PROVINCE OF BRITISH COLUMBIA

FIRST REPORT

OF

THE PROHIBITION COMMISSIONER

FOR THE

YEAR ENDING DECEMBER 31ST

1919

PRINTED BY
AUTHORITY OF THE LEGISLATIVE ASSEMBLY.

VICTORIA, B.C.:
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1920.

To Colonel the Honourable EDWARD GAWLER PRIOR,

A Member of the King's Privy Council for Canada,

Lieutenant-Governor of the Province of British Columbia.

MAY IT PLEASE YOUR HONOUR:

The undersigned has the honour to submit herewith the Report under the "Prohibition Act" for the year ended December 31st, 1919.

J. W. DE B. FARRIS,

Attorney-General.

March 17th, 1920.

OFFICE OF THE PROHIBITION COMMISSIONER,

VICTORIA, B.C., March 1st, 1920.

The Honourable J. W. de B. Farris,

Attorney-General, Victoria, B.C.

SIR,—I have the honour to submit my report under section 56 of the "British Columbia Prohibition Act" for the year ended December 31st, 1919.

I have the honour to be,

Sir,

Your obedient servant,

J. SCLATER,

Prohibition Commissioner.

BRITISH COLUMBIA PROHIBITION ACT.

REPORT BY THE COMMISSIONER.

(1.) Liquor Sales.

A statement of the sales of liquor made by each Vendor during the year is shown in Appendix No. 1. The kind and quantity of the various liquors sold are shown in Appendix No. 2.

(2.) Prosecutions.

A list of convictions obtained throughout the Province for infractions of the Act is shown in Appendix No. 3 (not printed). As far as the returns received in this Department disclose, the following is a summary of the various infractions of the Act included in the list of convictions:—

Number of prosecutions—	
For selling liquor	89
Having liquor in possession	663
Against doctors	9
Against druggists	5
Against breweries	11
General infraction of Act	51
Not stated	68
	896
Number of convictions	805
Number of cases dismissed	91
Fines and forfeitures—	
Total amount of fines imposed	$54,659 00
Bail forfeited	5,650 00
Bonds estreated	9,000 00
	$69,309 00
Sentences—	
Sentences imposed without option of fine	50
Total duration of above	29¼ years.

The returns made to this Department during the year under section 45 of the Act were far from complete. Under this section Justices are required to forward only certificates of conviction, which would not provide the information I have to report under section 56 (*b*), which calls for a list of prosecutions. I was therefore compelled to obtain most of the information as to prosecutions submitted herewith from Chiefs of Police throughout the Province. In order to provide a means of collecting this information in future, it is recommended that section 45 be rescinded, and that an amendment to the Act be passed to have Chiefs of Police of all cities and municipal districts send in monthly reports to the Commissioner, showing all prosecutions taken under the Act, with date of trial, name of accused, nature of charge, disposition of each case, and name of presiding Magistrate; the Superintendent of Provincial Police to render a similar report monthly of all prosecutions taken by his constables in the unorganized districts.

Prosecutions for Illegal Sale of Liquor.—Under section 28 (1) of the Act, the penalty upon a conviction for selling liquor is imprisonment, with hard labour, for not less than six months and not more than twelve months, *for a first offence*, without the option of a fine. After a close study of the effect of this penalty the Commissioner can only state that in his opinion the severity of the penalty is thwarting the very purpose it was intended to serve—viz., to prevent the illegal sale of liquor by the conviction and punishment of those who engage in this unlawful practice. There would appear to be ground for believing that more convictions would be obtained if Magistrates had the option of imposing a fine for the first offence, and, in default of payment, imprisonment, as is done in other Provinces, with better results in enforcing the law in this respect throughout this Province.

(3.) GENERAL INFORMATION.

(1.) *Industrial and Steamship Permits.*—(Issued under section 14, subsection (2*a*).) During the year 323 permits were issued, viz.: (*a*) To persons in charge of a manufacturing or industrial establishment, 232; (*b*) to masters of steam or passenger ships, 91.

When the present Prohibition Commissioner was appointed (January 23rd, 1919) it was found by him that permits under this section had been issued without any date of termination or without any provision being made for showing on the permits the quantity of liquor obtained on each. It was considered that the issue of permits in this form was, to say the least, inadvisable, as no clear record could be obtained of the use made of them without much labour in searching through the reports sent in by druggists and vendors. Accordingly, all permits of this nature were called in, and new permits, terminating on December 31st, 1919, were issued, which were numbered consecutively and recorded in a book started for that purpose, and at the same time instructions were issued to druggists and vendors that each sale of liquor on such a permit had to be filled in on the back of each one at the time of sale, with the name of the person making the sale, as well as showing the number of the permit on the reports of sales made to this office. By this means a record of the use made of each permit was made possible. In every instance of seemingly undue use of the permit in obtaining liquor inquiries were instituted, and in several instances, when the explanation given was not considered satisfactory, the permits were withdrawn and cancelled. It is doubtful if the issue of these permits should be continued without discretionary power being given to the Commissioner to refuse a permit in instances in which it is considered unnecessary or inadvisable to issue one, such as to individuals in cities where first aid can be readily and quickly obtained, or to persons in charge of establishments where the risk of injury by accident is slight, or where the number of persons employed is small. Indeed, in view of the requirements of the Workmen's Compensation Board as to the installation of first-aid equipment in all manufacturing or industrial establishments of any size throughout the Province, it is very questionable if there is any real need for the issuance of any permit to obtain and keep liquor in case of accident or emergency, especially in view of the great number of such establishments who do without it. It is recommended, therefore, that the issue of these permits be rescinded.

(2.) *Permits to Hospitals to keep Liquor.*—(Issued under section 14, subsection (2).) A certain number of permits to hospitals had been issued by the former Commissioner on a typewritten form, but no clear record had been kept of these. Accordingly, the provisions of this section were brought to the notice of the person in charge of every hospital throughout the Province. The permits that had been issued were recalled, and new permits, which were printed and numbered consecutively, were issued to all hospitals requiring same. Ninety-seven permits were issued during the year 1919.

(3.) *Permits for Alcohol to Manufacturers of Pharmaceutical Preparations, etc.*—(Issued under section 14, subsection (9).) These have been issued for limited quantities as required from time to time, principally to druggists and manufacturing chemists, 198 permits being issued during the year. Care has been taken to see that all applications under this section have been for *bona-fide* purposes before permits were issued. Under section 7, subsections (1*a*) and (3), alcohol not exceeding in quantity 10 gallons at any one time may be purchased upon an affidavit that the alcohol is required for manufacturing, mechanical, or scientific purposes only (Form A of the Regulations). It is recommended that this be rescinded, and that, instead, alcohol for the above-mentioned purposes also be obtained upon a permit from the Commissioner as in section 14, subsection (9), and that all persons obtaining alcohol under permit be required to render reports showing for what purpose the alcohol has been used when demanded by the Commissioner.

(4.) *Price-list of Liquors sold by Government Vendors.*—The prices at which the various liquors authorized to be kept by Government Vendors are sold have been fixed from time to time by Order in Council. On account of the ignorance and misunderstanding as to these prices which existed throughout the Province at the time the present Commissioner took charge of the Department, causing much unnecessary trouble and correspondence in the Government Liquor Stores, it was deemed necessary to issue a printed price-list of liquors so that druggists, physicians, and others, residing outside of the two large Coast cities of Vancouver and Victoria, requiring to send by mail applications and prescriptions for liquor, might know just what amount of cash to remit in each instance. Accordingly, this list was printed and issued as at April 1st, subsequent correc-

tions being printed and issued from time to time as circumstances required. A similar practice has been followed in the Province of Alberta.

(5.) *Physicians' Prescriptions for Liquor.*—Appendix No. 4 shows the total number of prescriptions for liquor issued by physicians during the year. Pursuant to the amendment to section 7, subsection (6), of the Act passed at the last session of the Legislature, an Order in Council was approved on April 26th, 1919, providing for the adoption of a printed form of prescription to be issued to physicians, to come into force on June 1st, 1919. Accordingly, a form of prescription was printed complying with the interpretation of a "prescription" in section 2 of the Act. All physicians in the Province qualified to prescribe liquor were duly notified of this regulation, and these printed forms of prescription have since been issued by this Department, a record being kept of all prescriptions so issued. Towards the end of the year it was discovered that attempts were being made to counterfeit these forms, and steps were immediately taken to have a special watermarked paper manufactured, on which these prescription forms could be printed, which would prevent, or at least render extremely difficult, any attempt at counterfeiting being made successfully. Government Vendors, druggists, Chiefs of Municipal and District Police, as well as Provincial Police, were notified to be on the watch for and to deal with any attempts to obtain liquor on counterfeit prescription forms. Although in spite of these precautions some counterfeit forms were presented to and accepted by druggists in Vancouver, the activity of the police and the steps taken to educate the druggists how to detect counterfeits prevented any great use being made of these, and eventually put a stop to it. The difficulty of proving guilty knowledge on the part of persons presenting these counterfeits, which the Police Magistrate of Vancouver decided was essential in a case tried before him in December, in order to obtain convictions against these persons, made the task of the police in dealing with this situation rather difficult.

In connection with prescriptions for liquor the following recommendation is submitted for consideration:—

That amendments be passed to the Act:—

(*a.*) Making it an offence to traffic in prescriptions, or for any person other than a physician to give or sell a prescription to another person, and putting on the person presenting the prescription the onus of proving that it was lawfully in his possession, with a heavy penalty for contravention:

(*b.*) Fixing a definite limit to the quantity of alcohol, spirits, wine, or malt liquors that may be prescribed by any physician to any one person at one time:

(*c.*) Fixing a definite limit to the number of prescriptions for liquor that any one person may obtain in any one week:

(*d.*) Making it compulsory on physicians to fill in the particulars required on the stubs of the prescription forms at the time the prescription is written; these stubs to be kept for six months and to be produced for inspection on the demand of the Commissioner or any agent appointed by him in writing for the purpose:

(*e.*) Fixing the maximum number of prescriptions for liquor (exclusive of alcohol) that may be issued by any one physician in any one month (*see* letter dated July 21st, 1919, from the Registrar of the Council of the College of Physicians and Surgeons of British Columbia):

(*f.*) Making prescriptions for liquor not presented to a druggist or a Government Vendor within forty-eight hours after being issued by a physician, or mailed within that time by any person residing at a distance of more than five miles from the nearest drug-store or Vendor's store, illegal, and the giving or selling of liquor to the person presenting such prescriptions an offence.

(6.) *Reports by Druggists.*—(Under section 14, subsection (7).) It was difficult at first after the appointment of the present Commissioner to obtain reports promptly from druggists as required by the regulations, and after due notice had been mailed to every registered druggist in the Province that reports must be rendered promptly, a charge was laid against a firm of druggists in Vancouver who had failed to comply therewith, as a final warning in this respect, a conviction being obtained. Since then reports have been received more regularly.

The following recommendation is submitted for consideration:—

That amendments to the Act be passed:—

(*a.*) Making it necessary for all prescriptions for liquor or alcohol honoured by druggists to accompany their reports each month to the Commissioner:

(*b.*) Fixing the maximum quantity of liquor, exclusive of alcohol, that any druggist may purchase from a Vendor in any one day or keep on his premises:

(*c.*) Making a druggist obtain all alcohol required by him upon a permit from the Commissioner; section 7, subsection (1*b*), to be amended accordingly:

(*d.*) Making druggists sell liquor only in sealed bottles as received from the Government Vendor, and at prices to be fixed from time to time by Order in Council.

(7.) *Selling of Beer containing not more than 2½ per Cent. of Proof Spirits.*—In this connection it is recommended for consideration:—

That amendments to the Act be passed:—

(*a.*) Compelling breweries to label bottles containing beer manufactured and sold by them with a distinctive label showing the name of the brewery or brewing company, place where beer was brewed, and the alcoholic contents:

(*b.*) Making it illegal for any person to sell beer in bottles that are not so labelled:

(*c.*) Compelling breweries to show clearly on barrels containing beer that may be manufactured and sold by them the name of the brewery, place where beer was brewed, and the alcoholic contents:

(*d.*) Making it illegal for any person to sell beer from barrels not so marked:

(*e.*) Making a certificate of any Provincial or City Analyst prima facie evidence under section 36A of the Act.

(8.) *Sale of Extracts.*—General complaints have been made against the sale of extracts containing a very high percentage of alcohol, which are mixed with beer and other liquids for beverage purposes, producing violent intoxication in those drinking these mixtures. The extracts referred to comprise extract of ginger, extract of lemon, and Hoffmann's Drops, which appear to be those most generally used. It is very desirable that the sale of these extracts and others of a like nature be restricted in every possible way. The passing of legislation that would prohibit the sale of these, except in drug-stores, is recommended for consideration, and only by druggists under regulations providing for the restricted sale for household use by well-known residents, with a complete record of each sale being kept and sent in to this Department monthly.

(9.) *Liquor Warehouses for Export Sale of Liquor.*—(Under section 19.) All liquor warehouses under this section were regularly inspected during the year, but owing to the Order in Council of the Dominion Government being in effect throughout the year, prohibiting the importation of liquor into Canada, no liquor was received into or delivered from these warehouses during the year.

(10.) *Purchase and Supply of Liquor for Government Stores.*—The purchase of all liquor for the Government Liquor Stores since the present Commissioner's appointment has been made by the Purchasing Agent of the Government upon requisition duly approved by the Commissioner. Up to July 31st the Vendors at Vancouver and Victoria made these requisitions for their respective stores. On August 1st a liquor warehouse was established in Vancouver for the receipt of all liquor purchased and the distribution to the Vendors of all liquor required by them. From August 1st all requisitions for the purchase of liquor were issued by the Manager of the Liquor Warehouse. All liquor is sold by the Vendors just as it is received by the Government; no blending, mixing, or reducing of any kind is permitted. While it has been difficult at times to maintain a supply of liquor sufficient to meet the demands made upon the Vendors from day to day, which kept increasing towards the end of the year to an extent quite unlooked for, yet the unexpected and difficult situation this created was met by the Purchasing Agent with commendable judgment. Every effort was made by him to obtain a supply of liquor for medicinal purposes of well-known brands of manufacture, as far as these were available and could be purchased, both in Canada and abroad, at reasonable prices and without undue delay. Any shortcomings in maintaining liquor-supplies were due to circumstances which could not be provided against. The past year has been a very strenuous one for the Commissioner, the Purchasing Agent, and the employees of this Department.

J. SCLATER,
Prohibition Commissioner.

Parliament Buildings, March 1st, 1920.

APPENDICES.

APPENDIX No. 1.

GOVERNMENT LIQUOR VENDOR'S DAILY SALES.

Month.	Vancouver.	Victoria.	Nanaimo.	Prince Rupert.	Cranbrook.	New Denver.	Quesnel.
January	$48,476 13	$11,808 56	$1,079 25	$20 00*	$479 15*	$616 65*	$110 50*
February	51,498 64	12,826 05	1,300 50	18 00*	21 77*	117 75*	137 00*
March	69,258 98	14,376 80	1,988 50	50 00*	376 00*	.....	86 75*
April	61,497 54	12,562 05	2,190 50	10 00*	388 25*	.....	14 00*
May	86,235 43	15,342 71	2,465 00	.....	16 00*	.....	10 70*
June	52,102 88	14,654 54	1,081 25	.....	.....	.....	.....
July	75,363 29	18,997 03	1,107 30	.....	.....	.....	.....
August	101,899 57	23,799 57	1,890 75	.....	.....	.....	.....
September	126,447 78	31,951 85	2,535 25	.....	.....	.....	.....
October	166,629 00	38,758 90	3,131 00	.....	.....	.....	.....
November	170,803 05	38,973 75	3,717 00	.....	.....	.....	.....
December	247,650 12	62,130 60	5,656 75	2,944 70	.....	.....	.....
Totals	$1,257,862 41	$296,182 31	$22,486 30	$2,944 70	.....	.....	.....

* *Included in Vancouver.*

Total sales, $1,579,475.72.

APPENDIX No. 2.

APPROXIMATE AMOUNT OF LIQUOR RECEIVED AND SOLD DURING 1919.

Liquor.		Received.	Sold.
Brandy	gals.	5,786	5,420
„	cases	1,000	818
Alcohol	gals.	5,618	4,313
Gin	gals.	830	508
„	cases	500	265
Scotch Whisky	gals.	9,301	9,051
„	cases	9,876	8,323
Irish Whisky	„	1,099	1,085
Rye Whisky	gals.	26,878	25,380
„	cases	8,600	8,767
Rum	gals.	12,805	12,281
Sherry	„	840	445
Port	„	1,742	1,362
Champagne	cases	45	35
Stout (imported)	doz. quarts	288	48
„	doz. pints	1,830	105
„	doz. splits	634	325
Ale (imported)	doz.	80	12
„	bbls.	6	6
Beer (local)	doz.	484	446
Stout (local)	„	30	30
St. Augustine Wine		106	47

APPENDIX No. 4.

TOTAL NUMBER OF PRESCRIPTIONS FOR LIQUOR HONOURED AT GOVERNMENT LIQUOR VENDORS' STORES AND DRUG-STORES THROUGHOUT THE PROVINCE DURING THE YEAR ENDING DEC. 31ST, 1919.

Prescriptions issued by Vancouver doctors	181,350
Prescriptions issued by Victoria doctors	54,732
Prescriptions issued by doctors in other places	79,095
Total	315,177

STATEMENT OF PRESCRIPTIONS FOR LIQUOR ISSUED BY DOCTORS AND HONOURED BY GOVERNMENT LIQUOR VENDORS AND DRUGGISTS THROUGHOUT THE PROVINCE.

Vancouver Physicians.

Month.	Vancouver Vendor.	Vancouver Druggists.	Outside Vendors.	Outside Druggists.	Total.	No. of Doctors issuing Prescriptions.
January	7,820	2,716	13	60	10,609	164
February	7,544	2,449	13	12	10,018	165
March	9,577	6,049	2	33	15,661	191
April	5,938	5,196	25	40	11,199	185
May	6,965	9,381	33	77	16,456	178
June	5,264	2,569	10	12	7,855	156
July	7,739	3,308	22	33	11,102	161
August	9,793	4,654	40	27	14,514	164
September	11,124	5,425	29	42	16,620	183
October	13,522	6,259	33	52	19,866	187
November	13,542	6,599	52	45	20,238	203
December	17,814	9,127	134	136	27,211	210
Totals	116,642	63,732	406	569	181,349	...

Victoria Physicians.

Month.	Victoria Vendor.	Victoria Druggists.	Outside Vendors.	Outside Druggists.	Total.	No. of Doctors issuing Prescriptions.
January	1,904	491	4	3	2,402	47
February	2,075	414	10	4	2,503	45
March	2,272	546	7	..	2,825	43
April	1,829	522	11	..	2,362	46
May	2,158	469	9	18	2,654	51
June	2,066	444	17	9	2,536	46
July	2,597	493	34	9	3,133	50
August	3,057	522	22	13	3,614	53
September	3,729	661	35	20	4,445	59
October	4,861	717	45	12	5,635	61
November	4,938	657	51	37	5,683	67
December	7,089	734	99	18	7,940	68
Totals	38,575	6,670	344	143	54,732	...

Outside Physicians.

Month.	At Vendors.	At Druggists.	Total.	No. of Doctors issuing Prescriptions.
January	1,434	3,173	4,278	126
February	1,223	3,178	4,225	126
March	1,139	2,607	3,746	129
April	1,501	3,228	4,729	131
May	2,062	4,355	6,417	136
June	1,427	2,796	4,223	127
July	1,696	3,592	5,288	141
August	2,242	4,083	6,325	152
September	2,676	4,728	7,404	159
October	4,044	5,467	9,511	169
November	4,101	5,834	9,935	163
December	6,735	6,279	13,014	163
Totals	30,279	49,320	79,095	...

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