

**The Morning Guardian**

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**The Morning Guardian.**

AUGUST 20, 1892.

**That Commission.**

On Friday morning, in the Supreme Court Room, the Royal Prohibition Commission unveiled itself to the eyes of Charlottetown. But the light of its luminaries soon paled as the progress of fog suction went on; at eventide the Commission reminded us very much of the comic scenes one often sees of the setting sun, with one eye winking and the other hid in the western main. Perhaps we should say that the whole business was like the trial of Christian and Faithful at Vanity Fair.

In the month of June 1891, the appointment of the Commission was decided upon. The temperance people had been clamoring for Prohibition. Dissatisfied with the Scott Act, which had only been accepted as a temporary compromise, the temperance people felt that the time was ripe for a prohibitory law, and as a result Mr. Jamieson introduced his well known resolution in the Commons. To Minister Foster, the quondam prohibition lecturer, all eyes were turned to see the course he would pursue. The honorable gentleman was prepared for the hour. An amendment was introduced by him and carried, ordering the appointment of the commission to enquire into the evils of the liquor traffic and the consequences involved in its suppression. With this act of parliament the temperance people were greatly dissatisfied. They felt that the question had been shirked and side-tracked for political purposes, and that a Commission was to be appointed to obtain information that was already in the possession of the parliament and people.

When the matter was settled however there was nothing to do but to make the best of it, and the Dominion Temperance Alliance determined to see that their side of the case was duly presented.

The case which they have to present, however, must be very different from what they expected. The whole business of the Commission seems to be to find out the effect of the Scott Act, and to take whatever "opinions" may be offered on the great question for the consideration of which they were appointed. With the Scott Act, good as we believe it in many respects to be, the people are dissatisfied. It was for that reason they asked for Prohibition and here we have the commission appointed, it was supposed, to deal with "the evils of the liquor traffic and the consequences involved in its suppression," spending their time in finding out how successful or unsuccessful has been a law which every body admits is insufficient for the suppression of the liquor traffic. When the commission was appointed this journal expressed the opinion that it was a delusion and a snare. We have more reason now to think so than ever. A certain number of witnesses will testify on one side, and a certain number will be called to give directly opposite evidence for the other. Then the commissioners will sum up: they will be unable to determine between such contradictory evidence, or they will find the people unprepared for Prohibition. The football will be kicked back to Parliament, and Parliament will toss it about for a while, and then roll it under the table, and the question will be about as far advanced in 1893 as it was ten years ago.

As for the personnel of the Commission, the following from the Frederick Reporter appears to us to be only too near the truth:

"It is quite evident that the prohibition question will not receive that fair and unprejudiced trial that its friends would desire. It is very sadly handicapped by the personnel of the commission. The very method of taking the evidence and the questions asked, and manner of putting them are such as to bring out to the best effect the advantages of a license system, or what may appear to advantages, and to show a failure in prohibition or a local option law. While professing to be desirous of getting at facts, there were three of the commissioners that sat in Frederick who were putting the questions into the mouths of witnesses in such a way as to make their evidence appear as opposed to prohibition or to show up the Scott Act in its very worst and discouraging light if such could possibly be effected, and only one to combat that influence. It is quite evident to a spectator by the temper shown by the commissioners at the nature of the evidence, that they have had to divide regarding sympathies, and that the majority have become special pleaders and counsel for their respective ideas."

Somewhere within the next decade the people will realize that the politicians have played with them long enough, and take the matter into their own hands.

Clear Havana Cigars.  
"La Odona" and "La Flora" consist upon having these brands.

(Continued from page 1).

both hands for its banishment. The liquor interest would have defeated me in my objections if they could. Their whole force was opposed to me. A great many said the law was not properly enforced. Particularly on the Sabbath day drunkenness has been something fearful, since we have had free rum. The Scott Act works well in the country districts. Under the Scott Act the rising generation was brought up with more regard for temperance. A large number of people are opposed to license, on the ground that it makes a great evil illegal.

To Mr. Clarke.—The Scott Act did not effect any other business but the liquor business.

I am opposed to license law. I prefer the Scott Act. I can't say how the present law is going to work. If the machinery were properly worked the Scott Act would be the best liquor law we could have. The Scott Act was not working very well when repealed; it did not work since the prosecutor was dismissed. To Judge McDonald—I was not consulted, neither was the council in regard to the liquor regulation Act. I never bought wine in violation of the Scott Act. I happened to have wine in my cellar before the Scott Act was enforced. A prohibitory law would be a fair law. I would rather have free trade than license.

To Mr. Gigault—I pronounce myself in favor of the Scott Act. It would have been better for the citizens had they supported it better.

To Dr. McLeod—I believe the liquor trade to be immoral and a great evil.

STIPENDIARY MAGISTRATE Fitzgerald sworn—I am stipendiary magistrate for the city of Charlottetown and justice of the peace for the whole Island. I have been Magistrate since 1875. His honor gave the following as the convictions in his court for the years mentioned:—

Cases heard.	Drunkenness.	
1876.....	1290	676
1877.....	1297	737
1878.....	749	357
1879.....	544	331
1880.....	429	256
1881.....	472	197
1882.....	404	218
1883.....	526	250
1884.....	481	229
1885.....	690	284
1886.....	592	299
1887.....	516	213
1888.....	598	262
1889.....	483	395
1890.....	510	239
1891.....	466	309

The Scott Act came into force in 1880. Previous to my appointment the original business was not properly looked after. The license law was in force till 1880. I had 19 policemen in 1878. The crime was very large. The railroad was building in 1873. There was more shipping than there is now.

The total amount of fines under the Scott Act were \$12,643. The convictions numbered 364—243 1st offences, 65 2nd and 51 3rd. There were 123 actual imprisonments, 46 for 1 month and 77 for 2 months. The average conviction for drunkenness per month for the 9 years of Scott Act rule was 22. The average from February 91 to 30 June, 92 was 22 1/18. The average from 30th June to 31st July was 17.

The drunkenness coming before me is largely among some 25 or 30 roughts, who are arrested time after time; the drunkenness among mechanics or professional men is very small. Those roughts are mostly wharf rats; some of them have families. Today we have a law that regulates the sale of liquor in decency. It prohibits drunkenness at a late hour of the night and on Sunday. I found the Scott Act a workable law. When the Act came into force there was a temperance alliance and a few prosecutors were appointed in connection with the alliance. This interfered with the private business of some persons and the office was transferred to the chief of police.

To Mr. Clarke—I don't know how many places were licensed I could hardly say the Scott Act was an educative law in many ways. A law upon the statute book, continually violated, can hardly be called educative. For men who wish to see the liquor traffic prohibited the Act would prove an education. With a total prohibition law you go to the root and stop all traffic. The Scott Act forbids the sale of liquor but permits its importation. I would prefer prohibition.

To Mr. McLeod—The chief difficulty of the working of the Scott Act was due to the apathy of the people. The court sustained the Act practically. I do not think the police made it a point to arrest more people for drunkenness under the Scott Act than under free trade license. "I should say that assault is triable to drink; vagrancy largely largely to drink; youthful criminals are largely such because of dissipated parents. There are 10 to 15 professional criminals come before me, ages ranging from 16 to 30. Illiac liquor sellers were imprisoned by me. I think a general prohibition law would be more easily enforced than the Scott Act. It is very difficult to prevent the sale of liquor when it is allowed to be imported. There is certainly a smaller amount of drunkenness to day than in 1875. I largely attribute the crime of drunkenness previous to 1875, to the improper administration of the police court. The rough class are dying out, and the younger ones are not taking their places. There were a good many more than 364 persons engaged in the illicit liquor trade under the Scott Act. The wealthiest and poorest men were engaged in the illicit traffic. The number of houses where liquor is sold has decreased under the present law.

To M. Gigault—The chief of police has gone over the city and inspected all the houses where liquor is sold. There is

no inducement for a person to sell in a concealed room now. The years 78, 79, 80, and 81, show a decrease in drunkenness to preceding years. The police force was not reduced on account of the Scott Act.

There was illicit sale of liquor under the license law. The licensed persons assisted in bringing the illicit sellers to justice. There were some years when the Scott Act was not so well enforced as in others. I found an ordinary police force not sufficiently trained or educated to enforce such a law as the Scott Act. Their paymasters being opposed to the act would have some effect upon the enforcement.

To Mr. Gigault—In some sections the law is enforced, and in others it is not. Religious training has a very large effect in creating temperance sentiment. The priest's admonition, has more effect than my conviction. Rev. Mr. Brewer also has done great good.

To Mr. Clarke—Every law is more easily enforced by the police force where the public are in sympathy with the law. There was a special officer some years ago appointed to enforce the law, but the council changed this office to the then City Marshall. I found the first a capable man, the other an idiot.

Judge Hodgson—sworn  
To Judge McDonald—I have been Master of the Rolls about 18 months. Previous to that I practiced law since 1861. I acted as liquor counsel in Queen's County and in Prince County as temperance advocate. I have had several liquor cases in Prince and in King's since my elevation to the Bench. The Scott Act has increased the drunkenness, has increased perjury. In Queen's County, the liquor selling is looked upon as a disreputable business; in Prince County liquor selling has greatly increased under the Canada Temperance Act. In a portion of King's County the liquor business has increased, in other sections it is not so. The Scott Act has greatly increased drinking in bed rooms and other places. Now a person

(Continued on page 3).

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