my parish, and yet since I have been here I have not been called into a home on account of liquor. I am not speaking altogether as a clergyman, for I have only been a clergyman for six years, and before that time I was a newspaper man and city editor of a daily paper. I lived at that time in a city where there were open saloons, and sometimes they were by the bunch, that is in Parkersburgh in West Virginia ; and before that in Wheeling, a still larger city in the same State. The great good that seems to me to come from our prohibitory law in the city, is that it closes the saloons and saves our boys who are growing to manhood from the drink habit. It closes saloons to them, and makes the liquor traffic, as we have it, either something in the home, or it makes it illegal and a criminal thing that has to seek the shades of obscurity. To my mind that is a great good, I can see how a boy could grow up very familiar with liquor, if it is put on the sideboard of the home. It is so with us in the south ; but I cannot see how it is possible for boys, unless they acquire a decided taste for it, to go sneaking around in the alleys, as they are obliged to do here, for the purpose of securing liquor. To my mind that is the great good of the prohibition law in this city. As a lecturer and preacher I have been in a great many towns of the State, and my observation has been very gratifying in relation to the way in which the law operates in smaller places.

*By Rev. Dr. McLeod :*

6587*b*. You told us your experience of the state of things in your own congregation. I suppose that you have quite an intimate knowledge of the young men generally in the city?—I think that perhaps there is no other minister quite so well acquainted with the young men.

6588*b*. You heard Mr. Greene's statement about the increase of the drinking habit amongst young men in Portland. What is your observation of that?—Well, I was very much surprised to hear the statement, for the reason that I have not, amongst the young men of my acquaintance, one whom I would term an intemperate young man, and I do not know of one who is addicted even to the moderate use of liquors. That is among the young men ; among some of the older men, I cannot say so much.

6589*b*. You do not go so much with them?—I attend our commercial travellers' banquet, and a great many banquets in the course of the winter. I belong to the

Masonic fraternity. I am a 32 degree Mason and a Knight Templar, and I know the class of men you usually find around such places as these. There is scarcely any kind of association in our city with which I am not more or less familiar. I may add that point to stand on the same ground on which other men stand, and I have given you the result of my observation. I have a Sunday school of 950 scholars, and I never have had any difficulty in any way in my school on account of liquor.

*By Mr. Clarke :*

6590*b*. As I understand your statement, you say that the advantage of having no open saloons is abundantly apparent, and more than counteracts all the difficulties of enforcement, and more than counteracts the clubs and the illicit saloons of all kinds?—That is my opinion, formed after careful observation.

6591*b*. You say you are a member of the organization of Knights Templars?—Yes.

6592*b*. You are probably aware that there were some visiting lodges of Knight's Templars here a few days ago. It was stated that there was liquor sold then. Do you know anything about that entertainment?—I did not attend that day.

6593*b*. Do you know if liquors were freely distributed?—I know it is contrary to the rules of that commandery. There is a positive rule of that commandery that there shall be nothing of the kind, and there are no liquors of any kind allowed in our hall. I was present almost every time last year when there was a meeting of our Masonic bodies, and I never saw liquors of any kind, light or heavy. That is not saying that some of our Masons do not indulge in liquors.

*By the Chairman :*

6594*b*. Are many of the members of your congregation pledged total abstainers?—Well, I do not know about that. I suspect that a great many of them are, but we have not had anything of that kind in our church, since I have been here.

6595*b*. You have no temperance organization?—No. It is usually recognized that the Methodist Episcopal church is of itself on the side of temperance, and by temperance we understand it in the prohibition sense.

6596*b*. In some quarters it has been asserted that the efforts to promote prohibition have diminished the efforts to secure total abstainers, and the efforts directed towards promoting temperance along the line of moral suasion?—I have heard that argument made, but I take very little stock in it. I think that the constant endeavour with those who believe in the prohibition system, and the constant effort that is necessary to offset the efforts on the other side, bring the cause of temperance more prominently before our people than ever before. That has been my experience.

6597*b*. It might do that, but at the same time your people might not be total abstainers. We have had numbers of witnesses before us who endorse the prohibitory law and approve of it, but who themselves are not total abstainers; and the question really is whether the efforts for prohibition have diminished the efforts along the old line of moral suasion?—No, I think that they have not. I remember when there was a great deal of this spasmodic sort of effort on the part of our temperance people. That died away, and the work to-day has been systematical and without large enthusiastic gatherings to hear temperance speeches.

6598*b*. Shall we be correct in concluding that you consider coercive legislation more effective than moral suasion in promoting total abstainers?—No, I would not make a comparison between the two. I believe in the two. I believe that you cannot make a man sober by an Act of the Legislature, or that you cannot change a man's appetite by statute; but at the same time you can by statute close these places that are so many schools of training for our young men and old men in the drink habit, who have formed the taste elsewhere. There is nothing in the law which says that you shall not drink. A man can take a stand on the floor of the Legislature and drink before the entire law-making body. There is nothing opposed to that. There is nothing in our law that says, you shall not use liquors in your home. The entire drift of the law, as I understand it, is against the saloons, and as such I believe its working is a success.

Rev. M. S. HUGHES.

## Liquor Traffic—Maine.

6599*b*. But if liquor gets into the household, you must necessarily have some one to manufacture it and to vend it?—That is true; but as long as things are in this present state there is nothing to prevent people getting it into their homes from other places, if they desire.

*By Rev. Dr. McLeod:*

6600*b*. Having come from Iowa, you know something about the operation of the law there?—It worked very much there as it does here. In the large cities there, some were overriding the law; but I lived in a small town in the State of Iowa where we had saloons before we had prohibition, and where there were scenes of violence, and where the town acquired a hard name, on account of its being the centre of the farming population, who came in there for drinking purposes. During the time I was there we had no saloons, and while there was some illicit selling, as has been described here, our town was a sober town in the main. I do not think there were half a dozen people in the lock-up in two years.

*By the Chairman:*

6601*b*. Is the prohibitory law enforced in Iowa?—No, it is not in some large towns.

*By Rev. Dr. McLeod:*

6602*b*. I suppose the chief trouble is in the border towns?—The difficulty is this: The State Legislature passes the law, and it is left to the municipal and county authorities for enforcement. In my opinion there should be a central authority at the back of such a law. You may have a kind of legislation, but unless you have an executive authority that has executive power, in my judgment it becomes a question that is dealt with according to the sentiment in the different localities. If you could make prohibition law, just as our United States Government makes the revenue law, and put behind it a force for executing it, the same as our revenue officers enforce the revenue laws, the law could be thoroughly enforced; but, as it is now, it is all simply a question of politics.

*By the Chairman:*

6603*b*. Would not such a system be a revolution in municipal and State politics?—Not necessarily; for, as you are perhaps aware, the municipal authority of the State of New York is vested in the Legislature of the State of New York largely.

6604*b*. Would not that involve the appointment of the police of the towns by some central authority?—Yes.

6605*b*. And the regulation of the whole business by some central authority?—Yes.

6606*b*. It is now done by a municipal body entirely?—Yes

AUGUSTA, MAINE, June 29th, 1893.

SIR JOSEPH HICKSON, Chairman, MR. E. H. CLARKE, REV. DR. MCLEOD and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

CHARLES B. CHICK, City Clerk, Augusta, examined.

*By the Chairman :*

6607*b*. How long have you held the office of city clerk?—I have held the office since last March. I am a native of Augusta, and have lived here 39 years.

6608*b*. What is the population of Augusta?—As near as I can get to it, 11,000.

6609*b*. Is the city government at present Democratic or Republican in politics?—Democratic.

6610*b*. What was it prior to the last election?—Republican.

6611*b*. And are the city officials all Democratic now?—Yes.

6612*b*. Would that apply to the judge of the municipal court?—No, he is a State official.

6613*b*. By what officials is the liquor law enforced in this city?—Not by any official.

6614*b*. Whose duty is it to look after the enforcement of the law?—The clerk and his deputies and the city marshal and his policemen.

6615*b*. Has the sheriff any liquor deputies?—Yes, and they are all sworn to uphold the prohibitory law.

6616*b*. Can you tell us how many deputies he has?—I think in the neighbourhood of thirty for the whole county of Kennebec. I cannot give you the exact number.

6617*b*. Are there any officers specially detailed to look after the prohibitory law in this city?—No. I do not think they have any liquor constables.

6618*b*. Does the duty of the police force extend beyond arresting people for drunkenness?—No.

6619*b*. Have they anything to do with the seizures of liquor?—Not unless they are authorized by the city marshal. They make no seizures, unless the city marshal authorizes them.

6620*b*. Then it is sometimes the duty of the police to look after and seize liquors that are being sold?—When they are authorized to do so by the chief of police, who is the city marshal.

6621*b*. Is it the duty of the police department to seize liquors which are being sold contrary to law?—Under certain conditions, yes.

6622*b*. Will you kindly tell us what the conditions are?—The policemen do not go and make any seizure unless the city marshal swears out a warrant, and then he gives it to his policemen to serve. They do not pay any attention to the liquor seller, unless they are notified to do so by the city marshal. The deputy sheriffs have a little more latitude than the policemen.

6623*b*. Is it the duty of the city marshal to keep his eye upon and to look out for people selling liquor illicitly in the city?—To a certain extent, I suppose it is.

6624*b*. And if he knew that liquor selling was going on in any place, it would be his duty to get a warrant and have that place searched, and the parties prosecuted?—I suppose, according to his oath of office, he would.

6625*b*. Can you tell us if there are many seizures of liquor in the city generally?—Very few.

CHARLES B. CHICK.

## Liquor Traffic—Maine.

6626*b*. Do you speak of your knowledge only since you took office, or of your personal knowledge previously?—I do not think there have been any recently. There may possibly have been some seizures where they got wind that somebody not in the liquor business got some liquor to peddle in the country, and they would seize it in transit. But that comes very seldom. I do not think there has been a seizure of liquor here since March, but there may possibly have been one.

6627*b*. You refer to somebody who was not in the liquor business. What do you mean by that?—I mean those who are not regular dealers here in the city.

6628*b*. Have you regular liquor dealers in the city?—Of course, we have lots of them. We have regular liquor dealers in the city, and we have a certain class of cheap men who buy it from Boston, and go over to the Soldier's Home at Togus and sell it in the wood.

6629*b*. What do you mean by liquor dealers?—I mean the men who sell liquor here in the city, and who keep stores, or what we call rum shops.

6630*b*. Have you any people in this city who are openly selling liquor?—Yes; lots of them.

6631*b*. Is it not the duty of the police, under the law, to raid such places?—There is a complication of opinion in regard to that. The police claim that sheriffs and deputies should enforce the law, as they are higher than the police, and that in a small city like Augusta, all that can be done by the city marshal and a small force, is to keep order. The Sheriff can have five officers or five hundred officers to enforce the law if he wants them.

6632*b*. As a matter of fact does the sheriff make any seizures?—Yes; sometimes.

6633*b*. How many police are there in Augusta?—We have only one or two men on duty during the day, and we have two or three night watchmen.

6634*b*. How many men has the city marshal under his control?—I think four. We have a very orderly city.

6635*b*. Have you paid much attention to the arrests for offences, Mr. Chick?—No, I pay no attention to that at all.

6636*b*. Will you be so kind as to furnish us with copies of the city reports?—I will try and find them.

*By Rev. Dr. McLeod:*

6637*b*. You speak about the open sale of liquor in this city. Has this open sale of liquor always gone on here?—Yes, as long as I can remember.

6638*b*. Just what do you mean by this open sale of liquor?—I mean where men keep liquor for sale in the shop, and you can go in and buy it.

6639*b*. Does he exhibit it as they do ordinarily in bar-rooms, or is there more or less secrecy about the selling of it?—He does not sell in front of the door, with a brass band, and ask people to go in. We have a law against liquor here, and he does not advertise his wares, or he does not display them in the windows. The people who drink can go in and buy drink.

6640*b*. Does he keep a regularly equipped bar?—Yes.

6641*b*. Is that bar in the front shop, the same as in a licensed city?—Yes.

6642*b*. Just the same?—Just the same.

6643*b*. And there is no interference?—At times there is. If there is any disturbance there, or if they kick up a row there at night, I have no doubt that the city marshal would look after it.

6644*b*. That condition of things has gone on so long as you remember?—Yes.

6645*b*. And there is no interference with it whatever?—There is, more or less.

6646*b*. Is the drink habit general amongst the people here?—I presume it is the same here as it is everywhere; about nine out of ten drink.

6647*b*. Both young men and old men?—Yes, I find very few but what take a little something, once in a while.

6648. When there is a change in the city administration, does that make a difference in the enforcement of the law?—I never heard that it did.

6649*b*. Is it the same with regard to the enforcement of the law under one government as under another?—It does not make much difference which party is in power.

6650*b*. I suppose that occasionally there are spurts of enforcement of the law?—Yes, they have spurts.

6651*b*. What brings about these spurts of enforcement?—One party will want an issue to get into power, and they will bring up the liquor question. The Democrats carried the city government, but they did not elect their mayor in 1884 on the liquor question, pure and simple. The city marshal did not make any pretense of enforcing the law, and there was no seizure whatever. The Democrats went in on that ground, and made that an issue and carried the city. The Republican mayor had the city marshal with him, and they did not enforce the law.

6652*b*. And the Democrats took the ground that there should be enforcement of the law?—Yes.

6653*b*. Is this the situation in substance, that when there is a rigid enforcement, the party may take the ground that it is a little too strict, and make that an issue; and if there is a lax enforcement, it takes the ground that it is too bad that it should be so badly enforced, and they promise a better enforcement, and so play with the question. Is it a fact that both parties are likely to do that kind of thing?—I am not making any accusation against either party.

6654*b*. Is that the way that the parties treat the question, more or less?—It is a political question. It is politics, and each party is going to make all that they can out of it.

6655*b*. They will just use whichever side of the prohibitory question seems to be an advantage to them?—That is it exactly.

6656*b*. Do you know whether the drink habit is very general among your young men?—Yes.

6657*b*. You think that nine out of ten of them drink?—I should say so, from my observation, and I am around amongst them a great deal.

6658*b*. Do you know whether there is much excessive drinking in the city of Augusta?—Well, not generally speaking; No. I do not think there is.

6659*b*. But there is tipping?—Yes, there is tipping. Of course we have some men who drink to excess.

6660*b*. You spoke of the conflict between the city authorities and the county authorities, as to the enforcement of the law? Do you suppose that conflict of opinion as to whose duty it is to look after illicit rumsellers, may be responsible for the non-enforcement of the law?—No, not altogether. Of course we have our own ideas about that. My opinion is that it is the duty of the sheriff and his deputies to enforce the liquor law, and they do in some counties. The city marshal and the policemen make no pretense whatever, in some places, to enforce the law. Our city marshal has a small force, and he cannot keep order on the streets, and at the same time look after those fellows that are selling liquor. The sheriff can have 200 deputies, if he wants, to enforce the law.

*By Mr. Clarke :*

6661*b*. I suppose this conflict of opinion is kept up, because both parties would like to shirk the responsibility of enforcing the law?—To a great extent.

*By the Chairman :*

6662*b*. When you speak of men having the drink habit, what do you mean to convey by that phrase?—I do not know that I can answer that, except to say that they drink.

6663*b*. Do you mean to say that they take a glass of liquor, or do you mean that they drink to excess?—They do not drink to excess. There are very few who drink to excess.

*By Mr. Clarke :*

6664*b*. Do you mean that they are not total abstainers?—Yes, there are very few total abstainers.

CHARLES B. CHICK.

## Liquor Traffic—Maine.

6665*b*. You do not mean that they are addicted to drink as a rule?—I do not mean that they drink the same as an old toper. I mean they will drink liquor, if they want it.

6666*b*. Is the sheriff specially enjoined to enforce the prohibitory law? Yes.

6667*b*. We understand from the position of affairs in Portland, that the sheriff of the county of Cumberland enforced the prohibitory law in that county. I suppose the sheriff of this county acts under the same law?—It is just the same law in the whole State.

6668*b*. It is the special duty of the sheriff to enforce the law?—Yes.

6669*b*. The duty of the marshal is to see to the maintenance of order and to carry out the civic ordinances, I suppose?—Yes.

6670*b*. You said that you have lived in this city all your life?—Yes.

6671*b*. Have you had an opportunity of comparing the condition of things under a licensing system with the condition of things under the Maine law?—Yes, in other places.

6672*b*. Have you formed any opinion regarding the operation of both systems?—I have always been a high license man. I think it is the wisest system. I think it is better than this prohibitory law.

6673*b*. Why?—Because I think the condition of things here is degrading and demoralizing. It puts in contempt not only our prohibitory law, but all our laws.

6674*b*. You think the moral effect of seeing a law on the Statute-book flagrantly violated is bad?—Yes, it has a bad effect on all our laws. It is hypocrisy, it has nothing fair in it. Both parties use prohibition as a weapon in politics. In 1884 we elected as city marshal a crank on enforcing the law. He carried before our higher courts sixty-five indictments against liquor sellers in this city, and our county attorney *nolle prosequid* every one of them, just because he was on the other side.

6675*b*. No matter what government is in power the officers have to take the same oath to discharge their duties faithfully and impartially?—Just the same.

6676*b*. It speaks very highly for Augusta, with a population of 11,000, that only about half a dozen policemen are needed?—It is a very easily managed city.

6677*b*. Do you attribute that orderliness in the city to the existence of the Maine prohibitory law?—No, we have our liquor shops here. Probably there are thirty or forty places where you could buy liquor in Augusta.

6678*b*. Have you a liquor agency here?—Yes, controlled by the Government.

6679*b*. Has the liquor agency been regularly established for years?—No, it was established the first day of last May.

6680*b*. Was there any liquor agency prior to that?—No.

6681*b*. Where did the people who required liquor for medicinal or mechanical purposes go before that agency was established?—To different places in the city.

6682*b*. Do druggists, as a general rule, sell liquors?—Yes, the whole of them.

6683*b*. Having lived under the operation of the Maine law, you are not satisfied with it?—No.

6684*b*. Does it prohibit, or in any substantial measure restrain the sale of liquor?—Not in this city.

6685*b*. How about your rural districts: does the law operate better there?—Yes, for the reason that there is not much demand. We have saloons in all the towns throughout the State. There are small towns with few houses scattered around; and then these people live so near town, they can come into town and get it any time they want it.

6686*b*. Is there any difficulty in the way of procuring liquor?—Do country people find any difficulty in procuring liquor in the towns?—I suppose they do at times, unless they go quite a distance for it.

6687*b*. When they come into a town like this, they have no difficulty?—No, they can get all they want of it here.

6688*b*. Have you noticed whether drunkenness is increasing or decreasing in Augusta?—I think it is about the same now as always. Drunkenness may have increased according to the population, but that is all.

6689*b*. As a matter of fact, as a citizen of Maine, you favour a high license law?—Yes, if I had a chance to vote for it, I would vote for it and advocate its adoption.



6690*b*. Would it be a political question?—Not with me. In my opinion, I think the majority of the people would vote for high license, as we have now the Australian ballot law, and not open voting.

*By Mr. Gigault :*

6691*b*. Is the present sheriff a Republican or a Democrat?—A Republican.

6692*b*. Had the establishment of the liquor agency the effect of diminishing the number of liquor selling places?—Well, I cannot answer that, perhaps, as well as our city marshal. I do not think it has. I do not think anybody has gone out of the business on that account.

6693*b*. Do you know if a good deal of liquor comes into the city by express companies?—It all comes in by express companies.

6694*b*. Does not a portion of it come in by freight?—Well, freight and express, it is about the same thing.

6695*b*. Does it come in by boats?—Yes, in summer they get it that way.

6696*b*. In Portland we had it in evidence that during last session of the Legislature a bar-room was wide open in a hotel in this city, where members of the Legislature generally stopped, and that it was wide open to their knowledge?—I have nothing to say about that.

6697*b*. Did the members of the Legislature try to have that bar-room closed?—Of course, some of the members of the Legislature visited it. I know they went in, as I saw some of them there.

*By the Chairman :*

6698*b*. Was that one of the leading hotels in this city?—I suppose they would call it that.

6699*b*. Was there more than one hotel selling the same way?—They all sold.

6700*b*. But speaking of the open bar, was it a common practice during the sitting of the Legislature to have bars open in the leading hotels?—Yes, they made no pretense of closing them.

6701*b*. Have you any clubs in this city?—No, we have no clubs; we never needed them.

6702*b*. Can you tell us what is the amount of taxation in this city?—We raised about \$140,000 last year, and we will raise about \$122,000 this year. The assessors are elected by the city government. We have three assessors and one is elected each year for three years, and these assessors value all the property, and then they make the appropriations for the year, in the different departments of the city government, and that gives them the rate.

6703*b*. Do you know what is the rate in this city?—As near as we can estimate now, it will be about 21 mills.

6704*b*. What was it last year?—27·80 mills. That includes the school district taxes.

6705*b*. That includes all the taxes?—Yes, county and State and everything.

6706*b*. When you speak of a tax of 21 mills, is that tax levied upon the property in the city of Augusta for all purposes?—Yes.

6707*b*. Then there is an apportionment to the State of a certain portion of that?—Yes, there is a certain part of it that we have to pay the State, and a certain part that we have to pay to the county; and the city gets the rest of it.

6708*b*. Have you any temperance societies here?—Yes.

6709*b*. A good many?—Only one that I know of.

6710*b*. What is the name of it?—I think it is the Women's Christian Temperance Union.

6711*b*. In speaking about the prohibitory law, and a license law, you said that the people would vote against the prohibitory law. As they now have the Australian ballot system, I would like to ask you what it was that the people feared? Why did they not vote according to their convictions before, when they had not this ballot?—Well, it has always been a kind of fad with a great many people that they should vote for the pro-

CHARLES B. CHICK.

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hibitory law. When they voted on the constitutional amendment ladies stood here at the polls, and a great many men said that they did not care whether it was in the constitution or not, as the rum shops would be open just the same. The ladies asked them to vote for the prohibitory law, and they voted for it.

6712*b*. The women terrorised them?—Yes, terrorised them.

6713*b*. Did I understand you to say that you were always against license, and in favour of prohibition?—No, I said I was in favour of a high license law.

6714*b*. And you have always been against prohibition?—I did not say I had always been against prohibition, but I have been against it for quite a while, since I have got old enough to see the hypocrisy of the law.

6715*b*. Since arriving at manhood you always opposed prohibition?—Yes, I have. I am not a temperance man, but I am not a drunkard. I am a temperate man, and I drink but very little liquor; sometimes I do not take even a glass of ale for a year. My business has carried me around amongst men, and I have seen the working of the law, and I know that it is hypocrisy.

6716*b*. Have you had any opportunity of voting against or in favour of the liquor law as an issue?—No, but if it comes to a question of prohibition, I would vote for high license.

OSGOOD CRAWFORD, City Marshal, Augusta, examined.

*By the Chairman :*

6717*b*. How long have you been in office, Mr. Crawford?—Since March 22.

6718*b*. Are you a native of Maine?—I was not born in the State, but I have been here most of the time since 1876.

6719*b*. Had you lived anywhere else for any considerable time?—I lived in Pennsylvania two and one-half years and two years on the Pacific coast. I was out there in 1884 and 1885, and I returned in the fall of 1886.

6720*b*. How many men are there in the police force in Augusta?—Well, we have six men, besides myself, that is regular officers.

6721*b*. Do you ever employ special constables?—Sometimes.

6722*b*. On what occasions?—On holidays and horse trots, or the day the circus comes here, or on the fourth of July, or occasions like that.

6723*b*. Do you consider it part of your duty to look after the places selling liquor contrary to law here?—Yes.

6724*b*. What steps do you take in regard to those. Will you kindly describe what your mode of procedure is?—Well, where any one is selling liquor, and the man makes bad use of it, and creates a disturbance, and it comes to my knowledge, I try to get them, and I do get them occasionally.

6725*b*. What is your mode of doing so?—I go to the judge and get a warrant and search their places. We have made quite a number of searches and some seizures; and when liquor comes here that I know is for some place where it will make trouble, I seize it at the wharf.

6726*b*. Are there many places in Augusta selling liquor at the present time, contrary to law?—Yes; they are selling contrary to law, if they sell at all, except at the agency.

6727*b*. How long has the agency been established in Augusta?—It was established on May 1 this year, but I do not think it was opened till May 4 or 5.

6728*b*. Is it your opinion that the sales at the agency are confined to the objects stated in the law?—I do not wish to answer any question in regard to the agency.

6729*b*. Have you made any seizures of liquors since you entered on your duty as marshal?—Yes, I think I have 40 gallons at the present time that I have seized, and it has been mostly in small packages.

6730*b*. Are the parties being prosecuted?—We seized the liquor when it came in, and the parties did not come to claim it.

6731*b*. You simply hold it?—We turn it over to the sheriff, and the sheriff, according to the law now, would send it out of the State, to some place where it would be redistilled into alcohol. If it contains 20 per cent of alcohol, it is sent away, but if it contains less than that, it is destroyed.

6732*b*. You speak about liquor coming into the city. Does much liquor come into the city?—Yes, some.

6733*b*. How does it come in here, principally?—A great deal of it is handled by the express company. The liquor does not come in here in open form. The liquor comes here in barrels, and a false head is put on the barrel.

6734*b*. Does it come in by freight trains?—Well, no, but very little, except what might come in for private individuals. Our largest business is in private packages. Sixty packages came in one day, the week before last.

6735*b*. Does any come in by boat?—Yes, some of it comes in that way.

6736*b*. Have you formed any idea of how many packages of liquor per day come into Augusta?—No, it does not come daily. Some days there would be very few packages, and more days there would be lots of packages.

6737*b*. Does the liquor come consigned to the chemists and druggists?—I see but very little, and that in small quantities.

6738*b*. From your knowledge, can you say that the chemists and druggists of this city sell liquor largely?—I do not think, from my present observation, that they are doing much at the business.

6739*b*. I suppose it would follow that they would not do much liquor selling if there was open sale in other places?—I think that the druggists in their legitimate business, ought to have a right to sell about what they sell now, that is to reliable and respectable persons, who want it for legitimate uses.

6740*b*. You think that their sales for legitimate purposes probably cover all the liquor they get in?—Yes, I know by watching those that patronise the places. That is where we get our information. You can see people going into the agency and to the drug stores, and though you may not see them buy, you can pretty well suspect them.

6741*b*. Is there much drunkenness in the city of Augusta?—It is not very much at the present time.

6742*b*. How would it compare with other cities that you have lived in, which were under a license law?—Well, I should think it was fully as much here as any. I never lived in a place just of this size. In Williamsport, Pennsylvania, where I lived two and one-half years, and where there is a license system, I do not think there was any more drunkenness than there is here, and that city has nearly twice as large a population. It is a crime to get drunk there, instead of crime to sell a man liquor, as it is here.

6743*b*. You mean, that in the place you mention, a drunken man is arrested by the police?—Yes, he is arrested and prosecuted.

6744*b*. Has drunkenness increased or decreased in the city of Augusta?—Well, I think it has decreased somewhat.

6745*b*. Do you attribute that to the operation of the prohibitory law?—No.

6746*b*. What do you think has led to that decrease?—Well, we have the Morrill cure here, and the Keeley cure, and we have some 60 or 70 persons who have taken that cure, and I think about 95 per cent of them have not used liquor since they took it.

6747*b*. Have the temperance societies any influence in the direction of decreasing drunkenness?—I suppose the people who belong to them let drink alone.

6748*b*. In the past, do you think that cases of drunkenness have really been dealt with vigilantly by the police here, and that drunkards have been arrested and taken to the police station?—Yes, I think so.

6749*b*. You think there has been no laxity in that respect?—I do not.

6750*b*. What is your practice with regard to arresting drunken men in this city?—My practice is to take any man that I see intoxicated on the street in business hours, or if he is making a show of himself. It does not matter whether he is noisy or quarrel-

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some or not, I arrest him, and take care of him. If he is an old offender, he is liable to a fine or 30 days in jail.

6751*b*. You mean that he is taken before the court?—Yes; they are taken before the court; anyway I take them all before the judge.

6752*b*. You take all that you arrest before the judge?—Yes; but the judge generally lets the new-comers go, the first time.

6753*b*. You spoke about arresting men during business hours, if they get drunk?—Yes; in the daytime, or when there is a crowd in the street. But if it is getting along late at night, and a stray one comes along, who is a little full, if he is an old offender we run him in; if he is not an old offender we start him home. We take the old offenders wherever we can get them.

6754*b*. That is your practice?—Yes.

6755*b*. Since you came into office, have you allowed any to go without going before the court?—No; not of those we locked up.

6756*b*. Do you know what was the practice in this respect before you took office?—No. Once in a while I get a fellow, and he will tell me that Mr. Morris, who was my predecessor, would let him go; but I cannot say whether that is true or not. Of course they make lots of claims that we do not take any stock in.

6757*b*. I have the city report of Augusta here, for the year ending 1893. The total number of arrests are put down as 392. Do you think that would be a fair average of the arrests; or is it an excessive number?—I cannot say anything about last year.

6758*b*. Have you formed any opinion of your own arrests since you came into office?—I do not know that I could very accurately guess, but the first month we had a great many more arrests than we have had since.

6759*b*. To what do you attribute that?—Well, when it is approaching election time, they always slacken up; and when we get into office the rough boys are always on top, and we have to give them a shaking down then, before we get things right again. I do not know how to account for it in any other way. They soon get straightened up, one way or another.

6760*b*. We have heard a good deal about the bars of the hotels in Augusta being open during the sitting of the Legislature. Can you tell us anything about that?—When they talk about open bars, it does not mean the same as you would term it in your town, or in a licensed town. The bars here are in some out of the way part of the house and locked up. I am not a drinking man myself. I have taken a drink of liquor in Augusta, but it is so seldom that I do not remember when it was; but still I know, at the present time where there is liquor, and where it is done, and you will find no open bars here, the same as you do in your country.

6761*b*. You mean by open bars, a counter and glasses, and all the paraphernalia used in drinking?—You could not find that here; a stranger could not go into a house and see it.

6762*b*. Is it a fact that there were places in some of the hotels here where the guests of the house understood they could go and get drink, when they wanted it?—I think so.

6763*b*. In all the hotels?—I think so, perhaps except in the Augusta House. It has been called a temperance house.

*By Rev. Dr. McLeod:*

6764*b*. We heard that at this Augusta House during the last session of the Legislature, there was an open bar, such as you would find in any hotel in a licensed place. Do you know anything about that?—I do not. I doubt it.

*By Mr. Clarke:*

6765*b*. You spoke about the number of packages of liquor coming into the city, and that some days there might be 60 packages. Would they be packages for illicit dealers, or would they be packages going to the homes of the people?—They are private packages.

*By Mr. Gigault :*

6766*b*. Do you believe that in these places, where liquor can be procured in hotels, a member of the legislature would be refused liquor?—No, he would not, if he had money to pay for it.

6767*b*. How many arrests for drunkenness do you make in the course of a week?—Well, I think for the last six weeks it would not average over four or five a week altogether.

6768*b*. Do you know what is the proportion of beer to whisky and brandy sold in this city?—I do not know. I think the sale of hard stuff is decreasing, and the people are using more beer at the present time.

6769*b*. Is there a good deal of drunkenness on Sundays?—Well, if we succeed in getting hold of the liquor that goes into the French settlement here, we do not have much drunkenness on Sunday. We try every Saturday night to get hold of the liquor sent to the cotton mills district, and we make them spill it.

*By Mr. Clarke :*

6770*b*. You spoke of the increase in the sale of malt liquors. Would not that indicate a relaxation in the suppression of the traffic in drink?—I do not know about that. There was a time here when none but certain places sold beer in what we called rum shops, they did not sell any beer at all. But it seems they are drinking more beer now, and those fellows have to get in beer in order to make a living.

6771*b*. Is not the beer more difficult to handle?—It is harder to handle, but if they sell beer and drink beer, the authorities do not wish to push them, because it is not the wish of the people here that they should be interfered with.

6772*b*. And you are reflecting public opinion in your treatment of the law?—Public opinion is what we have to go on, and there is no officer in the State of Maine that will buck against public opinion very long.

*By Mr. Gigault :*

6773*b*. Do you know how many persons have taken the gold cure?—I do not know. A short time ago we had seven cases at the one time. It takes about three weeks, I believe, to graduate from those institutions.

*By Rev. Dr. McLeod :*

6774*b*. From your observation of Augusta, do you think that drinking is very prevalent here?—I do not think it is, more than anywhere else.

6775*b*. You spoke of liquor coming in here in disguised packages. Is that for the purpose of evading seizure?—Yes, sir.

C. W. JONES, Lawyer ; Chairman of the State Board of Inspectors of Prisons and Jails.

*By the Chairman :*

6776*b*. I have resided in Augusta for five years. My native place is Vasselburgh, near here. I was born in this county.

6777*b*. I believe you are one of the inspectors of prisons?—I have been for about one year and a half.

6778*b*. We have had some little difficulty in understanding the exact meaning of some of the figures in the prisons report, and I will ask you, if you will permit me, a few questions about that. I notice that in most of the jail returns, the numbers appearing as committed for drunkenness correspond with the numbers of prisoners sentenced for drunkenness?—Precisely.

OSGOOD CRAWFORD.

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6779*b*. Do you understand that the commitments in that case were those of persons who had been sentenced by the court?—Yes, sir, I prepared some new blanks when our last report was issued and I struck that last classification out, as I considered it a repetition of the former. You will not find that in the report of 1893. My attention was called by one of you gentlemen to the report of the Cumberland County jail, and I was unable to explain it, for some time: but my opinion is that the figures referred to are a misprint or an error in compilation. I will look up the original report, when I go to the prison.

6780*b*. There is another thing I am in doubt about. There is an item here, "committed for non-payment of fines 255"; in Androscoggin previously it was entered: "fined and committed for non-payment." I suppose the meaning is precisely the same?—Precisely.

6780½*b*. Can you tell us if the numbers are included in any of the figures previously given in the report?—They are supposed to be. That is a mere classification of parties returned. Our intention is to have all the commitments for drunkenness under one head, and that is a sub-classification.

6781*b*. Have you given much attention to the statistics of your State prison?—Quite a little.

6782*b*. I suppose the State prison is what is called in the United States census returns, the penitentiary?—It is.

6783*b*. Can you tell us if for a series of years, say twenty years, there has been any decrease or increase of a marked character in the number of convicts in the State prison?—There has been a very marked decrease.

6784*b*. For twenty years?—Yes, we have at the present time the smallest number of convicts in the Maine State prison, for any time over thirty years. Two weeks ago we made an official visit to the prison, and we had only 121.

6785*b*. Can we get the statistics anywhere, of the numbers in prison from year to year?—Yes, sir, I have them on my file. I have only the one file, unfortunately, but I think I shall be able to get them for you. Murders are not common in this State, but capital punishment was abolished in 1878. Since then our high criminals have all accumulated. We have in the State prison 40 life men.

6786*b*. You say there has been a marked decrease in the number of prisoners confined in the State prison?—There has of late, sometimes it will run pretty low, and perhaps next year it will run up high. We have only 118 now, and 18 months hence we may have 200.

6787*b*. Do I understand you to say that generally speaking there is a decrease?—There is, at the present time.

6788*b*. Have you any facts which would lead you to conclude as to the causes of the decrease?—One cause for the decrease is the lighter sentences given for the same crimes, compared with the sentences given ten years ago. Our judges sentence, perhaps, 30 per cent lighter for the same crimes in this State than they do in New York State, and of course that has the effect of running the convicts out of prison.

6789*b*. What effect do you think has the prohibitory law had upon crime in the State?—I do not think it has had any marked effect.

6790*b*. Has it been a contributing agent to the reduction in the numbers in prison that you spoke of?—I do not think it has. I think the reduction comes from other causes. For the first time, last year I had the chaplain gather some statistics, in reference to the former life of the convicts, and 54 per cent of them only, testified that they used intoxicating liquors in any form: 46 per cent of our convicts testified that they never used liquor in their lives, not even occasionally by the glass. That was on the 30th of November last. My idea is that idleness is the chief cause of crime, in that if the people of the State are profitably employed, they do not commit crime. If they are not employed, they drink rum, and rum is a secondary cause of crime.

*By Rev. Dr. McLeod:*

6791*b*. The exciting?—It is one of the excitors, I do not know that I would put it as the first exciter.

*By the Chairman :*

6792*b*. Have you had any experience of the working of the license system?—I have seen something of it in other States, but I have not followed it up very extensively. I have noticed it in Tennessee, Connecticut, Alabama, Massachusetts and New York. I was in Tennessee for two months, one summer, and I studied it quite a little there.

6793*b*. Have you formed any conclusion as to the advantages of the one system over the other, the advantages of the prohibitory system over the license system, or vice versa?—I have. I am most heartily in favour of the license system, although I voted for putting prohibition in the constitution.

6794*b*. Your office is a State appointment, is it not?—Yes.

6795*b*. I suppose you are pretty familiar with the State?—I am.

6796*b*. And your profession as a lawyer has taken you into the courts?—My profession and also my official business has taken me into perhaps 3 or 4 towns of the State, and very frequently, too.

6797*b*. We hear in almost all quarters that the prohibitory law is fairly well enforced in the country districts, but that the same can hardly be said in regard to the enforcement in the towns and cities. What is your observation on that?—I think it is rather better enforced in the country. In very many of our country towns there is not a hotel or a grocery store, or any place where anybody would suspect that there would be liquor selling. It is in these small places where the liquor is not sold. Our farming people, if they want liquor send off, and buy it by the jugful, or the two gallon package, and they do not patronize the grog shops, but wherever a town is large enough to have a hotel, that hotel is sure to be a rum shop.

6798*b*. When you say "a town," what sized place do you mean?—Well, that would not be regulated by the size, but by the travel. For instance, if travel is going through a section of the country where there are no railroads, a small town will run a hotel, and run a rum shop too: but when you go out east and west from the lines of railroad, there is no occasion, because people do not stop there.

6799*b*. Do you think the prohibitory law leads to a good deal of concealment, and rather lessens the regard for the sanctity of an oath?—I do. I think a man will commit perjury to conceal a liquor seller, when he would not commit perjury under any other circumstances.

6800*b*. Have you had occasion, in the course of your professional experience, to be engaged in many liquor cases?—Quite a good many.

*By Rev. Dr. McLeod :*

6801*b*. In prosecuting them?—No, in defending them. The prosecuting attorney sees to all that, and I have never been prosecuting attorney. Here, if we defend a liquor seller, we are pretty sure to have the case sent up to the law court, and let the fines pile up to five hundred dollars; and then the liquor sellers make the best trade they can with the county, and they sometimes pay 50 cents on the dollar, and sometimes they pay a little more. It is usually the easiest way to dispose of those cases. We collect \$15,000 from liquor cases, in this county, and it cost us \$17,000 or \$18,000 to get, so that the county would not make much money out of that transaction, the liquor sellers are pretty sharp, and they always get on to some line of procedure. They will take the case to the law courts, and they will get one and a half years' time, sometimes, before the case is decided, and they can sell enough in the meantime, to pay the fine.

6802*b*. You spoke about the constitutional amendment. Was not the majority in that case in favour of the constitutional amendment large?—Yes.

6803*b*. Was that a fair expression of opinion as to the prohibitory law in this State?—I do not think it was: the party to which I belong, was committed to that issue, and we all voted for it. Our majority was large in the State, and those in the opposite party who were prohibitionists, and favoured the amendment, voted with us.

6804*b*. I think you said you voted for it, but that you voted for it as a party man?—Yes.

C. W. JONES.

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6805*b*. Were you originally favourable to prohibition yourself?—I was, when I voted for it.

6806*b*. You were favourable to putting it in the constitution?—I was, at that time.

6807*b*. Since the party was committed to it, and you are a party man, you voted with your party?—I did not do it purely as a matter of party: I did it because I believed in it then: I have since come to the conclusion that the party is wrong on the question. I took from my reports, just before I came over here, some figures;—The number of commitments in 1881 for drunkenness in the State of Maine was 809, and during 1891 the commitments for the same cause were 1,714. The commitments for selling intoxicating liquors during the year 1881 were 133, and the commitments for the year 1891 were 348. The number of commitments for drunkenness have gone as high as 2,300.

*By Mr. Gigault:*

6808*b*. Did you ever read a letter, written by Judge Goddard, of Portland, about criminality in Maine?—I presume I have.

6809*b*. According to that letter, in 1851 there were four convicts in the State prison for murder, and in 1886 there were 37; for manslaughter there was one convict in 1851 and five in 1886; for arson there were four in 1851 and seven in 1886; for robbery there were none in 1851 and two in 1886; for high crimes, five in 1851 and 13 in 1886; making a total of 65 for 1886, and 14 for 1851. Have you the report of the warden for 1851?—I have it at my house.

6810*b*. Can you verify these figures, in order to see whether they are correct or not?—I think I can. At that time they used to hang for murders in the first degree, but capital punishment is now abolished and convicted murderers are accumulating. These fellows have been accumulating, and so we have more convicts for these high crimes. We have a number of convicts sent to prison for murder every year.

6811*b*. Some person contended that the increase of crime in Maine was due to the influx of foreigners, and Judge Goddard gives statistics to show that is not the case?—I think Judge Goddard is about right. I do not think that what he says on the question is far out of the way. We get occasionally an Italian, who comes from some railroad in the State. The last two men executed in the State were Italians. Of those 39 or 40 life men that we have now in prison, I do not think there are more than six or eight who are foreign born. There are a few Irishmen, and one Italian.

6811½*b*. Mr. Beale, warden of the Maine State prison, says in a letter: "I have reviewed the declarations made by each convict between the years 1880 and 1887. The whole number of convicts was 375; those who declared that they used no liquor, 124; those who declared that they used some liquor, 163; and those who declared that they used liquor immoderately, 88. One-third of the whole number were total abstainers, and only one-fourth declared to have used liquor immoderately?"—That bears with the statement that I have just given you on the same subject. I would say further, that there is a tendency on the part of these men in jail to attribute their crimes to liquor. They will attribute it to that, if they can. I might remark that in Sing Sing prison, when I visited there, out of 1,400 convicts, over 1,300 of them said they were in the habit of using intoxicating liquor. I might remark, with reference to the few prisoners we have now, that during the last year a great number of sentences seem to have expired.

6812*b*. For what reason would you prefer, as you have stated, a licensing system to the prohibitory law? Have you any objection to tell that?—I have no objection. I think a license law would make the trade more honourable, for one thing. Now, a large part of the rum is sold in low dives and by pocket pedlars. They pay no United States license, and they sell to the lowest class of people, just the class of people who commit crime when under the influence of liquor. Besides, prohibition brings into disrepute our constitution. This constitutional amendment is part of the constitution, which the people are supposed to respect, but it is a part of the constitution which some people violate one hundred times a day. It brings into contempt the whole constitution and law of the State.



*By Mr. Clarke :*

6813*b*. Are the State prisons maintained by the State itself, or by the National Government?—By the State. The National Government pays 25 cents a day for the prisoners they put in there from the United States courts. The sheriffs are paid principally by fees, and the greater part of their income comes from that source. They serve the warrants in these liquor cases, and get paid for serving them.

6814*b*. Did the putting of prohibition in the constitution of the State render it more difficult for people to obtain liquor?—No; I simply regard it as a police regulation incorporated in the constitution.

6815*b*. Is it good policy to make the liquor trade disreputable and to drive it into the hands of the most worthless class of people?—Well, of course, there is a difference of opinion about that. I do not think it is good policy; I think the more you elevate the trade and the better class of people you put into it, the less crime you get from it.

6816*b*. From your professional experience in the courts, I presume you have formed some opinion as to the quality of the liquor sold by these dealers?—I have looked into that matter quite a good deal. I know that there are fellows who are wholesale drummers for Boston houses for liquor, in the State, and they tell me that each State has its grade of liquor. One of the drummers told me that the liquor sold in Bangor cost wholesale 98 cents a gallon, and that they sold it here for a dollar and twenty-five cents and one dollar and forty cents.

6817*b*. Is the quality of liquor sold by the agency good?—The quality of liquor at the agency is very good indeed. I think their books show that they paid four dollars a gallon for whisky in Boston. That is for Pfeiffer whisky, which is considered in Kentucky one of the best whiskies.

6818*b*. You stated that you have seen the operation of a license law in some other places?—Yes.

9819*b*. And you have had a long experience of the operation of the prohibitory law?—I have watched it quite closely.

6820*b*. Making a comparison between the two systems, have you formed any opinion, or come to any conclusion as to which system is the more desirable in the interests of morality?—I think that high license is.

6821*b*. For what reason?—In the first place, the State derives more revenue out of it; and if you put the liquor sellers in jail, under prohibition, it is more expensive too for maintaining them. I believe that if you had a license system you would drive out of the business these low dives, which sell cheap liquor. If you have a license of \$500 or \$1000, a pretty decent sort of fellow sells rum, and he must be that in order to pay his money for his license and fix up a good place. If we had respectable places, under a license law, these illicit places could not thrive. The people who held licenses would be as much interested as any one, in driving them out.

6822*b*. Would the persons who patronise the illicit places now, go to these illicit places, if there were licensed places established?—I suppose they would, but to a less degree. I do not think a large portion of them would go.

6823*b*. You heard what Mr. Chick said about the use of drink among young men in this city?—I think it might be stated a little differently. It is used to a greater or less degree. I would say that amongst young people total abstinence was not the rule. They drink when the conditions are favourable, in social clubs, or at entertainments, but they are not habitual drunkards they do not drink liquor habitually.

*By Mr. Gigault :*

6824*b*. Are you in a position to give us some information with regard to the tax raised by the State?—The tax rate assessed by the State, on the several terms of the State, is for the year 1893, 2½ mills on the dollar.

6825*b*. What is the amount raised by that tax?—One million and a half of dollars.

6826*b*. What is the total annual expenditure by the Legislature of the State?—About \$1,500,000. There are other sources of revenue for the State. We have taxes

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on express companies, taxes on certain franchises, we derive some revenue from incorporation of corporations inside and outside of the State. Maine, of course, has been a great field for foreign corporations, and we derive quite a revenue from them.

6827*b*. Have you any taxation on your timber land?—Yes, we tax the wild land.

6828*b*. No stumpage?—No; we tax the land, and all the produce on it.

HON. A. D. ANDREWS, Judge of the Municipal Court of Augusta, examined.

*By the Chairman :*

6829*b*. How long have you been judge of the Municipal Court?—I have been judge of the Municipal Court for the last twelve years.

6830*b*. I suppose all the police cases come before you?—I have all the offenders against the city government and a great many from the country.

6831*b*. You have a good many cases in the court which originate outside the limits of the city of Augusta?—Yes.

6832*b*. Do you make a report to the city government annually?—I keep a report of all criminal cases and the city marshal takes a duplicate from my report.

6833*b*. Are there any records kept of the number of cases in your court and how they are disposed of?—Yes, I have a record of every one, and there is a report made to the city government which, so to speak, codifies it.

6834*b*. The city marshal told us that all the persons arrested are taken before the court and that he does not discharge any of them?—The police have not the power to discharge prisoners. Once in a while a man that they know is not in the habit of getting liquor, and on this occasion is not very drunk, is sometimes put into the police station without being arrested, and after a while they let him go. We are pretty strict here in arresting men. If a man steps cross-legged he is taken care of.

6835*b*. In some cities it has been stated that men are arrested and let go in the morning, without being brought before the judge?—They never do that here.

6836*b*. Do you think that, as a rule, the police have been fairly vigilant in arresting offenders in the city?—What class of offenders?

6837*b*. All classes?—Do you mean for the violation of the liquor law?

6838*b*. I refer to all?—That is always as regards the condition in which public sentiment is. There are times when public sentiment demands the enforcement of the liquor law, and then the police do it by getting out warrants. They will swear out a great many when public sentiment asks for it; and then we will have a time when it will cool down, and we will go for months and months at a time, and there will be no warrants asked for to search places where liquor is sold.

6839*b*. With reference to arresting drunkards, what has been the practice?—All these cases are carefully looked after by our police.

6840*b*. They do not shut their eyes to offences of that kind?—I do not think they ever did that.

6841*b*. Your record of arrests would indicate a very large preponderance of cases of drunkenness. I find that you have here under the head of "Drunks committed and fined," 70; "Drunks discharged on probation," 67; that is, I suppose, equal to a conviction?—It is what we call a conviction.

6842*b*. Then you have "Let off on good behaviour" 56. Are these drunks?—I think these would be a class of people that are taken in for being loose. The city marshal will say, "I will not make any complaint against you now, but if I find you here again I will do it." They would not likely be arrested, although they are put into his report.

6843*b*. Then you have "Sent out of the city 25"?—These are people who come into the city and have no employment, have no business, and do not know what they are here for. They are simply tramps.

6844*b*. Here you have "for vagrancy, five." ?—A man who asks some one for money or who goes to a house asking to have money given him, is now arrested as a vagrant.

6845*b*. Can you tell us if the offence of drunkenness has increased or decreased in the city during your term of office ?—I think that drunkenness in this city has decreased. The population has increased, still the number of arrests have decreased, but that is not owing to the prohibitory law. In 1884 there was a feeling in the city government that the liquor law was not enforced as it should be, and a city marshal, who was the most rigorous enforcer of the prohibitory law in the city of Augusta, was elected. He selected the police force, and his object was to drive liquor selling out of the city of Augusta. He did all that was possible for him to do. I took a comparative statement of two months in the year 1884, to show the result. I took the first month, the month of May, when he fairly got installed in office. I gave him from March to fairly look around. He swore out in that month of May thirty-four search warrants, to search places where liquor was sold, and there were arrested and fined for drunkenness that month thirty-seven men. In 1891 the people here thought that the city government was not enforcing the law, and the city marshal took a different course. He did not go in search of places, but he seized all the liquor coming by all the different expresses and took his chance to see whether the packages would be claimed by private individuals or not. In the month of May, 1891, there were forty-one seizures and eight arrests for drunkenness. In 1892 the people of the city said to the city marshal, "You are driving business from the city by your enforcement of the law, and we are losing customers." Some of our radical temperance men said that he was driving the trade to Hallowell and Gardner, and that he must let up on the law. In May, 1892, therefore the city marshal made no seizures and no searches, and there were nineteen cases of drunkenness. In May, 1884, I repeat there were thirty-seven drunks. In many of the places searched they did not find liquor. There was one place which they searched eighty-seven times, and never found anything. From these returns you will see that there were a great many more drunks when there was the most searching for liquor and there was the least drunkenness when they were seizing all liquor that came, whether it was for private individuals or not. A great deal of the liquor seized was no doubt consigned to private parties, but they had to file their claim in court, and some were ashamed to do so and would prefer losing the liquor; but others came to court and claimed it. There was an immense quantity of liquor seized, and very little of it claimed.

6846*b*. Who served these warrants for seizures ?—I make it a rule that the city marshal, being at the head of the police force, shall sign all the warrants, and then his policemen may execute them.

6847*b*. That has been the practice in seizing since you held office ?—Yes. I want a responsible man behind the officers.

6848*b*. What fees do the officers get in these cases ?—They get no fee unless they find liquor. The officer receives \$1.35 fee if he gets liquor, and the officer going with him sixty-two cents. If they do not find liquor, they do not get anything. In some places they have liquor deputies, who were appointed by the sheriff and who have a per diem allowance, but we have none of them in our county. When you get the city reports you will get a report of the drunkenness. In 1891 there were 125 seizures made. The marshal commenced in May, June and July and made these seizures. During these years we had less drunkenness, but it involved such an enormous cost that the county told him to stop it or he would bankrupt the county.

6849*b*. You have stated that you believe drunkenness has decreased in the city ?—Yes, that is what my docket shows and my experience is.

6850*b*. Do you attribute that at all to the effects of the prohibitory law ?—No, because in the year in which the law was most rigidly enforced, and when it was enforced all that it was possible for the city marshal and his officers to enforce it, we had twice as many cases of drunkenness as we had at any other time. I attribute that to the excitement which it was causing all the time. Every liquor seller had three or four men watching the city marshal all the time, and these men had to be treated.

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6851*b*. Do you attribute the increase in the arrests for drunkenness at that period to the vigilance of the police, or because there was really more drunkenness in the city?—I attribute it to the vigilance of the police and to the excitement that the enforcement of the law caused. My observation is that the more quiet you can keep the people the less drunkenness prevails.

6852*b*. Do you think they got drunk as a sort of a protest against the law?—No, it was simply the excitement. There was a great deal of excitement about enforcement at that time. I was talking to a rumseller, Mike Burns, who carried his case to the United States Court. He was searched eighty-seven times and they never found a single thing, and he told me that the city marshal never entered my office to get a warrant but that he knew of it the minute he went in and when he came out. He kept men posted all along the line, and the whole thing went by signals. He said that there was not any profit in selling at that time, but he wanted to show that he could not be caught. These men who were doing that kind of business were not of the highest order, and they would naturally take a drink and perhaps get drunk too.

6853*b*. Do you think that the prohibitory law is fairly well observed in this city?—I do not know exactly what you would say about that.

6854*b*. Is there much selling of liquor contrary to the law in the city?—I think there is a great deal.

6855*b*. Then that would indicate that the law is really not observed?—Yes. But still I do not think that there is so much liquor sold when it is not observed, or so much liquor drunk as there is when the law is enforced, because at the time when the city marshal, in 1891, said he would stop liquor selling, drunkenness seemed to increase. He had been city marshal eight years previously and knew every place, and the result was that a great many people, even apothecary shops, would not sell to any one; even if some person said that his father was dying, he would not let the man have liquor. When that law was enforced an immense lot of private packages came in. Men who had been in the habit of drinking would send to Boston and get two gallons of liquor, and the result of it was that a class of people would get "Split" from Boston. They would get a gallon of wine and a gallon of gin and make that mixture. Sometimes four gallons would come in, and they would carry it home, and the result was that the people would get drunk on it. You see the point I make, namely, that the enforcement of the law in every case I have known has increased drunkenness.

6856*b*. It drove people to get their liquor by private importation?—Yes. Any man can get liquor from Boston in six hours, if he cannot get it here. Of course if it were very difficult to get liquor here, I presume drunkenness would diminish instead of increasing. I conclude that there are a great many places where liquor is sold in the city. I take it for granted that every apothecary in Augusta sells liquor, but I know that I myself cannot get a drop of liquor in the city. I have been a temperance man all my life and have never tasted a drop of liquor.

6857*b*. I suppose as a judge you are known to all those who sell liquor?—Not so much that as the hypocrisy of the thing.

6858*b*. Do you know if there are many United States tax papers taken out in the city?—I know a gentleman who got a copy of the list taken out in 1892 and I looked over it. I think that something like 40 persons took out United States taxes in this city. Sometimes a man thinks he will sell some kind of beer and he is afraid the United States will punish him, and he thinks it is cheaper to take out a license rather than be brought before the court.

6859*b*. The law in the State of Maine allows the sale of a certain kind of beer that contains only three per cent of alcohol, does it not?—I do not know of any such law. The prohibitory law says "all intoxicating drinks," but some of the judges have decided with reference to that beer, after the beer had been analysed, that they considered it was not intoxicating. There is no law on the subject.

6860*b*. I understand that there is a class of beer called "Uno" and "Lithia" beer, that they claim is not prohibited by the State law. Are the sellers of that beer obliged to take out a United States license?—I think they are; I think they are afraid of the law. However, there is no man in Augusta selling it unless the same as other liquors. They

pretended it was a perfectly harmless liquor, but I had it analysed and found 20 per cent alcohol in it, and I told a man who was brought before me that if he sold it again, I would punish him.

6861*b*. Is cider included as a prohibited liquor in the State?—Yes; the law says “Any other intoxicating drink.” We had a class of people here who got drunk on Jamaica ginger. I think that beer you refer to is manufactured in Portland, but I said it did not make any difference; if it was an intoxicant, they could not sell it.

6862*b*. Is there any remark you would care to make with regard to the liquor agency in this city?—The liquor agency, I believe, has increased our drunkenness greatly, because there is a class of people who get liquor now who did not get liquor before, and they do not have enough money to send to Boston for it. They either get it from the agency directly or indirectly.

*By Rev. Dr. McLeod:*

6863*b*. There is a class of persons who cannot get that liquor from the low dives?—Yes. The prohibitory law has driven the rum selling into a class of people that formerly would not be needed. There used to be sometimes respectable men selling liquor, but no respectable man will take his chance of going to jail. The class of people who now sell liquor reason this way:—I will make whatever money I can out of it, and if I get caught I will go to jail. There is a certain class of people in Augusta who cannot buy from this class of rumsellers, for the reason that the rumsellers are afraid that they might, what is called, squeal on them. These squealers, as they are called, are spotted, and every rumseller knows them and tells them to get out when they come into his place. It is almost impossible for this class to get liquor.

*By the Chairman:*

6864*b*. What effect do you consider the law has had upon the morals of the people? Has it lowered their respect for an oath?—To the class of people who deal in drink it has. They do not consider it a crime to perjure themselves about it. They do not consider it a crime to shield those who sell liquor.

6865*b*. What is the general effect of all prohibitive restraints on the morals of the community?—I do not know. Sometimes I think it is good, and sometimes I think it is bad. One day I might think it was good and another day bad. I know it has tended to make hypocrites and it has tended to make perjurers in courts, there is no question about that.

*By Rev. Dr. McLeod:*

6866*b*. Have you had any opportunity of observing a community living under a license system?—I ought to qualify that last answer. It has made hypocrites and made perjurers because there never has been to my knowledge a proper enforcement of the prohibitory law.

6867*b*. Of the State law in the city?—In any place. When it is enforced in this city the cases all go to appeal to the higher courts, and they are all fined a certain amount, and the result is that the officers get disgusted, and say, what is the use of enforcing the law because the rumsellers will pay their \$100 fine, which is less than a license. Some of them will go right back to the officer and put his finger to his nose, and say, “How much did you make out of it?” It is very seldom a man goes to jail here for rum selling. He will go to the law courts and carry on his law, but he never steps out of the business, and the rum selling goes right on.

6868*b*. What is your opinion as to the cause of that state of things?—Public sentiment, political parties, politics. Our prohibitory law is run on politics. In some counties you will find the violators of the law against every prosecutor of the law, and in other counties you will find the violators of the law always voting for the prosecutors of the law.

*By Mr. Clarke:*

6869*b*. You are elected to your office by the people of the county?—No, I am appointed by the Government.

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6870*b*. And for 12 years you have held this office?—This makes 12 years.

6871*b*. You have said that in your opinion, drunkenness has decreased, notwithstanding the increase in the population of the city?—Yes.

6872*b*. Did I understand you to say that you do not attribute that decrease in drunkenness to the prohibitory law?—No, because the law is not so well enforced as it was when I first came on the Bench.

6873*b*. To what do you attribute that decrease in drunkenness?—I really cannot tell.

6874*b*. Does the vigorous enforcement of the prohibitory law lead to excitement amongst the people, and consequently to an increase in drunkenness?—That is my observation. My experience is that it has tended in that direction.

6875*b*. Then the more rigorously the law is enforced the more it promotes drunkenness?—That has been the result of my observation in this city, and it is an anomaly that I cannot account for.

6876*b*. I understood you to say that the officers reflect public opinion in their rigorous efforts to enforce the law, or in their relaxation of their rigorous efforts to enforce the law?—Yes.

6877*b*. What is the public sentiment of the city of Augusta now?—Well, I should say that a large proportion of the business men and of the floating population of Augusta would say, "let this thing go along as quietly as possible; do not do anything to stir the people up about it; do not do anything to drive trade away from here." I think that is what they would say. They do not want any excitement. I may say that I am a prohibitionist myself.

6878*b*. As a prohibitionist yourself, do you think that the best interests of the community are promoted by that course being pursued?—It is the best course, as long as we have prohibition enforced the way it is now. If there cannot be any way to stop people getting liquor from Boston in six hours time in any quantity they want, there is no use trying to excite the people by saying, "You cannot get liquor in Augusta."

6879*b*. Then there is a radical defect in the law, in your judgment, in that it permits citizens of the city to bring liquor in for their own consumption?—I think the law commences at the wrong end. I think there is no harm in the very act of selling liquor, because if a citizen never gets drunk, it would not make much difference how much liquor was sold.

*By the Chairman :*

6880*b*. How would you reach the other end?—I think where all our trouble has been is that we are trying entirely to prohibit liquor by law. I have come to the conclusion, since I have seen the effects of some of the gold cure treatment, that liquor drinking is a disease with some people. I have been to Conway to examine the institution there, and I have observed it here. There are men who have taken this cure, and perhaps one or two or three have dropped back again, but most of them have stuck to it; and they have told me that they do not desire that liquor now, whereas before they must have it. I think people sympathise with a man who drinks liquor now, more than they did formerly.

6881*b*. We were informed in Portland that the sheriff of Cumberland County was rigorously enforcing the law, and that he appoints liquor deputies for the special purpose of aiding him in enforcing the law. Does the same law apply to this county, and can your sheriff appoint deputies here to enforce the prohibitory law?—The deputies can be appointed here if the sheriff cares to appoint them.

6882*b*. And does the sheriff reflect public opinion in not appointing these special officers to enforce the prohibition law?—I think he reflects nine tenths of the public sentiment in not appointing them.

6883*b*. Is the liquor agency in existence here because public opinion in the city desires it?—I think that a large proportion of the city would be opposed to having a liquor agency. The men who wanted to stop up every avenue of getting liquor, signed a petition and sent it around to have a liquor agent appointed.

6884*b*. Why did they do that?—They wanted a place where they could get their liquor.

6885*b*. Are we to understand that prohibitionists do that?—I recollect that two or three of them made that argument. They said “I need liquor for my family, and I want a place where I can get it.”

*By Rev. Dr. McLeod :*

6886*b*. These people want liquor for medicinal purposes?—Yes, of course. Some of them want lager beer in summer time.

6887*b*. What is the practice with regard to cider?—It is not allowed to be sold.

6888*b*. Is it sold?—It is sold illegally.

6889*b*. The prohibitory law has made the traffic in liquor disreputable?—I should say so.

6890*b*. Is that a benefit for the community?—That is a question to be argued either way. I do not think any respectable man in the State of Maine to-day would want to be known as a liquor seller. I should sadly deplore to see a license law. Even with all the hypocrites and perjurers that the liquor law has caused, I should be sorry to see a liquor license here.

*By the Chairman :*

3891*b*. Does that dislike to be known as a liquor seller come from a dislike to break the law or from a dislike for liquor?—It comes from a dislike to be a violator of the law. “Liquor seller” in this State to-day is a name that is a little nauseating.

6892*b*. Do you know if the packages seized by the city marshal which you referred to were intended for home consumption?—I should expect that out of the 41 seizures in May, 1891, 35 of them were intended to be used by the importer, and perhaps there might have been some that were intended for sale if the people that they were consigned to had a chance.

6893*b*. Do the apothecaries of the city break the law?—They all intend to sell to those people who will be sure not to go back on them.

6894*b*. The law has been in existence since 1851, with the exception of a couple of years. Has the question of depriving the liquor seller of the right of appeal ever been considered by the Legislature?—I think not.

*By Mr. Clarke :*

6895*b*. There was an amendment made to the law at the last session of the Legislature, giving the Judge discretionary power, and repealing the law which compelled him to both fine and imprison. What was the reason that law was enacted?—We had no general definition of the construction of the law in our State. The judges construed the law for themselves up to 1891, when the prohibitionists had it enacted that a man shall be fined \$100 and costs, and in addition thereto shall be imprisoned. There was not much option there for a judge to say that the law meant anything else but what it was. In 1893 the Legislature went to work again, and provided that it should be discretionary for the judge to enforce the latter sentence or not.

6896*b*. As a prohibitionist yourself, do you consider that the amendment is a retrograde movement?—I think that the judges are simply reflecting public opinion in that. I think that was the opinion of the judges of the higher courts and the opinion of the Legislature. It is very often the case here that people want liquor selling stopped so far as selling it to their neighbours is concerned, but they want the privilege of buying it themselves.

6897*b*. They have the privilege of bringing it in from other States?—Yes, but they like to have it at home.

6898*b*. It is a fact that during the sessions of the Legislature, liquor selling is carried on in the hotels in this city where some of the legislators stop?—I think there is more sold in this city during the sitting of the Legislature than at other times, because there is a larger number of people who want it. We frequently have seizures of a 20 gallon keg of whisky which was consigned to Mr. Jones. There is no such

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name, but there is another man sent down, and Mr. Jones is perhaps a Senator, and no doubt that liquor was to be carried to his room. Of course, when we seize it we keep it, and Mr. Jones will probably go into Legislature and vote for a radical prohibitory law with any amount of loop-holes in it so that it cannot be enforced. I never saw a prohibitory law made in the State of Maine that was not full of loop-holes.

6899*b*. But we are told that the best minds in the State are in favour of the law and its enforcement. In 40 years has it not been possible for the Legislature, backed up by public opinion, to make such a law as can be enforced? If they have not got it in 40 years, when will they get it?—Never.

6900*b*. Why?—Because three out of four drink intoxicating liquors, and they do not want to punish a man for doing the same thing as themselves. I do not mean that the people get drunk. If a man drinks a glass of wine or a glass of cider in this State, he is drinking intoxicating liquor, and I guess nine-tenths of the voters in this State are men who take a drink once in a while. They want liquor for themselves, and they intend to have loop-holes enough in the law so that they can get it.

6901*b*. If an amendment were made to the law, making the liquor drinker equally guilty with the liquor seller, would not that put a stop to it?—I think it would.

6902*b*. Has the Legislature ever attempted anything of that kind?—You cannot do anything of that kind, because a man will not pass a law to punish himself. Three quarters of the men who support our prohibitory law ask some one to sell them liquor and they violate it.

6903*b*. I think you said that your experience as a judge led you to the conclusion that in liquor cases there is a vast amount of hypocrisy and perjury?—I think so.

6904*b*. In so far as the prohibitory law has resulted in perjury and hypocrisy, it has debased the morals of the people?—I think it has to that class of people who go into the trade.

6905*b*. In cases, apart from liquor cases, of people identified with the liquor traffic, would you take their oaths in a civil suit as between man and man?—There are men whose oaths I would believe in a civil case, and I would believe the man in any other criminal case except where the sale of liquors is concerned. I would not believe some of these men under oath in a liquor case, if it were going to involve him or his neighbour in a penalty for selling intoxicating liquors, but still in other matters, I would take that man's word. I say that the morals of our legislators in Maine are as high or higher than in any State in the Union, but still it is a fact that men will vote for a prohibitory law and come right back to this hotel and treat their friends and get feeling pretty good. Can you expect a radical prohibitory law from such men?

6906*b*. If the feeling of the people of Maine is so largely in favour of an honest enforcement of the law, cannot they in some way, by some combination of political parties, separate the liquor question from politics?—I think it could be done, if our temperance men would disassociate themselves from politics. You cannot do it in this State at the present time because the liquor sellers will go with the dominant party. Any citizen can give an order to an express agent here and send to Boston for liquor. He has a right to employ an expressman to buy it for him, and as long as he is an agent of the purchaser he is not liable, but the moment he becomes an agent of the seller he is liable.

6907*b*. You are not satisfied with the operation of the law here?—I am satisfied that it has not been a success to a great extent. In the country towns I believe the law has been a success. In the cities it has not been a success, because I do not think public opinion has demanded it, and the Legislature will not enact laws so that it can be made successful.

6908*b*. Then the cities are practically coerced by the rural districts?—I think the cities reflect the public sentiment of the citizens. I think there are some places in this city where the liquor selling is carried on simply because the liquor vote predominates. In Bangor no one would attempt or dare to enforce the prohibitory law because if they did dare they would be so beaten at the next election that they would be swept out of all politics. Both parties keep their hands off in Bangor.

6909*b*. Has the temperance party no weight?—It does not amount to much.

6910*b*. So that the people of Bangor set the State Law at defiance?—Yes.



*By the Chairman :*

6911*b*. Suppose a vote were taken in the city of Augusta now on the question of prohibition simply, do you think the majority of the people would vote for prohibition?—I think if they voted openly they would vote for prohibition, but if the votes were taken by secret ballot they would not carry it.

*By Rev. Dr. McLeod :*

6912*b*. Of whom are the people afraid, that they cannot openly vote against the prohibitory law? Who intimidate the people?—I think the majority of them do not want the law enforced, although they may vote for it.

6913*b*. How is it that, if the people vote openly, they would not vote in favour of the law?—We have got a lot of people here who would like to be known as prohibitionists, while at heart they are anti-prohibitionists.

6914*b*. Why do they want to be known as prohibitionists?—Because they consider it a disreputable thing to be called a “rummy” in the State of Maine.

6915*b*. Is that the result of the prohibitory law?—I do not know whether it is the prohibitory law, or whether it is the efforts of our temperance societies. A man would rather be known in the State of Maine as a temperance man. I think even if he drank a little liquor, he would rather be known as a temperance man than the reverse. I may say that the vote in Augusta on the constitutional amendment was strongly in favour of the amendment.

6916*b*. Why did the people vote that way?—Because they were watched by the radical temperance men.

6917*b*. If the radical temperance men are in the minority here, why should the majority of the people be afraid?—They are not afraid so far as voting is concerned, but they do not want to be called anti-temperance men. For instance, we have radical temperance men who are anti-prohibitionists, but they dare not express themselves in that way. I think that in the country towns the vote would be overwhelming in favour of prohibition, but I do not think it is so in the cities.

6918*b*. Generally the majority do not fear the minority, but in this case you say the majority fear the minority?—They fear to be classed among the “rummies.”

6919*b*. Then, would not it be fair to think that the people voted as they believed, rather than that they voted as they did not believe?—If a man votes in the Legislature for a strong prohibitory law and comes out and gets drunk, I do not believe he votes as he believes.

6920*b*. Is it not a fact that the candidates express themselves in favour of prohibition in order to get the votes of the people?—I think they do.

6921*b*. Would that be so if the people were not in favour of prohibition?—That is the case as regards the country districts. If you look at the vote on the constitutional amendment, you will find that not the majority of the voters who voted in that election voted for the constitutional amendment. In Augusta voters were waited on by ladies who said, you will have to vote for the amendment. Many people simply voted the State ticket. When a man was opposed to it nobody asked him to vote “no,” and the result was he did not vote. While there was a large majority voted in favour of the amendment it was not a majority of the vote polled in the State election.

6922*b*. Would a man who came before the people and earnestly expressed his convictions as to the enforcement or non-enforcement of the law have a chance of being elected?—It would depend on what county he was in. I think he would be supported by men in the party whether he was a strong temperance man or anti-temperance man, if he expressed his opinions conscientiously.

6923*b*. If a man were conscientiously opposed to the prohibitory law and he should clearly and emphatically say so and ask the votes of the people, would he be elected?—No. In country towns he might be elected but not in the cities.

## Liquor Traffic—Maine.

E. NORTON, High Sheriff of the County of Kennebec, examined.

*By Mr. Gigault :*

6924*b*. Are you a native of the State of Maine, Mr. Norton?—Yes; I am a native of Gardner.

6925*b*. How long have you been in office?—Since the first of last January.

6926*b*. May I ask if you are a Republican or a Democrat?—I am a Republican. It is necessary to be a Republican to be sheriff of this county. I was elected by the people of the county.

6927*b*. How many prisoners have you in your jail?—We have 23 to-day.

6928*b*. Have you generally more or less?—That is about the average number for this time of year; they always increase in the winter season.

6929*b*. For what crimes are the generality of them put in jail?—There is more for drunkenness than any other crime, but we have a great variety of crimes.

6930*b*. How do you find this prohibitory law working here?—Well, the prohibitory law does not prohibit.

6931*b*. Do you know anything about the number of places which are selling liquors here?—I am not nearly so familiar with Augusta as I am with Gardner.

6932*b*. And in Gardner how is it?—Well, in Gardner there are said to be fifteen or sixteen places selling liquor, but I think that is an over estimate.

6933*b*. What is the population of Gardner?—It is a little over 5,000. Gardner of itself is small proportionately, but it does business with quite a number of surrounding towns.

6934*b*. You think that it is an over estimate to say fifteen or sixteen places are selling liquor in Gardner?—I should think so.

6935*b*. What, in your opinion, is the number of places selling liquor there?—I should set it down at about ten.

6936*b*. Are there any druggists in Gardner?—There are eight drug stores.

6937*b*. Would not that be a large number of drug stores for a town of the size of Gardner if they sold nothing but drugs?—Yes; but our drug stores there are not as a general thing, liquor stores.

6938*b*. Do they not keep liquors?—A few of them, I think, do, but there are others which do not.

6939*b*. Do these few drug stores sell liquors?—There are two or three drug stores in Gardner that I think sell liquor, but not to be drank on the premises.

6940*b*. But they are selling liquor illegally?—Certainly. If they sell liquor at all, they are selling illegally.

6941*b*. Do you know how many druggists there are in Augusta?—I do not.

6942*b*. Are there many search warrants issued here?—Very few.

6943*b*. Are there many seizures of liquor?—Not since the first of January. So far as I know there have been only three seizures of liquor in this city since the first of January.

6944*b*. Has drunkenness increased or decreased in the city of Augusta?—I should say it has decreased.

6945*b*. To what do you attribute the decrease?—It is attributed as a general thing to the gold cure.\* Some of the worst drunkards have taken that cure and have left off liquor.

6946*b*. Do you know if a good deal of liquor is brought in here from elsewhere for home consumption by express companies and by freight trains?—I know there is, from my own observation.

6947*b*. Did you vote for the constitutional amendment?—I did.

6948*b*. If I understand you rightly you think the prohibitory law has not accomplished the purpose for which it was enacted. It is not prohibiting?—No, I think not.

6949*b*. Do you think it is desirable to maintain the law on the Statute-book?—Well, I think that better results could be obtained under the license law. I think it would be better if we had a high license law.

*By Rev. Dr. McLeod:*

6950*b*. How many towns are there in this county?—There are 25 towns, four cities and one plantation.

6951*b*. Taking the county all through, is the sale of liquor very general?—Only in the cities. Outside of the cities there is very little liquor sold.

6952*b*. You say that the prohibitory law does not prohibit, but still in these cities has it had a tendency to check the sale?—I think, perhaps, it has, to a certain extent.

6953*b*. And you think it does prohibit in places outside of the cities?—Yes, in the smaller country towns it does.

6954*b*. Are these places you refer to in Gardner, open places for the sale of drink, or are they secret places? Are they open like bar-rooms, or are they fitted up doors?—Not as a general rule. Most of them are fitted with a door with a snap catch that can be easily closed.

6955*b*. If strangers were passing along the street in that city, should they see the places and go in?—I do not think you would have any trouble in getting liquor.

6956*b*. Would you see them open, the same as they are in Boston?—No. The bar-rooms are generally in the rear of the building, and are secret to a certain extent.

6957*b*. What class of men are for the most part engaged in this business?—Are they your reputable citizens or disreputable citizens?—A good many of them are reputable citizens and men of property.

6958. And men of character?—They are considered men of character, outside of their liquor business. Some of them are not bad.

6959*b*. And they carry on their business with more or less secrecy?—Yes.

6960*b*. Is there no attempt made to enforce the law in this city. I mean within your jurisdiction?—There was a society formed here four years ago, and they made an effort to do something. They appointed an agent, but unfortunately that agent was accidentally drowned a short time ago, and since then there has been nothing done that I know of. The society was incorporated under the name of the Citizens' League.

6961*b*. And the members are supposed to be active in promoting the enforcement of the law?—Yes.

6962*b*. When you say that you think a license system would be preferable, do you mean that it would be preferable in the country at large or in only certain populous places?—In cities.

6963*b*. Have you ever lived in a city where there was a license law?—I never have.

6964*b*. You are not able to compare the state of affairs here with the condition of things under a license law?—I am not.

6965*b*. You do not know whether the restrictions that are attached to a license law would be observed any better than the prohibitory law?—I presume there would be the same difficulty in enforcing a strict license law.

6966*b*. In 1884 I think there was a vote on the constitutional amendment and the majority in favour of it was quite large. Do you remember if the majority in favour of it in the county of Kennebec was large?—I do not remember, but I think it was.

6967*b*. Do you look upon that as an expression of public opinion?—To a certain extent, yes.

6968*b*. Do you believe, from that expression of opinion, that the people at large are quite favourable to the prohibitory law?—They are favourable to the prohibitory law, but the enforcement of it seems to be a different thing.

6969*b*. Is it a fact that the political strifes of the two parties enter somewhat into the enforcement of the law and make it difficult?—To a certain extent, yes. Both parties have been trying to get the prohibition vote.

6970*b*. And I suppose both parties have been trying to get the liquor vote?—Perhaps so to a certain extent.

6971*b*. The Democratic party has not been supposed to be for the prohibitory law, or after the prohibitory vote, as they declare the present prohibitory law a failure.—That is so.

6972*b*. And the Republican party declare it a success?—Yes.

E. NORTON.

## Liquor Traffic—Maine.

6973*b*. And I suppose when it comes to a matter of administering the law the parties are so evenly divided that they think they would like to have the liquor vote, which is a solid one?—Yes; that is an interesting fact. There are not apt to be a great many seizures and enforcement of the law, before an election.

*By Mr. Clarke :*

6974*b*. Would it be safe to infer that immediately before an election there is a more flagrant and open violation of the prohibition law than at times like the present, when there is no election in sight?—Well, they become a little more easy before an election. I do not know from observation, on the street, whether you can see any great increase in the amount of drunkenness one time more than another.

6975*b*. Did you say that you believed that drunkenness has decreased here?—Yes; I think so.

6976*b*. You do not attribute the decrease in drunkenness to the existence of the prohibitory law?—I never stated that.

6977*b*. Are the increased number in your prisons during the winter season, generally composed of tramps?—Yes.

*By Rev. Dr. McLeod :*

6978*b*. I suppose you generally have some rumsellers in jail?—Almost always; I think there are three among the twenty-three we have now.

6979*b*. I think you said that the law is fairly successful in the rural districts, and that there is very little sale of liquor?—That seems to be the case.

6980*b*. Is the sale in the cities largely confined to the residents of the cities? Do people come from the country districts and get their liquor in the cities?—I think they do. I know that at times when the prohibitory law has been enforced in the city for a short time, it has driven the liquor business in the country districts into the hands of pocket pedlars. People come in and get liquor and go out to the country and sell it.

*By Mr. Clarke :*

6981*b*. Do you find that when there is rigid enforcement of the law, the quantity of liquor coming in by express packages, increases?—Yes; a great deal.

6982*b*. Would you conclude from that fact that, if people cannot get liquor from the drug shops and liquor stores on account of the rigid enforcement of the law, they send outside of the city for it?—Yes.

6983*b*. So that the supply of liquor has not decreased?—I do not think there is any less liquor drinking during a less rigid enforcement of the law.

6984*b*. The officers may be enforcing the law, but if the liquor is not sold in the liquor places it comes in another way?—That is it, it comes in another way.

6985*b*. As a citizen of the city, born here, are you satisfied with this law?—No; I think a license law would be better.

6986*b*. You spoke about an organization called the "Peoples' Enforcement League." What was the necessity for that, when there was yourself as sheriff and your deputies and the city marshal and his deputies, to enforce the law, and when you had public opinion in favour of it, according to the vote on the constitutional amendment?—I cannot say, of course, what their object was, but they seemed to think that there was not so much being done as there ought to have been, and they tried time and again at the polls to make a change. They appointed an agent who would sign search warrants and push the enforcement. That seems to be the great object. The officers here are willing to serve warrants, but they are slow to make the complaints themselves. If they make a complaint, it creates a feeling against them and makes them unpopular right off.

6987*b*. You were marshal of the city of Gardner for several years?—Yes.

6988*b*. During these years was the sale of liquor going on all the time in Gardner?—It was about the same as it is now. Once or twice we made an effort to enforce the law, but there was so much opposition against the enforcement that we became discouraged.

6989*b*. Did that opposition come from the reputable citizens of Gardner?—Yes.

6990*b*. They did not want the law enforced?—No, they did not want the law enforced.

6991*b*. I suppose the difficulties are increased, in the enforcement of the law by the practice which permits of holding these cases over in court?—Yes.

6992*b*. The people go on selling while their cases are before the court?—Oh, yes: very seldom a man shuts up his shop even to attend the court. He comes to court in the forenoon and his clerk comes in the afternoon.

6993*b*. Has any person a right to lay information against a liquor seller before the municipal judge?—Yes, any man who wants to, or any one who is competent to lay information, even a child not twenty-one years of age, can lay information.

6994*b*. Has it been your experience as a public officer that in these liquor cases there has been a great deal of perjury?—Yes, a great deal indeed, especially in getting evidence before the grand jury.

6995*b*. Does a similar condition of things exist, with regard to the prohibitory law in other cities and centres of population in the State of Maine, as exists here and in Portland?—Yes, I have reason to think.

6996*b*. You would conclude that the law is fairly well enforced in the country districts, but that in the cities and centres of population it is not so well enforced?—Yes, that is my conclusion.

*By Mr. Gigault :*

6997*b*. You speak of small country towns where you say the law is well enforced. What is the population of these towns?—They range from 500 to 2,000 or 3,000 as the case may be. A town here includes a large district.

6998*b*. Have many persons entered the Gold Cure Institution?—It is stated that a great many have done so, and I have no doubt of it. There have been quite a number released from our jail with the understanding that they should take the Morrill cure. Judge Andrews has done that, and some of them stuck to the cure.

*By Mr. Clarke :*

6999*b*. Does the city or municipality pay the expenses of those who take the cure under such circumstances?—No, the individual pays them.

*By Rev. Dr. McLeod :*

7000*b*. How many deputy sheriffs have you?—22.

7001*b*. Are any of the deputies what are called liquor deputies?—In this county we have no special deputies for the liquor law, as they have in Portland and I think in Lewiston.

7002*b*. Why is that?—Well, in Portland and Lewiston, where the sheriff is satisfied that the law is not being enforced as the people want it, he sometimes appoints officers to give their whole time to the liquor business; but I have not received any such demand from the people here.

7003*b*. Was the enforcement or non-enforcement of the law an issue during your election to the office of sheriff?—I think not, I never heard it mentioned.

7004*b*. It was simply a party fight?—That was it. Where the prohibitory law is enforced in this county, it amounts to about the same thing as license; the sellers are fined and they pay the fines.

7005*b*. Are the liquor sellers fined every month or every year?—We have a criminal court three times a year, and they are about all of them indicted and pay fines for the term. Very few of them go to prison; some, who cannot pay the fine, go to jail.

*By Mr. Gigault :*

7006*b*. To whom do the fines go?—They go toward the expenses of the county.

7007*b*. The fines imposed on the liquor sellers do not go to the city of Augusta?—No, they go to the county. I think the county treasurer's report shows that the city of Gardner paid a little over \$3,000 in liquor fines.

7008*b*. That would be \$300 each per year for the ten liquor sellers?—Yes, that is it.

E. NORTON.

## Liquor Traffic—Maine.

HENRY F. MORSE, ex-City Marshal of Augusta, examined.

*By Mr. Clarke:*

7009b. You are a resident of this city and were born here, Mr. Morse?—I am 61 years old, and I have always lived here. During that time I have occupied the position of city marshal for eight years in succession.

7010b. Is it the duty of the city marshal to enforce the prohibitory law?—It is the duty of the police, although there are a great many people who think that when a marshal is elected he takes an oath that he will enforce the prohibitory law, but that is not so. Of course we have to take an oath that we will enforce the law of the State and protect the citizens in general.

7011b. Is it the duty of the marshal and police force to enforce the law of the State?—It is one of their duties.

7012b. How has the prohibitory law been enforced in Augusta during your experience?—In 1885 I was elected city marshal for four years. I worked very hard in trying to enforce the prohibitory law in the city of Augusta. I mean to be frank about this, and if our courts do not like it, I cannot help it. I met with a great many obstructions in this way. I would make searches and seize liquors and have the parties brought to court, and they would appeal their case to a higher court. They would be indicted, and some of them would stand trial and some would not. They would make a compromise with the judge and pay their fine. There have been lots of cases that have been settled in that way without going to trial and without the grand jury trying them. If they paid their fine, they would go right back and go on with their liquor selling. I have made the remark to the judge that if the court would only impose the penalties on all the parties and imprison them, the prohibitory law would be a success. If you continue the system of fining them it is nothing more or less than a license law, and I cannot see it in any other light. You take their money to replenish the county treasury, and I do not think it is anything different from a license law. I met a good many objections in enforcing the law in that way. Then I began to drop the enforcement and I did not do so much; I became discouraged. The people did not seem to come and back me up, and I began to make up my mind that people in the business portion of the city did not care to have this law enforced. Of course, as an officer, I looked to the general welfare of the city as nearly as I possibly could in my judgment. I have always been very diligent in looking after those parties who were selling liquor, keeping a sharp look out for them all the time, and at one time I kept them down so much that it could hardly be known where people could get anything to drink. Some years ago the temperance folks made quite a disturbance here. They came to me, and asked me if I could take hold of the enforcement of the law, and I told them that anything they wanted done would be done to the best of my ability. They had a large gathering in one of our halls and this matter was all talked over, and I made up my mind that I would see what could be done with regard to the enforcement of the law again. I started in and made just one search and seizure, on the next day after the meeting was held. The report went all over the city, and the places that sold liquor shut down so that when I visited the hotels and other places I could not find a drop. That went along for two or three months and it was almost impossible to buy a glass of liquor in the city, but the private packages began to increase, and from the 25th day of June to the 5th day of August I had taken from the express companies here 750 different private packages of liquor. I should say that before this some five hundred ladies in the city presented me with a petition asking me to enforce the law. I took particular pains to keep an account of all these packages that I seized. I seized most of all that came, and they varied from two to five gallons. I made a record of the names on these packages, and found that there were 75 of these who had signed that petition to have the law enforced had also their signatures or names on the private packages of liquor that came in. I thought if that was the way they were going to carry on the business, there was not much use my enforcing the law. So I have been managing the thing since just as well as I possibly could. For the last two years everything has been very quiet in the

city of Augusta ; we have had very little drunkenness, because we are very vigilant in looking after these places and if a man is found to sell a good deal of liquor or too much of it, we give him a search and try to find some if we can. Now, my opinion in regard to the prohibitory law is this : If we could have the same law all over the United States it would be a grand thing, and it would be a success. Of course the prohibitory law has done a great deal of good in the State of Maine, I admit, but I cannot say it has been a success all through. It has not been a success in the larger cities. I should have said that at the mass meeting there was a petition drawn up for me to enforce the law, and that the 75 names I found on the liquor packages were 75 names of those who had signed the petition.

7013*b*. Have you any reason to believe that these names were put on these packages and that the packages were consigned to them without the consent or knowledge of these people ? We have it in evidence that sometimes liquor is brought in under fictitious names ?—I do not think that in these cases there was anything of that sort done ; I am almost sure that there was not. There has been any amount of liquor that I have seized consigned to other parties who know nothing about it, but that was not so in this case. The liquor came in in dry goods boxes and to all appearances they were dry goods, but inside there were five and eight gallon kegs. In this particular month I speak of, I do not believe that there were any packages examined, without there being a genuine name on each package.

*By Rev. Dr. McLeod :*

7014*b*. You found a difficulty in the way of the enforcement of the law because the adjacent States had not a similar law and parties could get in liquor ?—Yes. There was one time in particular that our freight got in at 12:30 o' clock, and I seized something like 100 gallons of liquor. Some of it was consigned to a fictitious name, but I learned inside of a month that the same parties who ordered that liquor had any quantity of it in by the freight the very next day. They could telegraph to Boston for another lot to come so they could keep a supply all the time.

7015*b*. During the last two years you were in office did you do the best you could to keep things quiet and stop any flagrant violation of the law ?—Yes.

7016*b*. Was there much drunkenness then ?—No ; I think the drunkenness was less.

7017*b*. That was when you were not rigidly enforcing the law and when you kept things quiet ?—Yes.

*By Mr. Clarke :*

7018*b*. Does the anomaly present itself to you, that the rigid enforcement of the law in the city increases drunkenness ?—That has been my experience.

7019*b*. Is there a similar condition of things existing in other cities and towns in the State, as exists in Augusta and Portland ?—I cannot say as to that.

7020*b*. What about the city of Gardner ?—They say that they run quite open there. I know that at the time I speak of, when I made an effort to enforce the law, we had quite a good deal of drunkenness coming from Gardner.

7021*b*. The people of Augusta would go over to Gardner to get liquor ?—Yes.

7022*b*. What about the number of liquor places that were alleged to be selling liquor in Augusta ?—Outside of the hotels and drug stores I do not know that there were more then than at the time I went out of office.

7023*b*. How many hotels are there in the city ?—There are seven of them ; there are also four low class ; and I think about twelve hotels altogether.

7024*b*. Do all the apothecaries' shops sell liquor ?—I presume they do, but as to that I cannot say.

7025*b*. Are you a total abstainer yourself ?—Yes.

7026*b*. Are you in favour of the prohibitory law ?—Yes.

7027*b*. And you voted for the constitutional amendment ?—Yes. I have always voted for the law.

HENRY F. MORSE.

## Liquor Traffic—Maine.

7028*b*. Did that vote on the constitutional amendment reflect the public opinion of the cities of the State?—I think it did.

7029*b*. Did the majority of the people really desire to see the law enforced?—I presume they did, from the way they voted in regard to it.

7030*b*. How do you account for their desire that the law should not be enforced?—I only obtain that information from talking with the people. The people in the city state that if the prohibitory law was enforced it would damage their business, that if they were selling liquor in other cities business would go down here. I have had church members make that remark to me. When I was enforcing the law, a church member said to me, "You are driving business out of the city, and, if that goes on, I will have to close up my business." I laughed at the idea of it. I said, "Is it your idea that in the city of Augusta you cannot do business unless you have rum"? He said, "Well, it looks like that to me."

7031*b*. Do you think that drunkenness has increased in the city?—Drunkenness has been decreasing in our city for the last two years a good deal.

7032*b*. To what do you attribute the decrease?—To a relaxation of the efforts to enforce the law. I think that has something to do with it.

*By Mr. Gigault :*

7033*b*. In what way did you seize 700 packages of liquor?—I seized them when brought in here.

7034*b*. How has the liquor agency worked in this city?—We never had a liquor agency until about six weeks ago, but I understand from our city marshal that it is rather a bad shop. He is satisfied that all classes can get liquor there.

7035*b*. Had the establishment of a liquor agency the effect of closing up some of the rum selling places?—No, I do not think it had.

7036*b*. When the Legislature is sitting in the city of Augusta, is liquor sold as freely here as other times?—Yes. We generally have more liquor here then, because there are more people; the floating population comes in here during the sitting of the Legislature and we see more liquor. Rum seems to be freer here when the Legislature is sitting than at any other time.

7037*b*. From common report is liquor sold at the hotels?—Yes, I think so, I have heard so, but I myself do not know of it.

NATHANIEL S. PURNIGTON, Executive Clerk of the Governor in Council, examined.

*By the Chairman :*

7038*b*. Are you in charge of the Department of State Pensions, Mr. Purington?—I have been for the past four years in charge of the State Pension Department.

7039*b*. Do your duties take you through the different sections of the State?—Yes, more or less, at different periods of the year.

7040*b*. Your head office is at Augusta?—Yes.

7041*b*. How long have you held office?—I have been connected four years with the State Pension office, and I have been with the Governor in Council since January.

7042*b*. Do you pay pensions throughout the State?—I issue the certificates, and direct the treasurers of the several cities and towns where the pensioners are living, to pay the pensions, and we reimburse from the State treasury.

7043*b*. Your pensioners are men who served in the army?—Yes, and their dependent widows and orphans.

7044*b*. How many have you on your pay roll altogether?—I have less this year than last. We had about 1,300 in 1892.



7045*b*. Have you held any other office?—I have. In my own home in Sagadahoc County I was connected with our municipal board for eleven years, and chairman of it one year; I was connected with our school board for twenty years, and our county board for six years. I have lived all my life in the rear part of the State. My home is in the country; I was born there, and I always lived there, and my office at the present time is in the State house. We have twenty cities in our State, large and small; the largest is Portland, and we have several small ones running down to 4,000 or 5,000 population. These twenty cities comprise about 195,000 of our 660,000 population. That gives us about seventy per cent of rural population in the rural sections of our State. We have some thirty or forty plantations.

7046*b*. Did you include the towns in the, 95,000?—No, just the cities. My observation is that outside of the cities, our prohibitory law is very well enforced. There are some eastern sections of the State where the sentiment is not up to it; but if you take it through the central and western part of the State, you will find that prohibition prohibits. But just as soon as you strike a manufacturing village or city, then there is trouble. I remember when every grocery store used to sell cider and beer; now they do not, and not since I remember have they sold hard liquor. In the country districts now they do not sell cider, and if you send your children to a store to get groceries, they are not liable to be in any way tempted or troubled with liquor. Perhaps when you get to Bangor, you may find it a little different; but in the central and western part of the State, the sale of liquor is restricted and the prohibition law does prohibit. I am not a crank on the question, but I am a temperance man, and I believe in prohibition, and I believe in its enforcement too. I was a member of our Legislature at the time that the constitutional amendment was passed in the Legislature, and I favoured it. I thought that by putting it in the constitution, it would take the prohibition question out of politics; but there is just where the trouble comes in.

7046½*b*. What was the vote on the constitutional amendment in the House of Representatives?—My recollection is that there were one-fourth of the members who voted against it. Our house numbers 150 members, and I do not think there were more than 35 against submitting the question to the people. Prohibition is the football of politics in some places, particularly in the cities.

7047*b*. What is the smaller number of population in any of these towns in the State?—There are hardly any towns with a less population than 300 or 350, but there are plantations where there are less than that.

7048*b*. And what is the highest population?—The largest town we have in the State now is Brunswick, and the census gave that a little less than 6,000; that is larger than some of our cities.

*By Mr. Clarke :*

7049*b*. Is the feeling in the rural districts strongly in favour of prohibition?—My observation is that it is.

7050*b*. Did you hope that the insertion in the constitution of prohibition would have removed the discussion of the question outside of party lines?—I did.

7051*b*. And what is your experience as to whether it did or not?—Well, I hardly can say. It has perhaps done so in a measure.

7052*b*. If the feeling in the country districts is so largely in favour of prohibition, and the population of the country districts being two-thirds or thereabouts of the whole population of the State, why is it that the laws are not passed by the Legislature in order to make the enforcement of prohibition satisfactory?—I suppose you have been around legislative bodies enough to know that the sharp and bright men who control legislation are from the cities, and from the large towns, and that they control the whole business. They practically dominate the Legislature. We rarely have, to-day, a trained leader from the rural sections of the country, who can lead the prohibition hosts that are in the Legislature. The members from the rural districts have no experience, and under our system, a member from a rural district rarely gets to the Legis-

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lature a second time. Whereas in the city, when they get a good man, they will hold right on to him.

7053*b*. Then the opposition to the necessary amendments to the prohibition law, which the prohibitionists seek, comes largely from the city representatives?—Almost entirely.

*By the Chairman :*

7054*b*. Do you think that the prohibitory law is enforced in towns with as large a population as 6,000?—Do you think it is enforced in as large a town as Brunswick?—Well, in Brunswick there is a manufacturing village adjoining, and there are a good many French foreigners. They come with their habits of drinking, which are entirely different from the habits of our people.

7055*b*. What population would there be in one of those towns where you say the law is well enforced?—It is not rigidly enforced, I say in any of the larger towns; but when you get outside of the village, there are no rum shops in the rural sections.

7056*b*. In how many of these towns, out of the 550 which there are in the State, would you consider the enforcement efficient?—It would be very hard to give that. Where there are lumbermen and working people coming they will bring liquor with them. Perhaps there are 20 or 25 places amongst these towns, where the law is not enforced. Where there is a manufacturing village, the law may be loosely enforced, but when you get outside the village it is all right.

7057*b*. What distinction do you make between a village and a town?—For instance, the town of Brunswick covers about 35 square miles, and the village is placed on the river bank, and is not over a mile square. Skowhegan is about the same thing.

7058*b*. What is the population of Skowhegan?—Perhaps about 2,500. The village of Skowhegan would contain about half the population of the town.

7059*b*. And some of these towns may be added to the number where the enforcement of the law is doubtful?—The enforcement is more difficult in these villages.

7060*b*. You have travelled all over the State, and you tell us that the law is well enforced?—Yes.

7061*b*. Now, in a village of about 300 population or so, is liquor to be had?—You cannot buy it. You may be able to get some one acquainted with the holes around that would get it, but you cannot go to a store or a hotel and buy it.

7062*b*. Do you think that there are "holes" as you call them, in these villages?—Yes.

7063*b*. Do you think that the effect of allowing persons to import liquors for their own use leads to laxity in the enforcement of the law?—In my own county we have ten towns and one city, and I think there is but one town in which we have any laxity.

7064*b*. But every citizen can import liquor for his own personal use?—Yes.

7065*b*. Does that create a difficulty in the enforcement of the law?—Well, I do not know that it does particularly. You cannot prohibit a man from importing for his own use.

7066*b*. Do you think that the stoppage of the sale of liquor in different places leads to a larger use of liquor in the homes?—I do not; I think it has lessened the use of liquor very much in our State.

7067*b*. You do not think that the effect of prohibiting the sale of liquor has led to larger importations for private use in the homes?—Under the prohibition of the sale of liquor there is more brought in in small quantities for private use than there used to be; but I think on the whole, prohibition has stopped the use of liquor very much. There are only a few in the rural districts who send for liquor.

7068*b*. Is there a larger consumption of liquor in the families than there would be if you had open sale?—I do not think there is. I think when we had open sale, that there was double and treble the liquor used that there is now.

7069*b*. But is the effect of the present law to lead to a larger consumption of liquor in the families?—They have to get it differently from what they would if the sale was open. There are certain ones that order it, and keep it at their homes who did not use

to do so, and I suppose there is a larger number of people order it in small quantities ; but the number is very small in our section of the State.

7070*b*. Then your opinion derived from your general observation, and having lived in a rural part of the State, is that in the rural districts the law is fairly well observed ?—Yes.

7071*b*. Now, what is your observation about the enforcement of the law in the towns and cities ?—In Auburn the law is well enforced. They are temperance men who control that city, and the rumsellers will not take chances of going to jail, and so they go right across the river to Lewiston. In Lewiston the law is not very well enforced at the present time. In Auburn they have a population of 12,000, and in Lewiston the population is 22,000. In one city the law is well enforced, and in the other it is not.

7072*b*. What is your observation as to the enforcement of the law in this city of Augusta ?—My observation is that the prohibitory law is not very well enforced here. I do not go around very much among them, but I have heard it stated that there were places, and several of them in town, where liquor could be obtained ; but there are no public sales of liquor.

7073*b*. You have a liquor agency in this city ?—Yes ; it was established recently, and we did not have one before.

7074*b*. Is there a liquor agency in Lewiston ?—Yes.

7075*b*. Is there a liquor agency in Auburn ?—I am not quite sure.

7076*b*. What is your observation as to how the law is enforced in Bangor ?—In Bangor it is free rum. In Portland for the last few years it is quite well enforced, and the public sale of liquor is pretty well suppressed. Of course you can get liquor in Portland, but the public sale of liquor is practically abolished. I think that for the last two or three years the law has been well enforced in Portland.

7077*b*. Would you say that the prohibitory law has been a success in the larger towns and cities—and when I use the word “towns” I mean centres of population ?—I consider the Maine law a success as a whole.

7078*b*. But I am asking you as to the enforcement of the law in the cities and larger towns ?—In the eastern part of the State I should say that the prohibitory law was not a success ; but if you take it through the central and western part of the State, I think on the whole it has been a success. That word “success” is a word that you can change around considerably. I think you will find that, even in the cities, you cannot get a vote to repeal the prohibitory law.

7079*b*. Have you made any examination at all, at any time, of the statistics of offenders in your jails and your State prison ?—When I was on the board of commissioners of the county of Sagadahoc, all the prosecutions came before us.

7080*b*. How do you think the statistics of lunacy, pauperism and crime stand now, as compared with 15 years ago ?—Well, in our county the law is well enforced ; Bath is our shire town and we have 9,000 inhabitants. It is a seaport town, and the administration of the law there varies according to the administration.

7081*b*. Have you made any comparison of the general statistics of the State as regards lunacy, pauperism and crime, and other States ?—No.

7082*b*. Have you made any comparison between the State of Maine now and what it was fifteen or twenty years ago ?—I know that in our county we have very few cases, and that when our Supreme Court meets sometimes we have not a single case.

7083*b*. You have not compared the number of persons assisted by the poor board in this State, with the number assisted in other States ?—No. We have no jail in our county.

7084. What is the population of your county ?—20,000.

*By Rev. Dr. McLeod :*

7085*b*. Do you understand that the vote on the constitutional amendment in 1884 fairly well expressed the sentiment of the people as to prohibition ?—I think it did. It was fairly discussed by the people, and they voted with their eyes open.

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7086*b*. And after having thirty years' experience of it?—Yes. I think that if prohibition were made an issue to-day, we would carry it as strong as ever, or stronger.

7087*b*. Is it a fact that generally votes on amendments to the constitution are small?—Yes, very small. Sometimes it is only one-third of the total vote polled. We had two constitutional amendments last election, and there was less than 25,000 voted on them out of 130,000. The vote on prohibition was the largest vote we ever had on a constitutional amendment in our State, and if it was before the people to-day there would be as large a vote, if not a larger, polled.

7088*b*. Should a candidate avow himself against prohibition, what would be his chances of election in the rural districts in this State?—There are but very few rural districts in which he could get elected.

7089*b*. Would he get elected in many cities?—I think he could in some of them, but neither party would declare itself avowedly on one side or the other. If he was a Republican candidate, he would get left badly.

7090*b*. That is because the Republican prohibitionists would drop him?—I believe they would sooner have a Democrat than a rum Republican. Our people do not believe in free rum, but they hardly ever draw the line in political parties that way.

*By Mr. Clarke :*

7091*b*. Would a person who was pronounced in his opposition to the law, or in favour of the law, be taken up by either party?—No.

7092*b*. And the probability of making that declaration on the hustings would be very remote?—Yes.

7093*b*. Would a person pronounced in his opposition be likely to receive the nomination of either party?—They do in some sections, in the Democratic party. They put license in their platform sometimes.

7094*b*. You have lived in Maine all your life?—Yes.

7095*b*. You have had no opportunity of comparing the condition of communities under high license with the condition existing in Maine under prohibition?—No.

7096*b*. Is drunkenness increasing or decreasing?—I do not think it is increasing.

7097*b*. How is it in the city of Augusta, as to that?—I have been here for four or five years, and I can see no particular difference.

7098*b*. We have had evidence here this afternoon which would seem to demonstrate that during these five years the law was well enforced for some parts of the term, and that it was not well enforced during other periods, and you saw no practical difference in drunkenness whether the law was well enforced, or the reverse?—Well, when it is well enforced, there is less drunkenness. That is the rule.

7099*b*. The city of Auburn is just across the river from Lewiston?—Yes.

7100*b*. You say that the law is well enforced in Auburn, and that the people do not believe in rum?—Yes.

7101*b*. Is that the reason the law is well enforced?—I think it is.

7102*b*. Do the officers in Auburn reflect public sentiment?—I think they do.

7103*b*. Is it fair to conclude that the officers elected in Lewiston are reflecting public opinion by not enforcing the law?—I do not think so. In Lewiston both parties are evenly balanced, and both will cater to the rum vote. In Auburn it is all the one way. In Lewiston there is quite a foreign element and in Auburn it is not; but the foreign element favour the sale of liquor.

7104*b*. What is the foreign element in Lewiston?—At first it used to be Irish largely, but the French Canadians have come in for the last few years.

7105*b*. Is it not a fact that, because the political parties are evenly balanced in certain sections, the enforcement of the law is less rigorous?—Yes.

7106*b*. That would demonstrate that the enforcement of the law is largely a political question?—It is.

7107*b*. And the adoption of the constitutional amendment did not take it out of politics?—Not as we hoped it might.

7108*b*. You said that in your county there was no county jail?—There is no county jail.

7109*b*. But you have some prisoners?—Yes; but we send them to Kennebec or Androscoggin. We have few prisoners, and it does not pay to build a jail.

7110*b*. Was the establishment of a liquor agency in the city of Augusta a retrograde movement?—I do not know what it is here, but it would be in our town.

7111*b*. Where did the people obtain liquor for medicinal purposes in Augusta before the liquor agency was established?—I think they would send to Boston, but I do not think they had to send so far as that.

*By the Chairman :*

7112*b*. Is there any special reason that occurs to you why the law is not enforced in so many places?—Public sentiment is not up to it.

7113*b*. Was there a large majority in favour of the constitutional amendment here?—Yes.

7114*b*. Would that indicate that the people desired to see the law enforced in Augusta?—I think it did. I think the people want it enforced. A few politicians are against it.

A. S. BANGS, of Augusta, lumber merchant, examined.

*By the Chairman :*

7115*b*. Have you resided long in this city, Mr. Bangs?—I came to Augusta in 1857, and I have resided here continuously since, excepting during the war, and twelve years I was in Bath. I call this my home; I am a native of the State.

7116*b*. I think you are connected with the Good Templars?—I have just passed out of the chair at the head of the order in the States. I was Grand Chief Templar of the Good Templars for the State of Maine for a year and a half.

7117*b*. And you have been a member of that body for how many years?—I have been a member of that body for seventeen years.

7118*b*. Is the membership numerous in the State?—Yes, we have a membership of 23,000 adults and 7,000 what we call juveniles. We have an honorary membership of about 60,000 men and women.

7119*b*. Is that a smaller or greater number than you had ten years ago?—The honorary membership is larger. The active membership is about the same, but it varies some years, sometimes a little smaller and sometimes a little larger, but that is about the average.

7120*b*. Are your members all pledged total abstainers?—They are.

7121*b*. Both active and honorary members?—We presume they keep their pledges.

7122*b*. How are your honorary members created?—They have passed through the order, but have failed to keep up their connection with it. Governor Burleigh has been a member for a long number of years and is now actively connected with other work and cannot keep up his connection with us; but if you approach him at any time he will tell you that he is a Good Templar.

7123*b*. You think that your active membership is not more than it was ten or fifteen years ago?—It is about the same, we keep just about there.

7124*b*. Would I be correct in concluding that your active members are all in favour of the prohibitory law. Every one of them. In fact they all subscribe to the prohibitory law when they go into the order.

7125*b*. What is the age of the youngest junior members?—Seven years.

7126*b*. You make that understood with them when they go into the order?—If they are competent to understand, we do. Sometimes a child of seven years of age is further advanced than another one at ten years. They are actually a distinct organization, and are more in the shape of a school, and after they come to the age of fourteen they are eligible to enter the other organization if they choose.

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7127b. And when they do enter it, they take a pledge?—Yes, they take a pledge. They take a pledge in the first place not to use tobacco, profane language or liquor. If you wish I will give you my impression of this prohibitory law. I have been in active business since 1865, employing men. I have visited all parts of the State in the line of my business, coming into contact in a business-way with all parties in all parts of the State. I also come into contact with people in Massachusetts, Connecticut, New York and Rhode Island once a month at least. I have had an opportunity of seeing the working of the prohibitory law in all parts of the State and to compare it with the license system. During six months I stayed continuously in Connecticut, under high license. I find there is a difference in the temperance sentiment in the State of Maine in the last 25 years, so decided that it is perceptible to any casual observer who will compare the two periods. Not only that, but in the customs of the people as compared with 25 years ago, in the customs of all our gatherings as we come together, and in the customs of families at their own tables, there is a difference in the temperance sentiment so decided that no one questions it in the State of Maine. The prohibitory law has been on our statutes for more than that time. No man who will take the results as they are, will deny that the prohibitory law is responsible in a great measure for this difference in public sentiment. There is no other cause that would be so strong. Of course the temperance societies have been at work all this time. The Washingtonian movement, an earlier movement, has died out, and we have the reformation clubs which take the place of the Washingtonian movement. We have various temperance organizations, such as the Sons of Temperance, the Good Templars and the Women's Christian Temperance Union. Out of this temperance sentiment has grown this prohibitory law in the State of Maine. Whether it was the wisest law that could be enacted, or whether the subsequent amendments have been the wisest, is of course a question which various people differ upon. That the prohibitory law is a benefit to the State of Maine in every possible way you can speak of, both in regard to its business and from a moral standpoint, there is not any question. I say this because I have come into contact with the people all through the State, and this is especially the case as you have been told to-night in the rural districts, from which our best quality of citizens come. The rural population come in and make the best quality of our city population. That population comes in, respects the law and helps to protect it. As to the population that has been brought up in foreign communities, where there is no prohibitory law and where they have been educated in another way, they come largely to our cities and to our centres of population, where manufactories exist, and they are not generally supporters of the prohibitory law. It takes them quite a long time to get hold of the idea which we in Maine have been brought up to from our childhood. The foreign population are those which have been a menace to the prohibitory law. It is not the educated citizens of Maine generally who are opposed to it. Of course there are those who believe that a high license law would be preferable to a prohibitory law, and I know that they are honest in their opinions. I used to think so myself. I am free to state that before my connection with the temperance organization I believed in high license, and sought to strengthen myself in regard to it by visiting those places where high license prevailed. But you find the same difficulties in high licensed cities that you find here under the prohibitory law. High license does not stop people from selling liquor who have no license. In Massachusetts you can see where dozens of men have been pulled in because they violated the license law.

*By Rev. Dr. McLeod:*

7128b. In some places under high license they sell not only during certain hours, but all the time?—Yes.

7129b. And here you contend they are not allowed to sell at all, but that some do sell nevertheless?—Yes. Now these are facts which have come under my knowledge, and I do not hesitate to announce them. I believe that the prosperity and the freedom from poverty and the general intelligence of the people of the State of Maine is due to the fact that we have a law here prohibiting people from taking that which makes

brutes of them, and which in a great part of the State is carried out to such an extent that it has absolutely driven liquor selling out of what are called the rural districts. You cannot go to these small towns as we call them, and find any liquor sold. You will hardly find any cider sold, although it is a product of their own farms.

*By the Chairman :*

7130*b*. Do they make cider?—Yes, a good many make it for vinegar, and some make it to sell and some for their own use.

7131*b*. In what direction would you suggest that the Commission should look for proof of these beneficial results that you have referred to?—Well, in the first place, I would ask you to look at the thrift of the State of Maine as compared with 25 years ago. I suppose you will have to go to statistics for that. I would ask you to look at the lesser amount of crime that is committed now as compared with 25 years ago, according to the population. Crimes that are committed now are committed in the larger communities, and you will find very little crime committed among the rural population.

7132*b*. Is there any other direction in which we should look for the confirmation of your opinions as to the results of the prohibitive system?—I will name perhaps the moral standard. I will name the generally conceded fact that there is less liquor used upon the tables of our citizens than there was 25 years ago. In most of the houses of the State, where 25 years ago wine was then put upon the table as freely as water to-day, it is simply set upon the table for those who call for it, and those that do are very few and in some cases none. Some of the banquets I have attended have been distinctly temperance gatherings. There was no liquor of any description.

7133*b*. Have you made any comparison of pauperism and crime in this State with pauperism and crime in other States of the Union?—I never made it myself.

7134*b*. Have you seen any statistics of that kind to which you could refer us?—I do not think I could give any to you, now, that would be of value. I think, however, I have at my own office some statistics in regard to the thrift of the families in the State of Maine, and with regard to the lesser number of mortgages here than there are in other States.

7135*b*. Where can we get them?—I have given some attention to that question.

7136*b*. I have the statistics here from the last census returns of the United States. The average of pauperism in what is known as the North Atlantic Division of States in the year 1890, is about 1,790 per million. These States include Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. The ratio in Maine is 1,756, very nearly the average of these States. In Vermont it is 1,633 per million; in Rhode Island, 1,418; in New York, 1,713, and in Pennsylvania, 1,646. New Hampshire, Massachusetts, New Jersey and Connecticut are higher, New Jersey only slightly so, being 1,881. Then, the average of prisoners in the county jails for these States is 389, and Maine has an average of 457?—Now, if you will allow me to make a statement, perhaps it will throw a little light on the question of crime as you have it there. Of all the indictments in the county of Kennebec, and that is a good county to work from to make comparisons, and of all the convictions for crime, more than three-fifths of them are for liquor selling. Does that throw any light upon the question?

7137*b*. But this is a prohibition State?—Certainly, and we prosecute them for selling.

7138*b*. And, after an experience of forty years of the prohibitive law, you have yet a large number to prosecute and put in jail for breaking it?—So long as sin exists there will be sinners. It is a question of the effect of the law. They do not prosecute them for selling liquor, in many of the States you have mentioned. Here, we prosecute one class as criminals that another State allows to go scott free; and you can see at once from our showing of criminals that the crime of liquor selling comes within that class. I think you will find that other crimes, such as house-breaking and high crimes, are very few.

7139*b*. Can you say how many of those went to jail?—There were not so many as ought to have done. They paid their fines.

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*By Mr. Clarke :*

7140*b*. That is on the hypothesis that the other States do not prosecute for liquor selling or for illegal liquor selling. Do you know of any State in the Union where people are selling liquor illegally without being prosecuted?—I know that in some cases liquor is sold openly. They prosecute in some cases for violation of the license system, but not to the same extent that they do here. You will find in one term here 40 out of the 63 indictments for liquor selling.

*By the Chairman :*

7141*b*. In regard to convictions in penitentiaries the statistics are given in similar manner. I suppose the convicts are those in the States prisons. Maine stands at a very low average the lowest in fact with regard to this class of criminals. The average in the North Atlantic division of States is 832. Maine is 257, Vermont 274, New Hampshire 308, Rhode Island 353, New York and New Jersey are high and Pennsylvania comparatively low with 449. In Portland we have had the statement made to us from the statistics supplied from the Secretary of the overseers of the poor, that in 1881 the assisted paupers numbered 1,226, and in 1892 about 1,700. The increase in pauperism was 37 per cent, and the increase of population was only between seven and eight per cent. We gather from the fact that there were more assisted, that there was more poverty in 1892?—I do not know that I can explain that.

7142*b*. You spoke of the thrift of the people, and the savings banks have frequently been referred to. General Dow has very often referred to them in speaking in favour of prohibition. We cannot make any comparison of your population here with our population in Canada in that respect, because your savings banks here are not joint stock companies as ours are, but associations. According to the last returns which I have at hand, Maine has about 661,000 of a population and 147,000 depositors. The average of each depositor is \$342.80, New Hampshire has 376,000 of a population and 170,000 depositors and the average of each deposit is \$426.24. Vermont has 332,000 of a population and 81,000 depositors, and the average of each depositor is \$305.60?—In connection with that, I would call attention to the large amount of money that within the last fifteen years has been deposited in what we call the fraternal benefit societies of the State of Maine. I have attended a meeting of an organization to-day, which has 5,000 members in the State of Maine. It has been in existence 16 years, and they have paid in their assessments regularly, and are insured on an average of about \$1,500.00, and their assessments would amount to at least an average of \$15 a year. That is only one of the many in the State of Maine. There are at least in the State of Maine to-day \$30,000,000 in insurance carried in fraternal societies, and these men, who naturally would have deposited their money in these savings banks, have gone into these fraternal societies.

7143*b*. Shall I be correct in concluding that these are insurance companies, in effect?—Yes.

7144*b*. And I presume that these fraternal societies exist in other States?—Yes, but there is only one State that has so large a membership as the State of Maine.

*By Mr. Clarke :*

7145*b*. Are these companies under State supervision?—Yes; to a certain extent. Each company has to give security, and I hold the Treasurer's bonds for \$60,000.

7146*b*. Are these evidences of moral and social improvement, which you speak of, confined to the State of Maine, or are they to be found in the condition of the people of other States, as compared with 25 years ago?—No; they are not confined to this State.

7147*b*. Do you know Judge Goddard?—I was not personally acquainted with him.

7148*b*. In 1886 he published some statistics regarding the higher crimes in the State for which prisoners were incarcerated in the State prison or penitentiary, comparing 1851 with 1886, after the prohibitory law had had a trial of 35 years. He points out that in 1851 there were four murderers in jail; in 1886, 37; manslaughter one in 1851, five in 1886; arson, four in 1851, seven in 1886; robbery, none in 1851, two in 1886;



other high crimes, five in 1851 ; thirteen in 1886 ; or a total of 65 in 1886 as compared with 14 in 1851. He says that of the 37 murderers in 1886 only four were of alien birth and 25 natives of Maine, and of the 238 felons that 19 per cent were alien born, while nearly 75 per cent were natives of New England, and more than 65 per cent were born in Maine. Now, in the statement of Mr. Beall, the warden of the penitentiary, given in more recent years, he shows that one-third of the whole number of convicts in the State prison during seven years pronounced themselves as total abstainers and only one quarter claimed to use liquor immoderately. What have you to say with regard to these figures?—My opinion is that between 1861 and 1865 the United States passed through one of the most terrible wars that ever existed in the world, and coming out of that war were 1,200,000 soldiers of the centre States who came back to civilized life free, to some extent, from the restraints of the law by the adoption of customs which had come to them in that terrible struggle in which they had learned to value life and property a great deal less highly than they did when they went into it, and the crime which to-day is so prevalent all through the United States is due, more than anything else in my estimation to the fact which I have mentioned. War, wherever you find it, entails upon the second generation the fearful consequences of laxity of morals and disposition to break the ties which bind humanity together. I think that explanation will be borne out by the history of all nations.

7149*b*. Would that not apply to other States of the Union as well as to Maine?—  
Yes.

7150*b*. Does not this continuous violation of the prohibitory law, which goes on in the cities of your State, and in the large centres of population, create a lack of respect, not only for that law but for other laws as well?—Undoubtedly so.

7151*b*. What is the moral effect on the community of having this prohibitory law so frequently violated?—The effect upon the community is bad.

7152*b*. Has the abatement of the use of liquor for social purposes been confined to the people of this State, or has it not been general?—In Massachusetts, from my own experience, there has not been so strong a sentiment in regard to that in social gatherings, among people generally, as there is in the State of Maine.

7153*b*. But there is a great improvement, I suppose, in these other States?—Undoubtedly there is.

7154*b*. The ex-city marshal of Augusta spoke of the spontaneous efforts made to enforce the law and the discouragement he received as an official on account of the settlement of indictments against rumsellers by the prosecuting officer. If that is the case your county jails cannot be filled with violators of the prohibitory law as they ought to be filled?—I agree with you in that.

7155*b*. Then we have not got a correct estimation of the number of infractions of the liquor law from the returns of the county jails?—I think you are right.

7156*b*. With regard to the enforcement of the law in the cities of this State, what have you to say?—In the city of Augusta I am thoroughly satisfied that the prohibitory law has lessened the sale of intoxicating liquors, because it has confined it within narrower limits than it possibly could have been confined in any other way.

7157*b*. Do you mean to say that liquors would have been brought into private houses and families to the same extent under the license law as they are brought in under the prohibitory law?—I do not know about that, but I should say not. The people who drink liquor in their private homes generally drink it in a temperate manner, and the man who drinks to excess is the man who does not bring his liquor into his home.

7158*b*. But we are told by many people that the confirmed drunkard was the temperate user at one time, and that from the moderate drinker comes the army of drunkards and excessive drinkers?—I know that is so.

7159*b*. Is it advisable to have the liquor brought into the families?—I do not advise it.

7160*b*. It seems to be the natural result, in a good many instances, of the operation of the prohibitory law?—I take issue with you there.

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## Liquor Traffic—Maine.

7161*b*. The marshal gave us in testimony that, when he rigidly enforced the law, within six months after rigid enforcement he seized over 700 packages of liquor that were going to private families. He said more than that. He stated that there was a petition, praying for the enforcement of the law circulated at a mass meeting, and of that lot of 700 packages that 60 or 70 were consigned to persons who had signed the petition to call that meeting. I told him that I heard it was customary to order liquor under other person's names, and he was perfectly frank in saying that he believed that this liquor was intended for the persons to whom it was addressed and who had signed the petition to call that meeting to enforce the prohibitory law?—I can tell you that two packages of liquor have come to this city consigned to me, and they were not ordered by me. We had a murder owing to rum, and the marshal was asked to enforce the law, and for a short time he did enforce it. I am satisfied that if to-day the law were put before the people for ratification they would endorse it emphatically without regard to party. I only wish that the Democratic party would make liquor an issue in the election here, for I think they would have little chance of success.

*By Rev. Dr. McLeod :*

7162*b*. It was testified here to-day that when attempts were made to have the stringent enforcement of the prohibitory law in Augusta, drunkenness increased and they abandoned the attempts. Can you explain that?—Well, I will explain it the best I can. I will give you evidence in regard to that. When the law is stringently enforced if a man who wants a drink gets hold of any liquor, he fills up with it, and it is the kind of stuff that will make him drunk. When the law is not stringently enforced he can dodge in just as he feels disposed to drink, and he does not become drunk as he does under the other regime.

7163*b*. The statement was made here that the rigid enforcement of the law caused more or less excitement, and that an excited state of things brought about a condition of drinking. The question that arose in my mind was this, that possibly these attempts at rigid enforcement being spasmodic tended to this excitement, but that if there was a continuous enforcement the excitement would not exist?—Undoubtedly, and further than that, the rigid enforcement of the law always starts up an active opposition and a disposition, among those who drink, to defy it.

7164*b*. Is that in the hope of discouraging the officers in their attempts?—It is not particularly that.

7165*b*. You are a manufacturer, and you come into contact with the business men of Augusta and elsewhere. Is it your impression, from your knowledge of business there, that they regard this rum traffic as necessary to the success of business in this city?—No. I did hear one man say that, if we enforced the law, the streets of Augusta would be covered with grass; but he was the only man whom I heard say that. I say to you, as a manufacturer, and the Maine Central railway will make the same statement, that it is not necessary under any circumstances to employ men who drink. In fact, my own impression as a manufacturer is, that since I have adopted the rule that I will not employ a man who drinks to excess or drinks liquor as a beverage, I have had less trouble with my men, and I get better production from my men and machinery.

7166*b*. And your men are more thrifty?—That goes without saying.

7167*b*. Does the rigid enforcement of the law lessen the general business of the merchants of the city?—No; a man who never expends his money for liquor has that money to spend among the merchants who will furnish him with necessaries.

7168*b*. Is it a fact that when the law is rigidly enforced, and when there is very little sale of liquor, people outside of town will not come in here and purchase goods because they cannot get grog, so they go elsewhere?—We had one case of that that I know of, of a man who said he would not come into town because he could not get some liquor, but that he would go to Gardner, near here, to buy his goods. He is the only man I ever heard of in this community.

7169*b*. From your knowledge of the people of this community generally, do you think that they would be influenced by a consideration of that sort?—I believe that they would be influenced in the opposite direction, and that women, and the people generally,

coming into town, would prefer to come into a sober community instead of having to run the gauntlet of loafers ready to insult them around the corners. The rural population with few exceptions are temperate.

*By the Chairman :*

7170b. Do you know of any city to which the statement you have made applies? Do you know of any place under the prohibitory system where drunkards stand around the corners and insult women?—No, not if the law is well enforced.

7171b. Well, as the law is enforced?—As it is, I must say that once in a while you meet a drunken man. I think our records will bear me out that in the city of Augusta for the last four or five years we have had very little drunkenness, and I think that is due in a great measure to the careful manner in which the officers have handled the liquor traffic. I do not believe that spasmodic efforts to enforce the law are healthy. I would rather see a careful enforcement of the law than have any radical slipshod work about it.

7172b. That is, enforcement with discretion?—Yes.

7173b. You do not believe in spurts?—No. I would rather see the law enforced in a lax manner than have it rigidly enforced this week, and then to have the spurt lessened the next week. I believe in a good, healthy enforcement of the law, and if it will not stand that, the people can go back to license. I believe the prohibitory law is a step in advance of license, and my experience bears me out in that opinion.

ROBERT J. MARTIN, M.D., City Physician, Chairman of the Board of Aldermen, examined.

*By the Chairman :*

7173½b. You are a resident physician of this city, Dr. Martin?—Yes.

7174b. You are the city physician?—Yes.

7175b. You are chairman of the board of aldermen?—Yes.

7176b. Can you tell us anything about the sale of liquor by the chemists and druggists in this city?—Well, of course, all people here in Maine naturally have a feeling of respect for their fellow-citizens, and undoubtedly you will get the best side of what there is in Maine from the testimony you hear. I can only speak from my limited experience, but in the city of Augusta undoubtedly every druggist sells liquor, some by the glass, but every one of them, I think, sells liquor without a prescription.

7177b. Are you a native of this city?—No, I have lived here for twenty years, and I am not much older than that. I was born in another part of the State.

7178b. From your observation, is there much illicit sale of liquor elsewhere than from the chemists' and druggists' shops of the city?—Yes, that has been my observation since I was old enough to observe anything.

7179b. Do you think the use of liquors in the homes is as prevalent as it is used to be formerly?—Amongst the men I think it is quite so, that is, I think that probably one-half of the people would take a drink once in a while, occasionally in their homes.

7180b. Do they keep liquor in their homes?—Yes, quite a good many. I think, however, that the prohibitory law has affected them somewhat, so that they do not keep it as much as they would. That is, the sentiment of the people here in Maine is such, that a great many people do not keep liquor in their homes.

7181b. But it is not an offence for a man to have liquor in his home for his private use?—No.

7182b. Do you think that drunkenness has increased in this city during the last ten years?—I had occasion to look up the statistics in regard to this matter of drunkenness, and I think it did increase three or four years ago.

A. S. BANGS.

## Liquor Traffic—Maine.

7183*b*. Did you judge from the arrests given in the police statistics:—I did. However, that does not show the entire number, because a great many people are arrested for drunkenness and are not put before the court and they do not appear in the marshal's report under any administration.

7184*b*. Do you think that the sentiment in this city of Augusta is largely in favour of the prohibitory law?—No, I would state here in regard to what Mr. Bangs said, and I wish he was present to hear it, something in reference to the feeling. I am chairman of the Democratic City Committee, and of course we have a very careful canvass of the voters, and I am ready to state this, in fact we know it is a fact, that if this law was put to the people, nine out of ten on the average of the liquor dealers in the city of Augusta, would vote for the prohibitory law.

7185*b*. How do you account for that?—Well, the only way I can account for it is this, that under the present law the sale of liquor is virtually free and the parties have to pay nothing for selling, of course they sometimes pay indirectly in the way of fines. They pay once in a while a fine of fifty or \$100, which is a small matter to them. They sell a very poor quality of liquor, and they can make fully as much or perhaps a little more without a license.

7186*b*. You think those who are vending liquor in the city are rather in favour of the prohibitory law?—I know for a fact that they voted for it when it was put before the people. I know that nine out of ten of those who are selling liquor voted for it. I make this assertion on the statement of men who are liquor dealers and who voted for the prohibitory law.

7187*b*. That is they voted for the constitutional amendment?—Yes, it was carried by quite a large majority in this city.

7188*b*. What is your opinion as to the prevailing sentiment of the city at the present moment in regard to the prohibitory law?—The sentiment controls the action of the officers always.

7189*b*. Are we to judge from the fact that you have not a temperance city government here, that the sentiment is against the prohibitory law?—No. The issue does not come into the contests that we carry on in this city.

7190*b*. Have you formed any opinion yourself as to what the result would be if you had a square vote on the subject of the prohibitory law at the present time?—I do not think that you could get a fair vote. If the law was enforced and it was impossible to obtain any kind of liquor in the city of Augusta, unquestionably they would vote against the prohibitory law; but as it is, you can obtain liquor from twenty or thirty stores in the city, and the people do not care whether it is a prohibitory law or what it is.

7191*b*. Can you tell us from your experience if there is an increased consumption of morphia in this district compared with what it was some years ago?—I think not. There are very few morphia users here in Augusta, probably not more than half a dozen.

*By Rev. Dr. McLeod :*

7192*b*. How many years have you been in practice?—Five.

7193*b*. What are the duties of the city physician?—Chiefly to attend to the sick who are unable to pay a physician.

7194*b*. The city physician is appointed by the board of aldermen of the common council?—Yes.

7195*b*. Have you many people who receive aid from the city physician?—I think not, there are not a large number. Of course we have two or three every week.

7196*b*. Have you an alms-house here?—Yes, and it is part of our duty to attend there.

7197*b*. I think I understood you to say that all the drug stores sell for other than medicinal purposes?—I said that all druggists sell. I think they do without exception, and that some of them sell by the glass.

7198*b*. Some of them sell by the glass?—Yes.

7199*b*. Do you have many who sell by the glass?—No, I think there are only two or three.

7200*b*. Are they regular druggists?—Yes.

7201*b*. You were chairman of the Democratic Committee in 1884, when the constitutional amendment was put?—I was not chairman then, but I was interested in politics.

7202*b*. Have you ever been in favour of prohibition?—No, I have never been.

7203*b*. You have always thought that any system but prohibition would be better?—I was brought up under this law, and I am frank to say I was never in favour of it. I am prejudiced perhaps in my opinion, but what I said about the effects with regard to the city are undoubtedly the truth.

*By Mr. Clarke :*

7204*b*. I suppose you have to look after the public health and cases of accidents?—Yes.

7205*b*. As a resident of this city for years, where the Legislature holds its sessions, can you tell us what are the obstacles in the way of getting the needed amendments to the prohibitory law to enable those in favour of it to enforce it?—I do not think there is any difficulty in getting amendments to the law. The only difficulty is in securing the enforcement of it. It has been amended every year, and there is plenty of law in the question.

7206*b*. We heard from General Neal Dow in Portland that there is considerable difficulty in getting amendments which would contribute to the better enforcement of the law?—There have been amendments made to the law every term of the Legislature, but, notwithstanding that, there is no improvement.

7207*b*. Does your observation lead you to conclude that this prohibitory law cannot be enforced in the cities?—My judgment would be, that it cannot be enforced beyond the public sentiment. We have to create a sentiment to enforce it, and notwithstanding that the vote of the city was in favour of the amendment, there is no sentiment here to enforce the law. I do not think it can be enforced in the cities, but the prohibitory law in the rural districts, in a great many cases, is a success.

## Liquor Traffic—Maine.

BANGOR, MAINE, 30th June, 1893.

SIR JOSEPH HICKSON, Chairman ; MR. E. F. CLARKE, REV. DR. MCLEOD and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

LINDLEY W. GILMAN, Chief of Police, Bangor, examined.

*By the Chairman :*

7208b. How long have you held your present position?—I was elected to the position of chief of police, this spring, on the last day of March. I was in the police department eight and a half years previous to that, as patrolman. I am a native of Bangor, was born here and have always lived here.

7209b. You have a pretty intimate knowledge of the city of Bangor, I suppose?—Yes.

7210b. Is liquor sold openly in the city of Bangor?—Yes.

7211b. And it goes without saying that that open selling of liquor is contrary to the law of the State?—Yes.

7212b. What is done to put a stop to the open selling of liquor?—Well, they do not do anything here. We have a kind of an understanding that if the liquor sellers shut up at nights at ten o'clock, and keep closed up all day on Sunday, they will not be meddled with ; and that is all there is to it here. That has been so for a good many years.

7213b. How long ago is it since you joined the police force?—It is nine years last spring.

7214b. Was that the condition of things then?—Yes.

7215b. And what was the condition of things before that?—It was the same. We had at one time a very rigid enforcement of the prohibitory law, under one high sheriff named Girard, about 15 or 16 years ago. I was a boy at the time.

7216b. Then are we to understand that the liquor dealers sell quite openly here, and they are not meddled with?—Yes, that is so.

7217b. Have you had occasion to serve warrants on any of the liquor dealers?—Yes, I make seizures quite often.

7218b. You make the seizures?—Yes.

7219b. You swear out the warrants?—Yes, and make the seizures.

7220b. What class of liquor sellers do you make seizures upon?—It is the class of liquor sellers that, as a general rule, keep open on Sundays, and by night, or any time they can get a chance to sell.

7221b. That is the class of liquor sellers who break your municipal regulation?—Yes.

7222b. Have you an ordinance of the city on the subject of closing up at ten o'clock at night, and being closed on Sundays?—No, but it has been a kind of understood law for eight or ten years or longer. Of course there is no law in this State, except the prohibitory law, and there cannot be any city ordinance or anything of that kind in regard to it. There does not seem to be a public sentiment to sustain a rigid enforcement of the prohibitory law here.

7223b. In cases where the liquor sellers have not kept order in their saloons, and where they have been selling out of hours, has it been the practice of the police to seize their liquor?—Yes.

7224*b*. And to prosecute them?—Yes.

7225*b*. I suppose that was the only course you could take?—It seems so from the way the law has been allowed to go on.

7226*b*. There was no by-law of the city, establishing these regulations, and the liquor sellers were not offending against any by-law of the city?—There was only the State law.

7227*b*. And therefore you must proceed against the liquor sellers under the State law?—Yes.

7228*b*. Shall we be correct in concluding that the practice has been that where orderly houses have been kept, and where the persons selling liquor have complied with the unwritten regulations of the city, they have been left alone and allowed to sell openly?—Yes. Of course, if any citizen or anybody asks for a warrant, we always serve them.

7229*b*. Has there ever been any instance of the advocates of prohibition swearing out warrants?—Yes.

7230*b*. Many?—Quite a good many. One summer, a committee of seven swore out quite a number of warrants here.

7231*b*. What committee was that?—It was an organization of prohibitionists here in town. I do not know what they started from, but the name they got was, "The committee of seven."

7232*b*. And you say they took out a number of warrants?—Yes.

7233*b*. Was that continued for more than one year?—No, for only a short time in one year.

7234*b*. Shall we be correct in concluding that, apart from the cases to which you have just referred, all the conditions about liquor sellers closing up in time being complied with, that there has been really no regular attempt made, either on the part of the city authorities or of the citizens themselves, to put an end to the open selling of liquor?—There was no effort made, apart from that I have mentioned, to the best of my recollection, since what was called the Girard time, when the high sheriff enforced the law very rigidly.

7235*b*. Have you much disorder in the city of Bangor?—Very little indeed.

7236*b*. Apparently, from the official reports, you make a good many arrests?—Yes; but the way that comes about is, that we are a seaport town, and we get a great many sailors here. Then this is the centre for all the lumbering industries of the State. The men come here in the fall and hire for the woods, and they come back in the spring and hire to go on the drives, and they take a good deal of drink at those times.

7237*b*. Are those people natives of the State?—No; more of them are from the maritime provinces of Canada.

7238*b*. Do some of the French people from New Brunswick come here?—Not a great many of them come here. They go more up to the Kennebec.

7239*b*. A very large number of your arrests are for drunkenness?—Yes.

7240*b*. Can you tell us if drunkenness has increased or decreased in the city of Bangor?—I do not think it has increased to any perceptible extent.

7241*b*. The printed reports show an increase in arrests for a few years?—That really has not been borne out by the facts. The fact is that at one time they did not keep their records so snug as they do now. Everything is kept up right now, and formerly they did not seem to be so particular about keeping the record of everything, for when they were building the Canadian Pacific road, our arrests ran up terribly. Four or five years ago, the town was full of that class of men. We had the overseer of St. John and Halifax and New York and Boston here all the time.

7242*b*. In 1880 your arrests appear to have been 30·85 per thousand of the population, and they increased greatly up to 1891, when they more than doubled, that is the arrests for all offences. Your arrests for drunkenness appear to have increased equally?—If you get at the figures you will find that a very small percentage of these were our people. They were the floating population that have been here right along all the time for the last ten years. They were engaged on the wharfs or on the Canadian Pacific or on the Arthabaska railroad.

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## Liquor Traffic—Maine.

*By Rev. Dr. McLeod:*

7243*b*. Are they the class of people who drink?—One chief of police we had four or five years ago made a statement in his report as regards the number of non-residents arrested, and it shows that they were nearly all non-residents as compared with the residents; but so far as any of the high crime is concerned we have very little of it, indeed, here.

*By the Chairman:*

7244*b*. How many places have you selling liquor in the city of Bangor, Mr. Gilman?—Really, I cannot tell you.

7245*b*. Can you give us any sort of an idea?—There might be 125 or 130, taking kitchen bar-rooms and all.

7246*b*. What do you call kitchen bar-rooms?—Places where they perhaps have a barrel of beer on tap in some back room or somewhere, and people in the neighbourhood can enter with a pail and get their beer. They do not have any regular bar.

7247*b*. Do you include in the 130, the chemists and druggists?—Yes.

7248*b*. Do they sell liquor?—Yes.

7249*b*. Do they sell it very generally?—Yes.

7250*b*. Do all of them sell?—I will not say all; there are two or three of them do not sell a drop.

7251*b*. How many chemists and druggists are there in Bangor?—There are 10 or 11 drug stores.

7252*b*. Do the hotels sell liquor here?—Yes.

7253*b*. At the present time, I understand that the city government is in politics Republican?—Yes.

7254*b*. Can you give us any explanation of the situation. The city government is Republican; the Republican party is supposed to have always been the friend of the prohibitory law, and yet we find here that the prohibitory law is not enforced at all. Can you give us any explanation of that, because it is rather difficult for strangers to your city to understand it?—Well, there seems to be a sort of party sentiment against the rigid enforcement of this law amongst the people.

7255*b*. How did those who are in favour of the law vote?—I do not know.

*By Rev. Dr. McLeod:*

7256*b*. They vote for their party every time?—Most of them; I guess the prohibition vote is not very large here.

7257*b*. That is the third party vote?—Yes.

*By the Chairman:*

7258*b*. Have you many Irish people here?—Yes, quite a good many.

7259*b*. I suppose they are all Democrats or nearly all?—Yes.

7260*b*. But they are in the minority?—Yes.

7261*b*. How is it that the Democrats do not get the vote of the liquor party?—They do get quite a lot of it.

7262*b*. May we suppose that the Republican party gets the greater part of the liquor vote in the city of Bangor?—No, I do not think they do.

7263*b*. Do they get part of it?—Yes.

7264*b*. And I suppose the prohibitionists vote with the Republicans?—No, they vote their own ticket, and they block the Republicans more than they help them.

7265*b*. You have stated that the Republican party gets a portion of the liquor vote?—Yes.

7266*b*. The Democratic party gets a portion of it also?—Yes.

7267*b*. And the Republican party is sustained here and has the control of the government of the city?—Yes.



*By Rev. Dr. McLeod :*

7268*b*. A good many Republicans are in favour of prohibition, I suppose, and they do not vote their own party ticket?—Yes.

*By the Chairman :*

7269*b*. If a political party had not an understanding with the liquor interests in Bangor, could they carry the city?—I do not know about that. Quite a majority of the people in this town are Republicans, and there are not a great many of the liquor dealers with the Republican party.

7270*b*. You think that the Republican party here are in the majority?—Yes. You understand that in our municipal elections the Republicans have been pretty snug here right along. It is largely a question of one man's popularity and another man's unpopularity. Two years ago our present mayor was defeated; last year he was elected by a small majority, and this year he got a rousing good majority.

7271*b*. Did the liquor interest vote for him?—I do not know whether it did or not. There was opposition to him at first in his own party, but he overcame it by the record he made.

7272*b*. Then the Republican party, as a party, in the city of Bangor, although they support prohibition openly before the public, and avow that line of policy, take no action when they are in power here to enforce the law?—I do not see any enforcement of the law and have not seen any for a good many years—that is, what they call a rigid enforcement of the prohibitory law. They have spurts of enforcement in the other cities of the State, but we do not have them here.

7273*b*. What is your practice in regard to arrests for drunkenness, Mr. Gilman? If you find a man in the streets in a state of intoxication, do you arrest him?—Well, under ordinary circumstances, yes. If he is a stranger and is very much intoxicated, the officers lock him up. If he has a house, and he will go home, they let him go; ordinarily they take the drunks to the station.

7274*b*. Are any of them allowed to go without being brought before the court?—Yes.

7275*b*. Under what heading would this class appear in the city reports. There is the heading "safe keeping." If a man was arrested and taken to the station and let off in the morning, without being brought before the court, would he be put in that category?—Sometimes he would, and sometimes not. If we locked him up for safe-keeping, he would be returned as that, but if we locked him up for drunkenness, that would appear on the docket opposite his name.

7276*b*. Where could we get the record of the convictions?—They could be had at the municipal court. The county commissioners would have it, as they have the handling of all the county business. If a man is not able to pay his fine for drunkenness, he is sent to the county jail, and they put that before the county commissioners from the police court.

7277*b*. How many policemen have you?—15 patrolmen.

7278*b*. What is the population of Bangor?—19,000.

7279*b*. Is your population increasing?—Yes, it is growing steadily. There was a good deal of fault found with the last census. I think we were over 20,000 population.

7280*b*. Have you many vagrants here?—Only as they strike here coming from the railroads.

7281*b*. Can you tell us if there is much poverty in the city; is your alms-house full?—I think they have more there than formerly; I do not think there are a great many. The poor of the city are very well looked after by the different societies. There is very little suffering amongst the poor people here.

*By Rev. Dr. McLeod :*

7282*b*. Do you remember what was the effect of the rigid enforcement of the law under High Sheriff Girard?—I was around town at the time. I was not interested

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then in an official manner, but I did not see much slackening off in the amount of drunkenness.

7283*b*. You speak about making seizures of liquor sometimes. What class of places do you seize upon?—All classes. Sometimes people swear out warrants and put them in our hands to serve for some purpose or other, and then we have that understanding that I speak of with regard to closing up at 10 o'clock at night and on Sundays, and sometimes we raid them because they do not do that.

7284*b*. You arrest them for selling after hours, according to that understanding. Do they keep on selling?—It stops them in a great many cases, but if they do not stop we go for them again.

7285*b*. I suppose if you had not this non-resident population, it would not be so difficult to enforce the law?—No.

*By the Chairman :*

7286*b*. Have you any report of the number of seizures of liquor you make?—I have, since I came into office, but I do not know about the previous officer.

7287*b*. Speaking about pauperism, do you know if the pauper classes are made up largely of the people who do not belong to the town?—Yes, almost wholly.

7288*b*. Or vagrants?—Yes.

7289*b*. And whatever disturbance you have in the town, you say that it does not come from your own people?—In my experience of 10 years I know but of 3 or 4 cases where the trouble was raised by our own people. The trouble comes from the sailors and lumbermen, who get drunk and make a disturbance.

*By Mr. Gigault :*

7290*b*. As to the sellers of liquor in this city, and the violators of the prohibitory law, are these people who sell liquor residents, or non-residents of Bangor?—They are divided. There are some of them residents, but a large percentage of them are people who have come in here within a few years.

7291*b*. But they are residents of Bangor now?—They are residents now.

7292*b*. You say that all the hotels sell liquor?—Yes.

7293*b*. Are these hotels kept by residents of Bangor?—Yes.

7294*b*. And so the violations of the prohibitory law are not due to non-residents, but they are chiefly due to residents of Bangor?—Well, they are composed of both classes, that is what I said.

7295*b*. You spoke of other cities where the prohibitory law was enforced by spurts; Do you know anything about the enforcement of the law in other cities?—I know of it from what I see in the newspapers.

7296*b*. Do you know anything with regard to the enforcement of the prohibitory law in places surrounding here?—I had reference to Portland and Lewiston. I have heard of the enforcement and non-enforcement of the law in these places from officers there.

7297*b*. What information have you as to the enforcement of the law in Portland?—I know that they have spurts of enforcement there once in a while, and then we hear that they are not enforcing the law so rigidly.

7298*b*. Do you know how the prohibitory law is enforced in the rural districts?—Well, I guess it is enforced quite strictly in most of the smaller places; but I do not know from experience.

7299*b*. Have you many houses of prostitution here?—Very few.

7300*b*. How many?—Two regular places.

*By Rev. Dr. McLeod :*

7301*b*. I suppose there are suspected places?—There are people who do that business, but they do not keep any regular house of prostitution.

7302*b*. Are there many such places?—You cannot tell that. There may be one or two women in a room, but it is impossible to know how many there would be.

7303*b*. There are houses of assignation?—There may be more or less of it done in the hotels, but not much.

7304*b*. Speaking about the enforcement of the law in small places, do you know anything about how it is enforced in Pittsfield?—I do not. That is outside of the county.

7305*b*. How many hotels are there in Bangor?—There are four large ones, and a lot of small ones. There are boarding-houses where lumbermen put up.

*By the Chairman :*

7306*b*. Do I understand you to say that the disturbances are made generally by strangers to the town?—Generally by the sailors and by the lumbermen.

*By Mr. Gigault :*

7307*b*. Is the number of places where they sell liquor increasing or decreasing in Bangor?—I would say that the number is holding along about the same every year.

7308*b*. How does the number of places selling liquor in Bangor at the present time compare with what it was ten years ago?—There are more places selling liquor in Bangor now than there were ten years ago ; but I cannot tell you how many more.

7309*b*. Are there more places selling liquor this year than there were last year, or than there were two years ago?—No, there is just about the same.

THOMAS W. VOSE, Judge of the Municipal Court of Bangor, examined.

*By the Chairman :*

7310*b*. How long have you held your present position?—Six months. I have been in the city 22 years. I have been a resident of the county all my life.

7311*b*. Had you anything to do with the administration of criminal justice in the city before that?—No, except as a lawyer.

7312*b*. You never were prosecuting attorney for the county?—No. I was city solicitor for nine years.

7313*b*. Shall we be correct in concluding that the cases mentioned in the report of the chief of police come before your court, except those that are put down here under the head of "Safe keeping"?—Yes, he prosecutes anything outside of the municipal court.

7314*b*. Have you many more cases than those that come to you from the police. Does the sheriff bring any cases before you?—Everything that is outside of the limits of the city is passed to other officers than the marshal. The marshal of police simply exercises his duty within the limits of the city, and any crimes in the county pass under the sheriff or his deputies. We are often called upon to issue warrants for the sheriff or his deputies, and for individuals where warrants are put in the hands of the deputies or constable. I have quite a number of cases outside the city.

7315*b*. Is any return made of all the cases brought before your court and the disposition of them?—Yes. The law requires a monthly report to be made to the municipal officers, but the marshal makes that report. I have a register of all the cases on my desk, giving all the particulars about them and the disposal of them, and any municipal officer can see it.

7316*b*. Would it be too much trouble to have an abstract of that made, for a period of some years?—It is a very easy thing to do it for the last six months. Of course it has only been kept since I came into office.

7317*b*. Do the liquor cases come before your court, seizures and such like?—Yes.

7318*b*. Have you had a good many of them since you took office?—No, I do not think I have had over 10 or 12. I really do not have enough of them.

LINDLEY W. GILMAN.

## Liquor Traffic—Maine.

7319*b*. Shall we be justified in concluding that there is no very vigorous effort made in this city to enforce the prohibitory law, and that liquor is sold openly in many places in the city, contrary to law?—I think you may come to that conclusion.

7320*b*. I may mention that the chief of police has told us that some of the places have been searched and liquor seized in them, but that appears to have been done because they were disregarding some unwritten law of the municipality: that is, they were selling out of hours either at night or on Sunday. Have there been many of such cases?—Of course most of the searches and seizures have been on that ground. There were very few for other causes. Once in a while, a citizen will feel that somebody is selling a relative intoxicating liquor after they have been requested not to do so, and they then resort to the court for relief. Outside of that, I think the cases are generally those prosecuted by the marshal or the policeman for some violations of some unwritten law of the city.

7321*b*. In your judgment what is the effect on the morals of the community of a law like this being openly set at defiance?—It is injurious. I do not mean to say that it is an easy thing to entirely stop it, by any manner of means. We had an effort made in this town once, with all the power and the money that the county could put into it for about four years. It resulted in driving the trade into the lowest quarters and into the most unfrequented places that could be found in the city; it did not drive liquor entirely out of the city. It amounted, almost, to a total restriction of the trade, but the expense of doing that was very large. The trade got into the hands of a few who would just as soon go to jail as not, and the law had no terror for them. They would have sold liquor if the penalty had been anything less than hanging. It drove out every decent man who was in the trade and had any regard for himself or his liberty.

7322*b*. Is it any more difficult to enforce the prohibitory law here than in other cities in the State?—Not any more difficult than in any other places of the same size. I heard you ask the question here, how the law is enforced in the country, and I can say that there is no violation of the prohibitory law in the country districts. Substantially there is no rum sold in the country towns in this State. I speak now from my experience, and I have travelled throughout the State very largely. You might start from here and go through the country districts from Bangor to Portland, and, if you are a stranger, you could not get a glass of liquor in any way. I do not mean to say that there is not a glass of liquor to be had, if you knew where to find it, but I do mean to say that it is very near prohibition in the country districts.

7323*b*. I suppose you have driven along the road yourself?—Yes, I have gone through it largely as a lawyer.

7324*b*. Will you kindly tell us what are the causes which prevent the enforcement of the prohibitory law in this city?—Public sentiment. I will qualify that remark. Public sentiment is all right, but we are so nearly divided in politics that it is difficult to enforce it. It is well settled that the policy of the Republicans is, and has always been, to support the prohibitory law. The policy of the Democratic party has always been to oppose it. We are so nearly divided in politics that if, as Republicans, we should undertake to enforce the prohibitory law strenuously, the result would be that the temperance question would pass into the hands of the other party, and then prohibition would go by the board at once. That is honestly the reason, and I do not care what any man may say about it to the contrary. The truth is that the liquor vote controls the balance of power between the two parties, and if the Republicans undertake to enforce it to an unreasonable extent, we should lose power.

7325*b*. Do you think that the Republican city government at the present moment is enforcing prohibition to a reasonable extent?—I do not know that they have anything to do with it until called upon.

7326*b*. You mean the city council?—I mean the city council and the city government. What I call the city council are the board of aldermen and the common council. They really have nothing to do with enforcing the law unless called upon.

7327*b*. They have something to do with the police?—Well, hardly. They have not the power to remove the police. The city marshal is elected every year, and the police hold the office for good behaviour.

7328*b*. Is the city marshal independent of the aldermen and councillors?—Yes, he can do just as he pleases.

7329*b*. Is he elected by the people as the aldermen are?—No, he is elected for a year by a joint convention of the city council.

7330*b*. You have a Republican city government here?—Yes.

7331*b*. The Republican party has always identified itself with the prohibitory law, and yet we are told, without any qualification whatever, that the law is not enforced here—not even reasonably enforced?—Yes. The sentiment of the better portion of the people here would be in favour of a strenuous enforcement of the prohibitory law; but the moment you start it, they turn to look on the other side to see what would be the result of that politically.

7332*b*. You made a remark just now which leads me to suppose that you think the state of things in other cities, although perhaps not so bad as in Bangor, is not quite up to the point of the energetic enforcement of the law. Is that so?—I think so. But I beg of you to consider that we in Bangor perhaps are more unfortunately situated than any city of the State, and it should be taken into consideration, and very large allowances made for the fact, that this is a seaport town and that a great many lumbermen come to Bangor. They have an opportunity of spending their money here, and they drink liquor and they will have it.

7333*b*. As regards seafaring men, you are in precisely the same position as other seaport towns, but as regards lumbermen, perhaps your position is different?—We have more sailors here than in Portland, or any other town in Maine; and we have a number of icemen coming here in the winter who are all of a similar class.

7334*b*. Do you think that Bangor's is the largest trade of any seaport in the State?—Yes.

7335*b*. Would it compare with St. John, New Brunswick?—Probably.

7336*b*. Is it your view that the prohibitory law is not practically enforced in the cities of the State of Maine?—Yes.

7337*b*. What is the reason for it?—Public sentiment and political danger. The political parties are after votes. For instance, I am a prohibitory man and I believe in the prohibitory law, and I would vote for its enforcement every time; but I would not vote for its enforcement to such an extent as to lose the power of the party to which I belong, because it would be no advantage to prohibition to have the political power thrown over to a party that does not believe in prohibition. If the Democrats had power they would have a license law or some other law which might lead to free rum.

*By Rev. Dr. McLeod:*

7338*b*. Do you believe that there are a good many prohibitionists who, like yourself, are Republicans and act in the same way?—That is the reason why the law is not enforced in Bangor.

7339*b*. It is not because you are against prohibition?—No, I believe in it; but the danger is that prohibition will suffer instead of being benefited. If we should carry it to the extent of a rigid enforcement of the law, the danger is that the Democrats would come into power.

*By the Chairman:*

7340*b*. How do you hope to change the state of things?—I cannot say.

*By Rev. Dr. McLeod:*

7341*b*. You choose the lesser of the two evils?—That is exactly it.

*By the Chairman:*

7342*b*. Do you think that any other system would answer as well as prohibition?—What other system.

7343*b*. Whatever you think of.—I would suggest nothing to take the place of prohibition. There is license and local option, but prohibition involves both local option and license, to this extent; you may say we have license because we do not enforce the

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law, and we have local option, because we do not enforce the law. Public sentiment is what controls all three. If you have license, then you have more rum. It is regulated by the law ; it becomes justifiable to sell. If it is local option, the people vote upon it, and if the majority favour it then you have licensed sale.

7344*b*. What do you think they would do here in that case?—I am inclined to think that the people in Bangor would favour local option. It is only a question of whether we would have more rum sold, or whether we should have it in our power to say we would stop it at any moment or let it be controlled.

7345*b*. You have constant violations of the law at present?—Yes.

7346*b*. If local option were carried out in accordance with the sentiments of the people, how would that compare with the present state of things?—I am for prohibition.

7347*b*. Notwithstanding the constant breaking of the law and the open disregard of the law?—We have laws against other crimes, but still they are broken. What advantage would it be to us to have license to sell more rum than we are permitting to be sold to-day against the law. Is it any advantage to the community to have more rum sold? What advantage would there be under local option if the people would vote to wipe it out. I say that a prohibition law is both a local option law and a license law, and it depends entirely on the sentiment of the people in the locality where it is carried on.

*By Rev. Dr. McLeod :*

7348*b*. Do I understand that you believe the sentiment of the people is in favour of prohibition but that the political exigencies make them a little lax about the enforcement of it?—Yes, there is no doubt about that.

7349*b*. I asked the question for the reason that we are in danger of getting the idea that the people are really against the prohibitory law, while it is a fact that the people, aside from political complications, are in favour of the law?—For proof of that you can turn to the vote of the people on prohibition. Every time the question was submitted to them it was carried by a large majority.

7350*b*. What was the vote of Bangor on the constitutional amendment?—I cannot tell. It was in favour of it, to the best of my recollection.

*By the Chairman :*

7351*b*. Did I understand you to say that if the question of prohibition or local option was submitted to a vote, you thought that the people of Bangor would vote local option?—I am inclined to think that there would be a small majority in favour of local option.

*By Rev. Dr. McLeod :*

7352*b*. Do you mean by that, that there would be a majority in favour of licensing the trade?—I cannot say that. We are quite evenly divided politically, and I have the impression that if local option were submitted here it would be carried. I, as a Republican, and I believe a large portion of the Republican party, would rather not see the prohibitory law severely enforced than to have the political power pass into the hands of the other party, who do not believe in prohibition at all.

*By Mr. Gigault :*

7353*b*. I think you said that if liquors were drank here, they were drank chiefly by sailors and by lumbermen?—I say that the large majority of cases that come before me are non-residents of Bangor.

7354*b*. There is a bar-room in this hotel we are sitting in. Do you believe that this bar-room is frequented only by sailors and lumbermen?—I did not know there was one, and I do not know who frequent it ; but if there is a bar-room here, it is frequented by commercial travellers and people from out of the city, and I presume that any one in the city who desires to drink at a respectable place would come here to find their rum.

7355b. There was an address delivered by Governor Burleigh of the State Legislature, and in that address he said: "It must be admitted that the prohibitory law is more or less violated, and that these violations are mostly restricted to the cities and larger villages." Do you agree in that opinion?—I do. I think in the country districts the law is well enforced.

7356b. Is there a Divorce Court here?—Yes, the Supreme Court of the State.

7357b. Does it sit here?—Yes, we have three terms here a year.

7358b. Do you know if many divorces are granted here?—Yes.

7359b. Do you know chiefly for what reasons these divorces are granted?—Adultery, drunkenness, cruelty and abusive treatment, abandonment and a variety of causes.

7360b. Which is the chief cause of divorces here?—My impression is cruel and abusive treatment.

7361b. Is the number of divorces increasing or decreasing here?—My impression is that they are decreasing. I did not remark so many for the last two years as there were for the two years before, but I do not think the difference is so great as to be marked.

7362b. Could we obtain any statistics as to the number of divorces in this county?—Yes, the clerk of the Supreme Court will give you that information.

W. F. REED, High Sheriff for Penobscot County, examined.

*By the Chairman :*

7363b. How long have you held office?—I am elected by the people. I have been in the office two years and ten months at the present time. I was connected with the force before that for twelve years. I was for several years city marshal of Bangor.

7364b. Have you deputies under your charge?—Yes, fifteen or twenty for the whole county.

7365b. Have you any deputies in this city?—One.

7366b. Have you anything to do with the execution of search warrants?—Not very much; the police generally attend to them.

7367b. We have been told that there are not many seizures of liquor made in this city?—There have been some. They have only been made in cases where the saloon-keepers have been violating the by-law of the city of Bangor. We have made a law among ourselves to shut the liquor sellers up at 10 o'clock at night and on Sundays; and since Mr. Gilman, the present city marshal came in, he has enforced that pretty well.

7368b. Has there been any sale of liquor on Sunday here?—Probably more or less than there should have been.

7369b. Does the city marshal get fees for serving the search warrants?—No, he gets a salary of \$900 a year, the city gets the fees and the county receives the fines.

7370b. Have you any seizures of liquor outside of the city of Bangor?—Yes.

7371b. Have you had a large number? Yes, quite a number. We indicted 208 liquor sellers last February, and we held two criminal terms of the court. Last February I had 260 indictments for liquor selling.

7372b. Where were those liquor selling places that you proceeded against situated? Most of them were in Bangor. We must have 65 or 75 cases to come up in August. Most of them were for liquor nuisances.

7373b. Have you any such cases from towns outside of Bangor?—Yes, I think out of 262 cases there are 162 of them in the city.

*By Rev. Dr. McLeod :*

7374b. That number includes the cases that run over from the previous term?—No, those were all new cases. I indicted them again last winter. I have been following them up to indict them.

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## Liquor Traffic—Maine.

7375*b*. Those offences occurred between the August court and the February court?  
—Yes.

*By the Chairman:*

7376*b*. Can you tell us what portion of those cases were from the rural districts?—There was somewhere in the neighbourhood of 100 cases all over the county, and there are probably 50 of those liquor sellers who have gone out of the business.

7377*b*. Would those 100 cases or any large proportion of them be in the villages, or would they be scattered around the rural districts?—They would be scattered round, one or two in each place. There is a little place called Medway, where I had eleven indictments.

7378*b*. What is the population of that place?—Somewhere in the neighbourhood of 500 or 600. They are all French people who are selling there, women as well as men. There are kitchen bars, and several selling from the pocket out of bottles. Every one of them are French people up there.

7379*b*. Were those people strangers in the locality?—The place is situated at the fork of the rivers and a great many workingmen go there in the fall and the spring.—The French people work in the factories and they sell liquor too.

7380*b*. Is there any other place in the county where this liquor selling goes on?—That is one of the worst places. In Bucksport, another little village, we indicted them for keeping tippling houses.

7381*b*. How many cases had you there?—Four.

7382*b*. What is the population of that place?—Bucksport is quite a large place. There is a large woollen mill and factory there.

7383*b*. What class of people were they that were indicted for selling liquor there?—They are from all nations, French people and Scotch people.

7384*b*. What is the condition, or do you know, with regard to liquor selling in the purely rural districts, little hamlets and small towns?—Outside of the old towns probably there is very little rum selling; that is a city of 8,000 or 9,000 people.

7385*b*. Do you know any small places where liquor has been sold?—There has been very little sold in the rural districts. Most of the selling has been done in the manufacturing villages and towns.

7386*b*. Do you know any small town or a small village where liquor is sold?—I do not, but once in a while of course they sell liquor.

7387*b*. Do you remember if any of those 100 indictments you referred to were people living in purely country districts?—There is none sold in the small districts. Take it in the country towns where there is no floating population, and there is no rum at all sold, that I know of.

7388*b*. Have you got a liquor agency in the city of Bangor?—Yes.

7389*b*. How long has that been established?—Ever since I remember.

7390*b*. Do you think the sale of liquor by the liquor agency is confined to the purposes authorized by the prohibitory law, that is, that it is sold only to people who want it for medicinal or mechanical purposes?—No. I do not think so.

7391*b*. You think there are sales made by the liquor agency for other purposes than those?—I think there is some sold other than there need be.

7392*b*. But any one getting liquor at the liquor agency must make a statement as to the purpose for which he wants it?—I think very few questions are asked at the liquor agency.

7393*b*. Do they keep a register of the sales?—I guess they do.

7394*b*. You think that all the liquor sold at the liquor agency is not used for medicinal or mechanical purposes?—I do not think so. The fact of it is this, the country people get their liquor there. For instance if you lived in the country and you wanted a quart or a pint of rum, you go to the liquor agency and get it; but indeed you would not have to go so far as the liquor agency for it, if you did not see fit.

7395*b*. Is the liquor agency authorized to sell liquor to people outside of the city limits?—I do not think so, but they do.

7396*b*. You have charge of the jail here, I believe?—Yes.



7397b. Were the 563 persons returned in your report for the year 1892 as "committed," those who were sentenced by some court?—Yes.

7398b. Of the 274 persons entered for the non-payment of fees, would any be for drunkenness?—Yes.

7399b. Is there any sentence where a fine of so much is imposed and so many days in jail in addition, and if the fine is not paid so many more days in jail?—Yes, once in awhile that occurs.

7400b. Have the number of persons committed for offences increased in number of late years?—I think they have decreased.

7401b. Has the decrease been very marked?—Not very.

7402b. Have the number of prisoners committed for drunkenness diminished of late years?—I do not think so.

7402½b. I find that in the year 1888 the total number committed in Penobscot County was 481, and in the year 1891 it had increased to 563?—That is accounted for by the fact that the Aristook railroad was then being built, and that brought a considerable number of those fellows this way.

*By Mr. Gigault:*

7403b. How many hotels have you in the city of Bangor?—We have five principal hotels.

7404b. Do they all sell liquor?—I cannot swear that they do, but I have no doubt of it. I never go into them myself; I have watched most of them, and I have generally caught them when I watched them.

7405b. Do you believe that those hotels sell to sailors and to the employees of lumbermen?—No, I do not believe it; the sailors do not frequent such houses as the Bangor House or the Exchange.

7406b. What is the number of prisoners you have in jail?—I have prisoners from four counties in jail. Hancock County, Washington County, this county and Piscataquis.

*By Rev. Dr. McLeod:*

7407b. Does Piscataquis County send many to jail?—Quite a few.

7408b. A dozen?—More than that; I should judge there would be perhaps 20. Since they have been building the railway, there have been more from that county than before.

7409b. Are there many prisoners in jail from Hancock and Washington counties?—There is one from Washington and two from Hancock, and there are three in for debt.

7410b. Are there any liquor sellers amongst your prisoners now?—I believe the last one got out a few days ago.

7411b. But take the whole year?—One time in the spring after I made the raid on them I had 16 or 17 there; there will be as many more, if not twice as many, after the August term of the court.

*By the Chairman:*

7412b. What is the longest term those prisoners have stayed with you in jail?—Two years.

*By Rev. Dr. McLeod:*

7413b. One gentleman spoke here about the political parties being equally divided. Is that the case?—I do not think that is so.

7414b. You think they are not evenly divided here?—No.

7415b. Are the Republicans much stronger than the Democrats here?—The Republicans are the majority here; there is no question about that. They are divided amongst themselves, but when they get together they are in the majority. Once in a while something comes up that proves that.

W. F. REED.

## Liquor Traffic—Maine.

*By the Chairman :*

7416*b*. What is your theory about the causes which contribute to the state of things which exists in Bangor, where there is open sale of liquor?—There are different causes, but I do not agree with Judge Vose that it is altogether because of politics.

7417*b*. What do you think is the cause which leads to what we might conclude is done in open defiance of the prohibitory law in this city?—I think the chief cause is this, that the cases are held over by the court. When we catch offenders, they should be punished immediately ; I think it would drop a good many of them out of the business.

7418*b*. If there was a very strong prohibition sentiment here, would it not make itself felt to the extent of shutting up all those liquor selling places and stopping this liquor sale?—Of course there would be a good deal of it stopped here without any doubt, but you can not stop it here the same as you can in the country towns.

7419*b*. Do you think it is the absence of a sufficiently strong sentiment in favour of prohibition that prevents the law being enforced here?—The prohibitory law has been considerably opposed in this section, by rum constables, perhaps more than anything else.

7420*b*. In what way?—Because those appointed did not do their duty.

7421*b*. They were appointed by the Governor?—Yes.

7422*b*. Is their conduct to be attributed to a want of respect for the law?—Their conduct made a good many people disgusted.

7423*b*. Do you mean the conduct of the sheriff's deputies?—No, I do not mean the sheriff's deputies at all. They were State constables. I think the way we were managing the law here, will do more to stop liquor selling than anything they ever did, that is, if we follow them right up.

*By Rev. Dr. McLeod :*

7424*b*. You think the steady enforcement of the law is better than enforcement by spurts?—Yes, indeed I do.

*By the Chairman :*

7425*b*. Those constables you referred to were appointed by the Government?—Yes, but they are not in existence any longer.

7426*b*. What force has taken their place?—None.

7427*b*. Are they not needed?—No. We get at the liquor sellers now, and we have not half the trouble now as we had before.

*By Mr. Clarke :*

7428*b*. You do not have as much trouble to catch them as you had before?—No.

7429*b*. How is it there is less trouble to catch the liquor sellers now?—Because formerly we had to fight the special constables and the rumsellers, too.

7430*b*. There was a vote in 1884 on the constitutional amendment. Did Bangor vote in favour of the amendment?—I think so.

7431*b*. Is there any value to be attached to that vote as an expression of opinion on the prohibitory law?—None at all, because there are a great many people who did not vote at all.

*By Mr. Gigault :*

7432*b*. You belong to the Republican party, I think?—Yes.

7433*b*. What do you do with the liquor you seize?—Everything that contains 20 per cent of alcohol is turned over to the sheriff, and the sheriff makes a contract with some one outside of the city to distill it into alcohol. The sheriff gets five per cent for the work and the remainder goes into the county treasury.

7434*b*. To whom do you sell the liquor?—I have two customers for this county, they are in Boston ; I have not signed the contract yet.

7435*b*. The sheriff gets five per cent on the amount paid by Graves & Son, of Boston, and the rest goes into the county treasury?—Yes.

7436*b*. What do you do with the liquor seized which does not contain 20 per cent of alcohol?—We empty it in the sewer.

HON. C. H. BOUTELLE, Member of Congress, examined.

*By the Chairman:*

7437b. Do you favour prohibition?—I am a strong prohibitionist. I am very much in favour of the prohibition law, and I always have been since the law was inaugurated in this State. I never was more convinced than I am now, of the beneficial effects of the law upon the people of the State of Maine, and that feeling is not at all affected by the fact that the law is not fully or successfully enforced in the larger cities. I do not think we can expect to enforce laws of that kind to anything like approximate perfection in large communities. Of course it is very easy to see the difficulties we have to meet in the centres of population, and it is so in regard to everything in connection with disorder. I think the main difficulty in dealing with the liquor question is the impossibility at the present time of getting the communities to regard the drinking of liquor, or the sale of liquor, with the same degree of feeling that they do robbery or murder or arson or other offences of that kind. That being the case, of course it is not strange that it is more difficult to enforce a law against liquor selling than it would be against offences which are more generally recognized as crimes by the community. In my experience of 21 years advocacy of the prohibitory law, I think I would name that as the principal difficulty. My aim has been to educate public opinion upon that subject, and I think that that is feasible in the State of Maine to quite an extent. Liquor selling in Maine is very much less respectable than it was many years ago, and even in this city of Bangor, which is very often selected as an awful example—of course it is bad enough—my impression is that the violations of the law are about the same as in Portland. I think, however, that there is a little more boldness and defiance about the way in which they sell liquor here, but I think they sell liquor just about the same in Lewiston, Auburn, Augusta and Portland as they do here. It is the result of the most natural of causes to my mind, and that is what a great many people have found. The liquor sellers are interested in selling liquor, but the great mass of the people who are simply opposed to liquor selling, are not so much interested in it. The saloon man wants to sell liquor, he wants to make money, he devotes the whole day to that business. The theoretical temperance reformer devotes himself to putting down the liquor traffic part of the time, and the man who is simply a very good citizen, and whose principles are opposed to drunkenness and intemperance, but who is rather of a placid nature, although he is a good citizen, benevolent and philanthropic, is obliged to attend to his own business, and he naturally has very little time to devote to putting down the liquor traffic. Again, a man who owns property and who leases his buildings to a man who keeps a hotel and gets a good rent, is also interested in having liquor sold. A good citizen might not know that there was liquor selling going on in that hotel, but he has a suspicion and he is a friend of the man who owns the property, and he is not as zealous in looking after that hotel-keeper as the hotel-keeper is zealous to sell liquor. That is the condition of things you have everywhere, and we have it in this State, and I expect that we shall have it for a great many years. I think the people will have to be made a great deal better than they are now before we will be able to do away with drunkenness. Drunkenness is a sin. It is an evil, but I do not think we can expect the millenium right away. I do not think that the prohibitory system or the prohibitory principle ought to stand or fall by the fact as to whether it is successfully enforced in certain localities where the conditions are most seriously against it. Of course, politics enter into everything nowadays. I do not agree exactly with the way in which Judge Vose expressed it. As I understood him, he said that if you took the liquor question out of politics, there would be no trouble in enforcing the prohibitory law here. I do not feel so. I think the question of enforcement or non-enforcement of the prohibitory law would be still a question of politics. It might not be a partisan question, but it would be a political question because it would involve the question as to what line of policy or politics the State Government should pursue. Until the conditions in this State are such that a sufficient majority of our people are only opposed to the sale of liquor—because I have no doubt

Hon. C. H. BOUTELLE.

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but that some are opposed to the sale of liquor and intemperance—but until that sentiment becomes active and vigorous, and they agree that they will take right hold of this question and grapple with all the difficulties that surround it, and incur besides whatever may come from grappling with an institution that employs a great deal of capital and great many men, we cannot hope for the strict enforcement of the law. Of course the difficulties of enforcing the law will be just the same no matter what the political complexion of the parties may be. We have had in this State some political complications that are to a considerable degree responsible for the condition of things here now. In the first place, the laws that were enacted in the State for the enforcement of the prohibitory law proved ineffective in the cities, and there was a demand for some other agency in the State Government that would be better for the different constituencies. The argument was, that men elected in the city were dependent on the votes of the city population, and therefore the majority in the city were in favour of the selling of liquor, and the State Government would not be able to enforce the law ; and it was contended that the State should enforce it, and that some special officials be appointed that would be responsible to the State authorities, the idea being that the State as a whole and the people as a whole were in favour of temperance. That was the basis of the law which imposed upon the sheriff of the county the special duty of enforcing the liquor law. We went a step further there than we had ever done before. Take, for instance, the city of Bangor. The city marshal is there to enforce the law, and as the city government will not enforce the law, the county sheriff steps in and places those liquor sellers under arrest, and his constituents support him. Some years ago, we elected a gentleman by the name of Girard as sheriff. He was a very able and excellent man and a very radical temperance man. He started in to enforce this prohibitory law, and he was encouraged and pushed forward by the radical temperance people. He acted very vigorously and commenced a determined campaign against the liquor business, and the more vigorously he proceeded the more the radical temperance people complained that he was not going fast enough. He got engaged in a general system of espionage. He prosecuted a great many, and at the same time he incurred an awful amount of obloquy through the employment of informers. Mr. Girard, as I say, employed special men for this work, and he called upon the county to meet those expenses, but he thought that the fines and fees would cover the expenses. He ran on for a year, but the Democrat party in this locality was very much opposed to the prohibitory law, and they made a raid upon the sheriff. They made the whole election rest on the sheriff question, and they got up public sentiment to consider that enormous amount of expenditure to which the county had been subjected. I was editor of the local paper at the time, and I remember it well. They went to the people of the county with the cry that the enforcement of the law was bankrupting the county because the expenses were far ahead of the fines and fees received. The result of that campaign was that the Republicans lost the sheriff in this county, although it was a strong Republican county. We made the best fight we knew how against this by figuring up and showing just where we stood. By some blundering in the office of the county clerk there was an informality in the papers in a very large number of cases, and we lost our grip on those fellows through that. The seal of the county had been omitted, so that a large number of the liquor indictments did not stand ; however, that did not come up until after the election, so that did not affect the issue. The fact remained that we lost the sheriff, and we lost the votes at a time when Bangor was notorious for the radical manner in which the prohibitory law was being enforced as it has been since the other way. That had a natural political result, that the people did not care whether the law was enforced or not. After four or five years a third political party came up, and they made appeals to both parties, and principally to the Republican party, for votes on the ground that neither of the old parties were trustworthy on the temperance question ; so that after having lost our sheriff because of his zeal in enforcing the prohibitory law we had to meet the Democrats who are opposed to it altogether, and we also had to encounter the opposition of some of our fellow citizens who voted for the third party man. I presume that is what Judge Vose meant when he spoke about politics. In our city, in the contest for the mayoralty the contest was pretty close, the majority running from 150 to 314

either one way or the other. Almost always of late years we have had anywhere from 100 to 175 or 200 third party votes ; so that when a Republican is nominated as candidate for mayor the third party puts up another candidate and takes away votes from the Republicans. You can easily see how that affects a candidate because we have not only to fight against the prohibition party but in addition to that the regular Democrat party and the saloon-keepers as a whole. Here and there, you will find a fellow that votes the old Republican ticket keeping a saloon, but as a general thing they all vote the other way for the Republicans enforce the law. The saloon-keepers will fight like tigers for their personal interests because, our laws have been very severe against them, and then there is the possibility of having a man elected who would be a very radical prohibitionist or he would be against it altogether. So you see we have to fight against both these parties. The loss of 200 votes to the Republican party undoubtedly has more or less effect on the question of our city government. We have here, as I said a little while ago, the difficulties to meet between the energy shown by those who are interested in the traffic, and which they find profitable, and the latent and passive energy of the community against that traffic. I will give you a further illustration. We had some time ago a lumber strike here. I told our people not to publish the order that the sheriff and the mayor had issued forbidding the liquor sellers to sell during the strike, as I did not recognize any authority on the part of the mayor or the sheriff to issue any such decree. However, the decree went into operation, but they did not all stop selling. The people were very indignant that they did not obey the mayor. They were more indignant at the saloon-keepers opposing him than at their non-obedience of the law, and they hauled up five or six of the rumsellers and convicted them. Then I said that this was an opportunity to arouse the people on this question and we will stop this liquor traffic. I came out in my paper with double leads, with an appeal to the county, and said : " Now is the time to put this liquor traffic under foot. We have a decree issued by the mayor and the sheriff under which liquor has been sold. Second, they know where it is sold ; and, third, they have shown that they know how to suppress it." I hammered away at that, day after day, and I had some nice letters from some very worthy people, and occasionally a brother would come in and pat me on the shoulder and express a great deal of approval at my action ; and when I told them that I wanted something to be done, some of them said, " Let us have a public meeting." I told them that I did not want that. I told them that I wanted them to organize and give such a manifestation of popular will that would put a stop to liquor selling. They thought that was a pretty good idea, and they were all ready to do anything, and finally I made a list of twenty-five men to call together and to ask them if they would agree to devote their time for two weeks to this cause, and if they would canvass the prominent men of the city for a great demonstration in regard to this matter. They fiddled round and fiddled round, but only three parties turned up. Some of those gentlemen had to go to the seashore with their families and some had to attend to business, and nothing was done, and finally the strike ended, and it was whispered round that the saloons were going to start in selling again the following Monday. I hammered away again in the paper, and Monday came, and when I came down town in the afternoon the saloons were selling. I did not stop after it once begun, because the sudden rush of my energy could not be put down at once, but I hammered it down as well as I could. Gentlemen, that does not prove that Bangor is a bad city ; we have a splendid community. It simply shows that it is like a city, the same as St. John or Portland or Boston, because you find that in a city these interests are very profitable. If prohibition has not been successful in the State of Maine, it is a failure. It has had a better chance here than anywhere else, and, therefore, gentlemen who represent the radical prohibitionist idea, and who want a third party and so forth, and who base their politics entirely on prohibition, if by doing this they undertake to demonstrate that prohibition is a failure in the State of Maine, they simply demonstrate that prohibition is a failure practically, because it could not have any better chance than in the State of Maine, and it could not have a better community to work upon. Neal Dow says that we want more law. He goes to Augusta and gets more law from the Legislature. We have filed on our statutes since the first

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law in 1851, miles of statutes concerning the sale of liquor that oversteps everything else in our penal legislation. I made a compilation in 1888 of the amount of space occupied in our revised statutes where the laws are codified, and I found that there were some 18 pages of statute law in the code of Maine directed against the sale of intoxicating liquor, while the statutes of the State of Maine concerning protection against all kinds of offences against life and person, murder, arson, robbery, and all those offences were encompassed within four pages. The statutes in the Code for the protection of property only occupied a page and a half, and yet on this one subject of selling intoxicating liquor we have had statutes almost every year until we have the most astonishing mass of legislation against this liquor traffic that is to be seen in any part of the world. Yet General Neal Dow, the apostle of prohibition, who has been all life active in this movement, has been suggesting more legislation and has been taking the advice and opinion of people all over the world ; but we have enacted nearly everything he has suggested up to the present time, and if, notwithstanding that, General Neal Dow is willing to say that prohibition is a failure, it is a failure as a principle. I think, however, that the failure is on the part of General Neal Dow and some other gentlemen to recognize limitations.

7438*b*. Have you paid any attention to the proportion which liquor cases bear to other cases before your superior courts ?—I conclude from the statistics that only about 15 per cent of the cases that come before the courts are for offences other than those against the liquor law ; so 85 per cent are liquor cases.

7439*b*. You have had the whole power of the Legislature and you have had the whole power of the superior courts to enforce this law, and you have had it on your Statute-books for 40 years ; and what is the result ?—We have a good deal of conflict of voices on this question. Now the man who has a political object in view, and that political object the formation of a new political party based upon one principle, that of prohibition votes in a way that he thinks will extend that idea. I do not pretend to belong to that kind of a party, although I am a prohibitionist of 25 years standing, and have been publishing a paper that has been advocating the prohibitory law for 30 years. I am a Republican in politics, and do not pretend for a moment to say that I think it would be feasible to go to the people of the United States and ask them as a whole at the present time to ignore this question, and go right on and fight on the temperance question ; I do not believe you can do that, and I do not believe you can do that in Canada or any other country. The Republican party in this city has adopted temperance as one of its principles, and we contend that the legislation has been enacted by our party ; the original law was passed by the Democrats as a joke, and the Democrat Governor signed it as a joke on them, and they repealed it afterwards, but substantially prohibition is a Republican measure. The prohibitionists openly declare that it is their aim to override the political party that is most opposed to intemperance. I do not believe in that. Of course if a man is arguing to establish that hypothesis he is very apt to go very near saying that prohibition in Maine has been a failure, and if he admits that it is a failure in Maine, he will prove that it cannot be a success anywhere because all the conditions are favourable to it here. I do not think however, that any of those persons believe that prohibition is a failure in Maine. General Neal Dow in 1886 in a letter that he wrote to the *Alliance News*, dated June 29th, 1886, puts the results of prohibition in Maine as follows : “1st. Every brewery and distillery in Maine has been suppressed, and we had many of them. 2nd. The volume of the liquor traffic has been reduced at least nineteen-twentieths of its former amount, whereby we save at least \$20,000,000 annually directly, and indirectly nearly quite as much. 3rd. As a result of this, Maine from being the poorest State in the Union has become one of the most prosperous.” That was General Neal Dow’s calm and deliberate message also to a great organization in England, of the general results of prohibition ; but, of course, when General Dow comes to Bangor he gets excited and flies off at tangent and makes radical statements about what is done in Portland that do not agree with this statement.

*By Mr. Gigault :*

7440*b*. Have you any of General Dow’s statements ?—He is the most intemperate man in Maine. He is a very old gentleman, and I have great respect for him and he has done a great deal of good.

7441*b*. Then General Neal Dow is not always consistent in his speeches?—Not only here but elsewhere he makes use of the most extravagant language and says that rum is running riot.

*By Rev. Dr. McLeod :*

7442*b*. Do you think that statement to be correct?—I know it is not so. If you took the account book of a grocery store 40 years ago, you would be amazed to see the amount of New England rum charged up; that is not the case now.

*By the Chairman :*

7443*b*. Do you know if the figures you have quoted from General Dow's statement include the liquor sold from the distilleries, and which of course was not used exclusively in the State?—I always thought that the figures General Dow gave were based upon the changes of condition in the rural villages, where they used to have one or two tipping shops in every place.

*By Mr. Clarke :*

7444*b*. Has the latter condition of things to which you have just referred been confined to this city?—I think to a great degree. I think that our improvement in this respect has been much greater than in other places.

7445*b*. With regard to the use of liquor generally by the people, has there not been a great change within 40 years all over the country?—I think so; I think that is the result very generally. One of the most striking examples I can remember here was that of a banquet given at a great influential gathering, where men of great importance in the community assembled, and where the banquet and festivities were carried through without liquor. That was the opening of the North American Railway. We had present at that banquet and festivities, the President of the United States, Lord Lisgar and the Lieutenant-Governor of Quebec.

*By the Chairman :*

7446*b*. Was that out of deference to the views of the promoters of the banquet or to popular sentiment, or to the views of General Neal Dow?—Neal Dow had nothing to do with it. It was out of deference to the law and to the sentiment of the people. Notwithstanding the fact that Lord Lisgar was coming from Canada, it was considered that it was due to our State that there should be no intoxicating liquor at the banquet.

7447*b*. How many persons were present on that occasion?—I do not know, but it was the greatest gathering we had ever had in this city. I do not mean to say that there was no liquor drank, because you cannot control what private people do, but there was not a drop of intoxicating liquor on the table. On this question as to what are the general effects of the prohibitory law, I will quote to you the platform of the prohibitory party in Maine. It says after referring to the non-enforcement of the law in some parts :

“ We express our gratitude to God for the progress which is every year made in this respect, and we tender our thanks to the citizens of Maine, including the Women's Christian Temperance Union, who have aided in securing the constitutional prohibition of the liquor traffic, temperance text books in our schools, and such laws against the sale of intoxicating beverages as we now possess. The expression of thousands of candid observers in every part of the State, the regard of our courts, the absence of a great deal of crime as compared with other States, the small proportion of taxes collected by the United States authorities for the sale of alcoholic liquors in Maine, the total destruction of the manufacture of alcohol in the State and the vast increase of sentiment in favour of total abstinence amongst the generation growing up, all show that Maine may proudly claim the lead in this reform, and that she is a quarter of a century ahead of States which license this gigantic crime.” I cite that as an evidence of the result of our prohibitory system.

7448*b*. That is the platform of the prohibitory party?—Yes. They give that as an evidence of the success of prohibition even when poorly administered.

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*By Rev. Dr. McLeod :*

7449*b*. You think they were about right in that statement?—That agrees more with my knowledge of the city of Bangor than all the statistics in the world. This city, I believe, however, will show a pretty good history.

*By the Chairman :*

7450*b*. How about the sale of liquor in this city?—It varies. There are some years when there is more consumed and more drunkenness, but the statistics depend more upon the disposition of the officers for the time being than upon the condition of the population.

7451*b*. I take the statistics of your arrests in the city of Bangor. In the year 1880 the arrests of all kinds amounted to 30.85 per thousand of the population. They ran on increasing until the year 1891, when they reached 87.64 per thousand of the population. The arrests for drunkenness were 15.54 per thousand of the population in 1880, and in 1891 54.16 per thousand; that is far more than in Portland?—All of those changes are liable to be accounted for by changes of administration. I have not figured out the averages between those and Portland. You can make a certain use of those statistics, but they are good for nothing, with a few exceptions. I know that this community is very much better than it was some years ago in regard to intemperance.

*By Mr. Clarke :*

7452*b*. And I suppose you would say the same with regard to every other community?—Yes.

*By Rev. Dr. McLeod :*

7453*b*. Do you believe that the prohibitory law is meeting with more favour?—Yes.

*By the Chairman :*

7454*b*. What do you believe is the effect of all this litigation, the open sale of liquor by saloons and violations of the law by the liquor agency, upon the community?—The liquor agency question is one of the difficulties, but I do not see how they can have a prohibitory system without selling liquor in some kind of way for medicinal and mechanical purposes.

7455*b*. Do you think it demoralizing to the community that people go to the liquor agency and make false statements to get liquor, and it is perfectly well known such is the case?—Some of them will be demoralized.

7456*b*. We have had it in evidence that there is much perjury in liquor cases?—I do not know of any better way in which the liquor agency can be conducted. I presume that alcoholic liquors will be required for a long time for medicinal and mechanical purposes. I do not believe that it is practicable to absolutely prohibit alcohol in all its forms.

*By Mr. Clarke :*

7457*b*. What is the moral effect on the community of having a law of the State flagrantly violated? Is the respect of the people for the law lessened?—I think that the general violation of any law has a demoralizing effect upon the community. I do not question that; I do not think it could be otherwise.

7458*b*. You spoke of the strenuous efforts made by one sheriff to enforce this law, and yet as soon as that sheriff rigidly enforced the law the people turned him out?—That is hardly a fair impression to take. It was a case of life and death to the rum-sellers, but it was not to the good citizens. They pledged themselves to defeat the sheriff. They said the sheriff was demoralizing the county by encouraging informers and inducing them to swear falsely.

7459*b*. Has there been any other way suggested of enforcing the law since that time?—No, but we have added to the penalties for selling liquor.



*By Rev. Dr. McLeod :*

7460*b*. Speaking about the changes made in the law by the last Legislature, which gave increased power to the judges, it is contended by some people that this was a sign of the weakness of the prohibition sentiment in the State. Do you regard that change as showing the weakness of the prohibitory sentiment?—I do not. I think there has been a feeling in this city, amongst the calm friends of prohibition, that the laws have been carried too far, and that it would be better to give the judges discretion.

*By the Chairman :*

7461*b*. Do you think it was an evidence of dislike to General Neal Dow's extreme methods?—I do not know whether it was directed against General Neal Dow or not. I think there was a feeling against him, however. That gentleman would be in favour of hanging people for the first offence of selling liquor. It was the relaxation of the excessively severe penalties of the law.

J. NORMAN TOWLE, of Bangor, Grain Merchant, examined.

*By the Chairman :*

7462*b*. Have you lived here long?—I was born in Port Hope, Ontario, and was brought up in the city of Bangor and have lived here for 28 years.

7463*b*. How long have you been in the grain business?—As clerk and partner for 11 years.

7464*b*. Do you send travellers out?—Not all the time, but part of the time. I frequently travel myself.

7465*b*. Are you familiar with this State?—Yes.

7466*b*. Have you observed at all when travelling, about how much or how little the prohibitory law is observed?—Do you refer to small places?

7467*b*. To places of perhaps 1,000 inhabitants?—There are very few places where liquor cannot be obtained. It is generally whisky of rather a cheaper grade and very little beer is sold. In smaller places you do not often find liquor sold, but you will get it in larger places.

7468*b*. When you speak of country places, to communities of what population do you refer?—Well, in the neighbourhood of 1,000 inhabitants. I am talking of villages.

7469*b*. What is your opinion as to places of about 1,000 inhabitants? Is liquor sold there?—Yes, there would be one or more places where liquor could be obtained.

7470*b*. Can it be obtained openly, or would you have to get it by some arrangement with the proprietor of the place?—It is generally obtained by some little arrangement with the proprietor. As a rule it is kept in some room or in some place like that.

7471*b*. The country people with whom you must have been brought in contact, and more particularly the agricultural people, do you think they, throughout the State, drink at all?—Of course, there are a great many places where the agricultural people cannot get liquor in their villages, as the villages are too small; but these people whenever they come to the city, almost invariably take liquor.

7472*b*. Do they carry liquor home with them?—I cannot answer that question.

7473*b*. Do you think, as a rule, that they have liquor in their homes for private use?—I think not.

7474*b*. When you come to the towns and cities how is the law observed there?—Well, you generally find liquor in hotels in the cities, but, except in Bangor, it is generally sold more or less secretly. In Bangor it is open sale.

7475*b*. What sort of stuff do they sell in these towns and cities?—As a rule it is of inferior grade, but here in Bangor I think you can get the best liquor put over the bar of any place in the State. As a rule the saloons here keep the best liquor.

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7476*b*. We have heard in Portland that the most vile and injurious stuff is sold as liquor?—Yes, I think there is.

7477*b*. We have heard that it is stuff calculated to do serious injury to any person taking it. Do you think similar stuff is sold in other towns and cities?—I think there is bad liquor sold wherever the law is enforced.

7478*b*. What have you observed about the liquor agencies throughout the State?—I do not know anything about that.

7479*b*. Did you say that liquor is sold quite openly in Bangor?—Yes.

7480*b*. Have you any idea of how many places sell liquor in the city of Bangor?—I have heard it stated that there were in the neighbourhood of 150, but I cannot say accurately.

7481*b*. Can you tell us how it comes about that, with a Republican city government and an alleged strong sentiment in favour of prohibition in this city the law is not enforced?—The sheriff has the most to do with that, and a sheriff that would enforce the law could not be elected in this county. Public opinion here is in favour of having liquor.

7482*b*. What are your opportunities of knowing public sentiment in the community, Mr. Towle?—I pass around in society, and I know that liquor is used.

7483*b*. Is it your opinion that if a vote was taken on the question of prohibition the people of Bangor would vote for some other law than the prohibitory law?—Yes, I think that the people would vote for high license in their city.

7484*b*. Have you ever held any office in this city?—Never.

7485*b*. Have you taken any part in the political contests which go on in this city?—No, not more than going to the poll and voting.

*By Mr. Gigault :*

7486*b*. Do your commercial travellers find that in places of about 1,000 inhabitants liquors are sold in one or two places?—I think so.

7487*b*. Do they say so to you?—I never ask them the question, but I have heard them telling of such things going on in public places, but I have never paid much attention to it.

7488*b*. Do you know if the druggists sell liquor in these places too?—Generally, if the town is so small that there would not be a druggist in it, there would be the country general store.

7489*b*. Do you know if cider is made by the farmers here?—It is.

7490*b*. Is there any cider sold by the farmers?—Yes, the farmers peddle it.

7491*b*. And the sale of cider is not allowed by the prohibitory law?—It is against the law.

7492*b*. Do you know if they sell a good deal of cider?—Quite a little.

7493*b*. Are there many apple orchards here in Maine?—Yes, a good many.

*By Mr. Clarke :*

7494*b*. I understand from you that you believe that, if a vote was submitted to the people in this city to substitute high license for the present law, high license would carry?—I think it would by a large majority.

7495*b*. We are informed in evidence that the vote on the constitutional amendment incorporating this prohibitory law in the constitution of the State was submitted to the people in 1884, and that there was a majority of the votes in this city in favour of it; would that be an honest indication of the public opinion of the State, or has public opinion changed since then?—I cannot answer that question very well because I was too young at the time.

7496*b*. Is there much drunkenness in Bangor?—Well, not very much. Occasionally you will see a drunken man, but there is not much drunkenness.

7497*b*. There are numbers of people who come here during the season of navigation, and numbers who are engaged in the woods come into the city also?—Yes, a great many of the arrests come from that class. A great many of these men come from the provinces; I refer to Nova Scotia, New Brunswick and Prince Edward Island.

7498*b*. Have you travelled in the other New England States much?—Not a great deal.

7499*b*. Have you ever had any lengthened residence in any of them?—No.

7500*b*. Have you travelled much in the State of Maine?—I have been all over the eastern part of it.

7501*b*. Are the political parties pretty evenly divided here?—Fairly so, but although the city is Republican, once in a while they carry a Democratic mayor.

*By Rev. Dr. McLeod:*

7502*b*. You expressed the belief that Bangor by a large majority would favour a license system. What means have you of judging of that?—Only from opinions that I have heard expressed.

7503*b*. We are told sometimes that in the smaller towns—according to the statements of some people that would include some villages—the liquor trade is prohibited. Is that your observation?—I said that in towns in the neighbourhood of 1,000 inhabitants there would generally be one or more places where liquor could be obtained.

7504*b*. Do you know anything about the town of Pittsfield?—Yes.

7505*b*. What is the population of that town?—I should say perhaps 3,000 or more.

7506*b*. Do you suppose that the law is fairly well enforced in that town?—Well, there are two or three places there where you can get liquor.

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BANGOR, 1st July, 1893.

SIR JOSEPH HICKSON, Chairman, MR. E. F. CLARKE, REV. DR. MCLEOD and G. A. GIGAULT, resumed the inquiry at 9 o'clock a.m.

REUBEN E. HATHORN, of Bangor, Superintendent of the Alms-house.

*By the Chairman :*

7507*b*. How long have you held your present position?—10 years. I am appointed by the overseers of the poor and confirmed by the city government; they are elected for three years, one retiring each year.

7508*b*. I notice from your report that the number of persons who received help from the alms-house between March, 1891, and March, 1892, was 161. Would that be about the average number?—For the last five years it would be, but before that we had more.

7509*b*. Can you tell how many people are assisted outside of the alms-house?—I have nothing to do with that; I do not know.

7510*b*. I understand you to say that prior to five years ago the number relieved would be more than at present?—Yes.

7511*b*. You think that the number in the alms-house is decreasing?—Yes, we are helping more outside, instead of taking them into the house.

7512*b*. Do you think that the number of persons assisted by the overseers of the Poor has increased?—I think they have; instead of taking them into the alms-house we help them a little outside during the winter and they manage to get along during the summer months.

7513*b*. How do you make the classification of the nationality of persons who come to the alms-house?—I take their own statements.

7514*b*. Who are those who are classified under the head of "provincial"?—They come from the British provinces—Prince Edward Island, Nova Scotia and New Brunswick.

7515*b*. Have you had any from the province of Quebec?—We have had some, but there are none now.

7516*b*. Have you had any from Ontario?—No.

7517*b*. You simply take the statements of the parties as to where they were born?—Yes.

7518*b*. How do you classify a man who was born in the provinces but who has become a United States citizen?—He is a "provincial."

7519*b*. All those that come from the provinces and become naturalized still remain provincial?—Yes.

7520*b*. Do you adopt precisely the same method in regard to the Irish people?—Yes.

7521*b*. That is to say that if they were born in Ireland although they have become American citizens, they are classified as Irish?—Yes.

7522*b*. How do you deal with the children of Irish parents born in the States?—We classify them as Irish; Irish-Americans they call themselves. If one of those fellows came here, and you put him down as an American he would be mad, notwithstanding that he was born here.

7523*b*. The 68 persons given as Irish include Irish born in the United States?—Yes, but there are very few of them that were born here; most of those we have here are old people.

7524b. Have you any record which shows about what proportion of the inmates of your house are driven into the alms-house through intemperate habits?—We do not count them, but I believe that more than two-thirds of them or nearly all that come here, come because that has been the trouble.

7525b. From your observation can you say if the prohibitory law is enforced in this city?—I cannot say that it is enforced; it does not look as if it was enforced in the city. I think if it was enforced more, I would not get so many sent down to the House of Correction.

*By Mr. Gigault :*

7526b. Do you know how the prohibitory law is working in other places outside of Bangor?—I do not think there is any difference between the adjacent towns and here.

*By the Chairman :*

7527b. What do you call a town?—A cluster of houses.

7528b. What is the population of such places?—They vary.

7529. Any place with about 500 population is a town?—Yes, I do not think they would go much lower than that.

*By Mr. Gigault :*

7530b. Do you know if the prohibitory law here has promoted total abstinence?—I do not think so.

7531b. Do you think that three-quarters of the inhabitants of the State of Maine drink liquor now?—Well, I should think they do, but I have no way of knowing exactly.

7532b. What you do say is from common report?—From what I see around, I think they drink more or less.

CAPT. WILLIAM FLOWERS, examined.

*By the Chairman :*

7533b. Have you lived long in the city?—I have lived in Bangor 40 years. I was born in this city, and I have been engaged in the railroad and steamboat business. I commenced steamboating in 1842, and I ran the first steamer from Boston to Bangor. In 1846 I left the steamboat business and commenced with the Great Western Railway of Canada and the Michigan Central and the Grand Trunk Railway, and I was there 19 years with you, Sir Joseph, I travelled from New York to Halifax.

7534b. You remember this State before it had a prohibitory law?—I was running a steamer here when the Weaver prohibitory law was in vogue. The law was enacted in 1851.

7535b. What in your opinion, having travelled over the country, has been the effect of the prohibitory law?—Well, as a general rule it has been beneficial. Before it came into force every shop was a liquor shop.

7536b. In the matter of intemperance, how does Maine compare with the other States in which you have been?—I think it is about up to the average of our eastern States. I do not know much about the western States.

7537b. Do you think Maine is a little ahead of some of the western States?—Yes, I do. The people are more temperate than they were 40 years ago.

7538b. Is the prohibitory law enforced in the city of Bangor?—Yes, it is enforced, but not as a prohibitory law according to the law of the State. It is enforced by the municipal government as a municipal law. A decent house selling liquor they do not take any notice of, but if they violate what is understood to be the law of the city they are looked after.

REUBEN E. HATHORN.

## Liquor Traffic—Maine.

7539b. Is there, as a matter of fact, a large number of persons selling liquor in this city?—Yes.

7540b. A large number, where they sell liquor quite openly?—Yes.

7541b. You hardly consider that an enforcement of the law, do you?—No. For instance, you can get liquor in this hotel or any other hotel or in any saloon in the city.

7542b. What is the state of affairs in the country districts?—I think the country districts are prohibitory.

7543b. Do you think that liquor is to be had in most of them if you want it?—I think not. I think you can get liquor in very few of them.

7544b. Would there be any difficulty in getting liquor in places of 3,000 inhabitants, for instance?—I think you would have no difficulty in getting it there.

7545b. How low down in population would you go to reach a place where they do not sell liquor?—I should say that in a place of a thousand inhabitants you might find it difficult to get liquor.

7546b. Do you think that there is much drinking in the houses of the people here?—I do not think it is as much as it was 20 years ago.

7547b. Do you think there is more drinking in the homes now than there would be if license existed, when people could get it openly?—They can get it openly here, but I do not think there is so much drinking as formerly.

7548b. You are speaking of the habits of the people generally?—Yes.

7549b. The point is whether or not the stoppage of the open sale of liquor in the State of Maine leads to an increased consumption of liquor in the homes?—I do not think it does. We have a city liquor agency here where a person can go and register his name and get all the liquor he wants.

7550b. Has he not to make a declaration?—He simply has to give his name and say if he wants it for medicinal or mechanical purposes.

7551b. In other words, if he is going to use it for other than medicinal or mechanical purposes he has, in order to get it, to state an untruth?—He would probably adopt that method of getting it. I think it is generally admitted that people who are known can go and get liquor there.

7552b. That is contrary to the law?—I understand it is, but the traffic is carried on all the same.

7553b. Do you suppose that a number of persons go to the liquor agency, and make the statement that they want liquor for medicinal or mechanical purposes, who do not want it for such purposes?—I do not think they do.

7554b. Do you think they can get liquor at the agency without being called upon to make the declaration?—Yes.

T. O. BEAL, Mayor of Bangor, examined.

*By the Chairman :*

7555b. How long have you held your present position?—This is my second term as mayor of this city; before that I was an alderman for one year. I have made this hotel my home for thirty-one years, and I am a native of the State.

7556b. Is the prohibitory law enforced in this city of Bangor?—No; I should say not.

7557b. Is there any special reason why it is not enforced which you care to mention?—I will express my opinion freely, and will do so as I have nothing to keep back. In the first place, I listened very attentively to what brother Boutelle said. I cannot claim, like him, that I am a radical temperance man, because I do not know exactly what that is. I do not drink anything myself. I do not like to see others drinking liquor, and I despise people whom I see drunk; but I have no objection to any man drinking if he can take care of himself and does not interfere with me or anybody else.

For thirty-five years I have had a good chance to observe the working of the prohibitory law in the State of Maine. I have lived all of that time in a hotel, and I have been on the railway and dealt with the public, and I have seen liquor in its various stages during that time. As Mr. Boutelle mentioned last night, I was here during the reign of Sheriff Girard, when he tried his best to stop the traffic in liquor. I kept this hotel the last year of his administration, and the year after I took the house we did not sell a drop of liquor in any way or shape ; but there was not a time when a man came into this house and rang a bell and asked to be supplied with a half a dozen bottles of beer or a dozen bottles of beer or a bottle of whisky, that in five or ten minutes the bell boy would not go out and get it. There was liquor enough for all demands during the whole time. There were ways of getting liquor. The guests of the hotel would bring it into the house and the landlord would have the pleasure of furnishing glasses and getting the room swept out afterwards. There is no time in the history of the law during 35 years that a man in this city or in Portland or in other cities could not get liquor, and I have been in all those cities. There was no time in the history of the law when a person could not get all the liquor he wanted, and it was not of the best quality either. Of course there were considerable chances taken in getting it, but they would bring it in the by-ways and one way and another, and run the risk of being discovered. I remember in the year 1858 I was boarding in a hotel in Augusta, and it was a lively time so far as the liquor traffic was concerned. I heard the proprietor of the house say one day that he had a receipt for making all kinds of liquor. He would send out to an apothecary and get two gallons of alcohol and in fifteen minutes he would supply any kinds of liquor the people wanted out of it. He had different colourings and different mixtures to put into it, and a man could have any liquor he wanted from port wine up to whisky ; but it was poisonous. When I was on the railway I observed the workings of the prohibitory law a good deal and the manner in which liquor got into the town. It would be sent by express and by freight. Sometimes it would be consigned to a small station outside the place it was intended for. There was always liquor enough in the State for the people to get all they wanted. In regard to this city of Bangor, I suppose it is a matter of common knowledge that people can get liquor here almost anywhere. There is no use denying that. You might as well admit it as to say, as I have no doubt brother Dow told you, that there were few places selling it in Portland, but I think you could get it at almost every other door in Portland. At all events, you can get plenty of liquor in Bangor. Mr. Boutelle stated last night that it was the duty of the city government to prosecute those persons who sell liquor. I look on the matter a little differently from what he does. The city government is here to enforce the laws of the city and laws of the State, if they are broken against the interests of the city ; but it is not their duty alone to enforce the law, because every citizen has a right to complain and to carry this law into effect as well as the city government. I can tell you that if you undertake to elect a city government in Bangor, whose duty it is to enforce this law, you would never elect one in the world, and if any city government that was elected attempted to enforce it, they would never get back again. During the administration of Sheriff Girard there was more drunkenness to be seen on the streets than ever before ; because every man who took a drink then, took this vile stuff that would make him crazy and he would lie down at the corners of the street. There was a terrific state of affairs in the town at the time, and the people got tired of the law that was pretended to be carried out, but was not carried out as they claimed. The sheriff had all he could do to enforce the law at that time, and his deputies had all they could do ; but the state of affairs was deplorable. Mr. Boutelle says that the incentive for money and the greed of gain has a good deal to do with the sale of liquor. That may be, but if anybody wanted liquor, somebody would sell it. It is the desire on the part of the public to have liquor that causes people to go into the business, and they find a sale for their goods. Now, as regards a man owning a hotel or hotel property. I own this hotel we are sitting in to-day. You go through the streets of our city and you will find that the wealthy men own the buildings and run these buildings, and there is liquor sold in these buildings, and it is not sold without their knowledge ; and if the greed for gain is the incen-

T. O. BEAL.

## Liquor Traffic—Maine.

tive to the saloon-keeper, the greed for gain is clearly the incentive to the man who rents a building for that purpose. This traffic effects such a large majority of the people throughout the county, that they wink at it and pretend not to know it, and they do not advocate its enforcement, they will not take the responsibility of enforcing the law here.

7558*b*. We have heard it stated here that a large majority of the people are in favour of the prohibitory law?—Well, if they are there is no objection to enforcing it, but it is not enforced. I do not go on theory at all. I know that you will get plenty of men who will theorize on this thing just the same as Capt. Flowers will, one of the nicest old men who ever lived, and just the same as Mr. Payne. It is, however, all theory with them as to what might be done. The fact is that liquor is sold openly, and there is no denying it. I suppose Sir Joseph, you can get plenty of advice in the management of the Grand Trunk, as to what you had better do, but the practical result is to see what can be done. I say that more than 75 per cent of all the full grown male population of the State of Maine—and I think we are as reliable and as creditable and respectable a people as there are most anywhere—will take a glass of liquor if they feel they want it. I do not mean to say that our people are drunkards or patronizers of tipping shops, but if they are away from home and feel dry, they will take a glass of liquor. Now a man who takes a glass of liquor himself does not care to see a man severely punished for selling the liquor which he drinks. For instance, a hotel man, who supplies liquor to his guests and whose guests want to have liquor, the people of the State do not care to see him imprisoned and punished like a criminal guilty of arson and robbery because he sells that liquor. That is one reason the law is not enforced here. Take this hotel, the Bangor House, and I kept it for some time. The law does not prohibit any man from bringing his own liquor into his private house, or from bringing his liquor into a hotel. I did not give a drop of liquor to my boarders, and I had some seventy of them; but they had a supply of liquor in their rooms. Almost every one of them had more or less beer, and you would be surprised to see the express companies take it to the door and leave boxes of beer, and see the boarders having it carried to their rooms. The consequence was, that they would have their parties in their rooms, and the first thing they would think of was to treat. I just mention this to show you that liquor is plentiful, and you can get it anywhere. My impression is that during the time the law was enforced there was really more liquor consumed than there is to-day.

7559*b*. You are speaking of the time when the law was strictly enforced?—Yes. We have what we call a regulation in this city, and it has been in force for a good while, in reference to the sale of intoxicating liquors. There has been no special agreement that I ever knew of with the people, but it is generally understood that if a man has a bar-room or sells liquor of any kind, while he is not exempt from being seized at any time, yet any one who wishes to make a complaint against him can haul him up. It is, however, understood that if he closes his bar-room at 10 o'clock at night and keeps it closed on the Sabbath, then, unless there is some trouble, the city officers will not bother with him. There is an understanding or a tacit rule of some kind, which is for the regulation of the drink traffic in Bangor, and it is working so well and gives such satisfaction to the general public that there is no disposition on that account to enforce the prohibitory law here. That is one of the great reasons why the prohibitory law is not more enforced in this city. We regulate the trade here to the satisfaction of the public generally. There are some men, of course, who would not be satisfied with that; but they would not be satisfied with anything.

7560*b*. Can you tell us anything, Mr. Beale, about the enforcement of the prohibitory law in the rural districts? My knowledge of the rural districts, so far as it goes, is that the prohibitory law is enforced in them, and that it works well. In the first place, if you go into one of these small towns, you will hardly find any one who drinks there, except one or two, and they are drunken sots. As a rule the little country hotel-keepers are the fellows who furnish the liquor. There being only one place to get liquor in these country districts, it is very easy to watch that place, and the means of getting liquor is difficult, or it becomes known to the authorities. It is altogether different in the city, where there is every opportunity of getting it and where people are not known as much amongst each other.



7561*b*. Do you think the smaller inns and hotels in the country places keep a supply of liquor?—I think they have been in the habit of doing so. From time immemorial they have always been known to keep it.

7562*b*. Of course it is contrary to the law for them to sell it?—Yes, of course.

7563*b*. What about towns of about say 3,000 inhabitants, do you think liquor is always to be had in them?—I hardly think there are 3,000 people in any village in the State of Maine that you cannot go and get liquor in any day in the year. You might have to do it secretly, but I believe you could get it.

7564*b*. What about towns of 1,000 or 2,000 inhabitants?—I think there are a good many towns of that size where there is no liquor to be had.

7565*b*. But when you get to a population of about 3,000 you think liquor is to be had?—Liquor is to be had in any town of that size in the State of Maine.

7566*b*. Have you got a city liquor agency here?—Yes.

7567*b*. Is it managed by a committee of the city council?—Yes.

7568*b*. Can you tell us anything as to the system of selling in that agency?—The law states how the liquor shall be sold. It is purchased from the State Commissioner, and the city agents if they want any particular brand, and the State agent does not happen to have it, will write to him and ask him to order it or allow them to order it from some particular firm, and so the State Commissioner knows all the liquor that is bought. That is the intention of the law.

7569*b*. We heard in Portland that four firms were selected by the State Commissioner to supply the agencies?—It is not so here. The city agent generally deals with three or four firms, but it is occasionally the case that none of these firms have just what the city agent wants, and in that case he asks permission to buy of another concern, and permission is always granted.

7570*b*. The city agent may order the liquor direct?—Yes, and the bill goes to the State Commissioner.

7571*b*. Does the city government here obtain any profit out of the liquor agency?—We do not intend to make anything, but just enough to pay the operation of the agency. I think, however, that there were three or four hundred dollars profit last year.

7572*b*. Are the sales of liquor at the agency strictly confined to use for medicinal and mechanical purposes?—They are supposed to be, and perhaps are as nearly as can be. Of course, the statements of persons who get liquor there are not always to be relied upon as to what they are going to do with the liquor when they buy it. I do not think it is very strictly regulated in that respect. I think if anybody wants a bottle of whisky or rum or gin there would be no trouble in getting it, provided they were not known to be drunkards.

7573*b*. Have you paid any attention to the amount of crime in the city and the number of cases that come before the courts, compared with other towns?—No. We are pretty strict in Bangor and any man who is anyway intoxicated on the streets, is taken charge of by the police. We have a large lumbering country here, and men come in from all parts and get paid off here and in that way perhaps the arrests would be higher than in other towns, because these people are generally of a drinking class.

7574*b*. How do you think the city of Bangor would compare with Portland as to arrests?—Well, Portland should not have as many arrests as Bangor, because in Portland they have not the same class of people. They have sailors there, but they have no lumbermen. I should think that as regards the percentage of arrests amongst the native population of both cities, it would be about the same.

7575*b*. I see that you have published in your annual report "Notes on Stimulants and intoxicants, for the use of the public schools." Can you tell us if that has been the practice for a number of years?—For eight or ten years it has been the practice of the schools to instruct the children about the bad effects of intoxicants.

7576*b*. Since that practice was commenced, can you tell us if the notes have always been published in this way in the city reports?—I think they have.

7577*b*. Are you able to say what the effect has been?—I cannot. We consider it a good thing to instruct the young in these matters.

T. O. BEAL.

## Liquor Traffic—Maine.

*By Mr. Gigault :*

7578*b*. About what is the annual amount of sales at the liquor agency?—It was \$9,100 last year.

7579*b*. Does the person who wants to buy liquor at the liquor agency make a statement that he wants the liquor for medicinal or mechanical purposes?—It is intended that he should, but the rules are often broken.

7580*b*. Do you believe that the prohibitory law has had the effect of promoting total abstinence?—I do not think it has ; I think it has been a signal failure in that respect.

7581*b*. Approximately, can you say how many liquor places there are in Bangor?—I cannot tell you that.

7582*b*. The chief of police said there were about 125 or 130?—I should think he would be pretty near right. Some say we have as high as 150, but I hardly think there are that many. Our worst rum shops here are kitchen bar-rooms and private houses where young boys are allured in to get liquor. We generally try to close up such places.

7583*b*. Do many minors get liquors in these places?—We have a great deal of trouble with young boys, fifteen and sixteen years old, getting liquor in such places. I hardly think there is a place in Bangor, outside of some low places, where they sell liquors to minors, or to intoxicated men. If such places do sell liquor to minors, or to intoxicated men, they are liable to be prosecuted right off.

7584*b*. How do you think the prohibitory law works in the town of Waterville?—I was there three or four years ago, and you can get all the liquor you want.

7585*b*. Is there a good deal of cider made in the rural districts?—Quite a good deal.

7586*b*. Do the farmers sell cider to the people?—They do.

7587*b*. That is contrary to law?—Yes, but there has been no trouble in getting all the cider you wanted. There has been no trouble in getting any kind of a law to enforce prohibition in the Legislature. You can get the law, but the trouble is to enforce it afterwards. They seemed to be glad to pass it because they knew they were making it so perfectly ridiculous that nobody would enforce it. It is evaded by the judge, and it is evaded by the officers of the law. The law is too severe, and public sentiment will not sustain it.

*By Mr. Clarke :*

7588*b*. Does that account for the amendment that was made recently in the Legislature giving discretionary power to the judges?—Yes. My idea is that in a short time this thing will practically be wiped out in the State of Maine. The first step backward was taken last year in the Legislature.

7589*b*. You think that the legislation last year in regard to prohibition was a retrograde movement?—Yes, and it was so considered by the Legislature.

7590*b*. Is not the open sale of liquor, and the open saloons here, a cause of temptation to young men?—We do not think so. We think that the more freedom the less young men are liable to drink to excess. When liquor is hard to get the young men think it is something smart to get hold of it.

7591*b*. Would it not be better to close the open saloon and force the sale of liquor into the kitchen and secret places?—By closing up these saloons you force the liquor into the kitchens and into the club-rooms and there is not a more dangerous place for a young man to get into than these club-rooms.

7592*b*. Are there any complaints made in Bangor and seizures of liquor following such complaints?—We prosecute any one who violates the general understanding regarding the sale of liquor in the city. It is the rule that we close at ten o'clock at night and on Sundays.

7593*b*. If the saloon-keepers here close their places at ten o'clock at night and keep them closed on Sundays, and do not sell to intoxicated people and to minors, they are not interfered with unless a complaint is made?—That is so.

7594*b*. As soon as a complaint is made, I suppose, the officers do their duty?—  
Yes.

7595*b*. Do women go into your bar-rooms and drink?—I do not think so.

7596*b*. Your experience of the State generally is that in the larger towns and villages the law is not enforced?—That is my experience. In Portland, for instance, Sheriff Cram is making it very unpleasant for the liquor sellers there, but I am quite sure that the people can get all the liquor they want in Portland. I knew a man recently who got the worse of drinking liquor in Portland.

7597*b*. Mr. Boutelle spoke of the expense incurred by the county in trying to enforce the law at one time, and a result of this enforcement of the law and the attention which this expense drew to it, the sheriff was defeated?—That was at the time of the Girard movement.

7598*b*. Did the people of the rural districts oppose the election of that sheriff who had enforced the law?—Yes.

7599*b*. Was it because the rumsellers were being sent to jail, or because of the expense of the enforcement of the law?—I think that the people of the rural districts did so because of the extra expense incurred. That is where the pocket-book comes in in the enforcement of the law. If these men are to be taxed to enforce the law they do not like it.

7600*b*. We inferred from the evidence of Congressman Boutelle that the rural districts are strongly in favour of the enforcement of the law, and the object of the Legislature in passing this amendment was to please the people of the country districts and their representatives?—I think that was the feeling.

7601*b*. But when it was found that the enforcement of the law under Mr. Girard caused expense, the country people did not want it enforced?—That is so. It had a reaction on the people. Those who were willing to try Sheriff Girard's plan of enforcing the law got tired of it, and they elected a man whom they knew would not enforce it.

7602*b*. Did the people in the rural districts support the new sheriff as well as the people of the city?—Yes. Perhaps they did not support him so largely as the city people, but there was a reaction set in which showed clearly that the majority of the country people were not in favour of enforcing the prohibitory law at their own expense.

7603*b*. Looking back as far as you can to the operation of the prohibitory law in the State of Maine, what is your opinion of it?—I can remember as far back as 1858, and ever since then I have been in public life, and I know that ever since then the attempt to enforce the prohibitory law has been a farce from the beginning to the end. We had special deputies appointed in Bangor to enforce the law, but it amounted simply to a blackmailing system. I will say that in the State of Maine with regard to this law, that is the case nine times out of ten. The officers close their eyes and allow the liquor selling to go on.

7604*b*. Your last result regarding the enforcement of the law was worse than your first?—Yes.

7605*b*. The sheriff told us yesterday that since they had got the special liquor officers, who were appointed by the State for the enforcement of the law, out of the way things have been much better than when that force was in existence?—That is a fact.

7606*b*. These were special officers appointed by the State Government to enforce the law independent altogether of the sheriffs?—Yes.

7607*b*. I suppose they were appointed by the Governor and Council upon the recommendation of the temperance people, who saw that the law was flagrantly violated in some places?—Yes.

7608*b*. And the result of the appointment of these special constables was a system of blackmailing and extortion upon the liquor sellers?—Yes, and I know that from my own knowledge, I do not speak from hearsay.

7609*b*. So far as your knowledge of the present law is concerned, you speak from experience; you have had, during 34 years as a citizen of the State of Maine, opportunities to witness the operation of the prohibitory law?—I do.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

7610*b*. Were you originally in favour of the prohibitory law?—I was young when the law first started, so that I cannot say that I know much about it. When I saw a man, as I told you, making any kind of liquor you wanted out of a gallon of alcohol, I began to query what sort of a law we had. My experience of the operation of the law was not calculated to make me a radical temperance man. I may say, however, to you that I do not take a drink myself and that I hate to see any one else taking a drink. I have always questioned the right of the State to tell me what I should eat or drink. I doubt that the principle of the law is solid. I think that the best law they passed was to punish a man for the second offence of being drunk, and I think that has had more effect against intemperance than anything else. There are usually in a town like Bangor between ten and fifteen young men and sometimes old ones who are habitual drunkards. They do not mean any harm, but they are being continually arrested and re-arrested. That would account in some respects for the large number of arrests made. They are not all distinct offenders.

*By the Chairman :*

7611*b*. General Dow stated before us in Portland that a man who was known to drink at all would not stand so well with the banks as regards his credit as a man who did not drink anything. What is your experience?—I should look to a man like Neal Dow to make such a statement as that, a man who is entirely out of business. The real live business man with us is apt to take a drink when he wants it, when he feels tired of work, but the smart business man will not drink to excess. Of course if a man is a habitual drunkard and is known to be squandering his money and property, that would injure his reputation.

7612*b*. Have you any clubs in Bangor where they distribute drink?—No, not now. We have social clubs, but we have no regular drinking clubs now.

7613*b*. Can you tell us anything as to the strength of cider which is sold in the State of Maine?—The only time I was anyway nearly tight in my life was on old cider, and that was when I was a boy twelve years old.

*By Mr. Clarke :*

7614*b*. We have heard it stated the vote on the constitutional amendment in reference to prohibition was an honest expression of the people of Maine in favour of the prohibitory law. We gather from the evidence that a substantial majority was given in its favour in Bangor. What is your opinion as to that?—I believe there was a majority of votes which were cast in favour of it, but there was not a majority of the votes on the whole.

7615*b*. If that is the case, do the officers of the law respect public opinion in not enforcing the law?—There was a very small vote on the prohibition amendment. The officers of the law are, I believe, reflecting public sentiment in Bangor as regards the prohibitory law. In the whole State the vote was 94,600 on the amendment. There was 70,833 for the amendment and 23,811 against the amendment. There was a clear majority in favour of the amendment, but not a majority of all the votes cast or anything near it. The large vote in favour of the amendment was because the temperance people took particular pains to vote for it. A great many forgot to vote; I for one did not vote one way or the other. Even the women went to the polls with bouquets in their hands and tried in every possible way to get the people to vote in favour of it.

7616*b*. Is it reasonable to conclude that the vote on the prohibition constitutional amendment as far as the cities and large towns are concerned was not an expression of popular approval of prohibition?—It is not fair to regard that vote as a vote in favour of prohibition.

7617*b*. The action of the officers here in not enforcing the law is endorsed by the people?—Yes.

*By Rev. Dr. McLeod :*

7618*b*. Why were the ladies particularly active in favour of prohibition?—It is hard to say. There are some women in this world who want to be seen in men's company,

and especially want to take an active part in politics and in voting. They are anxious to get into anything that is new and exciting I suppose there might have been some others who might have had brothers or sons who abused liquors and who wanted a prohibitory law.

7619b. I suppose the latter would be a worthy consideration?—Most assuredly.

J. G. REILEY, of Bangor, Harbour Master, examined.

*By the Chairman :*

7620b. Have you been long in your present position?—I have held my present office for two years, I worked on the river all my lifetime; I have loaded vessels as stevedore. I am elected by the city government.

7621b. From your experience since you have been in the office, and from your previous observation, can you tell us if the seamen frequenting the port cause disturbance to any considerable extent?—Well, they all of them drink as a general thing; it is a very rare thing to see a total abstainer a seaman. They are inveigled into these low places here when they come ashore, and to get money out of them they make them drunk. They keep them here about long enough to spend all the money they have, and they ship them off half drunk.

7622b. Do they create disturbances in the place?—When they get drunk they do not know much what they are doing, and they very often get into trouble.

7623b. Do the seafaring people cause disturbances in the street to any considerable extent?—They do not any more than any others who get drunk; they make disturbances of course.

7624b. Then they help to swell the number of arrests by the police, considerably?—They do.

7625b. Are you speaking of those men who are regularly employed on steamboats up and down the river?—No, I refer to seamen who come into the port. I think that the men who run on the steamers between here and Boston are as well behaved men as you will find anywhere; but if you take the sailors that go into sailing vessels that are picked up in the lower wards and in New York and large cities and in all parts of Europe, of course they are a drinking set.

7626b. You have been up and down the river a great many times in the course of your life, no doubt. Can you tell us what the condition of things is in regard to procuring liquor in the various town and villages along the river?—The law is more stringent in some places than it is in other parts of the State, it is not applied alike in all parts of the State. I think liquor is drunk with more freedom here, in Bangor, than in other parts of the State; they do not enforce the prohibitory law so rigidly here as they do in other towns. In the small towns along the river, they enforce it more strictly.

7627b. What do you call the small towns?—I think that the sentiment in the country amongst the farmers is more opposed to the liquor traffic than is the sentiment of the people in the cities, as a general thing.

7628b. And what is the result?—In smaller towns they do not have such inducements to use liquor as they do in larger places.

7629b. You refer to a small place. About how many inhabitants would there be in such a small place?—There is Bucksport and Westport and Castine and such places where they enforce the law more strictly. They have a liquor agency which is just about the same as it is here, but they are more particular about selling liquor than they are in the cities.

7630b. There must be a considerable population in a town where they have an agency?—Yes.

7631b. The State agent's headquarters are in Bucksport?—Yes.

T. O. BEAL.

## Liquor Traffic—Maine.

7632*b*. Does he sell to the inhabitants of Bucksport?—He does not; they have a town agency there.

7633*b*. And the town agency sells liquor?—Yes.

7634*b*. What population is there in Bucksport?—About 3,500.

7635*b*. When you speak of places along the river where the law is strictly enforced what sort of places do you mean? Do you mean a place of 500 or 1,000 inhabitants?—There are some places in the State where they have no liquor agency at all, but individuals there may sell liquor by stealth; they would not sell it openly the same as they do here.

7636*b*. As a matter of fact, from your knowledge, do you know if liquor is sold openly or secretly in small towns of about 500 or 1,000 inhabitants?—There may be some individuals selling it in small towns; they sell it in houses and keep it about their premises, and you can get it easily sometimes.

7637*b*. You can get liquor easily in these small places?—Yes.

7638*b*. But the open sale is prohibited?—Yes.

7639*b*. How would it be in a place of 3,000 or 4,000 inhabitants?—They would have to sell it by stealth, the same as they do in Portland. Where the law is rigidly enforced, they cannot sell it in these small towns with the same freedom as they do in Bangor.

*By Rev. Dr. McLeod:*

7640*b*. Are you a native of the State?—Yes, sir, I have lived here all my life time.

7641*b*. You regard this city of Bangor as dangerous to sailors?—No, I do not; the people do not abuse them.

7642*b*. I mean dangerous in that it affords opportunities to the sailors to spend their money and to get drunk?—Sailors always know how to spend their money and they do spend it freely; they are a generous race of people.

*By Mr. Gigault:*

7643*b*. Are seamen generally allowed to drink aboard ship?—Well, some vessels give them an allowance—some captains make it a habit of giving them something to drink before breakfast in the morning, and sometimes they get a glass of grog two or three times a day, as a sort of a ration.

7644*b*. Do you know if there is a large importation of liquor by boats into the State of Maine?—Yes, most of the liquor comes by boats. There is quite a lot of it comes here by boat.

7645*b*. Is it forwarded to other places from here?—Yes, the dealers get it here, and they sell it to small dealers in small towns up the river, such as Oldtown, Milford and Foxcroft. These are places all the way from 1,000 to 3,000 inhabitants; but, of course, they have to get their liquor more secretly than they do in this city; for, as I said before, the law is more stringent in these small towns. The select men do not approve of it and the sentiment in the country is strongly opposed to the sale of liquor.

*By the Chairman:*

7646*b*. Do you think the sentiment is as strong against the use of liquor in the country as it is against the sale of liquor?—No, it is not as strong against the use of liquor. There are individuals in the city as strong against the use of it as there are in the country, but a good many people make use of drink who are opposed to its sale.

JAMES MOONEY, of Bangor, Crockery and Glassware Merchant, examined.

*By the Chairman :*

7647*b*. Have you been engaged in business a long time?—I have been eight years engaged in the wholesale crockery and glassware business. I employ two travelling agents in the State of Maine.

7648*b*. Do you travel a good deal yourself in the interests of your business?—Yes.

7649*b*. Do you travel all over the State?—No, I travel in about three counties in the eastern part of the State, Penobscot, Piscataquis, part of Washington County and part of Aristook County.

7650*b*. How is the law enforced in those places?—My observation is that it all depends on whether it is a farming place or a manufacturing place. There is a vast difference in the way it is enforced in the two places.

7651*b*. In villages where there are some manufactures, how is the law enforced?—I think that in some villages it is enforced better than others. In Piscataquis County it would be enforced better than in a village of the same size in Penobscot County.

7652*b*. Are liquors sold in the greater number of these villages?—Wherever they have hotels they sell liquor, I think there is scarcely a hotel but what sells it. I have never been into a hotel in which they did not sell liquor, not openly of course as they do here, but you can get liquor in your room.

7653*b*. Would you name some of the villages where there are hotels?—Oldtown, Dover, Guildford, Wynn, Madawank, Danforth, Springfield and Vanceboro. Probably in these two latter places more liquor is sold than in the others, because they are on the line of railroad.

7654*b*. In these places there are hotels and you say liquor can be had?—Yes.

7654½*b*. Do your travelling agents corroborate your statement as to what you say about the selling of liquors?—Yes, in the business I am in, we have a pretty good idea that they do sell liquor, because I sell them beer tumblers and whisky tumblers.

7655*b*. Are there special makes of tumblers for drinking beer?—Yes, and they are the most particular people in the world as to what kind of glass they drink out of. We have to carry sometimes 60 different kinds of tumblers, and some will not vary in quantity to the extent of a teaspoon, but still they will grumble at it.

7656*b*. Are they more particular in the city about the kind of tumblers they drink out of than they are in the country parts of the State?—In the country places they use a heavy thick tumbler and in the city a thin tumbler.

7657*b*. Do you know if much cider is made here?—Not in these counties that I refer to, but in the western part of the county there is a good deal of cider made. One gentleman who resides at Bucksport has frequently told me that some of the farmers there will have as much as 20 barrels of cider, and some of them use it in the winter time to get alcohol out of it. The barrel of cider freezes eight inches thick right through, and they take an auger and bore through, and in the centre it is clear alcohol. A quart of that is worse than ten gallons of whisky.

7658*b*. What is the object of freezing the barrel of cider?—So as to get the alcohol.

7659*b*. Do they sell the alcohol?—No, but they make liquor of it themselves. If you take some of these towns where the vote is twenty to one for prohibition, you will find that these men when they come to Bangor never leave it without taking away a quart or a gallon of liquor. The more frequently they come to town, the less the quantity of liquor they take back each time.

7660*b*. Do many of these farmers sell cider?—Yes; they all sell cider.

*By Mr. Clarke :*

7661*b*. Is the sale of cider prohibited by the prohibitory law?—Yes; for tipping purposes.

7662*b*. Is it an infraction of the law for a farmer to sell cider in the city?—Yes; for tipping purposes.

JAMES MOONEY.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

7663*b*. From your observation generally, do you believe that the prohibitory law has done any good?—No.

7664*b*. Has it done injury?—I think so.

7665*b*. In what way?—Well, I will tell you in this way. A few years ago here in the city, I was coming home one night at ten o'clock at a period when the law was enforced very rigidly in this city, and in passing one place, I saw them rolling in five sugar barrels. It was very difficult at that time to get liquor into the city. A large liquor dealer owned this store, and I thought he was a little bold in bringing in that liquor in that way, so early in the evening. The sheriff searched that place next morning, but he did not find any liquor in it. Across the street was a widow with three children, and the sheriff on the same day forced the door and found half a pint bottle of whisky on the mantelpiece. I was quite interested in the case of the poor woman, so I went to the trial, and the sheriff testified as to the finding of the liquor. It did not seem reasonable that the old lady, if she sold liquor, would leave half a pint of liquor on the mantelpiece, when she had so many places to secrete it, especially as that man had threatened that he would send her to jail for three months. That old woman was sentenced to jail for three months, and her children were sent to the alms-house, but there were nothing done to the wholesale liquor seller. Two years ago there were special State constables appointed in this city for the purpose of preventing the importation of liquor. About two weeks after they were appointed, a prominent member of the school board told me quite jubilantly that it was utterly impossible then to get liquor into the city. A friend of mine, a wholesale dealer in liquor, showed me in his office, that very afternoon a statement of account, and I jokingly said to him that he must find it very difficult to get the liquor in now for such a big order. He said: "I will show you something," and he showed me a cheque that he was sending away for 5,000 dollars, the cost of 100 barrels of liquor; and these 100 barrels were taken from the cars that very afternoon between three and six o'clock, and it cost \$1.04 a gallon.

7666*b*. That was not a very high grade of liquor?—I should say not, and these special State constables were not on the train to see the 100 barrels of liquor come off.

7667*b*. Are you a native of the State?—I live in the house I was born in.

7668*b*. You know about prohibition from the start?—I have watched it pretty carefully.

7669*b*. Were you in favour of prohibition in the first instance?—I am in favour of total abstinence now. I believe the reform clubs in the city do lots of good.

7670*b*. Were you in favour of the law originally?—In its beginning I was, but having seen the working of it for the last two years, I have changed.

7671*b*. How many years have you been in business?—I have been in business eight years for myself. I have been in the same business for twenty-five years.

7672*b*. You do a great deal of business in supplying glassware to liquor dealers, you say?—Yes, it is quite a business.

7673*b*. Do you remember the vote on the constitutional amendment in 1884?—Yes.

7674*b*. Do you regard that as an indication of public opinion on the liquor question?—I do not think there was a liquor dealer in Bangor that did not vote for it.

7675*b*. What was the reason they voted for it?—They had a funny idea about it. At that time they were enforcing the prohibitory law, but not enough, and they thought that if they would enforce it, as at the Girard time the people would get so disgusted with it, that when the next sheriff was appointed they would have an easy officer; and I think the result proved they were right.

7676*b*. Were you in favour of the constitutional amendment, yourself?—Yes, I was, because I wanted to see if it would make the prohibitory law stronger, and I wanted to see if liquor could be prohibited.

7677*b*. You not only speak about Bangor, but about the State at large, when you say that the prohibitory law has been no good at all?—I speak of the city of Bangor, but I think that the farmers are hypocrites in regard to prohibition, more so than are the people in the cities.



CHARLES H. BAILEY, County Attorney for Penobscot County, examined.

*By the Chairman :*

7678*b*. Have you lived long in this city?—I am a resident in the city of Bangor—for eight years. I am a native of the State; I have been practising fourteen years here.

7679*b*. Is it part of your official duty to prosecute the liquor cases?—Yes.

7680*b*. Have you a very large number of such cases in this county?—Well, we have a good many of them.

7681*b*. Can you say what proportion of the total number of cases before the Superior Court are liquor cases?—I should say they are five to one: they would average, I suppose, more than that. I think that last term of the court the number was ten to one.

7682*b*. In Cumberland, I think, 80 out of 85 cases were liquor cases?—I should say that our docket would probably show as large a percentage as that for the last three years. They have been enforcing the law more in Portland. I think I have indicted all the liquor sellers of the county.

7683*b*. Do most of the liquor cases go before the municipal court before they come to you?—No, but some of them do. Most of the cases which I prosecute are upon the *prima facie* evidence furnished by the record of the Internal Revenue Office. I have availed myself of that record.

7684*b*. That is, you prosecute those who take out the United States license tax certificates?—Yes.

7685*b*. Do the cases all come to you through the sheriff, I usually send the sheriff to the Revenue Office. Before the term of the court I start him off to the Revenue Office to make a copy of the record, so that he can testify before the grand jury as to what that record indicates. He goes there to see what men have paid their United States tax.

*By Mr. Clarke :*

7686*b*. Does the law of the State make that *prima facie* evidence of the intention to sell?—Yes, if a person pays United States tax as a retail dealer, that is *prima facie* evidence that he is a common seller of intoxicating liquors.

7687*b*. Have you to produce evidence that the persons sold in addition to that?—They almost all come down on that evidence and admit it. They do not know how much more evidence I have, and they know they are guilty, and they are called down on that.

7688*b*. What significance do you attach to the special tax certificates? In a State where a law prohibits the sale of liquor for any other than medicinal or mechanical purposes, how do you account for people taking out so many of these United States tax certificates?—I account for it on the ground that these men are in the liquor business and protect themselves against the United States by taking out the certificate.

7689*b*. You look upon the taking out of such a certificate as evidence of intention to sell?—Undoubtedly that is what it is.

*By the Chairman :*

7690*b*. Has there been any case decided to the effect that a chemist using alcohol in mixing his prescriptions or making patent medicines, for instance, must take out that tax certificate?—I do not know of any judicial decision to that effect. The revenue officers bring that pressure always upon druggists and they say that they are liable to be prosecuted. Whether they would be convicted or not is another question, and so they pay the twenty-five dollar tax to avoid any trouble about it.

7691*b*. Do you know what the fine is for the infringement of this United States law with reference to the taking out liquor certificates?—I do not know what the limit is, but I should say it is about \$100.

7692*b*. Has the prohibitory law, since you held office, been really stringently enforced in the county?—No, it has not.

7693*b*. Is the prohibitory law enforced here at the present time?—No.

CHARLES H. BAILEY.

## Liquor Traffic—Maine.

7694*b*. To what cause do you attribute it?—Well, to indifference on the part of the officials, and, I might say, to the want of public sentiment too. I suppose the officials rise about as high as public sentiment in the matter.

7695*b*. From what evidence we have, the law seems to be ignored, to a very large extent?—I should say that there are a great many places in Bangor that are selling liquor openly.

7696*b*. As a member of the legal profession, and having knowledge of what goes on in court, what effect do you think all this open disregard of a law upon the Statute-book, has upon the morals of the people?—Well, I do not know that I can say it has a very serious effect upon the morals of the people. There are certain classes of statutes that have not as serious an effect in their violation upon the people as others. Take the law against the violation of the Sabbath, it is a very stringent law, but it is a dead letter practically. I cannot say that the violation of that law tends to lower the standard of the morals of the people very much. I do not know that the violation of the prohibitory law does either. I should have some doubt whether or not it did affect the morals of the people.

7697*b*. There is, of course, a good deal of oath taking and declaration making, in connection with the liquor business, one way or another. Do you think that that leads to lax notions about the sanctity of an oath?—I do not think it makes much difference in that respect; I do not think there is any more perjury.

7698*b*. There is evidently a good deal of it?—There is some.

7699*b*. What about the officials who have to swear out these warrants and take proceedings against the liquor sellers; do you think that the system has any effect upon them in deteriorating their moral views?—No, I have never so regarded it; I have never seen any evidence of it, and I do not think that that degrades the officers of the courts in a moral sense.

7700*b*. What about the special State officers that were appointed to enforce the liquor law?—If you ask about the special officers appointed for the purpose of enforcing the liquor law, I may say that there is a difficulty in regard to these officers. It is extremely difficult to get men of character enough to take that position, and it is an office that requires men of undoubted character, men who have something at stake, or are of some character, and that class of men you cannot get. The consequence is that they are obliged to appoint a class of men whom they suppose to be able to stand up against temptation; but the experience has been that most of them have been overborne. They have been taken into the liquor interest; they could be bought and are bought, and that is the experience of the special officers.

7701*b*. Do you find as a rule that witnesses interested in liquor cases have not so much hesitation about taking a false oath, as in any other cases?—I think not; but I have no doubt that if a rumseller will sell rum in violation of the law, ordinarily he will swear that he does not do it. However, there are exceptions to that.

7702*b*. What is the general effect, in your opinion, of this prohibitory law? Has it accomplished its purpose, which was of course to put an end to the drinking of liquor as a beverage?—Well, if that was the object of the prohibitory law, it certainly has not accomplished its purpose. The object of the prohibition law was, if possible, to restrain the sale of intoxicating liquors, in making certain limitations under which it could be sold. Of course the law intended that the sale of liquor should be restricted within certain limits. It has not accomplished that purpose, manifestly here, because it is apparent to any observer that it has not; but yet I am not prepared to say, like the last witness (Mr. Mooney) that the prohibitory law has not done any good. I think that the result of the law has been to cause a great deal of good, in my judgment. I never expect to live to see the time when any law which has to deal with such a subject as this can be made entirely effective. As long as men have such appetites as they have now, it is hardly within possibility that it can be effected; and as long as the men are guided by cupidity and the desire of gain, liquor will be sold and liquor will be drunk. I think, however, the moral effect of such a law is good. I think that amongst our rural population it is working well. In our cities and large centres of population the prohibitory law does not work so well, and that is one of the chief

difficulties in connection with it. I think that the sentiment about the law is principally to be found in the rural districts. In our large manufacturing towns and in urban populations composed of mixed people, we have all sorts of bar-rooms, kitchen bar-rooms, old ladies selling in their kitchens and out of their closets, and those who find it hard to get a living otherwise get a barrel of beer in and sell it out, and find it easier to do that than to make a living by washing and scrubbing. The officers in a city like this do not like to do unnecessary work or to burden themselves with labour. In the city of Bangor our police force are practically doing nothing to enforce the prohibitory law, except within certain limits. It is a sort of unwritten law in Bangor that these liquor selling places shall close at ten o'clock at night, shall close on Sunday, and shall keep quiet ordinarily. If they attend to the regulation, they are not likely to receive a visit from the police. The result is that the liquor sellers are quite careful to observe this regulation. Perhaps once a week or oftener, you will hear of the police making a descent upon some liquor shop ; but you may be sure that when the police do that it is because the liquor seller has overstepped the bounds of propriety, as established by the police regulations. As I have said before, I say again that I think the moral effect of the prohibitory law is good rather than otherwise.

7703*b*. Have you given any thought to a local option law?—The matter has received some consideration from me, but I never thought that that would very much restrict the sale of liquor. There are a great many people who think, however, that local option would be nearer the correct idea than the state of affairs we have. In Bangor our present system practically amounts to the free sale of liquor within certain limits, and yet I think that there is this in it: the men who are in the business are conscious that they are all the time acting in violation of law. A man who is a wholesale liquor dealer in this city came up to pay his fine of \$200. He said to me: "I am in the business no doubt, and it is a damned mean business, and I am in violation of the law. Now, if you can fix it so that I can feel that I am doing a legal business, I would just as soon give you \$500 as \$200." Some of those in the business feel that they are violating the law, but there are more of them that have not such an acute sense of that as others. The men who have no sense of character at all, enter into the business knowing it is an illegal traffic and knowing that they are liable to be prosecuted at any time. However, there is money in the business, and they take their chances for the money there is in it. I cannot feel but that the law is doing some good, inasmuch as those who are in the liquor business feel that they are doing something wrong.

*By Rev. Dr. McLeod :*

7704*b*. You look upon the law as an educator?—I think it has that effect, but of course some men do not want to be educated. I myself have got a boy twenty years old, and I think that boy looks upon a man who sells rum in the city of Bangor to-day, differently from what he would if that man were doing a legal business.

7705*b*. Generally speaking, what is the character of the men who are in the trade? — There are some men who are in the business, and they are forced into it by virtue of their other business ; for instance, such men as keep respectable hotels.

7706*b*. I refer more especially to those who are engaged in the business otherwise? —The men who keep saloons are not high class citizens, you will generally find that they are of foreign birth or extraction.

*By Mr. Gigault :*

7707*b*. What about the apothecaries?—The apothecaries sell it.

7708*b*. Are they reputable or disreputable?—They are men who are forced into the business because of their other business. They say that the physicians prescribe intoxicating liquors, and that they are forced to keep them.

*By Rev. Dr. McLeod :*

7709*b*. Do apothecaries keep tippling shops?—No.

CHARLES H. BAILEY.

## Liquor Traffic—Maine.

*By Mr. Clarke :*

7710*b*. Do they sell liquor to persons who do not want it for medicinal purposes ?—I should think so. I believe that if I wanted a flask of brandy, I could go into most any druggist and get it.

*By Rev. Dr. McLeod :*

7711*b*. Have you any knowledge as to the condition of things with regard to prohibition in the State at large ?—I do not know that I can say anything different as regards the State at large, from what I said about Bangor. The people in Bangor, however, sell in open violation of the law, and that is perhaps the worst feature of it.

7712*b*. Do you believe the benefits of the prohibitory law are quite marked in the State at large ?—I believe so.

7713*b*. Do you believe that the sentiment of the people of the State at large is still in favour of the law ?—I have no question about it at all.

7714*b*. Do you make a difference between public sentiment in Bangor and public sentiment outside of it ?—I think that if you put it to a vote in Bangor to-day, that prohibition would triumph ; but there are social and personal matters entering into it with which men do not care to mix themselves up. There are men who would do all they could to promote temperance, but yet they shrink from making an open complaint against a liquor seller. These men have some other business to attend to, while the liquor seller has nothing to do but sell liquor. It is a very common remark here that our prohibition law has been an absolute failure for 35 years. I do not quite endorse that sentiment, I do not think that license would do any more for us than prohibition has done, in fact, I do not think it would do quite so much ; it would put larger revenues in the exchequer, but I do not think that in a moral or social sense license would do any more for our people than prohibition has done.

*By Mr. Clarke :*

7715*b*. I think you said that besides Bangor, there were many other places where liquors were sold ?—Generally liquor is sold in most of the larger towns and cities.

7716*b*. At what size of a town would you draw the line ? What sized town does not sell liquor ?—Towns that are not densely populated.

7717*b*. About how much population would you say ?—You cannot draw the line absolutely at that. In some localities liquor would be sold openly in small towns, but in others it would not be tolerated at all. I should say, speaking generally, that in towns from 3,000 to 5,000 inhabitants, the law is not very strictly enforced. Take the towns of Dover and Foxcroft—the two are together, there is a population 2,500 or more in these villages, and yet the law is enforced as strictly as it could be anywhere—they have very little liquor in it. In the town of Dexter, which has a population of 2,800 or 3,000 in the village, with more or less manufacturing within its limits, something different might be expected.

7718*b*. The fact is, then, that in the towns and cities the law is not strictly enforced ; whilst in the rural districts it is enforced to some extent more rigidly ?—It is not possible to draw the line as to size of a town where liquor is sold or is not sold. In a town where public sentiment is against it, you cannot sell liquor in such places.

*By Mr. Gigault :*

7719*b*. Is the number of divorces increasing or decreasing in this county ?—I should say that so far as divorces are concerned there is not very much difference. The number has held just about the same for the last ten years.

7720*b*. Are many divorces granted for drunkenness ?—Some. There are some divorces because of gross and confirmed habits of intoxication.

*By Rev. Dr. McLeod :*

7721*b*. Do you think that this prohibitory law encourages people to get divorces ?—I never supposed that.

*By Mr. Clarke :*

7722*b*. Did I understand you to say that the possession of United States license tax certificate was prima facie evidence that the holder of it procured it for the purpose of selling liquor?—It is evidence that he is a common seller of intoxicating liquor.

7723*b*. Would it be fair for this Commission to assume that, if they obtained a return from the Internal Revenue Department of the United States of the number of these tax certificate holders in the State of Maine, there are so many liquor sellers in the State?—I think you would come pretty near the number in that way; now and then a person takes out a certificate proposing to go into the business, but he does not accomplish his purpose. Before he gets into the business, some complication arises and he does not get in.

7724*b*. I suppose your druggists all take out these tax certificates?—Yes.

7725*b*. There are others who sell without having these United States tax certificates?—Yes.

7726*b*. Are there many of them?—I suppose there are a good many, but the United States revenue officers watch pretty carefully, and it is rather expensive if they are found selling without a United States certificate; as a general thing, the liquor dealers consider that it is safer to pay the tax.

7727*b*. In your official career, Mr. Bailey, have you ever known a druggist to take a United States license who did not vend liquors?—I think not. When I say that, I should mention that there is one exception, but I have to rely on his own statement for it. There was a man indicted last term of the court upon one of these tax certificates, and that was the only evidence there was against him. He came into court, and he said that he was a druggist doing business in the town of Newport; that he sold no liquor and that the use he made of his certificate was that he kept alcohol to compound his medicines, and that the Internal Revenue officer assured him it was necessary to have a certificate to do that.

7728*b*. As we understand it, the citizens of Maine may import liquors for their own use, or they may employ an agent to import liquor for them, or they may go to the city agency and procure liquor there. Do you understand that this is the finest limit to which the prohibition of the liquor traffic can be brought down in any State or country? Is that what you understand by the term "prohibition"?—Yes, I should say so.

7729*b*. Do you believe it possible or practicable in the State of Maine to go further in prohibition, and to prohibit citizens from bringing it in, or employing agents, or prohibit them from obtaining it at an agency?—That cannot be done, it is impossible.

7730*b*. After the long experience you have had as a public officer as well as a professional man, could you advise the Commission as to any amendments that could be made to this Maine law, that would render it more efficient for the suppression of the liquor traffic in centres of population?—It is a matter to which I have given some consideration, and I do not think that I have been able to formulate any remedy for the present state of things. Of course there has been a great deal of tinkering with our prohibitory law in various forms. I do not know but that there may be some way to prohibit the liquor traffic that I have not discovered, but I think that the way the law stands at present is about as well as our experience has been able to fix it.

7731*b*. You have had an experience of prohibition for 40 years in the State, and you have a large public sentiment in favour of prohibition, and the Legislature throughout that period seems to have been anxious to meet the views of the people who desire to promote prohibition, and the result is crystallized in the statutes of the State; and you now believe that this is the best means that can be adopted to procure the enforcement of the law?—I think that the law is about as perfect now as our experience has been able to develop it up to this time. As our statute stands to-day some feature of it might be eliminated, but I do not know just where. Of course we have been reaching out trying to make it effective and in various ways, and some of these ways have not come up to expectation. I think that as our law stands to-day, it is perhaps as well as a prohibitory law can be framed.

CHARLES H. BAILEY.

## Liquor Traffic—Maine.

7732*b*. But has it ever occurred to your mind that it would be more effective to deprive the liquor sellers of the right to appeal?—That is a constitutional right which every citizen has and which you cannot do away with.

7733*b*. It would not be possible to take that right away?—No.

7734*b*. Any citizen in this State can lay an information, if he please, that liquor is sold in a place?—Yes.

7735*b*. And all officers are enjoined to enforce the law?—Yes.

7736*b*. And if an information against a place is laid by a citizen, do the officers dare to refuse to enforce the law by proceeding to make a search?—If a warrant is put in the hands of a sheriff, he must go and search, he would not dare to refuse. How effective the search which he makes is would depend on his disposition; a great many times, when an officer has a warrant, information gets ahead of him that he is coming.

7737*b*. From your experience as a resident of the city of Bangor have you reached any conclusion as to whether drunkenness is increasing or decreasing?—I think it is increasing in one sense. We have here a shifting population who drink; but amongst the resident population of Bangor I do not think that drunkenness has increased. Considering all the circumstances, I think there is as little drunkenness in Bangor as exists anywhere.

*By Mr. Gigault :*

7738*b*. Does every liquor dealer pay a fine each year?—I cannot say that every one does, but we are apt to catch most of them within a year. I will say that when the Legislature went to the extent of making imprisonment a penalty for the first offence, I think they went too far; that is to say, I think they went further than public opinion. The law was not so efficient when the penalty was imprisonment as it was when the discretion to fine or imprison was left to the judges. There was a time, after the law had been strengthened up to that extent, that the law did not seem to be enforced, and that the officers who previously had been doing more or less towards enforcement of the law seemed to let up, as they had a sort of aversion to putting a man in jail.

*By Mr. Clarke :*

7739*b*. Was that owing to the difficulties of obtaining convictions by juries?—I think not. Of course it made it a little more difficult. Where we had the difficulty, was in commencing prosecutions; the officers did not seem so anxious to commence the prosecutions. Public sentiment was not in accord with the law making it imprisonment for the first offence.

7740*b*. What is the fine for the first offence now?—It depends on the nature of the offence. For a common nuisance, it is anywhere up to \$1,000 or a year's imprisonment. For single sale or common selling or keeping a tipping house, they made it imprisonment for the first offence, but they have changed that to the extent of leaving it to the discretion of the judges as to whether they shall fine or imprison, but they have not altered the character of the punishment.

7741*b*. About what does the fine amount to usually?—About \$200. A man is brought up once a year and he is fined \$200 and that about amounts to the license fee. He is very glad to pay that fine if he can get away with it, and there is not much trouble with the prosecution.

L. C. DAVIS, Secretary of the Overseers of the Poor, examined.

7742b. What is your position?—I am secretary of the board of overseers of the poor, and I am one of the overseers. I have resided in the city of Bangor for 40 years and have been here all the time.

7743b. Can you tell us if the number of persons assisted by the overseers of the poor have increased of late years?—It is about the same every year. There has not been much difference since I have been here.

7744b. Can you furnish us with a statement of the total number of persons committed to the alms-house, including the inmates of the alms-house, the city hospital and the outside poor?—I will furnish you with it later on.

7745b. Are you brought in contact with the inmates of the alms-house?—Yes, I go down there.

7746b. Are there a large number who are not United States citizens?—There is quite a number, perhaps one-third of them are not citizens of Bangor.

7747b. Of the one-third who are not citizens of Bangor, do you include in that number those who have come to the United States and taken out naturalization papers?—All we know about them is that they are not voters. When they get down there they lose their votes anyway; when they are not voters we conclude that they are not citizens.

7748b. Can you tell us about what proportion of the poor have been reduced to that condition of poverty through intemperance?—I do not think that I can. Of course there are some cases in which we know that is the trouble, because if they had a mind to be temperate, they could have plenty of work and are able to work.

7749b. If persons presented themselves for admission who were not residents of the city, or had not been residents of the city, would you take them in?—Yes, we help them outside, or we would take them in. If they belonged to another town of the State it would have to pay their maintenance, but in all probability the officials of that town would come and take them away.

CHARLES F. SWEET, Registrar of the Supreme Court, examined.

*By the Chairman:*

7750b. Are you a resident of Bangor?—I have been 11 years in my present position, and I am a native of Bangor.

*By Mr. Gigault:*

7751b. You are clerk of the court in which divorces are granted?—Yes.

7752b. Has the number of divorces increased or decreased during recent years?—It has been decreasing for several years past.

7753b. What was the number of divorces granted this year?—At the last October term there were only 13 for our county, at the January term 28, and this last April term 14. That is a total of 55 divorce cases for three terms this year.

7754b. That is for how many counties?—For this county, I can say that 10 cases out of 55 were granted for gross and confirmed habits of intoxication.

7755b. What were the other reasons for which divorces were granted?—Desertion 10, adultery 9, cruel and abusive treatment 25, and impotency 1. I think, from the year 1883, the time I was elected to office, until 1888 or 1889, that the number of divorces for all causes would average from 75 to 90 in a year.

7756b. Do any liquor cases come before your court?—Yes, liquor cases come on appeal from the municipal courts and from the trial justices, and also the cases of such people as are indicted by the grand jury of the county.

L. C. DAVIS.

## Liquor Traffic—Maine.

7757*b*. Is there a large number?—Of recent years there has been quite a large number.

7758*b*. About how many?—I cannot tell you that, without looking at the records. A year ago last February, I think there were from 230 to 240 indictments; and last February, in this year, about the same number.

7759*b*. Were these appeals?—No; they were indictments.

*By the Chairman :*

7760*b*. The number of cases you have mentioned would include all appeals of liquor cases in the county?—The number of cases I gave you were only the indictments, that is exclusive of the cases that came before the Supreme Court on appeal for single sales and search and seizure process. We have had a very large docket of liquor cases for the last two years, and it has been brought about by the county attorney bringing up those people who held United States license certificates.

7761*b*. Do any of the cases of divorce granted on the ground of cruel and abusive treatment also include drunkenness?—The testimony would show that in each case. In some cases drunkenness would be an additional reason.

*By Mr. Gigault :*

7762*b*. Do a number of these liquor cases come from the city of Bangor in this county?—Yes; and some come from outside. They are a few cases from Hampton, a large number from Oldtown, some from Bradley, and some from Wesley, Milford, Mat-tawamkeag, Brewer, Dexter and Patton.

7763*b*. Do you know if in this place they are selling liquor continuously?—I think they are.

7764*b*. Is there any other district outside of this county included in the jurisdiction of your court?—No.

7765*b*. What is the population of the county of Penobscot?—I think about seventy-three thousand.

T. G. STICKNEY, of Bangor, Coal Merchant, examined.

*By Rev. Dr. McLeod :*

7766*b*. What is your opinion with regard to prohibition?—In the first place I should say that I am in favour of prohibition; I am a strong prohibitionist, and I believe in it. I believe that where the prohibition law is enforced great good comes from it. I have no doubt of that at all. There are insuperable difficulties connected with its enforcement, and that is the case in the cities more than in the country places. It is more difficult to enforce the prohibitory law in a place like Bangor than in country towns. According to my knowledge of the working of this law in country places it works to a charm. I know that for this reason, that any kind of a temperance law, in our Legislature, no matter how severe, would be likely to be carried; in fact the Legislature never refuses to deal with cases where the object is to stop the sale of liquor, but in a place like Bangor or Portland and some other large cities where the population is made up largely of foreigners, labouring men especially, they are drinking men, and of course it is more difficult to enforce the law. The cities do not make the prohibitory law, the State makes the law. In Bangor we have had this prohibitory law put in force several times. When the mayors have done their very best they have enforced it, and when they have not done their very best, we can see the change at once. There is no question but there was a great change for the better when the law was enforced in this city. Mr. Wheelwright, I think, was one of the best mayors we ever had, he enforced the law, and he enforced it so effectually that you could go about for weeks and would not see a person intoxicated, and there was less call for charity; there was less



poverty and less crime, and it worked splendidly. Mr. Wheelwright made a statement after he retired from office with regard to the number of persons intoxicated that were arrested, etc., and the expenses of the city during his term. That statement showed the good effects of the enforcement of the law. During Mr. Wheelwright's administration the average arrests for drunkenness were the same per week as they were in the previous years per day. That statement was made by Judge Lyon, who was for years recorder of the municipal court. As I said before, it is pretty difficult to enforce the law here, and the principal reason is that the mayors, or the majority of them, do not enforce the law, because they know very well that if they enforce it they would have more difficulty in getting elected.

*By the Chairman :*

7767*b*. How do you account for that; if the public sentiment of the people is in favour of the prohibitory law? How comes it that it is difficult for a mayor who enforces the law to get re-elected?—Well, I presume there are a great many people in favour of liquor in this city; there is no question about that.

7768*b*. You think that is the case?—I know it, I have no doubt about it. I ran for mayor in 1875, when the line was drawn more closely than it ever was before between the two parties. We had a greater time at our municipal elections than we have ever had since. I was nominated by the temperance people, and when they put me up as their candidate, I did not expect to be elected; and then the Republican caucus came off soon afterwards and endorsed my nomination. They knew very well that I was put up specially as a temperance candidate, and if I had been elected I should have done everything I could do that was proper to stop the sale of rum in Bangor. Probably there never was so much excitement in a mayoralty election as there was that year. My opponent, who was a very fine man and who has since been mayor, received a greater vote than I did on that question, and there were 75 scattering votes. At the next election there was a great effort made on the part of the rummies and those who sympathized with them. They did their very best to bring out a large vote and they spent considerable money, and they went into the woods and brought down some 200 or 300 woodsmen who were in sympathy with liquor, and I think that Mr. Laughton was elected by about 100 majority then. In 1874 our temperance people got their backs up and they thought they would have a mayor to enforce the law. I think it is impossible really to elect a temperance mayor in Bangor who, it is well known will enforce the prohibitory law, because there is a class of people here, a great many foreigners and a good many Irish people (though some Irishmen here are good temperance men and they all voted solid) and so it is impossible to elect a temperance mayor in Bangor. I took the ground that the law could be enforced in Bangor just as well as any other law, and I shall stick to that as long as I live. When Mr. Wheelwright was mayor he enforced the law. I approve of the prohibitory law when it is enforced, the results are good, but here in Bangor there are some people from self-consciousness and from desire for office and other things who do not care to enforce the law. I am sure that if prohibition could only be enforced, it would greatly lessen the amount of crime.

*By Rev. Dr. McLeod :*

7769*b*. Taking the State over, do you think that the prohibitory law is fairly well enforced?—It is well enforced in country places. Once in a while the temperance people become active in regard to the matter, and they enforce the law, but it requires so much effort that they soon get tired of it, and the thing goes back to the old channel, and we witness the same evil effects of rumselling as we do to-day.

*By Mr. Clarke :*

7770*b*. What about the town of Brewer near here?—I have a coal yard over in Brewer and I am doing business there, and, for a good many years, until two or three years ago, there was no drunkenness in Brewer at all. It was impossible for men to get a glass of liquor there, and so there was no intoxication; but in the southern part of Bangor they have put up large mills and brought in a large number of Canadians and

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that class of people who indulge in drink, so that it is difficult to suppress liquor, but they are suppressing it to quite a large extent.

*By the Chairman :*

7771*b*. Do you think, as a general rule, that such a law can be enforced anywhere unless there is a strong public sentiment behind it ?—It is very important that there should be a strong public sentiment behind it in large places. It can be enforced in the small places.

*By Rev. Dr. McLeod :*

7772*b*. When temperance legislation comes before the Legislature, how do the representatives from this section vote on the question ?—Some of them vote as temperance men, and some of them do not.

*By the Chairman :*

7773*b*. From what we have heard, Mr. Stickney, we must conclude, I think, that there is a very large proportion of the people wholly in favour of the prohibitory law, but what we cannot understand is why, with that prevailing sentiment, the law is not enforced ?—Well, if they were not ambitious to get office, the law would be enforced.

7774*b*. What proportion of your citizens who are in favour of prohibition are total abstainers ?—I do not know about that. I have no means of knowing that. I know very well that there are hundreds in favour of the prohibition law, and want it enforced, who are in the habit of taking wine.

7775*b*. Would you say that a large number of the community act in that way ?—The strong temperance men in this city, as a general thing, abstain from wine entirely ; they do not use it all except for medicinal purposes.

7776*b*. What proportion of those, would you say, who are in favour of prohibition are also total abstainers ?—I do not know, but I should say three-fourths.

*By Rev. Dr. McLeod :*

7777*b*. As a business man, do you think that the prohibitory law is detrimental to business interests ?—By no means. I have a good many customers who are in the habit of taking liquor, and we have a great deal of difficulty in getting our bills from that class of persons. I try to avoid such persons if I can, because they spend their earnings in drink. I am a real estate owner, and I believe that prohibition is a good thing for me.

*By the Chairman :*

7778*b*. Is there in reality any prohibitory law in this city ?—I do not think it has depreciated property.

7779*b*. But if it is not enforced here, there can hardly be said to be any prohibition ?—The law is not enforced here as it should be.

*By Rev. Dr. McLeod :*

7780*b*. Is it your view, generally, that where the law is enforced it is really an advantage to trade and commerce ?—I think so.

7781*b*. I suppose you consider that you have a measure of enforcement here, and that if you had not this prohibitory law you would have a larger sale of liquor than you have now ?—It would not make much difference ; the gates are wide open here

JOSEPH F. SNOW, of Bangor, Dry Goods Merchant, examined.

*By the Chairman :*

7782*b*. Where were you born?—I was born, of American parents, on the St. John River, where my father lived.

7783*b*. How many men do you employ in your business?—I have six persons in my store. I am in the retail business. There is no person in Bangor who is better acquainted with the whole community and knows more people in it than I do. I have been in all the surrounding towns, and my trade is largely in these towns.

7784*b*. I understand you were mayor of this city. How long ago?—I was elected mayor in 1891. It is a Republican city, and gave me some four or five hundred majority over Mr. Beal, and then he was elected, after two trials, last year. I have been a member of the corporation, alderman and councilman, as far back as 1859.

7785*b*. Do you think there is more drunkenness in the city of Bangor now than there was ten or fifteen years ago?—I should think it would be about the same. When the prohibitory law was first enacted, it was enforced in Bangor by all the mayors; that was in the year 1851. The Republican party, particularly, was favourable to the law; the Democratic party, as a general thing, opposed the passage of the law in the Legislature. There was not then, or for ten or fifteen years afterwards, one-quarter of the arrests there are now. There was not one place open for the sale of liquor in Bangor where there are now ten. That naturally drove nearly all the people who favoured liquor or sold it, into the Democratic ranks, until after a while the parties became so close that the Republican party winked at the sale of liquor. I was a Republican. From that time along until the present, drunkenness increased and rum shops increased, until the Republican party winked at it and ceased to enforce the law. They did that as a political matter, for the purpose of getting votes. I am a prohibitionist, and I want something that will stop this drunkenness. I ran for mayor a second time, and, although I had five hundred majority the year before, Mr. Beal beat me. I was beaten after two trials by a very small vote. If I could have executed the law, I should have executed it when I was mayor, but I could not do it. The enforcement of the law had become so loose that it was impossible to execute it. It would be an impossibility to-day to enforce the law here, the way public sentiment is. If public sentiment had been with us, as it was twenty years ago, I should have executed the law. Father McSweeney, who is an acquaintance of mine and who is pastor of the Catholic church and a very fine man, used to come to my office to see if we could not stop "kitchen grog shops." That business annoyed him, and I did try to stop them as far as in me lay, but to execute the law in its entirety would have been an impossibility. You cannot do it now.

7786*b*. Would it be an easy matter to enforce it?—I do not think it would. I believe from the bottom of my heart that the prohibitory law could be executed in this city to-day just as well as it was by Mr. Wheelwright, if we could get public opinion up to a different standard. In the country districts the law is well enforced.

*By Rev. Dr. McLeod :*

7787*b*. From your experience of these earlier days in Bangor, you say that the prohibitory law was possible of enforcement here then?—Yes.

7788*b*. And that the enforcement of the law showed marked benefits?—Yes.

7789*b*. And that the difficulties of enforcement arose out of the close contests of the political parties?—Yes, the politicians are making it difficult to enforce the law. For instance, there are one hundred and thirty little places open in this town. I could go to this corner and pick up a stone and throw it into ten liquor saloons.

*By the Chairman :*

7790*b*. Can you point us to any town of, say, 3,000 inhabitants, I do not mean a district, but a large village, where liquor is not sold?—I say that you cannot find such a town.

7791*b*. Do you mean that it is sold openly in these towns?—No, it may be that it is sold only in the hotel, but all the hotels keep it.

JOSEPH F. SNOW.

## Liquor Traffic—Maine.

JOHN MULVANEY, examined.

*By the Chairman :*

7792*b*. What is your business, Mr. Mulvaney?—I am in the wholesale and retail crockery business.

7793*b*. How long have you lived in Bangor?—About thirty years—all my life.

7794*b*. Have you been in the same business all the time?—I have been in business for the last seven years, and for myself since last September.

7795*b*. Do you send travellers through the State?—Yes, all through northern and eastern Maine.

7796*b*. Do you travel yourself sometimes?—Yes, a little.

7797*b*. Can you tell us anything about the enforcement or non-enforcement of the prohibitory law in country places and the rural districts?—I do not know much about the enforcement of the law. All I know is, that you never have much trouble in getting all the liquor you want. Any time I happen to strike a small place over night, I like to take a drink once in a while myself, and I never have any trouble in getting it.

7798*b*. Do you think there is liquor sold in villages of 500 inhabitants?—I do not know how much would be sold in so small a place, but in most of these small places they take alcohol and mix it with other ingredients and call it "split." I have never tried it and I would not like to.

7799*b*. Is that done in the small towns?—It is done in many of the towns I have been in. I have noticed it especially in Aristook County.

7800*b*. How is it with regard to the sale of liquor in such towns as Dexter and Dover and Farmington?—I have never been in Farmington, but I have been in Dexter and Dover, and you can get all the liquor you want in these towns, especially in the hotels. I do not think they are very strict in regard to enforcing the law there.

7801*b*. What is the situation of affairs with regard to selling liquor in the town of Pittsfield?—I never had anything to do outside of the hotel there, but I have seen liquor and got it there.

7802*b*. Lately?—Not lately; I have not been there for two years to do business.

7803*b*. What do you say about the sale of liquor in Dexter?—Dexter puts me in mind of Bangor in some respects in that line, especially in that there are quite a number of places that handle liquor in that town.

7804*b*. And with regard to Dover, what is the state of affairs?—I do not think there is as much liquor sold in Dover as in any of the other towns.

7805*b*. What is the population of Dover?—They are really one town, and a small stream separates them. There is a great deal of liquor sold on the other side of the river, and there is some sold in Dover, too. The principal hotel does not sell any liquor, but in Foxcroft, which is part of the town, there is plenty of liquor.

7806*b*. Can you direct us to any place in a country district where the law is really strictly enforced, and where the sale of liquor is confined to medicinal and mechanical purposes?—I do not think there are half a dozen hotels in the State of Maine that do not sell liquor.

7807*b*. For beverage purposes?—For beverage purposes.

7808*b*. Is it sold secretly?—Yes, somewhat secretly.

7809*b*. Is there any open sale of liquor in these towns?—They do not run regular open bar-rooms as they do in Bangor, but they sell liquor all the time.

*By Rev. Dr. McLeod :*

7810*b*. How many employees have you?—Four.

*By Mr. Gigault :*

7811*b*. Do you think the prohibitory law is promoting total abstinence?—I do not.

7812*b*. What proportion of the male population would you say is using liquor?—I have no idea, but I should say a pretty large proportion here.

7813*b*. Would you say three-fourths of the male population?—No, I would not say as many as that; that is fixing it pretty high. I cannot say what the average is.

7814*b*. Do you think that the majority of the farmers are total abstainers?—From what farmers I see coming into town I should say that three-fourths of them were drinkers. Lots of them get feeling pretty well when they come to town.

*By Rev. Dr. McLeod :*

7815*b*. From your knowledge of the State, Mr. Mulvaney, would you say that the prohibition law, looked at generally, has done good or harm?—Well, I do not think it has done a great deal of good, and I will tell you why. You take the city of Portland, where the law is enforced; there is a town in which it was pretty hard to get a drink of liquor at one time. I was taken ill in the Falmouth Hotel and I sent to the clerk for some brandy, but I had to send for a doctor and get his prescription before I could get a half pint of brandy. Now, on the other hand, I saw more drunkenness in one day in the city of Portland than I ever saw in one week in this town, where there is free liquor. In Portland a man who wanted a drink would get into a place and would stay there until he got drunk, but here a man can go any where he wants any time he feels like drinking, and for that reason I do not think that so many people get drunk here as in places where the law is strictly enforced.

*By the Chairman :*

7816*b*. Your average of arrests for drunkenness in Bangor is largely in excess of the average arrests in Portland, and whilst your arrests in Bangor have been increasing from year to year, those in Portland have been decreasing?—Well, it is easy to account for that in Bangor. In the spring and fall of the year a great many lumbermen come to Bangor from all parts of the country; they are not residents of Bangor but they make it their headquarters. I think you will find that these people furnish a large majority of the arrests. They are not residents of Bangor, and the residents of Bangor do not figure among the arrests.

JOSEPH S. SMITH, President of the Bangor Manufacturing and Extension Leather Company, examined.

*By the Chairman :*

7817*b*. May we accept it as a fact that there is quite an open sale of liquor in Bangor?—Yes.

7818*b*. Have you any idea how many places are selling liquor in this city?—There are about 200, I should say. You can get a return at the Internal Revenue Department.

7819*b*. Do they all take out United States license certificates?—No, they do not, but I guess you will find 200 United States licenses.

7820*b*. You have known Bangor for a long time?—Yes.

7821*b*. Do you think that drunkenness has increased or decreased in the city, say within ten or fifteen years?—I do not suppose it has increased any, but as Mr. Mulvaney has said, when the river drivers come in the spring and when they go to the woods in the fall, as a rule, they all get drunk. Of course, if the prohibitory law was in force they could not get the rum so easily, but, I have no doubt, they would manage to get it all the same. You will find that three-fourths of those arrested in Bangor are strangers. I do not think that drunkenness has increased among our citizens.

7822*b*. How is public sentiment here amongst the native portion of the community?—I do not think the sentiment is up to having the law enforced. When we have elections here we generally have a prohibition candidate, a Democratic candidate and a Republican candidate, but the prohibition candidate will only get a handful of votes, perhaps 75 or 100 in the whole city.

JOHN MULVANEY.

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7823*b*. What does that indicate?—I should say that the men who want the law enforced will vote for the prohibition candidate, and those who do not want it enforced vote against him.

7824*b*. Do you think that only those who vote for the prohibition candidate are in favour of the prohibitory law?—Some of those who vote otherwise may be, but they are so wedded to their party that they will vote their party ticket—they are politicians first and prohibitionists in the second place.

7825*b*. Do you think that you have more total abstainers in the city now than you had ten years ago?—I do not know, but I think there are more drinkers. I know individually, lots of people who did not drink ten years ago, but they drink now. I go to banquets and suppers, and every one I go to I am surprised to find many men who I thought were temperance men taking their drink. These men will not take drink in a bar-room, but it seems they like it, because they take it in a social way.

7826*b*. Do you think there are more liquors used in the homes of the people now than formerly?—I do not know as to that, but liquor is used in most of the homes. I do not say that it is used to excess, but I do not think that there is anything of the nature of a public dinner that there is not wine at it.

7827*b*. Can you tell us about the enforcement of the law in the country districts?—I can only speak as to the districts around here; that they do not enforce the law and do not try to.

7828*b*. Do you mean by that that liquor is sold in these small country places?—It is sold in Old Town, it is sold in Orino and Waterville. There is no trouble in getting liquor in Augusta, no trouble in getting it in Portland, although there was trouble for a while there, and no trouble in getting it in Bucksport. I should judge that in Biddeford every one drank. The Democrats are in control there and they are supposed to favour the liquor traffic.

*By Rev. Dr. McLeod :*

7829*b*. Are we to get the impression that the vote for the prohibition candidate in the mayoralty election is the real strength of the prohibition sentiment in Bangor?—It is the real strength, with the exception of some few who are wedded to their party and who will vote for their party right or wrong.

7830*b*. But it is substantially the strength of the prohibition vote?—Yes, it seems so to me. The Republican party in the State has been supposed to be in favour of prohibition hitherto.

*By the Chairman :*

7831*b*. I suppose some of the Republicans have never been in favour of prohibition?—Lots of them. I know personally of a good many Republicans who have been members of the Legislature, and they were drinking men; but they would vote for prohibition, although they drank all they wanted themselves.

*By Rev. Dr. McLeod :*

7832*b*. Why do they do that?—The Lord only knows. I do not think they are honest.

7833*b*. But I suppose they want the votes of their constituents?—That is it. I presume the farmers and the country villagers are very much more in favour of prohibition than our city people.

7834*b*. Has the law, taking the city all over, done any good?—I do not think it has. I believe in high license.

7835*b*. Do you mean to say that you prefer license to prohibition and always have done so?—I always have preferred high license and I prefer it to-day, because I think it will control better the sale of liquor. I would have a law that would limit the number of licenses and control the sale.

PITTSFIELD, MAINE, July 3rd, 1893.

SIR JOSEPH HICKSON, Chairman, REV. DR. McLEOD and MR. G. A. GIGAULT, Members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

SIR JOSEPH HICKSON, Chairman of the Commission, visited the cider mill belonging to Mr. Noble, situate about a mile outside of Pittsfield.

Mr. NOBLE made the following statement :—

Ten days after cider is made, it can be peddled round and sold as new cider. Some of the farmers bring in their apples and take cider in return for them. I manufacture cider for others out of the apples they bring, and we can make about twenty-five barrels a day and more, if we are running day and night. A great deal of the cider is made into vinegar. Any one who may wish can freeze cider and obtain alcohol from it, but I do not know that it is done generally. It may be done, but I do not know of it. Before the law got so strict, I could sell a man five gallons of cider, but that is not allowed now. A barrel of cider contains from forty to fifty gallons.

*By the Chairman :*

7836b. Out of that cider how much alcohol could be taken, if it were frozen?—Cider that is kept six months is pretty strong, but a man who is used to drinking would have to take a lot of it to get full. After cider is six months old it does not increase so much in strength as it does up to that period. I have seen cider four years old that was just as pleasant as cider six months old, and it must have been a great deal stronger.

7837b. Is there 10 per cent of alcohol in cider which is kept for six months?—It strikes me that it is from twelve to fourteen per cent, but the cider is of different strength, as it depends on what kind of apples it is made from.

7838b. Do you think there is much cider sold throughout the country contrary to law?—I do not think they dare sell it, because the law is so strict.

7839b. You do not think they break the law?—I do not think they do to any extent to speak of, because they dare not. It is just as much an offence as anything else.

*By Mr. Gigault :*

7840b. What is the rate of taxation?—The rate of taxation is seventeen mills on the dollar which includes State and county taxes. The town of Pittsfield has an area of six square miles. The village has a population of 2,000, and the whole population of the town is about 2,500.

7841b. Do you believe that prohibition is making the farmers total abstainers?—I do not think that prohibition will ever have that effect. The farmers as a rule are not drinkers, but I think the majority of them take liquor once in awhile. You know as well as I do that such a law will never prove effective to stop drinking, because the only way in this world to stop the drinking of liquor is to stop making it.

7842b. Do the farmers drink the cider themselves or make vinegar of it?—They drink it themselves I suppose, because acid vinegar is so cheap now that there is not much profit in making stronger vinegar.

7843b. Do many of the farmers drink liquor in their homes?—There is more or less liquor used by them. They send for it and get it.

7844b. Do you happen to have any races here?—Once and awhile.

7845b. Do you ever see any liquor drinking at races?—I never went to the races yet that I did not see more or less drinking.

Mr. NOBLE,

## Liquor Traffic—Maine.

REV. S. C. WHITCOMB, of Pittsfield, Minister of the Free Baptist Church, examined.

*By the Chairman :*

7846*b*. How long have you been in Pittsfield, Mr. Whitcomb?—Twelve years.

7847*b*. Are you a native of the State?—Yes.

7848*b*. There are three churches in Pittsfield?—Yes, three churches of different denominations. There is the Universalist church, the Methodist church, and the Free Baptist church.

7849*b*. Numerically, how do the different churches stand?—The Universalist church was the first one in the place. As to the Society, they and mine are about the same, although we rather think we have some more attached to us.

7850*b*. What is the next?—The Methodist.

7851*b*. The population of this village is about 2,000.—Yes, about that.

7852*b*. Have you any police force?—We have. I think two constables who are appointed as they are called upon, and we have an officer appointed for night watchman; we have a deputy sheriff resident here.

7853*b*. Does the deputy sheriff take any active part in seizing liquors, or is that done by the constables?—He is the active party usually in these matters.

7854*b*. Is there any record kept of offences here in the village?—I cannot say as to that. We have a trial justice here and he will be able to inform you.

7855*b*. Have you any boarding-houses here?—Quite a number, the mill operatives have boarding places.

7856*b*. Have you any boarding-houses for transient visitors?—No, they all come to this hotel (Lancey House).

7857*b*. How long has the present landlord of the hotel been here?—A lady is the real proprietor; she came in last fall.

7858*b*. Was the hotel shut up before that?—Only for a week or so.

7859*b*. Was the closing of the hotel owing to proceedings against the previous landlord for liquor selling?—Yes, they put it on that ground.

7860*b*. Was he prosecuted and convicted?—Yes.

7861*b*. How long had he been in the hotel, can you tell us?—About a couple of years.

7862*b*. Had there been any liquor cases against the hotel prior to that?—Two predecessors of his had been raided and became discouraged with the business and went away.

7863*b*. They paid fines?—Yes.

7864*b*. Can you tell us if the last landlord of the hotel has paid any fines?—I cannot tell. These cases are still hanging over. I think they have been settled by the paying of a fine. Our courts are severe on these things in this county, they do not slip up upon it, as they used to.

7865*b*. You have no doubt been interested in this matter and from your knowledge of what has taken place in the village do you think there is any sale of liquor here at the present time?—Yes, I think there is. It is sold in this way: When it may come in through the express offices in disguised packages it is transferred from pocket to pocket in that way.

7866*b*. That is by private individuals, who have, of course a right to import it for their own use. But do you suppose that there is any clubbing together of individuals to bring in liquor?—I think they bring it in in that way. Parties will band together and have a package come, and distribute it around among each other. There is no doubt but that liquor comes in in that way.

7867*b*. Do you think there is any sale of liquor in this hotel (the Lancey House) for instance?—I do not.

7868*b*. You think there is no sale here?—I think there is no sale.

7869*b*. You think there is no sale to the guests of this hotel?—I think there is not.



7870*b*. Do you think that there is any sale of liquor in the boarding-houses of the town?—No, I do not think there is any sale in the boarding-houses. There may be one or two places over here where they distribute it in a very quiet way. It is difficult to ascertain, but that is the surmise from the signs. If there are no seizures for a little while and there is a quiet time and signs of liquor appear again, then we who are interested, in stopping the sale of liquor have to exert ourselves and take action. There is very little sign of liquor in the town, but when we see even a little we know that it is enough to warrant us in taking action.

7871*b*. Have you any considerable number of foreigners among your population?—Not very much; most of them are Scotch and English, we have hardly any Irish or French here. These people work in the woollen mills. The proprietors of the large mill are Scotch, and of the other mill, Mr. Dobson is the proprietor. They employ a very good class of help, so far as they can secure them.

7872*b*. Have you any apothecary's shops in this town?—Yes, we have two.

7873*b*. Is there any suspicion that they sell liquor?—I think there is hardly any suspicion now. As regards one, there has been no suspicion at all in times past, and at present we believe that there is no sale here.

7874*b*. Do you know if the apothecaries hold United States liquor tax papers?—Yes, I suppose they do. I suppose they feel obliged to have them, as they have to compound their medicines with liquor; that, however, is a matter difficult of adjustment, but I believe there never has been any decision on the point.

7875*b*. Can you tell us if the proprietor of this hotel holds a United States tax certificate?—Now, I cannot tell you. It is something I would like to know myself, but I cannot tell you.

7876*b*. Do you think that there are any other persons in the village who hold United States tax certificates?—Yes, I think there are one or two parties that do hold United States tax licenses. As regards the hotel, I have evidence that they do not sell liquor, and I know it is intimated that they have no United States certificate. That question is in the air.

7877*b*. Have you any objection to state the character of the places which hold these United States tax licenses?—There is one confectionery shop which has sold liquor and they have of course a United States license. I think they would hardly dare to do anything of the kind now.

7878*b*. The neighbouring farmers come in here to this village and sell their commodities?—Yes, they come in not only from what we call this township, but from outlying towns; this being a central locality and a good market.

7879*b*. Do they get liquor when they come to this village?—It is a rare thing with them if they ever do. Most of them do not want it, they have been without it so long that they do not want it, and those who do want it, I am certain, find it very difficult to get at the present time.

7880*b*. Many of the farmers make cider, I suppose?—There is only one cider mill within a few miles of this place. Some of our people have a pretty poor opinion of the cider mill. It is in rather bad repute with the orderly class of citizens. Our farmers send their apples there, but there are a good many honest farmers who would never think of making cider, but make vinegar out of it.

7881*b*. It is a fact that when cider is not more than ten days old the farmers can peddle it about and sell it without breaking the law?—No, I do not understand it to be so. I understand that apple juice is cider, and the law is against cider no matter what its age.

7882*b*. Do you know as a matter of fact, if the farmers do that?—I do not think they do. I think that they make vinegar out of it principally. Cider is not extensively sold. It cannot be sold in any shops, and there is very little sold out.

7883*b*. We have heard that the farmers freeze the cider in some districts and extract the alcohol from it?—That is something I never heard of. I do know that from this hard cider people can get very drunk, and get into the worst kind of a drunk.

7884*b*. Is there any considerable amount of drunkenness in this village of Pittsfield?—But very little.

Rev. S. C. WHITCOMB.

## Liquor Traffic—Maine.

7885*b*. From your residence here, do you think that drunkenness has increased or decreased?—It has decreased vastly since my residence here. Those who come to our village especially within the last few years, have remarked with a good deal of surprise, upon the little sign of drinking in the place. It is very rare to see a drunken man here, and when a man is found drunk in the streets, it most often turns out that he brought his liquor with him.

7886*b*. I suppose when people go to Bangor they have an opportunity of getting liquor?—Our own people do not go for liquor. We had workmen here last summer at the new mill, some of them pretty rough characters, and they would go to Bangor once in a while and get drunk.

7887*b*. Do you think there is much importation of liquor here from Boston, for private use?—I have no doubt there is some; but the extent of it, I would not be able to estimate.

7888*b*. As a rule, are the people total abstainers in this community?—That they are largely prohibitionists seems to be a fact, but are they total abstainers?—I cannot say as to that, but I should say, as a rule, that a very large portion of the community are abstainers.

7889*b*. Do you think the majority of people are total abstainers?—Yes.

7890*b*. Does your own church make any special effort in the direction of total abstinence?—Yes, we do, we work with the children; we have temperance societies and we are educating them in it in every possible way. The Women's Temperance Society is very active here; they work with the children and with young men, and get the young men to take pledges.

7891*b*. Are you speaking of the efforts made by your own congregation?—I do not know that I can say so as a church; but these societies exist in our midst here, and are doing work of that kind.

7892*b*. Have you formed any opinion upon the point, whether or not the earnest efforts that have been made to enforce the prohibitory law, have led to rather lax efforts in the direction of making total abstainers and securing pledges of total abstinence?—I cannot say that it does; but, naturally, extraordinary efforts in one direction might lessen efforts in other directions. But the temperance organizations here recognize that both methods must be pushed to the utmost. We have a good many persons who, although earnest prohibitionists, are not total abstainers.

7893*b*. That seems a rather anomalous position for a man to take, but I presume it is taken sometimes. Do you think the prohibitory law has had a beneficial effect in this district in the direction of temperance?—I do most decidedly. I have been two years here, and when I came here the enforcement was lax and the condition of things was not so good. Many of the good people of Maine are not enforcing the law because there are various things hindering them; some of them do not like to injure their neighbours, and I suppose social and business relations; and sometimes politics, prevent them from taking it up. There was a good deal of drinking here at one time. Liquor was sold in this house and it was sold in other places along here, and there were signs of drunkenness, and we had some of our citizens ruined by liquor. There was a good deal of lawlessness in the village, and since the enforcement of the law, the village has amended greatly in these particulars. Our boys were in the midst of facilities for drinking, and were growing up in rather a bad way. Any who will tell you the truth, will tell you that we have prospects of a good deal better citizenship now. The young men growing up in our midst do not know anything about this drinking; I think we have now one of the cleanest villages in the State. We have a large college here, and we invite parents to send their children here because there is no liquor. We tell them that it is safe for them here, so far as drinking is concerned.

7894*b*. Then you have had an energetic temperance sentiment here?—It has been very wide spread. The heroic sentiment of the people has enforced the law here and tried to clear up these things. We have comparatively little opposition here to the law, compared to what we used to have; the prohibitory sentiment is stronger here than it is in most places, I believe.

*By Rev. Dr. McLeod :*

7895*b*. Do you think that the sale of liquor is reduced to a minimum here?—Yes, comparatively.

7896*b*. Have you got a lock-up in this village?—Yes, we have such a place, but it is not occupied. Sometimes a person strays in from the outside and gets into it.

7897*b*. You speak about the increase in prohibition sentiment of the community and the less indifference than there was before: do you think that the careful enforcement of the law has somewhat brought about that favourable sentiment?—I suppose it has. On the whole, I am confident that the honest prohibition sentiment has increased. It is in a healthier condition now than I have ever known it, because we have proved that under it our people are prospering. When I came here, it seemed as if the most of our people lived in rented houses and did not have particularly good houses, but ever since I have been here, the village has prospered, and the people own their own houses and are living better. I do not attribute all the material prosperity and the growth of the place to temperance sentiment, but no doubt it has had something to do with it, and this fact is shown in the better condition of the people.

7898*b*. Do you think that the enforcement of the prohibitory law encourages this thrift?—I have no doubt of it, because you do not find those who are inclined to drink building their own homes.

7899*b*. Do you think the people do not desire liquor?—Some of these people would drink, if it were right here before them, but they have not the opportunity of drinking now.

7900*b*. The temptation of drink is removed from them and they are better people?—Yes, that is a matter of remark, and our people have improved materially.

7901*b*. Has the moral tone of the place improved also?—Yes, it certainly has. The moral and religious tone of the place has greatly improved within the last ten years; that is apparent and is common testimony. Our mill property has been enlarged. Mr. Dobson has enlarged his mill twice, and there is another mill across the river. Our people are a sober and pious people. Temperance sentiment has increased, morality has increased and religion has increased. Religion has a broader flow here than it had ten years ago.

7902*b*. And I suppose that the enforcement of the law here assures parents who are disposed to send their children to your institute that they are safer than they would be under other conditions?—That is a great inducement to them. Some years ago, some of them were shy of sending their children here. Pittsfield did not have as good a name for temperance then as it has now; the attendance at the school has increased somewhat. I do not know that it has largely increased, but just now the school is taking a new start.

*By the Chairman :*

7903*b*. Have the erection of these new mills added to the prosperity of the village?—Yes, to its material prosperity, undoubtedly.

7904*b*. It has helped people to employment and may have assisted them in obtaining their own houses?—Yes, of course, it cannot all be attributable to temperance habits.

7905*b*. You have a very active temperance party in the village?—Yes.

7906*b*. Is not an active temperance party really required to give effect to the law anywhere?—We have had a temperance party in this way: that if the matter was brought to a vote there would be a majority in favour of the continuance of the prohibitory law; but for the active enforcement of the law, a few men have had to be relied upon to take the lead. Still there is a sentiment at the back of them, to sustain them.

7907*b*. But you have a few active men enforcing the law?—Yes.

*By Mr. Gigault :*

7908*b*. When the fourth of July is celebrated here, are liquors drunk?—Not unless parties bring them in for their own use, the way I have mentioned. Nobody dares sell liquors here to-morrow (fourth of July.)

Rev. S. C. WHITCOMB.

## Liquor Traffic—Maine.

7909*b*. But generally, do people get drunk on the fourth of July?—We had no celebration last year here. Last year was as quiet as Sunday, because the people were out of town. There will be some people here to-morrow and I have no doubt there will be liquor on the race-course. Perhaps some of these young men will send down to Boston for it; the Boston liquor sellers have their circulars out and tell them how to get their liquor in, and they will bring it in and distribute it around and drink it; but here in Pittsfield, they will hardly dare to sell liquor to-morrow.

7910*b*. You spoke of a confectioner who was raided for selling liquor. When was he raided?—One, two or three years ago, I cannot tell you exactly.

7911*b*. You state that this hotel was raided for selling liquor?—Yes.

7912*b*. When was that?—The summer of 1892. They had been brought up before that time here, and there were cases standing over, and they came to an end last fall. I think it was longer ago than last autumn that this house was raided.

7913*b*. Was not a search warrant taken out last October against this house, and were there not liquors found in the hotel then?—They were searched here and liquors were found, and a case made against them. I think it was longer ago than last autumn; but it was held over from session to session, until they went out of the business altogether and shut up the hotel.

7914*b*. Were there liquors also found in the confectionery when the search was made?—Yes.

7915*b*. I think you spoke of another proprietor of this hotel, who was fined and became discouraged and left the business?—Yes; he sold out his lease and went on to Dexter.

7916*b*. What was the name of that man?—Bladen. He left two years ago.

7917*b*. What was the name of the other man who left here?—Mr. Fiska; he is still a resident of the place.

7918*b*. The house was searched during his time and liquor found?—Yes; and before Mr. Bladen, there was a man named Johnston, and he was searched, and liquors found, and the thing was made too hot for him, and he went to Bangor.

Mrs. BRYANT, President of the Women's Christian Temperance Union, Pittsfield, examined.

*By Rev. Dr. McLeod:*

7919*b*. How long have you lived here?—I have lived here twenty-one years; I think I should know Pittsfield very well. It has grown a good deal in that time. I think the village has quadrupled since then.

7920*b*. You have a very good moral and religious tone in the community?—I think so; I think it is increasing. It has increased within the past year.

7921*b*. The prohibitory law is fairly well enforced here, is it?—I think so; it is not perfectly enforced.

7922*b*. These mills have brought in a considerable population to this town?—Yes, they have brought in a great number of people; they have brought in a population chiefly from the country round about us and foreign population. I cannot say exactly, but I think the foreign population is chiefly Scotch, and that there are very few Irish and French here. I know a great many come from the towns around and from the country to work in the mills.

7923*b*. Speaking about the sale of liquor, have you any open sale of liquor here?—No, I think I can say positively that there is no open traffic or sale here.

7924*b*. I suppose that sometimes there are some persons who do sell?—I presume so; I have heard there were. I know the law has been enforced and that some places have been prosecuted for selling liquor within a year, and I presume there are some

places now, but it is kept very quiet and the temperance people do not have evidence enough to prosecute them.

7925*b*. When there is sufficient evidence prosecutions follow?—Yes; our present county attorney prosecutes when there is sufficient evidence.

7926*b*. Have some persons been driven out of the liquor business and discouraged so that they could not carry it on successfully?—Yes; the former hotel-keeper, Mr. Blacden, and a second man were driven out of town, because they were prosecuted for selling liquor.

7926½*b*. You would regard that as quite an effective enforcement of the prohibitory law, when it drives a man out of town?—Yes. We, temperance people, are all glad to get rid of them. Another man here who was prosecuted, does not sell it now. I do not think there is any liquor sold here now.

7927*b*. Is it your impression, from your observation of the trade during these years, that the prohibition law is conducive to the welfare of the people?—I feel very sure of it; so much so that I do not want to live in a city that has no prohibitory law. I spent three months in Bangor, all winter, and during those three months I experienced more hard cases than ever I experienced in Pittsfield. I saw children carry pewters of beer to their parents; I saw a great deal of drunkenness at New Year's time. You do not see drunken people here. I know that in some places in Maine, where public sentiment is not so strong as here, liquor is sold to quite an extent.

7928*b*. I suppose that in larger cities, where there is a different population, and perhaps more of the foreign element, it is difficult to enforce the law?—Yes, it depends largely on public sentiment.

7929*b*. Do you think that the prohibitory law itself helps to make public sentiment?—Yes, I do. I think the law helps the temperance people, because they have something they can fall back upon; it is the support of the temperance people.

*By the Chairman :*

7930*b*. They have a weapon behind them in the prohibition law?—They have something to fight with, and where there is nothing behind them, like the prohibitory law, there is nothing to fight with.

7931*b*. Do you think there is much drinking in the homes of the people?—I do not think there is.

7932*b*. Do you think there is liquor brought into Pittsfield in a clandestine way?—If it is brought in at all, it is brought in that way.

7933*b*. Do you think there is much liquor brought in?—I think there is some, from what I hear. If we had evidence against them, these people would be prosecuted if they attempted to sell it.

7934*b*. You have four or five gentlemen here who have taken an active part in enforcing the law?—We have some very good people in Pittsfield in that way, and I think if public sentiment were stronger here, the village would be a model one.

7935*b*. How many members are there in your Women's Christian Temperance Union?—We have twenty-nine paying members.

7936*b*. All pledged to total abstinence?—Yes. We have twenty-six children in the Loyal Temperance Legion, who are obliged to abstain from intoxicating drinks, tobacco and profane language, and we have quite a number of young people in the Young Women's Christian Temperance Union.

7937*b*. Are your members all ladies?—The members are all ladies; we have some honorary members who are men, but they cannot vote in our society.

7938*b*. You do not allow them to vote?—No.

*By Rev. Dr. McLeod :*

7939*b*. Can you state how many people are total abstainers here?—Well, of course I can only speak about those I come in contact with. I do not come in contact with the mill people. All those in the churches, and those that I come in contact with, I think, are mostly abstainers. In the Methodist and Free Baptist Churches, they are all abstainers; there is not a man who tipples at all.

Mrs. BRYANT.

## Liquor Traffic—Maine.

*By the Chairman :*

7940*b*. Does that mean that they never take liquor?—I do not think so ; I do not think there is one who takes liquor inside those two churches.

7941*b*. What proportion of the population would that be?—I cannot state so fully that it would amount to any proof.

7942*b*. You state that the Baptists and Methodists are abstainers. I think the Universalists' is the largest church here?—I do not think it is. I think the Free Baptist is the largest.

7943*b*. Who is the guardian of the peace in the village, who looks after offenders?—We have a night-watchman and we have constables, but they are not on duty constantly. We have no policeman, except the man on duty at night.

7944*b*. Have you any races in the neighbourhood at any time?—We have not had for some years, but recently a man has fitted up a trotting park.

7945*b*. Do you see any liquor here on your fourth of July demonstrations?—I have not seen any.

7946*b*. You do not know that liquor is sold openly here on such occasions?—No, I know that it is not.

7947*b*. Have you heard of any places in the village where liquor was sold in a clandestine way?—Yes.

7948*b*. Many?—No.

7949*b*. How many?—I only know of one that has the reputation.

7950*b*. Do they sell liquor in that house?—I have one place in mind.

7951*b*. Is liquor sold to people of the town or to guests?—I do not know ; I have never heard of the sale to a person in town.

7952*b*. Is there any other place in town where liquor is reported to be sold?—No, not that I have heard of.

7953*b*. Do not the confectioners or the druggists, sell liquor?—I think one of our druggists is a strictly temperance man, but the other one has been taken up for selling ; it was more than a year ago.

7954*b*. He paid his fine, I suppose?—Yes, sir, I think he did.

7955*b*. And continued in the business?—He continues in the drug business.

7956*b*. Do you ever visit the country districts around the village?—Not very often.

7957*b*. What use do you think, the farmers make of their cider?—I think they make it into vinegar mostly.

7958*b*. Do they drink much of it?—I do not think they do ;—I do not know.

7959*b*. Do you know if the farmers peddle cider around when it is newly made?—I know but one who does.

7960*b*. Is that in accordance with the law?—I think he keeps within the bounds of the law.

JAMES B. MONAGHAN, of Pittsfield, designer.

*By the Chairman :*

7961*b*. Where were you born?—I was born in this State and I have lived in this town, on and off for five years. I have travelled considerably and I have been away during that time, probably for a year and a half.

7962*b*. Where were you during your absence from the State?—I was in other portions of New England.

7963*b*. Have you been much through the State of Maine?—Yes.

7964*b*. In what district?—I have been pretty much all through it.

7965*b*. Have you a labour organization here?—No.

7966*b*. Have you any workmen's society?—No.

7967*b*. Have you any general temperance organization in the town apart from the Women's Christian Temperance Union?—Not that I know of.

7968*b*. Is there much drinking here in the village?—I do not know what you consider much.

7969*b*. Do the people generally make use of liquor. How is it with the working people about Mr. Dobson's factory?—Well, they are a very good class of men in general. As a general rule, they use liquor; in fact, I guess the majority of them use liquor. You can see that seven-eighths of them use liquor, but they drink it in a moderate form.

7970*b*. Is there any intoxication amongst them?—No, not amongst the general class of help. There are a few who work around everywhere, here and there, and come here to work for a short time, and there is more or less intoxication amongst that class.

7971*b*. Have you any knowledge of the employees in the other mills?—Yes, they are about on the same basis.

7972*b*. Do many of them drink to excess at any time?—That depends on circumstances.

7973*b*. What are the circumstances?—It depends a good deal upon where you are. As a general thing around here, they take a drink more or less, and if they want to have a good time they go outside the village.

7974*b*. How do they get the liquor they use?—They get it in several ways. Some send for it, and some make a business of sending for it and selling it. Take, for instance, a lot of young boys of 15 or 16 years old; they cannot get liquor anywhere here, but there is a lot of mean fellows who will sell a gallon for \$5, although they only paid \$2 for it. They give it to these boys at a dollar a quart and make money out of it.

7975*b*. Where do these men send for the liquor?—They send to Boston, generally.

7976*b*. Do you think there is much of that done, or is it an exceptional circumstance?—It is a general rule, right straight along, an every day occurrence. Take an occasion like the present, the fourth of July, and I will bet that there are upwards of thirty gallons that will come in in roundabout ways. They take a team and go after it to other stations along the line. They get it consigned to some way station and bring it in.

7977*b*. Where do they handle the liquor in a village like this?—These fellows will handle it anywhere along here. They are what are called pocket pedlars. They walk along the street and if some fellow wants a quart, they patch him up, as they say. You will see the pocket pedlar going into a lane and some fellow following in to get liquor.

*By Rev. Dr. McLeod:*

7978*b*. Are there a good many pocket pedlars here?—I cannot say there are a good many, but there are quite a number.

*By the Chairman:*

7979*b*. What sort of stuff is it that is sold in this way?—The very poorest stuff they can buy.

7980*b*. Poisonous stuff?—Yes, it makes a man drunk very quickly.

7981*b*. What has been the practice here on the occasion of the Fourth of July celebration? Has liquor been obtainable in houses here?—I cannot answer that question directly, but if a man really wants liquor he generally gets it.

7982*b*. Is there much intemperance on the occasion of the Fourth of July celebrations?—As a general thing there is quite a lot.

7983*b*. Have you races in the neighbourhood?—Yes, we have a little horse race here to-morrow, and there is another one in Skowhegan, and another in Dexter.

7984*b*. Is it a common thing to have liquor peddled around on these occasions?—Yes, as a general rule.

JAMES B. MONAGHAN.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

7985*b*. Do they peddle it openly ; do they sell it in stands on the race courses ?—Some of them get bold enough to do that, but they have to be pretty quiet about it generally. These pocket pedlars work around, and they have some way of getting it.

7986*b*. You speak of boys, 15 or 16 years of age, drinking. Do a good many of the boys of that age drink ?—Yes, quite a number.

7987*b*. Do you mean the boys employed in the mill ?—I am speaking generally.

7988*b*. You also said that about seven-eighths of the people who worked in the mill drink ?—They use liquor more or less.

7989*b*. Do you think that the same proportion of the men in the town drink ?—I cannot say as to that.

7990*b*. Did you ever engage in the pocket peddling business yourself ?—No.

7991*b*. Were you ever charged with selling liquor ?—No.

7992*b*. You were never indicted for selling liquor ?—No. I never handle liquor in any way, only I take a drink occasionally.

7993*b*. What about the county generally ; is there a good deal of drunkenness in other places in this county ?—Hartland, especially at the horse trots, they call the most drunken place on the face of the earth ; it is seven miles from here.

7994*b*. Do they sell liquors there ?—I think they do, I am very sure they do, they sell lots of it. They do not sell it now so much as they did, but a man can get all he wants now.

7995*b*. Do you know any other places in the county, where liquors can be had or are drunk ?—They are drunk all over the county.

7996*b*. Are there any open places for the sale of liquor ?—Yes, only in Skowhegan.

7997*b*. Any other place ?—I cannot say as to that.

7998*b*. When the races take place, is there any drunkenness generally ?—More or less.

7999*b*. Have the working men dances here ?—Quite often.

8000*b*. Is there any drinking at these dances ?—More or less. They have Saturday night dances, right across the road here, and there is more or less drinking there, but they are quiet about it.

*By Mr. Gigault :*

8001*b*. When the new mill was built, was there a public dance given ?—Yes.

8002*b*. Was there any drinking at that dance ?—I was not here, but when I arrived here, the next day, I know what I saw.

8003*b*. Did you see any drunken people the next day ?—Yes.

8004*b*. Do you know if a good deal of liquor comes in by the express company ?—They say there is quite a lot of it.

*By the Chairman :*

8005*b*. Do you know it as a fact of your own knowledge, that liquor comes in by the express ?—I do, but I cannot swear that I saw it.

8006*b*. How do you know of it ?—Because I hear of it, through conversation. I have two brothers around here, who are ball players, and they pick up considerable information on that point.



Z. D. LANCASTER, Agent of the Maine Central Railway, Pittsfield, examined.

*By the Chairman :*

8007*b*. Have you lived long here ?—I have been agent fourteen years at Pittsfield. I was section foreman five years in this neighbourhood.

8007½*b*. Have you paid any attention at all to the liquor traffic ?—I have not paid any attention to it.

8008*b*. Do you believe there is more or less intemperance here than there was ten years ago ?—I should say there is less drinking now than there has been any other time.

8009*b*. I suppose there are very few offences or breaches of the peace ?—Very few.

8010*b*. Is it the duty of the county attorney to prosecute such cases ?—I understand so.

8011*b*. Do you think there is much sale of liquor in this village ?—I do not think there is any.

8012*b*. Do you mean open sales ?—Yes.

8013*b*. Do you think there is any sold secretly ?—I cannot say as to that. I do not know of any being sold.

8014*b*. Do you think there is any liquor sold to guests of this house, for instance ?—I do not know.

8015*b*. A good many guests come to this hotel ?—Yes.

8016*b*. Is there any pocket peddling done in the village ?—No ; not that I know of.

8017*b*. I suppose there is some liquor brought into Pittsfield for private use ?—Yes.

8018*b*. Where does it come from ?—Principally Boston.

8019*b*. Do you get it by freight or by express ?—Both.

8020*b*. Can you give us an idea of how many packages of liquor come in in the course of a month ?—I cannot. It does not run very evenly. Sometimes there would be quite a little come in and then there would be none for some time. In the beginning of hot weather quite a lot of beer comes in, and then in cold weather they bring in something stronger. I am speaking about what comes in by freight. I do not know of what is done by the express companies.

8021*b*. There is an express agent here ?—Yes.

8022*b*. Do you suppose you get a dozen packages a month ?—Yes.

8023*b*. More ?—I should say something about a dozen packages.

8024*b*. Are they large or small ?—Well, they vary in size. As a rule the small ones come by express and barrels and casks are mostly by freight.

8025*b*. Are they prepaid ?—No.

8026*b*. Do they go to the persons to whom they are directed ?—Yes.

8027*b*. Have you any intermediate claimants who lay hands on them ?—They come to the persons to whom they are consigned. There might be once in a while a consignment with a false address, but that is exceptional.

*By Mr. Gigault :*

8028*b*. What is the largest size of these barrels ?—They are about the size of a sugar barrel, with bottles packed in them. Even a keg is most always packed in a sugar barrel.

*By Rev. Dr. McLeod :*

8029*b*. That is to disguise it ?—Yes ; I suppose so.

*By Mr. Gigault :*

8030*b*. Do you know anything of the habits of the workmen in the mills ? Do you know if they drink moderately ?—They have holidays and so on, they most always send off for what they call a "patch-up," A number of them get together and put

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in fifty or twenty-five cents apiece, and they get two or three gallons, and have it come in the name of the leader of the gang.

8031*b*. We heard that there was a public dance when the new factory was opened, and they had quite a breeze there? Do you know anything about that?—I was not there.

8032*b*. Do you attend the races here sometimes?—No.

8033*b*. Do you believe that three-fourths of the workmen of these factories here take liquor more or less?—I should think so.

*By the Chairman :*

8034*b*. Is cider extensively used here?—It is used quite a bit.

8035*b*. How do the people get the cider?—They make it as a rule. There are very few in the village but have apple trees and make their cider. These people who work in the mills have to buy it, and I think the law limits them to five gallons at a time.

8036*b*. A statement was made to the effect that until cider was ten days old it could be sold?—I think that is so, because they go around peddling sweet cider in the streets.

WILLIAM POSHOR, Cashier of the Pittsfield National Bank, examined.

*By the Chairman :*

8037*b*. Have you resided in Maine all your lifetime?—I was born in the State of Maine. I have lived in Pittsfield about seven years.

8038*b*. When were the new woollen mills built here?—The Waverly mill, was built here last summer, and is just completed. There have been two others here for some time.

8039*b*. I suppose you are brought in contact with all classes of the community here?—Yes.

8040*b*. Is the prohibitory law very strictly observed?—Well, in some respects, I should say yes.

8041*b*. And in other respects?—I do not think it is.

8042*b*. Have you any objection to tell us exactly what you mean by that?—I have no objection at all. I think there are a certain few who, if they wish to sell rum, will be all right, but there are others on whom they would quickly apply the law.

8043*b*. To whom do you refer as applying the law? Is it the sheriff?—No; any one can make a complaint under our law. They swear out a warrant before the trial justice, and then it is placed in the hands of an officer, the sheriff or the town constable, and they go and make a search.

8044*b*. Who are the persons that have taken an active part here in looking after such things?—I remember they had one case here, against Mr. Fiska, who used to run this hotel. They got out a warrant and I served it. I was sheriff then.

8045*b*. Will you explain whom you mean when you say that they would soon put the law in force against some people?—Of course, in all of our towns around here there are some people who think that if a man takes a drink of rum, he hardly ought to live; but there are not a great many people who are so prejudiced as that. Of course, if they had any idea that a man was selling rum, they would try and have it stopped.

8045½*b*. Do you mean the temperance people or the active prohibition people in the village?—I do not know. There are some of our people who claim to be temperance people and all that, but they get "full" once in a while; but still they will get up and talk temperance.

8046*b*. You have not many cases in the community, of liquor selling, and the persons who set the law in motion I suppose, are well known?—Certainly. I would just as soon tell you who the man was who swore out the warrant when Mr. Fiska was pulled

up. It started in this way. A man and his wife up here had a little trouble, and she went home to where her son lived. Her son came down and they had some words. I do not know that they had a fight, but they had a good deal of talk. The man and his wife went to law; and, before they got through with it, the son swore out a warrant against the hotel. It was claimed, I believe, that her husband got some liquor in the hotel. I got the warrant and came down here, with three special deputies, and searched the hotel.

8047b. How long ago was that?—I think it was a year ago last fall.

8048b. And did you find liquors in the place?—Yes.

8049b. Did you find a large quantity?—It would be a considerable quantity for a small place like this.

8050b. Can you give us an idea of how much it was?—I should think there was perhaps \$150 worth of liquor, and there might be more than that.

8051b. How long had Mr. Fiska been keeping the hotel before that?—I do not remember.

8052b. What was the result of the proceedings?—They had a hearing before the justice, and he bound them over to the court. I do not remember what was the final result. I think they fined him.

8053b. Was the house closed?—Not at that time, but since then they closed the hotel up. They closed the house, and decided not to run it on account of the trouble.

8054b. How long was it closed?—I think something like three weeks.

8055b. And did Mr. Fiska go out of the business?—Yes.

8056b. Did he stay out of the business?—Yes.

8057b. Are there any places in town where liquors are sold?—Not that I know of. I make no doubt that there are some, but I do not know of them.

8058b. Is there much of what is known as pocket peddling in the town?—I do not think there is around here. I believe that some people club together and get a supply of liquor from Boston and distribute it around. I have not seen much drunkenness around here for some time.

8059b. How long were you sheriff?—About a year and eight months?

8060b. Had you many liquor seizures in that time?—No.

8061b. Do you know if there have been any arrests for drunkenness in the village for the last twelve months?—I do not know.

8062b. Do you know anything about the farmers?—When they come into town do they get liquor?—I should doubt if they get liquor here now. I do not know of any place where they could get it.

8063b. They do not get intoxicated when they come to town?—I have not seen that.

8064b. Is there much cider sold around here?—I do not think there is a great deal.

8065b. The farmers use cider in their homes?—Certainly. We have two cider mills in the town. A great many farmers take their apples to the mills and get cider made out of the them.

8066b. Do many farmers make cider in small quantities themselves?—No, I think not.

8067b. Do you think there is much liquor used in private houses here?—I cannot say as to that.

8068b. Is it your experience that the prohibition law is well enforced here?—That would be a pretty hard question to answer, but I may say that it is well enforced here.

8069b. Do you think there is any open sale of liquor in the town?—No.

8070b. Is there any open sale of liquor on occasions like the 4th of July celebrations, races or fairs?—No.

*By Mr. Gigault :*

8071b. I think you said at the beginning of your testimony that some were allowed to sell liquor and others would have the screws put upon them?—Possibly you do not understand what I mean by that. A man would not be allowed to have a bar or anything of that kind, but what I mean to say is that a man could go in on the quiet and

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get a drink in certain places, and it would be all right, and they would not do anything to him.

8072*b*. Do you mean by that that the law is operated according to the political party to which the liquor seller belongs?—I think it works that way. It is apt to be that way a little.

*By the Chairman :*

8073*b*. Does the religious element enter into it at all?—They used to make some talk up at one of the churches about driving Mr. Fiska out, and such matters.

*By Rev. Dr. McLeod :*

8074*b*. Did he belong to any church?—He does not belong to any church, I think.

*By Mr. Gigault :*

8075*b*. What do you know of the habits of the workingmen of the mills? Do you believe that a large proportion of them drink?—They have what they call bum weavers who will stop here for one month or four or five weeks. They are usually a pretty hard element, and when they get any money they get full. There is very little of that at Mr. Dobson's works. All his people generally are born and brought up here, and they are very nice people. They have a few that are a very hard set, so far as liquor goes.

8076*b*. These people you refer to are a kind of tramps?—Yes, they are coming and going all the time, travelling from one place to another.

8077*b*. Do they make good wages?—Yes, they make very fair pay.

8078*b*. Were you sheriff for the whole county?—No, I was not. They have what they call a high sheriff here, and he lived at Skowhegan.

8079*b*. You were a deputy sheriff?—Yes.

8080*b*. Do you know anything about the working of the prohibitory law in the entire county?—They are trying to enforce the law as well as they can.

8081*b*. Are they succeeding?—I do not know how that is, I am sure.

*By Rev. Dr. McLeod :*

8082*b*. Is the financial position of the town pretty good?—Yes, it is very good.

*By the Chairman :*

8083*b*. Do you usually find out whether a man takes a glass of liquor or not before you give him credit at your bank?—No.

8084*b*. Would you make any advances in an ordinary way to a man who is known to drink?—Yes, I think I would. We have very good customers, and I know they take a drink when they want it.

8085*b*. Would you draw the line at a drunkard or a man who was known to drink freely?—I would not care to advance him, unless he was pretty well off.

8086*b*. Would you keep an account with him if he did his business all right?—If he did his business all right, we would not kick because he drank.

8087*b*. It would depend on the amount of his balance at the bank, I suppose?—Certainly.

*By Rev. Dr. McLeod :*

8088*b*. Would you discount notes for a man who drank?—Certainly, if the note was all right.

*By the Chairman :*

8089*b*. It has been said that a man's credit would not stand so well here if he was known to drink. Do you know if such is the case?—It is not the case in this town.

*By Rev. Dr. McLeod :*

8090*b*. Have you got any hard drinkers here?—I do not think so. Some, as good customers as we have in our bank, would take a drink if they felt like it.

8091*b*. Have you any idea as to the proportion of the grown men in the community who are total abstainers?—I should judge that they would be very few.

8092*b*. Would you care to state what you think the proportion would be?—I would not care to state, but I should think the proportion of total abstainers would be very small.

T. W. HOVEY, of Pittsfield, County Attorney, examined.

*By the Chairman :*

8093*b*. Are you the county attorney, Mr. Hovey?—Yes, I am county attorney for Somerset County.

8094*b*. Your residence is in the village of Pittsfield?—Yes.

8095*b*. Have you always resided here?—No, I moved here from the northern part of the State in 1887. I was here to school before that. I was born in New Brunswick, and I lived there a number of years.

8096*b*. It is your duty to prosecute all the liquor cases in the county?—Yes, and other crimes.

8097*b*. In the first instance in this village I suppose the cases go before the trial justice?—Some processes do. Certain seizure cases go before our trial justice but that is only one form of indictment. The other cases practically go directly before the grand jury.

8098*b*. What is the population of the county of Somerset?—I should say somewhere between 35,000 or 40,000. They have nearly 9,000 votes in the county.

8099*b*. You are cognizant, I suppose, of all cases that come before the court? Have you an idea of how many on an average in the year come before the courts in the county, and about what proportion of them are liquor cases?—On an average, I should say, in this county there are from thirty to forty indictments in a year of all kinds.

8100*b*. Of these how many would be liquor cases?—On an average, I should think three-fourths of these that come before the Supreme Court.

8101*b*. Are you speaking of the existing state of things?—Yes, I am speaking since I have been county attorney. I am serving my second term. I was re-elected last fall, and will serve another two years.

8102*b*. Have you any knowledge of the number of cases that came before the courts of the county prior to your appointment?—They vary with the different county attorneys and the different officers there may be in the county. Sometimes there will be a sheriff in the county who is hostile to the enforcement of the prohibitory law, and in that case if the county attorney is favourable to the law the most of the work is done by indictment, and if you get a sheriff who is favourable to the law there will be a good deal of search and seizures. One kind of cases is tried before the trial justice, but they very often go to the Court of Appeal.

8103*b*. Could you give us a memorandum of the number of cases in the county since the year 1881?—I can get you that, I think. I know that there have been a larger number of indictments and a larger number of convictions under these indictments, since I have been county attorney, than in any previous two years.

8104*b*. Have you any idea what the number of cases were ten years ago as compared with the present?—There was much more liquor sold then. The law was not so well enforced ten years ago as it is now. There were, perhaps, nearly as large a number of indictments then, but there is not so much liquor sold in this county now.

8105*b*. Is it your practice to use the fact that a person holds a United States liquor license, against him in your prosecutions?—I never have used it.

8106*b*. You prosecute on the facts of the case?—Yes. They go in and take out a liquor tax and in some places, under mutual agreement with liquor dealers, they use it as a high license. It works pretty well in getting fines but it does not stop the liquor

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selling. If I used a United States liquor certificate in a case, it would be together with some other evidence.

8107*b*. You have got 2,000 persons in this village?—Yes.

8108*b*. Could you say how Pittsfield compares with other places in the matter of offences against the prohibitory law?—I do not think there is any town in the State that can in any way be compared to us as regards the number of cases of drunkenness and other offences. I think we are probably the best town in the State. For the last year I think there has not been an arrest for drunkenness in this place, to my knowledge.

8109*b*. I understand your answer to be that Pittsfield holds a very satisfactory position in comparison with other places in the State?—Yes, other places of the same size.

8110*b*. Have you any persons in Pittsfield who have been very active in following up the law-breakers and in enforcing the prohibitory law?—Well, not specially so. I think not so much so as they are in some places in the county, but as a whole our people like to see the law well enforced.

8111*b*. I suppose the enforcement of the law depends very much on finding either an officer or a citizen to take the initiative, and here in Pittsfield is it not a fact that citizens have been pretty active in taking the initiative against violators of the law?—They have been recently, but perhaps not so much as they are in other places.

8112*b*. What other places have you got in your mind?—I think Norridgewoc and in some of the other country towns if a man attempted to sell liquor they would hang him up. I think in the larger places politics enter into it.

8113*b*. Have politics anything to do with the situation here?—Do you mean as to the good enforcement of the law?

8114*b*. Yes?—Well, yes, I think it has. I think the Republicans believe more in the prohibitory law than the Democrats. If a Democratic sheriff is elected, he is elected on that issue.

8115*b*. In some places we find the Republican party not altogether so much in favour of enforcing the law?—Well, it is difficult to understand that. That is the state of affairs in some places, I suppose, but if you take the State right through, as a rule the Republicans enforce the law. They are obliged to enforce it.

8116*b*. Is there a large Republican majority in this county?—Yes, we have somewhere about 600 or 1,000 majority. Sometimes the Democrats make it an issue of election here, and they try to get some rum Republicans to go with them.

8117*b*. Do you think there is any considerable amount of liquor sold in this place?—I think there is very little, if any.

8118*b*. Sometimes men club together and get in a jar of liquor, I suppose?—Yes, there might be those cases. They have a right to import liquor for their own use, and, of course, we cannot do anything in that case.

8119*b*. Are there many apothecaries in the county?—There are not very many. I should think there are not over a hundred.

8120. Do they usually take out a United States liquor license?—A few of them do, but not all.

8121*b*. Do you know of any case that has come before the courts in which a decision has been given to the effect that it is necessary for an apothecary to take out a United States license tax in order to carry on his business?—No, there is no such decision, I believe. There are not half of them in this county who take out a tax.

8122*b*. Have you any idea of about how many persons have taken out United States license certificates in this county?—There are about thirty-five including the druggists. I think there were about forty last year, but I think the number is reduced.

8123*b*. Have you a good many foreigners resident in the county?—There are some but not many. I think the foreign population is confined to Pittsfield, Skowhegan and Fairfield.

8124*b*. Have you had much trouble with farmers and others selling cider?—No, we have not had any trouble to speak of. There is nothing in the law to prevent them making cider, but it is against the law to sell for beverage purposes or tipping.

8125*b*. Can you tell us if the people make cider in small quantities?—No, I think the cider is mostly made in the mills.

8126*b*. Can a cider maker sell it in small quantities for ten days after it is made?—That ten days has nothing to do with it. If it is cider, and if it is sold for tipping purposes the day it is made it is illegal. There was a five gallon rule with reference to cider, but that has been repealed, and the law simply reads now that if a person sells cider for tipping purposes or for beverage purposes it is against the law.

8127*b*. Are there many cases pending in the county against liquor sellers for infringements of the prohibitory law?—No. Last year I got them pretty well cleared out. Only a few cases went to the law court.

8128*b*. But you have a considerable number of them?—There were five indictments here, I think, and they went to the law court. Most of the indictments were against the same party.

*By Mr. Gigault :*

8129*b*. Do you know anything in regard to the number of divorces issued in the county?—Yes, I have had something to do with the divorce cases. I think last term there were sixteen or eighteen divorces. There are three terms in a year, and I think the average would be from ten to sixteen a term.

8130*b*. Do you mean by that that you think there are forty or fifty divorces a year in this county?—Yes.

8131*b*. How many of these divorces would be granted on the ground of drunkenness?—I had some curiosity to look up that a short time ago. In one town where we had sixteen cases, I only found one granted for gross and confirmed habits of intoxication. I never had a case where a divorce was obtained for drunkenness: as a rule we get them on some other ground.

8132*b*. You say the number of cases where intemperance is assigned, as a reason, is small?—Yes.

*By Rev. Dr. McLeod :*

8133*b*. Are there many offences that come before the trial justice for disturbance and disorderly conduct?—No, there is very little disorder here. There may have been one or two cases in the last two years, but I did not know of them.

8134*b*. Have you many offences, such as creating disturbances and fighting?—I believe there is not one within a year.

8135*b*. Is there anyone in jail from this place now?—No. I think a few years ago, there was only one in the jail from the whole county.

8136*b*. The statement was made to us here, that seven-eighths of the mill-hands are given to the drink habit, more or less. Do you think that is correct?—No.

8137*b*. And it was also stated that about the same proportion of your other male citizens are drinkers, more or less. Do you think that is right?—No.

8138*b*. And it is also stated that boys of 15 or 16 years of age are quite addicted to the drink habit?—I am chairman of the school board, and I do not know anything of the kind.

*By the Chairman :*

8139*b*. Do you mean that they do not drink at all?—I take it to mean the use of intoxicating liquors. I do not think there are seven-eighths of them take liquor in any form.

*By Rev. Dr. McLeod :*

8140*b*. You think these statements are rather exaggerated?—Yes, they must have been made by a person who was not informed as to the facts.

8141*b*. We were told that most of the men here drank?—I know a good many who do not. I think the majority of the inhabitants of the town of Pittsfield are total abstainers.

8142*b*. Are they pledged to it, or are they total abstainers?—They are total abstainers.

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8143*b*. It has been contended by some parties that the fact that the prohibitory law is the law of the State has had the effect of decreasing the efforts of the people towards using moral suasion?—I do not think there is any ground for such an argument as that. In this section they carry on education against alcohol in the schools just the same. They carry on the education of the people much more effectively under prohibition than they do under license.

*By the Chairman :*

8144*b*. When you say that a large portion of the people are total abstainers, do you mean that the greater proportion of them are pledged abstainers?—No, I do not think the majority are total abstainers. They have societies, but I do not think they exact the pledge, or anything of that kind ; but they prohibit liquor.

*By Rev. Dr. McLeod :*

8145*b*. You mean that they are practical temperance men?—Yes.

8146*b*. Do you know Mr. James Monaghan?—Yes.

8147*b*. How long has he lived here?—He used to live here, but he has been away for a long time ; he came back here the first of the summer.

8148*b*. He has been away for a good while?—I do not know that I should say he has been here a year or more. He was pocket peddling a little down here.

8149*b*. Did you suspect him of being a pocket pedlar?—Yes.

8150*b*. I asked him if he had been charged with it, and he said no?—I do not know that he ever was charged with it, but he had been before the grand jury.

8151*b*. Did he make a statement?—Yes.

8152*b*. What did he say?—Mr. Monaghan claimed that he never drank, or saw any drinking around this section ; he did not seem to know anything about it then.

*By the Chairman :*

8153*b*. Is there any record of what took place before the court in that case?—No, Mr. Bowden, who lives here was foreman of the grand jury, and he knows more about it than I do.

8154*b*. Do you know what is Mr. Monaghan's occupation?—I think he works in the mill.

8155*b*. Do you know what he does there?—I cannot tell you. I have seen him on the street a little since he came back ; both he and his father are addicted to the use of liquor and the family use it a great deal, and once in a while they are inclined to make a little disturbance.

*By Mr. Gigault :*

8156*b*. What disturbance do they make?—I mean they get drunk.

8157*b*. Do you mean that Mr. Monaghan has been drunk lately?—Not this one, because he has not been here.

8158*b*. When do you say he has been drunk?—When he was here he went over to Hartland with a party, a little over a year ago, and they got pretty well set up.

8159*b*. I think you said a little while ago, that there was no drunkenness at all here?—This took place at Hartland.

8160*b*. You said that there was no drinking here, and now you say that these people living here were drunk. How do you reconcile the two statements? One time you say there was no drinking, and another time you say that there was drunkenness and drinking?—I said there had been no cases of arrests for drunkenness ; I did not say there had been no drunkenness here.

8161*b*. Then there is some drinking?—I have seen some, that is over a year ago.

8162*b*. Do you say that Mr. Monaghan has been a pocket pedlar?—I do not say that he is, or has been, but I said there was a complaint.

8163*b*. Who made that complaint?—Parties here in town.

8164*b*. What are the names of those parties?—I shall not tell you.



8165*b*. Do you know that the assertions of Mr. Monaghan are upheld by two other respectable men, who say that at least three-fourths of the mill population drink here? I cannot tell you.

8166*b*. Do you know that the cashier of the bank here says so, and that that statement has been corroborated by another gentleman who occupies a very good position?—I was not saying anything. I have not seen that state of things.

8167*b*. But it is not only Mr. Monaghan's evidence that we have about the drinking habits of the people here, but we have also the evidence of some other people?—I cannot help what others say, I give you my own testimony.

8168*b*. These statements have not been made by Mr. Monaghan alone, some highly respectable men here have made the same statement?—You simply asked some facts about Mr. Monaghan, and I told you. There is no reason for saying anything against him, any more than his habits are against him; apart from drinking, he is not a bad sort of young fellow.

8169*b*. Are those two gentlemen you mention the only persons who have been drunk here?—Lately.

8170*b*. They have not been drunk lately?—They have been drunk a little over a year ago. This young man's father got a little full one Sunday and he was using indecent language; there was no very great outrage, but he was pretty well set up.

8171*b*. But why was he not arrested, if he made any disturbance: how is the law carried out here?—It was not known at that time.

8172*b*. You seem to have known it, since you speak about it?—I knew it.

8173*b*. As the county attorney, you are not obliged to see that drunkenness is repressed here?—No.

8174*b*. What is your duty then?—My duty is to enforce prosecutions before the Supreme Court.

8175*b*. And not to look after the enforcing of the prohibitory law?—No.

8176*b*. Nor any other law?—No.

8177*b*. How many searches and seizures were made last year in this county?—Perhaps there were ten or a dozen, I cannot tell exactly.

8178*b*. Do these cases all pass through your hands?—Sometimes they do and sometimes they do not. When we have appeals from the trial justice, of course I have to prosecute them when they come before the Supreme Court.

8179*b*. If they are dealt with by the trial justices you don't hear of the cases?—I am not supposed to interfere with them unless I am hired as attorney. For instance, a man comes to my office and makes a complaint that some one is selling liquor, and he wants a warrant that he pays me for, the same as any other attorney.

J. J. CONNER, of Pittsfield, Merchant, examined.

*By the Chairman :*

8180*b*. Are you in business here?—Yes, I have been in business here for forty years. I keep a general country store.

*By Rev. Dr. McLeod :*

8181*b*. What has been your observation of the prohibitory law so far as you have observed it; has it accomplished good or not?—As far as our town and vicinity is concerned, I consider that it has accomplished good.

8182*b*. Do you consider that it is pretty well enforced here now?—Yes, I do not think there is any trouble in enforcing the law.

8183*b*. Do you think that seven-eighths of the people in Pittsfield are given to the drink habit, whether moderately or otherwise?—I do not know.

T. W. HOVEY.

## Liquor Traffic—Maine.

8184*b*. Do you think that seven-eighths of the men working in the mill are addicted to drink?—No, I do not. No man is better acquainted here with the mill hands than I am, and my observation is to the contrary.

8185*b*. Take the citizens outside, you think there is not a very large proportion of them drinkers?—No.

8186*b*. Have you observed whether boys, 15 or 16 years of age are forming the drink habit, or becoming addicted to drink?—They are not. I am connected with our school and it is our object to get liquor out of the sight of the boys and to keep the boys out of the sight of liquor. I ought to be pretty well posted about the boys; it has been my work now since the organization of this school in 1869.

*By the Chairman :*

8187*b*. Do you think it is impossible for boys to get liquor from third parties, who send to Boston and other places for it, and distribute it amongst them?—I do think it is possible.

8188*b*. Do you think that it is done at all?—To a very small extent in Pittsfield.

8189*b*. Is it done at all?—I think it has been done.

8190*b*. That is, some one sends out for it and gets a quantity of liquor and the young people get it through him?—My observation is that they distribute it more amongst the men than the boys.

8191*b*. When speaking of the "drink habit," do you mean drinking to excess, or taking drink at all?—I have been connected with the temperance cause here for years, and I know a very large portion of people that do not drink at all in Pittsfield. I know the Pittsfield people better than any other people in the world, because I have been here all my life.

*By Rev. Dr. McLeod :*

8192*b*. You think that the majority are not drinking people?—The majority of the people, outside the mill hands, are not drinking people.

8193*b*. If any person was in the habit of getting liquor and distributing it amongst the boys, do you think it would come to your observation?—I think so.

8194*b*. Would it not be known to people generally?—I think it would come to my knowledge directly, almost.

8195*b*. Do you think that that kind of trade is carried on by which boys are supplied with liquor in this town?—I certainly do not think it is carried on to supply boys, but I think it has been carried on to supply men.

8196*b*. I suppose it is not possible to prevent the bringing in of liquor for private use?—No.

*By Mr. Gigault :*

8197*b*. Are you a total abstainer?—Yes.

8198*b*. Being a total abstainer yourself, do you think you have as good an opportunity for knowing these things as people who drink have?—I think I have as good opportunity as any man in the town of Pittsfield, to know what is drunk here.

8199*b*. Will people who know you are a total abstainer, drink in your presence?—No, they would not drink in my presence, but I suppose you mean, my knowledge of what is going on in the village. I think that no man in this town knows more about the village than I do.

*By Rev. Dr. McLeod :*

8200*b*. Living here for sixty-eight years, you can compare Pittsfield now, with what it was prior to the prohibitory law. Since the prohibitory law came into force, is the change very marked in the drinking habits of the people and in their attitude towards the whole liquor question?—Very marked indeed.

8201*b*. Do you remember the time when the law was repealed, for a time after it was first enacted, and a license law submitted for one or two years?—The effect of that was, that the people went right back to drinking freely.

8202*b*. How many licensed places had you in the village when the license law was in force in the State?—We hardly ever had but one licensed in the town.

8203*b*. Do you remember the number of licenses you had during the two years of the license law?—Never but one; the people had so much of that license law, that I don't think they would want it now. Even though this was a rural district largely, the people had the drink habit in the old times. I think in the olden times the seven-eighths calculation about those who drink, would be right.

*By Rev. Dr. McLeod :*

8204*b*. Do you own property here?—Yes.

8205*b*. Do you find that prohibition has depreciated the value of your property?—No, it has enhanced it.

8206*b*. Is business in a healthy condition here now?—Yes, but in those times, before prohibition, the people were very poor, and there was no money coming into the store, and there was general poverty. Now, it is entirely changed; the people are thrifty now: men come into my store with money in their pockets and there is general thrift now, instead of that poor poverty-stricken way that it was then.

*By the Chairman :*

8207*b*. What period are you speaking of?—Before the prohibitory law. I was in business from 1845 and before 1850, the people were generally poor.

8208*b*. What effect has the erection of these mills had upon the village?—A very marked effect.

8209*b*. They have improved the trade of the village very much?—Yes.

8210*b*. Have other places made advances along the same lines towards improvement?—Well, not so far-reaching as this. Our prosperity from the mills is limited and is not far-reaching.

8211*b*. Do you attribute the improvement entirely to the prohibitory law?—No.

8212*b*. To what other circumstances do you attribute the improvement?—Manufacturing has contributed very largely to it.

8213*b*. May I ask if you are a Republican or a Democrat?—I am a Republican.

7214*b*. Did you always vote for the prohibitory law?—Since 1856.

8215*b*. Did you vote for the original prohibitory law?—No, I was a Democrat then.

8216*b*. But you were a total abstainer?—I am now.

8217*b*. Have you always been?—Well, I have always been as near that as you could get. I never drank regularly in my life.

8218*b*. Do you think that the efforts to make total abstainers are as vigorous in this district as they were twenty years ago, or have people relied upon the prohibitory law to put an end to intemperance?—They have fallen back a good deal on the law.

8219*b*. Do you think that liquor is used pretty generally in the homes, in one form or another?—I do not.

8220*b*. Do you think that your citizens, when they go to Bangor or Portland, as a rule, abstain from taking anything?—Well, as a rule the majority do.

8221*b*. Do any considerable number of them, take liquor when they go to Bangor or Portland or any place where it is to be had?—I cannot swear as to that. I do not know, perhaps they do.

*By Rev. Dr. McLeod :*

8222*b*. I take it, that you own a good deal of property?—Yes.

8223*b*. Would you like, in the interests of your property, that the prohibitory law should be repealed?—By no means.

8224*b*. Does it strike you that the prohibitory law injures business?—It does not as a business transaction, my idea is that the repeal of the prohibitory law would do great damage to the business of Pittsfield.

8225*b*. What effect do you think the prohibitory law has in cities like Bangor, Portland, Augusta and Alliston?—That is a hard question. I think politics control it in a great measure in these cities.

J. J. CONNOR.

## Liquor Traffic—Maine.

BENJAMIN D. BOWDEN, Trial Justice of the county of Somerset, examined.

*By the Chairman :*

8226b. Have you held office long ?—I have held the office for four years. I am appointed by the governor and council.

8227b. Are you engaged in any business ?—I contract. I employ a few men who work under me.

8228b. Are the constables subject to your orders in any way ?—The constable and sheriff and deputy sheriff are under my orders to execute proceedings, in one sense.

8229b. How many cases have you had before you in the course of a year ?—Last year I had forty or fifty criminal and civil cases.

8230b. Have they increased or decreased of late years ?—I think there have been a fewer number of cases within the last two years.

8231b. Have you had many liquor cases before you ?—Not many here.

8232b. What proportion of the total number of your cases arise out of sale of liquor, or are for drunkenness ?—I have not had a case of drunkenness before me for two years. I have had three or four or possibly five liquor cases.

8233b. What is the character of the remaining number of cases you have before you ?—Civil suits for unpaid debts.

8234b. Can you tell us about the state of things in this village ten years ago ?—No.

*By Rev. Dr. McLeod :*

8235b. You say you have not had a case of drunkenness before you in two years. Do many criminal offences come before you in a year ?—Very few, I only remember one.

8236b. You have a very orderly town ?—We have sir, there is no disturbance here compared with other places that I hear of.

8237b. You have nobody now in the lock-up, have you ?—Not that I know of.

8238b. And your constable has rather an easy time of it ?—Yes, sir.

8239b. Are the majority of the people in Pittsfield drinking people ?—Decidedly not.

*By the Chairman :*

8240b. Do they take a glass of liquor in any shape or form ?—There are certain people here who do, but I am speaking as I understand it, and I know that as a whole they are not drinking people, so far as I know.

8241b. Do you mean by that that they do not take a drink at all ?—We have men here who take a glass of beer occasionally or for medicinal purposes. I do not call them drinking people in that sense.

*By Rev. Dr. McLeod :*

8242b. I may say that the statement has been made to us that seven-eighths of the men in this town drink ?—I cannot dispute that, but, so far as my knowledge goes, I think that is inaccurate. As far as my knowledge goes, my opinion will be decidedly against that statement.

WILLIAM DOBSON, of Pittsfield, Woollen Manufacturer and Mill Owner, examined.

*By the Chairman :*

8243*b*. How long have you been in this town, Mr. Dobson?—I have been here since 1869.

8244*b*. How many men do you employ?—At the present time, of men, women and children, I employ 230 or 240 in the old mill. When we start the new mill, we will have about 100 more.

8245*b*. What proportion of those would be women and children?—About one-third or one-half would be women and girls.

8246*b*. Are you troubled at all with your employees indulging too much in intoxicants?—We have very little trouble with them now. We formerly had some trouble, but very little at the present time, and about the only trouble that we have is amongst our weavers. They give us the most trouble. They are tramp weavers, who go round from place to place.

8247*b*. Do they make pretty good wages when they are working?—A good weaver makes with us anywhere from \$9 to \$14 per week.

8248*b*. Have you any idea as to what proportion of your employees are total abstainers?—No; I have no means of knowing that.

8249*b*. Do you think that the male operatives in your mill mostly take liquor?—That is pretty hard for me to say, for the reason that of course I do not come into contact with them. If you ask me as to what I think on the subject, I should say that the larger proportion of our help, while perhaps a good many of them have occasion to take a glass of beer or something of that kind—the large proportion of them do not drink at all.

8250*b*. Are they members of any temperance organization?—I do not think they are. We had formerly some organization here, but I think that now they only have a society for children and women and there is none for grown up people. Our head men who hold responsible places are very steady. Of course we will not have any man who makes a bad use of liquor.

8251*b*. Do you exact any pledges from them before you employ them?—No; we simply say: "All we expect from you is this: that you shall be a man able to stand up for yourself." We do not say: "You shall not take drink, but if you make any abuse of it, we shall not keep you."

8252*b*. You have no temperance organization amongst your work people?—No.

8253*b*. Do you think there is any open sale in this village?—What do you mean by open sale; do you mean open bars, the same as in Bangor?

8254*b*. I do not go that far; but is there any place where a man can go in and get a glass of liquor and where he knows it is to be had?—At the present time I should say not; there may be, but I do not know of it.

8255*b*. Is there much pocket peddling in the village?—Formerly there was considerable, but I have seen no signs of it lately. Once in a while, we hear of some strangers from other towns bringing in bottles of liquor and selling it to some of the young people. Not many months ago I heard that a man got off the train and had liquor in his pocket, and was selling it, but they got information of it, and he had to clear out.

8256*b*. We have been told here that a number of persons combine and they send to Boston for liquor. Is that done?—I think it is done on certain occasions like 4th of July. Some of the young fellows will get together, and will get a gallon or two gallons. That is what I hear is done, and I think there is something to it. I think, however, that is rather less of late years. If I were to give my opinion about it, I should say that more or less of that is done.

8257*b*. Do you think that there is much liquor used in private houses here?—I do not think so. The village is considerably larger than it was 9 or 10 years ago. It has grown rapidly, but I should say that there is no more drinking now than there was 10 years ago.

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8258*b*. You think that in proportion to the size of the village there would not be so much drinking now as there was then?—I should think there was not.

8259*b*. Is cider used extensively in the village and neighbourhood?—I think not.

8260*b*. Is there a considerable quantity of cider made here?—They have a cider mill here, but I think they make vinegar principally. I should not think that the sale of cider or the manufacture of cider was very large. Years ago I used to put a barrel of cider in my cellar every fall, as I used to like to take a glass of cider once in awhile; but so far as I am concerned I have not put a barrel in my house for years and some of my friends have done the same.

8261*b*. Do the farmers use cider?—I presume some of them do.

8262*b*. Have you many foreigners in your employment?—We have some Scotch, some English and a few Irish. We had one or two French, but I do not know whether we have them now or not.

8263*b*. Are the foreigners in your employment given to taking liquor more than the native born men?—That is a pretty hard question to answer. I do not think there is much difference between them, they mingle together more or less and I think their habits are about the same.

8264*b*. Do you think that the youths drink as much as the older men?—I think that amongst the younger American help in the mill there would not be much difference.

*By Rev. Dr. McLeod :*

8265*b*. Do you think that the boys are given to the drink habit, whether foreign boys or native born?—No, not particularly so, sometimes on an extraordinary occasion they may indulge a little, but as a rule they do not.

8266*b*. Do you think it would be a benefit to your employees if saloons were started in the village in the vicinity of your mills?—I hardly know how to answer that. I used to be a very strong prohibitionist some years ago, but of late years I have rather thought that if you have just the right kind of a license law perhaps you might have just as good results.

8267*b*. Were you ever where there was a license law, I mean the right kind of a license law according to your idea?—I do not know that I have. I have been in Boston often and since they have enforced the law there, there has been an improvement. There is no question about that.

8268*b*. Do you think that such saloons as you saw in Boston would be an advantage to your business, from a business point of view, if established near your mills?—I will answer it in this way : that if we had a license law with local option I should vote against it, I would have no license so far as Pittsfield is concerned. If I lived in Boston, I should vote for licenses. I think there are places where prohibition could be enforced pretty well, as it is in this town, because public opinion sustains it right up to the handle ; where in other places it does not sustain it. I have seen a good many queer things under prohibition. I recollect that when I was a young man 15 or 16 years of age, I lived in Massachusetts, there was prohibition there at the time, and I saw some very extraordinary abuses of it.

8269*b*. My question had reference to your business interests. You think you would prefer no license?—If we had a license law in the State of Maine, with local option, I would vote against it and against having license in this place.

*By the Chairman :*

8270*b*. Are you in favour of license and local option being the law?—I am not prepared to say that I am ; I feel more inclined that way, however, than I did formerly. There are some things that are not right, in the prohibitory law. Sometimes a man gets blamed for selling liquor and he is not guilty of it. There are a great many things I do not like under prohibition, and my position in that respect is a little different from a good many others here.

*By Mr. Gigault :*

8271*b*. You said that you were not sure as to whether liquors were or not sold in Pittsfield at the present time?—I could not be sure of that.

8272*b*. Do you believe that a year ago liquor was sold to guests in this hotel and to people in the village?—I hardly think they ever kept an open bar in this hotel. I think there has been a time when liquor was sold in the house, but I hardly believe that an open bar has been kept.

8273*b*. Do you think that a year ago guests in this hotel could get liquor?—I think that under the former management—I will not say all the time—any respectable man could go in and get a drink.

8274*b*. We had before us to-day a young man named James Monaghan, who is in your employ. Is he a sober young man?—I think so, but he may sometimes take a little. I cannot say that I ever saw him take it, but there may have been occasions once and a while when he would take a glass of beer.

8275*b*. Do you believe him to be an honest young man?—Why, yes; I have never found him to be untruthful to me.

*By the Chairman :*

8276*b*. Is he in your employment?—I think he is at present, but I am not sure; he has been shifting round this last few months, but he may likely be in my employment now.

*By Rev. Dr. McLeod :*

8277*b*. In what department does he work?—He is a weaver.

*By Mr. Gigault :*

8278*b*. Take the prohibitory law as it is enforced in Bangor, Augusta and Biddeford, do you think that the law is working well in those places?—I do not know so much about those places, except Bangor. I am in Bangor every week or two.

8279*b*. How do you think the prohibitory law is working there?—It is not enforced at all there.

8280*b*. Do you think that a high license system, with local option, would be preferable as regards Bangor?—I have made the statement to people who are temperance people, and I believe it. I do not think there is a city in the country of its size that has so many open bars as Bangor.

8281*b*. Do you believe that a license system like the one they have in Boston would work better in Bangor than the present system?—I do firmly believe so. I do not want to be understood as saying that I believe in local option absolutely, but I am inclined to that belief.

8282-83*b*. Would you think that under high license a better state of things would prevail in Bangor than prevails there now?—I believe that if they had a high license system in Bangor such as they have in Boston, and if they enforced the law as it is enforced in Boston, it would be much preferable to the present system in Bangor.

8284*b*. Is it not almost an illegal system of licensing there now?—I can hardly call it anything else.

8285*b*. Do you think it desirable to have, in a prohibition State, such a system as they have in Bangor?—It hardly seems right. Law-abiding people can hardly say that it is desirable.

8286*b*. Do you ever attend any races here?—Only a few in my life.

8287*b*. Do you know if liquors are drunk at races in this country more or less?—I think the only place where I ever attended a race was at Hartland.

8288*b*. Did you notice any drinking there?—The last time I was there, I noticed one or two, but I never saw many.

8289*b*. Did the contractor for your new mill ever complain that his men were drinking too much, and that they were getting it in from Boston and elsewhere, and going on the spree?—I do not know that I ever heard him complain personally, but I

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think there was some complaint, and I heard two or three different times that they had liquor coming in and that some of his crew went and got it somewhere. I had heard something of the kind, but how much trouble there was I do not know.

*By the Chairman :*

8290*b*. Have you any knowledge of the state of affairs existing in other parts of the country ?—I have in a general way. I think that the prohibitory law in Somerset County is enforced about as well as it is in any other part of the State. They generally have much trouble in enforcing the law,

8291*b*. How is the law enforced in Skowhegan ?—I have been there but very little for a year or two. I have always understood that it was kept pretty well down there. I understand that some one here to-day stated that seven-eighths of the help were drinking people. I have 230 hands employed, and if I could weed out a few weavers we would have a very remarkable steady class of workmen. We have to employ those men when the girls go back to the farms.

*By Mr. Gigault :*

8292*b*. Do you think that a person could be a reliable and good workman who would take a glass of beer when he wants it, but who never takes it to excess ?—Why, yes ; one of the best men we have is a German, and he will take a glass of beer once in a while, and he never takes it to excess.

8293*b*. You would not call him a total abstainer ?—No, he does not pretend to be. I do not class myself as a total abstainer, but I do not remember when I took a drink.

8294*b*. And you are not a very bad man ?—No, I try to average up.

*By Rev. Dr. McLeod :*

8295*b*. The statement was made that while boys do not order from Boston other persons do order liquor, and that boys 15 or 16 years old drink it, not only the boys working in the mill but other boys throughout the town ?—I do not think that is very general, but it may have occurred.

8296*b*. You have persons in the town who look round and prosecute parties who break the law ?—There has not been a great deal of that, but there have been occasionally some parties prosecuted.

8297*b*. But there are people here who take an interest in enforcing the law ?—Mr. Connor is a very strict temperance man, and so are Mr. Whitcomb and Mr. Morris.

8298*b*. Are those good citizens ?—First-class. Occasionally some people have got a little excited about the use of liquor, and then public feeling was raised and they went for the seller of the liquor.

8299*b*. Do you think that it is easy for a total abstainer to know all about the sale and use of liquor in a town such as this ?—I would rather take the word of the man, as to that, who takes a little ; although they both speak to the best of their knowledge.

8300*b*. Which would you believe ?—I would take the word of a man who takes a little, the man who does not drink probably does not know so much about it.



HANOVER S. NICKERSON, Deputy Sheriff for the county of Somerset, examined.

*By the Chairman :*

8301*b*. Are you a native of Pittsfield, Mr. Nickerson?—I came here about fifty years ago.

8302*b*. Are you in any business or have you retired from business?—I used to be lumbering some years ago, but I am not doing anything now. I was appointed deputy sheriff in 1866, and I was deputy up to 1873, and then again deputy in 1878-79. I was appointed again last January.

8303*b*. Do you take much part in enforcing the prohibitory law at present?—If there is occasion for it, I do.

8304*b*. Have you had any occasion to serve any warrants for liquor selling latterly?—Not latterly.

8305*b*. How long is it since you served a warrant in regard to liquor?—I have not served any during my present term of office.

8306*b*. Do you think that the prohibitory law is well observed in this village at the present time?—Yes, I do.

8307*b*. Do you think that it is better observed now than it was previously?—Yes.

8308*b*. Is it better observed than it was ten years ago?—Yes.

8309*b*. Is there as much drinking now as there was ten years ago?—No.

8310*b*. Do you believe that the people drink as much as they did, in their homes?—I do not think they do.

8311*b*. Do you think there is any secret sale of liquor at the present time?—Yes, I do.

8312*b*. Is it considerable or is it only a small quantity?—Not a great deal, take it altogether. On the 4th of July probably, some will have liquor from Bangor and have a time. They generally have liquor at celebrations.

8313*b*. Will there be much drinking here to-morrow?—Oh, no.

8314*b*. Will the people to-morrow in any considerable degree drink to excess?—Oh, no; I expect some of them will.

8315*b*. Do you think any of them will get drunk?—I fear they will.

8316*b*. Will any considerable number?—Not a great many. Take ten years ago, back in 1878, and there were barrels of liquor here.

8317*b*. Where was the liquor?—At the depot and in the stores and everywhere. I saw 25 packages come in here at one time.

8318*b*. You say that there is not much liquor used at present?—Not at all that I know of.

8319*b*. To what do you attribute the change?—I hardly know. There was a change in the feeling of the people about the enforcement of the law, and there has been a better enforcement for the last few years.

8320*b*. To what do you attribute that?—Well, there were parties here who got liquor and they sold it, and since the law has been enforced the law has made them shy about selling now.

8321*b*. That is in consequence of the strict enforcement of the law?—Yes, for the last two years the courts have given the full penalty, but before that they did not enforce it strictly.

8322*b*. You say that the courts of this county now enforce the law severely?—Yes.

8323*b*. Have you had any gentlemen in this county who have been active in seeing the law enforced?—Yes.

8324*b*. I suppose we may attribute the change in part to them?—Yes.

8325*b*. How was the law enforced between 1851 and 1860?—They enforced the law then just right, except in 1860-61-62. In the time of the war, we used to have liquor pretty freely everywhere then.

HANOVER S. NICKERSON.

## Liquor Traffic—Maine.

8326*b*. Have the public offices in the county been held for years by Republican officers?—Yes, in this county.

8327*b*. Has that had anything to do with the stricter enforcement of the law?—Yes, a good deal to do with it.

8328*b*. Are the Republicans in the majority in this county?—No, sir, but they generally carry the county. Two years ago the Democrats carried it, and it was free rum all the time.

8329*b*. Free rum throughout the county?—Yes.

8330*b*. And in this village?—Yes, sir, the hotel kept it as free as water.

8331*b*. Will we be correct in concluding that the enforcement of the law depends on which political party is in power?—Yes, it is true here; and I think it is the same in other counties in this State.

ISAAC H. LANCEY, of Pittsfield, Merchant, examined.

*By the Chairman:*

8332*b*. How long have you lived here?—I have been a resident here since 1878. I have lumbered a good deal, and have been in the hotel business a number of years.

8333*b*. You were landlord of an hotel?—Yes.

8334*b*. When did you retire from business?—About ten years ago I built this hotel.

8335*b*. Have you retired from business altogether now?—My son is in trade here, and I have considerable real estate in the town.

8336*b*. Has real estate increased in value?—Yes, it is increasing every day.

8337*b*. Has your population increased here very much?—Very much indeed.

8338*b*. Is your taxation heavy?—Quite heavy.

8339*b*. What is it altogether?—It is about twenty mills on the dollar this season.

8340*b*. How is the prohibitory law enforced in your village just now?—I believe it is pretty well enforced just now.

9341*b*. Have there been many prosecutions for liquor selling within the last two years?—Not many, for the last two years. I think there have been five cases within two years.

8342*b*. And one or two of them were against this hotel, the Lancey House?—Yes.

8343*b*. Against what other places here, were there prosecutions?—There has been a place right across the road here, I think there have been but two cases outside of this house.

8344*b*. Is liquor sold in Pittsfield at present?—I do not know of there being any sold now.

8345*b*. It is not sold, even secretly?—Oh, yes, people get it.

8346*b*. They know where to go and get it.—Yes, if I wanted a drink or a pint, or any quantity of liquor, I would not know where to go and get it. Other people do. There are pocket peddlars who supply the lower class of people.

8347*b*. How do they carry on their business?—They get a few gallons from Boston and then they sell it. I do not think there is a great deal of liquor sold in this town, outside of pocket peddling.

8348*b*. Do you think that the people use liquor very generally in their homes?—No, I do not think so.

8349*b*. Do you think there is more drinking now than there was ten or five years ago, in proportion to the increased number of inhabitants?—No, I do not think there is.

8350*b*. Is there as much drunkenness?—I should not suppose there was much difference.

8351*b*. Does the enforcement of the law depend a great deal on which political party is in power?—I do not know how that is; in some places it does, and in others it does not.

8352*b*. When the Democrat party has been in power in this county has the law been well enforced?—The Democrats have not been in power in this county very much. I think they have only been in power one or two years out of twenty or thirty years. The Republican party are in now.

8353*b*. During your experience of the place, has the enforcement of the law been more strict at one time than another?—Yes, there have been waves of feeling up and down about it.

8354*b*. You have had for some years in this place, some zealous gentlemen who have taken a great deal of trouble to enforce the law?—Yes.

8355*b*. Has the stricter enforcement of the law during the last year been attributable to their exertions?—I do not know that it is. I built this hotel in 1868, and while I was in possession I never sold a drop of liquor during the whole time. But I think there was more drunk in the hotel than if I had sold it. People used to smuggle it in, and I would find the empty bottles in the rooms. I leased this hotel to three different people. I would not let it to a cheap person if I knew it, because I knew my property would run down. I leased to men who had good principles. I never drank a dozen glasses of liquor in my life, but I think the prohibitory law has done no good in advancing temperance, because the people will not stand up for the law.

8356*b*. When you refer to liquor being used in this house, do you mean liquor which was brought in by the guests of the house?—Yes, they brought it in, but they could not get it here. When my wife was ill, I had to send to Portland to get liquor. If I wanted to get a pint of liquor here, I would not know where to find it.

*By Mr. Gigault :*

8357*b*. You could send for it, and get it easily enough?—Yes.

*By the Chairman :*

8358*b*. What leads you to make the remark that the prohibitory law was not doing any good?—I think the people make the law, knowing it to be broken. For instance, in Penobscot County they allow liquor to be sold quite freely all over the county.

8359*b*. From what you say, shall we be correct in concluding that liquor is not sold in Somerset County?—I think they allow it to be sold in lots of townships, but now and then a person is prosecuted.

8360*b*. There were two men prosecuted who kept this house. Was the hotel shut up for a time in consequence of those prosecutions?—Yes.

8361*b*. What effect do you consider that the law has had on the real estate in this village, has it had any effect?—I do not think it has had any effect. The business men here have built the town, and several men have taken an interest in building up the town.

8362*b*. Are many local men interested in the woollen mills?—Yes, they took \$65,000 in shares, out of \$160,000.

8363*b*. I suppose the building of the woollen mills has done a great deal to help the village?—Yes.

*By Rev. Dr. McLeod :*

8364*b*. How many years did you run the hotel?—From 1868 until nine years ago. I kept another hotel about forty rods from here, before I built this house.

8365*b*. Did you find it a profitable business to run an hotel in this town?—Yes.

8366*b*. You made a pretty good living?—Yes.

8367*b*. And made a little money?—Yes.

8368*b*. You did not sell any liquor?—No.

8369*b*. So that an hotel can be ran successfully without selling liquor?—There is no doubt about that. I do not believe in people drinking liquor, but I do not think that a glass of liquor would kill any man.

8370*b*. Do you think there is much sold in the town just now?—I do not.

ISAAC H. LANCEY.

## Liquor Traffic—Maine.

*By the Chairman :*

8371*b*. Did you keep horses and coaches?—Yes, I kept a livery all the time.

8372*b*. Did you keep a stage part of the time you kept the hotel?—Yes.

8373*b*. What law would you think it better to have in regard to the liquor traffic?—I do not know. I think that a license law would be better, for the reason that the village would get some revenue out of it.

*By Rev. Dr. McLeod :*

8374*b*. Do you think that there would be more liquor sold here under license than under the present system?—There would be more sold.

8375*b*. You say that there is not much sold now?—I do not think there is a great deal sold now.

8376*b*. Would it pay a man to have a license here?—I do not know why it would not.

8377*b*. If there is not much sold now, would he make a profit out of it?—There might be more sold here. For instance, as I remarked before, I did not sell any liquor, but every night I had to take the empty bottles out of the rooms; and I think that if the travellers knew they could get liquor here they would buy it here.

*By Mr. Gigault :*

8378*b*. Do you attend races sometimes?—Occasionally.

8379*b*. In this county?—Yes.

8380*b*. Is there some drunkenness when those races take place?—I was at Hartland attending the races the other day, and I saw more drunken people there than I have seen in this town for five years.

8381*b*. Is Hartland in this county?—Yes, it is seven miles north of here, in this county.

8382*b*. Is there a great deal of drinking in this village?—No, not a great deal. They are a very temperate people in this town. I do not think there are very many who do drink here.

JOHN W. MANSON, of Pittsfield, Lawyer, examined.

*By the Chairman :*

8383*b*. How long have you been practising law, Mr. Manson?—Since 1884.

8384*b*. Have you had occasion to defend persons who were prosecuted under the prohibitory law?—Yes, to some extent.

8385*b*. Do you think that there are more violations of the law at the present time than there were five or ten years ago?—I do not see any great difference.

8386*b*. What proportion of the cases before the courts are liquor cases?—I should say considerably more than a half. I should think 75 per cent are liquor cases. Once in a while we have a case of larceny or something of that kind. Very few of the liquor cases ever come to trial, they are all nearly settled by the county attorney.

8387*b*. They are kept until a compromise is reached?—Yes, almost always.

8388*b*. Are there many cases hanging up in the courts?—I cannot say just how many. The docket is pretty well covered with liquor cases. They may have a half dozen indictments against a man for the same offence, and he may be punished half a dozen times for the same crime.

8389*b*. If the cases are against the same person, would the records in the court show one case, or four or five cases?—It would be four or five cases. The last case I was connected with was that of the druggist across the street, who had five cases against him at the same time.

8390*b*. Do you think there is much liquor sold in the village?—It varies. If you closed up the hotels, there will be half a dozen pocket pedlars. Yesterday morning I think that the express company's wagon was filled with liquor cases. The boys cannot get it here, and so they send for it when they want to have a good time.

8391*b*. When you say "boys" whom do you mean?—I mean the men generally. If a man has any occasion to use liquor, he will send for it; but there is no trouble in getting it in town.

8392*b*. How do they get liquor in the town?—Here is an instance; there was a gentleman who came here on Saturday night, and I met him on Sunday and he spoke about the liquor law, he told me that there was plenty of liquor. I think that a man who is respectably dressed or who is acquainted here can get all the liquor he wants. Strangers here would not know where to go, but they could easily get some.

8393*b*. When you use the expression that the boys sent for liquor what class do you refer to?—I mean persons from 18 years old up to 30. I do not mean that the very young boys drink, because they are all very good in this town. I mean that the men who are old enough to earn their living drink and they want to have a time on the 4th July, and so they send and get liquor. Of course there are people who are intemperate, but generally speaking the inhabitants of this town are very temperate. When they were working at the mill here there was a good deal of liquor brought into town, they went to Bangor and other places and got it. I was told that there was a man peddling liquor to the workmen and that he was discharged from the mill. There was a good deal of liquor brought into town when this house was started up.

8394*b*. Are we to conclude that the liquor was brought in by way of showing up this house?—It was considered so at the time, this house was never considered a bad house with regard to selling liquor.

8395*b*. Do you believe that there is a good deal of false swearing in connection with those liquor cases?—I have no doubt that there is a good deal of perjury in connection with liquor cases. There is more or less perjury on both sides; especially in the smaller towns when you get the fever started against liquor, and you have one party taking one side and another the other. Sometimes a man gets unjustly prosecuted, and there is quite a cry against it. I know that men will swear in a liquor case what they would not swear in any other case.

*By Mr. Gigault:*

8396*b*. You spoke of a compromise being arrived at. What did you mean by that? Well, sometimes a man gets a lot of indictments against him and he compromises by paying a certain sum into the county treasury.

8397*b*. Do you believe that there are a great many inhabitants in this village or town who drink liquor moderately?—There are lots of men here who very rarely drink.

8398*b*. I should like to know what proportion of the people here are total abstainers and never take a glass of liquor?—I think there are very few. My experience has been that most men, in all conditions, take liquor if they need it. I would not be surprised if there were not 50 men in this town who could not say that they never took a glass of liquor, or alcohol, or drink, or beer, or anything like that.

8399*b*. Did you ever attend the races here?—Yes.

8400*b*. Did you see any drunkenness at those races in the county?—Yes, you always see more or less of that.

8401*b*. Is there any bar open when the races take place?—They never had any open bar at Pittsfield, but in the other places you can always get liquor.

8402*b*. Do you believe that the prohibitory law has made the administration of justice very expensive?—In some counties it more than pays its own way, but in others it does not come near it. It depends a good deal on the county attorney, as I understand it; at the present time, in Penobscot County it is on a paying basis. They indict a man and the man pays \$100 and of course this is so much profit to this county. In this county it pays its way, but it depends entirely on the county attorney.

## Liquor Traffic—Maine.

BENJAMIN THOMPSON, of Pittsfield, Express Agent, examined.

*By the Chairman :*

8403*b*. How long have you been express agent at Pittsfield, Mr. Thompson ?—I have been eight years express agent here.

8404*b*. Can you tell us whether there is any considerable importation of liquor through the express company into this village ?—There is not.

8405*b*. How does the liquor which comes here, arrive ?—I am sure I cannot tell you, we have no means of knowing whether it is liquor or whether it is not.

8406*b*. Yours is the American Express Company ?—Yes.

8407*b*. I believe that we were told in Bangor that the agents of your company had orders not to carry liquors if they knew that it was liquor ?—Yes, a box, however, may come here and we do not know what is in that box.

8408*b*. If a box of liquor was given to you at Boston for this place for a private citizen, would your company refuse to take it ?—Yes.

8409*b*. Even if it was for a private citizen ?—It makes no difference.

8410*b*. Do you understand that it is perfectly legal for a private citizen to import ?—I know that it is legal to carry for a private citizen.

8411*b*. Do you ever bring in liquor consigned to a private citizen here ?—I cannot remember when we have had a package come.

8412*b*. Do you carry it at all, to your knowledge, for private citizens ?—Not to my knowledge.

8413*b*. You really do not know that it comes into Pittsfield ?—I do not know about it.

8414*b*. I would like you to consider whether you would refuse to carry a box of liquor for a private citizen ?—If we had any liquors come into town marked liquors, and if a man came and wanted it, I would deliver it to him.

8415*b*. Would your people in Boston refuse to carry packages marked liquors and declared as such, addressed to a private citizen in this village ?—I am not able to answer that question ; I do not know what they would do.

*By Rev. Dr. McLeod :*

8416*b*. Have any private parties got liquor without having it so marked ?—No packages come in marked liquors, to my knowledge.

*By Mr. Gigault :*

8417*b*. Do you believe that some packages of liquor do come into this village ?—I have a suspicion that packages of liquor do come in occasionally. If liquors came in here marked liquors, we do not know whether the party is going to have it for sale or not, and we are not going to take any chances.

8418*b*. If it came from Boston marked, would you deliver it ?—I do not know about that.

8419*b*. Have you ever refused ?—I do not know that any packages ever came marked liquors. I am pretty much afraid of the law.

CHARLES E. VICKERY, of Pittsfield, Dry Goods Merchant, examined.

*By the Chairman :*

8420*b*. You are in business here, Mr. Vickery?—Yes.

8421*b*. Are you a native of Pittsfield?—No, but I have been here twenty-six years. I came here as a boy, and have lived here ever since.

8422*b*. How long have you been in business?—Probably about the time I have been here.

8423*b*. Have you held any office?—I have been selectman for the town.

8424*b*. Is there any sale of liquor here in the village?—I cannot say that there is. I believe that there is liquor obtained, but how I do not know.

8425*b*. Do you believe that the hotels and the druggists are selling liquor in this place?—I do not think that the hotels or the druggists are selling liquor at the present time.

8426*b*. Then, do they obtain it through pocket pedlars?—It must be obtained in some such way, I should think.

8427*b*. Where do they obtain a supply of liquor from?—I think, from the Boston markets.

8428*b*. Does it come through the express?—I should think so.

8429*b*. Do the young men and workingmen club together and send for liquor?—Not that I know of.

8430*b*. Have you any knowledge of how the business is done by the express company?—I ought to have a good knowledge of it, because I was agent here for twelve years.

8431*b*. How did the express companies handle it in your time?—They handled it the same as any other commodity. Of course, we were not supposed to know the contents of any package we handled, but the packages came and we delivered them.

8432*b*. How did you obtain knowledge of what was in those packages?—There was no absolute knowledge of what was in them, but we could generally tell the contents. The sheriff at that time tried to induce me to give him information of the packages as they came.

8433*b*. In your day, did packages of liquor come to private citizens or did they come to parties who were really peddling liquor. They came to private parties, more often than to anybody else.

8434*b*. Have you reason to believe that such packages come now, to any large extent?—I have no knowledge of the express business and I cannot say now.

8435*b*. Is the village better now than it was ten or fifteen years ago?—I cannot say that it has improved very much; I think it is no worse than it was, at any rate. I am quite satisfied that there is more or less liquor drunk here. Since this Commission came to town, I went to my shed, and there I found a bottle out of which some fellow had been drinking.

8436*b*. Has the strict enforcement of the law had any effect on your business?—I cannot say that it has had any effect on my business.

8437*b*. Do you think that it has any effect on the value of real estate in the place?—I cannot say but I think the prohibitory law here has not changed the value of property. If we had free rum here, it might be as valuable and perhaps it might not.

*By Rev. Dr. McLeod :*

8438*b*. Do you think that the prohibitory law is pretty well enforced here?—Yes, I do, that is they make an effort to enforce it, and at the present time it is pretty well enforced, perhaps more than at other times.

8439*b*. You have no open drinking bars here?—Not that I know.

8440*b*. Have you a fairly sober population here, taking them altogether?—Yes, we have.

8441*b*. And the same remark applies to the young men and boys?—I think they are as well here as in any village throughout the country. We have a floating population here, that have been with us but a short time, and I do not know much about them.

CHARLES E. VICKERY.

## Liquor Traffic—Maine.

WINTHROP, MAINE, July 4th, 1893.

SIR JOSEPH HICKSON, Chairman, REV. DR. MCLEOD and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this town this day and obtained statements in regard to the law prohibiting the liquor traffic.

L. T. CARLETON, County Attorney for Kennebec County, examined.

*By the Chairman :*

8442*b*. How long have you held your present position ?—I have been elected four terms as county attorney for Kennebec County. When I get through this term I shall have held the office for eight years, the longest of any prosecuting attorney in the history of the county.

8443*b*. Can you say if generally in the county districts the prohibitory law is very strictly enforced ?—There are thirty towns in this county, outside of Gardner, Halliwell, Augusta and Winthrop, where I do not believe there is rum sold. Certainly there are no taxes paid that I am aware of except in Chelsea, that is across the river from Augusta. There are more than 1,500 old soldiers there and some squatters sell liquor once in awhile.

8444*b*. Can you tell us whether the Government has changed its regulations with regard to giving liquor to the old soldiers ?—I think they are allowed to have beer. It is weak beer of two or three per cent, and they limit them to four or five glasses a day.

8445*b*. The statement has been made that they allow those old soldiers beer and that as a consequence there was less disposition on their part to drink liquor ?—I was acquainted with the Governor, General Stevenson, and I know that they have had beer all the time for ten years. I do not think there has been any change in the regulations and if there has been it was in the direction of curtailing the number of glasses per day.

8446*b*. Is there any one holding the United States license in this village ?—I think not.

8447*b*. Have you any chemist here ?—We have the druggists.

8448*b*. And they do not take out the tax ?—No, not of recent years but they used to. A couple of years ago they stopped however and did not take out one since.

8449*b*. Is not the druggist who uses alcohol in his prescriptions obliged to pay the Government tax ?—The officers of the United Revenue Department go round and persuade people to take out the tax certificate, they say that it is for their own protection, and the officers get their salaries and fees on the number of tax certificates taken out.

8450*b*. I think you said there were no United States licenses taxes paid in this township ?—If there are any they must have been taken out recently. The last time the officers went round there were no United States certificates.

8451*b*. How is it with regard to other towns in this county ?—I do not think there is a tax paid by a retail liquor dealer outside of the towns I have mentioned, namely Winthrop, Augusta, Halliwell and Gardner. Possibly there may be one in Vassalborough, but outside of those places there is not a tax paid by a rum shop.

8452*b*. What is the population of this place ?—About 1,200.

8453*b*. You have an oil cloth manufacturing and woollen mill in the place ?—Yes.

8454*b*. How many people are employed in the woollen mill ?—About 200 I think.

8455*b*. Are they natives of the place ?—No, they are mostly French Canadians.

8456*b*. Are they males or females ?—Both.

8457*b*. What class are employed in the oil cloth manufactory ?—They are mostly all natives.



8458*b*. Can you give any idea of the number of liquor prosecutions that you have in the whole year in the county?—Under our system they can appear before the trial justice or the municipal justice in the cities, or at any time before the grand jury. If a man is arrested for drunkenness, or if liquor is seized under a “search and seizure” warrant and if the fine is paid, they do not come under my jurisdiction.

8459*b*. How many cases have you in the Superior Court each year?—About 150. It has been the average since I have been in office.

8460*b*. What would be the total number of cases that would come before the court?—The other crimes are very few comparatively for larcenies, breaking and entering, and all such things as that we would not average more than 50.

8461*b*. That is the liquor cases are about two-thirds of the total number of cases in the high courts?—Yes, sir, at the last two terms, the December and April terms, they were simply bound over cases. Those persons who have been put in bonds by the municipal courts, or trial justices, to await the action of the grand jury.

8462*b*. Have you policemen or constables in this town?—Yes, we have some town constables.

8463*b*. Under whose authority do they act?—They act under the authority of the town. They are elected and qualified and they are under nobody’s authority after that.

8464*b*. Are the liquor cases which you deal with usually brought up by the sheriff or by the police force?—Well, by the police force usually in this county. We have a great many deputy sheriffs. The sheriff of the county is Mr. Norton, who lives at Augusta, and he appoints his deputies. I issue subpoenas against those who are reported as selling liquor.

8465*b*. Is the prohibitory law well observed throughout the county of Kennebec?—Well, it is in certain localities. I do not think it is observed in Winthrop, I do not think it is observed in Gardner, and I do not think it is observed in Augusta, they sell liquor there. They sell it in those cities, and there are rum shops in the cities and have been, although I think there are a great many less now than there were some years ago.

8466*b*. Do you think that the sale of liquor in this place is a great deal less than it was five years ago?—Yes.

8467*b*. Has the enforcement of the law been rather spasmodic in this county?—Yes, it always has been and always will be until the public sentiment wants the law enforced and then it will be enforced. Until the community wants the law enforced it never will be except to a certain extent. Take, for instance, this town. There has been a prohibitory law upon the Statute-book in this State for 40 years. There has been more or less enforcement of the law in this town during all these years, but there has never been a time but what there has been a rum shop here, since I began to be county attorney. There is none now, the last man who persisted in selling liquor here has served about 15 months in jail. He got out of jail the last time, about four weeks ago and I presume that he is rather careful about selling liquor now. Public sentiment would not tolerate a rum shop here now and the fact that we have none is due to public sentiment. You go out here now, and I doubt if you will find a man drunk. Of course the whole trouble about it is that people can get liquor in here very quickly. They can order at night and the next night they will get it from Boston. They can have all the liquor they want in here and there is no question about that.

8468*b*. Is there much drinking in the homes of the people?—I do not mean drunkenness, but is there much drinking?—I do not believe that there is one-quarter of the liquor drunk here now that there was 15 years ago.

8469*b*. Have you any pocket peddling in the village?—No, there is nothing of that sort: there are no pocket peddlars like what they have in the cities. I suppose, however, that some of the French people send off and get liquor and divide it among their friends or something of that sort.

8470*b*. I presume that you have no clubs for drinking purposes in this place?—We have nothing of that sort now. We did have a club that was used for such purposes, but public sentiment closed that up. Of course, the prohibitory law or any other law can not be enforced unless the people want it enforced, but if they want it enforced they can have it enforced.

L. T. CARLETON.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

8471*b*. Is it true in any degree that the law being enforced helps to create public sentiment in favour of it?—I think so. Take for instance in Bangor, there is not the slightest effort to enforce the law except that they close the saloons up at a certain hour at night. Every time that the law is not enforced, however, the tide rises a little higher. It has been so here, the people are going back to the fact more and more that there is no earthly good in liquor.

*By the Chairman :*

8472*b*. Do you think that you have more total abstainers at present than you had five or six years ago?—Yes.

8473*b*. Are they pledged abstainers?—I do not know that they are pledged. We have the Good Templars organization and the Old Ireland Club and the Women's Christian Temperance Union, and I believe that they are all pledged not to drink.

8474*b*. It has been stated that there are fewer pledged members of temperance societies now than there were some years ago. I should like to know how true that is?—I do not know as to that, but I know that everybody in this town will tell you that there is a very marked difference in the drinking habits of the people, whether that is due to the law or not. I should not attribute it to the prohibitory law by any means but I should attribute it very generally to the enlightenment of the people and the better education of the people. We have very fine schools here, and churches and everything of that sort, and a man loses caste who gets full of drink. If he drinks, everybody knows it, and he knows it, and he loses social standing in the community. You take it in those large cities, and it is feasible for a great many of the young people and the older people too, to take liquor.

8475*b*. I was referring chiefly to people who now and then take a glass of liquor?—This drink question is a great question. I suppose that liquor will always be drunk so long as liquor is made, and what the outcome is going to be I do not know. I think the prohibitory law is a success in some directions and it is a failure in other directions. I think, however, it is ahead of any we have ever had in this line; I believe it is ahead of the license law.

8476*b*. You believe it is better for the general community, do you?—Yes, whether the high license law and local option would be better or not, I do not know. If we had, however, a town of this size under local option, I believe we would have no rum shop. The great trouble about the enforcement of the prohibitory law in this county has been that as long as science recognizes the alcohol in medicine and for manufacturing purposes there must be some way provided whereby alcohol can be obtained for those purposes. Our laws provide for a town agency, but this town, however, would not tolerate it. These agencies are a sort of rum shops too.

8477*b*. Do I understand you to say that you have not made up your mind as to whether high license and local option would produce better results than prohibition?—I cannot say that I have made up my mind as to that.

8478*b*. Do you have any races in the neighbourhood here?—No, sir.

8479*b*. Is there any drinking amongst the farmers when they come into the village?—I do not believe there is a farmer in Winthrop who drinks even occasionally.

8480*b*. Do you believe that it is not possible for them to get liquor in any place here if they wanted it?—I do not believe it is possible for them to get liquor here. Of course, there is more or less liquor here. Some of the people have it in their houses; they send to Boston and get it.

8481*b*. Do you think they could purchase liquor in the town?—I do not think they could. I should not be so likely to know it, however, as a good many others, but that is the general belief.

8482*b*. Have you any idea as to the number of divorce cases which come before the courts?—I do not remember exactly what the number is, but there is a stream of them every term of court.

*By Rev. Dr. McLeod :*

8483*b*. I believe that some people drink here?—Yes, of course.

8484*b*. Are the drinking classes chiefly of foreigners or of natives?—Well, I do not know that there is much difference. Our foreign population is a very fine class of people as a general thing; I think they are away above the average.

8485*b*. Have you a lock-up in the village?—Yes.

8486*b*. Have there been many in it?—I do not believe that there has been one in it for two years, unless it be some tramp.

8487*b*. You think that, taking it altogether, the prohibitory law has done some good?—I believe that it has done good in this town, and that it has done good in the State.

8488*b*. The question is as to whether some other system would do more good. Have you ever lived where they had high license?—No, I have always lived in Maine.

8489*b*. I believe you said that the prohibitory law was the best system?—It is the best system that I know anything about. I am, however, convinced in this town that there has been, and there is a trend of public opinion towards high license.

8490*b*. Do you think that is the tendency of public opinion?—It seems so to me from intercourse with people from different parts of the State.

8491*b*. Do you think that a vote to repeal the prohibitory law would have any chance in this State?—If this matter would be submitted again to the people in the State of Maine under our Australian ballot system, as we have it now, I am much afraid that there would be no 47,000 majority in favour of prohibition, as there was before. I do not say that the vote would be against prohibition, but it would be very close, in my judgment.

8492*b*. What effect would the Australian ballot system have?—Well, of course, everybody knows that any number of people desire to be considered as temperance people and teetotallers, and yet they take a glass of liquor once in awhile, but when they come to vote openly they will vote for temperance. A good many do not vote on this question as they believe, but as they practice.

8493*b*. Why is it that they vote for prohibition?—Simply because they think it makes them popular.

8494*b*. What makes prohibition popular?—It always has been.

8495*b*. Is it popular because the feeling in the State is generally in favour of prohibition.—There is no doubt but that the feeling of the State has been that way.

*By the Chairman :*

8496*b*. Do you think that the question of politics enters into that question?—I do not believe that it does. There is no difference between the parties so far as drinking is concerned.

*By Rev. Dr. McLeod :*

8497*b*. Or so far as their attitude towards the prohibitory law is concerned?—Their attitude towards the prohibitory law has been the same, up to the last convention.

8498*b*. The Republican party has declared itself in favour of the enforcement of the law?—Yes.

8499*b*. They were in favour of the law whether they were for its enforcement or not?—Yes.

8500*b*. They have not always enforced it, but the Republican party stated in their last deliverance that they were in favour of it?—Yes.

8501*b*. But really the Democrats were against the prohibitory law and then they fell into line?—A Democratic Governor signed the first prohibitory law in Maine.

*By the Chairman :*

8502*b*. What do you think is the effect of General Neal Dow's strong attitude on prohibition?—I think it does more harm than it does good. He is too old now and has got childish.

L. T. CARLETON.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

8503*b*. General Neal Dow was always a Republican until a few years ago?—Yes. He ran as a nominee of the third party 10 years ago for the President. I was speaking about this voting business. It was when Blaine was a candidate for President, and there were thousands and thousands that voted for prohibition. Democrats voted for it because they thought it was going to put Blaine in a hole.

8504*b*. They did not believe in prohibition but they voted for it?—They tried to put him in a hole because he did not vote at all, and it was not a fair test. I am a prohibitionist, and I believe in prohibition. I have always been a total abstainer myself and I think that prohibition has done a good deal for men, but, as I have told you before, I do not know but what something else would be better than prohibition, from the very fact that so long as alcohol is going to be made it is going to be used, and it is going to be bought and sold, and the question is how to regulate it.

8505*b*. Do you know any system where the liquor system is regulated?—Take the high license system in Boston. I have a brother-in-law in business there, and I will say that I presume there are more unlicensed shops in Boston than there are licensed shops. You are going to have some difficulty with the high license law as under prohibition; you are going to have your kitchen bar-rooms and illegal places. Here, under prohibition, when the people want the law enforced they can drive liquor out of any locality.

8506*b*. Still there would be some leakage, I suppose?—There always will be.

8507*b*. Take Winthrop. I suppose there is some leakage here. Do you think, because there is a leakage or that there is liquor sold, that it would be well to license those fellows who sell illicitly?—No, we do not want any one in Winthrop to sell liquors. It would do a great injury to Winthrop to have a licensed rum shop here.

*By the Chairman :*

8508*b*. You say that if there was a local option law they would not vote for license in Winthrop?—No, you could not get a handful of people in Winthrop to vote for a rum shop.

8509-10*b*. What significance do you attach to the alteration of the law in the last session of the Legislature, by which they gave discretionary power to the judges to fine or imprison?—I think that was right. I think they had gone too far when they made the penalty imprisonment without the option of a fine. I do not attach any importance to the action of the Legislature in any way or other, but I think it was right.

8511*b*. Did Neal Dow oppose that change in the law?—Oh, he opposes everything. He is continually asking for heavier and heavier penalties.

8512*b*. Do you think that this prohibitory system leads to lax notions about the sanctity of an oath?—There is no question but that it does, on the part of those who drink. It is altogether different about the enforcement of the prohibitory law as compared with any other law in the world. If a man has his horse stolen he has an incentive to aid the officers in prosecuting the criminal; but take a man who has compromised himself by purchasing rum, in 99 out of 100 cases he will do everything he can to conceal the rumseller, and in 99 cases out of 100 he will commit perjury to do so. That is my experience in the cases of rumsellers we have before the grand jury.

*By Mr. Gigault :*

8513*b*. Do you think that there are a great many persons who vote for prohibition and who are not total abstainers?—Undoubtedly; there are a great many people who take a glass of liquor and perhaps they are moderate drinkers, but they do not want rum shops in the town where their children go to school.

8514*b*. What proportion approximately of the whole population in this town use liquors moderately or immoderately?—That is a hard question to answer. There is a considerable proportion of the people that, on an occasion of a celebration, or on a fishing trip, or a hunting trip, or something of that sort, will take a glass of liquor.

8515*b*. Do you believe that the prohibitory law makes the administration of justice very expensive?—Not in this country. It has been a source of revenue to us. When I ran as a nominee, a year ago, I had figures to put before the people showing that

it was a source of revenue. The enforcement of the law in this county has brought us a matter of thousands of dollars, and that is the income above expenses. Probably, in round figures, since I have been county attorney, there have been \$50,000 paid in fines and not one-half of that is costs.

8516*b*. Did you include the costs?—I included everything, not only for the criminal prosecutions for rum selling, but for other crimes.

8517*b*. In what department did you include expenses of the court and the expenses of the judge and officials?—The courts have to run any way. The judge's salary goes along all the same, and the jurors and deputy sheriffs are paid just the same. It has been stated in this county that the system of fining for liquor selling simply means high license, but it means a good deal more.

8518*b*. Do you include in that the expenses of the persons in jail?—I believe that \$25,000 net has been realized in seven years out of the fines for liquor selling.

*By the Chairman :*

8519*b*. Have you many cases of search warrants being issued against places where liquor is not found?—Yes ; there are a good many. The officers are human as well as anybody else, and they like to make a dollar. However, they have to make oath that they have reason to believe and do believe that intoxicating liquors are kept and intended for sale before a warrant is issued to them. The law has been abused, I may say, more or less in that direction.

8520*b*. Have you any idea of the proportion of the effective and non-effective warrants issued?—I do not know that there is much of that searching business done, but in Androscoggan County they have a good deal of it.

*By Mr. Gigault :*

8521*b*. Does it very often occur that there is a compromise made with the rumsellers in regard to the fines being paid?—There is a compromise simply in this direction, and that is where the discretion of the judge comes in. For instance, you get a man indicted and convicted. He may be a poor fellow, he may be sick of the business, and you may be convinced that the law has had an effect on him, and he comes before the judge and he promises to stay out of the business for ever. Under those circumstances we would say : " Well, pay the costs, or pay the fine of one indictment, and we will let you go and hold the others over you until you are caught again."

8522*b*. It was stated to us in some places, that only about one-half of the fines imposed were collected?—I do not know how it is in other counties.

8523*b*. Are half of those fines collected here?—I believe that nine-tenths of the fines are collected here.

8524*b*. Do you believe that a good deal of liquor is brought in here by the express companies?—Yes, sometimes a considerable lot comes in.

8525*b*. Do you believe that a good deal of liquor was brought into this town yesterday and to-day?—I was speaking to an officer about it, and he thought there was comparatively very little. I saw some packages of liquor come in ; I did not see anything bigger than a gallon. Some beer came in by parties who are well known here, but it was for their own use.

*By the Chairman :*

8526*b*. Is there a good deal of cider used here?—There is more or less cider used, but I do not think there is a good deal. Of course, this town is one of the largest apple producing towns in the whole State.

8527*b*. Have you any cider mill?—Yes, there are two or three cider mills, and they make large quantities of cider.

8528*b*. Do they peddle any quantity of cider round during the first 10 days after it is made?—I do not think so. I have never had my attention called to it. A man can sell cider for vinegar or kitchen purposes, but if he sells it for people to use for beverage purposes, that is prohibited by law.

L. T. CARLETON.

## Liquor Traffic—Maine.

JOHN GOWER, of Winthrop, Trial Justice, examined.

*By the Chairman :*

8529*b*. How long have you held the office of trial justice?—Four years. I am appointed by the Government.

8530*b*. Have you many cases before you in the course of a year?—Well, I have had a considerable number of cases during the four years; I have not had so many this year. Many of our cases have gone over to the higher courts.

8531*b*. Has the number of cases decreased or increased?—They have decreased very much. I have not had so many cases for the last year, or nearly so many as I had the year before, or as I had during the first year I was in office.

8532*b*. Do liquor cases form the majority of the number of cases before your court?—Well, before the last court we had one rum shop case here, and there was a case against a drug store and an hotel, and then there were foreigners who brought liquor in and sold it from their pockets.

8533*b*. So, we would be correct in concluding that the greater number of cases which come before you are connected with the liquor traffic in one form or another?—Well, I would not say the greater portion. We have a great many civil cases for debt and that kind of thing.

8534*b*. What proportion of the total number of cases before your court would arise out of the liquor business?—I should say about one-fourth have to do with liquor in some form or other.

8535*b*. How many cases in a year have you?—I think the other trial justice in the town gets more than I do. I should say that altogether I have about 25. I do not think that the two of us average more than a case a week.

8536*b*. Can you tell us if the prohibitory law is well enforced in Winthrop?—Very well enforced.

8537*b*. Do you think there is any liquor sold in the place, I do not mean sold openly, but is it sold secretly at all?—I do not think that now there is any liquor sold in the place except by bottles. I think there is some sold from bottles. There is liquor brought from Boston and I think some of it is peddled, but it is very difficult to get at that. Once in a while we get a man drunk, and as he did not send for the liquor, he must have got it somewhere here. If it were not for the ease with which liquor comes by express, I believe we would have absolute prohibition here.

8538*b*. You have a sober community in the village?—Very sober, indeed, but the 4th of July is a bad time to visit us.

8539*b*. Have you any fairs or races in the neighbourhood?—We have a county fair in the adjoining town.

8540*b*. Is there much drinking on the occasion of the fair?—No, there is not. Once in a while you will see a man drunk.

8541*b*. From your observation, how do the men employed in the woollen mill and the oilcloth factory and your other establishments conduct themselves? Are they steady or are they addicted to taking liquor?—In the condensed milk factory here, I do not think there is any liquor amongst the employees, and a great many of our factory men are strictly temperate; but there is a class that will have liquor, and they send for it on Saturday and sometimes they get a little excited on Sunday. However, they do it very quietly, and we find it hard to prosecute them.

*By Rev. Dr. McLeod :*

8542*b*. What class of people do that?—The French Canadians. They are a very nice people, however, and they have a Catholic church here and a Catholic priest now, and he is looking after them, and he seems to be educating them up to temperance. I think they are improving.

8543*b*. How many French Canadians have you here?—There must be 300 men, women and children, and our drunkenness is confined to them.

8544b. Do you think that liquor is sold in hotels like the one we are in now?—I should not like to say that it is not bought somewhere, but I do not believe that an officer could get liquor here if he tried. I do not believe that a man who is not well known could get a drop of liquor here.

8545b. Do you believe that it is possible for travellers to get liquor here?—I think that some might try to get liquor and could not. The landlord of this hotel drinks himself, and of course he keeps liquor. If he thought I was a pretty good fellow, I suppose he might treat me to a glass. The landlord of this hotel would not dare to sell any liquor even to a stranger. If I drove up to him as a stranger I could not get liquor, but if I stayed round a day or two and got acquainted with him he might give me something.

*By Mr. Gigault :*

8546b. Do you have many cases of drunkenness, disorders and brawls before you in the course of a year?—It is a rare thing to have such cases, but when we have a case it is to be accounted for by this Sunday drinking among the foreign population. There are many of those foreigners who are very nice people and who are against liquor, and they want to bring their children up well and to get them into temperate habits.

8547b. From your experience and observation as an official do you believe that the prohibitory law can be enforced when the officers are determined to do so?—There is no doubt of it, and I claim that it is enforced here ; there is no difficulty in enforcing it except in cities.

*By the Chairman :*

8548b. From your observation generally has the prohibitory law been of benefit to the State of Maine?—I should say without hesitation that it has been a wonderful benefit.

8549b. Do you think there is a growing feeling opposed to the prohibitory law?—There is, and that is because of our liquor agency business. Our liquor agency scheme is a total and absolute failure in the State of Maine. I was in the Legislature last winter and introduced a bill the last week of the session that would obviate the whole thing in regard to the liquor agencies, but it was too late in the session to pass it. I think that bill will remedy the objection to the prohibitory law. In a town like this, there are so many temperance people that they do not allow a liquor agency, and that annoys a certain class of people who think they want liquor for medicine. If I wanted liquor for medicine, I do not think I could get it, and so some of the people say that if they cannot get liquor for medicinal and mechanical purposes, they would like to have licenses. I introduced a bill last session in the Legislature that would make it obligatory to have an agency, and I would put the agent under such restrictions that he could not sell except for those purposes, and I think if that bill had been passed, there would have been no more talk of license in this town, and I believe we are going to get it through next session. The liquor agency is simply a drinking shop in some places.

8550b. You think that rather disgusts the people?—That is the whole of it, and we are right on their track, and the next Legislature will make a law, and then there will be no more talk of high license.

8551b. Your idea is to supply people with liquor for legitimate purposes and to prevent illicit sales by putting restrictions on the agency?—Yes, that is my idea.

8552b. Of course, there is liquor selling in some places?—Yes, it is open sale in Bangor.

*By Rev. Dr. McLeod :*

8553b. We were told in Bangor that a great deal of the difficulty there comes from the floating population?—Yes, that is a fact ; they have a great many lumbering men come in there and you cannot judge of the whole State by Bangor.

*By the Chairman :*

8554b. What significance do you attach to the alteration of the law last session leaving discretionary power with the judges?—That law was passed by people in favour

JOHN GOWER.

## Liquor Traffic—Maine.

of the prohibitory movement. I did not know that the law was going to be passed, and I was not there at the time. We did not hear much about it.

8555*b*. I am under the impression from what has been said that General Neal Dow knew of it and opposed it?—General Neal Dow is a very old gentleman as you know. He sticks right to his old ideas of 30 or 40 years ago. He does not believe in my ideas. I am as radical a temperance man as a man can be, but I do not go so far as Neal Dow, he would hang a man for selling liquor.

8556*b*. Do you think that the change was made in opposition to the wishes of some strong temperance people?—Yes, and they are very indignant about it.

8557*b*. Have you observed in connection with your official duties that there is a great deal of trifling with the sanctity of an oath in liquor cases?—I think there is. I think that a man who sells liquor will do almost anything. A man must be pretty low down who sells liquor here.

8558*b*. Have you observed the same state of things in other cases?—No, sir, I have not.

8559*b*. You find more perjury in connection with those cases than in any other?—Very much so. I think that a man who would perjure himself in a liquor case would not perjure himself in any other case. There are men who sold liquor in this town whom I would believe in other cases but, they would perjure themselves badly in liquor cases.

*By Mr. Gigault :*

8560*b*. How was the law observed in the city of Augusta?—It is not observed, at least it was not last winter.

8561*b*. Is all the drinking done here restricted to the French Canadians?—No, but the people who have lived here have been educated into this matter of temperance; they have been so educated that they feel it as much a disgrace to drink cider now as it was to drink rum 40 years ago. When they are brought up in that way and drink, they feel that they are pretty low down. On the other hand men who have not been brought up and educated in the way the natives have been are a little more open about their drinking. Men who have been brought up under the license law and feel that it is right to sell liquor or drink liquor if they pay their licenses, it takes such men a little time to feel as I feel who have not tasted or even drank cider for 30 years. I would feel it as bad to drink cider as my father did to drink rum. Our native population are feeling that way in our country towns, and men brought up under license cannot feel that way. I say that the French Canadians are getting educated up to that. We have some nice citizens who do not drink at all and some who do drink a little.

*By the Chairman :*

8562*b*. You have told us that you are a radical temperance advocate. Do you think that there are more people pledged abstainers in this country now than there were 40 years ago?—Yes, I do.

8563*b*. Do you think that the very strong efforts to enforce the prohibitory law have led to diminished efforts in getting people to become total abstainers and pledged members of temperance societies?—Well, I think those efforts are like the efforts in our churches, we do not have revivals going on in our churches all the time. Eight or ten years ago we had a great temperance revival but that does not continue all the time. We have recognized our temperance society lately and that shows a growing interest.

8564*b*. Do you think that you have to-day as many pledged abstainers in this country as you had 10 years ago?—Yes, I do. I think that the young people who have come to manhood within 10 years are in a great majority temperate.

8565*b*. Have you temperance societies attached to all your churches?—They cannot join the church unless they are temperate.

8566*b*. But are they pledged abstainers?—They could not join the church unless they were.

8567*b*. What church?—The Methodist church, the Congregational and the Baptist church, and I think the Quakers.



8568*b*. Have you a Catholic church here?—Yes, and they have a temperance society in it, I think.

8569*b*. Do you understand that all the members of that church are total abstainers?—I do not know that their creed requires it, but if one drank and it was known he would be driven out, unless he reformed.

8570*b*. What do you mean by the term “drank”? Do you mean that if a man takes a glass of liquor he will be driven out of the church?—I belong to the Methodist church and if I took a glass of liquor I would be driven out, unless I confessed. I would have to withdraw.

8571-72*b*. Does that apply to all the churches?—I think so.

8573*b*. If a man should leave here and go elsewhere, where there is no prohibitory law, and if he was not a pledged abstainer, he might take a drink?—I believe that we have such men amongst us.

*By Rev. Dr. McLeod :*

8574*b*. Do you believe that the actual number of abstainers, whether they are pledged members of societies or not, have increased of recent years?—I do.

8575*b*. You ran for the Legislature last year?—Yes.

8576*b*. Was your strong position on the temperance question known at that time?—Were it not for that, I would have lost the election. It was a very close fight.

*By the Chairman :*

8577*b*. You are a Republican?—Yes.

8578*b*. The Republicans carried the State?—Yes.

8579*b*. You were the Republican nominee in this county?—Yes.

8580*b*. Is it a Republican or Democratic county?—It is a strong Republican county

*By Rev. Dr. McLeod :*

8581*b*. How are you divided when it comes to the straight vote?—This is a strong Republican county. I will explain how I got elected, by being a temperance man. As it was a strong Republican county, you will say that I ought to get in any how. I will tell you how it was. Our Republican party has been very much divided among themselves. We have several elements in the party. We divided on the Congressman and on the Senator, and neither of the elements would vote straight Republican party. There were really two Republican parties here. The question came up as to what Republican party could swing the most votes, and I got ahead by carrying the radical temperance element with me. The man I replaced was a most popular man in the district. Some strong Republicans went with the Democrats.

*By Mr. Gigault :*

8582*b*. What was your majority?—Thirteen votes, so that you see it was getting pretty even.

*By Rev. Dr. McLeod :*

8583*b*. I suppose that there were a lot of Republican prohibitionists who would not vote for you?—Yes, we were fighting as much as Christian people could.

## Liquor Traffic—Maine.

RONALD C. McHEOY, Agent of the Winthrop Mills Co., examined.

*By the Chairman :*

8584*b*. How many employees have you in your mills ?—We have 150 at present.

8585*b*. What class of people are they ?—The majority of them are French Canadians, but part of them have been born in the States.

8586*b*. What number have you of French Canadians who are not British subjects ?—There might be 50 per cent of the men who are naturalized.

8587*b*. How are your employees divided as to sexes ?—I think we have more females than males.

8588*b*. Have you much trouble with the employees on account of intemperance ?—No, sir.

8589*b*. Are the men in your employ total abstainers ?—I should say not.

8590*b*. What proportion do you think are total abstainers ?—I do not think there are more than half a dozen, but would take drink more or less.

8591*b*. Where do they get the liquor which they use ?—Principally from Boston.

8592*b*. Cannot they get it in Winthrop ?—No, I do not think they can.

8593*b*. How do they get it into Winthrop ?—By express.

8594*b*. Do they club together and send for it ?—Sometimes they do, but a great many order it separately.

8595*b*. And they take the liquor which they receive and use it in their homes ?—Yes.

8596*b*. Are there any clubs where they can drink and play cards ?—No.

8597*b*. Is there much intemperance amongst them ?—No. Sometimes on Saturday night they will get in liquor and will show signs of it on Sunday, but that is not nearly so much the case as it was years ago. There used to be a great deal of it some years ago.

8598*b*. Is that more the case among the foreign population than among the native born ?—Most of our help being French Canadians, it appears against them more, as far as I can see ; but I think the native population is just about the same, there is not much difference.

8599*b*. How long has your establishment been in operation in this village ?—About 27 years. I am going on 23 years' connection with it.

8600*b*. Do you think there is more drunkenness now among the employees than there was 20 years ago ?—No, there is less drunkenness to-day.

8601*b*. Are the French Canadians, who come here, thrifty and peaceable people ?—Yes, the class of people that we have are very good.

8602*b*. Is there much drunkenness in this village ?—No, I should not say a great deal. There is not nearly so much drunkenness on the 4th of July as there was 18 or 20 years ago.

8603*b*. To what do you attribute the change ?—18 or 20 years ago, there were three or four places where liquor could be bought.

8604*b*. Openly ?—Yes, sir ; 10 years ago they were selling beer openly here.

8605*b*. Do you think there is any place in the village where liquor can be purchased at the present time ?—I do not know of any place.

8606*b*. Is there any pocket peddling done here ?—I do not think there is. I have heard of it once in a while several years ago, but I do not think that it was ever carried on to any extent here.

*By Mr. Gigault :*

8607*b*. Do you know whether a large proportion of the male population in this place take liquors moderately ?—Do you speak of the business people ?

8608*b*. I mean the whole male population of this place, according to what you hear from common report ?—I should say that the majority of the business men take it, more or less.

8609b. Do you think that the prohibitory law has had the effect of promoting temperance?—Yes, I think it has in this town.

8610b. Taking the population of your village at 1,200, what proportion would you put down as being total abstainers?—I have no means of knowing. I think that the majority of the business men would take a glass once in a while. I should say the teetotallers were in the minority, but, of course, I do not know that as a fact.

W. J. ENSOR, of Winthrop, Express Agent, examined.

*By the Chairman :*

8611b. The Commissioners wish to know, Mr. Ensor, if much liquor comes into this village by express.—I believe there is considerable.

8612b. Where does it come from?—Boston.

8613b. How does it come in?—Generally in three-gallon jugs.

8614b. Do they come in packages?—Yes; in packages with sawdust round them.

8615b. Do you get any small packages?—Yes.

8616b. How many will you get in, in the course of a month?—It depends considerably on the season of the year, and on how many holidays we have. Some weeks we get three or four packages. It will probably average three or four a week.

8617b. That would be ten or twelve a month?—Yes.

8618b. Are they addressed to private citizens?—Yes; altogether.

8619b. How long have you been with the express company?—Ten years.

8620b. Are the packages fewer or greater in number than they were ten years ago?—I think they are considerably fewer than they were ten years ago. Ten years ago they were larger packages and a larger amount of them.

8621b. Do you know whether any liquor comes in by freight train?—Yes; there must be some coming in that way. Most of the beer shipped from Boston comes in that way.

8622b. Yours is the only express company here?—Yes; but we have a line of stages that run from Augusta, and they bring it over on the stage.

*By Rev. Dr. McLeod :*

8623b. Have you any means of knowing whether the liquors coming in by express are for private use or for sale?—I think all is for private use; I do not know of any that is for sale. Eight or ten years ago there was some liquor brought in for sale, but the county attorney has closed them.

*By Mr. Gigault :*

8624b. From what you know, do you believe that the majority of the people here are total abstainers?—No; I do not think so.

8625b. Do you think that one-fourth of them are total abstainers?—I do not think they are. This is a drinking community and we have a great many farmers, and they make cider more or less, and I presume they drink cider.

*By Rev. Dr. McLeod :*

8626b. But as to the drinking of other liquors?—Outside of cider, I do not think that one-fourth of our people handle liquor.

## Liquor Traffic—Maine.

E. T. ADAMS, of Winthrop, Chairman of the School Board, examined.

*By Rev. Dr. McLeod:*

8627*b*. Are you a native of this State, Mr. Adams?—I have lived in Maine all my life.

8628*b*. How many years would your memory cover easily?—Forty years.

8629*b*. You know a good deal about the prohibitory law, then?—Yes.

8630*b*. You remember, I believe, the year of its repeal.—Yes.

8631*b*. You know, then, the progress of the State and the effects of the law. Perhaps you would make a short general statement of your observation of the law and what it has done, whether for or against?—There can be no question. I think if you were to ask the people who have lived in the State right along, you would find three-fourths of the people would agree, that while the prohibitory law has not totally prohibited liquor, it has lessened the sale of liquors very much. I heard a sheriff say a short time ago, that it had decreased his business in the last decade more than one-third, showing that instead of the law becoming less effective, it is more effective.

8632*b*. How long has your home been in Winthrop?—Four years.

8633*b*. You notice the effect of the law?—Yes, I may say there is one man who has been half that time in jail. He is a liquor seller.

8634*b*. Had he any other business?—No.

8635*b*. Did he keep an open bar?—No.

8636*b*. He had to sell it slyly?—Yes. People who sell liquor generally have some ingenious way of hiding it.

8637*b*. When was this establishment raided and broken up?—He was in jail for a little more than a year. He was in for a longer term, but he behaved well, and the family were in peculiar circumstances. His wife had become a notorious drunkard, and his son is in business here. The son's wife was ill, and he had taken his mother to the "gold cure," but she was rebellious and did not want to be cured, and they telegraphed for the young man to take his mother away. Under these circumstances, he asked the county a torney to let his father off.

8638*b*. When was the last liquor place cleared out of here?—That would be a little more than a year ago. That man is out of jail now, and possibly may be in business again for all I know.

8639*b*. Your citizens of good repute do not engage in that business?—No.

8640*b*. Notwithstanding these violations of the law, are you of opinion that the law is well enforced here, as a general thing?—I am sure of it.

8641*b*. And it has done good generally?—There is no question about that.

8642*b*. Is that your observation generally, taking the State at large?—I should say so. For the last six years, I have been travelling all the time in the State, and it has been my observation in every way that the effect of the law is good and only good.

8643*b*. You are chairman of the school board, and have a knowledge of the boys of school age. Do you think that such a place as was kept by that man to which you referred as being in jail, is as great a menace to the boys, as if you had an established licensed saloon across the street there?—No, it cannot be.

8644*b*. What is the moral effect of the prohibitory law?—If I were to go back of my recollection, I should say that at first, when it was the law, it did not have the endorsement of the people, and there was a strong sentiment against making raids on liquor sellers. The persons who seized a liquor seller were in a sense boycotted, but that sentiment has changed, so that the best citizens in almost any community would have no hesitation in assisting the officers in searching and seizing and in enforcing the law.

8645*b*. Do you think that the law itself, by its enforcement, has helped to bring about that changed state of feeling?—I do.

*By the Chairman:*

8646*b*. Do you think it is the case in cities, that public sentiment is so much in favour of the law, that any citizen will help the sheriff?—It is not so much so in the cities as in smaller towns.

8647*b*. Do you mean that the sentiment of the larger towns is not so strongly in favour of the law?—If you take a manufacturing town, there is generally a large foreign population there, working as operatives in the mills, and generally those who come to serve as operatives are a drinking class.

8648*b*. Do you mean that they are intemperate?—Yes, left to themselves, I mean that they would be intemperate, without the restraining influence of the law.

8649*b*. You say they are an intemperate class generally?—I think so.

8650*b*. You have a large number of Canadians in this town in proportion to the population?—Yes.

8651*b*. Are they an intemperate class?—A good many of them are.

8652*b*. Do they get intoxicated and cause a disturbance?—Occasionally they do. We have relatively very little disturbance here, but the larger part of the disturbance is on Fish Street, where the French Canadians are located.

8653*b*. Of what character is the disturbance?—They get bad whisky, and get into quarrels among themselves.

8654*b*. As a general rule, we do not find it so in Canada. The French Canadians are not a class who cause disturbance generally, especially amongst the rural population, from which I presume a great many of the Canadians here come. I am surprised to hear you say that they are quarrelsome here?—I know that a good many of these come from Canada.

8655*b*. Is there any large proportion of the Canadians who do not drink at all?—I do not think there is.

8656*b*. Have you a Roman Catholic church here?—Yes.

8657*b*. For how long?—I cannot tell you. It was here when I first came here, four years ago. They had a meeting house here before.

8658*b*. How long have they had a Catholic pastor amongst them?—I do not think they have one here permanently at present. I think he comes here occasionally.

8659*b*. Do their children go to your common schools?—Yes, that is, by looking after them; they are inclined to play truant.

8660*b*. Do you attribute all the progress that Maine is said to have made in the way of becoming a more sober people, to the prohibitory law?—I should not attribute it all, but I think it has done a good deal of good. If you look at the religious statistics of Maine, they are not very favourable. There has been an influx of foreign population flocking to the industrial centres in the State, and the Protestant churches in the State do not number as many as they did fifty years ago. According to the last census, we had an increase of 13,000 population.

8661*b*. How about the Roman Catholic population?—The Roman Catholics stand ahead in progress.

8662*b*. Have they increased in number?—The Roman Catholic increase is very great. They claim about the amount of increase of population that we have made altogether, that is, they have about as many additional communicants as we have increased in population.

8663*b*. That is, they have about 166,000 communicants in the State?—I think they claim about that number in their church at the present time, and fifty years ago there were only between nine and ten thousand in the State, so that there is an increase of 156,000 Roman Catholics in that time.

8664*b*. Have the numbers of your Protestant churches largely increased in this State?—No, I do not think they are increasing. I find in travelling over the State that there are many communities where, thirty or forty or fifty years ago there was a church, now it only stands there as a monument of the past. There are a great many abandoned churches.

8665*b*. I suppose there are more Roman Catholic churches, then?—Yes, and I think the churches generally are more in the populous centre now, than they were years ago. As the cities have increased the Protestant population have built churches. I should hardly think that even in the rural districts the Protestants have held their numbers in fifty years.

8666*b*. Have you ever lived at any time in a State where there was a license system in operation?—No, I have never lived out of the State.

E. T. ADAMS.

## Liquor Traffic—Maine.

8667*b*. Do you think it is probable that other countries and other States, where there was no prohibitory law, have made improvement in temperance sentiment for the last fifty years?—I do not think they have; that is, according to statistics we receive. I should say that under license law, they have not improved to the same extent.

8668*b*. Do you think that no other States in the Union, that have not had a prohibitive system, have made advances towards temperance?—I think some of them have made progress, but I do not believe any of them have made the progress that our State has.

8669*b*. You think they have made some progress?—Yes.

8670*b*. Have you given any special attention to the figures relative to the progress made by the different States?—I have studied the question a little.

8671*b*. And you think that other States have not improved in the same ratio as Maine?—I think not.

8672*b*. And you think that the greater improvement in the State of Maine is the result of the prohibitory law?—I do.

8673*b*. Do you think that any other system than prohibition would have given equally good results in Maine?—No, I do not. I do not see how you would make a license law that would give such good results as the prohibitory law has given.

8674*b*. Have you ever thought of the question of high license, coupled with local option?—Yes.

8675*b*. What are your views about that?—I do not think it would work well with us. I do not think it has proved a success in the places where they have tried it.

8676*b*. Do you think the prohibitory law is really enforced in the cities in the State of Maine?—Not to the fullest extent; no.

8677*b*. What is the reason for that?—There are several reasons. I should say that possibly the municipal officers may not always sympathize with the law, and sometimes there are very strong party feelings running in municipal elections; and where that is the case, it is a very easy matter for the chief officer to give directions to his police force to slip by and not make arrests; or it is an easy matter for him, on the other hand, to say to the police force: "This law is on the Statute-book, and you should do your duty by it." Wherever there has been an attempt made to enforce the law, there has been no trouble. There is another reason, and that is, that men who engage in the liquor business are ingenious and have tact for hiding their business.

8678*b*. Do you think the law can ever be enforced in a community where the majority of the people are really not in favour of it?—No, I should say it would not.

8679*b*. Do not the representative municipal officers reflect public opinion?—They are supposed to do that, but I do not think they always do.

8680*b*. Would not you allow the municipal bodies the right to govern themselves in this matter?—No, I do not think it ought to be left to them.

8681*b*. You think they ought to have nothing to do with the enforcement of the prohibitory law?—I think they are sworn to enforce the laws and to see that they are properly administered, but sometimes they do not do that.

8682*b*. Are the officers of the city, where the population is not strongly in favour of the enforcement of the law, likely to enforce it effectively?—In some instances they do.

8683*b*. Are there many instances where they do not?—If the people are opposed to the enforcement of the law, they are pretty likely to vote for the man that they think will not enforce it.

8684*b*. Is not that practically a local option system because there is local option and contravention of the State law?—It amounts to that, that they are acting in contravention to the law.

8685*b*. If you had local option, a city, such as Bangor or Augusta and probably Portland, might adopt a license system by a large majority?—These very places voted for the constitutional amendment with regard to prohibition. Local option would seem to leave the matter exactly where it is now; they are now electing municipal officers who are not in favour of enforcing the law, at least Bangor is, and if the general sentiment is not in favour of having the law enforced, then there will be a feeble enforcement.

However, if that is a bad system, I should think that local option would be worse. We have State officers to enforce the law, or we can have State officers.

8686*b*. Then you would enforce the law in opposition to the will of the community who do not want it enforced?—Yes, it might be in opposition to the will of the people, but the law should be enforced. I can easily see, though, that the majority of the people might favour enforcement, and that still the municipal officers would not enforce it.

8687*b*. Then that Municipal Government would not reflect public opinion?—No.

8688*b*. There have been cases in this State, where the State Government has appointed a city marshal to enforce the law in opposition to the will of the municipality?—That is correct.

8689*b*. Do you not think that such a state of things is likely to lead to a great deal of moral degradation, in the shape of corruption amongst officials, false swearing, and disregard for the sanctity of an oath?—I do not think it would have that effect.

8690*b*. I have a city in mind where there are great numbers of search warrants issued, and where in only a small percentage of the cases liquor is found. Is it not a great temptation to the officers in this business to take the opportunity of injuring a man against whom they may have some feeling, and it is not a great temptation to them to get their fees by doing this searching?—I suppose if an officer was susceptible to that influence, it would be brought to bear upon him. I have no question but that in many cases there is more or less effort to bribe the officers.

8691*b*. What inference would you draw from the great disparity between the searches made and the places in which liquor is found?—I have been told that hundreds of searches have been made where the officers could not find anything, because of the ingenious traps that are made to keep liquors from being found.

8692*b*. The system is calculated, is it not, to breed a class of informers, at any rate?—Yes.

8693*b*. Do you think there are more total abstainers here than there were fifteen or thirty years ago?—I do.

8694*b*. Do you think that the efforts to enforce the prohibitory law have diminished the efforts of the temperance organizations?—I should not think so; that would be my judgment. I should think that the number of pledged men and women who are working in the interests of temperance, has not decreased. I think there are as many men and women engaged in the temperance organizations as at any time. There are a great many temperance people who have not identified themselves with any organized movement for the enforcement of the law and the working up of general public sentiment.

8695*b*. I am speaking of pledged abstainers. Do you think they are as numerous now in proportion to the increased population as they were twenty years ago?—Possibly not. The fact is that in this and in other places the pledge effort has been spasmodic. We had the Washingtonian movement, which was the first great temperance movement, then we had the Sons of Temperance, and that body swept over the State; and then we had the Reform Club movement, and that swept over the State, and then we had the Royal Templars. There has been for several years no work outside of these movements. Possibly to-day, I might say that there are not as many pledged abstainers as there have been in previous years.

8696*b*. It has been said here, that any person who takes liquor is expelled from the Methodist church. I may say that to-day we had a member of your Legislature, who said that any Methodists who would use liquor, would be expelled from the church?—That is the law of the church. The law of the church would prohibit a man from being a drinking man.

8697*b*. What do you mean by a drinking man? Do you mean a man taking a glass of liquor?—I would call a man a drinking man who was in the habit of taking his drams daily.

8698*b*. It has been stated that even if a man took a glass of cider, he would be disciplined?—During forty years I do not remember any man being brought to church trial for using intoxicants.

## Liquor Traffic—Maine.

*By Rev. Dr. McLeod :*

8699*b*. From your knowledge of the State, do you think there are many places where a majority of the people would vote for a license law to substitute the prohibitory law?—I do not think there are.

8700*b*. Is the non-enforcement of the law in some places to be accounted for by lack of sentiment in favour of the law, or because of political complications?—I think there is a difference in regard to public sentiment in different localities. In the manufacturing centres, where people have come in who are not educated up to the prohibitory law, they do not like it.

8701*b*. Do you know of instances where the people, if they were polled on this question, would be strongly in favour of the prohibitory law, but yet for some other reasons, the enforcement is not so vigorous as it might be?—I believe that is true in a good many instances.

8702*b*. The non-enforcement of the law does not always indicate a lack of favour on the part of the people on the side of the law?—No.

*By the Chairman :*

8703*b*. That of course, is simply your opinion?—Yes, and perhaps other men might give a different opinion. A man's opinion is the result of his observation, and the value of it depends upon the amount of observation he may have had.

E. L. LOVEJOY, of Winthrop, Station Agent, examined.

*By the Chairman :*

8704*b*. How long have you been station agent at Winthrop, Mr. Lovejoy?—Eight years.

8705*b*. Can you tell us if liquor is brought by freight trains into the village for the use of people here?—There might be some brought by freight, but it is not generally done. There is not nearly as much liquor brought in now as there has been heretofore. We are not supposed to know, of course, what is in the packages, but I suppose there is more or less liquor brought in; but I should say that in every case, or nearly every case, it is for the use of the parties themselves.

8706*b*. Of course you would not carry the liquor if you knew it was for sale?—No. I think very little liquor comes in by freight, but there might be some.

8707*b*. How do packages of beer come into the village?—There is some beer brought in by freight every summer.

8708*b*. Are there any spirits brought by freight?—No, I should say not.

8709*b*. Can you give us any idea of the quantity of beer that comes in?—I should say, perhaps through the summer months it might average a package a day; that would be through the months of June, July and August, and that is all I suppose for private use.



COLONEL C. WAYNE, of Winthrop, examined.

*By the Chairman :*

8710*b*. How long have you resided here ?—I have been seventy-five years in Winthrop. I have been a manufacturer of boots and shoes, I was born here and have lived here most of the time, I own real estate in the place.

8711*b*. Has real estate increased much in value here within the last twenty years ?—Well, as to that, I would not say that it has depreciated any. I cannot say as to increase, but I should think our real estate is worth more to-day than it was twenty years ago. The general increase has not been very large.

8712*b*. What are your taxes ?—They are not exorbitant ; they are thirteen and a half mills on the dollar for village, state and highway taxes.

8713*b*. Do you hold any official position under the State Government ?—I do not hold any official position to-day, but in the past I have held official positions, both under the State and Federal Governments.

8714*b*. Is there much drinking in the neighbourhood of this village, of spirituous liquors, beers and other beverages ?—Now you are coming at a point that you require us to be very definite on. We calculate that we are, on the whole, very free from liquor drinking as a community ; there is no open sale of liquor in this village.

8715*b*. Do you think there is any secret sale of liquor ?—Well, if there is not, it would be quite wonderful, but I cannot tell you where. If there is any sale at all, it is in a very limited degree.

8716*b*. Do you think that liquors are used in a large number of families in this village, more or less ?—I have no idea that that is the case. I do not think that they use liquor to any extent, during the last few years. The time has been when they used much more liquor all around than at the present time.

8717*b*. You think the people are more temperate now than they were twenty years ago ?—Yes.

8718*b*. To what do you attribute that ?—I attribute that largely to the temperance sentiment and to the effects that temperance life has had upon the minds of the people from their own experience and observation of its effects on the community generally. I suppose if you were in other parts of Maine to-day, you would see a very different state of things from what you see here. There is a large gathering outside the hotel here, and you cannot see much intemperance amongst them, or if you have, you have seen what I have not seen.

*By Rev. Dr. McLeod :*

8719*b*. You think that to-day, the fourth of July, we would see Winthrop at its worst ?—I should say so, and why not ?—It is naturally to be expected on an occasion like this.

8720*b*. What public position have you occupied, Colonel Wayne ?—I have represented our county in the State Legislature two terms, and I have represented our State in the Governor's Council one term.

8721*b*. You know the State pretty well, I suppose ?—I ought to.

8722*b*. Looking at the prohibitory law, broadly and generally, do you believe that the prohibitory law has had a good effect on the State of Maine, generally speaking ?—I am ready to testify in the affirmative on that question anywhere and any time, and before any man or any men. I have not always been a temperance man myself, although I am to-day and have been for several years. I think that most of our citizens will testify with me, that our prohibitory law has done great good.

## Liquor Traffic—Maine.

AUBURN, MAINE, July 5th, 1893.

SIR JOSEPH HICKSON, Chairman; REV. DR. MCLEOD, and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this place this day and obtained statements in regard to the law prohibiting the liquor traffic.

W. S. LARRABEE, Chief of Police, Auburn, examined.

*By the Chairman :*

8723*b*. How long have you been in office, Mr. Larrabee?—Since last January.

8724*b*. Can you tell us if those figures in the annual report of your city include the whole of the arrests made by the police?—Well, I am a pretty plain speaking man. At the end of the present year I can say to you that my report will include the whole number of arrests. But to my knowledge, and I have one of the former officers here, there have been quite a number of men arrested and locked up, sobered up and turned out.

8725*b*. And they are not included in this list?—They are not included.

8726*b*. Are they a large number?—Formerly there was quite a large number locked up and let out again.

8727*b*. Have you any record in your office which would show the number of persons let out and not put down on your reports?—No, there was no record made of them at all, they were simply put in to cool off.

8728*b*. Those figures would not accurately represent the number of arrests for offences in the city of Auburn during the year 1892?—No, they would not.

8729*b*. You made a return on the 30th of June for your first quarter in office?—I did.—(Appendix No. 4).

8730*b*. I see that there were 48 arrests for intoxication during that period?—Yes, including one common drunkard. I may say, however, that there were a few who were only locked up.

8731*b*. Did they count in on the report?—No.

8732*b*. Is there any other class of offenders who were let off in that way?—Yes.

8733*b*. What class?—I think there were some mere children accused of petty larceny, but the parties in the case did not appear and they were dismissed.

8734*b*. What number of policemen have you?—I have four at night and one in the daytime.

8735*b*. What is your population?—Between eleven and twelve thousand.

8736*b*. Have you any open drinking shops here?—None at all.

8737*b*. Is there any liquor sold illicitly here?—A little. We caught some parties recently who had been peddling from the pocket.

8738*b*. Have you many druggists and chemists?—We have four in Auburn.

8739*b*. Do they sell liquor?—I do not know. I do not think so.

8740*b*. Have they all United States liquor tax papers?—I do not think so, they do not sell liquor so far as I know. I do not know of a liquor license existing in Auburn.

8741*b*. Do many of your business people live over in Lewiston?—No, but there are men who do business in Lewiston and live in Auburn.

8742*b*. Do you know if much liquor is brought over from Lewiston here?—There is some of the pocket peddling business.

8743*b*. Do you know if much liquor is used in the residences of your citizens? I do not mean abuse but use?—Do you mean those who have the right to use it?

8744*b*. Yes?—I think it is very limited. I do not see much of that thing at the depots, but how much the city liquor agency has, I cannot tell.

8745*b*. What were the sales of the liquor agency last year?—I think between fourteen or fifteen thousand dollars.

8746*b*. Do you consider that that is a large sale for a liquor agency?—Yes, I do not think that it is all for medicine.

8747*b*. Have you formed any idea as to how much of it would be for medicine?—No. I have made some complaints about the liquor agency for selling liquor to parties who, I do not think, made a good use of it.

8748*b*. In 1890, the sales amounted to \$3,168 and in 1892 over \$10,000. What explanation do you give for that increase?—Well, if the agent was sitting right here in the room I should say that they got liquor at the agency too easily. They get it for the asking of it, almost.

*By Mr. Gigault :*

8749*b*. Have you any clubs here?—I do not know of any.

8750*b*. Have you no trouble with liquor here?—A little, parties have a right to send to Boston and get it for their own use, and they take it into a tenement house where there are nine or ten families. It is stated that sometimes they sell on Saturday night and on Sundays but there are so many people going into this tenement house who live there that it is hard to find it out. Among the American people, there is nothing of that kind; except at one place here where we have got some.

*By Rev. Dr. McLeod :*

8751*b*. Does the law do any good here?—Yes, if a man has a mind to keep it.

8752*b*. Do you find that they have a mind to keep it?—Well, I think they have in the city of Auburn.

*By Mr. Gigault :*

8753*b*. How do they keep it in Lewiston?—I do not think they keep it so well there.

FOREST E. LUDDEN, City Clerk of Auburn.

In reply to the Chairman said that he had heard the evidence of the Chief of Police and to the best of his belief it was true.

BENJAMIN T. HILL, High Sheriff of Androscoggan County, examined.

*By the Chairman :*

8754*b*. Have you made any seizures of liquor recently, Mr. Hill?—Since January last I have made a large number of seizures, probably over 200.

8755*b*. Have you any idea of the quantity of liquor seized?—Somewhere from 10,000 to 12,000 gallons. One-third of it would be liquors, such as beer and ale and wine.

8756*b*. Do you ship that liquor to Boston?—We do if it contains over twenty per cent of alcohol.

8757*b*. And the man with whom you have the contract for taking it, pays directly to the treasurer of the court?—Yes.

8758. You have seen this long list of seizures in the Lewiston Journal of July 1st 1893.—Yes. (Appendix No. 5.)

8759*b*. Is it correct?—Generally, it is correct. They have not got down all the liquor, but it is pretty nearly correct.

W. S. LARRABEE.

## Liquor Traffic—Maine.

8760*b*. Would we be correct in inferring from that, that there was a large number of persons selling liquor in Lewiston?—I should think there would be.

8761*b*. And that a large quantity of liquor was being used?—Yes.

8762*b*. Do you consider that the law was efficiently enforced prior to your being sheriff?—I cannot answer that question.

8763*b*. At the present time do you think there is a large quantity of liquor sold in Lewiston?—Not so much as there has been.

8764*b*. But still there is liquor sold in Lewiston?—Oh, certainly. If you had fifty men, you could not stop some of those places selling liquor. The worst places we have to do with are the kitchen bar-rooms.

8765. I suppose that Lincoln and Lisbon Streets in Lewiston are two bad localities?—Lisbon is not as bad as Lincoln Street.

8766*b*. Have you any idea of how many places are selling liquor in Lewiston?—I do not know, at the present time, but I should say that there were 250 at one time. They bring in jugs and dispose of the liquor on Saturday night and on Sunday.

8767*b*. How many places are selling now?—I have no idea.

8768*b*. Is there is much pocket peddling going on?—There is some. We have made seizures and, in some instances, only found half a pint of liquor, but in others the quantity was larger.

8769*b*. Are the chemists and druggists selling liquor?—They are.

8770*b*. For beverage purposes?—Yes, some of them.

8771*b*. How is it in Auburn?—Auburn is a temperate place and always has been.

8772*b*. Is there any liquor sold in Auburn now?—I do not think there is any outside of the town agency.

8773*b*. How do you account for the great increase in the sale of liquor at the agency during the last couple of years. Do you think that all the liquor sold there is for medicinal and mechanical purposes?—No, I do not think it is. I think a great many who go there do not get it for medicinal purposes. You have only to go across the river, however, and you can get it.

8774*b*. I suppose that any one could get a supply of liquor over in Lewiston?—Yes.

8775*b*. Do you think that the law can be enforced in Lewiston?—I think we will be able to clear them all up with the exception of the kitchen bar-rooms; it is very hard to get at them.

8776*b*. You have a majority in Auburn in favour of the enforcement of the law?—Yes.

8777*b*. What proportion of those would you say were total abstainers?—That is pretty hard to say.

8778*b*. Have you any idea of the number of total abstainers in Lewiston?—No, I cannot tell you that.

8779*b*. Could you have seized such a large quantity of liquor as you did if there was no demand for liquor among the people?—I suppose not; there is always a demand for liquor. If you do your duty faithfully, you can do a great deal towards the enforcement of the law. I think, from the way we are enforcing the law now, that after a few years it will be almost impossible to get a drop of liquor.

8780*b*. How do you account for the increase of the sales of liquor in your agency?—There may be some of our young men who found out that they could get a bottle of liquor here at the agency. They go to the agency and say some one is sick, and get liquor. If they know the applicant is a respectable man they give it to him without any other questions being asked.

8781*b*. You think that the sales at the agency here are not confined to the purposes contemplated by the Act?—I think so.

8781½*b*. Referring to the report of 1893, of the persons committed to the Androscoggan jail, the chairman asked the sheriff if the 542 persons reported as being committed for the year ending November, 1892, were all sentenced by the court?—Yes, certainly.

8782*b*. The 369 persons reported as committed for drunkenness include all sentenced by the court for that offence?—Yes.

8783*b*. The number committed for non-payment of fines, namely, 325, would be included in one or the other of the previous mentioned classes?—Yes.

LEWISTON, MAINE, July 5th, 1893.

SIR JOSEPH HICKSON, Chairman ; REV. DR. MCLEOD and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

NAPOLEON LAJEUNESSE, Deputy Marshal of the city of Lewiston, examined.

*By the Chairman :*

8784*b*. How long have you been connected with the police force?—I have been connected with the police force of Lewiston going on three years, and I have been deputy marshal two years.

8785*b*. Is it your duty to attend the court?—Yes, I am called upon to open the court and to close it.

8786*b*. Had you many offenders before the municipal court this morning?—No, I do not think we had any for intoxication, this morning.

8787*b*. Were there any intoxicated persons around the city yesterday?—Yes, we had some. We had a few strangers locked up from outside the city, and as the trains left, about half past eleven, we thought it better to let them go home. We had three such cases.

8788*b*. Are we to understand that none of your citizens were offenders yesterday?—We had one citizen, who does not live here just now ; he was drunk, but we liberated him as he wanted to go home. On an occasion like the 4th of July, we have to be a little more lenient with them.

8789*b*. I find by the city report, that the number of arrests for intoxication last year, was 245, and the total arrests were pretty nearly 500. There are 419 reported, of which 312 were for intoxication?—Yes, I think that is about right. I think that would be the average for a number of years.

8790*b*. Is that the total number of arrests?—Out of that 312 there might be 10 or 12 more that we let go. They were probably strangers belonging outside the city, and we let them go when they were sobered up.

8791*b*. Do you include, under the head of arrests, all persons you arrest?—Yes.

8792*b*. Does that include all who were arrested for intoxication?—Yes. The number of arrests for intoxication was 265 this year, as against 312 the previous year.

8793*b*. Are you very strict in arresting all offenders in this city?—Yes, the discipline of the department here is quite severe.

8794*b*. Have the police instructions to arrest every one they find on the street in a state of intoxication?—It is their duty to do so, and they generally do it.

8795*b*. Even if the intoxicated persons are not creating a disturbance?—Even if they are not creating a disturbance. If they are under the influence of liquor they must be removed from the street.

8796*b*. If the police find a man heading homewards, and he is known to them would they not assist him home rather than take him to the police station?—Yes, in the case of a citizen who was under the influence of liquor and who was able to go home they would accompany him as far as his house. We have quite a number of good citizens who indulge sometimes.

8797*b*. Are there any persons whom you let go in the morning without bringing them before the municipal judge?—Not very often. There might be 12 such cases in a year on an average.

NAPOLEON LAJEUNESSE.

## Liquor Traffic—Maine.

8798*b*. Of these stated to be arrested for drunkenness, can you give us any idea of what proportion are native Americans?—Most of those arrested last year were Irish and Americans, but more Irish than Americans. I should say they were about half Irish, and a little more than a quarter Americans, and the balance French and Germans.

8799*b*. How long have you lived in Lewiston?—About fifteen years. I was born at Back River, near Montreal.

8800*b*. Is the prohibitory law, as far as you have had occasion to observe it, well enforced in the city of Lewiston, and has it been well enforced during the fifteen years you have been here?—It has been very well enforced, but still they do not seem to be able to stop the drinking.

8801*b*. Whose duty has it been to enforce the law?—We have here the county sheriff over at Auburn, who generally works with three or four of his constables and keeps them busy all the time at that: and then the police force also enforce the law. The county sheriff and his deputies generally serve the warrants.

8802*b*. Is there, at the present time, much liquor sold in the city of Lewiston?—I believe there is more liquor sold here to day than ever there was, although they have enforced the law pretty well here lately. For the last three or four years they have enforced the law as well as they could, but still they do not seem to be able to get rid of the selling of liquor. There was one time here that you could hardly get a glass of beer in Lewiston, but now you can get beer and ale. In Lisbon Street, I believe there are 100 places selling liquor, and in Lincoln Street, I think there are about 300 selling.

8803*b*. Is there any open sale of liquor in the city at present?—There are some places where they sell liquor openly. They are searched most every day, but still they keep right at it and sell again. I know parties here to-day that have as many as seven or eight cases against them in court since last term. They will come before the court and probably serve a year or two in prison, and while in prison their children or their wives keep on selling whisky. Sometimes they will settle with a fine and stop selling it for a while.

8804*b*. How openly do they sell liquor here?—Not exactly as openly as they do in Montreal. They have no open bars here the same as they have there. They have bars here at the back of the store, but they have what they call strong rooms, with thick doors about six or seven inches thick, and bars on the door; they generally know their customers pretty well, and they open the door for them when they want a drink. They have a little hole to peep through, and if they know their man they will open the door for him and let him in, and then they will pull down the bars on the door. Sometimes the sheriff comes in to search, and while he is trying to force the strong door the man has time to take his liquor and spill it into the sink, and, of course, when the sheriff comes in-side the room he does not find anything; sometimes he does and sometimes he does not.

8805*b*. Have there been recently any wholesale liquor houses in this city?—There have been wholesale liquor dealers until about the month of December last. They have attempted the business since, but they have lost considerable liquor.

8806*b*. How many wholesale places were known to exist in the city at that time?—There were about a dozen of them.

8807*b*. And they supplied liquor to other persons?—They supplied liquor to the retailers about the city.

8808*b*. When they were visited by an official, did they pursue the same course with regard to turning the liquor into the sewer?—The way they generally did business was this: They would have a car load of liquor, say from Boston. Part of it would be consigned to each of these retailers, and in the night when this car arrived they would have truckmen who would go around and deliver the goods immediately. The truckmen would take four or five orders to fill for certain retailers. He would go to the car, take the liquor and deliver it immediately to the retailer. The moment the retailer gets the liquor in his hands, he takes care of it, and he is supposed to hide it or sell it. Sometimes they are caught in the act. When these retailers get the liquor they have connection between their stores and the main sewer, and if the sheriffs are going around and they expect to be caught, they will empty the liquor into the sewer. How-

ever, some of these dealers carry on business very well. They stand in with the sheriffs. We have had that corruption of deputy sheriffs here for many years. I know sheriffs to-day that would do most anything for \$100. The law here can never be enforced; they can never enforce it the way they are doing; the enforcement of the law is in the hands of political parties, and that is my fair, conscientious opinion about it. They use the law for political purposes, and there is not much attempt made now, I should think, to go for the Republican dealers. We had two wholesale liquor dealers here, one of whom was an alderman; they are now pretty well off, and they made their money in the liquor business. They have succeeded under most every sheriff of the county to corrupt the deputies, and they managed to get in their liquors without being troubled. To-day they cannot very well sell liquor, as they used to. One of those wholesalers now is said to have a hold of the county sheriff. He can get his liquor in here without being troubled, and he can get all he wants of it and sell it pretty openly. His teams will go through the streets and nobody ever touches them.

8809*b*. Why is that?—That is because he is a Republican. He used to be a Democrat, as long as the Democratic administration favoured him, as long as he could get anything from the Democrats to stay on their side; but this spring he thought he would have more chance by helping Sheriff Hill to be elected as county sheriff, and he did so. In the spring campaign and last fall he worked for the Republican side; I suppose they have to pay him for his services. He has quite an influence in town and he commands in Ward Three pretty nearly the majority of the voters, and he was pretty nearly being the cause of our losing Ward Three. The Democrats expected that he would make this change to the Republicans, and he took the risk for the sake of being protected by county Sheriff Hill.

*By Rev. Dr. McLeod:*

8810*b*. Do you think the sheriff protects him now?—I think the sheriff to-day is ready to do most anything for him. The system they have here of enforcing the prohibitory law can never succeed because it is used by the politicians. It is a political farce and nothing else, and it is just the same in Portland and just the same in Biddeford, just the same in many of these large towns in Maine. If the party wants the votes they are ready to do as much as they can for the liquor sellers. The county sheriff of course, has a good deal of control over his deputies. The city of Lewiston has been Democratic for the last three or four years, and the county is Republican and the sheriff is Republican, and it is a fight, right along, of the city against the county sheriff. The police force of Lewiston feel inclined to favour a license law, and they do. The Democrats of the State of Maine favour high license, because we think that it is hopeless to get any good out of the prohibitory law the way it is carried out. If an officer to-day was to do his duty here, he would be kept pretty busy, seizing liquor right along. It is not the duty of a police officer to seize anything until the warrant is put into his hands.

8811*b*. The policemen do not do their duty, then?—They do it to a certain extent, but they do not like to be bothered with this law.

*By the Chairman:*

8812*b*. If there is liquor sold anywhere, would they rather not see it; would they pass the other way?—It is a fact that for two years the police force has not meddled with this business at all. We let the county sheriff do the work. I am just telling you the plain facts, but some people might deceive you about it. I am right in the heart of the business, and I know how it is carried on. This law can never be enforced here; and I can tell you from my experience of both places, that in a city like Montreal, you could never enforce the prohibitory law any more than you can here.

*By Rev. Dr. McLeod:*

8813*b*. If the law were taken out of the hands of political parties, would there be a chance to enforce it?—Possibly there might, but then the laws are too arbitrary altogether.

NAPOLÉON LAJEUNESSE.

## Liquor Traffic—Maine.

*By the Chairman :*

8814*b*. Do you think that high license would work better than prohibition here ?  
—Yes.

8815*b*. With local option ?—Yes ; that would be good.

*By Rev. Dr. McLeod :*

8816*b*. Has the population of Lewiston increased during the 15 years you have been here ?—Yes ; greatly. I think the French population alone since 1890 has increased three or four thousand. When I first came here, there were 16,000, but now there are 25,000 population. The city of Lewiston is progressing and growing.

8817*b*. Most of that increase of population, during the past fifteen years has been French ?—Yes.

8818*b*. About what proportion of the total population of the city is French ?—The population of the city is over 25,000 and there are 16,675 French people. When I first came here there were only about 15,000 French.

8819*b*. Who is the present mayor ?—Mr. Chandler ; he is a Republican.

8820*b*. You have a Democratic police force and a Republican mayor ?—Yes.

8821*b*. Have you a Democratic town council ?—We have a Democratic city government, only the mayor is a Republican. The Democrats carried four wards, and the Republicans three wards, but the Republicans carried the election.

*By Mr. Gigault :*

8822*b*. Do you believe that the prohibitory law here is promoting temperance ?—No.

8823*b*. From common report, what proportion of the male population of Lewiston, would be total abstainers ?—That is a very hard question to answer ; but there is a temperance society here, that includes about 500 members.

8824*b*. What temperance society is that ?—It is the Irish Catholic Temperance Society.

8825*b*. They are total abstainers ?—Yes.

8826*b*. Is it attached to the church ?—Yes ; it is carried on by Father Wallace. As a general rule there are but few total abstainers in Lewiston outside of this society I have mentioned. I do not think you can find five per cent of the population total abstainers.

8827*b*. Is there not a prohibitory law here ?—There is.

8828*b*. Are not these prohibitionists total abstainers ?—The prohibitionists do not live in towns, they live in the rural districts.

8829*b*. How is it prohibition gains in the rural districts, but not in the city. Are there no prohibitionists in the city ?—Very few. The prohibitionists we have here drink just the same as we do ourselves.

8830*b*. Why ?—Because, I suppose, they like liquor and they use the prohibition law for political purposes. I have known several of them here who do that.

8831*b*. In the farming districts, are all the prohibitionists total abstainers ?—No, they are not. There are lots of farmers here that do just about the same as they do in Montreal, when they go into the city they vote a prohibition ticket, but when they come to town and they have a chance to buy a bottle of whisky, they will do it just as quickly as any drunkard would.

8832*b*. Do you believe that the prohibition law is not promoting total abstinence ?—It is completely useless here the way they are carrying it on. It is disastrous to the people.

8833*b*. We have been told here that a liquor dealer does not dare to refuse liquor to a drunkard, because that drunkard might go and lodge a complaint against him and have him fined. Do you believe that to be the case ?—That is very true. These people have no license, and they are afraid of being informed on, and they want to live, and there is such a number of them selling liquor that there is no decency at all about the business. For the sake of making ten or fifteen cents they would sell to a man who is a drunkard.



8834*b*. Do you believe that under the license system, liquor dealers would be in a better position to restrict drunkenness?—Certainly. I was in the hotel business myself in Montreal. We had an hotel at the Back River. We had no police force there. I was there 18 years with my father. We had a license, and we would not sell liquor to a drunkard; but here the rumsellers endeavour to sell all the liquor they can. You cannot stop them from selling liquor; you might as well try to stop the Androskoggin river from flowing, as to try and stop the sale of drink here, or any other large place. They sell even in private houses; it is shameful the way they sell in the families where there are six or seven grown up daughters. They take in a barrel of beer and sell it right under the noses of their children, and the drinkers will come in and drink and curse and swear and use bad language, and what is the result? These girls are there and they hear the whole thing.

8835*b*. I may tell you that this morning the priest told me the same; that the effect of this prohibitory law here was very demoralizing?—That is a fact. In a decent hotel if a blackguard wants to do anything wrong they can put him out or get the police to protect them, but here they cannot do any such thing, because he will run out a warrant against them and have them fined. The prohibitory law in this State is, in my opinion, completely useless. I believe that any man who has lived under license, as I have, will believe that the system here is not right.

8836*b*. You have spoken about the habits of the farmers here?—Yes.

8837*b*. And you had some experience of the farmers of the province of Quebec?—I have.

8838*b*. Do you believe that the farmers here drink as much as the farmers in the province of Quebec?—I believe they are a good deal worse, and drink a good deal more as a general thing; at all events, they drink as much. If you came here to a State fair in the fall, when all the farmers are here, when 25,000 or 30,000 are congregated, and look on the behaviour of these people, you would think that they are not civilized. A good many come to town to have a good time, and I tell you they do have it; but yet they will turn right around and vote for prohibition laws.

*By Rev. Dr. McLeod:*

8839*b*. Why do they do that? It seems difficult to reconcile the two statements?—They do it for politics.

*By Mr. Gigault:*

8840*b*. They are prohibitionists, but not total abstainers?—That is just what they are.

8841*b*. What about the druggists in Lewiston; do they sell liquor?—Most of them do it. I do not believe there are two drug stores in the town that do not sell liquor.

8842*b*. How many apothecaries have you here?—Of good, decent apothecaries, we have six or seven; but there are 150 apothecaries stores, and not one druggist in most of them. It is liquor they sell.

8843*b*. If they were genuine druggists, do you think a less number would be sufficient?—I think four or five genuine druggists could make a decent living here and a little money out of drugs alone. I have never counted the drug stores here, but there are a good number.

8844*b*. You think there are 150?—There are surely that number. There are four or five drug stores that really make up prescriptions for patients, but some of the others will not make up one prescription in the year, for the good reason that they have no druggist there and cannot do it.

*By the Chairman:*

8845*b*. You are not mixing up regular medical practitioners with apothecaries?—I mean men who keep shops, and most of our drug stores in Lewiston keep a little liquor. Some of the decent drug stores, I suppose, get a few bottles of brandy or wine in case they need it for their prescriptions, and they take out a Federal license for that. However, most of the drug stores here sell liquor.

NAPOLÉON LAJEUNESSE.

## Liquor Traffic—Maine.

*By Mr. Gigault :*

8846*b*. Do you have races here?—Yes.

8847*b*. Is there drinking at these races?—There is.

8848*b*. Is there open sale of liquor?—Not just on the ground, but they get liquor from outside ; they buy it and put the bottle in their pockets. I would like you to be here next fall, and you would see what kind of people these farmers are in the rural districts. They will come here and they will block their pockets with bottles and drink the liquor right openly on the ground, but still they vote for the prohibition law.

8849*b*. How is the city liquor agency working here?—It is working pretty good. They sell a little liquor, but not much. Most of the selling is done outside the agency.

8850*b*. I suppose there is no necessity for the city liquor agent to sell for beverage purposes here?—Hardly any ; those who buy at the liquor agency come and give their name. The liquor agent will say : “for medicinal purposes?” and the applicant will say “Yes.” In ninety-nine cases out of a hundred, there is not one party who needs it for medicinal purposes. He wants it to drink. I am right in the city hall building, where the liquor agency is, and I see it going on every day. Even some of those farmers that I know are drunkards and have arrested myself, come to the liquor agency and say they want it for medicinal purposes, and they often get drunk on it before they leave town.

8851*b*. Are there any clubs in this city?—There are several clubs, and some beer clubs.

8852*b*. And they drink liquor there?—They have their liquor come every day and nobody can interfere with them.

8853*b*. Is the membership of these clubs very numerous?—I should say that each of these clubs have 40 or 50 members.

*By the Chairman :*

8854*b*. Have they got a room to meet in?—Certainly. They have halls where they meet every evening or during the day. They will go in there and have three or four or five kegs of beer kept and all kinds of liquor. I have more trouble with some of these clubs than with the dives ; we are obliged to go up there and stop them.

*By Mr. Gigault :*

8855*b*. How many of these clubs have you in Lewiston?—I think last spring there were 10 or 12 different clubs where liquors were used.

8856*b*. Does the sheriff interfere with them?—He does not interfere with the clubs.

8857*b*. Have these clubs existed for a long time?—They are existing now.

8858*b*. How long have they been in existence?—It is only about five or six years ago they started these clubs.

8859*b*. When you came here, how many clubs were there?—I do not think there were any. Of course it is the enforcing of the law, I suppose, that led them to open these clubs ; they thought they could get their liquor easily and would not lose it, and it was a little easier for them.

8860*b*. I understand that several years ago the law was better enforced?—I believe it was. The city of Lewiston at that time was a Republican city, and so was the county, and both the county and the city worked together, but now they are divided and there is friction.

8861*b*. I have here the civic address of ex-Mayor Newell, in which he says : “The law does not mean that a warrant shall be taken out of court by an officer and that before searching the place described, a trusted friend shall call on the owner and notify him that the officers are about to come.” Is that true?—Certainly, Mayor Newell could tell you that.

8862*b*. He says further : “It is a matter of common knowledge that this method is pursued?”—Yes, that is the case.

8863*b*. Is there a State constable here?—Yes.

8864*b*. Is he appointed by the Governor of the State?—Yes. There are two state constables and two deputy sheriffs, named by the sheriff, so that there are four constables and a sheriff. The county sheriff has the power to appoint whomsoever he thinks fit to be a constable.

8865*b*. These constables are appointed by the Republican party?—Yes, and they enforce the law upon the Democrats, but they do not enforce it upon the Republicans.

8866*b*. But both parties are supposed to enforce the law here; the authorities of the State and the authorities of the city?—Yes.

8867*b*. And yet the law is not enforced?—No.

8868*b*. Ex-Mayor Newell, in his address says:—

“I am opposed to the entire system. The State constable and deputy sheriff regime has been not only a disgrace to the appointing power, but to the people of Lewiston. They recognize no responsibility to the people or the State, but pin their faith to some political boss. The system itself is at variance to every idea of self-government. There is no considerable portion of our citizens who desire the further continuance of this method of doing business. It is generally understood that these men are not engaged in an honest and legitimate attempt to enforce the law. It brings discredit upon the city, it makes a class of criminals, and it prostitutes the power of the highest tribunal of this State to political purposes. I have said to you, gentlemen, but a little of what is known, not only to you, but to myself and every citizen. It is not possible at all to draw a line between the rumseller, the rum sympathizer, the temperance advocate, and the temperance reformer. There are times during the year when the interests of all the above classes become so intermingled that it is difficult to distinguish to which class a certain coterie of each kind belong, for the reason that they all work in the same line, to accomplish the same result, and forget for the time being, their differences?”—That is a fact. That is very true; that is one of his best efforts. Ex-Mayor Newell was a Democrat, and the county attorney.

8869*b*. Ex-Mayor Newell in his address protests against the appointment of these constables and deputy sheriffs. He says: “With the advent of the State constable and deputy sheriff regime for the enforcement of the prohibitory law, the special work of the police force in this direction, came to an end?”—That is it.

8870*b*. Ex-Mayor Newell adds: “When these men are removed, I will take hold of this vexatious question and use my best efforts to see that the law is properly enforced, so long as the sheriff of this county, and so-called temperance men of the city, join hands for the protection of the liquor traffic, I shall use the police force for its legitimate purpose, to maintain the good order of the city. I shall enter into no competition with them?”—That is right too. Mr. Newell was elected in 1890, and served in 1890-1891. Last spring Mr. Seth D. Chandler was elected. During Mr. Newell's administration we had four deputies, two from the State and two from the county. I have known these men to go around the streets from one saloon to another, and collect their monthly fees for the protection of the rumsellers. They would take ten or fifteen or twenty dollars, according to the agreement. It was done here in broad daylight.

*By the Chairman :*

8871*b*. Do you mean they accepted bribes to that extent to refrain from prosecuting the sellers?—Exactly. They protected those who were engaged in selling liquor; they allowed the liquor to go untouched. It was a dirty piece of business.

8872*b*. How does the prohibitory law work in Auburn?—Well, they are a little more careful over there. They sell some liquor, but they sell it on the quiet, and they are nearly all one party over there—they are nearly all Republicans; whatever Democrats are over there, are so few that they dare not act. It is a little different population from what it is here, especially in the upper part of the town.

*By Rev. Dr. McLeod :*

8873*b*. The Republican administration over there enforces the law?—The parties are not so evenly divided. You never hear of a seizure, but still there is liquor sold there; they are very quiet about it.

NAPOLÉON LAJUNESSE.

## Liquor Traffic—Maine.

8874*b*. Were very many people in town yesterday?—There must have been 30,000 strangers in the city.

*By the Chairman :*

8875*b*. What is the strength of the police force here?—Twenty-one men, composed of the city marshal, the deputy marshal, the captain of the night watch and the men.

8876*b*. Has your police force been increased of late years?—We had an increase of a few men this year.

8877*b*. You have told us that you think the return of arrests last year was about the average for several years past, according to population. You have nearly 19 persons per 1,000 arrested during the year. Bangor had nearly 88 per 1,000 of the population, and Portland had nearly 35 per 1,000 arrested. How do you explain the very low ratio of arrests in this city?—This last year finished in February. The statement, I think, was not exactly correct. There were some persons arrested for intoxication who were let out by the marshal.

8878*b*. I am speaking of the arrests stated in the marshal's report?—There were surely more than 312 arrested for intoxication; but of course there were a few cases that were let out.

8879*b*. Are they not given in that return?—Not in that return. That return has the number of persons that came before the court. There were a number arrested and not entered on that report for drunkenness. It is in the report of the police department, but not in that report. That report is taken from the records of the court. I am not surprised at Portland having more intoxication than we have; it is a seaport town and lots of sailors come in full, and when they come ashore they make a noise.

8880*b*. What I want to understand is, are the figures mentioned in this report, simply a statement of the cases that come before the court?—That is all.

8881*b*. Then you have a number of arrests of persons who do not come before the court, and are not included in this report?—Yes.

8882*b*. Could you get us a statement of them?—I think I could get them from the records at the police station.

WILLIAM H. NEWELL, ex-Mayor of Lewiston and ex-County Attorney, examined.

*By the Chairman :*

8883*b*. How long were you mayor of the city, Mr. Newell?—Two years; I went out of office last spring.

8884*b*. Did you hold any other office in the county?—I had been county attorney two years, and city solicitor here one year. I think in my inaugural address two years ago, I said what I had to say as to prohibition. What I stated there may be true or not, but at all events, it is what I believed to be true. I do not say this from the standpoint of a man who is in the habit of drinking liquor, as I never crossed the threshold of a saloon in this town in my life. I merely tell you what my observation leads me to believe about prohibition from my residence here of nearly ten years; in other words, this prohibition subject is entirely a political matter. That is the truth of it, and that is the ruination of it.

8885*b*. Have you seen any reason, since that address was written, to change your views with regard to the matter?—No.

8886*b*. Is the prohibitory law effective in restraining drunkenness in the city of Lewiston?—No, I think the prohibitory law, so far as the country portion of the State is concerned, is a success. Public sentiment backs it up, but so far as the cities of the State are concerned, I do not think it is a success in any sense of the word. For instance, I was in Augusta for some two weeks, when the Legislature was in session last

winter. The Governor, the Speaker of the House, and about every leading member of the House and Senate stopped at the Augusta House. There was an open bar in that house, and everybody knew it, and it was run all the time, and the highest officers of the State were right there and knew it and winked at it. That is one example of the way the thing is done.

8887*b*. Do you think you have more drunkenness in Lewiston now than you had ten years ago?—I have only resided ten years here, and I cannot tell you.

8888*b*. Have you noticed any change in the habits of the people in the use of intoxicants?—No, I think there has been the same amount of drunkenness here. There is no difference; they get all the liquor they want, and if it is not sold legitimately, it is sold illegitimately. In this city there are anywhere from 50 to 150 United States tax licenses, it is said. That all of these sell liquors, I have no question.

8889*b*. Do the chemists and others sell liquor?—The chemists and druggists are not allowed to sell. The legitimate drug stores do not sell liquor—that is, I can point to half a dozen or more legitimate business men of reputation who do not sell. What they do is this: every man who wants to sell liquor opens a sort of a drug store, he never sells any drugs or any medicines; and if you walk down Lisbon Street, you will see drug store after drug store that never compound any medicines.

8890*b*. Are they simply liquor shops?—That is all.

8891*b*. Does the sale of liquor take place in this city pretty openly?—Yes, there is plenty of it sold.

8892*b*. Have you had any wholesale liquor dealers here?—I shall have to give you hearsay for that. I know well enough that there are, but I could not testify to such a statement. We have two or three men here who are supposed to sell liquor wholesale.

*By Rev. Dr. McLeod :*

8893*b*. Do you know if they keep heavy stocks of liquor?—They do not keep it here. They do not keep any stock, they consign the liquor perhaps, ten or fifteen miles away, and haul it here. They carry it to certain places where they keep it.

8894*b*. Have you had an efficient police force in the city?—I so consider it. You understand the situation of the police force, so far as the liquor question is concerned. We have at the present time, two deputy sheriffs, whose entire business consists of the enforcement of the liquor law. I rather think that when I was mayor, they had two deputy sheriffs and two State constables appointed by the commissioner, who did no other business. By common consent, when these men were put on the police force they did not have anything to do with the liquor traffic, and the sheriffs did the business. I would not say anything about the two sheriffs that are there now, because I do not know anything about them, but up to the time of the appointment of those two, I do not think there was an honest man in the lot, nor do I think there was a man amongst them, who was not bought.

8895*b*. What do you mean by that?—I mean to say that a certain lawyer in this town is one man, the sheriff of this county is another man, the two liquor deputy sheriffs were two more men. This lawyer, as it is claimed, went around to the different men who wanted to sell liquor; one man paid \$5 a month, another \$10 and another \$15, according to his traffic and means. This lawyer collected the amounts; the sheriff had half and the other two had the other half: that is hearsay, but from everything that I could understand, it points in that direction.

8896*b*. And the sheriff of the county left the liquor dealers alone?—Yes.

*By the Chairman :*

8897*b*. You say it is hearsay, but do you believe it to be true?—Yes. Two years ago last fair time, there was an agreement between the hotel-keepers and liquor sellers in town that during fair time nobody should be touched for selling liquor, that they should be allowed to sell freely,

8898*b*. Who was that arrangement made with?—With the sheriff of the county, the hotel men and the liquor sellers. The leading grocer in this town was the middleman who did the business. It was reported to me what had been done, and I put on

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an extra force of policemen, and I can tell you that I believe that that was the driest week we ever had in Lewiston for ten years ; every one said so, and I attended to the business myself.

*By Rev. Dr. McLeod :*

8899*b*. Then you could prevent the sale of liquor?—It can be done, but no man will do it. I would not be mayor of this town for a good many thousand dollars and do what I did then. I meant to stop the liquor selling for one week, and I took the city marshal and my team, and we went over this town. I never went to the State Fair, I even went so far as to detail special policemen to stand right in front of certain men's stores throughout the day.

8900*b*. Do you object to saying what was your object in doing that?—My object was simply to experiment, I wanted to know whether it could be done, or whether it could not be done. It was an experiment, and I satisfied myself that I did not want to try to do it any further.

8901*b*. It was a success for that week?—Yes, and I think every one will tell you so.

*By the Chairman :*

8902*b*. Had you a great deal of personal influence with the offenders?—I am well known, but I did not call on any of them. Undoubtedly there were a good many men who stopped simply because it would have been a very disgraceful thing for me to have caught them, and there were other men who would not stop. I remember one man ; I put a policeman in front of his store, and every time the man went into that shop, the policeman went right in behind him.

8903*b*. As county attorney you had to prosecute all the cases of seizure?—Yes.

8904*b*. Had you many such cases in the county?—Yes, an enormous lot of them. The officers get their fees for search and seizure cases and there would be a great many seizures, even where they would find a spoonful in a bottle.

8905*b*. Were there cases where warrants were issued for search and seizure and no liquor was found?—Yes, a good many, and in some perhaps only a spoonful of liquor would be found.

8906*b*. Can you give us any idea of the number of warrants issued, compared with the number of cases where liquors were found?—I cannot give you that, but the clerk of the municipal court will tell you. There are a great number of what are called time warrants that are held over these fellows, but I never had anything to do with that. I had occasion to examine this matter from another standpoint. The statutes of the State provide that these officers shall seize the liquor and destroy it, and that the vessels containing the liquor shall be sold and the proceeds turned over. By actual count in the municipal court these two State constables in a little over a year made between \$1,800 and \$2,000, and they turned over to the State less than \$150. I think they pocketed the money : that is a matter of record. It is well understood that in some cases the liquor was not destroyed.

8907*b*. Is there a contract by which the liquor, when it contains a certain percentage of alcohol, is sent to Boston, or some place out of the State?—That is a new law. At present they do send their liquors containing 20 per cent of alcohol and upwards to Boston.

8908*b*. And the value of the alcohol in that liquor is returned to the county treasurer?—Yes.

8909*b*. And liquor that contains less than 20 per cent of alcohol is put in the sewers?—Yes.

8910*b*. Can you give us any idea of the proportion of total cases which come before the Supreme Court in this county that are liquor cases?—There is a large proportion of liquor cases ; I should say, as a guess, that probably four-fifths of them are liquor cases.

8911*b*. We examined the deputy marshal here this morning, and he told us that the annual reports of the city marshal do not really contain all the arrests, but are only a statement of arrests that come before the municipal court?—That is true. In a great many cases people are put into the station and are turned out in the morning,

provided there is no particular reason why they should be brought before the court. That statement that you have before you would not be a correct record at all.

8912*b*. Have you found, in the course of your professional duties as county attorney, that there is a great deal of false swearing in connection with these liquor cases?—I do not think there was ever an honest defence to a liquor case when I was county attorney. What I mean to say is this: there are certain men who defend these liquor cases; it is not the sort of business that the average practitioner desires, and they make up their minds what they want to prove, and they bring men into court to prove it. That is my experience, and I think that any of these gentlemen who will come to the courtroom and watch for a term or two terms the cases, will find that also. They make an all-round regular old defence, and I think you would be perfectly satisfied that there was perjury in almost every case. I think, regardless of politics or anything else, that any county attorney will tell you that. Henry Oakes, the present attorney, will tell you all about it.

8913*b*. How are matters over in Auburn with regard to liquor selling?—I think there is very little liquor selling in Auburn. You understand the reason. In this city there are little more than one-third who are French people, nearly one-third are Irish people, and about one-third are American people, so-called. These French and Irish people look at the subject of selling rum differently from what a Yankee does who is raised in the country. It is absolutely impossible to prevent these people selling rum, educated as they have been; they see no reason why, if they want a glass of liquor, they should not take it. In Auburn now there are no French people; there are a few Irish people, and most of the people are American born. I do not mean to say that the American born do not drink liquor, because the Almighty never made a cheaper human being than a cheap Yankee. There is no question about that. They do not have any liquor saloons in Auburn, but they come over here for it. I shut up the city liquor agency here when I was mayor. The agency sold \$12,000 worth of liquor in a year, and I said: "Well, I can get along without that, if the rest of you fellows can." I shut it down for two months, and the temperance man used to come around to see me about it. One of the leading temperance men in this town came to see me, and he wanted that agency opened, and I afterwards found that he wanted his son to go in there as agent to deal in liquor. In Auburn they would not sell any one from Lewiston liquor in their agency over there, and I shut up the liquor agency here. Legally speaking, they were correct in not selling it to Lewiston people in Auburn. I told them that they had no rum shops over in Auburn but that they could probably not find a place in the State of Maine where more men would drink liquor than in Auburn, but they came over here to get it.

*By Rev. Dr. McLeod:*

8914*b*. You made a reference to the sheriff. Is that the present sheriff?—No. The present sheriff went in there last January. I refer to Lambe, who was a rascal and recognized as such by his own political party.

8915*b*. Is the present sheriff as susceptible to this corrupting influence?—I think he is more of a man. I would not cast the slightest suspicion on him, because I do not know him.

8916*b*. The deputy marshal told us that certain of the leading dealers had made themselves solid with the sheriff?—That is the report, and he may know more about it than I do. I would not be in the way to know that. Lajeunesse is a very reliable man. It is true, and everybody knows it, that right straight along for the last five, eight or ten years, certain men have always sold liquor, and they have always got along all right. The next door neighbour to a certain man, who is selling liquor, may also sell liquor; one man gets off free, but the other is in a scrape from Monday morning till Saturday night. He is constantly being searched. You cannot get a respectable man to be a liquor deputy, and if you do get one, it is only by chance. I am a Democrat myself: the Republican officers have always been hard on Democrats when they got a chance. It was said to me, when I was mayor: "Let us look out for our old friends, and make war on the Republicans." I said: "No; if you want the prohibitory law in

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force, and you mean to enforce it, then we will take in every one of them." I would not raid one party and have the other go free, and, of course, they did not want that. I believe you cannot get a liquor deputy to do his business honestly. I called in, when I was mayor, as respectable an American as there was in town,—I mean that he was a good honest man—and I offered him a job during fair week to be one of the liquor constables. He said: "Do you want to ruin me? There is not money enough in the city to tempt me to take a job like that." The man was right, as it would ruin his character. I have said a great many things that perhaps would seem to be radical, and you may call in other men who will not agree with me. You can find ministers who will not agree with me, and you can find temperance men who will not agree with me, and business men; but I have made this statement to you about the prohibitory law as I understand it from my standpoint. I have not the slightest interest in it; I have not a client in the world who is in the liquor business, and I do not want to have any.

8917*b*. Is it a fact that the Democrats, as a party, are opposed to the prohibitory law and that the Republicans stand by it?—Well, the country people, regardless of party, believe in prohibition, that is, they would not drink openly if there was no law against it, because public sentiment is against it. The Democratic party do not believe in prohibition, that is, they tend generally towards license. The Republican party of to-day put prohibition into their platform, and they talk prohibition; but they do not mean anything by it.

8918*b*. Is there anything in the suggestion that the two parties here are evenly matched, and that both are disposed to court the liquor vote, which is solid, by tolerating violation of the law?—That is so all over the State. Both parties will get the liquor vote if they can.

### *By the Chairman:*

8919*b*. They are using this question of prohibition in politics?—Yes, and it is a disgrace to the politics of the State of Maine, that this thing is as it is. There is an enormous lot of crime and perjury and everything of that kind done in the name of temperance here. Now, I will give you an illustration of that, and this is true, and you can call the Rev. George M. Howe, of Pine Street Church, and he will tell you it is true, although it is no credit to him. When I was county attorney, there was a man brought up on three indictments, I made him pay \$250 fine, and I held one indictment over him, to which he had pleaded guilty, with the agreement that he would go out of the liquor business. Within four weeks after that, he came into open court, after promising to go out of the business, and I found a lot of liquors in a truck on his premises. I told him if I ever caught him again, when I was county attorney, that he would get his medicine. That man afterwards got fined and was put in jail. The first man to come and ask mercy in his behalf, and to see if he could not get him out of jail, was the leading Congregational minister in this city. I go to his church. That will give you an idea of how things work here.

8920*b*. Was the man who was in jail a member of the congregation of that clergyman's church?—No; he was a Catholic, and a Frenchman.

8921*b*. What actuated the minister to try and get him out of jail?—I guess he thought he could convert him.

8922*b*. It was a benevolent act then?—I do not know that. I never could figure it, and I told the minister what I thought about it.

8923*b*. He leaned towards what he thought was kindness?—I do not know, but I thought at all events that explained the whole thing in a nut-shell. If you pursue a man for selling liquor you will always get plenty of his friends to try and get him off. The grocery man comes in, and says he wants to get his bill paid, or there is some other influence about him. There is somebody under bond, and they go and say, "You must not pursue him as I want to get my money out of him, and anyway a man has got to sell rum to keep a hotel." That is the way they gather around a county attorney; it is not the men in the lowest walks of life who bring influence to bear in favour of the liquor sellers, it is clear up amongst all classes.



*By Rev. Dr. McLeod :*

8924b. Do you remember how Lewiston voted on the constitutional amendment?—I think there was a majority against it. I am myself in favour of license. From what I can see, I think it is the most decent way to handle the liquor business.

*By the Chairman :*

8925b. Would you not give country places the right to decide whether they should or should not have a licensed place in their midst?—I do not think that I would have any licensed places in the country.

8926b. Would you give them local option with high license?—Yes.

8927b. It was stated by General Neal Dow, in Portland, that if a man was known to drink it would hurt his credit at the bank and in the financial world. He did not say a man who was a drunkard, but a man who took liquor of any kind. Do you think the fact that a man took a glass of liquor would have any influence with the bankers as to his credit?—No. However, I agree with General Neal Dow in this, that I would rather do business with a man who is sober. I think, however, that if you met 500 of the best business men of this town, bankers and mill men and men of business, I honestly believe that on an occasion 450 of them would take a glass of liquor.

*By Rev. Dr. McLeod :*

8928b. Are they regular drinkers in Auburn?—Some are, but not many of the best business men.

*By the Chairman :*

8929b. Do you think that a very large proportion of the mill population of Lewiston are total abstainers?—A very small proportion I think. Although, in certain places a man might step up to the bar of a hotel and take a glass of liquor, he cannot do it here, he has got to go into a back door someway and skirmish around for it. A gentleman would not do that here.

8930b. They must lose their self-respect before they do anything of the kind?—Yes.

8931b. Do you think that the strict enforcement of the prohibitory law has had the effect of increasing the use of liquor in the homes of the people?—I have no knowledge of that, but it is generally understood that it has that effect. If you shut down on these places in Lincoln and Lisbon Streets, which are two business streets, for every place you shut down there you will open half a dozen kitchen bars and dives. It is not so easy to reach those places, and they are the worst things in the world.

*By Rev. Dr. McLeod :*

8932b. You have some such places here?—Lots of them.

*By Mr. Gigault :*

8933b. The State Government appointed constables here to enforce the law?—Yes.

8934b. So that the law was enforced, not only by the city constables, but also by the State authorities?—The State appointed constables, and it was also the duty of the sheriff to appoint constables to enforce the law. The police force did not interfere much with the enforcement of the liquor law, but they left it to the sheriffs. The non-enforcement of the law here is due as much to the Republican party as to the Democratic party, there is no question about it.

8935b. You believe that there is a good deal of political favouritism here in the enforcement of the law?—I have no question about it. I was mayor and county attorney at the same time, and the late Governor Dingley's paper, the *Lewiston Journal*, would say: "You are mayor, and of course it is your business to enforce the prohibitory law." To-day there is a Republican mayor and a Republican county attorney, and they are selling liquor just the same as ever they did.

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8936*b*. Though the Republicans speak a good deal about enforcing the law, yet they do not enforce it?—No.

3937*b*. Is there a good deal of drinking at the State fairs?—Yes. Did you get here yesterday?—Well, it was the Fourth of July, and you can judge something of Lewiston from what you saw here. The city was very orderly and there was very little drunkenness, not more than you see anywhere. Of course there was plenty of drink to be had. You do not expect to find Lewiston with such a police force as you have in Montreal. We have not police force enough to keep order in the same way as you do there.

8938*b*. Did you ever come to Montreal?—Yes, I was there last fall.

8939*b*. Do you think it a very orderly place?—I think it was as orderly as any place I ever saw. It is a beautiful place. There is no question but that the people here yesterday could get all the liquor they wanted.

8940*b*. Do you believe that the prohibitory law is not promoting total abstinence?—No, I do not believe that any well informed man, who meets men, and who has lived here would say that it did. Of course General Neal Dow is an enthusiast on that question; I have heard him denounce Colonel Dingley in the city hall, and he is as radical a temperance man, as we ever had.

8941*b*. Why did he denounce Mr. Dingley?—Because he wanted some more special legislation done by the State of Maine on this prohibitory law business, and Dingley did not want it. Nobody can satisfy General Dow.

8942*b*. Do you know if the number of divorces in this county is increasing or decreasing?—I do not know about that. I should not suppose that they were increasing.

8943*b*. Do you know how many divorces are granted in this county because of drunkenness?—I think a great many are granted for that cause, but I do not know.

8944*b*. Have you given any attention to the question of the number of communicants in the Protestant churches?—I have not. The probability is, that the French people of this town are the church-goers amongst us, and probably the Irish people come next. We have quite a number of Protestant churches here, but I do not think the American people attend church as generally as they used to.

8945*b*. The statement was made to us yesterday in Winthrop, that the number of communicants in the Protestant churches was eight or nine thousand fewer than a few years ago?—I think that is correct. I think they are on the decrease.

8946*b*. And it was also stated that there had been about 150,000 increase amongst the Roman Catholics in the State?—I do not know about the figures, but I should judge that is correct. Our Protestant churches here are getting more or less aristocratic in their attendance, and the poor man does not find the door open to him as he used to. I am speaking generally and have no data.

*By Rev. Dr. McLeod :*

8947*b*. I suppose that there is more or less friction here between the Democratic and Republican officers? For instance, you have a Democratic municipal government and a Republican county government?—Yes, of course there are always a good many suspicions on one side or the other. You have, of course, to discount a good deal of what you hear.

8948*b*. Are you a native of the State?—Yes.

*By Mr. Gigault :*

8949*b*. Can you tell us if the facts mentioned in your civic address of 1892, were ever contradicted?—No living man ever disputed these facts. At that time there were three ex-mayors on the board of aldermen, and as I walked out of the hall, ex-Mayor Howard came along. He is a Republican, and a very partisan one, but a nice man, and he said to me, "What you have said, Mr. Newell, is all true." I knew that what I said in my address was true. I have been rowelled a good deal, and I meant to hit the nail square on the head, and I do not think my statements were ever contradicted.

ALONSO GARCELON M.D., ex-Governor of the State and ex-Mayor of Lewiston, examined.

*By the Chairman :*

8950*b*. Do you still practice your profession, Dr. Garcelon?—I am very busy now.

8951*b*. You are a native of the State?—I am a native of the State, born in this city. I entered on the practice of medicine here 55 years ago, and have been here ever since.

8952*b*. Are you the oldest medical practitioner of the place?—Yes, by many years. There are two or three who have been here quite a time, but I am the oldest practitioner.

8953*b*. Were you governor of the State on one occasion?—Yes.

8954*b*. Have you been mayor of the city?—Yes.

8955*b*. How long is it since you were mayor?—I think it was in 1872.

8956*b*. You have seen the working of the prohibitory law during all the time it has been in force, you have watched the effect of it. Do you think it has answered the expectation of its promoters?—It would be my judgment that it did not, although they profess to think that it has worked wonders, but those of us who look upon the prohibitory law from a practical point of view take a different view of it.

8957*b*. Is there any special reason which you can bring to our notice why you think the prohibitory law has not been successful in Lewiston?—The only reason is that it is not in accord with the popular view. The enforcement of the law is, of course, a very difficult matter. There are temptations placed before the various classes of the people that render the enforcement of prohibition a matter of a great deal of trouble, especially from the fact that it is not in accord with the honest sentiment of a very large proportion of the community. It is not in accord with the sentiment even of those who vote for it and who profess to be advocates of it. It has been made the political football of this State, and that of course is objectionable. So far as the working of the law is concerned it places before men the temptation to get money. The officials are subject to being bribed, and if the old adage is true, that there is scarcely a man who is not subject to a bribe, we have every reason to believe that it is true with regard to the enforcement of the prohibitory law by those in charge of it. These men who are accustomed to drink liquor and want to get it—I mean to say the lower class of people, the people who run saloons and those old grogeries that we were glad to get rid of—when they find that they can make more money by supporting the prohibitory law than by having a restriction of the sale of ardent spirits, then there is something wrong in the law itself, and that is one of the principal troubles in the enforcement of the law.

8958*b*. Have the attempts here to enforce the prohibitory law been spasmodic?—Exceedingly so. It varies with the different political parties controlling the State, that is more especially the case at election time. All parties shut their eyes to the enforcement of the law at elections, and the saloon-keepers say, “if this political party will promise me that I shall not be interfered with, I shall support that party.” Consequently the eyes of the officers about that time are closed. There may be a poor woman who perhaps wants to get a little bread for her children and who sells beer. The officers will raid her place, and make a parade about it, as though the law was being enforced very carefully, but big liquor sellers are allowed to escape. I do not mean to say, of course, that they can bribe the officers in all cases, but the working of the law tends that way.

8959*b*. Do you think that the prohibitory law in Lewiston has reduced the consumption of liquors?—I suppose it has reduced the specific amount of liquor that came into the stores.

8960*b*. But has it reduced the consumption of liquor?—I do not really think it has, because there is so much liquor drunk clandestinely and so much imported for private families, that I doubt if it has reduced the consumption. I am around a good deal in the practice of my profession, and I find it very difficult to find any one who has not a little liquor about the premises in case of need. I think in the majority of houses liquor

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is kept ; of course, I refer to private people who would not on any account be suspected of selling it.

8961*b*. Do you think the effect of the prohibitory law has been to lead those who drink to resort to partaking of a stronger description of liquors than they would if there was no prohibition ?—There is no sort of doubt about it, and we have many proofs of it. In the first place, since I have been watching the operation of the law, I have known the lowest and vilest of men to admit and point out cases where they have been applied to to supply a barrel of rot-gut. They have told the officers, and they have told others that they made this stuff on 12 or 14 hours' notice so that the man could have a barrel of rot-gut, or whatever you like to call it. Then there is another way in which the thing has been managed, and that is this : Certain persons have a receipt for manufacturing different kinds of liquor. If you inquired of the number of drug stores in this town, with 40,000 inhabitants, including Auburn, you would be surprised how numerous they are. I cannot enumerate them, and they are so numerous that it is difficult to count them. Every day I see drug store signs put up on places that I never knew to compound medicines. I do not refer to the real drug stores here, but it is well understood that a very large proportion of the so-called drug stores are kept by men who are dealing in some sort of illicit liquor and so-called patent medicines. They get raided once in a while, but they go right on all the same. It is a matter of surprise to most people that so many such stores can be supported within the city limits.

8962*b*. Are they all licensed apothecaries ?—I suppose they are ; I do not know anything to the contrary. I suppose there is no violation of the law on that point. I think you will find also that a very large proportion of the druggists have taken out United States tax certificates.

8963*b*. What is your opinion as to the operation of the prohibitory law generally throughout the State ?—Well, so far as I know, in many of the towns outside of the city and the larger villages it is not quite so easy for parties to get ardent spirits. I think, however, there is no town or village but that there is somebody in the town who knows where to get spirits and who does get them. There is a very common remark with people who go abroad—temperance men and prohibitionists, as well as respectable men in every walk of life—who come back here from a visit to Montreal or Quebec or Toronto, Washington, Cincinnati, Cleveland, St. Louis, that, "I have seen within the last few days more drunkenness in Lewiston than I have seen during my entire journey of so many months or weeks." This is a frequent remark, and it can be verified by the testimony of men who are not cranks, either as prohibitionists or anti-prohibitionists.

8964*b*. Do you not think that the law has had the effect of diminishing the use of liquors in the rural districts or townships ?—In some places that may be the case, but at the same time it is pretty difficult to get at the real facts as to the consumption of liquor. The express men are in every nook and corner of the State, and it is almost invariably the case that they are carrying liquor, ardent spirits, beer and everything of that kind. I was born and brought up in this town under what is called the free rum system, before prohibition was ever thought of. We occasionally had drunkards in the town, but you could count them on your fingers and there were very few indeed, but here in our streets now, you see the sons of respectable men, who have been brought up in this town and who have turned out to be miserable drunkards under our prohibitory law. I cannot account for that.

8965*b*. You have had a large influx of foreign population ?—Yes, but I am not speaking now of our foreign population. I am speaking of men who were born and brought up here and their fathers before them. Of course the influx of population has had an influence towards changing the habits and character of young men. Our foreign population have taken the place of the common labourers, and the sons of the older population have gone into railroading and electricity or some of those new occupations.

8966*b*. Do you think that there are more total abstainers throughout the State than there were twenty years ago ?—In proportion to the population, I do not think so, because a very large proportion of our increase has been of the foreign element. Almost all of our old country towns have diminished and are diminishing in population from year to year, and many of our most flourishing agricultural towns have not half the

population they had years ago. In this town and Auburn, and Biddeford and Waterville and two or three other towns the increase of population has all been a foreign element. We have an increase of about 15,000 in this town in twenty years, and that increase is almost all foreign.

*By Rev. Dr. McLeod :*

8967*b*. Do you think the old condition of things when they had the liquor trade licensed here was better than the present?—I spoke of the period when we had free rum. About 1840 they commenced the temperance movement, and they gave people a voluntary pledge that they would not use ardent spirits. After ten years the Washingtonian movement came in, and the people were then told “You do not know anything about drunkenness. We are going to run this thing now, and you temperance people can take a back seat.” In those days the temperance movement did not go in the direction of prohibition or total abstinence. Then they ran along pretty successfully. There were a good many drunkards that gave up drinking, but generally within a year or two, “the dog would return to his vomit,” and a large proportion of the drunkards fell back again. Some died and now and then, although it was very seldom, the men kept their pledges and tried to live up to them.

8968*b*. Do you think that early condition of things was preferable to the present?—I did not say that. I think that likely all over the world the conditions are changed. In that time there were a good many people who would go and make temperance speeches and at the same time have a bottle of whisky in their pockets, and that time is not entirely out of the memories of some of us.

8969*b*. I suppose that the population of Lewiston has increased very much since you began practice?—Yes. When I commenced the practice of medicine here we were on the confines of four counties. There were not more than three or four or five hundred inhabitants here.

8970*b*. You remember distinctly the agitation to bring about the prohibitory law?—Yes.

8971*b*. I suppose the State was pretty well stirred up on that question?—There was considerable excitement about it.

8972*b*. Did you get caught in the current of the agitation?—Well, no. I always claimed to be a practical temperance man, but I never had any very strong leaning for prohibition. When you say to a man that he should not do a thing, like drinking liquor, my experience has been in most cases that that is the very best way to persuade him to do it.

8973*b*. You did not favour the prohibitory movement?—I was willing that the matter should be left in the hands of the people.

8974*b*. What year were you Governor of the State?—In 1879.

8975*b*. Which party did you represent?—I represented the Democratic party.

8976*b*. Was that the time of the fusion arrangement?—Yes; there were the Republicans and the Greenbacks and the Democrats, and the latter two were fused.

A. D. CORNISH, Judge of the Municipal Court of Lewiston, examined.

*By the Chairman :*

8977*b*. How long have you occupied your present position, Judge Cornish?—I have been judge of the court since the 15th of March, 1876.

8978*b*. Have the cases of drunkenness coming before your court increased in that time?—No.

8979*b*. Are there more or less now than there were then?—Our population has increased considerably since then. I do not think there are any more cases of intoxication before the court to-day than then. I think they would average about the same per year.

ALONSO GARCELON.

## Liquor Traffic—Maine.

8980*b*. We were told to-day by the deputy marshal that the police do not include all the arrests for drunkenness, in their return to the city. He has told us that there are some drunkards who are let go and who are not included, and are not brought before the court?—Yes.

8981*b*. I see from the city report that for the year 1892 there are 312 arrests?—My judgment is that the number of prosecutions for arrests for intoxication has not materially increased, but you refer to the deputy marshal saying to you that all who were arrested were not prosecuted, nor are they included in that report before you. That is so. I have no doubt that many arrests are made, and that the parties arrested are released without being brought before the court.

8982*b*. Are there very many of those cases?—I have no means of knowing.

8983*b*. Have the cases which are called liquor cases increased or decreased?—Since the liquor deputies were appointed, 10 years ago, I should not say that the number would vary much from year to year. There are more prosecutions, of course, since the appointment of liquor deputies, who give their whole time to the enforcement of the prohibitory law. Previous to the appointment of special deputies, the matter was attended to by the police, but there have been more prosecutions since that.

8984*b*. Do the sheriffs come to you for warrants?—No, they go to the clerk of my court.

8985. And the warrants are issued from your court?—Yes.

8986. Are there a number of warrants issued against places where no liquor is found?—Yes.

8987*b*. Can you give us any idea of the proportion?—I think they would average from 200 or 300 warrants that are issued and search made and no liquors found.

8988*b*. What proportion of the total number of warrants would that be?—I do not know. Half the criminal business of my court is for cases of intoxication and for seizures of liquor.

8989*b*. What effect do you think the prohibitory law has had upon the sobriety, or the reverse, of the people here?—I have no doubt that it has greatly lessened the number of cases of intoxication.

8990*b*. Do you think that it has lessened the consumption of liquor?—Yes.

8991*b*. At any time during the period which you have presided over the municipal court, has there been any open sale of liquor in the city, that is what you would call open bars?—No, at no time in my recollection.

8992*b*. That is, the sale of liquor here has always been a secret sale?—Yes.

8993*b*. Do you think that the effect of the prohibitory law has been to lead to greater consumption of liquor in the homes of the people?—No, I do not think so.

8994*b*. Do you think that it has had the effect of leading the population to drink more ardent spirits and less of wines and beer?—No, I do not. A large number of the prosecutions are against parties who were selling beer.

8995*b*. Would you infer that more beer is consumed than spirituous liquors?—The spirituous liquors can be more easily handled, they can be brought in by express in smaller packages. Those who wish to sell liquor can get spirituous liquors more easily.

*By Rev. Dr. McLeod :*

8996*b*. Of course there are a great many difficulties in the way of the enforcement of the law?—Yes.

8997*b*. And you think that in spite of that, the law has been enforced in a way and has done some good?—I think it has, I have no doubt about it.

8998*b*. Somebody suggested to us to-day that there were 400 places in Lewiston where liquor is sold. What is your opinion about that?—I do not believe any such statement, it is nonsense.

8999. It was said that there were 300 places on Lisbon Street, and 100 places on Lincoln Street?—I believe that to be nonsense.

9000*b*. Do you believe that there are one-half of 400 places in this city where liquors are sold?—No.

9001*b*. What class of people sell liquor in this community? Are they respectable citizens?—No, there are no respectable citizens selling intoxicating liquors that I know of.

9002*b*. What is the feeling of the people generally here about the liquor trade? Is it that the liquor trade is not a particularly high toned business?—The feeling is decidedly against it.

9003*b*. The feeling here is to degrade the trade?—Yes.

9004*b*. Do you think that it is a benefit to the community to degrade the trade?—Yes, liquor selling is an evil.

9005*b*. Of those who appear before you for drunkenness, are a great many of them what we would call repeaters, that is the one man is brought up several times?—Yes.

9006*b*. From your observation and knowledge of the community would you say that three-fourths of the whole population of Lewistown are regular drinkers. I do not mean drunkards but regular drinkers who use intoxicating liquors more or less?—That is a pretty hard question to answer. I do not know what the habits of the people are.

9007*b*. The statement has been made to us that if you take 500 business men out of Lewiston you will find 450 of them who drink. Is that your observation?—My judgment would be that it was not so, because I know that our business men do not drink unless it be in their homes, and of course it is impossible to know what they do there. My judgment is, from what I know, that a large number of them use no intoxicating liquors.

9008*b*. Take the home life of Lewiston, I do not mean the home life of those engaged in the liquor business nor of the men who patronize them, but the average home life of Lewiston, its medium people as well as those of the higher class—do you think the use of intoxicating liquors in the home is general in Lewiston?—No, I do not.

9009*b*. Do you think that your respectable citizens, your professional men and business men and clerks and accountants and the like of that, frequent those illicit liquor places?—I do not believe they do.

9010*b*. Have you a large foreign population here?—Yes, about half. I should say that one-third of our population are French Canadians.

9011*b*. Do the difficulties of enforcing the prohibitory law come from the foreign population, whether they be French Canadians or otherwise, or from your native Americans?—I do not know that I can say that.

9012*b*. Of the cases that come before your court, do you make any classification of the offences of various kinds, whether for drunkenness or disturbances? Do you make any classification of the nationalities of the prisoners?—No, I do not think they do.

*By Mr. Gigault:*

9013*b*. Are there many appeals from your judgments in liquor cases?—Yes, nearly all of the prosecutions under the prohibitory law are appealed.

9014*b*. Do you know how many appeal from your court?—I think all of them. There may have been two or three cases within the last two years that have not been appealed, and that was since the amendment of the law making it imprisonment for the first offence. Since that law took effect I think all cases have been appealed.

9015*b*. Could you tell us approximately what were the number of appeals last year?—I cannot say. A good many of them appealed in order to raise the money. When the Legislature passed a law making it absolute imprisonment, then all cases were appealed. If there were one or two cases that were not appealed it was because the parties were not able to find securities.

9016*b*. A great many of the cases are still in the higher courts?—They are all still there in order to keep out of jail. They would take their chances before the jury, they do not like the imprisonment clause.

9017*b*. Have a good many of your judgments been cancelled in the higher courts?—The records of the Supreme Court will show you.

9018*b*. You do not know whether a great many of the appeals were successful?—As a rule they have not been affirmed by the court.

A. D. CORNISH.

## Liquor Traffic—Maine.

9019*b*. Can you tell us about the number of places that are selling liquor in this town?—I know nothing of the number.

9020*b*. Can you judge from the number of search warrants taken out?—No; I know nothing about those cases unless they are brought into court. If the officers are successful in finding liquor I hear the case.

9021*b*. Do you think that a total abstainer in this town is in as good a position to know how many people drink in this city as a man who occasionally takes a glass of liquor himself?—I do not know that I can answer that. Perhaps a man might use liquor moderately and might know those of his class who use it. If he belonged to the lower class he would not know much about the use of liquors by the upper class and vice versa.

9022*b*. Do you know if there are clubs in Lewiston where liquors are used by the members?—Yes.

9023*b*. Are there a good many?—I think not at the present time; there are very few just now.

9024*b*. Do you know how many druggists there are in this city?—No.

*By the Chairman :*

9025*b*. You have had a new sheriff elected for this county recently?—Yes.

9026*b*. Prior to his coming into office, was the law enforced?—I think it was.

9027*b*. Has there been a very large number of seizures since the present sheriff took office?—Yes.

9028*b*. Would you consider that the large number of seizures indicates that a good many people are selling liquor?—You cannot judge much about that because different seizures may have been on the same party. If a man is selling liquor here he might order from Boston to-night and again to-morrow and so on, and a dozen or twenty of those seizures of packages of liquor may be from the same person.

9029*b*. Then would it indicate a large consumption of liquor. It might not indicate a large number of offences but would it indicate a large consumption?—I do not think necessarily so.

9030*b*. Supposing the law to have been well administered prior to the advent to power of the present sheriff, how is it that such a large number of seizures could be made and liquor found if there was not a large consumption of liquor?—Prior to the 1st day of January for two years, liquor constables had been appointed by the former sheriffs of this county. On the first of January the sheriff's time expired, and from the first of January until March there were no prosecutions or at all events they were very few, when the liquor deputies were appointed. Since the appointment of the liquor deputies the local officers have done comparatively nothing in the enforcement of the law. I mean the local force, the police officers and the city marshal. I suppose that the time of the police is occupied with their other duties.

9031*b*. Were there no officers appointed to enforce the law between the first of January and the first of March?—No. There were four deputies for a portion of the time during the last two years, but I think since January there has been no one to act. I think the large seizures of liquor would be accounted for by the fact that there was no enforcement of the law between January and March. They were encouraged by the non-enforcement of the law and laid in stocks of liquor.

9032*b*. I see, on referring to the report in the Lewiston *Saturday Journal*, July 1st, 1893—(Appendix No. 5) that the Inspector here gives an account of a large number of seizures of liquor and very large quantities of it. Do you think the liquor dealers would purchase that liquor without a pretty clear idea that they could dispose of it?—Yes; I do. I think that those engaged in the liquor business will take their chances.



H. W. OAKES, of Auburn, Prosecuting County Attorney, examined.

*By the Chairman :*

9033*b*. Have you held office long ?—I have been in office since the first of January of this year. I think Judge Cornish, whose evidence I heard, has told you quite thoroughly as to the situation of things here and in most of what he said I agree with him. I am a citizen of Auburn, across the river here.

9034*b*. Have you a record of the cases that go before your court ?—Yes.

9035*b*. Are there many liquor cases before your court at the present time ?—Yes, there are a good many cases on the docket.

9036*b*. Can you tell us how many warrants are issued for search and seizure against places where no liquor is found ?—I could not give you the exact figures ?—At the January term of court, there were about 25 liquor cases, and in the April term there were some 65, that was when the sheriffs had got in their work.

9037*b*. Do you refer to the seizure of liquors here on the 28th March ?—Yes, the sheriffs started into work about that time and wanted to clear up the city.

9038*b*. Would that indicate that there was a large number of persons selling liquor and that there was a large demand for liquor ?—I suppose it would.

9039*b*. The fact of the sheriff finding such a large quantity of liquor as he did, would indicate that there was a large demand for liquor ?—Yes, there is always a demand for it. I think it would indicate that there were a great many people selling liquor at the time.

9040*b*. Would we be correct in concluding that the persons who got this liquor did not get it for themselves, but to sell it again ?—They undoubtedly had it for sale.

9041*b*. Do you think it is the practice of those people who sell liquor to keep the stock on hand when it is subject to seizure ?—I cannot say about the larger dealers. I think most of the sellers order it on pretty short dates. The very fact of the liquor being seized would increase the number of orders. They have to get a supply to replace the liquor seized. At the time the force made all those seizures, they entered a number the same day. They went to the back rooms and they found the spring doors, which they easily opened, so that they were able to get in without any opposition. To-day if the officers went around they would not find the liquor so easily, because the doors would be closed against them.

9042*b*. And while the officers are trying to enter the liquor is disposed of ?—Sometimes that is done. The situation is about this way. As I understand from the sheriff, it has been claimed by the mayors of Lewiston, that the deputies had really no justification, and that if the matter would be left to the police force of the city of Lewiston without any other men being appointed by the sheriff, the mayor of the city of Lewiston through his police force would see that the law was enforced. That claim has been made repeatedly. On January the first, when the new sheriff was appointed as I understood him to say, he called on the mayor of the city at the time and told him he wanted him to enforce the law. The sheriff left it for two months without appointing deputies, and the law was not enforced during those two months. Then he appointed the deputies without any warning, and made a grand strike and found the liquor sellers unprepared for it.

H. W. OAKES.

## Liquor Traffic—Maine.

REV. G. M. HOWE, of Lewiston, examined.

*By Rev. Dr. McLeod :*

9043b. Of what church are you pastor?—Pine Street Congregational Church.

9044b. We should like to have from you, Mr. Howe, an explanation of the statement made by Mr. Newell in regard to your interference on behalf of the liquor seller?—With reference to this matter, it is quite a long story, and I will not state the whole of it. This Mr. Gagna is what is called a "liberal Romanist." He is a French jeweller here. He had a sort of a store in which he sold liquor. There came to this town a French Protestant missionary by the name of Talbot, under the auspices of the Baptist denomination, and, as they were changing pastors, he came to me with a letter of introduction from one of my deacons with the result of my having him, with his wife and five children, for a few weeks. He happened to be a very fine watch repairer, and he had been through the Waltham watch works, and as this Mr. Gagna wanted some one to fix watches, he heard of Mr. Talbot and employed him. One of the French societies waited on Mr. Gagna and suggested to him that if he did not dismiss Mr. Talbot, they would boycott him. Mr. Talbot came to see me and wanted to know what I would advise, and I said that I would not embarrass Mr. Gagna if I were he. Mr. Gagna said that he did not care about that threat, and he wished Mr. Talbot to remain with him. He said to Mr. Talbot: "I esteem you as a gentleman, I like your work and I feel that I have a right to engage any man I wish." I said: "If that is the kind of stuff Mr. Gagna is made of, there is good material there. He is worth doing something for." I used to go to the store quite often, ostensibly to see Mr. Talbot, but practically to see Mr. Gagna. Mr. Talbot had some talk with Mr. Gagna about this matter, and advised him to give up the outside business, as he was engaged in selling liquor. Mr. Gagna became involved in the difficulty, and I was the first man he sent for. I do not know why, except that he felt kindly towards me and was gratified by the occasional interest I had manifested towards him. I went to see Mr. Newell, who was a personal friend of mine. He used to be in my Sunday school class, and was a constant attendant at my church. I asked him this question: "Are there no mitigating circumstances in Mr. Gagna's case?" He took down a little book, and after looking at it he said: "It is a dirty case, and you do not want anything to do with it." I then said: "If what you say is true, that ends the matter." That was the sum and substance of our conversation. Mr. Gagna was apprehended and put in the Auburn jail; and when in jail he sent for me, and I went to see him as I felt it was my duty to do. He put his arm over my shoulder and his head on mine, and he sobbed like a child. He said: "If there is anything that can be done to relieve me of this dreadful predicament I will be willing to do anything on my part." I said that I could not do anything for him, and that I had gone as far as I could, and further, I said that I wished it to be distinctly understood, if I did anything for him, that my terms were that the business in which he had been engaged must be given up. After that I dropped the case, and Mr. Talbot took it up and went to see the judge, and I do not know what happened, but I know that when the case came up for trial, Mr. Gagna was set free on some technicality in the warrant, and he has gone out of the liquor business, simply because of his promise to me that he would have nothing to do with it. I made no appeal and never used my influence in favour of a single person apprehended by the law. I have been to see Mr. Newell about it and have not found him in. It has been said in the town several times that one of the most influential pastors of the city had given his influence against the enforcement of the prohibitory law. I do not call that giving my influence against the law. I simply asked the question whether there were no mitigating circumstances in the case.

*By Mr. Gigault :*

9045b. If there had been a mitigating circumstance would you have appealed in his favour?—I would have persuaded him to abandon the business. I believe that if we could persuade more men to go out of this abominable business, it would be a great deal better for us than to put a man in the Auburn jail, and then when he gets out of the jail for the sake of political influences, to let him go right on with the business. Men desirous of office wink at a great many things.

*By Rev. Dr. McLeod :*

9046*b*. You have been here a good many years Mr. Howe, and aside from that incident can you give us concisely your idea as to whether the prohibitory law is a failure or a success ?—I have lived here ten years, and so far as my observation goes I think that the rural sections of the State of Maine are much benefited by the enforcement of the law, but when we reach a place like Lewiston, with its mixed population, I am inclined to the opinion that it is very difficult to enforce the law. There are three nationalities here : French, Irish, American, with a sprinkling of English and Scotch. The Irish and French have become so numerous here that they hold the balance of power, and the men seeking public offices in this city are obliged, as they say, to cater to this element in order to secure election. Certain things are winked at under these circumstances. But there is this about it. Take a place like Lewiston and the liquor business is driven into the corners.

9047*b*. The result of the outlawry is to degrade it ?—Yes.

9048*b*. Do you agree with the statement of Mr. Dingley on this question ?—I think so. Mr. Dingley is a member of my church, and he is regarded as a very candid conscientious Christian gentleman. He has always lived in this section of the country, and he is a man who has been deeply interested in this whole business and is very careful of any statement which he makes ; so much so that in Congress even his political opponents attach great weight to anything that he may say on this subject.

9049*b*. He is supposed to be an authority on this matter ?—Yes. He is a cool, candid reasoner, and there is nothing of gush about him in any way.

*By Mr. Gigault :*

9050*b*. Have you examined the statistics which you have spoken about ?—I have not seen them.

9051*b*. Do you believe that these statistics are based upon official documents ?—Well, I cannot say as to that. I think they are based upon Mr. Dingley's careful investigation of the entire subject.

9052*b*. How do you know the figures are correct if you have not examined them ?—I know the man.

9053*b*. But a man may make a mistake. Do you think that a certain man examining those official documents may not be biased ?—I think that depends somewhat of the character of the man with whom you are dealing.

9054*b*. I have a letter in my possession written by Judge Goddard, of Portland, who was considered to be a very important man in this State, and he says that under the prohibitory law, criminality has increased ?—There are a great many things to be taken into consideration in a statement of that kind. We have a different class of population in the State of Maine now than we had formerly. We have a very large number of French Canadians and Irish people here now.

9055*b*. I may tell you that the statement of Judge Goddard is, that the increase of criminality was not amongst the French Canadians or the Irish people, but amongst the native element ?—I say that the liquor selling business is in the hands of the French and Irish almost exclusively. I do not know of any American, so-called, in this city, excepting one, whom I ever heard mentioned in connection with the liquor business.

9056*b*. Are you sure of that ?—I can recollect only one now.

9057*b*. Do you not know that seizures of liquor have been made in the places of native Americans as well as French Canadians ?—I can only recollect one who was a so-called American.

9058*b*. Suppose you saw official documents which would show you that there were quite a number of natives in the business, what would you say ?—I should not be surprised at all, but I have only one in my mind.

9059*b*. Is Mr. Newell a member of your congregation ?—He is a member of my congregation.

9060*b*. Do you think Mr. Newell is a man who would tell untruths ?—No, I do not think he would, at least I would be very sorry to think that he would.

Rev. G. M. HOWE.

## Liquor Traffic—Maine.

BIDDEFORD, MAINE, July 6th, 1893.

SIR JOSEPH HICKSON (Chairman), REV. DR. McLEOD and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained statements in regard to the law prohibiting the liquor traffic.

EDWARD W. STAPLES, Mayor of Biddeford, examined.

*By the Chairman :*

9061*b*. What is the population of Biddeford?—14,500.

9062*b*. Were you born here?—Yes, and I have lived here all my life.

9063*b*. Are there many French Canadians here?—Nearly half. They work in the mills here.

9064*b*. How long have you held the office of mayor?—I was mayor of Biddeford in the years 1883-84-85-90-91-92-93, that is, for seven years.

9065*b*. You hold an office in the Boston Savings Bank?—Yes, I am treasurer of the bank.

9066*b*. Are you engaged in any other mercantile business?—I have a partner and we run a clothing store, that was my original business; and then I own real estate.

9067*b*. Can you tell us in general terms how the prohibitory law has worked in this city?—After ten years I know pretty much about it, of course. I think if politics were out of the matter altogether, the prohibitory law would be of service. The trouble is that the sheriffs of the county are Republicans and the police of the city have been Democrats. They have a prohibitory law in Biddeford which does not prohibit.

9068*b*. Have you open sale here now?—The apothecaries sell. There are no open sales on the street, but they sell it in houses and in small shops.

9069*b*. Is there any pocket peddling here?—Yes, a good deal of it.

9070*b*. Have you many places in Biddeford at present where liquor is sold?—Yes, there are a great many places.

9071*b*. Have you any idea how many?—I have not. I have no doubt there are from twenty-five to fifty places selling. I have been a sort of prohibition mayor. When I was elected mayor in 1883, we had over one hundred rum shops on our main street within a distance of a mile, but we do not have these open shops now.

9072*b*. But you say you have a great deal of illicit sale of liquor now?—Yes.

9073*b*. In the matter of intemperance. Do you think the people are more temperate now than they were twenty years ago?—I should say that they were.

9074*b*. Have you less drunkenness now?—I think we have less drunkenness considering the increase of population, although the prohibitory law has a tendency to get men drunk. A man who wants to drink buys a bottle, under the prohibitory law, and he fills up and gets drunk, whereas if a man can get liquor in a saloon he takes a drink and goes home. We may have as many drunks under the prohibitory law, and perhaps more. I should not wonder if we had more drunkenness right in the city than we would have if we had a license system, and that is for the very reason I spoke of.

9075*b*. Have you a liquor agency in this city?—Yes.

9076*b*. Can you give us any idea of the amount of sales at the liquor agency?—I think about \$20,000 a year.

9077*b*. Have the sales at the liquor agency increased?—Yes, the liquor agency was established in 1883 or 1884, and prior to that we had comparatively free rum.

9078*b*. Have you any idea of what the sales at the liquor agency were then?—They began with about \$10,000 a year. I should say that one effect of our prohibitory law has been to prevent the sale of liquor in small villages.

9079*b*. That is the open sale of liquor?—Yes, it comparatively drives it out and there is not much, if any, liquor sold in small villages throughout the country. It is so in this county and I think in other counties as well.

9080*b*. Do you think that the sales of the liquor agency are really confined to the purposes prescribed by law?—Well, in answer to that I should say not; from the very fact that any man that comes into the place is not refused by the agent, unless he knows that the man is one who makes improper use of the liquor. Any man who goes to the agency and claims that he wants liquor for medicinal or mechanical purposes has to have it, unless he is intoxicated or insane or is a minor.

9081*b*. You have had some controversy here in regard to the appointment of your city marshal, will you please tell us about that?—Biddeford is a Democratic city, and the Republicans had control of it for a few years prior to 1883. In 1883 I was elected mayor. At that time rum was very free. The Republicans controlled the sheriffs of this county for a great many years, and when a Democrat came in, they interfered with the liquor business. Hush money is quite a power here. The Republicans have now appointed state officers and appointed the city marshal, taking the matter entirely out of the hands of the other party, and now they want control of the rum business.

9082*b*. When did the appointment of the city marshal by the State government take place?—Last week.

9083*b*. Have they appointed constables as well as the marshal?—The constables are elected by ballot. They have appointed the marshal and the police commissioners. There are three police commissioners, two of whom are appointed by the government and one by the mayor.

9084*b*. Is it usual for the Governors in Council to appoint the police commissioners?—This is the first time it ever happened in the State of Maine. They passed a special law last winter in the legislature giving the Governor in Council the right to name two members of the police commission and he has exercised that right. The officers are appointed in April and receive their commission on the first of May.

9085*b*. Is the mayor of the city, by virtue of his office, chairman of the police commission?—No, the government appoints the chairman and the board elects the clerk.

9086*b*. And the board appoints the constables?—Yes.

9087*b*. And they have superseded the city police and appointed others?—Yes, that is where the conflict comes in. They appointed the marshal and police. Formerly the marshal was appointed by the mayor and aldermen, and now the appointment is in the hands of the police commission. They have appointed the new marshal and policemen and without removing the old marshal and constables, and we contend that they cannot remove the constables without cause.

9088*b*. And each body at the present time is trying to exercise control here?—Yes.

9089*b*. Who pays the marshal and the police?—The city.

9090*b*. Has the city taken any action in regard to the salaries of the marshal and constables?—Yes, the city council has declared that the city marshal shall receive no compensation from the city. Fees received by him vary anywhere from \$1,000 to \$2,000.

9091*b*. What was the real reason of the State taking this action in regard to Biddeford?—The real cause was the conflict here between the sheriffs and the police officers. They wanted to control the marshal and the police force, taking all authority away from the Democrats. Biddeford is the only Democratic city in the county.

9092*b*. How many sheriff's deputies were there in this district?—The number varies. On one election day the Republicans appointed forty sheriffs. They appointed them the night before the election with the object of controlling the votes of the city.

9093*b*. In what way did they do that?—They disfranchised a great many of our voters from the fact, as they claimed, that the court which furnished them with naturalization papers did not have authority to do so. They undertook, therefore, to disfranchise a great many of our voters. The sheriff locked up quite a number of our men and when this was found to be going on, our police force locked up quite a number of the sheriffs and then the thing stopped and the city went Democratic.

EDWARD W. STAPLES.

## Liquor Traffic—Maine.

9094*b*. Have you had many seizures of liquor in this city?—A great many.

9095*b*. Have the sheriffs been perfectly impartial in the discharge of their duties? I should think not. There is money in it. If you had been at the trotting park yesterday you would have seen them selling liquor. The Republicans have got control now of our entire force of constables, and rum is just as free in Biddeford as ever it was in the world.

*By Rev. Dr. McLeod :*

9096*b*. Do you think that the Republicans want free rum?—They want the prohibitory law because they want to play with it. As a rule, the Democrats are in favour of license; I believe in license myself, although I never touch drink.

*By the Chairman :*

9097*b*. What system do you think would work better than the present prohibitory law?—I think that a license law with local option would be the best law.

*By Rev. Dr. McLeod :*

9098*b*. You have always been a license man?—Yes.

*By the Chairman :*

9099*b*. Do you know anything of how the license law with local option is working in Massachusetts?—Well, most of the cities in Massachusetts have license. If a city in Massachusetts votes for no licenses this spring, they are sure to change it next spring and have licenses.

9100*b*. Has the effect of the prohibitory law here been to drive and lead to a larger consumption of liquor in the homes?—I should think so. People generally sell now in private houses.

*By Rev. Dr. McLeod :*

9101*b*. I understood you to say that there was no open sale of liquor in Biddeford?—If there is, I do not know about it.

9102*b*. The sale is carried on more or less secretly?—Yes, it is what we call bottle and kitchen business.

9103*b*. Would it be fair to assume that the law does restrict the liquor trade somewhat, even though it does not prohibit it?—Do you mean the quantity of liquor?

9104*b*. Yes, as to quantity?—It is my opinion that the law does not restrict the quantity of liquor drunk, but it certainly does restrict the quality?

*By the Chairman :*

9105*b*. What do you mean by saying that the prohibitory law restricts the quality of liquor?—It causes a very poor quality of liquor to be sold.

*By Rev. Dr. McLeod :*

9106*b*. The prohibitory law drives the business into the houses and corners, out of the public places?—Yes, into the dives and the apothecary shops and the homes.

9107*b*. Take the State of Maine at large. Have you any knowledge of it?—I know something of the different cities.

9108*b*. Taking the State as a whole, do you think the law has done good or harm?—I think the law has been a benefit in the sparsely settled parts of the State, that is in the country districts.

9109*b*. If you had local option, would you have license in Biddeford?—Yes.

9110*b*. The people would vote for a license?—Some would and some would not vote for license. I have no doubt but that Biddeford would have license.

9111*b*. Do you remember the vote on the Constitutional amendment of 1884?—The people did not vote on it really.

9112*b*. Do you remember whether the majority in Biddeford was for or against the amendment?—I think it was for it. The people did not vote against it because they knew it would go.

9113*b*. Taking the whole State are we to understand that there is a strong sentiment in favour of the prohibitory law?—Yes, in some places there is, in other places the people are against it. They want their neighbours to think they are virtuous in some places.

*By the Chairman :*

9114*b*. You can hardly call that sentiment, that is expediency?—This is so.

*By Mr. Gigault :*

9115*b*. You spoke of some races that took place yesterday?—Yes, at Old Orchard.

9116*b*. Were a good many farmers there?—Yes.

9117*b*. Do you believe that the large majority of the farmers are total abstainers?—I think they are.

9118*b*. Do you draw the line between prohibitionists and abstainers?—I should be obliged to, because I am an abstainer, and am not, strictly speaking, a prohibitionist.

9119*b*. Do you believe that the farmers when they come into this city will take a glass of liquor?—Most of them like it.

9120*b*. Then can you really call them total abstainers?—A great many of them like liquor, but I should say that the majority of them that come here do not drink.

9121*b*. Do you believe that prohibition is promoting temperance or total abstinence?—Well, that is a pretty hard question for me to answer, but I can say that prohibition promotes hypocrisy.

9122*b*. How is that?—Well, people pretend to be friends of prohibition and to be temperance men, when they are not.

9123*b*. I understood you to say that the drug stores here sell liquor. Do they sell by the glass?—I think not.

9124*b*. How many drug stores have you here?—I think about ten.

9125*b*. Have the city authorities here, under the new law you spoke of, been deprived of the right of appointing the marshal and policemen?—Yes. But our constables are elected by the people.

9126*b*. Is it within the power of those constables to enforce the prohibitory law?—It is.

9127*b*. So that both Republican and the Democratic officers can enforce the prohibitory law here?—Yes, but constables, as a rule, have not enforced the liquor law here.

9128*b*. Could the aldermen give instructions to the constables to enforce the law?—They could.

9129*b*. And the city government could give instructions also to their sheriffs to enforce the law?—I think that would be in the hands of the Sheriff who could give them instructions.

9130*b*. The police force are not obliged to obey the city government at the present moment?—No.

9131*b*. The sheriff is appointed to enforce the law and if the majority of the aldermen were strong prohibitionists and in favour of the enforcement of the law they could appoint constables and give instructions to them to enforce the law?—They cannot appoint them, they are elected.

9132*b*. Who have control over the constables?—They have control over themselves they file a bond.

9133*b*. But these constables that are appointed by the people can prosecute a liquor dealer for selling contrary to law?—Yes.

9134*b*. Have you any city or county fair in the neighbourhood of Biddeford?—There is one in the neighbouring town of Saco.

9135*b*. Is drinking done there?—I think only pocket business.

9136*b*. Is there much drunkenness on the occasion of the fair?—There is some.

*By Rev. Dr. McLeod :*

9137*b*. Have you a sober population here?—We have a good population, they are very easily controlled and they are a sober and industrious people.

EDWARD W. STAPLES.

## Liquor Traffic—Maine.

9138*b*. I suppose that a certain class are given to drinking, else there would not be these illicit places?—Yes.

9139*b*. The town of Saco adjoins here?—Yes.

9140*b*. What is the population of Saco?—7,000.

9141*b*. Is there much sale going on in Saco?—I think it is the same as it is here. I think they sell it a little more openly than they do here. I do not think they trouble them as much.

9142*b*. Is the city of Saco Republican or Democratic?—Republican.

9143*b*. Their police force is appointed by the mayor and aldermen?—The same as formerly here. The liquor business has had a great deal to do with the action of the State government in appointing the city marshal here.

*By Mr. Gigault :*

9144*b*. If the officers are Republicans, do you think they will favour the Republican liquor dealer and give him a chance to sell, if he belongs to the party. Is there much political favouritism in the enforcement of the law?—That is the general talk and it is generally understood in that way.

*By Rev. Dr. McLeod :*

9145*b*. On the other hand, if the liquor dealer is Democratic, will the Democratic officers give him a show?—I suppose the Republican party will tell you that.

CHARLES B. HARMON, Deputy Sheriff, examined.

*By the Chairman :*

9146*b*. What office do you hold, Mr. Harmon?—I am deputy sheriff for this county.

9147*b*. How long have you been in that position?—A little over two years.

9148*b*. Can you tell us whether there have been many seizures during that time?—There have been quite a large number, I cannot tell you exactly.

9149*b*. Could you give a statement showing the number?—It could be got from the court records. There have not been many liquor seizures here compared with other places. I think in justice to Biddeford, I should say that there is as little liquor sold here as in any city in the State. What I mean to say is that we have a mixed population. Take Saco, which has mostly a native population, and there is practically no liquor sold there. I was United States marshal for four years, and I have a good idea as to the quantity of liquor sold throughout the State. There are many towns in the State of Maine, where there is no liquor sold, but you take a place like Biddeford, where there is a large foreign population, there is more liquor sold than where there is a native population. Do not you think so, Mr. Mayor?

The MAYOR.—I know a good many drunkards in Saco.

Mr. HARMON.—There may be a little sold at the apothecaries' shops, but practically there is none.

The MAYOR.—You can get it in other places there, I have no doubt.

*By the Chairman :*

9150*b*. Have there been many seizures, lately?—Not a great many, lately.

9151*b*. Do you think that there are a great many selling liquor in Biddeford at the present time?—There are some. There never has been a time, and there never will be a time, no matter what law we have, and how much it is enforced, but that some people will endeavour to sell liquor. I believe that under the present system of prohibition, there is much less sale of liquor than there would be if we were under license or free rum. As I have said before, there are many towns throughout the State where there is no liquor sold at all. It is only in the manufacturing centres, or in the seaport towns that there is any considerable amount of liquor sold.



9152*b*. Do you think that the number of cases of drunkenness have increased or decreased in Biddeford?—That is something that I do not know. Since I have been of age, there has always been a prohibitory law, but how it was before that I do not know.

9153*b*. Well, compared with twenty years ago?—I believe that our arrests for drunkenness here are less than in other places of the same population. You cannot compare it with Saco, because we have a larger foreign population.

9154*b*. Take your population as it is and as it was fifteen or twenty years ago, do you think that the ratio of cases of drunkenness is greater now, than they were then?—I should say that there was more drunkenness here then than there is now, that is my opinion. Of course, we have a larger population than we had twenty years ago.

9155*b*. I am speaking of the ratio to the population. Do you think that the cases of drunkenness per thousand, say, of the population, were greater, twenty years ago, than they are now.

9156*b*. I would not say that there was a great deal of drunkenness. I cannot understand why there should be from the fact that there was a prohibitory law at that time as well as now.

*By Rev. Dr. McLeod :*

9156*a**b*. I suppose that a number of these cases would be against one man?—Yes, there was a man named Welsh here, and we had six seizures against him in nine days.

9157*b*. Did you annihilate him?—He got out of the town and closed up his place.

9158*b*. Do you think that it is possible to enforce the law here?—I do.

*By the Chairman :*

9159*b*. Do you know any place in the State of Maine, of 3,000 population, where the prohibitory law has entirely stopped the sale of liquor?—I think there may be some places.

9160*b*. Where it has absolutely extinguished the sale?—Yes, I think so, but I would not say a large number.

9161*b*. Can you mention some of those places?—In Auburn there is very little sold there. In Saco there is very little sold, and in Skowhegan.

*By Rev. Dr. McLeod :*

9162*b*. Do you know of any law which absolutely prevents the crime against which that law is directed?—I do not.

9163*b*. Do you know if these laws reduce crimes to a minimum?—They do.

9164*b*. Do you not think that the prohibitory law would be enforced to the same degree as other laws?—I think, perhaps, it could in some cities. But if you take cities like Boston and New York it might be impossible to enforce it.

9165*b*. We were speaking about Maine, do you think it could be enforced in Maine?—I think it could be enforced in Maine, don't you Mr. Mayor.

Mr. MAYOR—If we were all honest men, perhaps, yes ; but I do not believe we are.

*By the Chairman :*

9166*b*. Do you know of any one who looks upon the crimes of arson, or murder or any of the serious offences with the same feelings as they look upon the using of a glass of liquor, or even getting drunk?—No, I do not believe that people look upon these crimes in the same way.

*By Rev. Dr. McLeod :*

9167*b*. Do you know if there are some people who look upon liquor selling very much in the same light as petty larceny. Do they regard a man who sells liquor in the same way as the man who steals?—There may be some people who do.

*By the Chairman :*

9168*b*. Does that feeling predominate to any extent?—Not at all. If that feeling was predominant there would be no liquor selling, they do not look upon it in the same light at all. People who come from the old country come here with their habits formed and they do not look upon rumselling or rumdrinking in the same light at all as people who were born here do.

CHARLES B. HARMON.

## Liquor Traffic—Maine.

DANIEL COTE, City Marshal, examined.

*By the Chairman:*

9169*b*. How long have you been city marshal?—Four months.

9170*b*. Can you tell us if the figures given in this annual report of the city gives the total number of arrests by the police?—Unless they are taken before the court I do not think they are entered in that report. It is a rare thing, however, that they are discharged without being brought before the court.

9171*b*. During the four months you have been city marshal, were there many places selling liquor in the city of Biddeford?—There are a great many places selling liquor but it is sold slyly and in different ways.

9172*b*. How many places do you think sell altogether?—That would be only guess work, there might be fifty or sixty places in the city.

9173*b*. Do the chemists here sell for beverage purposes?—They might once in a while.

9174*b*. Would that apply to all of them?—I should say it would.

9175*b*. Have you any idea of how many United States special taxpayers there are in the city of Biddeford?—I was on the grand jury, and it was reported to us that there were some 84 in Biddeford.

9176*b*. Would these all be regular apothecaries or are there many of them who keep a few bottles in their window and pretend to be apothecaries?—The apothecaries here are about all on the same ratio. They keep a pretty fair stock of drugs. All the United States tax papers are held by apothecaries.

9177*b*. Would these be licensed apothecaries here?—I think they are all licensed apothecaries but one.

9178*b*. How long have you been living here?—Twenty-five years.

9179*b*. Do you believe that there is more drinking in the city now than there was twenty years ago?—I think not.

9180*b*. Do you think that there is less drinking now than then?—I should say that there is less.

9181*b*. Are there more cases of drunkenness now than previously?—I think not.

9182*b*. Have you much drunkenness in the city on occasions of public gatherings?—This is a Canadian city and the French have their celebration days and the Americans have their celebration days. For instance, if you take New Year's, there would be a celebration among the French Canadian people, we come from Canada where liquor is free and where every one who wants a drink can get it. They come here with that idea and they make no bones about it, very often they get in to trouble on that account. Take the Canadian people here, at a wedding or a christening or at New Year's, and they cannot very well get along without some liquor.

9183*b*. What about the native American population?—I should say on celebration days we would have a great deal more drunkenness than at ordinary times. There is a good deal of hypocrisy about the law here. There are men in the city and State who talk temperance but they will drink. I have seen it in the Legislature. I have seen members of the Legislature go right to the back room and take a drink. They would take plenty of rum and go right back to the Legislature, when a temperance question would come up, and they would give us, as they say, "the dam'dest temperance lecture you ever heard." I was representative for six years from this city in the Legislature and I have seen a good deal of hypocrisy about the liquor question.

9184*b*. Where there open bars in Augusta?—Yes, right through. In the city of Bangor, it was all open bars.

9185*b*. Do you think that the strict enforcement of the prohibitory law in a city like Bangor has the effect of leading to more drinking in the homes?—No, I do not, if you could take hypocrisy out of the temperance law, it would be a great thing. I will give you my idea. It is a great thing to have no bars, for the young men. If you have a nicely fitted up bar in the city, the same as you have in the Windsor Hotel in Mont-real, these young men are likely to go in there and get into the habit of drinking, but

here they will not go to a place that sells liquor. If a man has got a mind to be straight here, he need not go into these liquor selling places ; but if you take it in a city where liquor is free, the chance is that he will be asked to come in and have a drink.

*By Rev. Dr. McLeod :*

9186b. You think that these kitchen bar-rooms do not induce young men to enter them ?—No respectable young man will go into them.

9187b. I suppose that those who have the habit of drinking will find them ?—Yes. I would not know where to find a great many of these places here, but you will see men coming into town to-day and they will be drunk before night. I never used liquor in my life.

*By the Chairman :*

9188b. This law has been on the Statute-book for forty years ?—Do you think that that has been a sufficient time to enable those charged with the enforcement of the law to have enforced it and to have developed its advantages ?—The law will never show its advantages until you get hypocrisy out of it. The law is all right, if you can do that.

*By Rev. Dr. McLeod :*

9189b. Is politics responsible for some of that ?—Yes, that is a great trouble in it. If you want this law in Canada, and if you get politics into it, it will never amount to anything, but will do more harm than good.

9190b. You think that if it were removed from political influence, the law could be well enforced ?—Yes. I was brought up in the town of Compton, which used to be a thriving village. They ran temperance so that they could not have a store or a hotel or anything there, and the people used to go to Sherbrooke and get all the liquor they wanted.

*By the Chairman :*

9191b. What effect do you think the strict enforcement of the law has on the trade of a city like Biddeford ?—I think it has a tendency to keep people straight, and instead of paying their money for drink and in fines, they have it for something else.

9192b. Do you think that the enforcement of the law in a town prevents the people in the country coming to that town ?—Biddeford is not situated in that respect the same as other towns. We have not a very large farming community around here, our country trade does not amount to much.

9193b. Have you a sea-faring population here ?—Not to a great extent. We have some trade with the people who go to Old Orchard for two or three months in the year.

*By Mr. Gigault :*

9194b. Those members of the legislature in Augusta who spoke in favour of the prohibitory law, did they take drink ?—Of course, they took it when they wanted it.

9195b. Was there any drinking at the races at Old Orchard Beach yesterday ?—I was not there, but it is reported that liquor is sold right on the grounds.

9196b. Is it not said that there was an open bar at the races at Old Orchard yesterday ?—They were saying that on the street this morning.

## Liquor Traffic—Maine.

HON. MR. CRAM, Judge of the Municipal Court, examined.

*By the Chairman :*

9197*b*. Have you been in your present position long?—I have been judge of the municipal court since 1891, and I acted as recorder of the court for five or six years before that. The arrests in the city for drunkenness or crime, come before me, but the search and seizure cases might go before any trial justice.

9198*b*. Can you give us the number of cases before your court so that we might see what proportion of them are liquor cases?—My court has jurisdiction all over the county, so that I would have some trouble doing that, but my clerk could give them to you.

9199*b*. Do all the offences stated in the city marshal's report come before your court?—Yes; they all come before my court, and that is presumed to be a correct register.

9200*b*. Can you say if there are any arrests made by the police which are not included in this annual report of the city marshal?—There may be. The last year or two there was some question raised about that. There would not be one in twenty-five that would be allowed to go, and that would not be included in the statement, but I think there were some let off occasionally without consulting me.

9201*b*. Can you tell us if drunkenness has increased or decreased in recent years in this city?—It goes in streaks. In November last year, we had an alarming amount of drunkenness, but this winter and spring there has not been so much. Since Marshal Cote has acted as marshal, the amount of drunkenness has been very small, as small as I ever knew it for any length of time.

9202*b*. Do you think that at the present time there is more drunkenness in the city than ten years ago?—I am unable to say that. There were eight arrests the morning after the fourth of July, but I do not know whether that was more or less than formerly.

9203*b*. Were there a good many people here on the fourth of July?—No; we did not celebrate here this year.

9204*b*. Can you tell us how many divorce cases come before the courts in this county?—I cannot; I think there were 37 last term, and we have three terms of court in the year, and that was considered to be a large number.

9205*b*. Can you give us any idea as to what number of those was the result of intemperance?—From what I have heard of the causes, it strikes me that in nearly every case, that comes in in one way or another. I have never heard of one case that there was not intemperance in it. They are almost always brought by the woman, and intemperance on the part of the husband comes in in one way or another.

9206*b*. Do you know of any cases where men sued for divorce from their wives on account of intemperance in their habits?—No.

*By Rev. Dr. McLeod :*

9207*b*. Are you a Democrat or a Republican?—I am a Republican.

9208*b*. You are appointed by the Governor in Council?—Yes.

9209*b*. Is it your impression that the sheriff and his officers are working in concert usually with these liquor dealers, to help them to evade the law?—I feel very sure that they are not enforcing the law at the present time, nor have they been for a couple of years, in the city of Biddeford.

9210*b*. How about the enforcement of the law in the county?—I think it is fairly well enforced outside of Biddeford.

9211*b*. Sometimes we are told that the liquor men make themselves solid with the sheriffs and so get along much easier. Do you think that applied here?—I have seen some indication that that would be the only inference I would draw. I have seen the law enforced in Biddeford to its full extent by our present deputies. Two years ago last spring, I never saw a law better enforced than it was for three or four months.

9212*b*. They shut up the liquor business pretty well did they?—Marshal Small for three or four months enforced it as perfectly as possible, and I think, speaking figuratively, it would be pretty hard to find a runseller then in the city of Biddeford. If they could, they would make his life a total failure.

9213*b*. A good deal depends on the character of the officer?—Entirely. Our present prohibitory law will drive any man out of the business if they enforce it against him. I know of one man who had his health broken down, they followed him up so closely. If you get two good deputies in a place they can break the business up. There is no trouble at all with the law.

9214*b*. From your knowledge of the operation of the prohibitory law, do you believe it has done good?—Yes, in the country towns.

9215*b*. Do you believe that it could be enforced in the cities if the officers liked?—Yes, but it is easier to enforce it in country places.

*By Mr. Gigault :*

9216*b*. For the last ten years do you believe that the prohibitory law has, during any year, really prohibited the sale of liquors in this city?—Yes. In 1884, the marshal handled the runsellers very effectually. It was practically a temperance place for some time.

9217*b*. Was there any liquor sold during that time?—Oh, yes, there was some sold, but the proportion would be small.

9218*b*. How many places were selling liquor during that time?—I do not know as to that. It would be very hard for any one to tell, because they did it very secretly.

9219*b*. How many places do you believe are selling liquor now?—I cannot say. I do not think there are many. When Marshal Coté was in power, I think the sales were stopped; but under the new marshal I do not know what the result will be. It takes only a very short time to get a keg from Boston here and they sell it on Saturday and Sunday.

*By the Chairman :*

9220*b*. Was there much drinking during those years that the law was enforced? If there was not much selling of liquor, can you tell us how far the law was effective in stopping drinking?—I have always thought that the principal effect of the prohibitory law was that it prevented our boys from starting to drink. You take these kitchen bar rooms, and a decent young man will not go prowling around them. If he sees a gilded saloon on the street, he will go into it. I have always claimed, from my observation, that it helped to make a crop of drunkards.

*By Rev. Dr. McLeod :*

9221*b*. The people who patronize kitchen bar-rooms are for the most part men who are addicted to the drink habit?—Yes, and they have to get liquor somewhere.

*By Mr. Gigault :*

9222*b*. Do you believe the statement made to us by Mayor Staples, that there are twenty-five or fifty places selling liquor here now?—Of course, that is more or less hearsay, but hearsay is generally true in this matter. I hardly ever knew a man accused of selling liquor but that there was some foundation for it. The prohibition law is a peculiar law to enforce, and it is a peculiar thing to raise a man's suspicion. A man in our State is convicted on far less evidence for selling liquor, than he would be in regard to any other crime.

9223*b*. On the fourth of July how many persons appeared before you for drunkenness?—Eight appeared before me on the fifth that were arrested on the fourth.

9224*b*. Do you believe that the majority of the inhabitants of this city take liquor more or less?—No, I do not.

9225*b*. Do you mean the majority of the total population?—I do not think that the majority of the voters take a drink.

Hon. Mr. CRAM.

## Liquor Traffic—Maine.

9226*b*. Even moderately?—I am not qualified to answer that question, but I should venture to say that probably half would be the number.

9227*b*. The mayor stated here that there were very few teetotallers?—That was his opinion. I know that in the Protestant churches they do not use it very much, and a great many of the Catholic people do not take liquor.

*By the Chairman :*

9228*b*. What is your opinion as to the number of the male population of full age who are total abstainers?—I should not be able to give you that.

*By Mr. Gignault :*

9229*b*. Do you believe that the prohibitory law has worked satisfactorily in the large cities of the State of Maine?—I do not think it has. In some of the large cities, take Biddeford, Lewiston and Bangor, and it is working very unsatisfactorily.

*By Rev. Dr. McLeod :*

9230*b*. From your knowledge of home life in this community do you think that there is much habitual use of liquor at meals, social gatherings and the like?—I think that among our native population there is scarcely any.

9231*b*. Do you include cider?—There is some liquor used but not much ; they grow fine fruit here and they do not use much of it for cider.

*By the Chairman :*

9232*b*. In connection with these liquor cases do you find much false swearing?—Yes. Liquor cases are proverbial for perjury. For instance, if a man was charged for selling liquor, those who buy it from him will swear him out, if possible. There are many men whom I would believe in any other cases than in liquor cases, but I would not believe them in a liquor case.

9233*b*. In answer to one of my colleagues you stated that a good man, under the present law, could drive the sale of liquor out of this community?—Well, I think it would be impossible to stop the sale of liquor entirely ; but, suppose you drove three-fourths of them out of the business that would be practically driving it out.

9234*b*. Do you mean the open or private sale?—I presume we have no open sale.

9235*b*. Do you mean that two good officers, acting under your orders, could prevent the illicit sale of liquor in Biddeford?—Well, if they acted under the law of the State and their oath of office. I have seen two officers here in a space of six months practically stop rumselling.

9236*b*. Illicit selling?—Yes.

9237*b*. And pocket peddling?—The enforcement of the law drives them into pocket peddling.

9238*b*. If you extinguished all the places that sold liquor, do you think that there would be more or less drinking in the homes?—Well, I should say, perhaps there would be less drinking in the homes. If it is not sold, the result is that a man must send out and get it, but the officer can go into the depot and take in these jugs.

9239*b*. But suppose the liquor is for a private individual?—When they seize liquor they do not know whether it is for private use or not. If a private individual says that it is for his own use, and not for sale, he gets it back, but there is trouble and expense in getting it.

9240*b*. Is it the intention of the law that liquor coming in for private individuals should be seized in that way by the sheriff? Would not that be an arbitrary exercise of power?—The sheriff does not know.

9241*b*. But if the sheriff causes his deputies to seize all the liquor that comes in, he surely must be going beyond the intention of the law?—A rumseller that has a keg of liquor coming in, may have it directed to Edward Staples or some man that is well known not to drink, consequently the officer would very likely seize it.

9242*b*. If a box containing liquor came addressed to Mr. Staples, would the officer be likely to seize it?—Yes, I think he would be likely to seize it quicker than if it came to any other man. Mr. Staples is not a drinker.

9243*b*. Is every citizen of Biddeford who may order liquor for his own private use, liable to be subjected to that annoyance and inconvenience under the prohibitory law? —Yes, he is.

9243*b*. The following statement was filed by Sir JOSEPH HICKSON, Chairman of the Commission:—

“On the 6th of July I saw three labouring men at the station at Biddeford. I spoke to them and inquired how the prohibitory law worked. They stated to me that it was a law for the rich and against the poor, that the rich man could have as much liquor as he liked in his house, but that a poor man was always liable to have any small quantity of liquor he might have, seized. One of them, who was born in Massachusetts of Irish parents, declared that he had seen more drunkards in Biddeford than he had ever seen in a similar town where license prevailed in Massachusetts. The other two were Irishmen, and I asked them if there was any difficulty in obtaining liquor in Biddeford, and they replied that the only difficulty was to find the money to pay for it. Mr. Gigault was present and heard a portion of this conversation. At another part of the station platform were four men resting during their dinner hour. They were painters in employ of the Boston and Maine Railway Company. They made nearly the same statement in regard to the prohibitory law, and reiterated that it was a rich man's law. One of them, who appeared to be the foreman, said that he came from New Hampshire. On being asked about the prohibitory law there and its working, he said: ‘It works well there indeed; you can get as much liquor as you like there.’ The question was put to them if they were all total abstainers? All replied that they were not.”

# Liquor Traffic—Massachusetts.

## MINUTES OF EVIDENCE.

### MASSACHUSETTS.

FALL RIVER, Mass., July 7th, 1893.

Commissioner GIGAULT visited this city this day, and obtained the following statements:—

JOHN B. HUARD, examined.

9244*b*. How many times did Fall River vote against the granting of licenses and in favour of prohibition?—About three times.

9245*b*. Where you have prohibition, how does it work?—Almost everybody can sell liquors, without being interfered with. Liquor is sold openly, and the authorities do not prevent people from selling.

9246*b*. When you had the license system, how did it work?—The licensed liquor sellers were not protected, and a good deal of illicit selling took place.

9247*b*. Under the present system, are there many places selling liquor illicitly?—There are as many, if not more as there are licensed places.

9248*b*. Are there many places selling liquors now illicitly?—There are at least 300 places.

9249*b*. When you have prohibition, is there an increase or a decrease in drunkenness, or in the consumption of liquor?—There is an increase.

9250*b*. Do liquor dealers vote sometimes in favour of prohibition?—I think so, but I am not sure. One of the liquor dealers who had a license told me that next December he would vote against the granting of licenses, because prohibition was more favourable to him.

9251*b*. How long have you resided in this city?—I have lived here 18 years.

9252*b*. To promote temperance, which system do you prefer, license or prohibition?—I believe the license system is preferable to prohibition; to maintain order and promote temperance, if properly enforced.

JOHN P. SLADE, examined.

9253*b*. How long have you lived here?—I have lived here 52 years.

9254*b*. What is your occupation?—I am Secretary of the Five Cents Savings Bank, a director of the Fall River National Bank, President of the Laurel Lake Mill Company, and a director in the Granite Mills.

9255*b*. How many times did Fall River vote against the granting of licenses, and in favour of prohibition?—About three times.

9256*b*. Where you have prohibition, how does it work?—It does not work, and there is free rumselling. I voted against the granting of licenses last December, but now I will vote in favour of the license system, because I believe it works better.

9257*b*. When you have the license system, how does it work?—It works better than no license, there is not so much drunkenness.

9258*b*. Under the license system, are there many places that sell liquor illicitly?—There are some places, but the license system has a tendency to do away with illicit selling in part.



9259*b*. Are there many places selling liquor illicitly?—There are more than three hundred places.

9260*b*. When you have prohibition; is there an increase or a decrease in drunkenness and in the consumption of liquors?—There is an increase.

9261*b*. Do liquor dealers vote sometimes in favour of prohibition?—I think it was the case last year.

JOHN FLEET, examined:

9262*b*. What position do you hold at present?—I have been assistant marshal nearly seven years. Before, I was sergeant in the police force for five years.

9263*b*. How long is the present license law in force?—The present license law was enacted about twelve years ago. The fee for a first class license is \$1,000 as well as for a fourth class license. Last year by a good majority, the inhabitants voted for a reduction in the number of liquor licenses granted. That decision came into effect on May 1st, 1893. Before that date we had seventy-four licensed liquor dealers.

9264*b*. Is there much liquor sold now?—Notwithstanding the fact that prohibition was voted last December, liquors are now sold in this city.

9265*b*. Is there a decrease in the number of arrests under prohibition as compared with license?—During the month of May last, there was a decrease in the number of arrests for drunkenness, but since the first of June until now there is no perceptible decrease in the number of arrests. For other crimes the rate is about the same as in the past.

9266*b*. Do druggists sell liquor?—Since May 1st, about forty druggists have been licensed to sell liquors only for mechanical and medicinal purposes. There are now forty-seven druggists here.

9267*b*. Has the consumption of liquors decreased?—It would be hard for me to say whether it has decreased or not.

9268*b*. How many policemen have you?—About 125.

9269*b*. Is your city an orderly one?—It is very orderly.

9270*b*. Is there much poverty?—Not a great deal.

9271*b*. Have you many houses of ill-fame?—We have some houses of prostitution, but I cannot say how many.

9272*b*. What is the population?—About 87,000; there are about 22,000 French Canadians, and 25,000 Irishmen. This is chiefly a manufacturing town.

9273*b*. How long has the city had prohibition?—For the last twelve years we have not had more than three years, during which liquor licenses were not granted.

9274*b*. Can you give me the number of arrests from 1880 to 1892?—In 1880 there were 1,817, and in 1892 there were 2,971.

## Liquor Traffic—Massachusetts.

BOSTON, MASS., July 7, 1893.

SIR JOSEPH HICKSON, Chairman, REV. DR. MCLEOD, and MR. G. A. GIGAULT, members of the Royal Commission on the Liquor Traffic, visited this city this day and obtained the following statements in regard to the law regulating the liquor traffic.

FRED. G. PETTIGROVE, Secretary of the Commissioners of Prisons for the State of Massachusetts, Boston, examined.

*By the Chairman :*

9275*b*. Have you noticed, Mr. Pettigrove, the United States Census returns of the number of persons in the county jails?—I have.

9276*b*. Looking at the figures in the return and looking at the figures in the return of the Commissioners of Prisons in 1891, I find a very wide difference, the figures in the United States Census return made up in June, 1890, give 1,530 in Massachusetts, and in your return in 1890, there were 580, and in 1891, 615 in the county jails?—He refers to penitentiary convicts.

9277*b*. I took it that your state prison was synonymous with the penitentiary in the census return?—Yes, but Mr. Wines in making out his return included the Massachusetts reformatory and reformed prison for women. If you look all these up you will find that it would amount to about 1,500. On September 30th, 1890, 1,555 was the population in the three prisons. I remember that Mr. Wines told me that he included all these under the head of "penitentiaries." The reform prison for women is the same as the State prison for men and the reformatory for young men, it answers the place for women that these two places do for men.

9278*b*. Your present law in regard to the liquor traffic is a law of high license and of local option in this State?—Yes.

9279*b*. Can you tell us in what places in the State they have decided not to grant licenses?—I cannot give you the list just now. Lynn has voted against license, it is very near to Boston. Cambridge has not had license for a good many years. Salem, Quincy and Worcester would have license one year and no license another year. Lynn has generally been licensed until this year. Lawrence has sometimes gone license and sometimes no license. I could supply you with a list of these places from my office.

9280*b*. How long has high license and local option been the law of the State?—I cannot give you the exact date, but I should say that the principle of local option has been on the Statute-book for twenty years.

9281*b*. Have the terms of the law been frequently changed during that period?—The details have been changed from time to time, and minor amendments have been made. High license was adopted more recently. Local option was under a different Statute and high license was a later feature of the law. The high license fee was adopted in 1888, making the minimum fee \$1,000 for a license to sell liquor of any kind to be drunk on the premises, there are six classes of license but the fees are not less than \$1,000 for liquor to be drunk on the premises. The fee, however, may be more at the pleasure of the city or the town.

9282*b*. Can you tell us how many licenses are issued in Boston?—The number of licenses is regulated by law. All places outside of Boston, only one license may be granted for each 1,000 inhabitants, and in Boston, one license for every 500. The only exception to that is in places used as summer resorts where the population increases during the summer months, they may use the population that comes in as a basis for fixing the number of licenses to be granted. That is, I think, the law of 1888.

9283*b*. In a letter which I had from Colonel Wade, who is chief of the Massachusetts district police, written on behalf of the Governor, he says that the Legislature enacted in 1860 a prohibitory law and provided for the appointment of a special police force for its enforcement. Was there a prohibitory law on the Statute-book before that?—I think the first prohibitory law was in 1855.

9284*b*. He says that in 1869 the law was changed, giving authority to cities and towns to appoint agents to sell spirits and intoxicating liquors of pure quality?—That is so.

9285*b*. Are there any statistics that you can command which would show the results of the operation of the prohibitory law in Massachusetts as affecting crime?—Not unless you take the reports of criminal prosecutions. Our prison statistics only go back a little over twenty years, since the board of commissioners of prisons was established. Prior to that, the only statistics were the reports of prosecutions.

9286*b*. Have you any idea as to what led to the change in the law?—That is a question that is very difficult to answer. I know that for several years, prior to changing the law, there were leagues organized in various parts of the State to repeal the prohibitory law on the ground that it did not prohibit the sale of liquor, and on the ground that the sale went on just the same under the prohibitory law as it would under license, and that there was a good deal of drunkenness. There was drunkenness under prohibition, and that was apparent to any one in the community, but whether or not there was as much drunkenness under the prohibitory law as there is under the license law, is still an open question. There are two opinions about that. My own opinion is that, compared with the population, there was less drunkenness under the prohibitory law than there has been under the system that has been in vogue since. While it is true that the sale was driven into secret places, it is also true that young men did not have the same opportunity for learning to drink that they have in these more attractive places that we see now and which are the rum shops. We have now what is called the screen law, which provides that every one going into a saloon and everything done in a saloon shall be seen in the street. Under this law a young man goes along and he sees a man whom he respects, a man with whom his father associates, the man who stands high in the community, drinking at a bar, and he steps in to do the same thing, not feeling the same shame as he would if he were obliged to go into a cellar or a back alley to get a drink. In the first place, the chances are that the young men would not do that.

*By Rev. Dr. McLeod :*

9287*b*. Unless he had formed the habit he would not go there?—Yes. I think there is less likelihood of his forming the habit, if selling was repressed more than it is at present.

9288*b*. Do you think that the outlawing of the trade was helping, at any rate, to create a sentiment against the traffic and against the drink habit?—It seems to me so, but, of course, that opens the whole temperance question. The moment you speak of that, the whole question comes in. I do not think it is possible to prohibit the sale of liquor to persons who have acquired the habit and want it. I believe that they will get it under any system.

*By the Chairman :*

9289*b*. I notice that in your last report of the commissioners of prisons, reference is made to the inconsistency of sending men to prison for drunkenness. It is claimed by some that it is a disease?—I have written quite a number of letters on that, but the commissioners do not all agree. All that is in our report is simply the judgment of five men. I write a report and print it and submit it to the commissioners, and if any single commissioner objects to a thing, it goes out. I do not think very much of committing drunkards to prison, that is my opinion, personally.

9290*b*. Was that stated in your report and in the articles you wrote?—It was in the paper I read before the Statistical Association.

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9291*b*. Have you paid any attention to the gold cure?—Nothing more than to notice a few cases that have been treated by that method. I have not, personally, seen a case that I thought was truly cured. There are various institutions about Boston for treating drunkards on that principle, and there may be cures effected.

9292*b*. Have you seen Dr. Wright's report on the Norwegian system of selling liquor?—Yes, in the Institute of Technology some months ago, I heard a gentleman read a paper on Dr. Carroll Wright's report.

9293*b*. Did you form any opinion on that?—It did not seem to be practicable. It is substantially a Government selling of liquor.

9294*b*. I notice that while there is an increase of the arrests for drunkenness throughout the State, there is a large decrease of commitments for drunkenness. I want you to say a word or two about that?—The reason for that is the law of 1891. A large number of persons were released under the law of 1891, which provided that a person arrested for drunkenness, might make to the officer in charge of the place of custody, a statement showing that he had not been arrested twice before within the twelve months, and the officer in his discretion could release him. The practical operation of that law was that nearly all the persons who made that statement were released. The officer assumes that the statement is true and releases the prisoner and, consequently, they do not get into court. But in cases where the drunkards were known to be old offenders, the officers would make a complaint against them in court, and have them tried and committed.

9295*b*. That is what led to the large reduction in the number of commitments?—Yes.

9296*b*. I noticed on referring to your commissioners' report for 1892 (p. 264) that the total arrests for drunkenness were 70,682, and the number released by the probation officer, 52,956 (p. 269) and the number committed for drunkenness, 8,634 (p. 260). Then, I take it from the terms used, there were released on probation, 3,753 (p. 268). The total of these three last classes being 65,353, leaves a discrepancy of about 5,000 between these figures and the number of arrests. Will you kindly explain that?—That is accounted for by the release of persons arrested in a jurisdiction where there is no probation officer or there might be possibly some slight discrepancy in the returns. I presume that all police officers do not keep their returns carefully, and perhaps some probation officers would not keep their returns carefully, and they would not agree. That might make a difference in the entire State, and the others would be accounted for by the release of persons where there was no probation officer.

9297*b*. Will you kindly tell us briefly what are the duties of the probation officer?—I will have to go back just a little. The probation system was introduced into our courts in Boston by some charitable persons who believed that some boys, young men and young girls might be reformed and corrected without being subject to the dangerous influences of a prison. The judges in some instances would allow a charitably disposed person to take in his charge a young offender who came into court for the first time; the court giving the boy or girl into the custody of this person for a certain length of time. Out of that grew the probation officer. The first probation officer was appointed by the board of aldermen of Boston to act in the municipal court of the city. Then came, after that, a statute passed in 1880 which provided that the mayor and aldermen of a city or the selectmen of a town could appoint a probation officer. Under that act the chief of police in places outside of Boston usually performed the duty of probation officer, but the system was not carried on very well, and in 1890 we made an investigation to ascertain how many of the cities had appointed a probation officer and we found there were only forty-nine. Then we went to the Legislature for this new law, which you will find printed in that report (1891) you have in your hand at page 306, that provides that the justice of each municipal court shall provide a probation officer and it is made the duty of the probation officer to inquire into every case brought before the court where he is, that is that he finds out what the circumstances of the offender are, whether he is out of employment, whether he has been in court before, and generally the state of the offender, and make his report to the court. If the court thinks that the interest of the community will warrant it he

puts the boy on probation. That is to say he convicts him of the offence and he says, "Now I am going to place you in charge of the probation officer for six months, or for nine months or for twelve months." If he finds from the report of the probation officer that there is reason to believe that the boy can be reformed without being sent to prison and that the interests of the community will not suffer he puts the boy in charge of the probation officer. The custom is that the probation officer shall become security for his appearance at some date specified by the court. He is released on certain conditions, and one of these conditions is that he shall report regularly to the probation officer. Whenever he violates any of these conditions the probation officer can surrender him at any time to the court.

9298*b*. Are you now referring to drunkenness?—I am referring to any offender in a criminal case brought before the court.

9299*b*. And with regard to drunkenness?—The probation officer, as a special duty, inquires into their statement. The probation officer takes the statement signed by the man who is under arrest and makes a report as the truth of it. That I could explain very readily by giving you the blanks on which the report is made.

9300*b*. I notice that on page 267 of the report for 1892, you have 63,000 cases of drunkenness referred to the probation officer, and in 52,000 cases the statements were treated as true?—That is made from the reports of the probation officer who inquires whether the statements were true or untrue.

9301*b*. If the statement made by the offender is found to be true is he allowed to go without appearing before the court?—He would be, up to the 1st of July of this year, but on the 1st of July that was changed. Now he can be released without going to court, but he cannot be released without the order of the court. Under the old law the police officer could release him when the report of the probation officer was made, but under the present law there has to be an order of the court. For instance, if a police officer got an old rounder into his custody, and the man made a statement that he had not been arrested twice before within twelve months and the probation officer made a report that it was true, the police officer must release him.

9302*b*. There was no fine?—There was no fine or any further action to be taken if the statement was true, but at present the court may direct his release without bringing him into court.

9303*b*. What is done in a case when a probation officer finds the statement of the offender to be untrue?—If he finds the statement to be untrue he notifies the police officer to that effect, and it becomes the duty of the officer to make a complaint against the prisoner for drunkenness, and if he has been let loose he must be arrested again. There is a feeling that it is an unwise provision of the law of 1891, which gives to the police officer power to release.

9304*b*. You attribute the decrease, amounting to somewhere about 11,000 in the number of commitments for drunkenness, to the operation of this law?—Yes. We do not call that a decrease in drunkenness but a decrease in commitments. Under the old law a man was taken into court, and if he was convicted he was sentenced to pay a fine of five dollars, and for non-payment of that fine he was sent to jail for a period not exceeding thirty days. If at any time during the thirty days he paid the fine, he was released by the county commissioners, or in the city of Boston the commissioners of public institutions could release him at any time within thirty days. If, in the House of Industry, we got some person half a dozen times in the same year, he would count as six commitments, but now he would only appear once.

9305*b*. At all events, you attribute the great decrease to the operation of this law?—Yes, it simply abolished the fine. The court had no power to impose a fine for two years from the 1st of July, 1891, to the 1st of July, 1893.

9306*b*. Is there any fine for drunkenness now?—Yes, since the first of July of this year, the court may impose a fine upon a person who has been twice before arrested within twelve months; he may be fined not exceeding ten dollars, and for non-payment of the fine he may be committed for thirty days.

9307*b*. Shall I be correct in concluding that your commitments now really represent persons sent to prison, whereas previously they represented persons who were fined as well as those imprisoned?—Yes.

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9308*b*. Has the decrease in the commitments reduced the expenditure at your jails?—No, not in the least, because the prison population has kept up just the same. While there have been less commitments there have been about as many drunken persons committed and they have stayed longer. The sentences have been longer, so that the prisons have been kept up the same as before, and the procession has been going on in and out all the time.

9309*b*. Do you consider the present state of things exceptional?—No, I think it will continue. Just now we are entering on a little different plan, we have restored the fines for certain classes of offences, so that to all intents and purposes we have gone back to the original plan of punishing drunkenness, with the exception that we still leave to the court the power, to allow the judge, to let a man off without going into court.

9310*b*. You treat the drunkard with greater leniency in this respect?—Yes.

9311*b*. Do you think that the effect of this probation system has reduced the number of drunkards going to the jail?—Not very materially.

9312*b*. Would the effect not be to reduce the number being committed?—It would have that temporarily, but taking it one year with another I do not think the number of persons would be very materially reduced, the only effect under the law of 1891 would be to keep out of the prisons the persons who had not been before arrested within twelve months or who were unknown to the police.

9313*b*. Would you not also include those who were unable to pay their fines under the old system?—No, because under the law of 1891 persons who were known to be old offenders and had been before arrested would be taken into court and instead of paying fines they would be sentenced to terms of imprisonment, so although they could not be fined, they would not escape. Under the probation system the first offenders, who under the old system might have been fined, escape punishment, but there is a punishment provided for drunkards and they go to prison.

9314*b*. Is it your opinion that the system does not reduce the number of inmates in your jails for drunkenness?—It might have that effect temporarily but it would not be permanent. I think it is desirable to have a probation officer, but I object to the details of the system. I think it is not for the Legislature to make rules for the court, and I prefer that the court should be allowed to make its own rules and to prescribe in which way it would perform its duties. Under the law of 1891 and the amended law of 1893, they go in to detail more than I think is desirable, I believe in the principle of having a probation officer to inquire in regard to every person arrested, not only for drunkenness but for other offences.

9315*b*. Shall we be correct in concluding that the cases referred to this probation officer are really after all cases of drunkenness?—I presume it is possible that a police officer in some instances might avail himself of the opportunity given him by the law to gratify a little spite, but I believe that in 99 cases out of a 100 the real cause for the arrest is drunkenness. In some communities a person has to be very drunk before the police officer will arrest him. I think there is less likelihood under the new law, of the officer making arrest without sufficient cause, than under the old law. Under the old law he could take a man staggering in the street and he could release him in the morning, whereas now if he arrests a man he must go into court unless the court authorizes the discharge. The policeman has to appear in court as a witness, and as he would have that trouble before him he would not make arrests unless he had sufficient cause. In that respect I think that the law of 1893 is an improvement over the law of 1891.

9316*b*. Have you formed any opinion as to the cause of the great increase of arrests in the State last year over the previous year?—That is the only special reason I can give. Prior to 1891 the officer who made the arrest for drunkenness was obliged to make a complaint against the person arrested. They insisted on his going to court to prosecute, but under the law of 1891 that was removed. He could make the arrest, take the offender into the police station and he would not have to appear against him in court. I think that had a tendency to increase the number of arrests.

9317*b*. Then do you attribute the increased number of arrests to that cause rather than to an increase of drunkenness?—I think that is the special reason, but I do not know

whether I can answer the other part of the question or not, I suppose there is a natural increase in drunkenness in communities where liquor is sold as freely as it is in Boston.

9318*b*. Has there been an increase or decrease in the number of licenses issued in 1892 as compared with 1891?—The number was increased in 1891 over 1890 on account of the census of 1890. The only increase in the number of licenses is the increase authorized by law which permits one license to every 500 inhabitants. Prior to 1890 the number of licenses was based on the State census of 1885. Then when the State census of 1890 was taken showing the increase in the population, the board was empowered to grant additional licenses. There has been no other increase.

9319*b*. Have you at any time made any comparison of the number of arrests for drunkenness in the State of Massachusetts or in the city of Boston, with other States or other cities?—I have never made any careful comparison.

9320*b*. Taking the city, I notice that the arrests in 1892 appear to have been 75.34 per thousand, and in 1891 I find that there were but 57.42 per thousand?—That is not an exact comparison and it is impossible to make an exact comparison for the reason that the number of arrests in 1892 are just the same as the arrests of 1891 under the census of 1890 without considering the increase in the population. That would reduce the difference somewhat, but it would still be a very large increase and the only way we could account for the increase is first. That the police officers know they could arrest a man without going to the trouble of prosecuting him and the other reason would be, the increased facilities for transporting him from any part of the city to the police station, that is due to the introduction of the patrol wagon system and the police signal system.

9321*b*. Under your law the people of each municipality decide each year whether a license shall be granted or not?—Yes.

9322*b*. Do you remember what the figures were in the vote at the last election in Boston on the question of license or no license?—I do not remember the figures, the majority in favour of license was very small.

9323*b*. In your last annual election the people voted they should have license?—Yes.

9324*b*. Was the vote large or small on the license question last year?—I do not remember what percentage it was of the total votes, but it was quite a large vote. The majority for license has decreased every year. The vote is taken at the same time that the election of municipal officers takes place, so that we get very nearly the total vote cast. I believe that last year's vote was quite an average vote and the majority for license small.

9325*b*. What body issues licenses in this city?—The board of police.

9326*b*. How is that body appointed?—It is appointed by the Governor of the State and Council.

9327*b*. How many members are there in it?—The board was created in 1885, and there are three members appointed for terms of five years.

9328*b*. Is the mayor a member of the board?—He is not.

9329*b*. How are the commissioners paid?—By the city.

9330*b*. And the police officers are appointed by the board and paid by the city?—Yes, there is a provision in the law, however, that provides that in cases of emergency the mayor may take charge of the police force and that the police board shall carry out his orders in times of great public excitement or riot.

9331*b*. In answer to a question put by my colleague, Rev. Dr. McLeod, you stated that you thought there was less drunkenness under the prohibitory law than under the present high license and local option system. Do you think there was really less consumption of liquor?—That is my opinion from my own observation, but I cannot base that on any statistics. In those days, we did not gather statistics as we do now. We cannot tell you the number of arrests for drunkenness in the State of Massachusetts, in any year during the time the prohibitory law was in force, because there was no provision for the police authorities to make returns as there is now.

9332*b*. From your observation do you think that the prohibitory system has a tendency to drive liquor into the homes and into disreputable places?—Undoubtedly.

9333*b*. Generally, what is your view of the operation of the present law in Boston and in the State. Does it work satisfactorily?—I think quite satisfactorily, but I

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suppose, as I stated before, that that would open the whole question and go back almost to the foundation of the thing. It is a very difficult matter to reform a man by statute. As I say, a man who is disposed to drink will get liquor under any system. They always get liquor under the prohibitory law. They get it in Maine, although, in the town where I was born and brought up in Maine, there was no liquor sold. It was in Calais. When I was a boy, and saw a man staggering through the street, it was just as good evidence that he had been across the river to St. Stephens as if we had the testimony of a decent witness.

9334*b*. Has the enactment of laws by the legislature creating new offences, had any effect in your opinion upon the increase in the number of arrests and indictments for offences and crime in the State?—Oh, yes, I think so.

9335*b*. I saw in your article in the publication of the American Statistical Association, March, 1892, that you described the creation of these offences as a State industry?—Yes. If you have now six or seven classes of offences where you had previously only three that has a tendency to increase the number of offenders and offences appealing on the record. That applies to other communities in the States as well as to Massachusetts. However, I think we have more offences on our Statute-book than any other State in the Union, and we take notice of some things and call them offences that are not considered as worthy of attention in other communities.

*By Rev. Dr. McLeod :*

9336*b*. I suppose that Boston has its full number of licensed places according to population?—Yes, one for every 500. People who are interested in selling liquor take very good care that there are no vacancies.

9337*b*. There would be 896 licensed places then?—Yes, I think that is about what they have : there are a few short of 900.

9338*b*. Are you able to say whether there are any unlicensed places in Boston?—I think there are very few. Once in a while you hear of a kitchen bar-room being raided, but I think, as a rule, that the police, with the assistance given to them by the license police, are able to keep these places cleaned up.

*By the Chairman :*

9339*b*. Do the license police help the police?—I think they do to a certain extent.

*By Rev. Dr. McLeod :*

9340*b*. We have had it stated to us, that where high licenses are paid, the man has got to keep a pretty swell place, and that there is a certain class of people that want a cheaper place, and that some license holders encourage rather than discourage the establishment of unlicensed places around the corner. Then the unlicensed place gets a supply of liquor from the licensed place. Do you think that condition of things exists here?—That might be in some cases.

9341*b*. Do you know whether the license holders here observe the prohibitive provisions of the license law, such as closing up at certain hours and on the Sabbath?—They do.

9342*b*. Do you think there is a great deal of Sunday selling?—I think there is very little. I think there are comparatively few places that do that sort of business. It has seemed to me, since the high license was adopted, that a man would be very careful about running the risk of not only subjecting himself to fine and imprisonment, but the forfeiture of his license, not only the forfeiture of his license for that year but for all time. Under the present system the board of police do not grant a license to a man who has ever been convicted of violating the conditions of his license.

9343*b*. Does the board of police ever over-ride that provision?—That is not a provision, that is a system the police board have established. When a man has forfeited his license for one year, he has forfeited it for all time ; every applicant for a license is published, and a thorough investigation is made by the police officers in the district where he resides.



*By the Chairman :*

9344b. Is it a condition of the law that the neighbouring real estate proprietor can stop the granting of a license?—Yes, a single property owner within twenty-five feet of a licensed place can prevent the granting of a license by making an objection. That law has had a very curious effect in some localities. In some instances liquor dealers, in order to get a license, have been forced to buy up the adjoining property at quite an advance on the assessed value of their property.

9345b. I suppose that some people who are not able to buy out the property could not get a license?—There are some localities where a man finds it impossible to get a license on account of the character of the residents, they will not permit liquors to be sold in their neighbourhood.

*By Rev. Dr. McLeod :*

9346b. What do you understand the vote of last year on the liquor question to indicate. Does it indicate a growing feeling against the license system in Boston?—I do not attribute it wholly to that; there were other considerations.

*By the Chairman :*

9347b. Is there a feeling amongst a certain class that the present system is one which enables a man with capital to set up a saloon, but that it prohibits a man who has not a large amount of capital from going into the business?—There is a great deal of that feeling in the community.

9348b. And I suppose that for that reason it is obnoxious to a certain class of the community?—Yes, and that had an influence on the vote last year.

ALBERT T. WHITING, of Boston, Chairman of the Police Commissioners, examined.

*By the Chairman :*

9349b. What is the business of the board?—This board has been in existence for eight years the present month of July. The members are appointed by the government, and the appointment is confirmed by the council. They are appointed for a term of five years. The board appoints the chief of police and the police officers. They make all the appointments of the department. We have here a civil service system, which we all have to be governed by. The appointments, with the exception of the chief, are made through that service. The chief or superintendent of the police is appointed outside of the service. If we wish to make an appointment of police, we make a request on the Civil Service Commissioners, saying we desire to appoint three officers, and we are entitled to three men to choose from for every one we wish to appoint. If we wanted one man, we would get three, and if two men, we would get five.

9350b. What police force have you now in Boston?—We have 679 policemen, and then we have 100 reserve men and we have sergeants. There is a total of 930 men, including men and officers.

9351b. What are the reserve officers?—They are appointed in this way. In order for a man to be eligible to become a police officer, he has to serve at least six months as a reserve officer. He is appointed a reserve officer, if at the end of six months he is found to be capable of doing the duty, then they make a report on his case, and then he is eligible to be appointed after another examination by the board. For the time that he serves as a reserve officer, he receives \$2.00 a day only. They do not all go on at the end of six months, but as fast as vacancies occur, they are eligible. The constable receives the first year on the force \$1,000, and the second year, \$1,100, and the third year \$1,200, and while a patrol man he is eligible for promotion.

FRED G. PETTIGROVE.

## Liquor Traffic—Massachusetts.

9352*b*. The police board deals with the granting of licenses in the city?—The board has that power. The granting of licenses is made by this board and they hear complaints and it is for them to say whether a license shall be forfeited or not. If a person makes a complaint that a license holder is not conducting his business properly or if the police make the complaint—and a private citizen can make a complaint—the board can hear the complaint, and if in their judgment the case was proven and it appeared to them that the license should be forfeited, they will forfeit it. We have a law of limitation here. We have one license to every five hundred of the population according to the last State or national census.

9353*b*. How do applications for licenses reach the board?—We have the papers here. The time for granting licenses comes on the 1st day of May. In the months of March and April, the board receives applications. We commence to receive applications on the first day of March. The liquor dealers come here and get their papers and make their applications for a license. Then those applications are sent to the several stations to be examined, and the captain investigates and makes a report and sends it again to the board. We have the right to grant licenses any time during the month of April to take effect on the first of May following. If the license is granted, the party is notified that the license has been granted, and a blank bond is sent to them, which they take and fill, and they go to the city collector and pay their money, and then they go to the treasurer and file their bond and the receipt from the city treasurer that he has received the bond is taken by the board and filed and the license issued.

9354*b*. Do you remember what the receipts of the city for licenses are?—Last year we had something like \$1,050,000. The receipts will vary a little in each year. It is according to the number of licenses which may be surrendered and new ones taken out in their place. One year you may have more surrenders than another and that would account for the variation each year. If a man dies, that license ceases and it can not go on for the balance of the year. If a man says, "I want to buy out the business of a man who had been conducting business for a number of years," he comes to us and says that "the man will surrender his license if I can get a license in his place." The board does not intend that a party may sell out his license and another continue carrying on the business without notifying the board. If we find that that thing is done the man will never get a license. We cannot cancel a license without cause, but if we find that a man is doing business under another's name, that would be cause. The decision of this board is final and no courts review it and the licensees are obliged to keep their licenses in the same public place.

9355*b*. In case of the death of a license holder, does the law provide for his heirs continuing the business?—I am sorry to say that it does not and that is something that the board has always felt was an injustice to the man's family. I do not know of any reason why, if they have paid to continue the business for twelve months, they should not be allowed to do so for the whole year.

9356*b*. Is there no rebate in case of there being an unexpired term of the license?—No.

9357*b*. Have they to come in with a fresh application every year?—Yes.

9358*b*. About what is the annual expenditure to sustain your police force?—It is something like \$1,100,000. I claim that the police force is self-supporting. If you take the liquor licenses, the second-hand dealers' licenses and the other minor licenses that are granted, they about support the police force.

9359*b*. The application for a license may be opposed by whom?—There is a legal bar to a license being granted if any one objects who is the owner of real estate within twenty-five feet of the place to be occupied as a liquor store, that is a legal bar and you cannot grant a license. That is to say, if a licensed victualler, a person who sells to be drunk on the premises. But in the case of an inn holder who sells liquor, it would be in the discretion of the board whether they would grant the license or not. In the case of the common victualler, where they have a bar, a person owning real estate within twenty-five feet can prevent him having a license. If a license was granted in the face of the opposition of such a person it would be null and void.

9360*b*. Would the opposition of a proprietor within twenty-five feet of the licensed place be sufficient to prevent the continuance of the license?—Yes for a license of that class.

9361*b*. You have six classes of licenses in all, and with regard to those licenses the board can use its discretion?—Yes, and if any surrender comes in, the board investigates and looks into it and they hear all charges.

9362*b*. Have you had to refuse many licenses through the opposition of landed proprietors?—Yes, and I am sorry to say that there is more or less blackmailing carried on with respect to this provision of the law. There are parties who will enter their protest against a man having a license and then they will turn round and say, "Well if you want your license, you pay me \$1,000 and I will take the remonstrance off." That is a matter between the interested parties.

9363*b*. Have you reason to suppose that there is much illicit sale of liquor in Boston?—There is more or less in a city always, that is the worst evil we have to contend with. As far as the licensed dealers themselves are concerned, we have very little trouble with them. Our trouble comes from those illicit places, that is where they sell in dwelling-rooms, houses and in kitchens. It is mostly on Sundays that this sale takes place, they will sell one Sunday in one place and the next Sunday in another place.

9364*b*. Do you find that the licensed dealers help the police to detect those illicit liquor selling places?—No, sir, they don't care to do it. Once in awhile they give information, but as a rule they will not become informers.

9365*b*. Do you think they encourage them?—No, they do not encourage them; although there are some liquor dealers I presume that do quite a little business from selling to that class of people. If we could satisfy ourselves that a licensed man was making a business of selling liquor to supply illicit places, he would have a great deal of trouble about the renewal of his license the next year.

9366*b*. You are speaking of those who have a license to sell where the liquor is not drunk on the premises?—Yes, as a rule I may say that in Boston every one will give us credit for it that the hours at which the licensed persons are allowed to do their business, they keep fairly and squarely. They open at six o'clock in the morning and close at eleven o'clock at night, and on Sundays. There is none of them open at illegal hours. I do not believe that you will find in the city of Boston a single licensed place open after hours, and I think Mr. Pettigrove will endorse that. That is admitted by all, even by strangers who come here. The licenses are so valuable that the men cannot afford to take the risk of breaking the law. We have a screen law here so that any one passing by a liquor establishment can look in and see what is going on.

9367*b*. I suppose that usually a man has to spend a good deal of money in fitting up a place?—Yes, and it is too valuable a franchise to lose.

*By Rev. Dr. McLeod:*

9368*b*. The license fee is paid in advance?—Yes, and we do not issue until the license is paid for.

*By the Chairman:*

9369*b*. Do you remember the number who voted at the last election against the issue of licenses?—I do not remember it just now but it was less than 1,000 in favour of licenses. The report in the register of voters will give you that. For the last three years we have not heard a complaint by any one against a liquor dealer for violation of the Sunday law, and we have only had one violation of the screen law in four years. You can see from the figures and from the forfeiture of licenses that these people place a big value on their licenses and they cannot afford to break the law. The revenue from the licenses has increased from \$225,000 when there were 2,000 licenses to the present time when there is a revenue of \$1,050,000. When we came here the proprietor of a first class hotel only paid \$600 and for his license, to-day he pays \$1,500. In 1878 the license fees amounted to \$236,000, in 1885 to \$521,000, and in 1892 it went up to \$1,058,146. That is what this board has done and yet some of them growl.

ALBERT T. WHITING.

## Liquor Traffic—Massachusetts.

9370*b*. What is your rule about arrests for drunkenness here?—I believe that if a man is on the streets intoxicated he should be taken care of, particularly at night, and not left to the tender mercies of the hoodlums.

9371*b*. The arrests in 1891 were 25,726, and in 1892 they were 33,755. To what do you attribute that increase?—Because, if a person was arrested and it was his first crime, the police had a right to liberate him when he became sober. I suppose that to-day the men have to go into court. For instance, the day after the 4th of July the court did not finish up work until 11 o'clock at night. They have to be pretty careful how they arrest people; I suppose if a fellow is going along pretty well they do not bring him in. Under the old law, when the police had a right to liberate them, they would take them to the station-house and let them sober up and come the next morning and let them out. I suppose some did not like that very well. The figures you took for 1891 were made up under the old law, which is substantially like the law which exists since the 1st of July, 1893. But the arrests for 1892 were made under the law of 1891. The board has told the men that it is right to look after intoxicated men and that they should not be left on the streets at night.

9372*b*. Do you think that there is more drunkenness now than there was when the previous law existed?—No, I cannot say that I think there is. The increase in the number of arrests would be accounted for, to some extent, by the better police service. Formerly we had no signal service and no patrol wagons, and if a policeman arrested an intoxicated person he had to take him through the streets as best he could. Under the present signal service the police pulls the box and the wagon comes along and takes his man to the station, and he has no trouble. I may say that the number of assaults on constables under the present system has greatly decreased; it is not one in twenty-five of what it was under the old system.

9373*b*. Then, in your opinion, the increased arrests for drunkenness results from the less trouble the police have in connection with arrests?—Yes, I think so in one sense. We think it is a great deal better to take charge of drunken men than to have them roaming round the streets.

9374*b*. Can you remember the time when the city of Boston was under the prohibitory law?—Most decidedly, I can. I remember it perfectly well, because I had a bar-room in operation then opposite my place of business, right under my nose. There was a bar running wide open and nobody ever interfered with it but once. There was one rigidly temperance house in the town, the old Marlborough Hotel, and right in the rear of it they had a large bar-room in full spring. I know how prohibition worked here, it was a perfect disgrace to Boston and to the State of Massachusetts. There was more intoxication here than ever I remember before or since. They had clubs and they had rooms where they would meet. A man could go into this club or room and take down a bottle and help himself, and he was a member of the club.

9375*b*. Was prohibition made an issue during the election for the State Legislature before the law was repealed?—I do not remember.

9376*b*. The majority in favour of issuing licenses at your last election was not very great?—That is true, but I think it was more of a personal matter than anything else. There is a great deal of feeling in Boston amongst the lower class of the people on this question. They do not like this law of limitation. Some of them say: "Here those people get a license and I can't get one; and damme if I can't have a license, they shall not have one." They are mad because certain people get them and they don't, and then they say: "Let us all go in and vote against license, and we will have free rum."

*By Rev. Dr. McLeod:*

9377*b*. Do you think it would be better to provide for that class of people by issuing another class of licenses?—There are many places where they do not sell hard liquor. You have got to give the undesirable class of people some rights.

9378*b*. Have you observed whether beer sellers sell hard liquors illegally?—No, the beer sellers are mostly amongst the German people. We follow them up pretty closely, and if a man is caught breaking the law he loses his license.

*By the Chairman:*

9379*b*. Has the board any discretion in cases where there have been alleged violations by licensees, as to the renewal of licenses?—Certainly, we have it wholly in our

hands. We can renew or we need not, even if we got a man whom we believed was the right kind of a man to have a license, and even if no charges were substantiated against him, we can throw him out.

9380*b*. Do you ever reconsider cases where you have refused the applicant when people afterwards come on their behalf?—If it is done before we get through with our consideration, we might give a rehearing. The person is notified that we are not going to grant his license. In the meantime the friends of that person may come before the court and perhaps they can show that an error has been made. They give their reasons, and perhaps they are able to clear up some things and prove to the board satisfactorily that the man's license should not be cancelled, in that case then the board might reconsider its action.

9381*b*. We found in some places that political considerations enter into the question, is that true in Boston?—No, sir, there is none of that whatever here, although we are accused of a great deal of that. I know that I can say and say it truthfully, that we never took any part in that. My brother commissioners will say that politics do not enter into it and say it truthfully. In all my experience of the board, I have never heard the question brought up of granting a man a license because he was a Democrat or a Republican or something else, and I have been chairman of the board for eight years. I think that the majority of our board are Republicans, but 90 per cent of those men who have liquor licenses are Democrats.

*By Rev. Dr. McLeod :*

9382*b*. We have had it stated to us in some places that men in the liquor trade whether licensed or non-licensed, make themselves solid with the officers and that they escape a good deal. Do you think that is so?—I don't think it is so in Boston. If we had any suspicion that anything of that kind was done, the police would be taken off and put somewhere else. If you ask any policeman on the street whether he has any fear of doing his duty, I think he will tell you that he has not, and that he finds it better to do his duty than to neglect it. If a policeman does his duty, no liquor dealer in Boston can say, "we want that man out of the way."

9383*b*. All your officers, as well as the men, have to pass an examination by the Civil Service Commission?—Yes.

9384*b*. Has that any effect in securing a sober class of men?—I think that as a rule you get a better class of men than if it was left to political favouritism. The men are subjected to a physical examination also.

9385*b*. Are there many houses of prostitution in the city?—We have them here, like in all great cities.

9386*b*. Are they licensed?—We do not believe in giving such things official sanction. If complaints are made to this board that a house of ill-fame is a nuisance and that they are conducting it improperly, we clean it out.

9387*b*. When they are known to be houses of prostitution unless there are complaints made about them, you do not interfere with them?—Not as a rule.

9388*b*. Do you know if they sell liquor in those places?—I presume they do, but I cannot say. They are not licensed to sell liquor. There is not a house of ill-fame in Boston that could get a license.

9389*b*. Are there any of the lower class drink shops mixed up with houses of prostitution?—I do not think so. There used to be dance halls in former years, but now there is not one that sells liquor.

9390*b*. Did they sell liquor illegally in these places?—I do not think they did in one sense, but on the other hand I believe persons could get it. We have sent out policemen in citizen's dress to try and detect them, but they have never found out any.

*By the Chairman :*

9391*b*. Is it not the common practice for those who frequent these places, to send to licensed places to get drink?—As a rule, they would not dare to keep a stock of liquors in these places. We look after them pretty closely and send policemen that they do not know to try and detect them.

The inquiry was then closed, and the Commission adjourned.

ALBERT T. WHITING.

# Liquor Traffic—Appendices.

## APPENDIX No. 1.

*Copy of deliverance of General Conference of Methodist Church submitted by Rev. Arter Wright,  
Riverside, California.*

### TEMPERANCE AND THE PROHIBITION OF THE LIQUOR TRAFFIC.

Reaffirming our former deliverances on total abstinence and prohibition, we present for your approval the following brief declarations :

#### 1. PROGRESS AND DUTY.

We are profoundly grateful to God for the progress already made in every phase of the temperance reform, and hold it to be the duty and privilege of the Methodist Church both to save the fallen and to wage an increasingly aggressive warfare against the liquor traffic.

#### 2. PERSONAL ABSTINENCE.

The word of God, the teachings of science, and the lessons of experience all combine in declaring total abstinence from intoxicating beverages to be the duty of every individual.

#### 3. OTHER ORGANIZATIONS.

We are in sympathy with and bid a hearty God-speed to all organizations, of every name and nature, that seek to promote the cause of total abstinence and accomplish the overthrow of the liquor traffic.

#### 4. ATTITUDE TOWARDS THE TRAFFIC.

We reiterate the language of the Episcopal Address of 1888 ; " The liquor traffic is so pernicious in all its bearings, so inimical to the interests of honest trade, so repugnant to the moral sense, so injurious to the peace and order of society, so hurtful to the home, to the Church, and to the body politic, and so utterly antagonistic to all that is precious in life, that the only proper attitude towards it for Christians is, that of relentless hostility. It can never be legalized without sin."

We concur with the Episcopal address of 1892, where it is declared : " In our judgment the saloon is an unmixed evil, full of diabolism, a disgrace to our civilization, the chief corrupter of political action, and a continual menace to the order of society and the peace and purity of our homes."

Believing, as we do, that the traffic in intoxicating beverages sustains the relation of an efficient cause to the vice of intemperance, we hold that no member of the Methodist Church can consistently contribute by voice, vote or influence to the perpetuation and protection of that traffic.

We declare before all the world that the Church of God ought to be known always and everywhere as the relentless and uncompromising foe of this ungodly business, and that it is the duty of every Christian to wage ceaseless warfare against it.

#### 5. ATTITUDE TOWARDS THE TRAFFICKER AND HIS SUPPORTERS.

We emphatically declare that men engaged in the manufacture and sale of alcoholic beverages ought not to receive the commercial patronage of Christian people, nor should those who either directly or indirectly sustain the liquor traffic receive the suffrage of Christian men.

#### 6. THE LICENSE SYSTEM.

License laws are the liquor traffic's strongest bulwark of defence. They are wrong in principle and impotent for good. We are unalterably opposed to the enactment of laws that propose, by license, taxing or otherwise, to regulate the drink traffic, because they provide for its continuance and afford no protection against its ravages.

We will except no compromise, but demand the unconditional surrender of the rebellious business.

## 7. GOVERNMENT AND THE TRAFFIC.

We rejoice in the clear announcement of the Supreme Court of the United States touching the saloon question as follows: "The State cannot by any contract limit the exercise of her power to the prejudice of public health and public morals." "No Legislature can bargain away the public health or the public morals. The public themselves, cannot do this, much less their servants. Government is organized with a view to their preservation, and cannot divest itself of the power to provide for them." "There is no inherent right in a citizen to thus sell intoxicating liquors by retail, it is not a privilege of a State, or the citizen of the United States." "The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these liquor saloons than to any other cause." "By the general concurrence of opinion of every civilized and Christian community there are few sources of crime and misery in society equal to the dram shop, where intoxicating liquors in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying." "The great principle of the common law, which is equally the teaching of Christian morality is to use one's property as to not injure others."

Commending the United States Senate for its action in the premises, we condemn the Lower House of our National Congress for its repeated refusal to pass the bills providing for the appointment of a National Commission of inquiry to investigate and report upon the influence of the liquor traffic upon the material and moral welfare of the country.

We insist that the United States Government and the various State governments in tolerating the liquor traffic for a money consideration, are guilty of wicked complicity with a business whose awful work of destruction brands it as alike an enemy to God and man.

We desire specially to place ourselves on record as repudiating to the utmost of our ability the action of the general Government through the Department of State, in prostituting its powers, at the request of American brewers and maltsters to collect information and to use the machinery of the Government to promote the sale of American liquors in South American countries.

## 8. POLITICAL ACTION.

We recommend all members of the Methodist Episcopal Church who enjoy the elective franchise to so use that solemn trust as to promote the rescue of our country from the guilt and dishonour which have been brought upon it by criminal complicity with the liquor traffic.

We do not presume to dictate the political conduct of our people, but we record our deliberate judgment that no political party has a right to expect, nor ought it to receive, the support of Christian men so long as its stands committed to the license policy or refuses to put itself on record in an attitude of open hostility to the saloon.

Resolved, that this report shall not be construed as an indorsement of any political party.—  
Journal, 1892, p. 492.

## II.

Earnestly coveting for our people an alliance offensive and defensive with all Christian people and good citizens who agree with us in the desire to free our country and the world from the great evil of the liquor traffic, we respectfully recommend:

1. That a permanent committee of 15, to be called the Committee on Temperance and Prohibition, so located that a majority may conveniently assemble for conference, be appointed by this General Conference with power to act within the authorized declarations by our church to promote the following ends:

First—The organization in every church, under the direction of the pastor and quarterly conference, of a Christian Temperance League, to include all members of the congregation willing to unite for practical effort in suppressing the liquor traffic.

Second—The alliance of such leagues with one another and with similar leagues of other religious bodies for such particular measures in this behalf as their combined wisdom and Christian conscience may approve.

2. That said committee be authorized to correspond with similar committees of other churches with a view to an alliance of all Christian people to strive together for the suppression of this great evil throughout the country and the world.

3. That said committee be authorized to propose a plan of action for our churches, and to invite the appointment of auxiliary committees in all our annual conferences.

4. That said committee be authorized to fill any vacancies occurring in their number; and they shall report their action to the next general conference.

APPENDIX No. 2.

*The following article, taken from the Topeka "State Journal" of May 15th, 1892, was referred to in the evidence given by Rev. Dr. Milner.*

"Rev. D. C. MILNER, President of the State Temperance Union, discussed prohibition as applied to Topeka, at the First Congregational Church, last night. In the sermon he said some very pointed things about clubs in general, and high-toned clubs in particular, and although he used the name of no club, it was generally understood to which ones he referred.

"Dr. Milner took his text from Proverbs xxiii, 29, 'Look not upon the wine,' etc. The forepart of the sermon was devoted to prohibition in general, and he said: 'We cannot expect success along the temperance line unless we have instruction to accompany the laws on the subject.'

"It is my purpose to say something about the present work in Topeka. Here drinking is unpopular. It is not fashionable in social gatherings, and social 'treats' are not popular; yet I was shocked to learn that a well-dressed lady returned from a party, last week, under the influence of the wines served there.

"The assertion is often made that saloons are necessary to the growth of a town like Topeka, but I say that if the town cannot live without catering to the liquor traffic, the result of which is wholly evil, that town deserves to die.

"Bloodshed was prevented in Topeka, last winter, only by the absence of the saloon. Had matters been discussed in saloons at that critical time, and a few members on either side gone under its influence, wise and prudent counsels would never have prevailed, and bloodshed would surely have been the result.

"To-day prohibition comes nearer prohibiting than at any time in the past twelve years, and beats any license regulation on record. There have been more joints closed in the past week by legal process than any month during the past four years. The great difficulty to be met with in Topeka is the existence of clubs that thrive under the mantle of respectability. I am glad that Secretary of State Osborne has refused charters to several such clubs. His predecessor chartered beer clubs. They paid big fees. Instead of one dollar the application would be accompanied by a bill of a larger denomination, and Mr. Higgins would not need to send back the change. These clubs have got to be closed because they are in violation of the law.

"Dr. Milner then read from the Revised Statutes the law upon the subject, which is very plain, making it a misdemeanour for any person to keep a club-room or other place where liquor is kept for sale, gift or barter, and also makes the members liable to imprisonment.

"Continuing, Dr. Milner said: 'If this law was carried out, there would be forty people in jail before to-morrow. They deserve to be there. The low dives are being cleaned out. Don't stop there. Clean out also the aristocratic dives, called clubs. The more fashionable the club is the more dangerous it is. If these tony clubs violate the law they should be shown no leniency. If there is a drug store that violates the spirit of the law, the proprietor should be treated as a dive-keeper.'

"I was interested in an interview published in the *Journal* with one of the Police Commissioners. He saw a lawyer in a club drinking beer, and he said: 'The lawyer knows better when he is keeping within the law than you or I.' He is supposed to, but the lawyer must have known he was treading on dangerous ground. By being there, he was just as contemptible as the keeper.

"We need men who are prohibitionists from conviction. Those who are with us from policy, but take a drink on the side, are no good when the fight is on. If a man loses an eye he can get a glass eye, if he loses a leg or arm or ear he can get artificial ones, but if he loses his backbone, God pity him."



## APPENDIX No. 3.

*Paper submitted by Mayor Eustis, of Minneapolis.*

## PRECINCT No.

Captain

Patrolman

Licensee

Location

No. of license

Date of license

Bondsmen

Is the license conspicuously posted where the business is conducted?

Is this saloon closed and kept closed on Sunday ?

If not, to what extent is it kept open ?

Is this saloon closed from 12 o'clock midnight until 5 a.m. ?

If not, what has been the usual closing hour during the past year ?

Is liquor sold here to minors or habitual drunkards ?

Is there any gambling done on the premises ?

Are any prostitutes, thieves or other improper characters allowed to visit, frequent or remain in this place ?

If so, to what extent ?

General character of people frequenting this saloon ?

General character of the saloon, orderly or disorderly ?

Have there been any disturbances in this saloon ?

If there have been, what was their character ?

General remarks

Signed

Captain.

Patrolman.

This Report to be filled out by patrolman, and signed by patrolman and Captain.

Liquor Traffic—Appendices.

APPENDIX No. 4.

*Statement referred to in the evidence of Mr. W. S. Larrabee, Chief of Police, Auburn, Me.*

QUARTERLY REPORT OF THE CHIEF OF POLICE.

To the Hon. W. W. BOLSTER,  
Mayor of Auburn.

The following is the doings of the police for the three months ending 30th June, 1893.

Arrested for intoxication .....	48
do vagrancy .....	5
do larceny .....	4
do assault and battery .....	2
do common runaway .....	1
do arson .....	1
do common drunkard .....	1
	<hr/>
	62
Persons taken to Augusta, insane .....	2
Libels on liquors .....	2

(Signed) W. S. LARRABEE,  
*Chief of Police.*

AUBURN, ME., 1st July, 1893.

## APPENDIX No. 5.

*The following article taken from the "Lewiston Saturday Journal" of July 1, 1893, is referred to in the evidence given by Sheriff Hill, page 698, question 8758 b, and by Judge Cornish, page 719, question 9032 b :—*

The condition of things when Sheriff Hill declared war on the rumsellers is well remembered. Three months have gone by since the expiration of the term of the special liquor deputies, Mr. Odlin and Mr. O'Brien, and in this time the police department of Lewiston had put forth no effort whatever toward the suppression of the liquor traffic. The consequence was that the dealers in the contraband became very bold and liquor had not been sold so freely in Lewiston for years.

In many instances there was no attempts at concealment. "Goods" were ordered, shipped, received and peddled out over the various bars and there was no one to interpose any objections. The only fear all along during these three months was that Sheriff Hill, who was known to be watching the course of events, would appoint special liquor deputies and swoop down upon the places where the illegal traffic was being carried on, without a moment's warning. This—which is now a matter of very interesting history, is in fact just what the sheriff did, and ever since there has been fear and trembling in the camp of the rumsellers.

The details of Sheriff Hill's plan of campaign are too well remembered to need recalling. It happened on Wednesday, March 28.

Fifteen or twenty rum shops were cleaned out, and in addition to this, many seizures were made at the depots and from truck teams, which were trucking the stuff to places of safety after the raids. It was the most sensational and well-planned raid ever known in Maine.

This was the starting point of Sheriff Hill's campaign, which has been kept up ever since by the sheriff and his two special deputies, O'Brien and Maxwell. In the three months since their appointment they have pursued the rumseller early and late, having made seizures in either Lewiston or Auburn or some town in the county, nearly every day. When the strength and cunning of the enemy are considered, this is indeed an unusual record. Of the 150 liquor libels at the Lewiston police court since March 28, considerably more than 100 are those taken out by Deputy-Sheriffs O'Brien and Maxwell. About 25 libels for liquors have been taken out during that time by officers in Lewiston police court. These include six by the city marshal on March 28. A great many warrants have been taken out which have not resulted in seizures. These the deputies call "dummy" warrants.

When on the war-path Deputy Sheriffs O'Brien and Maxwell are armed with heavy weight crow-bars, pick axes and sledge hammers. They have also a horse which is fleet of foot and a strong baggage wagon for their out-of-town work.

To give an idea of the results which has attended the work of these special deputies, Messrs. Maxwell and O'Brien, the *Journal* has consulted the records at the municipal courts of Lewiston and Auburn. It will be noticed that a good per cent of libels are for shops or dwelling houses where liquor is kept for illegal sale, while not a few are for liquors seized in process of transportation.

## THE LEWISTON LIBELS.

March 28.—Upper Maine Central depot; 64 gallons ale; at shop occupied by C. E. Cote and Narcisse Gagne, 73 quarts whisky, 11 quarts gin, 5 quarts brandy, 1 quart ale, 136 pints of beer, 1 pint rum, 1 quart alcohol, 2 quarts cherry wine, 1 gallon whisky, half pint cherry wine; Lower Maine Central, 10 gallons rum; at shop occupied by Frank Fortin, 10 gallons ale, 1 quart ale, 2 gills whisky, 2 pints whisky, half pint gin; Shop occupied by Magloire Jolicœur, 8 gallons port wine, 2 gallons gin, 7 gallons rum; Lower Maine Central depot, 8 quarts rum, 6 quarts cherry rum; shop occupied by D. F. Long, 52 gallons ale, 19 quarts whisky,  $\frac{1}{2}$  pint whisky.

March 30.—Shop occupied by Ulric Chartrand, 10 gallons gin, 10 whisky, 5 brandy, 5 rum, 10 wine, 45 whisky, 45 alcohol, 23 ale, 86 quarts whisky, 18 quarts wine, 24 quarts gin, 2 quarts rum, 22 pints champagne, 1 gallon rum, 1 gallon alcohol, 2 quarts wine, 1 pint whisky, 1 gallon wine, 1 quart whisky, 3 quarts gin, 1 quart brandy.

March 31.—Place occupied by Daniel O'Connell,  $\frac{1}{2}$  pint whisky.

April 4—Grand Trunk yard, 10 gallons whisky; Upper Maine Central yard, 16 gallons beer.

April 6—Upper Maine Central, 32 gallons beer, 32 gallons beer, 16 gallons beer, 16 gallon\* beer.

April 7—Upper Maine Central yard, 10 dozen pint bottles beer, 9 dozen pint bottles beer.

April 8—Upper Maine Central yard, 16 gallons beer, 21 quarts beer, 10 gallons gin.

April 11—Upper Maine Central yard, 16 gallons beer, 32 gallons beer.

April 8—Upper Maine Central depot, 8 gallons beer; shop occupied by Ludger Dumas, 10 pints beer, 2 quarts whisky,  $1\frac{1}{2}$  whisky, 2 quarts gin, 2 quarts wine, 3 quarts whisky, 3 quarts alcohol; place kept by Mary Fournier, 5 gallons ale, 1 quart ale,  $\frac{1}{2}$  pint wine.

## Liquor Traffic—Appendices.

- April 12—Upper Maine Central, 8 gallons beer.  
 April 11—Upper Maine Central, 8 gallons beer.  
 April 13—Place occupied by Ulric Chartrand, 1 quart whisky.  
 April 14—Upper Maine Central, 8 gallons beer, 16 gallons ale, 4 gallons whisky.  
 April 17—Shop occupied by Thomas McNamara, 1 quart whisky, 1 half pint rum.  
 April 15—Upper Maine Central, 16 gallons ale.  
 April 22—Upper Maine Central, 32 gallons beer.  
 April 20—Upper Maine Central, 16 gallons ale, 8 gallons beer.  
 April 21—Upper Maine Central, 8 gallons beer.  
 April 23—Shop kept by Kate Day, 50 quarts whisky, 1 pint whisky.  
 April 18—Upper Maine Central, 16 gallons ale.  
 April 20—Upper Maine Central, 2 gallons whisky.  
 April 21—Grand Trunk Depot, 10 gallons whisky.  
 April 28—Place kept by unknown proprietor, 24 quarts whisky, 4 quarts brandy, 5 gallons gin, 5 gallons whisky, 10 gallons gin, 1 gallon whisky.  
 April 28—Upper Maine Central, 16 gallons beer.  
 April 29—Upper Maine Central, 8 gallons beer, (3 lots) 48 gallons ale; shop occupied by John Halliwell and John Barry. 1½ quarts whisky, 1 pint gin, 26 pints beer, 4 gallons ale.  
 April 28—Upper Maine Central, 16 gallons ale.  
 April 29—Place kept by unknown proprietor, 3 gallons and 1 pint whisky.  
 April 27—Upper Maine Central, 16 gallons ale.  
 May 1—Grand Trunk depot, 45 gallons alcohol.  
 May 3—Upper Maine Central, 16 gallons ale, 20 gallons whisky.  
 May 5—Upper Maine Central, 5 gallons whisky.  
 May 1—Upper Maine Central, 8 gallons beer.  
 May 5—Upper Maine Central, 8 gallons beer, (2 lots) 10 gallons whisky.  
 May 9—Upper Maine Central, 5 gallons whisky.  
 May 8—Grand Trunk Yard, 5 gallons alcohol.  
 May 5—Upper Maine Central, 5 gallons whisky.  
 May 8—Upper Maine Central, 5 gallons whisky.  
 May 7—Place occupied by Fred Bernier, 10½ gallons ale, 1 quart brandy, 2 quarts cherry rum.  
 May 8—Place occupied by Robert Hamilton, 16 quarts of whisky.  
 May 10—Place occupied by Joseph Obie, 10 gallons ale, 1 gallon whisky, ½ pint whisky, 1 quart ale.  
 May 10—Upper Maine Central, 10 gallons whisky.  
 May 10—Upper Maine Central, 20 gallons whisky.  
 May 6—Place occupied by John French, 1½ gallons whisky and bottle containing ½ pint of same  
 May 11—Upper Maine Central, 5 gallons whisky.  
 May 9—Grand Trunk yard, 5 gallons whisky.  
 May 19—Upper Maine Central, 8 gallons beer.  
 May 18—Upper Maine Central, (2 lots) 16 gallons beer.  
 May 13—Upper Maine Central, 8 gallons beer.  
 May 18—Place occupied by Robert J. Wiseman *et al.*, 7 pints lager beer, 1 pint alcohol, 1 pint whisky, ½ pint gin, ½ pint wine.  
 May 20—Place occupied by Kate O'Connell, 16 gallons beer, 5½ gallons and 1 pint ale; Upper Maine Central station, 30 gallons alcohol; Upper Maine Central station, 16 gallons beer; place occupied by J. Lavie, 4 gallons and 1 pint whisky; Grand Trunk Yard (8 lots) 192 pints beer; Upper Maine Central yards 16 gallons beer; Upper Maine Central yard, 2 gallons whisky; Upper Maine Central yard, 16 gallons ale.  
 May 23—Upper Maine Central yard, 8 gallons beer, 16 gallons ale (2 lots) 4 gallons whisky, 16 gallons ale.  
 May 24—Upper Maine Central yard, 2 gallons rum, (2 lots) 4 gallons whisky, 108 pints beer.  
 May 23—Place occupied by Aaron Z. Berman, half gill whisky, 22 pints beer.  
 May 24—Upper Maine Central, 120 pints beer.  
 May 25—Upper Maine Central, (3 lots) 360 pints beer, 2 gallons whisky, 120 pints beer.  
 May 26—Grand Trunk Yard, 280 gallons beer, 20 gallons alcohol, 20 quarts whisky, 200 gallons beer, 20 gallons alcohol, 32 gallons ale, 27 gallons beer; Upper Maine Central, 16 gallons beer.  
 May 30—Grand Trunk yard, 36 pints beer.  
 May 31—Grand Trunk yard, 48 pints beer.  
 May 30—Place kept by Bartley Judge, 48 pints beer, 51 gallons cider, Grand Trunk yard, 16 gallons ale; place kept by Benj. Bourgette, 11 gallons beer; place kept by person unknown, 48 pints beer; place kept by Thomas McNamara and E. Burke, 39 quarts whisky, 5 quarts cherry rum, 3 quarts cherry rum, 3 quarts alcohol, 1 pint gin.  
 May 29—Michael S. Higgins, (transporting) 128 gallons ale.  
 June 2—Lower Maine Central, 40 kegs ale, 640 gallons; 8 kegs beer, 270 gallons; 6 kegs alcohol, 60 gallons; 10 gallons rum, five gallons rum, five gallons brandy, 72 quarts whisky.  
 June 1—Place kept by Bridget Burke, 11 gallons and 1 quart ale; place kept by Lin Breton, 3 quarts whisky, 1 quart alcohol, 1 pint gin.  
 June 7—Grand Trunk yard, 127 pints beer.  
 June 7—Joseph Guac (transporting) 20 gallons whisky, five of wine, five of gin, 10 of wine  
 Upper Maine Central, (two lots) 240 pints of beer.  
 June 10—Place occupied by Alex. Richard, ½ pint gin; place occupied by James Brady, 6 gallons whisky, 126 pints beer, five quarts whisky, one quart gin.

June 12—Upper Maine Central, 48 pints beer.

June 13—Place occupied by Narcisse Gagné, 4 gallons whisky, 1 quart alcohol; Grand Trunk yard, 64 gallons beer.

June 14—Place occupied by James Hanley, 2 quarts ale, 1½ pints whisky, ½ gill whisky; Grand Trunk yard, 20 gallons wine, 68 kegs ale, 1080 gallons; 10 kegs beer, 100 gallons; Grand Trunk yard, 48 quarts whisky, 10 gallons rum, 20 gallons gin, 20 gallons whisky.

June 16—Place occupied by John McManus, 2½ gallons ale, 3 quarts whisky.

June 21—Upper Maine Central, 16 gallons beer.

June 19—Place occupied by James W. How, and Thomas Shields, 10 quarts whisky, 1 quart gin.

June 21—Upper Maine Central, 2 gallons gin, 2 gallons wine, 5 gallons whisky.

June 23—Upper Maine Central, 300 gallons ale.

June 23—Eli Croteau, transporting, 64 gallons ale; Upper Maine Central, 32 gallons ale.

June 20—Upper Maine Central, 67 gallons beer.

June 24—Place occupied by Thomas Rivard, 2 quarts whisky, 1 quart gin, 1 quart alcohol, 6 gallons ale; place occupied by William J. Boland, 69½ gallons ale, 2 quarts whisky.

June 22—Grand Trunk yard, 48 pints of beer, 48 pints beer.

June 25—Grand Trunk yard, 10 gallons whisky. Place occupied by — — —, 10 gallons and 1 quart ale, 2 quarts whisky and 1 gill wine.

June 27—Grand Trunk yard, (2 lots) 32 gallons ale.

#### THE LIBELS IN AUBURN.

May 19—Danville Junction, 16 gallons ale.

May 20—Danville Junction, 20 gallons alcohol.

May 27—Maine Central freight, Auburn, 16 gallons ale.

June 10—Danville Junction, 48 pints beer.

June 17—Auburn Grand Trunk, 48 pints beer, 48 pints beer, 21 gallons alcohol, 120 pints beer, 16 gallons beer, 10 dozen bottles beer.

In places where dwelling houses and shops have been raided the entire bar-room paraphernalia has been cleared out, even to the nip glasses, tumblers, sprinklers and other such things.

#### SHERIFF HILL'S RECEIVING VAULT.

The liquors are stored in the basement of the county buildings in Auburn, and the place has been named "Sheriff Hill's Receiving Vault." The principal place of interest in the vault is the main corridor, which extends the entire length of the building, east and west, and the room where the "hard stuff" is kept under special lock and key and the room where the bottled beer is spilled, together with the side corridor which is used for the storage of "empties."

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INDEX AND ANALYSIS OF EVIDENCE.

WESTERN STATES.

CALIFORNIA.

The Royal Commission on the Liquor Traffic, sat in Riverside, on the 2nd December, 1892, and in Pasadena on the 3rd December, 1892.

ANDERSON, JOHN H., of Riverside, Saloonkeeper .....Page **10**  
Partner of George N. Beam ; corroborates his evidence (165b-166b).

BEAM, GEORGE N., of Riverside, Saloonkeeper .....Page **8**  
Resident five years (112b). City, county and United States licenses (113b-119b).  
Illicit selling under prohibition ; drug stores bought by barrel ; prescriptions  
loosely given ; liquor for private use allowed (121b-133b). Young men went  
out of town for liquor ; travellers driven away (147b). High license with  
heavy security ; no illicit selling ; licensees prevent it ; order improved (134b-  
153b). License never higher than at present ; hotels with over 40 bedrooms  
supply liquor at meals (155b-164b).

BUCHANAN, JOHN B., of Pasadena, City Marshall.....Page **18**  
Resident seven years, Marshal nine years (292b-293b). Ordinance allows wine, etc.,  
with meals only, violations, illicit sale under strict prohibition (293b-313b).

EVEREST, H. P., of Riverside, Proprietor of Arlington Hotel,.....Page **1**  
Resident 10 years ; hotelkeeper four years (1b-2b). Originally high license,  
\$4,000 per annum ; one hotel ; no clandestine sale. Licensee offered \$6,000  
to prevent prohibition. Prohibition introduced, lasted three years ; annoyed  
and drove out travellers, created illicit dives, causing great expense ; people  
drank at drug stores on physicians' prescriptions, return to high license ; two  
licensees, \$2,300 each, yearly ; with restrictions. Hotels unlicensed, supply  
liquor with meals at meal times only. Liquor for private consumption under  
prohibition. Saloons not allowed near schools, churches or post office (3b-  
43b).

GREENE, P. M., of Pasadena, President First National Bank.....Page **16**  
Resident 19 years (246b-247b). Prohibition of saloon and open bar always since  
incorporation. Saloons crept in ; were closed out. Hotels supply guests  
with wine and liquor at meals. Druggists sell by bottle against ordinance.  
Illicit sale carried on. Free whisky at Los Angeles. Strict prohibition  
kept out tourists (248b-291b).

- LUKENS, T. P., of Pasadena, President Pasadena National Bank, also Trustee of Town ..... Page **12**  
 Resident 12 years (189*b*). Free trade before incorporation (191*b*). Prohibition too strict, produced illicit drinking ; now license for hotels, wine or beer supplied with meals only ; no saloons ; drug stores sell by bottle for home consumption ; no illicit selling ; no drunkenness ; practical prohibition (192*b*-245*b*).
- NAFTZGER, A. H., of Riverside, President First National Bank ..... Page **5**  
 Resident about 8 years (44*b*). At first free whisky ; numerous dives ; vile liquors (45*b*-51*b*). Two years prohibition ; best effects ; less drunkenness ; illicit dives, how defeated (52*b*-58*b*). Liquor allowed for private use (77*b*-84*b*). Now high license ; illicit sales ; less drunkenness and crime ; more liquor consumed (59*b*-72*b*). Prohibitionist ; next to prohibition, high license (73*b*-76*b*). Prohibition or license election issue ; license popular (87*b*-105*b*). Traffic regulated, saloons out of way, and quiet (106*b*-111*b*).
- ROSE, W. H., of Pasadena. .... Page **19**  
 Justice of Peace for township ; Recorder for city 2 years ; resident 5 years (314*b*-316*b*). Open saloon in 1886 during "boom," closed next year under ordinance (317*b*-319*b* ; 354*b*-356*b*). Modified, preferable to strict prohibition (323*b*). Illicit selling under strict prohibition ; drunkenness ; wholesale prosecutions ; paid spies, and visitors driven away caused revulsion of feeling (324*b*-341*b*). Less illicit sale and drunkenness now (342*b*-352*b*).
- WRIGHT, REV. W. ARTER, of Riverside. .... Page **11**  
 Minister of Methodist Episcopal Church, resident 1 year (167*b*-168*b*). Manufacturers, dealers, or landlords renting premises for liquor trade, refused church privileges (184*b*-188*b*). High license regulates and restricts traffic ; no saloons in residential wards (169*b*-177*b*). License obtained by fraud (181*b*). Wants strict national prohibition (170*b*-180*b* ; 182*b*-184*b*).

## MISSOURI.

The Royal Commission sat in Kansas City on the 12th May, 1893.

- BERTHOLD, REV. FATHER, O. S. B., of St. Patrick's Parish, Kansas City, Mo.,  
 Page **27**  
 People more sober than under prohibition. People want forbidden liquor (403*b*-408*b*).
- COWHERD, WILLIAM S., Mayor of Kansas City, Mo. .... Page **23**  
 State, City, and United States licenses (357*b*-359*b*). Saloons not restricted in hours, except Sunday. Licensees supply security ; restrictions from supplying minors, intoxicated men, or habitual inebriates. Number unlimited ; not much illicit sale ; druggists' sales ; crime decreasing ; "social evil" how dealt with ; liquor prohibition in Kansas City, Kan., a failure ; State allows local option (360*b*-402*b*).
- DREYFUS, A. H., of Kansas City, Mo. .... Page **30**  
 Wholesale liquor seller ; does business only in Kansas ; sends every day ; none ever confiscated. Can ship but not sell there (428*b*-447*b*).

## Index and Analysis of Evidence.

- LILLIS, REV. THOMAS F., of Kansas City, Mo. . . . . Page **27**  
Parish Priest of St. Patrick's; city well conducted; more liquor shipped into Kansas City, Kan., than if no prohibition (409b-410b; 421b). Saloons open day and night, including Sundays; police inefficient; minors and inebriates supplied; gambling amongst children in saloons; forged signatures to petitions for license. Little drunkenness, and illicit selling (411b-427b).

### KANSAS.

The Royal Commission sat in Kansas City on the 13th May, 1893, at Topeka on the 15th May, 1893, at Salina on the 16th May, 1893, at Ottawa on the 17th May, 1893, and Leavenworth on the 17th, 18th and 19th May, 1893.

- ABERNATHY, COL. JAS., of Leavenworth. . . . . Page **135**  
Resident 36 years; formerly Chairman of Police Commission. No law in Territory at first, then saloons licensed by city. Prohibition not enforced in large border cities. On prohibition saloons closed, illicit sale commenced. All officials opposed enforcement; prosecutions unsuccessful. Traffic run for revenue. Condition of State improved by prohibition. Present saloon business disadvantageous. License would be preferable (1569b-1621b).

- ACHISON, DAVID, of Leavenworth. . . . . Page **159**  
Resident since 1857; then local license till 8 years ago. Opposed to prohibition. Law never enforced. Prosecutions without convictions. System of virtual license adopted and continues. Prohibitory law cannot be enforced; present system regulates traffic better than license. More liquor and more drunkards under prohibition than under license. Would be a prohibitionist if manufacture and sale in the United States were included (1844b-1901b). Would like license system like Missouri, (page 164).

- ALLEN, NOAH, of Topeka, Assistant Attorney General of the State of Kansas. . . . . Page **55**  
Duty of County Attorneys to enforce law, office electoral; appeals from convictions; difficult to enforce law when men in office opposed. County Attorney receives informations and investigates, deciding for or against prosecutions. Liquor manufacture prohibited except for mechanical, medicinal or scientific purposes (689b-708b). Few violations of liquor law. Wichita strongly against law; fines secured by property, where liquor is sold, and person of defendant. Treating not forbidden unless by sale. General effect of prohibitory law good. Sale of unbroken packages containing liquor illegal (709b-733b).

- BARNES, NATHANIEL, Mayor of Kansas City, Kansas. . . . . Page **39**  
Wholesale grocer, resident 10 years (534b-536b). Prohibition been beneficial in State; hard to enforce in cities. No liquor obtainable in small towns (537b-553b). Prohibition in city, liquor obtainable on medical prescription; sold illicitly for beverage; fines form considerable revenue to city; are cumulative; gambling extensive; United States licenses, about 100 in city; less liquor sold than under license (554b-587b).

- BOND, W. H., of Leavenworth. . . . . Page **166**  
Formerly Sheriff for 4 years. Perjury in liquor cases under prohibitory law. Kansas cursed by prohibitory law; men driven out; enforcement at Topeka better than elsewhere. Virtual license closed down joints. Enforcement of prohibition depends on public sentiment; perfect enforcement impossible (1950b-1976b).



- BRADFORD, HON. S. R.**, of Kansas City, Kansas.....Page **84**  
Formerly Attorney General for the State of Kansas; presents statistics of crime showing decrease of criminals amongst younger generation (1020b).
- BRISTOW, J. L.**, Editor and proprietor of the *Salina Daily Republican*....Page **172**  
Working of prohibitory law in Kansas varied; enforcement depends upon electoral officers who are lax where sentiment is anti-prohibition. Liquor dealers out-laws. Young men prevented entering joints; clubs rare; branded by public sentiment; temperance sentiment increased; prohibition sentiment now stronger than ever, final success anticipated.
- CALLAGHAN, H. B.**, of Leavenworth.....Page **143**  
Physician; formerly Police Commissioner; resident 25 years. Politics been the destruction of prohibition in State; enforcement surrounded with difficulties; quantities of liquor confiscated; now virtual license system of fines; as much liquor drank as ever; fine system regulates houses of ill-fame; churches do nothing; cider more intoxicating than whisky; Sunday drinking; difficulties with witnesses and jurors (1670b-1719b).
- CARROLL, HON. EDWARD**, of Leavenworth.....Page **147**  
Banker; resident 34 years; formerly State Senator. Prohibition not business success; not reduced consumption of liquor; been political football; not improved morals in State; taxation higher than in Missouri; prohibition not enforced in Atchison, Wichita or Topeka; prevents immigration; whisky selling chief business of druggists in small towns (1720b-1752b).
- CHAMBERLİN, IRA D.**, of Leavenworth.....Page **123**  
Editor of the *Reveil*; difficulties encountered in obtaining fair show for prohibition; large antagonistic feeling towards law; outside cities, population favour prohibition; Kansas law most stringent of all states; improved condition of State under prohibition; Keeley "gold cure" anti saloons; drug stores simply joints (1466b-1475b). Page 126: People of the State are prohibitionists; favours local option with high license; present state of things baneful; divorce from party politics desirable for prohibition.
- CHASE, S. W.**, Warden of Kansas Penitentiary.....Page **117**  
Formerly of Cowley County. Law well enforced there; popular; where public sentiment is favourable law is enforced; jail statistics (1419b-1440b).
- CLARK, ARTHUR**, of Leavenworth.....Page **140**  
Resident since 1854. Law not enforced; walking saloons established; open saloons and clubs universal; prohibition made political machine; high license and local option preferable; prohibition violated in Atchison; virtual license; knows no community where consumption is lessened by prohibition (1627b-1669b).
- CRANE, D. H.**, of Ottawa.....Page **98**  
Resident 24 years; popular sentiment prohibition; wants law enforced; would favour liquor for medicinal purposes only; druggists strictly watched; prosecuted for violations of law; import liquor from Missouri for sale; wage earners benefited by prohibition (1184b-1224b).
- DANIELS, HON. PERCY**, of Gerard, Crawford County.....Page **82**  
Lieutenant Governor, State of Kansas. No joints but "boot leggers" in Gerard. Joints in Pittsburg; large manufacturing district; 50 per cent of population foreigners (1000b-1004b).

## Index and Analysis of Evidence.

- DEFORD, JOHN W.**, of Ottawa. . . . . Page **103**  
 Prohibition political, social, financial and moral evil: unphilosophical: public opinion hopelessly divided, therefore law not enforced. Prohibition and politics; formerly as County Attorney conducted numerous prosecutions (1286b-1288b). Druggists evade law; drink, medicine or beverage? (1289b-1292b). Liquor brought in; saloons improve human race by killing off fools. Favours license for revenue. Evasions in Maine. Prohibition impracticable under any circumstances; increases perjury; causes financial loss (1293b-1304b).
- DODSWORTH, SAMUEL**, Mayor of Leavenworth. . . . . Page **157**  
 Resident since 1858. Prohibitory law unbeneficial, unsuccessful; impracticable under any circumstances. License controlled by local option preferable. Leavenworth anti-prohibition. Law fairly enforced in some places; virtually enforced in Leavenworth as far as concerns fines. Immigrants keep away (1820b-1843b).
- DOSTER, FRANK**, of Marion. . . . . Page **61**  
 Formerly Judge of District Court, now practising Attorney; law well enforced; illicit sellers repeatedly fined; boys protected; many illicit sellers, men of ill repute; much liquor sold, not so much as if license prevailed; boot-leggers. Crimes of violence decreased; divorces increased; homicide traceable to drunkenness. More liquor drunk at home. Witnesses tendency to perjury (773b-792b).
- DOUGHERTY, REV. JAMES G.**, of Kansas City, Kansas. . . . . Page **43**  
 Congregational minister (609b). Prohibition at Ottawa, Kansas, entirely successful, brought in wealthy residents (610b-611b). Kansas city past and present; gambling rife; liquor sold in joints; no lack of law: lack of men to enforce law. Police force agency for collecting revenue, not suppressing crime. Illicit vendors fined repeatedly. Police independent of civic corporations. Divorce and prohibition. As much drinking under prohibition, as managed, as under license. Prohibition has proved beneficial (612b-650b).
- DUNNELL, M.**, of Topeka. . . . . Page **84**  
 Correspondent of Kansas City *Times*; Prohibition at Sioux City, Omaha. Regular saloons at Wichita; fines equivalent to license. Law well enforced at Emporia. Three joints running at Sedan, Chatauqua County; evidently with consent of authorities (1021b-1028b).
- FENLON, THOMAS P.**, of Leavenworth. . . . . Page **154**  
 Resident 34 years. Prohibition reasonably observed in small towns. Joints, boot legging, cellars and saloons in large towns. Witnesses in liquor cases very forgetful. Juries sympathize with defendants. Law broken in Wichita, Salina, Junction City and Topeka. Liquor allowed to come in by law. Community strongly opposed to enforcement. Prohibition causes perjury. Divorces increasing. Prohibition outside legislation. Agitation in favour of re-submission (1768b-1819b).
- FITZPATRICK, J. D.**, of Salina. . . . . Page **69**  
 Resident since 1877, formerly Superintendent of public schools; public sentiment caused enforcement of law; illicit sellers exist; are fined and jailed.
- FLORA, CHAUNCEY**, of Leavenworth. . . . . Page **128**  
 Sheriff 4 years; resident 33; local option though imperfect better than prohibition; efforts to enforce prohibition; jail filled on committals for contempt of court; joints, houses of ill fame, and gambling houses fined monthly in lieu of licenses. Public opposed criminal proceedings. Juries and witnesses favour defendants. Considerable drinking, small amount of drunkenness; prohibition at Tanganyika. Nebraska law best (1483b-1521b).

- GAINES, HON. MR., of Topeka.**..... Page **60**  
 Superintendent of Public Instruction for State ; ardent prohibitionist ; proud of working of law, until Republican party used it as political machine ; alteration now. Prohibition driven saloons from State ; built up school generation ; liquor allowed for private use. Well enforced at Salina (754b-772b).
- GARDENHIRE, S. M., of Topeka.**.....Page **83**  
 Clerk of District Court of Shawnee County ; drunkenness generally prime cause of divorce ; number of divorces decreasing in ratio to increased population ; decrease will continue under prohibition. Public sentiment in favour of prohibition had to be created. More difficulties attend prosecutions under prohibitory law than under criminal laws ; crime scarce (1006b-1019b).
- GILLESPIE, REV. W. K., of Leavenworth.**..... Page **125**  
 Chaplain of Soldiers Home 7 years ; United Presbyterian ; corroborates evidence of Col. Smith and Mr. Chamberlain. Introduction of "cure" into Home has improved men morally and physically. Prohibition not enforced in Leavenworth. License for revenue popular (1476b-1481b).
- GRAVENS, R. P., Mayor of Salina.**..... Page **171**  
 Formerly Chief of Police : Prohibition not enforced, "a myth," consumption of beer decreased ; of hard liquors increased ; law leads to perjury ; perfect enforcement impracticable ; if enforced, public sentiment would cause repeal.
- HARRIS, JOHN P., of Ottawa.**..... Page **92**  
 Resident 35 years. Prohibition preferable to licence ; though evaded beneficial ; liquor brought in from Kansas City ; was member of State Senate when prohibition was submitted. Enforcement depends on men elected. Local option tried but failed. Saloons make temptation (1095b-1125b).
- HAWKINS, J. L., of Ottawa.**.....Page **101**  
 Resident ; County Commissioner ; corroborates Messrs. Crane and Shelden ; expense of civic administration less under prohibition than under license. Prohibition took question of saloons out of politics (1256b-1267b).
- HORTON, HON. A. H., of Topeka.**.....Page **58**  
 Chief Justice, Supreme Court of Kansas. Hears appeals in liquor cases ; number decreasing ; prohibitory law successful where supported by public sentiment, and enforced by vigilant and earnest officers ; unsuccessful otherwise. Evaded by clubs and joints. Prohibition beneficial ; not enforced, nor was license ; creates favourable sentiment ; perjury decreasing (734b-753b).
- JONES, D. C., Mayor of Topeka.**.....Page **79**  
 Resident 20 years, in State 25 years. City under Metropolitan police system. Fines under prohibitory law ; no open joints ; strong public sentiment renders law successful ; not well enforced everywhere. Both political parties support law (938b-961b). One club, each member buys own liquor and keeps it in locker (page 82).
- KING, S. S., of Kansas City, Kansas, Police Judge.**..... Page **31**  
 Resident 3 years ; Judge recently ; how appointed. Police force independent of corporation (448b-453b). Heavy crime scarce ; more petty offences under prohibition ; all occupations licensed ; law dead letter. Illicit sellers frequently convicted ; gambling worse than saloons. Prohibitory law not well observed ; but beneficial ; less illicit selling than under license (454b-480b).

## Index and Analysis of Evidence.

- KUHLS, REV. FATHER**, of Kansas City, Kansas, Parish Priest of St. Mary's. . . Page **35**  
Prohibition in State total humbug; filled State with perjurers and thieves, and city with saloons; driven immigrants away; made fortunes for liquor men; more liquor than before prohibition; Sunday drinking; gambling; officers cannot be depended on; druggists' sales; open saloons in Leavenworth (505b-533b).
- LEASE, MRS. MARY E.**, of Wichita. . . . . Page **91**  
Resident 9 years. Prohibition a gigantic farce; any kind of liquor obtainable; some policemen grown wealthy; law not well enforced in State; little towns infested with joints; law pretty well enforced in Topeka. Law beneficial, done away with open saloons; could be enforced. Political influences interfere (1080b-1094b).
- LEWELLING, HON. L. D.**, of Topeka, Governor of State of Kansas. . . . . Page **52**  
Prohibition no issue in party politics; impracticable without support of public sentiment; "decent regulation" compromise. Police Commissioners appointed on party lines; system of fines amounting to license; suppression of traffic reduces city revenues; manufacture prohibited in Kansas, carried on in Missouri. Liquor for private use; reasonable enforcement of law in Topeka; clubs and druggists' sales; Germans and prohibition (665b-688b).
- MAURER, REV. FATHER P.**, of Salina. . . . . Page **170**  
Prohibitory law does not prohibit; creates perjury and disregard of sanctity of oath; express loads of liquor brought in. General disrespect of law engendered; produces bad effect on morals.
- MILLER, J. E., M.D.**, of Salina. . . . . Page **171**  
Prohibition can not be enforced unless made universal; joints exists; believes in temperance.
- MILNER, REV. DUNCAN C., D.D.**, of Topeka. . . . . Page **74**  
Presbyterian Minister; President of Kansas State Temperance Union to promote temperance and enforce prohibitory law; resident 18 years. Originally local option; cities of first class not included. Effort to amend law resulted in constitutional prohibition (897b-905b). Twelve years prohibition beneficial; greatest difficulty proximity to Missouri. No compensation given breweries and distilleries on prohibition (906b-912b). Saloons in city of Atchison closed in face of prevailing sentiment (917b). Prohibition dissolved partnership between community and crime. Order under prohibitory law. Saloons dominating political power in most cities and States. Law protects boys. Prohibition, civil, not political, question. Criminal classes driven out. Existence of clubs serious evil. Numerous convictions would follow enforced law (918b-937b).
- MOHLER, J. G.**, of Salina, ex-senator. . . . . Page **171**  
Practising lawyer, resident 24 years. Prohibitory law "a mistake;" traffic in hands of irresponsible parties; inferior and destructive liquor sold; law brought into disrespect.
- MORRILL, MAJOR E. N.**, of Hiawatha. . . . . Page **131**  
President of Bank at Hiawatha and Leavenworth; in State 37 years; came from Maine. Prohibition depends on sentiment of community: at disadvantage through connection with politics, and spasmodic efforts at enforcement; successful in county, failure in Leavenworth, through soldiers, miners, old soldiers, dives and bad women. Prohibition generally beneficial (1522b-1547b).

- MCCABE, REV. FRANCIS, of Topeka** . . . . . Page **69**  
 Presbyterian minister; formerly for 4 years Secretary of Police Commission. Resident 25 years. Had general supervision of enforcement of laws and appointment of officers and police judge. Prohibitory law well enforced while in office; no illicit selling reported; three forms of violation of law; sale of liquor, gambling and prostitution reduced to a minimum; some clubs existed; law not so well enforced now. Prohibition caused general improvement and prosperity of State; illicit sale never large; inebriates came from Kansas City; condition better under prohibition than license (815b-849b).
- McLALLIN, S., of Topeka** . . . . . Page **80**  
 Resident 13 years; publisher *Topeka Advocate*. Prohibition good, kept out unruly element; traffic nearly suppressed; law broken by druggists in small towns. Druggists administer affidavits for liquor required for medicinal purposes. Physiological effects of alcohol taught in schools (962b-999b).
- McLEAN, C., of Ottawa** . . . . . Page **102**  
 Resident 25 years; prohibition grandest thing in State; would stop importation; druggists disregard their obligations, public sentiment brings police up to duty. Cider not cider at all; not so bad as wine. Influence of prohibition beneficial (1268b-1285b).
- McLEAN, EDWARD, of Weir City, Kansas** . . . . . Page **50**  
 Action of Wherrel bi-chloride of gold cure (651b-664b). Prohibition electioneering (653b-654b). Prohibition never kept men from liquor; keeps them from saloons (657b-658b).
- McQUENSTEN, B. C., of Ottawa** . . . . . Page **94**  
 Resident 25 years; prohibition better than license; Indians would come in and drink; magistrates have nothing to do. Law permits importation of liquor; should be amended. Druggists supply liquor for beverage purposes. Public sentiment has helped enforcement. Joints closed out; sale of cider stopped. More whisky, poorer community. Advocates home made wine (1126b-1179b).
- McRAE, D. C., of Topeka** . . . . . Page **71**  
 Newspaper correspondent; resident 7 years; prohibitory law well enforced in some sections, not in others; corroborates Mr. McCabe's statements. Difficulties of new Commissioners caused by liquor men taking advantage of situation. Prohibition, free from political influence, would be better enforced. Prohibition beneficial to State (850b-869b).
- NOEL, T. C., of Topeka** . . . . . Page **72**  
 President First National Bank; new Commission harassed by illicit places starting up under charge of officers. Money spent in liquor lost to State; liquor largely brought in; prohibition not absolute, but generally beneficial. Less whisky brought in than under license (870b-896b).
- O'DONNELL, FRANK, of Leavenworth** . . . . . Page **162**  
 Resident 26 years in Kansas. Prohibition not desirable, impracticable; can get liquor everywhere. Drug stores in small towns, simply saloons. Prohibition prevented immigration. 500,000 people kept out. Present system virtual license. Attempts at enforcement produced perjurers and liars. Bawdy houses and gambling houses regulated. Judges, police officers and jurors would not convict under old system. License system preferable, would secure order and decency. Prohibition a political machine. Majority in Leavenworth anti prohibition (1902b-1949b).

## Index and Analysis of Evidence.

- OVERMEYER, DAVID**, of Topeka.....Page **63**  
Counsellor-at-law ; corroborates Judge Doster. Towns of foreign population or population of immediately foreign descent ignore prohibitory law. Natives at least talk temperance ; extensive use of liquor ; local sentiment makes hard sledging for illicit vendors. Present temperance crusade causes temporary enforcement of law ; law requires continual stimulus ; boys get liquor. License in Indiana. Foreigners avoid prohibition States ; divorces not attributable to prohibition ; difference between prohibition and license, simply difference between traffic in sight and traffic out of sight ; how clubs evade law ; home drinking increasing ; opposed to law (793b-814b).
- PAGE, REV. WILLIAM N., D.D.**, of Leavenworth ..... Page **138**  
Presbyterian ; resident 30 years. Agrees with Col. Abernathy. Trouble arises from military element. Prohibition theoretically right, practically impracticable in large cities. Law but expression of public sentiment (1622b-1626b).
- POLLOCK, J. W.**, of Ottawa..... Page **106**  
Resident 14 years ; Manager Water Works ; prohibition unsuccessful ; less liquor than under license but no revenue ; prohibition mixed up with politics ; downed Republican party (1305b-1321b).
- POND, VERY REV. S. S.**, of Leavenworth.....Page **152**  
Rector of St. Paul's Episcopal Church, Dean of Diocese. Resident two years ; never in a town without open saloons except Topeka. Broken law begets disrespect of all law ; drink productive of evil. Prohibition never prohibited. Druggists' affidavits farces. Saloons open on Sunday. Would favour licensing houses of ill-fame and saloons for purposes of securing regulation (1744b-1767b).
- PORTER, J. E.**, of Kansas City, Kansas.....Page **34**  
Police Captain four years (480 $\frac{1}{2}$ b-481b). Crimes diminished ; population increased ; drunks and disturbers through drink chief offenders ; trouble with illicit sale ; popular sentiment with police. Less sold than under license. Liquor can be brought in ; gambling (482b-504b).
- REECE, A. W., M.D.**, of Leavenworth.....Page **122**  
Medical Director, Keeley "Gold Cure" ; statement on system and results (1456b-1465b).
- ROBB, JAMES**, of Ottawa..... Page **107**  
Police Judge eight years ; resident twenty-five years ; no cases of drunkenness ; Ottawa the banner town of world ; law beneficial ; better than under license (1322b-1330b).
- SAWTELLE, J. E., M. D.**, of Gypsum City..... Page **170**  
Law does not prohibit ; joints exist ; liquor imported.
- SEITZ, OSCAR**, of Salina.....Page **169**  
Resident in Salina since 1866 ; druggist ; opposed to prohibition ; a farce with spasmodic efforts at enforcement. Perjury made respectable ; druggists' business deteriorated, through profits of illegitimate whisky selling. Whisky become a "cure all" ; obtainable everywhere.
- SHELDEN, HERBERT**, Ottawa..... Page **99**  
Resident 29 years ; prohibition works well ; advocates State-agencies ; remove business from drug stores, which violate the law ; cider prohibited ; less importation now than at first. Prosperous under prohibition. Saloons depreciate property (1238b-1255b).

- SHINDLER, HENRY**, of Leavenworth..... Page **108**  
 Resident 18 years ; correspondent *Kansas City Times* ; prohibitory law impracticable in large cities ; opposes it from every point of view ; destroys morals of people ; makes more hypocrites, liars, perjurers, and scoundrels than any other law (1331*b*-1342*b*). History of law ; evidence before Committee on Metropolitan Police ; led to open violation of law in Leavenworth, and fines to replete civic treasury (1345*b*-1346*b* ; 1387*b*-1395*b*). Open saloons and breweries in Atchison (1355*b*-1357*b*). Prohibition increased drinking in State, especially home drinking ; general effects ; advocates "Gold Cure" (1361*b*-1386*k*). Crime and colored population ; evil effects of "joints" ; perjury and politics (1396*b*-1418*b*).
- SHORT, B. L.**, of Kansas City, Kansas..... Page **43**  
 Deputy City Clerk four years ; fines on "joints" maintain police force ; system amounts to license ; little sale in drug stores (603*b*-608*b*).
- SKINNER, CHARLES P.**, of Ottawa..... Page **97**  
 Resident eight years, not seen eight drunken men ; public sentiment favours enforced law ; contrast with Western New York. Moral effect on children beneficial (1180*b*-1183*b*).
- SMITH, COL. ANDREW J.**, of Leavenworth..... Page **118**  
 Governor Western Branch National Home for Disabled Volunteer Soldiers since 1885. Intemperance sent more to Home than any other cause. Enforced prohibition ; cannot legislate men into temperance habits ; prohibition good in small towns ; effects of Keeley's "Gold Cure." Statements of graduates (1419*b*-1455*b*).
- Recalled..... Page **126**  
 Prostitutes taxed ; against law ; present system leads to anarchy. Favours high license with local option.
- SWITZER, E. R., M. D.**, of Salina..... Page **170**  
 In Kansas 23 years ; national prohibitionist ; State prohibition "a burlesque" ; enforcement poor and spasmodic, leads to perjury, weakens public conscience. Joints exist ; wagon loads imported daily. Less liquor drank than under license.
- TAYLOR, O. B.**, of Leavenworth..... Page **133**  
 Resident in Leavenworth 34 years ; retired merchant ; can not stop people selling liquor unless you kill them. Prohibition wrong means of regulating traffic ; constant fight under attempts at enforcement ; sentiment of community largely antagonistic. Traffic now practically endorsed ; condition of community improved. Saloon governing element in politics ; prohibition injuriously connected with politics. (1548*b*-1568*b*).
- TOURTELLOT, G. W.**, of Kansas City, Kansas..... Page **42**  
 Superintendent of Armour Packing Company. Too near State Line to benefit by prohibition ; "joints" numerous ; abstainers have preference in promotion (588*b*-602*b*).
- TROUTMAN, JAMES A.**, of Topeka..... Page **85**  
 Lawyer, resident twenty-eight years : formerly of House of Representatives of State, and Secretary of Kansas State Temperance Union ; enforcement of prohibitory law spasmodic. Fines, indirect method of license. Law enforced in Topeka ; growing prohibition sentiment. Would make possession of Federal Government tax receipt, *prima facie* evidence of violation of law, except in case of druggists. In Kansas City and Leavenworth, Mayor and Councilmen out of sympathy with law ; when police failed to collect fines, Council refused appropriation for police services. (1029*b*-1052*b*).

## Index and Analysis of Evidence.

- VAN TRYNE, D. A., of Salina, Justice of the Peace. . . . . Page **169**  
Difficulty in enforcing law both with witnesses and juries. Men opposed to law will not tell truth ; desires enforcement of law.
- WILDER, EDWARD, of Topeka. . . . . Page **88**  
Secretary and Treasurer of Atchison, Topeka and Santa Fe Railway, resident twenty-two years. Absolute prohibitionist for saloons ; would have compensated manufactures at first. Railway Company large employers of labour, drops men accustomed to liquor ; no liquor sold on line ; supply liquor on dining car east of Kansas. Under license greater portion of wages absorbed by liquor. Prohibition beneficial ; prevents education downwards. (1053b-1079b).

### NEBRASKA.

The Royal Commission sat at Lincoln on the 20th May, 1893, and at Omaha on the 20th and 22nd May, 1893.

- ANDREWS, W. E., of Hastings. . . . . Page **173**  
Resident since 1885 ; private secretary to Governor of Nebraska. State under Slocum law, high license with local option for communities ; receipts from licence applied to school fund ; prohibition defeated in favour of license, question at rest for time. Number of saloons, and Sunday observance decided by each community ; no screens in bars ; illicit selling in houses of ill fame ; saloons closed on election days ; crime stationary (1978b-2032b).
- BALL, B. R., of Omaha. . . . . Page **202**  
Drought and hard times drove business out of Iowa, not prohibition (2278½b).
- BEEEMER, A. D., of Lincoln. . . . . Page **179**  
Warden Nebraska State Penitentiary ; resident in Cummings County ; in State 25 years ; original \$50.00 license ; Slocum law gave communities power to fix fees, allows local option ; less drunkenness than in prohibition cities ; preferable to any system ; crime not increasing (2060b-2086b)
- BEMIS, GEORGE T., Mayor of Omaha. . . . . Page **196**  
Chairman of Police Board, and real estate agent ; resident 25 years ; high license and prohibition ; all parties joined to down prohibition ; high license successful. Rev. Fay Mills charges Omaha as wickedest city on earth ; statistics in rebuttal, social evil kept in check ; law improved business ; restrictions observed ; gambling dens reduced ; open saloons and gambling ahead of prohibition (2218b-2241b).
- COLWELL, C. C., of Lincoln. . . . . Page **177**  
Acting Secretary of State ; resident 23 years ; very little drunkenness ; law enforced ; high license satisfactory ; local option allowed ; no illicit sale ; druggists licensed ; sell under prescription ; selling to minors (2033b-2059b).
- CROUNSE, HON. LORENZO, Governor of Nebraska. . . . . Page **187**  
Home at Fort Calhoun : official residence Lincoln ; resident 28 years ; history of contest, and contrast between prohibition and Slocum—high license with local option—law ; features and restrictions of Slocum law ; law reasonably well maintained ; licensees watch illicit sellers ; well regulated license better than non-enforced prohibition (2171b-2190b).



- DALE, JOHN, of Omaha. . . . . Page **199**  
 Resident since 1885; murder by opponents of Slocum law; city full of saloons. under old system; high license in Nebraska and Illinois; successful as far as revenue goes, not else; Fay Mills and Omaha: gambling houses and social evil virtually licensed; money goes to school fund; law not enforced; could be; high license deadens public conscience; money consideration defeated prohibition; law, great iniquitous monstrosity; local option permissible; adopted in some places; respect for law as in Toronto impossible in United States; Canadian law enforced; prohibition not enforced in Iowa; attempted enforcement causes murder in Sioux City and blowing up residences in Muscatine; excitement over prohibition amendment; spasmodic attempts to enforce law; Sabbath desecration (2247b-2278b).
- DORGAN, W. H., of Lincoln. . . . . Page **180**  
 Prison contractor; drunkenness decreasing under restrictions of high license; resident about 17 years; high license preferable to low; favourable sentiment growing; crime attributable to liquor; prohibition unsuccessful in Iowa (2087b-2104b).
- DURYEA, REV. JOSEPH T., of Omaha. . . . . Page **202**  
 Resident five years; Congregational minister; made exhaustive study of liquor question in many lands; difficulties of enforcing prohibition and violations in Maine, Iowa, etc. Minute history of high license and prohibition contest; Slocum law allows local option; restricts traffic, provides for interdiction of drunkards; mandatory license unconstitutional; enforcement of law dependent on character of Mayor; prohibition prohibits, does not prevent. Social evil virtually regulated against law; regulation lessens evil, protects families, preserves classes of men, beneficial comparatively (2279b-2296b).
- GRAHAM, REV. EDWARD B., of Omaha. . . . . Page **208**  
 United Presbyterian, resident 13 years; editor of the *Midland*. Slocum high license law defeated prohibition; question not yet settled; mixed with politics; many prohibitionists place party first; thinks prohibition carried, but was counted out; officials charged with falsifying census; election unfair and disorderly; prohibition if passed could not be enforced; license fees applied to school fund; some object to "blood money"; licensing wrong *per se*; social evil practically licensed; also wrong; Mayor could close fancy houses; Slocum law lessens saloons; increases monopoly; illicit sales; saloons violate law; saloons and fancy houses on same footing; just as much drinking as under low license; crime scarce (2297b-2370b).
- LINK, OLIVER C., M.D., of Lincoln. . . . . Page **185**  
 Practising physician; resident seven years; came from Illinois; high license good if enforced; believes in local option; law not thoroughly enforced; better now; no obstruction in saloons allowed; would prefer prohibition; local option and license in Illinois; fancy houses fined; practically licensed (2145b-2171b).
- ROSEWATER, EDWARD, of Omaha. . . . . Page **190**  
 Resident 30 years; editor of *Bee*; history of high and low license; contest with prohibition; objections to high license at first; test case; Board of Excise possess arbitrary power; high license means traffic absolutely prohibited except where permitted with consent of public sentiment; prohibition and high license in action contrasted; prohibition generates hypocrisy, secret drinking, sales of vile mixtures, joints, boot leggers and habitual liars; restrictions under high license; druggists controlled; divorces, insanity and crime in connection with liquor; drinking minimized; elections under old and new systems; all liquor traffic more or less pernicious; fancy houses restricted; population increased (2191b-2217b).

## Index and Analysis of Evidence.

**WEIR, AUSTIN H., Mayor of Lincoln.....Page 181**

Resident ten years ; considers prohibition in Kansas satisfactory in some places ; would adopt any effective means to drive out liquor ; high license only successful method at present ; license controlled by Excise Board ; restrictions ; saloon men lawless set ; Sunday drinking ; druggists troublesome ; bars absolutely open ; little drunkenness ; fancy houses numerous and sell illicitly ; need regulating ; local option in State ; liquor for private consumption allowed (2105b-2143b).

## IOWA.

The Royal Commission sat at Council Bluffs on the 23rd May, 1893. Des Moines on the 24th May, 1893, Cedar Rapids on the 25th May, 1893, and at Clinton on the 26th May, 1893.

**BALDWIN, HON. JOHN M., of Council Bluffs..... Page 222**

Counsellor-at-law, low license system under absolute prohibition ; prohibition voted part of constitution ; vote pronounced illegal on account of irregularity in proceedings ; present law statutory enactment ; liquor allowed for private use, though illegally ; prohibited except for medicine ; druggists' sales ; law enforced where sentiment is favourable ; evasions ; German communities and river towns anti-prohibitionist ; law good where practicable ; why unsuccessful in Council Bluffs ; favours license with local option (2483b-2515b).

**BOIES, HON. HORACE, of Des Moines, Governor of Iowa..... Page 236**

Different opinions of prohibition ; law a bad law ; enforced where public sentiment is favourable ; causes cities to enact ordinances licensing saloons in violation of State statute ; traffic thrown into worse hands ; open saloons closed ; secret places opened ; uncontrolled, instead of controlled saloons ; political phases ; Democrats favour regulated license with local option ; German population oppose law ; law retarded immigration ; breweries exist illegally ; result of elections virtual defeat of prohibition ; border cities violated law ; spasmodic enforcement, effects of law been prejudicial ; present system worse than license ; Des Moines voted prohibition ; personally favours license (2697b-2736b).

**BREWER, J. A., of Des Moines..... Page 245**

Deputy Collector of Inland Revenue ; druggists' business, and liabilities ; prosecutions numerous ; bootleggers ; prohibition been beneficial ; favours national and continental prohibition ; law driven liquor to slums in Des Moines ; better than license ; results blackened for political ends ; Germans want beer ; wants law enforced, wrong to license crime ; liquor traffic mother of crime ; enforcement prevented for politics (2805b-2839b).

**BROEKSMIT, J. C., of Cedar Rapids..... Page 279**

Resident 22 years ; auditor of Burlington, Cedar Rapids, and Northern Railway ; prohibitionist ; enforcement of law dependent on state of public sentiment ; foreign element serious factor ; liquor traffic cancer in body politic ; law accomplished great good ; absence of saloons advantage ; in Cedar Rapids stuff on tap all hours of day and night ; evil of treating system ; violation of prohibitory law, sowing wind to reap whirlwind ; virtual license ordinance illegal ; blackmail by civic authorities (3259b-3278b).

- BURKE, EDWARD**, of Clinton . . . . . Page **256**  
 Chief of Fire Department, resident 13 years. Corroborates Mayor Hughes; efforts at enforcing prohibition flat failure; attempted enforcement in 1886 caused Judge riots; virtual license system preferable to enforcement (3332b-3343b).
- CAMPBELL, A. K.**, of Des Moines . . . . . Page **247**  
 Resident since 1886; prohibition difficult to execute, done great good; compromise to keep German vote; beer promotes drunkenness; law works splendidly when enforced; good in Des Moines; licensing wrong; evasions of law, druggists sell; virtual license most debasing; prohibition in election; beneficial to wage-earners; saloons congregate worst classes (2840b-2880b).
- CHASE, C. W.**, of Clinton . . . . . Page **300**  
 Counsellor-at-law, formerly Mayor; spasmodic efforts at enforcing prohibitory law for 25 years; explains machinery of State law; his efforts when Mayor to enforce prohibitory law caused illicit drinking; bad blood; talks of killing; at last the judge ceased to work and liquor was brought in; illicit sale stirred up for political purposes; and fines by way of virtual license introduced, though illegal. Non-enforcement effect of public sentiment; licensing wrong, better than non-enforced prohibition; local option humbug; breweries run in contravention of law; honest officers could enforce law; are not elected; prohibition fought because it is child of one political party (3536b-3599b).
- DALE, WALTER**, of Clinton . . . . . Page **305**  
 Engaged in liquor traffic, wholesale and retail, 15 years; fighting on liquor question always; have run right along without paying one dollar till recently; more liquor sold and more drunkenness under Mayor Chase's rule than at any period. Mayor Chase made a monkey of prohibition; present system satisfactory; licenses wanted; prohibition kills country; induces worst class of traders. (3600b-3608b).
- DANIELS, WILLIAM P.**, Mayor of Cedar Rapids . . . . . Page **269**  
 Resident since 1873: Secretary of International Organization of Railroad Conductors; prohibition somewhat enforced in some parts of State at first; spasmodic attempts at enforcement in Cedar Rapids; liquor always obtainable; joints and druggists sell; recent civic ordinance arranging for \$25 monthly fine, virtual license for civic revenue and regulation of traffic; effort to close out gambling; no licensed fancy houses; business depression arising from prohibition; Germans, desirable citizens, pass by State because of prohibition; business and immigration improved; elected mayor on virtual license ticket; prohibition failure in State; public sentiment antagonistic; prohibition never closed saloons; drove them into low hands; favours high license; opposes local option; blackmailing attorneys (3147b-3207b).
- DELONG, REV. HENRY**, of Council Bluffs . . . . . Page **229**  
 Methodist, resident 46 years. Originally free whisky, then prohibition in 1855, next light wine and beer license, then total prohibition. Council Bluffs pays no attention to law; prohibition enforced at first, officers inimical, and public sentiment; witness served warrants and was prosecuted, never came to trial; saloon keepers tried to bribe him; fine system or virtual license introduced; destitution caused by drink; if appointed constable could enforce law; prohibition carried out in small towns; druggists' sales (2586b-2619b).
- EGGLESTON, FRANK**, of Des Moines . . . . . Page **265**  
 Resident 25 years; police judge 3 years; drunkenness frequent; druggists and joints sell unlawfully; condition of city improved; prohibitory law broken and why; difficulties with witnesses; enforcement of prohibition dependent on public sentiment (3075b-3092b).

## Index and Analysis of Evidence.

- FAULKS, FRED W.**, of Cedar Rapids . . . . . Page **275**  
Resident since 1874, publisher of *Evening Gazette*. Under beer and wine law everything was sold. Prohibition large election issue; no compensation given on prohibition; party before prohibition; success of prohibition depends on public sentiment; 220 saloons in Des Moines; virtual license ordinance; druggists observe law in Cedar Rapids; prohibition retarded immigration; prohibition injurious to business; developed disregard for all law; increased places for sale; blackmailing lawyers operations under prohibition; prohibitionists do not enforce law for business purposes; (3208b-3258b).
- HENRY, H.L.**, of Council of Bluffs . . . . . Page **219**  
Resident 37 years: sentiment against prohibition, efforts at repeal failed; Legislature elected on prohibition ticket; more and worse liquor sold under it than before; anti-prohibitionists hopeful; prohibition and party; prohibition does not prohibit even in rural districts; saloons, boot leggers and druggists everywhere; curse to State; impossible to convict; prevented immigration; high license produces better class licensees (2453b-2482b).
- HOWELL, W. C.**, of Keokuk . . . . . Page **251**  
Assistant United States Attorney; virtual license arrangement with saloon keepers for revenue called civic ordinance; saloons under strict police surveillance; absolute prohibition maintained for two years previously; arrangement satisfactory to business men (2902b-2907b).
- Recalled . . . . . Page **253**  
Local option agitation; politics affect prohibition injuriously; Democrats favour violation, Republicans enforcement of law; party preferred to prohibition; Germans Democrats (2916b-2941b).
- HUGHES, E. A.**, Mayor of Clinton . . . . . Page **282**  
Resident 10 years; prohibition never fully enforced; fine system in vogue; reduced number of saloons; honest efforts at enforcement produced illicit selling, injured business interests; efforts at enforcement costly to city; blackmailing saloon keepers; convention for relief from prohibitory law at Des Moines, shewed effect of law detrimental to State; revulsion of feeling against law; effect of disregarded law evil; present system unpopular; enforcement of law depends on public sentiment (3279b-3331b).
- Recalled . . . . . Page **287**  
Brewery running; murders through liquor; city more prosperous now than since prohibition (3344b-3347b).
- JOHNSON, FRED.**, of Des Moines . . . . . Page **263**  
Resident 14 years; Chief of Police, one year; formerly Deputy Marshal two years; considerable drunkenness; sixty drug stores selling liquor, besides joints and clubs; no saloons. City better than under open saloons; no gamblers, drunkards locked up for protection; repeaters; no fancy houses; liquor sales reduced to minimum (3034b-3062b).
- LAWRENCE, N.D., M.D.**, Mayor of Council Bluffs . . . . . Page **233**  
Resident 25 years; fourth term of office; unsuccessful attempts at enforcing prohibition, when saloons closed, illicit selling, more crime, drunkenness and disorder sprang up. Difficulty of enforcement caused system of regulation; working satisfactory, less crime; breweries closed without compensation; prohibition in Massachusetts; favours local option; prohibition impracticable in towns (2649b-2684b).

LOVELAND, REV. FRANK L., of Clinton..... Page **298**

Pastor Methodist Episcopal Church 2 years, in Iowa 25 years. Working of prohibition dependent on sentiment of locality. Law productive of good ; violations occur ; pharmacy law gives druggists almost power of saloons ; rural districts observe, river towns violate law ; Dubuque ignores law ; authorities allow violation of law in violation of oath of office ; drunkenness, lewdness, and obscenity in open parks on Sundays ; with foreign element liberty embodies license ; money consideration ; great influence ; all law brought into contempt ; small towns cursed with drug stores ; Methodist Church favours enforcement of law ; political connection injured prohibition ; energetic enforcement would jeopardize law ; prohibition with local option dangerous as rebellion sentiment of 1860 ; license wrong *per se*, State partnership in evil ; traffic requires restriction (3409b-3467b),

MAGNUS, CHRISTIAN, of Cedar Rapids.....Page **268**

Brewer since 1859 ; brewery not closed long under prohibition ; makes lager beer ; evades law ; imports beer ; has not lost anything ; bothered by temperance people, lawyers, and informers, who try to enforce prohibition for personal ends ; brewery built under license ; law prejudicial to breweries in State ; favourable to outside breweries ; compensation asked for, not given (3108b-3140b).

MALONEY, THOMAS, of Council Bluffs..... Page **215**

Prohibitionist ; saloonkeeper, pays \$52.10 per month without trial ; 80 saloons in city ; no gambling houses ; prohibition proved adverse to city (2371b-2380b).

MASON, E. R., of Des Moines.....Page **255**

Resident 24 years ; Clerk of Circuit Court of United States ; alcoholic or spirituous liquors always prohibited in State ; wine and beer exempted 1858 ; result everything sold ; present law enacted 1884 ; rigidly enforced in Des Moines ; violated by drug stores and boot-leggers ; County largely prohibition (2942b ; 2964b).

MILLER, D. C., of Red Oak..... Page **244**

United States Marshal to enforce Federal license ; prosecutions numerous (2792b-2802b).

MITTNACHT, FRED, of Council Bluffs.....Page **215**

Agent Mountain Liquor Company, wholesale dealers, pays monthly fine \$52.10, amounts to license fee for retail traffic, wholesale to United States Government extra ; no trial ; other houses (2381b-2394b).

McFARLANE, W. M., of Des Moines.....Page **240**

Secretary of State ; prohibition party question. Republicans tried to make it constitutional, failing made it statutory ; badly mixed result ; law enforced in 60, disregarded in 39 counties, in State ; more saloons in some places running without restraint than before prohibition ; modes of evading law ; difficulties with juries ; breweries exist ; federal licenses issued ; prohibition reduced drunkenness ; disregard of law evil ; favours prohibition with local option ; politics injure prohibition ; Mayor and authorities can enforce law anywhere (2737b-2791½b).

SCHAEFFER, C. J., of Des Moines.....Page **264**

Deputy Chief of Police : corroborates Chief Johnson ; city improved under prohibition ; difficulties of enforcing old license law ; druggists sell illicitly ; frequent seizures ; liquor brought in by carloads ; joints (3063b-3074b).

## Index and Analysis of Evidence.

- SHAVER, HENRY C.**, of Des Moines . . . . . Page **260**  
 Newspaper correspondent, concurs in Mr. Stivers statement; prohibition controlling question in politics since 1885; pardons to men convicted of violating prohibitory law; outrages and murders by city constables enforcing prohibition. Liquor sold everywhere in Des Moines; drunkenness rife; druggists, clubs and niggers sell; young men addicted to secret drinking; saloons run openly in Iowa City (3011b-3033b).
- SMITH, S. F.**, of Davenport . . . . . Page **227**  
 Banker, resident 37 years; prohibition not enforced in Davenport; foreign population; saloons virtually licensed; public sentiment opposed to law; breweries run contrary to law; nobody's duty to enforce law, left to each community vendors hold United States licenses; favours local option with high license; present conditions beget disregard of all law; prohibition enforced in parts of State, not in river towns; spasmodic efforts made at enforcement (2557b-2585b).
- STIVERS, HENRY**, of Des Moines . . . . . Page **257**  
 Editor *Daily Leader*; resident four years; beer and wine law practically local option; everything sold; prohibitory law successful in rural districts; traffic driven to drug stores; private dealers, niggers and low-lived "boot-leggers"; enforcement costs incalculable sums; Des Moines honeycombed with joints; drunkenness rife; party before prohibition; system of practical license contrary to law; favours local option; State made absolutely no progress under prohibition for five years; several counties lost population for ten years; no progress in any direction; vast quantities of liquor imported; prohibition factor in last election (2965b-3010b)
- TEMPLETON, J. L.**, of Council Bluffs . . . . . Page **216**  
 City Marshal; second term of office; keepers of disorderly houses and saloons notified of warrant monthly; must come in before the tenth day and put up \$52.10 security for appearance next day; do not appear money forfeited; produces revenue of \$46,000; no trials; practically license; attempt to close saloons never made; money applied to police fund; brings traffic under control; prohibition does not prohibit; any man can start selling, subject to arrest; high license preferable; no gambling; druggists sell; system satisfactory; prevails in Davenport, Clinton and Sioux City; law broken everywhere (2395b-2452b).
- WALLACE, W. W.**, of Council Bluffs . . . . . Page **231**  
 Corroborates Mr. DeLong; lawyers more to blame for violation of law than officers; present fine system one of blackmail; law could be enforced; officers elected to enforce it opposed to enforcement; public sentiment against law; fancy houses virtually licensed; as easy to enforce law as to enforce fines; revenue the active motive; licensing itself wrong; majority favour enforcement (2520b-2648b).
- Recalled . . . . . Page **235**  
 Fear of prohibitory law makes saloon men pay fines (2685b-2696b).
- WILSON, HON. GEORGE P.**, of Des Moines . . . . . Page **250**  
 Judge of the United States District Court; Federal tax mere matter of revenue; no protection against violation of State laws; large number of prosecutions; common pharmacies and boot-leggers sell; law well enforced in some places; liquor for private consumption allowed; sentiment of community test of enforcement; no enforcement in river towns (2881b-2901b).
- Recalled . . . . . Page **252**  
 Minors not supplied in Keokuk; virtual license arrangement; sham ordinance; winking at violation of any law evil; law not enforced, no business on Statute book (2908b-2915b).

- WRIGHT, GEORGE F., of Council Bluffs, ex-Senator . . . . . Page **224**  
 Counsellor-at-law ; resident since 1865 ; light wines and beer allowed under license ; everything sold ; prohibition part of organic law of State ; part of Republican platform ; changed state to Democrat ; found prohibition did not prohibit in cities ; will not consent to local option ; unsuccessful attempts to enforce law abandoned ; no prohibition at all, virtually license ; general effect on all laws bad ; anti-prohibitionists support prohibition for office ; would abolish saloons everywhere ; German emigration ; liquor always was obtainable ; agitation has elevated public sentiment ; law depressed business (2516b-2556b).
- YOUNG, GEORGE B., of Clinton . . . . . Page **287**  
 Counsellor-at-law 30 years ; attempt to make prohibition constitutional failed ; prohibition statutory ; law prohibits sale and not consumption ; possession of excessive quantity presumptive evidence of selling ; law well enforced in State at first ; difficulty in river, and border districts ; enforcement in Clinton at point of bayonet ; violation engenders disregard of all law ; under present system officials blackmail liquor men for revenue ; saloon men would tear down jail as in Judge riots if enforcement were attempted ; business men afraid to interfere ; difficulties and cost of prosecution ; liquor men want whisky ; objects to high license and local option ; present system popular ; national prohibition practicable, but people would not submit ; officials could be prosecuted for present system (3348b-3408b).
- YOUNG, W. J., Jr., of Clinton . . . . . Page **297**  
 Prohibition unsuccessful there ; public sentiment antagonistic ; Judge Chase not supported by Sheriff and other officers in attempt to enforce prohibition ; virtual license ; saloons and breweries exist ; liquor sold in parks on Sundays ; saloons affect wage earners prejudicially ; favours high license ; would prefer law enforced on moral grounds ; public sentiment favours high license ; law been in contempt for years (3468b-3535b).
- ZALESKY, W., of Cedar Rapids, Brewer . . . . . Page **267**  
 Resident since 1881 ; brewery ran under prohibition ; closed one day, then ran secretly ; injunction caused to cease running ; do wholesale beer business, small whisky trade ; business prosperous, four times as great as formerly ; law does not interfere with business ; no compensation (2193b-3107b) ; 14 cars of beer on railway, use 35 cars a month ; value of car (3141b).

## MINNESOTA.

The Royal Commission sat at Stillwater on the 27th May, 1893, at St. Paul on the 29th and 30th May, 1893, and at Minneapolis on the 29th May, 1893.

- ALBERT, Rev. J. H., of Stillwater . . . . . Page **312**  
 Protestant chaplain of State Penitentiary for 6 years ; prison discipline ; crime bred in saloons ; not result of actual intemperance ; high license in vogue ; prohibition in Iowa more effective than high license, though not absolute success, strong feeling in favour of prohibition ; licensing wrong ; high license decreases number of saloons, but does not lessen drinking ; Scandinavian population (3664b-3707b).

## Index and Analysis of Evidence.

- CASTLE, Hon. JAMES N.**, of Stillwater..... Page **315**  
Counsellor-at-law, Canadian by birth; prosecuting attorney for 4 years and congressman; converted from prohibition by experiences in Vermont; low license in Canada with less drinking than under prohibition in Vermont and Maine; prohibition does not prohibit. Tried local option in Minnesota, did not work; druggists under license to sell to everybody. National prohibition backed by public sentiment might work. High license works admirably, licensees enforce law; fees go to civic treasury; German element support it, law popular (3732*b*-3747*b*).
- CHAMBERS, COLONEL CLARK**, of Omatonna..... Page **314**  
State agent; resident since 1859; high license works splendidly, reduced number of saloons, induced better class of licensees, guaranteed by bondsmen; jail patrol system good; no illicit sale (3708*b*-3731*b*).
- CLAPP, GENERAL MOSES E.**, of St. Paul..... Page **333**  
Counsellor-at-law, resident in St. Paul, formerly Attorney General of State for 6 years; prohibition and evils of liquor traffic induced high license in 1886; matter of political expediency; regulation better than unenforced prohibition; liquor men fought license strongly; pronounced prohibitionists still dissatisfied; number of saloons and drinking lessened; temptations removed; consumption of beer increasing; licensees observe law when compelled; Sunday closing fairly observed; prohibition adopted in several places; enforcement dependent on public sentiment (3910*b*-3946*b*).
- COCHRANE, THOMAS**, of St. Paul..... Page **346**  
Mortgage, loan and estate agent, 24 years; high license preferable to low; brands traffic as needing restriction; lessens drinking; temperance sentiment induced high license; saloon influence became too powerful in politics; enforcement in St. Paul improving; social evil confined and restricted (4077*b*-4095*b*).
- DORAN, REV. FRANK**, of St. Paul..... Page **336**  
Minister Episcopal Methodist Church, resident St. Paul 2 years, in State 11 years; high license advantageous to State, especially in rural districts; local option works admirably, requires strong majority; church prefers prohibition; high license step towards it; saloon keepers think it cruel; Sunday closing pretence; prohibition feeling growing; favours high licenses as restricting traffic; favours direct legislation; women at low saloons; Archbishop Ireland and clergy petitioned mayor without reply; public sentiment favours reform; law enforced would close half saloons in State; public sentiment antagonistic (3947*b*-4005*b*).
- EUSTIS, W. H.**, Mayor of Minneapolis..... Page **329**  
Mayor of Minneapolis, resident 12 years; high license and patrol system undoubtedly best means of regulating liquor traffic; favours prohibition if practicable; public sentiment satisfied; saloons graded; law observed; Sunday drinking winked at, impossible to prevent entirely; how to discipline saloon men; gambling wiped out; social evil licensed; illicit selling suppressed; nine-tenths of city under prohibition (3897*b*-3909*b*).
- GARVIN, ALFRED**, of St. Paul, Chief of Police..... Page **320**  
Chief of Police of St. Paul, formerly at Illinois State Prison and Stillwater Penitentiary; been in State 7 years; high license same everywhere, preferable to low; includes more honest and trustworthy licensees; who give information of illicit sellers; minors prohibited; Sunday trade winked at; little drunkenness; saloons closed if loose women or gambling permitted; brewers own many saloons; crime decreasing; fancy houses confined to one locality; license \$50 a month (3772*b*-3822*b*).



- IRELAND, THE RT. REV. ARCHBISHOP, St. Paul.....Page 341**  
 Archbishop of St. Paul, including Minnesota and the two Dakotas; in State since 1852; high license preferable to low; reduces number of saloons and temptation to drink, hence effective factor in promoting temperance; high license enforced excellent; license forfeit for violation; law very well enforced in State; revenue question militates against local option; part of St. Paul practically prohibition; illicit selling connived at by authorities; law well enforced in Minneapolis; favours high license as degree of prohibition; public opinion antagonistic to Sunday closing; brewers, owners of saloons support authorities (4035*b*-4076*b*).
- MAHONEY, REV. MARTIN, of St. Paul.....Page 347**  
 Chaplain to House of Good Shepherd, and Catholic Orphan Asylum, resident since 1883; opposed to licensing traffic; high license where successful somewhat beneficial; number of saloons reduced, wholesale and Sunday drinking unrestrained; partial monopoly; has wrought no reform; licensees as reckless and immoral as ever; antagonistic sentiment increasing in State; high license acts as bribe to the people; crime, poverty and drink (4096*b*-4125*b*).
- MANNIX, J. D., of Minneapolis.....Page 327**  
 Private Secretary to Mayor Eustis; resident seventeen years; license statistics; city more orderly; high license conducive to order; crime reduced to minimum; illicit selling exists; licensees aid in suppression; Sunday drinking irrepressible (3877*b*-3891*b*).
- MERRIAM, HON. WILLIAM R., of St. Paul.....Page 318**  
 President of Merchants National Bank; formerly twice Governor of State, also Speaker of House; high license unmitigated success; formerly drinking places of every character ran; as prohibition in other States did not prohibit, high license passed in 1886, with local option; people satisfied; licensees discourage illicit traffic; no country cross-road saloons (3748*b*-3771*b*).
- McADOO, REV. SAMUEL N., of Austin, Mower County.....Page 340**  
 Methodist Episcopal Minister; in State 7 years; concurs in church prohibition declaration; more drinking in Austin under high than low license; prohibitory clauses of law not observed; civic officials sympathize with saloon element; high license creates lawless sentiment; law could be enforced; influence of saloons in municipal politics; high license prohibitory in small towns (4005½*b*-4034*b*).
- McGILL, HON. A. H., of St. Paul.....Page 323**  
 President of St. Paul and Minneapolis Trust Co.; formerly Governor of State; in State 33 years; Government Insurance Commissioner thirteen years; saloon in politics, induced high license; long step in regulating traffic; local option clauses used in some places; law gives general satisfaction; enforcement of restrictions dependent on local sentiment; saloons in St. Paul all in police patrol radius; saloon keeper no longer leads political procession; saloon keepers enforce law; better class of licensees (3823*b*-3876*b*).
- WOOLFER, HENRY, Stillwater.....Page 307**  
 Warden of State Penitentiary; high license in force; crime in State decreasing; large Scandinavian element in State; steady, not heavy drinkers; liquor and crime; system of prison management; imprisonment no use to habitual drunkards (3609*b*-3668*b*).

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## ILLINOIS.

The Royal Commission sat at Chicago on the 1st June, 1893.

- BRANDECKER, FRANK X.**, of Chicago, City Collector.....Page **354**  
No limitation to number of licensed places or district.
- GASTFIELD, CHARLES B.**, of Chicago, City Clerk.....Page **354**  
Various licenses; high license for prohibition district.
- LANDERGREN, B. A. E.**, of Chicago, Deputy United States Collector of Inland Revenue.  
Presents statistics of United States permits.....Page **354**
- WOLF, HENRY**, of Chicago, Clerk of Cook County, Ill.....Page **354**  
Presents statistics of licenses issued; no limitation for number.

## EASTERN STATES.

## MAINE.

The Royal Commission on the Liquor Traffic sat in Portland, Me., on the 21st, 22nd, 23rd, 24th, 25th, 27th, and 28th of June, 1893.

**BAKER, CHARLES H.**, of Portland, Secretary of the Overseers of the Poor. . Page **401**

20 years in office, elected by Board (4795*b*-4796*b*); statistics of almshouses at Deering Park, with explanations of the increase in pauperism (4797*b*-4815*b*.) Maine more almshouses in proportion to the population than any other state in the Union (4816*b*-4819*b*); Fewer paupers in proportion 20 years ago (4820*b*-4825*b*); Prohibitory law had little to do with it (4826*b*-4827*b*); Drunkards sent to almshouses by courts (4803*b*-4804*b*); Native population decreasing,—why (4828*b*-4833*b*). Prohibitory law satisfactory for state as a whole (4834*b*-4835*b*); In towns of American population, in rural districts, mostly, no liquor for sale (4836*b*-4840*b*); Law difficult of enforcement, and sometimes not a success in cities (4841*b*-4842*b*); Times in Portland when law not as successful as to-day, owing to rigid enforcement (4842*b*-4843*b*); Political influences render law ineffectual, less enforcement by Democrats, very loose enforcement by Republicans (4844*b*-4856*b*); Democrats generally opposed to law but dare not take ground against it (4847*b*-4851*b*); Republican party not solid, considerable element opposed to law (4852*b*-4853*b*); Middle class of both parties favour law (4853*b*). Present enforcement in Portland exceptional, never expects to see better, his hopes are realized, is prepared to be thankful (4858*b*-4865*b*); Law reduced drunkenness (4854*b*-4857*b*); Prohibitory better principle than license, less drunkenness, Boston *vs.* Portland (4866*b*-4873*b*); Portland as it was and as it is; discontinuance of the rum trade helped temperance sentiment (4874*b*-4883*b*); Ignorance, intemperance and pauperism (4884*b*-4888*b*) character wanted to sell rum (4889*b*).

**BARRETT, FRANKLYN R.**, of Portland, President of the Portland Savings Bank . . . . . Page **485**

Former and present positions (5820*b*-5823*b*); Made no systematic study of the working of the prohibitory law (5824*b*). Prohibitory law class law; if any class affected at all, it is the poor or labouring class; law causes consumption of large quantity of extremely injurious liquor; "split"; Duration of drunkards life shortened. No decrease in number of drunken people (5825*b*; 5877*b*-5882*b*). Liquor agency business; agent wants all he can get. Agent touts for orders in wines, etc. "A particularly upright agent" calls attention, by circular, to the pure stock of liquors he keeps for sale (5826*b*-5829*b*; 5831*b*). Suspicious of liquors at the agency, never brought any (5830*b*). Composition and business of Maine Savings Banks (5832*b*-5838*b*). Savings in Maine and other states compared (5839*b*-5851*b*). Prohibitory law has not affected trade as much as changed methods and new channels (5852*b*-5854*b*). Maine savings increase slowly (5855*b*). Doubts beneficial action of prohibition; any other law would do as well (5856*b*-5862*b*). Principle of prohibition generally mixed up with something else at voting time (5862*b*-5864*b*; 5876*b*). Why Maine population increases slowly (5865*b*-5867*b*). Why divorces multiply (5868*b*-5869*b*). Prohibitory law breeds perjury and laxity in observance of other laws (5870*b*-5874*b*). Prohibitionists have gone beyond public opinion (5875*b*).

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**BAXTER, Mr., Mayor of Portland . . . . . Page 388**

Prohibitory law has done much good, made liquor traffic disreputable; does not prevent drunkenness, men will get liquor, but it is sold in secret and from the pocket. Several arrests daily. Dive keepers put intoxicated men on the streets (4550*b*-4551*b*). Enforcement of law spasmodic; temptations to policemen to take bribes sometimes seductive (4852*b*). Laxity in dealing with arrested drunkards; men arrested but discharged without being brought into court, or arrest being recorded (4553*b*; 4555*b*-4561*b*; 4653*b*-4655*b*). Laxity accounts for decreased arrests (4554*b*). Law decreased offences, drunkenness remained about the same (4562*b*-4564*b*). Controlled licence system might be better than prohibitionist uncontrolled agency; amount sold at the agency. Immense increase, largely owing to the change in the city government, but contrary to public opinion; question was before the electors, but so was party (4565*b*-4576*b*; 4582*b*-4599*b*; 4601*b*-4605*b*; 4610*b*-4612*b*; 4617*b*; 4652*b*). How the council was elected (4577*b*-4581*b*). How the liquor agencies are run (4592*b*-4594*b*). Alms-houses (4600*b*; 4639*b*). Liquor more or less sold at hotels and drug stores (4606*b*-4607*b*). Enforcement of law still an election issue (4608*b*). Constitutional amendment election (4609*b*; 4622*b*). Records of liquors imported into Maine (4613*b*-4616*b*). Effects of prohibitory law on real estate and trade generally (4618*b*-4626*b*). Growth of population, non-increase due to western movement, not to prohibition (4627*b*-4631*b*). Formalities for obtaining liquors for medical use from city liquor agency on physician's prescription (4632*b*-4635*b*). Furnishing minors; people who had no right received liquors "all along" (4636*b*-4638*b*). Prohibition and pauperism; an unaccountable floating population swell figures at times (4640*b*-4646*b*). Ethics of secret drinking compared with home drinking (4647*b*-4649*b*). Houses of ill-fame and divorces (4650*b*-4651*b*).

**BLANCHARD, REV. HENRY, D.D., of Portland, Pastor of the First Universalist Church . . . . . Page 516**

Eleven years pastor of one of the largest churches in the city (6274*b*-6275*b*). Prohibitory law beneficial on the whole; young men shielded and educated; Bacchanalian times in club-houses; not a prohibitionist like General Dow; opposed to saloons; government should have charge of so dangerous a traffic; agents should sell on salary; better liquors would be sold; worse effects come from poisonous liquors; approves the system in vogue in South Carolina, Denmark, and Norway. How men get liquor in Portland; he is shown a whisky saloon, but when he goes there with a marshal can find nothing. Law well enforced in Portland, stops sale in hotels and places of resort. City officers at times lax (6276*b*-6281*b*). Prohibitory law weakens moral and rational efforts; spasmodic revivals only; would like to see another Washingtonian movement (6277*b*). Large numbers charged with drunkenness, Sunday drunkenness, Sunday excursions harmful (6282*b*-6283*b*).

**BROWN, PHILIP HENRY, of Portland, Banker . . . . . Page 491**

Formerly sugar manufacturers, now bankers, change in West Indian trade stamped out their industry, change in trade not due to McKinley, or prohibitory laws (5883*b*-5892*b*). Prohibition driven out German population, Germans want their places of resort and beer; not effected English or Irish (5893*b*-5895*b*; 5931*b*-5933*b*). Enforcement of prohibitory law has prevented country merchants from going to Portland to purchase goods. They go where they can enjoy themselves, and the law is not enforced. Prohibitory law has depreciated certain properties, whilst "all real estate has somewhat declined" (5896*b*-5899*b*). Prohibitory law had no favourable effect as regards the diminution of crime; police-court statistics not always trustworthy, but city in worse condition than ever; more drunkenness than ten years ago. No open sale of liquor but every one who wants it can easily get it; Public saloons closed but not kitchen bar-rooms, and pocket pedlars; most druggists sell by

BROWN, PHILIP HENRY—*Continued.*

the bottle for beverage purposes (5900b-5906b). Large number of purchasers at City Agency, not for medicinal or mechanical purposes; has purchased wine there by the case for his own consumption (5907b-5910b; 5927b-5928b). Public sentiment in favour of law decreased sensibly; more drunkards, more crimes of violence, more private consumption of liquors in recent years, specially under rigid enforcement of the law; liquor for private consumption comes from Boston, taking money out of the city (5913b-5919b). Labouring classes and prohibitory law, poor people poorer because of decrease of business; more idle more drunken and worse than 15 or 20 years ago; less exercise of moral suasion (5920b-5923b; 5929b-5930b). Prohibitory law good in country districts, stopped bar-room loafer. In larger cities no good at all. Reminiscences of Washingtonian movement (5924b-5926b). Never favoured prohibition, more he sees of it, less he likes it (5934b 5937b). Liquor supplied in clubs (5938b-5942b).

BURROWES, E. T., of Portland, Manufacturer.....Page **505**

Large employer of labour (6016b-6017b.) Prohibitory law to advantage of working people, drinking places exist at times more or less, very few at present; soft drink sellers, some druggists and some hotels sell, getting their supplies from Boston; city agency would be too expensive (6018b-6028b; 6049b). Sales at city agency outside of requirements for medicinal or mechanical purposes despite great diligence; agency exempted from sheriffs; public sentiment has no authority to stop agent selling to anybody; he has to use his own judgment; proof of disregard of law hard to get; political opponents would prosecute if they could prove; circular touting for custom; \$80,000 large amount for mechanical and medicinal, uses, but probably required (6029b-6040b). Law fairly enforced by sherriffs; police co-operation imperfect (6041b). Police and drunkenness and Marshal Swett's regime; arrests decreasing (6042b-6043b). Drunkenness decreased, law better enforced; no inducements to young men to drink, clubs and liquor (6044b-6048b; 6066b-6069b). Convinced arrests in Portland are less than in places under high licence system (6051b-6055b.) Prohibition improved trade and wages; little trouble with men owing to liquor; employees thrifty (6058b-6065b). Houses have appreciated (6069b-6074b.)

CARLETON, SAMUEL L., of Portland, Past Most Worthy Patriarch of the Sons of Temperance.....Page **455**

Lawyer, 35 years Sons of Temperance, 15 years Good Templars, statistics and particulars of membership shewing increase in Templars and decrease in Sons of Temperance, with historical sketch of their relations (5460b-5479b). Both Societies endeavour to enforce prohibitory law, satisfied that it is a good law but not satisfied with its enforcement. Politics in the enforcement the great stumbling block. Prohibitory law has fulfilled his expectations and a thousand times more, Westbrook before prohibition in poverty, now most prosperous; Rum shops and distilleries in Portland dissappeared like yesterday's fog (5480b-5488b; 5496b-5497b; 5501b-5503b). Places exist where liquor is sold, but the sale is under a ban, some drug stores sell, liquor agency the only place where liquor can be legally sold (5493b-5495b). How liquor agent is appointed, movement to eliminate politics from municipal matters and secure enforcement of the law (5497b-5500b). Extensive sales at liquor agency, agent said he would sell to any body who came without question; allowed some discretion; but only to sell for medicinal or mechanical purposes; when sheriff closed saloons thirsty ones were driven to the agency. They would not have been supplied if an honest, fearless man had been in charge (5504b-5511b; 5547b-5552b). Difficulty of correcting agency; ought to be done; everybody's business, nobody's busines (5511b-5514b). Effects of efforts to enforce prohi-

## Index and Analysis of Evidence.

CARLETON, SAMUEL L.—*Continued.*

bitory law on temperance societies; societies stronger than ever. Members of the order firmer in the faith and better workers. Waves of work at times, "same as in religion or anything else," when many come in, then quiet time and few come in. Roman Catholic temperance organizations and pledges (5515b-5527b). Portland most temperate place; but little drunkenness; what there is exists in low part of the city where liquor is brought in by water and where wicked men keep their saloons under the bed, or the kitchen floor, or the woodshed, or somewhere (5528b-5531b). Police reports for drunkenness, City Marshal's return high, but drunkards are cleaned up better in Portland than in license places (5532b-5534b; 5537b-5542b). Arrested drunkards discharged without being brought into court, cause of grave complaint against City Marshal (5535b-5542b). Police fees for appearing as witnesses against drunkards withdrawn, did not affect arrests (5543b-5546b). Effects of prohibition on trade "a thousand times good" (5553b-5555b). License no system at all (5556b). Arrests for drunkenness in Portland compared with those in other cities under license. Would expect them to be higher in Portland (5557b-5567b; 5574b-5578b). Men in Portland dare police to arrest them; decreases arrests (5568b-5570b). Amendments to prohibitory law against wish of people, and knowledge of temperance men (5571b-5573b).

CARR, DANIEL J., of Portland, Director of the City Liquor Agency. . . . Page **439**

Appointed when and by whom (5233b-5234b). His duties to act as agent for the sale of liquor; gets all supplies from State Commissioner (5235b-5237b; 5285b-5290b). Agency under a committee of aldermen who make rules and are supposed to make applications for supplies (5238b-5241b). State Commissioner compels purchase from one of four firms whom he names; local agent can choose which; would change the firms if he had the power. State Commissioner appointed by the Governor in Council has full liberty (5242b-5252b; 5292b-5293b). Accounts approved by committee paid by city treasurer (5253b). Receipts paid over to treasurer daily (5254b-5255b). No check on agent's sales; carries stock, amount of present sales; less than year previously; has nothing to do with expenditure of receipts; keeps a register of the names of customers; with quantity and description of liquor sold them (5256b-5262b; 5317b-5334b). Applicants for liquor must state purposes for which it is required; good many medical certificates; fancies all come to "get liquor for the good of their health"—"they say it is for medicine and then I have got to give it them" has to use discretion; some people would not get any (5263b-5271b; 5291b). No limit to sales at the agency, never sold a very large quantity to anybody, strangers are supposed to be unable to get liquor (5272b-5277b; 5313b). How prices are regulated, agency not self supporting at one time (5278b-5283b; 5297b-5301b). Stock at agency taken once a year (5284b). More liquor sold outside causing a decrease in the agency business (5294b-5296b). Drunkenness increasing through prohibitory law causing whisky to be drunk instead of beer (5305b-5307b). Law vigorously enforced drives people to purchase either at the agency or at Boston, and drives liquor into the homes (5308b-5312b). Chemists sales (5314b). Sunday drunkenness (5315b-5316½b).

GRAM, LEANDER, of Portland, Sheriff of Cumberland. . . . . Page **370**

Elected sheriff second term (4365b-4366b). Public sentiment shewn by his re-election; people voted against party on account of the enforcement of the prohibitory law, Portland gave several hundred against him (4474b-4485b). Deputy sheriffs and liquor deputies; how appointed and paid; their various duties (4367b-4369b). Modes of procedure and operation under the prohibitory law; change in law giving court discretion to fine or imprison (4370b-4375b). Drunkenness on the increase; liquor easily obtainable (4376b; 4489b). Liquor

CRAM, LEANDER—*Continued.*

agent if honest does not sell for beverage purposes; how supplied, appointed and discontinued according to popular feeling (4377b-4381b; 4498b-4499b; 4510b). Chemists and druggists no right to vendor more than any other man; supposed to keep a register of all prescriptions; keep alcohol for trade purposes and take out Federal tax (4382b-4387b); 4500b-4509b). All alcoholic drinks come under state law and Federal tax; dealers in "non-intoxicating beer" and soft beer keepers all take out Federal tax (4388b-4393b). Commitments for drunkenness increased owing to city marshal enforcing the law more than his predecessor; record of arrests to be found in record of the various courts only. Maine state prison reports, explains statistics therein (4394b-4438b; 4488b; 4536b-4546b). Drunkards allowed out on suspended sentence or allowed out by police (4428b-4429b; 4490b-4495b). Sheriff responsible for the enforcement of the prohibitory law; amount of enforcement varies with the sheriff; dishonesty the chief obstacle to satisfactory enforcement; law very difficult to enforce; more difficult than other laws; difficulty in getting reliable witnesses; perjury; law fairly possible of enforcement (4430b-4452b). Sentiment in favour of enforcement growing; old time taverns done away with now along the roads; reasons for the changes (4453b-4463b). Good many places sell liquor illicitly in Portland; no open saloon selling; strict enforcement drives liquor into the homes; illicit vendors mostly Irish; of not very high grade (4464b-4473b; 4486b-4487b; 4504b-4509b). Why the prohibition party organized (4497b-4501b). Character of the liquor sold in the agency, prices; pocket pedlars probably obtained supplies from the agency formerly; keeps a register of all sales; agent more strict now than a year ago; nearly lost his place; sale at agency increased through the agent's looseness (4511b-4526b). Liquor consigned to respectable citizens taken by others (4527b-4529b). "Split" and cheap whisky (4530b-4535b). Prohibitory law, its effect on general business (4543b-4549b).

DOW, COLONEL FRED., of Portland, Collector of Customs..... Page **424**

Second term of office, all important transactions pass through the customs house (5129b-5130b) Importations of liquor very small (5131b-5135b). Liquor consigned to General Neal Dow, liquor often addressed to the wrong names; nothing to do with liquor duty paid (5136b-5144b). Maine in better condition than other States owing to prohibitory law (5145b-5147b). Enforcement of the law better temporarily; but rather intermittent; people want vigorous enforcement; but find that they are not as fond of it as they thought they were going to be (5148b-5150b; 5160b-5161b). Vote on constitutional amendment; large majority, but comparatively small vote; honesty of vote (5151b-5153b). Difficulties of enforcement in large cities (5154b-5157b). Politics and enforcement of the law; most candidates favour proper enforcement; the man who publicly promises to enforce the law and has a private understanding with the liquor element that he will not, stands the best chance of election (5158b-5160b). Prohibitory law generally not injurious to business (5162b-5166b). Repeal of prohibitory law in 1856; understanding regarding the license law; left out of the Revised Statutes (5167b-5173b; 5196b-5197b). Social changes in Maine, accession of foreign population, marked improvement, changes in trade brought about by "great weight of reasons" (5174b-5189b). Police arrests and prohibitory law; differ under different administrations; unreliable figures, difficult to make comparisons; increase in paupers (5190b-5195b; 5201b-5202b). Amendment to prohibitory law giving judges discretion as to sending to jail or imposing a fine, difference of opinion (5198b-5200b).

DOW, GENERAL NEAL, of Portland..... Page **449**

Clubs in Portland, formerly numerous, so law was amended, and they were closed. He advised no interference with the Cumberland Club because "it would raise a great row," and "if the people of the Cumberland Club wish to go to the

## Index and Analysis of Evidence.

DOW, GENERAL NEAL—*Continued.*

Devil, I do not see very well how we can interfere to prevent them," clubs without liquor and clubs with, different modes of leaving. No intoxicants at public dinners. If a business man is known to drink it hurts his credit (5404b-5405b ; 5437b-5439b). License law of 1856, its effects mischievous ; result of a combination of rum whigs and rummy Democrats ; so Republicans gave them two years of it ; law was meant to be rigid, but witness never read it, it was no good ; jurymen were forbidden to drink, but not the judge (5406b-5408b). City Liquor Agency all right if properly administered, why created. Agent paid by salary ; man who does low political work, counting in votes not cast, and counting out votes cast, gets in there, so agent is never in sympathy with the temperance movement ; accounts for immense sale last year ; Boston spirit man with a large sum of money round at time of appointment of city agent. State Commissioner and how supplies are obtained. Commissioner makes money out of liquor and names wholesale men for the supplying of city agencies (5409b-5429b ; 5440b-5441b). Judges exercised discretion in sending to jail instead of fining, before recent law ; opposed to any discretion in the courts ; and took it away in 1857 ; this last act a retrograde step. Men convicted without punishment ; cases continued. Men promise not to sell any more, but go on selling (5430b-5432b ; 5434b). Maine law stands better than ever (5433b). Why he left the Republican party ; can never sweep out liquor while it lives ; liquor traffic can never be put down so long as there is any profit remaining in it (5435b). Rum sellers become rich under prohibitory laws (5435b-5436b). Hotel in Augusta where legislators stay with wide open bar. Church members and the bar (5442b-5447b). Sunday drunkards in Portland (5448b-5450b). Enforcement of prohibitory law changed to sheriffs because police did nothing ; all enforcement a political machine (5451b-5459b).

Recalled. . . . . Page **472**

His various candidatures (5679b-5690b). Decrease in arrests for drunkenness in Portland ; through vigorous enforcement of the law ; liquor difficult to obtain, but drinkers can get it ; others sent from pillar to post ; no laxity about the arrest of drunkards at present ; if officials do not like a law they let up on it ; drunkards mostly foreigners, as well as grogsellers ; mostly Irish born or bred (5691a-5704b). Prisons empty under the law ; not much argument, not empty now (5726b-5733b). Why the law is not enforced, the action of the liquor leagues out west force the Republicans to let up on enforcement in Maine ; law not adapted to large towns ; legislature tells him that he has more stringent laws now than public opinion will warrant (5705b-5709b ; 5761b-5768b ; 5772b ; 5803b-5813b). Vote on constitutional amendment (5709b-5710b ; 5740b-5741b). Pauperism and crime and intemperance, every man in workhouse there from intemperance, except one, paupers increasing but foreigners all ; very little liquor sold in Maine, in Portland less than there used to be (5712b-5728b ; 5755b). Prohibition does not prohibit, but greatly diminishes the sale of liquor ; no exportation from Portland now (5734b-5739b). Methodists form resolutions against liquor traffic, and turn round and vote for rum ; Presbyterians the same, "the liquor traffic exists by the permission of the Christian churches" (5741b). People do drink no matter what the law may be ; in Maine prohibition never had a fair chance. Half the prisoners in the jails are rumsellers, comparisons with other States (5742b-5754b). Question of increase of crime, question of whether man answering it drinks or not (5755b-5758b). Wants a more perfect prohibitory law (5759b-5760b ; 5780b-5784b ; 5801b-5802b). Arrests for drunkenness no criterion of intemperance (5769b-5771b). Prohibition has interfered with moral suasion and temperance effort (5773b). His letter to Mayor Melcher complaining of non-enforcement of the law, with 20 arrests per week for drunkenness (5774b-5779b). City Marshall, in 1889, notifies illicit sellers to close at 10 p.m.



DOW, GENERAL NEAL—*Continued.*

(5785b-5786b). Judge Goddard's comparison of crime, 1851 and 1886; would not trust Judge Goddard for anything; in reference to prohibition; but has no reason to think he is incorrect (5787b-5797b). Education in Maine improved, Mr. Beales's letter in the *Evening Post*; teetotallers rarely commit crimes (5798b-5800b). Federal tax licenses (5814b-5819b).

GOULD, HON. GEORGE F., of Portland, Judge of the Municipal Court. . . . Page 408

Ordinary jurisdiction in all criminal cases of minor character, except felonies, and in larcenies up to \$50; cases brought by sheriff and police (4890b-4891b). Sheriff brings in nine-tenths of liquor cases, how they come before the court; former city marshal discharged 60 per cent of prisoners without bringing them before the court; such cases not entered (4892b-4902b; 4908b-4989b; 4994b). Decrease in arrests since 1883, not worthy attention; last year men staggered up to the police and dared officers to arrest them; police department less efficient (4903b-4907b; 4909b; 4978b-4987b). Nationality of those appearing before him (4911b); offences against prohibitory law by chemists very few (4914b-4919b; 4942b-4944b; 4988b). Law never better enforced; judges given discretion by amendment to Act; different classes of offences; difficult to convict, liquor dealers delay cases rather than fight them; everyone appeals, settlement of fines by prosecuting attorney; the liquor agency never prosecuted, drunkards supplied there; law does not touch transportation (4920b-4941b; 4951b-4953b; 4967b-4972b). Federal licenses taken out by people who intend to sell (4945b-4946b). Liquor agent allowed discretion but not expected to abuse it; last year's sales (4947b-4950b; 4975b-4977b). Enforcement, or non-enforcement of law an issue in elections (4954b-4956b). Moral condition of people all over the world improving; Maine going with the rest; prohibitory law accomplished a result in improvement; made liquor trade disreputable (4957b-4960b). Violation of prohibitory law produced bad effect; reduced solemnity of oath and produced most rank perjury (4961b-4964b). Sheriff interested in keeping prisoners (4965b-4966b). Common talk of liquor men being blackmailed (4995b).

GREENE, WILLIAM H., of Portland, Express Proprietor. . . . . Page 541

Thirty-four years experience (6434b). Liquor can be brought in for personal use; such liquor being liable to seizure, but owner can recover it on a declaration on oath. Takes orders for liquor, but always asks if it is for personal use. Complies with law but 'cannot place great reliance in almost anyone in regard to liquor.' Large quantities of liquor come every day by express, not much wine; several express companies do more than his; all sorts of people order liquor; incident of wholesale dealer; lots of Bass's beer; amount brought in by express increases with enforcement of the law; 100 packages a day at least (6435b-6464b; 6479b-6490b; 6520b-6543b). Rum shops plentiful; beer peddled from a boiler on the street (6464b-6466b; 6502b). Prohibitory law not rigidly enforced (6465b). Prohibition does not prevent the sale of liquor; bar-room in Augusta; sale at Cushing's Island under vigorous enforcement (6466b-6475b). Druggists and hotel trade; 47 apothecaries (6476b-6478b). \$80,000 worth of sales at the city agency; excessive for medicinal and mechanical use (6497b). Wretched liquor at illegal places (6492b-6493b). Controlled traffic preferable (6491b). Indisposition to give information to the Commission (6495b-6501b). Drunkenness increased; clubs established for nothing but drinking (6503b-6510b).

HARMON, ALONZO F., of Portland, Police Officer. . . . . Page 392

Signal officer, formerly patrolman; 20 years experience; how the marshall's reports are made up (4656b-4662b). Large number of cases of drunkenness; 502 out of 874 cases were discharged by the marshal, and no record kept, as cases of simple drunkenness; police show increased vigilance. More arrests since

## Index and Analysis of Evidence.

HARMON, ALONZO F.—*Continued.*

judges were given discretionary power (4663b-4692b; 4747b-4756b; 4789b-4794b). Former laxity of police (4683b-4685b). Crime diminished under prohibitory law (4695b-4697b). Good deal of liquor sold at liquor agency; intention of the law violated thereby (4698b-4704b; 4779b-4783b). Prohibitory law when enforced improves matters; increased illicit sales, and drives liquor into the homes (4705b-4710b). Clubs exist and men of all ages belong to them; the sort of place they are (4711b-4722b). Enforcement or non-enforcement of the law election issues; why Portland went against Sheriff Cram (4723b-4725b; 4762b-4767b). No honesty in Portland's vote for the constitutional amendment (4726b-4731b). People who sell rum under prohibition away down too disreputable for license; high license will prevent illicit sale (4731b-4732b). Feeling in favour of prohibitory law stronger in country; criminal classes favour free liquor (4733b-4735b). Number of places selling increased; but not large for the size of Portland; good deal of pocket peddling (4736b-4737b). Good many arrested drunkards obtained supply from liquor agency; three-quarters of the liquor sold there drank for beverage purposes (4738b-4741b; 4781b-4783b). Houses of prostitution (4742b). Sale of beer in Portland, one wholesale dealer's record (4743b-4745b; 4761b). Druggists sales (4746b). Strangers can obtain liquor (4757b-4760b). Advertisement of convictions; permissible beer (4768b-4776b). Practice of court *re* convictions (4777b-4778b). Law better enforced than ever (4784b-4788b).

HEALY, RT. REV. JAMES A., Roman Catholic Bishop of Portland. . . . Page **436**

Prohibitory law inquisitorial, and arouses spirit of opposition. Poor people made it a rule to oppose it; when carried out sent rum into families; becomes harmful; corrupts every set of officers that has anything to do with it; fruitful school of perjury. Law to poor not to rich; degrades all idea of law; liquor everywhere; liquor in Arcadie; a smuggler with an armed camp; evils of imprisonment; clergy have their hands bound; high license left to the municipalities to enforce, the only way of meeting the difficulties of the liquor traffic. Attempts to enforce prohibition only drive into new quarters old offenders; sales at liquor agencies (5215b). Thirty years experience, intemperance increased in families (5216b-5218b). Church had temperance organization formerly but prohibition has taken the enthusiasm out of it (5219b-5222b). Good Templars an inquisitorial body obtaining liquor and laying informations (5223b-5224b). Prohibitory law all right in country districts, detrimental in cities (5225b-5228b). Neal Dow goes west and says there is no selling in Maine, but comes back and finds fault with everybody; 175 persons selling in Portland and 80 in Augusta (5228b). Sentiment in regard to prohibition diminished; tried to get rid of the article in constitution. Prohibitory law destroys reverence for all law; the rich man can have all the liquor he wants (5229b-5230b). Never enforced in Bangor; Portland worse than San Francisco; Bangor regulates the houses, closing them at 10 p.m.; advocates local option (5230b-5232b).

HUGHES, REV. M. S., of Portland, Minister of the Chestnut St. Episcopal Church. Page **558**

Third year of pastorate; formerly in West Virginia (6584b-6585b). Standpoints from which men testify, general observation. Law is not enforced in Portland, yet decided benefit to city; no family in his church with a drunken son, never been called to a home on account of liquor. Formerly a newspaper man; prohibitory law saves boys from forming the habits of drinking and from open saloons. Makes liquor either something in the homes or illegal and criminal. Masons and Knights Templars abstain (6586b-6593b). Methodist Episcopal Church on the side of temperance; prohibition has not weakened moral suasion; cannot make a man sober by act of legislature (6594b-6599b). Iowa, much as Maine, law not enforced (6600b-6606b).

KNOWLTON, HIRAM, of Portland; Lawyer . . . . . Page **548**

Ex-member of the State legislature, always lived in Maine (6544*b*). Remembers passage of the prohibitory act; law has had more effect in country towns than in cities and larger towns. Seen law enforced, with the county attorney favourable and the jail empty for months; when an unfavourable attorney was elected, the change soon became apparent. Law could be enforced to drive drink practically out of the state. Specimen of enforcement in 1872. Believes in the law and its enforcement. Mr. Webb's lax administration (6545*b*-6552*b*). Large amount of liquor sold in York especially in Biddeford, law is not enforced; enforcement in Cumberland, arrests made to swell returns (6553*b*-6561*b*; 6581½*b*). Pauperism crime and prohibition; large percentage of criminals have become so through the use of intoxicants; Judge Goddard's letter (6561*b*-6566*b*; 6570*b*-6575*b*.) Prohibitory law been beneficial, sentiment strongly in favour of the law (6567*b*-6569*b*). Law not enforced but prohibited; sentiment in Bangor against the law and it never was enforced (6576*b*-6580*b*; 6582*b*-6583*b*). Prohibition injured by politics (6581*b*).

LIBBY, HON. CHARLES F., of Portland, Ex-president of the State of Maine; ex-mayor . . . . . Page **430**

Former offices and terms (5203*b*-5205*b*). Character of State of Maine, largely small country towns; a law good for these not necessarily good for large cities (5206*b*). Active Republican; openly expressed dissent from policy of prohibitory law; failure in Portland; his experiences in enforcing the law; drove one set of sellers out to let another in; last set were worse than the first. Young men established clubs with gambling and other vices. Liquor driven into homes, pocket peddling, perjury becoming common, disrespect all round. Prohibitory law does not prohibit; it simply restricts. Evil of the present law has weakened sentiment, no chance now of seeing any law that will deal with the liquor traffic: Condition in Bangor; Law has become the football of politics; Efforts to make things appear an improvement. Mr. Dow's statement Portland stands alone; Petition for local option; Question of morality rather than law in country districts; Prohibition going out as in Rhode Island; Mr. Cram's election (5207*b*-5214*b*).

NEELY, Rt. Rev. Dr., Protestant Episcopal Bishop of Portland . . . . . Page **495**

Claims that prohibition has wrought a change in the community in respect to the use of alcoholic stimulants. No question general drinking in Maine is less than it was 50 years ago. Equally true as regards other States. Understands in rural districts the prohibitory law has done good; does not think it is even claimed that it has done any good in cities. Change in drinking habits; less treating generally, but not due to the prohibitory law (5943*b*). Knows no place in Maine so small that liquor cannot be obtained; his experiences in country places. Commercial travellers evidence. Change in drinking habits due to moral force not legal enactment. If Maine law had been less sweeping it would have been more effective. Would allow use of light wine and beer, but would prohibit "scandalous stuff" now sold as liquor; advocates high license (5944*b*). Temperance Societies in Maine. Never introduced Church of England Temperance Society into Maine, because immediately he did so he would be denounced as "friend of rumsellers." Neal Dow was entertained by the Church of England Temperance Society in London Eng. and reviled it in Maine, calling the Bishop of London an "advocate of drinking". Why he abstains from public speaking on the temperance question. Abuse not use destructive; drunkards and sentimental sympathy (5945*b*-5950*b*). Prohibitory law is not effective (5951*b*). Crime and poverty, Portland stands well (5952*b*-5953*b*) disregard of law breeds laxity generally; made no particular investigation; clubs (5954*b*-5960*b*).

## Index and Analysis of Evidence.

**PIERSON, REV. G. T., of Portland.....Page 461**

Missionary 15 years ; secretary of Young Men's Christian Association ; president of the Temperance Reform Association ; Reform work confined to men who have been drunkards, one who had always been a total abstainer cannot join. Portland "the garden of the world" for sobriety, thrift, and general prosperity ; no really poor locality, no slums (5579b-5583b). Good deal of liquor sold at agency, not much elsewhere ; no liquor saloons ; but those who know all the ropes and lines can get drink ; some pocket pedlars ; clubs (5584b-5593b ; 5657b-5660b ; 5662b). Very little drunkenness ; 31 cases weekly not much (5594b-5599b). Crime increasing all over the world ; in Portland not due to prohibitory law ; but prohibitory law keeps it down (5600b-5602b). Experiences in Lawrence, Mass. (5603b-5609b) Temperance Societies works (5610b-5611b ; 5654b-5656b). Young men of Portland pre-eminent for sobriety, thanks to prohibition (5612b-5614b). 4th of July, expects a good deal of drunkenness for Portland, but nothing for Boston (5615b-5616b). Grandest effect of prohibition seen outside cities, country roads without any liquor since railway (5617b-5618b). Open disregard of law in Bangor and Augusta (5620b-5625b ; 5676b-5678b). Local municipal officers elected for politics ; would run city liquor agency on \$10,000 stock ; last years sales to make votes ; pedlars supplied (5626b-5633b ; 5635b-5641b). Law not really effective, many violations, but still restraining (5634b). Sentiment in Portland very nearly divided on prohibition ; the vote on the constitutional amendment ; law requires large majority in favour for efficient enforcement ; law has educated (5641b-5646b ; 5673b-5674b). Arrests in Portland for drunkenness compared with other places (5647b-5653b). Federal government licenses (5663b-5666b). Pauperism in Maine and elsewhere (5657b-5672b). Prohibitory law never had opportunity yet to show what efficacy there was in it (5674½b-5675b).

**RANDALL, REV. D. B., D.D., of Portland, Methodist Episcopal Clergyman. Page 537**

Residence in Maine (6399b-6401b). Intemperance prevalent before prohibitory law ; nearly every body sold liquors ; enforcement of law produced change ; scarcely any liquor sold in country places. Not observed in cities (6401b-6402b ; 6414b-6418b ; 6421b-6424b). Friends of temperance have depended too much on the prohibitory law and have lessened their efforts at moral suasion ; men are chary of giving up political opinions to join the prohibitory party ; some who sustain Maine law are less identified with it now than before the prohibition party arose. Resolution of Methodist preachers, their position ; church members cannot be anything else than abstainers (6403b-6413b). Prohibitory law has been beneficial ; but the reformation began before it was passed (6419b-6420b). Universal change regarding liquor (6425b-6426b). Drunkenness crime and pauperism (6427b-6433b).

**STEVENS, MRS. L. M. N., of Portland, President of the Women's Christian Temperance Union.....Page 528**

Thirty years resident, 15 years president ; their pledge and membership (6284b-6290b). Changed conditions due to efforts of temperance people ; apart from the prohibitory law ; the law is a great help (6299b). Prohibitory law has not worked satisfactorily ; in cities and populous towns ; because liquor is sold (6300b). Statistics of arrests in Portland, Con. ; comparison quite favourable to Portland (6301b-6303b) the extent of the enforcement of the law fluctuates, the law has stopped drunkenness beyond what any other system would have done (6304b-6307b). Temperance effort not relaxed on account of prohibition (6308b-6312b). Amount of liquor sold varies ; Sheriff Cram becoming lax in enforcement, as the result of some political trickery. Plenty of public sentiment in favour of the law, if it were not for political sentiment. Vote on the constitutional amendment. Sermon on the lax enforcement of the law ; large illicit sale (6313b-6316b ; 6387b-6388b). Amount sold at agency accounted for by bad officers ; the law shamefully violated ; unable to execute the law

STEVENS, Mrs. L. M. N.—*Continued.*

against the agent ; Women Christian Temperance Union helpers. Same state of things elsewhere ; perfect prohibition in country places (6317*b*-6326*b* ; 6359*b*-6361*b* ; 6384*b*-6386*b*). Prohibition and trade, (6327*b*-6328*b* ; 6332*b*—6364*b*-6369*b*.) Temperance organizations in the district and church membership (6329*b*-6331*b*). Pauperism ; 57 towns in Maine without an alms-house or a pauper ; general record remarkably good ; visited every jail ; Maine an old state with a good many old paupers ; comparison with other states ; insane confined in alms-houses (6333*b*-6353*b* ; 6370*b*-6373*b* ; 6389*b*-6398*b*). The blessings of prohibitory law even under numerous difficulties ; young men sober and industrious ; nice young man calls dives “ horrid places ” ; liquor selling immense temptation (6354*b*-6358*b*). Bangor has violation of the law (6361*b*-6363*b*). Boston under license, arrests for drunkenness there and in Portland (6374*b*-6380*b*). Degrees of drunkenness ; wine and spirits eventuate just about the same (6351*b*-6381*b*).

STONE, BENJAMIN C., of Portland, Clerk of the Judicial Supreme Court of the State of Maine . . . . . Page **499**

Office and term of office (5961*b*-5962*b*) Statistics of divorces (5963*b*-5969*b*) Appeals under prohibitory law (5970*b*-5973*b*). Merits of prohibitory law ; or high license ; both better than no law ; prohibitory law has driven liquor traffic into hands of disreputable parties ; made men disregard oath ; high license perhaps better (5974*b*-5979*b* ; 5992*b*-5996*b*). Enforcement of prohibitory law fluctuates ; owing to political influence ; both political parties cater to rum element for the sake of votes ; seizures and warrants (5980*b*-5984*b*). How sheriffs are paid (5985*b*-5991*b*). Drunkenness decreasing, liquor, and bad liquors at that, “ easily obtainable and intoxicates quickly ” (5997*b*-5999*b* ; 6011*b*-6015*b*). Liquor agency an argument in favour of high license, do not sell only for medicinal and mechanical purposes. Sales increase or decrease according to severity of enforcement (6000*b*-6006*b*). The law in Augusta (6007*b*). Public sentiment not equal to General Dow (6008*b*). Divided sentiment prevents enforcement (6009*b*-6010*b*).

SWETT, GEORGE L., of Portland, Ex-city Marshal . . . . . Page **444**

Life and occupation (5335*b*-5337*b*). When marshal let a good many prisoners go without bringing them before the court ; followed the example of his predecessor ; arrests decreasing yearly, decrease caused by abolition of witness fees to police officers (5338*b*-5347*b*). Decrease in arrests does not mean decrease in drunkenness ; attributable to changed circumstances ; more drinking in the homes, and pocket peddling ; arrests fluctuate with the enforcement of the law ; police influenced by marshal (5348*b*-5357*b* ; 5386*b*-5387*b*). No open liquor selling ; but any well informed citizen can get it ; hotels and drug stores sell ; clubs and liquor (5358*b*-5364*b*). Prohibitory law leads to increase in perjury (5365*b*). Information about liquor deputies, warrants and fees (5366*b*-5376*b*). Prohibitory law has always been merely a political machine ; there never was an honest impartial administration of the law ; enforcement spasmodic (5377*b*-5382*b* ; 5393*b*-5394*b*). Corroborates Mr. Carr *re* liquor agency (5382*b*-5385*b*). Social evil (5388*b*-5391*b*). Sunday drunkenness (5392*b*). Experiences in Bangor, Augusta, etc., (5395*b*-5397*b*). Prohibition does not prohibit in cities (5398*b*-5403*b*).

TOLMAN, GEORGE, of Portland, Chairman of the Committee of the City Council in control of the Liquor Agency . . . . . Page **416**

His position, form of the committee, how appointed, its duties ; its restrictions ; disposal of its income and expenditure (4996*b*-5013*b* ; 5123*b*-5128*b*). Unusually large profits last year, due to enforcement of the prohibitory law by the sheriff, less sold by druggists ; no doubt some people deceive the agent ; all druggists will not sell ; the agency a political office (5014*b*-5031*b*). High

## Index and Analysis of Evidence.

TOLMAN, GEORGE—*Continued.*

license and local option better for Portland (5032*b*-5035*b*; 5057*b*-5058*b*; 5069*b*-5071*b*). Sheriff elected on political lines, enforcement of prohibition main issue at the last election; his majority cut down; because he enforced the law merchants opposed him (5036*b*-5045*b*). Drunkards mostly foreign born (5046*b*-5047*b*). Drunkards can easily procure liquor (5047*b*-5048*b*). Enforcement of the prohibitory law drives liquor into the homes, and clubs (5049*b*-5055*b*). Not satisfied with prohibitory law (5056*b*). The populace are opposed to enforcement of the prohibitory law (5059*b*). Sheriff interested in boarding prisoners (5060*b*-5061*b*). Prisoners generally ascribe their misfortunes to rum; but in many cases it is merely an excuse (5061*b*-5063*b*). Floating population of Portland decreased (5064*b*). If the question of prohibition were submitted again the vote would be pretty evenly divided (5065*b*-5066*b*). Benefits of prohibitory law have not been general (5067*b*-5068*b*). City agent put in charge of aldermen, they can control him (5072*b*-5074*b*). Defense of excessive sales at the agency; "people go there and get liquor at the agency that ought not to have it"; "can't ask a man where he got a red face"; all sales registered (5075*b*-5084*b*). Prohibitory law not so strictly enforced now; all a political machine; men nominated for office who are moderate or whose views no one knows on that question; if you could eradicate politics you would have more prohibition votes; all nominations on party lines; without reference to prohibition; both parties let up upon liquor sellers about election times (5085*b*-5098*b*). False statements as to amounts sold or bought by agent; there may be ways of agents "increasing his income," how; (5100*b*-5108*b*). 140 to 150 illicit liquor sellers in town; hotels, some druggists, and some saloons (5111*b*-5112*b*). Observations of the law in other parts of the state (5113*b*-5114*b*). City agent's contributions to the election funds; assessed same as others who expect office (5115*b*-5119*b*). Liquor brought in for residents (5120*b*). Non-intoxicating beers not what they pretend to be (5121*b*-5122*b*).

TRICKEY, HENRY S., of Portland, City Marshal..... Page **355**

His appointment, changes with mayor; the police force (4126*b*-4136*b*; 4250*b*-4254*b*; 4302*b*). Liquor deputies are under sheriff (4130*b*-4131*b*). Treatment of prisoners; young man let off on suspended sentence, without trial, irregular, unusual, included in the report; no statistics; proportion of cases of drunkenness unknown; prisoners only arraigned for offences on charge sheet (4137*b*-4160*b*). Practice of not bringing cases of simple drunkenness before the court after arresting them; no record kept of them; practice abandoned (4161*b*-4166*b*; 4321*b*). One city agent licensed to sell liquors; elected by mayor and aldermen annually; if no one elected no one can sell (4167*b*-4173*b*). Liquor agency a political office (4173*b*-4175*b*; 4291*b*-4292*b*). No open sale but considerable illicit sale in Portland (4178*b*-4180*b*). Vile character of liquor sold illicitly; "boys, women, and children sell"; boys do pocket peddling; Irish boys mostly; how they get their liquor; the mysteries of "split"; those boys may impose on the agent; they may obtain liquor from the agent by misrepresentation; lots of it done; under penalty of \$20; agent uses his discretion (4180*b*-4198*b*; 4274*b*-4278*b*; 4308*b*-4315*b*; 4322*b*-4323*b*; 4331*b*-4339*b*). Regular customers at the agency; during the prevalence of "la grippe"; under medical orders; would shut down if he suspected abuse; drunkards and interdicted persons; the liquor agent's discretion; the profits of the agency; agent not interested in sales; increase in agency business owing to enforcement of law; increase not legitimate; liquor agent merely a machine; controlled by the committee; comparison of sales in various years; all sales registered (4199*b*-4249*b*; 4279*b*-4288*b*). Drunkenness increasing; owing to character of liquor (4255*b*-4256*b*). Statistics of arrests showing increase in cases of drunkenness; enforcement of law various (4257*b*-4267*b*; 4315*b*-4321*b*; 4348*b*-4349*b*). Police and prohibitory law; enforcement the special duty of the sheriff (4268*b*-4273*b*).

TRICKEY, HENRY S.—*Continued.*

All purchases of liquor for agency made through the State Commissioner (4289b-4290b). Comparison of arrests in Portland under prohibition with those cities of similar size under license; shewing prohibition does not prohibit (4293b-4295b). Clubs for drinking purposes caused by prohibitory law (4296b-4301b). Injurious effect of prohibitory law on trade; prevents honest industrious people coming into the city to market; still he cannot make up his mind to vote for license (4303b-4307b; 4340b-4342b). Prohibition party composed of a lot of sore heads from both the old political parties; who contend that neither party enforces the prohibitory law (4324b-4328b). Prohibition does not prohibit in cities whatever it may in rural districts (4329b-4330b; 4359b). Dissatisfied with the prohibitory law, you can't amend it sufficiently; enforcement causes secret drinking of vile compounds, and people get drunk still; fancies legalized trade might be better (4344b-4347b; 4350b-4364b).

WESTCOTT, HON. GEORGE P., of Portland, President of the Portland and Rochester Railway Company.....Page 509

Resident since 1866; formerly mayor; active Republican (6075b-6079b). First experiences of prohibitory law; Deacon Thomas as liquor agent made things lively; disturbed the whole community (6080b-6081b). Early days in Portland, arrests and seizures made by police; the sheriff commenced to experiment in 1873; law has changed but little; but while the law grew stronger the number of arrests and the amount of drunkenness in the city remained stationary, Formerly the floating population encouraged the houses of ill-fame, and grog shops; now whole streets are changed, but not by prohibition, but by change of custom and of character of people. Facts and figures, increase in the number of arrests; no attempt to enforce prohibitory law (6082b-6089b). Sheriff Cram enforced the law as it was never enforced before, but the police were lax hence there were few arrests; no material change in offences though a gradual diminution of all kinds of offences up to that date since 1860, except drunkenness; rum shops have changed the system of working; rooms where men get drunk, and stay, frequented by all classes; more liquor used in the homes, but markedly less at table; vile liquor in low groggeries, quickly intoxicated, numbers of illicit dives (6089b-6115b; 6134b-6135b). The liquor agency, why established, the purposes changed very much; large quantities of whisky sold illicitly come from the agency; the agency run for profit last year, the effect on outside liquor selling; the civic campaign was run on the agency question, but one alderman went wrong; rum used by Democrats for bribery (6116b-6117b). Democrats are opposed to prohibition, Republicans *en masse* favour the law, but wish that there was local option for cities. That is his opinion (6118b-6120b). Prohibitory law the hardest thing that merchants have to contend against (6121b). Prohibition favoured by people in the rural districts because they can get all they want; people in cities favour prohibition for the country (6121b-6123b). High license would benefit the morals of the community, present disreputable trade most dangerous, practically impossible for unlicensed places to exist under high license; always favoured local option (6124b-6131b). Cushing's Island no liquor sold (6132b-6133b). Determination of legislature not to give General Dow his amendments, "General Dow wants common sense in such matters;" the latest prohibitory legislation was a compromise; the temperance people got all they could fairly ask. Members of legislature and liquor (6136b-6144b). Believes Portland would carry local option, and the sale of rum diminish, vote on the constitutional amendment (6145b-6149b). Railway company's rules for its employees, if they find a man drunk they discharge him; one chance given, next time he goes (6150b-6159b). Temperance societies not vigorous; they make prohibitionists, not total abstainers (6160b-6165b).

## Index and Analysis of Evidence.

WINSLOW, E. B., of Portland, President of the Board of Trade.....Page **518**

His position (6166b-6167b). Prohibition does not lessen the sale of liquor in the city much (6169b-6206b). Great deal of intoxication on the streets; drunkenness not decreased; quality of liquor sold very bad indeed (6170b-6173b; 6206b; 6213b-6217b; 6256b-6258b; 6267b-6273b). Police force sufficiently vigilant and "pretty efficient"; formerly commissioner of police; things apt to be based a good deal on political grounds (6174b-6178b; 6208b). Quiet drunkards allowed to go home, incapable men arrested; (6179b-6181b). Enforcement of liquor law apt to be lax at times, in fact is spasmodic (6182b-6183b). Liquor agency sales increasing; 9 years ago and now compared; \$80,000 worth of liquor could hardly be wanted for medicinal purposes in one year; law works differently in the country towns; thinks there is sale for beverage purposes; agents position, if a customer tells a false story: mode of ordering liquor; inconsistency of punishing private liquor sellers whilst the agency sells illegally; illegal sale at the agency entirely in the hands of the officers of the municipality (6184b-6199b; 6242b-6243b; 6248b-6252b; 6262b). Prohibitory law has a tendency to injure trade in the city; hotel men cannot live without selling liquor; visitors want it when they come; in country districts the law has done good; but the same law will not work for cities and towns; law in no way successful in cities (6200b-6204b; 6225b-6232b; 6253b-6255b; 6259b). Prohibitory law has driven liquor into low dives; bar-room kitchens; but has not stopped the use of liquor (6205b-6206b). Expense of enforcing the prohibitory law; severe punishment for infringements and heavy fines (6208b-6213b). Liquor and wage-earners; a good deal of drinking goes on; effect of "gold cure" (6217b-6220b; 6235b-6237b). Matters under license; licenses control illicit sale (6221b-6224b). Sentiment in favour of; and antagonistic to prohibitory law (6232b-6234b; 6238b-6239b). Farmers vote prohibition but sell cider illegally (6239b-6241b). Liquor selling regarded differently from other evils (6244b-6247b). Sales at drug stores; and Federal licenses (6260b-6261b). Great deal of legislation has no temperance significance (6263b). Law will never be free from politics; has had fair trial but is unsatisfactory (6264b-6266b).

The Royal Commission sat in Augusta, Me., on 29th of June, 1893.

ANDREWS, HON. A. D., of Augusta, Judge of the Municipal Court.....Page **569**

Term of office and appointment; hears city and county cases; complete record kept (6829b-6833b; 6869b-6874b). Strict in arresting drunkards, all arrested come before the court (6834b-6835b; 6839b). Enforcement of the liquor law depends entirely on public sentiment; spasmodic (6836b-6838b; 6868b; 6876b-6877b). Statistics of arrests; disposal of drunkards (6839b-6844b). Drunkenness decreased (6845b-6846b; 6871b-6873b). Practice in seizing; how officers are paid (6846b-6848b). Decrease in drunkenness not due to the prohibitory law (6849b-6852b). Great deal of liquor selling contrary to law; no criterion of the enforcement of the law; because of private importations; every apothecary in the city sells; 40 Federal licenses taken out in Augusta; no legalized sale of beer or cider in the state (6853b-6861b; 6887b-6888b; 6892b-6893b). Liquor agency has increased drunkenness in Augusta; driven liquor selling in to low dives. "Squealers" whom no one will sell to (6862b-6863b; 6874b-6876b; 6889b-6891b). Prohibitory law tended to make hypocrites and perjurers; "no question about that"; because never was properly enforced anywhere; officers become disgusted at the delays of the higher courts; prosecuted rum sellers never step out of the business and selling goes



ANDREWS, Hon. A. D.—*Continued.*

on (6866b-6867b ; 6894b-6905b). Law commenced at the wrong end, liquor drinking a disease (6877b-6880b). Present conditions in Augusta reflect public opinion ; prohibitionists wanted the agency (6881b-6888b). Cannot separate prohibition from politics ; satisfied that the law has not been a success to a great extent ; the temperance party does not amount to much ; the law set at defiance (6906b-6910b). People vote prohibition by open voting, who would not by the ballot system ; disreputable to be called "a rummy" ; the vote on the constitutional amendment ; difference in towns and cities (6911b-6923b).

BANGS, A. S., of Augusta, Lumber Merchant..... Page **588**

Length of residence, Past Grand Chief Templar of the Independent Order of Good Templars ; active and honorary membership ; all pledged abstainers ; active membership stationary ; juvenile members (7115b-7127b). Impressions of prohibitory law ; produced perceptible difference in temperance sentiment in Maine ; also in social customs ; reformation clubs ; and various temperance organizations ; prohibitory law the wisest law that could be enacted ; benefit to the state in every possible way ; children raised in prohibition ; the foreign population always a menace to prohibition ; formerly believed in high license but high license does not prevent people selling who have no license ; under high license they are allowed to sell during certain hours only and sell all the time, and under prohibition they are not allowed to sell at all and sell all the same. Prohibition has driven liquor selling out of rural districts ; very little cider sold ; thrift has increased and crime decreased ; no wine at banquets ; liquor used in the homes (7127b-7132b ; 7156b-7161b ; 7165b-7173b). Pauperism and crime ; comparative statements ; three fifths of the prisoners in for liquor selling (7133b-7141b). Comparison of savings in Maine and other states ; fraternal societies (7142b-7145b). Judge Goddard's statement concerning crime ; the effect of the war (7146b-7149b). Continuous violation of the law produces disrespect of all law (7150b). Abatement of use of liquor general (7151b-7153b). Not so many prosecutions of rum-sellers as there should be (7154b). Does enforcement of the prohibitory law produce drunkenness ? spasmodic enforcement (7162b-7164b ; 7173b).

CHICK, CHARLES B., of Augusta, City Clerk..... Page **556**

His office and appointment (6607b-6608b). City government and officials of Augusta all Democrats ; except the judge (6608b-6612b). No official enforces liquor law ; sheriffs and deputies, and marshals and police are all sworn to ; the police when specially ordered to only ; very few seizures but lots of regular dealers in the city ; keep rum-shops openly ; police and sheriffs each claim that the other should enforce the law ; so no one does ; the marshal would interfere if there was a row ; nine out of ten men drink ; does not make much difference which party is in power ; enforcement is a political question entirely both parties try to make all they can out of it ; lots of tipping ; some drink to excess (6613b-6671b ; 6675b-6682b ; 6692b-6700b). Has always advocated high license ; thinks a majority would vote high license under ballot (6672b-6690b ; 6711b-6713b ; 6716b). Condition of things under prohibition degrading ; and demoralizing ; brings all law into contempt (6673b-6674b). Not satisfied with Maine law ; it does not prohibit ; saloons in all the towns in the state ; prohibits in the country districts where there is not much demand (6683b-6687b). Drunkenness stationary ; may have increased in proportion to population (6688b). Statistics of municipal taxation (6702b-6707b). Ladies coerced voters on constitutional amendment and terrorized them (6711b-6712b). Hypocrisy of the law converted him from prohibition (6712b-6715b).

## Index and Analysis of Evidence.

**CRAWFORD, OSGOOD, of Augusta, City Marshal** . . . . . Page **561**

His term of residence and office ; strength of the police force (6717b-6722b). Part of his duty to suppress the illicit sale of liquor ; when he hears of a man selling, and it creates a disturbance, he tries to get the seller and he does occasionally ; search and seizure ; good many places selling illicitly ; quantities of liquor brought in (6723b-6726b ; 6729b-6740 ; 6765b ; 6768b-6771b). Does not wish to speak of the agency (6727b-6728b). Liquor containing 20 per cent of alcohol sold for remanufacture ; the rest destroyed (6731b). Chemists and druggists do little business in liquor (6737b-6740b). Not very much drunkenness, but as much as in similar cities under license ; crime to get drunk under license, crime to sell drink under prohibition ; drunkenness decreased thanks to " gold cure", not prohibition (6741b-6747b ; 6774b-6775b). Police and drunkards, no laxity in arrests ; all prisoners go before the courts ; they slacken up on the law towards election time (6748b-6759b ; 6767b). Open bars in Augusta during session of legislature (6760b-6764b ; 6766b). Sunday drunkenness ; they try to seize the liquor on Saturday night (6769b). Reflects public opinion in his treatment (6772b).

**JONES, C. W., of Augusta, Lawyer** . . . . . Page **564**

Chairman of the State Board of Inspectors of Prisons and Jails (6776b-6777b). Explains statistics for drunkenness in the official report ; marked decrease in the number of convicts ; smallest number for 30 years ; no capital punishment ; 40 life men ; numbers fluctuate ; lighter sentences given now ; prohibitory law had no marked effect on crime ; idleness the chief cause of crime ; rum the secondary, not the first exciter (6778b-6791b). Heartily in favour of license but voted for the constitutional amendment (6792b-6793b ; 6812b-6818b ; 6822b). Prohibition rather better enforced in rural than in urban districts (6794b-6798b). Prohibitory law fosters perjury (6799b). Liquor dealers and their fines ; they usually compound ; prosecutions cost more than the fines realize (6800b-6801b). Majority in favour of constitutional amendment no criterion of popular opinion on prohibition ; it was a party vote, the party is wrong on prohibition (6802b-6807b). Statistics of commitments for drunkenness and selling liquors shewing increases ; Judge Goddard's letter is about right ; men in jail attribute crimes to liquor (6807b-6811 $\frac{1}{2}$ b). Constitutional prohibition simply an incorporated police regulation : mistaken policy to degrade liquor trade ; poor quality of liquor (6813b-6817b). Total abstinence not the rule amongst young men (6823b). State taxation, income and expenditure (6824b-6828b).

**MARTIN, ROBERT J., M.D., of Augusta** . . . . . Page **594**

City physician and Chairman of the Board of Aldermen (7173 $\frac{1}{2}$ b-7175b). Every druggist in Augusta sells liquor without a prescription ; some by the glass ; large illicit sale elsewhere ; home liquor drinking slightly restrained by the prohibitory law (7176b-7181b ; 7197b-7200b). Increase in drunkenness, police reports no fair statement ; drunkards arrested and discharged without any record being made (7182b-7183b). If the prohibitory law were re-submitted to the people 9 out of 10 liquor dealers in Augusta would vote in favour of it ; as they can sell for nothing except occasional fines. They voted for it before. Public sentiment always controls the action of officers, impossible to get a fair vote on the subject of prohibition. If the law was enforced people would vote against it ; as long as they get liquor, people don't care what the law is (7184b-7191b). His duties, how appointed (7193b-7196b ; 7204b). Never favoured prohibitory law (7201b-7203b). Easy to obtain amendments to the law ; impossible to enforce them beyond public sentiment, cannot be enforced in cities, possible in rural districts (7205b-7207b).

MORSE, HENRY F., of Augusta, ex-City Marshal. . . . . Page **581**

Term of residence, office and duties (7009b-7010b). Enforcement of the prohibitory law incumbent on the city marshal; he endeavoured to do his duty, but met many obstructions; legal dodges by which liquor sellers evade the law when brought into court. Judges did not imprison, he became discouraged, dropped enforcement; large temperance meeting held; 500 ladies petition for more enforcement; new spasm of enforcement, 750 packages of liquor seized, of which 75 are addressed to ladies who signed the petition for more enforcement; very little drunkenness; federal law wanted; Maine law done some good, but not a success in the larger cities. Very little drunkenness (7012b-7017b; 7033b). Rigid enforcement increases drunkenness (7018b-7021b; 7031b-7032b). Hotels and drug stores sell (7022b-7024b; 7034b-7037b). Prohibitionist; vote on the constitutional amendment reflected public sentiment (7025b-7028b). Why people do not want the law enforced, it drives business out (7029b-7030b).

NORTON, E., of Augusta, Sheriff of Kennebec. . . . . Page **577**

Term of office, republican, elected (6924b-6926b; 7003b-7004b). Prisoners in jail mostly for drunkenness (6927b-6929b; 6978b). Prohibitory law does not prohibit (6930b-6948b). Illicit selling in Gardner, drug stores sell illegally; very few warrants issued or seizures made (6931b-6943b; 6954b-6961b; 6987b-6993b; 6998b-6999b). Drunkenness decreased; attributable to "gold cure"; liquor brought in largely (6944b-6946b; 6975b). Voted for constitutional amendment (6947b). High license would give better results (6949b; 6962b-6965b; 6985b). Sale of liquor general in cities, but small outside of cities (6950b-6953b; 6979b-6980b; 6996b-6997b). Vote on the constitutional amendment an expression of public opinion to a certain extent; people favour prohibitory law, but not its enforcement; politics to blame, both parties want the liquor vote; the law therefore becomes more lax before an election (6966b-6976b). Rigid enforcement increases the amount of liquor brought in (6981b-6984b). People's enforcement league (6986b). Great deal of perjury in liquor cases (6994b-6995b). Number of deputies; no liquor deputies (7000b-7002b). Prohibitory law when enforced is about equal to license (7004b-7008b).

PURINGTON, NATHANIEL, of Augusta, Executive Clerk to the Governor in Council. . . . . Page **588**

Biographical; number of pensioners on the list (7038b-7045b). Outside of cities the prohibitory law well enforced, but in the cities it is not. Prohibition is the football of politics, particularly in cities; cities command the legislature; importation for personal use does not induce laxity; only a few in rural districts send for liquor (7046b-7078b; 7097b-7114b). Statistics of prisoners *et al* (7079b-7084b). Vote on constitutional amendment expressed public sentiment (7085b-7087b). A pronounced anti-prohibitionist has little chance in any election; moderate men preferred by both parties (7088b-7094b).

## Index and Analysis of Evidence.

The Royal Commission sat in Bangor, Me., on the 30th of June and the 1st of July, 1893.

**BAILEY, CHARLES H.,** of Bangor, County Attorney for Penobscot. . . . Page **632**

Term of residence and office (7678*b*). Official prosecutor in liquor cases, prosecutes on record of Internal Revenue Office ; almost all come down on that evidence ; these men are in the liquor business and so take the United States certificate (7679*b*-7691*b* ; 7738*b*-7741*b*). Prohibitory law has never been stringently enforced, nor is it now ; owing to want of public sentiment (7692*b*-7694*b*). Great many places in Bangor selling liquor openly (7695*b*). Violation of the prohibitory law is not particularly injurious to the morals of the people, no more perjury ; men of character do not want to be appointed special officers ; men who can be bought, and are bought, are appointed (7696*b*-7701*b*). Prohibitory law has not accomplished its purpose ; never expects to see any law on the subject entirely effective ; as long as men are guided by cupidity and the desire of gain, liquor will be sold ; moral effect of prohibition is good ; the law works well in rural populations, but not in cities. In cities all sorts of bar-rooms exist. No attempt to enforce the law in Bangor (7702*b*-7712*b* ; 7715*b*-7718*b* ; 7728*b*-7736*b*). How the law educates (7704*b*-7706*b*). Sentiment of the people of the State still favours prohibition ; if put to the vote prohibition would carry in Bangor. License would be better for them (7713*b*-7714*b*). Divorces and liquor (7719*b*-7721*b*). United States certificates *prima facie* evidence of liquor selling ; the number of certificates issued in Maine is indicative of the number of liquor sellers (7722*b*-7727*b*). Drunkenness increasing (7737*b*).

**BEAL, T. O.,** Mayor of Bangor. . . . . Page **621**

Term of office and residence (7555*b*). Prohibition not enforced in Bangor (7556*b* ; 7581*b*-7583*b*). Impressions of 35 years experience of the working of the prohibitory law ; as hotel keeper guests would have liquor ; never was a time when a man in any city could not get liquor ; not of very good quality ; poisonous concoctions made from alcohol ; liquor obtainable everywhere in Bangor ; could never elect any government to enforce the law in Bangor ; increased drinking under Sheriff Girard's enforcement ; buildings where liquor is sold pay better rents ; so people wink at it ; 75 per cent of Maine's adult male population drink (7557*b*-7558*b* ; 7584*b*-7587*b* ; 7590*b*-7591*b* ; 7595*b*-7599*b* ; 7609*b*-7611*b*). Regulation of the traffic in Bangor ; close at 10 p.m. ; keep closed on Sunday, and behave quietly ; then the city officers do not bother (7559*b* ; 7592*b*-7594*b*). Prohibitory law enforced and works well in rural districts ; still little inns always have kept liquor (7560*b*-7565*b* ; 7600*b*-7602*b*). The city agency how managed and supplied, not run for profit ; no trouble in anybody getting a bottle ; unless known to be a drunkard (7566*b*-7572*b* ; 7578*b*-7579*b*). Crime in Bangor (7573*b*-7574*b*). Instruction on the effects of intoxicants, in schools (7575*b*-7577*b*). Prohibition a signal failure in promoting temperance (7579*b*-7580*b*). Prohibition ; "in a short time, thing will be practically wiped out in Maine ;" the retrograde movement begun (7588*b*-7589*b*). Special officers in Bangor meant blackmailing and extortion (7603*b*-7608*b*). Majority of votes in favour of the constitutional amendment was not a majority of the whole votes in the State (7614*b*-7617*b*). Why ladies favour prohibition (7618*b*-7619*b*).

- BOUTELLE, Hon. C. H., of Bangor, Member of Congress. . . . . Page 610**  
 Strong prohibitionist. Statement showing difficulties of enforcing prohibition; different regard of public towards liquor selling and other crimes; how they sell in various cities; property owners rent houses as hotels; politics enter into everything; test of enforcement not correct; conditions necessary for thorough enforcement; conditions in Bangor; Sheriff Girard's experiences; he started to enforce prohibition and the people made a raid on the sheriff; the enforcement of the law was bankrupting the county; somebody blundered and all the prosecutions fell through; the third party; decree during the lumber strike; attempt to get up a demonstration; three attended; prohibition if not successful in Maine is a failure; it has had a good chance; amount of legislation (7437b-7439b; 7458b-7461b). Proportion of liquor cases to total cases before the courts (7438b). General Dow's extravagant statements; "the most intemperate man in Maine" (7439b-7443b). General improvement in social drinking habits during the last 40 years (7444b-7447b). Platform of the prohibitory party of Maine (7447b-7449b). Sales of liquor in Bangor vary (7450b). Statistics of arrests in Bangor (7451b-7452b). The liquor agency and the difficulties surrounding it (7453b-7456b). General violation of any law demoralizing (7457b).
- DAVIS, L. C., of Bangor, Secretary of the Overseers of the Poor. . . . . Page 638**  
 Term of residence, office and duties; number of poor relieved stationary; proportion of non-residents; relation of alcoholic beverages to poverty (7742b-7749b).
- FLOWERS, CAPTAIN WILLIAM, of Bangor. . . . . Page 620**  
 Residence and history (7533b). Prohibition has been generally beneficial (7534b-7535b). People more temperate than they were 40 years ago (7536b-7537b; 7546b-7548b). Prohibition is enforced in Bangor (7538b). Large numbers of people sell liquor quite openly (7539b-7541b). The country districts are prohibitory; can get liquor at very few; but in some you can (7542b-7545b). Liquor agency, and mode of procedure, law broken (7549b-7554b).
- GILMAN, LINDLEY W., of Bangor, Chief of Police. . . . . Page 587**  
 His office and appointment; connection with the police force (7208b-7209b). Open sale of liquor in Bangor; contrary to the law; and understanding with the liquor sellers; Sheriff Girard's enforcement (7210b-7216b; 7222b-7228b; 7244b-7254b; 7282b-7287b; 7290b-7294b; 7307b-7309b). Seizures on liquor dealers (7217b-7221b; 7223b-7238b; 7283b). The Committee of seven (7230b-7233b). Arrests for drunkenness numerous; but printed reports showing increase are not sustained by facts; majority of drunkards come from floating population (7239b-7243b; 7273b-7276b; 7284b-7285b; 7289b; 7306b). Party sentiment against prohibition; political aspects; how it affects elections (7254b-7272b). Police and population (7277b-7279b). Vagrancy and poverty (7280b-7281b; 7288b). Spasmodic enforcement elsewhere; strict enforcement in rural districts, small amount of social evil (7295b-7305b).
- HATHORN, REUBEN E., of Bangor, Superintendent of Alms-houses. . . Page 619**  
 His position; number receiving help; decrease in indoor relief during recent years; increase in outside relief; how classified; relationship between poverty and liquor (7507b-7524b). Prohibitory law not enforced; it has not promoted total abstinence (7525b-7532b).
- MOONEY, JAMES, of Bangor, Crockery and Glassware Merchant. . . . . Page 630**  
 Business, extent, and experience (7647b-7649b). Scarcely a hotel that does not sell liquor; never been in one; names of villages where liquor is sold; vend<sup>s</sup> special variety of tumbler for liquor (7650b-7656b). Amount of cider made; frozen cider; sales of cider (7657b-7662b). Prohibitory law has proved injurious; officers discriminate amongst offenders; small offenders are prosecuted but wholesale men are not; reform clubs do good (7663b-7672b; 7677b). Bangor liquor men voted for the constitutional amendment; curious reasons for supporting it (7673b-7676b).

## Index and Analysis of Evidence.

- MULVANEY, JOHN**, of Bangor, Crockery Merchant.....Page **648**  
Business experience; knowledge of the state (7792b-7796b.) Liquor obtainable without trouble everywhere; 'splits'; places where he has obtained liquor; not half a dozen hotels in Maine which do not sell secretly for beverage purposes (7797b-7810b). Prohibitory law does not promote total abstinence; proportion of drinkers to male adult population (7811b-7814b), Prohibitory law not beneficial; drunkenness in Bangor (7815b-7816b).
- REED, W. F.**, of Bangor, High Sheriff of Penobscot County.....Page **606**  
His office, previous appointments, and long experience; number of deputies; not much to do with search warrants (7363b-7366b.) Some seizures; Bangor has a law for itself regulating the traffic; which is pretty well enforced; more or less Sunday selling; large number of indictments; proportion of cases from rural districts (7367b-7387b; 7403b-7405b). Bangor liquor agency sale not confined to legitimate purposes; very few questions are asked; country people get liquor there (7388b-7396b). Criminal statistics; committals slightly decreased; drunkenness stationary (7397b-7402½b; 7406b-7412b). Non-enforcement of the prohibitory law not entirely due to politics; legal delays in appeal cases are the chief cause; summary punishment wanted; 'rum constables' state officials; less trouble now as they have not to fight the rumsellers and the state constables combined (7413b-7429b). Vote on the constitutional amendment no criterion; so many abstained from voting (7430b-7431b). Disposal of seized liquors (7432b-7436b).
- REILEY, J. G.**, of Bangor, Harbour Master.....Page **628**  
Term of present office; former work (7620b). As a rule, all seamen drink; seamen inveigled into low houses and kept there till all their money is spent, then shipped off to sea again; often get into trouble; men on the local steamboat lines well behaved (7621b-7625b; 7640b-7643b). Prohibitory law not applied alike in all parts of the State; more free in Bangor than elsewhere; not enforced in Bangor; enforced in small towns; small places and selling by stealth (7626b-7639b; 7646b). Large importation of liquor by boat; brought in and forwarded (7644b-7645b).
- SMITH, JOSEPH S.**, President of the Bangor Manufacturing and Extension Leather Company.....Page **644**  
Quite open sale in Bangor; about 200 places selling; drunkenness increased floating drunkards (7817b-7821b). Public sentiment not up to having the law enforced; politics first and prohibition afterwards (7822b-7824b; 7829b-7833b). More drinkers now than 10 years ago; temperance men who drink at banquets and suppers; liquor used in most homes; wine used at most public dinners (7825b-7828b). Favours high license; prohibitory law has done no good (7834b-7835b).
- SNOW, JOSEPH A.**, of Bangor, Dry Goods Merchant.....Page **642**  
His extensive knowledge; formerly mayor (7782b-7784b). Drunkenness stationary; prohibitory law enforced at first by all the mayors with very few arrests, and no open sale; political influence worked until the Republican winked at the sale to get votes; enforcement ceased; could not execute the law when he was mayor; impossible to enforce the law against public sentiment; law well enforced in country districts; all hotels keep liquor (7785b-7791b).
- STICKNEY, T. G.**, of Bangor, Coal Merchant.....Page **639**  
Strong prohibitionist; law where enforced is beneficial; insuperable difficulties in the way of enforcement; more in cities than in rural districts; "works to a charm" in country places; difficult in all large cities; spasmodic enforcement in Bangor; enforced law improved conditions; Mr. Wheelwright's administration; difficult to enforce the law in Bangor; mayors who enforce the law

STICKNEY, T. G.—*Continued.*

would have difficulty in being elected; personal experiences. If the law could be enforced it would diminish crime (7766b-7770b; 7772b-7776b). Law requires support of strong public sentiment for enforcement (7771b). Prohibition is not detrimental to business interests, but is not enforced (7777b-7781b).

SWEET, CHARLES F., of Bangor, Registrar of the Supreme Court. . . . Page **638**

Term of office (7750b). Number of divorces decreasing; current statistics (7751b-7755b; 7761b). Large number of liquor cases; on appeal and indicted by the grand jury (7756b-7760b; 7762b-7765b).

TOWLE, J. NORMAN, of Bangor, Grain Merchant. . . . . Page **616**

Personal information (7462b-7465b). Very few places where liquor cannot be obtained; scarcely a village; Bangor has open sale; other cities; sale in hotels, etc., vile stuff sold; 150 illicit places in Bangor (7466b-7480b; 7486b-7493b). Public opinion favours liquors: officers electoral (7481b-7485b). High license popular (7483b; 7494b-7495b; 7502b-7506b). Little drunkenness in Bangor (7496b-7497b).

VOSE, THOMAS W., of Bangor, Judge of the Municipal Court. . . . . Page **602**

Term of office; previously city solicitor (7310b-7312b.) Cases brought before him by the sheriff and chief of police (7313b-7316b). Liquor cases come before him but he does not have enough (7317b-7318b; 7353b-7362b). No vigorous effort to enforce prohibition in Bangor; liquor sold openly with an occasional prosecution (7319b-7320b). Injurious effects of defied law; not easy to stop liquor selling; earnest effort in Bangor resulted in driving the trade into the lowest quarters; but not out of the city; no special difficulty in enforcing the law in Bangor; except public sentiment, and politics; the liquor vote controls the balance of power between the two parties; no liquor on country roads; the city marshal is independent of the city council (7321b-7341b; 7348b-7349b; 7355b). Prohibition involves licence and local option; people in Bangor would favour local option (7342b-7347b; 7351b). Vote on constitutional amendment (7350b).

The Royal Commission sat in Pittsfield, Me., on the 3rd of July, 1893.

BOWDEN, BENJAMIN D., of Pittsfield, Trial Justice of the County of Somerset. . . . . Page **667**

Term of office; contractor: relationship with sheriff and constable (8226b-8228b). Number of cases before him; small decrease; few liquor cases; some of drunkenness; few people drink, some take a glass of beer occasionally (8229b-8242b).

BRYANT, MRS., of Pittsfield, President of the Women's Christian Temperance Union. . . . . Page **651**

Twenty-one years' experience; good and increasing moral tone to the community (7919b-7920b). Prohibitory law fairly well enforced (7921b-7934b; 7943b-7960b). Mills brought in a large number of people; Scotch, Irish and French (7922b). No open sale of liquor; some places have been prosecuted; vendors lie low; two hotel keepers driven out of town for selling (7923b-7926½b). Prohibition is conducive to the welfare of the people; sad scenes in Bangor; the law helps the temperance people (7927b-7930b). Little home drinking, some liquor brought in (7931b-7933b). Statistics of Union (7935b-7938b). Total abstainers (7939b-7942b).

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- CONNOR, J. J.**, of Pittsfield, Merchant..... Page **664**  
Forty years' residence (8180*b*). Prohibitory law has accomplished good ; no trouble in enforcing it ; little drinking ; very little liquor brought in ; some occasionally ; mill hands do not drink (8181*b*-8198*b* ; 8211*b*-8221*b*). Very marked improvement in Pittsfield under prohibition (8200*b*-8203*b*). Property and business good (8204*b*-8211*b* ; 8222*b*-8225*b*).
- DOBSON, WILLIAM**, of Pittsfield, Manufacturer..... Page **668**  
Term of residence, number of employes, very little trouble from liquor drinking now ; tramp weavers give some trouble ; a large portion of the help abstainers ; no temperance society, no pledge, no sale of liquor at present ; " combines " for July 4th ; no more drinking now than 10 years ago ; (8243*b*-8265*b* ; 8271*b*-8277*b* ; 8290*b*-8300*b*). Rather favours license (8266*b*-8270*b*). Places where law is not carried out ; believes in high license for Bangor (8278*b*-8285*b*). Occasional complaints of drinking (8286*b*-8289*b*).
- HOVEY, T. W.**, of Pittsfield, County Attorney..... Page **660**  
His office and antecedents ; official prosecutor (8093*b*-8098*b* ; 8178*b*-8179*b*). Proportion of liquor cases to all cases before the court ; number of cases vary according to officers ; more indictments and convictions since he took office ; never uses Federal certificate as proof ; works well as kind of high license, but does not stop selling (8099*b*-8107*b* ; 8127*b*-8128*b* ; 8133*b*-8135*b*). Pittsfield is the best town in the state ; the law is enforced ; as a rule the Republicans are obliged to enforce the law ; very little if any liquor sold in Pittsfield ; sometimes men club for a jug (8108*b*-8120*b*). Apothecaries and United States license (8119*b*-8120*b*). Cider selling illegal ; little sold (8123*b*-8126*b*). Divorces numerous ; cases, where intemperance is a reason few (8129*b*-8132*b*). Mill hands are not drinkers ; boys do not drink ; majority of the inhabitants of Pittsfield are total abstainers ; the prohibitory law has not lessened the moral suasion ; Mr. James Monaghan is a pocket pedlar and gets drunk (8133*b*-8173*b*).
- LANCASTER, Z. D.**, of Pittsfield, Agent of the Maine Central Railway... Page **656**  
Fourteen years resident, less drinking now than at any other time ; very little sale of liquor in Pittsfield ; knows of none (8007*b*-8016*b*). Some little liquor for private use comes in ; principally from Boston (8017*b*-8029*b*). Working men have a " patch-up " at holiday time ; good deal of cider drank (8030*b*-8036*b*).
- LANCEY, ISAAC H.** of Pittsfield, Merchant..... Page **673**  
Resident since 1878 ; formerly an hotel-keeper (8332*b*-8334*b*). Owns considerable real estate ; value increasing every day (8335*b*-8339*b*). Prohibitory law well enforced ; very few prosecutions ; little liquor sold even secretly ; people who want it know where to get it ; pocket pedlars ; drinking decreased ; enforcement of the law spasmodic ; when an hotel-keeper he could not keep liquor out ; Prohibitory law has done no good (8340*b*-8372*b*). Advocates license (8373*b*-8382*b*).
- MANSON, JOHN W.**, of Pittsfield, Lawyer..... Page **675**  
Violations of the law about the same as formerly ; proportion of liquor cases to cases before the court ; very few come to trial ; nearly all are settled by the county attorney ; duplication of cases against the same man (8383*b*-8389*b* ; 8396*b*). Liquor sold in the villages ; if you close down the hotels pocket pedlars start ; liquor brought in for " good times " ; liquor to be had in the village ; but the residents are mostly moderate (8393*b*-8394*b*). Good deal of perjury ; some on both sides (8395*b*). Moderate drinkers in the village and total abstainers (8397*b*-8398*b*). Drunkenness at races (8399*b*-8401*b*). Cost or otherwise of justice depends on the county attorney (8402*b*).



- MONAGHAN, JAMES B.**, of Pittsfield, Designer . . . . . Page **653**  
 Extensive experience (7961*b*-7968*b*). Seven eighths of the working men in the village use liquor moderately ; floating workmen drink immoderately ; residents go outside the village for a good time ; liquor brought in for pocket pedlars ; pernicious character of the liquor ; intemperance on holidays and racedays ; opening of the new mill (7969*b*-8006*b*).
- NICKERSON, HANOVER S.** of Pittsfield, Deputy Sheriff . . . . . Page **672**  
 His experience (8301*b*-8302*b*). Enforces prohibitory law if necessary ; well observed in the village, better than 10 years ago ; less home drinking ; some secret sale ; they generally have liquor at the celebrations ; old illicit vendors got shy ; liquor circulated freely during the war ; free rum under the Democrats (8303*b*-8331*b*).
- NOBLE, Mr.**, of Pittsfield, Cider Miller . . . . . Page **646**  
 Cider under 10 days old can be peddled ; output 25 bbls. a day, cider for vinegar ; cider frozen to obtain alcohol ; little cider sold illicitly ; farmers not drinkers neither total abstainers ; drinking at races (7836*b*-7845*b*).
- POSHOR, WILLIAM**, of Pittsfield, Bank Cashier . . . . . Page **657**  
 Prohibitory law well observed in some respects ; some are allowed to sell illicitly others are prosecuted if they try ; proceedings against Mr. Fiska ; temperance men who get full ; pocket peddling ; little drunkenness ; a good deal of cider made but little sold ; "bum" weavers drink, not others (8037*b*-8092*b*).
- THOMPSON, BENJAMIN**, of Pittsfield, Express Agent . . . . . Page **677**  
 Agent 8 years ; little liquor brought in ; his company refuse to carry liquor ; do not carry any to his knowledge ; has suspicious packages do come in ; is afraid of law (8403*b*-8419*b*).
- VICKERY, CHARLES E.**, of Pittsfield, Dry Goods Merchant . . . . . Page **678**  
 Term of residence ; believes liquor is sold in village but does not know where ; the express company formerly handled liquor like any other commodity ; packages generally came to private parties ; affairs no worse than 10 years ago ; spasmodic efforts at enforcement, pretty good now (8420*b*-8441*b*).
- WHITCOMB, REV. S. C.**, of Pittsfield, Baptist Minister . . . . . Page **647**  
 Twelve years' residence ; churches, population and police force ; boarding houses for mill-hands ; transient visitors go to the hotel ; the hotel temporarily closed, owing to liquor prosecutions ; cases still hanging on ; liquor brought in in disguised packages ; and transferred from pocket to pocket ; no liquor in boarding houses (7846*b*-7871*b* ; 7908*a*-7919*b*). Apothecaries take out federal license but do not sell ; others who take out federal licenses (7872*b*-7877*b*). Farmers and cider ; cider cannot be and is not sold (7878*b*-7883*b*). Very little drunkenness ; has vastly decreased ; majority of abstainers (7884*b*-7889*b* ; 7909*b*). Church and Women Christian Temperance Union work ; moral suasion ; many prohibitionists not abstainers ; prohibition has had a decidedly beneficial effect in the direction of temperance and thrift (7890*b*-7902*b* ; 7905*b*-7907*b*). All the village prosperity cannot be attributed to the prohibitory law (7903*b*-7904*b*).

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The Royal Commission sat in Winthrop, Me., on the 4th July, 1893.

**ADAMS, E. T., of Winthrop, Chairman of the School Board . . . . . Page 691**

Prohibitory law has not prohibited liquor, but has lessened the sale of liquor; has lessened the sheriff's business and gradually become more effective; illicit seller jailed but let off; general effect of the law is good; and good only; the moral effect is good though it is not fully enforced (8627b-8645b; 8676b; 8691b-8703b). Sentiment in large towns and cities not so strongly favourable to the law as it is in smaller towns; working class generally intemperate; little drunkenness in Winthrop; mostly amongst French Canadians (8646b-8659b). Religious statistics (8660b-8665b). Countries and states under license have not improved as Maine in last 50 years (8667b-8673b). High license and local option would not work well (8674b-8675b). Public sentiment affects enforcement through the officers (8578b-8683b; 8686b-8690b).

**CARLETON, L. T., of Winthrop, County Attorney for Kennebec County . . . Page 679**

Term of office; treatment of old soldiers; no federal licenses in the village, local manufactories (8442b-8457b). Liquor prosecutions, statistics (8458b-8464b). Prohibitory law not observed in Winthrop, Gardner, or Augusta: observed at certain places; sale of liquor less than five years ago; enforcement spasmodic; little home drinking; little pocket peddling; no clubs (8465b-8470b; 8478b-8481b; 8483b-8486b; 8524b-8528b). Prohibitory law enforced creates sentiment in its favour (8471b). Increased number of abstainers, and marked difference in the habits of drinking, not due to prohibition (8472b-8475b; 8514b). Prohibitory law best of any (8475b-8477b; 8487b; 8511b-8515b). Divorce cases (8482b); Prohibitory law leads to lax notions as to the sanctity of the oath (8512b). Prohibitionists not abstainers (8513b). Cost of enforcement; compromises (8515b-8523b).

**ENSOR, W. J., of Winthrop, Express Agent . . . . . Page 690**

Considerable liquor brought in mostly in three gallon jugs; all for private citizens; less than ten years ago; a drinking community; mostly cider (8611b-8626b).

**LOVEJOY, E. L., of Winthrop, Station Agent . . . . . Page 695**

May be some little liquor is brought in, less than heretofore; some beer in summer time (8704b-8709b).

**McHEOY, RONALD C., of Winthrop, Agent for the Winthrop Mills Company . . . . . Page 689**

150 employes; mostly French Canadians; few total abstainers; liquor obtained principally from Boston; it is used in the houses; no clubs; the majority of the business men take liquor more or less; the prohibitory law has increased temperance (8584b-8610b).

**WAYNE, COLONEL C., of Winthrop . . . . . Page 696**

Real estate is worth more than it was 20 years ago; taxes; Winthrop very free from drinking; no open sale of liquor in the village; consumption of liquor decreased; very temperate; the prohibitory law has done great good (8710b-8722b).

The Royal Commission sat in Auburn, Me., on the 6th of July 1893.

- HILL, BENJAMIN**, Sheriff of Androscoggin County ..... Page **698**  
 Has made over 200 seizures; verifies a list of seizures in Lewiston; liquor of over 20 per cent of alcohol sent to Boston for redistillation; large quantity of liquor used; kitchen bar-rooms the worst places; some pocket peddling; druggists sell; Auburn is a temperate place; no liquor sold outside the agency; a good many who go there do not get liquor for medicinal purposes; hopes for better things in Lewiston; commitments (8754b-8783b).
- LARRABEE, W. S.**, of Auburn, Chief of Police..... Page **697**  
 Term of office; men arrested formerly but not charged; statistics of drunkenness; no drinking shops; some pocket peddling; no federal licenses; home use limited; sales at the agency; difficulties in tenement houses; liquor sold too easily; no clubs; law kept better in Auburn than in Lewiston (8723b-8752b).
- LUDDEN, FOREST E.**, of Auburn, City Clerk..... Page **698**  
 Corroborates Chief Larrabee.

The Royal Commission on the Liquor Traffic met in Lewiston, Me., on the 5th of July, 1893.

- CORNISH, A. D.**, of Lewiston, Judge of the Municipal Court..... Page **716**  
 Term of office; drunkenness has not increased; population has; cases average about the same number per annum; some arrests for drunkenness not included in the record; no clubs (8977b-8982b; 9022b-9024b). Liquor cases about the same since liquor deputies were appointed; numerous warrants issued; proportion of liquor cases to the whole criminal business; appeals (8983b-8988b; 9013b-9320b; 9025b-9032b). Prohibitory law lessened the number of cases of intoxication, and consumption of liquor; home drinking not increased, spirituous liquor most easily obtained (8989b-8995b). Law has been enforced so as to do some good; no respectable citizen selling; strong feeling against the trade; liquor selling is an evil; repeaters; business men do not drink; little home drinking (8996b-9012b).
- GARCELON, ALONSO, M.D.**, of Lewiston..... Page **714**  
 In practice 55 years; former governor of the State; and mayor of the city (8950b-8955b). Prohibition has not answered the expectation of its promoters; it is not in accord with the popular views in Lewiston; not even in accord with the views of those who vote for it; the enforcement very difficult; been made a political foot ball; officials who are charged with the enforcement are open to bribes; efforts at enforcement are dependent on politics; the officers' eyes are closed at an election time; the rich offenders escape and the poor are punished; liquor is kept in the majority of houses; the law has encouraged the use of stronger liquors; drug stores are numerous; illicit liquor stores; they take out United States' licenses; there is no town nor village but what somebody sells; drunkenness rife; people who make temperance speeches with a bottle in their pocket; the introduction of prohibition (8950b-8976b.)

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**HOWE, REV. G. M., of Lewiston, Congregational Minister. . . . . Page 721**

Explains his actions in M. Gagna's case (9043b-9045b). Rural districts benefit by prohibition; towns do not; certain things winked at; in Lewiston the liquor business is driven into corners; Mr. Dingley's statement. Judge Goddard's statement; French and Irish sell liquor exclusively (9046b-9060b).

**LAJEUNESSE, NAPOLEON, of Lewiston, Deputy Marshal. . . . . Page 700**

Term of office; attends court (8784b-8785b). July 4th, drunkards all outsiders; police a little lenient (8786b-8788b). Arrests for intoxication; a few strangers arrested and allowed to go home; every one under the influence of liquor arrested; except citizens going home quietly; a good many indulge; nationality of offenders (8789b-8798b; 8874b-8881b). Prohibitory law well enforced; but it does not stop drinking (8799b-8800b; 8802b; 8810b; 8812b). Sheriff and police should enforce the prohibitory law, but the police let the sheriff do the work (8801b-8808b; 8812b). More liquor sold to-day than ever there was; about 400 selling; some openly and some in private houses; effect of prosecutions. Wholesale liquor houses stand in with the sheriff; one man has a hold on the present sheriff; and is protected; Democrats favour high license; politics interfere; police favour high license with local option (8802b-8815b; 8834b-8839b). Population (8816b-8821b). The prohibitory law does not promote temperance; total abstainers not 5 per cent of the population prohibitionists do not live in towns; prohibitionists in towns drink; farmers vote the prohibition ticket but buy a bottle of whisky; the law is completely useless; it is disastrous (8822b-8832b; 8840b). Liquor dealers dare not refuse drunkards liquor (8833b). License restrains the traffic (8834b). 150 drug stores, "it is liquor they sell" take out Federal licenses (8840b-8845b). Drinking at races (8846b-8848b). Liquor agency; 99 out of 100 get liquor illegally (8849b-8850b). Clubs in the city (8851b-8859b). Mayor Newell's scathing attack on the "entire system" (8860b-8871b). Enforcement in Auburn (8872b).

**NEWELL, W. H., ex-Mayor of Lewiston. . . . . Page 707**

Ex-Mayor and ex-county attorney (8883b-8884b). Prohibition is entirely a political matter that is the truth and the ruination of it; a success in the country portions but in no sense a success in cities (8884b-8917b; 8919b; 8935b-8939b). An open bar at the Augusta House, Augusta, winked at by the Governor and high officials (8886b). No difference in drunkenness; liquor sold illegitimately; United States licenses; drug stores that sell; plenty of open sale; wholesale dealers methods; police force efficient; deputy sheriffs have to enforce law (8887b-8894b). Sheriffs were bought; how the bribe was administered (8894b-8898b; 8914b-8916b). How he stopped all sale during one fair week; the law can be administered (8897b-8901b). Prosecutions as county attorney (8902b-8906b). Liquor seized but not turned over; large proportion of liquor cases; some arrests not reported; never an honest defence to a liquor case (8907b-8912b). Affairs in Auburn; little selling; the Auburn and Lewiston agencies compared (8913b). Crime and perjury under the law; interference of a clergyman on behalf of liquor dealer; how rum-sellers make friends (8917b-8923b). Vote on the constitutional amendment (8924b). Favours high license with local option (8924b-8927b). Majority of millmen and business men drink (8928b-8931b). State constables appointed (8933b-8934b). The prohibitory law does not promote total abstinence (8939b-8948b). Divorces and drunkenness (8942b-8943b). Religious statistics (8944b-8948b). His inaugural address (8949b).

**OAKES, H. W., of Auburn, Prosecuting Attorney. . . . . Page 720**

Term of office, numerous liquor cases; a large demand for liquor; great many people selling; seizures only cause repeated orders understanding between the mayor and sheriff in Lewiston; the mayor cleaned up the town (9033b-9042b).

The Royal Commission sat in Biddeford, Me., on the 6th of July 1893.

- COTÉ, DANIEL**, of Biddeford, City Marshal ..... Page **729**  
 Term of office ; only cases taken before the court appear on the record ; rare cases discharged without being arraigned (9169*b*-9170*b*). Great many places selling slyly ; chemists may sell once in a way ; 84 special taxes in Biddeford (9171*b*-9177*b*). Less drinking now than 25 years ago ; but the same occasions for drinking ; members of the legislature who drink ; good deal of hypocrisy in the question ; open bars in Augusta ; prohibitory law does not increase home drinking ; young men and liquor ; the law is all right except for politics ; strict enforcement keeps men straight (9178*b*-9196*b*).
- CRAM, HON. MR.**, of Biddeford ; Judge of the Municipal Court ..... Page **731**  
 Term of office, previous experience ; hears cases of drunkenness and crime ; there may be some arrests not included in the marshal's report ; drunkenness goes in streaks ; being reduced at present (9197*b*-9203*b*). Divorces, intemperance a factor in all cases (9204*b*-9206*b*). Law not enforced in Biddeford ; fairly well outside ; indications of liquor men being solid with the sheriffs ; the law could drive any man out of the business if it were enforced ; it was enforced in 1884 ; kitchen bar-rooms (9207*b*-9223*b* ; 9233*b*-9243*b*). The majority of the inhabitants do not drink even moderately (9225*b*-9228*b*). The law has not worked satisfactorily in large cities (9230*b*). Little liquor in the homes (9230*b*). Perjury in liquor cases (9230*b*).
- HARMON, CHARLES B.**, of Biddeford, Deputy Sheriff ..... Page **727**  
 Term of office ; large number of seizures ; little liquor sold in Biddeford ; practically none in Saco ; never was and never will be a time when liquor was not sold, no matter what the law ; drunkenness decreased ; law could be enforced (9146*b*-9168*b*).
- STAPLES, EDWARD W.**, Mayor of Biddeford ..... Page **723**  
 Population, offices ; terms of office (9061*b*-9065*b*). Politics prevent the prohibitory law from being of any use ; it does not prohibit ; apothecaries sell ; pocket pedlars, and others, more temperance and less drunkenness (9066*b*-9074*b* ; 9101*b*-9124*b*). Liquor agency ; sales increased ; how ; illegally (9075*b*-9078*b*). Small sales in villages (9079*b*). Dispute over appointments, how the marshal and the police are appointed ; how paid ; sheriffs appointed to spoil votes ; no impartial sheriffs (9080*b*-9095*b* ; 9125*b*-9145*b*). Wants license with local option (9096*b*-9099*b*). Prohibitory law causes home consumption (9100*b*). Prohibition promotes hypocrisy (9121*b*).

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## MASSACHUSETTS.

The Royal Commission sat in Fall River, Mass., on the 7th of July, 1893.

- FLEET, JOHN**, of Fall River, Police Constable . . . . . Page **736**  
Term of office ; how local option works ; prohibition voted, liquor sold ; arrests ; druggists sell (9262b-9274b).
- HUARD, JOHN B.**, of Fall River . . . . . Page **735**  
How prohibition under local option fails ; everybody sells ; drunkenness and drinking increases ; prefers license (9244b-9252b).
- SLADE, JOHN P.**, of Fall River . . . . . Page **735**  
Offices ; experiments with prohibition ; license works better ; less drunkenness and illicit selling (9253b-9261b).

The Royal Commission sat in Boston on the 7th of July, 1893.

- PETTIGROVE, FRED. G.**, of Boston, Secretary of the Commissioners of Prisons for the State of Massachusetts . . . . . Page **737**  
Explains statistics of the census returns of prisoners in jail (9275b-9277b). Present law high license and local option ; amended from time to time ; limitations of number ; places of summer resort allowed extra licenses ; progress of legislation in Massachusetts since prohibition (9278b-9285b). Prohibition did not prohibit ; there was drunkenness, but whether as much as under license is a matter of opinion (9286b ; 9331b-9332b). Screen law in force at present ; all interiors of saloons visible from the street ; injurious (9286b-9287b). Persons who have acquired the habit of drinking will have liquor (9289b). Imprisonment useless as a bar to drinking. "Gold cure" ; the Norwegian system (9290b-9293b). All persons arrested in Boston not brought before any justice of the peace but released at the discretion of the officer (9294b-9295b). Explains the "probation system" for the reformation of your boys and girls, without their suffering the contamination of prison. Discrepancy of numbers ; how probationers are released : attempts to defraud ; probation officer ; effects of making a false statement ; great reduction in the number of the committals due to this regulation ; fines for drunkenness (9296b-9315b). Reason of increase in arrests (9316b-9317b ; 9334b-9335b). Licenses in Boston ; elections in Boston ; under local option (9318b-9324b ; 9336b-9348b). Board of police how appointed (9325b-9330b), Prohibition drives liquor into homes (9332b). Present law works satisfactorily (9333b).
- WHITING, ALBERT T.**, of Boston, Chairman of the Police Commissioners . . . . . Page **744**  
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