

(October 29th, 1912.)

The Liquor Problem.

By MR. N. W. ROWELL, K.C., M.P.P.*

AT a special meeting of the Club, held on the 29th of October, 1912, Mr. Rowell said:

Mr. President and Members of the Canadian Club,—I esteem it a great honour and privilege to be asked to speak to the members of the Club on this very important question. I have been asked to discuss it from the standpoint of the proposals we are making to aid in its solution. As I look over this company, I judge that most of you, individually at least, have already abolished the bar!

In all civilized countries, men who are interested in social and industrial problems are devoting their thought and attention to devising the best and most effective methods of dealing with this admittedly difficult subject. So we find in the various states of the United States, in the different provinces of Canada, and in the several countries of Europe, different forms of legislation have been introduced and put into effect, all with the one object, namely, to curtail, if they cannot entirely wipe out, the evils inseparably associated with this traffic. I therefore assume that every man who is interested in the social and industrial betterment of his fellows; every man who is interested in improving the type of citizenship in our country—and I am sure all the members of this Club are—is interested in the problem of the liquor traffic and how best to deal with it legislatively.

In considering the best form of legislation, let me say very frankly that I have no preconceived theory that any one form is necessarily superior to all others. In legislating with reference to the liquor traffic we must have regard to the conditions of the country, the general character of the people, the state of public opinion, and the methods of law enforcement in the country or the province where the law is to be enacted and enforced. What is good for one country, under one set of conditions, may be entirely unsuited to another. The test of the policy must be its efficiency in accomplishing the

* Mr. Newton Wesley Rowell, K.C., is leader of the Liberal party in the Ontario Legislature. He is a fluent and incisive speaker, and his public utterances are generally characterized by much moral earnestness.

purpose aimed at. In framing our policy we have decided upon what we believe to be the best policy for this province, having regard to all these conditions.

In framing a policy we must have regard to the limits of our jurisdiction. The Legislature of Ontario has no power to pass a law prohibiting the importation, manufacture, and sale of intoxicating liquors. This comes within the exclusive jurisdiction of the Parliament of Canada. We have no jurisdiction to prohibit transactions in liquor between residents of this province and the residents of other provinces. We have no power to prohibit the importation by residents of this province of liquor for their own consumption. We have no power to prohibit the manufacture of liquor for export. All these matters are within the jurisdiction of the Parliament of Canada. Our policy is not prohibition—we must keep the limits of our jurisdiction clearly in mind in considering the policy—nor is the issue we raise that of total abstinence; that is a matter for each individual to settle for himself. We are dealing with the bar as a social institution, existing in our midst under legislative sanction.

With these preliminary observations, let me now state to you as briefly as I can what our policy is. We stand for the immediate abolition of the bar. By the bar we mean the entire sale of liquor in hotels; we stand for the complete separation of the sale of liquor from the keeping of houses of public entertainment. There are over 1,500 licensed bars in this Province; we propose to wipe them all out. We all recognize that there is a very great difference between the sale of liquor in our high class clubs, and its sale in hotels, yet I am sure we all recognize that there are certain clubs, which, according to report at least, are little better than the hotels. And in dealing with the question of the sale for consumption on the premises, we must adopt the same policy for clubs as for hotels. The sale of liquor for consumption on the premises, both in hotels and clubs, must cease, if our policy goes into effect. But our policy does not stop here. We propose "such other restrictions upon the residue of the liquor traffic as experience may show to be necessary to limit its operations and effective to remedy its evils." It is not reasonable to suppose that by the abolition of the bar we would immediately put an end to the entire sale of liquor that now passes over the bars, in hotels or in clubs. It is only reasonable to expect that there will be an effort to divert a portion of this trade into other channels. Let me say to you frankly, that the present legislation dealing with shop licenses is not,

to my mind, ideal. It can, I believe, be substantially improved. It may be that some radical change is desirable. What we promise is that we will introduce such legislation governing the residue of the traffic as experience may show to be necessary to limit its operations, and effective to remedy its evils. In other words: we have entered upon the difficult task of seeking to solve, as best we can, the problem of how to most effectively curtail, if we cannot entirely wipe out, the evils of the liquor traffic, and we propose to adopt all such legislative methods as experience may show to be necessary to accomplish this desirable end. The third section of our policy is: "The strict enforcement of the law by officials in sympathy with law enforcement, and the elimination of political influence from the administration of the law." This is neither the time nor the place for me to compare the records of the political parties in the province with reference to the administration of the liquor license law, but I wish to say to you that, no matter what may have been the sins or virtues of either party in the past, the time has come in this country when in the public interests, in the interests of sobriety, morality, and purer political life, political interference with the administration of the liquor laws should be completely eliminated. We shall never bring the liquor traffic—for a residue will continue to exist under any legislation this province has power to enact—under the effective control which the public interests demand, unless we entirely remove partisan political influence from the administration of the law, and if the law is to be effectively enforced it must be done by officials in sympathy with law enforcement.

The fourth section of our platform is: "Regulation and inspection of all houses of public entertainment so as to ensure reasonable accommodation for the travelling public." There are those who claim that hotels cannot be carried on successfully without bars. May I remind you that not many years ago the same claim was made with reference to the grocery business? We were told that a grocer could not carry on his business successfully unless he had a license to sell liquor. I remember being told as a boy that a grocer could not make a profit on his business without a liquor license. What is the position to-day? We have completely separated the liquor business from the grocery business. We hear no complaints from the grocers, and no one would for a moment suggest going back to the old state of things. When we put the business of keeping a house of public entertainment for the accommodation of travellers—one of the most important and

honorable occupations there are—on its own basis, where it must depend for its success on its own merits, where the proprietor's sole interest is to cater to the travelling public, we have gone a very long distance to securing proper attention to the needs of the travelling public in every part of the province. Every man knows this would be the result in any other business, and why not in the hotel business? Whatever men may say, I am firmly convinced that the separation of the sale of liquor from the business of hotel keeping will in time greatly improve the character of the hotel accommodation in all parts of the province. But we do not propose to leave the matter entirely in the hands of the hotel keepers. We intend to contribute to the attainment of these results by the regulation and inspection of all hotels.

This, in brief, is the policy which we propose as a measure well adapted to the needs of this province, and one that we believe will greatly promote the public welfare.

When we presented this policy to the House, the Government proposed an alternative policy by way of amendment. I mention this fact, not for the purpose of comparing the two policies, but simply to show that both political parties in this province have, by resolutions, submitted to the House, committed themselves to the position that the existing legislation dealing with the liquor traffic is not satisfactory and is not sufficient, and that new and advanced legislation must be introduced. The Government's proposal is as follows:

This House recognizes the duty cast upon it to minimize as far as possible the evil effects of the drink traffic by wise restrictions upon the traffic in intoxicating liquors; this House also recognizes that, having regard to the decisions of the Judicial Committee of the Privy Council as to the respective jurisdiction of the Dominion and of the provinces, it is impossible for the people of the province through its Legislature to abolish or control the manufacture within or the importation into the province of intoxicating liquors; that the treating habit is now almost universally recognized as the most powerful factor in the evil results of the said traffic, and that no good object would be served by simply diverting the habit from the bar to some other place. That in the opinion of this House legislation to prevent and put a stop to the said treating habit should be enacted and if necessary supplemented by regulations under which retail licenses are granted and sold.

The significance of the situation lies in the fact that both parties are committed to advanced legislation.

Having outlined our policy, may I be permitted to suggest a few reasons why we believe this policy is in the public interests and why we believe public opinion in the province demands advanced legislation of this kind?

I wish to recall to your minds the fact that in recent years the argument against the bar and against the evils of the liquor traffic has been greatly strengthened and reinforced by (a) the teachings of modern science; (b) the demand of modern industry for industrial efficiency; (c) the battle against all forms of social degeneration. Let me deal with these in order.

First: The teachings of modern science. The remarkable change in the attitude of the strongest leaders of the medical profession towards the use of intoxicating liquors, is one of the most significant and hopeful signs of our times. I wish I had time to give you the testimony of such men as Sir Victor Horsley, Sir William Broadbent, Sir Thos. Barlow, and others whose names are almost equally well known. In Germany, where the scientific spirit has possibly found its fullest expression, I am told by a distinguished German who recently visited Toronto, that the Government, conscious of the evil effects of the liquor traffic, has established courses of lectures in main centres of population by the ablest professors in medical science, and requires leading officials of the Government to attend these lectures, in order that they themselves may learn and may in turn communicate to their subordinates the results of the teachings of modern science on the effect of alcohol upon the human system. I am advised that they give the school teachers in Germany a week's vacation to attend these lectures, in order that they may communicate the results to their scholars. I am also informed that in the German Navy, where they desire to secure the highest efficiency, they enforce practically total abstinence. They realize that under modern conditions of naval warfare every man requires his whole energy for all emergencies, and they do not believe he can have this if he indulges in the use of liquor. I also understand that in the German army they have found that during the manœuvres the men who abstain, march further, can do more work with less exhaustion than those who use any kind of alcoholic liquor, and for this reason the Government has forbidden the sale of liquor in the canteens during the army manœuvres. I mention these facts to point out how a country like Germany, seeking primarily the highest

industrial and military efficiency, is adopting these advanced measures in order to educate the people on the evil effects of alcohol.

On the question of industrial efficiency, we all know the stand taken by the Great Railway Corporations on this Continent against their men who occupy positions of responsibility in the operation of the road using liquor in any form. Some few years ago, the Department of Labor of the United States Government, conducted a thorough investigation among the large employers of labor in the United States, in order to ascertain how many of these employers of labor required total abstinence on the part of their employees. In more than one half of the answers received, these employers stated that in positions of responsibility they required total abstinence. And Labor Leaders, like the Rt. Hon. John Burns, Mr. Arthur Henderson, M.P., Mr. J. Keir Hardie, M.P., and John B. Lennon, Treasurer of the American Federation of Labor, have all pointed out that they are against the saloon and the bar without any qualification because of the evil results upon the working men.

Those interested in the battle against all forms of social degeneration, are realizing more and more every day the important part that the liquor traffic plays in producing social degeneration. It is well that in these modern days we are paying more attention to the social conditions of the men around us. In the past we have devoted much time and thought to the protection of property. To-day, more attention is being paid to the rights of our common humanity, and we are becoming seriously concerned about securing the best conditions for the development of the highest type of citizenship. Some of the ablest students of social conditions have reached the conclusion that probably no single cause is contributing more to social degeneration, crime, poverty, insanity, enfeebled will, and impaired vitality in offspring, than the liquor traffic. They give statistics, as the result of careful investigations, that would startle you, as they have startled me. Time will not permit me to go into them to-day.

This being the general condition, it is no wonder that legislation is being introduced in all progressive countries to curtail the evils of the traffic. If time permitted, it would be very interesting to trace the course of legislation on this question in Great Britain and in Canada. I can only, however, mention a few points. The legislation in Great Britain goes back to a very early date. The Saxons and Danes were very fond of beer—then known as mead—the drinking of which

was supposed to form one of the principal advantages of the heroes admitted to the Hall of Odin, and the manufacture was early introduced into England. The Romans, when they invaded Britain, brought with them their wine drinking habits, and permission to cultivate vines in Britain was granted about A.D. 276. The use of spirits in England dates from about the end of the fourteenth century. The campaigns in the Netherlands in the time of Elizabeth developed the taste for spirituous liquors in the soldiers. The supplies were first drawn from the continent, but later, during the reign of William and Mary and Queen Ann, trade with France was prohibited, and legislation was introduced to encourage distilling in England. Lecky, in his history of England in the 18th century, says:

These measures laid the foundation of the great extension of the English manufacture of spirits, but it was not until 1724 that the passion for gin drinking appears to have infected the masses of the population, and it spread with the rapidity and the violence of an epidemic. Small as is the place which this fact occupies in English history, it was probably, if we consider all the circumstances that have flowed from it, the most momentous in that of the 18th century—incomparably more so than that of any event in the purely political or military annals of the country. The fatal passion for drinking was at once and irrevocably planted in the nation.

One of the earliest pieces of legislation, which I am sure will interest you, was introduced about the 10th century. It was legislation to limit the amount of ale which each man should consume. It sought to get at the evils of the liquor traffic by dealing with the individual. They passed an ordinance that pins or nails should be fastened into the drinking cups or horns at stated distances, so that whoever drank below one of these pegs at one draught, should be liable to severe punishment. I am sure you will see in this a precedent for anti-treating legislation which also claims to limit the amount which each individual shall consume. I am sorry, however, to be compelled to say that history records that this measure was ineffective. Not only so, but as there were several pegs in each pot, it became a source of wagering between the drinkers as to who could drink the largest amount measured by the pegs in the pot.

Various forms of legislation were from time to time passed during the next three or four centuries, but the evils continued

to grow to such proportions that in 1552 an act was passed which formed the beginning of the existing licensing system of Great Britain. This and other acts were from time to time amended until the Act of 1880 laid the foundation of the modern licensing system in Great Britain.

It is only right to say, in reviewing the history of British legislation on this matter, that where legislation was enacted substantially in advance of public opinion, it proved ineffective, and was either repealed or modified, and we should from this learn the lesson that however much we may desire to curtail and limit the traffic, where government is by the people, springs from the people and is not imposed on the people by some superior authority from above, we cannot go far in advance of public sentiment. We may advocate a policy in advance of public sentiment with a view to educating public opinion up to the point of supporting such a policy, but when we come to legislation you cannot with advantage to the community go far in advance of public sentiment. But side by side with this is another fact, equally worthy of consideration, and that is whenever public sentiment has advanced beyond the point of existing legislation and demands more advanced legislation, that public opinion is greatly reinforced and the public interests are materially advanced by the enactment of advanced legislation. Nothing will ever take the place of education—the informing of the public mind and conscience on these matters, and the development of an intelligent conviction—but we hold that it is the duty of the Legislator, once public opinion has advanced to the point where it will support more progressive legislation, to give effect to that public sentiment by the enactment of the necessary legislation.

Dealing with the question of legislation in our own province, I will just mention one or two facts. In 1875 there were 6,185 liquor licenses in this province. In 1877 the Government of Sir Oliver Mowat passed the Crooks Act, which cut off 2,247. They cut off more licenses by that act than our policy would do if put into force to-morrow. This act has been from time to time amended, down to the year, I think, of 1899, so as to increase the unit of population necessary to secure a license, and just as the unit has increased, it has necessitated a reduction in the number of licenses.

In 1890, the Government of Sir Oliver Mowat passed the local option law. Under this law municipalities may vote out both the bars and the shops. This act has been from time to time amended and improved, so that now it is a very effective instrument in the hands of any local municipality where public

sentiment is strong enough to carry local option with the vote now required under that act. The result of the local option campaigns in recent years, carried on under the direction of the temperance forces of this province, has been to greatly reduce the number of liquor licenses, so that to-day there are only 1,836 liquor licenses in this province. While we should congratulate ourselves on the great progress thus made, we must bear in mind that local option has so far scarcely affected our cities and larger centres of population. The bars still flourish in these centres. Take the City of Toronto at the present time. If anyone wishes to know just what the bar is and what it is doing, let him visit some of these bars in the afternoon or evening, and particularly on a Saturday afternoon. Don't take my word for it, but see for yourselves. I am sure you will agree that its influence is, and can only be, demoralizing to the worst degree. By the best estimate I am able to obtain, there must be paid over the bars of the City of Toronto annually probably not less than \$5,000,000, certainly considerably more than \$4,000,000. What would it mean to all the legitimate industries and business enterprises of the city if this money, instead of going over the bar went to the purchase of other commodities for the home and for the family?

I believe that public opinion has reached the point in this province where, if it can freely and fairly express itself, it will declare for the abolition of the bar. Whenever the people of this province have had an opportunity of expressing themselves by vote, they have expressed themselves overwhelmingly against the liquor traffic. Take the Dominion Plebiscite of 1898:

The vote in Ontario for prohibitory law was:	154,498
Against	115,284

Majority for	39,214
--------------------	--------

Take the vote on the approval of the Liquor Act of 1902, which was a measure of Provincial prohibition:

The vote in favor was	199,749
Against	103,548

Majority for	96,201
--------------------	--------

The votes in local municipalities of the province where local option by-laws have been submitted show a very great preponderance of sentiment among the electors of the province in favor of the abolition of the bar. The men and women who have been battling for temperance reform in this

province for over half a century, and have been very influential in producing the great improvement in the conditions in our province in which we all rejoice to-day, are firmly convinced, and have so expressed themselves by resolution and by action, that the abolition of the bar is the present urgent need of temperance reform in this province.

You ask, why not include shops in your proposal? If you are going to abolish the bar, why not abolish the shops as well? I can answer that in one word. We must recognize that we cannot prohibit the importation of liquor into this province by individuals for their own consumption. There are those who believe that as liquor can come in for domestic consumption, and will no doubt in some measure come in, it is better that it should come in under regulation by sale in shops in sealed packages, where the sale can be regulated and controlled, than that it should be left to unregulated and uncontrolled importation. There is also a strong body of public opinion entirely opposed to the bar, which believes the bar as it exists to-day is a curse to society, but which believes that men should have the right to have liquor in their own homes if they so desire. I am not here to discuss whether this view is correct or not, but any public man seeking to legislate for the whole people must recognize the conditions of public opinion, and must propose measures which public opinion will support. To those men who believe in prohibition and to those men who believe only in the abolition of the bar, what I have to say is this: Let us go together as far as we can all agree, let us go together and wipe out the bar; when we have done this we can discuss further legislative measures. We must not forget that the local option law still continues in force and wherever public sentiment in any local municipality is in favor of wiping out the shop also, this can be done under local option by-law, and wherever the shop is not wiped out under local option by-laws, we propose, as I have already explained, such legislation as may be necessary to limit its operations and effective to remedy its evils.

May I ask you in conclusion to give to this whole problem your most serious thought. It is one of the most important questions with which legislators in this and every other British community have to deal. It is not easy of solution. The public men who try to solve it, no matter what the remedy proposed, do not rest on beds of roses. Are not all men who are studying the problem seeking to find the solution—whether we agree with their conclusions or not—deserving of the sympathetic encouragement and support of those interested

in the betterment of the social and industrial conditions of our province to-day?

To-day, you test the bar as it now exists, by the test you apply to any other social institution, for it exists as a social institution, and we are dealing with it as such: can any man name any one good purpose that the bars serve? The bars on Queen Street, on Yonge Street, on other streets, do they serve any good purpose? We all know many evil purposes which the bars serve. Is it not true that the children of many of those men who patronize these bars, have not as good a chance for life and to make of themselves good citizens, as they would have if their fathers did not spend their money over the bar? And, after all, the home is the basis of our civilization. Anything you can do, or I can do, to improve the condition of the home, is a matter which every man should be glad to do, for he is contributing to the future welfare of his country and his race. How many young men in Toronto would be better if the bars were closed? You know and I know what an unspeakable blessing it would be to thousands of our young men if there were no open bars. To-day we are seeking to bring immigrants to our country in order to people our unoccupied spaces; they are coming from all lands; we are putting forth great efforts to educate them; we are bringing upon ourselves a most difficult problem, the problem of assimilating them. Should not every patriotic citizen seek to preserve at his best every Canadian boy who lives here? Shall we do this best by keeping open, or by closing the bars?

Whether you agree with the policies I have outlined or not, I am sure you all agree in this: It is our duty to devote our best efforts to the suppression of the evils of the liquor traffic, to do our best to preserve the Canadian home and the Canadian boy, to seek to improve the type of citizenship in this province; and you will give your sympathy and encouragement to all who labor with these ends in view.