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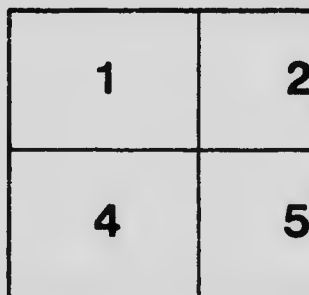
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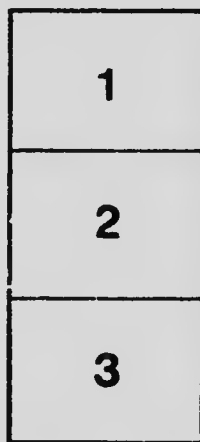
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CANADA'S CRISIS!

A Plain Statement of the Issues Involved in the Comin Referendum

For the first time in the history of Canada the people of several Provinces are called upon to make an effective decision for or against the prohibition of the liquor traffic.

**The
Present
Laws.**

Hitherto these Provinces have had enactments which included two characteristic features:

1. They expressly declined to interfere with freedom of trade in liquor between persons in different Provinces, or between persons in one Province and those in another country.

2. They expressly and explicitly conserved the right to have and consume such liquor as one desired within the privacy of one's home and within one's own domestic circle.

It was on the strength of the former clause that the test case before the Privy Council resulted in an unequivocal decision that the act was within the jurisdiction of the Provincial Legislature. Manifestly, it would be unwise for any Provincial Legislature to amend its act by tampering with the clause which was the main defence of the law against attack.

**Their
Limitations.**

While citizens are free to procure all the liquor they desire for domestic use, even if they have to send outside the Province for it, the law is obviously not a serious approach to actual *Prohibition*, but only a thorough-going *Abolition of the Bar* in its open and in its disguised forms. The regulations that affected the home were only such as were needed to prevent the conversion of the bona-fide home into a disguised place of assembly for drinking purposes.

While these laws were of great value and resulted in much benefit in abolishing the bar with its propaganda, they left the way open for the abuses and discontent which have resulted. There has been resentment especially over the fact that while the law did *effectively prohibit* the poor man, who could not afford to send outside the Province, from obtaining liquor, there was *no effective prohibition* for the rich man who could afford to stock his cellar.

**Federal
Action
Needed.**

It is clear that the only way to deal with this inequality is to turn attention from the retail sale or *outlet*, to the sources of supply, or *intake*, on which all means of supply are dependent. This intake exists in two forms:

Manufacture, and
Importation, or bringing into the Province.

These two sources, solely within the Federal sphere, have been dealt with by recent Federal legislation.

Manufacture.

Manufacture was dealt with in an amendment to the Doherty Act. This amendment now on the statute book can become effective only when any Province has closed its frontiers to importation. The amendment places on every maker of liquor the responsibility of proving to a court that he had good reason to believe that the liquor made by him would not be disposed of *contrary to the law of his own Province, or of any other Province*. Quite clearly, a manufacturer's lot will not be a happy one, once importation is generally prohibited.

**Inter-
Provincial
Trade.**

Importation into any Province has been dealt with the second Federal Act passed at the same session. This Act takes the form of an amendment to the Canada Temperance Act, or Scott Act, as it is popularly called. The Scott Act allowed any county, after a petition from certain of its citizens, an opportunity to vote on the prohibition of the sale of liquor within that county. The new amendment extends that right to any Province which has in force a Prohibitory Law. Such Province obtains the opportunity by resolution of its legislature, and the vote is taken under Federal authority and at Federal expense.

**Native
Wines.**

Some confusion was caused by exclusive attention to clause 152, in this Federal law, which appears to limit the Act to Provinces which have in force a Prohibition Act. On this ground a well-known lawyer based his opinion that the Act was useless to Ontario, seeing that Ontario allows the sale of native wines. But the legal advisers of the Government of Canada and the Government of Ontario pointed out that if clause 152 stood alone it might have been so interpreted. Clause 154, however, also must be taken into account. This clause definitely recognizes as a Prohibition Law one such as we have in Ontario which allows exceptional treatment to some forms of liquor. Indeed, this clause was inserted expressly to cover Ontario. The opinion which challenged the value of the Act failed to take any cognizance of clause 154, and thus the mistake arose.

The Ballot.

The electors will be called to vote in Ontario on April 18, 1921, and in the other Provinces on October 25, 1920, and will be asked one question only:

"ARE YOU IN FAVOR OF THE PROHIBITION OF THE IMPORTATION, OR BRINGING INTO THE PROVINCE, OF LIQUOR FOR BEVERAGE PURPOSES?"

In Ontario the voters' lists compiled for the last Provincial elections will be used as a basis, but it is intended to pass a law authorizing the addition to these lists of such persons as are now entitled but who are not on the lists. In the other Provinces the lists will be compiled according to the provisions of the new Federal Election Law.

The Direct Results.

If a majority of those voting answer "YES," the Governor-General proclaims the Act in force. Thereupon it becomes illegal for any person:

(1) To import or bring into the Province any liquor for beverage purposes;

(2) To agree with any other person so to do;

(3) To convey any such liquor even through the Province to another place unless by a common carrier, and then the container must not be opened within the Province.

Short Circuiting.

But this law prohibits only the physical act of transportation. It does not of itself prevent the ordering of liquor, say, from Montreal, which liquor is stored in Toronto, and will, in fact, be delivered from Toronto. Such transactions, known as "short-circuiting," are effectively dealt with in Ontario by another provincial act known as the "Sandy Law," and in other Provinces by similar provincial statutes.

The Traffic Crippled.

Thus a "dry" victory in the Referendum, while formally it will only bring into effect the law against importation, will actually make effective the two other laws aimed at manufacture and "short-circuiting."

When liquor cannot be sold by a manufacturer, cannot be imported from outside the Province, and cannot be transported from one place to another within the Province, we come very near to absolute prohibition of the *liquor traffic*. Indeed, it is hard to see what *traffic* can survive.

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