

1921 Report of the Commission on the Prohibition Plebiscite Act

Melvin Baker

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1921 Report of the Commission on the Prohibition Plebiscite Act

MELVIN BAKER

INTRODUCTION

As was the case in many countries in the early twentieth century, there was a strong temperance movement in Newfoundland. Pressure from these advocates led the government under People's Party Prime Minister Edward Morris to hold a plebiscite on prohibition in 1915. It passed, and prohibition was implemented in 1917. By 1920 ensuing enforcement difficulties led the recently elected administration of Liberal Prime Minister Richard Squires to establish a commission to advise on the matter. The resulting document — the commission's report — pointed out the problems of enforcing a ban on alcohol, called for an end to prohibition, and recommended the establishment of a government department responsible for the sale of alcohol, which would be under the control of a board. The government did not act on the report. However, in 1924 a new government under Walter Monroe repealed prohibition and established the Board of Liquor Control, the precursor of the present-day Newfoundland Labrador Liquor Corporation.

The following section provides a background to prohibition and the subsequent appointment of the commission. That is followed by the commission's report itself (Rooms Provincial Archives [RPA], GN2/5, file 271-G).

BACKGROUND

A local option system had existed at the community level in many parts of Newfoundland on an elective basis since the 1870s when people were given the right by a plebiscite to decide whether liquor could be sold in their communities.¹ By 1915 popular support for temperance had developed across various elements of Newfoundland society, with nearly every outport community having voted in favour of local option.² April of that year was especially pivotal. Temperance supporters met on the night of Saturday 17 April 1915 to plan how they would co-ordinate their efforts to give the issue as much publicity as possible. Clergymen at the meeting decided to give pro-temperance sermons the following day from their pulpits. Along with the Newfoundland branch of the World Woman's Christian Temperance Union (WCTU), they organized a public meeting on Monday night (19 April) to further rally support. Speakers highlighted the social and moral benefits that would follow prohibition and a resolution was passed committing those in attendance to demand prohibition, with the WCTU announcing that it would hold a public demonstration and meeting the following afternoon and calling on the men present to support the WCTU's efforts. The WCTU's demonstration the following day reputedly had over 1,000 women in the march. In the evening the Salvation Army held its own parade with over 2,500 men, women, and children marching through the city's main streets in support of prohibition.³

On 21 April 1915 Bay de Verde and Opposition MHA Albert Hickman introduced in the House of Assembly resolutions calling for the prohibition of the importation and sale of spirituous liquors, wines, and beer while the local manufacture of beer would be under a government monopoly sold under licence and rules laid down by the government, which would get the profits for any beer sales.⁴ Prime Minister Morris countered Hickman's proposal. Morris told the House that his government would respond to the public's long demand for greater temperance measures by bringing in a bill whereby a plebiscite would be held asking voters if they wanted a country-wide prohibition. Morris believed there was no justification in Hickman's resolution "because it would be monstrously unfair to say to one half of the country you can drink all the beer you like and to say to the other half, you will not be allowed to have a glass of wine. That is wrong in principle and it is worse than that, because it raises discrimination all over the country and draws a distinction between a man who takes a glass of gin and a man who takes a glass of beer." If "we are to have Prohibition here it should be strict Prohibition," he said.⁵

Morris found a strong critic of his initiative in William Ford Coaker, president of the Fishermen's Protective Union (FPU), the MHA for Twillingate District, and the leader of the largest bloc of members in the Liberal-FPU Opposition led by William Lloyd. Coaker argued that there was no reason not to act immediately and to have total prohibition. Coaker was ready "to vote here and now for total prohibition." He was "convinced that liquor was an evil" and had been "all my life a temperance man, and I have always favoured the temperance folks because I have seen many a poor chap go to the bad through liquor." Coaker moved an amendment to Hickman's resolutions, which asked the government to introduce a bill prohibiting the importation, manufacture, and sale of ales, wines, beers, and similar beverages and all spirituous liquors within Newfoundland. By contrast, the government bill would allow for the holding of a plebiscite vote on the question during 1915 and require the government to enact legislation effective 1 July 1916 if a majority of voters supported prohibition. Both Hickman's motion and Coaker's amendment were lost on a party division.⁶

The government's prohibition plebiscite bill came before the House on 19 May. The legislation provided for the holding of a plebiscite later in the year in November. Prohibition would be enacted if a majority of voters supported it and that majority represented at least 40 per cent of the total number of the registered list of electors taken for the 1913 general election. There was also a provision for the appointment of a controller to control the importation, distribution, and sale of intoxicating liquors. The controller could grant a licence to any duly qualified druggist "who is the proprietor of a drug store, for the sale in such drug store of intoxicating liquors for medicinal purposes, to any person presenting a prescription therefor, signed by a duly qualified medical practitioner, practicing in the Colony, and to grant a license to any duly qualified medical practitioner for the dispensing by such practitioner of intoxicating liquors for medicinal purposes." It was also "lawful for any person to have in his possession any intoxicating liquors for use for religious, medicinal or manufacturing purposes."⁷ If the plebiscite vote was in favour of prohibition, then a proclamation would be issued prohibiting the importation of liquor and the local manufacture of alcohol effective 1 January 1917. "That date is fixed," Morris explained, in order to "give a reasonable amount of time to those who engaged in the business to dispose of their stocks that they may have on hand, and to undertake some other occupation, and to enable the Government of the day to adjust the financial position of the country, that will be temporarily changed by the passage of the measure."⁸

The Liberal-FPU opposition was critical of the bill, especially of the 40 per cent threshold requirement in addition to a majority of those voting. Coaker asserted that the prohibition was already dead-born because of the 40 per cent limit, and that the government knew how difficult it would be to get that proportion for it.⁹ Nevertheless, the government's resolutions were adopted after a five-hour debate.

Prohibitionists mounted a strong campaign for the plebiscite held on 4 November, with political opponents often uniting for a common cause. Protestant clergymen came out in full support, as did many leading businessmen. Coaker added his considerable political weight and called on all FPU members to support it. Businessman Harry Crowe, a Nova Scotia-born lumber dealer in central Newfoundland, gave financial support to the campaign and arranged for Dr. Carolyn Geisel, an American surgeon and public health advocate, to tour communities giving lectures on the virtue of both prohibition and public health. Crowe often accompanied Geisel on her tour.¹⁰ The plebiscite, which did not provide for voting by citizens in sparsely populated Labrador, succeeded by an extremely narrow margin. Its majority constituted 40.6 per cent of the electorate, thus satisfying the 40 per cent requirement by only 0.6 per cent, or a mere 384 votes.¹¹ Prohibition was enacted throughout the dominion, including Labrador.

For a large number of St. John's residents, prohibition by 1920 was being regarded as a failure because people had found ways to get alcoholic beverages: through making their own alcohol or "moonshine" and through the "script" system whereby medical doctors had authority to prescribe alcohol for medicinal purposes, with patients entitled to eight ounces of alcohol for a one-dollar prescription popularly known as a "script." Politicians on both sides accused each other of misusing the scripts during the general election in 1919. Those individuals favouring a stronger enforcement on prohibition organized, and on 14 March 1920 they held a public meeting in the Methodist College Hall to rally support for their cause and against the possibility that the legislature might lift the ban. Out of this meeting came a Vigilance Committee consisting of religious and lay individuals. The committee's mandate was to "take cognizance of any violations of the Prohibition Act and assist the Department of Justice in its rigid enforcement."¹² More moderate prohibitionists were campaigning to partially lift the ban, and both groups petitioned the House of Assembly for action.

In the 1919 election the government had been defeated by a Liberal-FPU alliance and the new Prime Minister was Richard Squires. The government

responded to the growing debate on prohibition by appointing in mid-August 1920 a commission to investigate and report on the administration of the 1915 Prohibition Plebiscite Act, its defects, how the Act had been enforced, and the “evils which have arisen since the said Acts became law.”¹³ Given the strong prohibitionist elements in his government, it is not surprising that Squires did not act on the commission’s report, the contents of which follow.

REPORT

To His Excellency Sir Charles Alexander Harris, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Honourable Order of the Bath, Commander of the Royal Victorian Order, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies.

Your Excellency: —

The members of the Royal Commission have the honour to return the Commission and to submit with it a statement of their findings and a list of their recommendations.

Its members held very many sessions in St. John’s and also a number of sessions at Port Union during which they took very considerable evidence in the form of sworn testimony, answers to interrogatories and police records. They have enquired into and considered the Prohibition Plebiscite Act 1915 and the Amendments thereto; (1) the object, scope and defects thereof; (2) the Administration of the said Acts and (3) the evils which have arisen since the said Acts became law.

The Commission itself sets out the representations contained in two petitions presented to the House of Assembly in the session of 1920; one petition praying for greater stringency in the enforcement of the said Act; and the other praying for the providing of facilities for obtaining alcoholic liquors as beverages under a system of control.

Your Commissioners observe that both petitions point out the existence of certain abuses which have developed under the Prohibition Act.

- (1) Sale of “Dope”
- (2) Abuse of prescriptions
- (3) Manufacture of “Moonshine”
- (4) Increase in smuggling of liquors

The enquiry has satisfied your Commissioners of the existence of evils which call for adequate remedies.

One of the first evils which grew to considerable dimensions under the Prohibition Act was the use of essences commonly called "Dope" for beverage purposes. The evil, which was apparently inappreciable before Prohibition, gradually grew in spite of partial blacklisting of particular essences, until last summer, when stern steps were taken to suppress it. Up to that time most of the convictions on the charge of being "drunk and disorderly" arose from the drinking of "dope." This is borne out by the police records of arrests of "drunks" and "drunks and disorderlies." The numbers are as follows: —

1917	87
1918	95
1919	228
1920	276

In 1917 and 1918, the police records do not show the number of drunks etc. due to "dope." But in 1919 and 1920, the evil had grown to such a proportion that the police began to keep a record of the causes which were leading to a marked increase in drunkenness and disorderliness.

In 1919 there were over 20% more arrests than there were in 1917 and 1918 altogether. This was due mainly to the drinking of "dope." Of the 228 cases in 1919, 160 were due to dope; and of the 276 cases in 1920, 198 were due to dope showing an increase of nearly 25% over that of 1919. The first four months of the present year show a marked decline of drunkenness from this cause. Out of 83 arrests reported by the police 14 were due to dope or an average of 3 monthly as against an average of 16 monthly in 1919. This may be attributed partly to the steps taken last summer in blacklisting a larger number of essences, the activity of the police and other causes. Last September the police began to keep a record of the information they elicit from persons arrested for drunkenness as to what they had been drinking. This record points to liquor obtained by smuggling and on scripts as manifest causes of drunkenness.

Further the decline in the use of "dope" in St. John's has seen another evil spring up viz: the use of "moonshine." The police records show that during six months dating from and including September 1920 to the end of February 1921 there were four arrests for "moonshine," in the last two months — March and April — there were nine arrests for the same cause.

Another ugly feature shows itself by a comparison of the figures of 1916 and 1920. In 1916 less than one-third of those arrested were disorderly. In 1920 about half of those arrested were disorderly. This makes clear that the use of dope or moonshine creates far more disorder than the use of ordinary liquors.

Your Commissioners are satisfied that the use of moonshine is prevalent not only in St. John's but extends over the island. Out of 82 places from which evidence was gathered 39 reported the manufacture of moonshine; 43 reported no moonshine. Of the 65 places giving evidence outside of the South West Coast 38 reported the manufacture of moonshine 27 not any; of the 17 places on the South West Coast furnishing evidence only one reported moonshine. The close proximity of St. Pierre and the general preference for ordinary liquor to "moonshine" give the clue to the dissimilarity of the proportions.

Dr. Brehm¹⁴ expressed the opinion "that the fusil oil in moonshine has a definite poisonous effect, is bad for the nerve centres, will sometimes cause blindness and in the case of women and children the effects would be more pronounced and especially in the child. It certainly would have a bad effect on the progeny of those addicted to it."

This evil calls for special remedial measures and a strong determination to enforce them. Your Commissioners are of opinion, 1st, that the possession of a still for the distillation of spirits should be a substantive offence, and that the possession itself should be presumptive evidence it is possessed for that purpose; 2nd, that possessing, giving, selling or treating any person with moonshine should be a substantive offence; and that the penalties provided should be double of those provided for the illicit sale of liquors.

Your Commissioners are also of opinion that an educational campaign should be inaugurated to teach people the danger of the use of "moonshine" and "dope" and suggest that this campaign be conducted through the churches, the Sunday schools, public schools, the press and by the distribution of leaflets and pamphlets.

The matter of "prescriptions" has received much attention and there can be no good purpose served in disguising the fact that a large portion of the liquor obtained by prescriptions is used purely as a beverage and not for medicinal purposes, as the Act provides. Their records obtained as has already been indicated show that the liquor obtained by prescriptions has caused quite a number of arrests. For instance out of 63 arrests for being "drunk" and "drunk and disorderly" from March up to and including May 12th of this year 6 were due to "dope," 9 to "moonshine" and 27 to liquor obtained by prescriptions.

The following is illuminating: —

Month	No. Arrests	Dope	Moonshine	Liquor obtained by scripts	Liquor obtained otherwise
January	21	7		9	5
February	11	1		3	7
March	26	3	6	10	7
April	25	3	3	10	9
May (12 days)	12	3		7	2

While your Commissioners are loath to suggest “regulations” which would unduly interfere with the exercise of the discretion of the medical practitioner who honestly prescribes “liquors” for medicinal purposes, they find there is need of a strong check to stop the loose giving out of prescriptions. They consider it should take the form of a refusal for a period of time, to fill the prescriptions of any practitioner who gives out prescriptions loosely under the guise of prescribing liquor for medicinal purposes.

In many parts of the Island, particularly where medical practitioners are not resident, there are no facilities for obtaining liquor for medicinal purposes, and even where medical men reside in places outside of St. John’s, the cost of the prescription, the high cost of the liquor and the frequent loss on transportation through pilfering place the use for this purpose out of the reach of the poorer members of the community.

Your Commissioners consider that some quantity should be obtainable for a household without a prescription from a medical practitioner under as strict a safeguard as can be provided by rules and regulations, not to exceed the rate of:

- A (24 oz. Of Spirits.
- (24 oz. Of Wine
- (2 doz. 12 oz. bottles of beer or stout

or

- B. (24 oz. Of Spirits
(48 oz. Of Wine.

or

- C. (24 oz. Of Spirits
(4 doz. 12 oz. bottles of beer or stout.

Every three months, or the same proportion monthly or half yearly, as the Board may deem circumstances warrant.

Your Commissioners are of opinion that the method of distribution both in the city and the outports should be left to a Board of Control, under a system of identification of the applicant and the recording of the quantities obtained.

Your Commissioners find, further, that in the present Act there is no provision, for the supply of liquor for the medical chest of steamers and vessels.

The question of smuggling has also received attention. From the evidence gathered there is good reason to believe that St. Pierre liquor finds its way into not only the west coast and south coast but also in St. John's and the Northern Bays. Liquor is smuggled from many other places than St. Pierre.

Your Commissioners are of opinion that in order to successfully grapple with it, the detective force should be augmented. Its present strength is too inadequate for the constant vigilance necessary to cope with liquor smuggling. Special rewards might be offered to police and customs officers to stimulate their vigilance.

Your Commissioners are convinced that the success of the administration of the Prohibition Law depends on the efficiency of the authority controlling the distribution of liquors. They are of opinion that the present dual control should be abolished.

Your Commissioners have considered the question of the purity of liquors and are of opinion that no liquor should be sent out which has not been imported legally, unless it has been analyzed and the analyst is satisfied as to its purity.

Your Commissioners have also considered the question of manufacturing of beer and stout locally, and are of opinion that local manufacture of beers should be allowed, provided manufacturers are allowed to sell only to the Board of Control hereinafter recommended.

Your Commissioners have considered carefully the matter of providing supplies of liquor for beverage purposes purely, in limited quantities and under

strict supervision, but they have not found sufficient grounds to justify in going further than appears in this Report.

RECOMMENDATION

1. The retention of the Department for the purchase, dispensing and distribution of liquor.
2. The abolition of the office of Controller.
3. The placing of the sole control of the Department under a Board of three members; a medical practitioner, a clergyman, and a business man, who shall retire in rotation, the medical practitioner at the end of the first year; the clergyman at the end of the second year; and the business man at the end of the third year. Retiring member to be eligible for re-appointment. Appointments of original members and the filling of vacancies to be made by the Governor-in-Council.
4. Grants to be made to Board and the accounts to be audited by the Auditor General; net profits to be paid to Treasury.
5. The power of the Board to include terms of engagement of officials and servants, and all financial arrangements.
6. A general manager to be appointed to take charge of the Department. The power of appointment, suspension, dismissal and direction of the general manager and other officials to be in the Board.
7. Rules and Regulations (including penalties) after approval by the Governor-in-Council and publication in the *Royal Gazette*, to have the force of law.
8. The Board to be given discretion to refuse to fill any prescription of any medical practitioner whom they find is not acting in accordance with the Act, with a right of appeal to the Supreme Court for any person aggrieved by the action of the Board.
9. To make it an offence for any person to obtain a prescription under false pretenses.
10. Prescriptions to be filled in the City of St. John's only by the Department and the Department to be kept open at such hours on working days, Sundays and holidays as the Board may from time to time appoint.
11. The possession of a still for distillation of spirits to be an offence; and possession itself to be presumptive evidence of possession for distillation.
12. The manufacture, possession, sale, gift of, or the treating of, any person to

“moonshine” to be an offence with penalties double those provided for the illicit sale of liquors.

13. The right of search and the indemnity in regard to search for illicit manufacture importation and sale of “liquors” or of the possession, manufacture, sale or gift of or treating persons to moonshine and, or of the possession of stills for distillation to be similar to the provisions of the Licensing Act 1906.
14. The Board to be given authority to sell to the heads of households, and under rules and regulations, with penalties, certain quantities of liquors, not to exceed the rate of

A (24 oz. Of Spirits.
(24 oz. Of Wine
(2 doz. 12 oz. bottles of Beer or stout

or

B. (24 oz. Of Spirits
(48 oz. Of Wine.

or

C. (24 oz. Of Spirits
(4 doz. 12 oz. bottles of beer or stout.

every three months, or the same proportion monthly or half yearly, as the Board may deem circumstances warrant.

15. The Board to be given authority to supply under rules and regulations with penalties, vessels, and steamers, going coast-wise or foreign, with liquor for medicinal purposes.
16. The Board to be given authority to supply with rules and regulations with penalties, manufacturers with liquors for manufacturing purposes, provided that where the manufacture is not of medicines, essences, food-stuffs, or aerated waters, it shall be made non-potable before it leaves the Department.
17. The onus of proof for offences under the Act to be on the accused.
18. Imprisonment without the option of a fine to be imposed for fourth and subsequent convictions from the date of new Act.

19. Special rewards to be offered to police officers and customs officers who show marked vigilance in enforcing the Act.
20. Detective force to be increased for the enforcement of the Act.
21. No liquor seized by the police to be sent out until its purity is ascertained by analysis.
22. Manufacturers to be authorized to sell to the Board of Control such beers and stout as the Board may order.
23. Provision to be made for carrying on an educational campaign on the detrimental effects of drinking “dopes” and “moonshine.”
24. The whole statute law as amended to be consolidated.

Respectfully submitted,

May 20, 1921.

William F. Lloyd, Chairman

[Rev.] L[evi] Curtis

[Rev.] Edgar Jones

[Dr.] Timothy M. Mitchell

[Dr.] Arthur R. Anderson

J[ohn] V. O’Dea

Geo[rge] F. Grimes

NOTES

- 1 On the temperance efforts in the 1890s, see Margot Duley, *Where Once Our Mothers Stood We Stand: Women’s Suffrage in Newfoundland, 1890-1925* (Charlottetown: Gynergy Books, 1993).
- 2 Only in the electoral districts of St. John’s East and West could intoxicating liquors be sold. See *Proceedings of the Legislative Council, 1915*, 159.
- 3 *Mail and Advocate* 21 Apr. 1915.
- 4 *Ibid.*, 15, 17 Apr. 1915.
- 5 *Proceedings of the House of Assembly, 1915*, 207-11.
- 6 *Ibid.*, 212, 238-39.
- 7 *Statutes of Newfoundland 1915*, “6 Geo. V. Cap. 9, Prohibition Plebiscite Act.”
- 8 *Proceedings of the House of Assembly, 1915*, 657-62.
- 9 *Ibid.*, 665.

- 10 Melvin Baker, "Harry Judson Crowe," *Dictionary of Canadian Biography*, vol. 15 (Toronto: University of Toronto Press, 2005), 244.
- 11 CO194, vol. 290, W.E. Davidson to Bonar Law, 29 Nov. 1915; *Evening Herald*, 5, 6, 8, 9, 10, 11, 15 Nov. 1915.
- 12 *Evening Telegram*, 15 Mar. 1920. See also RPA, GN8.160, folder 1, for the correspondence with the government of the Moderate Prohibition Committee, 1920-22.
- 13 RPA, GN2/5, file 271-G, for a copy of the terms of reference for the commission. Evidence taken before the commission can be found in GN2/5, Box 1.
- 14 Dr. Robert Brehm, medical officer for St. John's. See Melvin Baker, "The Appointment of a Permanent Medical Health Officer for St. John's, 1905," *Newfoundland Quarterly* 79, 4 (Winter 1984): 23-25.