THE HISTORY OF LIQUOR LEGISLATION IN SASKATCHEWAN

1870 - 1947.

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES

IN PARTIAL FULFILMENT OF THE REQUIREMENTS

For The

DEGREE OF MASTER OF ARTS

In

THE DEPARTMENT OF HISTORY

UNIVERSITY OF SASKATCHEWAN.

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Saskatoon, Saskatchewan,
September, 1948.
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Explanatory Note.

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**Abbreviations Used.**

C.S.P. - Canadian Sessional Papers.

P.A.C. - Public Archives of Canada.

L.B. - Liquor Board.
INTRODUCTION TO THE HISTORY OF LIQUOR CONTROL

in the

NORTH-WEST TERRITORIES AND SASKATCHEWAN

1870 - 1947.
Control of alcohol as a beverage is an age old problem. Measures to control liquor have been necessary from earliest times, for man has not been slow to recognize the evils arising from its uncontrolled use. The dominant motive of control everywhere has been a social one. The purpose has been to combat a menace to the social order, and the evils of alcoholism, in the interest of health and social welfare. The problem is an old one; the motive remains the same, but the approach and the methods of control have varied considerably with time and place. For, although there are common features in the causes and consequences of alcoholic excess, the problems anywhere are never identical. The people, who are working out control measures, as well as the people for whom they are designed, differ considerably. Conditions peculiar to the community regulated will modify the problem. Consequently no method of control is universal in its application, and new communities dealing with the liquor control problem have followed the empirical method. By trial and error, they have endeavored to devise effective means of controlling liquor.

The series of experiments carried out in the community of Saskatchewan is one of our most interesting studies in social control. The experiment here illustrates most of the problems encountered by a people in working out a system of liquor control from the pioneer stage. The territory, which now comprises Saskatchewan, was a Canadian frontier at the end of the nineteenth century. When the eastern provinces were well settled, it was still a wilderness devoid of institutions of government, law, and order. Indians, a few fur traders, and missionaries were the only
inhabitants. At the outset, the problem of controlling liquor was associated with the Indians. Into the new country swarmed a multitude of white settlers from many lands. With their arrival, a series of experiments began, carried out first by the Canadian government, and then by the people themselves, in an effort to work out an effective means of controlling liquor. The story of this series of experiments is one of the fascinating studies of western Canadian history.

The problem, with which the Canadian government had to deal at the outset, had its parallel in the fur trade of the early seventeenth century. The earliest French fur traders on the St. Lawrence gave brandy to the Indians. They soon learned that the intense craving of the Indians for spirits was an asset in inducing them to make the long hard journey to the posts, and to part with their furs. They learned, as well, that liquor had a devastating effect on the Indians. However, they cared little for the well-being of the Indian, so long as they got his furs. On the other hand, the early French missionaries to the Indians, concerned with the soul of the Indian and his bodily welfare, bitterly denounced the practice of giving them liquor. Not only were drink-maddened Indians a menace to their safety, but the effects of alcohol helped to undo their work of moral reform among the natives. During Frontenac's regime, Bishop Laval appealed to the royal government to prohibit the use of brandy in the Indian trade. The "Brandy Parliament" debated the whole

(2) Wittke, Carl, History of Canada, (Toronto, 1941) p. 29.
question of the liquor traffic, but the fur-trading interests were too powerful to be resisted, and nothing was done.

The fur companies realized well enough that use of liquor was a short-sighted policy for it reduced the Indian's efficiency in procuring furs. Although questions of morality did not intrude upon the simple economics of barter, sound business principles demanded that the Indian's industry in trapping and trading his furs should not be diminished. However, the practice of using liquor once started was difficult to stop. In the competition for furs between traders on Hudson's Bay, and those on the St. Lawrence, both groups insisted that, if the use of liquor was discontinued, the Indians would take their furs to rival traders. The Hudson's Bay Company followed the example of the French in using liquor in the fur trade as early as 1692. When competition with the North-West Company was ended by the union of the two companies in 1821, the first restrictive regulations were adopted as the result of official opinion in England.

The pressure of public opinion in England, and the tireless agitation of the Church of England Missionary Society, gradually and firmly diminished the use of spirits by the Hudson's Bay Company. Although the fur-traders were anxious not to impair

(1) Ibid.
(2) Mackay, The Honorable Company, p. 219
(3) Ibid.
the efficiency of the hunting Indians, they were reluctant to
give up their practice of treating, when trading was done, or
providing water-weakened alcohol for special occasions. However,
after 1821, the policy of the Company was to restrict and even
prohibit the use of liquor in its northern department, where there
was little or no competition. There is evidence that by 1857
the Hudson's Bay Company had completely discontinued the use of
liquor as a medium of barter in the northern portions of their
territory. Religious and humanitarian opinion in England, the
insistence of the Company's London Committee, and the views of
the Colonial Office, as well as the dictates of sound business
policy, induced the Company to (1) give up gradually
the practice of
giving liquor to the Indians. In the north-west, the use of liquor
continued longest in the southern plains, where Metis traders from
the Red River and Americans from the south had begun to encroach
upon the Company's trading monopoly. The buffalo supplied the
Indian with most of his material needs, consequently he was less
dependent upon the trader's goods than the Indians of the wooded
northland. Company officials insisted that whiskey was needed to
induce them to hunt the buffalo, and make the pemmican, upon which
the traders relied for food. Therefore, the use of liquor in the

(2) Report of the Select Committee on the Hudson's Bay Company,
1857, p. 163.
(4) Report of the Select Committee on the Hudson's Bay Company,
1857.
southern prairie region continued until 1860, in which year the Company adopted the policy of giving no liquor to the Indians there. The free traders, however, continued their indiscriminate use of whiskey in the trade for furs and robes, and a few older servants of the Company deviated from its policy, when they encountered competition.

When the Canadian government took over Rupert's Land from the British government in 1869, its first duty was to establish the institutions of government needed to bring law and order to the north-west. The Dominion parliament, in 1869, passed "An Act for the temporary government of Rupert's Land and the North-West Territories." It continued existing laws, and provided for a lieutenant-governor and council. In 1870, the province of Manitoba was formed, and the remainder of Rupert's Land and the North-West Territories continued under the Act of 1869. The lieutenant-governor of Manitoba was "ex officio" responsible for the administration of the North-West Territories. In the Territories he exercised a personal rule under the direction of the Dominion government.

The most urgent problem, with which the Dominion government and the lieutenant-governor had to deal, was control of liquor among the Indians. The whiskey trade would have to be

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(2) 31-32 Vic, C. 105.

suppressed and smuggling from the Red River and the United States stopped. To accomplish this, the Dominion Act of 1867 forbidding sale of liquor to the Indians would have to be enforced, but additional legislation would be needed to prohibit manufacture and importation. A police force of some kind would be required to deal with the whiskey traders, stop smuggling, and prevent sale to the Indians.

The problem of liquor control was comparatively simple while the white population of the Territories was small. In 1881, there were 49,472 Indians and only 6,974 whites, including half-breeds. When the Canadian Pacific Railway was completed to Calgary, extensive white settlement began, and within a period of five years, 1881-1885, the white population tripled. In 1885, there were 28,192 whites compared with 20,170 Indians. While the white population was small, it had not been difficult to keep liquor from the Indians. They could be treated arbitrarily. The government regarded them as wards of the state, and considered that it knew what was best for their welfare. They were deprived of liquor without their wishes being considered.

The white settlers would have to be treated differently, and controlling liquor among them would be a far more complex problem. With their advent, the problem of liquor control entered upon a new phase. The immigrants to the North-West Territories came from the Canadian provinces, the United States, and the

(1) 30 Vic., Ch. 42, Sec. 12. Dominion Statute.
(3) Ibid.
countries of Europe, bringing with them their manners, customs, traditions and attitudes. The mixed nature of the population, with its variety of nationalities, languages, religions, and political views complicated the whole problem of government. It complicated the problem of liquor control especially, for people of such diverse origins had a variety of opinions and attitudes about the use and control of alcoholic beverages. Some of them in their places of origin had been accustomed to buying and drinking liquor with a minimum of control. Others came from places where liquor license laws were strict, or where local prohibition was in effect. Many settlers, who wanted to procure liquor easily and conveniently, would favor some form of licensed sale. Others, impressed by the evils of intemperance under licensing, would want the sale of liquor prohibited.

The presence in the population of two extremes represented by the remittance man and the temperance colonist complicated still further the liquor control problem. The remittance man being a misfit at home came to the Territories determined to be much freer from the restraints of convention and law than he had been there. Usually he was a hard drinker, who would defy any attempt to deprive him of liquor. On the other hand, settlers, such as those who established the temperance colony at Saskatoon, came to the new country with the deliberate intention of avoiding the evil consequences of the liquor traffic. Settlers with families hoped to keep the young men, and those with a weakness for drink, away from the temptations of the bar. Their interests would clash with those of the hard drinkers who
wanted easy liquor.

Some settlers were associated with the current "temperance" or abstinence movement in eastern Canada, and brought with them their enthusiasm for the cause. Missionaries, who came to work among Indians and settlers, promoted temperance, and the movement spread throughout the north-west. All the churches supported the abstinence movement, but some groups went beyond promotion of abstinence by religious and moral suasion and advocated compulsory abstinence by legal prohibition of the liquor traffic. The prohibitionist aspect of the movement tended to be associated with revivalism in religion, consequently the Methodist and Baptists were usually the most ardent prohibition propagandists. The Roman Catholic church and the Church of England promoted the abstinence movement mainly among their own members, but opposed prohibition. However, some eminent men in the Church of England favored the prohibitory system. All shades of "temperance" opinion were represented in the Territories, ranging from approval of the moderate use of alcoholic beverages to condemnation of the use of all intoxicants, and the conviction that drinking should be prohibited by law.

The problem of dealing with the liquor question, in the face of so many divergent views, was further complicated by the constitutional position of the Territories. With the advent of

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(2) C.S.P., 1895, No. 21, p. 498.
(3) Ibid.
white settlement, the liquor control problem had become somewhat similar to that of the Canadian provinces. However, it could not be dealt with in a similar way, because the people did not control their own affairs through elected representatives. Subjects of legislation, with which a province normally dealt, were covered by Dominion legislation and were under the jurisdiction of the Canadian government. The lieutenant-governor in council was empowered to legislate on the administration of justice, and make provision for the peace, order, and good government of the Territories, but the Dominion government had the right to disallow any ordinance.

A very wide discretion necessarily was imposed upon the lieutenant-governor. Officially policy was determined at first by the Dominion government, for the lieutenant-governor acted under the direction of the secretary of State up to 1873, and the Minister of the Interior after that date. But with the Ottawa government a thousand miles away, the lieutenant-governor assumed great powers in dealing with administrative problems. At first members of the council were nominated. Later elected members were added by the North-West Territories Act of 1875, and provision was made to increase the number as population increased. Although the council had certain legislative functions,

(1) Dominion Order-in-Council, 1873 in Hopkins, Correspondence and Reports of the Minister of Justice and Orders-in-Council on Subjects of Dominion and Provincial Relations, 1869-95.

(2) Ibid.


(4) 38 Vic. C. 49, Sec. 13, Dom. Statute.
it acted merely in an advisory capacity in the executive function (1) of government. In 1888, the number of elected members on the council reached the number required for them to constitute a legislative assembly. Until 1891, however, the legislative assembly did not have jurisdiction over liquor legislation, and administration was the sole responsibility of the lieutenant-governor, who was answerable only to the Dominion government. Thus for almost two decades, the people of the Territories were prevented by their constitutional position from determining their own liquor policies. Dominion policy was influenced as much by public opinion in eastern Canada, as by the wishes of the people of the Territories.

In the North-West Territories liquor control was rendered more difficult by the problem of enforcement. The physical difficulties alone were tremendous. The vast territory, sparsely settled, had to be policed on horseback by a comparatively small police force, who had many other duties to perform in addition to enforcement of liquor laws. Proximity to the United States and British Columbia, where liquor could be procured readily, along with the great extent of boundary to be patrolled, made prevention of smuggling impossible. The railway improved transportation, but branch lines at first were few, and the police had to rely on the horse to reach districts away from the main line of railway. At the same time the railway increased

(2) Ibid.
immensely the difficulty of dealing with smugglers.

The uncooperative attitude of the majority of people to enforcement of liquor laws made the task of the police more difficult. People of British origin, accustomed to self-government, resented being subjected to restrictive liquor laws made by the parliament at Ottawa, in which, at first, they had no representatives. The drinkers resented laws which they regarded as interfering with their individual liberty. People tended to combine against the police to shield one another from detection. Their liquor enforcement work made the police unpopular. Even the few settlers, who sympathized with the efforts of the police, could not afford under pioneer conditions to make enemies of neighbors upon whom they relied for exchange of implements and labor, by reporting violations of the liquor laws. Consequently even the most ardent temperance people gave the police very little assistance in enforcing the law.

When the government of Canada, and later the people of the north-west, endeavored to deal with the complex problem of liquor control, the approach was empirical. Since the problem was new, and different in many aspects from the problem of the Canadian provinces, they had to learn by experience. By trial and error, they endeavored to work out a system that would control liquor effectively, and at the same time have the approval and support of the majority of citizens. In a population of diverse origins, having a variety of drinking habits and conflicting attitudes and opinions, this was no small problem. Public opinion in the north-west was to be influenced by the national
temperance movement, and developments elsewhere in Canada. Under these circumstances, it is not surprising that the result of their efforts in the north-west to deal with the liquor problem was an almost bewildering series of experiments.

During the period from 1870 to the present, the people of the community of Saskatchewan have had five principal experiments in liquor control. They are in succession, a prohibitory system modified by a permissive feature, the licensing system with local option, the system of government liquor stores, prohibition of the keeping and sale of liquor for beverage purposes, and government sale of liquor for beverage purposes with licensed sale of beer. The so-called permit system, in force from 1873 to 1891, was under the jurisdiction of the lieutenant-governor and the Dominion government. When the North-West Territories acquired jurisdiction over liquor legislation, the legislative assembly introduced the license system in 1891, and brought in local option in 1908. On June 30, 1915, all bars were closed, and a system of government liquor stores replaced licensed sale, continuing until May 15, 1917. From that date until April 15, 1925, Saskatchewan had eight years of prohibition. This was followed by government control and sale of liquor, modified in 1935 by the licensed sale of beer. This is the system in operation in the province at present.

Our purpose will be to discover how they learned, and what they learned, by considering each of these experiments in turn. One significant thing about the series of experiments is
the radical changes which occurred. For instance, the bars were abolished in 1915, and prohibition adopted in 1917, after a brief interlude of government dispensaries, but it was abandoned in 1925 for government control and sale. We shall try to find the reason for these drastic changes in circumstances in Saskatchewan and developments elsewhere. If we can establish the connection between experiments, the reasons for successive changes may become clear. It seems obvious that the people were searching by trial and error for a solution to the liquor problem. They learned by experience that a form of control did not offer a satisfactory solution, consequently they tried something very different. We want to know what they learned from each experiment and how they learned it. By seeing these experiments in their historical perspective, some reliable conclusions may be reached about the entire control experiment from 1870 to the present.
THE WILD WEST AND SUPPRESSION OF THE WHISKEY TRADE

WITH THE INDIANS.
The most urgent problem presented to the Canadian government, by the acquisition of the North-West Territories in 1870, was control of liquor among the Indians. As long as the Hudson's Bay Company had been able to maintain its trade monopoly and political status, the rights of the Indian were protected, but with the decline of the Company as a governing power in the north-west, and the beginning of free trade in furs, the lot of the Indian became an unhappy one. The plains Indians of the north-west, being in closer contact with the traders from the Red River, and the United States, were reported to have become more strongly addicted to drink than their northern relatives. With the restraining influence of the Hudson's Bay Company entirely removed, there was danger of complete demoralization of the Indians.

Liquor had a disastrous effect on the Indian, for the intoxicated Indian, once his inhibitions were removed, appeared to lose all restraint. When liquor was taken into an Indian camp, the drunkards became a menace to themselves and those about them. Murder and mutilation, death by drowning or freezing occurred. Indians maddened by drink settled old scores and family feuds by butchering one another. Once an Indian drank liquor, he readily acquired an intense desire for it, and would do anything to get it. He would trade all his possessions, robes and furs, dogs, horses, and even his wife for liquor. Alcohol undermined the Indian's stamina, and made him an

easier victim of the white man's diseases. Drink-maddened Indians cast off all restraint, and crimes and outrages were the order of the day, from the north Saskatchewan to the forty-ninth parallel.

American whiskey traders from Montana introduced the lawless spirit of the American frontier into what is now southern Alberta. They had appeared first in the vicinity of the Belly and St. Mary's Rivers in 1866, where they built a number of forts with such picturesque names as "Whoop-Up", "Stand-Off", and "Slide Out", which became notorious throughout the northwest for hard drinking and lawlessness. Liquor was smuggled across the border from Fort Benton in Montana, and traded to the Blackfeet and other tribes. For eight years the Americans dominated the country, recognizing no law but their own, and debauched the Indians. Colonel Robertson Ross and Captain Butler, sent by the Canadian authorities to make surveys of the area after the transfer, reported the open sale of liquor to the Indians. Resident missionaries such as Father Lacombe, and the Methodist, John McDougall, complained frequently and bitterly to the Ottawa authorities of the demoralization of the Indians and decimation of the tribes by whiskey traders.

(1) MacInnes, C.M. In the Shadow of the Rockies (London, 1930)p.74.
An incident occurred in the spring of 1873 which illustrates the ruthlessness of the whiskey traders. The Cypress Hills massacre was a dramatic incident, bringing to the attention of the Dominion and the eastern public very forcibly, the situation in the north-west. In May, a group of American whiskey traders came over to the Cypress Hills, where they traded whiskey and other articles to a band of Assiniboine Indians for buffalo robes. When the Indians were in the midst of their drunken orgy, the traders decided to recover the goods they had traded to them. First they picked a quarrel with the Indians by accusing them of horse-stealing, then concealing themselves in the hills surrounding the camp they opened fire on the drunken natives, Taken by surprise, the Indians offered little defence with their slow acting muzzle-loaders, and in the slaughter that ensued thirty men, women, and children were killed. (1)

The Cypress Hills massacre was not an isolated incident. Residents and travellers in the west reported similar massacres of Indians by whiskey traders. Other reports tell of murders among the Indians themselves. Colonel Robertson Ross reported that in 1871 eighty-eight Blackfeet were murdered in carousals made possible by whiskey obtained from the traders. John McDougall related that within a few miles of where he was in the winter of 1873-4 forty able bodied Blackfeet Indians were victims of drunken rows among themselves.

(1) MacInnes, In the Shadow of the Rockies, p. 71.
(3) McDougall, John, On Western Trails in the Seventies. p. 129.
By 1873, it had become evident that, unless something was done, the whiskey traders from the south would extend their operations until they covered a large section of the British North-West. Entering Canada from Montana, their forts were being pushed farther and farther north, until they reached the Elbow River. The whiskey trade had to be stopped, if the demoralization of the Indians was to be halted.\(^1\) Under Dominion law applicable to the Territories after the transfer, sale of liquor to the Indians was illegal, but there was no means of enforcing it or of keeping liquor out of the country.

The Canadian government, having been kept well informed of the situation in the North-West, passed an Act in 1873, which prohibited the importation of intoxicating liquor into any part of the North-West Territories, or its manufacture therein, without special permission of the lieutenant-governor.\(^2\) The Act made provision for the seizure and destruction of any liquor imported or manufactured in contravention of the Act, and punishment of the offender. It was hoped that the Act would prevent absolutely liquor being brought into the Territories for barter with the Indians.

In the same year, the Canadian parliament passed a bill, sponsored by Sir. John A. Macdonald, as Minister of the Interior, for the establishment of a police force in the

\(^{(1)}\) MacDougall, John, *On Western Trails in the Early Seventies.* Toronto, 1911.


\(^{(3)}\) 36 Vic., C. 39, Dominion Statute.
North-West Territories. It is interesting to know that the famous North-West Mounted Police force was formed primarily to enforce prohibition in the north-west. The first duty of the force, organized in the autumn of 1873, was to suppress the whiskey trade and prevent the smuggling of liquor into the Territories.

On July 10, 1874, a small force of two hundred-seventy-five men set out from Manitoba for the north-west. Since the chief centres of lawlessness were along the border and in the foothills of the Rockies, the main body pushed westward keeping close to the American frontier, and proceeded to the foothills. Fort Macleod was built in the closing months of 1874, and posts established at Calgary and Fort Walsh in the Cypress Hills. Colonel Macleod established his headquarters at Fort Macleod, and from there carried on a vigorous campaign against the whiskey traders. On one occasion the force seized and knocked in the heads of forty-four barrels of whiskey.

Within six months after their arrival in 1874, the Mounted Police had cleared the country of American whiskey traders, and brought law and order to the west. The smuggling of spirits from the United States was never stopped entirely, because of the inducement of large profits and the difficulty of patrolling hundreds of miles of frontier. But the police brought the traffic under control. Vigilance was still required to prevent Indians getting liquor. However, as they settled on the reserves and came under the control of Indian agents, who knew them personally, the problem became a minor one.

(2) Ibid. Also see Debates of House of Commons, Canada, 1875, Vol. I, p. 65
(3) Colonel Steele in C.S.P., 1895, No. 21, p. 187.
THE PERMIT SYSTEM IN THE NORTH-WEST TERRITORIES

1875 - 1891.
With the increase of white population, the problem of liquor control in the North-West Territories assumed a new and more complex aspect. The prohibitory Act of 1873 had been designed to protect the Indians by keeping liquor out of the Territories, but a permissive feature had been embodied in the statute to take care of the white population. Settlers, who wanted liquor, applied to the lieutenant-governor to grant them permission to import it for their personal use. At first permits were issued sparingly to persons known to the lieutenant-governor or those around him. Eventually, what was originally intended as an exception to the prohibitory feature became a rule. Permits were issued systematically, and the so-called permit system came into existence.

Section seventy-four of the North-West Territories Act of 1875 replaced the prohibitory law of 1873, and laid the legal basis for the permit system. The Act of 1873 had prohibited the importation and manufacture of liquor in the Territories except by special permission of the lieutenant-governor. The Act of 1875 prohibited the manufacture of intoxicating liquor in the Territories except by special permission of the governor-general in council. Its importation was prohibited except by special permission in writing of the lieutenant-governor of the Territories. The Act of 1875 made another important change for it stated, "nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any province in Canada or elsewhere, or be

(1) 38 Vic., C. 49, Sec. 74, Dominion Statute.
sold, exchanged, bartered, or traded except by special permission in writing of the lieutenant-governor." The addition of this phrase referring to sale enlarged the powers of the lieutenant-governor under the permit system.

Administration of the system was left entirely to the discretion of the lieutenant-governor. No rules were laid down, and no instructions were issued by the Dominion government to guide him in granting permits. The policy to be adopted, and the regulations to be made were his sole responsibility. If he chose to issue no permits, or to issue them for a specified purpose, such as for instance, medicinal and sacramental, the law would become a total prohibition measure for whites as well as Indians. The law entrusted to the lieutenant-governor absolute power to regulate the liquor supply for the white population.

One of the lieutenant-governor's first problems was to set up the machinery for handling applications for permits. Provision was made to deal with them in the office of the lieutenant-governor. Application for a permit was made to the lieutenant-governor in writing, the application stating the kind and quantity of liquor required. If the applicant was unknown to the lieutenant-governor, the latter required him to be recommended by some well-known person. This was to ensure that he was a proper person to have a permit. The permit entitled the applicant to import and have possession of a specified quantity of liquor for an unlimited time. The quantity was generally limited to two gallons, but occasionally

(1) Ibid.


(3) Ibid.
to persons whom he knew, the lieutenant-governor would allow five gallons, or even more. There was no limit by law, the quantity being left to the discretion of the lieutenant-governor. Lieutenant-governor Dewdney made it a rule to refuse anyone he knew to be incapable of using liquor properly. An effort was made to prevent persons, who were believed to have sold liquor, from getting permits, and they were refused to persons known to have sold liquor.

The express companies were not allowed to bring in liquor except under permit. Therefore the permit was sent to the firm from whom the liquor was ordered, and was returned with the liquor when it was shipped into the Territories by the express company. The permit was intended to cover only the single shipment, and was not supposed to be used a second time. The police watched the shipment of liquor, and cancelled the permit covering the supply sent in. The purchaser retained the counterfoil of the permit as a certificate that he was entitled to have liquor in his possession. Occasionally the police missed a permit, and it would be used for a second order.

Administration of the permit system became very difficult as the population increased. In a small community, the lieutenant-governor could investigate promptly any application for a permit, when the person was not known to him. But personal investigation


(2) Ibid.

(3) C.S.P., 1895, No. 21, p. 184.
became impossible, when the white population increased to twenty or thirty thousand. Therefore the practice was adopted of requiring the recommendation of a member of the North-West Council, if the applicant was unknown to the lieutenant-governor, or of referring the application to the police superintendent of the district where the applicant resided. These methods were not altogether satisfactory, however, for the elected members of the council disliked having to refuse a constituent. Some members avoided the difficulty by endorsing all applications regardless of the character of the applicant. As for referring applications to the police, people resented the police investigating and reporting on their worthiness to have a permit. The lieutenant-governor did his best to administer the system fairly and efficiently, and to prevent the abuse of permits. However, he could not avoid making enemies. Many, who were refused permits, harbored a feeling of personal grievance, and charged the governor with discriminating against them.

The lieutenant-governor's task of administering the system was rendered more difficult by division of opinion in the Territories as to the original intention and the present purpose of the Act of 1875. The prohibitionists argued that the intention of the Act was to give the country virtually a system of prohibition. If the people did not enjoy the full benefits of

(1) Ibid.
(2) Ibid.
prohibition, it was attributed to the perversity of the lieutenant-governor in ignoring what they declared was the purpose of the law. It was intended, they said, that prohibition should be the rule and permission the exception, and that permits should be issued only for medicinal and sacramental purposes. The anti-prohibitionists, on the other hand, argued that parliament had no intention of imposing prohibition on the white inhabitants, but that the purpose of the Act was simply to give the Indians protection against the introduction of liquor into the Territories.

On this controversy, the law does not seem to support the prohibitionist claims. Had the intention of the Act been merely to make the law prohibitory, the language of the statute would have been different. The exemptions to be made by the lieutenant-governor would have been carefully mentioned, and separately stated. Nowhere in the Act, however, is mention made of any purpose for which liquor should be imported by permission. Nothing in the Act supports the contention of the prohibitionists that parliament intended that liquor should be imported only for medicinal and sacramental purposes. Nevertheless, the prohibitionists continually complained that the lieutenant-governor was too lenient in granting permits.

(1) C.S.P. 1895, No. 21, p. 192.


(3) C.S.P. 1895, No. 21, p. 192.
Enforcement of the law proved even more difficult than administration. Semi-legal abuses crept into the system, and fraud in the use of permits became quite a common occurrence. One fraudulent practice was to arrange with the firm supplying the liquor to disguise the shipment by enclosing it along with the permit in a container ordinarily used for other goods such as candles or soap. If a police officer opened the package, the permit protected the liquor, but, if the order was undetected, the permit would be used a second time. In spite of precautions, persons who were actually dealers in liquor, got permits. The lieutenant-governor tried to prevent the transfer of permits, but his efforts were nullified by a ruling of Judge Rouleau at Calgary, the effect of which was to make counterfoils transferable. Transferance of permit counterfoils enabled persons to protect a large quantity of liquor actually being held for sale.

Smuggling constituted an almost insuperable obstacle to the enforcement of the prohibitory law. From the south and west smuggling reached enormous proportions. By the southern route, whiskey of the poorest quality purchased in Montana was carried in wagons across the prairie to Regina, Calgary, and Macleod. From the west, it entered by Donald and other outposts in British Columbia. The latter was under

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(1) *G.S.P.*, 1895, No. 21, p. 188.
(2) *G.S.P.*, 1894, No. 21, p. 381.
(3) Ibid. p. 230.
license, so liquor could be procurred at outposts in that province close to the frontier and smuggled into the Territories (1) by rail. Even the wide powers given to the Mounted Police to stop and search any vehicle and to destroy on the spot any liquor found, and to seize and hold any horses and vehicles used in smuggling for confiscation by the Crown, (2) was not sufficient to stop the illegal traffic. Profits were so high that men were ready to take the risk involved. It was reported that whiskey could be purchased at Benton, Montana for four dollars a gallon, and retailed at Calgary and Macleod at ten dollars a bottle. The extent of the task facing the police in dealing with smugglers from the south may be judged by the fact that Inspector Norman's detachment patrolled a district covering nine hundred miles along the boundary.

The coming of the railway in 1883 increased the difficulty of dealing with smuggling. Smugglers brought liquor in both by freight and passenger trains. They showed considerable ingenuity in concealing it about the train. Kegs of liquor were attached to cars or suspended before the locomotive to be dropped off at convenient places where confederates pick them up. It was concealed in the staterooms of sleeping cars or hidden in

(2) 36 Vic., C. 49 Sec. 74, Dom. Statute.
(3) 51 Vic., C. 19, Sec. 18, Dom. Statute.
(4) C.S.P. 1895, p. 197.
(5) Ibid.
pullman berths. Freight trains from the west brought liquor in carloads of lumber and hogs. From the east it came in barrels of sugar and salt. Barrels arrived with bottles of soft drinks at each end and whiskey in the centre. Liquor masqueraded under the labels of fruit, jam and pickles. There seemed to be no end to the devices employed by smugglers, for liquor was sealed up in the shells of eggs, and put into containers made to represent bibles and prayer books. Every train had to be searched by the police at the first stopping place inside the Territories. Complaints from through travellers of police search became so numerous that the right to search pullman cars was taken from them. Frequently large seizures of liquor were made and the contraband destroyed, but a great deal of liquor got through the police cordon.

Smuggling was accompanied by the sale of liquor in hotels and refreshment places along the line of railroad. The police were given extensive powers to deal with sale of liquor. They had the power, upon information or upon reasonable grounds of suspicion, to enter any premises including a private dwelling and search for liquor. Any liquor not covered by permit could be seized and destroyed on the spot. Nevertheless, the police

(1) C.S.P. 1895, No. 21, pp. 193, 197.
(2) MacInnes, C.M. In the Shadow of the Rockies, p. 106-7.
(3) C.S.P. 1895, No. 21, p. 197.
(4) Ibid. p. 193.
found it very difficult to enforce the law against sale of liquor, because of the abuse of permits. An hotelkeeper, with a circle of friends, could procure enough permit counterfoils to protect the liquor he kept for sale, if the police should search his premises.

The greatest obstacle to enforcement, next to smuggling, was the lack of public co-operation. The majority of citizens were opposed to the law, and therefore had no sympathy with the police in their efforts to enforce it. Drinking people regarded the law as unwarranted and tyrannical. They disliked the inconvenience of having to apply to the lieutenant-governor for permission to procure liquor. They asked why the lieutenant-governor should have the power to discriminate between them and decide who was entitled to liquor. They resented being treated from differently than people in the Canadian provinces, and being subjected to a law made by a government a thousand miles away. Many considered that the people of the Territories should have the right to determine for themselves whether or not liquor should be imported and sold in the Territories. Because they disapproved of the law and considered it unwarranted, people who normally were law-abiding citizens, broke the liquor law with little or no compunction. The police power of domiciliary search, without a warrant, was resented by respectable people, who for some reason came under suspicion. Everywhere the police found them-

(1) G.S.P. 1895, No. 21, p. 189.
(2) Begg, Alex, History of the North-West, Vol. 2, p. 178, (Toronto, 1894.)
(3) G.S.P. 1895, No. 21, p. 190.
(4) Ibid.
selves unpopular, and their efforts to enforce the law obstructed.

The police found it exceedingly difficult to secure evidence in liquor cases. Citizens would not give evidence unless compelled to do so. Even the subpoenaing of witnesses, in cases against hotelkeepers for sale of liquor, resulted in public meetings of protest in some communities. Local justices of the peace were reluctant to convict, and wherever possible the verdict was in favor of the accused. Public feeling was so strongly against the law that in some towns a man was regarded as a martyr if arrested for a breach of the Act. In the long run, the police failed to enforce a law, in which many of them did not believe, and which was against the public opinion of the Territories.

The permit system had some unfortunate social consequences. Since people frequently found it difficult and inconvenient to get permits, liquor of high alcoholic content was usually imported. Spirits were more commonly used also, because of the high freight rate on beer, and the difficulty of shipment in the winter months. In many prairie communities, the unfortunate custom developed of making the periodic arrival of a quantity of liquor on permit the occasion for a drinking bout. Friends of

(1) Ibid. p. 189.
(2) Ibid. p. 192.
(4) C.S.P. 1895, No. 21, p. 189.
the permit holder would gather to consume the liquor at a single sitting. Drunkenness and disorders were the outcome of these periodic carousals. When permit or smuggled liquor was not available, the hard drinkers used compounds in which alcohol and drugs were the principal ingredients. Red ink, eau de cologne, Florida water, and other concoctions were drunk with unfortunate results. It was generally acknowledged that the quantity of poor quality whiskey smuggled into the country greatly exceeded the amount of liquor brought in under permit. The inconvenience of procuring liquor legally, and the large quantities of smuggled raw whiskey consumed, caused a greater abuse of liquor than would have occurred under a different system.

After administering the permit system for a considerable number of years, Lieutenant-Governor Dewdney concluded that the system was a thoroughly obnoxious one. He found that no matter how hard he tried to avoid favoritism, the system made enemies for the lieutenant-governor. He tried various ways of ensuring that only the proper persons got permits, but he found it impossible to prevent persons who abused them from being recommended. When it became known that some not-too-respectable person had obtained a permit, worthy people, who had been refused, had a grievance. Furthermore, the lieutenant-governor freely admitted that the prohibitory law and the permit system failed to keep liquor out of the country, despite utmost exertion by the Mounted Police. He was convinced that the time had come for a change,

(1) Ibid. p. 192.
(2) Ibid.
and that no change could be worse than the existing system.

When Joseph Royal succeeded Dewdney as lieutenant-governor of the Territories, in July, 1888, he strove to check the abuses of the permit system by new regulations. Three new rules were adopted in dealing with permits. No application for a permit was allowed unless accompanied by a recommendation from a member of parliament, a member of the legislature, or a well-known citizen of standing and respectability. No application was granted to anyone once convicted of abusing a permit. Finally, when applications were unrecommended or in the least doubtful, police officers were requested to investigate and send in a written report on the character of the individual. In spite of these precautions, permits frequently fell into the hands of people who were unworthy, and abuses persisted. Royal agreed with Dewdney that the permit system was highly unsatisfactory, being difficult to administer and almost impossible to enforce. He hoped that the Dominion government would amend the law, and introduce a more satisfactory form of control.

Notwithstanding the regulations to prevent abuses, the number of permits issued increased during Royal's regime. The increase resulted partly from an increase in population, and consequently a greater demand for permits. But it appears that


(2) C.S.P. 1894, No. 21, p. 464-465.

(3) Ibid. p. 462.

(4) Ibid. p. 466, infra appendix p. 176.
Royal's policy was deliberately to issue more permits in an effort to reduce the use of smuggled liquor. By making it easier for the proper persons to procure liquor legally, he hoped to limit the sale of spirits in the Territories. His practice, evidently, was to grant permits to applicants properly recommended, and not to withhold permission merely as a prohibition measure to limit the quantity of liquor brought into the Territories.

The most radical departure in Royal's policy was the introduction of a license system for the sale of beer. The Act of 1875 had stated that no intoxicants were to be imported into the Territories, or be sold, exchanged, traded, bartered, or kept in possession except by written permission of the lieutenant-governor. Clause seven of the North-West Territories Act (1875) also stated that the lieutenant-governor, by and with the advice of the council of the North-West Territories, was empowered to make, ordain and establish ordinances relating, amongst other things, to the licensing of inns and places of refreshment. The policy of the lieutenant-governors before Dewdney was to refuse all applications for licenses to sell intoxicants. In 1884, Lieutenant-Governor Dewdney had issued permits to refreshment places to sell only "temperance" beer with an alcoholic content below that regarded as intoxicating. In addition to this "near" beer, they had been selling a hop beer manufactured in the Territories, which by Inland Revenue regulations was not to exceed a minimum alcoholic content. Thus Dewdney had established the rudiments of a licensing system, but no beverages classified as intoxicating were legally sold.
Royal decided to go a step further and issue to hotelkeepers only permits to import and sell a four percent beer.

Royal's decision to license the sale of beer appears to have been connected with his efforts to check the abuses of the permit system and obviate some of its disadvantages. In response to a public demand for relaxation of prohibition of sale, Royal was prepared to make a concession to the extent of permitting the sale of a light beer. By licensing its sale, he hoped not only to promote the sale of beer as a substitute for spirits, but to encourage the opening of good hotels. The new policy was also intended to reduce the demand for permits to import spirits and to curtail smuggling.

Royal apparently based his authority for permitting the sale of beer on the provisions of the Act of 1875 referring to the licensing of inns and places of refreshment, and more specifically on the section of the prohibitory law referring to the sale of intoxicants in the Territories. Since the lieutenant-governor had the power to dispense with the prohibition of importation, he probably argued that he had the right to grant exemption from the prohibition of sale. Royal's interpretation of the Act, and of the system established by his predecessor, according to his own evidence, was that all power generally vested in licensing bodies was centralized in the hands of the lieutenant-governor. When the system was changed by the Act of 1875 to include the sale as well as importation, it became, in Royal's opinion, in reality a

(1) C.S.P. 1894, No. 21, p. 465.
limited license law without the safeguards customarily surrounding such a system. In acting in accordance with this interpretation of the Act, Royal appears to have been within his legal rights, but to have gone beyond the original intention of the law. The replies of earlier lieutenant-governors to requests for licenses to sell alcoholic beverages, indicate that the sale of liquor had not been contemplated. In response to public opinion, Royal decided to act on his own initiative, and inaugurate the system after confirmation of his plan by Ottawa.

Royal's plan was carried through with the approval of the Dominion government. In July, 1888, he drew up the details of the plan even to the extent of the form of application, the permit, and regulations. These he forwarded to Ottawa, and then followed himself to arrange with the Department of Inland Revenue for permits to import beer into the Territories. On August 2, 1888, Sir John A. Macdonald wrote to Royal expressing his approval of the plan, but stating that, if any objection were taken, it would have to be discussed in full council in September. Apparently there were no objections, for in August the importation of four percent beer began. The plan adopted was to issue to hotelkeepers permits allowing them to import four percent beer for sale on

(1) C.S.P. 1894, No. 21, p. 462-3.
(2) Ibid. p. 465.
(3) Dept. of Int. N.W.T. 1891, file no. 265213, transcripts of Correspondence with Department of Interior, Saskatchewan Archives, p.52
(5) C.S.P. 1894, No. 21, p. 466.
their premises. The regulations were designed to prevent abuses, and covered such matters as the character of the applicant, the days and hours of sale, the accommodation required in the hotel, etc. Permits had to be renewed frequently, and if disorders or breaches of the regulations occurred, permits could be cancelled. The duty of supervising the licensed premises was entrusted to

(1)

the Mounted Police.

Royal's four percent beer policy caused a furore throughout the Territories. The prohibitionists were particularly vocal in protest, for licensed sale of beer, they saw another breach in the prohibitory system. Others, while not opposed to sale of beer, believed that Royal had exceeded his powers, and that the matter of licensing should have been left to the people to decide at the election of July, 1888, or to the newly elected legislative assembly. However, among the majority of the drinking public the policy was popular.

There is no conclusive evidence that the licensed sale of beer had the effect Royal anticipated of reducing the amount of spirits consumed or curtailing smuggling. Official returns show that the quantity of spirits imported on permit took a sudden jump in 1889, and continued to increase after that date. Some Mounted Police officers were of the opinion that there was a reduction of smuggling, but there is no conclusive evidence of this.


(2) The Saskatchewan Herald, Aug. 18, 1888, Published at Battleford by P. G. Lawrie. First published 1878.

There is evidence that plenty of smuggled liquor was being sold, frequently in the hotels licensed to sell four percent beer. The effect of the beer plan was a debatable question between prohibitionists and easy liquor men. All we can safely say is that there was a tremendous increase in the amount of beer imported, and that the drinking public in general welcomed the system.

In spite of Royal's efforts to make the permit system work, people in general were thoroughly disgusted with it by 1889. The system was a failure, everybody wanted a change, but there was a division of opinion in the Territories as to what should replace it. Prohibitionists wanted the permissive feature suspended, and the issue of all permits except for medicinal and sacramental purposes discontinued. The drinking public and the moderate temperance people wanted the prohibitory law repealed, and a regular license system for all liquor introduced. However, neither group could procure the change they desired in the law without appealing to the Dominion government.

The government at Ottawa, however, was reluctant to tamper with the Act of 1875. The strong temperance and prohibition movement that had culminated in the Canada Temperance Act of 1878 was still a powerful force in eastern Canada. Prohibitionists there tended to regard the Territories as an experimental ground for prohibition legislation and were anxious to keep the license system out of the Territories and preserve what remained of the

(1) The Saskatchewan Herald, Feb. 11, 1888.
(2) 41 Vict. C.19. gave cities and counties the power, by a vote of the electors, to prohibit the sale of liquor within their limits.
prohibitory system. They aided and abetted the prohibition group in the Territories, and kept up the pressure on the Ottawa government to continue prohibition of manufacture, importation, and sale in the north-west. In 1888, Sir John A. Macdonald told a Calgary delegation requesting a plebiscite on the liquor question in the Territories, that the temperance element in the House of Commons was so strong that he did not think such a measure would pass. The fact is that prohibition was a controversial issue, which the Macdonald government preferred to avoid. Politically the safer policy was to let the law stand, and have the lieutenant-governor assume the responsibility for relaxing the prohibitive features. He would incur the hostility of prohibitionists and the license group alike, but it would prevent the Macdonald government from becoming too unpopular with eastern prohibitionists.

It was natural, under the circumstances, that the liquor question should become a political issue in the Territories. Prohibitionists relied upon their friends in eastern Canada to maintain pressure on the Dominion government to retain the prohibitory law whilst they strove to procure a measure of complete prohibition. On the other hand, the opponents of prohibition demanded for the Territories jurisdiction over liquor legislation so that they might repeal the law and introduce licensing. Consequently the agitation for a license system became associated with the movement for provincial powers. In the North-West Council there were prohibitionists and advocates of license.

(1) The Saskatchewan Herald, April 14, 1888.
Two prominent members, Mr. Turriff and Mr. Frank Oliver, were associated with the North-West Prohibitory Alliance, the object of which was to secure prohibition of the use of intoxicants in the Territories, and provide the machinery for enforcing the prohibitory law. Mr. Haultain was prominent in a majority group in the council working for repeal of the prohibitory law. This group had carried a resolution in the Council, pointing out that the permit system was unsatisfactory, and requesting that sections of the North-West Territories Act referring to prohibition of intoxicants be repealed. It requested, as well, that powers over liquor legislation, similar to those of the provinces, be granted to the council. The resolution was forwarded to the Dominion government, but no action was taken.

In the spring of 1888, the agitation for provincial powers over liquor legislation received a new impetus as the result of an important political development in the Territories. In that year, the Territories reached a new stage in their evolution. The council had twenty-one elected members, and in accordance with the Act of 1875, they constituted a legislative assembly. It was now felt more strongly than ever, that the time was ripe for the Territories to control their own affairs, including liquor legislation. The agitation for provincial

(1) Hawkes, John, Saskatchewan and Its People, Ch. 71.
powers, which now continued with even more vigor, was accompanied by a demand for the end of the permit system and adoption of the licensed sale of all liquor. During the election of members to the first legislative assembly in the summer of 1888, only a few candidates took a definite stand on prohibition versus license, but the majority pledged themselves to have the question submitted to the people by referendum.

The question of prohibition versus license came up at the first session of the legislature, which met on October 31, 1888. Two opposing views soon appeared. The prohibitionists wanted the question of future liquor policy submitted to a vote of the people. The license party wanted the matter decided by the Territorial assembly, if and when the Dominion government granted it the necessary power. A committee of the assembly appointed to consider the question recommended that a vote be taken. The question then arose whether or not the assembly had the power to make provision for a vote. The legal experts decided that the assembly did not have the necessary power. Therefore, the license advocate endeavored to secure a resolution requesting that the Dominion government give the assembly full power to deal with the liquor question in the Territories. The prohibitionist would not accept this, however, without the inclusion of a clause requesting the Dominion government to make provision for a plebiscite on prohibition or

(1) C.S.P., 1895, No. 21 p. 201.
(2) Ibid. p. 181-2.
(3) Journals of the Legislative Assembly, 1888-89, p. 19. The vote was 14-6.
license, as soon as possible. In order to avoid a deadlock, the
license party accepted the compromise resolution, which declared
that, if the Dominion parliament did not make provision for
a plebiscite at its next session, powers similar to those of a
province should be granted to the Territorial assembly, to enable
it to deal with liquor legislation. Nothing came of the request
for a vote, partly it would seem, because Royal and Macdonald
were opposed to a plebiscite, and believed that the assembly
should decide the issue, when granted the necessary powers.

The explanation for the strong stand of the prohibitionists
is to be found, to a large extent, in the position of the rival
groups in the first legislative assembly. As the situation stood
at the end of 1888 the prohibitionists would be out-numbered in
a straight assembly division on the liquor question. They feared
that, when the assembly was granted the legislature on the sale of
liquor, the license group would put through a license bill. If,
however, they could secure a majority for prohibition in a
plebiscite, the members would be obliged to carry out the mandate
of the people. Meanwhile, until a plebiscite was held, they
hoped to maintain the prohibitory law with the aid of eastern
prohibitionists. The advocates of license, on the other hand, urged
that the peoples' representatives in the assembly decide the issue
of license versus prohibition themselves. While not opposed the assembly

(1) Royal to Macdonald, Dec. 3, 1888; Sir John A. Macdonald Papers,
Royal-Macdonald Correspondence, P.A.C., Transcripts in the
Saskatchewan Archives, p. 39-40.

(2) Ibid., p. 44.

(3) Ibid. See also C.S.P., 1895, No. 21, p. 180-2.
being given the power to deal with the liquor question, the prohibitionists insisted that a plebiscite be held before the assembly decided future policy.

By 1891 the Dominion government was willing to be relieved of the troublesome Territorial liquor problem. On September 30, 1891, the Canadian parliament passed an act to amend the North-West Territories Act. It gave the assembly power to repeal all the provisions of the Act relating to the prohibition of intoxicants, and the same powers as a province to license the sale of liquor. Thus, under the Act as amended, control of the liquor traffic in the portions of the Territories organized into electoral districts was vested in the lieutenant-governor and his assembly and council. The assembly now had the power, if it chose, to end the prohibitory law and the permit system.

The essence of the permit system was the attempt made to impose upon the white population of the Territories partial prohibition by entrusting to one individual absolute power to control the liquor supply. The prohibitory feature of the law was intended to protect the Indians, while the permissive feature was designed to mitigate its effect upon the white population.

(1) 84 Vic., C. 22, Sec. 19,
(2) Ibid, Sec. 95.
(3) C.S.P. 1895, No. 21.
population. The law gave the lieutenant-governor absolute power to dispense with the prohibition of importation. How he exercised this power, and to whom he granted exemptions, and for what purpose was left entirely to his discretion. His action, so far as permits were concerned, was in no way circumscribed. But in granting permission to import and have possession of liquor, he obviously had to discriminate between individuals, and decide who should and who should not have permits. If he failed to discriminate, the system would have had no purpose. The only alternative would have been to grant permits to all who applied. If that had been done, the obvious purpose of the Act to prohibit liquor being brought in for sale, would have been defeated. However, the operation of the system was obviously limited by the inability of the lieutenant-governor to investigate all applications personally, and to distinguish between those who should and those who should not have permits.

No satisfactory system was devised for ensuring that only proper persons got permits or of preventing discontent. It was humanly impossible for an individual to administer such a system efficiently without causing a great deal of dissatisfaction. An elaborate system of safeguards might have eliminated a few more abuses, but a great many people would have been dissatisfied. The attempt to exclude all but permit liquor was a failure. The system became fundamentally unsound as soon as population increased beyond a few thousands.

The permit system failed not only because of
administrative difficulties, but because of the impossibility of enforcement of the prohibitory law. The vast extent of frontier to be patrolled, and the great expanse of thinly populated territory to be policed made it physically impossible to prevent smuggling. Smuggling nullified the efforts of the lieutenant-governor to limit the amount of liquor in the country by requiring permits to import it. Only a very small proportion of the liquor coming into the Territories was covered by permits. While smuggled liquor was available, and the transfer of permit counterfoils was regarded as legal, it was almost impossible for the police to check the sale of liquor. People wanted liquor, and were determined to have it, without permit if need be. The smuggler and the saloon-keeper did a flourishing business, in which they were screened by the drinking public. Public opinion was definitely against the law. People, who were law abiding in every respect, would not co-operate in enforcement of a law they considered unwarranted and unworkable. A prohibitory law that has not whole-hearted public support can be enforced, if at all, only by a very large number of enforcement officers, and by vigorous use of police techniques, distasteful to all classes of people. A law that cannot be enforced effectively, and is consistently violated soon falls into disrepute. Such was the fate of the prohibitory law under the permit system.

There was almost universal agreement in the Territories that the permit system must go, but there was division of opinion on future policy. Now that the legislative assembly had the power to deal with liquor legislation, the issue could be settled
there. At the anticipated general election of members to the legislative assembly in the fall of 1891, prohibition versus license would probably be an issue. However, the prohibitionists had not given up hope of a plebiscite, whilst the license party were determined that the assembly should decide the question. At any rate, with the removal of constitutional limitations, the people of the Territories had the power to determine their own liquor policy, either by direct vote or by their choice of candidates in the election, whether a plebiscite was held or not.
THE LICENSING SYSTEM IN THE NORTH-WEST TERRITORIES

and

SASKATCHEWAN

1891 - 1915.
The people of the Territories no sooner acquired the constitutional power to determine their own liquor policy than they resolved to try an experiment with licensing. In spite of the heroic efforts of the prohibitionist minority, the exponents of license had a majority in the assembly of 1891. With little opposition, they speedily put through the Liquor License Ordinance giving the Territories a licensing system similar to that of the Canadian provinces. Its most conspicuous feature was the licensed premises with its open bar. In contrast to the permit system, under which beer only was drunk legally in hotels, all intoxicants including spirits were served by the glass across the public bar. Barroom drinking stands out most vividly in the popular mind as characterizing the licensing period. It was the barroom drinking, too, that was to discredit the license system, and bring the entire liquor traffic into disrepute. People were to give the system a twenty-three year trial before abandoning it. By that time they had concluded that, whatever advantages it might have from the standpoint of the administrator, it failed to control drinking, and to check drunkenness and restrain intemperance.

The license law of the Territories was based on the control principle of high license. In exchange for the payment of a certain annual fee, and compliance with regulations laid down by the government, hotels were given the right to sell liquor by retail, while licenses were granted to stores for the

sale of liquor in bottles, or larger wholesale quantities. The license gave the holder no proprietary right, and was regarded as a privilege subject to withdrawal for an offence against the license law. The high license fee, representing a considerable investment, was regarded as an inducement to the licensee to comply with the regulations.

The Liquor License Ordinance divided the Territories for administrative purposes into liquor license districts, for each of which a board of three commissioners was appointed by the lieutenant-governor in council. The board of commissioners in each district appointed one or more license inspectors, while a chief inspector, appointed by the lieutenant-governor in council, supervised the entire system for the Territories. Licenses were issued to hotels, restaurants, and wholesale liquor stores under the direction of the board of commissioners (1) for the district in which the premises was located. The board of commissioners sat during the month of May to consider applications for licenses. At this meeting, the board had the power to fix and define the conditions and qualifications required to obtain wholesale and hotel licenses, not contrary to or inconsistent with, the provisions of the Ordinance, to make provisions for regulating the premises to be licensed, and to define the duties and powers of the license inspectors for the district. (2)

(1) Ibid, Secs., 4, 5, 6.
(2) Ibid, Sec. 11.
In framing the license law, the Territorial legislators were earnestly resolved to mitigate the evils of the bar, by embodying in the Ordinance every possible precaution to ensure that only proper persons were granted licenses. Accordingly, the Ordinance laid down the qualifications required of the applicant, and the procedure to be followed in making application. If the premises for which a license was sought lay outside a town municipality, the applicant was required to produce the signature of ten of the twenty householders nearest to the premises approving the application. He was also required to submit affidavits that he was of age, had never committed a felony, and was a man of good moral character and temperate habits. As an additional safeguard, a bond consisting of two sureties of two hundred and fifty dollars each was demanded of the applicant. He was required, as well, to produce a certificate from the municipal clerk approving the application. In addition to the license fee of two hundred dollars, he was required to pay five percent of that fee into the Territorial prosecution fund.

To provide additional safeguards, the procedure for dealing with applications was set forth in the Ordinance. When an application for a hotel license was received by the

(1) Ibid, Sec. 24.
(2) Ibid, Sec. 15.
(3) Ibid, Secs. 15 and 47.
(4) Ibid, Secs. 15 and 47.
chief license inspector, he was to insert advertisements in the newspapers of the district for which application was being made. He was also to send notice to the inspector of the district, along with the relevant papers received from the applicant. The inspector proceeded to inspect the premises and make a report. His report gave a description of the premises, a statement of whether the applicant was a fit person to have a license, and his opinion as to whether the premises was required for public convenience. The inspector's report was produced at the meeting of the board of commissioners, along with all the papers sent by the chief license inspector. On the basis of these documents, and other information, the board decided whether to grant or refuse the license.

As a further precaution against having licensed premises established where they were undesirable, and to restrict their numbers, provisions were made for objections to granting licenses, and for limiting the number of licenses issued. Objections could be taken, if made by seven or more of the twenty householders residing nearest the premises in a municipality for which a license was sought. Objection might be taken on the grounds that the applicant was of bad fame and

(1) Ibid, Sec. 14.
(2) Ibid, Sec. 17.
(3) Ibid, Sec. 27.
(4) Ibid, Sec. 31.
character, or of drunken habits, or had previously forfeited his license. It might be held that licensing of a premises was not required in the neighborhood, or that the quiet of the place would be disturbed by a licensed premises. These were only a few of a number of grounds for objection. Each protest was heard by the board of commissioners for the district, and if the application for a license was refused no license could be granted within two years of the date of refusal. Furthermore, the number of licenses in any municipality was limited by law. Not more than two licenses might be granted in towns and municipalities where the population did not exceed five hundred, and no more than one additional license for each additional five hundred of population. Wholesale and restaurant licenses were granted only in towns and cities, and their numbers likewise were limited.

Further regulations inspired by experience elsewhere were intended to limit abuses in the actual sale of liquor at the bar. No liquor could be sold on Sundays or election days, but the hours were practically unlimited. The licensee could refuse admittance to an intoxicated person, and he was prohibited from selling him liquor. A licensee who permitted gambling,

(1) Ibid, Secs. 23, 26.
(2) Ibid, Sec. 24.
(3) Ibid, Sec. 60 to 79.
drunkenness or disorderly conduct on his premises was liable to a fine. In drawing up the regulations governing licensed premises, the legislators no doubt had before them the ideal of the orderly inn. By giving hotels the privilege of selling liquor, it was hoped to eliminate the saloon, and make its sale incidental to providing meals and accommodation to the travelling public. But in attempting to satisfy the abstainers, who regarded drinking as a social evil to be made as unattractive as possible, all attractions were removed from the bars except alcoholic drinks. No playing cards, billiard tables or games, which abstainers considered might lure people into the bars, were permitted. Furthermore, the bar, instead of becoming a normal adjunct to provision of meals and accommodation, was isolated by regulation from the rest of the hotel premises. Consequently the bar became simply a drinking place, and never acquired the characteristics of an orderly English inn. It would probably have been impossible to realize this ideal, at any rate, for drinking was done in a standing position, and the favorite alcoholic beverage was spirits, served in unlimited quantities across the bar. Such a system was certainly not conducive to moderate, leisurely drinking.

To give individuals and communities additional protection against the evil consequences of barroom drinking, the Ordinance contained other provisions relating to interdiction and local option, which either remained inoperative or (1) proved ineffective. While the principle of interdicting

(1) Ibid, Secs. 92 to 104, Sec. 48.
habitual to protect them against their own weakness, and to safeguard their families was a good one, getting an interdiction order and enforcing it was a difficult problem. As for the local option clause permitting electors to prohibit local sale of liquor, it never became operative in its original form.

The Attorney-General was the obvious person to carry out the duties of the lieutenant-governor in council in administering the Ordinance, and the chief license inspector became in effect an officer of the Attorney General's department. The work was done through the Liquor License Branch of his department. In 1907 an important change was made when the board of commissioners for each district was abolished, and a provincial board of three members was set up. This board dealt with all applications in the province, while the Attorney-General appointed the license inspectors for each district, and fixed their fees and prescribed their duties.

Enforcement of regulations governing licensed premises was the responsibility mainly of the license inspectors for each district, acting under instructions from the chief license inspector. They were to visit and inspect every licensed premises in the district and report infractions. It was their duty to institute proceedings for violations of the Ordinance. Information was to be laid before a justice of the peace within thirty days, and hearing and determination could

(1) *Statutes of Saskatchewan*, 7 Ed. VII (1907), C. 14, Sec. 5.
(2) *Liquor License Ordinance*, 1891-2, Sec. 87.
be before two justices of the peace. Justices of the peace were required to endorse the license with the record of conviction, and to notify the Attorney-General in writing of all convictions they made. Convictions of all licensees were entered in the register of licenses in the Attorney-General's office. The license was forfeit on a second conviction, and disqualified the person from obtaining another for three years thereafter.

Police officers, as well as license inspectors, were given full authority and wide powers to deal with all violations of the licensing ordinance. They had the power to enter and search, without a warrant, hotels and places where refreshments were sold, whether licensed or not, when it was suspected that liquor was being sold without a license or kept for sale. Furthermore, a justice of the peace upon information might issue a warrant to an enforcement officers empowering him to search a dwelling place for liquor. Any liquor suspected of being held for sale might be seized and confiscated by court order. The municipal police had the same powers as the Mounted Police and the license inspectors to supervise licensed premises and deal with violations of the Ordinance.

From the viewpoint of the lawyer and the administrator, the license ordinance was a distinct improvement on the permit system. Under the permit system the chief problem had been

(1) Consolidated Ordinances of the N.W.T., 1898, C. 89, Sec. 107.
(2) Ibid, Sec. 111.
(3) Liquor License Ordinance, 1891-92, Secs. 80, 81.
one of administration and enforcement. Enforcement was still a problem under license, but it was not unmanageable. Smuggling was almost completely eliminated by licensing, and bootleg sale became a less serious problem. As the number of licensed premises increased, the small force of license inspectors and police could not supervise them closely enough. Risk of forfeiture of license was not sufficient to deter some bar proprietors from violating the regulations. The record of convictions in the register of the Attorney-General's department shows convictions for selling during prohibited hours, sale to intoxicated persons, minors, and interdicts, permitting drunkenness on the premises, etc. It was inevitable that infractions such as these should occasionally occur. Nevertheless, enforcement was by no means an insuperable obstacle, such as it had been under the permit system, and at the outset unlicensed sale was not a serious problem. Granting a license, charging a high license fee, and withdrawing the privilege of sale for repetition of an offence did afford the authorities quite an effective lever of control. License revenue and payments into the prosecution fund paid the cost of administration and enforcement, and left the government with a substantial surplus. It is not surprising, therefore, that those charged with the responsibility of making the laws, administering, and enforcing them, should look favorably upon the system.

Social reformers, however, took exception to the whole Ordinance, for the distinctive feature of the licensing system
in their opinion, was the public bar and the encouragement it gave to intemperance. Licensed sale multiplied the number of drinking places, and placed temptation in the way of all potential drinkers. Certain features of the open bar encouraged convivial drinking and over-indulgence. Since spirituous liquor was the favored beverage, and no restriction was placed on the quantity any individual might purchase, alcoholic excess was inevitable, and the custom of "treated", which became a feature of barroom drinking, was rightly blamed for much drunkenness. Regulations governing the sale of liquor at the bar and conduct of customers were powerless to prevent men wasting their time and money, injuring their health, and bringing unhappiness to their families through intemperance. Social reformers condemned licensing for maintaining the bar, and protecting those engaged in what they regarded as an immoral traffic.

Prohibitionists speedily took up this challenge to the social order. They were determined to secure total prohibition, but, while fighting for it, to seek every possible means of controlling drinking and curbing the liquor traffic. They pointed to the prevalence of drunkenness under licensing as proof that it did not control the sale and use of liquor effectively. Through prohibitionist efforts, the legislature in 1895, passed a resolution requesting the Canadian parliament to take a plebiscite to determine if the people of the Territories favored a Dominion law prohibiting sale, importation, and
manufacture of liquor in the Territories. In 1898, the Canadian government, in response to demands from prohibitionists throughout Canada, held a national plebiscite on prohibition, in which the people of the Territories gave a majority to prohibition on a national basis. However, the total vote on the question was so small throughout the Dominion that the Canadian government decided no action was warranted, although there had been a majority for prohibition in all the provinces but one.

Notwithstanding, the prohibitionists brought the issue back to the legislature at Regina on June 12, 1901, when William Dr. Elliott introduced a resolution declaring that existing restrictions on intemperance were not sufficient, and that total prohibition was a more effective way of dealing with the evil. Most of the members, including Mr. R. E. Bennett and Mr. Haultain, did not agree with the resolution, and declared that, even if prohibition were desirable, public opinion would not support it. The resolution was defeated, but an amendment declaring that the interests of temperance would be promoted by a state monopoly of the liquor traffic was carried by a vote of sixteen to nine. It is evident that the majority of the

(1) Journals of the Legislative Assembly of the North-West Territories, 1895, First session, p. 76-77.
(2) "Liquor Legislation", Encyclopedia Britannica, 14th Edition, XIV, p. 194. Total vote approximately 500,000 in a population of 5,500,000, 278,330 votes for, and 264,693 against.
(3) Journals of the Legislative Assembly of the North-West Territories, 1901, p. 78-79.
peoples' representative considered prohibition either undesirable or impracticable, but that the license system was not regarded as satisfactory, and they were looking for an alternative method of control.

Meanwhile, the prohibitionists had to be satisfied with a series of palliative measures. The most important of these was a local option amendment clause. The local option provisions of the original Ordinance had remained inoperative. However, in response to prohibitionist pressure, the legislative assembly amended the Liquor License Act in 1908 to bring in local option on the basis of municipalities. According to the new provisions, the council of any city, town, or rural municipality was authorized to pass a by-law prohibiting the sale of liquor within its limits. The council had first to submit the by-law to a vote of the people, but it was to be submitted only upon receipt of a petition from twenty-five percent of the qualified voters requesting it. The council passed the by-law if it received a majority vote, and it could not be repealed for at least two years. The board of license commissioners could issue no license in a municipality having such a by-law.

Local option by-laws did not prove as effective as the prohibitionists had anticipated. The law prohibited the sale of liquor within the municipality, but it did not prohibit possession of liquor except under certain circumstances.

(1) Statutes of Saskatchewan, 8 Ed. VII (1908), C.14, Secs. 138, 139.
Residents might order liquor to be sent in by express from a wholesale store outside the municipality. The Attorney-General interpreted this as being legal, since payment was made outside the municipality. Local option eliminated the bar and the wholesale liquor store, but it opened the door to unlicensed sale. Not infrequently the bootlegger took the place of the licensed vendors, and sold liquor shipped into the municipality for that purpose. The work of enforcement was made considerably more difficult for officers were kept busy trying to exclude liquor from local option municipalities, and prevent its sale therein.

Prohibitionists, relying on local option to procure local prohibition, urged the government to extend the law and correct abuses. In 1908, Attorney-General Turgeon accepted the suggestion of temperance societies to extend the local option clauses to local improvement districts, and set up the machinery and appoint an officer to take the vote. The following year local option was extended to all parts of the province where no license had been granted. In 1910, to check smuggling of liquor into local option districts and its sale therein, amendments were made to the Liquor License Act. One prohibited sending or bringing liquor into a local option district in a disguised package; the other made it illegal for any one to consume or give for consumption, liquor in a place other than a dwelling house. Any person who violated

these provisions were liable to the penalty for sale without a license.

In spite of efforts to improve the local option law, prohibitionists were disappointed with the results of their efforts to make large areas of the province dry. Returns show that there were local option by-laws in only three of the fifty-two towns in the province between 1908 and 1910. Success was greater in the rural areas, where during the same period fifteen villages, and thirty-one rural municipalities adopted by-laws prohibiting all sales. In the four cities of Regina, Moose Jaw, Saskatoon, and Prince Albert, local option votes were taken in December 10, 1910. They were defeated in all but Moose Jaw, where the vote was quashed apparently on a technicality. Local option votes were generally bitterly contested, with prohibitionists battling anti-prohibitionists, and the liquor interests spending money freely to secure a wet vote. Prohibitionists hurled charges of corruption at the liquor men, and complained that conditions surrounding local option contests hindered their efforts. They claimed that petitions were ignored, fraudulent voters admitted, technical objections sustained, and by-laws quashed for trivial reasons.

(1) Ibid, 10-11 Ed. VII (1910-11), C. 36, Sec. 141.
(2) Saskatchewan Archives/Attorney-General's Department, Local Option Returns, 1908-1910.
(3) Ibid.
(4) C.B. Keenleyside, reported in the Canadian Annual Review, 1912, p. 539.
At the same time, the authorities were encountering considerable difficulty in enforcing the law in municipalities that had voted to prohibit sale of liquor, and in many the law proved ineffective.

In 1911, the government took an important step enabling it to deal more vigorously with violation of local option laws, and to enforce the license, as well as other laws, more effectively. Under authority of the Constables Act of 1906, the Provincial Police force was organized as a branch of the Attorney-General's department with Charles A. Mahoney, formerly chief license inspector, as chief of Provincial (1) Police. The Mounted Police remained in the province to carry out their duty of enforcing the Dominion law, and by arrangement with the Saskatchewan government, they co-operated with the Attorney-General's department in enforcing provincial laws. However, the Provincial Police assisted by the municipal police, assumed the chief responsibility for enforcing the license law. In order to deal more effectively with violations of local option laws, unlicensed sale, and infractions by licensees, the Attorney-General assigned special constables to liquor enforcement. They were plain-clothed men, sent out to investigate all complaints of violations of the License Act. They had all the powers of uniformed police, and furthermore were authorized to engage "stool pigeons" temporarily to assist them in securing evidence. Special constables investigated,

secured evidence, laid information before a magistrate, produced witnesses and secured convictions. They kept in touch with the Attorney-General and the Chief of Provincial Police, sending in daily reports, and receiving instructions. (1)

Enforcement by special constables was an effective system, for they could work under cover to secure evidence, where a uniformed officer or a license inspector known to the public, would have failed. Their work was probably one reason for the increase of convictions of non-licensees from 82 in 1906 to 295 in 1912. (2)

Meanwhile the legislature continued its efforts to improve the licensing laws by restrictive amendments. To secure better control of the sale of liquor in bars, bartenders had been licensed in 1909, and only licensed bartenders could be employed from that date. The Liquor License Branch kept a register of bartenders, and those who broke the law were fined and forfeited their licenses. At the same time, the policy was followed of raising license fees, and increasing the number of rooms required to obtain a hotel license. Although revenue was probably the primary consideration, higher license fees were intended to limit applications and to serve as a lever of control to discourage violations of the regulations by licensees. Increasing the number of hotel bedrooms required for a license had the effect of limiting the number of licenses issued in the

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(1) See Saskatchewan Archives, Attorney General's Department, Liquor License Branch, General Files, 1905-10, Prosecutions, Files Nos. 41-58.

(2) Ibid, Register of Prosecutions, 1905-1915.

(3) Statutes of Saskatchewan, 9 Ed. VII (1909), C. 38, Sec. 144.
smaller villages and hamlets. Prohibitionist pressure induced the legislature to make further restrictive amendments in 1912. The number of both hotel and wholesale licenses was limited still further and the standard of hotel accommodation elevated. The amendments made escape from liability through technical defence more difficult, and added to the powers of license inspectors and police officers to deal with persons selling under the Act, and with unlicensed sale. Provision was made for summary discontinuance of abuses of the law by hotelkeepers, and hours of sale were shortened.

Each year saw new amendments to the license law, and efforts by order-in-council to improve administration and enforcement, nevertheless barroom drinking and the evils of alcoholism were not effectively controlled. Drinking facilities increased yearly in spite of statutory limitations on the number of licenses, and even where local option by-laws were enacted, complete prohibition of sale was seldom secured. By 1912 there were 369 licensed hotels and 38 wholesale houses. Even where the enforcement officers were successful in inducing bar proprietors to comply with the law, alcoholism, drunkenness, and their evil consequences, accompanied barroom drinking. In 1913 there were 2970 convictions for drunkenness in Saskatchewan, and between 1908 and 1914, 532 convictions were registered for every one hundred thousand of population.

(4) "Manifesto of the Social Service Council," reported in news item in Saskatoon Daily Star, Aug. 25, 1923.
It became evident that there were inherent defects in the licensing system with its open bar, that legislation had been powerless to eliminate. Among these were the motive of private gain, which induced those engaged in the manufacture and sale of liquor to extend drinking opportunities. The bar proprietor needed a large volume of sales to recompense him for the high fee paid yearly for a license. Self-interest demanded that he attract customers, and sell them all they wished to consume. If bar proprietors did not deliberately encourage intemperance, they seem to have made little effort to prevent over-indulgence. At any rate, conditions in Saskatchewan during the period, and the circumstances of barroom drinking, were such as to encourage excess. The isolation of homestead life, separation from families and friends, and the drudgery of pioneer life, encouraged men to seek the companionship afforded by the bar, or to escape loneliness and homesickness in the solace of alcohol. On their infrequent visits to the nearest towns, the drinkers sought the bar not merely to have a drink or two, but probably to get drunk. Since spirituous liquor was the beverage commonly drunk, intoxication usually proceeded further than the drinker intended. Stories of farmers staggering from the bar to their wagons, trusting to their horses to take them the long journey home safely, are too frequent to be dismissed as exceptional. Accounts of deaths by freezing, accident, or drowning on the homeward trip are not uncommon. From the standpoint of revenue
and administration, licensing was satisfactory, but in controlling drinking and preventing intemperance it was a dismal failure.

This was becoming evident not only to prohibitionists but to the vast mass of citizens who favored temperance as opposed to abstinence. The bar brought drinking out into the open and exposed the evils of alcoholic excess, so that none could fail to see. Everywhere about them were the social, moral, and economic consequences of alcoholism. In practically every community, the bar was an ever present temptation, encouraging men to waste their substance, undermine their health, and endanger the well-being of their families, while powerful interests profited by their weakness. More and more people came to regard this situation as immoral, and condemned licensing for protecting those engaged in the liquor traffic. To many the bar became a symbol of all that was evil in the liquor trade; it represented a menace to individual and family happiness. The conviction grew among people of all shades of temperance opinion, that if the evils of alcoholism were to be mitigated, the bars must go.
THE BANISH THE BAR MOVEMENT.
The prohibitionists were well prepared and eager to take advantage of the strong public reaction against the bars and lead the crusade against them. The temperance associations, by 1912, were well organized and determined to end the abuses of the licensed liquor traffic. The Social and Moral Reform Association, which had been active for several years in temperance work, co-ordinated the efforts of temperance societies throughout the province. It drew its support chiefly from the Protestant churches and included in its leadership some of the outstanding churchmen and educators in the province, among whom were Rev. Exton Lloyd, principal of Emmanuel Theological College at Saskatoon, and Dr. E. H. Oliver, principal of the Presbyterian Theological College of the same city. On its executive were ministers of the Protestant churches and prominent citizens. The Association's Committee of One Hundred, made up of citizens who were leaders of temperance in their own communities, carried out its policies and did educational work throughout the province. The immediate objective of the Association was the abolition of the bars, and its ultimate aim was total prohibition.

The "Banish the Bar" movement, as it came to be known, was launched at a convention of the Social and Moral Reform Association at Regina, on November 23, 1913. The mass meeting was addressed by a prominent Roman Catholic

Bishop, O. E. Mathieu, and Mr. F. S. Spence of Toronto, secretary of the Dominion Alliance, on a platform crowded with Catholic and Protestant clergy. As a result of this meeting, the Banish the Bar Association was formed, with Dr. Lloyd as president. Included in the Association were representatives from the temperance organizations throughout the province. Two days after the mass meeting a delegation from the convention submitted a resolution to Premier Scott, and the Attorney-General, Mr. Turgeon, requesting that a campaign be launched immediately for the abolition of the bars throughout the province. It proposed that the government introduce a bill abolishing the bars. After having been passed by the legislature, it was suggested that the act should be submitted to the people of the province, and upon receiving a majority vote, the law should automatically come into force at the end of the license year. The delegation suggested that local option be retained as a means of dealing with the wholesale stores, and in order to cope with the hotel problem, as the result of closing hotels with bars, the municipal councils should be given the power to erect and purchase buildings to provide accommodation for the travelling public. Premier Scott expressed sympathy for the views of the delegation, and promised careful consideration by the cabinet.

Although the government was not ready to abolish the bars on its own initiative, it was willing to submit the question

to the people in a plebiscite. Accordingly on December 15, 1913, Premier Scott introduced a plebiscite bill on the question, "Are you in favor of abolishing the bars?" The bill provided for a vote to be taken at the municipal election of December, 1914, and an affirmative vote of 50,000 was to be required to make the proposed Act abolishing the bars operative. However, the temperance associations insisted on a limit of 30,000 votes. It was estimated that at the time there were less than 200,000 voters in the province. The temperance people submitted that, if they polled a ten percent majority in favor of prohibition and a total of 30,000 votes, that should be sufficient. Premier Scott made a tentative suggestion of a limit of 40,000 votes as a compromise, but the temperance people were unwilling to accept it. Negotiations broke down, and Premier Scott withdrew the bill. The premier took this course, because the legislature and the government wanted to be assured that a substantial majority of electors supported abolition of the bars before making the legislation operative.

Having failed to secure either legislation abolishing the bars or a plebiscite on the question, the Banish the Bar Association launched a province-wide campaign of education and propaganda. The Association's Committee of One Hundred meeting at Regina, on January 14, 1914, urged upon the government

(1) Ibid, p. 582.
(2) Ibid.
submission of the question of bar abolition to the people in July, 1914. The Committee insisted that there be no minimum requirement, and that women should vote on the same terms as men. The convention arranged to raise ten thousand dollars and to publish a monthly newspaper. Mr. C. B. Keenleyside, an ardent prohibition propagandist, was appointed to act as general secretary, with four field assistants to manage the campaign. The Association enlisted the support of the churches and various public bodies such as the United Grain Growers, the Association of Rural municipalities, and the Grand Orange Lodge. Ministers of the Protestant churches took up the cause enthusiastically, and a wave of prohibition oratory flowed from pulpits throughout the province. Conventions of Methodist and Anglican churches during the summer of 1914 passed resolutions recommending the immediate adoption of the policy of "banish the bar".

The Banish the Bar campaign gathered momentum during the summer and winter of 1914-15. The outbreak of war in August, 1914, gave an added impetus to the movement. Prohibitionists were not slow to appeal to patriotism in their attack on the bars. They directed peoples' attention to the need of conserving foodstuffs, money, and manpower in the interests of national economy and efficiency. People were asked to renounce barroom drinking and remove a social evil.

(1) Ibid, 1914, p. 642.
(2) Ibid.
(3) Ibid.
(4) Ibid. See also The Public Service Monthly, June, 1915. (Department of Agriculture, Regina ), p. 275-6.
from their midst.

In December the Social and Moral Reform Association urged the government to hold a plebiscite at the municipal election of 1915 with a straight majority vote and no minimum requirement. In January Dr. Chown and Dr. Lloyd, recently elected at Toronto as president of the Dominion Prohibitory Alliance, addressed a temperance demonstration organized at Regina. By the spring of 1915 the Banish the Bar movement had become a great popular crusade. The vigorous campaign of education and propaganda carried on from pulpit, platform, and press by the Banish the Bar Association had a strong emotional appeal to citizens already disgusted and alarmed by the abuses surrounding barroom drinking. The bad reputation acquired by the bar made it an ideal object for a united temperance attack, for its abolition was one objective upon which prohibitionists, and those who were not abstainers, could agree. People of every shade of temperance opinion supported the movement enthusiastically.

The Banish the Bar campaign eventually forced the government to capitulate, and it conceded even more than the prohibitionists had demanded. On March 18, 1915, Premier Scott announced at Oxbow that the government had decided to abolish all the bars in the province on its own initiative without holding a plebiscite. The government had come to this

(2) Ibid.
(3) The Public Service Monthly (Regina, Department of Agriculture) June, 1915, p. 275.
decision, the premier said, because it no longer had any doubt of the strength of public opinion supporting abolition. The step was being taken as a wartime measure, and a plebiscite would have to wait until after the war. In making his announcement, the premier presented the government's proposals. As soon as possible after May 1, a measure would be submitted in the legislature, abolishing all hotel licenses from July 15, 1915 until the end of the war. The government would take over the wholesale liquor business immediately, and following the end of the war, bar licenses would not be renewed except as the result of a referendum held after the conclusion of peace but not earlier than December, 1916. The government proposed to establish liquor dispensaries in each city and town, where wholesale stores existed, for the sale of liquor in sealed packages. In the year 1919, or any subsequent year, a provincial referendum might be taken to decide the continuance or abolition of the dispensaries. Premier Scott announced that after careful consideration the government had decided that there was to be no compensation for licensees.

The Premier's announcement was greeted with enthusiastic approval by temperance people throughout the province. The Banish the Bar Association gave its complete endorsement to the plan. In representative meetings, the Methodist, Baptist, Presbyterian, Anglican, and Catholic churches expressed agreement.

with the proposals. J. B. Musselman, secretary of the United Grain Growers Association, wired approval. Although one hundred sixty-eight resolutions from public bodies were received only three were unfavorable. The majority of press comments were favorable, not only in Saskatchewan, but from coast to coast. The Star-Phoenix heartily approved, and the Regina Province, a Conservative paper congratulated the government for the courageous and advanced stand it had taken on temperance.

In the general chorus of public approval greeting the government's proposals, there were rumblings of discontent. Hotelmen naturally were alarmed and circulated a petition asking that the question of abolition be dealt with in a plebiscite. Apart from the liquor interests, opposition came, as might be expected, from the official Conservative party. It criticised the government's proposal to abolish the bars without a plebiscite as undemocratic, and opposed government dispensaries either as a temporary or permanent policy. The alternative policy proposed was to submit the question of total prohibition to the municipal electors after the next provincial election. If the referendum carried in favor of total prohibition such a measure would be introduced, but if it did not, the entire administration of the Liquor License Act would be placed under an independent commission responsible to the legislative assembly. The hotelmen found a champion in

(2) Ibid.
Dr. Neely, Liberal member of parliament for Humboldt constituency, supported by Liberals of his riding. He conducted an aggressive campaign against the government policy throughout the province. He declared that there was no public mandate for the proposal, and denounced the government for proposing to cut off the hotelmen without notice or compensation. The dispensary system was condemned as a scheme to enrich the government by robbing the private interests.

In the face of this criticism and opposition, the government put up a spirited defence. Immediate abolition of the bars was justified on the grounds that the war emergency demanded drastic action in the interests of national economy and efficiency. Abolition of the bars was for the duration of the war, and was to be regarded as an experiment. At the conclusion of hostilities, the people would have an opportunity, in a plebiscite, to decide whether they wished licensing of bars to be resumed, to retain government dispensaries, or to adopt total prohibition. The government maintained that the strength of public opinion supporting abolition warranted immediate action without a plebiscite.

In proposing to close bars without advance warning and compensation, the government, no doubt, had the support of majority opinion, but it was rather an arbitrary action. Until a plebiscite was held, the government could not even be certain that the majority approved of the policy. At any rate, little consideration was being given to the interests of the minority.

Hotelmen with thousands invested would be forced to close their hotels after having made costly improvements to meet the higher requirements demanded for a license. Actually government policy was designed to eliminate vested interests completely from the retail sale of liquor, so that when the time came to decide future liquor policy, the people might do so without undue pressure from the liquor interests. In rejecting the demand for compensation, the government declared it could find no justifiable way of taking the people's money for that purpose. But when it is noted that license revenue for the last year of licensing was approximately $200,000, this is rather a weak argument.

The government, confident that it had the support of the majority of electors, was determined to carry out its policy. It had the enthusiastic support of the Banish the Bar Association. In April, Rev. Lloyd, after a joint debate at Humboldt started on a provincial tour of speech-making on behalf of the government's proposals. C. B. Keenleyside, and his lieutenants campaigned from the platform and press, and organized prohibition groups in three hundred communities throughout the province. Then on May 10, 1915, a by-election was held in the Shellbrook constituency, in which the government's liquor policy was the major issue. Dr. Neely ran an independent Liberal candidate on an anti-abolition platform, and the Conservatives also entered the contest. The overwhelming

(2) Ibid, p. 668.
victory of the government candidate, in a constituency that had been consistently Conservative since its creation, was regarded as an endorsement of Premier Scott's liquor policy. When the legislature met on May 11, the government brought in a bill embodying the details of the premier's proposals. It passed on June 24, 1915, and on the night of June 30, all bars in the province were closed.

In a sense abolition of the bars was a wartime measure. It is true that there had been a strong prohibition movement in Saskatchewan and elsewhere in Canada for many years. But the war focused attention upon the necessity of checking intemperance as one means of stopping unnecessary drains upon the economic strength and resisting power of the nation. Saskatchewan was influenced by Allied action in placing greater restrictions on the liquor traffic. What is probably more important, both the prohibitionists and the government exploited the wartime situation to secure public support for abolition of the bars. Appealing to patriotism, the prohibitionists condemned the bars as an obstacle to the war effort, and demanded their immediate abolition as a war emergency measure. Public sentiment against the bars already strong was crystallized, and public opinion prepared for drastic action. The government took advantage of the emotional reaction created by the "Banish the Bar" campaign and the war to carry through what normally would have been regarded as a high-handed measure. It was an arbitrary action that would have been difficult to justify, except as a wartime measure.

(1) Attorney-General, The Liquor Act of 1915, p. 4-6
emergency measure. When convinced that it had adequate public support, the government responded to prohibitionist pressure, and took advantage of the war emergency to banish the bars without a popular vote.

Abolition of the bars was a resounding victory for the temperance organizations in the province. Through education, propaganda, and agitation, they had focussed attention on the evils of the liquor traffic, and kept continual pressure on the government to abolish the bars. To a large extent they were instrumental in mustering the strong public support which finally induced the government to take drastic action. In one stroke the worst feature of the license system had been removed, and private interests in the retail liquor trade completely removed. Prohibitionists accepted government dispensaries as a temporary expedient, and as a transition stage in the movement for total prohibition.
THE GOVERNMENT LIQUOR STORE SYSTEM

July 1, 1915 to May 1, 1917.
The government liquor store system, by definition, was temporary, pending a plebiscite on the bars, and another on prohibition. At the time the bars were abolished, public opinion was not ready for prohibition, consequently it was decided to take over the liquor business formerly handled by the licensed liquor stores, until a referendum could be held, and a permanent liquor policy determined. One object of government policy was to eliminate completely all private interests in the retail liquor trade in preparation for the plebiscite. The Saskatchewan liquor store system was based on the South Carolina dispensary system, modified and improved to suit the needs of the province. For two years the people were to have an experiment in government monopoly of retail liquor sales. The experiment ended when the people decided they were ready for a trial of prohibition liquor sales for beverage purposes within the province.

(1) The Sales of Liquor Act giving effect to the new system provided for the establishment of government stores to be opened at first where private wholesale liquor stores had existed. Subsequently, the voters could decide whether or not the stores should be continued or new ones opened. Where no stores existed in a district, the municipal electors were to decide whether or not one should be opened. The stores sold liquor in sealed packages only. Quantities purchasable in any one day were limited to four gallons of beer, two gallons of

(1) Statutes of Saskatchewan, 10 Geo. 5, (1915), C. 39.
(2) Ibid, Secs. 152, 157, 159.
wine, and one gallon of spirituous liquor to an individual. The government monopoly was ensured by the provision that no one could sell liquor for beverage purposes except the manager and clerks of the government stores.

Administration and enforcement provisions were simple enough. A single commissioner was to have general control and management of all stores. He was to appoint the managers and clerks and make regulations for management of the stores. He bought all the liquor supplies, and had the sale right to purchase liquor for sale in the province. To direct enforcement of the Act, a new official known as the Director of Prosecutions was appointed, to superintend the prosecution of offenders. A force of police was placed at his disposal, and police constables were given ample powers of search, such as they had under the Liquor License Act. Furthermore, the police might seize liquor in transit, if they believed it to be sold illegally, and issue a summons to shipper, consignee and owner.

(1) Ibid, Sec. 26.
(2) Ibid, Sec. 14.
(3) Ibid, Sec. 4.
(4) Ibid, Sec. 118.
(5) Supra. P. 52.
(6) Ibid, Sec. 114, 115.
An effort was made in the Act to eliminate the public drinking that had been a feature of the licensing system. Liquor could not be consumed legally anywhere except in a private dwelling house, unless under special permit for a banquet. Those who wanted liquor could get it, but the temptation formerly spread throughout the province by bars was to a large extent withdrawn. Whereas before liquor could be bought in almost five hundred places, now its sale was confined to about twenty-three. With the disappearance of the bars, went the treating habit and its unfortunate consequences.

Since the government liquor store system was regarded as temporary, provision was made in the Act for a referendum to be taken first on the bars, and secondly on the continuation of the government stores. A provincial vote was to be taken at the municipal election of 1916, 1917, or 1918, as the government might decide, upon the question of whether or not hotels should be allowed to sell liquor. A second vote was to be taken at the time of the municipal election of 1919, upon the question of whether or not the government liquor store system should be continued. Should there be a majority vote in favor of abolition, the liquor store system would be wound up within six months of the vote.

Reports tabled at the end of the first six months of operation indicated that the government liquor store system was quite successful. The quantity of liquor sold had been

(1) Ibid, Secs. 103, 164, 241.
(2) Ibid, Secs. 210, 216.
reduced to about sixty percent of that sold under licensing, nevertheless a net profit of $378,847 was realized for the six month period compared with a liquor license revenue of $200,000 for the last full year of licensing. Through one warehouse and twenty-three retail stores, the commissioner was able to handle the entire retail business formerly done by 406 hotels and 38 wholesale stores.

By the beginning of 1916, there had been a further growth of prohibition sentiment, and the issue was no longer one of licensing versus government liquor stores. The issue now was between government liquor stores or prohibition. The bars appeared to be thoroughly discredited, and apart from the liquor interest, few suggestions were made for a return to the old system. No political leader had declared in its favor; there was no expressed desire in the press for the return of the bars, and no public organization had urged it. The Conservatives agreed that it was desirable that the bars should be closed for the duration of the war, but they urged that a provincial referendum be held on prohibition. Prohibitionists were still carrying on a vigorous campaign to have the government stores closed, and total prohibition introduced. The Banish the Bar League of Saskatoon at its annual meeting in January, 1916, passed a resolution requesting the provincial government to abolish the government stores.

(3) Ibid.
In view of the widespread demand for a referendum on prohibition, the government decided to by-pass the clause of the Act providing for a vote on hotel licenses, and to take a vote on prohibition versus government liquor stores.

The government decided, because of public agitation for a vote on prohibition, to hold the referendum sooner than had originally been intended. In February, 1916, the legislature passed an amendment to the Sales of Liquor Act changing the date of the provincial referendum from 1919 to the municipal election of 1916. In August, the Banish the Bar executive got its organization into shape for public meetings and conventions, and carried on a vigorous campaign until the date of the vote. On December 11, 1916, the male and female electors, by an overwhelming vote of four to one, decided in favor of ending the government liquor store system.

On May 1, 1917, the government dispensaries were closed, and the province had total prohibition of the sale of liquor except for medicinal, sacramental, manufacturing, and chemical purposes.

The government liquor store system operated for less than three years, but it served its purpose well. It enabled the government to control the sale of liquor during the period when public opinion was being prepared for prohibition. By

(1) Statutes of Saskatchewan, 6 Geo. V. (1916) C. 35.
(3) Ibid. The vote was as follows: For closing 92,249.
    For continuance of stores 23,666. Spoiled ballots 4005
    Total vote 122,920. See Regina Leader, Mar. 2, 1917.
    for an analysis of the vote.
eliminating private interests from the retail liquor trade, it made easier the transition from a licensing system to sale of liquor for medicinal and excepted purposes only. Success of the short experiment in government monopoly of liquor sales helped to overcome suspicion of government in the liquor business, and demonstrated the advantages of government control and sale over licensing. It also prepared the way for control of the sale of liquor for medicinal purposes during the prohibition period.
PROHIBITION AND ITS PROBLEMS.

May 1, 1917 to April 1, 1925.
The nation-wide experiment in provincial prohibition, which began in 1916, was complicated by the constitutional division of powers between the provinces and the Dominion. The Canadian provinces began the experiment within the framework of a constitution ill adapted for the purpose. Each of the provinces, like Saskatchewan, submitted prohibition referenda to the people. By 1917 all the provinces except Quebec had adopted prohibitory laws similar to that of Saskatchewan. In 1918, Quebec as a wartime measure adopted prohibition, but the following year as the result of a referendum permitted the sale of beer and wine. Each of the other provinces had its law prohibiting the sale of beverage alcohol to its citizens, but it depended upon the support of Dominion legislation to make provincial prohibition effective, for according to a decision of the judicial committee of the Privy Council in 1901, although the provinces might pass laws regulating or prohibiting the retail sale of liquor, importation and export as well as manufacture, came under federal control. Therefore, the success or failure of provincial prohibition would depend to a large extent upon the amount of Dominion support and the degree of cooperation between the Dominion and the provinces. The limited powers of the provinces to deal with the liquor traffic under the federal constitution was a serious obstacle from the outset.


(2) Russell versus Queen, 1901, 7 A.C. 829: See also Canadian Bar Review, Vol. IV, No. 7, Sept., 1926, p. 4
The prohibition experiment launched by the people of Saskatchewan on May 1, 1917, proved to be the most interesting and instructive of varied attempts to eliminate alcoholism. After years of education and agitation, the prohibitionist minority was to have an opportunity to demonstrate how their theories worked out in practice. Under the impetus of the emotional reaction created by the "Banish the Bar" Movement, and the war emergency, the prohibitionists had persuaded the mass of citizens with temperance opinions to vote to give prohibition a trial. For the first time, an attempt was to be made to deprive people by law of liquor completely for beverage use. For in its final form, the prohibitory law was to exclude all beverage alcohol from the province, and permit sale to citizens of the province only on a doctor's prescription for bona fide medicinal purposes. By carrying prohibition to its ultimate conclusion, prohibitionists proposed to impose total abstinence upon the drinkers by legal compulsion. The ardent prohibitionists, who would have to be the mainstay of the experiment, were only a minority; the great mass of citizens were neither habitual drinkers nor prohibitionists, but people with a variety of temperance views. Some were opposed to prohibition on principle, others were indifferent to its success. Saskatchewan, in common with the other provinces, embarked upon the experiment with constitutional machinery inadequate to cope with the problems of prohibition, for the province had only limited jurisdiction over control of liquor within the province and none over importation. Furthermore, the government could not
rely with certainty upon the great body of citizens to give consistent support to prohibition. The authorities, fortified only by the limited powers of a province to control sale of liquor, and such support as the Dominion government chose to give, had the problem of making prohibition a success in the face of certain opposition from the anti-prohibitionists, and questionable support from the majority of citizens. How the experiment worked out under these circumstances is one of the most fascinating chapters in the history of liquor control.

Complete prohibition in Saskatchewan was attained only gradually. At the outset, the province had only partial prohibition. To begin with, provincial prohibition was based on the Saskatchewan Temperance Act of 1917, which prohibited the sale of liquor for beverage purposes, but provided for sale by physicians and druggists for medicinal purposes. The Act provided the machinery for controlling the sale of medicinal liquor on a doctor's prescription, and for preventing all other sales within the province. However, the law did not make it illegal to order any quantity of liquor from outside the province and keep it for personal use. As the situation stood on May 1, 1917, when the Saskatchewan Temperance Act came into effect, there was no Dominion legislation restricting either the import or export of liquor. Consequently the liquor houses in neighboring provinces did an extensive mail order business with residents of Saskatchewan. The export liquor firms carried on

business as usual with other provinces and the United States, and imported liquor and stored it in export liquor warehouses.

The province secured a more complete measure of prohibition as the result of Dominion orders-in-council and federal legislation. As a wartime measure the Dominion government by orders-in-council in March, 1918, prohibited the importation of liquor into any province that had adopted prohibition. It remained effective until December 31, 1919, when the federal government repealed it, and from January 1, 1920, until further legislation, liquor might be imported once more not for barter or sale, but for individual use. However, to give continued support to provincial prohibition, when the wartime order-in-council was repealed, the Canada Temperance Act had been amended on November 10, 1919. The amendment prohibited the importation or the manufacture for illegal importation, of liquor into a province with a prohibition law, except for medicinal, sacramental, or manufacturing purposes. It was to be brought into effect by Dominion order-in-council, but only after an approving referendum taken in the province by the Dominion government at the request of the provincial legislature. In response to requests from Saskatchewan and three other provinces, including Manitoba and Alberta, the Dominion authorities set October 25, 1920, as the date for the referendum.

(2) Ibid.
The referendum of October 25, 1920 marked an important stage in provincial prohibition. It made it possible for the province to secure total legal prohibition by voting to bar liquor imports, and thus bringing the amendment excluding beverage liquor into effect. With the support of the Protestant churches, the Social Service Council conducted a vigorous campaign to secure a majority in favor of non-importation. Once more the prohibitionists were successful, official figures showing that 89,955 were against importation and 55,258 were in favor. The prohibition majority was substantial, although not nearly as large as in the referendum on government liquor stores. Probably the most significant feature of the vote was the small number of electors who expressed an opinion on the issue. Only 142,206 electors out of a total of 295,958 on the voters' list went to the polls. The fact that many electors did not vote was commented upon in the speech from the throne, when the legislature met on November 8. The government felt that the vote indicated indifference to the prohibition question, and left it uncertain of the extent of public support it could rely upon for a total prohibition system. The system would go into effect with the known approval of only approximately 90,000 electors out of a total of almost 300,000 electors. However, the government had no

(2) Regina Leader, Jan. 17, 1924. Population in 1920 was approximately 700,000.
alternative but to accept the vote as a mandate from the people to enforce the importation ban, when it came into effect on February 1, 1921, and to implement the law regulating the handling of liquor imported legitimately for medicinal purposes.

In preparation for complete prohibition, if and when non-importation came into effect, the Saskatchewan government had introduced a new temperance measure known as the Saskatchewan Temperance Act of 1920. With the support of federal legislation, it was to provide the legal basis for the provincial prohibitory system, which was to remain in effect until April 1, 1925. The purpose of the new Act was to remove some of the defects of the Act of 1917, and to provide more adequate machinery for regulating the sale of liquor for medicinal purposes and dealing with illegal transactions. There had been considerable criticism of the abuse of prescriptions, particularly after the influenza epidemic, which began in October, 1918. During the epidemic some physicians had acquired the habit of giving prescriptions too freely, and it was charged that, while the import ban by order-in-council was in effect, people used doctor s' prescriptions to procure beverage liquor, and that druggists were making illegal sales. To check these abuses, administrative and enforcement machinery was improved, and liquor imported for medicinal purposes was to be under strict control of provincial authorities.

Enforcement as well as administration of the Sask-

(1) Statutes of Saskatchewan, 9-10 Geo. V (1919-20), C. 70.

The Saskatchewan Temperance Act of 1920 was to be entrusted to a commission of three members, to be known as the Saskatchewan Liquor Commission. One of the three was to be the chairman, and as chief inspector, he was empowered to appoint a staff of inspectors, whose duty it would be to supervise drug stores authorized to sell liquor and inspect export liquor houses. They were to have all the powers and authority of police officers to enforce the Act, and might call upon the provincial or municipal police for assistance. In addition, the Commission was empowered to appoint enforcement officers for general enforcement, to prevent and detect violations and obtain evidence. To ensure more efficient enforcement, a special official known as the Director of Prosecutions was to be appointed, to conduct personally or through agents prosecutions of offenders against the Act. In addition, he was to act as legal advisor to the Commission and its inspectors and enforcement officers. The Liquor Commission was set up and entrusted with very extensive powers to control all liquor imported for medicinal purposes and to enforce prohibition, so that the government itself could, as far as possible, keep clear of the liquor business.

The Liquor Commission had full authority under the Act to regulate the sale of liquor by druggists and physicians.

(1) Statutes of Saskatchewan, 9-10, Geo. V (1919-20), C.70, Sec. 1.
(2) Ibid, Sec. 7.
(3) Ibid, Secs. 61, 62.
(4) Ibid, Secs. 13 to 39.
The Commission was to have control of all liquor brought into the province by wholesalers, and its sale in the province. It had the power to issue, cancel, and suspend permits, and to take disciplinary action against any physician or druggist who issued or filled an excessive number of prescriptions. Only two wholesale drug firms in the province were authorized to supply retail druggists, and all orders to these firms had to be approved first by the Commission. Druggists and physicians were required to keep complete records of prescriptions issued and filled, and to make regular returns to the Commission. The law limited the quantity of liquor a druggist or physician might have on hand, and the quantity of spirits he might sell on prescription to an individual was eight ounces.

The Saskatchewan Temperance Act of 1920 did not attempt to prohibit the export liquor business, but merely endeavored to supervise the supply in export houses. The Act specifically stated that nothing in the law should prevent any person, licensed by the government of Canada to manufacture or compound liquors, from keeping liquor for sale to any person in another province or foreign country for use and consumption outside of Saskatchewan. This provision applied as well to export liquor firms, which were to be permitted to keep liquor in the province and sell it to persons outside the province. However, the persons mentioned above were required to keep a record of all sales made, and prior to delivery of the liquor

(1) Ibid, Sec. 11.
make a written return to the chairman of the Commission, showing the name and address of the person to whom the sale was made, the kind and quantity of liquor sold, and the transportation firm to which delivery was entrusted. The purpose of this provision was to enable the Commission to supervise shipments of liquor, and to ensure that they did go to destinations outside the province. By an amendment to the Act in 1920, an additional return was required, giving an inventory of kinds and quantities of liquor held at the date the Act came into force, the exact place of storage, and a statement of the kinds and quantities of liquor ordered for delivery before the Act. Weekly returns of sales were also required.

In enforcing prohibition the provincial authorities had to contend not only with outright defiance of the law, but with serious problems arising from lack of constitutional power to deal with the manufacture and export of liquor. Division of powers, and lack of co-operation from the Dominion, in dealing with matters beyond provincial control, produced grave abuses, which were all the more difficult to handle, because they were within the law. The most serious of these abuses arose out of the existence in the province of export liquor houses. They had been carrying on business as usual since the advent of prohibition, for nothing in the Act of 1920 prevented

(1) Ibid, Sec. 12.
(2) Statutes of Saskatchewan, 10, Geo. V (1920), Ch. 70, Sec. 11.
them from keeping stocks of liquor in the province and selling it to persons outside the province for use there. They had no license or permit from either Dominion or provincial governments, and since there was none to be revoked, little control could be exercised. The returns required by the Saskatchewan Temperance Act, and the periodic inspections by the Commission's officers was all the supervision provided. Before the import ban came into effect on February 1, 1921, the export houses had accumulated huge stocks of liquor in anticipation of export to the United States, where in January 16, 1920, prohibition had been adopted on a national scale creating a great demand for "bootleg" liquor.

The accumulation of huge stocks of liquor in export houses and prohibition in the United States produced a border liquor traffic, which constituted a serious problem for the provincial authorities. When the Commission commenced operations on July 15, 1920, there were sixty export liquor houses with liquor stocks estimated to be worth seven million dollars, all doing a flourishing business with the United States. About twenty of these houses were situated in small towns such as Bienfait, Carnduff, and Gainsborough near the international boundary for convenience in supplying bootleggers in the United States. American rum-runners, anxious to profit by the prohibition demand for Canadian liquor, ordered it from


the export liquor firms. They crossed into Saskatchewan in automobiles and picked up the liquor at the export houses or accepted delivery at the border, for liquor firms frequently had their own trucks and automobiles to run liquor to the boundary. Since the liquor became contraband as soon as it entered the United States, and had to run the gauntlet of federal and state enforcement officers, only unprincipled persons could be recruited to handle the shipments. Criminals came to prey upon them and high-jack their valuable cargoes. Whiskey runners, high-jackers, and bandits infested the border and crimes of violence frequently occurred.

In border districts lawlessness prevailed reminiscent of the early days of the whiskey traders in the north-west. 

Successive attempts to deal with the export houses and the border liquor traffic failed. As early as the spring of 1917 the legislature had passed an Act to prohibit the export of liquor. However, the Act was held una vire s on July 14, 1917, by the Saskatchewan Court of Appeal in the case of Hudson's Bay Company versus Heffernan on the grounds that it infringed on the powers of the federal government to pass laws regulating trade and commerce. On November 20, 1920, Robert Dunbar, the member from Estevan, introduced a resolution, which passed unanimously, requesting the Dominion government to

(1) "Export Liquor", Regina Daily Post, June 12, 1922.
(2) Statutes of Saskatchewan, 7 Geo. V (1917), C. 24.
to declare the border liquor traffic illegal and put an end to the export liquor business. The resolution pointed out that the concentration of export houses along the border had caused general lawlessness and great disorder likely to spread to other parts of the province. In speaking in favor of Mr. Dunbar's resolution, the Attorney-General, Mr. Turgeon, pointed out the situation that existed. The border liquor traffic was not illegal, for it was not contrary either to provincial or Dominion law to keep a stock of liquor in the province for export or to sell it to persons in the United States. It was contrary to United States law to take Saskatchewan liquor across the border, but American law did not apply on the Canadian side of the boundary. The legislature desired earnestly to close the export houses and end the border traffic, but it lacked the constitutional power to do so. However, the Canadian parliament by simple enactment could make it illegal to keep a stock of liquor in the province and to export it. Nevertheless, in spite of the gravity of the evil and the risk of international complications, the government at Ottawa took no action, and the border liquor traffic remained to plague the authorities.

Furthermore, a decision of the Saskatchewan Court of Appeal on March 31, 1921, made it clear that the provincial authorities had no right to interfere with the sale and delivery

(1) Journals of the Legislative Assembly of the Province of Saskatchewan, Vol. XVII, 1920, p. 31.

(2) Ibid.
of liquor to residents of the United States. The Court, by a unanimous decision, quashed the conviction of R. G. Waller, a wholesale liquor dealer of Regina, found guilty by a lower court of illegal sale to a resident of Montana, who came to Saskatchewan to make payment for, and take delivery of, liquor ordered by telegram. The decision meant, in effect, that the Canadian police had no right to interfere with liquor being taken by automobiles from points in the province, where it was legally kept for sale, to the American border for delivery to persons in the United States, who sent their orders from outside the province. Since it was legal to sell liquor to a person residing outside Saskatchewan for use there, delivery and payment in the province was interpreted as being part of the transaction. It is obvious, however, that while liquor was transported thus freely about the province, the authorities could not possibly keep it from being bootlegged in Saskatchewan as well as in the United States.

It was well known, in the southern part of the province, that much of the liquor allegedly being exported to the United States was not intended to cross the American border, but was being deliberately diverted by export firms to Saskatchewan towns. When the sale of liquor to an American citizen was reported to the Commission, as required by law, the provincial authorities had no further jurisdiction over it, and they it had no way of knowing if it crossed the border. Export

(1) S.L.C., General Files, No. 61.
firms would consign a shipment to say Fargo, N.D. by express to Bienfait. At that point, it would be unloaded by the express company. Automobiles owned by the export firms or an affiliated transport company would pick up the shipment. The original shipping packages would be broken open, and the bottled liquor distributed to Saskatchewan towns in sacks, so that it lost its identity, and could not be traced back to the export house. Liquor would be shipped by express to a small hamlet such as Wymark, which was unlikely to be under police supervision, and then delivered by automobile to Swift Current, Neville, and neighboring towns. Since it was difficult to distinguish these illegal transactions from the legitimate liquor running to the border, the Provincial Police and the Commission's enforcement officers found it difficult to suppress. Leakage of liquor from export houses into provincial bootlegging channels became a serious problem.

Another semi-legal abuse carried on under protection of the law, and associated with the export liquor houses, was the manufacture of liquor. Although there were no distilleries in the province, liquor concerns had the privilege of "compounding," a process which actually meant making liquor by mixing alcohol, distilled water, possibly some spirituous liquor, and other ingredients. Alcohol imported by so-called "drug" firms such as the Canada Drug Company, ostensibly for medicinal

purposes was used to make beverage alcohol. This firm had secured a federal permit to store liquor and alcohol in its warehouse at Yorkton on the understanding that it was authorized by the provincial government to supply drug stores with liquor. Its provincial permit had been cancelled, but the warehouse had been filled to capacity with alcohol imported from the United States before the import ban. The firm never did a drug business, but it supplied its associate, the Yorkton Distributing Company, a liquor export firm, with alcohol. Since the bonded warehouses were under the supervision of the Inland Revenue Department, the Commission had no check on its stocks, and there was well founded suspicion that they constituted an invisible supply for the liquor trade. Harry Bronfman, head of the Yorkton Distributing Company, testifying in the Court of King's Bench at Yorkton in November, 1921, revealed that his firm mixed 318 gallons of raw alcohol, 100 gallons of rye whiskey, and 382 gallons of distilled water to make 800 gallons of rye whiskey. This concocted whiskey according to Bronfman, cost the company $5.25 a gallon, and the Company's sales amounted to from 16,000 to 20,000 gallons a month. This concocted liquor sold to American rum-runners for about fifty dollars a case, with two gallons to a case. The chairman of the Commission reported that the export houses were supplied with fraudulent labels, which they used on liquor of

their own concoction, and sold as genuine imported liquor of
(1)
the highest quality and reputation. Under the circumstances,
it is not surprising that the liquor firms became wealthy and
powerful, and that there was little diminution in the liquor
available even when the import ban came into effect.

Rum-running and the border liquor traffic rapidly
developed into an international problem threatening the peace
of both countries along the border. During a sitting of the
Court of King's Bench at Estevan in the spring of 1922, pract-
ically half the docket of the court was occupied with cases
arising out of the border liquor traffic. Justice Brown,
commenting on the situation, declared that it could be remedied
by a single piece of legislation by the Dominion parliament
making it illegal to export liquor to any province or country
where prohibition was in force. Viewed in retrospect, it was an un-
neighborly act on the part of Canada to aid and abet violations
of the American law, by permitting Saskatchewan liquor dealers
to run liquor to the border or deliver supplies to American
bootleggers, who came to the province. Repeated appeals by the
Saskatchewan government to Ottawa had been met by nothing
except polite silence. It was unfortunate that, with the whole
Dominion except Quebec committed to elimination of the liquor
traffic, loopholes, that could have been closed by federal

(1) S.L.C., General Files, No. 101, Report to press, Feb. 15,
1921.

(2) Regina Leader Post, Mar. 23, 1922.
legislation, were left open for the operation of smugglers and rum-runners. The Dominion government alone was competent to deal with the problem. Without support of the Canadian government, neither the United States nor the provinces could do much to cope with the situation.

Another semi-legal abuse, the issue of an excessive number of prescriptions for other than bona fide medicinal purposes, was only a minor problem. The chairman of the Liquor Commission reported that with few exceptions the medical profession co-operated in limiting the number of prescriptions issued. Reports show that there was a considerable reduction in the number of prescriptions issued, and in the amount of liquor sold by druggists and physicians under the Act of 1920, as compared with that of 1917. Improved administrative machinery and closer supervision was probably the main reason for the reduction. As far as possible, every drug store was inspected at least every two months, and the druggists' records of prescriptions filled was checked. A report of each inspection was submitted to the chairman, and druggists and physicians permits might be cancelled as a result of these reports. Furthermore, druggists and physicians, who issued an excessive number of prescriptions, received warning letters from the Director of Prosecutions. Commission records show that physicians and druggists' permits were cancelled from time to time.

(1) S.L.C., General File, No. 101, Report for year January 1, to December 31, 1921; infra appendix, p. 178.

time, but there is little evidence that any appreciable amount of liquor was secured illegitimately on doctor's prescriptions.

Defiance of the prohibition law, by persons engaged in supplying the drinking population with liquor, was a problem the authorities were prepared to contend with from the outset. As long as people were willing to pay their money for liquor, there would be men ready to take the risk involved in supplying it. Large supplies of liquor had been accumulated in export liquor houses and in private residences during the period between the repeal of the wartime order-in-council and the time the import ban came into effect. To this supply was added liquor "made" in the province, and additional supplies smuggled in throughout the prohibition period. Then there was the illicit distilling and home-brewing carried on in many districts throughout the province. The retail channels were available for distribution of the supply, so that only the organization was required to establish a profitable illegal liquor business.

Smuggling of liquor into the province, after the import ban came into effect, presented the authorities with a difficult problem. The physical difficulties were similar to those of the permit period, though the movement of liquor across the American frontier was now in the opposite direction. The use of the automobile added to the difficulty of excluding liquor from neighboring provinces. Liquor was brought in by rail from east and west, coming mainly from British Columbia and Quebec, where after June 15, 1921, government sale was in effect.

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(1) S.T.C., General Files, No. 41, R.G.A. Leech to A.L. Davies, Moose Jaw, No. 26, 1921.

(2) Referenda votes were taken in British Columbia and Quebec on Oct. 20, 1920 and Feb. 25, 1921 respectively. Government sale came into effect in Quebec May 1, 1921 and in British Columbia June 15, 1921.
Bootleg rings in Saskatchewan managed to bring in carload lots from time to time, despite the vigilance of enforcement officers. The method employed by one notorious Regina bootlegger illustrates the devices used. He purchased a carload of liquor from a Vancouver liquor firm under the assumed name of W. J. Johnson, and having it labelled as fish consigned it to Montreal. Before the train left Vancouver, however, he instructed the express agent there to divert the car to Regina where, of course, he intended to use the liquor in his bootleg business. Somehow Liquor Commission enforcement officers spotted the car on its arrival in Regina, learned what it contained, and seized the contents. In hope of securing return of the liquor, the bootlegger induced a Vancouver man named Broder to come to Regina, assume the name of Johnson, and claim ownership of the liquor. However, the Commission was able to prove that he was not Johnson, and that Johnson was the alias of the bootlegger. Since it was shown that the liquor was being imported and held for illegal sale, it was forfeited to the Crown. Another method used by smugglers was to bill a carload of liquor from east to west through the province, and then have it left off the train at some station in Saskatchewan by causing a "hot box" through putting sand in the axle box. Smugglers following behind unloaded the car and rushed the liquor away in trucks.

(1) S.L.C., Seizure File, No. 759,
(2) Winnipeg Tribune, Oct. 20, 1922.
Beer too was smuggled into the province. Breweries in Manitoba and Alberta were permitted to ship temperance beer of an alcoholic content of less than 1.13 percent by weight to refreshment bars in Saskatchewan. Frequently they included over-strength beer in their shipments. Beer was shipped in unlabelled, with a private mark to indicate which barrels contained the strong beer. R.E. Leech claimed that the Commission seized one barrel in five, but at that rate a considerable amount got through.

A highly organized bootleg business in beer was carried on in the province. Breweries continued in operation under Dominion license throughout the prohibition period manufacturing full strength beer for export. Bootlegging of beer was carried on through co-operation between soft-drink firms, handling not only carbonated drinks but temperance beer, and the breweries. The soft drink firms made arrangements with retail dealers throughout the province to buy over-strength beer along with the soft drinks. The beer supplied by the breweries was shipped to agents in various centres for distribution. Freight cars were marked with a pre-arranged sign to indicate those containing strong beer. Elaborate precautions were taken to protect the firm and the brewery in case of seizure, and train crews were systematically bribed to cover up the illegal shipments. This beer was sold across refreshment

(1) Regina Leader, Dec. 7, 1922. Leech was Chairman of the Liquor Commission.
(2) S.L.C., General Files, No. 119.
(3) Leech was Chairman of the Liquor Commission from July, 1920 to April, 1925.
bars along with the "near" beer. Breweries in Manitoba and Alberta shipping over-strength beer into Saskatchewan even arranged to pay the fines of vendors convicted of selling the brewery's products. Mr. Leech claimed that it cost the breweries $60,000 in one year to pay the fines of vendors.

In spite of the efforts of the Commission to confine the retail sale of liquor to drug stores, illegal sale flourished in the province. Highly organized bootleg rings supplied the various retail channels. Hotel refreshment bars, cafés, ice-cream parlors, poolrooms, and a host of other places, serving refreshments and temperance beer, sold over-strength beer and spirituous liquors. It was common knowledge that liquor was sold almost openly over refreshment bars, and in restaurants in most Saskatchewan towns and cities. Enforcement officers inspected places where liquor was likely to be sold periodically, but it was impossible to supervise such a multitude of places adequately. While the public continued to patronize them, bootlegging was profitable, and those engaged in it could afford to pay the fines if convicted.

An increase in illicit distilling and home brewing was another by-product of prohibition. There were said to be some districts where practically every farmhouse had its illicit still. Rural isolation and the concealment afforded by bush in

(1) Regina Leader, Dec. 7, 1922.
(2) "The Beer Flow", Saskatoon Phoenix, Apr. 12, 1924. (An editorial).
(3) "Moderation League Talk", No. 2, Regina Leader, May 5, 1923.
many sections of the province afforded protection to the home brewer. Much of this illicit liquor was dangerous stuff likely to cause alcoholic poisoning or even blindness. Some of it was made for sale, and peddled systematically to anyone willing to take the risk of drinking it. Illicit distilling came under the jurisdiction of the Department of Inland Revenue and enforcement was the duty of the Inland Revenue officers and the Mounted Police. The Liquor Commission and the Provincial Police reported complaints to the Department but they had no authority to deal with infractions themselves. During the year ending September 30, 1922 the Mounted Police investigated in Saskatchewan 962 cases under the Inland Revenue Act out of a total of 1420 cases investigated in the province under all federal statutes. They secured 318 convictions, and no prosecution was entered in 546 cases. It was particularly difficult to procure sufficient evidence for a conviction in cases of home brewing or distilling. Word that a police officer was in the district looking for stills or home-brew was soon flashed about the neighborhood, and the evidence was hidden or destroyed. The offence was commonest in districts settled by eastern and southern Europeans, and they showed even a greater tendency than others to draw together for protection.

In the face of accumulating problems and difficulties, the authorities made a determined effort to deal with the more urgent problems. Having failed to induce the federal

(1) Ibid.

(2) These facts are familiar to those who have observed the situation in the province and discussed the investigations with the R.C.M.P.
government to close the export houses, the province decided to take protective measures itself. With the object of guarding against the illegal distribution of liquor and controlling the border liquor traffic, the Saskatchewan legislative on February 9, 1922, passed an amendment to the Saskatchewan Temperance Act, placing more stringent restrictions upon the liquor export houses. They were to be confined to cities of at least 10,000 population. No liquor was to be taken from them for transfer to another warehouse without the written permission of the Liquor Commission, and the transportation of liquor within the province was restricted to common carrier by rail or water, that is, automobiles could not be used. The object of these amendments was to force the export houses out of the border towns, and confine them to the three largest cities, where their activities might be more closely supervised, and from which it would be less convenient to carry on the border traffic with the United States. The transportation amendment was intended to stop the delivery of liquor by automobile to the border and its diversion to Saskatchewan towns. One of the export firms challenged these amendments, and also the provision of the Act requiring export firms to make returns to the Commission, but in the meantime they complied with the laws by closing their establishments in the smaller centres, when the law came into effect on June 1, 1922. The six firms then remaining were

(1) Statutes of Saskatchewan, 11-12 Geo. V (1921-22), c. 76, Sec. 49.

were located in the cities of Regina, Saskatoon, and Moose Jaw.
The validity of the amendments were eventually decided by the
Saskatchewan Court of Appeal on June 30, 1922. The amendment
pertaining to transportation by common carrier by rail and
water was declared *ultra vires*, but the other sections were
upheld. However, by this time the Dominion had decided to
take action to close the export houses.

Action by the Dominion government to deal with the
export liquor houses and the border liquor traffic was forth­
coming after appeals from various sources. On January 14,
1922, the Saskatchewan legislature had passed another resolution
requesting abolition of the export houses. On March 28, 1922,
a deputation of administrators of temperance legislation in
prohibitory provinces urged that no liquor should be exported
to a province or foreign country, where a prohibitory law was
in force, and export be restricted to licensed brewers and
distillers. In December, 1921, there had been a change of
government at Ottawa; the Meighen government had been defeated,
and the Liberals under Mackenzie King took over. The new
government was more sympathetic to appeals from the provinces,
and in June, 1922, the Dominion parliament passed an amendment
to the Canada Temperance Act making it illegal for all but
brewers and distillers to export liquor or keep it for export.

(1) "Review of work of Liquor Commission", 1920-24, Regina Leader,
Jan. 5, 1924.

(2) S.L.C. General Files, No. 12.

(3) Saskatoon Phoenix, Jan. 14, 1922.

(4) S.L.C. General Files, No. 22, "Memorandum to W.L. Mackenzie
King Regarding Dominion Aid to Provincial Legislation", Mar. 28, 1922.
in a province having prohibition. Hon. D. D. Mackenzie, the solicitor general, who piloted the bill through the House of Commons, said the object of the amendment was to deal with the illegitimate sale of liquor being carried on in some of the provinces. The amendment was not to come into effect until October 1, 1922. After that date it could be brought into force by federal order-in-council on request of the provincial government. This provision was intended to meet the situation in Saskatchewan, where large stocks of liquor were stored. The three months' grace would enable the owners to dispose of it legitimately. The Saskatchewan government on October 18, 1922, made the necessary request, and the Dominion government fixed December 15, 1922, as the date for closing the export liquor establishments.

In order to deal with open defiance of the law by those engaged in the illegal liquor traffic, the Liquor Commission employed its own special enforcement officers. Special officers commonly known as "spotters" were employed, in addition to regular inspectors, to do under-cover work. As far as possible the fact that they were agents of the Commission was concealed from the public, and they worked as secretly as possible. They were instructed to keep a close watch on places where liquor might be sold, and on shipments of liquor within or through the province. The chairman of the Commission sent them out to

(1) Statutes of Canada, 12 Geo. V. (1922), C. 11.
(2) Regina Leader, June 16, 1922.
(3) Saskatoon Phoenix, Nov. 17, 1922.
investigate complaints of infractions of the Act received from all parts of the province. Since their identity was unknown, they would enter hotels, restaurants, poolrooms, and other places suspected of selling liquor, and attempt to make a purchase in order to secure evidence. If this plan failed, they had the full powers of police officers to search the premises and seize any liquor found. A sample of the liquor seized was sealed and initialled, and then forwarded to the chairman of the Commission, who had it analyzed. If the beverage contained alcohol much in excess of 1.13 per cent by weight, the owners would be charged with illegal sale or keeping for illegal sale. "Spotters" frequently fraternized with well-known bootleggers, posing as bootleggers themselves, and by detailed reports to the chairman of the Commission kept him informed of their transactions. Premises where bootleggers were believed to have their liquor stored, or where it was being made, were kept under observation for days in order to secure information, or as a preliminary to a raid and seizure of liquor by the Commission. This kind of liquor enforcement work was distasteful to the majority of people, and it was difficult to engage men of the highest character. The methods employed by some "spotters" was not always above reproach. The press of the province, particularly the Regina Leader, was critical of the methods and type of men employed by the

(1) S.L.C., Staff Files.
(2) Ibid. Examination of this series of files indicates that this was the procedure.
Commission. Charges were made that Commission agents consumed liquor with, and even supplied it to suspects in attempts to get evidence, and that they became intoxicated themselves while carrying on their investigations. The methods the Commission employed in dealing with illegal sale might be defended on the ground of necessity, but they were very unpopular with most people. Therefore, what the Commission gained in convictions, it lost in popularity and public support. There is no doubt that the methods used by some "spotters" were not only unnecessary but unethical.

In its battle against the bootlegger, the liquor Commission had a powerful weapon, in the right to seize and dispose of illicit liquor wherever found. All Commission officers, as well as the police, had the right to take possession of any liquor suspected of being illegally transported, sold, or held for sale. Officers had the right to enter and search any place but a dwelling house, where it was suspected liquor was illegally kept. Furthermore, on information and oath by an officer, a magistrate might issue a warrant to search a dwelling place. Any liquor unlawfully kept for sale or disposal contrary to the Act might be seized and removed. Upon conviction of the owner, the magistrate might order the liquor forfeited, to be sold or otherwise disposed of by the Liquor Commission. When liquor was seized, a summons was sent to the owner, who had the privilege of making application to

(1) Statutes of Saskatchewan, 9-10 Geo. V. (1919-20), c.70, Sec. 68.
the court within ten days for its return. If he failed to do so, or if the magistrate decided that it was intended that the liquor be sold or kept for sale, it was forfeited to the Crown. The policy of the Commission, at first, was to sell any seized liquor fit for consumption to the licensed wholesale firms for medicinal purposes or to individual or firms in other provinces, whilst liquor unfit for use was destroyed. However, the Commission's policy of selling liquor was criticised by prohibitionists, and eventually it was abandoned, and all confiscated liquor was destroyed. Although seizures were large, particularly during the first year the Act of 1920 was in operation, it seems evident that the supply available to bootleggers remained large.

The government authorities and the Liquor Commission spared no expense or effort in their determination to enforce prohibition. The cost of policing the province was increased from $140,000 to $350,000 a year during the first three years of the prohibition period. By 1921 the cost was over one-half million dollars. The number of Provincial Police was increased from 21 in 1916 to 156 in 1921. The number of prosecutions by the Provincial Police under the Saskatchewan Temperance Act increased from 420 in 1917 to 733 in 1919. Nearly four-fifths of the time of the Provincial Police was taken up with liquor enforcement. In February, 1922, the legislature voted

(1) Ibid, Sec. 69.
(3) Journals of the Legislative Assembly of the Province of Saskatchewan, Vol. XVI, 1919-20, p. 192.
$120,000 for the purpose of temperance enforcement, adding $10,000 over the previous year for more enforcement officers. To encourage the municipal police to co-operate in enforcing the Act vigorously, one-half of the fine collected was paid to the municipality, if the conviction had been the result of information laid by the local police.

In its efforts to make a success of prohibition, the Government supplemented its enforcement work with an educational program. From the outset the Attorney-General, Mr. Turgeon, had emphasized the necessity of bringing about a change of public sentiment, if the Act of 1920 was to succeed. He predicted failure, if a new public conscience was not created, for the administrators of the law needed the support and cooperation of the great mass of the people. Mindful of Mr. Turgeon's warning, the Government, early in 1921, set up a new Social Service department, and appointed as director Dr. John C. Nicol of Saskatoon, who had been prominent in the Social Service Council. He was directly responsible to the Attorney-General but he took no direct part in the enforcement of the Act. In a sense, he was a public relations officer, whose chief duty was to explain the Act, and help to build up good will and

(1) *Saskatoon Phoenix*, Feb. 4, 1922.


(3) *Journals of the Legislative Assembly of the Province of Saskatchewan*, Vol. XVI, 1920, p. 204.

a public opinion favorable to its observance and enforcement. He travelled about the province explaining the government policy, and speaking on behalf of prohibition. In this work, he was assisted by the Social Service Council, and the affiliated temperance organizations. The government in its work of temperance education had the wholehearted support of Reverend Hugh Dobson, secretary of the Methodist Board of Social Service, and an ardent prohibition propagandist, who preached the doctrine from the public platform as well as the pulpit. Rev. W. P. Reekie, a Regina minister, was another active propagandist and organizer, working devotedly to make prohibition a success.

Although the leaders of the organized temperance movement and some of its more ardent adherents gave the government and the Liquor Commission consistent support, temperance people, in general, tended to relax their efforts. The strong organizations formed to banish the bar and ban liquor imports had been allowed to deteriorate. Having secured prohibition legislation, they relied too much on the law, and too little on their own efforts and education to promote temperance. Herein lay the weakness of the prohibition movement. Prohibitionists were trying to take a short cut to temperance, through imposing total abstinence by legislation backed by the coercive power of the state. Evidently, what they did not fully realize was that, without substantial public support, built up by continuous education, prohibition could not be enforced at all except by compulsion. Furthermore, since a

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(1) This theme occurs frequently in speeches and public statements of both Premiers Martin and Dunning. See Regina Daily Post, Sept. 25, 1924, for Premier Dunning's views.
great many people did not want the law enforced, the authorities needed the complete co-operation of every prohibitionist, not only in law observance but enforcement. Premier Martin complained that those charged with enforcement of the Act got little support even from the ardent prohibitionists. Premier Dunning declared destructive criticism and lack of support from temperance people had greatly increased the difficulties of the authorities.

In spite of difficulties, the authorities were effective in some degree in enforcing prohibition. From the coming into force of prohibition on May 1, 1917, there had been up to January 1920, 1863 cases tried by local justices of the peace. There were 1596 convictions and 207 dismissals, that is more than eighty-five percent of the charges resulted in a verdict of guilty. This high average indicates that prosecution was effective, and that there was no laxity in the courts. Liquor Commission reports show that there was an increase in convictions from December 15, 1920, to November 30, 1923. For the seven-month period from December 15, 1920, to April 30, 1921, convictions numbered 226 compared with 535 for the corresponding seven-month period in 1922-23. Convictions for infractions of the Act for the year ending May 1, 1922, were 720 compared with

(2) Saskatoon Phoenix, Dec. 16, 1922.
(3) Journals of the Legislative Assembly of the Province of Saskatchewan, Vol. XVI, 1919-20, p. 192.
1102 for the year ending May 1, 1923. It might be argued that the increase in the number of convictions indicated an increasing number of offences against the Act, and greater disregard for the prohibition law. This is possible, but on the other hand, it shows that the authorities were endeavoring to enforce the Act.

There is no doubt that prohibition had some very desirable social results. There was, for instance, a considerable reduction in drunkenness, as compared with the license period and that of the government stores. In 1913, under licensing there were 2970 convictions for drunkenness. In 1914, with local option succeeding there were 2142. In 1916, with government stores open there were 1062, and in 1917 with the stores closed, but free importation permitted, the number had been reduced to 770. In 1918, with free importation for half the year and importation prohibited the second half, convictions numbered 434. In 1919, with importation prohibited there were 618, and in 1920, with importation permitted there were 919. With importation prohibited in 1921, the number was down again to approximately 400. It must be remembered that the figures for the prohibition period are for the period when cellars were stocked with liquor from the pre-prohibition days, and export houses and other agencies of sale were under little control.


Saskatchewan had a lower rate of drunkenness for the years 1918, 1919, and 1920 than any other Canadian province for a corresponding length of time, as far back as there are records.

There is no doubt that with regard to public drunkenness conditions were infinitely better than under the licensing system. Furthermore, prohibition was especially valuable in rescuing the individual with a weakness for alcohol by placing temptation beyond his reach. The confirmed alcoholic would get liquor somehow, but persons who honestly wanted to avoid it found it much easier to do so. Prohibition limited drinking opportunities, and lessened the temptation to drink to excess.

According to figures presented by the Social Service Council, prohibition had been responsible for a considerable reduction in offences against provincial and Dominion laws. The Council claimed that general crime per capita had been reduced to approximately one-half, drunkenness to one-fifth, and vagrancy to one-ninth as compared with prohibition days. The statistics showed a reduction in offences against the liquor laws, and indictable and other offences. While the figures themselves are probably reliable, other factors in addition to prohibition need to be considered in determining the reasons for the improvement. However, prohibitionists were justified in claiming for prohibition some credit for reduction of offences. Reduction of crimes attributable to...

(1) Rev. Hugh Dobson, Regina Leader, May 13, 1922.
drunkenness would help to lessen the number of indictable offences. Reduction in the number of offences against the liquor laws might be attributed either to fewer opportunities, because of drastic reduction of drinking places, or to failure of enforcement officers to secure convictions, because of greater precautions taken to prevent detection.

From the standpoint of the amount of money spent on liquor and discouragement of the drinking habit, the results of prohibition on the whole were beneficial. Conditions were better, than when there were five hundred bars open day and night, and almost forty liquor stores vending their products. Much less time and money was spent on drinking under prohibition, and more was available for socially useful purposes. The confirmed drinkers found ways of getting their liquor, but the great mass of citizens did not miss it greatly, when it was not readily available. As for the younger generation, they were less likely under prohibition to acquire the drinking habit. Prohibition was a boon to families, in which during prohibition days, alcoholism had been a menace to security and happiness. While prohibition did not eliminate drinking places by any means, at least it did not thrust temptation in the form of convenient drinking opportunities upon the citizens of almost every community.

While prohibition was enforced with some degree of success, enforcement was far from complete. Whatever else prohibition had done, it certainly did not make the province dry. In spite of the combined efforts of the various police forces and the officers of the Commission, large quantities of liquor
were smuggled in or made in the province, and imported liquor was brought out of secret storage places for sale. The authorities seemed powerless to touch more than the fringe of the illicit traffic. It might have been expected that, with the closing of the export houses in December 15, 1922, there would be a decided improvement, yet from May 1, 1923 to November 30, 1923 the Commission seized 1306 gallons of spirituous liquor and 46,881 gallons of beer, the largest quantity of beer seized during any period. If the amount of liquor seized is a reliable index of the amount of illicit available, the improvement after almost three years of prohibition was no greater. In the spring of 1924, a cache of $17,000 worth of liquor was seized in Regina by the Liquor Commission, but returned to its owner, because it failed to prove that the liquor was being held for sale contrary to the Act. The Regina Leader charged that, when the export liquor houses closed in December, 1922, the chairman of the Liquor Commission, through negligence or connivance had permitted the entire supply of one Regina firm, the Dominion Distributors Limited, to be removed from its warehouse and cached in ten cellars and garages in the southern section of the city. The Leader claimed that in one residence alone upwards of 3,000 cases were stored, and that liquor from this and other caches had been retailed all over Regina in the subsequent sixteen months. Mr. Leech, brother of

the chairman of the Liquor Commission, declared in a Regina court, that bootleggers in the city were tapping stocks to the extent of $100,000 a month. The law caught up with the notorious Regina bootlegger, mentioned above in connection with the Johnson liquor car seizure. His residence, when raided, was found to be fully equipped to make and bottle liquor, and papers seized there show that his transactions involved tens of thousands of dollars. Confidential reports of enforcement officers to the chairman of the Commission show that the big operators were filling orders for dozens or even hundreds of cases of liquor.

The authorities were powerless to break up the highly organized bootleg rings, and punish the tycoons of the illicit liquor business. The bootlegging fraternity was wealthy, powerful, and well-organized. It took advantage of every loophole in the law, and cloaked its illegitimate transactions under legal subterfuges. The liquor men engaged the best legal counsel, and paid thousands to protect themselves in court if they were detected. They took full advantage of the lack of constitutional power in the province to deal with interprovincial trade, and lack of co-operation between provincial and Dominion authorities in dealing with bonded warehouses and manufacture of liquor. Bootleggers were able to

(1) Editorial, *Regina Leader*, April 9, 1924.
(2) S.L.C., General Files, No. 12.
(3) *Ibid*, Staff Files. Reports of T.H. Collins enforcement officer
bribe officials and buy protection. The small retail liquor vendor seemed assured of a steady supply of liquor from the breweries, the manufacturing bootleggers, and the caches of imported liquor, for the authorities failed to cut off the supply. Fines were collected periodically from owners of refreshment bars, and a multitude of other premises selling spirituous liquor and over-strength beer, but profits were high, and sale went on almost undisturbed by enforcement officers.

The Liquor Commission endeavored to enforce prohibition in the face of general apathy and outright public opposition. People, who did not sympathize with prohibition, failed to obey or respect the law, and prohibitionists frequently did not co-operate in enforcing it. Prohibition did not seem to have behind it the moral authority attached to most laws. Those, who wanted liquor for their own use, used the personal liberty argument to justify breaking the law, and encouraged bootlegging to have it. Otherwise law-abiding citizens violated the temperance law with little compunction. The drinker's conscience was not troubled by the knowledge that he was assisting the illegal liquor traffic and all its antisocial consequences. The ardent prohibitionists, upon whom at least the authorities should have been able to rely, seemed to expect in a few months by coercive measures to eliminate the liquor traffic. By their destructive criticism of the Liquor Commission and the government, for what they considered lack of zeal in enforcing the law, they tended to lower the prestige of

(1) Editorial, Saskatoon Phoenix, Apr., 12, 1924.
both in the public estimation, and made their task more difficult. Furthermore, even total abstainers, who believe in the prohibitory system, refused as a rule to co-operate actively in enforcement. They were reluctant to lay information against a fellow citizen, even when they knew he was guilty of flagrant violations of the law. This attitude is understandable, for there is something distasteful to most people about informing, and yet where strong opposition to prohibition existed, it could not succeed without co-operation in enforcement as well as observance. Premier Martin remarked upon the large number of anonymous letters received from all over the province, complaining of infractions of the Act, and of others, in which complainants asked to have their names withheld. Most people, it is true, could not afford to make enemies of their neighbors, but lack of co-operation from the public meant that enforcement officers had to rely almost entirely upon their own resources in securing evidence, or adopt the objectionable method of hiring "stool pigeons".

The Liquor Commission encountered considerable resistance and much criticism from various sources. The three commissioners, the chairman, Mr. R. E. A. Leech, Mr. Alan G. Hawkes, Mr. W. J. Bell, and the secretary, Mr. W. J. Stewart were all conscientious prohibitionists determined to enforce the Act vigorously and make prohibition a success. Nevertheless, those who wanted effective prohibition criticised the Commission for lack of vigor in dealing with large scale bootleggers. Many considered that the Commission's officers might be better


(2) This is confirmed by the correspondence in the General Files, of the Liquor Commission, their enforcement work, and the statements and attitude of prohibitionist leaders.
employed in a determined effort to cut off the main supply, rather than in investigating and prosecuting petty offences. Because of the difficulty of securing evidence in liquor cases and lack of public co-operation, the Commission was forced to rely more and more upon coercion, and upon what many regarded as unethical methods. Charges were made that the Commission employed men who had themselves been convicted of offences against the liquor law, and that officers accepted bribes from suspects. A section of the press attacked the Commission for its policies and methods. The chairman of the Commission, who was somewhat lacking in tact responded in kind, and a battle waged between the chairman of the Commission and the press, culminating in a libel suit by Mr. Leech, against the Regina Leader, for charges it made in connection with the removal of liquor from the export liquor house in Regina, on December 14 and 15, 1922. It seems evident that the Commission made a conscientious effort to enforce prohibition, but, in its zeal to secure convictions, it permitted officers to use doubtful methods against petty offenders, which antagonized the public and made it unpopular. Those who were opposed to prohibition on principle, as well as those who disapproved of the Commission's methods, lost no opportunity of making the most of the shortcomings of its agents, and its failure to control the illegal liquor traffic. The truth seems to be that the bootleg rings were so well organized and protected that the Commission was

(1) Editorial, Regina Leader, April 9, 1924.
unable to suppress the traffic. Had the Commission received strong support from all temperance people it could have dealt with more effectively/every type of infraction.

As the experiment proceeded, prohibition became more unpopular, and public confidence in it began to break down. The drinkers resented the inconvenience of procuring liquor and the high prices paid for inferior bootleg beverages. The temperance people lost confidence in prohibition, as it became evident that the authorities were powerless to suppress the illicit traffic, and that the law was disregarded by citizens on every hand. A law that is unpopular with a large section of the population, and which cannot be properly enforced, soon falls into disrepute. Disregard of any important law tends to breed contempt for law in general, and creates a dangerous situation.

After five years of prohibition, there were insufficient signs of improvement to give temperance people confidence that the experiment could succeed. The public conscience, which Mr. Turgeon declared must be created, showed little sign of developing, and without substantial public support, the authorities were faced with an almost insuperable enforcement problem. Many, who believed that prohibition was desirable, began to doubt if it was practicable, when so many were either opposed or apathetic.

Prohibitionists insisted that the experiment had not been given a fair trial, but many temperance people, disappointed with its results and future prospects, began to consider abandoning it.
THE ANTI-PROHIBITION CAMPAIGN.
By 1921 the wave of prohibition enthusiasm in Canada, which had led to the abolition of the bars in 1916, and the adoption of prohibition in 1917, showed signs of waning. During the war the need for economy and national efficiency, together with patriotic feeling, encouraged prohibition sentiment. But with the war emergency past, the desire for greater individual freedom and self-indulgence began to assert itself. The relaxation of moral standards and impatience of restraint, which characterized the post-war period, was reflected in greater disregard for prohibition laws. A reaction against what many chose to regard as an unwarranted limitation on individual liberty set in, and people who wanted liquor encouraged and sustained the bootlegger in his illicit trade. During four years of prohibition a highly organized traffic in illicit liquor had developed accompanied by crime and political corruption. Many regarded this traffic as a greater menace to the social order than the licensed trade, and Moderation Leagues began to petition for the return of the legal sale of liquor for beverage use. In 1919, Quebec had permitted the sale of beer and wine. Then in 1921, Quebec and British Columbia renounced prohibition, and adopted government control and sale of all liquor.

In Saskatchewan, as well, prohibition was becoming more unpopular. Opponents pointed out that after four years of prohibition the province was far from dry. What prohibition had done was to turn the business of beverage liquor over to illicit manufacturers and bootleggers, whose ill-gotten gains were
tapped by neither sales nor income tax, and over whom the authorities had no control. This growing opposition to prohibition was reflected in the press. The Saskatoon Phoenix and the Regina Leader which had supported the "Banish the Bar" movement, and the Saskatchewan Temperance Act at the outset, had by 1922 become the severest critics of the methods and policies of the Liquor Commission. They had come to the conclusion that prohibition could not be enforced because it did not have the sympathy of the people. Their opinion was that a temperance act, which could be enforced with reasonable success, was preferable to a prohibition act that could not. Similar views were expressed by weekly newspapers such as the Swift Current Sun and the Estevan Mercury.

The anti-prohibitionists took advantage of the growing dissatisfaction with prohibition to launch a campaign against it. In the spring of 1922, the anti-prohibition forces calling themselves moderationists in contrast to prohibitionists organized the Moderation League of Saskatchewan, with the avowed intention of opposing prohibition and other coercive measures. President of the League was Brigadier General G. S. Tuxford, and prominent on the executive were Bishop Harding of the Anglican diocese of Qu'Appelle, and several well-known Anglican clergymen. The declared object of the League was to remedy the conditions brought about by the Saskatchewan Temperance Act, and to secure

(1) Editorial, Saskatoon Phoenix, Feb. 4, 1922.
legislation to permit government sale and control of alcoholic beverages.

To carry the campaign for government control to the people, the Moderation League in January, 1923, began the circulation of a petition throughout the province. It requested the government to pass legislation providing for government control and sale of all liquor for beverage purposes, and permitting the licensed sale of four percent beer. The preamble to the petition emphasized that there was to be no restoration of the bar. It was suggested that the net revenue from liquor sales should be distributed between the province and the municipalities for the relief of taxation and local improvements. The petition met with good response, and when ready for presentation to the legislature on February 23, 1923, it contained 65,074 names. After careful consideration of the petition and the League's proposals, the government decided it could not comply with the request for new legislation. Its position was that the people had handed it a prohibition policy in the referendum of 1920, and only the people could reverse it. Therefore the government declared it would continue its efforts to make prohibition a success until the people gave it a mandate to reverse the policy.

(2) Ibid.
(3) *Saskatoon Phoenix*, Feb. 24, 1923.
Having failed to persuade the government to pass legislation on its own initiative, the Moderation League circulated another petition, this time requesting that the government hold a referendum on the liquor question. By November, 1923, almost 80,000 signatures had been secured. On November 30, a delegation, headed by Brigadier General Tuxford and the Bishop of Qu'Appelle, met Premier Dunning to present the petition, and were assured that the government would recommend a plebiscite to the legislature. In the meantime, developments in the neighboring provinces greatly encouraged the Moderation cause.

In June and November respectively, Manitoba and Alberta rejected prohibition and adopted government sale. This development was certain to have a profound effect on Saskatchewan, for it would increase enormously the difficulty of enforcing prohibition, and the province would be put to additional expense to cope with smuggling. Furthermore, the spectacle of governments of the neighboring provinces receiving a substantial revenue from the sale of liquor, whilst in Saskatchewan it went into the pockets of bootleggers, would not be pleasing to most citizens. Then, too, many in the province were bound to ask why they should be denied the privilege enjoyed by their neighbors of procuring liquor legally and conveniently.

(1) Saskatoon Phoenix, Nov. 26, 1923.
Prohibitionists in Saskatchewan acted quickly to counteract the campaign of the Moderation League and meet the threat to prohibition. The Social Service Council, at its annual meeting at Regina in November, 1923, decided to form a separate organization to carry on an aggressive campaign to maintain prohibition. At a convention at Regina, on November 29, 1923, the Prohibition League of Saskatchewan was launched. President of the new organization was Reverend Bishop Lloyd of North Battleford, and the executive included Reverend Murdock MacKinnon, and Reverend Hugh Dobson as secretary. Provision was made for membership of representatives of local prohibition associations, and any other organizations in sympathy with the objects of the League. The executive of the new organization on January 10, 1924, requested the government to postpone the referendum on the liquor question for another two years. In support of the proposal, the League argued that the Saskatchewan Temperance Act had become law by the will of the people, but that its proper operation had been impeded by conditions that had passed or were passing. Among these was the legal right to import and hold liquor for export, and the stocks of liquor cached in private residences for illegal sale. The League considered that three years from the date on which the export liquor houses were closed, namely December 15, 1922, a minimum period for a

(1) *Saskatoon Phoenix*, Nov. 28, 1923.


a fair test of the Saskatchewan Temperance Act. Furthermore, the prohibitionist argued that a delay would give Saskatchewan an opportunity to see how the government control system worked out in the neighboring provinces.

The Prohibition League hoped by postponement of the referendum to maintain the prohibitory law, and make it a success with further assistance from the Dominion government. The League declared that there should be continued and more vigorous enforcement of the Act by the Liquor Commission, and all provincial and municipal authorities. All provincial and municipal police should be charged with the enforcement of the Inland Revenue Act prohibiting the illicit manufacture of liquor. The League sought by securing better co-operation between provincial and federal authorities to prevent illicit manufacture and illegal importation into the province. In asking for a delay in the referendum, the prohibitionists hoped, no doubt, to gain time to counteract anti-prohibition propaganda by a vigorous educational campaign. They feared that, in an early referendum, the people of the province might follow the example of Alberta and Manitoba in rejecting prohibition.

Faced with conflicting requests from moderationists and prohibitionists, the government decided that the number of signatures on the Moderation League petition justified a referendum. On March 7, 1924, the Attorney-General introduced in the legislature a plebiscite bill, which passed unanimously, and July 16, 1924, was set as the date for the referendum. The

(1) Statutes of Saskatchewan, 14 Geo. V. (1924), C. 50.
electors were to answer two questions, "Are you in favor of prohibition in Saskatchewan?" "If a liquor control system under government control be established which of the following do you favor?" (A) Sale by the government; (B) Sale by the government in sealed packages of all spirituous and malt liquor, and also sale of beer in licensed premises."

Whether they answered "yes" or "no" to the first question all were expected to indicate their opinion on the second. To make the ballot valid every voter was required to vote "yes" or "no" to the first question.

The announcement of the plebiscite date was the signal for prohibitionists and anti-prohibitionists to intensify their campaigns. The Moderation League began a vigorous propaganda campaign from press and platform. A series of articles attacking prohibition and advocating government control were published in the daily and weekly newspapers. Handbills were circulated and posters distributed, setting forth the aims of the League. The League's object was to convince people that prohibition was a failure as a temperance measure, and that it was responsible for the development of an extensive illegal liquor traffic accompanied by much crime and corruption. The Moderationists emphasized that prohibition had promoted the prosperity of the bootlegger, while it cost the province huge sums to administer. Government control, it was argued, would eliminate the illegal traffic and turn over to the province the

substantial income that had been going into the pockets of bootleggers. The Moderation League drew support from anti-prohibitionists and all those opposed to the existing law, including of course, hotelkeepers, brewers, and others with a direct interest in the beer trade. However, the real strength of the league came from the support it received from the great body of temperance people, who were convinced that prohibition was either undesirable or impracticable. Government control appealed to temperance people, who were not prohibitionists, and who recognized the impossibility of imposing compulsory abstinence by legislation.

Until the date of the plebiscite, the Prohibition League worked tirelessly to persuade the people to maintain prohibition. From twenty to thirty meetings a week were held throughout April. Literature was distributed and systematic educational work carried on under the direction of a provincial committee of one hundred representative citizens from various centres. The prohibitionists claimed that, so far as prohibition had been given a fair trial, it had been successful in reducing drunkenness, vagrancy, and general crimes. Although the existence of an illegal liquor traffic was admitted, they declared that conditions responsible for it had been or were being removed. Prohibitionists insisted that

(1) Editorial, Moose Jaw Times, Jan. 26, 1924.
(2) Regina Daily Post, June 26, 1924.
closer co-operation between provincial and federal authorities in dealing with illicit distilling, and federal legislation to prohibit the manufacture of beer in the province, together with vigorous enforcement, would suppress the bootleg traffic. The prohibitionists were asking the people to continue the prohibition to experiment, and give it a fair trial under more favorable conditions than previously had existed. Government control was opposed on the grounds that no one, including government, could engage in the liquor business without being corrupted.

Since prohibition was an important moral issue, the churches were vitally concerned with the campaign, and their attitude to prohibition was to be an important factor in influencing the referendum vote. The Protestant denominations, particularly the Methodists, Presbyterians, and Baptists assumed their traditional position of giving strong support to the fight for prohibition and continuance of the Saskatchewan Temperance Act. Congregations were organized to carry on temperance education and promote the prohibition cause.

Although the Anglican Church had given strong support to the "Banish the Bar" movement it was divided on the prohibition issue. Bishop Lloyd of Prince Albert was president of the Prohibition League, but Bishop Harding, Reverend Walter Western, and other church leaders were prominent in the Moderation League. The stand taken by the two bishops was supported by

(1) Saskatoon Phoenix, Jan. 10, 1924.

(2) Speech of Dr. J. L. Nicol, Saskatoon Phoenix, Feb. 20, 1922.
See also Saskatoon Daily Star, Feb. 13, 1924, for similar views expressed by Bishop Lloyd, Rev. Hugh Dobson, and Rev. Murdock Mc Kinnon of the Prohibition League.
a majority of clergy in their respective dioceses. Their opinions were representative of opposing temperance views. Bishop Lloyd advocated the imposition of total abstinence by prohibitory legislation to extinguish the liquor traffic. Bishop Harding disapproved of legal compulsion, and believed that voluntary abstinence, or the inculcation of habits of moderation in the use of liquor, was the desirable means of promoting temperance.

The Roman Catholic Church assumed its traditional attitude of opposition to the prohibitory principle on the ground that promotion of temperance was primarily a moral problem best dealt with by the clergy rather than the state. The high dignitaries of the Church and the clergy took no active part in the prohibition controversy, but undoubtedly the official views of the Church influenced its adherents. In the referendum, those genuinely concerned with temperance would have to decide between prohibition and government control on the basis of effectiveness in promoting temperance.

Although the general public was influenced by the propaganda of prohibitionists and moderationists, people tended, as well, to judge the prohibition experiment by the outward, visible results they saw around about them. Prohibition was not the conspicuous success or the colossal failure claimed by its more ardent supporters or opponents.

It was evident to honest observers that it had diminished

(1) The Rocanville Record, Mar. 13, 1924.

(2) C. S. P., 1895, No. 21, p. 498. See also Le Patriote, Jan. 13, 1924.
drinking opportunities, reduced expenditures on liquor, and checked drunkenness and its associated evils, as we have already seen. The widespread intemperance of barroom days had been checked under prohibition. However, these gains, to some extent, were offset by the serious social evils produced by the attempt to deprive drinkers of beverage liquor by law. Among these was the manufacture and sale of poisonous liquor, perjury in the courts, corruption in public life, and general contempt of liquor laws. Prohibitionist hopes that the authorities would eliminate the sale and use of liquor, never came near realization. Even with the import ban in effect and the export houses closed, there was no evidence that the sale of bootleg liquor had been brought under control, after six years of prohibition. People saw the drinkers disregarding the law with impunity, and vendors of illicit liquor doing business despite the efforts of enforcement officers. The question in the minds of many earnest people, who wanted prohibition to succeed, was whether the results warranted a further trial. To some it appeared that, although the results of effective prohibition were desirable, the Commission could not suppress the highly organized illegal liquor trade. Therefore they began to ask if it would not be better to permit the legal sale of liquor, and bring the traffic under strict government control.
Evidently, the majority of electors, who went to the polls on July 16, 1924, had decided that prohibition had been given a fair trial and was found wanting. Complete official figures gave the majority against prohibition as 38,956. Out of 207,346 votes cast 80,381 were for prohibition and 119,337 were against it. The total prohibition vote was less than in the plebiscite of 1920, when 89,995 voted against importation of liquor. The prohibitionists had failed even to maintain their position, while the anti-prohibitionists had greatly increased their support. Another significant thing about the plebiscite of 1924, as compared with that of 1920, is the much larger number of people who voted. In an electorate of approximately 300,000, the number of votes cast in 1924 was 207,346, compared with 142,000 in 1920. The large vote and the substantial majority against prohibition seemed to establish beyond a doubt that the people of the province wanted government control.

The government had a clear mandate from the people to end prohibition and introduce government control and sale, the only question to be settled was what form of government control to adopt. On the second question of the referendum, 89,001 had voted for government control and 81,125 for government control plus beer licenses, giving a majority of 7,886 for straight government control and sale. The results showed that the majority of electors were opposed to the sale of beer in licensed

(1) Regina Leader, Aug. 14, 1924.
(2) Ibid.
premises and wanted government sale of liquor in sealed packages only, for 38,012 who voted against prohibition did not vote for the licensed sale of beer, and only thirty-nine percent of those who voted, and only one quarter of the total electorate were in favor of licensed premises. Evidently, the majority preferred a system similar to the government dispensaries of 1916-17, and were not prepared, for the time being at least, to permit licensing. In determining the form of control to adopt the government attempted to carry out the will of the people as expressed in the referendum.

Although the prohibitory system was abandoned after an eight year trial, the experiment had valuable results. It was an important social experiment, for it enabled the people to see for themselves how prohibition worked out in practice in the province. Hitherto, prohibition had been in effect only on a local basis.

Complete prohibition on a provincial scale had been chiefly a theory, and a social ideal. The reaction against the bars gave prohibitionists an opportunity to demonstrate its effectiveness in dealing with the liquor control problem. The experiment showed that, although the elimination of the sale and use of liquor might be desirable, almost insuperable enforcement difficulties were encountered in attempting to deprive people of liquor. Many did not want the law enforced, whereas others were disappointed, because enforcement was incomplete. However, the social gains, resulting from even partial enforcement, showed what valuable social results might follow, if it were possible, with substantial public support, to restrict drastically the sale and use of liquor. At the same time, the experiment showed the unfortunate results of

(1) Regina Daily Post, Sept. 25, 1924.
of attempting to impose a prohibitory system of which a considerable proportion of the population disapproved.

The question of whether prohibition could have been made a success, if given a longer trial, is open to speculation. Prohibitionists claimed that it did not have a fair trial, because of accumulated liquor stocks, and the presence of export houses, except during the latter part of the experiment. It is evident that additional aid from the Dominion would have been essential to enable the provincial authorities to cope with the manufacture and smuggling of liquor. There is no evidence that the federal government was prepared to comply with prohibitionist requests to close breweries in the province and impose additional restrictions on inter-provincial trade in liquor. With the neighboring provinces adopting government control and sale, it is difficult to see how the trend could have been resisted in Saskatchewan, where prohibitionists were a minority, and the bulk of the population were either actively opposed to prohibition or apathetic. Temperance people would probably have favored continuance of the experiment, if there had been a real prospect of effective enforcement and eventual success. But even those who supported the prohibition principle were forced to admit that, however desirable it might be in theory, it could not be enforced under the circumstances prevailing in the province. Apparently the majority of citizens had come to the conclusion that if prohibition was not undesirable, at least it was impracticable. Having reached that conclusion, they were prepared to adopt a system that would permit drinkers to procure liquor legally and conveniently under adequate control.
GOVERNMENT CONTROL.

1925 - 1947.
In a sense the government control system was the culmination of previous experiments. It was an attempt to provide an alternative to the extreme demands of "wets" and "drys". The people adopted it in a genuine effort to remove the abuses of the licensed liquor traffic, and, at the same time, to avoid encroaching unreasonably on individual liberty. The experiment was being made to determine, if it were possible to permit people to procure liquor conveniently, and yet by government sale and control check alcoholism and control the liquor traffic. At the outset, the government had a complete monopoly of the sale of beverage alcohol, but a decade later in response to public demand, the licensed sale of beer was permitted. Two decades of peace and war were to demonstrate the merits, which enabled the system to survive to the present, controlling liquor with reasonable effectiveness and a minimum of public discontent. At the same time, the limitations of the system in reducing the consumption of liquor and promoting temperance, were to be revealed.

The government control experiment began under more favorable conditions than previous experiments. Both licensing and prohibition had to a large extent been discredited in the public mind, and there was little likelihood of any strong demand for a return to either. In its previous short trial, government monopoly had been a considerable success, and the representative vote in the July referendum evidently assured the experiment of substantial public support. Even the
prohibitionists had accepted their defeat with good grace, and indicated a willingness to co-operate in giving government control a trial, as the most acceptable alternative to prohibition. The drinkers were assured of procuring liquor conveniently, whilst the total abstainers had reasonable assurance of effective control. People of all shades of temperance opinion, convinced by the prohibition experiment of the impossibility of eliminating the use of alcoholic beverages by law, were content to accept control through the government system of liquor stores. Under these auspicious circumstances, the experiment seemed to have good prospects of success.

Having decided on government sale of liquor, the legislature, in the Liquor Act of 1924-25, made adequate provision for maintaining the government monopoly and preventing unauthorized sales and illegal use of liquor. Heavy penalties were provided for sale of liquor by anyone other than a liquor store vendor or a permit holder selling for medicinal purposes. For a first offence, a magistrate had the choice of three penalties which he might impose, the first was a minimum fine of $200 with sixty days imprisonment in default of payment, the second was a minimum fine of one hundred dollars plus imprisonment, and the third was imprisonment for four months without option of a fine. For second or subsequent offences, the minimum fine was $400, and imprisonment was mandatory in...

(1) Statutes of Saskatchewan, 14-15, Geo. V. (1924-25), C. 53.
addition, the minimum term being thirty days. Keeping and consumption of liquor was lawful only in a dwelling house, which was defined as being a private residence or the guest room of an hotel. To consume liquor legally in a hotel room a person had to be a bona fide guest registered at the office of the hotel as the occupant of the room, and with baggage and personal effects belonging to him in the hotel. Certain prohibitory clauses of the Act related to the liquor board and its employees. The board was specifically prohibited from canvassing or soliciting for the sale of liquor or advertising for the purpose of promoting sales, and liquor store vendors were forbidden to make sales to certain persons mentioned in the Act.

Mindful of the dangers inherent in government becoming too deeply involved in the liquor business, the legislature, in the Liquor Act of 1924-25, provided for the administration and management of the government liquor stores by a board to be appointed by the lieutenant-governor in council. To enable it to function efficiently, it was given wide powers, including the right to purchase land, buildings, and equipment, and to engage its own officials, vendors, and other employees. It had the general control, management, and supervision of all liquor stores, with complete control of the sale of liquor, and power to make

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(1) Ibid, Sec. 78.
(2) Ibid, Secs. 96, 97.
(3) Ibid, Secs. 83, 108.
(4) Ibid, Secs. 3, 4.
regulations governing their operation. The board was to import all liquor for sale in the province, and to supply its own stores as well as permit holders. It was responsible for the issue and cancellation of permits to druggists, dentists, and doctors, authorizing them to sell liquor under prescription or use it in their profession.

The Liquor Board was to have a complete monopoly of the sale of liquor for beverage purposes. Apart from druggists and physicians, no liquor might be sold in the province except by government stores. It was to be sold in sealed packages only, by vendors appointed by the Board. The Act limited the quantities an individual might purchase in one day to one quart of spirituous liquor, two gallons of wine, and four gallons of beer. Although no permit was required to purchase liquor, a record was kept of all sales, and a person purchasing more than the legal daily allowance was liable to a fine. Sales were prohibited to minors, persons known to use liquor habitually to excess, interdicts, and persons who had been convicted of certain infractions of the Liquor Act. The Act laid down the days during which stores were to be closed and the hours of sale, but the Board also had authority to make regulations, with the approval of the lieutenant-governor in council, about these matters, as well as daily quantities purchasable.

The Board was responsible for the establishment and discontinuance of liquor board stores. It had the power to

(1) Ibid, Sec. 11.
(2) Ibid, Secs. 28, 29, 81.
decide, within the limits of the Act, the number and situation of the stores. The Act gave the Board authority to establish general liquor stores for the sale of spirits, wine, and beer in each of the seven cities of the province and the town of Yorkton. The rest of the province was divided into "numbered" districts each containing roughly three rural municipalities and the towns and villages situated therein. In these districts the Board was required to give thirty days notice of its intention to establish a store. If during that time a petition against its establishment was received, a vote was to be taken, and if the majority of electors voted against it no store was to be established. Even when a store was established the people might, within two years, petition to have it discontinued and vote it out. In cities, on the other hand, the Board might establish stores before consulting the electors, but the people had the right to vote out stores at any time afterwards. The Act limited the total number of cities, towns, and villages in which general liquor stores might be established to twenty-five, but placed no limit on the number of beer stores. The latter might be established as the result of a petition from numbered districts. Provision was made in the Act for petitions and votes on the establishment or discontinuance of stores at any time after the system came into operation.

Since the duties of the Liquor Board were primarily those associated with the management of a large business, it was relieved of the direct responsibility for enforcement.
Enforcement of the Act and Liquor Board regulations made under the provisions of the Act was entrusted to the provincial and municipal police under the Attorney-General, in the same way as any other Act. This was an advantage, for it left the Board free to devote its time to administration and to the supervision of the liquor store system. Furthermore, the Board was able to keep clear of public controversy, and avoid the public criticism that had hampered the work of the Liquor Commission. The police were given similar powers to those they had under previous acts to search with or without a warrant, and to seize liquor unlawfully sold or held for sale. Any liquor lawfully seized was forfeited to the Crown, but provision was made for recovery of liquor unlawfully seized. Since the Liquor Board supervised its own stores, the duties of the police were connected chiefly with the suppression of illegal sale and consumption of liquor.

The government liquor store system went into operation on April 15, 1925. Eleven general liquor stores were established in the seven cities and the town of Yorkton, and sixteen more were added in other towns at a later date. During the first year ninety stores, for the sale of beer only, were opened. By 1929 the statutory maximum of places in which general liquor

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(1) Journals of the Legislative Assembly of the Province of Saskatchewan, 1924, Vol. XXII, p. 123.

(2) Statutes of Saskatchewan, 14-15, Geo. V. (1924-25), C.53.

(3) Annual Report of the Liquor Board, Saskatchewan, 1926. p. 2-4; hereinafter referred to as L.B. 1926.
stores might be established had been reached, and at that time there were twenty-nine general liquor stores and one hundred seventy-five beer stores. The policy of the board was to open stores for the sale of beer upon the receipt of petitions from people of the numbered districts, provided there was no unfavorable vote, and the board considered that the volume of business available warranted it. The Board was obliged to close any store where there was a local option vote against it, and it might also close any store without a vote if receipts were not sufficient to warrant its continuance. The Board's policy of opening and closing stores was determined chiefly by two considerations, namely, sound business principles, and the wishes of the people of the district.

In general, the policy of the board was neither to push nor unduly restrict sales, but to regulate and control. The Act specifically prohibited liquor firms advertising by the use of signs, posters, or bill boards. Advertising in newspapers was not prohibited, but all advertising was controlled by the Liquor Board. By regulations of the Board, advertising was permitted in newspapers, magazines, and year books only.

(1) L.B. 1929, p. 1.
(3) Ibid, Sec. 108.
but all copies had to be approved by the Board before publication. In the advertisement there was to be no direct invitation to drink, and no reference could be made to price in the Board stores. In 1931 the regulations were amended so that liquor advertisements published within Saskatchewan were limited to wine and beer. Vendors in liquor board stores were instructed to do nothing whatever to push sales, or to encourage the sale of any particular type or brand of liquor. The customer made his own selection from the price list posted, and no attempt was made to display the liquor offered for sale. On the other hand, an effort was made to make it easy and convenient for people to purchase liquor. The daily quantities allowed were generous, the stores were opened during regular retail business hours and closed only on regular holidays, and even a delivery service was provided in the larger centres for those who wished to order by telephone. Special permits issued by the Liquor Board enabled persons to secure a larger daily quantity than normally allowed under certain circumstances, and permits were issued for the purchase and use of liquor for banquets.

In keeping with the policy of the Board to enable people anywhere in the province to purchase liquor legally, a mail order service was established. People in any part of the province could order liquor by mail.

(1) L.B. 1926, p. 12.
(2) Information from Mr. Edwards, Chairman, Saskatchewan Liquor Board, Regina, October, 1947.
(3) L.B. 1932, p. 3-4.
province might procure liquor at no added cost where there was no Liquor Board store in the district. From the outset mail order centres were established at Regina, Saskatoon, and Moose Jaw, and later at other centres in the province. The board at the outset paid the transportation charges on spirituous liquor and wine but not on beer. However, by the end of May 1, 1927, the Board had made arrangements with the Western Brewers Association, acting on behalf of the breweries supplying beer to the Board, enabling it to ship beer, transportation charges paid, to mail order customers. To handle mail order business for beer, certain beer stores in fifty centres were designated as mail order points. In establishing the mail order service, the government had in mind not only provision of better service, but curtailment of home-brewing and illegal sale. Experience with local option under the license system had shown that, where legal facilities for securing liquor were not provided, an illegal traffic tended to develop. Furthermore, in a province such as Saskatchewan, where there were large supplies of grain and rural isolation made concealment possible, home-brewing developed as a business venture. From the standpoint of revenue, as well as temperance and law enforcement, it was good policy to encourage legal as opposed to illegal sale.

Similar motives prompted the Liquor Board to permit the sale of wine in beer stores. The Board's regulations under

the Liquor Act had limited the sale of wine to the general liquor stores operated at twenty-five points. But as the result of persistent demands for the sale of wine in beer stores, the Liquor Act, in 1932 was amended to make this provision. By this concession the authorities hoped to encourage people to use the cheaper native wines in place of spirits, and to purchase it in preference to home-brew. Evidently the new policy had the desired result, for there was a great increase in wine sales. People, who would not bother to order it by mail, purchased it in the local beer store. From a temperance standpoint, the sale of wine in beer stores had the advantage of encouraging the use of wine instead of spirits and home-brew.

After almost a decade of straight government sale of liquor in sealed packages only, the demand became more persistent, in 1933, for the sale of beer by the glass in licensed premises. Complaints were made that the law permitting drinking only in a dwelling house imposed a hardship on some people, and led either to hypocrisy or outright disregard of the law. The inconvenience of securing a drink, it was claimed, led to illegal facilities being provided in clubs, restaurants and hotels. Behind the agitation for beer by the glass, of course, were the hotel men and the brewers, supported by that section of the drinking public, which wanted freer sale of beer and the convenience of public drinking places.

(1) L.B. 1933, p. 1.
The Moderation League, which had advocated licensed premises since 1923, supported the proposal on temperance grounds, arguing that licensed sale of beer would reduce the consumption of spirits and discourage the use of home-brew. The prohibitionists, on the other hand, opposed the re-entry of private interests into the liquor business, arguing that the incentive of private gain would induce hotelkeepers and brewers to push the sale of beer. They protested against the suggested provision of additional drinking facilities, and emphasized the dangers of beverage room drinking. However, as the result of a petition circulated by the Saskatchewan Hotels Association in February, 1934, asking for the sale of beer by the glass, the government decided to hold a referendum, at the same time as the provincial general election, in the spring of 1934.

A radical departure in government liquor policy occurred as the result of the referendum of 1934. The majority of electors voted for beer by the glass, consequently the legislature in January, 1935, amended the Liquor Act to provide for the sale of beer by the glass in the licensed premises of hotels, clubs, and canteens. An entire new section was added to the Act to provide for licensing and the regulation of licensed premises. The Liquor Board assumed the additional duty of a licensing commission with the power to issue,

(1) Regina Leader Post, Feb. 16, 1934.
(2) Statutes of Saskatchewan, 24-25, Geo. V. (1934-35), C.71.
suspend, and cancel licenses. An effort was made in the Act to give the Liquor Board effective control over the breweries supplying the beer and the licensed premises in which it was sold.

The provisions of the Liquor Act relating to the issue of licenses to hotels were of special importance. Precautions were taken to ensure that the proprietor of the hotel applying for the license was of good reputation, and no license was to be issued to an hotel, if it were owned or operated by a brewer, or if he had an interest in it. In order to qualify for a license, an hotel was required to have suitable accommodation for the public, to provide meals, and to be properly supplied with sanitary facilities. Before a license was granted, the premises had to be approved by a government inspector. Licenses were granted for one year only, and in no case was renewal a condition of the original franchise. The number of licenses issued in one year in any municipality was limited by law, and depended upon the population. The Liquor Board endeavored to confine licenses to hotels doing a legitimate business and providing regular meals and accommodation for the public.

The licensing section of the Liquor Act included local option features, similar to those governing the establishment of liquor stores, enabling the electors of a municipality by a majority vote to exclude a licensed premises. The

(1) Ibid, Secs. 234-258.
(2) Ibid, Secs. 237-248.
procedure followed was for any person, who intended to apply to the Board for a license to sell beer, to give thirty days notice of intention, and to insert an advertisement of intention prior to the application in a newspaper published or circulated in the municipality or hamlet where the hotel was situated. If the application was to be opposed, a petition against the issue of a license, signed by at least twenty-five percent of the persons whose names appeared on the last revised voters list, might be sent to the Board. If such a petition was received, the Board was required to arrange for a vote, and if the vote was adverse no license was issued. Provision was also made in the Act for a similar vote for discontinuance of a licensed premises.

Provision was also made in the Act for the issue of licenses to clubs and canteens. Licenses were to be issued only to clubs having suitable accommodation and conveniences similar to a hotel, but no license was to be granted if it were a proprietary club operated for pecuniary gain. The club premises had to be equipped, constructed, managed and conducted to the satisfaction of the Board. Licenses might be issued to canteens established in camps, armories, and barracks of the permanent and non-permanent militia, the Royal Canadian Air Force, and the Royal Canadian Mounted Police. In addition, licenses might be issued to canteens in city premises owned by the Canadian Legion, and the Army and Navy

(1) Ibid, Secs. 265, 274.
Veterans of Canada.

Strict regulation of licensed premises was an important feature of the government beer control policy. Licensees operated their beverage rooms subject to the conditions and restrictions imposed by the Act, and regulations made by the Liquor Board from time to time. The days, during which licensed premises were closed, included Sundays, Christmas, Good Friday, and polling day. Hours of opening and closing were regulated by the Board, and altered from time to time.

Certain persons were not permitted to enter licensed premises, including minors, women, interdicts, intoxicated persons, and policemen unless in execution of their duty, and no minor or female was to be employed in the sale, handling, or serving of beer. According to Board regulations, all beer must be served in transparent glasses of standard size, and no one was to be served unless seated. To avoid the "treating" custom, no person was permitted indiscriminately to order or pay for beer consumed by other persons. Neither the licensee nor his employees were permitted to promote the sale of any particular brand of beer. Furthermore, the licensee was not allowed to pay an employee any commission based on the sale or serving of beer. In the licensed premises of an hotel, no beverage other than beer, and no food was to be served, and no form of entertainment or any gambling device was allowed. In order to facilitate enforcement of the regulations, the premises was to

be open to inspection by any inspector, police officer, or person designated by the Board.

The Liquor Board secured further control of the beer trade through regulation of brewery sales and complete control of the supply of beer to licensed premises. Breweries required permits to sell and deliver beer to the Board and to licensees, when authorized in writing by the Board to do so. Breweries were also required to make regular returns to the Board of sales made. Licensees had to purchase all beer through the Board. They were required to send their orders to officials, known as beer supervisors, at eight storage centres in the province, or to the breweries where they were filled under the supervision of a Board official. The breweries supplied beer at prices fixed by arrangement with the Board, which also set a uniform retail price for draught and bottled beer in all licensed premises. The Board fixed the alcoholic content of beer sold in licensed premises at four percent by weight, and required breweries to furnish samples of beer sold in the province from time to time. Licensees were required to keep a record of all beer purchased, and if requested, to make returns to the Board. The Act gave the Board effective control.


(2) Information from F.J.C. Edwards, Chairman, Saskatchewan Liquor Board, Regina, October, 1947.

(3) Statutes of Saskatchewan, 34-35, Geo. V. (1934-35), C.71. Sec. 279.

over brewery sales in the province, for it could by refusing a permit exclude a brewery from the local market, whilst by suspension or cancellation of permits it might exercise disciplinary action without recourse to the courts. The Board's policy with regard to breweries was designed not only to prevent leakage of beer into illicit channels, but also to reduce to a minimum the influence of breweries in the retail trade. Its policy was to confine breweries to manufacture and wholesale distribution, and to prevent them from securing a direct financial interest in hotels with licensed premises, which might be used as retail outlets.

The influence of prohibitionist views and of the Liquor Board's policy of doing nothing to promote sales is reflected in the legislation and regulations governing licensed premises. Suspicion of public drinking still persisted, consequently the negative policy was adopted of making the places where beer was sold as little attractive and likely to invite prolonged stay and conversation as possible. Apparently it was felt that, if owners of licensed premises were permitted to make them too attractive, people would be enticed into the beverage rooms. However, the net result of prohibiting all forms of recreation and the serving of refreshments, was to make beer drinking the sole attraction of the licensed premises. In their determination to prevent licensees from attracting customers by added inducements, the legislators and administrators excluded many of the features that might have encouraged the sociable atmosphere of a well conducted English public house, and
might have given encouragement to moderate, leisurely drinking. If promotion of temperance was the object of the government's policy, with regard to licensed premises, it is doubtful that it achieved its purpose. The disadvantage of the policy was that it placed the entire emphasis on drinking and gave little encouragement to good drinking habits. Men went to the beverage rooms solely to drink beer, whereas in the average English inn drinking a few glasses of beer was incidental to other social diversions such as conversation or games. Possibly because of prohibitionist influence, and partly because of the atmosphere of the average beverage room, they have failed to attract the best type of patronage, and many people regard beverage room drinking as not quite respectable.

On the whole, licensed premises have been reasonably well conducted, and the sale of beer effectively controlled. The number of beverage rooms has been kept within reasonable limits by statute, and many communities, where temperance sentiment is sufficiently strong, have been able to exclude them by taking advantage of the local option provisions of the Act. During the past decade, there has been little change in the number of licensed premises; in 1947 there were 419 compared with 421 in 1937. The Board took disciplinary action against sixty permit holders between 1940 and 1945, according to Annual reports of the Liquor Board. Cancellations or

(1) L.B. 1937, p. 3; 1947, p. 2.
(2) L.B. 1940, - 1945.
suspension of licenses has been an effective lever of control over licensees, and government inspectors have encountered no special difficulty in enforcing the Liquor Board regulations and the provisions of the Act.

Legislation and regulation have been much less effective in controlling drinking in licensed premises. Beverage room drinking has been responsible for some drunkenness and a considerable amount of intemperance. It has not reached the serious proportions of bar room days chiefly because beer is less intoxicating, but licensed premises have certainly done little to encourage moderate drinking. Furthermore, there is little evidence that beverage room drinking has diminished the consumption of spirits to any appreciable extent. Aside from intemperance, the chief complaint against licensed premises is that they waste time and money. Temperance people would prefer to see the beverage rooms closed, however, the majority of people apparently want them. Those who do, but who are concerned as well with temperance, suggest improving them by providing other attractions besides beer to encourage more moderate, leisurely drinking. By attracting a better class of trade, it is believed that the general tone of licensed premises would be raised, and drinking habits improved.\(^1\)

During the period 1930-1941, the Board found that no special restrictions were required to limit total sales or consumption of liquor. Even in normal times the majority of people consider liquor a luxury. When they can afford it, they gratify their taste for liquor, when they cannot they do without. When the

\(^1\) These conclusions are the result of the writer's own observations in the province.
economic depression began in 1930, sales began to fall off rapidly, and between 1929 and 1933 they dropped from $14,067,085 to $4,787,266. As a result the Liquor Board found it necessary to close approximately one-third of the beer stores in towns and villages, and the number was reduced from 182 in 1930 to 122 in 1932. A permit system, requiring the purchaser of liquor to buy a permit from the Liquor Board, adopted in 1931, was abandoned after a nine-month trial, because sales fell off, and as a result profits were drastically reduced. Evidently, when purchasing power was low people did not want liquor badly enough to put up with the slight inconvenience and expense of a permit.

The advent of World War II changed the situation, which had prevailed during the previous decade with regard to liquor sales and absence of restrictions on purchases. Although there was no serious demand for prohibition as in World War I, it was considered advisable to ration liquor in order to conserve foodstuffs and manpower. Consequently the federal government, on December 16, 1942, passed an order-in-council restricting the purchase of wine, beer, and spirits by liquor commissions throughout Canada to seventy percent of spirits,

(1) L.B. 1929-33.
(2) L.B. 1930, p. 1; 1932, p. 2.
(3) Information from F.J.C. Edwards, Chairman, Saskatchewan Liquor Board, Regina, October, 1947.
eighty percent of wine, and ninety percent of beer, which the commissions purchased in the year commencing November 1, 1941, and ending October 31, 1942. The order also prohibited the sale of spirits of an alcoholic strength greater than thirty percent under-proof, and stopped liquor advertising for the duration of the war. It was left to the provincial liquor commissions to distribute the available supply of liquor as equitably as possible.

As a result of the Dominion wartime restrictions, the Liquor Board made provisions for the rationing of all liquor. The purchasing power of all people increased so rapidly from 1942 that there was an increased demand for spirits, which greatly exceeded the available supply. Consequently the Liquor Board on February 12, 1943, introduced a purchase card system, so that it might limit the quantity of liquor purchased by an individual in a prescribed time. It was found that approximately seventy-percent of card holders desired to purchase spirits. The constant increase in the number of permit holders required the Board to restrict the amount an individual might purchase to one twenty-six ounce bottle of spirits, and one bottle imported wine or three bottles of Canadian wine, in each successive two-month period commencing March 1, 1943. In January, 1944, liquor purchase cards were

(1) Statement of Honorable J.W. Estey, Attorney-General, to members of the Legislative Assembly, March, 1944, Regina Leader Post, March 2, 1944.


(3) Mr. Estey's statement, Regina Leader Post, March 2, 1944.
replaced by liquor permits which served the same purpose.

In conformity with the Dominion government order, the Board also placed restrictions on the amount of beer an individual might purchase. The Board rationed its own stores, and limited the quantity that might be purchased by licensed premises, and at the same time it restricted individual purchases to two bottles a day. Licensed premises rationed their own draught beer, by selling a daily quota and opening for only a few hours each day. To make rationing more effective, the Liquor Board in September, 1944, instituted a beer coupon system for the purchase of bottled beer, and continued rationing of draught beer to licensed premises as before.

Other wartime restrictions were imposed by the Liquor Board. Commencing on September 1, 1942, liquor store hours were reduced to three and one-half, and from January 1, 1943, the hours, during which licensed premises might be open, was limited to those between 2 p.m. and 10 p.m. Actually licensed premises remained open only a few hours until the daily quota was sold. The issue of special quantity and banquet permits was discontinued, as well as delivery of liquor to residences. At the same time, the Liquor Board between August 27

(1) L.B., 1944, p. 1.
(2) Mr. Estey's statement, Regina Leader Post, Mar. 2, 1944.
(3) L.B., 1945, p. 1.
and October 3, 1942 closed seventy-two beer and wine stores (1) as an economy measure. When the war ended in 1945, there were only forty-five beer and wine stores open.

With the end of the war in the summer of 1945, wartime liquor restrictions were relaxed. The provisions of the Wartime Alcoholic Beverage Order of 1942, relating to spirits and wine, was repealed on August 3, 1945. The Liquor Board made increased purchases from the manufacturers and was able to ease wartime restrictions and increase quantities purchasable. The beer coupon system was terminated December 31, 1945, when an additional supply of beer became available.

On March 31, 1946, permits for wine and all spirits except brandy and whiskey were discontinued, and a year later permits were required only for scotch whiskey. Pre-war hours for liquor stores were restored, but hours for licensed premises remained as during wartime. Although the Wartime Measures Act stopping advertising was rescinded, the Liquor Board did not renew its regulations permitting advertising and at present none is permitted in the province.

Probably the most significant feature of the wartime situation was the marked increase in the number of persons purchasing liquor, as indicated by the number of permits issued.

(1) Ibid.
(2) L.B., 1945, p. 1.
During the fiscal year 1944-45 313,868 liquor permits were issued, and for the fiscal year ending March 31, 1946, the number of beer coupon books purchased was 345,468. When one considers that the population of the province was approximately one million, and that approximately fifty percent of the population were under twenty-one, it becomes evident that an astonishingly large proportion of the adult population were purchasing liquor. The expense and inconvenience of permits did not discourage sales. Rationing of liquor appears to have had the same psychological effect as the rationing of other commodities. People, who normally did not purchase liquor, secured permits and went to the Liquor Board stores for their quota. It is quite likely that many were purchasing not for themselves but others, consequently it is difficult to say if there was any appreciable increase in the number of drinkers. It would appear that there was an increase in the amount of liquor consumed for total sales increased from $8,509,225 in 1941 to $13,623,679 in 1945.

Experience with wartime rationing and permits reveals the advantage and deficiencies of the system as a means of restricting individual purchases. Wartime rationing did have a restraining effect on the amount of liquor sold, for while total sales increased during the wartime period, there was a spectacular rise in liquor sales when wartime restrictions were lifted.

(2) L.B., 1941, p. 4; 1945, p. 6.
removed. Furthermore, the more equitable distribution of the limited supply tended to prevent excessive individual consumption. More people bought liquor, but the per capita consumption of the drinkers was probably lower. However, certain deficiencies were evident in the system. It was impossible to enforce the permit system effectively and prevent abuses. It was common knowledge that many possessed more than one permit, and had the use of liquor from others. Permits were transferred from one individual to another. People, who ordinarily did not purchase liquor, secured permits, and bought liquor for their friends. The wartime experience with permits reveals the limitations of the system as a means of enforcing restrictions on the quantity of liquor an individual might purchase in a prescribed period. The habitual drinkers, who desires considerably more than the quota allowed, will find ways of evading the restrictions.

The most significant feature of government control in the post-war period has been the spectacular increase in liquor sales. With the removal of some restrictions at the close of the war there was a rise in liquor sales in 1946 to a record high of $20,602,365 while net profits rose to $6,605,449, an increase of $2,829,203 over the previous year. Sales in 1947 reached an all time high of $25,183,374 with an net profit of $8,104,620. Over 2,500,000 cases of beer were sold

(1) L.B., 1946, p. 6.
(2) L.B., 1947, p. 6.
in 1947 compared with 450,000 in 1936. During the fiscal
year 1946-47, the Liquor Board sold ten million dollars worth
of beer to licensed premises alone, and at the same time the
sale of spirits and wine in Liquor Board stores exceeded that
sum. Temperance people were alarmed by this tremendous
increase in liquor expenditures, and the government itself
deplored the large sums being spent. The government found
itself in the anomalous position of deriving large profits
from sales, which it had done nothing to encourage, but which
contributed to intemperance. The government felt that it was
for responsible promoting temperance, through effective control of
liquor, and yet increased consumption of liquor was likely to
have the opposite effect.

Those, who were alarmed by increasing liquor sales,
have demanded that the government adopt a positive policy of
restricting sales. The Saskatchewan Temperance Federation has
suggested that the quantity of liquor purchased by an individual
be reduced by changing the daily quantities, for instance one
bottle of spirits per day, to weekly quantities. While this
suggestion has some merit, wartime experience with permits,
as we have seen, indicates that such a restriction would be
difficult to enforce. Another suggestion is to fix the price

(1) Statement of H.L. Huchison, General Manager of Saskatchewan
    Brewer's Association, Saskatoon, Star-Phoenix, June 3, 1948.

(2) L.B., 1947, p. 6.

(3) C.M. Fines, Provincial Treasurer, Regina Leader, Feb. 12, 1947.

(4) Brief of the Saskatchewan Temperance Federation submitted
to the Legislature, Regina, Feb. 4, 1947.
of liquor high enough in relation to the prime necessities to
discourage expenditures on liquor among the lower income
groups. To a certain extent this policy is already followed,
but, if carried too far, the government might be charged with
discrimination. At any rate, it would not be wholly effective
for liquor is frequently purchased by those least able to
afford it. A further reduction in the number of Liquor Board
stores and licensed premises is another suggestion. However,
the number at present does not appear excessive. In 1947
there were 45 beer and wine stores, 39 general liquor stores,
and 419 licensed premises in operation. Caution in carrying
out any of these suggested restrictive measures is advisable,
for in addition to the possibility of creating public discontent,
there is the very real danger of encouraging illegal sale and
illicit manufacture of liquor. The public would need to be
convinced that the restrictions were necessary, and if
necessary, that they were effective.

It is evident that legislative restrictions have
definite limitations as a means of discouraging expenditures on
liquor and reducing consumption. Increased liquor sales are a
feature of prosperous times, and high purchasing power is the
decisive factor. Until there is a considerable decline in the
amount of surplus cash available, there seems little prospect
of a drastic reduction in liquor purchases. Government re-
strictions can have only limited effectiveness. However, it

may be possible to reduce expenditures and promote temperance by other measures. The great need in many communities is for counter attractions to licensed premises, which will divert surplus cash to more socially desirable expenditures, and turn people's attention to social diversions other than drinking. Suggestions, such as that of the Saskatchewan Temperance Federation, that well appointed milk bars should be provided in towns and villages to keep young people out of the beverage rooms, is worth considering. The government's pledge to spend up to $100,000 of liquor profits on temperance education indicates its awareness of the need for means other than legislation to discourage excessive expenditures on liquor. Abnormally high expenditures on liquor is probably a temporary condition, which will be corrected by the rising cost of living and reduction in surplus cash, but various measures in addition to legislative restrictions will still be necessary to divert time and money from drinking.

As a means of controlling the sale and use of liquor, the government control system has distinct advantages. The liquor interests find it difficult under the present system to push the sale of their products by ordinary commercial methods, such as advertising and soliciting business. Since the government controls all retail outlets for spirits and wine, sale of

(1) Brief of Saskatchewan Temperance Federation, Regina Leader-Post, Feb. 15, 1947.

(2) Ibid.
these liquors is the result of normal demand, without the additional stimulus of high pressure advertising or added inducements to drink. Exclusion of brewers from the retail trade and from control of hotels with licensed premises averts the abuses of the "tied" house system, regarded as an undesirable feature of the English licensing system. Power to fix the price of all liquor may be used to a certain extent as a temperance measure to encourage the sale of lighter alcoholic beverages rather than spirits. The local option feature enables the people of various communities to have a degree of local prohibition, if they choose, and makes it impossible for either the Liquor Board or an hotel proprietor to foist a store or licensed premises upon a community against the wishes of the majority. Government control appears to include most of the features considered desirable in an effective control system. The government is in a position to impose all those restrictions which experience has shown are desirable to promote temperance to the limit supported by public opinion. Large liquor profits provide the money needed to carry out an extensive educational program and to assist in providing counter attractions.

From the standpoint of administration and enforcement, the system of government control has been very satisfactory. The Liquor Board has operated the stores efficiently and profitably with no political complications. The police have had to deal with illegal sale, for bootlegging has not been eliminated, but there is no evidence of an extensive illegal
liquor traffic. Convictions have generally been for minor infractions such as consuming liquor in a place other than a dwelling house. The police have encountered no special difficulty in enforcing the Act, and from 1941 to 1945 the number of convictions increased from 794 to 1820. The fact that the Mounted Police have authority to deal with illicit distilling and home-brewing, as well as enforcement of the provincial liquor law, has resulted in increased efficiency. The supervision of licensed premises by government inspectors enables the Mounted Police and the municipal officers to concentrate upon dealing with infractions by non-licensees. The heavy penalties provided for illegal sale, which include imprisonment up to three months, in addition to a fine, for a second offence, has helped to control bootlegging.

The government liquor control system has operated to the general satisfaction of the public for a period of twenty-three years. During the past two decades there has been no serious demand for a return to prohibition or for the extension of licensing to the sale of spirits and wine. People, apparently, are content to entrust to government a complete monopoly of the stronger alcoholic beverages, with close supervision of beer sales, in the belief that the liquor business should not be left to private ownership and free competition. Even those who are alarmed by intemperance and deplore increased expenditures on liquor have proposed no radical changes in the

system itself. Most suggestions have been for more vigorous use of government powers and further restrictions, with supplementary measures such as temperance education and the provision of counter attractions. The principle of government control is essentially sound, and is undoubtedly approved by the majority of citizens. Its future success will depend as much upon public co-operation in law observance and improvement of drinking habits, as upon the authorities in devising more effective temperance measures.
CONCLUSIONS REGARDING LIQUOR LEGISLATION

IN SASKATCHEWAN.
During the past seventy-five years, the people of Saskatchewan have tried with varying success to work out a satisfactory system of liquor control. The object has been to devise a system that would control liquor effectively, and which, at the same time, could be properly enforced. The result of their efforts has been a rather amazing variety of experiments, representing extremes of restriction and freedom in the sale and use of liquor. The predominant influence of prohibitionists and anti-prohibitionists upon public opinion has been chiefly responsible for extreme variations. The mass of citizens have been too preoccupied with the urgent need of making a living to give much thought to the temperance question, but they have been subjected periodically to the propaganda of extremists. Referenda votes indicate that public opinion shifts and changes with times and circumstances, and is susceptible to propaganda from both sides. Until the early twenties the prohibitionists tended to have the upper hand. The history of liquor legislation in Saskatchewan shows that extremes tend to be followed by a reaction in the opposite direction. Licensing was a reaction to the restrictions of the permit system of 1875-92, whilst prohibition was a reaction to the abuses of licensing. With the majority of citizens of moderate views taking no active part in the controversy over the form of liquor control, and the extremists exerting a predominant influence, it is not surprising that the efforts of the people to solve the liquor control problem were rather blundering and inconclusive.
In their efforts to control liquor, the people of Saskatchewan tried, with varying success, five major experiments in liquor legislation. With one exception, the keynote throughout was control. The prohibition experiment was the only outright attempt to eliminate alcoholism and abolish the liquor traffic, by depriving people completely of alcoholic beverages. The success of any liquor control system will be judged chiefly by its effectiveness in controlling the liquor traffic and preventing intemperance. In order to achieve these results, it must be capable of effective enforcement, for no matter how desirable liquor legislation may be in theory, it is of little value, if it cannot be enforced with reasonable success. From the standpoint of the criteria mentioned, some experiments were more successful than others, but none of them can be said to have combined all the features considered essential to an entirely adequate control system. However, none of them should be accounted a complete failure, for from another standpoint they were all valuable. The people of the province had to proceed empirically, and learn by experience what control methods were desirable and practicable. Lessons learned from each experiment enabled the people and their representatives to cope with liquor control problems more effectively. Valuable experience gained from previous experiments, for instance, made it possible for the present government control system to avoid some of the defects of previous systems. At least, it may be said that a people and its government, with limited experience, and with the urgent problems of a
new province occupying its attention, made a conscientious effort to deal with the temperance problem. They had the courage and initiative to try new experiments when the previous ones proved inadequate.

The earliest of these experiments, the permit system of 1875-1892, was inherently unsound, for it could neither be effectively administered nor properly enforced. Consequently, it failed to control the use of liquor, and was not a success as a temperance measure. Enforcement was almost impossible, because of the physical difficulty of preventing smuggling, and lack of public sympathy for the law. Having been imposed from without, the prohibitory law was resented by the people as unwarranted and oppressive. The difficulties encountered in enforcement and administration illustrated the wisdom of permitting the people to determine their own liquor policies, and the insuperable problem of enforcing a prohibitory law in the face of public opposition and lack of public co-operation.

From the standpoint of efficient administration and ease of enforcement, the licensing system was considered highly satisfactory, but in its purpose of controlling the liquor traffic and preventing intemperance, it was a failure. The serious conditions of intemperance and the abuses of the liquor traffic, that developed under the open bar system, proved the virtual impossibility of controlling liquor, when the motive of private gain was imperfectly restrained. It illustrates the well-known principle that multiplication of drinking opportunities tends to encourage more people to drink, and tempts them to
excess. The intemperance of the open bar emphasizes the need for special control of spirituous liquors, and shows the dangers inherent in permitting the sale of spirits in unlimited quantities by the glass in public drinking places. Experience with licensed bars showed the limitations of legislation and regulations in preventing the abuse of liquor in the absence of traditional habits of moderation, and the proper attitude to the use of liquor.

The "Banish the Bar" movement revealed the existence of a public conscience and of a moral sensitivity to the evils of the liquor traffic. Evidently they could be relied upon to come into operation when intemperance became serious. The movement shows how influential a determined prohibitionist minority can be in arousing public opinion, and the effectiveness of the latter in securing drastic remedial temperance legislation. By a direct attack on what had obviously become a serious social evil, prohibitionists marshalled the temperance forces behind the movement for reform. Without their crusading zeal, inspired by moral indignation at the anti-social consequences of the drink traffic, it is doubtful that the bars would have been closed. However, the subsequent prohibition period revealed certain weaknesses in the prohibition movement. When directed against a tangible evil such as the bars it achieved spectacular success, but in the more prosaic work of supporting temperance legislation, encouraging law observance, and cooperating actively in enforcement, the prohibitionists were less effective, as we have seen. Although the efforts of the leaders, on the whole, continued undiminished, enthusiasm among the rank and file tended to wane, and temperance associations did not maintain their full strength. Content with having secured prohibitive legislation, some prohibitionists tended to rely too exclusively on the authorities. If temperance legislation is to succeed, it must
have continuous and consistent support from all temperance people. Organizations need to be kept intact, and through education and publicity an effort must be made to keep the public conscience alert and active, so that temperance legislation may be assured of continuous public support.

The prohibition experiment of 1917-25 proved to the satisfaction of most people that provincial prohibition was either undesirable or impracticable. The theory of prohibition appealed to many temperance people as the simplest and most direct way of eliminating alcoholism and abolishing the liquor traffic completely. Since prohibition was adopted by popular referendum, it seemed to have fair prospects of success. However, the prohibition experiment showed, that in the province at least, prohibition would not work out in practice. Like the early permit system, prohibition did not control liquor effectively, because it could not be properly enforced. It failed in its object of eliminating the liquor traffic and ending alcoholism, because the demand for liquor remained and an illegal traffic developed to supply it. The illegal traffic could not be suppressed, because the obstacles to enforcement were too great to be surmounted. Lack of constitutional powers and constant litigation hampered the authorities. However, even if constitutional difficulties had been removed, almost insuperable obstacles would have remained. There was the opposition of those who refused to be deprived of liquor by law, and of those who supplied them with it, the physical difficulty of preventing
smuggling, and the lack of public co-operation, in law observance and enforcement. Even the ardent prohibition minority failed to give the authorities the consistent support required. As a temperance measure prohibition was only a limited success, for while it brought about some reduction in the amount of liquor consumed and in convictions for drunkenness, its failure to suppress the illicit liquor traffic left drinking virtually uncontrolled. All the evidence in connection with the experiment points to the conclusion that a prohibitory system, of which a substantial number of citizens disapprove, cannot be imposed upon the people of the province.

Government control and sale of liquor was the logical outcome of previous control experiments. It was a reasonably successful attempt to avoid the extremes of licensing and prohibition. In controlling liquor and preventing intemperance, it was reasonably effective, whilst no special difficulty was encountered in enforcement. Some of the worst features of the licensed bars were avoided by a complete government monopoly of stronger alcoholic liquors and their sale in sealed packages for consumption only in a dwelling house. By providing convenient facilities for the legal purchase of liquor, public discontent was avoided, and the enforcement problem was simplified. The government control experiment showed that it was possible to permit people to procure liquor legally and conveniently, whilst at the same time controlling the liquor traffic and restraining intemperance.

(1) See statement of Premier Dunning in Regina Daily Post, Sept. 25 1924. He stated that the prohibition party had gone into stagnation, and did little to help enforcement of the law at a time when the efforts of its members were most needed to impress upon people the value of prohibition.
The present system of government sale and control of liquor is the most satisfactory system for Saskatchewan. The prohibition experiment has shown the impracticability of eliminating the sale and use of liquor. On the other hand, the licensing system indicated the danger of permitting the licensed sale of stronger alcoholic beverages and failing to restrain the motive of private gain. In countries with an established tradition of moderate drinking, it may be possible to license the sale of all alcoholic beverages, but experience has shown that, with the present attitude to liquor and prevailing drinking habits in the province, the stricter control of stronger alcoholic beverages provided by government monopoly is advisable. Licensed sale of beer, under present control regulations, may be safely permitted, for its lower alcoholic content is less likely to cause drunkenness and intemperance. There seems to be no adequate reason at present for the extension of licensing to provide beverage rooms for women or to permit cocktail lounges. It is doubtful that there would be any temperance gain through improvement of drinking habits, for the experience of other provinces indicates that some of the advantages are cancelled out by certain undesirable social features. Multiplication of drinking opportunities would tend to increase the number of people who drank, and raise the expenditure on liquor, which is already too high. At any rate, there has been no extensive public demand for these additional facilities, indicating that people are reasonably well satisfied with present limitation of licensing.
The use of the referendum has been an interesting and distinctive feature of liquor legislation in Saskatchewan, for since 1916 the government has adopted the practice of consulting the people before making major changes in liquor policy. There are good and sufficient reasons for use of the referendum. Liquor legislation is so intimately related to the personal habits of some people, and of such vital concern to individual and community welfare, that the people ought to be consulted. Furthermore, liquor legislation, more than most social legislation, depends for its success upon public support, therefore it is important that any policy should have the approval of at least a majority of electors. There are so many shades of opinion on the liquor question, that it is almost impossible, without a popular vote, to determine the wishes of the people on any matter of liquor policy. A government wants to know at least two things; what policy the majority of electors approve, and how much popular support it can probably rely upon for any given policy. If the people themselves by direct vote determine general liquor policy, they will probably feel greater responsibility for its success. As for the minority in a referendum, it will probably accept a policy with better grace, if it is the will of the majority, than if it felt that a system was being imposed arbitrarily by the government. From the standpoint of the government, the referendum has the advantage of sharing with the people responsibility for imposing a control system. The referendum makes public opinion of paramount importance in
liquor legislation.

The entire evidence of prohibitory legislation in Saskatchewan indicates the advisability of temperance associations adopting more appropriate methods of promoting temperance than prohibitory laws. In the past, temperance organizations have performed a real social service, in securing the adoption of various restrictive measures to control the liquor traffic. But in their zeal to eliminate the evils of alcohol, they have been tempted to seek a short cut to temperance by trying to deprive people of liquor and eliminate the liquor traffic completely by law. Even if it were admitted that social interest warranted such legislation, experience has shown that it is impracticable in the province. By placing too much reliance on prohibitive legislation, there is a very real danger of neglecting slower but more reliable methods of promoting temperance, such as education and progressive temperance legislation. Prohibitionists would be well advised to concentrate on improving temperance legislation under government control and trust to less drastic measures than coercive legislation in dealing with intemperance. Temperance people in the province are beginning to see the wisdom of abandoning the attitude that, if people will not abstain from the use of liquor voluntarily, they should be compelled to do so by law. They are beginning to rely more upon education, as a means of encouraging total abstinence and improving drinking habits, and upon moderate temperance legislation to control the liquor traffic.

The entire history of liquor legislation in
Saskatchewan points to the conclusion, that not only prohibitory laws, but all liquor legislation, has definite limitations as a means of promoting temperance, controlling drinking, and eliminating alcoholism. Liquor laws are absolutely essential, and experience shows that considerable improvement can be effected by suitable control measures, but there are aspects of the use and abuse of alcohol that are not susceptible to legislative treatment. Furthermore, all liquor legislation, to be successful, needs to be supported and supplemented by other measures. Better drinking habits, as a rule, have been the result of a general improvement in manners and customs, and in the moral tone of society. Some of the improvement in recent times may be attributed to the counter attractions of modern society such as the cinema, radio, automobile, organized sports, etc., which tend to take people away from drinking places, and divert money from expenditures on liquor. Part of the popularity of drinking in Saskatchewan, in the past, may be attributed to the absence of suitable alternative forms of pleasure and recreation. To a considerable extent, this has been true of rural areas, where the average village or hamlet has offered little in the way of amusement and recreation to counteract the attraction of the licensed premises. Community co-operation in providing movies, social activities, sports and athletics, and recreational centres for the young people, offers one means of diverting time and money from drinking.

Education, in its broadest sense, is needed to supplement and support temperance legislation. In the first place, public
education is required to prepare public opinion for the acceptance of proposed legislation. Secondly, it is needed to ensure continued approval and support in law observance and enforcement. Public education may be carried on through a variety of channels, including the press, radio, platform, government publications, church societies, and temperance associations. The value of abstinence and the advantages of moderation, as well as the need of supporting temperance legislation, can be kept before the people. Anything that adds to the number of total abstainers or moderate drinkers, and improves the attitude to liquor and drinking habits, will make legislation more effective, and will reach those areas unaffected by law. Legislation and temperance education are mutually complementary. Legislation helps to create an environment favorable to temperance, whilst through temperance education conditions are created favorable to observance and enforcement of temperance legislation. Temperance education in its more limited aspect may take the form of instruction in the schools on the effect of alcoholic beverages, accompanied by personal guidance throughout the school years, with some follow-up afterwards. The churches and temperance associations working among their own members may add to the number of abstainers and encourage temperance. In its broadest aspects temperance education can help to create a public opinion sensitive to the need of encouraging temperance in every community.

Seventy-five years of experimentation has improved the machinery of liquor control, and made some progress in controlling
the liquor traffic and preventing intemperance. Under the present system of government control, all the restrictions, which experience has shown to be desirable to control liquor and prevent abuses, can be imposed to the full extent approved by public opinion. Since the government controls, directly or indirectly, all the retail outlets, it is possible to control the sale of liquor adequately, whilst an efficient law enforcement body endeavors, quite successfully, to maintain the government monopoly. In recent times, there has been some improvement in drinking habits, attributable in part to improved control machinery. There is less evidence of drunkenness and serious intemperance, than during the periods of permits and licensed sale. However, it must be admitted that improved control methods have had only limited success in controlling drinking and restraining intemperance. Excessive expenditures on liquor, intemperance, and alcoholism continue to cause concern to those interested in the social welfare. What is most urgently needed is not new legislation or new machinery, but more effective use of that which already exists, and more attention to the elimination of the drinking habit, through education and other means. Present legislation needs to be supplemented by efforts to improve community drinking habits. In this work the W.C.T.U. and other temperance organizations will continue to make a valuable contribution. A government alert to its responsibilities, active temperance organizations, and a public educated to the need for progressive temperance measures, is the best guarantee of the success of present liquor legislation.
APPENDICES
## POPULATION OF THE NORTH-WEST TERRITORIES
1881 - 1892.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>WHITES</th>
<th>INDIANS</th>
</tr>
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<tbody>
<tr>
<td>1881</td>
<td>6,974</td>
<td>(a) 49,472</td>
</tr>
<tr>
<td>1882</td>
<td>9,873</td>
<td>-</td>
</tr>
<tr>
<td>1883</td>
<td>14,027</td>
<td>-</td>
</tr>
<tr>
<td>1884</td>
<td>19,928</td>
<td>-</td>
</tr>
<tr>
<td>1885</td>
<td>28,192</td>
<td>20,170</td>
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<tr>
<td>1886</td>
<td>31,011</td>
<td>-</td>
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<tr>
<td>1887</td>
<td>34,112</td>
<td>-</td>
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<tr>
<td>1888</td>
<td>37,523</td>
<td>-</td>
</tr>
<tr>
<td>1889</td>
<td>41,275</td>
<td>-</td>
</tr>
<tr>
<td>1890</td>
<td>45,602</td>
<td>-</td>
</tr>
<tr>
<td>1891</td>
<td>56,694</td>
<td>14,508</td>
</tr>
<tr>
<td>1892</td>
<td>56,181</td>
<td>-</td>
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</table>

(a) Rupert's Land.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NUMBER OF PERMITS</th>
<th>SPIRITS</th>
<th>WINE</th>
<th>BEER</th>
<th>FOUR PERCENT BEERS.</th>
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<tbody>
<tr>
<td>1883</td>
<td>1,874</td>
<td>4,405</td>
<td>727</td>
<td>1,558</td>
<td>-</td>
</tr>
<tr>
<td>1884</td>
<td>2,457</td>
<td>5,405</td>
<td>938</td>
<td>3,565</td>
<td>-</td>
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<tr>
<td>1885</td>
<td>1,761</td>
<td>3,684</td>
<td>756</td>
<td>5,322</td>
<td>-</td>
</tr>
<tr>
<td>1886</td>
<td>3,559</td>
<td>6,592</td>
<td>975</td>
<td>12,966</td>
<td>-</td>
</tr>
<tr>
<td>1887</td>
<td>3,663</td>
<td>6,980</td>
<td>989</td>
<td>13,667</td>
<td>-</td>
</tr>
<tr>
<td>(a) 1888</td>
<td>4,442</td>
<td>8,561</td>
<td>1,081</td>
<td>20,978</td>
<td>(b) 25,767</td>
</tr>
<tr>
<td>1889</td>
<td>5,568</td>
<td>11,600</td>
<td>1,422</td>
<td>26,098</td>
<td>(b) 112,448</td>
</tr>
<tr>
<td>1890</td>
<td>5,765</td>
<td>12,417</td>
<td>1,464</td>
<td>12,673</td>
<td>(b) 97,116</td>
</tr>
<tr>
<td>1891</td>
<td>5,973</td>
<td>14,341</td>
<td>1,625</td>
<td>18,933</td>
<td>(b) 86,926</td>
</tr>
</tbody>
</table>

(a) Lager beer was allowed to be imported in August of this year.

(b) These figures represent only the 4 percent beer.

* C.C.P., 1895, No. 21, p. 206
### December 11, 1916 - Government stores or prohibition

<table>
<thead>
<tr>
<th>For government liquor stores</th>
<th>23,666</th>
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<tbody>
<tr>
<td>Against</td>
<td>92,249</td>
</tr>
<tr>
<td>Spoiled ballots</td>
<td>4,005</td>
</tr>
<tr>
<td>Total vote</td>
<td>122,920</td>
</tr>
<tr>
<td>Estimated population</td>
<td>647,835</td>
</tr>
</tbody>
</table>

### October 25, 1920 - Importation referendum

<table>
<thead>
<tr>
<th>For importation</th>
<th>85,258</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against</td>
<td>89,955</td>
</tr>
<tr>
<td>Total vote</td>
<td>142,206</td>
</tr>
<tr>
<td>Total electorate</td>
<td>295,958</td>
</tr>
<tr>
<td>Estimated population</td>
<td>700,000</td>
</tr>
</tbody>
</table>

### July 16, 1924 - Prohibition or government sale

<table>
<thead>
<tr>
<th>For prohibition</th>
<th>80,381</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against</td>
<td>119,337</td>
</tr>
<tr>
<td>Total vote</td>
<td>207,346</td>
</tr>
<tr>
<td>Total electorate (approximate)</td>
<td>300,000</td>
</tr>
</tbody>
</table>
- 177b -

**COMPARISON OF REFERENDA VOTES ON IMPORTATION AMENDMENT TO THE CANADA TEMPERANCE ACT - 1920 -**

<table>
<thead>
<tr>
<th>Province</th>
<th>For import</th>
<th>Against import</th>
<th>Total vote</th>
<th>Total electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nova Scotia</td>
<td>23,874</td>
<td>83,422</td>
<td>107,296</td>
<td>265,275</td>
</tr>
<tr>
<td>Manitoba</td>
<td>55,056</td>
<td>68,831</td>
<td>123,887</td>
<td>218,908</td>
</tr>
<tr>
<td>Alberta</td>
<td>44,321</td>
<td>63,012</td>
<td>107,333</td>
<td>201,374</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>55,258</td>
<td>89,955</td>
<td>142,206</td>
<td>295,958</td>
</tr>
</tbody>
</table>


**COMPARISON OF REFERENDA VOTES ON GOVERNMENT SALE OR PROHIBITION - FOUR WESTERN PROVINCES -**

<table>
<thead>
<tr>
<th>Province</th>
<th>For prohibition</th>
<th>Against prohibition</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Columbia Oct. 20, 1920</td>
<td>54,761</td>
<td>89,688</td>
</tr>
<tr>
<td>Manitoba June 22, 1923</td>
<td>68,879</td>
<td>107,509</td>
</tr>
<tr>
<td>Alberta Nov. 6, 1923</td>
<td>44,000 (closest thousand)</td>
<td>71,000</td>
</tr>
<tr>
<td>Saskatchewan July 16, 1924</td>
<td>80,321</td>
<td>119,337</td>
</tr>
</tbody>
</table>
The following is a comparison of the prescriptions issued by all physicians in the province of Saskatchewan for the first four months of the years indicated.

<table>
<thead>
<tr>
<th></th>
<th>1920</th>
<th>1921</th>
<th>1922</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan.</td>
<td>29,640</td>
<td>7,135</td>
<td>7,126</td>
</tr>
<tr>
<td>Feb.</td>
<td>30,301</td>
<td>6,902</td>
<td>6,747</td>
</tr>
<tr>
<td>Mar.</td>
<td>28,250</td>
<td>10,578</td>
<td>8,973</td>
</tr>
<tr>
<td>Apr.</td>
<td>29,856</td>
<td>11,827</td>
<td>7,733</td>
</tr>
<tr>
<td></td>
<td><strong>118,047</strong></td>
<td><strong>36,442</strong></td>
<td><strong>30,579</strong></td>
</tr>
</tbody>
</table>

*S.L.C. General Files, No. 101.*
SASKATCHEWAN
AVERAGE ANNUAL CONVICTIONS FOR DRUNKENNESS AND OTHER OFFENCES PER 100,000 OF POPULATION.

<table>
<thead>
<tr>
<th></th>
<th>Drunkenness</th>
<th>Against Liquor Laws</th>
<th>Indictable Offences</th>
<th>Other Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1909-14 (Six years before the war &amp; prohibition)</td>
<td>532</td>
<td>75</td>
<td>238</td>
<td>1,885</td>
</tr>
<tr>
<td>1916 - Under government stores.</td>
<td>169</td>
<td>154</td>
<td>277</td>
<td>1,701</td>
</tr>
<tr>
<td>1917-22 Six prohibition years.</td>
<td>98</td>
<td>77</td>
<td>169</td>
<td>1,053</td>
</tr>
<tr>
<td>1919-22 Four prohibition years after the war.</td>
<td>102</td>
<td>71</td>
<td>174</td>
<td>1,038</td>
</tr>
</tbody>
</table>

* "Manifesto of Social Service Council" reported in Saskatoon Daily Star, Aug. 25, 1923.
EXECUTIVE OF THE SOCIAL SERVICE COUNCIL 1923

PRESIDENT Bishop Lloyd Prince Albert

Vice-Presidents
Dr. J.L. Nichol
Rev. Hugh Dobson
Rev. Murdock McKinnon Regina
James Balfour Regina

EXECUTIVE OF THE SASKATCHEWAN PROHIBITION LEAGUE 1923

President Bishop Lloyd

Vice-Presidents
Rev. Murdock McKinnon
Major M.A. MacPherson Regina
Levi Thompson Wolseley

Secretary Hugh Dobson
Treasurer J.W. Reid Regina

Regina Leader, Nov. 28, 1923.
Saskatoon Phoenix, Nov. 29, 1923.
President         Brig.-Gen. G.S. Tuxford        Moose Jaw

Vice-Presidents  
J.R.C. Honeyman       Regina  
H.H. Hall            Prince Albert  
G.W. McTee K.C.      Yorkton  
Lieut.-Col. John McAughey    Saskatoon

Executive Committee
P.M. Anderson K.C.  
Dr. Black  
Rev. Walter Western  
Thomas Wilson  
Stuart Gibson  
Rev. Beauchamp-Payne  
E.J. Ehman  
Ven. Archeacon Burgett M.A.  
D.K. Horne  
Robert Vagg  
A.M. Bourne

* Regina Leader, May 5, 1923.
SEIZURE OF LIQUOR UNDER THE SASKATCHEWAN TEMPERANCE ACT

<table>
<thead>
<tr>
<th>Period</th>
<th>HARD</th>
<th>WINE</th>
<th>MALT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 15, 1920 to May 1, 1921</td>
<td>32,457 gal.</td>
<td>1,060</td>
<td>767</td>
</tr>
<tr>
<td>May 1, 1921 to Apr. 30, 1922</td>
<td>2,802 ½</td>
<td>9</td>
<td>5,960 ½</td>
</tr>
<tr>
<td>May 1, 1922 to Apr. 30, 1923</td>
<td>1,974</td>
<td>48</td>
<td>44,559</td>
</tr>
<tr>
<td>May 1, 1923 to Nov. 30, 1923</td>
<td>1,306</td>
<td>634</td>
<td>46,881</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>37,538</strong></td>
<td><strong>1,751</strong></td>
<td><strong>98,169</strong></td>
</tr>
</tbody>
</table>

* S.L.C., General Files, No. 101, Reports to Press.
<table>
<thead>
<tr>
<th>Year</th>
<th>Sales</th>
<th>Profits</th>
</tr>
</thead>
<tbody>
<tr>
<td>1926</td>
<td>7,812,675</td>
<td>1,897,758</td>
</tr>
<tr>
<td>1927</td>
<td>10,300,208</td>
<td>2,114,866</td>
</tr>
<tr>
<td>1928</td>
<td>11,708,534</td>
<td>2,443,890</td>
</tr>
<tr>
<td>1929</td>
<td>14,027,805</td>
<td>3,033,847</td>
</tr>
<tr>
<td>1930</td>
<td>12,380,672</td>
<td>2,398,413</td>
</tr>
<tr>
<td>1931</td>
<td>8,158,432</td>
<td>1,156,848</td>
</tr>
<tr>
<td>1932</td>
<td>5,774,057</td>
<td>843,417</td>
</tr>
<tr>
<td>1933</td>
<td>4,787,266</td>
<td>864,657</td>
</tr>
<tr>
<td>1934</td>
<td>4,823,510</td>
<td>818,926</td>
</tr>
<tr>
<td>1935</td>
<td>5,203,383</td>
<td>1,027,572</td>
</tr>
<tr>
<td>1936</td>
<td>5,725,354</td>
<td>1,278,730</td>
</tr>
<tr>
<td>1937</td>
<td>6,718,217</td>
<td>1,451,274</td>
</tr>
<tr>
<td>1938</td>
<td>6,042,065</td>
<td>1,245,518</td>
</tr>
<tr>
<td>1939</td>
<td>6,012,143</td>
<td>1,289,716</td>
</tr>
<tr>
<td>1940</td>
<td>7,275,940</td>
<td>1,704,857</td>
</tr>
<tr>
<td>1941</td>
<td>8,507,225</td>
<td>1,939,764</td>
</tr>
<tr>
<td>1942</td>
<td>10,098,437</td>
<td>2,405,910</td>
</tr>
<tr>
<td>1943</td>
<td>12,092,051</td>
<td>2,383,503</td>
</tr>
<tr>
<td>1944</td>
<td>12,156,223</td>
<td>3,335,872</td>
</tr>
<tr>
<td>1945</td>
<td>13,823,079</td>
<td>3,775,246</td>
</tr>
<tr>
<td>1946</td>
<td>20,302,335</td>
<td>6,605,448</td>
</tr>
<tr>
<td>1947</td>
<td>25,183,374</td>
<td>8,104,630</td>
</tr>
</tbody>
</table>

BIBLIOGRAPHY

AND

EXPLANATORY NOTE
Primary source materials used in this thesis are in the keeping of the Saskatchewan Archives. Material for the permit period was found in the transcripts of the files of the Department of the Interior, Ottawa, and of the Macdonald Papers in the Public Archives, selected and prepared by Dr. A. S. Morton, and publications of the Territorial government. The registers and files of the Attorney-General's Department, Liquor License Branch, furnished material for the licensing period, 1892-1915. Files of the Saskatchewan Liquor Commission cover the period of the Saskatchewan Temperance Act, 1920-1925. In addition, there are the publications of the Territorial and Saskatchewan governments, and newspaper clippings collected for the prohibition period.

The files of the Attorney-General's Department and the Liquor Commission are not complete, for the Archives received samples only, and not the complete set of files. Files of the Attorney-General's Department contain material on the various aspects of the operation of the licensing system. File titles suggest the type of material. They include such headings as applications for liquor licenses, organization of license districts, reports and correspondence of license inspectors, interdictions by magistrates and inspectors, crime reports, and prosecutions. Although the files are incomplete, it is possible, by examining the samples, to secure information on the operation of the licensing system in its various aspects.

The files of the Saskatchewan Liquor Commission cover the period of the Saskatchewan Temperance Act of 1920, namely from July 15, 1920 to April 15, 1925. The general files contain
material on administration, and includes such things as correspondence, weekly and monthly reports to the press, and decisions and judgments of the courts on temperance legislation. The staff files have the reports of enforcement officers to the chairman of the Commission. The enforcement files contain all the correspondence, documents, and reports relevant to each prosecution under the Act. Seizure files are similar to the enforcement files, but, in addition, refer to the seizure and disposal of liquor. Files of the export houses include inventories of liquor sold and stocks on hand, as well as weekly returns to the Commission.

Material, from all the various files of the Attorney-General's Department and the Liquor License Commission, has been used in the preparation of this thesis. When first used, they had only recently been received by the Office and had not been classified. Therefore much time and effort was required in searching for material. As arranged and classified at present, they may be used with much greater ease and effectiveness. The two sets of files, although incomplete, furnish sufficient material to give the student an insight into the operation of the licensing system and the prohibitory system under the Saskatchewan Temperance Act.
I. BIBLIOGRAPHIES AND CALENDARS.

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Office of Saskatchewan Archives, University of Saskatchewan, Saskatoon. Calendar of material from Public Archives of Canada, compiled by Dr. A. S. Morton.

Correspondence of Lieutenant-Governors of the North-West Territories with the Secretary of State. Dec., 1872- Oct. 1892, Calendar, p. 901-923.

Correspondence of the Lieutenant-Governors of the North-West Territories with the Department of the Interior, Dec. 28, 1872 - Dec. 10, 1905, Calendar, p. 925-1867.

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(A) Transcripts selected by Dr. A. S. Morton for Sask. Archives.

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Royal-Macdonald Correspondence, June 14, 1888 - Feb. 3, 1891; Transcripts p. 1 - to end.

(b) Saskatchewan, Attorney-General's Department.

Records and Registers in Manuscript.
Liquor Permits Register, 1888-1905.
Register of Hotel Licences.
Register of Bartenders.
Register of Seized Liquor, December, 1920 - April, 1925.
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Record of Prosecutions, Non-Licensees.
Saskatchewan, Sept. 1905 - April 5, 1915.
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Convictions by Inspectors. 1909 - 1913.
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(The following are a few examples only of the type of material used from all the General Files, First Series, in the possession of the Saskatchewan Archives).

Formation of License Districts, Nos. 1-9.
Orders in Council, 1898-1905, No. 11.
Interdictions, No. 12.
License Inspectors, Nos. 41-58.
Prosecutions, Nos. 41-58.
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1893, Vol. XXVI, No. 15, Papers 14 to 17, p. 2-115.
1894, Vol. XXVII, No. 11, Papers 15 to 19a, p. 2-124.


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Social and Economic Affairs. Separate folders under the following classifications:

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