

MANITOBA'S PROHIBITION.

Mr. Macdonald Explains His Liquor Bill to The Legislature—Reason for Preparation.

Manitoba Legislature,
Monday Evening, June 11, 1900.

Premier MacDonald devoted about 40 minutes to his liquor bill, starting out with the statement that it would be better named the Prohibition Act. He went on to say: I feel to the full extent the responsibility that rests upon me and the government.

It cannot be denied that we are casting loose from the old well known moorings and launching our bark on a sea which, although explored to a greater or less extent by several states at the south of us, has never been explored by one of our sister provinces. The newspapers tell us that in the latter part of last week, the legislature of Prince Edward's Island carried a bill which, as far as we can make out, is almost on the same lines, but I acknowledge at once we cannot shelter ourselves under the act, cannot contend that it forms a precedent to relieve us to any extent of responsibility. That was really brought about by the action of my government in giving notice of the bill we are now discussing. I received a telegram from the prime minister asking me to send him a copy of the bill, but it was not then printed. Subsequently he telegraphed me that it was of pressing necessity that he should know what the bill was. I then wired him very fully giving him the main provisions and sent him the bill the moment it was printed. Although it is true that the legislature of Prince Edward Island have carried through a bill of this nature it has never been tested and we cannot claim their example as a precedent. We are not seeking to shirk any responsibility although I feel it so keenly that I would not have thought for one moment of assuming it, if I had not thought we had at our back an overwhelming majority of the province.

The bill would be not only useless, but positively mischievous, unless it had the support of the great majority; it would lead to confusion worse confounded, to free trade in whiskey, the worst condition of affairs imaginable. I am aware that the weight of responsibility which rests upon me is unusually heavy. I never posed to be a prohibitionist in principle. I never believed that a total abstainer is one whit better than the man who uses liquor in moderation, or that those engaged in the traffic were violating the commands of the Creator.

REASONS ARE POLITICAL.

rather than moral; it is the duty of the government, no matter what its political party, to give effect to the wishes of the people by legislation. The people of Manitoba have good cause to complain against the present government of Canada, and the late government of this province; when on two occasions they gave an answer that could not be understood, the majority being simply overwhelming. I will briefly allude to the position of affairs in Manitoba respecting this most important question, and also to the causes which led to the present measure being brought before the legislature of Manitoba. On two occasions the people were asked to give their opinion as to the course that ought to be pursued, first by the province, and afterwards by the Dominion government. They declared in favor of prohibition—that is a question about which there can be no possibility of dispute. Some few months ago representatives of the Conservative party met in convention in Winnipeg to form a platform on which that party was to go before the electors and ask their support in the election which terminated so happily on the 7th of December last. That convention was fit to place in the platform a plank in

favor of prohibition, that if successful we would at once enact a prohibitory law, going as far as the powers of the province would allow, and having done that he would apply to the parliament of Canada for power to enact absolute prohibition, which we cannot at present do. The moment that plank went in the platform, and we as a party went before the country asking for support on the plank, coupled with others, my course was clear, to carry out honestly the pledge made to the people. Nothing can more lower a public man and a party than to have it supposed by the people that specific definite pledges are like piecrust, made to be broken. The vast majority of the people should have confidence in their public men. Consequently when that plank was placed in the platform and we went to the people, my course was clear, no matter whether the votes we got on the strength of that plank were few or many.

HOW IT WAS PREPARED.

In preparing the measure to be submitted I found myself in this difficulty. It was known that I was not a prohibitionist on principle, and I knew that naturally enough the great majority of the temperance people would not place that confidence in my action which they would in that of a man who they knew was heart and soul with them. Hence I thought it better, instead of attempting to prepare a law myself, to confide it to a gentleman in every way qualified to draw it up, and one in whom the temperance people had confidence. Consequently I asked Mr. J. A. M. Aikins, one of Her Majesty's Counsel, learned in the law, to prepare the bill. His position at the bar removes all doubt as to his ability. For years past he, being a prohibitionist on principle, and of a very advanced kind, had given more than usual attention to the law on the subject, and to decisions, American, English and Canadian, which bear upon it. The instructions he received from me were to prepare a bill in exact fulfillment of the pledge to the people, going as far as we could in the direction of prohibition. Any intelligent man will see that Mr. Aikins has carried out his instructions to the letter. His task was no easy one. If it had been to change the license system to either that of Sweden or that of South Carolina, it would have been easy enough. Had he been asked to prepare an act of total prohibition, the work would have been still easier. But we had to prepare an act which while going as far as we could, should yet keep within limits of the law, and not run the risk of being set aside by the courts of the realm as being beyond our powers. The task required unusual skill and unusual study; both of these Mr. Aikins has given. I, as attorney general, went into the matter very carefully with him. We considered the act clause by clause, and I came to the conclusion that it was a fulfilment of our promise and was a measure we felt justified in submitting to this House. We have now come before the House, asking for endorsement of the measure, asking that it be made law. It is proper that I should explain briefly some of the provisions of the act. We had to be guided in the main by the decision of the judicial committee of the privy council. That judgment finds that the provincial legislature has power to do away with the retail trade altogether.

RETAIL SELLING.

is anything less than a dozen bottles or five gallons. I am sure no lawyer well content that the provincial legislature cannot deal with the retail trade; and even if we had gone no farther than that it would have been a great move in the direction of prohibition and a great help to the temperance workers in this country. No man will deny that one great inducement to intemperance is the treating system. Had the bill gone no farther than that, it would have been a distinct step in advance in the way of temperance. We, however, being bound by our pledge, had to go as far as the law would allow. Mr. Aikins held, and I agreed with him, that the expression on the part of the judges led to the conclusion they felt as a court that we had a right to prohibit the wholesale trade in the province, so far as it is confined within the four corners of the province. We have no power to prevent the manufacture of intoxicating liquor; no power to prevent its importation, and no power to prevent wholesale trade in the province for consumption beyond the bounds of the province. I believe still that we have power to control and absolutely prohibit sale in the province for consumption within the boundaries of the province. It was thought at one time that it would be better to allow the wholesale trade to carry on business and to issue a system of wholesale licenses because the practical effect of doing away with this would be that liquor would be bought beyond the boundaries, for example, in Rat Portage or Moosomin. But our temperance friends held if that were done, it would not be considered by the people that we were redeeming our pledge; but that we were simply introducing a license system of another kind. I thought that of the very first importance, the people should believe the government were going to carry out their pledge to the very letter; and hence an alteration was made and the bill brought in its present shape. In its present form although we go tolerably

NEAR THE DANGER LINE.

I believe we keep inside of it, unless there is something in the contention raised after the bill was printed, that we cannot control the H. B. Co. That is for the courts to decide. Under the deed of surrender, and under the Imperial Act based on that, the H. B. Co. have rights which it is not competent for the legislature or for the Parliament of Canada to alter; but that is a question which the courts will have to decide. Barring that, although we have lived up to the very letter of the terms and have gone very near the limit of our power, I believe we have kept within that limit and the act is one that can be enforced and cannot be upset by any appeal to the courts of our land. Another difficulty we had to meet was small one. In defining where liquor could not be sold, we might possibly omit some place, some association of men in the shape of a club, that the courts might find was not covered by the terms of the act. We consequently concluded that the best way to get over the difficulty was to define in express terms what a private house was, and then to state that the sale or giving away of liquor in any thing but

A PRIVATE HOUSE.

was to be illegal. Following that course gets rid of most of the difficulties pointed out. There can be little doubt in the mind of a judge what the legislature means when it spoke of a private house according to the terms of the act, and the giving of liquor, outside of a private house, whether as a gift, or accompanying to a purchase, is utterly and absolutely illegal. In adopting that course I believe we took the line most in the public interest. It is of the very first importance that the statutes passed by the legislature should be as clear and concise as possible, so that they cannot be well misunderstood. Should any question arise about them, the difficulty in interpreting them should be as slight as possible. That has been the line followed by the government. As the act has not been prepared by myself, I may say I believe there have been few acts dealing with such a complicated subject, which stated more clearly, definitely and concisely what the law is. I feel sure that the members have studied the act between last Friday and this evening. All understand its contents, and the different enactments, so it is not necessary for me to go into particulars at any greater length, to take it up clause by clause and deal with the various sections.

THE LOOPHOLE.

I omitted to say that we found it necessary to make some provision for the sale of liquor for medicinal, sacramental, scientific and manufacturing purposes. This is done through wholesale and retail druggists, who must be members of the Pharmaceutical Society, and duly qualified. The wholesale men are allowed to sell to the retail dealers and manufacturers, who require the liquor for manufacturing purposes.

In submitting the bill to the House I do so with an honest desire to see the best bill that can be devised on this very intricate, difficult subject placed on the statute books. I do so in the hope that we will have the assistance of every hon. member who is in favor of the principle of the bill, in making the measure as perfect as possible. The Government cannot consent to any amendment which will alter the principle of the bill; but as far as details of the provisions to carry out the law are concerned, we shall be only too glad to receive assistance from every gentleman on either side of the House, and any suggestion will be considered fairly if it commends itself to their good sense, a matter on which the parties are divided. I would be a traitor to the temperance cause if I made any attempt to introduce party politics, or to make out of this any party capital. I wish members to consider the bill coolly, calmly and dispassionately and if they agree with the principle I expect them to vote for the second reading.

MANAGER EVERETT

Of the St. John Exhibition Explains.

ISLANDERS WELCOMED

To Exhibit--Conflict of Dates With Halifax--St John Not Blamable.

DEAR SIR,—I notice in an extract from your paper of recent date that referring to your coming Provincial Exhibition at Charlottetown, you among other things say, "it has become a necessity, not only because of the fact that our stock owners, and field producers, eager to compete with all comers were thronging from year to year to the Nova Scotia and New Brunswick Fairs, and were carrying off many prizes, but because they would this year have been shut out from the Halifax and St. John competitions, if the Island longer refused to give an Exhibition at home." I can most emphatically say to the people of Prince Edward Island that so far as the St. John Exhibition is, or ever has been concerned, we have always gladly welcomed them to our Exhibition, without any reservation, stipulation, or objection whatever. We have always been glad to see your stock owners, and field producers, and glad to see them competing freely and fully with our own people, and can congratulate them on carrying off many of the highest awards. More than this, we have never had a single protest from any farmer or other New Brunswick exhibitor against allowing Prince Edward Island people to compete.

While we are glad to see that you are to have an Exhibition this fall, and our people are glad to note that it is to be Inter-provincial, giving them a chance to compete with their Island friends at Charlottetown, it has never been put forward as a quid pro quo for allowing them to compete at the New Brunswick Exhibition. We have always tried to treat our exhibitors from Prince Edward Island, and every one else who came to us, in the same way as we treated our own people, and if this year the people of Prince Edward Island feel that we have earned their friendship by our course in the past, we shall be very glad indeed to have them show their practical appreciation by exhibiting at, and attending our exhibition, in considerable numbers.

The members of the St. John Exhibition Association, both individually and as an Association regret very much indeed that exhibitors will be unable to attend at both Halifax and St. John this year. When the Halifax Exhibition Commission at its meeting on the 23rd Nov. last, decided to abandon the dates at which they had formerly held Exhibitions, and to open on the 12th of September this year, they were in possession of the information that the St. John Association at a meeting on Nov. 14th decided to open its Exhibition, on the 10th Sept. Accordingly when it became time to begin the active work of preparation, the St. John Exhibition, Association backed by the members of the Stock Breeder's Association used their utmost endeavour to try and arrange with the Halifax Exhibition Commission to avoid a conflict of dates, and so give live stock, and other exhibitors a chance to attend both shows. The proposition was made to the Halifax Commission that if they would change their date of opening from the 12th to the 14th, St. John would change from the 10th to the 5th, and thus give a clear space between them; or failing this, it was agreed by St. John that if Halifax would open on the 1st, or 3rd of the month, St. John would follow. Both of these offers were refused, and we can only point out to the people of Prince Edward Island that had the Halifax Commission been willing to meet in the spirit of fairness, the request of the live stock men, and the St. John Association there need have been no such clash of dates as we now unfortunately have.

I have to ask your pardon Mr. Editor for so trespassing on your space, but I feel that in simple justice to our Exhibition Association and to the people of New Brunswick that this question of Exhibition management should be placed in its true light before your readers.

Yours respectfully,
CHAS. A. EVERETT,
Manager & Secy

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