

CANADA.

FURTHER PAPERS

RELATIVE TO THE

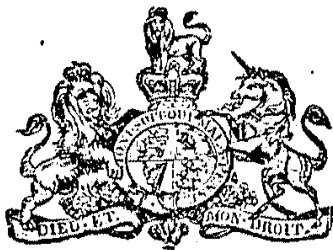
PRESENT WORKING OF THE
"LIQUOR LAWS"

IN

CANADA

(In continuation of [C.—6276], February 1891.)

Presented to both Houses of Parliament by Command of Her Majesty.
May 1892.



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FURTHER PAPERS

RELATIVE TO THE

PRESENT WORKING OF THE "LIQUOR LAWS"
IN CANADA.

In continuation of [C.—6276], February 1892.

LORD STANLEY OF PRESTON to LORD KNUTSFORD.

(received March 22, 1892.)

MY LORD,

Government House, Ottawa,
March 9, 1892.

IN reply to your Lordship's Circular Despatch of the 14th August 1889,* asking for information with regard to the working of the liquor laws in the Dominion, I have the honour to forward, herewith, copy of an approved Minute of the Privy Council submitting reports from the Lieutenant Governors of the several Provinces upon the subject.

As regards Dominion legislation, your Lordship will observe that the Canada Temperance Act has been repealed by the votes of the electors in every county of the Province of Ontario in which it had been in force, and now remains in force in only 33 counties throughout the Dominion, though it had been adopted by 64.

I have, &c.,

The Right Hon.
The Lord Knutsford, G.C.M.G.,
&c. &c. &c.

(Signed) STANLEY OF PRESTON.

Enclosure .

CERTIFIED COPY of a REPORT of a COMMITTEE of the HONOURABLE THE PRIVY COUNCIL, approved by His Excellency the GOVERNOR GENERAL IN COUNCIL, on the 23rd February 1892.

THE Committee of the Privy Council have had under consideration a Circular Despatch dated 12th of March 1890, from Lord Knutsford, calling attention to a Circular Despatch of 14th August 1889, requesting to be supplied with information as to the working of the Liquor Laws in Canada.

The Secretary of State, to whom the matter was referred, submits, herewith, the reports received from the Lieutenant Governors of the several provinces upon the subject.

The Minister observes in connection with the subject that during the past year the Canada Temperance Act has been repealed by votes of the electors in every county of the Province of Ontario in which it had previously been in force, and that out of the total of 64 counties throughout the entire Dominion which adopted the Act, it now remains in force in 33 counties only.

The Committee respectfully advise that your Excellency be moved to forward copies hereof to the Right Honourable the Secretary of State for the Colonies in answer to his Despatch of the 14th August 1889.

All of which is respectfully submitted.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

* No. 1 in (C.—6276), February 1891.

Government House, Toronto,
November 30, 1889.

SIR,

ADVERTING to the subject of your Despatch of the 1st ultimo, transmitting, for the information of my Government, copy of a printed Circular Despatch from the Right Honourable the Secretary of State for the Colonies, enclosing a printed extract from the London "Times," embracing a report of the discussion in the House of Lords on the 12th July last, on a notice given by the Earl of Wemyss, touching certain information desired respecting the present working of the Liquor Laws in Canada and in the United States, I have the honour to transmit to you, herewith, for the information of the Colonial Secretary, copy of a report made to my Provincial Secretary by the late Chief Officer of the Canada Temperance Act Division of the Provincial Secretary's Department.

The Hon. the Secretary of State,
Ottawa, Ont.

I have &c.,
(Signed) A. CAMPBELL,
Lieutenant Governor of Ontario.

Provincial Secretary's Department, License Branch,
Canada Temperance Act Division, Toronto,
November 27, 1889.

SIR,

IN reply to the Circular Despatch from the Right Honourable the Secretary of State for the Colonies, and in which was enclosed an extract from the London "Times" report of a discussion in the House of Lords on the 12th July last, on a notice given by the Earl of Wemyss touching certain information desired respecting the present working of the Liquor Laws in Canada and the United States, I beg to say that no additional information can be given to that contained in my letter of June 19th, 1888, except in so far as to supply an omission with reference to the portion of the question then submitted and numbered 4, and to which no reply was then made.

No compensation was made or proposed to be made in those counties in which "The Canada Temperance Act" was adopted to the parties who by such vote were deprived of their licenses, but in no case was the said Act brought into operation until the expiration of the existing licenses.

The Hon. Provincial Secretary,
Toronto.

I have, &c.,
(Signed) J. W. MANNING,
Late Chief Officer.

Government House, Halifax,
October 29, 1889.

SIR,

I HAVE the honour, in reply to your Despatch of the 1st instant, enclosing a copy of a Circular Despatch from the Right Honourable the Secretary of State for the Colonies, requesting information as to the working of the Liquor Laws in Canada and the United States, to transmit, for his information, the accompanying memorandum of the Provincial Secretary of Nova Scotia on the said subject.

The Hon. the Secretary of State,
Ottawa.

I have, &c.,
(Signed) A. W. MACLELAN.

MEMORANDUM by the PROVINCIAL SECRETARY OF NOVA SCOTIA, on the request of LORD KNUTSFORD for INFORMATION regarding the WORKING of the LIQUOR LAWS in CANADA and the UNITED STATES.

Most of the counties of Nova Scotia have adopted the "Canada Temperance Act," an Act of the Parliament of the Dominion of Canada. An inquiry concerning the operation of this Act has already been answered by this Department.

Where the Canada Temperance Act is in force it overrides all Provincial legislation. In the case of the county of Colchester doubts arose as to the legality of the proceeding by which the "Canada Temperance Act" was adopted. In consequence of these doubts special difficulty occurred in enforcing the Act. This led to the taking of proceedings to repeal the Act, so far as it affected the county of Colchester, and the repeal was carried by vote of the elector as provided in the Act. Colchester county is therefore no longer under the operation of the Dominion Act, but subject to Provincial legislation. In the few counties where the Canada Temperance Act is not in force the Liquor traffic

is regulated by an Act of the Legislature of Nova Scotia, passed in the year 1886, and Acts in amendment thereof. The Act authorises the granting of three classes of licenses by the municipal authorities. (1) Hotel licenses; (2) Shop licenses; (3) Wholesale licenses. The power of the Provincial Legislature to regulate wholesale licenses has been called in question in certain proceedings which were taken for the enforcement of this part of the Act. The municipal authorities are not at liberty to issue licenses except where certain conditions are complied with. One of these conditions is that the applicant for a license must obtain a favourable certificate signed by two thirds of the ratepayers of the district in which it is proposed to sell liquor, or in the case of the city of Halifax, a certificate signed by three fifths of the ratepayers of the specified district. There are stringent provisions to secure the enforcement of the Act. In rural districts, where there is a strong temperance sentiment, the Act is well observed. Few licenses are issued. In the city of Halifax the effect of the present legislation is a matter of debate. The most important difference between the present law and the preceding Provincial legislation is in relation to saloon licenses. The city had for many years a large number of saloons which were licensed by the municipal authorities. The Act of 1886 was designed to prohibit this form of the traffic. A hotel license authorises the sale of liquor under certain conditions to bonâ fide guests. A shop license authorises the sale in quantities not less than one pint and prohibits drinking on the premises. The advocates of prohibition, who secured the passing of this legislation, admit that the Act has not realised their expectations in the city of Halifax. Though no bars are allowed by law, it is alleged that there are as many as there were before, that holders of shop licenses sell to persons who drink on the premises, and that there is, as before, much selling by unlicensed persons. Many citizens are of opinion that the provisions of the law are so stringent that in the present state of public opinion they cannot be successfully enforced. It is claimed, on the other hand, however, by the friends of the law, that its failure is due to want of proper action on the part of the officials entrusted with its administration, and that if properly enforced it would diminish the liquor traffic.

The subject is one concerning which there is at present such a wide difference of opinion that it is not easy to form any conclusion that would be generally accepted.

(Signed) W. S. FIELDING,
Provincial Secretary.

Halifax, October 25, 1889.

Government House, Winnipeg,
December 7, 1889.

SIR,

REFERRING to your Despatch dated 1st October 1889, regarding the present working of the Liquor Laws, I have the honour to enclose the following copies of communications from my Government relating thereto.

The Under Secretary of State,
Ottawa.

I have, &c.,
(Signed) JOHN SCHULTZ,
Lieutenant Governor.

SIR,

Winnipeg, December 6, 1889.

I HAVE the honour to enclose to you, herewith, a copy of a letter dated November 27th, 1889, received by this Department from Mr. H. A. Maclean, Chief Clerk in the Attorney General's Department, respecting the working of the Liquor Laws, requested by your Honour in your letter of the 7th October last.

His Honour the Hon. John Schultz,
Lieutenant Governor, &c., &c.,
Winnipeg.

I have, &c.,
(Signed) DANIEL MACLEAN,
Provincial Secretary.

SIR,

Winnipeg, Manitoba, November 27, 1889.

Your letter of the 18th ultimo, with the enclosures therein mentioned, has been referred to me by the Attorney General.

"The Liquor License Act of Manitoba, passed in the year of 1889, provides that Hotel and Restaurant Licenses to sell intoxicating liquors may be granted by the License Commissioners appointed for that purpose with the following restrictions.

"I. In cities, towns and villages one license for each 250 of the first 1,000 of the population and one for each full 400 over 1,000 of the population, provided that two hotel licenses may be granted in any town or village where the population is less than 500.

"II. In rural municipalities, and in places where there is no municipal organisation, the Commissioners shall by regulation, limit the number of licenses to be issued in each year: the maximum to be one for the first 300 and one for each full 400 additional.

"This Act also provides that no license shall be granted by the License Commissioners for the sale of intoxicating liquors within the limits of a city, town or village or other municipality which has passed a bye-law forbidding the receiving by said city, town or village or municipality of any money for licenses to sell intoxicating liquors."

This last provision has been taken advantage of by only one municipality in the province that I know of. The licensing system therefore prevails with the above exception throughout the Province of Manitoba. By the said Act it is also provided that "No liquor shall be sold upon any licensed premises from the hour of 10 o'clock on Saturday night till 7 o'clock on Monday morning thereafter."

This provision for Sunday closing works very well in this Province. No doubt a good deal of liquor is sold on Sunday in contravention of this enactment, but I think much less than would be the case without this law. Provincial legislation prohibiting the sale of intoxicating liquors has never been adopted in this Province to any greater extent than that I have above indicated with regard to local option bye-laws.

The Hon. the Provincial Secretary,
Winnipeg.

I have, &c.,
(Signed) H. A. MACLEAN,
Chief Clerk.

MONSIEUR,

Hotel du Gouvernement, Octobre 26, 1889.

REFERANT à votre depeche du 2 Octobre courant, j'ai l'honneur de soumettre à la considération de son Excellence le Gouverneur General le memoire ci-joint, de mon Premier Ministre, sur le fonctionnement des lois de temperance au Canada.

L'Honorable Secetaire d'Etat,
Ottawa.

J'ai, etc.,
(Signé) A. R. ANGERS,
Lieutenant Gouverneur.

MAY IT PLEASE YOUR HONOUR,

Quebec, October 18, 1889.

I HAVE examined the Despatch of the Secretary of State of Canada, dated 2nd October instant, and have the honour to report as follows:—

The Canada Temperance Act has been submitted to the electors in 11 out of the 65 counties of the province and the voting has, in each case, resulted as indicated in the table* annexed to this letter.

In five counties, Megantic, Compton, Missisquoi, Argenteuil, and Pontiac, the majority decided against putting the Act in force. Stanstead voted against it in 1880, for it in 1884, and against it in 1888. In Drummond the vote was favourable in 1895 and 1889. At the present moment the Act is in force in four counties only:—Chicoutimi, Drummond, Brome, and Richmond.

As to the results of the working of the Canada Temperance Acts the only opinion officially pronounced on the subject is that of Honourable J. G. Robertson, in his Budget speech delivered on the 24th March 1885.

"The operation of the Temperance Act of 1878, better known as the 'Scott Act,' will also interfere very much with our Provincial revenue. This, however, is not all loss to us. I have no doubt but if properly enforced, great good will result to the general community; crime will be lessened, and the cost of criminal justice diminished, and the general prosperity of the country promoted.

"In some cases I fear the illicit sale of intoxicating liquors will not be much lessened and our revenue will be diminished at the same time."

The working of the Temperance Act does not seem to have produced any influence on the amount of crime in the four counties in which it has been adopted and in Chicoutimi

* Not received.

it is stated to be a source of disorder in so far that it leads to the illicit sale of liquors, which always produces unfortunate results.

In the province of Quebec, the most efficient preventive of intemperance and its consequent evil, is, as regards the Roman Catholic population, and especially that of French origin, the moral influence and vigilant action of the clergy. French Canadians as a rule are sober, obedient to their clergy and to their teaching, which has a much greater influence over them in such matters than the law of the prohibitions of civil authority.

They practise temperance as a conscientious duty and not to escape the punishment decreed by civil authority. This explains why the introduction of the Canada Temperance Act has been almost exclusively confined to the English and Protestant counties. In the other, no necessity was felt for such a measure, which would assuredly have been adopted had it been considered necessary.

In the absence of positive data, or rather owing to the fact that the Temperance Act is in force only in four counties, it is impossible to form an opinion as to its results, with reference to the amount of crime, except by comparison.

(Signed) HONORÉ MERCIER.

To his Honour the Hon.

A. R. Angers, Lieutenant Governor of Quebec.

Government House, Fredericton, N.B.,

April 8, 1890.

SIR,

I HAVE the honour to enclose, herewith, an approved Minute of Council for transmission to the Right Honourable the Secretary of State for the Colonies prepared in accordance with the request contained in the Despatch of the Under Secretary of State dated the first of October last, transmitting a copy of a printed Circular Despatch, enclosing a printed extract from the London "Times" embracing a report of a discussion in the House of Lords on the 12th July 1889, on a notice given by the Earl of Wemyss touching certain information respecting the present working of the Liquor Laws in Canada and the United States, as far as the Province of New Brunswick is concerned.

I have, &c.,

(Signed) S. L. TILLEY.

The Hon. the Secretary of State,
Ottawa.

COPY of a MINUTE of COUNCIL approved by His Honour the LIEUTENANT GOVERNOR on the 8th April 1890.

The Committee of the Executive Council had under consideration the Despatch of the acting Under Secretary of State of the 1st October last, transmitting a copy of a printed Circular Despatch from the Right Honourable the Secretary of State for the Colonies, enclosing a printed extract from the London "Times," embracing a report of discussion in the House of Lords on the 12th of July 1889, on a notice given by the Earl of Wemyss, touching certain information desired, respecting the present working of the Liquor Laws in Canada and the United States, and requesting that this Government might be moved to supply the requisite information concerning the province of New Brunswick:—

The Committee have to remark that in some portions of the Province the Canada Temperance Act, 1878, has been brought into operation and has been in force for several years. The Committee are of opinion that in communities where there is a strong public sentiment in favour of the Act, it has worked well and has lessened in a marked degree the evils resulting from drinking in taverns; this is true more particularly of country districts. In the larger towns and cities the Act has not been so well enforced, and the Committee think it cannot be truthfully said that very beneficial results have as a general rule followed its adoption in such cities and towns, though undoubtedly an exception must be made in the case of one or two towns where the Act has been quite rigidly and successfully enforced.

One reason more satisfactory results have not followed the adoption of the Act has been the many legal questions which have been raised in the courts on application to quash convictions for the offences against the Act.

Although several years have elapsed since the Act was adopted, it seems to be still possible to raise objections deemed by the judges worthy of consideration.

As to the effect of the adoption of the Act in regard to the diminution of crime, the Committee are unable, owing to the absence of statistics, to give any reliable information.

The Liquor License Act of 1887, a Provincial statute, is in force in the city of St. John, the chief city of the Province, and in some counties where the Canada Temperance Act has not been brought into operation.

It is a very efficient license law and gives good satisfaction. The principal feature of the Act are high license, limited number of taverns, early closing hours, particularly on Saturday evenings, and separation of the saloon from other kinds of business.

The committee recommend that a copy of the above Minute when approved by His Honour the Lieutenant Governor be transmitted to the Honourable the Secretary of State.

And it is so accordingly ordered.

Certified.

(Signed) F. A. H. STRATON,
C. E. C.

Government House, Prince Edward Island,
December 28, 1889.

SIR,

IN compliance with the request contained in your Despatch, 1st October 1889, duly to hand, I have the honour to transmit to you, herewith, copies of official statements showing the working of the Liquor Laws in the city of Charlottetown and town of Summerside respectively from the year 1876 to the year 1889 inclusive.

I am advised that these are the only statistics on this subject that can be procured in this Province.

The Hon. the Secretary of State,
Ottawa.

I have, &c.,
(Signed) J. S. CARVELL,
Lieutenant Governor.

STATEMENT showing number of cases tried under the Canada Temperance Act from the year 1879, the date when the same became law in the town of Summerside, to the present time, how the same was disposed of, also showing cases tried for drunkenness during the period since the time the town was organised as a corporation.

Offences against Canada Temperance Act.				Offences against Byclaws, relating to drunkenness.		
Year.	Convictions.	Dismissals.	Total.	Convictions.	Dismissals.	Total.
1876				34	1	35
1877	The Canada Temperance Act not in force during these years.			56	—	56
1878				51	—	51
1879				31	—	31
1880				5	2	7
1881	6	—	6	40	—	40
1882	24	9	33	34	—	34
1883	10	5	15	9	—	9
1884	24	6	30	23	—	23
1885	18	7	25	17	—	17
1886	10	7	17	36	—	36
1887	19	1	20	25	—	25
1888	15	—	15	23	—	23
1889	16	15	31	54	—	54
	147	52	199	452	4	456

Summerside, December 24, 1889.

(Signed) J. GOURLIE,
Town Clerk.